

City of Kelowna

Regular Council Meeting

AGENDA



Tuesday, January 9, 2018
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. **Call to Order**
2. **Reaffirmation of Oath of Office**
The Oath of Office will be read by Councillor Hodge.
3. **Confirmation of Minutes** 1 - 17
Public Hearing - December 5, 2017
Regular Meeting - December 5, 2017
4. **Bylaws Considered at Public Hearing**
 - 4.1 **900 Thompson Rd, BL11515 (Z17-0079) - Harpreet and Daljeet Gill** 18 - 18
To give Bylaw No. 11515 second and third readings and adopt in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot with Carriage House zone.
 - 4.2 **366 Braeloch Rd, BL11517 (Z17-0082) - Richard Bazett** 19 - 19
To give Bylaw No. 11517 second and third readings in order to rezone the subject property from the RR3 – Rural Residential 3 zone to the RU1 – Large Lot Housing zone.
 - 4.3 **772 Nathan Rd, BL11518 (Z17-0071) - Douglas and Diane Steinke** 20 - 20
To give Bylaw No. 11518 second and third readings and adopt in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone
 - 4.4 **1155 Pacific Ave, BL11519 (Z17-0051) - Necessary Homes Inc** 21 - 21
To give Bylaw No. 11519 second and third readings in order to rezone the subject property from the RU6 – Two Dwelling Housing zone to the RM4 – Transitional Low Density Housing zone.

4.5	588 Radant Rd, BL11520 (Z17-0080) - Craig Bulawka Professional Corporation	22 - 22
	To give Bylaw No. 11520 second and third readings in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.	
4.6	4611 Gordon Dr, BL11521 (Z17-0075) - David & Sandra Marshall	23 - 23
	To give Bylaw No. 11521 second and third readings in order to rezone the subject property from the RU1c - Large lot Housing with Carriage House zone to the RU6 - Two Dwelling Housing zone.	
4.7	292, 284 & 276 Valley Road, OCP17-0024(BL11523) - Richard & Dianna Smith, Albert	24 - 24
	To give Bylaw No. 11523 second and third readings in order to change the future land designation from S2RES - Single/Two Unit Residential designation to the MRL - Multiple Unit Residential (Low Density) designation.	
4.8	292, 284 & 276 Valley Road, Z17-0099 (BL11524) - Richard & Dianna Smith, Albert	25 - 25
	To give Bylaw No. 11524 second and third readings in order to rezone the subject property from the RR3 - Rural Residential zone to the RM3 - Low Density Multiple Housing zone.	
4.9	1172 Mission Ridge Rd, Z17-0086 (BL11525) - Barbara Jordan	26 - 26
	To give Bylaw No. 11525 second and third readings and adopt in order to rezone the subject property from the A1 – Agriculture 1 zone and RU1 – Large Lot Housing Zone to the RR3 – Rural Residential 3 zone.	
5.	Notification of Meeting	
	The City Clerk will provide information as to how the following items on the Agenda were publicized.	
6.	Development Permit and Development Variance Permit Reports	
6.1	1232 Ellis St, DVP17-0236 - RG Lot 3 Ltd	27 - 40
	City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.	
	To consider a Development Variance Permit for the project known as 'Ellis Parc' in order to vary the parking and loading stall size requirements within the CD5 zone in order for the parking stall size to match the current Zoning Bylaw stall requirements.	

7. Reminders

8. Termination



City of Kelowna Public Hearing Minutes

Date: Monday, December 5, 2017
 Location: Council Chamber
 City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Gail Given, Tracy Gray, Brad Sieben*, Mohini Singh and Luke Stack

Members Absent Councillors Charlie Hodge and Ryan Donn

Staff Present Acting City Manager, Doug Gilchrist; City Clerk, Stephen Fleming, Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton; Planner Emily Williamson*; Planner, Lydia Korolchuk*; Legislative Coordinator (Confidential), Arlene McClelland

(*Denotes partial attendance)

1. Call to Order

Mayor Basran called the Hearing to order at 6:02 p.m.

Mayor Basran advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna 2030 - Official Community Plan Bylaw No. 10500" and Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

2. Notification of Meeting

The City Clerk advised that Notice of this *Public Hearing* was advertised by being posted on the Notice Board at City Hall on Tuesday, November 21, 2017 and by being placed in the Kelowna Daily Courier issues on Friday, November 24 and Wednesday, November 29 and by sending out or otherwise mailing 11 statutory notices to the owners and occupiers of surrounding properties on Tuesday, November 21, 2017.

The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

Councillor Sieben joined the meeting at 6:06 p.m.

3. Individual Bylaw Submissions

3.1 1083-1089 KLO Rd, OCP17-0017(BL11512), TA17-0011 (BL11513) & Z17-0069 (BL11514) - Sole on KLO Developments Ltd

Staff:

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

The City Clerk advised that the following correspondence had been received:

Letter of Opposition:

George Kroker, Chairperson Strata Corporation K750, Lanfranco Rd.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Kevin Edgecombe, KLO Road, Applicant

- Acknowledged that this application is a land use only matter and spoke to the reasons behind applying for the C4 zone and believes this is a good use for the area.
- Parking above grade as opposed to below grade made economic sense.
- Confirmed that neighbouring parcel owners were contacted to try and acquire land adjacent for additional parking but was unsuccessful.

Gallery:

George Kroker, Chairperson Strata Corporation K750, Lanfranco Road

- Speaking on behalf of Strata.
- Opposed to this application.
- Raised concerns with the height and massing of the proposed structure.
- Spoke to staff currently working on RM5 amendments and believes this is a quick fix to making planning viable and pushing the application through before property guidelines are available.
- Raised concerns with the proposed text amendments and believes more work needs to be completed prior to Council's consideration of this application.
- Responded to questions from Council.

Kelly Hutchinson, Kelowna

- Displayed a PowerPoint Presentation summarizing concerns with the Text Amendments.
- Raised concerns with parking vision for this application.
- Provided details on the applicant's interpretation of the Local Government Act Section 940 with respect to the Parking in Lieu Program.
- Opposed to parking in lieu for this application.
- Brought forward solutions he thought would be amenable.
- Opposed to this application.

Kevin Edgecombe, KLO Road, Applicant

- Believes the cash in lieu process is a tried and true process to deal with some of these issues; was very much prepared to spend more money on additional land to provide more parking.
- Confirmed a car share program will be in place and believes that will assist in mitigating any issues.

Staff:

- Responded to questions from Council.

There were no further comments

4. Termination

The Hearing was declared terminated at 6:35 p.m.

Mayor

/acm

City Clerk



City of Kelowna Regular Council Meeting Minutes

Date: Monday, December 5, 2017
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart*, Gail Given, Tracy Gray, Brad Sieben*, Mohini Singh and Luke Stack

Members Absent Councillors Charlie Hodge and Ryan Donn

Staff Present Acting City Manager, Doug Gilchrist; City Clerk, Stephen Fleming, Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton; Planner Emily Williamson*; Planner Specialist, Adam Cseke*; Planner, Lydia Korolchuk*; Legislative Coordinator (Confidential), Arlene McClelland

(*Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 6:36 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Sieben.

3. Confirmation of Minutes

Moved By Councillor Given/Seconded By Councillor Gray

R1007/17/12/05 THAT the Minutes of the Public Hearing and Regular Meeting of November 21, 2017 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 1083-1089 KLO Rd, OCP17-0017 (BL11512) - Sole on KLO Developments LTD

Moved By Councillor Gray/Seconded By Councillor Given

R1008/17/12/05 THAT Bylaw No. 11512 be read a second and third time.

Carried

4.2 1083-1089 KLO Rd, TA17-0011 (BL11513) - Section 14 - Commercial Zones

Moved By Councillor Gray/Seconded By Councillor Given

R1009/17/12/05 THAT Bylaw No. 11513 be read a second and third time.

Carried
Councillor Stack - Opposed

4.3 1083-1089 KLO Rd, Z17-0069 (BL11514) - Sole on KLO Developments LTD

Moved By Councillor Given/Seconded By Councillor Gray

R1010/17/12/05 THAT Bylaw No. 11514 be read a second and third time.

Carried

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of these *Development Variance Permit Applications* was given by sending out or otherwise mailing 1218 statutory notices to the owners and occupiers of surrounding properties on Tuesday, November 21, 2017.

Notice of a Liquor Primary Licence was advertised by being posted on the Notice Board at City Hall on Tuesday, November 21, 2017, and by being placed in the Kelowna Daily Courier issues on Friday, November 24 and Wednesday, November 29 and by sending out or otherwise mailing 13 statutory notices to the owners and occupiers of surrounding properties on Tuesday, November 21, 2017.

The correspondence and/or petitions received in response to advertising for the applications on tonight's Agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

6. Liquor License Application Reports

6.1 1481 Water St, LL17-0019 - 0724591 BC Ltd

Staff:

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

The City Clerk advised that no correspondence had been received.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

The Applicant is present and available for questions.

No one from the Gallery came forward.

There were no further comments

Moved By Councillor Stack/Seconded By Councillor Singh

R1011/17/12/05 THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):
In accordance with Section 53 of the *Liquor Control and Licensing Regulation* and Council Policy #359, BE IT RESOLVED THAT:

Council recommends support of an application from 0724591 B.C. LTD., INC. No. 0724591 for Lot A District Lot 1 ODYD Plan 27756 located at 1481 Water Street, Kelowna, BC, for a Liquor Primary license with a capacity of 95 persons and hours of sales from 9:00 AM to 1:00 AM Sunday to Saturday for License Number 159496 (Sturgeon Hall Pub).

That Council's comments on the prescribed considerations are as follows:
The impact of noise on the community in the immediate vicinity of the establishment if the application is approved;

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

The impact on the community if the application is approved:

The potential for negative impacts is considered to be minimal.

THAT Council's comments on the views of residents are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy and Procedures".

Carried

7. Development Permit and Development Variance Permit Reports

7.1 1915 Enterprise Way, (Z17-0001) BL11487 - Kelowna East Investments Ltd

Councillor DeHart declared a conflict of interest as her employer is located on Enterprise Way and departed the meeting at 6:47 p.m.

Moved By Councillor Given/Seconded By Councillor Gray

R1012/17/12/05 THAT Bylaw No. 11487 be adopted.

Carried

7.2 1915 Enterprise Way, DP17-0001 & DVP17-0002 - Kelowna East Investments Ltd

Staff:

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

The City Clerk advised that no correspondence had been received.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Robert Lee, Burnaby B.C., Project Architect

- Displayed a 3-D rendition of the Project.
- The two buildings are strategically located so that the primary building is pinned at the prominent southeast corner of Enterprise Way and Spall Road.
- The corner is physically accentuated by the pool room and its sweeping curved colonnade-like façade with tall windows between the colonnade structure and capped with painted steel columns and wood appeared trellis beams.
- The mixed use building is located east of the hotel fronting Enterprise Way and stepping back as the street bends southward.
- The hotel façade is articulated with red brick, grey Hardie panels and white acrylic stucco.
- Spoke to the Variances requested:
 - o Total Parking stalls required is 242 and will be providing 231;
 - Hotel will provide shuttle bus service to the Airport;
 - Guest will arrive by taxi;

- Some residents will not require vehicles as this location has easy access to public transit including a bus stop along Enterprise Way.
- Total Loading Bays required for the Hotel is 3 and providing 1; Total Bays required for mixed use is 1 and will be providing 1.
 - The Hotel will only need one loading bay as most deliveries will primarily be food for breakfast and the pantry.
- Maximum site coverage permitted is 75% and providing 78.2%
 - Will provide more onsite containment of rainwater via storm water management when the site is designed with the Engineer;
 - Will explore the possibility of providing water retention via underground piping to store stormwater in the pool at the centre of the hotel roundabout which will reduce the impact of the impervious surface.
- Responded to questions from Council.

Gallery:

Kelly Hutchinson, Kelowna

- Raised traffic concerns not identified in the Traffic Impact Study
- Was supportive of the application initially however raised concerns with traffic issue on the intersections.

Moved By Councillor Sieben/Seconded By Councillor Given

R1013/17/12/05 THAT final adoption of Rezoning Bylaw No. 11487 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. 17-0001 and Development Variance Permit No. DVP17-0002 for Lot A District Lot 140 ODYD Plan KAP58184, located at 1915 Enterprise Way, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;
5. The completion of the outstanding requirements set out in Schedule 'A' attached the Report from the Community Planning Department dated September 18, 2017;
6. The height restricting covenant, to a maximum of six (6) storeys and 26.5 metres, be registered on title.

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

**Section 18 CD17 – Mixed Use Commercial – High Density Subsection 1.4(b):
Development Regulations**

To vary the maximum site coverage including parking areas and driveways from 75% to 78.2% proposed;

Section 8: Parking and Loading, Table 8.1: Parking Schedule

To vary the required number of parking stalls from 242 required to 231 proposed;

Section 8: Parking and Loading, Table 8.2: Loading Schedule

To vary the required number of loading spaces from 5 required to 2 proposed;

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

Carried

There were no further comments

Councillor DeHart rejoined the meeting at 7:03 p.m.

7.3 1373 Tanemura Cr, (Z17-0046) BL11480 - Philip Zurrin

Moved By Councillor Stack/Seconded By Councillor DeHart

R1014/17/12/05 THAT Bylaw No. 11480 be adopted.

Carried

7.4 1373 Tanemura Cr, DVP17-0131 - Philip Zurrin

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence had been received.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

The Applicant is present and available for questions.

No one from the Gallery came forward.

There were no further comments

Moved By Councillor Gray/Seconded By Councillor Given

R1015/17/12/05 THAT final adoption of Rezoning Bylaw No. BL11480 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0131 for Lot 1 Section 13 Township 26 ODYD Plan KAP86150, located at 1373 Tanemura Cr, Kelowna, BC to allow the construction of a carriage house;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A":

Section 9.5b.1(f): Carriage House Regulations

To vary the upper floor area of a carriage house from 75% of the carriage house footprint to 87% proposed.

Section 9.5b.1(g): Carriage House Regulations

To vary the maximum height for a carriage house from 4.8m required to 8.05m proposed.

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

Carried

7.5 1350 & 1370 KLO Rd, OCP1-0010 (BL11433) - Summerwood Retirement Resort Holding Corporation

Moved By Councillor DeHart/Seconded By Councillor Stack

R1016/17/12/05 THAT Bylaw No. 11433 be adopted.

Carried

7.6 1350 & 1370 KLO Rd, Z17-0026 (BL11434) - Summerwood Retirement Resort Holding Corporation

Moved By Councillor Stack/Seconded By Councillor DeHart

R1017/17/12/05 THAT Bylaw No. 11434 be adopted.

Carried

7.7 1360 KLO Rd, DP17-0068 & DVP17-0069 - Summerwood Retirement Resort Holding Corporation Inc.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that the following correspondence had been received:

Letter of Concern:

Barbara Deanne Goebel, Raymer Avenue

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Jordan Hettinga, Kent Macpherson, Applicant Representative

- Displayed a PowerPoint Presentation, re: Regency Retirement Resort
- Seeking support for a 154 unit Independent Seniors Living Facility located at 1360 KLO Road.
- Have worked with City staff to protect the 1.4 acres in the rear of the property; recently registering a Restrictive covenant.
- In addition to the Restrictive Covenant the rear of the property has recently been rezoned to Major Park and Open Space.
- Moved the building south and east away from the residential houses on Holland Road.
- The height of the building has been increased in the middle of the site and increased it from the permitted 4.5 stories and 18 meters, to 5 stories within the 18 meters.
- The second variance comes from the need to push the east wing of the development away from the environmental area, but still trying to develop a functional wing of the building. The sideyard setback in this area is reduced from 7.0 meters to 4.5 meters.
- As a condition of rezoning, we offered to register a no-build on the rear 1.4 acres of the site, with the ability to construct an amenity walkway for our residents.
- Displayed an image that shows the proposed walkway that has been agreed to a part of the Environmental DP and believes will be a great amenity for clients.
- Responded to questions from Council.

No one from the Gallery came forward.

There were no further comments

Moved By Councillor Stack/Seconded By Councillor Sieben

R1018/17/12/05 THAT final adoption of OCP Bylaw No. 11433 and Rezoning Bylaw No. 11434 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP17-0068 for Lot A District Lot 131 ODYD Plan EPP76548, located at 1360 KLO Road, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"

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

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0069 for Lot A District Lot 131 ODYD Plan EPP76548, located at 1360 KLO Road, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:
Section 13.11.6(c): RM5– Medium Density Multiple Housing Development Regulations
 To vary the required maximum height from 4.5 storeys permitted to 5 storeys proposed;

Section 13.11.6(e): RM5– Medium Density Multiple Housing Development Regulations
 To vary the required minimum side yard for portions of a building in excess of 2.5 storeys from 7.0 m permitted to 4.5 m proposed.

AND THAT Council's consideration of this Development Permit and Development Variance Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated (insert date);

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

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

Carried

7.8 437 Bay Ave, TA17-0007 (BL11428) - Carbon Capture Mini Storage GP

Moved By Councillor Singh/Seconded By Councillor DeHart

R1019/17/12/05 THAT Bylaw No. 11428 be adopted.

Carried

7.9 437 Bay Ave, DP17-0073 & DVP17-0074 - Carbon Capture Mini Storage GP

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that the following correspondence had been received:

Letters in Support:

Gustav van Niekerk, SSA/QS Richter St
 Willie Joubert, HIMI, Solerno Court
 Grant Bond, Merrifield Court

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Don Redden, Delta BC, Applicant

- Displayed a PowerPoint Presentation, re: ECOLOCK Self Storage
- Spoke to people living in smaller residences as a result of affordability and in need of storage units.

- Spoke to carbon emissions and the ways in which their high performance building will be energy efficient and will meet sustainability goals.
- Introduced Architect Carlo DiStefano.
- Have the intention to activate the sidewalk with landscaping and planting along Ellis Street.
- Spoke to the variances requested:
 - o Currently there is no specific parking requirement for a modern self-storage building model and the 206 stalls required is a result of a general industrial use.
 - o The Ecolock development with its occupancy of the self-storage component will be intermittently visited and occupied by few users at any given time and as a result the 206 stall requirement does not correspond to the use and requirements for the project.
 - o Proposing 36 Class 1 bike parking spaces that are covered and secured and 8 Class 2 spaces with end trip change room, lockers and shower facilities that should be effective in encouraging bike trips to the building.
- Spoke to the Co-work office space and noted that with the high density in the area people living in the area could use office space and reduce traffic congestion.
- Responded to questions from Council.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor DeHart

R1020/17/12/05 THAT final adoption of Text Amendment Bylaw No.11428 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP17-0073 for Lot 2 District Lot 139, ODYD, Plan KAP68693, located at 437 Bay Ave, Kelowna, BC subject to the following:

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

AND THAT Council's consideration of this Development Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" connected to the Report from the Community Planning Department dated December 5th 2017;

AND THAT Council authorize the issuance of Development Variance Permit DVP17-0074 for Lot 2 District Lot 139, ODYD, Plan KAP68693, located at 437 Bay Ave, Kelowna, BC;

AND THAT the variances to the following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A, B, & C":

S.8 Table 8.1 Parking Schedule

To vary the minimum number of parking stalls provided from 204 stalls to 13 stalls.

S.8 Table 8.2 Loading Schedule

To vary the minimum number of loading stalls provided from 6 stalls to 3 stalls.

S.8 Table 8.3 Bicycle Parking Schedule

To reduce the minimum number of class 2 bicycle parking stalls provided from 31 stalls to 8 stalls.

AND THAT Council's consideration of this Development Permit and Development Variance Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" connected to the Report from the Community Planning Department dated December 5th 2017;

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

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

Carried

7.10 1094 Westpoint Dr, DVP17-0227 - Kathleen Vance

Staff:

- Displayed a PowerPoint Presentation summarizing the application and provided rationale for non-support.
- Responded to questions from Council.

The City Clerk advised that no correspondence had been received.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Keith Funk New Town Planning, Applicant

- Displayed a PowerPoint Presentation, re: West Point Drive
- Advised that the Applicant met with City staff in July 2017 and showed the wall design by Interior Testing Geotechnical Engineers.
- The Applicant did not clearly understand the need for a Development Permit and proceeded to construct the engineered wall assuming it was reviewed and endorsed.
- There was a communication error and not a flagrant disregard for regulation.
- Displayed photos of adjacent neighbouring walls in relation to the subject site that are similar.
- A terraced wall would significantly damage the natural tree cover and landscape.
- Confirmed that all the neighbours have no objection to the existing wall.
- The wall faces an ALR vineyard and does not have any negative visual impact; the closest residential view exposure is from Crawford Road which is 250 m from the wall.
- Request that Council supports the alternative recommendation stating:
 - o Will preserve the natural vegetation and trees;
 - o There is no public safety risk or neighbourhood objection;
 - o Minimal visual impact;
 - o Adjacent to farmland for perpetuity.
- Responded to questions from Council.

No one from the Gallery came forward.

There were no further comments

Moved By Councillor Sieben/Seconded By Councillor Stack

R1021/17/12/05 THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0227 for Lot 6, Section 31, Township 29, ODYD, Plan KAP87220, located at 1094 Westpoint Drive, Kelowna, BC;

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

Section [7.5.9]: Fencing and Retaining Walls

To vary the required retaining wall from 1.2 m permitted to 5.03 m proposed.

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

- The retaining wall be signed off by a qualified geotechnical professional.
- The landscaping to be completed to the satisfaction of the Suburban and Rural Planning Manager.

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

Carried

Councillors DeHart and Gray - Opposed

7.11 1250-1298 Ellis St, DP17-0204 & DVP17-0235 - Whitworth Holdings Ltd

Councillor Sieben declared a conflict of interest as he is a shareholder in a business that is in the building under consideration and departed the meeting at 8:26 p.m.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence had been received.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Jim Meiklejohn, Ellis Street, Applicant

- Advised that this application is for the improvement of safety and accessibility of the building.
- Available for questions.

No one from the Gallery came forward.

There were no further comments

Moved By Councillor Given/Seconded By Councillor Gray

R1022/17/12/05 THAT Council authorizes the issuance of Development Permit No. DP17-0204 for Lot 1 District Lot 139 ODYD Plan 660, located at 1250-1598 Ellis Street, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0235 for Lot 1 District Lot 139 ODYD Plan 660, located at 1250-1598 Ellis Street, Kelowna, BC;

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

Section 14.10.5(d): C10 – Service Commercial Development Regulations

To vary the required minimum front yard from 2.0 m permitted to 0.0 m proposed.

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

Carried

Councillor Sieben rejoined the meeting at 8:31 p.m.

7.12 180 Rutland Rd N, DP17-0230 & DVP17-0233 - Rutland Park Society Inc.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence had been received.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

The Applicant is present and available for questions.

No one from the Gallery came forward.

There were no further comments

Moved By Councillor Stack/Seconded By Councillor Sieben

R1023/17/12/05 THAT Council authorizes the issuance of Development Permit No. DP17-0230 for Lot 2, Section 26, Township 26, ODYD, Plan EPP46594, located at 180 Rutland Rd N, Kelowna, BC subject to the following:

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

AND THAT Council authorize the issuance of Development Variance Permit DVP17-0233 for Lot 2, Section 26, Township 26, ODYD, Plan EPP46594, located at 180 Rutland Rd N, Kelowna, BC;

AND THAT the variances to the following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A, B, & C":

S.16.2.5 Development Regulations

To vary the maximum site coverage for buildings, parking areas, and roads from 60% to 82.6%.

AND THAT Council's consideration of this Development Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated December 5th 2017;

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

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

Carried

7.13 720-724 Valley Rd, DP17-0197 & DVP17-0198 - Valley Land Subdivision Ltd

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence had been received.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Jordan Hettinga, Applicant

- Displayed a PowerPoint Presentation, re: Sussex Retirement Living
- The proposed project is for a 134-unit memory care facility.
- The master DP was brought forward last fall; made an OCP amendment to downzone the strip of land adjacent to Chartwell and push the density and height towards the Conservatory building.
- To reach the FAR of 1.2 for the CD27 zone a gradual increase in height occurred as the building moved away from Chartwell.
- Sussex Retirement is a Memory Care Facility for seniors living with Alzheimer's disease or other forms of dementia.
- Noted design constraints with integrating "institutional" within "residential":
 - o No balcony;
 - o No opening windows;
 - o Familiar room layout (repetition)
 - o Secured floor areas.
- The building has a daylight basement and faces Valley Road; the basement is considered a floor, causing the variance to be for 6 storeys.
- Displayed a rendering of the landscape feature at the south east corner of the project. The engineered retaining walls are 0.3m above permitted height, with 2.0 meter area that is 1.8 meters over permitted height.
- To vary the maximum height for a retaining wall as part of our landscape feature from 1.2 meters to 1.5 meters for 56 linear meters, and 3 meters for 2 linear meters.

No one from the Gallery came forward.

There were no further comments

Moved By Councillor Singh/Seconded By Councillor Stack

R1024/17/12/05 THAT Council authorizes the issuance of Development Permit No. DP17-0197 for a portion of Lot A Sections 32 and 29 Township 26 ODYD Plan EPP54061, located at 720-724 Valley Road, Kelowna, BC, subject to the following:

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

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

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

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0198 for a portion of Lot A Sections 32 and 29 Township 26 ODYD Plan EPP54061, located at 720-724 Valley Road, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedule "D";

Section 7.5.6: Fencing and Retaining Walls

To vary the required retaining wall height from 1.2 m to 1.5 m and 3.0 m.

Section 13.11.6(c): RM5 – Medium Density Multiple Housing Development Regulations

To vary the required height from 18.0 m or 4.5 storeys permitted to 23.4 m or 6 storeys proposed.

Section 18 CD27 1.6(e): CD27 – Valley Land Subdivision Development Regulations

To vary the required side yard from 7.0 m permitted to 4.3 m proposed.

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

Carried

7.14 DP17-0016 / DVP17-0019 & DP17-0207 / DVP17-0208, 650 & 700 Swordy Rd - FortisBC Inc and 0984342 BC Ltd Inc.

Staff:

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

The City Clerk advised that the following correspondence had been received:

Letters of Opposition:

Tom Treadgold, Uplands Drive 9 (2 letters submitted)
Lorraine Hladik, Richter St.

Letter in Support:

Jeff Hancock, Jewel Lane

Letter of Comment:

Tom Cerajeski, Zeidler Architecture, 8th Ave SW, Calgary

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Tom Cerajeski, Zeidler Architects, Applicant

- Displayed a PowerPoint Presentation, re: The Shore
- Displayed a site map and spoke to the contextual nature and architectural merits.
- Believes this is a landmark development in a growing neighbourhood of existing residential and multi-family housing.
- The building has a retail base, a dedicated office-oriented second floor and four levels of residential housing comprising 103 rental units.
- The massing of the upper levels is stepped back allowing the retail area to frame the public courtyard, create ample amenity space and created views from most the units toward the lake.
- Believes the public realm is vibrant; worked extensively to maintain the look and feel of this public realm with consistent landscape treatment and pavement treatment.
- Spoke to the variety of mixed uses in the development.
- Created standardized signage regulation that all tenants would have to conform to in order to ensure the building aligns with the rest of the aesthetics.
- Addressed lighting concerns with lighting on trees and pole lighting in the middle of the plaza.
- Vehicular access to the site is provided from Richter and Swordy Road.
- Spoke to parking and noted that 27 public parking stalls were not offered in the previous application, however, extending full count to include Fortis site and added 27 stalls to coincide with the entry off of Richter to reduce congestion on Swordy Road.

- Seeking a variance for a setback on the Fortis site for safety concerns and commented that Fortis expressed a desire to not have parking stalls under power lines.

Greg Appelt

- Spoke to the design options and challenges for this site and the need to work with Fortis.
- Confirmed that a 9-year lease with Fortis has been secured which allowed them to maintain the epic and aesthetics of the building.
- Responded to questions from Council.

Gallery:

Andre Therien, Landie Road

- Raised concern with increased traffic and the lack of parking spaces.
- Opposed to reduction in parking stalls.
- Raised safety concerns with pedestrian traffic and no crosswalk from Swordy Road to Gyro Park.

Connie Delisle, Landie Road

- Worked as a security consultant and offered comments and services directly to the architect.
- Recommended that on-street parking be removed from Swordy Road in the interest of public safety.
- Raised concerns with the amount of density in a condensed area and safety concerns for drivers, cyclists and pedestrians.

Staff:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Sieben

R1025/17/12/05 THAT Council authorizes the issuance of Development Permit No. DP17-0016 for Part of Lot 2, Outlined Red on Plan A917, District Lot 134, ODYD, Plan 2864, located at 700 Swordy Rd, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;
5. The applicant enter in a public parking agreement with the City of Kelowna for 27 stalls on evenings and weekends at 700 Swordy Road.

AND THAT Council authorize the issuance of Development Variance Permit DVP17-0019 for Part of Lot 2, Outlined Red on Plan A917, District Lot 134, ODYD, Plan 2864, located at 700 Swordy Rd, Kelowna, BC;

AND THAT the variances to the following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A, B, & C":

Section 7.6 Minimum Landscape Buffers: 7.6.1 (c):

To vary the minimum 3.0m landscape buffer from 3.0 m to 2.0 m.

AND THAT Council authorizes the issuance of Development Permit No. DP17-0207 for Lot A, District Lot 134, ODYD, Plan EPP65105, located at 650 Swordy Rd, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"

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

AND THAT Council authorize the issuance of Development Variance Permit DVP17-0208 for Lot A, District Lot 134, ODYD, Plan EPP65105, located at 650 Swordy Rd, Kelowna, BC;

AND THAT the variances to the following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A, B, & C":

Section 8: Parking and Loading: Table 8.1 Parking Schedule

To vary the required parking from 161 parking stalls permitted to 97 parking stalls proposed.

Section 14 – Commercial Zones: 14.4.5 (c) Development Regulations

To vary the maximum height from '15.0m or 4 stories' permitted '22.1m or 6 stories' proposed.

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

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

Carried


8. **Reminders – Nil.**

9. **Termination**

The meeting was declared terminated at 9:44 p.m.

Mayor

/acm



City Clerk

CITY OF KELOWNA
BYLAW NO. 11515
Z17-0079 – 900 Thompson Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 3, Section 22, Township 26, ODYD, Plan 30782 located on Thompson Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1c – Large Lot with Carriage House zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 27th day of November, 2017.

Considered at a Public Hearing on the

Read a second and third time and be adopted this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11517
Z17-0082 – 366 Braeloch Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, Section 23, Township 28, SDYD, Plan 19727 Except Plan KAP59227 located on Braeloch Road, Kelowna, B.C., from the RR3 – Rural Residential 3 zone to the RU1 – Large Lot Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 4th day of December, 2017.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11518
Z17-0071 – 772 Nathan Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, District Lot 358, ODYD, Plan 19849 located on Nathan Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 4th day of December, 2017.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11519
Z17-0051 – 1155 Pacific Avenue

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, Block 1, District Lot 137, ODYD, Plan 5042 located on Pacific Avenue, Kelowna, B.C., from the RU6 – Two Dwelling Housing zone to the RM4 – Transitional Low Density Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 4th day of December, 2017.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11520
Z17-0080 – 588 Radant Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 3, Section 6, Township 26, ODYD, Plan 9002 located on Radant Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 4th day of December, 2017.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11521
Z17-0075 – 4611 Gordon Drive

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, District Lot 357, ODYD, Plan 41826 located on Gordon Drive, Kelowna, B.C., from the RU1c – Large Lot Housing with Carriage House zone to the RU6 – Two Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 4th day of December, 2017.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11523

Official Community Plan Amendment No. OCP17-0024 292, 284 & 276 Valley Road

A bylaw to amend the "Kelowna 2030 – Official Community Plan Bylaw No. 10500".

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "Kelowna 2030 – Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of portions of Lots 1, 2 & 3 Section 33 Township 26 ODYD Plan 18062, located on Valley Road, Kelowna, BC from the S2RES – Single / Two Unit Residential designation to the MRL – Multiple Unit Residential (Low Density) designation.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 11th day of December, 2017.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11524
Z17-0099 – 292, 284 & 276 Valley Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots 1,2 & 3, Section 33, Township 26, ODYD, Plan 18062 located on Valley Road, Kelowna, B.C., from the RR₃ – Rural Residential zone to the RM₃ – Low Density Multiple Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 11th day of December, 2017.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11525
Z17-0086 – 1172 Mission Ridge Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2 Section 31 Township 29 ODYD Plan EPP50904 located on Mission Ridge Road, Kelowna, B.C., from the A1 – Agriculture 1 zone and RU1 – Large Lot Housing Zone to the RR3 – Rural Residential 3 zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 11th day of December, 2017.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: December 5th 2017

RIM No. 0940-50

To: City Manager

From: Community Planning Department (AC)

Application: DVP17-0236 **Owner:** RG Lot 3 Ltd., Inc.No. 556980

Address: 1232 Ellis Street **Applicant:** ICR Projects Inc. (Leo Mariotto)

Subject: Development Permit & Development Variance Permit

Existing OCP Designation: MXR – Mixed Use (Residential / Commercial)

Existing Zone: CD5 – Multi-Purpose Facility

1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit DVP17-0236 for Lot 3, District Lot 139, ODYD, Plan KAP60698, located at 1232 Ellis St, Kelowna, BC;

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

Schedule 'B' – Comprehensive Development Zones (CD5 – Multi-Purpose Facility)
Section 1.8 [Parking and Loading (b)]

From: To vary the parking and loading section from "All uses on Lots 2 and 3 as shown on CD5 Map 1, shall be required to provide parking and loading as required by Part III for C-5 (B/L 4500) uses. See Part III of City of Kelowna Zoning Bylaw, 1976, No. 4500, as it existed on May 4, 1998."

To: All uses on Lots 2 and 3 as shown on CD5 Map 1, shall be required to provide parking and loading as required by Part III for C-5 (B/L 4500) uses. See Part III of City of Kelowna Zoning Bylaw, 1976, No. 4500, as it existed on May 4, 1998, EXCEPT the parking stall size requirements are to be in accordance with the updated current Zoning Bylaw No. 8000 Section 8.1.11.

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

2.0 Purpose

To consider a Development Variance Permit for the project known as 'Ellis Parc' in order to vary the parking and loading stall size requirements within the CD5 zone in order for the parking stall size to match the current Zoning Bylaw stall requirements.

3.0 Community Planning

Staff are supportive of the Development Variance Permit as parking spaces should not be wider than necessary. The CD5 zone has not been updated since its creation in 1996. This has led to the parking stall size requirements being wider than the standard parking stall sizes within Zoning Bylaw No. 8000. This variance, if supported, would increase the efficiency of parking stalls within the proposed building parkade and limit potential on-street parking spillover. The original approved design (DP17-0011) provided 100 parking stalls while the CD5 zone required 139 parking stalls. In that proposal, the applicant would need to provide Payment-in-Lieu of parking for 39 stalls. At the current rate of \$22,500 per stall this would total \$877,500. If the proposed variance is approved, the applicant would be able to provide 17 additional stalls within the proposed parkade utilizing standard sized parking stalls. Therefore, out of the 139 parking stalls required the applicant could then provide 117 parking stalls resulting in a 22 parking stall shortfall. At current Payment-in-Lieu parking rates (\$22,500 per stall) this would result in a new total payment of \$495,000.

The applicant has also requested an alternate approval in which 8 stalls worth of Payment-in-Lieu would be eliminated in exchange for the applicant providing two car sharing electric vehicles and an electric charging station. Staff have been working through a policy review for car-sharing incentives and do not want to implement any component of that policy until it has been finalized. As such, staff did not support any trade-offs in-lieu of car-share/electric parking stalls; however, staff do support these amenities in concept and recommend that the applicant install them regardless.

4.0 Proposal

4.1 Background

In September 2016, the applicant, submitted to the City of Kelowna a Parking Text Amendment Application to revise the Parking requirements and Parking Sizes in accordance with the requirements of the C4 and C7 zone of neighbouring properties.

The existing parking requirement in the C4 and C7 zones is 1.0 spaces per dwelling unit. The application was considered by City Council on April 10, 2017 for a proposed text amendment to Table 8.1 Parking Schedule to include the CD5 zone in the same parking category as the C4 and C7 neighbouring properties and it was defeated. The applicant then revised the development permit drawings with parking requirements and parking sizes in accordance with Part III of the City of Kelowna Zoning Bylaw, 1976, No. 4500 as it existed on May 4, 1998. This resulted in the following parking requirements:

- Parking stall required: 139 Stalls
- Parking provided; 100 Stalls
- Proposed parking payment in Lieu as per Kelowna Zoning Bylaw, 1976, No. 4500 Part III section 4(q) as it existed on May 4, 1998: 39 Stalls
- Bicycle parking: NONE required (16 voluntary provided)
- As a comparison, for information, compliance with the Kelowna Zoning Bylaw, 1976, No. 4500 as it existed on May 4, 1998 compared to the current C4 and C7 parking sizes resulted in a **decrease** in parking stalls provided by **17 stalls** and a **reduction of 30** Class I Bicycle parking.

4.2 Project Description

The applicant is proposing two options for the City of Kelowna to consider. Option 1 is to vary the CD5 zone to allow for the standard sized parking stalls identified with Section 8 of the current Zoning Bylaw No. 8000.

Option 2 asks for the same thing in terms of the parking stall size but is also requesting a reduction in the amount of Payment-in-Lieu of Parking. The request is to reduce the amount of Payment-in-Lieu by 8 stalls in exchange for the applicant providing two car sharing electric vehicles and an electric charging station.

OPTION ONE:

That the City of Kelowna consider a variance to DP17-0011 to revise the parking size requirements to be in accordance with Bylaw 8000 Section 8 Parking and Loading section 8.1.11 to 8.1.14 inclusive that would result in the following calculations:

- Parking stalls required in Kelowna Zoning Bylaw, 1976, No. 4500 Part III section as it existed on May 4, 1998: **139 Stalls**
- Parking provided; **117 Stalls**
- Proposed parking payment in Lieu as per Kelowna Zoning Bylaw, 1976, No. 4500 Part III section 4(q) as it existed on May 4, 1998: **22 Stalls**.
- Cities in the recent past have reduce the number of vehicle parking space requirements by introducing bicycle parking spaces and in some cases have further reduced vehicle parking requirement for Bicycle parking provided in addition to current bylaw requirements. Provision of bicycle parking in accordance with Bylaw 8000 section 8.4 would result in required **46 Bicycle** class I parking space versus **Zero** requirement in Kelowna Zoning Bylaw, 1976, No. 4500 Part III section as it existed on May 4, 1998.

OPTION TWO:

With the aim to promote car sharing as an environmental responsible alternative to personal vehicle ownership some Cities have or are considering revising their parking requirements to reduce vehicle parking requirements by 4 stalls for every car share parking spots. This environmental responsible alternative is also recognized by LEED that provides additional credits for this alternative. Should this alternative be considered, two car sharing electric vehicles and an electric charging stations can be provided as part of this development. Parking calculations under Option Two could result in the following:

- Parking stalls required in Kelowna Zoning Bylaw, 1976, No. 4500 Part III section as it existed on May 4, 1998: 139 Stalls
- Parking provided; 117 Stalls + 8 stalls for Car Sharing = 125
- Proposed parking payment in Lieu as per Kelowna Zoning Bylaw, 1976, No. 4500 Part III section 4(q) as it existed on May 4, 1998: 14 Stalls.
- Class I Bicycle parking = 46 stalls

4.3 Site Context

The site is located at the north end of the Downtown Urban Centre directly adjacent to Prospera Place. Specifically, the adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C4 – Urban Centre Commercial	Vacant
East	I4 – Central Industrial	Industrial
South	C10 – Service Commercial	Commercial
West	CD5lp – Multi-Purpose Facility (Liquor Primary)	Prospera Place Arena

Subject Property Map: 1232 Ellis St.



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Objective 5.11. Support parking management programs that promote reduced vehicle ownerships, reduced vehicle trips, and increased use of active modes of transportation.

Parking Relaxations.¹ Consider parking requirement relaxations, in areas that are not part of a cash-in-lieu program, where an approved TDM strategy indicates a lower use of vehicles and the City is satisfied that parking relaxations would not create parking spill-over problems on adjoining neighbourhood streets. Parking relaxations will not be considered in hillside areas (as defined on Map 4.1 - Future Land Use)..

Preferred Parking.² Encourage preferred (e.g. close to entrances) or dedicated parking stalls for electric vehicles, share cars and / or hybrid vehicles and small vehicles for all developments.

Multi-Unit Residential Parking.³ Encourage developers / landlords to unbundle parking price from the multi- family housing or rental price.

¹ City of Kelowna Official Community Plan, Policy 5.11.1 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.11.3 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Policy 5.11.4 (Development Process Chapter).

Objective 5.19. Ensure efficient land use.

Re-development of Parking Lots.⁴ Encourage that excess parking areas be used for infill commercial, residential and mixed use buildings.

6.0 Technical Comments

6.1 Building & Permitting Department

- None

6.2 Development Engineering Department

- The request to vary the CD5 zone parking stall and drive aisle sizes to conform with sizes identified in the current zoning bylaw 8000 section 8 parking and loading section does not compromise any municipal services.

6.3 Fire Department

- None.

7.0 Application Chronology

Date of Application Received: Oct 31st 2017

Date Public Consultation Completed: November 15th 2017

Prepared by: Adam Cseke, Urban Planning
Reviewed by: Terry Barton, Urban Planning Manager
Reviewed by: Ryan Smith, Community Planning Department Manager

Attachments:

Applicant's Project Rationale
DVP17-0236

⁴ City of Kelowna Official Community Plan, Policy 5.18.1 (Development Process Chapter).



ICR Projects Inc.

#300 – 555 Sixth Street New Westminster, BC V3L 5H1
Telephone: (604) 523-6444 Facsimile: (604) 523-6191

October 12, 2017

City of Kelowna
Community Planning & Real Estate
1435 Water Street
Kelowna, BC
V1Y 1J4

Attention: Mr. Adam Cseke, BSc, MCP Planner

Dear Adam,

Reference: 1232 Ellis Street, Kelowna BC
Development Permit no. DP17-0011
Legal Description. Lot 3 District Lot 139 Osoyoos Division Yale District Plan KAP60698

Further to our recent telephone conversation and our attached letter of September 27, 2017 we submit for the City of Kelowna's consideration a Development Variance Permit Application.

In support of our application we submit drawing no. PK-01 parking plans & layout as previously submitted that form part of the existing Development Permit no. DP17-0011 and an alternate drawing no. PK-02 as a proposed alternate parking plan and layout for the City's consideration.

The application if considered and approved by the City of Kelowna would increase the provided parking from 100 to 120 stalls and would increase the Bicycle parking from 16 to 46 stalls.

The new proposed parking arrangement and driveway access shown on drawing no. PK-02 also addresses previous concerns from the City's Engineering department with regards to the parking entrance arrangements.

We look forward to a early response to the application.

Yours Truly,
ICR Projects Inc.

Leo Mariotto, President





ICR Projects Inc.

#300 – 555 Sixth Street New Westminster, BC V3L 5H1
Telephone: (604) 523-6444 Facsimile: (604) 523-6191

September 27, 2017

City of Kelowna
Community Planning & Real Estate
1435 Water Street
Kelowna, BC
V1Y 1J4

Attention: Mr. Adam Cseke, BSc, MCP Planner

Dear Adam,

Reference: 1232 Ellis Street, Kelowna BC
Development Permit no. DP17-0011
Legal Description. Lot 3 District Lot 139 Osoyoos Division Yale District Plan KAP60698



Further to our recent telephone conversation we submit, as agents and of behalf of RG Lot 3 Ltd, the following submission for the City of Kelowna's review and consideration for a variance to the parking stall size requirement in DP117-0011

CD5 COMPREHENSIVE DEVELOPMENT ZONE:

The referenced property is zoned CD5 in the consolidated Zoning Bylaw no. 8000, Schedule 'B' – Comprehensive Development Zones with revisions dated July 8, 2003 and February 20, 2006.

The CD5 zone is Subject to the provisions of zoning Bylaw, 1976 as it existed on May 4, 1998.

CD5 1.8(b) Parking and Loading: all uses on Lot 2 and Lot 3 shall be required to provide parking as required by Part III of City of Kelowna Zoning Bylaw, 1976, No. 4500, as it existed on May 4, 1998.

CD5 1.9 (a) General Regulations: See part III of City of Kelowna Zoning Bylaw, 1976, No. 4500 as it existed on May 4, 1998.

BYLAW 1976 NO. 4500 PART III – GENERAL REGULATIONS: Dated November 12, 1993; June 24, 1996 February 17, 1997; December 4, 1997, July 6, 1998 - Required number of parking spaces in Multi- Family Dwellings:

- Bachelor: 1 per dwelling unit
- One Bedroom: 1.25 per dwelling unit
- Two Bedrooms: 1.5 per dwelling unit
- Three or more Bedrooms: 2 per dwelling unit
- Commercial uses: 1 stall per 75 m2 of gross floor area.

Visitor parking: None required

Bicycle Parking: None required

Size of parking Spaces and Aisles:

- Regular size at 90 degrees: 2.8m x 6m
- Small cars: at 90 degrees: 2.5m x 5m
- Parallel: 2.75m x 7m
- Aisles: 7.3 m

4.(q) – Where a proposed development is unable to meet the requirements of Section 4(a), the City may accept payment in lieu of a portion of the required parking, where the proposed development is within 500 metres of an existing City parking facility. (subject to confirmation by the City the parking payment in lieu as of May 4, 1998 was from our research \$ 7,500 per parking stall).

BACKGROUND INFORMATION:

On or about September 21, 2016 ICR Projects Inc. ,as agents for RG Lot 3 Ltd, submitted to the City of Kelowna a Parking Text Amendment Application to revise the Parking requirements and Parking Sizes in accordance with the requirements of the C4 and C7 zone of neighbouring properties.

The existing parking requirement in the C4 and C7 zones is 1.0 spaces per Dwelling unit.

The application considered by Kelowna City Council on April 10, 2017 for a proposed text amendment to Table 8.1 Parking Schedule to include the CD5 zone in the same parking category as the C4 and C7 neighbouring properties.


The text amendment application was considered by Kelowna City Council on Monday, April 10, 2017 and was defeated.

Following the April 10, 2017 Kelowna City Council defeat of the proposed Zoning Text amendment application revised development permit application drawings were submitted to the City of Kelowna on May 5, 2017 with parking requirements and parking sizes in accordance with Part III of the City of Kelowna Zoning Bylaw, 1976, No. 4500 as it existed on May 4, 1998.

Compliance with Kelowna Zoning Bylaw, 1976, No. 4500 as it existed on May 4, 1998 with regards to parking requirements and parking sizes resulted in the following parking calculations:

- Parking stall required: 139 Stalls
- Parking provided; 100 Stalls
- Proposed parking payment in Lieu as per Kelowna Zoning Bylaw, 1976, No. 4500 Part III section 4(q) as it existed on May 4, 1998: 39 Stalls
- Bicycle parking: NONE required (16 voluntary provided)

As a comparison, for information, compliance with the Kelowna Zoning Bylaw, 1976, No. 4500 as it existed on May 4, 1998 compared to the current C4 and C7 parking sizes resulted in a **decrease** in parking stalls provided by **17 stalls** and a **reduction of 30** Class I Bicycle parking.

ATTACHMENT		A
This forms part of application		
# DVP17-0236		
Planner Initials	AC	 City of Kelowna COMMUNITY PLANNING

PROPOSALS FOR CONSIDERATION BY THE CITY KELOWNA.

OPTION ONE:

That the City of Kelowna consider a variance to DP17-0011 to revise the parking size requirements to be in accordance with Bylaw 8000 Section 8 Parking and Loading section 8.1.11 to 8.1.14 inclusive that would result in the following calculations:

- Parking stalls required in Kelowna Zoning Bylaw, 1976, No. 4500 Part III section as it existed on May 4, 1998: **139 Stalls**
- Parking provided; **117 Stalls**
- Proposed parking payment in Lieu as per Kelowna Zoning Bylaw, 1976, No. 4500 Part III section 4(q) as it existed on May 4, 1998: **22 Stalls.**
- City's in the recent past have reduce the number of vehicle parking space requirements by introducing bicycle parking spaces and in some cases have further reduced vehicle parking requirement for Bicycle parking provided in addition to current bylaw requirements.

Provision of bicycle parking in accordance with Bylaw 8000 section 8.4 would result in required **46 Bicycle** class I parking space versus **Zero** requirement in Kelowna Zoning Bylaw, 1976, No. 4500 Part III section as it existed on May 4, 1998.

OPTION TWO:

With the aim to promote car sharing as an environmental responsible alternative to personal vehicle ownership some City's have or are considering revising their parking requirements to reduce vehicle parking requirements by 4 stalls for every car share parking spots. This environmental responsible alternative is also recognized by LEED that provides additional credits for this alternative.

Should this alternative be considered by the City of Kelowna Two car sharing electric vehicles and an electric charging stations can be provided as part of this development.

Parking calculations under Option Two could result in the following:

- Parking stalls required in Kelowna Zoning Bylaw, 1976, No. 4500 Part III section as it existed on May 4, 1998: **139 Stalls**
- Parking provided; **117 Stalls + 8 stalls for Car Sharing = 125**
- Proposed parking payment in Lieu as per Kelowna Zoning Bylaw, 1976, No. 4500 Part III section 4(q) as it existed on May 4, 1998: **14 Stalls.**
- Class I Bicycle parking = **46 stalls**

ATTACHMENT **A**

This forms part of application
DVP17-0236


City of
Kelowna
COMMUNITY PLANNING

Planner
Initials

AC

CONCLUSION:

Our submission is intended to demonstrate that by using the parking sizes as per Kelowna Zoning Bylaw, 1976, No. 4500 Part III section as it existed on May 4, 1998 in lieu of the current Bylaw 8000 parking sizes currently used in the City of Kelowna recent and new developments has actually reduced the amount of parking spaces available in this development by **17 stalls** and has eliminated the requirement for Bicycle Parking stalls.

Following Kelowna City Council's decision to not approve the previously requested text amendment to allow parking requirements as required by C4 and C7 neighbouring properties we request consideration to only vary the parking size requirements as per existing Bylaw 8000 requirements that would in increased available parking for the residents of this development and also provide them with additional Bicycle parking spaces.

We also ask that the City of Kelowna consider our second innovative option for a car sharing program as an environmental responsible alternative to personal vehicle ownership.

As the project is still in the working drawing stage there is currently is an opportunity for the City of Kelowna's early consideration of the foregoing proposals.

Thank you for the opportunity to present on behalf of RG Lot 3 Ltd the foregoing submission and proposals and we look forward to the City's early consideration.

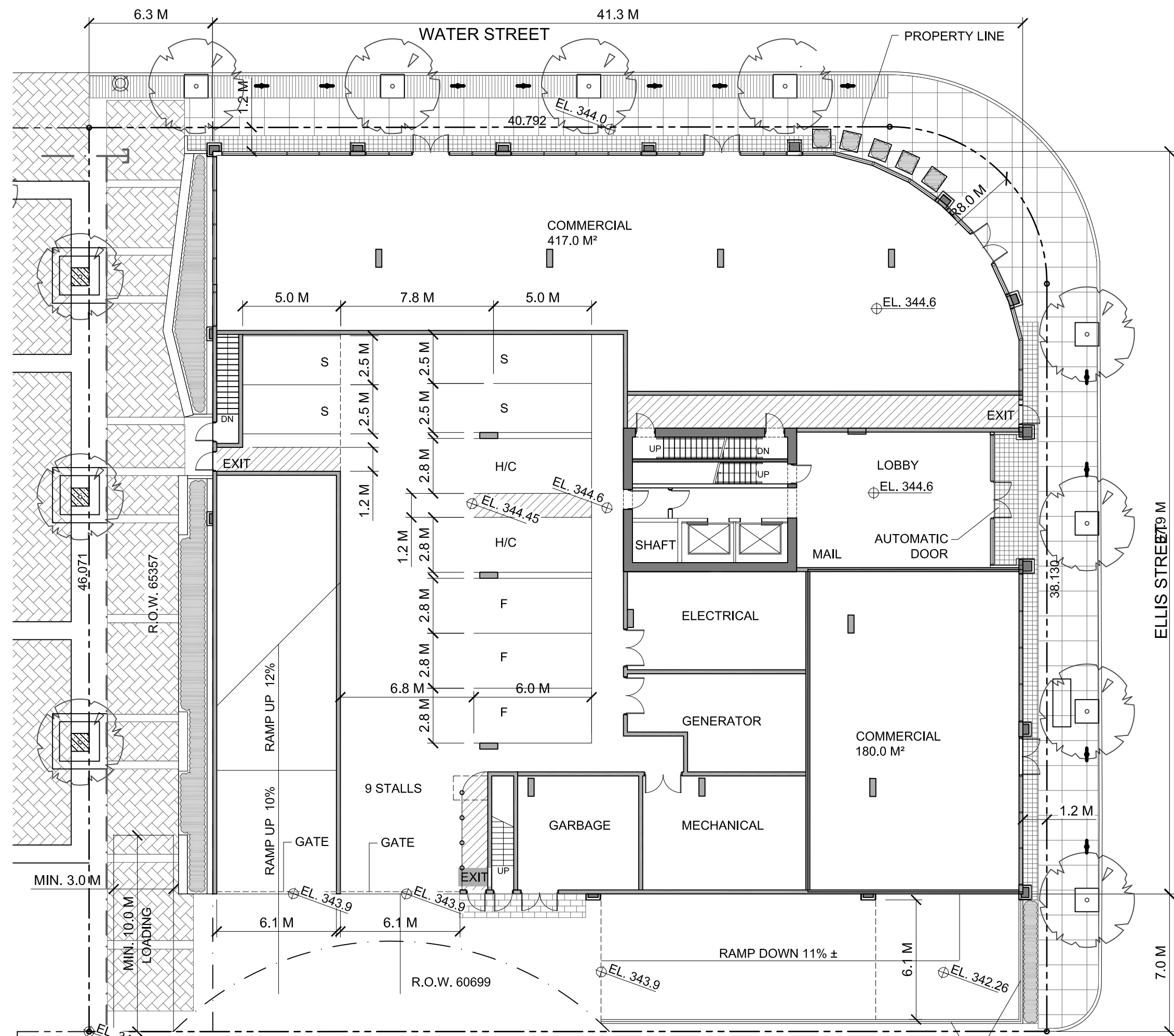
Yours Truly,
ICR Projects Inc.



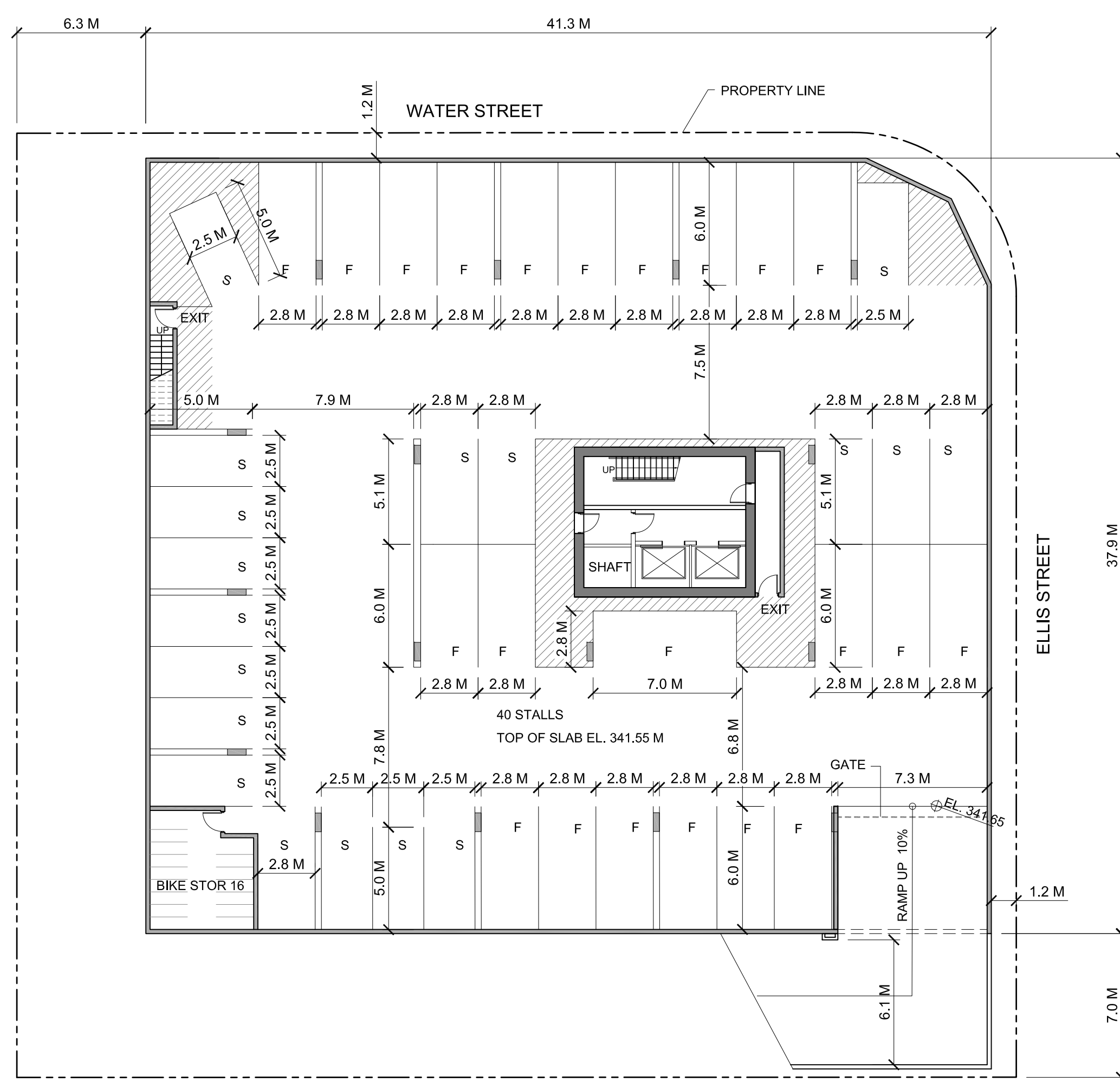
Leo Mariotto, President.

Copy: Mr. Graham Lee – RG Lot 3 Ltd

ATTACHMENT		A
This forms part of application		
# <u>DVP17-0236</u>		
Planner Initials	AC	 City of Kelowna COMMUNITY PLANNING



GROUND FLOOR PLAN
SCALE: 1:200



UNDERGROUND PARKING
SCALE: 1:200

PARKING CALCULATIONS AND DIMENSIONS AS PER PART III
CITY OF KELOWNA ZONING BYLAW, 1976 NO. 4500

CIVIC ADDRESS: 1232 ELLIS STREET, KELOWNA BC

LEGAL DESCRIPTION:
PID: 023-979-020
LOT 3 DISTRICT LOT 139 OSOYOOS DIVISION
YALE DISTRICT PLAN KAP60698

PROPOSED UNIT MIX :
ONE BEDROOM: 27 SUITES
TWO BEDROOMS: 62 SUITES
THREE BEDROOMS: 2
TOTAL NUMBER OF SUITES: 91

COMMERCIAL: 597.0 M²

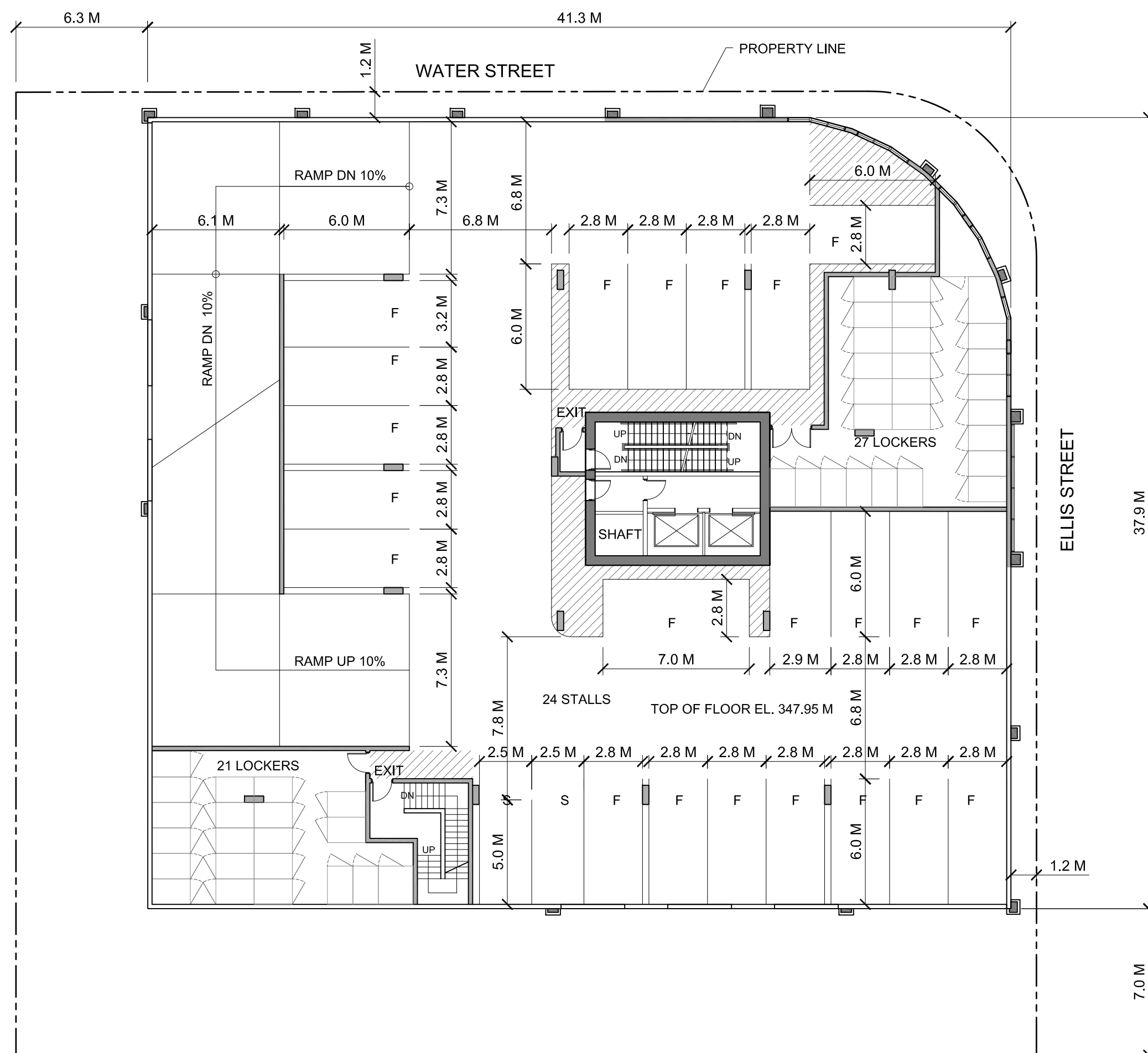
PARKING REQUIRED:
1.25 SPACES PER 1 BDRM X 27 = 33.75
1.5 SPACES PER 2 BDRM X 62 = 93
2.0 SPACES PER 3 BDRM X 2 = 4
1.0 SPACES PER 75 M² COMMERCIAL = 8
TOTAL REQUIRED: 139 STALLS

REQUIRED BICYCLE PARKING = 0

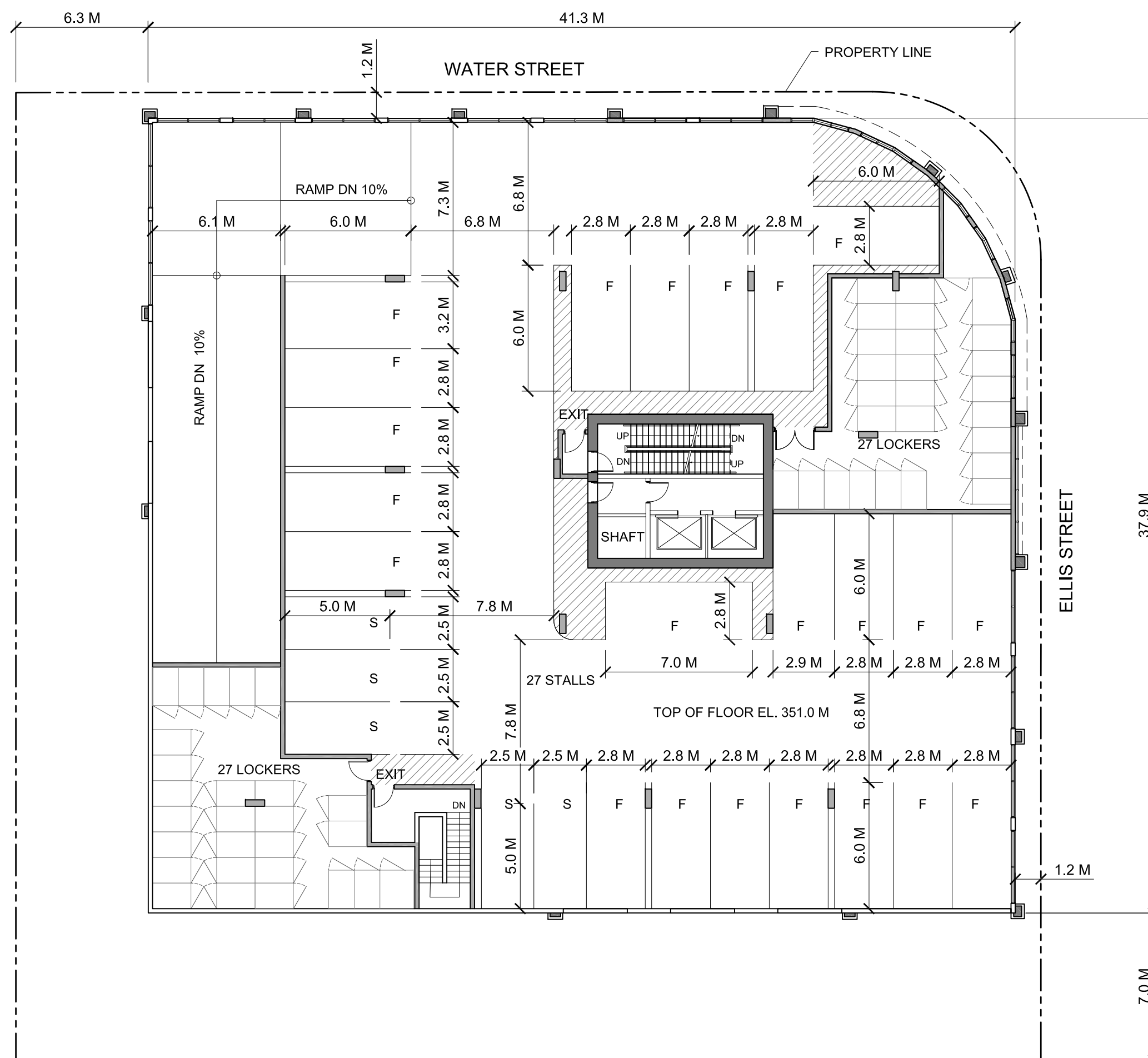
PARKING STALL SIZE REQUIRED:
FULL SIZE VEHICLE = 6.0M X 2.8 M
SMALL SIZE VEHICLE = 5.0M X 2.5 M

PARKING PROVIDED:
FULL SIZE VEHICLE 6.0M X 2.8 M = 71 STALLS (71%)
SMALL SIZE VEHICLE 5.0M X 2.5 M = 29 STALLS (29%)
TOTAL: 100 STALLS
PARKING PAYMENT IN LIEU = 39 STALLS

BICYCLE PARKING PROVIDED = 16

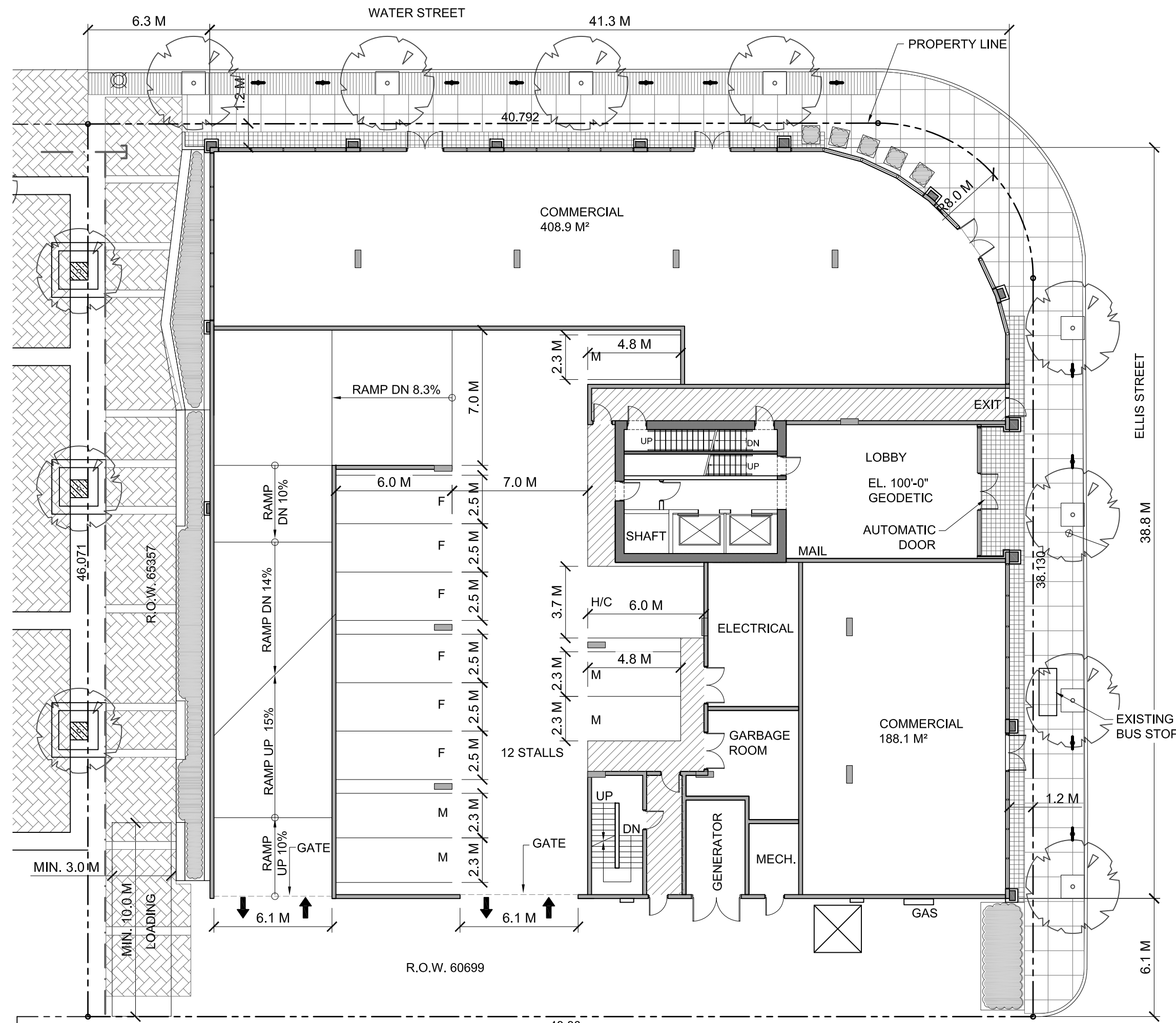


PARKING LEVEL 2
SCALE: 1:200

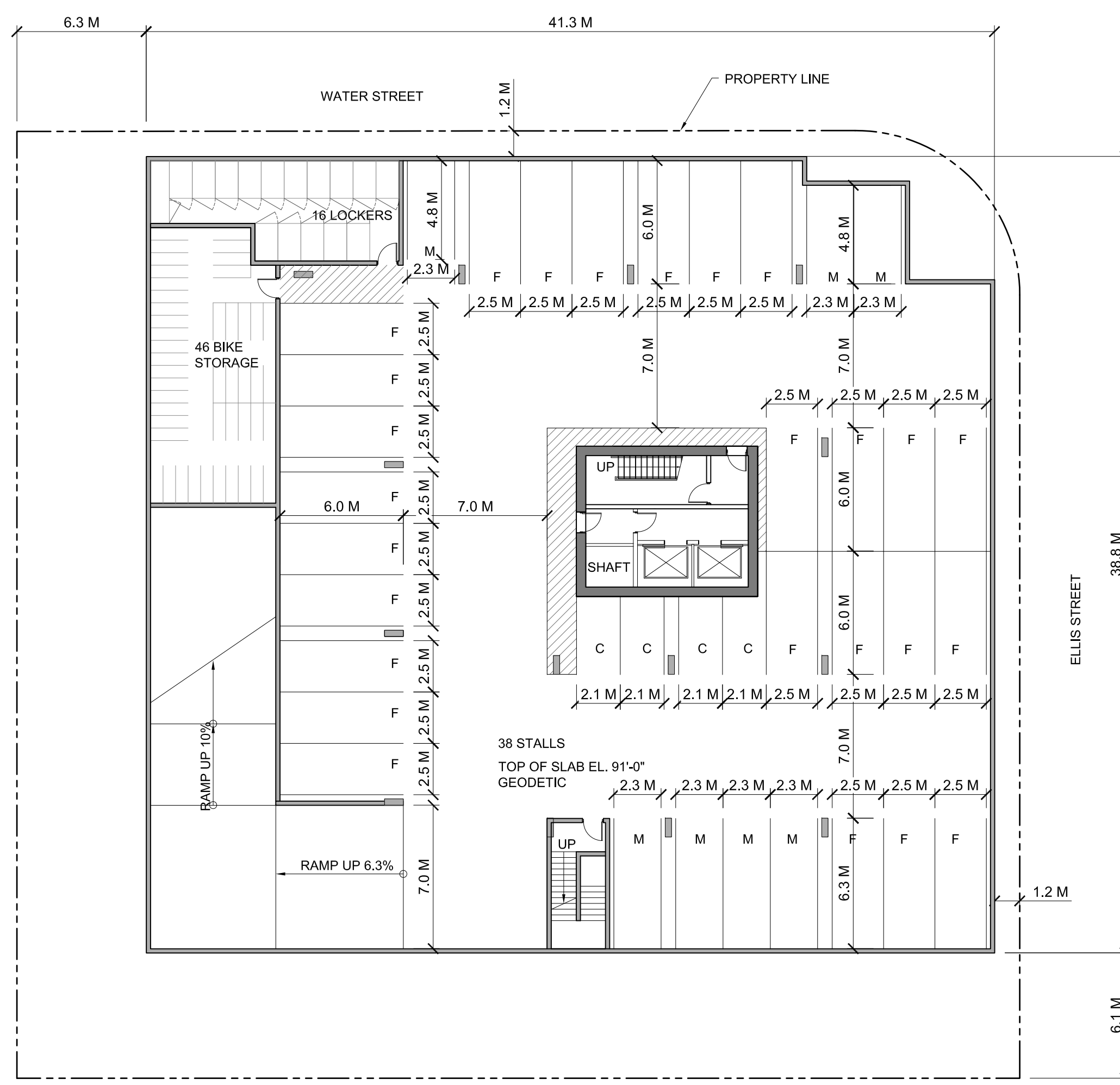


PARKING LEVEL 3
SCALE: 1:200

PROJECT TITLE 1232 ELLIS STREET PROPOSED DEVELOPEMENT KELOWNA BC		
DATE OCTOBER 10, 2017		
DRAWING TITLE PARKING FLOOR PLANS AS PER DEVELOPMENT PERMIT NO. DP17-0011		
SCALE AS SHOWN		
ICR ARCHITECTURE AND PROJECT CONSULTANTS INC #300 - 505 SIXTH STREET NEW WESTMINSTER, BC V3L 5H1 TEL: (604) 523-6444 FAX: (604) 523-6191		
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JOB NO.	DWG. NO. PK-01	REV. NO.



GROUND FLOOR PLAN
SCALE: 1:200



UNDERGROUND PARKING
SCALE: 1:200

PROPOSED VARIANCE FOR PARKING STALL DIMENSIONS AS PER CITY OF KELOWNA BYLAW 8000

CIVIC ADDRESS: 1232 ELLIS STREET, KELOWNA BC

LEGAL DESCRIPTION:
PID: 023-979-020
LOT 3 DISTRICT LOT 139 OSOYOOS DIVISION
YALE DISTRICT PLAN KAP60698

PROPOSED UNIT MIX :
ONE BEDROOM: 27 SUITES
TWO BEDROOMS: 62 SUITES
THREE BEDROOMS: 2
TOTAL NUMBER OF SUITES: 91

COMMERCIAL: 597.0 M²

PARKING REQUIRED AS PER PART III CITY OF KELOWNA BYLAW, 1976 NO. 4500:

1.25 SPACES PER 1 BDRM X 27 = 33.75
1.5 SPACES PER 2 BDRM X 62 = 93
2.0 SPACES PER 3 BDRM X 2 = 4
1.0 SPACES PER 75 M² COMMERCIAL = 8
(DESIGNATED VISITOR 1 SPACE PER 7 DWELLING UNITS INCLUDED IN RESIDENTIAL PARKING REQUIREMENT)
TOTAL REQUIRED: 139 STALLS

REQUIRED BICYCLE PARKING: 0

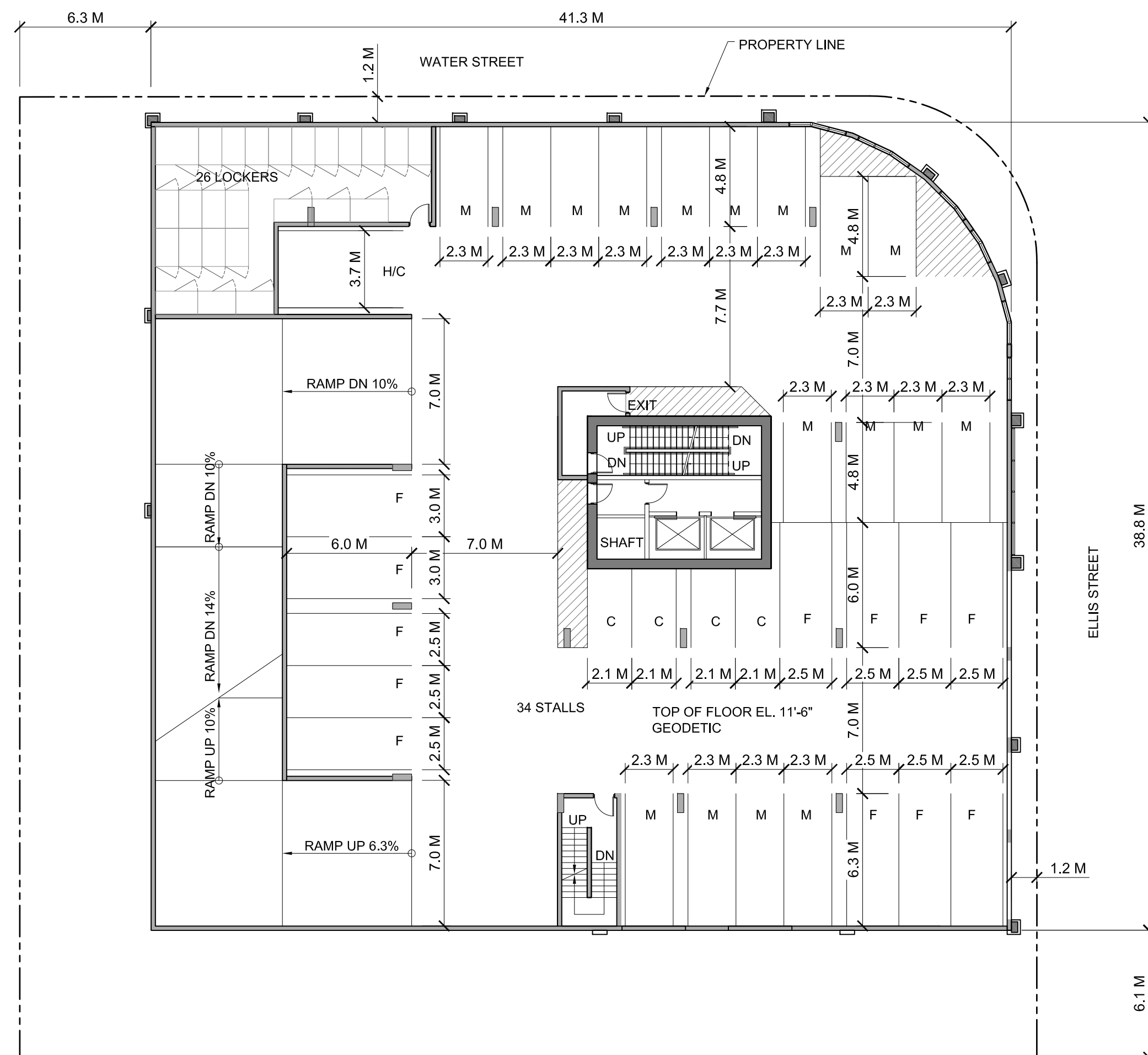
PROPOSED VARIANCE PARKING STALL SIZES AS PER CITY OF KELOWNA BYLAW 8000:

FULL SIZE VEHICLE = 6.0M X 2.5 M
MEDIUM SIZE VEHICLE = 4.8M X 2.3 M
COMPACT VEHICLE/MOTORCYCLE = 3.4 M X 2.0 M

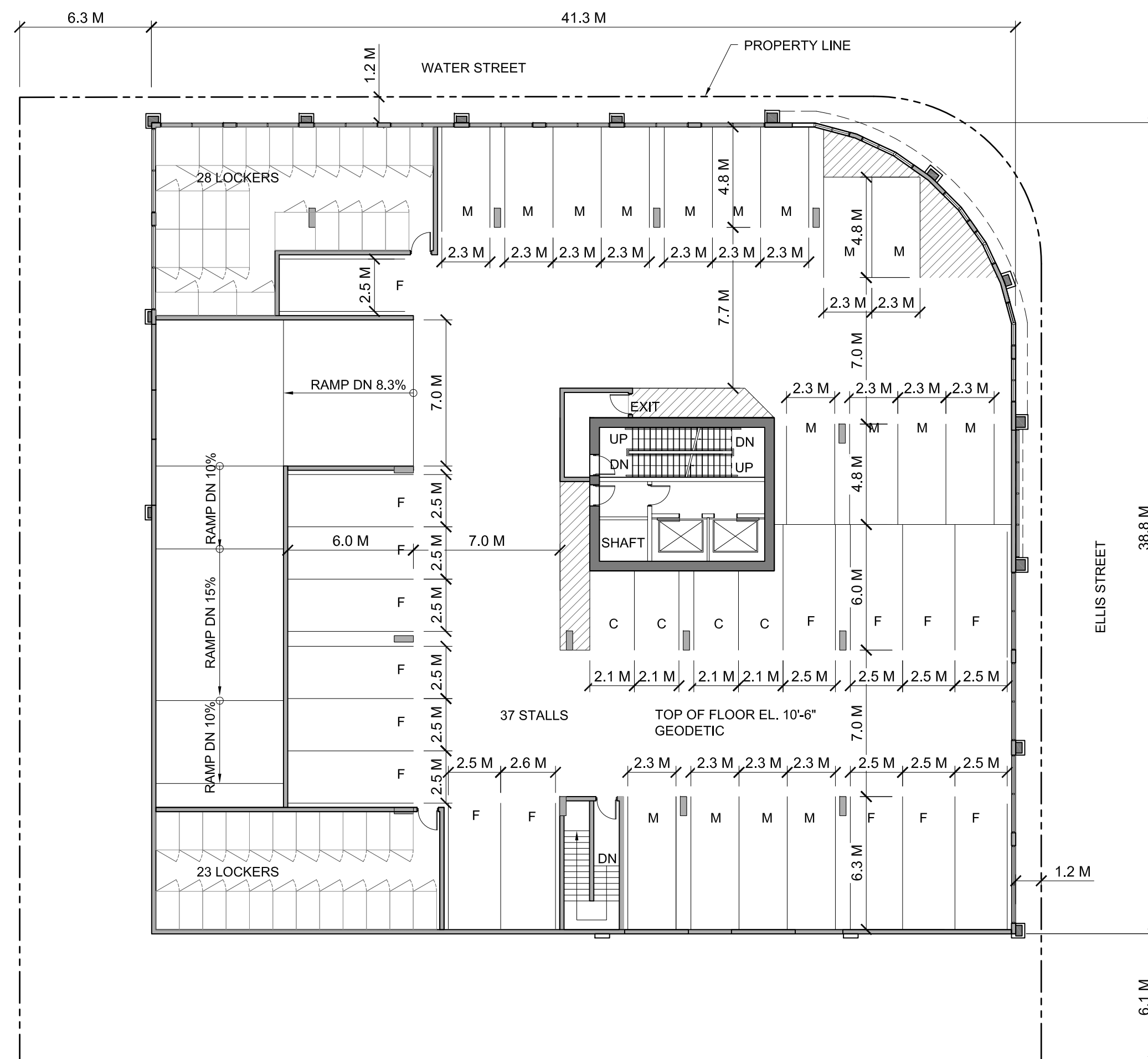
PROPOSED PARKING PROVIDED:

FULL SIZE VEHICLE 6.0M X 2.5 M = 62 STALLS (52%)
MEDIUM SIZE VEHICLE 4.8M X 2.3 M = 46 STALLS (38%)
COMPACT VEHICLE/MOTORCYCLE 3.4 M X 2.0 M = 12 STALLS (10%)
TOTAL: 120 STALLS
PROPOSED PARKING PAYMENT IN LIEU = 19 STALLS

PROVIDED BICYCLE PARKING: 46



PARKING LEVEL 2
SCALE: 1:200



PARKING LEVEL 3
SCALE: 1:200

PROJECT TITLE		
1232 ELLIS STREET PROPOSED DEVELOPEMENT KELOWNA BC		
DATE		
OCTOBER 16, 2017		
DRAWING TITLE		
PROPOSED PARKING FLOOR PLANS FOR VARIANCE APPLICATION		
SCALE		
AS SHOWN		
ICR ARCHITECTURE AND PROJECT CONSULTANTS INC #500 - 505 SIXTH STREET NEW WESTMINSTER, BC V3L 5H1 TEL: (604) 523-6444 FAX: (604) 523-6191		
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JOB. NO.	DWG. NO.	REV. NO.
	PK-02	1

Development Variance Permit

DVP17-0236



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

1232 Ellis St

and legally known as

Lot 3, District Lot 139, ODYD, Plan KAP60698

and permits the land to be used for the development with variances to the following sections of the Zoning Bylaw 8000:

Schedule 'B' – Comprehensive Development Zones (CD5 – Multi-Purpose Facility)

Section 1.8 [Parking and Loading (b)]

To vary the parking and loading section from "All uses on Lots 2 and 3 as shown on CD5 Map 1, shall be required to provide parking and loading as required by Part III for C-5 (B/L 4500) uses. See Part III of City of Kelowna Zoning Bylaw, 1976, No. 4500, as it existed on May 4, 1998." To "All uses on Lots 2 and 3 as shown on CD5 Map 1, shall be required to provide parking and loading as required by Part III for C-5 (B/L 4500) uses. See Part III of City of Kelowna Zoning Bylaw, 1976, No. 4500, as it existed on May 4, 1998, EXCEPT the parking stall size requirements are to be in accordance with the updated current Zoning Bylaw No. 8000 Section 8 Parking and Loading.

The development has been approved subject to any attached terms and conditions, and to full compliance with the approved plans bearing the stamp of approval and the above described development permit number.

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

Date of Decision: December 5th 2017

Decision By: CITY COUNCIL

Issued Date: **DATE**

Development Permit Area: n/a

File Manager: AC

This permit will not be valid if development has not commenced within 2 years of the council approved Date of Decision.

Existing Zone: CD5 – Multi-Purpose Facility

Future Land Use Designation: MXR – Mixed Use (Residential / Commercial)

This is NOT a Building Permit.

In addition to your Development Permit, a Building Permit may be required prior to any work commencing. For further information, contact the City of Kelowna, Development Services Branch.

NOTICE

This permit does not relieve the owner or the owner's authorized agent from full compliance with the requirements of any federal, provincial or other municipal legislation, or the terms and conditions of any easement, covenant, building scheme or agreement affecting the building or land.

Owner: RG LOT 3 LTD., INC.NO. 556980
Address: 2088-1177 WEST HASTINGS STREET V6E 2K3
City: Vancouver, BC
Phone: n/a

Ryan Smith, Community Planning Department Manager
Community Planning & Strategic Investments

Date

1. SCOPE OF APPROVAL

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

2. CONDITIONS OF APPROVAL

This Development Variance Permit is valid for two (2) years from the Council Date of Decision if applicable, or Community Planning Department Manager approval, with no opportunity to extend.

3. PERFORMANCE SECURITY

n/a.

4. Indemnification

Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

- a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.

All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

**The PERMIT HOLDER is the CURRENT LAND OWNER.
Security shall ONLY be returned to the signatory of the
Landscape Agreement or their designates.**