

# 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** 1 - 18  
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** 19 - 19  
  
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, Shouwkhat Shami** 20 - 20  
  
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** 21 - 21  
  
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** 22 - 22  
  
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**

- |            |   |                |
|------------|---|----------------|
| <b>6.1</b> | <b>BL11758 - Rescinding Housing Agreement Authorization Bylaw No. 9999</b>  | <b>23 - 23</b> |
|            | To adopt Bylaw No. 11758 in order to rescind housing authorization Bylaw No. 9999.  |                |
| <b>6.2</b> | <b>Fuller Ave 555, OCP18-0013 (BL11713) - City of Kelowna</b>   | <b>24 - 24</b> |
|            | <b>Requires a majority of all members of Council (5).</b>   |                |
|            | To adopt Bylaw No. 11713 in order to change the future land use designation of the subject property.  |                |
| <b>6.3</b> | <b>Fuller Ave 555, Z18-0062 (BL11714) - City of Kelowna</b>   | <b>25 - 25</b> |
|            | 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.  |                |
| <b>6.4</b> | <b>Fuller Ave 555, DP18-0115 and DVP18-0116 - City of Kelowna</b>   | <b>26 - 56</b> |
|            | <b>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.</b>  |                |
|            | 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. |                |
| <b>6.5</b> | <b>Highpointe Place 800, DVP18-0178 - Jasbir Kaur Khunkhun</b>  | <b>57 - 67</b> |
|            | <b>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.</b>  |                |
|            | 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 Public Hearing Minutes

Date: Tuesday, February 12, 2019

Location: Council Chamber  
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine Dehart, Gail Given, Charlie Hodge, Brad Sieben and Luke Stack

Members Absent Councillors Ryan Donn, Mohini Singh and Loyal Wooldridge

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Acting Divisional Director, Community Planning & Strategic Investments, Derek Edstrom; Community Planning Department Manager, Ryan Smith; Suburban and Rural Planning Manager, Dean Strachan; Planner Specialist, Alex Kondor; Legislative Coordinator (Confidential), Clint McKenzie; Legislative Coordinator (Confidential), Rebecca Van Huizen

### 1. Call to Order

Mayor Basran called the Hearing to order at 6:04 p.m.

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

### 2. Notification of Meeting

The City Clerk advised that notice of this *Public Hearing* was advertised by being posted on the Notice Board at City Hall on Tuesday, January 29, 2019 and by being placed in the Kelowna Daily Courier issues on Friday, February 1st and Wednesday, February 6th and by sending out or otherwise mailing 194 statutory notices to the owners and occupiers of surrounding properties on Tuesday, January 29, 2019.

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

### 3. Individual Bylaw Submissions

3.1 Barnaby Rd 751, BL11728 (Z18-0073) - Kristine Sales and Dustin Sales



Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence was received.

The applicant was present and available for questions.

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

No one from the gallery came forward.

There were no further comments.

### **3.2 Cadder Ave 418-422, BL11736 (Z18-0083) - Geoffrey & Michelle Couper and Friedrich & Evelyn Wille**

Staff:

- Displayed a PowerPoint presentation summarizing the application.
- Confirmed the dwelling is not on the heritage registry.

The City Clerk advised that no correspondence was received.

The applicant was available for questions.

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

No one from the gallery came forward.

There were no further comments.

### **3.3 Hein Rd 365-367, BL11737 (Z18-0066) - 1918951 Alberta Ltd**

Staff:

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

The applicant, Jesse Alexander, New Town Architecture & Engineering Inc. was available for questions.

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

#### **Letters of opposition and concern:**

Peter & Margaret Harshenin, Houghton Rd  
Wendy Cullen & Michael Anderson, Fleming Rd

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

Gallery:

#### **Peter Harshenin, Houghton Road:**

- Property is adjacent to development.
- Not opposed to the development, however, concerned with the number of units within the size of property.
- Concerned with height of the development, compared to heights of neighbouring structures.
- Spoke to the safety issues in the area.

- Spoke to the amount of development occurring in the area and traffic congestion issues.
- Referenced previous development decisions on Hein Rd that negatively impacted the area and fearful of this occurring again with the large number of proposed rental units.

Mary Robinson, Houghton Rd:

- Her residence is adjacent to the subject property.
- Spoke to the park improvements in the area made by the City.
- Spoke to the safety concerns of children in the area with additional construction and traffic congestion.

Christine Nicolson, Houghton Rd:

- Concerned with privacy with her house adjacent to the subject property.
- Responded to questions from Council.

Vivian, Hein Road:

- Concerned with height and requested more information on type of rentals.

Staff responded to questions from Council.

There were no further comments.

### **3.4 Kneller Rd 210, BL11738 (Z18-0099) - Gurdev and Kamalpreet Gill**

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence was received.

The applicant, Jesse Alexander, New Town Architecture & Engineering was available for questions.

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

No one from the gallery came forward.

There were no further comments.

### **3.5 Creekside Rd 1200, BL11742 (Z18-0095) - o8o6568 BC Ltd**

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence was received.

Birte Decloux, Urban options, Applicant:

- Provided a presentation of renderings of the proposed carriage house.

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

Gallery:

Bruce Armon, Creekside Road:

- Concerned with parking and traffic alongside Creekside Rd.

Staff responded to questions from Council.

There were no further comments.

### 3.6 Dehart Rd 894, BL11748 (Z18-0119) - Stephen Edward Sai-Wung Cheung

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

**Letter of opposition and concern:**

- John and Julia Keery, DeHart Rd

Birte Decloux, Urban Options, Applicant:

- Provided a PowerPoint presentation summarizing the application.
- Noted the subject property has several Statutory Right of Ways that dictates how the property can be developed.
- Retention of fences and vegetation have been discussed with the neighbours.
- Responded to questions from Council.

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

Gallery:

John Keery, Dehart Road:

- Traffic concerns with vehicle access to/from the lot.
- Referenced correspondence submitted.
- Concerns with privacy.

Angela Munson, Dehart Road:

- Concerned with traffic, adjacent development will have 100+ units as well.

June Halter, Dehart Road:

- Concerned with traffic congestion with more development.

Applicants response to questions raised:

- Confirmed dwellings would be a maximum 7.5M in height consistent with any single family residence on the property.
- Street frontage improvements in front of property will include sidewalk, curb and gutter.
- Confirmed adequate driveway access to site.
- Responded to questions from Council.

Staff responded to questions from Council.

There were no further comments.

### 3.7 Venus Rd 165, BL11749 (Z18-0120) - Andrew Bergestad

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence was received.

The Applicant was available for questions.

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

No one from the gallery came forward.

There were no further comments.



### 3.8 Sexsmith Rd 2960, BL11750 (Z18-0061) - Stuart McMillan and Jackie-Lynn Large

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The applicant was available for comment.

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

**Letter of concern and opposition:**

- Susan Hayes, Arab Rd

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

Gallery:

Ruth Dodds, Sexsmith Road:

- In favour with what is being proposed.
- Concerned about traffic.
- Raised questions regarding the zoning of her property.

There were no further comments.

### 3.9 Penno Rd 360, BL11751 (Z18-0086) - New North West Trading

Councillor Sieben declared a conflict as the applicant is a client and left the meeting at 7:09 p.m.

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence was received.

The applicant was available for questions.

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

No one from the gallery came forward.

There were no further comments.

### 4. Termination

Councillor Sieben returned to the gallery at 7:10 p.m.

The Hearing was declared terminated at 7:10 p.m.

\_\_\_\_\_  
Mayor Basran

sf/rvh

\_\_\_\_\_  
City Clerk





## City of Kelowna Regular Meeting Minutes

Date: Tuesday, February 12, 2019

Location: Council Chamber  
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine Dehart, Gail Given, Charlie Hodge, Brad Sieben and Luke Stack

Members Absent Councillors Ryan Donn, Mohini Singh and Loyal Wooldridge

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Acting Divisional Director, Community Planning & Strategic Investments, Derek Edstrom; Community Planning Department Manager, Ryan Smith; Suburban and Rural Planning Manager, Dean Strachan\*; Planner Specialist, Alex Kondor\*; Legislative Coordinator (Confidential), Clint McKenzie; Legislative Coordinator (Confidential), Rebecca Van Huizen

(\*denotes partial attendance)

### 1. Call to Order

Mayor Basran called the meeting to order at 7:21 p.m.

### 2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Stack.

### 3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Given

**Re140/19/02/12** THAT the Minutes of the Public Hearing and Regular Meeting of January 29, 2019 be confirmed as circulated.

**Carried**

### 4. Bylaws Considered at Public Hearing

**4.1 Barnaby Rd 751, BL11728 (Z18-0073) - Kristine Sales and Dustin Sales**

Moved By Councillor Dehart/Seconded By Councillor Sieben

R0141/19/02/12 THAT Bylaw No. 11728 be read a second and third time and be adopted.

Carried

**4.2 Cadder Ave 418-422, BL11736 (Z18-0083) - Geoffrey & Michelle Couper and Friedrich & Evelyn Wille**

Moved By Councillor Dehart/Seconded By Councillor Sieben

R0142/19/02/12 THAT Bylaw No. 11736 be read a second and third time.

Carried

**4.3 Hein Rd 365-367, BL11737 (Z18-0066) - 1918951 Alberta Ltd**

Moved By Councillor Dehart/Seconded By Councillor Sieben

R0143/19/02/12 THAT Bylaw No. 11737 be read a second and third time.

Carried

**4.4 Kneller Rd 210, BL11738 (Z18-0099) - Gurdev and Kamalpreet Gill**

Moved By Councillor Stack/Seconded By Councillor Dehart

R0144/19/02/12 THAT Bylaw No. 11738 be read a second and third time.

Carried

**4.5 Creekside Rd 1200, BL11742 (Z18-0095) - 0806568 BC Ltd**

Moved By Councillor Dehart/Seconded By Councillor Sieben

R0145/19/02/12 THAT Bylaw No. 11742 be read a second and third time and be adopted.

Carried

**4.6 Dehart Rd 894, BL11748 (Z18-0119) - Stephen Edward Sai-Wung Cheung**

Moved By Councillor Dehart/Seconded By Councillor Stack

R0146/19/02/12 THAT Bylaw No. 11748 be read a second and third time.

Carried

**4.7 Venus Rd 165, BL11749 (Z18-0120) - Andrew Bergestad**

Moved By Councillor Stack/Seconded By Councillor Dehart

R0147/19/02/12 THAT Bylaw No. 11749 be read a second and third time and be adopted.

Carried

**4.8 Sexsmith Rd 2960, BL11750 (Z18-0061) - Stuart McMillan and Jackie-Lynn Large**

Moved By Councillor Stack/Seconded By Councillor Dehart

R0148/19/02/12 THAT Bylaw No. 11750 be given second and third readings.

Carried

**4.9 Penno Rd 360, BL11751 (Z18-0086) - New North West Trading**

Council Sieben declared a conflict as the applicant is a client and left the meeting at 7:34 p.m.

Moved By Councillor Hodge/Seconded By Councillor Given

R0149/19/02/12 THAT Bylaw No. 11751 be given second and third readings.

Carried

Council Sieben returned to the meeting at 7:34 p.m.

**5. Notification of Meeting**

The City Clerk advised that notice of Council's consideration of these *Development Variance Permit Applications* was given by sending out or otherwise mailing 261 statutory notices to the owners and occupiers of surrounding properties on Tuesday, January 29, 2019. The correspondence and/or petitions received in response to advertising for the applications on tonight's Agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

**6. Development Permit and Development Variance Permit Reports**

**6.1 Dougall Rd N 345, BL11528 (Z17-0041) - Unik-Town Development Inc**

Moved By Councillor Hodge/Seconded By Councillor Given

R0150/19/02/12 THAT Bylaw No. 11528 be amended at third reading by deleting the legal descriptions that read:

- Lot A Sec 26 Twn 26 ODYD Plan 6977
- Lot B Sec 26 Twn 26 ODYD Plan 6977
- Lot C Sec 26 Twn 26 ODYD Plan 6977

And replacing it with:

- Lot 1 Sec Twn 26 ODYD Plan EPP84282

Carried

Moved By Councillor Hodge/Seconded By Councillor Given

R0151/19/02/12 THAT Bylaw No. 11528 as amended, be adopted.

Carried

**6.2 Dougall Rd N 345, DP17-0118 DVP17-0119 - Unik-Town Development Inc**

Staff:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.
- Confirmed applicant has committed to a carshare program onsite.



The City Clerk advised that the following correspondence was received:

**Letters of Opposition and Concern:**

Ron & Tammie Clarke, McIntosh Rd  
Peter Oostlander & Ingrid Enns, McIntosh Road

**Sheldon Dee, Applicant's Marketing Representative:**

- Here on behalf of applicant as flight was cancelled due to weather.
- Confirmed cars will be purchased and provided to MODO Car Share onsite.
- Responded to questions from Council.

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

Gallery:

**Steve Jancikic, Dougall Rd North:**

- In support but concerned with visitor parking.
- Agreed with Councillor Hodge's earlier comments on long term parking implications.

**Matthew Engel, Asher Road:**

- Raised concerns with lack of parking stalls for visitors and tenants.
- Raised concerns with lack of storage for each micro unit.
- Raised concerns with existing transit service in the City and variances to parking won't help.

**Christian Brandt, MODO representative:**

- Provided details of agreement with the developer regarding car share.

**Michael Edmunds, Dougall Road North:**

- Concerned about reduced parking and that it will create overspill parking on the road.

Staff responded to questions from Council.

There were no further comments.

**Moved By Councillor Sieben/Seconded By Councillor Given**

**R0152/19/02/12** THAT Rezoning Bylaw No. 11528 be amended at third reading to revise the legal description of the subject properties from:

1. Lot A Sec 26 Twn 26 ODYD Plan 6977, located at 360 McIntosh Road, Kelowna, BC;
2. Lot B Sec 26 Twn 26 ODYD Plan 6977, located at 345 Dougall Road, Kelowna, BC
3. Lot C Sec 26 Twn 26 ODYD Plan 6977, located at 365 Dougall Road, Kelowna, BC;  
to Lot 1 Sec 26 Twn 26 ODYD Plan EPP84282;

AND THAT final adoption of Rezoning Bylaw No. 11528 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP17-0118 and Development Variance Permit DVP17-0119 for Lot 1 Section 26 Township 26 ODYD Plan EPP84282, located at 345 Dougall Rd, Kelowna, BC subject to the following:

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

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

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

**Section 8: Table 8.1 Parking Schedule**

To vary the number of parking stalls from 96 (required) to 66 (proposed)

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

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

**Carried**

**6.3 Roanoke Ave 660, DVP18-0217 - Nathan Peters**

*This item was withdrawn from the agenda and will be advertised to a future meeting.*

**6.4 Fuller Rd 4663, DVP18-0245 - Jason and Amanda Schindel**

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence was received.

The applicant was not in attendance.

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

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Hodge

**R0153/19/02/12** THAT Council authorizes the issuance of Development Variance Permit No. DVP18 - 0245 for Lot B, Section 25, Township 28, SDYD Plan EPP 81401, located at 4663 Fuller Rd, Kelowna, BC;

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

**Section 13.1.6(d): RU1 – Large Lot Housing Development Regulations**

To vary the required minimum north side yard set-back from 2.0m required to 1.5m proposed.

**Section 7.6.1(e): Minimum Landscape Buffers**

To vary the required combined south side yard setback (2.0m) and landscape buffer (3.0m) from a total of 5.0m required to 3.0m proposed.

AND THAT Council's consideration of this Development Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated February 12, 2019;

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

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

Carried

**6.5 Clement Ave 599, OCP17-0028 (BL11563) - Okanagan Opportunity GP Inc.**

Moved By Councillor Given/Seconded By Councillor Hodge

**R0154/19/02/12** THAT Bylaw No. 11563 be amended at third reading by deleting the legal descriptions that read:

- Lot 29 District Lot 139 ODYD Plan 1303
- Lot 56 District Lot 139 ODYD Plan 1037
- Lot 57 District Lot 139 ODYD Plan 1037
- Lot 58 District Lot 139 ODYD Plan 1037
- Lot 59 District Lot 139 ODYD Plan 1037
- Lot 1 District Lot 139 ODYD Plan 11327
- Lot 2 District Lot 139 ODYD Plan 11327

And replacing it with:

- Lot A District Lot 139 ODYD Plan EPP82176

Carried

Moved By Councillor Hodge/Seconded By Councillor Given

**R0155/19/02/12** THAT Bylaw No. 11563 as amended, be adopted.

Carried

**6.6 Clement Ave 599, Z17-0103 (BL11564) - Okanagan Opportunity GP Inc.**

Moved By Councillor Stack/Seconded By Councillor Dehart

**R0156/19/02/12** THAT Bylaw No. 11564 be amended at third reading by deleting the legal descriptions that read:

- Lot 29 District Lot 139 ODYD Plan 1303
- Lot 56 District Lot 139 ODYD Plan 1037
- Lot 57 District Lot 139 ODYD Plan 1037
- Lot 58 District Lot 139 ODYD Plan 1037
- Lot 59 District Lot 139 ODYD Plan 1037
- Lot 1 District Lot 139 ODYD Plan 11327
- Lot 2 District Lot 139 ODYD Plan 11327

And replacing it with:

- Lot A District Lot 139 ODYD Plan EPP82176

Carried



Moved By Councillor Hodge/Seconded By Councillor Given

**Ro157/19/02/12** THAT Bylaw No. 11564 as amended, be adopted.

**Carried**

**6.7 Clement Ave 599 DP17-0247 DVP17-0248 - Okanagan Opportunity GP Inc**

Staff:

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

The City Clerk advised that the following correspondence was received:

**Letters of Opposition and Concern**

Dr. S Ames, Abbott Street

Nicole & Jake Pesta, Coronation Avenue

Applicant, Roger Green, MQN Architects:

- Spoke to addressing the colours of the original design and changing to more natural colours in response to neighbourhood concerns.

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

Gallery:

Clarke Van Peteghem, Clement Ave:

- Adjacent property owner.
- Raised concerns with impacts on his property and surrounding neighbourhood.
- Opposed to all variances.
- Design has been improved, concerned with the concrete wall height with the parkade on the west property line facing his property.
- Concerned with the transition to adjacent lots.
- Alley clearances are tight.

Nicole Elliott, Coronation Avenue:

- Raised concerns with negative impact vacant buildings owned by the applicant.
- Concerns with the size of the building for the size of the lot.
- Concerns with finish of the building, does not fit into the area.
- Parking should be increased rather than reduced.

Brody Dap, Clement Ave:

- Opposed to variances; building will dwarf the single family houses in the neighbourhood.
- Concerns with the width of the alley.

Christopher Szymberski, Coronation Ave:

- Opposed to form and character of the proposed building, large wall to the west faces his property.
- Concerns with lane and traffic increases.
- Commented on whether the developer is giving something back to community in conjunction with the variances.

Stephanie, Coronation Ave:

- Opposed to setback variances.
- Commented on need for more trees and vegetation adjacent to other properties.
- Setbacks negate options to transition from site to neighbourhood properties.

Jacob Pesta, Coronation Ave:

- Opposed to variances.
- Noted the developer can do a better job at addressing the issues and impacts to adjacent properties.

Applicant's Representative, Kevin Edgecombe, Edgecombe Builders response to questions raised:

- Spoke to efforts at keeping homeless from vacant buildings on site.
- Spoke to the height of the development for a purpose built rental project and the need for variances.
- Confirmed that offsite improvements will be addressed as part of this development.

Applicant, Roger Green, MQN Architects:

- Spoke to transition from neighbouring C-7 zoned building into the subject property.
- Commented on the colours and theme of the exterior.
- Responded to questions from Council.

Staff responded to questions from Council.

There were no further comments.

Staff confirmed that the power lines in the lane will be put underground.

Moved By Councillor Given/Seconded By Councillor Sieben

**R0158/19/02/12** THAT OCP Amendment Bylaw No. 11563 and Rezoning Bylaw No. 11564 be amended at third reading to revise the legal description of the subject property from:

1. Lot 29 District Lot 139 ODYD Plan 1303, located at 573 Clement Ave, Kelowna, BC
2. Lot 56 District Lot 139 ODYD Plan 1037, located at 577 Clement Ave, Kelowna, BC
3. Lot 57 District Lot 139 ODYD Plan 1037, located at 581 Clement Ave, Kelowna, BC
4. Lot 58 District Lot 139 ODYD Plan 1037, located at 581 Clement Ave, Kelowna, BC
5. Lot 59 District Lot 139 ODYD Plan 1037, located at 589 Clement Ave, Kelowna, BC
6. Lot 1 District Lot 139 ODYD Plan 11327, located at 599 Clement Ave, Kelowna, BC
7. Lot 2 District Lot 139 ODYD Plan 11327, located at 603 Clement Ave, Kelowna, BC

To Lot A, District Lot 139, ODYD, Plan EPP82176

AND THAT final adoption of OCP Amendment Bylaw No. 11563 and Rezoning Bylaw No. BL11564 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. 17-0247 and Development Variance Permit No. DVP17-0248 for Lot A, District Lot 139, ODYD, Plan EPP82176, located at 599 Clement Ave, Kelowna, BC subject to the following:

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

5. That a car-share agreement and any necessary covenants and/or easements be registered on the property to ensure a car-share program is provided onsite.

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

**Section 13.12.6 (b) RM6 – High Rise Apartment Housing Development Regulations:**

To vary the maximum site coverage including parking areas and driveways from 50% to 79% proposed;

**Section 13.12.6 (e) RM6 – High Rise Apartment Housing Development Regulations:**

To vary the minimum side yard setback from 4.5m to 1.5m on the east side yard and 0.2m on the west side yard.

**Section 13.12.6 (f) RM6 – High Rise Apartment Housing Development Regulations:**

To vary the minimum rear yard setback from 9.0m to 4.0m.

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

To vary the required number of parking stalls from 92 required stalls to 72 proposed stalls;

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.

**Carried**  
Councillor Hodge - Opposed

**6.8 Pacific Ave 1145, Z17-0118 (BL11621) - Okanagan Opportunity (Pacific) GP Inc**

Moved By Councillor Given/Seconded By Councillor Hodge

**R0159/19/02/12** THAT Bylaw No. 11621 be adopted.

**Carried**

**6.9 Pacific Avenue 1145 DP17-0296 DVP17-0297 Okanagan Opportunity (Pacific) GP Inc**

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

**Letters of Opposition and Concern:**

Caroline Dacyk, Brookside Avenue  
Iris Jones, Brookside Avenue  
Irene Schoenfeld, Brookside Avenue  
Thomas Illichmann, Gordon Drive  
Debby Merkel, Brookside Avenue  
Maria Franz, Pacific Avenue

Applicant was available for questions.



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

Gallery:

Maria Franz, Pacific Avenue:

- Adjacent property owner to development.
- Spoke to concerns with accuracy of recent survey and pin location as well as validity of variances required.
- Concerns with lack of landscaping to the entrance of the development.
- Concerns regarding spillover of road maintenance issues on her adjacent property due to difference in elevation between subject property and her own.
- Questioned whether there will be an onsite Manager.
- Spoke to variances due to high water table and her concerns with parking and commented on opportunity for underground parking.
- Noted that other nearby buildings have underground parking and that the applicant could pursue that and eliminate need for variances.

Applicant, Roger Green, MQN Architects:

- Spoke to survey being done by a registered surveyor, so isn't aware if it is misplaced.
- Spoke to challenges on the width of property and providing the parking obtained.
- Spoke to the introduction of townhouses in front of the parkade to address neighbourhood setback concerns.
- Consultants advised high water table negated underground parking option.
- Responded to questions from Council.

Staff responded to questions from Council.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Given

**R0160/19/02/12** THAT final adoption of Rezoning Bylaw No. 11621 (Z17-0118) be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP17-0296 Lot A District Lot 137 ODYD Plan EPP84914, located at 1145 Pacific 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 authorize the issuance of Development Variance Permit No. DVP17-0297 for 0296 Lot A District Lot 137 ODYD Plan EPP84914, located at 1145 Pacific Avenue, Kelowna, BC;

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

**Section 13.11.6 (b) Development Regulations – Site Coverage**

To vary the site coverage (buildings) from 40% required to 57% proposed; and  
To vary the site coverage (buildings, driveways & parking areas) from 65% required to 81% proposed.

**Section 13.11.6 (c) Development Regulations – Height**

To vary the height from 18m / 4.5 storeys proposed to 18.3m / 5 storeys proposed.

**Section 13.11.6 (d) Development Regulations – Front Yard Setback**

To vary the front yard setback for a portion of the building above 2 ½ storeys (3rd storey) from 6.0m required to 3.5m proposed.

**Section 13.11.6 (e) Development Regulations – Side Yard Setback (East)**

To vary the side yard setback (east) for portions of the building below 2 ½ storeys from 4.5 m required to 1.5 m proposed and from 7.0m required to 4.8m proposed for the 2<sup>nd</sup> – 4<sup>th</sup> storey portions of the building.

**Section 13.11.6 (f) Development Regulations – Rear Yard Setback**

To vary the rear yard setback from 9.0m required to 7.5m proposed.

**Table 8.1 – Parking Schedule**

To vary the minimum parking requirement from 48 stalls required to 36 stalls proposed.

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

**Carried**

**7. Reminders**

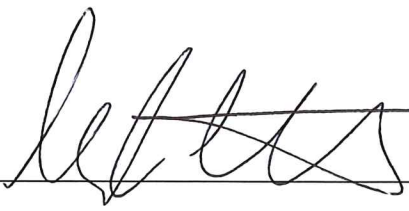
There were no reminders.

**8. Termination**

The meeting was declared terminated at 10:16 p.m.

\_\_\_\_\_  
Mayor Basran

sf/rvh

  
\_\_\_\_\_  
City Clerk





# 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:

	<b><i>Legal Description</i></b>	<b><i>Civic Address</i></b>	<b><i>Regulation</i></b>
1.	Lot A Section 30 Township 26ODYD Plan 18927	907 Ethel Street	To allow <b>Multiple dwelling housing</b> 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 4<sup>th</sup> 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**

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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 4<sup>th</sup> 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

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Mayor

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City Clerk

# CITY OF KELOWNA

## BYLAW NO. 11754

### Z18-0110 – 4389 Hobson Road

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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 4<sup>th</sup> 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

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Mayor

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City Clerk

**CITY OF KELOWNA**  
**BYLAW NO. 11757**  
**Z18-0114 - 545 Taylor Rd**

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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 11<sup>th</sup> 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

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(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

# CITY OF KELOWNA

## BYLAW NO. 11758

### Rescinding Housing Agreement Authorization Bylaw No. 9999

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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 11<sup>th</sup> day of February, 2019.

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

# CITY OF KELOWNA

## BYLAW NO. 11713

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

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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 3<sup>rd</sup> day of December, 2018.

Considered at a Public Hearing on the 15<sup>th</sup> day of January, 2019.

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

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

**CITY OF KELOWNA**  
**BYLAW NO. 11714**  
**Z18-0062 – 555 Fuller Avenue**

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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 3<sup>rd</sup> day of December, 2018.

Considered at a Public Hearing on this 15<sup>th</sup> day of January, 2019.

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

Approved under the Transportation Act this

Blaine Garrison

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(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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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

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## 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.

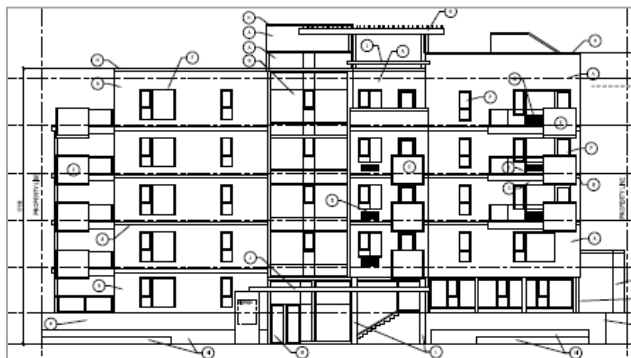


Figure 1 - Initial Submission



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.

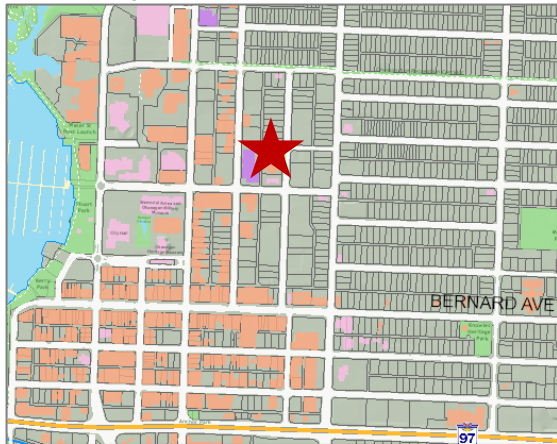
#### 4.3 Site Context

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

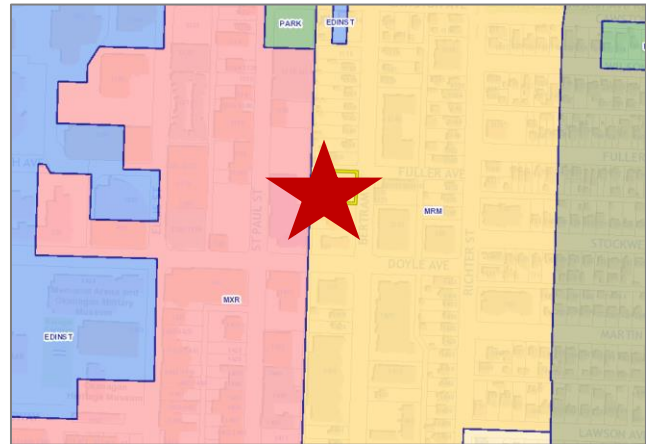
Specifically, adjacent land uses are as follows:

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

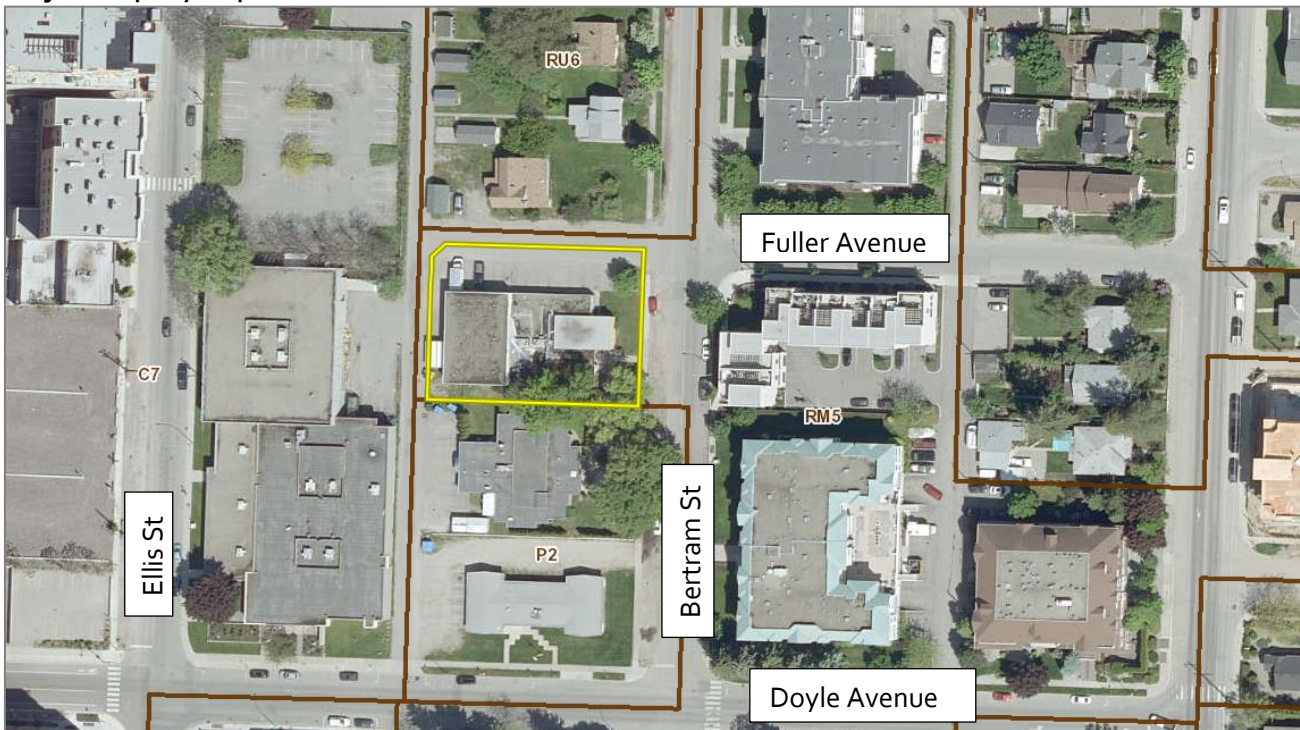
Context Map:



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 <sup>2</sup>	1790 m <sup>2</sup>
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 <sup>①</sup>
Other Regulations		
Minimum Parking Requirements	88 stalls	44 stalls <sup>②</sup>
Bicycle Parking	34 Class I 2 Class II	68 Class I 7 Class II
Private Open Space	739 m <sup>2</sup>	1324 m <sup>2</sup>
Functional Ground Oriented Residential Use on first floor	90%	52.5% <sup>③</sup>
<sup>①</sup> 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. <sup>②</sup> Indicates a requested variance to the number of parking stalls from 88 stalls required to 44 stalls proposed. <sup>③</sup> 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** <sup>1</sup> Support the creation of affordable and safe rental, non-market and/or special needs housing.

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

**Healthy Communities.** <sup>3</sup> 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.** <sup>4</sup> 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** <sup>5</sup> The housing needs of all Kelowna residents are met through affordable, accessible and diverse housing options.

**Promote and Protect Rental Housing** <sup>6</sup> 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.

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

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

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

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

<sup>5</sup> Healthy Housing Strategy, Introduction 1.1.

<sup>6</sup> 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



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**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 07, 2018

**File No.:** Z18-0062

**To:** Community Planning (LK)

**From:** Development Engineering Manager (JK)

**Subject:** 555 Fuller Ave

RM5 to C7

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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.

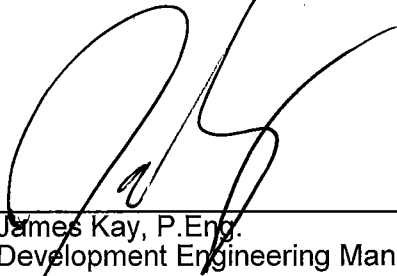
**.12) Servicing Agreements for Works and Services**

- 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**


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

---

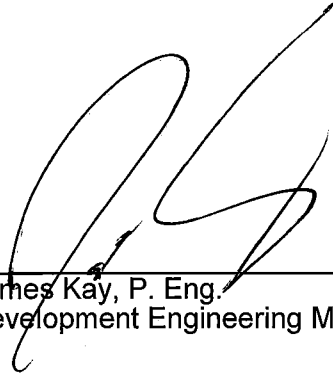
<b>ATTACHMENT</b>		<b>A</b>
This forms part of application # <b>DP18-0115 &amp; DVP18-0116</b>		
Planner Initials	<b>LK</b>	 City of <b>Kelowna</b> <small>COMMUNITY PLANNING</small>

**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

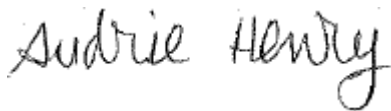
City of Kelowna  
1435 Water Street  
Kelowna, British Columbia V1Y 1J4  
Canada

**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

<b>ATTACHMENT C</b>	
This forms part of application # <u>DP18-0115 &amp; DVP18-0116</u>	
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.**



City of  
**Kelowna**  
COMMUNITY PLANNING

### Revitalization Development Permit Area

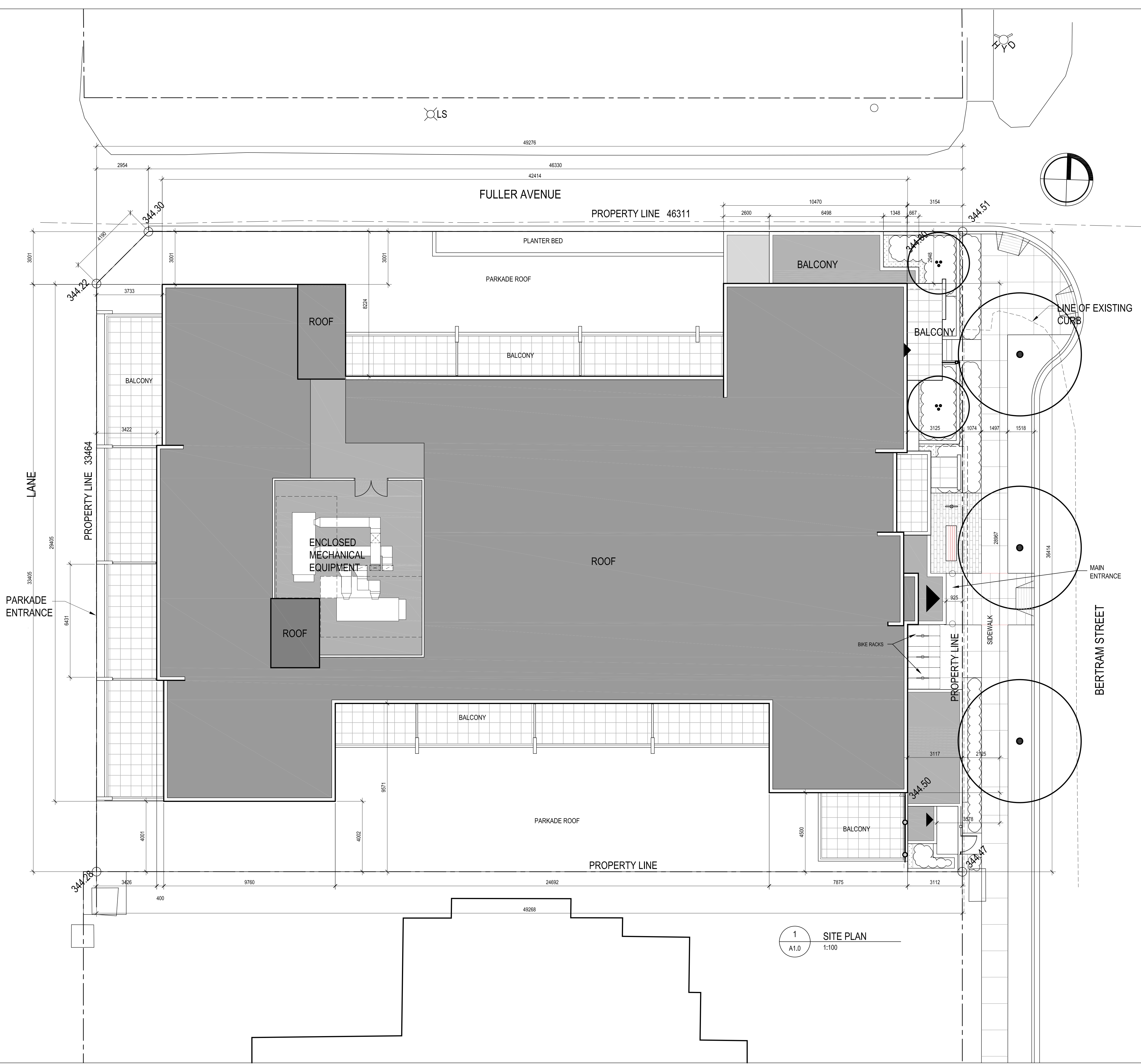
Consideration has been given to the following guidelines as identified in Section 14.B. of the City of Kelowna Official Community Plan relating to Revitalization Development Permit Areas.

Planner  
Initials

LK

REVITALIZATION DEVELOPMENT PERMIT AREA	YES	NO	N/A
<b>Relationship to the Neighbourhood and Street</b>			
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?	✓		
<b>Building Design</b>			
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?	✓		
<b>View Corridors</b>			
Are existing views preserved and enhanced?			✓
<b>Vehicular Access and Parking</b>			
Are at-grade and above-grade parking levels concealed with façade treatments?			✓
Are garage doors integrated into the overall building design?	✓		

<b>REVITALIZATION DEVELOPMENT PERMIT AREA</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
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?			✓
<b>Signage</b>			
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?			✓
<b>Public Art</b>			
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

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

City of Kelowna  
COMMUNITY PLANNING

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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

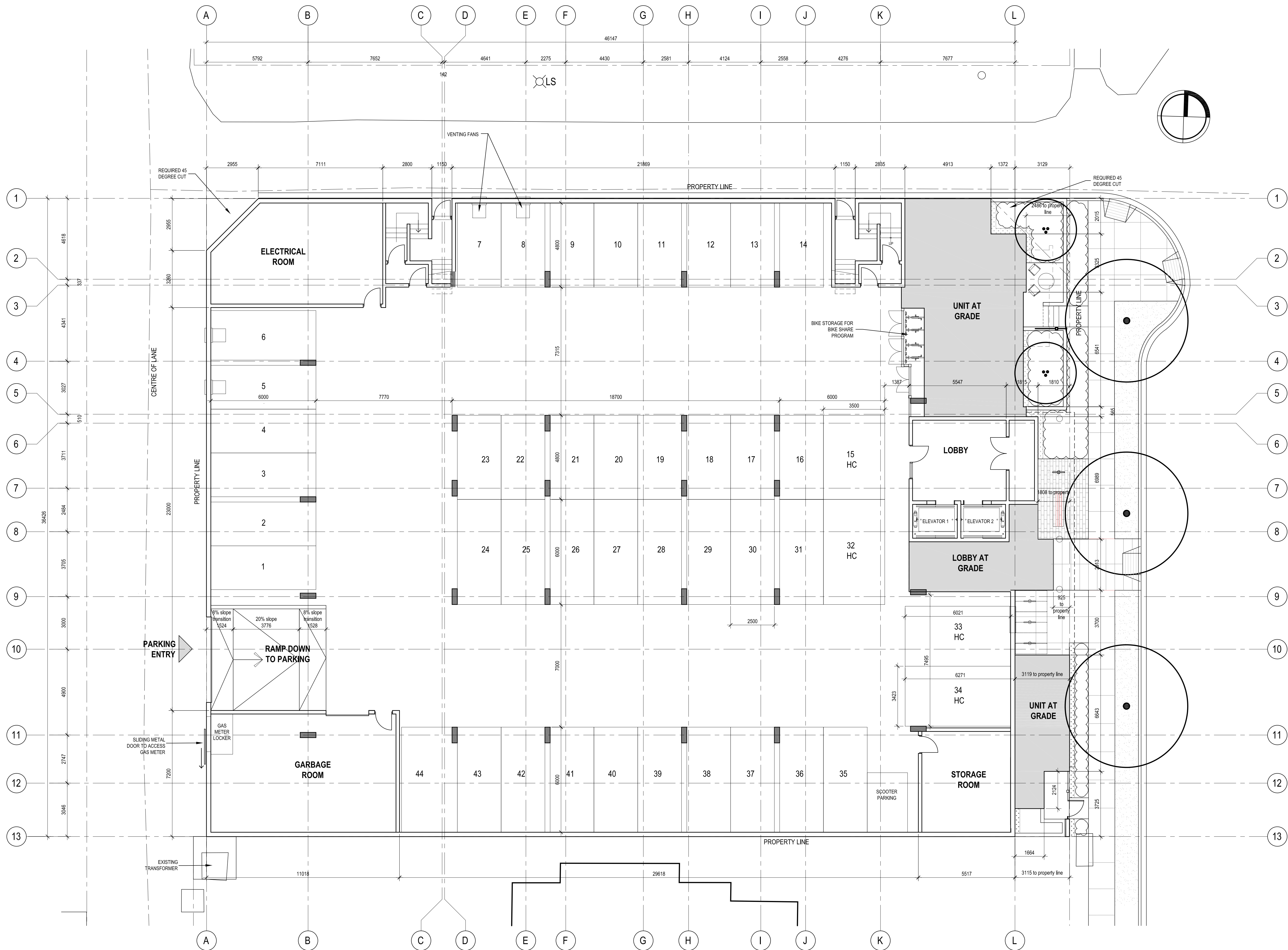
DATE  
October 15, 2018

SHEET NUMBER

A1.0

SCALE  
1:100





1  
A2.0  
PARKING LEVEL  
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

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**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**



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

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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**

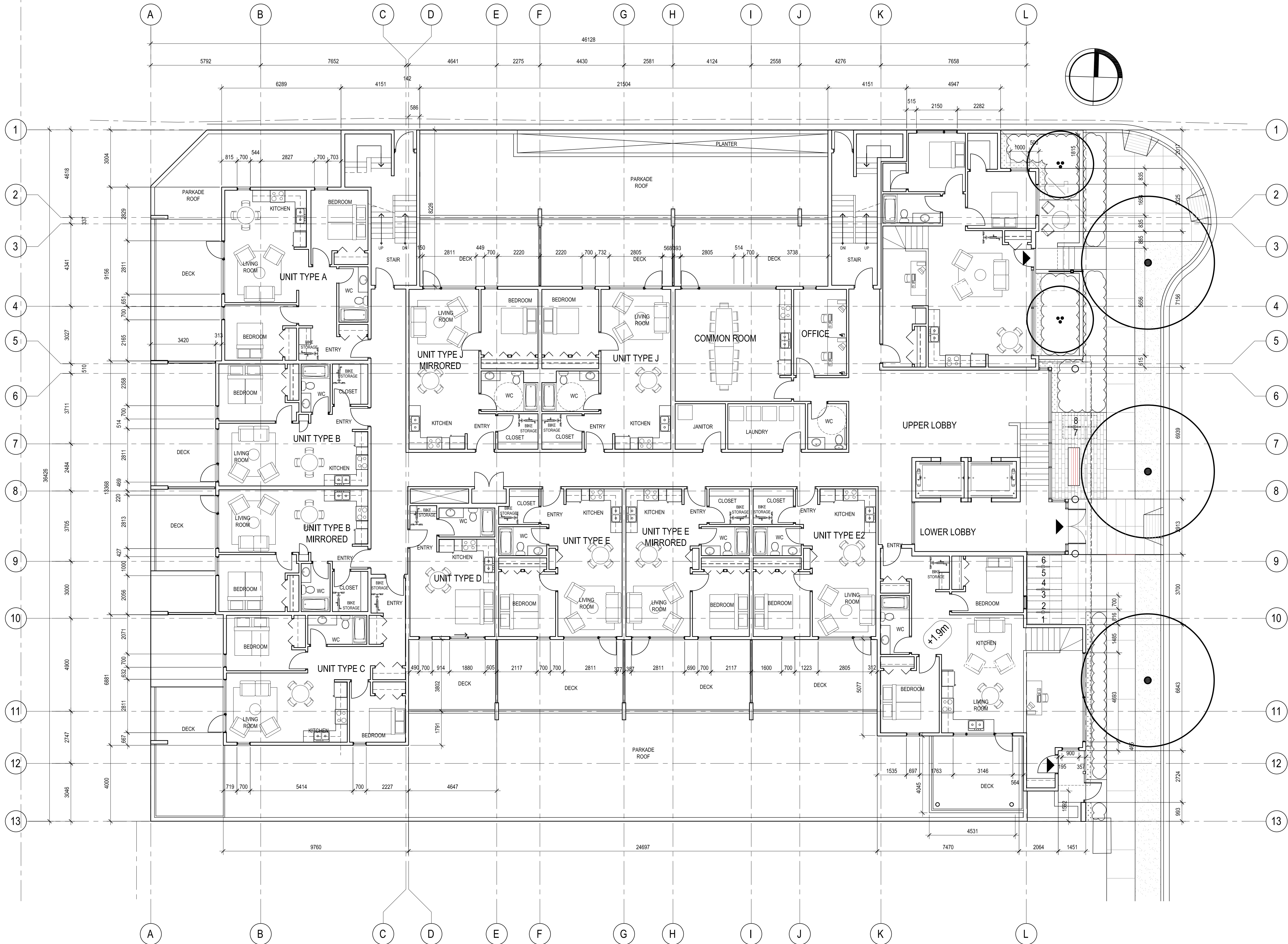
SHEET TITLE  
**First Floor Plan**

DATE  
**October 15, 2018**

SHEET NUMBER

**A2.1**

SCALE  
**1:100**



**1**  
A2.1  
**LEVEL 1**  
1:100



PROFESSIONAL SEAL(S)  
CONSULTANTS  
**DiStefano Jaud, Architecture**



**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](http://WWW.DISTEFANOJAUD.COM)

PROJECT  
**Pathways Abilities Society**

PROJECT NUMBER  
**DJA 2017-24**

PROJECT LOCATION  
**Fuller Ave. Kelowna**

SHEET TITLE  
**Second Floor Plan**

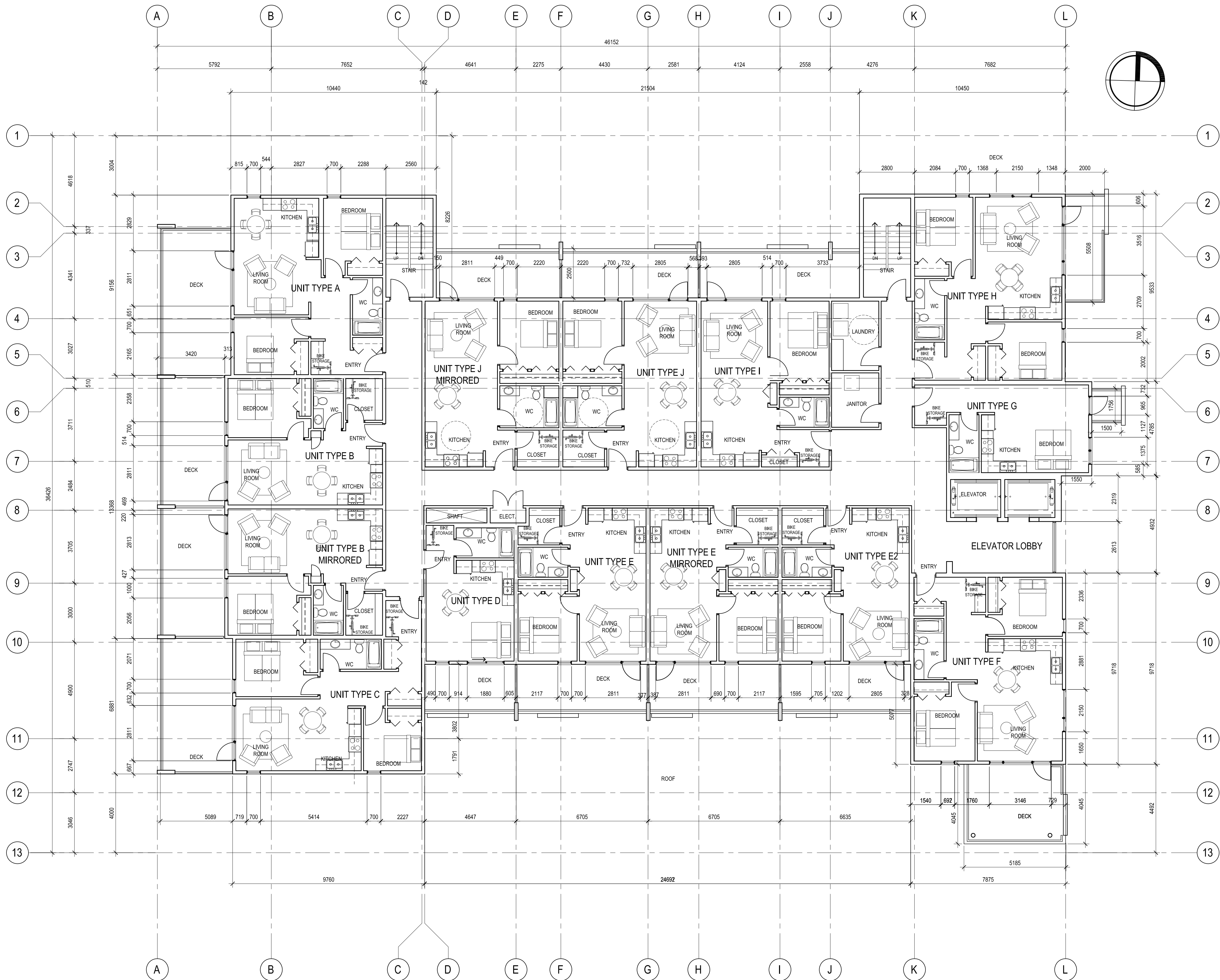
DATE  
October 15, 2018

SHEET NUMBER

**A2.2**

SCALE  
1:100





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

A

This forms part of application

# DP18-0115 & DVP18-0116

Planner Initials LK

City of Kelowna

COMMUNITY PLANNING

Robert Turik (retired)  
CONSULTING ARCHITECT

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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**

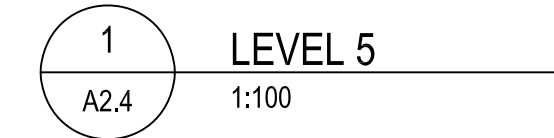
SHEET NUMBER

**A2.3**

SCALE  
**1:100**

1  
A2.3  
LEVEL 3-4  
1:100

SCALE  
1:100





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

PROFESSIONAL SEAL(s)  
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SCHEDULE

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Planner Initials

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City of Kelowna

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PROJECT  
Pathways Abilities Society

PROJECT NUMBER  
DJA 2017-24

PROJECT LOCATION  
Fuller Ave. Kelowna

SHEET TITLE  
Roof Plan

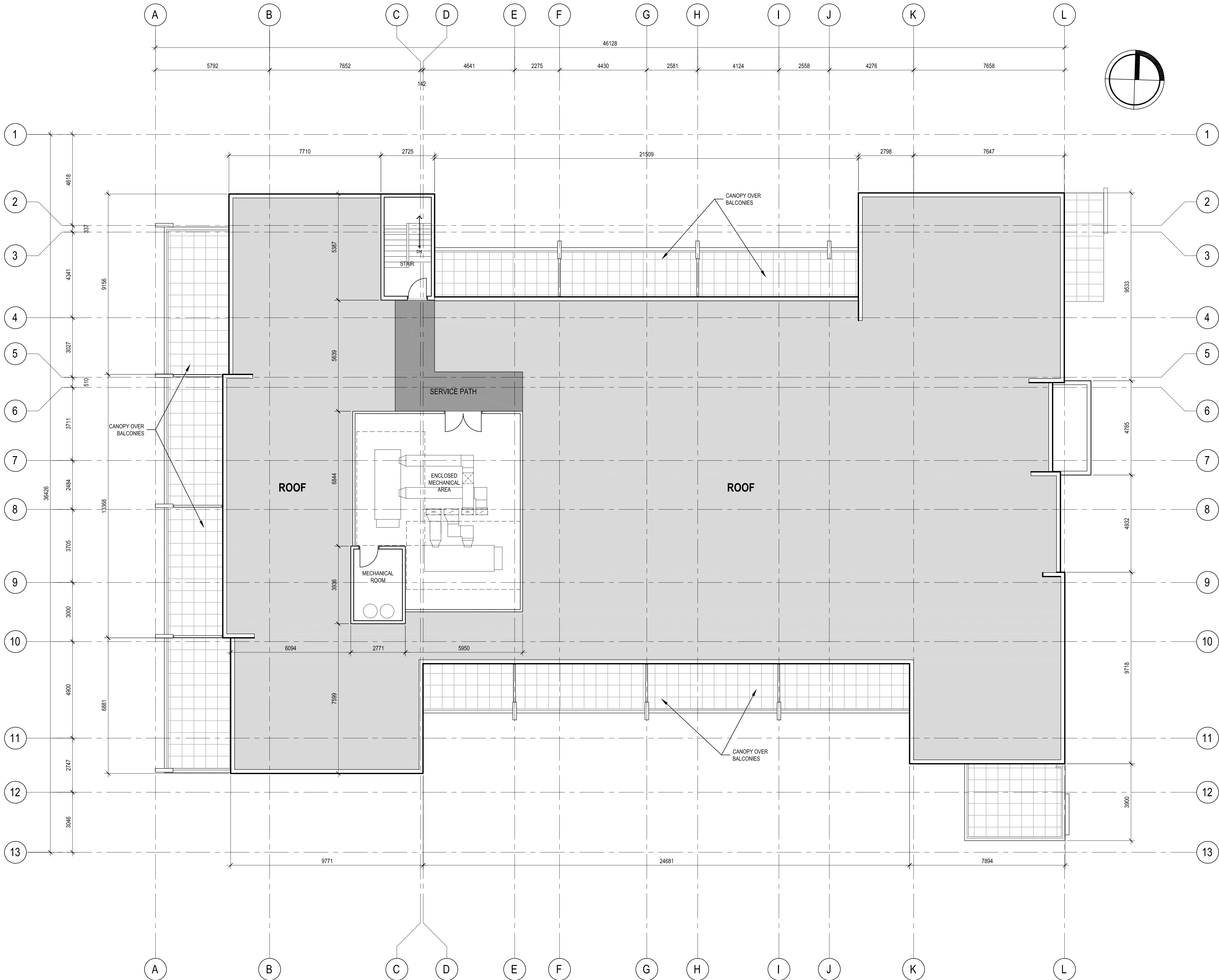
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October 15, 2018

SHEET NUMBER

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SCALE

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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**  
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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
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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**

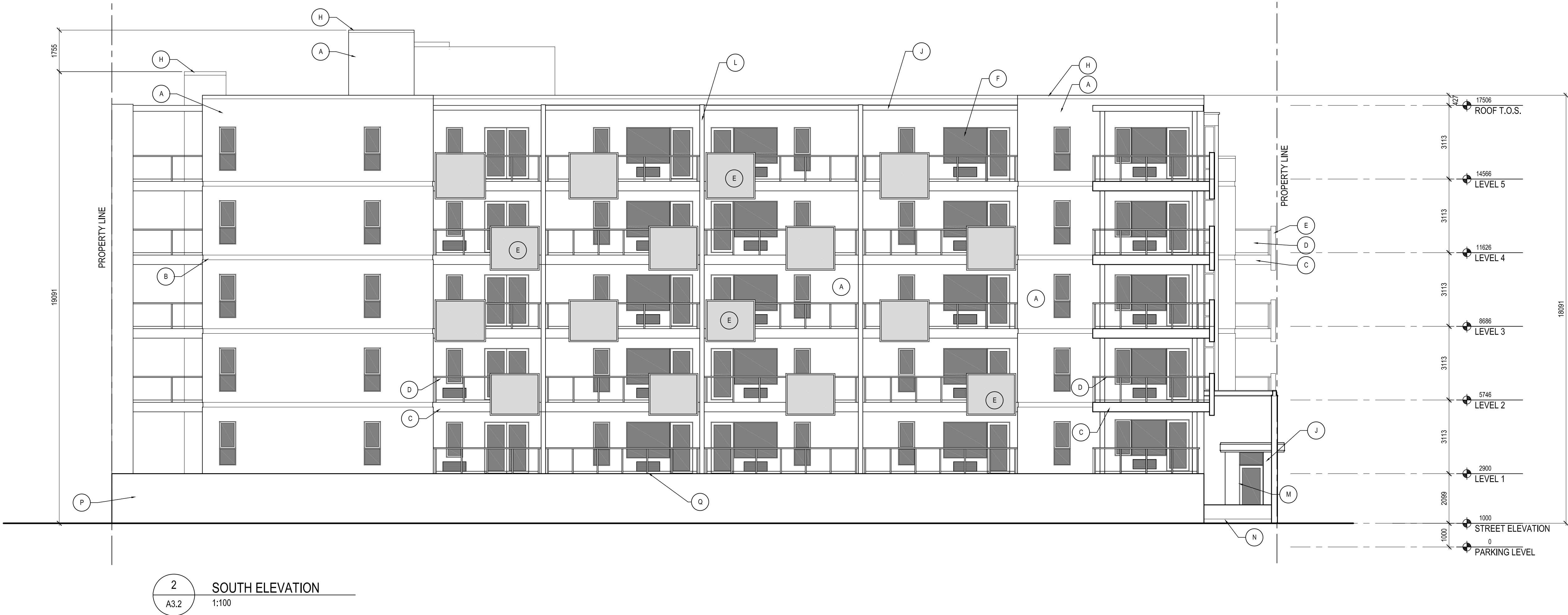
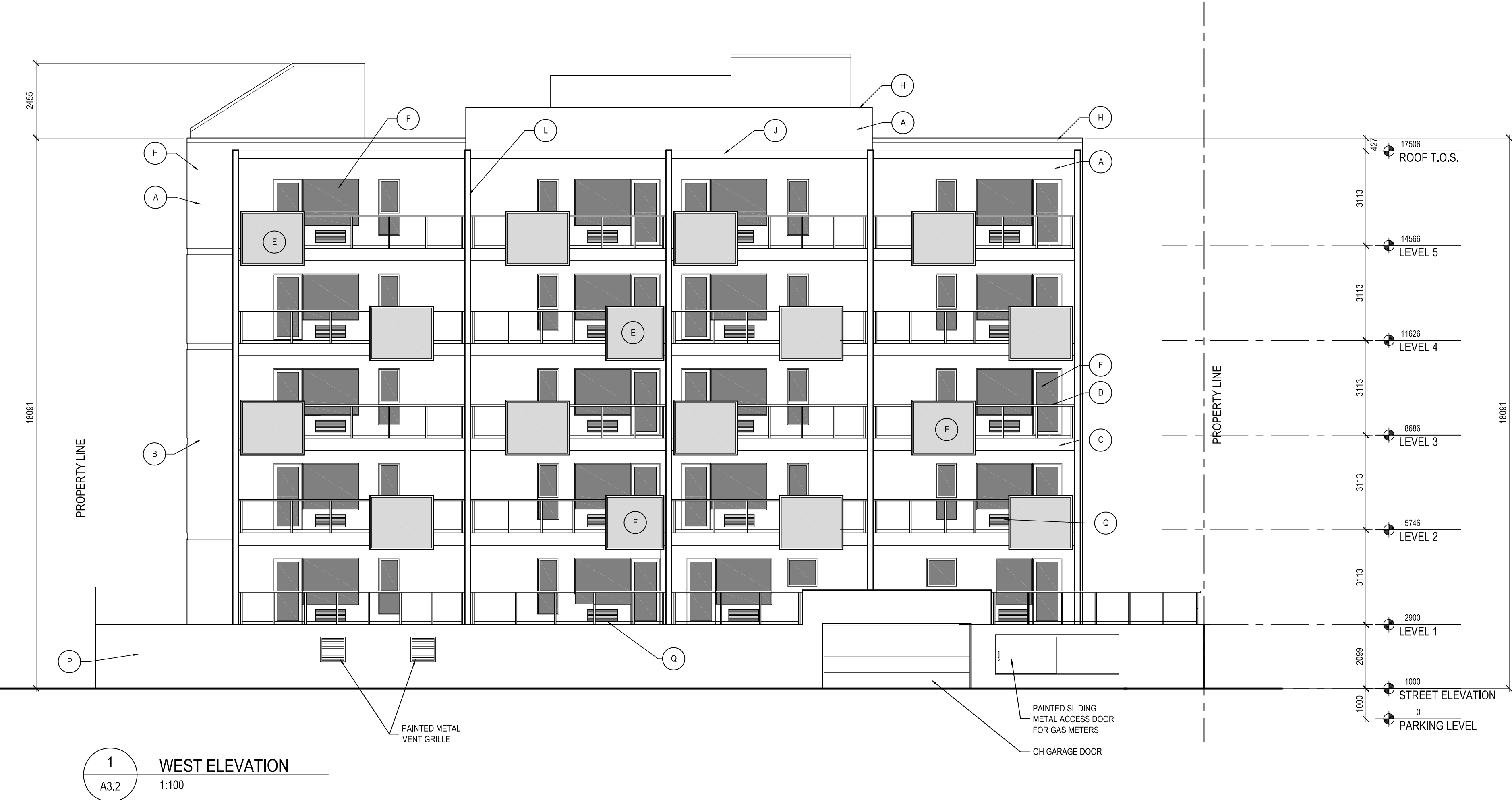
**B**  
  
City of  
**Kelowna**  
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EXTERIOR CLADDING LEGEND

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



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PROJECT  
**Pathways Abilities Society  
Apartment Complex**

PROJECT NUMBER  
**DJA 2017-24**

PROJECT LOCATION  
**555 Fuller Avenue, Kelowna, BC**

SHEET TITLE  
**Building Elevations**

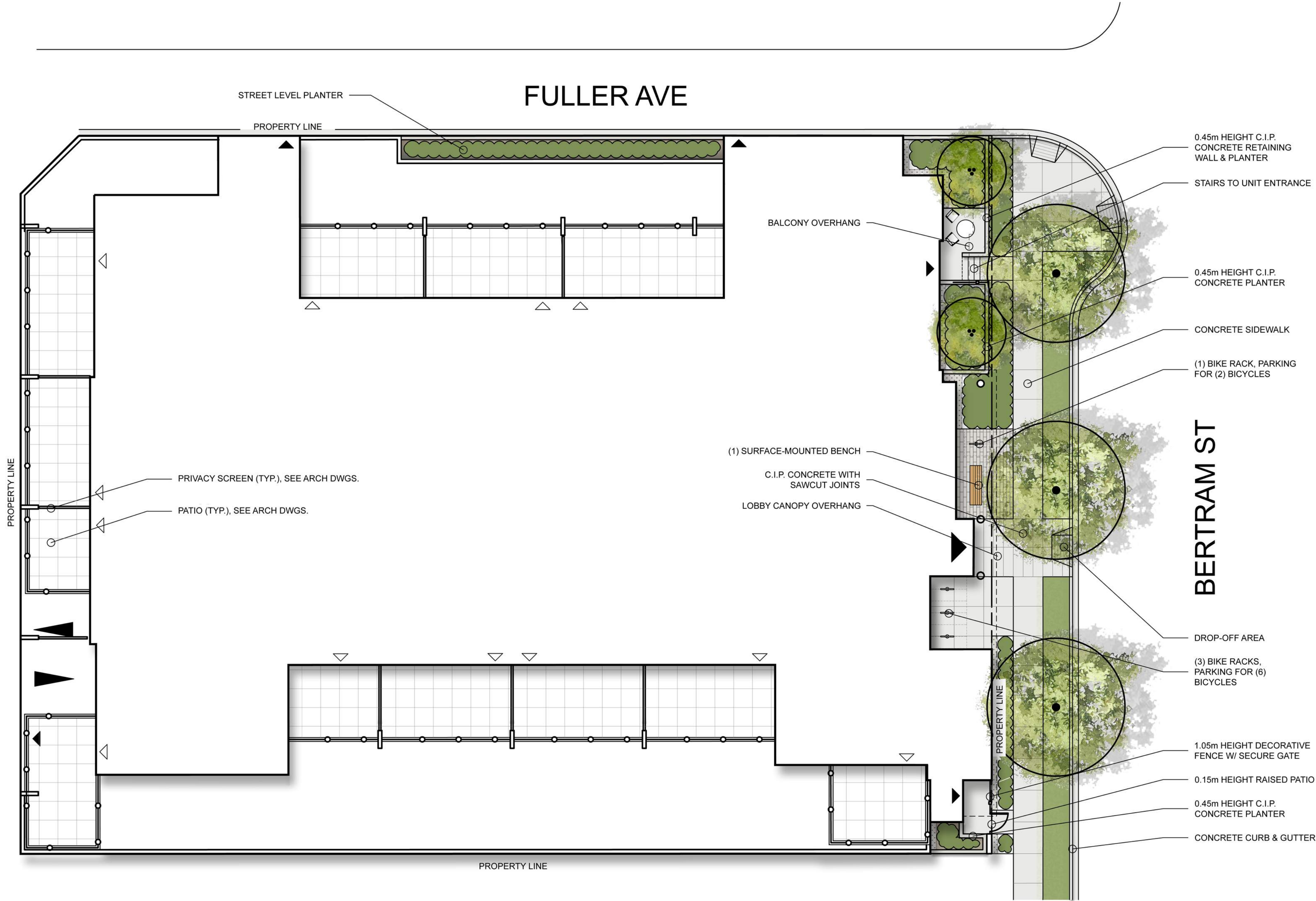
DATE  
**October 15, 2018**

SHEET NUMBER

**A3.2**

SCALE  
**1:100**

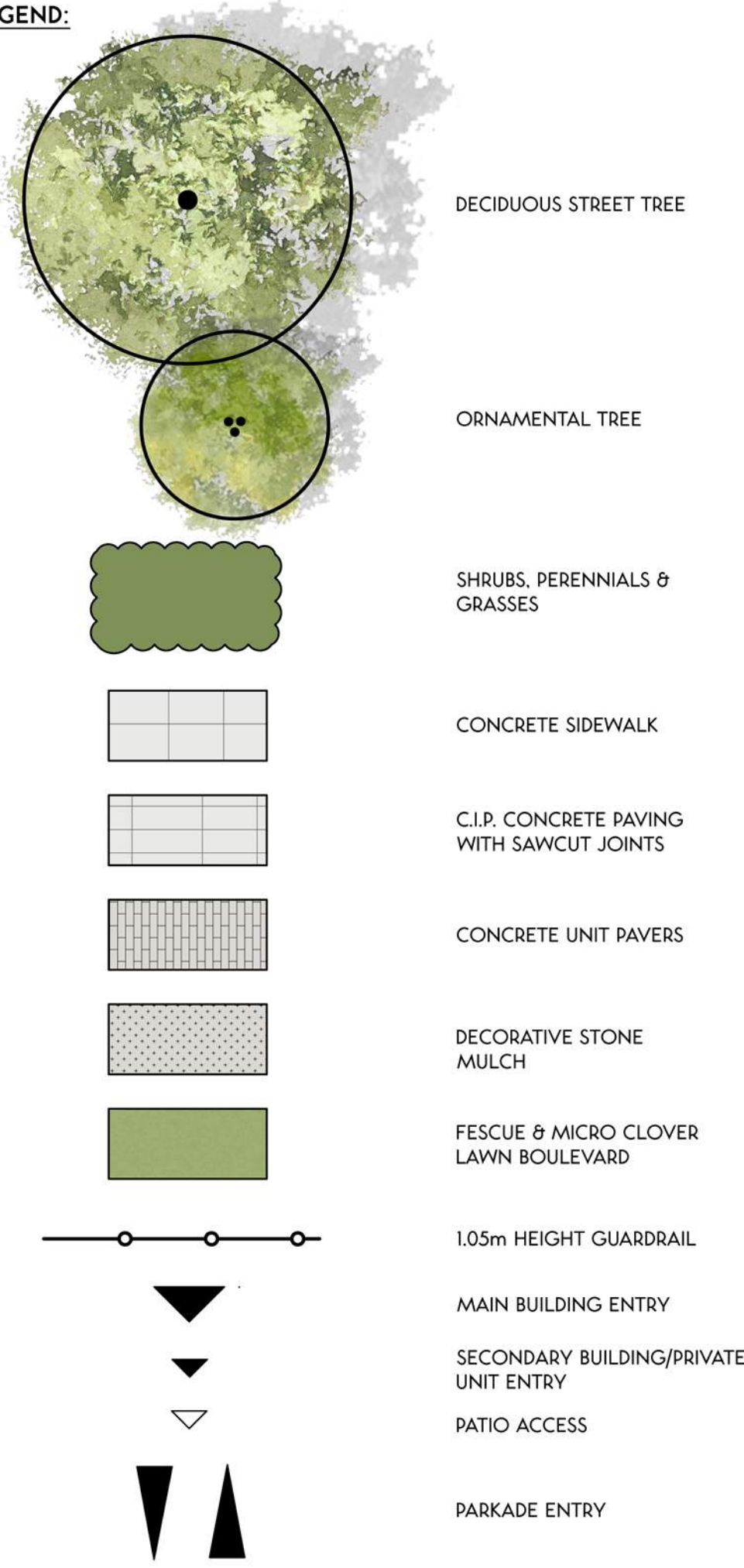




PLANT LIST:

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> 'LVOBO'	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

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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.

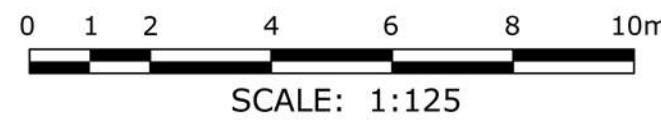
SHEET TITLE

**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

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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).

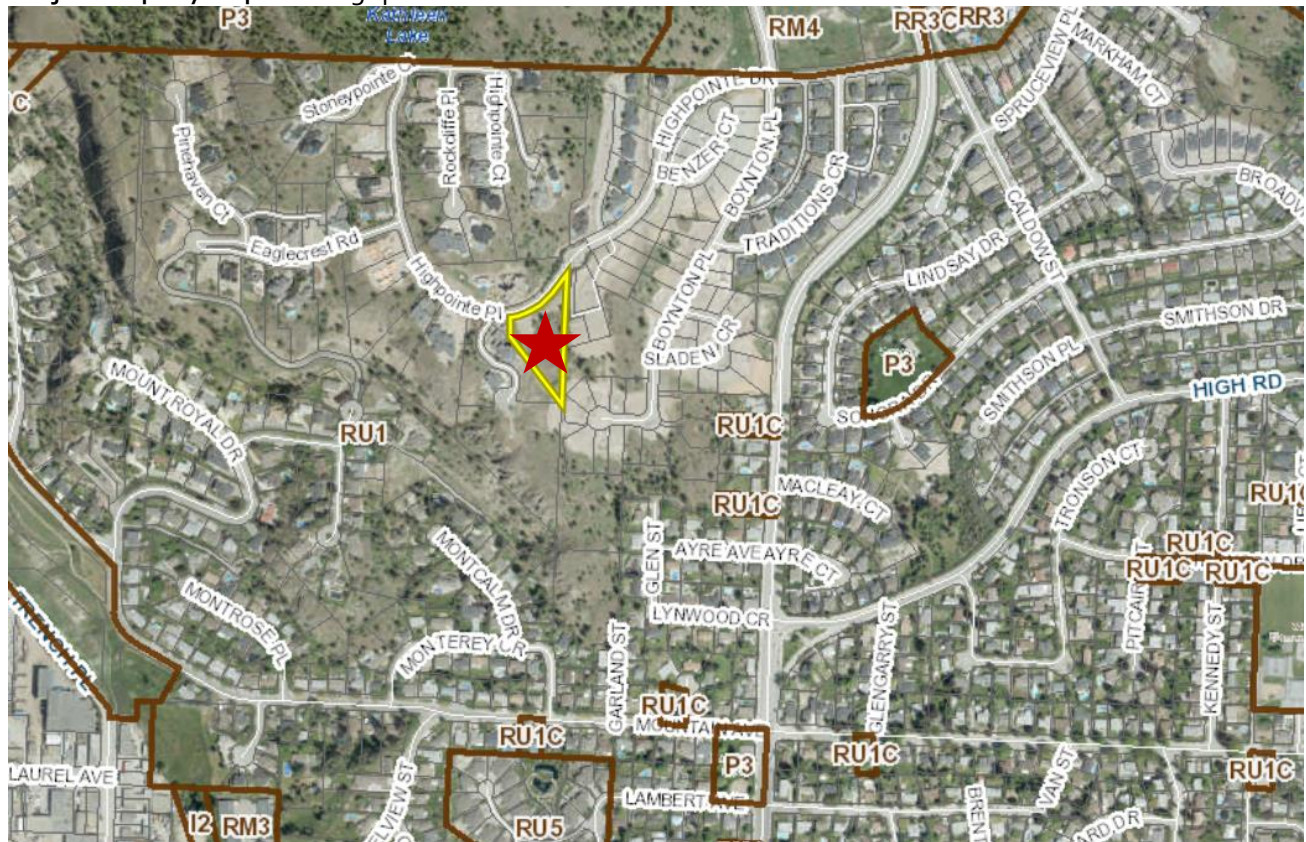
#### 4.2 Project Description

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 <sub>1</sub> ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Projection Into Front Yard	0.6 m	1.14 m <span style="color: red;">❶</span>
<span style="color: red;">❶</span> 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

<b>Report prepared by:</b>	Barbara B. Crawford, Planner
<b>Reviewed by:</b>	Terry Barton, Urban Planning Manager
<b>Approved for Inclusion:</b>	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

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





64



# 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**

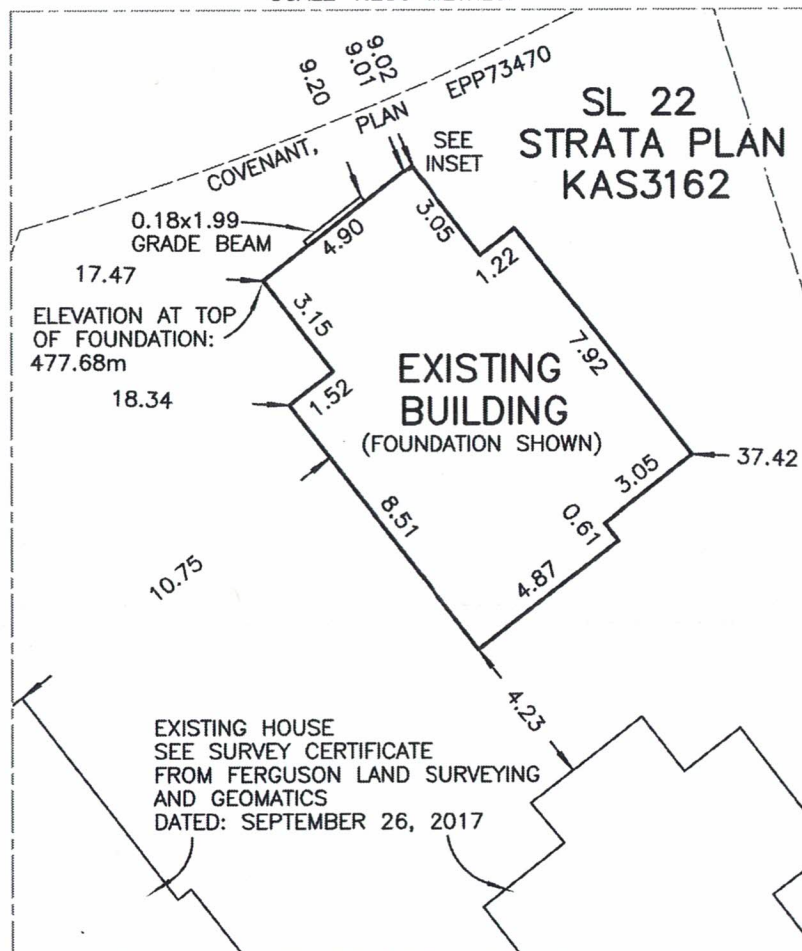
This forms part of application  
# DVP18-0178

Planner  
Initials **BC**

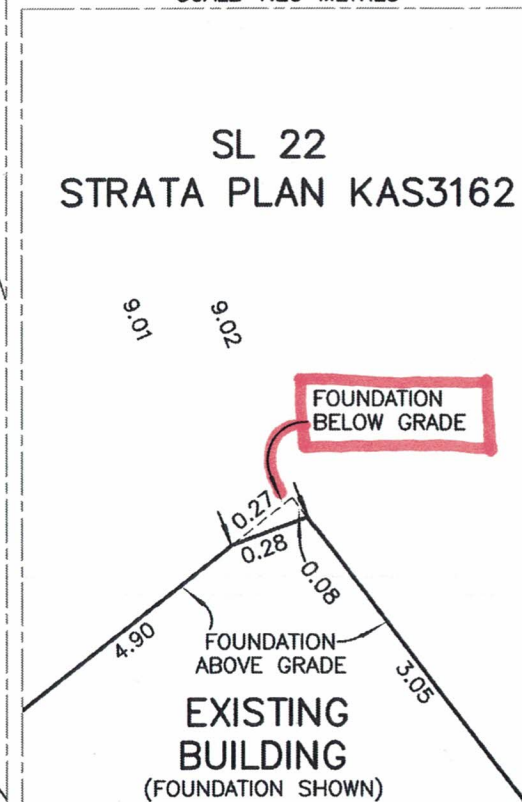
City of  
**Kelowna**  
COMMUNITY PLANNING



**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

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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

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## **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

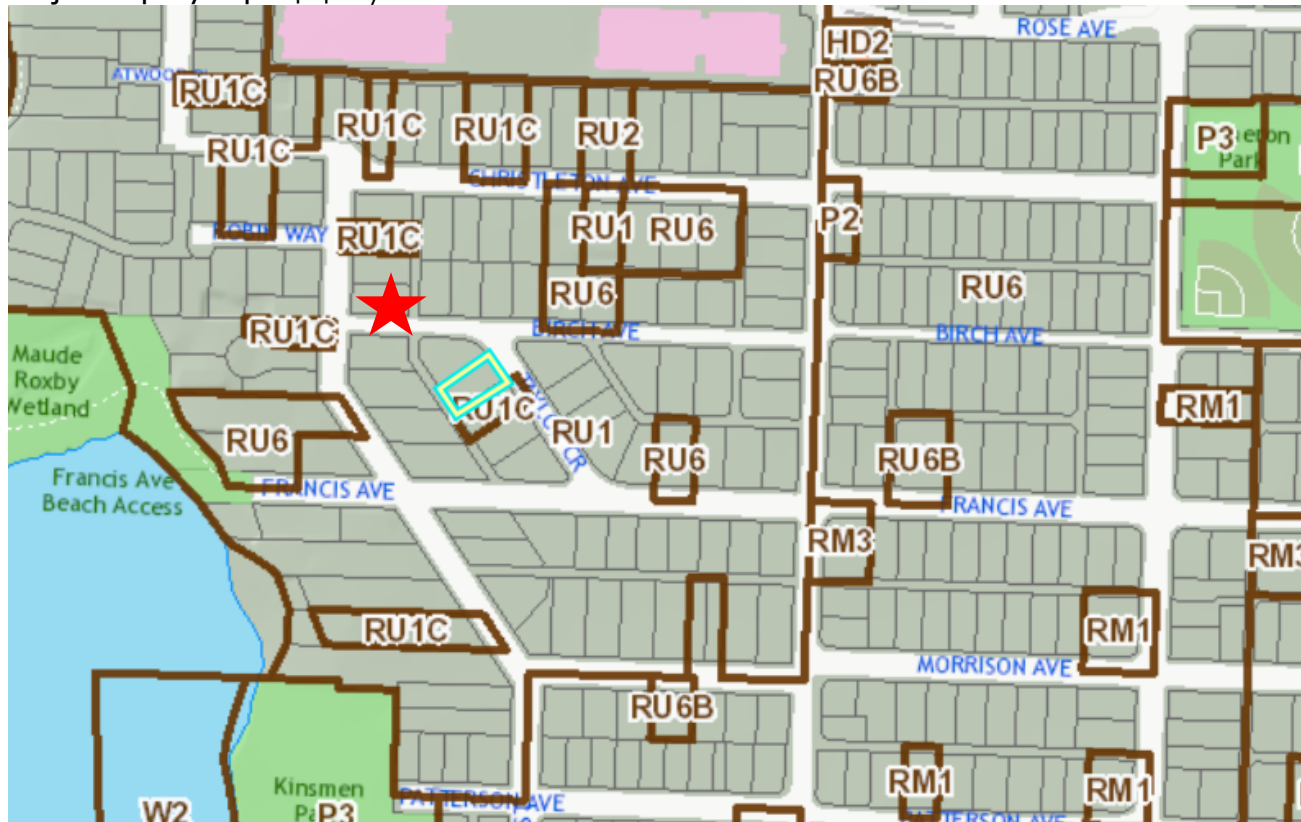
The 728 m<sup>2</sup> sized lot is located on Taylor Crescent with lane access, and is located in the South Pandosy – KLO Sector of Kelowna. The surrounding residential area is characterized principally by a mix of single family and secondary dwelling units developed in various housing forms including 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) ①
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	
① 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



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

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

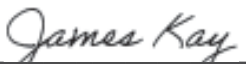
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**Date:** September 18, 2018  
**File No.:** DVP18-0185  
**To:** Community Planning (BC)  
**From:** Development Engineering Manager (JK)  
**Subject:** 2414 Taylor Cr

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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

<b>ATTACHMENT B</b>	
This forms part of application # DVP18-0185	
Planner Initials	BC
 City of <b>Kelowna</b> 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

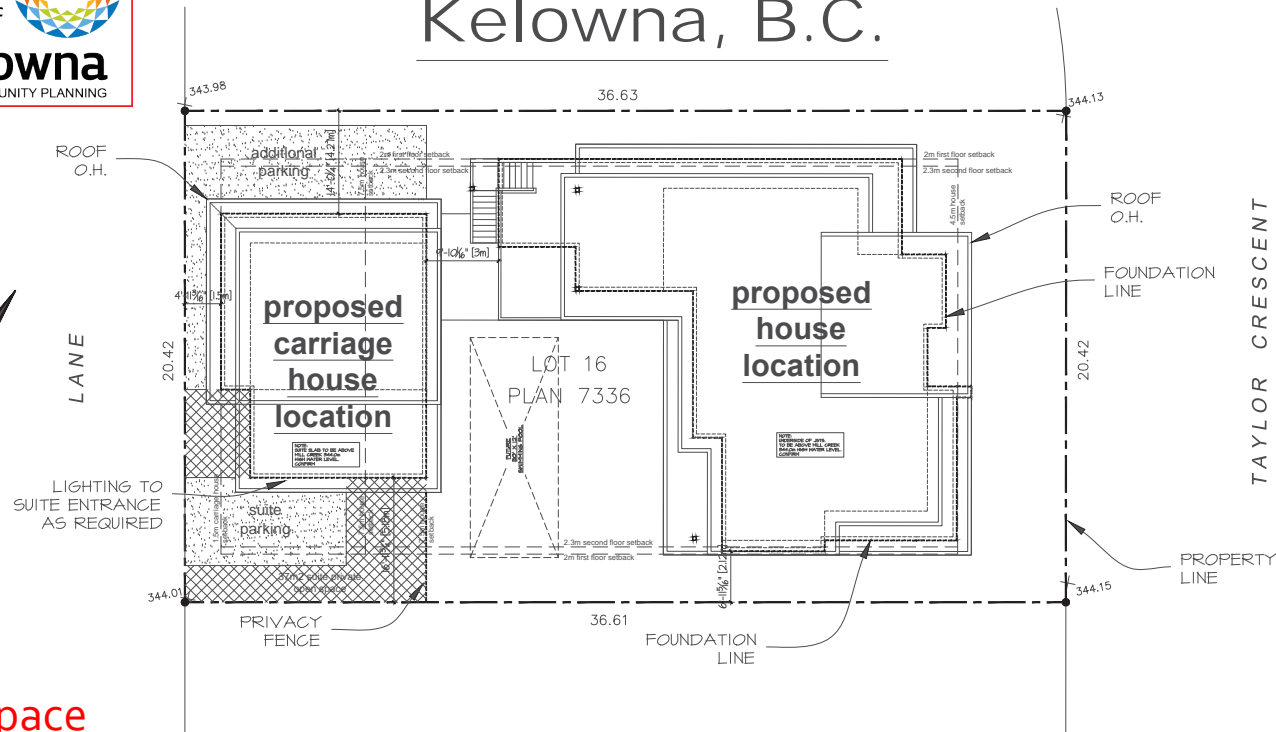
This forms part of application

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

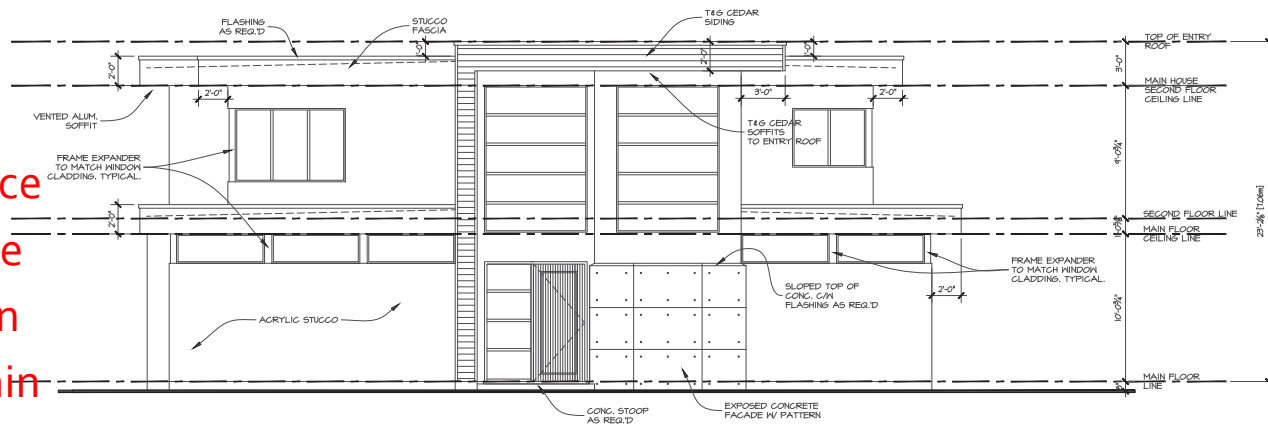
Drawing Scale: 1/4" = 1'-0"

Date: MARCH 14, 2018  
Rev. Date: NOV. 6, 2018  
Dm. By: S.H.B.

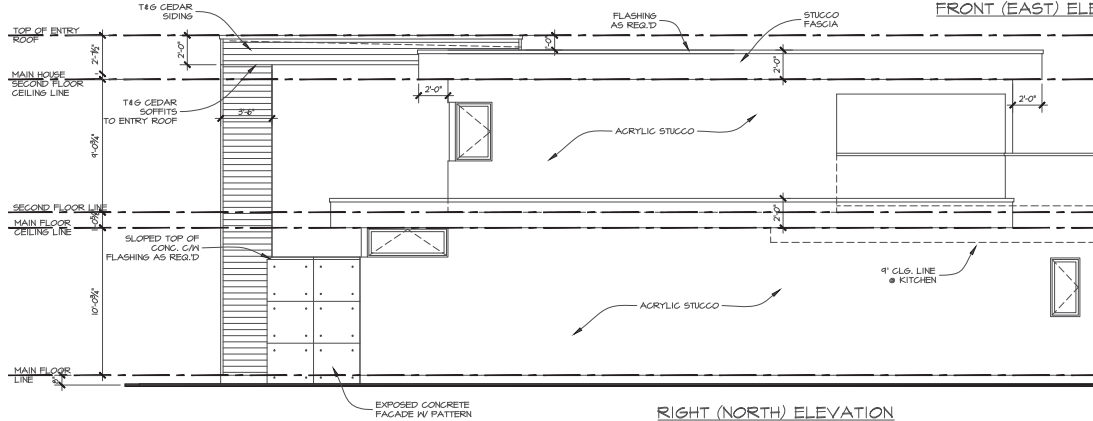
WORKING DRAWINGS 1/9

NOTE:  
ALL EXTERIOR DOOR AND WINDOW SIZES, PATTERNS, COMBINATIONS, CONFIGURATIONS AND SEPARATIONS TO BE CONFIRMED BY WINDOW MANUFACTURER TO ENSURE NAFS (NORTH AMERICAN FIRE PROTECTION ASSOCIATION) 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.

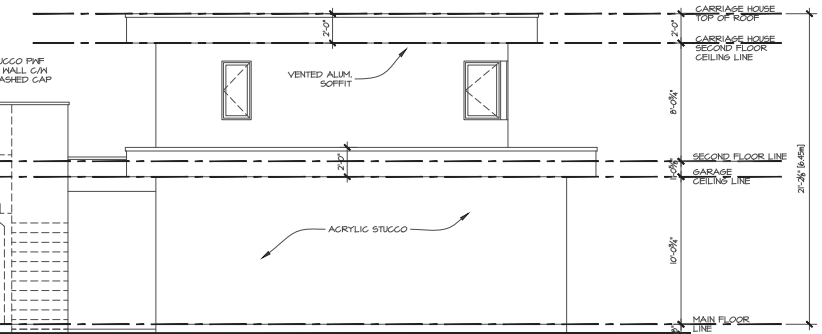
No mechanical or furnace space to be placed in the crawlspace as it is within the Mill Creek Flood Plain



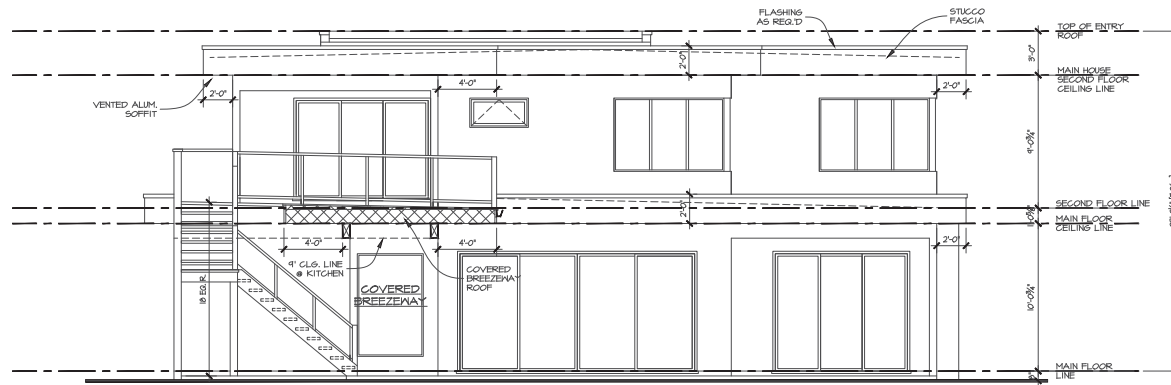
FRONT (EAST) ELEVATION



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

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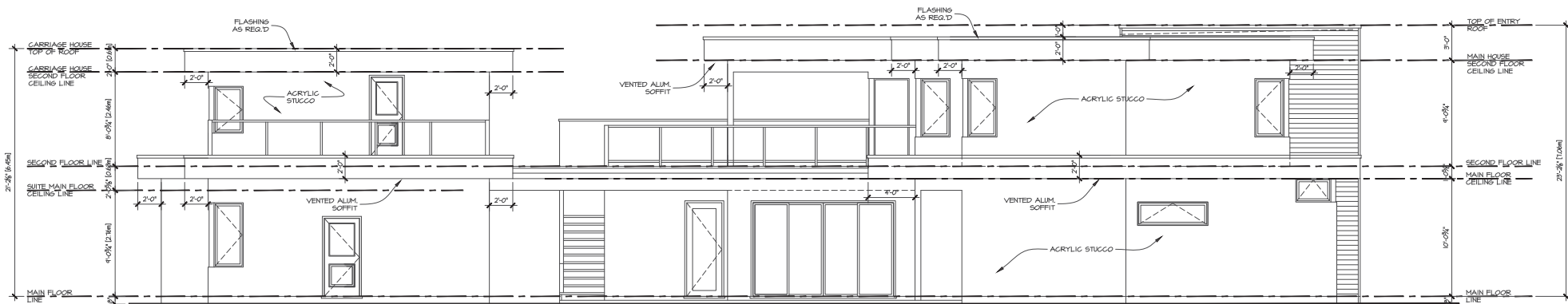
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CRAM - DANIELSON RESIDENCE  
2414 TAYLOR CRESCENT  
KELOWNA, B.C.

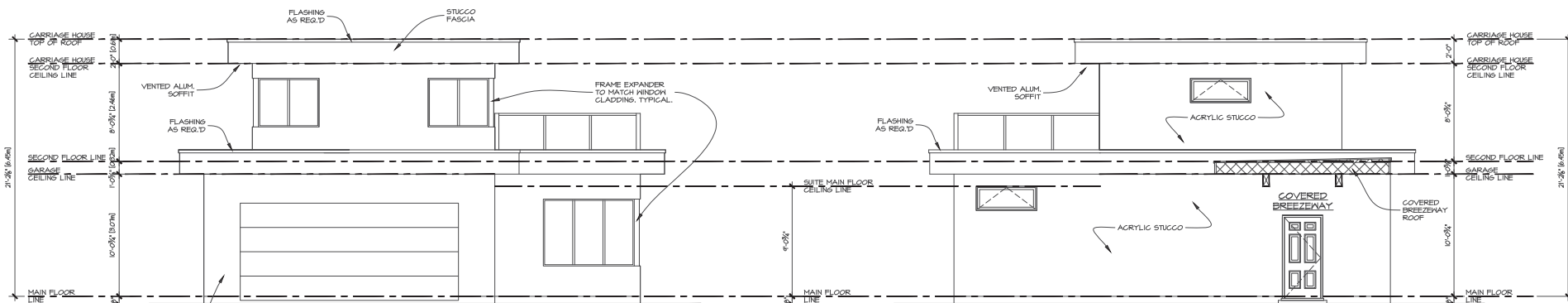
Drawing Scale: 1/4" = 1'-0"  
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**WORKING DRAWINGS** 2/9



CARRIAGE HOUSE (SOUTH) ELEVATION

LEFT (SOUTH) ELEVATION



CARRIAGE HOUSE (WEST) ELEVATION

CARRIAGE HOUSE (EAST) ELEVATION

## SCHEDULE B

This forms part of application

# DVP18-0185

Planner  
Initials BC



### ERRORS AND OMISSIONS

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

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**BAXTER DESIGN**  
Custom Building Design

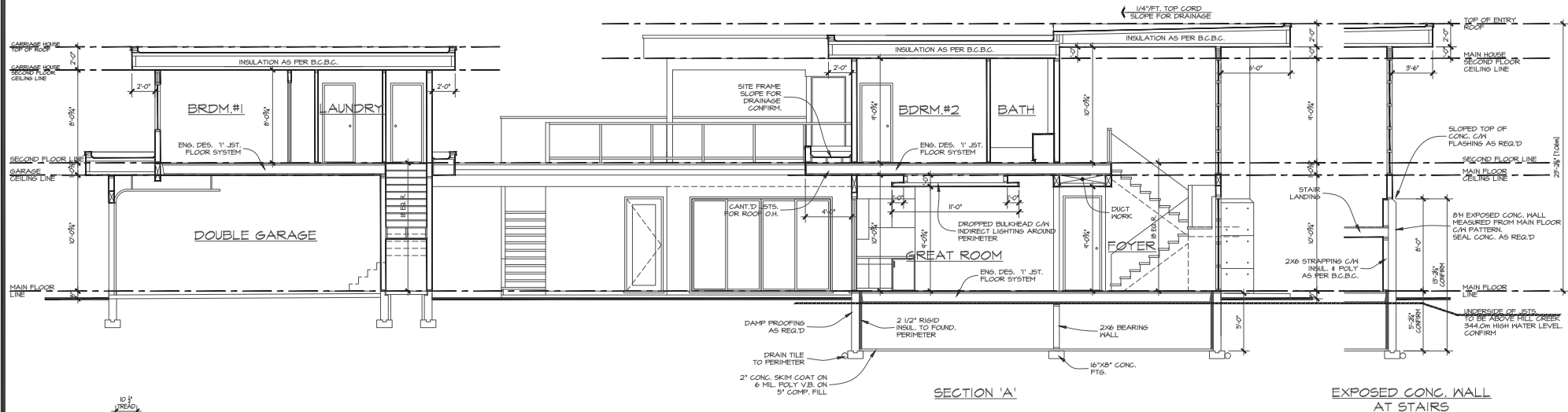
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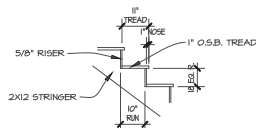
Date: MARCH 14, 2018  
Rev. Date: NOV. 6, 2018  
Dm. By: S.H.B.

**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

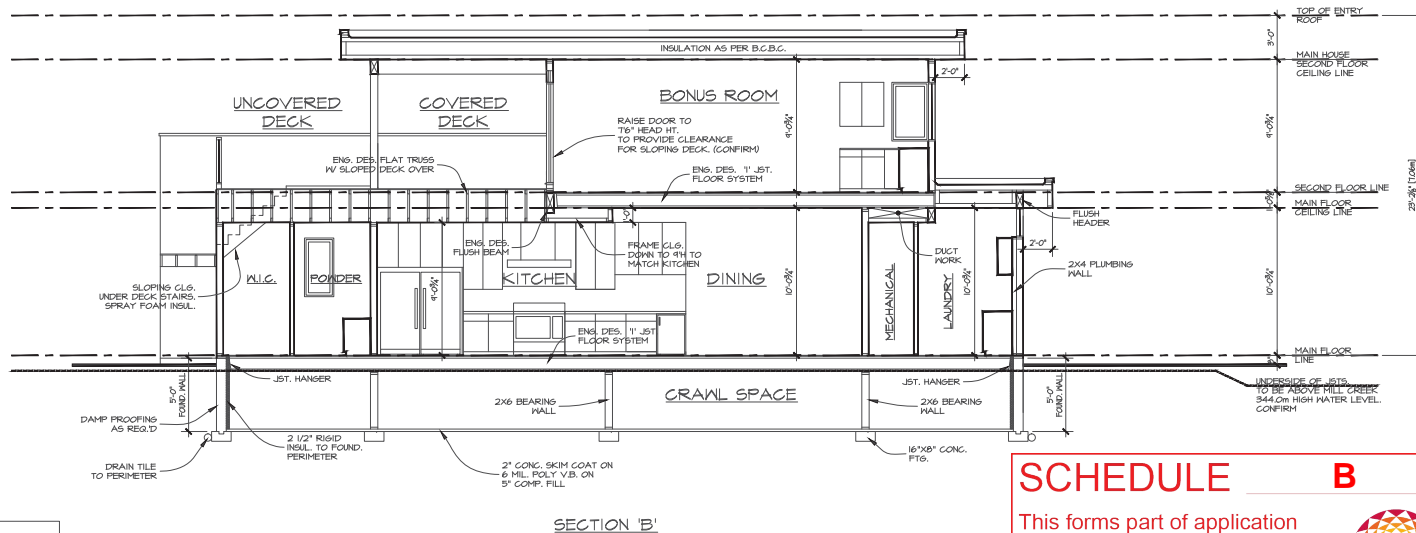


#### HOUSE STAIRS

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

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**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**



**BAXTER DESIGN**  
System Building Design  
SHANE BAXTER DESIGNS INC.  
KELOWNA, B.C. CANADA  
PH: (250) 862-9662  
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Drawing Scale: 1/4" = 1'-0"  
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**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

<b>SCHEDULE</b>		<b>B</b>
This forms part of application # DVP18-0185		
Planner Initials	BC	 City of <b>Kelowna</b> COMMUNITY PLANNING





<b>SCHEDULE</b>		<b>B</b>
This forms part of application # DVP18-0185		
Planner Initials	BC	 <b>City of Kelowna</b> 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



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



Cedar Fencing – Stained American Nut Brown and/or 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

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- 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.**