

City of Kelowna
Public Hearing
AGENDA



Tuesday, May 21, 2013
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 May 7, 2013(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

- 3.1 Bylaw No. 10841 - Heritage Designation Application No. HD13-0001 - 0874309 BC Ltd., 784 Elliot Avenue 5 - 10

To designate “Copeland House” as a municipal heritage building under Section 967 of the Local Government Act.

- 3.2 Bylaw No. 10840 - Heritage Revitalization Agreement Application No. HRA12-0001 - 0874309 BC Ltd., 784 Elliot Avenue 11 - 63

This application proposes to restore the heritage house located at 784 Elliot Avenue through the mechanism of a Heritage Revitalization Agreement (HRA). The building on the site currently has 10 existing non-conforming suites. With the HRA, the applicant is proposing to reconfigure the interior of the building to construct 6 suites. In phase two of the plan, a building addition to contain 3 suites is proposed.

- 3.3 Bylaw No. 10746 - Official Community Plan Bylaw Amendment Application No. OCP12-0010 - City of Kelowna, Miscellaneous Amendments to the 2030 Official Community Plan Bylaw No. 10500 64 - 80

To proceed with an amendment to the Official Community Plan to change the Permanent Growth Boundary (“PGB”) to incorporate UBC properties within the PGB and to pursue other staff-initiated changes to land use designation definitions, mapping notes, temporary use permits, riparian management area language and policy to limit rural development outside the PGB.

4. Termination

4.1 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: April 11, 2013
RIM No. 1240-04
To: City Manager
From: Land Use Management, Community Sustainability (BD)
Application: HD13-0001 **Owner:** 0874309 B.C. Ltd., Inc No. BC874309
Address: 784 Elliot Avenue **Applicant:** Jackie Gorton
Subject: Heritage Designation

1.0 Recommendation

THAT City Council consider designation of the building located at Lot 3, District Lot 138, ODYD Plan 9360, 784 Elliot Avenue, Kelowna, B.C., commonly known as the “Copeland House” as a Municipal Heritage Site to Section 967 of the Local Government Act;

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

2.0 Purpose

To designate “Copeland House” as a municipal heritage building under Section 967 of the Local Government Act.

3.0 Land Use Management

The building is currently listed on the Municipal Heritage Register and is seeking protection through the Heritage Revitalization Agreement pursuant to Section 966 of the *Local Government Act*. The applicant is committed to having the ‘Copeland House’ designated under Section 967 of the *Local Government Act* as a municipal building to ensure additional long-term protection for the structure. Staff fully endorse the preservation of City’s heritage assets to ensure the longevity of historically important sites.

4.0 Heritage Designation Bylaw Background Information:

The owners of the subject property have voluntarily requested that “Copeland House” be designated as a municipal heritage site and be called “the Copeland House”. The house is currently located on the Heritage Register which identifies it as having heritage significance; however the registry provides very limited protection.

Once a property is designated, the owner must obtain a Heritage Alteration Permit to make alterations to the building exterior thereby protecting the heritage integrity. The City

acknowledges that some changes to a protected heritage property are inevitable and a flexible approach is required when implementing reasonable and necessary changes while maintaining and protecting the building's noteworthy heritage characteristics.

4.1 Heritage Value and Heritage Character:

The house has value for its association with Robert Andrew (Bob) Copeland (1864-1955), married to Jane (Belle) Copeland, who built the house when he came to Kelowna in the spring of 1907. He had previously operated a hotel in Grenfell, Saskatchewan, for twenty years. He had served as an auxiliary in the Northwest Rebellion, part of the 'Grenfell Connection.' Copeland became a director of the Central Okanagan Land Company and served as an alderman from 1911 to 1916. Copeland Place was named for him. (767 Copeland Place was originally the barn and 789 Copeland Place the ice house formerly associated with the historic place).

In 1917 the Copeland's left Kelowna and took up farming in the Lumby district. Bob was president of the United Farmers of British Columbia from 1919 to 1921. In 1942, the Copeland's sold the farm and returned to retirement in Kelowna.

The historic place also has value for changing its use with changes in the neighbourhood. It was apparently still a single residence in 1938, owned by W.R. Miller. In 1941 it was listed as a rooming house, owned by Jacob Vohl. During the acute housing shortage of WWII in 1942, owner Ethel Yegl (later Mrs. Ethel Bryan) remodelled it as eight apartments, with two rooms each. "Elliot Apartments" went through a series of at least fifteen owners between 1940 and 1965.

The house is a good example of a Foursquare, with its square (or nearly square) plan and the medium-pitched hipped roof. The type is clearly legible, although its external details have been considerably modified over the years.

Character defining elements:

- Good example of a foursquare form with a medium- pitch hipped roof
- Symmetrical fenestration, double-hung, wood sash windows
- Mature landscaping around perimeter of the property
- Uniform stucco finish

4.2 Compatibility with the Official Community Plan and planning objectives:

The Heritage Designation of the "Copeland House" is compatible with the policy direction of the Official Community Plan which promotes the conservation of heritage buildings listed in the Kelowna Heritage Register. Specifically, the Official Community Plan Objective 9.2 seeks to identify and conserve heritage resources. By designating a site, the longevity of the heritage asset is maintained.

4.3 Compatibility of Conservation with Lawful Uses of the Property and Adjoining Lands:

The proposal is consistent with the designation as a residential property, however is not consistent with the single/two residential uses found in the area. The property is zoned RU6 - Two Dwelling housing which only permits 2 units per site. It is noteworthy that the land use of the area was established relatively recently, and the subject property has been used as apartments since the 1940's. The use of the property as a multi-unit residential building is seeking formalization through a Heritage Revitalization Agreement that is being considered by Council concurrent to this application.

4.4 Condition and Economic Viability of the Property:

The Kelowna Heritage Register indicates a number of elements have been added to the building. The building and grounds are currently undergoing restoration to bring the building back to a state worthy of designation. Once the restoration is complete, the units in the building will be rented.

4.5 Possible Need for Financial or Other Support to Enable Appropriate Conservation:

The applicant intends to apply for the City’s Heritage Tax Incentive Program if the accompanying Heritage Revitalization Agreement is approved by Council. The building, however, will be completely rehabilitated negating the need for major financial assistance in the near future.

5.0 Application Chronology

Date of Application Received: April 10, 2013

Community Heritage Commission

The above noted application was reviewed by the Community Heritage Commission at the meeting on January 10, 2013 and the following recommendations were passed:

THAT the Community Heritage Committee supports the proposal under the Heritage Revitalization Agreement HRA12-0001 including variances, for 784 Elliot Avenue;

AND THAT further consideration be given to restoring the verandah to an increased width from the front elevation so as to visually better represent the original condition;

AND FURTHER THAT consideration also be given to modifying the roof access structure to lessen its visual impact on the widow's walk.

ANECTODAL COMMENT:

CHC recognized that what is now the front of the building was originally the back of the building and that there is an exchange of authenticity for restoration of architectural character.

Designating a building provides a higher level of protection to Heritage properties. Given the investment the applicant is making in restoring the building, it is appropriate that the CHC would support a designation, although not captured in the meeting minutes.

Report prepared by:

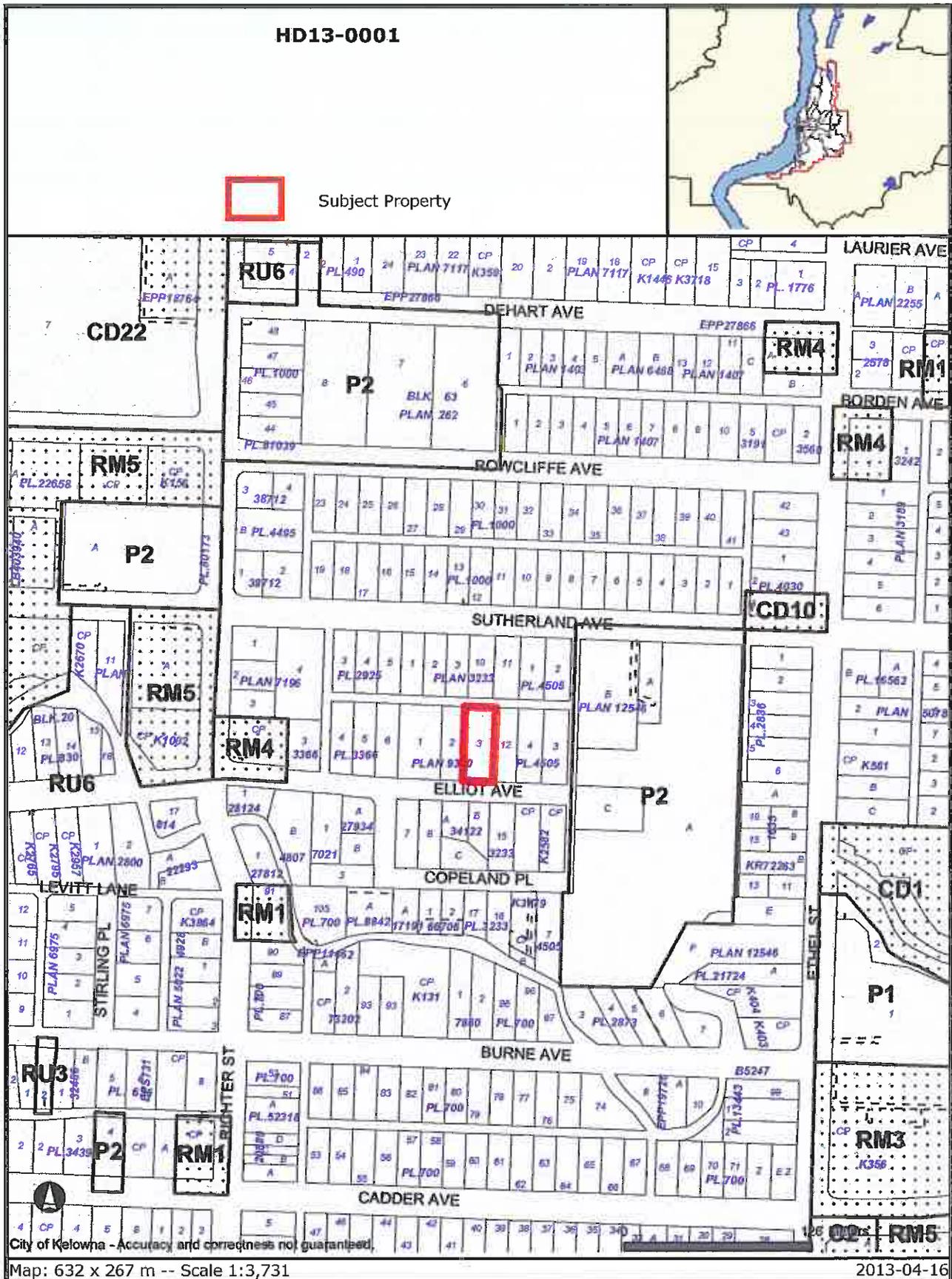
Birte Decloux, Land Use Planner

Reviewed by: Danielle Noble, Manager, Urban Land Use

Approved for Inclusion: Doug Gilchrist, Acting General Manager, Community Sustainability for the Director, Land Use Management

Attachments:

- Site Plan
- Statement of Significance



City of Kelowna - Accuracy and correctness not guaranteed.
 Map: 632 x 267 m -- Scale 1:3,731
 2013-04-16

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.



[New Search](#)

Heritage Building

784 Elliot Ave - Copeland House/Elliott Apartments

Place Description: The historic place is the two-and-one-half-storey, wood-frame Copeland House (Elliot Apartments) at 784 Elliot Avenue.

Heritage Value: The heritage value of the Copeland House/Elliott Apartments is due in part to its association with Robert Andrew Copeland, who was active as an early land developer and Kelowna alderman; and for the transition of the building from a family home to a rooming house, and then to apartment units, as inner-city population densification occurred. It also has architectural value as a good example of a foursquare house.

The house has value for its association with Robert Andrew (Bob) Copeland (1864-1955), married to Jane (Belle) Copeland, who built the house when he came to Kelowna in the spring of 1907. He had previously operated a hotel in Grenfell, Saskatchewan, for twenty years. He had served as an auxiliary in the Northwest Rebellion, part of the 'Grenfell Connection.' Copeland became a director of the Central Okanagan Land Company and served as an alderman from 1911 to 1916. Copeland Place was named for him. (767 Copeland Place was originally the barn and 789 Copeland Place the ice house formerly associated with the historic place).

In 1917 the Copelands left Kelowna and took up farming in the Lumby district. Bob was president of the United Farmers of British Columbia from 1919 to 1921. In 1942 the Copelands sold the farm and returned to retirement in Kelowna.

The historic place also has value for changing its use with changes in the neighbourhood. It was apparently still a single residence in 1938, owned by W.R. Miller. In 1941 it was listed as a rooming house, owned by Jacob Vohl. During the acute housing shortage of WWII, in 1942, owner Ethel Yegl (later Mrs. Ethel Bryan) remodeled it as eight apartments, with two rooms each. "Elliott Apartments" went through a series of at least fifteen owners between 1940 and 1965.

The house is a good example of a Foursquare, with its square (or nearly square) plan and the medium-pitched hipped roof. The type is clearly legible, although its external details have been considerably modified over the years.

Character - Location on Elliot Avenue in Kelowna's South Central neighbourhood

Defining - Residential form, scale and massing, expressed by two-storey height (plus basement) and squarish plan

Elements: - Medium-pitch hipped roof

- Half-hip roof protecting entrance door and porch

- Symmetrical fenestration, with 1-over-1, double-hung, wood sash windows, with plain and decorative wide wood trim, some of which may be more recent in application (the later metal-sash windows are not character-defining elements)

- Painted wood, diamond-shaped symbols applied to the front elevation on both levels

- Uniform off-white painted stucco

- Mature landscaping around the perimeter of the property, with a private front lawn



REPORT TO COUNCIL



Date: April 3, 2013
RIM No. 1240-30
To: City Manager
From: Land Use Management, Community Sustainability (BD)
Application: HRA12-0001 **Owner:** 0874309 B.C. Ltd., Inc No. BC874309
Address: 784 Elliot Avenue **Applicant:** Jackie Gorton
Subject: Heritage Revitalization Agreement
Existing OCP Designation: Single/Two Residential
Existing Zone: RU6 - Two Dwelling 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 property legally known as Lot 3, District Lot 138, ODYD Plan 9360 located on 784 Elliot Avenue, Kelowna, BC, in the form attached as Schedule "A" to the Report from the Land Use Management Department dated April 3, 2013;

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

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

AND FURTHER THAT the applicant be required to post a Landscape Performance Security bond with the City in the form of a "Letter of Credit" or cash in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper.

2.0 Purpose

This application proposes to restore the heritage house located at 784 Elliot Avenue through the mechanism of a Heritage Revitalization Agreement (HRA). The building on the site currently has 10 existing non-conforming suites. With the HRA, the applicant is proposing to reconfigure the interior of the building to construct 6 suites. In phase two of the plan, a building addition to contain 3 suites is proposed.

3.0 Land Use Management

The OCP supports the use of Heritage Revitalization Agreements as a means of facilitating the adaptive re-use and continuing protection of heritage buildings. The proposal is compatible with the City of Kelowna's Adaptive Re-use Guidelines for Residential Heritage Buildings. The subject property is included in the Heritage Register and through the HRA the applicant is seeking to formalize the existing non-conforming use.

The proposal seeks to rehabilitate the existing heritage building in two phases. The first phase seeks to bring the building back to a state that meets the life and safety standards of the BC Building Code. Exterior repairs including roof, windows, removing metal decorative features and bringing the building back to its original form. Phase two includes the addition of a front verandah and three units in a new building addition to the rear of the site.

The "Heritage Re-adaptive Use Guidelines" are met in the following areas:

- restoration plans respect the heritage character of the building;
- removal of the embellishments which have been constructed on and around the building to bring the building back to its original form;
- reduction of the number of residential units within the heritage building;
- signatures of support were received from neighbours;
- no other adaptive re-use exists in the neighbourhood;
- signage is modest in size and is only proposed to identify the building;
- the proposed addition in phase 2 respects the scale of the existing building and will not be visible from the street;
- no additional screening is proposed. Mature trees located along the east property line have been pruned to ensure their longevity and the existing fencing will be repaired.
- a new Victorian/Edwardian landscape is planned.

The Guidelines are not met in the following areas:

- parking regulations

In order to facilitate the proposal, the applicant is seeking the following variances within the HRA framework:

Phase 1

- A reduction in the parking stalls provided from 9 spaces required to 7 spaces proposed.

Phase 2

- To reduce the rear yard set back for the proposed addition from 7.5m required to 2.3m proposed;
- To legalize the resulting non-conforming side yard for the existing building to accommodate the addition;
- To reduce the drive aisle width from 7.0m required to 6.0 m proposed;
- To reduce in the total number of parking spaces provided from 13 spaces required to 10 spaces provided;
- To increase the allowable percentage of small parking spaces from 40% to 70% proposed.

The significant extent of the restoration is a positive investment in this heritage asset and the variances and phase two addition are a fair trade-off to ensure the longevity of this building. The request to legitimize the west side yard from 2.3m to 1.6m stems from the fact that this building was constructed prior to current zoning regulations. The parking calculations are based on current Zoning Bylaw requirements and as this is a reuse of a residential site with limited access

and lot size, meeting the requirements is a challenge. Previously, there were more dwelling units with less parking spaces provided. Changes proposed to the site plan seek to relocate parking access from the front to the rear laneway which is anticipated to have a positive impact on the neighbourhood. A variance is sought to the rear and side yard to accommodate the proposed addition in phase two of the plan which was supported by the neighbours. Staff welcome the quality of the improvements to building and the anticipated impact on the neighbourhood as detailed in the explicit rationale.

4.0 Proposal

4.1 Background

The subject property has had a varied past and the building had become debilitated and run down. Additional illegal living units were added to the basement and the exterior of the building was compromised with extensive metal features. The subject property was purchased by the applicant in the Spring of 2012, who immediately sought building permits for essential repairs to the building. Photo's of the original site and subsequent improvements are attached. When complete the units will be for rent with the intent of attracting tenants that will appreciate the heritage building, the innovative sustainable mechanical upgrades, and the proximity to urban centres and active transportation.

4.2 Project Description

The project includes the complete restoration of the interior and exterior of the heritage building, and the redesign of the landscaping to enhance the unique historical character of the property. This will be accomplished by:

- Removal of the carport;
- Removal of the metal work attached to the fire escape;
- Installation of new wrought iron garden fencing;
- Refurbishment and replacement of soffits and fascia board;
- Installation of new heritage design wood windows;
- Repair to and replacement of roofing;
- Stucco to be sympathetically brushed and cleaned, repaired and painted with Historical Collection colours from Benjamin Moore;
- Updates to lighting fixtures;
- Restoration of original interior staircase;
- Update landscaping with a focus on returning to a simple Victorian Garden, with fruit trees around perimeter;
- Incorporating an addition to the rear of the property containing 3 units. The aim is to allow spacious units in keeping with the needs and facilities of the tenants.

The total restoration of Copeland House will be completed in 2 phases.

Phase 1 will predominantly focus on the reversal of decay within the property and has a strong interior focus with the exception of the necessary roof and stucco repair, and repainting of the building. The plan includes upgrading all internal electrical and plumbing, relocating aerial cables underground, reducing the number of units within the building from 12 (10 legal and 2 illegal) to 6, installing new updated kitchens and bathrooms, and repairing and/or replacing hardwood flooring to main areas. These improvements have been underway for a number of months with all units in the building vacant.

The installation of garden beds, predominantly herbaceous perennials and roses, will occur. A yew hedge will be planted along the south perimeter along the wrought iron fence to provide privacy for tenants in the front garden. The border on both sides of the pathway will be planted with lavender providing sweet scents when approaching the front entrance.

Phase 2 will be completed within 3 - 5 years, and will encompass restoring the original verandah across the front of the building and constructing an addition with three units on the rear of the site. The proposed addition is anticipated to emulate the style and character of the original building with simple lines and a distinct square form. Replacing the vinyl windows with heritage style wood windows is expected to occur throughout both phases. The garden will be further developed as it matures organically into its eventual design. Fencing exists along the east and west perimeter and will be upgraded to rod iron.

4.3 Site Context

The subject property is located on the north side of Elliot Avenue between Richter Street and Ethel Street. The neighbourhood is generally characterized by single detached residential dwellings however, the building is a legal non-conforming containing 10 apartments. Both the Downtown and Capri urban centers are within walking distance of the dwelling. The adjoining neighbourhood zones and uses are:

<i>Direction</i>	<i>Zoning Designation</i>	<i>Land Use</i>
North	RU6 - Two-Dwelling Housing	Residential
East	RU6 - Two-Dwelling Housing	Residential
South	RU6 - Two-Dwelling Housing	Residential
West	RU6 - Two-Dwelling Housing	Residential

4.4 Subject Property: 784 Elliot Avenue



4.5 Zoning Analysis

The proposed application meets the requirements of RU6 - Two Dwelling Housing zone as follows:

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RU6 zone requirements
Subdivision Regulations		
Lot Area	1,055 m ²	400 m ²
Lot Width	21.03 m	13 m
Lot Depth	50 m	30 m
PHASE ONE		
Development Regulations for existing Heritage Building		
Site Coverage (buildings)	16.5 %	40 %
Site Coverage (buildings, driveway and parking)	30.5 %	50 %
Height	13.5m ①	9.5m / 2 ½ storey
Front Yard	16.6 m	4.5 m
Side Yard (west)	1.6 m ②	2.3 m (2 - 2 ½ storey)
Side Yard (east)	7.5 m	2.3 m (2 - 2 ½ storey)
Rear Yard	18.7 m	7.5m (2 - 2 ½ storey)
Other Requirements		
Parking Stalls (#)	Total provided: 7 stalls ③	1 x1 bdrm units, 4 x 2 bdrm units, and 1 bachelor unit Total required: 9 spaces
Bicycle parking	Total provided: 7	Total number of units: 6 Class I: 0.5 per dwelling unit Class II: 0.1 per dwelling unit Total required: 4
PHASE TWO		
Development Regulations for proposed Addition (inclusive of Phase 1)		
Site Coverage (buildings)	27.5 %	40 %
Site Coverage (buildings, driveway and parking)	46.5 %	50 %
Height	9.2m	9.5m / 2 ½ storey
Side Yard (west)	2.4 m	2.3 m (2 - 2 ½ storey)
Side Yard (east)	11 m	2.3m (2 - 2 ½ storey)
Rear Yard	2.3 m ④	7.5m (2 - 2 ½ storey)

PHASE TWO		
Development Regulations for proposed Addition		
Other Requirements		
Parking Stalls (#)	Total provided: 10 stalls ⑤	1 bdrm units: 4 2 bdrm units :4 Bachelor unit: 1 Total required: 13 stalls
Bicycle parking	Total provided: 7	Total number of units: 9 Class I: 0.5 per dwelling unit Class II: 0.1 per dwelling unit Total required: 6
Signage	Meets requirements	Non-illuminated nameplate not exceeding 2.5 sq.ft.

① Variance granted in May 2009 for height of building with widows walk.

② Legal non-conforming side yard set back.

VariANCES Sought:

④ To reduce the rear yard set back for the proposed addition from 7.5m required to 2.3m provided.

③ & ⑤ A reduction in the required parking is sought for both Phase 1 and Phase 2 of the project.

4.6 Heritage Register

Character defining elements:

The accompanying documents provide a good history of the building. Copeland House was a family home to the original builder Robert Andrew Copeland, and his wife Jane, who for 10 years, resided in this traditional Foursquare House. Acting as a Director of the Central Okanagan Land Company and an Alderman of Kelowna from 1911 to 1916, Robert Copeland had previously been an Hotelier in Saskatchewan for 20 years.

Ironically, 100 years later, the applicants have taken over the building who have been Hoteliers for over 20 years. When Bob Copeland moved to Lumby to buy a farm he sold the property to his brother and his wife who raised 14 children in the home. In 1941 Copeland House changed from being a Single Family Home to a rooming house, and became multi family lodging in 1942 when it was redesigned to provide 8 apartments.

With respect to Robert Andrew Copeland, and his commitment to Kelowna in those early days as the city became incorporated, Copeland Place was named after him. 767 Copeland Place was the original barn for Copeland House, and 789 Copeland Place was the ice house.

To honour his achievements the applicant is returning the house back to its original name of “Copeland House”, and the restored Heritage Apartment Building will be known as “Copeland House Heritage Apartments”.

5.0 CURRENT DEVELOPMENT POLICY

5.1 Heritage Policies¹

Objective 9.2 Identify and conserve heritage resources. No character guidelines exist for this property as it is located outside of the conservation areas and unique as a four square architectural style.

5.2 Heritage Conservation Area - Objectives:²

- Encourage new development, additions and renovations to existing development which are compatible with the form and character of the existing context;
- Ensure that change to buildings and streetscapes will be undertaken in ways which offer continuity of the 'sense-of-place' for neighbours, the broader community; and
- Provide historical interest for visitors through context sensitive development.

5.3 Adaptive Re-use Guidelines

After consideration has been given to location, each adaptive re-use proposal must be assessed on its own merits as to whether the proposal would be appropriate within the context of the heritage building, the surrounding neighbourhood and adjacent property characteristics. In this regard, the following factors should be considered:

5.3.1 Neighbourhood Resident Concerns

The concerns of neighbouring property owners should be considered. Identifying and, wherever possible, resolving these issues when developing the terms and conditions specific to an application is important. Applicants are encouraged to discuss their proposed adaptive reuse with neighbouring property owners. *Signatures of support from the surrounding neighbourhood have be supplied.*

5.3.2 Residential Component

A residential component (secondary suite, principal dwelling, etc.) should be provided in conjunction with a non-residential use in order to minimize impacts on the residential character of a neighbourhood. For security purposes, incorporating a residential component is particularly important where a high concentration of adaptive re-uses occurs along a particular block. *The whole project is residential and no commercial or other uses are being considered.*

5.3.3 Concentration of Adaptive Re-Uses

Careful consideration must be given to avoid a concentration of adaptive re-uses in any given area. In this regard, consideration should be given to maintaining the existing neighbourhood character. In addition, consideration should be given to whether or not permitting an adaptive re-use or a concentration of adaptive re-uses would limit the ability to redevelop the area to higher density uses supported in the OCP. *The adaptive re-use is the reconfiguration of the interior units and the addition to the rear of the building in phase two.*

¹ City of Kelowna, Official Community Plan, Chapter 9; Objective 9.2 Policy .4

² City of Kelowna, Official Community Plan, Chapter 16

5.3.4 Design Standards

Any heritage building restorations, renovations or alterations must respect the heritage character of the building and its surrounding area. *As provided in the accompanying documentation the intent of the proposal is to be sustainable and return the building back to its original simple form. The proposed addition for phase two has been kept simple in its form and massing to align with the original four square design. Elements such as the windows, railing from the widows walk, and roof detailing are reflected in the new additional.*

5.3.5 Scale

The size and intensity of the adaptive re-use component should be compatible with the surrounding neighbourhood and able to be readily accommodated within an existing heritage building. The requirements of a specific use, and the available floor area in the existing building, will limit the extent and nature of the adaptive re-use proposal. It is recommended that the number of employees not exceed four non-resident employees at any given time for adaptive re-uses along major roads and two non-resident employees at any given time for adaptive re-uses along local roads. In addition to this, it is recommended that, as a guideline, the non-residential floor area not exceed 85 m² (915 sq. ft.) for adaptive re-uses along major roads and 60 m² (645 sq. ft.) for adaptive re-uses along local roads. *Given that the building has been used as a 10 unit apartment, the proposal to update and reconfigure the interior dwellings and to reduce the overall number of units on the property to 9 is well within the scale of the original density.*

5.3.6 Signage

Signage should be limited to one non-illuminated nameplate not to exceed 2.5 square feet in area and shall be placed within, flat against or hanging from the dwelling unit. Along major roads, signs of this size and dimension may be hung from a free standing post. *Signage is proposed for identification purposes only.*

5.3.7 Parking / Access

Consideration must be given to on-site parking, access and traffic generation associated with adaptive re-use proposals. In order to limit the impact on adjacent properties, the required number of on-site parking spaces should conform to the Parking Schedule of the Zoning Bylaw. *Access to parking is being relocated off the alley to the north of the site. The number of required parking stall is being varied to allow only one stall per suite. It is expected that the central location of the site will allow for alternative modes of transportation and less reliance on the automobile. Incidentally, the site originally provided more units and less parking than is being proposed.*

5.3.8 Hours of Operation

No generation of vehicular traffic or parking of vehicles in excess of that permitted for the zone in which the adaptive re-use is located should be permitted during non-regular working hours. Generally, working hours should be limited to daytime hours, Monday through Friday. *Non-applicable given that the entire building is remaining residential.*

5.3.9 Screening

Screening helps lessen the impact of an adaptive re-use in a residential area. In this regard, outdoor storage and parking areas associated with an adaptive re-use should be well screened with fencing and landscaping which are compatible in design with the heritage building and which form a year round dense screen. *No screening is proposed with the exception of the fencing and mature trees found on the site.*

6.0 Technical Comments

6.1 Building & Permitting Department

- No comment for phase 1.
- Drawings are required for the phase 2 prior to comment (new building). *No comments were provided with the exception of the need for a full plan check review when revised drawings were submitted.*

6.2 Development Engineering Department

See attached.

6.2 Fire Department

No concerns.

6.3 Interior Health Authority

The RCMP have no comments related to this application.

7.0 Application Chronology

Date of Application Received: December 18, 2012
Application Refinement: March 1, 2013

7.1 Community Heritage Commission

The above noted application was reviewed by the Community Heritage Commission at the meeting on January 10, 2013 and the following recommendations were passed:

THAT the Community Heritage Committee supports the proposal under the Heritage Revitalization Agreement HRA12-0001 including variances, for 784 Elliot Avenue;

AND THAT further consideration be given to restoring the verandah to an increased width from the front elevation so as to visually better represent the original condition;

AND FURTHER THAT consideration also be given to modifying the roof access structure to lessen its visual impact on the widow's walk.

ANECTODAL COMMENT:

CHC recognized that what is now the front of the building was originally the back of the building and that there is an exchange of authenticity for restoration of architectural character.

Report prepared by:

Birte Decloux, Land Use Planner

Reviewed by:

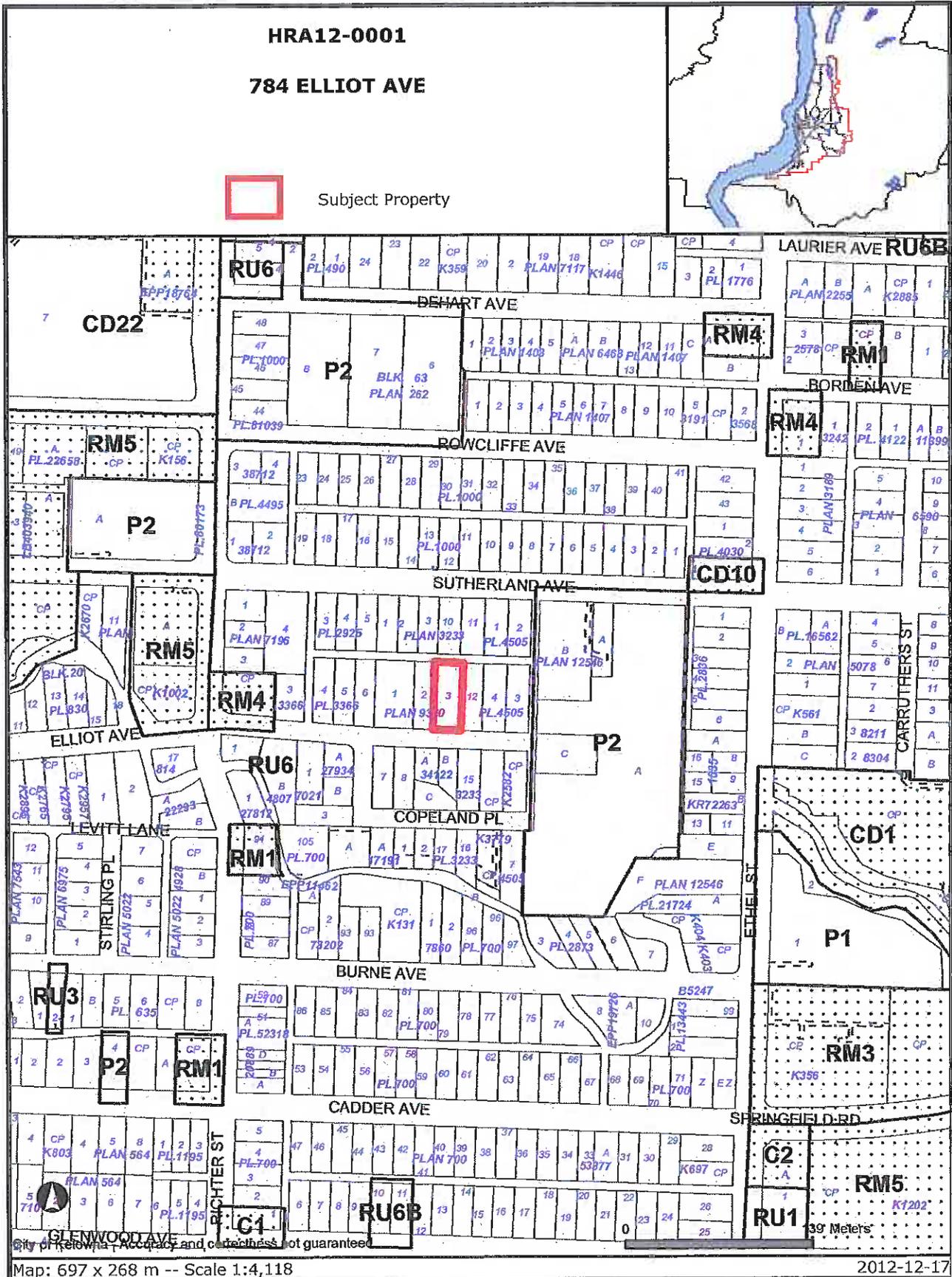
Danielle Noble, Manager, Urban Land Use

Approved for Inclusion:

Doug Gilchrist, Acting General Manager, Community Sustainability

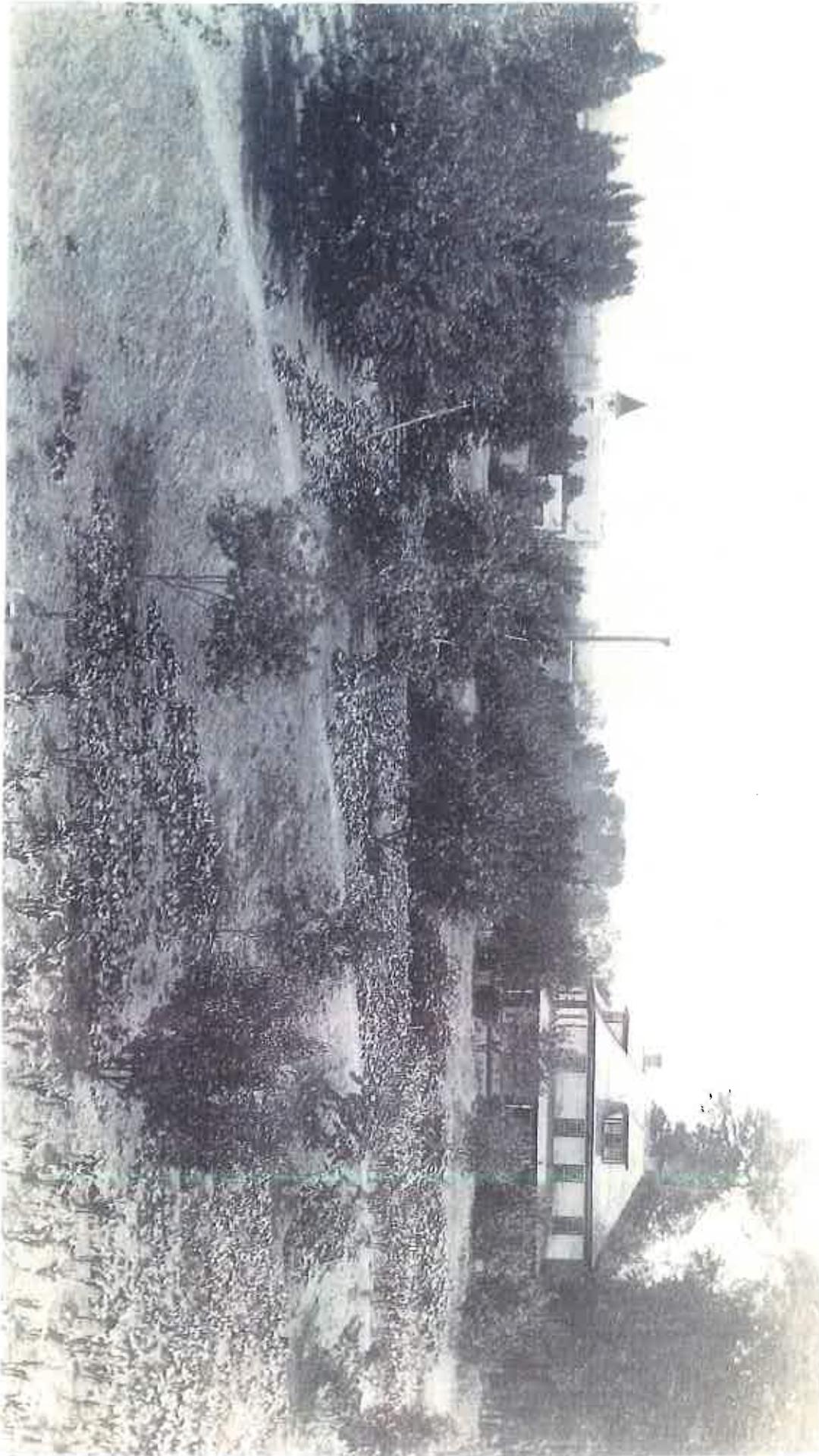
Attachments:

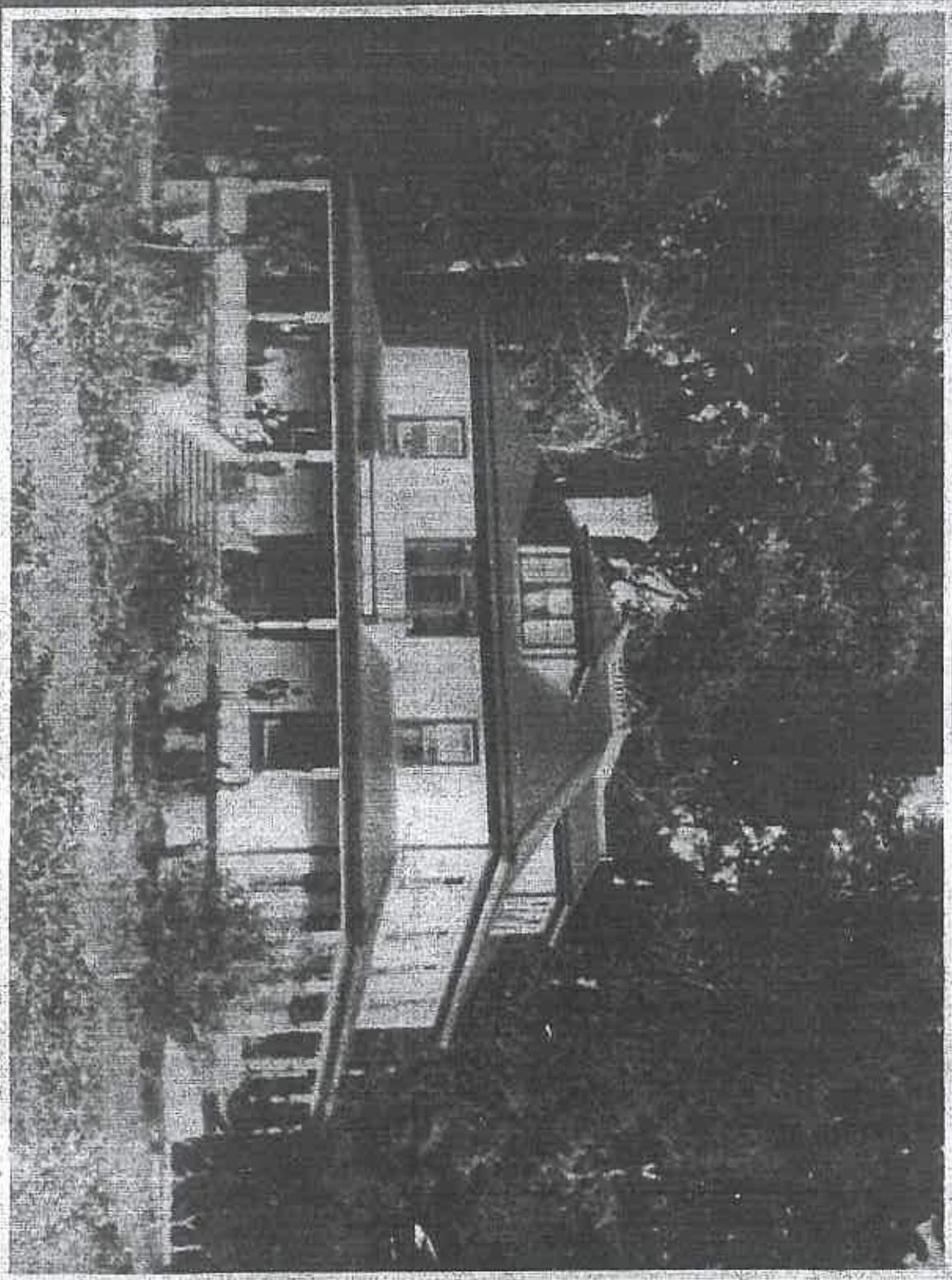
- Historic photos
- Neighbourhood context
- Existing building conditions
- Existing Site Plan
- Elevations - Phase 1
- Interior floor plans - Phase 1
- Photographic refurbishment plan
- Landscape plan - Phase 1
- Colour board
- Site Plan - Phase 2
- Elevations - Phase 2
- Colour Rendering - Phase 2
- Landscape Plan - Phase 2
- Rationale
- Statement of Significance



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.

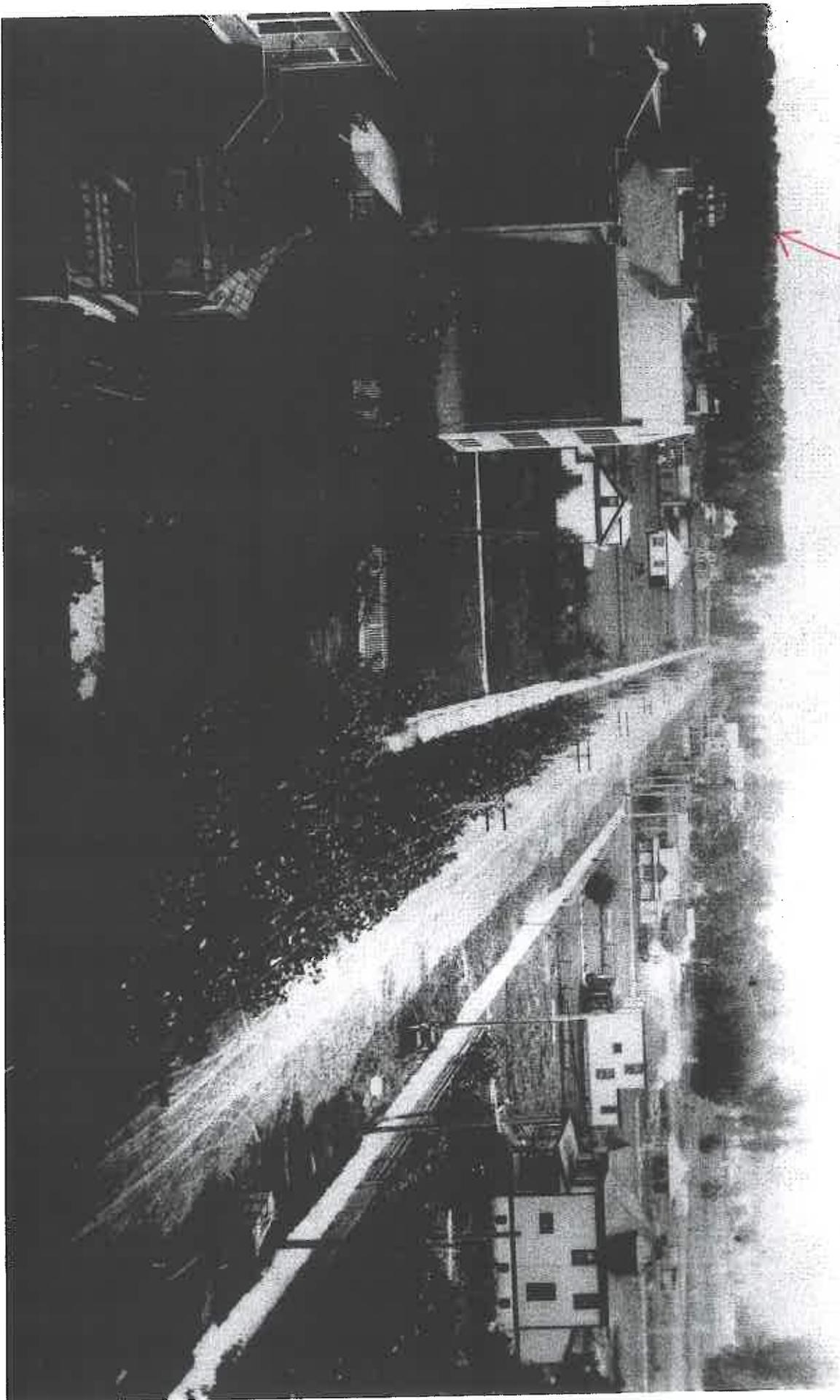
This is the old COPELAND home
now: 784 Belmont Ave. Kelowna, B.C.





Note - original railing around Widows Walk

Richter Street circa 1915



Copeland House

The Neighborhood



744 Elliot Avenue

550 Elliot Avenue



754 Elliot Avenue



774 Elliot Avenue

Repelard House 184 Elliot Avenue

Chur
K

To Harvey
Access to Downtown

Elliot Avenue

Access to Beach, Hasselt and Pandessy Village

To Pandessy

Richter

Elliot Avenue

No Through Road

79 Elliot Avenue

569 Elliot Avenue

589 Elliot Avenue

621 Elliot Avenue

741 Elliot Avenue



Existing Condition

Finish Refurbishment Plan - Copeland House



- Roof to be repaired and replaced
- Fascia and soffits to be replaced
- Windows to be replaced
- Gutters and Downspouts to be added



- Widows Walk to be repaired and painted
to blend in with main body of building



- Old exterior wooden staircase to be removed
- Carport to be removed

Broken cracked stucco to be repaired



- Rusty metal object to be removed
- "Bavarian" style additions from the 1990's to be removed.



Existing Condition

Finish Refurbishment Plan - Copeland House



← All existing wiring and meters to be removed, electrical supply upgraded, new meters and all new wiring throughout.

Existing live wires supplying a baseboard heater, scorched and blackened panels, all to be removed.



← Existing heat source condemned and disconnected in March 2012 to be removed and replaced with new majestic Oxford series gas stove and new Infra Red panel technology.



← All existing bathrooms to be removed and replaced.





BEFORE

16th July 2012



AFTER (however not complete)

12th November 2012



CURRENT

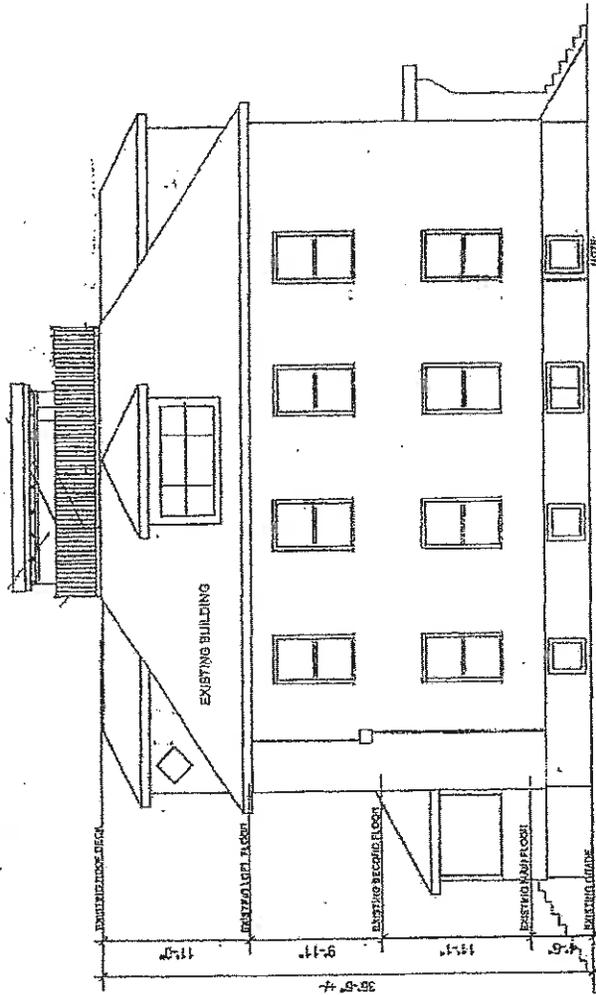
18th February 2013



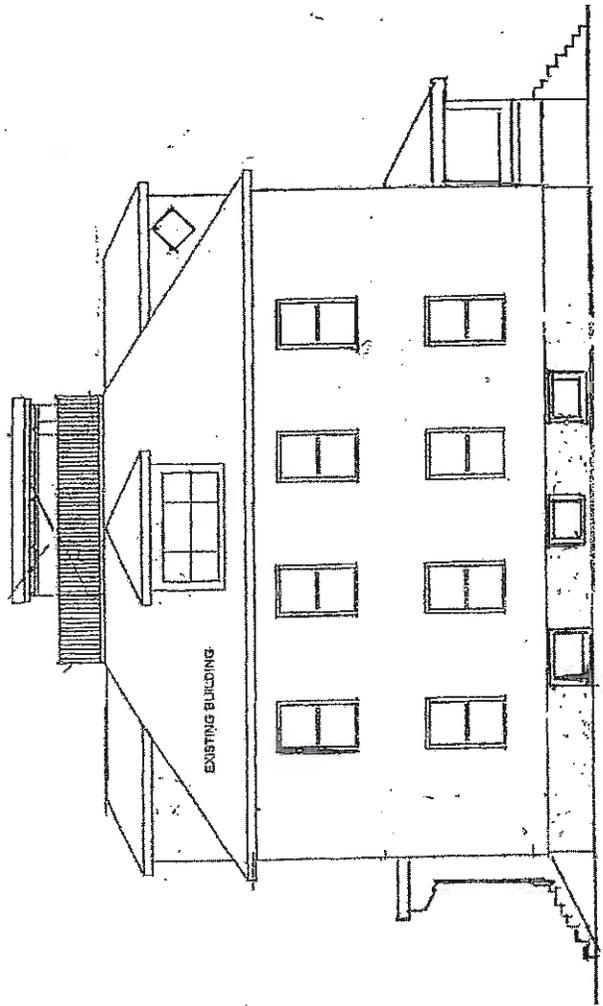
CURRENT

18th February 2013

Existing



EAST ELEVATION



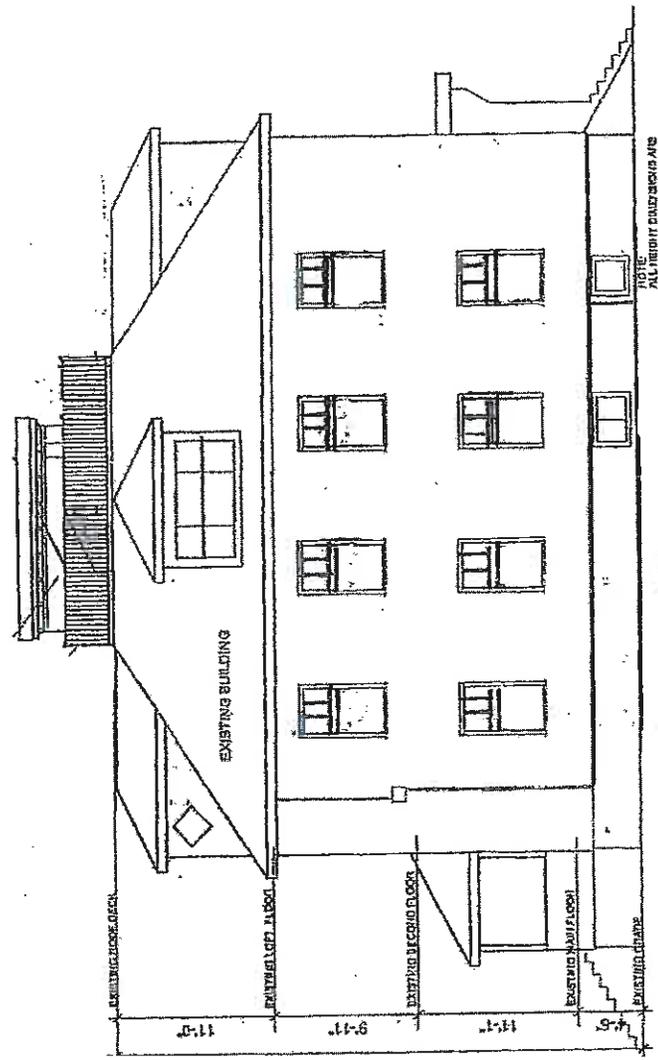
WEST ELEVATION

Phase 1

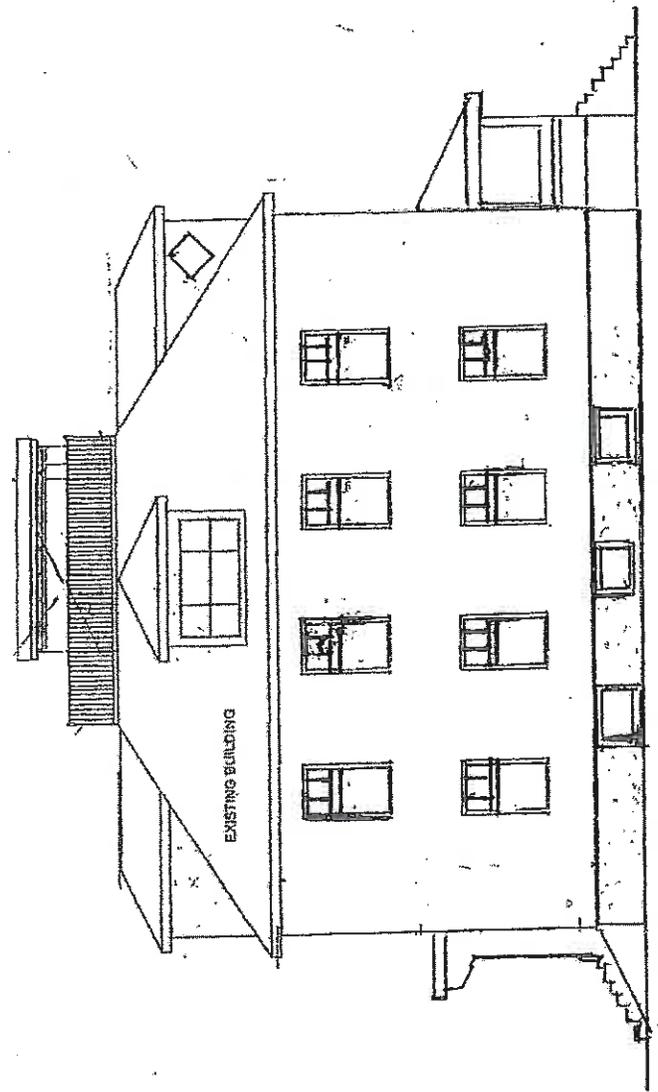
East and West Elevations

Windows to be replaced with wood heritage style windows.

Stucco Walls : HC31 Westbury Cream
Trim : HC50 Georgian Brick
Colours from the Benjamin Moore Historic Collection.



EAST ELEVATION

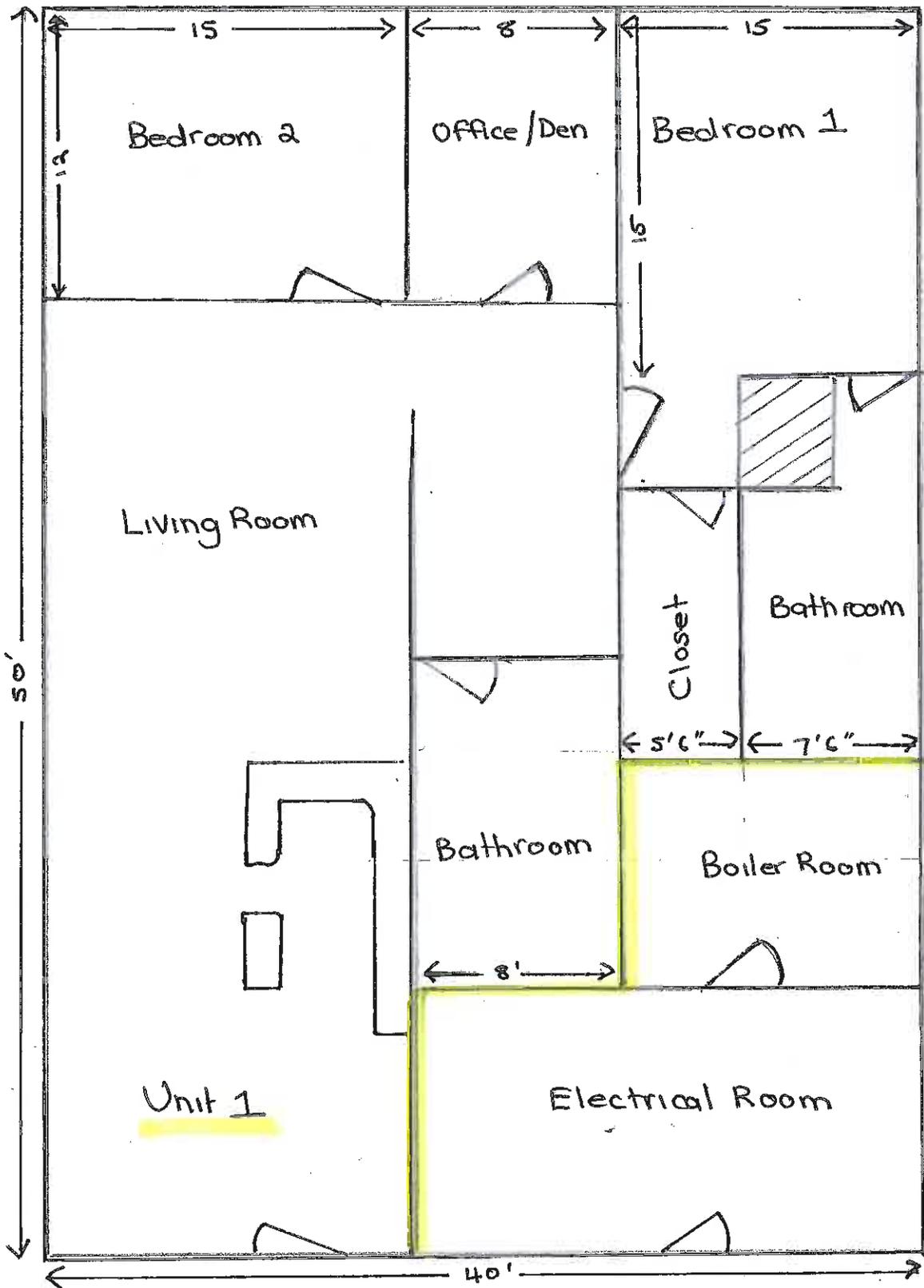


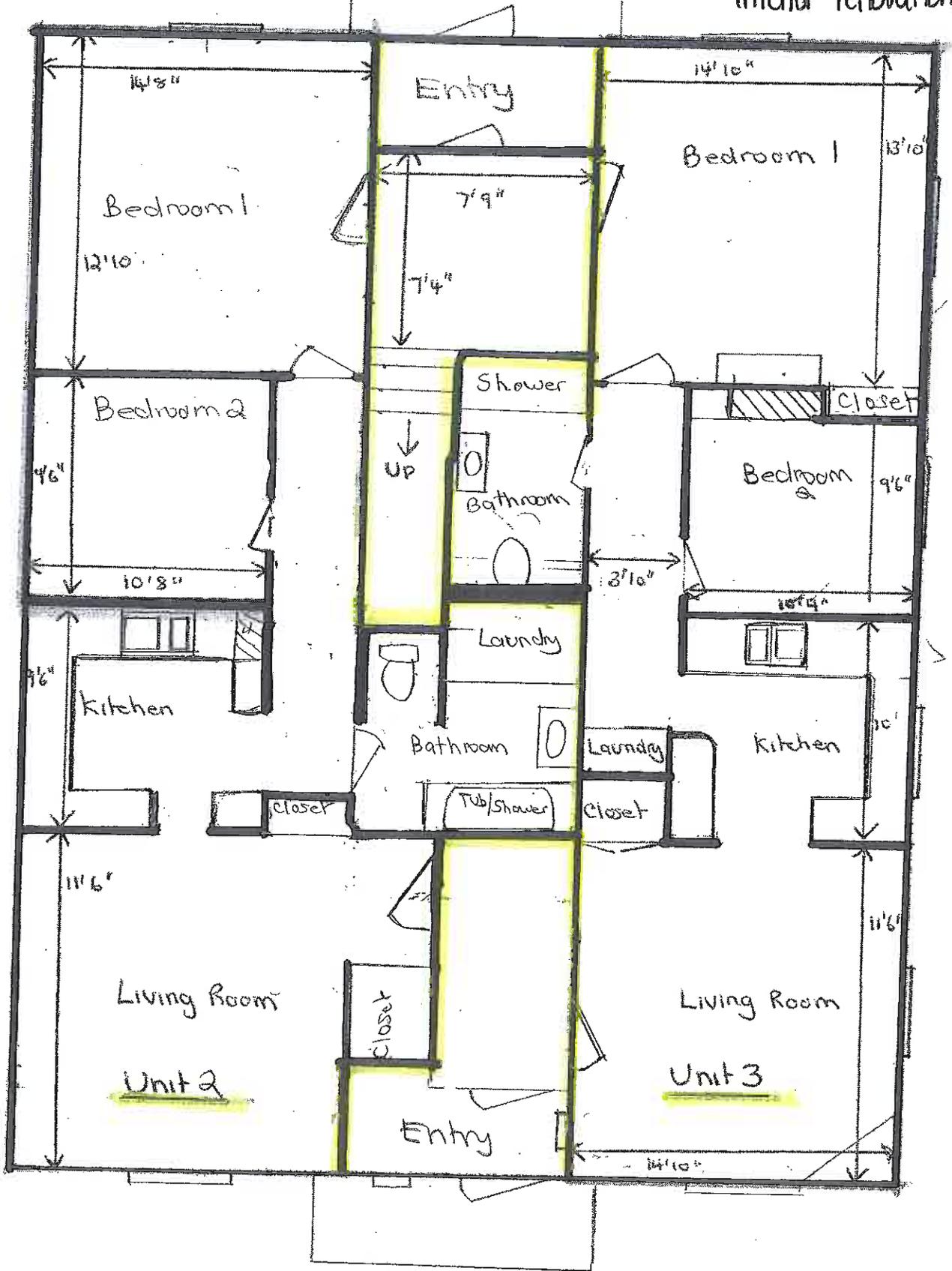
WEST ELEVATION

SCHEDULE 6279
This forms part of development
Permit # HRA 12-0001
32

Basement

Copeland House
Phase 1
Interior Renovations





Scale 1:60

First Floor

Back

Copeland House
Phase 1
Interior Renovations



1.



2.



3.



4.



- 1. Proposed wrought iron fence
- 2. and 3. Proposed lighting
- 4. Proposed heritage style wood windows

SCHEDULE B3/9
 This forms part of development
 Permit # HRA12-001

Copeland House

784, Elliot Avenue
Kelowna
V1Y 5T1



COLOUR BOARD EXTERIOR

ROOF: Certainteed Landmark
Heather Blend

STUCCO WALLS: HC31 Westbury Cream
Acrylic Latex



TRIM: HC50 Georgian Brick
Acrylic Latex Low Lustre



METAL RAILINGS: Widows Walk Railings – HC50 Georgian Brick

LOWER STONE FASCIA: HC50 Georgian Brick
Acrylic Latex Low Lustre

All paints selected from the Benjamin Moore Historic Collection. The Georgian Brick was matched from the original back door, penetrating many layers to uncover the original paint colour.

SCHEDULE B4/9
This forms part of development
Permit # HRA12-0001

Finish Refurbishment Plan - Copeland House



New roof to prevent further leaks and decay.

Soffits, gutters, fascia and downspouts to be repaired and replaced.

Damaged stucco to be repaired.



Removal of all aerial cables and replaced underground.

New wood windows to match character of original historical style.

New lighting to building and path.

New signage and hardware.

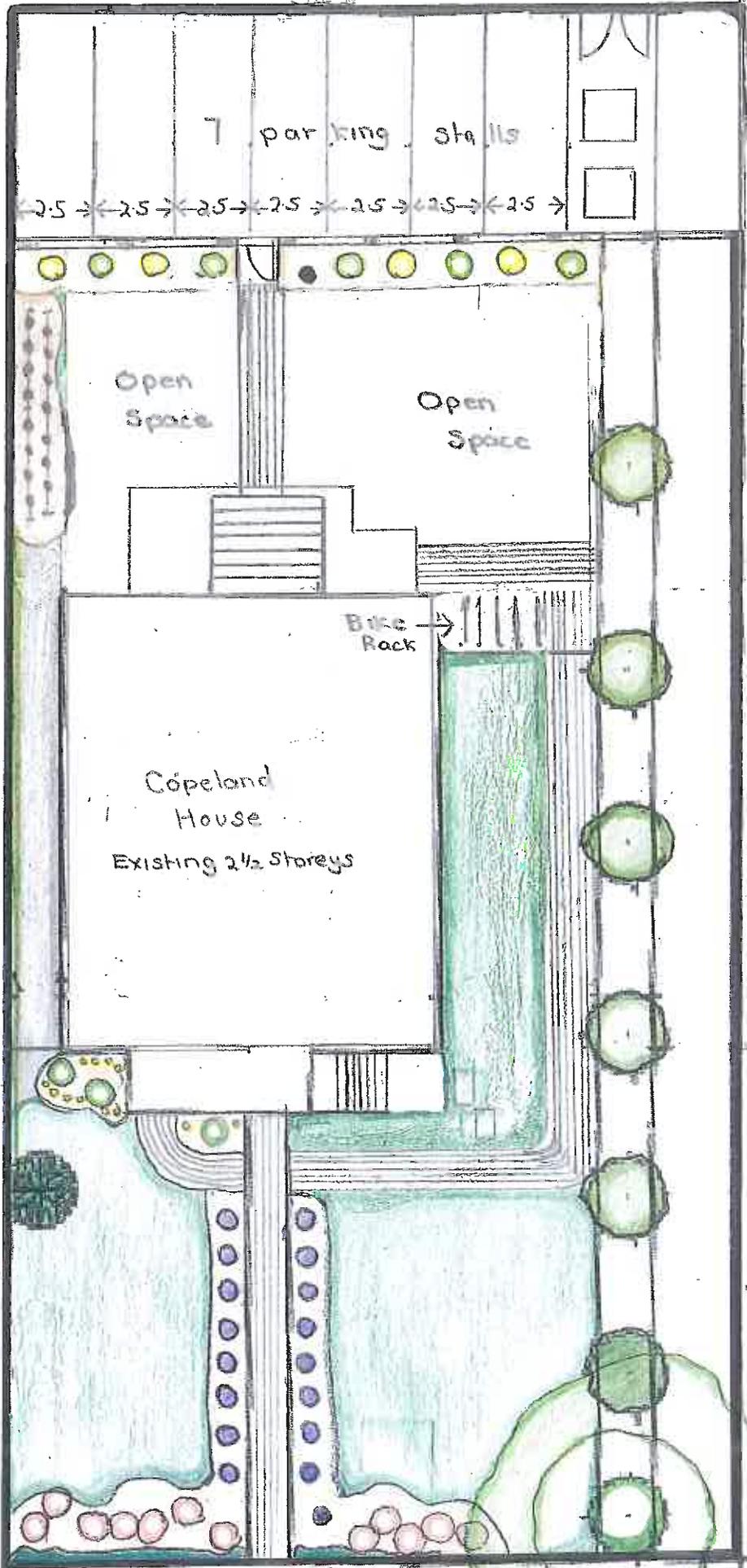


Carport to be removed.

New vehicular access to be made available from alley.

SCHEDULE B5/9
This forms part of development
Permit # HR12-0001

21.03



Copeland House Phase 1

SCHEDULE C1/5

This forms part of development

Permit # HRA12-0001

21.03



The new landscape plan will introduce a Victorian/Edwardian period perennial type of garden, lawn, shrubs and trees. Similar to above the pathway will be bordered by lavender.



Continuous plantings of green shrubs with occasional splashes of color exemplify the Victorian style.

SCHEDULE C2/5
This forms part of development
Permit # HRA12-0001

Bike Rack

A Bike Rack will be installed to provide a secure facility for the tenants to store their bicycles.

Samples for proposed type of Bicycle parking rack:



Tofino No Scratch® Bike Rack

The Sportworks Tofino is a unique combination of beautiful aesthetics and superior functionality at a terrific price. With a modern design and thoughtful integration of Sportworks No Scratch® bumper that protects bikes, the Tofino sets a new standard for all commercial bike racks.

The Tofino offers high space efficiency for two bikes in sidewalk settings, campuses, city parks, or anywhere space is limited. The Tofino provides the highest security allowing both the wheel and the frame to be secured using a variety of lock types. The Tofino is available in stainless or mild steel, and comes in a variety of mounting and coating options.

SCHEDULE 03/5

This forms part of development

Permit # HRA 12-0001

Installation of Sportworks bike racks may assist your project in qualifying for the following green building certification programs.

LEED®

Sportworks bike racks can help you achieve one or more of the following points under the LEED 2009 Rating System:

- **SS Credit 4.2—Alternative Transportation—Bicycle Storage and Changing Rooms**
To qualify for this credit, commercial, institutional or residential buildings must provide secure bicycle parking within 200 yards of a building entrance.
- **MR Credit 4.1—Recycled Content—10% | MR Credit 4.2—Recycled Content—20%**
Our bike racks are constructed of 70-90% post-industrial recycled steel components, which may qualify for points for recycled content.
- **MR Credit 5.1—Regional Materials—10% Extracted, Processed & Manufactured Regionally**
MR Credit 5.2—Regional Materials—20% Extracted, Processed & Manufactured Regionally
Our manufacturing occurs in the Pacific Northwest. If your project is within 500 miles of our factory in Woodinville, Washington, you may qualify for these credits.

Living Building Challenge

All Sportworks bike racks are fully compliant with the Materials Red List of the Living Building Challenge, which means they don't contain harmful materials including formaldehyde, halogenated flame retardants, PVC, lead, mercury, CFC's, HCFC's, neoprene (chloroprene) and cadmium.

Our bike racks may also help fulfill the following imperatives within Version 2.0 of the Living Building Challenge:

- **Site:** Car-free Living
- **Materials:** Appropriate Sourcing, and Conservation and Reuse
- **Equity:** Human Scale and Humane Places

Green Globes™

Sportworks bike racks can help you qualify for the following Green Globes™ credits:

E.2—Minimal consumption of resources

Our bike racks are made with recycled content and may be considered locally manufactured depending on the location of your project in relation to our factory in Woodinville, Washington.

C.5—Energy Efficient Transportation

Our bike racks allow you to meet the requirement of providing safe storage areas with fixed mountings for bicycles.

Sportworks Northwest Inc. | 15540 Wood Red Rd NE, Bldg A-200 | Woodinville, WA 98072 | www.sportworks.com
 Contact: Tel: 425-483-7000 | Fax: 425-488-9001 | salesandsupport@sportworks.com
 All dimensions and specifications nominal. Specifications are subject to change without notice. Copyright © 2011 Sportworks Northwest, Inc. All rights reserved.



Sample for proposed type of Bicycle Shelter, may be modified as new models and designs become available early 2013.

SCHEDULE C4/5
This forms part of development
Permit # HRA12-0001

SCHEDULE B6/9
 This forms part of development
 Permit # **HRA12-0001**

PHASE TWO

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 A final drawing for construction



NEW TOWN ARCHITECTURE
 URBAN PLANNING
 1450 FANBOY STREET
 KELOWNA BC V1Y 1P5
 www.newtownarchitecture.com
 Project 019 COPELAND HOUSE

Project: 002
 Drawing No: COVER
 Designer: [blank]
 Author: [blank]
 Date: [blank]
 Scale: [blank]
DP.01
 201001 (02) (1/1)

DRAWING LIST
 DP 0.01 COVER
 DP 1.01 SITE PLAN - MASSING
 DP 1.02 SITE PLAN - LEVEL 01
 DP 3.01 ELEVATIONS
 DP 3.02 ELEVATIONS
 DP 3.02 ELEVATION

RECEIVED
MAR 01 2013
CITY OF KELOWNA
 Development Services Department

PHASE TWO

SCHEDULE B8.9

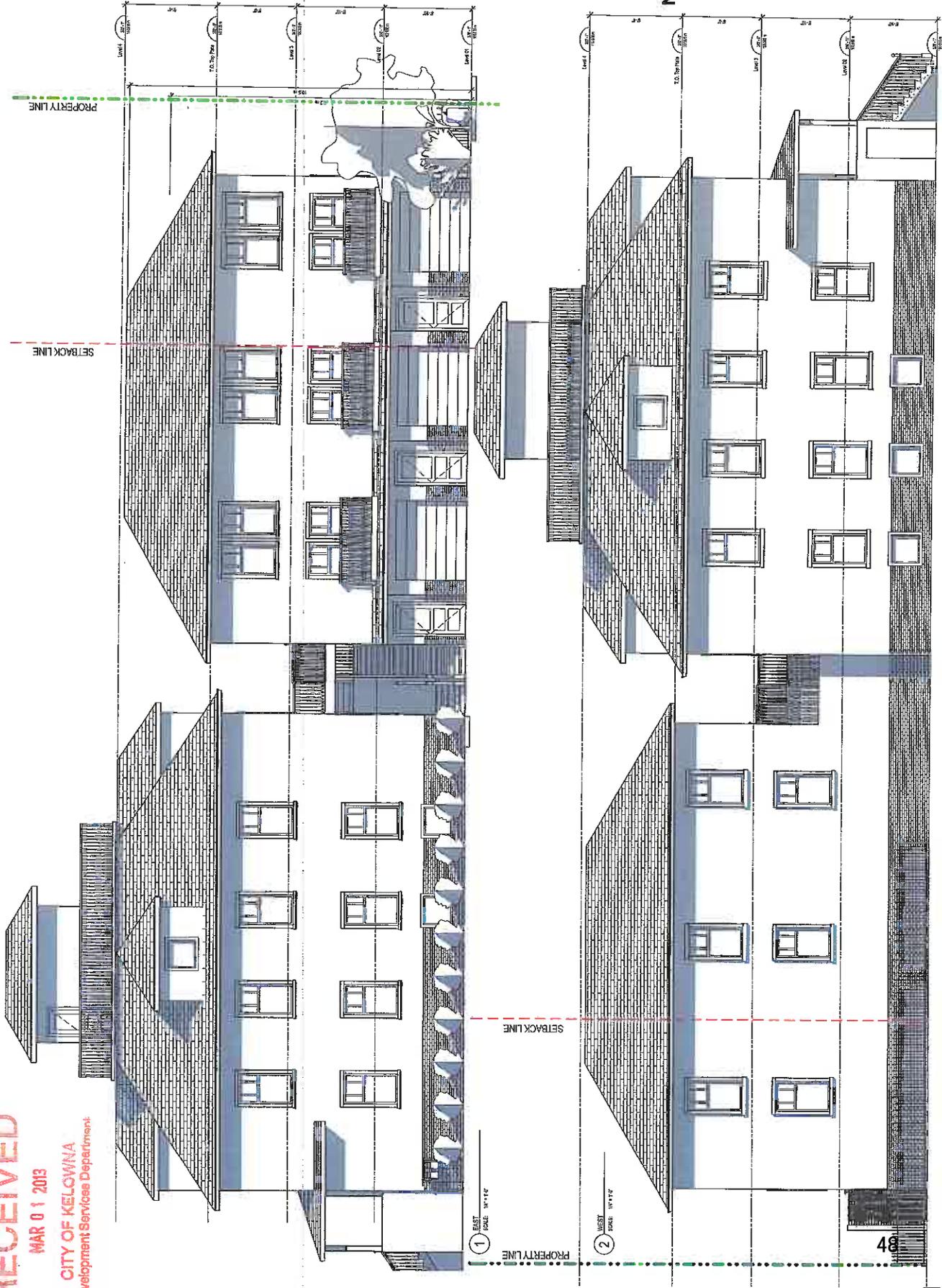
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MAR 01 2013

CITY OF KELOWNA
Development Services Department



Notes:
 1. All work shall be in accordance with the City of Kelowna Building Code and the applicable standards of the International Building Code (IBC) and the International Residential Code (IRC).
 2. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
 3. The contractor shall be responsible for ensuring that all work is completed in accordance with the approved plans and specifications.
 4. The contractor shall be responsible for ensuring that all work is completed in a timely and efficient manner.
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NEW TOWN ARCHITECTURE
 URBAN PLANNING
 1650 PANDORY STREET
 KELOWNA, B.C. V1Y 1J3
 WWW.NEWTOWNARCHITECTURE.COM

PROJECT NO. COPELAND HOUSE

PROFESSIONAL NO. 5532

DATE: 02/14/12

DESCRIPTION: ELEVATIONS - EAST AND WEST

SCALE: 1/8" = 1'-0"

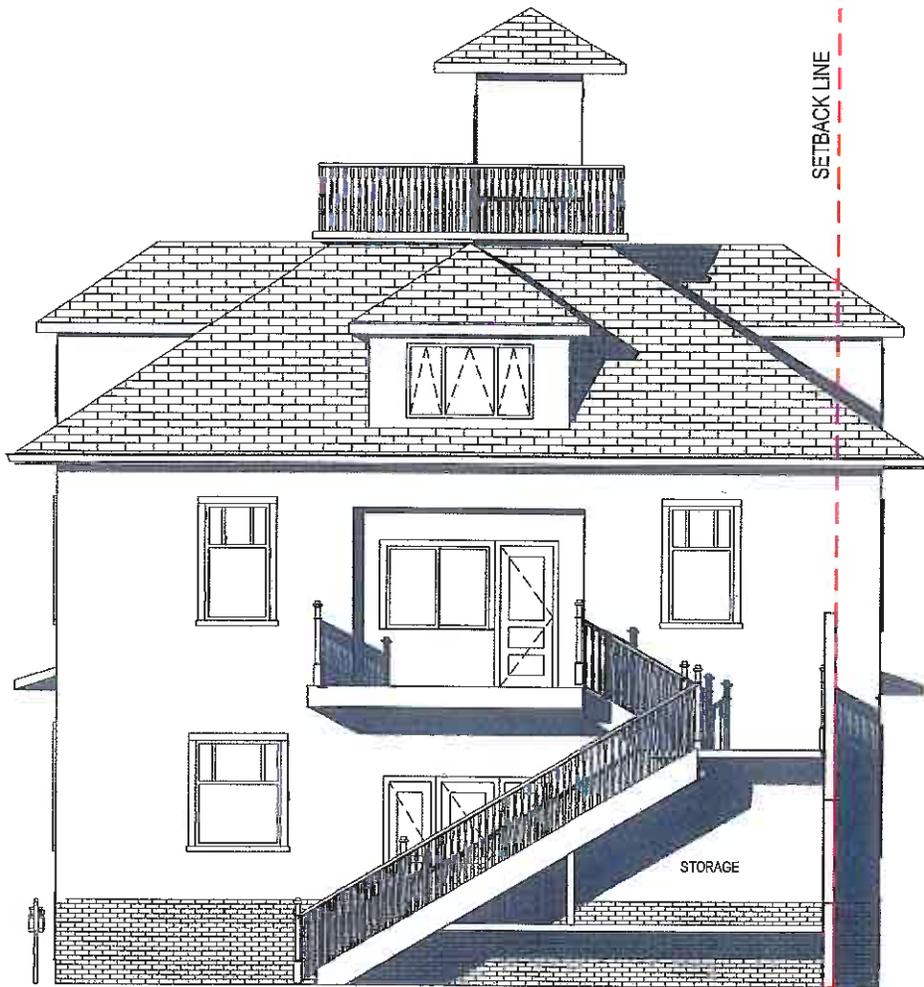
DATE: 02/14/12

PROJECT NO. DP3.01

DATE: 02/14/12

Cross Section View
between Existing building
& Phase 2. addition.

SCHEDULE B9/9
This forms part of development
Permit # HRA12-0001



1 NORTH - EXISTING
SCALE: 1/4" = 1'-0"

Notes:
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All drawings shall be read in conjunction with specifications and contract details.
All work shall be carried out in accordance with Canadian Standards, specifications, B.C. Building Code (2006 edition) and local authority by laws and regulations.
Tabulated notes refer to Arch D site drawing sheet.
This drawing must be sealed.
Contractors shall verify all dimensions prior to commencement of work.
Any omissions or discrepancies shall be reported to the architect.
Seal

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PHASE TWO

no.	date	description



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URBAN PLANNING

1450 PANDOSY STREET
KELOWNA B.C. V1Y 1P3
www.newtownservices.net

project title
COPELAND HOUSE

project no. 3332

drawing title
ELEVATIONS - NORTH

designed	Designer	scale	1/4" = 1'-0"
drawn	Author		
checked	Checker		

DP3.03

plotted 2/27/2013 10:18:42 AM

Copeland House
784, Elliot Avenue
Kelowna
V1Y 5T1

Undoubtedly restorations are a challenging task, and most are accompanied by many hiccups and unforeseen circumstances, however, with this in mind we are pleased to introduce ourselves as the new owners of the Copeland House, on Elliot Avenue, Kelowna.

We always view it as a privilege to be part of an Heritage Restoration Project as it connects the past History of a property with its future well being and maintenance, and hopefully allows the building to remain part of the local environments fabric and society.

A building needs to be serviced, looked after and loved to allow it to maintain its health, and as I start putting pen to paper, or fingers to the keys, I look around the neighbourhood from the Penthouse Suite and sit in awe at the changes this building has witnessed over its 105 year existence. To think that the population of Kelowna was only 600 and there were only 6 properties between Copeland House and Orchard Park Mall, puts time into perspective. So if we can use our knowledge, passion and experience of over 30 years to promote life and wellness back into this neglected building we will certainly be very proud and happy to do so.

Designation

As can be appreciated by the accompanying documents Copeland House was a family home to the original builder Robert Andrew Copeland, and his wife Jane, who for 10 years, resided in this traditional Foursquare House. Acting as a Director of the Central Okanagan Land Company and an Alderman of Kelowna from 1911 to 1916, Robert Copeland had previously been an Hotelier in Saskatchewan for 20 years. Ironically, 100 years later, we have taken over the building he designed, having ourselves been Hoteliers for over 20 years! When Bob Copeland moved to Lumby to buy a farm he sold the property to his brother and his wife who raised 14 children in the home. In 1941 Copeland House changed from being a Single Family Home to a rooming house, and became multi family lodging in 1942 when it was redesigned to provide 8 apartments. Then, an extra 2 Units were subsequently designed, in the Basement.

With respect to Robert Andrew Copeland, and his commitment to Kelowna in those early days as the city became incorporated, Copeland Place was named after him, 767 Copeland Place being the original barn for Copeland House, and 789 Copeland Place was the ice house. To honour his achievements it will be a pleasure returning the House back to its original name of "Copeland House", and the restored Heritage Apartment Building will be known as "Copeland House Heritage Apartments".

Neighbourhood

Our adjacent neighbour Elke has lived at 774, Elliot Avenue for 42 years, and our opposite neighbour, Ken, has lived at 775, Elliot Avenue for 12 years, the tenants at 785, Elliot Avenue have rented their property from Ken for 6 years, our neighbours at 741, Elliot Avenue have been part of the neighbourhood for almost 20 years. Once families arrive in this location they discover the convenience and peaceful qualities of such a desirable neighbourhood. Unfortunately, the unsavoury characters that were either renting or squatting at 784 Elliot Avenue were the bane of all our neighbours lives. The constant drug dealing, the arrival of the police on a nightly basis, the discarding of needles in the street and the concerns of every parent as their child walked to school past our property was a nightmare.

All tenants have now been evicted, the property has been made safe, the dilapidated car port (hiding place for devious characters looking for banned substances) has been demolished, the overgrown trees resting on and damaging the roof of the property have been felled, new fencing to secure the boundary of the gardens has been erected, the neighbours are happy. Each and every household within the vicinity have blessed our arrival at 784 Elliot Avenue, we hope to fulfil all their expectations and return Copeland House into a Heritage home to be proud to live in, with a relaxing Victorian Garden to enjoy, charactered features that are unmatched in other apartment buildings, and a sense of safety and wellbeing that emanates in this neighbourhood. Our tenants will feel the heart and soul of their home, garden and neighbours.

HRA

Finish Refurbishment Plan

Copeland House, 784 Elliot Avenue, Kelowna, BC. V1Y 5T1

General Information

Contact: Jackie Gorton for any questions or clarifications.
Copeland House Property Management. Tel 250 826 3605

Project Overview

The object for this Heritage Home includes the complete restoration of the interior and exterior of the building and redesigned landscaping that will enhance the unique historical character of the property. This includes the:

- Removal of the Car Port
- Removal of surplus unsightly metal work attached to the Fire Escape
- Installation of new wrought iron garden fencing
- Refurbishment and replacement of soffits and fascia board
- Installation of new wood windows of Heritage design advised by Peter Chataway
- Repair to and replacement of roofing
- Stucco to be sympathetically brushed and cleaned, repaired and painted with Historical Collection colours from Benjamin Moore
- Updates to lighting fixtures
- Restoration of original staircase
- Update landscaping with a focus on returning to a simple Victorian Garden, with fruit trees around perimeter
- Incorporating an addition to the rear of the property to allow the units to be more spacious and in keeping with the needs and facilities of the tenants

The total restoration of Copeland House will be completed in 2 phases.

Phase 1 will predominantly focus on the reversal of decay within the property, repair to all exterior aspects of the building, replacement of all internal electrical and plumbing, the upgrade of the electrical supply from 200 amps to 600 amps, removal of aerial cables and replaced underground, reduce number of units within the Main building from 12 (10 legal and 2 illegal) to 6, upgrade and replace all kitchens and bathrooms, repair and/or replace hardwood flooring to main areas.

Phase 2 will be completed in 3 – 5 years, paying more attention to detail of the property, restoring the original verandah across the front of the property. Note: when the property was originally built in 1907, a verandah was constructed around all 4 sides of the house, it was subsequently removed during the twentieth century. Although it is now impossible to restore a verandah on all 4 sides of the building we intend to restore the south facing aspect. Phase 2 will also see the proposal to incorporate an addition to the property, located on the site of the previous car port, to the rear of the main building and along the west perimeter of the property that would emulate the style and character of the original building. Finishes to the design are yet to be determined but will have similar finishes to the interior of Copeland House. The addition will be slab on grade construction intended for residential use, providing 3 units, therefore there will be no increase in density of units on the site. Phase 2 will also see the completion of the replacement of the remaining windows to the Heritage style. The landscaping will be an ongoing enhancement as the garden develops and matures organically in its eventual design.

Interior Updates

The interior updates to the existing building will include the demolition of the illegal basement suites to provide one suite, with its own private entry and a further 4 means of egress, and in-slab radiant heating throughout. The Penthouse will remain and be completed as the current approved layout with updates to the electrical, plumbing, heating and fire detection. On each of the Main and Second floors, the previous 4 units on each floor will be consolidated into 2 units on each floor.

Fencing

A wrought iron and block pillar fence is proposed for the north perimeter separating the private parking and garden area, with a pedestrian access through a secure wrought iron gate with lighting. Fencing is existing along the east and west perimeter, this will be upgraded in Phase 2. Along the south perimeter the existing wall will be repaired and a wrought iron fence attached to the wall to provide tenants with additional security and a wrought iron gate added at the end of the footpath between the pathway and the sidewalk. Lighting to be added for security.

Parking

To remain in keeping with the majority of the adjacent properties located to the north of Elliot Avenue the vehicular access will be from the rear alley. We therefore propose to remove the driveway from the front, which will reduce both the traffic and noise impact, and will also enhance the visual aspect of the property. Seven parking stalls will be provided, the private parking will be divided from the garden by wrought iron fencing with intermittent block pillars, lighting will be installed by the secure gate access through to the building, and security lights will be installed on to all 4 corners of the building activated by movement sensors from the perimeter of the property, remaining illuminated for 2 minutes after movement ceases.

PARKING RATIONALE

1. The ease of cycling and walking to reach abundant facilities:

7 Parking Stalls and a secure Bicycle Rack will be provided. Due to the close proximity of Kelowna Downtown Business District, the Hospital and new Interior Heart and Surgical Centre, Pandosy Village and Sopa Square - with an abundant variety of retail outlets, the Beach and Schools, the "type" of tenants that will be targeted for occupancy of Copeland House will have strong "green" healthy ethics and cycling and walking will be promoted and facilitated. From 784, Elliot Avenue it is less than 10 minutes to walk and 5 minutes to cycle to the Downtown Centre. As well as secure bicycle parking, a locked indoor storage will be made available to all tenants. Easy, direct access has been incorporated into the design and location of the Bicycle Racks, and there will be sufficient space for all members of each Unit to park their bicycles. Once marketing commences for the occupancy of Copeland House, some of the unique features of the property to be emphasized will be the ability to enjoy the benefits of chartered urban living without the need for a vehicle to reach work and social destinations.

2. The close proximity to public transit:

Copeland House is situated less than 2 minutes walk to the public transit stops located on Sutherland Avenue and Richter Road. With access routes in all directions provided by the public transit system it is an extremely convenient benefit of this peaceful location to be serviced by an efficient and regular transit option. Today, an important factor of all lifestyles is the ability to moderate excessive vehicular usage, and Copeland House facilitates the ability to choose from a variety of transport options.

Windows

The white vinyl windows installed between 1995-2005 will be replaced by wooden windows, made by Glenmore Millworks, with LowE/Argon, Energysave glass, to meet Building Code specifications for insulation, and Heritage design for aesthetics for the building.

Heating

Following a consultation with Fortis BC on site, we have implemented their recommendation to install the 98% efficient tankless gas boilers into the property to balance the energy requirements of the building between gas and electric. Majestic "Oxford" Series Gas Stoves will be installed in each Unit providing a classic ambience to each Living Room, providing 28,000 BTU's of capacity capable of heating up to 1200 square feet, an 81% rated room heated efficiency, and traditional cast iron construction. Thermostatically controlled, highly efficient, and aesthetically pleasing, the gas fires create a charming and Heritage appeal to the property. Additionally, innovative and new technology into Canada, has enabled the installation of Infra Red Heating Panels to be located in the Bedrooms and Bathrooms of each Unit. Supplied by Radiance Green Technologies Ltd, the Infra Red

Panels not only provide a smarter, healthier and efficient heating system, they provide many benefits. (See additional information). To summarise, they provide inexpensive operating costs; reliability; energy saving; superb quality; unique capabilities; documented health benefits especially to the elderly, recovering patients, immobile people, repetitive motion workers, and school children; comfort and simplicity. The ability to be able to combine very modern electric healthy heating technologies and a classic Heritage designed energy efficient gas fireplace enables a sensible balance to the provision of heating. Unit 1, which occupies the Basement of the property also has the added benefit of in-slab radiant heating throughout the unit. The Navien NAVNP240NG tankless combination water heater will be installed to supply Unit 1 with both hot domestic potable water and under floor heating. The design of the heating and water supply to each unit incorporated the most cost efficient operating costs for the benefit of the tenants.

Traditionally, ceiling fans have been used historically to provide cooling in the summer time. Ceiling fans will be installed in each unit, however, wiring has been roughed in to provide the ability to install ductless split air conditioning if it is required, as recommended by Fortis BC.

In addition to the installation of modern heating appliances, all exterior walls will be clad with Styrofoam insulation to enhance the thermal efficiency of the building. All internal walls and ceilings will be filled with Roxul sound insulation. Low wattage light bulbs and appropriate light fittings are to be installed, water efficient appliances are to be installed for the laundry and bathroom applications throughout the building. Timers and sensor activated systems will be applied to the lighting of communal areas to ensure the energy efficiency of the building.

Landscape Plans

Setting the tone and style of a Victorian/Edwardian era garden with accessible space for tenants to enjoy the scents and fruits of the environment, the garden beds will be predominantly Herbaceous Perennials and Roses. A Yew hedge will be planted along the south perimeter along the wrought iron fence, and partly along the east perimeter to provide privacy for tenants in the front garden. The border on both sides of the pathway will be planted with lavender providing sweet scents when approaching the front entrance. Along the eastern border the mature walnut tree will remain. In its dappled shade a fig tree will be planted and then continuing towards the north perimeter a variety of fruit trees, some dwarf varieties, including an apple, apricot, pear, cherry and plum.

Pillars and wrought iron fence will separate the private parking from the back garden. Along the western perimeter, where raspberries have been established since the 1980's, further raspberries and blackberries will be encouraged.

Natural Organic Design
Living Gardens
Kelowna
250 826 3504

Copeland House
 784, Elliot Avenue
 Kelowna, BC
 Schedule

PLANT LIST

Key	Quantity	Name	Size
Trees Eastern Perimeter			
F	1	Fig (Ficus Moraceae)	2-6m
RA	1	Apple (Rosaceae)	3-4m
PA	1	Apricot (Prunus)	3-4m
PP	1	Plum (Prunus)	2-4m
PCh	1	Cherry (Prunus)	2-5m
RP	1	Pear (Rosaceae Pyrus)	1.5-3m
Front Bed			
M	1	Magnolia (Magnolioideae)	1-5m
Trees North Garden Perimeter			
A	2	Japanese Acer (Acer Palmatum)	1.2-4m
Co	2	Satomi Dogwood (Cornus Kousa)	2-5m
Perennials			
Pathway Border			
L	16	Lavender (Lavandula)	15-35cm
South Perimeter/East Perimeter			
T	4	Hill's Yew (Taxus Media)	1-3m
R	12	Rose (Rosa)	.5-1.5m
Front Beds			
Bl	1	Blueberry (Vaccinium corymbosum)	.5-2m
G	1	Gooseberry (Ribes)	1-3m
GKF	1	Ornamental Grasses (Karl Foerster)	1-2m
GBF	3	Ornamental Grasses (Blue Fesue)	10-20cm
West Perimeter			
Rr	2	Raspberry (Rubus)	1-4m
B	2	Blackberry (Rubus Fruticosus)	3-6m

Name Change

We have informed Canada Post, and confirmed with the Canada Post Carriers, that the property known as Elliot Apartments is under restoration, and upon completion when the building re-opens to new tenants the formal address will be:

Units 1,2,3.....etc
Copeland House
784, Elliot Avenue
Kelowna
British Columbia
V1Y 5T1

A new sign will be erected at the front of the property, to the left side of the gate that divides the property pathway and the sidewalk. The sign will be in keeping with the traditional Heritage signs throughout Kelowna describing a brief history of the building and the life of its namesake, Robert Andrew Copeland. Dimensions and wording to be confirmed following discussions with the Heritage Committee.

CITY OF KELOWNA
MEMORANDUM

Date: March 8, 2013
File No.: HRA12-0001

To: Land Use Management Department (BD)

From: Development Engineering Manager

Subject: 784 Elliot Avenue - Heritage Revitalization Agreement - *Revised*

The Development Engineering Department has the following comments and 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 property is located within the City of Kelowna service area and is serviced by a 19mm copper water service.
- (b) The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development (both phases) and establish hydrant requirements and service needs. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the disconnection and replacement of the existing service. Upgrades to the existing hydrant and the installation of an additional hydrant, if required, will be at the applicants cost.
- (c) A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or 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. Boulevard landscaping, complete with underground irrigation system, must be integrated with the on-site irrigation system.

2. Sanitary Sewer

- (a) The property is serviced by a 100mm diameter service.
- (b) The developer's consulting mechanical engineer will determine the development requirements of this proposed development (both phases) and establish the service needs. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal and disconnection of the existing service and the installation of one new larger service.

Item	Cost
Curb & Gutter	\$ 1,840.00
Sidewalk	\$ 0.00
Street Lighting	\$ 710.00
Landscape Boulevard	\$ 0.00
Road Fillet	\$ 552.00
Total	\$3,102.00

10. Development Permit and Site Related Issues

- (a) The development will be required to contain and dispose of site generated storm water on the site by installing ground recharge system consisting of drywells and perforated pipe bedded in drain rock/rock pits.
- (b) The request is to vary the following do not compromise our servicing requirements:
- (i) Rear yard set back of 7.5m required to 2.3m proposed.
 - (ii) To legalize the non conforming side yard for heritage building to accommodate the addition.
 - (iii) To reduce the drive isle width from 7.0m required to 6.0m proposed.
 - (iv) To increase the allowable percentage of small parking spaces from 40% to 70% proposed.
 - (v) To vary the parking requirement for the project we would suggest the applicant justify the deficiency in parking for both phases and detail how they intend to control and manage the reduction in parking and vehicle size requirements.



Steve Muenz, P. Eng.
Development Engineering Manager
ss



[New Search](#)

Heritage Building

784 Elliott Ave - Copeland House/Elliott Apartments

Place Description: The historic place is the two-and-one-half-storey, wood-frame Copeland House (Elliott Apartments) at 784 Elliott Avenue.

Heritage Value: The heritage value of the Copeland House/Elliott Apartments is due in part to its association with Robert Andrew Copeland, who was active as an early land developer and Kelowna alderman; and for the transition of the building from a family home to a rooming house, and then to apartment units, as inner-city population densification occurred. It also has architectural value as a good example of a foursquare house.

The house has value for its association with Robert Andrew (Bob) Copeland (1864-1955), married to Jane (Belle) Copeland, who built the house when he came to Kelowna in the spring of 1907. He had previously operated a hotel in Grenfell, Saskatchewan, for twenty years. He had served as an auxiliary in the Northwest Rebellion, part of the 'Grenfell Connection.' Copeland became a director of the Central Okanagan Land Company and served as an alderman from 1911 to 1916. Copeland Place was named for him. (767 Copeland Place was originally the barn and 789 Copeland Place the ice house formerly associated with the historic place).

In 1917 the Copelands left Kelowna and took up farming in the Lumby district. Bob was president of the United Farmers of British Columbia from 1919 to 1921. In 1942 the Copelands sold the farm and returned to retirement in Kelowna.

The historic place also has value for changing its use with changes in the neighbourhood. It was apparently still a single residence in 1938, owned by W.R. Miller. In 1941 it was listed as a rooming house, owned by Jacob Vohli. During the acute housing shortage of WWII, in 1942, owner Ethel Yegli (later Mrs. Ethel Bryan) remodeled it as eight apartments, with two rooms each. "Elliott Apartments" went through a series of at least fifteen owners between 1940 and 1965.

The house is a good example of a Foursquare, with its square (or nearly square) plan and the medium-pitched hipped roof. The type is clearly legible, although its external details have been considerably modified over the years.

Character Defining Elements:

- Location on Elliott Avenue in Kelowna's South Central neighbourhood
- Residential form, scale and massing, expressed by two-storey height (plus basement) and squarish plan
- Medium-pitch hipped roof
- Half-hip roof protecting entrance door and porch
- Symmetrical fenestration, with 1-over-1, double-hung, wood sash windows, with plain and decorative wide wood trim, some of which may be more recent in application (the later metal-sash windows are not character-defining elements)
- Painted wood, diamond-shaped symbols applied to the front elevation on both levels
- Uniform off-white painted stucco
- Mature landscaping around the perimeter of the property, with a private front lawn



REPORT TO COUNCIL



Date: November 23, 2012
File: 1200-30
OCP12-0010 / BL 10746
To: City Manager
From: Long Range Planning Manager
Subject: OCP 2030 Bylaw 10500 - Miscellaneous Amendments

Recommendation:

THAT Council receives, for information, the report from the Long Range Planning Manager dated November 23, 2012 with respect to proposed amendments to OCP 2030 Bylaw 10500;

AND THAT Bylaw No. 10746 being OCP12-0010 - Miscellaneous Amendments to the Kelowna 2030 Official Community Plan be considered by Council;

AND THAT after 1st reading Council directs staff to forward OCP Amendment Bylaw No. 10746 being an amendment to Bylaw No. 10500 Kelowna 2030 - Official Community Plan to the Agricultural Land Commission (ALC) for comments as per Local Government Act Section 882(3)(c);

AND FURTHER THAT Council direct staff to pursue the consultation process outlined in the report from the Long Range Planning Manger dated November 23, 2012 and report back to Council prior to scheduling OCP Bylaw No. 10746 to a Public Hearing.

Purpose:

To proceed with an amendment to the OCP to change the Permanent Growth Boundary (PGB) to incorporate UBC properties within the PGB and to pursue other staff-initiated changes to land use designation definitions, mapping notes, temporary use permits, riparian management area language and policy to limit rural development outside the PGB.

Background:

At the Council Meeting of May 30, 2011 the following resolution was adopted:

THAT Council directs staff, as part of the next set of staff-initiated Kelowna 2030 Official Community Plan Bylaw amendments, to hold further discussions with University of British Columbia staff with respect to the concerns raised by the representative of the University of British Columbia with respect to the University of British Columbia-Okanagan lands during the Kelowna 2030 Official Community Plan Public Hearing. (SR #197537)

A handwritten signature in black ink, appearing to be a stylized 'M' or similar character.

Staff Initiated Amendments

a) Subdivision of land outside the PGB

Staff propose that the language in OCP 2030 related to the Resource Protection Area, mapping notes for the Permanent Growth Boundary, and Policy 5.3.1 Permanent Growth Boundary be amended to regulate large lot rural subdivisions on non-ALR land outside the PGB (See Attachment 1).

The previous OCP did not support subdivision of lands outside the Urban - Rural / Agricultural Boundary. That language was not carried forward to the new OCP and the potential for large lot rural subdivision could circumvent OCP objectives to contain urban growth, promote compact urban form and reduce sprawl.

b) Provision for Agri-Businesses

There is an application before Council (third reading) to amend the OCP to allow a proposed Granville Island style market and Farmer's Market. That application proposes the creation of a new OCP land use designation called "Agri-Business" which would allow certain types of businesses in agricultural areas outside the PGB. A number of alternatives were considered. The new Agri-Business land use designation will make it easier for farming related businesses to set up shop while still requiring ALC approval.

It is proposed that OCP Policy 5.3.1 be amended to exempt sites designated as Agri-Business (See Attachment 1) from the requirement to adhere to land use designations as adopted by Council on May 30, 2011 given that the proposed Agri-Business designation did not exist at that time.

c) Temporary Use Permits

It is proposed that Table 4.3 Temporary Use Permits (TUP) be removed and replaced with language that indicates where a TUP may be supported. A TUP will still require Council approval, but this change removes the need to amend the OCP to update the table every time Council wishes to grant a TUP. The proposed language provides the potential for a TUP inside the PGB on lands designated in OCP 2030 as Commercial, Education / Institutional, Industrial, Mixed Use or Public Service / Utility. The proposed language also provides for a TUP outside the PGB on Resource Protection Area designated lands with a stated time period considerably less than the maximum three (3) year time limit, but such uses will require approval from the Agricultural Land Commission for any properties in the ALR.

The specific properties identified in the table will be replaced by a Land Use Management process to provide notes on relevant properties indicating the time / expiry dates of any TUP's for tracking purposes and to ensure business licenses are not issued erroneously.

d) Convenience Facility (Commercial)

It is proposed that the Single / Two Unit Residential (S2RES) designation and the legend of Map 4.1 Generalized Future Land Use be amended (see Attachment 1) to provide for convenience commercial uses as an integral part of residential neighbourhoods.

Convenience commercial sites would be based on the definition of Convenience Facility in Chapter 17 that limits locations to arterial or collector roads, limits the size of a facility and limits the proximity to other commercial centres. This proposed change would mean that low intensity convenience commercial development in residential areas could be approved without the need for an OCP amendment. Convenience commercial proposals would still require Council approval of a rezoning to C1 Local Commercial, including the associated public process, and a Development Permit.

e) Riparian Management Areas

Currently the OCP provides policy on the ability to vary the width of a Riparian Management Area (RMA) but that policy could benefit from further refinement to specify that any variation would be based on a “no net loss” approach. In addition, the current policy contains language on how such a variation would be processed that would be more suited for inclusion as part of the Natural Environment DP Guidelines.

UBC Related Amendments

In a letter dated July 26, 2011, lawyers for UBC notified the City that UBC felt they had sustained damages as a consequence of adoption of the OCP. The letter of intent cited a breach of the City’s duty of good faith and a breach of certain terms of the agreement for purchase of the lands from the City. Although the existence of UBC’s claim must be disclosed prior to any public hearing related to this OCP amendment, staff recommend that UBC’s notice not be considered an influencing factor in Council’s consideration of this report.

On-going discussions have been held with UBC staff throughout the balance of 2011 (beginning prior to the notice of claim letter) and into 2012 attempting to resolve UBC concerns related to language of the Resource Protection Area designation and the Permanent Growth Boundary (PGB). As the subject lands west of the current campus are in the Agricultural Land Reserve (ALR) there have also been discussions with Agricultural Land Commission (ALC) staff.

Staff propose that the Permanent Growth Boundary as indicated in Maps 4.1 and 5.2 be amended to include UBC properties west of the current campus inside the boundary (See Attachments 2 & 3). However, rather than remaining designated as Resource Protection Area, UBC has requested that the land use designation be returned to the Rural / Agricultural designation from the 2020 OCP.

The OCP does not support more intensive uses outside the PGB. There is no language saying that the OCP would support development on Rural / Agricultural or Resource Protection Area designated properties inside the PGB. In fact, both the Rural / Agricultural and Resource Protection Area designations specify that land will not be supported for exclusion from the ALR or for more intensive development than allowed under current zoning regulations. Staff recommend more detailed planning on the UBC (former Tutt Ranch) lands prior to considering any non-agricultural uses on site.

Internal Circulation:

Acting General Manager of Community Sustainability
Council Services Supervisor
Urban Land Use Manager
Environment & Land Use Manager
Subdivision Approving Officer

Legal / Statutory Authority:

Local Government Act Part 26: Division 2 - Official Community Plans, Sections 875 - 882.

Legal/Statutory Procedural Requirements:

Local Government Act Section 882(3) specifies that after first reading (and prior to Public Hearing) of an Official Community Plan bylaw the local government must, in sequence, consider the plan in conjunction with its financial plan and any waste management plan applicable. The local government must also refer the plan to the Agricultural Land Commission (ALC) for comment if the plan applies to land in an agricultural land reserve established under the Agricultural Land Commission Act.

External Agency/Public Comments:

As part of the OCP approval in 2011, Bylaw 10500 was referred to the ALC. In response to that circulation, the ALC expressed a desire to not see any ALR lands included within the PGB. The former Tutt Ranch lands acquired by UBC from the City are in the ALR.

UBC was made aware of the City's intention to move forward with a change to the PGB and retain the current designation of Resource Protection Area. In response UBC indicated that it would be their preference to have the lands returned to the Rural / Agricultural designation as it existed in the 2020 OCP, and that is what is now being recommended by staff.

Communications Comments:

Local Government Act Section 879 (1) specifies that a local government must, during the development, repeal or amendment of an official community plan, provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected. This consultation is in addition to the required public hearing.

The requirement for consultation over and above the Public Hearing will be addressed by advertising in a local newspaper, posting information on the website and notification through e-subscribe, with contact information for the Long Range Planning Manager to field inquiries and comments. The results of that consultation will be provided to Council at the Public Hearing.

There are 19 properties included in this OCP amendment. All those properties are owned by the same owner (UBC). It is required that all property owners within 50m of the subject properties be notified in writing of the proposed OCP amendment. Staff propose to provide that notification as part of the formal Public Hearing process.

Existing Policy:

Kelowna OCP 2030 Bylaw 10500.

Considerations not applicable to this report:

Financial/Budgetary Considerations:

Personnel Implications:

Alternate Recommendation:

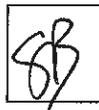
Submitted by:



Gary Stephen, Long Range Planning Manager
Policy and Planning

Approved for inclusion:

Signe Bagh, Director of Policy & Planning



cc: Acting General Manager, Community Sustainability
Council Services Supervisor
Urban Land Use Manager
Environment & Land Use Manager
Subdivision Approving Officer

Attachment 1

Proposed OCP Amendments

1. Amend Chapter 4 - Resource Protection Area Designation (proposed wording is in underlined text; wording to be deleted in ~~strikethrough~~):

Resource Protection Area (REP)

Rural land preserved for agricultural, environmental and recreational purposes, including the ALR, other resource lands with environmental value and protected natural open spaces, including private open space, steeply sloped lands, Natural Environment/Hazardous Condition DP Areas, and other natural features such as watercourses, water bodies, wetlands, plant and wildlife habitat, and significant aesthetic value. Allowable uses would be agriculture / resource use including farming, forestry, wood lots and silviculture as well as public or private open space on lands considered environmentally sensitive or hazardous (steep slopes). Generally land areas within this designation (whether they are within the permanent growth boundary or not) will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations, except in specific circumstances where the City of Kelowna will allow exceptions to satisfy civic objectives for the provision of park/recreation uses. Non-ALR land outside the Permanent Growth Boundary will not be supported for any further parcelization. Minimum parcel size for ALR land is 2.0 ha and non-ALR land is 4.0 ha as indicated in the A1 Agricultural Zone of Zoning Bylaw 8000.

2. Amend Chapter 4 - Future Land Use to add a new designation for Rural / Agricultural (proposed wording is in underlined text):

Rural / Agricultural (RUAG)

Land within the Agricultural Land Reserve and other rural farm and non-farm lands where natural physical constraints or lack of services and utilities limit land use intensification. Generally land areas within this designation will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations, except in specific circumstances where the City of Kelowna will allow exceptions to satisfy civic objectives for the provision of industrial or park/recreation uses. Non-ALR lands will generally not be supported for development to parcel sizes less than 4.0 ha (10 acres).

3. Amend Chapter 4 - Single / Two Unit Residential (S2RES) Designation (proposed wording is in underlined text):

Single / Two Unit Residential (S2RES)

Single detached homes for occupancy by one family, single detached homes with a secondary suite, semi-detached buildings used for two dwelling units, modular homes, bareland strata, and those complementary uses (i.e. minor care centres, minor public services/utilities, convenience facility and neighbourhood parks), which are integral components of urban neighbourhoods. Suitability of non-residential developments within the neighbourhood environment will be determined on a site-specific basis. Non-residential developments causing increases in traffic, parking demands or noise in excess of what would typically be experienced in a low density neighbourhood would not be considered suitable.

4. Amend Chapter 4 - **Mapping Notes - Permanent Growth Boundary** (proposed wording is in underlined text):

Permanent Growth Boundary (PGB)

Lands within the permanent growth boundary may be considered for urban uses within the 20 year planning horizon ending 2030. Lands designated as Future Urban Reserve within the permanent growth boundary may be considered for urban uses beyond 2030. Lands outside the permanent growth boundary will not be supported for urban uses. Non-ALR land outside the Permanent Growth Boundary will not be supported for any further parcelization.

5. Amend Chapter 4 - **Temporary Use Permits (TUP)** (proposed wording is in underlined text; wording to be deleted in ~~strikethrough~~):

Temporary Use Permits (TUP)

In accordance with the Local Government Act (Sections 879 and 921), an Official Community Plan may designate areas where Council may consider allowing temporary uses, and may specify general conditions regarding the issuance of temporary use permits in those areas.

The temporary use designation is intended to apply to operations that are temporary in nature and the designation does not in itself permit specific uses on the designated sites. Within these areas, Council may, by resolution, issue a Temporary Use Permit and specify the conditions under which the temporary use be carried on. Upon the expiration of a Temporary Use Permit, the permitted uses revert to those outlined in the City of Kelowna Zoning Bylaw 8000.

Temporary Use Permits may be considered within the Permanent Growth Boundary (PGB) on all lands designated in OCP 2030 as Commercial, Education / Institutional, Industrial, Mixed Use or Public Service / Utility.

Temporary Use Permits outside the PGB may be considered on lands designated Resource Protection Area, with a stated time period considerably less than the maximum three (3) year time limit. A Temporary Use Permit on lands in the ALR will require the approval of the Agricultural Land Commission.

All Temporary Use Permits must conform to other policy direction in this OCP, including fit within the character of the neighbourhood and surrounding uses. Appropriate landscaping, screening and buffering will be included as conditions of the permit to protect adjacent land uses.

~~The properties listed below are hereby designated as Temporary Use Permit Areas:~~

Table 4.3 Temporary Use Permits

Temporary Use Type	Effective Dates	Designated Permit Area
Non-Accessory Parking use for a portion of the Church parking area.	Three years from date of issuance – November 15, 2014	Legal Address: Lot 1, District Lots 14 & 135, ODYD, Plan 34984 except Plans 35454 & KAP67299 Street: 3131 Lakeshore Road
Automotive and minor recreation vehicle sales / rental.	Three years from the date of issuance – February 21, 2015	Legal Address: Lot A, Section 35, Township 26, O.D.Y.D., Plan 6372, and Lot B, Section 35, Township 26, O.D.Y.D., Plan 6372 Street: 3865 – 3867 Hwy 97 N 2170 Rutland Road N
Non-Accessory Parking Use for Temporary Gyro Beach Parking Area	From final date of adoption until June 7, 2015	Legal Address: Lot 27, District Lot 14, ODYD, Plan 2078 Street: 3326 Lakeshore Road

- Amend Map 4.1 **Generalized Future Land Use** to extend the Permanent Growth Boundary to include UBCO properties west of the current campus as indicated in Attachment 2.
- Amend Map 4.1 **Generalized Future Land Use** by changing the legend for Single / Two Unit Residential (S2RES) (proposed wording is in underlined text):

Single / Two Unit Residential (S2RES)

(Associated uses: care centres; minor public services / utilities, convenience facility & neighbourhood park)

- Amend Policy 5.3.1 **Permanent Growth Boundary** (proposed wording is in underlined text; wording to be deleted in ~~strikethrough~~):

Permanent Growth Boundary. Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. The City of Kelowna will support ~~Support~~ development of property outside the Permanent Growth Boundary for more intensive use only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except for Agri-Business designated sites or as per Council’s specific amendment of this policy. ~~Resource Protection Area designated properties not in the ALR and outside the Permanent Growth Boundary will not be supported for subdivision below parcel sizes of 4.0 ha (10 acres).~~ The Permanent Growth Boundary may be reviewed as part of the next major OCP update.

- Amend Map 5.2 **Permanent Growth Boundary** to extend the Permanent Growth Boundary to include UBCO properties west of the current campus as indicated in Attachment 3.

10. Amend Policy 5.15.10 **Varying Requirements** (proposed wording is in underlined text; wording to be deleted in ~~strikethrough~~):

Varying Requirements. Retain the option to vary the width of Riparian Management Areas to accommodate the maximum retention of desirable natural vegetation and wildlife habitat, ground formations, and water features through a “no net loss” approach. ~~Any proposed relaxation of stream setback widths, storm water requirements, erosion and sediment control requirements are to be referred to the City for review prior to filing the assessment report by a Qualified Environmental Professional (QEP) with the appropriate provincial ministry or agency. Within the Riparian Management Area (RMA), restoration of streamside vegetation may be a requirement of the development process.~~

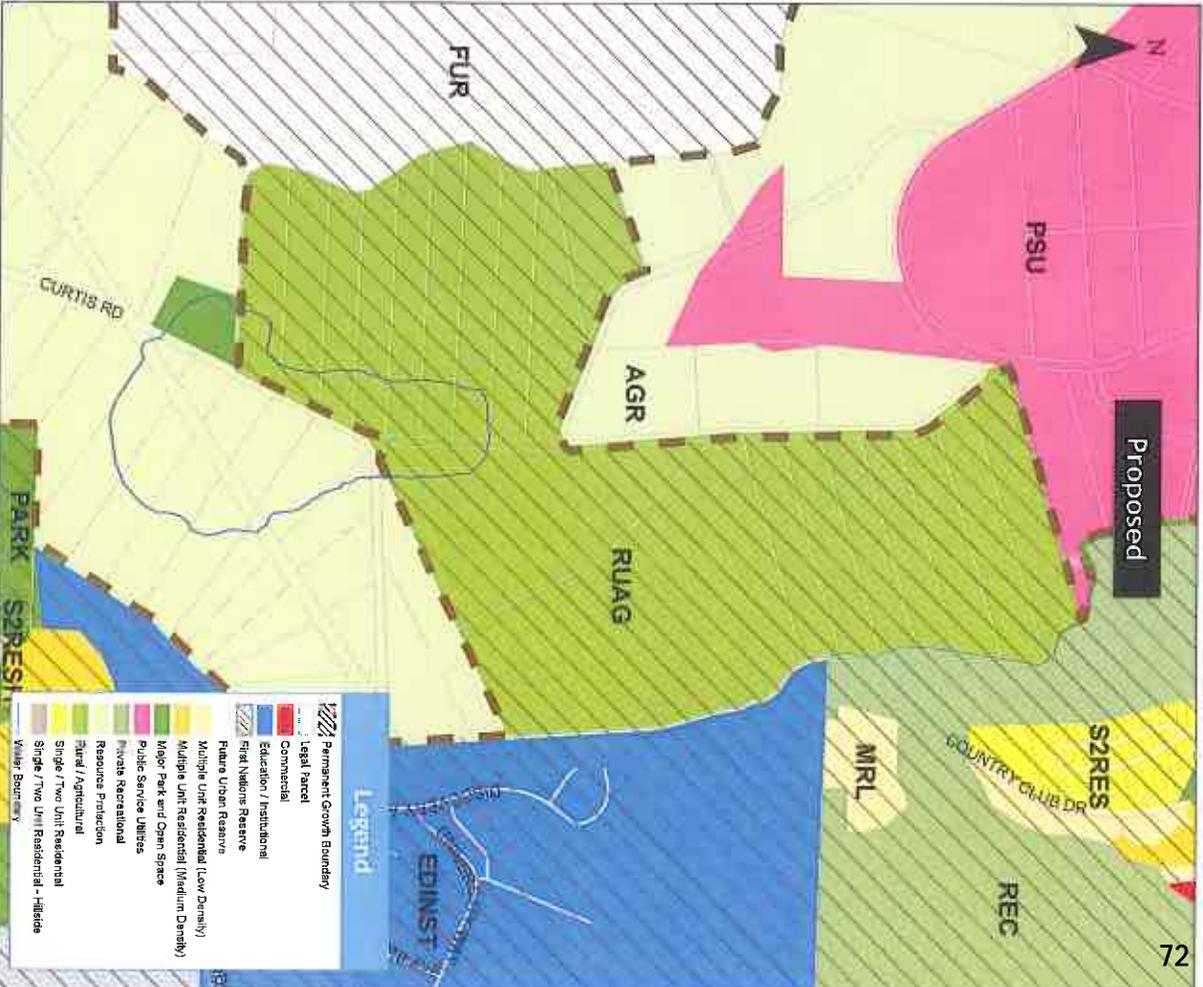
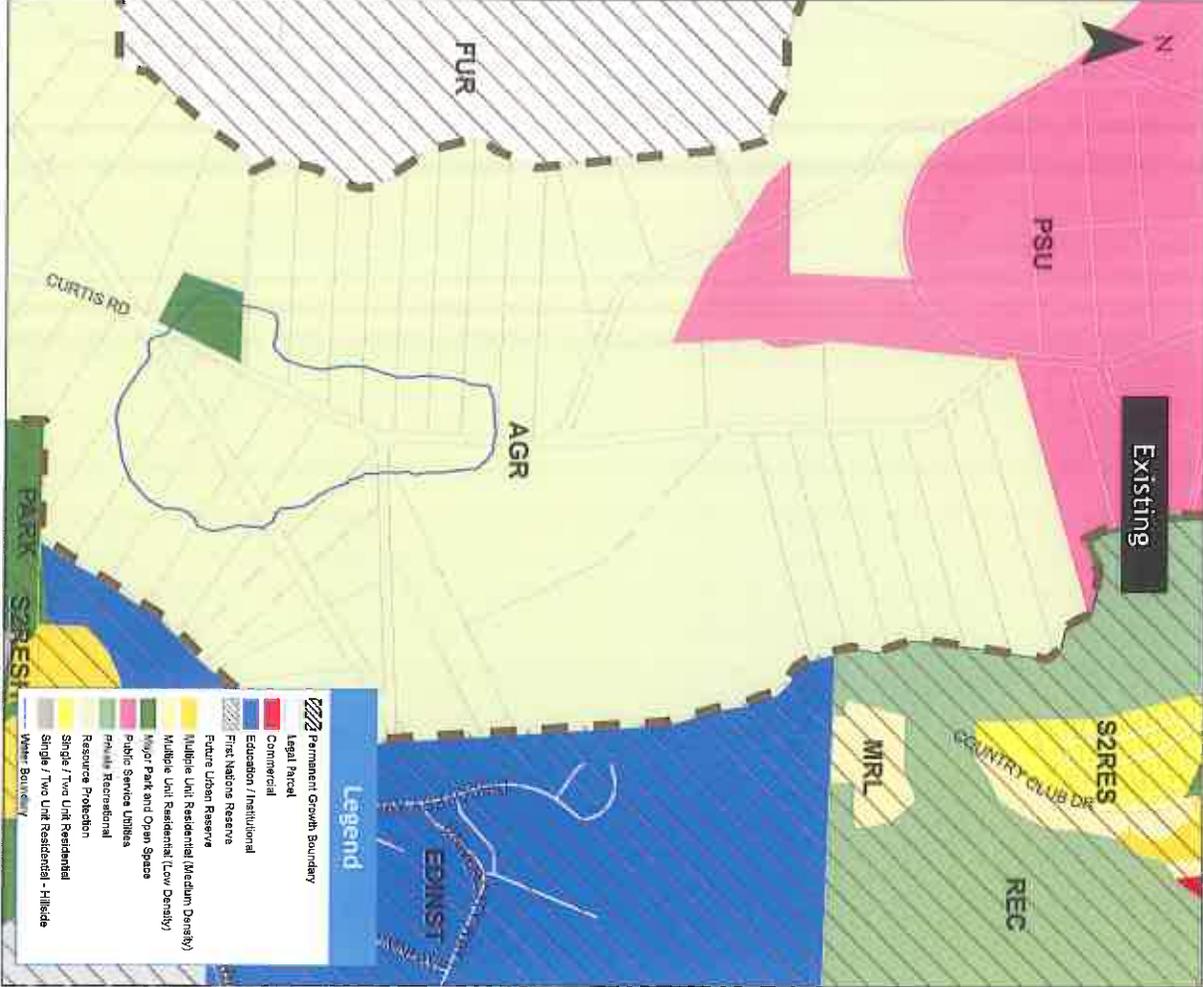
11. Amend Chapter 12 - **Natural Environment DP Guidelines - Guideline 12.3** (proposed wording is in underlined text; wording to be deleted in ~~strikethrough~~):

Applicants may apply to ~~flex~~ vary the width of the Riparian Management Areas listed in Table 12.1. The City will only consider supporting an application to flex vary in order to achieve “no net loss” and where an assessment report has been completed and provides recommendations in accordance with the Riparian Areas Regulation to protect the integrity of the riparian area. ~~Any proposed relaxation of stream setback widths, storm water requirements, erosion and sediment control requirements are to be referred to the City for review prior to filing the assessment report by a Qualified Environmental Professional (QEP) with the appropriate provincial ministry or agency. Within the Riparian Management Area (RMA), restoration of streamside vegetation may be a requirement of the development process.~~

12. Amend Chapter 12 - **Natural Environment DP Guidelines - Notes for Table 12.1** (proposed wording is in underlined text):

Notes for Table 12.1

1. Any watercourse not in this list is subject to the provincial acts and regulations.
2. Measured perpendicularly inland from the top of the bank, top of ravine or natural boundary, as applicable. RMA's apply to both sides of the stream.
3. Minimum RMA widths are intended to achieve “no net loss” when considering individual site conditions.



Proposed OCP Land Use Amendments

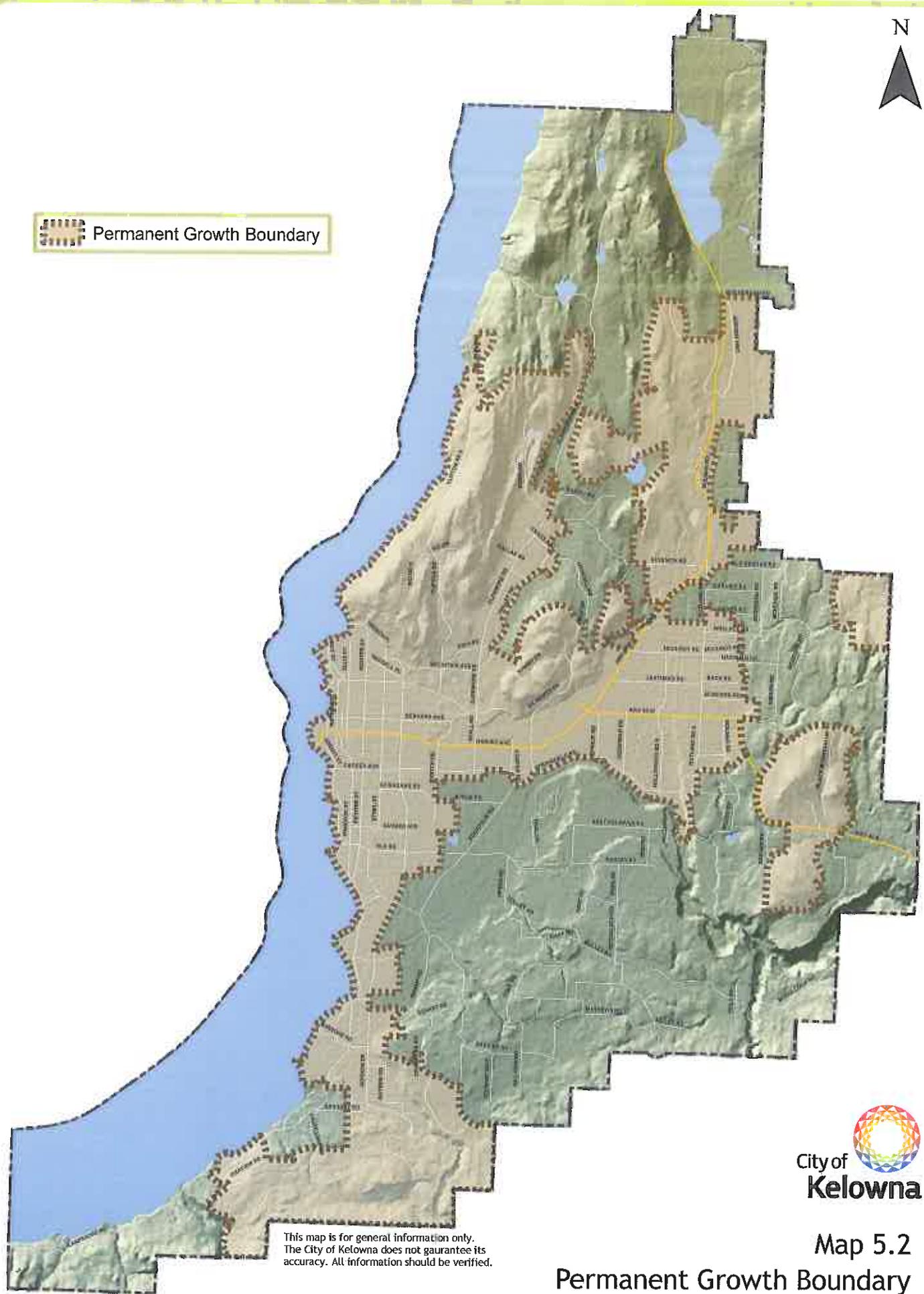
Bylaw #10746 - Attachment # 2

December 2012





 Permanent Growth Boundary



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



Rev. October/12



Map 5.2 Permanent Growth Boundary

Official Community Plan 2030

Report to Council



Date: April 30, 2013
Rim No. 1200-30
To: City Manager
From: Long Range Planning Manager
Subject: OCP 2030 Bylaw 10500 - Miscellaneous Amendments (Bylaw 10746)

Recommendation:

THAT Council receives, for information, the report from the Long Range Planning Manager dated April 30, 2013 with respect to proposed amendments to OCP 2030 Bylaw 10500;

AND THAT Bylaw No. 10746 being OCP12-0010 - Miscellaneous Amendments to Kelowna 2030 Official Community Plan be forwarded for amendment at first reading as outlined in the Report of the Long Range Planning Manager dated April 30, 2013;

AND FURTHER THAT after First Reading Council forward OCP Amendment Bylaw 10746 to Public Hearing.

Purpose:

To provide Council with an update on the public and stakeholder consultation related to OCP Amendment Bylaw 10746, including comments from the Agricultural Land Commission, and to amend the bylaw at first reading prior to referring the bylaw to Public Hearing.

Background:

At the Council Meeting of December 3, 2012 the following resolution was adopted:

THAT Council receives for information, the report from the Long Range Planning Manager, dated November 23, 2012 with respect to proposed amendments to the Kelowna 2030 Bylaw 10500;

AND THAT Bylaw No. 10746 being OCP12-0010 - Miscellaneous Amendments to the Kelowna 2030 - Official Community Plan be considered by Council;

AND THAT after 1st reading, Council directs staff to forward OCP Amendment Bylaw No. 10746, being an amendment to Bylaw No. 10500 Kelowna 2030 - Official

Community Plan, to the Agricultural Land Commission (ALC) for comments as per Local Government Act, Section 882(3)(c);

AND THAT Council directs staff to pursue the consultation process outlined in the report from the Long Range Planning Manager dated November 23, 2012 and report back to Council prior to scheduling OCP Bylaw No. 10746 to a Public Hearing;

AND FURTHER THAT Council directs staff to mail out a Public Hearing Notice to the owners of parcels impacted by the subdivision of lands outside the Permanent Growth Boundary amendment. (SR# 244334)

In a response from the Agricultural Land Commission (ALC) dated February 5, 2013 (attached), the ALC has indicated a position of non-support of the portion of the bylaw proposed to amend the Permanent Growth Boundary (PGB) and to change the land use designation from Resource Protection (REP) to Rural / Agricultural (RUAG) for those lands owned by UBC (former Tutt Ranch).

The proposed change to the Rural / Agricultural (RUAG) designation from the Resource Protection Area designation was at the request of UBC. There is no language in the OCP that suggests a higher opportunity for development that would be supported under the Rural / Agricultural versus the Resource Protection Area designation. In fact, both designations specify that land will not be supported for exclusion from the ALR.

It is staffs' contention that the return to a RUAG designation from the 2020 OCP would not grant UBC any rights that do not exist under the existing Resource Protection Area (REP) designation in the 2030 OCP. Given the ALC authority over land use approvals and the relevance of the City's OCP, staff are recommending the amendment of Bylaw 10746 to remove the proposed change to add the RUAG designation on UBC lands as recommended by the ALC.

With respect to the ALC recommendation on the proposed change to amend the Permanent Growth Boundary (PGB) to include UBC owned lands within the PGB, it is noted that the ALC had similar comments with respect to the PGB prior to the Public Hearing on the adoption of the OCP in May 2011. At that time the City agreed to the ALC request to amend the PGB to locate ALR lands outside the PGB. However, it is staffs' position that the PGB is a "Mapping Note" and not a land use designation and therefore outside the purview of the ALC. It is recommended that that portion of Bylaw 10746 to change the PGB be retained. The lands in question would remain designated as Resource Protection Area (REP) and in the ALR, but be within the Permanent Growth Boundary.

The change in land use designation should be removed from Bylaw 10746 pending more detailed work on long term planning for the area as recommended by the ALC. City staff, in conjunction with UBC, will engage Council, the ALC and the community at the appropriate time regarding other possible University related uses on the subject lands once more detailed planning is complete.

Internal Circulation:

Acting General Manager of Community Sustainability

Legal/Statutory Authority:

Local Government Act Part 26: Division 2 - Official Community Plans, Sections 875 - 882.

Legal/Statutory Procedural Requirements:

Local Government Act Section 882(3) specifies that after first reading (and prior to Public Hearing) of an Official Community Plan bylaw the local government must, in sequence; consider the plan in conjunctions with its financial plan and any waste management plan applicable. The local government must also refer the plan to the Agricultural Land Commission (ALC) for comment if the plan applies to land in an agricultural land reserve established under the Agricultural Land Commission Act.

Existing Policy:

Kelowna OCP 2030 Bylaw 10500.

External Agency/Public Comments:

As required under the *Local Government Act Section 978 (1)*, public consultation was conducted, as per Council's direction, be advertising in a local newspaper, posting information on the city website and notification through e-subscribe, with contact information for the Long Range Planning Manager to field inquiries and comments. There were no comments or submissions received from the public during or after that time frame.

OCP Amendment Bylaw 10746 was also referred to the ALC on December 4, 2012 as required by the *LGA Section 882(3)*. The ALC has indicated a position of non-support of the portion of the bylaw proposed to amend the Permanent Growth Boundary and to change the land use designation from Resource Protection Area (REP) to Rural / Agricultural (RUAG) for those lands owned by UBC (former Tutt Ranch). The ALC recommends that those portions of the bylaw be set aside until the City, UBC and ALC have engaged in long term planning for the area. The full ALC response is outlined in their letter of February 5, 2013 (attached).

Communications Comments:

Consultation with the public was conducted as per *Local Government Act Section 879(1)*, with the results of that consultation being the subject of this report.

Council directed that staff mail out a Public Hearing notice to the owners of parcels impacted by the subdivision of land outside the Permanent Growth Boundary amendment. Staff propose to provide that notification as part of the formal Public Hearing process.

Considerations not applicable to this report:

Financial/Budgetary Considerations:

Personnel Implications:

Alternate Recommendation:

Submitted by:

Gary Stephen, Long Range Planning Manager

Approved for inclusion:

Shelley Gambacort, Acting Director of Policy and Planning



cc: Acting General Manager of Community Sustainability



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
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February 5, 2013

ALC File: #38787

Gary Stephen
Long Range Planning Manager
Policy and Planning
City of Kelowna
1450 Water St.
Kelowna, BC V1Y 1J4

Re: Referral Bylaw No. 10746 – Miscellaneous Amendments to OCP 2030 Bylaw 10500

The Agricultural Land Commission (ALC) would like to thank the City of Kelowna for forwarding the above noted bylaw for review and comment.

It is noted that the bylaw references a number of proposed OCP map and text changes. However, the relevant issue to the ALC concerns amendments to the Permanent Growth Boundary (PGB) to encompass approximately 105 ha of Agricultural Land Reserve (ALR) lands owned by the University of British Columbia – Okanagan (UBCO), commonly known as the Tutt Ranch lands. The Commission recognizes and acknowledges that the proposed land use designation for this land is *Rural/Agricultural* and that no OCP text supports exclusion or more intensive development than permitted by existing zoning regulations. The Commission also understands that the purpose of the PGB amendment is to provide long term assurance to UBCO that the City will support university uses of these lands as necessary.

The Commission advises that it does not support the proposed change to the PGB and requests that the current PGB boundary, which is co-incident with the ALR boundary, be maintained. In addition the Commission does not support the map designation change from AGR to RUAG. The ALR land encompassed by the proposed PGB has generally good agricultural potential and a long history of agricultural use. In addition, the Commission believes that the PGB amendment is not warranted given the incomplete planning information about UBCO land use requirements. If the PGB and designation are amended, the Commission believes that perceptions about the 105 ha ALR area will change, current farm activity will dwindle and eventually cease, and development pressure will increase.

The Commission's non-support of the amended PGB is also consistent with its May 2011 review of the first draft of the City of Kelowna 2030 OCP, and objection to the inclusion of several ALR parcels lying adjacent to Highway 97 within the PGB.

In summary, the proposed PGB and designation amendments pertaining to UBCO lands do not appear to be supportive of the ALC's goals to preserve agricultural land, and encourage farming. The Commission recommends that these portions of the bylaw be set aside until the City, UBCO and the ALC engage in long term planning for this ALR area.

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Thank you for the opportunity to comment. If you have any questions about the above, please contact Martin Collins at 604-660-7021.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director