

# City of Kelowna

## Regular Council Meeting

### AGENDA



Tuesday, February 8, 2022  
6:20 pm  
Council Chamber  
City Hall, 1435 Water Street

#### Pages

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

The Oath of Office will be read by Councillor Given.
3. **Confirmation of Minutes** 1 - 8  

Public Hearing - January 18, 2022  
Regular Tuesday Meeting - January 18, 2022
4. **Liquor License Application Reports**  

**Mayor to invite anyone participating online or in the public gallery who deems themselves affected by the liquor license application to come forward.**

  - 4.1. **START TIME 6:20 PM - High Rd 1170-1186 - LL21-0010 - Paul Leinemann Construction Ltd., Inc. No. 13163** 9 - 27  

To seek Council's support for a lounge endorsement area for a brewery to allow patrons to purchase and consume liquor products on-site between the hours of 2:00 pm to 9:00 pm Tuesday to Wednesday, 12:00 pm to 10:00 pm on Thursday, 11:00 am to 11:00 pm on Friday and Saturday, and 11:00 am to 9:00 pm on Sunday with a total capacity of 100 people.
5. **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.**

  - 5.1. **START TIME 6:20 PM - Speer St 2257 - BL11974 (Z19-0102) - Speer Street Developments Ltd., Inc. No. BC1280555** 28 - 28  

To amend and adopt Bylaw No. 11974 in order to rezone the subject property from the RU6 – Two Dwelling Housing zone to the HD2 – Hospital and Health Support Services zone.

- 5.2. START TIME 6:20 PM - Speer St 2257 - DP19-0146 DVP19-0147 - Speer Street Developments Ltd., Inc. No. BC1280555** 29 - 88

To approve a Development Permit for the form and character of multiple dwelling housing with variances to site coverage, required setbacks (front, side and rear yard) and for portions of the building above 12.0m in height.

- 5.3. START TIME 6:45 PM - Clifton Rd N 122 - DVP21-0046 - Peter and Wen Finamore** 89 - 104

To issue a Development Variance Permit to the side yard setback from 2.0m permitted to 1.9m proposed to bring an addition into conformance.

- 5.4. START TIME 6:45 PM - Lakeshore Road 5147 - DVP21-0216 - Mark J. Walker and Francine C. Walker** 105 - 120

To vary the required minimum side yard from 3.0m permitted to 1.7m proposed to facilitate the construction of an addition to the existing house .

**6. Reminders**

**7. Termination**



## City of Kelowna

### Public Hearing and Associated Regular Meeting Minutes

Date: Tuesday, January 18, 2022  
 Location: Council Chamber  
 City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Gail Given and Loyal Wooldridge

Members participating remotely Councillors Ryan Donn, Charlie Hodge, Brad Sieben and Mohini Singh

Members Absent Councillor Luke Stack

Staff Present City Manager, Doug Gilchrist; Deputy City Clerk, Laura Bentley; Divisional Director, Planning & Development Services, Ryan Smith; Community Planning & Development Manager, Dean Strachan; Urban Planning Manager, Jocelyn Black; Legislative Technician, Rebecca Van Huizen

Staff participating remotely Legislative Coordinator (Confidential), Arlene McClelland

(\* partial attendance)

1. **Due to COVID-19 a Public Hearing Agenda will also include Regular Meeting Items**
2. **Call to Order the Public Hearing - START TIME 6:00 PM - Kirschner Rd 1939-1959 - LUCT21-0004 (BL12287) - Lambert and Paul Construction Ltd**

Mayor Basran called the Hearing to order at 6:04 p.m.

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

### 3. Individual Bylaw Submissions

- 3.1 **START TIME 6:00 PM - Kirschner Rd 1939-1959 - LUCT21-0004 (BL12287) - Lambert and Paul Construction Ltd**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

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 indicated they wished to speak.

There were no further comments.

**4. Termination**

The Hearing was declared terminated at 6:08 p.m.

**5. Call to Order the Regular Meeting**

Mayor Basran called the meeting to order at 6:08 p.m.

**6. Bylaws Considered at Public Hearing**

- 6.1 START TIME 6:00 PM - Kirschner Rd 1939-1959 - BL12287 (LUCT21-0004) - Lambert And Paul Construction Ltd.**

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

R0037/21/01/18 THAT Bylaw No. 12287 be read a second and third time and be adopted.

Carried

**7. Termination**

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

**8. Call to Order the Public Hearing - START TIME 6:00 PM - Fisher Rd 1925 - Z21-0054 (BL12304) - ERAC DEVELOPMENTS INC, INC NO BC1293206**

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

- 9.1 START TIME 6:00 PM - Fisher Rd 1925 - Z21-0054 (BL12304) - ERAC DEVELOPMENTS INC, INC NO BC1293206**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Birte Decloux, Urban Options Planning, Participating Online

- Shared a PowerPoint Presentation.
- Provided a brief history of the recently subdivided lot and the public concerns that have been raised regarding Official Community Plan changes to the future land use designation, RU6 zone requirements for a duplex and parking.
- Spoke to the Official Community Plan changes to the permanent growth boundary, providing the same development opportunity for those in the neighbourhood, and the future land use designation.
- Spoke to compliance with the RU6 zone regulations.
- Made comment on another concern raised regarding the built form and will be removing the rooftop deck due to neighbourhood concerns.
- This proposed application meets city policy and will commit to redesign to be sensitive infill in this 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.

No one participating on line indicated they wished to speak.

Gallery:

Sally Riske, Fisher Road

- Spoke to previously submitted petition and commented that most could not attend the meeting.
- Main concern is the RU6 zoning and placing a duplex on a very narrow lot and a potential for a fourplex.
- Raised concerns with parking from this development and if inadequate would increase on street parking and create further congestion.
- Commented on current traffic calming measures due to excessive speed and raised concern for safety in the area.
- Not opposed to development on this property but would like the building to be one storey and to architecturally fit in with the neighbourhood.

Birte Decloux, Urban Options Planning, Participating Online

- Spoke to commitment to change the design to be more conventional.

Staff:

- Responded to questions from Council.

There were no further comments.

**10. Termination**

The Hearing was declared terminated at 6:23 p.m.

**11. Call to Order the Regular Meeting**

Mayor Basran called the meeting to order at 6:23 p.m.

**12. Bylaws Considered at Public Hearing**

**12.1 START TIME 6:00 PM - Fisher Rd 1925 - BL12304 (Z21-0054) - ERAC DEVELOPMENTS INC, INC NO BC1293206**

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

R0038/21/01/18 THAT Bylaw No. 12304 be read a second and third time and be adopted.

Carried

**13. Termination**

The Hearing was declared terminated at 6:26 p.m.

\_\_\_\_\_  
Mayor Basran

/acm

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Deputy City Clerk



## City of Kelowna Regular Meeting Minutes

Date: Tuesday, January 18, 2022  
Location: Council Chamber  
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Gail Given and Loyal Wooldridge

Members participating remotely Councillors Ryan Donn, Charlie Hodge, Brad Sieben and Mohini Singh

Members Absent Councillor Luke Stack

Staff Present City Manager, Doug Gilchrist; Deputy City Clerk, Laura Bentley; Divisional Director, Planning & Development Services, Ryan Smith; Community Planning & Development Manager, Dean Strachan; Urban Planning Manager, Jocelyn Black; Legislative Technician, Rebecca Van Huizen

Staff participating remotely Legislative Coordinator (Confidential), Arlene McClelland

(\* partial attendance)

### 1. Call to Order

Mayor Basran called the meeting to order at 6:27 p.m.

### 2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Donn.

### 3. Confirmation of Minutes

Moved By Councillor Given/Seconded By Councillor Wooldridge

**R0039/21/01/18** THAT the Minutes of the Public Hearing and Regular Meeting of November 30, 2021 be confirmed as circulated.

Carried

### 4. Development Permit and Development Variance Permit Reports

**4.1 START TIME 6:20 PM - Pandosy St 1727 1737 - DP19-0050 DVP19-0051 - Brian Pattie, Christopher Pattie and Millcreek Lane Properties Inc**

Mayor Basran:

- Advised that the Applicant withdrew their application from this agenda and will not be heard.

The meeting recessed at 6:28 p.m.

The meeting reconvened at 6:51 p.m.

**4.2 START TIME 6:50 PM - Bay Ave 437 - DP21-0135 DVP21-0138 - Carbon Capture Mini-Storage (Kelowna) GP Ltd., Inc. No. BC1070157**

Staff:

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

Don Redden, CEO Ulmus Development, Participating Online

- Shared a Power Point Presentation, re: EcoLock Self Storage.
- Commented on the previous approved application in 2019 that was delayed due to the pandemic.
- Reconfirmed the business model and realized that there is still a significant shortage of self-storage for residential and commercial uses in the downtown core.
- Spoke to the changes from the previous application by eliminating co-work space and enlarging the lobby space.
- This project is setting a new standard with energy efficiency and environmental building standards and are meeting the living building challenge.
- Spoke to the goals of EcoLock to reduce traffic congestion and provide activated streetscape for safety and improve neighbourhood livability.
- 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 indicated they wished to speak.

Gallery:

Katherine Chernoff, Richter Street

- Raised concern regarding the discrepancy with Official Community Plan Policy regarding commercial storage.

Staff:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Wooldridge

**R0040/21/01/18** THAT Council authorizes the issuance of Development Permit No. DP21-0135 and Development Variance Permit No. DVP21-0138 for Lot 2 District Lot 139 Osoyoos Division Yale District Plan KAP68693, located at 437 Bay 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 variances to the following sections of Zoning Bylaw No. 8000 be granted in accordance with Schedule "A":

**Table 8.3.4: Section 8 – Parking and Loading, Table 8.3 - Required Off-Street Parking Requirements, Industrial**

To vary the required minimum number of parking stalls from 102 stalls to 12 stalls.

**Table 8.4: Section 8 – Parking and Loading, Off-Street Loading, Minimum Loading Required**

To vary the required minimum number of loading stalls from 6 stalls to 3 stalls.

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

**4.3 START TIME 6:50 PM - Hilltown Dr 3155 - DVP21-0221 - Kinnikinnik Developments Inc., Inc. No. BCo622664**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Andrew Gaucher, Paly Road, Applicant, Participating Online

- 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 on line or in the gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor DeHart/Seconded By Councillor Donn

**Ro041/21/01/18** THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0221 for Lot 10, Section 28, Township 23, ODYD, Plan EPP92233, located at 3155 Hilltown Drive, Kelowna, BC;

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

**Section 1.3.4.1: Schedule 'B' – Comprehensive Development Zones, CD18 – McKinley Beach Comprehensive Resort Development, Development Regulations, Setbacks**

To vary the minimum setback from the CD Zone boundary for all uses from 10 m required to 2.3 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

**4.4 START TIME 6:50 PM - Northern Flicker Ct 1960 - DVP21-0222 - Forest Hills  
McKinley Beach Developments Inc., Inc. No. BC1135274**

Staff:

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

Andrew Gaucher, Paly Road, Applicant, Participating Online

- 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 on line or in the gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor DeHart/Seconded By Councillor Singh

**R0042/21/01/18** THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0222 for Lot 14, Section 28, Township 23, ODYD, Plan EPP92221, located at 1960 Northern Flicker Court, Kelowna, BC;

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

**Section 1.3.4.1: Schedule 'B' – Comprehensive Development Zones, CD18 – McKinley Beach Comprehensive Resort Development, Development Regulations, Setbacks:**

To vary the minimum setback from the CD Zone boundary for all uses from 10 m required to 2.3 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**

**4.5 START TIME 6:50 PM - Pandosy St 2251-2312 - DVP21-0239 - Interior Health  
Authority**

Staff:

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

Maria Lee, KGH Foundation, Applicant, Participating Online

- Made comment on KGH Foundation and being the lead fundraising organization for the hospital.
- Made comment that they realize a building permit is a requirement when a new sign is proposed.

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 indicated they wished to speak.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Sieben

R0043/21/01/18 THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0239 for Lot 1 District Lot 14 ODYD Plan EPP87656, located at 2251-2312 Pandosy Street, Kelowna, BC;

AND THAT variances to following sections of Sign Bylaw No. 11530 be granted:

Section 3.2.2(a): SIGNS NOT REQUIRING A PERMIT, Banner Sign – Permanent, Regulations:

To vary the maximum sign area from 2.0 m<sup>2</sup> permitted to 46.8 m<sup>2</sup> proposed.

Section 3.2.2(b): SIGNS NOT REQUIRING A PERMIT, Banner Sign – Permanent, Regulations:

To vary the maximum height from 3.0 m permitted to 9.5 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

5. Reminders – Nil.

6. Termination

The meeting was declared terminated at 7:28 pm

\_\_\_\_\_  
Mayor Basran

/acm

\_\_\_\_\_  


Deputy City Clerk

# REPORT TO COUNCIL



**Date:** February 8, 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** LL21-0010

**Owner:** Paul Leinemann Construction Ltd

**Address:** 1170-1186 High Road

**Applicant:** Railside Brewing LTD. (Robert Leinemann)

**Subject:** Liquor License Application

**Existing OCP Designation:** C-NHD – Core Area Neighbourhood

**Existing Zone:** I<sub>4</sub> – Central Industrial

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## 1.0 Recommendation

THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor and Cannabis Regulation Branch (LCRB):

In accordance with Section 71 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Railside Brewing for a Liquor Primary License for Lot 3 Section 30 Township 26 ODYD Plan 19104, located at 1170-1186 High Road, Kelowna, BC for the following:
  - a. 2:00 pm to 9:00 pm Tuesday to Wednesday
  - b. 12:00 pm to 10:00 pm on Thursday
  - c. 11:00 am to 11:00 pm on Friday and Saturday
  - d. 11:00 am to 9:00 pm on Sunday
2. Council's comments on LCLB's prescribed considerations are as follows:
  - a. The location of the lounge endorsement area: The brewery is located on an industrial property which consists of two separate buildings. The business is located in the eastern-most building which fronts onto High Road and the Okanagan Rail Trail, and backs onto Clement Ave. The property is east of the City Centre Urban Centre;
  - b. The proximity of the establishment to other social or recreational facilities and public

buildings: The north-end industrial area is becoming a destination with it being home to multiple small-scale wineries, cideries and breweries. The area is within walking distance of the downtown City Centre Urban Centre, it is situated on the Rail Trail and near the Ethel Street, and Cawston Avenue Active Transportation Corridors (ATC).

The site is in close proximity to multiple recreation facilities which includes Lombardy Park, Parkinson Recreation Centre, the Curling Club, and the Kelowna Badminton Club.

c. The person capacity and hours of liquor service of the establishment: The business proposes an indoor capacity of 77 persons and an outdoor capacity of 38 persons. the total capacity at any given time may not exceed 100 persons, as per the occupant load calculations based on BC Building Code.

d. Traffic, noise, parking and zoning: The brewery is proposed in an area with a mix of residential, industrial and commercial uses adjacent to Clement Avenue, a 4-lane arterial roadway. The south side of Clement is primarily single-family dwellings with a small amount of multi-family residential. Any impacts of traffic, parking and associated noise already exist due to the industrial nature of the area on the north side of Clement Ave and the proximity to Clement Avenue. To minimize additional noise a sound barrier fence along the south side patio is being proposed.

e. The impact on the community if the application is approved: The negative impact the business poses is considered minimal due to the existing nature of the area. The brewery would aide in activating the Clement Streetscape beyond the hours of a standard workday.

3. Council's comments on the views of residents are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy and Procedures"

## 2.0 Purpose

To seek Council's support for a lounge endorsement area for a brewery to allow patrons to purchase and consume liquor products on-site between the hours of 2:00 pm to 9:00 pm Tuesday to Wednesday, 12:00 pm to 10:00 pm on Thursday, 11:00 am to 11:00 pm on Friday and Saturday, and 11:00 am to 9:00 pm on Sunday with a total capacity of 100 people

## 3.0 Development Planning

Staff are supportive of the manufacturer lounge endorsements in order to allow customers to consume the manufacturer's product on-site. Staff do not foresee any negative impacts of permitting this type of business.

The Official Community Plan (OCP) encourages complete communities which includes entertainment beyond the standard workday hours. The proposal will contribute to the vibrancy of the neighbourhood and provide an additional amenity in close proximity to other breweries in the City's north end industrial area. The subject site is on the Rail Trail and is in proximity to Ethel Street, and Cawston Avenue ATCs. With the proximity to the City Centre Urban Centre, the site is accessible to Kelowna residents along with visitors to the city.

#### 4.0 Proposal

##### 4.1 Background

An application has been forwarded by the licensee to the Provincial Liquor and Cannabis Regulation Branch (LCRB) for their approval. Procedurally, this type of application requires a Local Government resolution prior to the LCRB making a final decision.

##### 4.2 Project Description

Railside Brewing Ltd. is proposing a brewery that includes a lounge endorsement area and an outdoor patio. The proposed indoor lounge has a capacity of 77 persons and the outdoor patio has a capacity of 38 persons.

Proposed Hours of Sale (Lounge Endorsement Area):

		Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open		11:00 AM	Closed	2:00 PM	2:00 PM	12:00 PM	11:00 AM	11:00 AM
Close	Indoor	9:00 PM	Closed	9:00 PM	9:00 PM	10:00 PM	11:00 PM	11:00 PM
	Patio	9:00 PM	Closed	9:00 PM	9:00 PM	10:00 PM	11:00 PM	11:00 PM

##### 4.3 Site Context

The subject property is located in the Core Area neighbourhood in close proximity to the downtown urban Centre directly facing onto High Road and backing onto Clement Avenue. The area to the north is mainly industrial with the south side of Clement Avenue being residential with a mix of single family and multi-family developments.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I <sub>4</sub>	General Industrial
East	I <sub>2</sub>	Industrial - commercial storage
South	RM <sub>1</sub>	Residential (Single and Multi-family)
West	I <sub>4</sub>	General Industrial



Attachment A: Letter of Rationale

Attachment B: Site Plan & Floor Plan/ Occupant Load

Railside Brewing Project RationalSummary of Operations

Railside Brewing is a beer production business with an onsite taproom/patio and manufacturing facility at 1184/1186 High Rd. The wort used will be produced by Vice and Virtue and transferred to our 10 hl fermenters at our facility to complete the brewery process. We will also have a 1 bbl electric "pilot" brewhouse that will produce small batch specialty beers. We will have a core beer line up of 4-5 beers that will be common easy drinking styles with an additional 4 styles that will be more of the seasonal variety. We will also be looking to partner with local wine and cider companies to offer an alternative to beer. Non alcohol options will also be available.

Our food options to start with will be daily flavoured popcorn, pepperoni and cheese. We will also be adding a small kitchen to provide grilled paninis and sides to go with.

Hours of operation

Monday-	Closed
Tuesday/Wednesday	2-9pm
Thursday	12-10pm
Friday/Saturday	11am-11pm
Sunday	11am-9pm

The manufacturing will be done outside of the above hours and no liquor will be served outside of the hours listed. We anticipate the brewery grand opening to be in the spring and these hours reflect what we anticipate to be the busier time of year. The hours may need to change for the winter slower periods or increased demand during the summer months.

There will be a variety of games available such as cards, crib etc.

Beer in the taproom will be sold in 16 oz sleeves and 4-4 oz flights. Ciders will be sold from 355 or 473ml cans. Wine will be sold on 5 oz glasses. 64 oz growler fills will also be available for offsite consumption. In the future we plan on having our beer packaged into cans or have crowler cans available for takeaway sales.

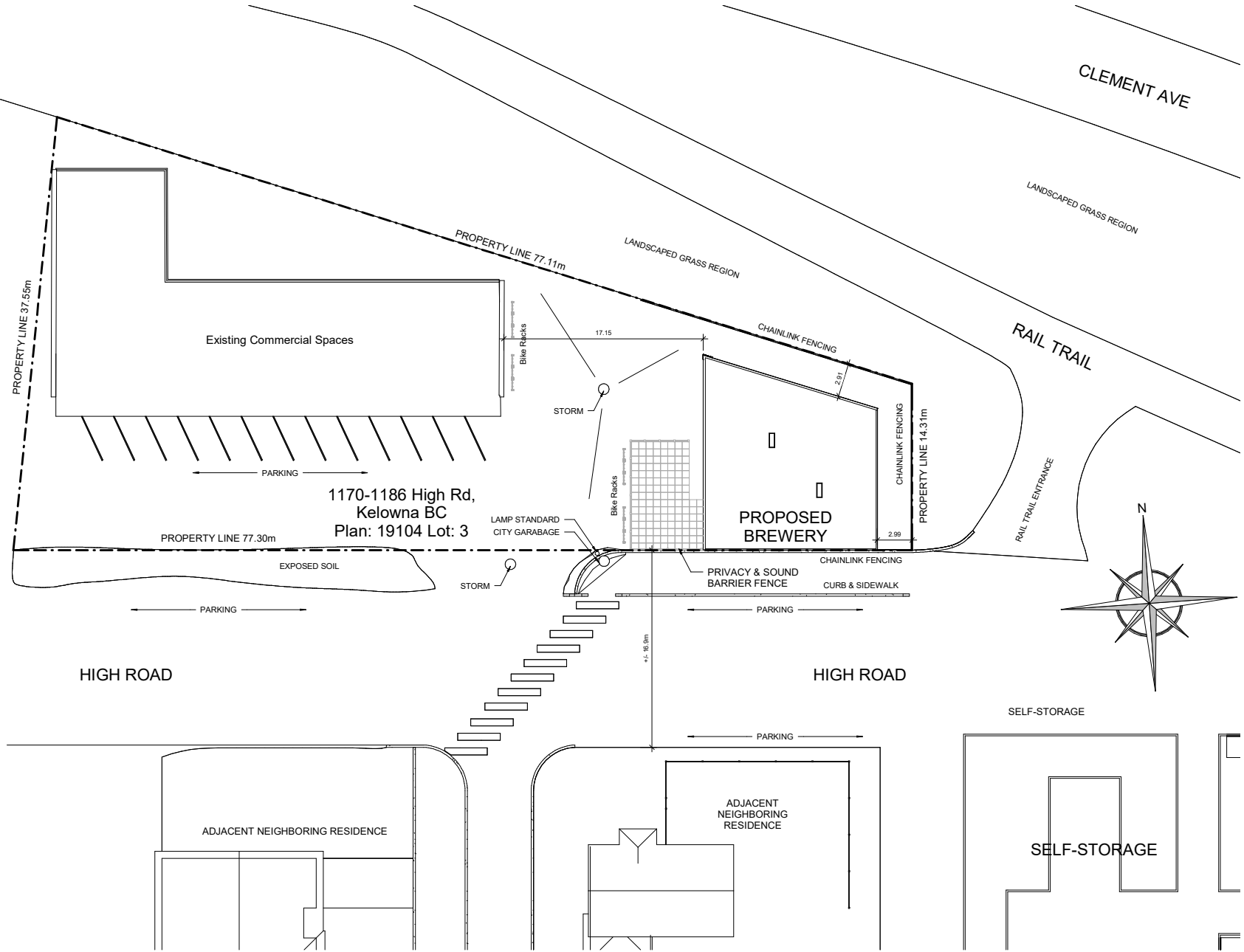


- URBAN LIQUOR STORE
- ADJACENT BUSINESSES
- PROPOSED BREWERY
- 1180 - Vacant Unit
- 1176 - Karat Chocolate (Chocolate sales)
- 1172A - Sewing Solutions (sewing services)
- 1172A - Okanagan Co-op Wholesale
- 1172A - Super Dave's Furniture Restoration



ADJACENT BUSINESSES SHARING PROPERTY

- 1180 - Vacant Unit
- 1176 - Karat Chocolate (Chocolate sales)
- 1172A - Sewing Solutions (sewing services)
- 1172A - Okanagan Co-op Wholesale
- 1172A - Super Dave's Furniture Restoration



791 Wilson Ave, Kelowna, BC V1Y 6X8  
250-575-4578  
mike@mintdesigngroup.ca

RAILSIDE BREWING

Tenant Improvements

Legal Description:

1170-1186 High Rd, Kelowna BC  
Plan: 19104 Lot: 3

NOTE

ALL PLANS, DIMENSIONS AND NOTATIONS MUST BE REVIEWED BY THE CONTRACTOR PRIOR TO CONSTRUCTION AND VERIFY ANY DISCREPANCIES BETWEEN DRAWINGS AND EXISTING SITE CONDITIONS.

CONTRACTOR MUST COMPLY WITH ALL CURRENT BUILDING CODES, BY-LAWS AND REGULATIONS

THESE PLANS ARE FOR SINGLE PROJECT USE AND COPYRIGHT BELONGS TO MINT DESIGN GROUP. THE DESIGN MUST NOT BE COPIED OR DUPLICATED BY ANY PERSONS WITHOUT DIRECT PERMISSION BY MINT DESIGNS.

Revisions

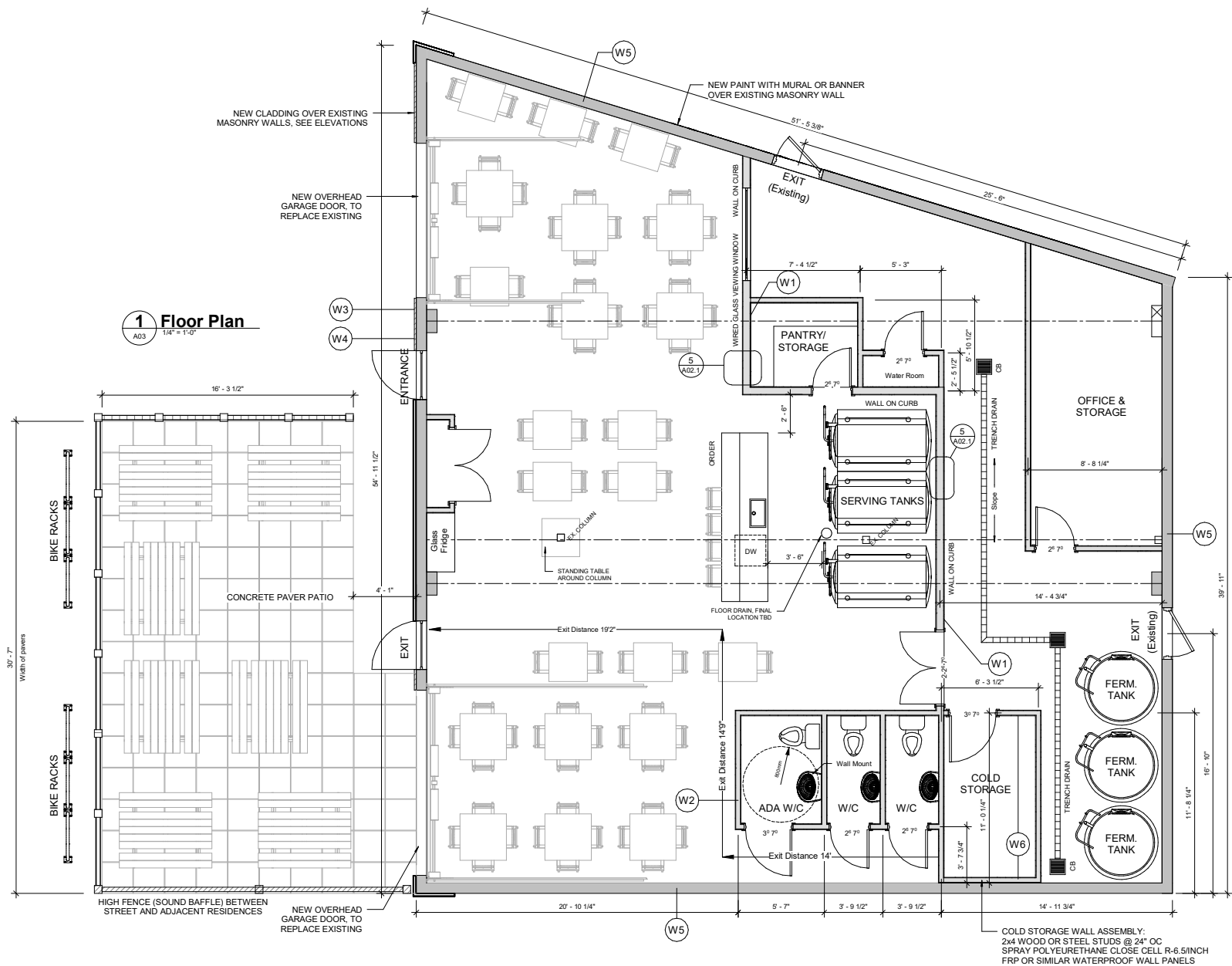
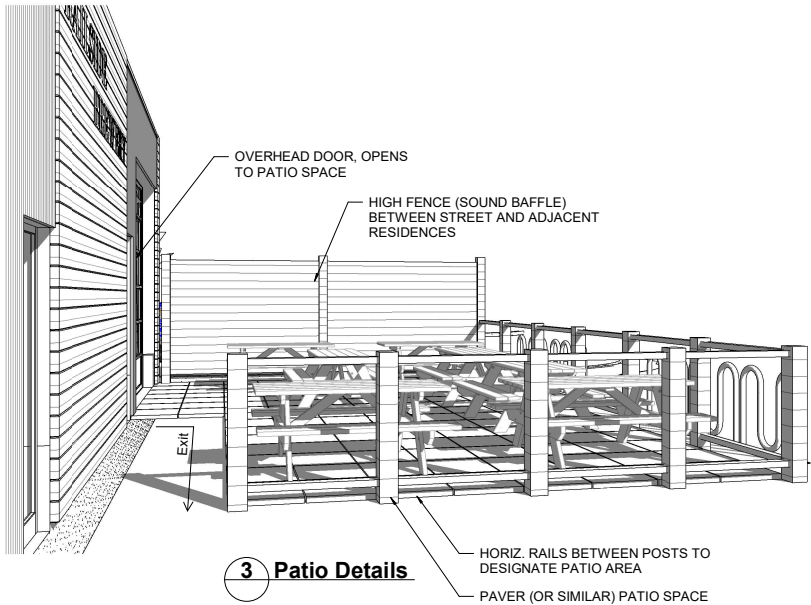
A	2021.08.18	BP Review DWG's
#	Date	Description

Page Scale: 1 : 200

Site Plan

Sheet: A01

15



The INDOOR DINING AREA  
has a net floor area of  
93.3 m<sup>2</sup>. The maximum  
occupant load shall be  
77 persons, based on  
1.2 m<sup>2</sup>/person

The OUTDOOR DINING AREA  
has a net floor area of  
46 m<sup>2</sup>. The maximum  
occupant load shall be  
38 persons, based on  
1.2 m<sup>2</sup>/person

GP 9640

**Reviewed**  
by City of Kelowna  
Inspection Services

MS  
NW 08/21

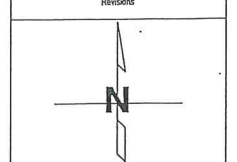
NOTE: THESE CALCULATIONS ARE BASED ON: • NO ROOF OVER EXTERIOR SEATING AREA  
• WASHROOM LAYOUT AS PER THIS PLAN (NOT AS PER BP 66996) → AMENDED BP REQUIRED FOR MODIFIED WASHROOMS

WASHROOMS REQ'D:

$$77 + \frac{38}{2} = 96 \checkmark$$

- ☐ A CONSULTANT will be advised.
- ☒ The first issue of the document.
- ☐ A complete revision. Remove previous issues from use.
- ☐ A partial revision. Remove previous issues of corresponding sheets / pages from use.
- ☐ Not for Construction.

1 20211022 ISSUED FOR BUILDING PERMIT  
No. Date Description



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

project title  
RAILSIDE BREWING TENANT  
IMPROVEMENT  
1170 - 1186 HIGH RD, KELOWNA, BRITISH  
COLUMBIA  
project no. - 2191

drawing title  
MAIN FLOOR PLAN - TI

designed PS scale As indicated  
drawn MC  
checked PS

drawing no. A2.02  
dated 11/02/2021 3:40:42 PM

1184-1186 HIGH RD  
GP 9640  
SITE COPY

\* DOES NOT MATCH  
BP 66996

MAX. WASHROOM CAPACITY = 100  
(AS SHOWN ON THIS PLAN)



LL21-0010

1184-1186 High Road

Lounge Endorsement Application



# Proposal

- ▶ To consider a Lounge Endorsement for a brewery to allow patrons to purchase and consume liquor products on-site between the hours of 2:00 pm to 9:00 pm Tuesday to Wednesday, 12:00 pm to 10:00 pm on Thursday, 11:00 am to 11:00 pm on Friday and Saturday, and 11:00 am to 9:00 pm on Sunday with an indoor capacity of 77 and an outdoor capacity of 38

# Development Process

Nov. 17, 2021

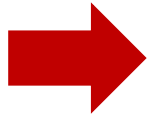
Development Application Submitted



Staff Review & Circulation



Feb 8. 2021

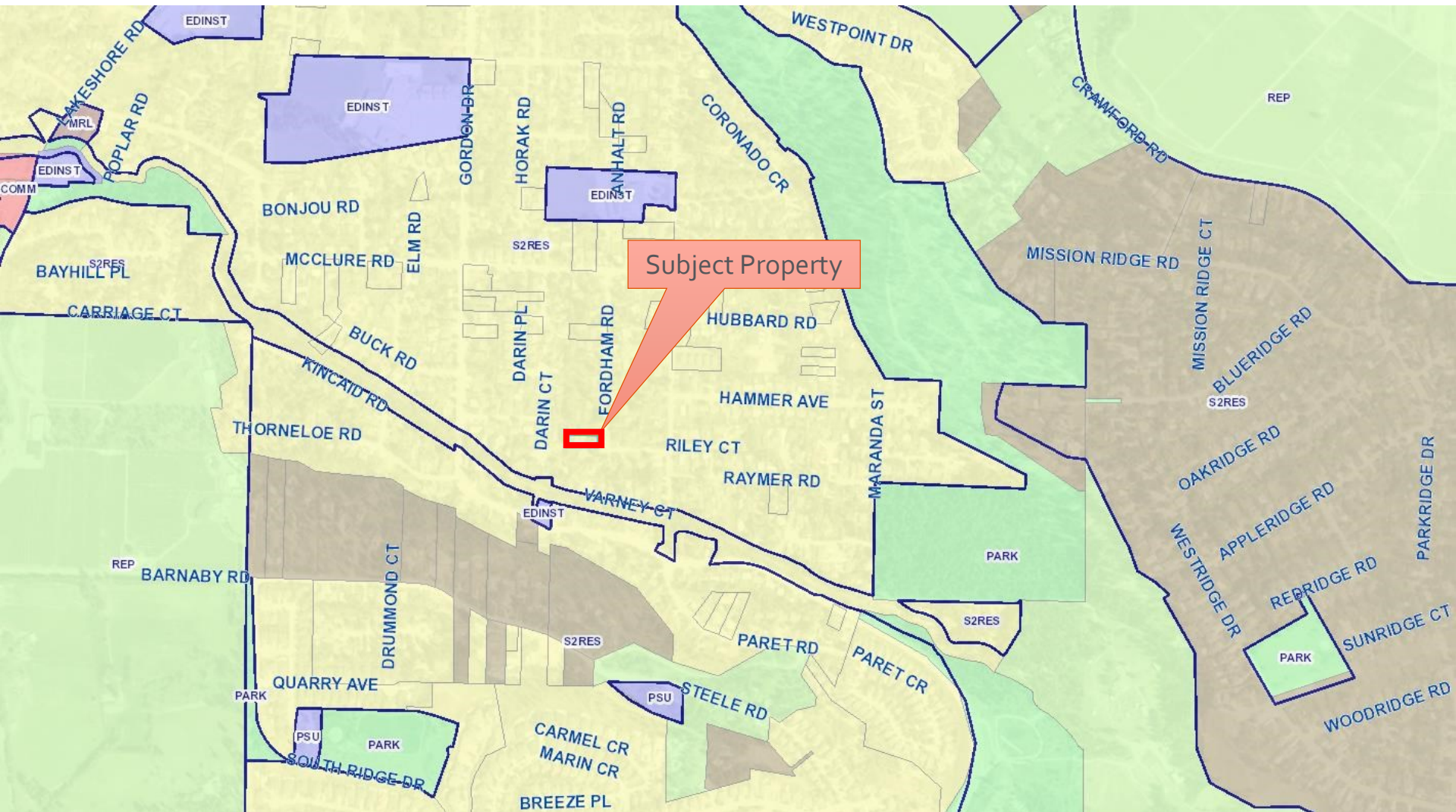


Tuesday Council Meeting



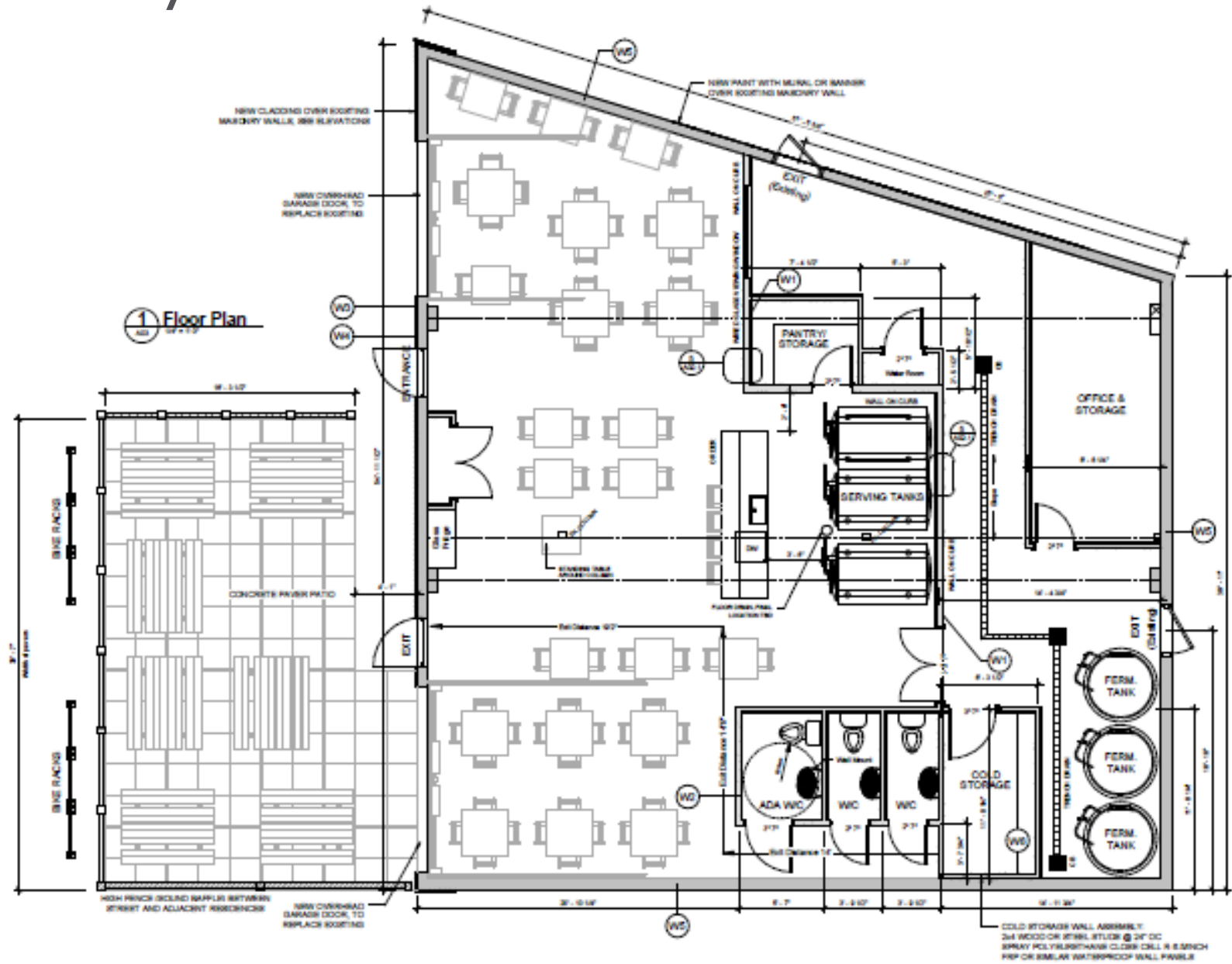
Recommendation Forwarded to LCRB

# OCP Future Land Use / Zoning



# Subject Property Map





# Project details

- ▶ Lounge Endorsement for Brewery
- ▶ Indoor Capacity of 77 persons
- ▶ Outdoor Capacity of 38 persons
- ▶ Licensed Hours:

		Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open		11:00 AM	Closed	2:00 PM	2:00 PM	12:00 PM	11:00 AM	11:00 AM
Close	Indoor	9:00 PM	Closed	9:00 PM	9:00 PM	10:00 PM	11:00 PM	11:00 PM
	Patio	9:00 PM	Closed	9:00 PM	9:00 PM	10:00 PM	11:00 PM	11:00 PM

# Development Policy

- ▶ Location is suitable within new industrial development
- ▶ Within Permanent Growth Boundary
  - ▶ Surrounded by industrial: North, East & West
  - ▶ Residential to the South
- ▶ Hours of service are appropriate and consistent to other locations
- ▶ Minimal risk of negative impact

# Staff Recommendation

- ▶ Recommend support of the Lounge Endorsement application;
- ▶ That Council directs Staff to forward a resolution of support to the LCRB.



## *Conclusion of Staff Remarks*

**CITY OF KELOWNA**  
**BYLAW NO. 11974**  
**Z19-0102 – 2257 Speer Street**

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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 A District Lot 14 ODYD Plan EPP116552, located on Speer Street, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the HD2 – Hospital and Health Support Services 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 20<sup>th</sup> day of January, 2020.

Considered at a Public Hearing on the 4<sup>th</sup> day of February, 2020.

Read a second and third time by the Municipal Council this 4<sup>th</sup> day of February, 2020.

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

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Mayor

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City Clerk

# REPORT TO COUNCIL



**Date:** February 8, 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** DP19-0146 & DVP19-0147      **Owner:** Speer Street Developments LTD., Inc. No. BC1280555

**Address:** 2257 Speer Street      **Applicant:** Urban Options Planning & Permits

**Subject:** Development Permit and Development Variance Permit Applications

**Existing OCP Designation:** C-HTH – Core Area - Health District

**Existing Zone:** HD2 – Hospital and Health Support Services

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## 1.0 Recommendation

THAT Rezoning Bylaw No. 11974 be amended at third reading to revise the legal description of the subject property from Lot 34 District Lot 14 ODYD Plan 413, located at 2257 Speer Street, Kelowna, BC and Lot 35 District Lot 14 ODYD Plan 413, located at 2263 Speer Street, Kelowna, BC to Lot A District Lot 14 ODYD Plan EPP116552, located at 2257 Speer Street, Kelowna, BC;

AND THAT final adoption of Rezoning Bylaw No. 11974 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP19-0146 & Development Variance Permit DVP19-0147 for Lot A District Lot 14 ODYD Plan EPP116552, located at 2257 Speer 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 variances to the following sections of Zoning Bylaw No. 8000 be granted:

**Section 17.2.5.1(b): HD2 – Hospital and Health Support Services, Development Regulations**

To vary the maximum site coverage from 55% permitted to 67.36% proposed.

**Section 17.2.5.1(d): HD2 – Hospital and Health Support Services, Development Regulations**

To vary the front yard setback from 4.5m required to 3.0m proposed.

**Section 17.2.5.1(e): HD2 – Hospital and Health Support Services, Development Regulations**

To vary the north side yard setback from 4.5m required to 1.5m proposed and south side yard setback from 4.5m required to 1.5m proposed for a 7.6m portion of the side yard.

**Section 17.2.5.1(e): HD2 – Hospital and Health Support Services, Development Regulations**

To vary the north and south side yard setbacks for portions of the building above 12.0m in height from 6.0m required to 4.4m proposed.

**Section 17.2.5.1(f): HD2 – Hospital and Health Support Services, Development Regulations**

To vary the rear yard setback from 3.0m required to 1.52m 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 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 approve a Development Permit for the form and character of multiple dwelling housing with variances to site coverage, required setbacks (front, side and rear yard) and for portions of the building above 12.0m in height.

## **3.0 Development Planning**

Development Planning Staff are supportive of the proposed Development Permit for the form and character of the 22-unit apartment project on the subject property with variances to site coverage and required building setbacks. The development meets the majority of the Official Community Plan (OCP) Form and Character Development Permit Guidelines including selected building finishes, facade articulation and complimentary landscaping.

The subject property is located within the Permanent Growth Boundary and is in close proximity to the Kelowna General Hospital (KGH). The subject site is located mid-block on the east side of Speer Street with Rose Avenue to the south and Royal Avenue to the north. The increase in density at this location is supported by local amenities such as parks, schools, transit and recreational opportunities in the immediate area.

## **4.0 Proposal**

### **4.1 Background**

The subject properties were previously developed in the early to mid-70's when homes were constructed on the two sites which have remained intact since their initial construction. The sites have been formally consolidated to allow the proposed development to be considered. Should Council support the proposal, the existing dwellings will be demolished to facilitate the development.

#### 4.2 Project Description

The proposed development is for the construction of a 5-storey 22-unit apartment building consisting of 4 storeys of residential, 1 storey of structured parking with 2 ground-oriented units fronting onto Speer St to the west. The project will include 12 one-bedroom and 10 two-bedroom units in total. A majority of required on-site parking will be located within the parkade with 6 additional surface parking stalls at the rear of the site for residents and visitors alike, with all site access coming from the lane. The modern building design will include a mix of high-quality exterior materials which includes brick, hardipanel and concrete with black aluminium accents.

The main building entrance/lobby faces Speer Street with a ground-oriented unit flanking each side of the lobby entrance. Each ground-oriented unit will include a raised patio with a direct walkway connection to Speer St. The lobby entrance and ground-oriented units at the front of the development will effectively screen the parkade from Speer St. The parkade will be visible along the side and rear yards, however, the applicant is proposing a planted landscape berm on the south side of the building to screen the parkade wall from the neighbour to the south. The parkade will be closer to the neighbour to the north, however, the area in between the parkade and side property line to the north (1.5 m) will be heavily planted using coniferous and deciduous plantings which will effectively screen the parkade wall once mature growth is achieved.

The applicant has provided more than the required minimum amount of private open space for the future residents on-site by utilizing a combination of patios, balconies, and at-grade spaces in the design of the development. Should the development be approved it would represent the first major redevelopment along Speer St in the HD2 zone. The development is proposed mid-block and has been designed to integrate within the existing streetscape while being sensitive and compatible with the massing of the future streetscape.

#### Variances

When the project was submitted to the City, initially Staff were tracking 2 variances. The first variance proposes to reduce the front yard setback along Speer St from 4.5 m required to 3.0 m proposed, and the second variance proposes to reduce the rear yard setback from 3.0 m required to 1.52 m proposed.

The initial proposal was for a 4.5 storey residential building with a partial below-grade parkade. Staff requested the applicant determine the feasibility of constructing a partially sunken parkade on the property prior to moving forward with the DP/DVP. Following a geotechnical study of the site it was determined that the water table was too high to allow any below grade parking. This triggered a site re-design which has resulted in three additional variances.

The first additional variance is for site coverage from 55% allowed to 67.36% proposed due to the structured parking located at-grade. Ground-oriented units fronting onto Speer Street serve to screen the parkade from view and provide an enhanced streetscape which allows for pedestrian connectivity.

In raising the elevation of the finished height of the parkade to be more than 2.0m above grade, increased building setbacks are required for the development. When a parkade is located partially below-grade, the side yard setbacks are reduced to 1.5m. However, when the parkade finished height is 2.0 m or more, the side yard setbacks increase from 1.5 to 4.5m required. The proposal seeks to maintain the reduced setback of 1.5 m for both the north and south side yard setbacks.

The additional setback variance is proposing to reduce the required building setback above 12.0m in height from 6.0m required to 4.4m proposed to maintain consistent deck sizing above 12.0m in height. The provision of the raised patios and outdoor amenity areas meets the Zoning Bylaw Regulations for private amenity space.

3 of the 5 variances proposed for this project were triggered when it was determined that the structured parkade was unable to be partially sunken into the grade of the site due to a higher than anticipated water table. Despite the additional variances required to the HD2 to support this project, the design of the building has not changed significantly, and the applicant has worked with their landscaping consultant to mitigate the variances being proposed using landscaping as well as in the way the building has been designed to break up the massing using materials, building form and building articulation.

Overall, Staff are not anticipating any negative impacts associated with the site coverage and setback variances proposed and consider the requests to be reasonable.

#### 4.3 Site Context

The subject properties are located between the City Centre Urban Centre and the South Pandosy Urban Centre in the Central City Sector of Kelowna. The properties are one block east of Pandosy Street and KGH, north of Rose Avenue. Currently Speer Street is predominately residential with single family dwellings as the main building form. The properties are located mid-block and this application is one of the first on this block to propose development under the Health District Future Land Use Designation. The surrounding properties are also designated as Health District and are expected to develop over time in accordance with uses that support the hospital as indicated in OCP policy. Adjacent land uses are as follows

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Single Dwelling Housing with Carriage House
East	RU6 – Two Dwelling Housing	Single Dwelling Housing
South	RU6 – Two Dwelling Housing	Single Dwelling Housing
West	RU6 – Two Dwelling Housing	Single Dwelling Housing

#### Subject Property Map: 2257 & 2263 Speer St



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	HD <sub>2</sub> ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Max. Floor Area Ratio	1.28	1.28
Max. Site Coverage (including parkade)	55%	① 67.36%
Max. Height	16.5 m	16.4 m
Min. Front Yard	4.5 m	② 3.0 m
Min. Side Yard (south)	4.5 m	③ 1.5 m
Min. Side Yard (north)	4.5 m	③ 1.5 m
Min. Side Yard (north) above 12.0 m in Height	6.0 m	④ 4.4 m
Min. Rear Yard	3.0 m	⑤ 1.52 m
Other Regulations		
Min. Parking Requirements	25 stalls	25 stalls
Min. Short-term Bicycle Parking	2 stalls	2 stalls
Min. Long-term Bicycle Parking	11 stalls	12 stalls
Min. Private Open Space	430 m <sup>2</sup>	539.3 m <sup>2</sup>
<p>① Indicates a requested variance to site coverage from 55% permitted to 67.36% proposed.</p> <p>② Indicates a requested variance to the front yard setback from 4.5m required to 3.0m proposed.</p> <p>③ Indicates a requested variance to the minimum north side yard setback from 4.5m required to 1.5m proposed</p> <p>④ Indicates a requested variance to the minimum south side yard setback from 4.5m required to 1.5m proposed</p> <p>⑤ Indicates a requested variance to the minimum north side yard building setback for portions of the building above 12.0 in height from 6.0m required to 4.4m proposed.</p> <p>⑥ Indicates a requested variance to the minimum rear yard setback from 3.0m required to 1.52m proposed.</p>		

5.0 **Current Development Policies**5.1 Kelowna Official Community Plan (OCP)

Objective 5.2 Focus residential density along Transit Supportive Corridors	
Policy 5.2.1. Transit Supportive Corridor Densities	<p>Encourage development that works toward a long-term population density of between 50 – 100 people per hectare within 200 metres of each corridor to achieve densities that support improved transit service and local services and amenities. Discourage underdevelopment of properties along Transit Supportive Corridors.</p> <p><i>Adjacent Transit Supportive Corridors are located within 200m of the subject property; Richter St to the east of the site, Rose Ave to the south and Pandosy St to the west.</i></p>
Objective 5.3 Design residential infill to be sensitive to neighbourhood context	
Policy 5.3.2. Transition from Transit Supportive Corridors	Provide a transition area allowing for 3-4 storeys in height, as outlined in Figure 5.3, serving as a transition from the medium density development along the Transit Supportive Corridors and lower density residential areas in the Core Area. Encourage ground-oriented residential such as stacked townhouses and bungalow courts with setbacks that respect adjacent lower density residential areas. Discourage commercial uses in the transition zone.

	<i>The subject site does not front directly onto any of the adjacent Transit Supportive Corridors surrounding the property, however, it is located in a transition area.</i>
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**Figure 5.3: Core Area Neighbourhood Cross Section**

<b>Objective 5.7</b> Support the strategic and planned growth of the Kelowna General Hospital campus as the region's most critical health facility	
Policy 5.7.2. Hospital Area Plan	Use the Hospital Area Plan for planning guidance in the Core Area Health District <i>The proposed development is located within the Hospital Area Plan adjacent to KGH. The density and uses proposed are consistent with the planning direction outlined in the Hospital Area Plan.</i>
<b>Objective 5.11</b> Increase the diversity of housing forms and tenure to create an inclusive, affordable and complete Core Area	
Policy 5.11.3. Family-Friendly Housing	Incorporate ground-oriented units in the design of multi-family developments to support family-friendly housing types. Ensure that multi-family developments include a variety of unit sizes, encouraging 10 per cent of units to be three or more bedrooms. <i>The development does not include any 3-bedroom units, however, it does include 2 ground-oriented units fronting Speer St to the west along with a range of unit's sizes and types (one and two bedroom).</i>
<b>Objective 5.14</b> Provide safe, walkable Core Area neighbourhoods that are connected to key destinations	
Policy 5.14.7 Bicycle-oriented Development	Prioritize bicycle parking and end-of-trip facilities through site planning and design of new development to ensure biking is an attractive and convenient transportation option. <i>The development will incorporate a sizable bike storage area with accessible, secure, and convenient bike parking options to further support active transportation alternatives and transportation modes.</i>
<b>Objective 5.21</b> Develop and maintain cultural infrastructure to support a vibrant Core Area	
Policy 5.21.3. Live/Work Space	Consider innovative ways to increase the supply of live/work space that is affordable for artists, and work/live space for industrial design and related activities. <i>The development has been designed to include two ground-oriented units adjacent to Speer St which have also been designed to be utilized as live/work units.</i>

## **6.o Application Chronology**

Date of Application Accepted: June 28, 2019  
Date of Initial Consideration January 20, 2020  
Date of Public Hearing February 4, 2020  
Date Public Consultation Completed: December 16, 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 DP19-0146 & Development Variance Permit DVP19-0147

Schedule A: Site and Floor Plans

Schedule B: Elevation Drawings, Renderings and Material and Colour Board

Schedule C: Landscape Plan

Attachment B: Applicant's Letter of Rationale



# Development Permit & Development Variance Permit DP19-0146 / DVP19-0147

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

**2257 Speer Street**

and legally known as

**Lot A District Lot 14 ODYD Plan EPP116552**

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

**HD2 – Hospital and Health Supportive Services**

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

Date of Council Decision                      **February 8, 2022**

Decision By:                                      Council

Development Permit Area:                  Form and Character Development Permit Area

Existing Zone:                                    HD2 – Hospital and Health Supportive Services

Future Land Use Designation:              C-HTH – Core Area - Health District

## **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:                      Speer Street Development LTD., Inc. No. BC1280555

Applicant:                  Urban Options Planning & Permits

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 17.2.5.1(b): HD2 – Hospital and Health Support Services, Development Regulations**

To vary the maximum site coverage from 55% permitted to 67.36% proposed.

**Section 17.2.5.1(d): HD2 – Hospital and Health Support Services, Development Regulations**

To vary the front yard setback from 4.5m required to 3.0m proposed.

**Section 17.2.5.1(e): HD2 – Hospital and Health Support Services, Development Regulations**

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**Section 17.2.5.1(e): HD2 – Hospital and Health Support Services, Development Regulations**

To vary the north and south side yard setbacks for portions of the building above 12.0m in height from 6.0m required to 4.4m proposed.

**Section 17.2.5.1(f): HD2 – Hospital and Health Support Services, Development Regulations**

To vary the rear yard setback from 3.0m required to 1.52m proposed.

- 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.

**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 **\$48,281.90**

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.**





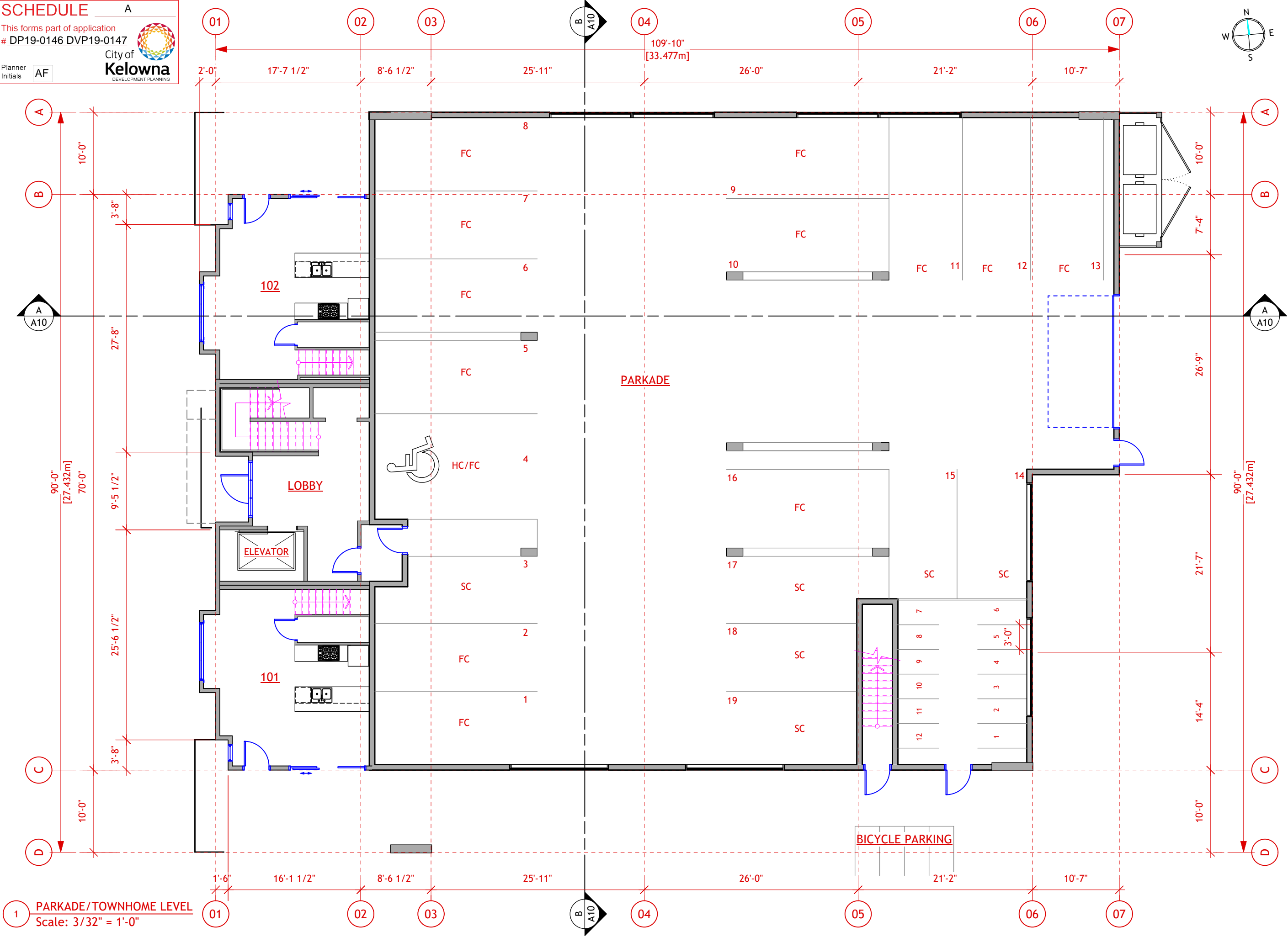
SCHEDULE

A

This forms part of application  
# DP19-0146 DVP19-0147

City of Kelowna  
DEVELOPMENT PLANNING

Planner Initials  
AF



AXOarchitecture  
250-469-3190  
andrea@axoarchitecture.ca

SPEER STREET MULTIFAMILY  
2257-2263 SPEER STREET  
KELOWNA, BC

PARKADE LEVEL PLAN

DATE:  
26/10/2021

SCALE: 3/32" = 1'-0"  
ISSUED FOR: DEVELOPMENT PERMIT  
SHEET: A3

SCHEDULE

A

This forms part of application

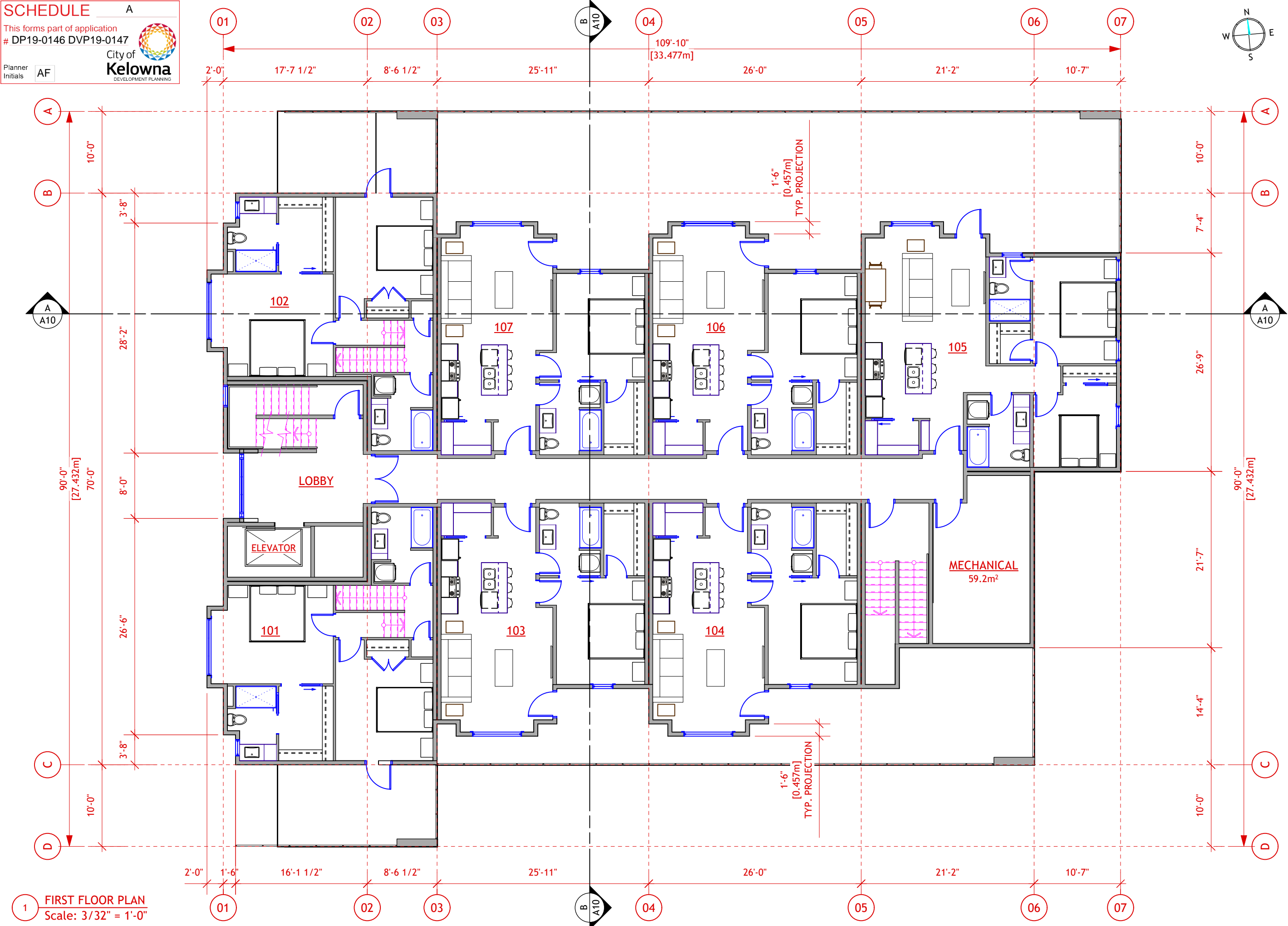
# DP19-0146 DVP19-0147

Planner Initials

AF

City of Kelowna

DEVELOPMENT PLANNING



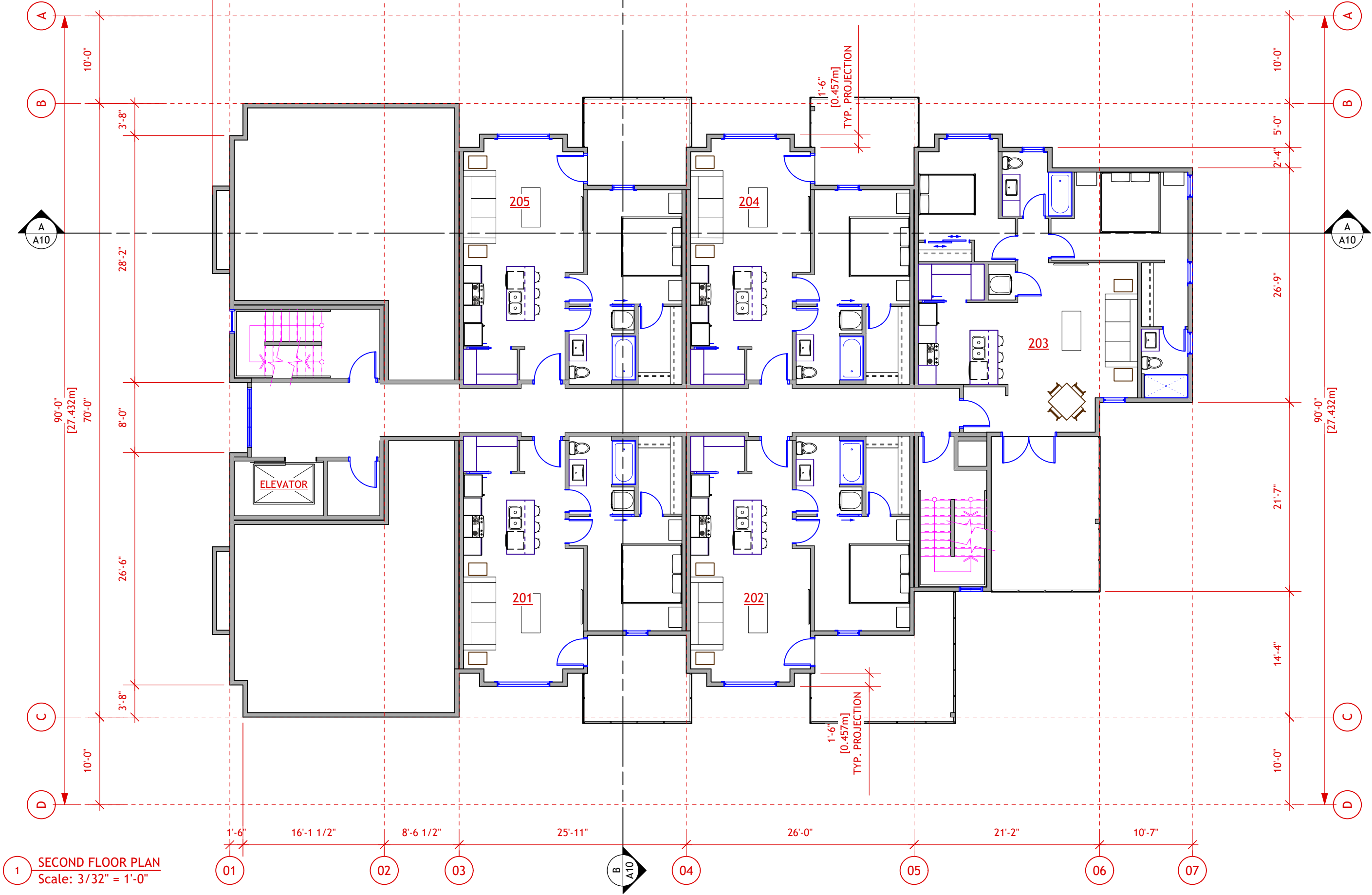
SCHEDULE

A

This forms part of application  
# DP19-0146 DVP19-0147

City of Kelowna  
DEVELOPMENT PLANNING

Planner Initials AF



AXOarchitecture  
250-469-3190  
andrea@axoarchitecture.ca

SPEER STREET MULTIFAMILY  
2257-2263 SPEER STREET  
KELOWNA, BC

SECOND FLOOR PLAN

DATE: 26/10/2021

SCALE: 3/32" = 1'-0"  
ISSUED FOR: DEVELOPMENT PERMIT  
SHEET: A5

SCHEDULE

This forms part of application

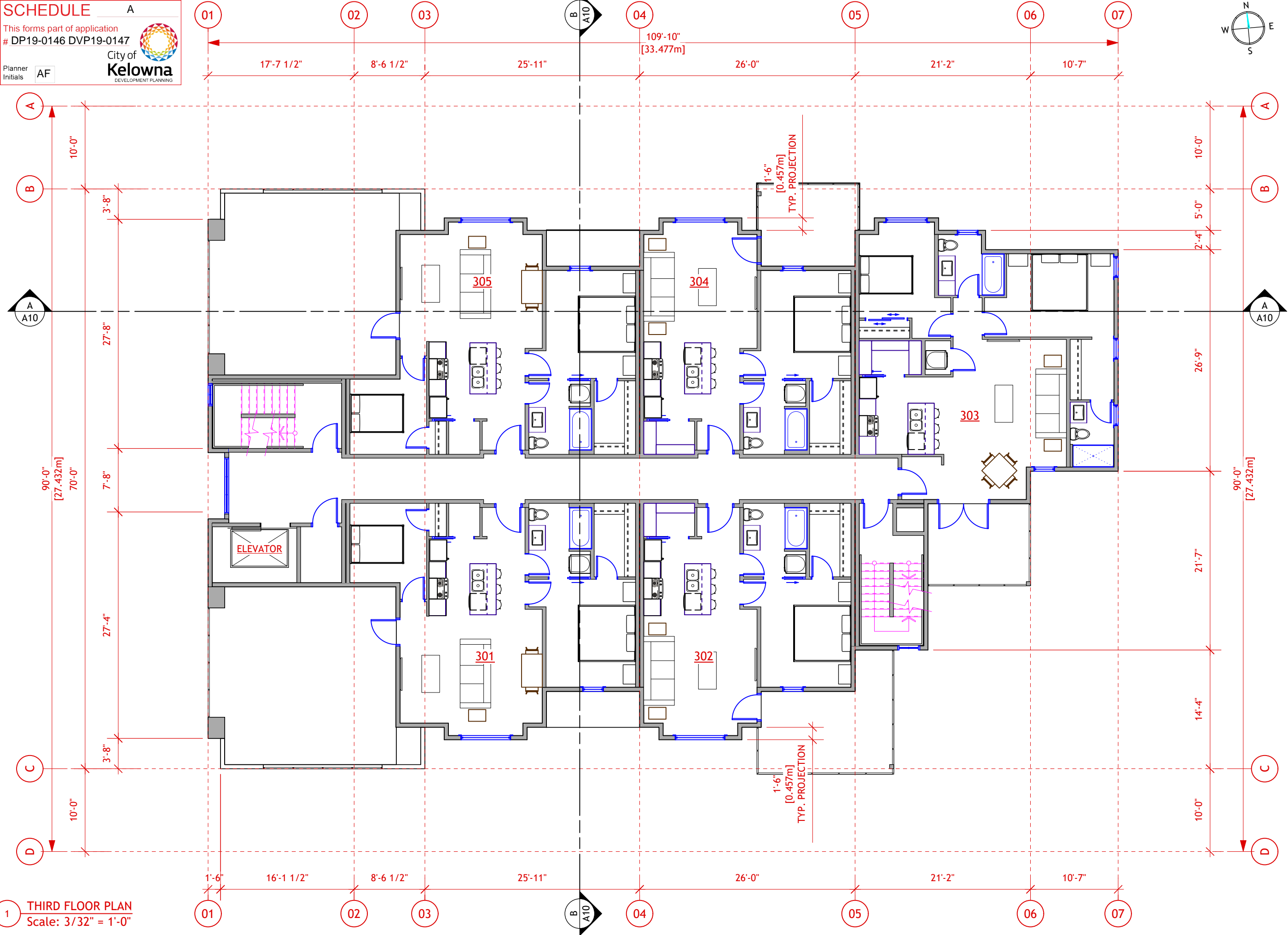
# DP19-0146 DVP19-0147

Planner Initials AF

A

City of Kelowna

DEVELOPMENT PLANNING



1 THIRD FLOOR PLAN  
Scale: 3/32" = 1'-0"

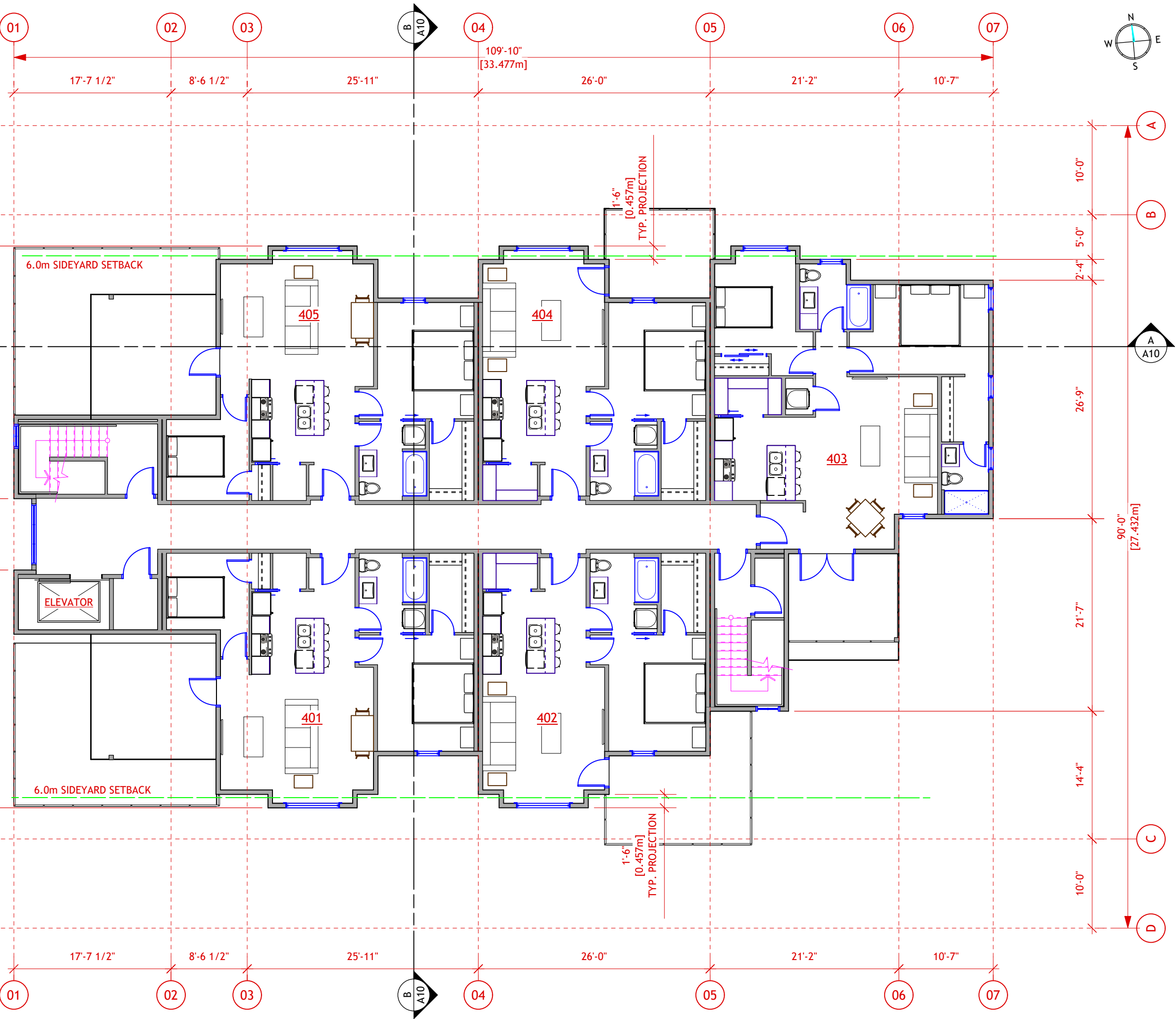
AXOarchitecture  
250-469-3190  
andrea@axoarchitecture.ca

SPEER STREET MULTIFAMILY  
2257-2263 SPEER STREET  
KELOWNA, BC

THIRD FLOOR PLAN

DATE: 26/10/2021

SCALE: 3/32" = 1'-0"  
ISSUED FOR: DEVELOPMENT PERMIT  
SHEET: A6



1 FOURTH FLOOR PLAN  
Scale: 3/32" = 1'-0"



**SOUTH (SIDE) ELEVATION**

1. BRICK - HEBRON BRICK SMOKEHOUSE
2. HARDIEPANEL - ARCTIC WHITE W/ EASY TRIM
3. HARDIEPANEL - NIGHT GRAY W/ SMART TRIM BATTENS
4. HORIZONTAL LAP SIDING - CHAMCLAD MODERN WALNUT
5. ALUMINUM PICKET RAIL - BLACK
6. ALUMINUM SOFFIT - BLACK
7. CONCRETE - SEALED
8. POWDER COATED ALUMINUM MESH - BLACK
9. PREFINISHED HORIZONTAL METAL SLATS - BLACK

\*OR EQUIVALENT

**SCHEDULE B**

This forms part of application  
# DP19-0146 DVP19-0147

City of Kelowna  
DEVELOPMENT PLANNING

Planner Initials **AF**



**WEST (FRONT) ELEVATION**

**AXOarchitecture**  
250-469-3190  
andrea@axoarchitecture.ca

**SPEER STREET MULTIFAMILY**  
2257-2263 SPEER STREET  
KELOWNA, BC

**ELEVATIONS**

DATE: 26/10/2021

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

ISSUED FOR: DEVELOPMENT PERMIT

SHEET: A8



SCHEDULE

B

This forms part of application

# DP19-0146 DVP19-0147

Planner Initials

AF

City of Kelowna

DEVELOPMENT PLANNING



PROJECT INFORMATION

LEGAL DISCRIPTION: LOT 34, PLAN KAP413, D.L. 14, ODYD  
CIVIC ADDRESS: 2257 & 2263 SPEER STREET, KELOWNA, BC V1Y 2H1  
PID: 012-403-008

CURRENT ZONING: RU6 - TWO DWELLING HOUSING  
PROPOSED ZONING: HD2 - HOSPITAL & HEALTH SUPPORT SERVICES  
FUTURE LAND USE: HLTH - HEALTH DISTRICT

OWNER INFORMATION

SPEER STREET DEVELOPMENTS  
PH 250.212.1770

DRAWING LIST

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- A7

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- A8

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- A9

ELEVATIONS
- A10

BUILDING SECTIONS
- L1

LANDSCAPE PLAN

ARCHITECTURE  
AXOarchitecture  
#207 - 3030 PANDOSY STREET  
KELOWNA, BC V1Y 0C4  
PH 250.469.3190

CONTACT: ANDREA VAN NIEKERK  
andrea@axoarchitecture.ca

LANDSCAPE ARCHITECT  
OUTLAND DESIGN  
206-1889 SPALL ROAD  
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URBAN OPTIONS PLANNING CORP.  
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KELOWNA, BC V1Y 2E6  
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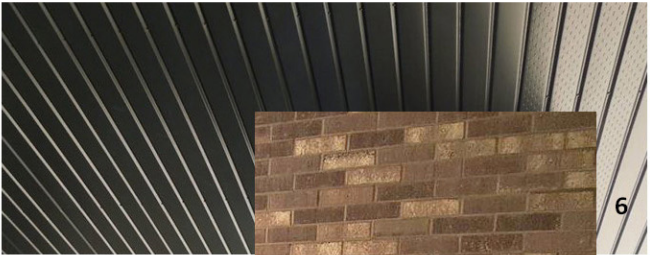
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CONTACT:



SCHEDULE

B

This forms part of application

# DP19-0146 DVP19-0147

Planner Initials

AF

City of Kelowna

DEVELOPMENT PLANNING

1. BRICK - HEBRON BRICK 'SMOKEHOUSE'

2. HARDIE PANEL 'ARTIC WHITE' W/ EASY TRIM

3. HARDIE PANEL 'NIGHT GRAY' W/ SMART TRIM BATTENS

4. HORIZONTAL LAP SIDING - CHAMCLAD 'MODERN WALNUT'

5. ALUMINUM PICKET RAILING - BLACK

6. ALUMINUM SOFFIT - BLACK

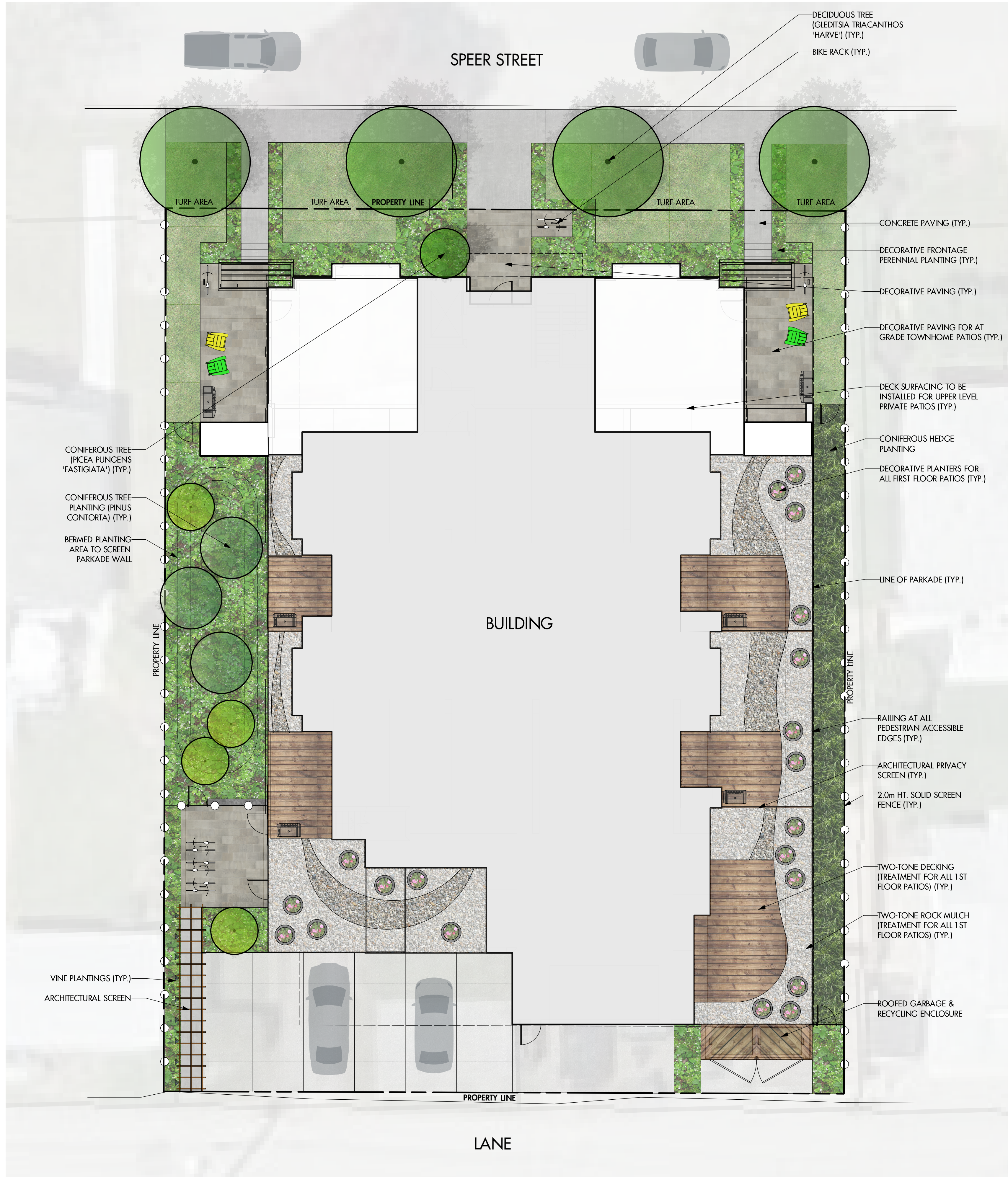
7. VINYL WINDOWS - BLACK EXTERIOR

\*OR EQUIVALENT APPEARANCE

AXOarchitecture  
250-469-3190  
andrea@axoarchitecture.ca

SPEER STREET MULTIFAMILY  
2257-2263 SPEER STREET  
KELOWNA, BC

MATERIAL BOARD  
DATE: 07/01/2022



**SCHEDULE C**  
This forms part of application  
# DP19-0146 DVP19-0147  
Planner Initials **AF**  
City of Kelowna  
DEVELOPMENT PLANNING

- NOTES**
1. PLANT MATERIAL AND CONSTRUCTION METHODS SHALL MEET OR EXCEED C.L.N.A. STANDARDS & CITY OF KELOWNA BYLAWS 7900 & 8000.

2. ALL SOFT LANDSCAPE AREAS SHALL BE WATERED BY A FULLY AUTOMATIC TIMED UNDERGROUND IRRIGATION SYSTEM.

3. TREE AND SHRUB BEDS TO BE DRESSED IN A MINIMUM 75mm WOOD MULCH. DO NOT PLACE WEED MAT UNDERNEATH TREE AND SHRUB BEDS.

4. TREE AND SHRUB BEDS TO RECEIVE A MINIMUM 300mm DEPTH TOPSOIL PLACEMENT.

5. TURF AREAS FROM SOD SHALL BE NO. 1 GRADE GROWN FROM CERTIFIED SEED OF IMPROVED CULTIVARS REGISTERED FOR SALE IN B.C. AND SHALL BE TOLERANT OF DROUGHT CONDITIONS. A MINIMUM OF 150mm DEPTH OF GROWING MEDIUM IS REQUIRED BENEATH TURF AREAS. TURF AREAS SHALL MEET EXISTING GRADES AND HARD SURFACES FLUSH.

6. SITE GRADING AND DRAINAGE WILL ENSURE THAT ALL STRUCTURES HAVE POSITIVE DRAINAGE AND THAT NO WATER OR LOOSE IMPEDIMENTS WILL BE DISCHARGED FROM THE LOT ONTO ADJACENT PUBLIC, COMMON, OR PRIVATE PROPERTIES.

PLANT LIST			
BOTANICAL NAME	COMMON NAME	QTY	SIZE / SPACING & REMARKS
<b>TREES</b>			
GLEDITSIA TRIACANTHOS 'HARVE'	NORTHERN ACCLAIM HONEY LOCUST	2	6m CAL
KOELREUTERIA PANICULATA 'FASTIGIATA'	COLUMNAR GOLDENRAIN TREE	4	6m CAL
PICEA PUNGENS 'FASTIGIATA'	COLUMNAR BLUE SPRUCE	1	2.5m HT.
PINUS CONTORTA	LOGEPOLE PINE	3	2.5m HT.
<b>SHRUBS</b>			
BERBERIS THUNBERGI 'GENTRY'	ROYAL BURGUNDY BARBERRY	13	#02 CONT. / 0.1m O.C. SPACING
CORNUS STOLONIFERA 'FARROW'	ARCTIC FIRE DOGWOOD	6	#02 CONT. / 1.5m O.C. SPACING
ILEX MESERVAE 'BLUE BOY'	BLUE BOY HOLLY	6	#02 CONT. / 1.5m O.C. SPACING
ILEX MESERVAE 'BLUE GIRL'	BLUE GIRL HOLLY	6	#02 CONT. / 1.5m O.C. SPACING
ITEA VIRGINICA 'SCENTLANDIA'	SCENTLANDIA SWEETSPICE	9	#02 CONT. / 1.2m O.C. SPACING
ROSA 'SUNSA'	SUNSA ROSE	13	#02 CONT. / 0.1m O.C. SPACING
SPIRAEA 'GOLDMOUND'	GOLDMOUND SPIREA	9	#02 CONT. / 1.2m O.C. SPACING
THUJA OCCIDENTALIS 'SMARAGD'	EMERALD CEDAR	28	#02 CONT. / 1.0m O.C. SPACING
<b>PERENNIALS, GRASSES &amp; VINES</b>			
ARRHENATHERUM ELATIUS BULBOSUM 'VARIEGATUM'	BULBOS OAT GRASS	11	#01 CONT. / 0.75m O.C. SPACING
CATANANCHE CAERULEA 'ALBA'	WHITE CUPID'S DART	17	#01 CONT. / 0.6m O.C. SPACING
CLEMATIS 'DIAMOND BALL'	DIAMOND BALL CLEMATIS	5	#01 CONT. / 0.9m O.C. SPACING
DIANTHUS GRATIANOPOLITANUS 'FIREWITCH'	FIREWITCH PINKS	17	#01 CONT. / 0.6m O.C. SPACING
HEMEROCALLIS 'RUBY STELLA'	RUBY STELLA DAYLILY	7	#01 CONT. / 0.9m O.C. SPACING
HEUCHERA 'SILVER SCROLLS'	SILVER SCROLLS CORAL BELLS	11	#01 CONT. / 0.75m O.C. SPACING
HOSTA 'FIREWORKS'	FIREWORKS HOSTA	11	#01 CONT. / 0.75m O.C. SPACING
IRIS PALLIDA 'AUREO VARIEGATA'	GOLDEN VARIEGATED SWEET IRIS	11	#01 CONT. / 0.75m O.C. SPACING
LEUCANTHEMUM SUPERBUM 'SUNNY SIDE UP'	SUNNY SIDE UP SHASTA DAISY	7	#01 CONT. / 0.9m O.C. SPACING
MISCANTHUS SINENSIS 'HURON SUNRISE'	HURON SUNRISE MAIDEN GRASS	4	#01 CONT. / 1.2m O.C. SPACING
MONARDA DIDYMA 'PANORAMA MIX'	PANORAMA MIX BEEBAUM	7	#01 CONT. / 0.9m O.C. SPACING



PROJECT TITLE  
**SPEER STREET**  
2257-2263 SPEER STREET  
Kelowna, BC

DRAWING TITLE  
**CONCEPTUAL**  
**LANDSCAPE PLAN**

ISSUED FOR / REVISION		
1	19.05.27	Review
2	19.06.04	Development Permit
3	19.06.20	Development Permit
4	21.05.07	Development Permit
5	21.08.20	Development Permit

PROJECT NO.	19046
DESIGN BY	FB
DRAWN BY	NG
CHECKED BY	FB
DATE	AUG. 20, 2021
SCALE	1:100
PAGE SIZE	24"x36"

SEAL



DRAWING NUMBER

**L1/2**

**ISSUED FOR REVIEW ONLY**  
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August 23, 2021

City of Kelowna  
Community Planning Dept.  
**Attn. Lydia Korolchuk**  
1435 Water Street  
Kelowna, BC  
V1Y 1J4



Re: Revised Development Permit/Development Variance Permit application submission for 2257-2263 Speer Street (DP19-0146 / DVP19-0147)

Dear Lydia,

We are pleased to submit the updated Development Permit / Development Variance Permit drawings for the properties addressed 2257 & 2263 Speer Street.

The associated Rezoning Application (Z19-0102) was previously considered by Council at a Public Hearing on February 4, 2020, where the application received 3<sup>rd</sup> reading. This application was extended for an additional 12 months, set to lapse on February 4, 2022.

The subject properties and associated development applications have now been transferred to a new development group, who are able to move ahead to complete this application. The general form and character of this project will remain the same as the original application package. However, the new ownership group have made some changes to the proposed building and require 3 additional variances.

One of the requirements for final adoption was a geotechnical report to confirm that the parkade could be built as originally designed. It was designed to be set partially below grade to take advantage of the 1.5m setback rule for parking structures that are less than 2.0m above grade in the HD2 zone. However, this has proven to be impractical after reviewing the in-depth geotechnical report. The report confirms that the ground water elevation is higher than was originally anticipated. Owing to this discovery, it has been necessary to raise the parking structure to now be constructed at grade. The biggest impact to the overall design is the 4.5m side yard setback requirement from the property line.

The new ownership group decided to reconfigure the building program which also impacts the overall form. The original application proposed 24 dwelling units (3 – 2 bedroom & 21 – 1 bedroom), where the revised proposal is now 22 units. The revised unit yield is now 10 – 2 bedroom units and 12 – 1 bedroom units. 2 townhouse units are located adjacent to the Speer Street frontage that have direct access to the street and have the potential to function as live – work units,

the same as the original submission. The reduction of 2 units has allowed the for a smaller parkade structure.

In order to assist you with review and comparison, below is a summary in the form of a table to outline the drawing revisions;

SUMMARY COMPARISON TABLE		
General Development Regulations:		
	Original Submission	Revised Submission
Unit Yield	21 – 1 bedroom units 3 – 2 bedroom units Total 24 units	12 – 1 bedroom units 10 – 2 bedroom units Total 22 units
Density	Floor area – 1,534.76m <sup>2</sup> FAR = 1.27	Floor area – 1,545.6m <sup>2</sup> FAR = 1.28
Site Coverage	Parkade 69.8% Building 50.73%	Parkade 67.36% ① Building 47.77%
Building height	15.7m	16.4m
Building Setbacks:		
Front yard	2.4m to projection 3.0m to building	2.4m to projection 3.0m to building ②
North Side yard	1.5m to parkade	1.5m to parkade ③ 4.4m to deck above 12.0m height ④
South Side yard	1.5m to parkade	1.5m to deck ③ 4.5m to parkade 4.4m to deck above 12.0m height ④
Rear Yard	1.5m to parkade	1.52m to garbage enclosure ⑤ 3.0m to parkade

The revised submission tracks the following variances;

- ① Vary Section 17.2.5.1.(b) site coverage from max. 55% to 67.36% proposed
- ② Vary Section 17.2.5.1.(d) front yard setback from 4.5m required to 3.00m proposed
- ③ Vary Section 17.2.5.1.(e) north side yard setback from 4.5m required to 1.5m proposed and south side yard setback from 4.5m required to 1.5m for a 7.5m portion of the site yard to allow for a covered deck
- ④ Vary Section 17.2.5.1.(e) north and south side yard setback for portions of the building above 12m in elevation from 6.0m required to 4.4m proposed
- ⑤ Vary Section 17.2.5.1.(f) rear yard setback from 3.0m required to 1.52m proposed to accommodate a 5.3m wide garbage enclosure

#### Variance details:

The first additional variance triggered for site coverage is the result of the parkade structure no longer being less than 2.0m above grade and is therefore not exempt from site coverage. The variance request is for an additional site coverage of only 148m<sup>2</sup>. It is felt that this is minor due to

the reconfiguration of the building to include more 2-bedroom units, which are ample in size at just shy of 83m<sup>2</sup> (900sq.ft.). It is noteworthy that the 1-bedroom units are approximately 63m<sup>2</sup> (678sq.ft.).

The second new variance is for the north and south side yard setback. For the north side yard, a reduction from 4.5m to 1.5m is sought. Although much of the building has been reconfigured due to the higher parkade, it was not possible to provide the project without varying this side yard. As in many other locations in Kelowna, the water table is very high and it is cost prohibitive to submerge the entire parkade with a result that it is almost completely out of the ground. The property owners to the north support the variance.

For the south side yard variance to from 4.5m to 1.5m is sought for the 7.5m portion of a covered deck located at the front of the building. A similar deck is planned for the north side of the building, and it was felt that removing this deck would unbalance the symmetry of the building. Further, the deck is covered to ensure that it is usable in the summer due to its southern exposure. All the other decks on this side of the building are partially covered to allow for outdoor usage in all seasons.

The third new variance is sought to vary the north and south side yards above 12.0m in height. Regulation under the HD2 zone states that any structure must be setback 6.0m when greater than 12.0m in elevation. The reason for this variance is to allow for the building to remain linear in height while maintaining a reasonable balcony sizes on the 4<sup>th</sup> storey. Again, raising the parkade because of the water table effected this variance. Since this variance only applies to the 4<sup>th</sup> storey, we do not anticipate a negative impact on the surrounding neighbourhood.

The original application sought a variance to the front and rear yards. These are still sought with the following changes. The reason for the rear yard variance is no longer due to access to the parkade. The garbage enclosure is attached to the main structure and a reduction to 1.52m is requested for this 5.3m portion. Although the garbage could be relocated within the parking structure to avoid a variance, it would reduce the large bike storage area. It is felt that bike storage has higher importance due to the easy connectivity through multi-modal pathways.

Finally, a front yard setback variance remains at 3.0m. By locating the building closer to the street, we can ensure that there is a positive pedestrian interaction with the building and provide surface parking off the laneway for vehicles which may not be as maneuverable in the parkade. There is quite a distance between the property line and the curb increasing the effective front yard setback. In addition, there are two established mature trees within the city boulevard that work to give scale to the building.

The proposed submission meets many of the design guideline provisions of the Official Community Plan.

1. *1.4 Incorporate materials that relate to the character of the region and the context of the surrounding neighbourhood.* Care was taken to ensure design cues from the Dr. Walter Anderson Building and other buildings proposed within the hospital precinct were incorporated in the design. The exterior palette incorporates some timeless materials

including red brick, hardi-panel with battens, metal louvres and warm wood hardi-board elements. These imitate colours are found in the region's natural and cultural landscape.

2. *3.2 Promote interesting, pedestrian friendly streetscape design and pedestrian linkages and develop visual and physical connections between the public street and private buildings.*

The front door is highlighted through architectural details. The placement of a large tree further works to clearly define the entrance. The entrance feature is flanked by ground level windows and terraces for the townhouses at the edge of the building. The entrance is further enhanced with a small seating area and interesting vegetation. These features contribute to an approachable, pedestrian-friendly experience.

3. *4.2 Ensure developments are sensitive to and compatible with the massing of the established and/or future streetscape.* As this is the first project of this kind in the immediate area apart from the hospital, sensitive integration is challenging. The proposed building meets the zoning regulations to ensure that it is compatible with future development in the area. The massing is mitigated using a variety of window shapes and forms as well as the stepping in of the upper floors to reduce visual impact.

A few items of note:

- the walkability score of 66 is somewhat walkable which indicates some errands can be accomplished on foot;
- located close to both pedestrian and bicycle transportation networks;
- located close to Cameron and Strathcona park;
- good use of the land replacing 2 dwellings with 24 residential units; and
- easy access to 3 different bus routes that link to Downtown, UBCO, Okanagan College and other locations.

We believe that this project is a good fit for the property and the neighbourhood. The townhouse units facing Speer Street have the potential to be used as live – work units and have direct access to the street. Through the use of good contemporary design, integrated landscaping, and the use of quality finish materials, this proposal will meet OCP objectives for the area. Further, the resulting development will provide positive infill and will contribute to additional housing stock in a very desirable area of Kelowna. We look forward to hearing your comments and feedback on the project. Should you have any questions please call me at 250.575.6707.

Regards,

Birte Decloux, RPP MCIP  
Urban Options Planning Corp.  
on behalf of the Speer Street Developments Ltd.



DP19-0146 / DVP19-  
0147

2257 Speer St

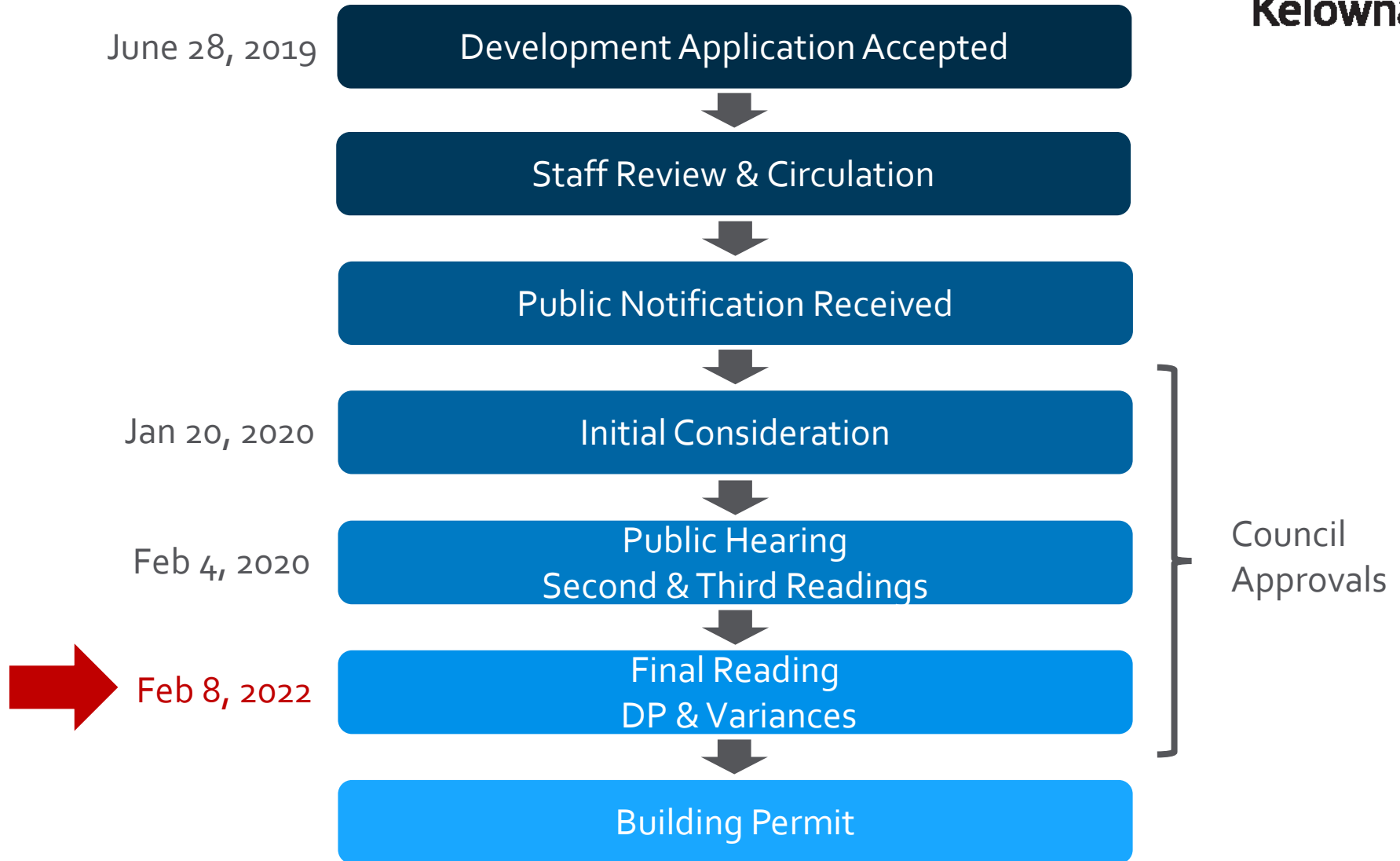
Development Permit & Development Variance Permit  
Applications:



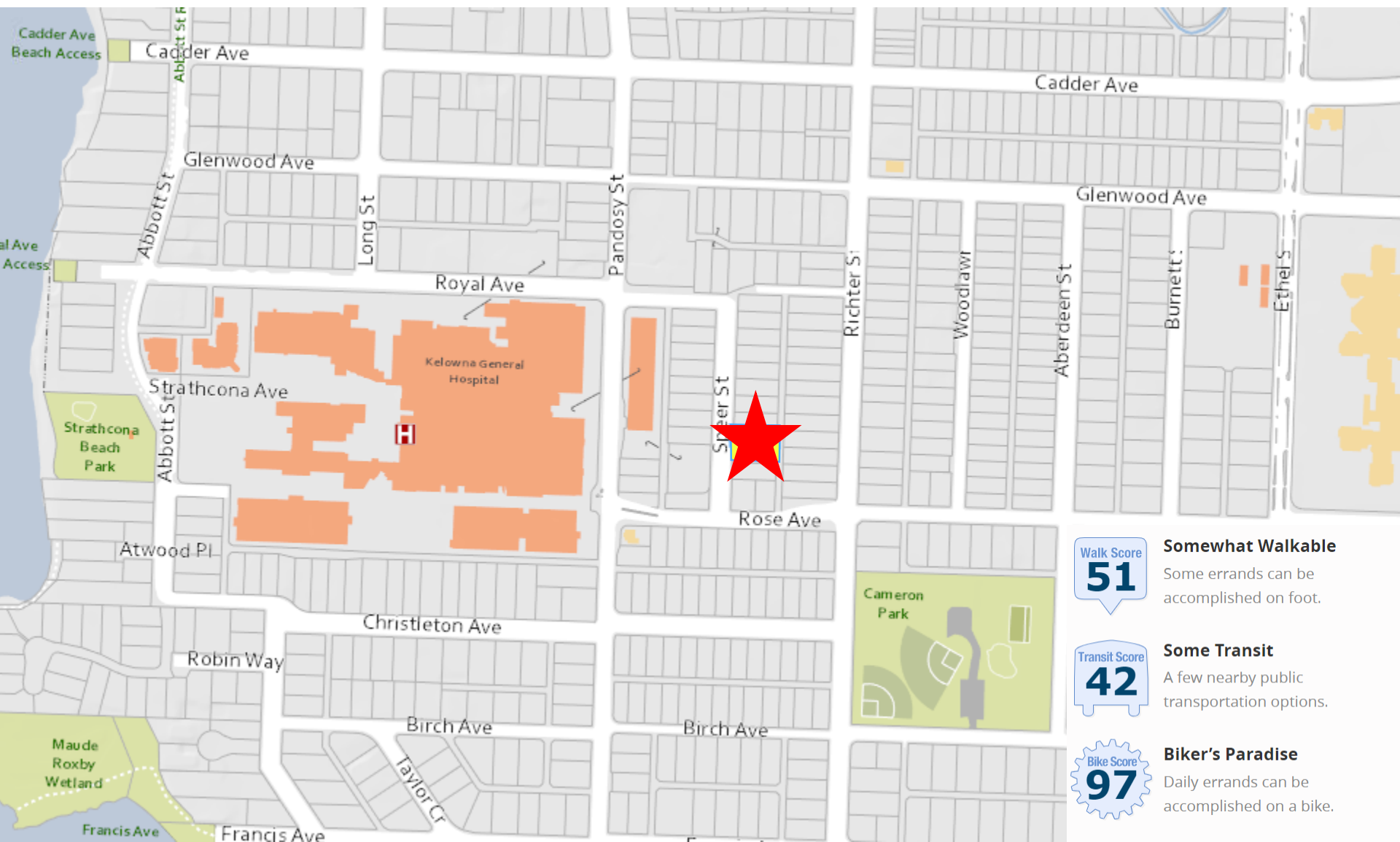
# Proposal

- ▶ To consider a Development Permit for the form and character of multiple dwelling housing with variances to site coverage, required setbacks (front, side and rear yard) and for portions of the building above 12.0m in height.

# Development Process



# Context Map



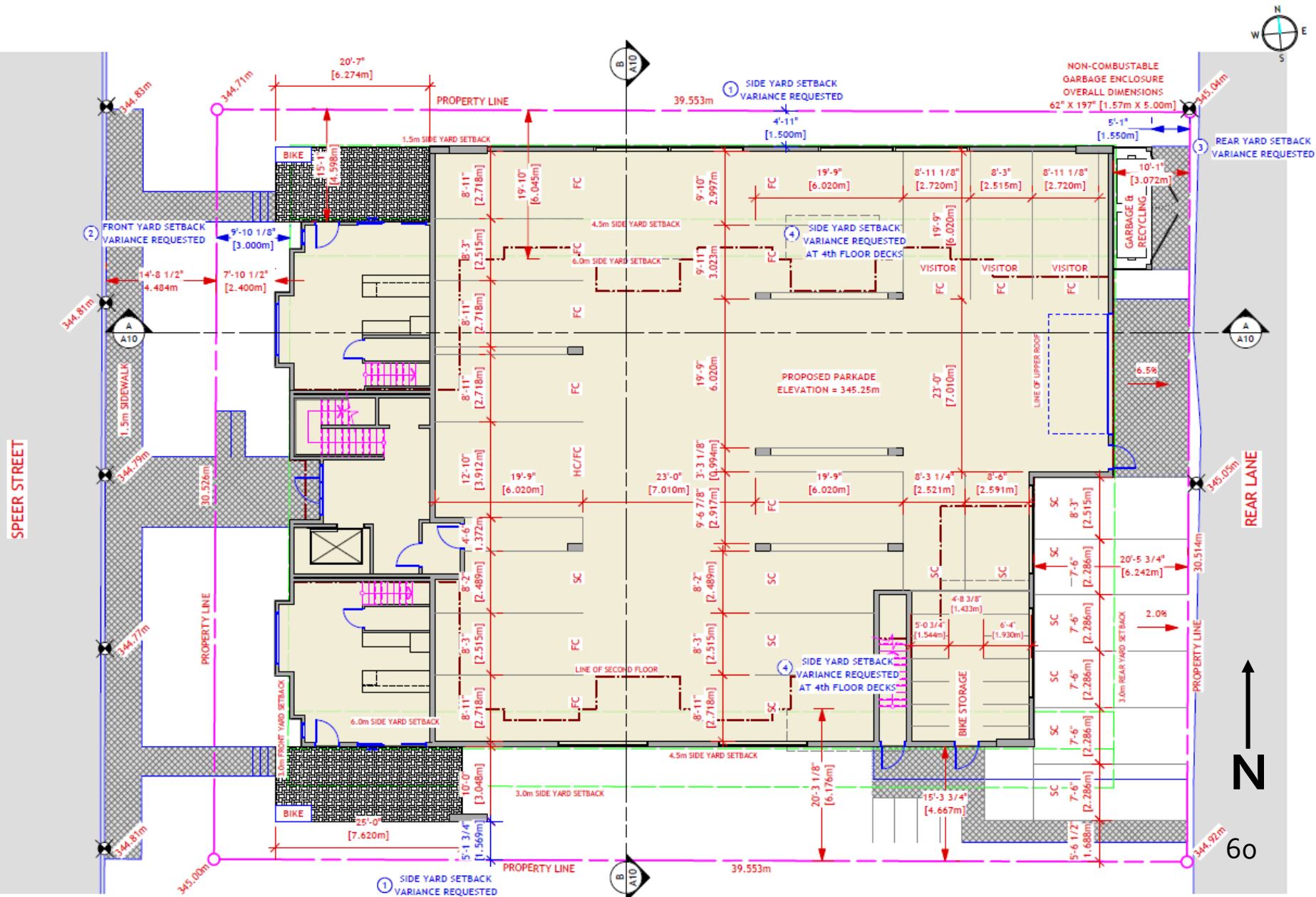
# Subject Property Map



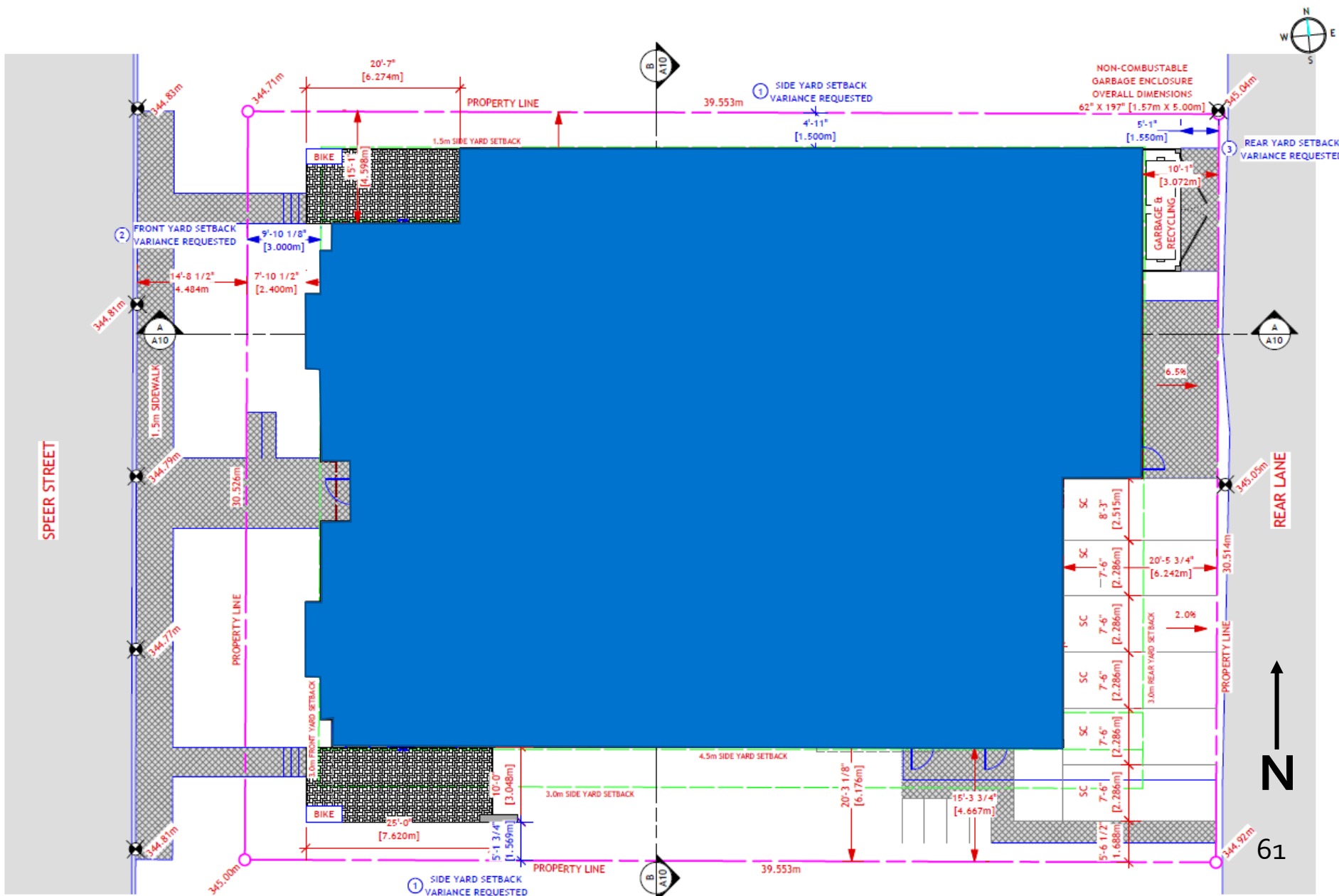
# Project/technical details

- ▶ 22 dwelling units proposed
  - ▶ 10 two-bedroom units
  - ▶ 12 one-bedroom units
    - ▶ 2 live/work townhouse units facing Speer St
- ▶ 1 storey of parkade with 4 storeys of residential above
  - ▶ Majority of required parking located in parkade
    - ▶ 19 stalls in parkade
    - ▶ 6 surface parking stalls for visitor and residents
    - ▶ All access from lane
- ▶ Applicant has exceeded private open space requirement
  - ▶ 430sqm required, 539 sqm proposed

# Site Plan



# Site Plan



# Elevations



South Elevation

West (front) Elevation



# Elevations



North Elevation

East (rear) Elevation



# Rendering



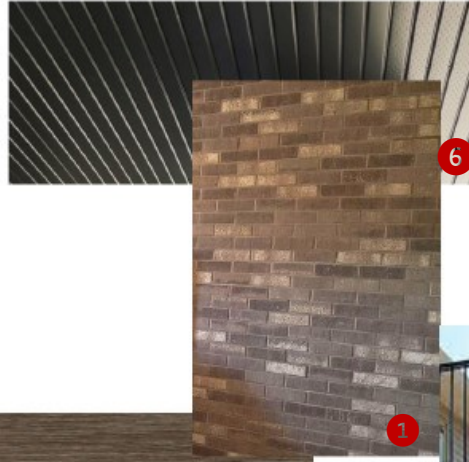
# Building Finishes



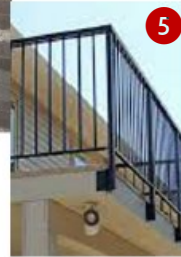
1. Brick – Hebron Smokehouse
2. Hardipanel – Arctic White
3. Hardipanel – Night Grey
4. Horizontal Lap Siding – Chamclad Modern Walnut
5. Aluminum Picket Rail – Black

6. Aluminum Soffit – Black
7. Concrete – Sealed
8. Powder Coated Aluminum Mesh – Black
9. Prefinished Horizontal Metal Slats – Black

# Building Finishes



1. Brick – Hebron Smokehouse
2. Hardipanel – Arctic White
3. Hardipanel – Night Grey
4. Horizontal Lap Siding – Chamclad Modern Walnut
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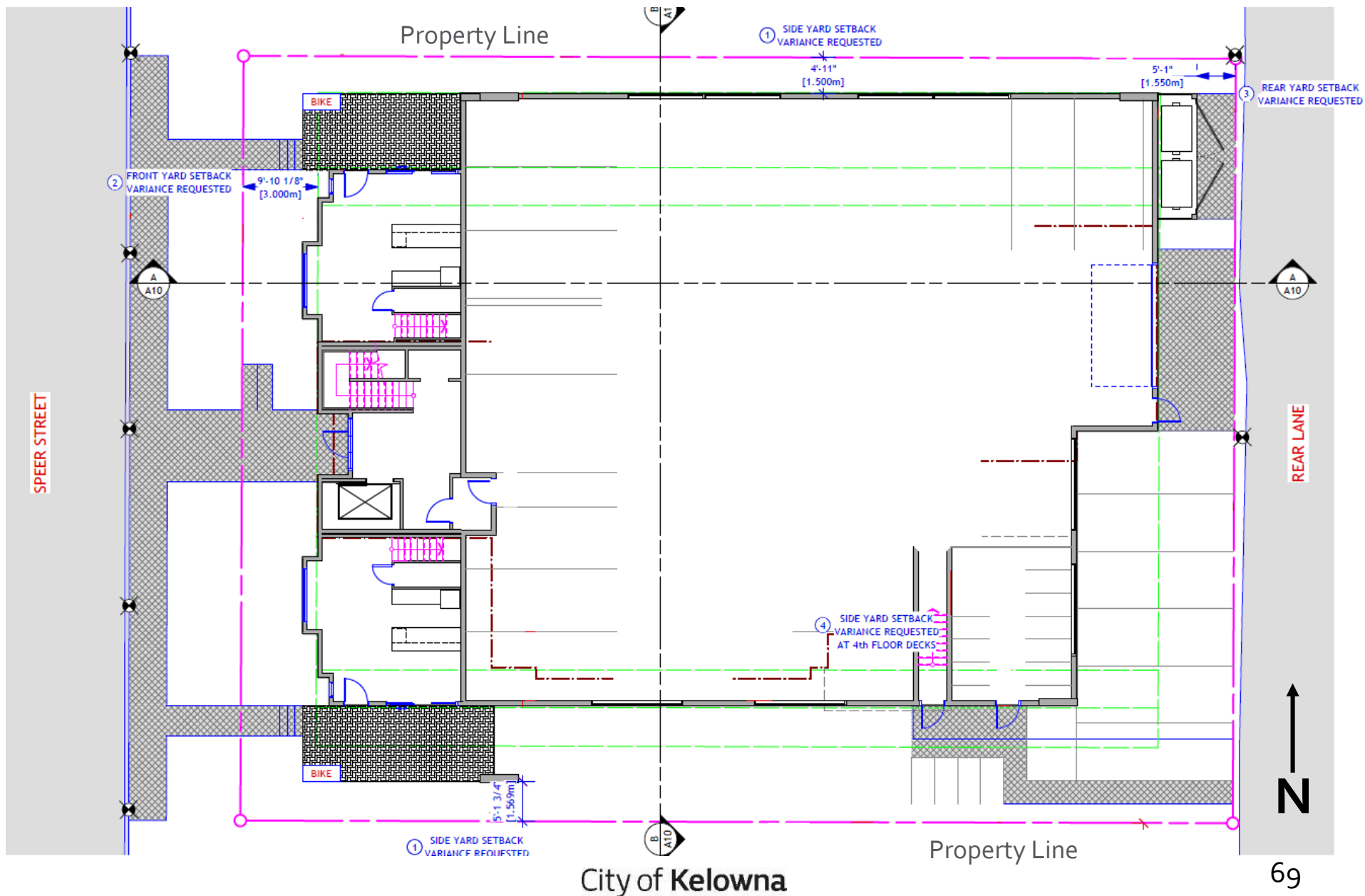
# Landscape Plan



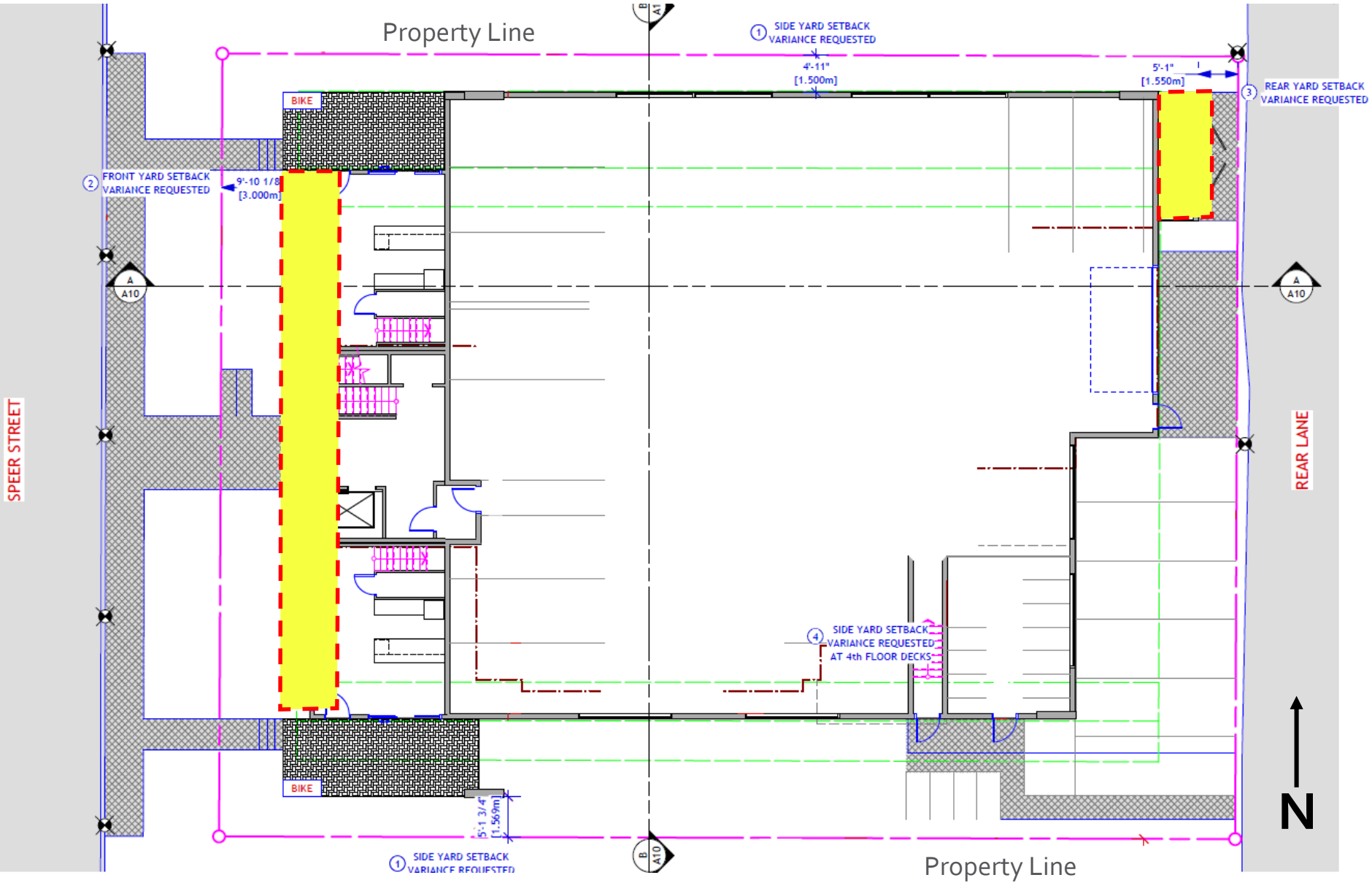
# Variances

- ▶ Site Coverage: 55% permitted to 67.36% proposed
  - ▶ Parkade height > 2.0m above grade
- ▶ Front yard setback from 4.5m required to 3.0m proposed
  - ▶ Ground-Oriented Housing
- ▶ Rear yard setback from 4.5m required to 1.5m proposed
- ▶ North and South side yard setback: 4.5m to 1.5m proposed.
- ▶ Building height over 12.0m
  - ▶ To allow consistent deck sizes on the 4<sup>th</sup> floor

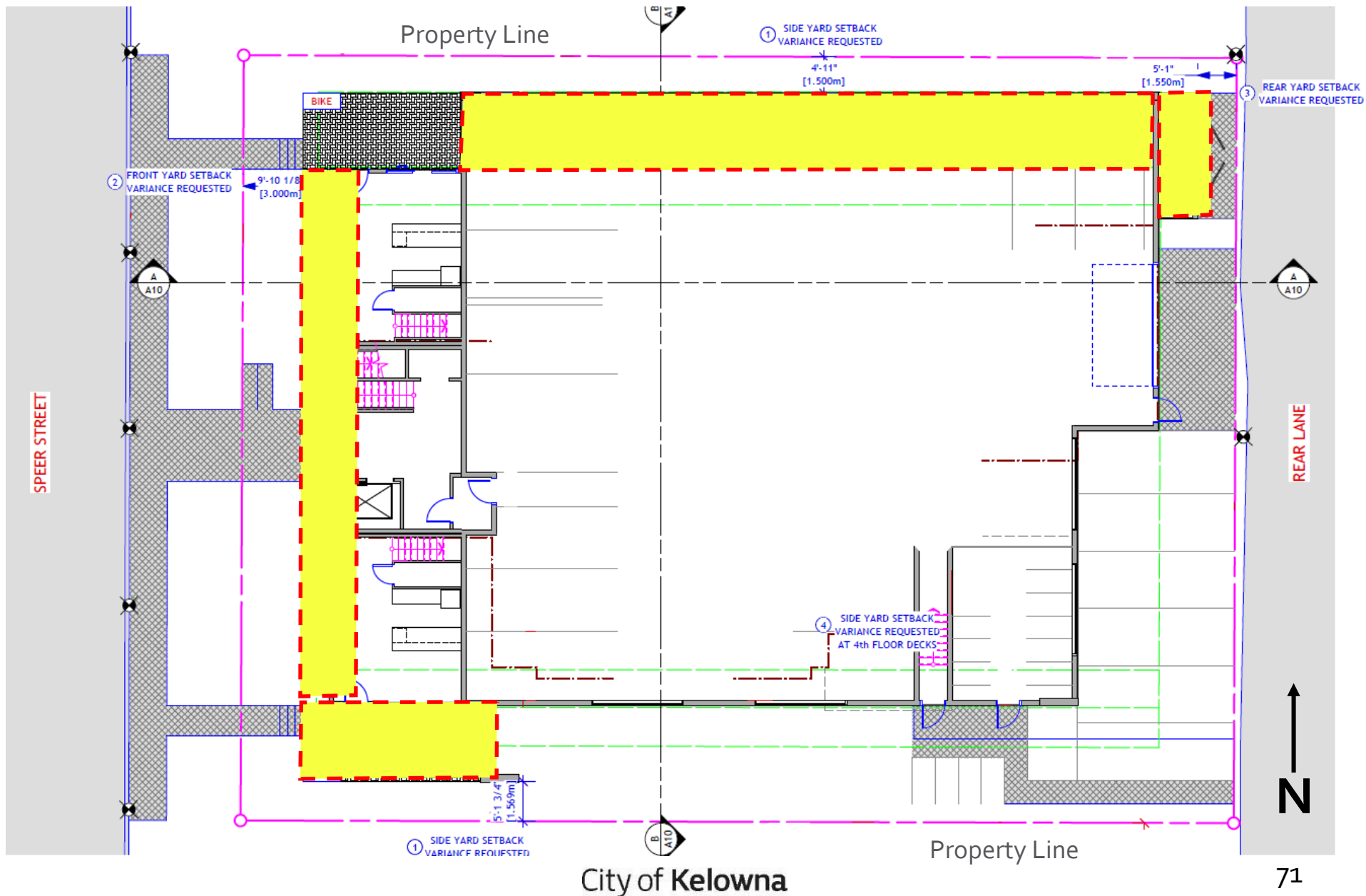
# Variances – Site Plan



# Variances – Site Plan



# Variances – Site Plan



# Variances – Fourth Storey Floor Plan



# Variances – Fourth Storey Floor Plan



# Variances – Fourth Storey Floor Plan



>12.0m Building Height

<12.0m Building Height

# Development Policy

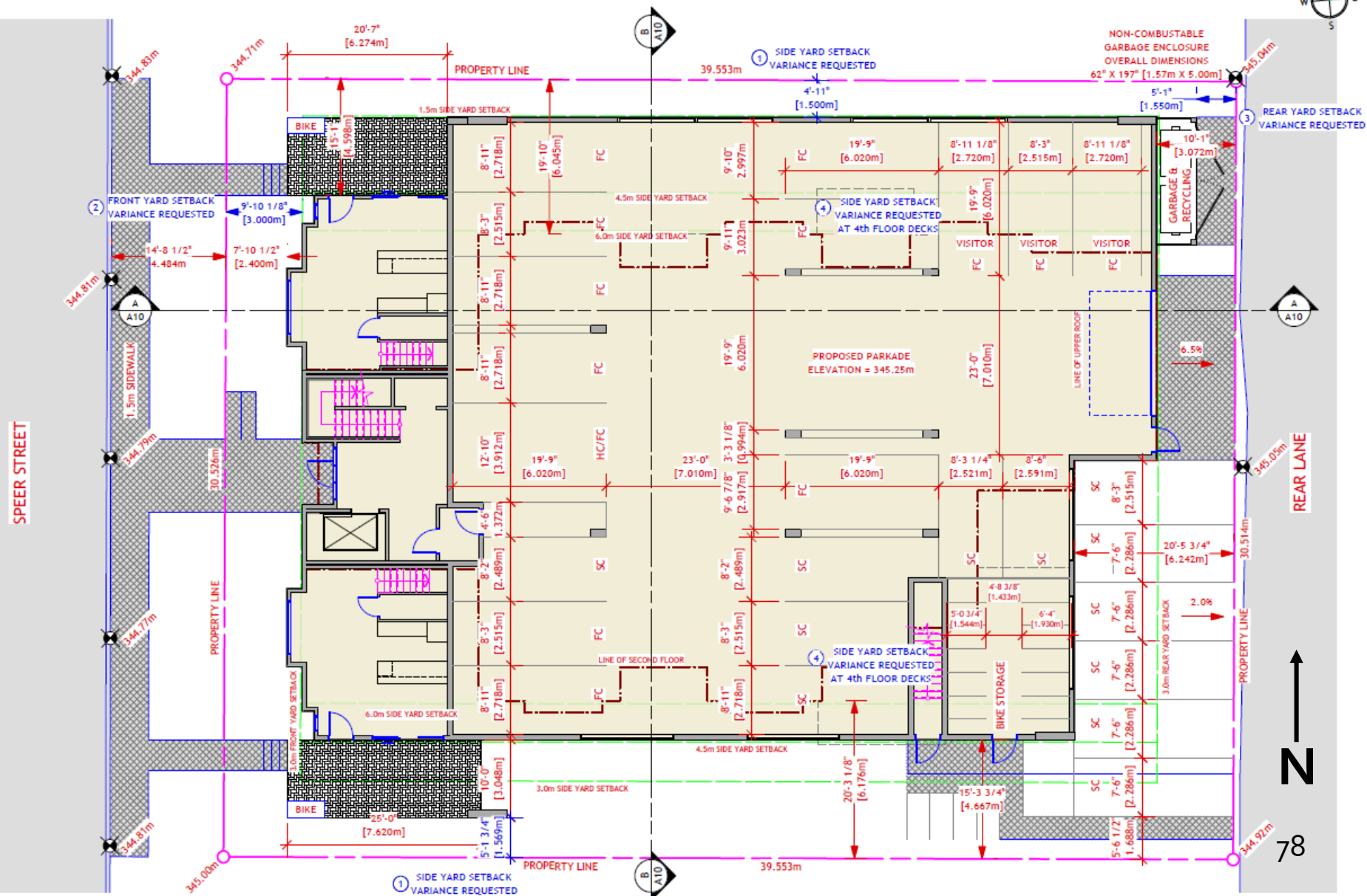
- ▶ The proposed development achieves many of the City's Form and Character DP Guidelines including:
  - ▶ Building materials and visual interest to reduce massing
    - ▶ Stepping in of the upper floors
    - ▶ Variety of window shapes and types
  - ▶ Complementary Landscaping
  - ▶ Compatible with future streetscape
- ▶ Consistent with the Future Land Use designation (HTH)

# Staff Recommendation

- ▶ Staff recommend support for the DP & DVP application
  - ▶ Consistent with OCP Design Guidelines
  - ▶ Appropriate location for adding residential density

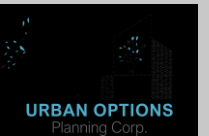


## *Conclusion of Staff Remarks*



# 2257 Speer Road

Development Permit and Variance

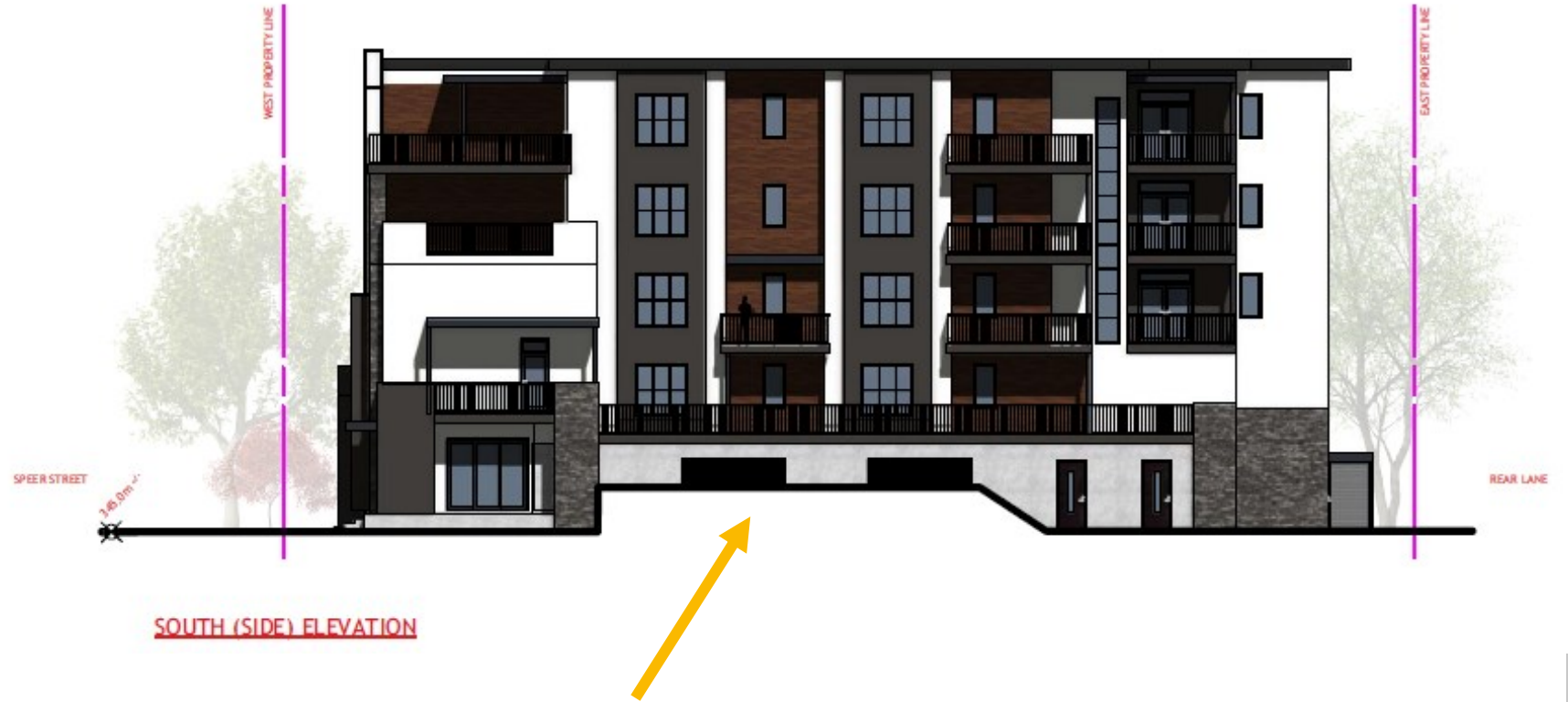




## Variances sought

- Original plan had 2 variances:
  - Front yard setback from 4.5m required to 3.0m proposed
  - Rear yard setback from 4.5m required to 1.5m proposed
- Due to the water table the Parkade height is > 2.0m above grade and we are also seeking the following variances:
  - Site Coverage: 55% permitted to 67.36% proposed
  - North and South side yard setback: 4.5m to 1.5m proposed.
  - Building height over 12.0m

South side yard  
with mitigating burn



## North Side Yard




# Speer Street elevation



Lane view



- 
- What we heard from the neighbourhood?

Landscape  
Plan



Questions?



**AXOarchitecture**  
250-469-3190  
[andrea@axoarchitecture.ca](mailto:andrea@axoarchitecture.ca)



# REPORT TO COUNCIL



**Date:** February 8, 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** DVP21-0046

**Owner:** Peter Louis Justin Finamore &  
Wen Lu Finamore

**Address:** 122 Clifton Rd N

**Applicant:** Mike Banner – priMe haBitat  
Builders

**Subject:** Development Variance Permit Application

**Existing OCP Designation:** S-RES – Suburban Residential

**Existing Zone:** RR1 – Rural Residential 1

---

## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0046 for Lot 16 Section 6 Township 23 ODYD Plan 25017 located at 122 Clifton Road North, Kelowna, BC;

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

### **Section 12.1.6(d) – RR1 - Rural Residential 1 Development Regulations:**

To vary the required minimum side yard setback from 2.0m permitted to 1.9m 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 to the side yard setback from 2.0m permitted to 1.9m proposed to bring an addition into conformance.

## 3.0 Development Planning

Staff support the Development Variance Permit to the side yard setback for an addition to the existing single-family dwelling. The subject property and the surrounding homes do not have direct access to Clifton Rd N but are accessed from a front driveway through an access easement. This driveway is elevated below Clifton Rd N resulting in a steep grade change moving down towards the lake. The carport received a Building Permit in 2019 and would be considered legal non-conforming. The closure of the carport to create

a home gym would utilize existing foundations and walls and would result in less land being cleared to have another addition. Staff do not anticipate any negative impacts on neighbouring properties.

#### 4.0 Proposal

##### 4.1 Project Description

The principal dwelling on the subject property had an addition completed in 2019, which included a 2-car garage, which was at the front laneway elevation. The original carport was no longer accessible due to retaining walls and grade changes. The owners are applying to reduce the setback down to 1.9m to allow for the carport to remain in place and for it to be closed in to make a home gym.

##### 4.2 Site Context

The subject property is zoned RR1 – Rural Residential 1 and has a Future Land Use Designation of S-RES – Suburban Residential. Since the property was created in 1974 and is 0.15ha in size, Section 1.7.1 of the Zoning Bylaw No.8000 comes into effect:

**Section. 1.7.1:** Non-conforming Agricultural, Urban Residential, or Rural Residential lots less than 0.2 ha., which existed prior to August 10, 1976, shall be developed in accordance with the provisions and regulations of the RU1, RU1(c), or RU1(h) zones.

This means the property is able to use the Development Regulations under the RU1 – Large Lot Housing zone. The property is located on Clifton Rd N and is in the Glenmore – Clifton – Dilworth OCP Sector. The surrounding area is almost entirely zoned RR1 – Rural Residential 1.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR1 – Rural Residential 1	Single-Family Dwelling
East	RR1 – Rural Residential 1	Single-Family Dwelling
South	RR1 – Rural Residential 1	Single-Family Dwelling
West	RR1 – Rural Residential 1	Vacant

**Subject Property Map: 122 Clifton Rd N**



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RR1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	8,000m <sup>2</sup>	1,457m <sup>2</sup>
Min. Lot Width	40.0m	27.43m
Min. Lot Depth	30.0m	52.81m
Development Regulations*		
Max. Site Coverage (buildings)	40%	23.3%
Min. Front Yard	4.5m	13.62m
Min. Side Yard (north)	2.0m	3.0m
Min. Side Yard (south)	2.0m	1.90m <span style="color: red;">❶</span>
Min. Rear Yard	7.5m	1.0m
Other Regulations		
Min. Parking Requirements	3	3
<p><b>*Section 1.7.1</b> Non-conforming Agricultural, Urban Residential, or Rural Residential lots less than 0.2 ha., which existed prior to August 10, 1976, shall be developed in accordance with the provisions and regulations of the RU1, RU1(c), or RU1(h) zones.</p> <p><span style="color: red;">❶</span> Indicates a requested variance to Section 12.1.6d – RR1 – Rural Residential Development Regulations</p>		

5.0 **Application Chronology**

Date of Application Received: February 26, 2021  
 Date Public Consultation Completed: March 24, 2021

**Report prepared by:** Tyler Caswell, Planner

**Reviewed by:** Dean Strachan, Community Planning & Development Manager

**Reviewed by:** Terry Barton, Development Planning Department Manager

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

**Attachments:**

Attachment A: Draft Development Permit DVP21-0046

Schedule A: Site Plan

# Development Variance Permit DVP21-0046



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

**122 Clifton Rd North**

and legally known as

**Lot 16 Section 6 Township 23 ODYD Plan 25017**

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

**RR1 – Rural Residential 1 – Addition**

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

Date of Council Decision February 8, 2022

Decision By: COUNCIL

Existing Zone: RR1 – Rural Residential 1

Future Land Use Designation: S-RES – Suburban 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: Peter Louis Justin Finamore & Wen Lu Finamore

Applicant: Mike Banner – priMe haBitat Builders

\_\_\_\_\_  
Terry Barton  
Development Planning Department Manager  
Planning & Development Services

\_\_\_\_\_  
Date

<b>ATTACHMENT</b>		<b>A</b>
This forms part of application # DVP21-0046		
Planner Initials	TC	 City of <b>Kelowna</b> DEVELOPMENT PLANNING

## 1. SCOPE OF APPROVAL

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

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

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

## 2. CONDITIONS OF APPROVAL

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

**Section 12.1.6(d) – RR1 - Rural Residential 1 Development Regulations:**

To vary the required minimum side yard setback from 2.0m permitted to 1.9m proposed.

**This Development Permit is valid for two (2) years from the date of 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.**

<b>ATTACHMENT</b>		<b>A</b>
This forms part of application		
# DVP21-0046		
Planner Initials	TC	 <b>City of Kelowna</b> DEVELOPMENT PLANNING

Prime Habitat Builders  
P.O. BOX 30027  
Glenpark PO  
Kelowna, BC  
V1V 2M4  
(250) 801-7696  
info@prime-habitat.com

Issue Schedule		
Issue Number	Description	Date (dd.mm.yy)
1	Permit	17.11.20
2	Construction	12.02.21



Yoga Studio Addition

122 Clifton Rd. N  
Kelowna, BC

SITE PLAN

SCALE:  
AS NOTED

DRAWN BY: DS	CHECKED BY: BV
DATE: 12.02.21	PROJECT: 2018-020

**A2**

# **SCHEDULE**

**A**

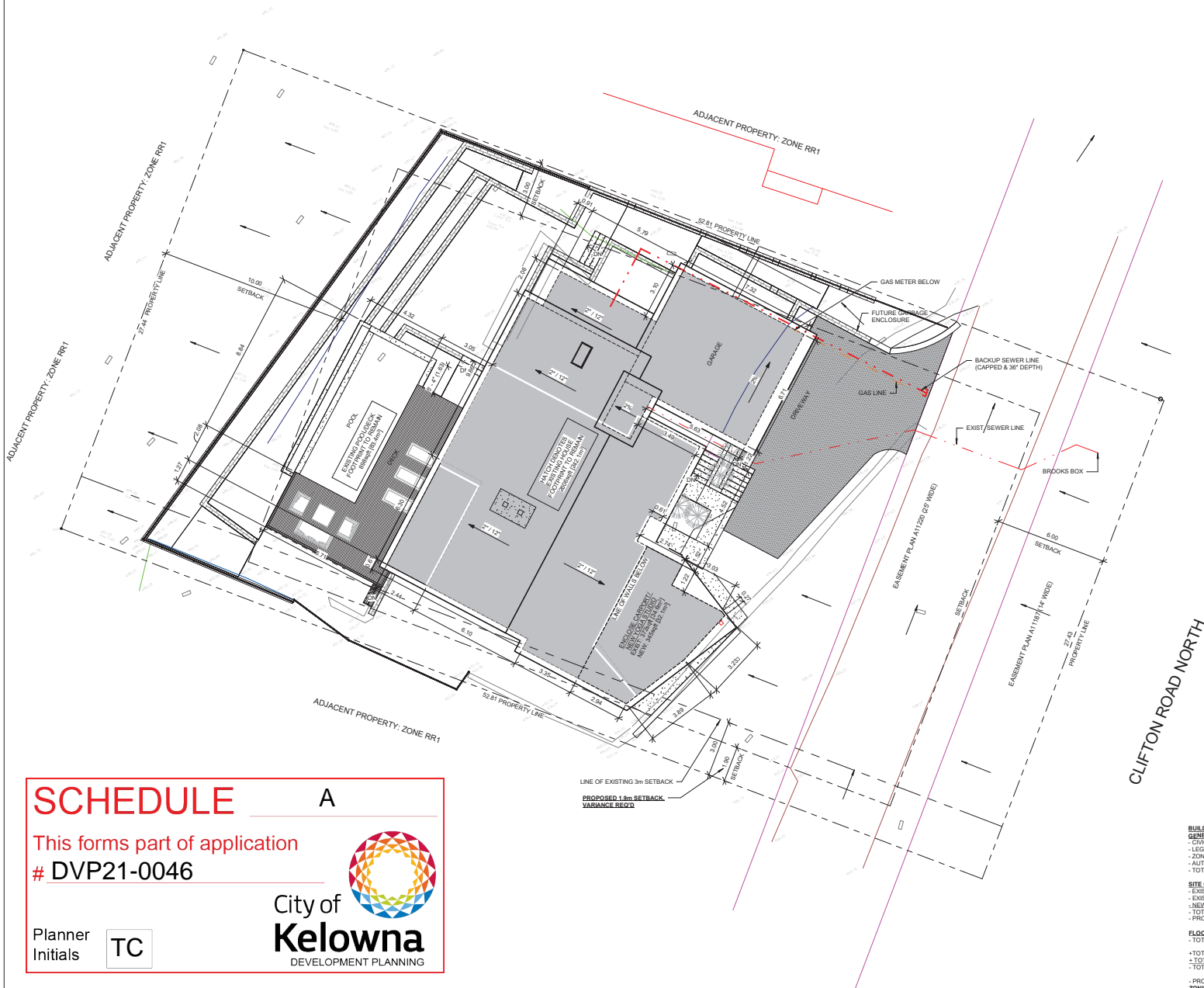
This forms part of application  
# DVP21-0046



City of  
**Kelowna**  
DEVELOPMENT PLANNING

Planner  
Initials **TC**

① SITE PLAN  
1/8" = 1'-0"



<b>BUILDING NOTES</b>	
<b>GENERAL ZONING AND SITE INFORMATION</b>	
- CIVIC ADDRESS: 122 CLIFTON RD. N	
- LEGAL: PLAN 20071, LOT 15	
- ZONE: RR1 - RURAL RESIDENTIAL 1	
- AUTHORITY: CITY OF KELOWNA	
- TOTAL LOT AREA:	15,682sqft (1456.9m <sup>2</sup> )
<b>SITE COVERAGE</b>	
- EXIST. HOUSE FOOTPRINT:	2006sqft (242.1m <sup>2</sup> )
- EXIST. POOL/DECK FOOTPRINT:	899sqft (83.4m <sup>2</sup> )
- NEW YOGA STUDIO FOOTPRINT:	345sqft (32.1m <sup>2</sup> )
- TOTAL PROPOSED FOOTPRINT:	3149sqft (292.4m <sup>2</sup> )
- PROPOSED % LOT COVERAGE:	24.5%
<b>FLOOR AREAS</b>	
- TOTAL EXIST. SUITE FLOOR AREA:	463sqft (43.0m <sup>2</sup> ) (12.5% T.F.A.)
- TOTAL EXIST. MAIN FLOOR AREA:	2897sqft (268.2m <sup>2</sup> )
- TOTAL ADDITION FLOOR AREA:	345sqft (32.1m <sup>2</sup> )
- TOTAL NEW MAIN HOUSE FLOOR AREA:	3232sqft (300.3m <sup>2</sup> )
- PROPOSED TOTAL FLOOR AREA (T.F.A.):	3695sqft (343.3m <sup>2</sup> )
<b>ZONING RESTRICTIONS</b>	
- FRONT YARD SETBACK: 6.0m	
- REAR YARD SETBACK: 10.0m	
- SIDE YARD SETBACK: 3.0m (ACCESSORY BUILDINGS)	
- MAXIMUM HEIGHT OF MAIN HOUSE: 9.5m (2.5 STOREYS)	



# DVP21-0046

## 122 Clifton Rd N

Development Variance Application



# Proposal

- ▶ To consider a Development Variance Permit to vary the side yard setback from 3.0m permitted to 1.9m proposed to bring an addition into conformance.

# Development Process

Feb 26<sup>th</sup>, 2021

Development Application Submitted



Staff Review & Circulation



Mar 24<sup>th</sup>, 2021

Public Notification Received



Feb 8<sup>th</sup>, 2021

Development Variance Permit

} Council  
Approval



Building Permit

# Context Map



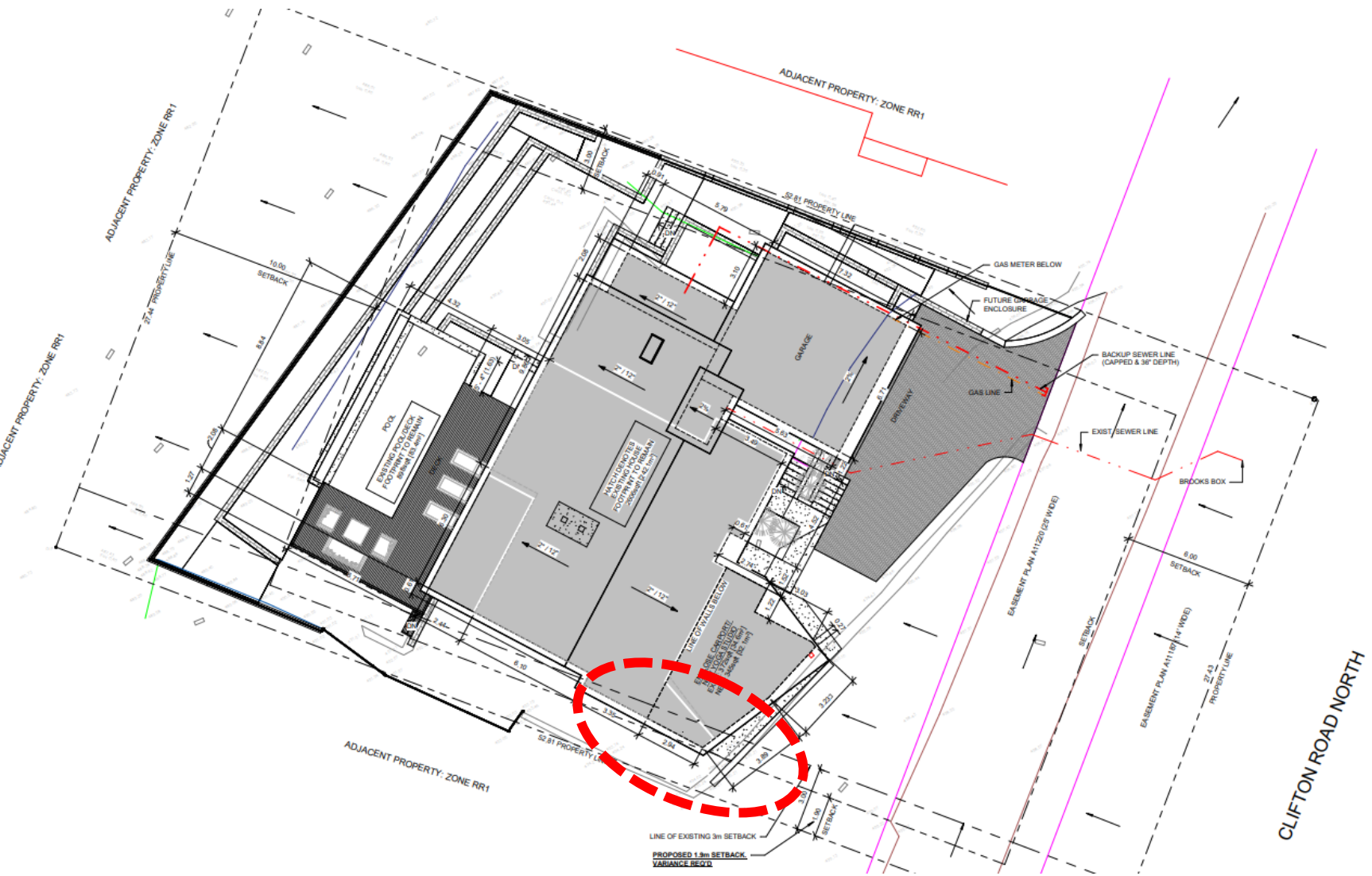
# Site Map



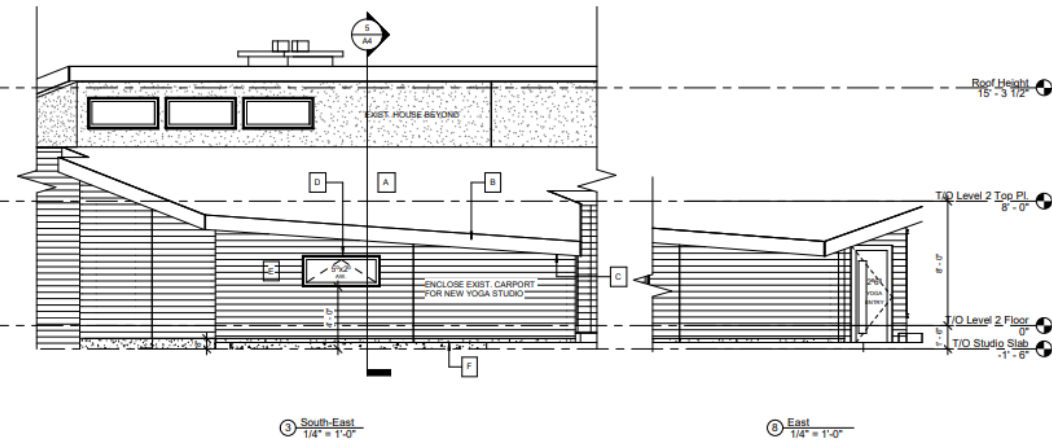
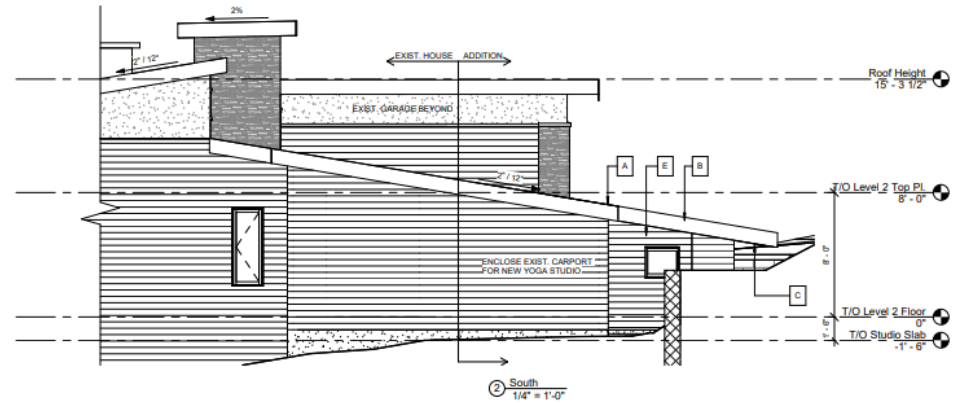
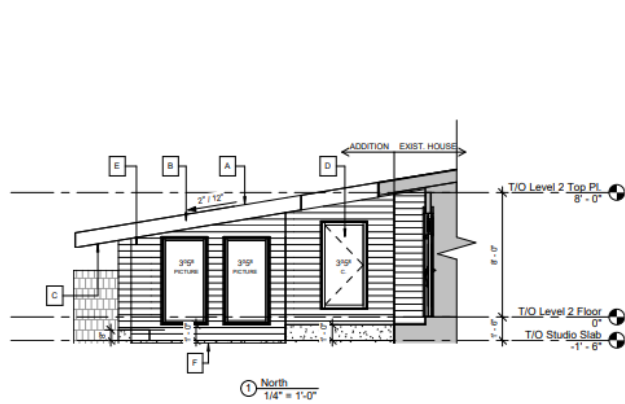
# Project/technical details

- ▶ The applicant is seeking a variance to a side yard setback to close in an existing carport. The addition is for a home gym.
  - ▶ The variance would be from 2.0m permitted to 1.9m proposed.
- ▶ The applicant wants to utilize the existing carport foundation for the addition rather than clearing more land.

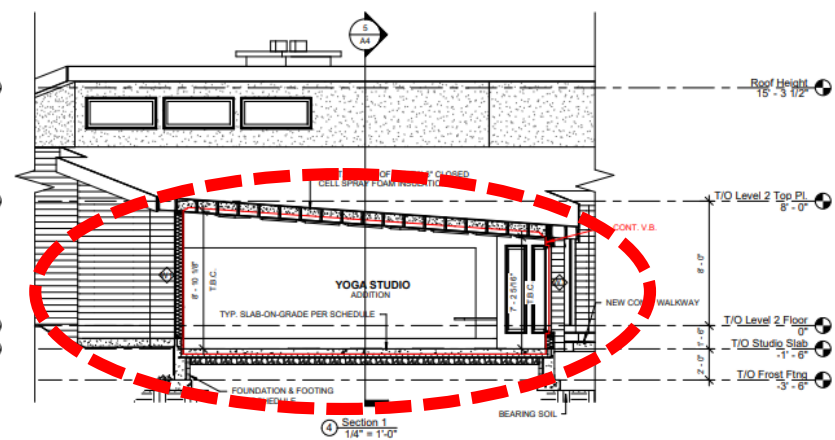
# Site Plan



# Conceptual Design



Section 4: East elevation of the conceptual design.



# Staff Recommendation

- ▶ Staff recommend **support** of the proposed Development Variance Permit application.
  - ▶ The addition utilizes the existing structure.
  - ▶ The property is challenging to build on due to the steep grade and limited access.
  - ▶ Minimal neighbourhood impacts are anticipated.



## *Conclusion of Staff Remarks*

# REPORT TO COUNCIL



**Date:** February 8, 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** DVP21-0216

**Owner:** Mark J. Walker & Francine C. Walker

**Address:** 5147 Lakeshore Road

**Applicant:** Urban Options Planning Corp

**Subject:** Development Variance Permit

**Existing OCP Designation:** S-RES – Suburban - Residential

**Existing Zone:** RR2 – Rural Residential 2

---

## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0216 for Lot 7 Section 23 Township 28 SDYD Plan 8976, located at 5147 Lakeshore Road, Kelowna, BC

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

**Section 12.2.6(d): RR2 –Rural Residential 2, Development Regulations**

To vary the required minimum side yard from 3.0 m permitted to 1.7 m proposed.

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

## 2.0 Purpose

To vary the required minimum side yard from 3.0m permitted to 1.7m proposed to facilitate the construction of an addition to the existing house .

## 3.0 Development Planning

Staff recommends support for the Development Variance Permit for the construction of an addition to the existing house. The application is for a minor addition to an existing house that is legal non-conforming, the dwelling was constructed with an east side yard setback of 1.4m from the property line. The proposed addition will be sited 1.71m from the same side yard, which incorporates a 0.3m step in from the existing building wall.

## 4.0 Proposal

### 4.1 Project Description

The applicant is seeking a Development Variance Permit to allow for a 36.6m<sup>2</sup> addition to the front of the dwelling, located at the east side of the house. This single storey addition is to provide space for a jewellery studio and a painting studio, as well as a reconfiguration of the front entry. The existing dwelling was constructed in 1964. The dwelling was constructed with an east side yard setback of 1.4m from the property line. The dwelling is now legal non-conforming, as the current RR2 – Rural Residential 2 zone requires a 3.0m sideyard setback. The proposed addition would be located 1.7m from the same side yard, which would incorporate a 0.3m step in from the existing building wall.

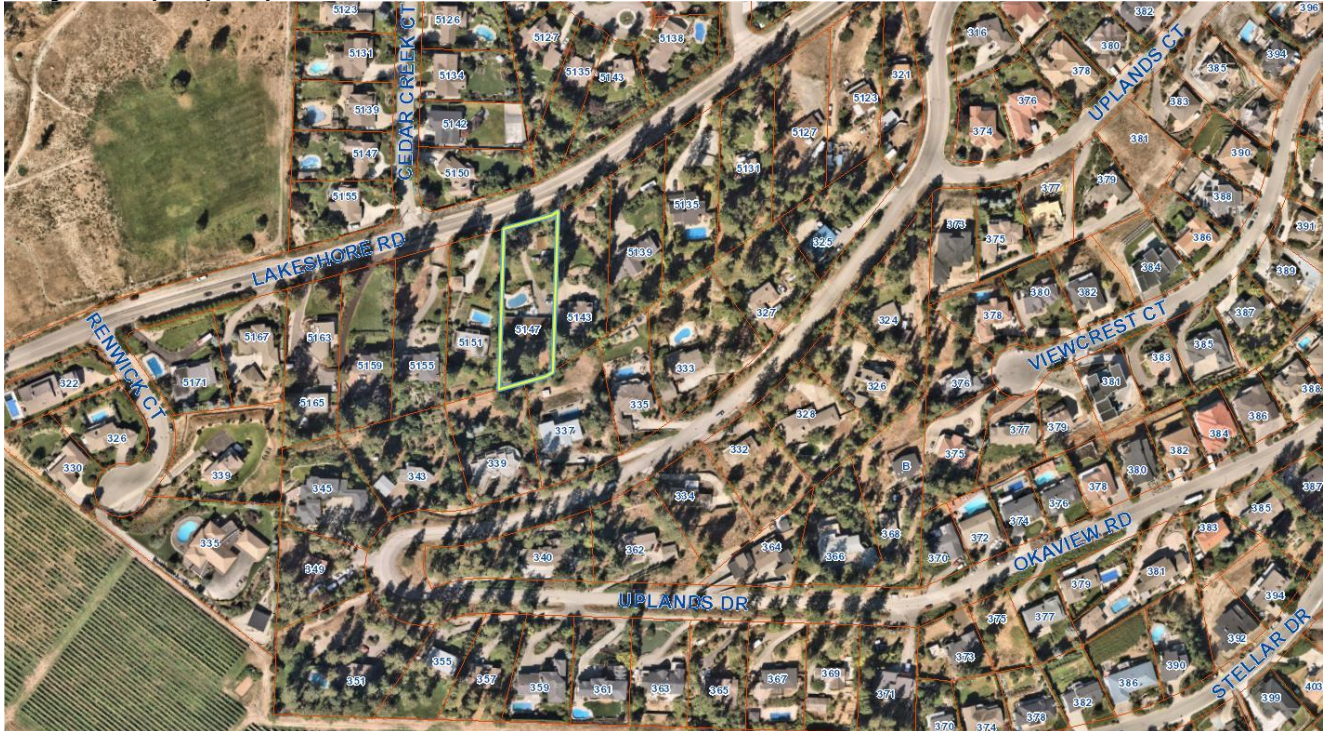
### 4.2 Site Context

This site is zoned RR2 and has a Future Land Use Designation of S-RES – Suburban - Residential. The property is located on Lakeshore Road in the Southwest Mission OCP Sector. The surrounding area primarily zoned RR2 – Rural Residential 2.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR2 – Rural Residential 2	single dwelling housing
East	RR2 – Rural Residential 2	single dwelling housing
South	RR2 – Rural Residential 2	single dwelling housing
West	RR3 – Rural Residential 3	single dwelling housing

### Subject Property Map: 5147 Lakeshore Road



### 4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RR <sub>2</sub> ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	1.0 ha	0.295ha (2,954.2m <sup>2</sup> )
Min. Lot Width	36.0m	32.52m
Min. Lot Depth	30.0m	91.44m
Development Regulations		
Max. Height	9.5m or 2 storeys	3.7m or 1 storey
Min. Front Yard	6.0m	49.7m to existing dwelling 43.3m to proposed addition
Min. Side Yard (west)	3.0m	3.0m
Min. Side Yard (east)	3.0m	1.7m●
Min. Rear Yard	9.0m	18.0m
● Indicates a requested variance to side yard setback		

## 5.0 Application Chronology

Date of Application Received: September 7, 2021

Date Public Consultation Completed: October 3, 2021

**Report prepared by:** Graham Allison, Planner I

**Reviewed by:** Dean Strachan, Community Planning & Development Manager

**Reviewed by:** Terry Barton, Development Planning Department Manager

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

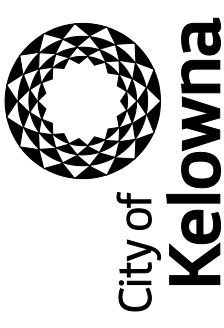
## Attachments

Attachment A: Draft Development Permit DVP21-0216

Schedule A: Site Plan

Attachment B: Applicant's Rationale

# Development Variance Permit DVP21-0216



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

**5147 Lakeshore Road**  
and legally known as

**for Lot 7 Section 23 Township 28 SDYD Plan 8976**

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

**Single Dwelling House (RR2– Rural Residential 2)**

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

Date of Council Decision      February 8, 2022

Decision By:      COUNCIL

Existing Zone:      RR2– Rural Residential 2

Future Land Use Designation:      S-RES - Suburban - 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:      Mark J. Walker & Francine C. Walker

Applicant:      Urban Options Planning Corp.

\_\_\_\_\_  
Terry Barton  
Development Planning Department Manager  
Planning & Development Services

\_\_\_\_\_  
Date

**ATTACHMENT**      A

This forms part of application

# DVP21-0216

Planner Initials      GA

The logo for the City of Kelowna, featuring a stylized circular emblem with a geometric pattern of triangles and squares, followed by the text "City of Kelowna" in a bold, sans-serif font.

DEVELOPMENT PLANNING

### 1. SCOPE OF APPROVAL

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

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

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

### 2. CONDITIONS OF APPROVAL

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

**Section 12.2.6(d): RR2 –Rural Residential 2, Development Regulations**

To vary the required minimum side yard from 3.0 m permitted to 1.7 m proposed.

**This Development Permit is valid for two (2) years from the date of 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.**





September 1, 2021

City of Kelowna  
**Urban Planning Department**  
1435 Water Street  
Kelowna, BC

Development Variance Permit Application to Allow for the Construction of a Studio Addition at 5147 Lakeshore Road

Dear Planning Staff;

The purpose of this application is to secure a Development Variance Permit to allow for a 36.6m<sup>2</sup> addition to the front of the dwelling, located at the east side of the house. This single storey addition is to provide space for a jewellery studio and a painting studio, as well as a reconfiguration of the front entry. The dwelling located on this property was constructed in 1964. The existing siting of certain portions of the dwelling have been non-conforming since that time.

At the time, the dwelling was constructed with an east side yard setback of 1.4m from the property line, where the current RR2 – Rural Residential 2 zone requires a 3.0m. The new addition is designed to be located 1.71m from the same side yard, which incorporates a 0.3m step in from the existing building wall. This step increases the setback from the property line in order to reduce the potential impact on the neighbour. This setback also allows for a roof overhang to be incorporated to the addition without impacting the reduced setback.

In conclusion, we believe this Development Variance Permit application will have minimal impact on the neighbouring properties, as the existing dwelling has been located on the property with a non-conforming side yard setback for many years. The proposed addition has been sited 0.3m further away from the property line to reduce potential impact as well.

Regards,

Birte Decloux, RPP MCIP  
Urban Options Planning Corp.

<b>ATTACHMENT</b>	<b>B</b>
This forms part of application	
# DVP21-0216	
Planner Initials	GA
City of Kelowna DEVELOPMENT PLANNING	



DVP21-0216

5147 Lakeshore Road

Development Variance Permit



# Proposal

- ▶ To vary the required minimum side yard from 3.0 m permitted to 1.71 m proposed to facilitate the construction of an addition to the existing house.

# Development Process

Sep. 9, 2021

Development Application Submitted

Sep. 23, 2021

Staff Review & Circulation

Oct 3, 2021

Public Notification Received

Feb. 8, 2022

Development Variance Permit

Council  
Approval

Building Permit

# Context Map



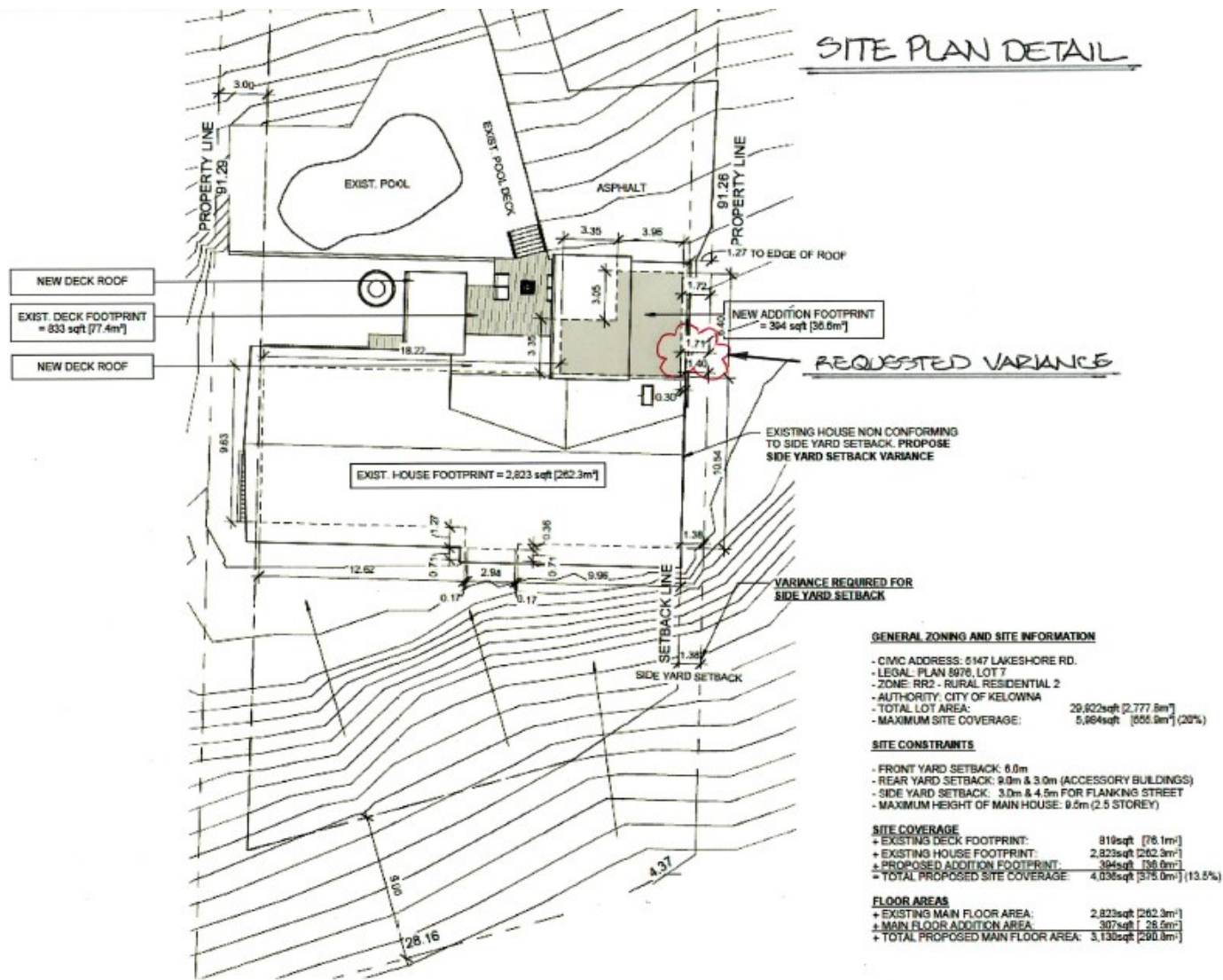
# Site Map



# Project/technical details

- ▶ The applicant is seeking a side yard variance from 3.0m to 1.71m to facilitate the construction of an addition
- ▶ The addition will step back from the existing house which is sited 1.4 metres from the side yard and is legal non-conforming

# Site Plan



# Staff Recommendation

- ▶ Staff recommend council **support** of the proposed Development Variance Permit Application.
  - ▶ The proposed addition has been sited 0.3m further away from the property line than the existing dwelling
  - ▶ Addition would have minimal impact on the neighbouring properties



## *Conclusion of Staff Remarks*