

City of Kelowna

Public Hearing

AGENDA



Tuesday, May 11, 2021

6:00 pm

Council Chamber

City Hall, 1435 Water Street

Pages

1. **Due to COVID-19 a Public Hearing Agenda will also include Regular Meeting Items**
2. **Call to Order the Public Hearing - START TIME 6:00 PM**

THE CHAIR WILL CALL THE HEARING TO ORDER:

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

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

Council has been provided with the information, correspondence, petitions or reports that have been received concerning the subject bylaws. This information is available to the public online at Kelowna.ca/council or by request to the Office of the City Clerk.

For those participating this evening, or who have already submitted letters to Council, a reminder that this Hearing is open to the public and all representations to Council form part of the public record. A live audio-video feed is being broadcast and recorded on kelowna.ca.

In accordance with Order of the Provincial Health Officer on Gatherings and Events, applicants and the public are not permitted to attend in person. Participation by applicants and the public will be by electronic means only. Thank you for your co-operation.

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

3. Individual Bylaw Submissions

- 3.1. **TO BE DEFERRED - Lakeshore Rd 4346 - LUCT20-0014 (BL12135) Z20-0101 (BL12136) - British Columbia Telephone Company, Inc.No. 1801A**

To defer the rezoning application due to the development sign not being posted in time.

4. Termination

5. Call to Order the Regular Meeting

6. Bylaws Considered at Public Hearing

6.1. TO BE DEFERRED- Lakeshore Rd 4346 - BL12135 (LUCT20-0014) - British Columbia Telephone Company, Inc.No. 1801A

6.2. TO BE DEFERRED - Lakeshore Rd 4346 - BL12136 (Z20-0101) - British Columbia Telephone Company, Inc.No. 1801A

7. Termination

8. Call to Order the Public Hearing -START TIME 6:00 PM - Bulman Rd 3770 - LUCT20-0015 (BL12137) - City of Kelowna

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

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

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9. Individual Bylaw Submissions

9.1. START TIME 6:00 PM - Bulman Rd 3770 - LUCT20-0015 (BL12137) - City of Kelowna

8 - 19

To proceed with the early termination of LUC77-1057 and to revert the parcel to the underlying A1 – Agriculture 1 zone.

10. Termination

11. Call to Order the Regular Meeting

12. Bylaws Considered at Public Hearing

12.1. START TIME 6:00 PM - Bulman Rd 3770 - BL12137 (LUCT20-0015) - City of Kelowna

20 - 20

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

To give Bylaw No. 12137 second and third reading and be adopted to proceed with early termination of Land Use Contract LUC77-1057.

13. Termination

14. Call to Order the Public Hearing - START TIME 6:00 PM - TA20-0015 (BL12193) - Health District Rental Only Subzones - City of Kelowna

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

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

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15. Individual Bylaw Submissions

15.1. START TIME 6:00 PM - TA20-0015 (BL12193) - Health District Rental Only Subzones - City of Kelowna

21 - 31

To consider a text amendment application to the HD2- Hospital and Health Support Services and HD3- Health Services Transitional zones to create rental subzones.

16. Termination

17. Call to Order the Regular Meeting

18. Bylaws Considered at Public Hearing

18.1. START TIME 6:00 PM - BL12193 (TA20-0015) - Health District Rental Only Subzones - City of Kelowna

32 - 33

To give Bylaw No. 12193 second and third reading and be adopted in order to create rental subzones within the HD2- Hospital and Health Support Services and HD3- Health Services Transitional zones.

19. Termination

20. Call to Order the Public Hearing - START TIME 6:20 PM - Supplemental Report - TA20-0024 (BL12203) - Vaughan Ave 88g and Clement Ave 88o 89o

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

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

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

21. Individual Bylaw Submissions

21.1. START TIME 6:20 PM - Supplemental Report - TA20-0024 (BL12203) - Vaughan Ave 88g and Clement Ave 88o 89o

34 - 55

To consider a Staff recommendation to NOT support a site-specific text amendment to change the minimum allowable distance for a cannabis production facility to lots that have a residential use as a principal use from 60 metres to 30 metres.

22. Termination

23. Call to Order the Regular Meeting

24. Bylaws Considered at Public Hearing

24.1. START TIME 6:20 PM - Vaughan Ave 88g and Clement Ave 88o 89o - BL12203

56 - 57

To give Bylaw No. 12203 second and third reading and be adopted in order to permit for a site-specific text amendment on the subject property.

25. Termination

26. Call to Order the Public Hearing - START TIME 6:20 PM - Supplemental Report - TA21-0010 (BL12132) Z20-0032 (BL12133) - 4350 June Springs Rd - Frank Robert Vezer

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

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

Council has been provided with the information, correspondence, petitions or reports that have been received concerning the subject bylaws. This information is available to the public online at Kelowna.ca/council or by request to the Office of the City Clerk.

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

27. Individual Bylaw Submission

27.1. START TIME 6:20 PM - Supplemental Report - TA21-0010 (BL12132) Z20-0032 (BL12133) - 4350 June Springs Rd - Frank Robert Vezer

58 - 107

To consider a Staff recommendation to NOT allow a carriage house on a property under 1.0 ha in area and to NOT rezone the subject property from the RR1 – Rural Residential 1 zone to the RR1c – Rural Residential 1 with Carriage House zone.

28. Termination

29. Call to Order the Regular Meeting

30. Bylaws Considered at Public Hearing

30.1. START TIME 6:20 PM - June Springs Rd 4350 - BL12132 (TA21-0010) - Frank Robert Vezer

108 - 108

To give Bylaw No. 12132 second and third reading and be adopted in order to permit for a site-specific text amendment on the subject property.

30.2. START TIME 6:20 PM - June Springs Rd 4350 - BL12133 (Z20-0032) - Frank Robert Vezer

109 - 109

To give Bylaw No. 12133 second and third reading and be adopted in order to rezone the subject property from the Rural Residential 1 zone to the RR1c - Rural Residential 1 with Carriage House zone.

31. Termination

32. Call to Order the Public Hearing - START TIME 6:20 PM - Cedar Ave 417 - Z21-0002 (BL12209) - 0965634 B.C. Ltd., Inc.No. 0965634

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

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

Council has been provided with the information, correspondence, petitions or reports that have been received concerning the subject bylaws. This information is available to the public online at Kelowna.ca/council or by request to the Office of the City Clerk.

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In accordance with Order of the Provincial Health Officer on Gatherings and Events, applicants and the public are not permitted to attend in person. Participation by applicants and the public will be by electronic means only. Thank you for your co-operation.

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

33. Individual Bylaw Submissions

33.1. START TIME 6:20 PM - Cedar Ave 417 - Z21-0002 (BL12209) - 0965634 B.C. Ltd., Inc.No. 0965634

110 - 151

To consider an application to rezone the subject property from the RU1 – Large Lot Housing zone to the C4 – Urban Centre Commercial zone to facilitate the development of mixed-use multiple dwelling housing.

34. Termination

35. Call to Order the Regular Meeting

36. Bylaws Considered at Public Hearing

36.1. START TIME 6:20 PM - Cedar Ave 417 - BL12209 (Z21-0002) - 0965634 B.C. Ltd., Inc.No. 0965634

152 - 152

To give Bylaw No. 12209 second and third reading in order to rezone the subject property from the RU1 - Large Lot Housing zone to the C4 - Urban Centre Commercial zone.

37. Termination

38. Procedure on each Bylaw Submission

- (a) Brief description of the application by City Staff (Development Planning);
- (b) The applicant has up to 15 minutes to make representation to Council regarding the project.
- (c) The Chair will call for representation from the public participating online as follows:
 - (i) Any person wishing to make representation during the Hearing will have the opportunity to do so.
 - (ii) Speakers have up to 5 minutes to share their remarks.
- (d) Final calls for representation (ask three times). Unless Council directs that the Public Hearing on the bylaw in question be held open, the Chair shall state to participants that the Public Hearing on the Bylaw is closed.
- (e) Once the public has had an opportunity to comment, the applicant is given up to 10 minutes to respond to any questions raised.
- (f) Questions of staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the Regular Meeting, unless for clarification.

Note: Any applicant or member of the public may use electronic visual aids to assist in their presentation or questions. The participant must be able to share their screen to display the item.

REPORT TO COUNCIL



Date: April 12, 2021

To: Council

From: City Manager

Department: Development Planning

Application: LUCT20-0015

Owner: The City of Kelowna

Address: 3770 Bulman Rd

Applicant: The City of Kelowna

Subject: Land Use Contract Termination

Existing OCP Designation: REC – Private Recreation, PARK – Major Park / Open Space and PSU – Public Services / Utilities

Existing Zone: A1 – Agriculture 1

1.0 Recommendation

THAT Land Use Contract Termination Application No. LUCT20-0015 to terminate LUC77-1057 from Lot A District Lot 122 and Section 11 Township 23 ODYD Plan 40375, located at 3770 Bulman Road, Kelowna, BC, be considered by Council;

AND THAT Council waive the development sign requirement under Public Notification & Consultation for Development Application No. 367;

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

2.0 Purpose

To proceed with the early termination of LUC77-1057 and to revert the parcel to the underlying A1 – Agriculture 1 zone.

3.0 Development Planning

Staff are recommending support for the proposed Land Use Contract Termination to terminate LUC77-1057 from the subject property. The current LUC affects one property at 3770 Bulman Road and restricts the property to the former Zoning Bylaw no. 4500's A1 – Rural, in addition to a golf course, a club house, off-street parking facilities, access driveways and two grass surface tennis courts. Staff believe the underlying zone of A1 – Agriculture 1 is appropriate as the property is in the Agricultural Land Reserve and the golf course is permitted to remain operating as a non-farm use.

4.0 Proposal

4.1 Background

Land Use Contracts were a tool regularly used in the 1970's before it was eliminated on November 15th, 1978. The purpose of the tool was to allow local governments to arrive at agreements with specific developers to grant development rights over and above what was allowed under current zoning. This was typically done in exchange for commitments by developers to help finance the infrastructure costs of development.

Issues have arisen, specifically with the continued application of land use contracts as they supersede any subsequent bylaw dealing with land use and development including: Zoning Bylaws, Development Cost Charge Bylaws, and Development Permits. The Local Government Act was amended in 2014 stating all land use contracts in the province will be terminated as of June 30th, 2024. Land use contracts will remain in force until that date unless terminated early by the municipality. By June 20th, 2022, local governments must have appropriate zoning regulations in place to replace land use contracts upon their termination. However, LUC terminations (unlike LUC discharges) do not apply when Council adopts the bylaw. Terminations require a one-year grace period as outlined by the Local Government Act.

4.2 Notification

Staff are recommending Council Notification Policy #367 development signage requirements be waived for this Land Use Contract Termination application. Development Signs, in this case, are not recommended as the LUCT is City-initiated, and the proposed A1 zone is a minor land use change.

4.3 Site Context

The subject property is 83.69 acres in size, is located on Bulman Road and is just south of YLW Airport. The property is in the Highway 97 OCP Sector. The property has the Future Land Use Designations of REC – Private Recreation, PARK – Major Park / Open Space and PSU – Public Services / Utilities.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	YLW Airport
East	CD12 – Airport and A1 – Agriculture 1	YLW Airport
South	A1 – Agriculture 1	Agriculture
West	A1 – Agriculture 1	Rail Trail

Subject Property Map: 3770 Bulman Road



5.0 Current Development Policies

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

Council Policy No. 282. Includes the following statement:

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

6.0 Application Chronology

Date of Application Received: December 9th, 2020
Date of Owner Notification: N/A

Report prepared by: Tyler Caswell, Planner I

Reviewed by: Dean Strachan, Community Planning & Development Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager



LUCT20-0015

3770 Bulman Road

Land Use Contract Termination



Proposal

- ▶ To terminate the Land Use Contract (LUC76-1056) from the subject property and revert the parcel to the underlying A1 – Agriculture 1 zone.

Development Process

Dec 9, 2020

LUC Termination Initiated by Staff



April 12, 2021

Initial Consideration



Public Hearing (LUCT)
Second & Third Readings



Final Reading



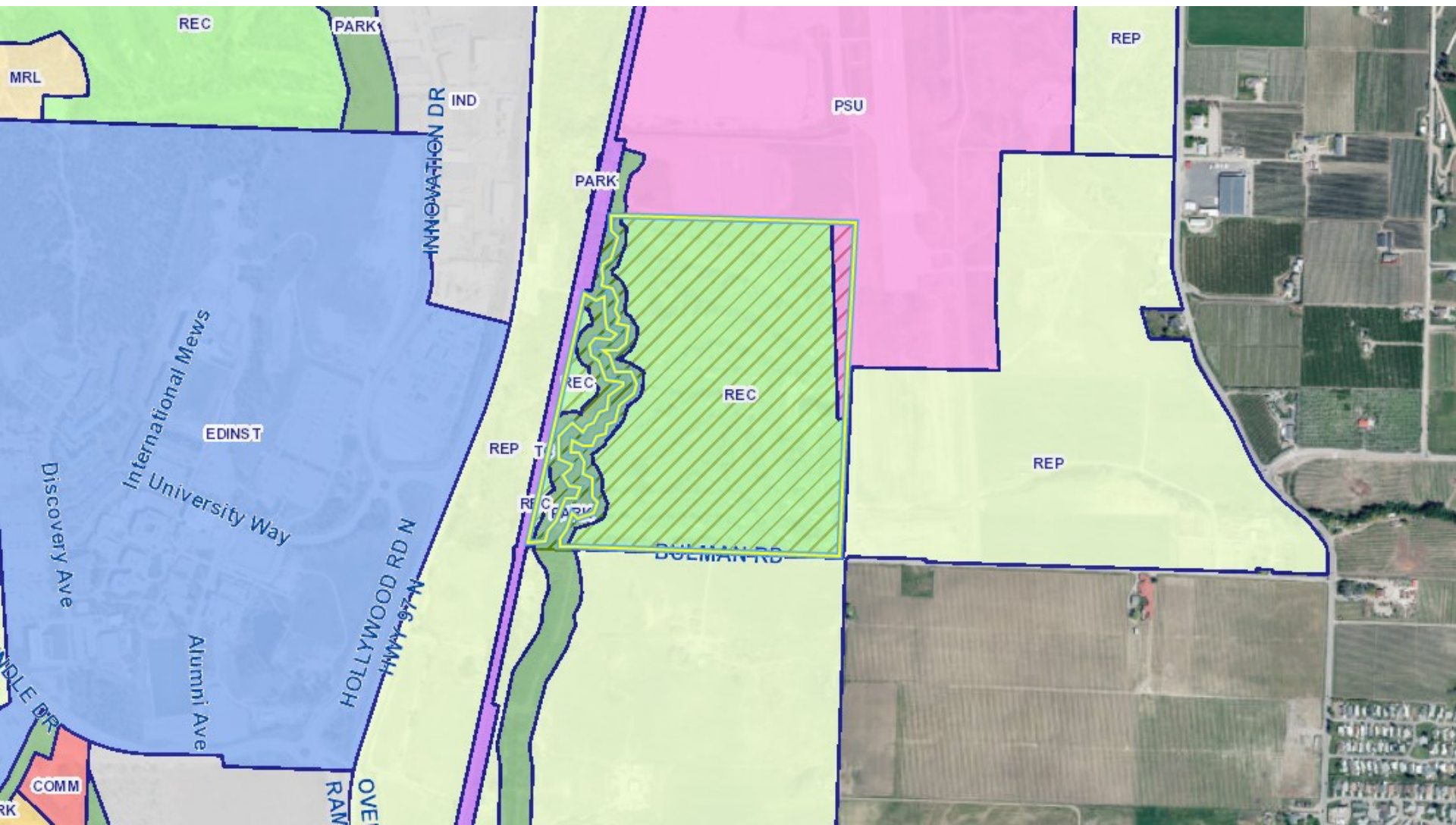
LUC Eliminated (1 year later)

Council
Approvals

Context Map



OCP Future Land Use



Background

- ▶ Land Use Contracts: 1970's tool
- ▶ Allow local governments to grant development rights above and beyond current zoning
- ▶ Exchange for commitments from developers to help infrastructure costs
- ▶ BC Government requires all contracts to be discharged and/or terminated by 2024 and the appropriate zoning in place by 2022.

Project Details

- ▶ Staff initiated the termination of LUC77-1057.
- ▶ Staff are proposing to revert the parcel back to the A1 – Agriculture 1 zone as the property is in the ALR and it can operate as a non-farm use.
- ▶ If successful, the property will get the full use of current A1, one year after termination date.

Staff Recommendation

- ▶ Development Planning Staff recommend **support** for the proposed land use contract termination:
 - ▶ The property is in the ALR, so the A1 zone is an appropriate zone. The golf course can remain operating as a non-farm use.
 - ▶ Province of BC requires all LUC's to be discharged/terminated.



Conclusion of Staff Remarks

CITY OF KELOWNA
BYLAW NO. 12137
LUCT20-0015

Early Termination of Land Use Contract – LUC77-1057
3770 Bulman Road

WHEREAS a land use contract (the "Land Use Contract LUC77-1057) is registered at the Kamloops Land Title Office under the charge number N67933 against lands in the City of Kelowna particularly known and described as Lot A District Lot 122 and Section 11 Township 23 ODYD Plan 40375 (the "Lands"), located on Bulman Road, Kelowna, B.C.;

AND WHEREAS Section 548 of the *Local Government Act* provides that a local government may impose an early termination to land use contracts registered in a Land Title Office that applies to land within the jurisdiction of the local government;

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

1. This Bylaw may be cited for all purposes as "Early Termination of Land Use Contract Bylaw No. 12137";
2. "By-Law No. 4639-78" establishing Land Use Contract LUC77-1057 and all amendments thereto, are hereby repealed and the Land Use Contract is terminated as of the date of adoption; and
3. This bylaw will come into force and effect one year after the adoption date.

Read a first time by the Municipal Council this 12th day of April, 2021.

Considered at a Public Hearing this 11th day of May, 2021.

Read a second and third time by Municipal Council this

Adopted by the Municipal Council this

Mayor

City Clerk

REPORT TO COUNCIL



Date: April 12, 2021

To: Council

From: City Manager

Department: Development Planning

Application: TA20-0015

Owner: n/a

Address: n/a

Applicant: City of Kelowna

Subject: Text Amendment to the HD2 and HD3 zones

1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA20-0015 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" attached to the Report from the Development Planning Department dated April 12, 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 HD2- Hospital and Health Support Services and HD3- Health Services Transitional zones to create rental subzones.

3.0 Development Planning

The proposed Text Amendment application is to add the rental subzone to two zones within the Health District- HD2- Hospital and Health Support Services and HD3- Health Services Transitional. The residential rental tenure zoning allows for rental housing in perpetuity. Additionally, it will allow for a 10% reduction to the parking requirement (both base and visitor) due to the Health District being located outside of an urban centre, as per Section 8.2.12 Rental Housing Incentives of the Zoning Bylaw.

Applicants require a rezoning application to utilize the subzone and subsequent development permit application for a form and character development permit or Heritage Alteration Permit if located in the Heritage Conservation Area.

Proposal

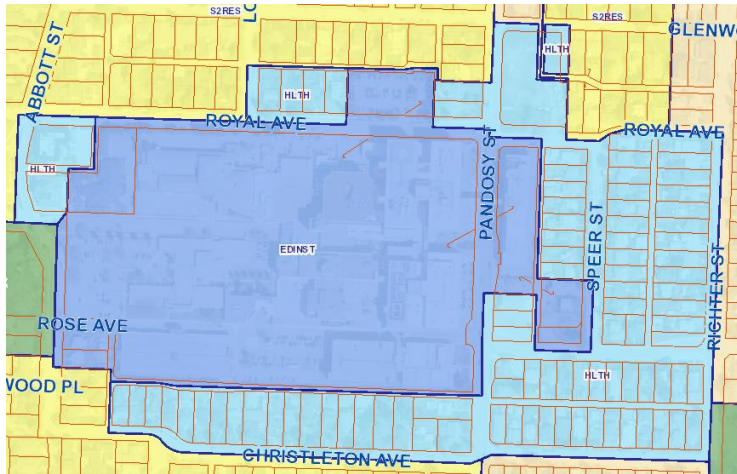
3.1 Background

The Local Government Act was amended in 2018 to include the provision for Residential Rental Tenure Zoning. Following this amendment, Staff brought forward a recommendation to Council in March 2020 and

the inclusion of rental subzones within Zoning Bylaw No. 8000 to eight of the City's major urban residential zones was approved.

3.2 Site Context

The Health District surrounds the regional Kelowna General Hospital (KGH) campus as indicated on the map below.



4.0 **Current Development Policies**

4.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.9

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

4.2 Healthy Housing Strategy

3.1 Key Directions and Recommended Actions- Promote and Protect Rental Housing

5.0 **Application Chronology**

Date of Application Received: May 12, 2020

Report prepared by: Jocelyn Black, Urban Planning Manager (formally Planner Specialist)

Reviewed by: Terry Barton, Development Planning Department Manager

Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Schedule A: Proposed Text Amendment

Schedule A – Proposed Text Amendments to Zoning Bylaw No. 8000 – TA20-0015

No.	Section	Current Wording	Proposed Wording	Reason for Change
1.	Section 1 – General Administration, 1.3 Zoning Map, 1.3.1 Section 17 – Health District Zones	HD1 – Kelowna General Hospital, HD2- Hospital and Health Support Services	HD2r - Hospital and Health Support Services (Residential Rental Tenure Only) HD3- Health Services Transitional HD3r- Health Services Transitional (Residential Rental Tenure Only)	Adding to Section
2.	Section 17 – Health District Zones, Section 17.2 HD2- Hospital and Health Support Services	17.2 HD2 - Hospital and Health Support Services	HD2r- Hospital and Health Support Services (Residential Rental Tenure Only)	Adding to allow for rental housing in perpetuity.
3.	Section 17 – Health District Zones, Section 17.2 HD2- Hospital and Health Support Services, 17.2.7 Other Regulations	/	(m) In the HD2r zones any Multiple Dwelling Housing unit shall be restricted to a Residential Rental Tenure	Adding to allow for residential rental tenure only under the “r” subzone.
4.	Section 17 – Health District Zones, Section 17.3 HD3- Health Services Transitional	17.3 HD3 - Health Services Transitional	HD3r - Health Services Transitional (Residential Rental Tenure Only)	Adding to allow for rental housing in perpetuity.
5.	Section 17 – Health District Zones, Section 17.3 HD3 - Health Services Transitional, 17.3.5 Other Regulations	/	(f) In the HD3r zones any Multiple Dwelling Housing unit shall be restricted to a Residential Rental Tenure	Adding to allow for residential rental tenure only under the “r” subzone.

SCHEDULE
A

This forms part of application
TA20-0015

Planner
Initials

JB



**City of
Kelowna**
COMMUNITY PLANNING

Revised Date: 2021-03-09



TA20-0015

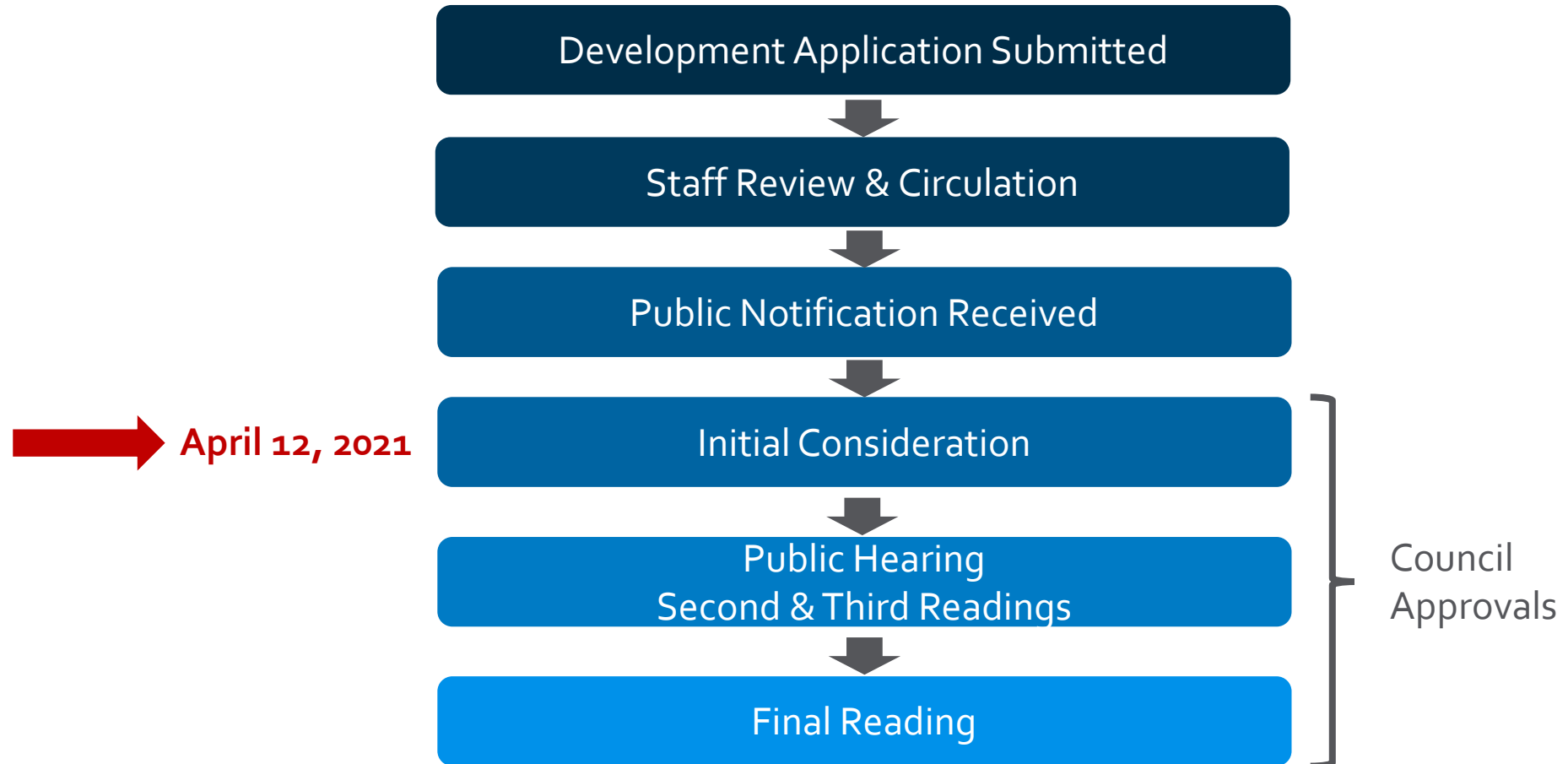
Text Amendment Application



Proposal

- ▶ To consider a Text Amendment Application to the HD2- Hospital & Health Support Services zone and HD3 - Health Services Transitional Zone, to create rental subzones.

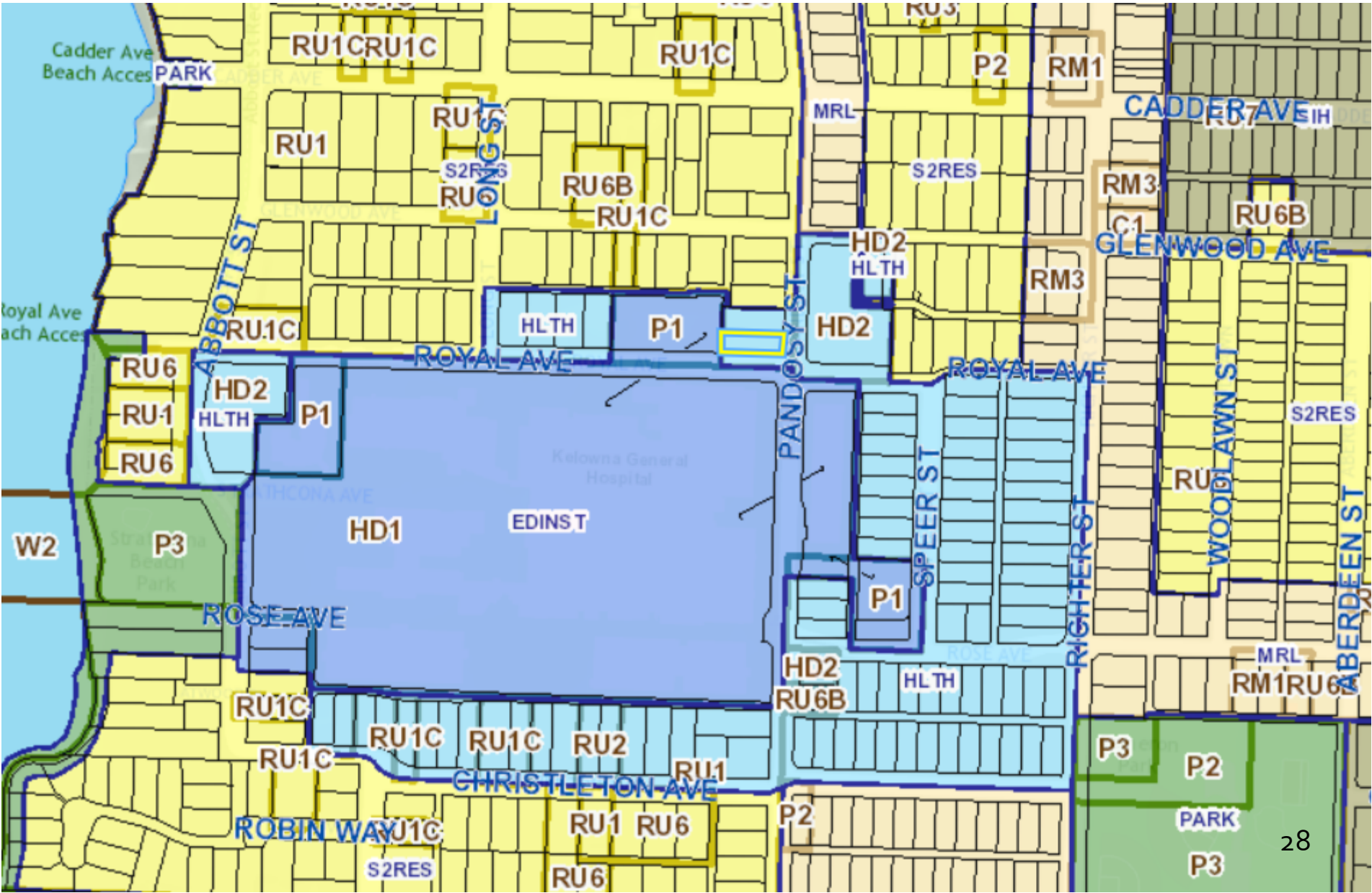
Development Process



Rental Only Subzones

- ▶ Introduced and approved by Council in March, 2020- added the rental only subzone into the urban residential zones
- ▶ Ensure rental housing in perpetuity
- ▶ Allows for a 10% parking reduction (Health District located outside of an Urban Centre)

OCP Future Land Use



Development Policy

- ▶ Health Housing Strategy- promote and project rental housing
- ▶ Official Community Plan-
 - ▶ Support the creation of affordable and safe rental, non-market and/or special needs housing

Staff Recommendation

- ▶ Staff recommend **support** for the proposed Text Amendment Application
- ▶ Recommend the Bylaw be forwarded to Public Hearing



Conclusion of Staff Remarks

CITY OF KELOWNA
BYLAW NO. 12193
TA20-0015
Amendment to Section 17 - Health District zones

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, **Section 1 – General Administration, 1.3 Zoning Map, 1.3.1 Section 17 – Health District Zones** be amended by adding in its appropriate location:

HD2r	Hospital and Health Support Services (Residential Rental Tenure Only)
HD3	Health Services Transitional
HD3r	Health Services Transitional (Residential Rental Tenure Only)

2. AND THAT **Section 17 – Health District Zones, Section 17.2 HD2 – Hospital and Health Support Services** be amended by adding a sub-rental zone to the end of the title as follows:

"HD2r – Hospital and Health Support Services (Residential Rental Tenure Only)"

3. AND THAT **Section 17 – Health District Zones, Section 17.2 HD2 – Hospital and Health Support Services, 17.2.7 Other Regulations** be amended by adding:

"(m) In the HD2r zones, any Multiple Dwelling Housing unit shall be restricted a Residential Rental Tenure."

4. AND THAT **Section 17 – Health District Zones, Section 17.3 HD3 – Health Services Transitional** be amended by adding a sub-rental zone to the end of the title as follows:

"HD3r – Health Services Transitional (Residential Rental Tenure Only)"

5. AND THAT **Section 17 – Health District Zones, Section 17.3 HD3 – Health Services Transitional, 17.3.5 Other Regulations** be amended by adding:

"(f) In the HD3r zones, any Multiple Dwelling Housing unit shall be restricted to a Residential Rental Tenure."

6. 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 12th day of April, 2021.

Considered at a Public Hearing on the 11th day of May, 2021.

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: March 22, 2021

To: Council

From: City Manager

Department: Development Planning

Application: TA20-0024

Owner: 1568447 Alberta LTD.

Address: 889 Vaughan Ave, 880 and 890
Clement Ave

Applicant: Ernest Jason Broome

Subject: Text Amendment Application

Existing OCP Designation: Industrial

Existing Zone: I4c – Central Industrial (Retail Cannabis Sales)

1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA20-0024 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in the Report from the Development Planning Department dated March 22, 2021 of all land shown on Strata Plan EPS7283, located at 880 and 890 Clement Avenue and 889 Vaughan Avenue, Kelowna, BC NOT be considered by Council.

2.0 Purpose

To consider a Staff recommendation to NOT support a site-specific text amendment to change the minimum allowable distance for a cannabis production facility to lots that have a residential use as a principal use from 60 metres to 30 metres.

3.0 Development Planning

Staff is recommending non-support for the proposed site-specific text amendment. The proposal requires a text amendment to the specific use regulations for cannabis production facilities in Section 9.15.1 of the Zoning Bylaw:

9.15.1 Cannabis Production Facilities may not be located within 60 metres of any lot that has a residential use as a principal use, measured from closest lot line to closest lot line.

The proposed subject property is located approximately 30 m from closest lot line to closest lot line of 8 properties that have a residential use as a principle use. Additionally, 7 properties that have a residential use as a principle use are located within 60 m. Currently, these properties are zoned RU6 – Two Dwelling Housing,

but have a Future Land Use of MRM – Multiple Unit Residential (Medium Density), suggesting the density in this area may increase. The minimum distance of 60 metres is intended to limit the negative impacts of cannabis production on residential properties and the application to reduce the minimum distance by half does not meet the intent of our regulations.

4.0 Proposal

4.1 Project Description

A cannabis production facility is proposed in a new industrial development fronting onto Clement Ave and Ethel St. The proposed use for the site is to produce edible cannabis products.

4.2 Site Context

The property is in the Central City OCP sector on the North side of Clement Ave, between Richter St. and Ethel St. The proposed site is located within the building on the south-east corner of the property. The surrounding area is comprised of industrial, commercial, and residential uses.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I ₄ – Central Industrial	Wholesale trader
East	I ₄ – Central Industrial	Processing plant Gas station
South	RU6 – Two Dwelling Housing	Single family housing
West	I ₄ - Central Industrial	General industrial

Subject Property Map: 889 Vaughan Ave



5.0 Application Chronology

Date of Application Received: October 12, 2020

Date Public Consultation Completed: January 07, 2021

6.0 Alternate Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA20-0024 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" attached to the Report from the Development Planning Department dated March 22, 2021, located at 880 and 890 Clement Avenue and 889 Vaughan Avenue, Kelowna, BC be considered by Council;

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

Report prepared by: Bronwyn Wydeman, Planner I

Reviewed by: Jocelyn Black, Urban Planning Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule A: Site Specific Amendment to City of Kelowna Zoning Bylaw No. 8000

Attachment A: Applicant's Rationale

Schedule "A" – Site Specific Amendment to City of Kelowna Zoning Bylaw No. 8000 TA20-0024

Section	Current Wording	Proposed Wording	Reason for Change								
Section 9 – Specific Use Regulations – 9.15 CANNABIS PRODUCTION FACILITIES	9.15.1 Cannabis Production Facilities may not be located within 60 metres of any lot that has a residential use as a principal use, measured from closest lot line to closest lot line.	9.15.2 Site Specific Uses and Regulations Uses and regulations apply to the Cannabis Production Facilities on a site-specific basis as follows: <table border="1" data-bbox="890 594 1621 1075"> <thead> <tr> <th></th><th><i>Legal Description</i></th><th><i>Civic Address</i></th><th><i>Regulation</i></th></tr> </thead> <tbody> <tr> <td>1</td><td>See Diagram A</td><td>889 Vaughan Avenue, 880 and 890 Clement Avenue</td><td>To allow for a cannabis production facility within a minimum of 30 metres of lots that have a residential use as a principal use, measured from closest lot line to closest lot line.</td></tr> </tbody> </table>		<i>Legal Description</i>	<i>Civic Address</i>	<i>Regulation</i>	1	See Diagram A	889 Vaughan Avenue, 880 and 890 Clement Avenue	To allow for a cannabis production facility within a minimum of 30 metres of lots that have a residential use as a principal use, measured from closest lot line to closest lot line.	To allow for a cannabis production facility within 60m of lots that have a residential use as a principal use with the addition of a new section for a site-specific text amendment.
	<i>Legal Description</i>	<i>Civic Address</i>	<i>Regulation</i>								
1	See Diagram A	889 Vaughan Avenue, 880 and 890 Clement Avenue	To allow for a cannabis production facility within a minimum of 30 metres of lots that have a residential use as a principal use, measured from closest lot line to closest lot line.								

SCHEDULE
A

This forms part of application

TA20-0024

Planner
Initials

BW



City of Kelowna
DEVELOPMENT PLANNING

Diagram A – 889 Vaughan Avenue, 880 and 890 Clement Avenue



Submitted Rationale Statement by Applicant:

HYTN Beverage Inc., is a Cannabis 2.0 Companies whose focus is producing Cannabis infused beverages and edible products. Our process involves taking Cannabis distillate produced by other licence holders in the Cannabis space which has no smell. That oil is packaged into gummies and beverages with normal industrial practices that produce normal industrial odors and sounds. Additionally we will have incremental odour mitigation strategies federally required that will further mitigate any food based odor issue that could arise, something sun rype and the 4-5 breweries next door do not and will not have.

Finally we are committed to the community and committed to bringing high paying manufacturing jobs to our community in keeping with the OCP and the current zoning of the property in question.

ATTACHMENT		A
This forms part of application # TA20-0024		
Planner Initials	BW	 City of Kelowna DEVELOPMENT PLANNING

Report to Council



Date: April 19, 2021

To: Council

From: City Manager

Subject: Supplemental Report – Development Application for Reading Consideration

Department: Office of the City Clerk

Recommendation:

THAT Council receives, for information, the Supplemental Report from the Office of the City Clerk dated April 19, 2021 regarding a Zoning Bylaw Text Amendment that requires reading consideration;

AND THAT the Zoning Bylaw Text Amendment Application TA20-0024 located at 88g Vaughan Avenue and 88o, 89o Clement Avenue be forwarded for reading consideration.

Purpose:

To give Bylaw No. 12203 for a site-specific text amendment application first reading.

Background:

Council considered a text amendment at 88g Vaughan Avenue and 88o and 89o Clement Avenue on March 22, 2021 and forwarded the text amendment application to a public hearing. The corresponding bylaw must be given first reading consideration prior to public hearing.

Previous Council Resolutions

Resolution	Date
THAT Zoning Bylaw Text Amendment Application No. TA20-0024 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" attached to the Report from the Development Planning Department dated March 22, 2021, located at 88o and 89o Clement Avenue and 88g Vaughan Avenue, Kelowna, BC be considered by Council;	March 22, 2021
AND THAT the Zoning Bylaw Text Amending Bylaw be forwarded to a Public Hearing for further consideration;	

The bylaw will be scheduled for a public hearing should it be given first reading.

Considerations applicable to this report:

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: R. Van Huizen, Legislative Technician

Approved for inclusion: S. Fleming, City Clerk

cc:

Development Planning



TA20-0024

889 Vaughan Ave

Text Amendment



Proposal

- ▶ To consider non-support of a site specific text amendment to change the minimum allowable distance for a cannabis production facility to lots that have a residential use as a principal use from 60 metres to 30 metres.

Development Process

Oct 12, 2020

Development Application Submitted

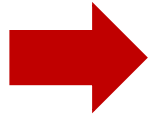


Staff Review & Circulation



Jan 07, 2021

Public Notification Received



Mar 22, 2021

Initial Consideration



Public Hearing
Second & Third Readings



Final Reading



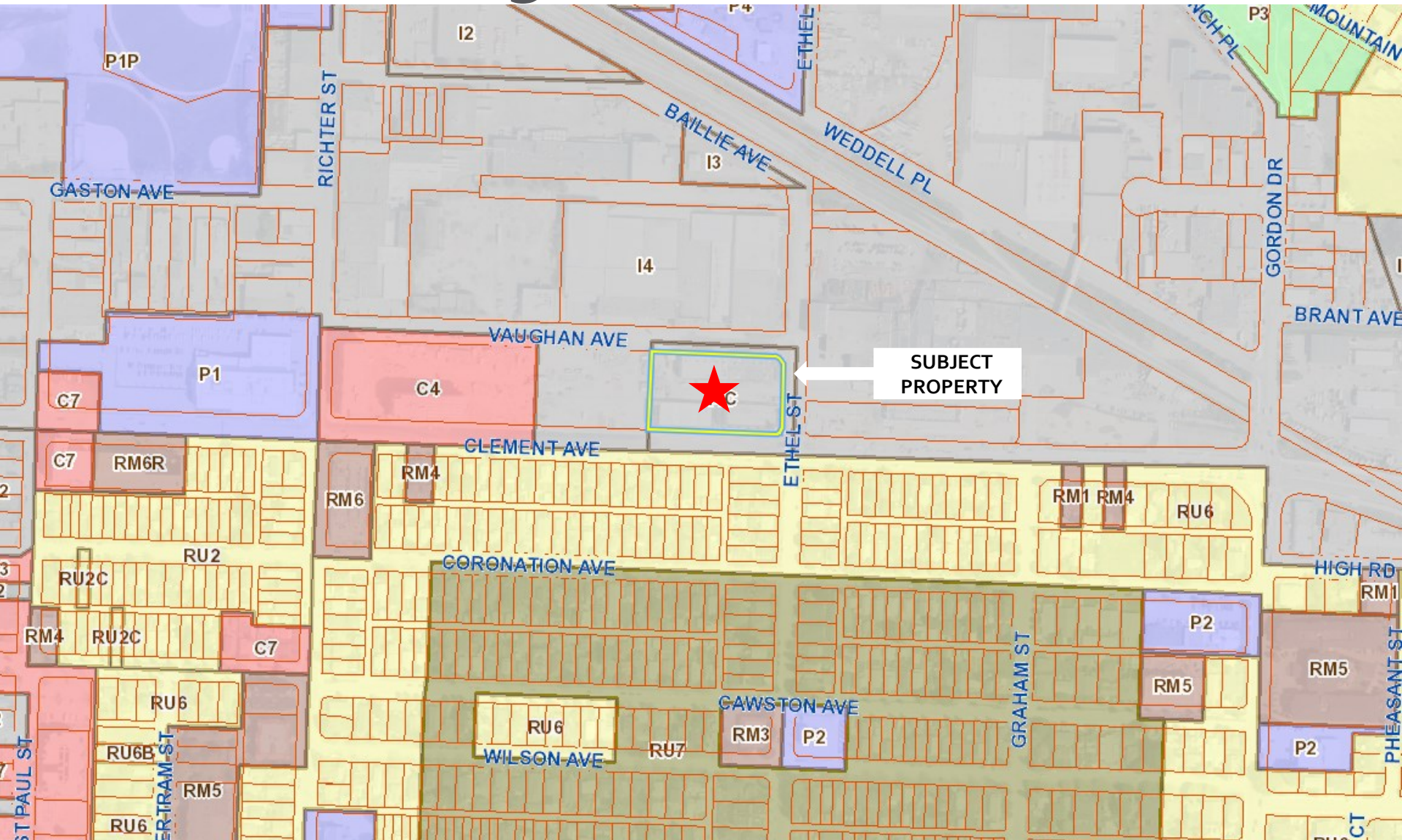
Building Permit

Council
Approvals

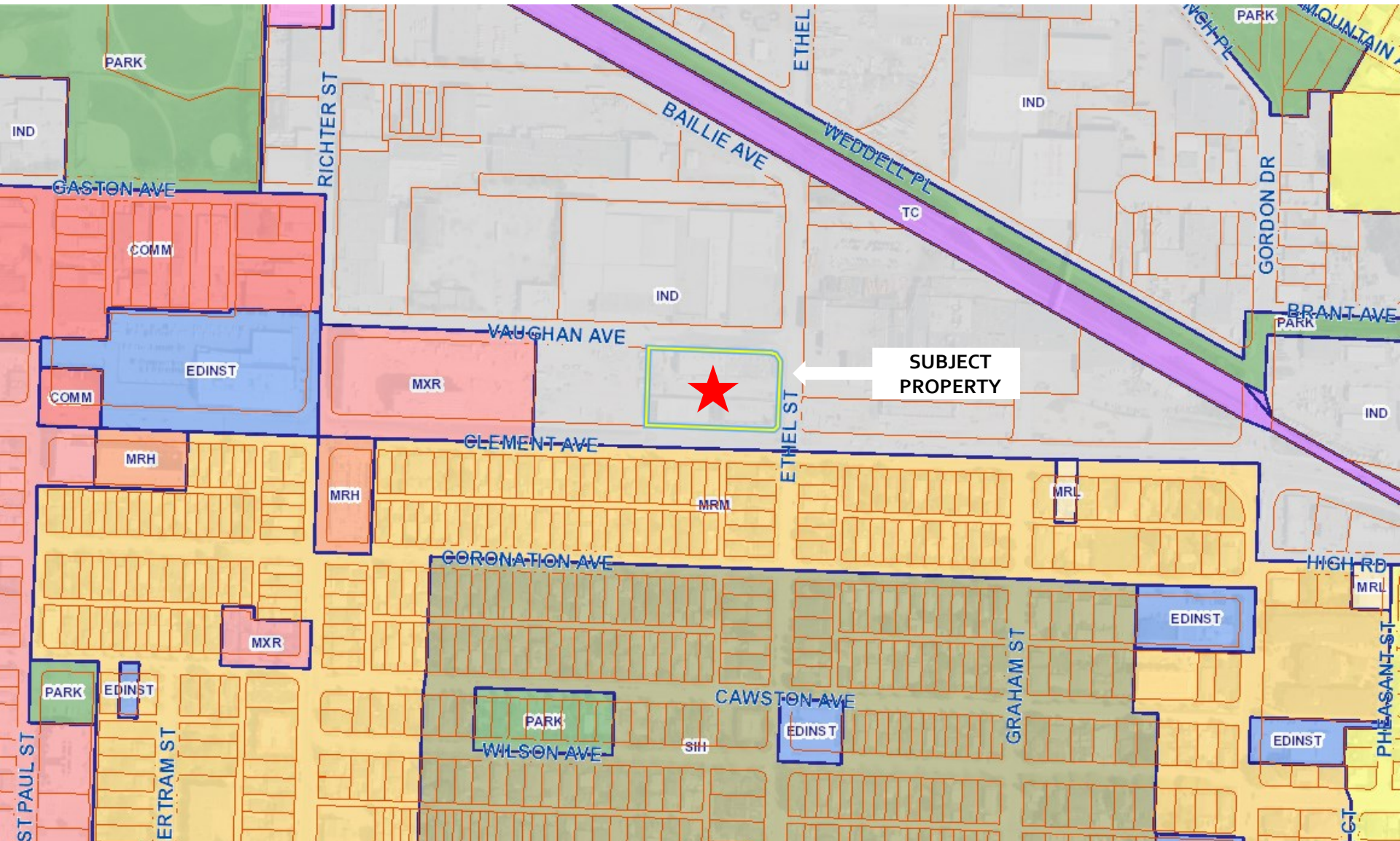
Context Map



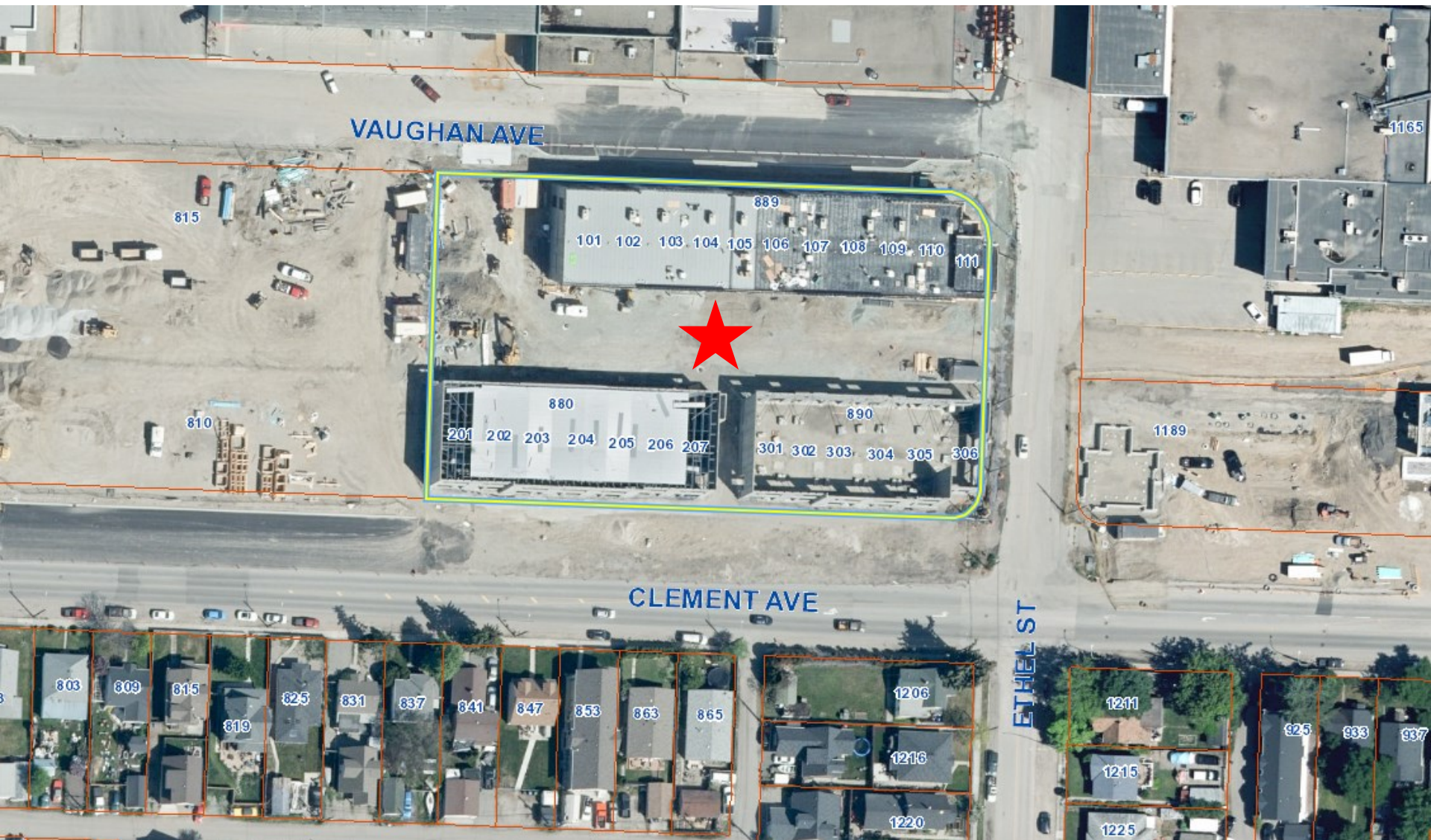
Current Zoning

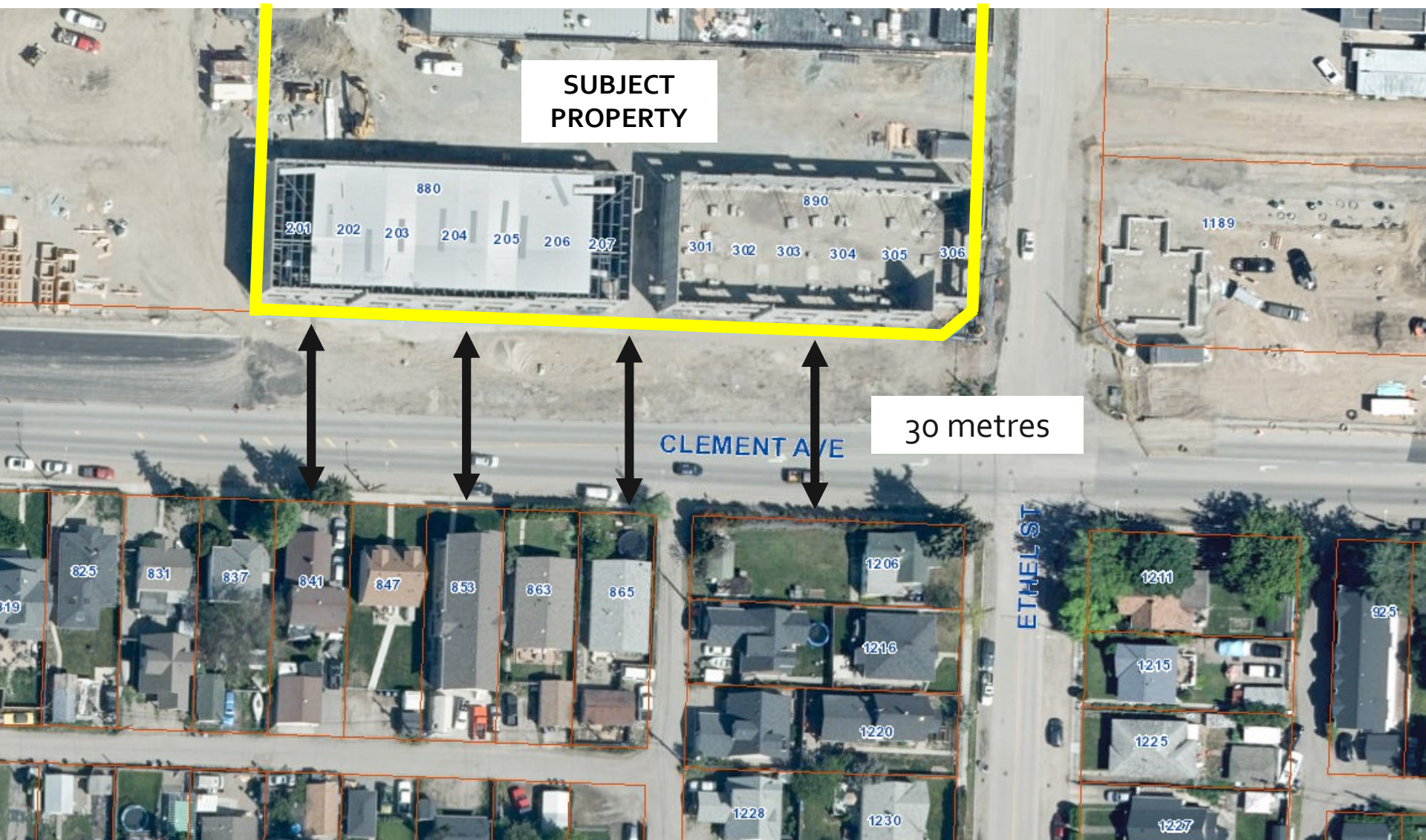


OCP Future Land Use



Subject Property Map





Project/technical details

- ▶ The applicant proposes a cannabis production facility on the subject property.
- ▶ The property is within 60m of lots that have a residential use as a principal use, measured lot line to closest lot line.
- ▶ Having cannabis production facilities within 60m of residential properties is not permitted.
 - ▶ Therefore, the application requires a site specific text amendment to allow a cannabis production facility on the subject property.

Development Policy

- ▶ Zoning Bylaw – Section 9.15.1 Cannabis Production Facilities
 - ▶ Cannabis Production Facilities may not be located within 60 metres of any lot that has a residential use as a principal use, measured from closest lot line to closest lot line.
 - ▶ The minimum distance is intended to limit the negative impacts associated with cannabis production on residential properties.

Staff Recommendation

- ▶ Staff recommend **non-support** of the proposed text amendment
 - ▶ Avoid negative impacts on residential properties
 - ▶ Proposed distance to residential properties is half of current regulations
- ▶ Recommend that the bylaws not receive 2nd & 3rd Readings



Conclusion of Staff Remarks

Please Send Us Your Feedback

HYTN, a Sparkling Beverage Manufacturer, is SEEKING YOUR INPUT on our Site-Specific Text Amendment to Section 9.15.1 of the Site Regulations.

HYTN produces Federally Approved Cannabis Infused Sparkling Beverages.

HYTN's air handling system is closed loop and unlike other beverage operations such as wineries, breweries or juice producers, scrubs all exhaust of ANY ODOR using carbon filters prior to release into the environment.

HYTN does not grow or process any Cannabis Flower. HYTN uses odorless Cannabis Oil that is manufactured offsite.

HYTN Beverage Co.
www.hytn.life



302/303 890 Clement Ave., Kelowna, BC



What We Are Asking:

HYTN is asking for a Site-Specific Text Amendment to Zoning Bylaw Section (9.15.1) to allow our 5000 sq. ft. facility at 302/303 890 Clement Ave., Kelowna to be 30 m from all properties zoned residential (reduced from the allowable 60 m).

890 Clement Ave. will include several craft breweries and tasting rooms and has already been approved for a Cannabis Retail Store*.

**These businesses have no affiliation with HYTN.*

What We Are:

- HYTN is a **Federally Licenced Cannabis Infused Beverage Producer** (and other similar edibles)
- HYTN purchases cannabis distillate (odorless oil), to infuse into beverages and other similar products
- HYTN will be bringing 15+ permanent highly skilled new jobs to the area
- All employees will be will pass a criminal record check and the facility will be secure
- HYTN will have all federally mandated odor control systems in place
- HTYN will be using the space for its intended use - industrial manufacturing
- HYTN will have sufficient parking for staff
- HYTN will be a great community partner and neighbour and will support sustainable local growth
- HYTN is owned and operated by Kelowna residents who live in and respect the community
- HYTN will work with you to alleviate any concerns you have - **Please Contact Us**

Please Provide Your Input On Our Application:

Jason Broome, COO, HYTN: jason.broome@htyn.life | 250.215.8980

Bronwyn Wydeman, Planner, City of Kelowna: bwydeman@kelowna.ca | 250.469.8742

We appreciate your participation in our application and look forward to your input and support.

What We Are Not:

- HYTN is **NOT** a cannabis retail store
- HYTN **does NOT** grow, dry, cure or mill cannabis
- HYTN **does NOT** produce odor
- HYTN **does not** produce excess noise or any light pollution



CITY OF KELOWNA
BYLAW NO. 12203
TA20-0024
889 Vaughan Avenue, 880 and 890 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, **Section 9 – Specific Use Regulations, 9.15 CANNABIS PRODUCTION FACILITIES** be amended by adding in its appropriate the following:

"9.15.2 Site Specific Uses and Regulations

Uses and regulations apply to the Cannabis Production Facilities on a site-specific basis as follows:

	<i>Legal Description</i>	<i>Civic Address</i>	<i>Regulation</i>
1	See Map A	889 Vaughan Avenue, 880 and 890 Clement Avenue	To allow for a cannabis production facility within a minimum 30 metres of lots that have a residential use as a principal use, measured from closest lot line to closest lot line.

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 19th day of April, 2021.

Considered at a Public Hearing on the 11th day of May, 2021.

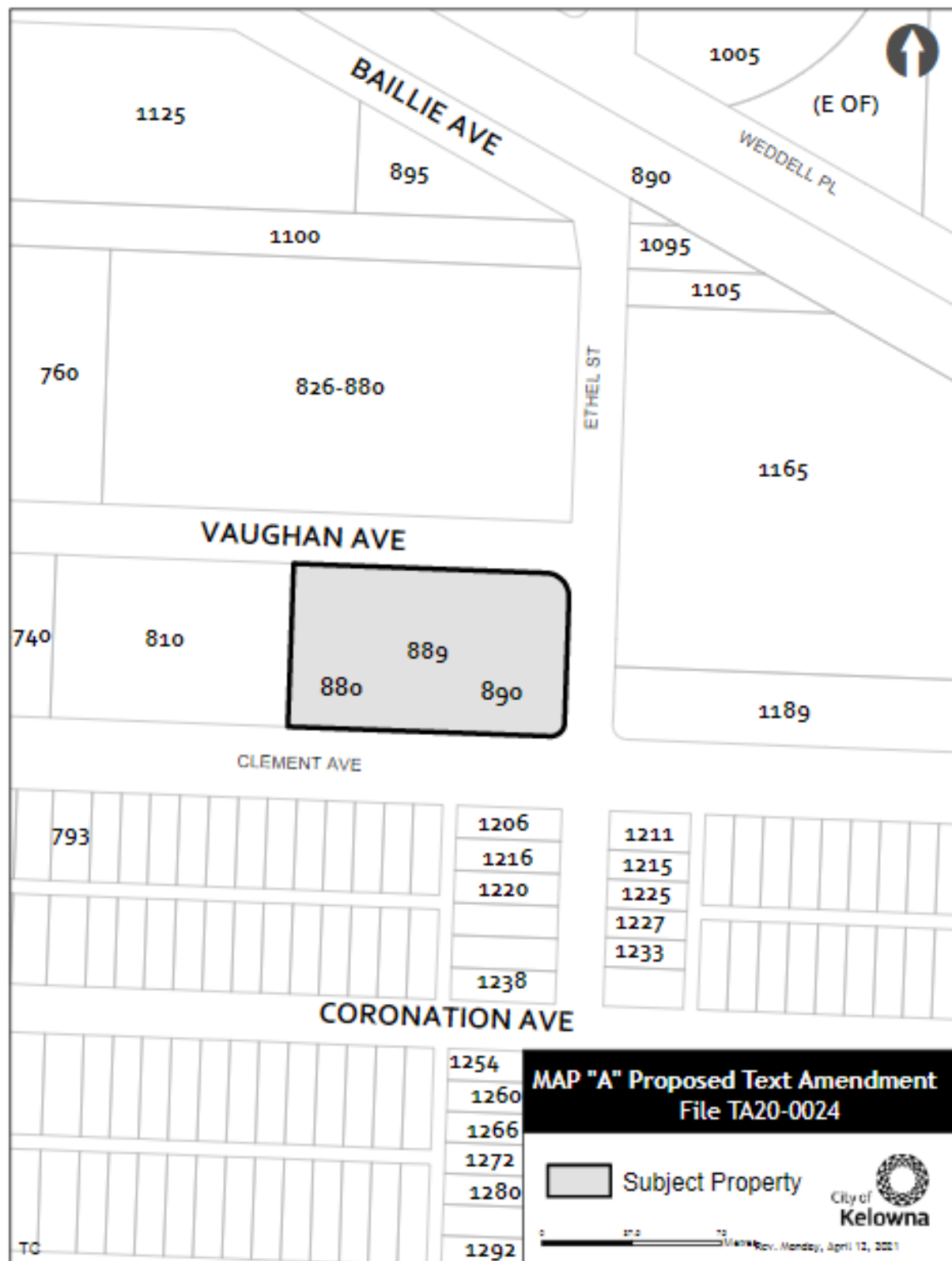
Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Map A: 889 Vaughan Avenue, 880 and 890 Clement Avenue



REPORT TO COUNCIL



Date: March 15, 2021

To: Council

From: City Manager

Department: Development Planning Department

Application: Z20-0032

Owner: Frank Robert Vezer

Address: 4350 June Springs Rd

Applicant: Rina E. Jeyakumar (Araya Law)

Subject: Rezoning Application

Existing OCP Designation: REP – Resource Protection Area

Existing Zone: RR1 – Rural Residential 1

Proposed Zone: RR1c – Rural Residential 1 with Carriage House

1.0 Recommendation

THAT Rezoning Application No. Z20-0032 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6 Section 35 Township 29 ODYD Plan KAP56325, located at 4350 June Springs Road, Kelowna, BC from RR1 – Rural Residential 1 zone to the RR1c – Rural Residential 1 with Carriage House zone NOT be considered by Council.

2.0 Purpose

To consider a Staff recommendation to NOT rezone the subject property that would bring the existing carriage house into conformance.

3.0 Development Planning

Development Planning Staff do not support rezoning to add the 'c' designation to the subject property. The property is located in Southeast Kelowna and has no ability to connect to a community sanitary system. The City's Zoning Bylaw and Subdivision, Development & Servicing Bylaw as well as the Okanagan Basin Water Board's Policies do not support the development of carriage houses on lots less than 1.0 hectare that rely on on-site sewage disposal. Since 2014, the Okanagan Basin Water Board (OBWB) has required grant recipients, including the City of Kelowna, to have bylaws in place restricting carriage houses to properties greater than 1.0 hectare or to properties with community sewer connections. As per the OBWB Sewage Facilities Assistance Grants' Terms of Reference, OBWB will only fund sewage infrastructure applications in communities that comply with its 1.0 Hectare Policy and Development Planning Staff do not wish to

compromised future funding opportunities by supporting the development of carriage houses which contravene OBWB's policies.

4.0 Proposal

4.1 Background

Following the Okanagan Basin Water Board's policy changes, TA16-0005 (BL11333) which amended Zoning Bylaw No. 8000 to restrict carriage houses on lots less than 1.0 hectare was adopted by Council at the February 27, 2017 meeting.

This file came forward due to illegal suite investigation that was instigated by Bylaw Services on May 30th, 2018. The accessory building began being resided in full-time in 2014, without the correct zoning or permits. Now, the applicant is seeking the carriage house subzone to allow for the legal conversion of the accessory building into a carriage house. The City of Kelowna received a Building Permit (BP23727) for an accessory building on January 24th, 2003. The accessory building was labelled as an unfinished basement (which hasn't been permitted to be finished), an art studio and an office. This Permit also appeared to include a full bathroom and a kitchen area, which are not permitted in accessory buildings. This was likely an oversight by Staff, however, when approved, this Building Permit had a condition stating that this accessory building cannot be used as a dwelling.

4.2 Project Description

The proposed rezoning from RR1 to RR1C would allow the conversion of the accessory building into a carriage house on the subject property. The proposed suite is roughly 60m² in area, is on the second level of the structure and it is located on the eastern portion of the property, accessed from June Springs Road. The accessory building has been inhabited since 2014 by the owner's family members and has remained unchanged from the exterior.

4.3 Site Context

The subject property is located in the Southeast Kelowna OCP Sector and the surrounding area is primarily zoned RR1 – Rural Residential 1, A1 – Agriculture 1 and RR1C – Rural Residential 1 with Carriage House. The surrounding area entirely has a Future Land Use Designation of REP – Resource Protection Area.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR1 – Rural Residential 1 and A1 – Agriculture 1	Single-Family Home(s)
East	RR1C – Rural Residential 1 with Carriage House	Single-Family Home with Carriage House
South	A1 – Agriculture 1	Single-Family Home with Agriculture
West	RR1 – Rural Residential 1	Single-Family Home

Subject Property Map: 4350 June Springs Road



5.0 Current Development Policies

5.1 Okanagan Basin Water Board's 1.0 Hectare Policy

- 5.1.1 The Okanagan Basin Water Board (OBWB) updated its Sewage Facilities Grant Program Policy on carriage houses (Attachment 'B') in 2014. The OBWB requires sewage grant recipients, including the City of Kelowna, to have bylaws in place restricting carriage houses to properties greater than 1.0 hectare or to properties with community sewer connections. As per the OBWB Sewage Facilities Assistance Grants' Terms of Reference, OBWB will only fund sewage infrastructure application in communities that comply with its 1.0 Hectare Policy.

5.2 Kelowna Official Community Plan (OCP)

- 5.2.1 Objective 5.3.1 – Permanent Growth Boundary: Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. Lands outside of the Permanent Growth Boundary will not be supported for urban or intensive uses with the exception of the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of Bylaw 10500.

6.o Application Chronology

Date of Application Received: April 1st, 2020

Date Public Consultation Completed: Feb 4th, 2021

7. Alternative Recommendation

THAT Rezoning Application No. Z20-0032 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6 Section 35 Township 29 ODYD Plan KAP56325, located at 4350 June Springs Road, Kelowna, BC from RR1 – Rural Residential 1 zone to the RR1c – Rural Residential 1 with Carriage House zone be considered by Council;

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

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

Report prepared by: Tyler Caswell, Planner I

Reviewed by: Dean Strachan, Community Planning & Development Manager

Reviewed by: Terry Barton, Development Planning Department Manager

Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment A: Applicant's Rationale

Attachment B: Original Accessory Building Permit Drawings

Attachment C: Okanagan Basin Water Board Memorandum dated January 20, 2014.

Attachment D: Development Engineering Memorandum dated April 29th, 2020

March 1, 2021

Our File: 00046-002

Attention: Community Planning Department

City of Kelowna
1435 Water Street
Kelowna, BC
V1Y 1J4



Dear Sirs/Mesdames:

RE: Supplemental Letter in Support of Development Proposal Application Package for 4350 June Springs Road, Kelowna, B.C. (the “Property”)

I have been retained as counsel by Mr. Frank Vezer (the “Owner”) in relation to two Bylaw Offence Notices issued by the City of Kelowna Bylaw Services Department for alleged violations of sections 4.3.7(g) and 4.3.7(h) of the City of Kelowna Zoning Bylaw No. 8000 (the “Zoning Bylaw”) in relation to the Property legally described as:

PID: 023-331-062
LOT 6 SECTION 35 TOWNSHIP 29 OSOYOOS DIVISION YALE DISTRICT
PLAN KAP56325

A. Chronology of Events

In 2003 the Owner wished to construct a studio (the “Studio”) on the Property. Prior to construction of the Studio, the Owner did his due diligence as required by the City of Kelowna, including:

1. having a percolation test conducted on the Property;
2. having a second septic system installed and approved by the City of Kelowna; and
3. having all drawings of the Studio (which clearly indicated a kitchen) signed off by a City of Kelowna inspector.

Once the Owner completed his due diligence and the requisite permits were obtained, the Studio was constructed. When construction of the Studio was complete, the Owner

subsequently obtained and passed all permitting inspections with the City of Kelowna Inspection Services Department.

The Studio remains structurally unchanged from that which was approved by the City of Kelowna in 2003.

In 2014 security became a serious concern in the neighbourhood and on the Property. To address the issue, the Owner's daughter and son-in-law began residing full time and year round in the Studio so that they could care for the Property, including the principal dwelling unit, while the Owner and his wife were in the United States operating their family business.

On or about June 18, 2018, the Owner was issued two Bylaw Offence Notices under ticket numbers KN 0041127 & KN 0041128 (the "Bylaw Offence Notices") by the City of Kelowna Bylaw Services department for alleged violations of sections 4.3.7(g) and 4.3.7(h) of the Zoning Bylaw for having permitted "use contrary to zone" and "occupancy of secondary dwelling unit contrary to zone", respectively, on the basis that the occupancy of the Studio by the Owner's daughter and son-in-law deems the building a "carriage house" for purposes of the Zoning Bylaw.

On or about August 10, 2018 a compliance agreement was executed in respect of the Bylaw Offence Notices pursuant to which the Owner was provided the opportunity to ameliorate the offences.

On or about March 20, 2020 a Development Proposal Application Package was submitted on behalf of the Owner to rezone the Property from its current RR1 zoning to RR1C.

B. The Owner's Development Proposal Application

In order to ameliorate the offences noted under the Bylaw Offence Notices the Owner hereby applies to the City of Kelowna for:

1. consent to rezone the Property from its current RR1 zoning to RR1C zoning on the basis of subsection 1.8.2 of Section 1 [General Administration] of the Zoning Bylaw such that the Studio now deemed a "carriage house" under the Zoning Bylaw may remain as-constructed on the Property; or
2. in the alternative, issuance of a Development Variance Permit to be registered against title to the Property such that the Studio now deemed a "carriage house" under the Zoning Bylaw may remain as-constructed on the Property as a "non-conforming use" as defined under the Zoning Bylaw.

Rezoning of the Property from RR1 to RR1C

Section 12 [Rural Residential Zones] of the Zoning Bylaw, subsection 12.1.S(c) provides that the minimum lot size of any RR1 or RR1C zoned property is 1.0 ha.

While the Property is only surveyed as being 0.91 ha in size, Section I [General Administration] of the Zoning Bylaw provides as follows:

1.8.2 A principal or secondary use is permitted on a lot less than the minimum lot size in that zone, provided that the lot was created before adoption of this Bylaw and the development otherwise complies with all the regulations of this Bylaw.

The Owner submits that though the surveyed lot size of the Property is marginally less than the minimum lot size under Section 12 for any newly subdivided RR1C lots, the Property was created before adoption of the Zoning Bylaw and the "carriage house" otherwise complies with all the regulations of the Zoning Bylaw.

The Owner also submits that the proposed rezoning of the Property to RR1C is aligned with that of the intended future use (REP) of the Property as laid out in the City of Kelowna's Official Community Plan as well as the current zoning of the properties immediate adjacent to the Property that already hold an RR1C zoning designation.

Furthermore, the Owner submits that the Studio, including the kitchen, as well as the second septic system, were approved and permitted by the City of Kelowna prior to and after construction. This is not a situation where the Owner deviated away from what the City of Kelowna had given him the green light for. Nor is it a situation where the Owner acted dishonestly or surreptitiously. The Owner's actions were proper, transparent and authorized by the City of Kelowna.

Finally, the City of Kelowna itself has made clear there is a housing crisis in the area. The Owner submits that the Studio, which is structurally the same as it was in 2003, fills an articulated need in the community.

Accordingly, the Owner requests that the City of Kelowna consent to the proposed rezoning of the Property from its current RR1 zoning to RR1C zoning under subsection 1.8.2 of Section 1 [General Administration] of the Zoning Bylaw such that the Studio now deemed a "carriage house" under the Zoning Bylaw may remain as-constructed on the Property.

Issuance of A Development Variance Permit to allow "non-conforming use" of the Property

If the City of Kelowna should decline to rezone the Property from RR1 to RR1C, there are no practical nor cost-feasible options in relation to bringing the Property

into compliance with RR1 zone requirements under the Zoning Bylaw, particularly given the existing construction of the Studio or "carriage house" and the long-standing use of the Property.

Additionally, prior to the Owner's daughter and son-in-law occupying the Studio, the Property had been subject to multiple break-and-enters. Security had become such an issue that the insurers of the Property advised they would not provide coverage for losses incurred due to the Owner's extended vacancy of the Property. Since the Owner's daughter and son-in-law began occupying the building in 2014, there have been no further break-and-enters at the Property.

Thus the Owner submits that the occupancy of the building by his daughter and son-in-law have mitigated the risk of further uninsured break-and-enters at the Property and serves to further general City of Kelowna objectives with respect to general deterrence of crime in the surrounding neighbourhood where nearby rural properties have also been subject to break-and-enters in previous years while owners have been away during winter months.

The Owner also submits that the practical "use" of the Property has remained unchanged since acquired in 2002. The only change in "use" has been the result of the City of Kelowna's Bylaw Services department determination as of July 2018 that the occupancy of the Studio by the Owner's daughter and son-in-law now deems the building a "carriage house" for purposes of the Zoning Bylaw.

Finally, the Owner submits that given the current housing shortage, the current and intended use of the Studio fills a need and meets the City of Kelowna's objectives with respect to creating more and affordable housing.

Section 1 [General Administration] of the Zoning Bylaw provides as follows:

1.4.1 Except for legal non-conforming uses or development approved by a development variance permit or a Board of Variance order, or another agreement or permit as authorized by the Local Government Act, the use, buildings, structures, in each zone or area shall be in accordance with the uses listed in the zone and all the appropriate regulations and requirements of this Bylaw.

Section 2 [Interpretation] of the Zoning Bylaw defines a "non-conforming use" as follows:

NON-CONFORMING USE means a lawful existing use made of a lot or building, intended to be made of a building lawfully under construction, or a development which is approved under provisions of Section 1.7 of this Bylaw at the date of Council adoption of this Bylaw, or amendment thereof, which on the date this Bylaw or an amendment thereto becomes effective, would no longer comply with this Bylaw.

Accordingly, should rezoning be denied, the Owner requests that the City of Kelowna issue a Development Variance Permit to be registered against title to the Property such that the Studio now deemed a "carriage house" under the Zoning Bylaw may remain as-constructed on the Property as a "non-conforming use", despite non-compliance with RR1 lot restrictions under Section 12 [Rural Residential Zones] disallowing a "carriage house" on the Property.

C. Conclusion

The Owner thanks the City of Kelowna for considering his requests. He would like to make clear that in approving his request for rezoning, the City of Kelowna will not be setting an improper precedent with regard to use and lot size. This is a unique situation. In granting the requested rezoning application the City of Kelowna will simply be confirming what it already approved in the past while simultaneously fulfilling a housing need for the future.

Should you have any questions regarding the Owner's Development Proposal or require any further documentation in order to make a decision in respect of the Owner's Development Proposal, please contact me directly at my contact information above.

The Owner looks forward to any further guidance the City of Kelowna may be able to offer in respect of the Development Proposal and working towards an amicable resolution of the matter.

Yours truly,

ARAYA LAW Corporation

per:

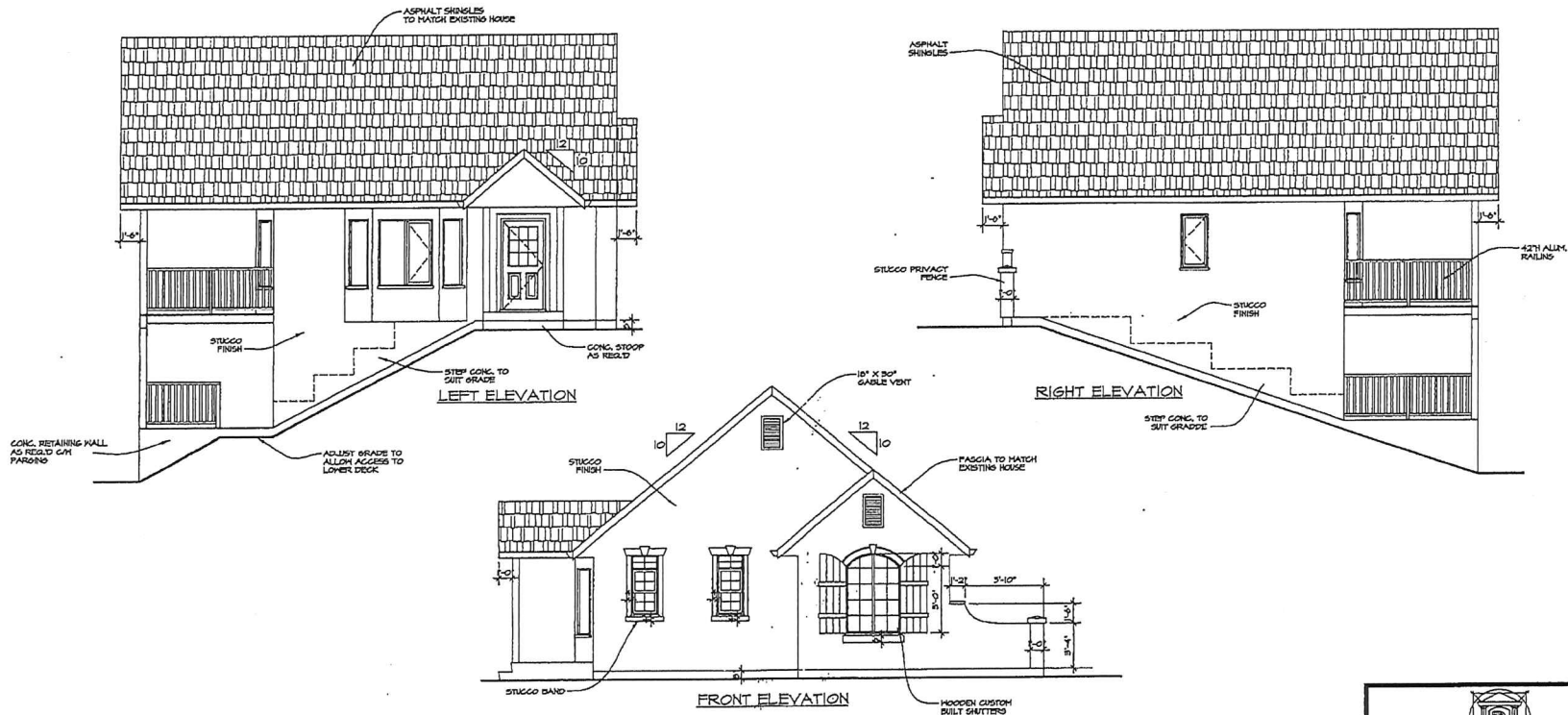


Rina E. Jeyakumar, B.A. (Hons.), J.D.
Director and Principal Lawyer

This forms part of application

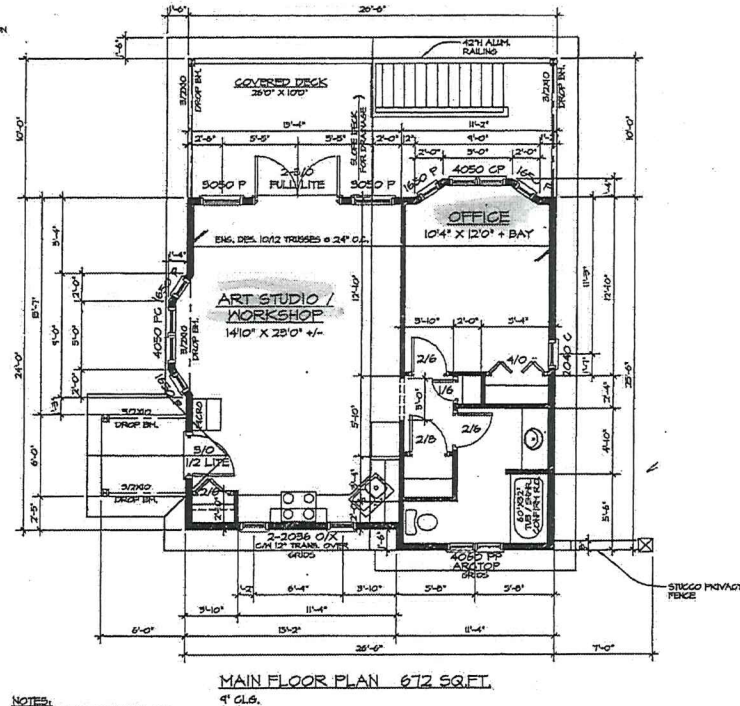
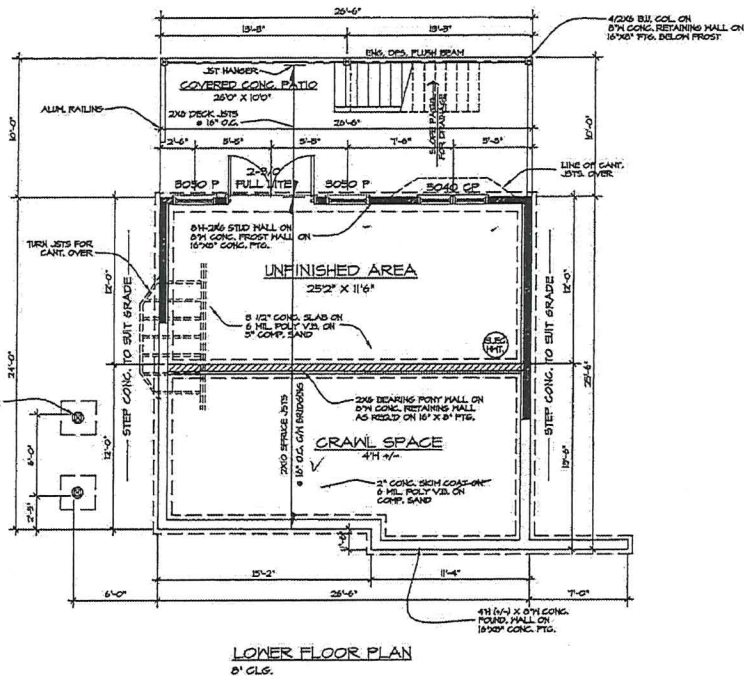
Z20-0032

Planner
Initials TC



BAXTER DESIGN
Custom Building Design
ph: (250) 862-9562
FRANK YEEZER - JUNE SPRINGS RD.
KELOWNA, B.C.

DEC. 3 / 02



BAXTER DESIGN
Custom Building Design
ph: (250) 862-9662

FRANK YEEZER - JUNE SPRINGS RD.
KELOWNA, B.C.

DEC. 3 / 02

MEMORANDUM

To: Okanagan Local Government Administrators
From: Anna Warwick Sears, Executive Director
Date: January 20, 2014
Subject: **Sewage Facilities Grant Program Policy on Small-lot Accessory Dwellings**

Summary: The purpose of this memo is to update local governments on OBWB's sewage grants 1.0-hectare policy. This policy, which requires grant recipients to enact bylaws prohibiting the subdivision of small lots on septic, has now been expanded to include accessory dwellings (carriage houses) on lots smaller than 1.0-hectare. **The OBWB requests Okanagan local governments to update their bylaws to exclude development of accessory dwellings (carriage houses) on lots less than 1.0 hectare that rely on on-site sewage disposal. The OBWB further requests an update of zoning and/or subdivision and development servicing bylaws, requiring that secondary suites be tied to the sewage disposal system of the existing dwelling.**

This request only applies to the areas of your jurisdiction within the Okanagan Basin drainage area. Secondary suites that are tied into the existing domestic septic system are accepted (although not recommended) if the sewage disposal system has adequate capacity per health regulations.

Background: The OBWB's Sewage Facilities Assistance program provides funding for Okanagan communities to upgrade wastewater treatment plants and extend community sewer to areas on septic. The program was initiated in 1975.

Since 2007, the OBWB has required sewage grant recipients to have bylaws prohibiting subdivision of lots smaller than 1.0 hectare (see attached Terms of Reference). The 1.0 Hectare (minimum subdivision) Policy is in line with provincial government rules, and was established recognizing that much of the pollution entering lakes and streams comes from failing septic systems. Septic is the highest human-produced source of phosphorus in the watershed.

The premise behind the 1.0 hectare rule is that the more dwelling units there are using septic systems in a given area, the greater the chance that systems may malfunction and less opportunity to find sufficient, suitable, available land for replacement effluent dispersal fields – potentially leading to water pollution and health threats.

- The 1.0 Hectare Policy is based on a scientific assessment by the Ministry of Community, Sport and Cultural Development in the 1990s. Exceptions cannot be made for in-fill subdivision properties, because of the risk of cumulative impacts from many closely-spaced septic systems, and because for fairness reasons we must have a uniform policy throughout the Basin.
- There are many advances in on-site sewage treatment available. However, each of these solutions requires long-term maintenance or else there are continued risks of system failure. Following Provincial policy, the Water Board allows the 1.0 Hectare Policy to be waived only if a Liquid Waste Management Plan is prepared for the site, and if the system itself is adopted by the local government as permanent infrastructure.

In October, the OBWB received an inquiry whether development of secondary suites and detached accessory dwellings (carriage houses) on properties less than 1.0 hectare violates the 1.0 Hectare Policy within the OBWB sewage grant program. With respect to septic systems, adding a carriage house creates similar risks for system failure and water quality impairment as small-lot subdivision, without creating a separate title.

For this reason, the OBWB has now expanded the 1.0 Hectare Policy, and now requires all sewage grant recipients to have bylaws in place restricting carriage houses to properties greater than 1.0 hectare, or to properties with community sewer connections (see Terms of Reference section 3.6.1). Secondary suites that are tied into the existing domestic septic system are accepted (although not recommended) if the sewage disposal system has adequate capacity per health regulations.

Please do not hesitate to contact me with any questions, by email at: anna.warwick.sears@obwb.ca, or phone at: (250) 469-6251.

Sincerely,



Anna Warwick Sears
Executive Director

ATTACHMENT		C
This forms part of application		
# Z20-0032		
Planner Initials	TC	 City of Kelowna <small>DEVELOPMENT PLANNING</small>

CITY OF KELOWNA MEMORANDUM

Date: April 29, 2020
File No.: Z20-0032
To: Land Use Planning Manager (AK)
From: Development Engineering Manager (JK)
Subject: 4350 June Springs Road Lot 2 Plan 56325 RR1 to RR1C

Development Engineering has the following comments and requirements associated with this application.

1. Domestic water and fire protection.

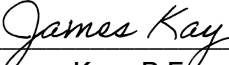
- a) The subject property is within the service area of the former South East Kelowna Irrigation District (SEKID). The utilisation of existing and proposed services, as well as fire protection will be reviewed by Building & Permitting.


2. Sanitary Sewer.

- a) This subject parcel is currently not within the City service area. Sanitary sewage is presently handled by an on-site sewage disposal system.
- b) Existing and proposed on-site servicing will be reviewed by the Interior Health Authority and Building & Permitting.

3. General and Access

- a) Foliage shall be kept cleared in both directions for the existing driveways to ensure that when egressing the properties, sightlines are not obstructed


James Kay, P.Eng.
Development Engineering Manager
JF

ATTACHMENT		D
This forms part of application # Z20-0032		
Planner Initials	TC	 City of Kelowna DEVELOPMENT PLANNING

REPORT TO COUNCIL



Date: April 19, 2021
To: Council
From: City Manager
Department: Development Planning
Subject: Supplemental Report for 4350 June Springs Road

Recommendation

THAT Council receives, for information, the report from the Development Planning Department dated April 19th, 2021, with respect to the Rezoning and Text Amendment Bylaws for the property located at 4350 June Springs Road, Kelowna, BC;

AND THAT Council waives the requirement for Development Variance Permit to be considered in conjunction with final adoption of Rezoning Bylaw No. 12133;

AND Zoning Bylaw Text Amendment Application No. TA21-0010 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in the Report From the Development Planning dated April 19th, 2021 for Lot 6 Section 35 Township 29 ODYD Plan KAP56325, located at 4350 June Springs Road, Kelowna, BC be considered by Council;

AND THAT Zoning Bylaw Text Amendment Bylaw No. 12132 and Rezoning Bylaw No. 12133 located at 4350 June Springs Road, Kelowna, BC be forwarded for reading consideration.

AND FURTHER THAT Zoning Bylaw Text Amendment Bylaw No. 12132 and Rezoning Bylaw No. 12133 be given first reading to the bylaws and advance them to Public Hearing.

Purpose

To receive an update for the Rezoning and Text Amendment Applications and to move the file to a Public Hearing.

Background:

This file came forward due to illegal suite investigation that was instigated by Bylaw Services on May 30th, 2018. The accessory building began being resided in full-time in 2014, without the correct zoning or permits. The applicant is seeking the carriage house subzone to allow for the legal conversion of the accessory building into a carriage house.

On March 29th, 2021 a Rezoning Application was presented to Council to bring the carriage house into compliance. Council passed Staff's Alternative Recommendation, which was to move the Rezoning file (Z20-0032) for 4350 June Springs to a Public Hearing. As part of the Alternative Recommendation, Staff

included a Development Variance Permit Application to Section 9.5b.3a of the Zoning Bylaw. However, since this section is a regulation of density, this cannot be varied and Staff recommend this file move forward in conjunction with a site-specific Text Amendment. The Text Amendment will be to allow a carriage house on a property less than 1.0ha in size that is not connected to services. The Rezoning and Text Amendment Applications will move forward to bring the carriage house into compliance.

Discussion:

Staff are proposing that the Rezoning Application is brought forward in conjunction with a site-specific Text Amendment. The reason for this is Section 9.5b.3a reads:

A carriage house shall be connected to a community sanitary sewer unless the lot is at least 1.0ha and meets the requirements of the City and the Medical Health Officer for septic disposal capacity.

Staff believe this is regulation of density, which cannot be varied as per the Local Government Act Section 498(2)a. To bring this property into conformance, a site-specific Text Amendment to allow a carriage house on a property not connected to sewer that is less than 1.0ha possible.

Conclusion:

Following Council's decision on March 29th, 2021, Staff are recommending that Council give Zoning Bylaw Text Amendment Bylaw No. 12132 and Rezoning Bylaw No. 12133 located at 4350 June Springs Road, further reading consideration.

Report prepared by: Tyler Caswell, Planner I

Reviewed by: Dean Strachan, Community Planning & Development Manager

Reviewed by: Terry Barton, Development Planning Department Manager

Attachment:

Schedule A" Proposed Site Specific Text Amendment

Schedule "A" – Site Specific Amendment to City of Kelowna Zoning Bylaw No. 8000 TA21-0010

Section	Current Wording	Proposed Wording	Reason for Change								
Section 9 – Specific Use Regulations, 9.5 Secondary Suite and Carriage House, 9.5b Carriage House Regulations	N/A	9.5b.4 Site Specific Uses and Regulations Uses and regulations apply to Carriage Houses on a site-specific basis as follows: <table border="1" data-bbox="751 475 1371 837"> <thead> <tr> <th></th><th>Legal Description</th><th>Civic Address</th><th>Regulation</th></tr> </thead> <tbody> <tr> <td>1</td><td>Lot 6 Section 35 Township 29 ODYD Plan KAP56325</td><td>4350 June Springs Road</td><td>To allow for a carriage house on a property that is less than 1.0ha in size and not connected to community sanitary sewer</td></tr> </tbody> </table>		Legal Description	Civic Address	Regulation	1	Lot 6 Section 35 Township 29 ODYD Plan KAP56325	4350 June Springs Road	To allow for a carriage house on a property that is less than 1.0ha in size and not connected to community sanitary sewer	To allow for a carriage house on a property that is less than 1.0ha in size and not connected to community sanitary sewer with the addition of a new section for a site-specific text amendment.
	Legal Description	Civic Address	Regulation								
1	Lot 6 Section 35 Township 29 ODYD Plan KAP56325	4350 June Springs Road	To allow for a carriage house on a property that is less than 1.0ha in size and not connected to community sanitary sewer								

SCHEDULE
A

This forms part of application
TA20-0010

Planner
Initials

TC



**City of
Kelowna**
DEVELOPMENT PLANNING



Z20-0032

4350 June Springs Road

Rezoning Application



Proposal

- ▶ To consider a Staff recommendation to NOT rezone the subject property that would bring the existing carriage house into conformance.

Development Process

Apr 1st, 2020

Development Application Submitted



Staff Review & Circulation



Feb 4th, 2021

Public Notification Received



Mar 15th, 2021

Initial Consideration



Public Hearing
Second & Third Readings



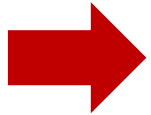
Final Reading
DP & Variances



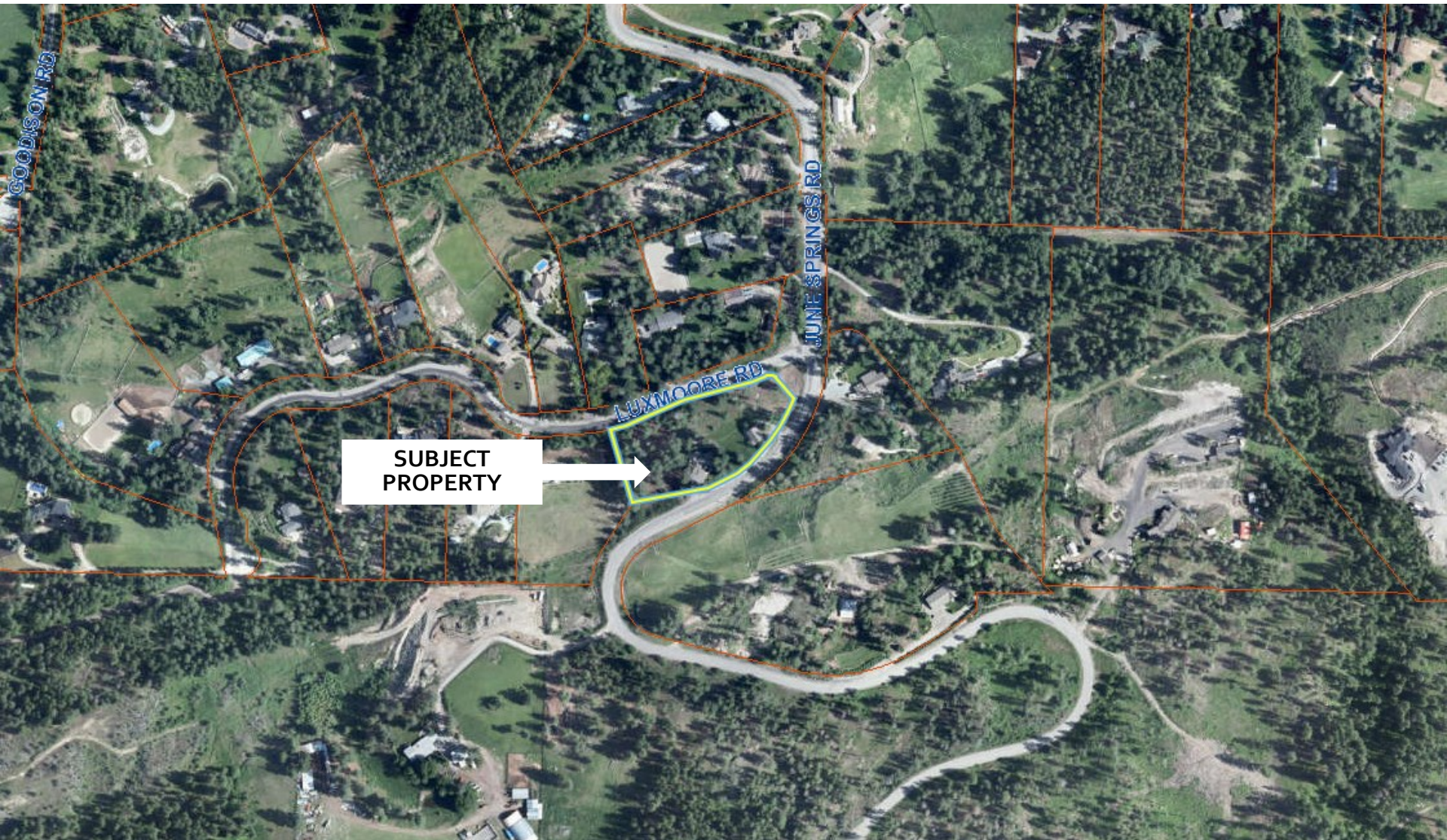
Building Permit



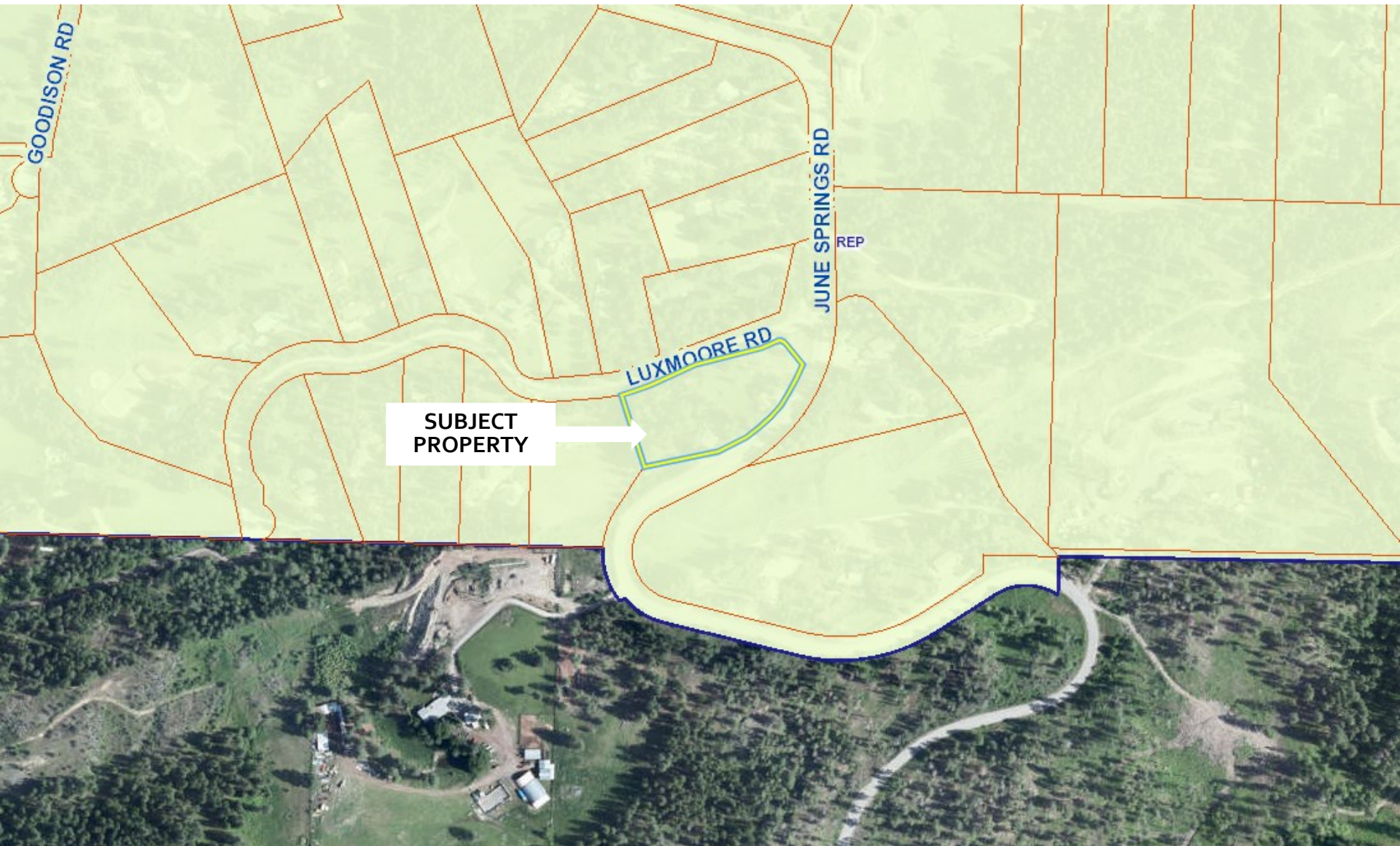
Council
Approvals



Context Map



OCP Future Land Use



Subject Property Map



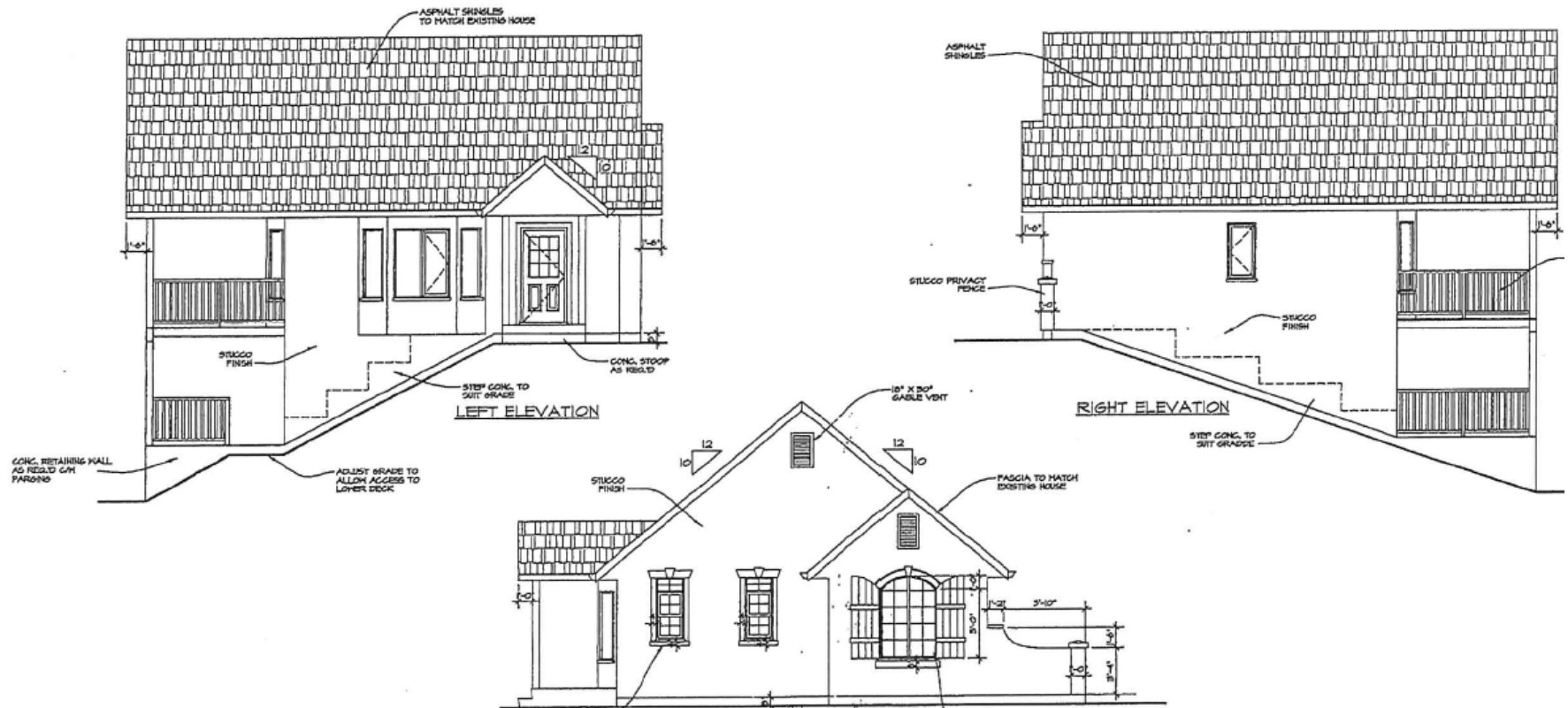
Project details

- ▶ The accessory building was built in 2003.
 - ▶ It was built as an art studio, office and an unfinished basement.
- ▶ Illegal suite investigation was initiated on May 30th, 2018 by Bylaw Services.
 - ▶ Investigation concluded that the building had been inhabited since 2014.
- ▶ The proposed rezoning would bring the illegal carriage house into conformance.

Site Photos



Site Plan



Development Policy

- ▶ Okanagan Basin Water Board's (OBWB) Sewage Grant Program Policy.
 - ▶ Amended in 2014.
 - ▶ Requires sewage grant recipients (incl. CoK) to have bylaws in place restricting carriage houses to properties greater than 1.0ha or to properties with community sewer connections.

- ▶ Official Community Plan
 - ▶ Objective 5.3.1 – Permanent Growth Boundary.

Public Notification Policy no. 367

- ▶ Applicant submitted a neighbourhood consultation summary form on February 4th, 2021.
 - ▶ All neighbours within 300m of the subject property were notified.

Staff Recommendation

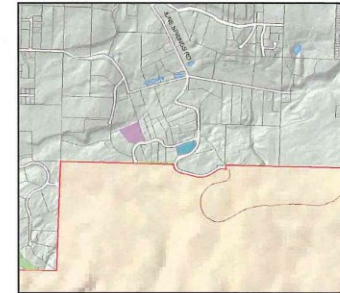
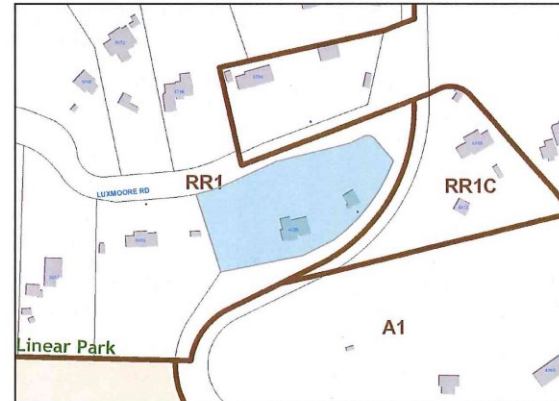
- ▶ Development Planning Staff do **not** recommend support for the proposed Rezoning Application:
 - ▶ Property is located in Southeast Kelowna with no abilities to connect to a community sanitary system.
 - ▶ Zoning Bylaw, Subdivision & Servicing Bylaw, and OBWB's policies do not support the development of carriage houses on lots less than 1.0hha that rely on on-site sewage disposal.
 - ▶ Staff do not wish to compromised future sewage infrastructure funding opportunities by supporting the development of carriage houses that contravene OBWB's policies.



Conclusion of Staff Remarks

4350 June Springs Rd
– Z20-0032- Frank Robert Vezer





Property highlighted in blue

Property Information

Property Address: 4350 June Springs Rd
KID: 418309 Plan #: 56325 Lot#: 6 Block:
Extra Legal Information:
PLAN KAP56325 LOT 6 SECTION 35 TOWNSHIP 29

BC Assessment Information

Roll Number:	7362322	Jurisdiction:	217
Net Land Value:	\$486,000	PID:	023-331-062
Net Impr. Value:	\$719,000	Lot Size:	2.251 = 0.91 Hectares
Net Total Value:	\$1,205,000	Lot Size Unit:	Acres
Actual Use:	060 2 Acres Or More (Single Family Dwelling, Duplex)		

Land Use Related Information

Zoning Code:	RR1	Inside ALR:	No
Future Land Use:	REP	Water Provider:	SEKID
Land Use Contract:	No		

This information is derived from a variety of sources with varying levels of accuracy. The City of Kelowna does NOT warrant the accuracy, completeness, correctness or currency of this information and no representations are being made by providing this data. Any reliance on this information will be solely at YOUR OWN RISK and not that of the City



Inspection Serv.
1435 Water Street
Kelowna BC V1Y 1J4
(250) 862-3353

Permit Number: BP 23727

Building Permit

Issued For

4350 June Springs Rd

Lot 6, Plan 56325

Accessory - New - Res

Studio

Applicant: Edison Homes Ltd

4040 Belmont Rd
Kelowna
BC
V1W2Z2

Phone: 8621422

Invoices: 87339

Fee: \$631.50

Permit Conditions:

Plumbing permit required
Survey certificate required
Separate permits required to finish basement
Not to be used as dwelling

Approved By:

B. Thind

Binder Thind

Date: *Jan 28/07*

This permit is issued under the provisions of City of Kelowna Building Bylaw No. 5082 and amendments thereto and is in accordance with the Application on file in this office.

The granting of this permit does not relieve the applicant, occupier or owner from conforming to all requirements of every pertinent bylaw and regulation enforced within the City of Kelowna and the approval of any plans or specifications in support of an application for this permit likewise does not excuse the applicant, occupier or owner from conforming to every bylaw and regulation.

CUSTOMER'S COPY

Harvey Spittal, Building Inspector

Owners or agents are required to request an inspection 24 hours in advance of the inspection date.

INSPECTION LINE: 862-3360

FAX: 862-3314

TELEPHONE: 862-3353



CITY OF KELOWNA
INSPECTION SERVICES
1435 WATER STREET
KELOWNA, B. C., V1Y1J4
INSPECTION REQUEST LINE 862-3360

FINAL INSPECTION
(SINGLE FAMILY & TWO FAMILY DWELLINGS)

PERMIT# 23727

INSPECTION # _____

4350 JUNE SPRINGS Rd
LOCATION

6
LOT

56325
PLAN

☐ PARTIAL ☒ APPROVED ☐ REJECT ☐ NOT READY ☐ CONSULT

- | | |
|---|---|
| 1. (✓) The Approved Drawings Are On Site | 17. (✓) Guards |
| 2. (✓) Exterior Finish | 18. (✓) Handrails |
| 3. (✓) Flashings | 19. (✓) Window Sizes & Elevations |
| 4. (✓) Proper Clearances From Grade | 20. (✓) Stairs Still Conform To Code |
| 5. (✓) Grades Slope Away From The House | 21. (✓) Tub And Shower Tile Height |
| 6. (✓) Rough Grades Meet The Drainage Plan | 22. (✓) Safety Glass |
| 7. (✓) Dryer Exhaust Vent | 23. (✓) Attic Access & Weather Stripping |
| 8. (✓) Kitchen & Bathroom Exhaust Vents | 24. (✓) Attic Ventilation |
| 9. (N/A) Driveway Surface Material | 25. (N/A) Attic Insulation |
| 10. (N/A) Driveway Drainage | 26. (N/A) Crawl Space Ventilation |
| 11. (✓) Exterior Concrete Work is Complete | 27. (N/A) Crawl Space/Basement/Box Joist Insul. |
| 12. (✓) Roof Drainage - Final Disposal | 28. (✓) Mechanical Ventilation |
| 13. (N/A) Door Viewer | 29. (✓) Sub-contractors List |
| 14. (✓) Side Lites - Safety Glass | 30. (N/A) Drywall Recycle Receipts |
| 15. (✓) Pin Locks & Dead Bolts | 31. (✓) Engineering Schedule CAs and CBs |
| 16. (✓) Garage- Weather Stripping & Self-Closer | 32. (✓) Is There Damage To City Property |

(✓) APPROVED (X) REJECTED (N/C) NOT COMPLETE (N/A) NOT APPLICABLE

ADDITIONAL COMMENTS

☐ CALL FOR RE-INSPECTION BY _____ ☐ A RE-INSPECTION FEE WILL BE CHARGED.

☐ APPROVAL IS SUBJECT TO THE ENGINEER'S ACCEPTANCE OF THE WORK.

INSPECTOR HARVEY SPITAL DATE 03-07-19

DO NOT REMOVE OR DESTROY THIS CARD



CITY OF KELOWNA
INSPECTION SERVICES
1435 WATER STREET
KELOWNA, BC, V1Y1J4
INSPECTION REQUEST LINE 862-3360

PLUMBING INSPECTION

PERMIT # 30101

INSPECTION # 106300

LOCATION 4350 June Springs Rd LOT _____ PLAN _____

☐ PARTIAL ☒ APPROVED ☐ REJECT ☐ NOT READY ☐ CONSULT

- | | |
|------------------------------------|--------------------------------------|
| 1. (✓) R.I.P. | 10. () WATER SERVICE |
| 2. () R.I.P. GROUNDWORK ONLY | 11. () SANITARY SEWER |
| 3. () R.I.P. VENTING ONLY | 12. () STORM SEWER |
| 4. (✓) R.I.P. WATER LINES | 13. () CATCH BASINS |
| 5. () FINAL | 14. () DRY WELLS / MANHOLES |
| 6. () FIRE PROTECTION | 15. () LIFT STATIONS |
| 7. () IRRIGATION SYSTEM | 16. () SEWER INSPECTION PLUG PULLED |
| 8. () BACKFLOW PROTECTION SERVICE | 17. () WATER METER WITH REMOTE |
| 9. () B.F.P. DEVICE TEST REPORT | 18. () CREDIT METER INSTALLED |

(✓) APPROVED (X) REJECTED (N/C) NOT COMPLETE (N/A) NOT APPLICABLE

ADDITIONAL COMMENTS

☐ CALL FOR RE-INSPECTION BY _____ ☐ A RE-INSPECTION FEE WILL BE CHARGED

☐ APPROVAL IS SUBJECT TO THE ENGINEER'S ACCEPTANCE OF THE WORK.

INSPECTOR [Signature]

DATE

Feb 20/03

DO NOT REMOVE OR DESTROY THIS CARD



CITY OF KELOWNA
INSPECTION SERVICES
1435 WATER STREET
KELOWNA, BC, V1Y1J4
INSPECTION REQUEST LINE 862-3360

PLUMBING INSPECTION

PERMIT # 30101

INSPECTION # _____

4350 June Springs

LOCATION

LOT

PLAN

☐ PARTIAL ☒ APPROVED ☐ REJECT ☐ NOT READY ☐ CONSULT

- | | |
|------------------------------------|--------------------------------------|
| 1. () R.I.P. | 10. (✓) WATER SERVICE <u>124 E</u> |
| 2. (✓) R.I.P. GROUNDWORK ONLY | 11. () SANITARY SEWER |
| 3. () R.I.P. VENTING ONLY | 12. () STORM SEWER |
| 4. () R.I.P. WATER LINES | 13. () CATCH BASINS |
| 5. () FINAL | 14. () DRY WELLS / MANHOLES |
| 6. () FIRE PROTECTION | 15. () LIFT STATIONS |
| 7. () IRRIGATION SYSTEM | 16. () SEWER INSPECTION PLUG PULLED |
| 8. () BACKFLOW PROTECTION SERVICE | 17. () WATER METER WITH REMOTE |
| 9. () B.F.P. DEVICE TEST REPORT | 18. () CREDIT METER INSTALLED |

(✓) APPROVED

(X) REJECTED

(N/C) NOT COMPLETE

(N/A) NOT APPLICABLE

ADDITIONAL COMMENTS

BRIDGE AHEAD
POCKET PLANTATION ON H₂O LINE
WHERE A' ~~BE~~ OVER
URGENT BE MAINTAINED.

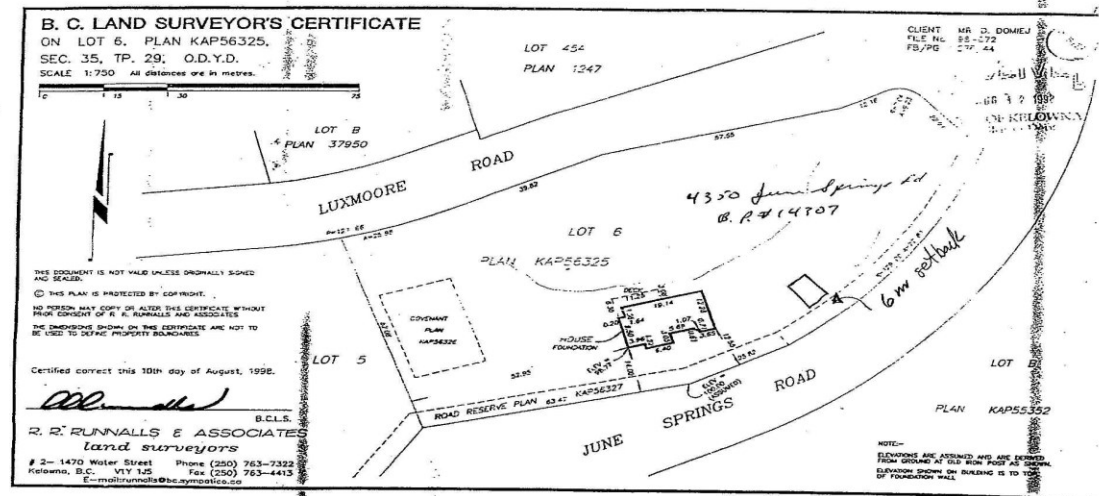
☐ CALL FOR RE-INSPECTION BY _____ ☐ A RE-INSPECTION FEE WILL BE CHARGED

☐ APPROVAL IS SUBJECT TO THE ENGINEER'S ACCEPTANCE OF THE WORK.

INSPECTOR

DATE

DO NOT REMOVE OR DESTROY THIS CARD



DWAYNE
 862-1422



Ministry of Health and
Ministry Responsible for Seniors

APPLICATION FOR PERMIT TO CONSTRUCT OR REPAIR A SEWAGE DISPOSAL SYSTEM

IER
INFORMATION
Correspondence
to be sent to
☐ owner

APPLICANT
INFORMATION
Correspondence
to be sent to
☐ applicant

LOT
INFORMATION

PREMISE
INFORMATION

SYSTEM
INFORMATION

ALTERNATE
INFORMATION

SITE
INFORMATION

RESTRICTIVE
COVENANTS

APPLICANT
SIGNATURE

FOLIO NUMBER	DATE OF APPLICATION (YYYY/MM/DD)	<input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Repair <input type="checkbox"/> Alteration
NAME OF OWNER	TELEPHONE NUMBER	
FRANK VEZER.	862 1422	
Number and Street	City	Postal Code
4040 BELMONT RD	KELOWNA BC	V1W 2Z2
MAILING ADDRESS	TELEPHONE NUMBER	
APPROVED SERVICES	768-7713	
Number and Street	City	Postal Code
3605 BROWN RD	WESTBANK BC	V4T 1P5
MAILING ADDRESS		
LEGAL DESCRIPTION OF WHERE DISPOSAL SYSTEM IS TO BE CONSTRUCTED		
LOT 6 PL. KAP 56395 SEC 35 TWP 29.		
4350 JUNE SPRINGS RD		
STREET ADDRESS / GENERAL LOCATION		

SEWAGE DISPOSAL SYSTEM WILL SERVE:	NUMBER OF BEDROOMS:	FINISHED BASEMENT	DO YOU INTEND TO ADD A BASEMENT SUITE OR MORE BEDROOMS IN THE FUTURE?
<input type="checkbox"/> SINGLE FAMILY DWELLING <input type="checkbox"/> DUPLEX	1	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="checkbox"/> OTHER (specify): ART STUDIO / OFFICE	TOTAL LIVING AREA:	LOT SIZE:	

TYPE OF SEWAGE DISPOSAL SYSTEM:	SEPTIC TANK MANUFACTURER	LIQUID VOLUME OF TANK
<input checked="" type="checkbox"/> CONVENTIONAL	KON KAST	600 GAL
<input type="checkbox"/> ALTERNATE (E.G. <input type="checkbox"/> PRIVY <input type="checkbox"/> LAGOON, <input type="checkbox"/> RAISED MOUNDS, <input type="checkbox"/> SEEPAGE BED)	MATERIAL OF SEPTIC TANK	
<input type="checkbox"/> DEEP TRENCH <input type="checkbox"/> OTHER (specify):	CONCRETE	
TOTAL LENGTH OF DRAINAGE PIPE	TYPE OF DRAINAGE PIPE:	INSIDE DIAMETER OF PIPE
150'	<input type="checkbox"/> PVC <input type="checkbox"/> OTHER (specify):	3"
IF PACKAGE TREATMENT PLANT IS PROPOSED GIVE:	TREATMENT CAPACITY	SEWAGE PUMP:
MAKE		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
MODEL		FIELD DOSE VOLUME PUMPED PER CYCLE:

PRESSURE DISTRIBUTION PROPOSED	LAGOON SIZE	DEPTH OF CLAY SOIL	GARBURATOR
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

SOIL DESCRIPTION
DEPTH OF SOIL: <input type="checkbox"/> over 1.2 m (4 ft.) <input type="checkbox"/> under 1.2 m (4 ft.) If under 1.2 m (4 ft.), due to <input type="checkbox"/> rock or <input type="checkbox"/> clay at _____ ft. from surface.
DEPTH TO WATER TABLE: <input type="checkbox"/> over 1.2 m (4 ft.) <input type="checkbox"/> under 1.2 m (4 ft.) If under 1.2 m (4 ft.) the depth is _____
PERC TESTS
SLOWEST RATE FROM test hole #1 3 min./2.5 cm (1 inch) test hole #2 3 min./2.5 cm (1 inch)
AVERAGE OF SLOWEST RATE FROM EACH TEST HOLE 3 min./2.5 cm (1 inch)

WATER INFORMATION
SOURCES OF DOMESTIC WATER: SEWED
DISTANCES OF PROPOSED DISPOSAL FIELD FROM: 10' source of domestic water N/A breakout point
N/A own well N/A neighbouring wells N/A stream or lake 10' water lines

ARE THERE ANY RESTRICTIVE COVENANTS / EASEMENTS WHICH WILL AFFECT THE DESIGN OR LOCATION OF THE SEWAGE DISPOSAL SYSTEM? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, explain

The information on this application is accurate and true to the best of my knowledge:	OFFICE USE ONLY
<input type="checkbox"/> Owner or <input checked="" type="checkbox"/> Agent	PAID: \$150.00
Signature	DATE: JUN 21, 2003
Date (yyyy/mm/dd)	INITIALS: [Signature]
X 03-01-20	18054

HLTH 135 Rev. 94/12
Printed in B.C. 490205020

A plot plan must be submitted with this application (refer to opposite page)

PERMIT TO CONSTRUCT, INSTALL, ALTER OR REPAIR

FOLIO / LOT NUMBER

Pursuant to this application and the Sewage Disposal Regulations, permission is hereby granted to construct, install, alter, or repair the sewage disposal system on this property. This permit may be cancelled if variations are made to these plans and specifications.

Conditions of Permit:

DATE PERMIT VALID

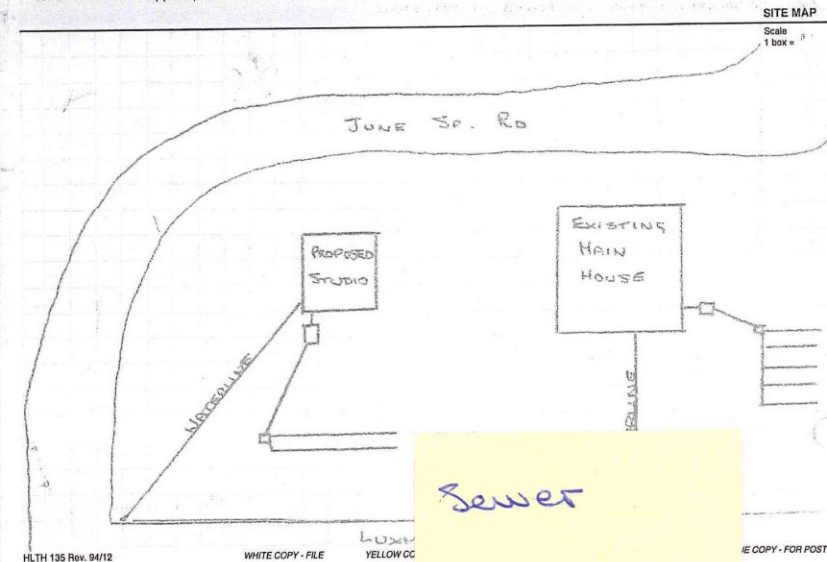
SIGNATURE OF PUBLIC HEALTH INSPECTOR / EHO

NOTICE

This notice must be posted in a conspicuous place on the parcel for which the permit is issued not more than 3 days after the date the permit is issued and must remain posted for 30 consecutive days from the date the permit is issued.

Persons who consider themselves aggrieved by a decision made under the Sewage Disposal Regulation are eligible to file an appeal under section 5 (3) (a) of the Health Act.

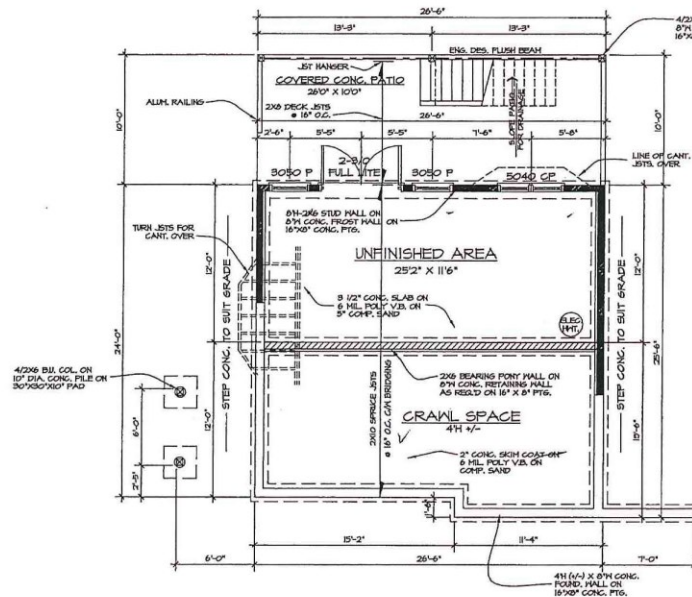
A Notice of Appeal must be delivered by hand, facsimile or registered mail to the Chair of the Environmental Appeal Board, Parliament Buildings, Victoria, B.C. V8V 1X4 within 30 days of the issuance of the permit. Please contact your local Health Unit for information on appeal procedures.



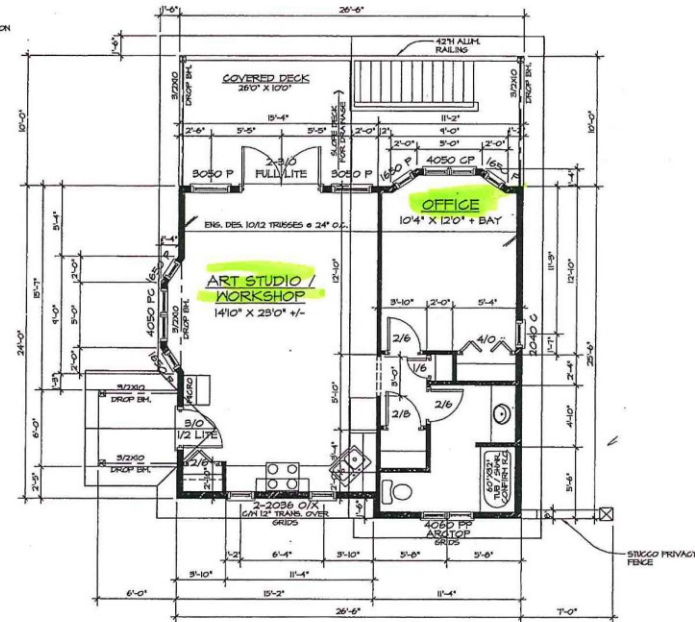
HLTH 135 Rev. 94/12

WHITE COPY - FILE

YELLOW COPY - FOR POSTING



LOWER FLOOR PLAN
8' CLS.



MAIN FLOOR PLAN 672 SQ. FT.
4' CLS.

BAXTER DESIGN
Custom Building Design
ph: (250) 862-9662
FRANK YEEZER - JUNE SPRINGS RD.
KELOWNA, B.C.

DEC. 3 / 02



Inspection Services
1435 Water Street
Kelowna BC V1Y 1J4
(250) 862-3353

Application Number: PP 30101
Date Applied: 2003-01-31
Prepared for: Contractor
Invoices: 87427
87431

Application for Plumbing Permit New Construction - Residential

Address: 4350 June Springs Rd
Property: 4350 June Springs Rd Plan: 56325 Lot: 6
Applicant : Jean Mechanical Ltd
Contractor : 2096 Jean Mechanical Ltd
Address: 3620 Yorkton Rd Westbank BC V4T1C4
Phone: 7687994
Email:
Bus #: 5951 Plumbing#: 2864-PL-79 BC Contract#: Gas Fit#:
Owner : Edison Homes
Address:
Phone:
Email:

Fee Calculations:	Units	Length	Fee
Water Closet (toilet)	3		
Wash Basin	4		
Bath Tub	3		
Shower	1		
Bar Sink	1		
Kitchen Sink	1		
Automatic Washer	1		
Dishwasher	1		
Hot Water Tank	1		
Floor Drain	1		
Total of Plumbing Fixtures	17		\$170.00
Water Service Line		30.00	\$40.00
Site Services Total Fee		30.00	\$210.00
			Total Fee: \$210.00

Comment:

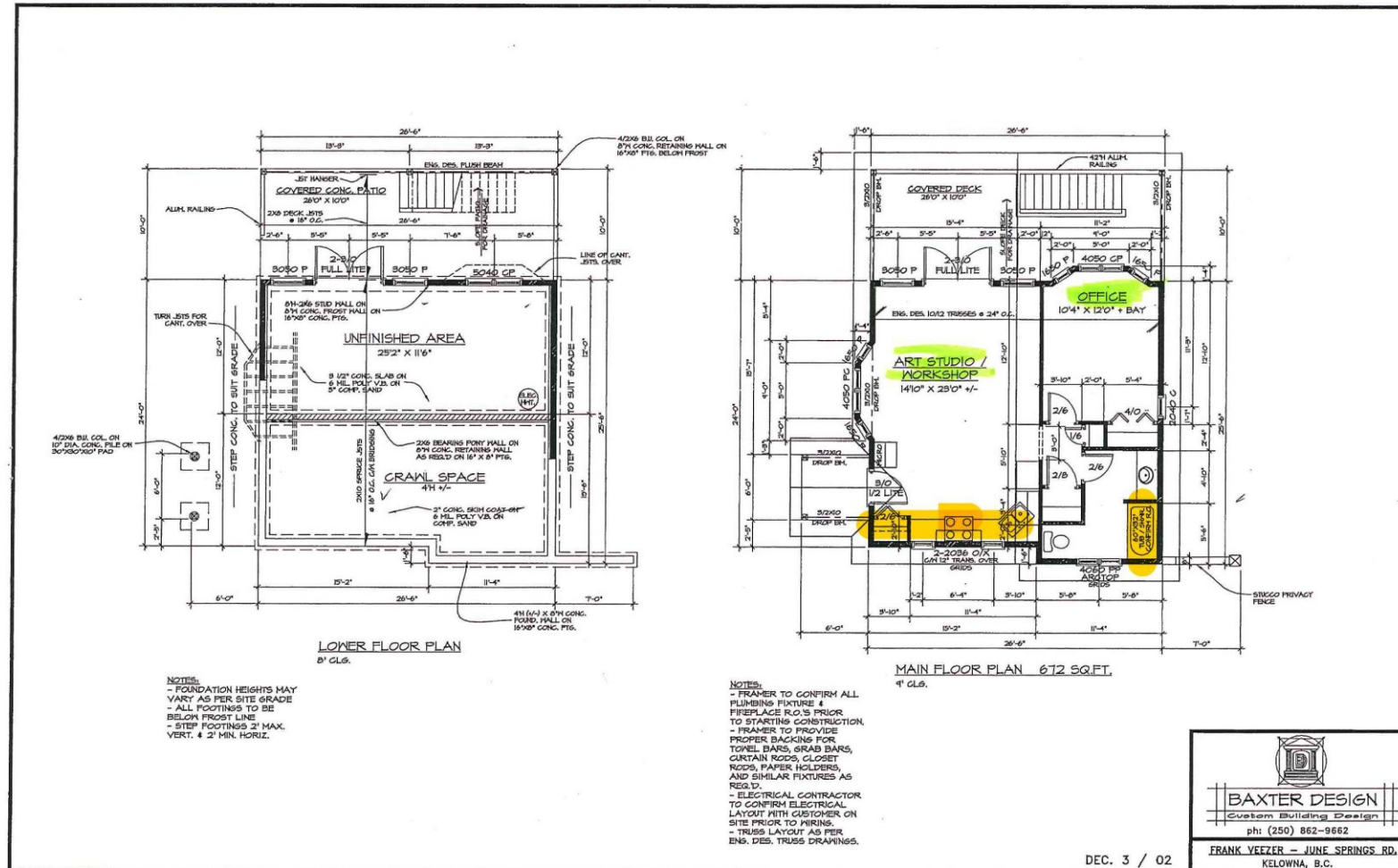
Condition:

In consideration of the granting of the permission applied for, I hereby agree to indemnify and keep harmless the City of Kelowna against all claims, suits, judgments, costs and expenses of whatsoever kind, which may in any way accrue against the said Corporation in consequence of, and incident to, the granting of this permit. I further agree to pay the full cost of repairing and damage to Corporation works occasioned by the building operations in respect of which this application is made.

FILE COPY

Applicant's Signature

Issued By: Gayle Macdonald



Zoning Analysis Table

FILE NUMBER: _____ - _____

The Zoning Analysis Table applies to all Rezoning and Development Permit applications for:

- ▶ Heritage Alteration Permit
- ▶ Development Variance Permit
- ▶ Infill Neighbourhood Development Permit (RU7)
- ▶ Hillside Residential Development Permit
- ▶ Multi-unit Residential Permit (3+ units)
- ▶ Commercial Permit
- ▶ Industrial Permit
- ▶ Institutional Permit

This analysis table provides the applicant an opportunity to demonstrate how the proposal meets the regulations of the Zoning Bylaw 8000. Please refer to the Zoning Bylaw 8000 online at kelowna.ca/bylaws.

ALL MEASUREMENTS TO BE PROVIDED IN METRIC.

Site Details:	Zone Requirement	Proposal
Site Area (m ²)	10,000 m ² (min)	Complies
Site Width (m)	40.0 m (min)	Complies
Site Depth (m)	30.0 m (min)	Complies
Site Coverage of Building(s) (%)	10%	Complies
Site Coverage of buildings, driveways, and parking (%)	N/A	N/A

Development Regulations:	Zone Requirement	Proposal
Total Number & Types of units	one single detached house	one single detached house & one carriage house
Floor Area (gross/net)	N/A	N/A
Floor Area Ratio (FAR)	N/A	N/A
Building Height (stories/meters)	2.5 stories/9.5 m (max)	Complies
Building(s) Setbacks (m):		
Front	6.0 m (min)	Complies
Side (<u>side lot line</u>)	3.0 m (min)	Complies
Side (<u>flanking street</u>)	4.5 m (min)	Complies
Rear	10.0 m (min)	Complies
Number of Parking Stalls/Loading Spaces	2.0 spaces per dwelling unit	4.0 spaces
Setbacks to Parking (m):		
Front	1.5 m (min)	Complies
Side (<u>side lot line</u>)	1.5 m (min)	Complies
Side (<u>flanking street</u>)	3.0 m (min)	Complies
Rear	1.5 m (min)	Complies
Drive Aisle Width (m)	6.0 m (min)	Complies
Number of Bicycle Parking Spaces	N/A	N/A
Private Open Space Area	N/A	N/A

CRITERIA FOR A CARRIAGE HOUSE OR ACCESSORY DEVELOPMENT

Development Regulations:		Zone Requirement	Proposal
Maximum Total Site Coverage (buildings)		10% (max)	Complies
Maximum Total Site Coverage (buildings, driveways & parking)		14% (max)	Complies
Maximum Height		2.5 stories/9.5 m (max)	Complies
Minimum Front Yard		6.0 m (min)	Complies
Minimum Side Yard (_____)		3.0 m (min)	Complies
Minimum Side Yard (_____)		4.5 m (min)	Complies
Minimum Rear Yard		10.0 m (min)	Complies
Carriage House Regulations:		Requirement	Proposal
All Carriage Houses	Maximum Height (to mid-point)	Lesser of 4.8 m or mid-point of principal dwelling	Complies
	Maximum Height (to peak)	Peak of principal dwelling	Complies
	Minimum Front Yard	9.0 m (RU1c, RU2c, RU6) 12.0 m (RR1c, RR2c, RR3c)	Complies
	Minimum Side Yard (_____)	1.5 m	Complies
	Minimum Side Yard (_____)	4.5 m (flanking street)	Complies
	Minimum Rear Yard	0.9 m (with lane) 1.5 m (without lane) 3.0 m (RR1c, RR2c without lane)	Complies
	Minimum Distance to Principal Dwelling	3.0 m	Complies
	Maximum Net Floor Area to Principal Dwelling	75%	Complies
	Maximum Net Floor Area	90 m ²	Complies
	Maximum Combined Building Footprint (carriage house & all accessory buildings / structures)	90 m ² (RU1c, RU2c, RU6)	Complies
Higher than Single Storey	Maximum Combined Site Coverage (carriage house & all accessory buildings / structures)	14%	Complies
	Maximum Upper Storey Floor Area to Building Footprint	75%	Complies
	Maximum Net Floor Area	100 m ²	N/A
	Maximum Combined Building Footprint (carriage house & all accessory buildings / structures)	130 m ² (RU1c, RU2c, RU6) 150 m ² (RR1c, RR2c, RR3c)	N/A
Single Storey	Maximum Building Footprint of Accessory Buildings / Structures	50 m ²	N/A
	Maximum Combined Site Coverage (carriage house & all accessory buildings / structures)	Lesser of 20% or 130 m ² (RU1c, RU2c, RU6) Lesser of 20% or 150 m ² (RR1c, RR2c, RR3c)	N/A
Other Regulations:		Requirement	Proposal
Minimum Parking Requirements		3 stalls	Complies
Minimum Private Open Space		30 m ² per dwelling	Complies

NOTE: Additional analysis requirements may be required for individual zones within the Zoning Bylaw 8000.

Additional Information:

The building on the property now classified as a "carriage house" per Zoning Bylaw 8000 was originally constructed in 2003 as a "studio" although still fully complies with all "carriage house" requirements for RR1C zoning.
Beginning in 2014 through the date of this application the owner's daughter and son-in-law now reside full-time year-round in the "studio" and take care of the property and principal dwelling unit on the property while the owner and his wife are in the United States during winter operating a family business there. The "studio" remains structurally unchanged from that approved by the City of Kelowna in 2003, the only change being that the City of Kelowna's Bylaw Services department determined as of July 2018 that the owner's daughter and son-in-law "occupancy" of the "studio" now deems the building a "carriage house" for purposes of Zoning Bylaw 8000.

Rezoning Application RR1 Zoning to RR1C with Text Amendment

1. Chronology of Events
2. Development Proposal
 - a. Appropriate to Rezone from RR1 to RR1C
 - b. Decommissioning NOT in line with community or City of Kelowna's directives or objectives
3. Conclusion

CHRONOLOGY

- **2003**

1. Owner wished to build secondary structure on property (“Studio”)
2. Owner applied for and received **all** permits approvals and inspections from the City of Kelowna
 - a. INCLUDING plumbing and septic permits
 - b. percolation tests were conducted to satisfy the City that the secondary septic system would not pose a problem
 - c. drawings, including kitchen and bathroom, were approved
3. Studio was built with its own separate septic system and field
4. It is structurally the SAME today as when permitted and built in 2003
5. It has been in use since 2003 without any issues

- **2010 – 2014**

6. Owner and his wife operate a family business in California
7. Owner’s residence was burglarized and vandalized numerous times
8. Owner’s insurance company advised they would no longer insure

- **2014**

9. Owner’s daughter and son in law moved into the Studio
10. Burglary and vandalism stopped
11. City of Kelowna began restricting construction of carriage homes on lots less than 1.0 hectares

- **2018**

12. Owner received two bylaw violation notifications pertaining to the Studio - which had now been deemed a ‘Carriage House’

- **2021**

13. Application went before Council in March and April 2021 and was supported

DEVELOPMENT PROPOSAL - RR1 to RR1C

Mr. Vezer's Application is Unique

1. Carriage House is already built
2. Carriage House and drawings and septic have already been approved by city and inspectors
3. Use is the same as it was in 2003 (kitchen and bathroom) – sinks, toilet, shower
4. Land is residential land – not agricultural
5. RR1 to RR1C in line with neighbouring properties
6. Septic Systems are on opposite sides of the property – as are main house and carriage house
7. Purpose is safety, security, and betterment of the community

Reasonable and Appropriate to Grant Rezoning from RR1 to RR1C

1. Property and structure comply with ALL zoning requirements (save for 0.089 hectares)
2. Built, permitted and used before the new Water Basin Board rules – will not jeopardize funding or set an improper precedent
3. Text Amendment is specific to the property – “to allow a carriage house on a property less than 1.0ha in size that is not on sanitary services”
4. Through the rezoning process, structure and septic systems will be scrutinized and permitted again to alleviate any concerns
5. No objections from Fortis Gas, Electric or Fire Department
6. Comparable to 178 Timberline Road where rezoning to RR1C was granted
7. Meets community and City of Kelowna’s objectives and directives for:
 - a. Safety
 - b. Planning
 - i. structure is already there
 - ii. affordable housing and eliminating the housing shortage
 - iii. enable son-in-law and daughter who are working, tax paying members of the community to stay in their home

CONCLUSION

- 1.Rezoning from RR1 to RR1C with Text Amendment is appropriate and reasonable
- 2.Decommissioning would not be in line with community's or City of Kelowna's planning objectives
- 3.Decommissioning would cause an undue hardship on the Owner and his family
- 4.Intent is to resolve the matter amicably and swiftly

THANK YOU

CITY OF KELOWNA
BYLAW NO. 12132
TA21-0010
4350 June Springs 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 **Section 9 – Specific Use Regulations, 9.5 Secondary Suite and Carriage House, 9.5b Carriage House Regulations** be amended by adding in its appropriate location the following:

"9.5b.4 Site Specific Uses and Regulations

Uses and regulations apply to Carriage Houses on a site-specific basis as follows:

	Legal Description	Civic Address	Regulation
1	Lot 6 Section 35 Township 29 ODYD Plan KAP56325	4350 June Springs Road	To allow for a carriage house on a property that is less than 1.0ha in size and not connected to community sanitary sewer.

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 19th day of April, 2021.

Considered at a Public Hearing on the 11th day of May, 2021.

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. 12133
Z20-0032
4350 June Springs Road

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 6 Section 35 Township 29 ODYD Plan KAP56325 located at June Springs Road, Kelowna, BC from the RR1 – Rural Residential 1 zone to the RR1c – Rural Residential 1 with Carriage House zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 19th day of April, 2021.

Considered at a Public Hearing on the 11th day of May, 2021.

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: April 19, 2021

To: Council

From: City Manager

Department: Development Planning

Application: Z21-0002

Owner: 0965634 B.C. LTD., INC. No.
0965634

Address: 417 Cedar Avenue

Applicant: Lime Architecture Inc./
Edgemont Builders Group

Subject: Rezoning Application

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

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: C4 – Urban Centre Commercial

1.0 Recommendation

THAT Rezoning Application No. Z21-0002 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2 District Lot 14 ODYD District Plan 4135 located at 417 Cedar Avenue, Kelowna, BC from the RU1 – Large Lot Housing zone to the C4 – Urban Central Commercial 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 April 19, 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 consider an application to rezone the subject property from the RU1 – Large Lot Housing zone to the C4 – Urban Centre Commercial zone to facilitate the development of mixed-use multiple dwelling housing.

3.0 Development Planning

Staff are supportive of the proposed rezoning application to facilitate the development of a mixed-use multiple dwelling housing project located at 417 Cedar Avenue. The site has an Official Community Plan (OCP) future land use designation of MXR – Mixed Use (Residential/ Commercial). Rezoning the property to the C4 – Urban Centre Commercial zone aligns with the OCP direction for the area.

The subject development site is located within the Pandosy Urban Centre. It is situated mid-block on Cedar Avenue between Pandosy Street and Abbott Street. The parcel has a Walk Score of 71 – Very Walkable meaning that most errands can be accomplished on foot and a Bike Score is 93 -Biker's Paradise as the site provides easy access to the Abbott Street active transportation corridor and the KLO and Richter Street bike lanes. The development is in proximity to many nearby amenities including Okanagan Lake, parks, restaurants and shopping opportunities in the immediate area.

To fulfill Council Policy No. 367 for Zoning Major applications, the applicant hosted an on-line (Zoom) Public Open House along with circulating project information to all properties within 50 m of the subject site. The on-line open house took place on Monday, March 15 from 5 pm to 6:30 pm. The applicant submitted a list of attendees along with a summary of the discussion around the proposed rezoning of the subject property.

4.0 Proposal

4.1 Background

In 2004, the Cedar Avenue Land Use Review was completed by Staff and endorsed by Council. The purpose of the land use review was to identify if OCP amendments would be required in order to facilitate redevelopment that would aide in creating a vibrant mixed-use neighbourhood along Cedar Avenue. The recommendations for properties fronting onto Cedar Avenue included:

- 1) Properties fronting onto Cedar Avenue to provide ground floor commercial with residential units above. This was due to the street being in a key location for providing connections between the waterfront and existing parks and road access points.
- 2) Creation of a rear access lane to service and strengthen the mixed-use commercial objective by eliminating driveway access from the front of the parcel.

The outcome of the report saw the Cedar Ave corridor redesignated as MXR – Mixed Use (Residential/Commercial) in the Official Community Plan (OCP) to achieve the objectives outlined within the study area. The intent was to provide an affordable alternative location (off Pandosy St) for small independent retailers similar to those located along Tutt Avenue.

The report foresaw redevelopment to the highest and best use of the land occurring within a 10-year period. In the 15+ years since the changes to the OCP, redevelopment in this area has not occurred. This may be in part due to a factor the report alluded to - that if some property owners refuse to sell or cooperate, it would make assemblage of a large enough parcel for a viable development difficult to achieve.

4.2 Project Description

The applicant is proposing to construct a 6-storey 17-unit condo building on the subject property. This includes one live-work unit at grade to provide a commercial element onto Cedar Avenue. Site access is taken from Cedar Avenue as there is no rear lane access available due to the mid-block location of the site.

Development Constraints

- 1) *Single mid-block parcel.* To date, redevelopment has not occurred along the Cedar Avenue corridor. Land assembly of two or more parcels is generally required in order to provide the land base

necessary for a mixed-use project as articulated in the minimum lot size regulations within the C₄ zone. Based on direction from Staff, the applicant and owners have exhausted their efforts in trying to achieve a larger development parcel envisioned in the OCP. This has proven unsuccessful and resulted in the single parcel proposal.

- 2) *No rear lane site access.* Vehicle access to the site must come from Cedar Avenue due to the parcel not having a rear laneway. The intent of the Cedar Avenue Plan was for a rear lane to provide both the residential and commercial site access with the goal of eliminating driveways along the Cedar Avenue frontage. This in-turn would allow for an increased commercial presence at the street level to add vibrancy to the pedestrian realm.
- 3) *Limited commercial frontage.* The above noted constraints have influenced the amount of commercial frontage provided. The existing parcel has a width of 18.27 m fronting onto Cedar Avenue. The proposed development divides this frontage into three sections of approximately 6.0 m each. The three sections provide: 1) a two-way parkade entry, 2) the residential foyer and 3) the commercial component (live/work unit).

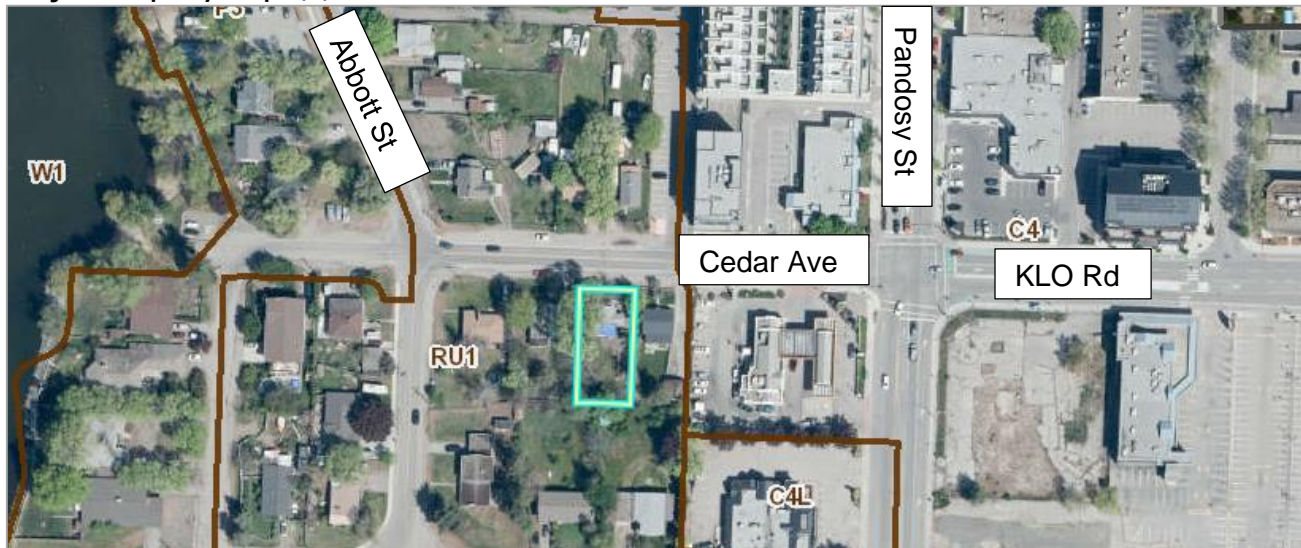
The above noted constraints provide significant design challenges for the applicant. The resulting proposal is a creative infill that while reducing the amount of commercial presence along Cedar Avenue, delivers valuable residential density in the area. Should the proposal move forward, variances would be required for: commercial frontage, site coverage, building height, and setbacks (adjacent to existing residential). These will be reviewed in greater detail as part of the Development Permit and associated variance application that would come before Council for consideration at a future date.

4.3 Site Context

The subject property is located within the Pandosy Urban Centre on the south side of Cedar Avenue between Pandosy Street and Abbott Street. The site is ½ block east of the Okanagan Lake Cedar Avenue Beach Access.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU ₁ – Large Lot housing C ₄ – Urban Centre Commercial	Single Family Residential Financial Institution
East	RU ₁ – Large Lot housing C ₄ – Urban Centre Commercial	Single Family Residential Gas Station
South	RU ₁ – Large Lot housing	Single Family Residential
West	RU ₁ – Large Lot housing P ₃ – Parks and Open Space	Single Family Residential Paddle Centre / Future Waterfront Park

Subject Property Map: 417 Cedar Avenue**5.0 Current Development Policies****5.1 Kelowna Official Community Plan (OCP)**Chapter 4: Future Land Use**Mixed Use (Residential / Commercial) (MXR)**

Developments that provide for commercial floor space on the ground floor or above, with additional potential for residential units above the ground floor. For Urban Centres other than the City Centre, building densities should decrease as the distance from the core of the Urban Centre increases. Other relevant policies include Policy 5.5.1 Building Height and Chapter 17 – Urban Centre definition. Maximum density at the centre of the core would be consistent with zoning as follows: City Centre – C7 zone; Rutland – C7 zone; Pandosy – C4 zone; Midtown – C6 zone; Capri/Landmark – C4 zone.

Chapter 5: Development Process**Objective 5.2** Develop Sustainability.

Complete Communities. Support the development of complete communities with a minimum intensity of approximately 35 - 40 people and/or jobs per hectare to support basic transit service – a bus every 30 minutes.

Objective 5.3 Focus development to designated growth areas.

Compact Urban Form. Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

6.0 Technical Comments**6.1 Development Engineering Department**

Refer to Schedule 'A' dated February 1, 2021.

7.0 Application Chronology

Date of Application Accepted: January 14, 2021

Date Public Consultation Completed: March 15, 2021

Report prepared by: Lydia Korolchuk, Planner Specialist

Reviewed by: Jocelyn Black, Urban Planning & Development Policy Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule A: Development Engineering Memo

Attachment A: Conceptual Drawing Package

Attachment B: Applicant's rationale letter

CITY OF KELOWNA
MEMORANDUM

SCHEDULE

A

This forms part of application

Z21-0002

Planner
Initials

LK



Date: February 1, 2021
File No.: Z21-0002
To: Urban Planning (LK)
From: Development Engineering Manager (JK)
Subject: 417 Cedar Ave.

RU1 to C4

The Development Engineering Department has the following comments and requirements associated with this rezoning of the subject property from RU1 Large Lot Housing to C4 Urban Centre Commercial to facilitate the development of a mixed-use development.

The Development Engineering Technologist for this project is Aaron Sangster.

1. General

- 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.

2. Domestic Water and Fire Protection

- a. This property is currently serviced with 19mm-diameter water service. The developer's consulting mechanical engineer will determine the domestic, fire protection requirements of this proposed development and establish hydrant requirements and service needs. The applicant will arrange for the removal and disconnection of the existing service and the installation of one new larger service at the applicant's cost.

3. Sanitary Sewer

- a. Our records indicate that this property is currently serviced with a 150mm-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 applicant's cost.

4. Storm Drainage

- a. The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and recommendations for onsite drainage containment and disposal systems.

- b. On site storm drainage systems for the site will be reviewed and approved by Engineering in accordance with bylaw 7900, when a site servicing design is submitted.
- c. 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.

5. Road Improvements


- a. Cedar Ave. is designated a 2 lane minor collector road in the OCP and must be upgraded to an urban standard along the full frontage of this proposed development, including barrier curb and gutter, 1.8m sidewalk, irrigated landscaped boulevard, streetlights, 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. The road cross section to be used is a SS-R7 with bike lanes. This must match the Pandosy St. style, similar to 3036 Pandosy St. Cedar Ave. frontage.
- b. The developer must connect their frontage sidewalk with the existing sidewalk on 3100 Lakeshore Rd.

6. Electric 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
- b. Re-locate existing utilities, where necessary.
- c. Existing OH lines must be relocated underground as this is within an urban centre.

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 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

SCHEDULE		A
This forms part of application # Z21-0002		
Planner Initials	LK	 City of Kelowna DEVELOPMENT PLANNING

**8. Servicing Agreements for Works and Services**

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

9. Other Engineering Comments

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

10. Development Permit and Site Related Issues

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

11. Geotechnical Study

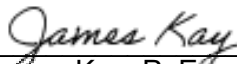
- a. Provide a geotechnical report prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision. The Geotechnical reports must be submitted to the Development Services Department 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.

Additional geotechnical survey may be necessary for building foundations, etc

12. **Charges and Fees**

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

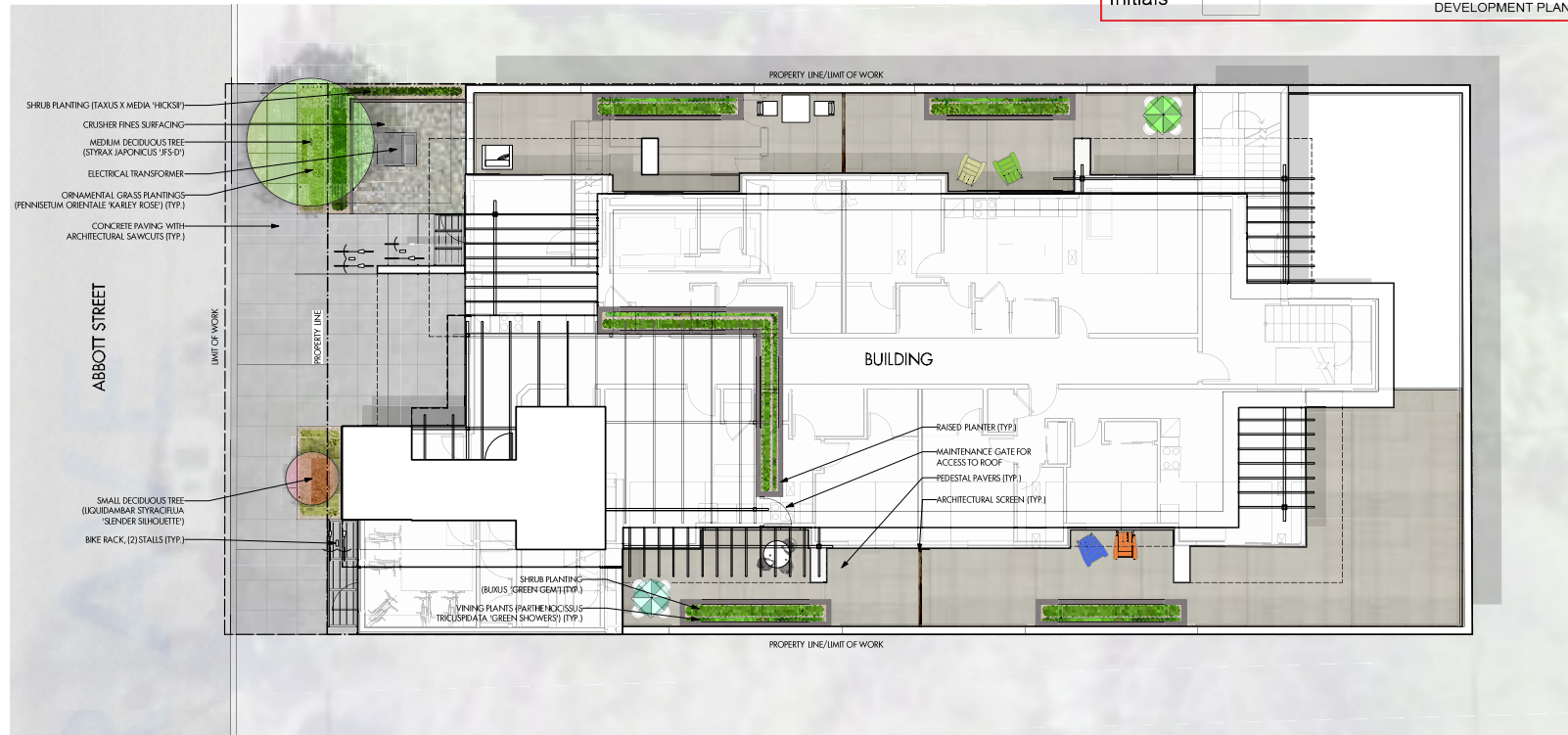

James Kay, P. Eng.
Development Engineering Manager

AS

SCHEDULE		A
This forms part of application		
# Z21-0002		
Planner Initials	LK	 City of Kelowna DEVELOPMENT PLANNING

Planner Initials LK

303-590 KLO Road
Kelowna, BC V1Y 7S2
T (250) 868 9270
www.outlookdesign.ca



BOTANICAL NAME	COMMON NAME	QTY	SIZE /SPACING & REMARKS
TREES			
LIQUIDAMBAR STRYACIFLUA 'SLENDER SILHOUETTE'	SLENDER SILHOUETTE SWEETGUM	1	6m CAL
STYRAX JAPONICA 'JFS-D'	SNOWGEM SNOWBELL	1	6m CAL
SHRUBS			
BUXUS 'GREEN GEM'	GREEN GEM BOXWOOD	10	#02 CONT./1.0M O.C. SPACING
TAULXIA MEDIA 'HICKSII'	HICKS' YEW	10	#02 CONT./1.0M O.C. SPACING
PERENNIALS & GRASSES			
PAEONIEA NOCULOSA THUSPIDA 'GREEN SHOWERS'	GREEN SHOWERS BOSTON YN	11	#01 CONT./0.75M O.C. SPACING
PENSTEMON ORIENTALIS 'KARLEY ROSE'	KARLEY ROSE ORIENTAL FOUNTAIN GRASS	11	#01 CONT./0.75M O.C. SPACING

PROJECT TITLE

417 CEDAR AVENUE

Kelowna, BC

DRAWING TITLE

CONCEPTUAL LANDSCAPE PLAN

ISSUED FOR / REVISION		
1	20.12.11	Review
2	20.12.16	Development Permit
3		
4		
5		

PROJECT NO.	20-124
DESIGN BY	FB
DRAWN BY	WC/JK
CHECKED BY	FB
DATE	DEC. 16, 2020
SCALE	1/25
PAGE SIZE	24x36

SEAL



DRAWING NUMBER

L 1/2

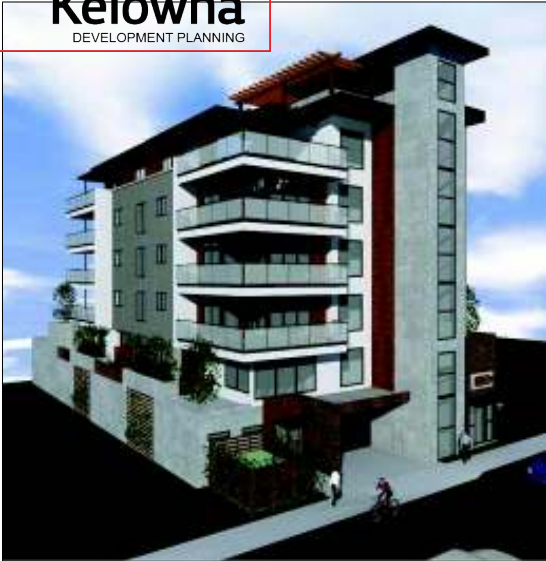
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rendered without permission.

This forms part of application

Z21-0002

Planner
Initials

LK



FOR DVP

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All trades are to execute the work in accordance with the current municipality building bylaws and requirements of other local authorities having jurisdiction as well as the British Columbia Building Code - most recent edition including all published variations and addenda. All trades shall assume full responsibility for the locations and protection of all water and above ground utilities, wires and conduit connections, including but not limited to water, sewer, gas, hydro and telephone.

Revision No., Date and Description
12-16-20 - FOR DVP

Plot Date 16-Dec-20	Drawing No. A-000
PROJECT 417 CEDAR AVENUE	
DRAWING TITLE RENDERS	

REGISTERED ARCHITECT
BRITISH COLUMBIA
JWE ARCHITECTURE INC.
JWE



Transmittal Page 1 of 2

To: Planning Department
CC: Kevin Edgecombe

City of Kelowna
kevin@edgecombebuilders.com

March 31, 2021

**Re: Design Rationale for the Proposed Rezoning of
417 Cedar Avenue, Kelowna, BC (The Site)**

Dear City of Kelowna Planning Department,

Further to submitted information as it pertains to the proposed Development of 417 Cedar Avenue in Kelowna, we offer the following Rezoning Design Rationale for the project:

Located immediately west of the corner of Pandosy Street and KLO Road, 417 Cedar Avenue is located in the heart of Kelowna's Mission Centre neighbourhood. The project location is in close proximity to shopping and restaurants allowing most errands from the location to be accomplished by foot as is emphasized with a 70+ walk score. Kelowna's Mission Centre is ideally located for residential use and because of its associated high walk score, reduces the reliance on automobile use. The proposed C4 zone allows for mixed use (residential/commercial) which is well suited to the property's location between existing residential and commercial zones.

The building design includes a ground floor accessible commercial space from Cedar Avenue that connects internally to a residence on the second level above in order to create a work-live residence. Also included on the Cedar Ave. frontage is vehicle access to a ground level parkade and the entry lobby for the remaining 16 residences (17 in total) located on the upper 5 storeys above the entry level (6 levels in total). The location close to the commercial centre of the Mission Centre influenced the overall design that includes the provision of additional bicycle parking in order to reduce the required number of vehicle parking stalls. The reduction in automobile reliance in conjunction with the higher density infill development of the property contribute to a more sustainable approach to the building design that aligns with the City of Kelowna's Healthy City Strategy and planning initiatives. The concept for the building includes providing a mix of private outdoor spaces and a community roof-top amenity space that allows a variety of outdoor options for the occupants of the building.

The final building form takes inspiration from the trend to design and build with a modern building style combined with energy efficiency in mind. The modern form includes the use of punch windows to reduce the impact of the exterior located elevator shaft while offering transparent connection between indoor and exterior spaces. The use of this type of window system helps establish a regular rhythm on the building exterior while enhancing energy performance by limiting glazing areas. The building human scale at the street level is inviting with a majority of the massing above the entry level stepped back from the property line in order to reduce the impact of the building massing while maintaining a sense of privacy between neighbouring buildings.



The priority to densify precious, developable land within an existing urban centre in conjunction with stepping the building away from neighbouring properties will result in development that is ideally suited for its location while being sensitive to existing neighbours. The aim to achieve 17 residences on the property is felt to be important from a location and sustainability perspectives. The overall aim for the project is to provide an attractive infill project that combines a commercial component, addresses the human scale while sensitively designed to reduce impact on neighbours. Additionally, bicycle storage was regarded as an important aspect and in fact occupies prime floor space on both the entry and second levels. Easily accessible while being secured within the building is a testament to the priority that bicycle storage had in the design of this project. We believe that reducing the number of parking stalls in exchange for the additional bicycle storage aligns with the City's vision and our own when it comes to healthy, interactive urban living.

In summary, the rationale for the rezoning to C4 for the proposed project is as follows:

- i. Provide a thoughtful, sustainable infill housing solution to a property located in the heart of an existing urban centre of Kelowna.
- ii. Provide a live-work space in response to current changing habits that influence the way people work and live.
- iii. Propose a development that meets the City of Kelowna Parking Bylaw requirements. Specifically, and in conjunction with the additional bicycle storage, the project provides a vehicle parking stall for 14 of the 17 residential units plus 3 visitor spaces that includes an accessible stall.
- iv. The proposed development results in a building design that is attractive in its modern design, is inviting and addresses the human scale at ground level and is sensitive to the neighbourhood at large by the way it has been designed and massed on the site.

This proposed development recognizes the City of Kelowna's strategic approach to overall residential growth including better use of precious developable land in accordance with the City's OCP/Future Land Use, Healthy City Strategy and planning initiatives.

We look forward to your supportive comments in response to the zoning application. Please do not hesitate to contact our office if you have any questions or require additional information in these matters.

Sincerely:

Matt Johnston Architect AIBC, LEED AP
LIME Architecture Inc.

c/o

**The Development Team including, but not limited to:
Edgcombe Builders Group.**



Z21-0002 417 Cedar Avenue

Rezoning Application



Proposal

- ▶ To consider an application to rezone the subject property from the RU1 – Large Lot Housing zone to the C4 – Urban Centre Commercial zone to facilitate the development of mixed-use multiple dwelling housing.

Development Process

Jan 14, 2021

Development Application Accepted

Staff Review & Circulation

Mar 15, 2021

Public Information Session

Apr 19, 2021

Initial Consideration

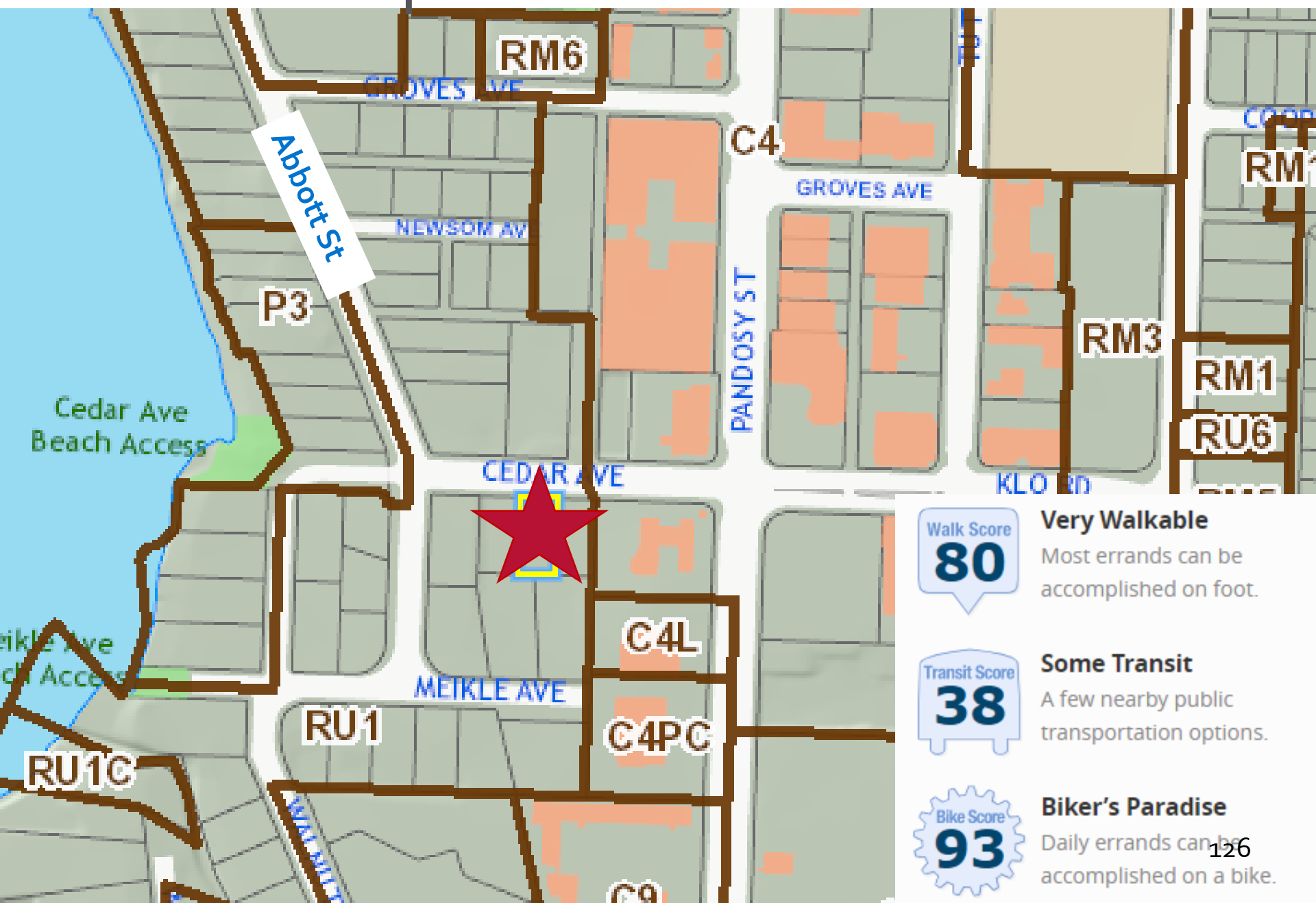
Public Hearing
Second & Third Readings

Final Reading and DP & Variances

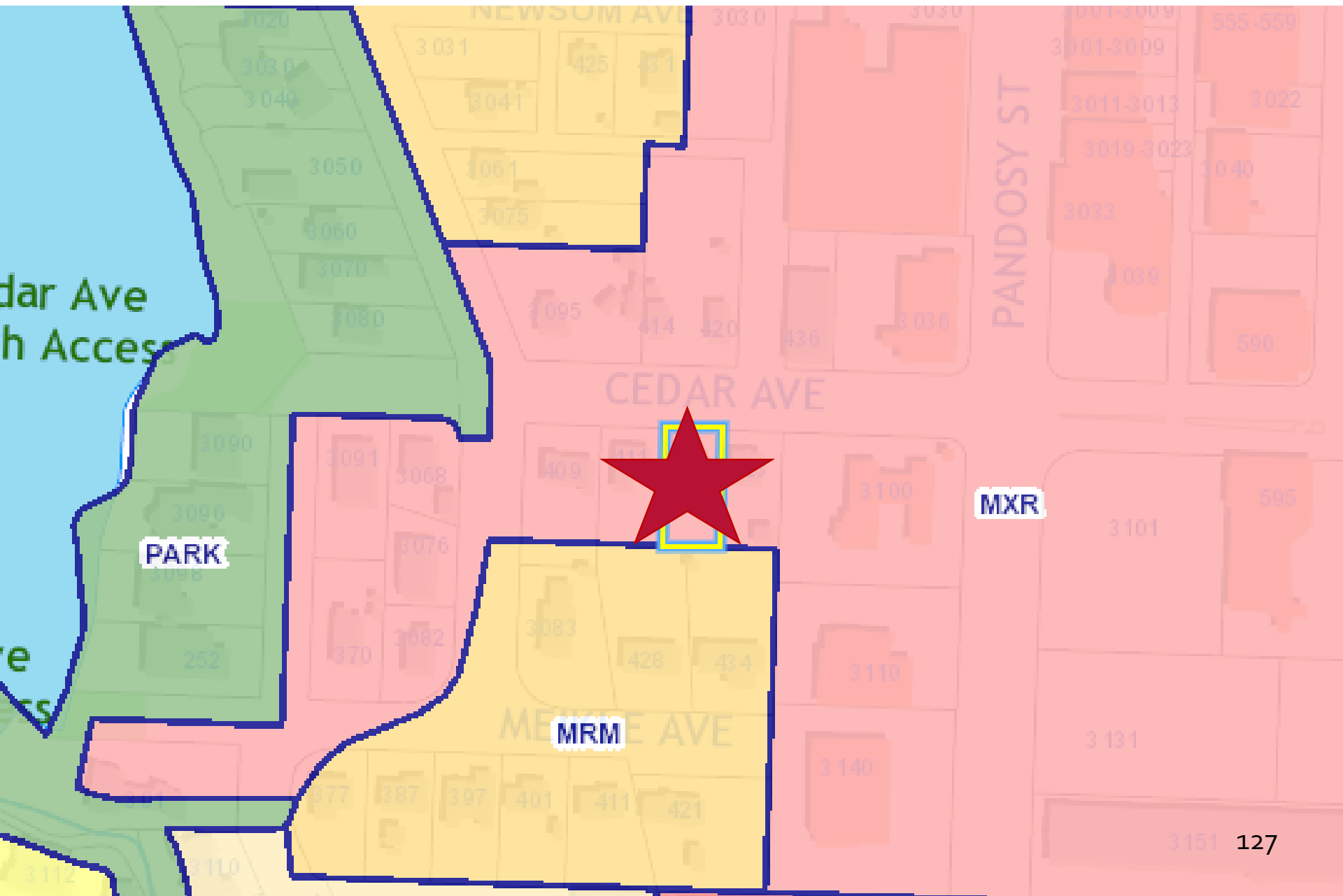
Building Permit

Council
Approvals

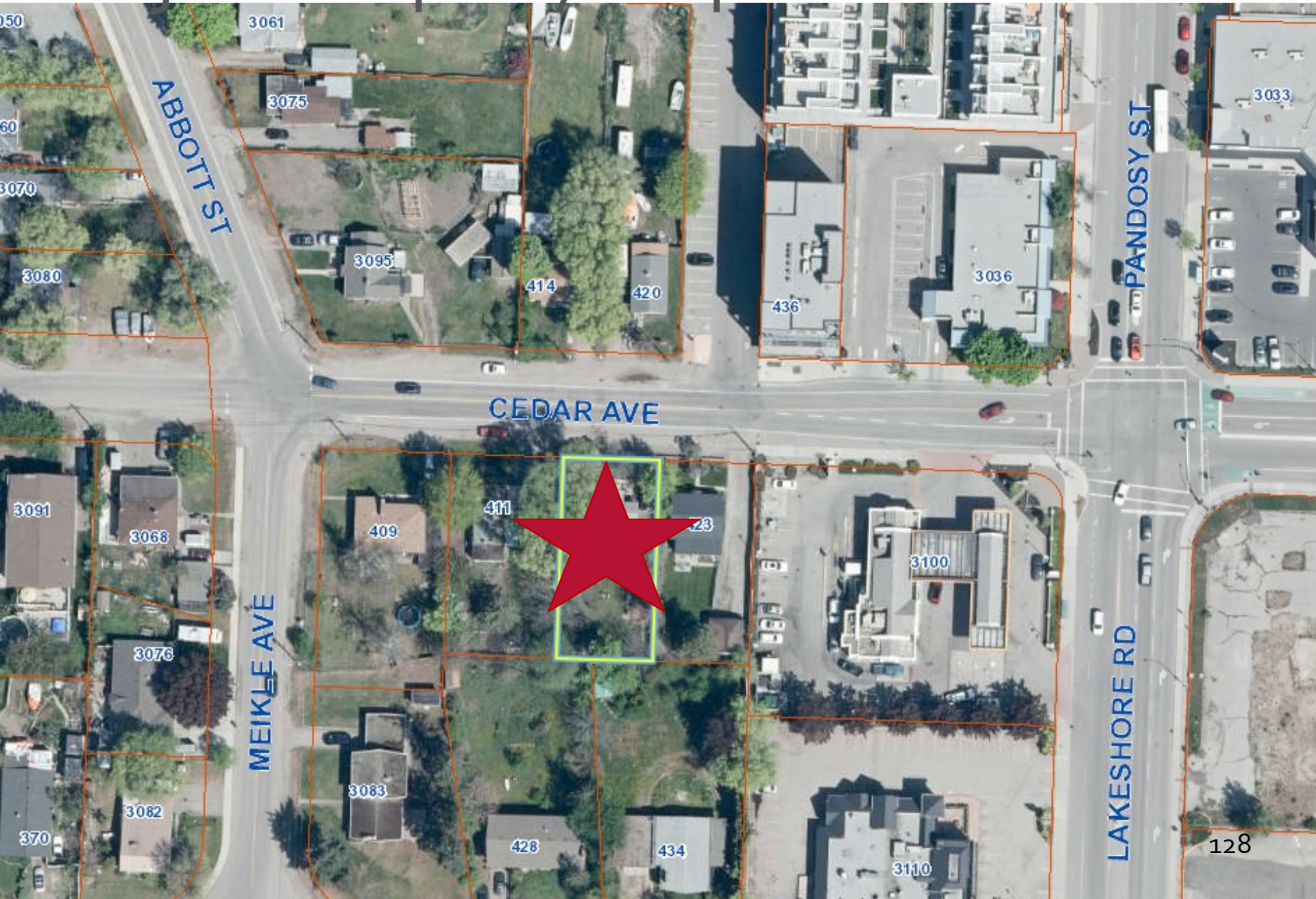
Context Map



Future Land Use



Subject Property Map

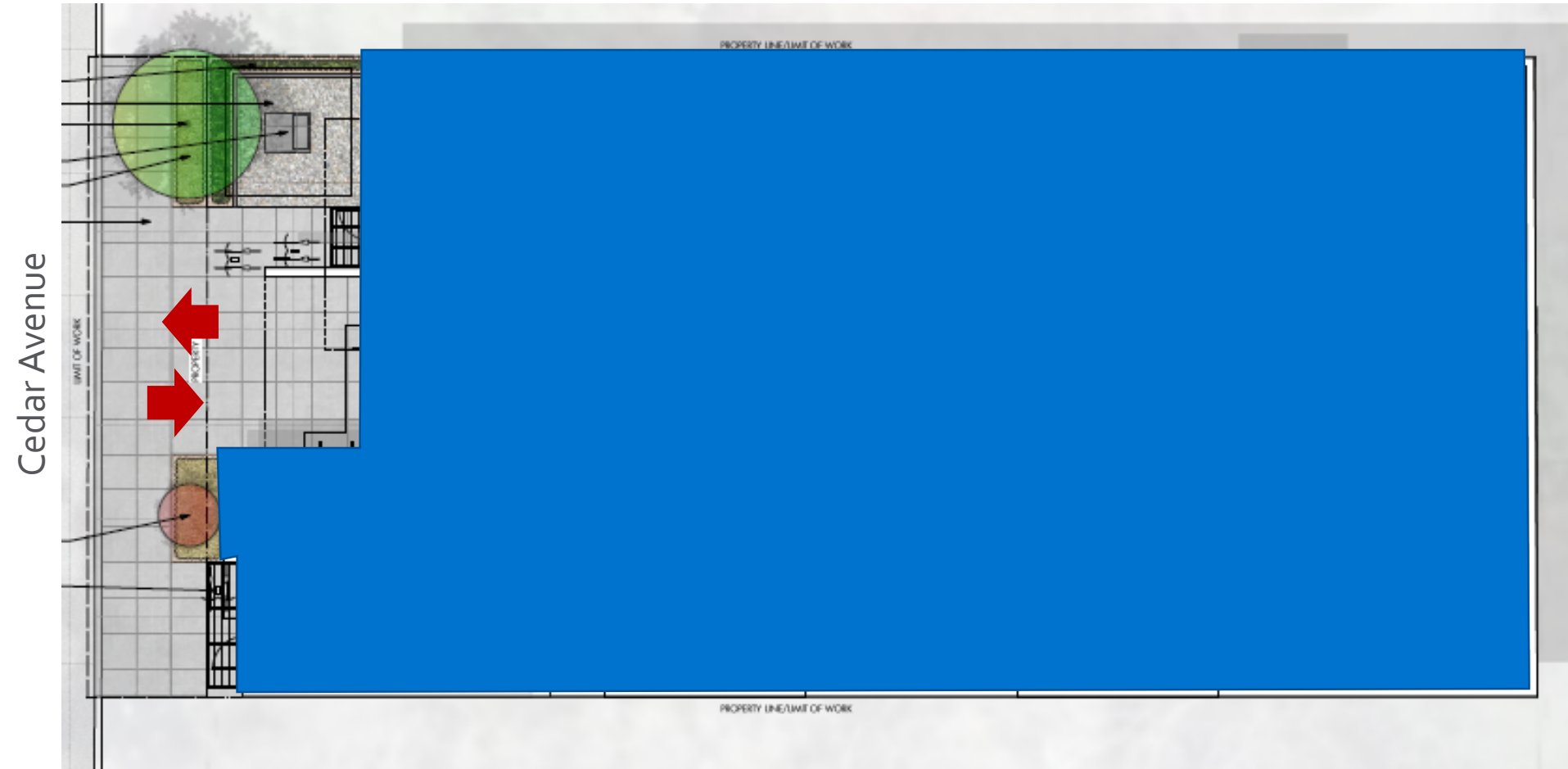




Project Details

- ▶ 6 storeys condo building
- ▶ 17 residential units (1 is a live/work)
- ▶ One level at-grade parking podium
- ▶ Site access from Cedar Avenue

Conceptual Site Plan



Development Policy

- ▶ Consistent with Future Land Use: MXR – Mixed Use (Residential/ Commercial)
- ▶ OCP Urban Infill Policies:
 - ▶ Complete Communities:
 - ▶ Support the development of complete communities with a minimum of intensity of approximately 35 – 40 people and/or jobs per hectare to support basic transit service – a bus every 30 minutes.
 - ▶ Compact Urban Form
 - ▶ Focus growth with compact, connected mixed-use developments in Urban & Village Centres.

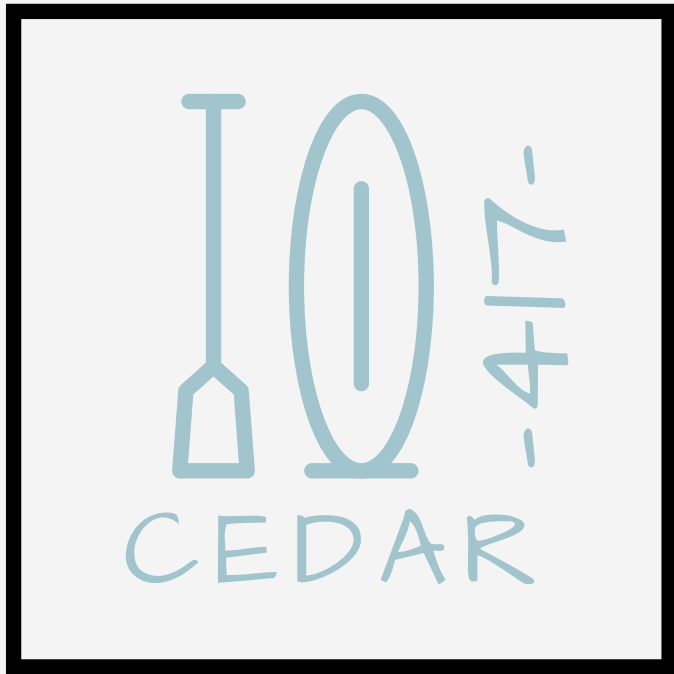
Staff Recommendation

- ▶ **Support** of the proposed Rezoning:
 - ▶ Meets many objectives in the OCP
- ▶ Recommend the bylaw be forwarded to Public Hearing for further consideration.



Conclusion of Staff Remarks





417 CEDAR AVE.

PRESENTATION TO COUNCIL MAY 11, 2021

REZONING COK File #Z21-0002

DP 21-0005

DVP 21-0006

Presented by:
KEVIN EDGECOMBE



Presentation Outline



PART 1	Background
PART 2	Neighbourhood Consultation
PART 3	C4 Zone - Benefits to the Community
PART 4	Density in Urban Centers
PART 5	Parking Analysis
PART 6	Evolution of 417 Cedar
PART 7	Summary



Background

We are seeking rezoning of 417 Cedar Avenue to create a 17 Unit, 6-storey development that is located on the south side of Cedar Avenue just west of Pandosy Street. The immediate area currently consists of largely single-family homes zoned RU1, as well as a large amount of C4 commercial on the Pandosy corridor.

The application was submitted following 4 pre-submission meetings with COK staff with several iterations of the building's form and character being presented and refined. Our application was ultimately submitted mid-December 2020. During our very positive pre-submission discussions, there were 3 main components discussed and worked on with staff and our architect.

- Commercial component/frontage.... *Required but tough to achieve*
- Potential Land Assembly....*Desired but not possible*
- Lack of lane way on south side of property.... *Made it tough to create meaningful commercial frontage given the need for a Foyer, a Drive Lane and a Transformer*

Neighborhood Consultation

Our team hosted a Neighborhood Consultation on March 15th 2021



ATTENDEES

There was a good cross section of attendees at the event which resulted in positive communication with local residents as well as members of the KLO Residence Association and the South Pandosy Business Association.

CONCERNS VOICED (SUMMARIZED)

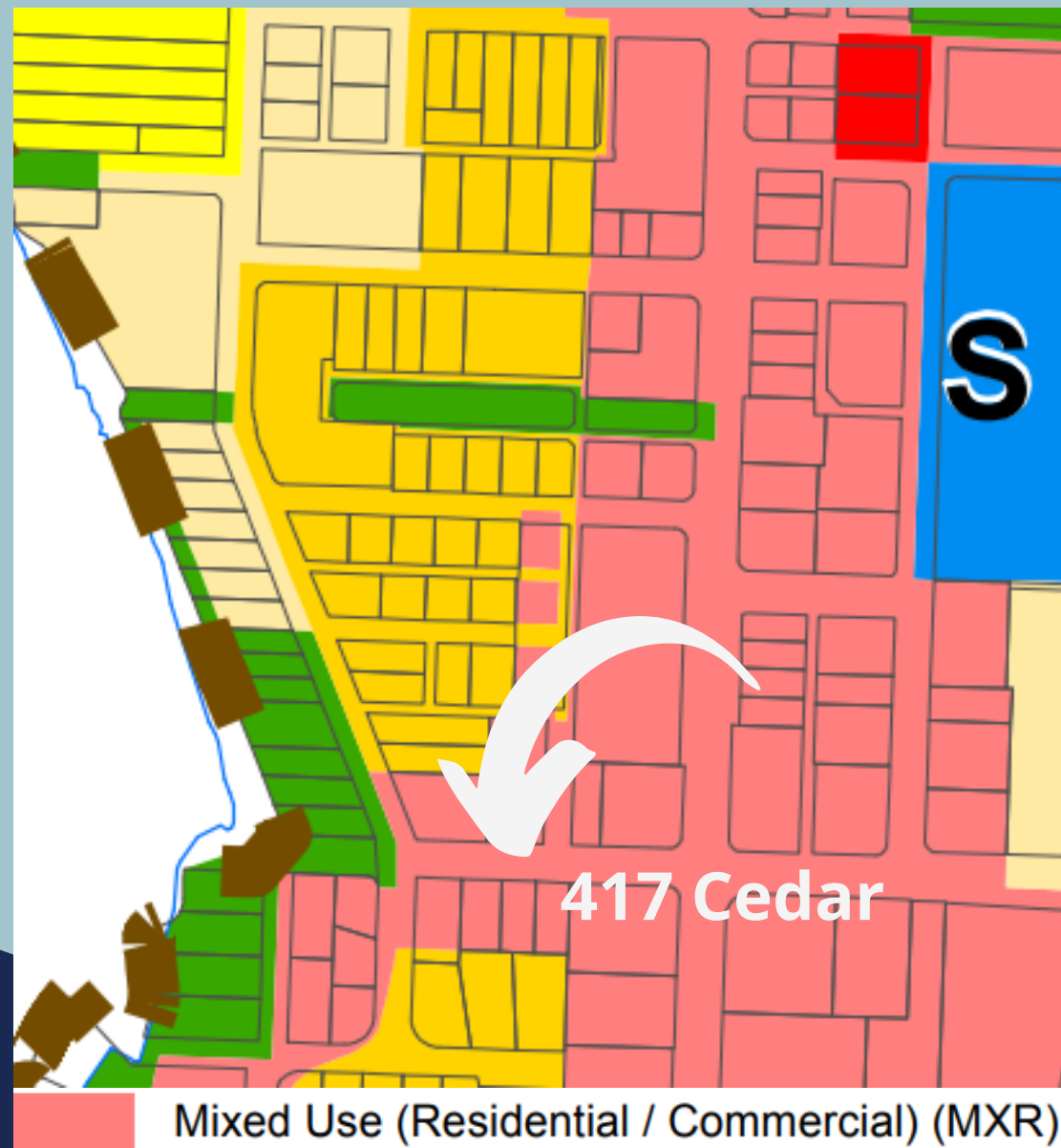
- Some concern with regards to building heights in general in the Pandosy area
- Concerns that the front yard along Cedar will lack landscaping
- There was concern that 3 of the units will not have parking stalls provided
- General concerns about parking in the area
- Some concern over the setbacks at the residential levels
- Some concern over the zero lot line concrete parkade walls and their mass
- Some concern raised over the addition of commercial in the building

POSITIVE FEEDBACK (SUMMARIZED)

- Attendees found the meeting informative
- Attendees noted that the building was attractive
- Attendees liked the fact that we had met the parking bylaw
- There were positive comments around the compact nature of the development
- Consultation group didn't seem to have any issue with the proposed zone
- Management at the Paddle Center spoke highly of the project.

Site Location Map

2030 OCP - Current zone



C4 Zone - Benefits to the Community

The 2030 OCP, as well as the Draft 2040 OCP, support the C4 rezoning application as it serves the local business needs as well as provides opportunity for improved density in Urban Centers.

CONSISTENT WITH MUCH OF THE LOCAL AREA WHICH INCLUDES NEW AND OLDER COMMERCIAL C4 STRUCTURES ALONG THE PANDOSY CORRIDOR

MEETS LONG RANGE PLANNING INITIATIVES

ALIGNS WITH KELOWNA'S HEALTHY CITY STRATEGY

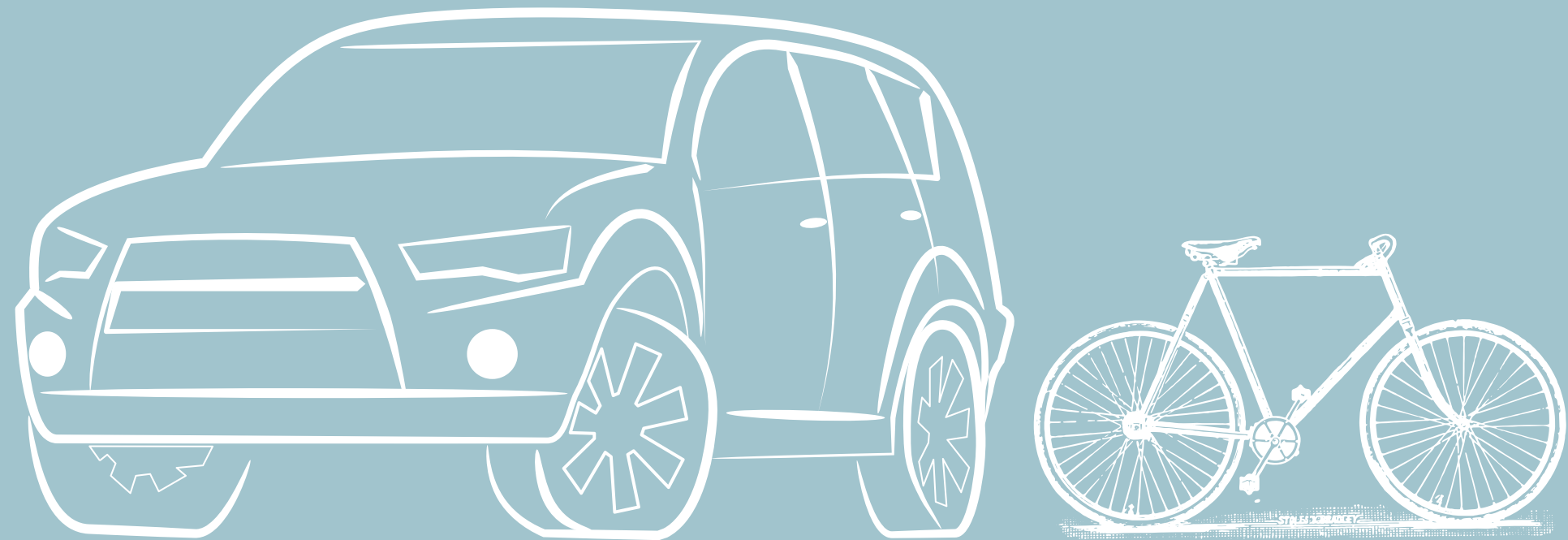
PROVIDES AN EXCELLENT OPPORTUNITY TO REJUVENATE A NEIGHBORHOOD WHICH HASN'T SEEN MUCH REDEVELOPMENT IN RECENT YEARS

Density in Urban Centers

We believe that support of this rezoning will provide much needed density in an Urban Center such as the South Pandosy Area.

- 17 Unique condos in a great location including one Live/Work studio opportunity
- Very high Walk-Score with less reliance on motor vehicles
- Steps away from the lake and the new South Pandosy Park
- A critical step in renewing and revitalizing the Cedar Ave corridor

Parking Analysis



STALLS REQUIRED	STALLS PROVIDED	WHAT DOES THIS MEAN
<p>20 stalls are required by bylaw which include:</p> <ul style="list-style-type: none">• 1 for commercial space• 9 for 1 bedroom• 7 for 2 bedrooms• 3 for Visitor stalls <p>• 13 Long term bicycle stalls</p> <p>• 6 short term bicycle</p> <p>Total stalls required - 20 Less 20% for long term bicycle bonus = 16 stalls required</p>	<p>17 stalls are provided</p> <ul style="list-style-type: none">• 8 full size stalls• 8 regular stalls• 1 accessible stall <p>• 20 long term bicycle stalls</p> <p>• 6 short term bicycle stalls</p> <p>• NOTE, 3 of the above parking stalls will be visitor stalls</p>	<ul style="list-style-type: none">• 3 units will not have parking stalls• We exceed the parking by-law by 1 stall• We feel this is an excellent location to prove the new parking by-law• Healthy City Strategy: "When [our built environment] is strategically designed, these places can reduce obesity and chronic diseases, like heart disease and diabetes, and improve our well-being and social connections."

Evolution of 417 Cedar

Challenges Faced

- Lack of laneway at rear of property (south side)
- Inability to secure adjacent land assembly to the east
- Lack of commercial frontage (90%)
- Single lot development in infill environment
- Variance requirements - 6

Mid-Design changes

- We attended 4 pre-submission meetings with COK staff, all of which resulted in changes to improve set-backs, and overall building aesthetics (many of which are listed below)

Design enhancements

- Project is in full compliance with COK parking bylaw - exceeds number of required stalls by 1
- Added a small commercial space connected to suite above (Live/Work opportunity)
- Created an aesthetically pleasing infill project with great curb appeal
- Reduced massing with good setbacks above the first level parkade
- Reduced the mass of the level 1 parking structure with added features
- Reduced the elevator core to only travel to 6th floor rather than roof top.
- Large Private Decks on all units as well as a significant rooftop amenity space
- Added windows to the north-west corner of the building to enhance the aesthetic and views to the water
- Changed the composite siding from grey to light blue
- Solved technical exiting issues from the parkade level



Early iteration



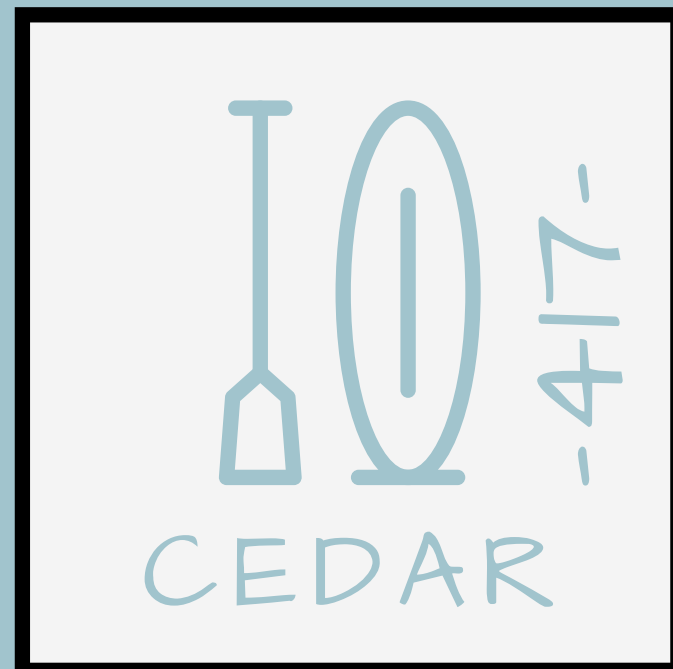
DP Submission



Current DVP

Site Statistics

417 Cedar



SITE INFORMATION:

Gross Site Area=	7,452 sf (697 sm)	Allowed/Required	Proposed	
Allowable Site Coverage=		75% (5,589sf)	91.5% (6,818sf)	VARIANCE REQUIRED
F.A.R. =		1.3 + .4* = 1.7 (12,668sf)	1.7 (12,668sf)	
*Parking spaces provided beneath habitable space = F.A.R. + 0.2				
Five or six storey buildings = F.A.R. + 0.2				
Total F.A.R. bonus = 0.4				

First Floor Commercial Frontage (LOT WIDTH = 59'11")	90% (53'11 1/8")	27% (16'2 1/2")	VARIANCE REQUIRED
--	------------------	-----------------	-------------------

Unit Area Calculations:

	NET FLOOR AREA	PRIVATE OPEN SPACE
ENTRY LEVEL / PARKADE - One Commercial Suite	265 SF (25 SM)	
SECOND LEVEL -	2,610 SF (242 SM)	
Unit 201 - One Bedroom Suite	654 SF	377 SF (36 SM)
Unit 202 - One Bedroom Suite	690 SF	947 SF (34 SM)
Unit 203 - One Bedroom Suite	576 SF	313 SF (28 SM)
Unit 204 - Two Bedroom Suite	690 SF	821 SF (35 SM)
THIRD LEVEL -	2,598 SF (241 SM)	
Unit 301 - One Bedroom Suite	643 SF	215 SF (20 SM)
Unit 302 - Two Bedroom Suite	722 SF	395 SF (37 SM)
Unit 303 - One Bedroom Suite	576 SF	111 SF (11 SM)
Unit 304 - One Bedroom Suite	657 SF	359 SF (33 SM)
FOURTH LEVEL -	2,598 SF (241 SM)	
Unit 401 - One Bedroom Suite	643 SF	215 SF (20 SM)
Unit 402 - Two Bedroom Suite	722 SF	395 SF (37 SM)
Unit 403 - One Bedroom Suite	576 SF	111 SF (11 SM)
Unit 404 - One Bedroom Suite	657 SF	359 SF (33 SM)
FIFTH LEVEL -	2,599 SF (241 SM)	
Unit 501 - One Bedroom Suite	643 SF	215 SF (20 SM)
Unit 502 - Two Bedroom Suite	722 SF	395 SF (37 SM)
Unit 503 - Two Bedroom Suite	1,234 SF	470 SF (44 SM)
SIXTH LEVEL -	1,998 SF (186 SM)	
Unit 601 - Two Bedroom Suite	974 SF	997 SF (93 SM)
Unit 602 - Two Bedroom Suite	1,024 SF	597 SF (55 SM)
TOTAL	12,668 SF (1,176 SM)	

Building Height:	Allowed:	Proposed:	
Max. Height =	15m (49.2 ft) or 4 storeys	19.5m - 6 storeys	VARIANCE REQUIRED

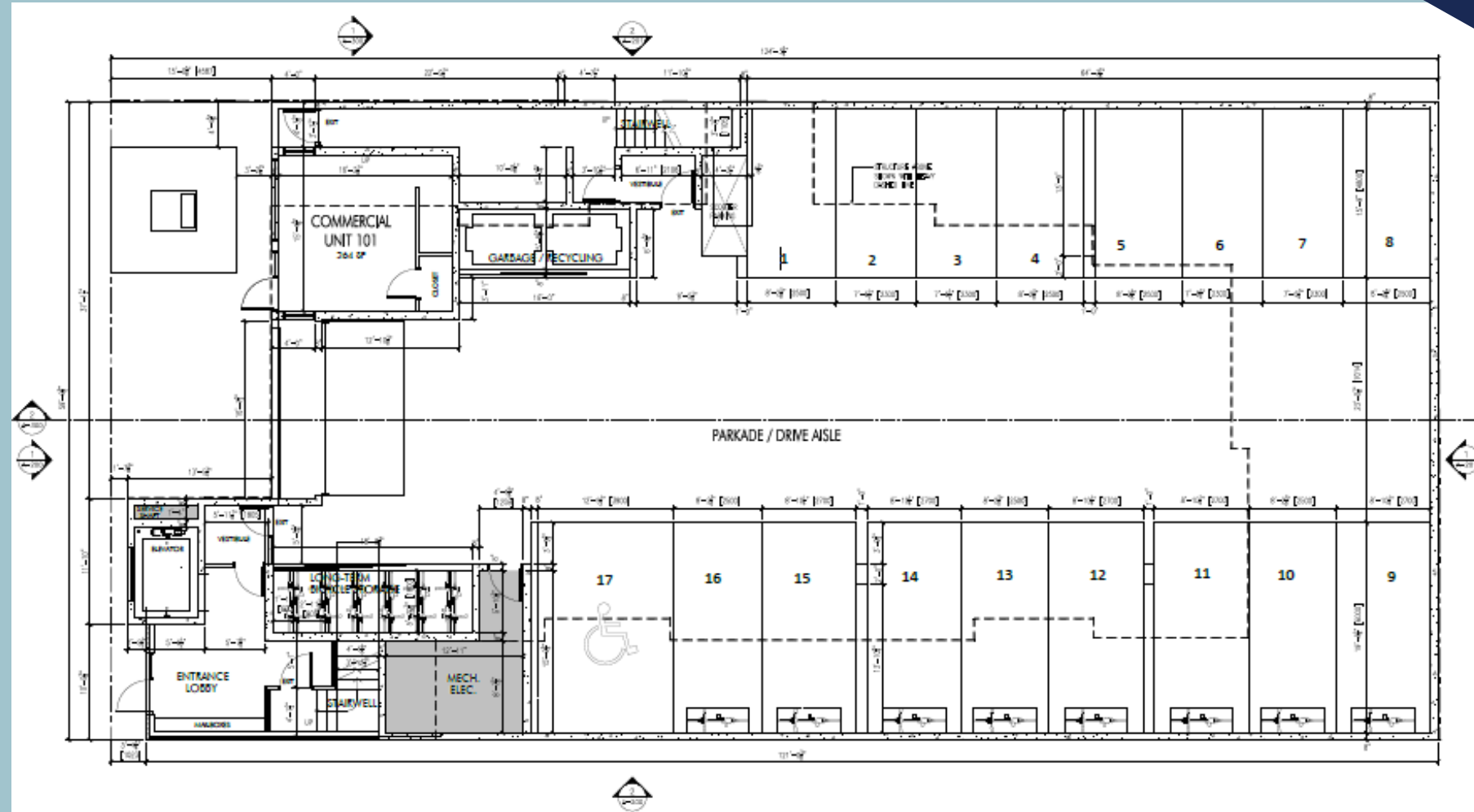
Yard setbacks:	Allowed:	Proposed:	
Front yard -	0.0 m	0.49m	
West Side yard -	2.0 m abutting residential	0.0m	VARIANCE REQUIRED
East Side yard -	2.0 m abutting residential	0.0m	VARIANCE REQUIRED
Rear yard -	6.0 m abutting residential	0.0m	VARIANCE REQUIRED

Parking Calculations:	Required:	Proposed:
Commercial Unit - 1.3 per 100m²	1	
0.9 per 1 Bedroom	0.9 x 10 Suites = 9	
1 per 2 Bedroom	1 x 7 Suites = 7	
Visitor Parking - 0.14 per Suite	0.14 x 17 Suites = 3	
	20 - 20%* = 16	17

*Long-term bicycle storage bonus provided.

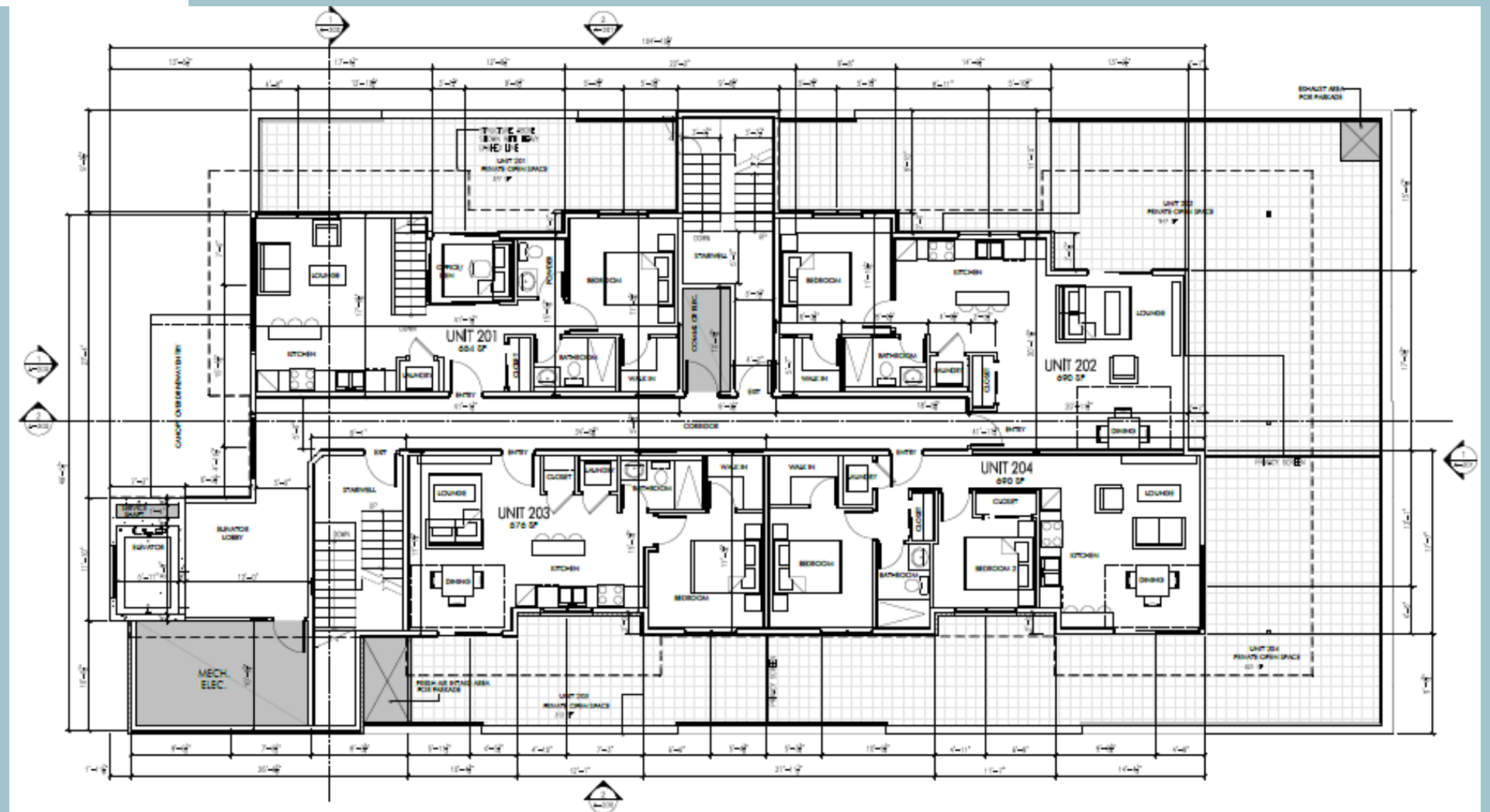
** 50% Regular / 50% Small

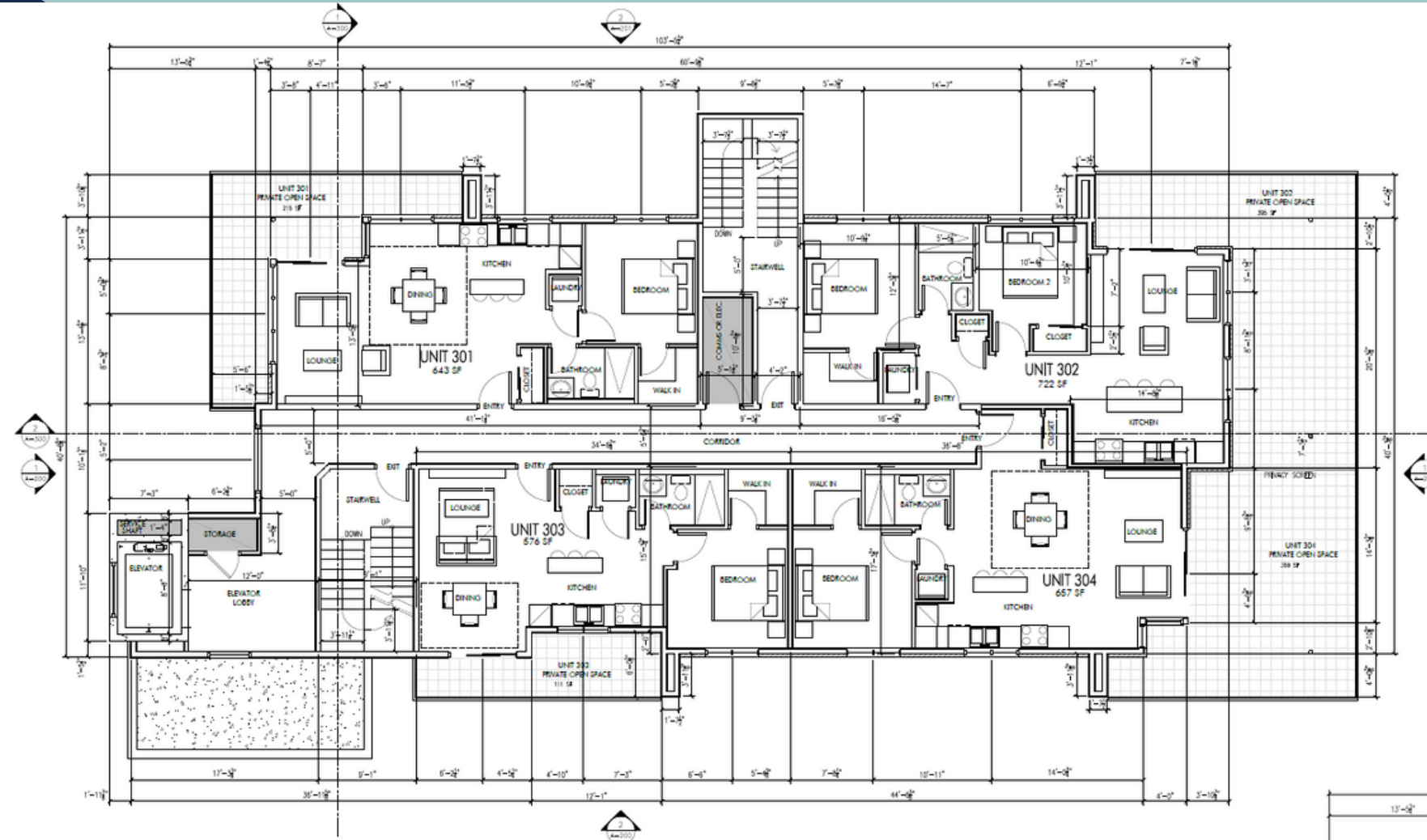
Bicycle Storage:	Required:	Proposed:
Long-term bicycle storage lockers	.75X17 = 13	20 (dedicated storage lockers)
Short-term bicycle storage lockers	6 per entrance	6 (per Landscape Plan)



Ground floor

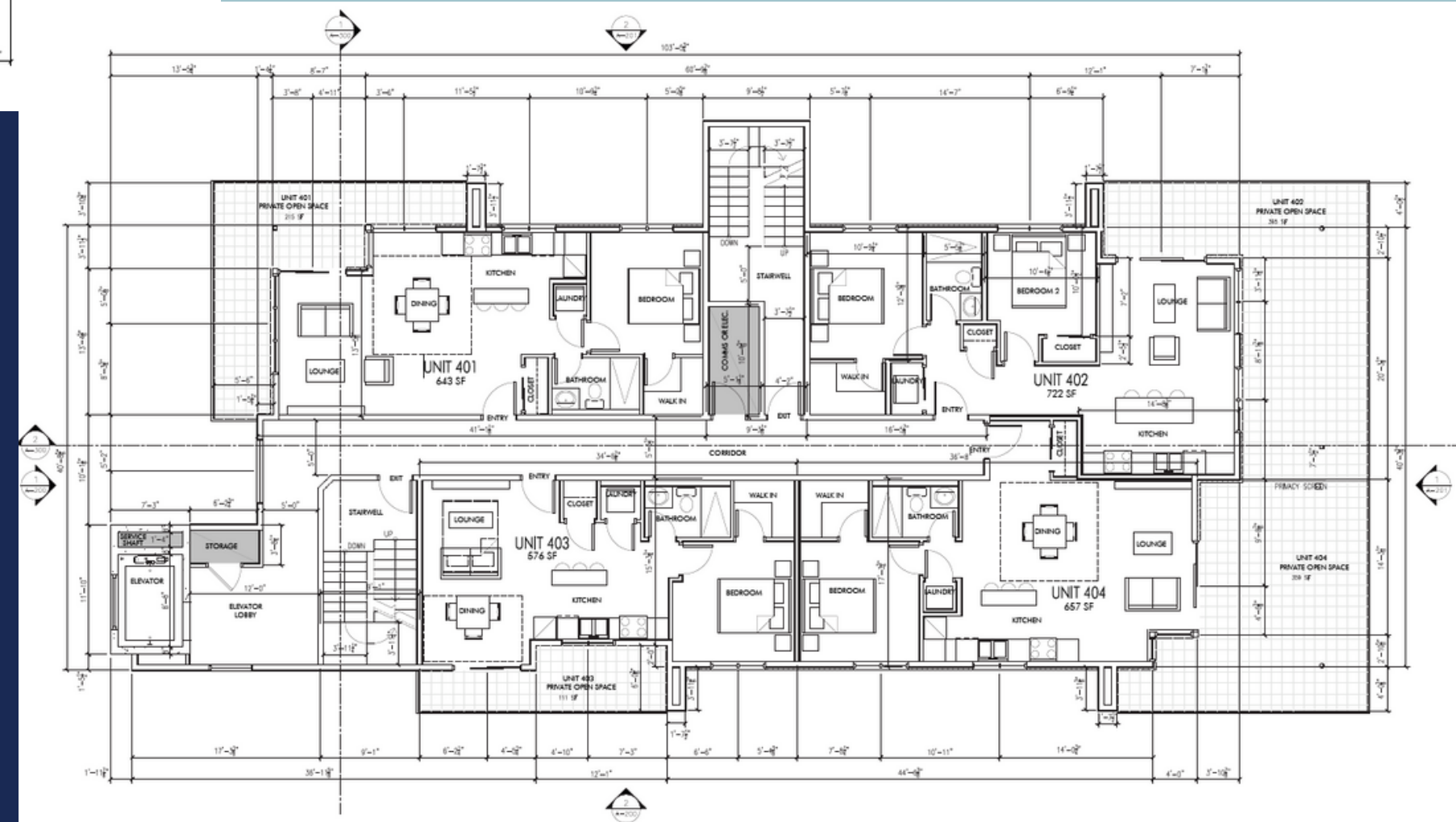
Second floor

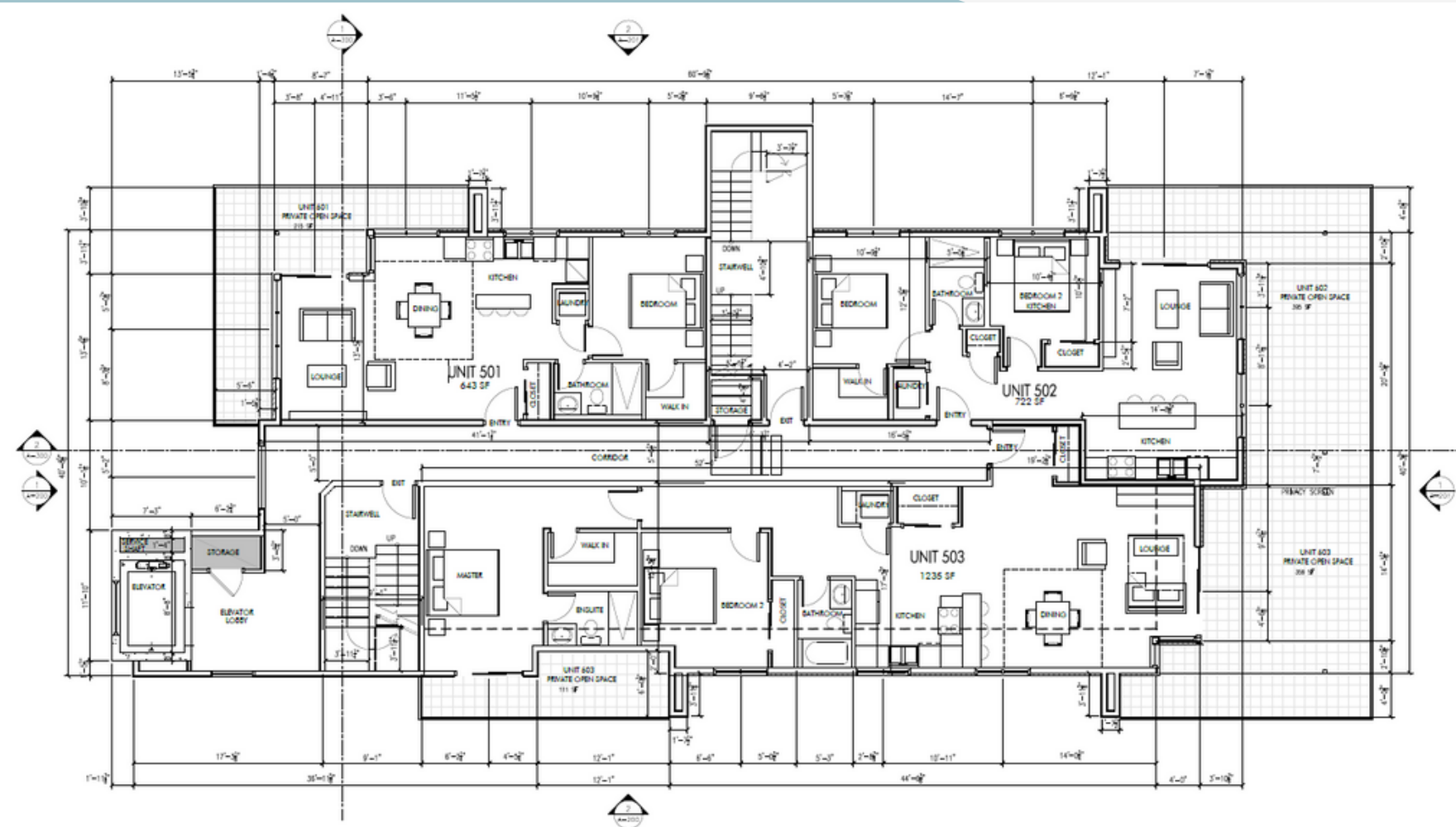




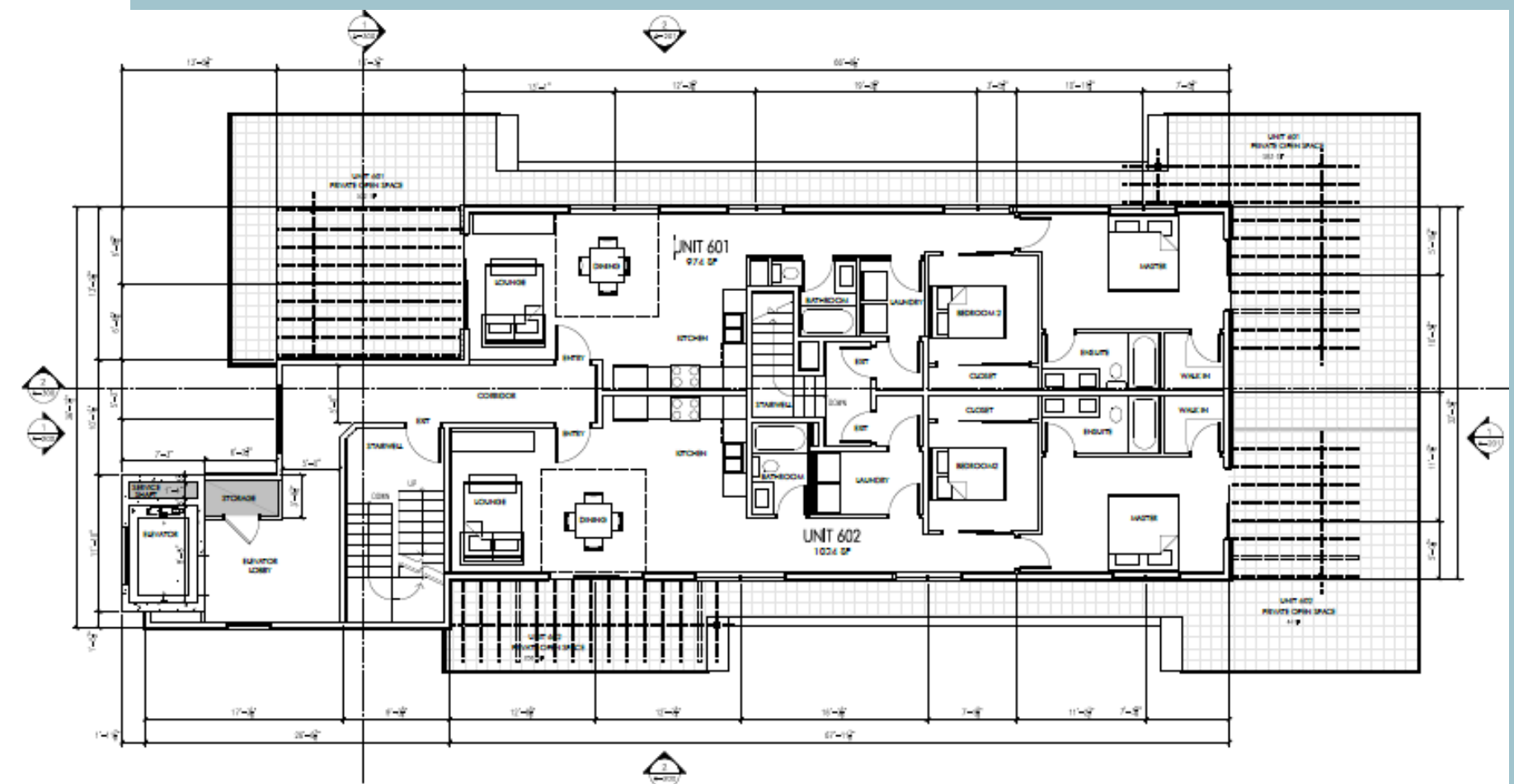
Third floor

Fourth floor





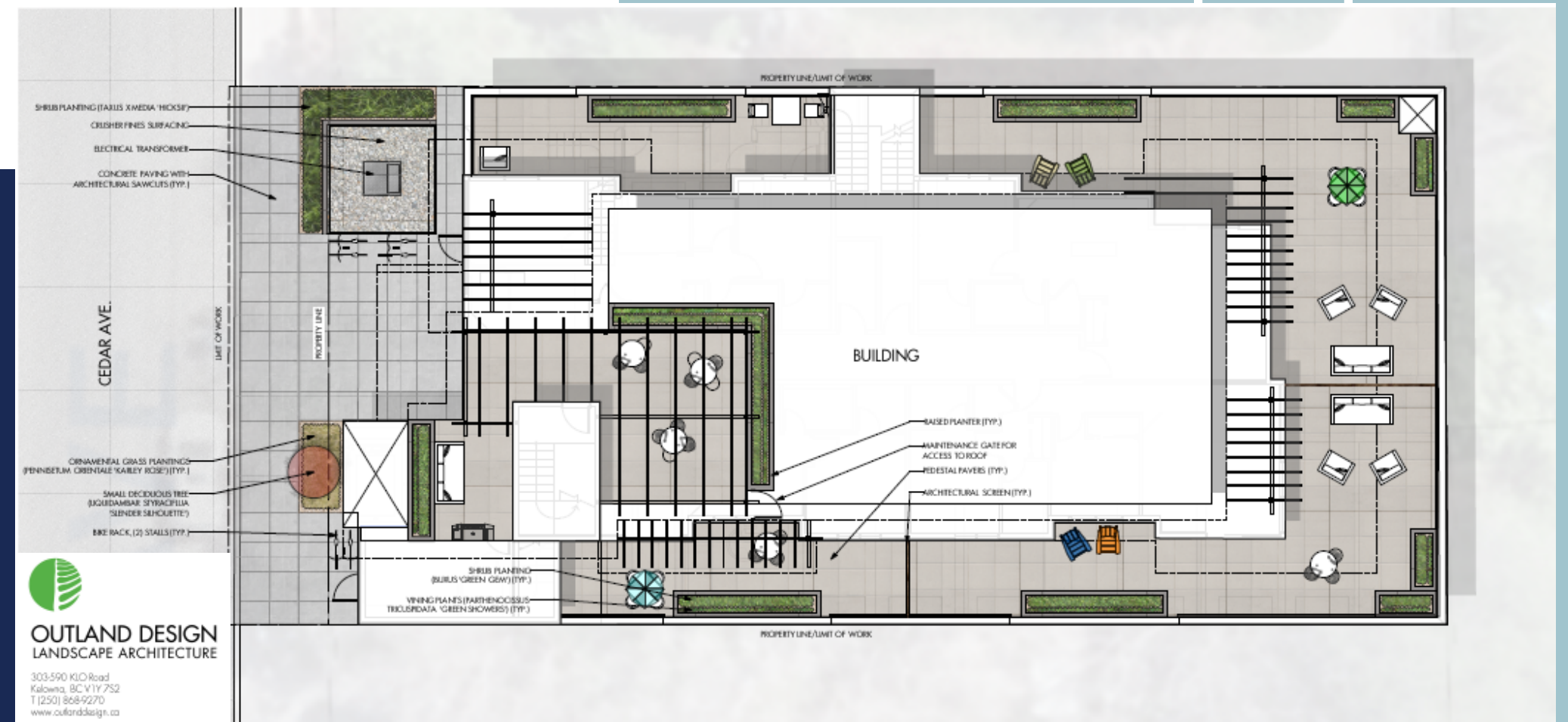
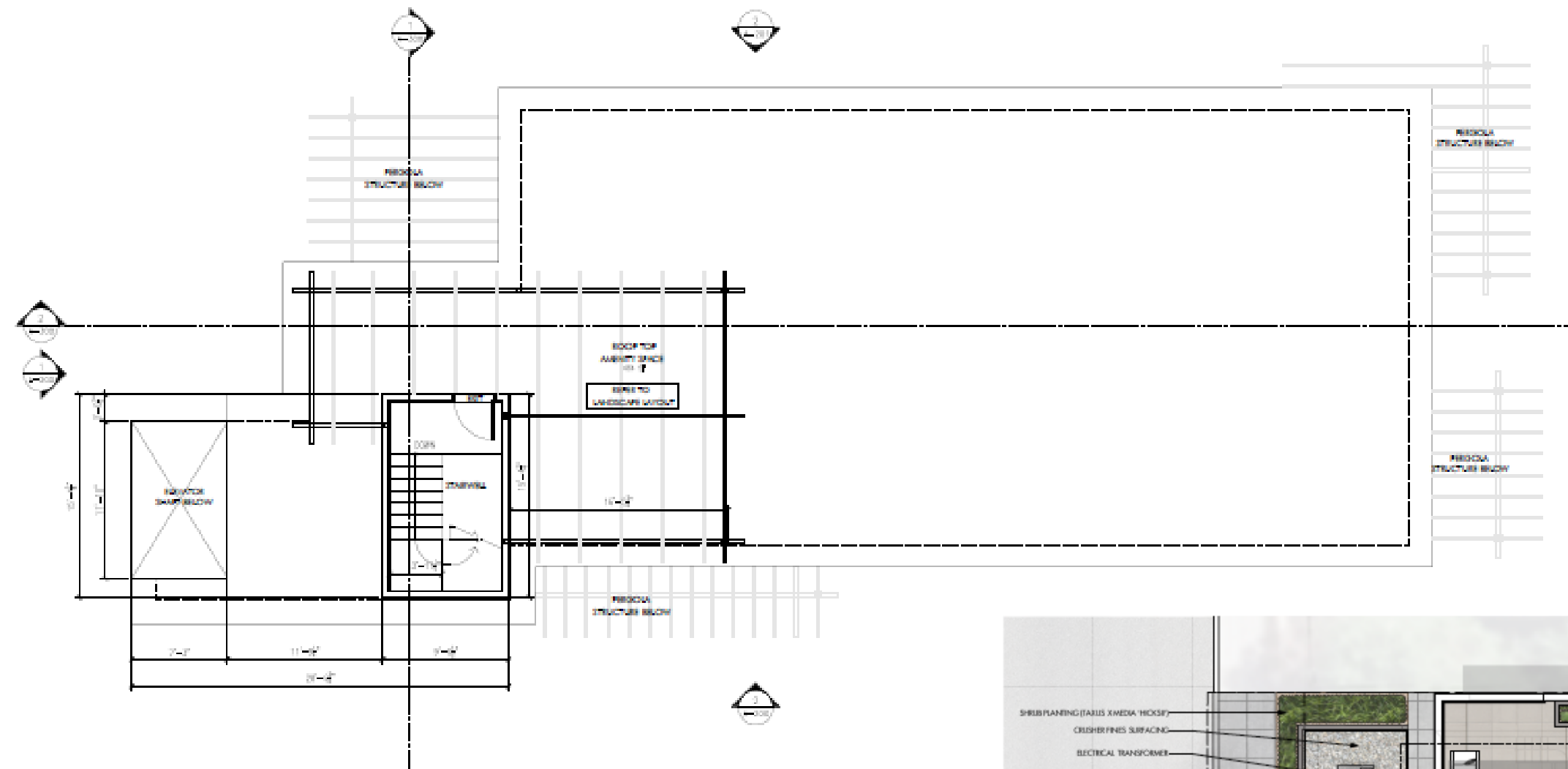
Fifth floor



Sixth floor

Landscape plan

Roof-top amenity

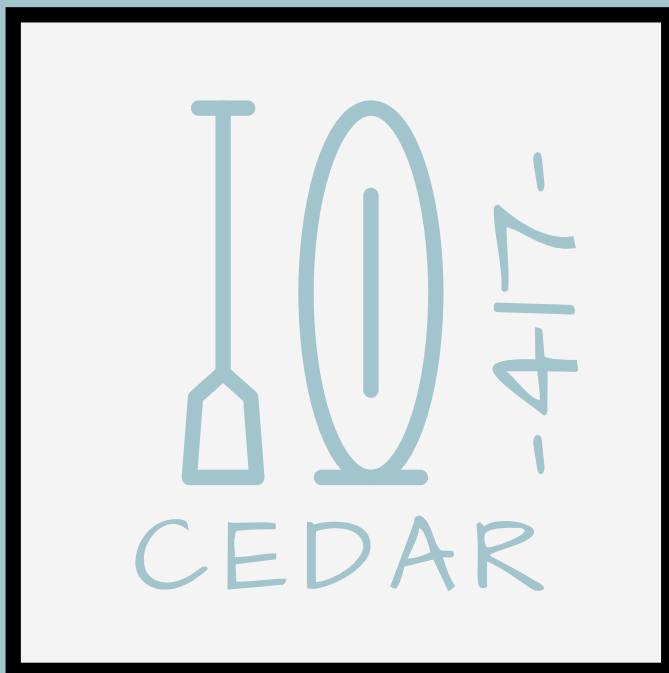


OUTLAND DESIGN
LANDSCAPE ARCHITECTURE
303-590 KLO Road
Kelowna, BC V1Y 7S2
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www.outlanddesign.ca



Summary

Please consider supporting this application which is a unique opportunity that provides high quality design, creative infill development and unique and attainable homes in the South Pandosy area.



Thank you!



CITY OF KELOWNA

BYLAW NO. 12209

Z21-0002

417 Cedar 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 2 District Lot 14, ODYD, Plan 4135 located at Cedar Avenue, Kelowna, BC from the RU1 – Large Lot Housing zone to the C4 – Urban Centre Commercial zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 19th day of April, 2021.

Considered at a Public Hearing on the 11th day of May, 2021.

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