

City of Kelowna

Regular Council Meeting

AGENDA



Monday, November 21, 2022

1:30 pm

Council Chamber

City Hall, 1435 Water Street

Pages

1. Call to Order

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

This Meeting is open to the public and all representations to Council form part of the public record. A live audio-video feed is being broadcast and recorded on kelowna.ca.

2. Public in Attendance

2.1. Okanagan Sun

To hear from representatives of the Okanagan Sun Football Club regarding their Championship season.

3. Confirmation of Minutes

4 - 15

PM Meeting - November 14, 2022

4. Development Application Reports & Related Bylaws

4.1. Sumac Rd E 211 - Z22-0053 (BL12438) - Raghvir Kaur and Kulraj Singh Gill

16 - 34

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone to facilitate the construction of a carriage house.

4.2. McClure Rd 764 - Z22-0037 (BL12444) - David Kummer

35 - 52

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU4 – Duplex Housing zone.

4.3. Kloppenburg Rd 1760 - Z22-0055 (BL12445) - Kuchma, Ryan and Rebekah

53 - 70

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone.

- 4.4. Tanager Ct 5428 - Z22-0052 (BL12449) - Dianne and George Kamoschinski** 71 - 95
- To rezone the subject property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone.
- 4.5. Lund Rd 1233 - Z22-0049 (BL12451) - Paramdeep Sidhu and Jagjit Sidhu** 96 - 120
- To rezone the subject property from the RU1 – Large Lot Housing zone to the RU4 – Duplex Housing zone.
- 4.6. Welke Rd 689 - Z21-0102 (BL12453) - David Allan Glendinning** 121 - 140
- To rezone the subject property from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone to facilitate the development of a 2-lot subdivision.
- 4.7. Hwy 97 N 2592 - Z22-0069 (BL12457) - 647700 BC LTD., INC.NO. 647700** 141 - 161
- To rezone a portion of the subject property from the I1 – Business Industrial zone to the CA1 – Core Area Mixed Use zone to facilitate the development of a hotel.

5. Non-Development Reports & Related Bylaws

- 5.1. Doyle Ave 350 - Attainable Housing Agreement** 162 - 177
- To authorize a Housing Agreement with 350 Doyle Avenue Holdings Inc. (Inc.. No. BC1283012) on the subject property.
- 5.2. BL12426 - Doyle Ave 350 - Housing Agreement Authorization** 178 - 186
- To give Bylaw No. 12426 first, second and third reading.
- 5.3. Sign Bylaw Amendment - TA22-0016 - City of Kelowna** 187 - 203
- To amend the City of Kelowna Sign Bylaw No. 11530 to reclassify the CA1 – Core Area Mixed Use Zone from Local Commercial to Major Commercial.
- 5.4. BL12452 - Amendment No. 3 to Sign Bylaw No. 11530** 204 - 204
- To give Bylaw No. 12452 first, second and third reading.

6. Resolutions

- 6.1. Draft Resolution, re: 2023 Council Meeting Schedule** 205 - 206

7. Bylaws for Adoption (Non-Development Related)

- 7.1. BL12435 - Amendment No. 39 to Sewerage System User Bylaw No. 3480** 207 - 209
- To adopt Bylaw No. 12435.

8. Mayor and Councillor Items

9. Termination



City of Kelowna Regular Council Meeting Minutes

Date: Monday, November 14, 2022
 Location: Council Chamber
 City Hall, 1435 Water Street

Members Present Mayor Tom Dyas, Councillors Ron Cannan, Maxine DeHart, Charlie Hodge, Gord Lovegrove, Mohini Singh, Luke Stack, Rick Webber and Loyal Wooldridge

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Planning & Development Services, Ryan Smith*; Development Planning Department Manager, Terry Barton*; Community Planning & Development Manager, Dean Strachan*; Utility Services Manager, Kevin Van Vliet*; Partnership Manager, Sandra Kochan*; Partnerships Office Director, Bob Evans*; Parking Services Manager, Dave Duncan*; Deputy City Clerk, Laura Bentley*

Staff participating Remotely Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Dyas called the meeting to order at 1:32 p.m.

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

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2. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Stack

R0775/22/11/14 THAT the Minutes of the Regular Meetings of October 3, 2022 and November 7, 2022 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1 Upper Mission Ct 5639 - OCP21-0021 (BL12439) Z21-0079 (BL12440) - Calcan Investments Inc., Inc. No. BC0383776

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Singh/Seconded By Councillor Cannan

R0776/22/11/14 THAT Official Community Plan Map Amendment Application No. OCP21-0021 to amend Map 3.1 in Kelowna 2040 – Official Community Plan Bylaw No 12300 by changing the Future Land Use designation of portions of Lot 12, Section 14, Township 28, SDYD, Plan EPP116470, located at 5639 Upper Mission Court, Kelowna, BC, from the NAT – Natural Area designation to the S-MU – Suburban - Multiple Unit designation, as shown on Map “A” attached to the Report from the Development Planning Department dated November 14, 2022, be considered by Council;

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

AND THAT Council considers the Public Consultation process to be appropriate consultation for the Purpose of Section 475 of the *Local Government Act*, as outlined in the Report from the Development Planning Department dated November 14, 2022;

AND THAT Rezoning Application No. Z21-0079 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of Lot 12, Section 14, Township 28, SDYD, Plan EPP116470, located at 5639 Upper Mission Court, Kelowna, BC, from the P3 – Parks and Open Space zone to the RU1 – Large Lot Housing zone as shown on Map “B” attached to the Report from the Development Planning Department dated November 14, 2022, be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Natural Environment Development Permit for the subject property.

Carried

Councillor Lovegrove - Opposed

3.2 Upper Mission Ct 5639 - BL12439 (OCP21-0021) - Calcan Investments Inc., Inc. No. BC0383776

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0777/22/11/14 THAT Bylaw No. 12439 be read a first time;

AND THAT the bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

Councillor Lovegrove - Opposed

3.3 Upper Mission Ct 5639 - BL12440 (Z21-0079) - Calcan Investments Inc., Inc. No. BC0383776

Moved By Councillor DeHart/Seconded By Councillor Wooldridge

R0778/22/11/14 THAT Bylaw No. 12440 be read a first time.

Carried

Councillor Lovegrove - Opposed

3.4 Upper Mission Dr 5548 - OCP21-0015 (BL12442) - Z21-0051 (BL12443) - Calcan Investments Inc., Inc. No. BC0383776

Staff:

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

Moved By Councillor Cannan/Seconded By Councillor DeHart

R0779/22/11/14 THAT Official Community Plan Map Amendment Application No. OCP21-0015 to amend Map 3.1 in the Kelowna 2040 – Official Community Plan Bylaw No. 12300 by changing the Future Land Use designation of portions of The North East ¼, Section 14, Township 28, SDYD, Except Plans KAP57304, EPP48322, EPP65254, EPP92619, EPP98834, EPP109053 and EPP116470, located at 5548 Upper Mission Drive, Kelowna, BC, from the NAT – Natural Area designation to the S – MU – Suburban Multiple Unit designation, as shown on Map “A” attached to the Report from the Development Planning Department dated November 14, 2022, be considered by Council;

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

AND THAT Council considers the Public Consultation process to be appropriate consultation for the *Purpose* of Section 475 of the *Local Government Act*, as outlined in the Report from the Development Planning Department dated November 14, 2022;

AND THAT Rezoning Application No. Z21-0051 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of portions of The North East ¼, Section 14, Township 28, SDYD, Except Plans KAP57304, EPP48322, EPP65254, EPP92619, EPP98834, EPP109053, and EPP116470, located at 5548 Upper Mission Drive, Kelowna, BC, from the P3 – Parks and Open Space zone to the RU1 – Large Lot Housing zone as shown on Map “B” attached to the Report from the Development Planning Department dated November 14, 2022, be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Natural Environment Development Permit for the subject property.

Carried

Councillor Lovegrove - Opposed

3.5 Upper Mission Dr 5548 - BL12442 (OCP21-0015) - Calcan Investments Inc., Inc. No. BC0383776

Moved By Councillor Stack/Seconded By Councillor Wooldridge

R0780/22/11/14 THAT Bylaw No. 12442 be read a first time;

AND THAT the bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

Councillor Lovegrove - Opposed

3.6 Upper Mission Dr 5548 - BL12443 (Z21-0051) - Calcan Investments Inc., Inc. No. BC0383776

Moved By Councillor Wooldridge/Seconded By Councillor Stack

R0781/22/11/14 THAT Bylaw No. 12443 be read a first time.

Carried

Councillor Lovegrove - Opposed

3.7 Glenmore Rd N 2340 - OCP22-0005 (BL12446) Z22-0033 (BL12447) - City of Kelowna

Staff:

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

Moved By Councillor Singh/Seconded By Councillor Cannan

R0782/22/11/14 THAT Official Community Plan Map Amendment Application No. OCP22-0005 to amend Map 3.1 in the Kelowna 2040 – Official Community Plan Bylaw No. 123000 by changing the Future Land Use designation of Lot 4 Section 21 Township 23 ODYD Plan 16293 Except Plans 19441 KAP64934 and KAP64936 located at 2340 Glenmore Road N, Kelowna, BC from the R-AGR – Rural – Agricultural and Resource designation to the EDINST – Educational / Institutional designation, be considered by Council;

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

AND THAT Council considers the Public Consultation process to be appropriate consultation for the Purpose of Section 475 of the *Local Government Act* as outlined in the Report from the Development Planning Department dated November 14, 2022;

AND THAT final adoption of the Official Community Plan Map Amending Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated November 14, 2022;

AND THAT Rezoning Application No. Z22-0033 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot 4 Section 21 Township 23 ODYD Plan 16293 Except Plans 19441 KAP64934 and KAP64936 located at 2340 Glenmore Road N, Kelowna, BC from the A1 – Agriculture zone to the P1 – Major Institutional zone be considered by Council;

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

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated November 14, 2022.

Carried

3.8 Glenmore Rd N 2340 - BL12446 (OCP22-0005) - City of Kelowna

Moved By Councillor Cannan/Seconded By Councillor Singh

R0783/22/11/14 THAT Bylaw No. 12446 be read a first time;

AND THAT the bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

3.9 Glenmore Rd N 2340 - BL12447 (Z22-0033) - City of Kelowna

Moved By Councillor Lovegrove/Seconded By Councillor Singh

R0784/22/11/14 THAT Bylaw No. 12447 be read a first time.

Carried

3.10 Harvey Ave 801-831 Saucier Ave 802-812 - Z21-0041 (BL12436) - Westrich Saucier Developments BC Ltd., Inc. No. BC1367262

Staff:

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

Moved By Councillor Wooldridge/Seconded By Councillor Cannan

R0785/22/11/14 THAT Rezoning Application No. Z21-0041 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of:

- a. LOT 5 BLOCK 1 DL 138 ODYD PLAN 7117, located at 801 Harvey Ave, Kelowna, BC;
- b. LOT 6 BLOCK 1 DL 138 ODYD PLAN 7117, located at 809 Harvey Ave, Kelowna, BC;
- c. LOT 7 BLOCK 1 DL 138 ODYD PLAN 7117, located at 819 Harvey Ave, Kelowna, BC;
- d. LOT 8 BLOCK 1 DL 138 ODYD PLAN 7117, located at 831 Harvey Ave, Kelowna, BC;
- e. LOT 20 BLOCK 1 DL 138 ODYD PLAN 7117, located at 802 Saucier Ave, Kelowna, BC;
- f. LOT 19 BLOCK 1 DL 138 ODYD PLAN 7117, located at 812 Saucier Ave, Kelowna, BC;

from the RU4 – Duplex Housing zone to the MF3r – Apartment Housing Rental Only zone be considered by Council;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Development Planning Department Dated November 14, 2022;

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

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with a Development Permit and Development Variance Permit.

Carried

3.11 Leathead Rd 460 and Fraser Rd 605 - Z20-0066 (BL12437) - 1342833 BC Ltd., Inc. No. BC1342833

Staff:

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

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

R0786/22/11/14 THAT Bylaw No. 12129 be forwarded for rescindment consideration and the file be closed;

AND THAT Bylaw No. 12130 be forwarded for rescindment consideration;

AND THAT Rezoning Application No. Z20-0066 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of LOT 1 SECTION 26 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 12434, located at 460 Leathead Rd, Kelowna, BC and LOT 2 SECTION 26 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 12434, located at 605 Fraser Rd, Kelowna, BC from the RU1 – Large Lot Housing zone to the MF2 – Townhouse Housing zone, be considered by Council;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Development Planning Department dated November 14, 2022;

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

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

Carried

3.12 Leathead Rd 460 and Fraser Rd 605 - BL12129 (OCP21-0013) - 1342833 BC Ltd., Inc. No. BC1342833

Moved By Councillor Lovegrove/Seconded By Councillor Singh

R0787/22/11/14 THAT Bylaw No. 12129 be rescinded at first, second and third reading

Carried

3.13 Leathead Rd 460 and Fraser Rd 605 - BL12130 (Z20-0066) - 1342833 BC Ltd., Inc. No. BC1342833

Moved By Councillor Lovegrove/Seconded By Councillor Singh

R0788/22/11/14 THAT Bylaw No. 12130 be rescinded at first, second and third reading

Carried

3.14 Windsong Cres 5031, Z22-0051 (BL 12441) - Rahul Chaudhary and Anita Kharod

Staff:

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

Moved By Councillor Singh/Seconded By Councillor Hodge

R0789/22/11/14 THAT Rezoning Application No. Z22-0051 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot 7 District Lot 357 SDYD

Plan KAP77753, located at 5031 Windsong Crescent, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1cc – Large Lot Housing with Child Care Centre, Major zone, be considered by Council.

Carried

3.15 Franklyn Rd 975 - Z22-0029 (BL 12448) - Gurdish Johal

Staff:

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

Moved By Councillor Wooldridge/Seconded By Councillor Lovegrove

R0790/22/11/14 THAT Rezoning Application No. Z22-0029 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot 1 District Lot 143 ODYD Plan 21429, located at 975 Franklyn Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU4 – Duplex Housing zone, be considered by Council;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Development Planning Department dated November 14th, 2022;

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

Carried

3.16 Miller Rd 3940 - HD22-0001 (BL12450) - Shona Renay Harrison

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Stack/Seconded By Councillor Singh

R0791/22/11/14 THAT Council supports the removal of Lot 1 District Lot 138 ODYD Plan EPP117925 located at 1875 Richter Street from the Heritage Register;

AND THAT Council supports the addition of Lot 57 Section 35 Township 29 ODYD Plan 1247 Except Plan 55336, located at 3940 Miller Road to the Heritage Register;

AND THAT Council consider a Bylaw for the Heritage Designation of the building commonly known as "J.N. Thompson House" and for the building envelope as set out in Schedule 'A' as attached to the Report from the Development Planning Department dated November 14, 2022, for the property legally described as Lot 57 Section 35 Township 29 ODYD Plan 1247 Except Plan KAP55336, located at 3940 Miller Road, Kelowna, BC, as a Municipal Heritage Site pursuant to Section 611 of the Local Government Act;

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

Carried

3.17 Miller Rd 3940 - BL12450 (HD22-0001) - Shona Renay Harrison.docx

Moved By Councillor Lovegrove/Seconded By Councillor Singh

R0792/22/11/14 THAT Bylaw No. 12450 be read a first time.

Carried

3.18 Rezoning Bylaws Supplemental Report to Council

At the request of Councillor Hodge, 1615 Gordon Drive Bylaw No. 12430 will be considered separately.

Moved By Councillor Cannan/Seconded By Councillor Hodge

R0793/22/11/14 THAT Council receives, for information, the report from the Office of the City Clerk dated November 14, 2022 with respect to four rezoning applications;

AND THAT Rezoning Bylaws No. 12429, 12430, 12432 and 12433 be forwarded for further reading consideration.

Carried

3.19 Rezoning Applications

3.19.1 Raymer Rd 705 - BL12429 (Z22-0046) - Empirical Homes Ltd, Inc. No. BC 1244290

Moved By Councillor Stack/Seconded By Councillor DeHart

R0794/22/11/14 THAT Bylaw No. 12429 be read a first, second and third time and be adopted.

Carried

3.19.2 Horak Rd, 4510 - BL12432 (Z22-0036) - Kevin Gerard Fornwald and Jane Eve Fornwald

Moved By Councillor DeHart/Seconded By Councillor Stack

R0795/22/11/14 THAT Bylaw No. 12432 be read a first, second and third time and be adopted.

Carried

3.20 Rezoning Applications

3.20.2 McCarthy Rd 9640 - BL12433 (Z12-0038) - Nicola Va (9640 McCarthy) Nomi Inc. Inc. No. BC1333757

Moved By Councillor DeHart/Seconded By Councillor Stack

R0796/22/11/14 THAT Bylaw No 12433 be read a first, second and third time.

Carried

3.20.1 Gordon Dr 1603-1615 - BL12430 (Z22-0020) - PC Urban (1605 Gordon Drive) Holdings Corp. Inc. No. BC1316531

Councillor Hodge declared a conflict of interest as he resides adjacent to the subject property at 1615 Gordon Drive and departed the meeting at 2:58 p.m.

Moved By Councillor Stack/Seconded By Councillor Webber

R0797/22/11/14 THAT Bylaw No 12430 be read a first, second and third time.

Carried

Councillor Hodge returned to the meeting at 3:04 p.m.

3.21 Rescinding of Development Bylaw Readings

Staff:

- Responded to questions from Council.

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

Ro798/22/11/14 THAT Council receives, for information, the Report from the Development Planning Department dated November 14, 2022, with respect to rescinding bylaw readings of rezoning, Official Community Plan (OCP), Text Amendment (TA) and Land Use Contract Termination (LUCT) bylaw amendment applications;

AND THAT the bylaws as outlined in Schedule "A" attached to the Report from the Development Planning Department dated November 14, 2022 be considered by Council for rescindment;

AND FURTHER THAT all bylaw readings listed in Schedule "A" be forwarded for rescindment consideration and the files be closed.

Carried

3.22 Development Bylaws to have First Reading Rescinded

Moved By Councillor Webber/Seconded By Councillor Wooldridge

Ro799/22/11/14 THAT Bylaw No. 11146 and 11147 be rescinded at first reading

Carried

3.23 Development Bylaws to have All Readings Rescinded

Moved By Councillor Wooldridge/Seconded By Councillor Webber

Ro800/22/11/14 THAT Bylaw No. 11813, 11856, 11878, 11915, 12031, 12032, 12086, 12121, 12157, 12179, 12190, 12211, 12212, 12217, 12218, 12232, 12233, 12318, 12330, 12346, 12362, 12371, 12374 and 12384 be rescinded at first, second and third reading.

Carried

3.24 (W of) Granite Close - DP22-0127 Kinnikinnik Developments Ltd., Inc.No. BCo622664

Staff:

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

Moved By Councillor DeHart/Seconded By Councillor Wooldridge

Ro801/22/11/14 THAT Council authorizes the issuance of Development Permit No. DP22-0127 for Lot 3 Section 29 Township 23 ODYD Plan EPP71444, located at (W OF) Granite Close, 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 FURTHER THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

4. Non-Development Reports & Related Bylaws

4.1 Wastewater Utility Rates 2023

Staff:

- Displayed a PowerPoint Presentation commenting on the utility system and outlining the proposed wastewater utility rates for 2023 and responded to questions from Council.

Moved By Councillor Singh/Seconded By Councillor Lovegrove

Ro802/22/11/14 THAT Council receives for information the report from the Utility Services Manager dated November 14, 2022, regarding wastewater utility rates for 2023;

AND THAT Bylaw No. 12435, being amendment 39 to Sewerage System User Bylaw 3480, be forwarded to Council for reading consideration.

Carried

4.2 BL12435 - Amendment No. 39 to Sewerage System User Bylaw No. 3480

Moved By Councillor Wooldridge/Seconded By Councillor Webber

Ro803/22/11/14 THAT Bylaw No. 12435 be read a first, second and third time.

Carried

4.3 Complimentary On-Street Saturday Parking in December 2022

Staff:

- Displayed a PowerPoint Presentation outlining the proposed complimentary on street Saturday parking in December, 2022 and responded to questions from Council.

Moved By Councillor Hodge/Seconded By Councillor Singh

Ro804/22/11/14 THAT Council receives, for information, the report from the Real Estate department dated November 14, 2022, with respect to Complimentary On-Street Saturday Parking in December 2022;

AND THAT Council approves waiving on-street parking fees in the downtown area on the five (5) Saturdays in December 2022.

Carried

4.4 Sponsorship of the 2023 Accelerate Okanagan OKGN Angel Summit

Staff:

- Displayed a PowerPoint Presentation outlining the proposed sponsorship of the 2023 Accelerate Okanagan OKGN Angel Summit and responded to questions from Council.

Moved By Councillor Wooldridge/Seconded By Councillor Stack

Ro805/22/11/14 THAT Council directs staff to bring forward an alternate funding source for an annual contribution to the OKGN Angel Summit.

Carried

Moved By Councillor Singh/Seconded By Councillor Lovegrove

Ro806/22/11/14 THAT Council receives for information the report from the Partnership Office dated November 14, 2022 regarding sponsorship of the 2023 Accelerate Okanagan OKGN Angel Summit;

AND THAT Council approves a financial contribution of \$4,000 from Council Contingency in support of the 2023 Accelerate Okanagan OKGN Angel Summit.

Carried

4.5 2022 Election Results and Ballot Account

Staff:

- Displayed a PowerPoint Presentation summarizing the 2022 Election results and ballot account and responded to questions from Council.

Moved By Councillor Cannan/Seconded By Councillor Lovegrove

Ro807/22/11/14 THAT Council receives, for information, the report from the Office of the City Clerk dated November 14, 2022 with respect to the 2022 election results and ballot account;

AND THAT Council directs staff to review Election Sign Bylaw No. 10411 and procedures, as outlined in the report from the Office of the City Clerk dated November 14, 2022, and report back to Council.

Carried

5. Mayor and Councillor Items

Mayor Dyas:

- Offered congratulations to the Okanagan Sun Football team for their Canadian Championship.

Councillor Stack:

- Thanked the new Mayor in leading their first formal meeting this afternoon.
- Made comment on the number of new units of housing for the community that Council advanced today.

Councillor DeHart:

- Welcomed the new Mayor and Councillors.
- Spoke to the successful November 11 Remembrance Day Ceremony in City Park.

Councillor Hodge

- Acknowledged and welcomed the new Mayor and Councillors.

Councillor Wooldridge

- Welcomed the new Mayor and Councillors.
- Made comment on the large turnout at the Remembrance Day Ceremony in City Park.

Mayor Dyas:

- Congratulated Councillor Wooldridge on his appointment as Chair on the Regional District Board.

Councillor Lovegrove:

- Provided comments on Council's first meeting.
- Encouraged fellow Council members to meet the community in different neighbourhoods on a regular basis.

Councillor Cannan

- Congratulated the Okanagan Sun Football team on their Canadian Championship.
- Made comment on the evolution of the Official Community Plan.
- Would like an update on the Mission Sports Field.

City Manager:

- Will email Council a link from the report that went to the last Council to see if there is anything of concern or interest and raise it a future Council meeting.

Councillor Singh:

- Congratulated and welcomed the Mayor and three new Councillors.
- Spoke to their attendance at the Remembrance Day Ceremony at the Cenotaph in the Rutland community.
- Spoke to the "Home is Where the Art Is" event taking place Saturday November 19th from 12:00-5:00 p.m., in memory of Gary Benson, with proceeds going to Youth Programming at the Kelowna Art Gallery.

6. Termination

This meeting was declared terminated at 4:39 p.m.

Mayor Dyas

/acm



City Clerk

REPORT TO COUNCIL



Date: November 21, 2022

To: Council

From: City Manager

Department: Development Planning

Application: Z22-0053

Owner: Raghvir Kaur and Kulraj Singh Gill

Address: 211 Sumac Rd E

Applicant: Urban Options Planning Corp.

Subject: Rezoning Application

Existing OCP Designation: S-RES – Suburban - Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU1c – Large Lot Housing with Carriage House

1.0 Recommendation

THAT Rezoning Application No. Z22-0053 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot 3 Section 26 Township 26 ODYD PLAN 38257, located at 211 Sumac Rd E, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone be considered by Council.

2.0 Purpose

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone to facilitate the construction of a carriage house.

3.0 Development Planning

Staff support the proposed rezoning application to RU1c – Large Lot Housing with Carriage House zone to facilitate the development of a carriage house. The proposal meets the intent of the Official Community Plan (OCP) Future Land Use Designation of S-RES – Suburban Residential, which speaks to the accommodation of single and two dwelling growth, with opportunities for secondary suites and carriage houses in the Suburban Neighbourhood. The application meets several Official Community Plan policies including ground oriented housing development and sensitive infill. The property is connected to City sanitary sewer and is within the Permanent Growth Boundary.

4.0 Proposal

4.1 Project Description

The proposed rezoning from RU1 to RU1c is to facilitate the development of a new carriage house. The applicant has submitted a conceptual site plan showing the carriage house on the property. The proposed two storey carriage house will be located in the rear of the property and accessed through a 1.22 m wide lit path that runs from the end of the driveway along the north side of the carriage house. Parking can be accommodated in a garage attached to the carriage house. The carriage house will be accessed from an existing driveway along Keyes Road. The proposal indicates that the carriage house can be constructed to meet all Zoning Bylaw Regulations without any variances.

4.2 Site Context

The subject property is located within the Rutland - OCP District, and is located on the corner of Sumac Rd E and Keyes Rd. The surrounding area is primarily zoned RU1 – Large Lot Housing, RU4 – Duplex Housing, and P2 – Educational and Minor Institutional.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Dwelling Housing
East	RU1 – Large Lot Housing	Single Dwelling Housing
South	RU1 – Large Lot Housing	Single Dwelling Housing
West	RU1 – Large Lot Housing	Single Dwelling Housing

Subject Property Map: 211 Sumac Rd E



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Objective 7.2 Design Suburban Neighbourhoods to be low impact, context sensitive and adaptable

Policy 7.2.1 Ground Oriented Housing	<p>Consider a range of low-density ground-oriented housing development to improve housing diversity and affordability and to reduce the overall urban footprint of Suburban Neighbourhoods. Focus more intensive ground-oriented housing where it is in close proximity to small scale commercial services, amenities like schools and parks, existing transit service and/or active transportation facilities.</p> <p><i>The proposed carriage home is sensitive to the neighbourhood in regards to height and siting, and is ground oriented. The subject property is in close proximity to transit routes and Sumac Park.</i></p>
--	--

6.0 Application Chronology

Date of Application Accepted: September 2nd, 2022

Date Public Consultation Completed: October 3rd, 2022

Report prepared by: Alissa Cook, Planner I
Reviewed by: Dean Strachan, Community Planning & Development Manager
Reviewed by: Terry Barton, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment A: Conceptual Drawing Package

Attachment B: Applicants Rationale

PROPOSED
CARRIAGE HOUSE

PROJECT INFO:

CIVIC ADDRESS:
211 SUMAC ROAD E

Legal Description:
PID: 007-783-159
Plan: KAP38257
Lot: 3

PLAN KAP38257 LOT 3 SECTION 26 TOWNSHIP 26

LOT COVERAGE

EXISTING BUILDING AREA: 1,418 SQ. FT. (131.7 SQ. M.)
PROPOSED BUILDING AREA: 922 SQ. FT. (85.6 SQ. M.)

TOTAL BUILDING AREA: 2,340 SQ. FT. (217.4 SQ. M.)
TOTAL LOT AREA: 9,478.7 SQ. FT. (880.6 SQ. M.)

LOT COVERAGE = 24.7%

PROPOSED LIVING AREA = 967 SQ. FT. (89.8 SQ. M.)
PROPOSED HEIGHT = 17'-8" (5.385m)

LIST OF DRAWINGS:

SHEET INDEX:
1 SITE PLAN



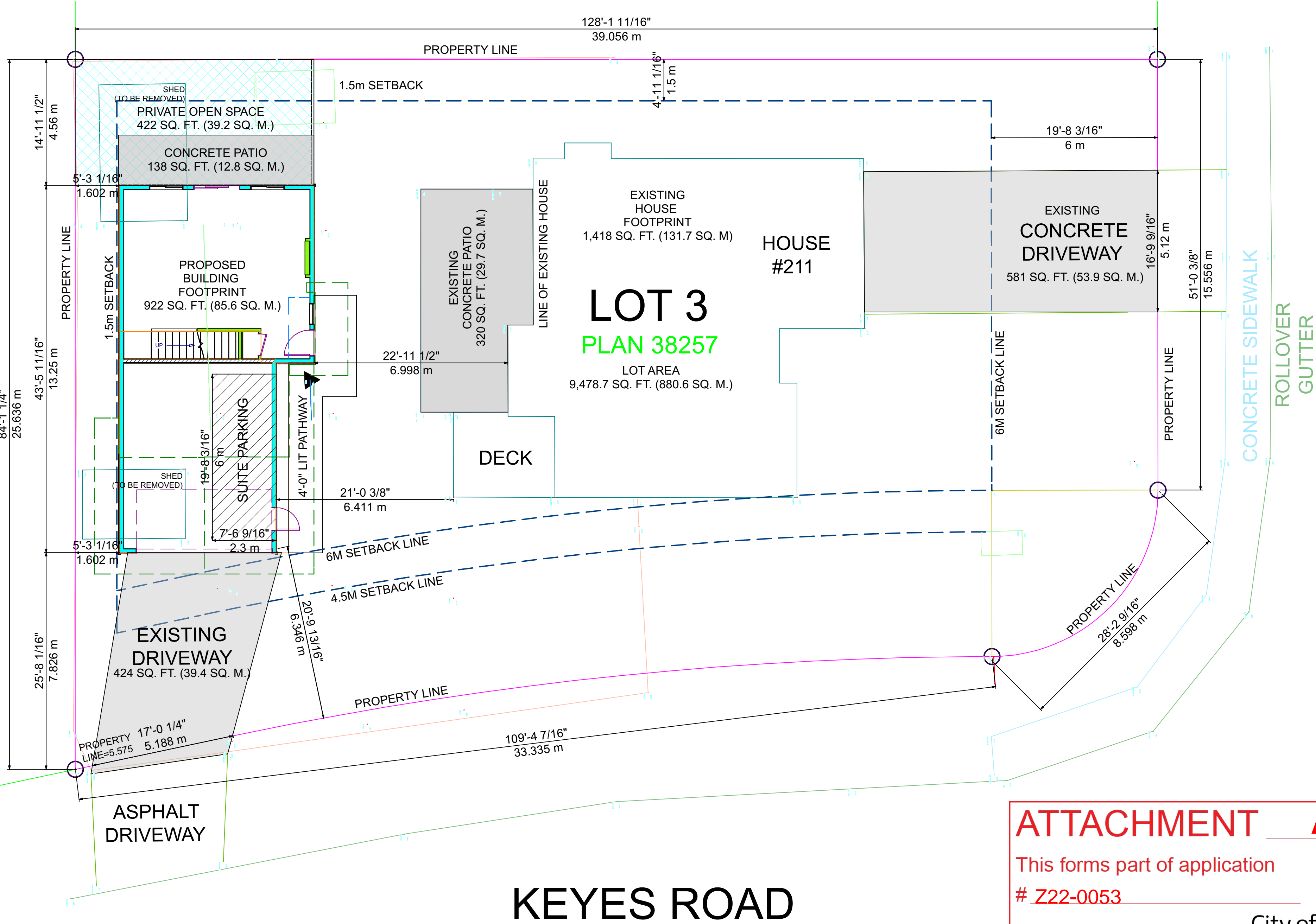
EXISTING SITE PHOTO



EXISTING SITE PHOTO

LOT 4
PLAN 38257

SITE PLAN
SCALE: 1/8" = 1'



SUMAC ROAD EAST

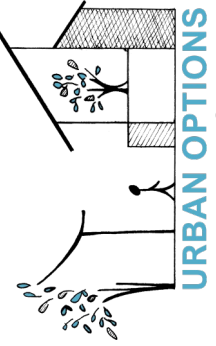
KEYES ROAD



EXISTING SITE PHOTO



VICINITY MAP



KULRAJ GILL
250-863-5529

211 SUMAC ROAD
KELOWNA, BC

PROJECT TITLE

TITLE

SCALE

DATE
OCT-07-2022

PROJECT NUMBER
Z-155-01

DRAWING NUMBER
1.4

SHEET

1 of 1

ATTACHMENT A

This forms part of application
Z22-0053

Planner Initials
AC





August 25, 2022

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

ATTACHMENT B	
This forms part of application # Z22-0053	
Planner Initials	AC
 City of Kelowna COMMUNITY PLANNING	

Application to Rezone the Property from RU1 – Large Lot Housing to RU1c – Large Lot Housing with Carriage House at 211 Sumac Road E.

Introduction

Dear Planning Staff,

The purpose of this application is to rezone the subject property from RU1 to RU1c to allow for the construction of a carriage house. The existing shed in the rear yard will be demolished, and the carriage house will be located here. Parking is planned in an attached garage to provide convenience for tenants. Although the current zoning is RU1 – Large Lot Housing, the property is located within the *Suburban Residential* Future Land Use designation and therefore a Rezoning application is required. The *Core Area – Neighbourhood* boundary is found 220.0m from the subject property. The lot size is sufficient at 882.0m² and can easily support a carriage house. Context photos are provided on the site plan.

Please note that the ownership of the property is in process. The landowners have signed the attached Owner Authorization form and a Land Transfer Document has been provided. The State of Title will be provided when available.

Official Community Plan Conformance

This proposal conforms to the 2040 OCP – Future Land Use guidance of *Suburban Residential*, as carriage houses are a supported use. The surrounding neighbourhood has a mix of Future Land Use designations such as Educational / Institutional, Park, Neighbourhood Commercial, and Suburban Multiple Unit. In addition, the following pillars are met as part of this proposal:

1. Stop planning new suburban neighbourhoods.

Creating sensitive infill within existing neighbourhoods reduces the desire for new suburban neighbourhoods to be planned. In turn, those who wish to rent a new dwelling or provide housing for family members can do so without constructing a new single-family home in a new neighbourhood. In addition, new construction within existing neighbourhoods eliminates the need to create new service lines which are expensive to build and maintain.

2. Promote more housing diversity.

The *Suburban Residential* Future Land Use designation allows for a range of housing forms within existing suburban neighbourhoods. Construction of a carriage house is a great way to utilize the existing property and services to create a diverse housing option in a neighbourhood which is located nearby amenities such as schools, parks, and places of worship.

3. Protect our environment.

Constructing a carriage house on an existing building envelope reduces the need for environmental impacts such as blasting, site grading, and tree removal.

As shown on the attached site plan, the proposed carriage house is two-storey and is located within the Permanent Growth Boundary. The proposal conforms to all RU1c – Large lot housing with carriage house regulations as found in *Zoning Bylaw 12375*. The footprint of the carriage house is 85.6m² and net floor area is 89.8m², with a building height of 5.385m. Access will be taken from Keyes Road on the existing driveway, which is less than 6.0m in width at the roadway. The carriage house is intended to provide financial support for the family and create additional rental housing in the North Rutland neighbourhood.

In the immediate neighbourhood, many properties are zoned RU1c, RU4, and Multi Family to allow for a higher density in the area. Many parks are located nearby, including Sumac Park, Edith Gay, and Chichester Wetlands. Rutland Road is located 160.0m away from the subject property and provides BC Transit bus stops and an active bicycle network. We believe the application is beneficial as the proposed carriage house will better utilize a large property and provide rental housing in an area of Kelowna with great potential.

Regards,

Urban Options Planning Corp.
By it's authorized signatory; Birte Decloux RPP MCIP

CITY OF KELOWNA
BYLAW NO. 12438
Z22-0053
211 Sumac Road East

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

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

1. THAT City of Kelowna Zoning Bylaw No. 12375 be amended by changing the zoning classification of Lot 3 Section 26 Township 26 ODYD Plan 38257 located on Sumac Road East, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Z22-0053 211 Sumac Rd E

Rezoning Application

Proposal

- ▶ To consider rezoning the application from the RU1-Large Lot Housing to the RU1c – Large Lot Housing with Carriage House zone to facilitate the construction of a carriage house.

Rezoning

- ▶ “Is this proposed land use and density appropriate for this property?”

- ▶ Regulate the following within a zone:
 - ▶ Uses of land, building, & structures
 - ▶ Density of use of land (FAR)
 - ▶ Based on OCP Policies including Future Land Use

Development Process

June 1, 2022

Development Application Submitted



Staff Review & Circulation



June 29, 2022

Public Notification Received



Nov 21, 2022

Initial Consideration



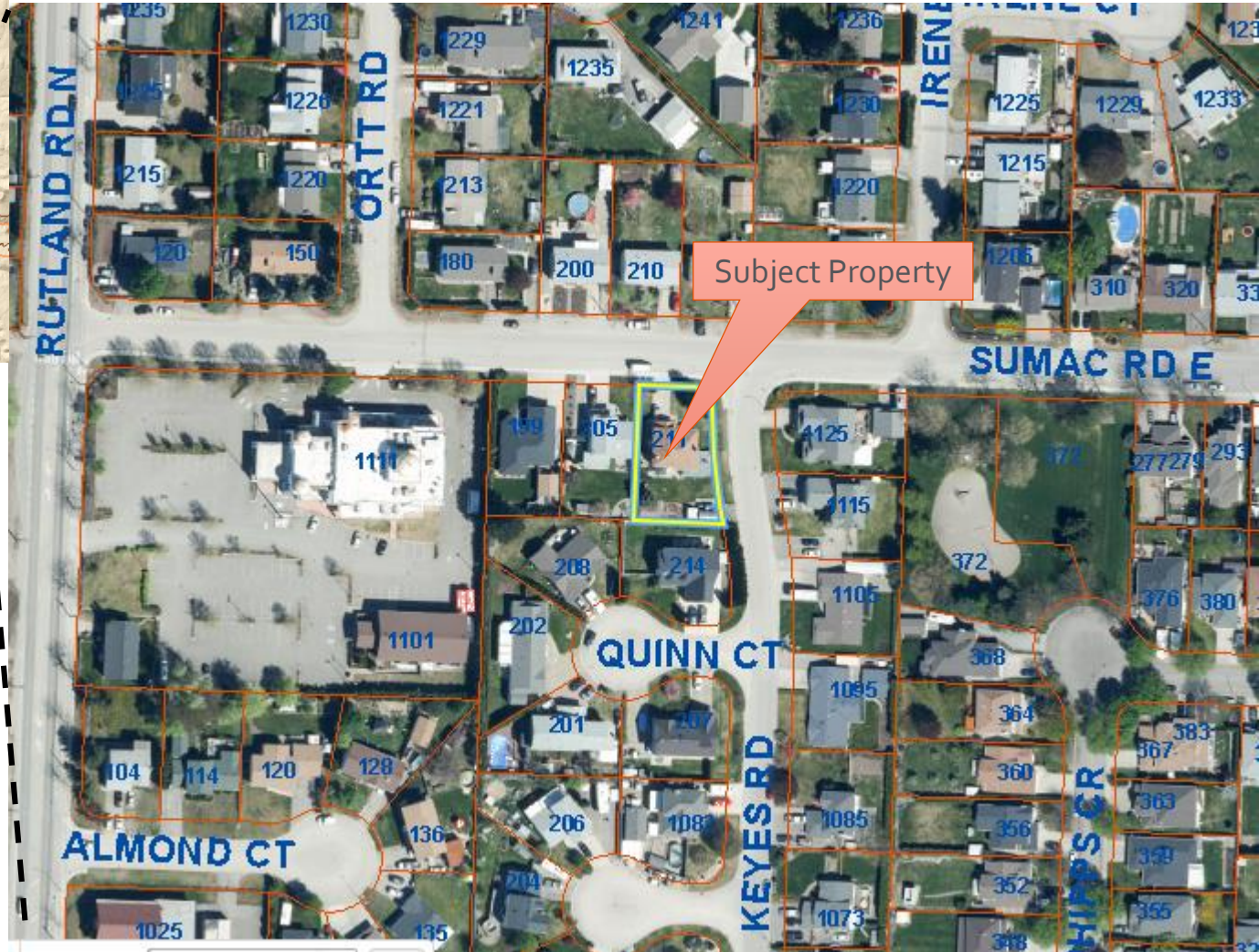
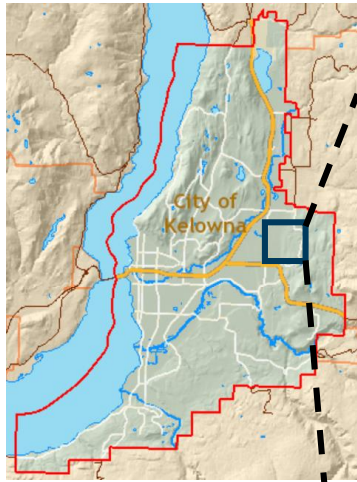
Notice of First Reading



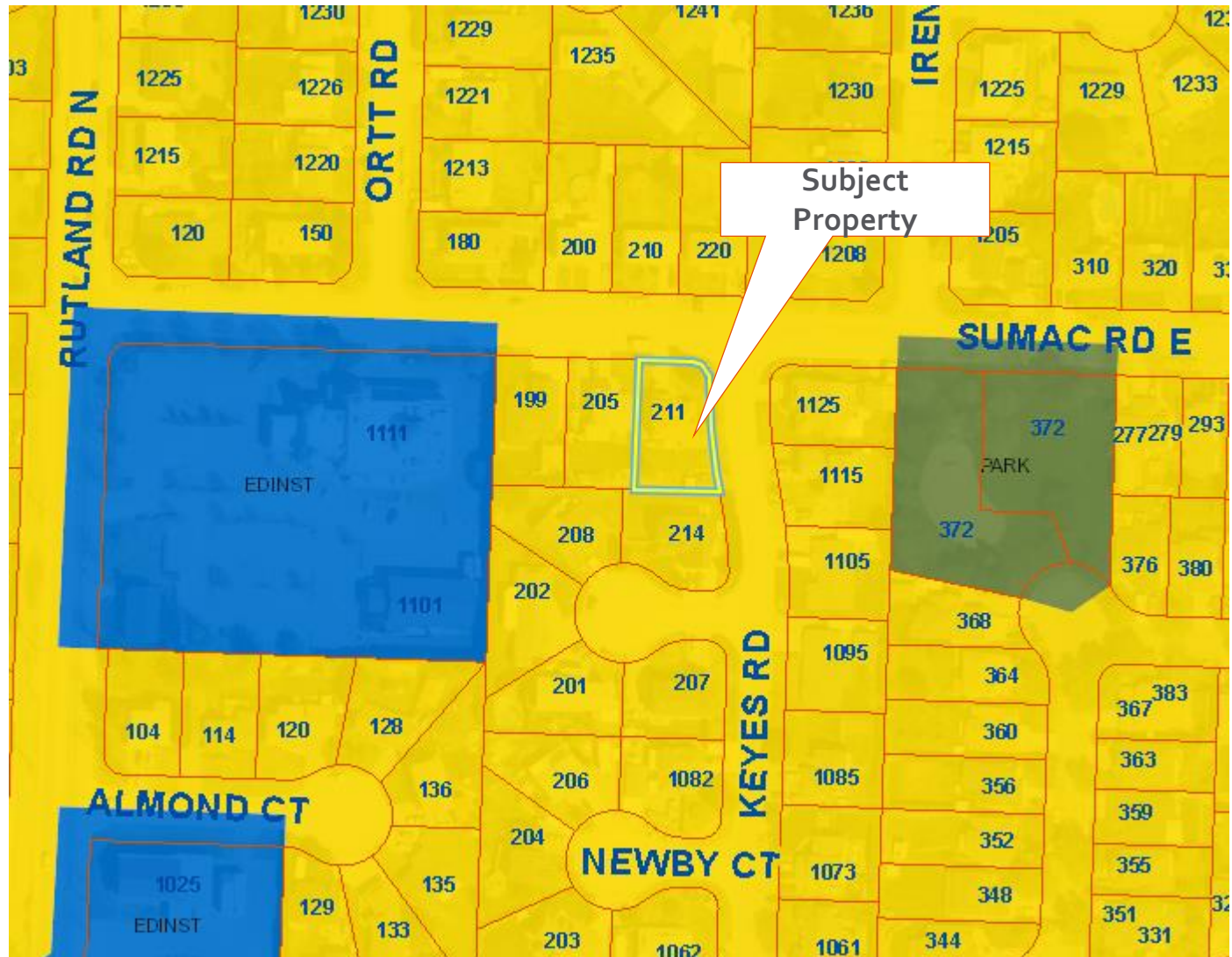
Adoption

Council
Approvals

Context Map



OCP Future Land Use



Subject Property Map

Walk Score
37

Car-Dependent

Most errands require a car.

Transit Score
40

Some Transit

A few nearby public transportation options.



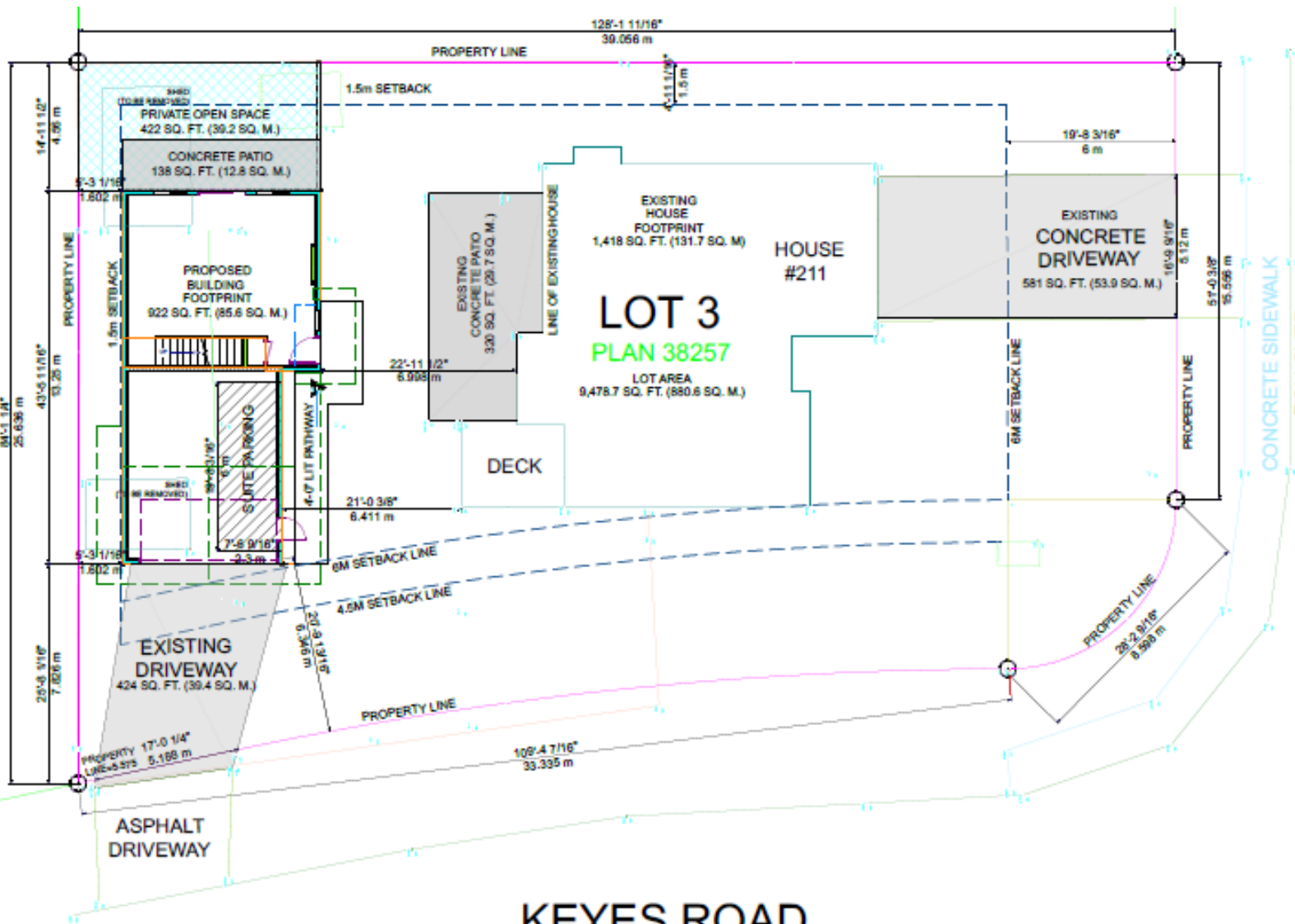
Project/technical details

- ▶ The proposed rezoning from the RU1 – Large Lot Housing to the RU1c – Large Lot Housing with Carriage House zone.
- ▶ Two story carriage house located in the rear of the property.
- ▶ Accessed through a 1.22 m lit path on the north side of the property.

Site Plan

SQ. M.)

LOT 4
PLAN 38257



SITE PLAN
SCALE: 1/8" = 1'

KEYES ROAD

SUMAC ROAD EAST

Development Policy

- ▶ Meets the intent of the Official Community Plan Suburban Residential Policies by providing low impact and context sensitive residential growth within existing neighbourhoods
 - ▶ The proposed Carriage house would provide an additional two-storey, ground-oriented dwelling

Staff Recommendation

- ▶ Development Planning Staff recommend **support** of the proposed Rezoning:
 - ▶ Subject property is within the Permanent Growth Boundary.
 - ▶ Future Land Use designation of S-RES supports the RU1c zone



Conclusion of Staff Remarks

REPORT TO COUNCIL



Date: November 21, 2022

To: Council

From: City Manager

Department: Development Planning

Application: Z22-0037

Owner: David Kummer

Address: 764 McClure Road

Applicant: Frank Hinks

Subject: Rezoning Application

Existing OCP Designation: S-RES – Suburban Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU4 – Duplex Housing

1.0 Recommendation

THAT Rezoning Application No. Z22-0037 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of LOT 5 DISTRICT LOT 357 SDYD PLAN 25258, located at 764 McClure road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU4 – Duplex Housing zone be considered by Council.

2.0 Purpose

To rezone the property from the RU1 – Large Lot Housing zone to the RU4 – Duplex Housing zone to facilitate a second single family dwelling.

3.0 Development Planning

Staff support the proposed rezoning application to RU4 – Duplex Housing to facilitate the development of a second single family dwelling. The proposal meets the intent of the Official Community Plan Future Land Use Designation of S-RES – Suburban Residential, which speaks to the accommodation of single and two dwelling growth in Suburban Neighbourhoods. This application meets several Official Community Plan policies including ground oriented housing development and sensitive infill. This property is connected to City sanitary sewer and is within the Permanent Growth Boundary.

4.0 Proposal

4.1 Project Description

The proposed rezoning from RU1 to RU4 is to facilitate the development of a second single family dwelling. The applicant submitted a conceptual site plan and rendering showing the two single family dwellings on the property. The proposed single family dwelling will be located at the rear of the property and will be accessed through a 4.5 m drive aisle on the west side of the property. The proposal indicates that the second single family dwelling can be constructed to meet all Zoning Bylaw Regulations without any variances.

4.2 Site Context

The subject property is located in the North Mission – Crawford OCP district, and is located on McClure Road, near the intersection of Fordham Road. The surrounding area is primarily zoned RU1 – Large Lot Housing, and P2 – Education and Minor Institutional. The property is in close proximity to Okanagan Mission Secondary and an early education centre. The location has a walk-score of 18, a transit score of 28, and a bike score of 64. These scores indicate that the location is car-dependent, with a few nearby public transportation options, and is bikeable.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P2 – Education and Minor Institutional	Early Education Centre
East	RU1 – Large Lot Housing	Single Dwelling Housing
South	RU1 – Large Lot Housing	Single Dwelling Housing
West	RU1 – Large Lot Housing	Single Dwelling Housing

Subject Property Map: 764 McClure Road



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Objective 7.2.1 Ground-Oriented Housing	
Policy 7.2.2 Ground Oriented Housing	Consider a range of low-density ground-oriented housing development to improve housing diversity and affordability and to reduce the overall urban footprint of Suburban Neighbourhoods. Focus more intensive ground-oriented housing where it is in close proximity to small scale commercial services, amenities like schools and parks, existing transit service and/or active transportation facilities.
	<i>The proposed single family dwelling provides ground-oriented housing that is sensitive to the neighbourhood in regards to height and siting. The subject property is close to Okanagan Mission Secondary and an early learning centre.</i>

6.0 Application Chronology

Date of Application Accepted: June 8th, 2022

Date Public Consultation Completed: June 29th, 2022

Report prepared by: Alissa Cook, Planner I
Reviewed by: Dean Strachan, Community Planning & Development Manager
Reviewed by: Terry Barton, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment A: Conceptual Site Plan

Attachment B: Rendering

NOTE SCALE: 3/32" = 1'

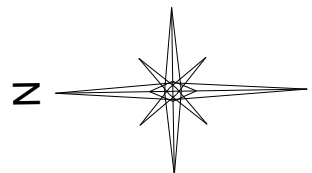
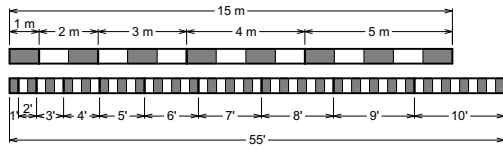
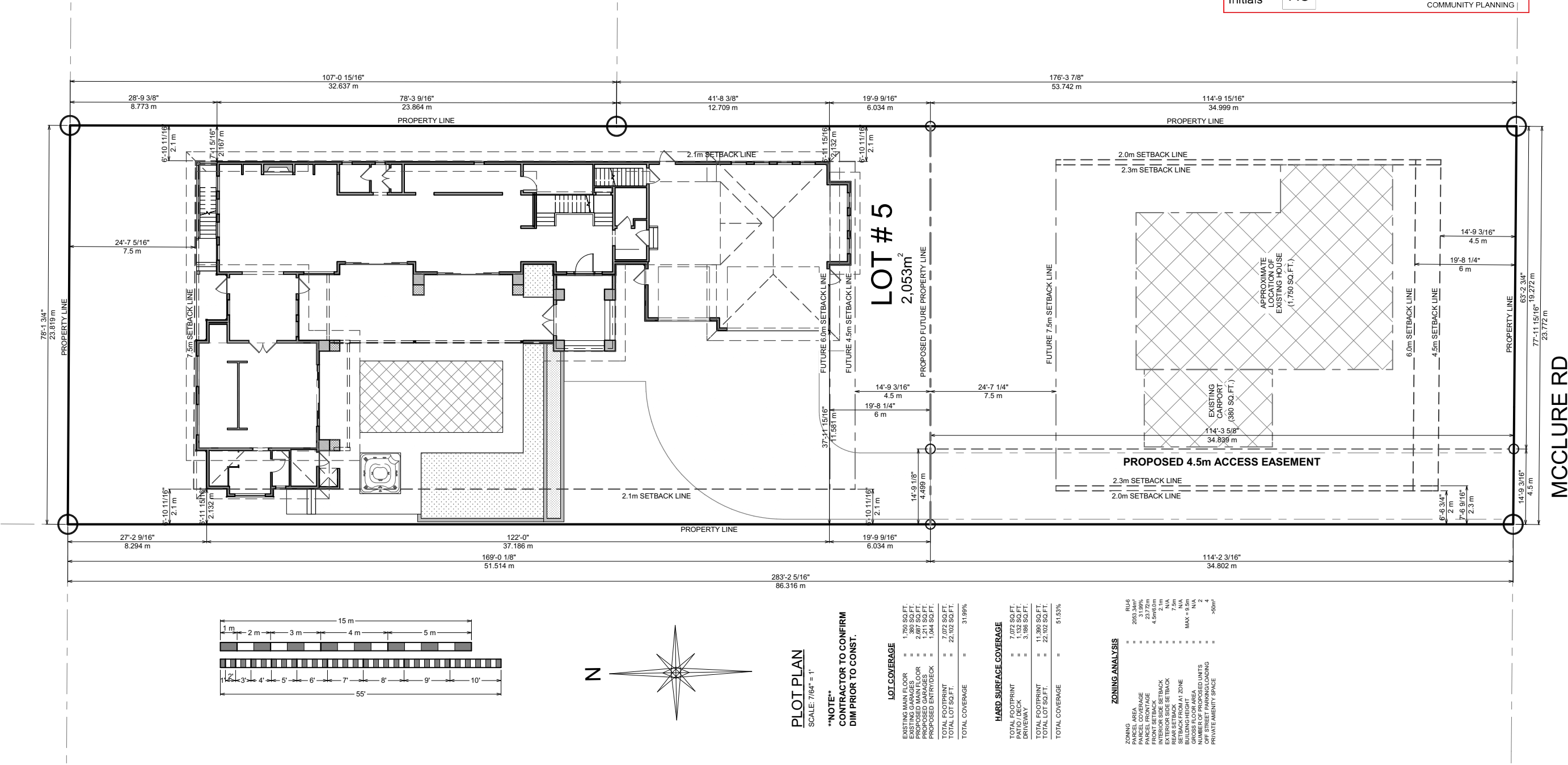
ATTACHMENT A

This forms part of application
Z22-0037

Planner Initials AC

City of Kelowna

COMMUNITY PLANNING



PLOT PLAN

SCALE: 7/64" = 1'

NOTE
CONTRACTOR TO CONFIRM
DIM PRIOR TO CONST.

LOT COVERAGE	
EXISTING MAIN FLOOR	1,750 SQ. FT.
EXISTING GARAGES	380 SQ. FT.
PROPOSED MAIN FLOOR	2,053 SQ. FT.
PROPOSED ENTRY/DECK	1,544 SQ. FT.
TOTAL LOT SQ. FT.	2,053 SQ. FT.
TOTAL COVERAGE	31.89%

HARD SURFACE COVERAGE	
TOTAL FOOTPRINT	7,072 SQ. FT.
DRIVEWAY	1,544 SQ. FT.
TOTAL LOT SQ. FT.	22,102 SQ. FT.
TOTAL COVERAGE	51.33%

ZONING ANALYSIS	
PARCEL AREA	2083.34sq
PARCEL FRONTAGE	237.72m
PARCEL DEPTH	4.5m
EXTERIOR SIDE SETBACK	N/A
SETBACK FROM A ZONE	N/A
BUILDING HEIGHT	MAX = 8.5m
NUMBER OF PROPOSED UNITS	2
OFF STREET PARKING/LOADING	N/A
PRIVATEMENT SPACE	>500'

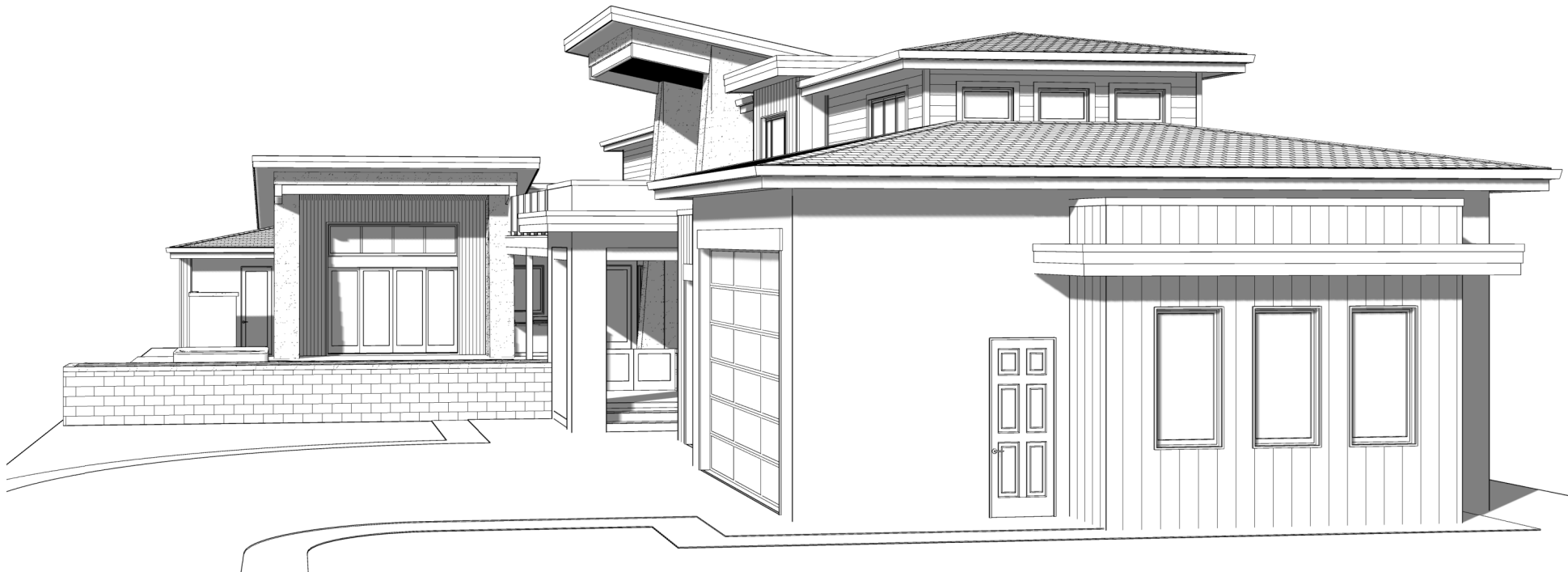
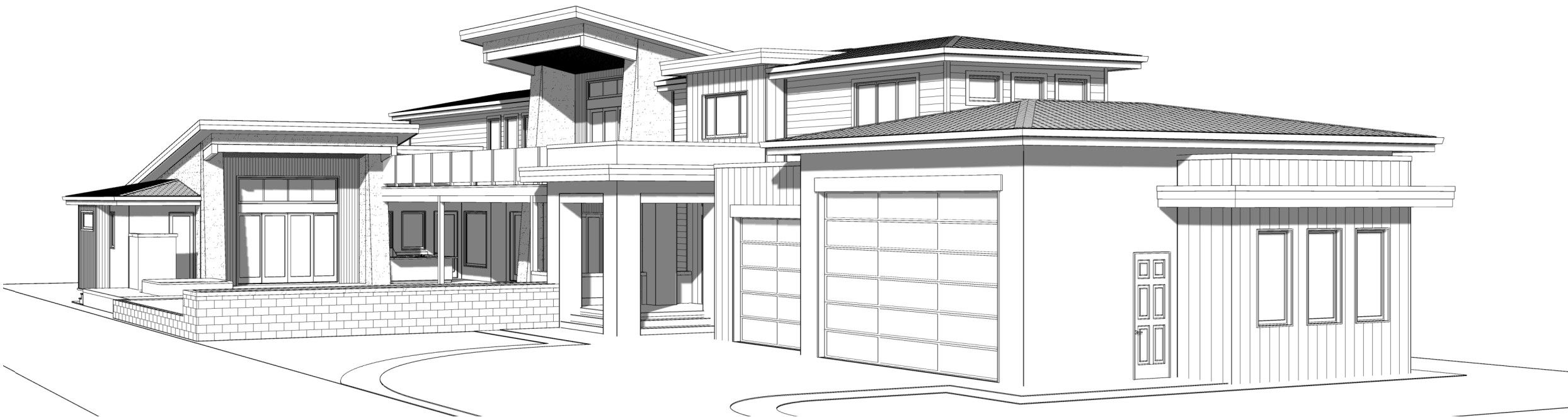
MULLINS
DESIGN GROUP

UNIT 203 - 1889 SPALL RD.
Kelowna BC V1Y 4R2
Bus: (250) 717-3415
Cell: (250) 258-7819
E-mail: mullinsdrafting@shaw.ca

PROPOSED PROJECT FOR
764 MCCLURE RD
KELOWNA, BC



SHEET NUMBER
5/8
SCALE: 3/32" = 1'
DATE : SEPT-26-2022



SPECIFICATIONS

ROOF TORCH-ON ROOFING (FLAT) LAMINATE SHINGLES (2.5/12) PLYWOOD ROOF SHEATHING ENGINEERED ROOF TRUSSES R-50 INSULATION 6 MIL UV POLY 5/8" DRYWALL	INT. WALL 2x4 STUDS 16" o/c 1/2" DRYWALL BOTH SIDES FLOOR SYSTEM 3/4" T&G SHEETING ENG. 1 JOIST DECK CONSTRUCTION 8" CONC. PEIRS 2x10 JOISTS @16" o/c VINYL DECKING POSTS & BEAMS AS REQ. STAIR CONSTRUCTION PRE MANUFACTURED STAIR SYSTEM 2X6 @ 16" o/c LANDINGS	FOUNDATION 8" CONC. FOUNDATION 10MM REBAR R12 STYROFOAM INSULATION 8"x16" CONC. FOOTING CONC. SLAB 4" CONC. SLAB 6 MIL UV POLY 6" DRAINAGE ROCK DRAINAGE TILE 4" DRAIN TILE MINIMUM 6" DRAIN ROCK DRY SHEETING PAPER
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ATTACHMENT B

This forms part of application
Z22-0037

Planner
Initials AC



SHEET NUMBER

1/8

SCALE: 1/4" = 1'

DATE : SEPT-26-2022



GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT EDITION OF THE B.C. BUILDING CODE AND ALL LOCAL LAWS AND BYLAWS.
2. BEFORE CONSTRUCTION COMMENCES IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO CHECK ALL DETAILS AND DIMENSIONS TO CONFIRM ACCURACY AND TO ASSURE THERE ARE NO DISCREPANCIES.
3. IT IS THE RESPONSIBILITY OF THE CONTRACTOR FOR THE CORRECT SITING OF THE BUILDING TO CONFORM WITH NECESSARY SETBACKS.
4. ALTHOUGH EVERY EFFORT HAS BEEN MADE TO PROVIDE COMPLETE AND ACCURATE DRAWINGS WE CANNOT ELIMINATE THE POSSIBILITY OF HUMAN ERROR, THEREFORE MULLINS DRAFTING & DESIGN WILL NOT BE LIABLE FOR ANY ERRORS OR OMISSIONS.

****NOTE****
INCLUDE FOR RAIN SCREEN AT AREAS OF NO ROOF OVERHANG

****NOTE****
WINDOW SPEC'S TO BE CONFIRMED BY OWNER/ CONTRACTOR PRIOR TO ORDERING TO ENSURE PROPER VENTING AND EGRESS.

****NOTE****
PROVIDE PROPER SLOPE TO ALLOW DRAINAGE AWAY FROM RESIDENCE.

****NOTE****
CONTRACTOR TO CONFIRM DIM PRIOR TO CONST.

PROPOSED PROJECT FOR
764 MCCLURE RD
KELOWNA, BC

UNIT 203 - 1889 SPALL RD.
Kelowna BC V1Y 4R2
Bus: (250) 717-3415
Cell: (250) 258-7819
E-mail: mullinsdrafting@shaw.ca



MULLINS
DESIGN GROUP

CITY OF KELOWNA

BYLAW NO. 12444

Z22-0037

764 McClure Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

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

1. THAT City of Kelowna Zoning Bylaw No. 12375 be amended by changing the zoning classification of LOT 5 DISTRICT LOT 357 SDYD PLAN 25258, located on McClure road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU4 – Duplex Housing zone;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Z22-0037 764 McClure Rd

Rezoning Application

Proposal

- ▶ To consider an application to rezone the subject property from RU1 – Large Lot Housing to the RU4 – Duplex Housing zone.

Rezoning

- ▶ “Is this proposed land use and density appropriate for this property?”

- ▶ Regulate the following within a zone:
 - ▶ Uses of land, building, & structures
 - ▶ Density of use of land (FAR)
 - ▶ Based on OCP Policies including Future Land Use

Development Process

June 1, 2022

Development Application Submitted



Staff Review & Circulation



June 29, 2022

Public Notification Received



Nov 21, 2022

Initial Consideration



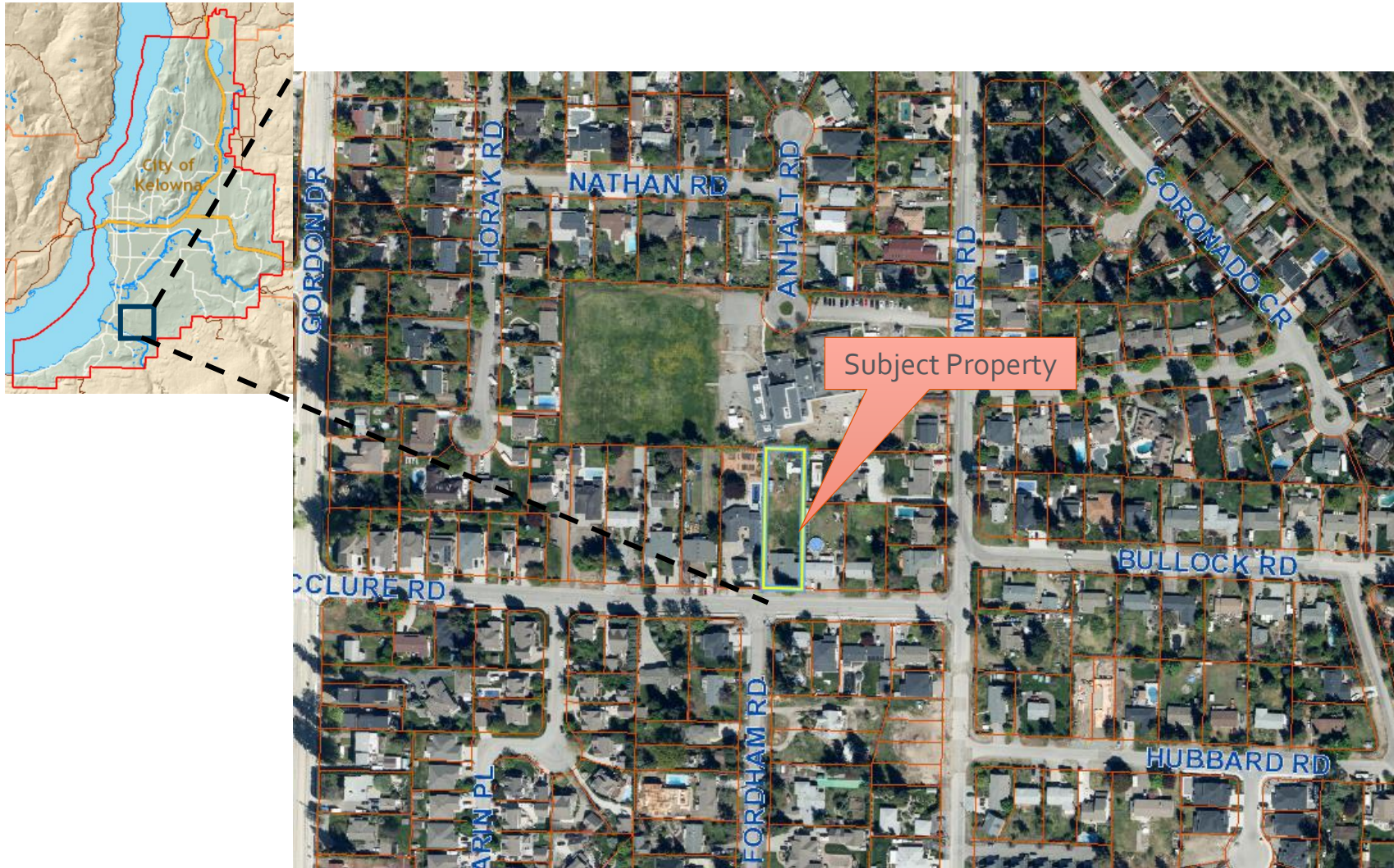
Second & Third Readings



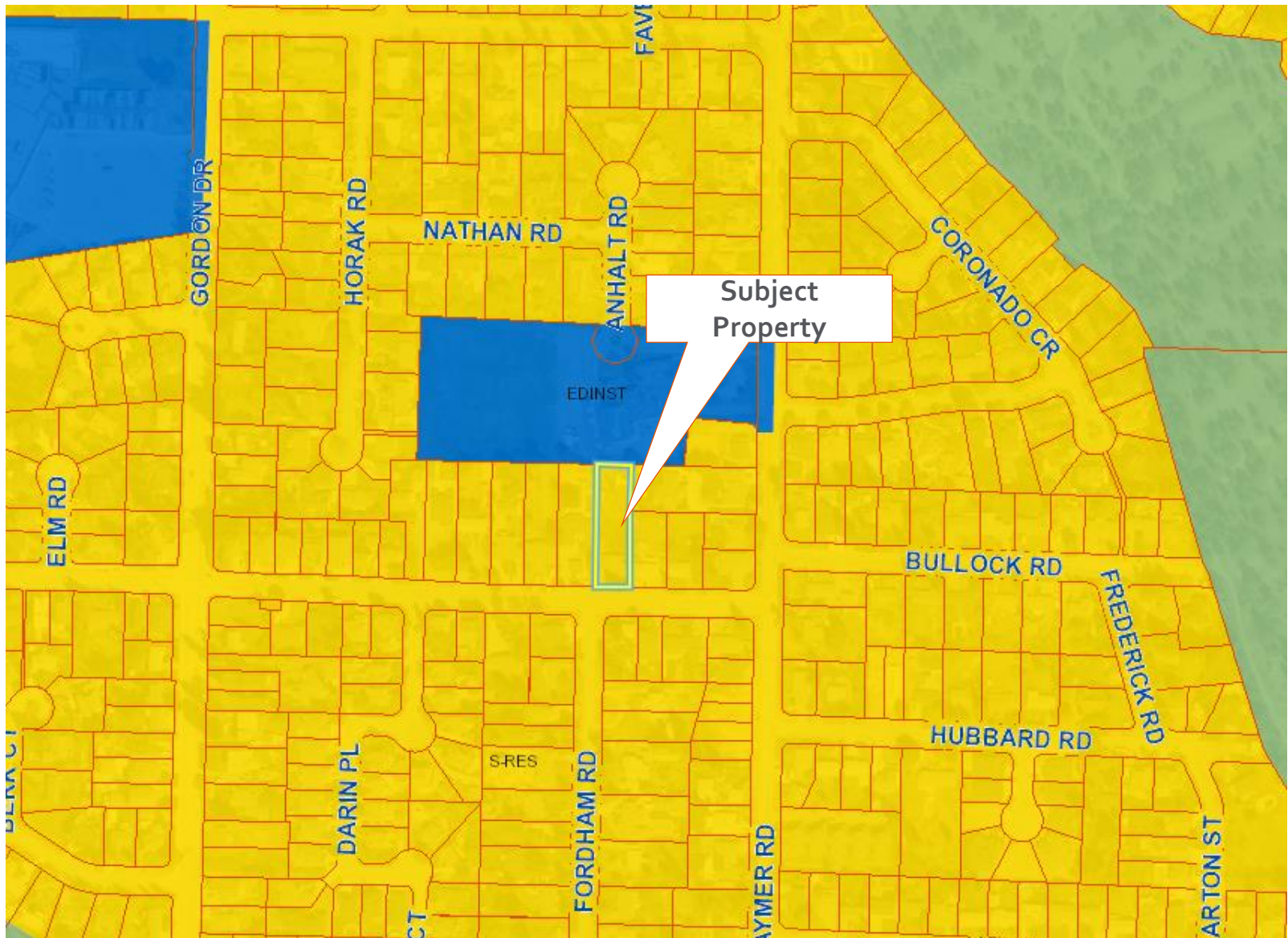
Adoption

Council
Approvals

Context Map



OCP Future Land Use



Subject Property Map

Walk Score
18

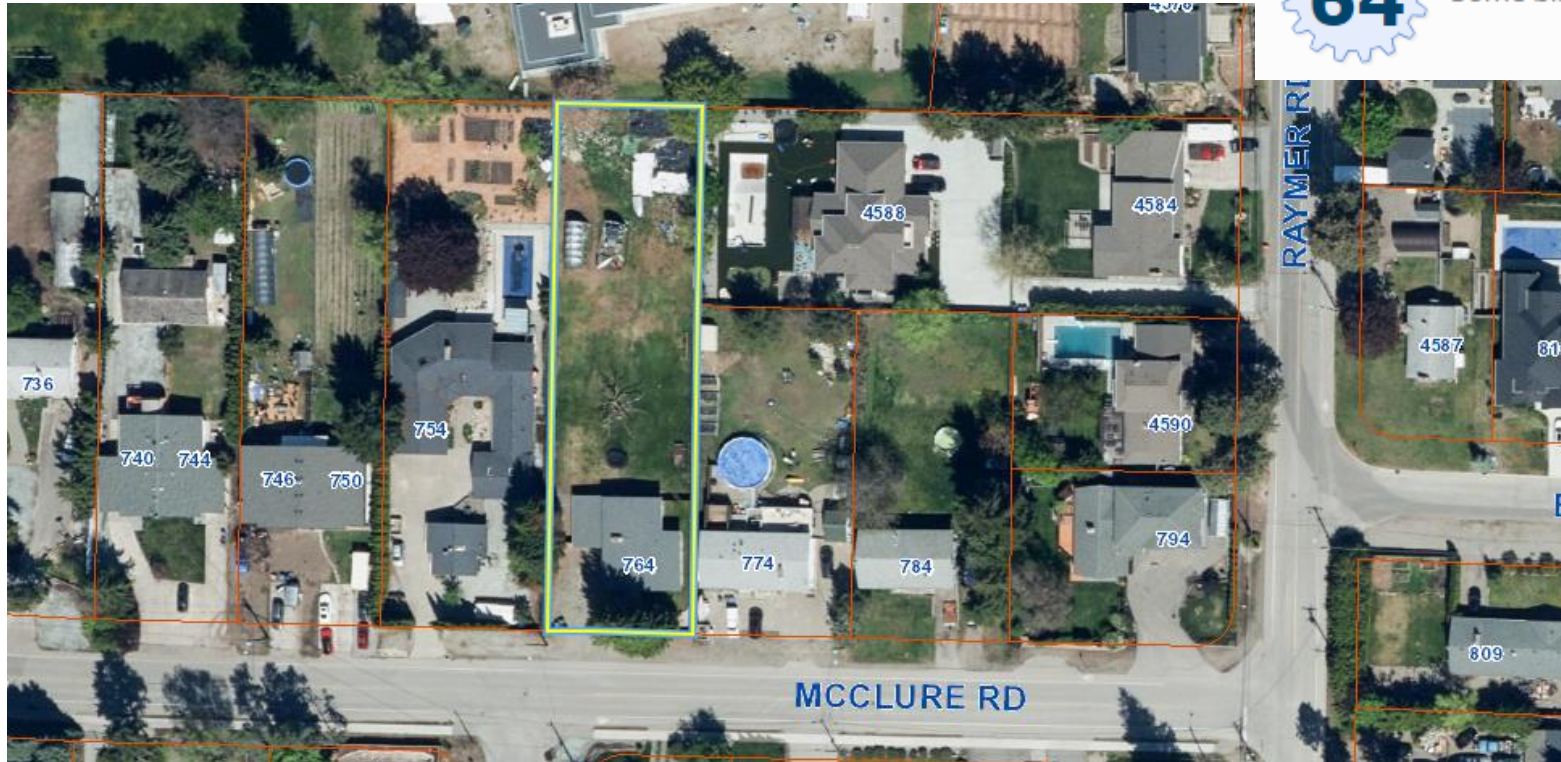
Car-Dependent
Almost all errands require a car.

Transit Score
28

Some Transit
A few nearby public transportation options.

Bike Score
64

Bikeable
Some bike infrastructure.



Project/technical details

- ▶ The proposed rezoning from the RU1 – Large Lot Housing to the RU4 – Duplex Housing zone.
- ▶ Single family dwelling located at the north end of the property.
- ▶ Accessed through a 4.5 m drive aisle on the west side of the property.

[illegible]

Development Policy

- ▶ Meets the intent of the Official Community Plan Suburban Residential Policies by providing low impact and context sensitive residential growth within existing neighbourhoods
 - ▶ The proposed single-family home would provide an additional ground-oriented dwelling
 - ▶ Would provide an additional dwelling unit that is close to a secondary school and early learning centre

Staff Recommendation

- ▶ Development Planning Staff recommend **support** of the proposed Rezoning:
 - ▶ Subject property is within the Permanent Growth Boundary.
 - ▶ Future Land Use designation of S-RES supports the RU6 zone



Conclusion of Staff Remarks

REPORT TO COUNCIL



Date: November 21, 2022

To: Council

From: City Manager

Department: Development Planning

Application: Z22-0055 **Owner:** Kuchma, Ryan & Rebekah

Address: 1760 Kloppenburg Rd **Applicant:** Kuchma, Ryan

Subject: Rezoning Application

Existing OCP Designation: S-Res – Suburban Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU1c – Large Lot Housing with Carriage House

1.0 Recommendation

THAT Rezoning Application No. Z22-0055 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot 1 Section 18 Township 27 ODYD Plan 21506, located at 1760 Kloppenburg Rd, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone be considered by Council;

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

2.0 Purpose

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone to facilitate the development of a carriage home.

3.0 Development Planning

Development Planning staff support the application to rezone the subject property to RU1c – Large Lot Housing with Carriage House zone to allow for the construction of a new carriage house.

The lot has a future land use designation of Suburban – Residential (S-RES), and the proposed zone is consistent with this future land use designation. The future land use speaks to the accommodation of single and two dwelling growth, with opportunities for secondary suites and carriage houses in the Suburban

Neighbourhood. The application meets several Official Community Plan (OCP) policies for sensitive infill. The property is connected to City sanitary sewer and is within the Permanent Growth Boundary.

4.0 Proposal

4.1 Project Description

The proposed rezoning from RU1 to RU1c is to facilitate the development of a new carriage house. The applicant has submitted a conceptual site plan showing the carriage house on the property. The proposed carriage house will be located in the rear of the property with parking provided in front of the principal residence. The proposal indicates that the carriage house can be constructed to meet all Zoning Bylaw Regulations without any variances. Should Council support this rezoning application, the project could proceed to a Building Permit application.

4.2 Site Context

The properties around the subject property are primarily zoned RU1 – Large Lot Housing and RU4 – Two Dwelling Housing. The subject property is in close proximity to Gopher Creek Linear Park, Black Mountain Elementary School and transit stops. The surrounding area has a Future Land Use Designation of S-RES – Suburban Residential.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Family Dwelling
East	RU1 – Large Lot Housing	Single Family Dwelling
South	RU1 – Large Lot Housing	Single Family Dwelling
West	RU1 – Large Lot Housing	Single Family Dwelling

Subject Property Map: 1760 Kloppenburg Rd



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Objective 7.2 Design Suburban Neighbourhoods to be low impact, context sensitive and adaptable		
Policy	7.2.1	Consider a range of low-density ground-oriented housing development to improve housing diversity and affordability and to reduce the overall urban footprint of Suburban Neighbourhoods. Focus more intensive ground-oriented housing where it is in close proximity to small scale commercial services, amenities like schools and parks, existing transit service and/or active transportation facilities.
Ground Oriented Housing		<i>The proposed carriage home is sensitive to and reflects the character of the neighbourhood with respect to building design, height and siting. The subject property is in close proximity to Gopher Creek Linear Pathway and Black Mountain Elementary School.</i>

6.0 Application Chronology

Date of Application Accepted: September 7, 2022
 Date Public Consultation Completed: October 24, 2022

Report prepared by: Jason Issler, Planner I

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 A: Conceptual Site Plan



PLAN
10

20732
9

8
20732
98'-10 1/8" [30.13m]

PLAN
7

SRW
PLAN KAP44227

21506
LOT 1

SEC 18 TP 27

PLAN
2

KLOPPENBURG ROAD

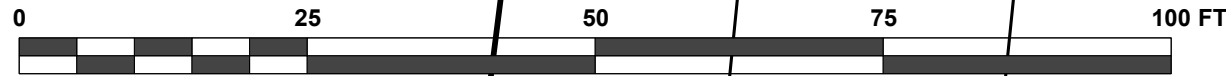
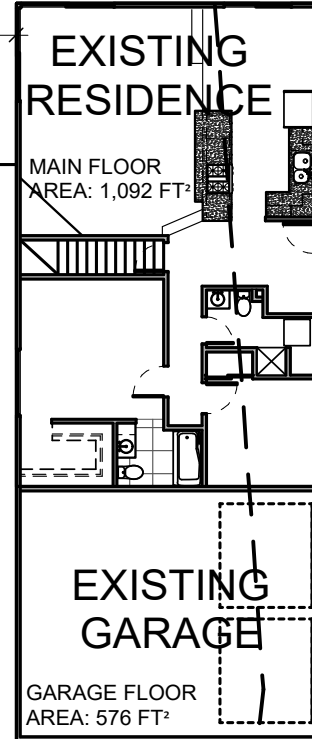
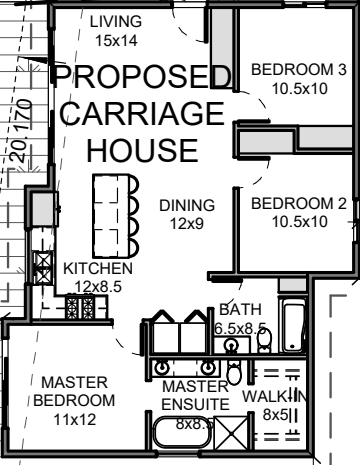
LEGAL DESCRIPTION:
1760 KLOPPENBURG RD.
KELOWNA, BC
LOT 1, PLAN KAP21506 ODYD

SITE PLAN
SCALE: 1:200

SITE STATISTICS
CURRENT ZONING: RR3 - RURAL RESIDENTIAL
PROPOSED ZONING: RR3C - RURAL RESIDENTIAL WITH CARRIAGE HOUSE
TOTAL LOT AREA = 1,335m²
30% MAX. SITE COVERAGE = 400.5m²
SITE COVERAGE AS PROPOSED = 255.6m²
SINGLE STOREY CARRIAGE HOUSE INCENTIVE
MAX. NET FLOOR AREA OF CARRIAGE HOUSE = 100m²
PROPOSED CARRIAGE HOUSE NET FLOOR AREA = 100m²
MAX. LOT COVERAGE FOR ACCESSORY BUILDINGS 20% = 267m²
PROPOSED LOT COVERAGE FOR ACCESSORY BUILDINGS = 100m²
PRINCIPAL DWELLING HABITABLE FLOOR AREA: 192.8m²
75% ALLOWABLE CARRIAGE HOUSE FLOOR AREA = 144.6m²
PROPOSED CARRIAGE HOUSE FLOOR AREA = 52% OF PRINCIPAL DWELLING

REQUIRED:
MAX. HEIGHT: 4.8m
FRONT YARD SETBACK: 12.0m
SIDE YARD SETBACK: 1.5m
REAR YARD SETBACK: STATUTORY RIGHT OF WAY
DISTANCE FROM PRINCIPAL BUILDING 3.0m

PROPOSED:
3.90m
27.90m
1.50m/16.58m
4.02m
10.34m



ATTACHMENT A

This forms part of application
Z22-0055

Planner Initials **JL**

City of Kelowna
DEVELOPMENT PLANNING

RK|STUDIO

RESIDENTIAL DESIGN AND DRAFTING
1760 KLOPPENBURG RD. KELOWNA, BC V1P 1G2
(250)-317-6875 ryan.rkstudio@gmail.com

PROJECT NAME: 1760 KLOPPENBURG RD CARRIAGE HOUSE	DRAWN BY: RK	NOTES:
--	-----------------	--------

SHEET TITLE: SITE PLAN	ISSUED FOR: SITE ANALYSIS
DATE: YYYY-MM-DD 2022-09-20	SCALE: 1:200
LEGAL DESCRIPTION: 1760 KLOPPENBURG RD. LOT 1, PLAN KAP21506 ODYD	

1

5

THESE DRAWINGS ARE THE EXCLUSIVE PROPERTY OF RK STUDIO AND ARE NOT TO BE REPRODUCED OR USED IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF RK STUDIO

CITY OF KELOWNA
BYLAW NO. 12445
Z22-0055
1760 Kloppenburg Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

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

1. THAT City of Kelowna Zoning Bylaw No. 12375 be amended by changing the zoning classification of Lot 1 Section 18 Township 27 ODYD Plan 21506, located on Kloppenburg Rd, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



City of
Kelowna

Z22-0055 1760 Kloppenburg Rd

Rezoning Application

Proposal

- ▶ To rezone the subject property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone to facilitate a carriage home.

Rezoning

- ▶ “Is this proposed land use and density appropriate for this property?”
- ▶ Regulate the following within a zone:
 - ▶ Uses of land, building, & structures
 - ▶ Density of use of land (FAR)
 - ▶ Based on OCP Policies including Future Land Use

Development Process

Sept 7, 2022

Rezone Application Submitted



Staff Review & Circulation



Oct 24, 2022

Public Notification Received



Nov 21, 2022

Initial Consideration



First, Second, Third, Fourth Readings



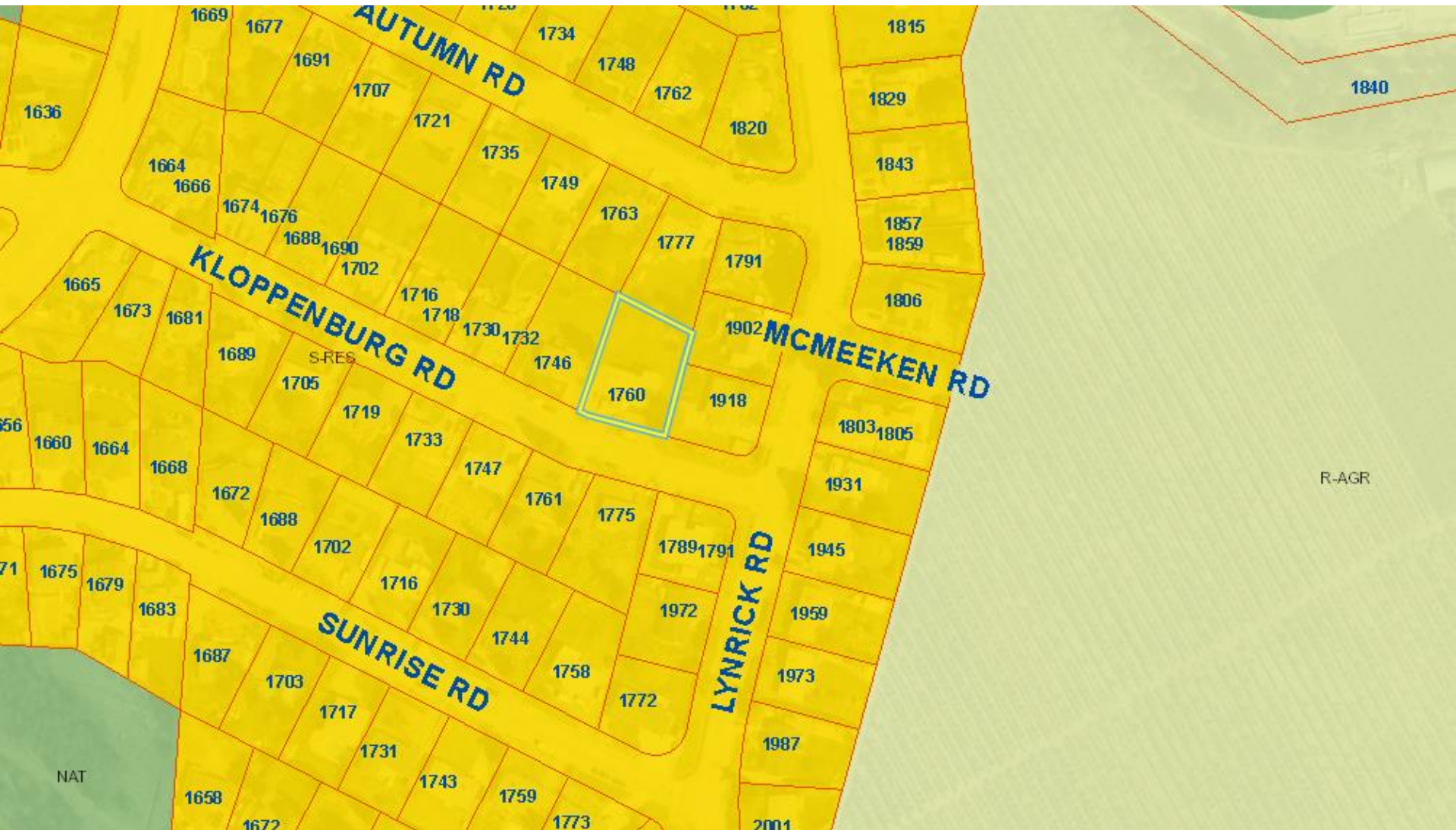
Building Permit

Council
Approvals

Context Map



OCP Future Land Use / Zoning

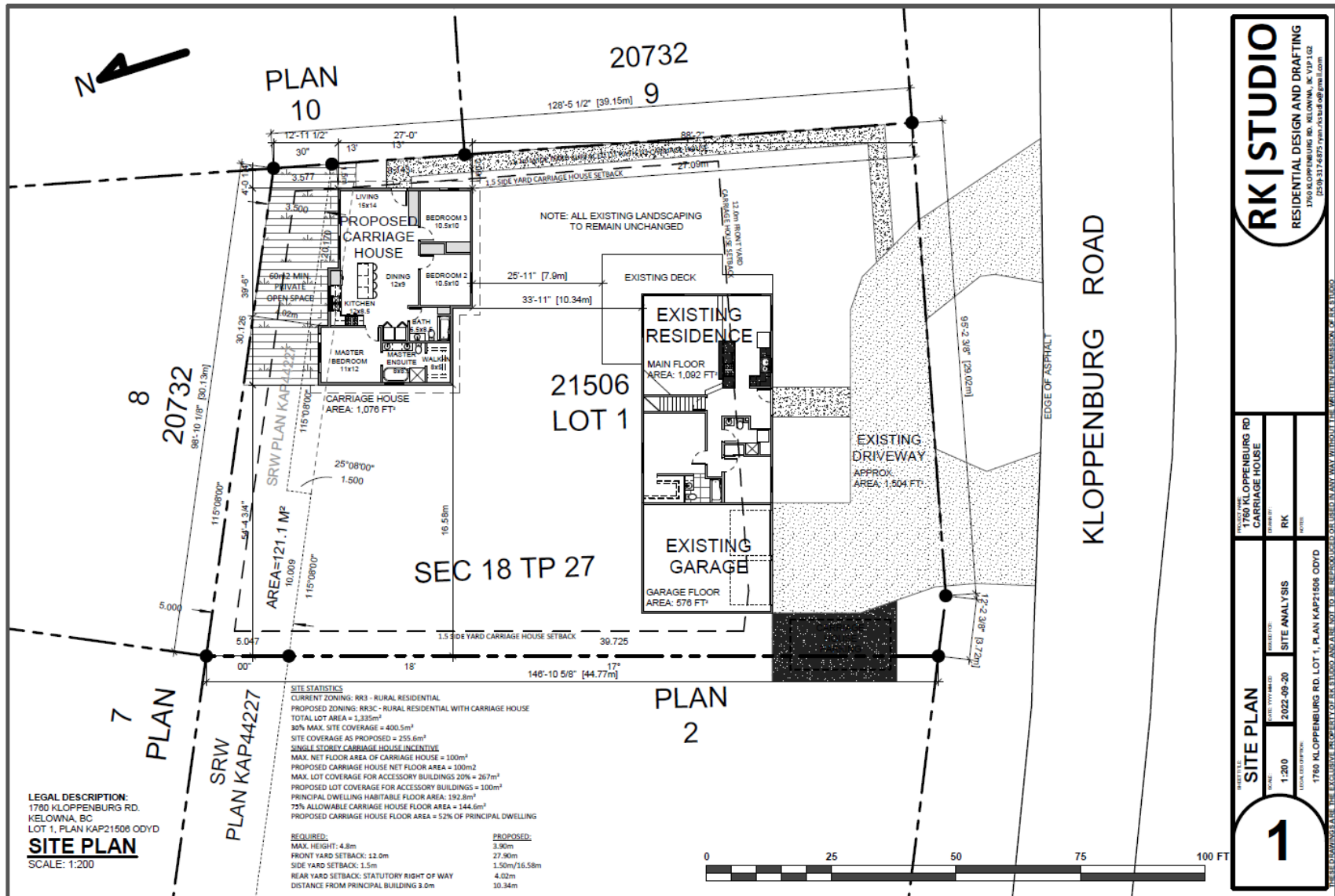


Subject Property Map



Project/technical details

- ▶ The proposed rezoning from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone.
- ▶ Proposing to construct carriage home in NE corner of the lot.
- ▶ Parking located off principal access parallel to driveway.



Development Policy

- ▶ Meets the intent of Official Community Plan Suburban Residential Policies by providing modest residential growth within existing neighbourhoods
 - ▶ Proposed Carriage House would provide an additional ground-oriented dwelling within suburban neighbourhoods.
 - ▶ Provides an additional dwelling unit on a site near schools and public spaces.

Staff Recommendation

- ▶ Staff recommend support of the proposed rezoning to the RU1c – Large Lot Housing with Carriage House zone:
 - ▶ Consistent with the surrounding neighbourhood uses.
 - ▶ Future Land Use designation of S-RES supports the RU1c zone.



Conclusion of Staff Remarks

REPORT TO COUNCIL



Date: November 21, 2022

To: Council

From: City Manager

Department: Development Planning Department

Application: Z22-0052 **Owner:** George & Diane Kamoschinski

Address: 5428 Tanager Court **Applicant:** Diane Kamoschinski

Subject: Rezoning Application

Existing OCP Designation: S-RES – Suburban – Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU1c – Large Lot Housing with Carriage House

1.0 Recommendation

THAT Rezoning Application No. Z22-0052 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot 13 Section 23 Township 28 SDYD Plan 35953, located at 5428 Tanager Court, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone, be considered by Council;

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

2.0 Purpose

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone to facilitate the conversion of an accessory building to a carriage house.

3.0 Development Planning

Staff support the proposed rezoning application to RU1c – Large Lot Housing with Carriage House to facilitate the conversion of an existing accessory building to a carriage house. The proposal meets the intent of the Official Community Plan (OCP) and the Future Land Use Designation of S-RES – Suburban Residential, which speaks to the accommodation of single and two dwelling growth, with opportunities for carriage houses in the Suburban Neighbourhoods. The property is connected to City sanitary sewer and is within the Permanent Growth Boundary.

4.0 Proposal

4.1 Background

A Building Permit (BP) was received on January 27, 2021 for the accessory building which is currently undergoing construction. A Building Permit is valid for a period of 6 months; construction of this building did not begin during this time and an extension was requested. The extension was granted on July 9, 2021 for an additional 6 months.

During this period, the applicants decided to convert the accessory building to a carriage house. This decision has resulted in the current BP being placed on hold. The applicant has now applied for a Rezoning application along with a Development Variance Permit application. These were applied for on August 31, 2022. Should Council support both the rezoning and variance applications, the current building permit will be cancelled and a new building permit for the carriage house will be required.

4.2 Project Description

The proposed rezoning from RU1 – Large Lot Housing to the RU1c – Large Lot Housing with Carriage House zone is to facilitate the conversion of an existing accessory building to a carriage house. The subject property has a Future Land Use Designation of S-RES – Suburban Residential and is within the City's Permanent Growth Boundary. As such, the proposed zone is consistent with the Official Community Plan's (OCP) objectives. To finalize the rezoning, a Development Variance Permit is required to vary the net floor area of the proposed carriage house.

4.3 Site Context

The subject property is located on the intersection of Tanager Court and Stellar Court. The parcel has a Future Land Use Designation of S-RES – Suburban Residential and is within the Southwest Mission OCP sector. The property is within close proximity to the Lebanon Creek Greenway Regional Park. The surrounding area consists primarily of RU1 – Large Lot Housing and RR2 – Small Lot Rural Residential.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR2 – Small Lot Rural Residential	Single Detached Housing
East	RU1 – Large Lot Housing	Single Detached Housing
South	RU1 – Large Lot Housing	Single Detached Housing
West	RU1 – Large Lot Housing	Single Detached Housing

Subject Property Map: 5428 Tanager Court



5.1 Kelowna Official Community Plan (OCP)

Objective 7.2 Design Suburban Neighbourhoods to be low impact, context sensitive, and adaptable	
Policy 7.2.1 Ground Oriented Housing	<p>Ground Oriented Housing. Consider a range of low-density ground-oriented housing development to improve housing diversity and affordability and to reduce the overall urban footprint of Suburban Neighbourhoods. Focus more intensive ground-oriented housing where it is in close proximity to small scale commercial services, amenities like schools and parks, existing transit service and/or active transportation facilities</p> <p><i>The proposed carriage home reflects the character of the existing principal dwelling and is sensitive to the neighbourhood with respect to building design, height, and siting. The S-RES future land use designation supports single and two dwelling housing, with opportunities for secondary suites and carriage houses. A carriage home is a form of residential infill that allows for the modest intensification in an existing neighbourhood.</i></p>

6.o **Application Chronology**

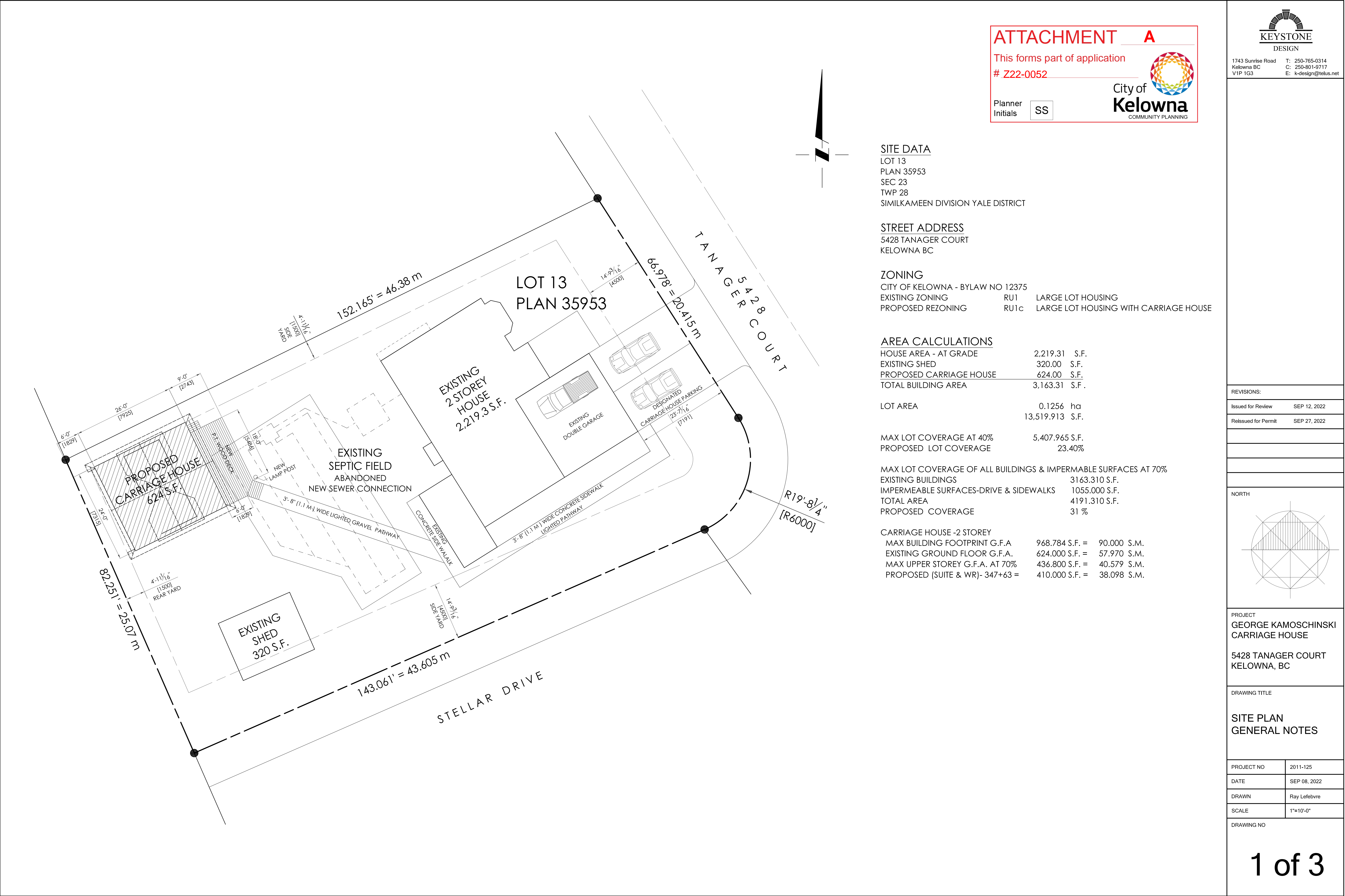
Date of Application Accepted: August 31, 2022

Date Public Consultation Completed: September 7, 2022 and October 11, 2022

Report prepared by: Sara Skabowski, Planner I**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 A: Development Drawings

Attachment B: Applicant Rationale



ATTACHMENT A

This forms part of application
Z22-0052

Planner
Initials SS



SITE DATA
LOT 13
PLAN 35953
SEC 23
TWP 28
SIMILKAMEEN DIVISION YALE DISTRICT

STREET ADDRESS
5428 TANAGER COURT
KELOWNA BC

ZONING
CITY OF KELOWNA - BYLAW NO 12375
EXISTING ZONING RU1 LARGE LOT HOUSING
PROPOSED REZONING RU1c LARGE LOT HOUSING WITH CARRIAGE HOUSE

AREA CALCULATIONS		
HOUSE AREA - AT GRADE	2,219.31	S.F.
EXISTING SHED	320.00	S.F.
PROPOSED CARRIAGE HOUSE	624.00	S.F.
TOTAL BUILDING AREA	3,163.31	S.F.

LOT AREA	0.1256	ha
	13,519.913	S.F.

MAX LOT COVERAGE AT 40%	5,407.965	S.F.
PROPOSED LOT COVERAGE	23.40%	

MAX LOT COVERAGE OF ALL BUILDINGS & IMPERMEABLE SURFACES AT 70%		
EXISTING BUILDINGS	3163.310	S.F.
IMPERMEABLE SURFACES-DRIVE & SIDEWALKS	1055.000	S.F.
TOTAL AREA	4191.310	S.F.
PROPOSED COVERAGE	31 %	

CARRIAGE HOUSE -2 STOREY		
MAX BUILDING FOOTPRINT G.F.A	968.784 S.F. =	90.000 S.M.
EXISTING GROUND FLOOR G.F.A.	624.000 S.F. =	57.970 S.M.
MAX UPPER STOREY G.F.A. AT 70%	436.800 S.F. =	40.579 S.M.
PROPOSED (SUITE & WR)- 347+63 =	410.000 S.F. =	38.098 S.M.

1743 Sunrise Road
Kelowna BC
V1P 1G3

T: 250-765-0314
C: 250-801-9717
E: k-design@telus.net

REVISIONS:

Issued for Review	SEP 12, 2022
Reissued for Permit	SEP 27, 2022

NORTH

PROJECT
GEORGE KAMOSCHINSKI
CARRIAGE HOUSE

5428 TANAGER COURT
KELOWNA, BC

DRAWING TITLE

SITE PLAN
GENERAL NOTES

PROJECT NO	2011-125
DATE	SEP 08, 2022
DRAWN	Ray Lefebvre
SCALE	1"=10'-0"

DRAWING NO

1 of 3

GENERAL NOTES

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GENERAL

KEYSTONE DESIGN MAKE EVERY EFFORT TO PROVIDE COMPLETE AND ACCURATE HOME PLANS.
IT IS THE RESPONSIBILITY THE OWNER AND CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS, STRUCTURE, AND CONDITIONS ON THE DRAWINGS BEFORE PROCEEDING WITH CONSTRUCTION.

THE CONTRACTOR SHALL TAKE FULL RESPONSIBILITY FOR ANY DEPARTURE FROM THE STRUCTURAL DRAWINGS AND SPECIFICATIONS DEPICTED IN THESE DRAWINGS.

THESE PLANS HAVE BEEN DESIGNED TO CONFORM TO PART 9 OF THE MOST RECENT EDITION OF THE BRITISH COLUMBIA BUILDING CODE.

WRITTEN DIMENSIONS SHALL IN ALL CASES TAKE PRECEDENCE TO SCALE.

ASSUMED DESIGN LOADS

DEAD LOADS
ROOF WITH CONCRETE TILES: 25 P.S.F. - 1.2 KPA
ROOF WITH SHAKES/SHINGLES: 10 P.S.F. - .48 KPA
FLOOR: 10 P.S.F. - .48 KPA
DECK: 10 P.S.F. - .48 KPA

LOADS
FLOOR: 40/12 P.S.F. - 1.9 KPA
ROOF: 35/10 P.S.F. - DESIGN ROOF LOAD
DECK: 40 P.S.F. - 1.9 KPA

- THE GROUND SNOW / RAIN LOADS FOR YOUR PARTICULAR REGION CAN BE OBTAINED BY CONTACTING THE LOCAL BUILDING AUTHORITIES HAVING JURISDICTION. IF THE LOADS FOR THE REGION IN WHICH THESE PLANS ARE BEING CONSTRUCTED EXCEED THE ASSUMED LOAD STATED IN THESE DRAWINGS IT SHALL BE THE RESPONSIBILITY OF THE OWNER OR CONTRACTOR TO TO HIRE THE APPROPRIATE LOCAL PROFESSIONAL TO MAKE THE NECESSARY ADJUSTMENTS TO THESE PLANS.
- CONSTRUCTION LOADS ON THE STRUCTURE CAUSED BY INTERIM STORAGE OF MATERIALS OR USE OF EQUIPMENT SHALL NOT EXCEED THE DESIGN LOAD.

ENGINEERING

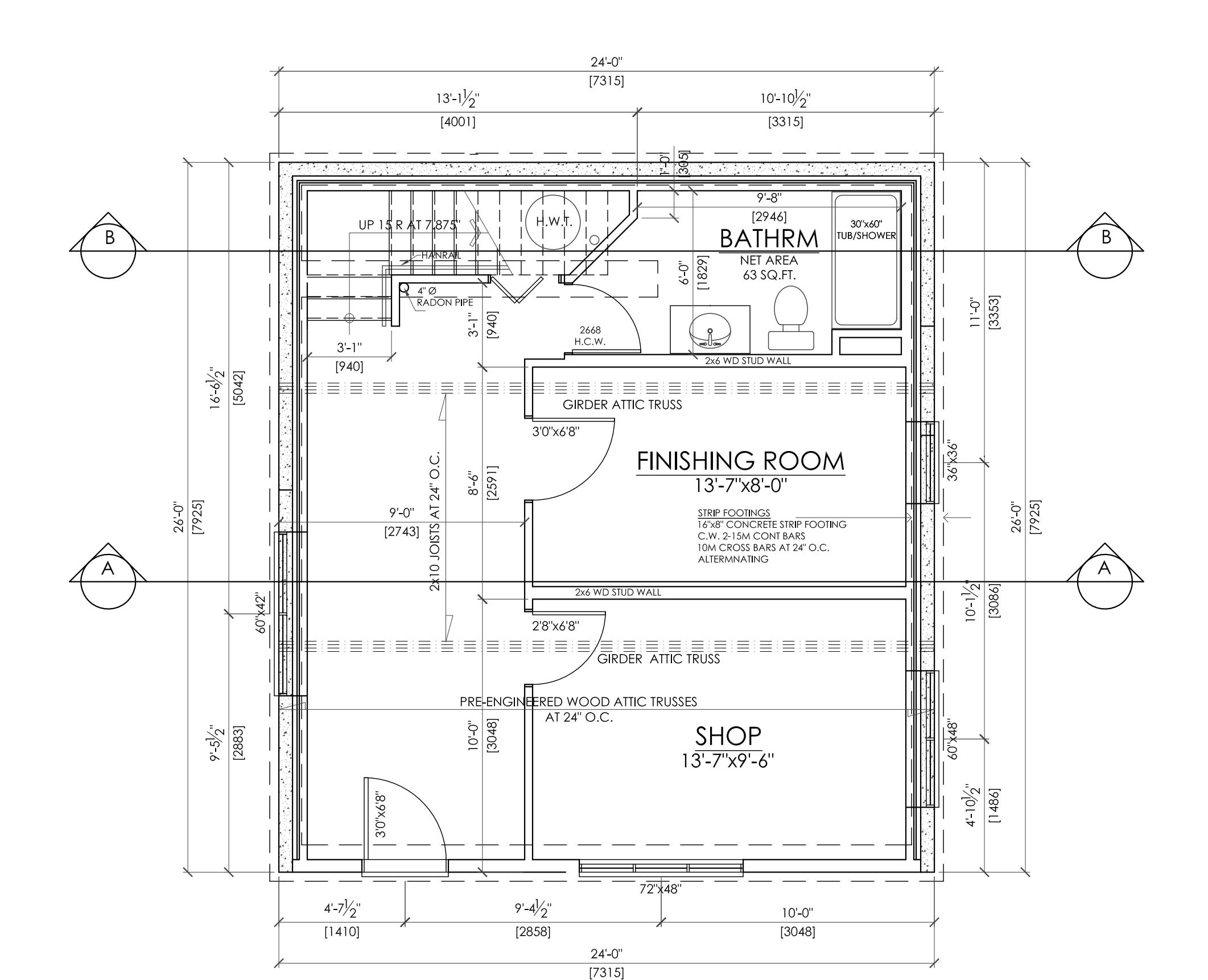
- THIS BUILDING IS DESIGNED UNDER PART 9 OF THE BRITISH COLUMBIA BUILDING CODE, CURRENT EDITION. OCCUPANCY GROUP C. ALTHOUGH THESE PLANS ARE DESIGNED USING STANDARD ENGINEERING AND BUILDING PRACTICES, IN SOME INSTANCES TO PROVIDE INNOVATIVE HOME PLANS, IT HAS BEEN NECESSARY TO DESIGN SUPPORTING SUPPORTING STRUCTURES THAT MAY REQUIRE A REVIEW AND A SEAL BY A PROFESSIONAL ENGINEER AT THE DISCRETION OF THE LOCAL BUILDING AUTHORITY. AN ENGINEER SEAL MAY ALSO BE REQUIRED IF HIGH SNOW LOADS, RAIN LOADS, WIND LOADS, SEISMIC REQUIREMENTS OR UNUSUAL SITE CONDITIONS OCCUR IN THE AREA IN WHICH THE RESIDENCE IS BEING BUILT. IN SUCH CASES, THE PROVISIONS OF SUCH A SEAL IS THE RESPONSIBILITY OF THE OWNER OR CONTRACTOR.
- ALL TRUSSES, ENGINEERED BEAMS, AND HANGERS ARE TO BE VERIFIED AND CERTIFIED BY A REGISTERED PROFESSIONAL STRUCTURAL ENGINEER BEFORE PURCHASE.
- SUGGESTED TRUSS LAYOUT SHALL BE CONFIRMED BY MANUFACTURER PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. REPORT ANY CHANGES TO THE DESIGNER.

FOOTINGS AND FOUNDATIONS

- THE COMPRESSIVE STRENGTH OF CONCRETE AT 28 DAYS SHALL NOT BE LESS THAN 32 MPA FOR EXTERIOR STEPS, GARAGE AND CARPORT FLOORS, AND 25 MPA FOR ALL OTHER CONCRETE.
- CONCRETE FOOTINGS MUST BE PLACED ON UNDISTURBED OR COMPACTED SOIL AT A LEVEL BELOW FROST PENETRATION.
- FOOTINGS ON THESE DRAWINGS HAVE BEEN DESIGNED FOR A SOIL BEARING CAPACITY OF 2000 P.S.F. (95.8 KPA). IF LESSER BEARING CAPACITY IS ENCOUNTERED DUE TO LOCAL SOIL CONDITIONS, IT SHALL BE THE RESPONSIBILITY OF THE OWNER TO HAVE THE FOOTINGS REDESIGNED BY A PROFESSIONAL ENGINEER TO SUIT ACTUAL SITE CONDITIONS.
- BACKFILL SHALL NOT BE PLACED AGAINST FOUNDATION WALLS UNTIL THE CONCRETE HAS REACHED ITS SPECIFIED 28 DAY STRENGTH AND THE STRUCTURAL FLOOR FRAMING (INCLUDING PLYWOOD SUBFLOOR) REQUIRED TO STABILIZE THE WALLS IS COMPLETE AND FULLY NAILED AND ANCHORED.
- ALL FOUNDATION WALLS TO BE REINFORCED WITH ONE HORIZONTAL 10 M REINFORCING BAR CENTERED 4" FROM THE TOP CORNER, HORIZONTAL AT 24" O.C. AND VERTICAL AT 48" O.C.
- ALL REBAR TO BE LAPPED MINIMUM 24".
- ALL STRIP FOOTINGS TO HAVE TWO CONTINUOUS 15M REINFORCING BARS SITUATED 3" CLEAR OF BOTTOM AND SIDES.
- 15M REINFORCING BARS AT 12" EACH WAY IN ALL PAD FOOTINGS.

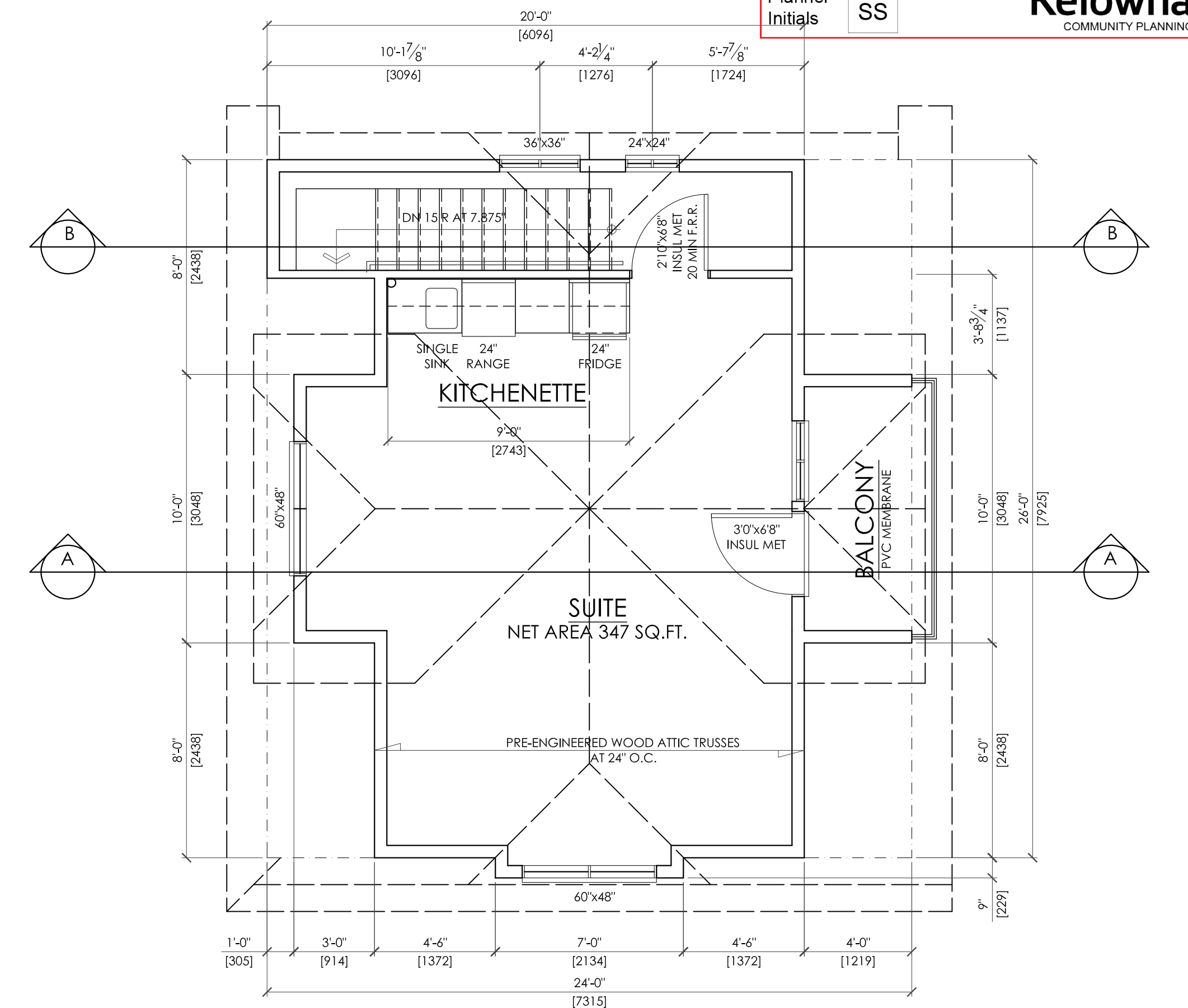
WOOD FRAME CONSTRUCTION

- FRAMING METHODS AND PROCEDURES SHALL CONFORM TO THE REQUIREMENTS OF THE BRITISH COLUMBIA BUILDING CODE, CURRENT EDITION.
- ALL FRAMING LUMBER TO BE NO 2 OR BETTER SPRUCE-PINE-FIR (S.P.F.). THE DESIGN OF STRUCTURAL MEMBERS MEMBERS HAVE BEEN BASE ON THE SPAN TABLES FOR WOOD RAFTERS, JOISTS AND BEAMS AS SHOWN IN PART 9 OF THE B.C. BUILDING CODE, CURRENT EDITION, AND THE CANADIAN WOOD COUNCIL PUBLICATION SPAN BOOK.
- ALL LOAD BEARING LINTELS TO BE 2-2X10 UNLESS NOTED.
- ALL LOAD BEARING BEAMS SHALL HAVE NOT LESS THAN 3 1/2" OF EVEN AND LEVEL BEARING AT SUPPORTS.
- ALL JOISTS SHALL HAVE A MINIMUM 1-1/2" BEARING AT SUPPORTS.
- ALL CONCRETE AND WOOD CONTACTS SHALL BE DAMP PROOFED WITH AN APPROVED SILL GASKET OR 6 MIL POLY.
- EXPOSED LUMBER SHALL BE PRESSURE TREATED OR OTHERWISE PROTECTED WITH AN APPROVED PRESERVATIVE.
- ALL PLYWOOD SUBFLOORS ARE TO BE GLUED AND NAILED TO FLOOR JOISTS.
- FLOOR AND ROOF JOIST SPANS MORE THAN 6'-10" SHALL BE BRIDGED AT MID SPAN OR AT 6'-10" O.C. MAX. WITH 2X2 CROSS BRIDGING, 1X3 STRAPPING AT 6'-10" O.C. MAX OR GYPSUM BOARD TO UNDERSIDE OF JOISTS.
- NON-LOAD BEARING WALLS PARALLEL TO FLOOR JOISTS SHALL BE SUPPORTED BY JOISTS BENEATH THE WALL OR 2X4 BLOCKING AT 4'-0" O.C. MAX.



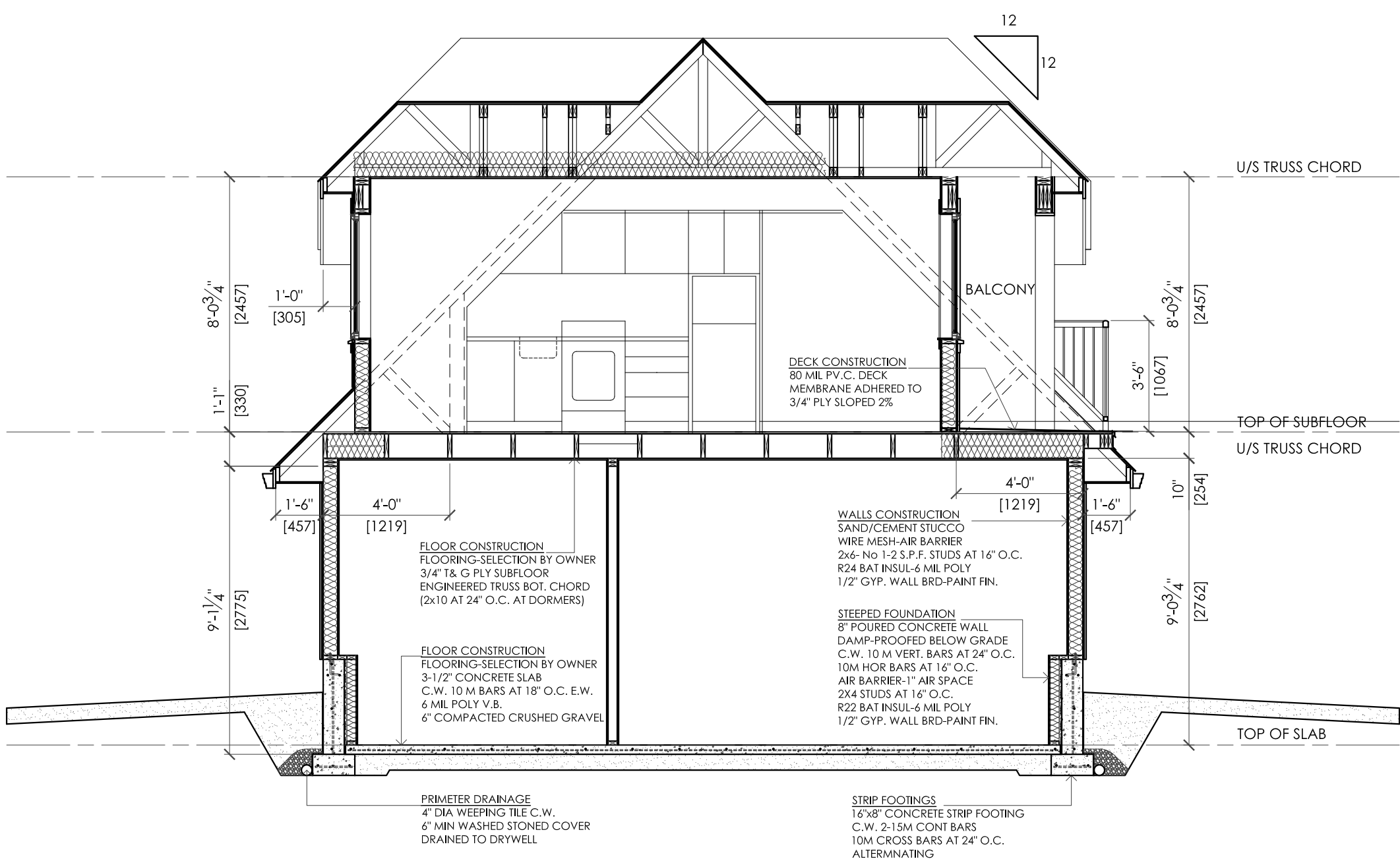
GROUND FLOOR PLAN

G.F.A. 624 SQ.FT.

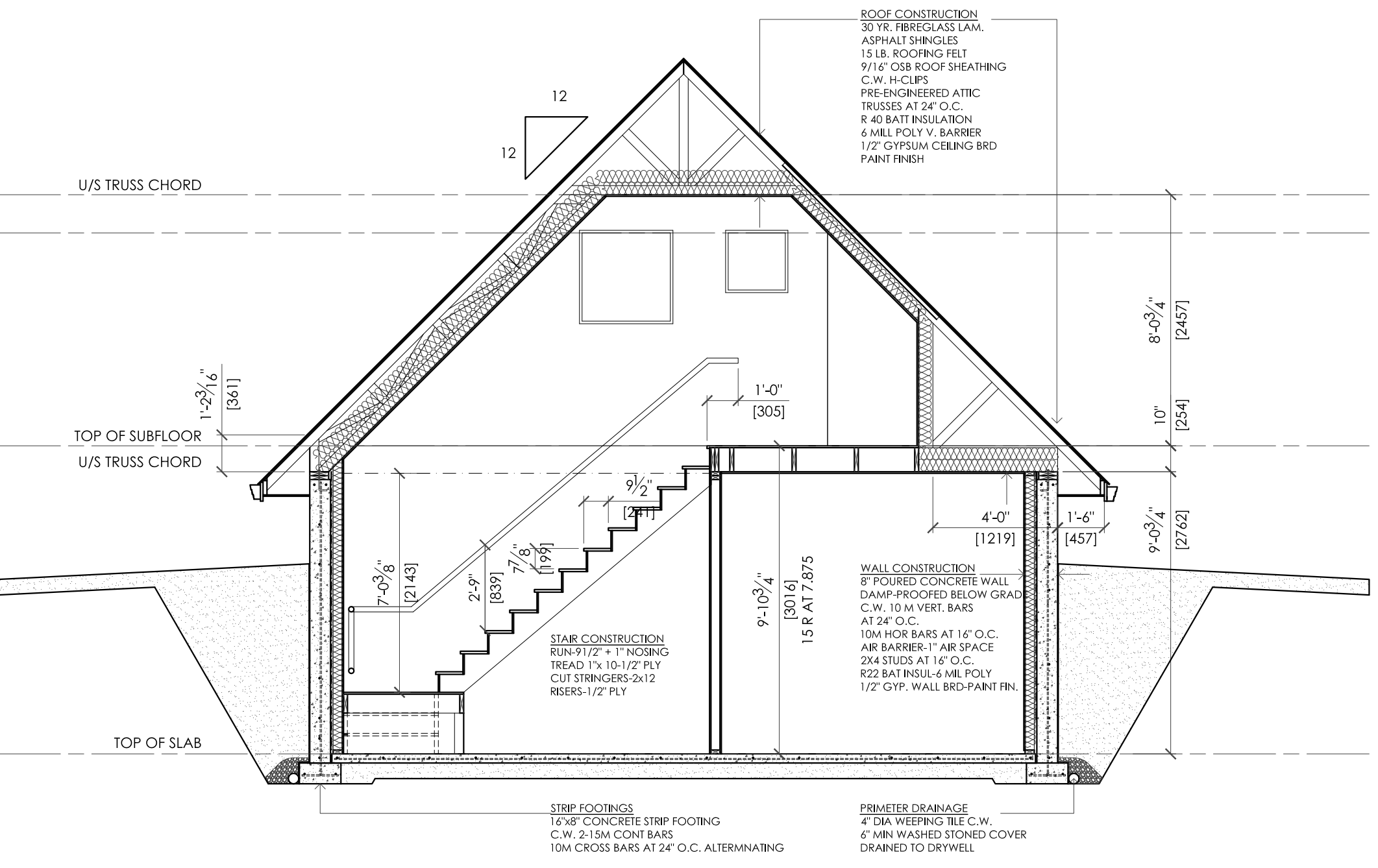


UPPER FLOOR PLAN

G.F.A. 415 SQ.FT.



SECTION A-A



SECTIONS B-B

ATTACHMENT A

This forms part of application

Z22-0052

Planner Initials SS

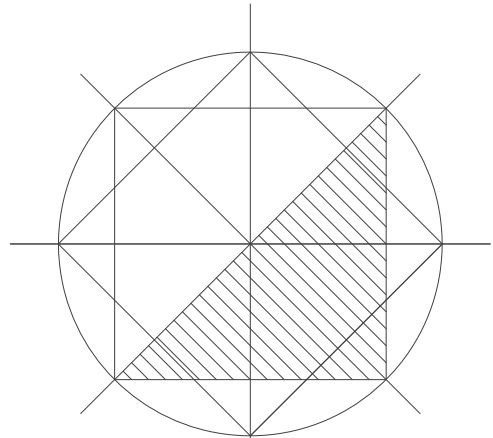


KEYSTONE DESIGN
1743 Sunrise Road
Kelowna BC V1P 1G3
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E: k-design@telus.net

REVISIONS:

Issued for Review	SEP 11, 2022
Reissued for Permit	SEP 11, 2028

NORTH



PROJECT
GEORGE KAMOSCHINSKI
CARRIAGE HOUSE

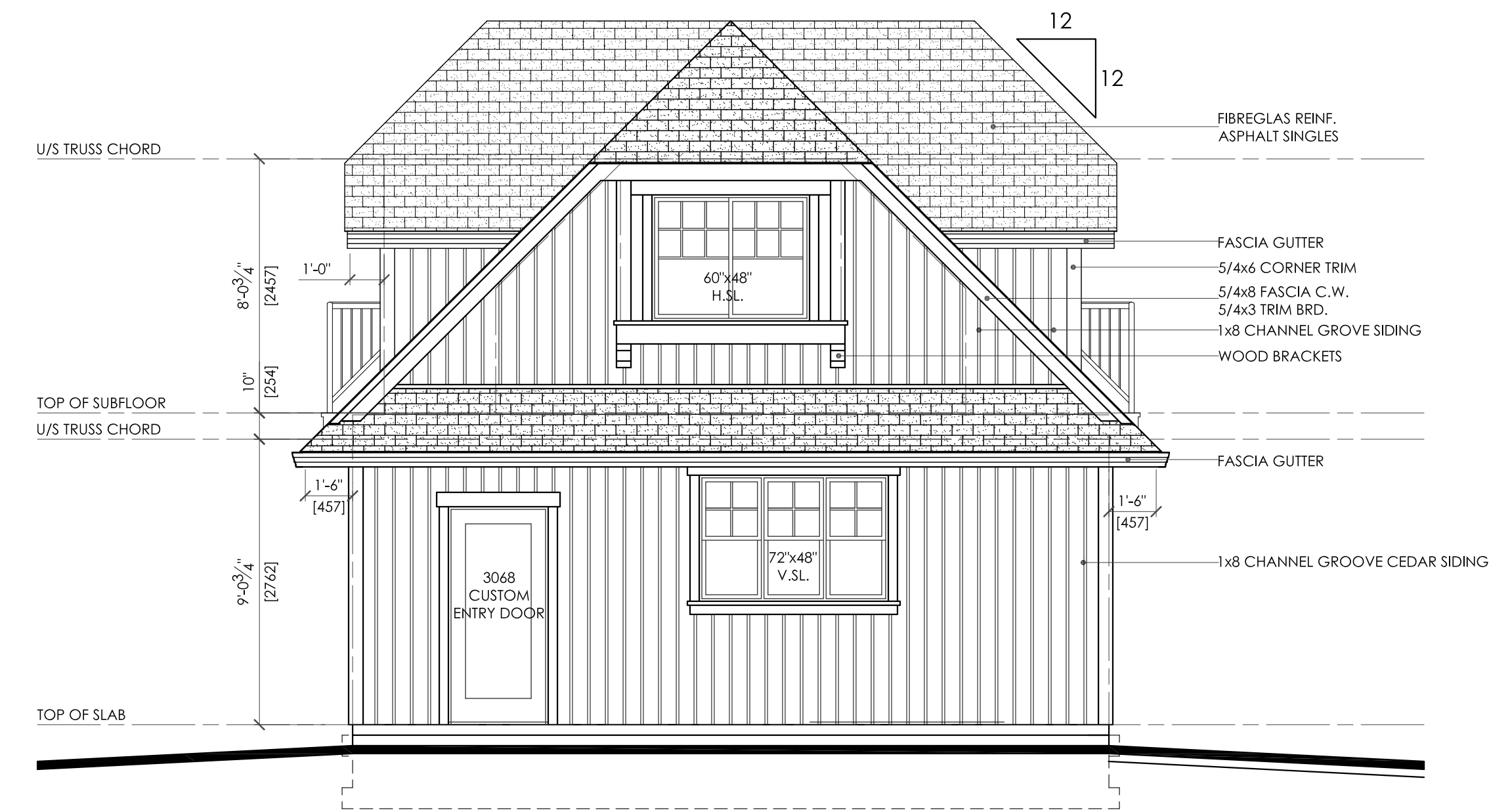
5428 TANGER COURT
KELOWNA, BC

DRAWING TITLE

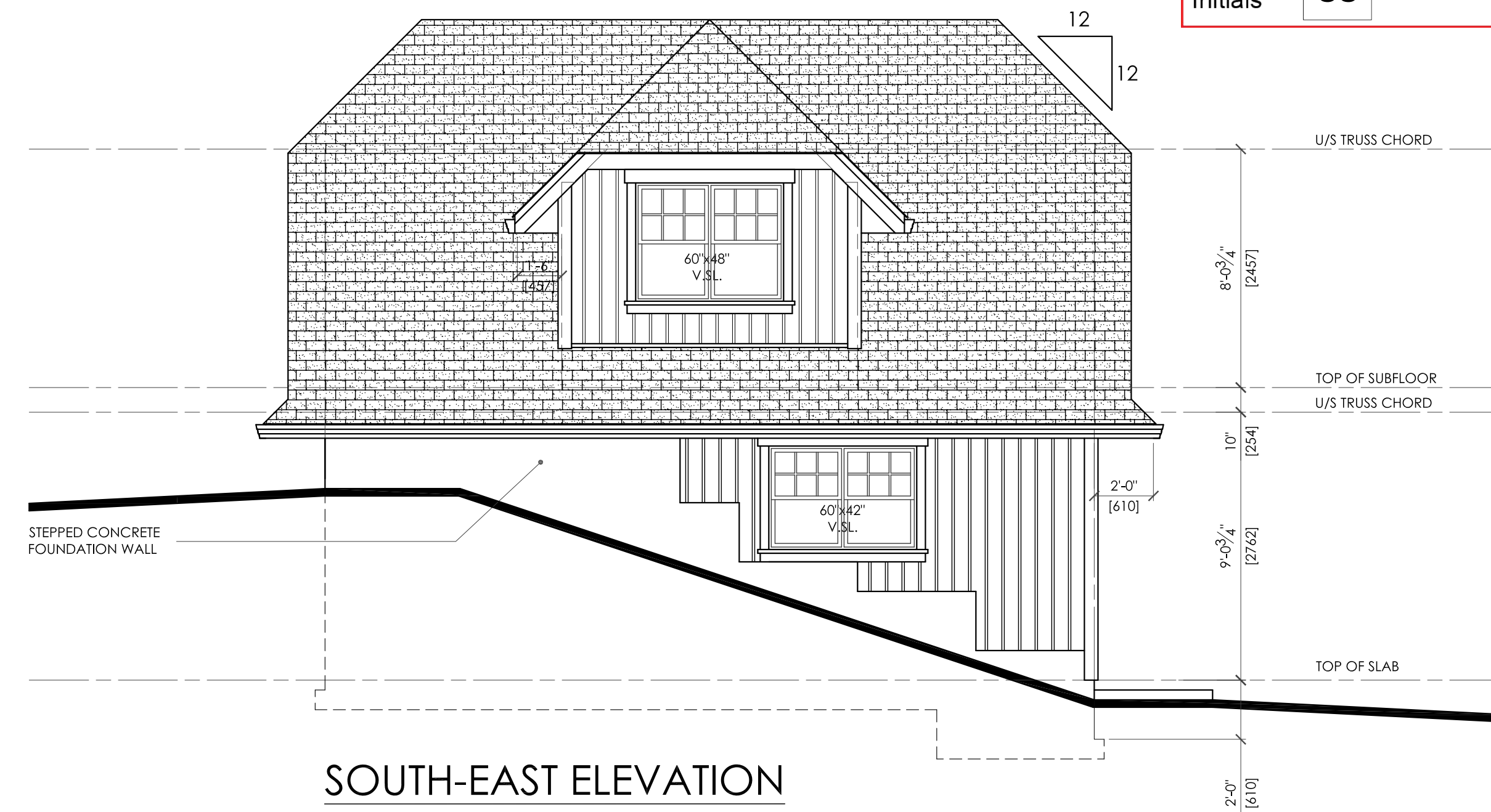
FOUNDATION PLAN
MAIN FLOOR PLAN
SECTIONS

PROJECT NO	2011-125
DATE	SEP 08, 2022
DRAWN	Ray Lefebvre
SCALE	1"=10'-0"

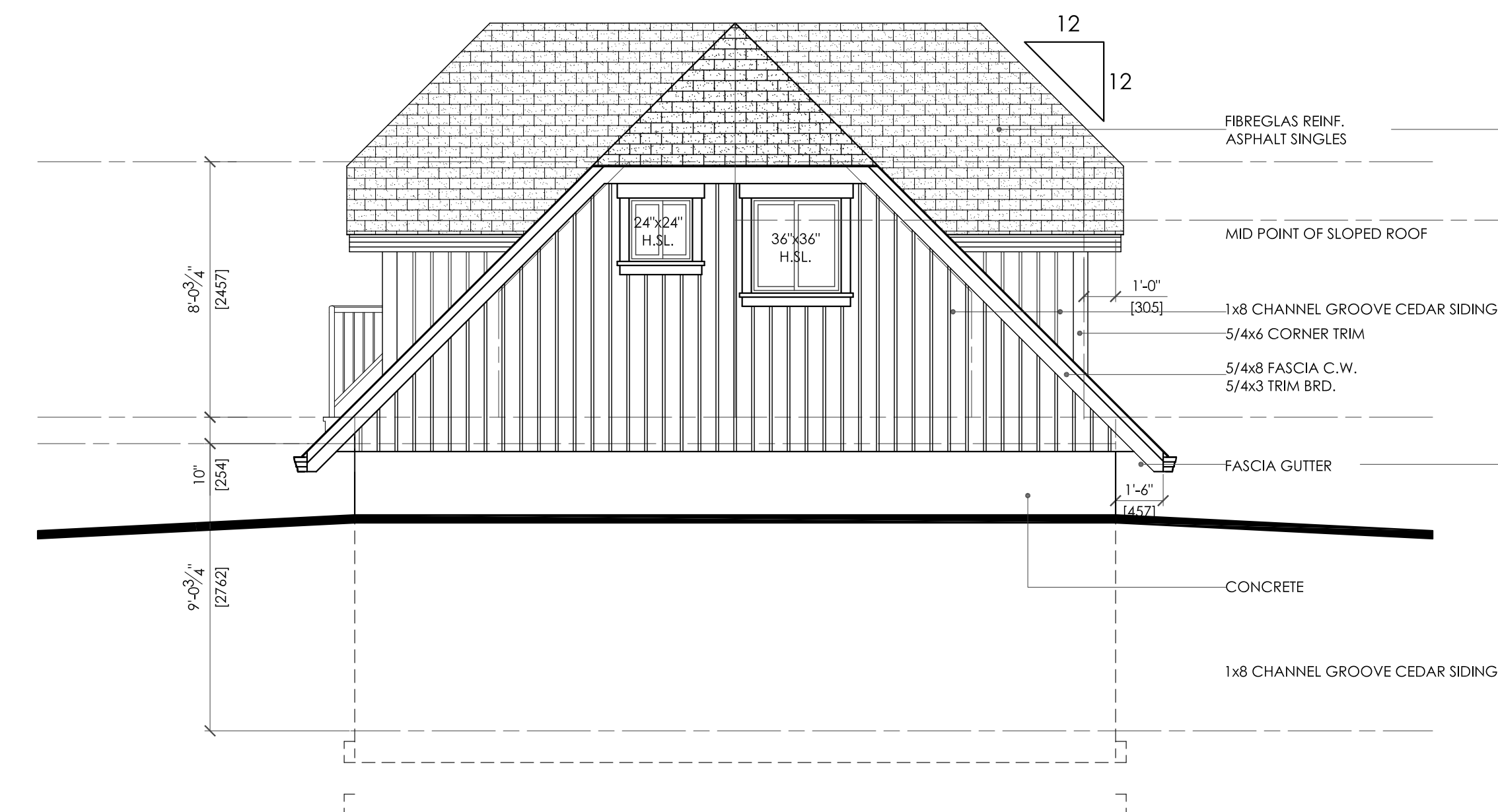
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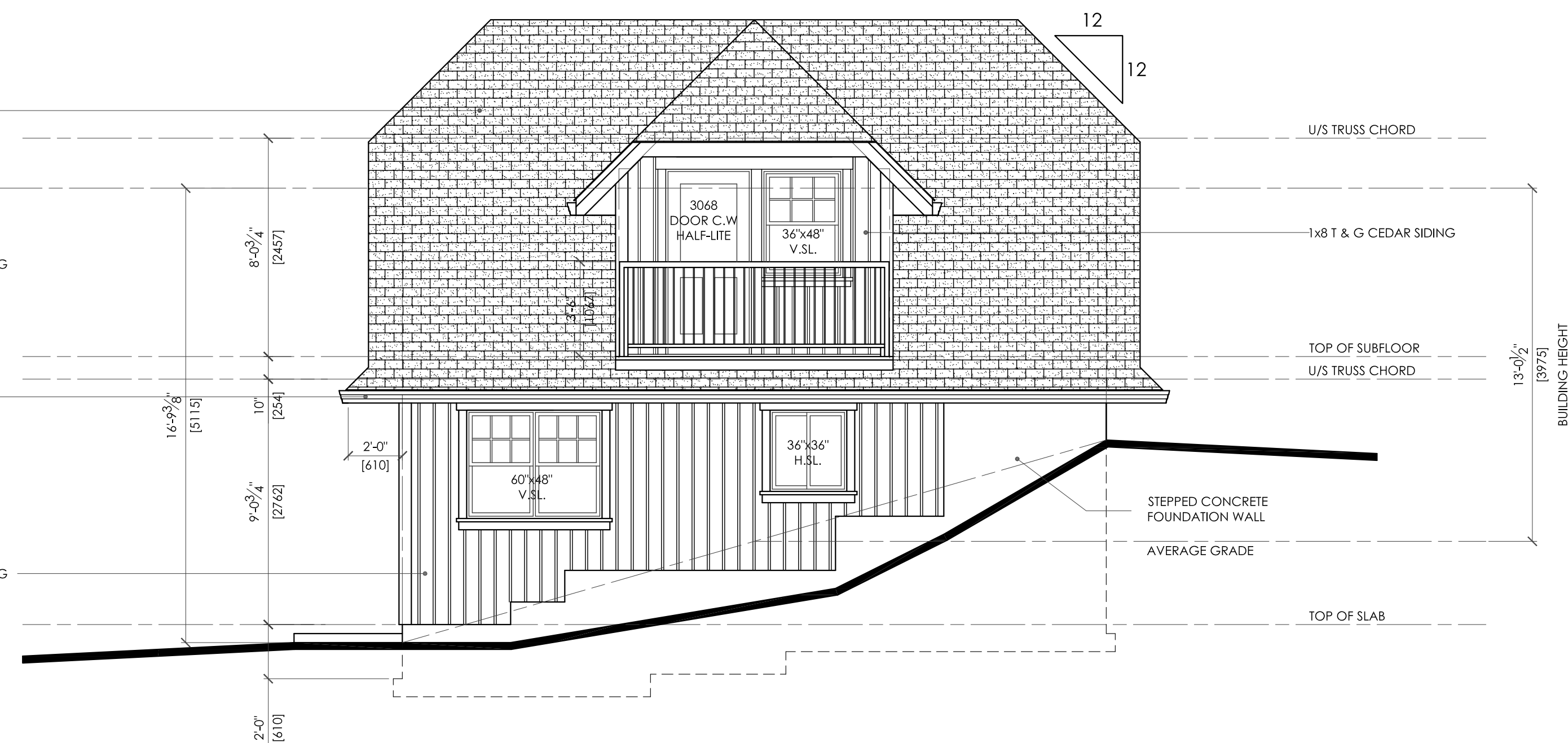
NORTH-EAST ELEVATION



SOUTH-EAST ELEVATION



SOUTH-WEST ELEVATION



NORTH-WEST ELEVATION

ATTACHMENT A

This forms part of application
Z22-0052

Planner
Initials SS

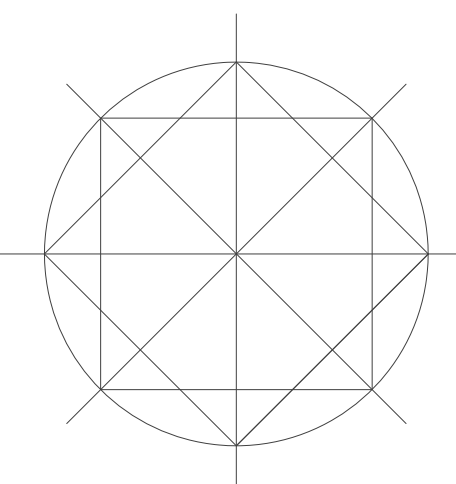


1743 Sunrise Road
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REVISIONS:

Issued for Review	SEP 11, 2022
Reissued for Permit	SEP 11, 2022

NORTH



PROJECT
GEORGE KAMOSCHINSKI
CARRIAGE HOUSE

5428 TAGER COURT
KELOWNA, BC

DRAWING TITLE

ELEVATIONS

PROJECT NO	2011-125
DATE	SEP 08, 2022
DRAWN	Ray Lefebvre
SCALE	1"=10'-0"

DRAWING NO

3 of 3

5428 Tanager Court—Variance Permit **Submissions to Council:**

The following points are to answer questions for the council regarding our request for an RU1C variance permit and hope to provide more background and insight into our application.

What is the variance for? Why is the variance required?

- The variance permit we are applying for is for the new accessory building we constructed on the south west corner of our property.
- We are required to apply for a variance to increase the net floor area of that building from 90 square meters (allowed for a carriage house) to a 96.52 square meter (only allowed for an accessory building) two-storey carriage house.
- The original permit approved by the City for an accessory building allowed for the 96.52 square meters.

What is the purpose of the carriage house? Will it be used for family or a rental?

- The purpose of the carriage house is to provide affordable housing for our daughter and grandson. They moved home to Kelowna from an abusive situation in California a few years ago. Our daughter is an experienced (21 year career) and valued oncology nurse at BC Cancer Centre--Kelowna and a single mom to an almost 11 year old boy. They had previously lived on their own in a basement suite and had to vacate because the premises were required to care for the homeowners' elderly parents. Our daughter had tried to find another place to live but found that availability was slim to none and affordability was unattainable and has been living with us ever since.
- Also, my husband had suffered two simultaneous strokes almost three years ago and is still rehabbing from that ordeal. He requires quiet and no stimulation and we want to help our daughter and grandson but find that living in the same premises with an young boy is not ideal for his recovery. Having our daughter on the property is beneficial for my husband though since she helps with his care and we help her with the care of her son.

Why is the carriage house located in its existing spot?

- The current location was chosen since it was the best location to run a direct line from the plumbing of the main house to an accessory building and then connect to the City sewage system.

Are there any other accessory buildings on the site, what are they used for?

- Yes, there is one—a cottage and it's a 320 square foot building used for a workshop and storage.

Neighbour concern over the balcony and looking into the property. How is the privacy and screening addressed?

- Please see attached pictures; they will clearly show that there is no issue regarding privacy and infringement on any neighbour's privacy.
- The neighbour's property to the west of us can barely be seen from the new accessory building. In fact, more of the neighbour's house can be seen from our existing home than from the accessory building.
- There are plenty of trees and vegetation on both properties that provide for ample privacy.
- Window dressings/blinds are also used in our house and will be used in the carriage house to allow for increased privacy
- As far as the balcony goes, the balcony is recessed and does not go beyond the outside wall of the carriage house. It is very small (4'x8') and all views of the house are mostly blocked by existing trees, including evergreens. The only thing seen from the balcony is the window of the neighbour's garage (please see attached pictures).
- If the neighbour to the west is concerned about privacy, the house being constructed to the south of our property is much more invasive to many homes' privacy in our cul de sac, as you can see from the attached pictures.

Additional Information:

- We had changed from the purpose of the original accessory building to a carriage house upon the suggestion of the city planners when we went in to talk about permitting the build's flooring. We had to change it from what we first planned to radon flooring, not realizing that we could not stay safely in the building longer than four hours/day unless

we upgraded to radon, which required an additional permit. After discussion, the city planners also suggested that we apply to change the zoning of our lot from RU1 to RU1C.

- When we got the first permit, the intent was for no one to live in the building, but the upper floor was going to be used for a family social space, especially for our daughter and grandson who live with us.
- Because we had put so much money and extra work into the building, we thought we would apply for the carriage house permit so that it would be more beneficial for our family.
- We wanted to use the space for our daughter and grandson to live in. When we found out that we could apply for a carriage house permit, we thought that it was a no-brainer and would be helpful for our family situation.
- With the dramatic increase in the development cost charges, it prompted us to move more quickly in our permit application.

5428 Tanager Court—Photos:



View from accessory building balcony towards west neighbour's property



View from accessory building upstairs north window towards west neighbour's property



View from main house upstairs bedroom window showing accessory building and new build to the south of property



View from west side of accessory building towards the south to the new build

CITY OF KELOWNA

BYLAW NO. 12449

Z22-0052

5428 Tanager Court

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

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

1. THAT City of Kelowna Zoning Bylaw No. 12375 be amended by changing the zoning classification of Lot 13 Section 23 Township 28 SDYD Plan 35953, located on Tanager Court, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Z22-0052

5428 Tanager Court

Rezoning Application

Proposal

- ▶ To rezone the subject property from RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone to facilitate the conversion of an accessory building to a carriage house.

Rezoning

- ▶ “Is this proposed land use and density appropriate for this property?”

- ▶ Regulate the following within a zone:
 - ▶ Uses of land, building, & structures
 - ▶ Density of use of land (FAR)
 - ▶ Based on OCP Policies including Future Land Use

Development Process

Aug. 31, 2022

Development Application Submitted



Staff Review & Circulation



Sept. 7, 2022

Public Notification Received



 Nov. 21, 2022

Initial Consideration



First, Second & Third Readings



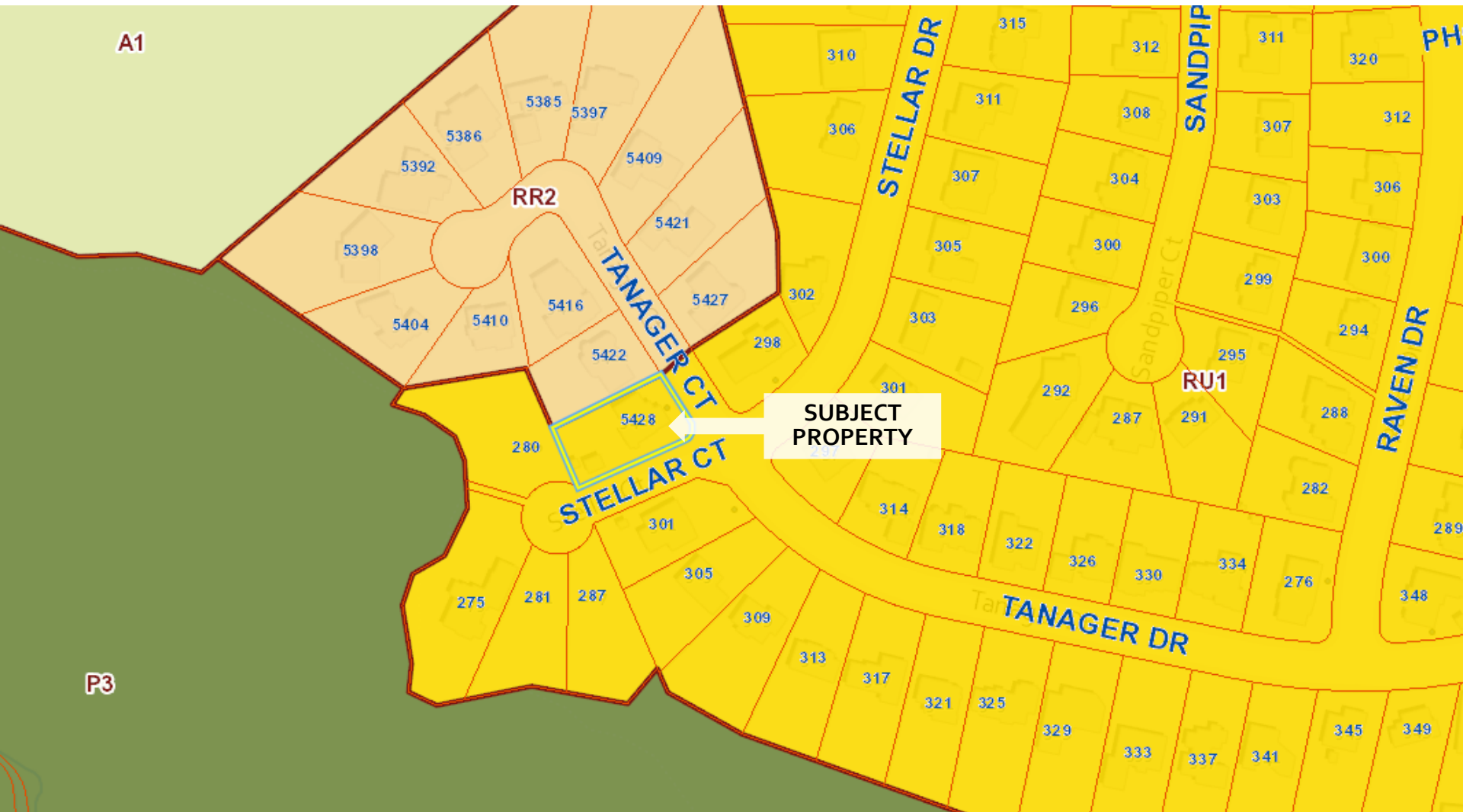
Development Variance Permit and Final Reading



Building Permit

Council
Approvals

OCP Future Land Use / Zoning



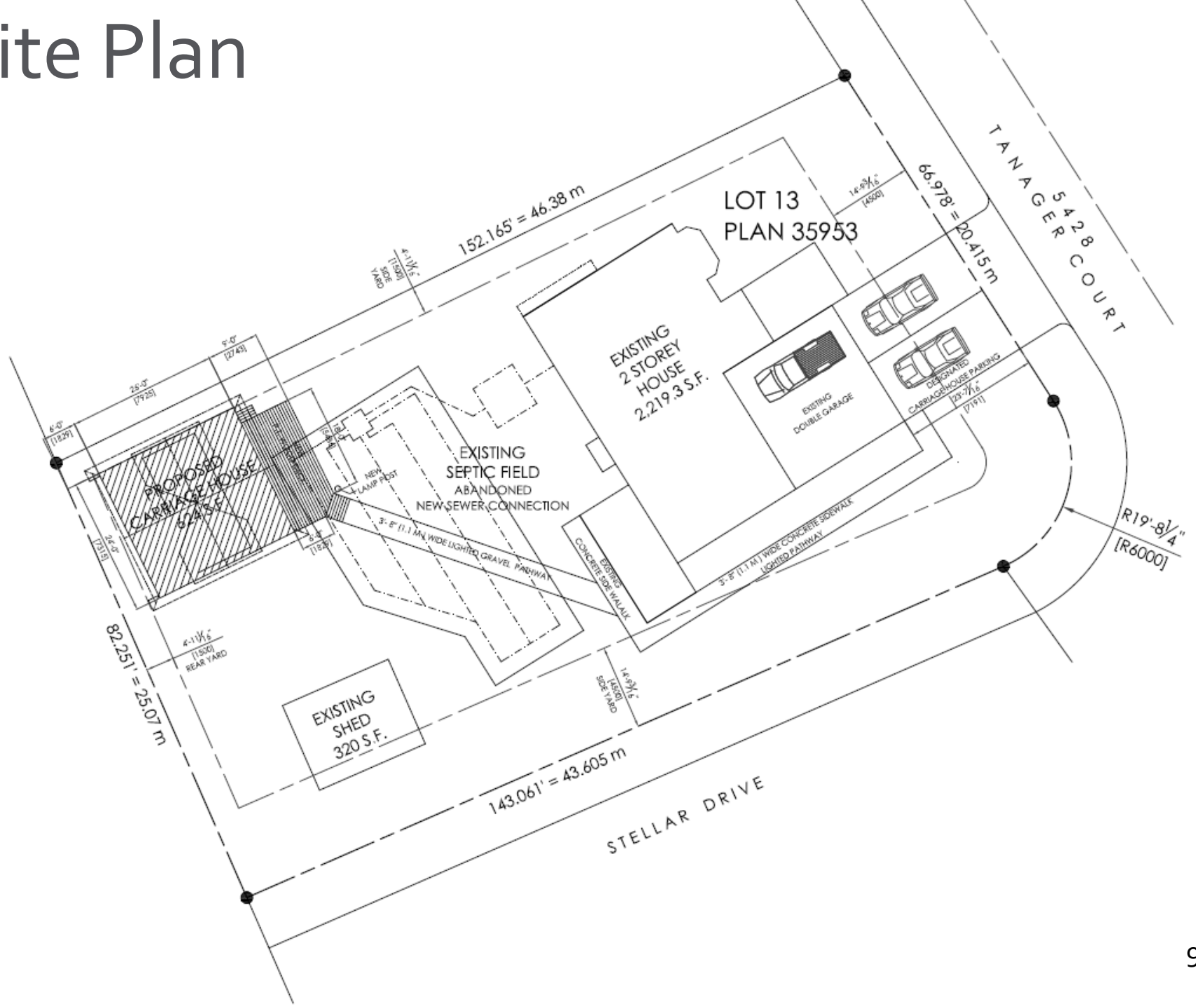
Subject Property Map



Project details

- ▶ Property size is 0.31 acres (1,254 sq.m). The proposed carriage house has a building footprint of 57.97 sq.m.
- ▶ Rezoning application is required to allow for the carriage house use, as the property is outside of the Core Area.
- ▶ Variance required for the maximum net floor area for a two (2) storey carriage house.
- ▶ All other Zoning Bylaw regulations have been met.

Site Plan



Staff Recommendation

- ▶ Development Planning Staff recommend **support** of the proposed Rezoning:
 - ▶ Subject property is within the Permanent Growth Boundary.
 - ▶ Meets the Future Land Use Designation of S-RES – Suburban Residential.



Conclusion of Staff Remarks

REPORT TO COUNCIL



Date: November 21, 2022

To: Council

From: City Manager

Department: Development Planning

Application: Z22-0049

Owner: Paramdeep Singh Sidhu &
Jagjit Kaur Sidhu

Address: 1233 Lund Rd

Applicant: Urban Options Planning Corp. –
Jack Pawsey

Subject: Rezoning Application

Existing OCP Designation: S-RES – Suburban Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU4 – Duplex Housing

1.0 Recommendation

THAT Rezoning Application No. Z22-0049 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot A Section 18 Township 27 ODYD Plan KAP59358, located at 1233 Lund Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU4 – Duplex Housing zone, be considered by Council;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Development Planning Department dated November 21st, 2022;

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

2.0 Purpose

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU4 – Duplex Housing zone to facilitate the development of a second single-family dwelling.

3.0 Development Planning

Staff support the proposal to rezone the subject property from the RU1 – Large Lot Housing zone to the RU4 – Duplex Housing zone. The subject property has a Future Land Use Designation of S-RES – Suburban Residential and is within the City's Permanent Growth Boundary (PGB). As such, the proposed zone is consistent with the 2040 Official Community Plan's (OCP) objectives. The subject property is relatively large and can accommodate the RU4 zoning regulations.

4.0 Proposal

4.1 Project Description

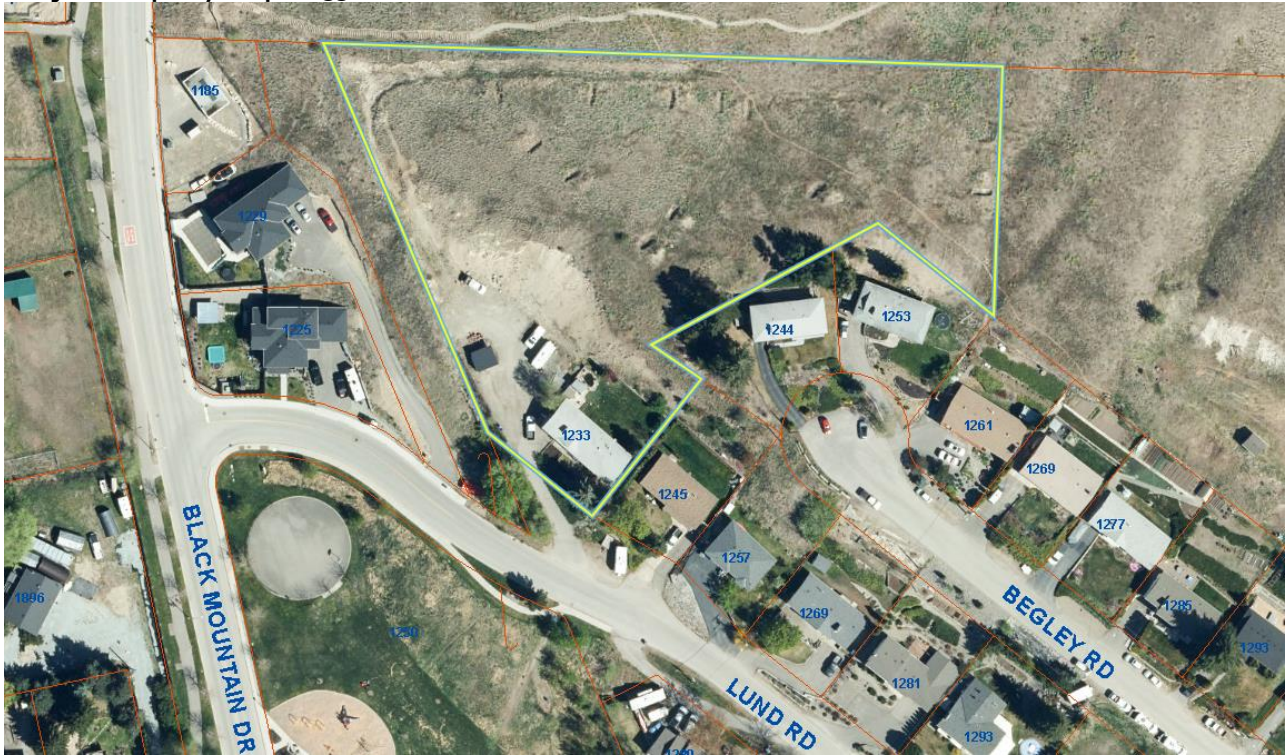
The proposed rezoning to the RU4 – Duplex Housing zone would retain the existing dwelling on the property, and facilitate the development of an additional single-family dwelling. The lot area is 10,198.08 m², which exceeds the minimum lot area size requirement for the RU4 - Duplex Housing zone.

4.2 Site Context

The subject property is located on Lund Road, accessed from Black Mountain Drive. The surrounding area is zoned RU1 – Large Lot Housing, P3 – Parks and Open Space and RR1 – Large Lot Rural Residential. The property is located in close proximity to Black Mountain Elementary School, Lund Park and Black Mountain Golf Club.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P3 – Parks and Open Space	Open Space & Hiking Trail
East	RU1 – Large Lot Housing	Single Family Dwelling
South	P3 – Parks and Open Space	Park
West	P3 – Parks and Open Space	Open Space

Subject Property Map: 1233 Lund Rd**5.0 Current Development Policies****5.1 Kelowna Official Community Plan (OCP)****Objective 7.2 Design Suburban Neighbourhoods to be low impact, context sensitive and adaptable****Policy 7.2.1
Ground Oriented
Housing**

Consider a range of low density ground-oriented housing development to improve housing diversity and affordability and to reduce the overall urban footprint of Suburban Neighbourhoods. Focus more intensive ground-oriented housing where it is in close proximity to small scale commercial services, amenities like schools and parks, existing transit service and/or active transportation facilities.

The property is located in close proximity to Lund Park, Black Mountain Elementary School and the Black Mountain Golf Course.

6.0 Technical Comments**6.1 Development Engineering Department**

6.1.1 Refer to Attachment A dated August 23rd, 2022

7.0 Application Chronology

Date of Application Accepted: August 11th, 2022

Date Public Consultation Completed: October 4th, 2022

Report prepared by: Breanna Sartori, Planner I

Reviewed by: Dean Strachan, Community Planning & Development Manager

Reviewed by: Terry Barton, Development Planning Department Manager

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

Attachments:

Attachment A: Development Engineering Memo


Attachment B: Conceptual Site Plan

Attachment C: Applicant's Rationle Letter

CITY OF KELOWNA

MEMORANDUM

Date: August 23, 2022
File No.: Z22-0049
To: Planning and Development Officer (BS)
From: Development Engineering Manager (NC)
Subject: 1233 Lund Rd

ATTACHMENT A	
This forms part of application # Z22-0049	
Planner Initials	<div style="border: 1px solid black; padding: 2px; display: inline-block;">BS</div>
<div style="display: flex; align-items: center;"><div style="flex: 1;">City of Kelowna <small>DEVELOPMENT PLANNING</small></div><div style="flex: 0 0 40px;"></div></div>	
RU1 to RU4	

The Development Engineering Branch has the following comments and requirements associated with this application to rezone the property from RU1 to RU4. The Development Technician for this file is Sarah Kelly (skelly@kelowna.ca).

1. GENERAL

- a. The following requirements are valid for two (2) years from the reference date of this memo, or until the application has been closed, whichever occurs first. The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.
- b. There is a possibility of a high water table or surcharging of storm drains during major storm events. This should be considered in the design of the onsite system.
- c. This proposed development is located within the 800m Ministry of Transportation and Infrastructure (MoTI) Highway Buffer and is subject to review by the MoTI.

2. DOMESTIC WATER AND FIRE PROTECTION

- a. The subject lot is within the Black Mountain Irrigation District (BMID) water supply area. The Developer is required to make satisfactory arrangements with BMID for all water and fire protection-related issues. All charges for service connection(s) and upgrading costs, as well as any costs to decommission existing services, shall be the responsibility of the Developer.
- b. The Developer's consulting mechanical engineer will determine the fire protection requirements of this proposed development and establish hydrant requirements and service needs. All fire flow calculations approved by BMID are to be shared with the Development Engineering Branch upon submittal of off-site civil engineering drawings.

3. SANITARY SEWER SYSTEM

- a. Our records indicate that the subject lot is currently serviced with a 100-mm diameter sanitary sewer service. The Applicant's Consulting Mechanical Engineer will determine the requirements of the proposed development and establish the service needs.

- b. Only one service will be permitted for each legal lot. The existing service must be completed with installation of an inspection chamber and brooks box (as per SS-S7 & SS-S9), at the applicants cost.

4. STORM DRAINAGE

- a. This property is located within the City of Kelowna drainage service area. The hillside areas of Kelowna are not suitable for groundwater recharge or disposal of on/offsite drainage via infiltration. Roof and site drainage for this property must discharge directly to the City of Kelowna's storm system.
- b. The Developer's consulting civil engineer must provide a stormwater management plan for the site, which meets all requirements of the Subdivision, Development, and Servicing Bylaw No. 7900. SWMP must include lot grading plan, minimum basement elevations (MBE), and onsite drainage systems.
- c. An Erosion and Sediment Control Plan is to be prepared by a Professional Engineer proficient in the field of erosion and sediment control. The plan is to be prepared as per section 3.14 of Schedule 4 of Bylaw 7900. If a line item for ESC is not included in the Engineer's cost estimate for off-site work, then an additional 3% will be added to the performance security based on the total off-site construction estimate.

5. ROAD IMPROVEMENTS & SITE ACCESS

- a. Lund Rd must be upgraded to an urban standard (SS-H7) along the full frontage of the subject property including curb and gutter, sidewalk, driveway letdown, fillet paving, LED street lighting, landscaped and irrigated boulevard, storm drainage system, pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- b. All Landscape and Irrigation plans require design and inspection by a Qualified Professional registered with the BCSLA and the IABC, are to be included as a line item in the estimate for the Servicing Agreement performance security. Landscape and irrigation plans require approval by the Development Engineering Branch at the same time as other "issued for construction" drawings.
- c. Streetlights must be installed on all public roads. All streetlighting plans are to include photometric calculations demonstrating Bylaw 7900 requirements are met and approval by the Development Engineering Branch at the same time as other "issued for construction" drawings.

6. POWER AND TELECOMMUNICATION SERVICES

- a. All proposed distribution and service connections are to be installed underground. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost.
- b. If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager. Re-locate existing poles and utilities, where necessary including within lanes. Remove aerial trespass(es).

ATTACHMENT		A
This forms part of application		
# Z22-0049		
Planner Initials	BS	 City of Kelowna DEVELOPMENT PLANNING

7. **GEOTECHNICAL STUDY**

- a. At the time of Building Permit application the applicant is required to provide a comprehensive geotechnical report, prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address items below:
 - i. Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
 - ii. Site suitability for development.
 - iii. Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
 - iv. Any special requirements for construction of roads, utilities, and building structures.
 - v. Recommendations for items that should be included in a Restrictive Covenant.
 - vi. Recommendations for roof drains and perimeter drains.
 - vii. Recommendations for erosion and sedimentation controls for water and wind.
 - viii. Any items required in other sections of this document.
- b. Geotechnical reports must be submitted to the Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.

NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.

8. **DESIGN AND CONSTRUCTION**

- a. Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b. Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c. Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d. A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.

ATTACHMENT		A
This forms part of application # Z22-0049		
Planner Initials	BS	 City of Kelowna <small>DEVELOPMENT PLANNING</small>

- e. Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Development Engineering Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.


9. **SERVICING AGREEMENT FOR WORKS AND SERVICES**

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

10. **CHARGES AND FEES**

- a. Development Cost Charges (DCC's) are payable.
- b. Fees per the "Development Application Fees Bylaw" include:
 - i. Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - ii. Engineering and Inspection Fee: 3.5% of construction value (plus GST).

ATTACHMENT		A
This forms part of application		
# Z22-0049		
Planner Initials	BS	 City of Kelowna DEVELOPMENT PLANNING


 Nelson Chapman, P.Eng.
 Development Engineering Manager
 SK



ATTACHMENT		C
This forms part of application		
# Z22-0049		
Planner Initials	BS	 City of Kelowna DEVELOPMENT PLANNING

August 9, 2022

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

Rezoning Application from RU1 – Large Lot Housing to RU4 – Duplex Housing at 1233 Lund Rd.

Introduction

Dear Planning Staff,

The purpose of this application is to rezone the subject property from RU1 – Large Lot Housing to RU4 – Duplex Housing (Zoning Bylaw 12375). The intent of the project is to construct a second dwelling on the west side of the property, at a distance of 24.46m from the existing dwelling. The existing dwelling will remain in place and will be upgraded as needed. Context photos are provided to show the current configuration of the property.

Please be advised that a Geotechnical Report and updated site plan to show the height of the proposed dwelling will be provided upon completion. It is anticipated these documents will be provided shortly after submission.

Proposed Site Layout

The subject property is very large in size, with a lot area of 2.52 acres (10,198.08m²). However, the majority of the property is dominated by steep slopes and therefore remains undevelopable. The existing driveway access will service both dwellings. All regulations under Zoning Bylaw 12375 are met as part of this application, including setbacks, site coverage, and height of the proposed dwelling. The subject property is separated from the neighbours to the west by Lund Park, which is a steep slope. Due to the elevation change, the proposed dwelling is not anticipated to have an impact any neighbouring properties.

Steep Slopes & Geotechnical Report

To enforce the protection of steep slopes, a Covenant is registered on the State of Title to restrict any improvements on the property in areas with a slope of 30% or greater (KL61659). The proposed single-family dwelling is slightly built into slope areas which have been previously disturbed. At the time of Building Permit, a retaining wall will be structurally engineered to support the slope with respect to the location of the house. All undisturbed areas of the slope will remain untouched as part of this application.

A Geotechnical Report from Interior Testing Services Ltd. was completed on July 27, 2022. The report does not express any concerns of ground stability or slope stability in desired areas of

construction. In turn, the property is deemed suitable for development from a geotechnical perspective.

Official Community Plan Conformance

This proposal conforms to the 2040 OCP – Future Land Use direction of *Suburban Residential*, as two-dwelling residential is a supported use. In addition, the following pillars are met:

1. Stop planning new suburban neighbourhoods.

Creating sensitive infill within existing neighbourhoods reduces the desire for new suburban neighbourhoods to be planned. In turn, those who wish to rent or purchase a new dwelling can do so without constructing a new single-family home in a new neighbourhood. In addition, new construction within existing neighbourhoods eliminates the need to create new service mains which are expensive to build and maintain.

2. Promote more housing diversity.

The *Suburban Residential* Future Land Use designation allows for a range of housing forms within existing suburban neighbourhoods. Two-dwelling housing is a great way to utilize the existing property and services to create a diverse housing option in a neighbourhood which is located nearby amenities such as schools and parks.

3. Protect our environment.


Constructing two-dwelling housing an existing building envelope reduces the need for environmental impacts such as blasting, site grading, and tree removal on undeveloped lots. An Environmental Impact Assessment will be provided at a later date as part of the Development Permit stage of the project.

Project Benefits

In the immediate neighbourhood within a 350m radius, there are 4 properties which are zoned RU4, and 2 properties zoned RM3 to increase the density of the neighbourhood. We believe the application is beneficial to the community for multiple reasons.

Firstly, the application will allow for upgrades in a neighbourhood which is experiencing sensitive redevelopment with the adoption of the 2040 OCP. The landowner is constructing the dwellings to increase the housing stock in a desirable area of Kelowna with large lots. Secondly, the property is situated near amenities such as Lund Park and the Black Mountain Recreation Corridor. Lastly, the subject property is located nearby Black Mountain Elementary School, making the subject property an excellent location for growing families.

We believe this project creates sensitive infill on a large lot in the City of Kelowna. For any questions regarding the application, please contact Urban Options Planning Corp. at the undersigned.

ATTACHMENT		C
This forms part of application		
# Z22-0049		
Planner Initials	BS	 City of Kelowna DEVELOPMENT PLANNING

Regards,

Urban Options Planning Corp.
By its authorized signatory, Birte Decloux, RPP MCIP

ATTACHMENT		C
This forms part of application		
# Z22-0049		
Planner Initials	BS	 City of Kelowna <small>DEVELOPMENT PLANNING</small>

CITY OF KELOWNA

BYLAW NO. 12451

Z22-0049

1233 Lund Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

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

1. THAT City of Kelowna Zoning Bylaw No. 12375 be amended by changing the zoning classification of Lot A Section 18 Township 27 ODYD Plan KAP59358, located at 1233 Lund Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU4 – Duplex Housing zone;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



City of
Kelowna

Z22-0049 1233 Lund Road

Rezoning Application

Proposal

- ▶ To consider an application to rezone the subject property from RU1 – Large Lot Housing to the RU4 – Duplex Housing zone.

Rezoning

- ▶ “Is this proposed land use and density appropriate for this property?”

- ▶ Regulate the following within a zone:
 - ▶ Uses of land, building, & structures
 - ▶ Density of use of land (FAR)
 - ▶ Based on OCP Policies including Future Land Use

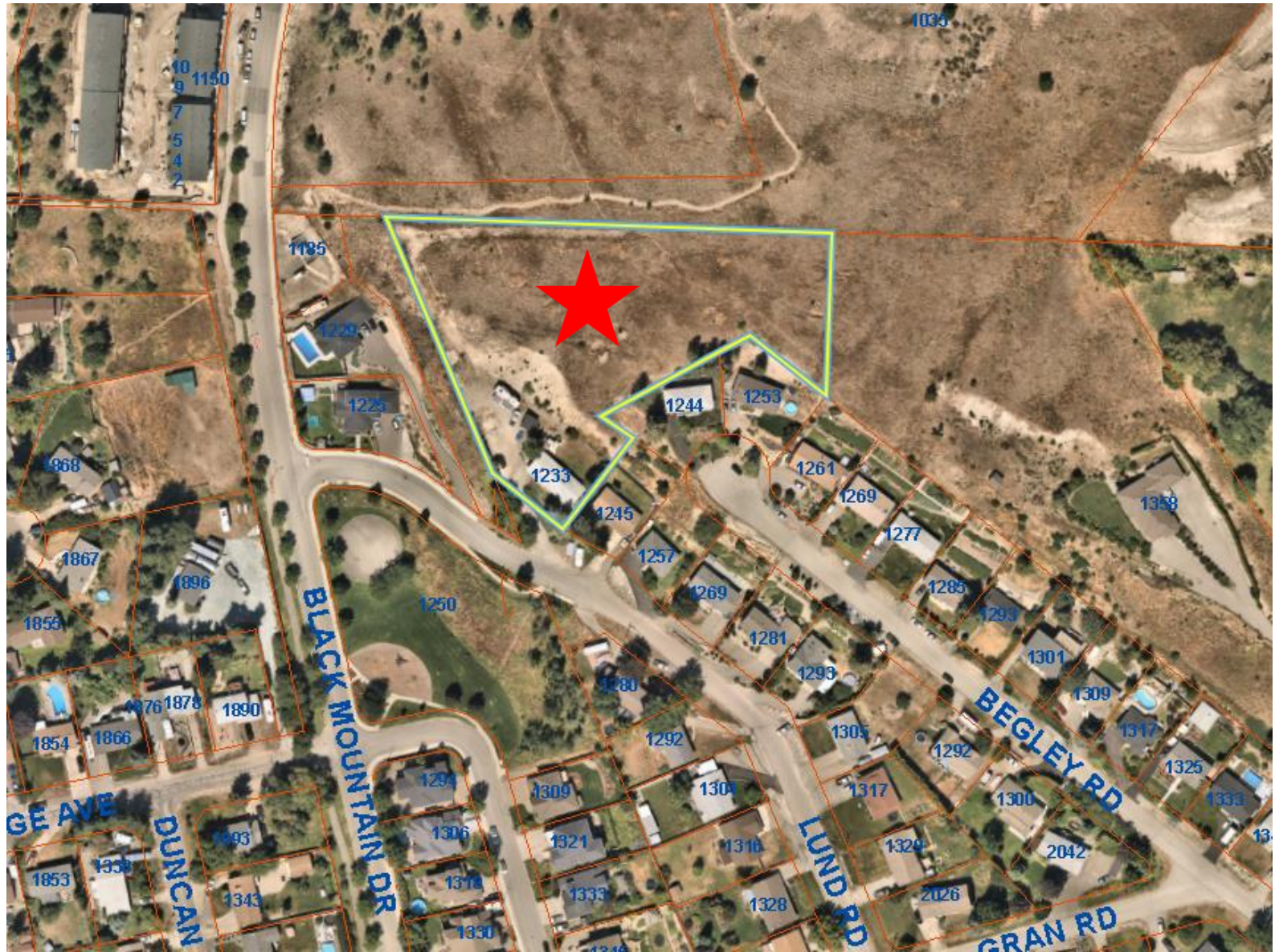
RU₄ – Duplex Housing

- ▶ Previously the RU₆ – Two Dwelling Housing zone
- ▶ The purpose is to provide a zone for duplex development
- ▶ Additional subzone designations have been included in the RU₄ zone: Duplex housing
 - ▶ with boarding and lodging (RU₄b)
 - ▶ with heritage commercial (RU₄hc)
 - ▶ with child care centre, major (RU₄cc)

Development Process

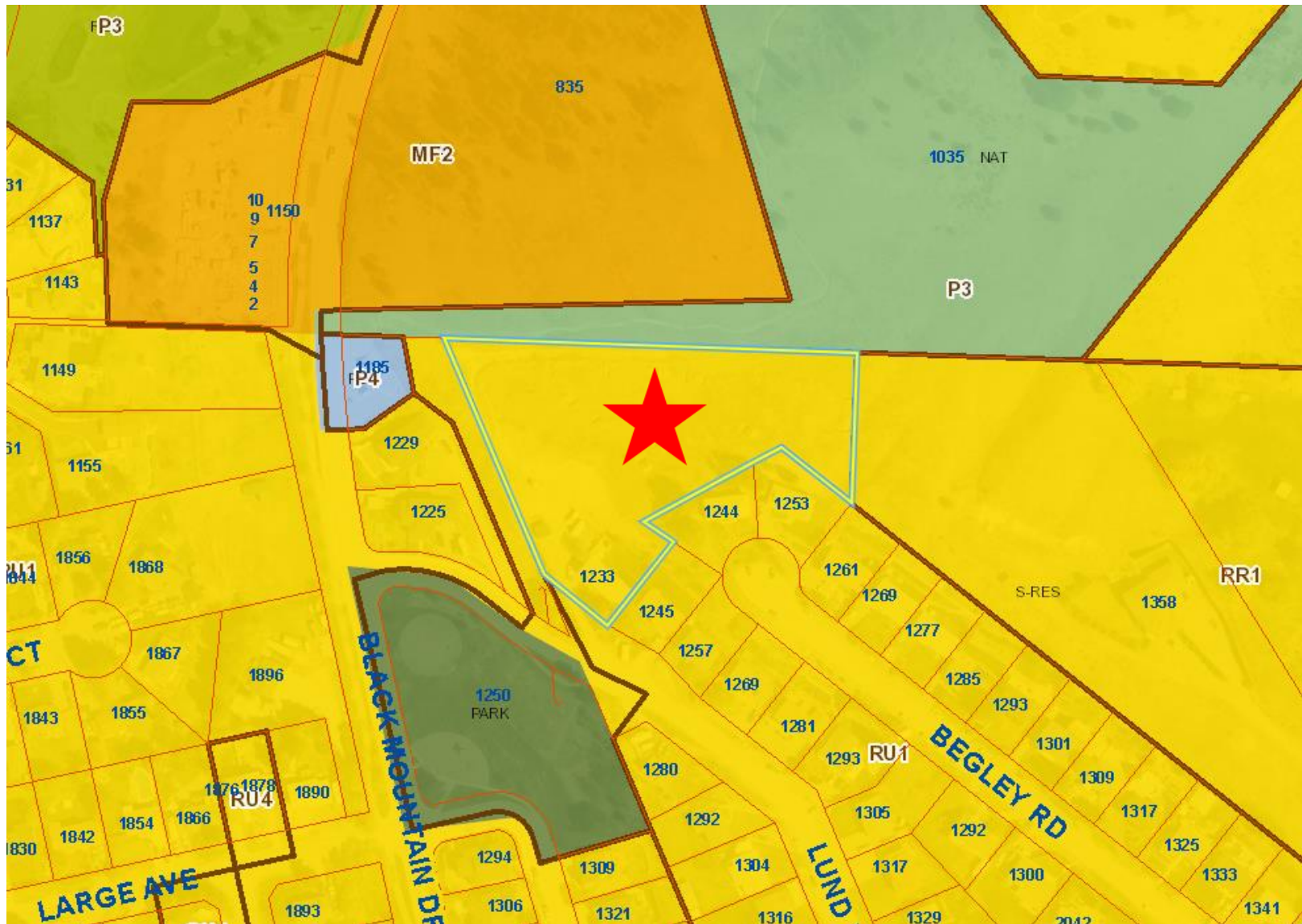


Context Map



City of Kelowna

OCP Future Land Use / Zoning



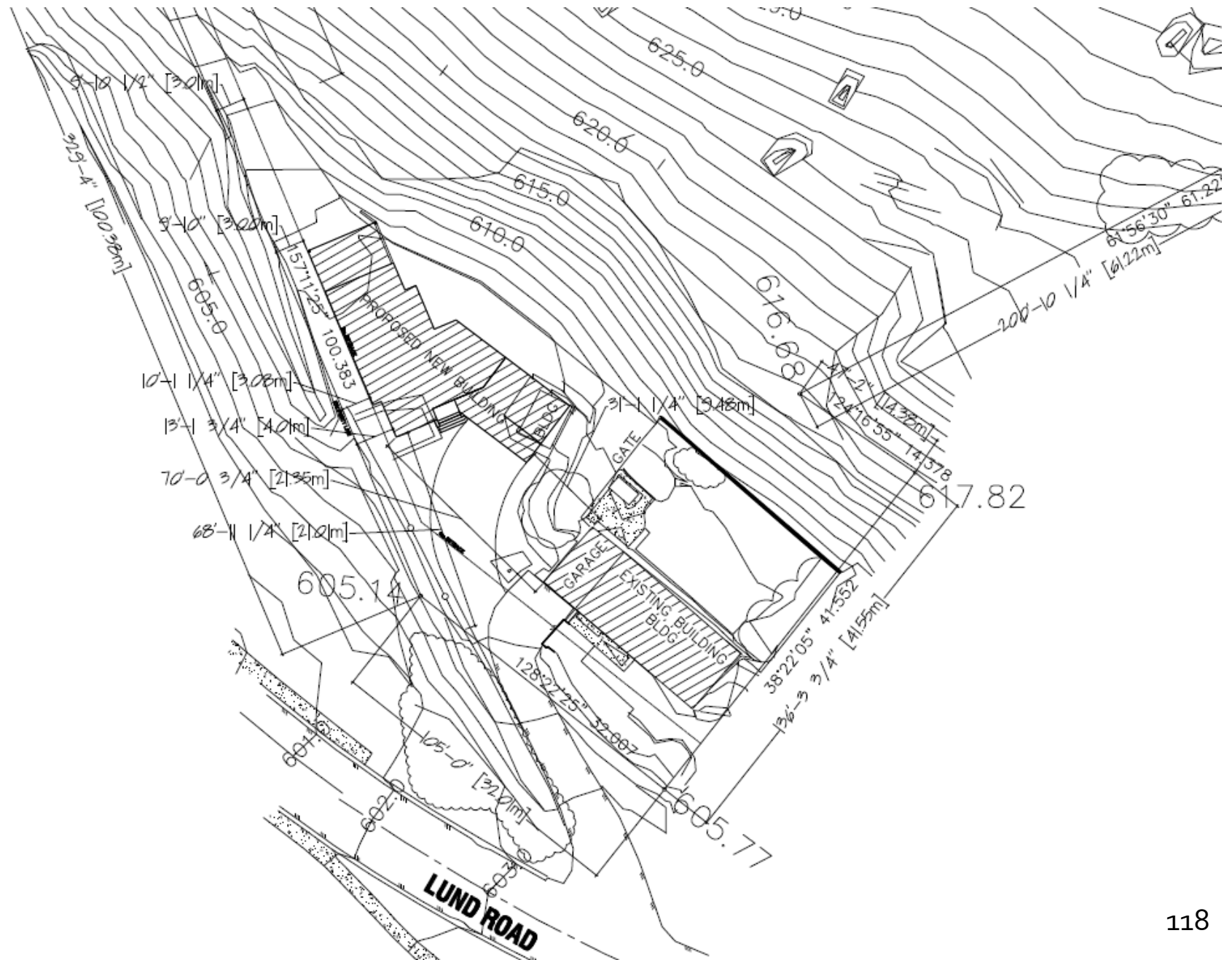
Subject Property Map



Project/technical details

- ▶ The property is 10,198.08 m² and meets the minimum lot size, width and depth of the RU₄ zone.
- ▶ The property has the Suburban Residential (S-RES) Future Land Use Designation
- ▶ This would facilitate the construction of a second dwelling on the property

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Staff Recommendation

- ▶ Staff recommend **support** of the proposed rezoning to the RU₄ – Duplex Housing:
 - ▶ Consistent with the surrounding neighbourhood uses
 - ▶ Meets the Future Land Use designation of S-RES



Conclusion of Staff Remarks

REPORT TO COUNCIL



Date: November 21, 2022

To: Council

From: City Manager

Department: Development Planning

Application: Z21-0102

Owner: David Allan Glendinning

Address: 68g Welke Road

Applicant: David Allan Glendinning

Subject: Rezoning Application

Existing OCP Designation: S-RES – Suburban Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU2 – Medium Lot Housing

1.0 Recommendation

THAT Rezoning Application No. Z21-0102 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot 6 District Lot 358 ODYD Plan 21967, located at 68g Welke Road, Kelowna, BC from the RU1 – Large Lot Housing Zone to the RU2 – Medium Lot Housing zone be considered by Council;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Development Planning Department dated November 21, 2022;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Subdivision Approving Officer.

2.0 Purpose

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone to facilitate the development of a 2-lot subdivision.

3.0 Development Planning

Staff support the proposal to rezone the property from RU1 – Large Lot Housing to RU2 – Medium Lot Housing to facilitate a 2-lot subdivision. The proposal aligns with the Official Community Plan (OCP) Future Land Use designation of S-RES – Suburban Residential. It complies with OCP policy encouraging ground-oriented residential uses. The proposed lots meet the minimum dimensions of the RU2 zone.

4.0 Proposal

4.1 Project Description

The proposed rezoning from RU1 – Large Lot Housing to RU2 – Medium Lot Housing would facilitate a 2-lot subdivision of the subject property. The applicant proposes to remove the existing carport while retaining the existing house on Proposed Lot A. A detached garage that is located on Proposed Lot B would be demolished. Both parcels would have driveway access from Welke Road.

4.2 Site Context

The subject property is located on Welke Road between Gordon Drive and Del Monte Street. The Future Land Use Designation is S-RES Suburban Residential. The surrounding neighbourhood is zoned RU1 – Large Lot Housing, RU2 – Medium Lot Housing, and RU4 – Duplex Housing. Dorothea Walker Elementary School, Mission Recreation Park, and the Capital News Centre are within 600 m of the subject property.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Family Dwelling
East	RU1 – Large Lot Housing	Single Family Dwelling
South	RU1 – Large Lot Housing	Single Family Dwelling
West	RU1 – Large Lot Housing	Single Family Dwelling

Subject Property Map: 689 Welke Road



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Objective 7.2 Design Suburban Neighbourhoods to be low impact, context sensitive and adaptable	
Policy 7.2.1 Ground Oriented Housing	Consider a range of low density ground-oriented housing development to improve housing diversity and affordability to reduce the overall urban footprint of Suburban Neighbourhoods. Focus more intensive ground-oriented housing where it is in close proximity to small scale commercial services, amenities like schools and parks, existing transit service and/or transportation facilities.
	<i>The proposed development is ground-oriented housing in close proximity to a transit stop, a school and a major recreation facility.</i>

6.0 Application Chronology

Date of Application Accepted: October 25, 2021

Date Public Consultation Completed: October 11, 2022

Report prepared by: Mark Tanner, Planner II

Reviewed by: Dean Strachan, Community Planning & Development Manager

Reviewed by: Terry Barton, Development Planning Department Manager

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

Attachments:

Attachment A: Development Engineering Memorandum

Attachment B: Proposed Subdivision Plan

CITY OF KELOWNA

MEMORANDUM

Date: November 15, 2021
File No.: Z21-0102
To: Urban Planning (MT)
From: Development Engineering Manager (RO)
Subject: 689 Welke Rd.



RU1 to RU2

The Development Engineering Department has the following comments and requirements associated to rezoning application to rezone the subject property from RU1 – Large Lot Housing to RU2 – Medium Lot Housing.

The Development Engineering Technologist for this project is Aaron Sangster.

1. General

- a. The following requirements are valid for one (1) years from the reference date of this memo, or until the PLR and/or application has been closed, whichever occurs first. The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.
- b. This proposed subdivision may require the installation of centralized mail delivery equipment. Please contact Arif Bhatia, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC, V1Y 2K0, (250) 859-0198, arif.bhatia@canadapost.ca to obtain further information and to determine suitable location(s) within the development.

2. Domestic Water and Fire Protection

- a. The subject property is currently serviced with 19mm water service. One metered water service will be required for the development. The disconnection of the existing smaller diameter water services and the tie-in of a larger service is the developer's responsibility. Only one service will be permitted for each lot. The applicant will be required to sign a Third Party Work Order for the cost of the water service upgrades. For estimate inquiry's please contact Aaron Sangster by email asangster@kelowna.ca or phone, 250-469-8487.
- b. The existing water main fronting this property is currently understand and a new 200mm water main is required to be connected to a properly sized water main.

3. Sanitary Sewer

- a. Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service. The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. Only one service will be permitted for each legal lot. The

applicant will be required to sign a Third Party Work Order for the cost of the service upgrade. For estimate inquiry's please contact Aaron Sangster by email asangster@kelowna.ca or phone, 250-469-8487.

4. Storm Drainage

- a. The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and recommendations for onsite drainage containment and disposal systems.
- b. On site storm drainage systems for the site will be reviewed and approved by Engineering in accordance with bylaw 7900, when a site servicing design is submitted.
- c. There is a possibility of a high water table or surcharging of storm drains during major storm events. This should be considered in the design of the onsite system.

5. Road Improvements

- a. Welke Rd. must be upgraded to an urban standard along the full frontage of this proposed development, including roll-over curb and gutter, sidewalk, irrigated landscaped boulevard, streetlights, drainage system including catch basins, manholes and pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The road cross section to be used is a SS-R3. Cash-in-lieu instead of immediate construction is required, and the City will initiate the work later, on its own construction schedule. The cash-in-lieu amount is determined to be **\$48,898.00** not including utility service cost.
- b. Development Engineering fee 3.5% = **\$1,653.24** (\$1,574.52 + \$78.73 GST)

6. Electric Power and Telecommunication Services

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

7. Development Permit and Site Related Issues

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

8. Design and Construction

- a. Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject

ATTACHMENT A	
This forms part of application	
# Z21-0102	
Planner Initials	MT
 City of Kelowna COMMUNITY PLANNING	

to the approval of the City Engineer. Drawings must conform to City standards and requirements.

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

9. Servicing Agreements for Works and Services

- a) A Servicing Agreement is required for all offsite works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.

Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

10. Geotechnical Study

- a. Provide a geotechnical report prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision. The Geotechnical reports must be submitted to the Development Services Department for distribution to the Development Engineering Branch and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval:
 - i. Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
 - ii. Site suitability for development.
 - iii. Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
 - iv. Any special requirements for construction of roads, utilities and building structures.
 - v. Recommendations for items that should be included in a Restrictive Covenant.

ATTACHMENT		A
This forms part of application		
# Z21-0102		
Planner Initials	MT	 City of Kelowna COMMUNITY PLANNING

- vi. Recommendations for roof drains, perimeter drains and septic tank effluent on the site.
- vii. Any items required in other sections of this document.

Additional geotechnical survey may be necessary for building foundations, etc

12. Charges and Fees

- (a) Development Cost Charges (DCC's) are payable
- (b) Fees per the "Development Application Fees Bylaw" include:
 - (i) Street/Traffic Sign Fees: at cost if required (to be determined after design).
 - (ii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - (iii) A hydrant levy charge of **\$250.00** (\$250.00 per new lot.)
 - (iv) Survey Monument Fee: **\$50.00** (\$50 per newly created lot – GST exempt).

ATTACHMENT		A
This forms part of application		
# Z21-0102		
Planner Initials	MT	 City of Kelowna COMMUNITY PLANNING

Ryan O'Sullican
Development Engineering Manager

AS

PROPOSED SUBDIVISION PLAN OF LOT 6 DISTRICT LOT 358
OSOYOOS DIVISION YALE DISTRICT PLAN 21967

CITY OF KELOWNA
CIVIC ADDRESS: 689 WELKE ROAD
PID: 006-350-984

SCALE 1:300



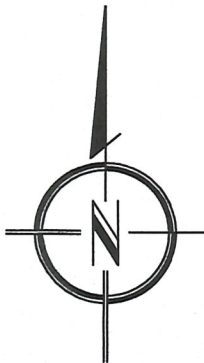
ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.

THE INTENDED PLOT SIZE OF THIS PLAN IS 280mm IN
WIDTH BY 432mm IN HEIGHT (B SIZE) WHEN PLOTTED AT
A SCALE OF 1:300

ATTACHMENT **B**

This forms part of application
Z21-0102

Planner
Initials **MT**



WELKE ROAD

LOT 5
PLAN 21967

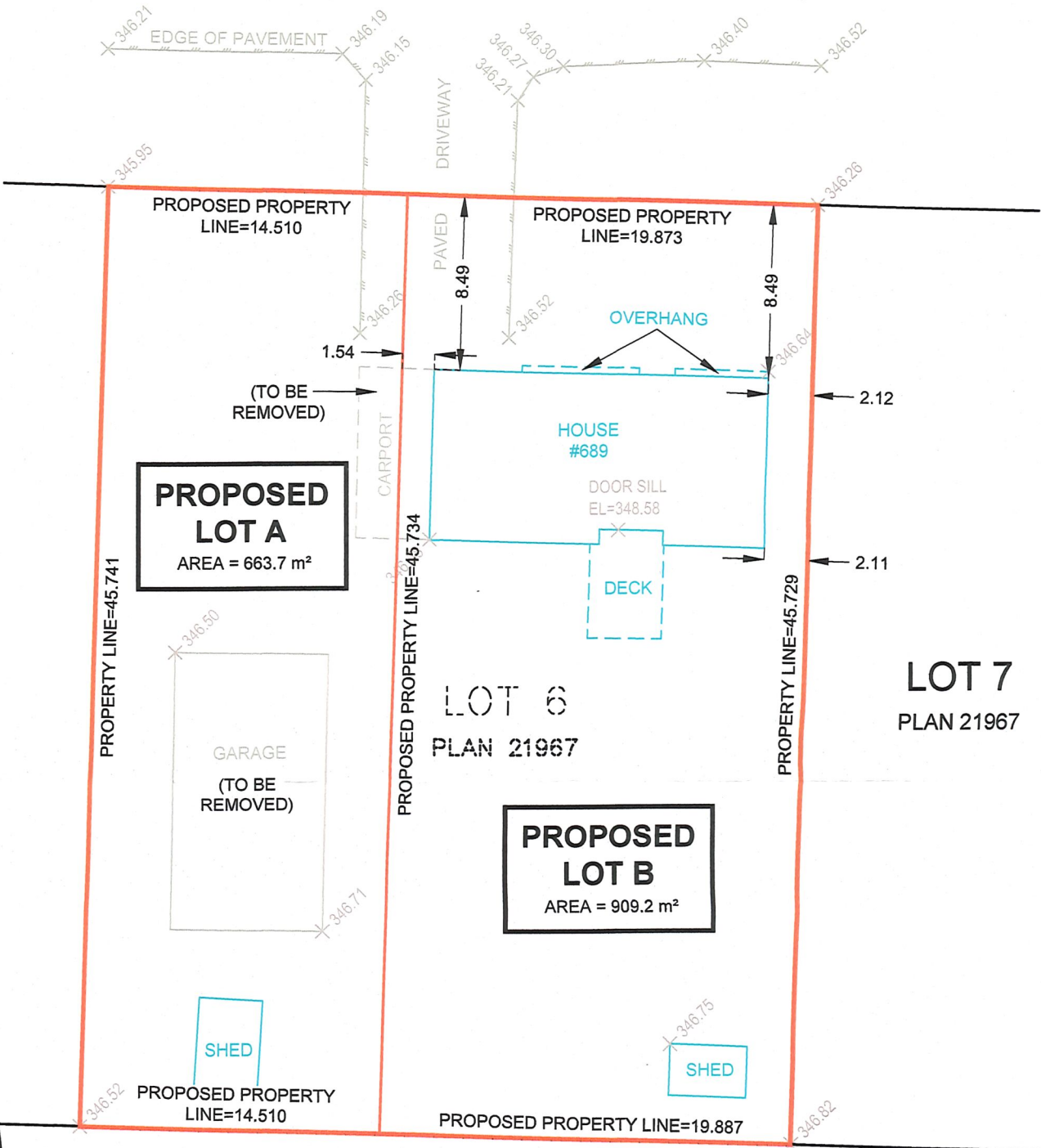
LOT 7
PLAN 21967

LOT 6
PLAN 21967

LOT 7
PLAN 26534

LOT 8
PLAN 26534

LOT 13
PLAN 26534



ZONING: RU1 (TO BE REZONED RU2)
PROPERTY DIMENSIONS SHOWN ARE DERIVED FROM: FIELD SURVEY
OFFSETS TO PROPERTY LINES ARE NOT TO BE USED TO DEFINE BOUNDARIES.
REFER TO CURRENT CERTIFICATE(S) OF TITLE FOR ADDITIONAL,
EXISTING OR PENDING CHARGES.
THIS PLAN SHOWS THE LOCATION OF VISIBLE FEATURES ONLY, AND DOES NOT
INDICATE BURIED SERVICES THAT MAY EXIST ON OR AROUND THE SUBJECT SITE.
FEATURES SHOWN WITHOUT DIMENSIONS SHOULD BE CONFIRMED WITH
BENNETT LAND SURVEYING LTD.

ELEVATIONS ARE TO CGVD28 GEODETIC DATUM, AND ARE DERIVED
FROM DUAL-FREQUENCY GNSS OBSERVATIONS PROCESSED USING
THE SMARTNET REAL-TIME NETWORK SERVICE.
THIS PLAN HAS BEEN PREPARED FOR CONSTRUCTION PURPOSES
ONLY AND IS FOR THE EXCLUSIVE USE OF OUR CLIENT.
ALL RIGHTS RESERVED. NO PERSON MAY COPY, REPRODUCE,
TRANSMIT OR ALTER THIS DOCUMENT IN WHOLE OR IN PART WITHOUT
THE CONSENT OF BENNETT LAND SURVEYING LTD..
BENNETT LAND SURVEYING LTD. ACCEPTS NO RESPONSIBILITY OR LIABILITY
FOR ANY DAMAGES THAT MAY BE SUFFERED BY A THIRD PARTY AS A RESULT
OF ANY DECISIONS MADE, OR ACTIONS TAKEN BASED ON THIS DOCUMENT.
FINAL DIMENSIONS AND AREAS OF NEW LOTS SUBJECT TO MINOR
CHANGES UPON COMPLETION OF LEGAL SURVEY.



bennett ©
LAND SURVEYING LTD.
BC LAND SURVEYORS
#201 - 1470 ST. PAUL STREET,
KELOWNA, BC
V1Y 2E6
TEL 250-763-5711
www.bennettsurveys.com

REV. **1**

FIELD SURVEY COMPLETED ON JUNE 14, 2021.

CITY OF KELOWNA

BYLAW NO. 12453

Z21-0102

689 Welke Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

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

1. THAT City of Kelowna Zoning Bylaw No. 12375 be amended by changing the zoning classification Lot 6 District Lot 358 ODYD Plan 21967, located on Welke Road, Kelowna, BC from the RU1 – Large Lot Housing Zone to the RU2 – Medium Lot Housing zone;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Z21-0102 689 Welke Rd

Rezoning Application

Proposal

- ▶ To rezone the subject property from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone to facilitate a 2-lot subdivision.

Rezoning

- ▶ “Is this proposed land use and density appropriate for this property?”

- ▶ Regulate the following within a zone:
 - ▶ Uses of land, building, & structures
 - ▶ Density of use of land (FAR)
 - ▶ Based on OCP Policies including Future Land Use

Development Process

Oct 25, 2021

Development Application Submitted

Staff Review & Circulation

Oct 11, 2022

Public Notification Received

Nov 21, 2022

Initial Consideration

First, Second & Third Readings

Final Reading

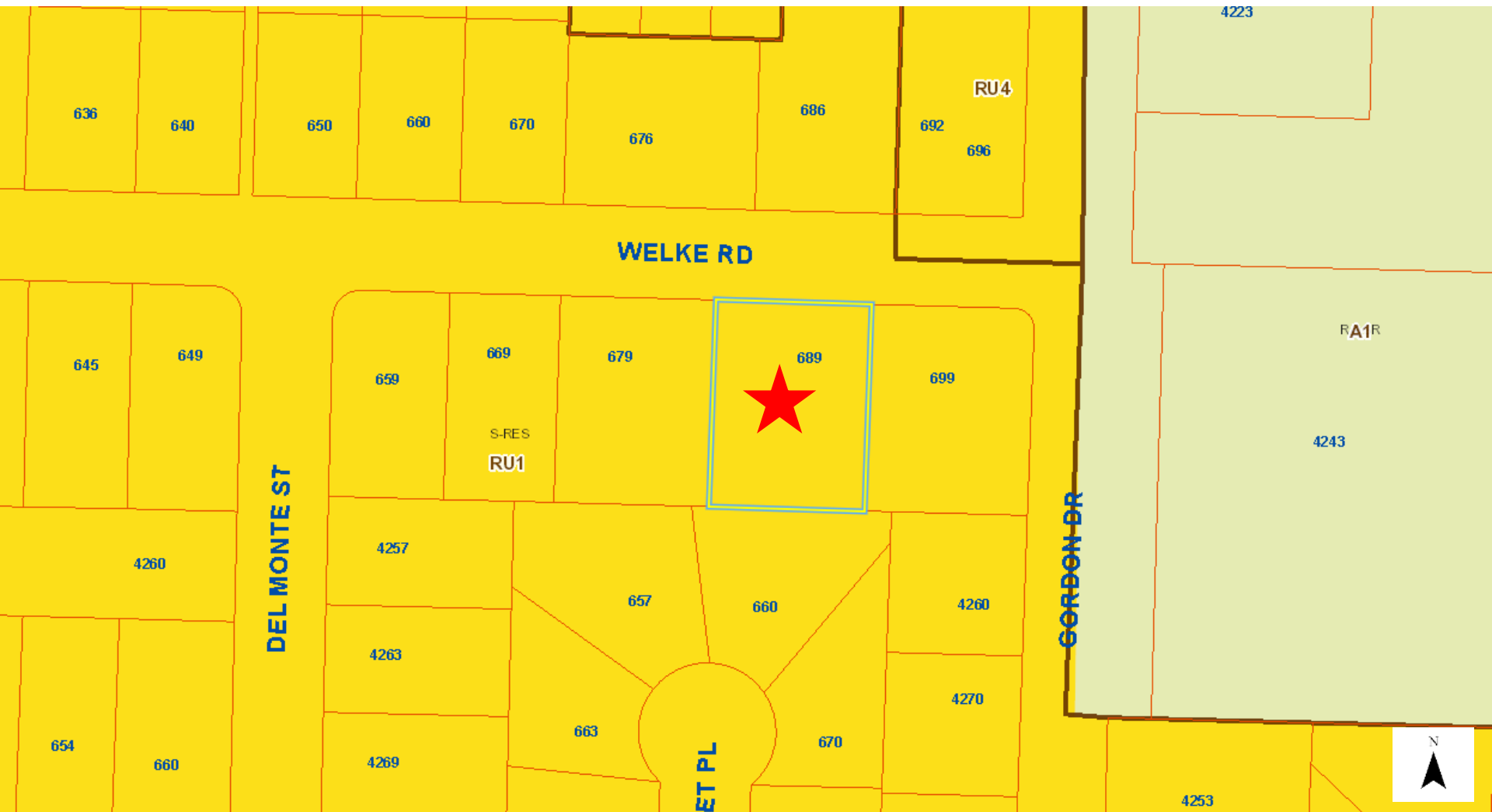
Subdivision, Building Permit

Council Approvals

Context Map



OCP Future Land Use / Zoning



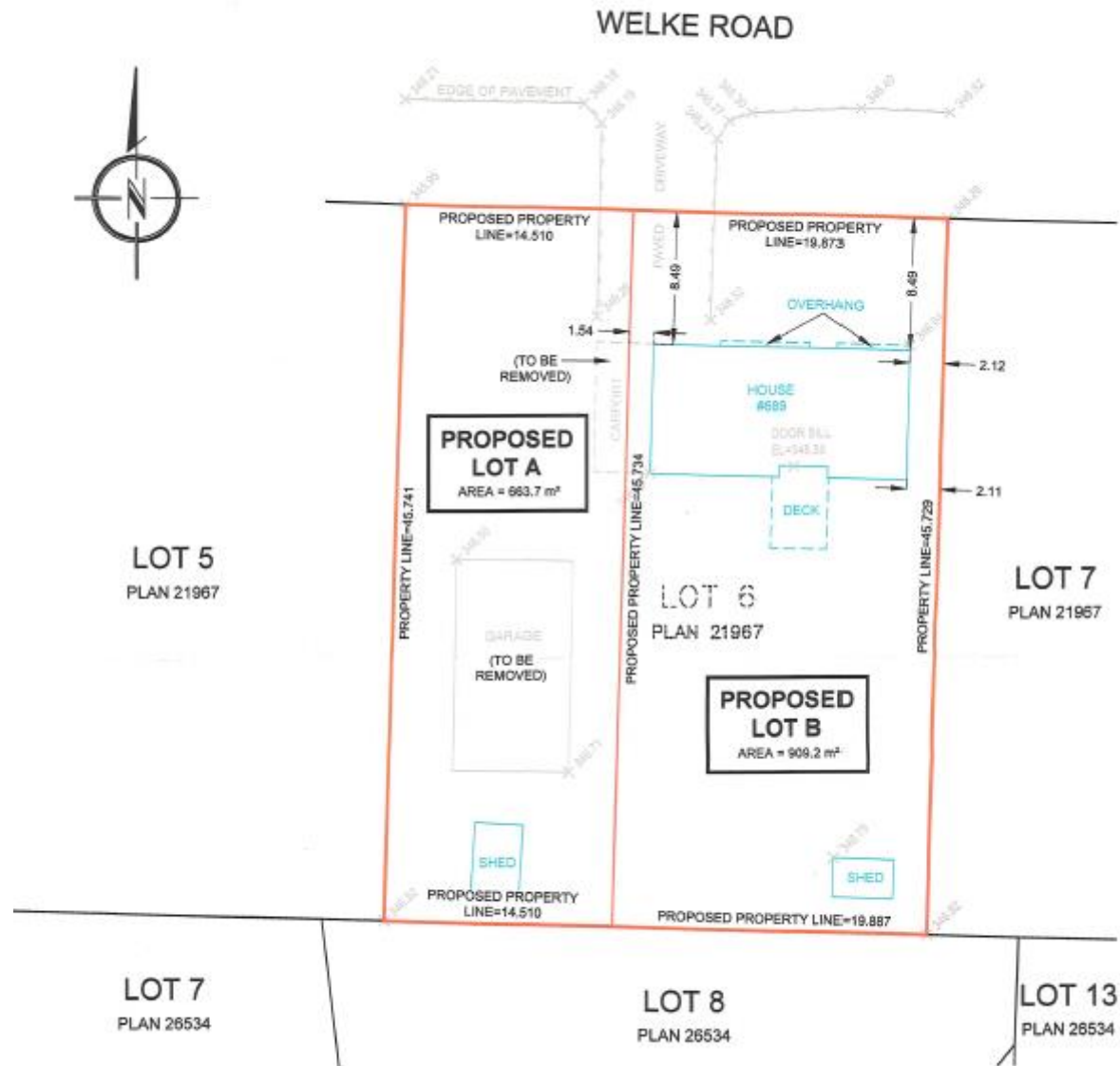
Subject Property Map



Project/technical details

- ▶ Proposed rezoning to RU2 – Medium Lot Housing will facilitate the subdivision of the property into 2 lots.
- ▶ The proposed lots meet the depth, width and size requirements of the RU2 zone.

Subdivision Plan



Staff Recommendation

- ▶ Staff recommend **support** of the proposed rezoning to facilitate the proposed subdivision.
- ▶ Meets the intent of the Official Community Plan
 - ▶ S-RES – Suburban Residential Designation and Policies
- ▶ Meets Zoning Bylaw requirements for RU2 – Medium Dwelling Housing



Conclusion of Staff Remarks

REPORT TO COUNCIL



Date: November 21, 2022

To: Council

From: City Manager

Department: Development Planning

Application: Z22-0069

Owner: 647700 BC LTD., INC.NO.
647700

Address: 2592 Hwy 97 N

Applicant: Premier Building Solutions

Subject: Rezoning Application

Existing OCP Designation: RCOM – Regional Commercial

Existing Zone: I1 – Business Industrial

Proposed Zone: CA1 – Core Area Mixed Use

1.0 Recommendation

THAT Rezoning Application No. Z22-0069 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of portions of Lot 3 District Lot 125 ODYD Plan 3522 Except Plan KAP87674, located at 2592 Hwy 97 N, Kelowna, BC from the I1 – Business Industrial zone to the CA1 – Core Area Mixed Use zone as shown on Map "A" attached to the Report from the Development Planning Department dated November 21st, 2022, be considered by Council;

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

2.0 Purpose

To rezone a portion of the subject property from the I1 – Business Industrial zone to the CA1 – Core Area Mixed Use zone to facilitate the development of a hotel.

3.0 Development Planning

Development Planning Staff recommends support for the Rezoning application. The application proposes a zoning change from the I1 – Business Industrial zone to the CA1 – Core Area Mixed Use zone. The proposed zoning is consistent with the Official Community Plan's future land use designation of RCOM – Regional

Commercial. The rezoning application would facilitate the development of a second hotel on-site representing an intensification of use on the subject property.

Planning Staff will continue to work with the applicant on the form and character Development Permit to address the site layout, site access and architectural design and it will come forward for Council consideration.

4.0 Proposal

4.1 Background

The subject property is approximately 7179 m² and the current use is a hotel. The Industrial zoned portion of the property extends along the south property line and the strip is approximately 769 m². Until recently, this piece of land was a separate city owned lot. The applicant has purchased the land and consolidated it with the larger hotel site.

4.2 Project Description

This application is proposing a five-storey wood-frame hotel, comprising of 48 units on the west portion of the site and would retain the existing hotel.

4.3 Site Context

The subject property is located at the intersections of Commerce Avenue and Highway 97 North. It has a Walkscore of 60, indicating that it is somewhat walkable. The location is served well by transit and is very bikeable.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C2rcs – Vehicle Oriented Commercial (retail cannabis sales)	Retail
East	MF2 – Townhouse Housing	Townhouses
South	C2 – Vehicle Oriented Commercial	Automotive & Equipment
West	I1 – Business Commercial	Office

Subject Property Map: 2592 Hwy 97 N**5.0 Current Development Policies****5.1 Kelowna Official Community Plan (OCP)****Objective 5.6 Focus Large Format Commercial along the Highway 97 Corridor.**

Policy Protect Commercial Space	5.6.5	Support the intensification of existing car-oriented sites on lands designated Regional Commercial by increasing the scale of existing buildings or by adding new commercial space on underutilized land, such as surface parking lots. Discourage development that reduces the amount of commercial space available in Regional Commercial lands.
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The subject property has large a surface parking lot that would be reconfigured to provide an intensification of existing commercial uses.

6.0 Application Chronology

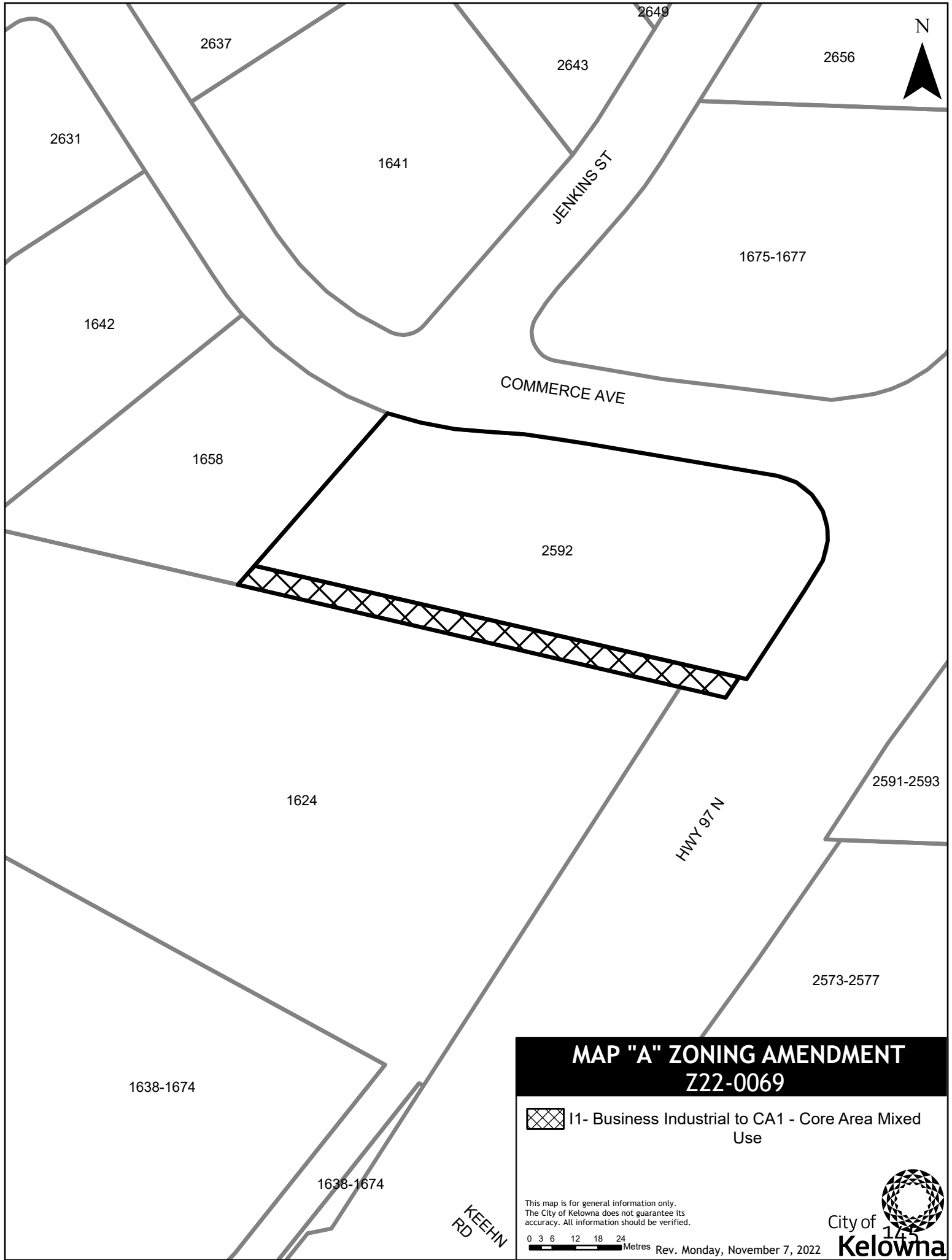
Date of Application Accepted: October 7, 2022
 Date Public Consultation Completed: November 2, 2022

Report prepared by: Jason Issler, Planner I
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 A: Site Plan

Map A: Zoning Amendment Z22-0069



MAP "A" ZONING AMENDMENT
Z22-0069



I1- Business Industrial to CA1 - Core Area Mixed Use

This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

0 3 6 12 18 24 Metres

Rev. Monday, November 7, 2022



CITY OF KELOWNA

BYLAW NO. 12457

Z22-0069

2592 HWY 97 N

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

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

1. THAT City of Kelowna Zoning Bylaw No. 12375 be amended by changing the zoning classification of portions of Lot 3 District Lot 125 ODYD Plan 3522 Except Plan KAP87674, located on Hwy 97 N, Kelowna, BC from the I1 – Business Industrial zone to the CA1 – Core Area Mixed Use zone as per Map "A" attached to and forming part of this bylaw;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this

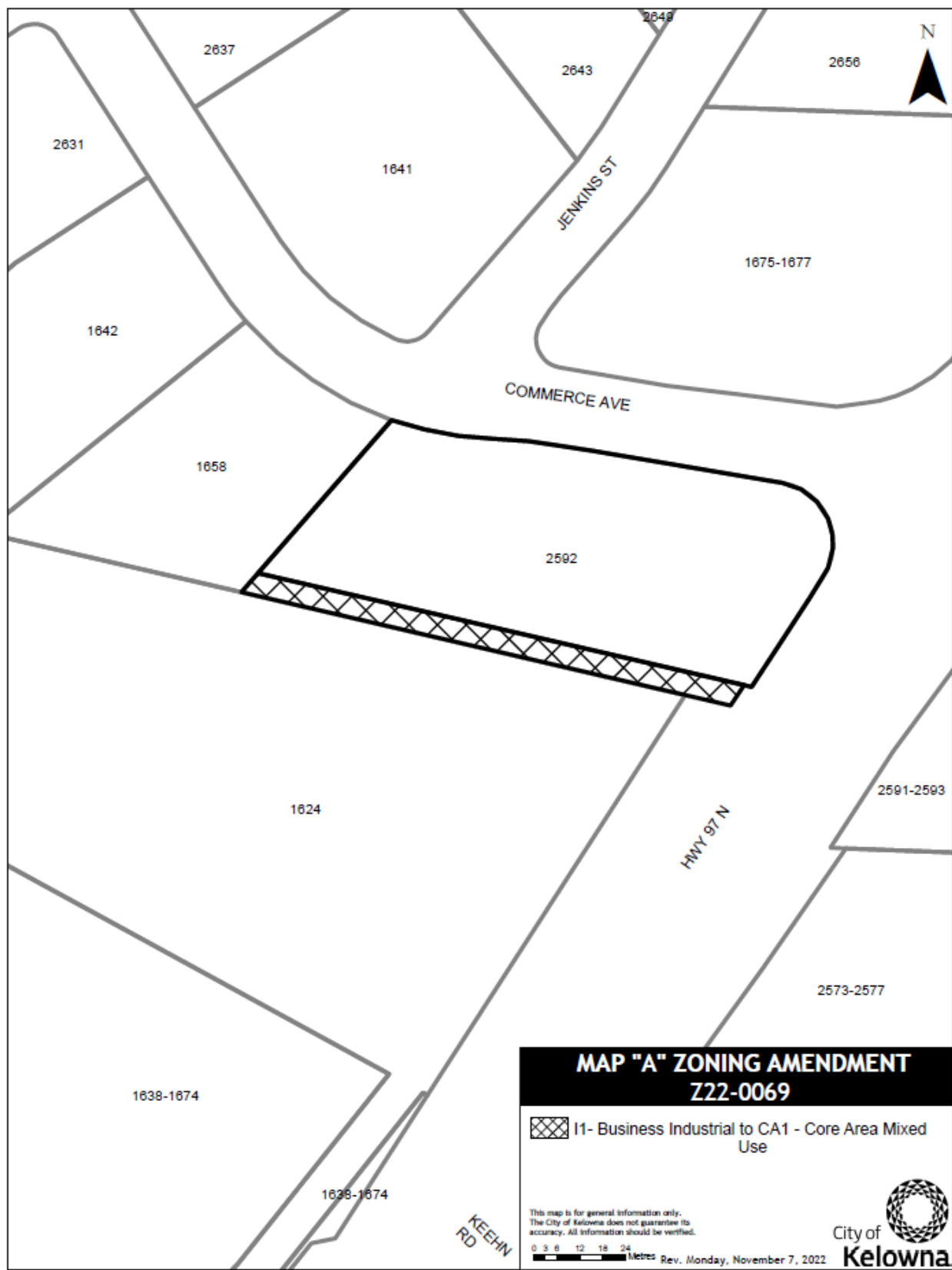
Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk





City of
Kelowna

Z22-0069 2592 Hwy 97 N

Rezoning Application

Proposal

- ▶ To rezone a portion of the subject property from the I1 – Business Industrial zone to the CA1 – Core Area Mixed Use zone to facilitate the development of a hotel.

Rezoning

- ▶ “Is this proposed land use and density appropriate for this property?”

- ▶ Regulate the following within a zone:
 - ▶ Uses of land, building, & structures
 - ▶ Density of use of land (FAR)
 - ▶ Based on OCP Policies including Future Land Use

CA1 – Core Area Mixed Use

- ▶ Aligned with Future Land Use designation
C-NHD – Core Area Neighbourhood
- ▶ A new zone for mixed residential and commercial developments outside of Urban Centres
- ▶ Ranges in height depending on:
 - ▶ proximity to transit supportive corridors
 - ▶ location relative to services amenities
 - ▶ surrounding neighbourhood context

Development Process

Oct 7, 2022

Development Application Submitted



Staff Review & Circulation



Nov 2, 2022

Public Notification Received



Nov 21, 2022

Initial Consideration



First, Second & Third Readings

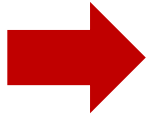


Final Reading

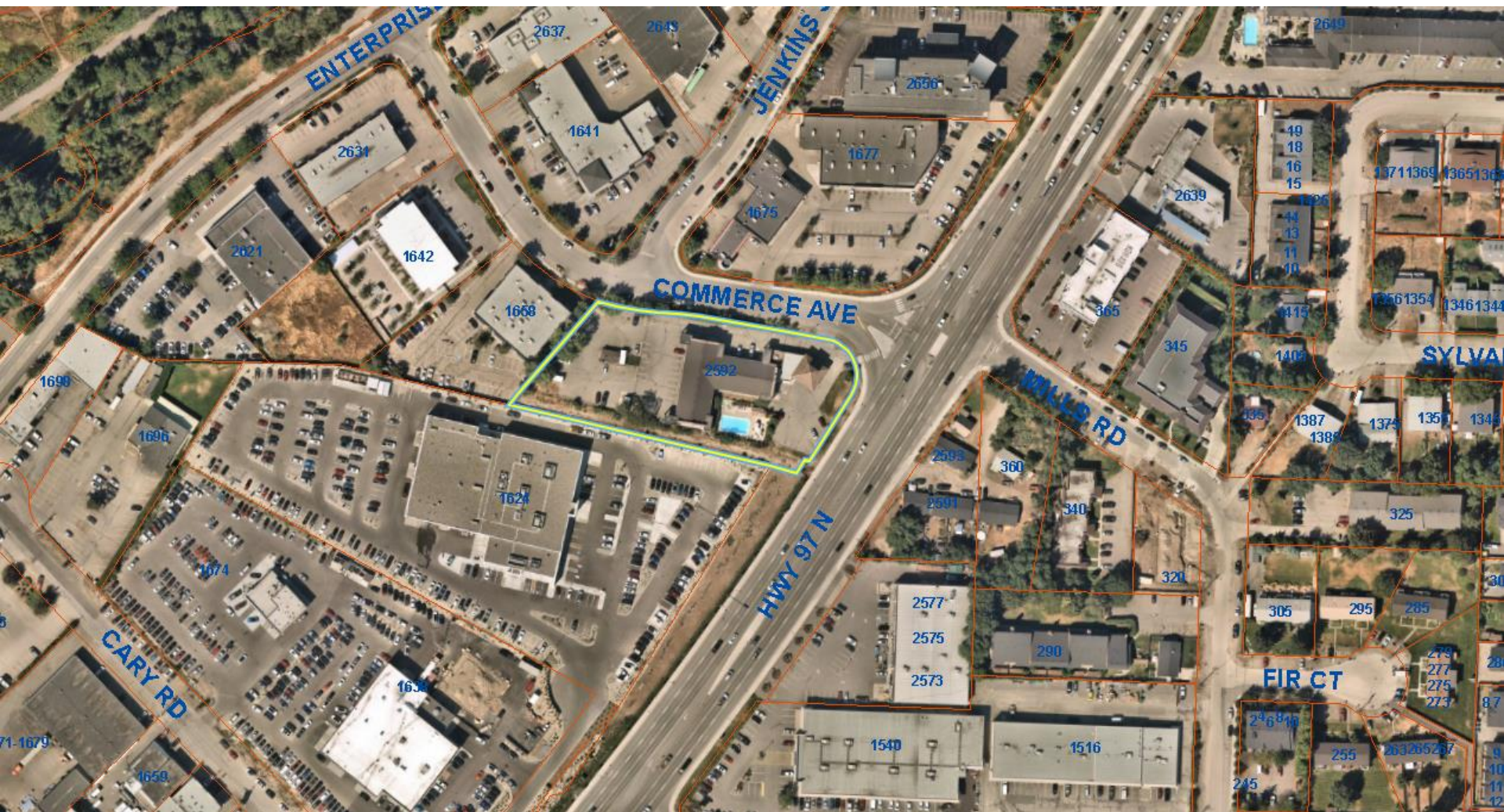


Building Permit

Council
Approvals



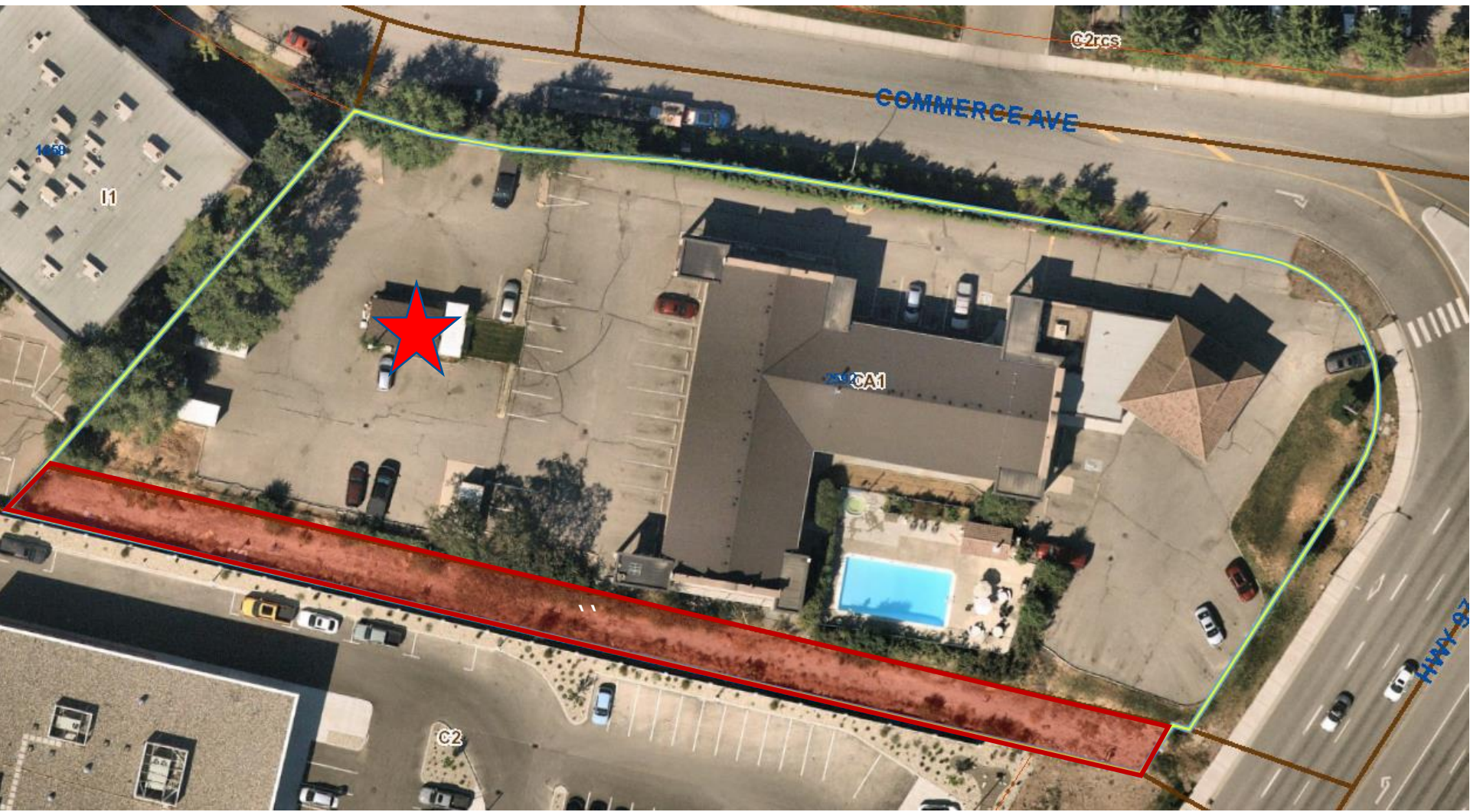
Context Map



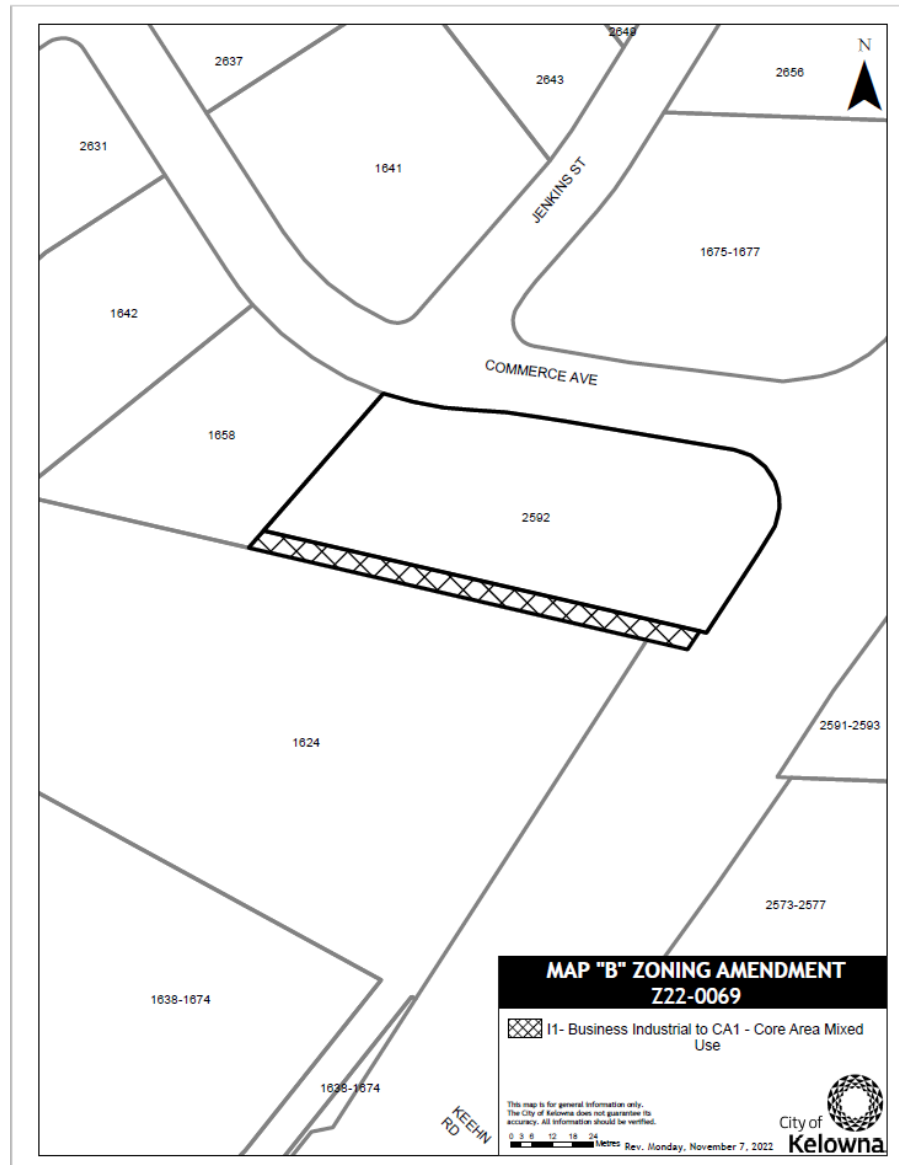
OCP Future Land Use / Zoning



Subject Property Map



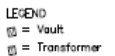
Subject Property Map



City of Kelowna

Project/technical details

- ▶ New hotel - 48 rooms (62 existing, 110 rooms total)
- ▶ 5 storey
- ▶ 110 Parking Stalls
- ▶ Vehicle Access from Commerce Ave

STRATA
PLAN
KAS2910

Development Policy

- ▶ Focus Large Format Commercial along Hwy 97
- ▶ Protect Commercial Space
 - ▶ Support the intensification of existing car-oriented sites on lands designated Regional Commercial by increasing the scale of existing buildings or by adding new commercial space on underutilized land, such as surface parking lots.

Staff Recommendation

- ▶ Staff are recommending support for the proposed rezoning application to CA1 – Core Area Mixed Use zone:
 - ▶ Meets OCP Objectives and Policies for Regional Commercial Corridor
 - ▶ Development Permit to be considered by Council at a later date



Conclusion of Staff Remarks

Report to Council



Date: November 14, 2022
To: Council
From: City Manager
Subject: Attainable Housing Agreement Bylaw – 350 Doyle Ave
Department: Development Planning

Recommendation:

THAT Council receive, for information, the report of the Development Planning Department dated November 21, 2022 regarding an Attainable Housing Agreement Bylaw for 350 Doyle Ave;

AND THAT Bylaw No. 12426 being Housing Agreement Authorization Bylaw – 350 Doyle Avenue Holdings Inc. (Inc. No. BC1283012) be forwarded for reading consideration.

Purpose:

To authorize a Housing Agreement with 350 Doyle Avenue Holdings Inc. on the subject property.

Background:

At the Regular Meeting of Council of July 26, 2022, during Development Permit and Development Variance Permit consideration for the subject property, a resolution was passed requiring a Housing Agreement Bylaw be adopted and registered on title prior to issuance of the Development Permit and Development Variance Permit.

Previous Council Resolution

Resolution	Date
THAT Council authorizes the issuance of Development Permit No. DP21-0136 for Lot C District Lot 139 Osoyoos Division Yale District Plan EPP95954, located at 350 Doyle Ave, Kelowna, BC AND THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0137 for Lot C District Lot 139 Osoyoos Division Yale District Plan EPP95954, located at 350 Doyle Ave, Kelowna, BC;	July 26, 2022

<p><u>AND FURTHER THAT a Housing Agreement Bylaw be adopted and registered on title prior to issuance of the Development Permit and Development Variance Permit.</u></p>	
--	--

Discussion:

The project being considered by Council in this housing report has already been secured as a purpose-built rental and the property is zoned UC1r – Downtown Urban Centre (Rental Only). This subzone restricts the dwelling units to a long-term rental-only tenure and prohibits any building stratification.

This is a developer-initiated agreement. For this agreement, the owner has specified that the "Attainable Rental Rate" means a rental rate per annum that is no more than 30% of the Median Total Income of Households for the City of Kelowna, as published by Statistics Canada's Census of Population from time to time and as adjusted for changes in the annual average Consumer Price Index (CPI) for Canada from the most recent publication date beginning no earlier than one year following the adoption of this agreement. According to the most recent Census data, the median total income of households in 2020 was \$82,000. By the above definition, the maximum annual rent that could be charged per unit would be \$2,050 per month (increasing annually based on CPI). This is a modest reduction from what the applicant anticipates the market rental rates would be.

The agreement specifies that the attainable rental rate will apply to a minimum of 10% of the project's units. In this instance, that would equate to 26 units. All of the units allocated under this attainable housing agreement will be studio units (a maximum of 18 standard studio and a minimum of 8 deluxe studio). A parking stall is not included in the rent.

The agreement specifies that if the owner has an Attainable Housing Unit available for rent, the owner shall advertise or market it as available for rent at the Attainable Rental Rate for a minimum of one week and if there is more than one prospective tenant, the Owner shall lease to the applicant with lowest household income unless there is an objective and commercially reasonable reason not to. The intent of this is to try and make the units with reduced rents available to the residents who would benefit the most.

Annually, the owner will provide a summary report to the City detailing the number of units, unit types, and tenant income information on or before the annual date of occupancy.

Conclusion:

Following Council approval of the Attainable Housing Agreement and registration of the agreement on title, the Development Permit and Development Variance Permit could be issued.

Internal Circulation:

Policy and Planning
Office of the City Clerk

Considerations applicable to this report:

Legal/Statutory Authority: Local Government Act, Section 483

Existing Policy: 2040 Official Community Plan

Objective 4.12. Increase the diversity of housing types and tenures to create inclusive, affordable and complete Urban Centres

Policy 4.12.3. Diverse Housing Tenures.

Encourage a range of rental and ownership tenures that support a variety of households, income levels and life stages. Promote underrepresented forms of tenure, including but not limited to co-housing, fee-simple row housing, co-ops, and rent-to-own.

Considerations not applicable to this report:

Legal/Statutory Procedural Requirements: N/A

Financial/Budgetary Considerations: N/A

External Agency/Public Comments: N/A

Communications Comments: N/A

Submitted by: K. Brunet, Planner II

Reviewed by: T. Barton, Development Planning Department Manager

Approved for inclusion: R. Smith, Divisional Director, Planning & Development Services

Attachments:

Applicant's Letter of Rationale

Initial Commitment Letter from Applicant

Objective

Given that market rents in Kelowna have and are increasing at much faster rates than household incomes have been growing, the intent of this housing agreements is to create a pool of units in the Muse development whose rents are tied to household income, providing a degree of insulation from market rent increases.

Summary

A commitment of twenty-six units has been offered by the developer. These units will include standard and deluxe studio units and will be provided for a ten-year period at rents set fixed to a percentage annual household income for Kelowna. The discount associated with this calculation will vary as rents and incomes fluctuate over time and is discussed in further detail below.

Context

Muse is located at 350 Doyle Avenue, in the heart of Downtown Kelowna's Cultural District. It is immediately adjacent to the Okanagan Centre for Innovation, numerous City of Kelowna facilities and within one block of the lakefront.

The project is envisioned to contribute to the vibrance of the downtown core, bringing over three hundred new residents into the middle of the cultural district and creating a destination shopping and dining district in conjunction with new municipal amenities.



These substantial community benefits include the extension of the Art Walk from Smith Avenue to Doyle Avenue, which will create an exciting new outdoor community space, the construction of dedicated 6,000 SF indoor community space that will be managed by the City as a Creative Hub, housing three community arts groups for the term of the project with the cost of base rent being the responsibility of the developer for the term of the long-term land lease (80 years initial term) and completion of streetscape improvements along the Doyle Avenue frontage to Water Street.

The building itself will be a modern concrete high-rise tower structure, requiring deep pile foundations, structured parking and

advanced life-safety systems. It will be clad with attractive, durable finishes appropriate for its height and intended longevity. Building plumbing, heating and cooling and electrical systems will be designed to provide high efficiency, meeting LEED Certified accreditation requirements.

Finishes will be condominium-grade and substantial indoor and outdoor amenities will included for the enjoyment of building tenants.

Construction costs for this build form are a 50-70% premium over the most prevalent primary rental product in the Kelowna area (surface-parked traditional wood-framed construction above a single-level underground parking garages). As is common with high-rise rentals and as a result of the high cost of the project and lot size, apartment sizes tend to be smaller than both older rental stock and those projects having lower costs.

Given that this project will be constructed at a significant cost premium to traditional rental build forms and includes many millions of dollars in included community programs, rents are necessarily positioned at the higher end of the market rent spectrum to enable project viability.



Tenant Profile

Target tenants will include young professionals, students and others who desire a lifestyle that is focused on an urban setting or proximity to Kelowna's ever-evolving Downtown amenities. Based on our experience with smaller rental units located in urban and desirable locations, we will tend to see unit turn over more frequently than might be the case in other locations where units are larger and rents lower; many tenants will be living in the building as part of broader plan in their life (going to school, medical residency, building or renovating a house, in town working, etc).

Unit Types

The 26 units that will be provided as attainable rentals comprise eighteen standard studio and eight deluxe studio units.

Market Rents

Market rentals rates for a specific rental typology are determined by finding comparable rental offerings. In the case of Muse, comparable rentals would include rental products that include:

- Central Downtown location
- New concrete high-rise construction
- Primary rental units
- Condo-grade finishes, in-suite laundry
- Views to mountains and lake
- Desirable indoor amenities (co-working spaces, gym/fitness, etc)
- Quality outdoor amenities (outdoor lounges, living, cooking areas, etc)
- Sustainable building systems and features
- Pet friendly



- Available secure parking

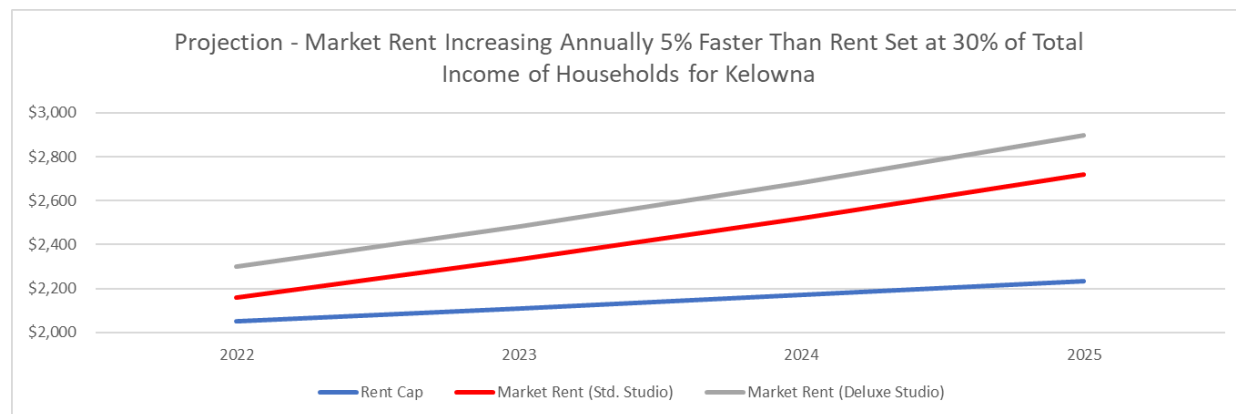
While comparable primary rentals are scarce, there are a number of recent and proposed downtown condominium projects containing secondary rental units. Based on comparables and analysis of the Muse rental offerings, average rents for Muse standard studio and deluxe studio suites today would be \$2,160 and \$2,300, respectively. The units in Muse falling outside of the housing agreement will be rented at market rates applicable at the time of occupancy in approximately 2025.

Income-Based Rent Cap

The agreed rent cap for the attainable units, regardless of unit type, is thirty percent of the Total Income of Households for the City of Kelowna. This figure is published every five years when the Statistics Canada Census of Population becomes available. The recent census provided a Total Income of Households figure of \$82,000 for Kelowna, indicating a rent cap of \$2,050 per month. Incomes in Kelowna have long been subject to a “Sunshine Tax” and have tracked behind larger municipalities both on a macro level (as reflected in the Total Income of Households Figures) and as experienced individually by residents, who often get paid less than their counterparts performing similar roles in the Metro Vancouver area.

Meanwhile, rents are escalating at increasing rates, with 20% increases seen across all unit types in approximately the last year alone. These increases are driven by numerous factors, not least of which is a historic undersupply of primary rental product which creates a shortage and high demand for all unit types.

Even conservative estimates continue to see increases to household income trailing well behind the rent escalations in Kelowna until many thousand more rental units are brought to market and rents begin to stabilize.



While the project is a private venture and not an affordable rental housing project of the type developed by BC Housing and benefiting from government subsidies, twenty-six units will be maintained within the rental cap. The attainable units will initially be rented at a modest discount to projected rents; with market rents continuing to escalate rapidly, the discount would grow substantially relative to incomes over time.

Term

The housing agreement requires that twenty-six units remain below the rental cap for a term of ten years following initial occupancy of the project.

From: Greg Appelt <gappelt@Appeltproperties.com>
Sent: Friday, July 22, 2022 8:10 AM
To: mayorandcouncil <mayorandcouncil@kelowna.ca>; Gail Given <ggiven@kelowna.ca>; 'Luke Stack' <luke@societyofhope.org>; Maxine DeHart <mdehart@kelowna.ca>; Brad Sieben <BSieben@kelowna.ca>; Charlie Hodge <CHodge@kelowna.ca>; Loyal Wooldridge <LWooldridge@kelowna.ca>; Mohini Singh <msingh@kelowna.ca>; Ryan Donn <RDonn@kelowna.ca>
Subject: 350 Doyle Affordable Housing

CAUTION: External email - Check before you click!

Good Morning Mayor Basran and City of Kelowna Council Members,

As we are all very much aware, Kelowna is in the midst of a housing crisis. Housing prices are at record highs, interest rates are rising and housing affordability is at an all time low. Even more concerning is the rental housing climate. Vacancy rates in Kelowna are at 0.6%, Kelowna's population continues to grow at an incredible pace (fastest growing city in Canada in 2022), many (70%) of these new residents require rental housing and there remains a significant deficit in rental housing supply when compared to demand. With the increasing cost burdens to own a home in Kelowna and a shortfall in supply, there will be even greater pressure on rental product. As with other complex issues facing society, the solution is multifactorial but certainly a major component of the fix is to increase supply. Focusing in further on Kelowna's downtown core, there are even less permanent rental options.

On Tuesday night, we will bring forward, for your consideration, a 259 unit purpose-built rental apartment building in the downtown core which will help put a dent in the rental housing issue. During my meetings with council members over the last few days we had the opportunity to discuss the housing crisis and affordability in the context of our development at 350 Doyle (Muse). When we leased this land from the city it was not our intent nor was it the city's requirement to add an affordable rental component. That said, after deep consideration, ***we are committing to providing 10% (26 units) of the 259 units as affordable***. What that means is that rent on the units designated as affordable will not exceed 30% of the median household income for Kelowna. We will commit to doing this for a 10-year term. A formalized supplementary agreement will be drafted by the city and come into effect prior to building permit issuance.

Should you have any questions related to our affordability commitment or the project in general in advance of July 26th, please don't hesitate to reach out directly to me at my number below.

Sincerely,
Greg



Greg Appelt, MD

President

Appelt PROPERTIES

250-718-4110

gappelt@appeltproperties.com

www.appeltproperties.com

Toronto | Kelowna

350 Doyle Ave

Attainable Housing Agreement

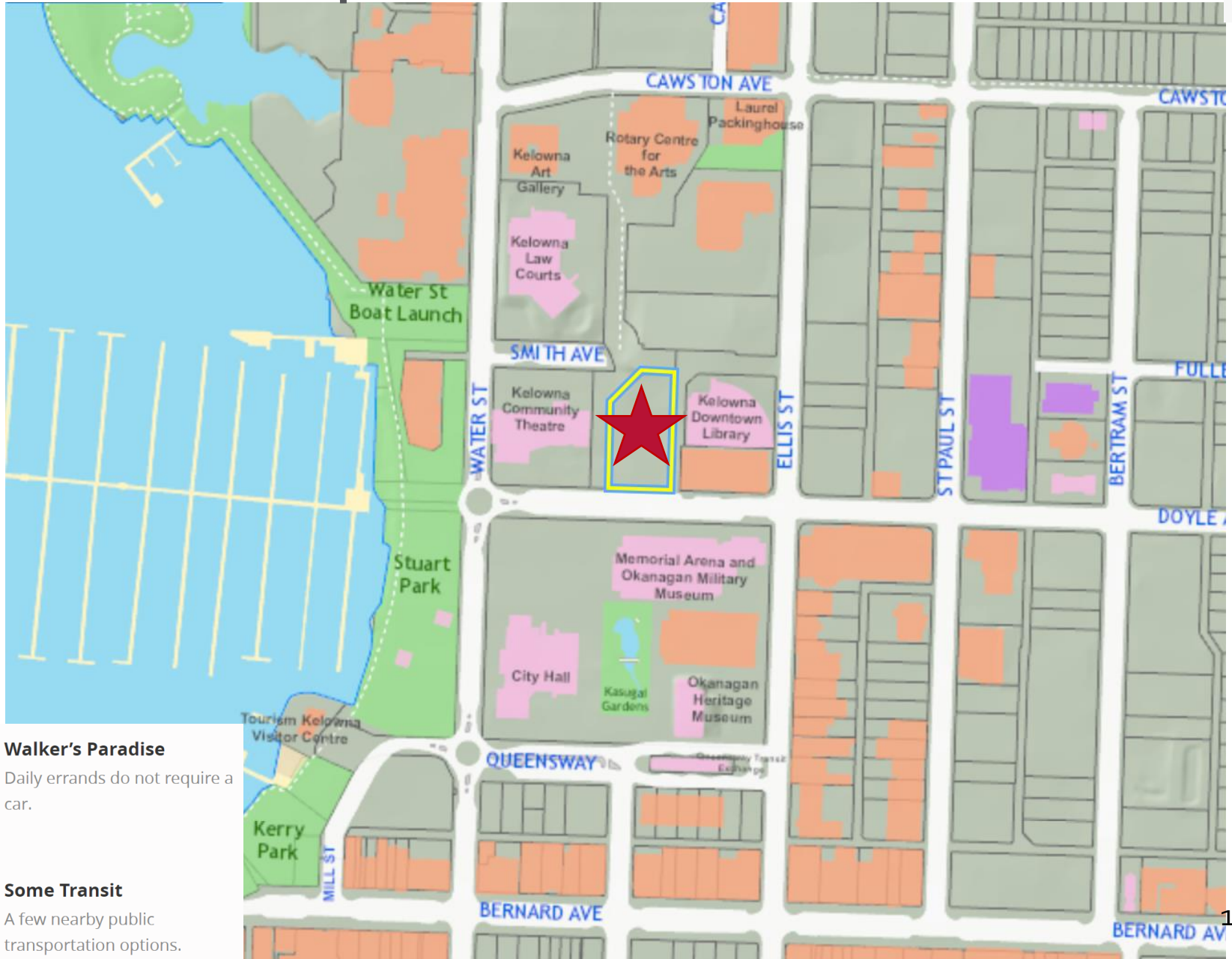
Proposal

- ▶ To authorize a Housing Agreement with 350 DOYLE AVENUE HOLDINGS INC. (INC. No. BC1283012) on the subject property.

Development Process



Context Map



Walk Score
95

Walker's Paradise

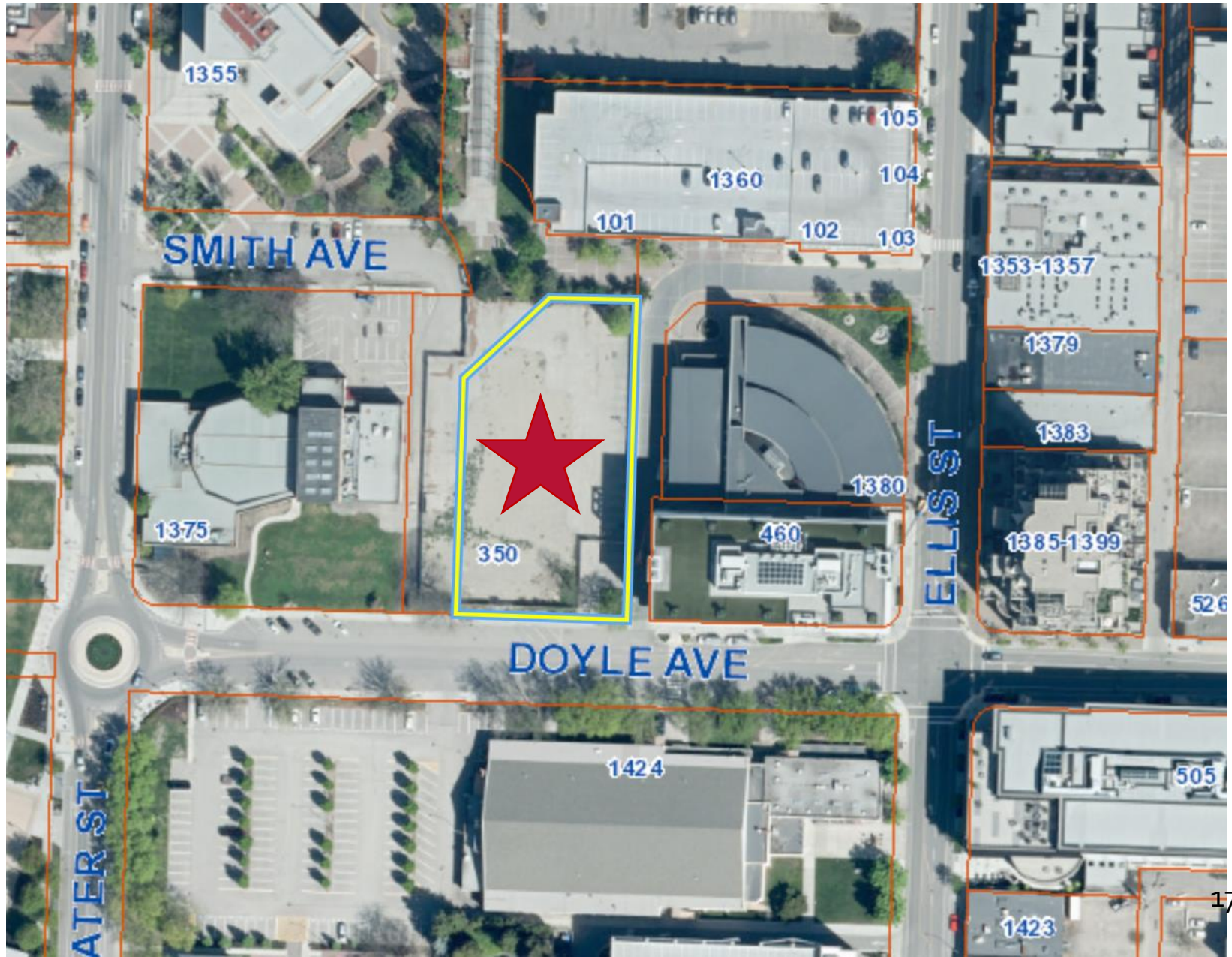
Daily errands do not require a car.

Transit Score
48

Some Transit

A few nearby public transportation options.

Subject Property Map



Background

- ▶ DP/DVP was considered at a Regular Council Meeting on July 26, 2022
 - ▶ Requirement for a Housing Agreement Bylaw to be adopted and registered on title prior to DP/DVP issuance was added as a resolution

Details

- ▶ 26 units (10% of 259 residential units)
 - ▶ All studio units
- ▶ "Attainable Rental Rate" definition
 - ▶ According to the most recent Census data (2020), the median total income of households in 2020 was \$82,000. By the proposed definition, the current maximum annual rent that could be charged per unit would be \$2,050 per month (increasing annually based on CPI).
 - ▶ Modest reduction in market rental rates
- ▶ Clause to try and encourage units to be rented to residents who would benefit the most
- ▶ Annual reporting requirement

Conclusion

- ▶ Following Council approval of the Attainable Housing Agreement and registration of this agreement on title, the DP/DVP could be issued.



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12426

Housing Agreement Authorization Bylaw – 350 DOYLE AVENUE HOLDINGS INC. (INC. No. BC1283012) 350 Doyle Avenue

Whereas pursuant to Section 483 of the *Local Government Act*, a local government may, by bylaw, enter into a housing agreement.

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

1. The Municipal Council hereby authorizes the City of Kelowna to enter into a Housing Agreement with 350 DOYLE AVENUE HOLDINGS INC. (INC. No. BC1283012) for the lands known as Lot C District Lot 139 Osoyoos Division Yale District Plan EPP95954 located on Doyle Avenue, Kelowna, B.C., a true copy of which is attached to and forms part of this bylaw as Schedule "A".
2. The Mayor and City Clerk are hereby authorized to execute the attached agreement as well as any conveyances, deeds, receipts or other documents in connection with the attached agreement.
3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Schedule "A"
ATTAINABLE RENTAL HOUSING AGREEMENT

THIS AGREEMENT dated for reference _____, 2022:

BETWEEN:

350 DOYLE AVENUE HOLDINGS INC. (INC. No. BC1283012)
2800-666 Burrard St.
Vancouver, BC, V6C 2Z7

("Owner")

AND:

CITY OF KELOWNA, a local government incorporated pursuant to the
Community Charter and having its offices at 1435 Water Street, Kelowna,
B.C. V1Y 1J4

("City")

GIVEN THAT:

- A. The Owner is the tenant under lease No. CA8766187 (the "Lease") registered against title to lands located in the City of Kelowna and legally described as:

Parcel Identifier 031-303-579 Lot C District Lot 139 Osoyoos Division Yale District Plan EPP95954 (the "Land");
- B. The Owner has applied to the City for rezoning of the Land to permit the construction of a housing complex that will include some attainable rental housing units in accordance with this Agreement;
- C. The City may, pursuant to section 905(1) of the *Local Government Act*, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure, and availability of the housing units on the land or construction on land;
- D. The Owner and the City wish to enter into this Agreement to provide for attainable rental housing on the terms and conditions set out in this Agreement, and agree that this Agreement is a housing agreement under s. 905 of the *Local Government Act*; and
- E. The City has, by bylaw, authorized the execution of this Agreement and the Owner has duly authorized the execution of this Agreement;

THIS AGREEMENT is evidence that in consideration of \$1.00 paid by the City to the Owner (the receipt of which is acknowledged by the Owner) and in consideration of the promises exchanged below, the City and Owner agree, as a housing agreement between the Owner and the City under s. 905(1) of the *Local Government Act*, as follows:

CAN: 41565821.5

ARTICLE 1 INTERPRETATION

1.1 Definitions -

"**Attainable Rental Rate**" means a rental rate per annum that is no more than 30% of the Median Total Income of Households for the City of Kelowna, as published by Statistics Canada's Census of Population from time to time and as adjusted for changes in the annual average Consumer Price Index (CPI) for Canada from the most recent publication date beginning no earlier than one year following the adoption of this agreement;

"**Attainable Rental Unit**" means a Dwelling Unit that is available for rent at an Attainable Rental Rate;

"**Caregiver**" means an individual who provides assistance with the performance of the personal functions and activities necessary for daily living that a person is unable to perform efficiently for himself or herself;

"**City**" means the City of Kelowna;

"**CPI**" means British Columbia's Consumer Price Index;

"**Dwelling Unit**" means a unit of accommodation providing for a sleeping area, washroom, and no more than one kitchen, intended for domestic use, and used or intended to be used permanently or semi permanently for a Household. This use does not include a room in a hotel or a motel,

"**Household**" means:

- (a) a person;
- (b) two or more persons related by blood, marriage, or adoption; or associated through foster care, all living together in one dwelling unit as a single household using common cooking facilities;
- (c) a group of not more than five persons, including boarders, who are not related by blood, marriage, or adoption, or associated through foster care, all living together in one dwelling unit as a single household using common cooking facilities; or
- (d) a combination of (b) and (c), provided that the combined total does not include more than 3 persons unrelated by blood, marriage or adoption or associated through foster care; all living together in one dwelling unit as a single household using common cooking facilities.

In addition, a household may also include up to one Caregiver or nanny;

"**Land**" means the land defined in recital A hereto;

"**LTO**" means the Kamloops Land Title Office or its successor;

"**Owner**" means the tenant under Lease no. CA8766187 and its successors and assigns;

"**Tenancy Agreement**" means a tenancy agreement as defined in, and subject to, the *Residential Tenancy Act*; and

"**Tenant**" means a Household occupying an Attainable Rental Unit pursuant to a Tenancy Agreement.

1.2 Interpretation - In this Agreement:

- (a) reference to the singular includes a reference to the plural, and vice versa, unless the context requires otherwise;
- (b) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this Agreement;
- (c) reference to a particular numbered section or article, or to a particular lettered Schedule, is a reference to the correspondingly numbered or lettered article, section or Schedule of this Agreement;
- (d) if a word or expression is defined in this Agreement, other parts of speech and grammatical forms of the same word or expression have corresponding meanings;
- (e) the word "enactment" has the meaning given in the *Interpretation Act* on the reference date of this Agreement;
- (f) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;
- (g) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided;
- (h) the provisions of s. 25 of the *Interpretation Act* with respect to the calculation of time apply;
- (i) time is of the essence;
- (j) all provisions are to be interpreted as always speaking;
- (k) reference to a "party" is a reference to a party to this Agreement and to their respective successors, assigns, trustees, administrators and receivers;
- (l) reference to a "day", "month", "quarter" or "year" is a reference to a calendar day, calendar month, calendar quarter or calendar year, as the case may be, unless otherwise expressly provided;
- (m) the definitions given in the City of Kelowna Zoning Bylaw No. 8000, or its successor bylaw, and the Official Community Plan apply for the purposes of this Agreement; and
- (n) any act, decision, determination, consideration, consent or exercise of discretion by a party, or other person, as provided in this Agreement must be performed, made or exercised acting reasonably.

1.3 Purpose of Agreement - The Owner and the City agree that:

- (a) this Agreement is intended to serve the public interest by providing for occupancy of a certain number of Dwelling Units, of the kinds provided for in this Agreement;
- (b) performance of this Agreement by the Owner is a condition of issuance of a development permit for the Lands which the Owner acknowledges is a benefit to the Owner; and
- (c) damages are not an adequate remedy to the City in respect of any breach of this Agreement by the Owner, such that the Owner agrees the City should be entitled to an

order for specific performance, injunction or other specific relief respecting any breach of this Agreement by the Owner.

ARTICLE 2 HOUSING AGREEMENT AND LAND USE RESTRICTIONS

2.1 Land Use Restrictions - The Owner, as the Tenant under the Lease, and the City hereby covenant and agree as follows:

- (a) The Land must be used only in accordance with this Agreement;
- (b) The Owner will design, construct and maintain a minimum of 10% of total number of Dwelling Units on the Land as Attainable Rental Units in accordance with this agreement.

ARTICLE 3 HOUSING AGREEMENT AND TRANSFER RESTRICTIONS

3.1 Purchaser Qualifications - The Owner must not sell, assign or transfer any interest in the Lease other than by way of mortgage or the transfer of full interest in the Lease to a person that is bound by the covenant in this Agreement to ensure that the identified Attainable Rental Unit(s) are available in accordance with this Agreement.

ARTICLE 4 ATTAINABLE RENTAL UNITS

4.1 Use and Occupancy For Attainable Rental Unit - The Owner agrees with the City as follows:

- (a) the Owner must rent or lease an Attainable Rental Unit on the Land only for a monthly rent not to exceed 1/12 of the Attainable Rental Rate pursuant to a Tenancy Agreement with restrictions on future increases of rent governed by the *Residential Tenancy Act*.
- (b) if the Owner has an Attainable Housing Unit available for rent, the Owner shall advertise or market it as available for rent at the Attainable Rental Rate for a minimum of one week and if there is more than one prospective tenant, the Owner shall lease to the applicant with lowest Household income unless there is an objective and commercially reasonable reason not to;
- (c) the Owner agrees that since the Attainable Rental Rate includes consideration, fees or charges for use of common property, and common utilities and other utility services, no further consideration, charges, or fees may be levied or collected by or on behalf of the Owner as part of the rent for an Attainable Rental Unit under this section for use of common property, sanitary sewer, storm sewer, or water utilities for or in respect of the Dwelling Unit provided that it is expressly agreed that the Owner may charge additional fees or require the occupant to pay directly for gas or electrical utilities provided to the Dwelling Unit and the occupants may be charged additional amounts for other services or rights which the occupant may subscribe for such as parking or storage;
- (d) the Owner will deliver a copy of the Tenancy Agreement for each Attainable Rental Unit to the City upon demand;

- (e) each calendar year, the owner will provide an annual summary to the City detailing the number, unit types, and tenant income information on or before the annual date of occupancy; and
- (f) the Owner will terminate any Tenancy Agreement where the Tenant uses or occupies, or allows the use or occupation of the Dwelling Unit in breach of this Agreement, such termination to be in accordance with the terms of the Tenancy Agreement and the *Residential Tenancy Act* (British Columbia).

4.2 Minimum Construction Requirements – The Owner agrees that the Attainable Rental Units will be designed and constructed in accordance with the following minimum requirements:

- (a) all of the Attainable Rental Units will be designed and constructed to the same standard, in terms of layout, workmanship, materials and finishings as the other residential Dwelling Units to be constructed on the Lands;

4.3 Minimum Unit Mix of Attainable Rental Units – The owner agrees to provide the minimum breakdown of Attainable Rental Units as follows:

- (a) no more than 18 of the Attainable Rental Units will be standard studio apartments;
- (b) a minimum of 8 of the Attainable Rental Units will be deluxe studio apartments.

ARTICLE 5 GENERAL

5.1 Notice of Housing Agreement - For clarity, the Owner acknowledges and agrees that:

- (a) this Agreement constitutes a housing agreement entered into under s. 483 of the *Local Government Act*;
- (b) the City is requiring the Owner to file a notice of housing agreement in the LTO against title to the Land; and
- (c) once such a notice is filed, this Agreement binds all persons who acquire an interest in the Land.

5.2 No Effect On Laws or Powers - This Agreement does not:

- (a) affect or limit the discretion, rights, duties or powers of the City under any enactment or at common law, including in relation to the use or subdivision of land,
- (b) impose on the City any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement,
- (c) affect or limit any enactment relating to the use or subdivision of land, or
- (d) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of land.

5.3 Management— The Owner covenants and agrees that it will furnish good and efficient management of the Attainable Rental Units and will permit representatives of the City to inspect the Attainable Rental Units at any reasonable time, subject to the notice provisions of the *Residential Tenancy Act*. The Owner further covenants and agrees that it will maintain the Attainable Rental Units in a

satisfactory state of repair and fit for habitation and will comply with all laws, including health and safety standards applicable to the Land.

5.4 Notice - Any notice which may be or is required to be given under this Agreement must be in writing and either be delivered or sent by facsimile transmission. Any notice which is delivered is to be considered to have been given on the first day after it is dispatched for delivery. Any notice which is sent by fax transmission is to be considered to have been given on the first business day after it is sent. If a party changes its address or facsimile number, or both, it must promptly give notice of its new address or facsimile number, or both, to the other party as provided in this section.

5.5 Agreement Runs With the Land - Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted by the Owner to the City in respect of the Land and this Agreement burdens the Land and runs with it and binds the Owner's successors in title and binds every parcel into which it is consolidated or subdivided by any means, including by subdivision or by strata plan under the *Strata Property Act*.

5.6 Limitation on Owner's Obligations - The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered holder of the tenant's rights under the Lease.

5.7 Release — The Owner by this Agreement releases and forever discharges the City and each of its elected officials, officers, directors, employees and agents, and its and their heirs, executors, administrators, personal representatives, successors, and assigns, from and against all claims, demands, damages, actions, or causes of action by reason of or arising out of advice or direction respecting the ownership, lease, operation or management of the Land or the Attainable Dwelling Units which has been or at any time after the commencement of this Agreement may be given to the Owner by all or any of them, This clause will survive the termination of this Agreement.

5.8 Joint Venture — Nothing in this Agreement will constitute the Owner as the agent, joint venturer, or partner of the City or give the Owner any authority to bind the City in any way.

5.9 Waiver - An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.

5.10 Further Acts - The Owner shall do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.

5.11 Severance - If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

5.12 Equitable Remedies — The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.

5.13 No Other Agreements - This Agreement is the entire agreement between the parties regarding its subject and it terminates and supersedes all other agreements and arrangements regarding its subject.

5.14 Amendment - This Agreement may be discharged, amended or affected only by an instrument duly executed by both the Owner and the City.

5.15 Termination. This Agreement will terminate on the tenth anniversary date of the issuance of an occupancy or final inspection certificate for the housing complex to be constructed on the Land.

5.16 Enurement - This Agreement binds the parties to it and their respective successors, heirs, executors and administrators. Reference in this Agreement to the "City" is a reference also to the elected and appointed officials, employees and agents of the City.

5.17 Deed and Contract - By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

IN WITNESS WHEREOF the parties hereto have executed this Agreement on the date and year first above written.

350 DOYLE AVENUE HOLDINGS INC. (INC. No. BC1283012)

Per:



Authorized Signatory

CITY OF KELOWNA

Per:

Authorized Signatory

Authorized Signatory

Report to Council



Date: November 21, 2022
To: Council
From: City Manager
Subject: Amendment to City of Kelowna Sign Bylaw No. 11530
Department: Development Planning

Recommendation:

THAT Council, receives, for information, the Report from the Development Planning Department dated November 21, 2022 recommending that Council amend the City of Kelowna Sign Bylaw No. 11530;

AND THAT Bylaw No. 12452 being Amendment No. 3 to the City of Kelowna Sign Bylaw No. 11530 be forwarded for reading consideration

Purpose:

To amend the City of Kelowna Sign Bylaw No. 11530 to reclassify the CA1 – Core Area Mixed Use Zone from Local Commercial to Major Commercial.

Background:

In October 2022, Council adopted amendments to the Sign Bylaw to assign the newly created zones in Zoning Bylaw No. 12375 to existing Sign Bylaw Regulations, and to delete zones that had been repealed. In that amendment, staff classified the CA1 – Core Area Mixed Use Zone under the existing Local Commercial Sign Regulations. However, as staff have begun to practically apply the Local Commercial regulations to sign permit applications within the CA1 zone, a number of the commercial tenant's signs do not meet the restricted size, and staff are recommending CA1 be reclassified to Major Commercial.

Previous Council Resolution (Please see Attachment A for complete Council Resolution)

Resolution	Date
THAT Council, receives, for information, the Report from the Development Planning Department dated May 16, 2022 recommending that Council amend the City of Kelowna Sign Bylaw No. 11530;	Adopted: October 3, 2022
AND THAT Bylaw No. 12357 being Amendment No. 2 to the City of Kelowna Sign Bylaw No. 11530 be forwarded for reading consideration.	

Discussion:

The primary difference between the classification of Local Commercial and Major Commercial is the maximum size of permanent signs. In both classifications the size of a Fascia Sign is based on a sign area per lineal metre of business frontage.

Local Commercial	Major Commercial
a. Fascia Sign: Maximum sign area of 0.3 m ² per lineal metre of business frontage to a maximum of 4.0 m ² . b. Free-Standing Sign: <ul style="list-style-type: none"> i. Maximum sign area of 3.0 m² ii. Maximum height of 3.0 m 	a. Fascia Sign: Maximum sign area of 1.0 m ² per lineal metre of business frontage to a maximum of 20% of the area of the wall it is attached to. b. Free-Standing Sign: <ul style="list-style-type: none"> i. Maximum sign area of 14.0 m² ii. Maximum height of 5.0 m



Local Commercial: A business that has 8.0 m of business frontage could be permitted 0.3 m² x 8.0 or 2.4 m² for a Fascia Sign which falls under the absolute maximum of 4.0 m².

Major Commercial: A business that has 8.0 m of business frontage could be permitted 1.0 m² x 8.0 m or 8.0 m² for a Fascia Sign so long as it falls below 20% of the area of the wall it is attached to.

The purpose of the CA1 – Core Area Mixed Use Zone is to provide a mixed commercial and residential zone for developments within the Core Area and outside urban centres. Permitted Principal Uses include Apartment Housing, Drive Throughs, Food Primary Establishments, Hotels/Motels, Recycling Drop-Offs, Retail, Townhouses, and others. Several properties have been zoned CA1 and these are primarily located along Harvey Ave, Hwy 97, Transit Supported Corridors, and Major Arterial Roads. Due to the types of commercial uses permitted and the street types typical of CA1 zoned properties, it is more appropriate to be classified as Major Commercial rather than Local Commercial for the purposes of sign regulation. The Major Commercial classification would allow larger signs which are more appropriate for substantial commercial uses along major roads.

Conclusion:

The zone purpose, principal commercial uses, and street types that are associated with the CA1 zone are better aligned with Major Commercial for the purposes of sign regulation and therefore staff are recommending the update.

Internal Circulation:

Building & Permitting

Report prepared by:

Trisa Atwood, Planner II

Reviewed by:

Lydia Korolchuk, 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: Proposed Text Amendment

Attachment A: Previous Council Resolution October 3, 2022

CITY OF KELOWNA

BYLAW NO. 12357

Amendment No. 2 to Sign Bylaw No. 11530

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Sign Bylaw No. 11530 be amended as follows:

1. THAT **Section 1.4 – General Definitions related to this Bylaw**, be amended by:
 - a) deleting the title of the Director “Director of Community Planning and Strategic Investment” and replacing it with “Director of Planning & Development Services”;
 - b) deleting the definition

“**Sign Area**” means the total area within the outer edge of the frame or border of a **sign**. Where a **sign** has no frame, border, or background, the area of the **sign** shall be the area contained within the shortest line surrounding the whole group of letters, figures, or symbols of such a **sign**. In the case of a multi-faced **sign**, only one side of the **sign** shall be counted”;

and replace it with

“**Sign Area**” means the total area within the outer edge of the frame or border of a **sign**. Where a **sign** has no frame, border, or background, the area of the **sign** shall be the area contained within the shortest straight line surrounding the whole group of letters, figures, or symbols of such a **sign**, but not each letter individually. In the case of a multi-faced **sign**, only one side of the **sign** shall be counted”;
2. AND THAT **Section 1.5 – Administration of Bylaw**, 1.5.1 be amended by deleting “**Director of Community Planning and Strategic Investment**” and replace it with “**Director of Planning & Development Services**”;
3. AND THAT **Section 1.6 Sign Application Information**, 1.6.3 be amended by bolding “Building Inspector”;
4. AND THAT **Section 2.1 – GENERAL REGULATIONS**, 2.1 **Signs Permitted in All Zones without Permits** be amended by adding the following:

“(f) **Signs** indicating business hours, open and closed only.”;
5. AND THAT **Section 2.4 Signs on Public Property**, 2.4.2 be amended by deleting “an Awning or”;
6. AND THAT **Section 3.4 Contractor Sign**, 3.4.2 Regulations (d) 1. be amended by adding “**sign**” in front of “Area” and bolding;

7. AND THAT **Section 3.5 Directional Sign**, 3.5.1 be amended by adding the following after the word "event":
 "; or designates on-site areas for pick-up or "delivery" for short term parking and loading.";
8. AND THAT **Section 3.5 Directional Sign**, 3.5.2 Regulations (h) be added as follows:
 "(h) Pick-up and "delivery" **signs** shall not be located on any public property or within any public right of way.
9. AND THAT **Section 3.8 Identification Sign**, 3.8.2 Regulations be changed as follows:
 - (a) delete (a) in its entirety and replace it with "Shall not be a Free-Standing **Sign**; and shall not be located above the second storey of the building";
 - (b) after occupation of the person add "containing numbers and letters only."
 - (c) add "(d)The sign may be illuminated in accordance with section **2.5 Sign Lighting**";
 - (d) add "(e) If an identification sign does not meet the regulations above, it will require a **sign** permit under the specific **sign** type and **zone** (i.e Fascia **Sign**, Wall **Sign**, Canopy **Sign**");
10. AND THAT **Section 3.10 Project Sign**, 3.10.2 (i) be changed as follows:
 Delete the words "not" and "but may display" from "(iv.) **Signs** attached to construction **hoarding** may not display company names or **logos**, but may display images, the project name, and contact information.";
11. AND THAT **Section 4.9 Real Estate Sign – Commercial**, 4.9.2 Regulations (e) be amended by deleting "must be placed on the building where the space is being leased or rented" and replace it with "must be placed on the property where the space is being leased or rented.";
12. AND THAT **Section 4.11 Suspended Sign**, 4.11.2 Regulations, (a) be amended by deleting the words "canopy or";
13. AND THAT **Section 5 – AGRICULTURAL ZONES** be amended by adding "A2" after "A1";
14. AND THAT **Section 6 – LOW DENSITY RESIDENTIAL ZONES**, be amended by deleting "RR3, RU6, RU7, RH1, RH2";
15. AND THAT **Section 6 – Low Density Residential Zones**, 6.2 **Signs not Requiring a Permit** be amended by adding "(f) Agricultural Sign";
16. AND THAT **Section 7 – MULTI FAMILY RESIDENTIAL ZONES** be amended as follows:
 - (a) Deleting "Applicable **zones**: RM1, RM2, RM3, RM4, RM5, RM6, RM7, RH3, CD 22 Areas C, D, E, F, G, H, CD24 Sub Area B, and all related **subzones**" and replacing it with "Applicable **zones**: MF1, MF2, MF3, and all related **subzones**";
17. AND THAT **Section 7.4 Zone Specific Regulations** be amended by deleting "(a) Businesses in the RM6 **zone**" and replace it with "Businesses in the MF3 **zone**";
18. AND THAT **Section 8 – LOCAL COMMERCIAL ZONES** be amended by deleting "C2, C5" and adding "CA1, VC1, and Comprehensive Development Zones unless otherwise specified in the zone";



19. AND THAT **Section 9 – URBAN COMMERCIAL ZONES** be amended by deleting "Applicable zones: C3, C4, C7, C9, CD22 Areas A and B, and all related subzones" and replace it with "Applicable zones: UC1, UC2, UC3, UC4, UC5, and all related subzones";
20. AND THAT **Section 9 – URBAN COMMERCIAL ZONES, 9.3 Signage Regulations** (b) e. be amended by adding the word "building" before the word "frontage";
21. AND THAT **Section 9 – URBAN COMMERCIAL ZONES, 9.3 Signage Regulations** (b) h. be amended by deleting the word "double" and adding the words "more than one" before the word "frontage";
22. AND THAT **Section 10 – MAJOR COMMERCIAL ZONES** be amended by deleting "C6, C8, CD24 Sub Area A," and adding "C2";
23. AND THAT **Section 10 – MAJOR COMMERCIAL ZONES, 10.3 Signage Regulations** (b) Maximum number of permanent signs; g. be amended by deleting "One (1) Illuminated Fascia Sign. If a business has double frontage , maximum of two (2) illuminated Fascia Signs per business" and replace it with "One (1) illuminated Fascia Sign per business. If a business has more than one frontage, a maximum of two (2) illuminated Fascia Signs per business.";
24. AND THAT **Section 11 – SERVICE COMMERCIAL AND INDUSTRIAL ZONES** be amended by deleting "SERVICE COMMERCIAL AND"; and by deleting the following applicable zones: "C10, I5, I6, CD12, C15" ;
25. AND THAT **Section 12 – PUBLIC AND INSTITUTIONAL ZONES** be amended by deleting the following zones: "P8 and CD22 Sub Area 1";
26. AND THAT **Section 12 – PUBLIC AND INSTITUTIONAL ZONES, 12.3 Signage Regulations**, (i) be amended by
 - (a) bolding the words "Sign" and "Signs";
 - (b) deleting the words "double frontage" and replacing them with the words "more than one";
27. AND THAT **Section 13 – ENFORCEMENT AND OFFENCES, 13.1 General**, 13.1.1 be amended by deleting "Director of Community Planning and Strategic Investment" and replace it with "Director of Planning & Development Services";
28. AND THAT **Section 13 – ENFORCEMENT AND OFFENCES, 13.2 Right of Entry**, 13.2.1 be amended by deleting "Director of Community Planning and Strategic Investment" and replace it with "Director of Planning & Development Services";
29. This bylaw may be cited as "Bylaw No. 12357, being Amendment No. 2 to the Sign Bylaw No. 11530".

Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Schedule A – Proposed Text Amendments

City of Kelowna Sign Bylaw No.11530

No.	Section	Current Wording	Proposed Wording	Reason for Change
1.	Section 8 – LOCAL COMMERCIAL ZONES	LOCAL COMMERCIAL ZONES Applicable zones : C1, CA1, VC1 and all related subzones	LOCAL COMMERCIAL ZONES Applicable zones : C1, CA1 , VC1 and all related subzones	Remove CA1 from Local Commercial Zones.
2.	Section 10 – MAJOR COMMERCIAL ZONES	MAJOR COMMERCIAL ZONES Applicable zones : C2 and all related subzones	MAJOR COMMERCIAL ZONES Applicable zones : C2, <u>CA1</u> and all related subzones	Add CA1 to Major Commercial Zones.

Sign Bylaw Amendment Bylaw No. 11530

TA22-0016

Purpose

- ▶ To amend the City of Kelowna Sign Bylaw No. 11530 to reclassify the CA1 – Core Area Mixed Use Zone from Local Commercial to Major Commercial.

Background – Sign Bylaw

- ▶ Regulates public and private property signs
- ▶ Regulates size, number, type, appearance
- ▶ Zone specific

- ▶ August 2018: Adopted
- ▶ June 2019: Amended regarding fascia signs
- ▶ Oct 2022: Amended to align with Zoning Bylaw No. 12375
- ▶ CA1 was classified Local Commercial

CA1 – Core Area Mixed Use

- ▶ **Purpose:** Mixed commercial and residential zone for developments within the Core Area and outside Urban Centres
- ▶ **Principal Uses:**
 - ▶ Apartment Housing
 - ▶ Drive Through
 - ▶ Food Primary
 - ▶ Hotels/Motels
 - ▶ Recycling Drop-Offs
 - ▶ Retail
 - ▶ Townhouses
 - ▶ Others

CA1 – Core Area Mixed Use

► **Locations:**

- Hwy 97
- Harvey Ave
- Burtch Ave
- Gordon Dr

► **Street Types:**

- Major Arterial
- Transit Supported Corridors
- Highway

Discussion

- ▶ Major Commercial better suited to intent of zone
- ▶ Zone Purpose
- ▶ Principal Uses
- ▶ Location/Street Types
 - ▶ High traffic areas
 - ▶ Large scale commercial potential
 - ▶ Sign visibility key to commercial tenants
 - ▶ Practical application of the bylaw – several properties that have recently been rezoned to CA1 no longer meet their sign regulations

Local Commercial vs Major Commercial

Local Commercial	Major Commercial
<p>a. Fascia Sign: Maximum sign area of 0.3 m² per lineal metre of business frontage to a maximum of 4.0 m².</p> <p>b. Free-Standing Sign:</p> <ul style="list-style-type: none"> i. Maximum sign area of 3.0 m² ii. Maximum height of 3.0 m 	<p>a. Fascia Sign: Maximum sign area of 1.0 m² per lineal metre of business frontage to a maximum of 20% of the area of the wall it is attached to.</p> <p>b. Free-Standing Sign:</p> <ul style="list-style-type: none"> i. Maximum sign area of 14.0 m² ii. Maximum height of 5.0 m

Fascia Sign Example:



- ▶ Business with 8.0 m frontage in CA1
- ▶ Local Commercial:
 - ▶ $0.3 \text{ m}^2 \times 8.0 = 2.4 \text{ m}^2$
- ▶ Major Commercial:
 - ▶ $1.0 \text{ m}^2 \times 8.0 \text{ m} = 8.0 \text{ m}^2$

Staff recommendation

- ▶ Reclassify CA1 as Major Commercial
 - ▶ Street Types
 - ▶ Commercial Uses
 - ▶ Practical application of sign bylaw

- ▶ The Major Commercial classification would allow larger signs which are more appropriate for substantial commercial uses along major roads.



Questions?

For more information, visit kelowna.ca.

CITY OF KELOWNA

BYLAW NO. 12452

Amendment No. 3 to Sign Bylaw No. 11530

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Sign Bylaw No. 11530 be amended as follows:

1. THAT **Section 8 – LOCAL COMMERCIAL ZONES**, be amended by deleting “CA1” from the list of Applicable **zones**;
2. AND THAT **Section 10 – MAJOR COMMERCIAL ZONES**, be amended by adding “CA1” to the list of Applicable **zones**.
3. This bylaw may be cited as "Bylaw No. 12452, being Amendment No. 3 to Sign Bylaw No. 11530".

Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

DRAFT RESOLUTION

Re: 2023 Council Meeting Schedule

Staff is recommending the following schedule for regular Council Meetings in 2023:

THAT the 2023 Council Meeting Schedule be adopted as follows:

Monday Regular Meetings

January 9, 16, and 23
February 6, 13 and 27
March 6, 13, and 20
April 3, 17, and 24
May 1, 8, 15
June 5, 12, 19, and 21*
July 10 and 24
August 14 and 28
September 11 and 25
October 16, 23 and 30
November 6, 20 and 27
December 4 and 7*

Tuesday Council Meetings

January 17
February 14
March 21
April 18
May 9
June 13
July 11
August 15
September 12
October 17
November 21










- * June 21st – Pre-Budget Council Meeting
- * December 7th – 2023 Budget Deliberations

BACKGROUND:

The recommended schedule provides for thirty-one (31) Monday Council Meetings (excluding the June 21st Pre-Budget Council Meeting and the December 7th 2023 Budget Deliberations) and eleven (11) Tuesday Council Meetings. As in previous years, the schedule accommodates Council's attendance and participation at the SILGA, FCM and UBCM annual conventions.

Date: November 21, 2022

File: 0610-50

	Monday Regular Meetings (9 a.m./1:30 p.m.)	Conventions:		SILGA: April 25-28 (Vernon)
	Public Hearing/Regular Meeting (6 p.m.)			FCM: May 25-28 (Toronto)
	2023 Pre-budget meeting, June 21 (evening)			UBCM: September 18-22 (Vancouver)
	2023 Tax Sale, Sept 25 (PM Council Meeting only)		Statutory holiday	 Summer schedule
	2023 Budget deliberations, Dec 7 (9 a.m.)		Year-end closure	

Meetings are held in City Hall's Council Chamber at the above-noted times, unless otherwise advertised.

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15	16	17	18	19	20	21
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24	25	26	27	28	29	30

CITY OF KELOWNA

BYLAW NO. 12435

Amendment No. 39 to Sewerage System User Bylaw No. 3480

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Sewerage System User Bylaw No. 3480 be amended as follows:

1. THAT Section 3(c) be amended by deleting the following table:

Service Type	Sewer Development Charge
100-mm residential	\$7,500
150-mm multi-family and/or commercial	\$10,000
Industrial OR larger than 150 mm	\$16,000

and replace it with:

Service Type	2022	2023
100-mm residential	\$7,500	\$7,800
150-mm multi-family and/or commercial	\$10,000	\$10,400
Industrial OR larger than 150 mm	\$16,000	\$16,640

2. AND THAT Section 4 be amended by deleting the following table:

	Effective January 1, 2021	Effective January 1, 2022
Flat Rate per Month	\$22.05	\$22.71
Bi-Monthly Rate	\$44.10	\$45.42

and replace it with:

	Effective January 1, 2022	Effective January 1, 2023
Flat Rate per Month	\$22.71	\$23.62
Bi-Monthly Rate	\$45.42	\$47.24

3. AND THAT Section 5 (1) be amended by deleting the table that reads:

	Effective January 1, 2021	Effective January 1, 2022
Metered base rate per month	\$12.05	\$12.41
Bi-Monthly	\$24.10	\$24.82
Consumption charge	\$1.00/m ³	\$1.03/m ³

and replace it with:

	Effective January 1, 2022	Effective January 1, 2023
Metered base rate per month	\$12.41	\$12.91
Bi-Monthly	\$24.82	\$25.82
Consumption charge	\$1.03/ m ³	\$1.07/ m ³

4. AND THAT Section 5(2) be amended by deleting the table that reads:

	Effective January 1, 2021	Effective January 1, 2022
Metered base rate per month	\$277.28	\$285.59
Bi-Monthly	\$554.55	\$571.19
Consumption charge	\$1.00/m ³	\$1.03

and replace it with:

	Effective January 1, 2022	Effective January 1, 2023
Metered base rate per month	\$285.59	\$297.01
Bi-Monthly	\$571.19	\$594.02
Consumption charge	\$1.03	\$1.07/m ³

5. AND THAT Section 5(4) be added that reads:

"The District of Lake Country shall pay a monthly or bi-monthly charge for the use of the Sewerage System calculated on the metered quantity of treated effluent received from the Lake Country Wastewater Treatment Plant at the following rates:

	Effective January 1, 2023
Consumption charge	\$0.20 / m ³

Provided the effluent meets the District of Lake Country's wastewater treatment plant's effluent permit requirements set by the Province of British Columbia. Effluent from the District of Lake Country that does not meet their permit requirements shall be charged at the rates set out in 5(2) (University of British Columbia)."

6. AND FURTHER THAT Section 13 be amended by deleting the table that reads:

	2021	2022
Flat Rate per Month	\$5.39	\$5.55
Bi-monthly rate	\$10.77	\$11.09

and replace it with:

	2022	2023
Flat Rate per Month	\$5.55	\$5.77
Bi-monthly rate	\$11.09	\$11.54

7. This bylaw may be cited for all purposes as "Bylaw No.12435, being Amendment No. 39 to Sewerage System User to Bylaw No. 3480."
8. This bylaw shall come into full force and effect on January 1, 2023.

Read a first, second and third time by the Municipal Council this 14th of November, 2022.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk