

City of Kelowna

Regular Council Meeting

AGENDA



Tuesday, February 26, 2019

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 Wooldridge.

3. Confirmation of Minutes

Public Hearing - February 12, 2019

Regular Meeting - February 12, 2019

4. Bylaws Considered at Public Hearing

4.1 Ethel Street 907, BL11752 (TA18-0010) - Emil Anderson Construction Co. Ltd., Inc. No. 172775

1 - 1

To give Bylaw No. 11752 second and third readings in order to amend the Zoning Bylaw No. 8000 to permit Multiple Dwelling Housing for 907 Ethel Street.

4.2 Cariboo Rd 160, BL11753 (Z18-0111) - Akram Shami, Jamileh Shami, Shouwkat Shami

2 - 2

To give Bylaw No. 11753 second and third readings and adopt in order to rezone the subject property from the RR3 - Rural Residential 3 zone to the RR3c - Rural Residential 3 with Carriage House zone.

4.3 Hobson Rd 4389, BL11754 (Z18-0110) - Cody Franson

3 - 3

To give Bylaw No. 11754 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 Taylor Rd 545, BL11757 (Z18-0114) - Jessica Michelle Rypstra

4 - 4

To give Bylaw No. 11757 second and third readings in order to rezone the subject property from the RU1 - Large Lot Housing zone to RU1c Large Lot Housing with Carriage House 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 | BL11758 - Rescinding Housing Agreement Authorization Bylaw No. 9999 | 5 - 5 |
| | To adopt Bylaw No. 11758 in order to rescind housing authorization Bylaw No. 9999. | |
| 6.2 | Fuller Ave 555, OCP18-0013 (BL11713) - City of Kelowna | 6 - 6 |
| | Requires a majority of all members of Council (5). | |
| | To adopt Bylaw No. 11713 in order to change the future land use designation of the subject property. | |
| 6.3 | Fuller Ave 555, Z18-0062 (BL11714) - City of Kelowna | 7 - 7 |
| | To adopt Bylaw No. 11714 in order to rezone the subject property from the RM5 – Medium Density Multiple Housing zone to the C7 – Central Business Commercial zone. | |
| 6.4 | Fuller Ave 555, DP18-0115 and DVP18-0116 - City of Kelowna | 8 - 38 |
| | 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 the form and character of a proposed 5 ½ storey apartment building and to consider variances to reduce the minimum front setback above 16.0 m, to reduce the percentage of required functional commercial, civic, cultural space or ground oriented residential use on the first floor and to reduce the number of required parking stalls. | |
| 6.5 | Highpointe Place 800, DVP18-0178 - Jasbir Kaur Khunkhun | 39 - 49 |
| | 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 vary the required projection for a portion of an existing accessory building's eave into the front yard from 0.6 meters permitted, to existing 1.14 meters proposed. | |

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 height variance for a carriage house from 4.8m permitted, to 6.45m proposed.

7. Reminders

8. Termination

CITY OF KELOWNA

BYLAW NO. 11752

TA18-0010 – 907 Ethel Street

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 **Section 15, I4 – Central Industrial Zone** be amended by adding a new section **15.4.7 Site Specific Uses and Regulations** in its appropriate location that reads:

15.4.7 Site Specific Uses and Regulations

Uses and regulations apply to the I4 – Central Industrial Zone on a site-specific basis as follows:

	<i>Legal Description</i>	<i>Civic Address</i>	<i>Regulation</i>
1.	Lot A Section 30 Township 26ODYD Plan 18927	907 Ethel Street	To allow Multiple dwelling housing as a permitted Principal Use.

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 February, 2019.

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. 11753

Z18-0111 – 160 Cariboo 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 B Section 4 Township 23 Osoyoos Division Yale District Plan 20088, located on Cariboo Road, Kelowna, BC from the RR3 – Rural Residential 3 zone to the RR3c – Rural Residential 3 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 February, 2019.

Considered at a Public Hearing on this

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. 11754

Z18-0110 – 4389 Hobson 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 B District Lot 167 Osoyoos Division Yale District Plan 17542, located on Hobson Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 4th day of February, 2019.

Considered at a Public Hearing on this

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. 11757
Z18-0114 - 545 Taylor Rd

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 Section 22 TWP 26 ODYD 28651 located on Taylor Road, Kelowna, B.C., from the RU1 – Large Lot Housing Zone to the RU1C – Large Lot Housing Zone 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 11th day of February, 2019.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11758

Rescinding Housing Agreement Authorization Bylaw No. 9999

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

1. THAT City of Kelowna Housing Agreement Authorization Bylaw No. 9999, and all amendments thereto, be rescinded.
2. This bylaw may be cited for all purposes as "Bylaw No. 11758, being Rescinding Housing Agreement Authorization Bylaw No. 9999."
3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this 11th day of February, 2019.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11713

Official Community Plan Amendment No. OCP18-0013 555 Fuller Avenue

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 Lot 1 District Lot 139 ODYD Plan EPP78052, located on Fuller Avenue, Kelowna, BC from the MRM – Multiple Unit Residential (Medium Density) designation to the MXR – Mixed Use (Residential / Commercial) 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 3rd day of December, 2018.

Considered at a Public Hearing on the 15th day of January, 2019.

Read a second and third time by the Municipal Council this 15th day of January, 2019.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11714
Z18-0062 – 555 Fuller 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 District Lot 139 ODYD Plan EPP78052, located on Fuller Avenue, Kelowna, BC from the RM5 – Medium Density Multiple Housing zone to the C7 – Central Business Commercial 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 3rd day of December, 2018.

Considered at a Public Hearing on this 15th day of January, 2019.

Read a second and third time by the Municipal Council this 16th day of January, 2019.

Approved under the Transportation Act this

Blaine Garrison

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: February 26, 2019

RIM No. 0940-50

To: City Manager

From: Community Planning Department (LK)

Application: DP18-0115 & DVP18-0116 **Owner:** City of Kelowna

Address: 555 Fuller Avenue **Applicant:** M'akola Development Services

Subject: Development Permit & Development Variance Permit Applications

Existing OCP Designation: MRM – Multiple Unit Residential (Medium Density)

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

Existing Zone: RM5 – Medium Density Multiple Housing

Proposed Zone: C7 – Central Business Commercial

1.0 Recommendation

THAT final adoption of Rescinding Housing Agreement Authorization Bylaw No. 11758 be considered by Council;

AND THAT final adoption of Official Community Plan Map Amending Bylaw No. 11713 and Rezoning Bylaw No. 11714 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP18-0115 for Lot 1 District Lot 139 ODYD Plan EPP78052, located at 555 Fuller Avenue, 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. DVP18-0116 for Lot 1 District Lot 139 ODYD Plan EPP78052, located at 555 Fuller Avenue, Kelowna, BC;

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

Section 14.7.5(h)(i): C7 Central Business Commercial Development Regulations

To vary the required minimum setback above 16.0 m in height from 3.0 m permitted to 0.0 m proposed for any property line abutting a street;

Section 14.7.7(e): C7 Central Business Commercial Other Regulations

To vary the percentage of required functional commercial, civic, cultural space or ground oriented residential use on the first floor from 90% of all street frontages to 52.5% proposed;

Section 8 - Table 8.1: Apartment Housing Parking Schedule

To vary the required minimum number of parking stalls from 88 stalls required to 44 stalls 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 February 26, 2019;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit Application 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.

2.0 Purpose

To consider the form and character of a proposed 5 ½ storey apartment building and to consider variances to reduce the minimum front setback above 16.0 m, to reduce the percentage of required functional commercial, civic, cultural space or ground oriented residential use on the first floor and to reduce the number of required parking stalls.

3.0 Community Planning

The Official Community Plan and Rezoning application conditions identified in OCP18-0013 and Z18-0062 have been completed by the applicant. This includes the Development Engineering requirements as indicated in Attachment 'A'.

Staff are recommending support for the proposed Development Permit and associated variances as the proposal aligns with both the Journey Home Strategy and the Healthy Housing Strategy in its aim to help address the community's housing needs. The form and character of the development is in general accordance with the relevant Development Permit guidelines of the Official Community Plan (OCP). Staff have worked with the applicant to enhance the building's character by including some ground-oriented units on Fuller Ave to help mitigate the over-all scale of the 5 ½ storey building and attempt to provide a more appealing pedestrian interface.

The parcel has a Walk Score of 93 (Walker's Paradise – Daily errands do not require a car) and a Transit Score of 48 with a few nearby transportation options in the area. The site is walking distance to the Queensway Transit Exchange. The development site is in proximity of many nearby amenities including parks, restaurants, shops and recreational opportunities in the immediate area. The site is also in close proximity to the Cawston Avenue multi-use corridor which provides good cycling connectivity to downtown, the Ethel St multi-use corridor, and Rails with Trails.

To fulfill Council Policy No. 367 with respect to public consultation by the applicant provided mail-out information packages to all neighbours within a 50 m radius of the subject property (589 mail-outs). The

applicant also held a public information session on January 15, 2019 at the Pathways building on the subject property at 555 Fuller Avenue. The open house was held from 3 – 5 pm.

4.0 Proposal

4.1 Background

The City of Kelowna owns the project site and has extended a long- term lease to the Pathways Abilities Society. The Society has occupied the existing building for various non-profit purposes since the early 1950's. Due to the proposed development, the Society has secured a new location at 1216 St. Paul Street and have already relocated the 'lost and stolen bike program' to the new space. Should Council support the development proposal, the remaining uses would also be relocated to the new location.

Fuller Avenue was downgraded from a road to a lane for the half block portion of the roadway that extends west of Bertram Street (the length of the development site). Once the roadway was deemed unnecessary, the width was reduced from the existing 10 m width to a 6.0 m lane standard. This surplus area has since been consolidated with the subject property.

4.2 Project Description

The applicant is proposing to construct a 5 ½ storey 68-unit purpose built affordable housing project on the subject property. The project is intended to provide housing for low-income tenants with affordable and lower-than market rents. The units will vary in size to include 9 bachelor units, 40 one-bedroom units and 19 two-bedroom units. The development fronts onto Bertram Street with the primary entry being flanked by a ground-oriented unit on either side to provide a stronger urban interface to the street.

One level of parking is provided (partially above- grade) with access from the rear laneway. There are five floors of dwelling units above the parkade podium. Each unit provides balconies to meet the amenity space requirements. Shared laundry facilities are provided on each floor for the use of the tenants. Each dwelling unit is equipped with a mounting rack to allow bike storage within the suite.

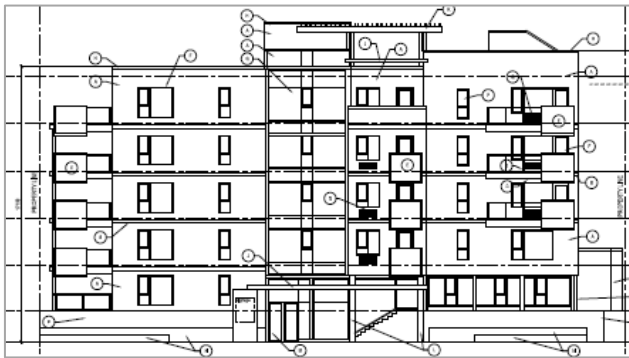


Figure 1 - Initial Submission

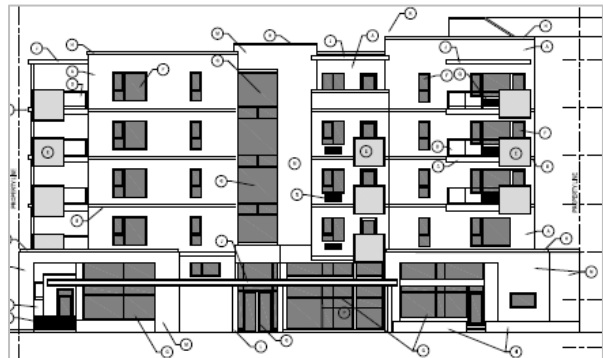


Figure 2 - Amended Submission

Variances

Front Setback: The applicant is requesting a variance to the front setback for the portion of the building above 16.0 m in height from 3.0 m required to 0.0 m proposed. The 3.0 m setback for portions of a building above 16.0 m in height is intended for large scale buildings as a way to provide a defined podium with a step-back in the façade in order to reduce the overall massing of the structure. However, staff is supportive of the variance as it only applies to the top floor balcony canopies along the Bertram Street façade and should have only a minor impact. As a comparison, the RM5 – Medium Density Multiple Housing zone allows for development up to 18.0 m in height.

Commercial Frontage: The second variance request is to reduce the amount of required functional commercial, civic, cultural space or ground oriented residential use on the first floor from 90% of all street frontages to 52.5% proposed. Bertram Street is not identified as a retail street within the C7 – Central Business Commercial zone. For properties, outside of the retail street area, ground-oriented residential is an option in place of commercial uses. Staff have worked with the applicant to revise the project to include a ground-oriented unit on either side of the primary building entry. This entry leads to a functional and accessible lobby space which incorporates an increased amount of glass to provide a more transparent street facing façade. Staff is supportive of the variance request.

Parking Variance: Pathways Abilities Society (Pathways) is proposing a variance to the number of parking stalls from 88 stalls required to 44 stalls proposed. Based on Pathways previous projects of similar scale, they anticipate the demand for parking to be much lower than the current zoning bylaw requirements. The Healthy Housing Strategy also notes that rental apartments have a greater parking efficiency due to their ability to manage the parking stall pool. This allows the development to provide more affordable units due the cost associated with providing structured parking based on zoning bylaw requirements rather than estimated parking demand.

With the reduction of parking stalls, Pathways is providing in-suite bicycle storage along with an on-site bicycle share program. Pathways administers the 'Bikeways' lost and stolen bike program on behalf of the City, and is committing to providing a minimum of four loaner bikes to be located on-site for the use of all tenants. This, along with the sites proximity to the Queensway transit exchange and access to car share programs such as MODO, reduces the need for on-site parking demands.

While Staff is supportive of the project and associated variances as it will provide much needed affordable rental units, there are some concerns regarding the applicant's desire for a parking variance without the appropriate payment to the Downtown Cash-In-Lieu of Parking Bylaw No. 8125. Staff normally ensure all developments downtown with parking relaxations contribute to this program. It would require Pathways to contribute \$990,000.00. The applicant has stated that would significantly add to the projects overall costs and are not prepared to make payment. To date, the City has not been in the practice of waiving these contributions, as the money collected contributes to the construction and over-all costs of maintaining both existing and future public parking facilities. However, there is a growing body of literature acknowledging the high costs of parking and its potential to create barriers for urban development. There are many jurisdictions that are either reducing or eliminating parking requirements and placing greater emphasis on efficient parking management. Staff are currently working on updates to the City's Parking Regulations and will be coming forward to Council with suggested policy changes for consideration.

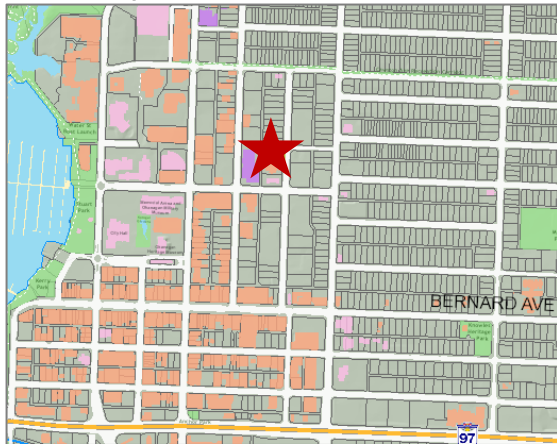
4.3 Site Context

The property is at the intersection of Fuller Ave with Bertram Street within the City Centre Urban Centre.

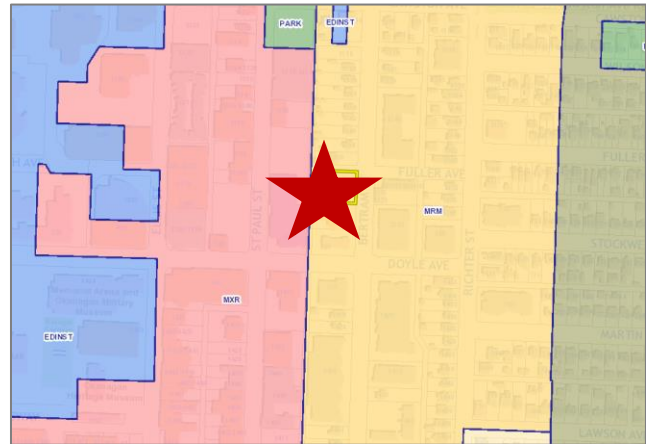
Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 -Two Dwelling Housing	Single Family Dwelling
East	RM5 – Medium Density Multiple Housing	Townhouses, Condo Units
South	P2 – Education & Minor Institutional	Royal Canadian Legion
West	C7 – Central Business Commercial	Daily Courier

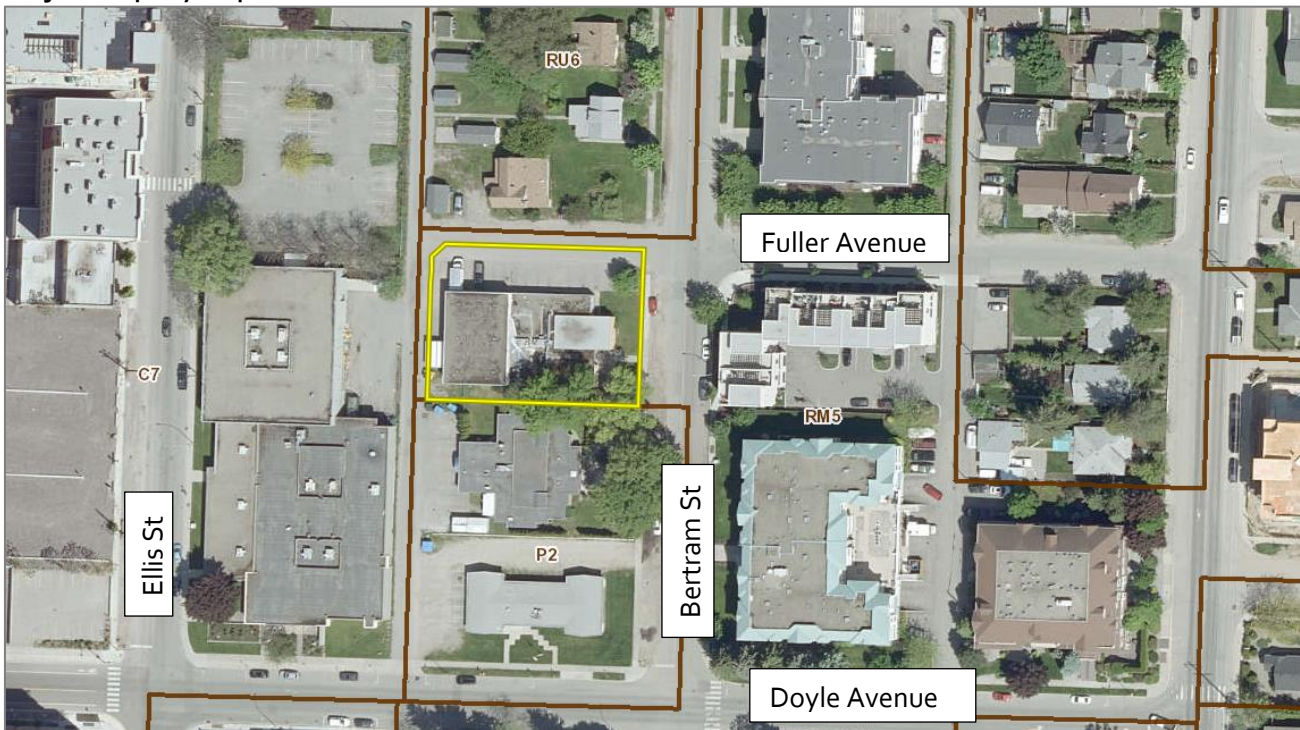
Context Map:



Future Land Use:



Subject Property Map:



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C7 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	200 m ²	1790 m ²
Lot Width	6.0 m	36.51 m
Lot Depth	30.0 m	49.27 m
Development Regulations		
Floor Area Ratio	9.0	2.29
Height	22.0 m	18.21 m

Front Yard (east)	0.0 m	0.0 m
Side Yard (south)	0.0 m	0.0 m
Side Yard (north)	0.0 m	0.0 m
Rear Yard (west)	0.0 m	0.0 m
Front Setback above 16.0 m (east)	3.0 m	0.0 m ^①
Other Regulations		
Minimum Parking Requirements	88 stalls	44 stalls ^②
Bicycle Parking	34 Class I 2 Class II	68 Class I 7 Class II
Private Open Space	739 m ²	1324 m ²
Functional Ground Oriented Residential Use on first floor	90%	52.5% ^③
^① Indicates a requested variance to the front setback of a building above 16.0 m height from 3.0 m required to 0.0 m proposed. ^② Indicates a requested variance to the number of parking stalls from 88 stalls required to 44 stalls proposed. ^③ Indicates a requested variance to the percentage of required functional commercial, civic, cultural space or ground oriented residential use on the first floor from 90% of all street frontages to 52.5% proposed.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Objective 5.9 ¹ Support the creation of affordable and safe rental, non-market and/or special needs housing.

Compact Urban Form. ² Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Healthy Communities. ³ Through current zoning regulations and development processes, foster healthy, inclusive communities and a diverse mix of housing forms, consistent with the appearance of the surrounding neighbourhood.

City Owned Land. ⁴ Continue to consider the potential to lease City-owned land to non-profit housing societies to assist in the delivery of affordable housing.

5.2 Healthy Housing Strategy

Affordability, Quality, Community and Location ⁵ The housing needs of all Kelowna residents are met through affordable, accessible and diverse housing options.

Promote and Protect Rental Housing ⁶ Rental housing plays a vital role in Kelowna's Housing System. Without enough supply, growing demand can result in increased competition for rental units, driving prices up and pushing out those least able to afford the increases.

¹ City of Kelowna Official Community Plan, Objective 5.9 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Policy 5.11.1 (Development Process Chapter).

⁴ City of Kelowna Official Community Plan, Policy 10.3.1 (Social Sustainability Process Chapter).

⁵ Healthy Housing Strategy, Introduction 1.1.

⁶ Healthy Housing Strategy, Introduction 3.1.

6.0 Technical Comments

6.1 Building & Permitting Department

- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

- Refer to Attachment 'A' dated June 7, 2018.

6.3 Ministry of Transportation and Infrastructure (MOTI)

- Preliminary Approval is granted for the rezoning for one year pursuant to Section 52(3)(a) of the Transportation Act.

7.0 Application Chronology

Date of Application Received:	May 18, 2018
Date of OCP Amendment & Rezoning Public Hearing:	January 15, 2019
Date Public Consultation Completed:	January 21, 2019

Report prepared by: Lydia Korolchuk, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion by: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A: Development Engineering Memorandum

Attachment B: MOTI Letter

Attachment C: Draft DP18-0115 & DVP18-0116

Attachment D: Revitalization Area Development Permit Guidelines

Schedule A: Site Plan and Floor Plans

Schedule B: Proposed Elevations & Renderings

Schedule C: Landscape Plan

CITY OF KELOWNA
MEMORANDUM

ATTACHMENT A

This forms part of application

DP18-0115 & DVP18-0116



Planner
Initials LK

Date: June 07, 2018

File No.: Z18-0062

To: Community Planning (LK)

From: Development Engineering Manager (JK)

Subject: 555 Fuller Ave

RM5 to C7

Development Engineering Department have 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 Jason Angus.

.1) General

- a) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement buildings may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.
- b) Provide easements as may be required.
- c) These are Development Engineering comments/requirements and are subject to the review and requirements from the Ministry of Transportation (MOTI) Infrastructure Branch.
- d) The address of this proposed development should be addressed off of Bertram St and not Fuller Ave.

.2) Road Dedication and Subdivision Requirements

- a) Access to the development should be via laneways.
- b) Laneway access from Bertram St should be designed to the SS-C7 standard with a continuous sidewalk at property line.

.3) Geotechnical Study.

- (a) Provide a geotechnical report prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision. The Geotechnical reports must be submitted to the Development Services Department for distribution to the Development Engineering Branch and Inspection Services Division prior

to submission of Engineering drawings or application for subdivision approval:

- i. Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- ii. Site suitability for development.
- iii. Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- iv. Any special requirements for construction of roads, utilities and building structures.
- v. Recommendations for items that should be included in a Restrictive Covenant.
- vi. Recommendations for roof drains, perimeter drains and septic tank effluent on the site.
- vii. Any items required in other sections of this document.

Additional geotechnical survey may be necessary for building foundations, etc

.4) Water

- a) The property is located within the City of Kelowna service area. The existing lot is serviced with a small -diameter water service. Only one service will be permitted to the site or per property. The applicant, at his cost, will arrange for the removal of the existing service and the installation of one new larger metered water service.
- b) The developer's consulting engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs. The bylaw requirement for commercial zoning is 150l/s and is available at the site. If it is determined that upgrades to any other existing water distribution system must be made to achieve the required fire flows, additional bonding will be required.
- c) An approved backflow protection device must also be installed on site as required by the City Plumbing Regulation and Water Regulation bylaws.
- d) A water meter is mandatory for this development and must be installed inside a 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

.5) Sanitary Sewer

- a) The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. Only one service will be permitted for 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.

.6) Drainage

- a) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and provision of a storm drainage service for the development and / or recommendations for onsite drainage containment and disposal systems.
- b) It will be necessary for the developer to construct storm drainage facilities on Bertram Street and the laneway to accommodate road drainage fronting the proposed development.
- c) Provide a detailed Stormwater Management Plan for this development as per the Subdivision, Development and Servicing Bylaw #7900.
- d) There is a possibility of a high water table or surcharging of storm drains during major storm events. This should be considered in the design of the onsite system.

.7) Roads

- a) Bertram Street is designated an urban collector road. Frontage improvements required include curb and gutter, separate sidewalk, piped storm drainage system, road works, landscaped boulevard complete with underground irrigation system, street lights. A modified SS-R5 cross section will be used and provided at the time of design. The design should include up to centreline of the Bertram Street ROW.
- b) The lane way is designated to be constructed to a commercial cross section of SS-R2. Storm drainage system will be required for this laneway.

.9) Power and Telecommunication Services and Street Lights

- a) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground as the subject properties are within the "City Center Urban Center".
- b) Streetlights must be installed on all roads.
- c) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.
- d) Re-locate existing poles and utilities, where necessary. Remove aerial trespass (es).

.10) Design and Construction

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and

all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.

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

.11) Other Engineering Comments

- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands, and for public access to Vaughan Ave via the proposed lane.
- b) If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.

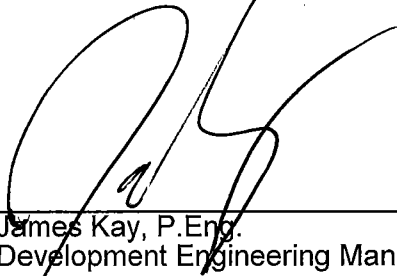
.12) Servicing Agreements for Works and Services

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

.13) Charges and Fees

- a) Development Cost Charges (DCC's) are payable
- b) Fees per the "Development Application Fees Bylaw" include:
 - i) Street/Traffic Sign Fees: at cost if required (to be determined after design).
 - ii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.

- iii) Engineering and Inspection Fee: 3.5% of construction value (plus GST).



James Kay, P.Eng.
Development Engineering Manager
JA

CITY OF KELOWNA
MEMORANDUM

ATTACHMENT A

This forms part of application
DP18-0115 & DVP18-0116



City of
Kelowna
COMMUNITY PLANNING

Planner
Initials LK

Date: June 06, 2018
File No.: OCP18-0013
To: Community Planning (LK)
From: Development Engineering Manager (JK)
Subject: 555 Fuller Ave

MRM - MXR

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

1. General

All the offsite infrastructure and services upgrades are addressed in the Rezoning Engineering Report under file Z18-0062

A large, stylized handwritten signature in black ink, appearing to be 'JK' or similar, written over a horizontal line.

James Kay, P. Eng.
Development Engineering Manager
JA

CITY OF KELOWNA
MEMORANDUM

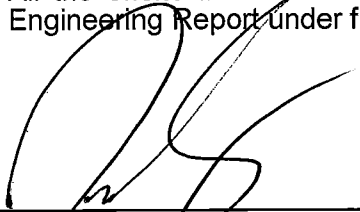
ATTACHMENT		A
This forms part of application # DP18-0115 & DVP18-0116		
Planner Initials	LK	 City of Kelowna COMMUNITY PLANNING

Date: June 6, 2018
File No.: DP18-0115
To: Community Planning (LK)
From: Development Engineer Manager (JK)
Subject: 555 Fuller Ave

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

1. General.

- a) All the offsite infrastructure and services upgrades are addressed in the Rezoning Engineering Report under file Z18-0062.



James Kay, P. Eng.
Development Engineering Manager

JA

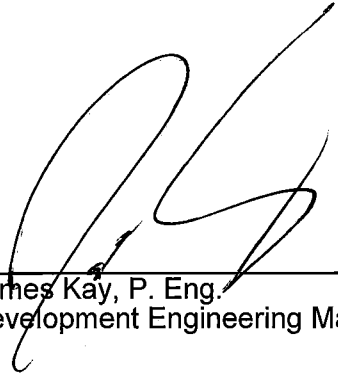
CITY OF KELOWNA
MEMORANDUM

ATTACHMENT		A
This forms part of application # DP18-0115 & DVP18-0116		
Planner Initials	LK	 City of Kelowna <small>COMMUNITY PLANNING</small>

Date: June 6, 2018
File No.: DVP18-0116
To: Community Planning (LK)
From: Development Engineering Manager (JK)
Subject: 555 Fuller Ave

Development Engineering comments and requirements regarding this development permit application are as follows:

This development variance permit application for the form and character of a multiple dwelling housing with variances to the number of parking stalls and the percentage of commercial frontage, does not compromise any municipal services.



James Kay, P. Eng.
Development Engineering Manager

JA



Your File #: Z18-0062
eDAS File #: 2018-02840
Date: Jun/18/2018

ATTACHMENT B

This forms part of application
DP18-0115 & DVP18-0116

Planner
Initials

LK


**City of
Kelowna**
COMMUNITY PLANNING

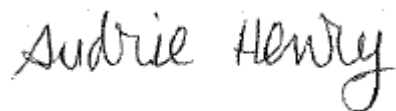
City of Kelowna
1435 Water Street
Kelowna, British Columbia V1Y 1J4
Canada

Re: Proposed Bylaw – RM5-C7:
555 Fuller Avenue, Kelowna

Preliminary Approval is granted for the rezoning for one year pursuant to Section 52(3)(a) of the *Transportation Act*.

If you have any questions please feel free to call Kelowna Development Approvals at (250) 712-3660.

Yours truly,



Audrie Henry
District Development Technician

Local District Address
<p>Kelowna Area Office 300-1358 St. Paul Street Kelowna, BC V1Y 2E1 Canada Phone: (250) 712-3660 Fax: (250) 712-3669</p>

Development Permit & Development Variance Permit DP18-0115 & DVP18-0116

ATTACHMENT C	
This forms part of application # DP18-0115 & DVP18-0116	
Planner Initials	LK



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

555 Fuller Avenue

and legally known as

Lot 1 District Lot 139 ODYD Plan EPP78052

and permits the land to be used for the following development:

68-unit purpose built rental apartment building

USE as per Zoning Bylaw

Apartment Housing

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

Date of Council Decision February 26, 2019

Decision By: Community Planning

Development Permit Area: Revitalization

This permit will not be valid if development has not commenced by February 26, 2021.

Existing Zone: C7 Future Land Use Designation: MXR

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: City of Kelowna

Applicant: M'akola Development Services

Ryan Smith
Community Planning Department Manager
Community Planning & Strategic Investments

Date

1. SCOPE OF APPROVAL

This Development Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Development Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this permit, noted in the Terms and Conditions below.

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 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

- a) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";
- c) Landscaping to be provided on the land be in accordance with Schedule "C"; and
- d) 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.

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

3. PERFORMANCE SECURITY

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Developer and be paid to the Developer or his or her designate if the security is returned. The condition of the posting of the security is that should the Developer fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use enter into an agreement with the property owner of the day to have the work carried out, and any surplus shall be paid over to the property own of the day. Should the Developer carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Developer or his or her designate. There is filed accordingly:

- a) An Irrevocable Letter of Credit in the amount of **\$18,043.75** or
- b) A certified cheque in the amount of **\$18,043.75**

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

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

Revitalization Development Permit Area

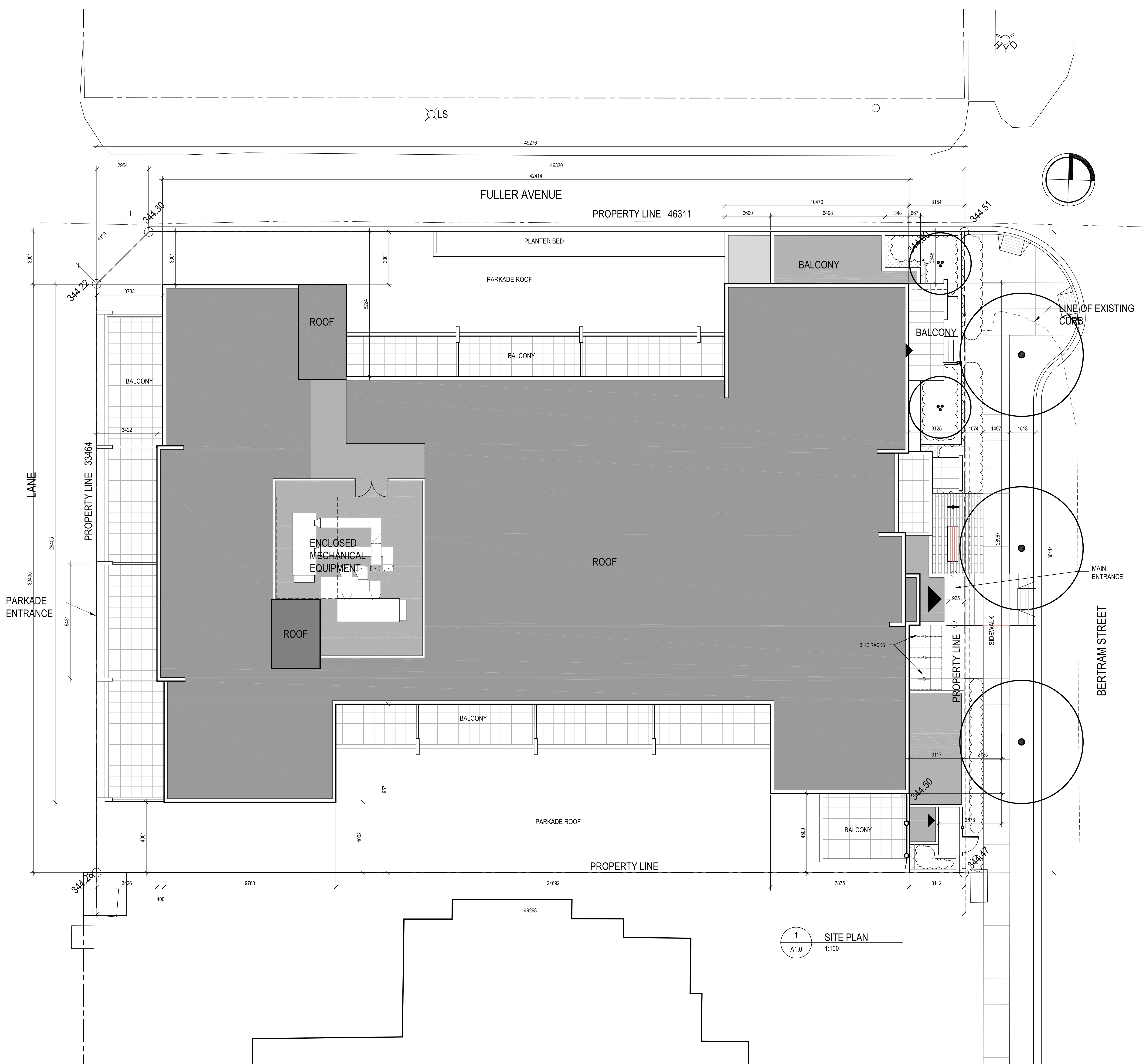
Consideration has been given to the following guidelines as identified in Section 14.B. of the City of Kelowna Official Community Plan relating to Revitalization Development Permit Areas.

 Planner
Initials

LK

REVITALIZATION DEVELOPMENT PERMIT AREA	YES	NO	N/A
Relationship to the Neighbourhood and Street			
Does the proposal maintain the established or envisioned architectural character of the neighbourhood?	✓		
Do developments adjacent to non-revitalization areas create an appropriate transition?			✓
Are spaces for pedestrian friendly amenities, such as street furniture, included on site?		✓	
Is the ratio of streetwall height to street width less than 0.75:1?	✓		
Does the building frontage occupy the entire length of the street, without drive aisles or other dead zones?	✓		
Building Design			
Are architectural elements aligned from one building to the next?			✓
Are the effects of shadowing on public areas mitigated?	✓		
Are doors or windows incorporated into at least 75% of street frontage?	✓		
Do proposed buildings have an identifiable base, middle and top?	✓		
Are windows, entrances, balconies and other building elements oriented towards surrounding points of interest and activity?	✓		
Are architectural elements such as atriums, grand entries and large ground-level windows used to reveal active interior spaces?	✓		
Are buildings designed with individual entrances leading to streets and pathways rather than with mall style entrances and internal connections?		✓	
For multiple unit residential projects, is ground level access for first storey units provided?	✓		
Are buildings finished with materials that are natural, local, durable and appropriate to the character of the development?	✓		
Are prohibited materials such as vinyl siding, reflective or non-vision glass, plastic, unpainted or unstained wood, and concrete block not used in the design?	✓		
Are stucco and stucco-like finishes omitted as a principal exterior wall material?		✓	
Are vents, mechanical rooms/equipment and elevator penthouses integrated with the roof or screened with finishes compatible with the building's design?	✓		
View Corridors			
Are existing views preserved and enhanced?			✓
Vehicular Access and Parking			
Are at-grade and above-grade parking levels concealed with façade treatments?			✓
Are garage doors integrated into the overall building design?	✓		

REVITALIZATION DEVELOPMENT PERMIT AREA	YES	NO	N/A
Are pedestrian entrances more prominent features than garage doors and vehicle entrances?	✓		
Is surface parking located to the rear of the building or interior of the block?			✓
Are truck loading zones and waste storage areas screened from public view?	✓		
Do parking lots have one shade tree per four parking stalls?			✓
Are pedestrian connections provided within and between parking lots?			✓
Are driving, parking, pedestrian and cycling areas distinguished through changes in colour or pattern of paving materials?			✓
Signage			
Is signage design consistent with the appearance and scale of the building?			✓
Are corporate logos on signs complimentary to the overall building character?			✓
Is signage lighting minimized?			✓
Public Art			
Is public art incorporated into the project?		✓	



LEGAL ADDRESS:

LOT A
PLAN 86241
DL 139

MUNICIPAL ADDRESSES:

555 FULLER AVENUE

ZONING:

CURRENT: RM5
REQUESTED: C7

PROJECT AREAS :

LOT AREA: 1790 m2
BUILDING AREA:
PARKING LEVEL 1676m2
FIRST FLOOR 1000m2
SECOND FLOOR 999m2
3RD FLOOR 999m2
4th FLOOR 999m2
5TH FLOOR 991m2
GROSS FLOOR AREA: 6686m2

FLOOR AREA RATIO CALCULATIONS:

ALLOWABLE F.A.R. = 9.0
MAX BLDG. AREA - 1790 X 9 = 16110

PROJECT FAR

NET FLOOR AREA = 4102m2
LOT AREA = 1790
PROJECT FAR = 2.29

SITE COVERAGE :

SITE AREA 1790m2
BLDG. AREA 1668m2
COVERAGE 94%

REQUIRED SETBACKS :

SIDE YARD SETBACK: 0.0m (3M ABOVE 16M TO STREET)
FRONT YARD SETBACK: 0.0m (3M ABOVE 16M)
SIDE YARD TO ADJACENT PROPERTY: 0m(4M ABOVE 14M)
REAR YARD SETBACK: 0.0m

ALLOWABLE HEIGHT:

MAX. HEIGHT: 22m
ACTUAL HEIGHT - 18.206m

GEODETIC ELEVATIONS

MAIN FLOOR EL. 346.41
PARAPET EL. 362.61

PRIVATE OPEN SPACE REQUIREMENTS:

BACHELOR - 6.0 m2 REQUIRED
ONE BED - 10.0 m2 REQUIRED
TWO BED - 15.0 m2 REQUIRED
739 m2 - REQUIRED
1,324 m2 - PROVIDED

ALL AREA PROVIDED WITH BALCONIES, LANDSCAPED AREAS AT THE FRONT OF THE BUILDING AND PRIVATE COMMON ROOM ON SECOND FLOOR

PARKING REQUIREMENTS:

REQUIRED PARKING:
BACHELOR - 9 UNITS X 1.0 = 9
ONE BED - 40 UNITS X 1.25 = 50
TWO BED - 19 UNITS X 1.5 = 29
TOTAL REQUIRED = 88 STALLS
PARKING PROVIDED = 45 STALLS

RESIDENTIAL DWELLINGS

68 UNITS

BICYCLE PARKING

CLASS I: 0.5 PER DWELLING UNIT
0.5 X 68 = 34
PROVIDED - 1 PER DWELLING UNIT IN EACH UNIT
CLASS II: 0.1 PER DWELLING UNIT
0.1 X 68 = 6.8
PROVIDED = 7

PARKING VARIANCE REQUEST

44 PARKING STALLS

ISSUE	NO.	DATE
BC Housing review	1	April 6, 2018
DP Submission	2	May 5, 2018
DP Revisions	3	August 16, 2018
DP Revisions	4	September 17, 2018
DP Revisions	5	October 2, 2018
DP Revisions	6	October 15, 2018

PROFESSIONAL SEAL(s)
CONSULTANTS
DiStefano Jaud, Architecture

SCHEDULE

A

This forms part of application

DP18-0115 & DVP18-0116

City of Kelowna

COMMUNITY PLANNING

Planner Initials

LK

Copyright: Plans, sketches, graphic representations and specifications as instruments of service are, whether executed or not the project shall remain the property of DiStefano Jaud Architecture Inc.. You may retain copies, including reproducible copies, of these sketches, drawings, graphic representations and specifications for information and reference in connection with your use and occupancy of the project. Except for reference purposes, the plans, sketches, drawings, graphic representations and specifications shall not be used for additions or alterations to the project or any other project. All parts of these drawings shall not be reproduced or used without the permission of the designer.

The contractor shall verify all dimensions and specifications before and during the construction project. Any errors, omissions and misunderstanding must be reported to the Architect.

DiStefano Jaud Architecture

DISTEFANO JAUD ARCHITECTURE
3 - 1331 Ellis Street
Kelowna, British Columbia, V1Y 1Z9
T 250 868-9278 F 250 868-9217
WWW.DISTEFANOJAUD.COM

PROJECT
Pathways Abilities

PROJECT NUMBER
DJA 2017-24

PROJECT LOCATION
Kelowna

SHEET TITLE
Site Plan

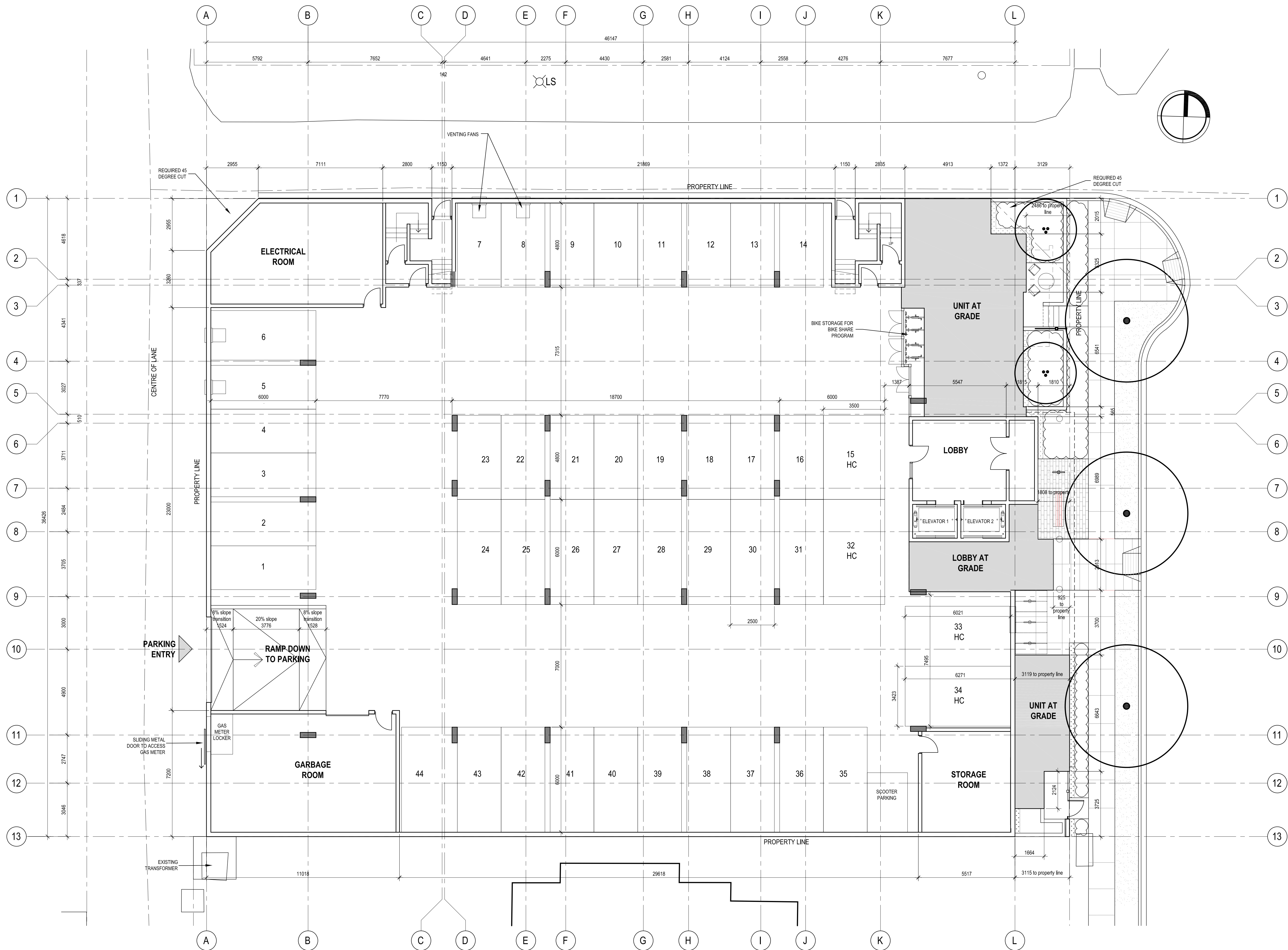
DATE
October 15, 2018

SHEET NUMBER

A1.0

SCALE
1:100

1 SITE PLAN
A1.0 1:100



ISSUE	NO.	DATE
BC Housing review	1	April 6, 2018
DP Submission	2	May 5, 2018
DP Revisions	3	August 16, 2018
DP Revisions	4	September 17, 2018
DP Revisions	5	October 15, 2018

PROFESSIONAL SEAL(s)
CONSULTANTS
DiStefano Jaud, Architecture

SCHEDULE A
This forms part of application
DP18-0115 & DVP18-0116
Planner Initials LK
City of Kelowna
COMMUNITY PLANNING

Robert Turik (retired)
CONSULTING ARCHITECT

Copyright: Plans, sketches, graphic representations and specifications as instruments of service are, whether executed or not, the property of DiStefano Jaud Architecture Inc. You may retain copies, including reproducible copies, of any sketches, drawings, graphic representations and specifications for information and reference in connection with your use and occupancy of the project. Except for reference purposes, the plans, sketches, drawings, graphic representations and specifications shall not be used for additions or alterations to the project or any other project. All parts of these drawings shall not be reproduced or used without the permission of the designer.
The contractor shall verify all dimensions and specifications before and during the construction project. Any errors, omissions and misunderstanding must be reported to the Architect.

DiStefano Jaud Architecture

DISTEFANO JAUD ARCHITECTURE
3 - 1331 Ellis Street
Kelowna, British Columbia, V1Y 1Z9
T 250 868-9278 F 250 868-9217
WWW.DISTEFANOJAUD.COM

PROJECT
Pathways Abilities Society

PROJECT NUMBER
DJA 2017-24

PROJECT LOCATION
Fuller Ave. Kelowna

SHEET TITLE
Parking Plan

DATE
October 15, 2018

SHEET NUMBER

A2.0

SCALE
1:100

1
A2.0
PARKING LEVEL
1:100

ISSUE	NO.	DATE
BC Housing review	1	April 6, 2018
DP Submissions	2	May 5, 2018
DP Revisions	3	August 16, 2018
DP Revisions	4	September 17, 2018
DP Revisions	5	October 15, 2018

PROFESSIONAL SEAL(S)
CONSULTANTS
DiStefano Jaud, Architecture

SCHEDULE

This forms part of application
DP18-0115 & DVP18-0116

Planner Initials
LK

A


City of
Kelowna
COMMUNITY PLANNING

Robert Turik (retired)
CONSULTING ARCHITECT

Copyright: Plans, sketches, graphic representations and specifications as instruments of service are, whether in executed or not the project shall remain the property of DiStefano Jaud Architecture Inc. You may retain copies, including reproducible copies, of these sketches, drawings, graphic representations and specifications for information and reference in connection with your use and occupancy of the project. Except for reference purposes, the plans, sketches, drawings, graphic representations and specifications shall not be used for additions or alterations to the project or any other project. All parts of these drawings shall not be reproduced or used without the permission of the designer.

The contractor shall verify all dimensions and specifications before and during the construction project. Any errors, omissions and misunderstanding must be reported to the Architect.

DiStefano Jaud Architecture

DISTEFANO JAUD ARCHITECTURE
3 - 1331 Ellis Street
Kelowna, British Columbia, V1Y 1Z9
T 250 868-9278 F 250 868-9217
WWW.DISTEFANOJAUD.COM

PROJECT
Pathways Abilities Society

PROJECT NUMBER
DJA 2017-24

PROJECT LOCATION
Fuller ave. Kelowna

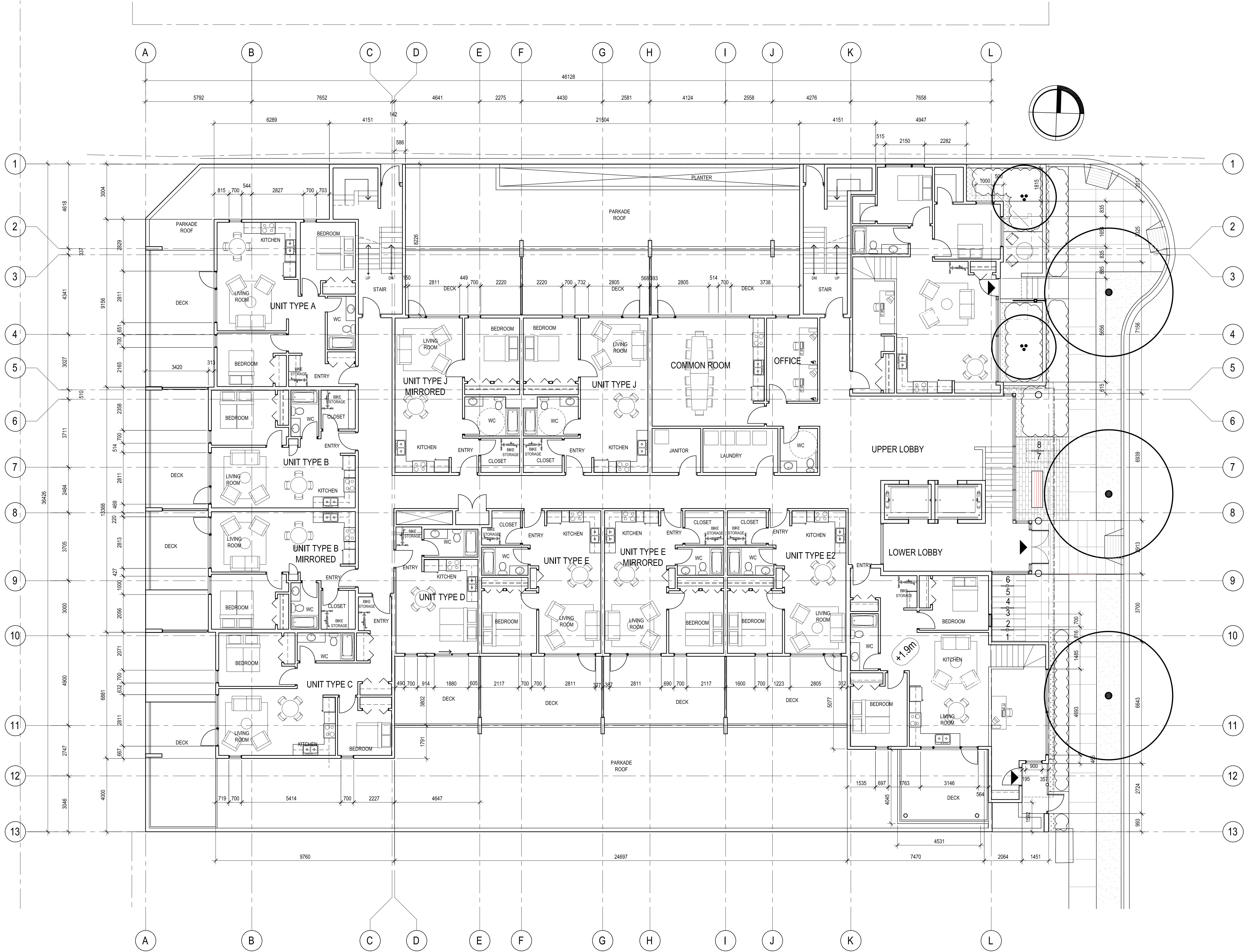
SHEET TITLE
First Floor Plan

DATE
October 15, 2018

SHEET NUMBER

A2.1

SCALE
1:100



1
A2.1
LEVEL 1
1:100

ISSUE	NO.	DATE
BC Housing review	1	April 6, 2018
DP Submission	2	May 5, 2018
DP Revisions	3	August 15, 2018
DP Revisions	4	September 17, 2018
DP Revisions	5	October 15, 2018

PROFESSIONAL SEAL(s)
CONSULTANTS
DiStefano Jaud, Architecture

SCHEDULE

This forms part of application
DP18-0115 & DVP18-0116

Planner
Initials

LK

City of Kelowna

COMMUNITY PLANNING

Robert Turik (retired)
CONSULTING ARCHITECT

Copyright: Plans, sketches, graphic representations and specifications as instruments of service are, whether in executed or not the project shall remain the property of DiStefano Jaud Architecture Inc. No may retain copies, including reproducible copies, of any sketches, drawings, graphic representations and specifications for information and reference in connection with your use and occupancy of the project. Except for reference purposes, the plans, sketches, drawings, graphic representations and specifications shall not be used for additions or alterations to the project or any other project. All parts of these drawings shall not be reproduced or used without the permission of the designer.

The contractor shall verify all dimensions and specifications before and during the construction project. Any errors, omissions and misunderstanding must be reported to the Architect.

DiStefano Jaud Architecture

DISTEFANO JAUD ARCHITECTURE
3 - 1331 Ellis Street
Kelowna, British Columbia, V1Y 1Z9
T 250 868-9278 F 250 868-9217
WWW.DISTEFANOJAUD.COM

PROJECT
Pathways Abilities Society

PROJECT NUMBER
DJA 2017-24

PROJECT LOCATION
Fuller Ave. Kelowna

SHEET TITLE
Second Floor Plan

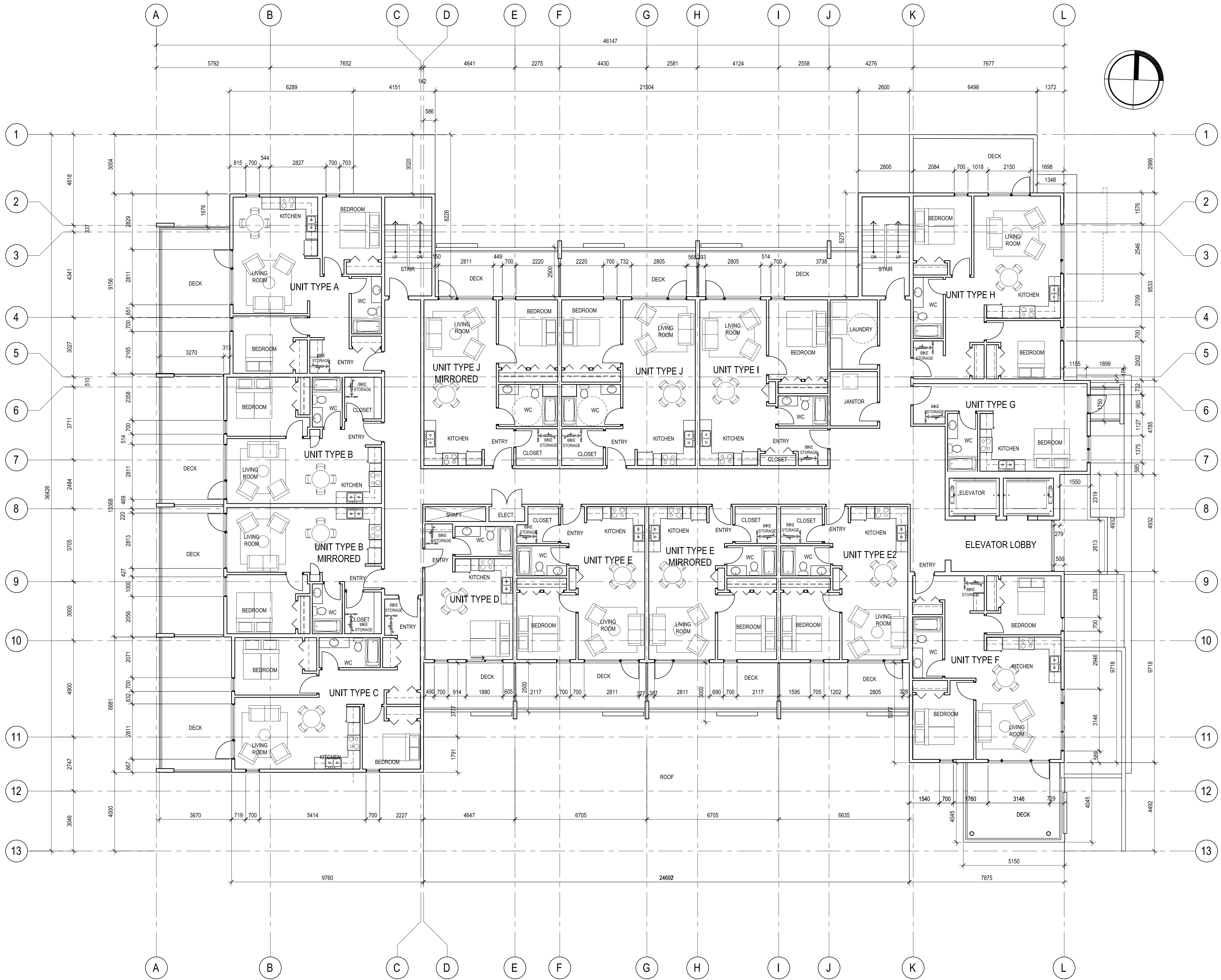
DATE
October 15, 2018

SHEET NUMBER

A2.2

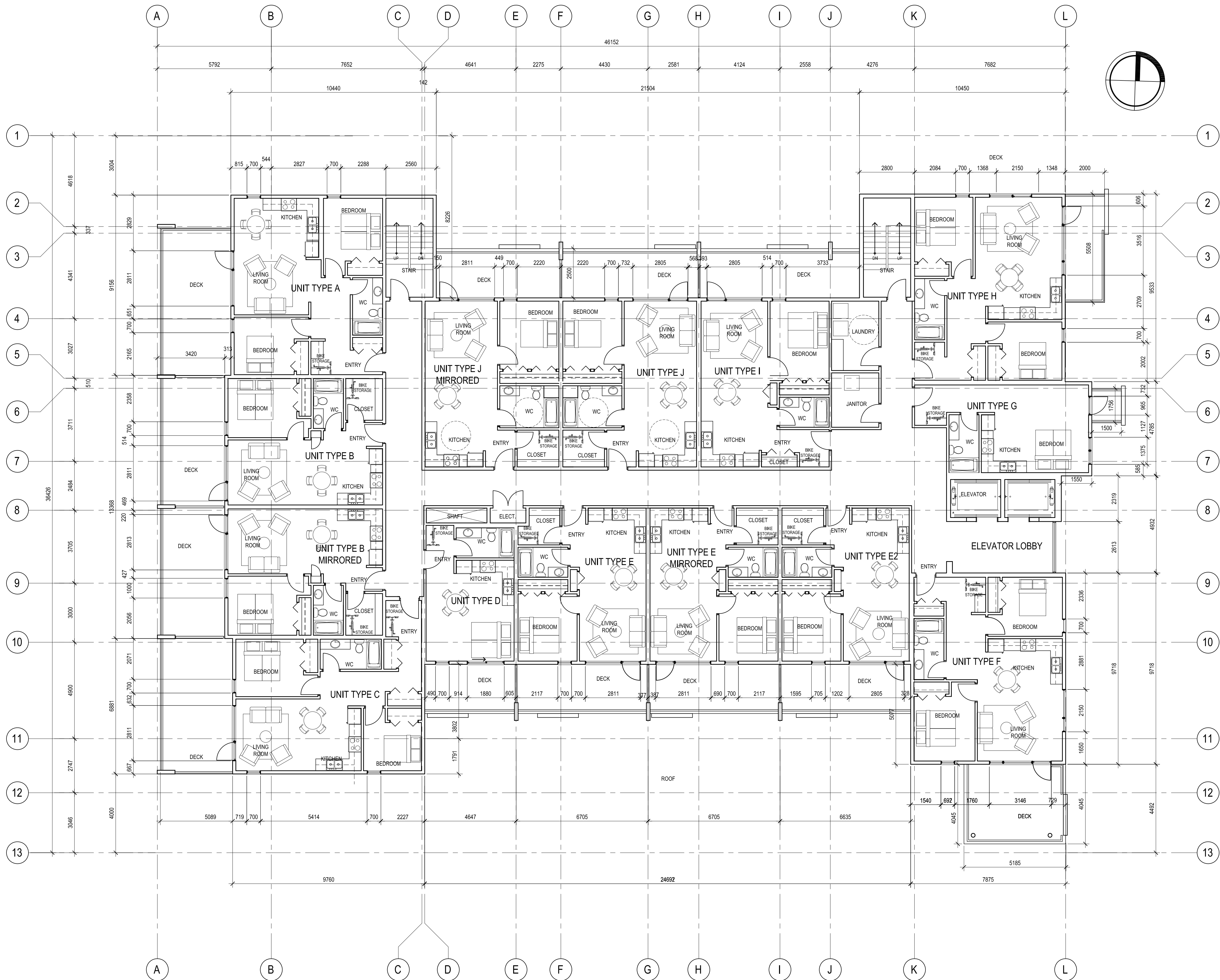
SCALE

1:100



1
A2.2

LEVEL 2
1:100



ISSUE	NO.	DATE
BC Housing review	1	April 6, 2018
DP Submissions	2	May 5, 2018
DP Revisions	3	August 15, 2018
DP Revisions	4	September 17, 2018
DP Revisions	5	October 15, 2018

PROFESSIONAL SEAL(s)
CONSULTANTS
DiStefano Jaud, Architecture

SCHEDULE

This forms part of application

DP18-0115 & DVP18-0116

Planner Initials LK

City of Kelowna

COMMUNITY PLANNING

Robert Turik (retired)
CONSULTING ARCHITECT

Copyright: Plans, sketches, graphic representations and specifications as instruments of service are, whether in executed or not the project shall remain the property of DiStefano Jaud Architecture Inc. You may retain copies, including reproducible copies, of these sketches, drawings, graphic representations and specifications for information and reference in connection with your use and occupancy of the project. Except for reference purposes, the plans, sketches, drawings, graphic representations and specifications shall not be used for additions or alterations to the project or any other project. All parts of these drawings shall not be reproduced or used without the permission of the designer.

The contractor shall verify all dimensions and specifications before and during the construction project. Any errors, omissions and misunderstanding must be reported to the Architect.

DiStefano Jaud Architecture

DISTEFANO JAUD ARCHITECTURE
3 - 1331 Ellis Street
Kelowna, British Columbia, V1Y 1Z9
T 250 868-9278 F 250 868-9217
WWW.DISTEFANOJAUD.COM

PROJECT
Pathways Abilities Society

PROJECT NUMBER
DJA 2017-24

PROJECT LOCATION
Fuller Ave. Kelowna

SHEET TITLE
**Third Floor Plan
Fourth Floor Plan**

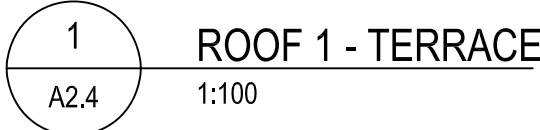
DATE
October 15, 2018

SHEET NUMBER

A2.3

SCALE
1:100

1
A2.3
LEVEL 3-4
1:100

34

ISSUE	NO.	DATE
BC Housing review	1	April 6, 2018
DP Submission	2	May 6, 2018
DP Revisions	3	August 16, 2018
DP Revisions	4	September 17, 2018
DP Revisions	5	October 2, 2018
DP Revisions	6	October 15, 2018

PROFESSIONAL SEAL(s)
CONSULTANTS
DiStefano Jaud, Architecture

SCHEDULE
This forms part of application
DP18-0115 & DVP18-0116
Planner Initials **LK**

B
City of
Kelowna
COMMUNITY PLANNING

Copyright: Plans, sketches, graphic representations and specifications are instruments of service and, whether it is executed or not, the project shall remain the property of DiStefano Jaud Architecture Inc.. You may retain copies, including reproducible copies, of plans, sketches, drawings, graphic representations and specifications for information and reference in connection with your use and occupancy of the project. Except for reference purposes, the plans, sketches, drawings, graphic representations and specifications shall not be used for additions or alterations to the project or any other project. All parts of these drawings shall not be reproduced or used without the permission of the designer.

The contractor shall verify all dimensions and specifications before and during the construction project. Any errors, omissions and misunderstanding must be reported to the Architect.

DiStefano Jaud Architecture

DISTEFANO JAUD ARCHITECTURE
3 - 1331 Ellis Street
Kelowna, British Columbia, V1Y 1Z9
T 250 868-9278 F 250 868-9217
WWW.DISTEFANOJAUD.COM

PROJECT
**Pathways Abilities Society
Apartment Complex**

PROJECT NUMBER
DJA 2017-24

PROJECT LOCATION
555 Fuller Avenue, Kelowna, BC

SHEET TITLE
Building Elevations

DATE
October 15, 2018

SHEET NUMBER

A3.1

SCALE

1:100



ISSUE	NO.	DATE
BC Housing review	1	April 6, 2018
DP Submission	2	May 5, 2018
DP Revisions	3	August 16, 2018
DP Revisions	4	September 17, 2018
DP Revisions	5	October 2, 2018
DP Revisions	6	October 15, 2018

PROFESSIONAL SEAL(S)
CONSULTANTS
DiStefano Jaud, Architecture

SCHEDULE
This forms part of application
DP18-0115 & DVP18-0116
Planner Initials **LK**

B

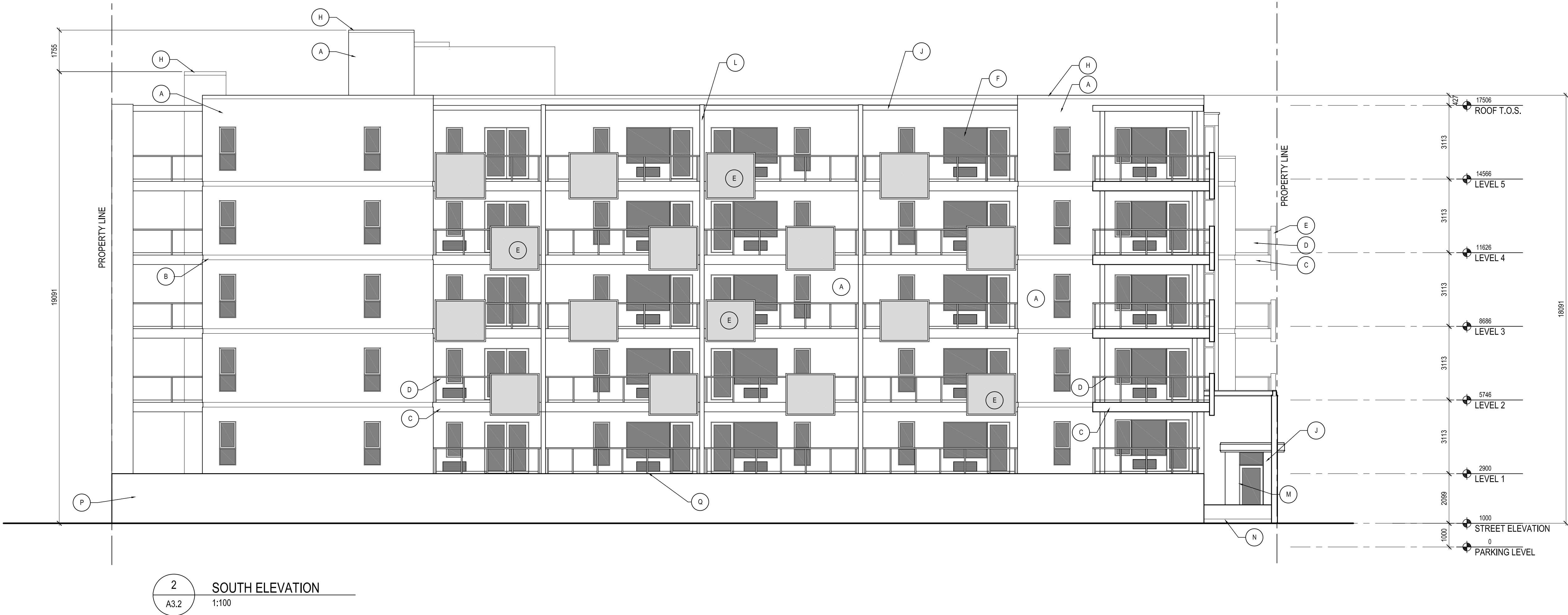
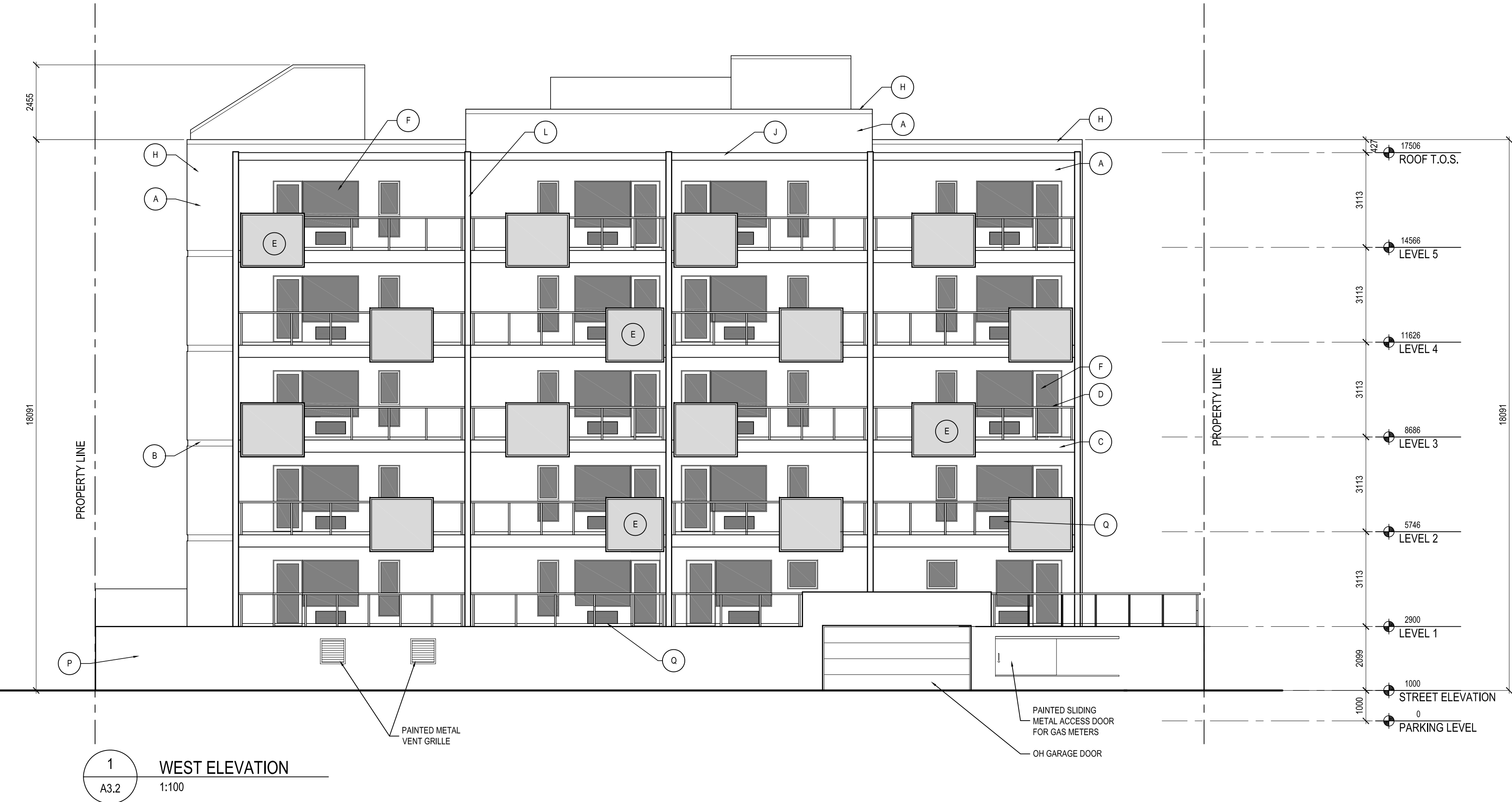
City of
Kelowna
COMMUNITY PLANNING

Copyright: Plans, sketches, graphic representations and specifications as instruments of service are, whether in executed or not the project shall remain the property of DiStefano Jaud Architecture Inc. You may retain copies, including reproducible copies, of plans, sketches, drawings, graphic representations and specifications for information and reference in connection with your use and occupancy of the project. Except for reference purposes, the plans, sketches, drawings, graphic representations and specifications shall not be used for additions or alterations to the project or any other project. All parts of these drawings shall not be reproduced or used without the permission of the designer.

The contractor shall verify all dimensions and specifications before and during the construction project. Any errors, omissions and misunderstanding must be reported to the Architect.

EXTERIOR CLADDING LEGEND

TYPE	DESCRIPTION
A	METAL SIDING
B	METAL FLASHING EXPANSION JOINT
C	METAL CLAD BALCONY EDGE
D	PAINTED METAL RAILING WITH GLASS PANEL
E	ALUMINUM FRAMED SPANDREL PANEL WITH COLOURED GLASS
F	VINYL WINDOWS / DOORS
G	ALUMINUM WINDOWS
H	METAL FLASHING
J	METAL CLAD CANOPY WITH STAINED WOOD SOFFIT
L	STEEL COLUMN
M	STUCCO
N	RAISED CONCRETE PLANTER
O	DECORATIVE METAL FENCE AND GATE
P	COLOURED CONCRETE WALL - TEXTURED
Q	THROUGH WALL AC UNITS
	WINDOWS



DiStefano Jaud Architecture

DISTEFANO JAUD ARCHITECTURE
3 - 1331 Ellis Street
Kelowna, British Columbia, V1Y 1Z9
T 250 868-9278 F 250 868-9217
WWW.DISTEFANOJAUD.COM

PROJECT
**Pathways Abilities Society
Apartment Complex**

PROJECT NUMBER
DJA 2017-24

PROJECT LOCATION
555 Fuller Avenue, Kelowna, BC

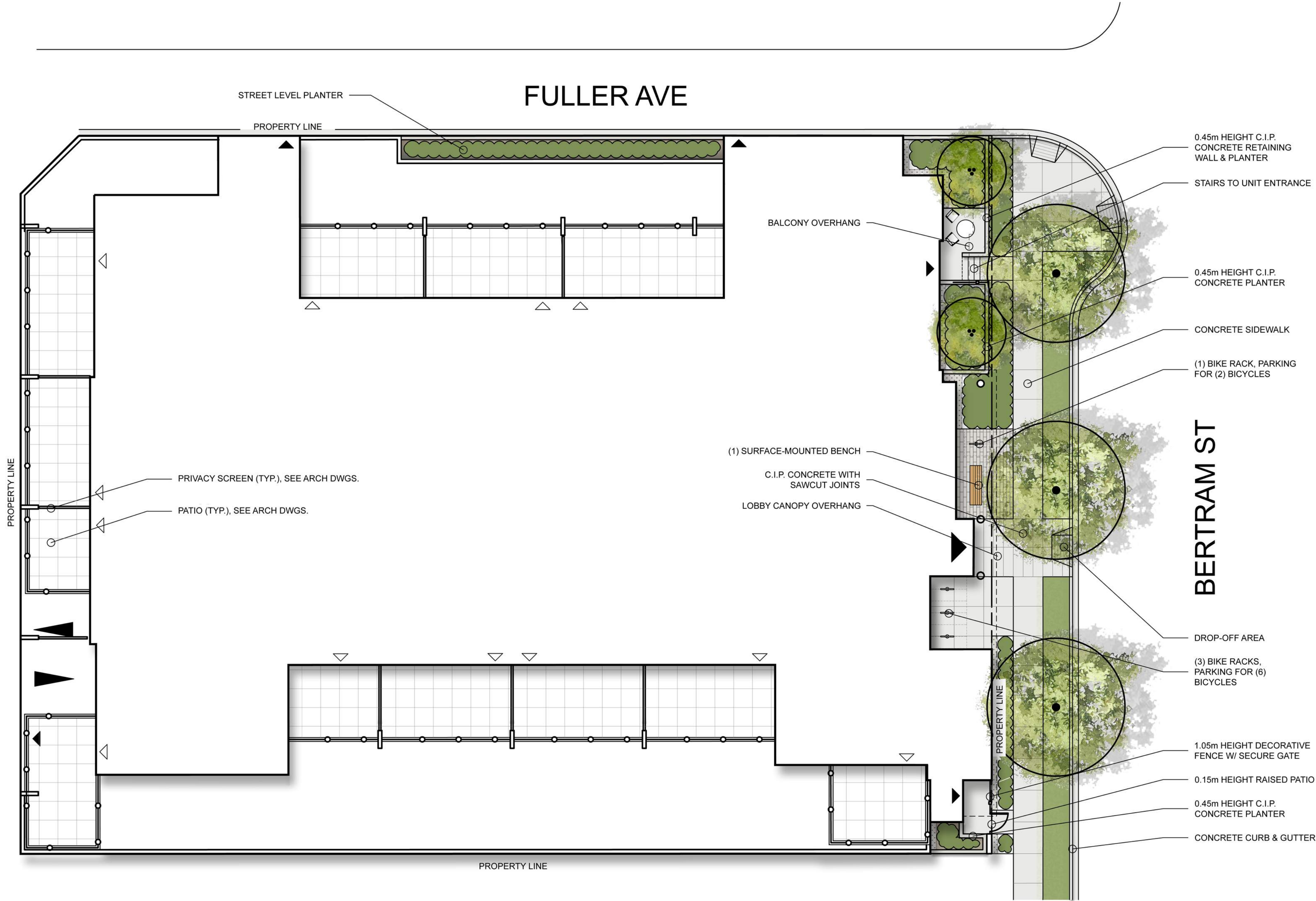
SHEET TITLE
Building Elevations

DATE
October 15, 2018

SHEET NUMBER

A3.2

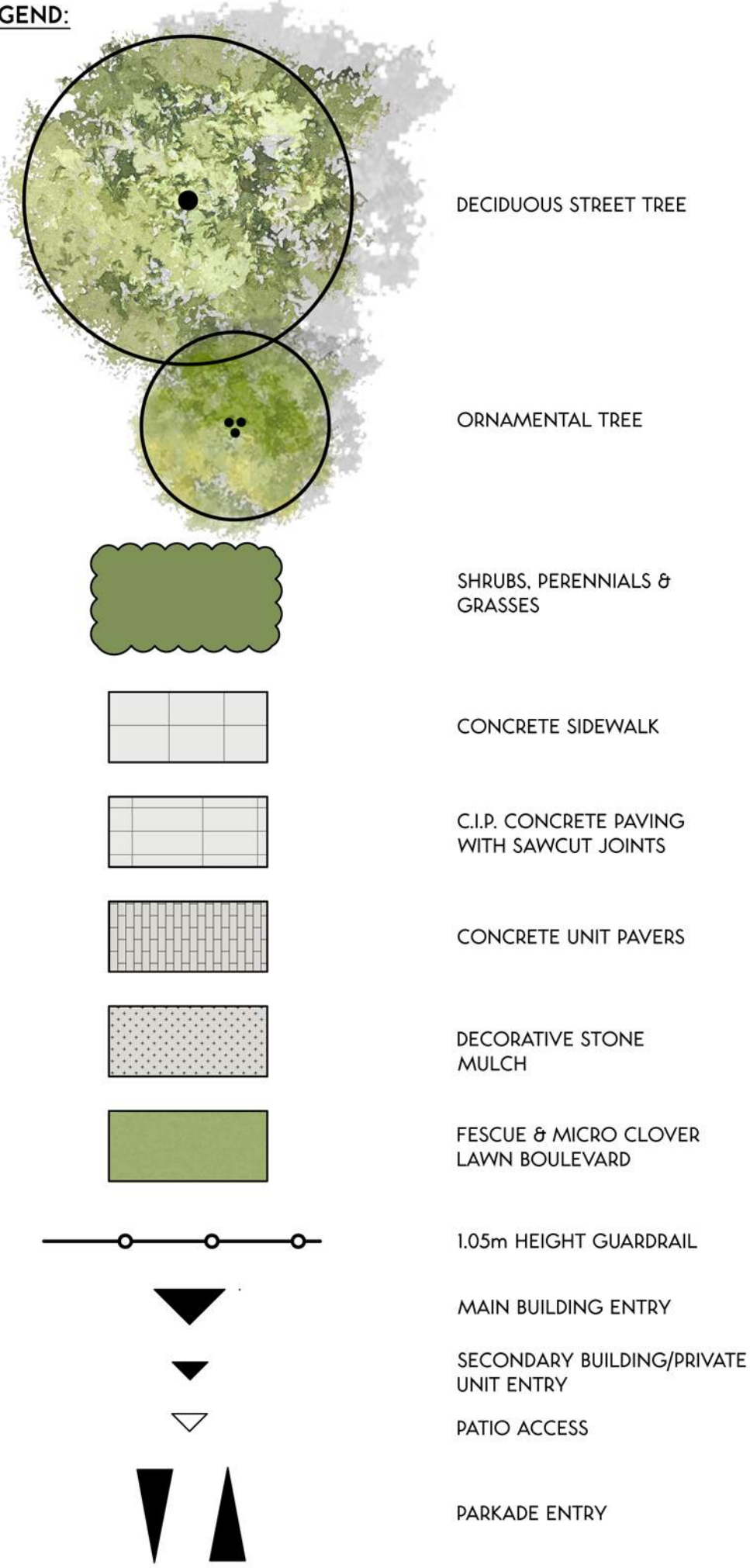
SCALE
1:100



PLANT LIST:

TREES			
Botanical Name	Common Name	Size/Spacing	Root
<i>Carpinus caroliniana</i>	American hornbeam	6cm Cal.	B&B
<i>Hamamelis x intermedia</i> 'Jelena'	Jelena witchhazel	1.5m Ht.	B&B
SHRUBS & VINES			
Botanical Name	Common Name	Size/Spacing	Root
<i>Cornus sericea</i> 'Kelseyi'	Kelsey dwarf dogwood	#02 Cont./0.75m O.C.	Potted
<i>Hydrangea anomala</i> ssp. <i>petiolaris</i>	Climbing hydrangea	#01 Cont./1m O.C.	Potted
<i>Hydrangea paniculata</i> 'ILVOBO'	Bobo hydrangea	#02 Cont./1.25m O.C.	Potted
<i>Paxistima canbyi</i>	Cliffgreen	#02 Cont./1m O.C.	Potted
<i>Spiraea betulifolia</i> 'Tor Gold'	Glow Girl spirea	#02 Cont./1m O.C.	Potted
PERENNIALS			
Botanical Name	Common Name	Size/Spacing	Root
<i>Echinacea purpurea</i> 'White Swan'	Coneflower	#01 Cont./0.6m O.C.	Potted
<i>Geranium sanguineum</i> 'Album'	Bloody cranesbill	#01 Cont./0.6m O.C.	Potted
<i>Hemerocallis</i> 'Stella d'Oro'	Stella d'Oro daylily	#01 Cont./0.5m O.C.	Potted
GRASSES			
Botanical Name	Common Name	Size/Spacing	Root
<i>Calamagrostis acutiflora</i> 'Karl Foerster'	Karl Foerster feather reed grass	#01 Cont./0.75m O.C.	Potted
<i>Panicum virgatum</i> 'Heavy Metal'	Heavy Metal switch grass	#01 Cont./0.6m O.C.	Potted

LEGEND:



DEVELOPMENT PERMIT NOTES:

- A PLANT MATERIALS AND CONSTRUCTION METHODS SHALL CONFORM TO MINIMUM STANDARDS ESTABLISHED IN THE LATEST EDITION OF THE B.C. LANDSCAPE STANDARDS, PUBLISHED BY B.C.L.N.A. AND B.C.S.L.A. AS WELL AS THE CITY OF KELOWNA LANDSCAPE STANDARDS IN BYLAW 7900.
- B THE LANDSCAPE DESIGN DESIGNATED HEREIN IS CONCEPTUAL BUT REFLECTS THE MINIMUM CITY OF KELOWNA FORM AND CHARACTER REQUIREMENTS
- C PLANT MATERIAL SELECTIONS ARE CONCEPTUAL ONLY. FINAL PLANTING SELECTIONS MAY VARY DEPENDING UPON AVAILABILITY AT THE TIME OF CONSTRUCTION.
- D TREES SHALL BE INSTALLED IN DEFINED SOIL PITS OR PLANTING BED AREAS. ADEQUATE SOIL VOLUME SHALL BE PROVIDED BASED ON THE SPECIFIED TREE SPECIES AND LOCATION.
- E ORNAMENTAL SHRUB, GRASS AND PERENNIALS ARE TO BE PLACED WITHIN DEFINED PLANTING BEDS. ALL PLANTING BEDS SHALL HAVE A MIN. OF 450mm (18") IMPORTED GROWING MEDIUM AND 75mm (3") OF COMPOSTED MULCH OR APPROVED EQUAL.
- F DECORATIVE ROCK AREAS SHALL HAVE A MIN. OF 100mm (4") OF DECORATIVE ROUND ROCK. COMMERCIAL GRADE LANDSCAPE FABRIC SHALL BE INSTALLED BELOW ALL DECORATIVE ROCK AREAS.
- G TURF AREAS SHALL BE LOW WATER USE 'NO. 1 PREMIUM FESCUE/MICROCLOVER BLEND' SOD WITH A MIN. OF 150mm (6") IMPORTED GROWING MEDIUM
- H A HIGH EFFICIENCY IRRIGATION SYSTEM SHALL BE INSTALLED FOR ALL ORNAMENTAL LANDSCAPE AREAS AND SHALL CONFORM TO THE CITY OF KELOWNA'S IRRIGATION STANDARDS IN BYLAW 7900.

SCHEDULE C

This forms part of application
DP18-0115 & DVP18-0116

Planner Initials **LK**

City of Kelowna
COMMUNITY PLANNING

COPYRIGHT RESERVED. THIS DRAWING AND DESIGN IS AT ALL TIMES THE PROPERTY OF BENCH SITE DESIGN INC. AND CANNOT BE USED WITHOUT THE COMPANY'S WRITTEN CONSENT.

REVISIONS / ISSUED:		
5	SEP 14/18	REISSUED FOR DP
4	AUG 16/18	REISSUED FOR DP
3	APR 20/18	ISSUED FOR DP
2	FEB 20/18	REISSUED FOR REVIEW
1	FEB 01/18	ISSUED FOR REVIEW
NO.	DATE	DESCRIPTION



CLIENT:

M'AKOLA DEVELOPMENT SERVICES
VICTORIA, B.C.

PROJECT:

PATHWAYS ABILITIES SOCIETY
KELOWNA, B.C.

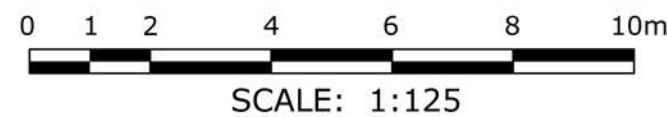
SHEET TITLE

CONCEPTUAL LANDSCAPE PLAN

DESIGN BY	EB
DRAWN BY	EB
CHECKED BY	XS
PROJECT NO.	17-037
SCALE	1:125

SHEET NO.

L-1



NOT FOR CONSTRUCTION



0 1 2 3 4 5m
SCALE: 1:50

NOT FOR CONSTRUCTION

SCHEDULE

This forms part of application
DP18-0115 & DVP18-0116

Planner
Initials

LK

City of Kelowna

COMMUNITY PLANNING

COPYRIGHT RESERVED. THIS DRAWING AND DESIGN IS AT ALL TIMES THE PROPERTY OF BENCH SITE DESIGN INC. AND CANNOT BE USED WITHOUT THE COMPANY'S WRITTEN CONSENT.

REVISIONS / ISSUED:		
5	SEP 14/18	REISSUED FOR DP
4	AUG 16/18	REISSUED FOR DP
3	APR 20/18	ISSUED FOR DP
2	FEB 28/18	REISSUED FOR REVIEW
1	FEB 01/18	ISSUED FOR REVIEW
NO.	DATE	DESCRIPTION



CLIENT:
M'AKOLA DEVELOPMENT SERVICES
VICTORIA, B.C.

PROJECT:
PATHWAYS ABILITIES SOCIETY
KELOWNA, B.C.

SHEET TITLE
BERTRAM STREET ELEVATION

DESIGN BY	EB
DRAWN BY	EB
CHECKED BY	XS
PROJECT NO.	17-037
SCALE	1:50

SHEET NO.
L-3

REPORT TO COUNCIL



Date: February 26, 2019

RIM No. 0940-50

To: City Manager

From: Community Planning Department (BBC)

Application: DVP18-0178

Owner: Jasbir Kaur Khunkhun

Address: 800 Highpointe Place

Applicant: Tony Khunkhun

Subject: Development Variance Permit

Existing OCP Designation: S2RES - Single / Two Unit Residential

Existing Zone: RU1 - Large Lot Housing

1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit DVP18-0178 for Strata Lot 22, Section 30, Township 26, Osoyoos Division Yale District, Strata Plan KAS3162, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form V, located on 800 Highpointe Place, Kelowna, BC.

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

Section 6.4.1 - Projection Into Yard:

To vary the required projection for a portion of an existing accessory building's eave into the front yard from 0.6 meters permitted, to existing 1.14 meters 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.

2.0 Purpose

To vary the required projection for a portion of an existing accessory building's eave into the front yard from 0.6 meters permitted, to existing 1.14 meters proposed.

3.0 Community Planning

Community Planning supports the requested variance to facilitate a the building's eave into the front yard setback. The variance is only for a portion of the front elevation, not the entire building length and the overall form and character of the house is in keeping with the Highpointe subdivision. As a result, the variance is not anticipated to have a negative impact to the neighbourhood.

According to the City records, a series of construction and survey related occurrences originally resulted in a second variance being required for the minimum front yard setback of an accessory building on-site (see Section 4.1 Background for details). Through the process, the applicant worked with the City Staff to eliminate this variance and conform to the bylaw.

To fulfill Council Policy No. 367, the applicant submitted a Neighbour Consultation Summary Form to staff on October 29, 2018, outlining that the neighbours within 50 m of the subject property were notified.

4.0 Proposal

4.1 Background

In May 2018, the applicant originally applied for two variances, which were initiated as a result of Building Inspection. Over time, discussions with the applicant resulted in meeting compliance for one of the two variances; front-yard setback for the accessory building.

Based on City records, the development history of the property to date is as follows:

- *November 16, 2017:*
 - City of Kelowna issued a building permit for a new Accessory Structure for subject property.
- *December 5, 2017:*
 - Siting and footing inspection were conducted and approved.
- *January 30, 2018:*
 - City of Kelowna Inspection Department received the survey certificate which indicated that the front yard setback did not meet the required 9.0 m, resulting in the first of two variances (front yard setback).
 - A Stop Work Order was issued and posted on the accessory structure on the same day.
 - The applicant was provided with two options at time of Stop Work Order issuance:
 1. Correct the non-conformances with the following steps:
 - cut back the foundation;
 - submit a new set of building plans addressing any structural and/or design implication the changes may pose on the building;
 - OR;*
 2. Apply for development variance permit for the non-conformance.
- The applicant continued to proceed to frame and finish the exterior of the accessory building.
- *April 27, 2018:*
 - City of Kelowna received a Framing Inspection request from the applicant and was rejected by the building inspector. This is due to the fact that the City approved Permit Package which include the approved plans was not left on Site for review by the inspector.
 - Proceeding with framing and exterior finish resulted in the second variance (eave projection into front yard).
- Following the issuance of the Stop Work Order, the applicant was repeatedly prompted to address the non-compliance issues to either mitigate or apply for development variance permit, as well the City building inspector periodically checked in on the development status.
- *May 16, 2018:*
 - The applicant submitted a Development Variance Permit application in order to bring the two variances that existed at the time into compliance.

- *December 21, 2018:*
 - Discussions with the applicant resulted in concession to eliminate one of two variances (front yard setback), by cutting back the foundation, complying to the required Zoning Bylaw for front yard setback.
- *January 4, 2019:*
 - A revised property survey confirmed that the front yard setback variance complied by the existing Zoning Bylaw, returning the siting of the accessory building back to the originally approved building plan.
- *January 7, 2019:*
 - Applicant submitted a revised Development Variance Permit application, and associated documents for a single variance (eave projection into front-yard).

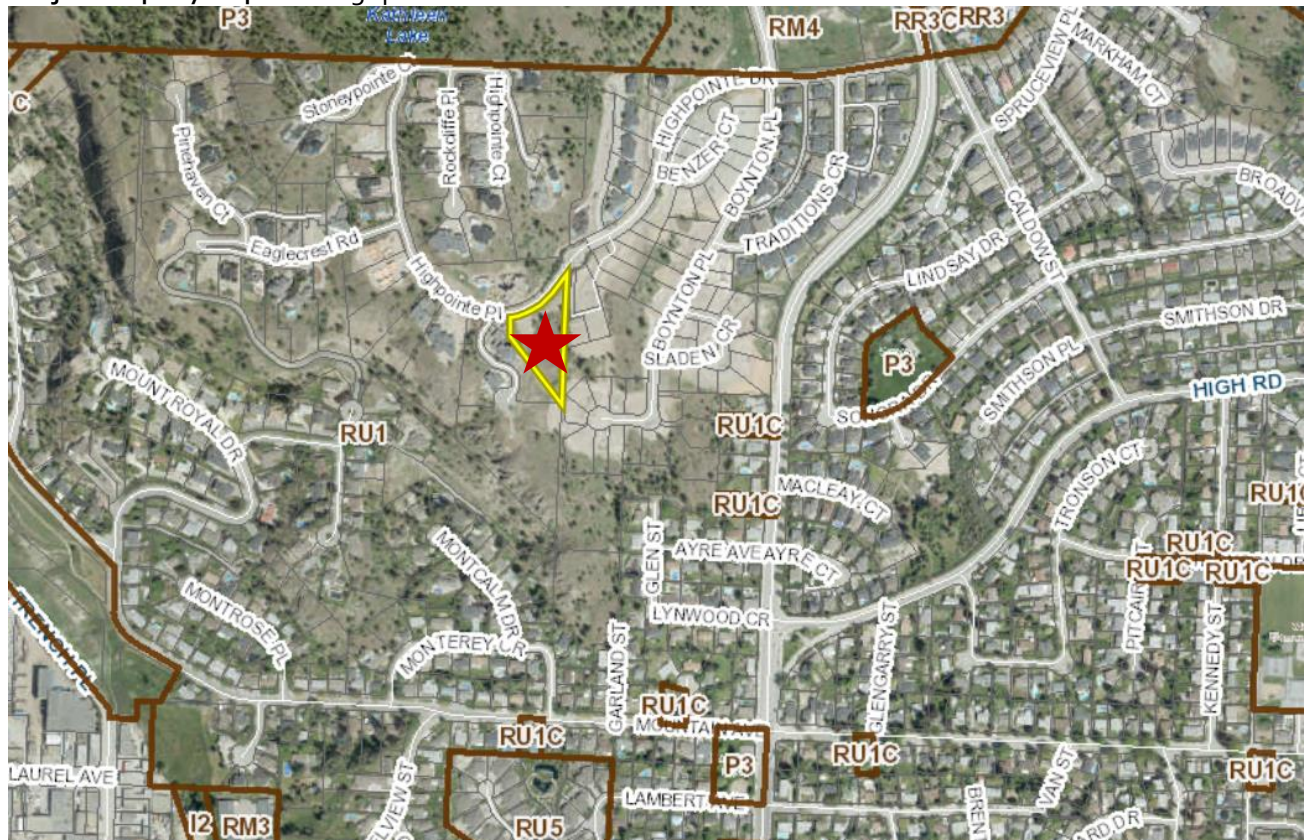
4.2 Project Description

The applicant is seeking to vary the required projection for a portion of an existing accessory building's eave into the front yard from 0.6 meters permitted, to existing 1.14 meters proposed.

4.3 Site Context

The large urban lot, 1.4 acres (0.56 ha) in size, is located at Glenmore – Clifton – Dilworth area, within a gated bareland strata subdivision, and is designated as S2RES – Single Two Unit Residential.

Subject Property Map: 800 Highpointe Place



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU ₁ ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Projection Into Front Yard	0.6 m	1.14 m ❶
❶ Indicates a requested variance to increase the projection into front yard for a portion of an accessory building's eave.		

5.0 **Current Development Policies**5.1 Zoning Bylaw No: 8000 – Section 6: General Development Regulations**Section 6.4 - Projection Into Yard**

6.4.1: Chimneys, cornices, leaders, gutters, pilasters, belt courses, sills, bay windows, a cantilevered section of a building, portions of a building on a foundation or ornamental features may project into a required yard, provided such projections do not exceed 0.6 m.

Application Chronology

Accessory Structure Building Permit Issuance:	November 16, 2017
Stop Work Order:	January 30, 2018
Date of Development Variance Application Received:	May 16, 2018
Date Public Consultation Completed:	October 29, 2018
Date of Front Yard Setback Compliance:	January 5, 2019
Date of Revised Variance & Associated Site Plan Received:	January 7, 2019

Report prepared by:	Barbara B. Crawford, Planner
Reviewed by:	Terry Barton, Urban Planning Manager
Approved for Inclusion:	Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A – Applicant Rational Letter
Schedule A – Site Plans

Attention: Barbara Crawford.
City of Kelowna Planning Department

January 5, 2019

Hello Barbara,

RE: 800 HIGHPOINTE PLACE. - RATIONALE FOR VARIANCE.

Just prior to construction of the home and accessory building, I applied for and obtained a revised building envelope covenant to suit the home design, and that began at a 7m offset to the property. This was considerable amount of work as I had to go through the Strata Council, the Architectural Approving officer, and of course the City of Kelowna.

I first found out that the foundation and eaves were within the 9 metre setback area, was when the Survey Certificate was produced by our surveyors. By that time, the building construction was too far advanced to allow for changes. The following items were already completed: torch on roof, fascia, windows, doors, exterior sheeting, and exterior paper installed. The building was far to advanced in construction to make changes so it was decided to go for the variance.

This is a simple mistake made when I asked the surveyor if we could move the accessory building forward which the surveyor confirmed that we could. He must not have considered the eaves, which is understandable, given the building covenant adjustment made above by us.

The foundation is simply a framing mistake when foundation was being poured. To correct this, we have cut away away the 2 inches of concrete foundation above grade.

This is a strata gated community so the general public is not affected by this variance. The only way into this community is through a gate which can only be opened by the strata residents. I have only two neighbors and they have not provided any negative comments.

The roof line is unique and original. The roof trusses were designed this way at the factory and could not be changed without significant engineering cost and onsite construction. It is more complicated than a simple slope or flat roof. Cutting away the roof would ruin the street appeal of this home.

It is also worthwhile noting that if we connected the accessory building to the house, no variance would be required. Also, more important, I could have placed the house 7m to the property line which is far less than the placement of the existing accessory building.

Thank you for considering our application.

Best Regards,



Tony Khunkhun
RA Quality Homes Ltd.

Attachments:

1. Site plan showing old and new building covenant
2. Variance required for roof
3. Remediation of the foundation - new survey

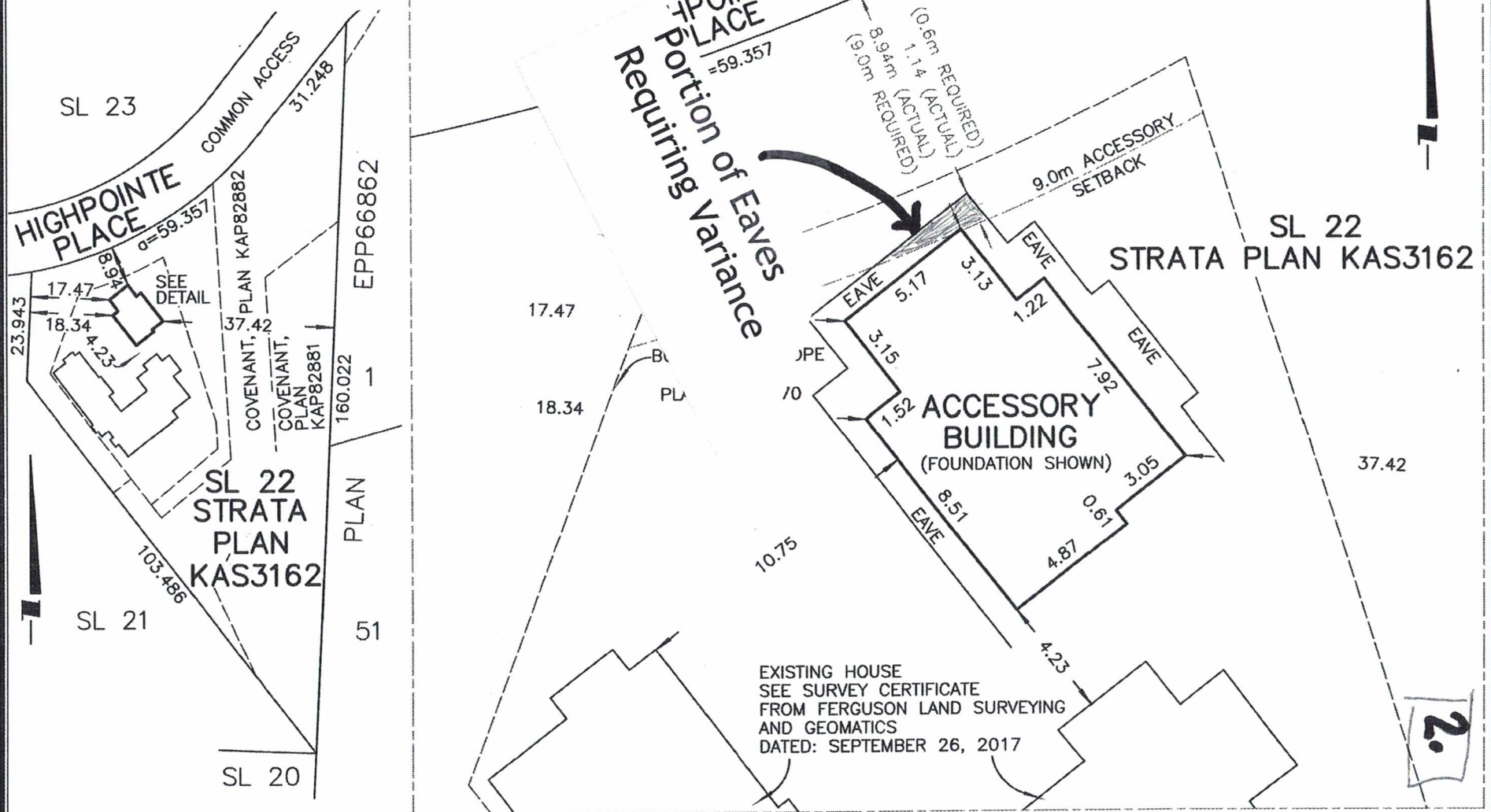
ATTACHMENT		A
This forms part of application		
# DVP18-0178		
Planner Initials	BC	 City of Kelowna COMMUNITY PLANNING



PLAN SHOWING VARIANCES REQUIRED FOR ACCESSORY BUILDING ON STRATA LOT 22 SECTION 30 TOWNSHIP 26 ODYD PLAN KAS3162

PID: 026-949-784

ADDRESS: 800 HIGHPOINTE PLACE, KELOWNA



CLIENT: RA QUALITY HOMES

DATE: MAY 7, 2018

SCALE: 1:1250 METRES

FILE: 20898

DRAWN BY: RD

Ferguson Land Surveying & Geomatics Ltd.

BC AND CANADA LAND SURVEYORS 404-1630 PANDOSY STREET, KELOWNA, BC
PHONE: (250) 763-3115 FAX: (250) 763-0321

© Ferguson Land Surveying & Geomatics Ltd., ALL RIGHTS RESERVED.

CURRENT ZONE: RU1

SCHEDULE A

This forms part of application

DVP18-0178

Planner
Initials

BC

City of
Kelowna
COMMUNITY PLANNING

BC LAND SURVEYOR'S CERTIFICATE OF LOCATION OF EXISTING BUILDING ONLY ON STRATA LOT 22 SECTION 30 TOWNSHIP 26 ODYD PLAN KAS3162

PID: 026-949-784

ADDRESS: 800 HIGHPOINTE PLACE, KELOWNA

SCHEDULE

A

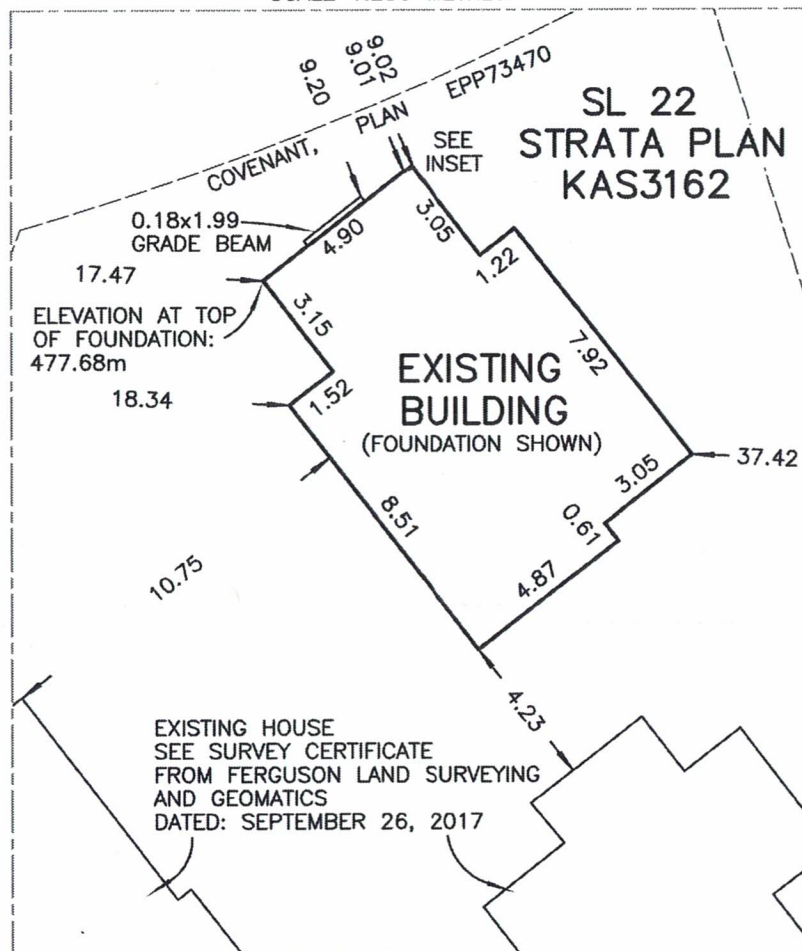
This forms part of application
DVP18-0178

Planner
Initials **BC**

City of
Kelowna
COMMUNITY PLANNING



DETAIL
SCALE 1:200 METRES



INSET
SCALE 1:25 METRES



THIS PLAN IS FOR THE USE OF THE BUILDING INSPECTOR AND/OR MORTGAGEE ONLY
AND IS NOT TO BE USED FOR THE RE-ESTABLISHMENT OF PROPERTY BOUNDARIES.

CLIENT: RA QUALITY HOMES DATE: JANUARY 4, 2019

SCALE: 1:1250 METRES FILE: 20898 DRAWN BY: RD

Ferguson Land Surveying & Geomatics Ltd.

BC AND CANADA LAND SURVEYORS 404-1630 PANDOSY STREET, KELOWNA, BC
PHONE: (250) 763-3115 FAX: (250) 763-0321

© Ferguson Land Surveying & Geomatics Ltd., ALL RIGHTS RESERVED.

NOTE: ELEVATIONS ARE GEODETIC
AND ARE DERIVED FROM ISA No.
4-CITY OF KELOWNA

I HEREBY CERTIFY THAT THE ABOVE
SKETCH SHOWS THE REGISTERED
DIMENSIONS OF THE ABOVE DESCRIBED
PROPERTY AND RELATIVE LOCATION OF
THE BUILDINGS THEREON.

Cameron Henry
XA2PMW

c=CA, cn=Cameron Henry
XA2PMW, o=BC Land Surveyor,
ou=Verify ID at www.juricert.com/
LKUP.cfm?id=XA2PMW
2019.01.07 13:34:11 -08'00'

CAMERON HENRY, BCLS

THIS DOCUMENT IS NOT VALID UNLESS DIGITALLY SIGNED

Development Variance Permit

DVP18-0178



This permit relates to land in the City of Kelowna municipally known as **800 Highpointe Place**.

and legally known as **Strata Lot 22, Section 30, Township 26, Osoyoos Division Yale District, Strata Plan KAS3162, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form V.**

and permits the land to be used for the following development: **A variance for a newly constructed accessory building on the subject property.**

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

Section 6.4.1 - Projection Into Yard

- To vary the required projection for a portion of an existing accessory building's eave into the front yard from 0.6 meters permitted, to existing 1.14 meters 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.

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

Date of Decision: **TBD**

Decision By: CITY COUNCIL

Issued Date: **TBD**

This permit will not be valid if development has not commenced by **TBD**

Existing Zone: RU1 – Large Lot Housing

Future Land Use Designation:

S2RES – Single/Two Unit Residential

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: Jasbir Kaur Khunkhun

Applicant: Tony Khunkhun

Ryan Smith
Community Planning Department Manager
Community Planning & Strategic Investments

Date

1. SCOPE OF APPROVAL

This Development Variance Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Development Variance Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this permit, noted in the Terms and Conditions below.

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

THAT Council authorize the issuance of Development Variance Permit DVP18-0178 for for Strata Lot 22, Section 30, Township 26, Osoyoos Division Yale District , Strata Plan KAS3162, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form V, located on 800 Highpointe Place, Kelowna, BC, subject to the following:

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

Section 6.4.1 - Projection Into Yard

To vary the required projection for a portion of an existing accessory building's eave into the front yard from 0.6 meters permitted, to existing 1.14 meters 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.

3. PERFORMANCE SECURITY

None required.

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.**

REPORT TO COUNCIL



Date: February 26, 2019

RIM No. 0940-50

To: City Manager

From: Community Planning Department (BBC)

Application: DVP18-0185

Owner: Mark Edward Alexander
Danielson and Erin Altamara
Cram

Address: 2414 Taylor Crescent

Applicant: Lesley Wilson, Design By Lesley
Inc.

Subject: Development Variance Permit Application

Existing OCP Designation: S2RES - Single / Two Unit Residential

Existing Zone: RU1c - Large Lot Housing with Carriage House

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11735 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0185 for Lot 16, District Lot 14, Osoyoos Division Yale District, Plan 7336, located at 2414 Taylor Crescent, Kelowna, BC, subject to the following:

1. The dimensions and siting of the principal dwelling and the carriage house to be constructed on the land be in accordance with Schedule "A,"
2. The elevations, exterior design and finish of the buildings to be constructed on the land, be in accordance with Schedule "B".

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

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

To vary the permitted height of a carriage house from 4.8m to 6.45m.

2.0 Purpose

To consider a height variance for a carriage house from 4.8m permitted, to 6.45m proposed.

3.0 Community Planning

Staff support the proposed height variance to the carriage house on the subject property. The current height restrictions of 4.8m limit the second floor in new carriage houses to a sloped roof styles, as a result prevents the use of flat roof style roofs in carriage house construction. The applicant has provided a drawing showing the height of the carriage house would be 4.8m if the roof was peaked, however this significantly alters the design, and form and character of the carriage house. As the principal dwelling is a flat roof contemporary design, the carriage house was designed in the same style to keep consistence in form and character between the two buildings.

Staff have previously supported flat roof design carriage houses when the building meets the 75% upper floor square footage rule. The second storey of the carriage house is stepped back from the first storey to allow for less massing, as a result, limiting the upper storey floor area of the carriage house to 75% of its footprint. Additionally, the maximum height of the carriage house (6.45 m) is lower in relation to that of the principal dwelling (7.06 m), and the rear yard and the side yard setbacks for the carriage house are considerably greater than the zoning requirements.

To fulfill Council Policy No. 367, the applicant submitted a Neighbour Consultation Summary Form to staff on November 19, 2018, outlining that the neighbours within 50 m of the subject property were notified.

4.0 Proposal

4.1 Background and Project Description

The subject property currently contains one single detached dwelling and a small shed. The existing dwelling and shed will be demolished prior to the construction of a new single-family dwelling and a carriage house on the subject property.

The applicant has provided a site plan (Schedule A), elevations, renderings and colour board (Schedule B) for the proposed new single dwelling house and the carriage house. Access to the dwellings and the subject property will be from the laneway, located to the southwest of the property.

4.2 Site Context

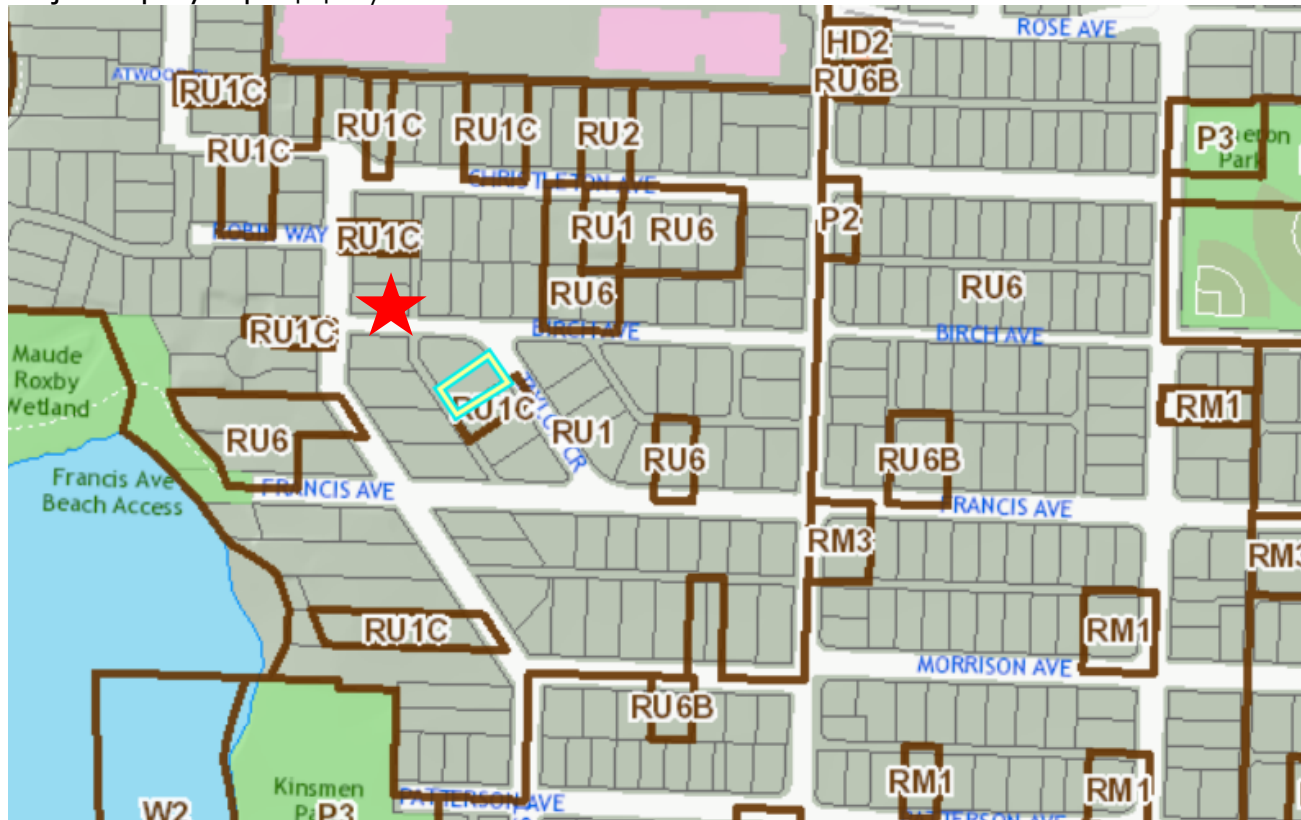
The 728 m² sized lot is located on Taylor Crescent with lane access, and is located in the South Pandosy – KLO Sector of Kelowna. The surrounding residential area is characterized principally by a mix of single family and secondary dwelling units developed in various housing forms including duplexes, second dwellings, and carriage houses.

The OCP designates the subject property S2RES – Single / Two Unit Residential. The Kelowna General Hospital campus is located to the north, and many park amenities, including Francis Avenue Beach Access and Kinsmen Park are located to the west and southwest, respectively. The property is within walking distance to Pandosy Street and its many amenities.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing RU1c – Large Lot Housing with Carriage House RU6 – Two Dwelling Housing	Residential
East	RU1 – Large Lot Housing RU1c – Large Lot Housing with Carriage House RU6 – Two Dwelling Housing	Residential
South	RU1 – Large Lot Housing RU1c – Large Lot Housing with Carriage House RU6 – Two Dwelling Housing P3 – Park & Open Space	Residential Park
West	RU1 – Large Lot Housing RU1c – Large Lot Housing with Carriage House RU6 – Two Dwelling Housing	Residential

Subject Property Map: 2414 Taylor Crescent



4.3 Zoning Analysis Table

Zoning Analysis Table				
CRITERIA	RU1c ZONE REQUIREMENTS		PROPOSAL	
Existing Lot/Subdivision Regulations				
	Principal dwelling	Carriage House	Principal dwelling	Carriage House
Maximum Height	9.5 m or 2.5 storey	4.8 m or 1.5 storey	7.06 m (2 storey)	6.45 m (2 storey) ❶
Front Yard	9.0 m		26.5 m	
Side Yard (north)	1.5 m		4.3 m	
Side Yard (south)	1.5 m		5.2 m	
Rear Yard	0.9 m (lane access)		1.5 m	
Maximum Site Coverage of Buildings	40%		38.1%	
Max Site coverage of buildings, driveways & parking	50 %		47.7%	
Other Regulations				
Maximum Carriage House Area	90 m²		89.2 m²	
Maximum Upper Storey Floor Area to Carriage House Footprint	75%		50%	
Minimum Distance between Dwellings	3.0 m		3.0 m	
Minimum Parking Requirements	2 stalls / Single detached dwelling & 1 / carriage house = 3 stalls		4	
Private Open Space	30 m²		30 m²	
❶ Indicates a requested variance to maximum carriage house height				

5.0 Technical Comments

- Please see attached Development Engineering Memorandum (Attachment A) dated September 18, 2018.

6.0 Application Chronology

Date of Application Received: June 25, 2018
 Date of Revised Drawings Received: November 15, 2018
 Date Public Consultation Completed: November 19, 2018
 Date of Public Hearing for Rezoning: January 29, 2019

Report prepared by: Barbara B. Crawford, Planner
Reviewed by: Terry Barton, Urban Planning Manager
Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A – Development Engineering Memorandum, dated September 18, 2018.
 Attachment B – Applicant's Rational Letter
 Schedule A – Proposed Site Plan
 Schedule B – Proposed Elevations, Renderings and Colour Board

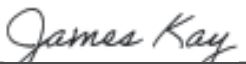
CITY OF KELOWNA
MEMORANDUM

ATTACHMENT		A
This forms part of application # DVP18-0185		
Planner Initials	BC	 City of Kelowna <small>COMMUNITY PLANNING</small>

Date: September 18, 2018
File No.: DVP18-0185
To: Community Planning (BC)
From: Development Engineering Manager (JK)
Subject: 2414 Taylor Cr

Development Engineering comments and requirements regarding this development permit application are as follows:

This development variance permit application vary maximum height of a carriage house from 4.8m (permitted) to 6.5m (proposed), does not compromise any municipal services.



James Kay, P. Eng.
Development Engineering Manager

JA



November 13, 2018

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

ATTACHMENT B	
This forms part of application # DVP18-0185	
Planner Initials	BC
 City of Kelowna COMMUNITY PLANNING	

Re: Rational Design Letter for 2414 Taylor Crescent

Dear Planning Department,

The following application is for rezoning of the property located at 2414 Taylor Crescent. The rezoning will allow for the construction of a carriage house on the lot, requiring the property to be rezoned from the current RU1 to the proposed RU1c. The subject property currently contains one single detached dwelling. The existing dwelling is to be demolished and a new single detached dwelling with carriage house constructed.

The proposed carriage house will feature one bedroom which will be situated over the garage, and utilized by the owners.

In addition, the application is proposing a height variance approval to allow for the carriage house to have a total of 6.45m, increasing from the 4.8m bylaw.

The 4.8m in the bylaw to highest point of a non-sloping roof or midpoint of a sloping roof only allows for a second storey portion within a sloped roof. Because the main house is a flat roof contemporary, we would like to have the carriage house designed in the same style to keep consistence in form and character and have a second storey flat roof as well.

The second storey of the carriage house is set back from the first storey walls to allow for less massing. It is set back 1.2m on the North and West (lane) sides and 3.6 m on the South side. The carriage house is proposed to be 6.45m high and the main house is 7.06m high. Attached is a copy of a sketch showing an overlay of a sloped roof that would be approved but does not match the existing house. The massing of a 2 storey flat roof is less than a sloped roof home.

Given that the area surrounding Taylor Crescent has been experiencing many new developments, it can be expected that not only will the site flow seamlessly with the two structures it will also integrate into the current and developing neighbourhood.

SCHEDULE A

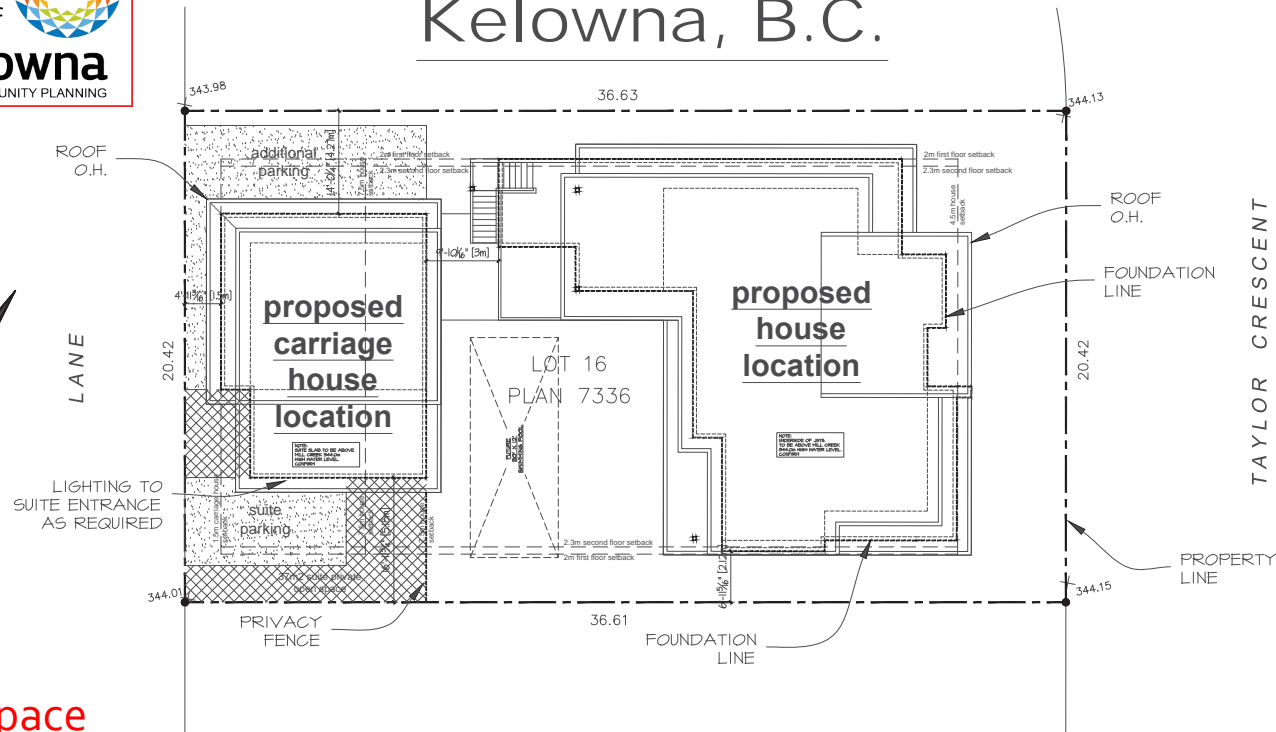
This forms part of application

DVP18-0185

Planner
Initials BC



2414 Taylor Crescent Kelowna, B.C.



No mechanical or furnace space to be placed in the crawlspace as it is within the Mill Creek Flood Plain

Site Coverage Calculation

Lot area =	8052 sq.ft. (748.3 m ²)
House coverage =	2107 sq.ft. (195.8 m ²)
Patio coverage =	232 sq.ft. (21.6 m ²) (23 m ² allowable)
Garage/carriage house coverage =	960 sq.ft. (89.22 m ²)
Driveway & side parking =	777 sq.ft. (72.21 m ²)
Total building coverage =	3067 sq.ft. (285.02 m ²) = 38.1 %
Total coverage including driveways and parking =	3844 sq.ft. (357.24 m ²) = 47.7 %

SITE PLAN

1/8" = 1'-0"

NOTE:
EXACT BUILDING LOCATION & ELEVATION TO BE DETERMINED ON SITE. CONFIRM ALL SETBACKS AND LOT LINES WITH REGISTERED LOT PLAN PRIOR TO CONSTRUCTION.

ERRORS AND OMISSIONS

- BAXTER DESIGN and SHANE BAXTER shall not be responsible for any variances from the structural drawings and specifications, or adjustments required resulting from conditions encountered at the job site, and is the sole responsibility of the owner or contractor.
- BAXTER DESIGN and SHANE BAXTER makes every effort to provide complete and accurate construction drawings. However, we assume no liability for any errors or omissions which may affect construction. It is the responsibility of all trades and sub-trades to check and verify all dimensions and details before commencing with their portion of the construction. Should any discrepancies be found on these plans please advise our office so we can make the necessary corrections.

BAXTER DESIGN
Custom Building Design

SHANE BAXTER DESIGNS INC.
KELOWNA, B.C. CANADA
ph: (250) 862-9662
email: baxterdesign@shaw.ca

CRAM - DANIELSON RESIDENCE
2414 TAYLOR CRESCENT
KELOWNA, B.C.

Drawing Scale: 1/4" = 1'-0"

Date: MARCH 14, 2018

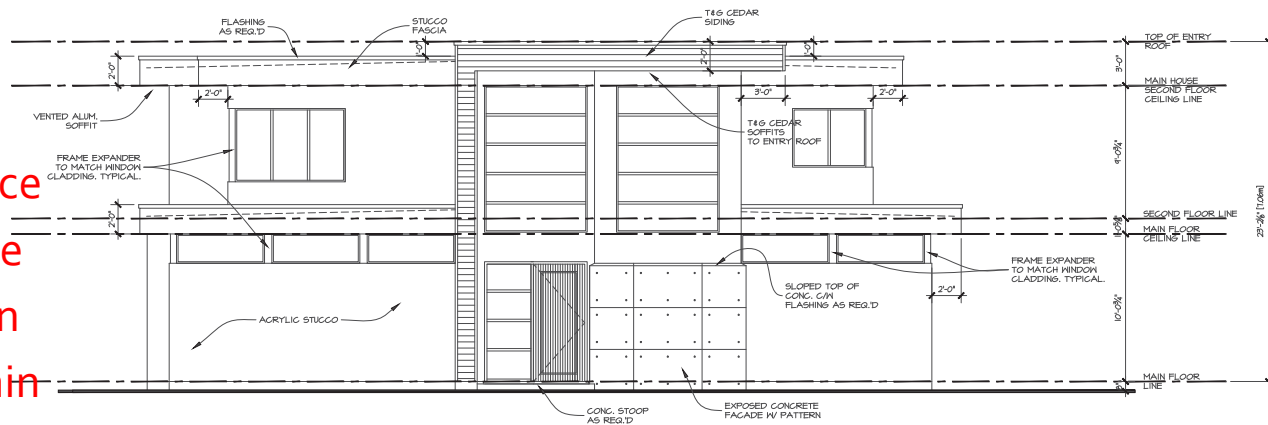
Rev. Date: NOV. 6, 2018

Dm. By: S.H.B.

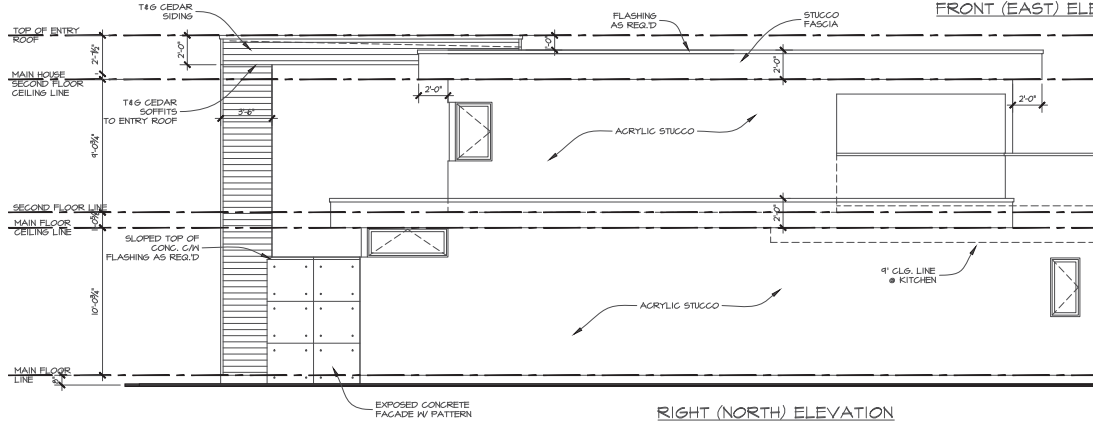
WORKING DRAWINGS 1/9

NOTE:
ALL EXTERIOR DOOR AND WINDOW SIZES, PATTERNS,
COMBINATIONS, CONFIGURATIONS AND SEPARATIONS
TO BE CONFIRMED BY WINDOW MANUFACTURER TO
ENSURE NAFS (NORTH AMERICAN FENESTRATION
STANDARD) COMPLIANCE.
WHAT'S SHOWN ON THE PLANS IS JUST A REPRESENTATION
OF THE LOOK AND FEEL INTENDED BY THE DESIGNER.
THE TYPE OF WINDOW USED AND MANUFACTURER SPECS
MAY VARY AND THEREFORE NEED TO BE CONFIRMED
PRIOR TO CONSTRUCTION.

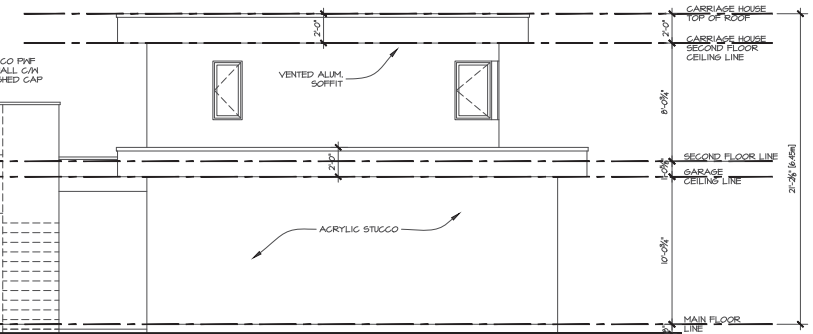
No mechanical or furnace
space to be placed in the
crawl space as it is within
the Mill Creek Flood Plain



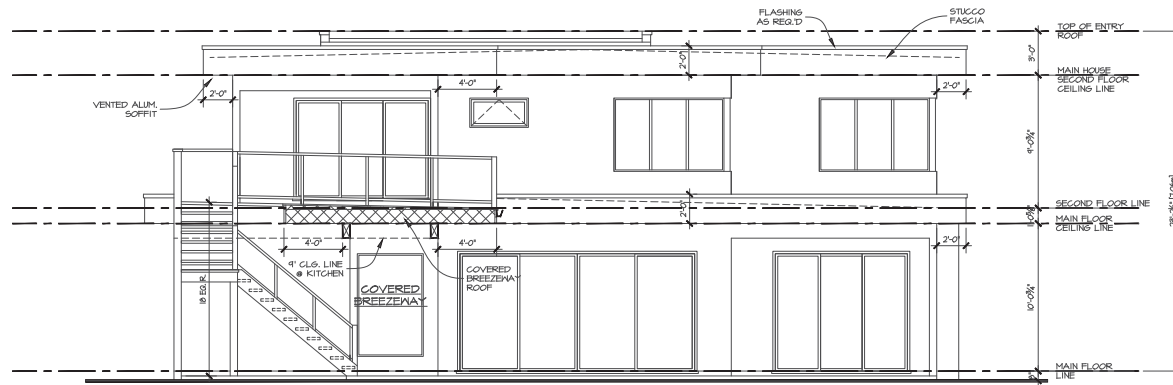
FRONT (EAST) ELEVATION



RIGHT (NORTH) ELEVATION



CARRIAGE HOUSE (NORTH) ELEVATION



REAR (WEST) HOUSE ELEVATION

SCHEDULE

B

This forms part of application
DVP18-0185

Planner
Initials

BC

City of
Kelowna
COMMUNITY PLANNING

ERRORS AND OMISSIONS

- BAXTER DESIGN and SHANE BAXTER shall not be responsible for any variances from the structural drawings and specifications, or adjustments required resulting from conditions encountered at the job site, and is the sole responsibility of the owner or contractor.
- BAXTER DESIGN and SHANE BAXTER makes every effort to provide complete and accurate construction drawings. However, we assume no liability for any errors or omissions which may affect construction. It is the responsibility of all trades and sub-trades to check and verify all dimensions and details before commencing with their portion of the construction. Should any discrepancies be found on these plans please advise our office so we can make the necessary corrections.

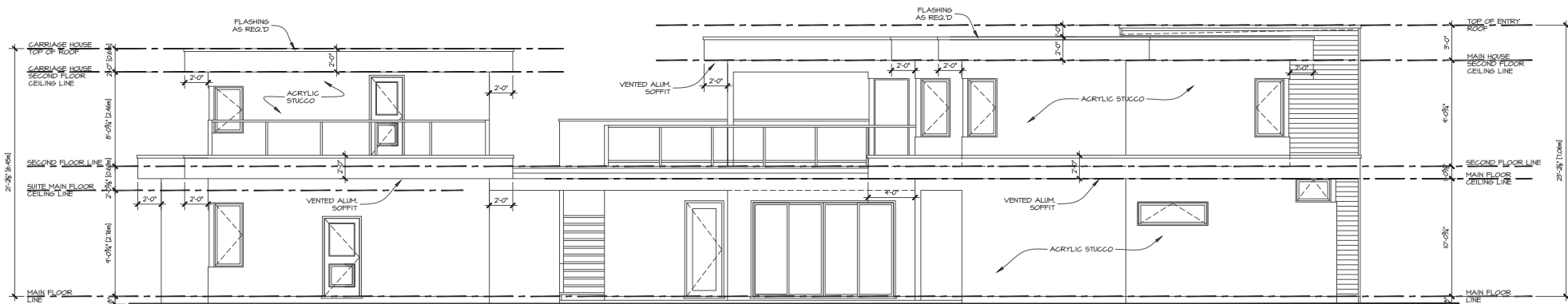
BAXTER DESIGN
Custom Building Design

SHANE BAXTER DESIGNS INC.
KELOWNA, B.C. CANADA
PH: (250) 862-9662
email: baxterdesign@shaw.ca

CRAM - DANIELSON RESIDENCE
2414 TAYLOR CRESCENT
KELOWNA, B.C.

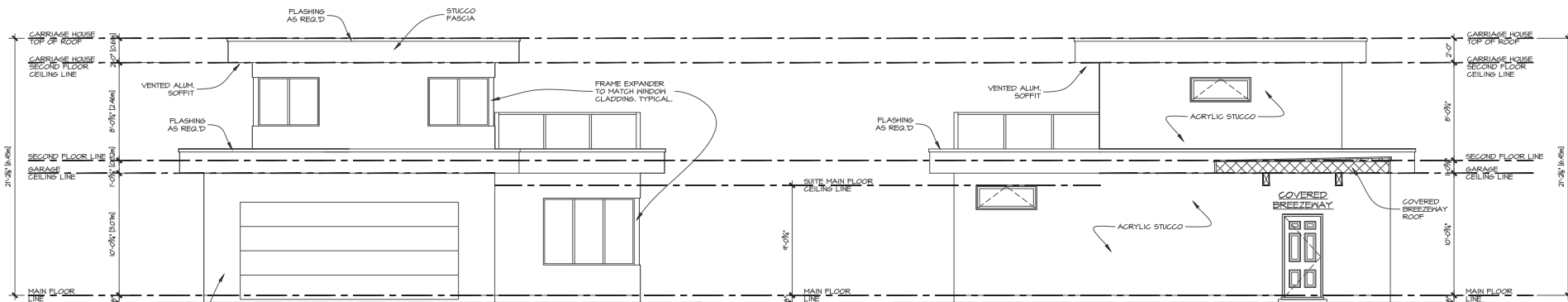
Drawing Scale: 1/4" = 1'-0"
Date: MARCH 14, 2018
Rev. Date: NOV. 6, 2018
Dm. By: S.H.B.

WORKING DRAWINGS 2/9



CARRIAGE HOUSE (SOUTH) ELEVATION

LEFT (SOUTH) ELEVATION



CARRIAGE HOUSE (WEST) ELEVATION

CARRIAGE HOUSE (EAST) ELEVATION

ERRORS AND OMISSIONS

- BAXTER DESIGN and SHANE BAXTER shall not be responsible for any variances from the structural drawings and specifications, or adjustments required resulting from conditions encountered at the job site, and is the sole responsibility of the owner or contractor.
- BAXTER DESIGN and SHANE BAXTER makes every effort to provide complete and accurate construction drawings. However, we assume no liability for any errors or omissions which may affect construction. It is the responsibility of all trades and sub-trades to check and verify all dimensions and details before commencing with their portion of the construction. Should any discrepancies be found on these plans please advise our office so we can make the necessary corrections.

SCHEDULE B

This forms part of application

DVP18-0185

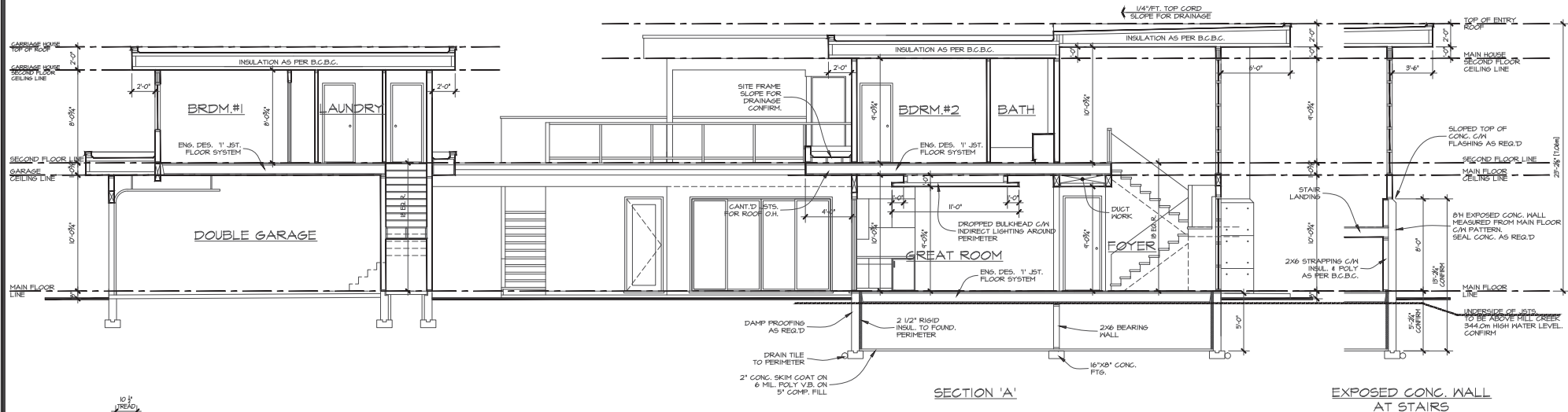
Planner
Initials BC



No mechanical or furnace space to be placed in the crawlspace as it is within the Mill Creek Flood Plain

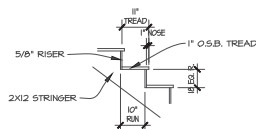
NOTE:
ALL EXTERIOR DOOR AND WINDOW SIZES, PATTERNS, COMBINATIONS, CONFIGURATIONS AND SEPARATIONS TO BE CONFIRMED BY WINDOW MANUFACTURER TO ENSURE NAFS (NORTH AMERICAN FIRE PROTECTION STANDARD) COMPLIANCE.
WHAT'S SHOWN ON THE PLANS IS JUST A REPRESENTATION OF THE LOOK AND FEEL INTENDED BY THE DESIGNER. THE TYPE OF WINDOW USED AND MANUFACTURER SPECS MAY VARY AND THEREFORE NEED TO BE CONFIRMED PRIOR TO CONSTRUCTION.

 BAXTER DESIGN Custom Building Design	
SHANE BAXTER DESIGNS INC. KELOWNA, B.C. CANADA PH: (250) 862-9662 email: baxterdesign@shaw.ca	
CRAM - DANIELSON RESIDENCE 2414 TAYLOR CRESCENT KELOWNA, B.C.	
Drawing Scale: 1/4" = 1'-0"	
Date: MARCH 14, 2018	
Rev. Date: NOV. 6, 2018	
Dm. By: S.H.B.	
WORKING DRAWINGS	3/9



CARRIAGE HOUSE & DECK STAIRS

- 10 EQUAL RISERS OF 5/8" PLYWOOD
- 9 1/2" RUN
- 10 1/2" TREADS OF 1" O.S.B.
- 2X12 STRINGERS
- 2'-6" HANDRAIL HEIGHT

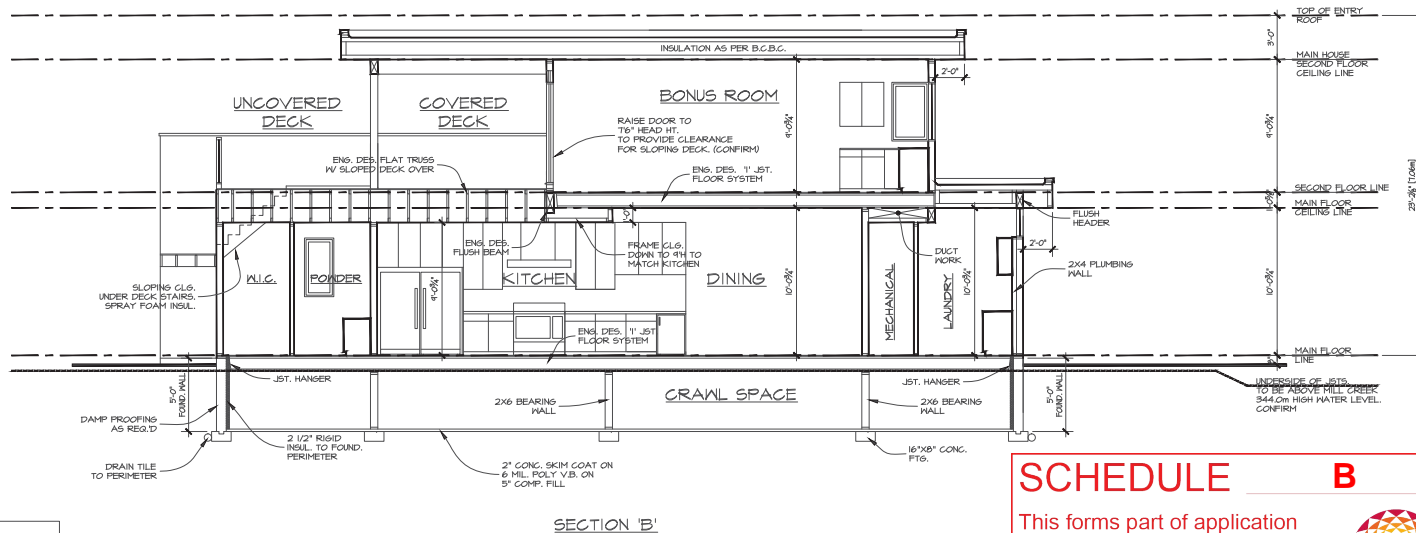


HOUSE STAIRS

- 10 EQUAL RISERS OF 5/8" PLYWOOD
- 10" RUN
- 11" TREADS OF 1" O.S.B.
- 2X12 STRINGERS
- 2'-6" HANDRAIL HEIGHT

ERRORS AND OMISSIONS

- BAXTER DESIGN AND SHANE BAXTER shall not be responsible for any variances from the structural drawings and specifications, or adjustments required resulting from conditions encountered at the job site, and is the sole responsibility of the owner or contractor.
 - BAXTER DESIGN AND SHANE BAXTER makes every effort to provide complete and accurate construction drawings. However, we assume no liability for any errors or omissions which may affect construction. It is the responsibility of all trades and sub-trades to check and verify all dimensions and details before commencing with their portion of the construction. Should any discrepancies be found on these plans please advise our office so we can make the necessary corrections.



No mechanical or furnace space to be placed in the crawlspace as it is within the Mill Creek Flood Plain

SCHEDULE B

This forms part of application
 # DVP18-0185

Planner Initials **BC**

City of
Kelowna
 COMMUNITY PLANNING

BAXTER DESIGN
 System Building Design
 SHANE BAXTER DESIGNS INC.
 KELOWNA, B.C. CANADA
 PH: (250) 862-9662
 email: baxterdesign@shaw.ca

CRAM - DANIELSON RESIDENCE
 2414 TAYLOR CRESCENT
 KELOWNA, B.C.
 Drawing Scale: 1/4" = 1'-0"
 Date: MARCH 14, 2018
 Rev. Date: NOV. 6, 2018
 Dm. By: S.H.B.

WORKING DRAWINGS 8/9



SCHEDULE B

This forms part of application
DVP18-0185

Planner Initials BC

City of Kelowna
COMMUNITY PLANNING

Proposed carriage house (foreground) and principal dwelling - looking North from the lane



Proposed carriage house - looking Northwest from the lane

SCHEDULE

B

This forms part of application

DVP18-0185

Planner Initials

BC

City of Kelowna

COMMUNITY PLANNING






SCHEDULE **B**

This forms part of application
DVP18-0185

Planner
Initials

BC


City of
Kelowna
COMMUNITY PLANNING

Proposed carriage house (left) and principal dwelling (right) - looking North from court yard



EXTERIOR FINISHES FOR 2414 TAYLOR CRESCENT

Acrylic Stucco Smooth Finish – Benjamin Moore C172 Revere Pewter



SCHEDULE B

This forms part of application

DVP18-0185

Planner
Initials

BC

City of
Kelowna
COMMUNITY PLANNING



Front Door Flat Panel Painted Benjamin Moore Vermillion 2002-10 or Ecelectic Orange 2015-10 or Stained American Nut Brown



Vermillion



Electric Orange



Cedar Siding and Cedar Soffits for Entry way and Covered Back Patio Area
American Nut Brown



American Nut Brown

Cedar Fencing – Stained American Nut Brown and/or Anthracite Color



Anthracite Color



SCHEDULE B

This forms part of application
DVP18-0185

Planner
Initials

BC



All Other Soffits and Down Pipes – Metal Anthracite Color



Windows – Vinyl or Metal Clad Anthracite Color



Powder Coated Railing with 10mm Glass – Anthracite Color



Garage Doors – Flush Panel, Ultra Grain Texture – American Nut Brown and/or Anthracite



Flush-Panel-Garage-Doors-BE

Development Variance Permit

DVP18-0185



This permit relates to land in the City of Kelowna municipally known as **2414 Taylor Crescent** and legally known as **Lot 16, District Lot 14, Osoyoos Division Yale District, Plan 7336** and permits the land to be used for the following development: **A new carriage house and a principal dwelling**

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

Date of Decision: XXXX

Decision By: CITY COUNCIL

Issued Date: XXXX

This permit will not be valid if development has not commenced by XXX, 2021.

Existing Zone: RU1C – Large Lot Housing with Carriage House

Future Land Use Designation: S2RES – Single/Two Unit Residential

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: Mark Edward Alexander Danielson and Erin Altamara Cram

Applicant: Lesley Wilson, Design By Lesley Inc.

Ryan Smith
Community Planning Department Manager
Community Planning & Strategic Investments

Date

1. SCOPE OF APPROVAL

This Development Variance Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Development Variance Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this permit, noted in the Terms and Conditions below.

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

- a. The dimensions and siting of the principal dwelling and the carriage house to be constructed on the land be in accordance with Schedule "A";
- b. The elevations, exterior design and finish of the buildings to be constructed on the land, be in accordance with Schedule "B".

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

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

To vary the permitted height of a carriage house from 4.8m permitted, to 6.45m proposed.

This Development Permit is valid for two (2) years from the date of XXXX, 2019 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.**