

# City of Kelowna Public Hearing AGENDA



Tuesday, August 11, 2015  
6:00 pm  
Council Chamber  
City Hall, 1435 Water Street

Pages

## 1. Call to Order

THE CHAIR WILL CALL THE HEARING TO ORDER:

1. (a) The purpose of this Hearing is to consider certain bylaws which, if adopted, shall amend *Kelowna 2030 - Official Community Plan* Bylaw No. 10500 and Zoning Bylaw No. 8000.

(b) All persons who believe that their interest in property is affected by the proposed bylaws shall be afforded a reason-able opportunity to be heard or to present written submissions respecting matters contained in the bylaws that are the subject of this hearing. This Hearing is open to the public and all representations to Council form part of the public record. A live audio feed may be broadcast and recorded by Castanet.

(c) All information, correspondence, petitions or reports that have been received concerning the subject bylaws have been made available to the public. The correspondence and petitions received after July 28, 2015 (date of notification) are available for inspection during the course of this hearing and are located on the information table in the foyer of the Council Chamber.

(d) Council debate on the proposed bylaws is scheduled to take place during the Regular Council meeting after the conclusion of this Hearing. It should be noted, however, that for some items a final decision may not be able to be reached tonight.

(e) It must be emphasized that Council will not receive any representation from the applicant or members of the public after conclusion of this Public Hearing.

## 2. Notification of Meeting

The City Clerk will provide information as to how the Hearing was publicized.

### 3. Individual Bylaw Submissions

- |            |  |          |
|------------|--|----------|
| <b>3.1</b> | <b>BL11114 (TA15-0006), Proposed Text Amendment to Zoning Bylaw No. 8000 - City of Kelowna</b>   | 4 - 7    |
|            | To consider Zoning Bylaw amendments to create C3rls - Community Commercial (Retail Liquor Sales) and C3lp - Community Commercial (Liquor Primary) as designations within the C3-Community Commercial zone. |          |
| <b>3.2</b> | <b>561 McKay Avenue, BL11120 (OCP15-0009) &amp; BL11121 (Z15-0026) - City of Kelowna</b>   | 8 - 22   |
|            | To amend the Official Community Plan to change the future land use designation of, and rezone, the subject property to facilitate the development of non-accessory parking.                                |          |
| <b>3.3</b> | <b>310 Mugford Road, BL11122 (Z15-0017) - Harjinder, Jaswinder &amp; Swaran Malhi</b>  | 23 - 32  |
|            | To rezone the subject property to allow a subdivision into two (2) lots.   |          |
| <b>3.4</b> | <b>140 Mugford Road, 405 &amp; 425 Rutland Road, BL11123 (Z15-0010) - RA Quality Homes Ltd.</b>  | 33 - 44  |
|            | To rezone the subject properties to allow for the development of townhouses.   |          |
| <b>3.5</b> | <b>2124 Pandosy Street, BL11124 (HRA15-0001) - F. DeVilliers Medical Prof. Corp. et al</b>   | 45 - 123 |
|            | To consider a Heritage Revitalization Agreement application to permit additional uses and two new units on the subject property.   |          |

### 4. Termination

### 5. Procedure on each Bylaw Submission

- (a) Brief description of the application by City Staff (Land Use Management);
- (b) The Chair will request that the City Clerk indicate all information, correspondence, petitions or reports received for the record.
- (c) The applicant is requested to make representation to Council regarding the project and is encouraged to limit their presentation to 15 minutes.
- (d) The Chair will call for representation from the public in attendance as follows:
  - (i) The microphone at the public podium has been provided for any person(s) wishing to make representation at the Hearing.
  - (ii) The Chair will recognize ONLY speakers at the podium.
  - (iii) Speakers are encouraged to limit their remarks to 5 minutes, however, if



they have additional information they may address Council again after all other members of the public have been heard a first time.

(e) Once the public has had an opportunity to comment, the applicant is given an opportunity to respond to any questions raised. The applicant is requested to keep the response to a total of 10 minutes maximum.

(f) Questions by staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the Regular Meeting, unless for clarification.

(g) Final calls for representation (ask three times). Unless Council directs that the Public Hearing on the bylaw in question be held open, the Chair shall state to the gallery that the Public Hearing on the Bylaw is closed.

Note: Any applicant or member of the public may use visual aids (e.g. photographs, sketches, slideshows, etc.) to assist in their presentation or questions. The computer and ELMO document camera at the public podium are available. Please ask staff for assistance prior to your item if required.

# REPORT TO COUNCIL



**Date:** July 27, 2015  
**RIM No.** 1250-04  
**To:** City Manager  
**From:** Urban Planning, Community Planning & Real Estate (TY)  
**Application:** TA15-0006  
**Applicant:** City of Kelowna  
**Subject:** Proposed Text Amendment to Zoning Bylaw 8000 to create C3rls - Community Commercial (Retail Liquor Sales) and C3lp - Community Commercial (Liquor Primary) to be stand alone designations within the C3 - Community Commercial zone.

---

## 1.0 Recommendation

THAT Zoning Bylaw Text Amendment No. TA15-0006 to amend City of Kelowna Zoning Bylaw No. 8000 by amending designations to the C3 - Community Commercial zone, by adding C3rls - Community Commercial (Retail Liquor Sales) and C3lp - Community Commercial (Liquor Primary) as outlined in Schedule "A" of the report from the Urban Planning Department dated June 26, 2015, be considered by Council.

AND THAT the Text Amendment Bylaw be forwarded to a Public Hearing for further consideration.

## 2.0 Purpose

To consider Zoning Bylaw amendments to create C3rls - Community Commercial (Retail Liquor Sales) and C3lp - Community Commercial (Liquor Primary) as designations within the C3-Community Commercial zone.

## 3.0 Urban Planning

The proposed bylaw amendments are intended to create specific designations for Retail Liquor Sales and Liquor Primary uses within the C3 zone. The amendments will create a zone designation for the Retail Liquor Sales (C3rls) and Liquor Primary (C3lp) in order for a zone amendment to permit one or the other.

Currently the C3 zone has the potential to allow a use that is not up for consideration during a rezoning application. The only designation to the C3 - Community Commercial zone is C3lp/rls - Community Commercial (Liquor Primary/Liquor Retail Sales). This means the only option to allow retail liquor sales automatically permits liquor primary and vice versa. The intent of the proposed amendment is to eliminate permitting a use that is not intended for a subject property.

#### 4.0 Proposal

The proposed amendments speak to uses that are currently permitted in the C3 zone as Liquor Primary establishment, major and Retail Liquor Sales are permitted principal uses in the C3 zone. When a zone amending application is brought forward to allow either use, the only option for a zone amendment is the C3lp/rls designation. The proposed amendment would align the C3 zone with existing zones such as C4, and C7 (see attached Schedule "A").

The amendment would create two additional designations to the C3 - Community Commercial zone;

- C3rls - Community Commercial (Retail Liquor Sales)
- C3lp - Community Commercial (Liquor Primary)

With the proposed amendment City Staff and Council would have the opportunity to approve a zone amendment that only permits on use, excluding the other if necessary.

#### 5.0 Internal Circulation

The proposed text amendment was circulated to the following departments for comment, no concerns were noted:

Building & Permitting  
Bylaw Services  
Development Engineering Branch  
Policy & Planning  
RCMP  
Real Estate & Building Services Manager  
Information Services

#### 6.0 Existing Policy

The C3 zone currently permits principal uses of Liquor Primary and Retail Liquor Sales. An amendment to allow either use automatically permits the other.

#### 7.0 Considerations not applicable to this report

Financial/Budgetary Considerations  
Personnel Implications  
Alternate Recommendation  
Communications  
Legal/Statutory Authority:  
Legal/Statutory Procedural Requirements  
External Agency/Public Comments

Submitted by:

---

Tracey Yuzik, Planner

Approved for inclusion:



Ryan Smith,  
Community Planning Department Manager

**SCHEDULE "A"**  
**SUMMARY OF PROPOSED TEXT AMENDMENT**  
June 26, 2015

Zoning Bylaw No. 8000		
Section	Existing Text	Proposed Text
Commercial Zones Section 14.3	C3 - Community Commercial C3lp/rls - Community Commercial (Liquor Primary/Retail Liquor Sales)	C3 - Community Commercial <b>C3rls - Community Commercial (Retail Liquor Sales)</b> <b>C3lp - Community Commercial (Liquor Primary)</b> C3lp/rls - Community Commercial (Liquor Primary/Retail Liquor Sales)
Commercial Zones Section 14.3.2 (q)	liquor primary establishment, major (C3lp/rls only)	liquor primary establishment, major ( <b>C3 lp</b> and C3lp/rls only)
Commercial Zones Section 14.3.2(aa)	retail liquor sales establishment (C3lp/rls only)	retail liquor sales establishment ( <b>C3rls</b> and C3lp/rls only)
<i>Information provided below for context</i>		
Commercial Zones Section 14.4	C4 - Urban Centre Commercial C4rls - Urban Centre Commercial (Retail Liquor Sales) C4lp - Urban Centre Commercial (Liquor Primary) C4lp/rls - Urban Centre Commercial (Liquor Primary/Retail Liquor Sales)	
Commercial Zones Section 14.7	C7 - Central Business Commercial C7rls - Central Business Commercial (Retail Liquor Sales) C7lp - Central Business Commercial (Liquor Primary) C7lp/rls - Central Business Commercial (Liquor Primary/Retail Liquor Sales)	

**SCHEDULE "A"**  
**SUMMARY OF PROPOSED TEXT AMENDMENT**  
 June 26, 2015

**Zoning Bylaw No. 8000**

Section	Existing Text	Proposed Text
Commercial Zones Section 14.3	C3 - Community Commercial C3lp/rls - Community Commercial (Liquor Primary/Retail Liquor Sales)	C3 - Community Commercial <b>C3rls - Community Commercial (Retail Liquor Sales)</b> <b>C3lp - Community Commercial (Liquor Primary)</b> C3lp/rls - Community Commercial (Liquor Primary/Retail Liquor Sales)
Commercial Zones Section 14.3.2 (q)	liquor primary establishment, major (C3lp/rls only)	liquor primary establishment, major ( <b>C3 lp</b> and C3lp/rls only)
Commercial Zones Section 14.3.2(aa)	retail liquor sales establishment (C3lp/rls only)	retail liquor sales establishment ( <b>C3rls</b> and C3lp/rls only)
<i>Information provided below for context</i>		
Commercial Zones Section 14.4	C4 - Urban Centre Commercial C4rls - Urban Centre Commercial (Retail Liquor Sales) C4lp - Urban Centre Commercial (Liquor Primary) C4lp/rls - Urban Centre Commercial (Liquor Primary/Retail Liquor Sales)	
Commercial Zones Section 14.7	C7 - Central Business Commercial C7rls - Central Business Commercial (Retail Liquor Sales) C7lp - Central Business Commercial (Liquor Primary) C7lp/rls - Central Business Commercial (Liquor Primary/Retail Liquor Sales)	

# REPORT TO COUNCIL



**Date:** July 27, 2015  
**RIM No.** 1250-20  
**To:** City Manager  
**From:** Community Planning & Real Estate (TY)  
**Application:** OCP15-0009 & Z15-0026      **Owner:** City of Kelowna  
**Address:** 561 McKay Avenue      **Applicant:** City of Kelowna  
**Subject:** Official Community Plan Amendment & Rezoning Application

**Existing OCP Designation:** MRM - Multiple Unit Residential (Medium Density)  
MXR - Mixed Use (Residential / Commercial)

**Proposed OCP Designation:** MXR - Mixed Use (Residential / Commercial)

**Existing Zone:** RU6 - Two Dwelling Housing  
C4 - Urban Centre Commercial

**Proposed Zone:** C4 - Urban Centre Commercial

---

## 1.0 Recommendation

THAT Official Community Plan Bylaw Amendment No. OCP15-0009 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of Lot 1 District Lot 14 ODYD Plan EPP45951, located at 561 McKay Avenue, Kelowna, BC from the MRM - Multiple Unit Residential (Medium Density) designation to the MXR - Mixed Use (Residential / Commercial) as shown on Map "A" attached dated July 2, 2015, be considered by Council;

AND THAT Rezoning Application No. Z15-0026 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 District Lot 14 ODYD Plan EPP45951, located at 561 McKay Avenue, Kelowna, BC from the RU6 - Two Dwelling Housing zone to the C4 - Urban Centre Commercial zone as shown on Map "B" attached dated July 2, 2015, be approved by Council;

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

AND THAT final adoption of the Official Community Plan Amending Bylaw and the Rezoning Bylaw be considered subsequent to the requirements of the Development Engineering Branch completed to their satisfaction.

## 2.0 Purpose

To amend the future land use designation of the subject property from MRM - Multiple Unit Residential (Medium Density) to MXR - Mixed Use (Residential/Commercial), and to rezone the

subject property from RU6 - Two Dwelling Housing to C4 - Urban Centre Commercial in order to accommodate the development of non-accessory parking.

### **3.0 Community Planning**

Community Planning Staff supports the Official Community Plan (OCP) amendment and rezoning of the subject property as this application to expand an existing non-accessory parking lot meets the guiding principles of the South Pandosy Parking Plan approved June 23, 2014 (part of the larger Parking Management Strategy). These principles include providing additional long-term (longer than 2 hour maximum) off-street parking for employees in the Pandosy Urban Centre, and increasing pedestrian connectivity to parking areas. The proposed development will provide a total of 79 off-street parking spaces. Pedestrian connectivity is currently being enhanced with the construction of a new lane complete with sidewalks on both sides that connects McKay Ave to Osprey Avenue. A sidewalk will also be constructed along the road frontage of Osprey Avenue as part of this proposed development.

The proposed design put forth by Kelowna Parking protects an existing mature Maple tree on the north end of the property. Internal City departments worked together to design a site plan that maintains the integrity of the root system of the valuable tree while maximizing parking needs. The result is a substantial landscape buffer to the north, with narrower landscape buffers to the south and west side property lines.

A non-accessory parking lot on this subject property is seen to be a temporary development as the City is working towards a balance of alternative transit options that will reduce the reliance on vehicles. In the future the City would like to see development of multiple family residential with increased transit options in the Pandosy Urban Centre. In the meantime, this temporary parking area will help encourage use of Osprey Park & local businesses. As Kelowna moves forward with increased residential density and alternative transportation infrastructure (such as increased bus routes/stops), pedestrian connectivity and bicycle paths the need for employee parking in the area will decrease.

A long range goal of creating 1,200 medium density residential units by 2030 has proven to be an unachievable target as this density has developed at a current rate of 34 units per five year period. These units are directly related to parking because the units would decrease the need for transit as individuals could live in the area they work, encouraging a live/work/play ideal. As this urban centre evolves, this subject parking lot may be developed as per the C4 zone which the City sees as an achievable zone to further increase mixed-use in the area. Within the C4 zone, incentives exist to encourage residential units to further the City's goals for gaining residential density in this urban centre.

Though this parking lot is temporary in nature, amending the OCP and Zoning Bylaw No. 8000 is necessary as it has been determined that the non-accessory parking lot will be in place longer than six years, ruling out the possibility of a Temporary Use Permit application.

Overall the proposed parking lot allows for beautification of the property and use by the neighbourhood and employees of the urban centre, as well as act as a revenue generator until such time that future development happens on site.

## 4.0 Proposal

### 4.1 Background

Currently a non-accessory parking lot exists adjacent to Osprey Avenue and Osprey Park with a total of 43 stalls. The asphalt surface of the parking lot extends to the back of curb along Osprey Avenue creating a hard surface feel along the frontage. There is no sidewalk along the north side of Osprey Avenue on this subject block.



The City of Kelowna purchased 561 McKay Avenue, the parcel immediately to the north in November 2014. The purpose of this sale was two-fold: to connect McKay Avenue to Osprey Avenue with the construction of a lane, and to increase off-street parking stalls as part of the South Pandosy Parking Plan. Two single family homes built in the 1940's have been removed, and two trees remain on-site.

The asphalt surface for the current parking lot extends off of the subject property into Osprey Park to the east by approximately 5.0 m. The proposed design of the new parking lot layout extends the encroachment north. This OCP amendment and rezoning application applies only to the subject property as shown on Map "A". Any future development on the subject property will respect the current property lines.



## 4.2 Project Description

The proposed development will dedicate 1.6 m of frontage along Osprey Avenue to accommodate a 1.5 m wide sidewalk. A single vehicle access off of the new lane leads to 79 parking stalls. The layout of the hard surface parking lot retains an existing Maple tree, one of the two mature trees currently on site. It was through preliminary layout that internal Staff determined that the coniferous tree could not be retained if a goal to increase parking stalls was to be met. Designed around the mature Maple tree, the parking lot is situated on the south end the subject property to allow a larger buffer to the north where the Maple tree exists. Properties along the north side of this subject block require a 1.6 m dedication for a future City sidewalk. This dedication further restricts the buildable space on the property.

Kelowna's OCP guidelines regulate that 19 shade trees should be utilized on a site with 79 parking stalls (1 per 4 stalls). 15 new trees with the retention of one valuable mature tree is being proposed. This ratio is seen as an acceptable compromise to retain the mature Maple tree on site. A 1.6 m wide landscape island provides space for shade trees and plant material in the centre of the property.

The South Pandosy Parking Plan and OCP look to reduce car ownership and reduce vehicle trips. Kelowna Parking has a lease agreement with OGO Car Share Co-op Kelowna for one parking space and will continue with the agreement. Currently OGO Car Share has 160 members in Kelowna that utilize six vehicles parked throughout the City.

It should be noted that the water and sewer are not being upgraded at this time as the development of a parking lot does not trigger such upgrades. Future development that may meet the C4 zone would potentially trigger water and sewer upgrades.

In keeping with the desire to increase transit in all forms in this urban centre, sidewalks are being installed along Osprey Avenue and the new lane, increasing open views down the new lane on this block.

A non-accessory parking use in the Pandosy Urban Centre requires a 3.0 m, Level II landscape buffer. The City of Kelowna is seeking a variance to the front and side yard setbacks from the minimum 3.0 m width landscape buffer to the following; a front yard setback of 0.7 m, a side yard setback (west) of 0.9m and side yard setback (east) of 0.0m. The proposed front yard buffer of 0.7 m between the back of City sidewalk and back of curb on site will be planted with dense perennials and shrubs. As this is a narrow space for plant material to thrive, curb stops will be placed along the adjacent parking spaces to ensure vehicle overhang does not impede vegetation. The side yard setback to the west proposed at 0.9 m will be treated with a crushed aggregate.

## 4.3 Site Context

The subject property is located on the north side of Osprey Avenue between Pandosy Street and Richter Street and extends north to McKay Avenue in the South Pandosy sector of Kelowna. The property is currently zoned RU6 - Two Dwelling Housing, identified in Kelowna's OCP as MRM, and is within the Permanent Growth Boundary.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C4 - Urban Centre Commercial	Commercial Office Building
East	P3 - Parks and Open Space	Osprey Park
South	C4 - Urban Centre Commercial	Commercial Office Building
West	RU6 - Two Dwelling Housing C4 - Urban Centre Commercial	Vacant Lot Commercial Retail Building

Subject Property Map: 561 McKay Ave



4.4 Zoning Analysis Table

This table identifies variances that will be applied for during the Development Permit application stage of this development should this OCP and Rezoning application receive approval.

Zoning Analysis Table		
CRITERIA	C4 ZONE REQUIREMENTS	PROPOSAL
Existing Lot / Subdivision Regulations		
Minimum Lot Area	460 m <sup>2</sup>	2,161.9 m <sup>2</sup>
Minimum Lot Width	13.0 m	33.9 m
Minimum Lot Depth	30.0 m	63.3 m
Development Regulations		
Maximum Height	m	n/a
Minimum Front Yard	Level 2 Buffer (min 3.0 m width)	0.7 m ❶
Minimum Side Yard (west)	Level 2 Buffer (min 3.0 m width)	0.9 m ❷
Minimum Side Yard (east)	Level 2 Buffer (min 3.0 m width)	<i>existing</i> -0.0 m (extends into neighbouring park) ❸
Minimum Rear Yard	Level 2 Buffer (min 3.0 m width)	3.1 m
Maximum Site Coverage	75%	n/a
Other Regulations		
Minimum Parking Requirements	n/a	79
Minimum Bicycle Parking	n/a	0
Required Shade Trees	1 per 4 parking stalls 79 stalls = 19 shade trees	15 shade trees + retention of 1 high value existing mature Maple tree
❶ Indicates a requested variance to Front Yard Landscape Buffer ❷ Indicates a requested variance to Side Yard Setback (west) ❸ Indicates a requested variance to Side Yard Setback (east)		

## 5.0 Current Development Policies

### 5.1 South Pandosy Parking Plan

#### Improve Pedestrian Access to and From New Parking Lots.<sup>1</sup>

There will be a need to improve pedestrian routes to ensure safe, efficient, and attractive pedestrian connections from the parking lots to Pandosy Street.

#### Guiding Principals<sup>2</sup>

Focus on excellent short-term parking management to support higher turnover while maintaining a governing role in long-term parking solutions.

The parking system will continue to pay for itself (will operate under a user-pay cost recovery model) The South Pandosy Neighbourhood Strategy shall locate pay parking stations and set parking rates for on-street parking in the core commercial and employment areas, as well as in public off-street lots; as to support the costs of operations and maintenance.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

- Building Permit required for the paved parking lot and irrigation system

### 6.2 Development Engineering Department

- See attached Memorandum dated June 29, 2015

### 6.3 FortisBC Inc Electric

- There are primary distribution facilities along McKay and Osprey Avenues, and within the lane to the west of the subject property. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

### 6.4 IPLAN-Parks & Public Places

- Proposed parking lot includes one row of 20 parking stalls on parkland east of the subject property. These stalls are considered to be temporary in nature and the parkland on which they are proposed must not be considered as part of this re-zoning and OCP amendment application.

## 7.0 Application Chronology

Date of Application Received: May 25, 2015  
Date Public Consultation Completed: July 14, 2015

---

<sup>1</sup> City of Kelowna South Pandosy Neighbourhood Parking Strategy, 3.1 (Reducing Demand).

<sup>2</sup> City of Kelowna South Pandosy Neighbourhood Parking Strategy, 3.3 (Guiding Principle).

**Report prepared by:**

---

Tracey Yuzik, Planner

**Reviewed by:**

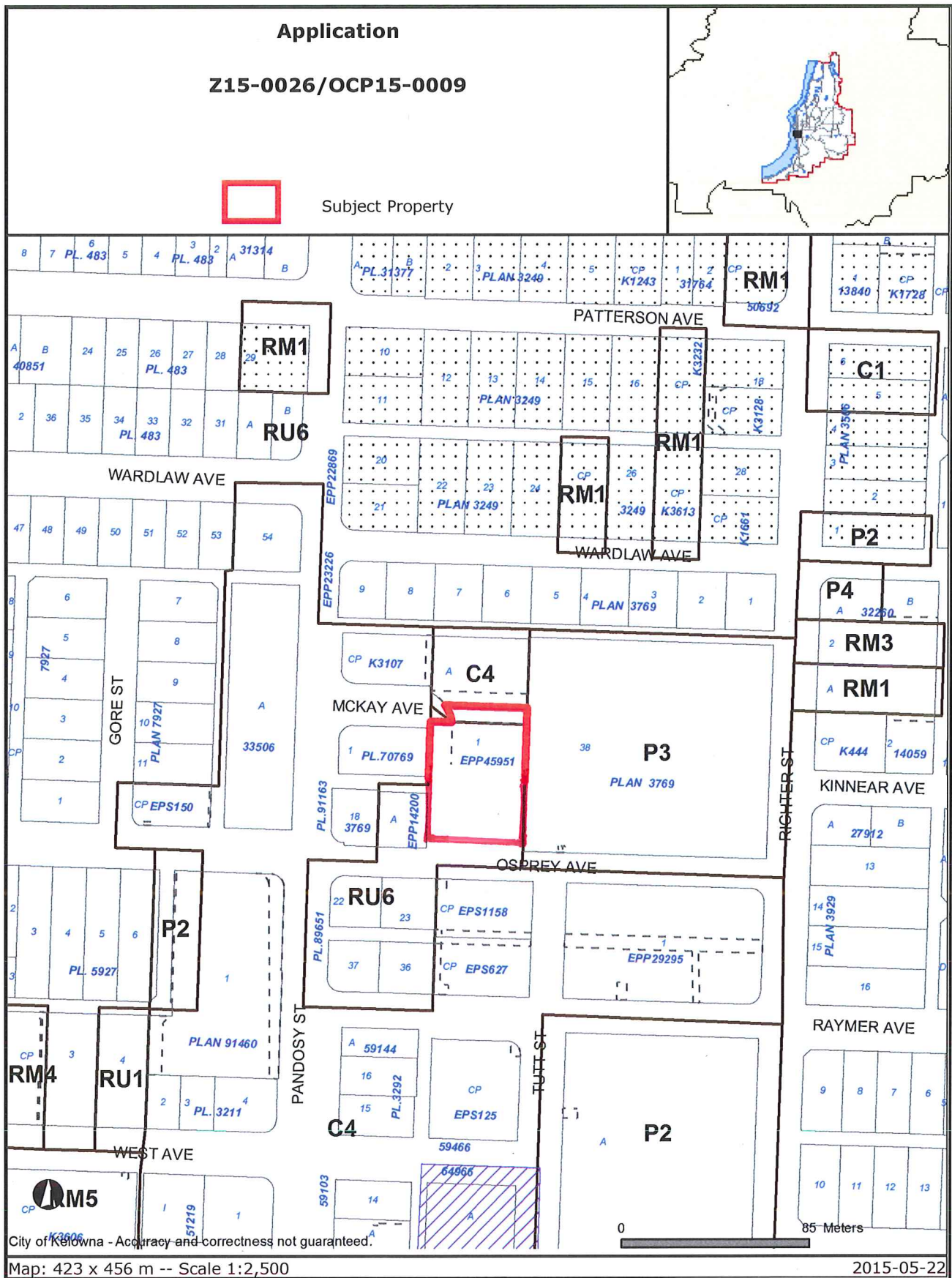
Lindsey Ganczar, Planning Supervisor

**Approved for Inclusion:**

Ryan Smith, Community Planning Department Manager

**Attachments:**

Subject Property Map  
OCP Amending Map "A"  
Zone Amending Map "B"  
Proposed Site Plan  
Proposed Landscape Plan  
Development Engineering Memorandum



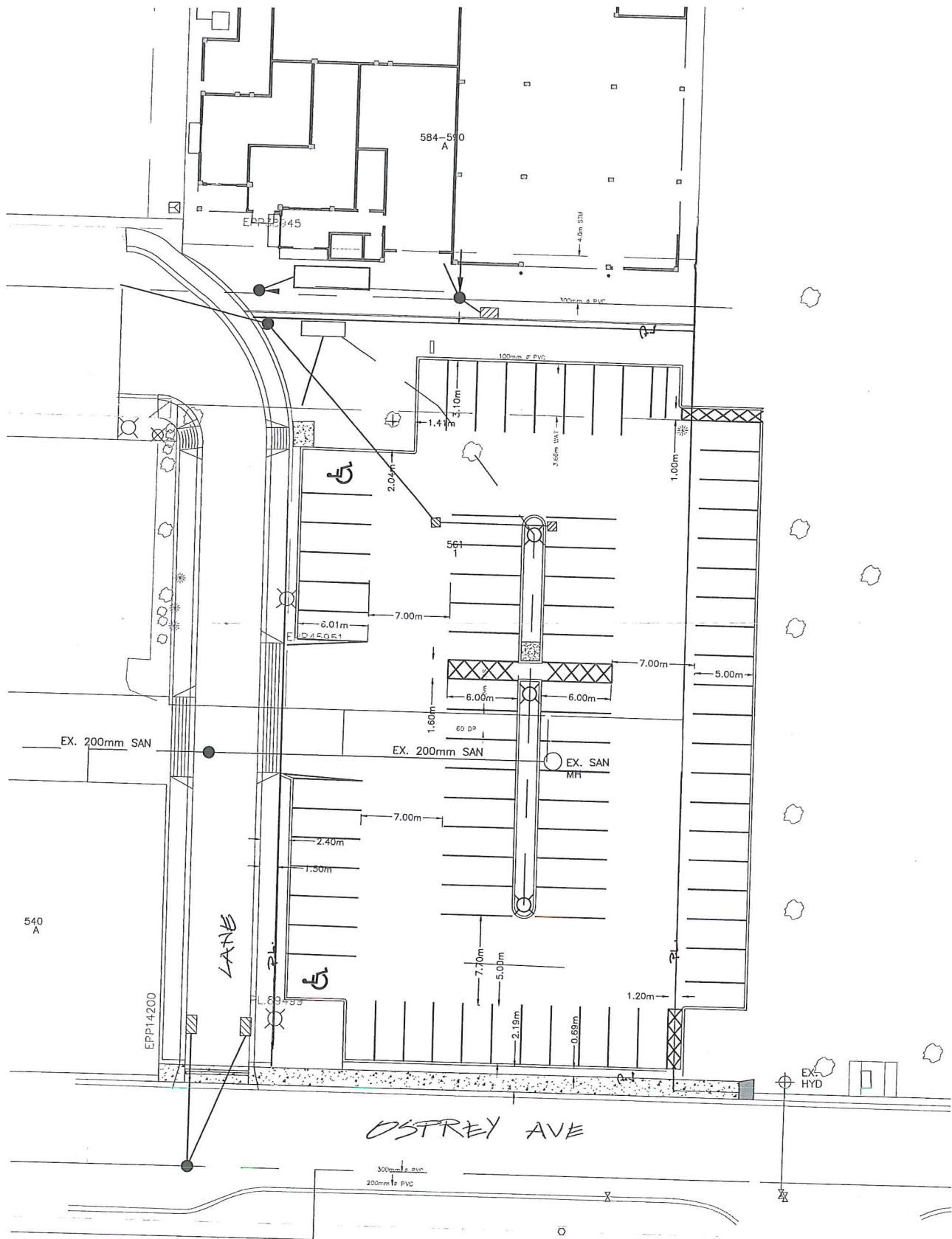
City of Kelowna - Accuracy and correctness not guaranteed.

Map: 423 x 456 m -- Scale 1:2,500

2015-05-22

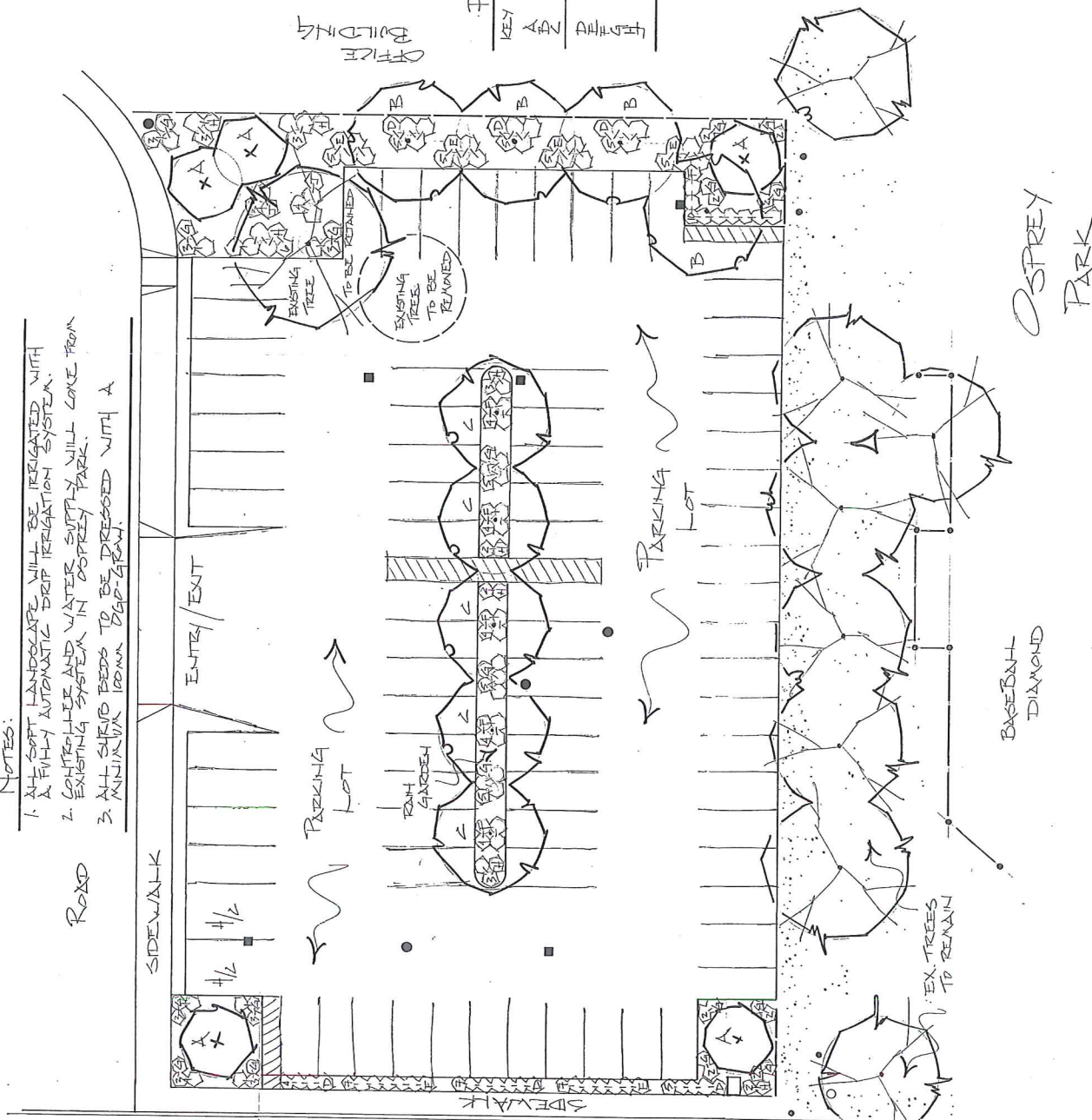
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.



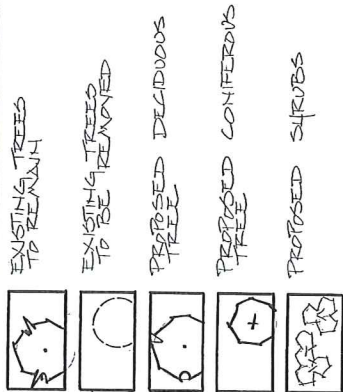


**NOTES:**

1. THE SOFT LANDSCAPE WILL BE IRRIGATED WITH A FULLY AUTOMATIC DRIP IRRIGATION SYSTEM.
2. CONTROLLERS AND WATER SUPPLY WILL COME FROM EXISTING SYSTEM IN OSPREY PARK.
3. ALL SPRINK BEDS TO BE PRESSED WITH A MINIMUM 100MM DGP-GRAV.



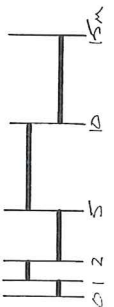
**LEGEND**



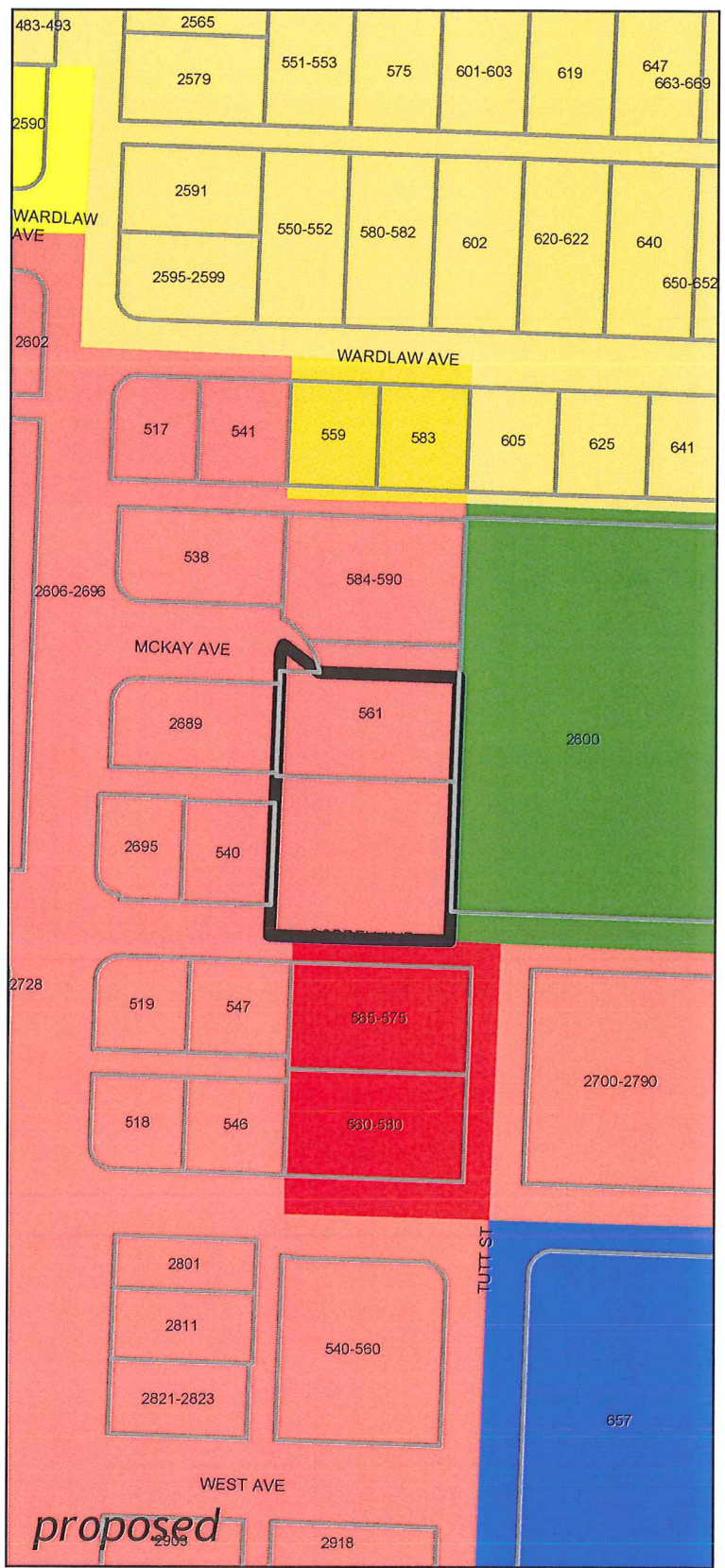
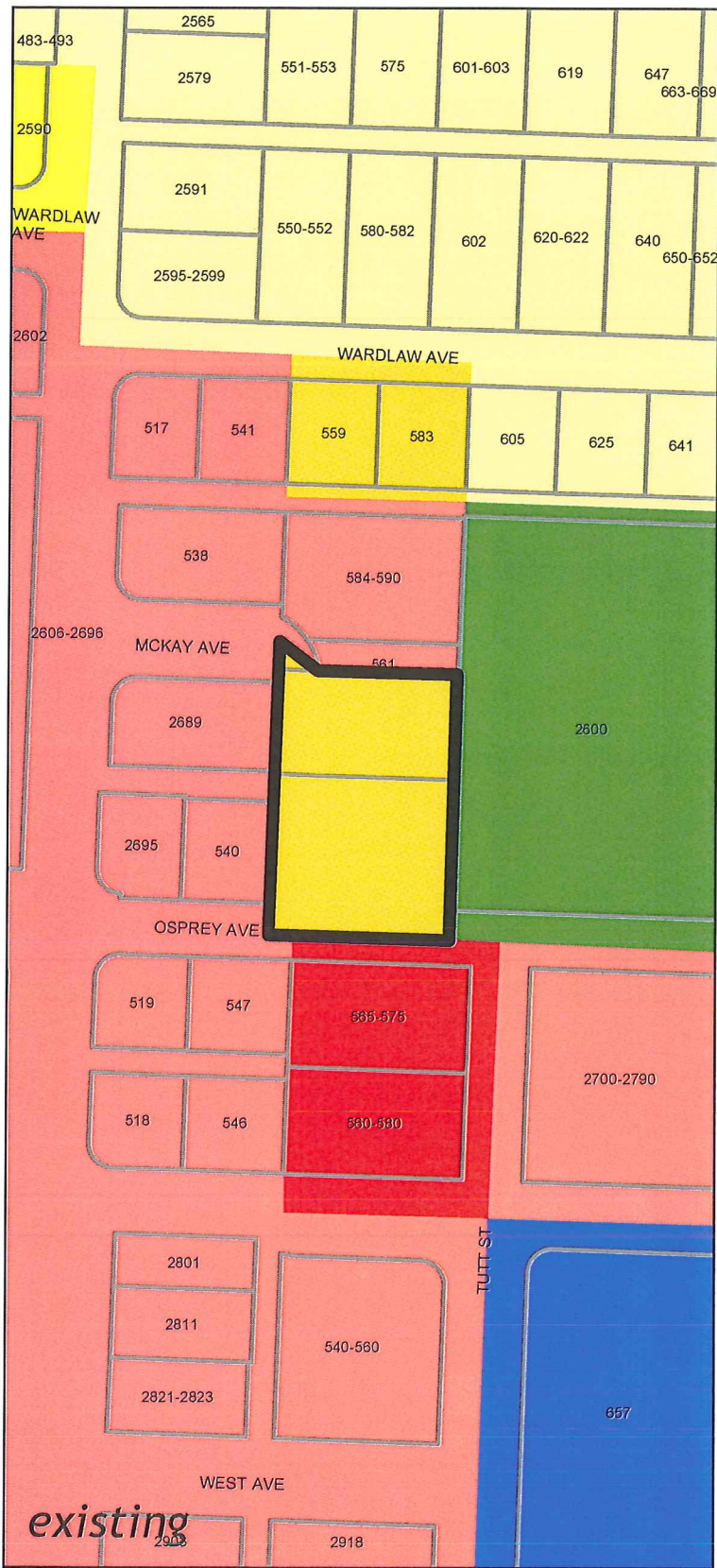
**PLANT LIST**

KEY	AMT.	BOTANICAL	COMMON	ZONE	SIZE
A	5	PRUNUS NIGRA	AUSTRIAN PINE	20m H	20m H
B	1	FRAXINUS AMERICANA	AMERICAN LARCH	10m H	10m H
C	1	ALNUS ROBURA	REDSPRITE MAPLE	10m H	10m H
D	3	EUCALYPTUS ALATA	DWARF BURRUM BUSH	2m H	2m H
E	3	ROSA RUGOSA	MEDICAL BUSH	2m H	2m H
F	3	HEXAGONALIS	STELLA D'OR DAYLILY	1m H	1m H
G	3	MANDARINA	BUE THAI SHAL ANEMONE	1m H	1m H
H	3	PANICUM VIRGATUM	RED SWITCH GRASS	1m H	1m H
I	3	PRUNUS AVEPES PONILID	DWARF MOUNTAIN PINE	2m H	2m H

PARKING LOT - OSPREY AVENUE  
 LANDSCAPE PLAN  
 1:125  
 T.N.A.







## MAP "A" OCP AMENDMENT OCP15-0009

- |   |   |
|---|---|
| <b>OCP Amendment Change</b>   | <span style="display: inline-block; width: 15px; height: 15px; background-color: red; border: 1px solid black;"></span> Commercial                                  |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> MRM to MXR                             | <span style="display: inline-block; width: 15px; height: 15px; background-color: lightyellow; border: 1px solid black;"></span> Mixed Use Residential (Low Density) |
| <b>Future Land Use Land Use Code</b>  | <span style="display: inline-block; width: 15px; height: 15px; background-color: lightblue; border: 1px solid black;"></span> Education / Institutional             |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> Mixed Use Residential (Medium Density) | <span style="display: inline-block; width: 15px; height: 15px; background-color: pink; border: 1px solid black;"></span> Mixed Use (Residential / Commercial)       |
|   | <span style="display: inline-block; width: 15px; height: 15px; background-color: green; border: 1px solid black;"></span> Major Park and Open Space                 |
|   | <span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> Single / Two Unit Residential            |

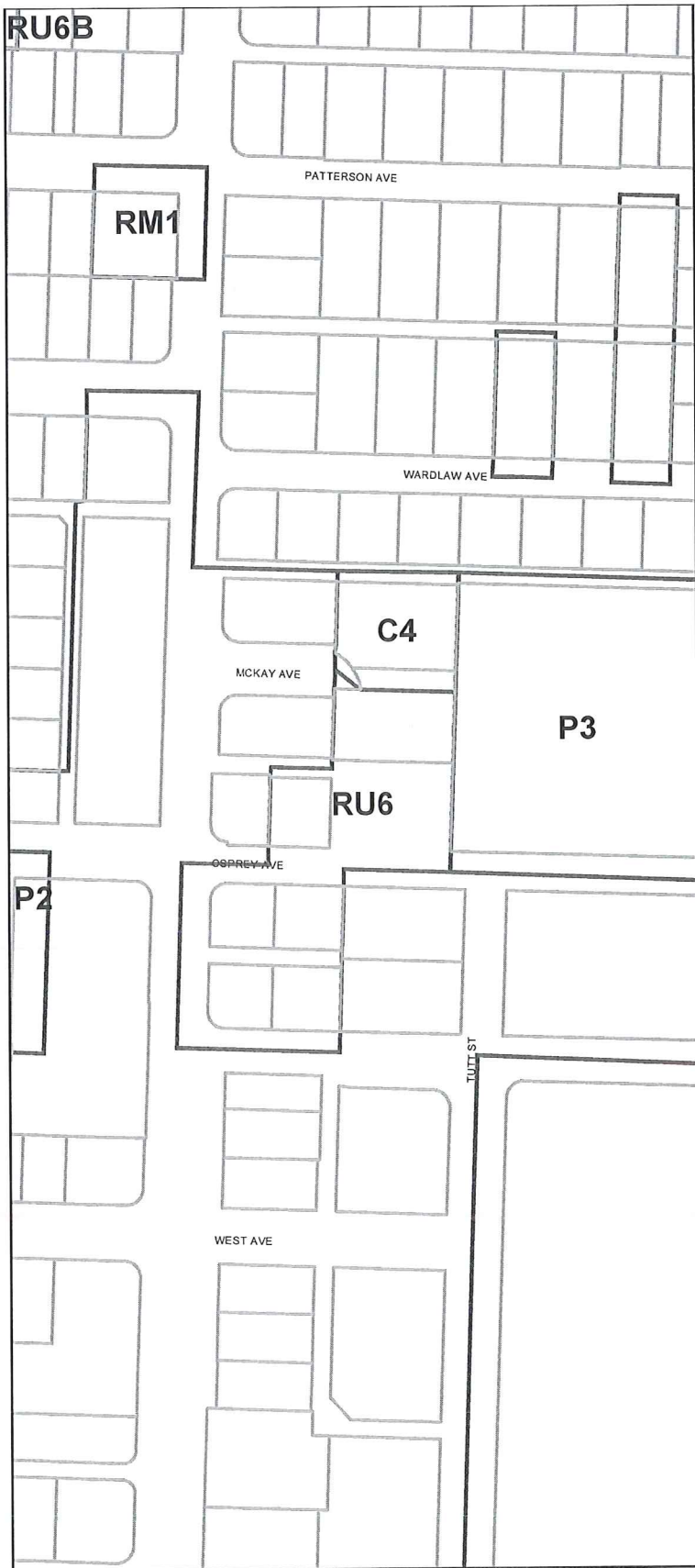
This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

0 20 40 Metres

Rev. Wednesday, July 2, 2015







**MAP "B" ZONING BYLAW AMENDMENT**  
**Z15-0026**

**Legend**

**Change**

 RU6 to C4

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

0 30 60 Metres

Rev. Wednesday, July 2, 2015



---

## CITY OF KELOWNA

# MORANDUM

---

**Date:** June 29, 2015  
**File No.:** Z15-0026  
**To:** Urban Planning (TY)  
**From:** Development Engineering Manager(SM)  
**Subject:** 561 McKay Ave

C4

---

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

The Development Engineering Technologist for this project is Sergio Sartori

.1) Domestic Water and Fire Protection

- a) The development site will be serviced with a 150mm water service. The developer's consulting mechanical engineer will determine the domestic, fire protection requirements of this proposed development and establish hydrant requirements and service needs. This service will be suitable for the temporary surface parking lot.

.2) Sanitary Sewer

- a) The development site will be serviced with a 200mm-diameter sanitary sewer service. This service will be suitable for the temporary surface parking lot.

.3) Storm Drainage

- a) The development site will be serviced with a 150mm diameter storm overflow service. This service will be suitable for the temporary surface parking lot.
- (b) The developer must engage a consulting civil engineer to provide a storm water management plan for these sites which meets the requirements of the City Subdivision Development and Servicing Bylaw 7900. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), if applicable, and provision of a storm drainage service and recommendations for onsite drainage containment and disposal systems.

.4) Road Improvements

- (a) Osprey Avenue fronting this development must be upgraded to an urban standard to include a concrete sidewalk, and relocation or adjustment of existing utility appurtenances if required to accommodate the upgrading construction. The estimated cost of the road improvements for bonding purposes is **\$4,900.00**


.5) Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- a) Dedicate 1.5m width along the full frontage of Osprey Ave. This has been completed as part of S15-0028.
- b) Grant statutory rights-of-way if required for utility services.

.6) Electric Power and Telecommunication Services

The electrical and telecommunication services to this site as well as the local distribution wiring must be installed in an underground duct system, and the building must be connected by underground ducting. 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.



A handwritten signature in black ink, appearing to read 'Steve Muenz', is written over a horizontal line. The signature is stylized with a large, looped initial 'S' and a series of vertical strokes for the letters 'Muenz'.

Steve Muenz, P. Eng.  
Development Engineering Manager  
SS

---

CITY OF KELOWNA

MEMORANDUM

---

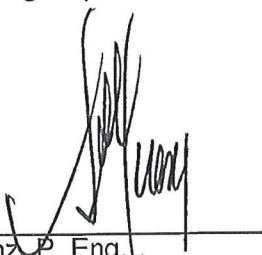
**Date:** June 29, 2015  
**File No.:** OCP15-0009  
**To:** Urban Planning (TY)  
**From:** Development Engineer Manager (SM)  
**Subject:** 561 McKay Ave

---

The Development Engineering comments and requirements regarding this OCP amendment application are as follows:

1. **General.**

- a) All the offsite infrastructure and services upgrades are addressed in the Rezoning Engineering Report under file Z15-0026.



---

Steve Muenz, P. Eng.  
Development Engineering Manager

SS

# REPORT TO COUNCIL



**Date:** July 13, 2015  
**RIM No.** 1250-30  
**To:** City Manager  
**From:** Community Planning, Community Planning & Real Estate (LG)  
**Application:** Z15-0017  
**Address:** 310 Mugford Road  
**Subject:** Rezoning Application  
**Existing OCP Designation:** S2RES - Single/Two Unit Residential  
**Existing Zone:** RU1 - Large Lot Housing  
**Proposed Zone:** RU2 - Medium Lot Housing

**Owners:** Harjinder Kaur Malhi  
Jaswinder Singh Malhi  
Swaran Singh Malhi  
**Applicant:** Jaswinder Singh Malhi

---

## 1.0 Recommendation

THAT Rezoning application No. Z15-0017 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B Section 26 Township 26 ODYD Plan 27494 located at 310 Mugford Road, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing zone NOT be considered by Council.

## 2.0 Purpose

To consider a staff recommendation NOT to rezone the subject parcel to allow a subdivision into two lots.

## 3.0 Community Planning

Community Planning Staff does not support the proposed rezoning application. The purpose of this rezoning application is to allow the subject parcel to be subdivided into two lots. The lot is not wide enough to be split into two under the current RU1 zone rules, therefore the applicant is proposing to rezone to RU2.

The proposed lot widths are 12.95m where the minimum required in RU2 is 13.00m. These measurements only meet the subdivision requirements of the RU3 - Small Lot Housing zone; however RU3 lots require rear lanes and there is no rear lane adjacent to this parcel. As a result, the applicant is seeking RU2 zoning with variances to lot width, (or otherwise seeking RU3 zoning without the requirement for rear lane access).

Required Minimum Lot Width	
RU1	16.5m
RU2	13.0m
RU3	8.5m
Proposed Subdivided Lots	
RU2	12.95m (variance of -0.05m)
<b>or</b>	
RU3	variance to lane requirement

Rezoning to either RU2 or RU3 will require variances to the Zoning Bylaw. As such, the subject property is not large enough, or sited properly, to subdivide to the current subdivision standards in Kelowna.

Community Planning is in favour of redevelopment that increases residential densities in and around Kelowna’s Urban Centres; however, the Department cannot support development that is contrary to the OCP’s urban design guidelines and sacrifices general design principles.

#### 4.0 Proposal

##### 4.1 Background

On October 27, 2014, City Council adopted amendments to the RU3 zone that requires new RU3 lots to have rear lane access. The purpose of this amendment was to recognize that proposals for residential development without rear lane access in this zone resulted in front driveways that were nearly as wide as the minimum lot width (8.50m). The approved text amendment also upholds the Official Community Plan urban design guidelines for pedestrian access and streetscapes.

##### 4.2 Project Description

The proponent made an application to rezone the subject parcel from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing zone to facilitate a two-lot subdivision. The application is accompanied by a Development Variance Permit to vary the required lot width in the RU2 zone, as well as a subdivision application to finalize the process.

No future buildings plans were included with the application.

##### 4.3 Site Context

The subject property is located on the north side of Mugford Road, between Rutland Road and Laurel Road. The site is located within the Rutland Sector and is within the Revitalization Development Permit Area.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM3 - Low Density Multiple Housing	MRL - Multiple Unit Residential (Low Density)
East	RU1 - Large Lot Housing	S2RES - Single/Two Unit Residential
South	RU1 - Large Lot Housing	S2RES - Single/Two Unit Residential
West	RU1 - Large Lot Housing	S2RES - Single/Two Unit Residential



Subject Property Map:



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU2 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	400m <sup>2</sup> per lot	442.01m <sup>2</sup> per lot
Min. Lot Width	13.0m per lot	12.95m per lot <span style="color: red;">❶</span>
Min. Lot Depth	30.0m per lot	34.14m per lot
Development Regulations		
Max. Building Coverage	40%	unknown
Max. Height	9.5m	unknown
Min. Front Yard	4.5m	unknown
Min. Side Yard (west)	1.5-1.8m	unknown
Min. Side Yard (east)	1.5-1.8m	unknown
Min. Rear Yard	6.0-7.5m	unknown
Other Regulations		
Minimum Parking Requirements	2 stalls	unknown
Private Open Space	35m <sup>2</sup>	unknown

❶ Indicates a requested variance to lot width.

## **5.0 Current Development Policies**

### **5.1 Kelowna Official Community Plan (OCP)**

#### **Chapter 14 - Urban Design DP Guidelines**

<sup>1</sup> Prioritize the safe and convenient movement of pedestrians above all other modes of transportation.

<sup>2</sup> Avoid large expanses of parking.

<sup>3</sup> Ensure vehicular and service access has minimal impact on the streetscape.

<sup>4</sup> Avoid vehicle access from arterial and collector roads and from those roads with a prominent streetscape.

<sup>5</sup> Minimize the width and area of driveways and impervious surfaces.

## **6.0 Technical Comments**

### **6.1 Building & Permitting Department**

No comments.

### **6.2 Development Engineering Department**

See attached memorandum dated May 4, 2015.

## **7.0 Application Chronology**

Date of Application Received: March 19, 2015

## **8.0 Alternate Recommendation**

THAT Rezoning application No. Z15-0017 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B Section 26 Township 26 ODYD Plan 27494 located at 310 Mugford Road, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing zone 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 requirements of the Development Engineering Department being completed to their satisfaction.

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

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

---

<sup>1</sup> City of Kelowna Official Community Plan, Policy 8.1 (Chapter 14 - Comprehensive Development Permit Area).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 8.9 (Chapter 14 - Comprehensive Development Permit Area).

<sup>3</sup> City of Kelowna Official Community Plan, Policy 8.10 (Chapter 14 - Comprehensive Development Permit Area).

<sup>4</sup> City of Kelowna Official Community Plan, Policy 8.12 (Chapter 14 - Comprehensive Development Permit Area).

<sup>5</sup> City of Kelowna Official Community Plan, Policy 1.7 (Chapter 14 - Intensive Residential - Character Neighbourhood).



**Report prepared by:**

---

Lindsey Ganczar  
Planning Supervisor

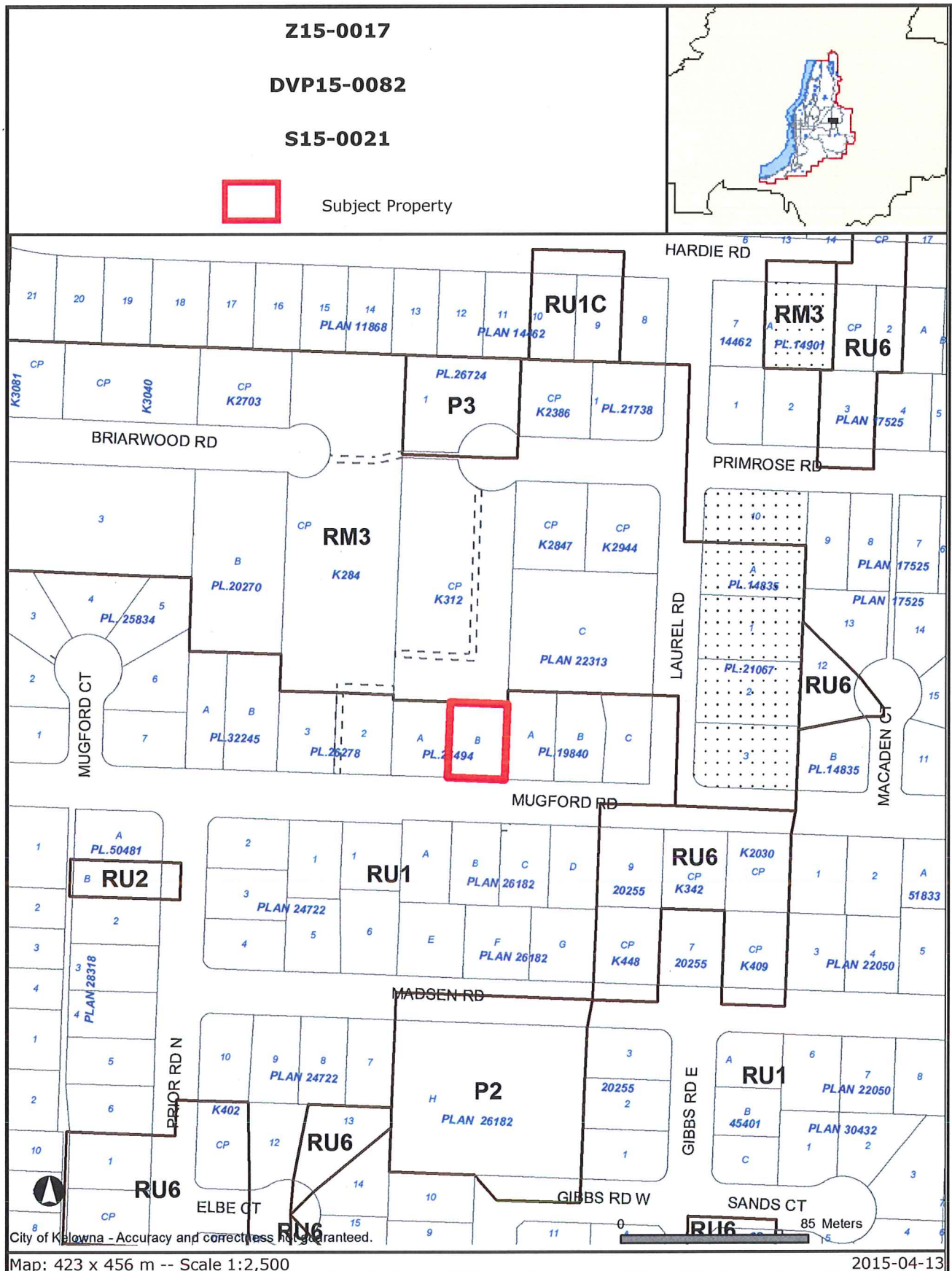
**Reviewed by:**



Ryan Smith, Community Planning Department Manager

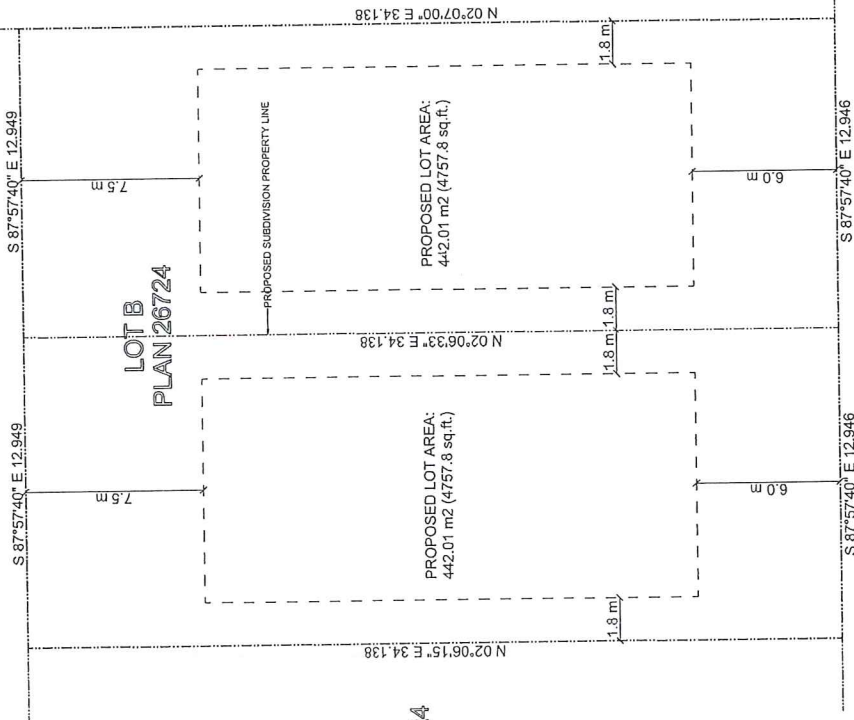
**Attachments:**

Subject Property Map  
Site Plan  
Development Engineering Memorandum



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

**LOT 2  
PLAN 26724**



**ZONING CONFORMANCE TABLE**  
RUBz - Medium Lot Housing with Secondary Suite

	REQUIRED	PROVIDED
LOT WIDTH	13 m	12.98 m
LOT DEPTH	34 m	34.13 m
LOT AREA	442 m <sup>2</sup>	442.01 m <sup>2</sup>

**LOT A  
PLAN 19840**



**MUGFORD ROAD**

**SITE PLAN**

SCALE 200:1  
CIVIC ADDRESS: 310 MUGFORD ROAD, KELOWNA, BC  
LEGAL DESCRIPTION: LOT B, PLAN 26724

---

## CITY OF KELOWNA

### MEMORANDUM

---

**Date:** May 4, 2015  
**File No.:** Z15-0017  
**To:** Urban Planning (LG)  
**From:** Development Engineer Manager (SM)  
**Subject:** 310 Mugford Road – Lot B, Plan 27494, Section 26, Twp. 26, ODYD

---

Development Engineering comments and requirements regarding this application to rezone from RU1 to RU2 are as follows:

1. Subdivision

Provide easements as may be required

2. Geotechnical Study.

We recommend that a comprehensive geotechnical study be undertaken over the three proposed building sites. The geotechnical study should be undertaken by a Professional Engineer or a Geoscientist competent in this field. This study should analyse the soil characteristics and suitability for development of the requested zoning. As well, the study should address drainage patterns including the identification of ground water and the presence of any springs and the suitability of the lands for disposal of site generated storm drainage. In addition this study must describe soil sulphate contents, the presence or absence of swelling clays and the recommendation for construction over old decommissioned sewage disposal fields should they encroach on the proposed building envelopes.

3. Domestic water and fire protection.

This development is within the service area of the Rutland Waterworks District (RWD). The developer is required to make satisfactory arrangements with the RWD for these items. All charges for service connection and upgrading costs are to be paid directly to the RWD. The developer is required to provide a confirmation that the district is capable of supplying fire flow in accordance with current requirements. A second service is required to meet current policy for Duplex properties.

4. Sanitary Sewer.

The property is located within Specified Area # 20 and 1 SFE (Single Family Equivalent) has been cashed commuted in 2005. This rezoning application does not trigger additional Specified Area charges, however, one unit will have to be paid out at the time of the subdivision.

.../2



6. Road improvements.

Mugford Road must be upgraded to a full urban standard in accordance with Bylaw 7900 including a sidewalk curb and gutter, piped storm drainage system, fillet pavement, street lights, and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction. The cost of this frontage upgrade is estimated at **\$18,500.00** and is inclusive of a bonding escalation.

7. Engineering.

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.

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.
- 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 Branch. 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 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.

.../3

10. Bonding and Levies Summary.

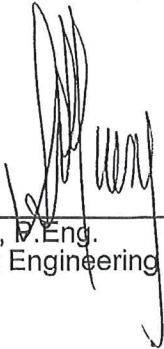
a) Performance Bonding

Mugford Road frontage upgrade **\$18,500.00**

Note that the applicant is not required to do the construction. The construction can be deferred and the City will initiate the work later at its own construction schedule, the cost would be reduced to **\$13,115.00.** and the Inspection & Admin fee would be waved

b) levies

Inspection and Admin. fee **\$504.00** (\$480.00 + \$24.00 GST)



\_\_\_\_\_  
Steve Muenz, P.Eng.  
Development Engineering Manager

B<sup>2</sup>



## 2.0 Purpose

To rezone the subject properties to allow for the development of townhouses.

## 3.0 Community Planning

Urban Planning Staff supports the proposal to rezone the subject parcels in order to allow for a 12-unit townhouse development. The Future Land Use of the parcels is MRL - Multiple Unit Residential (Low Density), therefore the application to rezone the parcels is in compliance with the Official Community Plan. The project meets many objectives of the Revitalization Development Permit Area. The architectural design of the buildings fit within the neighbourhood context and will improve the Rutland Road streetscape.

## 4.0 Proposal

### 4.1 Background

The applicant is proposing a 12-unit townhouse development on the three subject properties. The two parcels along Rutland Road have been vacant for an extended period of time. The parcel fronting on Mugford Road has an existing single family dwelling which will remain as part of the development.

The proposed development will require the use of the rear lane, which is accessed from Mugford Road and connects to Rutland Road. To date, the lane has been dedicated, but has not been constructed. Currently there is an accessory building within the laneway at the rear of 375 Rutland Road. In 1963, the Department of Highways issued a License of Occupation to the original owner which allowed the accessory building to remain until such time that the use of the lane was deemed necessary. On August 10, 2010, The City of Kelowna Real Estate & Building Services Department issued a letter to the current owners which included a Building Location Certificate. The letter indicates the laneway encroachment (accessory building) may remain until it is deemed necessary to remove it.

The proposed development will require the use of the rear lane for primary access to on-site parking and for emergency vehicle access. Community Planning and Real Estate Services staff have been working with both the applicant and the property owner of 375 Rutland Road to come to an amicable resolution for the removal of the encroaching structure.

### 4.2 Project Description

The east parcel, 140 Mugford Road, contains an existing single family dwelling which will remain. Located to the north of the existing house will be two semi-detached dwellings with single car garages accessed from the lane. Driveways provide an additional parking space required for each unit. Two visitor parking stalls are located north of the existing dwelling.

The two parcels, 405 and 425 Rutland Road, will contain two 4-unit rowhouses. Site access will be from the laneway to a shared private road which the rowhouses face onto. All buildings are two storey, ground oriented with attached single car garages. Eight additional parking stalls are





provided on the west side of the lane to meet the Zoning Bylaw requirement for parking. The initial development design does not require any Zoning Bylaw variances.

The development contains numerous trees for both shade and privacy. Each unit provides green space in both the front and rear yards. Pedestrian access is provided between units with a primary access provided at Rutland Road. The siting of the building includes ground oriented housing units, site access from the lane and a pedestrian friendly streetscape with pedestrian linkages.

The development will be unique because parcels which are separated by a lane are required to have separate stratas. Utilities cannot cross a public lane. The Mugord Road property will be a five unit strata and the Rutland Road parcels will be an 8-unit strata.

### 4.3 Site Context

The subject properties are located in the Rutland Urban Centre. The parcels have a Future Land Use designation of MRL - Multiple Residential (Low Density) in the Official Community Plan and the properties are located within the Permanent Growth Boundary.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM3 - Low Density Multiple Housing	Multiple Dwelling Housing
East	RU1 - Large Lot housing	Single Detached Dwelling
South	RU1 - Large Lot housing P2 - Education and Minor Institutional	Single Detached Dwelling Religious Assembly (vacant & unused)
West	RU1 - Large Lot housing	Single Detached Dwelling

### Subject Property Map:



## 4.4 Zoning Analysis Tables

Zoning Analysis Table		
CRITERIA	RM2 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	1000m <sup>2</sup>	1634m <sup>2</sup>
Min. Lot Width	30m	18.28m*
Min. Lot Depth	30m	89.40m
Development Regulations		
Floor Area Ratio	0.80 (with bonusing)	.53
Max. Site Coverage (Buildings only)	50%	33%
Max. Site Coverage (Buildings, Driveways & Parking)	55%	51%
Height	Lessor of 9.5m or 2 ½ storeys	8.0m / 2 storeys
Min. Front Yard (south)	4.5m	7.5m
Min. Side Yard (east)	4.0m	4.5m
Min. Side Yard (west)	4.0m to dwelling 6.0m to garage	4.5m 7.5m
Min. Rear Yard (north)	6.0m	7.5m
Other Regulations		
Min. Parking Requirements**	10 stalls	12 stalls (2 visitor stalls)
Min. Private Open Space	25m <sup>2</sup> / dwelling	50m <sup>2</sup>
Min. Distance Between Buildings	3m	7.5m
* Existing non-conforming parcel width		
**Includes parking stalls required for the existing single detached dwelling		

Zoning Analysis Table		
CRITERIA	RM3 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	900m <sup>2</sup>	1672m <sup>2</sup>
Min. Lot Width	30m	45.72m
Min. Lot Depth	30m	36.58m
Development Regulations		
Floor Area Ratio	0.85 (with bonusing)	.59
Max. Site Coverage (Buildings only)	40%	34%
Max. Site Coverage (Buildings, Driveways & Parking)	60%	55%
Height	Lessor of 10m or 3 storeys	8.0m / 2 storeys
Min. Front Yard (west)	4.5m	4.5m
Min. Side Yard (north)	1.2m	4.5m
Min. Side Yard (south)	4.0m	4.5m
Min. Rear Yard (east)	3.0m	7.7m
Other Regulations		
Min. Parking Requirements	16 stalls	16 stalls
Min. Private Open Space	25m <sup>2</sup> / dwelling	26m <sup>2</sup>

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Compact Urban Form.**<sup>1</sup> Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

**Sensitive Infill.**<sup>2</sup> Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height, and siting.

#### Relevant Development Permit Guidelines

**Ch14 / S1.6** - Provide generous outdoor spaces, including rooftops, balconies, patios and courtyards, to allow residents to benefit from the favourable Okanagan weather;

**Ch.14 / S2.3** - Design new multi-storey buildings to transition in height where the OCP land use designation provides for smaller structures on adjoining lots;

**Ch.14 / S.3.2** - Develop visual and physical connections between the public street and private buildings (e.g. patios and spill-out activity, views to and from active interior spaces, awnings and canopies);

**Ch.14 / S.4.2** - Ensure developments are sensitive to and compatible with the massing of the established and/or future streetscape;

**Ch.14 / S.5.1** - Design for human scale and visual interest in all building elevations. This can be achieved principally by giving emphasis to doors and windows and other signs of human habitation relative to walls and building structure;

**Ch.14 / S.6.4** - Use materials in combination to create contrast, enhance human scale, and reduce the apparent bulk of the building;

**Ch.14 / S.8.8** - Locate parking areas to the rear of buildings, internal to the building, or below grade;

**Ch.14 / S.8.12** - Avoid vehicle access from arterial and collector roads and from those roads with a prominent streetscape;

**Ch.14 / S.8.12** - Incorporate decks, balconies and common outdoor amenity spaces into developments;

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

**6.0 Technical Comments**

**6.1 Building & Permitting Department**

- 1) Demolition permits are required for any existing structures
- 2) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
- 3) A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application.
- 4) Full Plan check for Building Code related issues will be done at time of Building Permit applications.
- 5) Please indicate how the requirements of Radon mitigation and NAFS are being applied to this structure

**6.2 Development Engineering Department**

Refer to attached Memorandum dated May 25, 2015

**7.0 Application Chronology**

Date of Application Received:	March 11, 2015
Date Amended Plans Received	June 16, 2015
Date Public Consultation Completed:	June 22, 2015

**Report prepared by:**

---

Lydia Korolchuk, Planner

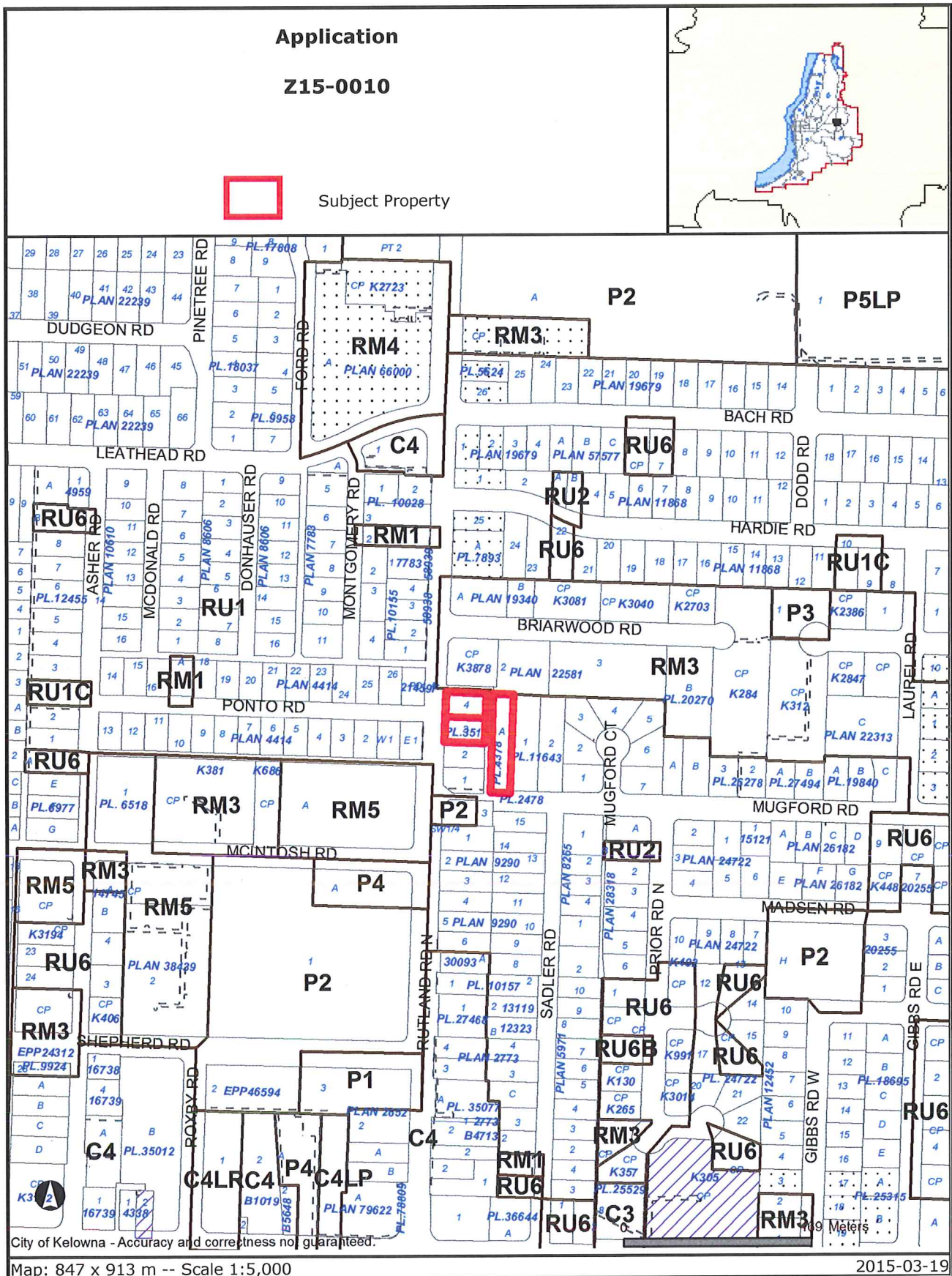
**Reviewed by:**  Lindsey Ganczar, Planning Supervisor

**Reviewed by:**  Ryan Smith, Community Planning Department Manager

**Attachments:**

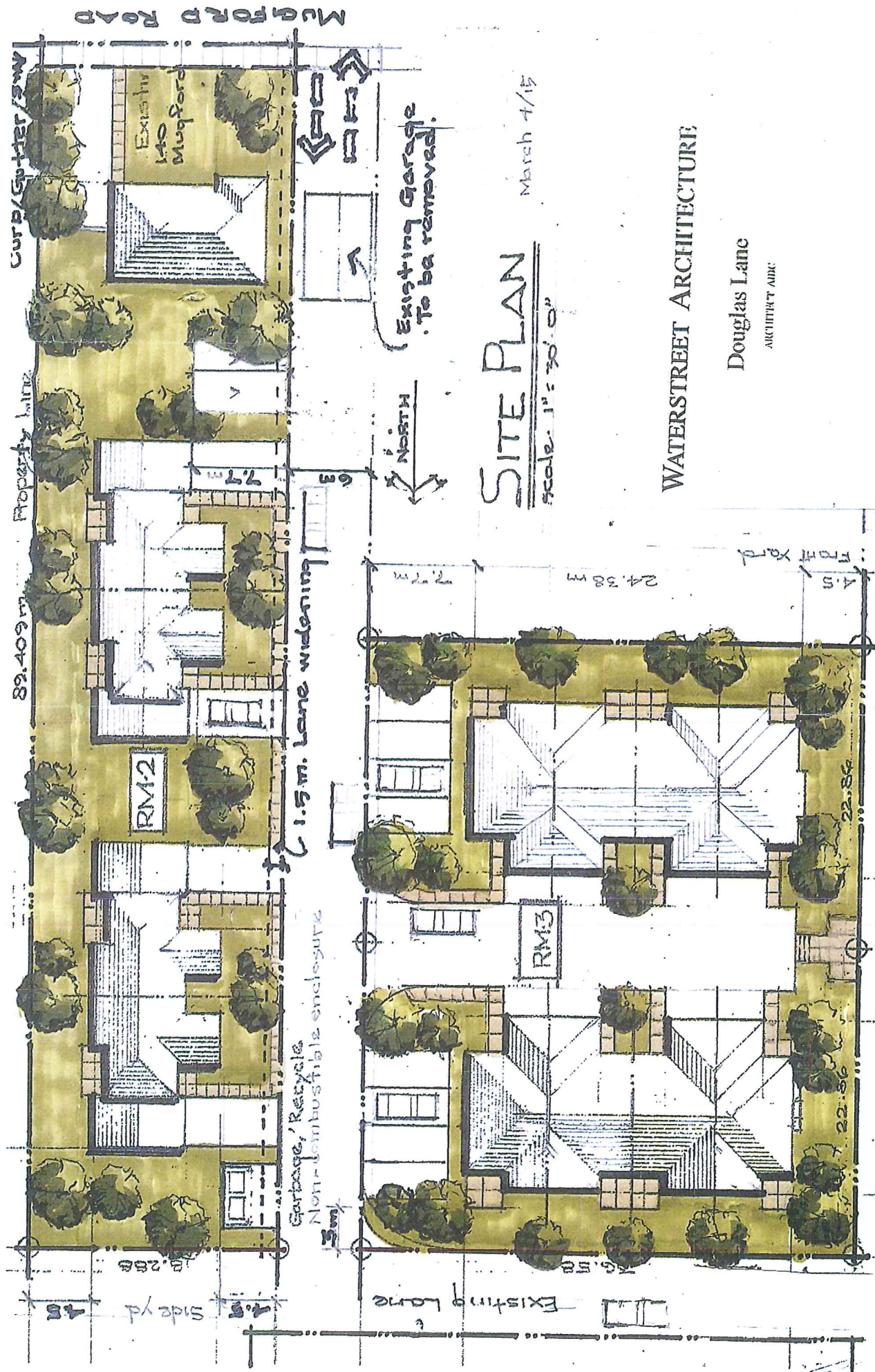
- Subject Property Map
- Site Plan/ Landscape Plan
- Conceptual Elevations
- Development Engineering Memorandum





Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.





MUGFORD ROAD

Curb/Gutter/SW

Property Line

82.409 m

RM2

8.288

4.5 Side Yd

1.5 m Lane widening

Garbage, Recycle  
Non-combustible enclosure

3 m

Existing Lane

RM3

8.5 m

North

Existing Garage  
To be removed.

March 4/15

# SITE PLAN

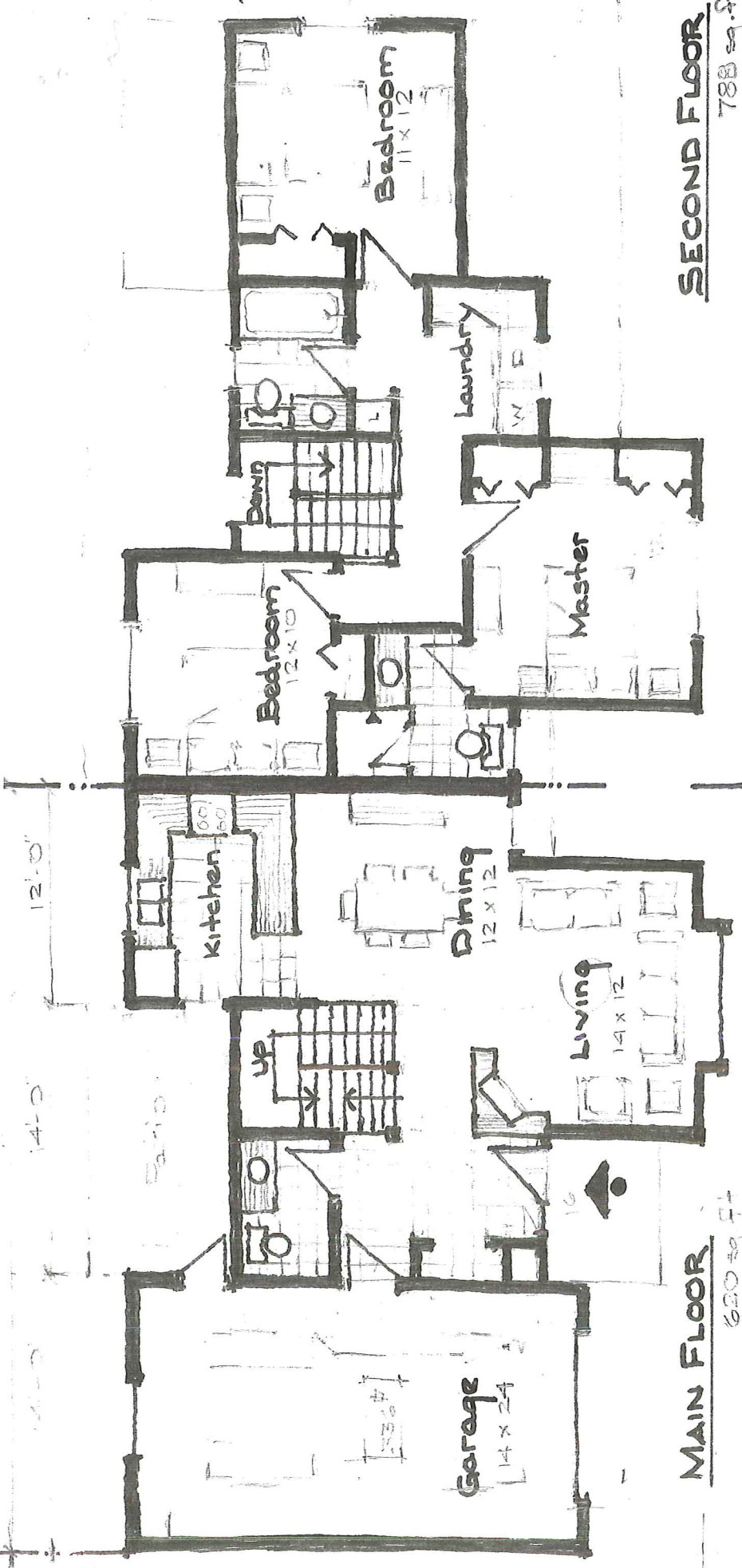
Scale: 1" = 30' 0"

WATERSTREET ARCHITECTURE

Douglas Lane

ARCHITECT AIBC

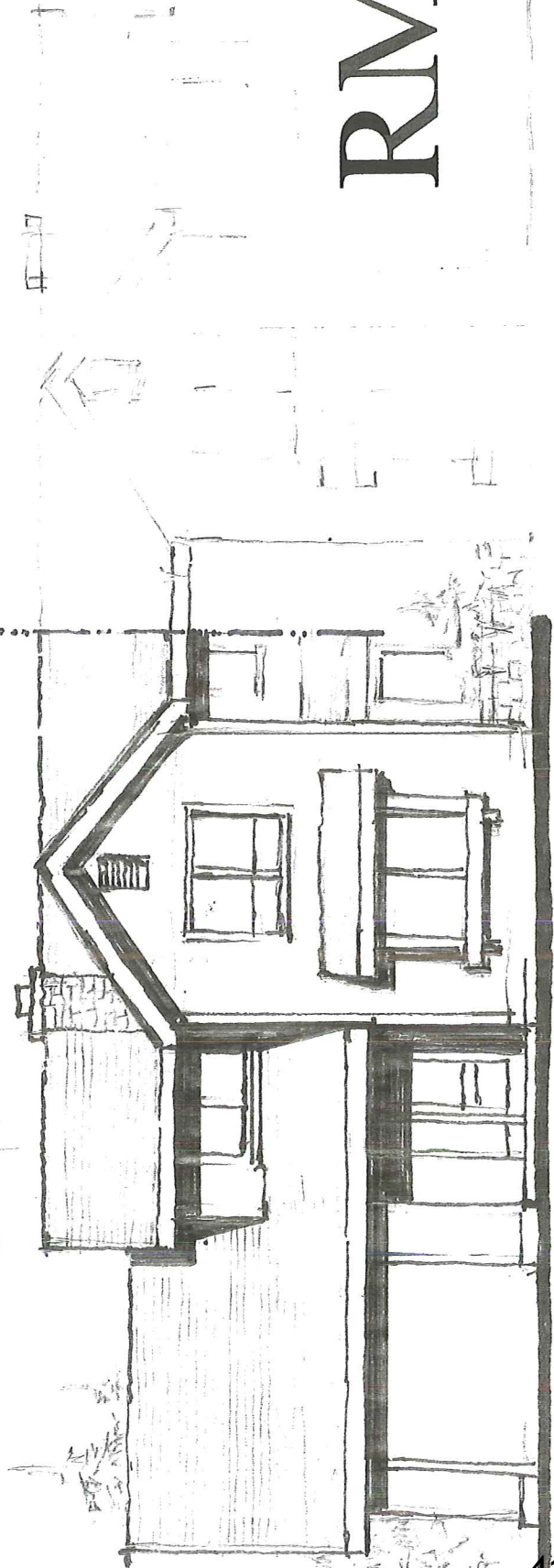




**MAIN FLOOR**

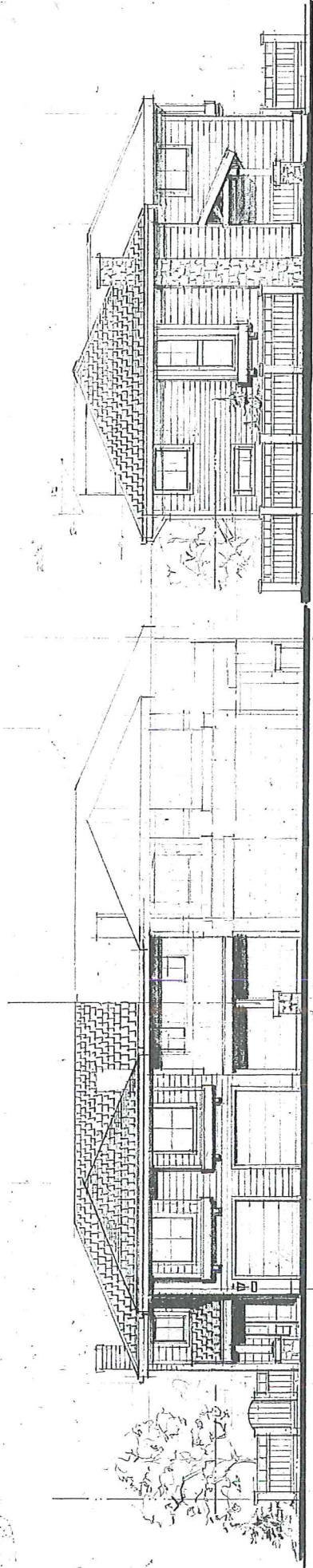
**SECOND FLOOR**

788 sq. ft.

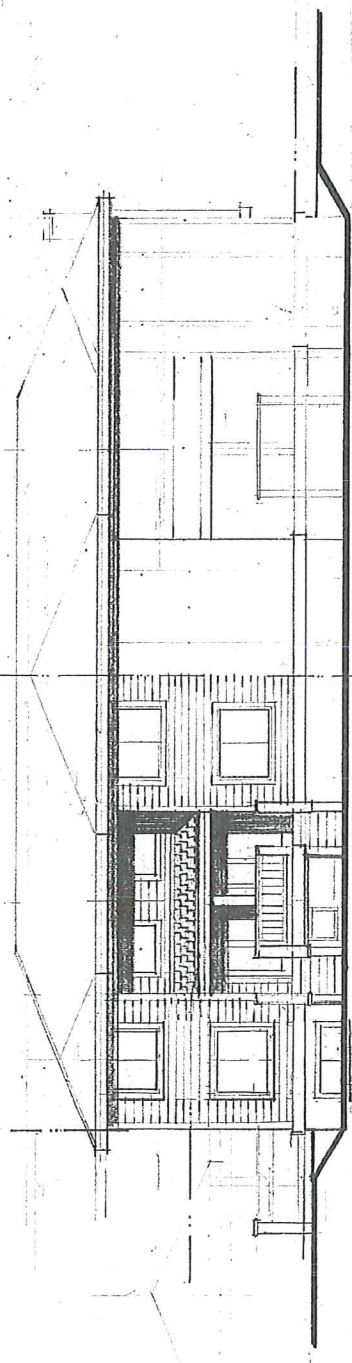


**RM 2**

ZONING

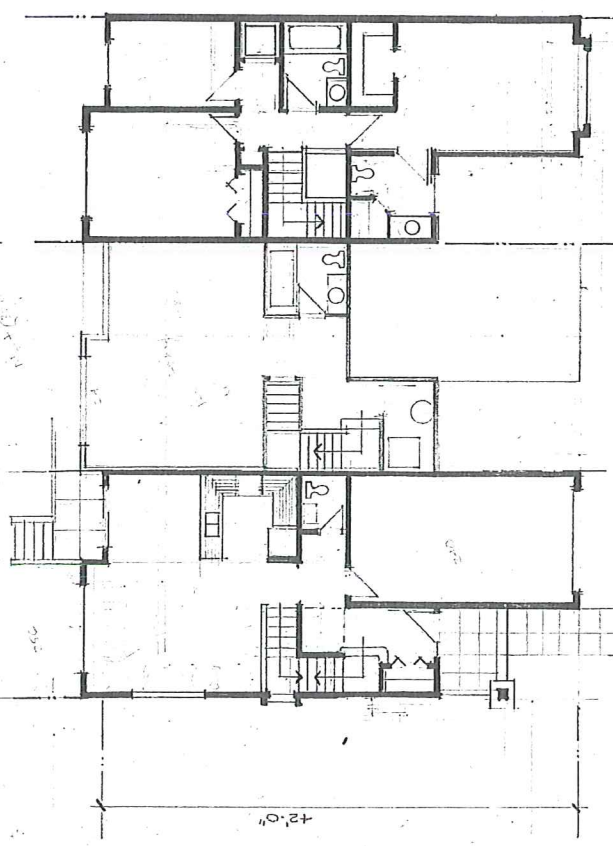


WEST ELEVATION  
 scale - 1/8" = 1'-0"



# RM 3

ZONING



MAIN FLOOR 520 sq ft  
 LOWER FLOOR 504 sq ft  
 SECOND FLOOR 360 sq ft

1384 sq ft  
 Net Total



---

**CITY OF KELOWNA**  
**MEMORANDUM**

---

**Date:** May 25, 2015 (2105 Specified Area charges)  
**File No.:** Z15-0010  
**To:** Urban Planning (LK)  
**From:** Development Engineering Manager (SM)  
**Subject:** 140 Mugford Road - Lot A, Plan KAP4378 , Sec. 26, Twp. 26, ODYD  
405 Rutland Road - Lot 3, Plan KAP3513, Sec. 26, Twp. 26, ODYD  
425 Rutland Road - Lot 4, Plan KAP3513, Sec. 26, Twp. 26. ODYD

---

The Works & utilities Department comments and requirements regarding this application to rezone the subject property from RU-1 to RM2 and RM3 are as follows:

1. General.
  - a) Dedicate 1.5 m. along the lane to provide a total 7.5m. wide lane.
  - b) Dedicate approx. 2.0 m. along the Mugford road frontage on Lot A, Plan KAP4378, for a total 20.0 m. road Right of Way.
  - c) Consolidate lot 3 and 4 plan KAP3513
  - d) Provide 3.0m. inside corner rounding at the lane change of direction.
  - e) Provide easements as may be required.
  - f) Consolidate lot 3 and lot 4 plan KAP3513.
2. Geotechnical Study.
  - a) Provide a comprehensive geotechnical report (3 copies), 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.**
    - (i) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
    - (ii) Suitability of on-site disposal of storm water, including effects upon adjoining lands.
    - ii) Any items required in other sections of this document.
    - iii) Recommendations for roof drains and perimeter drains.

.../2

- c) Remove both existing access from Rutland Road and replace with barrier curb and gutter with new sidewalk panels. The estimated cost for both driveway removal is estimated at \$8,400.00 inclusive of a bonding contingency.
- d) The applicant is responsible to upgrade the Mugford Road frontage of A, Plan KAP4378 and through the lane to a full urban collector standard (SS-R5) complete with curb, gutter, sidewalk, asphalt fillet paving, storm drainage, street lighting landscaped boulevard complete with underground irrigation, removal and/or relocation of utilities as may be required. The estimated cost of this work, for bonding purpose, would be \$15,700.00 inclusive of a bonding contingency.

7. Power and Telecommunication Services.

The services to this development are to be installed underground. It is the developer's responsibility to make a servicing application to the respective utility companies. The utility companies are then required to obtain the city's approval before commencing their works.

8. Street lights.

Street lights must be installed on all fronting roads as determined by the Manager of Electrical Utilities.

9. Engineering.

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.

10. 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.
- 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 Works & Utilities 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.

# REPORT TO COUNCIL



**Date:** July 27, 2015

**RIM No.** 1240-30

**To:** City Manager

**From:** Community Planning, Community Planning & Real Estate (LB)

**Application:** HRA15-0001      **Owner:** F. DeVilliers Medical Prof. Corp.  
F. De Villiers Medical Prof. Corp., Inc. No. 101092982  
Grant Wayne Good  
Janette Armstrong  
Marie Hillevi McAlpine

**Address:** 2124 Pandosy Street      **Applicant:** Christy & Associates Planning Consultants Ltd.

**Subject:** Heritage Revitalization Agreement Application

**Existing OCP Designation:** S2RES - Single / Two Unit Residential

**Existing Zone:** RU1 - Large Lot Housing

---

## 1.0 Recommendation

THAT Council consider a bylaw which would authorize the City of Kelowna to enter into a Heritage Revitalization Agreement for the properties legally known as Strata Lots 1, 2, 3, 4 and 5, District Lot 14, ODYD, Strata Plan KAS3144, located at 2124 Pandosy Street, Kelowna, BC in the form attached as Schedule "A" to the Report from the Community Planning Department dated July 13, 2015;

AND THAT the Heritage Revitalization Agreement Authorization Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT the Heritage Revitalization Agreement be signed by the Owners prior to Public Hearing;

AND THAT final adoption of the Heritage Revitalization Agreement Authorization Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction;

AND FURTHER THAT, upon adoption of the Heritage Revitalization Agreement Authorization Bylaw, Heritage Revitalization Agreement Authorization Bylaw No. 9184 - HRA03-0003 - 2124 Pandosy Street, and all amendments thereto, be repealed.

## 2.0 Purpose

To consider a Heritage Revitalization Agreement application to permit additional uses and two new units on the subject property.

## 3.0 Community Planning

Community Planning Staff supports the proposed Heritage Revitalization Agreement (HRA) to permit additional uses and create two new units on the subject property, known as Cadder House. This is a prominent property within the Abbott Street Heritage Conservation Area and is currently the subject of an HRA that allows a total of five residential dwelling units within the main house and a carriage house. Staff supports some flexibility in the permitted uses for Cadder House provided its residential character is maintained and the ongoing protection of this heritage property is ensured. The proposed HRA can be found in Attachment B: Draft HRA15-0001.

Staff worked with the applicant to refine the proposed list of uses to those that allow some commercial use of the property while maintaining its residential character and minimizing potential impacts on the surrounding residential neighbourhood. Several proposed uses were eliminated or modified through the application process, including health services, artisan live / work studios and a heritage restaurant. The HRA includes a specific definition for each use, based on the definitions in Zoning Bylaw No. 8000 and modified, where appropriate, for the site context.

The proposed principal uses are:

- Apartment, Short Term Rental
- Apartment Housing
- Congregate Housing
- Group Home, Minor
- Supportive Housing

The proposed secondary uses are:

- Agriculture, Urban
- Carriage House
- Child Care, Minor
- Home Based Business, Major
- Home Based Business, Minor
- Offices
- Wellness Studio

The original application proposed new commercial and residential uses to be permitted within the five existing strata units. The intent is for Cadder House to remain predominantly residential in use to preserve its character and reduce the potential impacts of commercial uses in a residential neighbourhood. With the request to increase the number of units partway through the application process, the applicant proposed increasing the number of units available for commercial uses from two to three. Staff's recommendation is to limit the number of units used for commercial purposes, or secondary uses, to two of the total seven units. The applicant's objective to address the financial demands of maintaining a heritage property is met through the creation of two new units and the provision for some commercial uses on the subject property.

Rentals in residential zones require a minimum one month tenancy as per Zoning Bylaw No. 8000, and rentals with a shorter tenancy are considered a commercial use. The HRA proposes a site-specific definition that would see short-term rentals with no minimum tenancy as a residential



use for Cadder House. Given the site context and additional control through the strata, Staff is confident that the strata can address any potential concerns that may accompany short-term rentals in this residential area.

A total of 14 on-site parking spaces are provided for both the residential and commercial uses on the property based on the regulations established in Zoning Bylaw No. 8000. If all seven units are used for residential purposes, 10 parking spaces are required, including one visitor parking space. If five units are used for residential purposes and two for commercial, 12 parking spaces are required. This assumes a maximum commercial space of 197 m<sup>2</sup> and required parking of 2.5 spaces per 100 m<sup>2</sup> of gross floor area, consistent with the Zoning Bylaw requirement for offices.

### *Neighbourhood Consultation*

As part of the application process, the strata owners conducted extensive neighbourhood consultation. A survey was distributed to properties in the surrounding area requesting feedback regarding the proposed list of uses for Cadder House and some of the strata owners also met face to face with area residents. The survey feedback is summarized in Attachment C: Neighbourhood Consultation. The feedback generally shows support for additional residential and commercial uses, with some concerns about the more intensive commercial uses. Staff and the applicant used this input to inform some of the revisions to the proposed uses for Cadder House.

The strata owners and the applicant also met with representatives from both the Friends and Residents of the Abbott Heritage Conservation Area Society (FRAHCAS) and the Kelowna South Central Association of Neighbourhoods (KSAN) to discuss the proposed HRA. Following these meetings, both organizations submitted written letters outlining their positions. Both groups support the ongoing heritage preservation of Cadder House without the addition of commercial uses, citing concerns about the impacts on the residential units and the character of the property itself.

## **4.0 Proposal**

### **4.1 Background**

#### *Heritage Revitalization Agreements*

An HRA is a mechanism permitted through Section 966 of the *Local Government Act* wherein the owner of a property with heritage value may enter into an agreement with the local municipality for the long-term protection of the heritage property. Within an HRA, provisions for uses, siting and other regulations may be varied or supplemented from what is permitted in the Zoning Bylaw and other permits. The HRA may also stipulate conditions and timing for other works to be completed.

Owners of property with heritage value who are interested in entering into or amending an HRA must submit an application to the City's Community Planning Department. There are currently 14 properties with active HRAs in the City of Kelowna. Staff conducts site visits every two years to ensure these properties are operating in accordance with the terms and conditions established in the HRA.

#### *Cadder House Heritage Details*





Cadder House was built in 1908 for Thomas Willing Stirling, a business investor and leader in the local tree-fruit industry. Cadder House was used as a nurses’ residence for a few years in the 1920s before being used as a family residence again for several decades until 1964 when it became a seniors’ care facility under the name “Oak Lodge”. It later operated as a psychiatric care facility.

When built, Cadder House was reportedly the largest home in Kelowna and still stands as a prominent building in the area. Its Victorian Revival style incorporates some distinctive design elements such as the use of local rusticated concrete block for the foundation and ground floor, a symmetrical front façade, a cross-gabled design and gabled pedimented dormers.

Additional details are available in Attachment D: Statement of Significance.

*Existing Heritage Revitalization Agreement*

The original HRA for Cadder House was adopted in 2004 and permitted five residential units on the subject property, with four in the principal building and one in a carriage house (see Attachment E: HRA03-0003). The HRA outlined several works to be undertaken by the property owners, including building restoration, landscaping, servicing and utility upgrades, and structural upgrades. Through this application, Cadder House was also designated as a Heritage Property, which affords long-term heritage protection for the property. The units were subsequently stratified and there are now four owners of the five strata units.

**4.2 Project Description**

The Cadder House strata owners are seeking changes to the existing HRA to allow some flexibility in the permitted uses on the property and to create two new units in the existing basement. This request is primarily driven by the desire to create revenue sources to meet the financial needs and high costs associated with operating and maintaining a large heritage property. The strata owners also see this as an opportunity to provide for some accommodation and local commercial needs within the broader area of Kelowna General Hospital while maintaining the property’s residential form and character. Additional details are provided in the applicant’s original submission, Attachment F: Proposal for Adaptive Re-Use.

During the application process the owner of Strata Lot 1, which consists of the carriage house and the basement of the principal building, applied for a Building Permit for structural work in the basement. The work consisted of replacing existing posts and beams to increase headroom and address concerns that were preventing this area from being used for dwelling space. The work was completed on April 9, 2015 and satisfies the Building Code requirements. At this time, the request to create two new units in this space was added to the application.

**4.3 Site Context**

The subject property is located on the west side of Pandosy Street between Cadder Avenue and Glenwood Avenue in the Central City Sector. It is also within the Abbott Street Heritage Conservation Area. The Future Land Use designation for the property is S2RES - Single / Two Unit Residential and it is within the Permanent Growth Boundary.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Single dwelling housing
East	RU6 - Two Dwelling Housing	Single dwelling housing
South	RU1 - Large Lot Housing	Single dwelling housing
West	RU1 - Large Lot Housing	Single dwelling housing

**Subject Property Map: 2124 Pandosy Street**



**5.0 Current Development Policies**

**5.1 Kelowna Official Community Plan (OCP)**

**Development Process**

**Heritage Revitalization Agreements.**<sup>1</sup> Consider the adaptive re-use of heritage buildings appropriate within any future land use designation, provided that a Heritage Revitalization Agreement is negotiated with the City and provided that the project meets the criteria established for sensitive neighbourhood integration.

**6.0 Technical Comments**

**6.1 Building & Permitting Department**

- Building Permit for basement works completed April 9, 2015.

**6.2 Development Engineering Department**

- See attached memorandum, dated February 12, 2015.

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.7.3 (Development Process Chapter).

## 7.0 Application Chronology

Date of Application Received: January 15, 2015  
Date Public Consultation Completed: March 18, 2015

### Report prepared by:

---

Laura Bentley, Planner

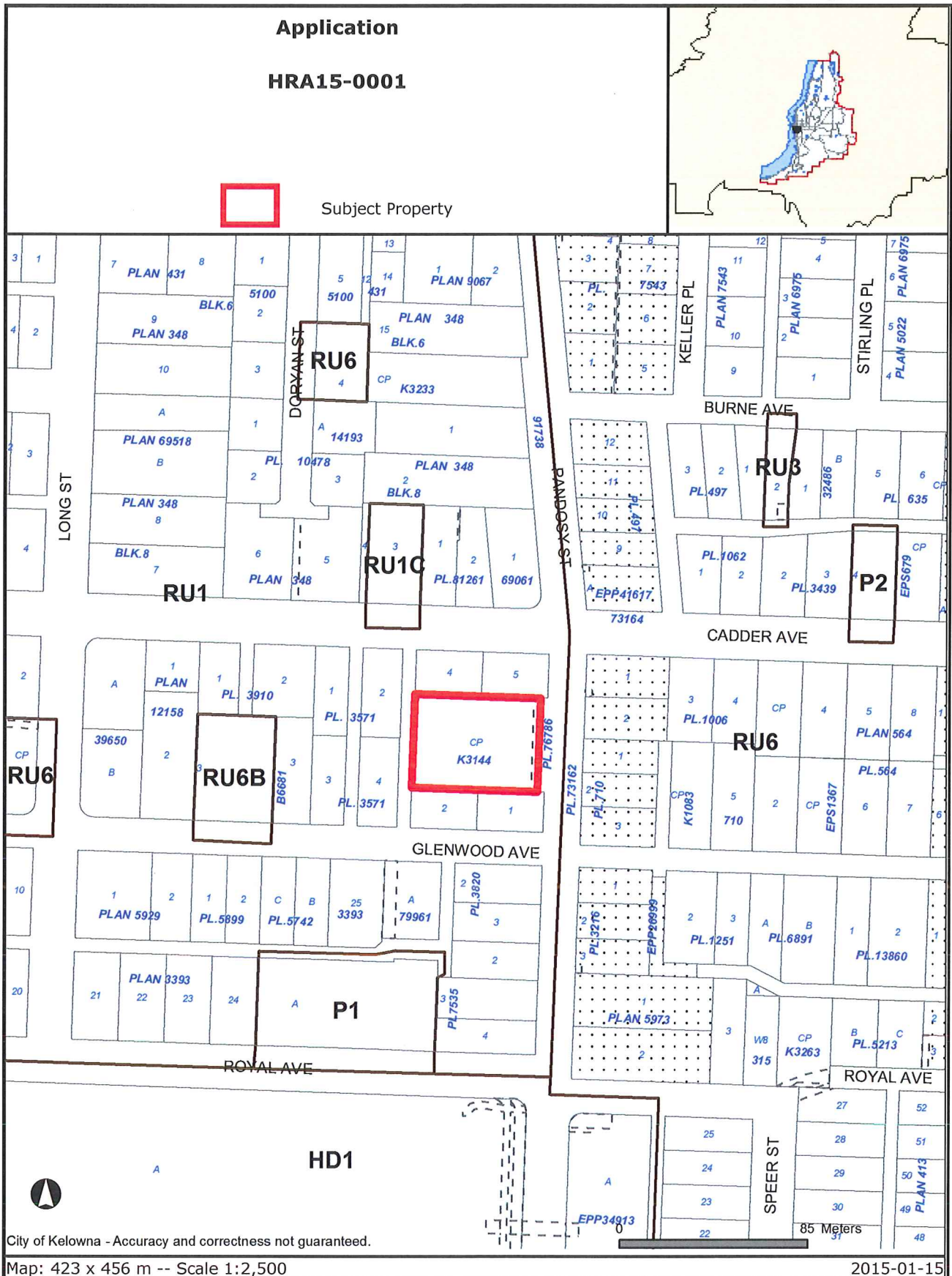
Reviewed by:  Lindsey Ganczar, Planning Supervisor

Approved for Inclusion:  Ryan Smith, Community Planning Department Manager

### Attachments:

Attachment A: Subject Property Map  
Attachment B: Draft HRA15-0001  
Attachment C: Neighbourhood Consultation  
Attachment D: Kelowna Heritage Register Statement of Significance  
Attachment E: HRA03-0003  
Attachment F: Proposal for Adaptive Re-Use  
Attachment G: Development Engineering Memorandum

Attachment A



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

**SCHEDULE "A"**  
**HERITAGE REVITALIZATION AGREEMENT**

DOCUMENT APPROVAL			
Document No. HRA15-0001			
Cir	Department	Date	Init.
	Planning		
	Development Engineering		
	Building & Permitting		
	City Clerk		

THIS AGREEMENT dated as of the     day of             , 201     .

BETWEEN:

CITY OF KELOWNA, a Municipal Corporation having offices at  
1435 Water Street, Kelowna, British Columbia V1Y 1J4

(herein called the "CITY")

AND:

THE OWNERS OF STRATA LOTS 1, 2, 3, 4 AND 5, KAS3144  
2124 PANDOSY STREET  
KELOWNA, BC  
V1Y 1S6

(herein called the "OWNERS")

WHEREAS a local government may, by bylaw, enter into a Heritage Revitalization Agreement with the Owner of property identified as having heritage value, pursuant to Section 966 of the *Local Government Act*,

AND WHEREAS the Owners own certain real property on which is situated a building of heritage value, pursuant to the City's Heritage Register, which property and building are located at 2124 Pandosy Street, Kelowna, British Columbia and legally described as:

Strata Lot 1, KAS 3144	PID: 026-923-181
Strata Lot 2, KAS 3144	PID: 026-923-190
Strata Lot 3, KAS 3144	PID: 026-923-203
Strata Lot 4, KAS 3144	PID: 026-923-211
Strata Lot 5, KAS 3144	PID: 026-923-220

And any lots created thereof

(herein called the "Heritage Lands")



SCHEDULE "A" - Page 2.

AND WHEREAS the units are located within two (2) buildings on the Heritage Lands, herein called the "Heritage Buildings";

AND WHEREAS the Owners have presented to the City a proposal for the use, development and preservation of the Heritage Lands and has voluntarily and without any requirement by the City, entered into this agreement pursuant to Section 966 of the *Local Government Act*,

AND WHEREAS a local government must hold a Public Hearing on the matter before entering into, or amending, a Heritage Revitalization Agreement if the agreement or amendment would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning of the Heritage Lands and for these purposes Section 890 through 894 of the *Local Government Act* apply;

AND WHEREAS within thirty days after entering into, or amending, a Heritage Revitalization Agreement the local government must file a notice in the Land Title Office in accordance with Section 976 of the *Local Government Act* and give notice to the Minister responsible for the *Heritage Conservation Act* in accordance with Section 977 of the *Local Government Act*,

NOW THEREFORE in consideration of the mutual promises contained in this agreement and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

**1.0 Heritage Revitalization**

- 1.1 The parties agree that the Heritage Lands has heritage value, deserving of protection and conservation and the Owner specifically agrees to restore, maintain, preserve and protect the heritage character of the buildings located on the Heritage Lands in accordance with attached Schedules "AA", "BB", and "CC".
- 1.2 The parties agree that the Heritage Lands may, notwithstanding the current zoning on the Heritage Lands, be used for the following permitted uses:
  - (a) A maximum of seven units as shown in Schedule "AA" provided that:
    - i. The units will be limited to the following sizes:
      - Strata Lot 1: 51.6 m<sup>2</sup>
      - Strata Lot 2: 86.2 m<sup>2</sup>
      - Strata Lot 3: 111 m<sup>2</sup>
      - Strata Lot 4: 75 m<sup>2</sup>
      - Strata Lot 5: 71 m<sup>2</sup>
      - Proposed Strata Lot 1A: 65 m<sup>2</sup>
      - Proposed Strata Lot 1B: 40 m<sup>2</sup>
    - ii. The use of the Heritage Lands shall be predominantly residential. A maximum of two units may be used for commercial purposes at any given time;

SCHEDULE "A" - Page 3.

- iii. The principal uses permitted on the Heritage Lands are:
    - Apartment, Short Term Rental
    - Apartment Housing
    - Congregate Housing
    - Group Home, Minor
    - Supportive Housing
  - iv. The secondary uses permitted on the Heritage Lands are:
    - Agriculture, Urban
    - Carriage House
    - Child Care, Minor
    - Home Based Business, Major
    - Home Based Business, Minor
    - Offices
    - Wellness Studio
  - v. The hours of operation for all commercial enterprises located on the subject property shall be between 8:00 am and 7:00 pm, Monday through Friday; and
  - vi. Fourteen (14) on-site parking stalls shall be provided, as shown on Schedule "AA".
- (b) No additional units shall be developed without an application to amend this agreement.
- (c) The owner agrees to maintain the designation of the property under Section 967 of the *Local Government Act* as a Heritage Property.
- 1.3 The parties agree that, except as varied or supplemented by the provisions of this Agreement, all bylaws and regulations of the City and all laws of any authority having jurisdiction shall apply to the Heritage Lands.
- 1.4 Where a Heritage Alteration Permit is required, the discretion to approve, refuse or revise such permit is delegated by Council to the Community Planning Department Manager.

## 2.0 Definitions

The following words, terms, and phrases, wherever they occur in this Agreement, shall have the meaning assigned to them as below. For all other definitions and regulations, refer to Zoning Bylaw No. 8000, as amended.

**AGRICULTURE, URBAN** means the cultivation of a portion of a parcel for the production of food including fruits, vegetables, nuts and herbs for human consumption only. This use is limited to production activities which are not deemed to be noxious or offensive to adjacent properties or the general public. Activities that produce or emit hazards, odour, dust, smoke, noise, effluent, light pollution, glare, or other emission are prohibited. This use is limited to a maximum of 25 m<sup>2</sup> in area on this property.

**APARTMENT, SHORT TERM RENTAL** means apartment housing having a principal common entrance and cooking facilities and furnishings within each dwelling. There is no minimum tenancy period for this use on this property.

SCHEDULE "A" - Page 4.

**APARTMENT HOUSING** means any physical arrangement of attached residential units, intended to be occupied by separate households. The minimum tenancy period is one (1) month.

**CARRIAGE HOUSE** means a dwelling unit located within a building that is subordinate to the principal building on the property.

**CHILD CARE, MINOR** means an establishment licensed as required under the *Community Care and Assisted Living Act* intended to provide care, educational services, and supervision to no more than eight (8) children.

**COMMERCIAL USE** means the use of a unit on the Heritage Lands as a Child Care, Minor; Home Based Business, Major; Offices; or Wellness Studio.

**CONGREGATE HOUSING** means housing in the form of multiple sleeping units where residents are provided with common living facilities, meal preparation, laundry services and room cleaning. Congregate housing may also include other services such as transportation for routine medical appointments and counselling.

**GROUP HOME, MINOR** means the use of one or more units as a care facility licensed as required under the *Community Care and Assisted Living Act* to provide room and board for not more than a total of six (6) residents with physical, mental, social, or behavioural problems that require professional care, guidance and supervision. A group home, minor may include, to a maximum of four (4), any combination of staff and residents not requiring care. The character of the use is that the occupants live together as a single housekeeping group and use a common kitchen.

**HOME BASED BUSINESS, MAJOR** means development consisting of the use of a dwelling unit for a business by a resident who resides for more than 240 days of a year at that unit. The business must be secondary to the residential use of the unit and shall not change the residential character of the principal building.

**HOME BASED BUSINESS, MINOR** means development consisting of the use of a dwelling unit for a business by a resident who resides for more than 240 days of a year at that unit. The business must be secondary to the residential use of the unit and shall not change the residential character of the principal building.

**OFFICES** means development primarily for the provision of professional, management, administrative, consulting, medical or financial services in an office setting. Office uses are limited to those that operate by appointment only.

**PRINCIPAL USE** means the main or primary use of the Heritage Lands that is provided for in the list of permitted uses in this Heritage Revitalization Agreement.

**SECONDARY USE** means the use of the Heritage Lands that must be in conjunction with a principal use and is provided for in the list of permitted uses in this Heritage Revitalization Agreement.

**SUPPORTIVE HOUSING** means housing consisting of dwellings with support services on-site that may or may not include collective dining facilities, laundry facilities, counselling, educational services, homemaking and transportation.

**WELLNESS STUDIO** means development for wellness counselling on a one-to-one basis or in a group setting to a maximum of ten (10) individuals. This use may include, but is not limited to, a physical fitness, yoga, pilates or weight loss studio and may include standard ancillary facilities.

### **3.0 Proposed Development**

- 3.1 The Owners agree not to alter the exterior of the Heritage Buildings except pursuant to a Heritage Alteration Permit issued by the City and in accordance with this Agreement.
- 3.2 The Owners agree to maintain the exterior of the Heritage Buildings on the Heritage Lands in general accordance with the design attached hereto as Schedule "BB" and forming part of this Agreement.
- 3.3 The Owners agree to undertake and maintain landscaping on the subject property in general accordance with the landscape plans attached hereto as Schedule "CC" and forming part of this agreement.
- 3.4 The Owners agree to provide and pay for all servicing required by the proposed development of the Heritage Lands and to provide required bonding for same, including, but not limited to: domestic water and fire protection, sanitary sewer, storm drainage, road improvements, road dedications and statutory rights-of-way for utility servicing, power and telecommunication services and street lighting.

### **4.0 Development Engineering Requirements**

- 4.1 The Owners agree that any development on the Heritage Lands must meet the requirements of Subdivision, Development and Servicing Bylaw No. 7900, as amended.

### **5.0 Building & Permitting Requirements**

- 5.1 The Owners agree that any development on the Heritage Lands must meet the requirements of the British Columbia Building Code of the day.

### **6.0 Damage or Destruction**

- 6.1 In the event that the Heritage Building is damaged, the parties agree as follows:

- (a) The Owners may repair the Heritage Building in which event the Owners shall forthwith commence the repair work and complete same within one year of the date of damage;

OR, in the event that the Heritage Building is destroyed,

- (b) The City will, by bylaw and after conducting a Public Hearing in the manner prescribed by Sections 890 through 894 of the *Local Government Act*, cancel this agreement whereupon all use and occupation of the Heritage Lands shall thenceforth be in accordance with the zoning bylaws of the City and in accordance with all other bylaws or regulations of the City or any other laws of authority having jurisdiction.

**7.0 Breach**

7.1 In the event that the Owners is in breach of any term of this Agreement, the City may give the Owners notice in writing of the breach and the Owners shall remedy the breach within 30 days of receipt of the notice. In the event that the Owners fails to remedy the breach within the time allotted by the notice, the City may by bylaw and after conducting a Public Hearing in the manner prescribed by Sections 890 through 894 of the *Local Government Act* cancel this Agreement whereupon all use and occupation of the Heritage Lands shall thenceforth be in accordance with the zoning bylaws of the City and in accordance with all other bylaws or regulations of the City or any other laws of authority having jurisdiction.

**8.0 Amendment**

8.1 The parties acknowledge and agree that this Agreement may only be amended by one of the following means:

- (a) By bylaw with the consent of the parties provided that a Public Hearing shall be held if an amendment would permit a change to use or density of use on site or;
- (b) By Heritage Alteration Permit (HAP), issued pursuant to Section 972 of the *Local Government Act*.

**9.0 Representations**

9.1 It is mutually understood and agreed upon between the parties that the City has made no representations, covenants, warranties, promises or agreements expressed or implied, other than those expressly contained in this Agreement.

**10.0 Statutory Functions**

10.1 Except as expressly varied or supplemented herein, this Agreement shall not prejudice or affect the rights and powers of the City in the exercise of its statutory functions and responsibilities including, but not limited to, the *Local Government Act* and its rights and powers under any enactments, bylaws, order or regulations, all of which, except as expressly varied or supplemented herein, are applicable to the Heritage Lands.

**11.0 Enurement**

11.1 This Agreement enures to the benefit of and is binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

**12.0 Other Documents**

12.1 The Owners agree at the request of the City, to execute and deliver or cause to be executed and delivered all such further agreements, documents and instruments and to do and perform or cause to be done and performed all such acts and things as may be required in the opinion of the City to give full effect to the intent of this Agreement.



**13.0 Notices**

13.1 Any notice required to be given pursuant to this Agreement shall be in writing and shall either be delivered mailed by registered mail as follows:

(a) To the City:

City of Kelowna  
1435 Water Street  
Kelowna, B.C. V1Y 1J4

ATTENTION: City Clerk

(b) To the Owners:

THE OWNERS OF STRATA LOTS 1, 2, 3, 4 AND 5, KAS3144  
2124 PANDOSY STREET  
KELOWNA, BC  
V1Y 1S6

Or, to such other address to which a party hereto may from time to time advise in writing.

**14.0 No Partnership or Agency**

14.1 The parties agree that nothing contained herein creates a relationship between the parties of partnership, joint venture or agency.

IN WITNESS WHEREOF this Agreement has been executed by the parties hereto on the day and year first above written.

CITY OF KELOWNA  
by its authorized signatories

\_\_\_\_\_  
(Mayor)

\_\_\_\_\_  
(City Clerk)

SCHEDULE "A" - Page 8.

THE OWNERS OF STRATA LOTS 1, 2, 3, 4 AND 5, KAS3144

In the presence of:

\_\_\_\_\_  
Witness (print name)

\_\_\_\_\_  
Grant Wayne Good (The Owner of  
Strata Lot 1)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Occupation

In the presence of:

\_\_\_\_\_  
Witness (print name)

\_\_\_\_\_  
Marie Hillevi McAlpine (The Owner of  
Strata Lot 2)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Occupation

In the presence of:

\_\_\_\_\_  
Witness (print name)

\_\_\_\_\_  
F. DeVilliers Medical Prof. Corp. (The  
Owner of Strata Lot 3)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Occupation

SCHEDULE "A" - Page 9.

In the presence of:

\_\_\_\_\_

Witness (print name)

\_\_\_\_\_

Janette Armstrong (The Owner of Strata Lot 4)

\_\_\_\_\_

Address

\_\_\_\_\_

Occupation

In the presence of:

\_\_\_\_\_

Witness (print name)

\_\_\_\_\_

F. De Villiers Medical Prof. Corp.,  
Inc.No. 101092982 (The Owner of  
Strata Lot 5)

\_\_\_\_\_

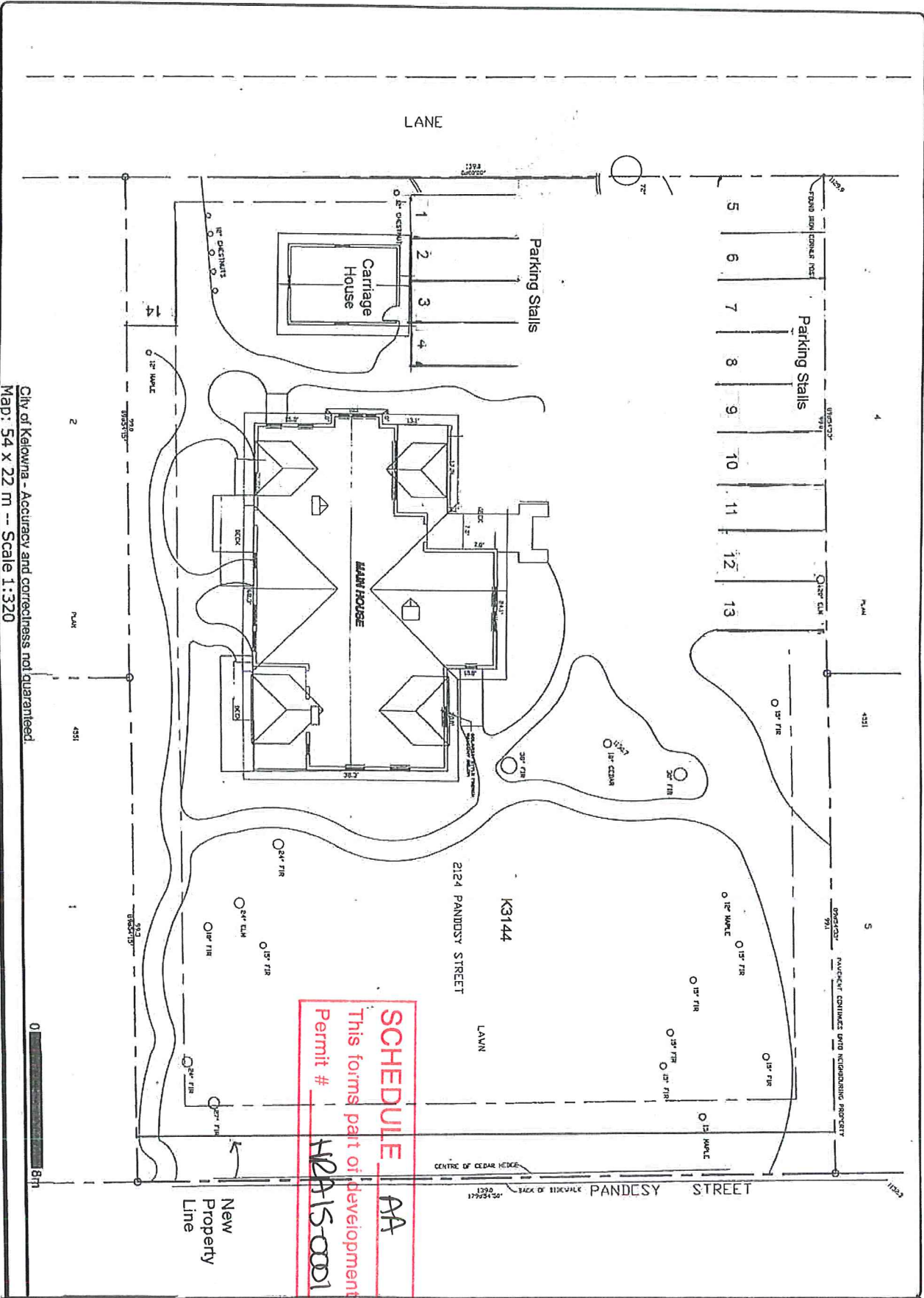
Address

\_\_\_\_\_

Occupation

# Parking Plan

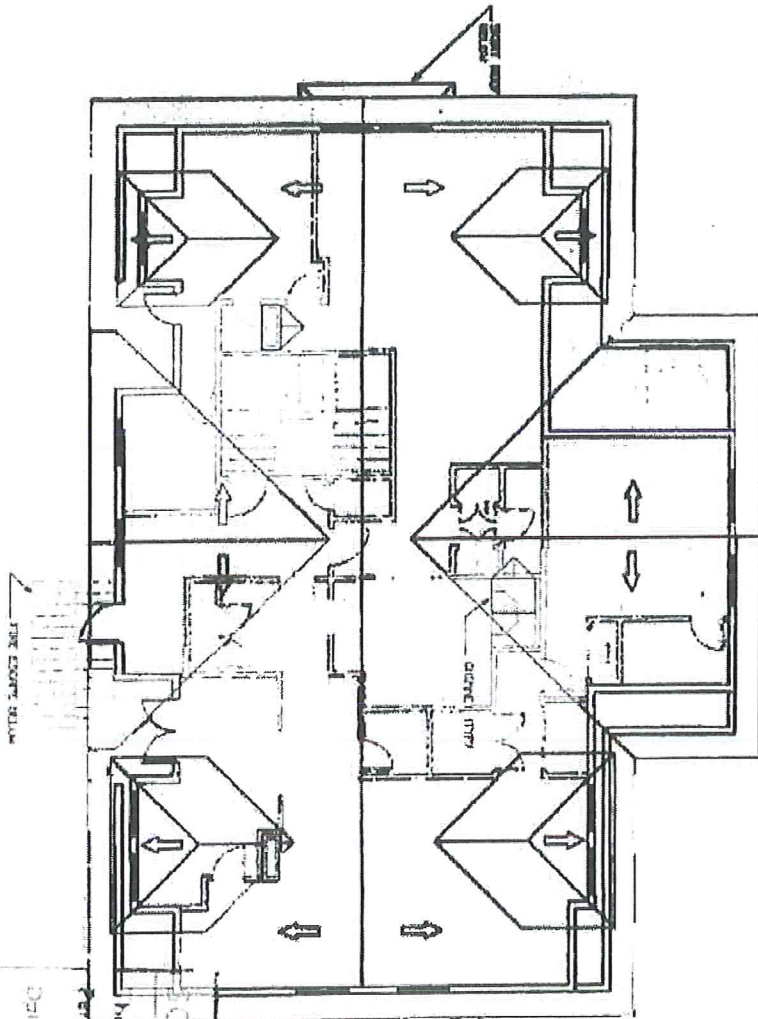
Cadder House  
2124 Pandosy Street  
HAP15-0001



City of Kelowna - Accuracy and correctness not guaranteed.  
Map: 54 x 22 m -- Scale 1:320



# REVISED PLANS



SCHEMATIC AA

has turned Dept. of development  
Permit # HPA15-0001

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

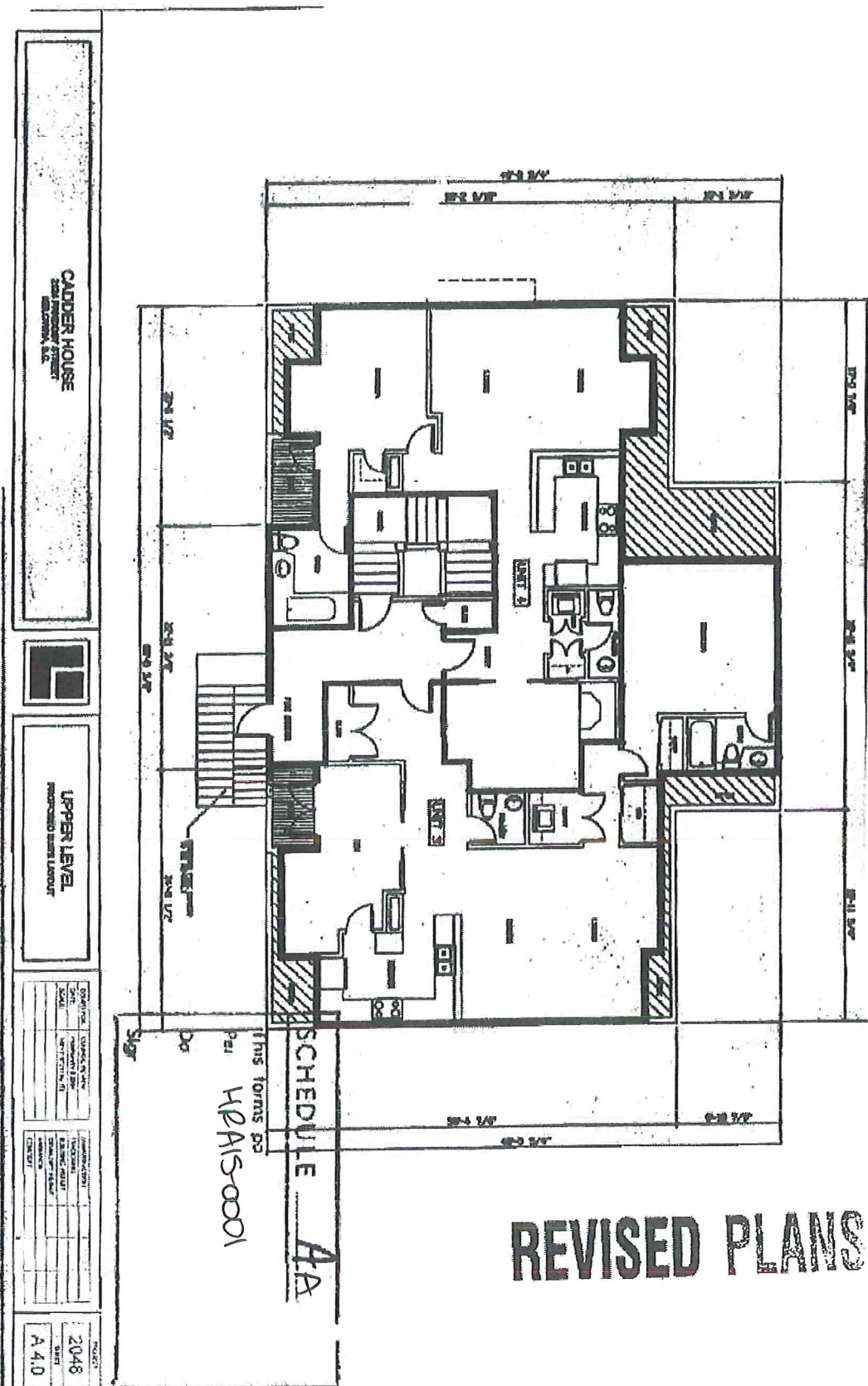
CADBER HOUSE  
2500 HUNTERS TRAIL  
MILFORD, N.J.



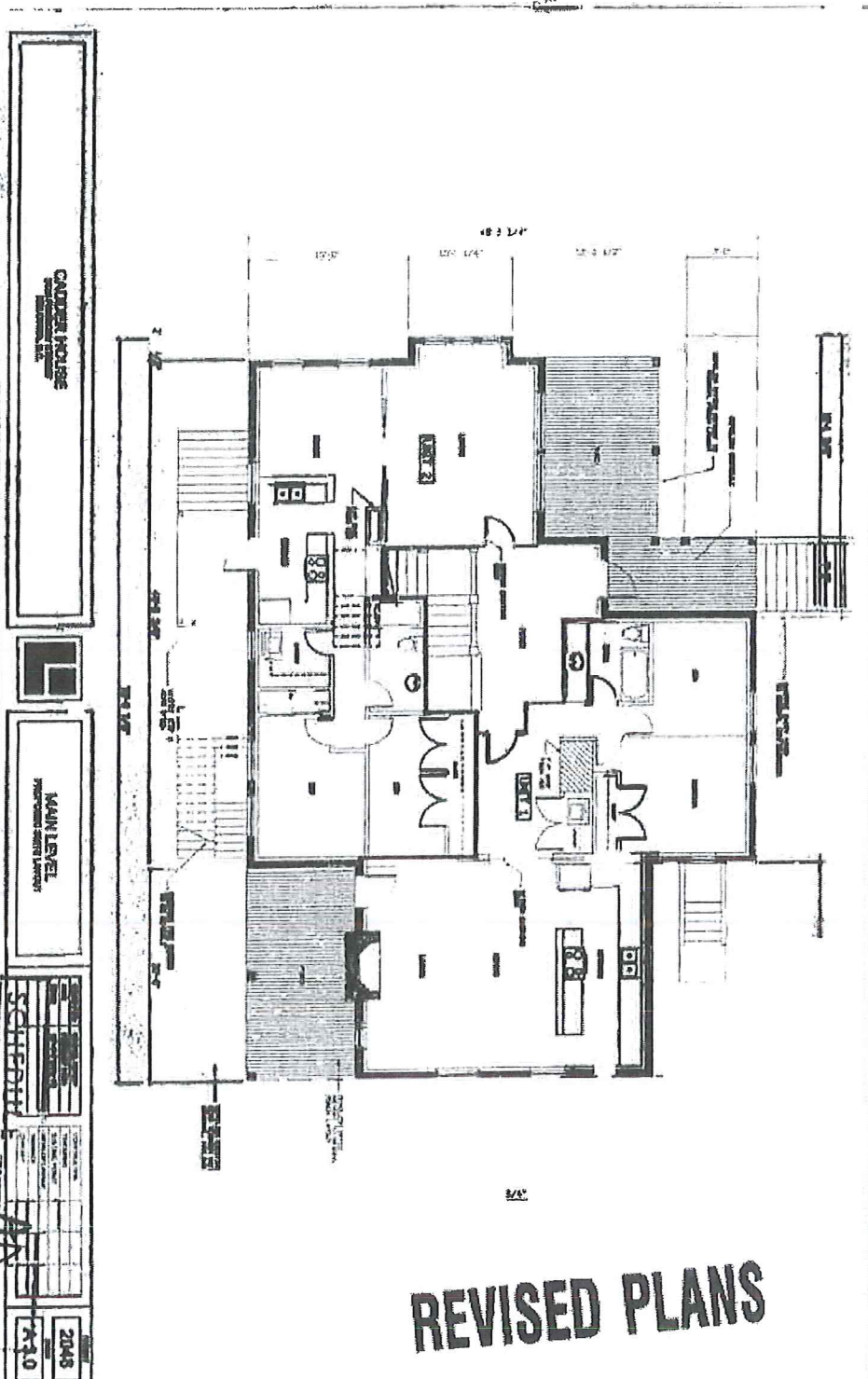
ROOF  
EXISTING & PROPOSED

PROJECT NO.	2048
DATE	11/11/15
SCALE	A 5.0
DESIGNED BY	
CHECKED BY	
APPROVED BY	
DATE	





# REVISED PLANS



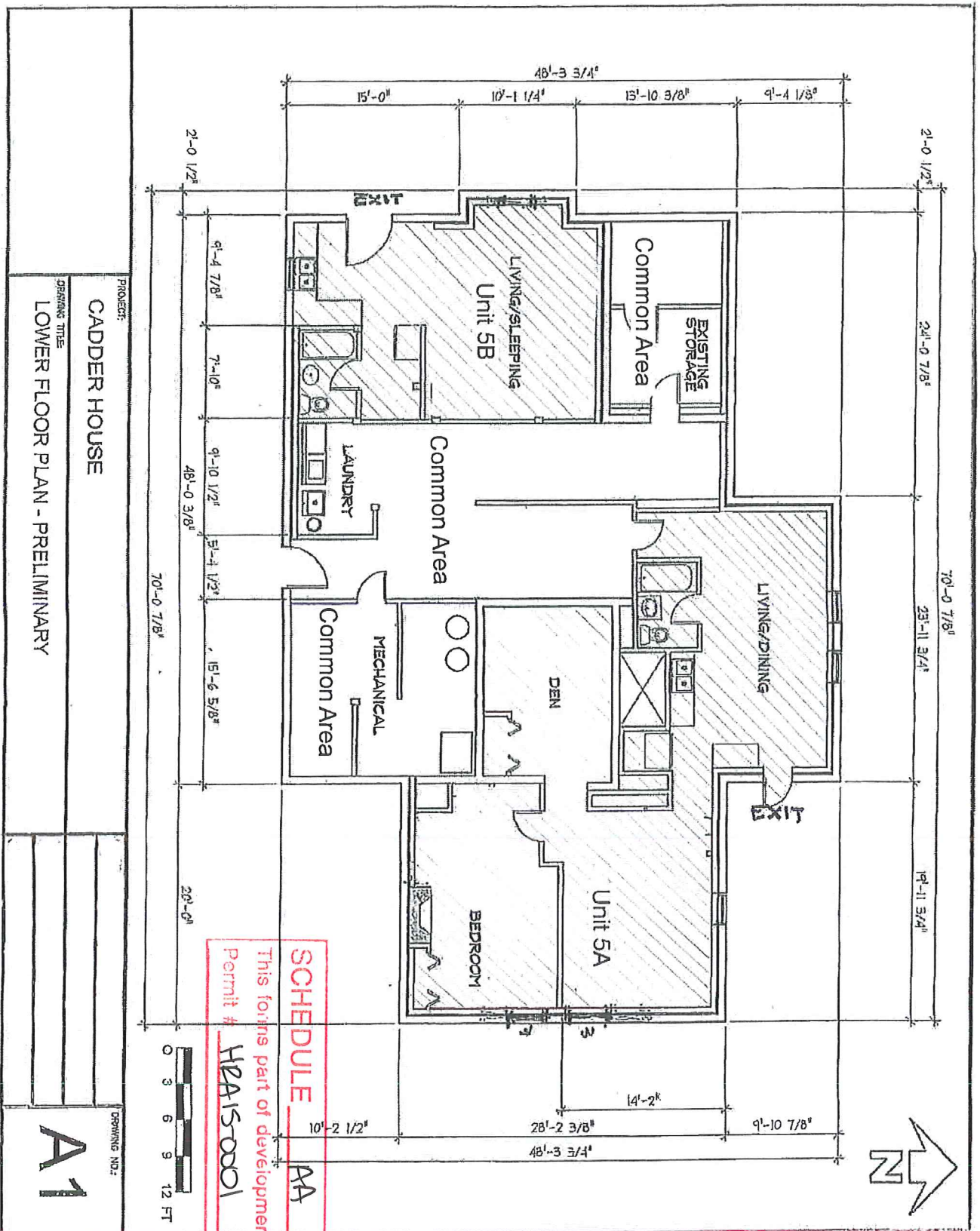
**REVISED PLANS**

CADDIS HOUSE  
 2048  
 2048  
 2048

MAIN LEVEL  
 2048  
 2048  
 2048

2048	2048	2048	2048
2048	2048	2048	2048
2048	2048	2048	2048
2048	2048	2048	2048

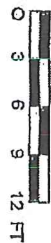
This forms part of development  
 Permit # **HPA15-0001**  
 Date \_\_\_\_\_  
 Signature \_\_\_\_\_



PROJECT: CADDEN HOUSE  
 DRAWING TITLE: LOWER FLOOR PLAN - PRELIMINARY

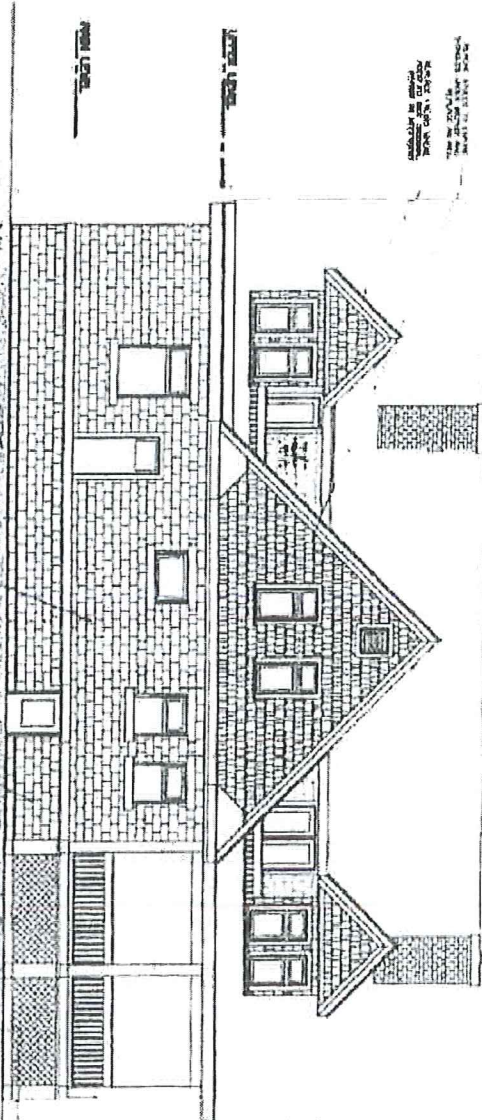
DRAWING NO.: A1

**SCHEDULE AA**  
 This forms part of development  
 Permit # **HPA15-0001**





ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS IN PARENTHESES ARE IN FEET AND INCHES.



**REVISED PLANS**

SCHEDULE B

This form is for development  
 permit only. It is not to be used for  
 other purposes. HPA15.001

Date \_\_\_\_\_

Signature \_\_\_\_\_

CADDER HOUSE  
 2101 PINECROFT STREET  
 WILMINGTON, DE

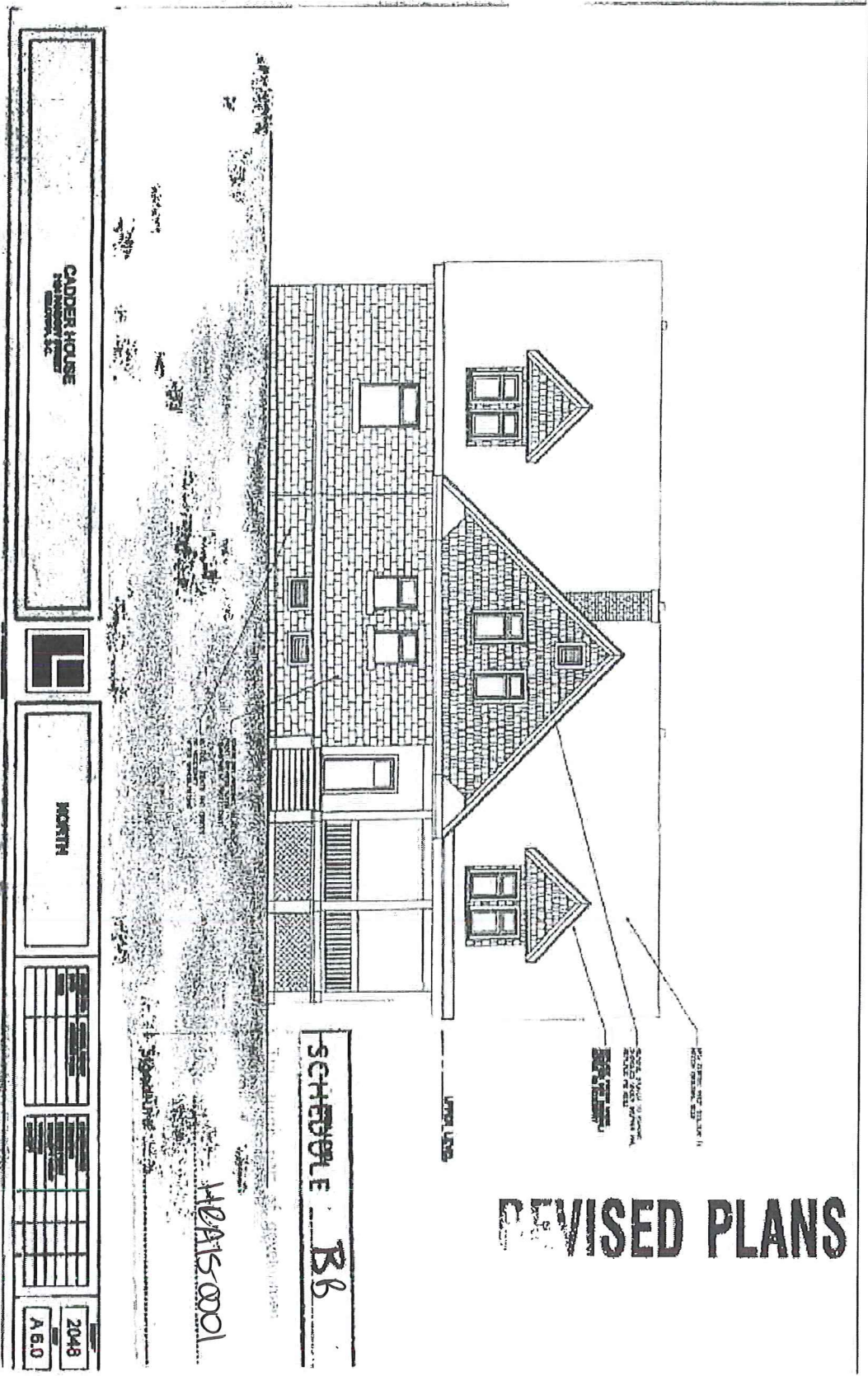


SOUTH

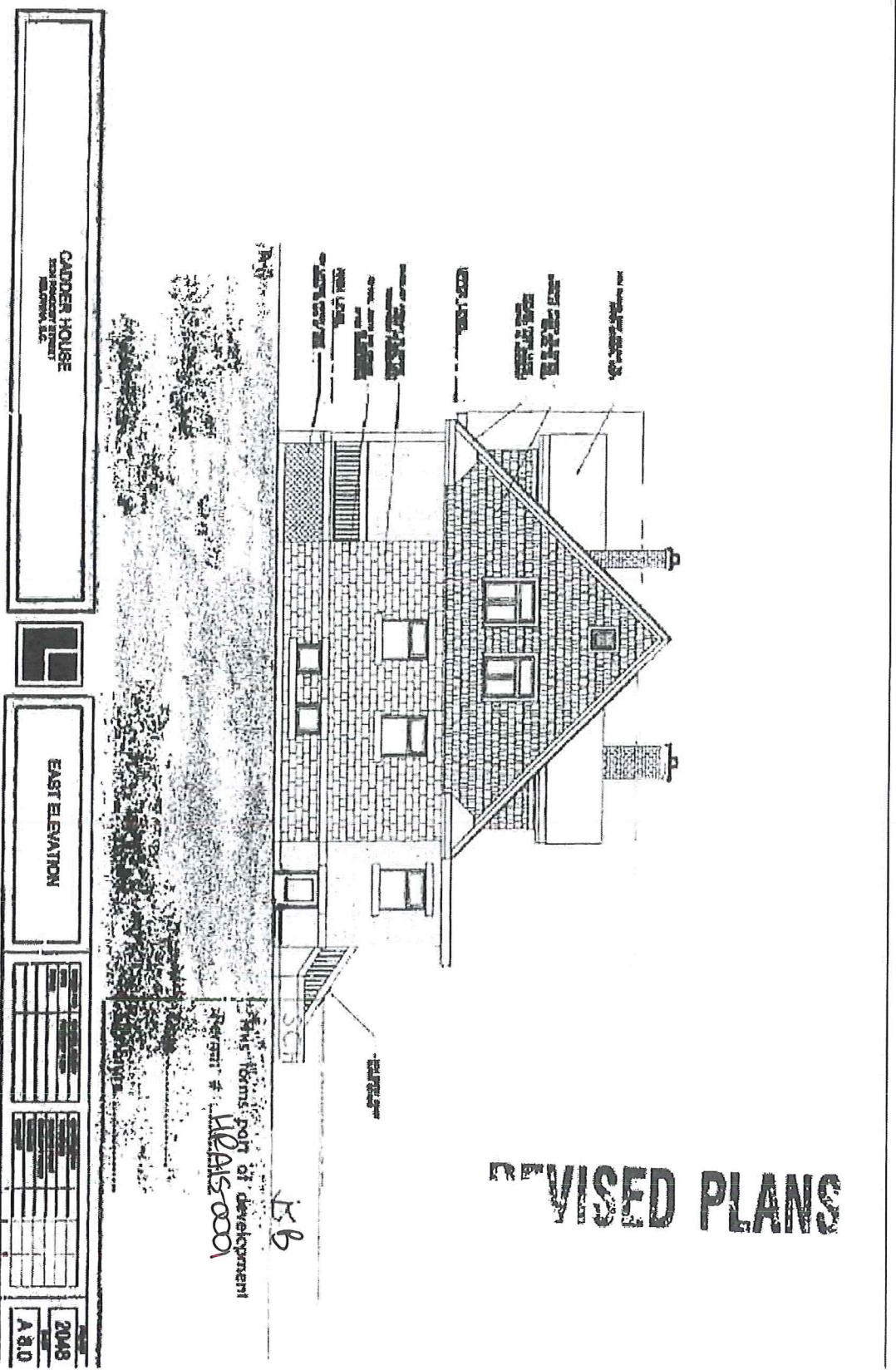
DATE	APPROVED

REVISIONS	DATE

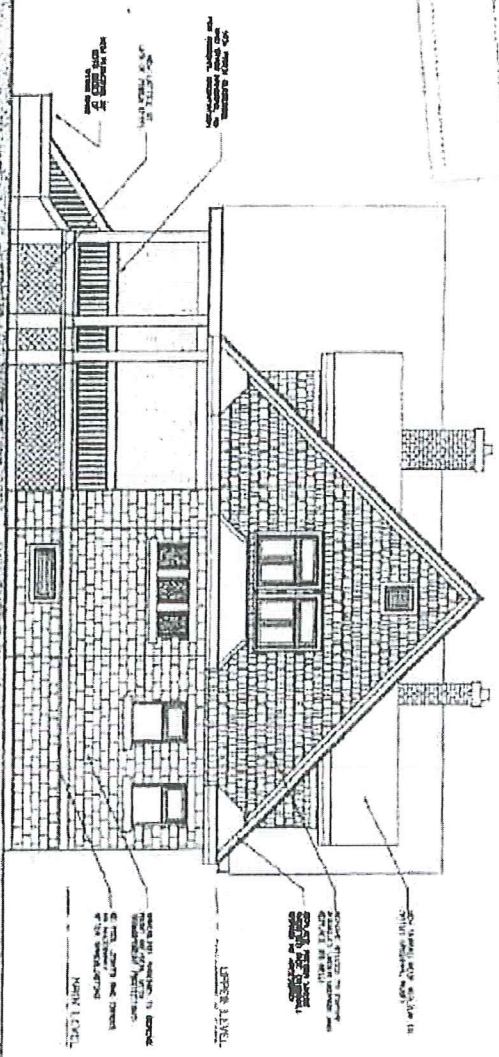
2008  
 A70







SCHEDULE BB  
 This is not a form to be developed  
 Form # HP415-000  
 Date \_\_\_\_\_  
 Signature \_\_\_\_\_



REVISED PLANS

CADDER HOUSE  
 274 N. HICKORY STREET, WILSON, LA

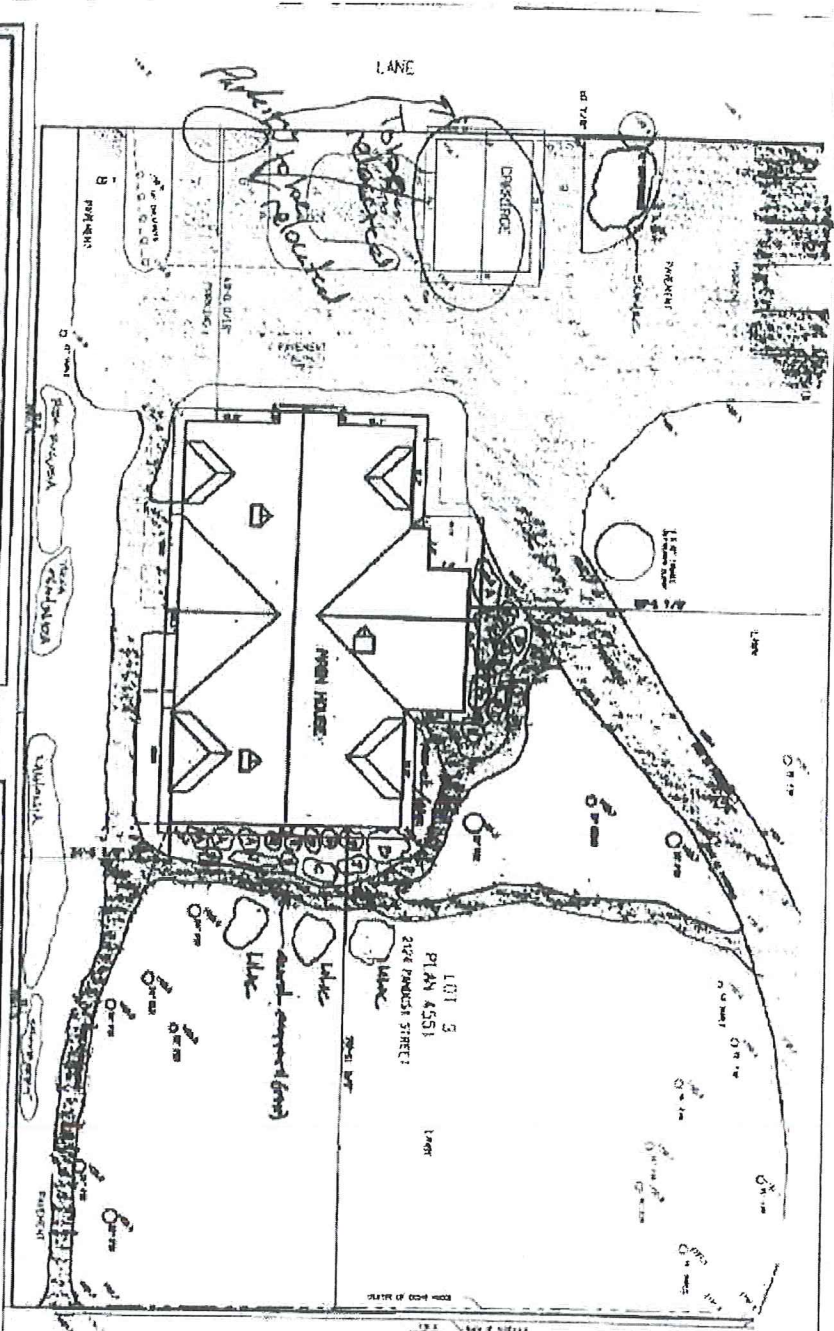


WEST

NO.	DATE	DESCRIPTION	BY	CHECKED

2048  
 A 9.0





**CADDER HOUSE**  
 1000 PANDOLY STREET  
 BIRMINGHAM, ALA.

**SITE PLAN**

NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY		
2	REVISED		
3	REVISED		
4	REVISED		
5	REVISED		
6	REVISED		
7	REVISED		
8	REVISED		
9	REVISED		
10	REVISED		
11	REVISED		
12	REVISED		
13	REVISED		
14	REVISED		
15	REVISED		
16	REVISED		
17	REVISED		
18	REVISED		
19	REVISED		
20	REVISED		

THIS SET OF DRAWINGS IS THE PROPERTY OF  
**MR. ANS COOPER**  
 DATE: \_\_\_\_\_  
 SIGNATURE: \_\_\_\_\_

- Planting Legend:
- A - 2" x 4" x 8" Lumber
  - B - 2" x 4" x 8" Lumber
  - C - 2" x 4" x 8" Lumber
  - D - 2" x 4" x 8" Lumber
  - E - 2" x 4" x 8" Lumber
  - F - 2" x 4" x 8" Lumber
  - G - 2" x 4" x 8" Lumber
  - H - 2" x 4" x 8" Lumber
  - I - 2" x 4" x 8" Lumber



Neighbour Consultation Form  
(Council Policy No.367)

A summary of neighborhood consultation efforts, feedback and response must be provided to City staff, identifying how the efforts meet the objectives of this Policy. This form must be filled out and submitted to the File Manager a minimum of 20 days prior to initial consideration by Council.

I, Hazel Christy, the applicant for Application No. HAP 15-0001  
for CADDER HOUSE HEA AMENDMENT  
(brief description of proposal)

at 2124 PANDOSY ST. have conducted the required neighbour  
(address)  
consultation in accordance with Council Policy No. 367.

- My parcel is located **outside** of the Permanent Growth Boundary and I have consulted all owners & occupants within a 300m radius
- My parcel is located **inside** of the Permanent Growth Boundary and I have consulted all owners & occupants within a 50m radius



YOLANDA DE VILLIERS, OWNER  
I have consulted property owners and occupants by doing the following: SPEAKING TO OWNERS OF ADJACENT PROPERTIES AS SHOWN ON THE ATTACHED MAP, OR LEAVING A PRUE. AT THE DOOR.

Please initial the following to confirm it has been included as part of the neighbour consultation:

- dc Location of the proposal;
- dc Detailed description of the proposal, including the specific changes proposed;
- Visual rendering and/or site plan of the proposal;
- dc Contact information for the applicant or authorized agent OR OWNERS
- Contact information for the appropriate City department;
- dc Identification of available methods for feedback.

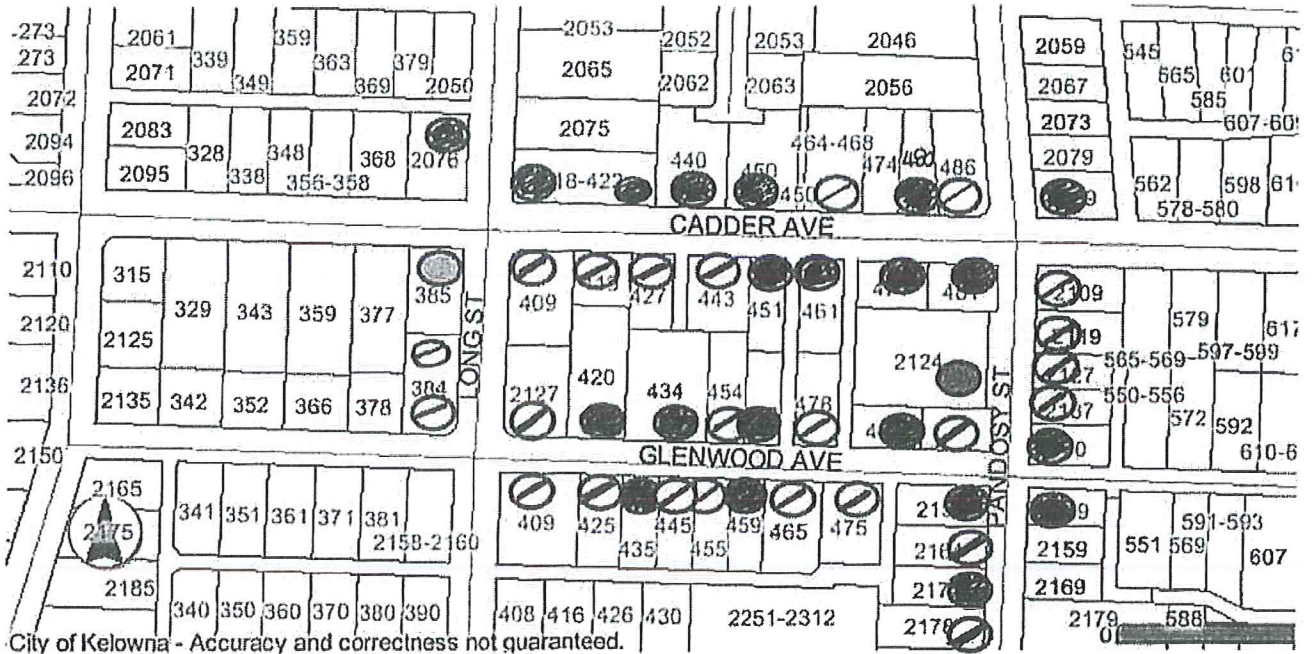
Please return this form, along with any feedback, comments, or signatures to the File Manager 20 days prior to the anticipated initial consideration by Council date. On the back of this form please list those addresses that were consulted.

City of Kelowna  
1435 Water Street  
Kelowna, BC V1Y 1J4  
TEL 250 469-8600  
FAX 250 862-3330  
kelowna.ca

 = Spoke to owner/occupant  
 = left package at door

## Cadder House Neighbourhood Input

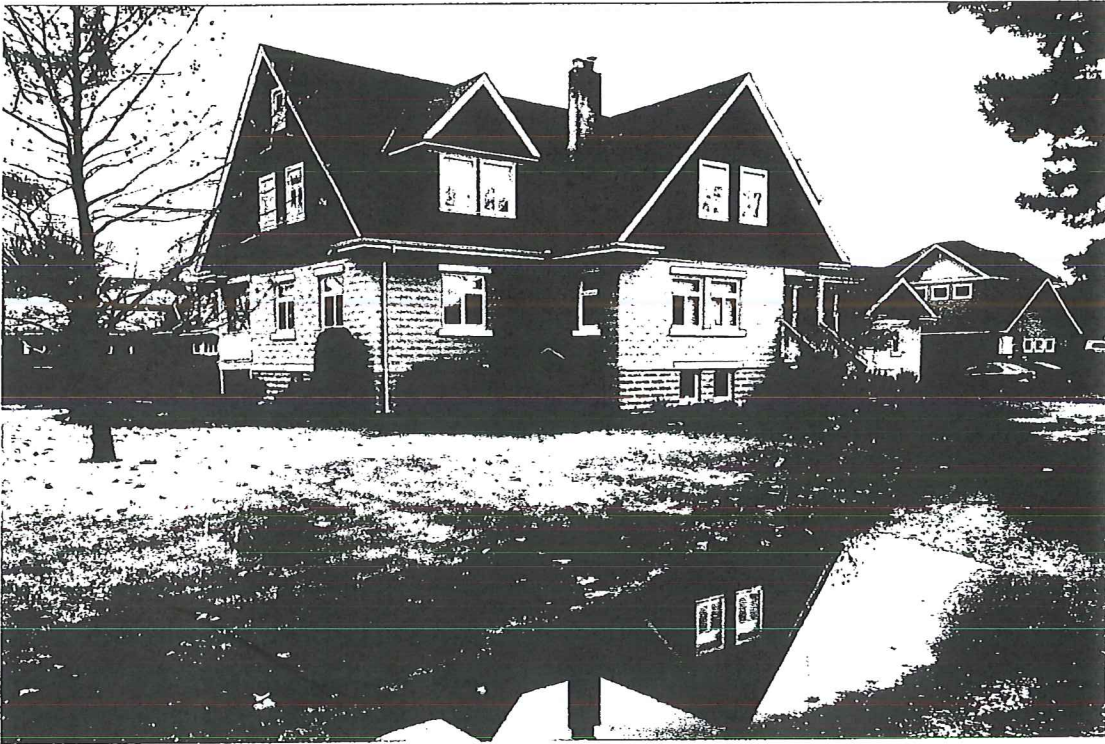
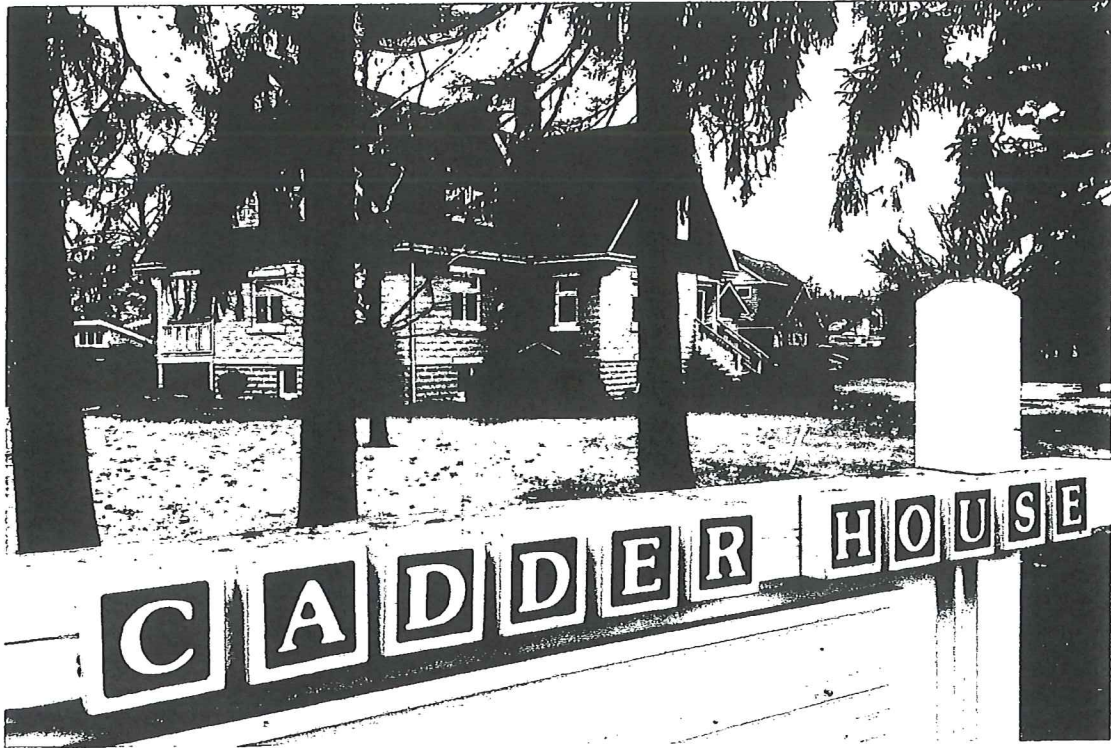
(as of March x, 2015)





Address	Spoke with Owner & Occupant	Left Package with Owner & Occupant	Date
1109 Glenwood Ave.		✓	17 March 2015
1125 Glenwood Ave.		✓	17 March
1135 Glenwood Ave.	✓		17 March
1115 Glenwood Ave.		✓	17 March
1155 Glenwood Ave.		✓	17 March
1159 Glenwood Ave.	✓		17 March
1165 Glenwood Ave.		✓	17 March 2015
1175 Glenwood Ave.		✓	17 March 2015
2127 (Corner of Long & Glenwood)		✓	17 March 2015
1120 Glenwood Ave.	✓		17 March 2015
1121 Glenwood Ave.	✓		17 March 2015
1151 Glenwood Ave.		✓	17 March 2015
1166 Glenwood Ave.	✓		17 March 2015
1178 Glenwood Ave.		✓	18/3/15
1182 Glenwood Ave.	✓		18/3/15
Corner of Glenwood & Pandosy		✓	18/3/15
384 Corner of Glenwood & Long St		✓	17/3/15
2126 Long St		✓	17/3/15
2076 Corner of Cadder & Long	✓		18/3/15
418 Cadder Ave.	✓		18/3/15
1122 Cadder Ave.	✓		18/3/15
1140 Cadder Ave.	✓		18/3/15
1150 Cadder Ave.	✓		18/3/15
1150 <sup>1140</sup> Cadder Ave.		✓	18/3/15
1180 Cadder Ave.	✓		18/3/15
1186 Corner of Cadder & Pandosy		✓	18/3/15
1109 Cadder Ave.		✓	17/3/15
1115 Cadder Ave.		✓	17/3/15
1127 Cadder Ave.		✓	17/3/15
1143 Cadder Ave.		✓	17/3/15
1151 Cadder Ave.	✓		17/3/15
1161 Cadder Ave.	✓		17/3/15
1171 Cadder Ave.	✓		18/3/15
1181 Corner of Cadder & Pandosy	✓		18/3/15
2089 Pandosy str		✓	18/3/15
2119 Pandosy str		✓	18/3/15
2127 Pandosy str		✓	18/3/15
2187 Pandosy str		✓	18/3/15
540 Corner of Glenwood & Cadder	✓		18/3/15
2149 Pandosy str.	✓		18/3/15
2178 Pandosy st		✓	18/3/15
2170 Pandosy st	✓		18/3/15
2164 Pandosy st		✓	18/3/15
2154 Pandosy st	✓		18/3/15
2109 Pandosy st		✓	18/3/15
2126 Long street		✓	17/3/15





Hi neighbour,

I'm one of the original owners since 2007 of the 4 strata owners at the Heritage Cadder House at 2124 Pandosy St.

The mansion was built in 1908 and was the largest residence in Kelowna. The builder, T W Stirling owned the land west to the lake as well as south to the hospital. He donated the land to present day KGH and in the early 1960's our home was the nurse's residence. Our special home is the crown jewel of the Heritage Society, and we owners are also very proud of living here.

The present HERITAGE REVITALIZATION AGREEMENT, in place since 2004, restricts us to 5 residential units only and does not allow us to use the property as the current zoning permits. The City of Kelowna zoning of your residence is even more liberal. We are currently applying to the City to amend the agreement so we can keep maintaining this beautiful but large structure, as it is, and its expansive grounds. Our intention is to create income to pay for the ongoing maintenance costs.

Although the renovation was done in 2004, there are many things, such as the huge driveway, perimeter fencing and lighting that were not completed. We also have to consider future costs and 2 examples would be: the roof and the 2 storey wood fire escape. Exterior painting is ongoing annually with such an exposure to the heat of the south and west sun.

We wanted to give you a courtesy heads up today as our neighbours so that when a City of Kelowna sign is placed on the Cadder House property, then you are already aware. We want your support to help us keep the majestic Cadder House ongoing. We are not asking for a donation, we simply want your support of the ideas we are presenting to amend the heritage agreement.

It is becoming increasingly difficult financially to continue maintaining the property & heritage building as it stands now without amending the HERITAGE REVITALIZATION AGREEMENT.

We have created a survey with the ideas of the proposed uses we are considering. You can fill it in and drop it off in the lobby of the Cadder house and we will be glad to show you in the entrance so you can enjoy what we see everyday. Or you can email us your support on the survey at [cadder.house.2015@gmail.com](mailto:cadder.house.2015@gmail.com)

Thank-you for your support!!

Marie McAlpine  
(one of) The Owners of Cadder House



# Cadder House 2015

Drop off to Cadder House foyer 2124 Pandosy St  
Email to [cadder.house.2015@gmail.com](mailto:cadder.house.2015@gmail.com)

Please complete the following survey to help support the preservation of the majestic **Cadder House** and grounds in its application to the City of Kelowna for a new Heritage Revitalization Agreement. Listed below are our Proposed Uses. Comments are welcome. Use the back if necessary. Thank you for your support.

**Agriculture, Urban** – cultivating a portion of the property to grow fruit, vegetables, herbs, nuts  
(Currently allowed as secondary use for neighbouring RU1 Properties)

Yes \_\_\_ No \_\_\_ Comments:

**Apartment Housing** – separate households (as it is now) allowing residential tenancy of less than one month focusing on hospital related stays (e.g. Family and cancer patients receiving treatment)

Yes \_\_\_ No \_\_\_ Comments:

**Artisan live/work studios** – residential/commercial e.g. Painter, potter, sculpture, photographer living and working in unit (Similar to a Home based business)

Yes \_\_\_ No \_\_\_ Comments:

**Bed & Breakfast** – for this property, owner occupancy is not required (Currently allowed as secondary use for neighbouring RU1 Properties)

Yes \_\_\_ No \_\_\_ Comments:

**Child Care, in Home** – daily child care to max of 5 children exclusive of the operators' children.  
(Responds to needs of hospital employees and area residents - similar to a Home based business)

Yes \_\_\_ No \_\_\_ Comments:

**Community Care Facility** – operation of Community Care Facility by a licensee under the Community Care and Assisted Living Act of BC to provide residential care to 6 or fewer persons. (This use was allowed previously on this property when it was Oak Lodge)

Yes \_\_\_ No \_\_\_ Comments:

**Fitness Studio** – one to one or group sessions of physical fitness including health centres e.g. Yoga, Pilates, dance, and self defence. (Consistent with other uses on the property and principles expressed through the planning for Health District 3)

Yes \_\_\_ No \_\_\_ Comments:

# Cadder House 2015

Drop off to Cadder House foyer 2124 Pandosy St  
Email to [cadder.house.2015@gmail.com](mailto:cadder.house.2015@gmail.com)

**Health Services** – provision of physical or mental health services on an out-patient bases. E.g. medical and dental office, chiropractors, massage therapists, acupuncture clinics, counselling services  
(Consistent with other uses on the property and principles expressed through the planning for Health District 3)

Yes \_\_\_ No \_\_\_ Comments:

**Heritage Restaurant** – small heritage café with max capacity of 20 patrons. (Reflects unique heritage nature of the property and responds to need for local small scale food services by residents and employees in the area)

Yes \_\_\_ No \_\_\_ Comments:

**Home Based Business, Major** – use of a dwelling unit for a secondary business by a resident residing more than 240 days of a year at that dwelling unit. No change to residential character of the dwelling.  
(Currently allowed as secondary use for neighbouring RU1 Properties)

Yes \_\_\_ No \_\_\_ Comments:

**Home Based Business, Minor** – use of a dwelling unit for a secondary business by a resident residing more than 240 days of a year at that dwelling unit. No change to residential character of the dwelling.  
(Currently allowed as secondary use for neighbouring RU1 Properties)

Yes \_\_\_ No \_\_\_ Comments:

**Offices** – for the provision of professional, management, administrative, consulting or financial service in an office setting. (Consistent with other uses on the property and principles expressed through the planning for Health District 3)

Yes \_\_\_ No \_\_\_ Comments:

**Supportive or Assisted Housing** – using residential units to accommodate seniors or others needing assisted living and may include separate common areas for dining, socializing and the provision of meals, housekeeping and personal care. (This use was allowed previously on this property when it was Oak Lodge)

Yes \_\_\_ No \_\_\_ Comments:

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_



## Cadder House Neighbourhood Survey

(as of January 27, 2015)

Uses Proposed in HRA	Yes	No	No Comment	Total	Comment
Agriculture, Urban	###-###-### ###		I	20	Best suited to roof tops in urban
Apartment Housing	### ### ### ###	I		20	One unit should be owner occupied
Artisan Live Work Studios	### ### ### ###			20	
Bed and Breakfast	### ### ### I	###		20	
Child Care, in Home	### ### ### ###	II		20	We are always in need of more childcare
Community Care Facility	### ### ###	###-I	II	20	
Fitness Studio	### ### ### ###	I	I	20	Not health district use; no night time classes
Health Services	### ### ###	### II		20	
Heritage Restaurant	### ### ###	### II		20	Traffic, garbage concerns; a great idea, could be lovely; this would be a lovely concept for the area; love this one; I really like this one with the restaurant; we encourage small business in the community but discourage chain restaurants; yes, but parking?
Home Based Business, Major	###-###-### II	I	II	20	Unclear what this is
Home Based Business, Minor	### ### ### I	I	###	20	Unclear what this is
Offices	###-###-### I	###	I	20	Yes as per health district; yes but no night work
Supportive or Assisted Housing	### ###-###	###	I	20	For close proximity to KGH; large lots should be used as support services to KGH

### Other Comments:

We support the current/future occupants of Cadder House in trying to preserve a heritage property intact. Allowing them the flexibility similar to adjacent zones makes sense. Current economic conditions require everyone to be more creative when trying to make ends meet. KGH was allowed to demolish a property on the heritage registry. What is the point of any other restrictions?

Dr JP Etheridge

Okanagan Interventional Pain Clinic  
#303 - 570 Raymer Street  
Kelowna  
V1Y 4Z5

January 1, 2015

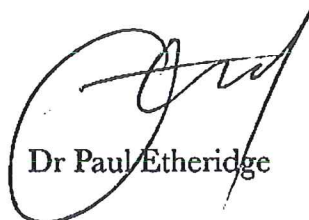
Kelowna City Council  
1435 Water street  
Kelowna, BC  
V1Y 1J4

***RE: Letter of support for Cadder House Heritage Agreement  
Amendment.***

As the director of the Okanagan Pain and Interventional Pain Clinic, my colleagues and I treat patients suffering with chronic pain from all over British Columbia. Appropriate, short term accommodation close to our clinic on Raymer street as well as Kelowna General Hospital where certain pain procedures are done would be of great benefit for patients. Cadder House is well located to offer close access both to the local hospital as well as our clinic. It offers private accommodation for patients as well as family members accompanying them. Based on the close proximity to the hospital, this property would also be potentially suitable as a medical practice for a physician.

I support the application for the amendment of the above mentioned property.

Sincerely,



Dr Paul Etheridge

FROM THE DESK OF

**DR JANINE DAVIES**

654 Dougherty Ave, Kelowna BC V1W 5B1

250-862-0922

January 1, 2015

City Council  
1435 Water Street  
Kelowna, BC  
V1Y 1J4

RE: Support of Heritage Agreement Amendment regarding 2124 Pandosy Street

I am writing this letter of support in my capacity as a Medical Oncologist formerly working at the BC Cancer Agency- Centre for the Southern Interior until December 2014.

In my profession working with cancer patients from across the interior of British Columbia, I can see the value in offering housing in such close proximity to the Kelowna General Hospital and Cancer Clinic.

Patients often come for treatment for a week at a time or less and can certainly benefit from a location where they have a home environment, can cook their own healthy meals, have family stay with them for support and walk to the hospital for treatment. Having family support during these times is important to the well-being of a patient. The units at Cadder House offer all of this and I would support their application for short term rentals of less than 30 days.

Sincerely yours,



Dr Janine Davies MD BN MSc  
Medical Oncologist  
BC Cancer Agency

January 2, 2015  
Sheri Adams  
303-1770 West  
12 Avenue  
Vancouver,  
B.C.  
V6J 2E6

Kelowna City Hall  
1435 Water Street  
Kelowna, B.C.  
V1Y 1J4

Dear Mayor Colin Basran and Honorable Council Members,

I am writing this letter of support for Cadder House, which is located at 2124 Pandosy Street in Kelowna, B.C., so that the owners may legally place advertising in front of their beautiful heritage site for short term rentals (less than 30 days).

In June of 2014, I found a link to Cadder House online, simply by chance, at a time when I needed it the most. My 46 year old brother was dying from ALS and it was crucial that I spend his last moments with him. I required a space that was quiet, safe and close to Cottonwoods Care Facility where my brother was residing. Not only did Cadder House fill these requirements, the Stirling Suite was beyond my expectations in that it afforded me a space that was my 'home away from home' where I could cook my own meals as well as provided the privacy I so desperately needed. Most importantly, it was so convenient in that I was within walking distance to both my brother and the hospital when necessary. Even though the circumstances of my coming to Kelowna were incredibly painful, I did manage to notice the beauty of this heritage site. It was not hard to see that the owners, Yolanda de Villiers and her husband, took a lot of pride in maintaining the heritage value and character of this amazing building and suites therein. Not only was this heritage building of undeniable benefit to me and my brother, I believe this benefit extended to the existing neighbourhood and Kelowna in general.

Please take this letter to heart and allow these owners to serve others like me, as well as their community.

Sincerely,

Sheri Adams



5 January 2015

Dear members of Kelowna Town Council,

We are writing this letter in support for Cadder House Accomodation. We are a couple, and are both physicians from Vancouver who had the pleasure of working at Kelowna General Hospital, and the BC Cancer Agency in Kelowna in August 2014. Our stay would not have been so successful without the accommodations offered by the Cadder House. The accommodations allowed us convenient access to work, a comfortable and private living space, and a location which also allowed us to enjoy the surrounding area and Kelowna downtown. We were very thankful that the Cadder house was able to offer these living arrangements for short-term stays in a beautiful historic building.

We also support these accommodations for the patients and their families at Kelowna General Hospital and the BC Cancer Agency. Many of our patients travelled a great distance and required accommodations while receiving and recovering from medical treatments. Likewise their family members often required accommodations during these times. Accomodations such as Cadder House are a critical resource to the excellent health-care offered in Kelowna, and we support them for this reason as well.

Thank you for the opportunity to voice our support.

Sincerely,

Dr. Simon D. Baxter, MD

Dr. Stefanie C. Leung, MD

e-mail: [simon.baxter@bccancer.bc.ca](mailto:simon.baxter@bccancer.bc.ca)  
phone: 778-229-4638



## HealthWise Family Practice

778 484 5560

#2-1499 Gordon drive, Kelowna, BC, V1Y 9R2

January 5, 2015

City Council  
1435 Water street  
Kelowna, BC  
V1Y 1J4

### **RE: 2124 Pandosy street Heritage Amendment**

We are both practising physicians in Kelowna and provide patient care to Kelowna residents as well as to patients living in neighbouring towns.

We support the amendment application for the above mentioned property to include a combination of residential short term rentals and professional offices with the emphasis on businesses connected to the hospital. Our reasons for this are stipulated below:

- 1) This property is very close to the hospital and offers private accommodation for patients and family of patients. The close proximity to the hospital makes this an ideal location.
- 2) Due to the close proximity to the hospital, size of the property and ample parking, it would make an ideal office space for a specialist physician or physiotherapist that would prefer close proximity to the hospital to visit in-patients as well as consult patients at the office in Cadder.

We feel strongly though, that this heritage building be preserved.

Sincerely,

Dr Ben Wiese



Dr Lize Wiese

Janet Dueck  
1815 7 Avenue South  
Lethbridge, AB T1J 1M1

January 6, 2015

Kelowna City Council  
Kelowna, B.C.

To Whom It May Concern:

I am writing in support of the Cadder House rezoning.

During this past year I have had the opportunity to stay at the Cadder House a few times. It was a convenient location for me to reside because I was in Kelowna visiting my parents at Mountainview Care Home just a short drive away. Normally I would stay about a week and spend the days at the care home. Then it was relaxing to be able to come to the Cadder House in evenings. The accommodation is quiet, spacious and inviting. If you choose you are able to cook in the well equipped kitchen or there are nearby restaurants to go to. Also, one Sunday afternoon I brought my parents to the Cadder House and we enjoyed visiting on the comfortable deck overlooking the beautiful garden.

I personally love historic homes so all the wood moldings, hardwood floors, and the clawfoot tub are especially lovely to me. The home has been tastefully renovated while still keeping the character in place. What a wonderful piece of Kelowna's history!

I will be coming to be with my parents again this year and hope I will be able to stay at the Cadder House. This is a wonderful place to call home when you need accommodation for a short time in Kelowna.

Sincerely,

Janet Dueck

January 11, 2015

Kelowna City Council  
1435 Water Street  
Kelowna, BC  
V1Y 1J4

Dear Mayor and Council,

We are writing this letter in support of Cadder House to legally place rental advertisements in front of their building for short term rentals. As graduate students from the University of British Columbia Vancouver Campus needing to complete practicum placements in Kelowna, we were attracted to Cadder House's historic background and its convenient location in respect to our two placements: Kelowna General Hospital and Starbright Children's Development Centre.

When we were notified by our school that we had been assigned to Kelowna General Hospital for a mandatory clinical practicum, our major and most urgent concern was finding accommodation. Not having any connections in Kelowna, we had to rely on online postings and phone inquiries to look for our temporary home in a city we did not know much about. In addition, given that the duration of the practicum was 5 weeks, we needed to find a short-term rental that was in a safe and convenient location, that offered the flexibility to allow us to rent the premise for 1 month and a week. The Cadder House offered all of these. It is a beautiful historic building located just minutes from the hospital. There is also a bus stop located across the street that takes passengers to Queensway exchange within a few minutes for easy transfer to other parts of the city, such as to our other practicum placement. Moreover, located only a few blocks away from the lake, public parks, and the core of downtown, the convenient location allowed us to have a full Kelowna experience after work and on the weekends.

The suit itself was beautifully decorated and was fully equipped with all the necessary appliances (e.g., washer and dryer, dishwasher, stove, TVs) and services (e.g., cable, wireless internet connection). All the guests need to bring is their personal necessities. Yolanda de Villiers, the owner of Cadder House, made us feel very welcome and she and her husband kept in touch with us regularly to make sure we had everything that we needed.

We would strongly recommend the Cadder House to students, hospital staff, and patients who are looking for a temporary home in Kelowna. We hope Kelowna City Council will accept Cadder House's application to legally advertise in front of their building.

Regards,



Chelsea Leigh

UBC Graduate Student  
M.Sc. Candidate



Colleen Leung

UBC Graduate Student  
M.Sc. Candidate

Hello Yolanda,

I share with you my gratitude for being able to stay at Cadder House during my weeks of treatment at the hospital. First and foremost, the location is ideal. A five-minute walk to the hospital means there is no hospital parking to pay. The location is easily accessible to downtown and close to a number of interesting shops and coffee houses.

Your friendly and personal service helps make Cadder House a restful “home away from home,” which is invaluable to a person undergoing treatment. Having a full kitchen allowed me to schedule meals around my treatment times, and being able to have a family member stay with me allowed me to have the support whenever I needed it. The comfort and cleanliness of the suite in this beautiful historical house cannot be understated, and having ample free parking is an added plus.

I consider myself very fortunate to have found out about Cadder House and encourage others to take advantage of your affordable facility if they are faced with the challenges of treatments at the hospital.

Sincerely,

Karen W.  
Cranbrook, B.C.





Kelowna South Central Association of Neighbourhoods  
Knowles House – 865 Bernard Avenue, Kelowna, BC

May 25, 2015

Consultant Hazel Christy  
Representing owners of Cadder House:  
Jan Armstrong (resident owner)  
Marie McAlpine (resident owner)  
Richard & Yolanda de Villiers (investor owners)  
Grant Good (investor owner)  
2124 Pandosy Street, Kelowna, BC

Submitted via email to: [hchristy@shaw.ca](mailto:hchristy@shaw.ca)

**RE: Proposed HRA Amendment – 2124 Pandosy Street (Cadder House)**

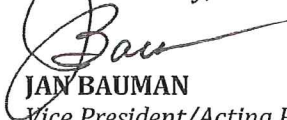
Hello Hazel:

We thank you, and the resident and investor owners of Cadder House for your revised presentation to James Avery (FRAHCAS) and I (KSAN) in April – a follow-up to the initial presentation made by owners in February.

Please be advised that the Kelowna South Central Association of Neighbourhoods (KSAN) Board of Directors fully supports the position of the Friends and Residents of the Abbott Heritage Conservation Area Society (FRAHCAS) that Cadder House remains strictly residential (as per April 27<sup>th</sup> letter attached).

Therefore, we do not support the proposed amendment to the Heritage Revitalization Agreement (HRA) to allow commercial use of any of the residential strata units in this historical property that exists within the Abbott Street Residential Heritage Area.

Yours Sincerely,



**JAN BAUMAN**

Vice President/Acting President  
Kelowna South Central Association of Neighbourhoods

CC:

City of Kelowna – Mayor & Council, Ron Mattiussi, Laura Bentley  
MLA & Minister of Heritage – Steve Thomson  
Central Okanagan Heritage Society & BC Heritage Society – Janice Henry  
FRACHAS Board of Directors – James Avery

April 27, 2015

To: **Hazel Christy**, Professional Planner

As consultant to the following current owners of Cadder House:

**Jan Armstrong** (resident owner)

**Richard and Yolanda de Villiers** (investor owners)

**Grant Good** (investor owner)

**Marie McAlpine** (resident owner)

cc: **Laura Bentley**, City Planner, City of Kelowna

**Mayor and Council**, City of Kelowna

**Ron Mattiussi**, City Manager

**Steve Thomson**, MLA, B.C. Minister of Heritage

**Janice Henry**- Executive Director COHS, Pres. B.C. Heritage Society

**Jan Bauman** - Acting President of KSAN

**FRAHCAS** - Board of Directors

Subject: **HRA Amendment / 2124 Pandosy St. (Cadder House)**

This letter will serve to document the position of FRAHCAS on the subject of a proposed amendment to the Heritage Revitalization Agreement for the registered historic Cadder House. The FRAHCAS Board of Directors first reviewed and discussed on Feb. 17, the initial proposal submitted by the four owners of the five strata units that currently comprise Cadder House. This was the earliest opportunity following a meeting hosted by the owners on Feb. 9, 2015. At that time the proposal presented was open ended in its consideration of multiple ventures designed to offset condo maintenance fees and assessments associated with the ongoing maintenance of Cadder House. The implications for each proposal severally or in combination were overwhelming to contemplate. We suspect that City of Kelowna officials were likely equally challenged in comprehending implications of such a diverse proposal.

The voting Board of FRAHCAS on that occasion took the unanimous position that this prime historic residential home within the residential heritage area should remain 100% residential in nature (i.e., no allowance for commercial operations beyond normal rental of suites for residential purposes only). This property was stratified some years ago with 5 residential units to facilitate preservation of this property. It is proffered that an integrated residential strata home such as Cadder House (main building), where all residential units are connected by a common stairwell / foyer without any significant physical separation or buffer, could not introduce and conduct commercial operations without impact to the residential nature of all of the units. Therefore no proportioned commercialization as proposed is supported (neither in whole nor in part).

We state this position with the foreknowledge that there exists an apparent willingness for financial reasons among the current four strata owners to do so. We must however consider implications beyond the present owners, realizing that in time, changes in

ownership are most likely. Moreover this position is standard policy for residential strata complexes in general and for similar reasons (i.e., that strata bylaws would commonly disallow outright any commercial activities within residential units for the sake of all other residential units).

If an amended HRA were to allow commercial enterprise within Cadder House it begs the question as to whether a future purchaser was acquiring a residence or a commercial enterprise. Moreover and again with a view to future owners, it could be deemed legally oppressive to allow one or any portion of the five units to carry on commercially without extending equal opportunity to all of the units.

Our Board of Directors met again on April 21 to review and discuss the revised draft proposal (dated March 16, 2015). This proposal for amending the HRA is again premised upon financial requirements (both immediate and pending). Discussion with the current owners indicate no efforts in recent operating budgets to address the mounting maintenance costs. Instead these costs now form the premise of the HRA amendment request. It is more than apparent that maintenance fees which include utilities were kept superficially below a level that reflects the true operating costs of this complex. Low maintenance fees have also diminished the amount that otherwise should have been allocated to the contingency reserve for non-budgeted maintenance and repairs.

In reality higher monthly maintenance fees were likely in order and an amount greater than the minimum of 10% of the operating budget required by the Condominium Act should likely have been allocated to the contingency reserve. It is understandable why single residential owners and investment owners alike would be motivated to avoid maintenance fee increases but the nature and amounts of the proposed costs put forward in the current proposal would not be deemed for the most part, unforeseen or in the case of pending repairs, unforeseeable.

It is also acknowledged that the speculative purchase of two illegal suites in the basement of the Cadder House as well as acquisition of the attic area with the hope of additional residential space has proven cost prohibitive and likely non rewarding financially in both cases. We defer to City of Kelowna officials to determine whether or not legitimate residential use can be made of these spaces. We defer to the speculative investor owner to take financial responsibility in the event this speculation proves unprofitable.

With the above in mind the voting members of the Board recently reaffirmed the position that this strata complex should remain fully residential.

Respectfully and on behalf of the Board of Directors,

James Avery  
Pres. FRAHCAS  
Friends and Residents of the Abbott Heritage Conservation Area Society



[HOME](#) [Search](#)

## Heritage Building

### Heritage Building Information



**Kid:** [672849](#) **Plan:** K3144 **Lot:** CP **Block:**  
[Map](#)  
**Civic Address:** 2124 Pandosy St  
**Neighbourhood:** South Central  
**Building Name:** Cadder House (Oak Lodge)  
**Conservation Area:** Abbott Street  
**Date Built:** 1908  
**Status:** Active

#### Historical Significance:

Built by T.W. Stirling, among the largest investors in early Kelowna. Formed Kel. Shippers Union. Involved in the KLO, Kel. Sawmill, Okan. Loan & Trust. Partner in Stirling and Pitcairn. Founded the Hospital and St Michael and All Angels Anglican Church.

#### History:

Thomas Willing Stirling (1866-1930) came to area in 1894 and established "Bankhead" Orchard, specialising in pears. When he built Cadder House in 1908, it was the largest private residence in Kelowna. Returned to Britain in WWI to serve in Navy, reaching rank of Commander and receiving OBE. Returned to Kelowna in 1919, but then returned to Scotland in 1921 after inheriting family property. House used as nurses' residence 1922-24. In 1964 set up as senior citizens' facility, "Oak Lodge Rest Home".

#### Architectural Significance:

The largest residence in Kelowna when built. Unusual and attractive cross-gabled design.

#### Style / Character:

Queen Anne (the roof and details) influences without the asymmetry. The use of the local rusticated block (Haug brand) for first storey of the house and then wood frame above is not very common.

#### Design Features:

Modelled on a historical country house it has a prominent central porch under the cross gable, and a simple, classically-inspired, symmetrical front elevation. A small square bay projects off of the RH side. The front porch has been closed in to form a sunroom.

#### Architect:

unknown

#### Builder:

unknown

#### Building Construction:

concrete block/wood frame

#### Foundation Construction:

Haug concrete block

#### Stories:

2

#### Roof Type:

gabled medium pitched main roof with several small gabled, pedimented dormers

#### Window types:

awning windows DH 1/1

#### Exterior Wall Material:

Haug concrete block and stucco

#### Original Wall Material:

same

#### Exterior Wall Color:

grey/blue w. white trim

#### Landscape Features:

large lot with numerous trees (oak, pine, fir), very private

#### Associated Buildings:

small detached garage in the rear

#### Alterations Documented:



**Alterations Observed:** Front verandah closed in for use as an office. The cross gable may not be original but an early addition.

**Site Context:** A much larger house and lot than those in the area.

**Source:** KHRI 1983, see David Dendy's thesis on the Kelowna Companies (Kelowna Museum); STREET FILES; KHRI; KHRI FORMS; JEFFRIES 1913; bio OHS 35:98-100.

**Additional Notes and Comments:** Oak Lodge (owner of the psychiatric care facility) received \$3,238 from the Kelowna Heritage Foundation. Cadder Ave. bordered on original, larger property.

**Updates:**

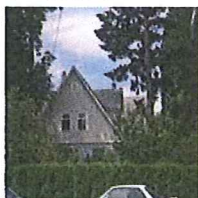
**History Recorder Name:** David Dendy **Date Recorded:** 1997-09-03

**Field Recorder Name:** Leigh-Ann Carter **Date Recorded:** 1997-07-04

**Photographer:** Leigh-Ann Carter **Date Photographed:** 1997-07-04

**Photo Reference:** CD4.22-24

**Main Photo File:**



**Additional Photos:**



**CRHP Inventory:** [Click Here](#)



[List](#) [Readme](#)

## Heritage Building - CRHP

### 2124 Pandosy St - Cadder House (Oak Lodge)

[Identification](#) [Formal Recognition](#) [Location](#) [Desc I](#) [Desc II](#) [Desc III](#) [Images](#) [Doc](#) [Admin](#) [Previous](#)

- E20 Place Description: The historic place is the large, two-storey, concrete-block Cadder House (also known as Oak Lodge), built in 1908, and situated at 2124 Pandosy Street in the Abbott Street Heritage Conservation Area in Kelowna's South Central neighbourhood.
- E21 Heritage Value: The building has heritage value for its association with the Kelowna's significant tree-fruit industry, through two former residents, and with health care services, through two institutional uses. It also has value for its architecture and its stature, reported to have been the largest private residence in Kelowna when it was built.

Cadder House was built for Thomas Willing (T.W.) Stirling, who was prominent in the tree-fruit industry and other lines of business. Although descended from Scottish landed gentry, Stirling was born in England. In 1879, at the age of 13, he entered the Royal Navy as a cadet. He rose to the rank of lieutenant and resigned his commission in 1893. A year later he came to Kelowna with his wife Mabel and children. He purchased a portion of the old Nicolson property, which he renamed 'Bankhead'. He built a large house and orchard there and maintained purebred livestock. In 1905 Stirling became president of the BC Fruit Growers' Association.

With ample capital and great energy, Stirling became involved in almost every agricultural enterprise in the area. He and James Crozier were the prime movers in the organization of the Okanagan's first agricultural cooperative marketing organization, the Kelowna Shippers' Union. When that failed, Stirling founded the independent shipping firm of Stirling and Pitcairn. He put up much of the capital for the Kelowna Land and Orchard Company, which purchased and subdivided the Lequime estate and started the large-scale orchard development of East Kelowna. (The house of W.R. Pooley, an original partner and promoter of the company, stands at 3690 Pooley Road.)

Stirling also invested in the Kelowna Sawmill Company and was the backer of the Okanagan Loan and Investment Trust Company (280 Bernard Avenue), which provided financing to fruit growers. He was also a generous donor to community projects, such as the Kelowna Hospital and St. Michael and All Angels Anglican Church.

When World War I broke out, Stirling returned to the Royal Navy. He worked on the movement of transports and convoys, and rose to the rank of Commander, becoming decorated with the Order of the British Empire. After the war he returned briefly to Kelowna, but in 1921 returned permanently to the family estate (Muiravonside) in Scotland, which he had inherited after the death of his older brother.

Stirling built 'Cadder House' (named after Cadder in Lanarkshire, the family's original seat) in 1908, moving here from Bankhead. It was reportedly the largest residence in Kelowna when built, and one of the few houses in the young city that might be termed a 'mansion'. The house is 1.5 storeys high, with a medium-pitch gable roof. The lower portion is rendered in rusticated concrete block. The front grounds extended to Cadder Avenue, and a greenhouse and hotbeds stood behind.

Cadder House was used as the Hospital's nurses' residence from 1922 to 1924. After T.W. Stirling's death in 1930, it was purchased by Byron McDonald. In 1913 McDonald had established B.C. Growers Ltd., an independent fruit-shipping house, and in 1923 he established another, B.C. Orchards Ltd. He acquired the orchard of the Kelowna Land and Orchard Company, which he incorporated under the name of Keloka Orchards Ltd. McDonald had other local business interests as well, opening a garage in 1925 on Bernard Avenue and investing in mines at Beaverdell. He became involved in civic politics, sitting on City Council from 1929 to 1932.

After McDonald's death in 1936, Cadder House passed through several hands. It eventually passed into institutional use. In 1964 it was set up as a senior citizens' facility under the name of 'Oak Lodge', later functioning as a psychiatric care facility. Cadder House (Oak Lodge) remains a large and prominent structure. A current proposal to be addressed in 2004 proposes a conversion to a number of dwelling units within the building.

E22 Character Defining Elements:

- The largest residence in Kelowna when built
- Foundation and ground floor rendered in locally manufactured (Haug) rusticated concrete block
- Cross-gabled design
- Simple, classically-inspired symmetrical front elevation
- Prominent porch under cross gable
- Gabled, medium-pitched main roof with several small gabled pedimented dormers
- Small square bay projecting on right side
- Large lot with many trees, including oak, pine, and fir

**CITY OF KELOWNA**

**BYLAW NO. 9184**

**Heritage Revitalization Agreement Authorization Bylaw  
HRA03-0003 - 2124 Pandosy Street**

---

WHEREAS a local government may, by bylaw, enter into a heritage revitalization agreement with the Owner of property which Council deems to be of heritage value pursuant to section 966 of the *Local Government Act*;

AND WHEREAS the Municipal Council of the City of Kelowna is desirous of entering into a Heritage Revitalization Agreement with Oak Lodge Centre Ltd for the property located at 2124 Pandosy Street, Kelowna, B.C.;

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

1. The Municipal Council of the City of Kelowna hereby authorizes the City of Kelowna to enter into a Heritage Revitalization Agreement with Oak Lodge Centre Ltd for the property located at 2124 Pandosy Street, Kelowna, B.C., and legally described as:

Lot 3, District Lot 14, ODYD, Plan 4551

In the form of such Agreement attached to and forming 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 and other documents in connection with the attached agreement, and to affix the corporate seal of the City of Kelowna to same.

Read a first time by the Municipal Council this 24<sup>th</sup> day of February, 2004.

Considered at a Public Hearing on the 9<sup>th</sup> day of March, 2004.

Amended at first reading by the Municipal Council this 1<sup>st</sup> day of March, 2004.

Read a second and third time by the Municipal Council this 9<sup>th</sup> day of March, 2004.

Adopted by the Municipal Council of the City of Kelowna this 22<sup>nd</sup> day of November, 2004.

---

Mayor

---

City Clerk



**SCHEDULE "A"**  
**HERITAGE REVITALIZATION AGREEMENT**

DOCUMENT APPROVAL			
Document No. HRA03-0003			
Cir	Department	Date	Init.
	Planning		
	Wrks. & Util.		
	Insp. Serv.		
	City Clerks		

THIS AGREEMENT dated as of the    day of           , 200   .

BETWEEN:

CITY OF KELOWNA, a Municipal Corporation having offices at  
 1435 Water Street, Kelowna, British Columbia V1Y 1J4

(herein called the "CITY")

AND:

Oak Lodge Centre Ltd  
 2175 Abbott Street  
 Kelowna, BC, V1Y 1C9

(herein called the "OWNER")

**WHEREAS** a local government may, by bylaw, enter into a Heritage Revitalization Agreement with the Owner of property identified as having heritage value, pursuant to Section 966 of the *Local Government Act*;

**AND WHEREAS** the Owner owns certain real property on which is situated a building of heritage value, pursuant to the City's Heritage Register, which property and building are located at 2124 Pandosy Street, Kelowna, British Columbia and legally described as:

Parcel Identifier: 010-529-063  
 Lot 3, Section 24, Township 25, ODYD Plan 4551

(herein called the "Heritage Lands")

**AND WHEREAS** the Owner has presented to the City a proposal for the use, development and preservation of the Heritage Lands and has voluntarily and without any requirement by the City, entered into this agreement pursuant to Section 966 of the *Local Government Act*;

**AND WHEREAS** a local government must hold a Public Hearing on the matter before entering into, or amending, a Heritage Revitalization Agreement if the agreement or amendment would

SCHEDULE "A" - Page 2.

permit a change to the use or density of use that is not otherwise authorized by the applicable zoning of the Heritage Lands and for these purposes Section 890 through 894 of the *Local Government Act* apply;

AND WHEREAS within thirty days after entering into, or amending, a Heritage Revitalization Agreement the local government must file a notice in the Land Title Office in accordance with Section 976 of the *Local Government Act* and give notice to the Minister responsible for the *Heritage Conservation Act* in accordance with Section 977 of the *Local Government Act*;

NOW THEREFORE in consideration of the mutual promises contained in this agreement and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

**1.0 Heritage Revitalization**

1.1 The parties agree that the Heritage Lands has heritage value, deserving of protection and conservation and the Owner specifically agrees to restore, maintain, preserve and protect the heritage character of the buildings located on the Heritage Lands in accordance with attached schedules "A", "B", and "C".

1.2 The parties agree that the Heritage Lands may, notwithstanding the RU1 – Large Lot Housing zoning on the Heritage Lands, be used for the following permitted uses within the Heritage Building on the identified Heritage Lands:

(a) Five residential units as shown in Schedule "A";

(b) The residential units will be limited to the following sizes:

Unit 1: 86.2m<sup>2</sup>

Unit 2: 71m<sup>2</sup>

Unit 3: 111m<sup>2</sup>

Unit 4: 75m<sup>2</sup>

Unit 5: 51.6m<sup>2</sup>

(c) No dwelling units shall be developed in the existing basement area without an application to amend this agreement.

(d) The owner agrees to the designation of the property under Section 967 of the Local Government Act as a Heritage Property

1.3 The parties agree that, except as varied or supplemented by the provisions of this agreement, all bylaws and regulations of the City and all laws of any authority having jurisdiction shall apply to the Heritage Lands.

**2.0 Proposed Development**

2.1 The Owner agrees to undertake and maintain landscaping on the subject property in general accordance with the landscape plans attached hereto as Schedules "C" and forming part of this agreement.

(herein after called the "Landscaping Works")

2.2 The Owner agrees to provide and pay for all servicing required by the proposed development of the Heritage Lands and to provide required bonding for same, including, but not limited to: domestic water and fire protection, sanitary sewer, storm drainage, road improvements, road dedications and statutory rights-of-way for utility servicing,

SCHEDULE "A" - Page 3.

power and telecommunication services and street lighting all as noted below - "Works and Utilities Requirements", and forming part of this agreement.

(herein after called the "Works and Utilities Requirements")

**3.0 Works & Utilities Requirements**

**3.1. Domestic Water and Fire Protection**

- (a) A new water service of sufficient size to supply the domestic and fire protection requirements of the proposed development must be installed at the owner's expense.
- (b) The disconnection and removal of the existing small diameter water service and the tie-in of the new service will be by City forces at the owner's expense.
- (c) A water meter must be installed inside the buildings on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The owner or its building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost. The developer must also purchase an irrigation sewer credit meter from the City and prepare a meter setter at his cost.

**3.2 Sanitary Sewer**

- (a) If a larger service is required it can be provided at the owner's cost.

**3.3 Road Improvements**

- (a) The rear lane fronting the heritage lands must be upgraded to a paved standard including a drainage system at the owner's expense. Owner is required to provide bonding in a form acceptable to the City of Kelowna in the amount of \$14,000.00.

**3.4 Road Dedication and Subdivision Requirements**

The owner must provide by registered plan the following:

- (a) A Road Reserve allowing for 3.20 meter widening of Pandosy Street fronting this property.
- (b) Statutory rights-of-way as required for utility services.

**3.5 Electric Power and Telecommunication Services**

The owner shall be responsible to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services at the owner's expense.

**3.6 Survey Monuments and Iron Pins**

If any legal survey monuments or property iron pins are removed or disturbed during construction, the owner will pay to the City a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration.

**3.7 Site Related Issues**



SCHEDULE "A" - Page 4.

- (a) The heritage lands will be required to contain and dispose of site generated storm water on the site by installing a ground recharge system consisting of drywells and perforated pipe bedded in drain rock.
- (b) The owner will direct the carriage house roof drain splash pads away from the rear lane or into an on-site rock pit in order to help dissipate the roof drain water and prevent additional concentrated flow onto the lane.

**4.0 Inspection Services Requirements**

4.1 The Owner shall provide and pay for all structural upgrades required for the proposed adaptive re-use of the subject Heritage House to meet the British Columbia Building Code as outlined in this agreement including the following:

- a) Floors and walls shall be upgraded to 3/4 hr. fire resistant rating. Doors shall be solid core with a 20 min. fire resistant rating.
- b) Unit #1 shall have access from the deck to the ground.
- c) A solid core door shall be installed at the top of the stair on the second floor complete with a landing.
- d) The exterior exit stair from the second floor may be exposed to fire from unit #2. The owner shall resolve this issue to the satisfaction of the Inspection Services.
- e) A smoke alarm system shall be installed.

**5.0 Commencement and Completion**

5.1 The Owner agrees to commence the Restoration Works, Landscaping Works, and Works and Utilities requirements and Inspection Services requirements forthwith upon adoption of City of Kelowna Heritage Revitalization Agreement Authorization Bylaw No.\_\_\_\_ and to complete all such Works no later than December 31<sup>st</sup>, 2004.

**6.0 Damage or Destruction**

6.1 In the event that the Heritage Building is damaged, the parties agree as follows:

- (a) The Owner may repair the Heritage Building in which event the Owner shall forthwith commence the repair work and complete same within one year of the date of damage;

OR, in the event that the Heritage Building is destroyed,

- (b) The City will, by bylaw and after conducting a Public Hearing in the manner prescribed by Sections 890 through 894 of the *Local Government Act*, cancel this agreement whereupon all use and occupation of the Heritage Lands shall thenceforth be in accordance with the zoning bylaws of the City and in accordance with all other bylaws or regulations of the City or any other laws of authority having jurisdiction.



**7.0 Breach**

**7.1 In the event that the Owner is in breach of any term of this Agreement, the City may give the Owner notice in writing of the breach and the Owner shall remedy the breach within 30 days of receipt of the notice. In the event that the Owner fails to remedy the breach within the time allotted by the notice, the City may by bylaw and after conducting a Public Hearing in the manner prescribed by Sections 890 through 894 of the *Local Government Act* cancel this Agreement whereupon all use and occupation of the Heritage Lands shall thenceforth be in accordance with the zoning bylaws of the City and in accordance with all other bylaws or regulations of the City or any other laws of authority having jurisdiction.**

**8.0 Amendment**

**8.1 The parties acknowledge and agree that this Agreement may only be amended by one of the following means:**

- (a) By bylaw with the consent of the parties provided that a Public Hearing shall be held if an amendment would permit a change to use or density of use on site or;
- (b) By Heritage Alteration Permit (HAP), issued pursuant to Section 972 of the *Local Government Act*.

**9.0 Representations**

**9.1 It is mutually understood and agreed upon between the parties that the City has made no representations, covenants, warranties, promises or agreements expressed or implied, other than those expressly contained in this Agreement.**

**10.0 Statutory Functions**

**10.1 Except as expressly varied or supplemented herein, this Agreement shall not prejudice or affect the rights and powers of the City in the exercise of its statutory functions and responsibilities including, but not limited to, the *Local Government Act* and its rights and powers under any enactments, bylaws, order or regulations, all of which, except as expressly varied or supplemented herein, are applicable to the Heritage Lands.**

**11.0 Enurement**

**11.1 This Agreement enures to the benefit of and is binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.**

**12.0 Other Documents**

**12.1 The Owner agrees at the request of the City, to execute and deliver or cause to be executed and delivered all such further agreements, documents and instruments and to do and perform or cause to be done and performed all such acts and things as may be required in the opinion of the City to give full effect to the intent of this Agreement.**

SCHEDULE "A" - Page 6.

**11.0 Notices**

11.1 Any notice required to be given pursuant to this Agreement shall be in writing and shall either be delivered mailed by registered mail as follows:

(a) To the City:

City of Kelowna  
1435 Water Street  
Kelowna, B.C. V1Y 1J4

ATTENTION: City Clerk

(b) To the Owner:

Oak Lodge Centre Ltd  
2175 Abbott Street  
Kelowna, BC, V1Y 1C9

Or, to such other address to which a party hereto may from time to time advise in writing.

SCHEDULE "A" - Page 7.

**12.0 No Partnership or Agency**

12.1 The parties agree that nothing contained herein creates a relationship between the parties of partnership, joint venture or agency.

IN WITNESS WHEREOF this Agreement has been executed by the parties hereto on the day and year first above written.

CITY OF KELOWNA  
by its authorized signatories

\_\_\_\_\_  
(Mayor)

\_\_\_\_\_  
(City Clerk)

Oak Lodge Centre Ltd. Inc. No.170825 (Myrna White)

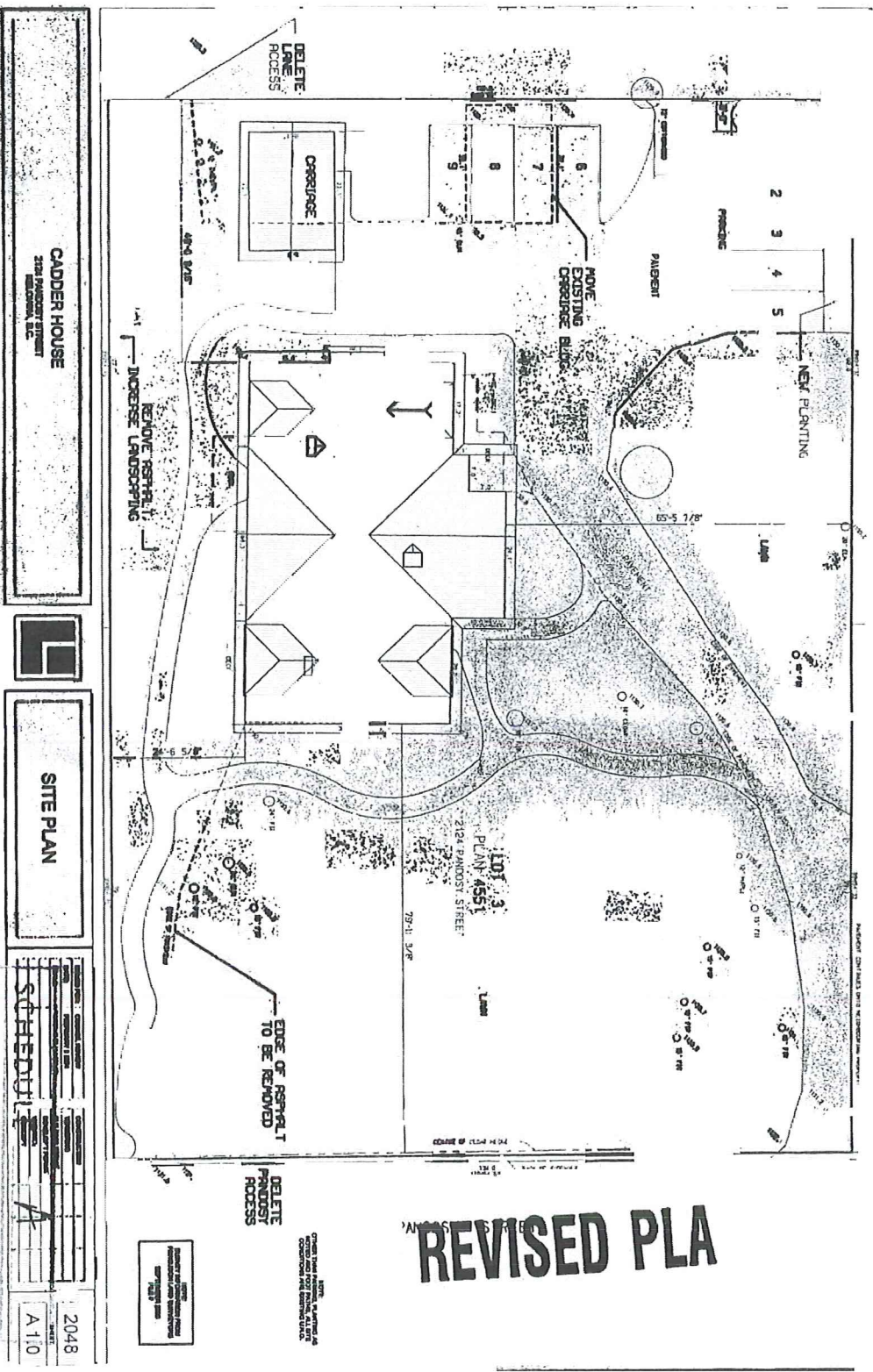
In the presence of:

\_\_\_\_\_  
Witness (print name)

\_\_\_\_\_  
Oak Lodge Centre Ltd. Inc. No.170825 (Myrna White)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Occupation



**REVISED PLA**

**CADDER HOUSE**  
2124 PANDOSY STREET  
VANCOUVER, BC



**SITE PLAN**

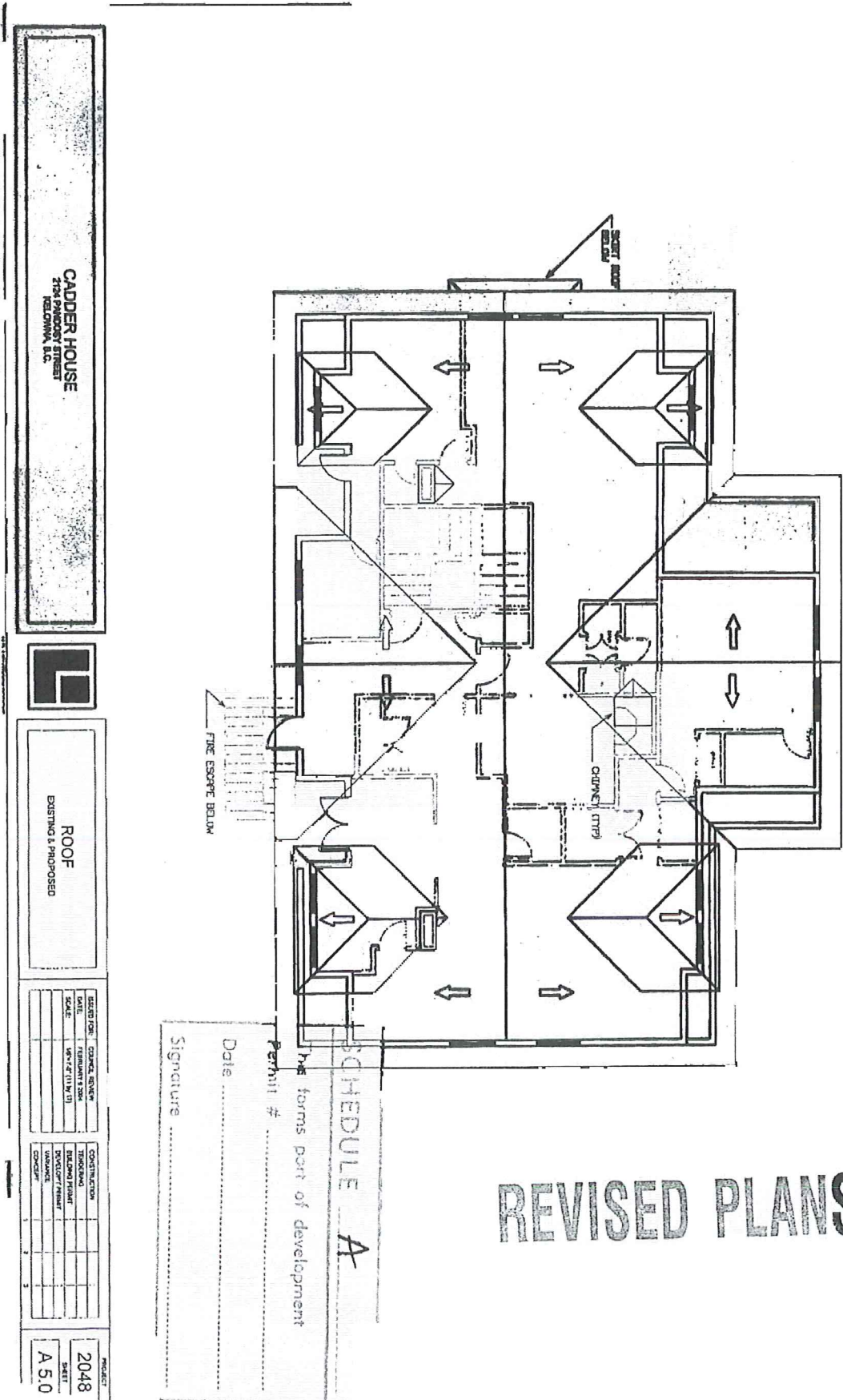
SCHEDULE	
NO. 1	GENERAL NOTES
NO. 2	EXISTING UTILITIES
NO. 3	PROPOSED UTILITIES
NO. 4	PROPOSED DRIVEWAY
NO. 5	PROPOSED GARAGE
NO. 6	PROPOSED ASPHALT
NO. 7	PROPOSED LANDSCAPING
NO. 8	PROPOSED ASPHALT
NO. 9	PROPOSED ASPHALT
NO. 10	PROPOSED ASPHALT
NO. 11	PROPOSED ASPHALT
NO. 12	PROPOSED ASPHALT
NO. 13	PROPOSED ASPHALT
NO. 14	PROPOSED ASPHALT
NO. 15	PROPOSED ASPHALT
NO. 16	PROPOSED ASPHALT
NO. 17	PROPOSED ASPHALT
NO. 18	PROPOSED ASPHALT
NO. 19	PROPOSED ASPHALT
NO. 20	PROPOSED ASPHALT
NO. 21	PROPOSED ASPHALT
NO. 22	PROPOSED ASPHALT
NO. 23	PROPOSED ASPHALT
NO. 24	PROPOSED ASPHALT
NO. 25	PROPOSED ASPHALT
NO. 26	PROPOSED ASPHALT
NO. 27	PROPOSED ASPHALT
NO. 28	PROPOSED ASPHALT
NO. 29	PROPOSED ASPHALT
NO. 30	PROPOSED ASPHALT
NO. 31	PROPOSED ASPHALT
NO. 32	PROPOSED ASPHALT
NO. 33	PROPOSED ASPHALT
NO. 34	PROPOSED ASPHALT
NO. 35	PROPOSED ASPHALT
NO. 36	PROPOSED ASPHALT
NO. 37	PROPOSED ASPHALT
NO. 38	PROPOSED ASPHALT
NO. 39	PROPOSED ASPHALT
NO. 40	PROPOSED ASPHALT
NO. 41	PROPOSED ASPHALT
NO. 42	PROPOSED ASPHALT
NO. 43	PROPOSED ASPHALT
NO. 44	PROPOSED ASPHALT
NO. 45	PROPOSED ASPHALT
NO. 46	PROPOSED ASPHALT
NO. 47	PROPOSED ASPHALT
NO. 48	PROPOSED ASPHALT
NO. 49	PROPOSED ASPHALT
NO. 50	PROPOSED ASPHALT
NO. 51	PROPOSED ASPHALT
NO. 52	PROPOSED ASPHALT
NO. 53	PROPOSED ASPHALT
NO. 54	PROPOSED ASPHALT
NO. 55	PROPOSED ASPHALT
NO. 56	PROPOSED ASPHALT
NO. 57	PROPOSED ASPHALT
NO. 58	PROPOSED ASPHALT
NO. 59	PROPOSED ASPHALT
NO. 60	PROPOSED ASPHALT
NO. 61	PROPOSED ASPHALT
NO. 62	PROPOSED ASPHALT
NO. 63	PROPOSED ASPHALT
NO. 64	PROPOSED ASPHALT
NO. 65	PROPOSED ASPHALT
NO. 66	PROPOSED ASPHALT
NO. 67	PROPOSED ASPHALT
NO. 68	PROPOSED ASPHALT
NO. 69	PROPOSED ASPHALT
NO. 70	PROPOSED ASPHALT
NO. 71	PROPOSED ASPHALT
NO. 72	PROPOSED ASPHALT
NO. 73	PROPOSED ASPHALT
NO. 74	PROPOSED ASPHALT
NO. 75	PROPOSED ASPHALT
NO. 76	PROPOSED ASPHALT
NO. 77	PROPOSED ASPHALT
NO. 78	PROPOSED ASPHALT
NO. 79	PROPOSED ASPHALT
NO. 80	PROPOSED ASPHALT
NO. 81	PROPOSED ASPHALT
NO. 82	PROPOSED ASPHALT
NO. 83	PROPOSED ASPHALT
NO. 84	PROPOSED ASPHALT
NO. 85	PROPOSED ASPHALT
NO. 86	PROPOSED ASPHALT
NO. 87	PROPOSED ASPHALT
NO. 88	PROPOSED ASPHALT
NO. 89	PROPOSED ASPHALT
NO. 90	PROPOSED ASPHALT
NO. 91	PROPOSED ASPHALT
NO. 92	PROPOSED ASPHALT
NO. 93	PROPOSED ASPHALT
NO. 94	PROPOSED ASPHALT
NO. 95	PROPOSED ASPHALT
NO. 96	PROPOSED ASPHALT
NO. 97	PROPOSED ASPHALT
NO. 98	PROPOSED ASPHALT
NO. 99	PROPOSED ASPHALT
NO. 100	PROPOSED ASPHALT

This forms part of development  
Permit # \_\_\_\_\_

Date \_\_\_\_\_

Signature \_\_\_\_\_





**REVISED PLANS**

**CADDER HOUSE**  
 279A PRINCE STREET  
 MELBOURNE, VIC.

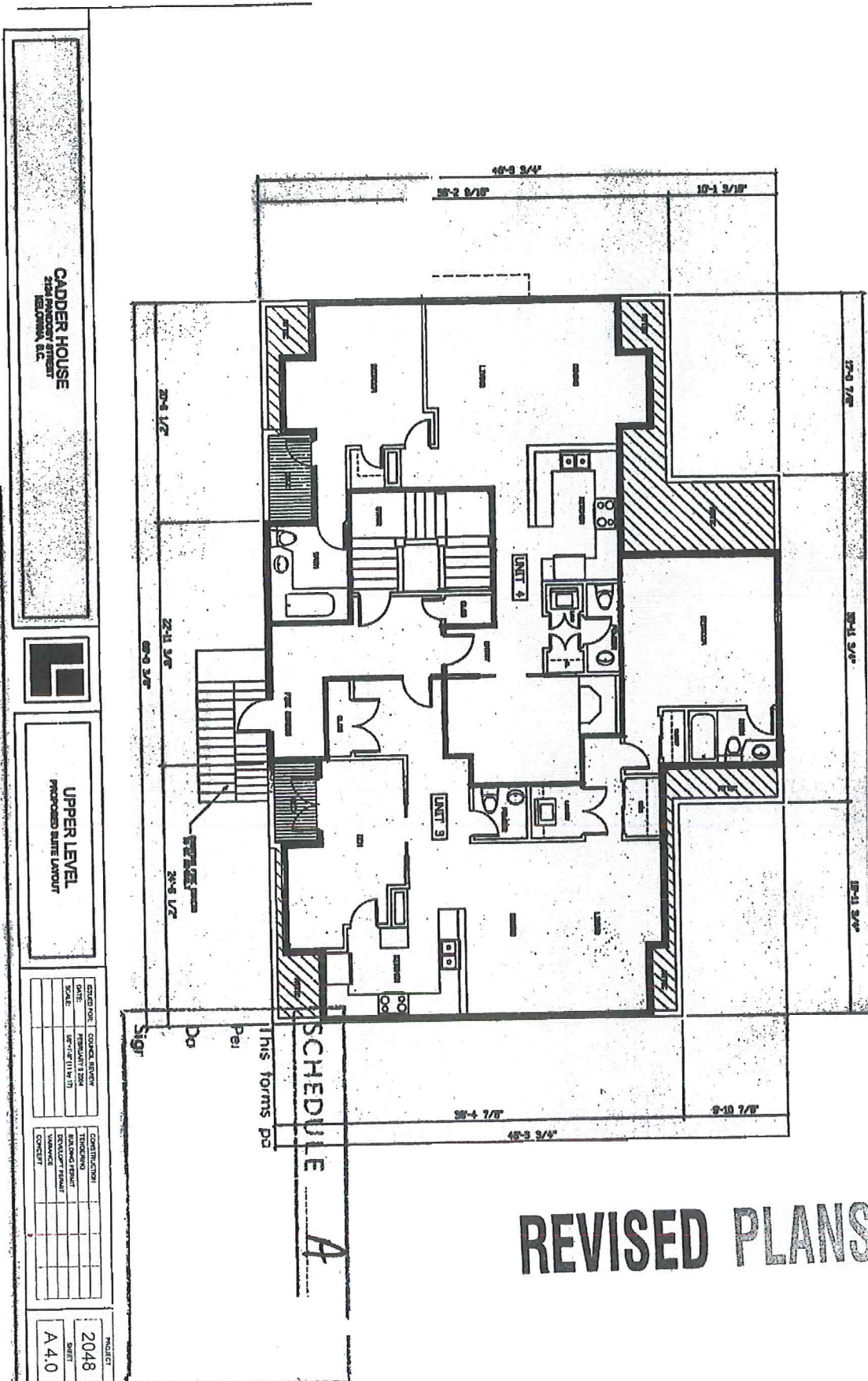
**ROOF**  
 EXISTING & PROPOSED

SEALING FOR: CRACKS, SEWERS  
 DATE: FEBRUARY 2004  
 SCALE: 1/8" = 1' (1:6) N.T.S.

CONSTRUCTION	REVISION	DATE

PROJECT: 2048  
 SHEET: A.5.0

SCHEDULE A  
 this forms part of development  
 Permit # .....  
 Date .....  
 Signature .....



**CADDER HOUSE**  
2525 PROSPECT STREET  
MILWAUKEE, WI

**MAIN LEVEL**  
PROPOSED UNIT LAYOUT

**SCHEDULE**

NO.	DESCRIPTION	DATE	BY	CHECKED
1	PROPOSED UNIT LAYOUT			
2	PROPOSED UNIT LAYOUT			
3	PROPOSED UNIT LAYOUT			
4	PROPOSED UNIT LAYOUT			
5	PROPOSED UNIT LAYOUT			
6	PROPOSED UNIT LAYOUT			
7	PROPOSED UNIT LAYOUT			
8	PROPOSED UNIT LAYOUT			
9	PROPOSED UNIT LAYOUT			
10	PROPOSED UNIT LAYOUT			

2048  
A10

This forms part of development  
Permit # \_\_\_\_\_  
Date \_\_\_\_\_  
Signature \_\_\_\_\_

**REVISD PLANS**

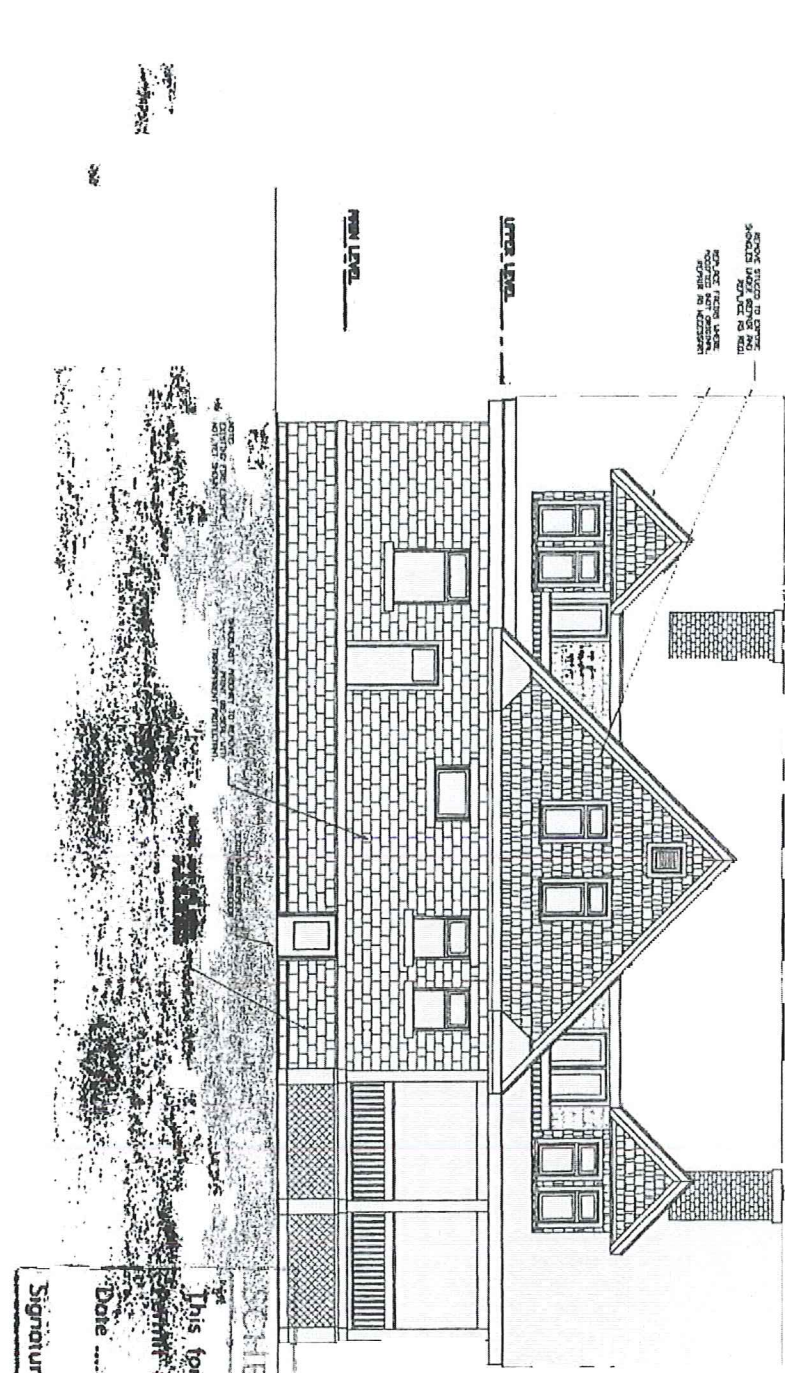


CADDER HOUSE  
 2724 PINEWOOD STREET  
 BIRMINGHAM, AL.



SOUTH

BOARD FILE	CLIENT REVIEW	CONSTRUCTION	PROJECT
DATE	REVISION #	THROWING	2048
SCALE		BUILDING PERMIT	DATE
		DEVELOPER REVIEW	7.0
		OWNER	



**SCHEDULES**

This forms part of development permit.

Date \_\_\_\_\_

Signature \_\_\_\_\_

**REVISED PLANS**





**CADDER HOUSE**  
2124 RANDOLPH STREET  
BIRMINGHAM, AL.

**EAST ELEVATION**

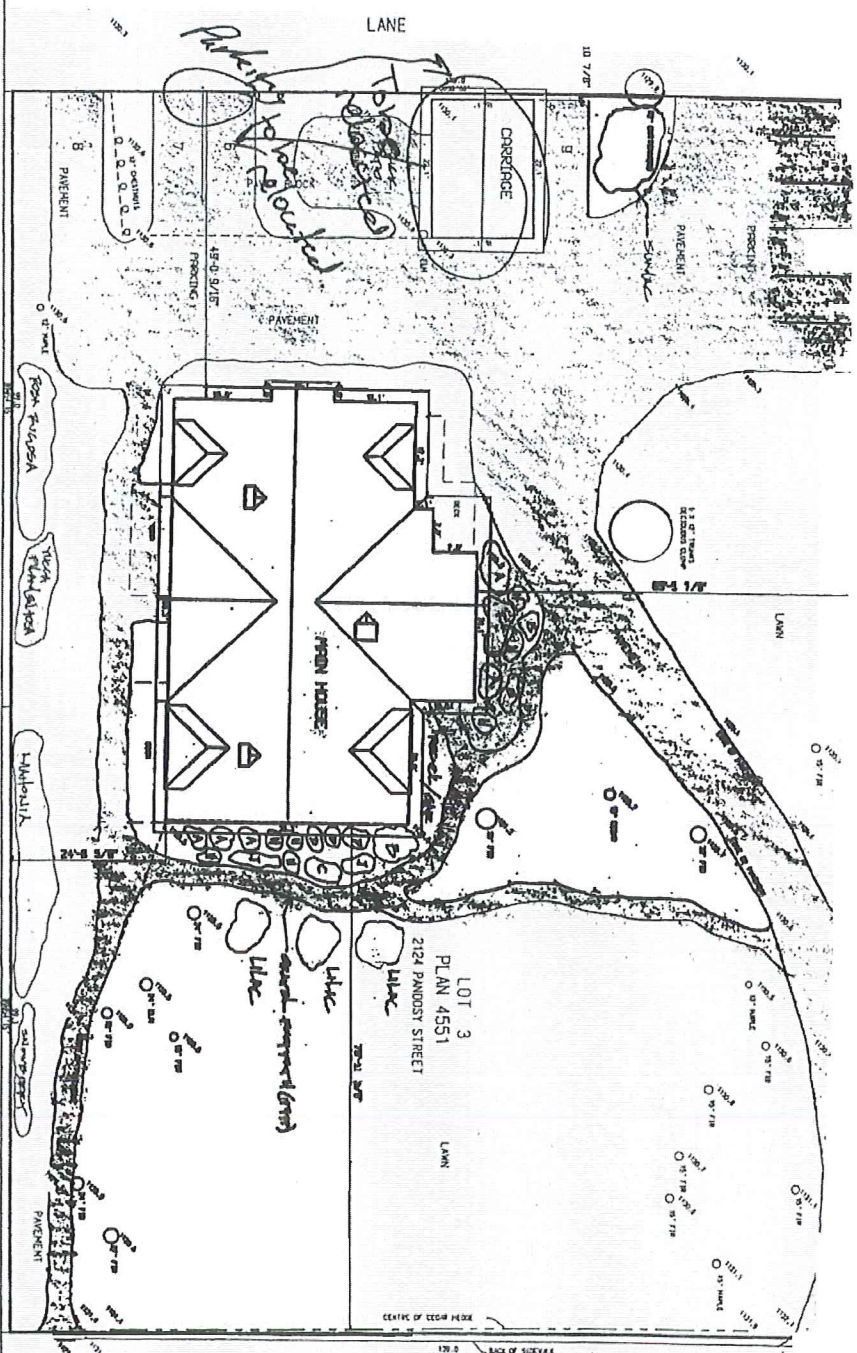
NO.	REVISION	DATE

2048
A 8.0

# REVISED PLANS







**CADDER HOUSE**  
 2124 PANDOSY STREET  
 DELMONA, N.C.

**SITE PLAN**

This forms part of development  
 Permit # **HR A03-0903**

Date \_\_\_\_\_  
 Signature \_\_\_\_\_

NO.	DESCRIPTION	DATE

NO.	DESCRIPTION	DATE

20  
 HA

- Handwritten legend:
- A - Paved
  - B - Paved
  - C - Paved
  - D - Paved
  - E - Paved
  - F - Paved
  - G - Paved
  - H - Paved
  - I - Paved

NOTES:  
 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.



# Proposal for Adaptive Re-Use

## The Cadder House

2124 Pandosy Street

December 2014



*The Cadder House*



Christy and Associates  
Registered Professional Planners

## Re-visiting the Cadder House

### 1.0 The Heritage Property

The Cadder House is located at 2124 Pandosy Street on property legally described as KAS3144, D.L. 14, ODYD, a strata plan containing four residential apartments and a carriage house. The Cadder House is listed in the Kelowna Heritage Register and is a designated heritage building. Built in 1908 for Thomas William Stirling, the owner of “Bankhead Orchards”, it served as his residence until 1921, when he returned to Scotland. Since that time it has seen a number of incarnations, culminating in its present status as a heritage building. It was briefly used as a nurses residence from 1922-1924. In 1964, it became the site of the Oak Lodge Rest Home, a care facility for senior citizens, and later a care facility for the mentally handicapped, operating as a non-conforming use within the RU1 – Single Family Residential zone. Currently it is the subject of a Heritage Revitalization Agreement (HRA) adopted in November of 2004 that allows for residential apartment use (see Attachment A - Bylaw 9184 Heritage Revitalization Agreement Authorization Bylaw).

While the underlying zoning remains RU1, the HRA overrides the zoning by tightly controlling the uses and structures permitted on the property. The existing permitted uses total four- one-bedroom residential apartments in the main building, and a one-bedroom residential apartment located in a detached carriage house. Through the HRA process, extensive building upgrades and restoration work were completed to create the five residential units and restore many of the original features of the heritage property. For example, the interior of the property features extensive oak woodwork as shown on the attached photographs. The structure, exterior details and landscaping are as noted on the plans attached to the HRA.

### 2.0 Current Owners’ Financial and Management Challenges

The ownership of the property has changed and the current owners of the five residential strata units are working in cooperation to seek an expansion of permitted uses. Given the financial and management challenges that the strata owners are facing, this application is proposing the addition of select uses to the HRA, keeping in mind the importance of preserving the heritage features of the property within the neighbourhood context.

Managing the small Cadder House strata on the large heritage property lot, has been, and continues to be very challenging for the owners. The four owners are unable to afford a property manager, and it has been through their cooperation, time, and effort, that the strata has slowly begun to recover from the financial arrears resulting from the original developer abandoning the project and leaving two units in foreclosure. Despite these efforts, the strata’s contingency fund is stressed to finance the many significant capital improvement/replacement tasks, which are entering a new cycle since the renovations completed approximately 10 years ago. These capital improvement costs are significant additions to the ongoing operating costs.



The expansion of permitted uses will help to mitigate the financially demanding and rising costs associated with maintaining the Cadder House and its prominently landscaped yard. Examples of some of these costs are summarized below:

#### Cadder House Capital Improvement/Replacement Costs

- Repair to the old and deteriorating exterior wood on the south facing emergency fire exit door & stairs is required in 2015 at an estimated cost \$8000-\$10,000
- Commercial grade hot water tanks need replacing. Estimated Cost \$3,500-\$4,000
- Levelling, repairing and removing old tree roots from the driveway access and parking area. Estimated Cost up to \$50,000
- New steel roof has been estimated at \$95,000
- Touch up exterior painting to the building trim, stairs and rails cost \$2,900 in 2013.
- Heritage lamps, streetscape improvements, signs and historical plaques (??).

#### Operating Costs

- Landscaping: \$6,000-\$7,000 per year, not including dead hazard tree removals
- Building Insurance: \$4,500 per year
- Gas Utility Bill: \$4,500-\$6,500 per year, not including \$1,600 to replace an old pipe, which froze last winter.

Any proposed changes to the existing uses and/or structures permitted will require either an amendment to, or replacement of, the HRA (to deal with use) or a Heritage Alteration Permit (to deal with structure) or both. At this time, the discussion is confined to potential future uses to be included in a new HRA, as no physical changes are currently contemplated to the building.

### 3.0 The Evolving Neighbourhood

The City of Kelowna, and in particular, the Kelowna General Hospital (KGH) neighbourhood continues to evolve. The last 10 years have seen tremendous expansion, both physical and functional, to the Kelowna General Hospital (KGH). Since 2002, \$439 million dollars have been spent or are committed to the Interior, including the establishment of the UBC's Southern Interior Medical Program, a \$367 million Interior Heart and Surgical Centre, a new trauma centre, a hybrid operating room, as well as improvements and expansion to the Cancer Centre, pediatrics and other units. KGH now plays a much larger role as a regional treatment centre than it did ten years ago and patients come from all over BC for specialized treatment.

With the opening of the new bridge, plus growth and re-development in South Pandosy and neighbourhoods further south, Pandosy Street as the main arterial road carries significantly higher volumes of traffic than it did 10 years ago. With policy changes supporting increased density through the construction of secondary suites, carriage homes and infilling, in keeping with City goals and objectives for sustainability and compact development, the neighbourhood is home to a greater population at a higher density than it was 10 years ago.

## 4.0 The Health District and the Transitional Zone

The City, KGH and the surrounding neighbourhoods have recently completed a collaborative and comprehensive planning exercise for the hospital and surrounding area, culminating in amendments to the Official Community Plan (OCP) and the Zoning Bylaw. The amendment to the OCP revises the definition of the Health District designation, extends the area around KGH designated for this use, and adds a new Revitalization Development Permit area to properties north and south of KGH. In addition, a new zone, the “Health Services Transitional (HD3) Zone”, has been added to the City’s Zoning Bylaw. After a public hearing held on July 29, 2014, the OCP and zoning amendments were adopted on September 15, 2014. Subsequent to the adoption of the OCP and zoning amendments, additional minor amendments have been proposed to the Hospital and Health Support Services (HD2) zone and the Health Services Transitional (HD3) zone for greater clarity and consistency. The Official Community Plan Health District designation and HD zones apply to properties on Royal and Christleton Avenues immediately north and south of KGH and one block south of the Cadder House.

The purpose of the new HD3 zone is to create a transitional area between KGH and the surrounding established residential neighbourhoods that would allow for low-impact, small scale health service uses to locate adjacent to existing residential uses. Development regulations in the zone are intended to ensure that heights, building setbacks, and lot coverage are compatible in scale with the surrounding residential neighbourhood. Landscaping and signage regulations are also designed to fit within the neighbourhood context.

As part of the planning process, a survey of residents was undertaken in February 2014, and a neighbourhood meeting was subsequently held in April. Input was received from residents and residents’ associations, including the Kelowna South Association of Neighbourhoods (KSAN), the Friends and Residents of the Abbott Street Heritage Conservation Area Society (FRAHCAS), and the KLO Central Neighbourhood Association (KLOCNA). Support for the limited expansion of healthcare uses and residential uses of various types, while maintaining a form and character consistent with the residential neighbourhood was expressed by a majority of those residents surveyed (Staff report to Council dated July 14, 2014).

## 5.0 Proposed Heritage Revitalization Agreement

### **Background and Analysis**

The goals of the Health District planning exercise are consistent with the Cadder House owners’ aspirations for the property and their desire to amend the permitted uses in the existing HRA agreement. The unique attributes of the property and its location would allow for additional uses to be permitted within the Cadder House that compare favourably, and are consistent with, the low-impact uses permitted by the Health Services Transition zone.

At present, the HRA for the Cadder House is more restrictive than the underlying and surrounding RU1 zone which permits: urban agriculture, bed and breakfast homes, minor care centres, minor group homes, and major and minor home based businesses in addition to the



residential use. The Cadder House HRA is also more restrictive than many of the other approved HRA's in the nearby vicinity which allow for a mix of uses in addition to the residential component. Permitting carefully defined uses that do not require physical changes to the Cadder House itself, nor have a significant impact on the neighbourhood, will support and positively reinforce the adjacent Health District to the south. The intent is to enable the property to be self-sustaining financially, without altering the integrity of the heritage property and while recognizing its place within the neighbourhood.

The Cadder House sits on a large, well treed lot on Pandosy Street, a major city arterial roadway, at the edge of a neighbourhood. It is within walking distance of the hospital, the downtown, and a growing residential population. There is adequate room on the lot to allow for additional uses and associated traffic circulation and parking, while maintaining landscaping, and buffering to mitigate any impacts on adjacent properties.

### **Proposal for a New HRA**

It is proposed to replace the existing HRA with a new HRA rather than amend the existing HRA. Replacing rather than amending the existing HRA will be straightforward and more precise and it is with this intent that this submission has been prepared (Attachment B – Proposed Draft Heritage Revitalization Agreement Bylaw). The draft Bylaw and its Schedule A, Sections 1 and 2, and 5 through 13, are based on existing HRA Bylaw 9184. Sections 3 and 4 of Schedule A to the proposed HRA are new and specifically crafted for this Heritage Property. The rationale for the proposed changes is provided below, as well as through commentary inserted within the text of the draft bylaw.

### **Uses**

The proposed uses are specifically defined for this new HRA as opposed to referencing the uses defined by the existing City of Kelowna Zoning Bylaw for the following reasons: (1) The City of Kelowna Bylaw may be amended from time to time, allowing for less certainty for this property and for the surrounding neighbourhood, and (2) the Local Government Act allows for specific controls of uses on heritage properties beyond those permitted in a Zoning Bylaw, whose regulations apply to the many properties having the same zone. These specific controls can be used to advantage to tailor the proposal to the property and the neighbourhood.

The only existing permitted use is:

- Apartment Housing

The specific definition proposed allows for short term rentals.

Certain proposed uses as defined are consistent with adjacent RU1 zoning:

- Agriculture, Urban
- Bed and Breakfast Homes
- Child Care, In Home
- Community Care Facility



- Home Based Business, Major and Minor

The specific definitions in the proposed agreement either provide for limitations such as size within the definition itself or the actual use will be limited by the physical configuration of the Heritage Property.

Other uses defined are consistent with the HD 3 zone:

- Health Services
- Fitness Studio
- Supportive or Assisted Housing

These uses may be either limited by size in the definition or by the physical configuration of the property.

The last category of use is neighbourhood commercial in nature. The proposed uses are in harmony with the location and attributes of the heritage property, and the definition limits them in terms of size or operation:

- Artisan live/work studios
- Heritage Restaurant
- Offices

## 5.0 Summary

The Cadder House is a unique property, located on Pandosy Street at the edge of the Abbott Street Heritage Conservation Area, within blocks of the Kelowna General Hospital and the downtown. It is appropriate to consider these added uses as the hospital and the area around it evolves, grows and develops. The recent adoption of the Hospital District designation and associated Health Services zones demonstrates the local acceptance of a limited expansion of uses that are consistent in form and character with the existing residential neighbourhood. The owners are expressing their willingness to work with the City and have begun consultation with their neighbours in the surrounding neighbourhood to introduce an economically viable adaptive re-use program that will ensure compatibility and the preservation of this part of Kelowna's heritage.

While it is typically easier to reconstruct, the Cadder House in its present form has its own exclusive value as it approaches its 110 year anniversary. In the midst of change, the Cadder House represents to the City and to the neighbourhood, the Kelowna of another era. The addition of other uses will help the Cadder House to maintain and preserve its place in the neighbourhood it has been a part of for so long.





Attachment C -- Photos of the Cadder House Heritage Property  
Exterior Photos



Exterior





Carriage House and Main House



Front Yard



Side Yard looking to Pandosy





Side Yard looking west



Basement Entrance (one of two)



Interior Photos



Interior Staircase



Interior Wood detailing





Interior Wood detailing



Dining Room Sideboard





Interior Finishing



Window details



---

**CITY OF KELOWNA**  
**MEMORANDUM**

---

**Date:** February 12, 2015  
**File No.:** HRA15-0001  
**To:** Urban Planning (LB)  
**From:** Development Engineering Manager  
**Subject:** 2124 Pandosy Street

---

Development Engineering has the following comments and requirements associated with this Heritage Revitalization Agreement application.

1. Domestic Water and Fire Protection

Our records indicate this property is currently serviced with a 50mm-diameter water service. If a larger service is required, it can be provided by City forces at the developer's expense. The applicant will be required to sign a Third Party Work Order for the cost of the water service upgrade. For estimate inquiry's please contact Sergio Sartori by email [ssartori@kelowna.ca](mailto:ssartori@kelowna.ca) or phone 250-469-8589.

2. Sanitary Sewer

Our records indicate that this property is serviced with a 100mm-diameter sanitary sewer service complete with inspection chamber. If it is determined that larger service is required, it can be provided at the applicant's cost.

3. Road Improvements

Pandosy Street is urbanized along the full frontage of this property, and no further upgrades are required.

4. Access, Manoeuvrability and Parking Requirements

Access to this property should be from the lane and is encouraged for safe access. The Parking Area should be designed so as to allow vehicles to turn-around on-site as well.

5. Electric Power and Telecommunication Services

It is the applicant's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost.



---

Steve Muenz, P. Eng.  
Development Engineering Manager

SS