# City of Kelowna Regular Council Meeting AGENDA



Tuesday, January 21, 2020 6:00 pm Council Chamber City Hall, 1435 Water Street

**Pages** Call to Order 1. Reaffirmation of Oath of Office 2. The Oath of Office will be read by Councillor Hodge. Confirmation of Minutes 1 - 12 3. Public Hearing - December 3, 2019 Regular Meeting - December 3, 2019 Bylaws Considered at Public Hearing 4. 4.1 Ellis St. 1095, BL11962 (Z19-0071) - BMK 140 Holdings Inc., Inc. No. BC0748760 13 - 13 To give Bylaw No. 11962 second and third reading in order to rezone the subject property from the I4 - Central Industrial zone to the C7 - Central Business Commercial zone. Hunter Rd 2280-2290, BL11964 (LUC19-0003) - Hillahan Holdings Inc. & Go West 14 - 14 4.2 Investments Inc. To give Bylaw No. 11964 second and third reading in order to discharge the Land Use Contract registered against the title of the subject property. Hunter Rd 2280-2290, BL11965 (Z19-0111) - Hillahan Holdings Inc. & Go West 15 - 15 4.3 Investments Inc. To give Bylaw No. 11965 second and third reading in order to rezone the subject property from the A1 - Agriculture 1 zone to the C3 - Community Commercial zone.

5. Development Permits and Development Variance Permit Reports

Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward for each item.

5.1	Groves Ave 450, BL11801 (OCP18-0019) - Abbott Park Holdings Inc., Inc No. BC1096096	16 - 16
	Requires a majority vote of all members of Council (5).  To amend at third reading and adopt Bylaw No. 11801 in order to change the future land use designation of the subject property from the MRM - Multiple Unit Residential (Medium Density) designation to the MRH - Multiple Unit Residential (High Density) designation.	
5.2	Groves Ave 450, BL11802 (Z17-0032) - Abbott Park Holdings Inc., Inc No. BC1096096	17 - 17
	To amend at third reading and adopt Bylaw No. 11802 in order to rezone the subject property from the RU1 Large Lot Housing zone to the RM6 - High Rise Apartment Housing zone.	
5.3	Groves Ave 450, DP17-0075 and DVP17-0076 - Abbott Park Holdings Inc, Inc. No. BC1096096	18 - 46
	To consider the form and character of a proposed multi-family residential building, and to consider associated variances to the front, side and rear yard setbacks, site coverage, and daylight building angle.	
5.4	Hein Rd 365-367, BL11737 (Z18-0066) - 1918951 Alberta Ltd	47 - 47
	To adopt Bylaw No. 11737 in order to rezone the subject property from the RU6 - Two Dwelling Housing zone to the RM5 - Medium Density Multiple Housing zone.	
5-5	Hein Rd 365-367, DP18-0120 DVP18-0121 - 1918951 Alberta Ltd., Inc. No. 2019189519	48 - 70
	To consider the form and character of an apartment building and to vary site coverage and the number of required parking spaces.	
5.6	Bernard Ave 541-545, DP19-0019 DVP19-0020 - 1016006 BC Ltd	71 - 92
	To consider the form and character of a mixed use commercial residential building with variances to reduce the setback of the portions of the building above 16.0m from 3.0m to 0.9m abutting the street; and from 4.0m to 0.1m abutting the east and west adjacent properties.	
5.7	Balser Ct 9380 - DVP19-0141 - Taz Holdings LTD., INC. No. A0083372	93 - 102
	To consider a variance to increase the maximum building height from 14.0 m to 15.85 m and to decrease the minimum total parking stalls required from 44 stalls to 26 stalls to facilitate a boat storage warehouse.	
5.8	Grenfell Rd 934, DVP19-0158 - Allan Roderick and Annette Lee Lipkovits	103 - 108
	To consider a variance to the minimum rear yard setback from the 7.5 m permitted to the 6.0 m proposed to facilitate an additional single detached house on the subject property.	

5.9	Water St 1659, DP19-0161 DVP19-0162 - MJI Contracting Inc	109 - 130
	To consider the form & character of a six storey office and retail commercial building as well as to consider variances to the Zoning Bylaw.	
5.10	Yates Rd 532-538, DP19-0191 DVP19-0192 - Carolco Developments Ltd., Inc.No. BC0291464	131 - 146
	To consider the form and character of façade updates to a commercial building with a variance to allow drive-in food services as a form of development.	
5.11	Francis Ave 345, DVP19-0194 - Heather Martin	147 - 152
	To consider a variance to the minimum rear yard setback from the 4.5 m permitted to the 2.0 m proposed to facilitate the construction of a single detached house on the subject property.	
5.12	Lakeshore Rd 3596, DVP19-0207 - Bob Pollock	153 - 158
	To consider a variance to the Okanagan Lake Sight Line regulation from 60 degrees required to 38 degrees proposed along the north side.	

## 6. Reminders

## 7. Termination



# City of Kelowna Public Hearing Minutes

Date:

Tuesday, December 3, 2019

Time:

6:00 pm

Location:

Council Chamber

City Hall, 1435 Water Street

Members Present

Mayor Colin Basran, Councillors, Maxine DeHart, Ryan Donn, Charlie Hodge, Gail Given, Brad Sieben\*, Mohini Singh, Luke Stack and Loyal

Wooldridge

Staff Present

City Manager, Doug Gilchrist; City Clerk, Stephen Fleming, Divisional Director, Planning and Development Services, Ryan Smith; Development Planning Department Manager, Terry Barton; Planner Specialist, Wesley Miles\*; Planner Specialist, Jocelyn Black; Legislative Coordinator (Confidential), Clint McKenzie

(\*Denotes partial attendance)

### Call to Order

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

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

## 2. Individual Bylaw Submissions

2.1 Rutland Ct 2155-2165, Z19-0106 (BL11950) - CGSB Automotive Group LTD., Inc. No. BC0731187

## Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Applicant was not available for comment.

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.

Councillor Sieben joined the meeting at 6:08 p.m.

## 2.2 Barkley Rd 456, Z19-0113 (BL11952) - Landon D. Horne, Tamara J. Horne

#### Staff:

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

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.

## Gallery:

## Don Hutchinson, Pine Rd:

- Concerned that allowing a carriage house in the middle of the cul-de-sac does not respect the character of the neighbourhood.
- Trees have already been removed for the carriage house and survey ribbons already put up for the proposed carriage house.
- Opposed to the application.

## Landon Horne, Barkley Rd, Applicant:

- Confirmed the works being undertaken to date were in order to complete the survey for the site plan.
- Spoke to the privacy concerns from other neighbours that will be addressed by landscaping.
- Responded to questions from Council.

## Staff:

- -Responded to guestions from Council.
- Confirmed no variances are being tracked at this time.

There were no further comments.

## 2.3 Hollywood Rd S 150, Z19-0109 (BL11953) - Lexington Enterprises Ltd.

### Staff:

- Displayed a PowerPoint Presentation summarizing the application.

### Ian Birackt, Applicant:

- Displayed a PowerPoint presentation summarizing the application.
- Estimated 85 employees will be working for the company throughout the Okanagan with stores in Kamloops and Penticton as well.
- Referenced having over 500 letters of support from the Okanagan community.
- Spoke to meeting the zoning regulations.
- Reviewed renderings, store layout and site plan.
- Reviewed security plan for the location. Chose this location as it provides rear access for loading and unloading.
- Completed neighbourhood consultation with neighbours within 50 metres.
- Reviewed the distance to the closest residential property.
- Commented on the correspondence received in opposition.

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

### Gallery:

## Shannon Zorn, Hollywood Rd S:

- Their building strata is opposed to the application.
- Referenced the correspondence submitted.
- Requested that hours of operation be restricted if the application is approved.
- Responded to questions from Council.

Gary Gustafson, Hollywood Rd S:

- Opposed to the application and the hours of operation.

- Adjacent store has minors as a customer base.

- Late night customers will cause problems and the store will attract high risk visitors to the neighbourhood.
- Responded to questions from Council.

Steve Shoranick, Landlord:

- Their tenant has provided assurances that they will take all extra precautions. Extra cameras and security are addressed in their lease.
- The lease also prohibits smoking on the premises and the tenant has committed to hiring extra security if needed to address any issues.

**Ian Birackt, Applicant:** 

- Open to adjusting hours if requested by Council.

- Addressed the 500 metre requirement between cannabis locations preventing another establishment within the facility.

## Staff:

- Responded to questions from Council.

- Confirmed there is another active application for retail cannabis sales at 590 Hwy 33 and it will require a zoning text amendment to come forward as it is within the 500 metre buffer of another cannabis facility.
- Confirmed this application was received after the lottery application was completed for cannabis locations.
- Confirmed the province has authority over hours of operation for cannabis retail outlets.
- The cannabis retail application approved on Springfield Rd. is open to 11 p.m.

There were no further comments.

2.4 Sadler Rd 145, Hwy 33 E 180 & 190, Z18-0117 (BL11957) - Studio 33 Properties Ltd., Inc No. BC1137489

Staff:

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

John Douglas, Saratoga Pl, Applicant's Agent:

- Spoke to the proposed residential development. It will be providing entry level and accessible housing in a great location.
- Spoke to the poor state of the current houses on the subject properties. The HAC rejected the application to remove the house.
- Explored the idea of saving part of the house. Met with a heritage consultant to look into protecting the facade.

Dr. Katie Cummer, Moss St, Victoria, Heritage Consultant:

- Outlined the importance of the small farmhouse to the Rutland neighbourhood.

- Reviewed the character defining elements of the house.

- Documented the house at length and will be developing a heritage conservation plan.
   Addressed the moving, preservation and restoration of the heritage façade of the house.
- A local heritage monitor will be put in place to keep track of the house during construction.
- 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.

No one from the Gallery came forward.

There were no further comments.

# 2.5 Pandosy St 1636 -1652, TA19-0013 (BL11959) Z19-0100 (BL11960) - ALM888 Ventures Ltd., Inc. No. BC1089095

#### Staff:

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

Steve Hyndman, Martin Ave, Applicant:

- Downtown not the same as rest of Kelowna; believes the distance between locations should have been reduced.
- The currently approved retail outlets will provide less than 2000 square feet to service the downtown core.

- Spoke to the correspondence in support.

- They will be investing in the redevelopment of the storefront and believe it will be a major anchor to the area. Highlighted the 13 letters of support from adjacent business owners.

- 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:

Matt Dober, Gallagher Rd, retail cannabis owner:

- Encourage Council to follow established policy and deny the application.

- Spoke to the policy of restricting stores within a 500 metre area between retail outlets.

- Encouraged Council to see how retail cannabis operates before adjusting the policy accordingly.
- Commented that the current text amendment process is unfair to earlier applicants who were compliant with the initial application intake. The intake was a very arduous process to complete and a significant number of quality applicants were not successful in the lottery.

- Responded to questions from Council.

## Rudy Tomsik, Water St:

- Recently started a new business in the same block as the proposal.

- In support of the application. Downtown Kelowna densification is happening rapidly.

- Parking is not an issue on the block.

- Supports the business opening and is looking forward to more growth in the neighbourhood.

Mark Chiu, Pandosy St:

- The applicant approached the neighbours and was very upfront with their proposal. This store will help revitalize the area.

- Confident applicant will be compliant with the legislation.

- Commented that the lottery for retail cannabis locations will create an artificial monopoly.

Steve Hyndman, Applicant:

- The process is fair. The area needs revitalization and will be investing a considerable amount into redeveloping the location.
- There is strong support for the application in the area from commercial neighbours and residents.

#### Staff

- Responded to guestions from Council.
- Confirmed unsuccessful cannabis retail store applicants are able to apply for a text amendment.

There were no further comments.

## 3. Termination

The Hearing was declared terminated at 7:27 p.m.

Mayor Basran City Clerk



# City of Kelowna Regular Council Meeting Minutes

Date:

Tuesday, December 3, 2019

Time:

6:00 pm

Location:

Council Chamber

City Hall, 1435 Water Street

Members Present

Mayor Colin Basran, Councillors, Maxine DeHart, Ryan Donn, Charlie Hodge, Gail Given, Brad Sieben, Mohini Singh, Luke Stack and Loyal

Wooldridge

Staff Present

City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Planning and Development Services, Ryan Smith; Development Planning Department Manager, Terry Barton; Legislative Coordinator (Confidential), Clint McKenzie

Call to Order

Mayor Basran called the meeting to order at 7:35 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Given.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

<u>R1085/19/12/03</u> THAT the Minutes of the Public Hearing and Regular Meeting of November 5, 2019 be confirmed as circulated.

Carried

## 4. Bylaws Considered at Public Hearing

4.1 Rutland Ct 2155-2165, BL11950 (Z19-0106) - CGSB Automotive Group LTD., Inc. No. BC0731187

Moved By Councillor Singh/Seconded By Councillor Hodge

R1086/19/12/03 THAT Bylaw No. 11950 be read a second and third time.

4.2 Barkley Rd 456, BL11952 (Z19-0113) - Landon D. Horne, Tamara J. Horne

Moved By Councillor Hodge/Seconded By Councillor Singh

R1087/19/12/03 THAT Bylaw No. 11952 be read a second and third time and be adopted.

Carried

4.3 Hollywood Rd 150, BL11953 (Z19-0109) - Lexington Enterprises Ltd.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R1088/19/12/03 THAT Bylaw No. 11953 be read a second and third time.

Carried

4.4 Sadler Rd 145, Hwy 33 E 180 & 190, BL11957 (Z18-0117) - Studio 33 Properties Ltd., Inc No. BC1137489

Moved By Councillor Given/Seconded By Councillor Wooldridge

R1089/19/12/03 THAT Bylaw No. 11957 be read a second and third time.

Carried

4.5 Pandosy St 1636-1652, BL11959 (TA19-0013) - ALM888 Ventures Ltd, Inc. No. BC1089095

Moved By Councillor Wooldridge/Seconded By Councillor Given

R1090/19/12/03 THAT Bylaw No. 11959 be read a second and third time.

Carried

Mayor Basran, Councillors Donn, Sieben - Opposed

4.6 Pandosy St 1636-1652, BL11960 (Z19-0100) - ALM888 Ventures Ltd, Inc. No. BC1089095

Moved By Councillor Stack/Seconded By Councillor Donn

R1091/19/12/03 THAT Bylaw No. 11960 be read a second and third time.

Carried

Mayor Basran, Councillors Donn, Sieben - Opposed

- 5. Development Permit and Development Variance Permit Reports
  - 5.1 Via Centrale 3200, BL11789 (OCP18-0020) 0971205 B.C. Ltd.

Moved By Councillor Stack/Seconded By Councillor Donn

R1092/19/12/03 THAT Bylaw No. 11789 be adopted.

Carried

5.2 Via Centrale 3200, BL11791 (Z18-0113) - 0971205 B.C. Ltd.

Moved By Councillor Donn/Seconded By Councillor Stack

R1093/19/12/03 THAT Bylaw No. 11791 be adopted.

## 5.3 Via Centrale 3200, DP18-0230 DVP19-0151- 0971205 B.C. Ltd.

Staff:

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

David Sargent, Applicant:

- Displayed a PowerPoint presentation.
- Spoke to the variances.
- Reviewed the stormwater management plan. Spoke to how it will interact with the adjacent property.
- Indicated the project architect is also 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.

Moved By Councillor Given/Seconded By Councillor Donn

R1094/19/12/03 THAT Council authorizes the issuance of Development Permit No. DP18-0230 for Lot A Sections 14, 15, 22 and 23 Township 23 ODYD Plan KAP56201 Except Plans KAP68068 and KAP80682 located at 3200 Via Centrale, 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,"  $^{\prime\prime}$
- 2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
- 3. Landscaping to be provided on the land be in accordance with Schedule "C";
- 4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

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

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

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0151 for Lot A Sections 14, 15, 22 and 23 Township 23 ODYD Plan KAP56201 Except Plans KAP68068 and KAP80682 located at 3200 Via Centrale, Kelowna, BC;

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

Section 7.6.1: Minimum Landscape Buffers

To vary the required landscape buffer from 'Level 5' to 'Level 3' as proposed.

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.

# Valley Rd 330, BL11830 (OCP19-0002) - Springdale Properties Ltd., Inc. No. BC0864963

Moved By Councillor Donn/Seconded By Councillor Stack

R1095/19/12/03 THAT Bylaw No. 11830 be adopted.

Carried

5.5 Valley Rd 330, BL11831 (Z19-0041) - Springdale Properties Ltd., Inc. No. BC0864963

Moved By Councillor Stack/Seconded By Councillor Donn

R1096/19/12/03 THAT Bylaw No. 11831 be adopted.

<u>Carried</u> Councillor Sieben - Opposed

## 5.6 Valley Rd 330, DP19-0014 DVP19-0015 - Springdale Properties Ltd (RM3)

### Staff:

- Provided an overview of the reasons for two different variance permits for the one property.

- Both received the proper public notification. The subdivision could not occur before zoning is adopted due to zoning bylaw.

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

## Ed Hall, Applicant:

- Spoke to the setback variances to create a larger play area, including a 4000 square foot indoor play area as well.
- Units are designed around children with two, three and four-bedroom units available.
- Spoke to the need for family supportive housing in the community.
- 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:

### Greg Bartel, Valley Rd:

- no objections to the application. Requested clarity on setback variances.

## Thomas Davey, Glenpark Dr:

- Raised concerns with walking conditions in the immediate area. Valley Road is very dangerous to walk along. Encourage measures be taken to protect children and other pedestrians.

## Bill Holland, Drysdale Blvd:

- Raised concerns with traffic and on street parking in the area. There are no traffic lights on the south end of Drysdale Boulevard but it is classed as a minor collector road.
- Requested a traffic impact assessment be done for the area as there will be over 300 units added.

## Liz Talbot, Executive Director, NOW Canada Society:

- NOW Canada has assisted in the community since 1998 and understands the unique housing services required. The project will address a critical need for housing.
- Spoke to the relationship with the applicant.
- Spoke to the benefits of the project and the positive impact.

Ed Hall, Applicant:

- Spoke to the safety of the street frontage along Glenpark Drive. Confirmed that pedestrian use is discouraged along the Valley Road frontage from the development to avoid pedestrian safety concerns.

- Parking and traffic impacts of the development will be low during peak community hours.

- Responded to questions from Council.

There were no further comments.

## Moved By Councillor Wooldridge/Seconded By Councillor Sieben

R1097/19/12/03 THAT Council authorizes the issuance of Development Permit No. DP19-0014 for a portion of Lot A Section 33 Township 26 ODYD Plan EPP94225, located at 330 Valley Road, Kelowna, BC subject to the following:

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

Schedule "A";

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

3. Landscaping to be provided on the land be in accordance with Schedule "C";

4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0015 for a portion of Lot A Section 33 Township 26 ODYD Plan EPP94225, located at 330 Valley Road, Kelowna, BC;

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

<u>Section 13.9.6(e): RM3 – Low Density Multiple Housing Development Regulations</u>
To vary the required minimum south side yard from 4.0 m permitted to 3.1 m proposed.

<u>Section 13.9.6(f): RM3 – Low Density Multiple Housing Development Regulations</u> To vary the required minimum rear yard from 7.5 m permitted to 3.0 m proposed.

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

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

Carried

## 5.7 Valley Rd 330, DP19-0016 DVP19-0017 - Springdale Properties Ltd. (RM5)

## Staff:

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

Ed Hall, Applicant:

- Commented on the height and design elements used to break up the larger building.
- A glass walkway will be constructed between the buildings to break up the massing.

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

## Gallery:

## Greg Bartel, Valley Rd:

- Inquired on the timeline for the development permit.

- Commented that there needs to be a traffic light on Drysdale. An upgrade is needed on the intersection of Drysdale and Kane.

## Tomas Davey, GlenPark Dr.:

- Agreed that the amount of traffic along Valley Road needs to be addressed.

- Opposed to the height of the development and encouraged Council to review policies.

- Responded to questions from Council.

There were no further comments.

## Moved By Councillor Donn/Seconded By Councillor DeHart

R1098/19/12/03 THAT Council authorizes the issuance of Development Permit No. DP19-0016 for a portion of Lot A Section 33 Township 26 ODYD Plan EPP94225, located at 330 Valley Road, Kelowna, BC subject to the following:

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

3. Landscaping to be provided on the land be in accordance with Schedule "C";

4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0017 for a portion of Lot A Section 33 Township 26 ODYD Plan EPP94225, located at 330 Valley Road, Kelowna, BC;

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

<u>Section 13.11.6(c): RM5 – Medium Density Multiple Housing - Development Regulations</u> To vary the maximum number of storeys from 4.5 permitted to 5 proposed.

<u>Section 13.11.6(d): RM5– Medium Density Multiple Housing - Development Regulations</u>
To vary the minimum site front yard from 6.om permitted to 4.2m proposed.

## Section 7.6.1: Minimum Landscape Buffers

To vary the minimum required landscape buffer along portions of the rear property line from 3.0m permitted to 2.2m and 1.2m 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 May 27, 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 Applications in order for the permits to be issued;

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

## 5.8 Dubbin Rd 2484, DVP19-0139 - Ivan Heidecker and Darla Galloway

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

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.

Moved By Councillor Hodge/Seconded By Councillor Sieben

R1099/19/12/03 THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0139 for Lot A Section 20 Township 23 ODYD Plan 36590, located at 2484 Dubbin Rd, Kelowna, BC;

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

<u>Section 12.3.6 (a) – RR3 - Rural Residential 3 Zone – Development Regulations</u>
To vary the maximum site coverage from 30% permitted to 37.56% proposed in accordance with Schedule "A".

<u>Section 12.3.6 (c) – RR3 - Rural Residential 3 Zone – Development Regulations</u>
To vary the minimum front yard from 6.om permitted to 0.9m proposed in accordance with Schedule "A".

<u>Section 6.6.2 – General Development Regulations – Height and Grade</u>
a) To vary the maximum height for the lowest floor or walkout basements from 3.6m permitted to 4.57m proposed in accordance with Schedule "A".

b) To vary the maximum height of the rear building elevation from 12.5m permitted to 13.43m proposed in accordance with Schedule "A".

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

The Mayor asked staff to provide comments on the Kane Rd. – Drysdale Blvd. intersection.

Staff advised they will review the intersection and report back to Council.

## 6. Reminders

The City Clerk reminded Council that the 2020 Budget books are now available in their mailboxes.

## 7. Termination

The meeting was declared terminated at 9:19 p.m.

Mayor Basran

City Clerk

/cm

## BYLAW NO. 11962 Z19-0071 - 1095 Ellis 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 City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots 10, 11, 12, 13, 14 District Lot 139 ODYD Plan 6753, located on Ellis St., Kelowna, BC from the I4 – Central Industrial zone to the C7 – Central Business Commercial zone.

<ol> <li>This bylaw shall come into full force and effect and is binding on all persons as and from the da of adoption.</li> </ol>	te
Read a first time by the Municipal Council this 25 <sup>th</sup> day of November, 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	
May	or

**BYLAW NO. 11964** 

## Discharge of Land Use Contract LUC77-1085 - (P1869) 2280 — 2290 Hunter Road

WHEREAS a land use (the "Land Use Contract") is registered at the Kamloops Land Title Office under number P1869 against lands in the City of Kelowna particularly known and described as Parcel A (KD82312) District Lot 125 Osoyoos Division Yale District, Plan 31272 located on Hunter Road;

WHEREAS Section 546 of the *Local Government Act* provides that a land use contract that is registered in a Land Title Office may be discharged in the manner specified in the Land Use Contract, by bylaw following a public hearing on the proposed bylaw;

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

- 1. This Bylaw may be cited for all purposes as "Land Use Contract LUC77-1085 Discharge Bylaw".
- The Land Use Contract is hereby cancelled and of no further force and effect and the City of Kelowna is hereby authorized and empowered to apply for the discharge of the Land Use Contract from the Lands.

Read a first time by the Municipal Council this 2<sup>nd</sup> day of December, 2019.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

## BYLAW NO. 11965

## Z19-0111 – 2280-2290 Hunter Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".
The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:
<ol> <li>THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Parcel A (KD82312) District Lot 125 Osoyoos Division Yale District, Plan 31272 located on Hunter Road Kelowna, BC from the A1 – Agriculture 1 zone to the C3 – Community Commercial zone;</li> </ol>
<ol><li>This bylaw shall come into full force and effect and is binding on all persons as and from the date o adoption.</li></ol>
Read a first time by the Municipal Council this 2 <sup>nd</sup> day of December, 2019.
Read a second and third time by the Municipal Council this
Approved under the Transportation Act this
(Approving Officer – Ministry of Transportation)
Adopted by the Municipal Council of the City of Kelowna this
Mayo

## **BYLAW NO. 11801**

## Official Community Plan Amendment No. OCP18-0019 – Abbott Park Holdings Inc., Inc. No. BC1096096 450 Groves Avenue

A bylaw	v to amend the " <i>Kelownα 2030</i> – Official Community Plan Bylaw No. 10500".
The Mu	nicipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:
1.	THAT Map 4.1 - <b>GENERALIZED FUTURE LAND USE</b> of " <i>Kelowna 2030</i> – Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of Lot 1, District Lot 14, ODYD Plan EPP89203 on Groves Ave, Kelowna, BC from the MRM - Multiple Unit Residential (Medium Density) designation to the MRH - Multiple Unit Residential (High Density) designation;
2.	This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.
Read a	first time by the Municipal Council this 8 <sup>th</sup> day of April, 2019.
Conside	ered at a Public Hearing on the 23 <sup>rd</sup> of April, 2019.
Defeate	ed by the Municipal Council this 23 <sup>rd</sup> day of April, 2019.
Recons	idered and read a second and third time by the Municipal Council this 13 <sup>th</sup> day of May, 2019.
Amend	ed and adopted by the Municipal Council of the City of Kelowna this
	Mayor

## BYLAW NO. 11802 Z17-0032 – 450 Groves Avenue

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

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

- 1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, District Lot 14, ODYD Plan EPP89203 on Groves Ave, Kelowna, BC from the RU1- Large Lot Housing zone to the RM6- High Rise Apartment Housing zone;
- 2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 8<sup>th</sup> day of April, 2019.

Considered at a Public Hearing on the 23<sup>rd</sup> of April, 2019.

Corresponding OCP Bylaw No. 11801 defeated therefore Bylaw No. 11802 not read by the Municipal Council this 23<sup>rd</sup> day of April, 2019.

Reconsidered and read a second and third time by the Municipal Council this 13<sup>th</sup> day of May, 2019.

Amended and adopted by the Municipal Council of the City of Kelowna this

Mayor
- / -
City Clerk
City Clerk

## REPORT TO COUNCIL



Date: January 21, 2020

To: Council

From: City Manager

**Department:** Development Planning - Urban

**Application:** DP17-0075 and DVP17-0076 Owner: Abbott Park Holdings Inc., Inc.

No. B1096096

Address: 450 Groves Ave Applicant: Zeidler Architecture

**Subject:** Development Permit and Development Variance Permit Application

#### 1.0 Recommendation

THAT OCP Amendment Bylaw No. BL11801 (OCP18-0019) and Rezoning Bylaw No. BL11802 (Z17-0032) be amended at third reading to revise the legal description of the subject properties from: Lot 6, District Lot 14, ODYD Plan 3856, located at 448 Groves Ave; Lot 7, District Lot 14, ODYD Plan 3856, located at 458 Groves Ave; and Lot 8, District Lot 14, ODYD Plan 3856, located at 460 Groves Ave to Lot 1, District Lot 14, Osoyoos Division Yale District Plan EPP89203;

AND THAT final adoption of OCP Amending Bylaw No. BL11801 and Rezoning Bylaw No. BL11802 be considered by Council;

AND THAT restrictive covenant CA7867247 be amended to allow for a maximum height restriction of 6.5 storeys or 24.0m;

And THAT Council authorizes the issuance of Development Permit No. DP17-0075 for Lot 1, District Lot 14, Osoyoos Division Yale District Plan EPP89203 located at 450 Groves 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 in accordance with Schedule "C";
- 4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

AND THAT Council authorize the issuance of Development Variance Permit DVP17-0076 for Lot 1, District Lot 14, Osoyoos Division Yale District Plan EPP89203 at 450 Groves Ave, Kelowna, BC;

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

## Section 13.12.6 RM6 High Rise Apartment Housing Development Regulations

- (b) to vary the maximum site coverage for principal buildings, accessory structures, and parking areas and driveways from 50% permitted to 83% proposed.
- (d) to vary the minimum site front yard from 6.om permitted to 0.97m proposed.
- (e) to vary the minimum site side yards (east and west) from 4.5m permitted to 1.53m proposed.
- (f) to vary the minimum site rear yard from 9.0m permitted to 0.0m proposed.

## Section 6.1.2 (c)- Daylighting Standards

To vary the points along the side lot line of the lot from an angle of 65 degrees to the horizontal permitted to 72.5 degrees proposed for the west building section.

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 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 multi-family residential building, and to consider associated variances to the front, side and rear yard setbacks, site coverage, and daylight building angle.

## 3.0 Development Planning

Staff are recommending support for the proposed Development Permit and Development Variance Permit. The form and character of the 22-unit residential building is well-aligned with the Official Community Plan (OCP) urban design guidelines and supports the underlying goal of achieving residential density in Urban Centres. The proposed building encompasses a half storey of a semi-underground parking structure with 6 storeys of residential above. Urban design guidelines achieved in the proposal include:

- Utilize landscaping treatments to further soften the mass of building form (e.g strategic placement of trees, shades and vines, trellis and arbours, along with surface materials such as pavers)
- Distinguish key building elements through the use of setbacks, projections, textures, materials, and detailing
- Incorporate landscaping that compliments and softens the architectural features and edges of buildings
- Mitigate the actual and perceived bulk of buildings by utilizing appropriate massing, including:
  - o Architectural elements (e.g. balconies, bay windows, cantilevered floors, cupolas, dormers);
  - Step back upper floors to reduce visual impact;
  - Detailing that creates a rhythm and visual interest along the line of the building; and
  - Wall projections and indentations, windows and siding treatments as well as varied material textures should be utilized to create visual interest and to articulate building facades.

The proposed residential density will be well supported by nearby local amenities and services with a walk score of 86, meaning most errands can be accomplished on foot.

The proposal includes variances to three setbacks, site coverage, and daylighting to facilitate the proposed condo building. The variances are largely in response to the high-water table, causing the parkade design to be exposed above ground by 1.9m. The impacts of the setback variances and site coverage are mitigated through a desirable ground floor design that features terraced landscaping, two prominent entryways and raised balconies facing the street. The rear yard variance backs onto a laneway, which is closed to vehicular traffic, and adjacent to Abbott Park. The proposed daylighting variance is caused by the minor extension of two balconies and does not negatively impact adjacent properties.

## 4.0 Proposal

## 4.1 Background

An OCP amendment from MRM-Multiple Unit Residential (Medium Density) to MRH-Multiple Unit Residential (High Density) and rezoning application from RU1- Large Lot Housing to RM6-High Rise Apartment Housing received second and third reading on May 13, 2019. The OCP amendment and rezoning application included a recommendation to Council to restrict the height of the building to 6 storeys through a restrictive covenant. Following second and third reading of the bylaw, it was determined that the proposed height, as defined by the Zoning Bylaw, is 6.5 storeys. The applicant completed neighbourhood consultation and confirmed the height and proposed variances through an additional open house and mailouts.

The developer has funded the closing of an existing laneway at the rear of the property with the intention of providing significant landscape improvements adjacent to the subject property that will create a sensitive transition to Abbott Park. The laneway will be permanently closed to vehicles and a 3.0m right of way will be registered over the portion of the laneway backing onto the subject property to allow for landscape treatment. A significant portion of the laneway purchase will go back into the surrounding community through improvements to the Abbott Park playground structure, and public space.

Public engagement occurred at multiple stages throughout the project. Most recently, the applicant provided notification to neighbouring properties within 50m on the final proposed building height and associated variances.

## 4.2 Project Description

The proposed development is a 22-unit, 6.5 storey residential building with a mix of two- and three-bedroom units. The building features two at-grade entrances on Groves Ave. Due to the high-water table in the South Pandosy area, the building design incorporates a semi-underground parkade, which is accessed off the existing lane to the east. The proposed parking allocates 38 stalls for residents and 3 stalls for visitors. Large balconies provide private open space for the residential units.

### Form and Character

The architecture includes high end materials, including red brick veneer, large historical-style windows, and traditional cornices. The building design blends contemporary elements with an overall historic feeling to fit in with the form and character of the surrounding neighbourhood. Ground-oriented units provide eyes on the street towards both Groves Ave and the park. The terraced landscape design breaks up the massing of the development, mitigates the design constraints associated with the parkade, and creates a human-scale interface. The proposed building is set back at 4.5 storeys to reduce massing and improve privacy.

#### **Variances**

The applicant is proposing several variances: increasing site coverage from 55% permitted to 83% proposed, reducing the front yard from 6.0m permitted to 0.97m proposed, reducing the side yards from 4.5m permitted to 1.53m proposed, reducing a portion of the rear yard from 9.0m permitted to 0.0m proposed, and increasing the daylighting standards from 65 degrees permitted to 72.5 degrees for the west portion of the building. The site coverage and setback variances are associated with the parkade that is partially above grade due to the high water table. If the parking could be accommodated entirely below grade, the site coverage of the habitable building area would be 44% and the setback variances would be significantly reduced. The daylighting variance only impacts a small portion of the west façade where part of the balconies on the fourth and fifth floors extend beyond 65 degrees.

## 4.3 Site Context

The subject property is located within the South Pandosy Urban Centre on Groves Ave. The site is bordered by Abbott Park to the north, commercial development to the east along Pandosy St, and single-family residential to the south and west. Sopa Square is located southeast of the site. This area of the South Pandosy Urban Centre has experienced land assembly of single-family housing to accommodate multi-family development projects and the two properties to the west are designated MRM – Multi-Unit Residential (Medium Density).

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P <sub>3</sub> - Parks and Open Space	Public Park
East	C4- Urban Centre Commercial	Health Service
South	RU1- Large Lot Housing & C4- Urban Centre Commercial	Single family dwellings & Commercial
West	RM5- Medium Density Multiple Housing	Multiple dwelling housing

## **Subject Property Map:**



#### **Zoning Analysis Table** 4.4

	Zoning Analysis Table					
CRITERIA	RM6 ZONE REQUIREMENTS	PROPOSAL				
Existing Lot/Subdivision Regulations						
Min. Lot Area	1700m²	1716m²				
Min. Lot Width	30.om	54.54m				
Min. Lot Depth	35.om	26.85m				
	Development Regulations					
Max. Floor Area Ratio	2.0	1.8				
Max. Site Coverage (buildings, parking, driveways)	55%	83% 1				
Max. Height	55.om or 16.o storeys	20.8m or 6.5 storeys				
Min. Front Yard	6.om	o.97m <b>2</b>				
Min. Side Yard (east)	4.5m	1.53m <b>3</b>				
Min. Side Yard (west)	4.5m	1.53m <b>S</b>				
Min. Rear Yard	g.om	o.om 🔮				
	Other Regulations					
Min. Parking Requirements	1.5 stalls per 2-bedroom unit 2.0 stalls per 3-bedroom unit 1.0 visitor stall per 7 unit	38 resident stalls 3 visitor stalls provided				
Min. Bicycle Parking	0.5 class 1 bicycle stalls per unit 0.1 class 2 bicycle parking stalls per unit	11 class 1 stalls provided in underground 2 class 2 stalls provided at main entry				
Min. Private Open Space	18.0m² per dwelling with more than one bedroom	18.0m² per unit				
Min. Daylighting Standards	65 degrees along a side lot line	72.5 degrees 😉				

- 2 Indicates a requested variance to reduce the minimum front yard setback from 6.om to 0.97m
- 3 Indicates a requested variance to the east and west side yard setbacks from 4.5m to 1.53m
- 4 Indicates a requested variance to the rear yard setback from 9.0m to 0.0m for a portion of the rear yard
- 6 Indicates a requested variance to the daylighting standards for a side lot line from 65 degrees to 72.5 degrees for a portion of the west lot line

#### **Current Development Policies** 5.0

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

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas.

Policy .2 Compact Urban Form. 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.

Objective 5.5 Ensure appropriate and context sensitive built form.

Policy .1 Building Height. In determining appropriate building height, the City will take into account such factors as:

- Contextual fit into the surrounding urban fabric
- Shadowing of the public realm
- View impacts
- Overlook and privacy impacts on neighbouring buildings
- Impacts on the overall skyline

## 6.0 Application Chronology

Date of Application Received: March 23, 2017

Date of amended plans received: September 21, 2018

Date Public Consultation Completed: November 24-26, 2018

June 25, 2019

September 11-12, 2019

**Report prepared by:** Jocelyn Black, Planner Specialist

Reviewed by: Laura Bentley, Urban Planning & Development Policy Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

## Attachments:

Attachment A: Draft Development Permit DP17-0075 & DVP17-0076

Schedule A: Site Plan
Schedule B: Elevations

Schedule C: Landscape Plan

Attachment B: Applicant Design Rationale

# Development Permit & Development Variance Permit DP17-0075 & DVP17-0076



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

450 Groves Ave

and legally known as

Lot 1, District Lot 14, Osoyoos Division Yale District Plan EPP89203

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

## Multi-dwelling housing

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

<u>Date of Council Decision</u> January 21, 2020

<u>Decision By:</u> Council

<u>Development Permit Area:</u> Revitalization and Floodplain Development Permit Area

Existing Zone: RM6- High Rise Apartment Housing

Future Land Use Designation: MRH- Multiple Unit Residenital (High Density).

## 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: Abbott Park Holdings Inc. 1096096 BC

Applicant: Zeidler BKDI Architects

\_\_\_\_\_

Terry Barton Community Planning Department Manager Planning & Development Services 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.
- e) Variances to the following sections of Zoning Bylaw No. 8000:

## Section 13.12.6 RM6 High Rise Apartment Housing Development Regulations

Maximum site coverage for principal buildings, accessory structures, and parking areas and driveways from 50% to 83%

Minimum site front yard setback from 6.om to 0.97m

Minimum site side yard (east and west) from 4.5m to 1.53m

Minimum site rear yard from 9.om to o.om

## Section 6.1.2 (c)- Daylighting Standards

In the case of a building more than two storeys or 10.0m in height, no part of such building above the second storey or above 10.0m shall project above lines extending toward the building at right angles from:

All points along the side lot line of the lot and inclined at an angle of 65 degrees to the horizontal to 72.5 degrees proposed for the west building section.

This Development Permit is valid for two (2) years from the date of 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 \$88,702.50 or
- b) A certified cheque in the amount of \$88,702.50

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.

### 5. 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 <u>CURRENT LAND OWNER</u>. Security shall <u>ONLY</u> be returned to the signatory of the Landscape Agreement or their designates.





300, 640 - 8 Avenue S.W. Calgary, AB T2P 1G7 T +1 403 233 2525

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be reported to the Architecta immediately. This drawing is the exclusive property of the Architects and must not be reproduced without their written permission.  © Zeider Architecture	$\oplus$		Description	ISSUED FOR DEVELOPMENT PERMIT	ISSUED FOR DEVELOPMENT PERMIT	CLARFICATION	DOLLEY EVEN DESTROYER
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450 PARC RESIDENCES

SITE PLAN & PROJECT DATA

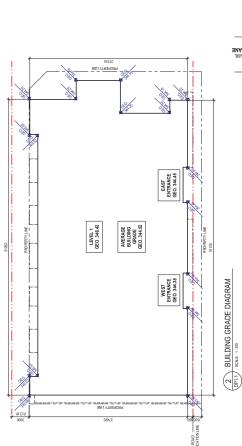
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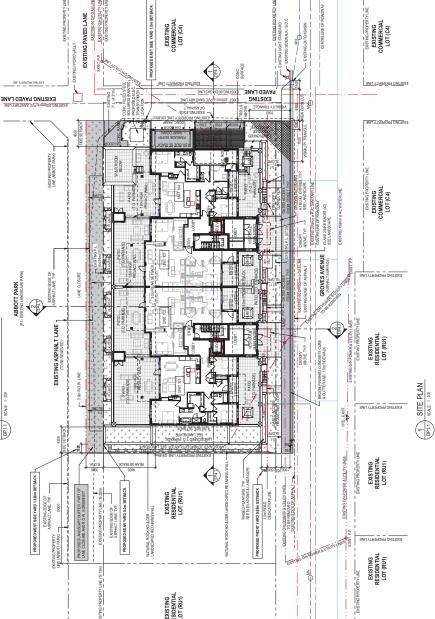
TWG: 448,458, & 460 GROVES AVENUE, KELOWNA B.C. POSED: 450W & 450E GROVES AVENUE, KELOWNA, B.C.

(2,574 m² / 27,706 ft²)

UNIT AREA SCHEDULE (Net - F.A.R.)

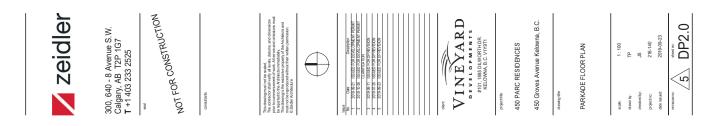
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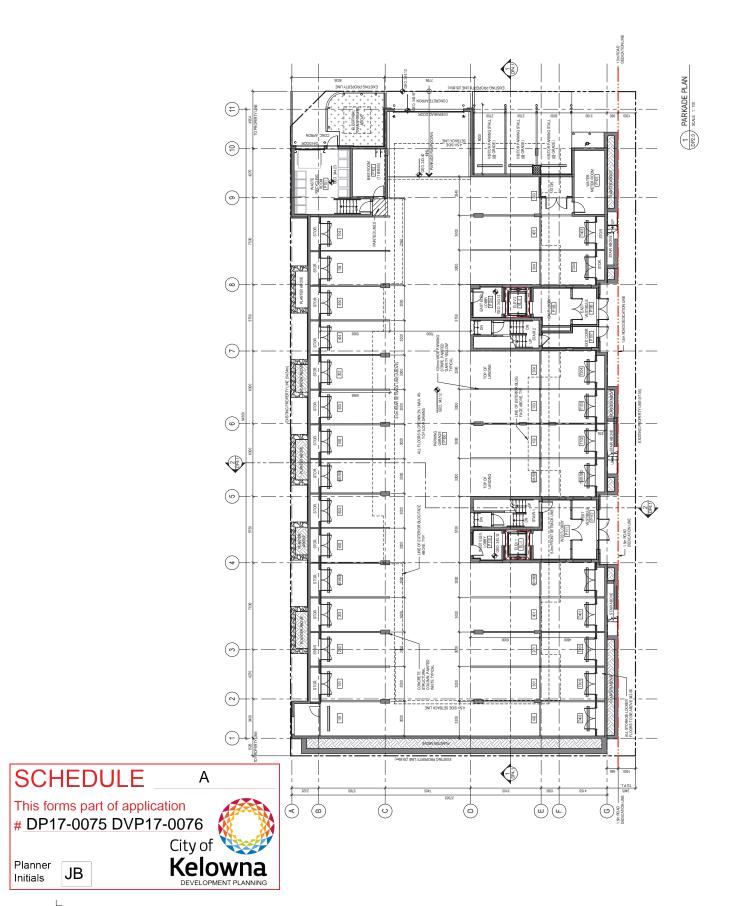


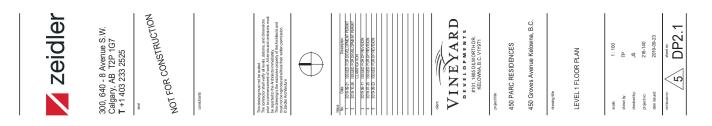


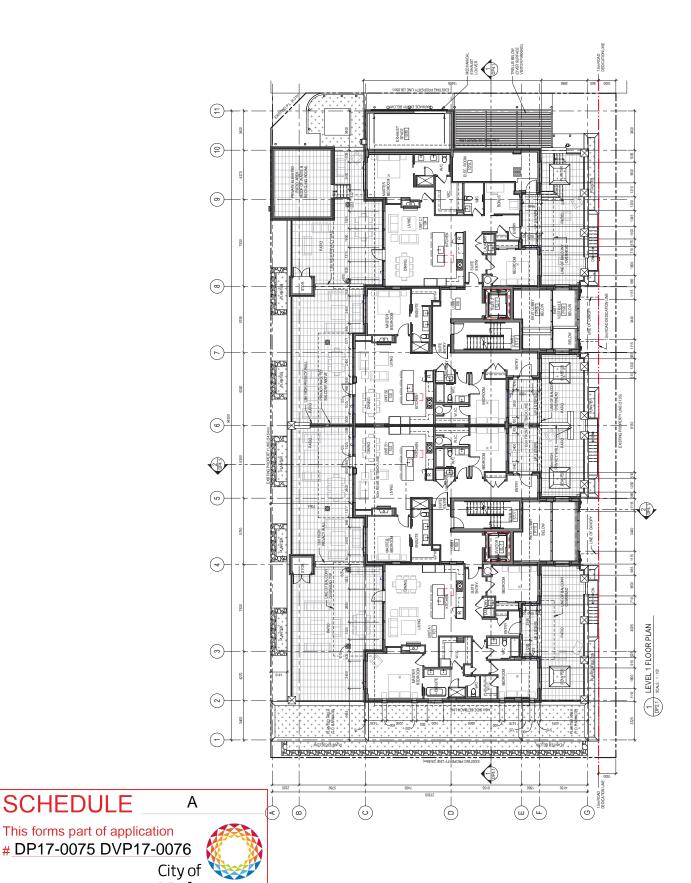
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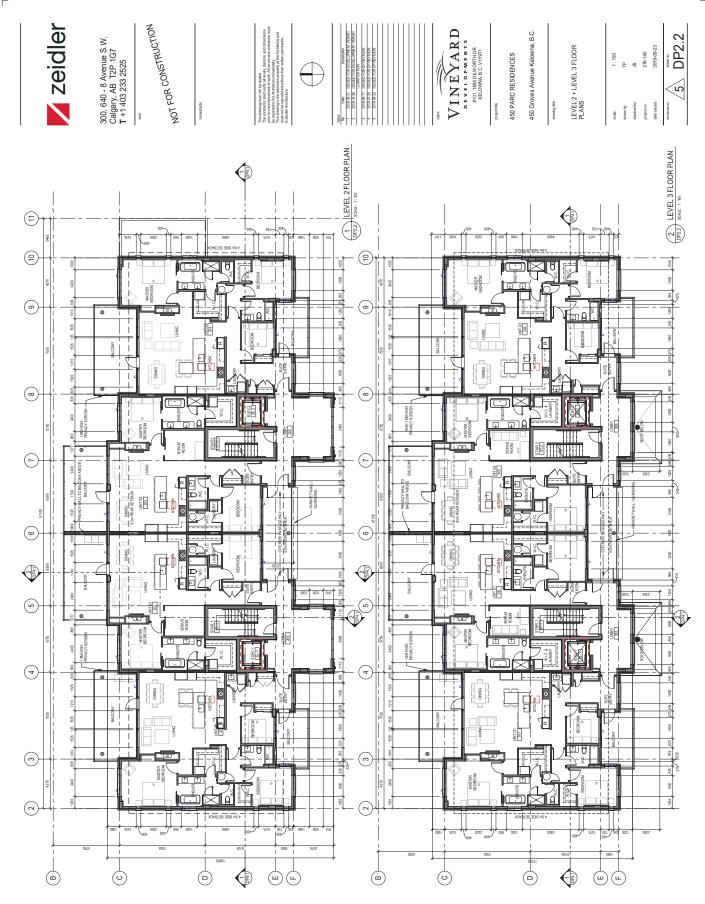
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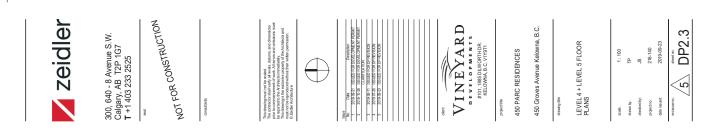
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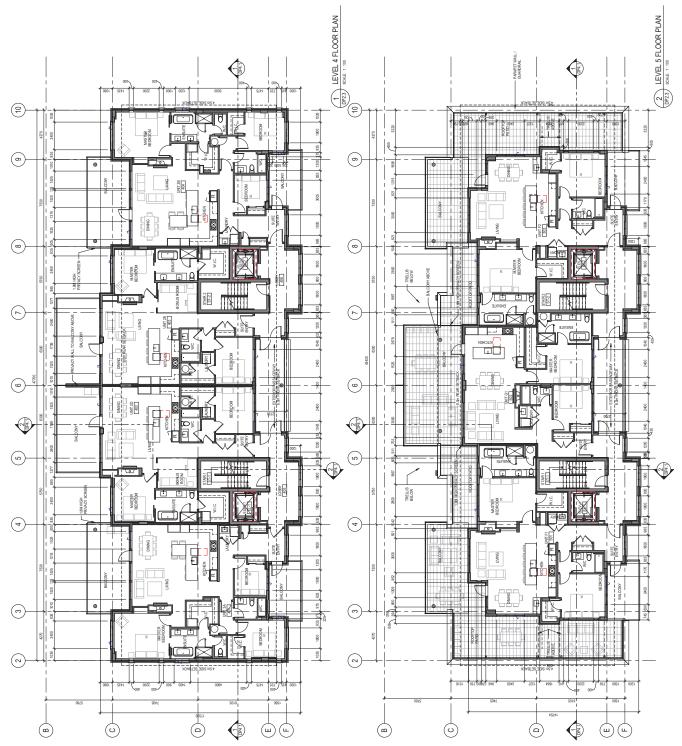
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Kelowna DEVELOPMENT PLANNING









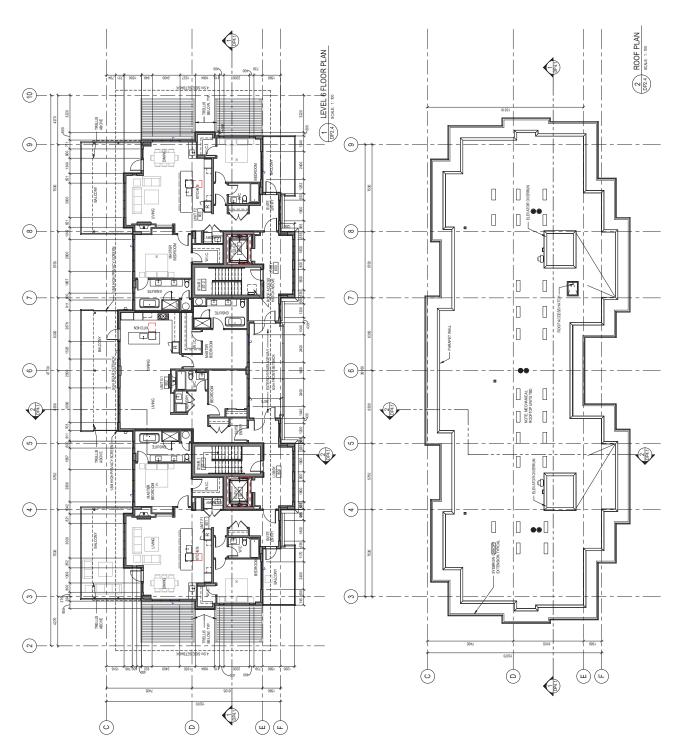


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450 Groves Avenue Kelowna, B.C. 450 PARC RESIDENCES

BUILDING ELEVATION + PERSPECTIVE VIEWS - EAST

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VISITOR PARKING STALL
PARTIALLY CONFRED.
TRELUS, WITH PROTECTION
BOLLARDS.

(1) EAST ELEVATION THEIR DRUKE 1: 100









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City of Kelowna

**SCHEDULE** 

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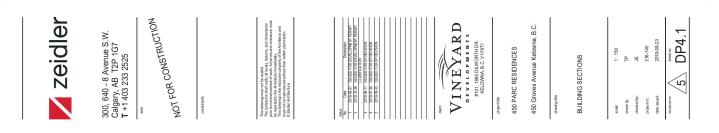
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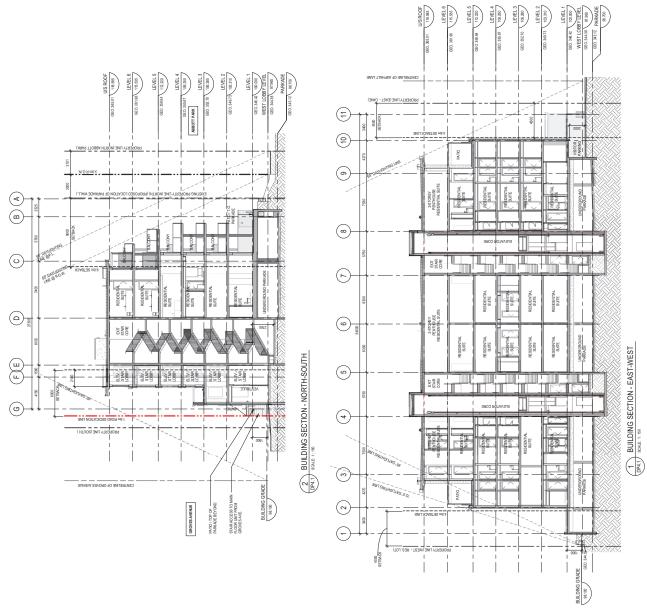








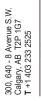








PLANTING SCHEDULE
Common Name Size





Sec. 396	<b>MATRIX</b>	LANDSCAPE ARCHITECTURE	300 - 640 8 AVENUE SW CALGARY, AB 12P 1G7 T 403.266.6341 F 403.262.2055 W mathic/amdiscape.com	The desiring must tree be assisted contractors and suit with a larved, submus, and dimensions prior to commencement of which, full errors and creations must proport to the Archesta immediately that desirings is the extension property of the Archebochs and must be in produced without their written permission. § Zelede Archebour we
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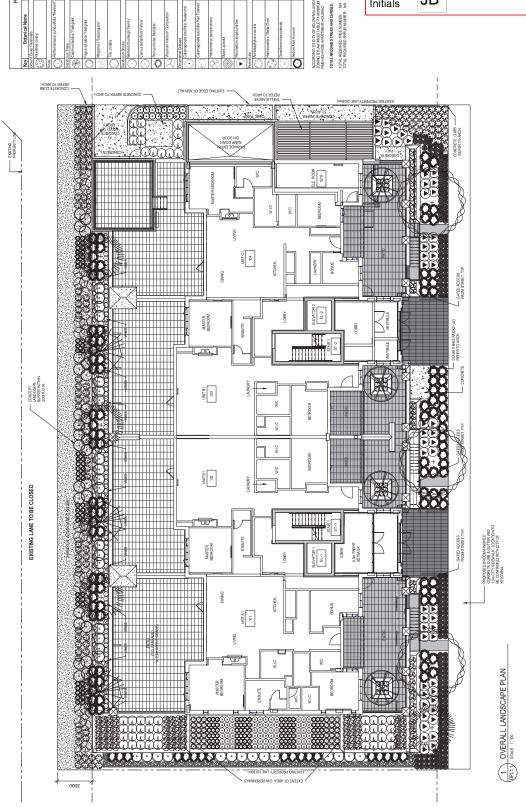






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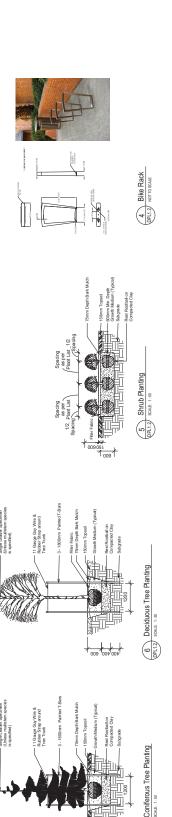
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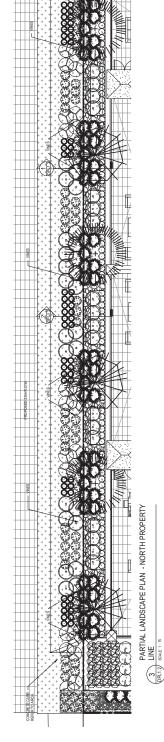


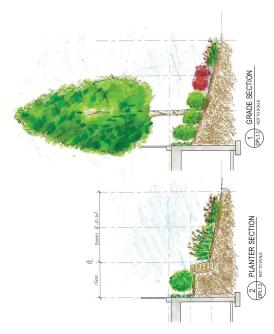














zeidler VINEYARD 450 Groves Avenue Kelowna, B.C. 300, 640 - 8 Avenue S.W. Calgary, AB T2P 1G7 **T** +1 403 233 2525 LANDSCAPE ARCHITECTUR DEVELOPMENT 450 PARC RESIDENCES PLANTING PLAN AMERICAN LINDER VIRGINIA CREEPER SAUCER MAGNOLIA OVERALL LANDSCAPE PLAN PLANTING PLAN (PP.1.3) SCALE: 1.220 PYRAMIDAL GREEN BEECH AVALANCHE VARIEGATED REED GRASS PYRAMIDAL EUROPEAN HORNBEAM PEE GEE HYDRANGEA ROSY LIGHTS RHODODENDRON KARL FOERSTER FEATHER REED GRASS PURPLE FOUNTAIN GRASS

RUBY HORSE CHESTNUT

**SCHEDULE** 

JB

Planner Initials

This forms part of application
# DVP17-0075 DVP17-0076

С

City of **Kelowna** 

JAPANESE FOREST GRASS

DPL1.3

STELLA D'ORO DAYLILY

**EVENING PRIMROSE** 

GOLDEN STONECROP

CLIFF GREEN

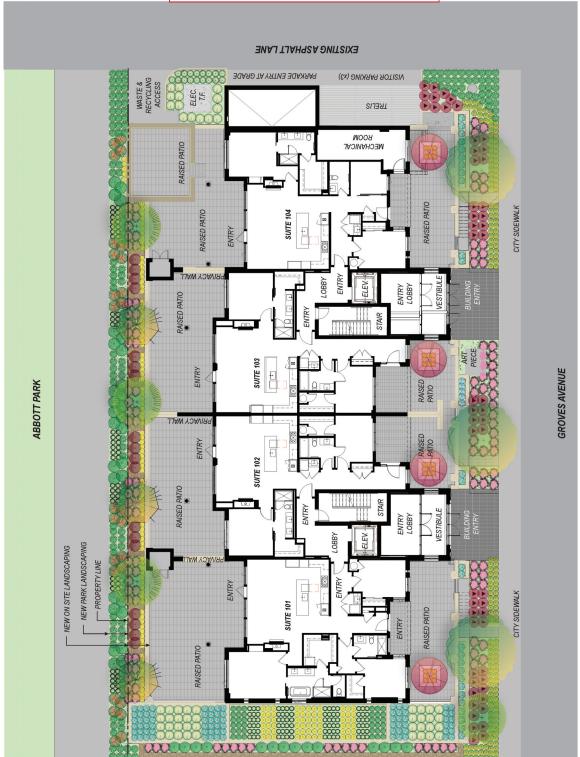




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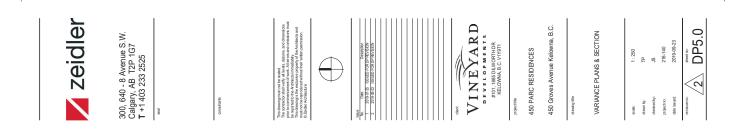


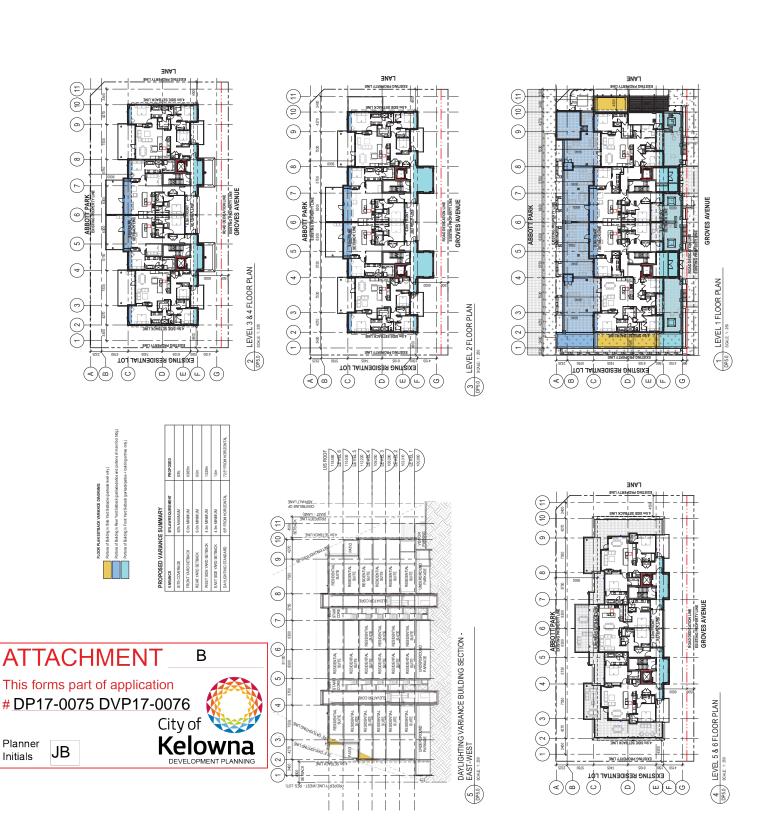




RENDERED LANDSCAPE SITE PLAN

450 PARC RESIDENCES 450 Groves Avenue Kelowna, B.C.







November 28, 2019

ATTACHMENT B

This forms part of application
# DP17-0075 DVP17-0076
City of

Planner Initials

This forms part of application

# City of City

**PARTNERS** 

VAIDILA BANELIS | ARCHITECT AAA, AIBC, SAA, OAA, MRAIC, LEED® AP

STEPHEN BUGBEE | ARCHITECT AAA, AIBC, SAA, MAA, NSAA, MRAIC, CAA, AIA (IA)

JAMES D BROWN | ARCHITECT AAA, AIBC, MRAIC

R. SEAN CRAWFORD | LICENSED INTERIOR DESIGNER, AAA, IDC, IDA, NCIDQ JEAN GUY BELIVEAU

PRINCIPALS

**BILL MITCHELL** 

MARTIN VEENHOVEN | ARCHITECT AAA, AIBC, MRAIC, AIA (WA) The City of Kelowna City Hall 1435 Water Street Kelowna BC, V1Y 1J4 ATTN: Jocelyn Black

Dear Jocelyn Black,

Re: '450 PARC' (formerly, Abbott Park Residences) Vineyard Developments DESIGN RATIONALE for Development Permit - Application Revision

'450 PARC' is a multi-family residential project proposed for 448, 458 & 460 Groves Avenue, in Kelowna B.C. This proposed high-end residential development is a 6-storey, 22-unit luxury condo development, set upon a partially below-grade enclosed parking structure. Located in the vibrant neighbourhood of South Pandosy, the site is within walkable distance to beach access, as well as the commercial/mixed-use corridor of Pandosy Street, offering access to a great variety of urban amenity, including transit, restaurants, shopping and entertainment. This site also falls within the Urban Centre / Revitalization DP Area.

The site is bordered by Groves Avenue along the South, an existing asphalt lane along the East, a single-family dwelling to the West, and the existing landscaped Abbott Park to the North.

The massing of the proposed building is similar in scale to the other developments bordering Abbott Park, and we believe helps to complete the urban renewal for this block.

High end materials are proposed for this building, that include but are not limited to, historic red brick veneer, large historic-style windows, and traditional cornices. The building is designed with a mix of contemporary elements that act as a counter point to an overall historic feel of the building. These elements include dark charcoal-grey panelling on the lower floors, smooth acrylic stucco (off white) on the uppermost floors, a mix of contemporary metal picket guardrails and glass balcony guardrails, and large contemporary glass building entry features.

All units in the proposed development have multiple, large outdoor spaces, in the form of patios and balconies, taking advantage of views towards Lake Okanagan, as well as the existing Abbott Park.

This proposed development has been designed with ground-oriented main-floor units with direct access to the suites from Groves Avenue. The design features terraced, constructed landscape planters along Groves Avenue, to help break up the massing of the development, as well as provide a human-scale interface from the street to the patios located above the semi-recessed parkade. These landscaped planters also provide a level of privacy for these private patios. The planting along Groves Avenue is varied in species and colour, providing a diverse and interesting street front.

The existing asphalt lane that runs along the north property line (between the subject



property and Abbott Park) has been closed off and will be converted to a landscaped area. For this area, this development is proposing pavers and sloped planting to property line which along with the tiered landscape rock wall planters on site, will mediate the grade difference between the elevated patios (top of parkade) and Abbott Park. This terraced rock wall also provides privacy screening for the patio. The terraced rock wall provides a more 'natural' interface with the landscaped Abbott Park, while the constructed terraced planes along Groves Avenue provide a more urban interface for the street.

Waste & Recycling access, Parkade access, and 3 surface visitor parking stalls all occur off the existing asphalt lane to the East.

In summary, we believe that the proposed '450 PARC' project fits well into this developing community and will help further the developing urban fabric of Kelowna.

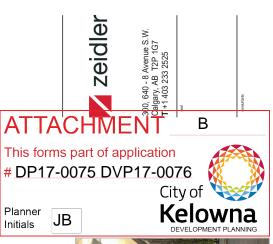
Sincerely,

**Zeidler Architecture** 

Tyler Loewenhardt Intern Architect

M.Arch., B.Env.Des.

Craig Mohr – Owner, Vineyard Developments
Jean Guy Beliveau – Partner, Zeidler Architecture
Jeff Stevenson – Associate, Zeidler Architecture











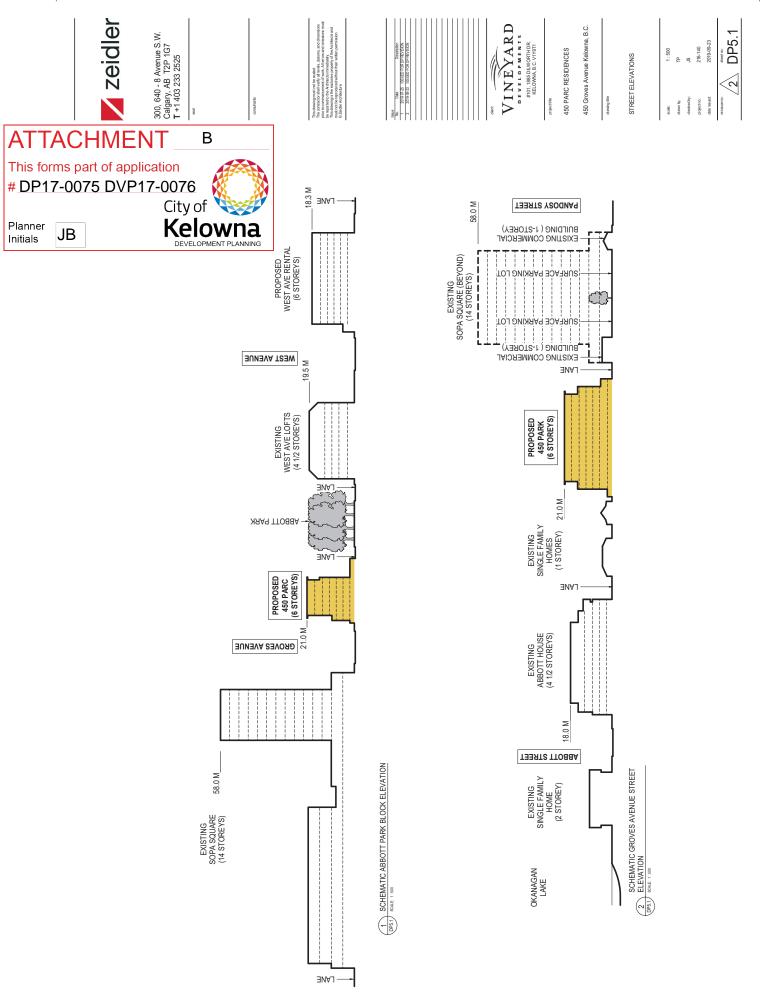








FROM SOPA PARKING LOT



#### **CITY OF KELOWNA**

## BYLAW NO. 11737 Z18-0066 – 365-367 Hein Road

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

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

- 1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Strata Lots 1 & 2 Section 27 TWP 26 ODYD Strata Plan KAS2718 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 Hein Road, Kelowna, BC from the RU6 Two Dwelling Housing zone to the RM5 Medium Density Multiple Housing zone.
- 2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 21st day of January, 2019.	
Considered at a Public Hearing on the 12 <sup>th</sup> day of February, 2019.	
Read a second and third time by the Municipal Council this 12 <sup>th</sup> day of February, 2019.	
Approved under the Transportation Act this 20 <sup>th</sup> day of February, 2019.	
Audrie Henry	
(Approving Officer – Ministry of Transportation)	
Adopted by the Municipal Council this	
M	ayor
City C	Clerk

## REPORT TO COUNCIL



Date: January 21, 2020

To: Council

From: City Manager

**Department:** Development Planning - Urban

Application: DP18-0120, DVP18-0121 Owner: 1918951 Alberta Ltd., Inc. No.

2019189519

Address: 365-367 Hein Road Applicant: New Town Services – Jesse Alexander

**Subject:** Development and Development Variance Permit Application

#### 1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11737 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP18-0120 for Strata Lots 1 & 2 Section 27 TWP 26 ODYD Strata Plan KAS2718 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V, located at 365-367 Hein Road, Kelowna, BC subject to the following:

- 1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
- 2. The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";
- 3. Landscaping to be provided on the land be in accordance with Schedule "C";
- 4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" or certified cheque 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 a Development Variance Permit No. DVP18-0121 for Strata Lots 1 & 2 Section 27 TWP 26 ODYD Strata Plan KAS2718 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V, located at 365-367 Hein Road, Kelowna, BC;

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

<u>Section 13.11.6(b): RM5 – Medium Density Multiple Housing Development Regulations</u>
To vary the maximum site coverage from 40% permitted to 47.3% proposed.

Table 8.3.1 Required Off-Street Parking Requirements - Residential Parking

To vary the number of parking spaces from 30 required to 28 proposed.

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

AND FURTHER THAT this Development Permit and Development Variance Permit are 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 an apartment building and to vary site coverage and the number of required parking spaces.

#### 3.0 Development Planning

Development Planning Staff support the proposal and requested variances to allow for the development of a 24-unit, 4.5 storey apartment building on the subject property. The application is consistent with many of the City's Urban Design Guidelines as indicated in Attachment B.

#### 3.1 Form and Character

As per Image 1 below, the applicant is proposing a 4.5 storey apartment building to be built in a modern architectural style. The proposed building includes a flat roof, articulated balconies and patios, and horizontal and vertical architectural elements. Proposed materials are consistent with the modern architecture and include cement, clear glazing, metal panels, brick veneer, and tile. Materials are mainly neutral in tone, with dark blue used as an accent colour.

The proposed apartment is an example of infill development that is consistent with building forms supported by the future land use designation of MRM – Medium Density Multiple Unit Residential. Upper floors that are stepped back and trees around the perimeter of the site help to mitigate interim impacts of higher density development on neighbouring properties. Additionally, the proposed landscape plan is in alignment with Official Community Plan (OCP) guidelines and includes raised planter beds as well as a variety of ornamental grasses, shrubs, and perennials. The landscape plan also incorporates benches, pathways, and Molok containers to be used for garbage and recycling.



Image 1 – Conceptual rendering of the proposed development

#### 3.2 Variances

The applicant is requesting two variances. First, the applicant is requesting to vary the maximum site coverage from 40% permitted to 47.3% proposed. To mitigate this variance, unit pavers are proposed on the northwest portion of the property and planting areas are proposed on top of the parkade. Second, the applicant is requesting to vary the number of parking spaces from 30 required to 28 proposed. The applicant has provided extra Class I bike parking in secure indoor locations to reduce the impact of this variance. The subject property is near the Rutland Urban Centre and has a Bike Score of 71 – Very Bikeable.

#### 4.0 Proposal

#### 4.1 Background

Initial consideration for the rezoning associated with this application took place on January 21, 2019, where the application received First Reading. The Public Hearing, Second, and Third Readings took place on February 12, 2019. Council Policy No. 367 with respect to public consultation was undertaken by the applicant and documentation was provided to Planning Staff.

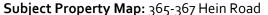
#### 4.2 <u>Project Description</u>

The proposal is for a 24-unit apartment building. The proposed building includes four studio units, 16 one-bedroom units, and four two-bedroom units. Access to the proposed below-grade parking is from Hein Road on the west side of the property. Adequate private open space is to be provided through balconies and outdoor areas.

#### 4.3 Site Context

The subject property is located on Hein Road just north of the Hein Road / Houghton Road intersection in the Rutland City Sector. The subject property is approximately two blocks west of the Rutland Urban Centre. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Dwelling Housing
Fact	RU1 – Large Lot Housing and RU1c – Large Lot	Single Dwelling Housing and Single Dwelling
East	Housing with Carriage House	Housing with Carriage House
South	RU1 – Large Lot Housing	Single Dwelling Housing
West	RM <sub>3</sub> – Low Density Multiple Housing	Multiple Dwelling Housing





4.4 Zoning Analysis Table

CRITERIA DA ZONE REQUIREMENTS PROPOSAL						
CRITERIA	RM <sub>5</sub> ZONE REQUIREMENTS	PROPOSAL				
	Existing Lot/Subdivision Regulations	S				
Min. Lot Area	1400.0 m²	1391.0 m²				
Min. Lot Width	30.0 m	29.6 m				
Min. Lot Depth	35.0 m	47.0 m				
	Development Regulations					
Max. Floor Area Ratio	1.17	1.11				
Max. Site Coverage (buildings)	40%	<b>47.34№</b>				
Max. Site Coverage (buildings, parking, driveways)	65%	65%				
Max. Height	18.0 m / 4.5 storeys	14.5 m / 4.5 storeys				
Min. Front Yard	6.o m	6.o m				
Min. Side Yard (south)	4.5 m up to 2.5 storeys / 7.0 m for over 2.5 storeys	4.5 m up to 2.5 storeys / 7.0 m for over 2.5 storeys				
Min. Side Yard (north)	4.5 m up to 2.5 storeys / 7.0 m for over 2.5 storeys	4.5 m up to 2.5 storeys / 7.0 m for over 2.5 storeys				
Min. Rear Yard	9.0 m	9.0 m				
	Other Regulations					
Min. Parking Requirements	30	282				
Min. Bicycle Parking	12 Class I / 3 Class II	28 Class I / 4 Class II				
Min. Private Open Space	360 m²	407.8 m²				

#### Indicates a requested variance to the number of required parking spaces.

#### 5.0 Current Development Policies

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

#### <u>Chapter 5: Development Process</u>

Objective 5.3 Focus development to designated growth areas

Policy .2 Compact Urban Form. 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 per ha 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.

Objective 5.22 Ensure context sensitive housing development

Policy .6 Sensitive Infill. Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height, and siting.

#### Chapter 14: Urban Design Development Permit Areas

Comprehensive Development Permit Area Objectives

- Convey a strong sense of authenticity through urban design that is distinctive for Kelowna;
- Promote interesting, pedestrian friendly streetscape design and pedestrian linkages;

- Incorporate architectural features and detailing of buildings and landscapes that define an area's character; and
- Promote alternative transportation with enhanced streetscapes and multimodal linkages.

#### 6.0 Application Chronology

Date of Application Received: May 22, 2018
Date Public Consultation Completed: October 16, 2018
First Reading: January 21, 2019
Public Hearing, Second and Third Reading: February 12, 2019

**Report prepared by:** Arlene Janousek, Planner

Reviewed by: Laura Bentley, Urban Planning & Development Policy Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

#### Attachments:

Attachment A: Draft Development Permit DP18-0120 and Development Variance Permit No. DVP18-0121

Attachment B: Comprehensive Urban Design Guidelines Checklist

**Conceptual Renderings** 

Schedule A,B,C



# Development Permit & Development Variance Permit DP18-0120/DVP18-0121

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

#### 365-367 Hein Road

and legally known as

Strata Lots 1 & 2 Section 27 TWP 26 ODYD Strata Plan KAS2718 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:

#### **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:** 

Decision By: COUNCIL

<u>Development Permit Area:</u> Comprehensive Devleopment Permit Area

Existing Zone: RM5 – Medium Density Multiple Housing

Future Land Use Designation: Multiple Unit Residential (Medium Density)

## 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: 1918951 Alberta Ltd., Inc. No. 2019189519

Applicant: New Town Services – Jesse Alexander

\_\_\_\_\_

Terry Barton
Development Planning Department Manager
Planning & Development Services

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.

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

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

To vary the maximum site coverage from 40% permitted to 47.3% proposed.

#### Table 8.3.1 Required Off-Street Parking Requirements - Residential Parking

To vary the number of parking spaces from 30 required to 28 proposed.

This Development Permit is valid for two (2) years from the date of 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 **OR** certified cheque in the amount of \$60,203.69

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.

#### 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 <u>CURRENT LAND OWNER</u>. Security shall <u>ONLY</u> be returned to the signatory of the Landscape Agreement or their designates.

#### **BUILDING / SITE SUMMARY**

CIVIC ADDRESS 365 & 367 HEIN ROAD, KELOWNA, BC LEGAL LOT CP, PLAN K2718 CURRENT ZONING RU6 - TWO DWELLING HOUSING PROPOSED ZONING RM5 - MEDIUM DENSITY MULTIPLE HOUSING SITE AREA 1.391.81m<sup>2</sup>

#### SETBACK SUMMARY

SITE SETBACKS REQUIRED PROPOSED 6 METRES FRONT YARD 6 METRES SIDE YARD 4.5 METRES 4.5 METRES REAR YARD 9 METRES 9 METRES 6 METRES 6 METRES FRONT YARD LEVEL 2 SIDE YARD LEVEL 2 7 METRES 7 METRES REAR YARD LEVEL 2 9 METRES 9 METRES

#### SITE COVERAGE

PERMITTED SITE COVERAGE 40% MAX 556.7 m<sup>2</sup> Variance Required 659 m<sup>2</sup> (47.34%) TOTAL COVERAGE PERMITTED 65% MAX 905 m<sup>2</sup> 905 m<sup>2</sup> (65%) (BUILDING & HARDSCAPE) FLOOR AREA RATIO (FAR) PERMITTED PROPOSED 1.1 (BASE) 1.1 0.1 MAX (UNDER COVER 0.1x PROVIDED = PARKING BONUS) 0.079 1.179 (1,641 m²) 1.112 (1,547 m<sup>2</sup>) BUILDING HEIGHT PERMITTED PROPOSED 4.5 STOREYS 4.5 STOREYS 18 METRES 14.5 METRES

#### **TENANCIES**

COUNT % STUDIO 16.5% 1 BEDROOM 46% 1 BEDROOM+DEN 21% 2 BEDROOM 16.5% TOTAL 24 (100%)

#### **PARKING - REQUIREMENT**

VEHICLE PARKING REQUIRED 1.0 PER STUDIO 1.25 PER 1 BEDROOM 20 1.50 PER 2 BEDROOM 0.14 PER DWELLING UNIT 3.36 30 under current parking regulations TOTAL 33 (33.36)

60% FULL SIZED CAR, 40% MEDIUM CAR

#### PARKING - PROVIDED

VEHICLE PARKING TOTAL

### **BICYCLES**

REQUIRED PROVIDED 30 28 CLASS 1: 0.5 PER TENANCY 12 CALSS 2: 0.1 PER TENANCY

**AMENITY** REQUIRED PROPOSED PRIVATE OPEN SPACE 7.5m<sup>2</sup> PER STUDIO 30 m<sup>2</sup> 15m<sup>2</sup> PER 1 BEDROOM 300 m<sup>2</sup> 25m<sup>2</sup> PER 2 BEDROOM 30 m<sup>2</sup> 407.8 m<sup>2</sup> ON SITE TOTAL 360 m<sup>2</sup>

SCHEDULE Α This forms part of application # DP18-0120 & DVP18-012 Planner Kelowna AJ Initials

All figures have been based on preliminary information and are subject to verification. The material contained herein is indicative only and may be subject to approval by the responsible authorities(s), or other factors beyond the control of New Town, receiving parties should not use this material to form the basis of any financial feasibility, contractual negotiation or sale documents

## **PRELIMINARY**



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Notes
This drawing must be read in conjunction with all other drawings specifications, schedules and consultant documents. Any discrepancibe reported to New Town Servies. If in any doubt whatsoever contact New Town Servies.

21/10/19 DEVELOPMENT PERMIT REVISION NTAE NTAE NTAE NTAE NTAE NTAE 23/08/19 DEVELOPMENT PERMIT REVISION 30/07/19 DEVELOPMENT PERMIT REVISION 28/08/18 DEVELOPMENT PERMIT REVISION 18/05/18 DEVELOPMENT PERMIT 11/05/18 Client Review

Project
HEIN ROAD APARTMENTS 365 & 367 HEIN ROAD KELOWNA, BC, V1X 4A2

NOTE:

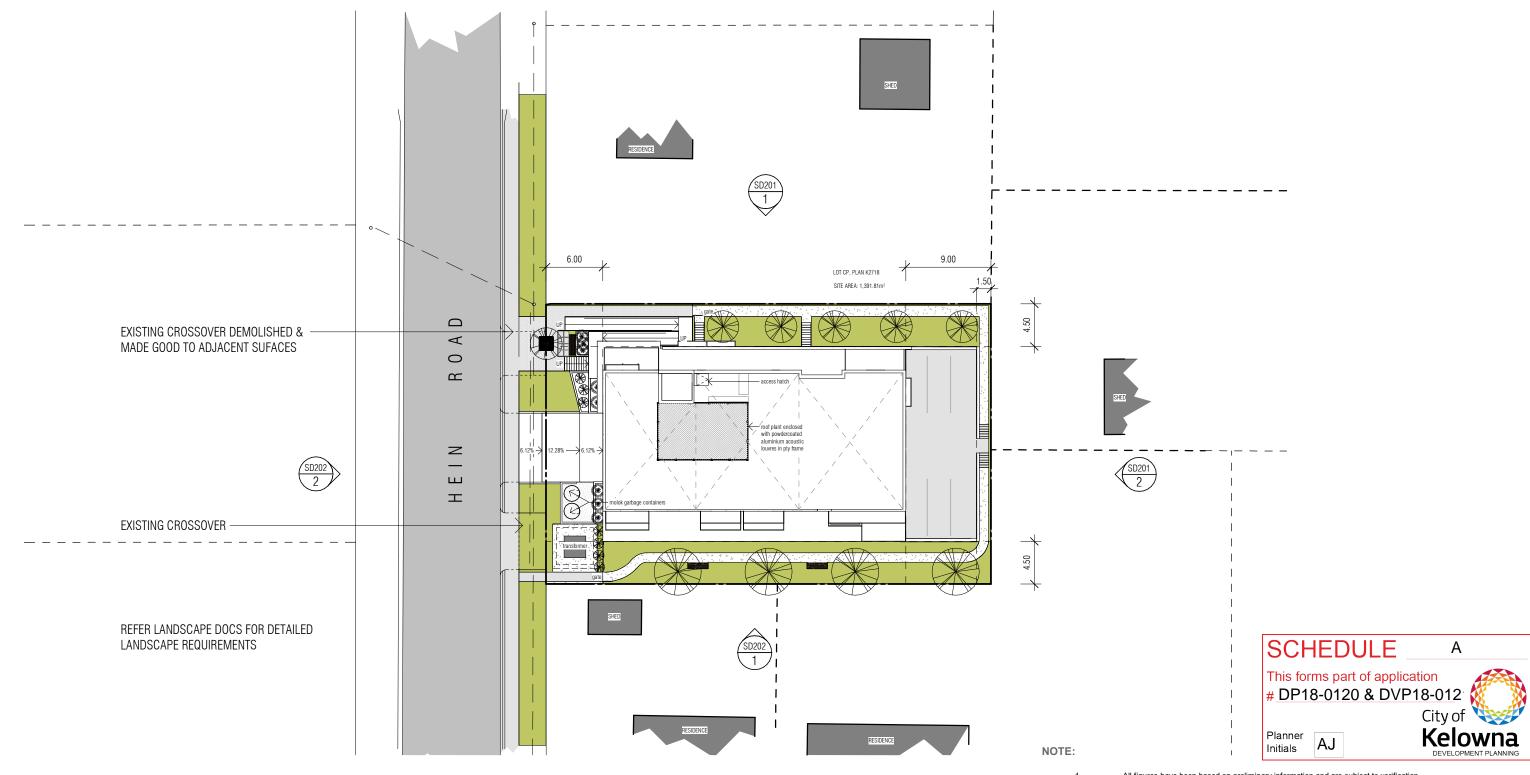
Client DARSHAN PANNU 300 TERAI COURT KELOWNA, BC, V1X 5V6

Drawing title SITE STATISTICS

Date created Checked 15/01/18 NTAE Scale 1:100@11x17

A 1464 St Paul Street Kelowna BC V1Y 2E6 E office@newtownservices.net T 1 250 860 8185

Project number 4017 Drawing number Revision Status PRELIMINARY





All figures have been based on preliminary information and are subject to verification. The material contained herein is indicative only and may be subject to approval by the responsible authorities(s), or other factors beyond the control of New Town; receiving parties should not use this material to form the basis of any financial feasibility, contractual negotiation or sale documents

## **PRELIMINARY**





Project
HEIN ROAD APARTMENTS

385 & 387 HEIN ROAD
KELOWINA, BC, VIX 442
Client

KELOWINA, BC, V1X 4A2
Client
DARSHAN PANNU
300 TERAL COURT
KELOWINA, BC, V1X 5V6

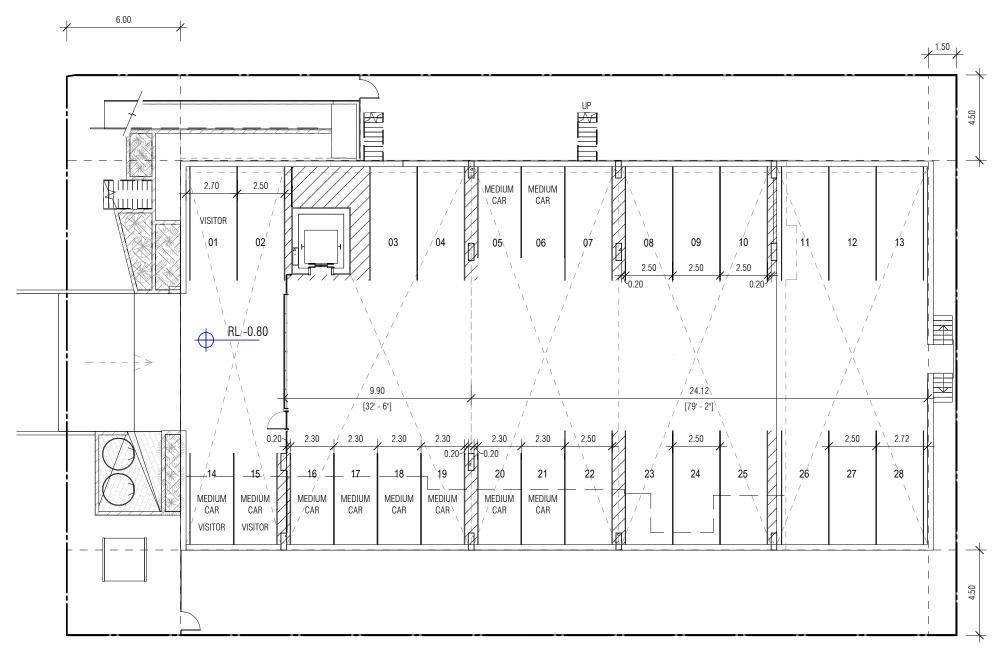
Drawing title SITE PLAN

| Date created | Checked | Appn | 07/02/18 | NTAE | NTAE | Scale | 1 : 400 @ 11x17

A 1464 St Paul Street Kelowna BC V1Y 2E6 E office@newtownservices.net T 1 250 860 8185

Project number Drawing number Revision 4017 SD003 F
Status
PRELIMINARY





PARKING SCHEDULE				
Mark	Size	Туре		
01	2500(w)x6000(d)	STANDARD - END		
02	2500(w)x6000(d)	STANDARD - END		
03	2500(w)x6000(d)	STANDARD		
04	2500(w)x6000(d)	STANDARD - END		
05	2300(w)x4800(d)	MEDIUM		
06	2300(w)x4800(d)	MEDIUM		
07	2500(w)x6000(d)	STANDARD - END		
08	2500(w)x6000(d)	STANDARD - END		
09	2500(w)x6000(d)	STANDARD		
10	2500(w)x6000(d)	STANDARD - END		
11	2500(w)x6000(d)	STANDARD - END		
12	2500(w)x6000(d)	STANDARD		
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16	2300(w)x4800(d)	MEDIUM		
17	2300(w)x4800(d)	MEDIUM		
18	2300(w)x4800(d)	MEDIUM		
19	2300(w)x4800(d)	MEDIUM		
20	2300(w)x4800(d)	MEDIUM		
21	2300(w)x4800(d)	MEDIUM		
22	2500(w)x6000(d)	STANDARD - END		
23	2500(w)x6000(d)	STANDARD - END		
24	2500(w)x6000(d)	STANDARD		
25	2500(w)x6000(d)	STANDARD - END		
26	2500(w)x6000(d)	STANDARD - END		
27	2500(w)x6000(d)	STANDARD		
28	2500(w)x6000(d)	STANDARD - END		

TYPE	COUNT	% of TOTAL	PERMITTED	
MEDIUM CAR	10	30.3%	(OF 40%)	
STANDARD CAR	18	54.5%	(OF 60%)	

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## **PRELIMINARY**



NTAE NTAE NTAE NTAE NTAE NTAE NTAE

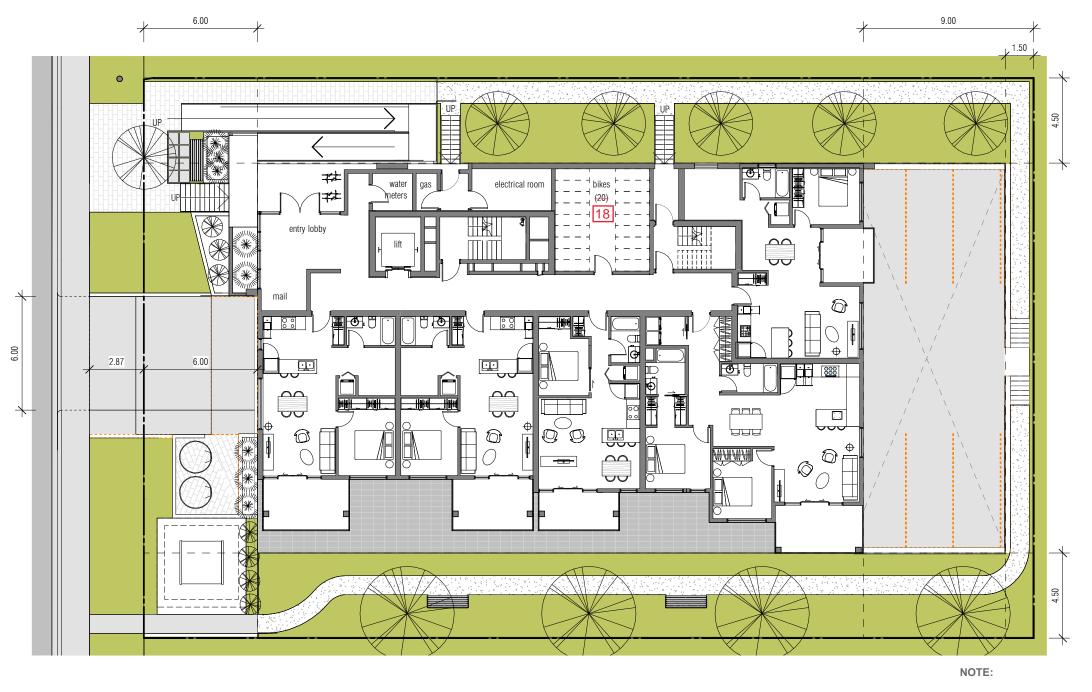


Project
HEIN ROAD APARTMENTS
365 & 367 HEIN ROAD
KELOWINA, BC, VIX 4A2
Client
DARSHAN PANNU

300 TERAI COURT KELOWNA, BC, V1X 5V6 Drawing title BASEMENT PARKING PLAN

A 1464 St Paul Street Kelowna BC V1Y 2E6 E office@newtownservices.net T 1 250 860 8185

Project number Drawing number Revision 4017 SD005 F
Status
PRELIMINARY





1 Level 1 SCALE 1:200

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## **PRELIMINARY**





Project
HEIN ROAD APARTMENTS

385 & 367 HEIN ROAD
KELOWINA, BC, VIX 442
Client

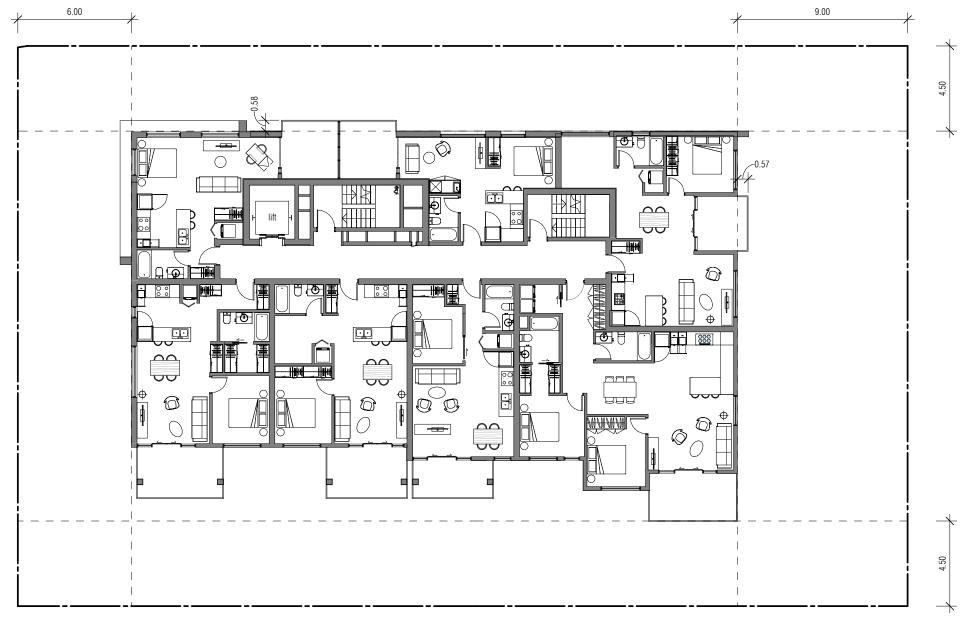
KELOWNA, BC, V1X 4A2
Client
DARSHAN PANNU
300 TERAI COURT
KELOWNA, BC, V1X 5V6

Drawing title FLOOR PLAN - LEVEL 1

| Date created | Checked | Approve | 22/03/18 | NTAE | NTAE | Scale | 1 : 200 @ 11x17

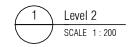
A 1464 St Paul Street Kelowna BC V1Y 2E6 E office@newtownservices.net T 1 250 860 8185

Project number Drawing number Revision 4017 SD006 F
Status
PRELIMINARY





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## **PRELIMINARY**





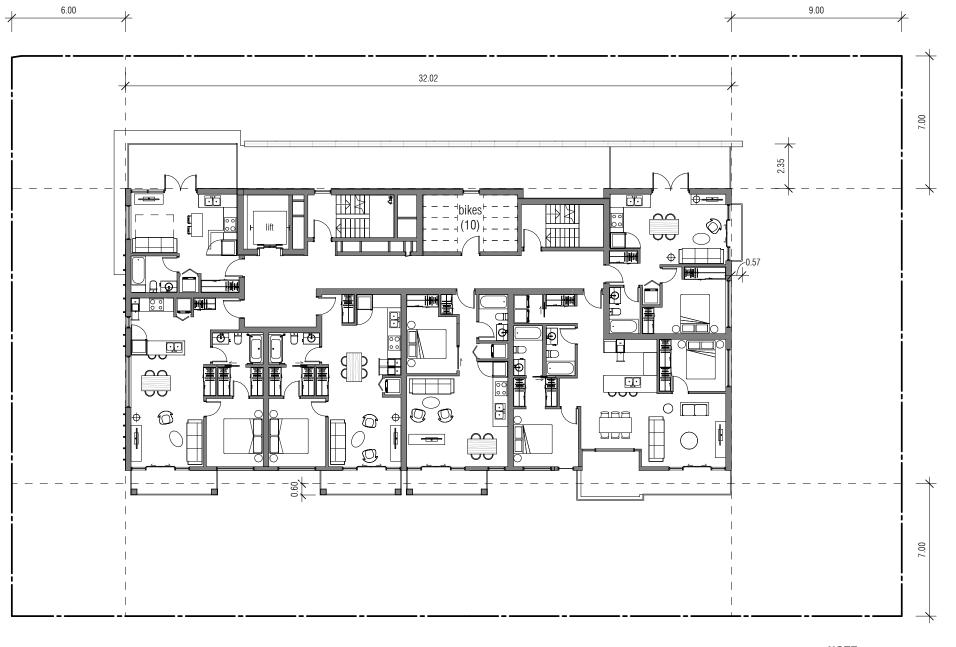
Project
HEIN ROAD APARTMENTS
365 & 367 HEIN ROAD
KELOWNA, BC, V1X 4A2
Client

SOO SOO PICHIN TOUGH KELDWINA, BC, Y1X 4A2 Client DARSHAN PANNU 300 TERAI COURT KELDWINA, BC, Y1X 5V6 Drawing title FLOOR PLAN - LEVEL 2

| Date created | Checked | Approve | 22/03/18 | NTAE | NTAE | Scale | 1 : 200 @ 11x17

A 1464 St Paul Street Kelowna BC V1Y 2E6 E office@newtownservices.net T 1 250 860 8185

Project number Drawing number Revision 4017 SD007 F
Status
PRELIMINARY





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**PRELIMINARY** 





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Project HEIN ROAD APARTMENTS 365 & 367 HEIN ROAD KELOWINA, BC, VIX 4A2 Client

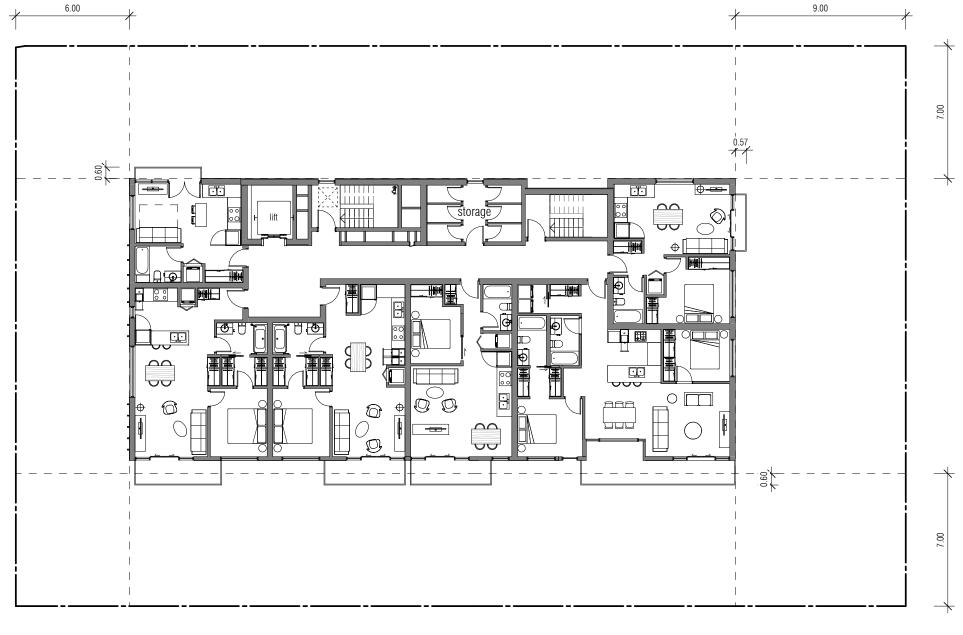
366 & 367 HEIN ROAD
KELOWNA, BC, V1X 4A2
Client
DARSHAN PANNU
300 TERAI COURT
KELOWNA, BC, V1X 5V6

Drawing title FLOOR PLAN - LEVEL 3

| Date created | Checked | Approved | 22/03/18 | NTAE | NTAE | Scale | 1:200 @ 11x17

A 1464 St Paul Street Kelowna BC V1Y 2E6 E office@newtownservices.net T 1 250 860 8185

Project number Drawing number Revision 4017 SD008 F Status PRELIMINARY





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# **PRELIMINARY**



NTAE NTAE NTAE NTAE NTAE NTAE NTAE



Project
HEIN ROAD APARTMENTS
365 & 367 HEIN ROAD
KELOWINA, BC, V1X 4A2
Client

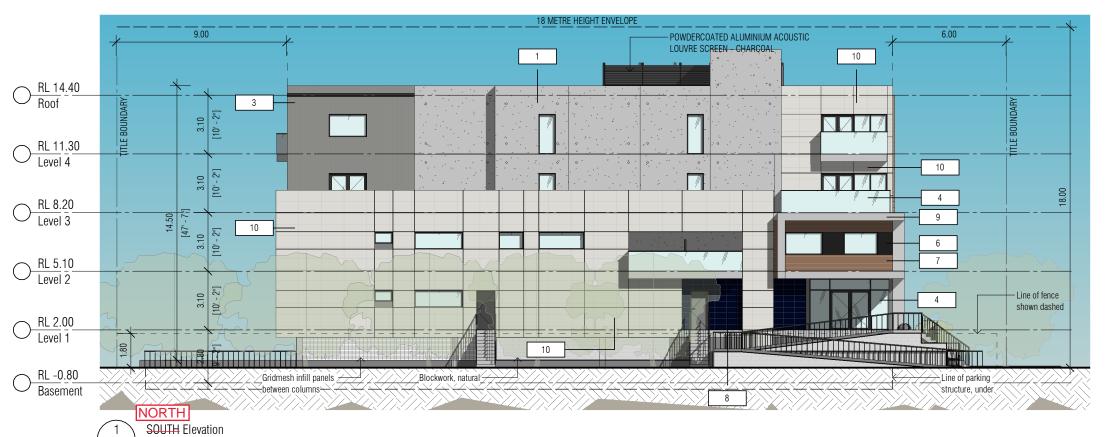
KELOWNA, BC, V1X 4A2
Client
DARSHAN PANNU
300 TERAI COURT
KELOWNA, BC, V1X 5V6

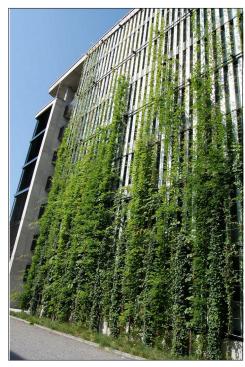
Drawing title FLOOR PLAN - LEVEL 4

| Date created | Checked | Approved | 22/03/18 | NTAE | NTAE | Scale | 1 : 200 @ 11x17

A 1464 St Paul Street Kelowna BC V1Y 2E6 E office@newtownservices.net T 1 250 860 8185

Project number Drawing number Revision 4017 SD009 F Status PRELIMINARY





INDICATIVE GREEN WALL ON GRIDMESH, TO PARKING STRUCTURE WALLS, TYPICAL

#### SCALE 1:200 POWDERCOATED ALUMINIUM ACOUSTIC 7.00 LOUVRE SCREEN - CHARCOAL 4.50 4.50 RL 14.40 3.10 [10' - 2"] 3 3.10 [10' - 2"] RL 8.20 4 Level 3 10 RL 5.10 4 Level 2 3.10 Line of fence RL 2.00 RL -0.80 Line of parking Basement structure, under

#### **LEGEND**

- 1 COMPRESSED FIBROUS CEMENT SHEET STUCCO FINISH CONCRETE
- 2 THIN BRICK VENEER
- 3 VERTICAL PROFILED METAL CLADDING CHARCOAL
- 4 GLAZING & BALUSTRADES CLEAR VISION GLASS
- 5 COMPRESSED FIBROUS CEMENT SHEET STUCCO FINISH BLUE
- 6 COMPRESSED FIBROUS CEMENT SHEET CHARCOAL
- 7 HORIZONTAL METAL PLANK PANELS TIMBER LOOK
- 8 GLAZED TILE STACK BOND MIDNIGHT
- 9 STUCCO TROWEL FINISH OFF WHITE
  - PANELISED COMPRESSED FIBROUS CEMENT SHEET WITH SHADOWLINE REVEALS OFF WHITE

#### NOTE:

10

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## **PRELIMINARY**



**EAST Elevation** 

SCALE 1:200

∖SD003

SCHEDULE

This forms part of application

# DP18-0120 & DVP18-012

City of

Planner Initials

AJ

Project
HEIN ROAD APARTMENTS

365 8, 367 HEIN ROAD
KELDWINL, BC, VIX 442
Client
DARSHAN PANNU

300 TERAL COURT
KELDWINL, BC, VIX 596

Drawing title ELEVATION - SOUTH & EAST

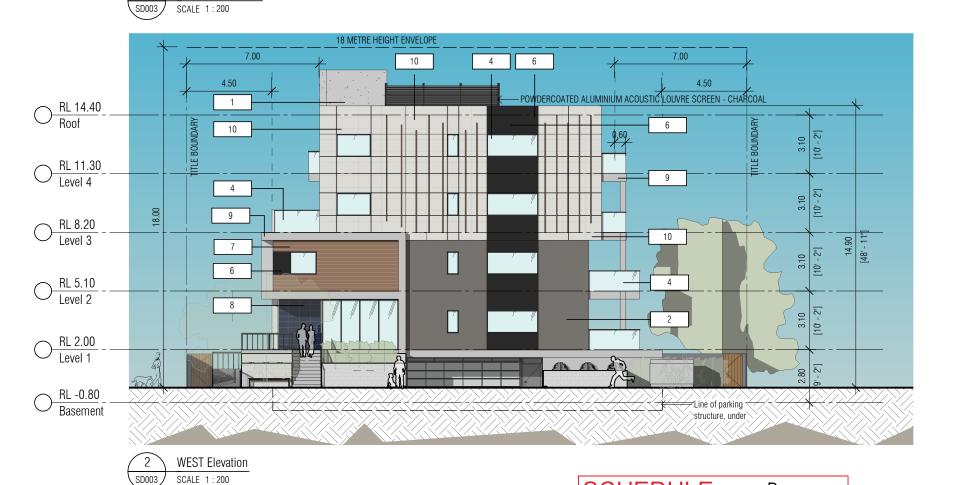
| Date created Checked Approve 22/03/18 NTAE NTAE Scale 1:200 @ 11x17 A 1464 St Paul Street Kelowna BC V1Y 2E6 E office@newtownservices.net T 1 250 860 8185

Project number Project number Revision SD201 F Status
PRELIMINARY





INDICATIVE GREEN WALL ON GRIDMESH TO PARKING STRUCTURE WALL, TYPICAL



#### **LEGEND**

- 1 COMPRESSED FIBROUS CEMENT SHEET STUCCO FINISH CONCRETE
- 2 THIN BRICK VENEER
- 3 VERTICAL PROFILED METAL CLADDING CHARCOAL
- 4 GLAZING & BALUSTRADES CLEAR VISION GLASS
- 5 COMPRESSED FIBROUS CEMENT SHEET STUCCO FINISH BLUE
- 6 COMPRESSED FIBROUS CEMENT SHEET CHARCOAL
- 7 HORIZONTAL METAL PLANK PANELS TIMBER LOOK
- 8 GLAZED TILE STACK BOND MIDNIGHT
- 9 STUCCO TROWEL FINISH OFF WHITE
  - PANELISED COMPRESSED FIBROUS CEMENT SHEET WITH SHADOWLINE REVEALS OFF WHITE

#### NOTE:

10

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## **PRELIMINARY**





Project
HEIN ROAD APARTMENTS

365 6, 367 HEN ROAD
KELOWINA, BC, VIV. 442
Client
DARSHAN PANNU

300 TERAL COURT
KELOWINA, BC, VIV. 50/6

Drawing title ELEVATIONS - NORTH & WEST

Date created Checked Approved 22/03/18 NTAE NTAE Scale 1:200 @ 11x17

A 1464 St Paul Street Kelowna BC V1Y 2E6 E office@newtownservices.net T 1 250 860 8185

Project number Drawing number Revision 4017 SD202 F Status PRELIMINARY



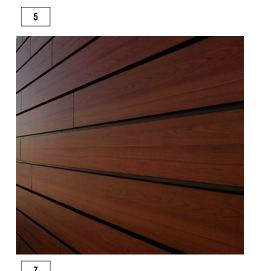








LEGEND







"ULTRA SPACE SAVER SQUARED" VERTICAL BIKE RACK - DERO

This forms part of application

# DP18-0120 & DVP18-012

City of

Planner Initials

AJ

Kelowna

DEVELOPMENT PLANNING

1	COMPRESSED FIBROUS CEMENT SHEET - STUCCO FINISH - CONCRETE

1 2 1	THIN BRICK VENEER	

5 NOT USED

6 COMPRESSED FIBROUS CEMENT SHEET - CHARCOAL

7 HORIZONTAL METAL PLANK PANELS - TIMBER LOOK

8 GLAZED TILE - STACK BOND - MIDNIGHT

9 STUCCO - TROWEL FINISH - OFF WHITE

PANELISED COMPRESSED FIBROUS CEMENT SHEET WITH SHADOWLINE

REVEALS - OFF WHITE

NOTE:

10

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## **PRELIMINARY**



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Project HEIN ROAD APARTMENTS

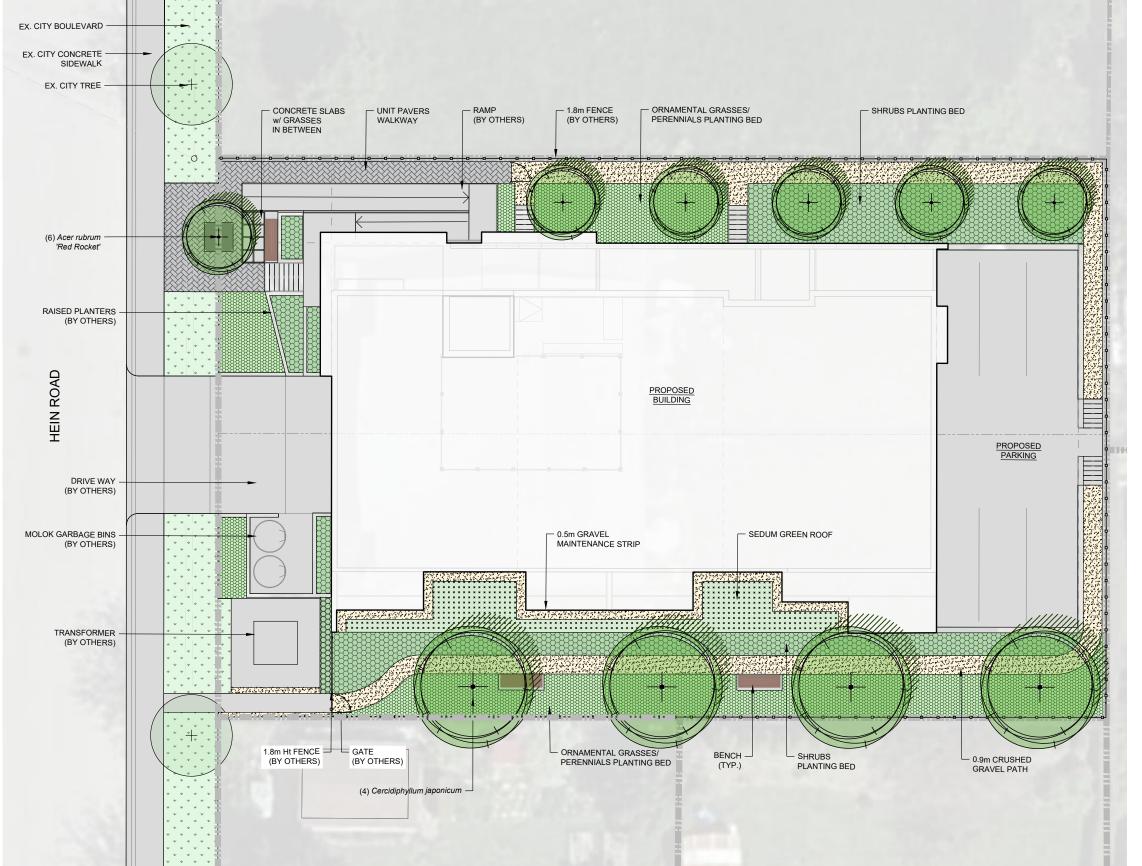
365 & 367 HEIN ROAD KELOWNA, BC, V1X 4A2

Client DARSHAN PANNU 300 TERAI COURT KELOWINA, BC, V1X 5V6 Drawing title MATERIALS

> Date created Checked Appr 11/04/18 Checker Appr Scale @ 11x17

A 1464 St Paul Street Kelowna BC V1Y 2E6 E office@newtownservices.net T 1 250 860 8185

Project number Project number Revision SD200 F Status
PRELIMINARY





#### LANDSCAPE DEVELOPMENT DATA:

CRUSHED GRAVEL PATH

UNIT PAVERS

BENCH

- PLANT MATERIALS AND CONSTRUCTION METHODS SHALL CONFORM TO MINIMUM STANDARDS ESTABLISHED IN THE CANADIAN LANDSCAPE STANDARD (CURRENT EDITION).
- THE LANDSCAPE DESIGN DESIGNATED HEREIN IS CONCEPTUAL BUT REFLECTS THE MINIMUM ACCEPTABLE QUALITY AND SIZE.
- PLANT MATERIAL SELECTIONS ARE CONCEPTUAL ONLY. FINAL PLANTING SELECTIONS MAY VARY DEPENDING UPON AVAILABILITY.
- ALL PLANTING BEDS SHALL HAVE APPROVED MULCH
- ALL LANDSCAPE AREAS TO BE IRRIGATED WITH AN EFFICIENT AUTOMATIC IRRIGATION SYSTEM.

Planner

Initials

THIS DRAWING DEPICTS FORM AND CHARACTER AND IS TO BE USED FOR DEVELOPMENT PERMIT SUBMISSION ONLY. IT IS NOT INTENDED FOR USE AS A CONSTRUCTION DOCUMENT.

REPRESENTATIVE PLANT LIST				
BOTANICAL NAME	COMMON NAME	SIZE	ROOT	Mature Plant Size (Ht.xWd.)
Trees Deciduous				
Acer rubrum 'Red Rocket'	Red Rocket Maple	6cm Cal	B&B	9.0m x 4.0m
Cercidiphyllum japonicum	Katsure Tree	6cm Cal	B&B	8.0m x 8.0m
Shrubs				
Euonymus alatus 'Compactus'	Dwarf Winged Burning Bush	#01	Potted	2.0m x 1.5m
Cornus alba 'Elegantissima'	Silver Leaf Dogwood	#01	Potted	2.5m x 2.0m
Rhus aromatica 'Gro-Low'	Gro-Low Fragrant Sumac	#01	Potted	1.0m x 2.0m
Grasses				
Calamagrostis x acutiflora 'Overdam'	Variegated Reed Grass	#01	Potted	1.2m x 0.9m
Deschampsia cespitosa 'Goldtau'	Tufted Hair Grass	#01	Potted	0.75m x 0.75m
Perennials				
Echinacea purpurea 'Magnus'	Magnus Coneflower	#01	Potted	0.9m x 0.6m
Nepeta x faassenii 'Walker's Low'	Walker's Low Catmint	#01	Potted	0.9m x 0.9m
Rudbeckia fulgida 'Goldsturm'	Goldsturm Coneflower	#01	Potted	0.6m x 0.6m
Eupatorium dubium 'Baby Joe'	Dwarf Joe Pye Weed	#01	Potted	0.75m x 0.9m
Roof				
Sedum sp. 'Mix'	Stonecrop Mix	#01	Potted	0.3m x 0.5m

#### REPRESENTATIVE IMAGES:





PHONE: 250-469-9757 WWW.ECORA.CA

PROJECT: 365 & 367 HEIN ROAD, KELOWNA - APARTMENT DEVELOPMENT

DARSHAN PANNU



L				DESIGN: BD
H				DRAWN: GM
L				CHK'D: BD
$\vdash$	2	01/08/19	RE-ISSUED FOR DEVELOPMENT PERMIT	DATE: 05/10/18
t	1	05/10/18	ISSUED FOR DEVELOPMENT PERMIT	SCALE: 1:200
١	NO.	DATE (MM/DD/YY)	REVISION	

SITE PLAN

LDP-1

Project No. LK-18-202-DA 5



DP18-0120 January 21, 2020

#### **DEVELOPMENT PERMIT GUIDELINES**

Comprehensive Development Permit Area

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

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Authenticity and Regional Expression		•	•
Do landscaping and building form convey a character that is distinct to Kelowna and the Central Okanagan?	✓		
Are materials in keeping with the character of the region?	✓		
Are colours used common in the region's natural landscape?	✓		
Does the design provide for a transition between the indoors and outdoors?	✓		
Context		l .	•
Does the proposal maintain the established or envisioned architectural character of the neighbourhood?	✓		
Does interim development consider neighbouring properties designated for more intensive development?			✓
Are façade treatments facing residential areas attractive and context sensitive?	✓		
Are architectural elements aligned from one building to the next?			✓
For exterior changes, is the original character of the building respected and enhanced?			✓
Is the design unique without visually dominating neighbouring buildings?	✓		
For developments with multiple buildings, is there a sense of architectural unity and cohesiveness?			<b>✓</b>
Relationship to the Street			
Do buildings create the desired streetscape rhythm?	✓		
Are parkade entrances located at grade?		✓	
For buildings with multiple street frontages, is equal emphasis given to each frontage?			<b>✓</b>
Massing and Height			
Does the design mitigate the actual and perceived mass of buildings?	✓		
Does the height consider shading and view impacts for neighbouring properties and transition to less intensive areas?	<b>✓</b>		
Human Scale			
Are architectural elements scaled for pedestrians?	<b>✓</b>		
Are façades articulated with indentations and projections?	✓		

COMPREHENSIVE DEVELOPMENT PERMIT AREA			N/A
Are top, middle and bottom building elements distinguished?	✓		
Do proposed buildings have an identifiable base, middle and top?	✓		
Are building facades designed with a balance of vertical and horizontal proportions?	✓		
Are horizontal glazed areas divided into vertically proportioned windows separated by mullions or building structures?	✓		
Does the design incorporate roof overhangs and the use of awnings, louvers, canopies and other window screening techniques?	✓		
Is the visual impact of enclosed elevator shafts reduced through architectural treatments?			✓
Exterior Elevations and Materials			
Are buildings finished with materials that are natural, local, durable and appropriate to the character of the development?	✓		
Are entrances visually prominent, accessible and recognizable?	✓		
Are higher quality materials continued around building corners or edges that are visible to the public?			✓
Are a variety of materials used to create contrast, enhance the pedestrian environment and reduce the apparent mass of a building?	✓		
Are elements other than colour used as the dominant feature of a building?	✓		
Public and Private Open Space			
Does public open space promote interaction and movement through the site?	✓		
Are public and private open spaces oriented to take advantage of and protect from the elements?	✓		
Is there an appropriate transition between public and private open spaces?	✓		
Are amenities such as benches, garbage receptacles, bicycle stands and community notice boards included on site?  Site Access	✓		
Is the safe and convenient movement of pedestrians prioritized?	<b>✓</b>		
Are alternative and active modes of transportation supported through the site design?	✓		
Are identifiable and well-lit pathways provided to front entrances?	✓		
Do paved surfaces provide visual interest?	✓		
Is parking located behind or inside buildings, or below grade?	✓		
Are large expanses of parking separated by landscaping or buildings?			✓
Are vehicle and service accesses from lower order roads or lanes?			✓

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Do vehicle and service accesses have minimal impact on the streetscape and public views?		✓	
Is visible and secure bicycle parking provided in new parking structures and parking lots?	✓		
Environmental Design and Green Building			
Does the proposal consider solar gain and exposure?	✓		
Are green walls or shade trees incorporated in the design?	✓		
Does the site layout minimize stormwater runoff?	✓		
Are sustainable construction methods and materials used in the project?		✓	
Are green building strategies incorporated into the design?		✓	
Decks, Balconies, Rooftops and Common Outdoor Amenity Space			
Are decks, balconies or common outdoor amenity spaces provided?			
Does hard and soft landscaping enhance the usability of decks, balconies and outdoor amenity spaces?			
Are large flat expanses of roof enhanced with texture, colour or landscaping where they are visible from above or adjacent properties?			
Amenities, Ancillary Services and Utilities			
Are loading, garage, storage, utility and other ancillary services located away from public view?	✓		
Are vents, mechanical rooms / equipment and elevator penthouses integrated with the roof or screened with finishes compatible with the building's design?			
Landscape Development and Irrigation Water Conservation			
Does landscaping:		-	-
<ul> <li>Compliment and soften the building's architectural features and mitigate undesirable elements?</li> </ul>	<b>✓</b>		
Maintain the dominant pattern of landscaping along the street and surrounding properties?	✓		
• Enhance the pedestrian environment and the sense of personal safety?	<b>✓</b>		
<ul> <li>Screen parking areas, mechanical functions, and garbage and recycling areas?</li> </ul>	✓		
Respect required sightlines from roadways and enhance public views?	<b>✓</b>		
Retain existing healthy mature trees and vegetation?		✓	
Use native plants that are drought tolerant?	<b>✓</b>		
Define distinct private outdoor space for all ground-level dwellings?			✓

COMPREHENSIVE DEVELOPMENT PERMIT AREA		NO	N/A
Do any fences and retaining walls create visual interest and enhance the pedestrian environment?		✓	
Do parking lots have one shade tree per four parking stalls?			✓
Does the Landscape Architect's Landscape Water Conservation Report:	-	-	-
<ul> <li>Meet the requirements for Landscape Water Budget calculations for the landscaped area?</li> </ul>	<b>✓</b>		
<ul> <li>Indicate how the development complies with or varies from the Landscape Water Conservation Guidelines?</li> </ul>	✓		
Landscape Water Conservation Guidelines		1	
Are plants grouped into "hydro-zones" of high, medium and low or unirrigated / unwatered areas?	✓		
Does at least 25% of the total landscaped area require no irrigation / watering?		✓	
Does at least 25% of the total landscaped area require low water use?	✓		
Does at most 50% of the total landscaped area require medium or high water use?	✓		
Is mulch cover provided for shrubs and groundcover to reduce soil evaporation?	✓		
Do water features such as pools and fountains use recirculated water systems?			✓
Do landscape installation standards meet the requirements of the BC Landscape Standard and / or the Master Municipal Construction Document?	<b>✓</b>		
Are the required written declarations signed by a qualified Landscape Architect?	✓		
Irrigation System Guidelines			
Is the Irrigation Plan prepared by a Qualified Professional?	✓		
Are irrigation circuits grouped into "hydro-zones" of high, medium and low or unirrigated / unwatered areas consistent with the landscaping plan?	✓		
Is drip or low volume irrigation used?	✓		
Are the required written declarations signed by a qualified Certified Irrigation Designer?		✓	
Crime prevention			
Are CPTED practices as related to landscaping, siting, form and exterior design included in the design?		✓	
Are building materials vandalism resistant?		✓	
Universal Accessible Design			
Is access for persons with disabilities integrated into the overall site plan and clearly visible from the principal entrance?	✓		
Are the site layout, services and amenities easy to understand and navigate?	✓		



Perspective from North West SCALE NTS



Perspective from South West SCALE NTS



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21/10/19 DEVELOPMENT PERMIT REVISION 23/08/19 DEVELOPMENT PERMIT REVISION 30/07/19 DEVELOPMENT PERMIT REVISION 18/06/18 DEVELOPMENT PERMIT REVISION 18/06/18 DEVELOPMENT PERMIT PERMIT PERMIT REVISION 19/06/18 DEVELOPMENT PERMIT NTAE NTAE NTAE NTAE NTAE NTAE



Perspective from South East SCALE NTS

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# **PRELIMINARY**

Project HEIN ROAD APARTMENTS

365 & 367 HEIN ROAD KELOWNA, BC, V1X 4A2

Client DARSHAN PANNU

300 TERAI COURT KELOWNA, BC, V1X 5V6

Drawing title PERSPECTIVES

Scale @ 11x17

Date created Checked 22/03/18 NTAE

A 1464 St Paul Street Kelowna BC V1Y 2E6 E office@newtownservices.net T 1 250 860 8185

Project number 4017 Status PRELIMINARY

# REPORT TO COUNCIL



Date: January 21, 2020

To: Council

From: City Manager

**Department:** Development Planning

Application: DP19-0019 & DVP19-0020 Owner: 1016006 BC Ltd Inc No

BC1016006

Address: 541-545 Bernard Avenue Applicant: Worman Commercial

**Subject:** Development Permit and Development Variance Permit

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

**Existing Zone:** C7 – Central Business Commercial

#### 1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP19-0019 and Development Variance Permit DVP19-0020 for Lot 1 District Lot 139 ODYD Plan 2599, located at 541-545 Bernard 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 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 setback on the portion of the building above 16.0m in height from 3.0m to 0.9m abutting a street;

#### Section 14.7.5 (h)ii: C7 - Central Business Commercial Development Regulations

To vary the setback on the portions of the building above 16.0m in height from 4.0m to 0.1m abutting the east and west adjacent properties;

AND THAT a commercial lane between Bernard Avenue and Lawrence Avenue be dedicated to the City of Kelowna as shown on Schedule A;

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 mixed use commercial residential building with variances to reduce the setback of the portions of the building above 16.0m from 3.0m to 0.9m abutting the street; and from 4.0m to 0.1m abutting the east and west adjacent properties.

#### 3.0 Development Planning

Development Planning Staff recommend support for the proposed Development Permit as it is generally consistent with the Official Community Plan Design Guidelines for a Revitalization Development Permit Area (please see Attachment B). The applicant has achieved the following objectives as related to form and character:

- Use appropriate architectural features and detailing of buildings and landscapes to define area character:
- Convey a strong sense of authenticity through high quality urban design that is distinctive of Kelowna;
- Enhance the urban centre's main street character in a manner consistent with the area's character;
- Provide for a scale and massing of buildings that promotes an enjoyable living, pedestrian, working, shopping and service experience;
- Create open, architecturally-pleasing and accessible building facades to
- the street.

Development Planning Staff recommend support for the proposed Development Variances to reduce the setback of the portions of the building above 16.0m from 3.0m to 0.9m abutting the street; and from 4.0m to 0.1m abutting the east and west adjacent properties. As the building is only 21.03m in height, it is determined the setbacks would have minimal impact on adjacent properties. Further, the reduced setback on the east and west side yards will allow zero lot line development on the adjacent properties. The reduced setback allows the stairwells to be located along the corner of the building creating a more visually appealing and functional building.

#### 4.0 Proposal

#### 4.1 <u>Project Description</u>

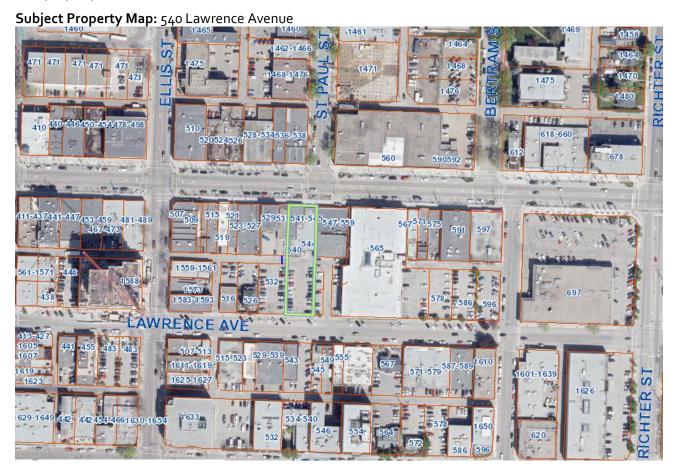
The subject property borders both Bernard Avenue and Lawrence Avenue with a lane that passes through the middle that has historically been used for public access. As a function of this development, the applicant will dedicate the lane for continued public use. The proposed development is on the Lawrence Avenue side which is currently a parking lot.

The proposed project is for a six-storey mixed use building featuring commercial, office, and residential. There are 8 bachelor dwelling units proposed, 229m² of commercial space, and 835m² of office space. The commercial units on the ground floor feature entrances directly onto Lawrence Avenue, activating the public realm. Balconies on the upper floors further promote interaction between the public and private realms and serve to provide architectural articulation. Materials selected include stucco with brick features on the lower floors.

Required parking for the residential, commercial, and office space combined is 20 stalls. The applicant has proposed 12 surface stalls at the rear of the building accessed from the lane, with cash-in-lieu for 8 stalls.

#### 4.2 <u>Site Context</u>

The subject property is in the Downtown Core along Lawrence Avenue between Bertram Street and Ellis Street. It is currently used as a parking lot and is adjacent to another private parking lot and the Towne Centre Mall property.



#### 4.3 Zoning Analysis Table

Zoning Analysis Table				
CRITERIA	C <sub>7</sub> ZONE REQUIREMENTS	PROPOSAL		
	Development Regulations			
Max. Floor Area Ratio	9.0	1.5		
Max. Height	76.5m or 26 Storeys	21.om 6 Storeys		
Min. Front Yard	o.om	1.0m		
Min. Side Yard (east/west)	o.om	0.1m		
Min. Rear Yard	m	m		
Mini	mum Setbacks Above 16.om in He	ight		
Min. Front Yard (street)	3.om	o.9m <b>①</b>		
Min. Side Yard (east/west)	4.om	o.1m <b>2</b>		
	Other Regulations			
Min. Parking Requirements	20	12		
Min. Bicycle Parking Class I	4	4		
Min. Bicycle Parking Class II	1	1		

<sup>•</sup> Indicates a requested variance to setback of the portions of the building above 16.0m from 3.0m to 0.9m abutting the street;

#### 5.0 Current Development Policies

#### 5.1 Kelowna Official Community Plan (OCP) Revitalization Design Guidelines

Please see Attachment B attached to the report.

#### 6.0 Application Chronology

Date of Application Received: December 21, 2018
Date Public Consultation Completed: October 19, 2019

Report prepared by: Trisa Atwood, Planner II

Reviewed by: Laura Bentley, Urban Planning & Development Policy Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

#### Attachments:

Attachment A: DRAFT Development Permit & Development Variance Permit DP19-0019 & DVP19-0020

Schedule A: Dimensions and Siting Schedule B: Exterior Design and Finishes

Schedule C: Landscape Plan

Attachment B: Official Community Plan Revitalization Design Permit Guidelines

Attachment C: Applicant's Letter of Rationale

② Indicates a requested variance to setbacks of the portions of the building above 16.0m from 4.0m to 0.1m abutting adjacent properties.

# Development Permit & Development Variance Permit DP19-0019 & DVP19-0020



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

541-545 Bernard Avenue

and legally known as

Lot 1 District Lot 139 ODYD Plan 2599

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

#### Mixed Use Commercial and Residential

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

<u>Date of Council Decision</u> January 21, 2020

<u>Decision By:</u> COUNCIL OR COMMUNITY PLANNING DEPARTMENT MANAGER

<u>Development Permit Area:</u> Revitalization Development Permit Area

Existing Zone: C7 – Central Business Commercial

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

#### This is NOT a Building Permit.

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

#### NOTICE

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

Owner: 1016006 BC Ltd Inc No BC1016006

Applicant: Worman Commercial

Terry Barton
Community Planning Department Manager
Planning & Development Services

Date



#### SCOPE OF APPROVAL

This Development Permit applies to and only to those lands within the Municipality as described place. and any and 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 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 **OR** certified cheque

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.

#### 4. PARKING CASH-IN-LIEU BYLAW

Parking Cash-in-Lieu in the amount of \$264,000 required for 8 stalls as part of the proposed development within the Downtown Urban Centre.

#### 5. 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 <u>CURRENT LAND OWNER</u>. Security shall <u>ONLY</u> be returned to the signatory of the

# 540 LAWRENCE AVE., KELOWNA, BC







#### PROPERTY DESCRIPTION

CIVIC: 540 Lawrence Avenue, Kellowna, BC LEGAL: Lot 1, Plan 2599

#### ARCHITECTURAL DRAWINGS:

A-001 PROJECT INFORMATION A-101 ENTRY LEVEL A-102 SECOND LEVEL A-103 THIRD & FOURTH LEVEL A-105 FIFTH LEVEL A-106 SIXTH LEVEL A-200 ELEVATIONS A-201 ELEVATIONS A-300 SECTION AND ROOF PLAN

A-700 RENDERING

#### ZONING CALCULATIONS:

CURRENT: City of Kelowna C7 Zoning

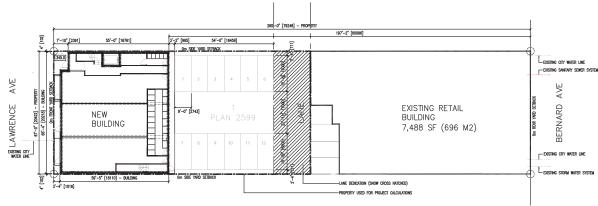
#### SITE INFORMATION:

O COLD I I I I I I I I I I I I I I I I I I I	0.000 [1071 4 ]		
Gross Site Area (south of Lane Dedication) =	9,380 sf (871.4sm)		
Allowable Site Coverage=	100%	42%:	3,904sf (new)
Coverage + Hardscaping=	100% (17,420sf)	100%	
F.A.R. =	9 (84,420sf)	1.5:	14,304sf (new)
Unit Area Calculations:			
ENTRY LEVEL LEVEL			
CRU #1		826.03	SF.
CRU #2		802.55	SF.
CRU #3		837.65	SF.
cookin inici			

2,951SF 2.269.35F 2,269.3SF PIFTH LEVEL NEW RESIDENTIAL (6 UNITS) 2,159SF

SIXTH LEVEL RESIDENTIAL UNIT OFFICE

TOTAL NEW COMMERCIAL 2 466 1SE (229 1M) TOTAL NEW



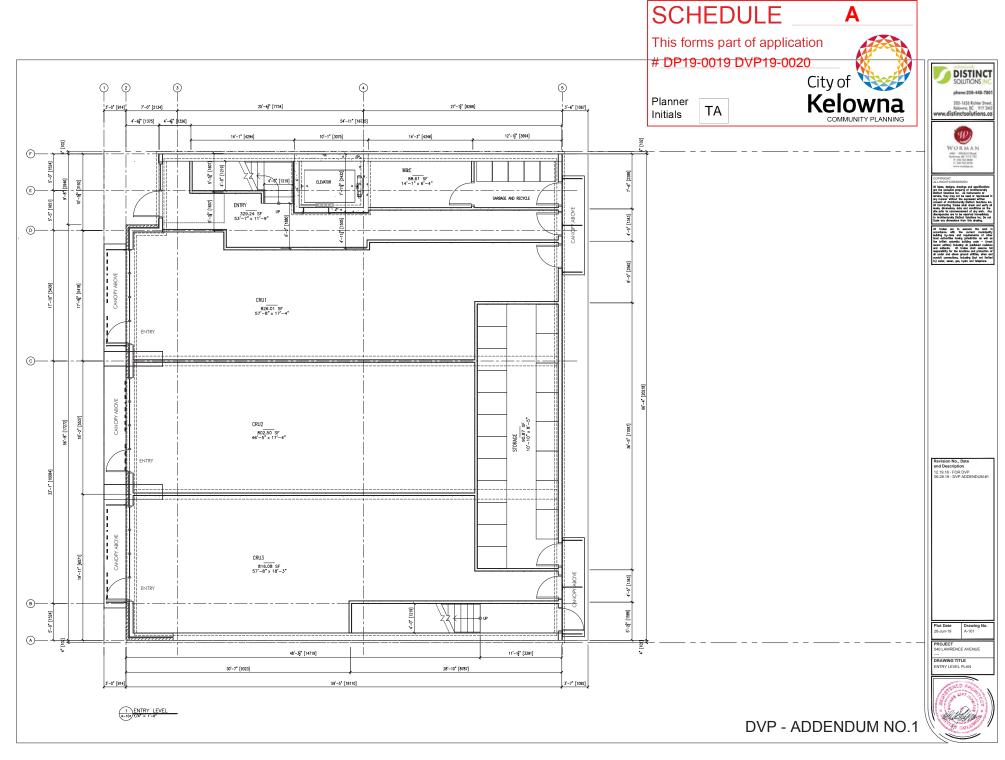


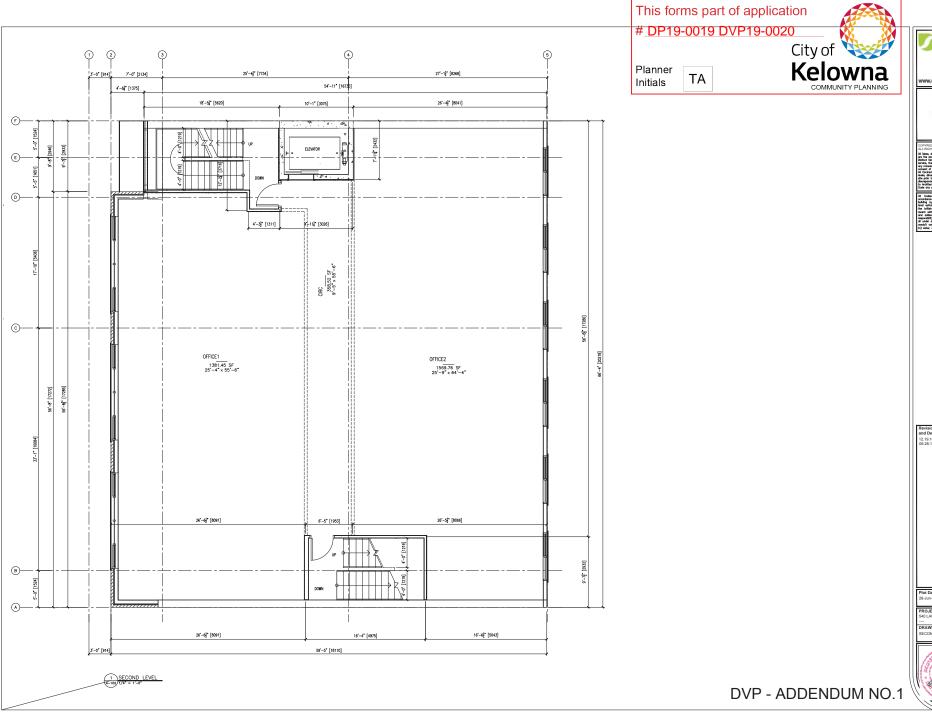
#### ZONING CALCULATIONS (continued):

	Iding Height: ix. Height =	Allowed: 76.5m (251 ft) approx. 2	'6 storeys	Proposed: 21.03m (69 ft) or 6 storeys	
Yo	rd setbacks:	Allowed:		Proposed:	
Fre	nt yard -	Om/3m when abutting a	street/above 16m in height	1m Entry & Second / 3m Third to Sixth Storey	PROPOSED VARIANCE (exterior decks at fifth and sixth levels encroach 2.1 m into 3m setback)
Sic	le yard -	Om/4m when abutting a	property line/above 16m in height	.1m (4 ") full height	PROPOSED VARIANCE (not stepping building sides back 4m from property line above 16m)
Re	ar yard -	0m		60.3m(197.6ft)	
Po	king Calculations:	Required:		Proposed:	]
Vis 1.3	per / bachelor = itor = 1/100m2 (commercial) 1/100m2 (office)	.8 X 8= 1 per 7 dwelling units 1.3 x 229.1/100 = 1.3 x 835.6/100 =	7 [Required] 1 (Required) 3 (Required) 9 [Required]	8 1 3	
To	tal		20 Required	12 (Cash in lieu for difference in required parking)	BASED ON NEW PARKING BYLAW
Re Cl Cl	ycle Storage: sidenticl: sss I, .5/unit sss II, .1/unit mmercial sss II, .2/100m2 sss II, .6/100m2	Required: .5V8 = 4 (Required) .1V8 = 1 (Required) .2x1,251.3/100 = 3 (Rec .6x1,251.3/100 = 8 (Rec		Proposed: 4 1 3 8	

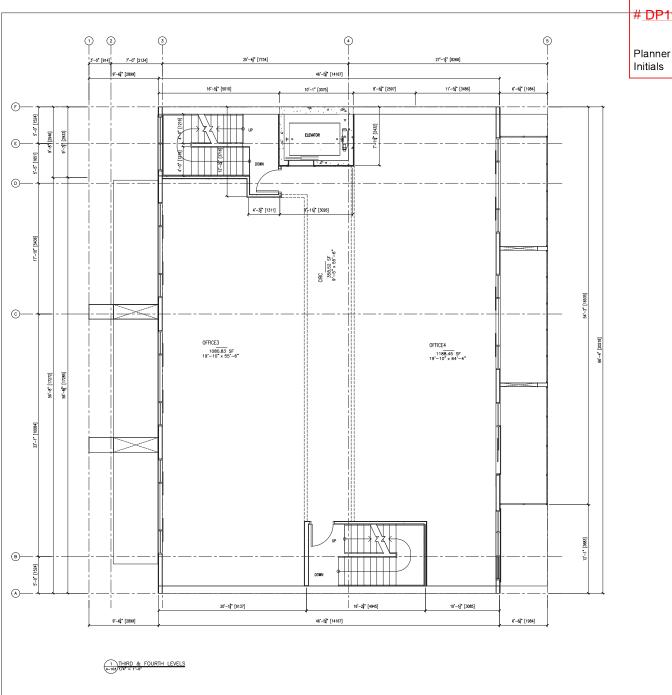
**DVP - ADDENDUM NO.1** 

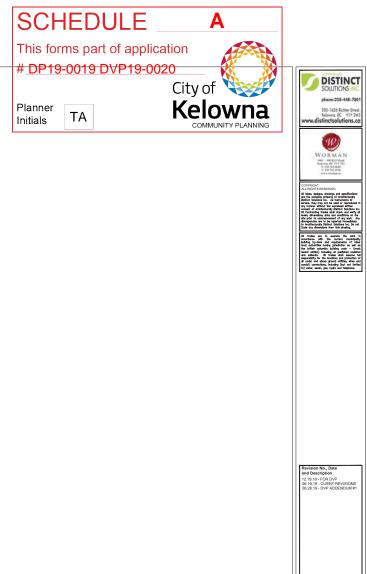
PROJECT INFORMATION



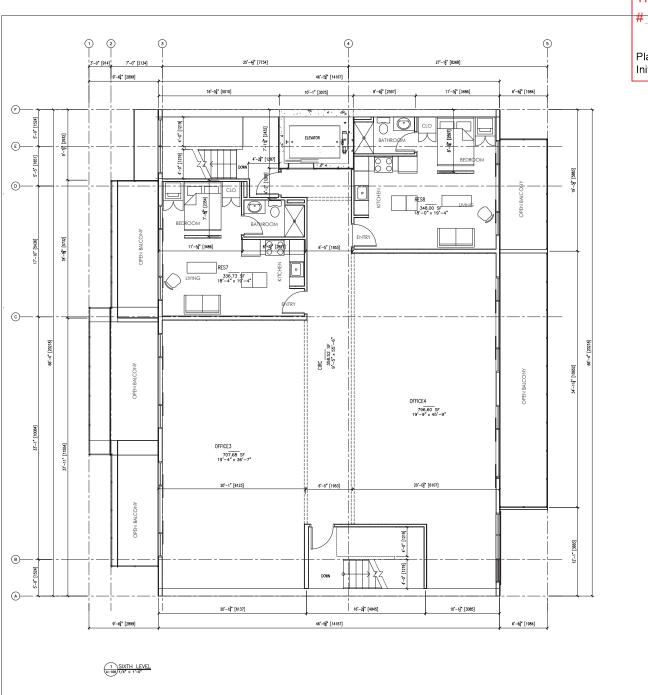


SCHEDULE

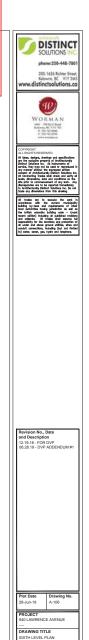


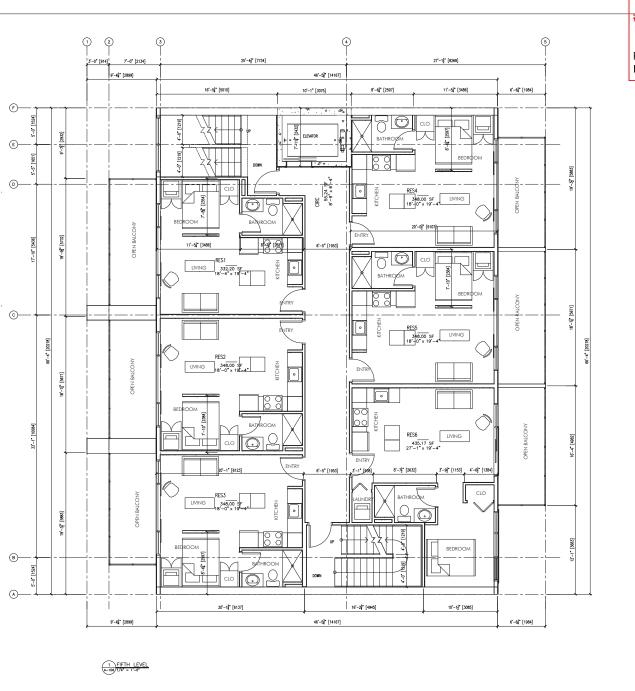


**DVP - ADDENDUM NO.1** 

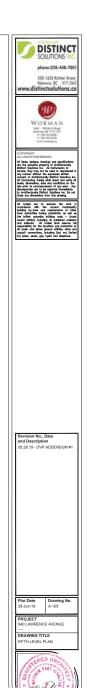




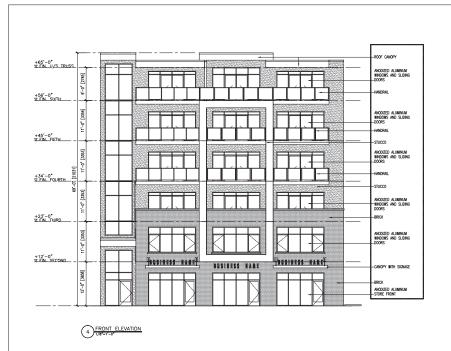


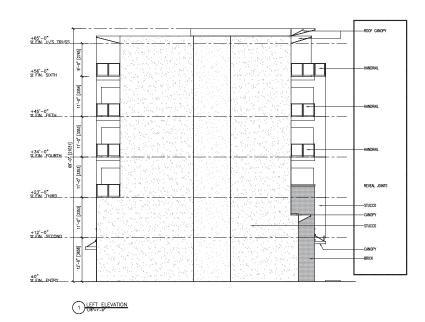






**DVP - ADDENDUM NO.1** 







В

This forms part of application # DP19-0019 DVP19-0020



#### MATERIAL LEGEND:

- 1. BRICK MUTUAL MATERIAL (LIMESTONE, SMOOTH)
- 2. ACRYLIC STUCCO (MATCH SHERWIN WILLIAMS, SNOWBOUND, SW-7004)
- 3. ACRYLIC STUCCO (MATCH SHERWIN WILLIAMS, SNOWBOUND, SW-7004)
- 4. ACRYLIC STUCCO (MATCH SHERWIN WILLIAMS, SNOWBOUND, SW-7004)
- 5. ANODIZED ALUMINUM WINDOWS AND SLIDING DOORS (CLEAR ANODIZED)
- 6. METAL CLAD SHOP FRONTS (CLEAR ANODIZED)
- 7. PRE-FIN. METAL CAP FLASHING
- 3. ALUMINUM/GLASS RAILING SYSTEM
- METAL CANOPIES WITH SIGNAGE (BLACK)
- 10. METAL CANOPIES WITH STUCCO SOFFIT (SHERWIN WILLIAMS, WHITE BIRCH, SW-3503)



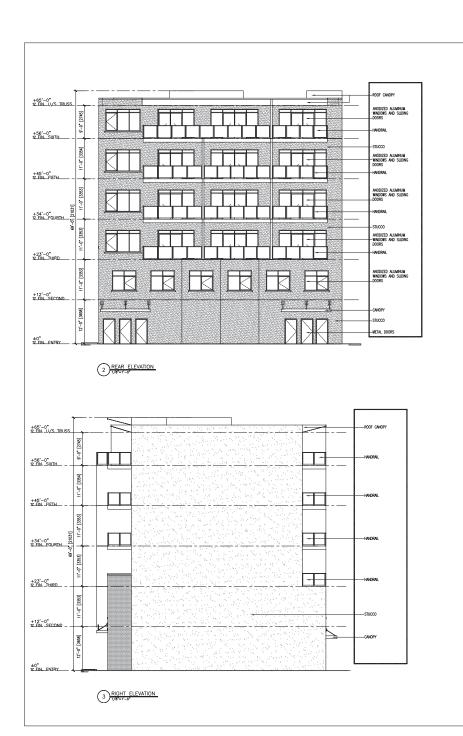
**DVP - ADDENDUM NO.1** 



Revision No., Date and Description 12.19.18 - FOR DVP 06.29.19 - DVP ADDENDUM #1

Plot Date Drawing No. A-200

PROJECT 540 LAWRENCE AVENUE ------DRAWING TITLE





# Kelowna

SCHEDULE

This forms part of application # DP19-0019 DVP19-0020

#### MATERIAL LEGEND:

- BRICK MUTUAL MATERIAL (LIMESTONE, SMOOTH)
- ACRYLIC STUCCO (MATCH SHERWIN WILLIAMS, SNOWBOUND, SW-7004)
- ACRYLIC STUCCO (MATCH SHERWIN WILLIAMS, SNOWBOUND, SW-7004) ACRYLIC STUCCO (MATCH SHERWIN WILLIAMS, SNOWBOUND, SW-7004)
- ANODIZED ALUMINUM WINDOWS AND SLIDING DOORS (CLEAR ANODIZED)
- METAL CLAD SHOP FRONTS (CLEAR ANODIZED)
- PRE-FIN. METAL CAP FLASHING
- ALUMINUM/GLASS RAILING SYSTEM
- METAL CANOPIES WITH SIGNAGE (BLACK)
- 10. METAL CANOPIES WITH STUCCO SOFFIT (SHERWIN WILLIAMS, WHITE BIRCH, SW-3503)

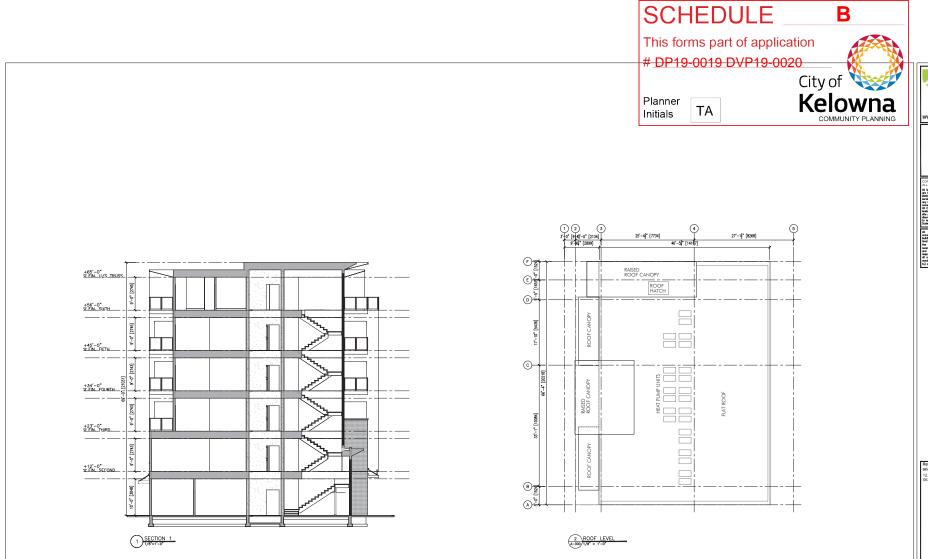


**DVP - ADDENDUM NO.1** 



B







DISTINCT







Revision No., Date and Description 12.19.18 - FOR DVP 06.28.19 - DVP ADDENDUM #1

Piot Date 28-Jun-19 Drawing No. A-700

PROJECT 540 LAWRENCE AVENUE ....

DRAWING TITLE



DVP - ADDENDUM NO.1





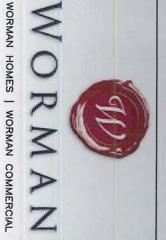
ALUMINUM WINDOW FRAMES, FLASHINGS & DECK RAILS: "ANODIZED ALUMINUM"

"BLACK"



BRICK:
MUTUAL MATERIALS
"LIMESTONE" SMOOTH

STUCCO SOFFITS:
SHERWIN WILLIAMS
"WHITE BIRCH" #SW-3503



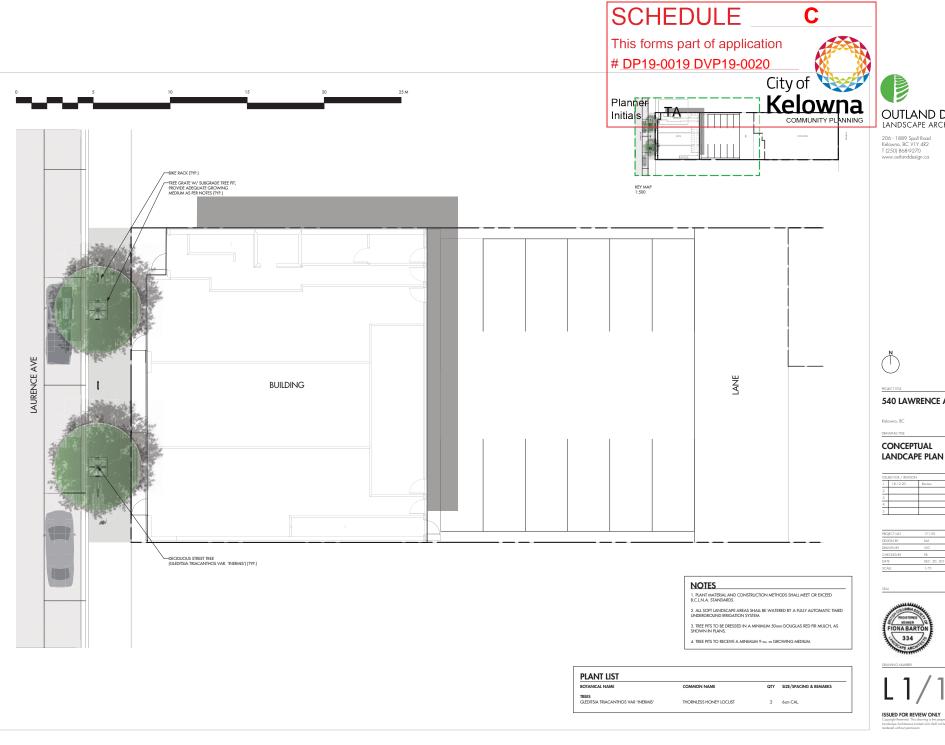
EXTERIOR FINISHES

540 LAWRENCE AVENUE

KELOWNA, BC

DATE: MAY 14, 2019

PROJECT No.
PROJECT#540LAWRENCE



#### **540 LAWRENCE AVENUE**

1	18.12.20	Review	
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PRO	ECT NO	17-129	

ROJECT NO	17-129	
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ATE	DEC. 20, 2018	
CALE		



#### DP19-0019 & DVP19-0020

#### Revitalization Development Permit Area

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

This forms part of application
# DA19-0019 DVP19-0020
Section 14.B. of the City of Kelowha
APleager Initials
TA

COMMUNITY PLANNING

REVITALIZATION DEVELOPMENT PERMIT AREA	YES	NO	N/A
Relationship to the Neighbourhood and Street			
Does the proposal maintain the established or envisioned architectural character of the neighbourhood?	✓		
Do developments adjacent to non-revitalization areas create an appropriate transition?			✓
Are spaces for pedestrian friendly amenities, such as street furniture, included on site?		✓	
Is the ratio of streetwall height to street width less than 0.75:1?	✓		
Does the building frontage occupy the entire length of the street, without drive aisles or other dead zones?	✓		
Building Design			
Are architectural elements aligned from one building to the next?			✓
Are the effects of shadowing on public areas mitigated?	<b>✓</b>		
Are doors or windows incorporated into at least 75% of street frontage?	✓		
Do proposed buildings have an identifiable base, middle and top?	<b>✓</b>		
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?	<b>✓</b>		
Are buildings designed with individual entrances leading to streets and pathways rather than with mall style entrances and internal connections?	<b>✓</b>		
For multiple unit residential projects, is ground level access for first storey units provided?			<b>✓</b>
Are buildings finished with materials that are natural, local, durable and appropriate to the character of the development?	<b>✓</b>		
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?	<b>✓</b>		
Are stucco and stucco-like finishes omitted as a principal exterior wall material?		$\checkmark$	
Are vents, mechanical rooms/equipment and elevator penthouses integrated with the roof or screened with finishes compatible with the building's design?  View Corridors	✓		
Are existing views preserved and enhanced?			<b>✓</b>
Vehicular Access and Parking			
Are at-grade and above-grade parking levels concealed with façade treatments?			<b>✓</b>
Are garage doors integrated into the overall building design?			<b>✓</b>

This forms part of application
# DA19-0019 DVP19-0020

## DP19-0019 & DVP19-0020

<u></u>	DA19-00	19 DVP	19-002	NK.
REVITALIZATION DEVELOPMENT PERMIT AREA	B. 110 00	YES	NO	Ci <b>ty 6</b> f
Are pedestrian entrances more prominent features than garage doors a redeentrances?	webicle tials T	<b>√</b>		Kelow
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	v?			✓
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 chin colour or pattern of paving materials?	anges		✓	
Signage				
Is signage design consistent with the appearance and scale of the building?	•	✓		
Are corporate logos on signs complimentary to the overall building charact	er?	✓		
Is signage lighting minimized?		✓		
Public Art				
Is public art incorporated into the project?			✓	



ATTACHMENT C

This forms part of application

# DP19-0019 DVP19-0020

City of

Planner Initials TA

Kelowna

COMMUNITY PLANNING

Dec. 18, 2018

Re:

540 Lawrence Avenue

**Development and Variance Rationale Letter** 

Dear City Staff and Council,

The attached application for 540 Lawrence Avenue is a 6-storey mixed use development. The development consists of 3 commercial retail units at grade, office space on levels 2 and 6, as well as 20 residential rental units on floors 3 to 6. Parking is provided at grade, entered from the rear lane. Each unit has a private storage/bike locker located on the main floor.

Our proposal meets all the requirements under the C4 zone, except for the setback requirements above 16 meters in height. Due to the small size of our structure, the most effective design was to have the elevator and stairway located on one side of the building with the other stairwell located at the other side. This means that in order to get to the 6<sup>th</sup> floor we cannot jog back to achieve the required sideyard setback. This lack of setback on the sides is also a result of the very small footprint of our building. If we adhered to this setback, it would not make the 5<sup>th</sup> and 6<sup>th</sup> floors large enough to bother building. Our opinion is that the benefit of adding the extra density to our proposal outweighs the minor variance required.

Our application maintains our design philosophy of creative solutions for density on small lots. We hope you will see this as an asset to the downtown core and look forward to the application's approval.

Sincerely,

Shane Worman

Worman Homes/ Worman Commercial

P. 250.762.0040

F. 250.762.0550

401 – 590 K.L.O. Road | Kelowna, B.C. | V1Y 7S2 | www.worman.ca

92

# REPORT TO COUNCIL



Date: January 21, 2020

To: Council

From: City Manager

**Department:** Development Planning

**Application:** DVP19-0141 Owner: Taz Holdings LTD., Inc. No.

A0083372

Address: 9380 Balser Ct Applicant: Jason Eising - Norsteel Building

Systems

**Subject:** Development Variance Permit

**Existing OCP Designation:** IND – Industrial

**Existing Zone:** I2 – General Industrial

#### 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0141 for Lot 7 Section 2 Township 20 Osoyoos Division Yale District Plan EPP66963, located at 9380 Balser Court, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted as described in the proposed Site Plan in Schedule "A":

#### Section 15.2.5(c): 12 – General Industrial Development Regulations

To vary building height from 14.0 m required to 15.85 m proposed

#### Table 8.3.4 - Required Off-Street Parking Requirements - Industrial

To vary the total number of parking stalls from 44 required to 26 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 consider a Development Variance Permit to increase the maximum building height from 14.0 m to 15.85 m and to decrease the minimum total parking stalls required from 44 stalls to 26 stalls to facilitate a boat storage warehouse.

#### 3.0 Development Planning

Development Planning Staff are recommending support for the proposed variances to increase building height and reduce the total number of required parking stalls as it pertains to the use and operation of the proposed boat storage warehouse facility. The applicant is seeking a building height variance for an additional 1.85 m which would allow the building to accommodate additional boats for storage as constructing a taller structure will allow for additional storage capacity. The increase in building height is not expected to impact adjacent properties considering the industrial neighbourhood context.

In addition to the proposed building height variance the applicant is requesting a variance to the total number of required parking stalls. The boat storage operation will use a valet service to deliver boats from an off-site drop off location to the subject property. This service will limit the need for customers to attend the subject property in order to drop off their boat to be stored. Boats that are being delivered from the drop off location to the subject property will be brought to the location by truck and trailers, directly into the service area or storage area of the building. Moreover, the applicant has indicated that a maximum of 12 staff are anticipated to be on-site at any given time, which will further reduce the need for parking.

Furthermore, the subject property is a suitable location for the proposed boat storage facility as this use is much better suited to an industrial area outside the urban core than a property on the lakefront, in an urban center, or in close proximity to any urban boat launch.

#### 4.0 Proposal

#### 4.1 <u>Project Description</u>

The subject lot was created in 2015 as part of an 8-lot subdivision and has remained undeveloped since. The developer is proposing to construct an  $8,640 \text{ m}^2$  boat storage facility with an ancillary boat storage maintenance area within the building.

#### 4.2 Site Context

The subject property is located in the Highway 97 City Sector near the intersection of Jim Bailey Road and Potterton Road, and just north of Vernon Creek Linear Park. The surrounding neighbourhood is largely comprised of industrially zoned properties with some agriculturally zoned parcels to the east and south east.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I <sub>3</sub> – Heavy Industrial	Industrial
East	A1 – Agriculture 1	Vacant lands
South	I2 — General Industrial	Industrial
West	I2 — General Industrial	Industrial

### Subject Property Map: 9380 Balser Court



#### 4.3 Zoning Analysis Table

	Zoning Analysis Table	
CRITERIA	I2 ZONE REQUIREMENTS	PROPOSAL
	Development Regulations	
Max. Floor Area Ratio	1.5	0.60
Max. Site Coverage (buildings)	60%	60%
Max. Height	14.0 m	15.85 m 0
Min. Front Yard	7.5 m	12.15 M
Min. Side Yard (west)	o.o m	2.26 m
Min. Side Yard (east)	o.o m	21.57 m
Min. Rear Yard	o.o m	2.26 m
	Other Regulations	
Min. Parking Requirements	44 Parking Stalls (0.5 per 100 m <sup>2</sup>	26 Parking Stalls (0.3 per 100 m <sup>2</sup>
	GFA)	GFA) 2
Min. Bicycle Parking	26 Class II stalls	26 Class II stalls
Min. Loading Stalls	5 Loading Stalls	5 Loading Stalls

<sup>•</sup> Indicates a requested variance to increase building height from 14.0 m required to 15.85 m proposed

<sup>2</sup> Indicates a requested variance to reduce parking stalls from 44 required to 26 proposed.

#### 5.0 Application Chronology

Date of Application Received: June 28, 2019
Date Public Consultation Completed: July 23, 2019

**Report prepared by:** Andrew Ferguson, Planner II

Reviewed by: Laura Bentley, Urban Planning & Development Policy Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: Draft Development Variance Permit DVP19-0141

Attachment B: Applicant's Rationale Letter and Supporting Documents

# **Development Variance Permit** DVP19-0141





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

9380 Balser Court

and legally known as

Lot 7 Section 2 Township 20 Osoyoos Division Yale District Plan EPP66963

n/a

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

**General Industrial** 

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

Council **Decision By:** Development Permit Area:

Community Planning & Strategic Investments

This permit will not be valid if development has not commenced by January 21, 2022.

Existing Zone: I2 – General Industrial Future Land Use Designation: IND - Industrial

#### 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.

Terry Barton	: Planning Department Manager	Date	
Applicant:	Jason Eising – Norsteel Building Systems		
Owner:	Taz Holdings LTD., Inc No. Aoo83372		



#### 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) Landscaping to be provided on the land be in accordance with Schedule "C"; and
- c) 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 \$ 34,716.25 or
- b) A certified cheque in the amount of \$ 34,716.25

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.

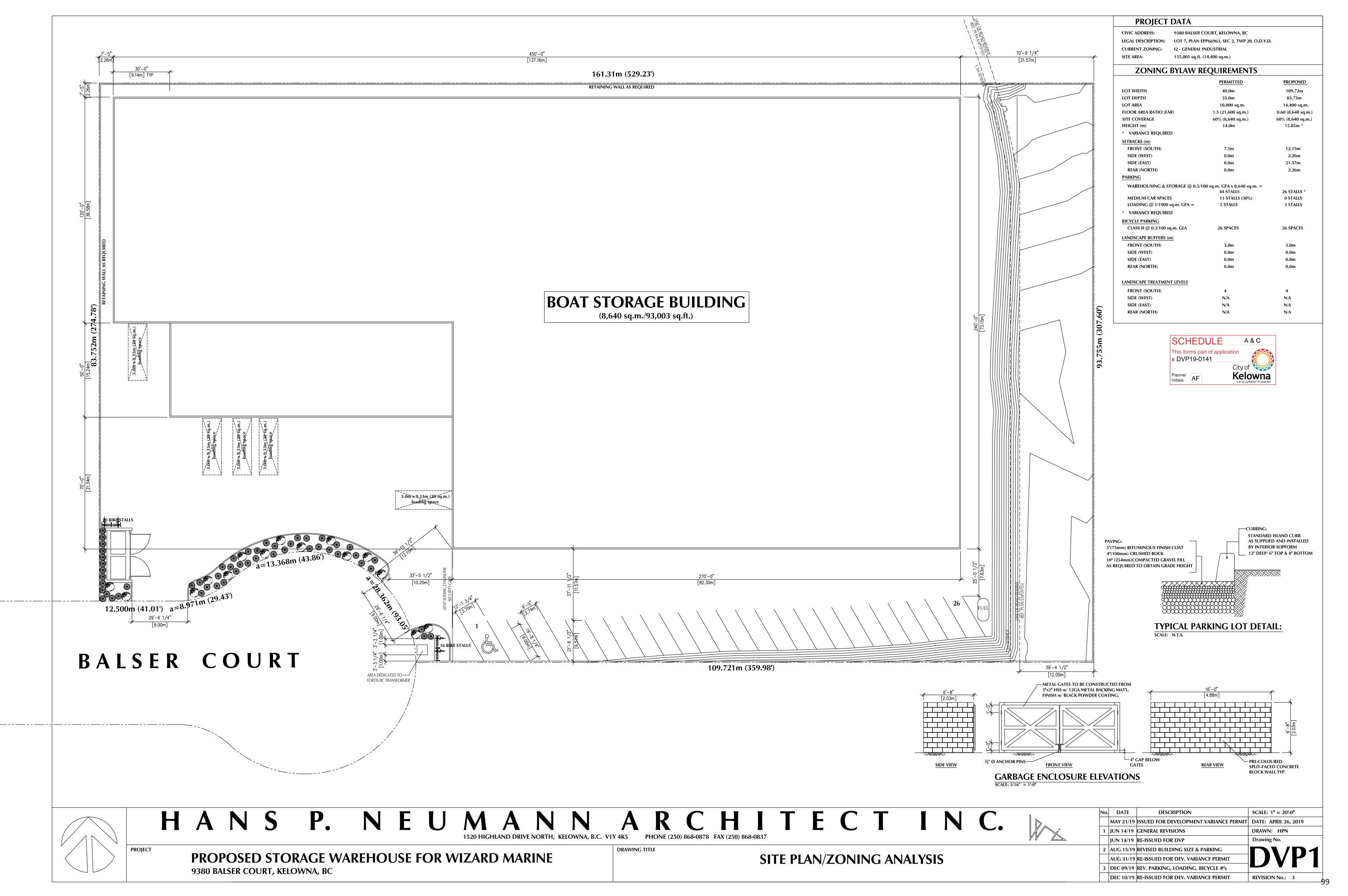
#### 4. INDEMNIFICATION

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 <u>CURRENT LAND OWNER</u>. Security shall <u>ONLY</u> be returned to the signatory of the Landscape Agreement or their designates.



# ATTACHMENT B This forms part of application # DVP19-0141 City of Planner Initials AF City of Kelowna

#### Variance Proposal

The proposed variance maintains the industrial nature and use of the business with a minimal increase in order to meet the commercial needs of the business owner. The proposed lot coverage and height variance is to accommodate the intended building's industrial use which requires a slightly higher and broader capacity.

The building layout has been designed by engineering and design specialists, undergoing repeated modifications to reach the current design layout. This design maximizes the modular layout for boat storage and servicing. Other layouts and designs do not achieve the same desired result to accommodate the needs of the size of the boats that the business will store and service.

The variance will not lessen the property values of this nor its neighbouring industrial properties. They will not notice the nominal increase in height nor footprint, however these small increases asked in the variance allow the business owner to fully meet its operational objectives and offer its full services to its market. This market, boating and recreational watersports, is a significant one in Kelowna and the Okanagan overall.

Allowing the applicant business owner to fully operate its business as planned, using a building that completely meets its needs, the needs of its customers, and the safety of its employees has multiple benefits:

- Positively impacting the local economy
- Increasing employment opportunities
- Increasing this business' capacity to store and service boats, and do it safely
- Increasing the long term economic benefits for the City

This variance will not interfere with the use of other property owners.

On the other hand, any reduction in in the building footprint or height from that in the proposed variance design, will significantly impact the intended operation of the business and its overall usefulness. This would affect the economic viability of the business, reduce employment opportunities, interfere or prevent it from offering its services to all of its intended market, and reduce the economic benefits to the City.

ATTACHMENT B
This forms part of application
# DVP19-0141
City of
Planner Initials

AF

Kelowna
DEVELOPMENT PLANNING

September 6, 2019

Variance Proposal #2 Re: Height Variance & Parking Capacity

#### Height Variance:

The proposed variance maintains the industrial nature and use of the business with a minimal increase in order to meet the commercial needs of the business owner. The proposed height variance is to accommodate the intended building's industrial use which requires a slightly higher capacity.

The building layout has been designed by engineering and design specialists, undergoing repeated modifications to reach the current design layout. This design maximizes the modular layout for boat storage and servicing. Other layouts and designs do not achieve the same desired result to accommodate the needs of the size of the boats that the business will store and service.

The variance will not lessen the property values of this nor its neighbouring industrial properties. They will not notice the nominal increase in height, however this small increase asked in the variance allows the business owner to fully meet its operational objectives and offer its full services to its market. This market, boating and recreational watersports, is a significant one in Kelowna and the Okanagan overall.

Allowing the applicant business owner to fully operate its business as planned, using a building that completely meets its needs, the needs of its customers, and the safety of its employees has multiple benefits:

- Positively impacting the local economy
- Increasing employment opportunities
- Increasing this business' capacity to store and service boats, and do it safely
- Increasing the longterm economic benefits for the City

This variance will not interfere with the use of other property owners.

On the other hand, any reduction in in the building height from that in the proposed variance design, will significantly impact the intended operation of the business and its overall usefulness. This would affect the economic viability of the business, reduce employment opportunities, interfere or prevent it from offering its services to all its intended market, and reduce the economic benefits to the City.

#### Parking Variance:

This structure is in the industrial area of the City and is not this business's retail location. The boat owners will not typically come to this location. The business will operate a delivery or "valet" service for its customers from its well-established Kelowna retail

location, Wizard Lake Marine in the Marshall Business Park. Boats will be brought from that location to this boat storage facility by truck & trailers, directly into the service area or storage areas of the building. These vehicles will not be parking outside the facility – they will be entering and delivering boats to storage or servicing areas in the facility and returning to the retail business.

This is not a retail sales facility and the 1 stall per 10 boat requirement anticipates a retail customer base that is not part of this business. A variance to 1 stall per 25 boats, given the strictly storage and servicing nature of this business is more realistic for the business, and reflects the anticipated employees and occasional service personnel who may attend the business from time to time.

At peak capacity the business anticipates 12 employees in the "high" season and significantly lower during the low season when boats are in storage and not active. Given the maximum number of boats and size of the facility, this number will not expand.

Current plans have 26 parking stall which is more than double the maximum number of expected staff.

Allowing the applicant business to reduce the required parking stalls from 1 stall / 10 boats to 1 stall per 25 boats has the following benefits:

- Land is not being developed unnecessarily for a purpose that will not materialize
- Additional expense and materials will not be invested into parking areas that do not fit the planned business either now or in the future
- The industrial use and intention of the business and space will be maintained
- Excessive unused parking will not create an excessive security risk for the business to monitor



# REPORT TO COUNCIL



Date: January 21, 2020

To: Council

From: City Manager

**Department:** Development Planning (AF)

Application: DVP19-0158 Owner: Allan Roderick & Annette Lee

Lipkovits

Address: 934 Grenfell Road Applicant: Allan Roderick Lipkovits

**Subject:** Development Variance Permit Application

#### 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0158 for Lot 2 District Lot 136 Osoyoos Division Yale District Plan 39171, located at 934 Grenfell Road, Kelowna, BC;

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

#### Section 13.6.6(h): RU6 - Two Dwelling Housing Development Regulations

To vary the required minimum rear yard setback from 7.5 m required to 6.0 m proposed.

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

#### 2.0 Purpose

To vary the rear yard setback from 7.5 m required to 6.0m proposed to facilitate an additional single detached house on the subject property.

#### 3.0 Development Planning

Staff support the proposed variance to the required rear yard setback distance to facilitate an additional dwelling on the subject property. The reduced rear yard setback for the proposed dwelling is expected to have a minimal impact on the neighbourhood as the lane provides a buffer to the adjacent properties to the north. The property is zoned RU6 – Two Dwelling Housing and meets the lot requirements for two dwelling housing, and the increase in housing density is well supported by OCP urban infill policies.

#### 4.0 Proposal

#### 4.1 Project Description

The subject property currently has an existing single-family dwelling with an attached garage and is proposing to build a new dwelling at the back of the property under the existing RU6 – Two Dwelling Housing zone. The existing dwelling is accessed from Grenfell Road and the proposed rear dwelling is to be accessed from the lane.

#### 4.2 Site Context

The subject property is located in the South Pandosy – KLO City Sector near the intersection of Ethel Street and Guisachan Road, east of Cameron Park and south of Cottonwoods. It is close to transit routes along Gordon Drive. The surrounding neighbourhood is mainly single family residential, with infill housing opportunities west of Ethel Street and some multiple dwelling housing developments along Rose Ave / Guisachan Rd to the north.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Dwelling Housing
East	RU1 – Large Lot Housing	Single Dwelling Housing
South	RU1 – Large Lot Housing	Single Dwelling Housing
West	RU1 – Large Lot Housing	Single Dwelling Housing



#### 4.3 Zoning Analysis Table

	Zoning Analysis Table	
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
	Existing Lot	
Min. Lot Area	700 m²	928 m²
Min. Lot Width	18.0 m	18.74 m
Min. Lot Depth	30.0 m	40.02 m
	Development Regulations	
Max. Site Coverage (buildings)	40 %	30 %
Max. Site Coverage (buildings, parking, driveways)	50 %	36 %
Max. Height	9.5 m	6.58 m
Min. Front Yard	4.5 m	4.5 m
Min. Side Yard (east)	2.0 m / 2.3 m	2.0 M
Min. Side Yard (west)	2.0 m / 2.3 m	6.4 m
Min. Rear Yard	7.5 m	<b>o</b> 6.o m
	Other Regulations	
Min. Parking Requirements	2 stalls per dwelling	2 stalls per dwelling
Min. Private Open Space	30 m² per dwelling	>30 m² per dwelling
Indicates a requested variance to reduce the	minimum rear yard setback from 7.5 m required to	6.o m proposed

#### 5.0 Application Chronology

Date of Application Received: June 19, 2019

Date Public Consultation Completed: September 19, 2019

**Report prepared by:** Andrew Ferguson, Planner II

**Reviewed by:** Laura Bentley, Urban Planning & Development Policy Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

#### Attachments:

Attachment A: Draft Development Variance Permit DVP19-0158



# Development Variance Permit DVP19-0158



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

934 Grenfell Road

and legally known as

Lot 2 District Lot 136 Osoyoos Division Yale District Plan 39171

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

Two Dwelling Housing

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

Decision By: COUNCIL

Community Planning & Strategic Investments

<u>Development Permit Area:</u> n/a

This permit will not be valid if development has not commenced by January 21, 2022.

Existing Zone: RU6 – Two Dwelling 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: Allan Roderick & Annette Lee Lipkovits		
Applicant: Allan Roderick Lipkovits		
Terry Barton	Date	
Development Planning Department Manager		



#### 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 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 a varience to the following section of Zoning Bylaw No. 8000 be granted in accordance with Schedule "A":

#### Section 13.6.6(h): RU6 - Two Dwelling Housing Development Regulations

To vary the required minimum rear yard setback from 7.5 m required to 6.0 m proposed.

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

#### 3. PERFORMANCE SECURITY

Not required.

#### 5. INDEMNIFICATION

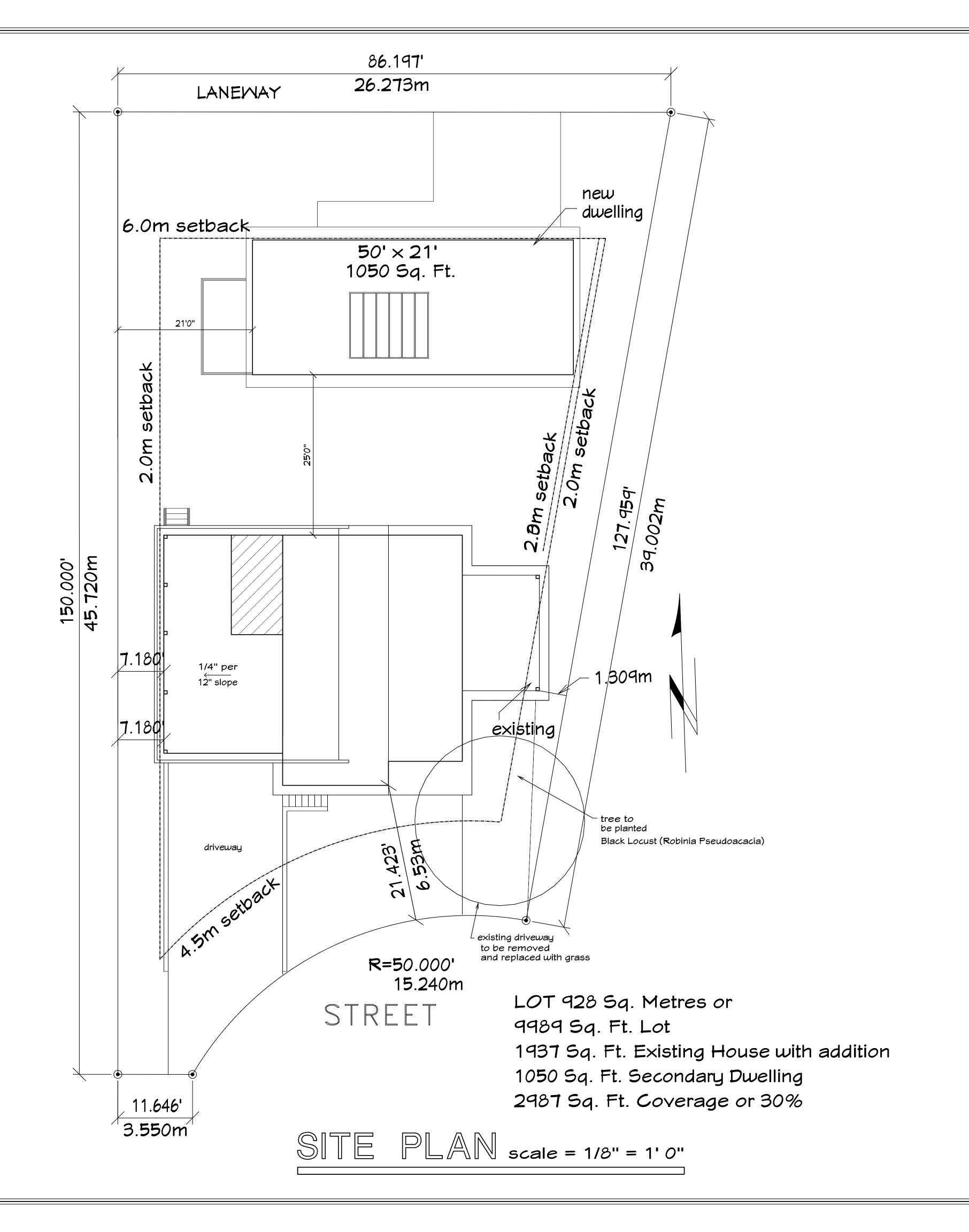
Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

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 <u>CURRENT LAND OWNER</u>. Security shall <u>ONLY</u> be returned to the signatory of the Landscape Agreement or their designates.





# GENERAL NOTES

CODES AND STANDARDS

All workmanship is to be of a standard equal in all respects to good building practice.

At the time of preparation, this plan was drawn in accordance with the current edition of the British Columbia building code. It is the responsibility of the owner/builder to insure that changes made to the code are complied with and all amendments are incorporated in the construction of this plan. All work shall conform to

local building codes and bylaws which may take precedence.

Prior to proceeding with construction, the builder must verify all information, dimensions and specifications of this plan. Written dimensions always take precedence over scale measurements.

Any variances from structural drawings and specifications or from conditions encountered at the job site, shall be resolved by the owner/builder and such solutions will be their sole responsibility

All work shall be in accordance with the current edition of the B.C. building code and all local laws and bylaws

Prior to proceeding with construction it is the responsibility II If brick veneer is to be installed, counterflashing shall be of the contractor to check all details and dimensions to | installed up 8" (200mm) behind the building felt and confirm accuracy and to assure there are no discrepancies below the bottom course with vertical joints raked clean. Any variances from structural drawings and specifications or from conditions encountered at the job site, shall be their sole responsibility.

Although every effort has been made to provide complete and accurate drawings we cannot eliminate the possibility of human error. Therefore Designs By Dutka will not be liable for any errors or omissions.

It is the responsibility of the contractor for the correct siting of the building to conform with necessary setbacks.

CONCRETE AND FOUNDATION

All concrete to have a minimum compressive strength of 2,900 PSI (20mPa) at 28 days.

Concrete footings must be placed on undisturbed or compacted soil to an elevation below frost penetration. Footings shown on these drawings have been designed for soil bearing capacity of 2,500 PSF. If a lesser bearing capacity is encountered, it is the responsibility of the owner/builder to have the footings redesigned by qualified persons to suit existing conditions.

All foundation walls 24" (600mm) and higher should have one horizontal 10mm reinforcing bar 3" (75mm) from the top. Corner reinforcing to be lapped minimum 24" (600mm).

All footings are to have two 1/2" reinforcing bars. The reinforcing bars are to be situated such that one bar is 3" (75mm) clear of the side and bottom of the footing on both sides of footing.

Grades shown on elevations are estimated. Adjust on site as required. Retaining walls other than the foundation walls of the residence, are beyond the scope of these drawings unless otherwise noted.

MISCELLANEOUS

Caulk over and around all exterior opening using nonhardening caulking compound.

Flash all changes of materials on exterior walls.

Flash over exterior openings.

All siding or stucco to be a minimum of 8" (200 mm) above finished grade.

Provide cast iron cleanouts for all fireplace flues.

All balcony railings to be 3'6" (1070mm) in height maximum spacing between vertical members is 4" (100mm) Minimum distance between horizontal rails to be 32" (800mm), top rail to sustain outward load of 40 pounds per lineal foot.

Coat and clothes closets shall have at least one rod and shelf with minimum depth of 24" unless otherwise stated. Linen closet shall have 5 adjustable shelves wherever possible. Broom closets shall have one shelf.

Framing lumber shall be number two (2) or better Spruce unless otherwise specified on the plan. All beam and lintel sizes shown on the drawings to be reviewed and confirmed by truss manufacturer and contractor. Any beam or lintel sizes provided by truss/floor manufacturer take precedence.

Joists are to be doubled under parallel partitions.

Joists shall be placed to accommodate heating and plumbing. In the event of a discrepancy please contact floor supplier before any alterations or cuts are made.

Mood in contact with concrete shall be damproofed with 45 lb. felt or a sill plate gasket and pressure treated with a waterborne preservative or other approved method.

Interior framing to be 4" (100mm) clear of back and sides of firebox and 2" (50mm) clear of brick chimneys. Frame exterior walls 1" (25mm) clear from exterior fireplaces.

Plates are to be anchored to concrete with 1/2" anchor bolts, maximum 6 ft. o.c., or other approved method.

Flush framed wood members shall be anchored with 2000 lb. joist hangers unless otherwise specified.

INSULATION / YENTILATION

Roof/Ceiling - R40

Minimum insulation requirements:

Malls - 2×6 - R22 Garage Ceiling - R 32

Ceiling insulation may be loose fill type of batt type. Wall and floor insulation must be batt type.

Malls and ceilings between residence and attached garage shall be insulated.

Insulation requirements may vary with heating systems and with local conditions.

All roof spaces shall be ventilated with soffit, roof or gable vents or a combination of these, equally distributed

ABOVE GRADE MASONARY

All above grade masonary is to conform to the B.C. Building Code.

between the top of the roof space and soffits.

# COPYRIGHT

These drawings are the exclusive property of Designs by Dutka. Any reproduction in whole or in part is prohibited without written consent from Designs by Dutka

(250) 862-6534 wesdutka@gmail.com



DRAWING: SITE PLAN	ADDRESS:
DRAMING: SITE PLAN DATE: SEPTEMBER 2019	
DRAWN BY: WES DUTKA	
PLAN NUMBER: 3906	CONSULTANTS
SCALE: AS NOTED	
REVISIONS:	

#### REPORT TO COUNCIL



**Date:** January 21, 2020

**RIM No.** 09400-00 & 0940-50

To: City Manager

From: Development Planning Department (AC)

Application: DP19-0161 & DVP19-0162 Owner: MJI Contracting Inc., Inc. No.

BC0915334

Address: 1659 Water St Applicant: MJI Contracting Inc – Mathew

Isabelle

**Subject:** Development Permit & Development Variance Permit Application

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

**Zone:** C7 – Central Business Commercial

#### 1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP19-0161 for Lot 12, Block 6, District Lot 139, ODYD, Plan 462, Except Plan KAP82841 located at 1659 Water St, Kelowna, BC, subject to the following:

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

AND THAT Council authorize the issuance of Development Variance Permit DVP19-0162 for Lot 12, Block 6, District Lot 139, ODYD, Plan 462, Except Plan KAP82841 located at 1659 Water St, Kelowna, BC;

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

#### Table 8.3.2 Required Off-Street Parking Requirements - Commercial

To vary the minimum off-street parking from 15 stalls to 0 stalls.

#### Table 8.4 – Minimum Loading Required

To vary the required number of loading spaces from 1 space to zero spaces.

#### Table 8.5 – Minimum Bicycle Parking Required

To vary the minimum off-street class 2 bicycle parking from 7 stalls to 0 stalls.

#### Section 14.7.5(h) - C7 - Central Business Commercial - Development Regulations

- (h)(i) To vary the setback above the 16.0 m height mark for the front yard from 3.0 m to 0.0 m.
- (h)(ii) To vary the setback above the 16.0 m height mark for the side yard (east) from 4.0 m to 0.1 m.
- (h)(ii) To vary the setback above the 16.0 m height mark for the flanking side yard (west) from 4.0 m to 0.0 m.

#### Section 14.7.7(d) - C7 - Central Business Commercial - Other Regulations

To vary the minimum commercial on ground floor area percentage from 90% to 68% on Leon Avenue and 40% on Water Street.

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 a Form & Character Development Permit of a six storey office and retail commercial building as well as to consider 7 variances to the Zoning Bylaw.

#### 3.0 Development Planning

Staff are recommending support for the proposed Development Permit because of the its consistency with architectural design principals within the Official Community Plan's (OCP) urban design guidelines as well as recommending support of the associated variances due to rationale stated below.

#### 3.1 <u>Development Permit</u>

The applicant has worked with City staff to review and refine the proposed building design. The positive design features of this application that are congruent with the urban design guidelines are:

- 1) The building has three distinct sections: a top, a middle, and a bottom and the applicant has provided a positive design in each category.
  - a. The top of the building contributes positively to the visual interest with activated rooftop amenities.
  - b. The 'middle' of the building contains a series of different building materials and large amounts of glazing to provide visual interest. The wood stained colour horizontal metal siding combined with the large amounts of glazing provide a visually pleasing and consistent design scheme facing the street.
  - c. The ground floor level provides a pleasant pedestrian experience with plenty of glazing as recommend by the OCP design guidelines. The south-west corner of the building is setback at the ground floor to provide a distinctive main entrance and to enhance the pedestrian experience for building users and passing pedestrians.
- 2) The building is only six stories in height within an area of the downtown slated for the tallest buildings in Kelowna according to the C7 height map. However, to achieve that height multiple properties would need to be consolidated in order to achieve an efficiently designed parkade. The applicant has indicated that further land acquisition is not possible at this time for this project. While the project will not be as tall as the downtown C7 height map suggests, the proposal is significantly taller than adjacent properties and will contribute to an interesting streetscape and urban environment.

3) The South and East elevations are less desirable as they are concrete firewalls, however, they are located adjacent to existing buildings and future development sites which will help mask their bland façade to street views.

#### 3.2 <u>Development Variance Permit</u>

The application needs several variances in order to develop a viable project.

The first three variances are to reduce the setback above the 16 metres mark. Generally, the 16 metre mark before a setback is required was intended for large tower and podium projects. The tower and its associated podium would need to have the setback in order to create a pedestrian friendly streetscape environment. This principal generally applies to mid-rise buildings too. However, in this case, this project is seen as an exception due to the narrow width of the lot and the limited mass of the building. As soon as a building gets wider and/or the massing increase and assuming no setbacks then the negative impact and overall detriment to the pedestrian environment increases.

The next two variances are related to parking. Both the loading spaces and the minimum off-street parking are proposed to be reduced to zero. Office buildings do not have significant demand for loading trucks and minor and infrequent loading can occur from the street or the rear lane.

There is no viable area that is available for parking on this site thus the necessity to reduce the parking to zero. The applicant could have provided cash-in-lieu of parking and this would have eliminated the necessity of a variance. However, the applicant argues this would eliminate the financial viability of the project. The current bylaw requires 15 stalls and the proposed parking bylaw would require 10 stalls. Therefore, the cash-in-lieu amount would be either \$495,000 or \$330,000. The applicant is providing additional bicycle parking and end-of-trip facilities (washrooms, change rooms, lockers, and showers) to encourage alternate transportation options to and from work. Staff are recommending support for the variance in order to eliminate the cash-in-lieu as this project is:

- 1. Meeting the City's goals of providing a mix of dense residential and employment land uses within the downtown whereby residents can commute to work by walking or using active transportation options thereby reducing the reliance of vehicles for daily commuting needs.
- 2. Developing in an area in which the City is encouraging revitalization.
- 3. Building out a site with significant constraints due to its small size and shape.

The next variance is to reduce the class 2 bicycle parking to zero. There is no room on site to provide short term bicycle parking stalls and the applicant is providing extra long-term bicycle parking in a secured bike parking room.

The last variance is to reduce the minimum commercial frontage below the 90% required. Similar to the previous variances, the dimensions of the lot limit the ability to provide 90% commercial frontage. The reduction is for necessary building mechanical systems including elevators, mechanical room, utility room, transformer room, and bicycle parking room. However, the predominant ground floor use is still commercial.

#### 4.0 Proposal

#### 4.1 Project Description

The proposal is to build a 6-storey commercial development with ground floor retail, upper floor offices, common rooftop patio, and no parking onsite. The proposal contains 964.4 m<sup>2</sup> (approx. 10,380 ft<sup>2</sup>) of commercial space.

The building materials are predominately glazing with metal siding stained in wood colour. The rear two storey addition is brick. The accent materials include wood canopies and exposed concrete. The lane facing façade and the east facing façade are concrete fire walls. There will also be a roof top patio deck providing amenity area for the various office staff.

The retail at street level is designed to accommodate 1-2 tenants with floor to ceiling storefront glazing. Signage will be refined and intentional within the architectural design as per the attached drawings.

The applicant has been notified about potential snow load issues on the adjacent property's roof and the applicant believes the issue is solvable. The City considers the matter a civil issue to be addressed between property owners.





#### 4.2 Zoning Analysis Table

The zoning analysis table shows the requirements of the C7 zone compared to the proposal:

Zoning Analysis Table			
CRITERIA	CRITERIA C <sub>7</sub> ZONE REQUIREMENTS PROPOSAL		
For portion of building between o.o metres & 16.o metres in height			
Front Yard (Leon Ave)	o.o m	o.o m	
Side Yard (East)	o.o m	o.o m	
Side Yard (Water St)	o.o m	o.o m	
Rear Yard (Lane)	o.o m	o.o m	

Zoning Analysis Table			
CRITERIA	C <sub>7</sub> ZONE REQUIREMENTS	PROPOSAL	
For portion of building between 16.0 metres & above in height			
Front Yard (Leon Ave)	3.0 m	o.o m <b>①</b>	
Side Yard (East)	4.0 m	0.1 m <b>2</b>	
Side Yard (Water St)	4.0 m	o.o m <b>⑤</b>	
Rear Yard (Lane)	3.0 m	6.6 m	
Floorplate	1,221 m²	177.5 m²	
	Development Regulations		
Height	76.5m (approx 26 storeys)	26.5 m (6 storeys)	
FAR	9.0	2.81	
	Parking Regulations		
Minimum Parking Requirements	15 Stalls Current Regulations 10 Stalls Proposed Regulations	o parking stalls <b>4</b>	
Min. Loading Spaces	1 stall	0 stalls <b>9</b>	
Ratio of Parking Stalls	Small Parallel: n/a Compact Size: 10% Max Medium Size: 40% Max Regular Size: 50% Min	Small Parallel: n/a Compact Size: n/a Medium Size: n/a Regular Size: n/a	
Minimum Bicycle Parking Requirements	Class 1: 3 bikes Class 2: 7 bikes	Class 1: 13 bikes Class 2: 0 bikes <b>©</b>	
	Other Regulations		
Minimum frontage for commercial, civic, cultural, or ground oriented residential on 1st floor	Leon Avenue: 90% (8.6m x 0.9 = 7.75m) Water Street: 90% (36.02m x 0.9 = 32.42m)	Leon Avenue: 5.9m / 68% <b>7</b> Water Street: 14.2m / 39.4% <b>7</b>	

- Variance to reduce the front yard setback for portions of building between 16.0 metres & above in height
- ② Variance to reduce the side yard (north) setback for portions of building between 16.0 metres & above in height
- Variance to reduce the side yard (south) setback for portions of building between 16.0 metres & above in height
- Variance to reduce the number of required parking spaces from 15 stalls to 0 stalls
- Variance to reduce the number of loading spaces from 1 stall to 0 stall
- Variance to decrease the amount of class 2 bicycle stalls provided from 7 required to 0 provided
- Variance to reduce the minimum commercial on ground floor from 90% to 68% on Leon Avenue and 40% on Water Street

#### 5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

#### **Chapter 5: Development Process**

Compact Urban Form.¹ 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.

**Contain Urban Growth.**<sup>2</sup> Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

#### Objective 5.5: Ensure appropriate and context sensitive built form.

**Building Height.** In determining appropriate building height, the City will take into account such factors as:

- Contextual fit into the surrounding neighbourhood;
- Shadowing of the public realm;
- View impacts;
- Overlook and privacy impact on neighbouring buildings;
- Impacts on the overall skyline;
- Impacts on adjacent or nearby heritage structures;

#### Chapter 14: Massing and Height.3

- Mitigate the actual and perceived bulk of buildings by utilizing appropriate massing, including:
- Architectural elements (e.g. balconies, bay windows, cantilevered floors, cupolas, dormers);
- Visually-interesting rooflines (e.g. variations in cornice lines and roof slopes);
- Step back upper floors to reduce visual impact;
- Detailing that creates a rhythm and visual interest along the line of the building;
- Wall projections and indentations, windows and siding treatments as well as varied material textures should be utilized to create visual interest and to articulate building facades;
- Building frontages that vary architectural treatment in regular intervals in order to maintain diverse and aesthetically appealing streets.

#### Chapter 14: Urban Design Guidelines Amenities, ancillary Services and Utilities.4

 Locate loading, garbage, storage, utilities and other ancillary services away from public view. All such areas shall be screened and designed as an integral part of the building to minimize impact;

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

<sup>&</sup>lt;sup>2</sup> City of Kelowna Official Community Plan, Goals for a Sustainable Future, Objective 1 (Chapter 1 Introduction)

<sup>&</sup>lt;sup>3</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

<sup>&</sup>lt;sup>4</sup> City of Kelowna Official Community Plan, Chapter 14 Urban Design Development Permit Areas, Guidelines

• Create attractive rear alley facades with high quality materials on buildings facing residential areas (e.g. rear building entrances, windows, balconies, plazas, and plantings).

#### Chapter 14: Decks, balconies, rooftops, and common outdoor amenity space.5

- Incorporate decks, balconies and common outdoor amenity spaces into developments;
- Integrate vents, mechanical rooms and equipment, and elevator penthouses with the architectural treatment of the roof, and/or screen these elements with materials and finishes compatible with the building's design;

#### Chapter 14: Signs.5

- Integrate signage that contributes to the overall quality and unique character of a development (e.g. coordinate proportion, materials, and colour);
- Do not compromise the scale and visual qualities of a building with the size and number of signs.
- Locate, size, and format signs such that they can be easily read by pedestrians.

#### 6.0 Technical Comments

6.1 Development Engineering Department

See attached memorandum dated August 19<sup>th</sup> 2019.

#### 7.0 Application Chronology

Date of Application Received: August 8<sup>th</sup> 2019
Date of Public Notification: November 15<sup>th</sup> 2019

**Report prepared by:** Adam Cseke, Planner Specialist

**Reviewed by:** Laura Bentley, Urban Planning Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

#### Attachments:

Draft DP19-0161 & DVP19-0162

# DRAFT Development Permit & Development Variance Permit DP19-0161 & DVP19-0162



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

1659 Water St

and legally known as

Lot 12, Block 6, District Lot 139, ODYD, Plan 462, Except Plan KAP82841

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

#### Office Building

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

Date of Decision:

Decision By: CITY COUNCIL

**Issued Date:** 

<u>Development Permit Area:</u> Comprehensive

This permit will not be valid if development has not commenced by two years after the Date of Decision by Council.

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: MJI Contracting Inc., Inc. No. BC0915334

Applicant: Matthew Isabelle

Terry Barton Date
Development Planning Department Manager

#### 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";

AND THAT the variances to the following sections of Zoning Bylaw No. 8000 be granted as described and shown in Schedule 'A':

#### Table 8.3.2 Required Off-Street Parking Requirements - Commercial

To vary the minimum off-street parking from 15 stalls to 0 stalls.

#### Table 8.4 - Minimum Loading Required

To vary the required number of loading spaces from 1 space to zero spaces.

#### Table 8.5 - Minimum Bicycle Parking Required

To vary the minimum off-street class 2 bicycle parking from 7 stalls to 0 stalls.

#### Section 14.7.5(h) - C7 - Central Business Commercial - Development Regulations

- (h)(i) To vary the setback above the 16.0 m height mark for the front yard from 3.0 m to 0.0 m.
- (h)(ii) To vary the setback above the 16.0 m height mark for the side yard (east) from 4.0 m to 0.1 m.
- (h)(ii) To vary the setback above the 16.0 m height mark for the flanking side yard (west) from 4.0 m to 0.0 m.

#### Section 14.7.7(d) - C7 - Central Business Commercial - Other Regulations

To vary the minimum commercial on ground floor area percentage from 90% to 68% on Leon Avenue and 40% on Water Street.

This Development Permit and Development Varaince Permit is valid for two (2) years from the Date of Decsion by City Council, 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 <u>CURRENT LAND OWNER</u>. Security shall <u>ONLY</u> be returned to the signatory of the Landscape Agreement or their designates.

#### **CITY OF KELOWNA**

#### **MEMORANDUM**

**Date:** August 19, 2019

**File No.:** DP19-0161

**To:** Community Planning (AC)

From: Development Engineering Manager (JK)

**Subject:** 1659 Water Street 6 storey commercial

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 the building permit. Form and Character Development Permit for a 6 storey commercial building with rooftop patio. The Development Engineering Technologist for this project is Ryan O'Sullivan.

#### 1. Domestic Water and Fire Protection

- (a) This lots are two 50mm water services. The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs.
- (b) The applicant, at the developer's cost, will arrange for the installation of a metered water service. If it is determined that upgrades to the existing water distribution system must be made to achieve the required fire flows, additional bonding will be required.
- (c) A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at the developer's cost. Boulevard landscaping, complete with underground irrigation system, must be integrated with the on-site irrigation system.

#### 2. Sanitary Sewer

- (a) This lot is serviced with three small diameter services. The developer's consulting mechanical engineer will determine the requirements of this proposed development and establish the required size of the new service. Only one service will be permitted for this development. The applicant, at the developer's cost, will arrange for the installation of a new service.
- (b) A downstream flow analysis check is required by a consulting civil engineer to determine the impact of additional flow contributions on the existing pipe system. If it is determined that upgrades to the existing facilities must be made, additional bonding will be required.

#### 3. Storm 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 Subdivision, Development and Servicing Bylaw No. 7900. 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) This lot is serviced with two small diameter services. Only one overflow service will be permitted for this development.
- (c) Storm drainage systems for the site will be reviewed and approved by Engineering when design drawings are submitted.

#### 4. Road Improvements

- (a) Water Street fronting this development site is urbanized but the existing curb and sidewalk and street treesthat must be protected at all times during construction. re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction.
- (b) Leon Ave fronting this development site is urbanized but the existing curb and sidewalk is in a deteriorated state. The upgrades will require curb, gutter and sidewalk removal and reconstruction, boulevard streetscape as well as the re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction.
- (c) Street trees on Water and Leon are to be protected at all time withy Landscape boxes.
- (d) The City of Kelowna requested a 0.625m road dedication from the development to facilitate the widening of the lane to 7.00m. It was agreed upon that if the development could prove out the turning movements from the development to the lane without conflicts, that the City would accept the existing conditions of the lane width at 6.0m.
- (e) No driveway access will be granted to this site.
- (f) Water St. and Leon Ave. Sidewalks must be accessable at all times with covered walkway.
- (g) Laydown or staging area will not be allowed on Water St. or Leon Ave.

#### 5. <u>Subdivision</u>

By registered plan to provide the following:

- (a) Grant statutory rights-of-way if required for utility services.
- 6. Electric Power and Telecommunication Services

a) The electrical services to this development must be installed in an underground duct system, and the building must be connected by an underground service. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground as this site is located within the City Centre urban town centre.

3 -

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

#### 7. Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the city engineering department for review and marked "issued for construction" by the city engineer before construction may begin.

#### 8. <u>Design and Construction</u>

- (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.

#### 9. Servicing Agreements for Works and Services

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

DP19-0161 4 -

#### 10. Geotechnical Report

As a requirement of this application the owner must provide a geotechnical report prepared by a Professional Engineer qualified in the field of hydrogeotechnical survey to address the following:

- (a) Area ground water characteristics.
- (b) Site suitability for development, unstable soils, etc.
- (c) Drill and / or excavate test holes on the site and install pisometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, Identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.
- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.
- (e) Additional geotechnical survey may be necessary for building foundations, etc.

#### 11. Development Permit and Site Related Issues

Access and Manoeuvrability

(i) Perimeter access must comply with the BC Building Code. Fire Truck access designs and proposed hydrant locations will be reviewed by the Fire Protection Officer.

James Kay James Kay , P. Eng.

**Development Engineering Manager** 

RO

#### CITY OF KELOWNA

#### **MEMORANDUM**

**Date:** August 19, 2019

**File No.:** DVP19-0162

**To:** Community Planning (AC)

From: Development Engineer Manager (JK)

**Subject:** 1659 Water Street

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

Development Variance Permit to reduce parking, to reduce upper floor setbacks, and to reduce the frontage area dedicated towards functional commercial space, does not compromise any municipal services.

All the offsite infrastructure and services upgrades are addressed in the Development Permit Report under file DP19-0161.

James Kay, P. Eng.

Development Engineering Manager

RO

#### HANS P. NEUMANN ARCHITECT INC.

1520 Highland Drive North, Kelowna, B.C. V1Y 4K5 Phone: (250) 868-0878 Fax: (250) 868-0837 **Principal: Hans P. Neumann, Architect AIBC, B.Arch.,B.E.S.** 

July 31, 2019

The Honourable Mayor Colin Basran and City of Kelowna Council 1435 Water Street Kelowna, B.C. V1Y 1J4

MANS P. NEUMANN, Michitect AIBC

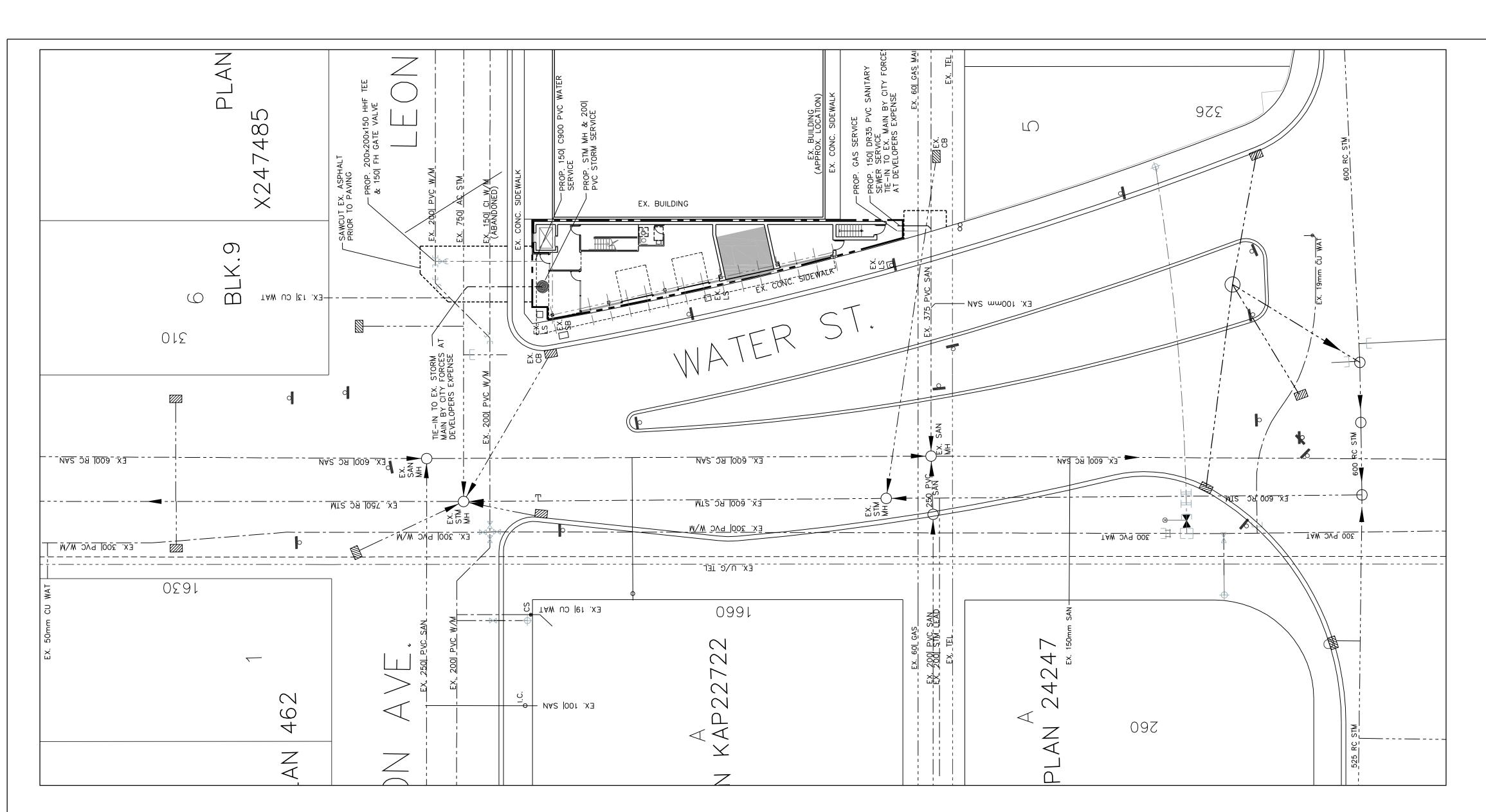
Re: Proposed Residential Project @ 1659 Water Street

We are submitting the above-noted project for Development Variance Permit and request the following variances to the C7 – Central Business Commercial zone. The extremely unique triangular site configuration requires the following variances in order to reasonably develop the property in a manner that generally complies with the OCP vision for the area, and attempts to comply with the current Zoning Bylaw No. 8000 as much as possible.

The rationale for requesting the bylaw variances is:

- 1. REQUIRED ON-SITE PARKING SPACES: The C7 Parking Schedule requires 1.3 spaces per 100 sq.m. of Gross Floor Area (GFA), which would equate to 15 spaces. The site dimensions simply do not support any kind of drive aisle & parking spaces, as the frontage on the lane side is only 1.78m (5′-10″), and the frontage off of Leon Avenue is 8.6m (28′-2″), which is substantially below the 13m required for a drive aisle plus parking stall depth, even using compact vehicle/motorcycle parking space dimensions. In preliminary discussions, it was suggested that the city traffic & engineering department would not even consider any access off of Leon Avenue or Water Street. As such we are requesting a variance to 0 spaces, which we feel is reasonable given the sites' location in a designated Urban Centre, proximity to public transit and the City's encouragement for the reduction of dependence on automobiles. We are proposing the provision of increased secure bicycle parking above what is required by the zoning bylaw to partially compensate for the shortfall.
- 2. REQUIRED ON SITE LOADING PARKING SPACE: As above, the required one (1) 28 sq.m. (300 sq.ft.+) loading space cannot be accommodated on the site.
- 3. REQUIRED FRONT & SIDE SETBACKS ABOVE HEIGHT OF 16m: Complying with this requirement would make the top floor & roof deck not possible and would limit the height of the building to five storeys. This would essentially make any type of building uneconomical by removing the prime highest revenue space, as well as deleting a key common amenity space from the potential tenants.
- 4. FUNCTIONAL COMMERCIAL SPACE ALONG LEON AVENUE: The only workable location for the building elevator reduces the functional space to 72% of minimal building frontage along Leon Avenue. The triangular site & floor plate configuration do not allow for the elevator & internal circulation to be placed in any alternative location.
- 5. FUNCTIONAL COMMERCIAL SPACE ALONG WATER STREET: The prime reason for requesting this variance to 55% of minimal building frontage, is to accommodate the required location & clearances for the Fortis electrical transformer servicing the site. Alternate solutions were unsuccessfully explored. In addition direct exterior access for the electrical room, as well as the fire protection sprinkler water entry facilities greatly reduced the available frontage. We propose to glaze the street frontage of the electrical/mechanical room to match the commercial space on the other side of the transformer to at least provide a consistent aesthetic along Leon Avenue.

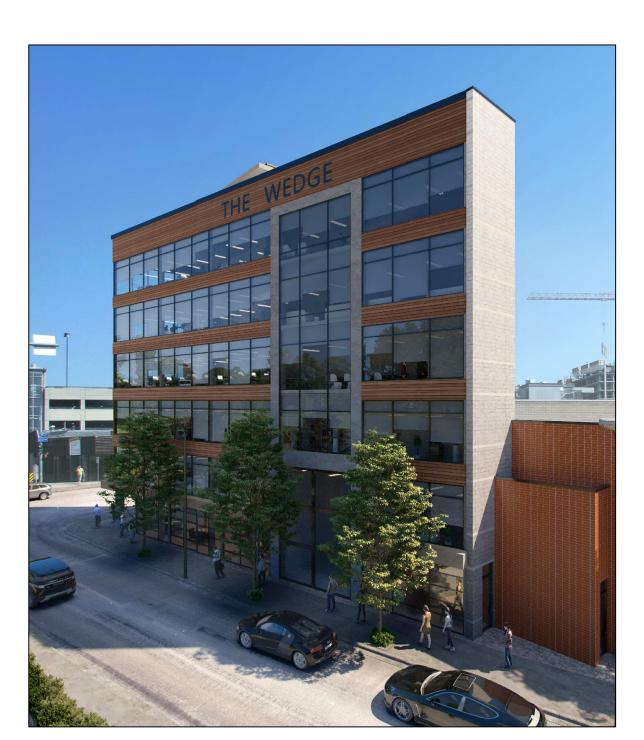
We trust that you will favourably consider this application, as this building would contribute to the desired energy & activity of this area.



SITE PLAN SCALE: |" = 20'-0"



LEON AVE ELEVATION

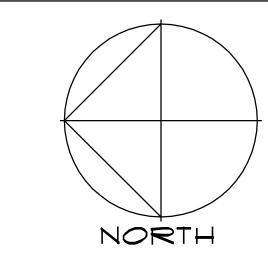


WATER STREET ELEVATION

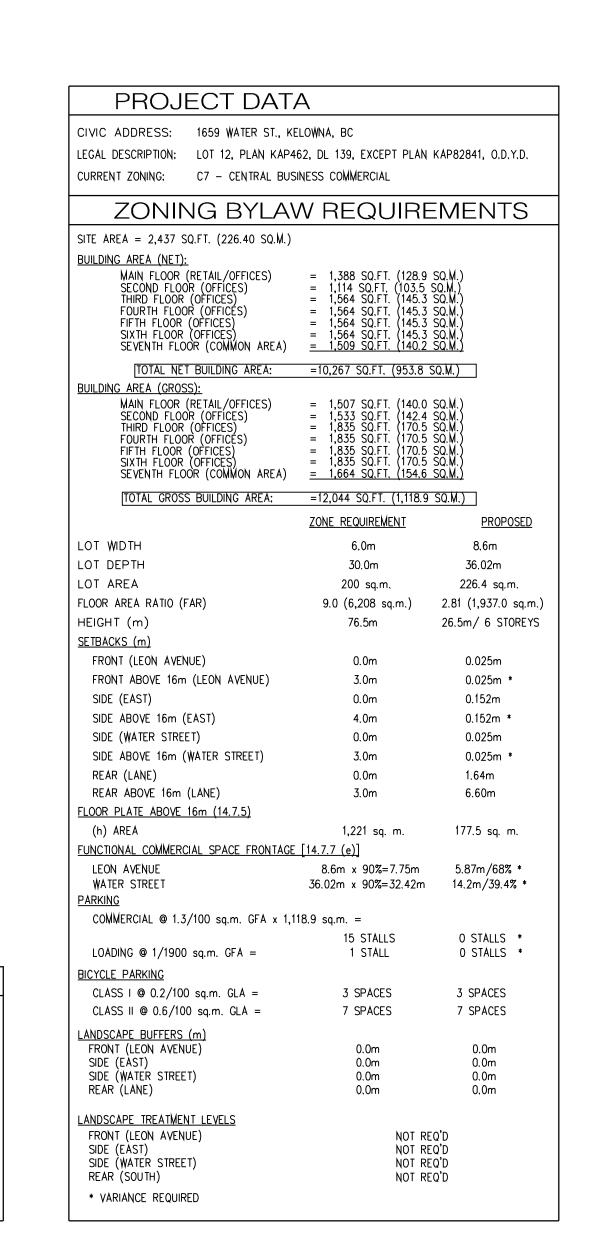
# **VARIANCES REQUIRED**

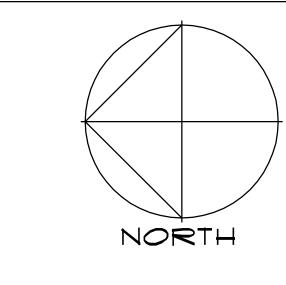
0.025m PROPOSED.

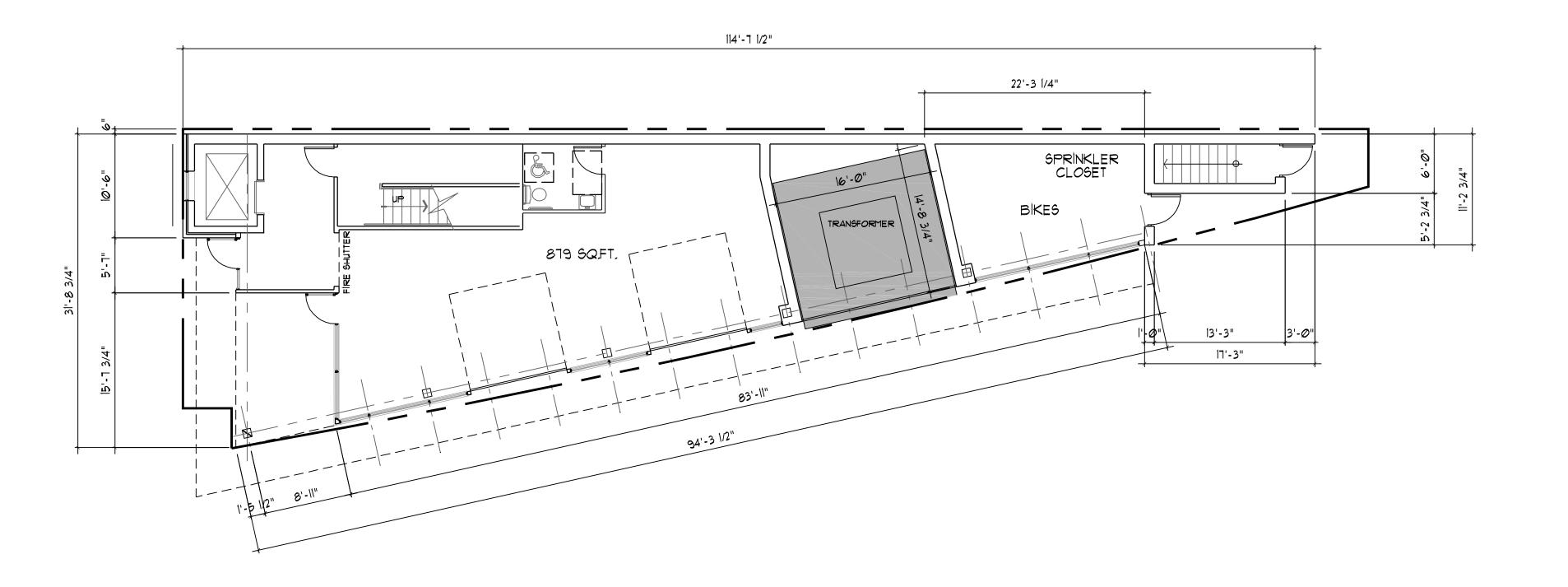
- 1. FRONT SETBACK OF BUILDING ABOVE 16m FROM 3.0m REQUIRED TO
- 2. SIDE (EAST) SETBACK OF BUILDING ABOVE 16m FROM 4.0m REQUIRED TO 0,025m PROPOSED,
- 3. SIDE (WATER STREET) SETBACK OF BUILDING ABOVE 16m FROM 3,0m REQUIRED
- TO 0.025m PROPOSED.
- 4. FUNCTION COMMERCIAL SPACE FRONTAGE ALONG LEON AVENUE FROM 90% REQUIRED TO 72% PROPOSED.
- 5. FUNCTION COMMERCIAL SPACE FRONTAGE ALONG WATER STREET FROM 90%
- REQUIRED TO 55% PROPOSED. 6. NUMBER OF PARKING SPACES FROM 15 STALLS REQUIRED TO 0 STALLS
- PROPOSED. 7. NUMBER OF LOADING SPACES FROM 1 STALL REQUIRED TO 0 STALLS PROPOSED.





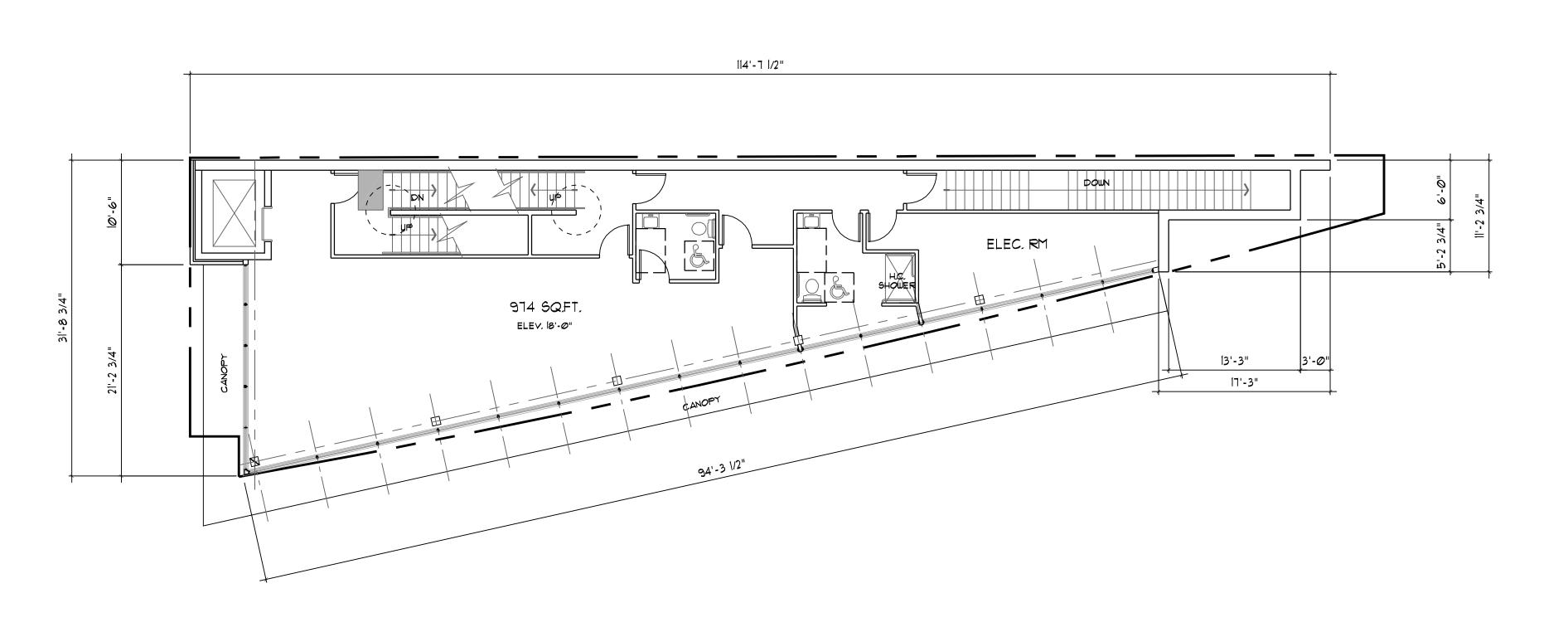








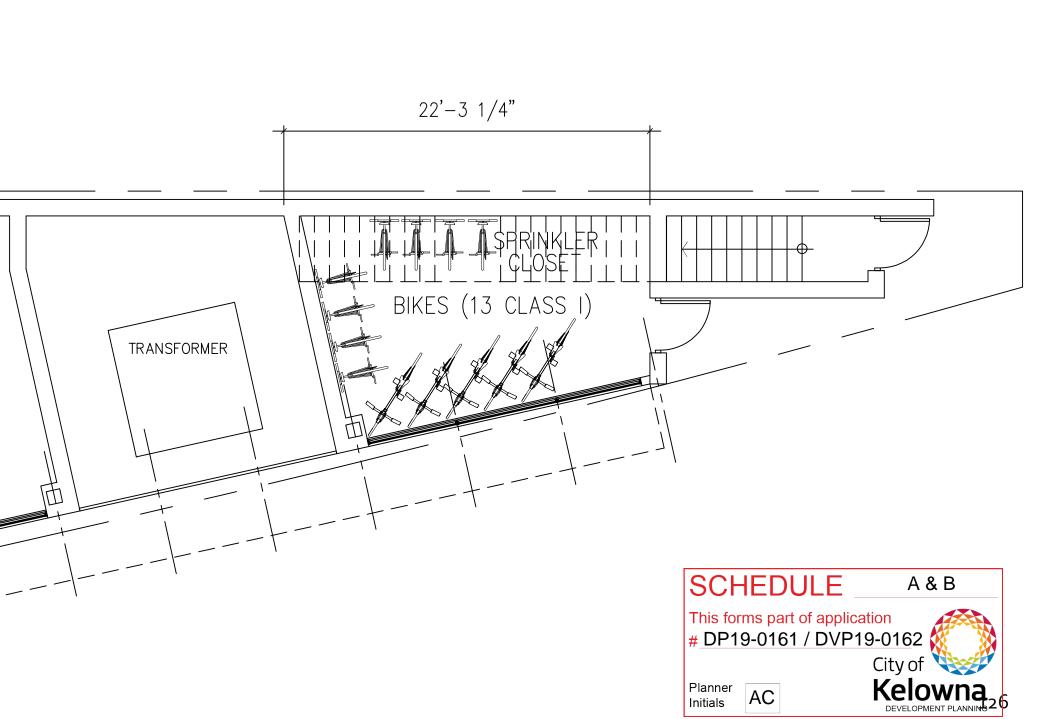
MAIN FLOOR PLAN SCALE: 1/8" = 1'-0"

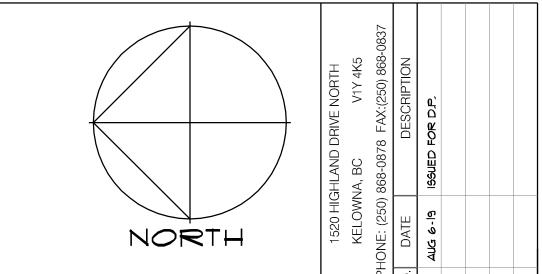


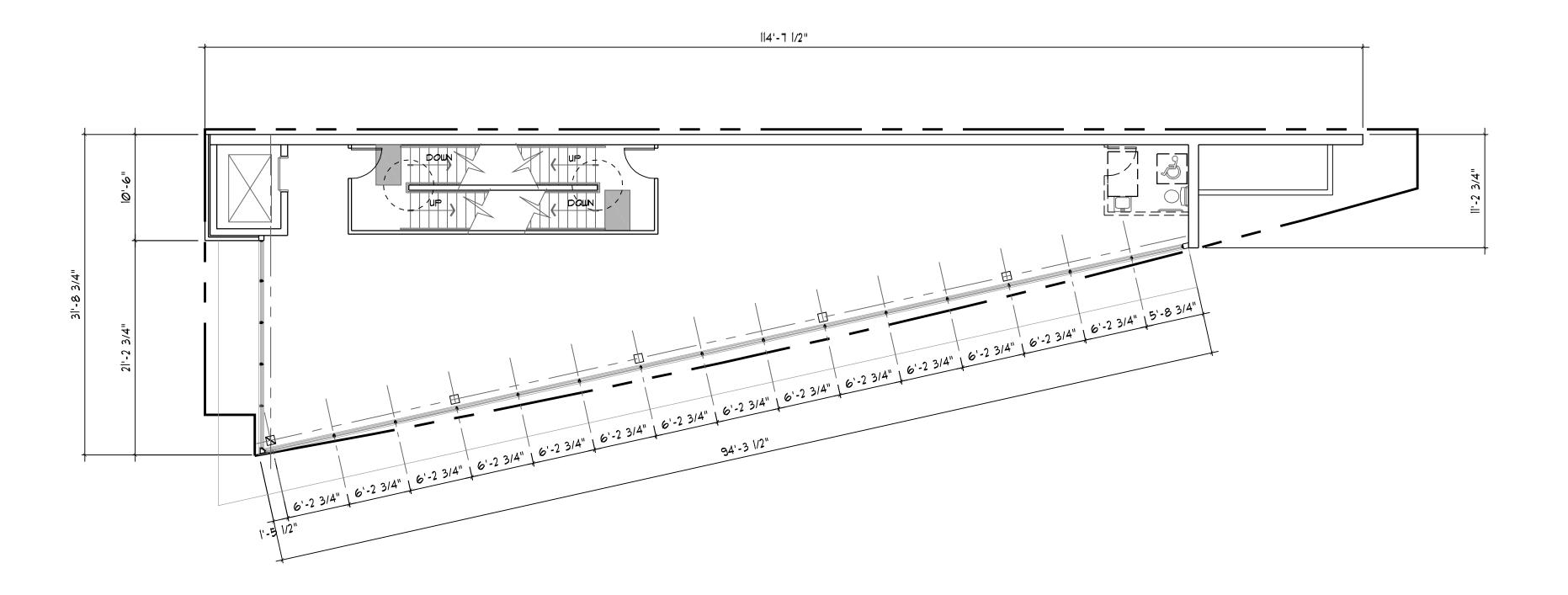
SECOND FLOOR PLAN SCALE: 1/8" = 1'-0"

COMMERCIAL DEVELOPMENT 1659 WATER STREET, KELOWNA, BC. SCALE: 1/8" = 1'-0" DATE: JULY 23,2019 DRAWN: MAC CHECKED: HPN

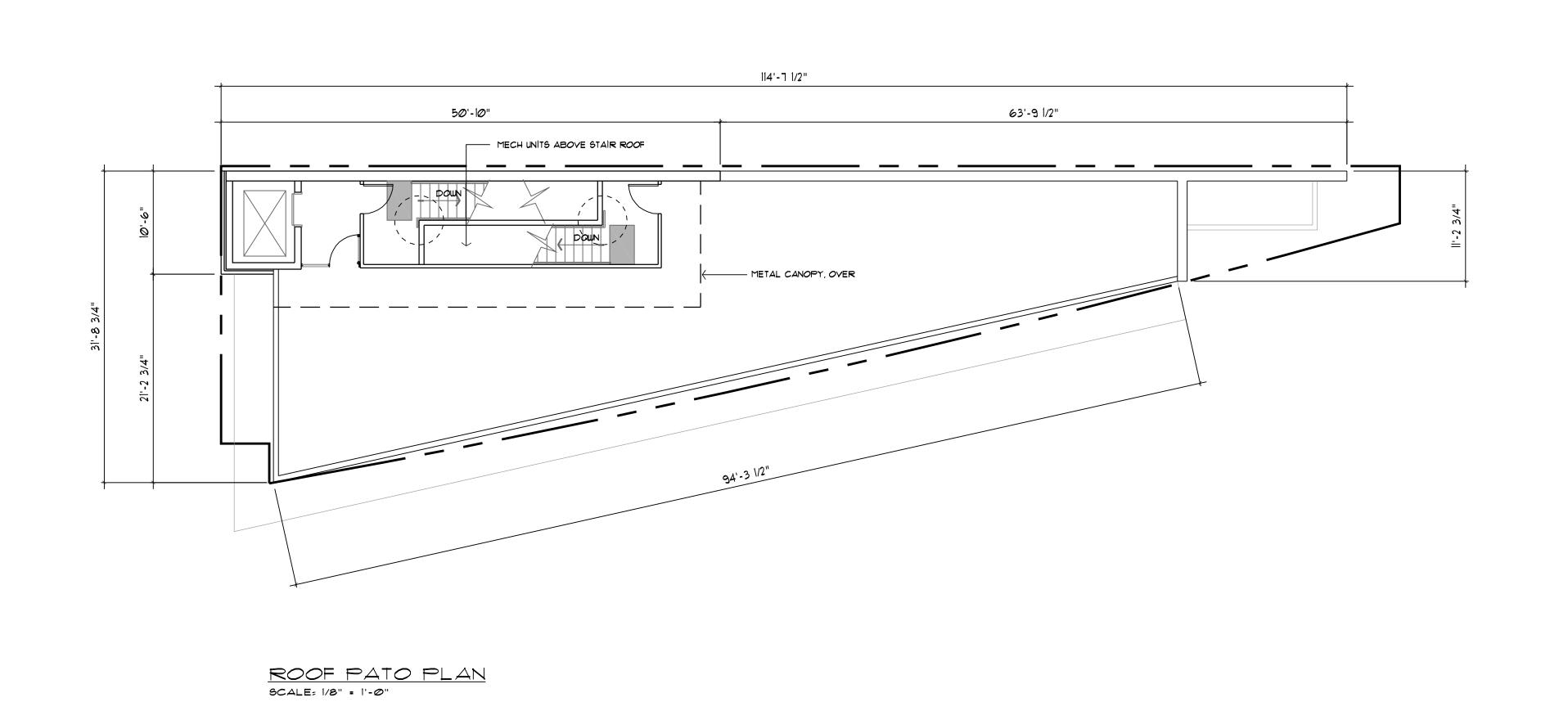
REVISION No.:







THIRD - SIXTH FLOOR PLAN SCALE: 1/8" = 1'-0"



This forms part of application
# DP19-0161 / DVP19-0162
City of
Planner Initials

A & B

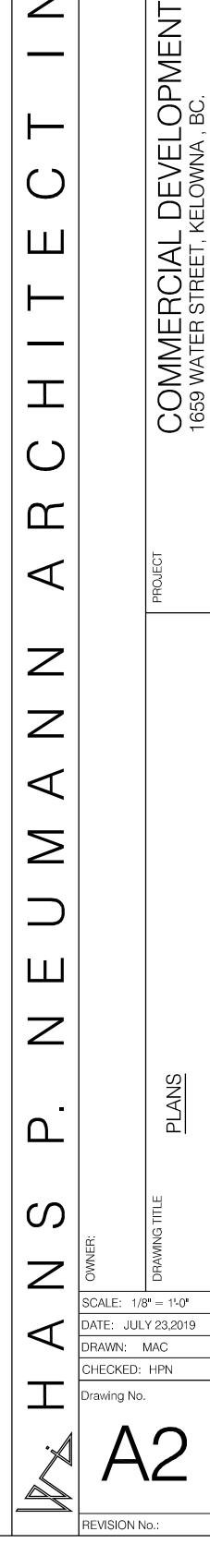
This forms part of application

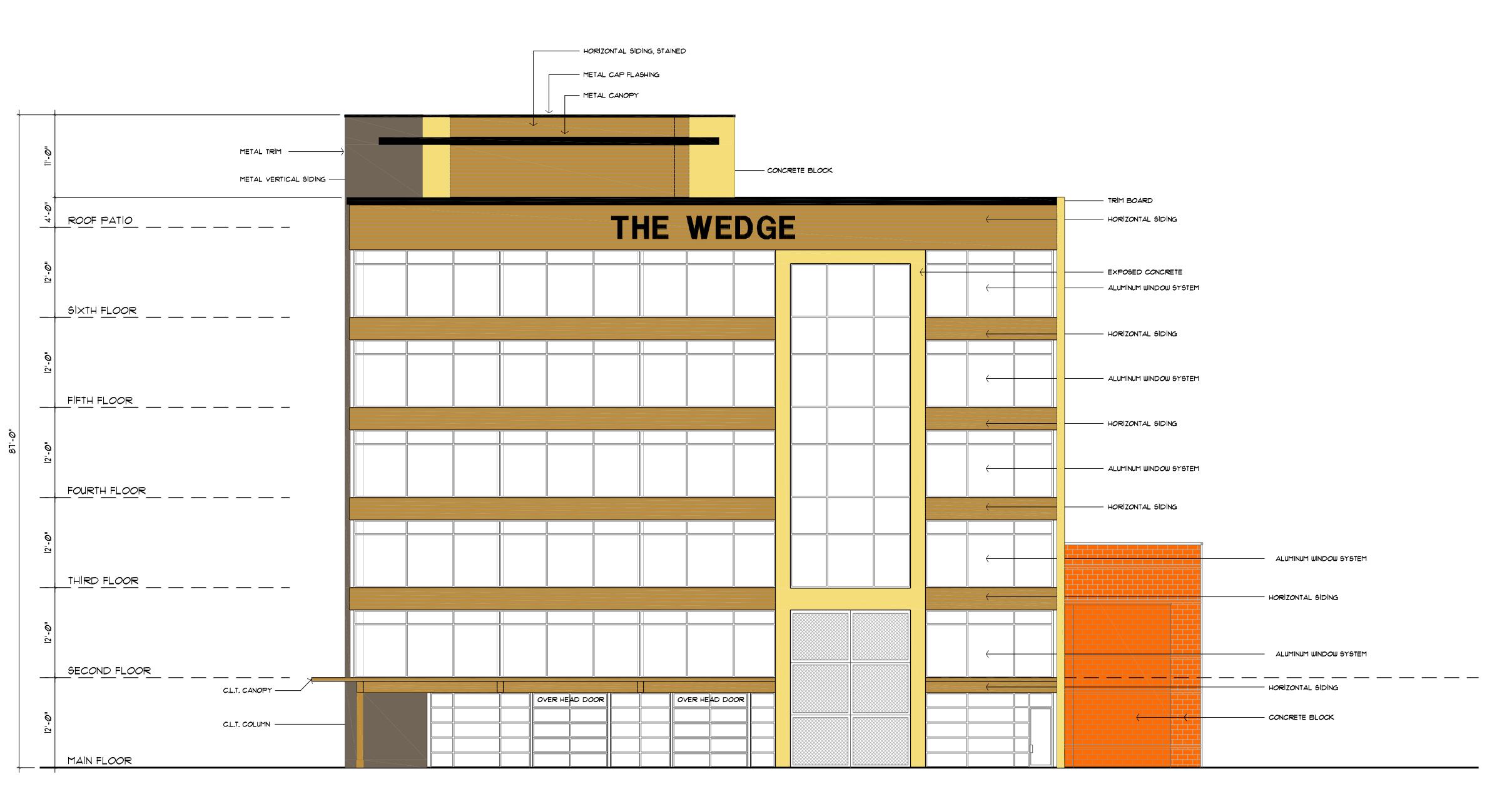
# DP19-0161 / DVP19-0162

City of

Kelowna

DEVELOPMENT PLANNING

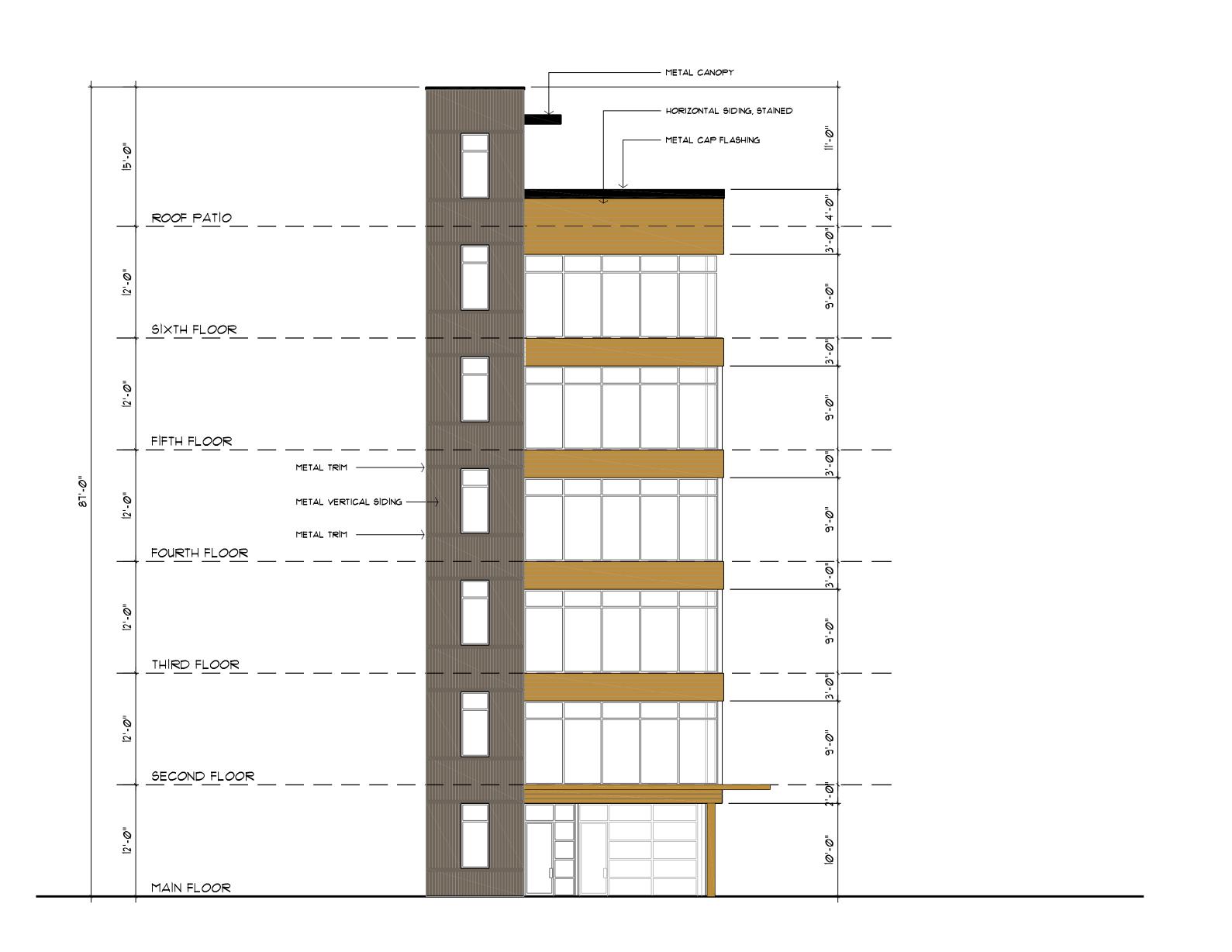




WATER STREET - WEST ELEVATION
SCALE: 1/8" = 1'-0"

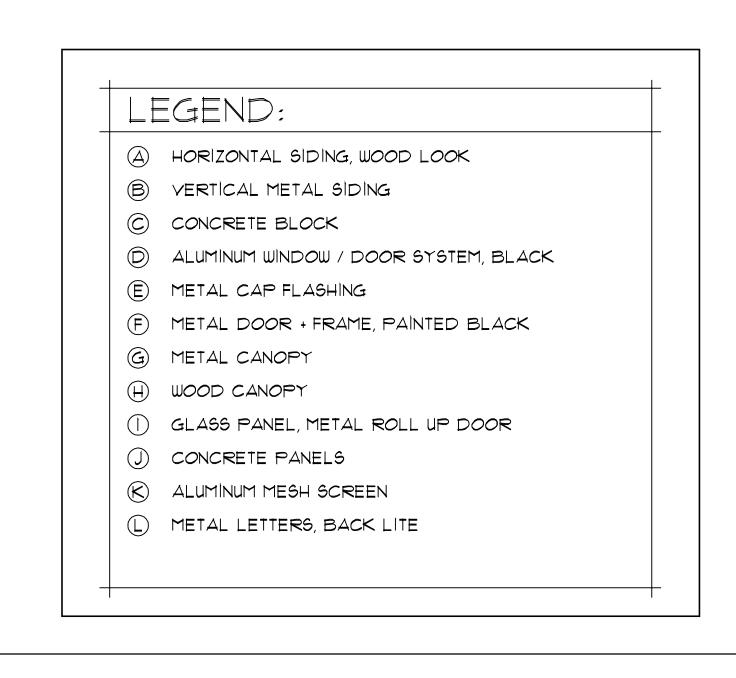


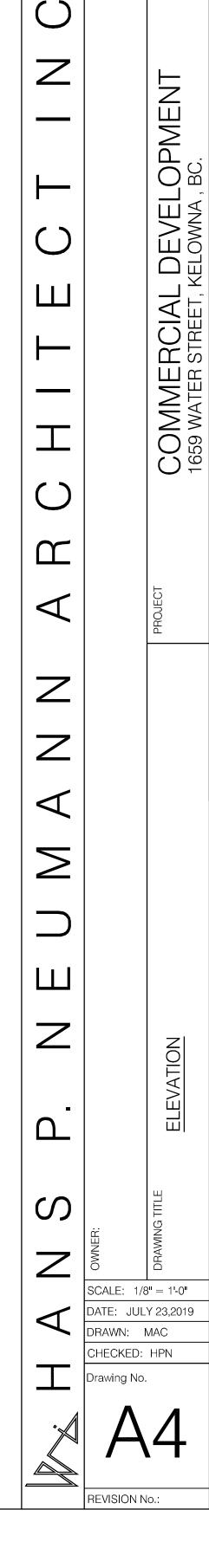


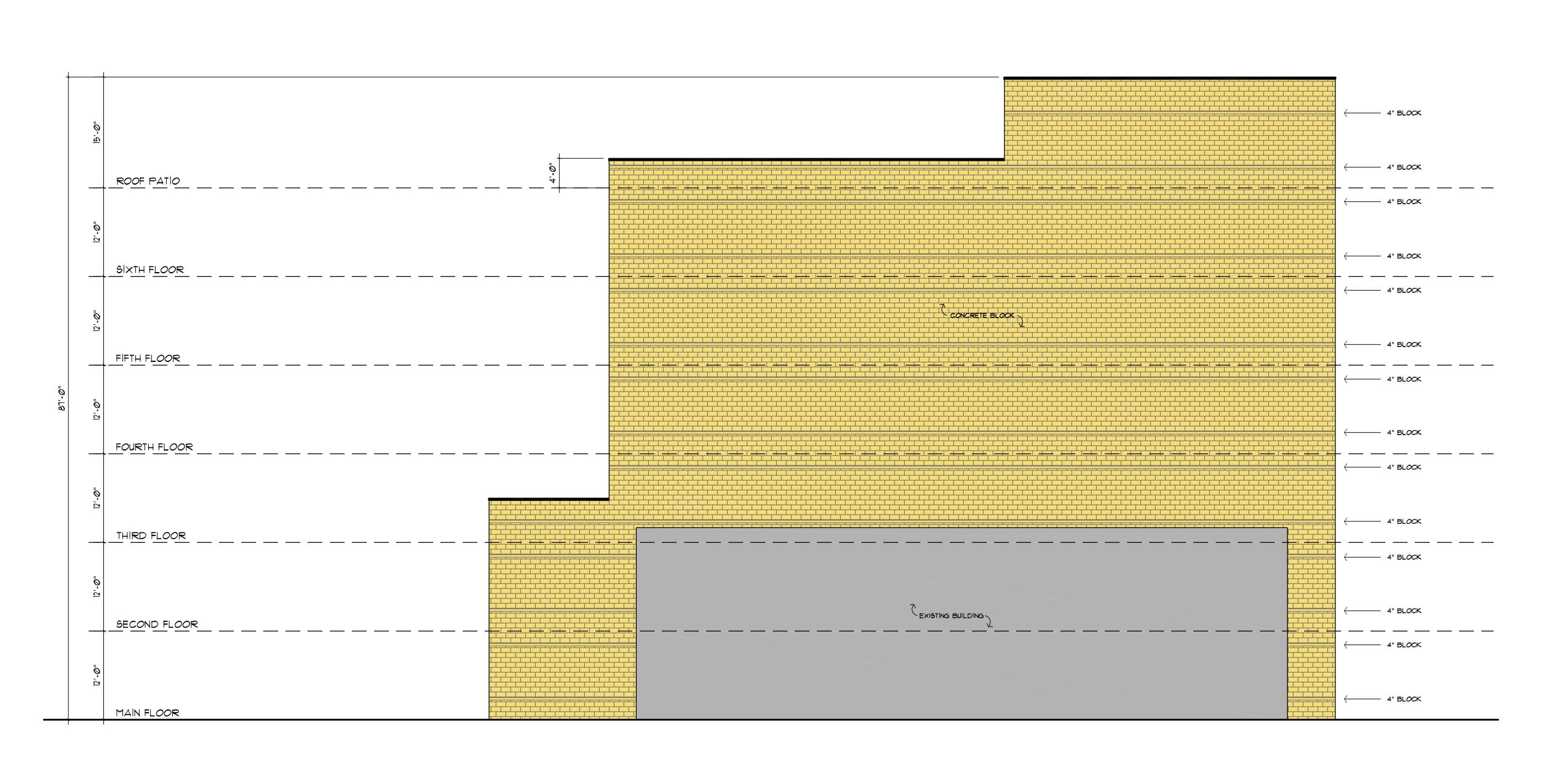


LEON AVE - NORTH ELEVATION SCALE: 1/8" = 1'-0"





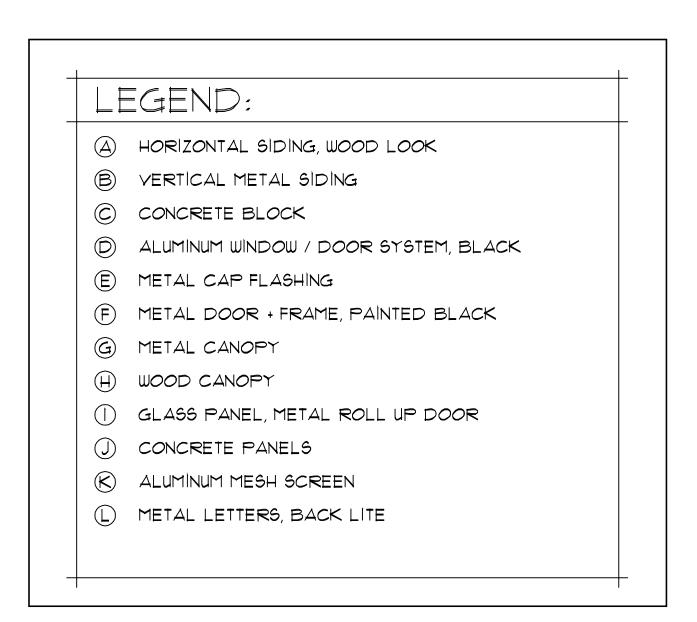




EAST ELEVATION

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





#### REPORT TO COUNCIL



Date: January 21, 2019

To: Council

From: City Manager

**Department:** Development Planning

Application: DP19-0191/DVP19-0192 Owner: Carolco Developments Ltd.,

Inc. No. BC0291464

Address: 532 – 538 Yates Road Applicant: Curtis Johnson Morrison

**Subject:** Development Permit and Development Variance Permit Applications

**Existing OCP Designation:** COMM – Commercial

**Existing Zone:** C2 – Neighbourhood Commercial

#### 1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP19-0191 for Lot 1 Section 32 Township 26 ODYD Plan KAP77456, located at 532-528 Yates Road, Kelowna, BC subject to the following:

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

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0192 for Lot 1 Section 32 Township 26 ODYD Plan KAP77456, located at 532-538 Yates Road, Kelowna, BC;

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

#### Section 14.2.6(g): C2 - Neighbourhood Commercial Other Regulations

To permit drive-in food services as a form of development.

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 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 façade updates to a commercial building with a variance to allow drive-in food services as a form of development.

#### 3.0 Development Planning

Development Planning Staff are supportive of the Development Permit and Development Variance Permit proposed in this application. The proposed façade updates are in general accordance with the City of Kelowna's Comprehensive Development Permit Area Design Guidelines as indicated in Attachment B.

#### 3.1 Form and Character

This application proposes updates to the façade of an existing commercial building. Siding and trim are to be updated with neutral colours including grey, black, and white. Deep blue and green will be used as accent colours. The roofline, roof material, and other architectural features of the existing building will be maintained. Overall, the proposed alterations respect the existing architecture while providing modern updates that are consistent with Starbucks branding. Mature landscaping on-site is to be maintained, and the applicant has also proposed supplementary landscaping, a new patio area, and an enclosure to screen garbage and recycling bins.

#### 3.2 Variance

The applicant is requesting a variance to allow drive in food services as a form of development on the subject property. While new drive in food services are not typically encouraged, the existing building was formerly used as a bank with drive-through services, so there is existing drive-through infrastructure in place. A variance is required to use the existing drive-through for a food primary establishment. The applicant has worked to reduce the impact of the proposed drive in a number of ways including locating the Starbucks on the southern portion of the property furthest away from residential neighbours, providing a sound attenuation wall on the north side of the property to mitigate noise, and by not proposing any illuminated fascia signage on the north side of the building. Adequate space has been provided for vehicle queueing.

#### 4.0 Proposal

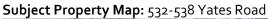
#### 4.1 <u>Project Description</u>

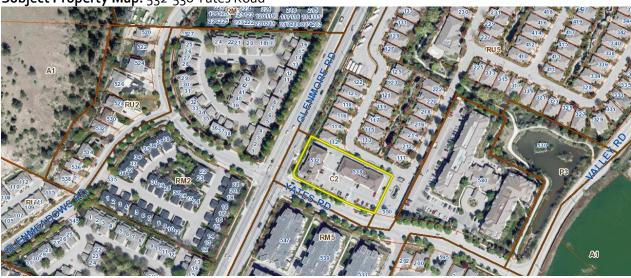
The applicant is proposing façade updates to an existing 478 m² commercial building and are seeking approval to use the existing drive-through infrastructure for a food primary establishment. The existing building is proposed to be divided into two units, with the drive-through Starbucks proposed in the south unit and office space proposed in the north unit. Parking in accordance with Zoning Bylaw 8000 is provided with a surface parking lot, and access to the subject property is from Yates Road. Council Policy No. 367 with respect to neighbourhood notification was undertaken by the applicant.

#### 4.2 Site Context

The subject property is located on the northeast corner of Yates Road and Glenmore Road. The subject property is located within the Glenmore – Clifton – Dilworth City Sector south of the Glenmore Valley Village Centre. Adjacent land uses are residential, as outlined below:

Orientation	Zoning	Land Use
North	RU5 – Bareland Strata Housing	Single Dwelling Housing
East	RM5 – Medium Density Multiple Housing	Apartment Housing
South	RM5 – Medium Density Multiple Housing	Apartment Housing
West	RM2 – Low Density Row Housing	Multiple Dwelling Housing





#### 4.3 Zoning Analysis Table

Zoning Analysis Table				
CRITERIA	C <sub>2</sub> ZONE REQUIREMENTS	PROPOSAL		
E	Existing Lot/Subdivision Regulations			
Min. Lot Area	1500 m²	4682 m²		
Min. Lot Width	40.0 m	±47 m		
Min. Lot Depth	30.0 m	±97 m		
	Development Regulations			
Max. Floor Area Ratio	0.3	0.26		
Max. Site Coverage (buildings)	40%	26%		
Max. Height	10.5 m / 2.5 storeys	6.1 m / 1 storey		
Min. Front Yard (west)	4.5 m	7.5 m		
Min. Side Yard (south)	4.5 m	7.6 m		
Min. Side Yard (north)	2.0 M	7.1 m		
Min. Rear Yard (west)	3.0 m	7.6 m		
	Other Regulations			
Parking Spaces	47	51		

#### 5.0 Current Development Policies

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

#### Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

Policy .2 Compact Urban Form. 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 per ha 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.

#### Chapter 14: Urban Design Development Permit Areas

Comprehensive Development Permit Area Objectives

- Convey a strong sense of authenticity through urban design that is distinctive for Kelowna;
- Promote a high urban design standard and quality of construction for future development that is coordinated with existing structures;
- Integrate new development with existing site conditions and preserve the character amenities of the surrounding area;
- Promote interesting, pedestrian friendly streetscape design and pedestrian linkages;
- Provide for a scale and massing of commercial buildings that promotes a safe, enjoyable living, pedestrian, working, shopping and service experience;
- Incorporate architectural features and detailing of buildings and landscapes that define an area's character;
- Promote alternative transportation with enhanced streetscapes and multimodal linkages; and
- Highlight the significance of community institutional and heritage buildings.

#### 6.0 Application Chronology

Date of Application Received: September 8, 2019
Date Public Consultation Completed: November 29, 2019

**Report prepared by:** Arlene Janousek, Planner

Reviewed by: Laura Bentley, Urban Planning & Development Policy Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

#### Attachments:

Attachment A: Draft Development Permit DP19-0191 & DVP19-0192

Attachment B: Urban Design Guidelines Checklist

**Conceptual Renderings** 

# Development Permit & Development Variance Permit DP19-0191/DVP19-0192



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

532 - 538 Yates Road, Kelowna, BC

and legally known as

Lot 1 Section 32 Township 26 ODYD Plan KAP77456

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



Food primary establishment with drive in food services.

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

Date of Council Decision:

Decision By: COUNCIL

Planning & Development Services

<u>Development Permit Area:</u> Comprehensive Development Permit Area

Existing Zone: C2 – Neighbourhood Commercial

Future Land Use Designation: COMM – Commercial

#### This is NOT a Building Permit.

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

#### NOTICE

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

Owner: Carolco Developments Ltd., Inc. No. BCo291464

Applicant: Curtis Johnson Morrison

Terry Barton
Community Planning Department Manager

#### 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.

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

#### Section 14.2.6(g): C2 — Neighbourhood Commercial Other Regulations

To permit drive-in food services as a form of development.

This Development Permit and Development Variance Permit are valid for two (2) years <u>from the date of approval</u>, 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 OR certified cheque in the amount of \$40,597.50

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.

#### 4. INDEMNIFICATION

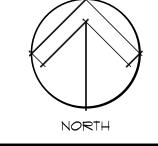
Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

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 <u>CURRENT LAND OWNER</u>.
Security shall <u>ONLY</u> be returned to the signatory of the Landscape Agreement or their designates.

NA, BC DEVELOPMENT E, KELOWI COMMERCIAL SANDALWOOD



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# architects Itd.

EXISTING RECORDS AND MUST BE CONFIRMED BY

OR AREAS FOR DEVELOPMENT PURPOSES.

SURVEY PRIOR TO THE DETERMINATION OF DIMENSIONS

420 - 745 THURLOW ST VANCOUVER, BC V6EOC5 TELEPHONE (604) 687:2334

**PROPOSED SITE PLAN** 

date  $\frac{1}{2019-05-02}$  sheet number scale AS NOTED drawn IG



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CURTIS J.M. RENO BLDG. A
GLENMORE, KELOWNA, BC
SANDALWOOD PLAZA COMMERCIAL DEVELOPMENT



420 - 745 THURLOW ST VANCOUVER, BC V6E0C5 TELEPHONE (604) 687:2334

**EXISTING ELEVATIONS** 

scale AS NOTED drawn DK checked ——

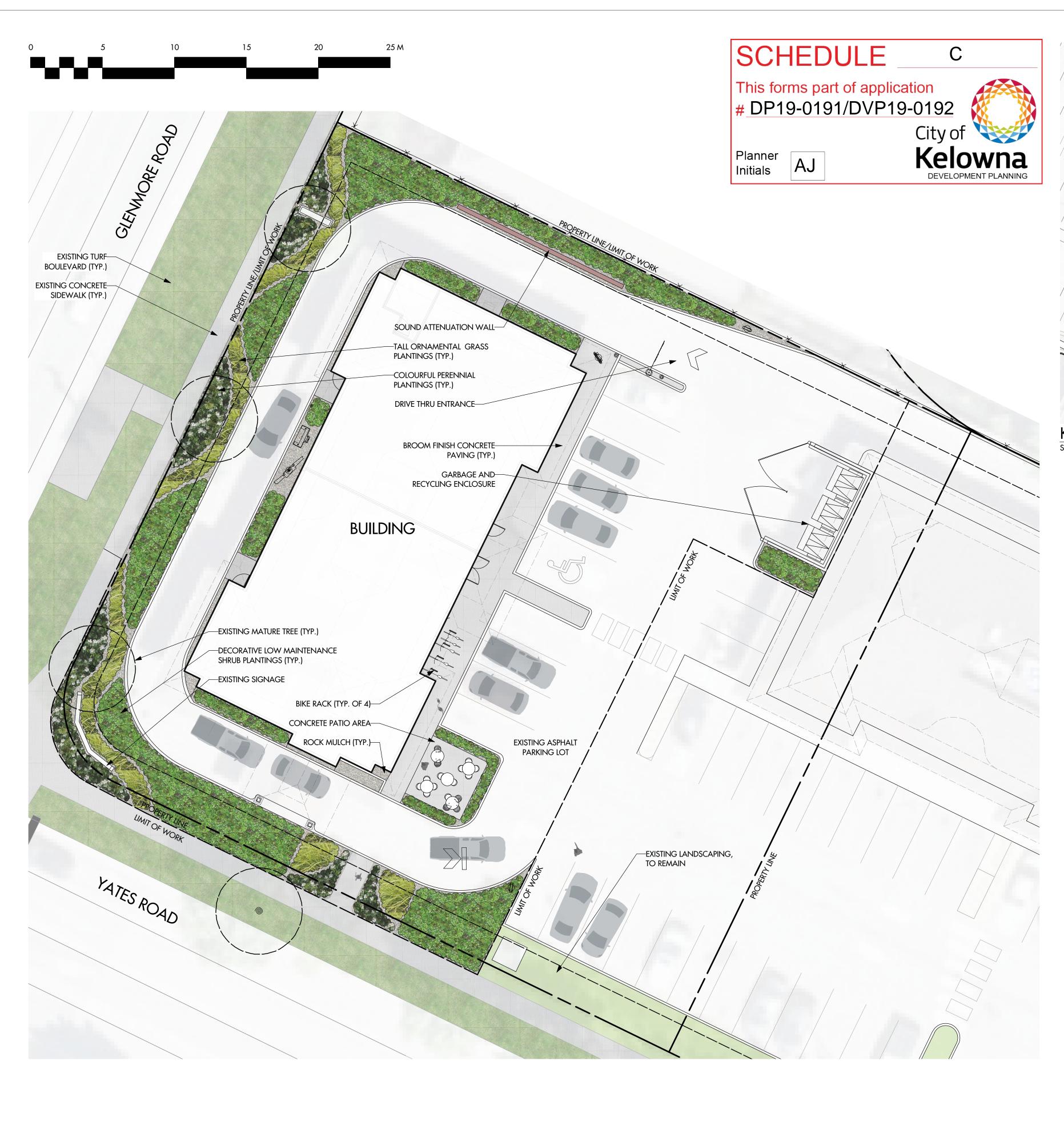


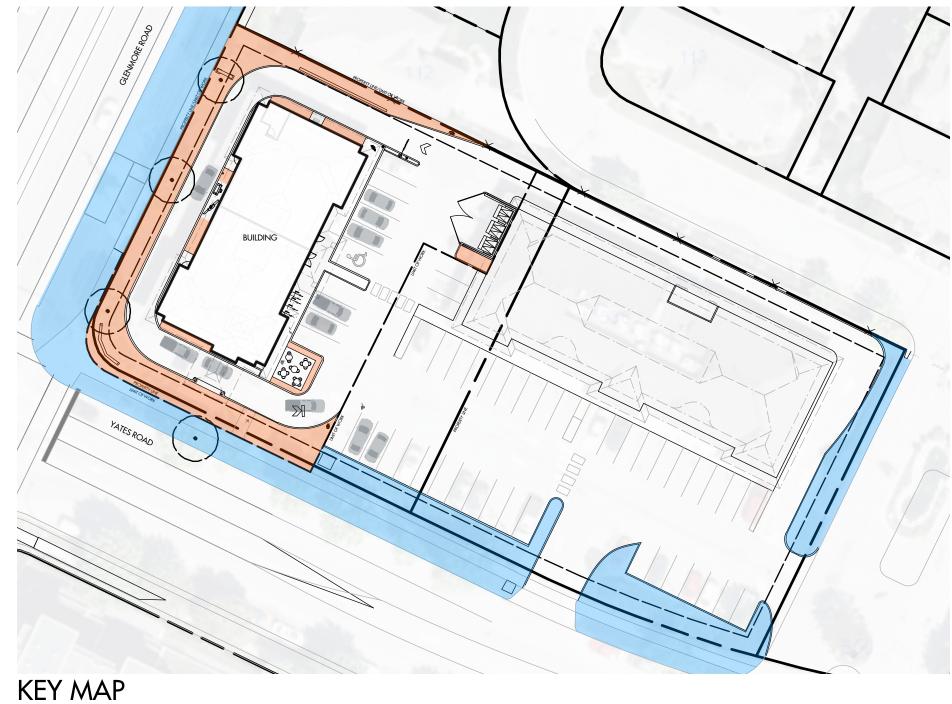
420 - 745 THURLOW ST VANCOUVER, BC V6E0C5 TELEPHONE (604) 687:2334

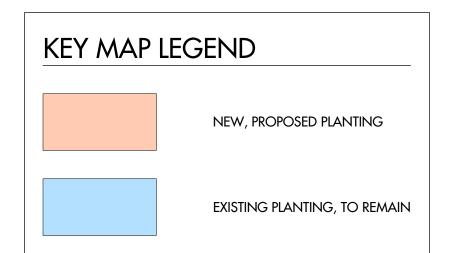
MATERIALS AND FINISHES











# **NOTES**

1. PLANT MATERIAL AND CONSTRUCTION METHODS SHALL MEET OR EXCEED CANADIAN LANDSCAPE NURSERY STANDARD, ALL OFFSITE WORKS TO MEET THE REQUIREMENTS OF THE CITY OF KELOWNA BYLAW 7900.

2. ALL PLANTING DENOTED WITHIN LIMIT OF WORK LINE IS NEW PLANT MATERIAL. MATERIAL OUTSIDE OF THE LIMIT OF WORK LINE IS EXISTING AND TO REMAIN.

3. ALL SOFT LANDSCAPE AREAS SHALL BE WATERED BY A FULLY AUTOMATIC TIMED UNDERGROUND IRRIGATION SYSTEM.

4. TREE AND SHRUB BEDS TO BE DRESSED IN A MINIMUM 75mm WOOD MULCH. LANDSCAPE FABRIC IS NOT TO BE PLACED UNDERNEATH TREE AND SHRUB BEDS.

5. TREE AND SHRUB BEDS TO RECEIVE A MINIMUM 300mm DEPTH TOPSOIL PLACEMENT.

6. SITE GRADING AND DRAINAGE WILL ENSURE THAT ALL STRUCTURES HAVE POSITIVE DRAINAGE AND THAT NO WATER OR LOOSE IMPEDIMENTS WILL BE DISCHARGED FROM THE LOT ONTO ADJACENT PUBLIC, COMMON, OR PRIVATE PROPERTIES.

# **PLANT LIST**

## **BOTANICAL NAME**

# SHRUBS

BERBERIS THUNBERGII 'MONOMB' BUXUS 'GREEN MOUNTAIN' CORNUS SERICEA 'SILVER & GOLD' CORNUS STOLONIFERA 'FARROW' PHYSOCARPUS OPULIFOLIUS 'DART'S GOLD' PINUS SYLVESTRIS 'GLAUCA NANA'

## PERENNIALS & GRASSES

CALAMAGROSTIS ACUTIFLORA 'KARL FOERSTER' EUPATORIUM DUBIUM 'LITTLE JOE' MISCANTHUS SINENSIS 'GRACILLIMUS' NEPETA X FAASSENII 'WALKER'S LOW' PEROVSKIA ATRIPLICIFOLIA SCHIZACHYRIUM SCOPARIUM 'PRAIRIE BLUES'

## COMMON NAME

CHERRY BOMB BARBERRY

SEDUM SPECTABILE 'AUTUMN JOY'

GREEN MOUNTAIN BOXWOOD SILVER & GOLD DOGWOOD ARCTIC FIRE DOGWOOD DART'S GOLD NINEBARK DWARF BLUE SCOTCH PINE

LITTLE JOE DWARF JOE PYE MAIDEN GRASS RUSSIAN SAGE LITTLE BLUESTEM

21 #02 CONT. / 1.0M O.C. SPACING #05 CONT. /1.0M O.C. SPACING #02 CONT. /2.0M O.C. SPACING 21 #02 CONT. /1.0M O.C. SPACING 12 #02 CONT. /1.5M O.C. SPACING 9 #02 CONT. /1.8M O.C. SPACING

QTY SIZE/SPACING & REMARKS

38 #01 CONT. /0.75M O.C. SPACING

# KARL FOERSTER FEATHER REED GRASS

25 #01 CONT. /1.0M O.C. SPACING 21 #01 CONT. /1.0M O.C. SPACING 26 #01 CONT. /0.9M O.C. SPACING WALKER'S LOW CATMINT 20 #01 CONT. /1.2M O.C. SPACING 59 #01 CONT. /0.6M O.C. SPACING 59 #01 CONT. /0.6M O.C. SPACING AUTUMN JOY STONECROP

# OUTLAND DESIGN LANDSCAPE ARCHITECTURE

303 - 590 KLO Road Kelowna, BC V1Y 7S2 T (250) 868-9270 www.outlanddesign.ca



PROJECT TITLE

# SANDALWOOD PLAZA **532-538 YATES ROAD**

Kelowna, BC

DRAWING TITLE

ISSUED FOR / REVISION

# CONCEPTUAL LANDSCAPE PLAN

1 19.10.02 19.11.20 Delevopment Permit

PROJECT NO	19-100
DESIGN BY	KM
DRAWN BY	MC
CHECKED BY	FB
DATE	NOV. 20, 2019
SCALE	1:150
PAGE SIZE	24"x36"



DRAWING NUMBER

## **ISSUED FOR REVIEW ONLY**

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DP19-0191 December 2, 2019

#### **DEVELOPMENT PERMIT GUIDELINES**

#### Comprehensive Development Permit Area

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

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Authenticity and Regional Expression		•	•
Do landscaping and building form convey a character that is distinct to Kelowna and the Central Okanagan?	✓		
Are materials in keeping with the character of the region?	<b>✓</b>		
Are colours used common in the region's natural landscape?	<b>~</b>		
Does the design provide for a transition between the indoors and outdoors?	<b>~</b>		
Context		•	•
Does the proposal maintain the established or envisioned architectural character of the neighbourhood?	✓		
Does interim development consider neighbouring properties designated for more intensive development?			✓
Are façade treatments facing residential areas attractive and context sensitive?	✓		
Are architectural elements aligned from one building to the next?	✓		
For exterior changes, is the original character of the building respected and enhanced?	✓		
Is the design unique without visually dominating neighbouring buildings?	✓		
For developments with multiple buildings, is there a sense of architectural unity and cohesiveness?	✓		
Relationship to the Street			
Do buildings create the desired streetscape rhythm?	<b>✓</b>		
Are parkade entrances located at grade?			✓
For buildings with multiple street frontages, is equal emphasis given to each frontage?	✓		
Massing and Height			
Does the design mitigate the actual and perceived mass of buildings?	✓		
Does the height consider shading and view impacts for neighbouring properties and transition to less intensive areas?			✓
Human Scale		Т	1
Are architectural elements scaled for pedestrians?	<b>✓</b>		
Are façades articulated with indentations and projections?	✓		

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Are top, middle and bottom building elements distinguished?	✓		
Do proposed buildings have an identifiable base, middle and top?	✓		
Are building facades designed with a balance of vertical and horizontal proportions?	<b>✓</b>		
Are horizontal glazed areas divided into vertically proportioned windows separated by mullions or building structures?	✓		
Does the design incorporate roof overhangs and the use of awnings, louvers, canopies and other window screening techniques?	✓		
Is the visual impact of enclosed elevator shafts reduced through architectural treatments?			<b>✓</b>
Exterior Elevations and Materials			
Are buildings finished with materials that are natural, local, durable and appropriate to the character of the development?	<b>✓</b>		
Are entrances visually prominent, accessible and recognizable?	✓		
Are higher quality materials continued around building corners or edges that are visible to the public?		✓	
Are a variety of materials used to create contrast, enhance the pedestrian environment and reduce the apparent mass of a building?	<b>✓</b>		
Are elements other than colour used as the dominant feature of a building?	✓		
Public and Private Open Space			
Does public open space promote interaction and movement through the site?	✓		
Are public and private open spaces oriented to take advantage of and protect from the elements?	✓		
Is there an appropriate transition between public and private open spaces?			✓
Are amenities such as benches, garbage receptacles, bicycle stands and community notice boards included on site?	✓		
Site Access		T	
Is the safe and convenient movement of pedestrians prioritized?	✓		
Are alternative and active modes of transportation supported through the site design?	<b>✓</b>		
Are identifiable and well-lit pathways provided to front entrances?	✓		
Do paved surfaces provide visual interest?	<b>✓</b>		
Is parking located behind or inside buildings, or below grade?		✓	
Are large expanses of parking separated by landscaping or buildings?	<b>✓</b>		

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Do vehicle and service accesses have minimal impact on the streetscape and public views?	✓		
Is visible and secure bicycle parking provided in new parking structures and parking lots?	✓		
Environmental Design and Green Building			
Does the proposal consider solar gain and exposure?	✓		
Are green walls or shade trees incorporated in the design?	✓		
Does the site layout minimize stormwater runoff?		✓	
Are sustainable construction methods and materials used in the project?		✓	
Are green building strategies incorporated into the design?		✓	
Decks, Balconies, Rooftops and Common Outdoor Amenity Space			
Are decks, balconies or common outdoor amenity spaces provided?	<b>✓</b>		
Does hard and soft landscaping enhance the usability of decks, balconies and outdoor amenity spaces?	✓		
Are large flat expanses of roof enhanced with texture, colour or landscaping			<b>✓</b>
where they are visible from above or adjacent properties?  Amenities, Ancillary Services and Utilities			
Are loading, garage, storage, utility and other ancillary services located away		<b>√</b>	
from public view?		•	
Are vents, mechanical rooms / equipment and elevator penthouses integrated with the roof or screened with finishes compatible with the building's design?			✓
Landscape Development and Irrigation Water Conservation			
Does landscaping:	-	-	-
Compliment and soften the building's architectural features and mitigate	<b>√</b>		
<ul> <li>undesirable elements?</li> <li>Maintain the dominant pattern of landscaping along the street and surrounding properties?</li> </ul>	✓		
Enhance the pedestrian environment and the sense of personal safety?	<b>✓</b>		
<ul> <li>Screen parking areas, mechanical functions, and garbage and recycling areas?</li> </ul>	<b>✓</b>		
Respect required sightlines from roadways and enhance public views?	<b>✓</b>		
Retain existing healthy mature trees and vegetation?	<b>✓</b>		
Use native plants that are drought tolerant?	<b>✓</b>		
Define distinct private outdoor space for all ground-level dwellings?			✓
Do any fences and retaining walls create visual interest and enhance the pedestrian environment?			✓

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Do parking lots have one shade tree per four parking stalls?		✓	
Does the Landscape Architect's Landscape Water Conservation Report:	-	-	-
<ul> <li>Meet the requirements for Landscape Water Budget calculations for the landscaped area?</li> </ul>	✓		
Indicate how the development complies with or varies from the     Landscape Water Conservation Guidelines?  A March 1997 1997 1997 1997 1997 1997 1997 199	✓		
Landscape Water Conservation Guidelines  Are plants grouped into "hydro-zones" of high, medium and low or unirrigated / unwatered areas?	✓		
Does at least 25% of the total landscaped area require no irrigation / watering?		✓	
Does at least 25% of the total landscaped area require low water use?	✓		
Does at most 50% of the total landscaped area require medium or high water use?	✓		
Is mulch cover provided for shrubs and groundcover to reduce soil evaporation?	<b>✓</b>		
Do water features such as pools and fountains use recirculated water systems?			✓
Do landscape installation standards meet the requirements of the BC Landscape Standard and / or the Master Municipal Construction Document?	✓		
Are the required written declarations signed by a qualified Landscape Architect?	✓		
Irrigation System Guidelines			
Is the Irrigation Plan prepared by a Qualified Professional?	✓		
Are irrigation circuits grouped into "hydro-zones" of high, medium and low or unirrigated / unwatered areas consistent with the landscaping plan?	✓		
Is drip or low volume irrigation used?	✓		
Are the required written declarations signed by a qualified Certified Irrigation Designer?		<b>√</b>	
Crime prevention			
Are CPTED practices as related to landscaping, siting, form and exterior design included in the design?	✓		
Are building materials vandalism resistant?		✓	
Universal Accessible Design			
Is access for persons with disabilities integrated into the overall site plan and clearly visible from the principal entrance?	✓		
Are the site layout, services and amenities easy to understand and navigate?	✓		
Signs		ı	1
Do signs contribute to the overall quality and character of the development?	✓		

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Is signage design consistent with the appearance and scale of the building?	✓		
Are signs located and scaled to be easily read by pedestrians?	✓		
For culturally significant buildings, is the signage inspired by historical influences?			✓





architects Itd.

420 - 745 THURLOW ST VANCOUVER, BC V6E0C5 TELEPHONE (604)687:2334

EXTERIOR RENDERINGS

scale AS NOTED drawn DK checked AV





2 EXTERIOR RENDERING 2
A3.2C SCALE: N.T.S.







4 EXTERIOR RENDERING 4
A3.2C SCALE: N.T.S.

3 EXTERIOR RENDERING 3
A3.2C SCALE: N.T.S.

# REPORT TO COUNCIL



Date: January 21<sup>st</sup>, 2020

To: Council

From: City Manager

**Department:** Development Planning (TC)

Address: 345 Francis Avenue Applicant: Heather Martin

**Subject:** Development Variance Permit

**Existing OCP Designation:** Single/Two Unit Residential (S2RES)

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

#### 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0194 for Lot 1, District Lot 14 Osoyoos Division Yale District Plan KAP70822, located at 345 Francis Avenue, Kelowna, BC;

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

#### Section 13.1.6(e): RU1- Large Lot Housing- Development Regulations

To vary the required minimum rear yard setback from 4.5 m permitted to 2.0 m proposed;

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

#### 2.0 Purpose

To vary the minimum rear yard setback from 4.5 m permitted to 2.0 m proposed on the subject property to facilitate construction of a single detached house.

#### 3.0 Development Planning

Development Planning staff support the Development Variance Permit for the rear yard setback. The applicant is seeking a variance to reduce the rear yard setback from 4.5 m to 2.0 m on the south property line. The subject property has access off Francis Avenue to the north, on the long side of the property, and the house is oriented west, facing Okanagan Lake. Although the south property line is considered the rear yard, it functions more like a side yard and abuts the side yard of the adjacent property. This unique site orientation

is the reason for the requested variance, and staff do not anticipate negative impacts on the adjacent property.

#### 4.0 Proposal

#### 4.1 Project Description

The proposal is to vary the rear yard setback on the south property line from 4.5 m required to 2.0 m proposed. The variance is to accommodate the construction of a new two-storey house with a secondary suite. The existing house will be demolished, and a new house constructed. The proposed house has been designed with no windows or balconies directly adjacent to the existing house to the south to help with any potential privacy concerns.

#### 4.2 Site Context

The subject property is zoned RU1 and has a future land designation of S2RES – Single / Two Unit Residential. The property is located on Francis Avenue, near the intersection with Abbott Street. The property is oriented towards the Okanagan Lake, however the property is technically not lakefront, as the city owns the adjacent lakefront property. The surrounding area is characterized by single family residential development.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6- Two Dwelling Housing	Two Unit Dwelling (Duplex)
East	RU1- Large Lot Housing	Single Unit Dwelling
South	RU1- Large Lot Housing	Single Unit Dwelling
West	RU1- Large Lot Housing	City-Owned Beach Property



### 4.3 Zoning Analysis Table

Zoning Analysis Table				
CRITERIA	RU-1 ZONE REQUIREMENTS	PROPOSAL		
E	xisting Lot/Subdivision Regulations	5		
Min. Lot Area	550 m²	1,145.4 m²		
Min. Lot Width	30.0 m	47-58 m		
Min. Lot Depth	30.0 m	21.5 M		
	Development Regulations			
Max. Floor Area Ratio	0.8	0.43		
Max. Site Coverage (buildings)	40%	27.2%		
Max. Site Coverage (buildings, parking, driveways)	50.0%	33.5%		
Max. Height	9.5 m	7 m		
Min. Front Yard	4.5 m	4.5 m		
Min. Side Yard (east)	2.0 M	3.0 m		
Min. Side Yard (west)	2.0 M	19.5 m		
Min. Rear Yard	4.5 m	<b>0</b> 2.0 m		
● Indicates a requested variance to section 13.1.56(e) rear yard setbacks.				

# 5.0 Application Chronology

Date of Application Received: October 10<sup>th</sup>, 2019
Date Public Consultation Completed: November 12<sup>th</sup>, 2019

**Report prepared by:** Tyler Caswell, Planner I

**Reviewed by:** Laura Bentley, Urban Planning & Development Policy Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

#### Attachments:

Attachment A: Draft Development Permit DVP19-0194



# Development Variance Permit DVP19-0194



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

345 Francis Ave

and legally known as

Lot 1 District Lot 14 ODYD Plan KA70822

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

#### Large Lot Housing

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

<u>Date of Council Decision</u> January 21, 2020

Decision By: COUNCIL

Existing Zone: RU1- Large Lot Housing

Future Land Use Designation: Single/Two Unit Residential (S2RES)

# 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:	Heather Martin			
Applicant:	Heather Martin			
erry Barton		Ī	Date	

Terry Barton
Community Planning Department Manager
Planning & Development Services

#### 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

That variance to the following section of the Zoning Bylaw No. 8000 be granted in accordance with Schedule "A":

#### Section 13.1.6(e): RU1- Large Lot Housing- Development Regulations

To vary the required minimum rear yard setback from 4.5 m permitted to 2.0 m proposed.

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

#### 3. PERFORMANCE SECURITY

Not Required

#### 5. INDEMNIFICATION

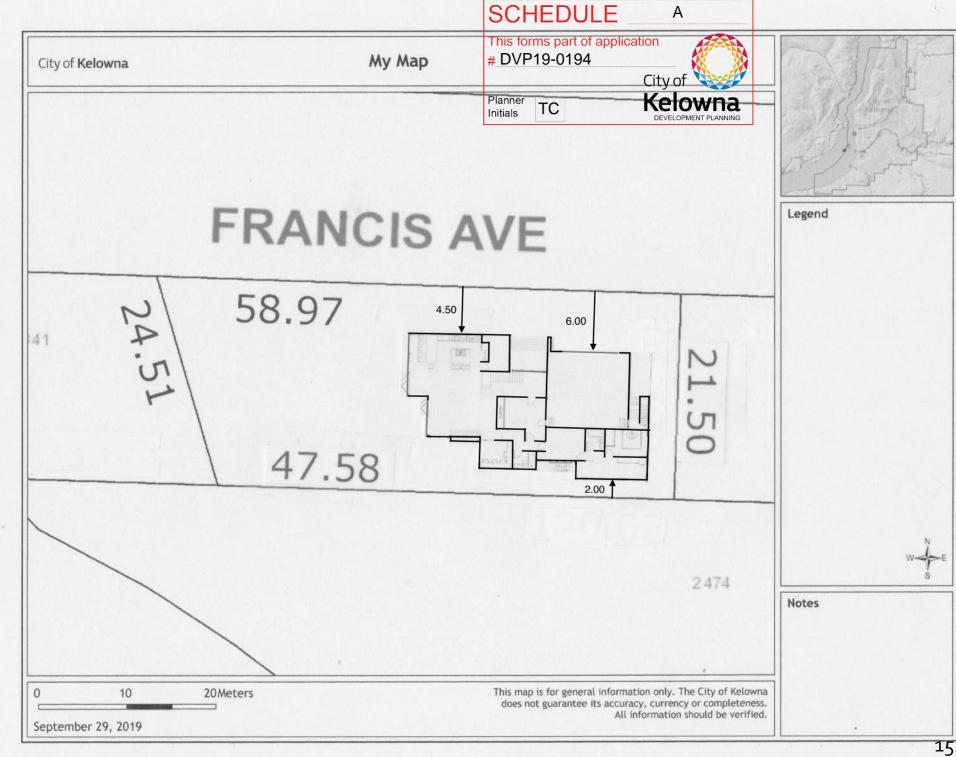
Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

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 <u>CURRENT LAND OWNER</u>.

Security shall <u>ONLY</u> be returned to the signatory of the Landscape Agreement or their designates.



# REPORT TO COUNCIL



Date: January 21<sup>st</sup>, 2020

To: Council

From: City Manager

**Department:** Development Planning (TC)

Address: 3596 Lakeshore Road Applicant: Bill Frame (Frame Custom

Homes Ltd.)

**Subject:** Development Variance Permit

**Existing OCP Designation:** Single/Two Unit Residential (S2RES)

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

#### 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0207 for Lot A, District Lot 134, Osoyoos Division Yale District, Plan 15007, located at 3596 Lakeshore Road, Kelowna, BC;

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

#### Section 6.11.1: Okanagan Lake Sight Lines

To vary the Okanagan Lake Sight Line regulation from 60 degrees permitted to 38 degrees proposed along the north side;

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

#### 2.0 Purpose

To consider a Development Variance Permit to vary the Okanagan Lake Sight Line regulation from 60 degrees required to 38 degrees proposed along the north side.

#### 3.0 Development Planning

Development Planning is recommending support for the requested variance to the Okanagan Lake Sight Line regulations. The applicant is seeking to reduce the Okanagan Lake Sight Line requirements from 60 degrees to 38 degrees on the north property line. The applicant is proposing to demolish the existing house and build a new one farther back from the lake, improving the sight line compared to the location of the

existing house. If Council approves the application, before the Development Variance Permit can be issued, restrictive covenants must be registered on title to prohibit construction and disturbance along the Okanagan Lake foreshore.

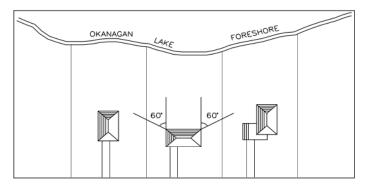


Diagram 6.2: Okanagan Lake 120° Panoramic Sight Line

#### 4.0 Proposal

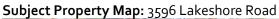
#### 4.1 <u>Project Description</u>

The proposal is to vary the Okanagan Lake Sight Line from 60 degrees permitted to 38 degrees proposed on the north property line. The variance is to accommodate the construction of a new two-storey house. The existing house will be demolished, and the new foundation will be farther away from the lake.

#### 4.2 Site Context

The subject property is zoned RU1 – Large Lot Housing and has a future land designation of S2RES – Single/Two Unit Residential. The property is located on Lakeshore Road near the intersection with Bechard Road. The property is on the lakefront between Boyce-Gyro Beach Park and Rotary Beach Park. Much of the surrounding neighbourhood is zoned RU1. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single-Family Dwelling
East	RU1 – Large Lot Housing	Lakeshore Rd & Single-Family Dwelling
South	RU1 – Large Lot Housing	Single-Family Dwelling
West	W1 – Recreational Water Use	Okanagan Lake





#### 4.3 Zoning Analysis Table

Zoning Analysis Table					
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL			
	existing Lot/Subdivision Regulations	5			
Min. Lot Area	500m²	980.97m²			
Min. Lot Width	16.5m	18.71m			
Min. Lot Depth	30.om	52.43M			
	Development Regulations				
Max. Site Coverage (buildings)	40%	21.67%			
Max. Height	9.5m	8m			
Min. Front Yard	6m	15.56m			
Min. Side Yard (south)	2.3m	2.08m			
Min. Side Yard (north)	2.3M	2.12M			
Min. Rear Yard	7.5m	37.74m			
Other Regulations					
Min. Okanagan Lake Sightlines	60°	38° <b>0</b>			
• Indicates a requested variance to section 6.12	● Indicates a requested variance to section 6.11.1 Okanagan Lake Sightlines.				

# 5.0 Application Chronology

Date of Application Received: October 18<sup>th</sup>, 2019
Date Public Consultation Completed: December 9<sup>th</sup>, 2019

**Report prepared by:** Tyler Caswell, Planner I

Reviewed by:

Laura Bentley, Urban Planning & Development Policy Manager
Approved for Inclusion:
Terry Barton, Development Planning Department Manager

#### Attachments:

Attachment A: Draft Development Permit DVP19-0207



# Development Permit & Development Variance Permit DVP19-0207

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

3596 Lakeshore Road

and legally known as

Lot A, District Lot 134, ODYD Plan 15007

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

#### **Large Lot Housing**

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

<u>Date of Council Decision</u> January 21, 2020

Decision By: COUNCIL

Existing Zone: RU1 – Large Lot Housing

Future Land Use Designation: Single/Two Unit Residential (S2RES)

# 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: Bob & Wendy Pollock

Applicant: Bill Frame (Frame Custom Homes Ltd.)

\_\_\_\_\_

Terry Barton
Community Planning Department Manager
Planning & Development Services

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

That variance to the following section of the Zoning Bylaw No. 8000 be granted in accordance to Schedule "A"

#### Section 6.11.1: Okanagan Lake Sight Lines

To vary the Okanagan Lake Sight Line regulation from 60 degrees permitted to 38 degrees proposed along the north side;

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

#### 3. PERFORMANCE SECURITY

Not Required

#### 5. 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 <u>CURRENT LAND OWNER</u>.

Security shall <u>ONLY</u> be returned to the signatory of the Landscape Agreement or their designates.

