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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** March 16, 2006  
**File No.:** **DVP06-0010**

**To:** City Manager

**From:** Planning & Corporate Services Department

**Subject:**

DEVELOPMENT VARIANCE PERMIT  
APPLICATION NO. DVP06-0010

OWNER: UNIVERSITY OF BRITISH  
COLUMBIA - OKANAGAN

AT: 3333 & 3140 UNIVERSITY WAY  
4990 HIGHWAY 97 N.

APPLICANT: UNIVERSITY OF BRITISH  
COLUMBIA – CAMPUS &  
COMMUNITY PLANNING

PURPOSE: TO SEEK A DEVELOPMENT VARIANCE PERMIT TO VARY  
THE MAXIMUM PERMITTED BUILDING HEIGHT FROM THE  
EXISTING 3 STOREYS (13.5m) TO 6 STOREYS (27m)  
PROPOSED FOR EXISTING P2 ZONED LANDS

EXISTING ZONE: P2 – EDUCATION AND MINOR INSTITUTIONAL

REPORT PREPARED BY: PAUL McVEY

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1.0 RECOMMENDATION

THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP06-0010; University of British Columbia - Okanagan; Lot A, Sections 10 & 11, Twp. 23, O.D.Y.D., Plan 38917 Exc. Plan KAP57788, and Lots A and B, Sections 10 & 11, Twp. 23, O.D.Y.D., Plan KAP5778, located on University Way, Kelowna, B.C.;

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

**Section 16.2.5(c), Development Regulations** - be varied from maximum height of 13.5 m or 3 storeys permitted to 27 m or 6 storeys proposed for the new student residence buildings

Subject to approval by Transport Canada to vary “Kelowna Airport Zoning Regulations” which limit building heights adjacent to the airport.

## 2.0 SUMMARY

This application for a Development Variance Permit has been made to permit an increase to the maximum building height from the permitted 3 storey (13.5m) building height to the proposed building height of 6 storeys (27m) for the University of British Columbia – Okanagan campus site.

This application has been triggered by the pending building expansion program that has been commenced as part of the transition of the former “Okanagan University College” to the new “University of British Columbia – Okanagan”, and the associated building program to facilitate that change.

### 2.1 Advisory Planning Commission

The above noted application (DVP06-0010) was reviewed by the Advisory Planning Commission at the meeting of February 28, 2006 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP06-0010, for 4990 Hwy 97 N; 3140 and 3333 University Way, Lot A, Plan 38917; Lots A & B, Plan 57788, Sec. 10, Twp. 23, ODYD, by UBC Campus & Community Planning (Lisa Colby), to obtain a Development Variance Permit to vary the maximum permitted building height from 3 storeys (13.5 m) to 6 storeys (27 m).

## 3.0 BACKGROUND

### 3.1 The Proposal

The original OUC north campus was developed in 1991.

In 2003 application (DVP03-0052) was made for a height variance to the library building in order to add floor area to the third floor area of that existing building. That DVP application was reviewed by Council on August 5, 2003, and authorized for issuance.

In 2004, there had been an application for a Development Variance Permit (DVP04-0151) to authorize construction of 3<sup>rd</sup> storey additions to both the science building and the arts building. Owing to the building configuration prior to the addition, the addition of a 3<sup>rd</sup> storey to each of the buildings required a Development Variance Permit application, as the resulting building height for the Arts Building was 14.4 m for the Arts building and 16.3 m for the Science building. The P2 – Education and Minor Institutional zone limits the maximum permitted building height to 3 storeys, or 13.5 m. That DVP application was reviewed by Council on March 8, 2005, and authorized for issuance.

As well, in 2005 there had been application (DVP05-0155) for a Development Variance Permit to vary the maximum permitted building height to 4 storeys to authorize

construction of the two new Student Residence buildings as 4 storey building. These two residence buildings are currently under construction. That DVP application was reviewed by Council on October 17, 2005, and authorized for issuance.

This current application for a Development Variance Permit seeks to vary the height provisions of the P2 – Education and Minor Institutional zone from the permitted 3 storey (13.5m) building height to the proposed 6 storey (27m) building height for all building locations on the P2 zoned lands of the university site.

This application for a height variance has been made concurrently with an application to create and rezone the University site to a Comprehensive Development zone, which will be circulated separately to Council for review. However, the review process for the creation and adoption of that CD zone is anticipated to take between 6 to 12 months, a period of time in which there are anticipated to be several building projects commencing in order to meet the tight timelines identified in the UBC-O Master Plan document. Rather than wait that period of time to complete the application process for the adoption of the pending CD zone, this application for a height variance has been made to authorize the increase in building height, with a view to proceed to Council in a matter of 8 to 12 weeks, instead of the 6 –12 months required for the CD zone.

The proposal as compared to the P2 zone requirements is as follows:

CRITERIA	PROPOSAL	P2 ZONE REQUIREMENTS
Buildings Height Storeys (#)	6 storeys (27m) ❶	3 storeys or (13.5m)

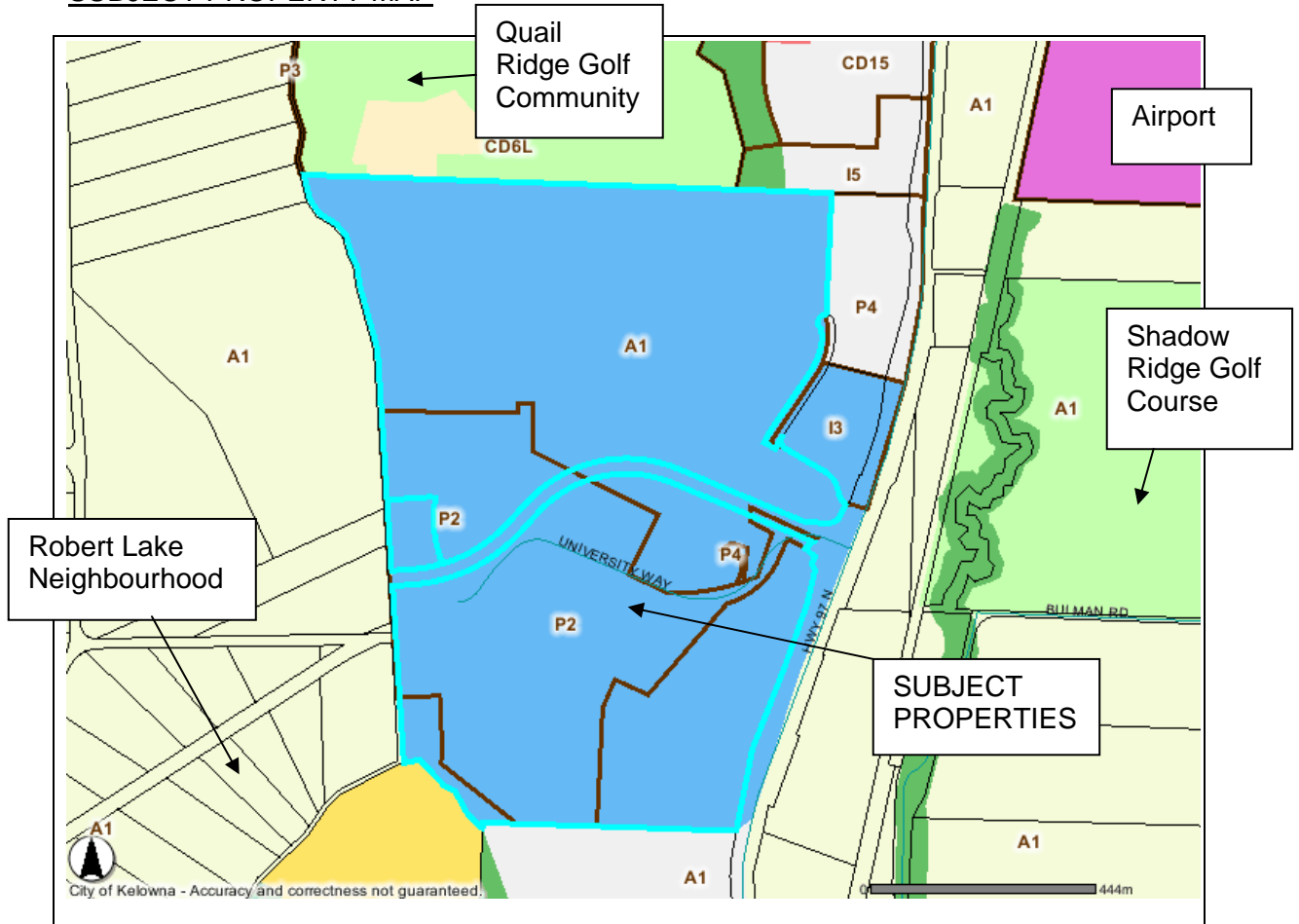
- ❶ Variance requested to vary maximum building height from 3 storeys or 13.5 m maximum building height permitted to 6 storeys or 27 m building height requested for pending building projects on the P2 zoned lands. This requested building height is the same height that is permitted in the P1 zone

### 3.2 Site Context

Adjacent zones and uses are, to the:

- North - A1 – Agricultural 1 / Gravel pit
- East - A1 – Agricultural 1 / Highway 97, vacant
- South - A1 – Agricultural 1 / vacant
- West - A1 – Agricultural 1/ vacant

SUBJECT PROPERTY MAP



3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

The Official Community Plan designates the future land use of the subject property as “Education/Major Institutional”. The proposed use of the building is consistent with the “Education/Major Institutional” land use.

3.3.2 City of Kelowna Strategic Plan (2004)

The City of Kelowna Strategic Plan 2004 describes a vision of what residents hope Kelowna will be like in the future and has identified as one of the themes that overall, residents aspire to live in a community that: works to develop and maintain a strong, diversified local economy that offers residents opportunities for high-paying jobs.

The City of Kelowna Strategic Plan 2004 also states as an action statement under Goal #2, Objective #3,;

“Work with UBC Okanagan, Okanagan College and other educational institutions to develop initiatives that promote Kelowna as a knowledge centre and that help increase education levels of Kelowna’s residents”, and to

“Work with growth industries, including health care, agriculture, education, high tech, manufacturing and aerospace industries, in an effort to promote their continued growth in our region”.

#### 4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following relevant comments have been submitted:

##### 4.1 Fire Department

Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw.

Note: Engineered fire flows may be needed to determine hydrant requirements. If this is a recognized interface wildland area, a hazard assessment may be required. Roads should provide an alternate means of egress/access and should be looped when possible.

##### 4.2 Inspection Services Department

The height of all proposed buildings shall meet the restriction of Transport Canada prior to building permit application. The road and connector within the campus to be finalized and approved by all parties including Ministry of Transportation prior to submission of any building permit application. Pedestrian connection throughout the campus must meet the requirements for barrier free access. Fire flow and fire fighting access to comply to all requirements of GID as well as BCBC prior to individual building proposal.

##### 4.3 Works and Utilities Department

The Works & utilities Department comments and requirements regarding this application are as follows:

###### 1. General

The proposed Development Variance Permit Application to increase the building height to 6 stories does not compromise Works and Utilities servicing requirements.

## 5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

This application has been made to vary the maximum building height provisions of the existing P2 – Education and Minor Institutional zone, which limits the maximum permitted building height to 3 storeys or 13.5 m.

With the transition of the former Okanagan University College – North Campus facility to the University of British Columbia – Okanagan, UBC planning staff have created the “2010 Master Plan” to guide and direct development of the campus site into a world class university campus. There has been application made to create a Comprehensive Development zone for the UBC-O campus to facilitate this proposed development plan. However, this master plan has identified a very ambitious building program in order to meet time lines outlined in the Master Plan.

This Development Variance Permit application has been made as an interim step in the process to create the pending Comprehensive Development zone for the UBC-O campus while maintaining the tight timelines for the initial building phases that have been commenced as part of this transition. The initial phases of the building construction program identified in the Master Plan require additions to existing buildings and the construction of new buildings with a proposed building height of up to 6 storeys, a building height which exceeds the maximum permitted building height of the P2 - Education and Minor Institutional zone of 3 storeys or 13.5 m. Rather than make a separate application for each of these height variances and return to Council for each pending building permit, the applicant is seeking this DVP to authorize a “blanket” height variance to the current P2 zone.

There is an area of concern relating to the proposed building heights as they may have the potential impact on the “Kelowna Airport Zone Regulations”. The proponents have had discussions with Transport Canada for variance to these regulations. However, Transport Canada has advised that at this time, they will have to review and approve each pending building permit application separately if there is a conflict with the “Kelowna Airport Zone Regulations”. Any approvals for variances to permitted height are also subject to the Federal regulations regarding height of construction with respect to the Airport Boundary zoning layer. The proponent will be dealing with this approval process for each of the proposed buildings as part of the building permit review.

In light of the above, the Planning and Corporate Services Department supports this application, and recommends for positive consideration by Council.

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Andrew Bruce  
Manager of Development Services

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP  
Director of Planning and Corporate Services

PMc/pmc  
Attach.

Attachments

(Not attached to the electronic copy of the report)

State of Title

Subject Property Map

1 pages of site plan indicating building use