

# City of Kelowna

## Regular Council Meeting

### AGENDA



Tuesday, June 21, 2022  
7:00 pm  
Council Chamber  
City Hall, 1435 Water Street

#### Pages

1. Call to Order

2. Reaffirmation of Oath of Office

The Oath of Office will be read by Councillor Donn.

3. Confirmation of Minutes

1 - 19

Public Hearing - May 31, 2022  
Regular Meeting - May 31, 2022

4. Development Permit and Development Variance Permit Reports

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

4.1. START TIME 7:00 PM - Abbott St 2210 - HAP22-0002 - Richard Mohr, Judith Lynn Mohr, and Craig Richard Mohr

20 - 84

To issue a Heritage Alteration Permit for the form and character of a semi-detached dwelling and accessory building and to vary the minimum front yard for an accessory building, the maximum height of an accessory building, and the minimum flanking side yard for a principal building.

4.2. START TIME 7:00 PM - Multiple Addresses at Glenmeadows Rd 615 - DVP22-0044 - Various Owners

85 - 119

To review a Staff recommendation to NOT issue a Development Variance Permit to vary the maximum fence height from 1.2m permitted to 2.0m proposed on the subject property.

5. Reminders

6. Termination



## City of Kelowna

### Public Hearing and Associated Regular Meeting Minutes

Date:	Tuesday May 31, 2022
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Luke Stack and Loyal Wooldridge
Members participating Remotely	Councillors Charlie Hodge and Mohini Singh
Members Absent	Councillor Brad Sieben
Staff Present	City Manager, Doug Gilchrist; Deputy City Clerk, Laura Bentley; Divisional Director, Planning & Development Services, Ryan Smith; Development Planning Department Manager, Terry Barton; Community Planning & Development Manager, Dean Strachan; Development Engineering Manager, Nelson Chapman*; Legislative Coordinator (Confidential), Rebecca Van Huizen
Staff participating Remotely	Legislative Coordinator (Confidential), Arlene McClelland

(\* Denotes partial attendance)

#### 1. **Call to Order the Public Hearing - START TIME 6:00 PM - Lakeshore 3773-3795 - TA20-0009 (BL12366) - Westcorp on the Lake Inc., Inc. No. A75763**

Mayor Basran called the Hearing to order at 6:03 p.m.

Mayor Basran advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna 2040 - Official Community Plan Bylaw No. 12300" and Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

#### 2. **Individual Bylaw Submissions**

##### 2.1 **START TIME 6:00 PM - Lakeshore 3773-3795 - TA20-0009 (BL12366) - Westcorp on the Lake Inc., Inc. No. A75763**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Gail Temple Westcorp Inc., Applicant

- Spoke to the background of the project.
- Made comment on zone amendments to support the change in the development plan and have worked closely with city staff on these refinements.
- Clarified that density and access points are remaining the same as in previous plans; there are no changes to traffic expectations.
- Commented on environmental matters and meetings with nearby residential developments; believes the design improved the water quality and riparian area.
- Made comment on the installation of a pedestrian crossing on Lakeshore Road for public safety.
- Confirmed that short-term rentals will not be permitted under the proposed change to the zone.
- Spoke to parking requirements and noted the intention to build 1200 stalls that will provide more than sufficient parking with a buffer of some 40 stalls.
- Spoke to the 10 year rental housing agreement and noted the objective is to create and manage one of the finest rental communities with no intention to stratify in the future; with such a comprehensive and integrated form of development with so many shared services and with one central parkade for so many buildings stratification would be extremely complicated.
- Spoke to the addition of a 75 to 100 space childcare facility on site with the commitment to complete a sidewalk connection on Cook Road so children can walk to the waterfront.

Rob Cesnik, HDR Architecture, Applicant's Agent

- Displayed a PowerPoint presentation summarizing the proposed development.
- Outlined the on-site parking structure and limited surface parking within the site.
- Spoke to the changes in the site layout and the location of density on site; believes the changes improves the urban feel along Lakeshore Road with more of a sensitive approach.
- Displayed a shadow study comparison between current and proposed zoning; with the majority of towers the shadow is cast back onto our property.
- Made comment on the creation of a great green space and noted that the Wilson Creek linear park is a positive community benefit.

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.

Gallery:

Marlene Pruss, Springbrook Road

- Raised concern with shadowing on adjacent properties and the impacts on backyard privacy of surrounding neighbours.
- Raised concern with parking and does not want parking to be reduced.
- In support of changes that would improve walkability.
- Would like the height to remain as is without further increases.
- Pleased that Wilson Creek will be cleaned up and made public.
- Raised concern with environmental impacts of using concrete compared to wood.
- Raised concern with utility services going through their property.

Online:

Dave Allen, Mission Springs Drive

- Raised concern with the height request.
- Believes the project look great but is concerned the project is too big for this location.
- Raised concern that the density is nearly twice what is allowed and the height is nearly three times what is allowed in the Official Community Plan Village Centre designation.
- Concerned that the proposal will change the character of the neighbourhood.
- Raised concern with traffic function on Lakeshore Road with so many units.
- Commented that area schools are already at or over capacity.

- Raised concern with loss of views and shadowing for adjacent low density neighbourhoods.
- Raised concerns with insufficient parking for residents and visitors to this rental development.
- Not against development but single family neighbourhoods need to be respected.
- Responded to questions from Council.

Gallery:

Walter Havens, Barrera Road

- Primary concern is with the height of 17 storeys.
- Made comment on the height not meeting the 2040 Official Community Plan guidelines for scaling and massing.
- Raised concern with the loss of views for nearby residents and others.
- Spoke to shortage of affordable housing in the city and believes this development will not be affordable.
- Not opposed to long term rentals but does not want short term rentals.
- Raised concern with constant change to this development and would like certainty that the project does not continue to change.
- Raised concern with carbon pollution from concrete construction.

Online:

Paul Clark, Abbott Street, KLO Neighbourhood Association

- Representing the KLO Neighbourhood Association.
- Raised concerns with transportation and walkability.
- Would like to see sidewalk connection around the project.
- Would like to know who is responsible for paying for the traffic circle at the intersection.
- Spoke to the traffic impact assessment being outdated.
- Raised concern that the height and views are favourable for the development only.
- Raised concern that there are not enough amenities being provided for the increase in height and would like to see something more substantial like a community centre.

Tracey Davis, 255 Lake Avenue

- Raised concern with the increased height and use of concrete.
- Raised concern with the lack of amenities to support walkability based on the density.
- Raised concern with the lack of a transportation plan for 1,100 units.
- Raised concern with loss of view with the height.
- Would like community amenities in the first few floors of the building.

Jane Vallentyne, Bird Place

- New resident to Kelowna and lives on the back of Wilson Creek.
- Supports environmental protection policies in the Official Community Plan.
- Raised concern with the riparian area being less than 15 m in some locations and the potential environmental impacts.
- Would like the project to provide more consideration to the environment.

Gallery:

Craig Morgan, Cook Road

- Raised concern with parking reduction and existing parking volume and issues on Cook Road.
- Raised concern with noise pollution negatively impacting area residents.

Gail Temple, Applicant in Response

- Confirmed the Developer will pay for sidewalk and roundabout.
- Made comment that this is the first change to the development plan since its 2013 approval.
- Commented on the benefit of this rental development with full time security on site and very well managed.
- Commented that the height configuration change is not adding density.
- Responded to questions from Council.



Rob Cesnik, HDR Architecture, Applicant's Agent

- Spoke to the difference between visual impacts of the current height and layout compared to the proposed height and layout; believes the proposed is more of a sustainable and environmentally sensitive approach.

Peter Joyce, Bunt & Associates, North Vancouver

- Commented that a comprehensive update to the traffic impact assessment was done in 2020 and it did account for the completion of the Aqua development; transportation has been thoroughly covered.
- Spoke to the project complying with the Zoning Bylaw parking requirements under the residential rental tenure subzones.
- Made comment that 10 shared vehicles will be provided for the development.

Jason Schleppe, EcoScape Environmental

- Commented on the existing conditions of Wilson Creek's riparian area.
- The focus is on improving the overall riparian area.
- Made comment that the riparian setback meets all City Official Community Plan requirements; spoke to flexing riparian setbacks in some places.
- Commented on provincial permitting and net improvement to meet Official Community Plan policies.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

There were no further comments.

**3. Termination**

The Hearing was declared terminated at 7:40 p.m.

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

Mayor Basran called the meeting to order at 7:40 p.m.

**5. Bylaws Considered at Public Hearing**

**5.1 START TIME 6:00 PM - Lakeshore 3773-3795 - BL12366 (TA20-0009) - Westcorp on the Lake Inc., Inc. No. A75763**

Moved By Councillor Wooldridge/Seconded By Councillor Given

**R0393/22/05/31** THAT Bylaw No.12366 be read a second and third time.

**Carried**  
Councillor Hodge - Opposed

**6. Termination**

The meeting was declared terminated at 8:06 p.m.

The meeting adjourned at 8:06 p.m.

The meeting reconvened at 8:15 p.m.

7. **Call to Order the Public Hearing - START TIME 6:40 PM - Guy St 945 - TA22-0010 (BL12372) - Tolko Industries Ltd. Inc. No, Aoo66883**

Mayor Basran called the Hearing to order at 8:15 p.m.

8. **Individual Bylaw Submissions**

- 8.1 **START TIME 6:40 PM - Guy St 945 - TA22-0010 (BL12372) - Tolko Industries Ltd. Inc. No, Aoo66883**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Candace Toye, Kerkoff Development, Applicant

- Present on line and available for questions.

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

No one participating online or in the Gallery indicated they wished to speak.

There were no further comments.

9. **Termination**

The Hearing was declared terminated at 8:17 p.m.

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

Mayor Basran called the meeting to order at 8:17 p.m.

11. **Bylaws Considered at Public Hearing**

- 11.1 **START TIME 6:40 PM - Guy St 945 - BL12372 (TA22-0010) - Tolko Industries Ltd. Inc. No, Aoo66883**

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0394/22/05/31 THAT Bylaw No. 12372 be read a second and third time and be adopted.

Carried

12. **Termination**

The meeting was declared terminated at 8:18 p.m.

13. **Call to Order the Public Hearing - START TIME 6:40 PM - Steele Rd 1450 - OCP22-0004 (BL12376) Z21-0094 (BL12377) - Mair Developments Ltd., Inc. No. BCo753083**

Mayor Basran called the Hearing to order at 8:18 p.m.

14. **Individual Bylaw Submissions**

- 14.1 **START TIME 6:40 PM - Steele Rd 1450 - OCP22-0004 (BL12376) Z21-0094 (BL12377) - Mair Developments Ltd., Inc. No. BCo753083**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Andrew Bruce, Applicant

- Available for questions.

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

No one participating online or in the Gallery indicated they wished to speak.

Andrew Bruce, Applicant

- Responded to questions from Council.

There were no further comments.

## **15. Termination**

The Hearing was declared terminated at 8:23 p.m.

## **16. Call to Order the Regular Meeting**

Mayor Basran called the meeting to order at 8:23 p.m.

## **17. Bylaws Considered at Public Hearing**

- 17.1 START TIME 6:40 PM - Steele Rd 1450 - BL12376 (OCP22-0004) - Mair Developments Ltd., Inc. No. BCo753083**

Moved By Councillor Given/Seconded By Councillor Wooldridge

**R0395/22/05/31** THAT Bylaw No. 12376 be read a second and third time and be adopted.

Carried

- 17.2 START TIME 6:40 PM - Steele Rd 1450 - BL12377 (Z21-0094) - Mair Developments Ltd., Inc. No. BCo753083**

Moved By Councillor Wooldridge/Seconded By Councillor Given

**R0396/22/05/31** THAT Bylaw No. 12377 be read a second and third time and be adopted.

Carried

## **18. Termination**

The meeting was declared terminated at 8:24 p.m.

## **19. Call to Order the Public Hearing - START TIME 6:40 PM - Tower Ranch Blvd 2160 - OCP20-0006 (BL12379) Z20-0023 (BL12380) - 0977415 BC Ltd**

Mayor Basran called the Hearing to order at 8:24 p.m.

## **20. Individual Bylaw Submissions**

- 20.1 START TIME 6:40 PM - Tower Ranch Blvd 2160 - OCP20-0006 (BL12379) Z20-0023 (BL12380) - 0977415 BC Ltd**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Hazel Christy, Christy & Associates, Applicant

- Displayed a PowerPoint Presentation summarizing the proposed development.
- Spoke to the history of the project, phasing and technical studies.
- Made comment that technical and environmental studies influenced the initial design work.
- Made comment on parks, natural open space area and trail connections; more than half of the total property area will be preserved in its natural state.
- Spoke to Parkbridge's approach to land leases and home ownership; homeowners are responsible for regular maintenance and upkeep of their home while Parkridge is responsible for maintenance and repair of community infrastructure and common areas.
- Commented on amenities and open space that will be provided.

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.

Gallery:

John Durken, Tower Ranch Boulevard

- President of Tower Ranch Community Association with 340 homes in their community.
- Commented that the Community Association is responsible for maintaining Tower Ranch Boulevard.
- Raised concern with long term issue with speed and traffic along Tower Ranch Boulevard which is an extension of McCurdy Road; will worsen with more volume.
- Made a request to city staff for traffic calming measures; if needed will provide cost sharing to address the matter.

Online:

Katrina Schibler, Tower Ranch Drive

- Raised concern with traffic on Tower Ranch Boulevard and inability to evacuate in an emergency.
- Suggested the development of a roundabout at the golf course.
- Raised concern with very low water pressure and the need for infrastructure to meet water flow requirements.
- Raised concern with years of more construction.
- Would like adequate retaining walls to meet geotechnical requirements; currently sandbags are being used as a retaining wall.
- Raised concern with impacts on groundwater and the potential for flooding.
- Raised concerns of potential blasting and the effects on those that live below the development.

H. Enns, Tallgrass Trail

- New resident located adjacent to Tower Ranch Boulevard.
- Raised concerns with traffic, noise pollution and increased visitors to the area.
- Raised concern with construction impacts on residents' quality of life.
- Would like more limits on construction noise in the Good Neighbour Bylaw.
- Suggested modifications to pedestrian crossings, reduced speeds and roundabouts to improve safety.

Hazel Christy, Applicant in Response

- Parkbridge is a member of the Tower Ranch Community Association and is prepared to participate in solutions to speed and traffic control concerns.
- Parkbridge took note of construction and noise concerns and will implement controls with their contractor to alleviate concerns.
- Responded to questions from Council.

There were no further comments.

**21. Termination**

The Hearing was declared terminated at 8:51 p.m.

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

Mayor Basran called the meeting to order at 8:51 p.m.

**23. Bylaws Considered at Public Hearing**

- 23.1 START TIME 6:40 PM - Tower Ranch Blvd 2160 - BL12379 (OCP20-0006) - 0977415 BC Ltd., Inc. No. BC0977415**

Moved By Councillor Wooldridge/Seconded By Councillor Given

R0397/22/05/31 THAT Bylaw No. 12379 be read a second and third time.

Carried

- 23.2 START TIME 6:40 PM - Tower Ranch Blvd 2160 - BL12380 (Z20-0023) - 0977415 BC Ltd., Inc. No. BC0977415**

Moved By Councillor DeHart/Seconded By Councillor Stack

R0398/22/05/31 THAT Bylaw No. 12380 be read a second and third time.

Carried

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0399/22/05/31 THAT Council direct staff to review potential solutions for traffic issues along Tower Ranch Boulevard.

Carried

**24. Termination**

The meeting was declared terminated at 8:59 p.m.

**25. Call to Order the Public Hearing - START TIME 6:40 PM - Frost Rd 1055 - OCP21-0010 (BL12382) Z21-0032 (BL12383) - Highstreet Canyon Falls Apartments Ltd**

Mayor Basran called the Hearing to order at 8:59 p.m.

**26. Individual Bylaw Submissions**

- 26.1 START TIME 6:40 PM - Frost Rd 1055 - OCP21-0010 (BL12382) Z21-0032 (BL12383) - Highstreet Canyon Falls Apartments Ltd**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Eric Delorme, Highstreet Ventures, Applicant

- Displayed a PowerPoint Presentation summarizing the proposed development.
- Provided an overview of Highstreet Ventures mission and goals and focus on sustainable development.
- Provided a project overview identifying types of units, amenities, dedicated park space and vibrant greenspace with more than 250 trees of all varying sizes and species and 3000 shrubs and bushes.
- Spoke to the benefits the Rezoning and Official Community Plan amendment will provide.

- Made comment on the off-site improvements and the relationship to the proposed commercial centre.

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

Online:

Robert Taylor, Ledgerview Court

- Raised concern with community safety with excess vehicles.
- Raised concern that this proposal does not align with the Official Community Plan in that village centres should be at grade and walkable; few homes are walkable to this area which compounds safety issues.
- Believes additional traffic from this and other developments will use Frost Road.
- Raised concern with the ability to safely evacuate the neighbourhood and insufficient access and egress.
- Believes that significant increase in density will change the fabric of the community that residents have invested in.

David Jenkins, Southridge Drive

- President of the Okanagan Mission Residents Association.
- Raised concern with traffic and would like a comprehensive review of traffic impacts on Frost Road ahead of this application being considered.
- Raised concern with pedestrian safety at South Ridge Drive and Frost Road with traffic from the school and existing small commercial plaza.
- Raised concern with the ability to safely evacuate the area.
- Raised concern with winter maintenance at intersections that are steep.
- Concerned with the appearance of the form and character of the development.

Rob Landry, Fawn Run Drive

- Raised concern with narrow roads and speeding traffic in particular around the school.
- Raised safety concerns for children in the school area.
- Raised concern with limited access out of the neighbourhood in case of an emergency.
- Commented that limited transit options to the neighbourhood increase vehicle traffic.
- Believes the original plan to build townhomes would better suit the neighbourhood.

Gallery:

Blythe Clark, Frost Road

- In favour of multi-family on site but raised concern with the number of units and the vehicle load.
- Commented that there are limited public transit options and long travel times exiting the neighbourhood.
- Commented that this development is inconsistent with goals to place density near public transit infrastructure; good development but not in the right place.
- Raised concern that Steel Road will worsen traffic bottleneck.

Online:

Craig Dittmer, Snowberry Avenue

- Agreed with previous concerns raised and believes traffic will be an issue.
- Commented that area schools are at capacity and nowhere for additional children to attend.

Eric Delorme, Applicant in Response

- Commented on the project height which is below elevation of Gordon Drive and no views will be lost and noted that the density does not change.
- Spoke to working with City parks staff on the site layout for trail alignment and pedestrian circulation.
- Commented that townhomes were never part of the proposal.

- Spoke to the form and character for the building design and city staff's input over the past year.
- Commented that the upgrades to three intersections are based on traffic engineer recommendations.
- Responded to questions from Council.

Staff:

- Responded to questions from Council

There were no further comments.

## 27. Termination

The Hearing was declared terminated at 9:41 p.m.

## 28. Call to Order the Regular Meeting

Mayor Basran called the meeting to order at 9:41 p.m.

## 29. Bylaws Considered at Public Hearing

29.1 START TIME 6:40 PM - Frost Rd 1055 - BL12382 (OCP21-0010) - Highstreet Canyon Falls Apartments Ltd

Moved By Councillor Stack/Seconded By Councillor Donn

R0400/22/05/31 THAT Bylaw No. 12382 be read a second and third time.

Carried

29.2 START TIME 6:40 PM - Frost Rd 1055 - BL12383 (Z21-0032) - Highstreet Canyon Falls Apartments Ltd

Moved By Councillor Donn/Seconded By Councillor Stack

R0401/22/05/31 THAT Bylaw No. 12383 be read a second and third time.

Carried

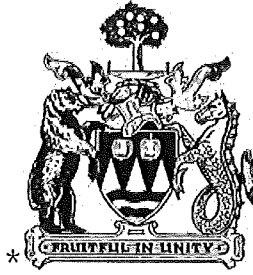
## 30. Termination

The meeting was declared terminated at 9:51 p.m.

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

/acm

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Deputy City Clerk



## City of Kelowna Regular Meeting Minutes

Date: Tuesday May 31, 2022  
Location: Council Chamber  
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart\*, Ryan Donn, Gail Given, Luke Stack and Loyal Wooldridge

Members participating Remotely Councillors Charlie Hodge and Mohini Singh

Members Absent Councillor Brad Sieben

Staff Present City Manager, Doug Gilchrist; Deputy City Clerk, Laura Bentley; Divisional Director, Planning & Development Services, Ryan Smith; Development Planning Department Manager, Terry Barton; Legislative Coordinator (Confidential), Rebecca Van Huizen

Staff participating Remotely Legislative Coordinator (Confidential), Arlene McClelland

(\* Denotes partial attendance)

### 1. Call to Order

Mayor Basran called the meeting to order at 10:00 p.m.

### 2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor DeHart.

### 3. Confirmation of Minutes

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

**Ro402/22/05/31** THAT the Minutes of the Public Hearing and Regular Meeting of May 10, 2022 be confirmed as circulated.

**Carried**



#### 4. Liquor License Application Reports

##### 4.1 START TIME 7:20 PM - Dilworth Dr 1865 - LL22-0003 - R 252 Enterprises Ltd., Inc. No. 480003

Councillor DeHart declared a conflict of interest as her place of employment is in close proximity and has several liquor licenses on their premises and departed the meeting at 10:01 p.m.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Andre Henry and Jody Batisse, Applicants

- Owner and partner of hair salon.
- Commented that many University students and other customers across Kelowna are patrons and would like to enhance customer service and business by adding a liquor primary.
- Responded to questions from Council.

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

No one participating online or in the Gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Stack

**R0403/22/05/31** THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor and Cannabis Regulation Branch (LCRB):

In accordance with 'Division 9 (71)' of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Dre's Hair Salon and Beauty Supply for a liquor primary license for Strata Lot 3 District Lot 127 ODYD Strata Plan KAS2071 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as shown on Form 1, located at 102 – 1865 Dilworth Drive, Kelowna, BC for the following reasons:
  - o Liquor licensing regulations allow for barbershops, salons and other establishments to apply for a new liquor primary license;
  - o Council Policy No. 359 recommends supporting alternative entertainment options and/or establishments which are less focused on alcohol consumption;
2. Council's comments on LCLB's prescribed considerations are as follows:  
Criteria for new Liquor Primary:

- o The location of the establishment:

The proposed location is suitable for a small establishment liquor primary license as the property is within an Urban Centre.

- o The proximity of the establishment to other social or recreational facilities and public buildings:

The location is adjacent to major shopping center and a mixture of medium and high density residential.

- o The person capacity and hours of liquor service of the establishment:

The hours are consistent with the existing salon hours of operation and other businesses within the commercial plaza with an occupancy of 30 persons.

- o The number and market focus or clientele of liquor-primary license establishments within a reasonable distance of the proposed location:

This location is not in close proximity to other liquor primary establishments.

- o The impact of noise on the community in the immediate vicinity of the establishment:

The potential impact for noise is minimal and would be compatible with surrounding land uses.

- o The impact on the community if the application is approved:

The potential for negative impacts is minimal.

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".

**Carried**

Councillor DeHart returned to the meeting at 10:09 p.m.

## **5. Development Permit and Development Variance Permit Reports**

### **5.1 START TIME - 7:20 PM - Gallagher Road 2980, BL12042 (Z20-0021) - Kirschner Mountain Development Inc**

Moved By Councillor Donn/Seconded By Councillor DeHart

**R0404/22/05/31** THAT Bylaw No. 12042 be amended at third reading by deleting from the legal description that read:

Lot 1, Section 12 and 13, Township 26 and Sections 7 and 18 Township 27 ODYD, Plan KAP71697 Except Plans KAP84278, KAP86315, KAP86363, KAP88598, EPP36504, EPP69212, EPP74058 and EPP84892

And replacing it with:

Lot 1, Section 12 and 13, Township 26 and Sections 7 and 18 Township 27 ODYD, Plan KAP71697 Except Plans KAP84278, KAP86315, KAP86363, KAP88598, EPP36504, EPP69212, EPP74058 and EPP84892, EPP101217 and EPP107886.

**Carried**

Moved By Councillor Donn/Seconded By Councillor DeHart

**R0405/22/05/31** THAT Bylaw No. 12042, as amended, be adopted.

**Carried**

### **5.2 START TIME 7:20 PM - Gallagher Road 2980 - DP20-0083\_DVP20-0084 Kirschner Mountain Development Inc**

Staff:

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

Dave Cullen, CTO Consultants, Applicant Agent

- Made comment that the process of planning for this site is in keeping with the Kirschner Mountain Area Structure Plan.
- Spoke to the changing density in the existing neighbourhood as this site creates a transition from single family to multi-family development.
- Displayed a video showing a fly through of the proposed development site.
- Made comment that open greenspace on the north side of Loseth provides connection to trails.
- Spoke to the proposed setback variance and noted that bringing the townhomes closer to the road reduces impacts on greenspace and also helps encourage lower vehicular speeds; the proposed height variance is a function of the type of townhome forms that are being built.

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.

Gallery:

Brenda Bradley, Verde Vista Road

- Raised concern that walkways and greenspace will increase traffic along their property line.
- Would like the ALC buffer that was previously committed to by the City.

Brett Schafer, Loseth Rd

- Owned property for just one year.
- Raised concern with variances creating tunnel effect on Loseth Drive.
- Raised concern with density and additional traffic
- Believes this is an overly dense development near a luxury development.

No one participating online indicated they wished to speak.

Dave Cullen Applicant Agent in Response

- Spoke to the ALC buffer not being installed until the adjacent land is rezoned for development.
- Made comment that the amount of density is less than what the Official Community Plan and Rezoning allowed; density was reduced to better fit the townhomes into the site and less intrusion in the greenspace.
- Commented that the emergency access will be provided from paved portion of Loseth Road to Gallagher Road with full connection in the future.
- Responded to questions from Council.

Staff:

- Responded to questions from Council

There were no further comments.

Moved By Councillor Given/Seconded By Councillor DeHart

**Ro406/22/05/31** THAT Rezoning Bylaw No.12042 be amended at third reading to revise the legal description of the subject property from Lot 1, Sections 12 and 13, Township 26 and Sections 7 and 18 Township 27, ODYD, Plan KAP71697, Except Plans KAP84278, KAP86315, KAP86363, KAP88598, EPP36504, EPP69212, EPP74058 and EPP84892 to Lot 1, Sections 12 and 13, Township 26 and Sections 7 and 18 Township 27, ODYD, Plan KAP71697, Except Plans KAP84278, KAP86315, KAP86363, KAP88598, EPP36504, EPP69212, EPP74058, EPP84892, EPP101217 and EPP107886;

AND THAT final adoption of Rezoning Bylaw No.12042 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP20-0083 for a portion of Lot 1, Sections 12 and 13, Township 26 and Sections 7 and 18 Township 27, ODYD, Plan KAP71697, Except Plans KAP84278, KAP86315, KAP86363, KAP88598, EPP36504, EPP69212, EPP74058, EPP84892, EPP101217 and EPP107886 located at 2980 Gallagher Road, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 12.5% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0084 for a portion of Lot 1, Section 12 and 13, Township 26 and Sections 7 and 18 Township 27, ODYD, Plan KAP71697, Except Plans KAP84278, KAP86315, KAP86363, KAP88598, EPP36504, EPP69212, EPP74058, EPP84892 EPP101217 and EPP107886 located at 2980 Gallagher Road, Kelowna, BC;

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

**Section 13.16.8(a): RH3 – Hillside Cluster Housing Development Regulations**

To vary the maximum height of the principal building from 9.5 m to 10.5 m; and

**Section 13.16.7(b)(iii): RH3 – Hillside Cluster Housing Development Regulations**

To vary the minimum setback from the rear property line from 4.5 m to 3.0m.

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

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

**Carried**

**5.3 START TIME 8:00 PM - Rutland Rd 155 -179 - BL12325 (TA21-0017) - ASI CENTRAL GP INC., INC.NO. A0117887**

Moved By Councillor DeHart/Seconded By Councillor Donn

**R0407/22/05/31** THAT Bylaw No. 12325 be amended at third reading by deleting the Legal Description and the Civic Address that read:

	Legal Description	Civic Address
1.	Lot 2 Section 26 Township 26 ODYD Plan 11269 Except Plan 37956, The North ½ of Lot 2 Section 26 Township 26 ODYD Plan 2478 Except Plans B7413 and 37956, That Part of the North ½ of Lot 2 Shown on Plan B7413; Section 26 Township 26 ODYD Plan 2478 Except Plan 37956 and Lot 1 Section 26 Township 26 ODYD Plan 2773 Except: (1) Part Outlined Red on Plan B5413 (2) Plan 8824 (3) Plan 37956.	155 Rutland Rd N165 Rutland Rd N175-179 Rutland Rd N179 Rutland Rd N

And replacing it with:

	Legal Description	Civic Address
1.	Lot A Section 26 Township 26 ODYD Plan EPP117920	155-179 Rutland Rd N

**Carried**

Moved By Councillor DeHart/Seconded By Councillor Donn

**R0408/22/05/31** THAT Bylaw No. 12325, as amended, be adopted.

**Carried**

**5.4 START TIME 8:00 PM - Rutland Rd N 155-179, DP21-0223 DVP21-0224 - ASI Central GP Inc, Inc No A0117887**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Kim McKechnie, Applicant's Agent

- Online and available for questions.

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

No one participating online or in the Gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

**R0409/22/05/31** THAT Zoning Bylaw Text Amending Bylaw No. 12325 be amended at third reading to revise the legal description of the subject property from Lot 2 Section 26 Township 26 ODYD Plan 11269 Except Plan 37956, The North ½ of Lot 2 Section 26 Township 26 ODYD Plan 2478 Except Plans B7413 and 37956, That Part of the North ½ of Lot 2 Shown on Plan B7413; Section 26 Township 26 ODYD Plan 2478 Except Plan 37956 and Lot 1 Section 26 Township 26 ODYD Plan 2773 Except: (1) Part Outlined Red on Plan B5413 (2) Plan 8824 (3) Plan 37956 to Lot A Section 26 Township 26 Osoyoos Division Yale District Plan EPP117920;

AND THAT final adoption of Zoning Bylaw Text Amending Bylaw No. 12325 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP21-0223 for Lot A Section 26 Township 26 Osoyoos Division Yale District Plan EPP117920, located at 155-179 Rutland Rd N, Kelowna, BC subject to the following:

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

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0224 for Lot A Section 26 Township 26 Osoyoos Division Yale District Plan EPP117920, located at 155-179 Rutland Rd N, Kelowna, BC;

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

**Section 14.4.5(h)(i): C4 – Urban Centre Commercial Development Regulations**

To vary the requirement for any portion of a building above 16.0 m or 4 storeys (whichever is lesser) in height to be setback a minimum of 3.0 m from all sides (required) to 0.2 m on the north side and to 0.09 m on the south side (proposed).

AND THAT Council's consideration of this Development Permit and Development Variance Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "B" attached to the Report from the Development Planning Department dated May 31, 2022;

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**

Moved By Councillor Donn/Seconded By Councillor DeHart

**R0410/22/05/31** THAT the Regular Meeting proceed past 11:00 p.m.

**Carried**

**5.5 START TIME 8:00 PM - Findlay Rd 1225 - BL12323 (Z21-0088) - Findlay Development Inc., Inc. No. BC1302254**

Moved By Councillor Donn/Seconded By Councillor DeHart

**R0411/22/05/31** THAT Bylaw No. 12323 be adopted.

**Carried**

**5.6 START TIME 8:00 PM - Findlay Rd 1225 - DP21-0207 DVP21-0208 - Findlay Development Inc, Inc No BC1302254**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Matt Johnston, Lime Architecture, Applicant's Agent

- Provided opening remarks.
- Available for questions.

Ryan Tamblyn, CEO of Millennial Developments, Applicant

- Displayed a PowerPoint Presentation summarizing the development.
- Made comment on the 2021 Census Families that highlighted the need for family focused developments in this area.
- Spoke to detailed analysis that had been completed that contributed to the development type and target market.

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

No one participating online or in the Gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor DeHart

**R0412/22/05/31** THAT final adoption of Rezoning Bylaw No. 12323 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP21-0207 for Lot A Section 35 Township 26 Osoyoos Division Yale District Plan EPP115452, located at 1225 Findlay Road, Kelowna, BC subject to the following:

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

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0208 for Lot A Section 35 Township 26 Osoyoos Division Yale District Plan EPP115452, located at 1225 Findlay Road, Kelowna, BC;

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

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

To vary the required maximum building site coverage from 40 % permitted to 42 % proposed

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

To vary the required minimum rear yard from 7.5 m permitted to 6.0 m proposed

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

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

**Carried**

**5.7      START TIME 8:00 PM - Enterprise Way 2002 - DVP22-0050 - Telus Communications Inc., Inc. No. BC1101218**

Councillor DeHart declared a perceived conflict of interest as her spouse works for a Telus dealer and departed the meeting at 11:15 p.m.

Staff:

- Displayed a PowerPoint Presentation summarizing the application and provided rationale for non-support.

**Jeff Cruickshank and Rommel Palanca, Applicant**

- Displayed a PowerPoint Presentation.
- Outlined Telus Communication operations in Kelowna and the proposed electronic message centre.
- Spoke the role Telus plays in the community with donations to grassroots projects, charities and organizations as well as local teams providing community support with installs and ongoing technical support.
- Spoke to their existing sign that promotes social impact programs and proposed digital display sign enabling art and community messaging.

- Outlined the digital display content and local digital art partnerships.
- Confirmed that Telus does not intend to use the display for product advertising or billboard purposes.
- Provided similar examples of outdoor art displays from Calgary and Vancouver.
- Made comment on content, intended digital outcomes and operational controls.
- Responded to questions from Council.

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

No one participating online or in the Gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Donn

Ro413/22/05/31 THAT Council NOT authorize the issuance of a Development Variance Permit No. DVP22-0050 for Lot B, District Lot 140, ODYD, Plan KAP76401, located at 2002 Enterprise Way, Kelowna, BC.

Carried  
Councillor Hodge - Opposed

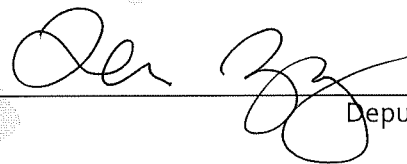
6. Reminders – Nil.

7. Termination

The meeting was declared terminated at 11:39 p.m.

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

/acm

\_\_\_\_\_  


Deputy City Clerk



# REPORT TO COUNCIL



**Date:** June 21, 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning Department

**Application:** HAP22-0002

**Owner:** Richard Mohr, Judith Lynn  
Mohr & Craig Richard Mohr

**Address:** 2210 Abbott St

**Applicant:** Urban Options Planning Corp. –  
Birte Decloux

**Subject:** Heritage Alteration Permit

**Existing OCP Designation:** C-NHD – Core Area Neighbourhood, and  
PARK – Park and Open Space

**Existing Zone:** RU6 – Two Dwelling Housing

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## 1.0 Recommendation

THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP22-0002 for Lot 27, District Lot 14, ODYD, Plan 535, located at 2210 Abbott Street, Kelowna, BC, subject to the following:

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

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

**Section 6.5.3(c): Accessory Buildings in Residential Zones**

To vary the maximum height from 4.8 m permitted to 6.69 m proposed.

**Section 6.5.3(d): Accessory Buildings in Residential Zones**

To vary the minimum front yard from 9.0 m permitted to 1.5 m proposed.

**Section 13.6.6(g): RU6 – Two Dwelling Housing, Development Regulations**

To vary the minimum flanking side yard from 4.5 m permitted to 2.0 m proposed.

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

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

## **2.0 Purpose**

To issue a Heritage Alteration Permit for the form and character of a semi-detached dwelling and accessory building and to vary the minimum front yard for an accessory building, the maximum height of an accessory building, and the minimum flanking side yard for a principal building.

## **3.0 Development Planning**

Development Planning Staff support the proposed Heritage Alteration Permit for the form and character of a semi-detached dwelling and accessory building with variances. The current proposal is very similar to the Heritage Alteration Permit that was approved by Council in 2019, with only minor changes to fencing, landscaping, floor plans, and site layout being proposed.

### Form & Character

As the property is vacant, the heritage value is due to its location in the southern extent of the Abbott Street Heritage Conservation Area. The immediate area has a mix of building styles including "Modern Farmhouse" (JoeAnna's House), "Frank Lloyd Wright Inspired, prairie style" (2248-2250 Abbott Street), "Late Arts & Crafts" (2228 Abbott Street), and a mixed-use building with heritage inspiration for design and materials (Strathcona Building). As such, it is difficult to apply heritage guidelines with respect to the neighbourhood context.

The proposed "Georgian Revival Style" adds to the diversity of building styles within the immediate neighbourhood. The accessory structure has been designed with an appealing front façade that faces on to the Abbott Street Recreational Corridor. The applicant has provided an attractive landscape plan which proposes significant plantings of trees, hedges, and grasses. A new sidewalk will be constructed on Royal Avenue to connect the public with City parkland along the lakefront.

The applicant retained the services of a Registered Heritage Consultant to review and comment on the form and character of the of the proposed design. In an initial review, the Consultant found that the design conflicted with the Heritage Conservation Area guidelines as well as national conservation standards in guidelines as the proposed dwelling was too grandiose for the immediate character of the surrounding blocks, the overall massing was too large, the street elevations lacked symmetry and mixed traditional building styles, and was not compatible with the historic area.

The original Report offered strategies and design options to improve the proposal. After revisions to the proposed development, the Consultant issued a second report indicating that these strategies had been reflected in the revised proposal, including introducing symmetry, scaling down the entrance, modifying the roofline, and improving the landscaping.

### Variances

The requested variances to the front yard setback and the building height for the accessory building are intended to provide an appropriate transition from the public realm along the Abbott Street Recreational Corridor to the proposed development. A particularly wide landscaped boulevard exists within the road right-of-way at this location which mitigates the impact of the reduced setback. The design of the accessory

building, including the proposed height, provides an attractive streetscape where the pedestrian realm does not have the perception of looking at the back of a detached garage. Instead, the streetscape adjacent to the accessory building is designed to look more like a front yard.

The variance to reduce the flanking street side yard (Royal Avenue) is only for a portion of the length of the principal building. The applicant has provided high quality landscaping along the Royal Avenue frontage, including columnar deciduous trees, to reduce the visual impact.

#### **4.0 Proposal**

##### **4.1 Background**

The subject property was rezoned in 2015 to RU6 – Two Dwelling Housing and a Heritage Alteration Permit with variances was issued for the development of a new semi-detached dwelling. However, the property owner did not proceed with the approved development and later sold the property.

In 2017, under new ownership, a second Heritage Alteration Permit application with variances for semi-detached housing was submitted, which constituted a significant redesign from the previous proposal. Council did not support the application.

In 2018, a new design for semi-detached housing was submitted by the applicant. The Heritage Alteration Permit with variances was approved by Council in 2019. The Permit expired in 2021.

##### **4.2 Project Description**

The applicant is proposing to construct a new semi-detached dwelling and an accessory building on the subject property. The exterior design and site plan of the proposed development is identical to the Heritage Alteration Permit approved in 2019, with minor changes to the interior floor plan.

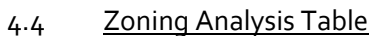
The proposed buildings are in the Georgian Revival Style. The semi-detached house is on the lakeside portion of the property, with the accessory building closer to Abbott Street. The 2-storey accessory building would contain a single car garage for each dwelling plus office space above. Driveway access to the site is provided from Royal Avenue.

##### **4.3 Site Context**

The subject property is located on Okanagan Lake, at the southwest corner of Abbott Street and Royal Ave within the Abbott Street Heritage Conservation Area. It is currently vacant. The surrounding area is zoned RU1 – Large Lot Housing, RU1c – Large Lot Housing with Carriage House, RU6 – Two Dwelling Housing, HD1 – Kelowna General Hospital, and HD2 – Hospital and Health Support Services.

Specifically, adjacent land uses are as follows:

<b>Orientation</b>	<b>Zoning</b>	<b>Land Use</b>
North	RU1 – Large Lot Housing	Single Detached Housing
East	HD2 – Hospital and Health Support Services	JoeAnna's House (hospital accommodation)
South	RU1 – Large Lot Housing	Single Detached Housing
West	W1 – Recreational Water Use	Okanagan Lake



23

Min. Parking Requirements	4	6
Min. Private Open Space	30 m <sup>2</sup>	>30 m <sup>2</sup>
Min. Distance Between Principal and Accessory Building	3.0 m	7.2 m
Min. Okanagan Lake Sightlines	120°	Meets requirement
<p>❶ Indicates a requested variance to minimum side yard for the principal dwelling.</p> <p>❷ Indicates a requested variance to maximum height of an accessory building.</p> <p>❸ Indicates a requested variance to minimum front yard for an accessory building.</p>		

### 3.0 Current Development Policies

#### 3.1 Kelowna Official Community Plan (OCP)

Objective 5.3 Design residential infill to be sensitive to neighbourhood context	
Policy 5.3.7 Respect the Heritage Conservation Area	<p>Consider more limited opportunities for infill, such as carriage homes, two dwelling housing, subdivisions, and the conversion of existing single detached homes into suites in the Abbott Street and Marshall Street Heritage Areas only when consistent with the guidelines outlined in Chapter 23: Heritage Conservation Areas. Discourage stacked row housing, apartment housing, and larger infill projects where lot consolidations are required, even where located along a Transit Supportive Corridor.</p> <p><i>The development proposal is for two dwelling housing within the Abbott Street Heritage Conservation Area and generally conforms to the relevant guidelines.</i></p>

### 4.0 Application Chronology

Date of Application Accepted: February 2, 2022  
Date Public Consultation Completed: February 24, 2022

**Report prepared by:** Mark Tanner, Planner II

**Reviewed by:** Lydia Korolchuk, Urban Planning Manager

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

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

#### Attachments:

Attachment: Draft Heritage Alteration Permit

Schedule A: Site Plan & Floor Plans

Schedule B: Elevations & Colour Board

Schedule C: Landscape Plan

Attachment B: Applicant's Rationale

Attachment C: Renderings

Attachment D: Registered Heritage Consultant Report

Attachment E: Heritage Conservation Area Guidelines Checklist

# Heritage Alteration Permit HAP22-0002

<b>ATTACHMENT A</b>	
This forms part of application # HAP22-0002	
Planner Initials	MT
City of <b>Kelowna</b> COMMUNITY PLANNING	



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

**2210 Abbott Street**

and legally known as

**Lot 27, District Lot 14, ODYD, Plan 535**

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

**Semi-detached housing and accessory building**

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

Date of Council Decision                      June 21, 2022

Decision By:                                      COUNCIL

Existing Zone:                                      RU6 – Two Dwelling Housing

Future Land Use Designation:              C-NHD – Core Area Neighbourhood

## **This is NOT a Building Permit.**

In addition to your Heritage Alteration 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:                      Richard Mohr, Judith Lynn Mohr & Craig Richard Mohr

Applicant:                      Urban Options Planning Corp. – Birte Decloux

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Terry Barton  
Development Planning Department Manager  
Planning & Development Services

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Date

## 1. SCOPE OF APPROVAL

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

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

## 2. CONDITIONS OF APPROVAL

- a) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
- c) Landscaping to be provided on the land be in accordance with Schedule "C";
- 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;
- e) That variances to the following sections of Zoning Bylaw No. 8000 be granted:

**Section 6.5.3(c): Accessory Buildings in Residential Zones**

To vary the maximum height from 4.8 m permitted to 6.69 m proposed.

**Section 6.5.3(d): Accessory Buildings in Residential Zones**

To vary the minimum front yard from 9.0 m permitted to 1.5 m proposed.

**Section 13.6.6(g): RU6 – Two Dwelling Housing, Development Regulations**

To vary the minimum flanking side yard from 4.5 m permitted to 2.0 m proposed.

<b>ATTACHMENT A</b>	
This forms part of application # HAP22-0002	
Planner Initials	MT
 City of <b>Kelowna</b> COMMUNITY PLANNING	

**This Heritage Alteration 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 use enter into an agreement with the property owner of the day to have the work carried out, and any surplus shall be paid over to the property own of the day. Should the Developer carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Developer or his or her designate. There is filed accordingly:

- a) An Irrevocable Letter of Credit **OR** Certified Cheque in the amount of **\$90,078.75**

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.

## 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		
# <u>HAP22-0002</u>		
Planner Initials	MT	 City of <b>Kelowna</b> COMMUNITY PLANNING

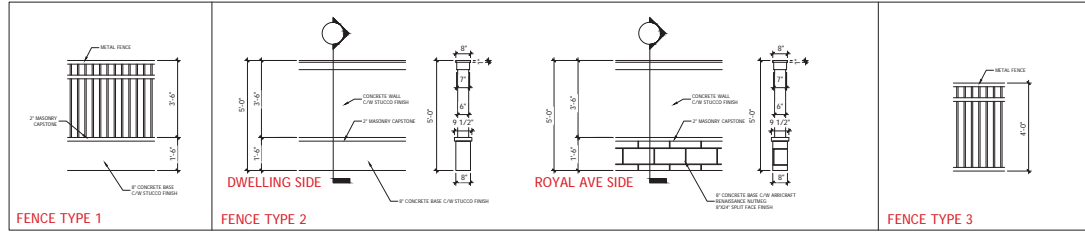
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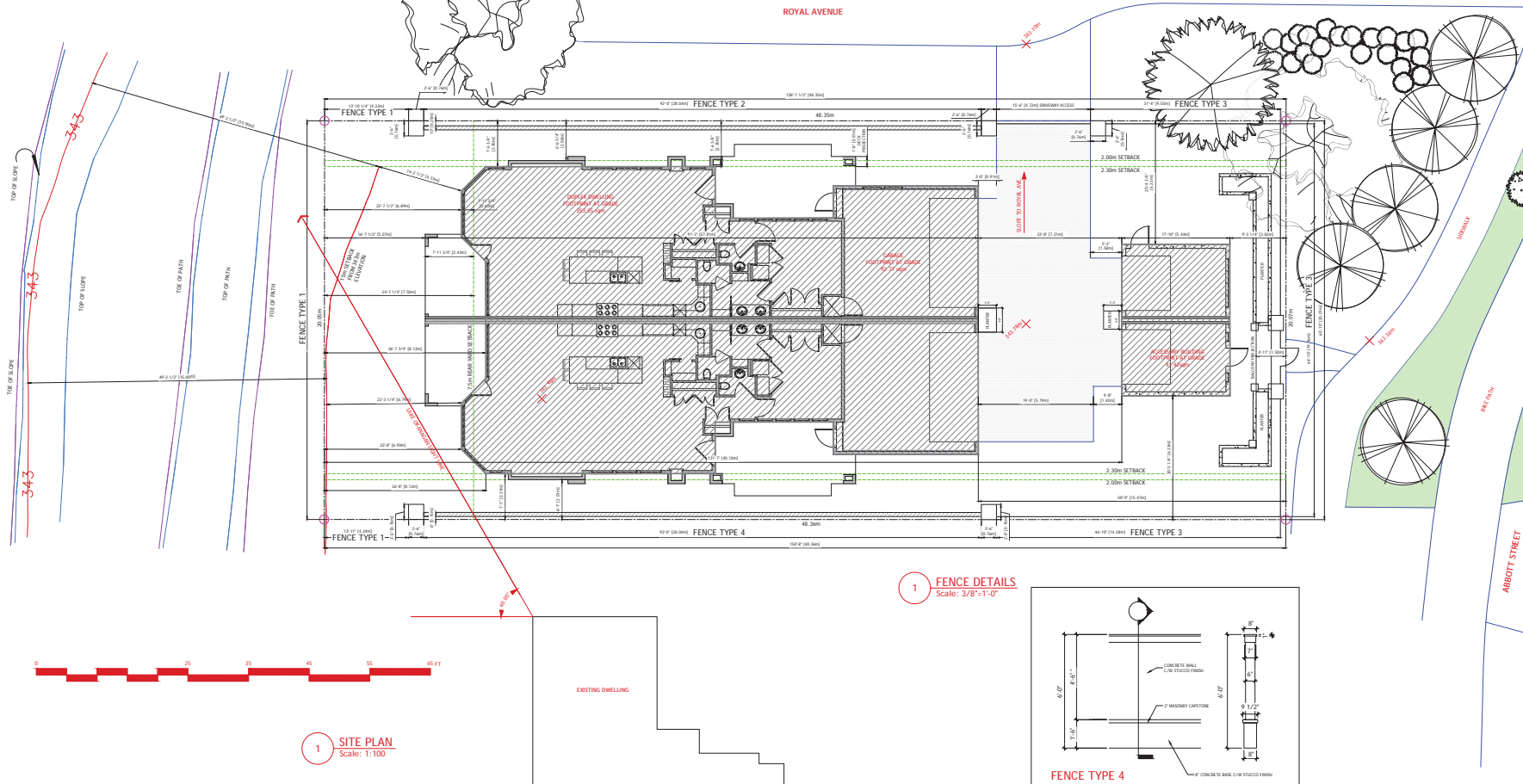
PROJECT DATA: CIVIC ADDRESS 2210 ABBOTT STREET  
 KELOWNA, BC V1Y 1E1  
 LEGAL ADDRESS LOT 27 PLAN KAP535  
 CURRENT ZONING R50  
 PID 004-787-668

DUPLIX DEVELOPMENT (R04)	
SITE AREA	969.89m <sup>2</sup>
DWELLING FOOTPRINT AT GRADE	336.37m <sup>2</sup>
SITE COVERAGE (DWELLING)	35.71%
ACCESSORY FOOTPRINT AT GRADE	41.42m <sup>2</sup>
SITE COVERAGE (ACCESSORY BUILDING)	4.27%
TOTAL SITE COVERAGE	39.98%
DRIVEWAY AREA	95.55m <sup>2</sup>
DRIVEWAY COVERAGE	9.85%
TOTAL SITE COVERAGE W/ DRIVEWAY	49.83%
DWELLING HEIGHT (GRADE TO MID-POINT)	8.71m/2 1/2 STOREYS
NORTH YARD SETBACK (DWELLING)	2.30m
SOUTH YARD SETBACK (DWELLING)	2.31m
EAST YARD SETBACK (DWELLING)	35.43m
WEST YARD SETBACK (DWELLING)	8.12m

DUPLIX DEVELOPMENT NOTES:  
 PRIVATE SPACE PROVIDED PER UNIT - 60.8m<sup>2</sup> (MIN. 30m<sup>2</sup>)  
 DUPLIX BUILDING TO BE SPRINKLERED TO NFPA 13D  
 6 ON SITE PARKING STALLS

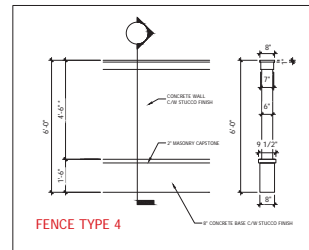


1 FENCE DETAILS  
 Scale: 3/8"=1'-0"



1 SITE PLAN  
 Scale: 1:100

1 FENCE DETAILS  
 Scale: 3/8"=1'-0"



FENCE TYPE 4

GRAPHITE  
 STUDIO

VINEYARD  
 DEVELOPMENTS



PROJECT NORTH

REVISION	DATE	DESCRIPTION
1	APRIL 25/22	NORTH PRIVACY WALL ADJUSTED FOR LANDSCAPING

PROJECT  
 DUPLEX DEVELOPMENT  
 2210 ABBOTT STREET  
 KELOWNA, BC V1Y 1E1  
 LOT 27 PLAN KAP535

DRAWING TITLE  
 SITE PLAN DUPLEX

DATE  
 JANUARY 20, 2022

DRAWING NUMBER  
 1  
 of  
 14

SCHEDULE A

This forms part of application  
 # HAP22-0002

Planner  
 Initials MT

City of  
**Kelowna**  
 COMMUNITY PLANNING



PROJECT NORTH

REVISION	DATE	DESCRIPTION
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APRIL 25/22 NORTH PRIVACY WALL ADJUSTED FOR LANDSCAPING

PROJECT  
DUPLEX DEVELOPMENT  
2210 ABBOTT STREET  
KELOWNA, BC V1Y 1E1  
LOT 27 PLAN KAP535

DRAWING TITLE  
MAIN FLOOR PLAN

DATE  
JANUARY 20, 2022

DRAWING NUMBER  
5  
of  
14

## SCHEDULE A

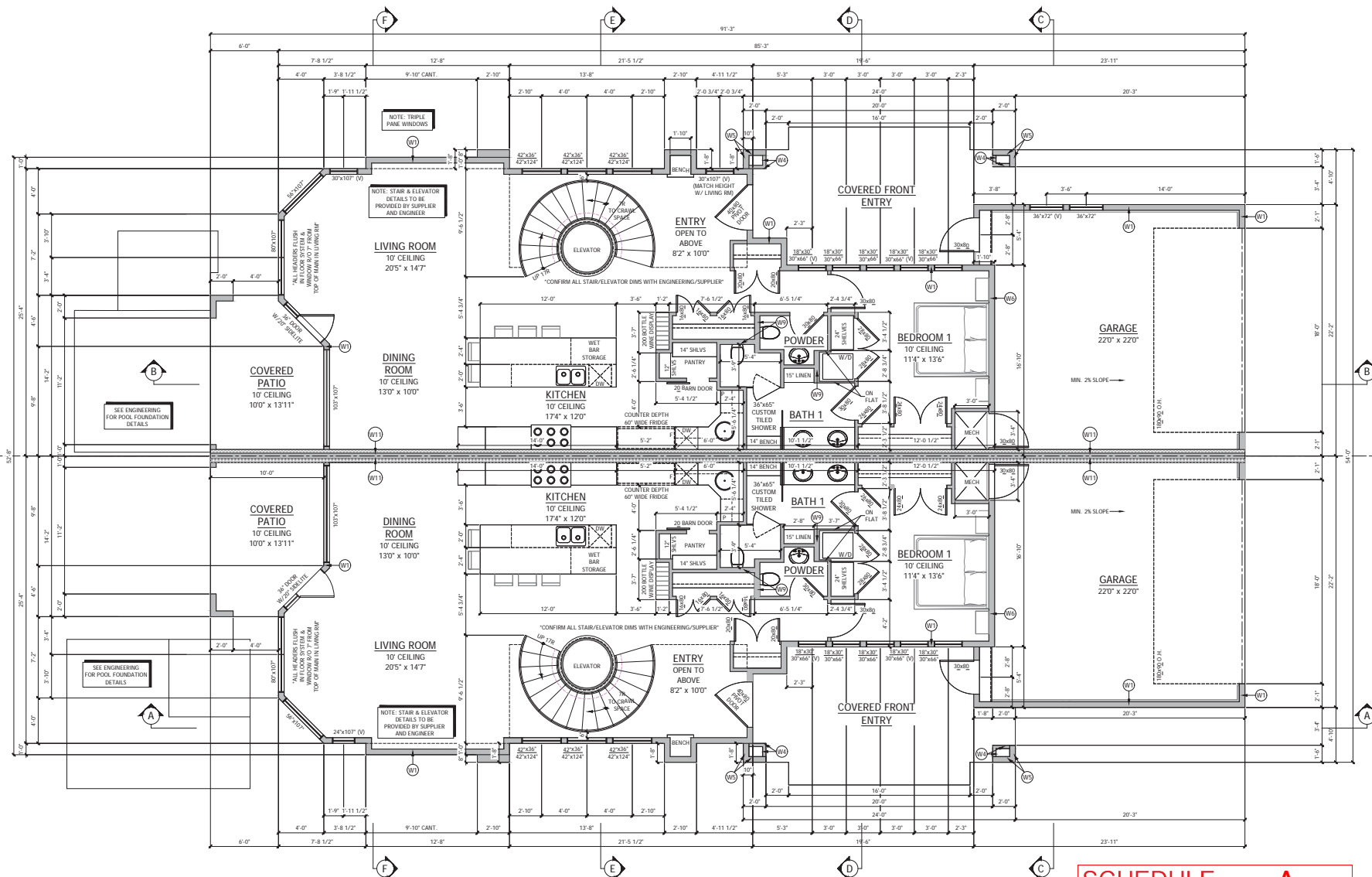
This forms part of application  
# HAP22-0002

Planner  
Initials MT



1 MAIN FLOOR PLAN  
Scale: 1/4"=1'-0" FFA/UNIT = 1389 SQ. FT.

INTERIOR WALLS W7 UNLESS NOTED OTHERWISE





PROJECT NORTH

REVISION	DATE	DESCRIPTION
1	APRIL 25/22	NORTH PRIVACY WALL ADJUSTED FOR LANDSCAPING

PROJECT  
 DUPLEX DEVELOPMENT  
 2210 ABBOTT STREET  
 KELOWNA, BC V1Y 1E1  
 LOT 27 PLAN KAP535

DRAWING TITLE  
 SECOND FLOOR PLAN

DATE  
 JANUARY 20, 2022

DRAWING NUMBER  
 6  
 of  
 14

**SCHEDULE A**

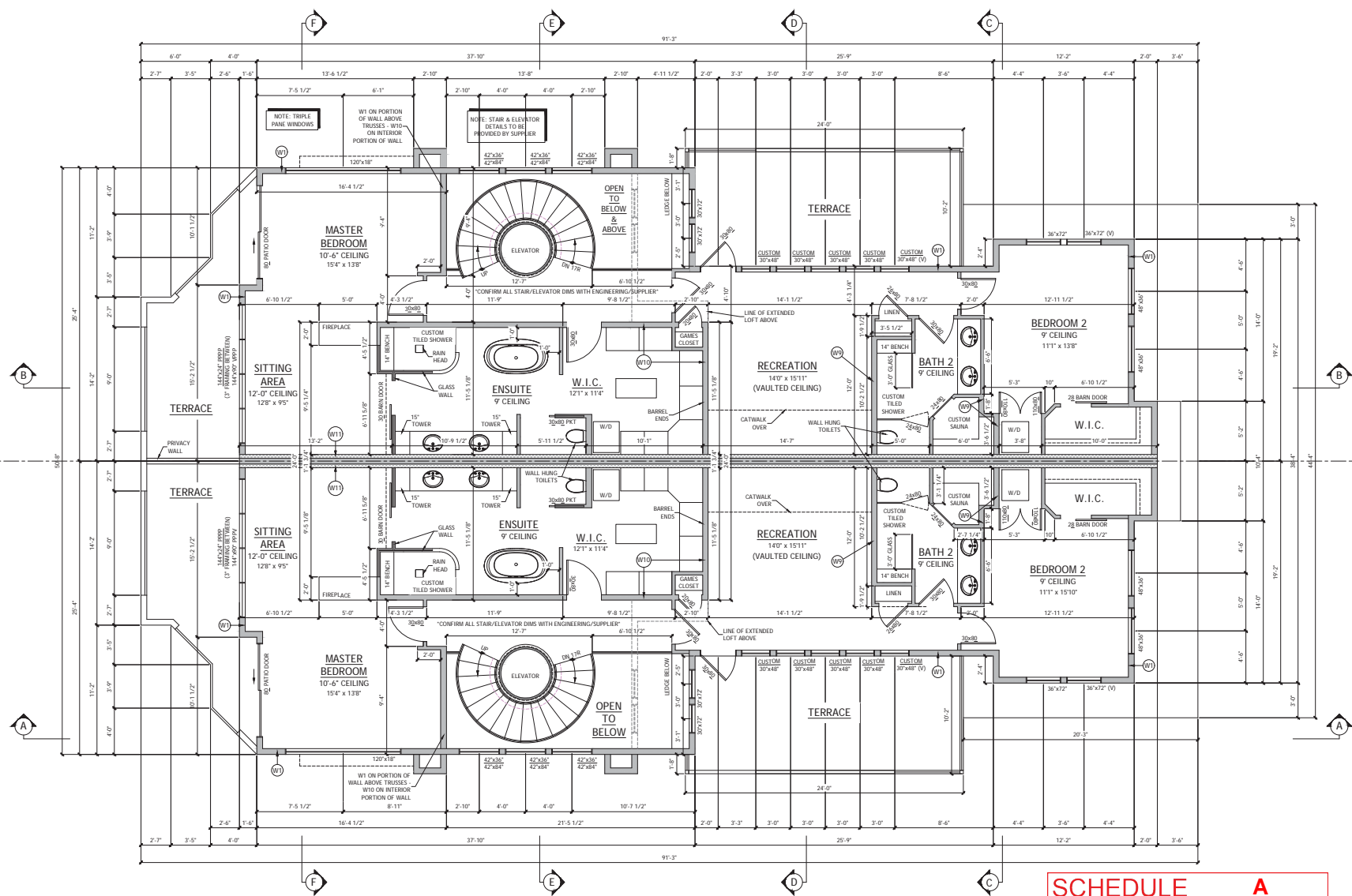
This forms part of application  
 # HAP22-0002

Planner  
 Initials MT

City of Kelowna  
 COMMUNITY PLANNING

1 SECOND FLOOR PLAN  
 Scale: 1/4"=1'-0" FFA/UNIT = 1592 SQ. FT.

INTERIOR WALLS W7 UNLESS NOTED OTHERWISE





PROJECT NORTH

REVISION	DATE	DESCRIPTION
	APRIL 25/22	NORTH PRIVACY WALL ADJUSTED FOR LANDSCAPING

PROJECT	DUPLEX DEVELOPMENT 2210 ABBOTT STREET KELOWNA, BC V1Y 1E1 LOT 27 PLAN KAP535
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DRAWING TITLE	LOFT FLOOR PLAN (HALF STOREY)
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DATE	JANUARY 20, 2022
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DRAWING NUMBER	7 of 14
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1 LOFT FLOOR PLAN (HALF STOREY)  
Scale: 1/4"=1'-0" FFA/UNIT = 551 SQ. FT. (EXCLUDES STAIRS & MECHANICAL/STORAGE)  
MECH & STORAGE AREA/UNIT = 258 SQ. FT.

INTERIOR WALLS W7 UNLESS NOTED OTHERWISE

**SCHEDULE A**

This forms part of application  
# HAP22-0002

Planner Initials **MT**

City of Kelowna  
COMMUNITY PLANNING



PROJECT NORTH

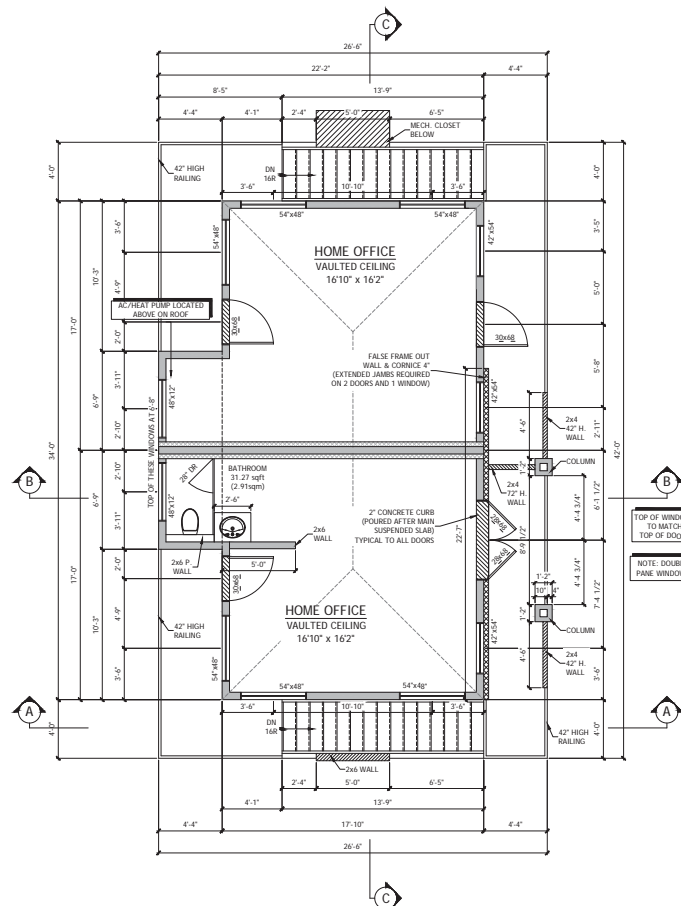
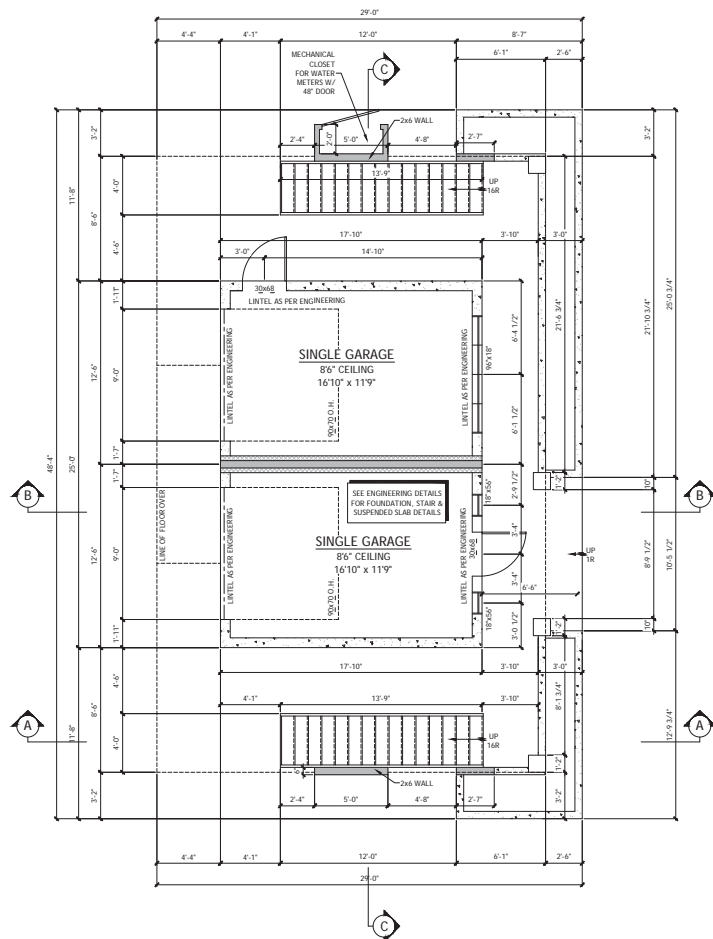
REVISION	DATE	DESCRIPTION
APRIL 4/23		BATHROOM SIZE ADJUSTED, WET BARS REMOVED, AC/PUMP LOCATION NOTED, MECHANICAL CLOSET ADDED FOR WATER METERS
04/25/23		NORTH PRIVACY WALL ADJUSTED FOR LANDSCAPING, BATHROOM REMOVED FROM N. SIDE ACCESSORY BLDG

PROJECT  
ACCESSORY BUILDING  
2210 ABBOTT STREET  
KELOWNA, BC V1Y 1E1  
LOT 27 PLAN KAP535

DRAWING TITLE  
FLOOR PLANS

DATE  
JANUARY 20, 2022

DRAWING NUMBER  
3  
of  
6



**SCHEDULE A**

This forms part of application  
# HAP22-0002

Planner Initials **MT**

City of Kelowna  
COMMUNITY PLANNING

ENERGY STEP CODE 3



1 EAST ELEVATION  
Scale: 1/4"=1'-0"



2 WEST ELEVATION  
Scale: 1/4"=1'-0"

## SCHEDULE B

This forms part of application  
# HAP22-0002

Planner  
Initials MT



GRAPHITE  
STUDIO

VINEYARD  
DEVELOPMENTS



PROJECT NORTH

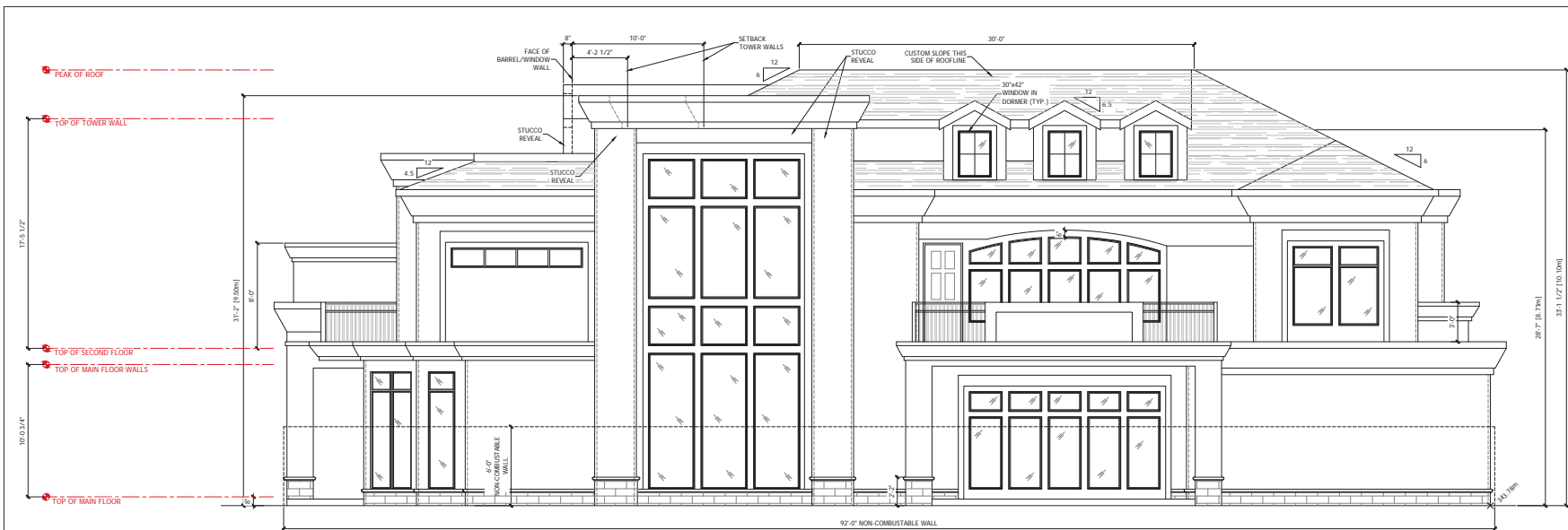
REVISION	DATE	DESCRIPTION
	APRIL 25/22	NORTH PRIVACY WALL ADJUSTED FOR LANDSCAPING

PROJECT	DUPLEX DEVELOPMENT 2210 ABBOTT STREET KELOWNA, BC V1Y 1E1 LOT 27 PLAN KAP535
---------	---

DRAWING TITLE	ELEVATIONS
---------------	------------

DATE	JANUARY 20, 2022
------	------------------

DRAWING NUMBER	2 of 14
----------------	---------------



1 SOUTH ELEVATION  
Scale: 1/4"=1'-0"

**SOUTH LIMITING DISTANCE OPENINGS**  
LIMITING DISTANCE: 2.3m  
9.10.14.4 (7) SPRINKLERED: 16% PERMITTED  
AREA OF WALL: 2256.43sqft (209.63m<sup>2</sup>)  
AREA OF GLAZING: 430.33sqft (39.98m<sup>2</sup>)  
"PROTECTED OPENINGS REQUIRED"  
PROTECTION REQUIRED BY NON-COMBUSTIBLE WALL AT PROPERTY LINE  
AREA OF REDUCED GLAZING: 360.84sqft (33.52m<sup>2</sup>)  
TOTAL GLAZING PERCENTAGE: 15.99%



1 NORTH ELEVATION  
Scale: 1/4"=1'-0"

**NORTH LIMITING DISTANCE OPENINGS**  
LIMITING DISTANCE: 9.5m (MIDDLE OF ROYAL AVE)  
9.10.14.4 (7) SPRINKLERED: 54% PERMITTED  
AREA OF WALL: 2256.43sqft (209.63m<sup>2</sup>)  
AREA OF GLAZING: 498.18sqft (46.28m<sup>2</sup>)  
TOTAL GLAZING PERCENTAGE: 22.07%

## SCHEDULE B

This forms part of application

# HAP22-0002

Planner  
Initials MT

City of  
**Kelowna**  
COMMUNITY PLANNING

GRAPHITE  
STUDIO

VINEYARD  
DEVELOPMENTS



PROJECT NORTH

REVISION	DATE	DESCRIPTION
APRIL 25/22		NORTH PRIVACY WALL ADJUSTED FOR LANDSCAPING

PROJECT  
DUPLEX DEVELOPMENT  
2210 ABBOTT STREET  
KELOWNA, BC V1Y 1E1  
LOT 27 PLAN KAP535

DRAWING TITLE  
ELEVATIONS

DATE  
JANUARY 20, 2022

DRAWING NUMBER

3  
of  
14



PROJECT NORTH

REVISION	DATE	DESCRIPTION
APRIL 4/23		BATHROOM SIZE ADJUSTED, WET BARS REMOVED, AC/HEAT PUMP LOCATION NOTED, MECHANICAL CLOSET ADDED FOR WATER METERS
04/25/22		NORTH PRIVACY WALL ADJUSTED FOR LANDSCAPING, BATHROOM REMOVED FROM N. SIDE ACCESSORY BLDG

PROJECT	ACCESSORY BUILDING
	2210 ABBOTT STREET
	KELOWNA, BC V1Y 1E1
	LOT 27 PLAN KAP535

DRAWING TITLE	ELEVATIONS
---------------	------------

DATE	JANUARY 20, 2022
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DRAWING NUMBER	2 of 6
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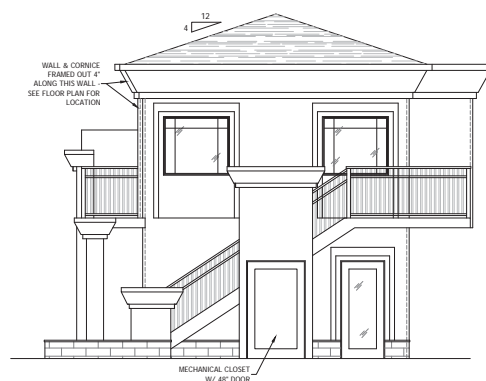


1 SOUTH ELEVATION  
Scale: 1/4"=1'-0"

SOUTH LIMITING DISTANCE OPENINGS  
LIMITING DISTANCE: 6.23m  
80% PERMITTED  
AREA OF WALL: 380.4372sqft (35.34m<sup>2</sup>)  
AREA OF GLAZING: 36.00sqft (3.35m<sup>2</sup>)  
TOTAL GLAZING PERCENTAGE: 9.47%



2 WEST ELEVATION  
Scale: 1/4"=1'-0"



3 NORTH ELEVATION  
Scale: 1/4"=1'-0"

NORTH LIMITING DISTANCE OPENINGS  
LIMITING DISTANCE: 6.22m  
80% PERMITTED  
AREA OF WALL: 380.4372sqft (35.34m<sup>2</sup>)  
AREA OF GLAZING: 46.195sqft (4.29m<sup>2</sup>)  
TOTAL GLAZING PERCENTAGE: 9.20%



4 EAST ELEVATION  
Scale: 1/4"=1'-0"

## SCHEDULE B

This forms part of application  
# HAP22-0002

Planner  
Initials MT







## 2210 Abbott St. Colour Board

### Fiberglass Shingles

Asphalt



### Exterior Stucco

China White



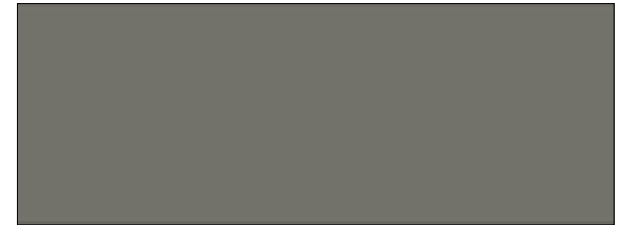
### Driveway Paver Stones

Charcoal



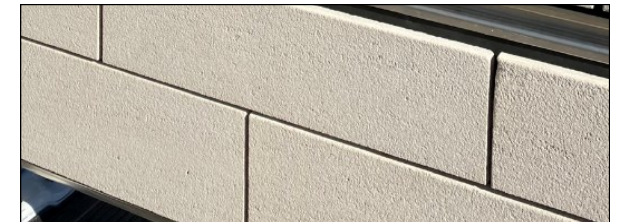
### Window Frames / Fencing

Slate



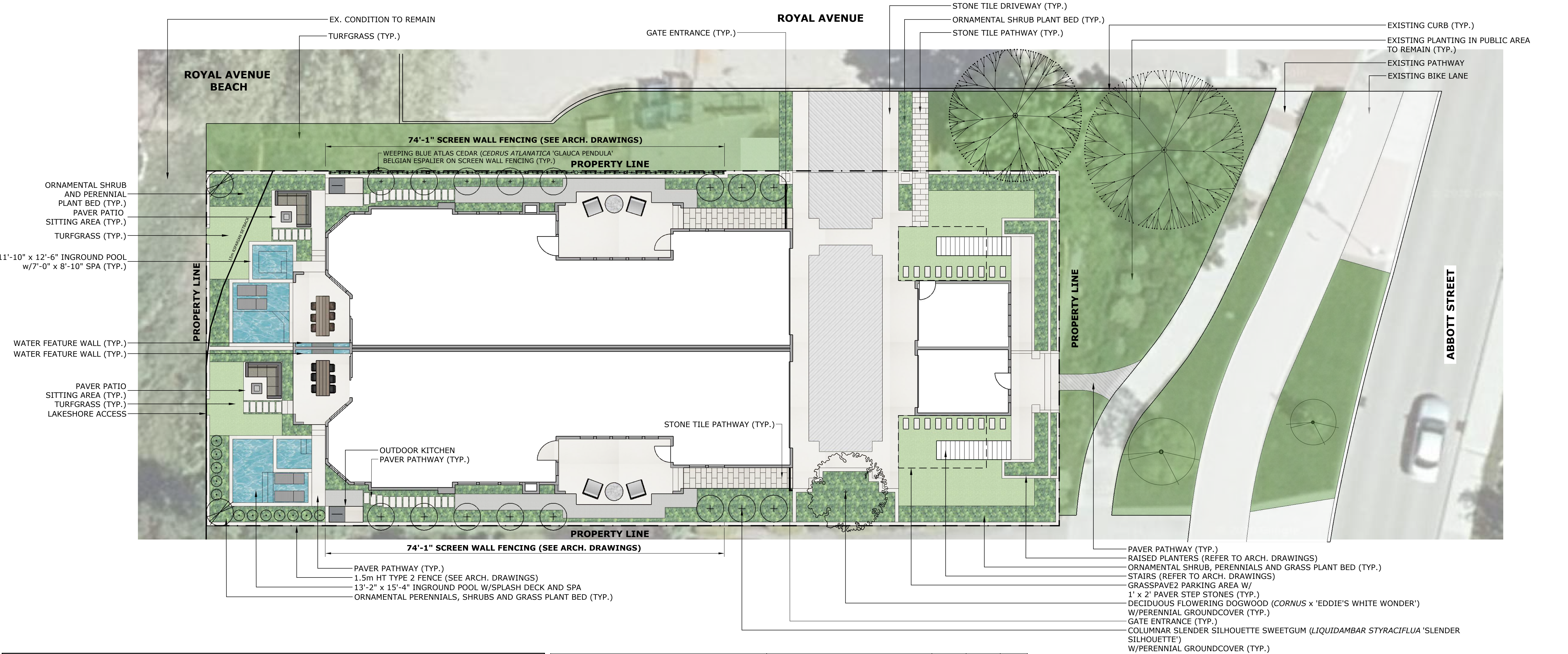
### Exterior Tile

Sandstone



<b>SCHEDULE</b>	<b>B</b>
This forms part of application # HAP22-0002	
Planner Initials	MT
 <b>City of Kelowna</b> COMMUNITY PLANNING	

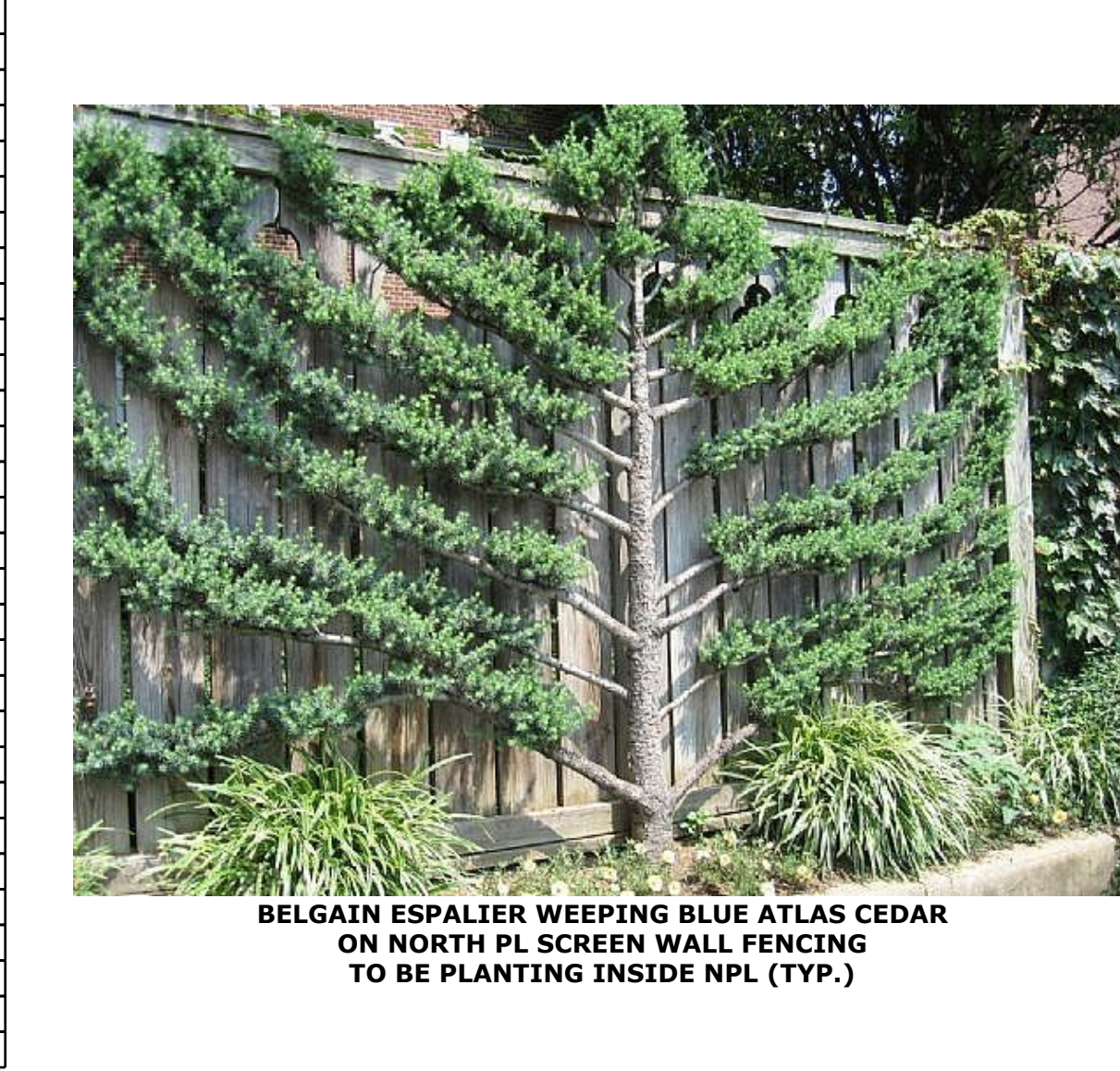




**GENERAL NOTES**  
Cohesion Land Design is not responsible for and changes or variances from these drawings to site conditions or the structural drawings provided by the client.  
Any and all design that requires Engineering is the sole responsibility and at the cost of the Client or Owner.  
Driveways, walkways, steps, retaining walls and all other site works to be verified once finished grade is established in relation to the top of the foundation wall.  
All plans and dimensions must be reviewed by contractor before construction and must verify if any discrepancies between the drawing and existing conditions prior to work being done.  
Contractor must comply with all current building and landscape codes, by-laws and regulations.  
These plans hold copyright's to Cohesion Land Design.

**LANDSCAPE NOTES**  
Final plant selection may vary depending upon availability at time of construction. Any substitutions shall be confirmed first by Client and/or Landscape Designer.  
All plant material has been designed at optimal mature growth size if site conditions exists.  
All plant beds to be amended with minimum 450mm(12") depth of growing medium containing minimum 10-15% organic matter unless otherwise noted on plans.  
All plant beds to be topdressed with medium sized mulch/compost blend to a maximum depth of 75-100mm (3-4") with a minimum 5% organic matter content unless otherwise noted.  
For all areas using rock mulch surface, quality landscape cloth to be installed as a weed barrier. No weed barrier is to be underneath plantings of any kind unless otherwise specified.  
A high efficiency irrigation system shall be installed for all landscaped areas. Irrigation dripline for all plant material and trees to meet minimum standards of IIABC.  
All landscaping material to comply with CLNA standards as well as City of Kelowna Landscape Standards.  
Call before you dig. Contractor is responsible for locating existing site utilities on site prior to start of construction by calling BC one-call at 1-800-474-6886.  
Minimum slope of 1-2% away from all built structures for drainage.

BOTANICAL NAME	COMMON NAME	SIZE	ROOT	QTY
<b>PERENNIAL</b>				
<i>Actaea simplex</i> 'Hillside Black Beauty'	Hillside Black Beauty Bugbane	#2	pot	10
<i>Lavendula angustifolia</i> 'Hidcote'	Hidcote Lavender	#2	pot	11
<b>ORNAMENTAL GRASSES</b>				
<i>Carex oshimensis</i> 'Everillo'	Everillo Sedge Grass	#2	pot	10
<i>Hakonechola macra</i> 'All Gold'	All Gold Japanese Forest grass	#2	pot	32
<i>Pennisetum alopecuroides</i> 'Little Bunny'	Little Bunny Fountain Grass	#2	pot	14
<b>SHRUBS</b>				
<i>Berberis thunbergii</i> 'Concorde'	Concorde Barberry	#5	pot	6
<i>Buxus</i> 'Green Velvet'	Green Velvet Boxwood	#5	pot	6
<i>Buxus</i> 'Graham Blandy'	Graham Blandy Boxwood	#5	pot	6
<i>Buxus</i> 'Green Gem'	Green Gem Boxwood	#2	pot	25
<i>Ceanothus velutinus</i>	Snowbrush Ceanothus	#5	pot	3
<i>Euonymus fortunei</i> 'Silver Queen'	Silver Queen Wintercreeper	#2	pot	16
<i>Hydrangea paniculata</i> 'ILVOBO'	Bobo Hydrangea	#5	pot	16
<i>Hydrangea paniculata</i> 'Limelight' Tree Form	Limelight Hydrangea Standard	#15	pot	2
<i>Rosa</i> 'Meidriflora' Standard	Corol Drift Rose Standard	#10	pot	5
<i>Syringa vulgaris</i> 'Bloomerang Dark Purple'	Bloomerang Dark Purple Lilac	#5	pot	5
<i>Syringa vulgaris</i> 'Bloomerang Dark Purple' Standard	Bloomerang Dark Purple Lilac Standard	#15	pot	2
<i>Spiraea beautifulia</i>	Birch-leaved Spiraea	#5	pot	3
<i>Taxus cuspidata</i> 'Morden'	Morden Yew	#5	pot	3
<b>TREES</b>				
<i>Cornus</i> x 'Eddie's White Wonder'	Eddie's White Wonder Dogwood	5cm cal	b/b	1
<i>Liquidambar styraciflua</i> 'Slender Silhouette'	Slender Silhouette Sweet Gum	5cm cal	b/b	16
<i>Cedrus atlantica</i> 'Glaucia Pendula'	Weeping Blue Atlas Cedar	5cm cal	pot	4



BELGAIN ESPALIER WEEPING BLUE ATLAS CEDAR ON NORTH PL SCREEN WALL FENCING TO BE PLANTING INSIDE NPL (TYP.)

SCHEDULE

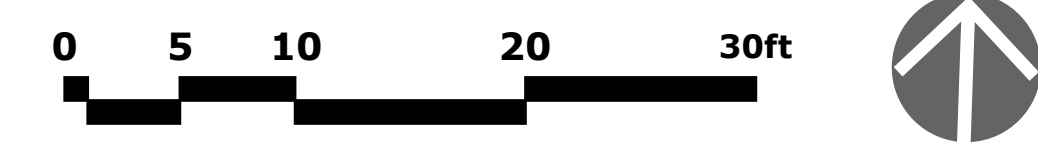
C

This forms part of application

# HAP22-0002

Planner Initials MT

City of Kelowna COMMUNITY PLANNING







<b>ATTACHMENT B</b>	
This forms part of application # <b>HAP22-0002</b>	
Planner Initials	<b>MT</b>
City of <b>Kelowna</b> COMMUNITY PLANNING	

January 28, 2022

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

Heritage Alteration Permit Application for a Semi-Detached Dwelling and Accessory Building at 2210 Abbott Street

Dear Planner,

The purpose of this application is to secure a Heritage Alteration Permit to allow for the construction of a new semi-detached dwelling in addition to an associated accessory building in the front yard of the subject property. The existing RU6 – Two Dwelling Housing zone will remain. In 2018, HAP application HAP18-0005 was approved on the subject property. This application has been made with the same form & character and variances as HAP18-0005.

HAP18-0005 had been considered by City Council at a Public Hearing on October 22, 2019. Council had authorized the issuance of the Heritage Alteration Permit which included variances to the front yard setback to the accessory building, the height of the accessory building, and the flanking side yard setback for the principal building. For reasons not associated with this development project, the owners were not able to proceed with construction prior to the authorized Heritage Alteration Permit lapsing.

The exterior of the buildings will remain the same as approved under HAP18-0005. However, there are some minor changes to the interior design of the principal building. This most notable difference is that the previous application included a “caregiver’s suite” within the attic space of the proposed building. This has now been reduced to a “flex-space” along with storage and mechanical rooms. Otherwise, this proposal is the same as previously submitted.

At the time of staff and Council’s consideration of the HAP application, a Heritage Consultant report had been provided in support of the application. Given that the exterior elements of this new application replicate the previous application, we are relying on this same report. Approval of this Heritage Alteration Permit application will allow for the landowners to proceed with construction of their previously supported building proposal.

Regards,

Birte Decloux, RPP MCIP  
Urban Options Planning Corp.



ATTACHMENT
C

This forms part of application  
# HAP22-0002

Planner  
Initials

MT

City of  
**Kelowna**  
COMMUNITY PLANNING






<b>ATTACHMENT</b>		<b>C</b>
This forms part of application		
# <u>HAP22-0002</u>		
Planner Initials	<div>MT</div>	 <b>City of Kelowna</b> <small>COMMUNITY PLANNING</small>





## ATTACHMENT **C**

This forms part of application

# HAP22-0002

Planner  
Initials

MT





## Incorporation of the Heritage Report Recommendations

*This addition to the design rationale should be reviewed in concert with the original **Design Rationale for 2210 Abbott Street** document.*

**The Heritage Report provides recommended strategies and design options on the last page of the report. They address the Abbott Street and Royal Avenue elevations. The design will be adapted to incorporate these recommendations:**

### **Abbott Street Elevation**

Abbott Street is the primary street and the elevation will be revised to adopt **all of the recommended strategies**. These include introducing symmetry, scaling down entrance pilasters, and removing elements that disrupt the roofline.

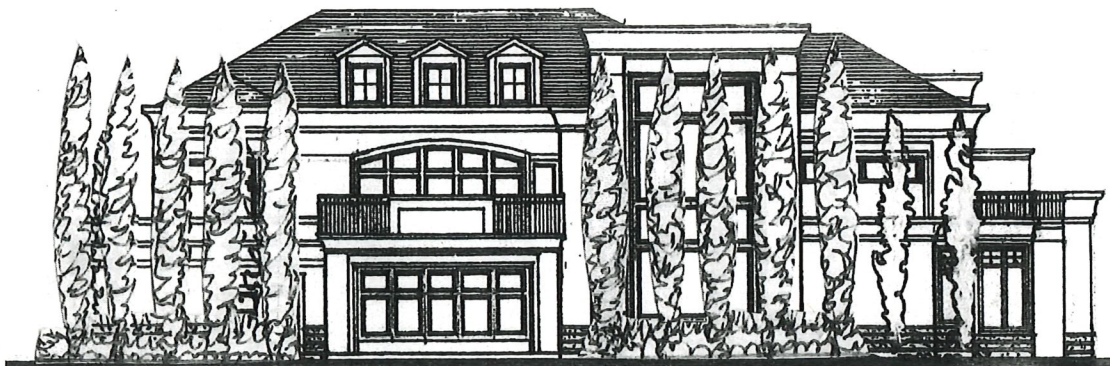


### **Royal Avenue Elevation**

The Abbott Street Heritage District is characterized with abundant trees and landscaping, which creates a sense of place and integrates the homes into their sites.

There is a concerted effort to provide symmetry on the principal portion of this elevation at the entrance. The dormers, 2nd floor glazing and terrace are aligned to provide this. The enhancement of the landscaping with more trees to frame this symmetry will provide a focus on this elevation, and provide a visual calming of the stairwell.

On a typical site, the depth of the home would not be seen from the street. As this is a corner site, this becomes visible and important. The landscaping provides a human scale to this long elevation, while also providing a visual focus and integration with the site..



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

March 29, 2019

To whomever it may concern,

**RE: Vineyard Developments Ltd. Rebuild Proposal at 2210 Abbott Street - Kelowna**

This report is to comment on the appropriateness of the proposed rebuild at 2210 Abbott Street, a property within the Abbott Street Heritage Conservation Area. The below observations consider the proposal's alignment with both the HCA's Guidelines for new development as well as with the Standards & Guidelines for the Conservation of Historic Places in Canada.



**left:** Architectural drawing of the proposed new carriage house - Abbott Street elevation.

**Below:** Architectural drawing of the proposed new carriage house and main house - Royal Avenue elevations.

source: Richard Chow Architect

ABBOTT STREET ELEVATION (EAST)



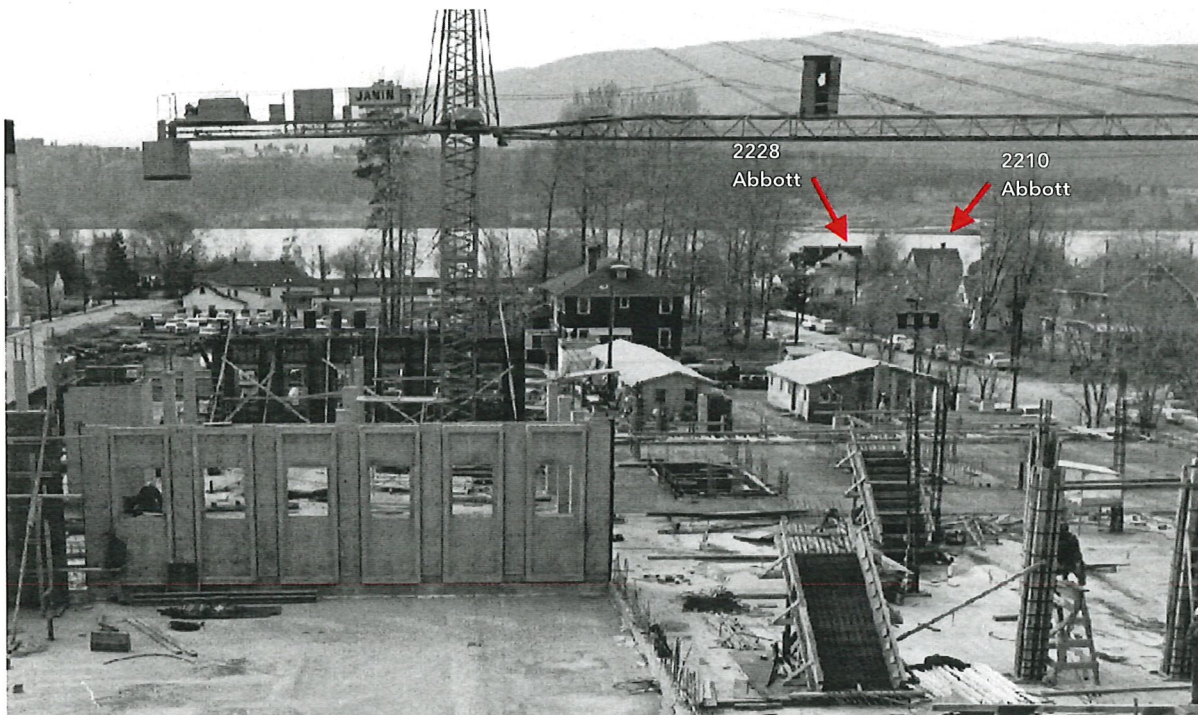


## Brief history of development

The lower area of Abbott Street, from Park Avenue south, was first developed in the 1920s. This was part of the expansion of Kelowna's residential district south from Mill Creek during Kelowna's 1920s construction boom. The expansion included the extension of Abbott Street, which on the eve of World War I, essentially ended at Park Avenue. By the 1930s, the southern blocks of Abbott were gaining a reputation as an exclusive, lakefront area and continued to be filled out into the early 1940s.

The first two properties in the 2200 block were constructed in the 1930s at 2210 and 2228 Abbott. These houses presented a uniquely small block, as they were the only two homes in the 2200 block of Abbott flanked by Royal and Strathcona Avenues in the 30s and 40s. The third house at 2248 Abbott was added in the 1950s.

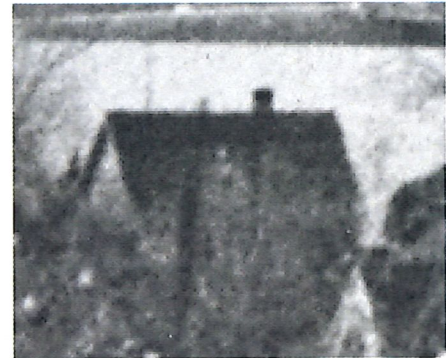
The below photograph, of the construction of Block B of the Kelowna General Hospital in 1968, shows a glimpse of the original house built in the 1930s on the subject property, alongside its neighbour which still stands today at 2228 Abbott.



Kelowna Public Archives # 2767, March 1968



The original 1930s house on the subject property, its roofline visible in a crop from the 1968 photo (right), was demolished in 1985. It appears to have faced Royal Avenue and to have had a small detached garage accessed by a curved driveway from Royal Avenue (see aerial on page 6).



**Right:** partial view of 2210 Abbott Street, constructed in 1930s.  
 Source KPA #2767

The house that replaced it, (pictured below), was constructed that same year and was considered an 'early suburban' style house on the Style Register list the Abbott Street & Marshall Street Heritage Conservation Areas Development Guidelines (Appendix D - 1997). This second house to be built on the property was demolished in 2015.



2210 Abbott Street, 1985-2015, Royal Avenue elevation. Source: Google Streetview 2014



2210 Abbott Street, 1985-2015, Abbott Street elevation. Source: Google Streetview 2014



The property next door at 2228 Abbott Street, the only adjacent building, was constructed in the 1930s on a double lot, and is considered a 'late arts & crafts' style on the above mentioned Style Register list. From a historic architecture perspective however, its style aligns more with the English Cottage Revival design of the 1930s with its informal character, multiple low-pitched gable roofs, deep set back on the lot and curved driveway. Although we only have a very partial view of it, the first 1930s house at 2210 Abbott with its side-gabled roof, tall chimney, large front yard and curved driveway, was also most likely a Revival style house.



**Above:** current photographs of 2228 Abbott Street, constructed in the 1930s.  
 Source: Google Streetview

### Evaluating heritage values and significance

From the late 1930s to the 1960s, 2210 Abbott was the home of Stan A. and Joyce F. Underhill. Dr. Ambrose Stanley "Stan" Underhill was one of the pioneer doctors of Kelowna. He arrived in Kelowna in 1927 to join Dr. B.F. Boyce, the Okanagan's first doctor. In 1934, he opened his own office at 463 Bernard Avenue and this eventually became the Underhill Clinic which had a new building constructed at 1635 Abbott St. in 1956 where it remained until 1994.

Born in Moline, Manitoba, in 1897, Stan Underhill grew up and went to school there. His father had originally homesteaded there, and the farm still remains with the Underhill descendants. Dr. Underhill joined the Canadian forces during the First World War, and went overseas early in 1917, transferring to the Royal Flying Corps where he served as a scout pilot. Following the war, he returned to Canada. Dr. Underhill arrived in Kelowna in June of 1927, after completing his medical training. In 1930, he married Joyce McLeod of Grand Forks. Joyce was the employed at P.B. Willits' drug store. She had been encouraged to move to Kelowna by her

brother, Carson McLeod of the Royal Bank. The Underhills had two daughters: Mrs. R. Ensign (Doreen) and Mrs. R.J. Bennett (Lois), Both of Kelowna, and eight grandchildren.

In 1941, Dr. Underhill joined the RCAF as a medical officer, and served at various posts throughout western Canada. Dr. W.F. Anderson had joined him in practice in 1938, and maintained both practices until he returned in 1944. Dr. Underhill retired from practice in 1967.

Stan Underhill was an active member of the community. He served as president of the Kelowna Gyro Club, president and director of the Kelowna Golf and Country Club, director of Calona Wines Ltd. and was a member of St. George's Lodge AF and AM. During the exciting years of Kelowna's hockey team, the famous Kelowna Packers, he was their team doctor, and travelled with them even to the U.S.S.R. In addition, Dr. Underhill was an honorary member of the College of Physicians and Surgeons of British Columbia and served as its president in 1952. Underhill Street in Kelowna is named for this family.



## Recommendations and strategies to inform the design of the new build

**Siting** From the Abbott Street Heritage Conservation Area Guidelines: "Maintain the established front yard setback by placing additions and new constructions within 10% of the adjacent or average building setback."

The historic siting for dwellings along the immediate lake-facing blocks of Abbott Street was deeper set into the property leaving a prominent front yard, as per the only relatively integral property at 2228 Abbott Street and the below 1968 aerial. The houses are outlined in red and the front yards are circled in green.

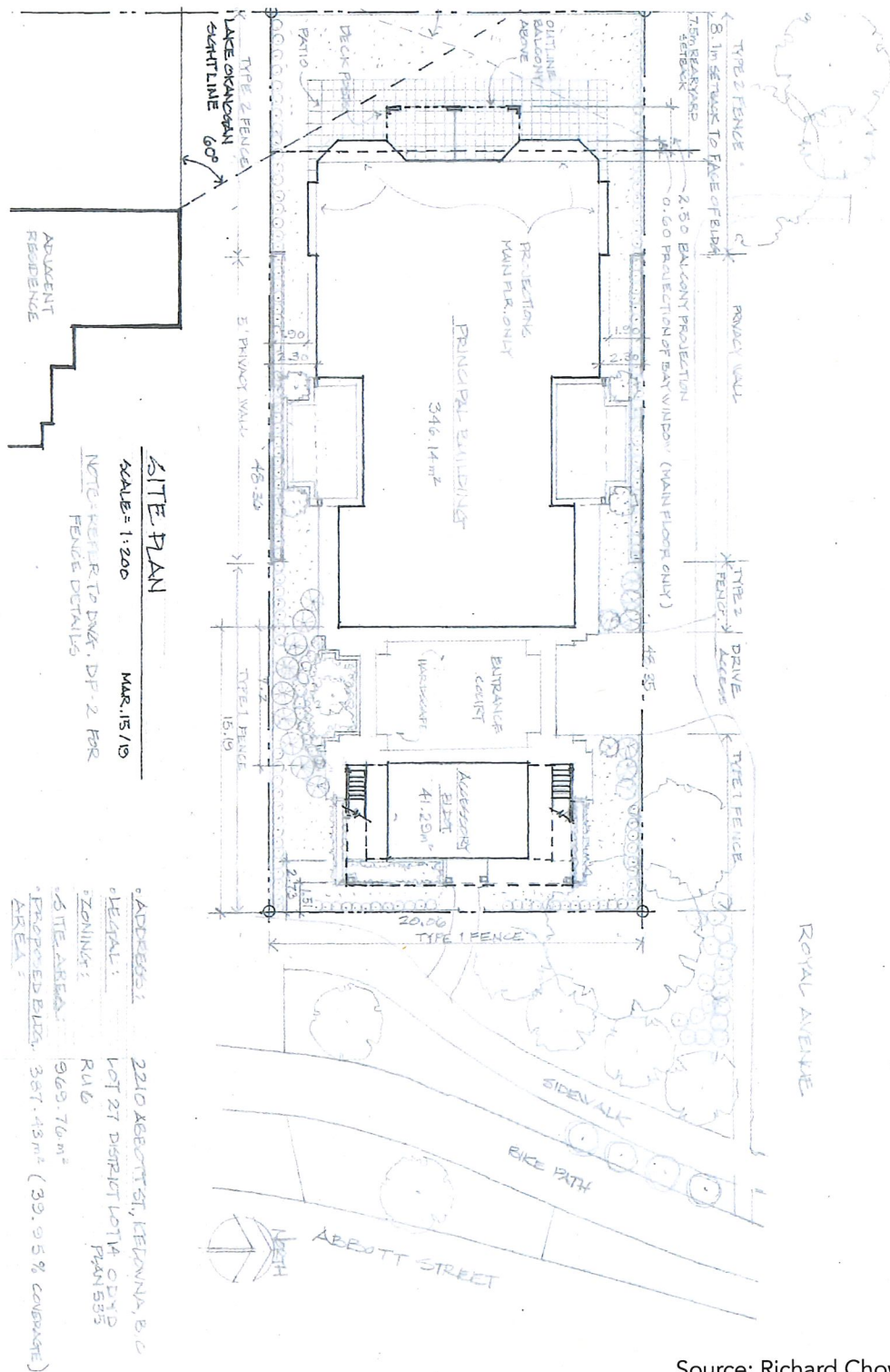


Aerial of Kelowna, September 9, 1968. Source: KPA 2005.042.214

However, development in recent years has allowed for the fronts of the properties to be developed and in many cases, accessory and garage buildings have been constructed on the historic front yards. As this is the case for most of the properties in the 2100 block, and was the case for the subject property from 1985 to 2015, the subject proposal with two buildings and a carriage house sited close to the Abbott Street property line would follow the 'average building setback'.



**Proposed site plan**



Source: Richard Chow Architect



## House style

From the Abbott Street Heritage Conservation Area Guidelines:

*"The dominant architectural style for the streetscape should prescribe the style of new buildings while the established patterns prescribe scale, massing and streetscape relationships...compatible with the form and character of the existing context. However, it is not required that the architectural style of new buildings be consistent with the dominant style of the block."*

The chosen traditional style which inspires the proposed new build is Georgian Revival. Although this is not a common architectural style within the HCA, the historic development period of the subject block as well as the style of the adjacent house at 2228 Abbott align with the 1930s trend for Revival house styles. A 1930s inspired Revival style design is thus an appropriate reference point for a new build design.



**left:** Georgian Revival style house illustration. Source: Vancouver Heritage Foundation

The Georgian Revival design is part of the family of the Classical/Colonial Revival designs that were popular in the 1930s; specifically it has a more formal character than the Romantic Revival family (English Cottage, Tudor, Spanish etc.) and tends to feature symmetrical elevations. The above illustration from the Vancouver Heritage Foundation's Interactive Encyclopedia of Traditional House Styles shows the style's typical hip roof, central entrance and symmetrical fenestration pattern on a typical Georgian Revival facade.

The visible elevations of the proposed new build which would impact the streetscape character in the HCA are the Abbott Street and Royal Avenue elevations of the carriage house, and the Royal Avenue elevation of the main house. Both will be reviewed here for their alignment with the Abbott Street Heritage Conservation Area Guidelines as well as with Canadian Standards & Guidelines for the Conservation of Historic Places,.

**Proposed new build - carriage house - Abbott Street elevation**



The above proposed elevation will be highly visible to the public and impact the character of the immediate Abbott Street streetscape. There is no question that the design appears inspired by traditional architectural but the elevation composition contains elements from several historic styles, some of which are disproportionate in size or placement - thus resulting in a confusing design statement. These are:

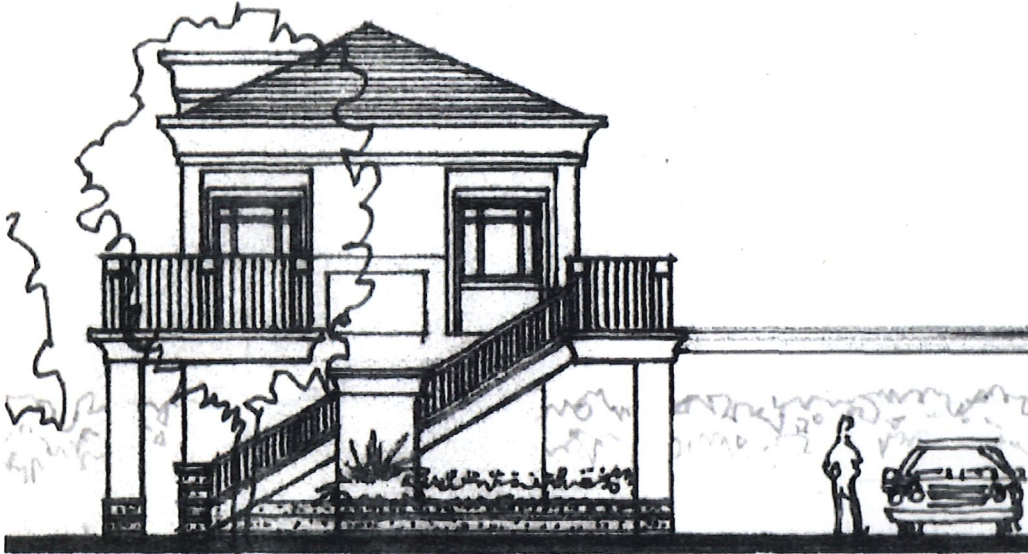
1. The several inconsistent window styles and dimensions on this single elevation, an approach that is not in keeping with the Georgian Revival style which features one consistent window size and style per elevation or storey. Georgian Revival windows would typically be double-hung, rectangular windows. Often the windows would be multi-paned with equal light size and proportions.
2. The columns and pilasters in a variety of dimensions is not used in the Georgian Revival design. The ground level columns are oversized for the style. Entrance columns typically frame the main entrance opening. The upper storey pilasters piercing the roofline is not correct for the style either.
3. Second storey balconies are very uncommon in the Georgian Revival style, and if present, are usually contained to the roof above the front entrance.
4. Most importantly, the symmetry typical of Georgian Revival elevations (or other Classical Revival styles) is completely absent here.

**Summary** - The design of this elevation conflicts with both the HCA Design Guidelines as well as with national standards & guidelines in that additions to historic places (which is what this new build is) should not combine elements from several traditional architectural styles.

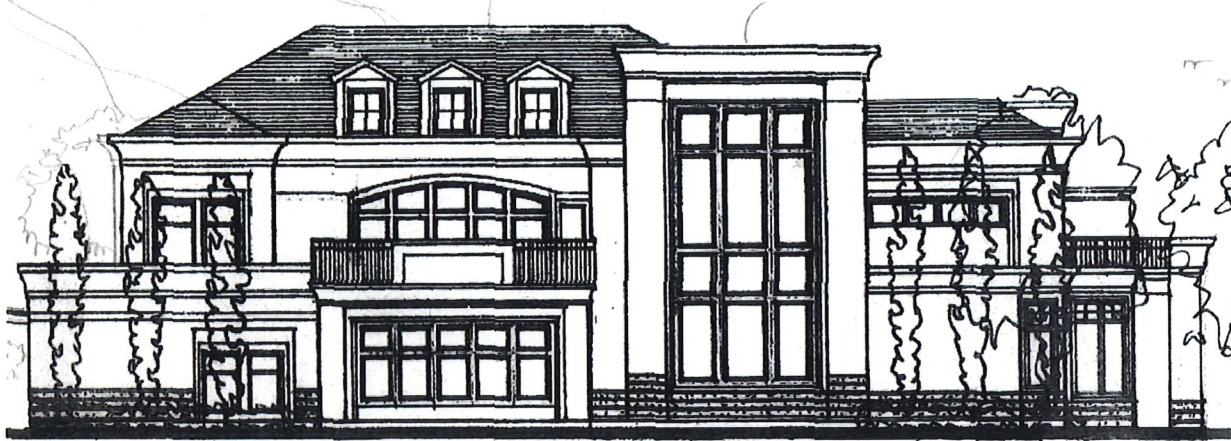


**Proposed new build - carriage house - Royal Avenue elevation**

The below proposed elevation will be highly visible to the public and impact the character of the immediate Abbott Street streetscape. The elevation itself is relatively symmetrical and balanced with both windows and columns in consistent dimensions and a clear, uninterrupted hip roofline - all important features of the Georgian Revival style.



**Proposed new build - main house - Royal Avenue elevation**



The above proposed elevation will be highly visible to the public and impact the character of the immediate streetscape. The design appears inspired by traditional architectural but the elevation composition contains elements from several historic styles, some of which are disproportionate in size or placement - thus resulting in a confusing design statement:

1. There are several inconsistent window styles and dimensions on this single elevation, an approach that is not in keeping with the Georgian Revival style which features one consistent window size and style per elevation or storey. Georgian Revival windows would typically be double-hung, rectangular windows. Often the windows would be multi-paned with equal light size and proportions.
2. The "Giant order" 2.5 storey pilasters framing a glazed curtain-wall is an overbearing, temple-like motif that has no prescendent in historic Kelowna houses or residential neighbourhoods. It disrupts the potential symmetry of the remaining portions of this elevation and adds a grandiose character to the building's massing which is already taller and denser than the previous buildings on the site.
3. Pilasters disrupting the roofline is not correct for the style.
4. Most importantly, the symmetry typical of Georgian Revival elevations (or other Classical Revival styles) is completely absent here.

**Summary** - The design of this elevation conflicts with both the HCA Design Guidelines as well as with national conservation standards & guidelines in that additions to historic places (which is what this new build is) should not combine elements from different architectural styles. This elevation illustrates a jumble of historic references that bear little or no resemblance to the Georgian Revival style it purports to be: Colonial Revival dormers, over-scaled Greek Revival elements, and a range of window types and sizes ultimately creating confusion. Lacking is the simple, straight forward symmetry and balance found in the style to which the proposed design supposedly refers to.



## Summary of conflicts with HCA and Canadian conservation guidelines

*"New development should be compatible with the form and character of the existing context" (HCA) - the current design for the main house, Royal Avenue elevation, is too grandiose for the immediate character of the surrounding blocks in its dense massing and some of its over-scaled architectural elements.*

*"Larger buildings should use architectural design techniques to reduce the apparent massing and emulate the established neighbouring building massing." (HCA) - Although the Royal Avenue elevation is expressed in sections which could help reduce the overall mass, there is not one focal section which could distract the eye from the rest of elevation. Instead it reads as a collection of competing feature elements.*

*"Roof form complexity, roof line silhouette, and the use of secondary elements (dormers, gables, chimneys, etc.) should be consistent with the building style." (HCA) - both the Royal and Abbott elevations lack symmetry and do not respect the integrity of the hip roofline in the Georgian Revival (or Colonial Revival) style. The design mixes influences from several traditional styles.*

*"Make new additions physically and visually compatible with, subordinate to and distinguishable from the historic place." (Canadian Standards for Conservation) - the proposed design is not compatible with nor subordinate to its historic area.*

## Recommended strategies and design options to better reflect the character defining elements of the subject property's

Tone down the Royal Avenue elevation by removing the three storey curtain wall, reducing the amount and size of window openings and introducing some calming symmetry. Do not interrupt the rooflines.

Adjust the Abbott Street elevation by introducing symmetry, scaling down the entrance pilasters (traditionally to the top of the entrance porch roofline) and removing elements that disrupt the roofline.

The goal is not to imitate a 1930s Georgian Revival house but to take inspiration from traditional architecture proportions, forms and elements while proposing a distinguishably contemporary dwelling. The subject proposal is no doubt distinguishable from authentic historic designs, but misses the mark in being compatible with and subordinate to its historic surroundings for its grandiose scale and features, and for its lack of compatibility or linkage to a single identifiable traditional style.



Elana Zysblat, heritage consultant - BCAHP

**HERITAGE ALTERATION PERMIT GUIDELINES**Heritage Conservation Area

Consideration has been given to the following guidelines as identified in Chapter 23 of the City of Kelowna Official Community Plan relating to Heritage Conservation Areas:

<b>RATE PROPOSALS COMPLIANCE TO PERTINENT GUIDELINE</b> <i>(1 is least complying &amp; 5 is highly complying)</i>	<b>N/A</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Site Layout and Parking</b>						
Are established front yard setbacks maintained within 10% of neighbouring building setbacks?				✓		
Are parking spaces and garages located in the rear yard?				✓		
Are established building spacing patterns maintained?				✓		
Does the carriage house complement the character of the principal dwelling?	✓					
Are accessory buildings smaller than the principal building?						✓
<b>Building Massing</b>						
Is the established streetscape massing maintained?				✓		
Is the massing of larger buildings reduced?					✓	
<b>Roof Forms, Dormers and Chimneys</b>						
Is the roof pattern in keeping with neighbouring buildings?				✓		
Are skylights hidden from public view?	✓					
Are high quality, low maintenance roofing materials being used?						✓
Are the roofing materials similar to traditional materials?					✓	
Are the soffit, overhang and rain water drainage features in keeping with the building's architectural style?						✓
Do secondary roof elements have a similar pitch as the principal roof?						✓
Are chimneys in keeping with the building's architectural style?	✓					
<b>Cladding Materials</b>						
Are low maintenance building materials being used?						✓
Are the building materials similar to traditional materials?		✓				
Are exterior colours in keeping with the traditional colours for the building's architectural style?				✓		
<b>Doors and Windows</b>						
Are established window placement, style and window-to-wall area ratios maintained?	✓					

<b>RATE PROPOSALS COMPLIANCE TO PERTINENT GUIDELINE</b> <i>(1 is least complying &amp; 5 is highly complying)</i>	<b>N/A</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
Are established door placement, style and door-to-wall area ratios maintained?	✓					
Is the main entrance a dominant feature visible from the street?		✓				
Is the main entrance in keeping with the building's architectural style?						✓
Are the door and window design details consistent with the building's architectural style?			✓			
<b>Landscaping, Walks and Fences</b>						
Are existing healthy mature trees being retained?	✓					
Is the front yard landscaping consistent with neighbouring properties?						✓
Is street facing fencing or screening landscaping no more than 1 m in height?				✓		
<b>Privacy and Shadowing Guidelines</b>						
Are there clear sightlines from the street to the front yard and dwelling?					✓	
Does the building location minimize shadowing on the private open space of adjacent properties?					✓	

ATTACHMENT E

This forms part of application  
# HAP22-0002

Planner  
Initials

MT



City of  
**Kelowna**  
COMMUNITY PLANNING



# HAP22-0002

# 2210 Abbott Street

Heritage Alteration Permit Application

# Proposal

- ▶ To issue a Heritage Alteration Permit for the form and character of a semi-detached dwelling and accessory building and to vary the minimum front yard for an accessory building, the maximum height for an accessory building, and the minimum flanking side yard for a principal building.

# Development Process

Feb 2, 2022

Development Application Submitted



Staff Review & Circulation



Feb 24, 2022

Public Notification Received



June 21, 2022

Heritage Alteration Permit



Building Permit

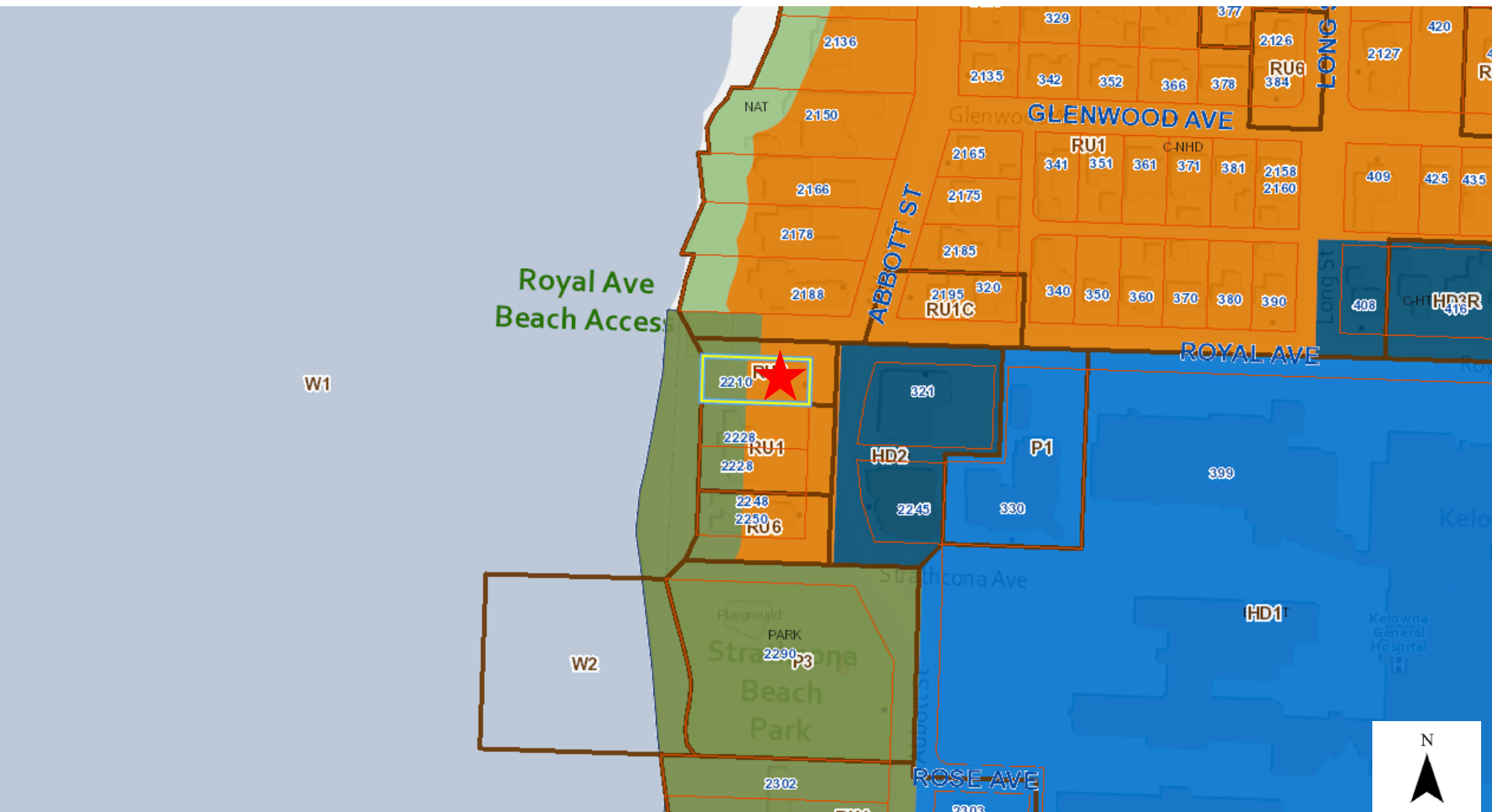
} Council  
Approval



# Context Map



# Future Land Use / Zoning





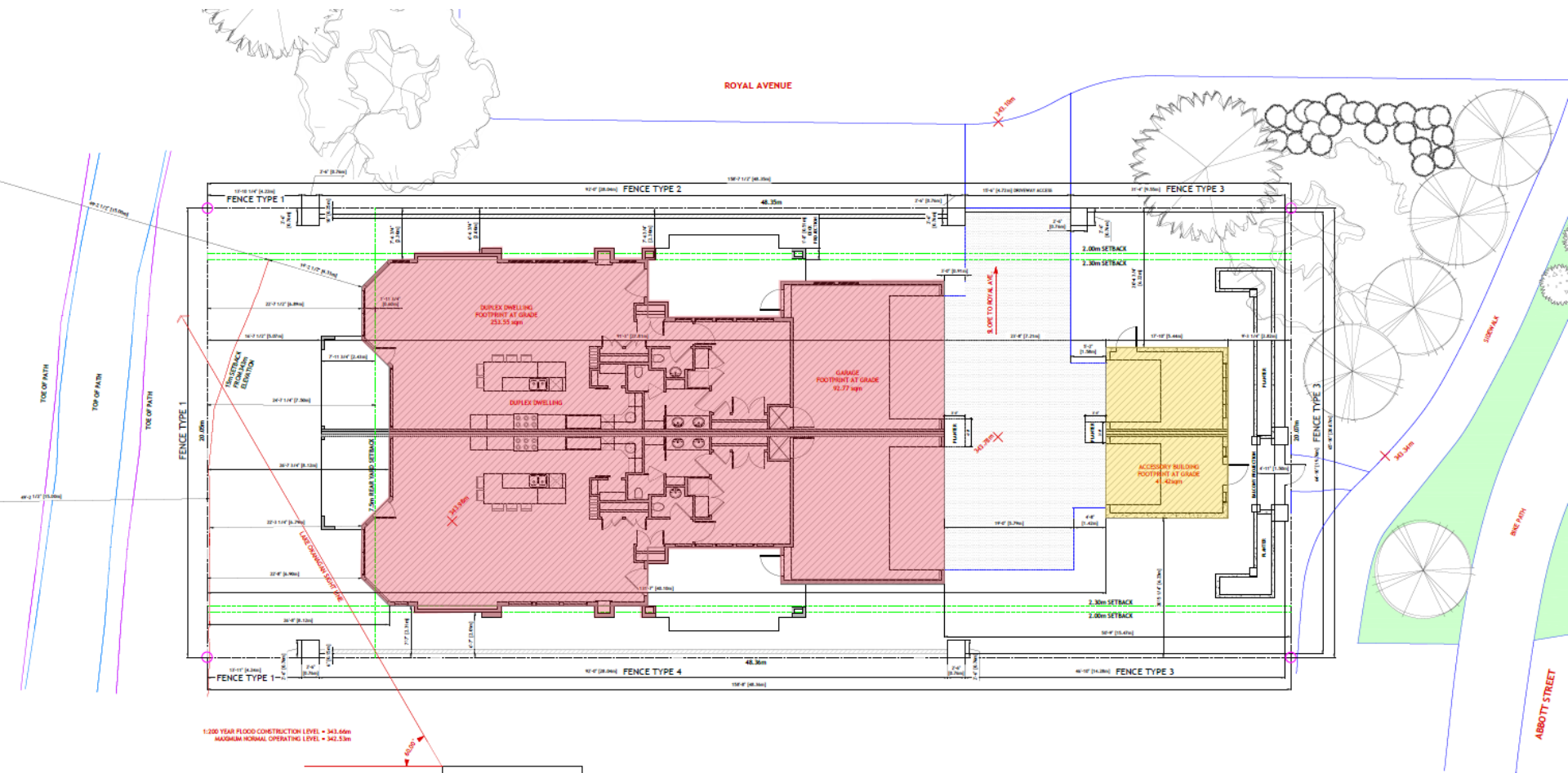
# Subject Property Map



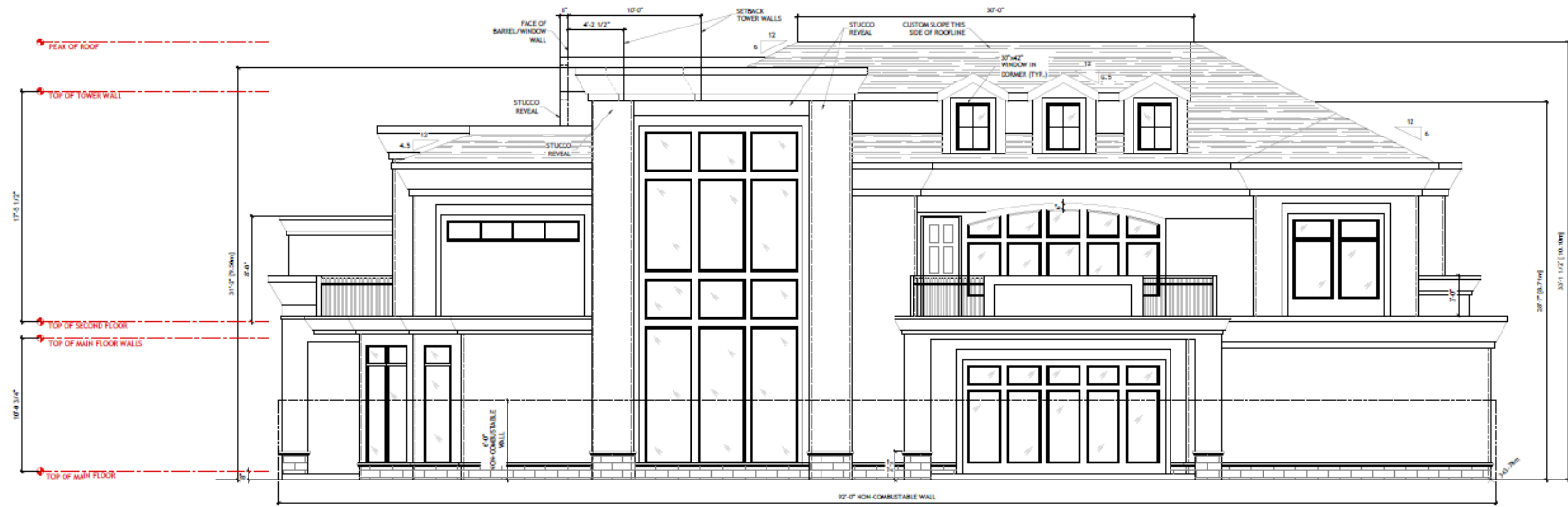
# Project details

- ▶ Minor changes from previous Heritage Alteration Permit approved by Council in 2019
- ▶ New semi-detached dwelling on lake side of property
- ▶ New accessory building on Abbott Street side of property
- ▶ Georgian Revival Architectural Style
- ▶ Variances are requested for:
  - ▶ Maximum height of accessory building
  - ▶ Minimum front yard setback for accessory building
  - ▶ Minimum flanking side yard setback for principal building

# Site Plan



# North and South Elevations



1 SOUTH ELEVATION  
Scale: 1/4"=1'-0"

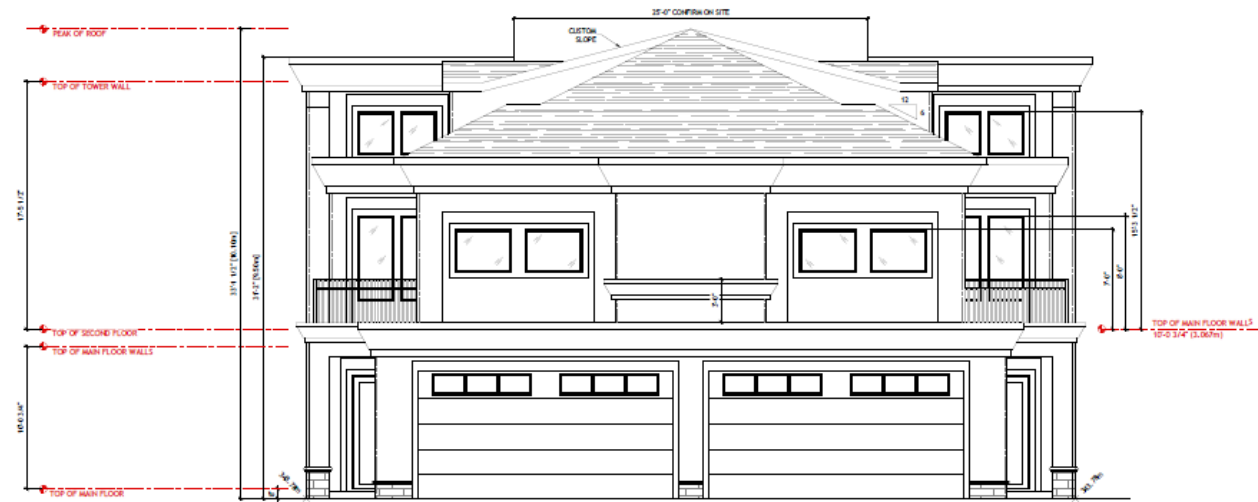
SOUTH LIMITING DETAIL OPENING  
LIMITING DISTANCE: 2.3m  
9.10.14.4 (7) SPRAILED: 50% PERMITTED  
AREA OF WALL: 2256.43sqft (209.63sqm)  
AREA OF GLAZING: 461.23sqft (42.73sqm)  
\*PROTECTED OPENINGS REQUIRED\*  
PROTECTION REQUIRED BY NON-COMBUSTIBLE WALL AT PROPERTY LINE  
AREA OF REDUCED GLAZING: 360.84sqft (33.52sqm)  
TOTAL GLAZING PERCENTAGE: 15.99%



1 NORTH ELEVATION  
Scale: 1/4"=1'-0"

NORTH LIMITING DETAIL OPENING  
LIMITING DISTANCE: 9.5m (WIDEST OF ROYAL AVE)  
9.10.14.4 (7) SPRAILED: 50% PERMITTED  
AREA OF WALL: 2256.43sqft (209.63sqm)  
AREA OF GLAZING: 461.23sqft (42.73sqm)  
TOTAL GLAZING PERCENTAGE: 20.20%

# East and West Elevations





# Accessory Building Elevations

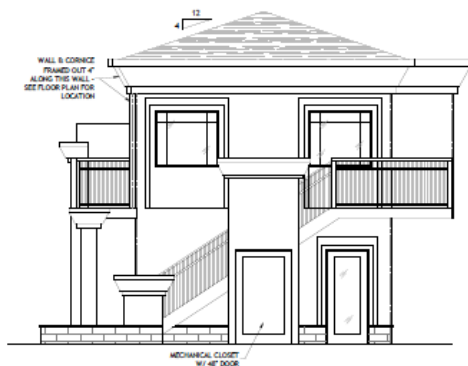


1 SOUTH ELEVATION  
Scale: 1/4"=1'-0"

NORTH LANDING DISTANCE ORIGIN  
FINISH FINISHES: 6.335  
BIM PERMITTED  
AREA OF WALL: 380.437sqft (35.34sqm)  
AREA OF GLAZING: 36.08sqft (3.34sqm)  
TOTAL GLAZING PERCENTAGE: 9.47%



2 WEST ELEVATION  
Scale: 1/4"=1'-0"



3 NORTH ELEVATION  
Scale: 1/4"=1'-0"

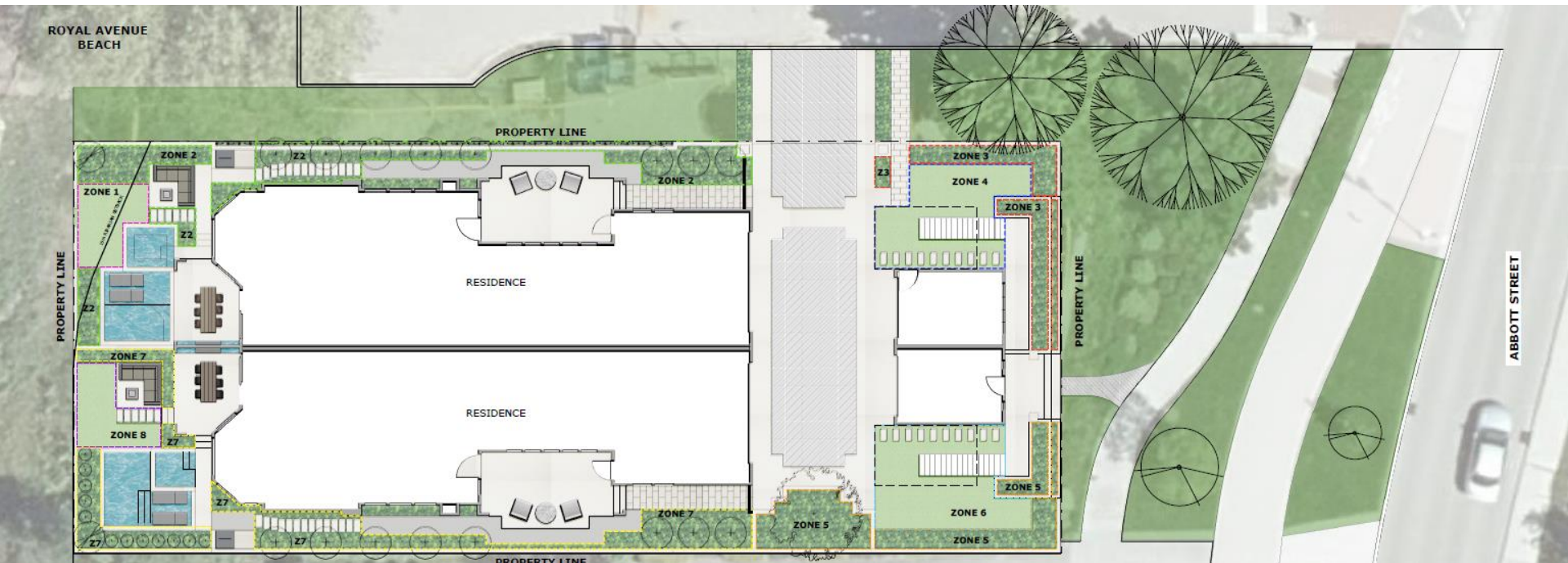
NORTH LANDING DISTANCE ORIGIN  
FINISH FINISHES: 6.335  
BIM PERMITTED  
AREA OF WALL: 380.437sqft (35.34sqm)  
AREA OF GLAZING: 46.195sqft (4.28sqm)  
TOTAL GLAZING PERCENTAGE: 12.28%



4 EAST ELEVATION  
Scale: 1/4"=1'-0"



# Landscape Plan



# Rendering (Abbott Street)





# Rendering (Royal Ave)





# Rendering (Okanagan Lake)



# Staff Recommendation

- ▶ Staff recommend **support** for the Heritage Alteration Permit with variances
  - ▶ Generally conforms with the Heritage Conservation Area Design Guidelines
  - ▶ Variances are minor and provide an attractive transition from the public realm to the private realm



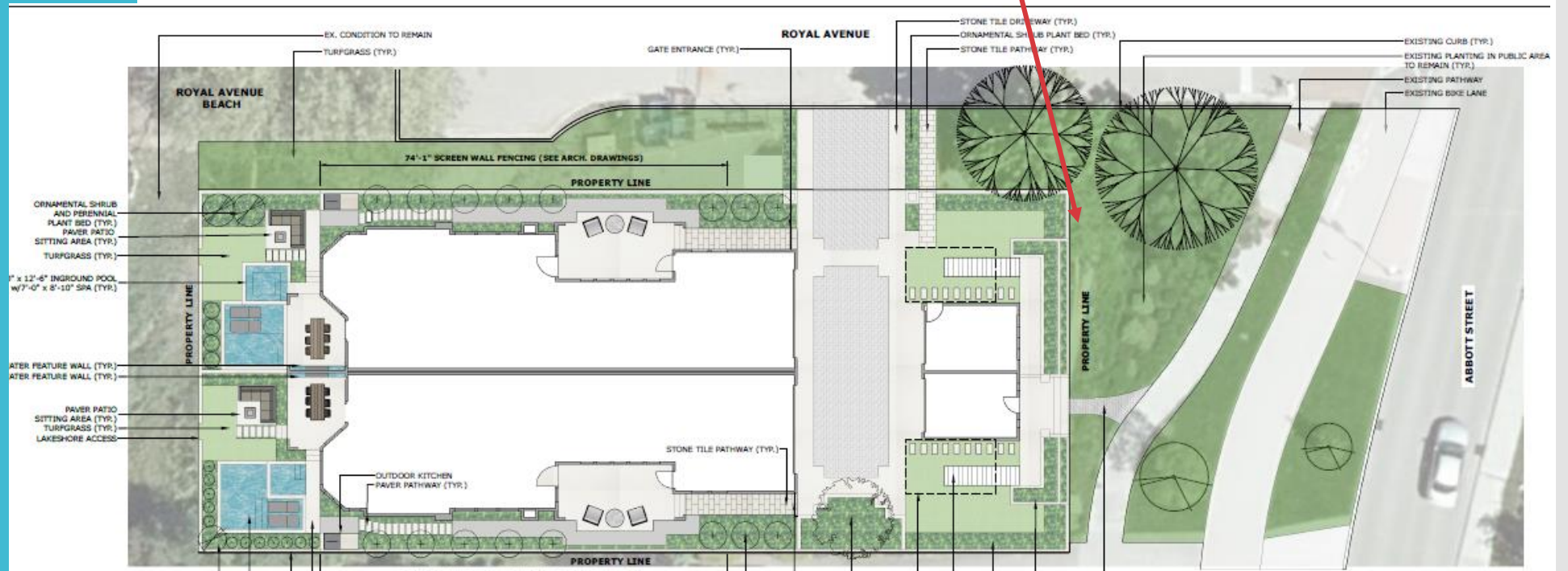
## *Conclusion of Staff Remarks*

# 2210 Abbott Street

*Heritage Alteration Permit with variances*



# Specific variances



Height of accessory building from 4.8m to 6.69m  
Minimum flanking side yard from 4.5m to 2.0m  
Minimum front yard from 9.0m to 1.5 proposed

# Site Perspective



VINEYARD  
DEVELOPMENTS



# Diversity of style

The Abbott Street Heritage Conservation Area is a neighbourhood steeped in local history and features a wide variety of housing styles popular over the past 100 years. Some homes are iconic examples, while others have blended traditional elements, but all proudly enhance the diversity of the area.

## The Elements of Styles

### VICTORIAN REVIVAL

- regal feel to the architecture, up to 2.5 storey height
- steep gable roof with returned eaves and gabled dormers
- multiple pane windows
- wrap around open porch
- decorative detailing



**Cadell House**, built 1906, 2124 Fawcett St.  
Queen Anne influenced Country House, one of the earliest houses in the area when built. Thomas Wilson designed for James Wilson. House, located in the Kildonan Land and Orchard Co. Kildonan Sewell, Kildonan Lane and Tandy, Dilling and Pizzaro, founder of Kildonan General Hospital and St. Michael and St. Joseph Anglican Church.



A rare example on Riverside Avenue.

### DUTCH REVIVAL

- bell-cut gambrel roof
- shed or gable dormers
- vertical, double-hung, multiple pane windows
- symmetrical front facade
- functional layout



### TUDOR REVIVAL

- decorative half-timbering
- steeply pitched roof
- prominent cross gables
- tall narrow windows
- small window panes

**Cookson House**, built 1909, 2922 Abbott Street  
Built by E. Cookson, son of Thomas Cookson, founder of the Kildonan Land and Orchard Co. and the Kildonan General Hospital.

### ARTS & CRAFTS

- exposed, natural materials
- low-pitched gabled roof with wide, unenclosed eave overhang
- roof rafters exposed
- decorative beams and braces
- porch supports extending to ground level, spaced or slanting



**Stone House**, built 1922, 1506 Abbott Street  
Built for Henry Stone in 1922, later associated with the Abbott Street of Associated Grocers of B.C., later the corner of Kildonan Branch.

### LATE ARTS & CRAFTS STYLE

- refined elements; enclosed porches
- FRANKLIN STYLE: A sub-style, noted by horizontal lines, flat or hipped roof with broad overhanging eaves, windows grouped in horizontal bands, integration with the landscape, craftsmanship, and restrained ornament.



**Jackson House**, built 1922, 236 Beach Avenue



### MEDITERRANEAN REVIVAL

- Masonry feel to the form
- shed and high-gable roof sub-forms
- stepped parapet, flat roof
- flush curves and stucco detail
- single and multi-sash vertical windows
- asymmetrical front facade

**McWilliams House**, built 1931, 3072 Abbott Street  
Midwest Spanish Colonial style. Built by 1931, Scott McWilliams of T. H. McWilliams, City of Vancouver Magazine and Dependency Magazine, 1917-47.



**MacLean House**, built 1942, 1869 Maple St.  
Georgian Revival. Built by A. MacLean. Ray MacLean was a publisher and managing editor of the Kildonan Courier (1918-74), an influential opinion-maker in the community.

### COLONIAL REVIVAL

- stately feel to the form
- high to medium gable roof
- horizontal siding
- grand entrance
- vertical, multi-sash windows
- window shutters
- symmetrical fronts



**Farmstead House**, built 1933, 1922 Abbott Street  
1930s Colonial Revival Cottage style. The Farmstead family operated a long established department store at 412 Beach Ave. from 1907-1960s. Builder: D.E. Mac.

### COTTAGE STYLES

- Fanciful style
- Stucco cladding
- Up to 1 1/2 stories
- Vertical windows
- Asymmetrical facade
- Portico front entrance
- Multi-sash windows
- Gable roof forms



**A. Trandgold House**, built 1916, 1907 Abbott Street

**VERMONT STYLE**  
Popular house style (often from plans books) which used the climate and use local materials. The Trandgold House is a unique Late Vermont Cottage finished with log legs.

### MODERNE

- streamlined style
- flat parapet roof
- stucco and horizontal banding and cladding
- low horizontal massing
- multi-sash windows, narrow trim
- curved walls
- asymmetrical facade
- canopy over entrance



**G.D. Lowe House (2nd)**, built 1937, 1858 Abbott Street. Architect: Robert Lyon. Gordon Donald Lowe operated NW Lowe Hardware and Paints. Later associated with the Lowe family of Dalmen House.

### EARLY SUBURBAN BUNGALOW

- Historic, convenient and practical, the post-WWII bungalow style has many variations in the Abbott Street area.



**H. Paterson House**, built 1941, 228 Lake Avenue

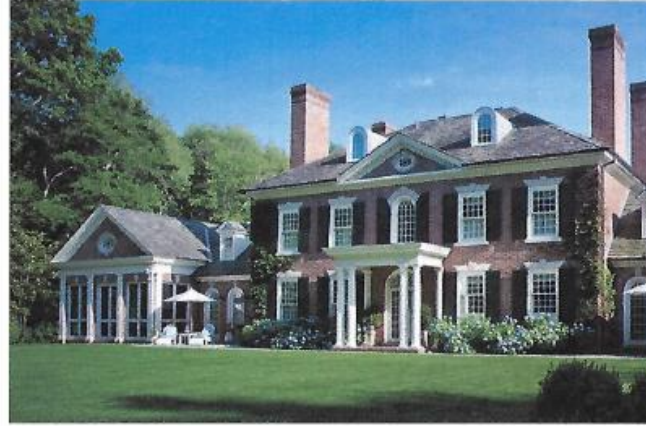
**CAPE COD STYLE**  
A Colonial sub-style, originated and perfected with a gable roof, horizontal siding and window shutters.



A vintage bungalow home on Glenwood Ave.

- Horizontal emphasis
- low gable and hip roof form
- plain eaves and brackets
- siding below belt-line, stucco above
- horizontal and picture windows
- asymmetrical front facade
- asphalt shingle roof
- driveways and attached carports

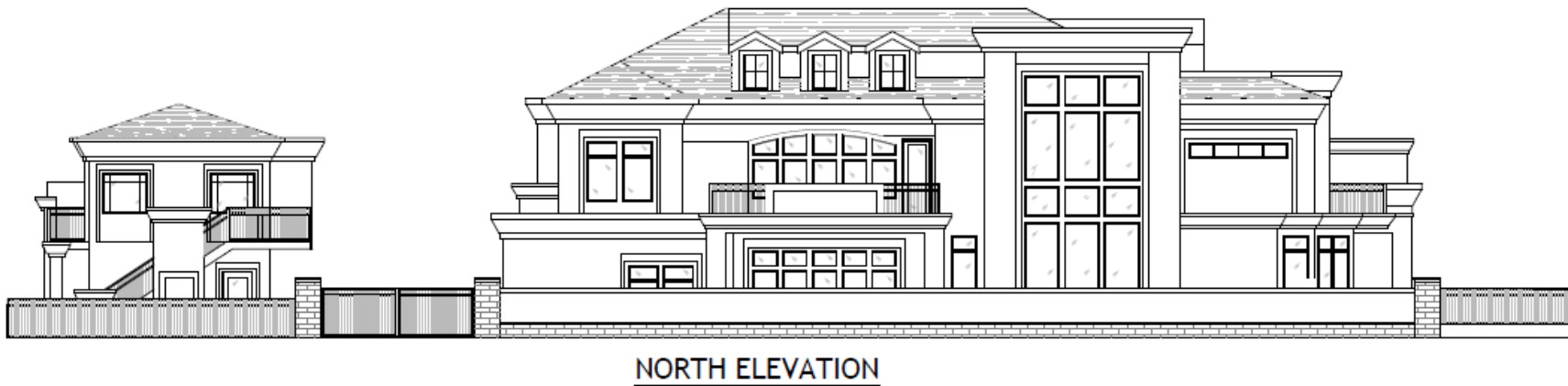
# Example of Georgian Manor homes



Georgian Revival  
Traditional Elements applied to  
contemporary house plans



# Royal Avenue Frontage



# Abbott Street Frontage



EAST ELEVATION



WEST ELEVATION

# Lakefront





2210 Abbott Street, Kelowna

Exterior walls : Stucco color Classic Grey, Benjamin Moore

Windows, doors, fencing and railing : color Soot, Benjamin Moore

Roof : traditional grey slate roof tiles



# View from Okanagan Lake

# Questions?



# Style elements

## Late Arts & Crafts Style Characteristics

- Stick-built feel to the architecture
- Medium gable and hip roof form
- Decorated soffit & brackets
- Enclosed front porch or portico
- Up to 2 1/2 storeys
- Horizontal wood siding & corner-boards
- Upper storey belting (cladding may vary)
- Ornamental crafted wood
- Vertical double-hung window openings
- Multi-sash window assembly
- Wide window & door trim
- Multiple pane windows
- Asymmetrical front facade
- Wood shingle roofing
- Side or rear yard parking

# REPORT TO COUNCIL



**Date:** June 21<sup>st</sup>, 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** DVP22-0044

**Owner:** Various Owners

**Address:** Multiple Addresses

**Applicant:** Bryan W. Boughton –  
Glenmeadows Strata K854

**Subject:** Development Variance Permit Application

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

**Existing Zone:** RU5 – Bareland Strata Housing

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## 1.0 Recommendation

THAT Council NOT authorize the issuance of Development Variance Permit No. DVP22-0044 from properties identified in 'Schedule A', located at 615 Glenmeadows Road, Kelowna, BC, be considered by Council.

## 2.0 Purpose

To review a Staff recommendation to NOT issue a Development Variance Permit to vary the maximum fence height from 1.2m permitted to 2.0m proposed on the subject property.

## 3.0 Development Planning

The applicant is proposing an addition to the existing strata wall that borders Glenmore Road. The intention of the wall addition is to create additional privacy, security and noise mitigation from the pedestrian and vehicle traffic along Glenmore Road.

While walled developments were popular forms of residential development in Kelowna in the 1990s, their lack of integration into their overall neighbourhood has been problematic. Fences and walls stretching over blocks of the city can create an exclusionary built environment and fragment the development from neighbouring properties. Imagine Kelowna identified social inclusion as one of its key priorities and the OCP Policy 5.4.8 discourages walled communities for these reasons. As a result, staff are not supportive of increasing the height of the strata wall due to its visual dominance. Staff suggest that a more successful design interface would include lower height semi-transparent fencing complemented by landscaping and tree planting as an effective interface to Glenmore Drive.



Fig. 1: The Verve – Street interface along Glenmore Drive.

#### 4.0 Proposal

##### 4.1 Background

A Text Amendment (TA19-0004) to the fencing and retaining walls section was adopted by Council on April 20<sup>th</sup>, 2020, which amended the fence height maximums for urban residential properties from 2.0m permitted on flanking streets and front yards to 1.06m. After the bylaw was in place for a year, a new Text Amendment (TA20-0023) came forward to change this regulation from 1.06m to 1.2m, which was adopted by Council on June 14<sup>th</sup>, 2021. The original size of 1.06m was adopted because it was the same height as pool railing height, however, after a little over a year, Staff proposed the 1.2m fence height after listening to fence manufacturing companies and property owners. The 1.2m still achieves the lower fencing height in residential zones in the front yard but was better aligned with fencing standards.

##### 4.2 Project Description

The proposed Development Variance Permit Application is to allow for an increase to the fence height along Glenmore Road from 1.2m permitted to 2.0m proposed. The strata currently have a 1.4m wall and the proposal is to add a metal bracket addition to the wall for all the properties along Glenmore Road. The strata is looking to increase the wall height for increased security, privacy, and noise mitigation along Glenmore Road.





Fig. 2: Existing Strata Wall along Glenmore Drive.

#### 4.3 Site Context

The subject property is in the Glenmore – Clifton – Dilworth OCP Sector and the surrounding area is primarily zoned RU5 – Bareland Strata Housing, RU2 – Medium Lot Housing and P2 – Education and Minor Institutional. The surrounding area has a Future Land Use Designation of C-NHD - Core Area Neighbourhood and EDINST – Educational / Institutional.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU5 – Bareland Strata Housing	Bareland Strata
East	RU5 – Bareland Strata Housing	Bareland Strata
South	P2 – Education and Minor Institutional & RU2 – Medium Lot Housing	Religious Assembly / Single-Family Dwellings
West	RU2 – Medium Lot Housing	Single-Family Dwellings

**Subject Property Map: 615 Glenmeadows Rd****5.0 Current Development Policies****5.1 Kelowna Official Community Plan (OCP)****Objective 5.4 Strategically locate community services to foster greater inclusion and social connections in the Core Area.**

Policy 5.4.8 Walled Developments	Discourage developments enclosed on all sides by walls, gates or other physical or visual barriers that hinder efforts to create more pedestrian, bicycle and transit friendly communities, block access to public park land or inhibit the efficient use of infrastructure.
	<i>The proposed variance to the wall/fence height would make this strata become walled along Glenmore Road and would close off the street interface.</i>

**6.0 Application Chronology**

Date of Application Received: February 17<sup>th</sup>, 2022

Date Public Consultation Completed: March 14<sup>th</sup>, 2022

**7.0 Alternate Recommendation**

THAT Council authorizes the issuance of Development Variance Permit No. DVP22-0044 for the properties identified on 'Schedule A', located at 615 Glenmeadows Road, Kelowna, BC, be considered by Council;

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

**Section 7.5.3 – Fencing and Retaining Walls:**

To vary the maximum fence height in urban residential zones from a flanking road from 1.2m permitted to 2.0m 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.

**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:**

Schedule A: Affected Addresses

Schedule B: Drawing Package

Attachment A: Draft Development Variance Permit DVP22-0044

# SCHEDULE

A

This forms part of application  
# DVP22-0044

Planner Initials

TC

City of Kelowna

DEVELOPMENT PLANNING

Schedule A: Affected Addresses in 615 Glenmeadows Road (Strata K854)			
No.	PID	Legal Description	Address
1	016-512-626	Strata Lot 41 Section 32 Township 26 ODYD Strata Plan K854 Together with an Interest in the Community Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1	71 - 615 Glenmeadows Rd
2	016-512-634	Strata Lot 42 Section 32 Township 26 ODYD Strata Plan K854 Together with an Interest in the Community Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1	72 - 615 Glenmeadows Rd
3	016-512-642	Strata Lot 43 Section 32 Township 26 ODYD Strata Plan K854 Together with an Interest in the Community Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1	73 - 615 Glenmeadows Rd
4	016-512-651	Strata Lot 44 Section 32 Township 26 ODYD Strata Plan K854 Together with an Interest in the Community Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1	74 - 615 Glenmeadows Rd
5	016-512-677	Strata Lot 45 Section 32 Township 26 ODYD Strata Plan K854 Together with an Interest in the Community Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1	75 - 615 Glenmeadows Rd
6	016-512-685	Strata Lot 46 Section 32 Township 26 ODYD Strata Plan K854 Together with an Interest in the Community Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1	77 - 615 Glenmeadows Rd
7	016-512-693	Strata Lot 47 Section 32 Township 26 ODYD Strata Plan K854 Together with an Interest in the Community Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1	79 - 615 Glenmeadows Rd
8	016-512-707	Strata Lot 48 Section 32 Township 26 ODYD Strata Plan K854 Together with an Interest in the Community Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1	81 - 615 Glenmeadows Rd
9	016-512-715	Strata Lot 49 Section 32 Township 26 ODYD Strata Plan K854 Together with an Interest in the Community Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1	83 - 615 Glenmeadows Rd



# SCHEDULE

This forms part of application

# DVP22-0044


Planner Initials

TC

City of Kelowna

DEVELOPMENT PLANNING

A



10 016-512-723	Strata Lot 50 Section 32 Township 26 ODYD Strata Plan K854 Together with an Interest in the Community Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1	84 - 615 Glenmeadows Rd
11 016-512-731	Strata Lot 51 Section 32 Township 26 ODYD Strata Plan K854 Together with an Interest in the Community Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1	1 - 615 Glenmeadows Rd
12 016-512-740	Strata Lot 52 Section 32 Township 26 ODYD Strata Plan K854 Together with an Interest in the Community Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1	3 - 615 Glenmeadows Rd
13 016-512-758	Strata Lot 53 Section 32 Township 26 ODYD Strata Plan K854 Together with an Interest in the Community Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1	5 - 615 Glenmeadows Rd
14 017-449-049	Strata Lot 54 Section 32 Township 26 ODYD Strata Plan K854 Together with an Interest in the Community Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1	7 - 615 Glenmeadows Rd
15 017-449-057	Strata Lot 55 Section 32 Township 26 ODYD Strata Plan K854 Together with an Interest in the Community Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1	9 - 615 Glenmeadows Rd
16 017-449-065	Strata Lot 56 Section 32 Township 26 ODYD Strata Plan K854 Together with an Interest in the Community Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1	11 - 615 Glenmeadows Rd
17 017-449-073	Strata Lot 57 Section 32 Township 26 ODYD Strata Plan K854 Together with an Interest in the Community Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1	13 - 615 Glenmeadows Rd
18 017-449-081	Strata Lot 58 Section 32 Township 26 ODYD Strata Plan K854 Together with an Interest in the Community Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1	14 - 615 Glenmeadows Rd
19 017-449-090	Strata Lot 59 Section 32 Township 26 ODYD Strata Plan K854 Together with an Interest in the Community Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1	15 - 615 Glenmeadows Rd

20

017-449-103

Strata Lot 60 Section 32 Township 26 ODYD Strata Plan K854  
Together with an Interest in the Community Property in  
Proportion to the Unit Entitlement of the Strata Lot as Shown  
on Form 1

16 - 615 Glenmeadows Rd

## SCHEDULE

A

This forms part of application

# DVP22-0044

Planner  
Initials

TC

City of  
**Kelowna**  
DEVELOPMENT PLANNING



# SCHEDULE

B

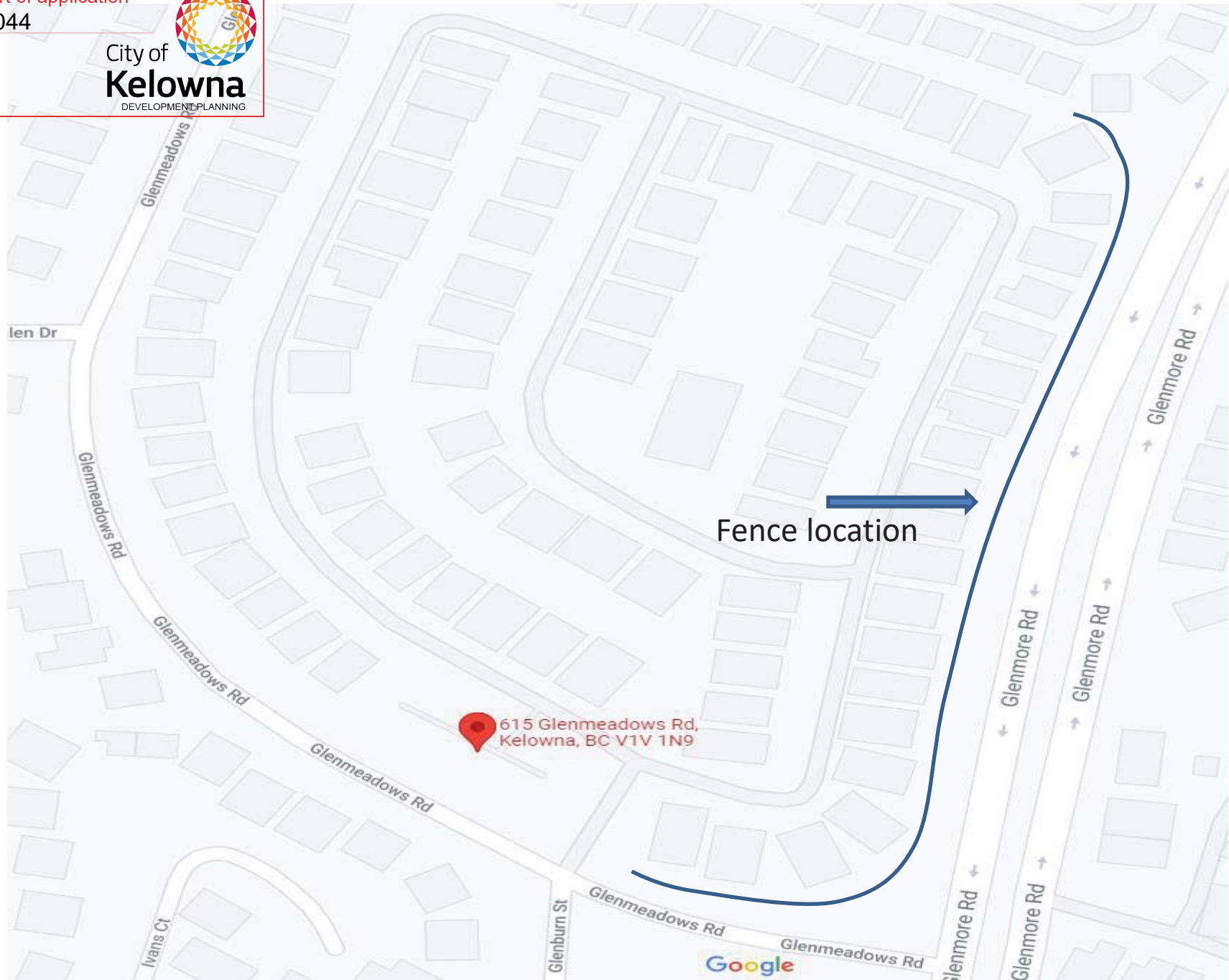
This forms part of application  
# DVP22-0044



City of  
**Kelowna**  
DEVELOPMENT PLANNING

Planner  
Initials

TC



# SCHEDULE

B

This forms part of application

# DVP22-0044

Planner  
Initials

TC

City of  
**Kelowna**  
DEVELOPMENT PLANNING

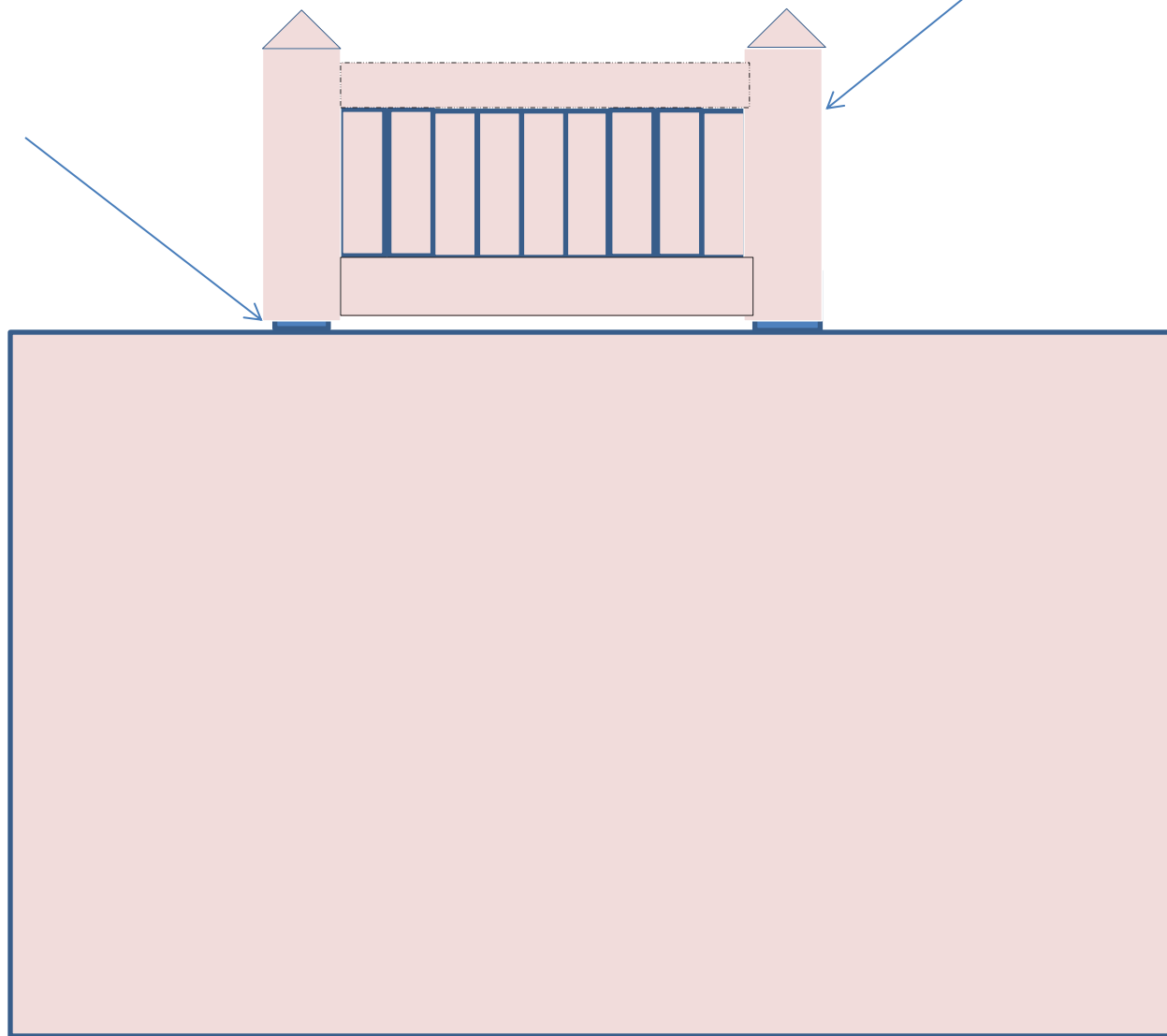


Metal  
brackets  
affixed to  
top of wall

PVC Material 1.2 metres  
tall

Approx  
1.2  
metres

2 metres





# Development Variance Permit

## DVP22-0044



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

**615 Glenmeadows Road**

and properties as shown on:

**Schedule A: "Affected Addresses"**

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

**RU5 – Bareland Strata Housing**

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

Date of Council Decision June 21<sup>st</sup>, 2022

Decision By: COUNCIL

Existing Zone: RU5 – Bareland Strata Housing

Future Land Use Designation: C-NHD – Core Area Neighbourhood

**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: Various Owners

Applicant: Bryan W. Boughton – Glenmeadows Strata K854

Terry Barton  
Development Planning Department Manager  
Planning & Development Services

Date

<b>ATTACHMENT</b>		<b>A</b>
This forms part of application		
# DVP22-0044		
Planner Initials	TC	 <b>City of 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 "B":

### Section 7.5.3 – Fencing and Retaining Walls:

To vary the maximum fence height in urban residential zones from a flanking road from 1.2m permitted to 2.0m 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		
# DVP22-0044		
Planner Initials	TC	 <b>City of Kelowna</b> DEVELOPMENT PLANNING

DVP22-0044

615 Glenmeadows Road

Development Variance Application

# Proposal

- ▶ To consider a Staff recommendation to NOT issue a Development Variance Permit to vary the maximum fence height from 1.2m permitted to 2.0m proposed.



# Development Process

Feb 17<sup>th</sup>, 2022

Development Application Submitted



Staff Review & Circulation



Mar 14<sup>th</sup>, 2022

Public Notification Received



Jun 21<sup>st</sup>, 2022

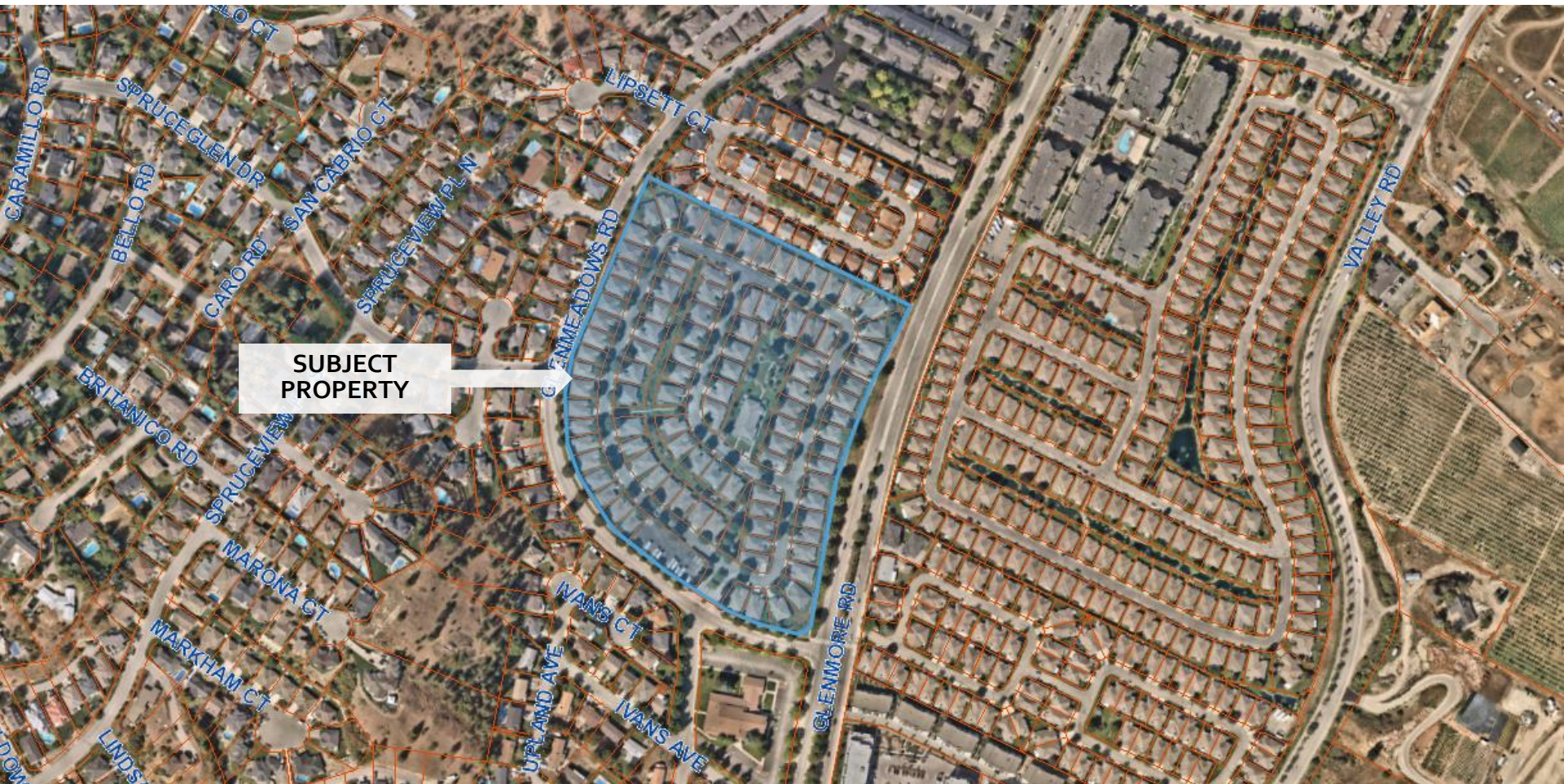
Development Variance Permit

} Council  
Approval



Building Permit

# Context Map





# Site Map

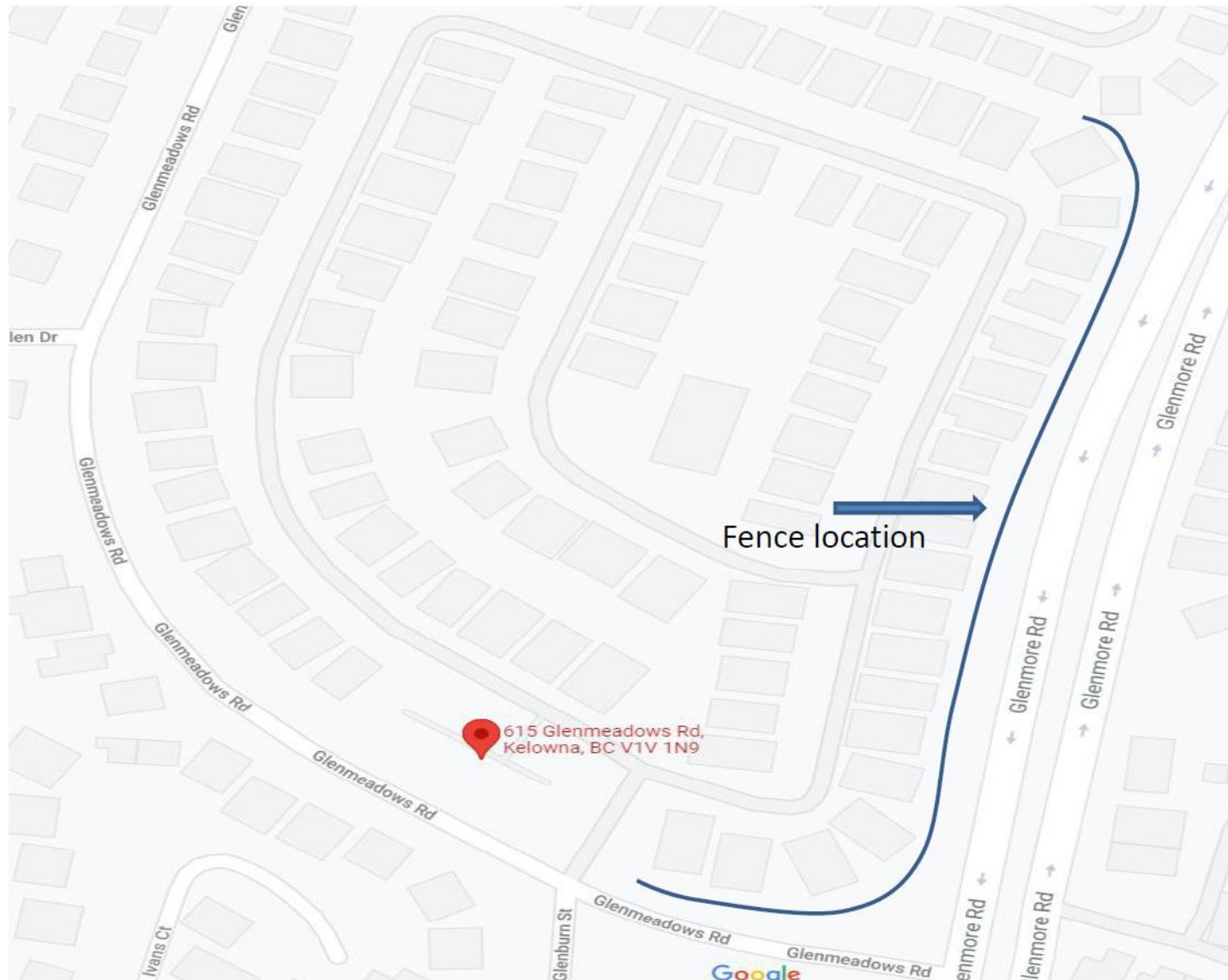


# Project/technical details

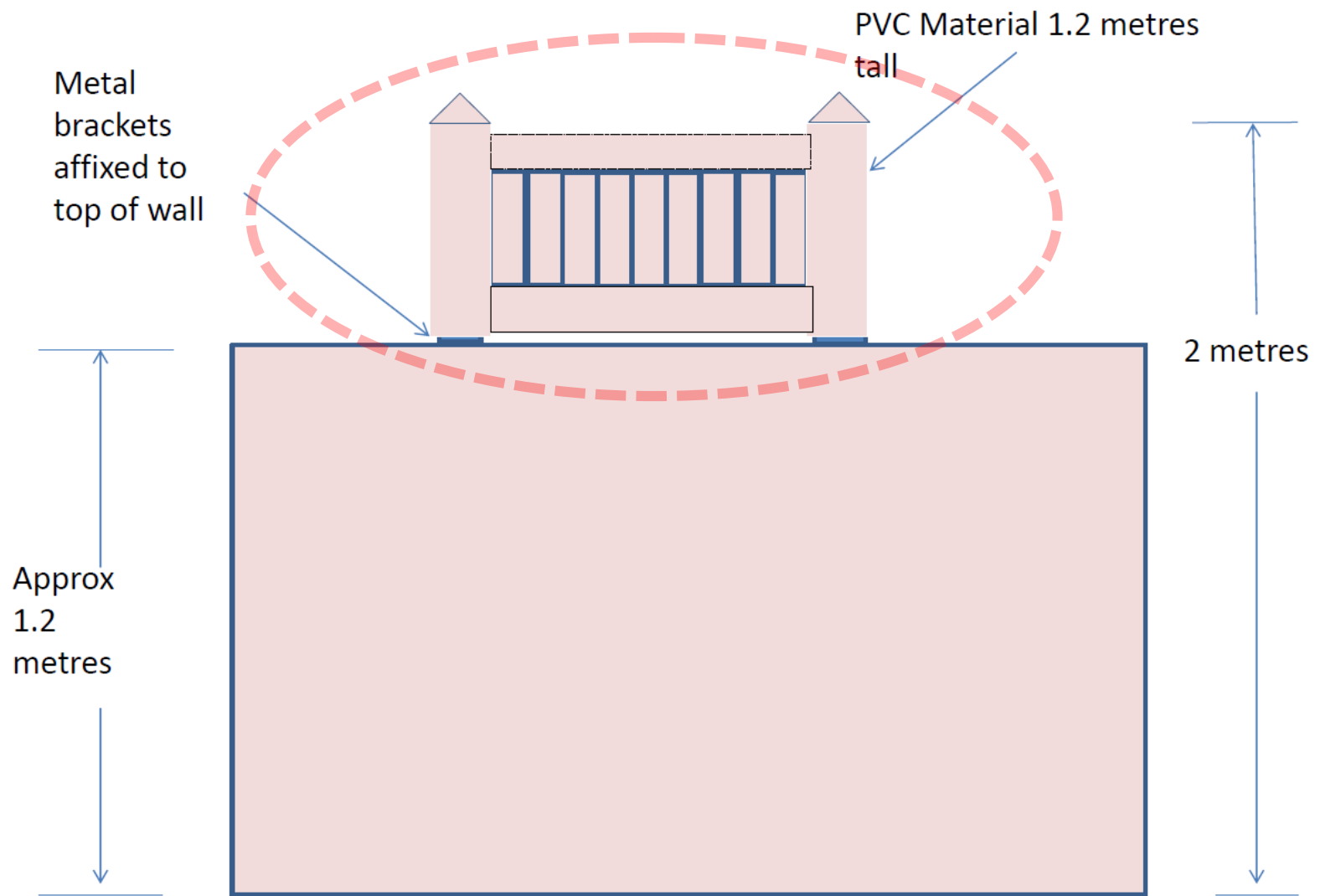
- ▶ The applicant is proposing to add an addition to the existing wall on Glenmore Road.
- ▶ Once variance is required as part of the application:
  - ▶ To vary the height from 1.2m to 2.0m.
- ▶ The wall height is proposed to increase security, privacy and noise mitigation along Glenmore Road.



# Proposed Wall Location



# Variances



# Site Photographs



# Staff Recommendation

- ▶ Staff **do not** recommend support for the proposed Development Variance Permit Application:
  - ▶ Proposal goes against the OCP policy on discouraging wall developments.
  - ▶ Increased wall heights lower social cohesion and negatively affected street interfaces.
  - ▶ The wall will fragment the property from the surrounding area and lower beautification along Glenmore.

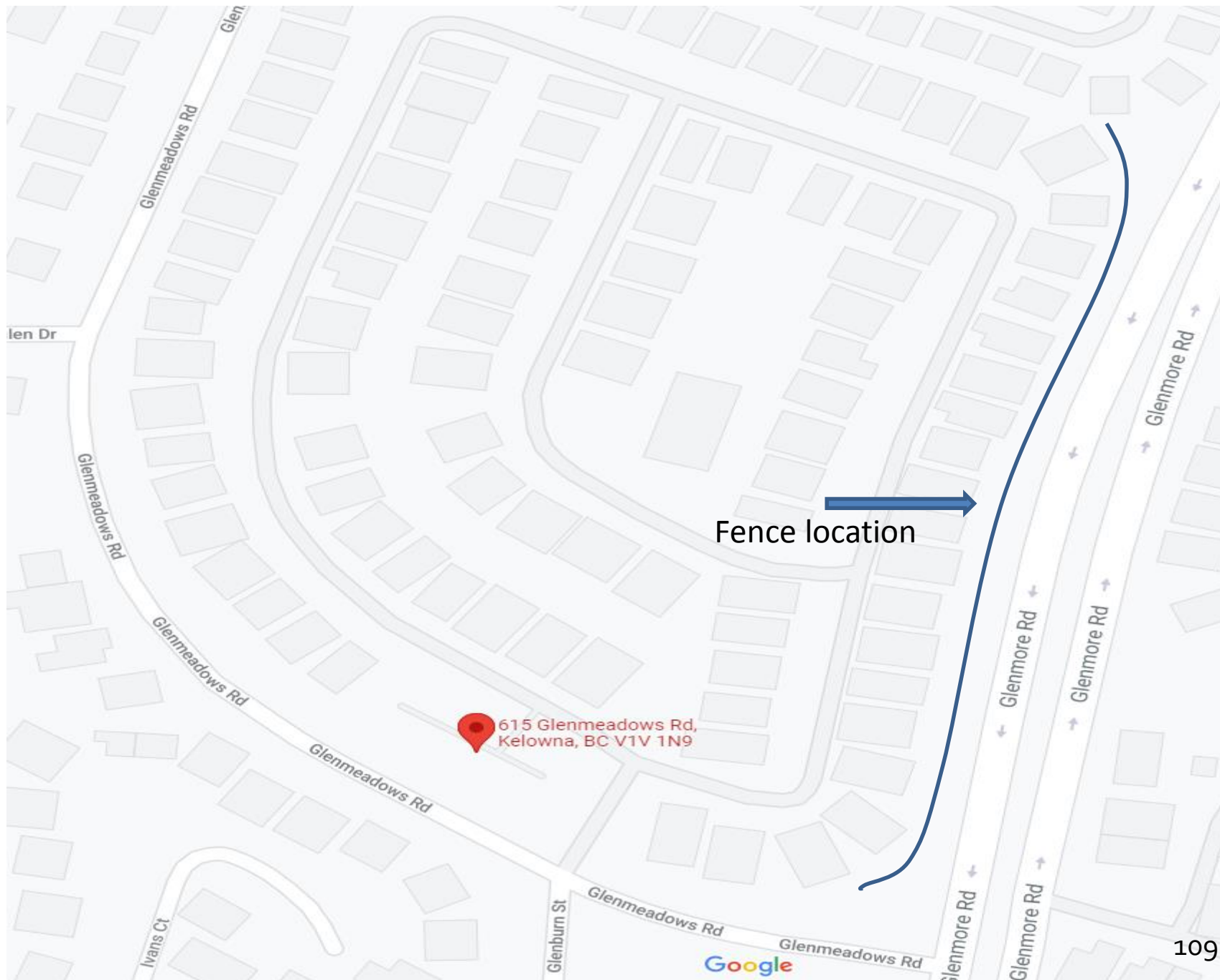




## *Conclusion of Staff Remarks*

# Application for a variance for fence height along Glenmore Road





## Background

In the past there was much less traffic along Glenmore Road and the noise levels and privacy were less of an issue. At this point there is much more road and foot traffic along that fence. As the fence is quite low there are also persons jumping the fence to gain access to the Strata. Residents backing onto Glenmore Road are concerned about security, privacy and the noise level which all have become an increasing problem in that area.



# Privacy, security and noise concerns

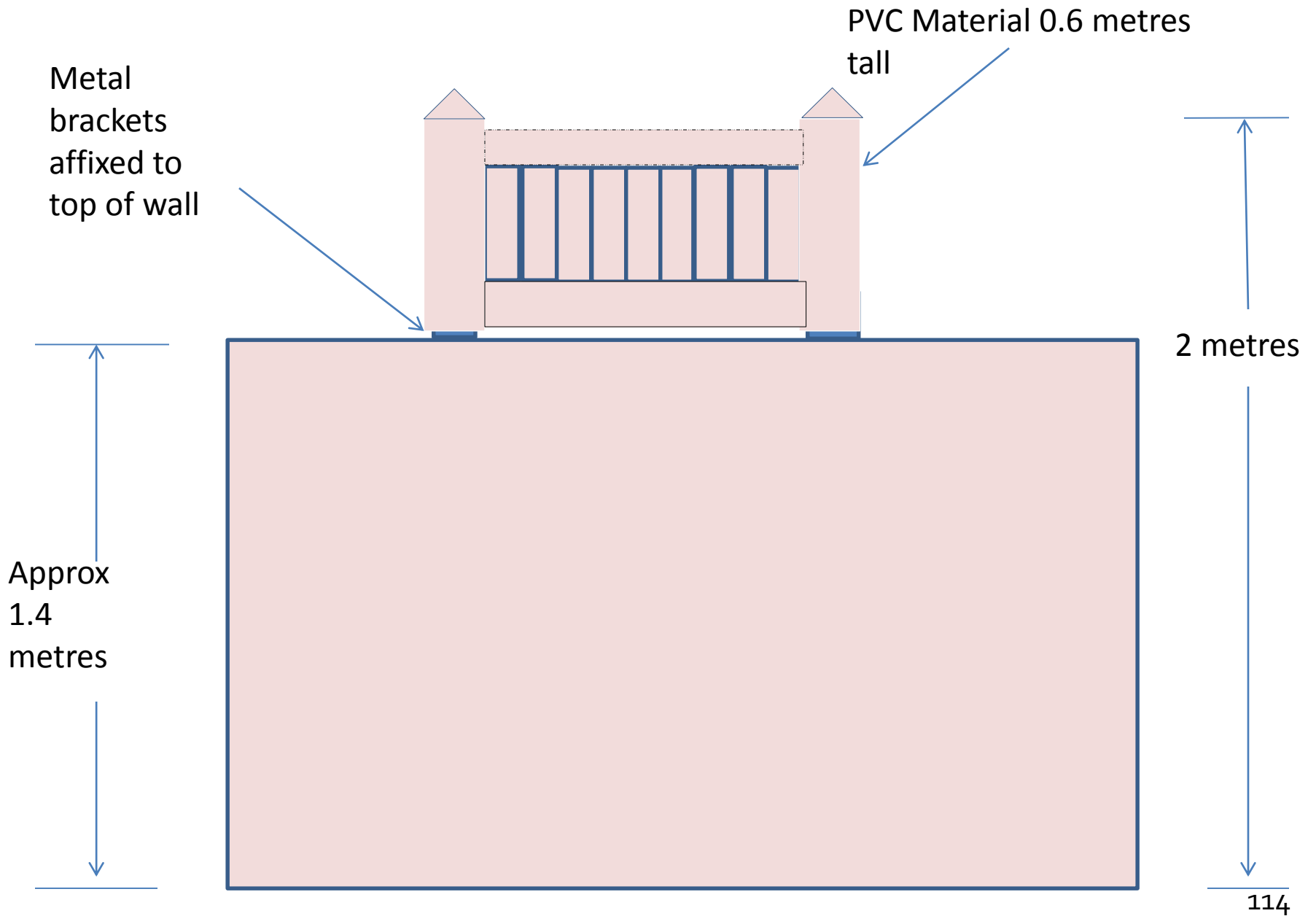


7.5.3 The maximum **height** for fences constructed at **natural grade** in rural residential zones shall not exceed 2.0 m in **height**, except where **abutting** an agricultural, industrial or commercial zone, the maximum **height** is 2.4 m. The maximum **height** for fences constructed at **natural grade** on commercial or industrial zoned properties shall not exceed 2.4 m. The maximum **height** for fences constructed at the **natural grade** in urban residential or multi-family zones shall not exceed 2.0 m in **height**, except that it shall not exceed 1.2 m in **height** within the minimum **front yard** or **flanking street** yard setbacks.



- Proposed extension on the existing fence. The extension would blend in well with the fence in place to maintain an attractive look



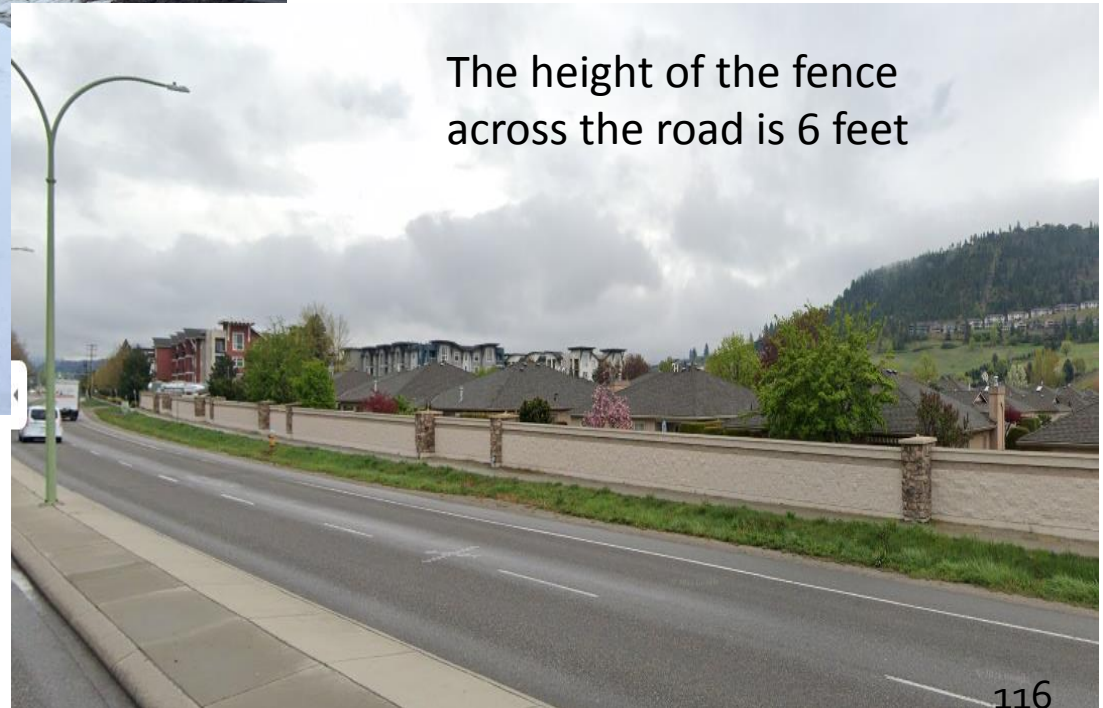




0.6 metres higher does not appreciably affect the look of the area



- The proposal would not be at variance with other stratas in our area as these examples illustrate







Strata across from  
Glenmeadows Strata





Increasing the height of the fence does not block sight lines for traffic exiting from Glenmeadows Road entering Glenmore Road



# Proposed solution

- The K854 Strata corporation requests a variance to raise the fence along Glenmore Road to a height of 2 metres to partially offset the aforementioned problems created by Glenmore Road foot and road traffic