# City of Kelowna Regular Council Meeting <br> AGENDA 

Tuesday, November 30, 2021


6:40 pm
Council Chamber
City Hall, 1435 Water Street

1. Call to Order
2. Reaffirmation of Oath of Office

The Oath of Office will be read by Councillor DeHart.
$\begin{array}{lc}\text { 3. Confirmation of Minutes } & 1-18\end{array}$
Public Hearing - November 16, 2021
Regular Meeting - November 16, 2021
4. Development Permit and Development Variance Permit Reports

Mayor to invite anyone participating online or in the public gallery who deems themselves affected by the required variance(s) to come forward for each item.
4.1. START TIME 6:40 PM - Abbott St 1842 - HAP20-0006 - Jo-Anne Elizabeth Kubas and
Lonny Allan Kubas

To consider the form and character of a proposed carriage house and to vary the required minimum distance to a principal dwelling from 3.0 m permitted to 2.0 m proposed.

| 4.2. | START TIME 6:40 PM - Abbott St 3031 - BL12106 (OCP20-0004) - 3031 and 3041 | $41-41$ |
| :--- | :--- | :--- |
| Abbott Street GP Ltd., Inc. No. BC1176909 |  |  |
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To amend and adopt Bylaw No. 12106 in order to amend the Official Community Plan from the MRM - Multiple Unit Residential (Medium Density) designation to the MXR Mixed Use (Residential/Commercial) designation for the subject property.
4.3. START TIME 6:40 PM - Abbott St 3031-BL12107 (Z20-0007) - 3031 and 3041 Abbott Street GP Ltd., Inc. No. BC1176909

To amend and adopt Bylaw No. 12107 in order to rezone the subject property from the RU1- Large Lot Housing zone to the C4-Urban Centre Commercial zone.
4.4. START TIME 6:40 PM - DP21-0041 DVP21-0042 Abbott St 3031-3031 and 3041

To consider the form and character and the associated variances of a mixed-use multiple dwelling housing development on the subject property.
4.5. START TIME 7:40 PM - Francis Ave 410 - BL12146 (Z20-0037) - 1256484 B.C. Ltd., Inc.No. BC1256484

To adopt Bylaw No. 12146 in order to rezone the subject property from the RU1 Large Lot Housing zone to the RU6 - Two Dwelling Housing zone.
4.6. START TIME 7:40 PM - Francis Ave 410-DVP20-0110-1256484 BC Ltd., Inc. No. BC1256484

To issue a Development Variance Permit for the front yard setback and the flanking side yard setback to facilitate two detached single-family dwellings.
4.7. $\quad$ START TIME 7:40 PM - Cara Glen Crt 1402 - DP21-0159 DVP21-0204 - Prime Clifton Homes Inc., Inc. No. A0116073

To consider the Form and Character of a 44 unit multi-family development and to consider varying the front yard set-back and maximum allowable building frontage on the subject property.

## 5. Reminders

6. Termination
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Staff:
- Displayed a PowerPoint Presentation summarizing the application.
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## Birte Decloux, Urban Options Planning, Applicant Representative

- Displayed a PowerPoint Presentation.
- Spoke to concerns raised in correspondence including parking, sidewalks and infill development being too much for the area.

Mayor Basran invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

## Online Participants

Rob Wilson, Sherwood Court

- Opposed to the proposed rezoning.
- Raised concerns with parking in the neighbourhood and egressing the development.


## Birte Decloux, Urban Options Planning, Applicant Representative

- Confirmed that parking will be on site.
- Responded to questions from Council.

No one in the gallery wished to speak.
There were no further comments.
4. Termination

The Hearing was declared terminated at 4:16 p.m.
5. Call to Order the Regular Meeting

Mayor Basran called the meeting to order at 4:16 p.m.
6. Bylaws Considered at Püblic Hearing
6.1 START TIME 4:00 PM - SherwoodRd 639 - BL12264 (Z21-0067) - Yunfang Gao

Moved By Councillor Wooldridge/Seconded By Councillor Singh
R1044/21/11/16 THAT Bylaw No. 12264 beread a second and third time.
7. Termination

The meeting was declared terminated at 4:18 p.m.
8. Call to Order the Public Hearing - START TIME 4:00 PM - 3510 Spectrum Crt - TA21-0013 (BL12284) - Kelowna Motors Investments Ltd., Inc. No. BC 1281822

Mayor Basran called the Hearing to order at 4:18 p.m.
Mayor Basran advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna 2030 - Official Community Plan Bylaw No. 10500" and Zoning Bylaw No. 80oo", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

## 9. Individual Bylaw Submissions

### 9.1 START TIME 4:00 PM - 3510 Spectrum Crt - TA21-0013 (BL12284) - Kelowna Motors Investments Ltd., Inc. No. BC 1281822

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Paul Pasutto, Innocept Developments, Applicant

- Displayed a PowerPoint Presentation.
- The August family purchased the building last December.
- Spoke to the proposed development and noted the that the text amendment is required to permit automotive sales and vehicle servicing.
- Displayed a site location photograph showing the building's perspective from Highway 97 and Spectrum Road.
- Responded to questions from Council.

Mayor Basran invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online or in the gallery wished to speak.
There were no further comments.

## 10. Termination

The Hearing was declared terminated at 4 23. p.m.

## 11. Call to Order the Regular Meeting

Mayor Basran called the meeting to order at $4: 23$ p.m.
12. Bylaws Considered at Public Hearing
12.1 START TIME 4:00 PM-3510 Spectrum Crt - BL12284 (TA21-0013) - Kelowna Motors Investments Ltd., Inc. No. BC 1281822

Moved By Councillor Wooldridge/Seconded By Councillor Singh
R1045/21/11/16 THAT Bylaw No. 12284 be read a second and third time.
13. Termination

The meeting was declared terminated at $4: 24$ p.m.
14. Call to Order the Public Hearing - START TIME 4:30 PM - Doyle Ave 350-Z21-0061 (BL12286) - City of Kelowna

Mayor Basran called the Hearing to order at 4:30 p.m.
Mayor Basran advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna 2030-Official Community Plan Bylaw No. 10500" and Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

## 15. Individual Bylaw Submissions

### 15.1 START TIME 4:30 PM - Doyle Ave 350-Z21-0061 (BL12286) - City of Kelowna

Staff:

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

Jean Guy Beliveau, Zeidler Architecture and Greg Appelt, Appelt Management

- Displayed a PowerPoint Presentation.
- Provided an introduction to the Development Team.
- Spoke to the RFP process to develop 350 Doyle Avenue.
- Spoke to the project criteria and public engagement that started very early in the process.
- Made comment that the C7r zone will allow realization of the Kelowna Civic Precinct Plan and the Kelowna Official Community Plan.
- Spoke to the Civic Precinct Principles.
- Spoke to the project vision in creating a vibrant and engaging mixed-use urban development that enhances and inspires the Cultural District.
- Provided comments on the Art Walk extension that will create a public open space that provides year-round opportunity for a variety of arts and cultural and entertainment activities; the Art Walk will be extended south to Doyle Avenue.
- Provided a summary of project information and mixed uses.
- Displayed a photo of the final rendering and vision of the project.

Mayor Basran invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online wished to speak.
Gallery:

## Les Bellamy, Ellis Street

- Opposed to this application.
- Raised concerns that the application is not the best use of land and the use should be determined by the community.
- Raised concerns with the lack of adequate public consultation efforts regarding the Civic Precinct Plan, the boundary of the plan includes my home, and was not once made aware of or contacted to participate in this consultation.
- Raised concerns that Council has already pre-determined their decision prior to the Public Hearing this evening.
- This lease agreement will extend for 5 generations; questioned whether this is the best value we can get for this land.


## Mario Gedicke, Glenmore Drive

- In favour of this application.
- Believes that mixed use is appropriate and needed in this location as it builds and strengthens community.


## Meghan Cortese, WestPoint Place

- In favour of this application.
- Believes this proposal is further contributing to evolving cultural opportunities in Kelowna.
- Supportive of mixed use that is proposed on this site.

The Applicant declined to respond to questions.

## Staff:

- Responded to questions from Council.

There were no further comments.

## 16. Termination

The Hearing was declared terminated at 5:04 p.m.
17. Call to Order the Regular Meeting

Mayor Basran called the meeting to order at 5:04 p.m.
18. Bylaws Considered at Public Hearing
18.1 START TIME 4:30 PM - Doyle Ave 350 - BL12286 (Z21-0061) - City of Kelowna

Moved By Councillor Singh/Seconded By Councillor Stack
R1046/21/11/16 THAT Bylaw No. 12286 be read a second and third time.
19. Termination

The meeting was declared terminated at 5:22 p.m.

## Carried

Councillor Sieben disconnected from the Public Hearing at 5:22.p.m.
20. START TIME 5:15 PM - Richter St 1875-Z21-0055 (BL12289) -1243978 BC Ltd., Inc. No. BC1243978
Mayor Basran called the Hearing to order at 5:22 p.m.
Mayor Basranadvised that the purpose of the Hearing is toconsider certain bylaws which, if adopted, will amend "Kelowna 2030 - OfficialCommunity Plan Bylaw No. 10500" and Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.
21. Individual Bylaw Submissions
21.1 START TIME 5:15 PM - Richter St 1875-Z21-0055 (BL12289) - 1243978 BC Ltd., Inc. No. BC1243978

Staff:

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


## Paul Schuster, Novation Architecture, Applicant

- Displayed a PowerPoint Presentation.
- To clarify, the current owner did not move the house off the land, the previous owner moved the house and sold the land.
- The 2040 Official Community Plan version calls for higher density, however, the owner has no desire to build higher density; the plan is to move forward with the RM3 zone.
- Believes the RM3 zone is best zone for this location as it's near public transit, biking lanes, parks and walking distance to downtown.
- Available for questions.

Mayor Basran invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

## Online Participants

Ashley Courtney, Richter Street

- In support of the zone but not in support of the proposed tenure and number of bedrooms.
- Raised concern that the proposal appears to resemble a hotel.
- Raised concern with increase in traffic and vehicular access.
- Raised concern with lack of privacy on their property and asked for a guarantee that a fence or trees be erected to mitigate loss of privacy.


## Cheryl Spelliscy, Sutherland Avenue

- Strongly opposed to the proposed rezoning.
- Would support ru7 zone or duplex and row houses.
- Raised concerns with the proposed tenure and the omission of an elevator eliminating the potential for seniors to live in the building.
- This location is a heritage area and not suited for a 20 nit motellike building.
- City policies has seen density on the other side of the street.
- Raised concerns that this zoning will amplify parking and traffic issues.
- Believes this development is in the owner's best interest and not in the best interest of the neighbourhood.


## Gallery:

## Johanna Carey, Rowcliffe Avenue <br> - Opposed to this application.

- Raised concerns with safe active transportation corridor.
- Raised concerns with pedestrian and cyclingsafety.
- Supportive of densification in a different form and supportive fintergenerational housing options.
- Raised concern with on-street parking.
- Believes this proposal would decrease safetyin the neighbourhood with increased traffic.
- This proposal is at odds with the village feelof the area.


## Terra Reindl, Rowcliffe Avenue

- Opposed to this application.
- Believes this proposal withave anegative impact on the Rowcliffe village feel of the neighbourhood.
- Displayed a map of those opposed to this proposal inthe immediate area.
- Belleves this is not sensitive infilland the proposedbuilding is shaped liked a box.


## Paul Vogel, Sutherland Avenue

- Owned home since 1992.
- Strongly opposed to this rezoning.
- Raised concern with the bike lane reducing parking by half; can no longer park in front of our home.
- Raised concern with the bike lane cutting off two access points to the alley.
- Raised concern withthe impacts to pedestrian safety.
- Raised safety concern with increased traffic this development will bring.


## Valerie Hallford, Sutherland AVenue

- Lives adjacent to the subject property.
- Opposed to this application.
- Raised concern with the previous move of the heritage house to another part of the City and the loss of trees on the subject property.
- Raised safety concerns for pedestrians and traffic using the laneway.
- Would support 2 units or duplexes to mitigate loss of privacy as well development of a smaller footprint would allow for more greenspace.
- Raised concerns with the impacts of traffic congestion and parking.


## Colleen Ellis, Sutherland Avenue

- Grew up in this area which is a very family oriented vibrant neighbourhood with character.
- Strongly opposed to this development and rezoning.
- Raised concern with increased traffic and parking issues.
- Raised concern that this proposal would increase traffic considerably and would impede leaving their own home as the only access to their property is through the laneway.
- Raised concern with impacts to their privacy and increased noise.
- Raised concerns that this proposal does not have elevators and those with mobility issues will not be able to access.
- Raised concern that this proposal looks like a hotel and does not fit within the family oriented neighbourhood.


## Karen Vogel, Sutherland Avenue

- Opposed to this application.
- Raised concerns with impacts on traffic in the laneway.
- Made comment on the Sutherland bike lane and expressed disappointment that beautification of that bike lane did not take place as indicated by the city

Dan Spelliscy, Sutherland Avenue

- Opposed to this application.
- Raised concern with the proposed density.
- Believes this is the wrong development for thislocation.
- Questioned whether short term rentals were allowed.

Susan Ames, Kelowna South Central Association of Neighbourhoods (KSAN) President

- Speaking on behalf of KSAN.
- This proposal is within the KSAN area
- Spoke to the future land use for the siteproposed in the 2040 Official Community Plan.
- Made comment that the previous policy of limiting density along one side of Richter Street should be maintained.
- Believes this is not an example of sensitive infll housing as called for in the Official Community Plan.
- Made comment thatone bedroomunits are not family friendly.
- Proposed a lower height building that allows formore greenspace, play areas for children and more family sized units.
- Believes this is inappropriate density, zone and project for this property.


## Herman Reindl, Rowcliffe Avenue

- Madereference to the Petition with 104 signatures of opposition submitted previously that should be considered.


## Lyle McKenzie, Richter Street

- Lives across from the proposal.
- Raised concerns with impacts on parking in the neighbourhood.
- Raised concerns with impacts on traffic congestion.


## Resident, Sutherland Avenue

- Lived at this residence for $\overline{2} 5$ years.
- Opposed to this application.
- Appreciates there is an urgent need for rentals but believes Central Green will meet this need once built out.
- Raised concerns with parking and traffic impacts.


## Ian Jackson, Rowcliffe Avenue

- Opposed to this application.
- Raised concerns with traffic impacts and lack of space for larger trucks in the laneway.

Paul Schuster, Novation Architecture, Applicant

- Responded to questions from Council.

Staff:

- Responded to questions from Council.

22. Termination

The Hearing was declared terminated at 6:51 p.m.
23. Call to Order the Regular Meeting

Mayor Basran called the meeting to order at 6:51 p.m.
24. Bylaws Considered at Public Hearing
24.1 START TIME 5:15 PM - Richter St 1875-BL12289(Z21-0055) - 1243978 BC Ltd., Inc. No. BC1243978

Moved By Councillor Singh/Seconded By Councillor Stack
R1047/21/11/16 THAT Bylaw No. 12289 bèread a second and third time.


City of Kelowna Regular Meeting Minutes

| Date: <br> Location: | Tuesday, November 16, 2021 <br> Council Chamber <br> City Hall, 1435 Water Street |
| :--- | :--- |
| Members Present | Mayor Colin Basran, Councillors Maxine DeHart, Gail Given, Mohini Singh, <br> Luke Stack and Loyal Wooldridge |
| Members participating <br> remotely | Councillor Charlie Hodge |
| Members Absent | Councillors Ryan Donn and Brad Sieben |
| Staff Present | City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional <br> Director, Planning \& Development Services, Ryan Smith; Development <br>  <br> Development Manager, Dean Strachan; Planner, Tyler Caswell; Legislative <br> Technician, Rebecca Van Huizen |
| Staff participating | Legislative Coordinator (Confidential), Arlene McClelland <br> remotely |
| (* partial attendance) |  |

## 1. Call to Order

Mayor Basran called the meeting to order at 7:51 p.m.

## 2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Wooldridge.

## 3. Confirmation of Minutes

Moved By Councillor Given/Seconded By Councillor Wooldridge
R1048/21/11/16 THAT the Minutes of the Public Hearing and Regular Meeting of October 26, 2021 be confirmed as circulated.

### 4.1 START TIME 7:00 PM - Guisachan Rd 1240 - DVP20-0068 - Sami Olof Valkama and

 Sun Mi KweonStaff:

- Displayed a PowerPoint Presentation summarizing the application.

The Applicant was present and available for questions.
Mayor Basran invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online or in the gallery wished to speak.
There were no further comments.

## Moved By Councillor Hodge/Seconded By Councillor Wooldridge

R1049/21/11/16 THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0068 for Lot A, District Lot 136, Section 19، Township 26, ODYD, Plan 31279, located at 1240 Guisachan Road, Kelowna, BC

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

Section 9.5b.1(j): Specific Use Regulations, Carriage House Regulations - Development Regulations in Residential, Health District and Comprehensive Development Zones
To vary the rear yard setback from 1.5 m required to 0.82 m proposed.
AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

### 4.2 START TIME 7:00 PM - Mayfair Crt 734 - DVP20-0199 - Adam Wladyslaw Zurek

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The Applicant was not in attendance.
Mayor Basran invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating on line or in the gallery wished to speak.
There were no further comments.

## Moved By Councillor DeHart/Seconded By Councillor Given

R1050/21/11/16 THAT Council authorizes the issuance of Development Variance Permit No. DVP 20-0199 for Lot 18, District Lot 143, ODYD, Plan 43270, located at 734 Mayfair Court, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted in accordance with Schedule " A ":

Section 9.5b.1(j): Specific Use Regulations, Carriage House Regulations - Development Regulations in Residential, Health District and Comprehensive Development Zones To vary the rear yard setback from 1.5 m required to 1.38 m proposed.

Section 9.5b.1(k): Specific Use Regulations, Carriage House Regulations - Development Regulations in Residential, Health District and Comprehensive Development Zones To vary the minimum distance to a principal dwelling from 3.0 m required to 1.16 m proposed.

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

## Carried

4.3 START TIME 7:00 PM - Patterson Ave 575-BL12244 (Z21-0004) - Dream Chaser Management and Development Ltd., Inc. No. C1120607

## Moved By Councillor Stack/Seconded By Councillor DeHart

R1051/21/11/16 THAT Bylaw No. 12244 be adopted.
4.4 START TIME 7:00 PM - Patterson Ave 575 - DP21-0009 DVP21-0012 - Dream Chaser Management and Development Ltd., Inc. No. C1120607

Staff:

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


## Birte Decloux, Urban Option Planning, Applicant Representative

- Displayed a PowerPoint Presentation.
- Spoke to form and character of the project and believes the proposed form is consistent with the neighbourhood with only four units.
- There has been a transition from older stock to modern contemporary buildings on both sides of the subject property.
- Spoke to the requested variances and commented that the variances are not unique in context of this neighbourhood and is consistent with the rhythm of the street that also has setbacks.
- Responded to questions from Council.

Mayor Basran invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online or in the gallery wished to speak.
There were no further comments.

## Moved By Councillor Given/Seconded By Councillor Wooldridge

R1052/21/11/16 THAT final adoption of Rezoning Bylaw No. 12244 be considered by Council;
AND THAT Council authorize the issuance of Development Permit No. DP21-ooog for Lot 13 District Lot 14 ODYD Plan 3249, located at 575 Patterson Avenue, Kelowna, BC subject to the following:

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

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0012 for Lot 13 District Lot 14 ODYD Plan 3249, located at 575 Patterson Avenue, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:
Section 8.2.19(a): Section 8 - Parking and Loading, Off-Street Parking Regulations, Accessible Parking Standards:
To vary the required accessible stall from 1 required to o proposed.
Table 8.3.1: Section 8 - Parking and Loading, Required Off-Street Parking Requirements, Residential Parking:
To vary the minimum required parking stalls from 9 required to 4 proposed (including visitor parking).

Section 13.9.6(e): RM3 - Low Density Multiple Housing Development Regulations
To vary the required side yard setback from 4.5 m required to 2.0 m proposed.
Section 13.9.6(g): RM3 - Low Density Multiple Housing Development Regulations
To vary the minimum distance between two principal dwellings from 3.0 m required to 2.0 m proposed.

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

### 4.5 START TIME 7:45 PM - Scott Rd 3521 - DVP21-0011 - John Kovacic and Christine Kovacic

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The Applicant was present and available for questions.
Mayor Basran invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online or in the gallery wished to speak.
There were no further comments.

## Moved By Councillor Hodge/Seconded By Councillor Stack

R1053/21/11/16 THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0011 for Lot 4 District Lot 134 ODYD Plan 30577, located at 3521 Scott Road, Kelowna, $B C$;

AND THAT a variance to the following section of Zoning Bylaw No. 8ooo be granted:

## Section 13.1.6(d): RU1 - Large Lot Housing Development Regulations

To vary the required minimum side yard from 2.3 m permitted to 2.0 m proposed.
AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

### 4.6 START TIME 7:45 PM - Upper Mission Dr 5308 - DVP21-0096 - Jason Robert Gill

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The Applicant was participating remotely and available for questions.
Mayor Basran invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online or in the gallery wished to speak.
There were no further comments.

## Moved By Councillor Wooldridge/Seconded By Councillor Singh

R1054/21/11/16 THAT Council authorizes the issuance of Development Variance Permit No. DVP 21-oog6 for Lot 1, Section 24, Township 28, SDYD, Plan KAP87908, located at 5308 Upper Mission Drive, Kelowna, BC;
AND THAT variances to the following section of Zoning Bylaw 8000 be granted:
Section 12.2.6(f): RR2C - Rural Residential 2 with Carriage House - Development
Regulations
To vary the rear yard setback from 9.0 m required to 2.5 m proposed.
AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

### 4.7 START TIME 7:45 PM - Bryden Rd 155- DP21-0112 DVP21-0113-1297889 BC Ltd., Inc. No. BC1297889

Staff:

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

Sarah Alexander, Director Westurban Development Ltd., via Teams

- Shared a PowerPoint Presentation.
- Spoke to the form and character of the buildings noting that high quality finishing's will be used; form and character is consistent with Development Permit guidelines.
- Spoke to the various on-site amenities the purpose built rentals will provide along with easy access to transit, shopping and community amenities.
- Spoke to the benefit of a rental only zone that allows for a $20 \%$ reduction in parking which enables a landscape plan that prioritizes pedestrian safety and dramatically increases the amount of open greenspace and also provides security as a majority of parking is underground.
- Confirmed that there are 2 elevators in each building; the parkade is connected to both buildings.
- Spoke to the landscape plan that includes many plantings, trees, multi-use courts, benches and outdoor gym as well as private amenity space with balconies or patios.
- Spoke to the Crime Prevention through Environment Design features and noted that an active property manager will live on site.
- Spoke to the rationale of the requested height variance.
- Responded to questions from Council.

Mayor Basran invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating on line wished to speak.
Gallery:
Lisa Simone, Badke Road

- Lives adjacent to the subject property.
- Made reference to three previous submissions regarding this property noting the development has changed immensely from the first application.
- The quality of lifestyle and safety of the community is primary concern and secondary concern is water issues.
- Opposed to the variances.
- Opposed to the form and character and noted the view is like looking at a long wall.
- Raised concern with increased traffic the development would bring as there is already increased traffic with the nearby school using Bryden Road as a drop off route.


## Sarah Alexander, Applicant

- Considered the neighbouring properties and tried to increase setbacks from the property lines as much as possible as well as make sure the project is economically viable.

There were no further comments.

## Moved By Councillor Stack/Seconded By Councillor Given

R1055/21/11/16 THAT Council authorizes the issuance of Development Permit No. DP 21-0112 and Development Variance Permit No. DVP21-0113 for Lot A Section 27 Township 26 Osoyoos Division Yale District Plan EPP85221, located at 155 Bryden Road, Kelowna, BC subject to the following:

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

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

## Section 13.11.6(c): RM5 - Medium Density Multiple Housing, Development Regulations

To vary the required maximum height from 18.0 m or 4.5 storeys permitted to 18.8 m or 6 storeys proposed.

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

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

Carried<br>Mayor Basran, Councillor Wooldridge - Opposed

### 4.8 START TIME 8:30 PM - Fuller Rd 4574 - DVP21-0158 - Andrew and Brandy Ladd

Staff

- Displayed a PowerPoint Presentation summarizing the application.

The Applicant was present and available for questions.
Mayor Basran invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online or in the gallery wished to speak.
There were no further comments.

## Moved By Councillor Given/Seconded By Councillor DeHart

R1056/21/11/16 THAT Council authorizes the issuance of Development Variance Permit No. DVP 21-0158 for Lot 8, District Lot 167, Osoyoos Division Yale District, Plan KAP70756, located at 4574 Fuller Road, Kelowna, BC;

AND THAT variances to the following section of the Zoning Bylaw No. 8000 be granted:
Section 6.11.1: General Development Regulations - Okanagan Lake Sight Lines
To vary the Okanagan Lake Sight Line regulation from 60 degrees permitted to 8 degrees proposed along the south side ${ }_{i}$

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.
4.9 START TIME 8:30 PM - Springfield Rd 1994 - BL12269 (OCP21-0009) - 1295991 B.C. Ltd., Inc. No. BC1295991

Moved By Councillor DeHart/Seconded By Councillor Stack
R1057/21/11/16 THAT Bylaw No. 1226g be adopted.
Carried
4.10 START TIME 8:30 PM - Springfield Rd 1994-BL12270 (Z21-0035) - 1295991 B.C. Ltd., Inc. No. BC1295991

Moved By Councillor DeHart/Seconded By Councillor Stack
R1058/21/11/16 THAT Bylaw No. 12270 be adopted.
Carried
4.11 START TIME 8:30 PM - Springfield Rd 1994-DP21-0194 DVP21-0195-1295991 BC Ltd., Inc. No. BC1295991

Staff:

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


## Corey Makus, Director West Point Projects, Applicant

- Displayed a PowerPoint Presentation.
- Spoke to form and character of the buildings with high quality materials, modern expressions and a jewel box lobby that connects the two buildings.
- Provided background information on WestPoint and noted they are locally owned and they invest in the City of Kelowna.
- Believes this proposal is a gateway at Midtown Urban Centre.
- Spoke to their approach to rentals as a lifestyle choice with a secure and safe living environment; want people to live and stay for many years.
- Spoke to the wide variety of housing options in the proposal.
- Spoke to project highlights with 182 new rental homes added to Midtown Urban Centre to be enrolled in the Revitalization Tax Exemption program; large outdoor gathering terrace; extensive amenities and EV charging stations.
- Spoke to the rationale for the site area coverage and commercial frontage variances.
- Responded to questions from Council.

Mayor Basran invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online or in the gallery wished to speak.
There were no further comments.

## Moved By Councillor DeHart/Seconded By Councillor Hodge

R1059/21/11/16 THAT final adoption of the Official Community Plan Amendment Bylaw No. BL12269 and Rezoning Bylaw No. 12270 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP21-0194 for Lot 1 District Lot 129 ODYD Plan KAP47562, located at 1994 Springfield Road, Kelowna, BC subject to the following:

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

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0195 for Lot 1 District Lot 129 ODYD Plan KAP47562, located at 1994 Springfield Road, Kelowna, BC;

AND THAT variances to the following section of Zoning Bylaw No. 8000 be granted:
Section 14.4.5(b): C4 - Urban Centre Commercial, Development Regulations
To vary the site coverage requirements from $75 \%$ permitted to $88 \%$ proposed.
Section 14.4.6(e): $\mathrm{C}_{4}$ - Urban Centre Commercial, Other Regulations
To vary the total functional commercial space requirements from $90 \%$ required to $15 \%$ proposed on Springfield Road and from $90 \%$ required to $10 \%$ proposed on Ambrosi Road.

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

### 4.12 START TIME 8:30 PM - Sutherland Ave 508 - DVP21-0198 - Jason Cory Marzinzik

Staff:

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


## Jason Marzinzik, Applicant

- Displayed a PowerPoint Presentation.
- Spoke to the development process timeline working towards the goal of building a carriage house on this property since 2003 when the main house was purchased to date.
- Spoke to land purchase and lot consolidation of a portion of back lane in order to facilitate construction of a carriage house with appropriate setbacks.
- The proposed carriage house will meet or exceed the required setbacks and includes on site parking, plenty of outdoor greenspace, and a deck with views to Mill Creek and its riparian area.
- Provided rationale for the two requested variances.
- Displayed photographs of the subject property for site context and show the density and massing of the buildings surrounding the subject property; the property is unique and not located in a typical single family residential setting.
- Displayed photographs of the impacts of flooding on the subject property and spoke to the flood history via Mill Creek.
- Spoke to neighbour consultation and received no concerns or objections to the two requested variances.
- Believes this proposal is a good fit within the fabric of the neighborhood and will contribute to positive infill density in this area of downtown Kelowna.
- Responded to questions from Council.

Mayor Basran invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online or in the gallery wished to speak.

## There were no further comments.

## Moved By Councillor Given/Seconded By Councillor Hodge

R1060/21/11/16 THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0198 for Lot A District Lot 139 ODYD Plan EPP73205, located at 508 Sutherland Avenue, Kelowna, BC;

AND THAT variances to the following section of Zoning Bylaw No. 8000 be granted:
Section 9.5b.1(f): Carriage House Regulations, Development Regulations in Residential,
Health District and Comprehensive Development Zones
To vary the maximum upper floor area from $75 \%$ permitted to $100.4 \%$ proposed.
Section 9.5b.1(g): Carriage House Regulations, Development Regulations in Residential, Health District and Comprehensive Development Zones
To vary the maximum height of a carriage house from 4.8 m permitted to 6.65 m proposed.
AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.
5. Reminders-Nil.
6. Termination

The meeting was declared terminated at 9:38 p.m.

Mayor Basran

/acm

## REPORT TO COUNCIL

## City of

 Kelowna| Date: | November 30, 2021 |  |  |
| :---: | :---: | :---: | :---: |
| To: | Council |  |  |
| From: | City Manager |  |  |
| Department: | Development Planning Department |  |  |
| Application: | HAP20-0006 | Owner: | Jo-Ann Elizabeth \& Lonny Allan Kubas |
| Address: | 1842 Abbott Street | Applicant: | Urban Options Planning \& Permits |
| Subject: | Heritage Alteration Permit Application |  |  |
| Existing OCP D | esignation: S2RES - Single / Two Unit Residential |  |  |
| Existing Zone: | RU1 |  |  |

### 1.0 Recommendation

THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP20-oo6 for Lot 2 District Lot 14 ODYD Plan EPP85648, located at 1842 Abbott Street, Kelowna, BC subject to the following:

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

AND THAT variances to the following section of Zoning Bylaw No. 80oo be granted:
Section 9.5b.1(k): Carriage House Regulations, Development Regulations in Residential, Health District and Comprehensive Development Zones
To vary the required minimum distance to a principal dwelling from 3.0 m permitted to 2.0 m proposed.

AND THAT Council's consideration of the Heritage Alteration Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment " A " attached to the Report from the Development Planning Department dated November 30, 2021;

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

### 2.0 Purpose

To consider the form and character of a proposed carriage house and to vary the required minimum distance to a principal dwelling from 3.0 permitted to 2.0 proposed.

### 3.0 Development Planning

Development Planning Staff recommend support for this carriage house with an attached garage. It generally meets Heritage Conservation Area guidelines and is consistent in form and character to the existing dwelling, and the variance will contribute to screening the proposed carriage house from the street.

### 4.0 Proposal

### 4.1 Project Description

The proposal is to construct a carriage house with an attached garage the rear of the property. The carriage house will be one and a half storeys in height and will contain parking for the principal dwelling and the dwelling in the carriage house. The principal dwelling, known as the Capozzi House, was constructed in 1928 and added to the Heritage Register in 2001. A variance is being requested for the distance between buildings from 3.0 m to 2.0 m , so that the siting of the carriage house does not obstruct the view of the property from Abbott Street. The proposed garage will be accessed via the lane at the rear yard of the property and will replace the old garage that was formerly located on the north side of the property. This garage was demolished when the parcel was subdivided as secondary uses are not permitted on parcels with no primary use. The access from the new parcel to the north onto Abbott Street will be removed along with the construction of the new garage and carriage house. The original garage doors and lions head cast have been saved for the proposed building, and the colours, materials and massing will match that of the former garage and existing house.

### 4.2 Site Context

The site is zoned RU1 - Large Lot Housing and has a Future Land Use Designation of S2Res. The property is located on Abbott Street and is located in the Central City OCP sector. The surrounding area is primarily zoned RU1 - Large Lot Housing.

Specifically, adjacent land uses are as follows:

| Orientation | Zoning |  |
| :--- | :--- | :--- |
| North | $R U_{1}-$ Large Lot Housing | Vacant Lot |
| East | $R U_{1}-$ Large Lot Housing | Single Dwelling Housing |
| South | $R U_{1}-$ Large Lot Housing | Single Dwelling Housing |
| West | $R U_{1}-$ Large Lot Housing | Single Dwelling Housing |

Subject Property Map:

4.3 Zoning Analysis Table

| Zoning Analysis Table |  |  |
| :---: | :---: | :---: |
| Subdivision or Existing Lot Regulations |  |  |
| Minimum Lot Width | 16.5 m | 22.24-22.247m |
| Minimum Lot Depth | 30 m | $33.77-33.099 \mathrm{~m}$ |
| Minimum Lot Area | $550 \mathrm{~m}^{2}$ | $743.8 \mathrm{~m}^{2}$ |
| Single Storey Carriage House Development Regulations |  |  |
| Maximum Height | $9.5 \mathrm{~m} / 2^{112}$ stories | M |
| Minimum Front Yard | 4.5 m (6.om to garage) | 7.50m |
| Minimum Side Yard (North) | 2.0 m for $1-1 \frac{1 / 2}{}$ storey <br> 2.3 m for $2-2^{1 / 2}$ storey | 2.0 m |
| Minimum Side Yard (South) | 2.0 m for $1-11 / 2$ storey <br> 2.3 m for $2-2^{1 / 2}$ storey | 7.23 m |
| Minimum Rear Yard | 7.5 m | 11.49 m |
| Minimum Distance Between Dwellings | 3.0 m | 2.0 mo |
| Carriage House Development Regulations |  |  |
| Maximum Accessory Site Coverage | 14\% | 9\% |
| Maximum Accessory Building Footprint | $90 \mathrm{~m}^{2}$ | $67.4 \mathrm{~m}^{2}$ |
| Maximum Net Floor Area | $90 \mathrm{~m}^{2}$ | $54.6 \mathrm{~m}^{2}$ |


| Maximum Net Floor Area to Principal Building | 75\% | 30.1\% |
| :---: | :---: | :---: |
| Maximum Upper Storey Floor Area to Building Footprint | 75\% | \% |
| Maximum Height (to mid-point) | 4.8 m | 4.8 m |
| Maximum Height (to peak) | Peak of principal dwelling | Principal Dwelling Peak: 7.11m Carriage House Peak: 6.93m |
| Minimum Side Yard (North) | 1.5 m for $1^{1 / 2}$ storey | 11.68m |
| Minimum Side Yard (South) | 1.5 m for $1^{1 / 2}$ storey | 1.51 m |
| Minimum Rear Yard | 0.9 m when abutting lane | $0.9 \mathrm{~m}-1.26 \mathrm{~m}$ |
| Minimum Distance to Principal Building | 3.0 m | N: $2.01 \mathrm{~m} / \mathrm{E}: 2.61 \mathrm{~m}$ |
| Other Regulations |  |  |
| Minimum Parking Requirements | 3 stalls | 3 stalls |
| Minimum Private Open Space | $30 \mathrm{~m}^{2}$ per dwelling | $30 \mathrm{~m}^{2}$ |
| - Indicates a requested variance to the distance between dwellings |  |  |

### 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

## Chapter 1: Introduction

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

## Chapter 5: Development Process

## Objective 5.3 Focus development to designated growth areas

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

## Chapter 14: Urban Design DP Guidelines

Infill Neighbourhood Design Guidelines
Guideline 1.6 Locate parking and garages within the rear yard with direct access from the lane Guideline 4.4 Create a lanescape whereby the lane takes the feel of a street where the dwelling is located.

- Upper level massing, primary outlook, front façade treatment directed towards the lane


### 6.0 Application Chronology

Date of Application Accepted: June 12, 2020
Date Public Consultation Completed: July 21, 2020

Report prepared by: Graham Allison, Planner 1

| Reviewed by: | Jocelyn Black, Urban Planning Manager |
| :--- | :--- |
| Reviewed by: | Terry Barton, Development Planning Department Manager |
| Approved for Inclusion: | Ryan Smith, Divisional Director, Planning \& Development Services |

Attachments:
Attachment A: Development Engineering Memorandum
Attachment B: Draft Heritage Alteration Permit No. HAP20-0006
Schedule A: Site Plan and Floor Plans
Schedule B: Elevations

## CITY OF KELOWNA MEMORANDUM



Subject: 1842 Abbott St.
Heritage Alteration Permit

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

## 1. Domestic Water and Fire Protection

a) Our records indicate that this property is currently serviced with a $19-\mathrm{mm}$ diameter water service. The service will be adequate for this application. One metered water service will supply both the main residence and the carriage house. A Mechanical Engineer is to confirm service requirements.

## 2. Sanitary Sewer

a) Our records indicate that this property is currently serviced with a $100-\mathrm{mm}$ diameter sanitary sewer service. The service will be adequate for this application.

## 3. Development Permit and Site Related Issues

a) Direct the roof drains onto splash pads.
b) The subject lot is currently accessed via the neighbouring lot at 1836 Abbott St. This access onto Abbott St. must be removed and now be accessed by the lane. A formalized access agreement shall be registered. Abbott St. frontage must be urbanized without the letdown structure and install sidewalk, boulevard, and asphalt.
4. Storm Drainage
a) 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.
b) The subject lot is within the Mill Creek Flood Plain. The subject lot's flood construction level is 344 m . The geotechnical report to be submitted for any future building is to address this flood construction level in the context of the Mill Creek Flood Plain Bylaw No. 10428.

## 5. Electric Power and Telecommunication Services

a) The proposed carriage house location is within close proximity to the electrical and telecommunication lines in the laneway. The applicant is to confirm with the respective overhead utility providers that the necessary setbacks can be achieved from the utility lines. NOTE: This must be confirmed to address constructability and Worksafe BC requirements.
b) It is the applicant's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost. Underground services will be required for all new power and telecommunications services.
$A$ Sangeter
ForRyan O'Sullivan
Development Engineering Manager
AS

# Heritage Alteration Permit HAP20-0006 

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

## 1842 Abbott Street

and legally known as

## LOT 16 BLOCK 3 DISTRICT LOT 14, OSOYOOS DIVISION YALE DISTRICT PLAN 1395

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

## The construction of a carraige house

with a variance to the following sections of the Zoning Bylaw 8000:

## Section 9: 9.5b -Carriage House Regulations

To vary the required minimum distance to a principal dwelling from 3.0 permitted to 2.0 proposed.
The development has been approved subject to any attached terms and conditions, and to full compliance with the approved plans bearing the stamp of approval and the above described development permit number.

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

| Date of Decision: | November 30,2021 |
| :--- | :--- |
| Decision By: | City Council |
| Issued Date: | November 30, 2021 |
| Development Permit Area: | Heritage Conservation Area |

This permit will not be valid if development has not commenced by November 30, 2023
Existing Zone: RU1 - Large Lot Housing
Future Land Use Designation: S2Res - Single/Two Unit Residential

## This is NOT a Building Permit.

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

## NOTICE

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

Owner: Joann \& Larry Kubas

[^0]

## 1. SCOPE OF APPROVAL

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

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

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

## 2. CONDITIONS OF APPROVAL

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

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

## 3. Indemnification

Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:
a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.
All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

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





# HAP20-0006 1842 Abbott Street 

Heritage Alteration Permit


## Proposal

- To consider the form and character of proposed carriage house and to vary the required minimum distance to a principal dwelling from 3.0 permitted to 2.0 proposed.


## Development Process

Development Application Submitted

Jul. 21, $2020 \quad$ Staff Review \& Circulation

Jul. 6, 2020
Public Notification Received

Dec. 7, 2021

Heritage Alteration Permit
Council Approval

## Building Permit

## Context Map



## Site Map



## Project/technical details

- The applicant is seeking a proposed carriage house and to vary the required minimum distance to a principal dwelling from 3.0 permitted to 2.0 proposed. The Variance is being requested due to the irregular size and shape of the lot.
- Variance will help site the carriage house to reduce visibility from the street
- The proposed garage will be accessed via the lane at the rear yard of the property and will replace the old garage that was formerly located on the north side of the property.


## Site Plan

## ADJACENT PROPERTY= RU1



## Staff Recommendation

- Staff recommend support of the proposed Heritage Alteration Permit Application.
- Proposed variance will help shield the view of the proposed carriage house from Abbott street and highlight the historic nature of the principle dwelling.
- Proposed carriage house and attached garage will provide laneway access for both the principle dwelling and carriage house


Conclusion of Staff Remarks

## CITY OF KELOWNA

BYLAW NO. 12106

## Official Community Plan Amendment No. OCP20-0004 3031 Abbott Street

A bylaw to amend the "Kelowna 2030 - Official Community Plan Bylaw No. 10500".
The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT Map 4.1-GENERALIZED FUTURE LAND USE of "Kelowna 2030 - Official Community Plan Bylaw No. 10500 " be amended by changing the Generalized Future Land Use designation of Lot 1 Block 2 District Lot 14 ODYD Plan EPP114842, located on Abbott Street, Kelowna, B.C., from the MRM - Multiple Unit Residential (Medium Density) designation to the MXR - Mixed Use (Residential/Commercial) designation;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this $28^{\text {th }}$ day of September, 2020.

Considered at a Public Hearing on the $27^{\text {th }}$ day of October, 2020.

Read a second and third time by the Municipal Council this $27^{\text {th }}$ day of October, 2020.

Amended at third reading and adopted by the Municipal Council of the City of Kelowna this

## CITY OF KELOWNA

## BYLAW NO. 12107

Z20-0007 -
3031 Abbott Street

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".
The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1 Block 2 District Lot 14 ODYD Plan EPP114842 located at Abbott Street, Kelowna, BC from the RU1 - Large Lot Housing zone to the $\mathrm{C}_{4}$ - 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 $28^{\text {th }}$ day of September, 2020.

Considered at a Public Hearing on the $27^{\text {th }}$ day of October, 2020.

Read a second and third time by the Municipal Council this $27^{\text {th }}$ day of October, 2020.

Amended at third reading and adopted by the Municipal Council of the City of Kelowna this

## REPORT TO COUNCIL



### 1.0 Recommendation

THAT Official Community Plan Map Amending Bylaw No. 12106 and Rezoning Bylaw No. 12107 be amended at third reading to revise the legal description of the subject property from Lots 7 \& 8, Block 2, District Lot 14, ODYD, Plan 4743 to Lot 1 Block 2 District Lot 14 ODYD Plan EPP114842;
AND THAT final adoption of Official Community Plan Map Amending Bylaw No. 12106 and Rezoning Bylaw No. 12107 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP20-0041 for Lot 1 Block 2 District Lot 14 ODYD Plan EPP114842, located at 3031 Abbott Street, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of $125 \%$ of the estimated value of the landscaping, as determined by a Registered Landscape Architect;
AND THAT a land use restriction covenant be registered on title to protect the provision of a food primary establishment use within the commercial space;

AND THAT a land use restriction covenant be registered on title to ensure the longevity of live/work units along the Newsom Avenue frontage;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0042 for Lot 1 Block 2 District Lot 14 ODYD Plan EPP114842, located at 3031 Abbott Street, Kelowna, BC;

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

## Section 14.4.5(c): C4 - Urban Centre Commercial Development Regulations

To vary the required maximum height from 15.0 m or 4 storeys permitted to 15.75 m and $41 / 2$ storeys proposed,
Section 14.4.5(f): $\mathrm{C}_{4}$ - Urban Centre Commercial Development Regulations
To vary the required minimum rear yard from 6.0 m permitted to 0.0 m proposed.
Table 8.2.7(a): Section 8 - Parking and Loading, Off-Street Parking Regulations, Dimensions of Parking Spaces and Drive Aisles
To vary the required minimum Van-Accessible Parking Space height clearance from 2.3 m permitted to 2.0 m proposed.

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

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

### 2.0 Purpose

To consider the form and character and the associated variances of a mixed-use multiple dwelling housing development on the subject property.

### 3.0 Development Planning

Staff are recommending support for the form and character development permit and the associated variances for the 4-1/2 storey, 24-unit mixed-use condo building on the subject property. The application meets many of the Official Community Plan (OCP) Urban Infill objectives with respect to Compact Urban Form and Housing Mix and a number of the OCP's Urban Design Guidelines including:

- Incorporate materials that relate to the character of the region and the context of the surrounding neighbourhood;
- Develop visual and physical connections between the public street and private buildings (e.g. patios and spill-out activity, views to and from active interior spaces, awnings and canopies);
- Design for human scale and visual interest in all building elevations. This can be achieved principally by giving emphasis to doors and windows and other signs of human habitation relative to walls and building structure;
- Provide an appropriate transition between public and private open space (e.g. landscaping, gathering places, architectural elements, varied building line) and orient building elements such as entrances, lobbies, windows, and balconies to face public parks, plazas and open spaces;

The property is located within the South Pandosy Urban Centre on the east side of Abbott Street. The site is located across from City owned land for future Pandosy Waterfront Park development. The proposed residential density will be supported by nearby amenities of the South Pandosy Urban Centre including Okanagan Lake, parks, restaurants, and shopping opportunities in the immediate area. The inclusion of a small commercial node across from the future waterpark will enhance and contribute to the vibrancy of the area. The properties have a Walk Score of 84 - Very Walkable, meaning that most errands can be accomplished on foot and a Bike Score of 95 -Biker's Paradise as the site is adjacent to one of the most used pedestrian and cycling routes within the city.

The development proposal requests three variances to: allow an increase to the maximum building height from 4 storeys or 15.0 m permitted to $4^{-1 / 2}$ storeys and 15.75 m proposed, reduce the rear yard from 6.0 m required to 0.0 m proposed and reduce the van-accessible stall height from 2.3 m required to 2.0 m proposed.

On July $27^{\text {th }}$ Council endorsed the proposed OCP consideration and development application process. The dates indicated in this report were estimates with the last date for OCP and bylaw adoption being October $18^{\text {th }}$. Staff recognize this consideration is past the date of October $18^{\text {th }}$ but recommend Council consideration as the application does not impact the $\mathbf{2 0 4 0}$ OCP adoption or process.

### 4.0 Proposal

### 4.1 Background

Back in early 2017, a Rezoning Application came before Council for the single parcel (3031 Abbott Street). The Rezoning Bylaw had the Public Hearing and received $2^{\text {nd }} \& 3^{\text {rd }}$ readings of the bylaw in January of 2017. The applicant was unable to fulfill the conditions for adoption and the Bylaw lapsed and subsequently all readings of the Bylaw were rescinded.

The current applicant was able to purchase both 3031 and 3041 Abbot Street. This lot assembly has allowed for a more significant development proposal to come forward. The OCP Amendment and Rezoning Bylaws had Public Hearing and received $2^{\text {nd }} \& 3^{\text {rd }}$ readings of the bylaws on October 27, 2020. Since that time, the applicant has completed all conditions for adoption, which includes entering into a service agreement to address all off-site requirements. The City of Kelowna Real Estate Department has completed the closing and disposition of the north/south lane located between the subject property and 425 Newsom Avenue with each owner purchasing half of the laneway. A technical subdivision has been completed and registered to add the half lane to the development site and to consolidate the two subject properties into a single title lot and to dedicate land for road widening/corner rounding.

### 4.2 Project Description

The applicant is proposing to construct a 4-1/2-storey, 24 -unit condo building on the subject property. The project utilizes the maximum FAR of 1.5. The unit mix will include 6 one-bedroom units, 13 two-bedroom units, 2 three-bedroom units and 3 two-bedroom live/work units. The live/work units provide groundoriented entrances fronting onto Newsom Avenue. This allows for a stronger pedestrian realm and respects the existing single-family dwellings across the street. The live/work units provide a positive contribution to the neighbourhood by allowing for small-scale commercial uses without negative impacts to the neighbours. These businesses are intended to service the Abbott Street Active Transportation Corridor users and the future waterfront park.

The development proposal also contains 3 commercial retail units (CRU), with the largest CRU located atgrade, providing an anchor for the Newsom-Abbott Street corner. The space is intended to provide a food service use that allows for a strong connection to the sidewalk and activates the public streetscape. This will lend itself to further enhancing and animating the pedestrian realm.

The remaining two CRU's are accessed from the Abbott Street building entrance with a secondary stair access provided via the south facing outdoor patio area. The patio is shared with the building's common amenity room which is intended for the use of the building occupants. A second common amenity space is provided in the form of a rooftop patio. This space provides a private area for the building occupants to enjoy the Okanagan weather and the views.

Site access to parking and waste collection is from the south laneway. The garbage and recycling area is visually screened with decorative wood slat fencing. The Zoning Bylaw parking regulations are satisfied through the provision of 30 parking stalls and 1 stall cash in lieu payment. The allocation of parking is 23 residential, 3 visitors, 4 commercial, 1 van-accessible stall and 31 bicycle spaces ( 19 Long-term and 12 Shortterm). As the property is located within an Urban Centre, the Payment in Lieu of Parking Bylaw No. 8125 allows for a cash in lieu payment equal to the required stalls. Payment would be required for one parking stall and is payable prior to issuance of the Building Permit.

## Form and Character

The 4-1/2-storey mixed-use building proposes a modern design which integrates sloping rooflines to add visual interest to the primarily flat roof design. Hardie-panel of various textures is proposed as the main building cladding in three shades of grey and fern green. The window placement and balconies along with the varied building material colours creates a rhythm and provides visual interest to aide in articulating the building facades. This combination helps to create an aesthetically pleasing streetscape. Black hardie-panel is used as an accent colour and brick veneer hi-lights and grounds both the commercial and live/work units at the street level. The height of the extended canopy and the inclusion of timber post and beam provides a focal point for the main building entrance.

## Variances

The application proposes three variances. The first is to increase the maximum building height from 4 storeys and 15.0 m permitted to $4^{-1 / 2}$ storeys and 15.75 m proposed. This request is due to the parkade being partially above ground due to the high-water table at this location and the incorporation of roof projections intended to add visual interest to the overall building design. With the aim to densify our Urban Centres and proximity to amenities, the additional height at this location can be supported.

The second variance proposes to reduce the rear yard setback from 6.0 m proposed to 0.0 m provided when a site abuts residentially zoned properties. This is a supportable variance as the parcels situated between the subject property and SOPA Square is anticipated to redevelop in the future to mixed-use and will provide a consistent streetscape pattern along Newsom Avenue.
The third and final variance is a technical variance to reduce the height of the van-accessible parking stall from 2.3 m required to 2.0 m proposed. The parking regulations were amended to provide much more generous dimensions for accessible parking stalls with the stall height increased from 2.0 m to 2.3 m . This request is intended to limit a further increase to the building height, yet still accommodate an accessible sized vehicle and will not negatively impact the parking.

## Covenants

Should Council support the Development Permit and associated variances, the applicant would need to register on title two covenants. The first would ensure the 3 dwelling units fronting onto Newsom Avenue
are maintained as Live/Work units and do not become fully commercial units. This is to preserve space for small-scale/start-up businesses and to ensure a more seamless integration into the existing neighbourhood.

The second covenant is to restrict the $\mathrm{C}_{4}$-Urban Centre Commercial uses to those that are appropriate and provide a food service focus at the street level. The intent is to ensure the ground level commercial activates, interacts and services the future waterfront park and the users of the Abbott Street Active Transportation Corridor.

### 4.3 Site Context

The subject property is located within the South Pandosy Urban Centre on Abbott Street at the intersection with Newsom Avenue. KLO Road is situated one block to the south and the subject property is directly across from the future Pandosy Waterfront Park extension.

Specifically, adjacent land uses are as follows:

| Orientation |  | Laning |
| :--- | :--- | :--- |
| North | $R U_{1}$ - Large Lot Housing | Single Family Dwellings |
| East | $R U_{1}$ - Large Lot Housing <br> $C_{4}$ - Urban Centre Commercial | Single Family Dwellings <br> Mixed-Use Multi-Family Residential |
| South | $R U_{1}$ - Large Lot Housing | Single Family Dwellings |
| West | $P_{3}$ - Parks and Open Space | Single Family Dwellings <br> (Future Pandosy Waterfront Park) |

Subject Property Map: 3031 Abbott Street (consolidation of 3031 \& 3041 Abbott Street and $1 / 2$ lane)

4.4 Zoning Analysis Table

| Zoning Analysis Table |  |  |  |
| :---: | :---: | :---: | :---: |
| CRITERIA | C4 ZONE REQUIREMENTS | PROPOSAL |  |
| Existing Lot/Subdivision Regulations |  |  |  |
| Min. Lot Area | $460 \mathrm{~m}^{2}$ | $1397 \mathrm{~m}^{2}$ |  |
| Min. Lot Width | 13 m | 32.6 m |  |
| Min. Lot Depth | 30 m | 49.9 m |  |


| Development Regulations |  |  |
| :---: | :---: | :---: |
| Max. Floor Area Ratio | 1.5 | 1.5 |
| Max. Site Coverage (buildings) | 75\% | 71.3\% |
| Max. Height | 15 m or 4 storeys | $15.75 \mathrm{~m} \mathrm{\&} \mathrm{4-1/2} \mathrm{storeys} 0$ |
| Min. Front Yard | om | 0 m |
| Min. Side Yard (south) | o m | o m |
| Min. Side Yard (north) | o m | o m |
| Min. Rear Yard | 6.0 m | o m ${ }^{\text {c }}$ |
| Other Regulations |  |  |
| Min. Parking Requirements | 31 stalls required | 30 stalls provided* |
| Min. Bicycle Parking | 19 Long term <br> 12 Short Term | 19 Long term 12 Short Term |
| Min. Private Open Space | $330 \mathrm{~m}^{2}$ | $408 \mathrm{~m}^{2}$ |
| Van-Accessible Stall Height | 2.3 m | 2.0 me |
| (1) Indicates a requested variance to the building height from 4 storeys and 15.0 m allowed to $4^{-1 / 2}$ storeys and 15.75 m proposed. <br> (2) Indicates a requested variance to the rear yard setback from 6.0 m required to 0.0 m proposed. <br> (3 Indicates a requested variance to van-accessible parking stall height from 2.3 m required to 2.0 m proposed. <br> * Payment in Lieu of Parking Bylaw No. 8125 allows for properties located within an Urban Centre to provide a payment equal to each parking <br> stall not provided. (Payment required for 1 stall equals $\$ 33,000.00$ ). |  |  |

### 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

## Chapter 1: Introduction

## Goals for a Sustainable Future:

Contain Urban Growth - Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.
Address Housing Needs of All Residents - Address housing needs of all residents by working towards an adequate supply of a variety of housing.

## Chapter 5: Development Process

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

Objective 5.22 Ensure context sensitive housing development.
Housing Mix. Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed-use developments.

### 6.0 Application Chronology

Date of Application Accepted:
Date Public Consultation Completed:
Date of Amended Plans Received:

January 29, 2020
April 29, 2020
September 7, 2021

Report prepared by: Lydia Korolchuk, Planner Specialist
Reviewed by: Jocelyn Black, Urban Planning Manager
Reviewed by: Terry Barton, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning \& Development Services Attachments:

Attachment A: Draft Development Permit DP20-0041 \& DVP20-0042
Attachment B: Applicant's Project Rationale
Schedule A: Site Plan \& Floor Plans
Schedule B: Elevations
Schedule C: Landscape Plan


This permit relates to land in the City of Kelowna municipally known as
3031 Abbott Street
and legally known as
Lot 1 Block 2 District Lot 14 ODYD Plan EPP114842
and permits the land to be used for the following development:
Mixed Use (Residential/Commercial)
USE as per Zoning Bylaw

## Multiple Dwelling Housing, Food Primary Establishment, Retail Stores

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

| Date of Council Decision | November 30, 2021 |
| :--- | :--- |
| Decision By: | Council |
| Development Permit Area: | Revitalization |
| Existing Zone: | C4 - urban Centre Commercial $_{\text {Future Land Use Designation: }}$ |
| MXR - Mixed Use (Residential/Commercial) |  |

## This is NOT a Building Permit.

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

## NOTICE

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

Owner: $\quad 3031 \& 3041$ Abbott Street GP LTD. Inc No BC1176909
Applicant: 514 Design Build Ltd.
Planner: Lydia Korolchuk

[^1]Date

## 1. SCOPE OF APPROVAL



This Development Permit applies to and only to tritiose land structures and other development thereon.

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

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

## 2. CONDITIONS OF APPROVAL

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

That a land use restriction covenant be registered on title to protect the provision of a food primary establishment use within the commercial space;

That a land use restriction covenant be registered on title to ensure the longevity of live/work units along the Newsom Avenue frontage;

That Council authorizes the issuance of Development Variance Permit No. DVP20-0042 for Lot 1 Block 2 District Lot 14 ODYD Plan EPP114842, located at 3031 Abbott Street, Kelowna, BC;

That variances to the following sections of Zoning Bylaw No. 8ooo be granted:

## Section 14.4.5(c): $\mathrm{C}_{4}$ - Urban Centre Commercial Development Regulations

To vary the required maximum height from 15.0 m or 4 storeys permitted to 15.75 m and $41 / 2$ storeys proposed,

## Section 14.4.5(f): C4 - Urban Centre Commercial Development Regulations

To vary the required minimum rear yard from 6.0 m permitted to 0.0 m proposed.

## Table 8.2.7(a): Section 8 - Parking and Loading, Off-Street Parking Regulations, Dimensions of Parking Spaces and Drive Aisles

To vary the required minimum Van-Accessible Parking Space height clearance from 2.3 m permitted to 2.0 m proposed.
This Development Permit is valid for two (2) years from the date of approval, with no opportunity to extend.

## 3. PERFORMANCE SECURITY

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Developer and be paid to the Developer or his or her designate if the security is returned. The condition of the posting of the security is that should the Developer fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may enter into an agreement with the property owner of the day to have the work carried out, and any surplus shall be paid over to the property owner of the day. Should the Developer carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Developer or his or her designate. There is filed accordingly:
a) An Irrevocable Letter of Credit OR certified cheque in the amount of \$54,952.54

Development Planning Department 1435 Water Street Kelowna BC V1 Y $1 J_{4}$ planninginfo@kelowna.ca 2504698626

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

## 4. INDEMNIFICATION

Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:
a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.

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

## The PERMIT HOLDER is the CURRENT LAND OWNER.

Security shall ONLY be returned to the signatory of the Landscape Agreement or their designates.


The proposal is to build a mixed-use development with ground floor commercial retail on prominent corners along with street accessed townhomes and three storeys of residential condos above. This 24 unit, 4-storey wood frame building rests on a 'basement' concrete parking structure that is partially exposed. The benchmark elevation for this is governed by the floor plain and coordination with the geotechnical engineer.

## ARCHITECTURAL DESIGN

The building is designed to be 'timeless', using traditional architectural details within modern forms. The intention is to meld within the character of Abbott streets' heritage along with its new modern counterpart. This will include a mixture of materials including exposed concrete, classic red brick masonry and board and batten siding. Design and material precedence can be seen in similar projects in the neighbourhood: Abbott House and Waterfront Wines Café. The massing of the building is derived from the unit layouts and to maximize lake views while being sensitive to neighbouring characteristics. Special attention has been paid to the main building entry off Abbott to make it both attractive and sensible. Pedestrian scaled design is important along this corridor and has been emphasized around the commercial retail spaces. For the ground accessed townhomes, there is a balance between scale and aesthetic, forming a base to the building that is both intimate yet pronounced. The play of massing and design help the building blend into its context and is integral to this pedestrian scaled approach.

For the parkade access and refuse collection, access has been provided off the laneway to the south. Consideration has been made to beautify these elements using wooden slats and privacy fencing. Both of which also include secure access.

## OCP AMENMENT/REZONING RATIONALE

This lot lies within the Ru1 zoning of the South Pandosy Urban Centre directly adjacent to Sopa Square and is requesting an OCP amendment for rezoning to C4. Along with this rezoning, the laneway to the east of the property will be decommissioned and divided equally between the neighboring lot 425 Newsom Ave. The mixed-use development being proposed on the consolidated property of 3031 \& 3041 Abbott Street reflects the residential use objectives within the OCP in a manner that is compatible with the existing residential character and neighborhood. It is our intention to maintain a residential community feel while providing greater density, amenity opportunities and a connection with Lake Okanagan and future Pandosy Beach Park. Located between the future Park and Sopa Square, this development aims to create a linear experience for pedestrian traffic via professional Live/Work spaces on Newsom Ave., and small-scale Commercial/Retail along Abbott Street. The OCP currently supports multi-family development in the South Pandosy Urban Centre and we feel this development's pedestrian-scale addition of commercial/retail space will only help strengthen the connection between this Urban Center and the areas largest amenity, Lake Okanagan.

## DEVELOPMENT VARIANCE RATIONALE

The variance to increase the building height by 0.75 meters is to incorporate architectural roof projections that add to the character and definition of the building. The design looks to break up the
continuous parapet aesthetic by adding small shed roofs above each unit. As for the setback variance to the east side yard, it is understood that the adjacent property will be rezoned for future development, reducing the setback to 0 meters.

While this project follows the requirements for parking stall number and ratio, it is asking for a variance to reduce the height of accessible stalls within the parkade to 2.0 m from 2.3 m . Due to the additional height requirements required to access the stall (drive aisle, overhead garage door) along with insulation, mechanical equipment and sprinkler systems, the additional 0.3 m may not be attainable within an underground parkade. We are asking for a variance to follow the old parking bylaw of 2.0 m in accessible car height.

## LANDSCAPE DESIGN

The landscape design for this mixed-use project takes its cues from nearby residential and multi-storey buildings to integrate the proposal into the fabric of the changing Abbott corridor. The Abbott-facing commercial units are mediated by enriching the hardscape with stone material and the provision of commercial-grade site furnishings.

Our client has consistently placed sculpture in the landscape, for several projects in which we are involved, and plans to enrich the public realm on the corner of Abbott \& Newsom similarly. The piece will be lit with low voltage landscape lighting, with appropriate cut-off luminaires to reduce light pollution.

The Newsom-facing residential entries are elaborated with ground level planting and resilient shrubs. This new development provides an opportunity to embed climate resiliency into its landscape design: the entirety of the proposed plant list is either drought tolerant or listed by the Okanagan Xeriscaping Association as an approved xeriscaping plant appropriate to the region. The guiding planting concept is one of all-season interest, with minimal watering inputs.









| SCHEDULE A |  |
| :---: | :---: |
| This forms part of application <br> \# DP20-0041 DVP20-0042 |  |
|  |  |
| $\underset{\substack{\text { Planner } \\ \text { Intiais }}}{\text { LK }}$ | Kelowna |









## DP20-0041 \& DVP20-0042 3031 Pandosy Street

Development Permit and Development Variance Rermite:
Applications


## Proposal

- To consider a form and character Development Permit and associated variances to facilitate a mixed-use multiple dwelling housing development on the subject property.


## Development Process



## Context Map



## Subject Property Map



## Project Details

- 4 1/2 storey condo building
- 24 residential units (3 live/work)
- 3 Commercial units ( $289 \mathrm{~m}^{2}$ )
-FAR 1.5
- One storey parking podium - 30 stalls provided
- Modern Building Design
- Finish Materials:
- Hardi-panel siding - Gray/ Green/ Wood finish
- Brick veneer - Inca Mission Red
- Timber Post \& Beam


## Site Plan

Newsom Avenue


## Main Floor Plan



## Landscape Plan

Newsom Avenue


## Elevations



North Elevation - Newsom Ave

## Elevations



East Elevation

## Elevations



South Elevation - Lane

## Elevations



West Elevation - Abbott Street

## Finish Materials




BRICK VENEER - FIELD COLOUR \# 1
COLOUR: INCA MISSION (RED) STYLE: COMMON BOND (FULL LEDGE)
(2) EXTERIOR CLADDING - FIELD COLOUR \#2 COLOUR: SILVER MARLIN (HARDIE/=)

EXTERIOR CLADDING - FIELD COLOUR \#3 COLOUR: WET CONCRETE (HARDIE/=)
(4) EXTERIOR CLADDING - FIELD COLOUR \#4 COLOUR: TITANIUM (HARDIE/=)EXTERIOR CLADDING - FIELD COLOUR \#5 COLOUR: BLACK DIAMOND (HARDIE/=)
(6) EXTERIOR CLADDING - FIELD COLOUR \#6 COLOUR: FERN GREEN (HARDIE/=)

WOOD LOOK SOFFIT - FIELD COLOUR \#7 COLOUR: RIVER ROCK (WOODTONE)
TYPE: ALLURA FIBRE CEMENT
NOTES: $\quad 5.25^{\prime \prime}$ 'LAP' SIDING INSTALL FLAT (BUTT JOINTED)
(8) TIMBER POST/BEAM/LOUVRE/DETAIL COLOUR: STAINED TO MATCH

## 里



## Variances

## To vary:

- Building height from 15.0 m or 4 storeys permitted to 15.75 m \& 4 1/2 storeys proposed;
- Rear setback from 6.0 m required to 0.0 m proposed;
- Van-Accessible Parking Stall height from 2.3 m permitted to 2.0 m proposed.


## Variances



## Variance



Rear Setback: 6.0 m required to 0.0 m proposed

## Development Policy

- Proposed design substantially meets many of the OCP Urban Design Guidelines
- Respond architecturally to summer sun with buildings that have overhangs and recesses of sufficient depth to provide comfort and shade;
- Provide generous outdoor spaces, including rooftops, balconies, patios and courtyards, to allow residents to benefit from the favourable Okanagan weather;
- Exterior building materials should be selected for their functional and aesthetic quality, and should exhibit qualities of workmanship, durability, longevity and ease of maintenance;


## Staff Recommendation

- Staff supports the proposed form and character Development Permit and associated variances.


Conclusion of Staff Remarks


## Abbott Street Mixed-Use

## 01 <br> LOCATION

03
VISION





## Rezoning RU1 to C3

24 residential condominium units
(6) 1 bedroom condos
(13) 2 bedroom condos
(2) 3 bedroom condos
(3) 2 bedroom live/work

## 3 commercial retail units



## 4.5 storeys

- secure underground parking (partially
buried)
- landscaped terrace podium
- rooftop terrace (private \& amenity)

- pedestrian scaled design (live/work)
- corner café with local art (sculpture)
- timeless design sensitive to Abbott St corridor



## 30 parking stalls

- 23 residence
- 4 commercial
- 3 visitor
(2) accessible stalls included -variance requested for accessible van height




## commercial retail units







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VISION
BLUEGREEN
ARCHITECTURE INC


VISION
BLUEGREEN
ARCHITECTURE INC

## CITY OF KELOWNA

BYLAW NO. 12146
Z20-0037 410 Francis 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 19 District Lot 14, ODYD, Plan 7336 located at Francis Avenue, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this $17^{\text {th }}$ day of May, 2021.

Public Hearing waived by the Municipal Council this $17^{\text {th }}$ day fo May, 2021.

Read a second and third time by the Municipal Council this $14^{\text {th }}$ day of June, 2021.

Adopted by the Municipal Council of the City of Kelowna this

## REPORT TO COUNCIL

Date: November 30, 2021

To
Council
From: City Manager
Department: Development Planning

Application: DVP20-0110
Owner:
1256484 B.C. Ltd., Inc. No. BC1256484

Address: $\quad 410$ Francis Avenue
Applicant: CLD Western Property
Subject: Development Variance Permit Application
Existing OCP Designation: S2RES - Single / Two Unit Residential
Existing Zone: RU6 - Two Dwelling Housing

### 1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 12146 be considered by Council;
AND THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0110 for Lot 19 District Lot 14 ODYD, Plan 7336, located at 410 Francis Avenue, Kelowna, BC;
AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:
Section 13.6.6(f): RU6 - Two Dwelling Housing Development Regulations
To vary the minimum front yard setback from 4.5 m required to 4.0 m proposed.

## Section 13.6.6(g): RU6 - Two Dwelling Housing Development Regulations

To vary the minimum flanking side yard setback from 4.5 m required to 3.5 m proposed.
AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

### 2.0 Purpose

To issue a Development Variance Permit for the front yard setback and the flanking side yard setback to facilitate two detached single-family dwellings.

### 3.0 Development Planning

Staff are recommending support for the proposed Development Variance Permit. The applicant is seeking a front yard setback variance along Taylor Crescent and a side yard setback from Francis Avenue to accommodate two single-family dwellings. The site has several constraints including its irregular triangular shape and the fact it is a corner lot, which require greater setbacks in comparison to mid-block development. The variances help fulfill the requirement to have all access off the laneway, which helps with the street rhythm and greater interface with the surrounding neighbourhood. If the lot were more conventional in its shape and orientation, the ability to achieve a viable development without the potential for any variances would be greater.

In order to offset the proposed variances, the applicant is proposing to landscape the site with border shrub and perennials plantings including 8 on-site deciduous trees. The landscaping proposed will help to buffer and complement the two dwellings which will be located closer to both the front and flanking streets than the RU6 zone permits. Should Council support the proposed variances, Staff are not anticipating any negative impacts to the surrounding neighbourhood.

### 4.0 Proposal

4.1 Background

The property previously contained a single-family dwelling on the site, however, the home was demolished and subsequently removed from the property in 2017 and has been siting vacant since.

### 4.2 Project Description

The proposal is to construct two new 2-storey detached single-family dwellings. The subject site has been siting vacant for nearly 4 years now. The previous single-family dwelling had a driveway access at Francis Avenue, however, the RU6 zone requires access from the lane when a lane is present. Should the development move forward, the existing driveway access onto Francis Ave would be decommissioned and all future access to the site would come from the lane only.

### 4.3 Site Context

The subject property is located in the South Pandosy - KLO City Sector near the intersection of Francis Ave and Pandosy St, and just north of Kinsmen Park. It is in close proximity to transit routes located along Pandosy St. The surrounding neighbourhood is largely comprised of $R U_{1}$ - Large Lot Housing zoned properties with some RU1c - Large Lot Housing with Carriage House and RU6 - Two Dwelling Housing zoned sites.

Subject Property Map: 410 Francis Avenue

4.4 Zoning Analysis Table

\left.| Zoning Analysis Table |  |  |  |
| :---: | :---: | :---: | :---: |
| CRITERIA |  |  | RU6 ZONE REQUIREMENTS |$\right]$ PROPOSAL

### 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

Objective 5.3 Focus development to designated growth areas
Policy . 2 Compact Urban Form. Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75-100 people and/or jobs located within a 400-metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and redevelopment within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Objective 5.22 Ensure context sensitive housing development
Policy. 6 Sensitive Infill. Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

### 6.0 Application Chronology

Date of Application Accepted: May 6, 2020
Date Public Consultation Completed: February 8, 2021

| Report prepared by: | Andrew Ferguson, Planner II |
| :--- | :--- |
| Reviewed by: | Jocelyn Black, Urban Planning Manager |
| Reviewed by: | Terry Barton, Development Planning Department Manager |
| Approved for Inclusion: | Ryan Smith, Divisional Director, Planning \& Development Services |

## Attachments:

Attachment A: Draft Development Permit DVP20-0110
Attachment B: Applicant's Letter of Rationale
Attachment C: Elevation Drawings
Schedule A: Site Plan
Schedule B: Landscape Plan

# Development Variance Permit DVP20-0110 

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

## 410 Francis Avenue

and legally known as

## Lot 19 District Lot 14, ODYD, Plan 7336

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

## RU6 - Two Dwelling Housing

The present owner and any subsequent owner of the above described land must comply with any attached terms and conditions.
Date of Council Decision: November 30, 2021

Decision By: Council
Development Permit Area:
n/a
This permit will not be valid if development has not commenced by November 30, 2023.
Existing Zone: RU6 - Two Dwelling Housing
Future Land Use Designation: S2RES - Single / Two Unit Residential

## This is NOT a Building Permit.

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

## NOTICE

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

| Owner: | 1256484 B.C. LTD., Inc. No. BC1256484 |
| :--- | :--- |
| Applicant: | CLD Western Property |
| Planner: | Andrew Ferguson |

## Terry Barton

Development Planning Department Manager
Development Planning

## Date



## 1. SCOPE OF APPROVAL

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

This Development Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this permit, noted in the Terms and Conditions below.
The issuance of a permit limits the permit holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific variances have been authorized by the Development Permit. No implied variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

## 2. CONDITIONS OF APPROVAL

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

## Section 13.6.6(f): RU6 - Two Dwelling Housing Development Regulations

To vary the minimum front yard setback from 4.5 m required to 4.0 m proposed.

## Section 13.6.6(g): RU6 - Two Dwelling Housing Development Regulations

To vary the minimum flanking side yard setback from 4.5 m required to 3.5 m proposed.
b) Landscaping to be provided on the land be in accordance with Schedule " B "; and
c) The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of $125 \%$ of the estimated value of the landscaping, as determined by a Registered Landscape Architect.

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

## 3. PERFORMANCE SECURITY

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Developer and be paid to the Developer or his or her designate if the security is returned. The condition of the posting of the security is that should the Developer fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use enter into an agreement with the property owner of the day to have the work carried out, and any surplus shall be paid over to the property own of the day. Should the Developer carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Developer or his or her designate. There is filed accordingly:
a) An Irrevocable Letter of Credit or certified cheque in the amount of \$49,020.89

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

## 4. INDEMNIFICATION

Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:
a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.

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

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


# CATLYGT <br> DYNAMIC CONSTRUCTORS 

## 410 Francis Development Application Rationale

Second Design Concept

Dear Andrew,
This is our second application submission for this property. Our initial submission is included with this letter for ease of reference. Based neighborhood and staff feedback, we have reduced our proposal to two, two storey homes at this location. While we remain of the opinion that three units, while a nominal increase, does represent an ideal densification scenario, achieving a balance between density yield and neighborhood feedback remains a priority.

Further to neighborhood commentary on density and height, we considered several planning perspectives including:

- Limit vehicular access to only one driveway, via the rear laneway;
- Because some side yard setback variances are required to accomplish infill on this site, the Taylor frontage should be prioritized over the Francis frontage for rhythm with the neighborhood. The Francis frontage is an "island" in that Taylor borders one side of the property and the rear lane the other side.
- Consider height given overall surrounding neighborhood context.

The design rationale started with an appreciation of the ongoing City of Kelowna OCP process and our intent to create a form of housing which would fit an infill neighborhood context while promoting marginally higher density in a ground-oriented infill form. In terms of neighborhood context, the strip of homes between Taylor and the rear access lane is predominately built out with a primary residence plus carriage house scenario. Our proposal mirrors the rhythm of what is found on this strip of homes in that this site would have two residences, albeit two primary residences.

The corner lot location of 410 Francis is well suited to the development we are proposing for several reasons. It is also highly unique being a triangle shaped property with road interface on three of four sides.

We are requesting rezoning to RU6 in our second submission. There are presently 5 properties within a 2 block radius currently zoned RU6. We propose to create a small lot subdivision as a test case in looking forward to more infill initiatives in the ongoing OCP review. The proposed lots have separate legal frontage and separate vehicular access. In preapplication discussions with Development Engineering, they provided a preliminary approval for a slightly wider access apron to accommodate the two-unit driveway scenario proposed. The location of the driveway allows for the largest setback to occur between the proposed homes and the one neighboring home to the North. While the landscape setback is varied, the functional setback from the built forms is 2 m from a one storey garage and 3.6 m from the 2 storey West unit.

In terms of aesthetic design, we intentionally varied the types of architectural character such that it doesn't appear as one solid built form, and so that it ages well with an already diverse neighborhood. Exploring the current neighborhood, you will find homes of a wide variety that match the proposed character of this application.

We kept Crime Prevention through Passive Design in mind as we progressed this design. All homes have windows facing the street for animation and pedestrian connection, but also to establish consistent visibility. We have located the windows to achieve that goal while maintaining privacy between homes. We have predesigned optional fenced courtyards to provide some extent of private outdoor space. Automated sensor lights will be hardwired and installed at entrances and garages.

These homes will be constructed to a minimum Step 3 Energy code or greater standard. Our aim will be to achieve Step 5, however some of that performance has yet to be determined through energy modelling. As is the case in all our developments, we will incorporate the best practices for environmental construction techniques including waste and debris minimization, utilizing durable and low carbon materials, minimize hazardous chemicals used in construction, install electric vehicle charging in garages, prep for rooftop solar arrays, and more.

Both of these homes have enclosed - and hidden from the street - two car garages. This prioritizes the street interface. Both homes feature predesigned private outdoor space.

The interfaces will be landscaped with tall columnar aspens for a visual screen, and we will be further plant out of the existing boulevards with added boulevard trees (3) and lawn. We have intentionally varied the tree types from home to home such that they age looking like two distinct properties.

I look forward to speaking with you after your review of this resubmission and moving this application forward to neighborhood consultation and initial consideration.

I believe the application fees paid to date can still be applied to this resubmission. Please advise me if anything further is required.











# DVP20-0110 410 Francis Ave 

Development Variance Permit Application


## Proposal

- To vary the front yard setback from 4.5 m required to 4.0 m proposed and flanking side yard setback from 4.5 m required to 3.5 m proposed to facilitate two detached single-family dwellings.


## Development Process



## Context Map



City of Kelowna

## Subject Property Map



## Project/technical details

- The applicant is requesting two variances:
- To vary the minimum side yard setback from 4.5m required to 4.0 m proposed.
- To vary the minimum flanking side yard setback from 4.5 m to 3.5 m proposed.
- These variances are to facilitate the construction of two single-family dwellings.
- All access is proposed to be off the lane.


## Site Plan



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EAST UNIT BARE LAND STRATA AREA: $5,461 \mathrm{FT}^{2}$


City of Kelowna

## Elevation Drawings




## Renderings



City of Kelowna

## Landscape Plan



## Development Policy

- Official Community Plan
- Objective 5.3 Focus development to designated growth areas
- Policy. 2 Compact Urban Form
- Object 5.22 Ensure context sensitive housing development
- Policy . 6 Sensitive Infill


## Staff Recommendation

- Staff recommend support of the Development Permit
- Irregular lot, which makes two dwellings challenging to meet the setbacks.
- High quality landscaping and tree preservation
- Consistent with the Official Community Plan.


Conclusion of Staff Remarks

## REPORT TO COUNCIL

| Date: | November 30, 2021 |  |
| :--- | :--- | :--- |
| To: | Council |  |
| From: | City Manager |  |
| Department: | Development Planning |  |
| Application: | DP21-0159 DVP21-0204 | Owner: Prime Clifton Homes Inc., Inc. |
| Address: | 1402 Cara Glen Court Ao116073 |  |
| Subject: | Development Variance Permit and Development Permit |  |
| Existing OCP Designation: $\quad$ MRM - Multiple Unit Residential (Medium Density) |  |  |
| Existing Zone: |  | RM4 - Transitional Low Density Housing |

### 1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP21-0159 for Lot 1, Section 31, Township 26, ODYD, Plan EPP100150, located at 1402 Cara Glen Court, Kelowna, BC subject to the following:

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

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

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0204 for Lot 1, Section 31, Township 26, ODYD, Plan EPP100150, located at 1402 Cara Glen Court, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8ooo be granted:
Section 13.10.6(d): RM4 - Transitional Low Density Housing Development Regulations To vary the required front yard setback from 6.0 m permitted to 4.2 m proposed,

## Section 13.10.7(b) : RM4 - Transitional Low Density Housing Other Regulations

To vary the maximum continuous building frontage from 40.0 m permitted to 58.3 m proposed
AND FURTHER THAT this Development Permit and Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

### 2.0 Purpose

To consider the Form and Character of a 44 unit multi-family development and to consider varying the front yard set-back and maximum allowable building frontage on the subject property.

### 3.0 Development Planning

Staff recommend support for the proposed development permit and development variance permit applications. The proposed development is substantially compliant the City's development permit guidelines and the regulations of the Zoning Bylaw including parking and building height. Two variances are required to achieve the proposed design. Specifically, a variance to the front yard-setback is required to allow for an un-enclosed balcony patio space to encroach into the set-back which if approved would allow for a more functional outdoor space. A second variance is requested to vary the maximum building width. The proposed size of the building will fit well into the context of the neighbourhood.

### 4.0 Proposal

4.1 Background

The subject site is located on a vacant parcel recently subdivided near the intersection of Clifton Road and Cara Glen Court. In the Official Community Plan the property is located within the permanent growth boundary where urban uses such as multi-family developments are supported and designated MRM Multiple Unit Residential (Medium Density). The lot is zoned RM4 - Transition Low Density Housing which allows for a mix of townhouses or apartment buildings up to a maximum of 3 storeys.

### 4.2 Project Description

The proposed development consists of 16 town-homes and a 28 -unit apartment building. The total amount of housing proposed is 44 units and most of the housing units have two or three bedrooms. The development style is characterized as having a modern aesthetic. The town-homes are 3 stories in height with a double car garage. The town-homes each have roof top decks which will provide private open space. The proposed apartment building fronts Clifton Road and provides balconies, windows, and groundoriented units facing the street. Parking for the apartment building is provided in an underground parkade. The landscape plan provides private landscaped areas for small gatherings and interactions including a playground area.


The proposed development is substantially compliant the OCP Urban Design Development Permit guidelines. Two variances are required to achieve the proposed design.

1. A variance to the front yard-setback is required to allow for an un-enclosed balcony patio space to encroach into the set-back. The building footprint is compliant with the required set-back but the proposed deck space projects into the front set-back further than permitted. The proposed variance is relatively minor, no negative impacts are expected if this projection is allowed. The extent of the encroachment is pictured below.

2. A variance to the maximum building width is requested. The apartment building is proposed to be 58.3 m in length, while the $\mathrm{RM}_{4}$ zone requires a maximum building frontage of $40 . \mathrm{m}$. The RM4 zone is meant to be a transitional zone between low and higher densities. The proposed building is across the street from a vacant parcel which is designated MRL - Multiple Unit Residential (Low Density) in the OCP. The building fronts Clifton Road and is buffered by townhouses that are part of the proposed development on the north and west sides of the building. Staff anticipate this building will fit well into the context of the neighbourhood and confirm that the building has been designed to have an appropriate size and scale.

### 4.3 Site Context

The subject site is in an area characterized by existing single detached housing and multi-family developments currently under development. Specifically, the lands to the North of the site have a future land use designation of S2Res - Single/Two Unit Residential and contain single detached houses. The properties to the South and West of the site are designated MRM - Multiple Unit Residential (Medium Density) zoned $\mathrm{RM}_{4}$ and are under development. To the East of the site there is large vacant parcel that is designated MRL - Multiple Unit Residential (Low Density) and zoned A1 - Agriculture 1.

Specifically, adjacent land uses are as follows:

| Orientation | Zoning | Land Use |
| :--- | :--- | :--- |
| North | A1 - Agriculture | S2Res - Single/Two Unit Residential |
| East | A1 - Agriculture | MRL - Multiple Unit Residential (Low <br> Density) |
| South | RM4 - Transitional Low Density Housing | MRM - Multiple Unit Residential <br> (Medium Density) |
| West | RM4 - Transitional Low Density Housing | MRM - Multiple Unit Residential <br> (Medium Density) |

## Subject Property Map:



| Zoning Analysis Table |  |  |
| :---: | :---: | :---: |
| CRITERIA | RM4 ZONE REQUIREMENTS | PROPOSAL |
| Existing Lot/Subdivision Regulations |  |  |
| Min. Lot Area | goom ${ }^{2}$ | 6,820m ${ }^{2}$ |
| Min. Lot Width | 30 m | 90m |
| Min. Lot Depth | 30 m | 102m |
| Development Regulations |  |  |
| Max. Floor Area Ratio | 0.65 | 0.62 |
| Max. Site Coverage (buildings) | 50\% | 30\% |
| Max. Site Coverage (buildings, parking, driveways) | 60\% | 52\% |
| Max. Height | 13.0m/3 storeys | 13.0 m |
| Min. Front Yard | 4.5m-6.0m | 4.2 mo |
| Min. Side Yard (south) | 2.3-4.5m | 4.5 m |
| Min. Side Yard (north) | 2.3-4.5m | 4.5 m |
| Min. Rear Yard | 7.5-9.0m | 10.0 m |
| Other Regulations |  |  |
| Private Open Space | $7.5 \mathrm{~m}^{2}$ per bachelor dwelling, 15.0 $\mathrm{m}^{2}$, per 1 bedroom dwelling, and $25 . \mathrm{mm}^{2}$ per dwelling with more than 1 bedroom. 9 (Total $=$ $2,756 \mathrm{sqft}$ or 256 sqm ) | 4,064sqft (378sqm) |
| Building Width | 40.0 m for a 3 -storey building, 65.0 m for a 2 -storey building | (192ft 2in) 58.3m for a 3 storey buildinge |
| Bike Parking | 1 short-term space per 5 townhouse units, 0.75 long-term per 2 br or less ( 21 spaces) plus 6 short-term per entrance | 1 short-term space townhouse unit, 0.75 long-term per 2 br or less ( 21 spaces) plus 6 short-term per entrance |
| Visitor Parking | 0.14/unit (4 spaces for apt, 2 spaces for townhouse $=6$ total | 6 spaces |
| Accessible Parking | 4 spaces (1 of which must be van accessible) | 4 spaces (1 of which is van accessible) |
| Total Parking | 79 spaces | 80 spaces |
| © Indicates a requested variance to Zoning Bylaw Section 13.10.6 (d) <br> (2) Indicates a requested variance to Zoning Bylaw Section 13.10 .7 (b) |  |  |

### 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

## Chapter 5: Development Process

## Objective 5.2 Develop Sustainably

Policy 5.2.3 Complete Suburbs. Support a mix of uses within Kelowna's suburbs, in accordance with "Smart Growth" principles to ensure complete communities. Uses that should be present in all areas of the City, at appropriate locations, include: commercial, institutional, and all types of residential uses (including affordable and special needs housing) at densities appropriate to their context. Building heights in excess of four storeys will not be supported within the suburban areas, unless provided for by zoning existing prior to adoption of OCP Bylaw 10500.

### 6.0 Technical Comments

6.1 Development Engineering Department

- Development Engineering requirements have been addressed as part of subdivision application (S17-0053)


### 7.0 Application Chronology

Date of Application Received: September $2^{\text {nd }} 2021$
Date Public Consultation Completed: October $1^{\text {st }} 2021$

Report prepared by: Alex Kondor, Planner Specialist

Reviewed by:

Reviewed by:

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

## Attachments:

Attachment A: Draft Development Permit/Development Variance Permit: DP21-0159/DVP21-0204 Schedule A: Site Plan
Schedule B: Building Elevations
Schedule C: Landscape Plan
Attachment B: Development Permit Checklist

# Development Permit \& <br> Development Variance Permit DP21-0159/DVP21-0204 



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

## 1402 Cara Glen Court

and legally known as

## Lot 1, Section 31, Township 26, ODYD, Plan EPP100150

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

## Multiple Dwelling Housing

The present owner and any subsequent owner of the above described land must comply with any attached terms and conditions.
Date of Council Decision November $30^{\text {th }} 2021$

Decision By:
Development Permit Area: Comprehensive Development Permit Area (Urban Design)

This permit will not be valid if development has not commenced by November $30^{\text {th }} 2023$.

## Existing Zone:

## RM4 - Transitional Low Density Housing

Future Land Use Designation:
MRM - Multiple Unit Residential (Medium Density)
This is NOT a Building Permit.
In addition to your Development Permit, a Building Permit may be required prior to any work commencing. For further information, contact the City of Kelowna, Development Services Branch.

## NOTICE

This permit does not relieve the owner or the owner's authorized agent from full compliance with the requirements of any federal, provincial or other municipal legislation, or the terms and conditions of any easement, covenant, building scheme or agreement affecting the building or land.
Owner: Prime Clifton Homes Inc.
Applicant: Kirkoff Construction Ltd.
Planner: Alex Kondor, RPP, MCIP

[^2]
## Date

## 1. SCOPE OF APPROVAL

This Development Permit applies to and only to those lands within the Municipalieyamaetescribed above, and arendryitiag structures and other development thereon.

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

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

## 2. CONDITIONS OF APPROVAL

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

AND THAT variance to the following Section of Zoning Bylaw No. 8000 be granted:
Section 13.10.6 (d) : RM4 - Transitional Low Density Housing Development Regulations
To vary the required front yard from 6.0 m permitted to 4.2 m proposed
Section 13.10.7 (b) : RM4 - Transitional Low Density Housing Other Regulations To vary the maximum building frontage from 40.0 m permitted to 58.3 m proposed

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

## 3. PERFORMANCE SECURITY

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Developer and be paid to the Developer or his or her designate if the security is returned. The condition of the posting of the security is that should the Developer fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use enter into an agreement with the property owner of the day to have the work carried out, and any surplus shall be paid over to the property own of the day. Should the Developer carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Developer or his or her designate. There is filed accordingly:
a) An Irrevocable Letter of Credit in the amount of \$ 237,116.25

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

## 4. INDEMNIFICATION

Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:
a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.

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

## The PERMIT HOLDER is the CURRENT LAND OWNER.




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## CLIFTONROAD LOT 1 DEVELOPMENT

## Kelowna, B.C.

## PROJECT LEGAL DESCRIPTION

Legal Description: Subdivision Plan of Lots 1 \& 2. Plan KAP86216 AND OF LOT B PLAN KAP91474, All of Section 31, Township 26, Osoyoos Division Yale District. Civic Address: 1402 Cara Glen Court, Kelowna BC

## Drawing List

| A0.00 | PROJECT SHEET |
| :---: | :---: |
| A1.00 | MAster site plan \& Zoning |
| A1.01 | STIE SECTIONS |
| A1. 02 | Street elevaitons \& matrials |
| A2.00 | BUILIING \#2 Plans |
| A2.01 | BuILDING \#2 Elevatio |
| A2.02 | BUILING \#3 PLANS |
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| A2.04 | BUILIING \#4 PLANs |
| A2.05 | BUILDING \#4 Elevations |
| A2.06 | BUILIING \#5 PLANS |
| A2.07 | BUULDING \#5 Llevations |
| A2.08 | BUILIDING \#6 PLANS |
| A2.09 | BUILDING \#6 Elevailons |

Consultants
Architect
BlueGreen Archite cture Inc.
Bile Green Archinecture In
$\# 100-1353$ Ellis Street, Kelowna BC VIY 179
236.420 .3550 ext 200 230.420.3550 ex 20

Contact: Mark Aquilon
maquilon@bluegreenarch.co

Civil Engineer
PROTECH CONSUIING
\#200-1461 ST. Paul Street
\#200- 161 ST.
Kelowa BC
$778-436-2387$
Contact: Brad Zawislak

## ANDSCAPE

BENCH DESIGN
\#4-1562 WATER STREET
Kelowna, BC
VIY $1 J 7$
250-808-5113
Contact: Xenia Semeniuk
xenia@benchsitedesign.com



(2) $\frac{\text { OVERAL SIIE Development }}{\text { Scole: Nis }}$


[^3]CLIFFON
PHASE 1 LOT 1
MULII FAMIY
DEVELOPMENT
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SCHEDULE









## CLIFTON ROAD <br> LOT 1

## LANDSCAPE DRAWING LIST

$\begin{array}{ll}\text { Lo } & \text { cover page } \\ \text { L- } \\ \text { Landscae } \\ \text { Llan }\end{array}$


DEVELOPMENT PERMTT NOTES:












 ADDRESS SIGN CHARACTER IMAGE:


| ORNAMENTAL PLANT LIST: |  |  |  |
| :---: | :---: | :---: | :---: |
|  | Common Name | ${ }_{6 \text { cme cal. }}^{\text {size }}$ | Root |
| Acer rubrum Karick | Karpick maple |  |  |
| and | Autumn Brilian | 1.5 m |  |
| Masckia mureonsis |  | cmand |  |
| Pataus $x$ acert |  | 6 cm Cal | 88 |
| Quercus robur 'Fastigita' | sky |  |  |
| Syringa reticulata "vors sik' | vors | ${ }_{6} \mathrm{~cm} \mathrm{Cal}$ |  |
| SHRUES |  |  |  |
|  |  |  | ${ }_{\text {Roter }}^{\text {Rooted }}$ |
| Ceanothus velutitus | $\underbrace{}_{\substack{\text { Snowbrush } \\ \text { Bloodwid } \\ \text { dogwo }}}$ |  | Potted |
| Euorvmus altus 'Compactus' | Compact turning buis | 12.5mo.c. | Potted |
|  | Oreaon yrape |  | ${ }_{\text {Potted }}^{\substack{\text { Potad }}}$ |
| Soriae | Tor Birchleaf | \#01 con | Potted |
| PERENNILLS |  |  |  |
|  |  |  |  |
| mone Wharord Honorie Jobe |  | ${ }^{\text {man }}$ | Potted |
|  | Goldstum conefiower | Hol Conto. 7 mmo. | Potted |
| GRasses |  |  |  |
|  | Common Name |  | ${ }_{\substack{\text { Root } \\ \text { potted }}}^{\text {ded }}$ |
| Descramosis cesentosa | Turtee |  | ${ }_{\text {Potted }}^{\substack{\text { Poted }}}$ |





## ATTACHMENT "A": DEVELOPMENT PERMIT GUIDELINES

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

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




# DP21-0159/DVP21-0204 1402 Cara Glen Court 

Development Permit \& Development Variance Permit


## Proposal

- To consider the form and character of a 44-unit multi-family development and to consider varying the front yard set-back and maximum allowable building frontage on the subject property.


## Development Process

Sept $2^{\text {nd }} 2021$

## Development Application Submitted



Oct $1^{\text {st }} 2021$


## Context Map



## Subject Site



## Site Plan



## Landscape Plan



City of Kelowna

## Landscape Plan Cont.

## GENERAL LEGEND:



## BLYGROUND CHARACTER MACES:




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## Aerial View



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## Playground View



## Apartment Building (North View from Clifton Road)



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## Apartment Building (South View from Clifton Road)



City of Kelowna

## Building Width Variance



## Front Yard Variance

IMAGE SHOWING EXTENT OF PROJECTION INTO FRONT SETBACK (VARIANCE REQUESTED)


City of Kelowna

## Staff Recommendation

- Staff support the proposal:
- The proposed buildings substantially conform to the City's Urban Design Development Permit Area Guidelines.
- The proposed front yard variance would allow for a higher quality design and a functional outdoor space.
- The proposed building width variance maintains an appropriate size and scale.


Conclusion of Staff Remarks


[^0]:    Terry Barton, Divisional Director
    Development Planning Department Manager

[^1]:    Terry Barton
    Development Planning Department Manager
    Planning \& Development Services

[^2]:    Terry Barton
    Development Planning Department Manager

[^3]:    (3) $\frac{\text { Projectilevalion }}{\text { Scole: Nis }}$

