

City of Kelowna
Regular Council Meeting
AGENDA



Monday, January 18, 2021
1:30 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

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

In accordance with the most recent Provincial Health Officer Order regarding gatherings and events, the public is currently not permitted to attend Council meetings in-person. As an open meeting, a live audio-video feed is being broadcast and recorded on kelowna.ca.

2. Confirmation of Minutes

6 - 16

PM Meeting - January 11, 2021

3. Development Application Reports & Related Bylaws

3.1. Leathead Rd 460 and Fraser Rd 605 - OCP20-0013 (BL12129) Z20-0066 (BL12130) - Brenda Lou Marie Gibson, 1032308 Alberta Ltd

17 - 43

To rezone and to amend the Official Community Plan to change the future land use designation of the subject property to facilitate a multiple dwelling housing development.

3.2. Leathead Rd 460 and Fraser Rd 605 - BL12129 (OCP20-0013) - Brenda Lou Marie Gibson, 1032308 Alberta Ltd

44 - 44

Requires a majority of all members of Council (5).

To give Bylaw No. 12129 first reading in order to change the future land use designation of the subject properties from the S2RES - Single / Two Unit Residential designation to the MRL - Multiple Unit Residential (Low Density) designation.

3.3. Leathead Rd 460 and Fraser Rd 605 - BL12130 (Z20-0066) - Brenda Lou Marie Gibson, 1032308 Alberta Ltd

45 - 45

To give Bylaw No. 12130 first reading in order to rezone the subject properties from the RU1 - Large Lot Housing zone to the RM3 - Low Density Multiple Housing zone.

- | | | |
|-------|--|-----------|
| 3.4. | Clement Ave 1089 1095 - Z20-0070 (BL12140) - Karambir Singh Kler and Amarjit Kaur Kler | 46 - 68 |
| | To rezone the subject lot from the RU6 – Two Dwelling Housing zone to the RM4 – Transitional Low Density Housing zone to facilitate the development of a 3 storey row housing complex. | |
| 3.5. | Clement Ave 1089 1095 - BL12140 (Z20-0070) - Karambir Singh Kler and Amarjit Kaur Kler | 69 - 69 |
| | To give Bylaw No. 12140 first reading in order to rezone the subject lot from the RU6 – Two Dwelling Housing zone to the RM4 – Transitional Low Density Housing zone. | |
| 3.6. | TA20-0021 (BL12150) - HD3 - Health Services Transitional Zone - City of Kelowna | 70 - 85 |
| | To consider a Text Amendment Application to the HD3 - Health Services Transitional Zone to add multiple dwelling housing as a primary use. | |
| 3.7. | BL12150 (TA20-0021) - HD3 - Health Services Transitional Zone - City of Kelowna | 86 - 86 |
| | To give Bylaw No. 12150 first reading in order to amend the HD3 - Health Services Transitional Zone to add multiple dwelling housing as a primary use. | |
| 3.8. | Royal Ave 480 - Z20-0059 (BL12142) - W Squared Ventures Inc., Inc.No. BC1258050 | 87 - 109 |
| | To consider an application to rezone the subject property from the RU1- Large Lot Housing to the HD3 - Health Services Transitional to facilitate the development of a mixed-use building. | |
| 3.9. | Royal Ave 480 - BL12142 (Z20-0059) - W Squared Ventures Inc., Inc.No. BC1258050 | 110 - 110 |
| | To give Bylaw No. 12142 first reading in order to rezone the subject property from the RU1- Large Lot Housing zone to the HD3 - Health Services Transitional zone. | |
| 3.10. | Benvoulin Rd 2269-2279 - HD20-0002 (BL12143) - Central Okanagan Heritage Society, Inc. No. 17518S | 111 - 169 |
| | To designate 2269-2279 Benvoulin Road as a municipal heritage site under Section 611 of the Local Government Act. | |
| 3.11. | Benvoulin Rd 2269-2279 - BL12143 (HD20-0002) - Central Okanagan Heritage Society, Inc. No. 17518S | 170 - 171 |
| | To give Bylaw No. 12143 first reading in order to designate 2269-2279 Benvoulin Road as a municipal heritage site. | |

3.12.	Text Amendment No. TA20-0023 (BL12144) - City of Kelowna	172 - 194
	To amend Zoning Bylaw No. 8000 by amending general fencing height regulations, adding Multiple Dwelling Housing use to C9 and home-base business use to C9 and CD-22, amending tall building urban design regulations in C4, C7 and C9, and to correct inconsistencies.	
3.13.	BL12144 (TA20-0023) - City of Kelowna	195 - 198
	To give Bylaw No. 12144 first reading in order to amend Sections 7,8,11,14,16 and 18 of Zoning Bylaw No. 8000.	
3.14.	Springfield Rd 1585, TA20-0025 (BL12017) - Springfield Plaza Inc., Inc. No. BCo479374	199 - 222
	To amend the Zoning Bylaw by changing the Development Regulations in the CD16 – Bingo and Gaming zone for two proposed minor building additions and replacing the CD16 – Bingo and Gaming Site Plan to reflect these changes.	
3.15.	Springfield Rd 1585, BL12017 (TA20-0012) - Springfield Plaza Inc. Inc. No. BCo479374	223 - 225
	To rescind first reading of Bylaw No. 12017.	
3.16.	Springfield Rd 1585, BL12145 (TA20-0012) - Springfield Plaza Inc., Inc. No. BCo479374	226 - 228
	To give Bylaw No. 12145 first reading in order to amend the CD16 Comprehensive Development zone.	
3.17.	(W OF) Hwy 97 N - OCP19-0006 (BL12151) and Z19-0108 (BL12152) - 1207431 B.C. Ltd., Inc. No. BC1207431	229 - 254
	To amend the Official Community Plan designation from the PARK – Major Park/Open Space (public) and S2RES – Single/Two Unit Residential designations to the IND – Industrial designation and rezone a portion of the subject property from the A1 – Agriculture 1 zone to the I1 – Business Industrial zone to accommodate future industrial development.	
3.18.	(W OF) Hwy 97 N - BL12151 (OCP19-0006) - 1207431 B.C. Ltd., Inc. No. BC1207431	255 - 256
	To give Bylaw No. 12151 first reading in order to amend the Official Community Plan designation from the PARK – Major Park/Open Space (public) and S2RES – Single/Two Unit Residential designations to the IND – Industrial designation.	
3.19.	(W OF) Hwy 97 N - BL12152 (Z19-0108) - 1207431 B.C. Ltd., Inc. No. BC1207431	257 - 258
	To give Bylaw No. 12152 first reading in order to rezone a portion of the subject property from the A1 – Agriculture 1 zone to the I1 – Business Industrial zone.	

4.	Non-Development Reports & Related Bylaws	
4.1.	Inter Community Mobile Business Licence Amendment Bylaw	259 - 272
	To update the Inter-Community Mobile business Licence Bylaw No. 9900 with new participating Municipalities, and amended wording including updates to include pro-ration of initial mobile licences.	
4.2.	BL12096 - Amendment No. 1 to the Intercommunity Mobile Business Licence Bylaw No. 9900	273 - 274
	To give Bylaw No. 12096 first, second and third reading.	
4.3.	ICIP COVID-19 Resilience Infrastructure Stream Grant	275 - 277
	To approve a grant application for the Rutland to Okanagan Rail Trail Shared Pathway project.	
4.4.	Affordable Housing Land Acquisition Strategy	278 - 297
	To provide Council with information on an Affordable Housing Land Acquisition Strategy as part of the Healthy Housing Strategy implementation.	
4.5.	Rescindment of Council Policy No. 160	298 - 306
	To rescind Council Policy No. 160, being the Bonding Requirements For All Construction And Servicing Contracts Policy.	
5.	Bylaws for Adoption (Non-Development Related)	
5.1.	Underhill St 1960 - Housing Agreement Authorization BL12118 - 1940 Underhill Developments Corp., Inc. No. BC1159386	307 - 314
	To adopt Bylaw No. 12118.	
5.2.	BL12119 - Amendment No. 6 to Active Living and Culture Fees and Charges Bylaw No. 9609	315 - 319
	To adopt Bylaw No. 12119.	
5.3.	BL12124 - Amendment No. 1 to the Kelowna Memorial Cemetery Bylaw No. 11664	320 - 330
	To adopt Bylaw No. 12124.	
5.4.	Lawson Ave 1094 - BL12131 - Repeal Housing Agreement Bylaw No. 9713	331 - 331
	To adopt Bylaw No. 12131.	
6.	Mayor and Councillor Items	

7. Termination



City of Kelowna
Regular Council Meeting
Minutes

Date:	Monday, January 11, 2021
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Brad Sieben*, Mohini Singh and Loyal Wooldridge
Members participating remotely	Councillors Charlie Hodge and 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*; Planner, Tyler Caswell*; Planner, Aaron Thibeault*; Planner Specialist, Ross Soward*; Project Portfolio Manager, Angie Thiessen*; Corporate Strategy & Performance Department Manager, Mike McGreer*; Divisional Director, Corporate Strategic Services, Carla Weaden*; Policy & Planning Department Manager, Danielle Noble-Brandt*; OCP Project Planner, Robert Miles*; Parks & Beaches Supervisor, David Gatzke*; Infrastructure Operations Department Manager, Ian Wilson*; Divisional Director, Active Living & Culture, Jim Gabriel*; Cultural Services Manager, Christine McWillis*; Community Theatre Manager, Caroline Ivey*; Design Technician, Jim Hager*; Utility Planning Manager, Rod MacLean*; Divisional Director, Infrastructure, Alan Newcombe*
Staff participating remotely	Legislative Coordinator (Confidential), Arlene McClelland

(*Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:31 p.m.

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

In accordance with the most recent Provincial Health Officer Order regarding gatherings and events, the public is currently not permitted to attend Council meetings in-person. As an open meeting, a live audio-video feed is being broadcast and recorded on kelowna.ca.

2. Confirmation of Minutes

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

R0006/20/01/11 THAT the Minutes of the Regular Meetings of December 7, 2020 and Budget Deliberations Meeting of December 10, 2020 be confirmed as circulated.

Carried

Councillor Stack joined the meeting at 1:33 p.m.

Councillor Sieben joined the meeting at 1:35 p.m.

3. Development Application Reports & Related Bylaws

3.1 Gallagher Rd 2980 - Z20-0021 (BL12042) - Follow Up Report for Information

Staff:

- Displayed a PowerPoint Presentation summarizing the planned road improvements and responded to questions from Council

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0007/20/01/11 THAT Council receives, for information, the report from the Development Planning Department dated December 7, 2020 with respect to the June 23, 2020 Public Hearing for rezoning application Z20-0021 located at 2980 Gallagher Road.

Carried

3.2 Lakeshore Rd 5064 - LUCT18-0013 (BL11939) Z18-0092 (BL11963) - Mark Fipke

Staff:

- Provided an update on the Land use Contract Termination strategy.
- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Given/Seconded By Councillor Stack

R0008/20/01/11 THAT Land Use Contract Termination Application No. LUCT18-0013 to terminate LUC77-1012 from Lot A Section 23 Township 28 SDYD Plan 30063, located at 5064 Lakeshore Road, Kelowna, B.C. be considered by Council;

AND THAT Rezoning Application No. Z18-0092 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Section 23 Township 28 SDYD Plan 30063, located at 5064 Lakeshore Road, Kelowna, B.C. from the A1 – Agriculture 1 to the RR2 – Rural Residential 2 zone be considered by Council;

AND THAT Council waive the development sign requirement under Public Notification & Consultation for Development Applications No. 367 for Rezoning Bylaw No. 11939.

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

Carried

3.3 Lakeshore Rd 5064 - BL11939 (LUCT18-0013) - Mark Fipke

Moved By Councillor Wooldridge/Seconded By Councillor Given

R0009/20/01/11 THAT Bylaw No.11939 be read a first time.

Carried

3.4 Lakeshore Rd 5064 - BL11963 (Z18-0092) - Mark Fipke

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0010/20/01/11 THAT Bylaw No.11963 be read a first time.

Carried

3.5 Hwy 97 N 2890 - LUCT20-0003 (BL12069) Z20-0062 (BL12070) - Hofa Transport Group Ltd. Inc. No. BC1096204

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Singh/Seconded By Councillor Wooldridge

R0011/20/01/11 THAT Land Use Contract Termination Application No. LUCT20-0003 to terminate LUC76-1 from Lot A Section 34 Township 26 ODYD Plan 30847, located at 2890 Hwy 97 N, Kelowna, B.C. be considered by Council;

AND THAT Rezoning Application No. Z20-0062 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Section 34 Township 26 ODYD Plan 30847, located at 2890 Hwy 97 N, Kelowna, B.C. from the A1 – Agriculture 1 zone to the I2 – General Industrial zone be considered by Council;

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

AND THAT the notice sign requirements under Council Policy No. 367 be altered to allow for placement on the City of Kelowna's boulevard;

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

Carried

3.6 Hwy 97 N 2890 - BL12069 (LUCT20-0003) - Hofa Transport Group Ltd. Inc. No. BC1096204

Moved By Councillor Wooldridge/Seconded By Councillor Given

R0012/20/01/11 THAT Bylaw No. 12069 be read a first time.

Carried

3.7 Hwy 97 N 2890 - BL12070 (Z20-0062) - Hofa Transport Group Ltd. Inc. No. BC1096204

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0013/20/01/11 THAT Bylaw No. 12070 be read a first time.

Carried

3.8 Adams Rd 251 - LUCT20-0004 (BL12071) Z20-0063 (BL12072) - Heartwood Investments Ltd. Inc. No. 352195

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor DeHart/Seconded By Councillor Donn

R0014/20/01/11 THAT Land Use Contract Termination Application No. LUCT20-0004 to terminate LUC77-1047 from Lot A Section 2 Township 23 ODYD Plan 33555 Except Plan EPP52727, located at 251 Adams Road, Kelowna, B.C. be considered by Council;

AND THAT Rezoning Application No. Z20-0063 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Section 2 Township 23 ODYD Plan 33555 Except Plan EPP52727, located at 251 Adams Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the I2 – General Industrial zone be considered by Council;

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

AND THAT the notice sign requirements under Council Policy No. 367 be altered to allow for placement on the City of Kelowna's boulevard;

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

Carried

3.9 Adams Rd 251 - BL12071 (LUCT20-004) - Heartwood Investments Ltd Inc No 352195

Moved By Councillor Wooldridge/Seconded By Councillor Given

R0015/20/01/11 THAT Bylaw No. 12071 be read a first time.

Carried

3.10 Adams Rd 251 - BL12072 (Z20-0063) - Heartwood Investments Ltd Inc No 352195

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0016/20/01/11 THAT Bylaw No. 12072 be read a first time.

Carried

3.11 Sutherland Ave 1511 - LUCT20-0005 (BL12073) Z20-0064 (BL12074) - Sapphire Construction Ltd., Inc. No. 84820

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Singh/Seconded By Councillor Wooldridge

R0017/20/01/11 THAT Land Use Contract Termination Application No. LUCT20-0005 to terminate LUC77-1061 from Lot A District Lot 141 ODYD Plan 31346, located at 1511 Sutherland Ave, Kelowna, B.C. be considered by Council;

AND THAT Rezoning Application No. Z20-0064 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 141 ODYD Plan 31346, located at 1511 Sutherland Ave, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the C3 – Community Commercial zone be considered by Council;

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

AND THAT the notice sign requirements under Council Policy No. 367 be altered to allow for placement on the City of Kelowna's Boulevard;

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

Carried

3.12 Sutherland Ave 1511 - BL12073 (LUCT20-0005) - Sapphire Construction Ltd., Inc. No. 84820

Moved By Councillor Singh/Seconded By Councillor Wooldridge

R0018/20/01/11 THAT Bylaw No. 12073 be read a first time.

Carried

3.13 Sutherland Ave 1511 - BL12074 (Z20-0064) - Sapphire Construction Ltd., Inc. No. 84820

Moved By Councillor Singh/Seconded By Councillor Wooldridge

R0019/20/01/11 THAT Bylaw No. 12074 be read a first time.

Carried

3.14 Sutherland Ave 1521 - LUCT20-0006 (BL12075) Z20-0065 (BL12076) - Price's Alarm Systems Ltd. Inc. No. BC0929068

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Given/Seconded By Councillor Singh

R0020/20/01/11 THAT Land Use Contract Termination Application No. LUCT20-0006 to terminate LUC78-1004 from Lot A District Lot 141 ODYD Plan 29253, located at 1521 Sutherland Ave, Kelowna, B.C. be considered by Council;

AND THAT Rezoning Application No. Z20-0065 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 141 ODYD Plan 29253, located at 1521 Sutherland Ave, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the C3 – Community Commercial zone be considered by Council;

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

AND THAT the notice sign requirements under Council Policy No. 367 be altered to allow for placement on the City of Kelowna's boulevard;

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

Carried

3.15 Sutherland Ave 1521 - BL12075 (LUCT20-0006) - Price's Alarm Systems Ltd. Inc. No. BC0929068

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0021/20/01/11 THAT Bylaw No. 12075 be read a first time.

Carried

- 3.16 Sutherland Ave 1521 - BL12076 (Z20-0065) - Price's Alarm Systems Ltd. Inc. No. BC0929068**

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0022/20/01/11 THAT Bylaw No. 12076 be read a first time.

Carried

- 3.17 Lakeshore Rd 3969 - LUCT20-0007 (BL12094) Z20-0068 (BL12095) - Steven Carl Wilson and Piblet Enterprises Ltd**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Sieben/Seconded By Councillor Stack

R0023/20/01/11 THAT Land Use Contract Termination Application No. LUCT20-0007 to terminate LUC77-1005 from Lot A Section 6 Township 26 ODYD Plan 28767, located at 3969 Lakeshore Road, Kelowna, B.C. be considered by Council;

AND THAT Rezoning Application No. Z20-0068 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Section 6 Township 26 ODYD Plan 28767, located at 3969 Lakeshore Road, Kelowna, B.C. from the C1 – Local Commercial zone to the C2 – Neighbourhood Commercial zone be considered by Council;

AND THAT the notice sign requirements under Council Policy No. 367 be altered to allow for placement on the City of Kelowna's Boulevard;

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

Carried

- 3.18 Lakeshore Rd 3969 - BL12094 (LUCT20-0007) Z20-0068 - Steven Carl Wilson and Piblet Enterprises Ltd**

Moved By Councillor DeHart/Seconded By Councillor Donn

R0024/20/01/11 THAT Bylaw No. 12094 be read a first time.

Carried

- 3.19 Lakeshore Rd 3969 - BL12095 (Z20-0068) - Steven Carl Wilson and Piblet Enterprises Ltd**

Moved By Councillor Donn/Seconded By Councillor DeHart

R0025/20/01/11 THAT Bylaw No. 12095 be read a first time.

Carried

4. Bylaws for Adoption (Development Related)

- 4.1 BL12115 (TA20-0020) - City of Kelowna**

Moved By Councillor Donn/Seconded By Councillor DeHart

R0026/20/01/11 THAT Bylaw No. 12115 be adopted.

Carried

5. Non-Development Reports & Related Bylaws

5.1 Lawson Ave 1094 - Repeal Housing Agreement - 1094 Lawson Avenue Ltd., Inc. No. BC1176688

Councillor Stack declared a perceived conflict of interest for items 5.1 to 5.5 due to his employer applying for rental housing agreements and exemptions from time to time and departed the meeting at 1:59 p.m.

Staff:

- Provided a summary of the proposed rescindment of the Housing Agreement.

Moved By Councillor Donn/Seconded By Councillor DeHart

R0027/20/01/11 THAT Council receives, for information, the report from the Development Planning Department dated January 11, 2021, with respect to the Housing Agreement for 1094 Lawson Avenue;

AND THAT Council consider a Bylaw that would authorize the City of Kelowna to repeal Housing Agreement Authorization Bylaw No. 9713 being Housing Agreement Authorization Bylaw – 0701849 BC Ltd. – (Herman Planning Group Inc.) 1094 Lawson Avenue, and all amendments there to, for Lot A District Lot 138 ODYD Plan EPP95336, located at 1094 Lawson Avenue, Kelowna, BC;

AND FURTHER THAT Bylaw No. 12131 being Repeal Housing Agreement Authorization Bylaw No. 9713 be forwarded for reading consideration.

Carried

5.2 Lawson Ave 1094 - BL12131 - Repeal Housing Agreement Bylaw No. 9713

Moved By Councillor Donn/Seconded By Councillor DeHart

R0028/20/01/11 THAT Bylaw No. 12131 be read a first, second and third time.

Carried

5.3 Underhill St 1960 - Rental Housing Agreement (BL12118)

Staff:

- Provided an overview of the proposed rental housing agreement.

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

R0029/20/01/11 THAT Council, receives, for information, the Report from the Policy and Planning Department dated January 11, 2020 with respect to a rental housing agreement bylaw;

AND THAT Bylaw No. 12118 authorizing a Housing Agreement between the City of Kelowna and 1940 Underhill Developments Corp., INC.NO. BC1159386 which requires the owners to designate 295 dwelling units in a purpose-built rental housing for Lot A, District Lots 4646 and 127 ODYD Plan EPP104418 at 1960 Underhill Street, Kelowna, BC, be forwarded for reading consideration.

Carried

5.4 Underhill St 1960 - Housing Agreement Authorization BL12118 - 1940 Underhill Developments Corp., Inc. No. BC1159386

Moved By Councillor DeHart/Seconded By Councillor Donn

R0030/20/01/11 THAT Bylaw No. 12118 be read a first, second and third time.

Carried

5.5 Revitalization Tax Exemption Agreement - January 2021

Staff:

- Provided an overview of the proposed Tax Exemption Agreement.

Moved By Councillor DeHart/Seconded By Councillor Given

R0031/20/01/11 THAT Council approves the City entering into a Revitalization Tax Exemption Agreement with 1940 Underhill Developments Corp., Inc. No. BC1159386 for Lot A, District Lots 4646 and 127 ODYD Plan EPP104418 located at 1960 Underhill Street, Kelowna, BC in the form attached to the Report from the Planner Specialist, Policy and Planning department dated January 11, 2021;

AND THAT the Mayor and City Clerk be authorized to execute the Revitalization Tax Exemption Agreement on behalf of the City of Kelowna.

Carried

Councillor Stack rejoined the meeting at 2:05 p.m.

5.6 Action Plan 2021

Staff:

- Displayed a PowerPoint Presentation summarizing the 2021 Action Plan for delivering Council priorities.

Moved By Councillor Sieben/Seconded By Councillor Wooldridge

R0032/20/01/11 THAT Council receive for information, *Action Plan 2021* as attached to the report from the Corporate Strategy & Performance Department dated January 11, 2021.

Carried

5.7 Draft 2040 Official Community Plan and Engagement Launch

Staff:

- Displayed a PowerPoint Presentation summarizing the Draft 2040 Official Community Plan content and engagement strategy.
- Displayed the draft web-based content.
- Responded to questions from Council.

Moved By Councillor Singh/Seconded By Councillor Wooldridge

R0033/20/01/11 THAT Council receives, for information, the report from the Policy and Planning Department dated January 11, 2021 with respect to the draft 2040 Official Community Plan and engagement launch;

AND THAT Council direct staff to initiate the Phase 4 public and stakeholder engagement process, as outlined in the report from the Policy and Planning Department dated January 11, 2021.

Carried

5.8 Kelowna Memorial Park Cemetery Bylaw No. 11664

Staff:

- Displayed a PowerPoint Presentation outlining the proposed bylaw amendments.

Moved By Councillor Hodge/Seconded By Councillor Singh

R0034/20/01/11 THAT Council receives the report from the Cemetery Manager, dated January 11, 2021 recommending changes to the Kelowna Memorial Park Cemetery Bylaw 11664;

AND THAT Council gives reading consideration to Bylaw No. 12124 being amendment No. 8 to Kelowna Memorial Park Cemetery Bylaw No. 11664.

Carried

5.9 BL12124 - Amendment No. 1 to the Kelowna Memorial Cemetery Bylaw No. 11664

Moved By Councillor DeHart/Seconded By Councillor Donn

R0035/20/01/11 THAT Bylaw No. 12124 be read a first, second and third time.

Carried

5.10 Kelowna Community Theatre Fee Adjustment for Reopening Under Restrictions

Staff:

- Displayed a PowerPoint Presentation outlining the proposed temporary fee structure and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Donn

R0036/20/01/11 THAT Council receives the report from the Cultural Services Department, dated January 11, 2021, regarding the proposed temporary fee structure for reopening Kelowna Community Theatre (KCT) under restrictions;

AND THAT Council approves the temporary fee structure for use at KCT as an amendment to the Active Living & Culture Fees and Charges Bylaw No. 9609.

Carried

5.11 BL12119 - Amendment No. 6 to Active Living and Culture Fees and Charges Bylaw No. 9609

Moved By Councillor Donn/Seconded By Councillor DeHart

R0037/20/01/11 THAT Bylaw No. 12119 be read a first, second and third time.

Carried

5.12 GEID Boundary Inclusion for (W OF) Hwy 97 N (1207431 BC LTD)

Staff:

- Provided a summary of the proposed boundary inclusion.

Moved By Councillor Hodge/Seconded By Councillor Singh

R0038/20/01/11 THAT Council receives for information, the report from the Infrastructure Engineering Department dated January 11th, 2021 with regard to the Glenmore-Ellison Improvement District (GEID) Boundary Inclusion for (W OF) Hwy 97 N (1207431 BC LTD);

AND THAT Council approve the request by the GEID to amend its water service area boundary to include (W OF) Hwy 97 N as outlined in this report from the Utility Planning Manager.

Carried

5.13 ICIP-CVRIS - Adaptation, Resilience and Disaster Mitigation Program Grant Application - Brandt's Creek Crossing at Ellis

Staff:

- Provided an overview of the proposed grant application for Brandt's Creek crossing at Ellis Street.

Moved By Councillor Stack/Seconded By Councillor Donn

R0039/20/01/11 THAT Council receives for information, the report from the Infrastructure Engineering Department dated January 11, 2021, with respect to the Investing in Canada Infrastructure Program (ICIP) – COVID 19 Resilience Infrastructure Stream (CVRIS) - Adaptation, Resilience & Disaster Mitigation (ARDM) Program – Brandt's Creek Crossing at Ellis;

AND THAT Council authorizes staff to apply for an ICIP-CVRIS-ARDM grant as outlined in this report;

AND THAT Council authorizes the Mayor and City Clerk to execute the ICIP-CVRIS-ARDM grant, if the application is successful;

AND FURTHER THAT the 2021 Financial Plan be amended to include the grant for Brandt's Creek Crossing at Ellis project, if the application is successful.

Carried

5.14 COVID-19 Pandemic Committee Meetings and Public Hearings

Staff:

- Displayed a PowerPoint Presentation outlining proposed amendments to meetings and duties of advisory committees and waiving public hearings and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Stack

R0040/20/01/11 THAT staff provide an update to Council regarding the COVID-19 Public Health Order on gatherings and events on February 8, 2021.

Carried

Moved By Councillor Sieben/Seconded By Councillor Stack

R0041/20/01/11 THAT Council receive, for information, the report from the Office of the City Clerk dated January 11, 2021, with respect to advisory committee meetings and public hearings during the COVID-19 pandemic;

AND THAT Council suspend the duties and meetings of the Agricultural Advisory Committee and Heritage Advisory Committee and direct staff to proceed with processing applications without consideration by the relevant committee;

AND THAT Council direct the Airport Advisory Committee and Civic and Community Awards Steering Committee to conduct open meetings without the public present in accordance with the requirements of the Order of the Provincial Health Officer regarding gatherings and events;

AND THAT the Airport Advisory Committee and Civic and Community Awards Steering Committee ensure openness, transparency, accessibility, and accountability by communicating to the public changes in how meetings are held and posting draft agendas and minutes online;

AND THAT Council direct staff to recommend that Council waive the public hearing for rezoning applications that are consistent with the Official Community Plan, have a recommendation of support from staff, and are not expected to generate significant public input based on correspondence received at the time of the report to Council;

AND FURTHER THAT the above-noted resolutions be in effect until the Order of the Provincial Health Officer regarding gatherings and events is rescinded or replaced to allow for in-person attendance at committee meetings and public hearings.

Carried

6. Bylaws for Adoption (Non-Development Related)

6.1 BL12098 - Road Closure and Removal of Highway Dedication Bylaw

Moved By Councillor Dehart/Seconded By Councillor Donn

R0042/20/01/11 THAT Bylaw No. 12098 be adopted.

Carried

7. Mayor and Councillor Items

Councillor Stack:

- Acknowledged and supported Mayor Basran's messaging regarding local protests not meeting the COVID-19 Public Health Order guidelines.

Councillor Wooldridge:

- Echoed Councillor Stack's comments and agreed with Mayor Basran's messaging.

Councillor Sieben:

- Echoed Councillor Stack's comments and spoke to concerns with local protests that were not peaceful.

Mayor Basran:

- Reminder that the January 12th Public Hearing begins at 4:00 p.m.

8. Termination

This meeting was declared terminated at 3:49 p.m.

Mayor Basran

lb/acm



Deputy City Clerk

REPORT TO COUNCIL



Date: January 11, 2021

To: Council

From: City Manager

Department: Development Planning

Application: OCP20-0013 Z20-0066 **Owner:** 1032308 Alberta Ltd.
Brenda Lou Marie Gibson

Address: 460 Leathead Road **Applicant:** Blue Vision Design Inc.
605 Fraser Road

Subject: Rezoning and Official Community Plan Amendment Applications

Existing OCP Designation: S2RES – Single / Two Unit Residential

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

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RM3 – Low Density Multiple Housing

1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP20-0013 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lot 1 Section 26 Township 26 Osoyoos Division Yale District Plan 12434, located at 460 Leathead Road, Kelowna, BC and Lot 2 Section 26 Township 26 Osoyoos Division Yale District Plan 12434, located at 605 Fraser Road, Kelowna, BC from the S2RES - Single / Two Unit Residential designation to the MRL – Multiple Unit Residential (Low Density) designation, be considered by Council;

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

AND THAT Rezoning Application No. Z20-0066 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 Section 26 Township 26 Osoyoos Division Yale District Plan 12434, located at 460 Leathead Road, Kelowna, BC and Lot 2 Section 26 Township 26 Osoyoos Division Yale District Plan 12434, located at 605 Fraser Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple Housing zone, be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated January 11, 2021;

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

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

2.0 Purpose

To rezone and to amend the Official Community Plan to change the future land use designation of the subject property to facilitate a multiple dwelling housing development.

3.0 Development Planning

Staff recommend support for the Rezoning and Official Community Plan Amendment applications to facilitate the development of a 16-unit row housing development. Staff recognize that this proposal represents an increase in density over the existing zone and OCP Future Land Use designation, however, staff are recommending that low density multi-family housing is a reasonable request for this specific location.

Leathead Road is designated as an arterial road in the Official Community Plan and it functions as a major corridor in Rutland. This road serves as the boundary for the Rutland Urban Centre, with properties across the road to the south being included within the Urban Centre. With Public transit options being available directly on Leathead Road, and the properties being in close proximity to schools, parks and existing commercial areas, Development Planning sees adding increased residential density on these properties to be appropriate.

The applicant completed neighbourhood notification in accordance with Council Policy No. 367. Staff have reviewed this application, and it may move forward without affecting either the City's Financial Plan or Waste Management Plan.

4.0 Proposal

4.1 Background

There is currently existing single dwelling housing on each of the subject properties. These dwellings would be demolished, and the lots would be consolidated to facilitate this development.

4.2 Project Description

This application is proposing a 16-unit row housing development contained within four separate buildings. The unit count includes four two-bedroom units (1 per building) and 12 three-bedroom units (3 per building). Parking requirements are met on-site, through a combination of side by side garages (25%) and tandem garages (75%). Visitor and van accessible parking stalls are also provided.

4.3 Site Context

The subject properties are located on the north side of Leathead Road, at the corner of Fraser Road, in the City’s Rutland OCP Sector. The two lots have a combined total lot area of 3,000 m². The surrounding area is characterized by single and two dwelling housing and a religious assembly is located directly to the east. The properties are within the City’s Permanent Growth Boundary and have a Walkscore of 50, indicating that some errands can be accomplished on foot.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU ₁ – Large Lot Housing	Single Dwelling Housing
East	P ₂ – Education and Minor Institutional	Religious Assemblies
South	RU ₁ – Large Lot Housing	Single Dwelling Housing
West	RU ₁ – Large Lot Housing	Single Dwelling Housing

Subject Property Map: 460 Leathead Road and 605 Fraser 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 5.22 Ensure context sensitive housing development

Policy .11 Housing Mix. Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed use developments.

Objective 5.23 Address the needs of families with children through the provision of appropriate family-oriented housing.

Policy .1 Ground-Oriented Housing. Encourage all multiple-unit residential buildings in neighbourhoods with schools and parks to contain ground-oriented units with 2 or more bedrooms so as to provide a family housing choice within the multi-unit rental or ownership markets.

6.0 Technical Comments

6.1 Development Engineering Department

See Schedule A City of Kelowna Memorandum

7.0 Application Chronology

Date of Application Accepted: August 6, 2020

Date Public Consultation Completed: November 9, 2020

Report prepared by: Kimberly Brunet, Planner II

Reviewed by: Jocelyn Black, Urban Planning Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule A: City of Kelowna Memorandum

Attachment A: Draft Site Plan and Rendering

Attachment B: Applicant's Letter of Rationale

CITY OF KELOWNA
MEMORANDUM

Date: September 01, 2020
File No.: Z20-0066
To: Urban Planning Management (KB)
From: Development Engineering Manager (JK)
Subject: 605 Fraser Rd and 460 Leathead Rd RU1 to RM3

The Development Engineering Branch's comments and requirements regarding this application to rezone the subject lots from RU1 – Large Lot Housing to RM3 - Low Density Multiple Housing from are as follows. The Development Technician for this application will be Sarah Kelly (skelly@kelowna.ca).

1. GENERAL

- a) This proposed development may require the installation of centralized mail delivery equipment. Please contact Arif Bhatia, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC, V1Y 2K0, (250) 859-0198, arif.bhatia@canadapost.ca to obtain further information and to determine suitable location(s) within the development.
- b) The following requirements are valid for two (2) years from the reference date of this memo, or until the application has been closed, whichever occurs first. The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.
- c) These Development Engineering comments/requirements are subject to the review and requirements from the Ministry of Transportation and Infrastructure (MoTI).
- d) There is a possibility of a high water table or surcharging of storm drains during major storm events. This should be considered in the design of the onsite system.

2. DOMESTIC WATER AND FIRE PROTECTION

- a) The subject lots are within the Black Mountain Irrigation District (BMID) water supply area. The Developer is required to make satisfactory arrangements with BMID for all water and fire protection-related issues. All charges for service connection(s) and upgrading costs, as well as any costs to decommission existing services, shall be the responsibility of the Developer.
- b) The Developer's Consulting Mechanical Engineer will determine the fire protection requirements of this proposed development and establish hydrant requirements and service needs. All fire flow calculations approved by BMID are to be shared with the Development Engineering Branch upon submittal of off-site civil engineering drawings.
- c) Provide an adequately sized domestic water and fire protection system complete with individual lot connections. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. No. 7900. Provide water flow calculations for this development to confirm bylaw conformance (150 L/s for apartments/townhouses). Ensure every building site is located at an elevation that ensures water pressure is within the bylaw pressure limits. Note: Private pumps are not acceptable for addressing marginal pressure.

3. SANITARY SEWER SYSTEM

Z20-0066 Fraser Rd 605 and Leathead Rd 460 RU1 to RM3

- a) Our records indicate that subject lots are currently serviced with a 100-mm diameter sanitary sewer service off Fraser Rd and a 100-mm service off Leathead Rd. The Applicant's Consulting Mechanical Engineer will determine the requirements of the proposed development and establish the service needs. Only one service will be permitted for each legal lot. The applicant is to arrange for the removal and disconnection of the existing services and the installation of one new larger service (minimum diameter of 150 mm) at the applicant's cost.
- b) All new service connections are to be completed with an inspection chamber (c/w Brooks Box) as per SS-S7.

4. STORM DRAINAGE

- a) The property is located within the City of Kelowna drainage service area. The City Engineer may permit use of individual ground water disposal systems, where soils are suitable. For on-site disposal of drainage water, a hydrogeotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems for each lot.
- b) Provide the following drawings:
 - i. A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);
 - ii. A detailed Stormwater Management Plan for this subdivision; and,
 - iii. An Erosion and Sediment Control Plan is to be prepared by a Professional Engineer proficient in the field of erosion and sediment control. The plan is to be prepared as per section 3.14 of Schedule 4 of Bylaw 7900. If a line item for ESC is not included in the Engineer's cost estimate for off-site work, then an additional 3% will be added to the performance security based on the total off-site construction estimate.
- c) On-site detention systems are to be compliant with Bylaw 7900, Schedule 4, Section 3.11.1 *Detention Storage*.
- d) As per Bylaw 7900, Schedule 4, Section 3.1.3 *Climate Change*, the capacity of storm works will include an additional 15 percent (15%) upward adjustment, and applied to the rainfall intensity curve stage (IDF) in Section 3.7.2.
- e) Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.
- f) Register right of ways on private properties for all the storm water infrastructure carrying, conveying, detaining and/or retaining storm water that is generated from the public properties, public road right of ways, and golf course lands.
- g) Identify clearly on a contour map, or lot grading plan, all steep areas (>30 %). Provide cross sections for all steep areas at each property corner and at locations where there are significant changes in slope. Cross sections are to be perpendicular to the contour of the slope. Show the proposed property lines on the cross sections. Not all areas have a clear top of bank; and therefore, field reconnaissance by City staff and the applicant may be needed to verify a suitable location for property lines.
- h) If individual lot connections are required, ensure that payment of connection fees has been completed (please provide receipt).
- i) Where structures are designed or constructed below the proven high groundwater table, permanent groundwater pumping will not be permitted to discharge to the storm system. The City will approve designs that include provisions for eliminating groundwater penetration into the structure, while

Z20-0066 Fraser Rd 605 and Leathead Rd 460 RU1 to RM3

addressing buoyancy concerns. These design aspects must be reviewed and approved by the City Engineer.

- j) A complete storm drainage system is to be installed up to north end of the subject lot within Fraser Rd, c/w catch basins, leads, storm main, manholes, any required service connections, and connection to the existing storm main in Leathead Rd. Depending on the proposed design, a latecomer may be able to be registered for the drainage works.

5. ROAD IMPROVEMENTS

- a) The existing condition of the Active Transportation Corridor on Leathead Rd is to be maintained.
- b) A new east-west concrete wheelchair letdown as per City of Vancouver Standard Detail C8.3 is to be installed on the northeast corner of the Fraser-Leathead Rd intersection.
- c) The existing utility pole servicing 460 Leathead Rd is to be removed, with all new additional services being underground.
- d) Fraser Rd is to be fully urbanized to a modified SS-R5 with 1.5-m wide separated sidewalk 0.2 m from property line. The urbanization is to include storm drainage, curb and gutter, utility appurtenance adjustments, fillet paving, streetlights, boulevard landscaping and irrigation, and utility pole relocation (if necessary).

6. POWER AND TELECOMMUNICATION SERVICES

- a) Underground services will be required for all power and telecommunications to the proposed lot.
- b) As per comment 5.c), the existing utility pole servicing 460 Leathead Rd is to be removed.
- c) Streetlights must be installed on all roads. All streetlighting designs are to be approved by the Development Engineering Branch at the same time as other “issued for construction” drawings.
- d) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City’s approval before commencing construction.
- e) Re-locate existing poles and utilities, where necessary. Remove aerial trespass (es).
- f) If any road dedication affects lands encumbered by a Utility right-of-way (such as B.C. Gas, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City’s Development Manager.

7. GEOTECHNICAL STUDY

- a) Provide a geotechnical report prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: NOTE: The City is relying on the Geotechnical Engineer’s report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.
- b) The Geotechnical reports must be submitted to the Development Services Department (Subdivision Approving officer) for distribution to the Development Engineering Branch and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.
 - i. Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.

- ii. Site suitability for development.
 - iii. Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
 - iv. Any special requirements for construction of roads, utilities and building structures.
 - v. Recommendations for items that should be included in a Restrictive Covenant.
 - vi. Recommendations for roof drains, perimeter drains and septic tank effluent on the site.
 - vii. Any items required in other sections of this document.
- c) Should any on-site retaining walls surpass the following limits, an Over Height Retaining Wall Permit will be required:

“Retaining walls on all lots, except those required as a condition of subdivision approval, must not exceed a height of 1.2 m measured from natural grade on the lower side, and must be constructed so that any retaining walls are spaced to provide a 1.2 m horizontal separation between tiers. The maximum number of tiers is two with a maximum total height of 2.4 m. Any multi-tier structure more than 2 tiers must be designed and constructed under the direction of a qualified professional engineer.”

The design of all retaining walls is to conform with Engineer & Geoscientists British Columbia’s *Professional Practice Guidelines for Retaining Wall Design*. Submission requirements for the Over Height Retaining Wall Permit include Engineer of Record documents (Appendix A of *Retaining Wall Design Guideline*) and any necessary independent reviews (as per EGBC’s *Documented Independent Review of Structural Designs*).

- d) Any modified slopes having a finished slope greater than 2H:V1 (50%) and an elevation change greater than 1.2 m must be installed under the direction of a qualified professional engineer.

8. ROAD DEDICATION/SUBDIVISION REQUIREMENTS

- a) A 6.0-m radius corner rounding is to be dedicated on the southwest corner of 605 Fraser Rd.
- b) Lot consolidation will be a requirement of this development.

9. DESIGN AND CONSTRUCTION

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

Z20-0066 Fraser Rd 605 and Leathead Rd 460 RU1 to RM3

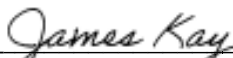
Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

10. SERVICING AGREEMENTS FOR WORKS AND SERVICES

- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

11. CHARGES, FEES, AND SECURITIES

- a) Development Cost Charges (DCC's) are payable.
- b) Fees per the "Development Application Fees Bylaw" include:
 - i) Street/Traffic Sign Fees: at cost (to be determined after design).
 - ii) Survey Monument Fee: \$50.00 per newly created lot (GST exempt).
 - iii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - iv) Engineering and Inspection Fee: 3.5% of construction value (plus GST).
- c) Approved payment methods for Performance Security:
 - i) Personal Cheques < \$5,000
 - ii) Certified Cheque and Bank Draft > \$5,000
 - iii) Minimum Letter of Credit value is \$50,000



James Kay, P.Eng.
Development Engineering Manager

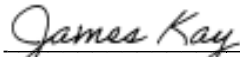
JKH

CITY OF KELOWNA

MEMORANDUM

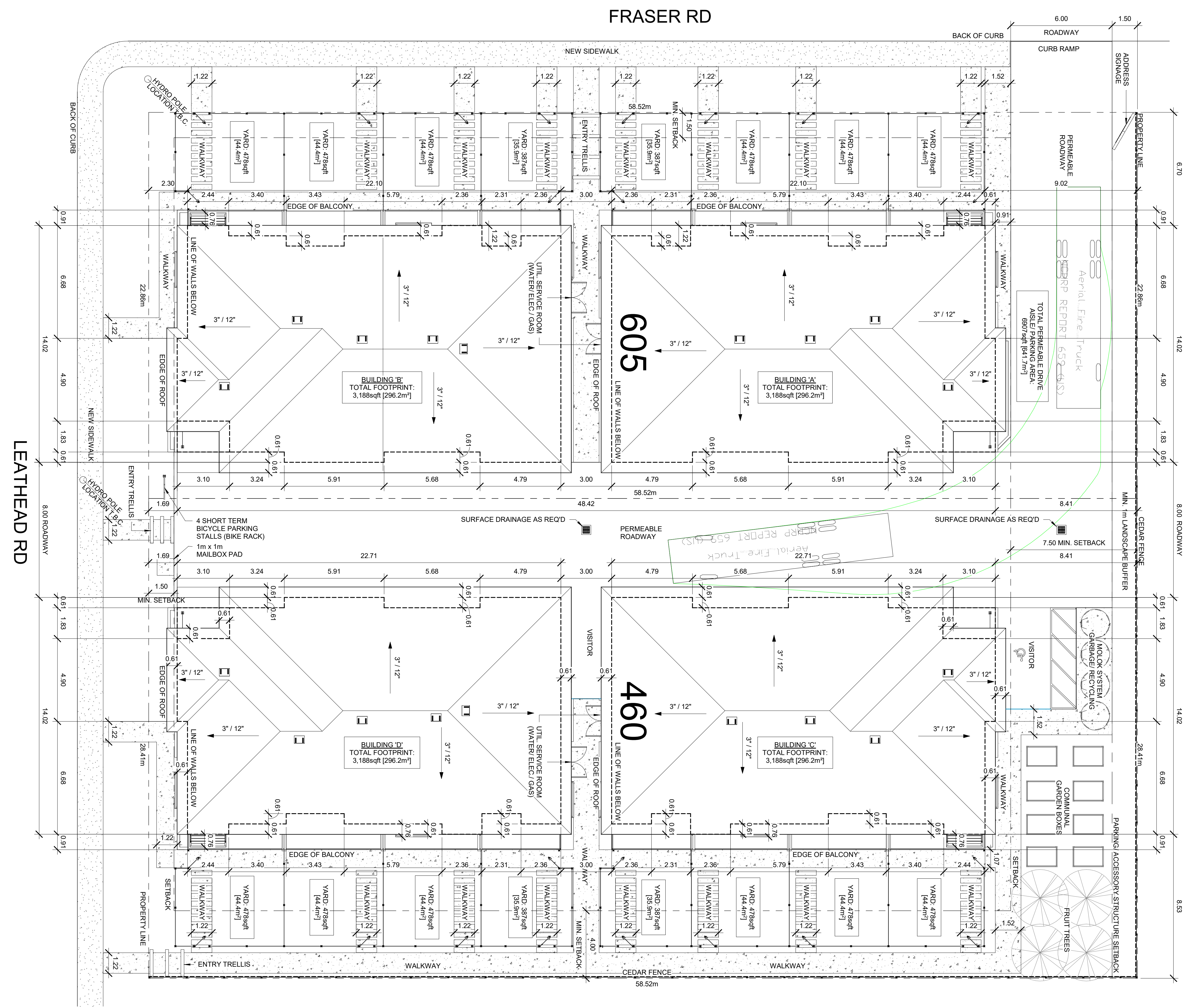
Date: September 01, 2020
File No.: OCP20-0013
To: Urban Planning Management (KB)
From: Development Engineering Manager (JK)
Subject: 605 Fraser Rd and 460 Leathead Rd S2RES to MRL

The Development Engineering Branch has no comments and requirements associated with this application to amend the Future Land Use from S2RES (Single / Two Unit Residential) to MRL (Multiple Unit Residential Low Density) for the subject lots. All other off-site requirements for the proposed development are addressed in the Development Engineering Memos Z20-0066.



James Kay, P.Eng.
Development Engineering Manager

JKH



LEATHEAD RD

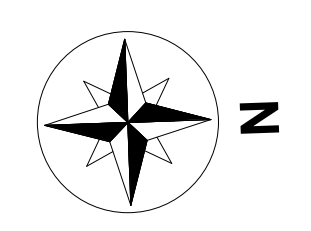
FRASER RD

ADJACENT PROPERTY: ZONE RU1

ADJACENT PROPERTY: ZONE P2

SHEET NOTES:
 - LANDSCAPING NOT SHOWN. REFER TO LANDSCAPE ARCHITECT'S DWGS.
 - ALL WALKWAYS TO BE BRUSHED CONCRETE
 - T/O ENTRY SLAB-ON-GRADE= 100'-0" [GEO. T.B.C.]
 - ALL LOT DIMENSIONS & GEODEDIC ELEVATIONS TO BE CONFIRMED BY A SURVEYOR PRIOR TO CONSTRUCTION

ATTACHMENT A
 This forms part of application
 # OCP20-0013 Z20-0066
 Planner Initials **KB**
 City of Kelowna
 DEVELOPMENT PLANNING



Blue Vision DESIGN INC.
 'BRINGING YOUR VISIONS TO LIFE'
 Blue Vision Design Inc.
 1486 Wilmot Ave
 Kelowna, BC V1P 1N3
 250.864.6666
 blue.vision@hotmail.com

Issue Schedule

Issue Number	Description	Date (dd.mm.yy)
9	Development Permit	02.07.20
11	Development Permit	03.11.20

1 SITE PLAN
 1"=10'-0"

BUILDING NOTES
GENERAL ZONING AND SITE INFORMATION
 - CIVIC ADDRESS: 605 FRASER RD & 460 LEATHEAD RD
 - LEGAL: PLAN 12434, LOTS 1 & 2
 - AUTHORITY: CITY OF KELOWNA
 - EXISTING ZONE: RU1 - URBAN RESIDENTIAL 1
 - PROPOSED ZONE: RM3- LOW DENSITY MULTIPLE HOUSING

ZONING RESTRICTIONS
 - MAXIMUM PARCEL COVERAGE: 40% OR 50%*
 - MAXIMUM SITE COVERAGE: 60%*
 - MAXIMUM FLOOR AREA RATIO: 0.80***
NOTES:
 * 50% IF PRIVATE OPEN SPACE FOR EACH UNIT CAN BE PROVIDED ON A DECK, PATIO, BALCONY, OR ROOFTOP DECK WHICH EXCEEDS THE BYLAW REQUIREMENTS BY 10%
 ** INCREASE TO 65% FOR PERMEABLE DRIVE SURFACES AND PARKING
 *** WHERE MIN. 75% OF PARKING SPACES AREA SCREENED FROM PUBLIC VIEW

SETBACKS & SIZE RESTRICTIONS
 - FRONT YARD SETBACK: 4.5m
 1.5m FOR GROUND-ORIENTED HOUSING
 6.0m FOR CARPORT/GARAGE

- REAR YARD SETBACK: 7.5m
 4.5m (COMMON RECREATION BUILDINGS)
 1.5m (ACCESSORY BUILDINGS)

- SIDE YARD SETBACK: 4.0m
 4.5m FOR FLANKING STREET
 1.5m FOR GROUND-ORIENTED HOUSING FACING A FLANKING STREET
 6.0m FOR CARPORT/GARAGE

- MAX. HEIGHT OF MAIN HOUSE: 10m (3 STOREY)
 4.5m FOR ACCESSORY BUILDINGS

- MIN. SEPARATION BETWEEN BUILDINGS: 3m
 - MIN. PRIVATE OPEN SPACE PER DWELLING: 25m²

AREA CALCULATIONS

- 605 FRASER RD LOT AREA:	14,400sqft [1337.8m²]
- 460 LEATHEAD RD LOT AREA:	17,896sqft [1662.6m²]
- TOTAL LOT AREA:	32,296sqft [3000.4m²]
- MAXIMUM BUILDING SITE COVERAGE:	12,752sqft [1184.7m²] (39.5%)
- MAXIMUM SITE COVERAGE (INCL. PERMEABLE DRIVEWAYS & PARKING AREAS):	20,992sqft [1950.2m²] (65%)
- PROPOSED TOTAL BUILDING COVERAGE:	12,776sqft [1186.9m²] (39.6%)
- PROPOSED TOTAL SITE COVERAGE:	19,987sqft [1856.9m²] (61.9%)
- PROPOSED 4-PLEX BUILDING SIZE:	3,188sqft [296.2m²]
- MAXIMUM TOTAL NET FLOOR AREA:	25,837sqft [2400.3m²] (0.80 FAR)
- PROPOSED TOTAL NET FLOOR AREA:	25,488sqft [2367.9m²] (0.79 FAR)

TOTAL FLOOR AREAS PER UNIT TYPE:

UNIT 1:	1333sqft [123.8m²]
UNIT 2:	1671sqft [155.2m²]
UNIT 3:	1671sqft [155.2m²]
UNIT 4:	1819sqft [169.0m²]

0725353 BC Ltd.
 P.O. Box 22024 Capri
 P.O.
 Kelowna, BC V1Y 9N9
 PH#: 250.317.3253
 tkhunkhun@gmail.com

Multi-Residential Development

605 Fraser Rd & 460 Leathead Rd
 Kelowna, BC

SCALE:
 AS NOTED

DRAWN BY: BV
 CHECKED BY: BV

DATE: 03.11.20
 PROJECT: 2020-009

A1.1

This forms part of application

OCP20-0013 Z20-0066



City of
Kelowna
DEVELOPMENT PLANNING

Planner
Initials **KB**

MULTI-UNIT RESIDENTIAL

605 FRASER RD & 460 LEATHEAD RD

PROPOSED BC STEPCODE: STEP 1

SHEET LIST

Sheet Number	Sheet Name	Current Revision Date
A0.0	TITLE	03.11.20
A0.1	RENDERS	03.11.20
A0.2	RENDERS	03.11.20
A0.3	RENDERS	03.11.20
A0.4	3D VIEW	03.11.20
A0.5	3D VIEW	03.11.20
A1.0	GENERAL NOTES & SCHEDULES	03.11.20
A1.1	SITE PLAN	03.11.20
A2.0	ELEVATIONS	03.11.20
A2.1	ELEVATIONS	03.11.20
A2.2	ELEVATIONS	03.11.20
A2.3	ELEVATIONS	03.11.20
A3.1	GROUND FLOOR PLAN	03.11.20
A3.2	MAIN FLOOR PLAN	03.11.20
A3.3	UPPER FLOOR PLAN	03.11.20
A3.4	ROOF PLAN	03.11.20



Blue Vision
Design Inc.
3448 Cougar Rd
West Kelowna, BC
V4T 2G9
250.864.6666
blue.vision@hotmail.com

Issue Schedule

Issue Number	Description	Date (dd.mm.yy)
9	Development Permit	02.07.20
11	Development Permit	03.11.20



0725353 BC Ltd.
P.O. Box 22024 Capri
P.O.
Kelowna, BC V1Y 9N9
PH#: 250.317.3253
tkhunkhun@gmail.com

Multi-Residential
Development

605 Fraser Rd &
460 Leathead Rd
Kelowna, BC

TITLE

SCALE:
AS NOTED

DRAWN BY: DS	CHECKED BY: BV
-----------------	-------------------

DATE: 03.11.20	PROJECT: 2020-009
-------------------	----------------------

A0.0

① 3D Rendering- Leathead & Fraser
1/4" = 1'-0"



ATTACHMENT **B**
 This forms part of application
 # OCP20-0013 Z20-0066
 City of Kelowna
 DEVELOPMENT PLANNING
 Planner Initials **KB**

Rationale Letter

July 02, 2020

To: City of Kelowna Building & Permitting
 1435 Water St
 Kelowna, BC V1Y 1J4
 P: 250.469.8960
 developmentservicesinfo@kelowna.ca

From: Blue Vision Design Inc
 3448 Cougar Rd
 Westbank, BC V4T 2G9
 P: 250.864.6666
 blue.vision@hotmail.com

Subject: Proposal for Re-Zoning, OCP Amendment & Development Permit for (4) 4-plexes @
 605 Fraser rd & 460 Leathead rd.

Dear City of Kelowna,

The subject Property is located at 605 Fraser rd & 460 Leathead rd in Rutland. The properties are currently zones RU1 and the owner wishes to rezone the properties to RM3 to allow for the development of affordable multi-residential townhouses. Re-zoning will provide gentrification to an area central to family-oriented housing and help promote sustainable growth and development. The proposed design creates increase density while maintaining a street scale appropriate to the neighborhood and is a smooth transition from the RM5 designated properties South of this development, across from Leathead rd.

This Application will require a change in the Official Community Plan. The owner has worked closely with the planning department in this regard.

The proposed development consists of 4 – 3 story townhouses along a shared drive aisle with entry off of Fraser rd. We are proposing 4 two bedroom units (1 per building) and 12 three bedroom units (3 per building). All units will have private front yards, two outdoor decks and 2 car garages. All design aspects are to meet the existing zoning regulations of RM3. One handicap accessible visitor parking space and one standard visitor parking space has been provided on site per the zoning requirements.

Garden plots and fruit trees will be located at the North end of the property and available exclusively for the residents' enjoyment and use. This will also promote sustainability on the site. Bike storage is included in each unit with oversized 2 car garages for each unit. This project aims at healthy living for it's occupants and sustainable development in its neighborhood. This encourages harmonious living trough these shared amenity spaces. The project will provide privacy fencing and 1 meter of vegetative screening & fencing on the North side of the Property, neighboring an RU1 lot. Below ground garbage & recycling bins (Molok System) is provided for maximum convenience with minimal expose above grade.

Blue Vision Design Inc.
 3448 Cougar Rd
 West Kelowna, BC V4T 2G9

P: 250.864.6666
 blue.vision@hotmail.com
 www.bluevisiondesigninc.com

Rationale Letter

July 02, 2020

While aiming at family living, the design will accommodate a variety of different types of renters, such as students, with a close proximity to bus stops leading to UBCO and nearby shopping and recreation facilities. Nearby schools are ideal for young families as their children may walk to school.

The modern/ contemporary design features of each building have an urban feel that reflect many of the new development styles around Kelowna and throughout the Okanagan and Western Canada. The dark trim, low pitch/ flat rooflines and folding planes give it an appealing architectural design, with plenty of large windows and modern entry doors. All the exterior materials specified are hearty & low maintenance with a lifespan of 25+ years. The mix of warm natural wood tones and cool colors give the development a balanced mix that reflect our seasons here in the Okanagan.

Thank you for your consideration.

Sincerely,



Bradley A. Veenstra, ASCT
Dated: July 02, 2020



OCP20-0013 Z20-0066

605 Fraser Road

460 Leathead Road

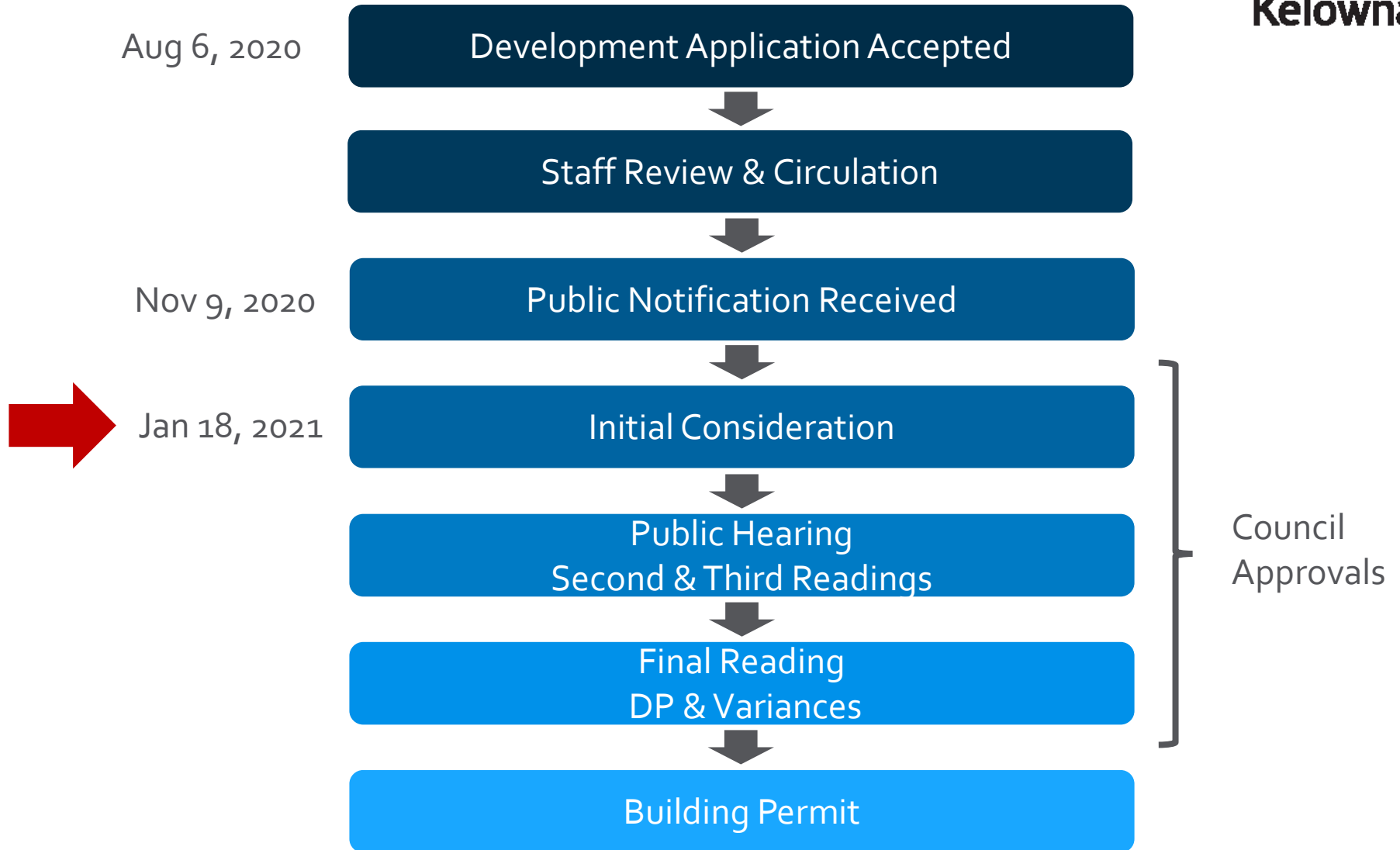
Rezoning and Official Community Plan Amendment
Applications



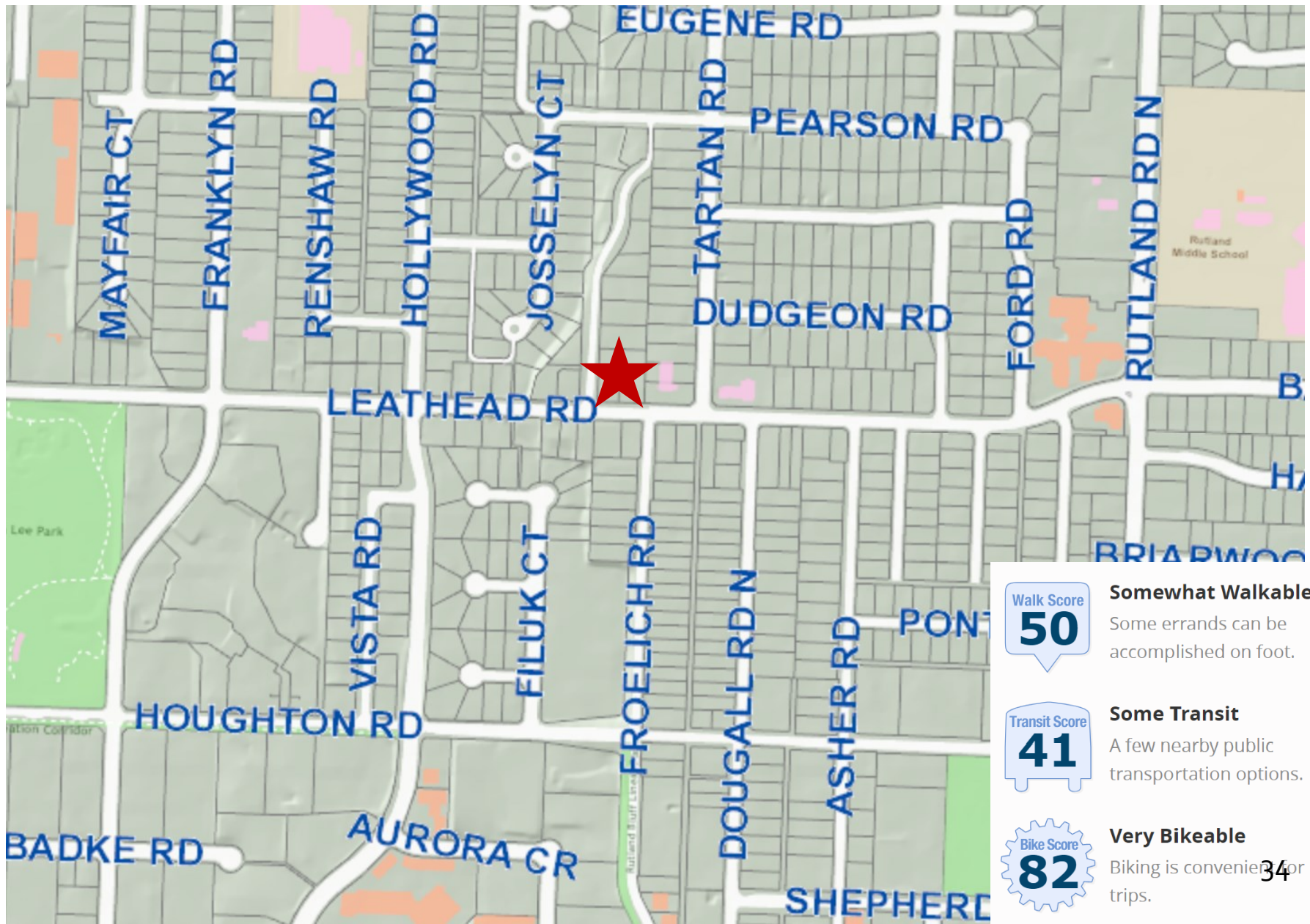
Proposal

- ▶ To rezone the subject property and to amend the Official Community Plan to change the future land use designation of the subject property to facilitate a multiple dwelling housing development.

Development Process



Context Map



Walk Score
50

Somewhat Walkable
Some errands can be accomplished on foot.

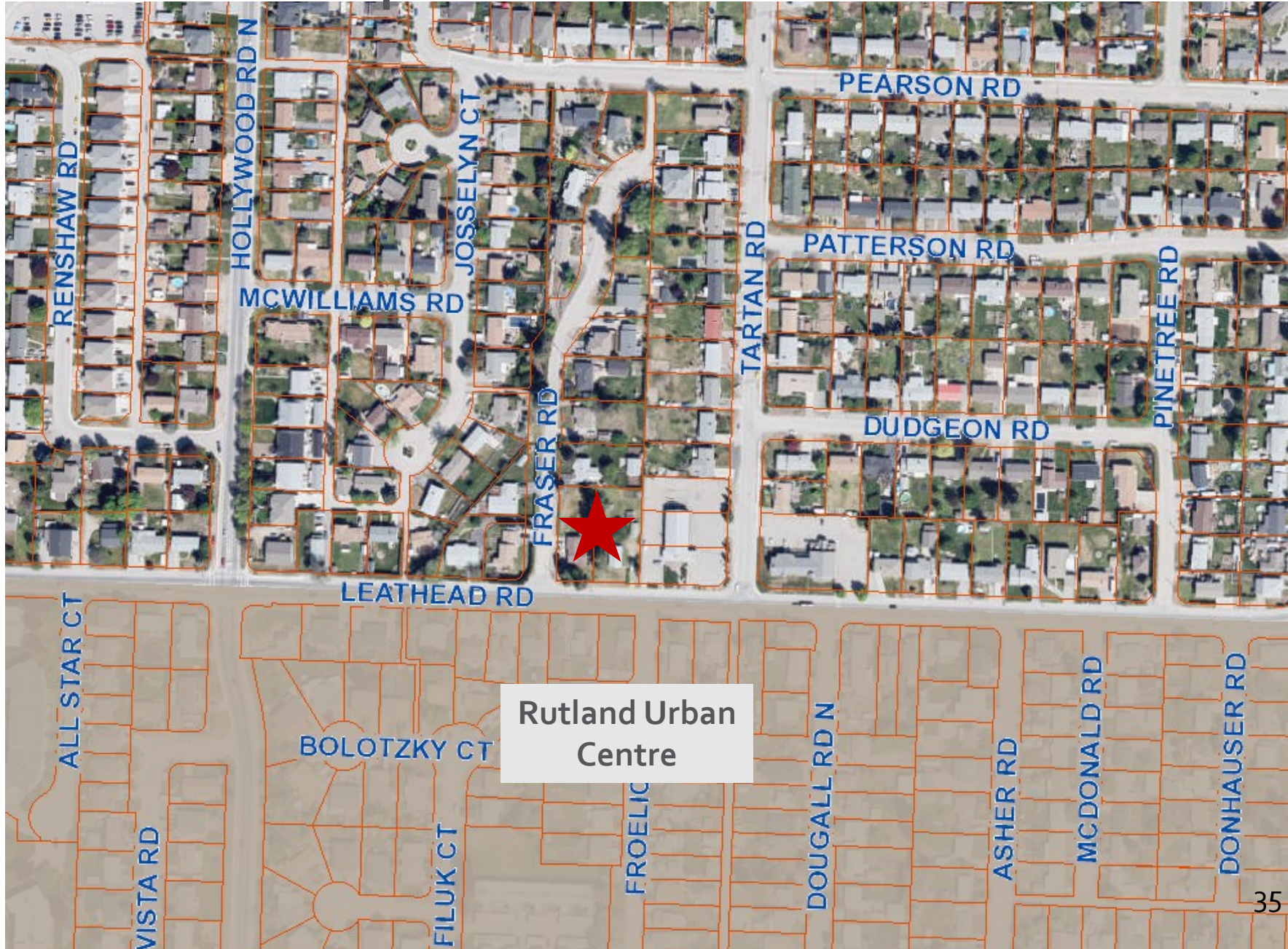
Transit Score
41

Some Transit
A few nearby public transportation options.

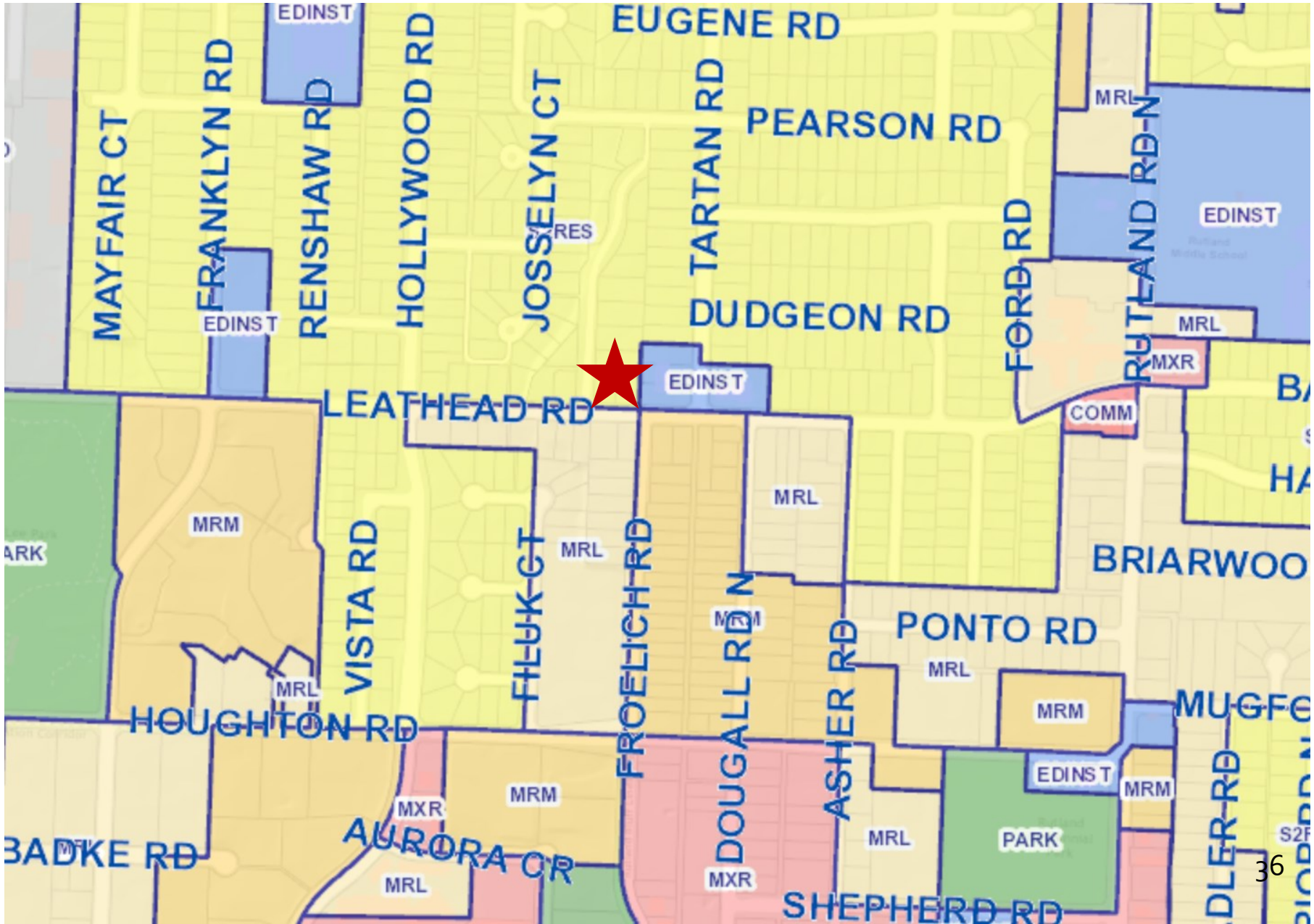
Bike Score
82

Very Bikeable
Biking is convenient for most trips.

Context Map



Future Land Use



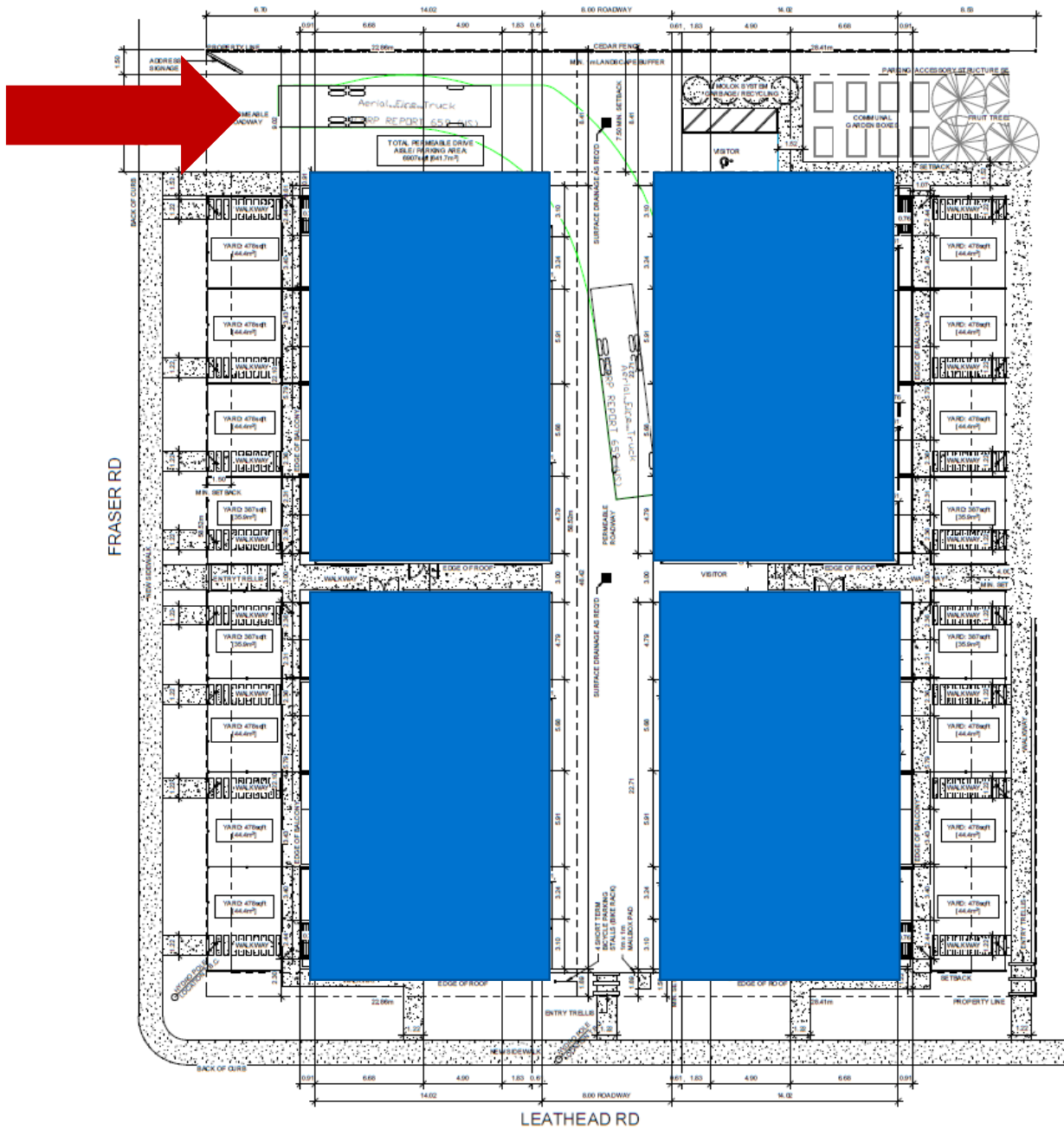
Subject Property Map



Project Details

- ▶ Multiple dwelling housing development
 - ▶ 16 units
 - ▶ Within four separate buildings
 - ▶ Four 2 bedroom units
 - ▶ Twelve 3 bedrooms units
 - ▶ Centre drive aisle
 - ▶ Garage parking
 - ▶ Ground-oriented entry

Draft Site Plan



Draft Rendering



Development Policy

- ▶ Meets the Intent of the Official Community Plan
 - ▶ Housing Mix
 - ▶ Address Housing Needs of All Residents
 - ▶ Ground Oriented Housing
- ▶ Location
 - ▶ Arterial Road (Leathead Road)
 - ▶ Public transit options
 - ▶ Near schools, parks and commercial areas

Staff Recommendation

- ▶ Staff recommend support for the Rezoning and OCP Amendment Applications
 - ▶ Supported by policies in the OCP
 - ▶ Located on an arterial road
 - ▶ Near urban amenities
- ▶ Recommend the Bylaws be forwarded to a Public Hearing



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12129

Official Community Plan Amendment No. OCP20-0013 460 Leathead Road and 605 Fraser 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 Generalized Future Land Use designation of:
 - a) Lot 1 Section 26 Township 26 Osoyoos Division Yale District Plan 12434, located on Leathead Road, Kelowna, B.C.; and
 - b) Lot 2 Section 26 Township 26 Osoyoos Division Yale District Plan 12434, located on Fraser Road, Kelowna, B.C.from the S2RES – Single / Two Unit Residential designation to the MRL – Multiple Unit Residential (Low Density) designation.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 12103

Z20-0066

460 Leathead Road and 605 Fraser 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:
 - a) Lot 1 Section 26 Township 26 Osoyoos Division Yale District Plan 12434, located on Leathead Road, Kelowna, B.C.; and
 - b) Lot 2 Section 26 Township 26 Osoyoos Division Yale District Plan 12434, located on Fraser Road, Kelowna, B.C.from the RU₁ – Large Lot Housing zone to the RM₃ – Low Density Multiple Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: January 18, 2021

To: Council

From: City Manager

Department: Development Planning

Application: Z20-0070

Owner: Karambir Singh Kler & Amarjit Kaur Kler

Address: 1089 & 1095 Clement Ave

Applicant: Jesse Alexander; New Town Architecture

Subject: Rezoning Application

Existing OCP Designation: MRM – Multiple Unit Residential Medium Density

Existing Zone: RU6 – Two Dwelling Housing

Proposed Zone: RM₄ – Transitional Low Density Housing

1.0 Recommendation

THAT Rezoning Application No. Z20-0070 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 District Lot 138 ODYD Plan 4766 and Lot 2 District Lot 138 ODYD Plan 6216 located at 1095 and 1089 Clement Avenue, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM₄ – Transitional Low Density Housing zone, be considered by Council;

AND THAT Council, in accordance with Local Government Act s. 464(2), waive the Public Hearing for the Rezoning Bylaw;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated January 18, 2021;

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

2.0 Purpose

To rezone the subject lot from the RU6 – Two Dwelling Housing zone to the RM₄ – Transitional Low Density Housing zone to facilitate the development of a 3 storey row housing complex; and to waive the Public Hearing.

3.0 Development Planning

Development Planning supports the proposal to rezone the lot to RM₄ – Transitional Low Density Housing to facilitate the development of a 3 storey row housing complex.

The lot is located near the corner of Clement Ave and Gordon Dr—both arterial roads also considered to be major transit corridors. In addition, the lot is less than 750m east of the City Centre Urban Centre with associated amenities and destinations. Also, the lot has excellent access to numerous active transportation options, including the Rail Trail (20m); Cawston Ave Recreation Corridor (200m); and Ethel St. multi-use pathway (350m). Finally, the lot has access to a lane to allow for vehicle access from the rear. Given these factors, the lot is in a suitable location to see an increase in density in line with the RM₄ zone. Accordingly, the lot has a future land use designation of MRM – Multiple Unit Residential Medium Density, which does accommodate the RM₄ zone.

4.0 Proposal

4.1 Project Description

The applicant proposes to rezone the lot to RM₄ – Transitional Low Density Housing to facilitate the development of a 3 storey row housing complex to contain two buildings and 10 units in total.

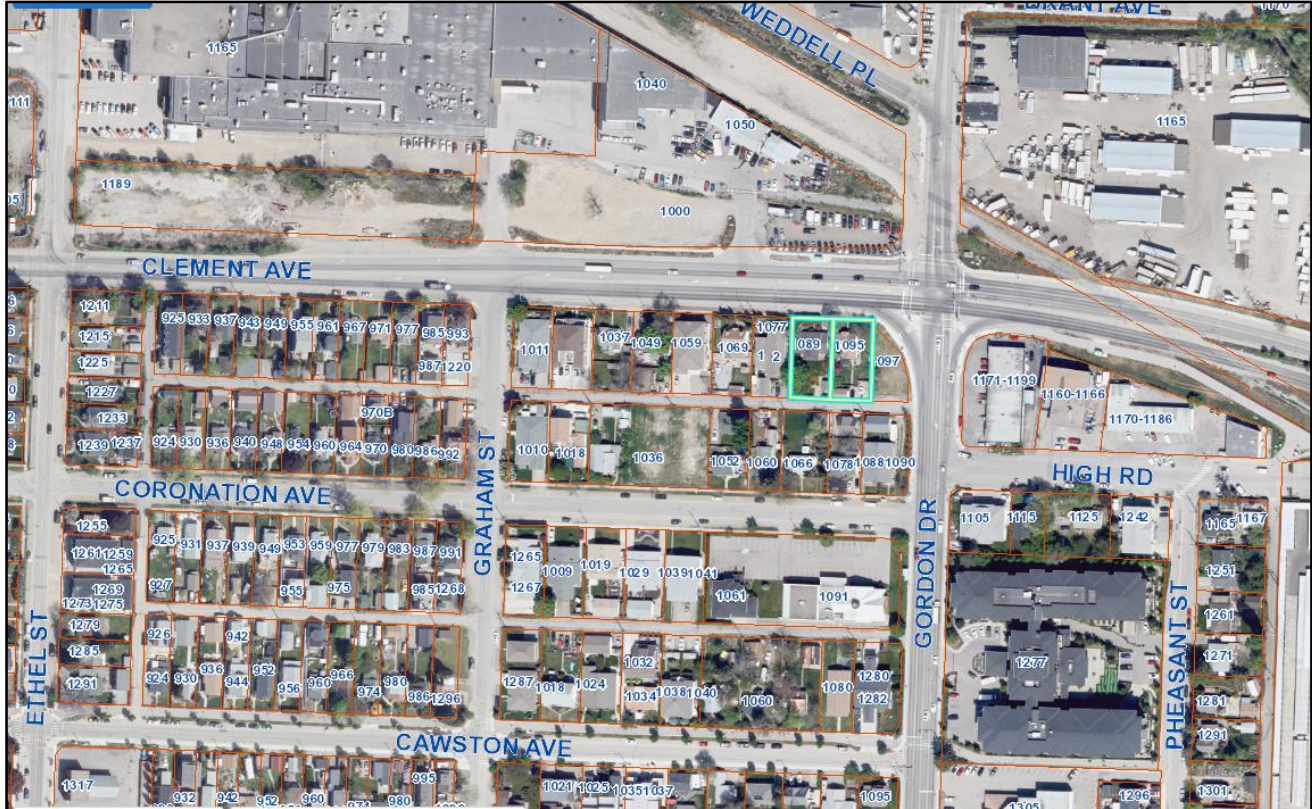
4.2 Site Context

The lot is located in the Central City Sector near the corner of Clement Ave. and Gordon Dr. and is less than 750m from downtown. Bankhead School and Lombardy Park are also nearby to the east. The site has excellent access to all forms of transportation as both Clement Ave and Gordon Dr are arterial roads considered to be major transit corridors, and the Rail Trail; Cawston Ave Recreation Corridor; and Ethel St multi-use pathway are also nearby.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I ₄ – Central Industrial	Warehouse
East	RU6 – Two Dwelling Housing	Single-Family Housing
South	RU6 – Two Dwelling Housing	Single-Family Housing
West	RU6 – Two Dwelling Housing	Semi-Detached Housing

Subject Property Map: 1089-1095 Clement Ave



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

5.2 *Policy .2 Compact Urban Form.* Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 – 100 people and/or jobs per ha located within a 400m 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

- See Schedule A

7.0 Application Chronology

Date of Application Received: June 25, 2020
Date Public Consultation Completed: December 22, 2020


Report prepared by: A.D. Thibeault, Planner II
Reviewed by: Jocelyn Black, Urban Planning Manager
Reviewed by: Terry Barton, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Schedule A: Development Engineering Memo
Attachment A: Applicant Rationale
Attachment B: Conceptual Drawing Package

CITY OF KELOWNA
MEMORANDUM

Date: August 25, 2020
File No.: Z20-0070
To: Community Planning (AT)
From: Development Engineering Manager (JK)
Subject: 1089-1095 Clement Ave

SCHEDULE A		
This forms part of application # Z20-0070		
Planner Initials	<table border="1"><tr><td style="text-align: center;">AT</td></tr></table>	AT
AT		
 City of Kelowna COMMUNITY PLANNING		
RU6 to RM4		

The Development Engineering Department has the following comments and requirements associated with this rezoning application. The road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technologist for this project is Ryan O'Sullivan

1. General

- a. The postal authorities must be contacted to determine whether or not a "community mailbox" will be utilized. Please contact the Canadian Post Corporation, Delivery Services, P.O. Box 2110, Vancouver, B.C. V6B 4Z3 (604) 662-1381 in this regard.

2. Domestic Water and Fire Protection

- a. Property 1089-1095 Clement Ave is currently serviced with a 13mm-diameter water services. The developer's consulting mechanical engineer will determine the domestic, fire protection requirements of this proposed development and establish hydrant requirements and service needs. The applicant will arrange for the removal and disconnection of the existing services and the installation of one new larger service at the applicants cost.
- b. A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost. Boulevard landscaping, complete with underground irrigation system, must be integrated with the on-site irrigation system
- c. The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures. The City of Kelowna water meter contractor must salvage existing water meters, prior to building demolition. If water meters are not salvaged, the developer will be invoiced for the meters.

SCHEDULE A

This forms part of application

Z20-0070

Planner
Initials

AT

City of
Kelowna
COMMUNITY PLANNING**3. Sanitary Sewer**

- a. Our records indicate that these properties ~~are currently serviced with a 100mm diameter sanitary sewer service.~~ The applicant's consulting mechanical engineer will determine the requirements of the proposed development and establish the service needs. Only one service will be permitted for this development. If required, the applicant will arrange for the removal and disconnection of the existing service and the installation of one new larger service at the applicants cost.

4. Storm Drainage

- a. The developer must engage a consulting civil engineer to provide a storm water management plan for this site which meets the requirements of the City Subdivision Development and Servicing Bylaw 7900. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), if applicable, and provision of a storm drainage service and recommendations for onsite drainage containment and disposal systems

5. Road Improvements

- a. Clement Ave must be upgraded to an SS-R9 cross section arterial standard along the full frontage of this proposed development, including curb and gutter, Landscaped boulevard c/w irrigation, sidewalk, drainage system including catch basins, manholes and pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction..
- b. The Laneway fronting this development will need to be upgraded to a SS-R2 standard with drainage system.

6. Road Dedication and Subdivision Requirements

- a. Grant Statutory Rights of Way if required for utility services.
- b. If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.

7. Development Permit and Site Related Issues

- a. Direct the roof drains into on-site rock pits or splash pads.
- b. The vehicle access to this site must be from the Laneway. The existing curb let down will be decommissioned and replaced at the developer's cost.

8. Electric Power and Telecommunication Services


- a. The electrical and telecommunication services to this building must be installed in an underground duct system, and the building must be connected by an underground service. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost.

SCHEDULE A

This forms part of application
Z20-0070

Planner Initials **AT**

City of **Kelowna**
COMMUNITY PLANNING



9. Design and Construction

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

10. Servicing Agreement for Works and Services

- a. A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- b. Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

11. Administration Charge

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

12. Survey, Monument and Iron Pins

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

13. Geotechnical Report


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

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

14. Charges and Fees

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

James Kay, P. Eng.
Development Engineering Manager
RO

SCHEDULE		A
This forms part of application # Z20-0070		
Planner Initials	AT	 City of Kelowna COMMUNITY PLANNING

RE: Proposal for Rezoning, DP and DVP for: 1089/1095 Clement Avenue

Introduction

This application is for re-zoning, DP, and DVP to accommodate a 10-unit infill townhome enclave located at 1089/1095 Clement Ave, Kelowna BC. The subject site is 0.348ac site assembly, located by the corner of Clement Ave and Gordon Dr. Both sites are currently occupied by a single-family home.



Site Context

The subject site consists of 2 parcels that are currently zoned RU6 – Two Dwelling Housing. This application for a Development Permit is to facilitate the construction of a two 5-unit townhome buildings. The buildings are 3 storeys in height with rooftop patios and are oriented towards Clement Ave with parking accessed from the rear lane in a mix of surface and garage stalls. This proposed infill development aligns with the City of Kelowna Official Community Plan’s goals for a sustainable future by focusing growth in compact, connected, and mixed-use centres and by creating more variety of housing types for Kelowna residents, particularly in the “missing middle”.

ATTACHMENT **A**

This forms part of application
Z20-0070

Planner
Initials **AT**



Form and Character

This development advances Okanagan Contemporary Architecture, utilizing a modern design with articulated elevation massing and varying material usage. Given the development location and proximity to the more industrial/commercial oriented neighborhood, materials were selected accordingly to give the building a more industrial feel. Wood toned fibre cement siding, windows accented by thick black metal architectural frames and corrugated metal panel are all examples of this industrial architectural vernacular. Interactive street interfaces were a priority, with homes having entrances and pathways directly to the sidewalk along Clement St.

Robust landscaping and outdoor living/recreation are a key focal point for this enclave community, with the provision of rooftop patios and turf open rear area. Private open space provided is over quadruple the bylaw requirement. A level 3 vegetated landscape buffer consisting of a 1.8m solid screen fence and various trees/ shrubs will be allocated along the Eastern boundary to help soften the interface to the existing single-family homes to the East.





Variance

To vary site coverage of buildings, parking, and driveways from 60% to 62.6%:

Although the site coverage of the building alone is within the RM4 allowance (31.7%), the combined site coverage of building/parking/driveways is slightly above the 60% limit. This is partially due to the parking being provided as surface stalls, instead of underneath the building and service driveway. Water table height within this area of the City is quite high, and it was anticipated that it would be non-feasible to provide a below structure parkade without triggering a height variance. Surface parking is also a more affordable alternative to parkades, which will contribute positively to affordability. The offset this minimal site coverage variance, the landscaping treatment will be very robust, particularly along interfaces with abutting properties and Clement Ave.



Summary

The proposed development is consistent with the City’s goal for increasing density in existing neighborhoods and complies with the Official Community Plan. There is minimal neighborhood impact, as the scale of development is similar to that of other nearby properties. The applicant kindly requests support from Staff and Council for this infill housing project.

CLEMENT AVE.

LANE

GORDON DRIVE

NOT FOR CONSTRUCTION



ATTACHMENT B

This forms part of application
Z20-0070

Planner Initials **AT**

City of Kelowna
COMMUNITY PLANNING



project title
1095/1089 CLEMENT TH

project address
**1095/1089 CLEMENT AV.,
KELOWNA, BC, V1Y 7E3**

project no.
4117

drawing title
SITE PLAN

designed LA scale 1:100

drawn LA

checked RY

drawing no.

A2.00

18/11/2020 2:04:09 PM

No	Date	Description
1	20-06-22	ISSUED for DP
2	20-11-16	RE-ISSUED for DP



Seal

NEW TOWN
ARCHITECTURE
URBAN PLANNING
CIVIL ENGINEERING
www.newtownservices.ca

ALL CONTRACTORS ARE REQUIRED TO PERFORM THEIR WORK AND SUPPLY THEIR PRODUCTS IN ACCORDANCE WITH THE PROVISIONS OF THE BC ACT AND LAWS OF THE PROVINCE OF BRITISH COLUMBIA.

This drawing is an instrument of service and the professional seal of the architect is required for which it was prepared and publication thereof is expressly limited to such use.

The drawing must not be scaled.

Verify all dimensions and details prior to commencement of work.

Report all errors and omissions to the Architect.



VIEW FROM GORDON & CLEMENT INTERSECTION



VIEW CLEMENT AVE



VIEW FROM BIRDS PERSPECTIVE



VIEW FROM REAR LANE

ALL CONTRACTORS ARE REQUIRED TO PERFORM THEIR WORK AND SUPPLY THEIR PRODUCTS IN ACCORDANCE WITH THE PROVISIONS OF THE ACT AND THE REGULATIONS OF THE PROVINCE OF BRITISH COLUMBIA.

This drawing is an instrument of service and the drawing shall be restricted to the original site for which it was prepared and publication thereof is expressly limited to such use.

The drawing must not be scaled.

Verify all dimensions and details prior to commencement of work.

Report all errors and omissions to the Architect.



NEW TOWN
ARCHITECTURE
ARCHITECTURE
URBAN PLANNING
CIVIL ENGINEERING
www.newtownservices.ca

Seal



No	Date	Description
1	20-06-22	ISSUED for DP
2	20-11-16	RE-ISSUED for DP

ATTACHMENT B

This forms part of application **220-0070**

subject title
095/1089 CLEMENT TH

project address
**1095/1089 CLEMENT TH
KELOWNA, BC, V1Y 1E8**

profession
4117



City of Kelowna
COMMUNITY PLANNING

initials
AT

drawing title
RENDERINGS

designed	check
LA	LA
drawn	LA
checked	RY
approved	

A1.01

printed 18/11/2020 2:04:07 PM



Z20-0070

1089-1095 Clement Ave.

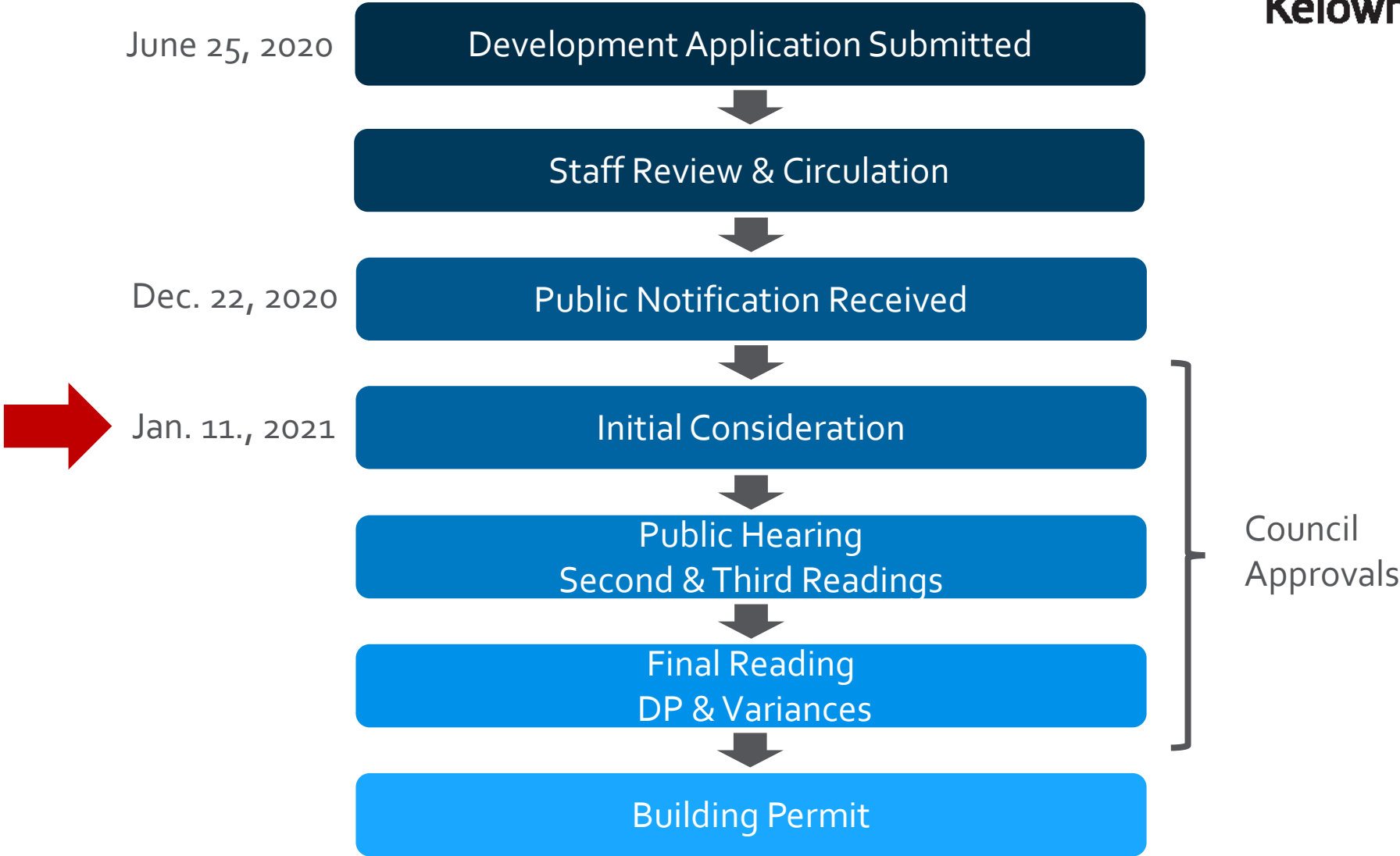
Rezoning Application



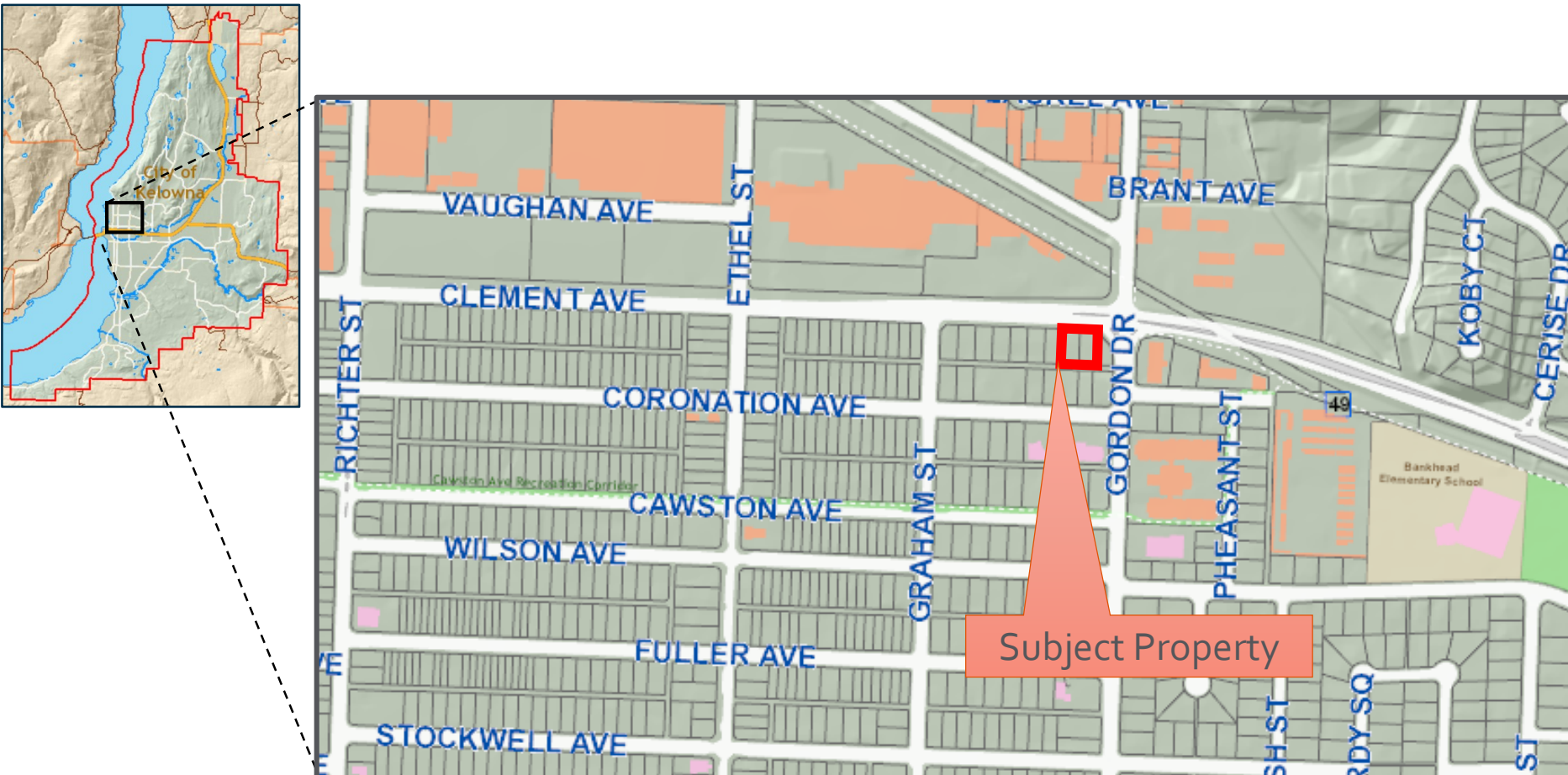
Proposal

- ▶ To rezone the subject lot from the RU6 – Two Dwelling Housing zone to the RM4 – Transitional Low Density Housing zone to facilitate the development of a 3 storey row housing complex.
- ▶ And to waive the Public Hearing, in accordance with Local Government Act s.464(2).

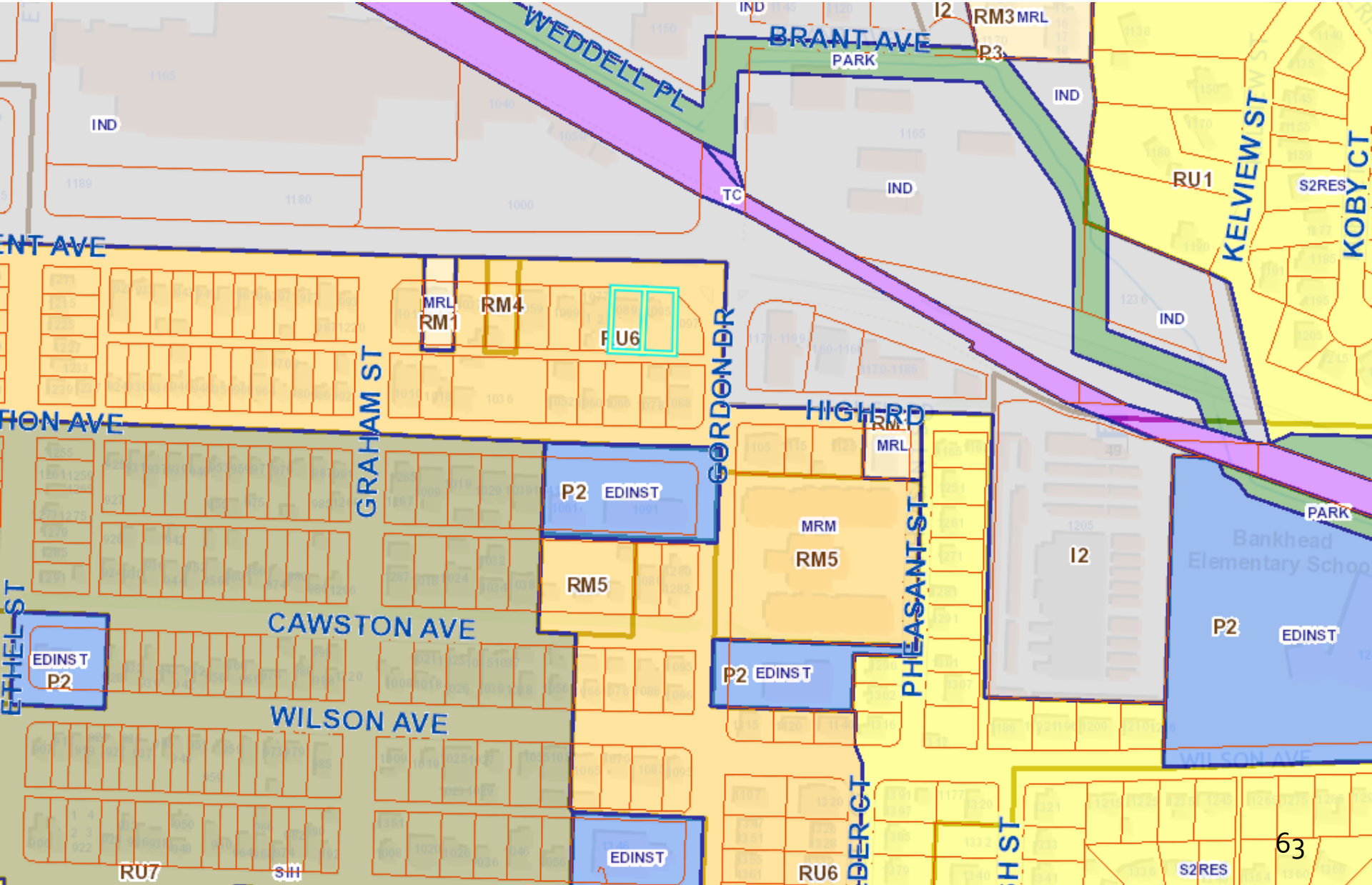
Development Process



Context Map



OCP Future Land Use / Zoning



Subject Property Map



Project/technical details

- ▶ Rezone the subject lot to RM₄ to facilitate the development of a 3 storey row housing complex.



Conceptual Render

Development Policy

- ▶ *OCP 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.

- ▶ RM₄ zone consistent with MRM future land use designation.
 - ▶ At intersection of 2 arterial roads
 - ▶ Close proximity to 2 urban centres
 - ▶ Excellent access to active transportation options

Staff Recommendation

- ▶ Staff support the proposal to rezone the property to RM₄ to facilitate a 3 storey row housing complex.
 - ▶ In an optimal location to support more residential density under the RM₄ zone



Conclusion of Staff Remarks

CITY OF KELOWNA
BYLAW NO. 12140
Z20-0070 -
1089 and 1095 Clement 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:
 - a) Lot 2 District Lot 138 ODYD Plan 6216 located at Clement Avenue, Kelowna, BC;
 - b) Lot 1 District Lot 138 ODYD Plan 4766 located at Clement Avenue, Kelowna, BC;from the RU6 – Two Dwelling Housing zone to the RM4 – Transitional Low Density Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: January 18, 2021

To: Council

From: City Manager

Department: Development Planning

Application: TA20-0021 **Owner:** N/A

Address: N/A **Applicant:** City of Kelowna

Subject: Text Amendment Application

1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA20-0021 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" attached to the Report from the Development Planning Department dated January 18, 2021 be considered by Council;

AND THAT the Zoning Bylaw Text Amending Bylaw be forwarded to a Public Hearing for further consideration.

2.0 Purpose

To consider a Text Amendment Application to the HD3 - Health Services Transitional Zone to add multiple dwelling housing as a primary use.

3.0 Development Planning

The HD3- Health Services zone was adopted by Council in 2014. The purpose of the HD3 – Health Services Transitional Zone is to provide a transitional zone, including supportive and low-impact health service uses, from the Kelowna General Hospital (KGH) campus to the established residential neighbourhood to the north and south of the KGH. For those parcels identified in blue on the boundary map below, this zone allows for small-scale health services that are compatible with residential land uses and capable of being located in a neighbourhood setting.

Additionally, the Official Community Plan supports integrated uses for the KGH campus both physically and functionally with the surrounding community. The addition of multiple dwelling housing as primary use in the HD3 Zone is an appropriate scale of development for this area and would allow for the modest transition from KGH to the existing surrounding residential land uses the HD3 Zone was intended for.

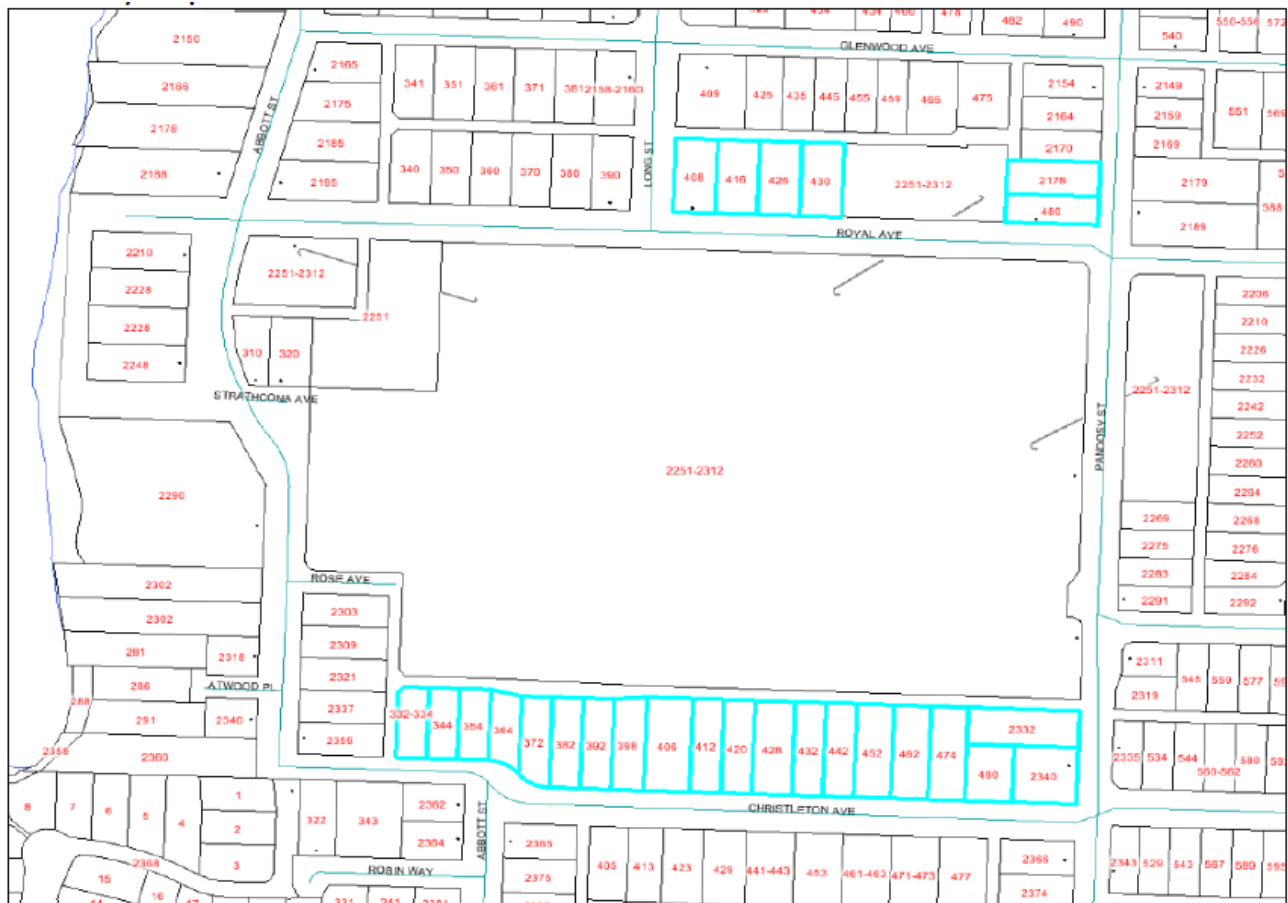
The addition of multiple dwelling housing is supported by existing development regulations in the zone that would allow for minimal density and low-rise development, particularly floor area ratio (FAR) and height:

Section 17.3.4 (a) The maximum floor area is 0.5, except it is 1.0 for properties with a lot area of more than 1800m²; and

Section 17.3.4 (c) The maximum building height is the lesser of 9.5 meters or 2 ½ storeys, except it is 4.5m for accessory buildings. Where parking is provided totally beneath habitable space of a principal building providing that in all cases, the parking spaces are screened from street frontage view, the maximum building height is the lesser of 10 meters or 3 storeys.

Additionally, the current development pattern to both the north and south of the KGH campus is single-family homes typically separated by adjacent single-family development with a laneway. Staff believe that multiple dwelling housing, built to the development regulations of the zone, are a compatible use with the existing residential nature and can also assist in buffering existing single family homes beyond the zone from the active KGH campus. Form and character developments permits for multi-family will be thoroughly reviewed for site specific context and design that is transitional in nature and adequately meets the intent of the zone.

HD3 - Health Services Transitional Zone Boundary Map:



4.0 Proposal

4.1 Background

This broad amendment to the HD3 - Health Services Transitional zone was initiated by development applications to facilitate development proposals at 480 Royal Avenue under application Z20-0059 and 416,

426 and 430 Royal Ave under application Z19-0068. The specific development applications will be considered by Council in separate applications.

5.0 Current Development Policies

5.1 Healthy Housing Strategy

Four key directions form the framework for the strategy:

1. Promote and protect rental housing;
2. Improve housing affordability and reduce barriers for affordable housing;
3. Build the right supply; and
4. Strengthen partnerships and align investments.

5.2 Kelowna Official Community Plan (OCP)

Chapter 1: Introduction

Goals for a Sustainable Future:

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

Objective 5.22 Ensure context sensitive housing development.

Policy .11 Housing Mix. Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed-use developments.

6.0 Technical Comments

6.1 Development Engineering Department

The Development Engineering Branch has no comments related to the request for a Text Amendment. All Development Engineering Department comments related to the development at 480 Royal Avenue are included in City of Kelowna Memorandum for Z20-0059.

7.0 Application Chronology

Date of Application Received: August 11, 2020

Report prepared by: Barbara B. Crawford, Planner II
Reviewed by: Jocelyn Black, Urban Planning Manager
Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

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

Schedule A – TA20-0021 - Proposed Text Amendment to Zoning Bylaw No. 8000

Section	Existing Text	Proposed Text	Explanation of Change
Section 17 – Health District Zone, 17.3 HD3 – Health Services Transitional, 17.3.2 Principal Uses	17.3.2.1 The principal uses in this zone are: (a) boarding or lodging house (b) congregate housing (c) group home, minor (d) health services, minor (e) health services, major (f) single detached housing (g) two dwelling housing	17.3.2.1 The principal uses in this zone are: (a) boarding or lodging house (b) congregate housing (c) group home, minor (d) health services, minor (e) health services, major (f) single detached housing (g) two dwelling housing (h) multiple dwelling housing	This addition will facilitate modest density increase and support the modest transition from Kelowna General Hospital Campus to the existing surrounding residential land uses the HD3 – Health Services Transition Zone was intended for.

SCHEDULE A

This forms part of application
 # TA20-0021

Planner
Initials

BC



City of
Kelowna
DEVELOPMENT PLANNING



TA20-0021

480 Royal Avenue

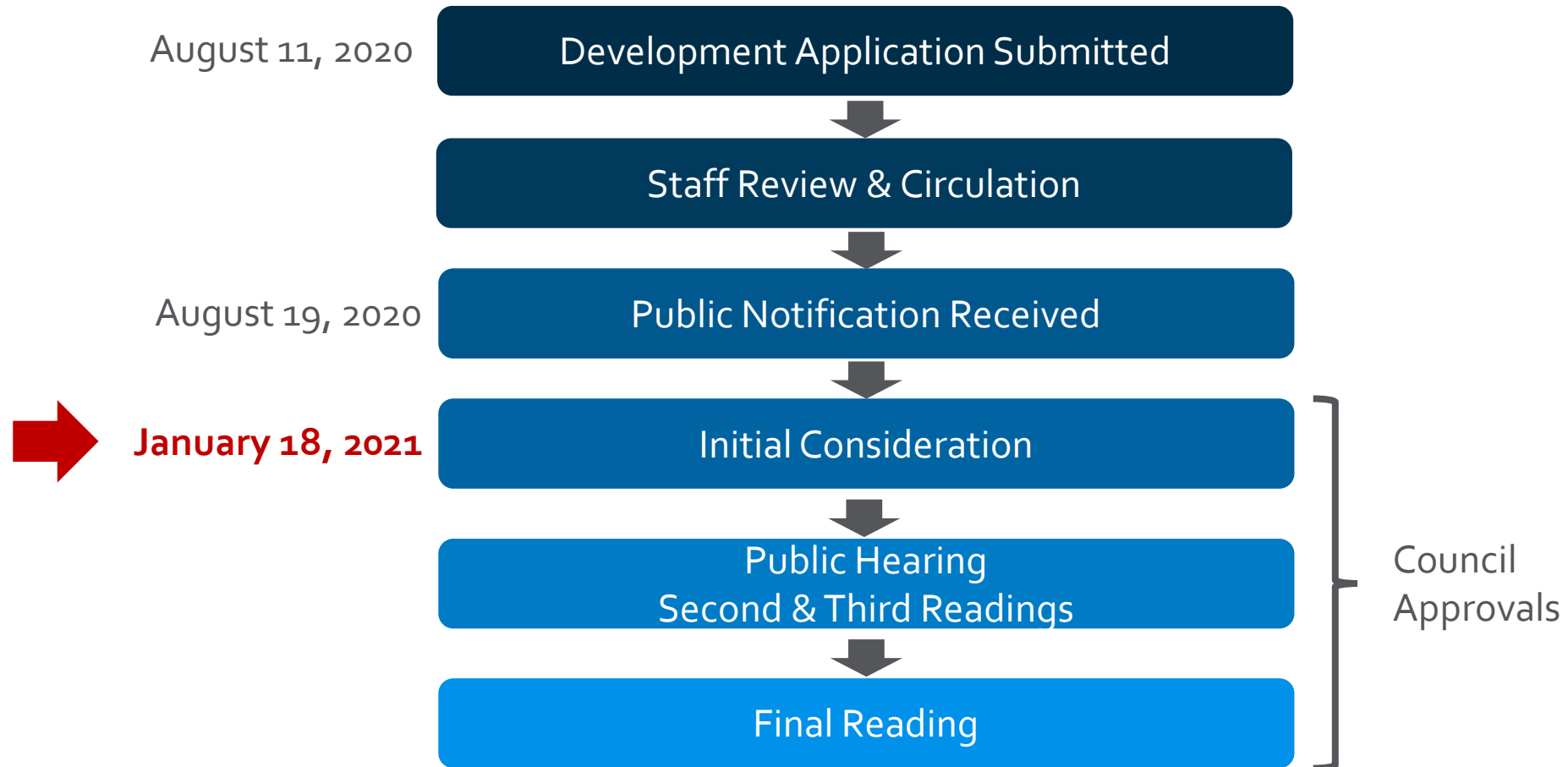
Text Amendment Application



Proposal

- ▶ To consider a Text Amendment Application to the HD3 - Health Services Transitional Zone, to add multiple dwelling housing as a primary use.

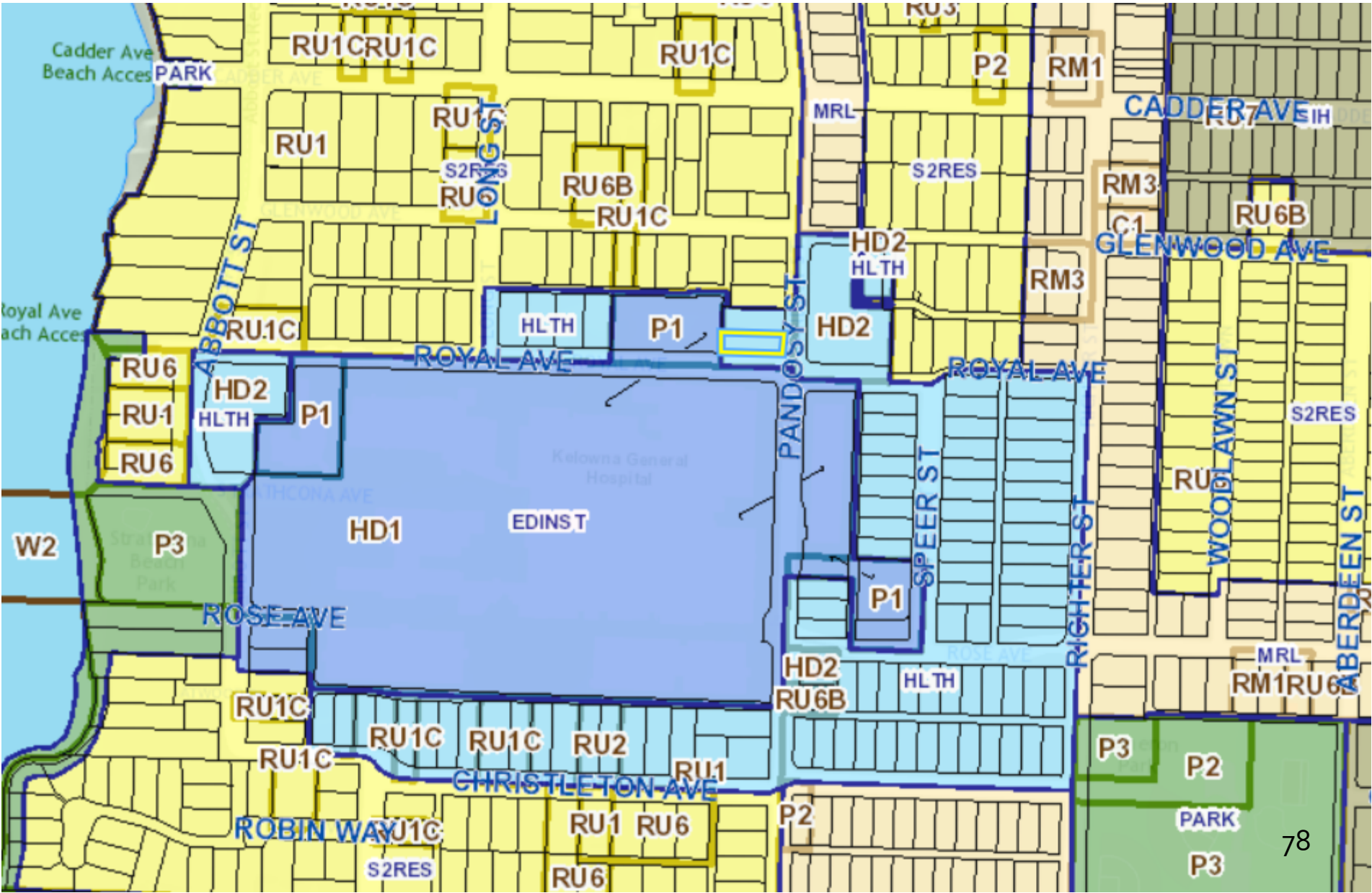
Development Process



HD3 - Health Services Transitional

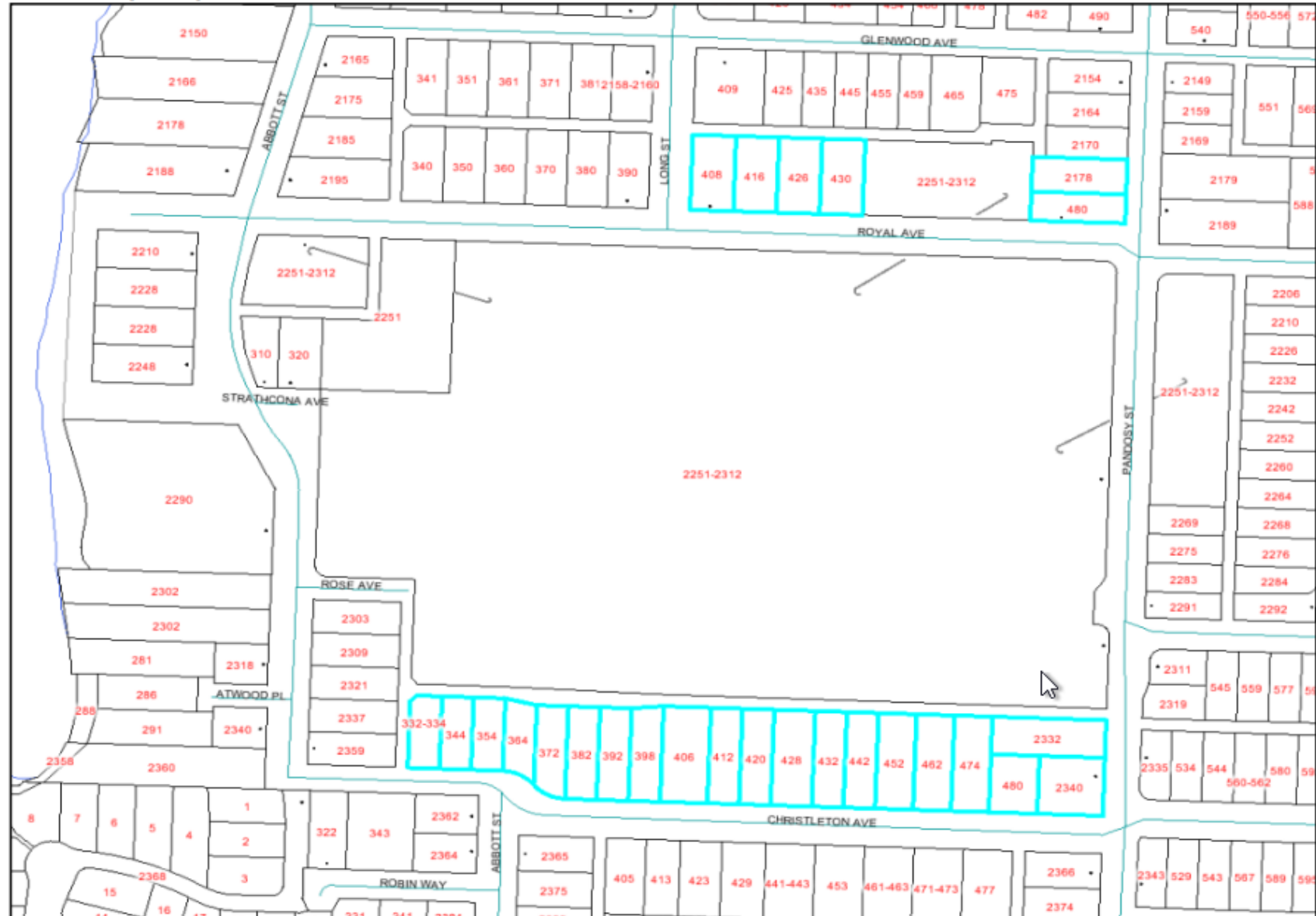
- ▶ HD3- Health Services Transitional was created as part of Phase 1 of the Hospital Area Plan
- ▶ The zone is intended for the transitional area immediately north and south of KGH
- ▶ Intention is to minimize impact of the Hospital Campus on adjacent residential neighbourhood and allow for sensitive transitions

OCP Future Land Use



HD3 - Health Services Transitional

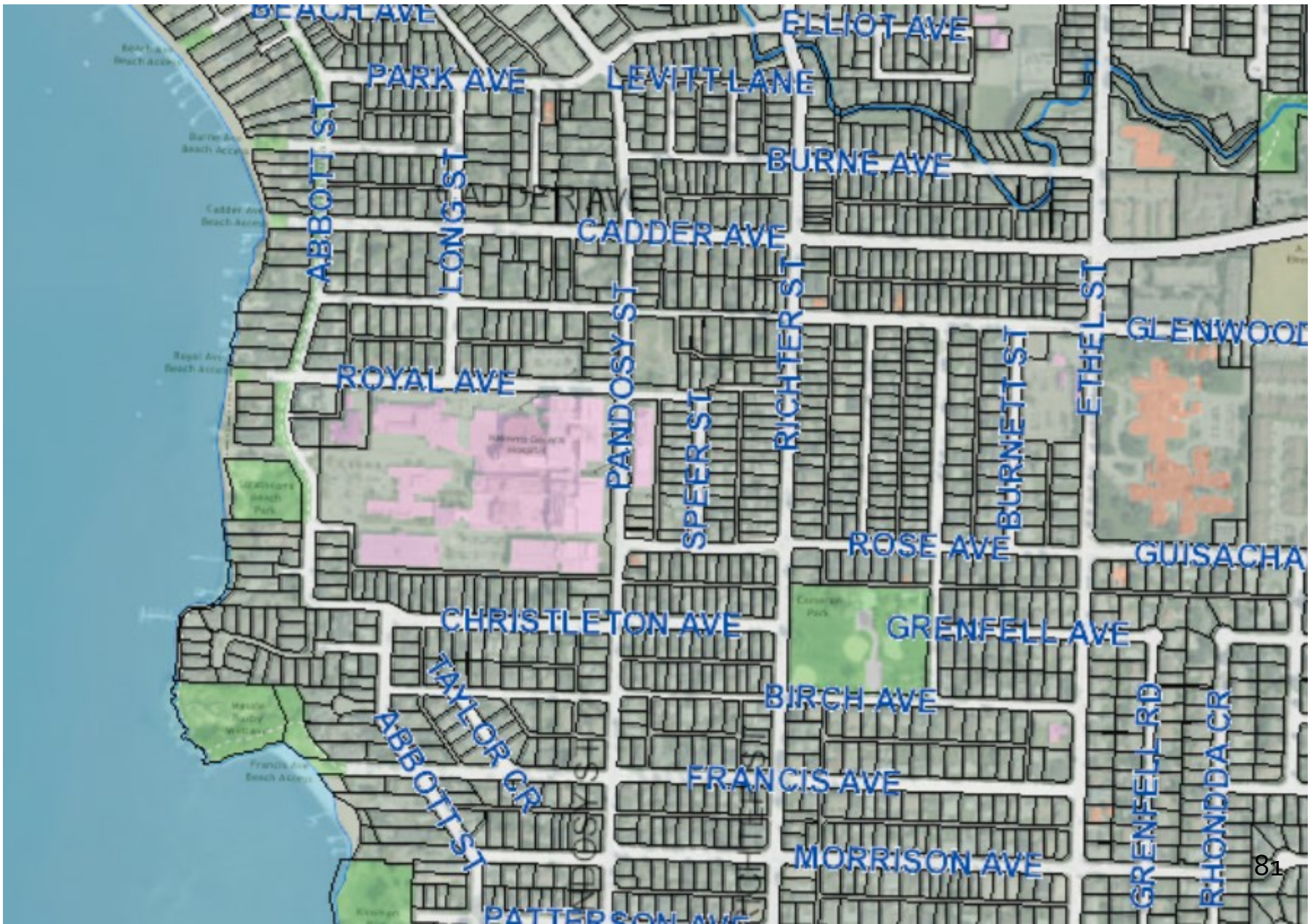
Boundary Map:



Zoning Bylaw Regulations

- ▶ Allow minimal density and low-rise development, particularly floor area ratio (FAR) and height
 - ▶ Section 17.3.4 (a) The maximum floor area is 0.5, except it is 1.0 for properties with a lot area of more than 1800m²
 - ▶ Section 17.3.4 (c) The maximum building height is the lesser of 9.5 meters or 2 1/2 storeys, except it is 4.5m for accessory buildings

Context Map



Development Policy

- ▶ Meets the intent of Official Community Plan for Health District
 - ▶ Integrate uses to support KGH campus.
- ▶ Meets the intent of HD3 - Health Services Transitional zone
 - ▶ Provide a transitional zone from the KGH campus to the established residential neighbourhood to the north and south.

Staff Recommendation

- ▶ Staff recommend **support** for the proposed Text Amendment Application to the HD3 - Health Services Transitional Zone, to add multiple dwelling housing as a primary use.
- ▶ Meets the intent of the Official Community Plan
 - ▶ Health District
- ▶ Recommend the Bylaw be forwarded to Public Hearing



Conclusion of Staff Remarks


Schedule A – TA20-0021 - Proposed Text Amendment to Zoning Bylaw No. 8000

Section	Existing Text	Proposed Text	Explanation of Change
Section 17 – Health District Zone, 17.3 HD3 – Health Services Transitional, 17.3.2 Principal Uses	17.3.2.1 The principal uses in this zone are: (a) boarding or lodging house (b) congregate housing (c) group home, minor (d) health services, minor (e) health services, major (f) single detached housing (g) two dwelling housing	17.3.2.1 The principal uses in this zone are: (a) boarding or lodging house (b) congregate housing (c) group home, minor (d) health services, minor (e) health services, major (f) single detached housing (g) two dwelling housing (h) multiple dwelling housing	This addition will facilitate modest density increase and support the modest transition from Kelowna General Hospital Campus to the existing surrounding residential land uses the HD3 – Health Services Transition Zone was intended for.

SCHEDULE A

This forms part of application
TA20-0021

Planner
Initials BC



City of
Kelowna

DEVELOPMENT PLANNING

CITY OF KELOWNA

BYLAW NO. 12150

TA20-0021

HD3 – Health Services Transitional Text Amendment

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 **Section 17 – Health District Zones, 17.3 HD3 - Health Services Transitional, 17.3.2 Principal Uses** be amended by adding in its appropriate location:
 “(h) **multiple dwelling housing**”
2. AND THAT **Section 17 – Health District Zones** be amended by deleting all occurrences of:
 “**Section 17 – Health District Zone**”
3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: January 18, 2021

To: Council

From: City Manager

Department: Development Planning

Application: Z20-0059 **Owner:** W Squared Ventures Inc.,
Inc.No. BC1258050

Address: 480 Royal Avenue **Applicant:** Shane Worman – Simple
Pursuits Inc.

Subject: Rezoning Application

Existing OCP Designation: HLTH – Health District

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: HD3 – Health Services Transitional

1.0 Recommendation

THAT Rezoning Application No. Z20-0059 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 4, District Lot 14, Osoyoos Division Yale District, Plan 7535, located at 480 Royal Avenue, Kelowna, BC from the RU1 - Large Lot Housing zone to the HD3 - Health Services Transitional zone, be considered by Council;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated January 18, 2021;

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

2.0 Purpose

To consider an application to rezone the subject property from the RU1- Large Lot Housing to the HD3 - Health Services Transitional to facilitate the development of a mixed-use building.

3.0 Development Planning

Staff are supportive of the proposed rezoning of the subject property from RU1- Large Lot Housing to HD3 - Health Services Transitional to facilitate the development of a two-storey mixed-use building.

The proposal is consistent with the Official Community Plan (OCP) future land use designation of Health District. The OCP supports integrated uses for the Kelowna General Hospital (KGH) campus both physically and functionally with the surrounding community.

Additionally, as per the Zoning Bylaw, the intent of the HD3 – Health Services Transitional zone is to provide a transitional zone, including supportive and low-impact health service uses, from the KGH campus to the established residential neighbourhood to the north and south. The zone allows for small-scale health services that are generally compatible with residential land uses and capable of being located in a neighbourhood setting.

As such, the proposed two-storey mixed-use building in this location would allow for the modest transition from KGH to the existing surrounding residential land uses that the HD3 Zone was intended for, as well as an appropriate scale of development within the HD3 area.

As the site is located in the Abbott Street Heritage Conservation Area, a Heritage Alteration Permit (HAP) is required for the project. Should Council support the rezoning, the HAP application would be brought before Council for consideration.

To fulfill Council Policy No. 367, the applicant submitted a Neighbour Consultation Summary Form to Staff on August 23, 2020, outlining that the neighbours within 50m² of the subject property were notified.

4.0 Proposal

4.1 Project Description

Located on a highly visible corner lot, the proposal offers the opportunity to develop a new two-storey mixed use building that fronts onto Royal Avenue. The proposal consists of four ground-oriented commercial units on the main floor that is intended to support KGH. The second floor contains four 1-bedroom rental residential suites. Given the proximity of the site to the KGH campus, the proposal meets the purpose of the HD3 - Health Services Transitional Zone and offers an opportunity to provide low-impact health services and rental residential suites through a built form that is sensitive to the adjacent residential properties to the north.

4.2 Site Context

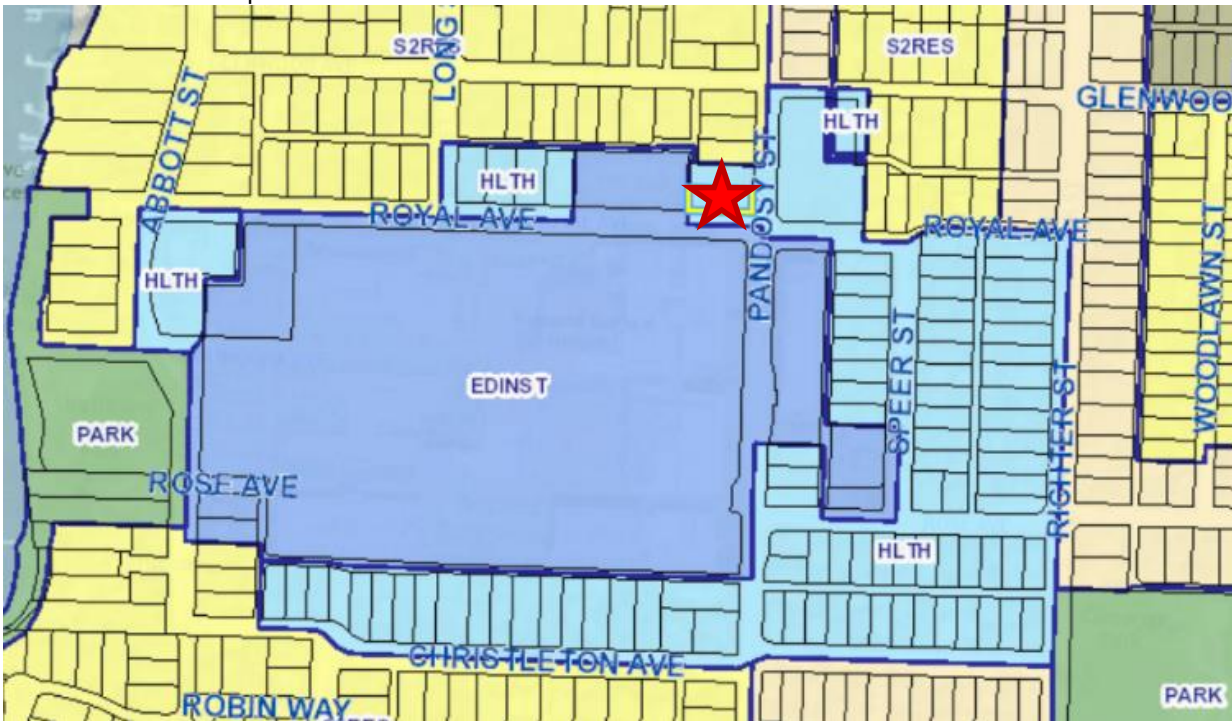
The subject property is located at the corner of Royal Avenue and Pandosy Street within the Central City Sector. The vacant lot fronts Royal Avenue to the south and is flanked by Pandosy Street to the east. Surrounding land use consists of single-family dwelling lots to the north, a parking lot to the west, the KGH campus to the south and a vacant lot zoned HD2 – Hospital and Health Support Services to the east.

Subject Property Map: 480 Royal Avenue

Zoning Map:



Future Land Use Map:



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 4: Health District

Definition:

The Health District west of Pandosy Street is a transitional area from the Kelowna General Hospital campus to the surrounding residential neighbourhoods. Any properties west of Pandosy Street that are designated health district are limited to the HD3- Health Services Transitional zone of the Zoning Bylaw. The embedded guidelines are intended to ensure that the design of individual developments is compatible with the overall neighbourhood context, adjacent established and future residential neighbourhoods of this area.

5.2 Zoning Bylaw Number 8000

Section 17.3: HD3 – Health Services Transitional

Purpose:

The intent of the HD3 – Health Services Transitional zone is to provide a transitional zone, including supportive and low-impact health service uses, from the Kelowna General Hospital campus to the established residential neighbourhood to the north and south. The zone will allow for small-scale health services that are generally compatible with residential land uses and capable of being located in a neighbourhood setting.

6.0 Technical Comments

6.1 Development Engineering Department

Refer to attached Schedule A, Development Engineering Department Memorandum, dated July 29, 2020.

7.0 Application Chronology

Date of Application Received: July 22, 2020
Date of Revised Plans Received: October 1, 2020
Date Public Consultation Completed: August 23, 2020

Report prepared by: Barbara B. Crawford, Planner II
Reviewed by: Jocelyn Black, Urban Planning Manager
Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule A: Development Engineering Department Memorandum, dated July 29, 2020.

Attachment A: Site Plan and Project Rendering

CITY OF KELOWNA
MEMORANDUM

SCHEDULE	A
This forms part of application # Z20-0059	
Planner Initials	BC
 City of Kelowna DEVELOPMENT PLANNING	

Date: July 29, 2020
File No.: Z20-0059
To: Urban Planning (JB)
From: Development Engineering Manager (JK)
Subject: 480 Royal Ave. RU1 to HD3

The Development Engineering Branch has the following comments and requirements associated with this application. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

1) SITE-RELATED ISSUES

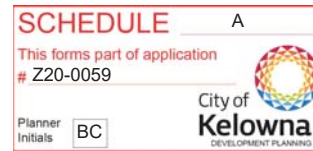
- a) The following requirements are valid for one (1) years from the reference date of this memo, or until the PLR and/or application has been closed, whichever occurs first. The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.
- b) Existing east driveway on Royal Ave. must be removed and replaced with sidewalk, curb and gutter, and irrigated landscaped boulevard.
- c) Dedicate ~3.18m width along the full frontage of Pandosy St. to match KGH property line on Pandosy St.
- d) 6.0m corner rounding will be required on the south east corner.

2) ROAD IMPROVEMENTS

- a) Pandosy St. frontage upgrades shall include irrigated landscaped boulevard and removing the elevation drop from back of sidewalk to existing/future property line to remove the trip/fall hazard. Otherwise, the existing frontage for this development has already been upgraded, and no further upgrades are required at this time.
- b) Royal Ave. frontage upgrades shall include irrigated landscaped boulevard and removal of fence and retaining wall with a properly graded boulevard, removing any trip/fall hazards. Otherwise, the existing frontage for this development has already been upgraded, and no further upgrades are required at this time.

3) DOMESTIC WATER AND FIRE PROTECTION

- a) The subject property is currently serviced with a 13mm water service. One metered water service will be required for the development. The disconnection of the existing small diameter water services and the tie-in of a larger service is the developer's responsibility, if required. You can engage an engineer and contractor to manage the work on your behalf at the developer's expense.



4) SANITARY SEWER SYSTEM

- a) The subject property is currently serviced with a 100mm water service. The disconnection of the existing small diameter sanitary services and the tie-in of a larger service is the developer's responsibility, if required. You can engage an engineer and contractor to manage the work on your behalf at the developer's expense.

5) STORM DRAINAGE

- a) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the Subdivision, Development and Servicing Bylaw No. 7900. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and provision of a storm drainage service for the development and / or recommendations for onsite drainage containment and disposal systems. Only one service will be permitted for this development. The applicant, at his cost, will arrange the installation of one overflow service if required.

6) EROSION SERVICING CONTROL PLAN

- a) Provide a detailed ESC Plan for this development as per the Subdivision, Development and Servicing Bylaw #7900.
- b) The developer must engage a consulting civil engineer to provide an ESC plan for this site which meets the requirements of the City Subdivision Development and Servicing Bylaw 7900.
- c) Civil consultant is responsible for all inspection and maintenance.
- d) A Security Deposit for ESC Works equal to 3.0% of the Consulting Engineer's opinion of probable costs of civil earthworks and infrastructure will be added to the Servicing Agreement.

5) GEOTECHNICAL REPORT

Provide a comprehensive geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.**

The Geotechnical reports must be submitted to the Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval

- a) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- b) Site suitability for development.
- c) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- d) Any special requirements for construction of roads, utilities and building structures.

- e) Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands.
- f) Slope stability, rock fall hazard and slippage including the effects of drainage and septic tank effluent on the site.
- g) Top of bank assessment and location including recommendations for property line locations, septic field locations, building setbacks, and ground water disposal locations.
- h) Recommendations for items that should be included in a Restrictive Covenant.
- i) Any special requirements that the proposed subdivision should undertake so that it will not impact the bank(s). The report must consider erosion and structural requirements.
- j) Any items required in other sections of this document
- k) Recommendations for erosion and sedimentation controls for water and wind.
- l) Recommendations for roof drains and perimeter drains.
- m) Recommendations for construction of detention or infiltration ponds if applicable.

7) **DESIGN AND CONSTRUCTION**

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

8) **SERVICING AGREEMENT FOR WORKS AND SERVICES**

- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than

\$5,000,000 and the City is to be named on the insurance policy as an additional insured.

9) **POWER AND TELECOMMUNICATION SERVICES**

- a) All proposed service connections are to be installed underground. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost.

10) **OTHER ENGINEERING COMMENTS**

- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- b) If any road dedication affects lands encumbered by a Utility right-of-way, please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.

11) **CHARGES AND FEES**

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

James Kay, P. Eng.
Development Engineering Manager

AS

480 ROYAL AVE., KELOWNA, BC

PROPERTY DESCRIPTION
CNC: 480 Royal Avenue, Kelowna, BC
LEGAL: Lot 4, Rwy 7535

ZONING CALCULATIONS:

CURRENT: City of Kelowna RUI1 Zoning
RE-ZONING: City of Kelowna HD3 Zoning

SITE INFORMATION:
Gross Site Area (south of Lane Dedication) =

Allowed: 7,444.3 SF (871.6 SM)
Proposed: 358 (2,577 SF)
Allowed: 656 (75.97 SF) --- 775 (90.97 SF)
Proposed: 133 (15.72 SF) --- 125 (14.72 SF) --- **Variance Required**

Unit Area Calculations:

Floor Area
GFA #1 523 SF
GFA #2 482 SF
GFA #3 482 SF
GFA #4 518 SF

Second Land
REE #1 469 SF
REE #2 386 SF
REE #3 436 SF
REE #4 478 SF

TOTAL New Commercial
2,002 SF (186.5M)
TOTAL New Residential
2,775 SF (145.5M)
TOTAL New

Building Height:

Allowed: 9.5m (31' 10") CR2.5 steps
Proposed: 7.8m (25' 7") CR2.5 steps

Tree setbacks:

Allowed: 2.0m
Proposed: 6m
Side Setback - 2.0m for 1st 1.5 story / 2.5m for 2.5 to 3 story / 2.115m for 1 story / 2.400m for 2 story
Rear yard - 6m
Front - 19.734m

Site Area / North Direction:

Requested: 4 Required
1.014 per 1 Bedroom Unit 1 Required
1.014 per 1 Bedroom Unit 2 Required
3.5 (10m² Health Service) 12 Required 107

Permitting Calculations:
1 per 1 Bedroom Unit =
3.5 (10m² Health Service) =

Other Calculations:
1 per 200 sq ft = 1 (Required)
2 per 1000 sq ft = 2 (Required)

Landscaping Requirements:
1 per 200 sq ft = 1 (Required)
2 per 1000 sq ft = 2 (Required)

Open Space:
1 per 200 sq ft = 1 (Required)
2 per 1000 sq ft = 2 (Required)

Open Space:
1 per 200 sq ft = 1 (Required)
2 per 1000 sq ft = 2 (Required)

Open Space:
1 per 200 sq ft = 1 (Required)
2 per 1000 sq ft = 2 (Required)

Open Space:
1 per 200 sq ft = 1 (Required)
2 per 1000 sq ft = 2 (Required)

Open Space:
1 per 200 sq ft = 1 (Required)
2 per 1000 sq ft = 2 (Required)

Open Space:
1 per 200 sq ft = 1 (Required)
2 per 1000 sq ft = 2 (Required)

Open Space:
1 per 200 sq ft = 1 (Required)
2 per 1000 sq ft = 2 (Required)

Open Space:
1 per 200 sq ft = 1 (Required)
2 per 1000 sq ft = 2 (Required)

Open Space:
1 per 200 sq ft = 1 (Required)
2 per 1000 sq ft = 2 (Required)

Open Space:
1 per 200 sq ft = 1 (Required)
2 per 1000 sq ft = 2 (Required)

Open Space:
1 per 200 sq ft = 1 (Required)
2 per 1000 sq ft = 2 (Required)

Open Space:
1 per 200 sq ft = 1 (Required)
2 per 1000 sq ft = 2 (Required)

Open Space:
1 per 200 sq ft = 1 (Required)
2 per 1000 sq ft = 2 (Required)

ATTACHMENT A
This forms part of application # Z20-0059
City of Kelowna DEVELOPMENT PLANNING
Planner Initials BC



LIME
WORMAN
CORPORATION
Revision No. Date
PROJECT: 480 ROYAL AVE., KELOWNA
DRAWING TITLE: CONCEPTUAL LANDSCAPE PLAN
FOR DVP





Z20-0059 480 Royal Avenue

Rezoning Application



Proposal

- ▶ To consider an application to rezone the subject property from the RU₁-Large Lot Housing to the HD₃ - Health Services Transitional to facilitate the development of a mixed-use building.

RU₁  HD₃

Development Process



July 22, 2020

Development Application Submitted

Staff Review & Circulation

August 23, 2020

Public Notification Received



January 18, 2021

Initial Consideration

Public Hearing
Second & Third Readings

Final Reading
Heritage Alteration Permit

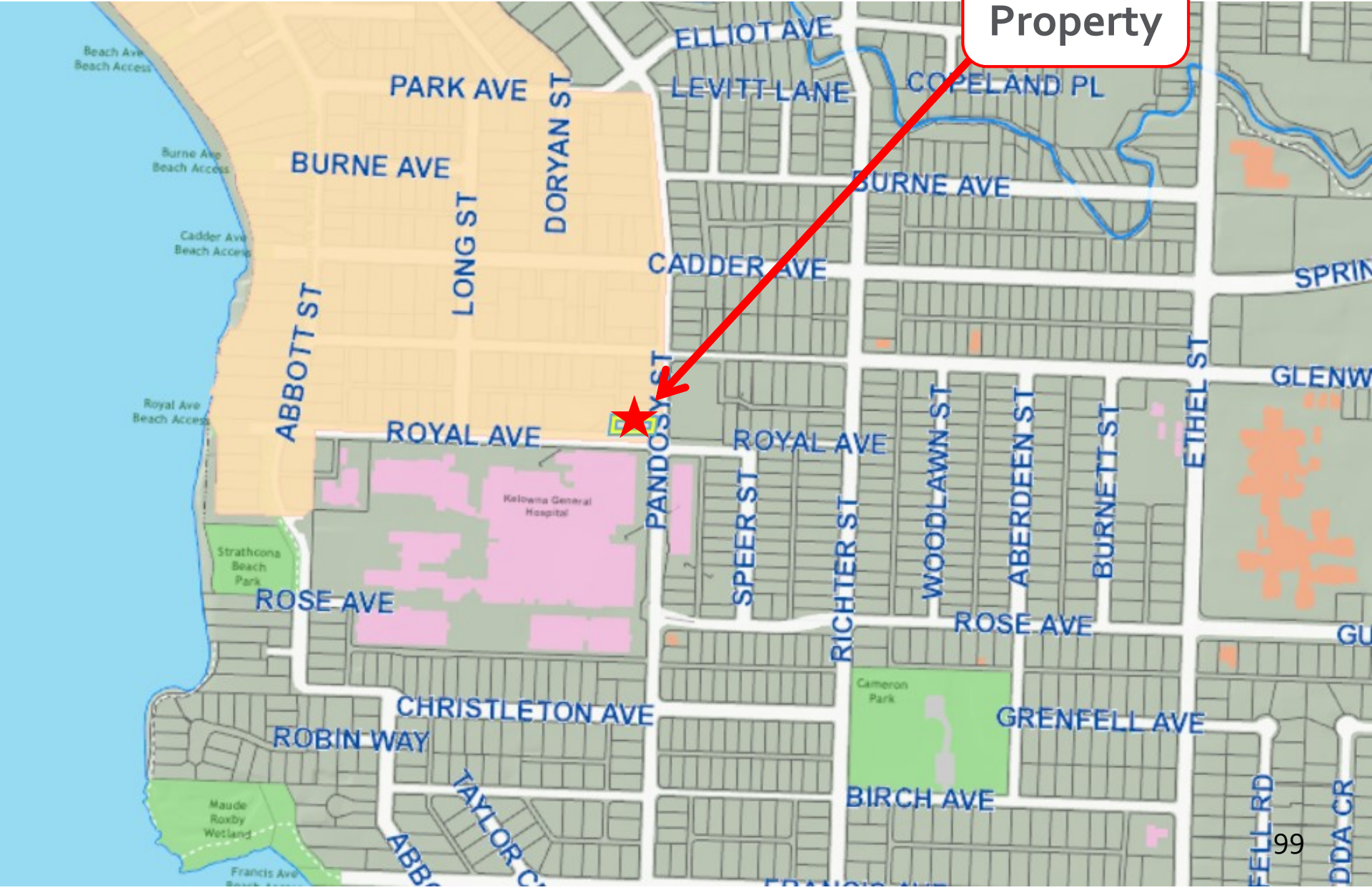
Building Permit



Council Approvals

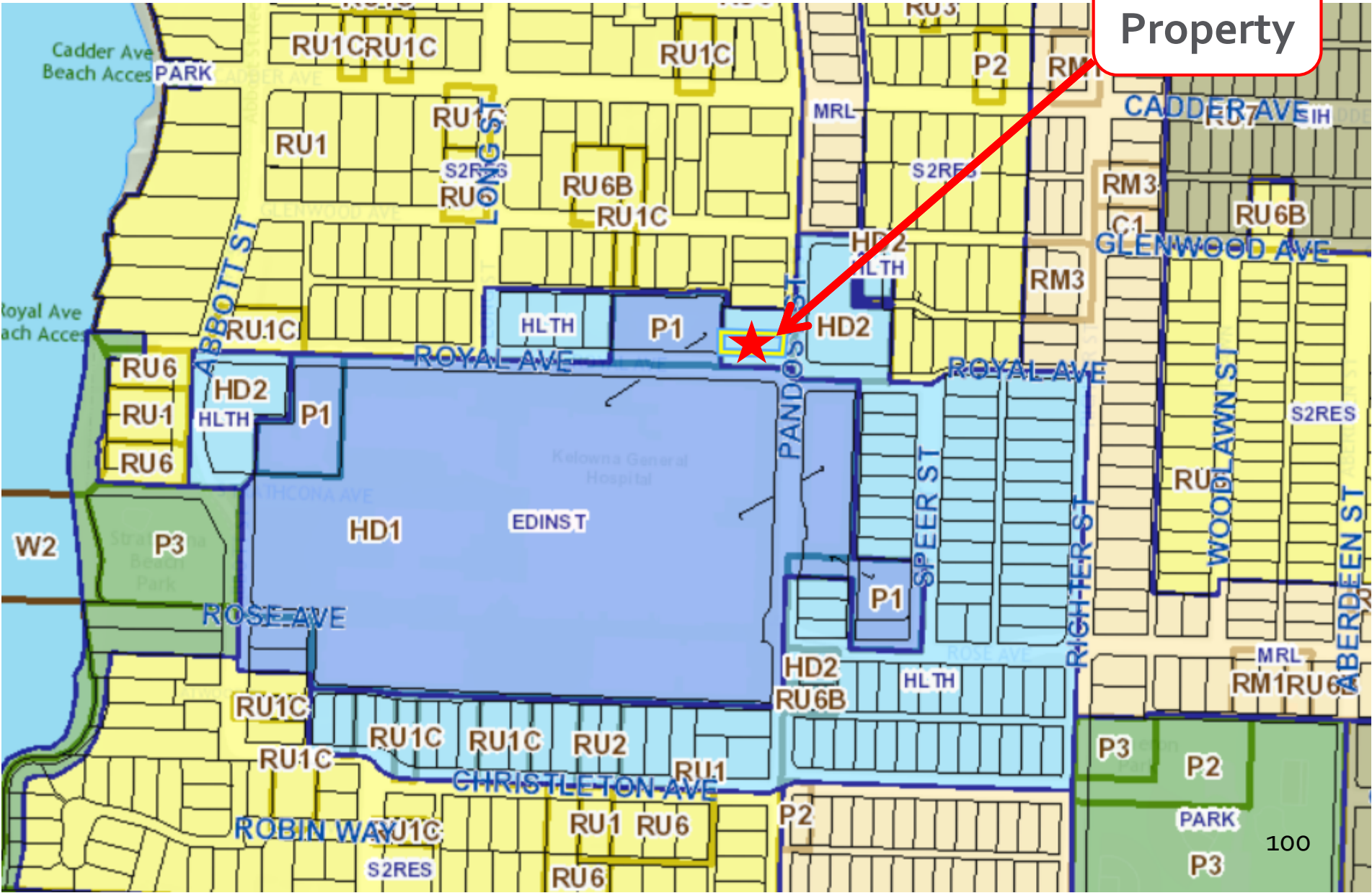
Context Map

Subject Property

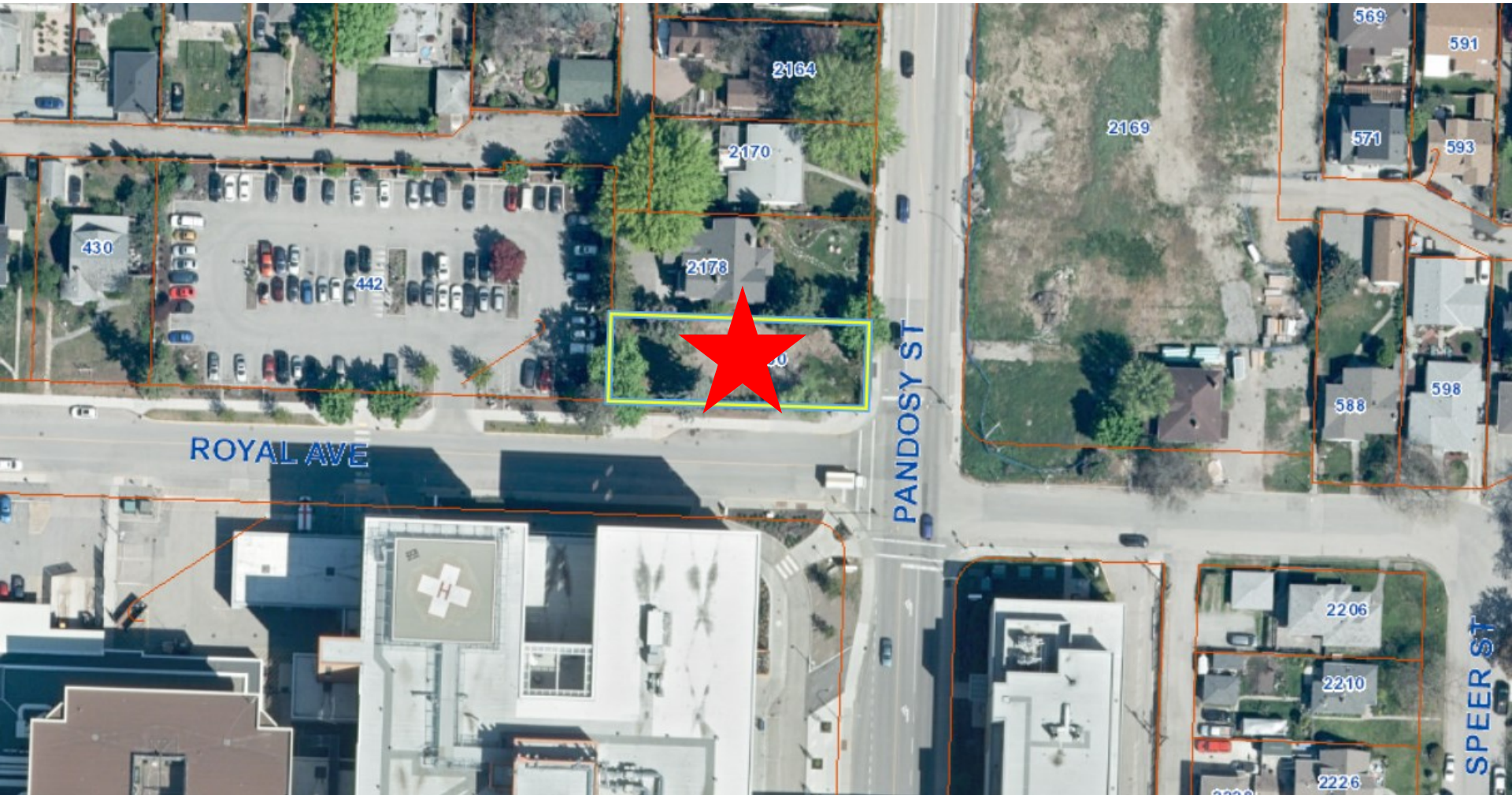


Zoning and OCP Future Land Use

Subject Property



Subject Property Map

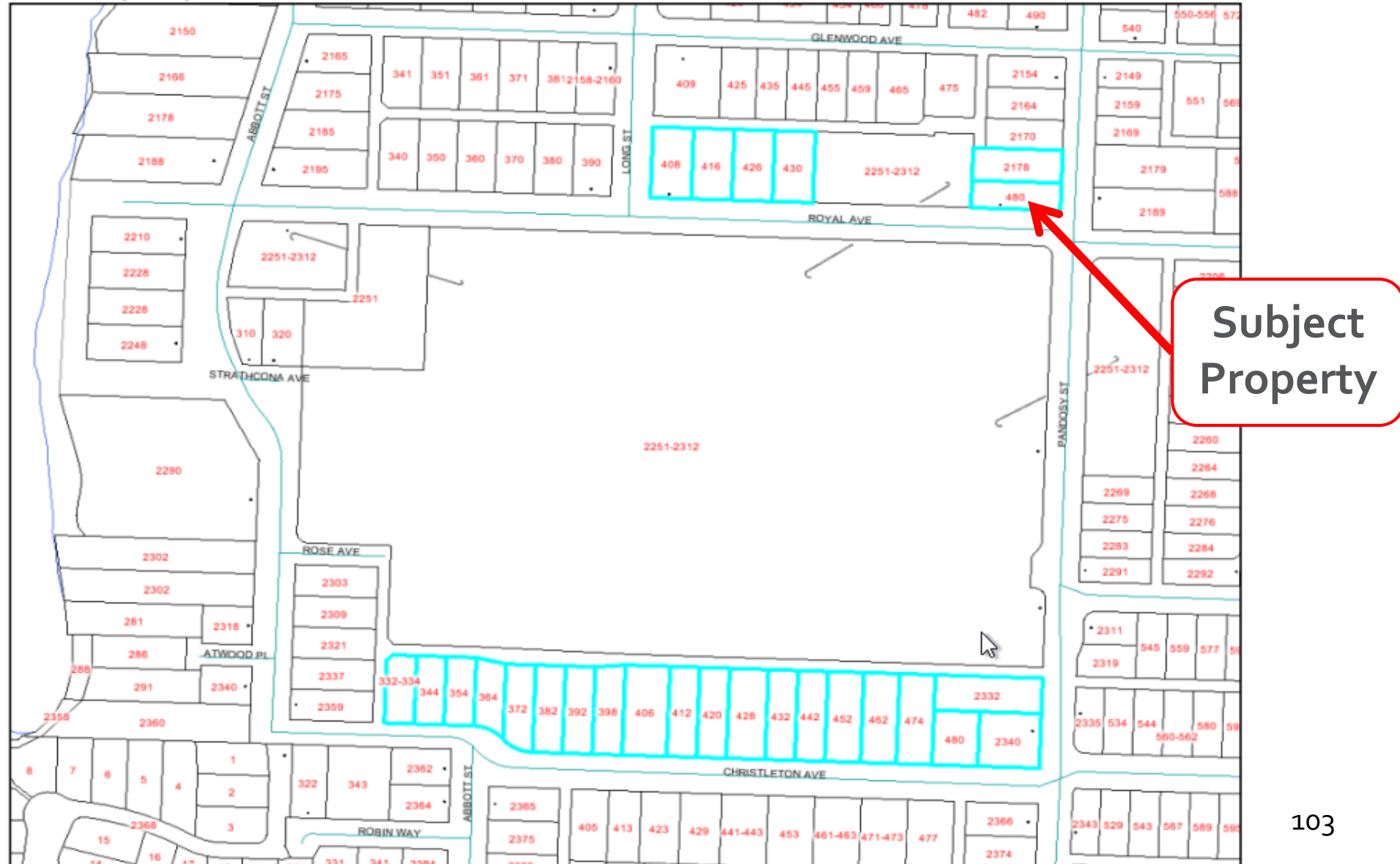


HD3 - Health Services Transitional

- ▶ HD3- Health Services Transitional was created as part of Phase 1 of the Hospital Area Plan
- ▶ The zone is intended for the transitional area immediately north and south of KGH
- ▶ Intention is to minimize impact of the Hospital Campus on adjacent residential neighbourhood and allow for sensitive transitions

HD3 - Health Services Transitional

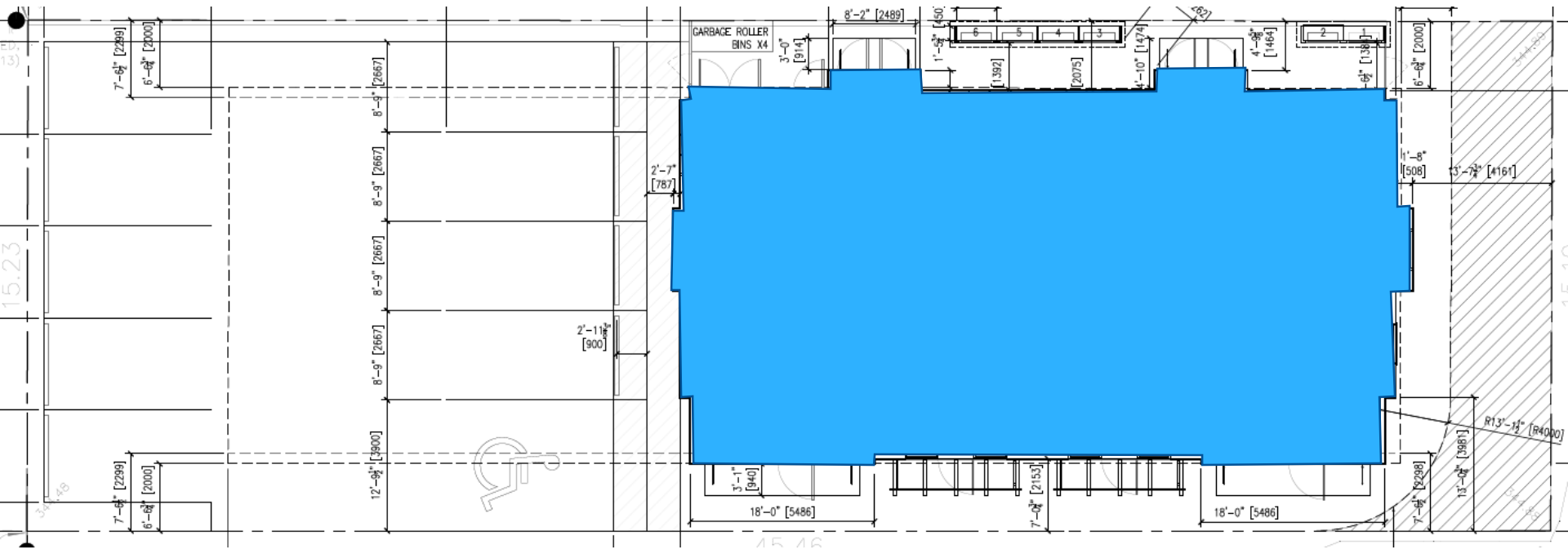
Boundary Map:



Project Details

- ▶ New two-storey mixed use building
- ▶ Four ground-oriented commercial units on the main floor
- ▶ Four 1-bedroom rental residential suites on second floor

Conceptual Site Plan



Royal Ave

Development Policy

- ▶ Meets the intent of Official Community Plan for Health District
 - ▶ properties west of Pandosy Street that are designated health district are limited to the HD3 zone of the Zoning Bylaw.
- ▶ Meets the intent of HD3 - Health Services Transitional zone
 - ▶ provide a transitional zone from the KGH campus to the established residential neighbourhood to the north and south.
 - ▶ supportive health uses

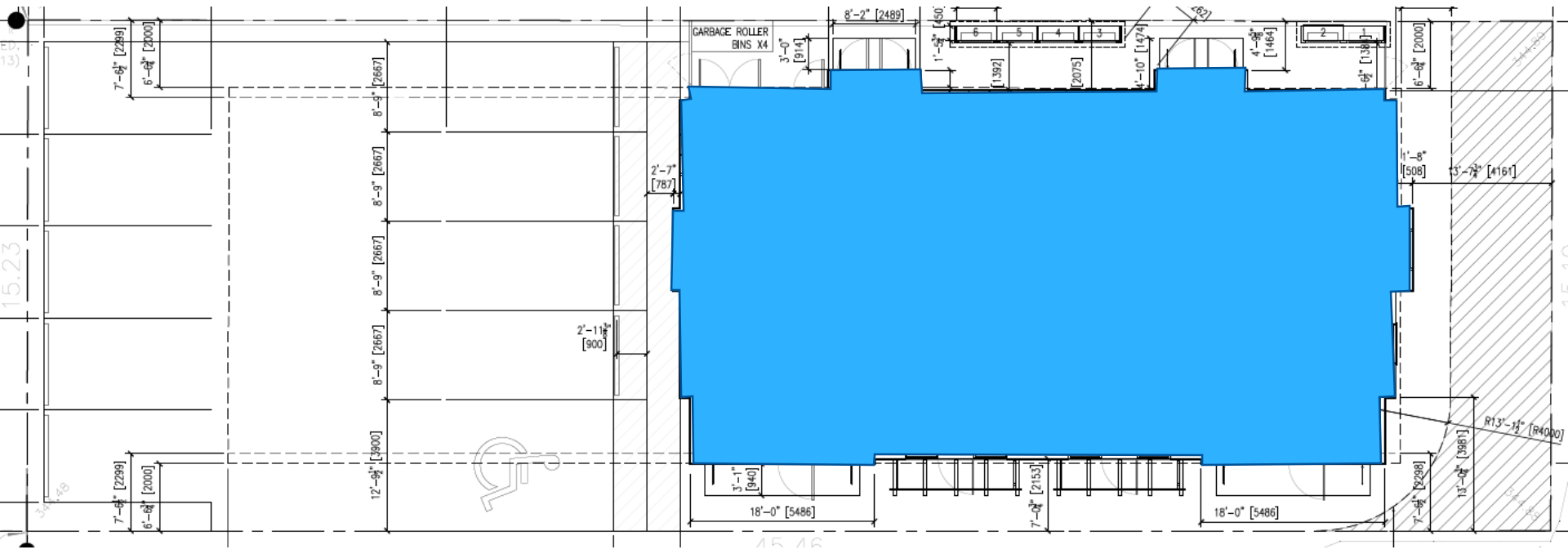
Staff Recommendation

- ▶ Staff recommend **support** for the proposed rezoning of the subject lot from the RU1- Large Lot Housing to the HD3 - Health Services Transitional to facilitate the development of a mixed-use building.
- ▶ Meets the intent of the Official Community Plan
 - ▶ Health District
- ▶ Recommend the Bylaw be forwarded to Public Hearing



Conclusion of Staff Remarks

Conceptual Site Plan



Royal Ave

CITY OF KELOWNA

BYLAW NO. 12142

Z20-0059

480 Royal 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 4, District lot 14, ODYD, Plan 7535 located at Royal Avenue, Kelowna, BC from the RU1 – Large Lot Housing zone to the HD3 – Health Services Transitional zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: January 11, 2021
To: Council
From: City Manager
Department: Policy and Planning Department
Application: HD20-0002 **Owner:** Central Okanagan Heritage Society
Address: 2269-2279 Benvoulin Road **Applicant:** Lorri Dauncey
Subject: Request for Heritage Designation for Benvoulin Heritage Park
Existing OCP Designation: PARK
Existing Zone: P2 – Education and Minor Institutional
Heritage Conservation Area: None
Heritage Register: Included

1.0 Recommendation

THAT Council consider a Bylaw for a Heritage Designation of the site commonly known as “Benvoulin Heritage Park” and for the building envelope as set out in Schedule 'A' as attached to the Report from the Community Planning Department for the property legally known as Parcel A (KN69976) Block 7 District Lot 130 ODYD Plan 4,15B, located at 2269-2279 Benvoulin Road, Kelowna, BC , as a Municipal Heritage Site pursuant to Section 611 of the Local Government Act;

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

2.0 Purpose

To designate 2269-2279 Benvoulin Road as a municipal heritage site under Section 611 of the Local Government Act.

3.0 Proposal

3.1 Background

The applicant is requesting that the subject property, located at 2269-2279 Benvoulin Road, be designated as a municipal heritage site for long-term protection. Heritage designation is a tool used to achieve long-term protection of heritage properties through the passage of a bylaw. Additionally, designated heritage properties qualify for additional City of Kelowna heritage grants of up to \$12,500 per three-year period for

heritage conservation work. Heritage designation is tied to a property's State of Title and must be registered with the provincial Land Titles Office.

The subject property, known as Benvoulin Heritage Park, is owned by the Central Okanagan Heritage Society (COHS) and is currently operated as a venue and park space where numerous community, cultural, and private events are held each year. There are three buildings on the property: the Benvoulin Church, Reid Hall, and the Mclver House.

The Benvoulin Church is currently protected by a Municipal Heritage Designation Bylaw (#5599); however, the Mclver House, Reid Hall, and the park are not currently protected by a Heritage Designation Bylaw. Through this application, the applicant is seeking to designate the entire property, including all buildings and the park, as a heritage site to protect the property as a whole. In conjunction with this application, should it be approved, the Kelowna Heritage Register would be updated to indicate the designation of the property as a protected historical site. Additionally, updates to the Mclver House Statement of Significance would be reviewed and implemented.

3.2 Heritage Value and Heritage Character

This section outlines the heritage value and character of each aspect of the property:

The Benvoulin Church & Reid Hall

The Benvoulin Church, built in 1892, is a wood Gothic Revival church with a prominent bell tower. The Benvoulin Church has heritage value as the first Presbyterian church between Vernon and the U.S. border and the first Protestant church in the Central Okanagan; for the locally prominent people associated with its construction; for its distinctive architecture and landmark status; as the last significant vestige of the failed Benvoulin townsite; and for the value placed on it by Kelowna residents in restoring it as a gathering place for the community.

The church was built by prominent builder and Kelowna's first mayor, H.W. Raymer. The site was donated by real estate developer G.G. Mackay who laid out the original Benvoulin townsite in 1891. The church was built largely from funds donated by Lord and Lady Aberdeen.

The church served the community for seven decades, first as a Presbyterian Church and then as a United Church. The original Reid Hall, added in the 1950s, served as the Sunday School and was also used for meetings. After the church closed in 1964, its condition deteriorated until it was almost demolished in the early 1980s. In 1982 the COHS was formed, and the restoration of the church was its first project. The restored building opened in 1986, with the tower rebuilt to its original appearance.

Character defining elements of the Benvoulin Church:

- Tall bell tower that includes segmental arches, a pointed-arched railing, pointed-arched louvred openings, ornamental shingles, and entry through the base of the bell tower
- Good representative example of a wood-frame Gothic Revival church, seen in features such as the pointed-arched windows and steeply pitched cross-gabled roof
- Cruciform floor plan
- Original beveled horizontal wood siding

The present-day Reid Hall replaced the original hall in 2000, and while it is newer than the other buildings on the site, it provides value as a community hall. It was named after the Reid family, who still live and farm nearby on Bryns Road. Reid Hall was designed by Peter Chataway, a local architect and past president of COHS, and Gordon Hartley, a Kelowna architect and heritage advocate. Reid Hall was designed to be architecturally compatible with the Church and is set back to ensure that the Church remains the focus of the site.

Mclver House

The Mclver farmhouse, built in 1904, has heritage value for being representative of the vernacular saltbox house-type, an Eastern Canadian tradition that is rare locally. It has further value for its association with early agriculture, and for the interest shown by the Kelowna community in conserving it.

The house, originally located at 1950 KLO Road, was built by Gordon C. Scott, a wheelwright. The house was purchased in 1927 by Bernard Mclver and his wife Harriet, becoming the farmhouse for their 17-acre mixed farming operation. In 1994 the family donated the building to the COHS, which moved it to its current location and restored it. It now serves as the residence for the Benvoulin Heritage Park site manager. The Mclver House was placed on the Kelowna Heritage Register in 2000.

Character defining elements of the Mclver House:

- Traditional vernacular saltbox form that includes a gabled roof with a double slope at the rear
- Gable enclosing the second-floor door on the front elevation and a small balcony off the door
- Verandah across the front and one side, with wood details on the posts and under the eaves
- Horizontal wood shiplap siding
- Double-hung wood windows, with one-over-one and two-over-two sash

Park Site

The park is the original 1.26-acre site that was created in 1891 by early real estate developer G.G. Mackay. Mackay donated the lot for the first Presbyterian Church, which was part of his plan to create the new Benvoulin townsite. The site was turned into a park after COHS restored the church and Reid Hall. Over the last four decades, the site has continued to evolve and currently includes a wedding garden, a pollinator garden, and a memorial garden. The site contains mature landscaping including a Golden Rain Tree, planted by Mayor Walter Gray in 1997, and a large Manitoba Maple in the wedding garden.

3.3 Site Context

The subject property is located in the South Pandosy – KLO city sector on the east side of Benvoulin Road between Byrns Road to the south and Cooper Road to the north. The OCP Future Land Use designation of the property is Park. Additionally, the property is zoned P2 – Education and Minor Institutional, which is a zone that provides land for educational, residential and recreational uses and religious assemblies.

The subject property is not located in the Agricultural Land Reserve (ALR); however, the properties to the north, east, and south are located in the ARL and are used for agriculture. To the west, across Benvoulin Road, the properties are designated, zoned, and used for low density multiple family housing.

Subject Property Map: 2269-2279 Benvoulin Road (in yellow)



Left: Benvoulin Church, Right: McIver House



4.0 Discussion of Relevant Policies

4.1 Official Community Plan

Chapter 5:

Objective 5.7 Identify and conserve heritage resources.

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

Chapter 9:

Objective 9.2 Identify and conserve heritage resources.

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

4.2 Heritage Strategy

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

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

5.0 Application Chronology

Date of Application Received: October 14, 2020

Heritage Advisory Committee: November 19, 2020

The above noted application was reviewed by the Heritage Advisory Committee at the meeting held on November 19, 2020 and the following recommendations were passed:

THAT the Committee recommends to Council that the subject property be designated as a municipal heritage site for long-term protection.

Report prepared by: Arlene Janousek, Planner II

Approved for Inclusion: James Moore, Long Range Policy Planning Manager

Attachments

Attachment A: Letter of Rationale

Attachment B: Site Plan

Attachment C: Mclver House Heritage Conservation Plan

Rationale for Request to Designate the Benvoulin Heritage Park (2279 Benvoulin Road) with a Municipal Heritage Designation Bylaw: (attached to form)

The Central Okanagan Heritage Society (COHS) is requesting that Benvoulin Heritage Park be designated in order to ensure that the whole site is protected and conserved for the community benefit today and for the future. Heritage Designation will ensure that this site remains as it is and that the park continues to provide context to the very significant Benvoulin Church and the Mclver House.

In 2018, a *Heritage Conservation & Management Plan for the Mclver House* was completed for COHS. The Plan includes why the house is significant and worthy of protection, as well as recommended updates to the current Statement of Significance (SOS) for the building. The Plan also recommends that the Mclver House be designated in order to provide protection to the building. The COHS Board, decided that it makes the most sense to have the Benvoulin Heritage Park, along with the Mclver House and the Benvoulin Church be designated together similar to the city owned Guisachan Heritage Park (1996 designated heritage).

The Benvoulin Heritage Park, with its historic Benvoulin Church and Mclver House, and country gardens, is a significant and important heritage site in the City of Kelowna. This well-known site continues to be a link to this area's past and present.

The Gothic Revival church was built by prominent builder H.W. Raymer, who was also Kelowna's first mayor. The site was donated by real estate developer G.G. Mackay who laid out the original Benvoulin townsite in 1891. The church was built largely from funds donated by Lord and Lady Aberdeen in 1891. The Aberdeens had purchased the neighbouring McDougall Ranch, which they renamed Guisachan Farm.

The church also has value for the communities it served for seven decades, first as a Presbyterian Church and then as a United Church. The original Reid Hall, added in the 1950s, served as the Sunday School and was also used for meetings. After the church closed in 1964, its condition deteriorated until it was almost demolished in the early 1980s. The conservation of this site and buildings, undertaken by COHS as their first project in the 1980s, shows the amount of dedication by COHS volunteers and the community, and with city support for the project. The new Reid Hall (replaced the original hall in 2000), the church, and the grounds are used for numerous community, cultural, and private events each year.

The Reid Hall, while a relatively 'newer' building has value as a community hall that replaced the original hall, named after the Reid family who built it. The Reid family still lives and farms nearby on Bryns Road. The new Reid Hall was designed by Peter Chataway, local building designer and past president of COHS, and Gordon Hartley, well-known Kelowna architect and heritage advocate. The Hall, designed to be compatible with the Church, is set back to ensure that the Church remains the focus on the site.

The early farmhouse, while moved onto the site in 1995, is significant for its association with early agriculture in the Benvoulin area, its connection with the Mclver Family along with the community's support in its move, restoration and reuse as the caretaker's residence at Benvoulin Heritage Park. The house's saltbox form, while fairly common in eastern Canada, is relatively uncommon and unique in B.C. and especially in Kelowna. The house was owned and lived in by the Mclver family from 1927 until 1979, after which the family donated the building to COHS. The house replaced the manse (a similar farmhouse style) that was destroyed by fire in the 1960s. The Mclver House, moved from its original site near the corner of KLO and Benvoulin, has regained new context as part of Benvoulin Heritage Park.

The park is the original 1.26-acre site that was created in 1891 by early real estate developer G.G. Mackay. Mackay donated the lot for the first Presbyterian Church, as part of his plan to create the new Benvoulin townsite. The site was turned into a park after COHS restored the historic church and Reid Hall. The early concrete sidewalk that leads from the driveway to the front door of the church is one of the only remaining elements in the park from the time that the building was used as a church. It should be noted that the sidewalk is in poor condition and is currently being assessed to determine if and how it can be repaired. Over the last four decades, the country gardens have continued to evolve and currently include a wedding garden, a pollinator garden, and a memorial garden.

The early significant features that should be included in the designation bylaw are:

- Benvoulin Heritage Church
- Mclver House
- Mature landscaping- (i.e. trees, lawns, and flower gardens) specifically the Golden Rain Tree (in the Pollinator Garden) that was planted by Mayor Walter Gray planted in 1997 and the large Manitoba Maple in the south 'wedding' garden.

The Benvoulin Heritage Park with its significant buildings and features is a valuable community asset that should be protected with a designation bylaw to ensure the long-term conservation of this site.

Note: COHS is planning to undertake a Heritage Conservation Management Plan for the Benvoulin Church in the near future, which will include Reid Hall and the site itself. The **Mclver House Conservation Management Plan** (completed in 2018) and the Benvoulin Church Plan will ensure that this important community heritage asset is well looked after for future generations.

0.5740 HA.
P. 1.42 AC.

NEW REID HALL ADD
TO BENVOLIN HERITAGE CH
TO BENVOLIN ROAD, KELO
2209 & 2279

300 POPLAR POINT DRIVE
KELOWNA, B.C. CANADA
V1Y 1Y1 (604) 762-3000

ARCHITECTURE

GORDON HARTLEY

A1 OF 4

Person.

7.5m REARYARD
BUSH SETBACK LINES

Mclver House

SCOTT MCLIVER
EXIST. HOUSE
870 SF 81M²
Existing
H. House

XERISCAPE GARDEN

Golden Rain Tree

Pollinator Garden

32 HG

4.5m x 4.5m SIDE YARD
4.5m x 4.5m TO HSE.

25

Benvoulin Heritage Park

Site

18

24

17

11

Parking Lot

1777 M² INCL DRIVEWAY

DRIVEWAY

OPTIONAL

OVERFLOW

PARKING (9)

APPROVED

FORMING PART OF BUILDING PERMIT # 17181
THESE DRAWINGS SHALL REMAIN ON SITE
AVAILABLE TO CITY BUILDING INSPECTORS

See ATTACHED Plumbing Comments

Manitoba Maple

SET #2

Wedding Garden

Roof & Site plan

SEE ALSO LANDSCAPE PLAN BY OTHERS

SCALE: 1" = 20' 0"

CO+S-FL-R-BEN
0010 g → j

118

Benvoulin Road

Driveway (4x100' 0" INT.)

PLANTING

NEW DROP-OFF PLEAZA
LANDSCAPE PLAN
67 M²
723 SF

Loading

ROOF DECK

Plan & Storage

Reid Hall

New Addition
CRUCI-FORM

Existing Church

CRUCI-FORM

116 M²

Benvoulin Heritage Church

Early Concrete Sidewalk

LAWN

Septic Field

I.P.

4.5m SIDEYARD

WALK

GAZEBO
CONC PAD

LAWN

NOTE: CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS ON JOB SITE BEFORE STARTING WORK

HERITAGE CONSERVATION (MANAGEMENT) PLAN for the McIver House

2269 - 2279 Benvoulin Road, Kelowna, BC



McIver House, Summer 2018

Prepared for: **The Central Okanagan Heritage Society,**
August 2018

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

Table of Contents

1.0 Introduction	3
2.0 Conservation Guidelines	3
2.1 Standards & Guidelines	3
2.2 General Conservation Strategy	4
3.0 Understanding the Historic Place	4
3.1 Description	4
3.2 Planning Context	6
3.3 Evolution of Place	7
3.3.1 Historical Context	7
3.3.2 Chronology of Historic Place	10
3.3.3 Exterior Colour Schemes	16
4.0 Statement of Significance	17
4.1 Recommended Updates to SOS	17
5.0 Conservation Recommendations	18
5.1 Condition Review	18
5.2 Requirements for Retaining Significance	19
5.3 Summary of Conservation Recommendations	19
5.3.1 The Site	19
5.3.2 Physical Form, Scale, and Massing	20
5.3.3 Additions/Alterations	20
5.3.4 The Foundation	21
5.3.5 The Roof	21
5.3.6 The Original/Early Building Elements	21
5.3.7 Exterior Heritage Colour Scheme	22
5.3.8 Interior Elements	23
6.0 Potential Impacts- Current & Future	23
7.0 Maintenance Plan	25
7.1 Maintenance Guidelines	26
7.2 Inspection Checklist	27
7.3 Maintenance Program	30
8.0 Conservation Policies	31
9.0 Conclusion	31

Appendices:

Appendix #1: Summary of Standards and Guidelines for the Conservation of Historic Places in Canada

Appendix #2: City of Kelowna P2 Zone- Education and Minor Institutional

Appendix #3: Location of Original Site (1954 KLO Road) & New Location at Benvoulin Heritage Park (2279 Benvoulin Road)

Appendix #4: Old McIver House Relocation & Existing Floor & Elevation Plans, 1994, Peter Chataway

Appendix #5: City of Kelowna's Statement of Significance for McIver House, 2000

Appendix #6: McIver House Condition Review, 2017 - 2018

Sources

1.0 Introduction

The main objective of this report is to compile research and building documentation for Mclver House located at 2279 Benvoulin Road in Benvoulin Heritage Park in Kelowna BC. This report will become a record of the building in 2018. It should be used to guide future conservation work, plan for regular short- and long-term maintenance of this important heritage building. This report will provide guidance in conserving the heritage value of this City of Kelowna Heritage Register building and will help to ensure that the physical life of the building is extended as much as possible.

The Mclver house is one of three buildings located in Benvoulin Heritage Park. The Benvoulin Church, built in 1892, has the Reid Hall (rebuilt in 2000) attached. The Mclver House was moved from its original site near the corner of Benvoulin Road and KLO Road in 1994 to replace the original manse that had burned down in the 1960s. The Mclver House was in poor condition as it had been vacant for many years before being moved to the Benvoulin Park to serve as the new caretaker residence for the site. The house underwent a major exterior restoration and interior rehabilitation/renovation in 1995. Although the house has undergone repairs since its restoration, it does not have a conservation plan to ensure that its heritage value is retained and maintained. A conservation plan will help ensure that the physical life of the building is extended as long as possible, while preserving the heritage value of the house for the community and future generations.

The original/early building materials and character-defining elements should be preserved, repaired and/or replaced, using the nationally, provincially and locally recognized heritage conservation standards and guidelines in any future conservation work.

Intervention at a historic place must respect its heritage value and character-defining elements. It is always better to preserve than to repair and better to repair than replace... This "minimal intervention" approach is the foundation of good conservation practice. (Source: Standards and Guidelines for the Conservation of Historic Places in Canada, p. 3)

2.0 Conservation Guidelines

2.1 Standards & Guidelines

The Government of Canada, in collaboration with the provinces and territories, developed the *Historic Places Initiative* which created the *Canadian Register of Historic Places* and the *Standards and Guidelines for the Conservation of Historic Places in Canada* (*Standards & Guidelines* were created in 2003 and revised in 2010 by Parks Canada). The *Standards & Guidelines* are based on universally recognized conservation principles and identify good practice versus bad practice. This is the source used to assess the appropriate level of conservation and intervention on any heritage building. (Refer to Appendix #1: Summary of Standards and Guidelines for the Conservation of Historic Places in Canada)

The primary objective of the project and its heritage value will determine the best treatment, ensure that its heritage value is protected and that its physical life is extended. Conservation includes all actions or processes that are aimed at safeguarding the character-defining elements of an historic place so as to retain its heritage value and extend its physical life. This may involve *Preservation, Rehabilitation, Restoration*, or a combination of these actions or processes.

Preservation: the action or process of protecting, maintaining, and/or stabilizing the existing materials, form and integrity of a historic place or of an individual component, while protecting its heritage value.

Rehabilitation: the action or process of making possible a continuing or compatible contemporary use of a historic place or an individual component, through repair, alterations, ad/or additions, while protecting its heritage value.

Restoration: the action or process of accurately revealing, recovering or representing the state of a historic place or of an individual component, as it appeared at a particular period in its history, while protecting its heritage value.

The objective of this project is to document the building, review its heritage value and develop conservation recommendations, and to develop a maintenance plan to be used in the planning and management of the building.

2.2 General Conservation Strategy

Preservation of the McIver House is the primary intent of this plan, as the building has already undergone both restoration and rehabilitation work in the past, as well as recent conservation work. Conservation work on the house, up to this point, has been recorded in this plan.

As the McIver House will continue to be used as the caretaker's residence for Benvoulin Heritage Park, no major interventions should be required. If the building's use changes in the future, then rehabilitation work based on the *Standards and Guidelines for the Conservation of Historic Places in Canada* and the conservation recommendations in this plan should be followed.

3.0 Understanding the Historic Place

It is important to understand the context of the building within its surroundings in order to effectively assess the value of the heritage resource and make value-based decisions for its conservation. An understanding of the planning context and the building's evolution (at the original and current site) over time are important in the continued conservation of the building within the site. This understanding is also important background material in the evaluation of the current statement of significance (SOS) for the McIver House, which is essential in the effective management of the cultural resource.

3.1 Description of McIver House, located in the 'Benvoulin Heritage Park'

Legal description:

Street Address: 2269 - 2279 Benvoulin Road, Kelowna BC

Original Address: 1954 KLO Road, Kelowna BC (moved in December 1994)

Legal Description: Lots 15 & 16, Block 7, Plan 415B

Roll Number: 10388000; Jurisdiction: 217; PID: 024-566-543

Site Area: 1.26 Acres

Site boundaries:

The pie-shaped property is bounded by Benvoulin Road directly to the west with multi-residential (RM3) units across the road, agricultural land (zoned A1 Agricultural in the ALR) is on the other three sides of the property.

Site Description:

The McIver House is located towards the back of the property known as Benvoulin Heritage Park in Kelowna's South Pandosy neighbourhood. The McIver House shares the site with the historic Benvoulin Heritage Church built in 1892 which is in its original location on the original lots subdivided and donated for the new Presbyterian Church by G.G. Mackay. The Reid Hall, along with the foyer containing bathrooms, was built in 2000, replacing the original c.1955 Reid Hall attached directly to the church. Access to the park and house is off of Benvoulin Road, which is the original entrance to the park. The park also includes: gazebo structure with concrete pad, wedding garden (2014), memorial garden for Marietta (Anderson) Lightbody (2017); pollinator garden (in progress- 2018); other garden spaces.

The c. 1904 farmhouse is a prominent 1.5 storey wood building. The house has about 900 square feet on the main floor and about 500 square feet on the second floor. The house is on a modern (1995) concrete foundation with a crawlspace. The house has its own gardens in the front, the back, and the side of the house. The driveway is on the southeast side. There are a number of sheds and a large container for COHS storage and garden equipment for the site. The house is partially fenced to delineate private space for the caretaker and COHS, from the semi-public space of the rest of the site.

Spatial Organization:

-Relationship between the McIver House and the Benvoulin Church and Reid Hall

**Note: the relationship of the two buildings and the park, has regained an important aspect of the site's history with moving the McIver House onto the site close to the original location of the church manse that burned down in the late 1960s.*

-Landmark location within the old 'Benvoulin Townsite' and on Benvoulin Road

Topography:

-Flat valley bottom associated with Okanagan Lake and its water systems, rising up to the low round hills that line each side of the Valley.

Vegetation:

-Planted 'cottage style' gardens, grass parking, some gravel driveways & paths, and pavement

-Mature trees including: a large Manitoba Maple tree (in centre of wedding gardens), a Chestnut (in front), a Golden Rain Tree (in pollinator garden), fruit trees (apricots), hedges

**Note: a tree inventory is being created for the park*

Buildings & structures:

-The c. 1904 farmhouse

-The 1892 church with 2000 hall & foyer addition

-Storage sheds (and container) for site

-Gazebo in wedding garden, memorial garden with screen & sculpture, pollinator garden, benches and fencing.

Views and vistas:

- Internal views leading from one area of the site to another
- Views of the surrounding hills and farmland (orchards to the south and east; crops to the north) and urban residential to the west

3.2 Planning Context

An understanding of the overall planning context of the McIver House within its site is necessary for the development of effective conservation policy. This is a key part of the understanding of the historic place.

Cultural context:

As part (although a more recent addition) of Benvoulin Heritage Park, the McIver House is important to the local community for its heritage value as an early and unique farmhouse in the Benvoulin/KLO agricultural area. This is evident when the farmhouse was donated to COHS in 1994 and the community supported the restoration project through many, many volunteer hours, and significant financial and material donations. The McIver House was added to the Kelowna Heritage Register, which also indicates its value to the community. The house has become an integral part of this landmark heritage site on the Benvoulin Road and in Kelowna.

Formal recognition status:

The 1.26-acre site and buildings are owned by the Central Okanagan Heritage Society. The McIver House and the Benvoulin Church are listed on Kelowna's Heritage Register. The *Kelowna Heritage Register* (Community Heritage Register) was established under Section 954 of the Local Government Act (BC). These buildings are also on the Provincial and National Heritage Registers.

Legal protection status:

The Benvoulin Church Heritage Designation Bylaw No. 5599 was passed by City Council in 1983. It is the only building on the site that is protected with a Heritage Designation Bylaw. The McIver House is not protected by a heritage designation bylaw at this time.

Zoning status and regulations:

The P2 zoning of the site (Education & Minor Institutional) allows for the current secondary use of the house as a caretaker unit in a park with a cultural recreational use. **(Refer to Appendix #2: Education and Minor Institutional)**

Kelowna's Official Community Plan (OCP 2030):

The Official Community Plan (OCP) provides a policy framework and clear vision of the City's intentions with regard to future land uses and servicing across the community. Each property in Kelowna has a future land use designation as specified in the Official Community Plan. The OCP designates the future land use of the Benvoulin Heritage Park as **Major Park/Open Space (public)** (PARK), which is the current zoning of the park.

"City, District, Community, Neighbourhood and Linear parks. Not all parks required over the next 20 years are indicated on the map, as Neighbourhood parks will be provided at City standards as integral components of new and redevelopment initiatives. A major Recreation Park will be provided in the Glenmore Valley area. Open space indicated at the south end of Ellison Lake is intended as wildlife habitat preservation subject to approval of the appropriate provincial ministry or agency." (Source: OCP 2030, 4.2 Land Use Designation Definitions)

The surrounding properties' future land use is designated as **Resource Protection Area (REP)** to the north, east and south. *"Rural land preserved for agricultural, environmental and recreational purposes, including the ALR, other resource lands with environmental value and protected natural open spaces, including private open space, steeply sloped lands, Natural Environment/Hazardous Condition DP Areas, and other natural features such as watercourses, water bodies, wetlands, plant and wildlife habitat, and significant aesthetic value. Allowable uses would be agriculture / resource use including farming, forestry, wood lots and silviculture as well as public or private open space on lands considered environmentally sensitive or hazardous (steep slopes). Generally land areas within this designation (whether they are within the permanent growth boundary or not) will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations, except in specific circumstances where the City of Kelowna will allow exceptions to satisfy civic objectives for the provision of park/recreation uses. Non-ALR land outside the Permanent Growth Boundary will not be supported for any further parcelization."* (Source: OCP 2030, 4.2 Land Use Designation Definitions)

The land to the west is designated as **Multiple Unit Residential (Low Density) (MRL)**. *"Townhouses, garden apartments, apartments, buildings containing three or more residential units. Complementary uses (i.e. care centres, minor public services/utilities, and neighbourhood parks), that are integral components of urban neighbourhoods would also be permitted. Building densities would be consistent with the provisions of the RM1 – Four-plex Housing, RM2 – Low Density Row Housing, or RM3 – Low Density Multiple Housing zones of the Zoning Bylaw and may include CD Comprehensive Development zoning for similar densities or land uses. Where multiple unit residential (low density) uses fall within character areas (see Map 5.8 - Urban Design DP Area Designation), rezoning will not be permitted if such results in building heights greater than 2 ½ storeys (regardless of density). Front yard setbacks should remain consistent with the established street pattern to ensure that neighbourhood character is maintained."* (Source: OCP 2030, 4.2 Land Use Designation Definitions)

The OCP includes policies that are intended to promote the conservation of heritage buildings listed on the Kelowna Heritage Register. It states *that the City will demonstrate a commitment to heritage conservation by ensuring that City-owned heritage properties be maintained in an appropriate condition.*

3.3 Evolution of Place

3.3.1 Historical Context:

The house was owned by the Mclver family for 67 years before the family donated it to the Central Okanagan Heritage Society in 1994.

The farmhouse was built by a Mr. Scott, as a residence for his asparagus farm. There is little known about Scott, except that he was a wheelwright. The house was likely built around 1904, when the Kelowna Land and Orchard Company bought and subdivided the 6,473 Lequime property (pre-emption) into smaller agricultural lots and built KLO Road. The house originally faced KLO Road (1950/1954 KLO Road). It was suggested that the house may have been built earlier, however, between the orientation of the house and the subdivision of the old Lequime property in 1904, it is likely that it was built in 1904.

There is little information on the house until the house and land was bought by the Mclvers in 1927. In the Mclver family reminiscences of the house, it is mentioned that Bernard (Barney) Joseph Mclver bought the property from his brother Pat who had likely bought it from the Scott family. Pat owned it for a short time before selling it to Barney.

Brothers Barney and Pat Mclver, arrived in Kelowna in 1910, after arriving in Guelph Ontario from Ireland in 1908. Barney and his brother worked at many different jobs to save money to buy their own house. Barney eventually bought a homestead in Ellison where he grew berries for market. For many years Barney managed the Bulman Ranch in Ellison, where he met and married Harriet (Hattie) Perkins in 1923 at the Christien House in Ellison (now located at the Father Pandosy Mission). Hattie arrived from England

in 1920 and worked as a governess for the Cameron family before marrying Barney. The Mclver's two children were born at the Ellison house; Bernard Bryan (Barry) in 1924 and Patricia (Pat) in 1927. The Ellison house was soon deemed too small for the growing family and the wildlife too close.

In 1927 the Mclver's bought the house on the 17-acre farm, which ran from Benvoulin Road to Como Road, along KLO Road. The Mclver's mixed farm had a combination of cows, pigs, chickens, vegetables and fruit. Their farm was well known for its fine cabbages and potatoes, which they grew and sold in Kelowna. There was also an asparagus patch, possibly what was left of the original asparagus farm when the house was first built. Barney also managed the Mission Creek Irrigation system and for many years had the animal pound on his property while still farming until he retired at 90 years old.



Hattie and Barney Mclver, c.1970s. Mclver Family

Barney and Hattie lived in the house until 1979, when they moved to a seniors' home. Barney died in 1982 at the age of 96, while Hattie lived until her 102nd birthday. Once the couple moved out, the house was boarded up and remained empty. A new house had been built behind the old farmhouse, in which Pat (Mclver) and her husband Roger Arcand lived. Pat and Roger, both with military careers, married in 1954. Pat and Roger moved back to Kelowna in 1970 with their two children, Nancy and Michael. Barry Mclver married Trudy Turney in 1944 and had three children; Bryan, David and Patricia. The Arcand's along with Pat's brother, Bernard (Barry) Bryan Mclver continued to farm the land.

Pat Arcand, her brother Barry and mother Harriet, wanted to see the house preserved and lived in once more. The family decided to donate the farmhouse to COHS after Harriet's death in 1992. Pat had gotten to know Ray Helgeson, caretaker at the Benvoulin property, who was living in the small Reid Hall with his wife Fran. Pat was working in the Planning department for the City of Kelowna and Ray as a local newspaper photographer when they met. The friendship between the Arcands and the Helgesons was a key reason behind the donation to the Heritage Society. In the fall of 1994, preparations for the move of the Mclver House to its new location at Benvoulin Heritage Park began.



Painting of the manse before it burned down. COHS Fonds

As the Benvoulin Heritage Park site continued to attract more people to use the church and the grounds, ideas about how to make the site more useable were discussed. In 1994, the society was offered the Mclver House, a c.1904 farmhouse. The Mclver House would be moved to the back of the site, at the location of the original church manse, which burned down in the late 1960s, and would serve as the site managers' new residence. This would not only give the site managers a new and larger home, but it would free up Reid Hall to once again become available as a public meeting space with a kitchen, washroom and bridal change room. By accepting the Mclver House, the society preserved and restored another heritage building, which would likely have been lost.

On December 3rd, 1994, the 90-year old Mclver family house was moved from KLO Road to a new foundation on the Benvoulin property. The move took place at 3am, to ensure that that the soft farmland was frozen. The move cost COHS about \$20,000. Lesley-Anne Evans, a landscape architect, put together the concept plan and supervised the move. The foundation plan was drawn up by Peter Chataway and

built by Ken Reid (KSR Construction). KSR Construction moved the Mclver house 1.5 kms across the fields to its new home at the Benvoulin Heritage Park. (Refer to Appendix #3: Location of Original Site (1954 KLO Road) & New Location at Benvoulin Heritage Park (2279 Benvoulin Road))

In early 1995, once the Mclver House was on its new foundations, planning for the restoration of the building's exterior and the interior rehabilitation began. The committee included: Sandy Welbourn as project co-ordinator, Gordon Hartley as architectural advisor, Lorri Dauncey heritage conservation consultant and Grant Davies as building supervisor. Restoration work included: new cedar shingle roof; heritage colour scheme (based on colour sampling of the exterior to determine the original/early colour scheme); restoring the front balcony; restoring the original back verandah; repair of the various building elements.

The restoration work was finished in September 1995 with support from the community in the way of grants and donations of time and money. Major contributors towards the restoration included: the Capri Rotary Club, the Kelowna Heritage Foundation, Jamie Brown, R.J. Bennett, Dave Bowden, and Ralph Livingston. The project also received help in restoring the building through an Unemployment Insurance (UI) Training Program, for labour equivalent to \$57,000. Unemployed skilled construction workers were hired for 20 weeks on the Mclver House restoration/rehabilitation. The UI workers were under the supervision of Grant Davies. A \$25,000 mortgage was taken out by the society in order to purchase building materials for the restoration. The mortgage was paid off a year later, with money raised through bingos and fundraisers. The Mclver House restoration, at a total cost of approximately \$160,000 was on budget and on time.

On October 26th, 1995 the Mclver House was officially opened to the public. The community was invited to come and see the restored heritage house, which would soon be lived in by the on- site managers. Pat (Mclver) Arcand and Barry Mclver planted a sunset maple tree near the house to commemorate the event.



The Mclver family in front of the restored house, c. 1996. Mclver Family Fonds









Fran & Ray Helgeson c.2009. COHS Fonds









With the completion of the restoration of the Mclver House, site managers Ray and Fran Helgeson moved into their new home. Reid Hall was converted back to a public use as a hall that could be used with the church or separately for meetings. The Helgeson's lived in the Mclver House until their retirement in 2009, after 22 years as the Benvoulin Park caretakers. The Helgeson's created and cared for the park's gardens, as well as the church and hall during their long tenure. The Mclver House continues to be lived in by the Benvoulin Park caretaker.


3.3.2 Chronology of the Historic Place:




The Mclver House, built about 1904, is a rare example of a vernacular farmhouse in the saltbox house form in Kelowna. The house had some exterior alterations over the years, prior to the 1995 restoration. Changes to the building reflect the Mclver family’s needs over the years. The Mclvers owned the house for 67 years before donating the building to COHS, who has now owned it for 24 years.

YEAR	EVENT	IMPACTS AND CHANGES
c.1904	<p>Mr. Scott built the house as his residence at his asparagus farm at the corner of Benvoulin Road and the new KLO Road.</p>  <p>This aerial photo shows the Mclver House (left lower corner) in its farm setting, including a large barn set back to the right of the house. KLO Road, located in front of the house, is not in the photo, but the driveway from KLO Road to the house is visible to the right of the house. This photo was taken during the time that the Mclver Family lived in the house. Mclver Family Photos & COHS Fonds, n.d.</p>	<p>Original design and elements:</p> <ul style="list-style-type: none"> - post and beam wood frame structure -1.5-storey house has a front sloping pitched roof and shed rear extension in the saltbox form -front gable roof has a central raised gable over the second-floor door to the balcony -gable roof drops lower in the back of the building to cover a second set of rooms -front façade has a three-bay façade: second floor- door with balcony with plain walls on each side; main floor- three bays are emphasized by the posts dividing the space. -exterior is clad with horizontal drop siding, including details such as corner boards, simple window and door trims. -front upper central balcony -wrap-around verandah in front, right side, and back -sleeping porch (either original or early addition on verandah; important in hot Okanagan summers) -delicate wood detail on posts and beneath the eaves on front and side; back has simple posts only -single hung windows with one over one and two over two sashes with simple wood mouldings
1927 to 1930s	<p>Bernard (‘Barney’) and Harriet Mclver bought the farm in 1927 and moved into the house with their two young children, Bernard (‘Barry’) Bryan and Patricia (‘Pat’).</p>  <p>View of the front of the house soon after the Mclver family moved in. Many of the house’s original design and elements are visible. Mclver Family Photos & COHS Fonds, c.1930s</p>	<p>Original design and elements:</p> <p>The approx. 30-year-old house appears to be in fair to good condition. The burgundy trims are faded. The siding colour has faded and appears to be a lighter tone. The roof appears to be in good condition, with the chimney not visible from this side of the house. The second-floor balcony appears to be in fair condition. Both the second-floor door onto the balcony and the front door have simple two panel screen doors. The front verandah is in fair condition with the wood detailing on the posts and beneath the eaves visible. The vertical verandah skirting, as well as the simple steps up to the verandah can be seen.</p>

YEAR	EVENT	IMPACTS AND CHANGES
1930s	<p>Original rear verandah after the Mclver family moved into the house.</p>  <p>View of the back of the house after the Mclver family moved in. The original design of the verandah is visible. Mclver Family Photos & COHS Fonds, c.1930s</p>	<p>Original design and elements:</p> <p>The back verandah of the house looks to be in fair to poor condition. The skirting that encloses the deck has missing boards. The verandah posts are visible, as well as the horizontal boards at the end of the verandah, that have likely been added later to enclose this section of the verandah. The simple step up to the verandah's back door and the open four-panel screen door is visible.</p> <p>The verandah was on three sides of the house when the Mclver family moved in. This included the early/ original sleeping porch, which was enclosed with boards in between the posts with screening on the upper half. There would have been a screen door facing the back of the house, next to the side door into the kitchen area of the house.</p>
1940s	<p>Removal of the front upper floor balcony and general disrepair of the house.</p>  <p>Bernard ('Barney') and Harriet Mclver standing in front of their house without the second-floor balcony. Mclver Family Photos & COHS Fonds, c.1945</p>	<p>Original element removed:</p> <p>The 40-year-old house appears to be in fair condition, with the first major change to the front façade visible. The second-floor balcony has been removed, likely due to rot. In this c. 1945 photo, the area where the balcony was attached to the house is visible.</p> <p>The house appears to be in desperate need of new paint, as there is a significant amount of bare wood showing on the upper siding. Some of the wood detailing on the verandah posts is missing.</p>
1940s/ 1950s	<p>A 'mudroom' was built at the rear of the house on the right-hand side, replacing the back verandah.</p>  <p>View of (current) north corner of house showing the side of the 'mudroom' before the house was moved. COHS Fonds, 1994</p>  <p>View of (current) northeast facade of house showing the 'mudroom' after the house was moved just prior to its removal. COHS Fonds, 1995</p>	<p>Original element removed and partially replaced with addition:</p> <p>The rear section of the verandah including the roof overhang, to the left of the back door (including in front of the kitchen window) was removed. This was likely due to the poor condition of the verandah and possibly to let more light into the kitchen.</p> <p>The section of the verandah on the right-hand side (about 2/3 of the length), including the back door, was enclosed into a 'mudroom' with a new exterior door. This would have given the family additional space and would help keep the cold or hot weather out when the back door was opened. (source: Pat (Mclver) Arcand, COHS Fonds)</p>

YEAR	EVENT	IMPACTS AND CHANGES
1940s/ 1950s	<p>Replaced original brick chimney with a taller concrete block chimney. The cedar shingle roof was likely replaced at or around the same time.</p>  <p>View of concrete block chimney before the house was moved. COHS Fonds, 1994</p>	<p>Original element removed and replaced with modern materials:</p> <p>The original brick chimney, which began on the second floor, did not extend very high on the roof. Because of this, there were many chimney fires. The chimney was replaced with a concrete block chimney, with a ceramic flue. This new chimney was built from the main floor to above the roof line.</p> <p>It is likely that the house's second cedar shingle roof was installed around this time.</p>
1979 to 1994	<p>The McIver House was empty after Barney and Hattie moved to a seniors' home in 1979, until it was donated to COHS in 1994.</p>   <p>Ron Schupe sitting on the front verandah before the house was moved. COHS Fonds, 1994</p> <p>COHS president, Ron Schupe, standing on the verandah next to the sleeping porch before the house was moved.</p>	<p>House moved to new location:</p> <p>The house fell into disrepair once it was not lived in. By the time the house was donated to COHS, the verandah decking and under structure was in very poor condition; the window glazing had cracks and the storms were missing; the roof had failed; the paint was peeling and bare wood showing; as well the interior was no longer functional in regards to its systems. Plans were made to move the house to Benvoulin Heritage Park, including drawings of the new foundation and the house floor & elevation plans prior to the move. (Refer to Appendix #4: Old McIver House Relocation & Existing Floor & Elevation Plans, 1994, Peter Chataway)</p>  <p>The house being moved to Benvoulin Heritage Park on December 3rd 1994. COHS Fonds, 1994</p>
1995	<p>Restoration & Rehabilitation by COHS</p> <p>The decision was made that the exterior of the house undergo a period restoration, as it was felt that the house's value lay largely as a vernacular farmhouse in a unique style. As the house had few changes and additions, this was the best option for the house.</p>     <p>View of new back verandah, new crawlspace, verandah being repaired, front foundation. COHS Fonds, 1995</p>	<p>Exterior restoration of the McIver House includes:</p> <ul style="list-style-type: none"> -The replication of the front balcony (using the early photo of the front façade & building evidence), as this was an important element to restore, as the door otherwise did not make sense. -The removal of the later back enclosed mudroom addition and the restoration of the back (and a small section of the side) verandah including the roof. The width of the back porch was increased by about 1' 8". -The removal of the concrete chimney (necessary in order to move the house) on the back roof and the replacement with a metal stack. The decision was made not to rebuild the original brick chimney, but instead re-use the chimney space for venting the new gas furnace. -The verandah floor structure, skirting and decking boards were in very poor condition by the time the building was moved. These were not moved with the building and were rebuilt at its new location. -The decorative elements on the porch -The house was placed on a new concrete foundation with a crawlspace.

YEAR	EVENT	IMPACTS AND CHANGES
<p>1995 Cont.</p>	 <p>New foundation, verandah work in progress, new roof COHS Fonds, 1995</p>  <p>The McIver House's original/early garage that was not moved to Benvoulin Heritage Park partially due to lack of resources. COHS Fonds, 1995</p>	<p>IMPACTS AND CHANGES</p> <ul style="list-style-type: none"> -The house and verandah had a new cedar shingle roof installed, similar to the original and current roof. The rear verandah's roof was rebuilt to largely replicate the original roof. New eavestroughs & downspouts were installed. -The original windows were repaired and retained, with new storms built. -Exterior doors were repaired and new wooden screen doors built in a simple style similar to the ones seen in historic photos. The only exception was the front screen door, with a couple of decorative elements, was repaired and retained. <p>Paint- not sure when first painted- Early/original colours- -Colour sampling revealed the original/early colour scheme that was very different than the white and green of the farmhouse when it was donated. The house was repainted in this heritage colour scheme.</p> <p>Refer to: Exterior Colour Schemes for more details.</p>
<p>1995</p>	<p>Restoration and Rehabilitation by COHS- Interior</p> <p>The interior of the house underwent a renovation/rehabilitation in order to accommodate the needs of the Benvoulin caretakers. Much of the original materials were salvaged and retained.</p>   <p>Interior renos that preserved ceilings, some floors & trims. COHS Fonds, 1995</p>   <p>Interior renos that preserved a set of kitchen cupboards and the sink area. COHS Fonds, 1995</p>	<p>Interior renovations of the interior of the McIver House include:</p> <ul style="list-style-type: none"> -All new systems (i.e. mechanical, electrical and plumbing) -New bathroom installed at the top of the stairs, next to the attic space on the back of the house. -The layout of the house was largely retained, along with the trims and flooring. New lino was installed in the kitchen and main floor bathroom/utility room/hot water tank/storage), -Much of the lathe and plaster was removed and replaced with dry wall, and insulation added in the exterior walls (although it appears limited in main attic space) <p>Elements that were retained:</p> <ul style="list-style-type: none"> -Most of the wood floors, including the heating/ventilation vents in the floor -Most of the ceilings, including the holes (plugged up) that show where the stove pipes for heating were installed -Interior doors and handles and hardware were reused and/or vintage ones found. The large double size door way between the main floor bedroom and the living room had sliding doors that were replaced with French doors between the two rooms. -The wood floor in the living room had a vintage lino rug with the wood floor painted around the outer edge. This gave the space the look that it had a rug in the space. The lino was in poor condition, but was photographed. The floors were refinished at this time to preserve the exterior outer darker stain. Note: Unfortunately, this was removed when the floors were refinished in renovations in 2008/2009 to the house. -Set of kitchen cupboards and sink were retained as part of kitchen reno.

YEAR	EVENT	IMPACTS AND CHANGES
1995	<p>Exterior Restoration Completed</p>  <p>View of SW, NW, NE & SE facades. COHS Fonds, 1996</p>	<p>Original elements restored:</p> <p>See above for details</p>
Fall 1996	 <p>Celebration for the completion of the McIver House restoration project</p> <p>Burning the mortgage with Pat Arcand & Sandy Welbourn. COHS Fonds, 1996</p>	<p>Restoration paid for through significant volunteer work and community support</p>
2000	<p>McIver House was added to the Kelowna Heritage Inventory and a SOS was created by the City of Kelowna</p>	<p>Recognized as having heritage value (see SOS), including its history as being a major community restoration project in Kelowna undertaken by COHS.</p>
2006/2007	<p>McIver House exterior repainted in similar heritage colour scheme</p>	<p>Protection of original elements (CDE)</p> <p>Refer to: <i>Exterior Colour Schemes</i> for more details.</p>
2008/2009	 <p>New French doors & Refinished floors (living room) with vintage paint removed. L. Dauncey, 2018</p>	<p>Renovation of interior to make more livable for caretaker(s)</p> <ul style="list-style-type: none"> -floors were refinished (the perimeter black paint in living room was removed) and work done to keep mice from getting into the house through the crawlspace -interior was repainted -new French doors were installed between the living room and the dining room to create a new main floor bedroom. The space was modified in order to install the new doors. -two bathrooms had renovations and updates, such as new sinks, toilets, etc.

YEAR	EVENT	IMPACTS AND CHANGES
<p>2017-2018</p>	<p>Conservation work on the exterior of the McIver House</p> <p>A heritage contractor was hired to undertake the exterior conservation work on McIver House in 2016. Due to the contractor’s time constraints, the project did not begin until fall 2017 and was not completed until June 2018. COHS received a City of Kelowna Heritage Grant (CoKHGP) that paid for almost half of the total cost, excluding the additional work with the marmot wire mesh and gravel perimeter.</p> <div data-bbox="337 632 841 827">  </div> <p data-bbox="337 856 841 905">New verandah decking & New steps with repaired skirting. L. Dauncey, 2018</p> <div data-bbox="337 940 841 1205">  </div> <p data-bbox="337 1205 841 1253">Balcony repaired & New window sill. L. Dauncey, 2018</p> <div data-bbox="337 1314 841 1598">  </div> <p data-bbox="337 1633 841 1682">North corner board repaired & cellar entrance cover repaired. L. Dauncey, 2018</p>	<p>Exterior conservation work included:</p> <ul style="list-style-type: none"> -The verandah, largely rebuilt in 1995, needed a number of repairs and replacement of materials. The under-structure of the verandah was repaired (i.e. high use areas such as near doorways). The 1995 decking material was tongue & groove (t&g) boards. The decking had warped and deteriorated over the years, due to the type of decking material used (t&g- not appropriate as decking material and was not the same decking material as on the verandah before it was moved) and to minimal upkeep (the boards had not been stained regularly since the deck was rebuilt in 1995). The new 2018 decking material is comprised of boards with a small gap between each board, more appropriate and similar to the verandah decking prior to the move. All of the decking was replaced, except for where the enclosed sleeping porch is, as this material was still in good condition and replacement more difficult. The new verandah boards were treated with boiled linseed oil. The t&g exposed boards of the sleeping porch ends were painted to match the siding. -The skirting around the verandah- front and back- was repaired and repainted. -The three sets of steps leading up to the three exterior doors on the verandah were in poor condition and were rebuilt. -The second-floor balcony was repaired with new decking (same as the verandah’s new decking), repairs to the understructure (even with the poor condition of the t&g decking, the verandah roof underneath was fully protected from water damage due to the asphalt membrane, which is not visible), and new paint touchups. -The SE upper window sill was replaced due to rot, likely due to the air conditioning unit in the window. -One new storm window was made to replace a missing storm and one storm window was repaired (Note: Storms protect the original windows and take the brunt of the weather. They are considered replaceable) -Repair of the bottom of the north corner board on the house -Repairs to the verandah decorative elements (many were loose and need to be reattached and painted) -Repairs to storm doors -The roof of the cellar entrance cover was replaced (with new metal flashing) and treated with boiled linseed oil. -New wire mesh was attached to verandah skirting and buried under new wider gravel perimeter around the house. The mesh is meant to help keep marmots out from under the verandah, to keep vegetation away from the building, and to drain water away from foundation.

3.3.3 Exterior Colour Schemes:

Colour sampling was undertaken by L. Dauncey, as part of the 1995 McIver House restoration work. The colours found were matched as close as possible to the Munsell colour chart (without microscopic matching). Care was taken to find areas to take samples from areas less affected by weathering, i.e. under the front verandah. The colour matching was undertaken prior to the creation of the Benjamin Moore *Historical True Colour Palette for Western Canada* (c. 1999), which would have provided a more accurate heritage colour scheme.



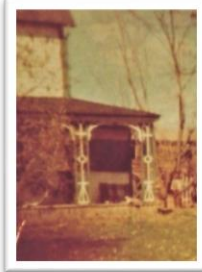
Original/early colours:

Siding – creamy caramel/gold

Trims, mouldings & posts - dark burgundy

Sashes, soffits & decorative elements- cream

Note: The house was likely still painted in the above colours when the McIver Family bought the house in 1927. The house was not repainted for many years, as seen in the bare wood in the 1940s photo of the front of the house showing that the balcony was removed.



Repainted in the 1950s/early 1960s

Siding- warm white

Trims/mouldings- 'apple' medium green

Sashes, soffits & decorative elements- warm white

Note: In the 1950s/1960s, the house was repainted in a more modern colour scheme.



Repainted in the 1970s

Siding- bright white

Trims/mouldings- dark green

Sashes, soffits & decorative elements- bright white

**Note: this is the colour scheme that was on the McIver House when it was donated to COHS and moved onto the Benvoulin Park site.*



Repainted in 1995 to 'match' original/early colour scheme

Siding – creamy caramel/gold (Pantone 1245 U)

Trims, mouldings & posts - dark burgundy (Pantone 181 U)

Sashes & decorative elements- warm white/cream (no record)

**Note: repainted in 'similar' but not exact colours (matched by the painter) c. 2006/07*

4.0 Statement of Significance

Understanding the heritage values and significance of an historic place helps to guide the development of policies in the conservation report. The purpose of conservation is to retain the heritage values of an historic place while appropriate interventions happen.

The Mclver House's Statement of Significance (SOS) is on the City of Kelowna Heritage Register. (Refer to **Appendix #5: City of Kelowna's Statement of Significance for 'Mclvor House', 2000**) The SOS has been reviewed after researching and documenting the building. The following updates of the Mclver House Statement of Significance is recommended.

4.1 Recommended Updates to SOS

Mclver House (Note: *Mclver* is the correct spelling, not *Mclvor*) * (Note: **Bold text** is new wording)
2269-2279 Benvoulin Road

Place Description

The historic place is the 1.5-storey, wood-sided Mclver House, built around 1904 as a farmhouse, and relocated to Benvoulin Heritage Park at 2279 Benvoulin Road, in Kelowna's South Pandosy neighbourhood, to **replace the original manse and to complement the Benvoulin Church**.

Heritage Value

This farmhouse has heritage value for being representative of the vernacular saltbox house-type, an Eastern Canadian tradition that is rare locally. It has further value for its association with early agriculture in the area southeast of Kelowna, and also for the interest shown by the Kelowna community in conserving it.

The house was built by **Mr.** (Note: *there is no agreement on Mr. Scott's first name*) Scott, a wheelwright, as a residence at his asparagus farm. The original location was (Note: *1950 is not the old house number*) **1954** KLO Road. It has been suggested that it may have been built as early as the **1890s** (Note: *according to the Mclver family it was 1890s not 1900*), but it more likely dates from 1904, when the Kelowna Land and Orchard Company subdivided the old Lequime property into smaller farm blocks and built KLO Road, onto which the building faced.

The house is a continuation of a vernacular architectural tradition that goes back more than two centuries earlier in Eastern Canada and New England. The three-bay, 1.5- or 2-storey house (the Mclver House has 1.5 storeys), with a gable roof that drops lower in the rear to cover a second range of rooms, is called a 'saltbox' house, a term that originated in the northeastern U.S.A. and is found in the Maritime provinces. The central raised gable, here enclosing a second-floor door, is particularly characteristic of Ontario. This house-type, common back East, is relatively uncommon **and unique** in B.C. generally and the Kelowna area specifically.

The house was purchased in 1927 by Bernard ('Barney') Mclver and his wife Harriet (**'Hattie'**), becoming the farmhouse for their 17-acre mixed farming operation. **Hattie** Mclver lived in the house until **1979** (Note: *according to the Mclver family it was 1979 not 1980*), after which it stood empty. In 1994 the family donated the building to the Central Okanagan Heritage Society, which moved it to its current location on the

Benvoulin Heritage Park site (with which it has no historical connection) and restored it. **The McIver House replaces the old church manse that burned down in the 1960s, which was located in the same location.** It now serves as the residence for the Benvoulin Heritage Park site caretaker.

Character Defining Elements

- **1.5-storey** vernacular saltbox form, with a gabled roof with a double-slope at the rear, with the rear eaves lower than the front eaves
- Gable enclosing the second-floor door on the centre of the front elevation, and small balcony off the door
- Verandah across the front and one side, with delicate wood detail on the posts and beneath the eaves, **and verandah continues across the back with simple fluted wood posts**
- Horizontal drop siding
- **Single**-(Note: not 'double' hung) hung wood windows, with one-over-one and two-over-two sashes
- **Park setting** (Note: Remove- Open property) with trees, lawn, rock paths, picket fence, and (Note: Remove- vegetable and) flower garden
- Sleeping porch with screened windows on side verandah**

5.0 Conservation Recommendations

A comprehensive condition review and assessment (along with documenting the building) of the McIver House was carried out over many site visits during 2017 to 2018. This review included recording the recent conservation work for this plan. The recommendations for the conservation of the McIver House are based on the following: site review, building investigation & documentation, material samples, archival documents (i.e. photographs, building plans, and restoration reports from 1994-1995, as well as the COHS building files)

5.1 Condition Review

It is important to document and evaluate the existing condition of any heritage building as part of a heritage conservation plan. The condition of the significant physical elements of the building have been recorded (through photographic documentation and notes) and assessed in the *McIver House Building Condition Review*. (Refer to **Appendix #6: McIver House Condition Review 2017- 2018 & CD containing Photographic Documentation 2017 - 2018**)

Architectural drawings of the McIver House when it was moved to its new location in 1994 are included in the documentation of the house. (Refer to **Appendix #4: Old McIver House Relocation & Existing Floor & Elevation Plans, 1994, Peter Chataway**) These drawings, by Peter Chataway, include: two floor plans, new footings & foundation plan, typical cross section and four elevation plans. It is recommended that these plans be updated to include the 1995 restoration work and any subsequent changes. *Note: the 1994 drawings are missing the upper southeast façade window, near the east corner.*

As this report is meant to document the McIver House and provide guidance in its continued conservation, the existing condition review identifies issues and appropriate interventions necessary based on *Standards and Guidelines for the Conservation of Historic Places in Canada*. The recent conservation work in 2017-2018 is included in this assessment.

The assessment of the condition of the significant materials and the elements of the building will also help to determine the appropriate intervention necessary to ensure that the heritage value is preserved and protected. Minimal intervention should be emphasized in which repair of original materials and elements will be prioritised. Replacement of character-defining elements will only be recommended if the material is too deteriorated to repair. *Repair rather than replace character-defining elements. Where character-defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements.* (Source: Standards and Guidelines for the Conservation of Historic Places in Canada, p. 7)

The conservation strategy that was chosen when the building was moved to the Benvoulin Heritage Park in 1994/95 was mainly an exterior restoration of the building, (close to as-built), using historic photos and building evidence. Some interventions were based partially on the rehabilitation of the building into the caretaker's residence. The interior was largely a rehabilitation/renovation in order to make the building a more comfortable home. Many of the original interior features were retained, with some interventions including the addition of a small bathroom on the second, renovations to the main floor bathroom and kitchen.

Over the past 23 years, since the restoration of the McIver House, the building has largely undergone repair and maintenance of the exterior. There has been some updates and renovations to the bathrooms as well as repair and maintenance of the walls and floors inside the house. In 2017-18, conservation work was undertaken on the exterior of the building, including repairs and some replacement of badly deteriorated materials. This conservation work can be considered rehabilitation of the exterior. This includes when repair or replacement of deteriorated features is necessary.

5.2 Requirements for Retaining Significance

The character-defining elements (CDE that have been identified in the SOS and the additional ones recommended and amended in this report) are important to conserve in order to retain the significance of the historic place. The following conservation Standards & Guidelines are especially important in the continued and future preservation of the McIver House.

#3 Conserve heritage value by adopting an approach calling for minimal intervention.

#7 Evaluate the existing condition of character-defining elements to determine the appropriate intervention needed. Use the gentlest means possible for any intervention. Respect heritage value when undertaking an intervention.

#8 Maintain character-defining elements on an ongoing basis. Repair character-defining elements by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts of character-defining elements, where there are surviving prototypes.

#9 Make any intervention needed to preserve character-defining elements physically and visually compatible with the historic place, and identifiable upon close inspection. Document any intervention for future reference.

5.3 Summary of Conservation Recommendations

5.3.1 The Site:

As the McIver House was moved into the Benvoulin Park in 1995, its connection with the park, the church, and the hall is relatively recent. The McIver House, which replaced the original manse which burned down in the 1960s, was relocated in the same spot. The McIver House was moved a short distance across the

fields from the corner of KLO and Benvoulin Roads. However, the house's new connection and relationship with the church, hall and park as the caretaker's residence is important and valued. The house, along with the church is noticeable and in full view and may be considered a landmark in the area. The cottage gardens and landscaping around the house, as well as in the rest of the park, was developed largely by the first caretakers (Ray and Fran Helgeson) that lived in Mclver for almost 15 years.

Conservation Strategy: Preservation

- Preserve the primary elevations (front façade and southeast elevation) at it relates to Benvoulin Heritage Park, the Benvoulin Church, and Reid Hall.
- Protect and retain the landscaping and gardens around the house. If needed, replace with similar and appropriate plants, such as: water-wise plants, pollinator plants, indigenous vegetation, etc according to the garden plans for site.

5.3.2 Physical Form, Scale, and Massing:

It is important that the form, scale and massing of the house remain so as to not affect its heritage value. It is not recommended that there are new additions to the building in the future. However, if the house's use changes to include the COHS office or interpretation space, for example, it may be appropriate to add an exterior door with entry way on the northwest side to the second floor of the house. If a change in use is deemed necessary for the building, the *Standards and Guidelines* for rehabilitation should be adhered to with the aim of minimal intervention that retains the integrity of its overall form, scale, and massing.

Conservation Strategy: Preservation

- Preserve the overall form, scale and massing of the building such as the 1.5-storey height, the saltbox form, the upper front central gable.
- Preserve the primary elevations (front façade and southeast elevation) at it relates to Benvoulin Heritage Park, the Benvoulin Church, and Reid Hall.

5.3.3 Additions/Alterations:

There were a few alterations to the exterior of the Mclver House prior to the 1995 restoration of the building. Alterations were largely due to poor condition, where the original elements were removed and not rebuilt. The 1995 restoration included the replication of these removed elements: the upper front balcony and the back verandah (which also included the removal of the later enclosed mudroom addition). The brick chimney, which was replaced with a concrete block chimney by the Mclvers due to roof fires, was not restored. Instead the decision was made in 1995 to preserve the location of the chimney and replace it with a less noticeable modern metal stack. The brick chimney was not rebuilt, due to funds and minimal information on what it looked like and how tall it was.

Conservation Strategy: Preservation

- Preserve the replicated 1995 elements which have become character-defining elements, including the front upper balcony and the back verandah with overhang and simple fluted wood posts.
- Any new addition or alteration to the physical form of the building should follow these conservation principles:
 - Design a new addition in a manner that draws a clear distinction between what is historic and what is new
 - Design for the new work should reference design motifs from the historic place. It should be compatible in terms of mass, materials, relationship of solids to voids, and colour, yet be distinguishable from the historic place.

- The new addition should be physically and visually compatible with, subordinate to and distinguishable from the historic place.
- Any new additions should be built so that the essential form and integrity of the *historic place* is not be impaired if the new work is removed in the future.

5.3.4 The Foundation:

The McIver House was placed on a new concrete foundation with a poured cement floor as part of the 1995 restoration. In the recent conservation work, some of the plants that were close to the building have been taken out and relocated and a 3 ½' gravel perimeter was created around the three sides of the house that are not next to the driveway.

Conservation Strategy: Preservation

- To ensure the prolonged preservation of the foundations, all landscaping should be separated from the foundations at grade by a course of gravel, which help prevent splash back and assist drainage. Remove/prune back any trees, plants or bushes that are close to the house foundation. The irrigation system and any sprinklers should be set up to water away from the house to ensure that no water hits the foundation or the house.

5.3.5 The Roof:

The McIver House had the roof and verandah under-structure repaired (verandah roof structure was replaced and replicated) with new cedar shingles installed as part of the 1995 restoration. The cedar shingles are now 23 years old and are showing some deterioration. The roof should be monitored to determine the best time to replace the shingles. This will likely be within the next 3-5 years.

Conservation Strategy: Preservation

- Any repairs or replacement of the roof elements undertaken should be done using replicated elements that match the existing in materials, size, and shape
- New high-quality cedar shingles should be installed
- The fascia boards and soffits should be maintained through repair and paint as needed
- Existing eavestroughs and downspouts should be repaired/replaced as necessary, as well as cleaned annually or as needed
- The area where the original chimney was should be preserved as is.

5.3.6 The Original/Early Building Elements:

The elements of the house that have been identified as character-defining elements and/or are important to conserve include: verandah across the front and side with wood detailing on the posts and beneath the eaves; sleeping porch with screened windows and wood siding; horizontal wood drop siding on the house; single-hung wood windows with storms; simple window and door trims and corner boards; five panel wood doors with screen doors. The house should be painted within the next 1-3 years. Elements such as the fascia boards will need painting within the next year. The verandah should be oiled every 1-2 years.

Note: *The front and side verandah's roof, deck and sub-structure and skirting were replaced in the 1995 restoration due to very poor condition of materials. The 2017/18 conservation work included the repair and replacement of part of the verandah sub-structure, most of the decking boards and some of the skirting boards. The 1995 t&g decking boards had failed due to being too thin for an exterior deck. The new 2017/18 replaced decking boards are more similar to the deteriorated pre-1995 boards in width, thickness and installation (gap in between boards).*

Conservation Strategy: Preservation

- Repair building elements as needed, replace only if not repairable with replicated elements matching

existing in materials, size, profile and thickness. **Note:** Modern materials such as combed and/or textured lumber or hardi-boards or other cementitious boards are not acceptable.

- Windows and doors should be repaired and maintained in order to open smoothly and be made weather tight through re-puttying and weather-stripping. Any cracked or chipped glass needs to be replaced. When removing broken glass, the exterior putty should be carefully chipped off with a chisel and the glazier's points should be removed. The wood where the new glass will be rested on should be scraped and cleaned well, and given a coat of linseed oil to prevent the wood from absorbing the oil from the new putty. The new glass should be cut 1/16-1/8th smaller than the opening to allow for expansion and irregularities in the opening, to ensure the glazing does not crack due to natural forces. Window repairs should be undertaken by a contractor skilled in heritage restoration.
- Regular maintenance of siding, windows, doors, and wood elements required
- Cleaning procedures should be undertaken with non-destructive methods. Areas with biological growth should be cleaned using a soft, natural bristle brush, without water, to removed dirt and other materials. If a more intense cleaning is needed, use warm water, mild detergent and a soft bristle brush. High pressure power washing, abrasive cleaning or sandblasting is never appropriate as these methods will cause damage.
- To ensure the prolonged preservation of the building elements, remove/prune back any trees, plants, vines, or bushes that are close to the building. Nothing should be planted close to the house. The irrigation system and any sprinklers should be set up to water away from the house to ensure that no water hits any part of the house.


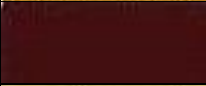


5.3.7 Exterior Heritage Colour Scheme:

Part of the conservation of the building is to ensure that the exterior of the McIver House is painted in historically appropriate paint colours. The following colour scheme has been determined by finding the closest match of the Benjamin Moore *Historical True Colour Palette for Western Canada* with the building's current colours.



***Note:** The conservation work undertaken in 2017-18 included a coat of paint where repairs or replacement was necessary using the True Colours palette. The match is not exact, partially due to fading of the intense colours (repainted 11-12 years ago), especially the dark burgundy colour. This will be corrected once the house is repainted in the near future. It should also be noted that the siding is not a very close match to the True Colour palette. The True Colour, Strathcona Gold VC-9, chosen is the closest colour on the palette. It was decided to use a closer match for the verandah skirting and the balcony boards for this project and use the VC-9, when the house is repainted.

Colour Table: McIver House Exterior

Element	Colour	Code	Sample	Finish
Siding	Strathcona Gold	VC-9		Flat or pearl
Window & door trims, corner boards, fascias, & posts	Pendrell Red	VC-29		Semi-Gloss
Window & door frames & sashes	Edwardian Cream	VC-7		High Gloss
Decorative elements & other trims, soffits, balcony railings	Edwardian Cream	VC-7		Semi-Gloss

5.3.8 Interior Elements:

The Mclver House had a number of its interior features repaired and maintained during the 1995 restoration of the building. These included the ceilings, the wood floors (except for in the main floor bathroom and the kitchen), original heating vents/grates, window and door trims, floor mouldings, interior doors, bedroom closets, kitchen pantry and closet, the narrow staircase, and even part of the kitchen cupboards and sink unit. The interior walls were removed and replaced with drywall. During subsequent renovations, the floors have been refinished (the original paint around the perimeter of the living room floor was sanded out- which was an interesting element in early farmhouses), the bathrooms (not CDE) updated and walls painted.

As the building was brought up to the building code in 1995, the remaining original/early interior elements should be able to be maintained and repaired as needed.

Conservation Strategy: Preservation/Rehabilitation

- Any repairs or replacement of early/original elements should be done using replicated elements that match the existing in materials, size, and shape
- Insulation in both attic spaces and under the main floor should be evaluated and upgraded if necessary. As there has been problems in the past with rodents and insects getting into the house, these areas may need additional work underneath the floor or in the attic to ensure that this is minimized.

6.0 Potential Impacts – Current & Future

There are a number of factors that could have an impact on the value of an historic place. These go beyond simply considering the physical acts of preservation, rehabilitation or restoration of the physical fabric of the building. The following list includes factors that may impact the building now and/or in the future. This list may be expanded and/or modified in their future, especially if the use of the building is modified.

Environmental factors:

- The house may be at risk from rodents, birds (i.e. flickers love old wood), insects and, marmots
(Note: marmots have been an on-going problem under the verandah for the last number of years. However, with the new decking that lets light under the verandah and the new wire mesh attached to the skirting and buried under the gravel to prevent them from getting under the deck, it is hoped that this will solve the problem.)
- The house may be at risk from vandalism and fire
(Note: Every year, especially in the fall, there are homeless people who wander through the property looking for somewhere warm to sleep. They have caused damage breaking into the crawlspace covers.)
- The house may be at risk from falling trees, especially in the winter months and in high wind storms. It is important to monitor and remove/prune any trees, bushes, plants that are close to the building.

Factors related to the building's current and/or future use:

- The continued use of the farmhouse as the caretaker's residence is the easiest and best use for the house with the least impact. As the house has been limited to a single person or couple, this has helped to keep the house in good condition since 1995. The house is not suitable for more than two people, as this would put too much wear and tear on the house.
- As the house has not been modernized/renovated up to today's standards and expectations, the building might be considered too primitive for some. This is part of the charm, the authenticity and the value of

the building. It is not appropriate to gut the interior and modernize it, beyond updating the newer features such as the counters, flooring in the bathrooms, toilets, sinks, etc.

-The exterior of the building, especially the 'public view' from the front and side should be kept neat with limited personal objects. Simple exterior furniture such as Adirondack chairs and a small table would be appropriate. This will also help to keep the new verandah deck in good condition. The verandah (except for the sleeping porch) should not be used as a storage space. Barbeques and propane firepits should never be used on the verandah or near the house or any of the buildings. There should not be any modern additions, such as exterior blinds, trellises, or garden hose holders, etc attached to the building. These additions damage historic materials and are not appropriate only a historic building in a heritage park.

-If in the future, the house undergoes a rehabilitation to include the COHS office (i.e. the second floor of the house), the BC Building code would have an impact on the building. There are variances for heritage buildings that may be appropriate. For example, a new exterior entrance to the second floor would be required, likely on the northwest façade. This would likely have the least impact on the building. Accessibility and public access would need to be considered. However, as this would have a huge impact on the house and likely not be possible, it would make more sense to find a creative solution where the hall is used to meet the public who have accessibility issues.

Accessibility- public access:

Accessibility would be a factor if the Mclver House's use is changed to include public access. The goal of universal design is design for all, barrier free design. This is a challenge in all heritage building rehabilitation projects. A balance is needed between the level of accessibility and the conservation of the building. In some cases, it might be appropriate to have an access audit undertaken in order to evaluate a structure and site to identify issues and possible improvements in the development of an accessibility plan. An accessibility plan will consider all types of disabilities in all areas of the site and structure including: getting to the site, approach and entrance, circulation throughout spaces and levels, bathroom, information/experiences, means of escape, lighting. This should be done before rehabilitation work is started.

Code Compliance/BC Building Code:

Building Code upgrading ensures life safety and long-term protection for historic resources. It is important to consider heritage buildings on a case-by-case basis, as the blanket application of Code requirements do not recognize the individual requirements and inherent strengths of each building.

A future new use with public access to the Mclver House will determine what is required by the B.C. Building Code. Some alternate solutions (equivalencies) may be allowed, in order to conserve the building.

The B.C. Building Code states:

It is generally recognized that the...Building Code was primarily written for new construction and provides for a performance level that is significantly higher than what exists for many older buildings. To apply present Building Code requirements to existing buildings is in many cases, impractical and with Heritage Buildings may compromise historic appearances or authenticity. Therefore, the Table of Alternate Compliance Methods was developed to provide alternate methods for complying with the performance level intended by the Building Code.

Code Compliance/Energy Efficiency Act:

The provincial Energy Efficiency Act was amended in 2009 to exempt buildings protected through heritage designation or listed on a community heritage register from compliance with the regulations. Energy efficiency standards do not apply to windows, glazing products, door slabs or products installed in heritage buildings. This means that exemptions can be allowed to energy upgrading measures, such as the retention of character-defining elements such as windows and doors. This allows a more sensitive approach of alternate compliance to each heritage building.

Fire detection, security alarms and suppression systems:

As the McIver House allows an on-site caretaker for the park, the buildings, including the house are regularly monitored. The house has two wired-in smoke detectors (one on each floor) and one battery smoke detector in the kitchen. There is no security or fire suppression system. As most heritage buildings are lost to fire, a fire suppression system may also be considered. However, installation would likely cause damage to the original ceilings. Battery smoke detectors should be installed in every room including the attic space and batteries changed every six months.

On-going maintenance program:

Regular maintenance of the house is required. Ongoing maintenance is the simplest, most effective (and least glamorous method) to ensure the lasting conservation of buildings.

Greening/sustainability:

Green initiatives that are appropriate in a heritage building are not necessarily the same as for other buildings. For example, it is not appropriate to replace original wood windows with new double-glazed windows. Well maintained storm windows work just as well. However green systems (i.e. solar panels) may be considered or green roof, water barrels, added insulation in walls and the roof. The greenest building is the existing building. Minimal intervention (i.e. repair vs replacement) advocates conserving historic materials which are often less consumptive of energy than many new replacement materials.

Life Cycle Assessment Life cycle assessment (LCA) quantifies energy and material usage and environmental releases at each stage of a product's life cycle. LCA examines impacts during a building's entire life, rather than focusing on environmental impacts at a particular stage. LCA indicates that retaining and rehabilitating buildings is more environmentally friendly than new construction, especially in cases where a building is replaced entirely and the old structure is sent to a landfill.

7.0 Maintenance Plan

It is highly recommended that a Maintenance Plan for the McIver House be adopted by the Central Okanagan Heritage Society. A maintenance plan is important in protecting the building and its heritage value. Proper maintenance is the most cost-effective method of extending the life of a building and preserving its character-defining elements. The survival of historic buildings in good condition is primarily due to regular upkeep.

7.1 Maintenance Guidelines

A maintenance schedule should adhere to the *Standards & Guidelines for the Conservation of Historic Places in Canada*. As defined in the *Standards & Guidelines*, maintenance is:

Routine, cyclical, non-destructive actions necessary to slow the deterioration of a historic place. It entails periodic inspection; routine, cyclical, non-destructive cleaning; minor repair and refinishing operations; replacement of damaged or deteriorated materials that are impractical to save.

Conservation Standard #8 states:

Maintain character-defining elements on an ongoing basis. Repair character-defining elements by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts of character-defining elements, where there are surviving prototypes.

Routine maintenance keeps water out of the building, which is the single most damaging element to a heritage building. Regular maintenance also helps to prevent damage from the elements (i.e. sun, wind, snow), animals, birds, rodents and insects. The better the maintenance of a heritage building, the higher degree of preservation as well as the potential of saving money in future repairs.

Routine, Cyclical & Non-destructive Cleaning:

Following the *Standards & Guidelines*, Standard #7 recommends any intervention (including cleaning) “use the gentlest means possible.” Any cleaning procedures on the building should always use the gentlest means possible (i.e. non-destructive methods). Cleaning should be limited to the exterior material such as concrete surfaces and wood elements such as siding and trims. All of these elements are usually easily cleaned, simply with a soft, natural bristle brush, without water, to remove dirt and other material. If a more intensive cleaning is required, it can be accomplished with warm water, mild detergent and a soft bristle brush. **High pressure washing, sandblasting or other abrasive cleaning should NEVER be undertaken on a heritage building.**

Repairs and Replacement of Deteriorated Materials:

Interventions such as repairs and replacements should conform to the *Standards & Guidelines*. The building’s character-defining elements – characteristics of the building that contribute to its heritage value (and identified in the Statement of Significance) such as materials, form, configuration, etc. – should be conserved, referencing the following principles to guide interventions:

- An approach of minimal intervention should be adopted - where intervention is carried out it will be by the least intrusive and most gentle means possible.
- Repair rather than replace character-defining elements.
- Repair character-defining elements using recognized conservation methods.
- Replace ‘in kind’ extensively deteriorated or missing parts of character-defining elements.
- Make interventions physically and visually compatible with the historic place.

Inspections:

Inspections are a key element in the maintenance plan and should be carried out by a qualified person or company, preferably with experience in the assessment of heritage buildings. These inspections should be conducted on a regular and timely schedule.

The inspection should address all aspects of the building including exterior, interior and site conditions. It is important to inspect a building in both wet weather and in dry, in order to see how water runs off and not through a building. The inspection report should include notes, sketches and observations. It may be helpful for the inspector to have building drawings to mark areas of concern, i.e. cracks, staining and rot. The report should then be entered into a log book in which actions to correct the issue are recorded and tracked. It is important that there are two inspections a year- a more rigorous in spring followed by a fall inspection. In the spring, moisture-related deterioration is most visible, and maintenance work, such as staining, can be completed during the summer. In the fall, seasonal issues such as weather sealants, mechanical (heating) systems and drainage issues are the focus. Comprehensive inspections should be undertaken every five years, in which records from previous inspections are checked. Inspections should also occur after major storms to ensure that any damage can be addressed as quickly as possible.

Information File:

The McIver House should have its own information file which would include the inspection reports, the log book (with problems and corrective actions undertaken), building plans, building permits, heritage reports, photographs and other relevant documentation so that a complete understanding of the building and its evolution is readily available. A list outlining the finishes and materials used, would also be helpful. It is also recommended that a stock of spare materials for minor repairs be kept.

Log Book

The maintenance log book is an important tool that should be kept to record all maintenance activities, recurring problems and building observations and will assist in the overall maintenance planning of the building. Routine maintenance work should be noted in the maintenance log to keep track of past and plan future activities. A full record of these activities will help in planning future repairs as well help with future budgets. The log book should be kept in the information file.

7.2 Inspection Checklist

The following checklist considers a wide range of potential problems specific to the McIver House such as water/moisture penetration, material deterioration and structural deterioration. This does not include interior inspections.

EXTERIOR INSPECTION

Site Inspection

- Are tree branches or any vegetation near or touching the building?
- Is water draining away from the building foundation (i.e. eavestroughs and downspouts working)?
- Is the yard around the house well drained? Is there pooling of water?

Foundation

- Moisture: Is rising damp present?
- Is damp proof course present? (there is a vapour barrier under slab and foundation walls which should prevent moisture and rising damp)
- Is there back splashing from ground to structure?
- Is the irrigation/sprinklers hitting the foundation?
- Is any moisture problem general or local?

- Are there shrinkage cracks in the foundation?
- Are there movement cracks in the foundation?
- Is crack monitoring required?
- Is uneven foundation settlement evident?
- Are foundation crawl space vents clear and working?
- Do foundation openings (door access and vents) show: rust; rot; insect attack; soil build-up; holes in the screens?
- Is the access cover in good condition?
- Are there moisture problems present? (Rising damp, rain penetration, condensation moisture from plants, water run-off from roof, sills, or ledges?)
- Is there insect attack present? Where and probable source?
- Is there fungal attack present? Where and probable source?
- Are there any other forms of biological attack? (Moss, birds, etc.) Where and probable source?

Wood Features & Condition of Painted Materials

- Are there moisture problems present? (Rising damp, rain penetration, condensation moisture from plants, water run-off from roof, sills, or ledges, irrigation/sprinklers hitting the wood?)
- Is wood in direct contact with the ground?
- Is any wood surface damaged from UV radiation? (bleached surface, loose surface fibres)
- Is any wood warped, cupped or twisted?
- Is any wood split? Are there loose knots?
- Are nails pulling loose or rusted?
- Is there any staining of wood elements? Source?
- Is the wood damaged from animals, birds, rodents, insects?*
- Is there fungal attach present? Where and probable source?
- Paint shows: blistering, sagging or wrinkling, alligatoring, peeling. Cause?
- Paint has the following stains: rust, bleeding knots, mildew, etc. Cause?
- Is the linseed oil treatment of the decking (verandah and balcony) worn off?

**Note: In the spring, birds (flickers) can cause major damage to wood elements, esp. siding. This is an on-going problem on many of the older wood buildings in the Okanagan. Insects (wasps) also cause damage with nests in attic spaces as well as on the exterior of older wood structures.*

Verandah, Sleeping Porch, Balcony

- Are steps safe? Balustrade secure?
- Do any support posts/columns show rot at their bases?
- Are porches, steps, etc securely connected to the building?
- Are there areas on the decking that appear 'soft' when walked on?
- Is the screen in the sleeping porch windows and door loose/not attached?

Windows

- Is there glass cracked, missing, or rattling? (i.e. glass loose in sash)
- If the glazing is puttied has it gone brittle and cracked? Fallen out?
- Is there condensation or water damage to the paint?
- Are the sashes easy to operate?
- Do the locks and latches work freely?

- Is the frame free from distortion?
- Do sills show weathering or deterioration?
- Are drip mouldings/flashing above the windows properly shedding water?
- Is the caulking between the frame and the cladding in good condition?
- Are the window sashes and storms weather tight? Need new weather stripping?
- Are there storm windows missing? Cracked glazing? Need repairs?

Doors

- Do the doors create a good seal when closed? Need weather proofing?
- Are the hinges sprung? In need of lubrication?
- Do locks and latches work freely?
- If glazed, is the glass in good condition? Does the putty need repair?
- Are door frames wicking up water? Where? Why?
- Are door frames caulked at the cladding? Is the caulking in good condition?
- What is the condition of the sill?
- Do the screen doors need repairs? Is the screen tight in the frame?

Eavestroughs and Downspouts

- Are eavestroughs or downspouts leaking? Clogged? Are there holes or corrosion? Damage? Are the eavestroughs pulling away from fascia? (Water against structure)
- Are eavestroughs or downspouts complete without any missing sections? Are they properly connected?
- Is the water being effectively carried away from the downspout by a drainage system?
- Do downspouts drain completely away?

Roof

- Are there water blockage points?
- Is the leading edge of the roof wet?
- Is there evidence of biological attack? (fungus, moss, birds, insects)
- Are wood shingles wind damaged or severely weathered? Are they cuped or split or lifting?
- Are the nails sound? Are there loose or missing shingles?
- Are flashings well seated?
- If there is a lightning protection system are the cables properly connected and grounded?
- Does the soffit show any signs of water damage? Insect or bird infestation?
- Is there rubbish buildup on the roof?

INTERIOR INSPECTION

Concealed spaces (crawl space and attic spaces)

- Is light visible through walls, to the outsider or to another space?
- Are the vents for windowless spaces clear and functional?
- Do pipes or exhausts that pass through concealed spaces leak?
- Are wooden elements soft, damp, cracked? Is metal material rusted, paint peeling or off altogether?
- Are there signs of moisture damage to the walls?

- Infestations - are there signs of birds, bats, insects, rodents, past or present?
- Are insects and rodents getting into the house from the crawlspace? Where? How?

7.3 Maintenance Program

INSPECTION CYCLE

Daily/Weekly

- Observations noted during cleaning (cracks; damp, dripping pipes; malfunctioning hardware; etc.) to be noted in log book or building file.

Semi-annually

- Semi-annual inspection and report with special focus on seasonal issues.
- Thorough cleaning of drainage system to cope with winter rains and summer storms
- Check condition of weather sealants (Fall).
- Clean the exterior using a soft bristle broom/brush.

Annually (Spring)

- Inspect concrete for cracks, deterioration.
- Inspect metal elements, especially in areas that may trap water.
- Inspect windows for paint & glazing compound failure, corrosion & wood decay & proper operation.
- Complete annual inspection and report.
- Clean out of all perimeter drains and rainwater systems.
- Touch up worn paint/stain/oil on the building's exterior.
- Check for plant, insect or animal infestation (i.e. spiders and mice)
- Routine cleaning, as required.

Five-Year Cycle

- A full inspection report should be undertaken every five years comparing records from previous inspections and the original work, particularly monitoring structural movement and durability of utilities.
- Repaint house, including window sashes every five to fifteen years. (*Note: the house was repainted about 10-11 years ago; this year there were touch ups where conservation work was undertaken; however still areas such as the fascia boards that will need new paint within the next year if the house is not repainted in 2019*)

Ten-Year Cycle

- Check condition of roof every ten years after last replacement in 1995.

Twenty-Year Cycle

- Confirm condition of roof and estimate effective lifespan. Replace when required. (*Note: the cedar shingle roof will need to be replaced in next 3-5 years, as now 23 years old*)

Major Maintenance Work (as required)

- Thorough repainting/oiling, downspout and drain replacement; replacement of deteriorated building materials; etc. (*Note: replacement of deteriorated materials with some painting and oiling was completed in 2018*)

The maintenance plan should be reviewed and updated to include any changes, especially if the McIver House is rehabilitated in the future to include a new use.

8.0 Conservation Policies

These policies are intended to direct the course of action in the continued conservation, on-going maintenance and management of the McIver House based on the *Standards and Guideline for the Conservation of Historic Places in Canada*.

- The McIver House should be protected, like the Benvoulin Church, with a Municipal Heritage Designation Bylaw. This would ensure the long-term conservation of this building for the community and future generations. This would also allow COHS to potentially apply for larger grants to help in the conservation of this building.
- Any change/alteration to the McIver House's exterior should have minimal or no impact on the physical form, scale and/or massing of the building. Additions to the house are not recommended. If an addition is deemed necessary in the future for the rehabilitation of the building, the *Standards and Guidelines* for additions should be adhered to. (*Refer to: 5.3 Summary of Conservation Recommendations - Additions/Alterations*)
- Any changes/alterations to the building should be recorded and added to the building's record.
- The maintenance plan for the McIver House should be updated as needed. Monitoring, on-going maintenance, and repair should be carried out on an annual basis in order to protect the building and its character-defining elements.
- Long term planning for structural, mechanical & electrical systems' repair; bathroom & kitchen updates (including appliances); and major conservation/maintenance work is necessary. A five to ten-year plan, including estimated costs for the work should be undertaken. This should be reviewed and updated as needed.
- An important part of the heritage value of the McIver House, as part of Benvoulin Heritage Park, along with the Benvoulin Church and Reid Hall, is its significance to the community. It is important that the park, along with its buildings and gardens continues to give a high priority to community access and involvement. In the case of the McIver House, this is the exterior facade of the house.
- Monitoring, reviewing and implementation of the McIver House Conservation Plan should be on-going and updated as needed.

9.0 Conclusion

The McIver House is a significant historic building with its unique and rare architectural 'saltbox' house type, its association with early agriculture in the Benvoulin area, its connection with the McIver Family, and the community's support in its move, restoration and new use as the caretaker's residence at Benvoulin Heritage Park.

It is recommended that the McIver House be considered for municipal heritage designation, which will reflect the value the community places in the building and in Benvoulin Heritage Park as an important heritage place in Kelowna. In 1983, the Benvoulin Church was the second building (the Laurel Packinghouse was the first, 1983) that was designated heritage by the City of Kelowna.

The Heritage Conservation Plan, record of the building in 2018, has compiled and summarized the building's context, its evolution-history and alterations/changes, its value to the community, assessment of the building including its condition and conservation recommendations, potential impacts, maintenance plan, and general conservation policies. This will help with the short-term and long-term planning and management of the building.

This will help to ensure that the physical life of the building is extended as long as possible, while preserving the heritage value of the McIver House for the community and future generations.

Appendix #1: Summary of Standards and Guidelines for the Conservation of Historic Places in Canada

The four major principles are:

1. Understanding: *A comprehensive understanding of a historic place is acquired through documentary and oral research as well as physical investigation. Such research and analysis will lead to the identification of the heritage value of the historic place and the character-defining elements that embody its heritage value.* (Source: Standards and Guidelines for the Conservation of Significant Heritage Buildings, 2004, p.2)

2. Planning: *A mechanism establishing the connection between a comprehensive understanding of a place and interventions that respect its heritage value...Planning must reflect all factors affecting the future of a historic place, including the owner's needs, resources and external constraints.* (Source: Standards and Guidelines for the Conservation of Significant Heritage Buildings, 2004, p.3)

3. Using: *Use (i.e. occupancy) may be part of its heritage value, in which case, it must be maintained. Otherwise, a new use compatible with the defined heritage value should be considered. Uses that are economically, socially or symbolically viable are the best guarantee of the long-term survival of a historic place.* (Source: Standards and Guidelines for the Conservation of Significant Heritage Buildings, 2004, p.3)

4. Intervening: *Intervention at a historic place must respect its heritage value and character-defining elements. It is always better to preserve than to repair and better to repair than replace. Any additions must respect the spirit and substance of the old. This "minimal intervention" approach is the foundation of good conservation practice.* (Source: Standards and Guidelines for the Conservation of Significant Heritage Buildings, 2004, p.3)

These conservation standards and guidelines consider three types of treatment:

- ***preservation** (protecting, maintaining and/or stabilizing the materials, form and integrity of a historic place);
- ***rehabilitation** (repairing, alterations and/or additions to make possible a continuing or compatible use of a historic place);
- ***restoration** (revealing, recovering or representing the state of a historic place at a particular period in its history).

The primary objective of the project and its heritage value will determine the best treatment, ensure that its heritage value is protected and that its physical life is extended. (Source: Standards and Guidelines for the Conservation of Significant Heritage Buildings, 2004, p.5)

There are 14 standards and guidelines that are fundamental to the conservation of heritage resources in order to protect the value and extend the physical life of a historic place.

General Standards (for preservation, rehabilitation and restoration)

1. *Conserve the heritage value of a historic place. Do not remove, replace, or substantially alter its intact or repairable character-defining elements. Do not move a part of a historic place if its current location is a character-defining element.*
2. *Conserve changes to a historic place which, over time, have become character-defining elements in their own right.*
3. *Conserve heritage value by adopting an approach calling for minimal intervention.*
4. *Recognize each historic place as a physical record of its time, place and use. Do not create a false sense of historical development by adding elements from other historic places or other properties or by combining features of the same property that never coexisted.*
5. *Find a use for a historic place that requires minimal or no change to its character-defining elements.*
6. *Protect and, if necessary, stabilize a historic place until any subsequent intervention is undertaken. Protect and preserve archaeological resources in place. Where there is potential for disturbance of archaeological resources, take mitigation measures to limit damage and loss of information.*

7. *Evaluate the existing condition of character-defining elements to determine the appropriate intervention needed. Use the gentlest means possible for any intervention. Respect heritage value when undertaking an intervention.*
8. *Maintain character-defining elements on an ongoing basis. Repair character-defining elements by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts of character-defining elements, where there are surviving prototypes.*
9. *Make any intervention needed to preserve character-defining elements physically and visually compatible with the historic place, and identifiable upon close inspection. Document any intervention for future reference.*

Additional Standards Relating to Rehabilitation

10. *Repair rather than replace character-defining elements. Where character-defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements. Where there is insufficient physical evidence, make the form, material and detailing of the new elements compatible with the character of the historic place.*
11. *Conserve the heritage value and character-defining elements when creating any new additions to a historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.*
12. *Create any new additions or related new construction so that the essential form and integrity of a historic place will not be impaired if the new work is removed in the future.*

Additional Standards Relating to Restoration

13. *Repair rather than replace character-defining elements from the restoration period. Where character-defining elements are too severely deteriorated to repair and where sufficient physical evidence exists, replace them with the new elements that match the forms, materials and detailing of sound versions of the same elements.*
14. *Replace missing features from the restoration period with new features whose forms, materials and detailing are based on sufficient physical, documentary and/or oral evidence.*

Source: Standards and Guidelines for the Conservation of Historic Places in Canada, 2010, pp.22-23.

Appendix #2: City of Kelowna P2 Zone- Education and Minor Institutional

City of Kelowna Consolidated Zoning Bylaw No. 8000 Section 16

Public & Institutional Zones Revised August 28, 2017

P2 – Education and Minor Institutional

16.2.1 Purpose

The purpose is to provide a zone for private and public educational, residential and recreational uses and religious assemblies.

16.2.2 Principal Uses

The principal uses in this zone are: (a) agriculture, urban (b) child care centre, major (c) community garden (d) community recreation services (e) emergency and protective services (f) health services, minor (g) private clubs (h) private education services (i) public education services (j) religious assemblies (k) supportive housing (l) temporary shelter services (m) utility services, minor impact

16.2.3 Secondary Uses

The secondary uses in this zone are: (a) public parks (b) residential security/operator unit (c) supportive housing 16.2.4 Subdivision Regulations (a) The minimum lot width is 18.0 m. (b) The minimum lot depth is 30.0 m. (c) The minimum lot area is 660 m². 16.2.5 Development Regulations (a) The maximum floor area ratio is 1.0. (b) The maximum site coverage is 40% for buildings and 60% for buildings, parking areas and roads. (c) The maximum height is 13.5 m or 3 storeys. (d) The minimum front yard is 6.0 m. (e) The minimum side yard is 4.5 m, except it is 6.0 m from a flanking street. (f) The minimum rear yard is 7.5 m.

16.2.6 Other Regulations

(a) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 6 (accessory development, yards, projections into yards, accessory development, lighting, stream protection, etc.), the landscaping and fencing provisions of Section 7, the parking and loading regulations of Section 8, and the specific use regulations of Section 9. City of Kelowna Consolidated Zoning Bylaw No. 8000 Section 16 – Public & Institutional Zones Revised February 20, 2017 P2-2 (b) Accessory buildings and structures used for maintenance and/or storage (both temporary and permanent structures) must have a level 3 landscape buffer. No outdoor storage is permitted in this zone (b) Accessory buildings and structures used for maintenance and/or storage (both temporary and permanent structures) must have a level 3 landscape buffer. No outdoor storage is permitted in this zone (c) For lots less than 1,000 m² in area, a health services, minor use shall not generate more than four (4) clients to the site from which the business is being operated at any given time. (d) For lots less than 1,000 m² in area, a health services, minor use shall not generate more than six (6) clients to the site from which the business is being operated at any given time.

Appendix #3: Location of Original Site (1954 KLO Road) & New Location at Benvoulin Heritage Park (2279 Benvoulin Road)

(Note: 1950 KLO Road has replaced 1954 KLO Road)



Appendix #4: Old McIver House Relocation & Existing Floor & Elevation Plans, 1994, Peter Chataway

Appendix #5: City of Kelowna's Statement of Significance for the Mclver House, 2000



Heritage Building

2269-2279 Benvoulin Road – Mclvor House (Note: should be Mclver House)

Place Description: The historic place is the 1.5-storey, wood-sided Mclver House, built around 1904 as a farmhouse, and relocated to Benvoulin Heritage Park at 2279 Benvoulin Road, in Kelowna's South Pandosy neighbourhood, to complement the Benvoulin Church located on the same site.

Heritage Value: This farmhouse has heritage value for being representative of the vernacular saltbox house-type, an Eastern Canadian tradition that is rare locally. It has further value for its association with early agriculture in the area southeast of Kelowna, and also for the interest shown by the Kelowna community in conserving it.

The house was built by Gordon C. Scott, a wheelwright, as a residence at his asparagus farm. The original location was 1950 KLO Road. It has been suggested that it may have been built as early as 1900, but it more likely dates from 1904, when the Kelowna Land and Orchard Company subdivided the old Lequime property into smaller farm blocks and built KLO Road, onto which the building faced.

The house is a continuation of a vernacular architectural tradition that goes back more than two centuries earlier in Eastern Canada and New England. The three-bay, 1.5- or 2-storey house (the Mclver House has 1.5 storeys), with a gable roof that drops lower in the rear to cover a second range of rooms, is called a 'saltbox' house, a term that originated in the northeastern U.S.A. and is found in the Maritime provinces. The central raised gable, here enclosing a second-floor door, is particularly characteristic of Ontario. This house-type, common back East, is relatively uncommon in B.C. generally and the Kelowna area specifically.

The house was purchased in 1927 by Bernard ('Barney') Mclver and his wife Harriet, becoming the farmhouse for their 17-acre mixed farming operation. Harriet Mclver lived in the house until 1980, after which it stood empty. In 1994 the family donated the building to the Central Okanagan Heritage Society, which moved it to its current location on the Benvoulin Heritage Park site (with which it has no historical connection) and restored it. It now serves as the residence for the Benvoulin Heritage Park site manager.

Character
Defining
Elements:

Key elements that define the heritage character of the McIver House include:

- Traditional vernacular saltbox form, with a gabled roof with a double-slope at the rear, with the rear eaves lower than the front eaves
- Gable enclosing the second-floor door on the centre of the front elevation, and small balcony off the door
- Verandah across the front and one side, with delicate wood detail on the posts and beneath the eaves
- Horizontal wood shiplap (drop) siding
- Double-hung wood windows, with one-over-one and two-over-two sash
- Open property with trees, lawn, rock paths, picket fence, and vegetable and flower garden

Source: City of Kelowna website, Kelowna Heritage Register, 2017.

Appendix #6: McIver House Condition Review, 2017 - 2018

Sources

Arcand (Pat) and McIver Family. **Photographs & Archival materials including Family Reminiscences, etc.**

City of Kelowna. ***Kelowna's Official Community Plan***, 1993.

City of Kelowna. ***Kelowna's OCP 2020***, 2010.

City of Kelowna Heritage Register. ***Statement of Significance for McIvor House, 2279 Benvoulin Road***, 2000.

Central Okanagan Heritage Society. ***Photographs & Archival materials including the McIver House 1994/95 move & restoration, Community Memories Project on Benvoulin Heritage Church.***

Google Maps. ***Location of Original Site (1950 KLO Road) & New Location at Benvoulin Heritage Park (2279 Benvoulin Road)***, 2017.

Kelowna Public Archives, ***Photographs, People Files, Okanagan Historical Society Reports, Maps.***

Luxton, Donald and Associates INC. ***Surtees House & Barn Conservation Plans, Kelowna***, 2017.

Okanagan Historical Society Reports, UBC Library Open Collections, <https://open.library.ubc.ca/collections/ohs>

Parks Canada. ***Standards and Guidelines for the Conservation of Historic Places in Canada, second edition.*** The Government of Canada, in collaboration with provincial and territorial governments, 2010.

Pattison, Eric with Quoin Projects Ltd. ***Keremeos Grist Mill 2010 Condition Survey.*** University of Victoria Cultural Resource Management Program & BC Heritage Branch, Canada's Historic Places, 2010.

Note: *Photographs in report were taken by L. Dauncey, unless sourced otherwise.*



HD20-0002

2269-2279 Benvoulin Road

Heritage Designation



Proposal

- ▶ To designate 2269-2279 Benvoulin Road as a municipal heritage site

Development Process



Context Map



Subject Property Map



Heritage Value & Character

Benvoulin Church & Reid Hall

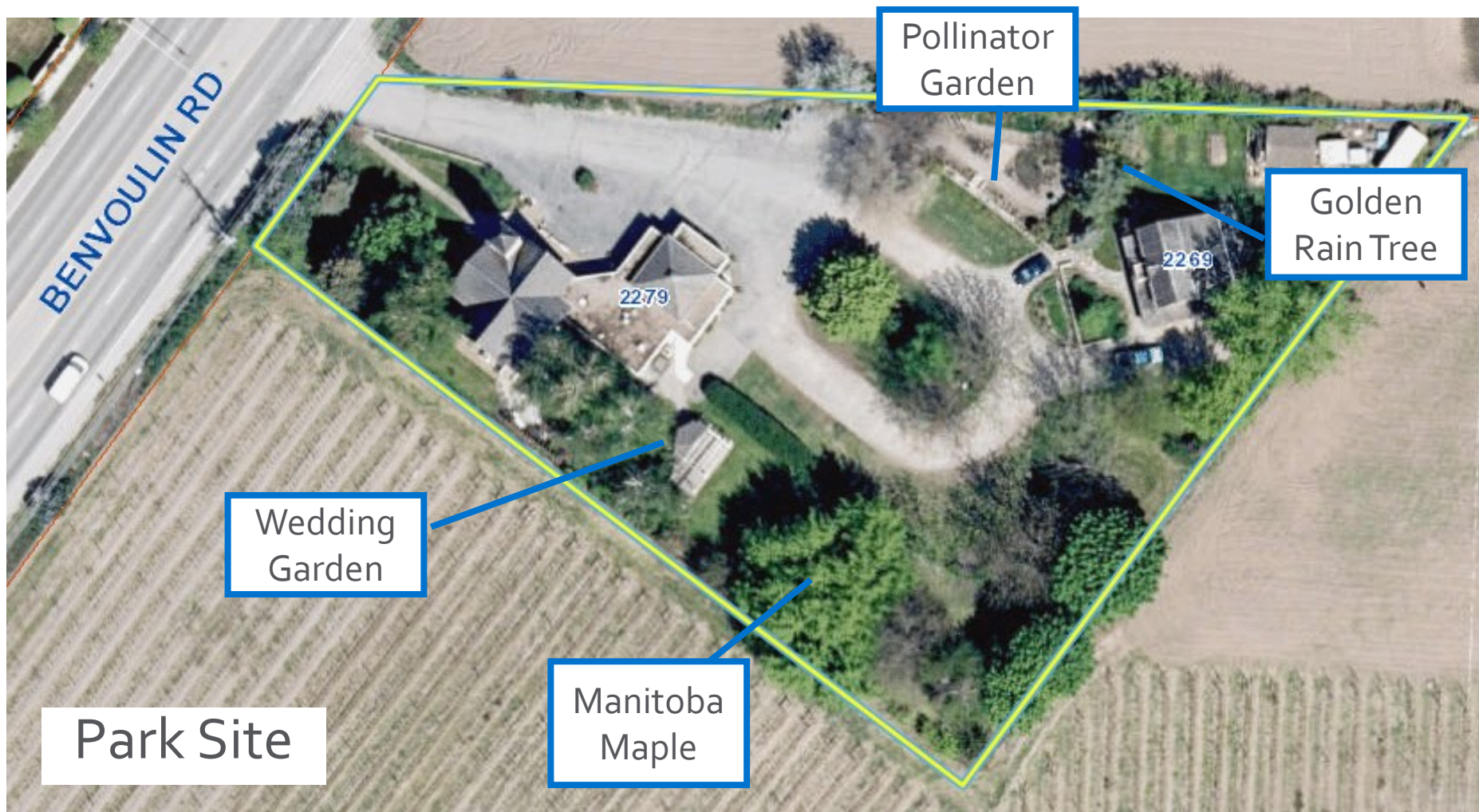


Heritage Value & Character

Mclver House



Heritage Value & Character



Staff Recommendation

- ▶ Staff recommend support for the proposal
 - ▶ Aligns with OCP and Heritage Strategy policies
 - ▶ Heritage Designation Bylaw will offer long term protection



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12143

HD20-0002 - Heritage Designation Bylaw – 2269-2279 Benvoulin Road

WHEREAS the Municipal Council of the City of Kelowna has already established the building "Benvoulin Church" legally described as Parcel A (KN69976) Block 7 District Lot 130 ODYD Plan 415B, located on Benvoulin Road, Kelowna, B.C. to be a building with heritage value under Bylaw No. 5599-83;

AND WHEREAS the Municipal Council of the City of Kelowna considers the property known as the "Benvoulin Heritage Park", as indicated in Schedule "A" attached to this bylaw located at Parcel A (KN69976) Block 7 District Lot 130 ODYD Plan 415B, on Benvoulin Road, Kelowna, B.C. to be a property with heritage value and that the designation of the site and the buildings located on the site as a heritage site pursuant to Section 611 of the Local Government Act is desirable for the conservation of the site;

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

1. The property known as the "Benvoulin Heritage Park", legally described as Parcel A (KN69976) Block 7 District Lot 130 ODYD Plan 415B, located at 2269-2279 Benvoulin Road, Kelowna, BC is hereby designated a Municipal Heritage Site pursuant to Section 611 of the *Local Government Act*.
2. Except as authorized by this bylaw or as authorized by a Heritage Revitalization Agreement or a Heritage Alteration Permit Approved by Council, no person shall:
 - a. Alter the exterior of any building or structure situated on the property designated in this bylaw;
 - b. Make a structural change to a building situated on the property designated by this bylaw;
 - c. Move any building situated on the property designated by this bylaw; or
 - d. Alter, excavate, or build on land designated by this bylaw.
3. The following alterations to buildings on the property designated by this bylaw are hereby authorized without a Heritage Alteration Permit:
 - a. Normal day-to-day maintenance and repairs.
4. This bylaw may be cited for all purposes as the "Heritage Designation Bylaw No. 12143 the Benvoulin Heritage Park."
5. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

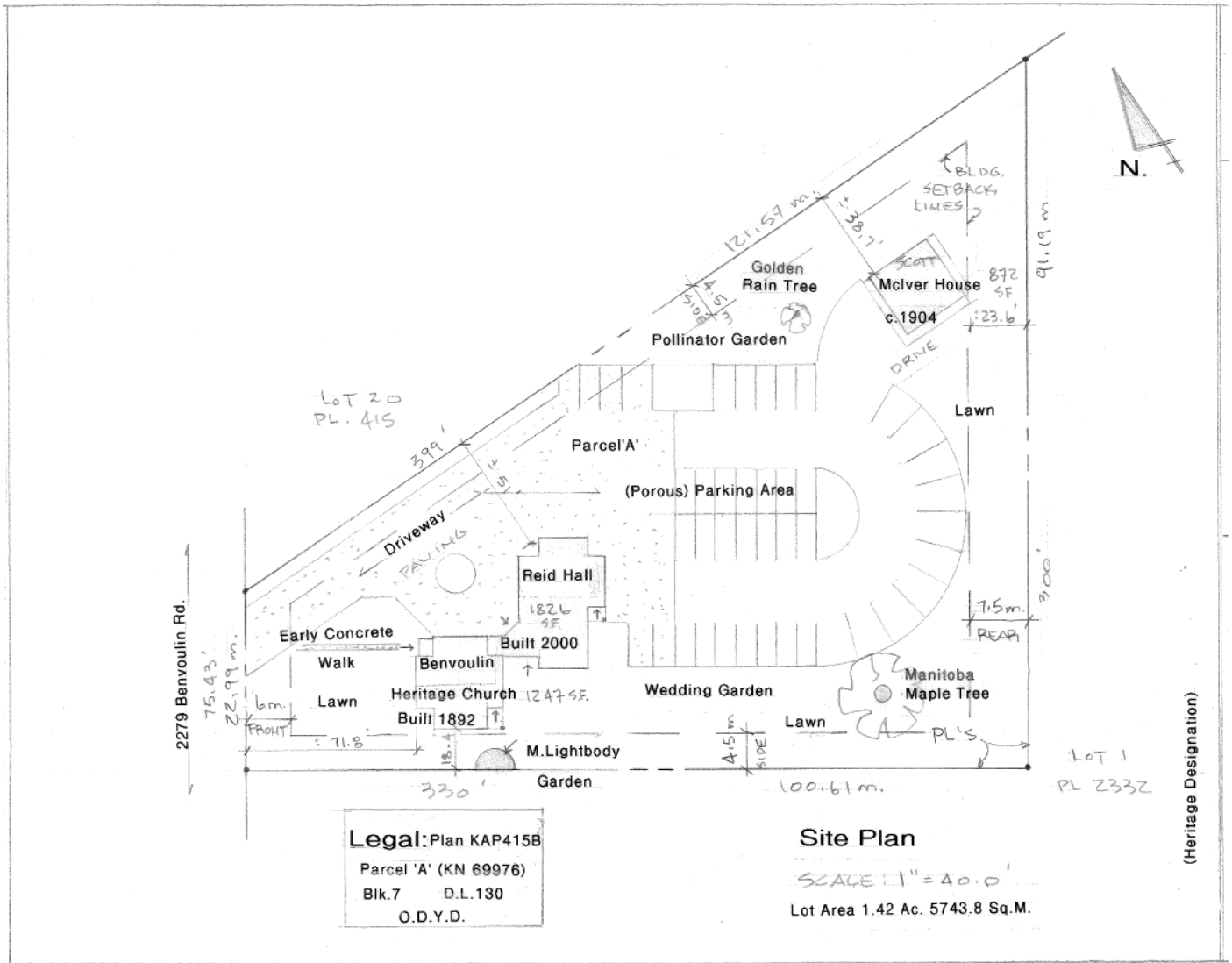
Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Schedule "A" - 2269-2279 Benvoulin Road



Report to Council



Date: January 18, 2020
To: Council
From: City Manager
Subject: TA20-0023
Department: Development Planning Department

Recommendation:

THAT Zoning Bylaw Text Amendment Application TA20-0023 to amend City of Kelowna Zoning Bylaw No. 8000 as indicated in Schedule A and outlined in the Report from the Development Planning Department dated January 18, 2021, 2020 be considered by Council;

AND THAT the Zoning Bylaw Text Amendment Bylaw be forwarded to a Public Hearing for further consideration;

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

Purpose:

To amend Zoning Bylaw No. 8000 by amending general fencing height regulations, adding Multiple Dwelling Housing use to C9 and home-base business use to C9 and CD-22, amending tall building urban design regulations in C4, C7 and C9, and to correct inconsistencies.

Background & Discussion:

Section 7: Landscaping and Screening

On July 13, 2020 Council approved changes to Section 7 – Landscaping and Screening as it relates to fence height and top of rail requirement. The approved changes reduced the maximum allowable height on fences along front yard and flanking streets to 1075 mm which applied to all zonings. Following the amendments, staff received a significant amount of correspondence as these changes were not suitable for agriculture, rural residential, or commercial properties. The proposed change in the Schedule 'A' will allow Rural Residential properties to construct a fence to a maximum height of 2000 mm. It is appropriate for Rural Residential properties to have a greater height around the total property line as many Rural Residential Properties are located within the Agriculture Land Reserve and

allow the use of Urban Agriculture. Additionally, commercial and industrial properties are often subject to a development permit so staff would be able to review the material and style as part of the landscape plan and ensure it is appropriate based on the location and use of the property.

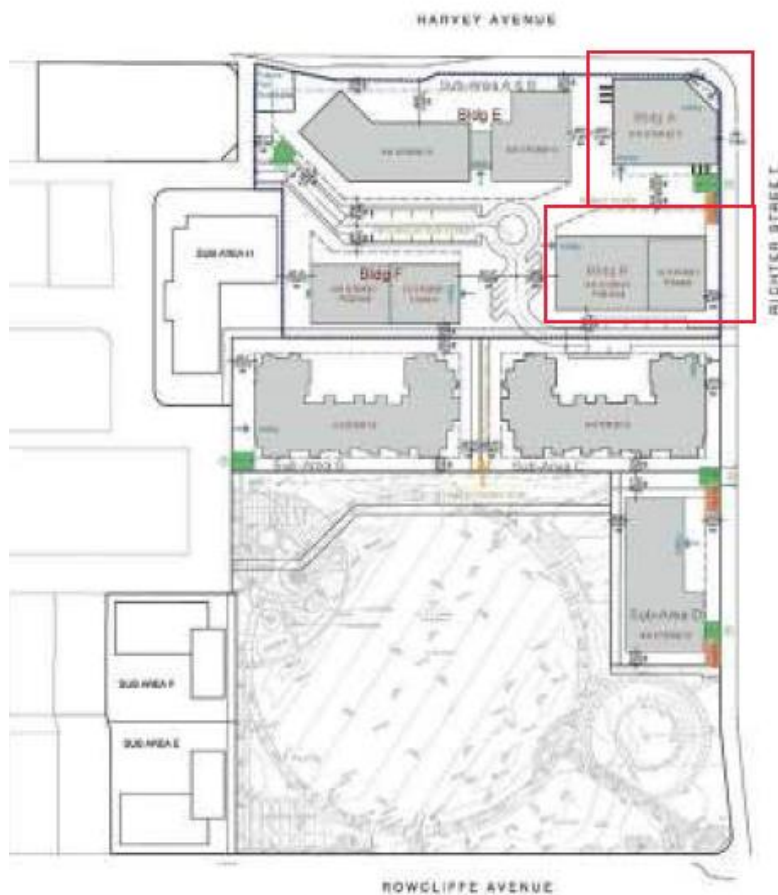
Section 14: Commercial Zones: C9 – Tourist Commercial

The C9 – Tourist Commercial zone serves a wide range of uses that accommodate tourism in key areas of the City. Several of the buildings existing under this zoning, and proposed, are looking to facilitate mixed use projects that accommodate both commercial and residential uses. Prior to the adoption of the Short Term Rental Bylaw, individuals were able to live in this zone under the use of “Apartment Hotel”. When the Short Term Rental bylaw was adopted, the use of “Apartment Hotel” was deleted. To ensure long term tenants are able to reside in this zone Staff are recommending the use of Multiple Dwelling Housing be added as a principal use within the C9 zoning.

If Council supports the use of multiple dwelling housing within the C9 zoning it is appropriate for the use of home-based business, minor to be added as a secondary use. The use of home-based business, minor allows for residents to obtain a business licence for businesses that use home offices and require minimal face to face interaction with customer or clients in the residence.

Section 18: CD22 – Adding Home Based Business

The Central Green Development (Comprehensive Development Zone 22) has been developed into apartment housing consisting of hundreds of residential units and is broken down into “Sub-Areas”. Currently all Sub Areas, except for Sub Area A & B, allow the use of home-based business, minor. Sub Area B is an apartment structure that recently received occupancy and Sub Area A was approved by Council July of 2017. Staff are seeking to add the home-based business, minor use into these two sub areas.



Large Structure Setbacks and Floor Plate Regulations

As Kelowna's Urban Centres continue to densify, more applications for taller structures are being proposed outside of the downtown C7 zoning. The current podium regulations within the C7 require setbacks from property line and streets of 4m and 3m respectively after 16m in height. Staff are recommending Council support this standard in the C4 & C9 zones. Additionally, staff are proposing a reduction to the current floor plate sizes. Currently in the C7 zoning the allowable floorplate is 1,221m². Staff are recommending that this floor plate size be reduced to 750m² for residential use and 850m² for commercial or hotel use in the C4, C7, and C9 zones. These proposed changes will encourage more slender towers to preserve view corridors, reduce shadowing on adjacent properties, and reduce the overall massing of the structure for a more pedestrian friendly streetscape environment.

Miscellaneous

There are multiple text amendments located within the attached Schedule A for the purpose of correcting spelling errors within the zoning bylaw. Staff are recommending Council support the correct spellings in all applicable sections.

Official Community Plan policies that support proposed changes:

Kelowna Official Community Plan (OCP)

Chapter 14: Urban Design DP Guidelines

Objectives

- Promote interesting, pedestrian friendly streetscape design and pedestrian linkages

Guidelines 4.0 – Massing and Height

4.1 Mitigate the actual and perceived bulk of buildings by utilizing appropriate massing, including:

- Step back upper floors to reduce visual impact

Chapter 8: Economic Development

Objection 8.1 Focus on economic drivers that generate new and sustainable wealth.

Policy .1 Sustainable Prosperity. Assign priority to supporting the retention, enhancement and expansion of existing businesses and post-secondary institutions and the attraction of new businesses and investment identified as bringing sustainable prosperity to Kelowna.

Internal Circulation:
Policy & Planning Department

Considerations not applicable to this report:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

External Agency/Public Comments:

Communications Comments:

Submitted by: Jason Issler, Planning Technician II


Reviewed by: J. Black, Urban Planning Manager

Approved for inclusion: T. Barton, Development Planning Department Manager

Attachments:

Schedule 'A': Summary of Changes

Schedule A – TA20-0023 – Proposed Text Amendments to Bylaw 8000.


No.	Section	Current Wording	Proposed Wording	Reason for Change
1.	Section 7 – Landscaping and Screening, 7.5 Fencing and Retaining Walls, 7.5.3.	No fence constructed at the natural grade in rural residential or residential zones shall exceed 2.0 m in height , except where abutting an agricultural or commercial zone , the maximum height is 2.4 m. Where fences are constructed adjacent to the Front Lot Line or a Flanking Street, the maximum fence height shall be 1.06 m	The maximum height for fences constructed at natural grade in rural residential zones shall not exceed 2000 mm in height , except where abutting an agricultural, industrial or commercial zone, the maximum height is 2400 mm. The maximum height for fences constructed at natural grade on commercial or industrial zoned properties shall not exceed 2400 mm. The maximum height for fences constructed at the natural grade in urban residential or multi-family zones shall not exceed 2000 mm in height , except that it shall not exceed 1200 mm in height within the minimum front yard or flanking street yard setbacks.	To update fence regulations to appropriate standards based on zoning.
<div style="border: 1px solid red; padding: 10px; display: inline-block;"> <p style="margin: 0;">SCHEDULE A</p> <p style="margin: 0; color: red;">This forms part of application # TA20-0023</p> <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: left;"> <p style="margin: 0;">Planner Initials</p> <div style="border: 1px solid black; padding: 2px 5px; display: inline-block;">JI</div> </div> <div style="text-align: center;">  <p style="margin: 0;">City of Kelowna <small>DEVELOPMENT PLANNING</small></p> </div> </div> </div>				
2.	Section 7 – Landscaping and Screening, 7.6	Notwithstanding paragraph 7.6.1 , buffer widths between a	Notwithstanding paragraph 7.6.1 , buffer widths between a building	To correct spelling error.

	Minimum Landscape Buffers, 7.6.5.	building or structure and the property line may be reduced to the width of the required yard if the required yard is narrower than the buffer specified in that section, with the exception of level 5 buffering.	or structure and the property line may be reduced to the width of the required yard if the required yard is narrower than the buffer specified in that section, with the exception of level 5 buffering.	
3.	Section 8 – Parking and Loading, 8.5 Off-Street Bicycle Parking, 8.5.6 Long- Term Bicycle Parking Standards (c) ii.	ii. Wall-Mounted bicycle racks located in front of an automobile stall within a parkade will only be counted towards the minimum Long-Term Bicycle Parking if the automobile stall meets the minimum Regular - size vehicle standards.	ii. Wall-Mounted bicycle racks located in front of an automobile stall within a parkade will only be counted towards the minimum Long-Term Bicycle Parking if the automobile stall meets the minimum regular - size vehicle standards.	Correct spelling error.
4.	Section 11 – Agricultural Zones, 11.1.6 (c) Development Regulations.	(c) For lots 0.4 ha and greater, a residential footprint must be registered on title for any residential development triggered by a Farm Protection Development Permit. The maximum residential footprint is 2,000 m ² . A second residential footprint up to 1,000 m ² may be registered for a mobile home for	(c) For lots 0.4 ha and greater, a residential footprint must be registered on title for any residential development triggered by a Farm Protection Development Permit. The maximum residential footprint is 2,000 m ² . A second residential footprint up to 1,000 m ² may be registered for a mobile	To correct spelling error.

SCHEDULE _____ **A**

This forms part of application
TA20-0023

Planner Initials




City of **Kelowna**
DEVELOPMENT PLANNING

		immediate family where permitted.	home for immediate family where permitted.	
5.	Section 14 – Commercial Zones, 14.4 C4 – Urban Centre Commercial, 14.4.5 Development Regulations.	N/A	<p>(h) For any building above 16.0m or 4 storeys in height:</p> <ul style="list-style-type: none"> i. Any portion of a building above 16.0 m or 4 storeys (whichever is lesser) in height must be a minimum of 3.0 m. from any property line abutting a street. ii. Any portion of a building above 16.0m or 4 storeys (whichever is lesser) in height must be a minimum of 4.0 m from any property line abutting another property. iii. Any portion of a building 7 storeys and above cannot have a floor plate that exceeds 750 	<p>To bring buildings over 16.0m or 4 storeys in height to the same standard across all Zonings.</p> <p>To limit the floor plate size to encourage taller and slender developments to reduce overall massing.</p>

SCHEDULE A

This forms part of application
TA20-0023



Planner Initials JI


City of Kelowna
DEVELOPMENT PLANNING

			m ² for residential use or 850 m ² for commercial or hotel use.	
6.	Section 14 – Commercial Zones, 14.7 C7 – Central Business Commercial, 14.7.5 Development Regulations.	<p>(h) For any building above 16.0m in height:</p> <ul style="list-style-type: none"> i. Any portion of a building above 16.0 m in height must be a minimum of 3.0 m. from any property line abutting a street. ii. Any portion of a building above 16.0 m in height must be a minimum of 4.0 m from any property line abutting another property. iii. A building floor plate cannot exceed 1,221 m². 	<p>(h) For any building above 16.0m or 4 storeys in height:</p> <ul style="list-style-type: none"> i. Any portion of a building above 16.0 m or 4 storeys (whichever is lesser) in height must be a minimum of 3.0 m. from any property line abutting a street. ii. Any portion of a building above 16.0m or 4 storeys (whichever is lesser) in height must be a minimum of 4.0 m from any property line abutting another property. iii. Any portion of a building 7 storeys and above cannot 	<p>To bring buildings over 16.0m or 4 storeys in height to the same standard across all Zonings.</p> <p>To limit the floor plate size to encourage taller and slender developments to reduce overall massing.</p>

SCHEDULE A

This forms part of application
TA20-0023

Planner Initials JI




City of **Kelowna**
DEVELOPMENT PLANNING

			have a floor plate that exceeds 750 m ² for residential use or 850 m ² for commercial or hotel use.	
7.	Section 14 – Commercial Zones, 14.7 C7 – Central Business Commercial, 14.7.5 Development Regulations, Setback Table.	*Figure 1 below	*Delete	Remove table from zoning bylaw. Table no longer required as greater detail provided on floor plate sizes provided within zoning.
8.	Section 14 – Commercial Zones, 14.9 C9 – Tourist Commercial, 14.9.2 Principal Uses.	N/A	(l) multiple dwelling housing	To add multiple dwelling housing as a permitted principal use within the C9 Zoning.
9.	Section 14 – Commercial Zones, 14.9 C9 – Tourist Commercial, 14.9.3 Secondary Uses.	N/A	(m) home based businesses, minor	To allow home based businesses, minor as a permitted secondary use within residential units.
10.	Section 14 – Commercial Zones, 14.9 C9 – Tourist Commercial, 14.9.5 Development Regulations	N/A	(f) For any building above 16.0m or 4 storeys in height: i. Any portion of a building above 16.0 m or 4 storeys (whichever is lesser) in height must be a minimum of 3.0 m. from any	To bring buildings over 16.0m in height to the same standard as Urban Centre Zonings. To limit the floor plate size to encourage taller and slender developments to reduce overall massing.

SCHEDULE _____ **A**

This forms part of application
TA20-0023

Planner Initials



City of Kelowna
DEVELOPMENT PLANNING

SCHEDULE A

This forms part of application
TA20-0023

Planner Initials JI



			<p>ii. property line abutting a street. Any portion of a building above 16.0m or 4 storeys (whichever is lesser) in height must be a minimum of 4.0 m from any property line abutting another property.</p> <p>iii. Any portion of a building 7 storeys and above cannot have a floor plate that exceeds 750 m² for residential use or 850 m² for commercial or hotel use.</p>	
11.	Section 16- Public and Institutional Zones, 16.2 P2 – Education and Minor Institutional, 16.2.6 (d) Other Regulations.	For lots less than 1,000 m ² in area, a health services, minor use shall not generate more than six (6) clients to the site from which the business is being operated at any given time.	For lots greater than 1,000 m ² in area, a health services, minor use shall not generate more than six (6) clients to the site from which the business is being operated at any given time.	Error within zoning bylaw. Was intended to apply to lots greater than 1000 m ² .
12.	Section 18 – Schedule B – Comprehensive Development Zones	N/A	(w) home based businesses, minor	To permit the use of home based businesses,

	CD14-CD27, CD22 – Central Green Comprehensive Development Zone, Schedule 7 – CD 22 Sub- Areas A & B Zoning, 7.3 Secondary Uses.			minor in sub areas A & B in portion of CD22.
--	--	--	--	---

*Figure 1


Setback Table

Height	Front and Flanking Yard Setback	Side Yard Setbacks	Floorplate
0.0 to 16.0 m	0.0 m	0.0 m	No restriction
16.0 m and above	3.0 m	4.0 m	1,221 m ²

SCHEDULE **A**

This forms part of application
TA20-0023

Planner
Initials JI



**City of
Kelowna**
DEVELOPMENT PLANNING



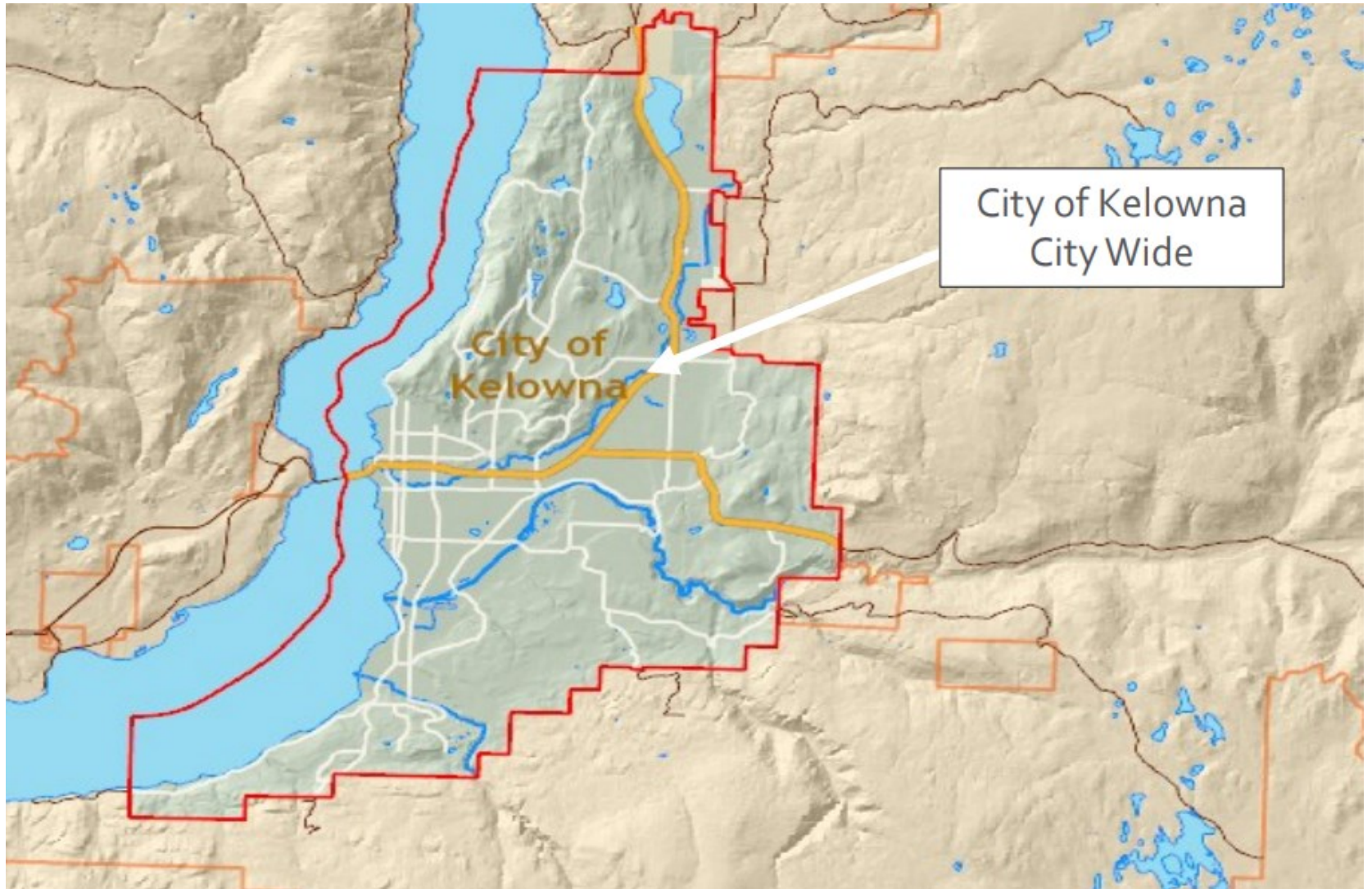
TA20-0023 Zoning Bylaw No. 8000 Amendments



Purpose

- ▶ To consider a Text Amendment application that proposes to amend general fencing height regulations, to add Multiple Dwelling Housing use to C9 and home-base business use to CD-22, and to amend tall building urban design regulations in C4, C7 and C9.

Context Map



Section 7: Landscaping and Screening

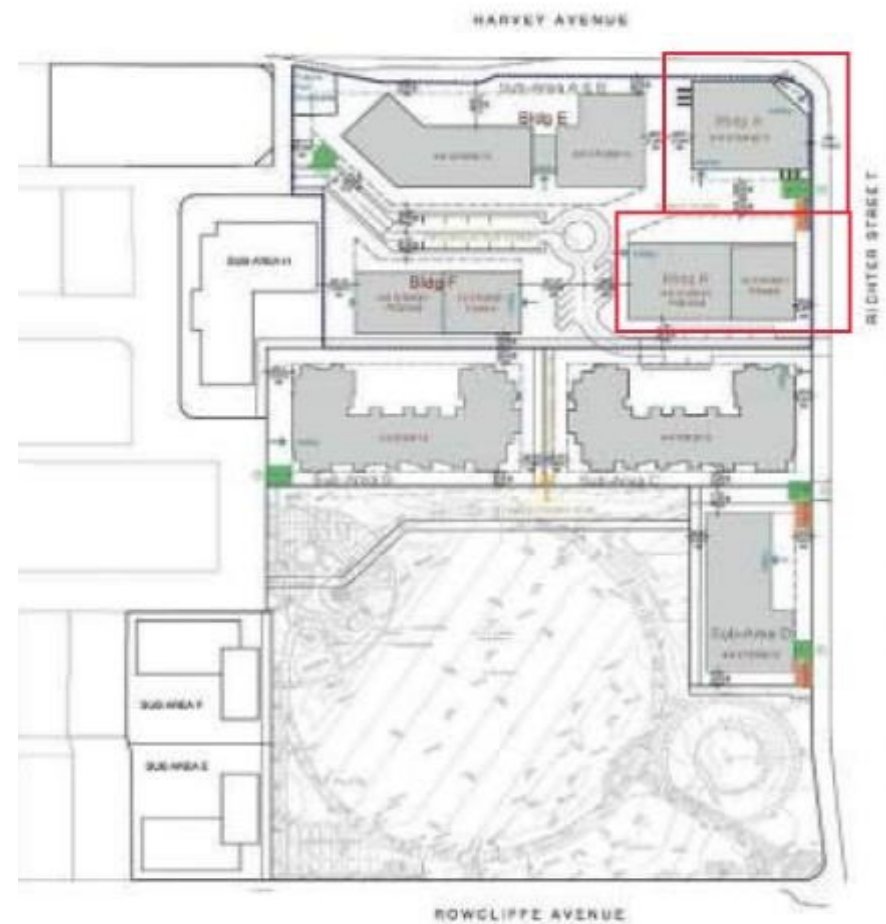
- ▶ Clarify wording that fence heights are restricted to 1075 mm when fronting a roadway with Urban Residential and Multi-family zonings.
- ▶ Increase fence height in Rural Residential zonings to 2000 mm.

C9 – Tourist Commercial

- ▶ Add the use of Multiple Dwelling Housing into the C9 zoning as a principle use.
- ▶ Add the use of Home Based Business, Minor as a secondary use within the C9 Zoning.

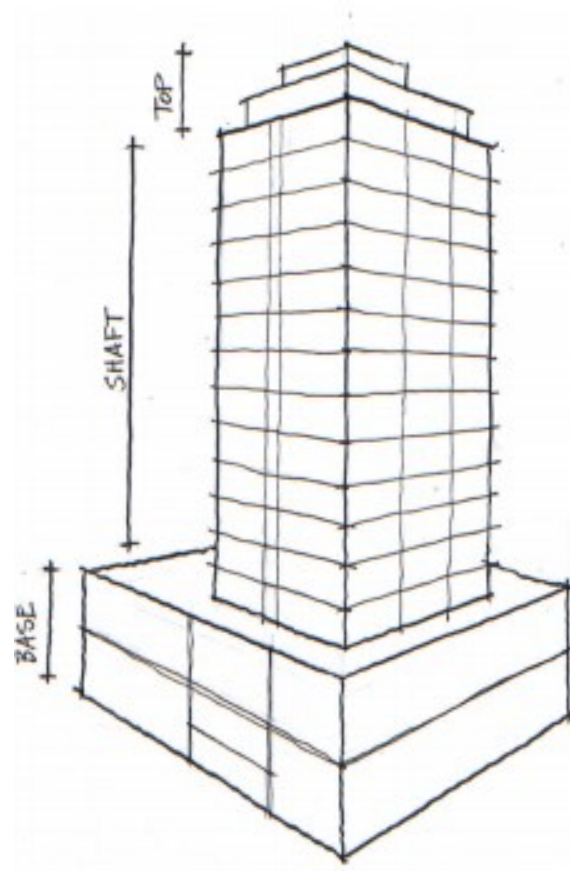
CD22 – Home Based Business

- ▶ Add the use of Home Based Business, Minor as a secondary use to Sub Areas A & B in the CD 22 Zoning (Central Green).



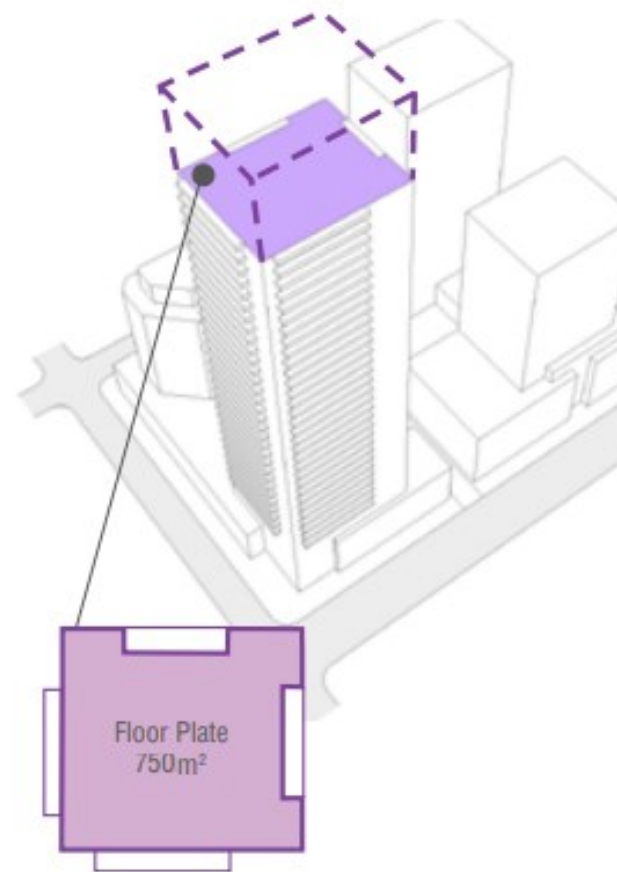
Large Structures Setbacks

- ▶ Add setback requirements of 4m from property line after 16m or 4 storeys in C₄ and C₉ Zoning.
- ▶ Add setback of 3m from streets after 16m or 4 storeys in C₄ and C₉ Zoning.



Large Structure Floor Plates

- ▶ Reduce floorplate sizes after 16m to 750 m² for residential uses and 850 m² for Commercial or hotel use.



Supporting Policies

Large Structure Setbacks

- ▶ Mitigate the actual and perceived bulk of buildings by utilizing appropriate massing by stepping back upper floors to reduce visual impact.

Reduced floor plate sizes

- ▶ Promote interesting, pedestrian friendly streetscape design and pedestrian linkages

Supporting Policies

Addition of Home Based Business Use

- ▶ Assign priority to supporting the retention, enhancement and expansion of existing businesses and the attraction of new businesses and investment identified as bringing sustainable prosperity to Kelowna

Staff Recommendation

- ▶ Staff are recommending support for the proposed Text Amendments to sections 7, 8, 11, 14, 16, and 18 of Zoning Bylaw No. 8000.



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12144

TA20-0023 – Amendment to Sections 7, 8, 11, 14, 16 and 18

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 **Section 7 – Landscaping and Screening, 7.5 Fencing and Retaining Walls, 7.5.3** be amended by:

a) Deleting the following:

"No **fence** constructed at the **natural grade** in rural residential or **residential zones** shall exceed 2.0 m in **height**, except where **abutting** an agricultural or commercial **zone**, the maximum **height** is 2.4 m. Where fences are constructed adjacent to the Front Lot Line or a Flanking Street, the maximum fence height shall be 1.06 m"

And replacing it with:

"The maximum **height** for fences constructed at **natural grade** in rural residential zones shall not exceed 2000 mm in **height**, except where **abutting** an agricultural, industrial or commercial zone, the maximum **height** is 2400 mm. The maximum **height** for fences constructed at **natural grade** on commercial or industrial zoned properties shall not exceed 2400 mm. The maximum **height** for fences constructed at the **natural grade** in urban residential or multi-family zones shall not exceed 2000 mm in **height**, except that it shall not exceed 1200 mm in **height** within the minimum **front yard** or **flanking street** yard setbacks."

2. AND THAT **Section 7 – Landscaping and Screening, 7.6 Minimum Landscape Buffers, 7.6.5** be amended by:

b) Deleting the following:

"Notwithstanding paragraph 7.6.1, buffer widths between a building or structure and the property line may be reduced to the width of the required yard if the required yard is narrower than the buffer specified in that section, with the exception of level 5 buffering."

And replacing it with:

"Notwithstanding paragraph 7.6.1, buffer widths between a building or structure and the property line may be reduced to the width of the required yard if the required yard is narrower than the buffer specified in that section, with the exception of level 5 buffering."

3. AND THAT **Section 8 – Parking and Loading, 8.5 Off-Street Bicycle Parking, 8.5.6 Long Term Bicycle Parking Standards(c) ii** be amended by:

c) Deleting the following:

"Wall-Mounted bicycle racks located in front of an automobile stall within a parkade will only be counted towards the minimum Long-Term Bicycle Parking if the automobile stall meets the minimum Regulat - size vehicle standards."

And replacing it with:

“Wall-Mounted bicycle racks located in front of an automobile stall within a parkade will only be counted towards the minimum **Long-Term Bicycle Parking** if the automobile stall meets the minimum regular - size vehicle standards.”

4. AND THAT **Section 11 – Agricultural Zones, 11.1.6(c) Development Regulations** be amended by:

Deleting the following:

“(c) For **lots** 0.4 ha and greater, a **residential footprint** must be registered on title for any residential development triggered by a Farm Protection Development Permit. The maximum **residential footprint** is 2,000 m². A second residential footprint up to 1,000 m² may be registered for a **mobile home** for **immediate family** where permitted.”

And replacing it with:

“(c) For **lots** 0.4 ha and greater, a **residential footprint** must be registered on title for any residential development triggered by a Farm Protection Development Permit. The maximum **residential footprint** is 2,000 m². A second residential footprint up to 1,000 m² may be registered for a **mobile home** for **immediate family** where permitted.”

5. AND THAT **Section 14 – Commercial Zones, 14.4 C4 – Urban Centre Commercial, 14.4.5 Development Regulations** be amended by adding the following in its appropriate location:

“(h) For any building above 16.0m or **4 storeys** in height:

- i. Any portion of a building above 16.0 m or **4 storeys** (whichever is lesser) in **height** must be a minimum of 3.0 m. from any **property line** abutting a street.
- ii. Any portion of a building above 16.0m or **4 storeys** (whichever is lesser) in **height** must be a minimum of 4.0 m from any **property line** abutting another **property**.
- iii. Any portion of a building **7 storeys** and above cannot have a floor plate that exceeds 750 m² for residential use or 850 m² for commercial or **hotel** use.”

6. AND THAT **Section 14 – Commercial Zones, 14.7 C7 – Central Business Commercial, 14.7.5 Development Regulations** be amended by:

Deleting the following:

“(h) For any building above 16.0m in height:

- i. Any portion of a building above 16.0 m in height must be a minimum of 3.0 m. from any property line abutting a street.
- ii. Any portion of a building above 16.0 m in height must be a minimum of 4.0 m from any **property line** abutting another **property**.
- iii. A building floor plate cannot exceed 1,221 m².”

And replacing it with:

“(h) For any building above 16.0m or **4 storeys** in height:

- i. Any portion of a building above 16.0 m or **4 storeys** (whichever is lesser) in **height** must be a minimum of 3.0 m. from any **property line** abutting a street.
- ii. Any portion of a building above 16.0m or **4 storeys** (whichever is lesser) in **height** must be a minimum of 4.0 m from any **property line** abutting another **property**.

iii. Any portion of a building 7 **storeys** and above cannot have a floor plate that exceeds 750 m² for residential use or 850 m² for commercial or **hotel** use.”

7. AND THAT **Section 14 – Commercial Zones, 14.7 C7 – Centre Business Commercial, 14.7.5 Development Regulations** be amended by deleting the following:

“Setback Table

Height	Front and Flanking Yard Setback	Side Yard Setbacks	Floorplate
0.0 to 16.0 m	0.0 m	0.0 m	No restriction
16.0 m and above	3.0 m	4.0 m	1,221 m ²

8. AND THAT **Section 14 – Commercial Zones, 14.9 C9 – Tourist Commercial, 14.9.2 Principal Uses** by amended by adding in its appropriate location:

“(l) **multiple dwelling housing**”

9. AND THAT **Section 14 – Commercial Zones, 14.9 C9 – Tourist Commercial, 14.9.3 Secondary Uses** be amended by adding in its appropriate location:

“(m) **home based businesses, minor**”

10. AND THAT **Section 14 – Commercial Zones, 14.9 C9 – Tourist Commercial, 14.9.5 Development Regulations** be amended by adding in its appropriate location:

“(f) For any building above 16.0m or 4 **storeys** in height:

- i. Any portion of a building above 16.0 m or 4 **storeys** (whichever is lesser) in **height** must be a minimum of 3.0 m. from any **property line** abutting a street.
- ii. Any portion of a building above 16.0m or 4 **storeys** (whichever is lesser) in **height** must be a minimum of 4.0 m from any **property line** abutting another **property**.
- iii. Any portion of a building 7 **storeys** and above cannot have a floor plate that exceeds 750 m² for residential use or 850 m² for commercial or **hotel** use. ”

11. AND THAT **Section 16 – Public and Institutional Zones, 16.2 P2 – Education and Minor Institutional, 16.2.6(d) Other Regulations** be amended by:

Deleting the following:

“For lots less than 1,000 m² in area, a **health services, minor** use shall not generate more than six (6) clients to the site from which the business is being operated at any given time.”

And replacing it with:

“For lots greater than 1,000 m² in area, a **health services, minor** use shall not generate more than six (6) clients to the site from which the business is being operated at any given time.”

12. AND THAT **Section 18 – Schedule B – Comprehensive Development Zones, CD14–CD27, CD22 – Central Green Comprehensive Development Zone, Schedule 7 – CD22 Sub-Areas A & B Zoning, 7.3 Secondary Uses** be amended by adding in its appropriate location:

“(w) **home based businesses, minor**”

13. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: January 18, 2021
To: Council
From: City Manager
Department: Development Planning Department
Application: TA20-0025 **Owner:** Springfield Plaza Inc., Inc.No. BC0479374
Address: 1585 Springfield Road **Applicant:** LIME Architecture Inc.
Subject: Zoning Bylaw Text Amendment Application
Existing OCP Designation: COMM – Commercial
Existing Zone: CD16 – Bingo and Gaming

1.0 Recommendation

THAT Bylaw No. 12017 be forwarded for rescindment consideration and the bylaw file be closed;

AND THAT Zoning Bylaw Text Amendment Application No. TA20-0025 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule 'A' attached to the Report from the Development Planning Department dated January 18, 2021 for Lot A District Lot 129 ODYD Plan KAP70110 located at 1585 Springfield Road be considered by Council;

AND THAT the Zoning Bylaw Text Amending Bylaw be forwarded to a Public Hearing for further consideration;

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

2.0 Purpose

To amend the Zoning Bylaw by changing the Development Regulations in the CD16 – Bingo and Gaming zone for two proposed minor building additions and replacing the CD16 – Bingo and Gaming Site Plan to reflect these changes.

3.0 Development Planning

The CD16 – Bingo and Gaming Zone is a Comprehensive Development Zone which applies only to the subject property, which contains Chances Casino. Staff support the proposed text amendments to accommodate the two small additions to the existing building.

The proposed text amendment identifies only minor changes to the footprint of the existing building. These changes are not expected to result in any negative impacts to the building's aesthetic, the site's functionality, or adjacent parcels.

4.0 Proposal

4.1 Background

On April 6th, 2020, Council forwarded a Text Amendment (BL12017) to Public Hearing for the subject property. Following the First Reading, the applicant decided to make changes to the proposal due to the Covid19 pandemic. These changes were to increase the staffing areas to allow for more staff space. Since these changes were done after First Reading, the original bylaw must be rescinded, and a new application was created. The proposal is similar to the first application; however, minor adjustments have been made.

The previous application came forward because of Council's recent approvals to allow for live gaming in the casino. Chances has experienced a steady increase in their visitor numbers over the year and has further development plans beyond the small additions currently proposed. These future development plans will require additional development applications and are anticipated to significantly change the CD16 – Bingo and Gaming zone, as well as substantially change the existing building form and scale. However, the applicants are not ready to make these applications at this time as they are still working through their preferred design and development plans.

4.2 Project Description

To respond to growing local demand, Chances is proposing additions to the existing building to provide support space including additional electrical room space and office spaces to be used by the casino repair technicians. These additions, as shown on the site plan in Attachment B, will increase the building footprint along the west façade (131.8 m²) which reduces the side yard from 15.0 m to 14.39 m and along the south façade (243 m²) which reduces the rear yard from 21.0m to 15.86m. The proposed additions also increase the site coverage from 25% to 27.3% and the drive aisle width for a double lane drive aisle from 7.0m to 6.1m.

4.3 Site Context

Chances Casino is located south of Springfield Road, east of Burtch Road. The subject property has adjacent uses of Residential to the east, Commercial to the west, and Agricultural (ALR) lands to the south. Chances Casino has a formal easement agreement with the adjacent property to the east, which is currently occupied by Rona, to access the underutilized surface parking area with stair access between the two sites.

The property is adjacent to ALR lands to the south which requires a Level 5 landscape buffer with a minimum width of 3.0m. The ALC's Guide to Edge Planning encourages a 15.0 m setback from the agricultural area boundary and an 8.0 m wide vegetative buffer within the setback. The proposed development meets the City's required 3.0 m buffer width and the ALC's encouraged 15.0 m building setback and would therefore be exempt from a Farm Protection Development Permit.

Subject Property Map: 1585 Springfield Road



4.4 Zoning Analysis Table

The CD16 – Bingo and Gaming Zone is a Comprehensive Development Zone which applies only to the subject property, which contains Chances Casino. As a Comprehensive Development Zone is in place, a Text Amendment to the Zone is required instead of what would be considered a variance application in other contexts.

The changes to the development regulations, as shown below in the Zoning Analysis Table, are complemented by the Zoning Bylaw CD16 – Bingo and Gaming Zone Site Plan (Schedule A) that is included in the zone and would restrict any future development from any proposal beyond what is currently being considered by Council.

Zoning Analysis Table		
CRITERIA	CD16 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Rear Yard Setback	21.0m	15.86m
Min. Side Yard Setback	15.0m	14.39m
Max. Site Coverage	25%	27.3%
Min. Drive Aisle Width	7.0m	6.1m

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

6.0 Chapter 8: Economic Development

Objective 8.1 Focus on economic drivers that generate new and sustainable wealth.

Policy .1 Sustainable Prosperity. Assign priority to supporting the retention, enhancement and expansion of existing businesses and post-secondary institutions and the attraction of new business and investment identified as bringing sustainable prosperity to Kelowna

7.0 Application Chronology

Date of Revised Application Received: December 18, 2020

Date Public Consultation Completed: September 14, 2020

Report prepared by: Tyler Caswell, Planner I

Reviewed by: Jocelyn Black, Urban Planning Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager



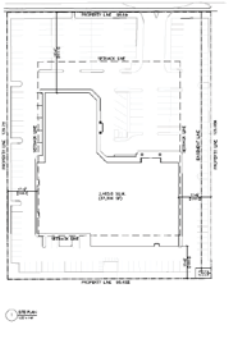
Attachments:

Schedule A: Proposed Text Amendment

Attachment A: Development Site Plan and Floor Plans

Attachment B: Proposed Elevation Drawings

Schedule A - Proposed Text Amendments to CD16 – Bingo and Gaming

No.	Section	Current Wording (CD15)	Originally Proposed Wording (April 2020 – BL12017)	Updated Proposed Wording	Reason for Change
1.4 (b)	Development Regulations	b) The maximum site coverage is 25%	b) The maximum site coverage is 26%	b) The maximum site coverage is 27.3%	Increase the maximum site coverage
1.4 (e)	Development Regulations	e) The minimum side yard is 15.0m	e) The minimum side yard is 14.0m	e) The minimum side yard is 14.39m	Decrease the minimum side yard
1.4 (f)	Development Regulations	f) The minimum rear yard is 21.0m	f) The minimum rear yard is 18.0m	f) The minimum rear yard is 15.86m	Decrease the minimum rear yard
1.4 (c)	Other Regulations	c) Development of the subject property is limited to that shown on the CD16 – Bingo and Gaming Site Plan . 	c) Development of the subject property is limited to that shown on the CD16 – Bingo and Gaming Site Plan . 	c) Development of the subject property is limited to that shown on the CD16 – Bingo and Gaming Site Plan . 	Update the Site Plan with the proposed changes to Development Regulations
n/a	Other Regulations	n/a	n/a	The minimum drive aisle width for a double lane drive aisle is 6.1m	Decrease the minimum drive aisle width

SCHEDULE A

This forms part of application
TA20-0025

Planner
Initials

TC



City of
Kelowna

DEVELOPMENT PLANNING

CHANCES CASINO - NEW ADDITIONS

1585 SPRINGFIELD RD, KELOWNA, BC

PROPERTY DESCRIPTION:

CHANCES CASINO
 CMC ADDRESS: 1585 SPRINGFIELD ROAD, KELOWNA BC
 LEGAL ADDRESS: PLAN 70110, LOT A, ROLL 10519967
 ZONING: CD16
 BUILDING AREA: 33,380 SQ.FT (EXISTING)
 INTENDED USAGE: CASINO

CASINO FLOOR AREAS:

EXISTING GROSS FLOOR AREA: 40,788 SQ.FT (3,789 SQ.M)
 WEST ADDITION: 1,311 SQ.FT (121.8 SQ.M)
 SOUTH ADDITION MAIN FLOOR: 2,615 SQ.FT (243.0 SQ.M)
 SOUTH ADDITION UPPER FLOOR: 2,622 SQ.FT (243.6 SQ.M)
 TOTAL GROSS FLOOR AREA: 47,336 SQ.FT (4,397.4 SQ.M)
 EXISTING BUILDING AREA: 33,380 SQ.FT (3,101 SQ.M)
 WEST ADDITION: 1,311 SQ.FT (121.8 SQ.M)
 SOUTH ADDITION: 2,622 SQ.FT (243.6 SQ.M)
 TOTAL BUILDING AREA: 37,313 SQ.FT (3,466.4 SQ.M)

PARKING CALCULATIONS:

PARKING STALLS:
 CASINO (CD16) 3-4 PER 100m² GFA
 = 4,297/1100
 = 43.97 x 3 or 4
 = 132-176 STALLS

LOADING BAYS: REQUIRED
 CASINO (CD16) EXISTING TO REMAIN

BICYCLE PARKING: REQUIRED
 CASINO (CD16) EXISTING TO REMAIN

TOTAL EXISTING STALLS:
 CASINO = 205 STALLS

TOTAL REMAINING STALLS (WITH ADDITIONS):
 CASINO = 186 STALLS (19 STALLS LOST)

B.C. BUILDING CODE (2018) ANALYSIS

- OCCUPANCY CLASSIFICATION:
A2 - CASINO
- NUMBER OF STREETS FACED: 3,2,2,1,0
ONE (1)
- BUILDING AREA: 3,222.5
3,475.2 m² / 37,407 sq.ft
- BUILDING HEIGHT: 3,2,2,5
3 STOREYS
- USE & OCCUPANCY REQUIREMENTS:
GROUP A, DIVISION 2, UP TO 6 STOREYS, ANY AREA, SPRINKLERED (3,2,2,2,4)
- CONSTRUCTION REQUIREMENTS:
NON-COMBUSTIBLE CONSTRUCTION
FLOOR ASSEMBLIES AS FIRE SEPARATIONS WITH 1 HOUR F.R.R.
MEZZANINES WITH 1 HOUR F.R.R.
LOAD BEARING WALLS, COLUMNS, AND ARCHES REQUIRE A 1 HOUR F.R.R.
OR BE NOT LESS THAN THAT REQUIRED FOR THE SUPPORTED ASSEMBLY

ATTACHMENT A

This forms part of application

TA20-0025

Planner Initials

TC



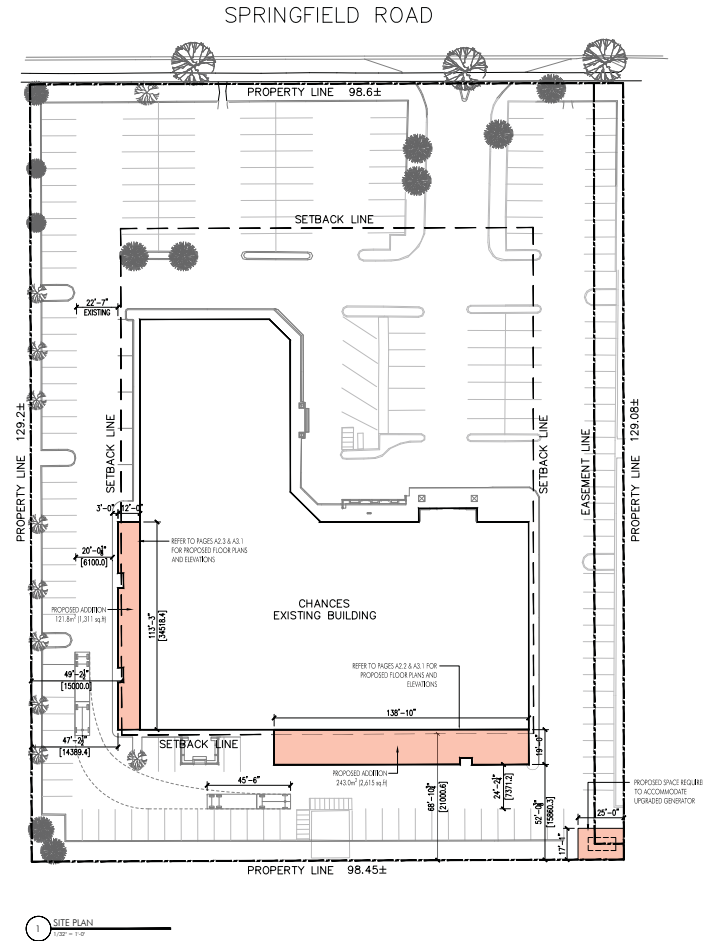
City of Kelowna
DEVELOPMENT PLANNING

ZONING CALCULATIONS:

CURRENT: CITY OF KELOWNA, CD16 (COMPREHENSIVE DEVELOPMENT, BINGO AND GAMING)

SITE INFORMATION:

	ALLOWED	PROPOSED	
GROSS SITE AREA=	N/A	136,778 SF (12,707 SM)	
ALLOWABLE SITE COVERAGE=	25% (34,195 SF)(3,177 SM)	27.3% (37,313 SF)(3,476.4 SM)	VARIANCE
F.A.R. =	0.4 (54,711 SF)(5,083 SM)	0.35 (45,664 SF)(4,242.1 SM)	
REQUIRED	12M (39FT) OR 3 STOREYS	PROPOSED	
MAX. HEIGHT -	24.0 M	EXISTING TO REMAIN	
FRONT YARD -	15.0 M	EXISTING TO REMAIN	VARIANCE
SIDE YARD (WEST) -	15.0 M	EXISTING TO REMAIN	VARIANCE
SIDE YARD (EAST) -	21.0 M	EXISTING TO REMAIN	VARIANCE
REAR YARD -		PROPOSED	
DRIVE WALK -	REQUIRED	0.1 M	VARIANCE
OCCLUDE WALK DRIVE WALK	7.0 M		






PHONE 250-468-7881
 285-1628 Robson Street
 Kelowna, BC V1Y 0R3
www.limearchitecture.com

COMMENTS:
 ALL RIGHTS RESERVED
 All data, design, drawings and specifications are the exclusive property of LIME Architecture Inc. As instruments of service, they may not be used or reproduced in any manner without the expressed written consent of LIME Architecture Inc. All Consulting Trades shall check and verify all work, dimensions, date and conditions on site prior to commencement of any work. Any discrepancies are to be reported immediately to LIME Architecture Inc. Do not take any dimensions from this drawing.

All trades shall ensure the work is in accordance with the current municipality building bylaws and requirements of other local authorities having jurisdiction and all fire marsh/combustible building code - meet or exceed all building codes - meet or exceed all building codes - meet or exceed all building codes - meet or exceed all building codes. All trades shall assume full responsibility for the location and protection of all water and above ground utilities, wires and conduits, connections, including but not limited to water, sewer, gas, hydro and fibre optic.

Revision No., Date and Description
01.16.20 - FOR DVP
05.21.20 - DVP ADDENDUM #1
06.25.20 - CLIENT REVIEW
06.23.20 - DVP ADDENDUM #2
06.19.20 - DVP ADDENDUM #4

Plot Date 25-Aug-20	Drawing No. A-001
PROJECT CHANCES	
DRAWING TITLE SITE PLAN & PROJECT INFORMATION	



DVP ADDENDUM #4

ATTACHMENT A

This forms part of application

TA20-0025

Planner Initials **TC**



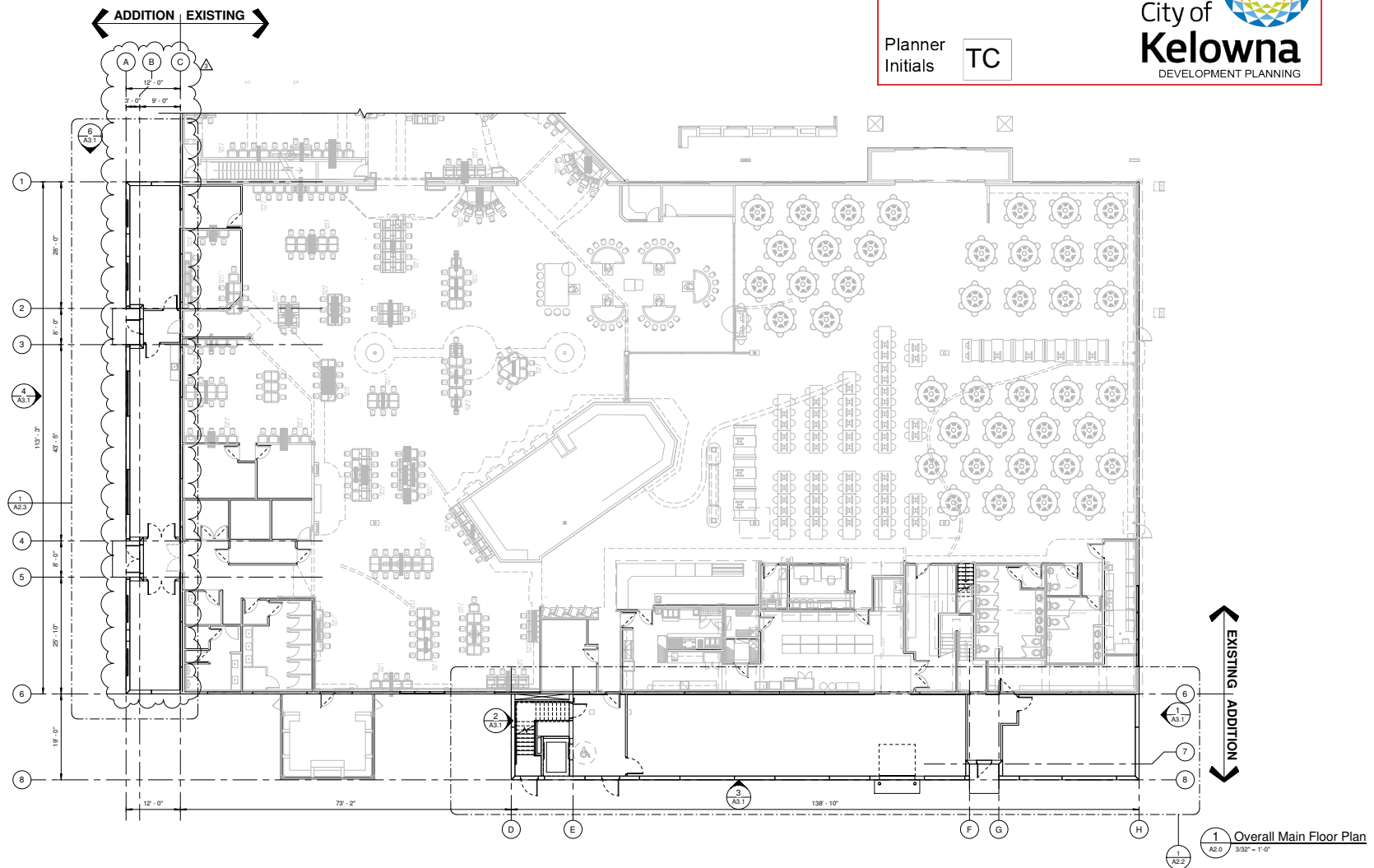
- NOTES**
1. RATED WALLS SHALL BE FRAMED TO UNDERSIDE OF RATED FLOOR ASSEMBLY OR ROOF ASSEMBLY
 2. ADD BLOCKING BETWEEN STUDS AS REQUIRED TO SUPPORT ALL EDGES OF 1/2" TYPE 'X' GYPSUM BOARD
 3. FIRE SEPARATION AS SHOWN:
 - 3/4 HR
 - 1 HR
 - 2 HR
 - 4 HR

NOTE:

- ALL WASHROOMS AND JANITOR ROOMS TO RECEIVE IMPERVIOUS DURABLE FLOOR AND WALL FINISH UP TO 5'-0" A.F.F.
- FURNITURE NOT INCLUDED
- MILLWORK BY MILLWORK SUPPLIER
- FLOOR SLAB POLY. TO BE SEALED AT ALL JOINTS & PERFORATIONS. REFER TO MECHANICAL FOR RADON COLLECTION

Wall Types

- 10" INSULATED PRECAST CONCRETE WALL PANEL CW 4" INSULATION (TYPE S CONCRETE: UP TO 2 HR F.R.R. AS PER TABLE D-2.1.1.)
- 5.5" SOLID PRECAST CONCRETE WALL PANEL (TYPE S CONCRETE: UP TO 2 HR F.R.R. AS PER TABLE D-2.1.1.)
- 4" SOLID PRECAST CONCRETE WALL PANEL (TYPE S CONCRETE: UP TO 1 HR F.R.R. AS PER TABLE D-2.1.1.)
- 1/2" GYPSUM BOARD 3.5" 25ga STEEL STUDS @ 24" O/C 1/2" GYPSUM BOARD
- 5/8" TYPE 'X' GYPSUM BOARD 3.5" 25ga STEEL STUDS @ 24" O/C 1 1/2" MINERAL FIBRE BATT INSULATION 5/8" TYPE 'X' GYPSUM BOARD (UP TO 1 HR FIRE RESISTANCE RATING) (DESIGN NO. ULC-W455)
- 1/2" GYPSUM BOARD 3.5" 25ga STEEL STUDS @ 24" O/C
- 1/2" GYPSUM BOARD 2" 25ga STEEL STUDS @ 24" O/C
- 2 LAYERS 5/8" TYPE 'X' GYPSUM BOARD 2" 25ga STEEL STUDS @ 24" O/C
- 2 LAYERS 5/8" TYPE 'X' GYPSUM BOARD 2 1/2" MINERAL FIBRE BATT INSULATION (UP TO 2 HR FIRE RESISTANCE RATING) (DESIGN NO. ULC-W455)
- 1.5" 25ga STEEL STUDS @ 24" O/C 1/2" GYPSUM BOARD



EXISTING ADDITION

1 Overall Main Floor Plan
A2.0 3/32" = 1'-0"



NO.	DESCRIPTION	DATE
0	ISSUED FOR CONSTRUCTION	2020-06-10
3	MOVED GRID LINE A	2020-08-17

Chances Casino Renovation
Kelowna, British Columbia
Lot A, Plan KAP70110



aggregate design studio ltd.
(403) 885-5525 P.O. BOX 1690 BLACKFALDS, AB, T0M 0J0

Floor Plan Overall
A2.0

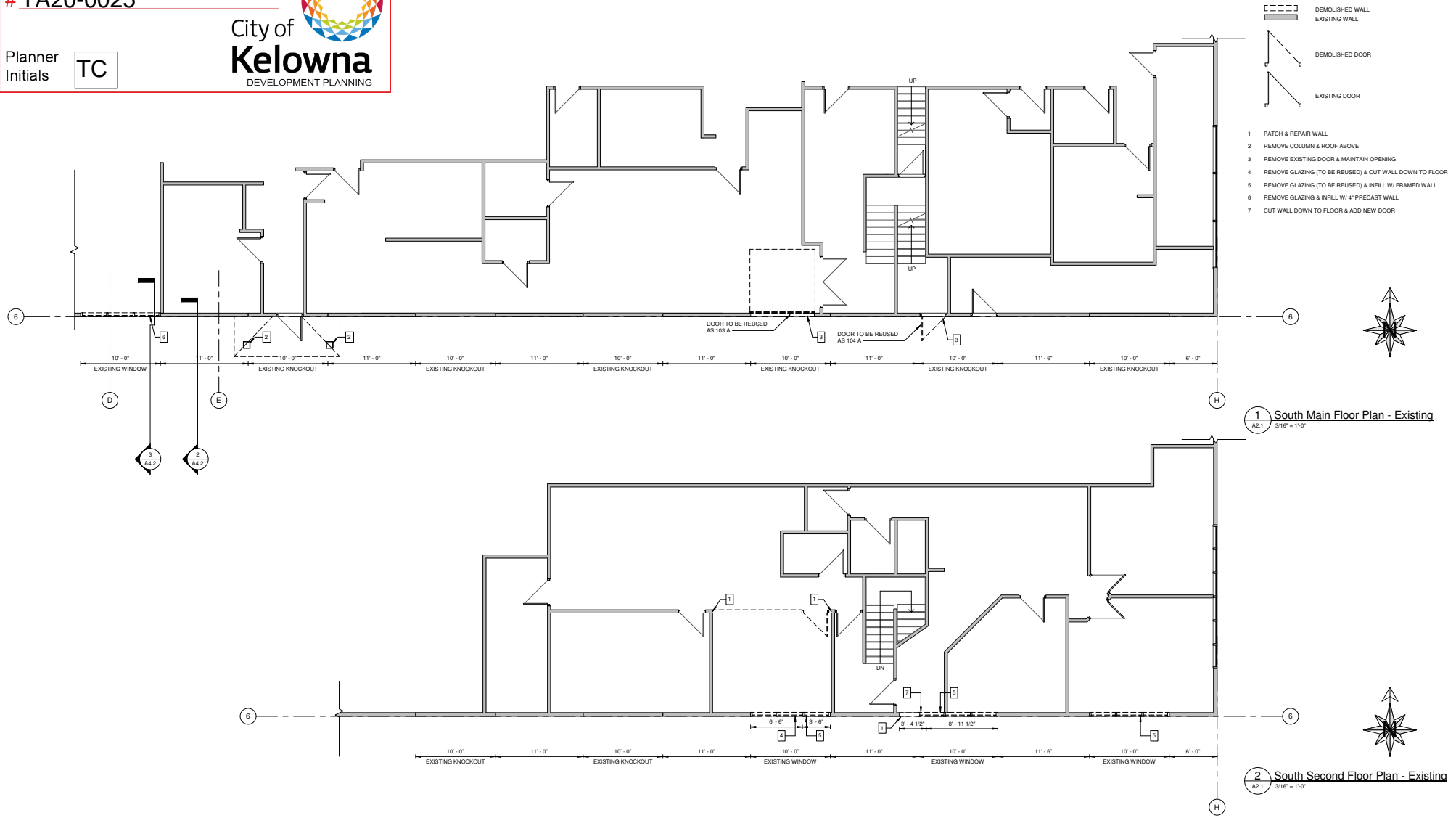
Project number:	B20284
Date:	2020-08-18 9:56:39
Drawn by:	AB
Checked by:	RO
Scale:	As indicated

ATTACHMENT A

This forms part of application

TA20-0025

Planner Initials **TC**



1 South Main Floor Plan - Existing
A2.1 3/16" = 1'-0"

2 South Second Floor Plan - Existing
A2.1 3/16" = 1'-0"

NO.	DESCRIPTION	DATE
0	ISSUED FOR CONSTRUCTION	2020-06-10

Chances Casino Renovation
Kelowna, British Columbia
Lot A, Plan KAP70110



aggregate design studio ltd.
(403) 885-5525 P.O. BOX 1690 BLACKFALDS, AB, T0M 0J0

Demo Floor Plan
A2.1

Project number:	B20284
Date:	2020-08-18 9:56:40
Drawn by:	AB
Checked by:	RO
Scale:	As indicated

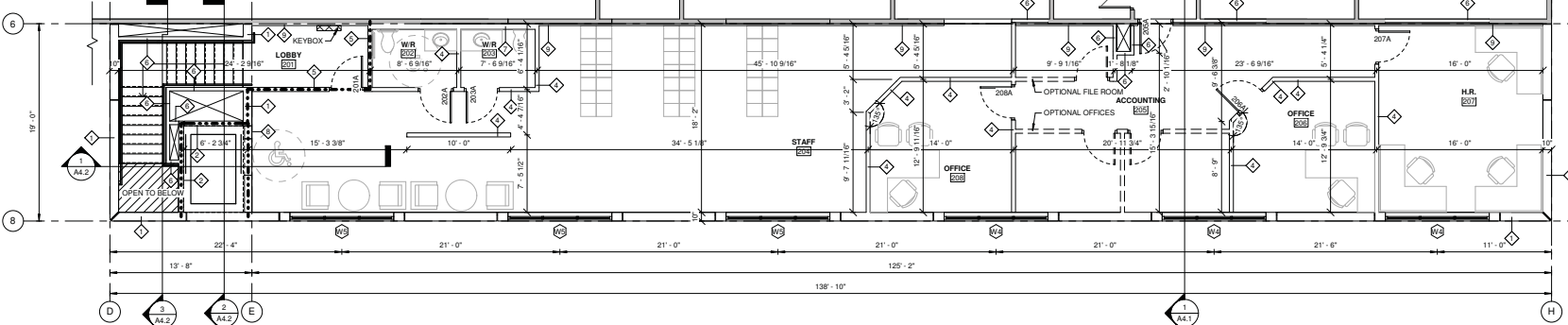
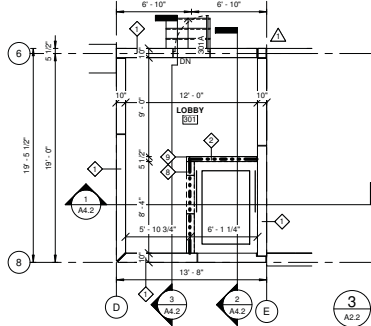
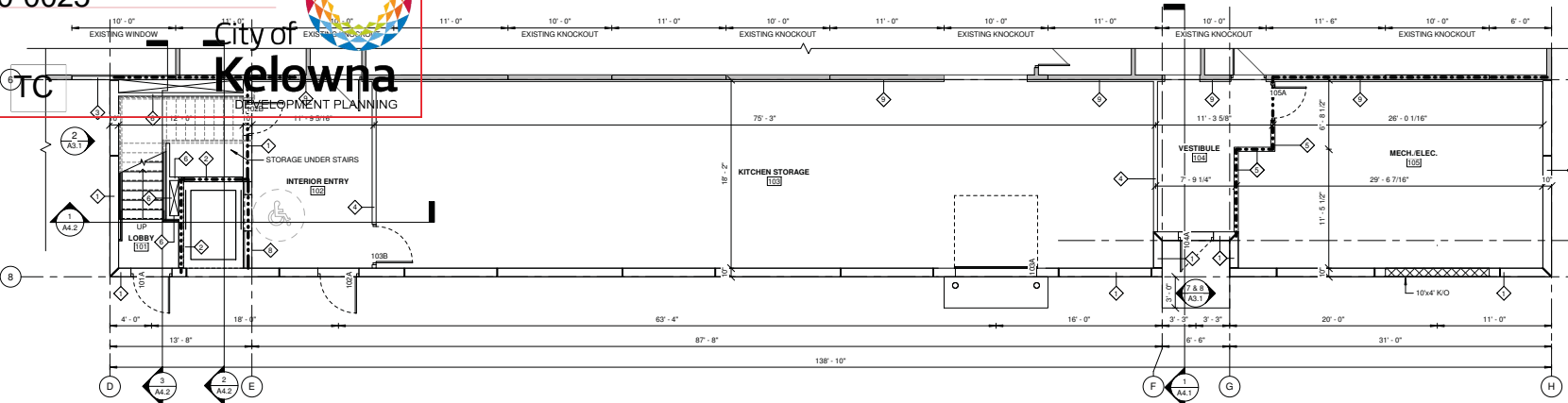
ATTACHMENT A

This forms part of application

TA20-0025



Planner Initials



NO.	DESCRIPTION	DATE
0	ISSUED FOR CONSTRUCTION	2020-06-10
1	REVISED WALL 8	2020-06-25

**Chances Casino
Renovation**
Kelowna, British Columbia
Lot A, Plan KAP70110



**aggregate
design studio ltd.**
(403) 885-5525 P.O. BOX 1690 BLACKFALDS, AB, T0M 0J0

Enlarged Floor Plan

A2.2

Project number:	B20284
Date:	2020-08-18 9:56:41
Drawn by:	AB
Checked by:	RO
Scale:	As indicated

ATTACHMENT A

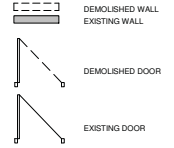
This forms part of application

TA20-0025

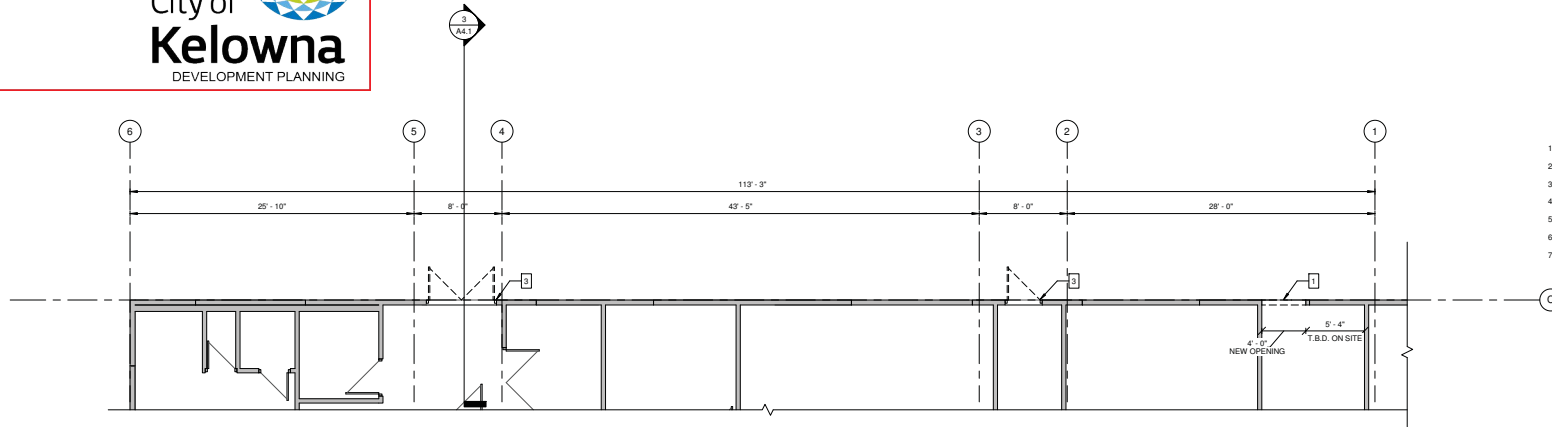


City of
Kelowna
DEVELOPMENT PLANNING

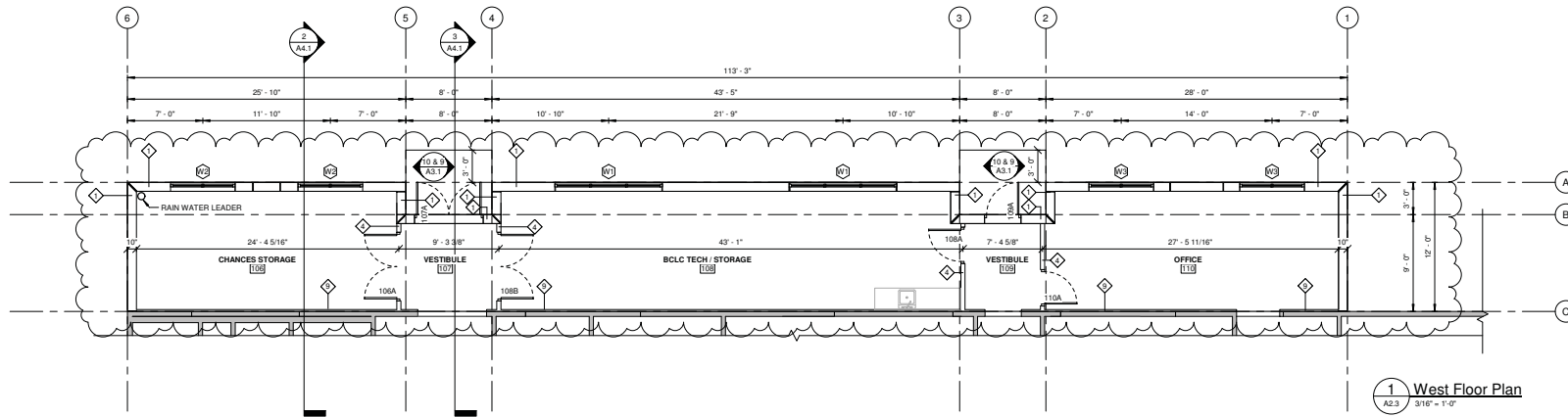
Planner
Initials **TC**



- 1 PATCH & REPAIR WALL
- 2 REMOVE COLUMN & ROOF ABOVE
- 3 REMOVE EXISTING DOOR & MAINTAIN OPENING
- 4 REMOVE GLAZING (TO BE REUSED) & CUT WALL DOWN TO FLOOR
- 5 REMOVE GLAZING (TO BE REUSED) & INFILL W/ FRAMED WALL
- 6 REMOVE GLAZING & INFILL W/ 4" PRECAST WALL
- 7 CUT WALL DOWN TO FLOOR & ADD NEW DOOR



2 West Floor Plan - Existing
A2.3 3/16" = 1'-0"



1 West Floor Plan
A2.3 3/16" = 1'-0"



NO.	DESCRIPTION	DATE
0	ISSUED FOR CONSTRUCTION	2020-06-10
3	MOVED GRID LINE A	2020-08-17

**Chances Casino
Renovation**

Kelowna, British Columbia

Lot A, Plan KAP70110



**aggregate
design studio ltd.**
(403) 885-5525 P.O. BOX 1690 BLACKFALDS, AB, T0M 0J0

CLIENT SCALE DRAWING
IDENTIFY ALL DIMENSIONS, DATE AND DEVELOPER TO CORRESPONDENT OF WORK. VERIFY ANY DISCREPANCIES OR
CONFLICTS TO THE ARCHITECT IMMEDIATELY.
ALL WORK MUST COMPLY WITH THE MOST RECENT EDITION OF THE APPLICABLE BUILDING CODE AND ANY OTHER
GOVERNING AUTHORITIES.
THIS IS A CONCEPT DRAWING AND SHALL NOT BE REPRODUCED OR REVISED WITHOUT THE WRITTEN CONSENT OF THE
CONSULTANT.

Enlarged Floor Plan

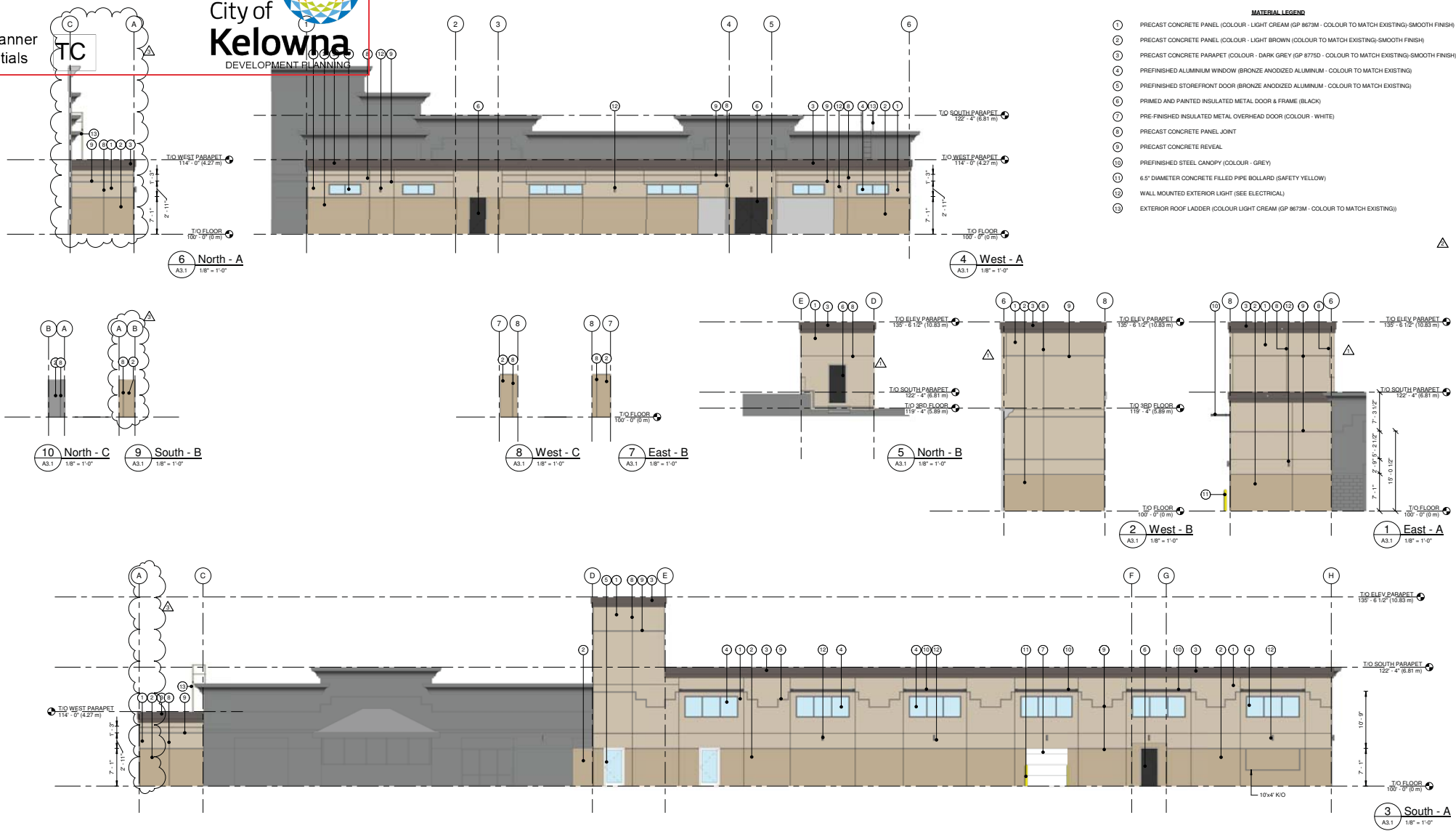
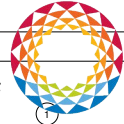
A2.3

Project number:	B20284
Date:	2020-08-18 9:56:41
Drawn by:	AB
Checked by:	RO
Scale:	As indicated

This forms part of application

#TA20-0025

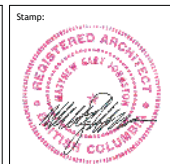
Planner Initials
TC



- MATERIAL LEGEND**
- ① PRECAST CONCRETE PANEL (COLOUR - LIGHT CREAM (GP 8673M - COLOUR TO MATCH EXISTING) SMOOTH FINISH)
 - ② PRECAST CONCRETE PANEL (COLOUR - LIGHT BROWN (COLOUR TO MATCH EXISTING) SMOOTH FINISH)
 - ③ PRECAST CONCRETE PARAPET (COLOUR - DARK GREY (GP 8775D - COLOUR TO MATCH EXISTING) SMOOTH FINISH)
 - ④ PREFINISHED ALUMINUM WINDOW (BRONZE ANODIZED ALUMINUM - COLOUR TO MATCH EXISTING)
 - ⑤ PREFINISHED STOREFRONT DOOR (BRONZE ANODIZED ALUMINUM - COLOUR TO MATCH EXISTING)
 - ⑥ PRIMED AND PAINTED INSULATED METAL DOOR & FRAME (BLACK)
 - ⑦ PRE-FINISHED INSULATED METAL OVERHEAD DOOR (COLOUR - WHITE)
 - ⑧ PRECAST CONCRETE PANEL JOINT
 - ⑨ PRECAST CONCRETE REVEAL
 - ⑩ PREFINISHED STEEL CANOPY (COLOUR - GREY)
 - ⑪ 6.5" DIAMETER CONCRETE FILLED PIPE BOLLARD (SAFETY YELLOW)
 - ⑫ WALL MOUNTED EXTERIOR LIGHT (SEE ELECTRICAL)
 - ⑬ EXTERIOR ROOF LADDER (COLOUR LIGHT CREAM (GP 8673M - COLOUR TO MATCH EXISTING))

NO.	DESCRIPTION	DATE
0	ISSUED FOR CONSTRUCTION	2020-06-10
1	REVISED WALL S	2020-08-25
2	METRIC ELEVATIONS, DRIVE ANGLES	2020-07-31
3	MOVED GRID LINE A	2020-08-17

Chances Casino Renovation
Kelowna, British Columbia
Lot A, Plan KAP70110



aggregate design studio ltd.
(403) 885-5525 P.O. BOX 1690 BLACKFALDS, AB, T0M 0J0

CLIENT SCALE DRAWING
THIS FULL DIMENSIONAL SET OF PLANS AND ELEVATIONS IS THE PROPERTY OF AGGREGATE DESIGN STUDIO LTD. AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFIC TO WHICH IT WAS PREPARED. ALL WORK MUST COMPLY WITH THE MOST RECENT EDITION OF THE APPLICABLE BUILDING CODE AND ANY OTHER GOVERNING AUTHORITIES.
THIS IS A COPYRIGHTED DRAWING AND SHALL NOT BE REPRODUCED OR REVISED WITHOUT THE WRITTEN CONSENT OF THE CONSULTANT.

Elevations

A3.1

Project number:	B20284
Date:	2020-08-18 9:56:43
Drawn by:	AB
Checked by:	RO
Scale:	As indicated



TA20-0025

1585 Springfield Road

Text Amendment



Proposal

- ▶ To amend the Zoning Bylaw by changing the Development Regulations in the CD16 – Bingo and Gaming zone and replacing the CD16 – Bingo and Gaming Site Plan to reflect these changes.

Development Process

Dec 18, 2020

Development Application Submitted

Staff Review & Circulation

Sept 14, 2020

Public Notification Received

Jan 18, 2021

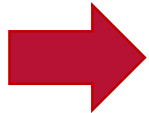
Initial Consideration

Public Hearing
Second & Third Readings

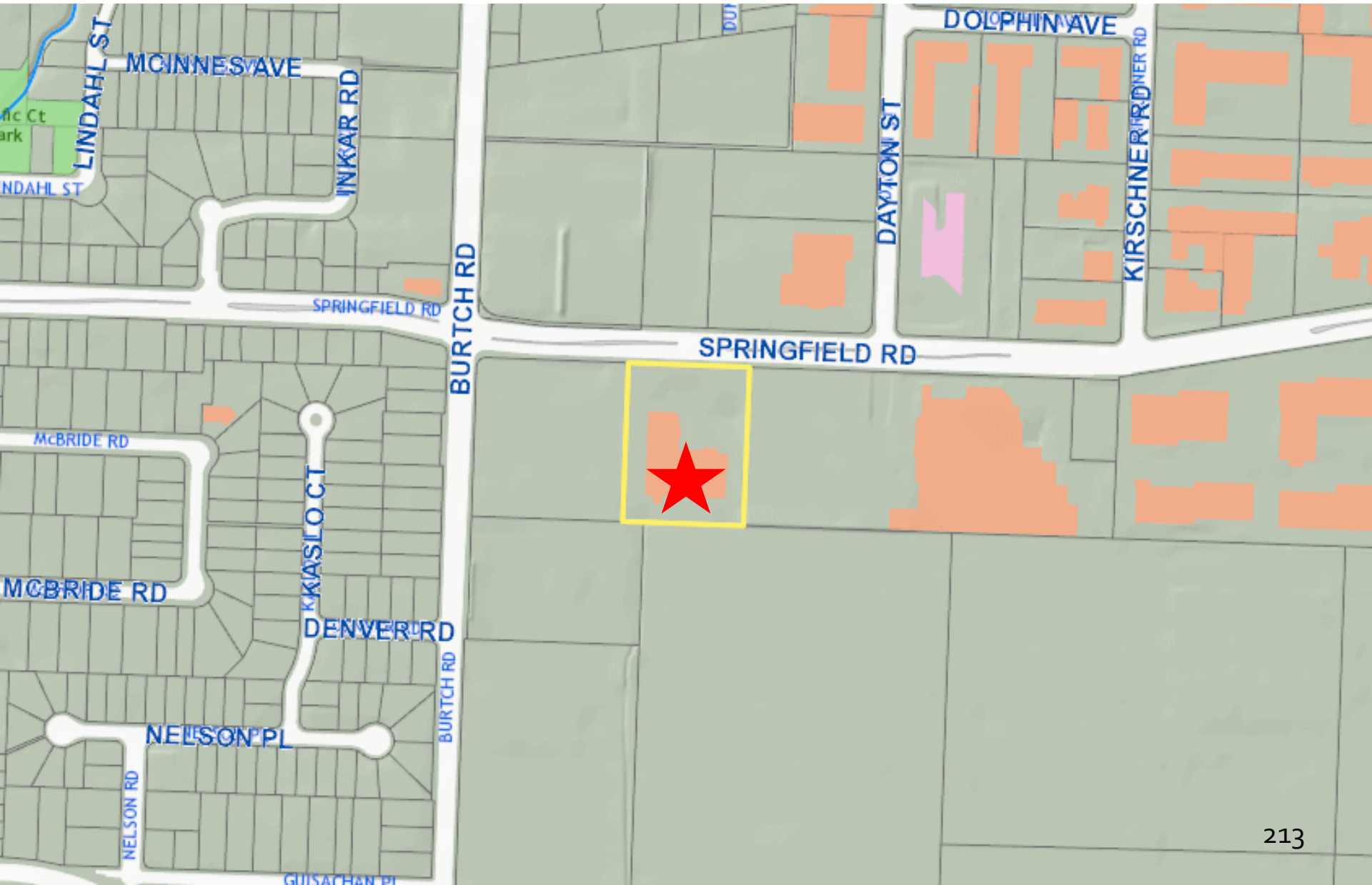
MOTI Approval, Final Reading

Building Permit

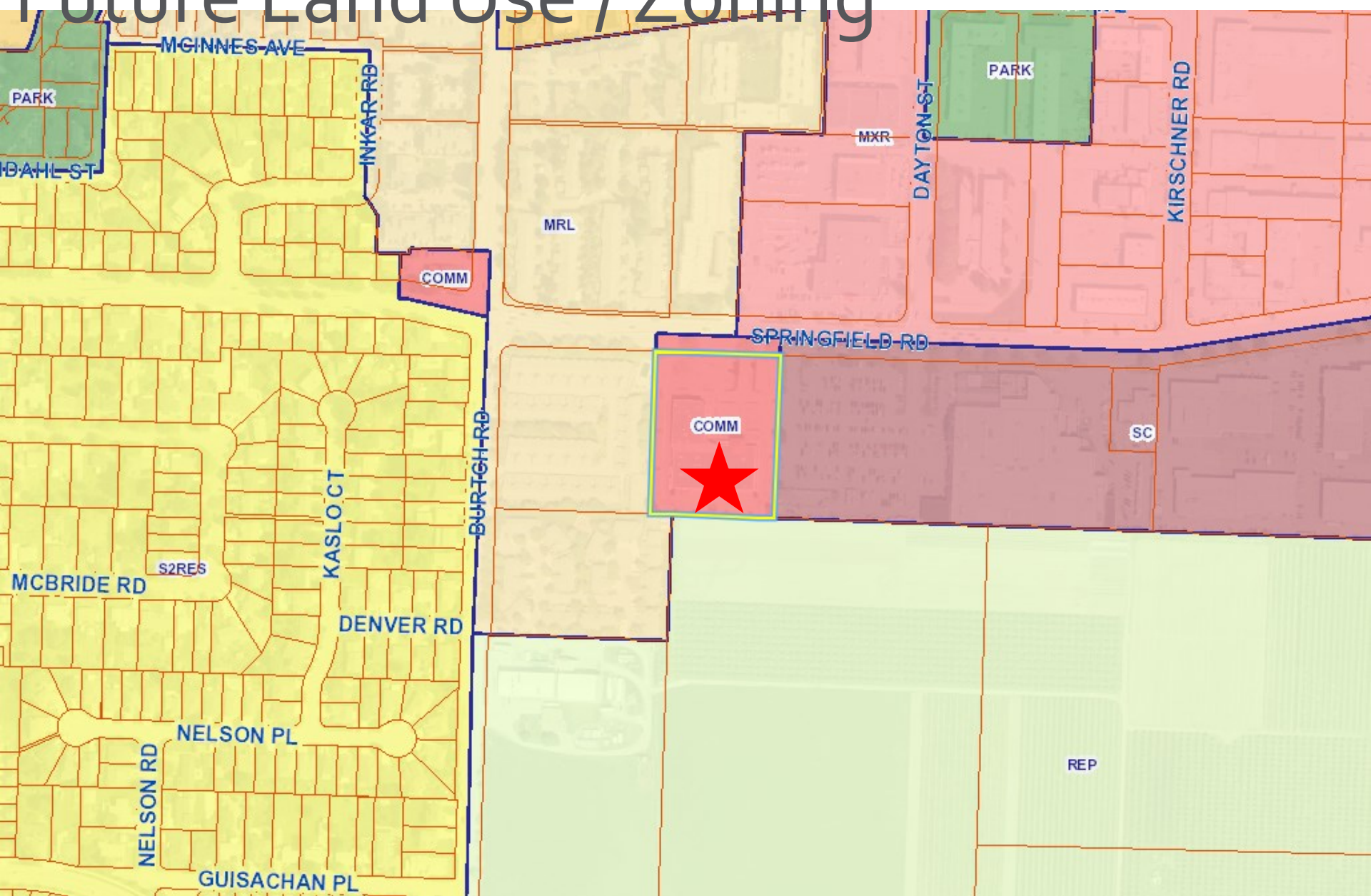
Council Approvals



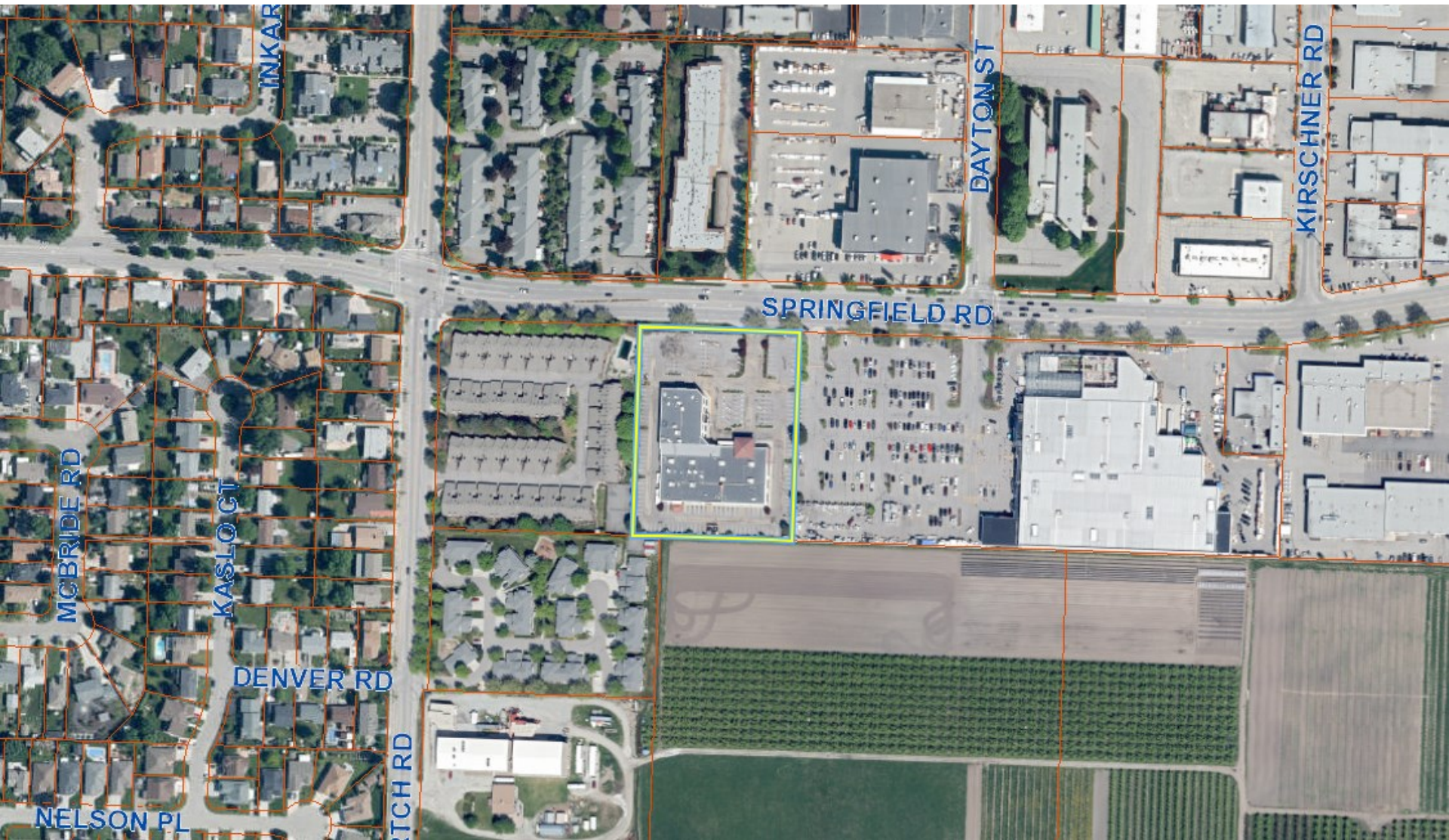
Context Map



Future Land Use / Zoning



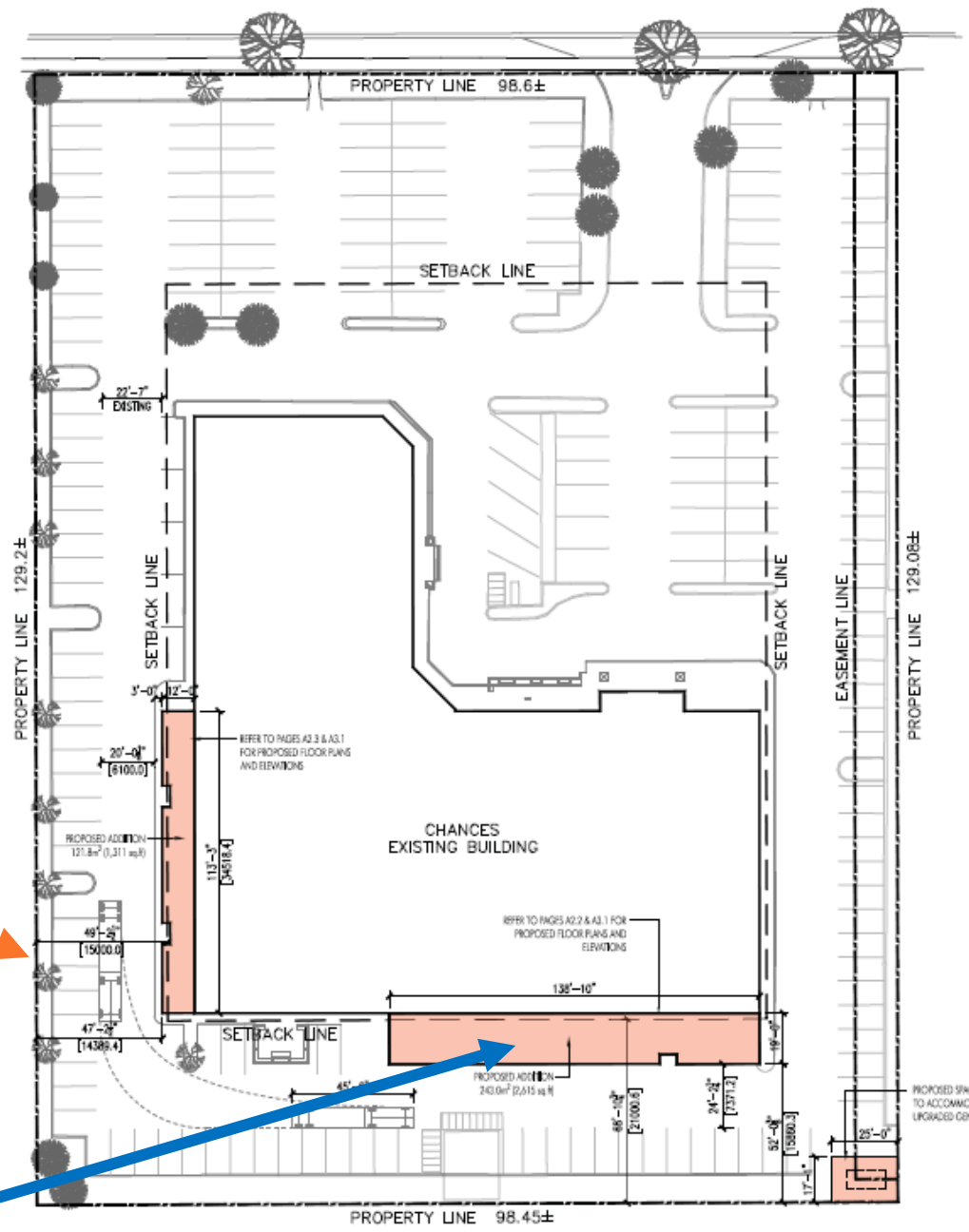
Subject Property Map



Project Details

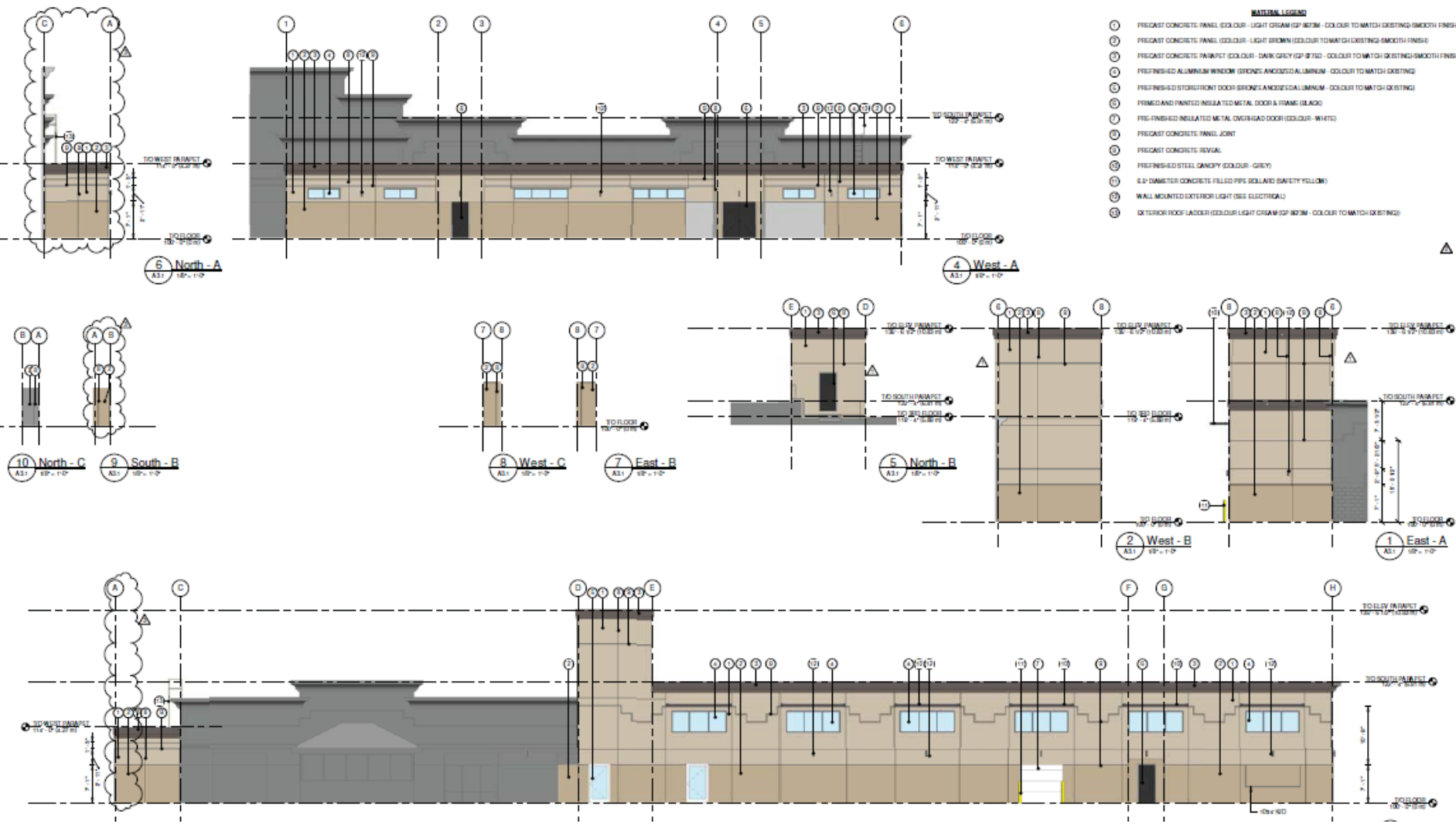
121.8m² – West Addition

243m² – South Addition



1 SITE PLAN
1/2" = 1'-0"

Project Details



Text Amendments

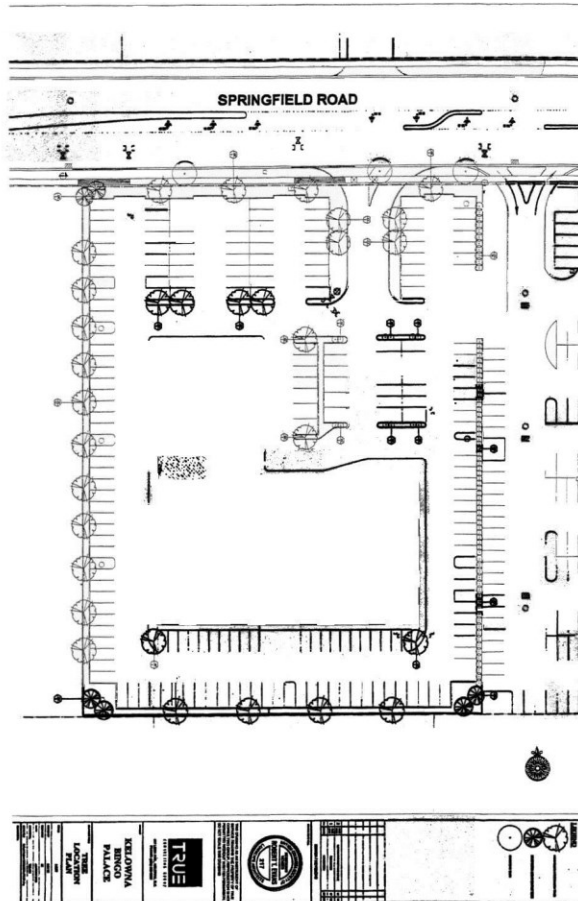
▶ Amend Development Regulations

Development Regulation	CD16 Zone	Proposed
Max. Site Coverage	25%	27.3 %
Min. Side Yard	15.0 m	14.39 m
Min. Rear Yard	21.0 m	15.86 m

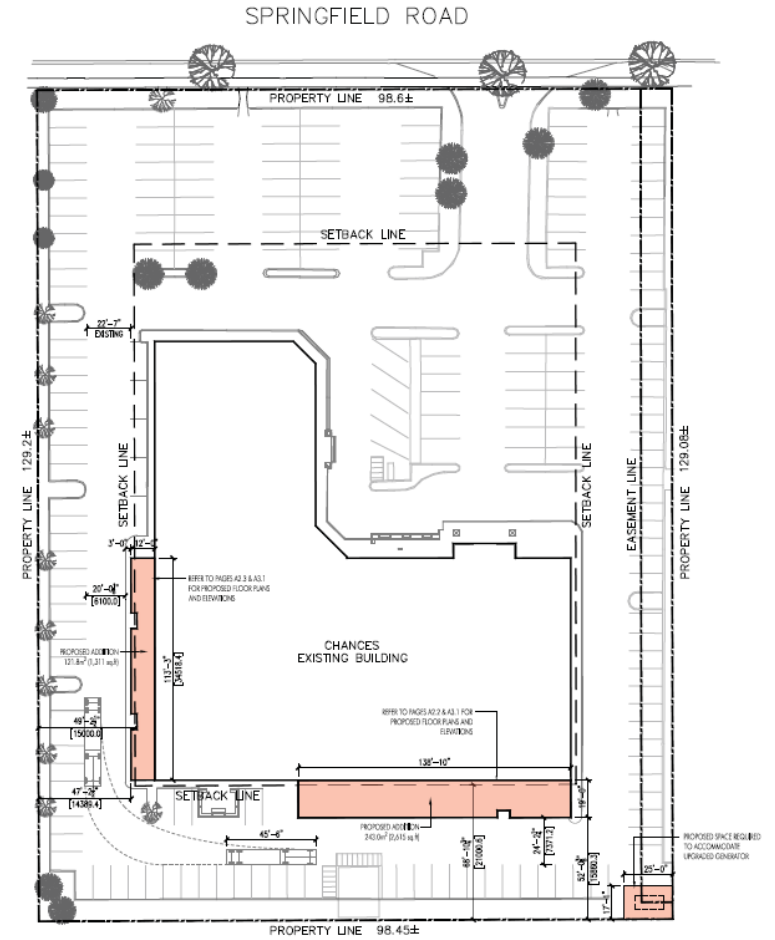
▶ Additional Changes

- ▶ In addition, the application proposes a new regulation to lower the double drive aisle width to 6.1m, which isn't defined in the CD16 zone, but is 7.0m in the Bylaw.

Site Plan



Existing



Proposed

Future Development

- ▶ Staff understand the applicants have further development plans following the application:
 - ▶ Will require additional development applications
 - ▶ Anticipate to significantly change CD16 Zone
 - ▶ Substantial change to existing building form and scale
- ▶ Applicant is still working through their preferred design and development plans

Staff recommendation

- ▶ Staff recommend **support** of the proposed Text Amendments
- ▶ Recommend the Bylaw be forwarded to Public Hearing



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12017

TA20-0012 – Schedule 'B' Comprehensive Development Zones CD16 – Bingo and Gaming

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 **Section 18 – Schedule 'B' – Comprehensive Development Zones, CD16 – Bingo and Gaming, 1.4 Development Regulations** be amended by:

Deleting the following:

"(b) The maximum **site coverage** is 25%"

"(e) The minimum **side yard** is 15.0m"

"(f) The minimum **rear yard** is 21.0 m"

And replacing it with:

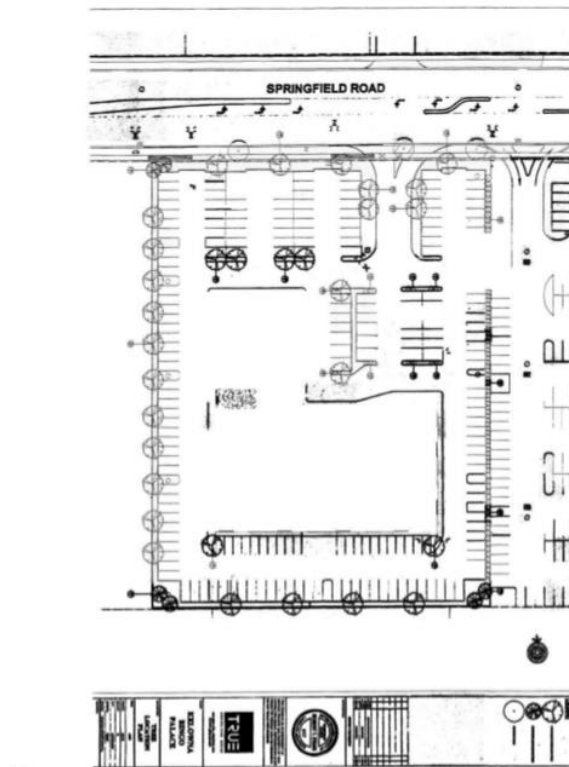
"(b) The maximum **site coverage** is 26%"

"(e) The minimum **side yard** is 14.0 m"

"(f) The minimum **rear yard** is 18.0 m"

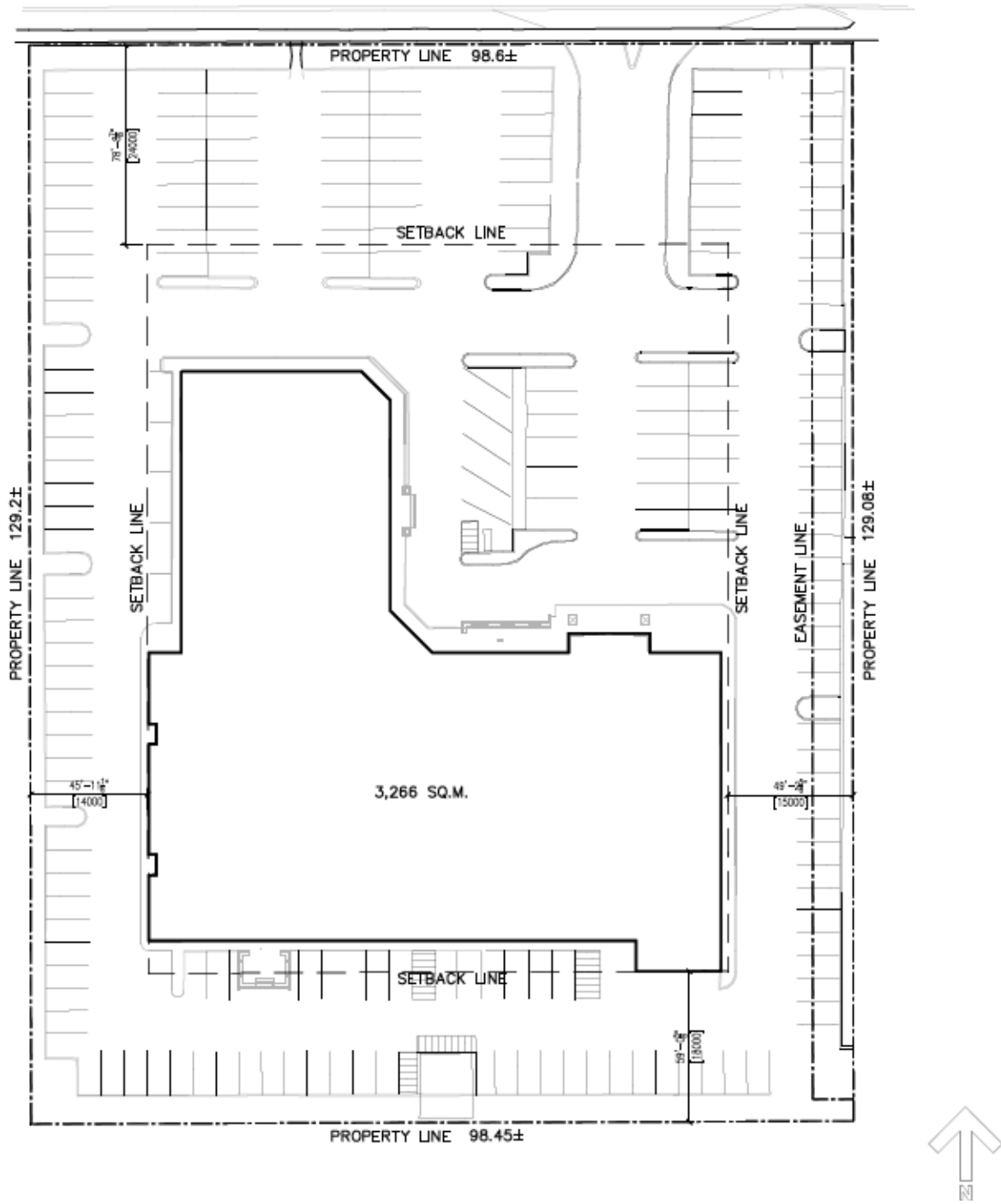
2. AND THAT **Section 18 – Schedule 'B' – Comprehensive Development Zones, CD16 – Bingo and Gaming, 1.5(c) Other Regulations** be amended by:

Deleting the following:



And replacing it with:

CD16 – Bingo and Gaming – Site Plan SPRINGFIELD ROAD



1 SITE PLAN
1/32" = 1'-0"



3. 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 6th day of April, 2020.

Rescinded at first reading by the Municipal Council this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 12145

TA20-0025 – Schedule 'B' Comprehensive Development Zones CD16 – Bingo and Gaming

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 **Section 18 – Schedule 'B' – Comprehensive Development Zones, CD16 – Bingo and Gaming, 1.4 Development Regulations** be amended by:

Deleting the following:

"(b) The maximum **site coverage** is 25%"

"(e) The minimum **side yard** is 15.0m"

"(f) The minimum **rear yard** is 21.0 m"

And replacing it with:

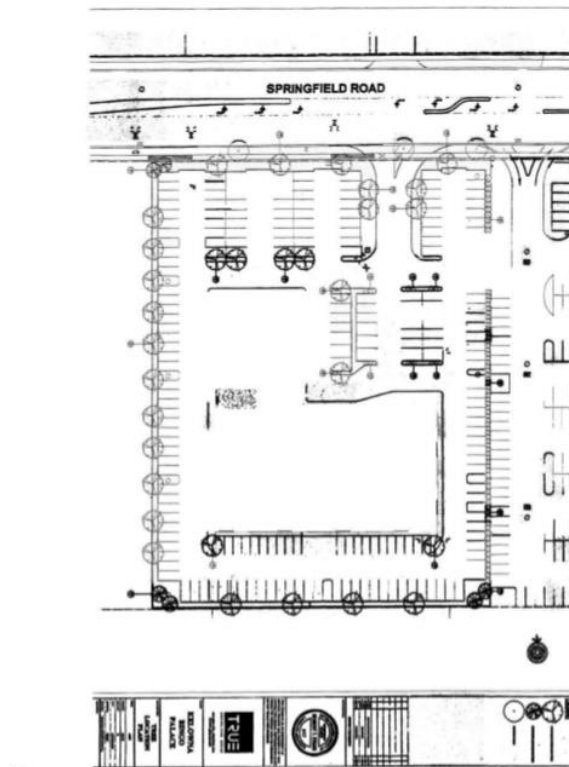
"(b) The maximum **site coverage** is 27.3%"

"(e) The minimum **side yard** is 14.39 m"

"(f) The minimum **rear yard** is 15.86 m"

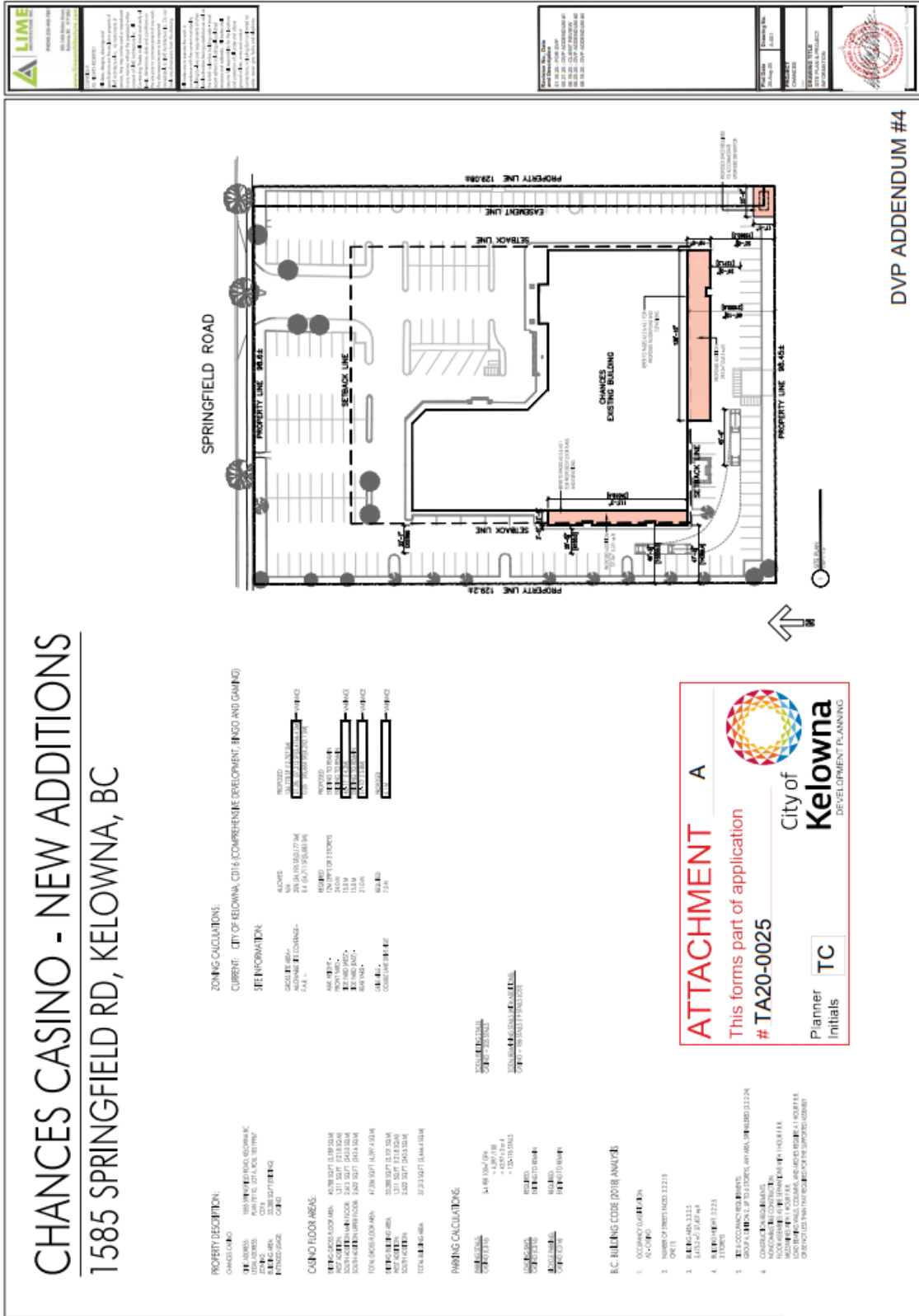
2. AND THAT **Section 18 – Schedule 'B' – Comprehensive Development Zones, CD16 – Bingo and Gaming, 1.5(c) Other Regulations** be amended by:

Deleting the following:



And replacing it with:

CD16 – Bingo and Gaming – Site Plan



DVP ADDENDUM #4

CHANCES CASINO - NEW ADDITIONS

1585 SPRINGFIELD RD, KELOWNA, BC

ZONING CALCULATIONS:
CURRENT: CITY OF KELOWNA, CD16 (COMPREHENSIVE DEVELOPMENT, BINGO AND GAMING)

SITE INFORMATION:

ADJACENT ZONE	ADJACENT ZONE	ADJACENT ZONE	ADJACENT ZONE
CD16 (COMPREHENSIVE DEVELOPMENT, BINGO AND GAMING)	CD16 (COMPREHENSIVE DEVELOPMENT, BINGO AND GAMING)	CD16 (COMPREHENSIVE DEVELOPMENT, BINGO AND GAMING)	CD16 (COMPREHENSIVE DEVELOPMENT, BINGO AND GAMING)

PROPERTIES:

PROPERTIES	ADJACENT ZONE	ADJACENT ZONE	ADJACENT ZONE
1585 SPRINGFIELD RD, KELOWNA, BC	CD16 (COMPREHENSIVE DEVELOPMENT, BINGO AND GAMING)	CD16 (COMPREHENSIVE DEVELOPMENT, BINGO AND GAMING)	CD16 (COMPREHENSIVE DEVELOPMENT, BINGO AND GAMING)

ATTACHMENT A

This forms part of application # TA20-0025

City of Kelowna
DEVELOPMENT PLANNING

Planner Initials **TC**

PROPERTIES:

PROPERTIES	ADJACENT ZONE	ADJACENT ZONE	ADJACENT ZONE
1585 SPRINGFIELD RD, KELOWNA, BC	CD16 (COMPREHENSIVE DEVELOPMENT, BINGO AND GAMING)	CD16 (COMPREHENSIVE DEVELOPMENT, BINGO AND GAMING)	CD16 (COMPREHENSIVE DEVELOPMENT, BINGO AND GAMING)

PROPERTIES:

PROPERTIES	ADJACENT ZONE	ADJACENT ZONE	ADJACENT ZONE
1585 SPRINGFIELD RD, KELOWNA, BC	CD16 (COMPREHENSIVE DEVELOPMENT, BINGO AND GAMING)	CD16 (COMPREHENSIVE DEVELOPMENT, BINGO AND GAMING)	CD16 (COMPREHENSIVE DEVELOPMENT, BINGO AND GAMING)

3. AND FURTHER THAT **Section 18 – Schedule 'B' – Comprehensive Development Zones, CD16 – Bingo and Gaming, 1.5(e) Other Regulations** be amended by adding the following:

The minimum drive aisle for a double lane drive aisle is 6.1m;

4. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: January 18, 2021

To: Council

From: City Manager

Department: Development Planning

Application: OCP19-0006/Z19-0108 **Owner:** 1207431 B.C. Ltd., Inc.No.
BC1207431

Address: (W OF) Hwy 97 N **Applicant:** CTQ Consultants Ltd., Ed
Grifone

Subject: Official Community Plan Amendment and Rezoning Application

Existing OCP Designation: PARK – Major Park/Open Space (public)
S2RES – Single/Two Unit Residential

Proposed OCP Designation: IND - Industrial

Existing Zone: A1 – Agriculture 1

Proposed Zone: I1 – Business Industrial

1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP19-0006 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation for a portion of Lot 1 Section 2 Township 23 Plan EPP76079 located at (W OF) Highway 97 North, Kelowna, BC from the PARK - Major Park/Open Space (public) and S2RES – Single/Two Unit Residential designations to the IND - Industrial designation, as shown on Map “A” attached to the Report from the Development Planning Department dated January 18, 2021 be considered by Council;

AND THAT Rezoning Application No. Z19-0108 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for a portion of Lot 1 Section 2 Township 23 Plan EPP76079 located at (W OF) Highway 97 North, Kelowna, BC from the A1 – Agriculture 1 zone to the I1 – Business Industrial zone, as shown on Map “B” attached to the Report from the Development Planning Department dated January 18, 2021 be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule “A” attached to the Report from the Development Planning Department dated January 18, 2021;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Preliminary Layout Review by the Approving Officer;

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

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

2.0 Purpose

To amend the Official Community Plan designation from the PARK – Major Park/Open Space (public) and S2RES – Single/Two Unit Residential designations to the IND – Industrial designation and rezone a portion of the subject property from the A1 – Agriculture 1 zone to the I1 – Business Industrial zone to accommodate future industrial development.

3.0 Development Planning

Development Planning Staff recommend support for the proposed OCP and Rezoning amendments to facilitate future industrial development. The proposed amendments allow for the extension of Lougheed Road and the Hollywood Rd North industrial areas. The proposed development is considered compatible with the existing and surrounding land uses and meets a number of industrial policies and objectives of the Official Community Plan (OCP). Staff have reviewed this application, and it may move forward without affecting either the City's Financial Plan or Waste Management Plan.

4.0 Proposal

4.1 Background

The subject property is a large forested parcel and is approximately 40.0 acres in size. It is directly adjacent to the Academy Way developments to the west including a future school site, neighborhood park and the U - Buildings. The Future Land Use Designations for the property is currently PARK – Major Park/Open Space and S2Res – Single / Two Unit Residential. It property is zoned A1 – Agriculture and is currently vacant.

4.2 Project Description

The proposal is to amend the OCP to IND - Industrial and rezone to I1 – Business Industrial to accommodate future industrial development. The proposed industrial area would be approximately 2.4 acres in size with a 4.2 acres portion to remain park and open space. The conceptual site plan consists of four buildings roughly totalling 3600 m² of industrial space. Access to the development would be from the extension of Lougheed Road which currently dead ends at the subject property boundary. The northern most extent of the proposed development is aligned with the future Central Okanagan Multi Modal Corridor (COMMC), which is currently protected by Statutory Right of Way.

The sites topography has a large, relatively flat bench, which creates the envelope for the industrial buildings as well as the extension of Lougheed Road. The remainder of the site, south of the future Central Okanagan Multi Modal Corridor (COMMC), contains steep slopes and will remain park and open space. This aids in preserving the sites natural features and meets the objectives and guidelines of the OCP to protect sensitive hillside and reduce visual impact.

Environmental and Agricultural Considerations

The portion of the site to be redesignated is currently low-density residential development and the remainder park and open space. An environmental impact assessment has been conducted for the property and has concluded that the area is considered moderate environmental value (ESA 3) due to existing fragmentation from adjacent developments in addition to consideration of future transportation corridors which include COMMC, the extension of Hollywood Road North and Loughheed Road. However, retention of the proposed open spaces and hillsides will help maintain the connectivity for wildlife habitat within the subject property and adjacent high value area of Carney Pond.

The subject property is not within the Agricultural Land Reserve however is directly adjacent on its west boundary. The proposal will require a Development Permit and Development Variance Permit in regards form and character and buffering requirements from the ALR. Those applications will be brought forward to the Agricultural Advisory Committee for review and comment prior to being considered by Council.

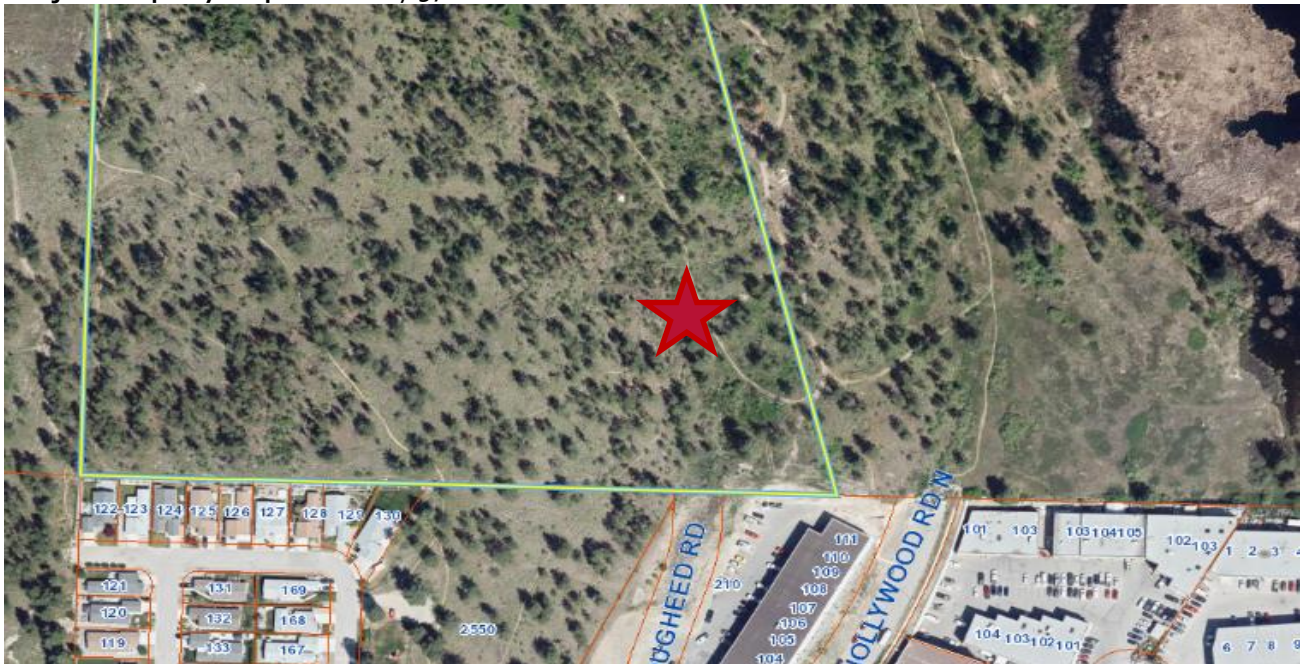
4.3 Site Context

The subject property is located in the Highway 97 City Sector, at the north end of existing Hollywood Road North and south of John Hindle Drive. It is situated west of Academy Way and east of Carney Pond.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture	Vacant
East	A1 - Agriculture	Vacant / Carney Pond
South	I1 – Business Industrial / RM5 – Strata	Industrial / Residential
West	P2/P3/RM4/RM5	Vacant / Residential

Subject Property Map: W of Hwy 97 N



4.4 Kelowna Official Community Plan (OCP)

5.0 Chapter 5 - Development Process

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

Policy .1 Rezoning to Industrial. Consider allowing land not currently designated as industrial to be supported for an Official Community Plan amendment and subsequent rezoning to allow industrial uses provided that such a rezoning would be consistent with other Official Community Plan policies, provided that available municipal infrastructure can support the use, and provided that the industrial use would be compatible with existing and proposed future surrounding uses. Compatibility issues to consider include, but are not limited to visual impact, noise, odour, hours of operation pollution and traffic.

Objective 5.29 Ensure efficient use of industrial land supply.

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

6.0 Technical Comments

6.1 Development Engineering Department

- Refer to Development Engineering Memo Dated August 8, 2019

7.0 Application Chronology

Date of Application Received: June 11, 2019
Date of Amended Application: September 21, 2020
Date Public Consultation Completed: October 22, 2020

Report prepared by: Wesley Miles, Planner Specialist
Reviewed by: Dean Strachan, Community Planning & Development Manager
Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule A: Development Engineering Memorandum
Attachment A: Conceptual Layout
Map A: OCP Amendment
Map B: Zoning Amendment



CITY OF KELOWNA

MEMORANDUM

Date: August 8, 2019

File No.: Z19-0108

To: Urban Planning (SS)

From: Development Engineer Manager (JK)

Subject: (Wof) Hwy 97N, Lot 1, plan EPP76079, Sec. 2, Twp. 23, ODYD.

The Development Engineering comments and requirements regarding this Rezoning application to rezone the property from A1 – Agriculture to I1 Business Industrial for the subject property are:

1) General

- a) This proposed subdivision may require the installation of centralized mail delivery equipment. Please contact Arif Bhatia, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC V1Y 2K0 to obtain further information and to determine suitable location(s) within the development.
- b) The Fire Department and Environment Division requirements and comments are addressed separately by them.

2) Geotechnical Report

- a) Provide a comprehensive geotechnical report, prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below:

NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.

 - i) The Geotechnical report must be submitted prior to submission of Engineering drawings or application for subdivision approval.
 - (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
 - (ii) Site suitability for development.
 - (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
 - (iv) Any special requirements for construction of roads, utilities and building structures.

- (v) Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands.
 - (vi) Slope stability, rock fall hazard and slippage including the effects of drainage and septic tank effluent on the site.
 - (vii) Identify slopes greater than 30%.
- ii) Top of bank assessment and location including recommendations for property line locations, septic field locations, building setbacks, and ground water disposal locations.
 - iii) Recommendations for items that should be included in a Restrictive Covenant.
 - iv) Any special requirements that the proposed subdivision should undertake so that it will not impact the bank(s). The report must consider erosion and structural requirements.
 - v) Any items required in other sections of this document.
 - vi) Recommendations for erosion and sedimentation controls for water and wind.
 - vii) Recommendations for roof drains and perimeter drains.
 - viii) Recommendations for construction of detention or infiltration ponds if applicable.

3) Sanitary Sewer System

- a) The developer's consulting mechanical engineer will determine the development requirements of the proposed development and establish the service needs. Only one service per lot will be permitted for this development.

4) Water

- a) The property is located within the GEID service area.
- b) Provide an adequately sized domestic water and fire protection system complete with individual lot connections. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. Provide water calculations for this subdivision to confirm this.
- c) Ensure every building site is located at an elevation that ensures water pressure is within the bylaw pressure limits. Note: Private pumps are not acceptable for addressing marginal pressure.
- d) Hydrants are to be spaced according to By-law 7900.
- e) Design drawings must be reviewed by GEID prior to the City issuing the drawings for construction. Confirmation of their review must be provided to the City.

5) Drainage

- a) Provide an adequately sized drainage system complete with individual lot connections. The Subdivision, Development and Servicing Bylaw requires that each lot be provided with an individual connection; however, the City Engineer may permit use of individual ground water disposal systems, where soils are suitable. For on-site disposal of drainage water, a hydrogeotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems for each lot.

6) Road Improvements

- a) Loughheed Rd must be designed and built to SS-5 Collector Class 1 Urban section 20.0m A urban standard including curb, gutter, sidewalk, landscaped boulevard complete with underground irrigation system, street lights, storm drainage, and extension and/or re-location of existing utility mains if required to accommodate this Development.
- b) A Landscape Architect will be required for landscape and planting plan for I6 to A1 boundary
- c) The future COMMC corridor must be protected and dedicated.
- d) Only access to development will be allowed from Loughheed Road.
- e) All Offsite construction work must be approved by Development Engineering group at City of Kelowna.
- f) All terminal ending roads that will not be extended in the future over 100m must have a cul-de-sac.
- g) All terminal ending roads that will not be extended in the future can be no more than 200m and must end with a cul-de-sac (Schedule 4 section 4.4 By-Law 7900) and emergency access will be required.
- h) All terminal ending roads that will be extended in the future can be no more than 400m and must end with a cul-de-sac (Schedule 4 section 4.4 By-Law 7900) and emergency access will be required.
- i) Temporary asphalt cul-de-sacs or turn-a-round will be required at each terminal end of roads that will be extended in the future. Additional dedication or a Statutory Right-of-Way may be needed.
- j) Provide pavement marking and traffic signs where required. The City will install all signs and traffic control devices at the developer's expense.
- k) Provide a Street Sign, Markings and Traffic Control Devices Drawing.

- l) Verify that physical driveway access will satisfy City requirements for all lots. For steeper lots (15%), show driveways on the lot grading plan with grades or profiles. Where lots are serviced by onsite sewage disposal systems, show limits of cut and fill lines.
- m) Re-locate existing poles and utilities, where necessary.
- n) Private access roads must be constructed and paved to the City standard SS-R2.

7) Power and Telecommunication Services and Street Lights

- a) Overhead wiring is permitted for this subdivision although underground installation is recommended. Remove aerial trespass(es)
- b) Street lights must be installed on all roads.
- c) Before making application for approval of your subdivision plan, please make arrangements with Fortis BC for the pre-payment of applicable charges and tender a copy of their receipt with the subdivision application.
- d) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.

8) Design and Construction

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

9) Servicing Agreements for Works and Services

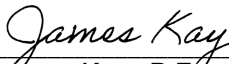
- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

10) Other Engineering Comments

- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- b) If any road dedication affects lands encumbered by a Utility right-of-way (such as Fortis, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.
- c) An MSU standard size vehicle must be able to manoeuvre onto and off the site without requiring a reverse movement onto public roadways.
- d) Indicate on the site, the locations of loading bays as well as the garbage and recycle bins.

11) Charges and Fees

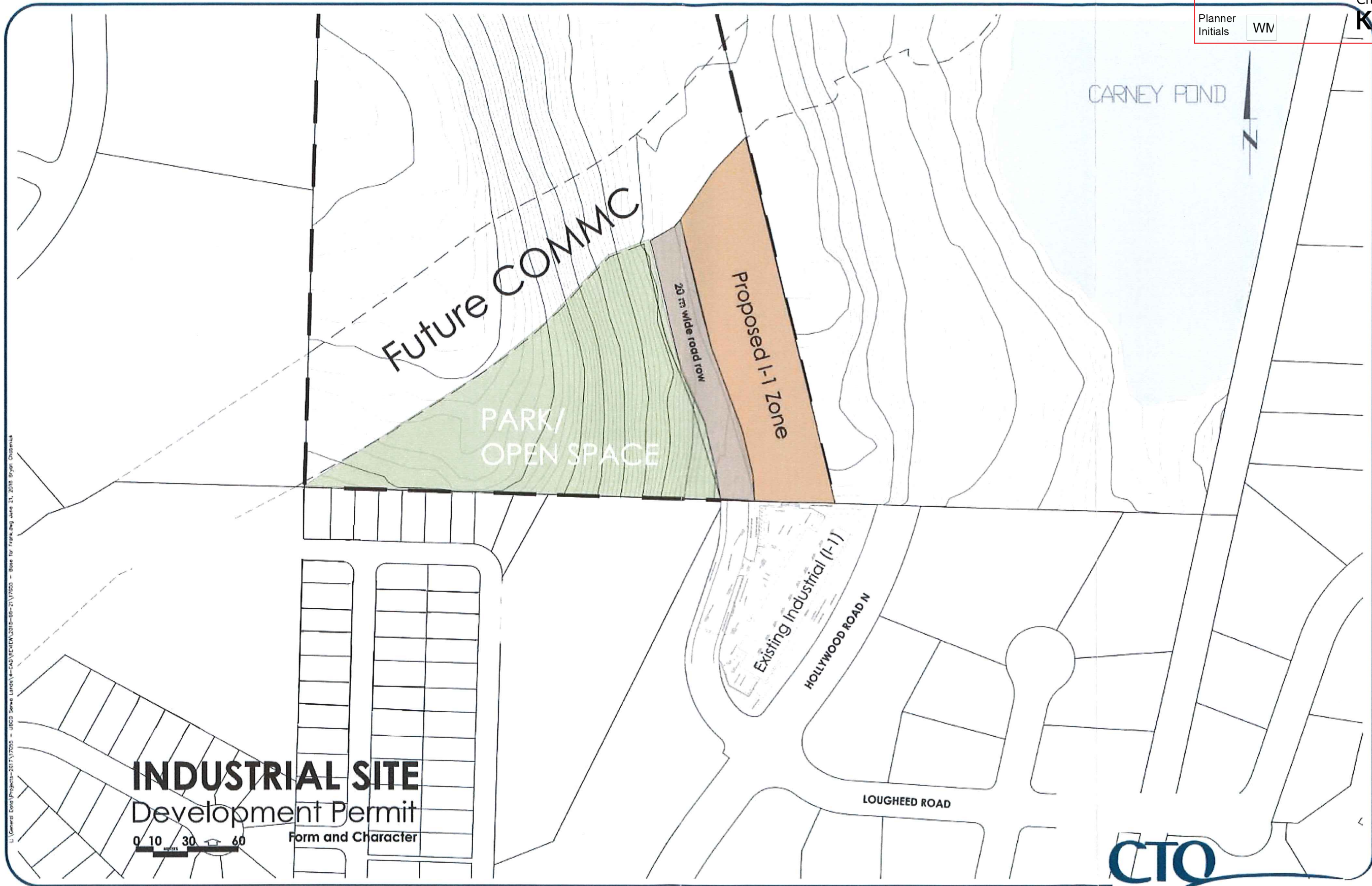
- a) Development Cost Charges (DCC's) are payable
- b) None of the Works & Services required are items included in the DCC calculations and therefore not eligible for DCC credits.
- c) Fees per the "Development Application Fees Bylaw" include:
 - i) Street/Traffic Sign Fees: at cost if required (to be determined after design).
 - ii) Survey Monument Fee: \$50.00 per newly created lot (HST exempt).
 - iii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - iv) Engineering and Inspection Fee: 3.5% of construction value (plus GST).



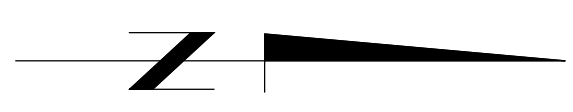
James Kay, P.Eng.
Development Engineering Manager
RO



Figure 4 - Industrial (I1) Site Plan



L:\General Data\Projects\2017\17055 - uBCD Sewer Lines\CAD\VIEW\2015-08-21\17055 - base for marking.dwg June 21, 2018 Ryan Chisnuk



LOUGHEED ROAD

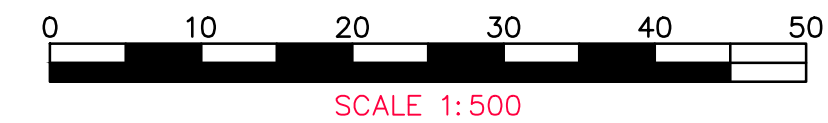
HOLLYWOOD ROAD N

BUILDING 1

BUILDING 2

BUILDING 3

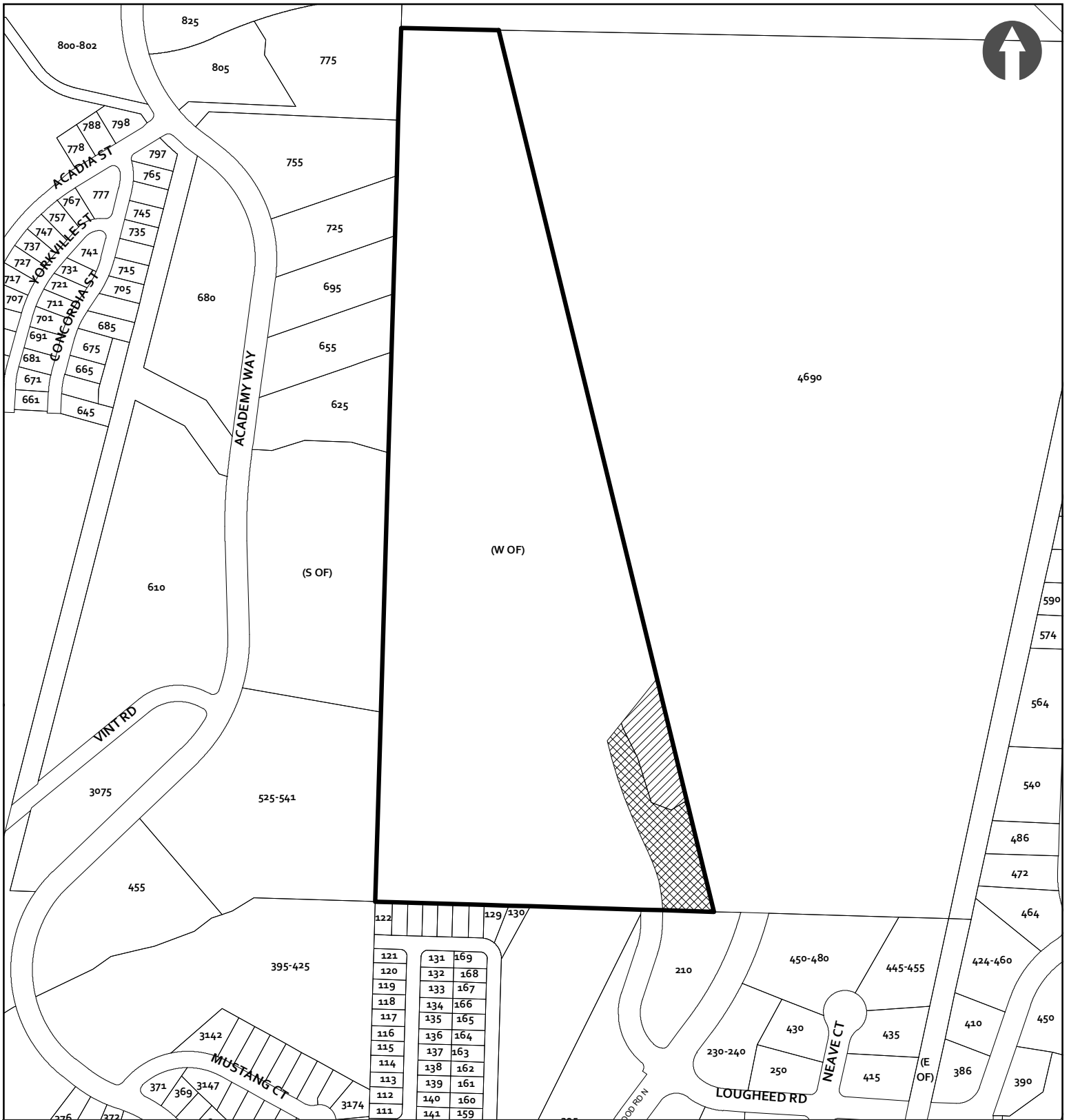
BUILDING 4




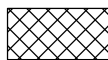

SCALE 1:500
LOUGHEED ROAD INDUSTRIAL REZONING
SITE PLAN
PROJECT No. 17055-10
DRAWING No. SK-06
SCALE 1:500
October 22, 2020

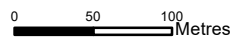


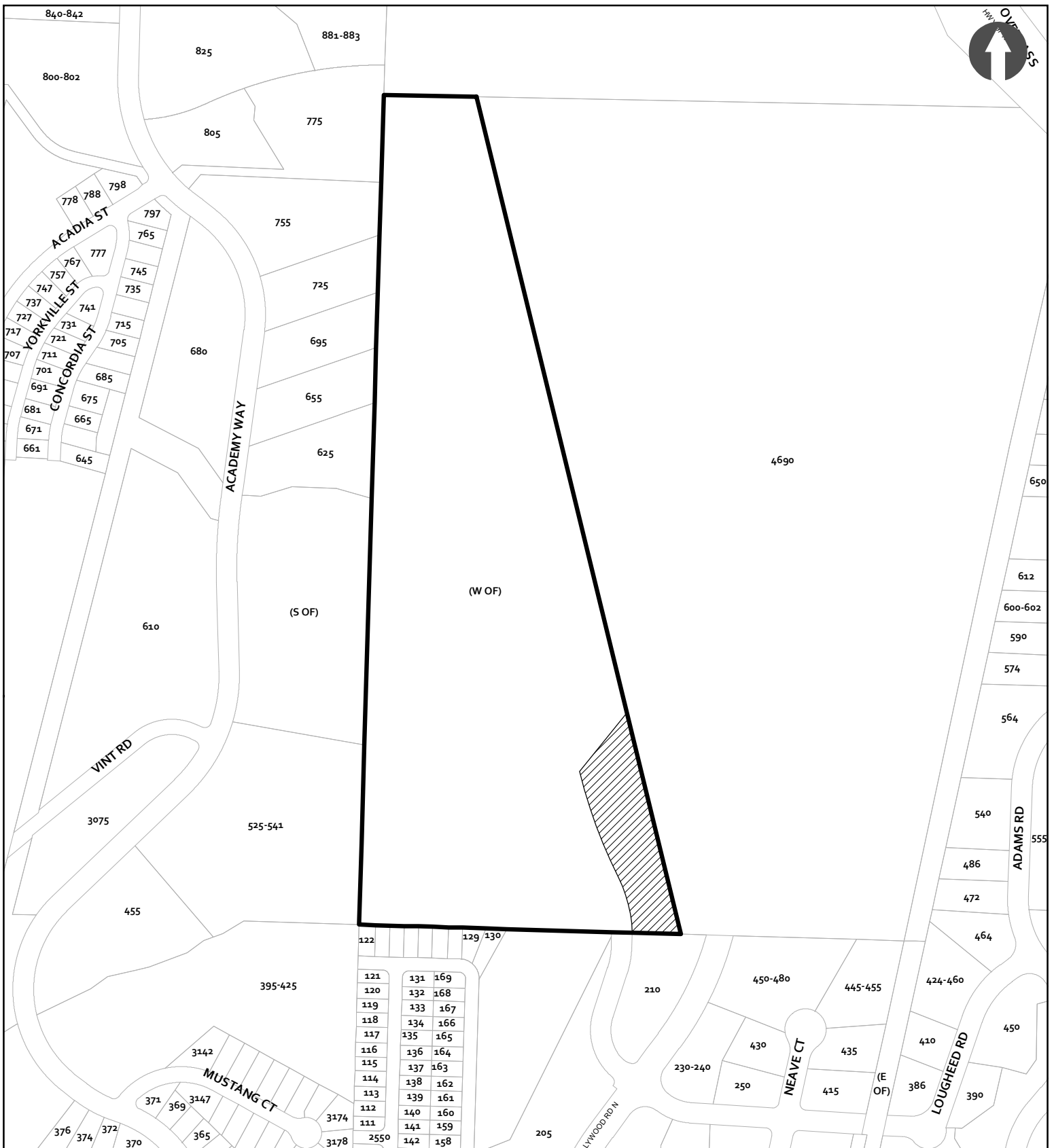
L:\General Data\Projects-2017\17055-10 - Copperhead Ranch_Lunas\4-CAD SKETCHES\17055-10 - SK-06-SITE PLAN.dwg October 22, 2020 Lucas Thayer



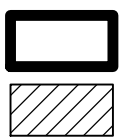
**MAP "A" Proposed OCP Amendment
File OCP19-0006**

-  S2RES - Single/Two Unit Residential to IND - Industrial
-  PARK - Major Park / Open Space (public) to IND - Industrial
-  Subject Property

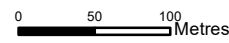




MAP "B" Proposed Rezoning File Z19-0108



Subject Property
A1 - Agriculture 1 to I1 - Business Industrial





OCP19-0006 & Z19-0108 W of Hwy 97 N

OCP Amendment & Rezoning Application

Proposal

- ▶ To change the Future Land Use designation for a portion of the subject property from PARK - Major Park/Open Space (public) and S2Res – Single/Two Unit Residential designation to the IND - Industrial designation
- ▶ To rezone the subject property from A1 - Agriculture and I1 – Business Industrial

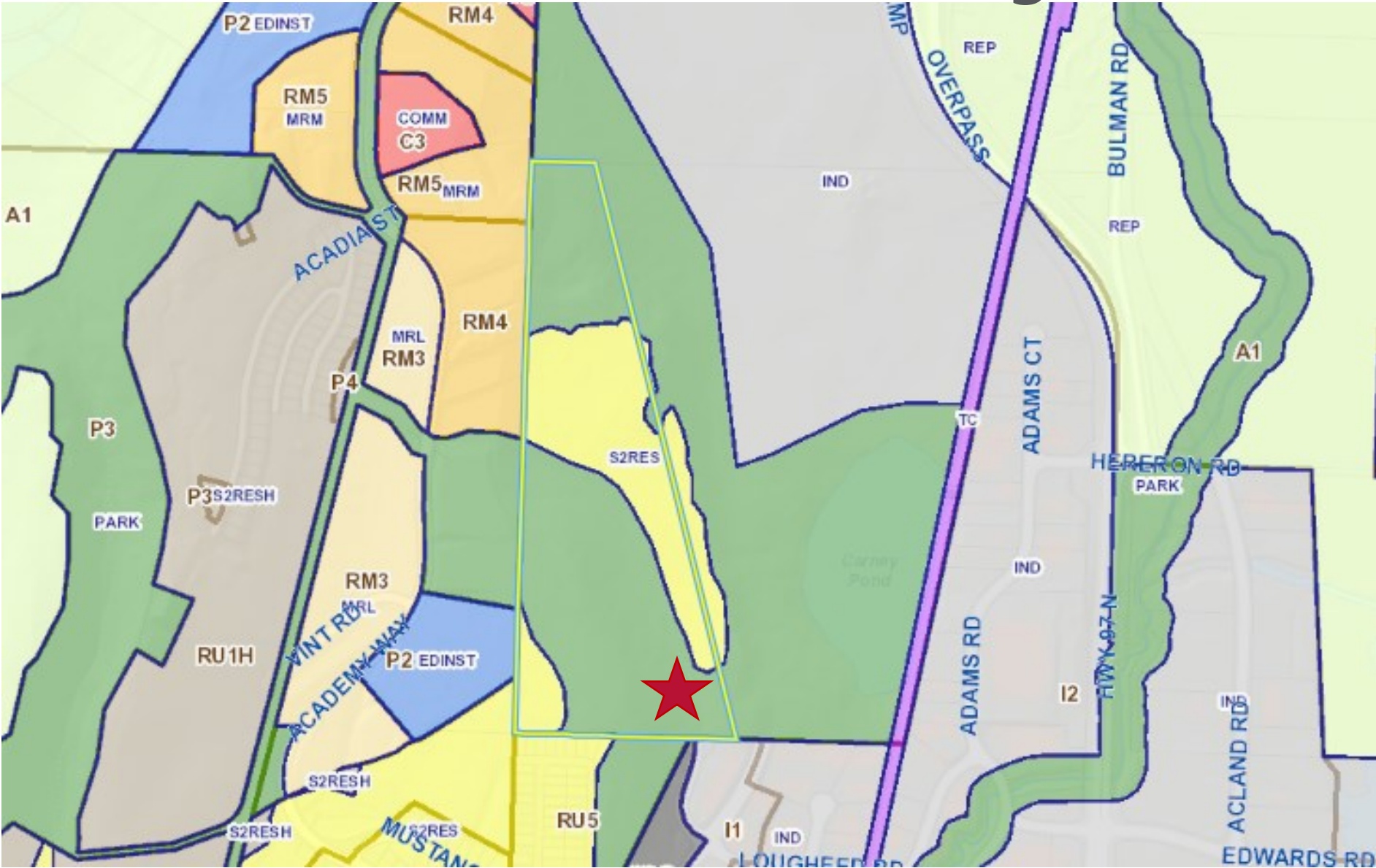
Development Process



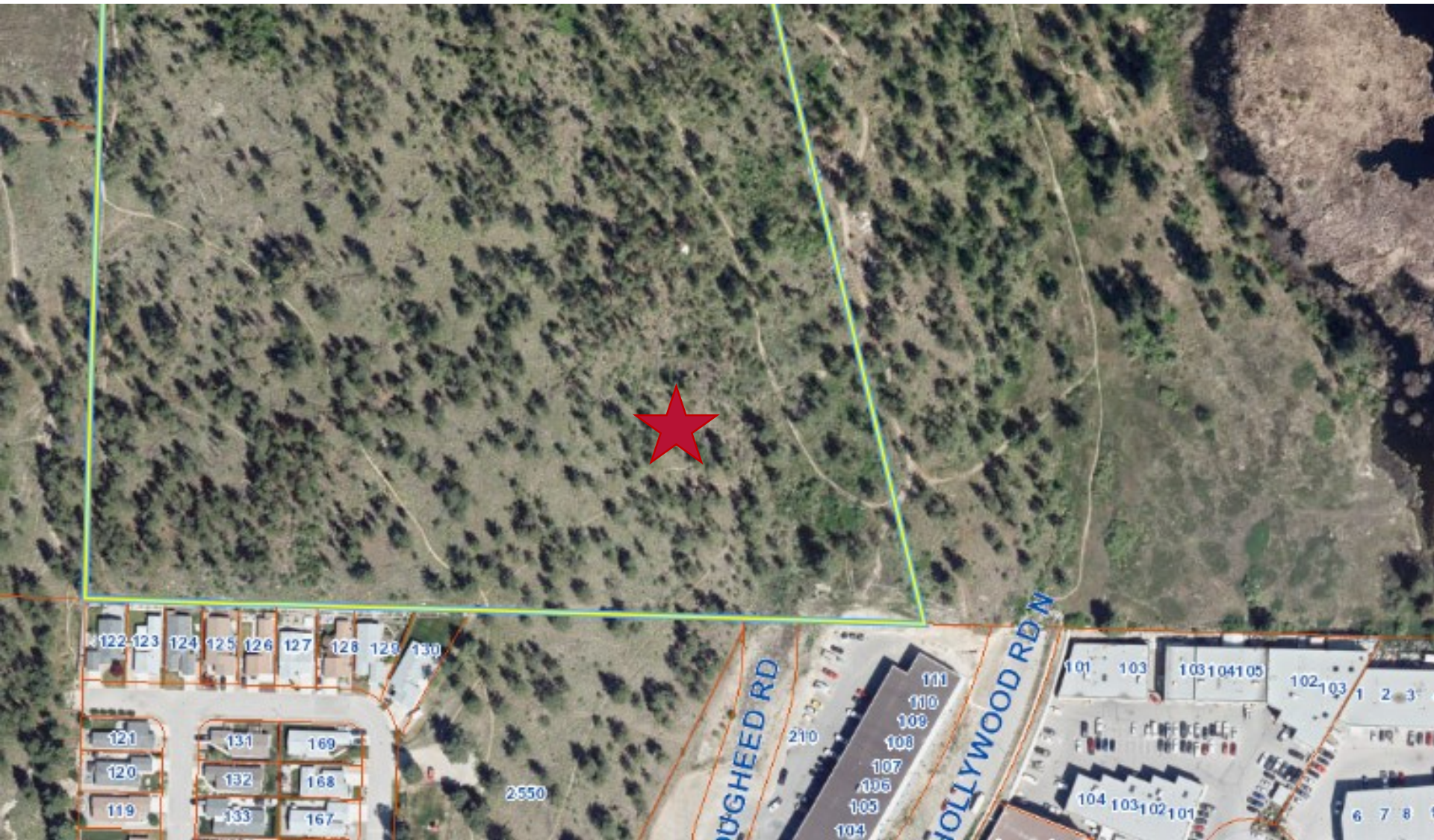
Context Map



OCP Future Land Use / Zoning

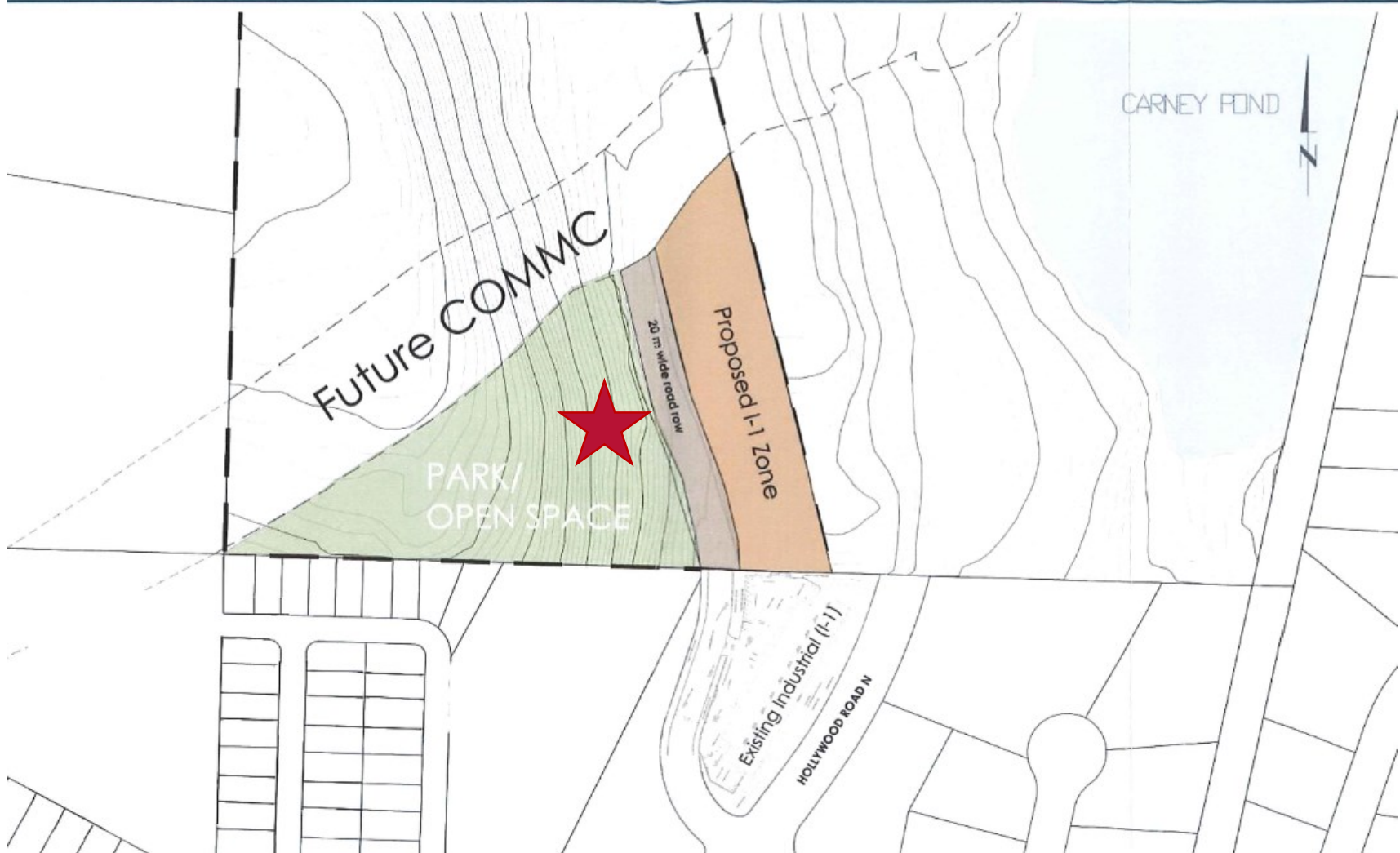


Subject Property Map

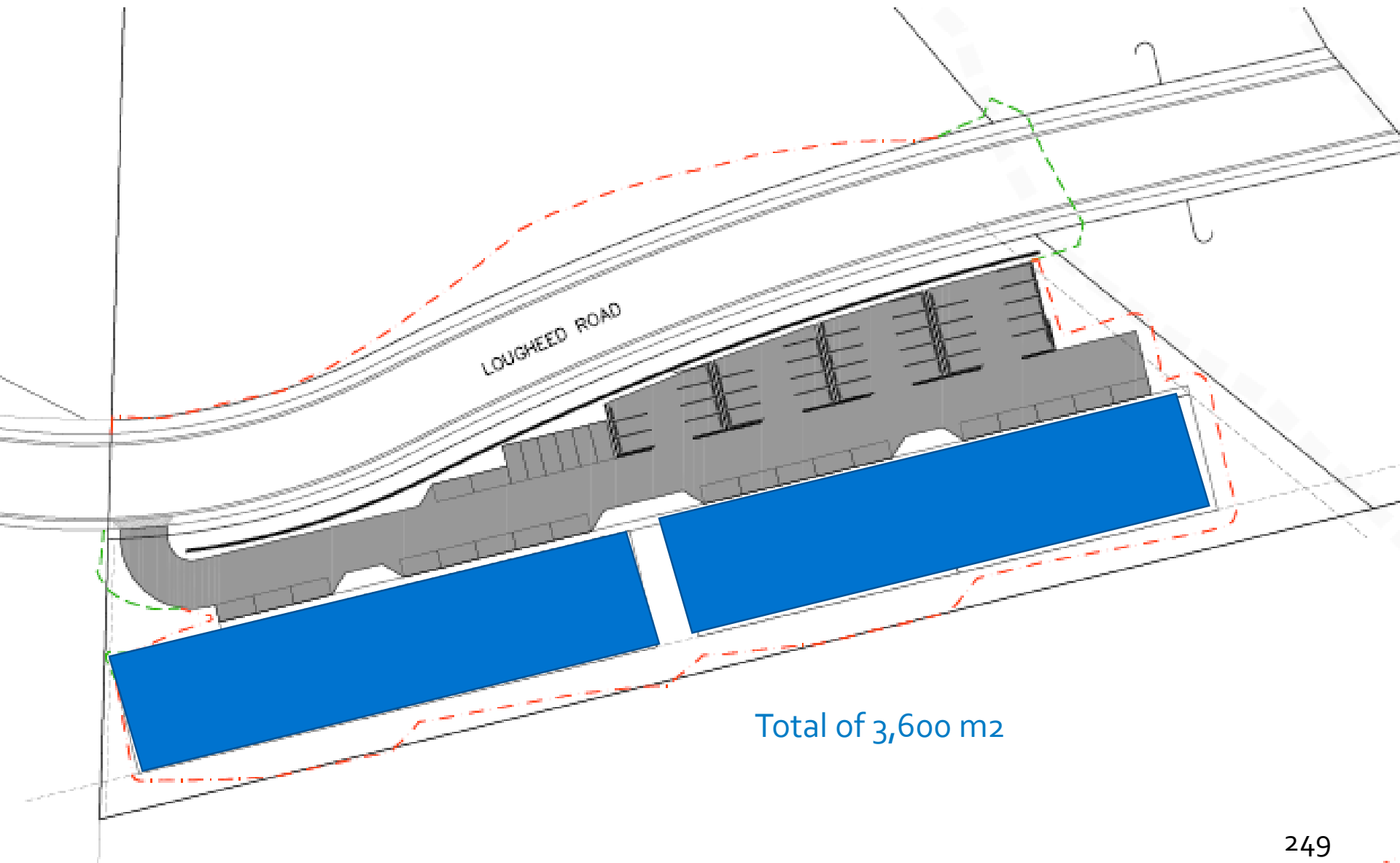


Proposal Overview

Industrial (I1) Site Plan



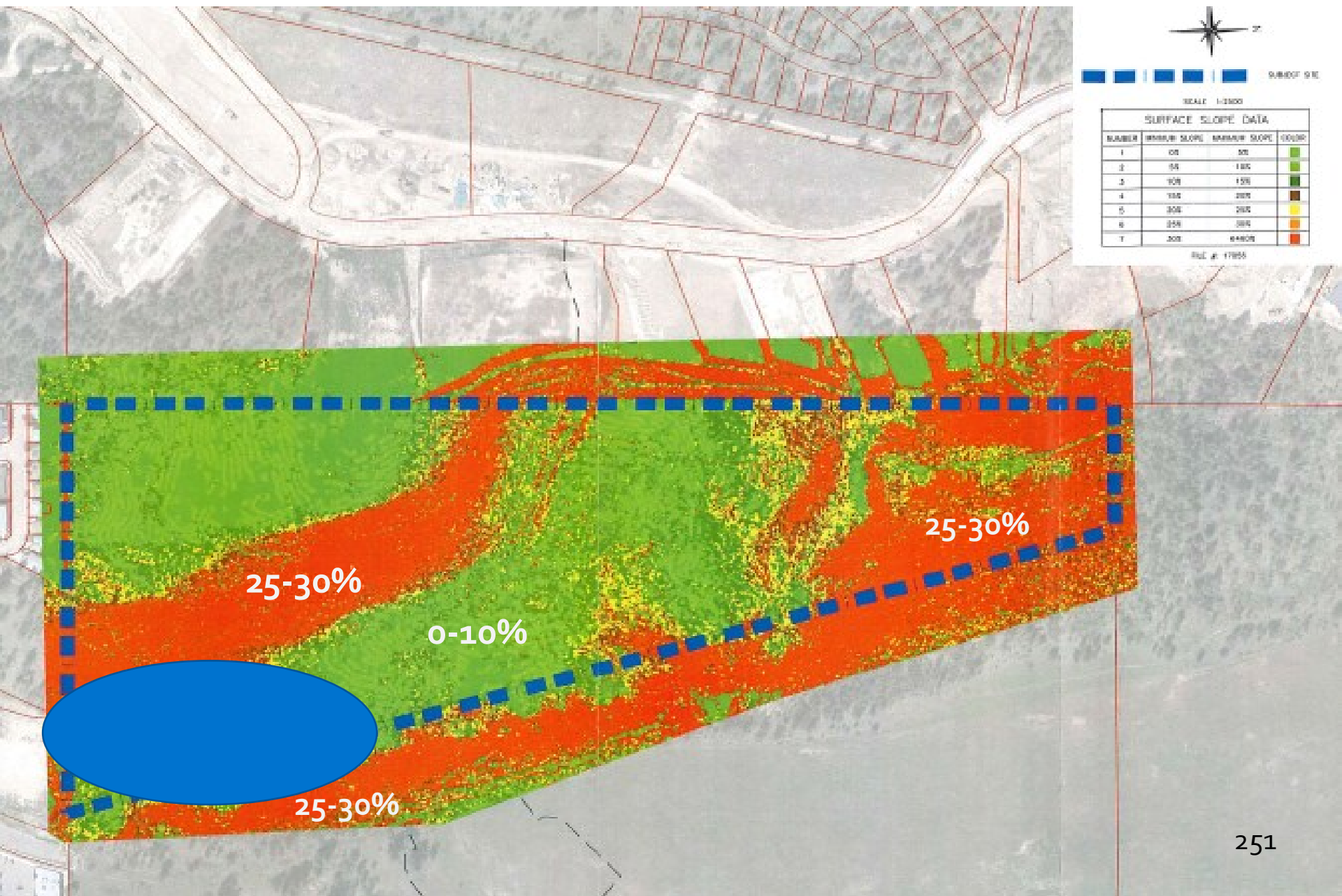
Conceptual Site Plan



Conceptual Rendering



Site Considerations – Slope Analysis



Development Policy

Kelowna Official Community Plan



▶ Chapter 5 - Development Process

▶ **Objective 5.28 Focus Industrial development to areas suitable for industrial use.**

▶ **Policy .1 Rezoning to Industrial.** Consider allowing land not currently designated as industrial to be supported for an Official Community Plan amendment and subsequent rezoning to allow industrial uses provided that such a rezoning would be consistent with other Official Community Plan policies, provided that available municipal infrastructure can support the use, and provided that the industrial use would be compatible with existing and proposed future surrounding uses. Compatibility issues to consider include, but are not limited to visual impact, noise, odour, hours of operation pollution and traffic.

▶ **Objective 5.29 Ensure efficient use of industrial land supply.**

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

Staff Recommendation

- ▶ Development Planning Staff recommend **support** for the Official Community Plan and Rezoning Amendment application
 - ▶ Meets industrial policies and objectives
 - ▶ Integrates well within existing industrial area to the south
 - ▶ Limits the impact on sensitive environmental and hillside areas; and
 - ▶ Meets infill growth policies within the Permanent Growth Boundary



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12151

Official Community Plan Amendment No. OCP19-0006 (W OF) Highway 97 North

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 Generalized Future Land Use designation of portions of Lot 1 Section 2 Township 23 ODYD Plan EPP76079, located on Highway 97 North, Kelowna, B.C., from the PARK – Major Park/Open Space (public) and S2RES – Single/Two Unit Residential designations to the IND - Industrial designation as shown on Map "A" attached to and forming part of this bylaw;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

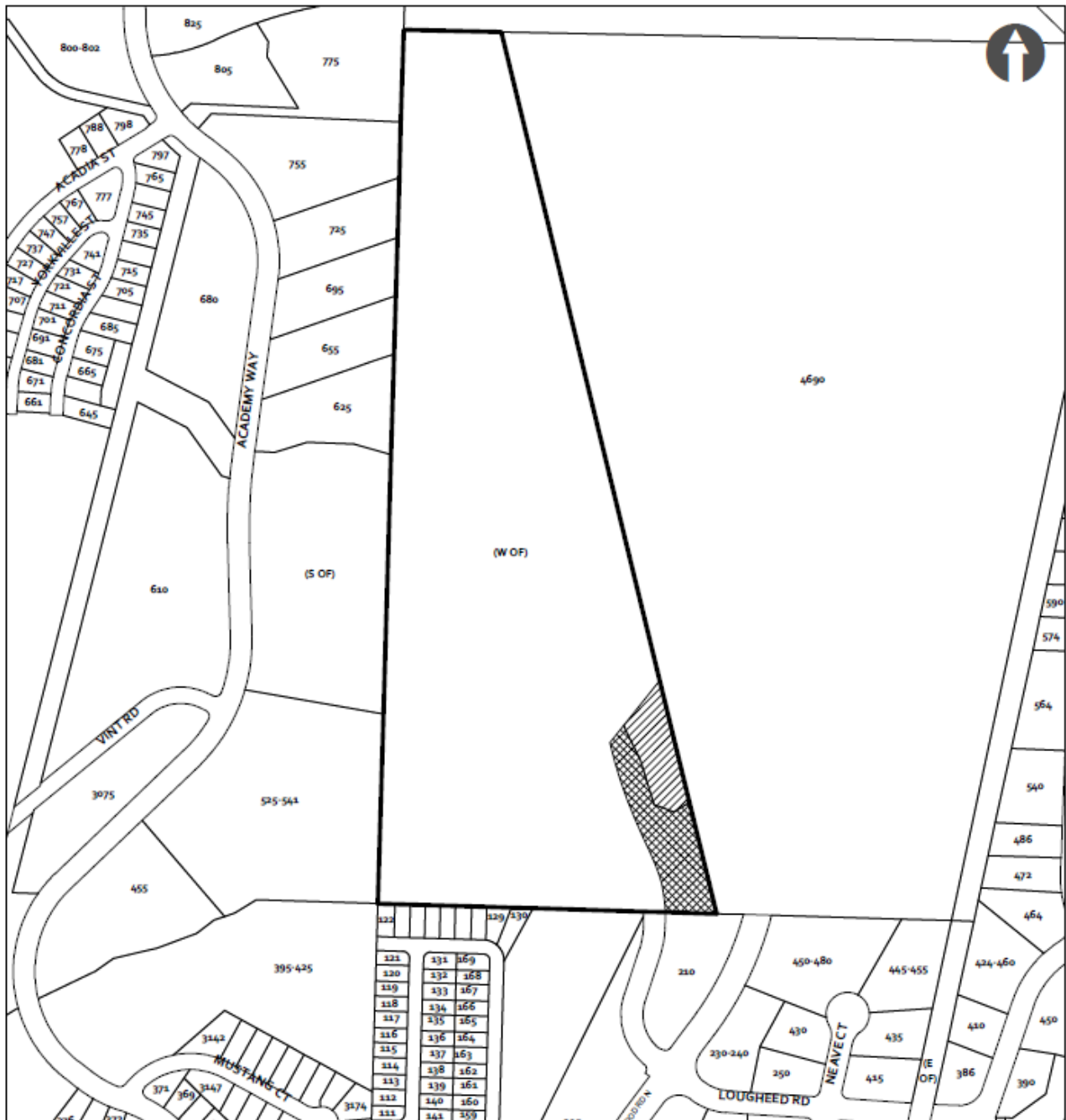
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this




Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

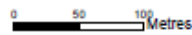


**MAP "A" Proposed OCP Amendment
File OCP19-0006**

-  S2RES - Single/Two Unit Residential to IND - Industrial
-  PARK - Major Park / Open Space (public) to IND - Industrial
-  Subject Property



TC



Rev. Tuesday, January 05, 2021

CITY OF KELOWNA
BYLAW NO. 12152
Z19-0108
(W OF) Highway 97 North

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 a portion of Lot 1 Section 2 Township 23 ODYD Plan EPP76079 located at Highway 97 North, Kelowna, BC from the A1 – Agriculture 1 zone to the I1 – Business Industrial zone as shown on Map "B" attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

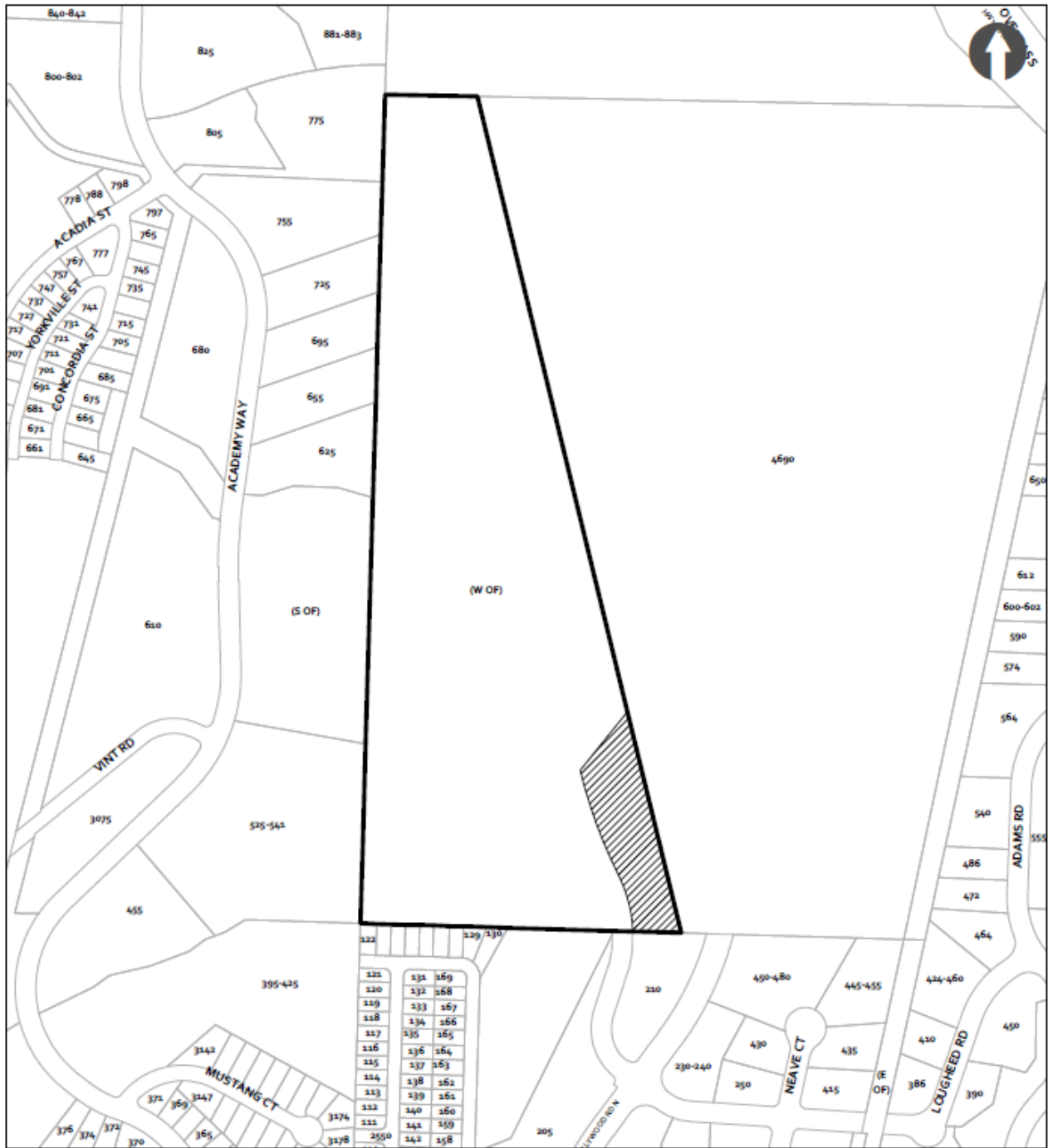
Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)



Adopted by the Municipal Council of the City of Kelowna this

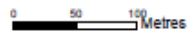
Mayor

City Clerk



**MAP "B" Proposed Rezoning
File Z19-0108**

-  Subject Property
-  A1 - Agriculture 1 to I1 - Business Industrial



Rev. Tuesday, January 05, 2021

TC

Report to Council



Date: January 18th, 2021
To: Council
From: City Manager
Subject: Inter-Community Mobile Business Licence Bylaw Amendment
Department: Business Licensing

Recommendation:

THAT Council receives, for information, the report from the Business Licensing Manager dated January 18, 2021, regarding the Inter-Community Mobile Business Licence Bylaw Amendment;

AND THAT Bylaw No. 12096 being Amendment No. 1 to the Inter-Community Mobile Business Licence Bylaw no. 9900 be forwarded for reading consideration;

AND FURTHER THAT Council directs staff to give notice by placing an advertisement in City In-Action to allow written comments from the public to be submitted to the Business Licence Manager no later than 4pm on February 16, 2021.

Purpose:

To update the Inter-Community Mobile business Licence Bylaw No.9900 with new participating Municipalities, and amended wording including updates to include pro-ration of initial mobile licences.

Background:

The current Interior Regional Inter-Community Mobile Business Licence Bylaw scheme has been in existence since its inception in 2008. It was the first pilot of this Mobile licence program in the province at the time with Kelowna taking the lead to implement this new option. It has proven to be a successful model allowing flexibility for businesses to operate in multiple municipalities, districts and villages that are included by Bylaw within the program. It is now offered in other various regions of the Province and continues to grow in membership and popularity.

Discussion:

The current Bylaw has not been updated or amended since its inception, other than adding new participating Communities, and now requires minor updates. The City of Merritt has recently been added to the program and an updated list of all 21 communities has been amended to the bylaw. With the direction from the Province, participating municipalities are also to add wording to allow any additional new participating Communities be added to the program without the requirement of bylaw amendment. A recent resolution has additionally been passed by the membership to allow for pro-

ration of a licence fee on a quarterly basis for the first year of operation. This has been amended to the fee section in the Bylaw.

All participating Communities are to also ensure the exemptions section (Schedule A) of the City's current bylaw are consistent with all other participating communities Inter-Community Bylaw exemptions.

A future amendment may be required to address the recently created provincial Transportation Network Services Ride Hailing business licence category within the region. This is still under review and discussion with participating municipalities and districts may be brought forward later in 2021.

Conclusion: Staff recommend approval of the included amendment sections listed in Amendment Bylaw No. 12096 to update and improve effectiveness and client services for the current Bylaw.

Internal Circulation:

Development Planning
Development Services
Bylaw Services
Office of the City Clerk

Considerations applicable to this report:

Legal/Statutory Authority:

Community Charter Sections 59 and 60.

All participating partner communities are to amend and update their ICMBL Bylaws.

Legal/Statutory Procedural Requirements:

Communications Comments:

Comments from the public to be submitted to the Business Licence Manager no later than 4pm on February 16, 2021.

Submitted by: Greg Wise, Business Licensing Manager

Approved for inclusion: R. Smith, Divisional Director, Planning and Development Services



Inter-Community Mobile Business Licence Updates/Amendments

Bylaw No. 12096
January 18, 2021

Regional Prosperity Initiative

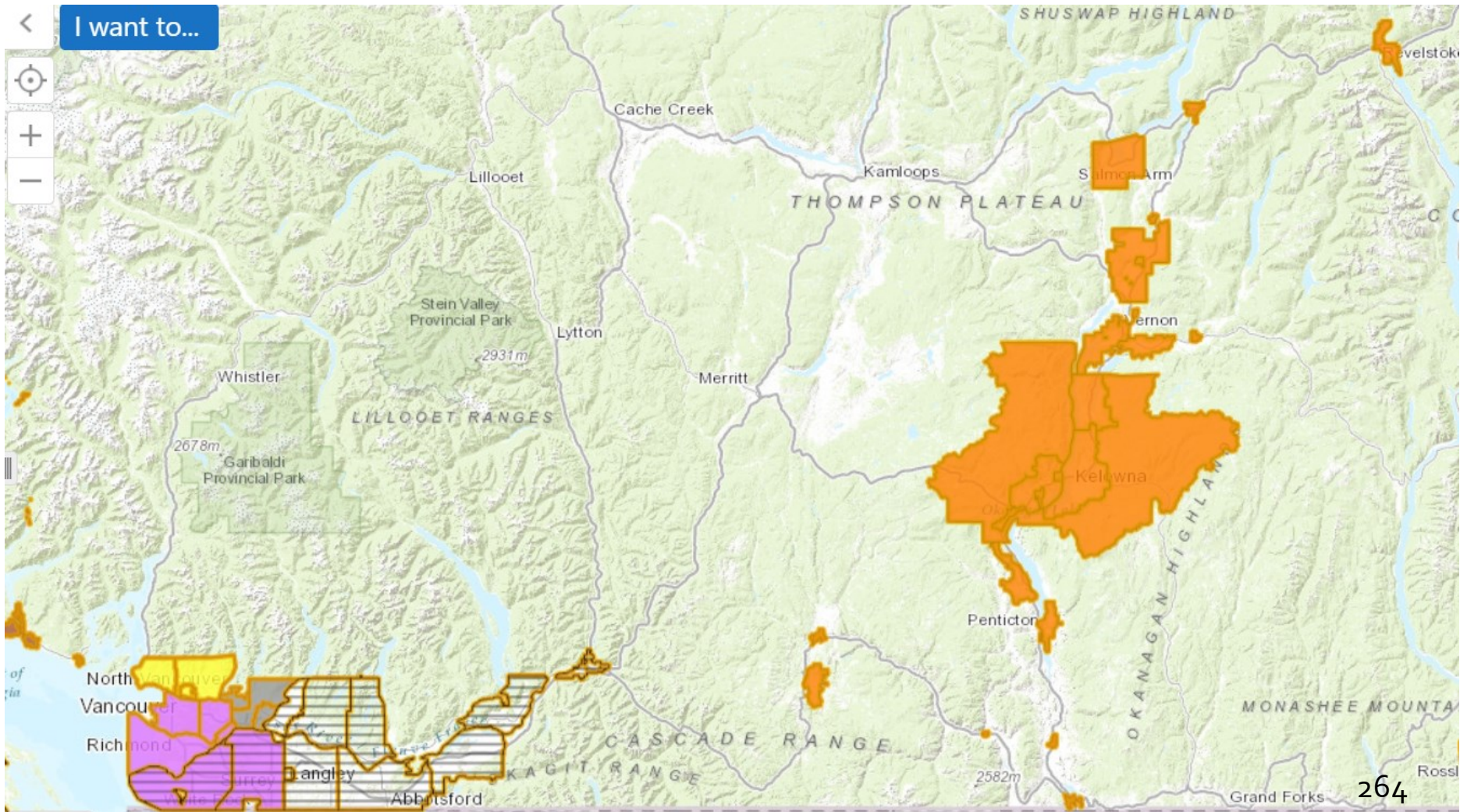
Background / History

- ▶ ICMBL created as a Regional Prosperity Initiative.
- ▶ Began as a pilot project in fall of 2007
- ▶ Spearheaded by then Minister of Small Business and Revenue – Rick Thorpe
- ▶ Originally included 18 Communities through the Okanagan and Similkameen Valleys.

Establishment / Authority

- ▶ Coordinated through the Province's Small Business Branch
- ▶ Established according to the terms and conditions of a Bylaw enacted by the Council of each participating member municipality.

ICMBL Okanagan /Similkameen Region



Mobile Business

- ▶ A “Mobile Business” is defined as a business that moves from client to client in more than one Municipality to perform business services.
- ▶ Certain Business types were agreed to be eligible for the program and some were excluded

Examples Include:

All types of trades
contractors, janitorial,
Landscaping, pest control



Massage therapists,
mechanics,
photographers,
hairdressers etc.



Examples Excluded:

Fruit Stands, Mobile Stores
Food Trucks, Markets,

Carnivals, Concession
Stands, Trade Shows



Business Benefits

- ▶ An MBL allows Businesses to operate without requiring a separate licence in various member communities that they may work in.
- ▶ The result is a reduction to two licences from as many as five or six depending on the number of communities a company operates.

Amendments Required

- ▶ Bylaw Adopted in 2008, now needs small updates.
- ▶ Additional Communities have now joined.
- ▶ Wording updates required to modernize the bylaw.

Member Communities

City of Armstrong	City of Kelowna	District of Coldstream
City of Enderby	Regional District of Central Okanagan	Village of Keremeos
District of Lake Country	Village of Lumby	City of Merritt
Town of Oliver	Town of Osoyoos	District of Peachland
City of Penticton	Town of Princeton	City of Revelstoke
City of Salmon Arm	District of Sicamous	Township of Spallumcheen
District of Summerland	City of Vernon	City of West Kelowna

Amendments Required

- ▶ Pro-ration of Initial licence fee to be implemented by all participating Communities.
- ▶ Consistency of exclusion categories is required between participating Communities.



Questions?

CITY OF KELOWNA

BYLAW NO. 12096

Amendment No. 1 to the Intercommunity Mobile Business Licence Bylaw

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Intercommunity Mobile Business Licence Bylaw No. 9900 be amended as follows:

1. THAT all references to "Intercommunity" in the bylaw be changed to "Inter-Municipal";
2. AND THAT the definition "**Participating Municipality**" be deleted in its entirety and replaced with:

"**Participating Municipality** means those of the listed municipalities that have adopted an inter-community business license bylaw and any other municipalities that adopt this bylaw at a later date:

City of Armstrong	Regional District of Central Okanagan	District of Coldstream
City of Enderby	City of Kelowna	Village of Keremeos
District of Lake Country	Village of Lumby	City of Merritt
Town of Oliver	Town of Osoyoos	District of Peachland
City of Penticton	Town of Princeton	City of Revelstoke
City of Salmon Arm	District of Sicamous	Township of Spallumcheen
District of Summerland	City of Vernon	City of West Kelowna

3. AND THAT a Section 10 (b). be added as follows:

"The licence fees described in this Bylaw may be reduced pro-rata on a quarterly basis in respect of any business that becomes liable to be licenced after the commencement of the licence period during the businesses first year of operation";

4. AND FURTHER THAT Schedule 'A' be amended by

(a.) Adding the following to vehicles for hire: "passenger directed";

(b.) Adding the following definition to **Excluded Businesses**:

- “Those businesses selling goods or services to clients from the same location and not moving from client to client (eg, fruit stands/trucks, mobile stores, mobile vendors, flea markets, carnivals, trade shows etc.)”.
5. This bylaw may be cited for all purposes as "Bylaw No. 12096, being Amendment No. 1 to the Intercommunity Mobile Business Licence Bylaw."
 6. This bylaw shall come into full force and effect and be binding on all persons as of as of the date of adoption.

Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Report to Council



Date: January 18, 2021
To: Council
From: City Manager
Subject: ICIP COVID-19 Resilience Infrastructure Stream Grant Application
Department: Integrated Transportation

Recommendation:

THAT Council receives for information the report from the Integrated Transportation Department dated January 18, 2021, regarding the ICIP COVID-19 Resilience Infrastructure Stream Grant Application;

AND THAT Council directs staff to apply for grant funding under the ICIP COVID-19 Resilience Infrastructure Stream and provide overall grant management, if successful;

AND THAT the City of Kelowna supports the project and commits to any associated ineligible costs and potential overruns related to the project, funded through the 2021 Provisional budget;

AND FURTHER THAT the 2021 Financial Plan be amended to include grant funding from the ICIP's COVID-19 Resilience Infrastructure Stream if the application is successful.

Purpose:

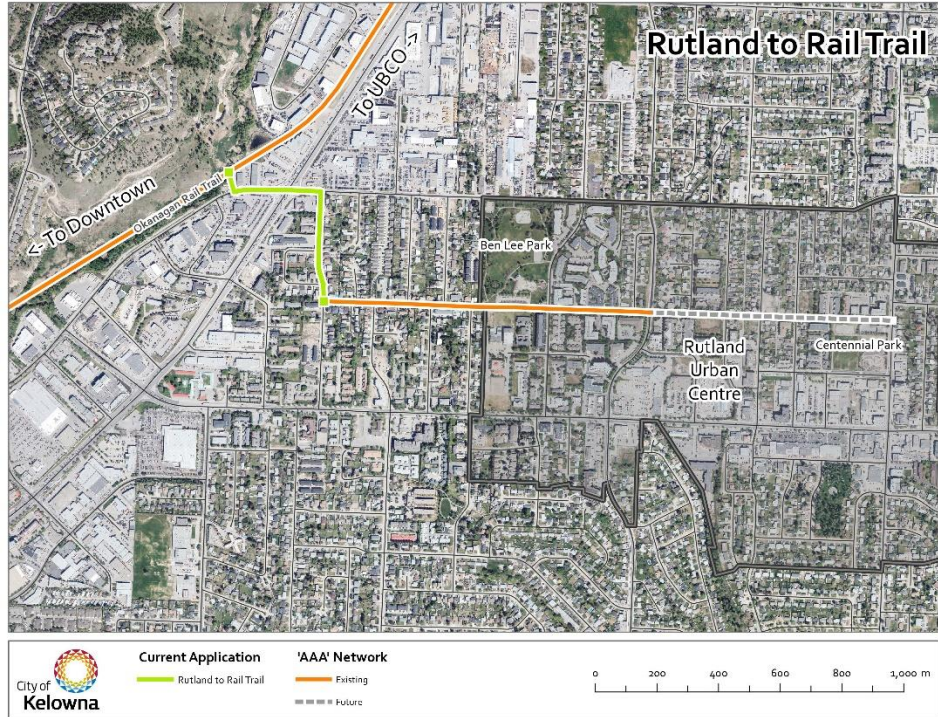
To approve a grant application for the Rutland to Okanagan Rail Trail Shared Pathway project.

Background:

The Province of British Columbia and the Government of Canada have partnered to develop the COVID-19 Resilience Infrastructure Stream (CVRIS) as part of the Investing in Canada Infrastructure Program (ICIP) in response to the effects of COVID-19 on communities across the province.

Discussion:

The deadline for applications to the ICIP's COVID-19 Resilience Infrastructure Stream is January 27, 2021. The grant is structured to pay 100% of eligible costs for successful project applications. If the City of Kelowna is successful, the grant funds will accelerate the design and construction of active transportation infrastructure in the 10-year Capital Plan.



Conclusion:

The City of Kelowna will submit an application under this stream for the Houghton 1 (Nickel – Rails with Trails) DCC project outlined in the 10-year Capital Plan under the name Rutland to Okanagan Rail Trail Shared Pathway.

Figure 1 - Kelowna's existing and future All Ages and Abilities (AAA) network mapped with the Rutland to Okanagan Rail Trail project highlighted in yellow.

Internal Circulation:

- Financial Services
- Corporate Strategic Services
- Infrastructure
- Partnership & Investments

Financial/Budgetary Considerations

If the City's application is successful, the 2021 Financial Plan will need to be amended to include the additional funding.

Considerations not applicable to this report:

- Legal/Statutory Authority
- Legal/Statutory Procedural Requirements
- Existing Policy
- External Agency/Public Comments
- Communications Comments

Submitted by:

M. Worona, Mobility Specialist

Approved for inclusion:



A. Newcombe, Divisional Director, Infrastructure

cc: Acting Divisional Director, Financial Services
Divisional Director, Corporate Strategic Services
Divisional Director, Finance
Divisional Director, Infrastructure
Grants and Special Projects Manager
Infrastructure Administration Manager
Infrastructure Delivery Dept Manager
Integrated Transportation Department Manager
Transportation Engineering Manager

Report to Council



Date: January 18, 2021
To: Council
From: City Manager
Subject: Affordable Housing Land Acquisition Strategy
Department: Policy & Planning

Recommendation:

THAT Council receives, for information, the report from the Policy & Planning Department dated January 18, 2021, with respect to the Affordable Housing Land Acquisition Strategy;
AND THAT Council direct the City Manager to consider budget requests relating to the Affordable Housing Land Acquisition Strategy as part of the 2022 budget deliberations.

Purpose:

To provide Council with information on an Affordable Housing Land Acquisition Strategy as part of the Healthy Housing Strategy implementation.

Background:

The Healthy Housing Strategy, developed under the broader vision of the Healthy City Strategy, was endorsed by Council in 2018. The Healthy Housing Strategy is a 5-year plan that was developed in alignment with the Journey Home Strategy to address Council’s top priorities of homelessness and housing diversity.

One of the key directions outlined in the Healthy Housing Strategy is to improve housing affordability and reduce barriers for affordable housing. Specifically, the development of an Affordable Housing Land Acquisition Strategy (AHLAS) is identified as an action with an anticipated high level of impact on improving long-term housing affordability in Kelowna. As per Image 1, below, the development of an AHLAS would support the subsidized rental housing segment of the housing Wheelhouse.

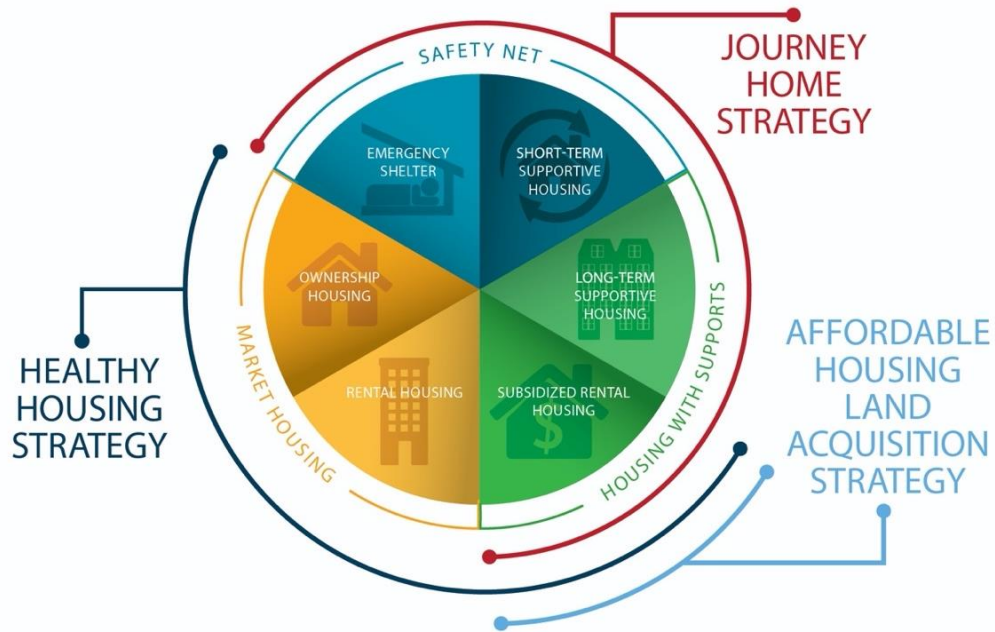


Image 1: an AHLAS will support the subsidized rental housing segment of the housing Wheelhouse.

There are multiple reasons that the AHLAS is focused on providing land for affordable rental housing specifically. Access to affordable rental housing was identified in the Housing Needs Assessment as a key area of concern. Addressing housing in the subsidized rental housing segment of the Wheelhouse will help to proactively support a segment of the population that may be otherwise vulnerable to experiencing homelessness and to alleviate pressures for other types of housing. While the City has seen substantial investment in market rental housing in recent years, there has been limited investment in affordable rental housing. Stakeholders have also consistently identified a lack of available land as a key roadblock to building more affordable rental housing, and non-profit organizations struggle to compete in the open market with developers.

The delivery of housing is generally a provincial responsibility; however, in light of growing housing challenges, local governments have continually taken on more of a role in this critical area. The purpose of establishing an AHLAS is to provide a strategy for how the City can fund and optimize land acquisition for affordable housing and contribute to impactful partnerships in a timely manner. Specifically, the City works closely with BC Housing to provide affordable housing, and the AHLAS will help to support this relationship and resulting positive community outcomes. Overall, when local governments provide land for affordable housing projects, it acts as a catalyst for investments in the community by partners and other levels of government.

At this time, the City regularly acquires land for parks, transportation and other critical investments, each of which is supported by a strategic plan and funding mechanisms. Land acquisition for affordable housing, however, has lacked a strategic plan to guide funding allocation and to allow for land to be acquired at a stable rate. The establishment of an AHLAS will help to address this gap. A discussion paper supporting the development of an AHLAS was completed by a consultant¹ in early 2020, and findings, recommendations, and budget considerations are summarized below.

Discussion:

¹ Discussion paper prepared by Juliet Anderton Consulting Inc.

An AHLAS provides several important benefits in addressing the challenges presented by our local housing market and contributes to increasing the amount of affordable rental housing in Kelowna. The following sections describe current housing market conditions, social return on investment in affordable housing, existing mechanisms to support land acquisition for affordable rental housing, current and projected need for affordable rental housing, and land acquisition site selection criteria. A funding strategy for land acquisition is also recommended.

Housing Market Conditions

As home ownership becomes more out-of-reach for many residents, rental housing is likely to play an increasingly important role in providing stable housing in Kelowna. Between 2011-2016, 73% of new households in Kelowna were renter households compared to 32% in the previous five years. Additionally, rental housing is becoming more expensive, with market rents in Kelowna rising between 7% and 10% annually from 2016 to 2019.

Social Return on Investment

The City can expect to see multiple positive impacts by establishing an AHLAS and providing additional land for affordable housing projects. This includes benefits to residents of affordable housing projects, such as enabling people to focus on employment, participate more easily in the community, and be mentally and physically healthier. Broader community benefits include increasing people's disposable income to spend in the local economy and generating jobs in the construction industry. Additionally, establishing an AHLAS could help make Kelowna more attractive to employers and job seekers as access to affordable housing makes it easier to recruit and retain workers and address labour shortage challenges. Overall, for every dollar invested in supporting affordable housing, it is estimated that between two and three dollars in social and economic value is generated.

Existing City Mechanisms to Support Affordable Housing

Kelowna currently has three key programs that support multiple unit housing development:

- **Housing Opportunities Reserve Fund (HORF):** this fund was established in 2002 and is used to purchase land for affordable housing projects.
- **Rental Housing Grants:** this program was established in 2006 to provide financial assistance for rental housing projects by off-setting Development Cost Charges.
- **Revitalization Tax Incentives:** this program was established in 2006 to provide 10-year exemptions to municipal property tax increases associated with redevelopment improvements.

Current and Projected Housing Needs and Costs

Households spending more than 30% of their annual income on housing are classified as being in core housing need, and households spending more than 50% of their annual income on housing are classified as being in extreme core housing need. Table 1, below, provides the income thresholds for different types of rental housing in Kelowna, based on 2019 average rental rates. For example, a household with an annual income of \$45,000 would, at most, be able to afford a one-bedroom rental apartment before falling into the core housing need category.

Based on the 2016 Census, over 30,000 people in Kelowna over the age of 15 earned less than \$20,000 a year. At 2019 rental rates, for single-person or single-parent households, even a bachelor suite is out of reach without spending more than 50% of their income on housing.

Table 1: household income threshold by unit type, based on 2019 average annual rents in Kelowna.

	Average Annual Rent	Income Threshold – Rent at 30% of Income	Income Threshold – Rent at 50% of Income
Bachelor	\$11,616	\$38,720	\$23,232
One Bedroom	\$12,996	\$43,320	\$25,992
Two Bedroom	\$16,356	\$54,520	\$32,712
Three Bedroom	\$19,848	\$66,160	\$39,696
Average	\$14,412	\$48,040	\$28,824

In 2021, it is estimated that Kelowna has approximately 19,600 rental households. Of all rental households, approximately 9,200 are in core housing need with 4,150 in extreme core housing need. By 2031, it is projected that an additional 2,600 households will be in core housing need, 1,265 of which will be in extreme core housing need. The demand for rental housing is expected to continue trending upward for the next 20 years and beyond.

To provide land for affordable rental housing to meet the demand from those in core and extreme core housing need in Kelowna, significant investment would be necessary. To address 100% of the growing need for affordable housing over the next 10 years, it is projected that the City would need to provide 2,575 units, requiring 1.83 million ft² of land at an estimated total cost of \$204M (\$20.4M/year)². The City’s investment in land for affordable housing is an important part of the long-term solution; however, the magnitude of total need is beyond the ability of the City to fund. For the foreseeable future, it is necessary that the private sector, non-profit sector, provincial government, and federal government continue to fund a significant share of investment in affordable housing initiatives.

Site and Location Selection

To realize community benefits through strategic investment in lands for affordable rental housing projects, staff recommend that land acquisition aligns with the guiding principles outlined in the City of Kelowna Land Strategy that was established in 2018. Additionally, staff recommend key considerations specific to land for affordable housing projects including acquiring land that:

- Can support a target of approximately 40 housing units;
- Is in a location that will allow future residents to also keep their transportations costs low i.e. mixed-use, pedestrian-, cycling- and transit-oriented neighbourhoods;
- Is in an appropriate proximity to services and amenities such as public transportation, shopping, park space, etc.; and
- Balances the distribution of affordable housing across Kelowna’s Core Area and Urban Centres.

Conclusions and Key Recommendations

The report highlighted eight conclusions and key recommendations as the City of Kelowna works to further develop an AHLAS (Table 2).

Table 2: conclusions and key recommendations.

1.	Increase contributions from general taxation	See funding strategy section below
-----------	--	------------------------------------

² Based on providing 100% of land for housing for all new residents from 2021 – 2031 that would be spending more than 30% of their income on rental housing. Based on a 10-year average of \$111/ft² for land; costs assumed to increase by 6%/year.

2.	Establish an internal City team to support land acquisitions relating to housing	Bring together representatives from City departments such as Policy & Planning, Real Estate, Financial Services and Social Development to identify and prioritize opportunities for land acquisition for emergency shelters, housing with supports and affordable rental housing
3.	Engage with partners responsible for implementation	As the City does not directly develop or operate housing, work to understand the needs of those responsible for implementation
4.	Maximize affordability for households	Consider the cost of housing and transportation together to ensure that housing is truly affordable
5.	Distribute and integrate affordable housing	Consider the distribution of affordable housing across Kelowna's Core Area and Urban Centres, while balancing the need for proximity to services and amenities
6.	Maximize outcomes from reserve funds	Maximize acquisition through creative site selection, lot assembly, leveraging other City needs, and using existing City-owned land
7.	Consider community engagement requirements	Ensure that information and education is provided to the community to foster positive relationships and promote acceptance for affordable housing projects and the citizens they serve
8.	Balance short-term and long-term results	Look to acquire both "shovel ready" land as well as smaller parcels for long term lot assembly

Funding Strategy

To provide additional funding for land for affordable housing in Kelowna, staff suggest increasing the annual Housing Opportunities Reserve Fund (HORF) contribution from general taxation by \$200,000, for a total contribution of \$400,000 in 2022. In 2023, staff recommend increasing this contribution to \$600,000 annually and to contribute \$600,000 annually in subsequent years. This funding strategy would result in \$2.2M being generated every four years, which would be adequate to fund land acquisition for at least one affordable housing project every four years.

While alone, this investment will only help a small number of Kelowna residents achieve affordable housing, investing in land acquisition for affordable rental housing will leverage other sources of revenue and further investment from our affordable housing and government partners. It should also be noted that staff will monitor the level of investment from our government partners and adjust budget requests accordingly.

In addition to funding from general taxation, Online Accommodation Platforms (OAP), such as Airbnb, are subject to the Municipal and Regional District Tax (MRDT), which may be used to support affordable housing. Staff recommend that funds available for land acquisition from OAP revenues continue to be used to supplement the HORF as this will increase the number of housing units created. As an example, the City recently used HORF and OAP funds to acquire land in an Urban Centre which is proposed to support an affordable housing project with approximately 40 units while meeting several other municipal objectives. A separate component in HORF has already been created to accumulate OAP revenues. Additionally, the City submits annual Affordable Housing Plans to the Province to permit OAP revenues to be used for affordable housing initiatives, including land acquisition.

Conclusion:

There is an ongoing need to provide land for affordable rental housing projects to support Kelowna residents in core and extreme core housing need. The implementation of an AHLAS is a key initiative

that will support Healthy Housing Strategy goals. Specifically, the AHLAS will allow the City to help address land acquisition, which is a key barrier in affordable housing projects, and will act as a catalyst to encourage investments from our partners.

Overall, land acquisition for affordable housing will be a key tool to express the City’s leadership. The availability of land has the potential to initiate new affordable housing projects, attract development and operational partners, and leverage external financial resources. In conclusion, staff are asking Council to receive this report for information and to recommend that staff bring forward items related to the AHLAS for budget consideration in 2022.

Internal Circulation:

Real Estate Services
Business and Entrepreneurial Development
Social Development
Communications
Finance

Considerations applicable to this report:

Existing Policy:

Official Community Plan goal:

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

Official Community Plan objectives:

- 5.9 and 10.3 – Support the creation of affordable and safe rental, non-market and/or special needs housing

Official Community Plan policies:

- 5.22.11 and 7.3.1 – Housing Mix
- 10.3.1 – Housing Availability
- 10.3.2 – City-Owned Land
- 10.3.4 – Use of the Housing Opportunities Reserve Fund

Financial/Budgetary Considerations:

To fund land acquisition for affordable housing, this report proposes a funding strategy that includes \$400,000 - \$600,000 in annual contributions to the Housing Opportunities Reserve Fund (HORF) from general taxation. Additionally, this report recommends that funds available for land acquisition from Online Accommodation Platform revenues also continue to be added to the HORF.

Considerations not applicable to this report:

Legal/Statutory Authority

Legal/Statutory Procedural Requirements

External Agency/Public Comments

Communications Comments

Submitted by:

J. Moore, Long Range Policy Planning Manager

Approved for inclusion:



Danielle Noble-Brandt, Policy & Planning Department Manager

cc:

R. Smith, Divisional Director, Planning & Development Services

J. Saufferer, Real Estate Department Manager

S. Wheeler, Social Development Manager

K. Kay, Communications Consultant

S. Kochan, Partnership Manager

M. Antunes, Budget Supervisor



Affordable Housing Land Acquisition Strategy

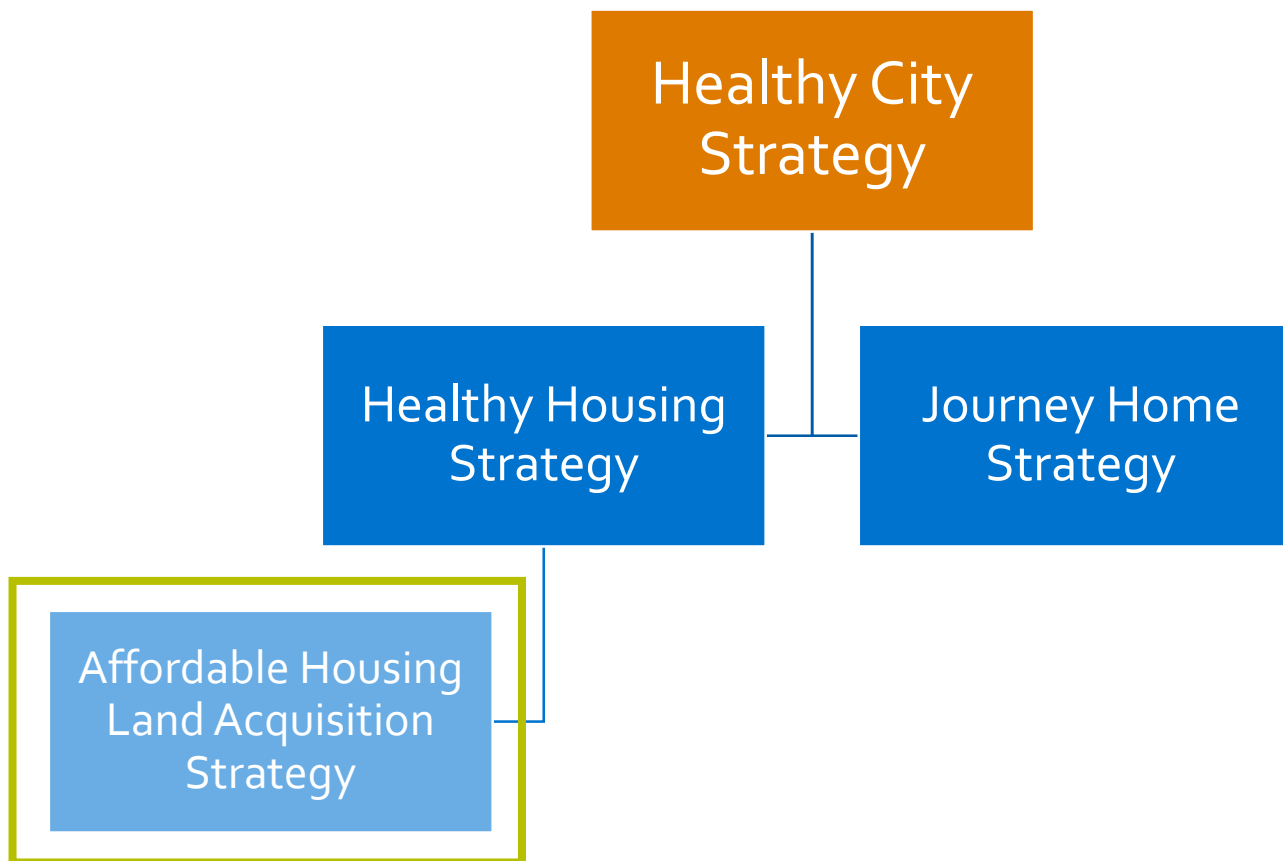
January 2021



Purpose

- ▶ Provide Council with information regarding an Affordable Housing Land Acquisition Strategy
- ▶ Recommend that Council direct staff to include budget requests as part of the 2022 Financial Plan

Background – Context



Background – Wheelhouse



Background – Goal

- ▶ Why develop and implement an Affordable Housing Land Acquisition Strategy?
 - ▶ Provide a strategy for how the City can fund and optimize land acquisition for affordable housing and contribute to impactful partnerships in a timely manner
 - ▶ I.e. partnership with BC Housing
 - ▶ Address bottleneck caused by lack of available land

Discussion – Social Return on Investment

- ▶ Multiple positive impacts expected to result from establishing an Affordable Housing Land Acquisition Strategy

Employment, community involvement, health

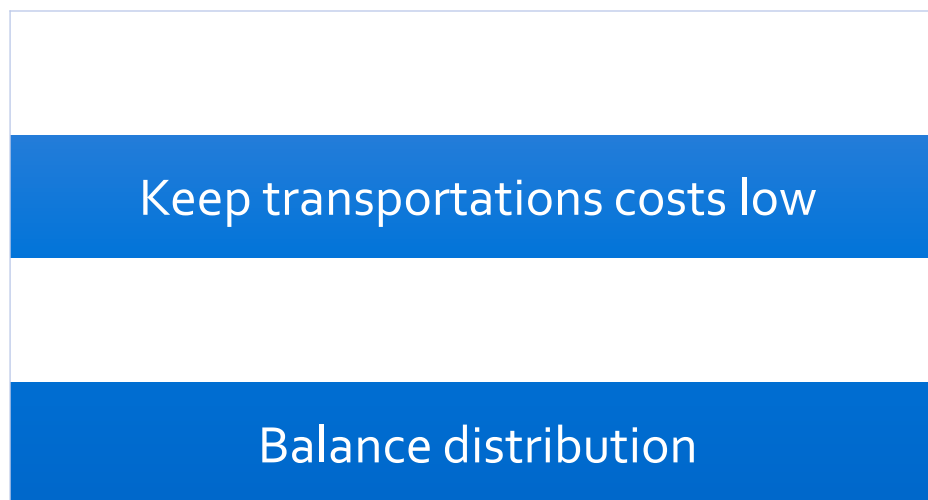
disposable income, job generation, recruit and retain workers

Discussion – Housing Needs

- ▶ 2021: approximately 19,600 rental households in Kelowna total
 - ▶ Approximately 9,200 are in core housing need – spending more than 30% of income on rent
- ▶ 2031: estimated 2,600 additional households in core housing need
- ▶ The demand for rental housing is expected to continue trending upward

Discussion – Site Selection

- ▶ Align with guiding principles outlined in the City of Kelowna Land Strategy
- ▶ Key considerations:



Discussion – Other Key Recommendations

Engage with partners responsible for implementation

Consider community engagement requirements

Discussion – Funding Strategy

- ▶ Housing Opportunity Reserve Fund contributions
 - ▶ Increase annual contributions from general taxation
 - ▶ Increase \$200,000 to \$400,000 in 2022
 - ▶ Increase an additional \$200,000 to \$600,000 in 2023 and on
 - ▶ Would result in \$2.2M every four years
 - ▶ Adequate to fund land for one affordable housing project
 - ▶ Additionally, continue to provide funding from Online Accommodation Platform (OAP) tax

Conclusion

- ▶ An Affordable Housing Land Acquisition Strategy will help to meet the ongoing need for land for affordable rental housing projects
 - ▶ Addresses a key barrier in affordable housing projects
 - ▶ Acts as a catalyst to encourage investments from our partners
 - ▶ Supports those in core and extreme core housing need

Conclusion

- ▶ Overall, land acquisition for affordable housing will be a key tool to express the City's leadership
- ▶ In conclusion, staff are asking Council to recommend bringing forward funding requests



Report to Council



Date: January 18 2021
To: Council
From: City Manager
Subject: Rescindment of Council Policy No. 160: Bonding Requirements
Department: Purchasing Branch

Recommendation:

THAT Council receives, for information, the report from Purchasing, dated January 18, 2021, regarding Council Policy 160;

AND THAT Council Policy No. 160, being the Bonding Requirements For All Construction And Servicing Contracts Policy, be rescinded as outlined in the Report from Purchasing, dated January 18, 2021.

Purpose:

To rescind Council Policy No. 160, being the Bonding Requirements For All Construction And Servicing Contracts Policy.

Background:

In 1986, the City adopted Council Policy No. 160 to set standards for the requisite bidding and performance security. The Policy was last reviewed in 2010.

Over the years performance security needs have been changing and with the use of additional modern procurement methods the Policy needed revisions to be relevant. In addition, the Development Engineering group uses performance security regularly with developers and has no Policy to support development performance security. Staff saw an opportunity to make a replacement Policy that was more modern and more inclusive of all performance security used at the City.

Discussion:

As part of the review of the existing Council policy, staff completed a review of standard practices amongst other local governments as well as consulting with sector experts. Staff also consulted other staff experts and stakeholder departments to establish a recommended Administrative Policy to replace the Council Policy. The Council Policy, if rescinded by Council, is proposed to be replaced by the attached Draft Administrative Policy # FIN-025 named Performance Security. The Administrative

Policy describes the type and value of work that Security is required for and what the value of the Security is to be. In developing the Policy requirements, risk potential and impact of a failure were also influencing factors. In addition, the Policy also defines the business areas and staff positions responsible for enacting the requirements contained.

By having an Administrative Policy staff can be more agile and can adjust the Policy if thresholds are found to not be meeting desired outcomes and as newer practices have the prospect of better outcomes for the City.

Conclusion:

This Policy rescinding, if approved by Council, will permit staff to implement a modern and more inclusive Administrative Policy to govern more fully the use of Performance Security at the City.

Internal Circulation:

Engineering Development
Infrastructure Delivery
YLW
Risk Branch
Financial Services
Office of the City Clerk

Considerations applicable to this report:

Bonding Requirements For All Construction And Servicing Contracts Policy No. 160.

Considerations not applicable to this report:

Legal/Statutory Authority
Legal/Statutory Procedural Requirements
Communications Comments
External Agency/Public Comments
Financial/Budgetary Considerations

Submitted by: D Tompkins, Purchasing Manager

Approved for inclusion:



G. Davidson, Divisional Director, Financial Services

cc:

A Newcombe, Director of Infrastructure
J Dueck, Acting Financial Services Director
S Samaddar, Airport Director
S Leatherdale, Corporate and Protective Services Director
R Smith, Planning and Development Director
L. Bentley, Deputy City Clerk

Incl.

Draft Administrative Policy # FIN-025 named Performance Security



City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4
250 469-8500
kelowna.ca

Council Policy

Bonding Requirements For All Construction And Servicing Contracts

APPROVED January 14, 1986

RESOLUTION: R375/10/04/26
REPLACING: R1000/00/12/18; R892/1999/11/01; R47/1986/01/14
DATE OF LAST REVIEW: April 2010

THAT the Municipal Council establish as policy the following bonding requirements on construction and service contracts:

	Bid Bond or Cash Equivalent	Bond	Performance Payment Bond	Labour and Material Bond
1. Construction contracts for standard structural work under \$50,000.	NIL		NIL	NIL
2. Construction contracts for standard structural work over to \$100,000.	10%		50% Bond or \$50,000 and up Bank Letter of Credit	NIL 50% Cash or
3. Construction contracts for standard structural work and road works over \$100,000.	10%		50%	50%
4. Construction contracts for other than standard structural work including underground work, or unusual or high risk work on all types of contracts.	10%		50%	50%
5. Service contracts in excess of \$50,000 per year. If contract is for more than one year, bid bond to be based on first 12 months cost.	10%		as specified in tender call	N/A

REASON FOR POLICY

To establish bonding requirements on construction and service contracts to guarantee performance.

LEGISLATIVE AUTHORITY

Council Resolution.

PROCEDURE FOR IMPLEMENTATION

The City's Purchasing Manager obtains the appropriate bonding as part of the tendering process in accordance with this policy.



Corporate Financial Policy Performance Security

APPROVED DATE

NEXT REVIEW DATE

PURPOSE

This Policy is to establish a framework of what type and when performance security is required for bidding opportunities, purchasing contracts, and Servicing Agreements.

Security is sought to increase the likelihood that contractors and developers satisfy their contractual obligations as well as reducing the City's associated financial exposure due to a contractor or developer failure.

POLICY SCOPE

- This Policy applies to all City staff.
- This Policy applies to Purchasing Branch bidding opportunities and contracts as well as servicing agreements arranged by the Development Engineering Branch according to the particulars in this Policy.
- When performance bonds are requested, they are to be issued from a surety that is licensed to perform surety services in the Province of British Columbia.
- When a Letter of Credit (LOC) is requested it will be an unconditional irrevocable perpetual standby LOC or otherwise in a form acceptable to the Finance Department. LOCs are to be issued by a chartered bank, credit union, or trust company.
- Purchase agreements and lease agreements for real property, as transacted by the Real-estate Department, are exempt from this Policy.

RESPONSIBILITY

- The Purchasing Branch is responsible for the setting of values, requesting and receiving of any purchasing related security.
- The Development Engineering Branch is responsible for the setting of values, requesting and receiving of any developer security for Servicing Agreements.
- The City's Finance Department is responsible for the care and custody of security when it is in the form of cash or as a LOC and will do so in accordance with applicable policy and procedure.
- In the case of a bond, the department or branch accountable for project managing the contract will be responsible to provide project updates to the surety when one is requested and will provide an immediate notice to the surety of potential, or actual, performance failure of the contractor on the project.

POLICY STATEMENT - PURCHASING

- Bid security is only utilized when a binding bid solicitation process is used (Contract A/B tendering), the value is set at 10% of the bid price.
- Bonding is the primary and preferred type of security. This preferred type of security is due to the rigor a surety applies in qualifying a contractor and underwriting of the project by issuance of a bond.
- The Purchasing Manager or designate may, but is not required to, accept alternate types of security. Those other types may include but are not limited to, cash, certified cheque, or a LOC.
- The Purchasing Manager or designate has the authority to adjust security requirements for any bidding opportunity or purchasing contract but will do so in consultation and consideration of user departments and others as determined.
- Projects that require security include construction and significant maintenance service contracts.

- a. However, if there is a reasonable possibility that there would be a material negative impact to the City by failure of any contractor, in the assessment of the Purchasing Branch, Purchasing may request security for any contract.
 - b. Likewise, if there is no reasonable expectation of a material negative impact to the City by failure of a contractor, for example a replacement contractor can be easily secured or delayed service is a nuisance but there is no material impact to service availability to the public, no security may be required.
- The following security requirements will apply to Purchasing contracts.

Contract Type	Performance Security	Labour & Material Security
Significant maintenance services (for one year when multi year)	50%	Nil
Common construction work of \$100,000 or more but under \$200,000.	50%	Nil
Common construction work of \$200,000 or more.	50%	50%
High-risk contracts, of all types. Are when contractors have an un-common skillset and/or would be difficult to replace and/or project failure would reasonably result in a significant negative impact on City operations and/or citizens.	100%	100%

POLICY STATEMENT – DEVELOPMENT ENGINEERING

- Performance and Maintenance security as well as Insurance are key components of a Servicing Agreement, pursuant to City of Kelowna Subdivision, Development & Servicing Bylaw No. 7900 and the Servicing Agreement template contained within Schedule 2.
- Performance security means either a certified cheque or a LOC.
- Maintenance security means a deposit in the form of cash, certified cheque or Letter of Credit as noted below.
- Performance and/or Maintenance bonding, as issued by a Surety, are not accepted for Servicing Agreements.
- The Development Engineering Manager or designate may, but is not required to, accept alternate types of security. Those other types may include but are not limited to bonding from a surety.
- The following security requirements will apply to servicing agreements:

Security Type	Cash	Certified Cheque	Letter of Credit
Performance	N/A	All	>\$50,000
Maintenance	<\$5,000	All	>\$5,000

RELATED REFERENCES

- *Bylaws*
 11477 – Purchasing Bylaw
 7900 – Subdivision, Development & Servicing Bylaw
- *Policy*
 Purchasing

Effective Date	Revised Date	Authorized By	Approved By
Day/Month/Year	Day/Month/Year	@ Division Director	@ City Manager



Performance Security Policy Modernization and Replacement

January 18 2021

Council Policy 160, Background

- ▶ Was new in 1986 and last updated in 2010
- ▶ City practices have evolved
- ▶ Development Engineering, have a current practice but no supporting Policy

Council Policy 160, Discussion

- ▶ **Modernize** content to current **best practices**
- ▶ **Include** Development Engineering security practices
- ▶ Move to **City Administrative Policy** Instead of Council Policy to empower staff to make operational adjustments more simply



Questions?

For more information, visit kelowna.ca.

CITY OF KELOWNA

BYLAW NO. 12118

**Housing Agreement Authorization Bylaw – 1940 Underhill
Developments Corp., Inc. No. BC1159386
1960 Underhill Street**

Whereas pursuant to Section 483 of the *Local Government Act*, a local government may, by bylaw, enter into a housing agreement.

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

1. The Municipal Council hereby authorizes the City of Kelowna to enter into a Housing Agreement with 1940 Underhill Developments Corp., Inc. No. BC1159386 for the lands known as Lot A District Lots 4646 and 127 ODYD Plan EPP104418 located on Underhill Street, Kelowna, B.C., a true copy of which is attached to and forms part of this bylaw as Schedule "A".
2. The Mayor and City Clerk are hereby authorized to execute the attached agreement as well as any conveyances, deeds, receipts or other documents in connection with the attached agreement.
3. 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, second and third time by the Municipal Council this 11th day of January, 2021.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

PURPOSE-BUILT RENTAL HOUSING AGREEMENT

THIS AGREEMENT dated for reference November 9, 2020 affects:

LEGAL DESCRIPTION OF PROPERTY SUBJECT TO THE AGREEMENT:

LOT A DISTRICT LOTS 4646 AND 127 OSOYOOS DIVISION YALE DISTRICT PLAN
EPP104418

("Land")

And is

BETWEEN: 1940 UNDERHILL DEVELOPMENTS CORP. (Inc.No. BC1159386), a company duly incorporated under the laws of the Province of British Columbia and having its registered and records office at Suite 500 – North Tower, 5811 Cooney Road, Richmond, B.C. V6X 3M1

("Owner")

AND:

CITY OF KELOWNA, a local government incorporated pursuant to the *Community Charter* and having its offices at 1435 Water Street, Kelowna, B.C. V1Y 1J4

("City")

GIVEN THAT:

- A. The Owner has applied to the City for rezoning of the Lands to permit the construction of a housing complex that will include purpose-built rental housing units, as defined in this Agreement, on certain lands more particularly described in this Agreement;
- B. The City may, pursuant to section 483 of the *Local Government Act*, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure, and availability of the housing units on the land or construction on land;
- C. The Owner and the City wish to enter into this Agreement to provide for purpose-built rental housing on the terms and conditions set out in this Agreement, and agree that this Agreement is a housing agreement under s. 483 of the *Local Government Act*, and
- D. The City has, by bylaw, authorized the execution of this Agreement and the Owner has duly authorized the execution of this Agreement;

This Agreement is evidence that in consideration of \$1.00 paid by the City to the Owner (the receipt of which is acknowledged by the Owner) and in consideration of the promises exchanged below, the City and Owner agree, as a housing agreement between the Owner and the City under s. 483 of the *Local Government Act*, as follows:

{106320-02554970.2}

**ARTICLE 1
INTERPRETATION**

1.1 Definitions -

"Caregiver" means an individual who provides assistance with the performance of the personal functions and activities necessary for daily living that a person is unable to perform efficiently for himself or herself;

"City" means the City of Kelowna;

"Dwelling Unit" means accommodation providing sleeping rooms, washrooms, and no more than one kitchen, intended for domestic use, and used or intended to be used permanently or semi-permanently for a Household. This use does not include a room in a hotel or a motel.

"Household" means

- (a) a person;
- (b) two or more persons related by blood, marriage, or adoption; or associated through foster care, all living together in one dwelling unit as a single household using common cooking facilities;
- (c) a group of not more than five persons, including boarders, who are not related by blood, marriage, or adoption, or associated through foster care, all living together in one dwelling unit as a single household using common cooking facilities; or
- (d) a combination of (b) and (c), provided that the combined total does not include more than 3 persons unrelated by blood, marriage or adoption or associated through foster care; all living together in one dwelling unit as a single household using common cooking facilities.

In addition, a household may also include up to one Caregiver or nanny;

"Land" means the land described herein;

"LTO" means the Kamloops Land Title Office or its successor;

"Official Community Plan" means the City of Kelowna Official Community Plan Bylaw No. 10500, or its successor bylaw;

"Owner" means the registered owner of the Lands from time to time and any parcels into which the Lands are subdivided;

"Purpose-Built Rental Housing" means a Dwelling Unit that is intended to be used for rental housing; and

"Tenancy Agreement" means a tenancy agreement as defined in, and subject to, the *Residential Tenancy Act*.

1.2 Interpretation - In this Agreement:

- (a) reference to the singular includes a reference to the plural, and vice versa, unless the context requires otherwise;

- (b) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this Agreement;
- (c) reference to a particular numbered section or article, or to a particular lettered Schedule, is a reference to the correspondingly numbered or lettered article, section or Schedule of this Agreement;
- (d) if a word or expression is defined in this Agreement, other parts of speech and grammatical forms of the same word or expression have corresponding meanings;
- (e) the word "enactment" has the meaning given in the *Interpretation Act* on the reference date of this Agreement;
- (f) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;
- (g) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided;
- (h) the provisions of s. 25 of the *Interpretation Act* with respect to the calculation of time apply;
- (i) time is of the essence;
- (j) all provisions are to be interpreted as always speaking;
- (k) reference to a "party" is a reference to a party to this Agreement and to their respective successors, assigns, trustees, administrators and receivers;
- (l) reference to a "day", "month", "quarter" or "year" is a reference to a calendar day, calendar month, calendar quarter or calendar year, as the case may be, unless otherwise expressly provided;
- (m) the definitions given in the City of Kelowna Zoning Bylaw No. 8000, or its successor bylaw, and the Official Community Plan apply for the purposes of this Agreement; and
- (n) any act, decision, determination, consideration, consent or exercise of discretion by a party, or other person, as provided in this Agreement will be performed, made or exercised acting reasonably.

1.3 Purpose of Agreement - The Owner and the City agree that:

- (a) this Agreement is intended to serve the public interest by providing for occupancy of a certain number of Dwelling Units, of the kinds provided for in this Agreement, that are in demand in the City of Kelowna but that are not readily available;
- (b) damages are not an adequate remedy to the City in respect of any breach of this Agreement by the Owner, such that the Owner agrees the City should be entitled to an order for specific performance, injunction or other specific relief respecting any breach of this Agreement by the Owner.

**ARTICLE 2
HOUSING AGREEMENT AND LAND USE RESTRICTIONS**

2.1 Land Use Restrictions - The Owner and the City hereby covenant and agree as follows:

- (a) The Land will be used only in accordance with this Agreement;
- (b) The Owner will design, construct and maintain one or more buildings providing 295 Dwelling Units as Purpose-Built Rental Housing
- (c) The Owner acknowledges that the City will not support applications to stratify the building(s) on the Land, thereby allowing the identified Purpose-Built Rental Housing Dwelling Units to be sold independently of each other, for a period of ten (10) years from the date of this Agreement.

**ARTICLE 3
HOUSING AGREEMENT AND TRANSFER RESTRICTIONS**

3.1 Purchaser Qualifications - The City and the Owner agree as follows:

- (a) the Owner will not sell or transfer, or agree to sell or transfer, any interest in any building containing Purpose-Built Rental Housing Dwelling Units on the Land other than a full interest in the fee simple title to an agency or individual that will continue to ensure that the Purpose-Built Rental Housing Dwelling Units are available in accordance with this Agreement.

3.2 Use and Occupancy of Purpose-Built Rental Housing Dwelling Unit - The Owner agrees with the City as follows:

- (a) the Owner will rent or lease each Purpose-Built Rental Housing Dwelling Unit on the Land in accordance with the *Residential Tenancy Act*, and in no event may the Owner itself occupy a Purpose-Built Rental Housing Dwelling Unit or use the Purpose-Built Rental Housing Dwelling Unit for short-term vacation accommodation; and
- (b) the Owner will deliver a copy of the Tenancy Agreement for each Purpose-Built Rental Housing Dwelling Unit to the City upon demand.

**ARTICLE 4
GENERAL**

4.1 Notice of Housing Agreement - For clarity, the Owner acknowledges and agrees that:

- (a) this Agreement constitutes a housing agreement entered into under s. 483 of the *Local Government Act*;
- (b) the City is requiring the Owner to file a notice of housing agreement in the LTO against title to the Land;

- (c) once such a notice is filed, this Agreement binds all persons who acquire an interest in the Land;
- (d) in the event the parties agree to release this Agreement from the title of the Land, which may not occur before the tenth (10th) anniversary of the date of this Agreement, the Owner will repay the City for 100% of the amount of the rental grant received from the City. Such repaid funds will be directed to the City's Housing Opportunities Reserve Fund.

4.2 No Effect On Laws or Powers - This Agreement does not

- (a) affect or limit the discretion, rights, duties or powers of the City under any enactment or at common law, including in relation to the use or subdivision of land,
- (b) impose on the City any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement,
- (c) affect or limit any enactment relating to the use or subdivision of land, or
- (d) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of land.

4.3 Management – The Owner covenants and agrees that it will furnish good and efficient management of the Dwelling Units and will permit representatives of the City to inspect the Dwelling Units at any reasonable time, subject to the notice provisions of the *Residential Tenancy Act*. The Owner further covenants and agrees that it will maintain the Dwelling Units in a satisfactory state of repair and fit for habitation and will comply with all laws, including health and safety standards applicable to the Land. Notwithstanding the foregoing, the Owner acknowledges and agrees that the City, in its absolute discretion, may require the Owner, at the Owner's expense, to hire a person or company with the skill and expertise to manage the Dwelling Units.

4.4 Notice - Any notice which may be or is required to be given under this Agreement will be in writing and either be delivered or sent by facsimile transmission. Any notice which is delivered is to be considered to have been given on the first day after it is dispatched for delivery. Any notice which is sent by fax transmission is to be considered to have been given on the first business day after it is sent. If a party changes its address or facsimile number, or both, it will promptly give notice of its new address or facsimile number, or both, to the other party as provided in this section.

4.5 Agreement Runs With the Land - Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted by the Owner to the City in respect of the Land and this Agreement burdens the Land and runs with it and binds the Owner's successors in title and binds every parcel into which it is consolidated or subdivided by any means, including by subdivision or by strata plan under the *Strata Property Act*.

4.6 Limitation on Owner's Obligations - The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Land.

4.7 Release – The Owner by this Agreement releases and forever discharges the City and each of its elected officials, officers, directors, employees and agents, and its and their heirs, executors, administrators, personal representatives, successors, and assigns, from and against all claims, demands, damages, actions, or causes of action by reason of or arising out of advice or direction respecting the ownership, lease, operation or management of the Land or the Dwelling Units which has been or at any time after the

commencement of this Agreement may be given to the Owner by all or any of them. This clause will survive the termination of this Agreement.

- 4.8 **Joint Venture** – Nothing in this Agreement will constitute the Owner as the agent, joint venturer, or partner of the City or give the Owner any authority to bind the City in any way.
- 4.9 **Waiver** - An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.
- 4.10 **Further Acts** - The Owner will do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.
- 4.11 **Severance** - If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.
- 4.12 **Equitable Remedies** – The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.
- 4.13 **No Other Agreements** - This Agreement is the entire agreement between the parties regarding its subject and it terminates and supersedes all other agreements and arrangements regarding its subject.
- 4.14 **Amendment** - This Agreement may be discharged, amended or affected only by an instrument duly executed by both the Owner and the City.
- 4.15 **Enurement** - This Agreement binds the parties to it and their respective successors, heirs, executors and administrators. Reference in this Agreement to the "City" is a reference also to the elected and appointed officials, employees and agents of the City.
- 416 **Deed and Contract** - By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

IN WITNESS WHEREOF the parties hereunto have executed this Agreement on the date and year first above written.

SIGNED, SEALED & DELIVERED in)
the presence of:)

Signature of Witness)

Print Name)

Address)

Occupation)

1940 UNDERHILL DEVELOPMENTS
CORP., by its authorized signatories:



Warren Andrew Rennison
Director

Print Name:

Print Name:

SIGNED, SEALED & DELIVERED in)
the presence of:)

Signature of Witness)

Print Name)

Address)

Occupation)

CITY OF KELOWNA, by its authorized
signatories:

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 12119

Amendment No. 6 to Active Living & Culture Fees and Charges Bylaw No. 9609

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Active Living & Culture Fees and Charges Bylaw No. 9609 be amended as follows:

1. THAT SCHEDULE H – Kelowna Community Theatre – Fees & Charges be deleted in it's entirety that reads:

SCHEDULE H

Kelowna Community Theatre – Fees & Charges

1375 Water Street, Kelowna, B.C.

- All rates subject to taxes unless otherwise stated.
- Rates are effective May 1, 2017 and increase annually on April 1 every year thereafter unless otherwise stated.

Rental Rates (8 hours continuous use)	Rate
Commercial Rate	\$1,600.00
Category A: Local Non-profit Producers & SD23	\$800.00
Category B: Local Non-profit Presenters	\$1,120.00
Dark Day Rate during multiple day rentals (maximum 2 days for each full week performance run)	\$240.00
Multiple performances in one day	1.5 times the listed rate
Capital Improvement Fee (all rentals) – not subject to an annual increase	\$1.75 per attendee
Additional rental hours	5% of the listed rate charged per hour

MAIN STAGE – REHEARSAL

- Rehearsal day rates are only available in preparation for a performance. A maximum of one rehearsal day per performance is permitted.
- Rehearsal day rates are not available on Fridays, Saturdays or Sundays.
- A theatre technician is included with the first 4 hours of the rental.

Rental Rates (4 hours)	Rate
Commercial Rate	\$725.00
Category A: School District No. 23 & Local Non-profit Producers	\$362.50
Category B: Local Non-profit Presenters	\$507.50
Additional rental hours	5% of the listed rate

BLACK BOX – PERFORMANCE

- Rates include lighting and sound equipment dedicated to the Black Box, tables, fridge and bar and do not include additional equipment or theatre technician.
- Technical support is required for events that involve making changes to the lighting system or use of the Black Box sound system. If warranted, due to safety or complex technical needs, additional theatre technical staff may be added to the booking at the renter's expense.

Rental Rates	Rate
Commercial Rate	\$540.00
Category A: School District No. 23 & Local Non-profit Producers	\$270.00
Category B: Local Non-profit Presenters	\$378.00

BLACK BOX - REHEARSAL

- Rates apply to the Black Box room only and do not include additional equipment or technician.
- Room is not to be used as a performance venue.

Rental Rates	Rate
Commercial - Daily Rate	\$240.00
Commercial - Hourly Rate	\$75.00
Category A: Local Schools (includes School District No. 23) & Local Non-profit Producers – Daily Rate	\$120.00
Category A: Local Schools (includes School District No. 23) & Local Non-profit Producers – Hourly Rate	\$37.50
Category B: Local Non-profit Presenters – Daily Rate	\$168.00
Category B: Local Non-profit Presenters – Hourly Rate	\$52.50

Extra Fees	Rate
Theatre Technicians hourly rate - first 8 hours (min call – 2 hrs)	\$52.50
Theatre Technicians overtime multiplier - after working 8 hrs	8 – 10 hrs = 1.5x and >10 hour = 2x
Same Day Settlements	\$115.00
g' Grand Piano (excludes tuning fee)	\$115.00
Marley Dance floor (includes dance floor tape & use for entire run)	\$140.00
Extra Fees not subject to an annual increase:	
Percent (%) of gross proceeds from all client merchandise sales	15%

SOCAN & ReSound fees	As per copyright legislation
Non-refundable deposit if using approved ticket seller	25% of the gross estimated rental fee
Non-refundable deposit if not using approved ticket seller	\$2,000.00
Bar/restocking fees	\$100.00 per category
Front of House services after first 5 hours	\$100.00/hour or portion thereof
Janitorial Services for additional cleaning if required	\$300.00 or actual costs, whichever is greater

And replace it with:

SCHEDULE H

Kelowna Community Theatre – Fees & Charges

1375 Water Street, Kelowna, B.C.

- All rates subject to taxes unless otherwise stated.
- Rates are effective January 1, 2021 and increase annually on January 1 every year thereafter unless otherwise stated.

MAIN STAGE – PERFORMANCE

- A theatre technician is included with the first 8 hours of the rental.

Rental Rates (8 hours continuous use)	Basic Fee
Commercial Rate	\$1,600.00
Category A: Local Non-profit Producers & SD23	\$800.00
Category B: Local Non-profit Presenters	\$1,120.00
The final rental charge will be either the basic fee as stated above, OR 10% of gross ticket sales (capped at 2.5 x the Basic Fee), whichever is the greater amount.	
Dark Day Rate during multiple day rentals (maximum 2 days for each full week performance run)	\$240.00 per day
Multiple performances in one day	1.5 times the basic fee
Capital Improvement Fee (all rentals) – not subject to an annual increase	\$1.75 per ticket issued
Additional rental hours	5% of the basic fee charged per hour

MAIN STAGE – TEMPORARY PERFORMANCE RENTAL

- The temporary performance rental rates are a result of gathering restrictions in place due to COVID 19. Once restrictions on gatherings are lifted or allow for 50% or more of seats to be sold at KCT these fees will no longer apply.
- The temporary performance rental rates be reviewed in September 2021, if restrictions on audience members continue.
- A theatre technician is included with the first 8 hours of the rental.

Temporary Rental Rates (8 hours continuous use)	Basic Fee
Non-Profit	\$362.50 + \$0.94 per seat available for sale
Local Commercial	\$507.50 + \$1.31 per seat available for sale

Commercial	\$725.00 + \$1.88 per seat available for sale
The final rental charge will be either the basic fee as stated above, OR 10% of gross ticket sales (capped at 2.5 x the Basic Fee), whichever is the greater amount.	
Dark Day Rate during multiple day rentals (maximum 2 days for each full week performance run)	\$240.00 per day
Multiple performances in one day	1.5 times the basic fee
Capital Improvement Fee (all rentals) – not subject to an annual increase	\$1.75 per ticket issued
Additional rental hours	5% of the basic fee charged per hour

MAIN STAGE – REHEARSAL

- Rehearsal days are only available in preparation for a performance. A maximum of one rehearsal day per performance is permitted.
- Rehearsal days are not available on Fridays, Saturdays or Sundays.
- A theatre technician is included with the first 4 hours of the rental.

Rental Rates (4 hours)	Basic Fee
Commercial Rate	\$725.00
Category A: School District No. 23 & Local Non-profit Producers	\$362.50
Category B: Local Non-profit Presenters	\$507.50
Additional rental hours	5% of the basic fee charged per hour

BLACK BOX – PERFORMANCE

- Rates include lighting and sound equipment dedicated to the Black Box, tables, fridge and bar and do not include additional equipment or theatre technician.
- Technical support is required for events that involve making changes to the lighting system or use of the Black Box sound system. If warranted, due to safety or complex technical needs, additional theatre technical staff may be added to the booking at the renter's expense.

Rental Rates	Basic Fee
Commercial Rate	\$540.00
Category A: School District No. 23 & Local Non-profit Producers	\$270.00
Category B: Local Non-profit Presenters	\$378.00

BLACK BOX - REHEARSAL

- Rates apply to the Black Box room only and do not include additional equipment or technician.
- Room is not to be used as a performance venue.

Rental Rates	Basic Fee
Commercial - Daily Rate	\$240.00
Commercial - Hourly Rate	\$75.00
Category A: Local Schools (includes School District No. 23) & Local Non-profit Producers – Daily Rate	\$120.00
Category A: Local Schools (includes School District No. 23) & Local Non-profit Producers – Hourly Rate	\$37.50
Category B: Local Non-profit Presenters – Daily Rate	\$168.00
Category B: Local Non-profit Presenters – Hourly Rate	\$52.50

EXTRA FEES

Extra Fees	Fee
Theatre Technicians hourly rate - first 8 hours (min call – 2 hrs)	\$52.50
Theatre Technicians overtime multiplier - after working 8 hrs	8 – 10 hrs = 1.5x and >10 hour = 2x
Same Day Settlements	\$115.00
9' Grand Piano (excludes tuning fee)	\$115.00
Marley Dance floor (includes dance floor tape & use for entire run)	\$140.00
Extra Fees not subject to an annual increase:	Fee
Percent (%) of gross proceeds from all client merchandise sales	15%
SOCAN & ReSound fees	As per copyright legislation
Non-refundable deposit if using approved ticket seller	25% of the gross estimated rental fee
Non-refundable deposit if not using approved ticket seller	\$2,000.00
Bar/restocking fees	\$100.00 per category
Front of House services after first 5 hours	\$100.00/hour or portion thereof
Janitorial Services for additional cleaning if required	\$300.00 or actual costs, whichever is greater
Live-stream Fee	\$75.00

2. This bylaw may be cited for all purposes as "Bylaw No. 12119 being Amendment No. 6 to Active Living & Culture Fees and Charges Bylaw No. 9609";
3. 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, second and third time by the Municipal Council this 11th day of January, 2021.

Adopted by the Municipal Council of the City of Kelowna this

_____ Mayor

_____ City Clerk

CITY OF KELOWNA

BYLAW NO. 12124

Amendment No. 1 to Cemetery Bylaw No. 11664

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Amendment No. 1 to Cemetery Bylaw No. 12124 be amended as follows:

1. THAT PART 1 - GENERAL, 1.3 Definitions, 1.3.1 be amended by:
 - a) Adding “family vessel” to the definition for “Plot” in its appropriate location.
2. AND THAT PART 3 - RIGHT OF INTERMENT, 3.4 Oder of Priority be amended by deleting the word “Oder” and replace it with “Order”.

3. AND THAT PART 3 - RIGHT OF INTERMENT, 3.5 Right of Interment be deleted that reads:

“3.5 **Right of Interment Not Transferable.** The holder of a **Right of Interment** shall not transfer their right of use and occupancy to another person except that at the discretion of the **Cemetery Manager**. A transfer of the **Right of Interment** for any unused **plot** may be made to an **immediate family** member provided the fee for the transfer has been paid as outlined in Schedule “A”. In an area of the **Cemetery** that has been reserved by the **City** under section 3.1 of this bylaw for burial of members of the society, church, or other organization the application for transfer must be accompanied by a certificate stating that the individual is entitled to interment in the reserved section.”

And replacing it with:

“3.5 **Right of Interment Not Transferable.** The holder of a **Right of Interment** shall not transfer their right of use and occupancy to another person except that at the discretion of the **Cemetery Manager**. A transfer of the **Right of Interment** for any unused **plot** may be made to an **immediate family** member provided the fee for the transfer has been paid as outlined in Schedule “A”. A transfer on a **burial plot** will be approved to an immediate family member if the applicant ensures the first interment will be of human remains. In an area of the **Cemetery** that has been reserved by the **City** under section 3.1 of this bylaw for burial of members of the society, church, or other organization the application for transfer must be accompanied by a certificate stating that the individual is entitled to interment in the reserved section.”

4. AND THAT PART 5 - PERMISSION TO INTER, EXHUME or DISINTER, 5.1 Interment Permit (a), be amended by italicizing the following:

“Cremation, Interment and Funeral Services Act of B.C.”

5. AND THAT PART 5 - PERMISSION TO INTER, EXHUME or DISINTER, 5.3 Application for Permit, be amended by deleting the words that read: “The Interment Permit’s Terms and Conditions”

And replacing it with:

“The Interment Permit’s Authorization”.

6. AND THAT PART 10 - ADORNMENT, 10.6 Permit Required, be amended by adding the following to the end of the section:

"Specifications for markers are contained within the Marker Policy."
7. AND FURTHER THAT KELOWNA MEMORIAL PARK CEMETERY'S FEE SCHEDULE "A" be deleted in its entirety and replaced with the attached Schedule "A".
8. This bylaw may be cited for all purposes as "Bylaw No. 12124 being Amendment No. 1 to Cemetery Bylaw No. 11664."
9. 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, second and third time by the Municipal Council this 11th day of January, 2021.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Kelowna Memorial Park Cemetery's Fee Schedule "A"

PRODUCTS/SERVICES	2018	2019	2020	2021
Non-Residents add 25% to all fees				
GST not included in fee schedule				

CASKET PLOTS

Grave liner required in all sections except G1 and G7

UPRIGHT MARKER SECTIONS

G1, G7, G4, G8

Right of Interment	\$2,480	\$2,604	\$2,734	\$2,871
Cemetery Replacement Fund	\$1,240	\$1,302	\$1,367	\$1,435
Cemetery Maintenance Fund	\$1,240	\$1,302	\$1,367	\$1,435
Total	\$4,960	\$5,208	\$5,468	\$5,741

FLAT MARKER SECTIONS

C, D, E, G4, G7, G8

Right of Interment	\$1,787	\$1,876	\$1,970	\$2,069
Cemetery Replacement Fund	\$894	\$939	\$986	\$1,035
Cemetery Maintenance Fund	\$894	\$939	\$986	\$1,035
Total	\$3,575	\$3,754	\$3,941	\$4,139

DRY LANDSCAPE SECTIONS

A,B

Right of Interment	\$1,787	\$1,876	\$1,970	\$2,069
Cemetery Replacement Fund	\$894	\$939	\$986	\$1,035
Cemetery Maintenance Fund	\$894	\$939	\$986	\$1,035
Total	\$3,575	\$3,754	\$3,941	\$4,139

SMALL PLOTS (Child's Plot)

Section A,C, D (3'x5')

Right of Interment	\$218	\$229	\$240	\$252
Cemetery Replacement Fund	\$109	\$114	\$120	\$126
Cemetery Maintenance Fund	\$109	\$114	\$120	\$126
Total	\$436	\$458	\$481	\$504

ESTATE PLOTS

All Estate Plots Include: 2 Double Depth Lawn Crypts (space for 4 caskets), 8 Companion Cremation Plots (Space for 16 Urns), Marker Foundations. Section G7

PRIVATE ESTATE

Also Includes: Granite Bench, Arched Gate Feature - c/w Bronze Name Plate, Garden Beds

Right of Interment	\$34,555	\$36,283	\$38,097	\$40,002
Cemetery Replacement Fund	\$17,279	\$18,143	\$19,050	\$20,003
Cemetery Maintenance Fund	\$17,279	\$18,143	\$19,050	\$20,003
Total	\$69,113	\$72,569	\$76,197	\$80,008

SEMI PRIVATE ESTATE

Also includes: Shared Granite Bench, Flower Beds

Right of Interment	\$25,489	\$26,763	\$28,102	\$29,507
Cemetery Replacement Fund	\$12,743	\$13,380	\$14,049	\$14,752
Cemetery Maintenance Fund	\$12,743	\$13,380	\$14,049	\$14,752
Total	\$50,975	\$53,524	\$56,200	\$59,011

IN-GROUND CREMATED REMAINS PLOT

Grave liner required

COMPANION PLOTS (Space for 2 Urns)

Right of Interment	\$358	\$376	\$395	\$414
Cemetery Replacement Fund	\$178	\$187	\$196	\$206
Cemetery Maintenance Fund	\$178	\$187	\$196	\$206
Total	\$714	\$750	\$787	\$826

Section G3 - Promontory Green Interment Garden Plot *

Right of Interment	\$464	\$487	\$512	\$537
Cemetery Replacement Fund	\$233	\$245	\$257	\$270
Cemetery Maintenance Fund	\$233	\$245	\$257	\$270
Total	\$930	\$977	\$1,025	\$1,077

FAMILY PLOTS (Space for 6 Urns)

Section G5 & G6*

Right of Interment	\$714	\$750	\$787	\$827
Cemetery Replacement Fund	\$358	\$376	\$395	\$414
Cemetery Maintenance Fund	\$358	\$376	\$395	\$414
Total	\$1,430	\$1,502	\$1,577	\$1,655

Section G3 - Promontory Green Interment Garden Plot*

Right of Interment	\$858	\$901	\$946	\$993
Cemetery Replacement Fund	\$428	\$449	\$472	\$495
Cemetery Maintenance Fund	\$428	\$449	\$472	\$495
Total	\$1,714	\$1,800	\$1,890	\$1,983

MAUSOLEA

LEGACY GARDENS – Section D

Single Crypt- Includes Standard Crypt Plate

Level 1

Right of Interment	\$9,413	\$9,884	\$10,378	\$10,897
Cemetery Replacement Fund	\$7,529	\$7,905	\$8,301	\$8,716
Cemetery Maintenance Fund	\$1,882	\$1,976	\$2,075	\$2,179
Total	\$18,824	\$19,765	\$20,753	\$21,792

Level 2

Right of Interment	\$9,705	\$10,190	\$10,700	\$11,235
Cemetery Replacement Fund	\$7,764	\$8,152	\$8,560	\$8,988
Cemetery Maintenance Fund	\$1,940	\$2,037	\$2,139	\$2,246
Total	\$19,409	\$20,379	\$21,398	\$22,469

Level 3

Right of Interment	\$9,813	\$10,304	\$10,819	\$11,360
Cemetery Replacement Fund	\$7,851	\$8,244	\$8,656	\$9,089
Cemetery Maintenance Fund	\$1,962	\$2,060	\$2,163	\$2,271
Total	\$19,626	\$20,607	\$21,638	\$22,720

PROMONTORY GREEN INTERMENT GARDEN - Section G2

Single Crypt – Includes Standard Crypt Plate

Level 1

Right of Interment	\$9,413	\$9,884	\$10,378	\$10,897
Cemetery Replacement Fund	\$7,529	\$7,905	\$8,301	\$8,716
Cemetery Maintenance Fund	\$1,882	\$1,976	\$2,075	\$2,179
Total	\$18,824	\$19,765	\$20,753	\$21,792

Level 2

Right of Interment	\$9,705	\$10,190	\$10,700	\$11,235
Cemetery Replacement Fund	\$7,764	\$8,152	\$8,560	\$8,988
Cemetery Maintenance Fund	\$1,940	\$2,037	\$2,139	\$2,246
Total	\$19,409	\$20,379	\$21,398	\$22,469

Level 3

Right of Interment	\$9,813	\$10,304	\$10,819	\$11,360
Cemetery Replacement Fund	\$7,851	\$8,244	\$8,656	\$9,089
Cemetery Maintenance Fund	\$1,962	\$2,060	\$2,163	\$2,271
Total	\$19,626	\$20,607	\$21,638	\$22,720

Couch Crypt – Includes Standard Crypt Plate

Level 1, 2, and 3

Right of Interment	\$12,149	\$12,756	\$13,394	\$14,064
Cemetery Replacement Fund	\$9,719	\$10,205	\$10,715	\$11,251
Cemetery Maintenance Fund	\$2,430	\$2,552	\$2,679	\$2,813
Total	\$24,298	\$25,513	\$26,789	\$28,128

NICHES

LEGACY GARDENS – Section D

Phase One

Level 1

Right of Interment	\$1,788	\$1,877	\$1,971	\$2,070
Cemetery Replacement Fund	\$1,431	\$1,503	\$1,578	\$1,657
Cemetery Maintenance Fund	\$358	\$376	\$395	\$414
Total	\$3,577	\$3,756	\$3,944	\$4,141

Level 2

Right of Interment	\$1,976	\$2,075	\$2,179	\$2,287
Cemetery Replacement Fund	\$1,581	\$1,660	\$1,743	\$1,830
Cemetery Maintenance Fund	\$395	\$415	\$435	\$457
Total	\$3,952	\$4,150	\$4,357	\$4,574

Level 3/4/5

Right of Interment	\$2,094	\$2,199	\$2,309	\$2,424
Cemetery Replacement Fund	\$1,675	\$1,759	\$1,847	\$1,939
Cemetery Maintenance Fund	\$418	\$439	\$461	\$484
Total	\$4,187	\$4,396	\$4,616	\$4,847

Family Niches

Level 3/4/5

Right of Interment	\$4,396	\$4,616	\$4,847	\$5,089
Cemetery Replacement Fund	\$3,517	\$3,693	\$3,877	\$4,071
Cemetery Maintenance Fund	\$879	\$923	\$969	\$1,018
Total	\$8,792	\$9,232	\$9,693	\$10,178

Family Urns – Includes One Family name engraved on urn

Right of Interment	\$6,863	\$7,206	\$7,566	\$7,945
Cemetery Replacement Fund	\$5,491	\$5,766	\$6,054	\$6,357
Cemetery Maintenance Fund	\$1,372	\$1,441	\$1,513	\$1,588
Total	\$13,726	\$14,412	\$15,133	\$15,890

BENNETT MEMORIAL

Concord

Right of Interment	\$1,788	\$1,877	\$1,971	\$2,070
Cemetery Replacement Fund	\$1,431	\$1,503	\$1,578	\$1,657
Cemetery Maintenance Fund	\$358	\$376	\$395	\$414

Total	\$3,577	\$3,756	\$3,944	\$4,141
--------------	---------	---------	---------	---------

Curved Wall

Level 1

Right of Interment	\$1,788	\$1,877	\$1,971	\$2,070
Cemetery Replacement Fund	\$1,431	\$1,503	\$1,578	\$1,657
Cemetery Maintenance Fund	\$358	\$376	\$395	\$414
Total	\$3,577	\$3,756	\$3,944	\$4,141

Level 2

Right of Interment	\$1,976	\$2,075	\$2,179	\$2,287
Cemetery Replacement Fund	\$1,581	\$1,660	\$1,743	\$1,830
Cemetery Maintenance Fund	\$395	\$415	\$435	\$457
Total	\$3,952	\$4,150	\$4,357	\$4,574

Level 3

Right of Interment	\$2,094	\$2,199	\$2,309	\$2,424
Cemetery Replacement Fund	\$1,675	\$1,759	\$1,847	\$1,939
Cemetery Maintenance Fund	\$418	\$439	\$461	\$484
Total	\$4,187	\$4,396	\$4,616	\$4,847

Round Unit

Level 1

Right of Interment	\$1,787	\$1,876	\$1,970	\$2,069
Cemetery Replacement Fund	\$1,430	\$1,502	\$1,577	\$1,655
Cemetery Maintenance Fund	\$358	\$376	\$395	\$414
Total	\$3,575	\$3,754	\$3,941	\$4,138

Level 2

Right of Interment	\$1,976	\$2,075	\$2,179	\$2,287
Cemetery Replacement Fund	\$1,581	\$1,660	\$1,743	\$1,830
Cemetery Maintenance Fund	\$395	\$415	\$435	\$457
Total	\$3,952	\$4,150	\$4,357	\$4,574

Level 3, 4, 5, 6

Right of Interment	\$2,094	\$2,199	\$2,309	\$2,424
Cemetery Replacement Fund	\$1,675	\$1,759	\$1,847	\$1,939
Cemetery Maintenance Fund	\$418	\$439	\$461	\$484
Total	\$4,187	\$4,396	\$4,616	\$4,847

PROMONTORY GREEN INTERMENT GARDEN

Section G2

LEVEL 1

Right of Interment	\$1,788	\$1,877	\$1,971	\$2,070
Cemetery Replacement Fund	\$1,431	\$1,503	\$1,578	\$1,657
Cemetery Maintenance Fund	\$358	\$376	\$395	\$414

Total	\$3,577	\$3,756	\$3,944	\$4,141
Level 2				
Right of Interment	\$1,976	\$2,075	\$2,179	\$2,287
Cemetery Replacement Fund	\$1,581	\$1,660	\$1,743	\$1,830
Cemetery Maintenance Fund	\$395	\$415	\$435	\$457
Total	\$3,952	\$4,150	\$4,357	\$4,574
Level 3, 4				
Right of Interment	\$2,094	\$2,199	\$2,309	\$2,424
Cemetery Replacement Fund	\$1,675	\$1,759	\$1,847	\$1,939
Cemetery Maintenance Fund	\$418	\$439	\$461	\$484
Total	\$4,187	\$4,396	\$4,616	\$4,847

SCATTERING

PROMONTORY GREEN INTERMENT GARDEN SCATTERING GARDEN OSSUARY or SCATTERING TRAIL

Scattering Only				
Right of Interment	\$87	\$91	\$96	\$101
Cemetery Replacement Fund	\$45	\$47	\$50	\$52
Cemetery Maintenance Fund	\$45	\$47	\$50	\$52
Total	\$177	\$186	\$195	\$205

Scattering with Name Plate				
Right of Interment	\$323	\$339	\$356	\$374
Cemetery Replacement Fund	\$163	\$171	\$180	\$189
Cemetery Maintenance Fund	\$163	\$171	\$180	\$189
Total	\$649	\$681	\$716	\$752

Promontory Green Memorial Wall Space – Name Plate Only

Right of Interment	\$323	\$339	\$356	\$374
Cemetery Replacement Fund	\$163	\$171	\$180	\$189
Cemetery Maintenance Fund	\$163	\$171	\$180	\$189
Total	\$649	\$681	\$716	\$752

INTERMENT PERMIT

Open/Close Fees				
Casket - Burial	\$945	\$992	\$1,042	\$1,094
Casket - Mausoleum	\$982	\$1,031	\$1,083	\$1,137
Cremated Remains – In-ground	\$413	\$434	\$455	\$478
Cremated Remains - Niche	\$413	\$434	\$455	\$478
Children Under 12 Years of Age – interred in a designated Infant Plot (INFANT PLOTS - Section A,C, D (Note: plot size is 3'x5'))	\$0			

Concurrent Interment - Per

Casket	\$471	\$495	\$519	\$545
Cremated Remains – in-ground	\$205	\$215	\$226	\$237
Cremated Remains - niche	\$158	\$166	\$174	\$183

Additional Fees

Interments After 3PM	\$531	\$558	\$585	\$615
Weekend/Holiday Services	\$945	\$992	\$1,042	\$1,094
Deepening Large Plot	\$1,431	\$1,503	\$1,578	\$1,657
Deepening Cremation Plot	\$358	\$376	\$395	\$414
Additional Use Fee (3RD/+ INTERMENT for in-ground plots)	\$358	\$376	\$395	\$414

DISINTERMENT PERMIT

Casket	\$1,431	\$1,503	\$1,578	\$1,657
Cremated Remains	\$435	\$457	\$480	\$504

ADMINISTRATIVE FEES

Transferring a Plot/Surrendering a Plot/Add Name to Reservation	\$72	\$76	\$79	\$84
Record retrieval	\$83	\$87	\$92	\$96
Record re-issue	\$27	\$28	\$30	\$31
Open/close niche for corrective measures requested by funeral home or family - (remains stay on site/not a disinterment)	\$127	\$133	\$140	\$147
Wreath refinishing handling fee (includes removal/packaging for shipping and reinstall)	\$79	\$83	\$87	\$91
Special order/replacement processing fee	\$28	\$29	\$30	\$32
Bronze marker ordering/handling fee/installation	\$133	\$140	\$147	\$154

LINERS

Standard Size	\$572	\$601	\$631	\$662
Child's Liner	\$215	\$226	\$237	\$249
Cremation Liners (in ground)	\$178	\$187	\$196	\$206
Handling and Placing Liners (vaults) Supplied by Funeral Homes	\$358	\$376	\$395	\$414

MEMORIALS

Marker Permit - Installation of Markers by the City Cemetery Maintenance Fund	\$141	\$148	\$155	\$171
Installation	\$211	\$222	\$233	\$256
Total	\$352	\$370	\$388	\$427

Marker Permit – Installation of Markers, curbing, and ledgers by others in Sections A, B and Upright Marker Sections of Section G	\$215	\$226	\$237	\$249
Marker Modification Permit - Resetting/Removal/Reinstallation of Marker, curbing and ledger	\$72	\$76	\$79	\$84
Disposal of Marker	\$97	\$102	\$107	\$112
Engraving of Shutter (niche – each occurrence)	\$272	\$286	\$300	\$315
Supply Second Year Date Plate for Niche/Mausolea	\$177	\$186	\$195	\$261
Replacement Shutter – Single Niche - Legacy Gardens	\$78	\$82	\$86	\$90
Replacement Shutter – Double Niche – Legacy Gardens	\$154	\$162	\$170	\$178
Family Urn Plaques Per - Legacy Gardens	\$309	\$324	\$341	\$358

VASES

Bud Vase - Niches	\$233	\$245	\$257	\$270
Bud Vase - Mausolea	\$347	\$364	\$383	\$402
In-Ground Galvanized Flower Vase	\$74	\$78	\$82	\$86
In-Ground Galvanized Flower Vase – Installation fee if vase is supplied by funeral home	\$29	\$30	\$32	\$34

ADDITIONAL SERVICES

Canopy Service (Second Tent)	\$122	\$128	\$135	\$141
To Supply Pall Bearer Per (Two Employees)	\$105	\$110	\$116	\$122

DEDICATION PROGRAM

Memorial Tree (with plaque at cemetery only -) – includes scattering of ashes at KMPC Scattering Garden or Trail	\$1,299	\$1,364	\$1,432	\$1,504
Memorial Bench (with plaque)	\$2,952	\$3,100	\$3,255	\$3,417
Memorial Bench (existing bench, adding a plaque)	\$2,142	\$2,249	\$2,362	\$2,480
Adding Second Plaque to Existing Memorial Bench or Tree	\$718	\$754	\$792	\$831
Memorial Table (with plaque)	\$2,952	\$3,100	\$3,255	\$3,417

CITY OF KELOWNA

BYLAW NO. 12131

A Bylaw to Repeal Housing Agreement Authorization Bylaw No. 9713 at 1094 Lawson Avenue

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

1. THAT City of Kelowna Housing Agreement Authorization Bylaw 0701849 BC Ltd. – (Herman Planning Group Inc.) 1094 Lawson Avenue Bylaw No. 9713, and all amendments there to, be repealed.
2. This bylaw may be cited for all purposes as "Bylaw No. 12131, being Repeal Bylaw to Housing Agreement Authorization Bylaw for 1094 Lawson Avenue Bylaw No. 9713."
3. 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, second and third time by the Municipal Council this 11th day of January, 2021.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk