

# City of Kelowna

## Regular Council Meeting

### AGENDA



Tuesday, June 28, 2016  
6:00 pm  
Council Chamber  
City Hall, 1435 Water Street

#### Pages

1. **Call to Order**
2. **Reaffirmation of Oath of Office**  
The Oath of Office will be read by Councillor Stack.
3. **Confirmation of Minutes** 1 - 7  
Public Hearing - June 14, 2016  
Regular Meeting - June 14, 2016
4. **Bylaws Considered at Public Hearing**
  - 4.1 **564 Coryell Road, BL11254 (Z16-0012) - Andrew Pilarski** 8 - 8  
To give Bylaw No. 11254 second and third readings in order to rezone the subject property to facilitate a two dwelling housing zone on the property.
5. **Notification of Meeting**  
The City Clerk will provide information as to how the following items on the Agenda were publicized.
6. **Development Permit and Development Variance Permit Reports**
  - 6.1 **1281 Highway 33 East, DP16-0071 & DVP16-0072 - Judston & Karen Wickwire** 9 - 27  
City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.  
  
To vary the allowable size of the upper floor area of and to consider the form and character of a carriage house on the subject property.

**6.2 925 Leon Avenue, DP16-0074 & DVP16-0075 - Boardwalk Housing Corp.**

28 - 59

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

To consider a Development Permit for a 5 storey mixed use building that includes 192 residential units and 2 commercial retail units and to consider a Development Variance Permit for setback reductions, a site coverage reduction, and parking configuration relaxations.

### 6.3 2486 Hwy 97 N, DP16-0001 & DVP16-0002 - Kelowna Hwy 97/33 Holdings Ltd.

60 - 81

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

To consider a Development Permit and a Development Variance Permit for the construction of a Six storey Hotel and commercial units.

**6.4 477 Christleton Avenue, DP16-0029/DVP16-0030 - Legault Enterprises Ltd.**

82 - 109

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

To consider two side yard variances and the form and character of two single family dwellings.

## 7. Reminders

## 8. Termination





## City of Kelowna

### Public Hearing

### Minutes

Date: Tuesday, June 14, 2016  
 Location: Council Chamber  
 City Hall, 1435 Water Street

Members Present: Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben and Mohini Singh

Members Absent: Councillor Luke Stack

Staff Present: Acting City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton; Council Recording Secretary, Arlene McClelland

(\* Denotes partial attendance)

#### 1. Call to Order

Mayor Basran called the Hearing to order at 6:03 p.m.

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

#### 2. Notification of Meeting

The City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on May 31, 2016 and by being placed in the Kelowna Capital News issues on Friday, June 3 and Wednesday, June 8, 2016 and by sending out or otherwise delivering 71 statutory notices to the owners and occupiers of surrounding properties, and 512 informational notices to residents in the same postal delivery route, between May 31 and June 3, 2016.

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

### 3. Individual Bylaw Submissions

#### 3.1 731 Royal Pine Drive, Z16-0013 - Richard & Jennifer Sutton

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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

**Letters of Concern/Opposition:**

Lori Renwick, Royal Pine Drive

Dave Green and Debbie Francis, Royal Pine Drive

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

Mario Emond, Center Construction Ltd., Applicant Representative

- Advised that the intent of the application is for a pool house conversion into a carriage house.
- Spoke to the rezoning and noted that it's an opportunity to fix all non-compliant issues currently existing.

No one from the gallery came forward.

There were no further comments.

#### 3.2 2420 Abbott Street, Z16-0014 - Stephani Buckal

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence or petitions had been received.

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

Myles Bruckal, Applicant

- Present and available to answer any questions.

No one from the gallery came forward.

There were no further comments.

### 4. Termination

The Hearing was declared terminated at 6:17 p.m.

\_\_\_\_\_  
Mayor

/acm

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



## City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, June 14, 2016

Location: Council Chamber  
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben and Mohini Singh

Members Absent Councillor Luke Stack

Staff Present Acting City Manager, Doug Gilchrist, City Clerk, Stephen Fleming, Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton; Suburban & Rural Planning Manager, Todd Cashin\*; Planner, Tracey Yuzik\*; Council Recording Secretary, Arlene McClelland

(\* Denotes partial attendance)

### 1. Call to Order

Mayor Basran called the meeting to order at 6:18 p.m.

### 2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Singh.

### 3. Confirmation of Minutes

Moved By Councillor DeHart/Seconded By Councillor Gray

R492/16/06/14 THAT the Minutes of the Public Hearing and Regular Meeting of May 31, 2016 be confirmed as circulated.

Carried

### 4. Bylaws Considered at Public Hearing

4.1 731 Royal Pine Drive, BL11248 (Z16-0013) - Richard & Jennifer Sutton

Moved By Councillor Hodge/Seconded By Councillor Gray

R493/16/06/14 THAT Bylaw No. 11248 be read a second and third time.

Carried

1



**4.2 2420 Abbott Street, BL11252 (Z16-0014) - Stephani Bruckal**

Moved By Councillor Donn/Seconded By Councillor Hodge

**R494/16/06/14** THAT Bylaw No. 11252 be read a second and third time.

**Carried**

**5. Notification of Meeting**

The City Clerk advised that Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise delivering 49 statutory notices to the owners and occupiers of surrounding properties, and 4865 informational notices to residents in the same postal delivery route, between May 31 and June 3, 2016.

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

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

**6.1 610 Peck Road, DVP16-0098 - Arthur & Barbara Schmid**

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence or petitions had been received.

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

Applicant:

- Present and available for questions.

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Hodge

**R495/16/06/14** THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0098 for Lot 14, District Lot 5196, and of Section 14, Township 26, ODYD, Plan 25160, located at 610 Peck Road, Kelowna, BC;

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

**Section 8.1.9(b): Parking and Loading**

To allow off-street parking to be located in the required front yard on a driveway that does not provide access to a required off-street parking space.

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

**Carried**

**6.2 866 Coronado Crescent, DVP16-0106 - Trevor & Kyla Feddersen**

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence or petitions had been received.

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

Applicant was not present.

No one from the gallery came forward.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Sieben

**R496/16/06/14** THAT Council Authorizes the issuance of Development Variance Permit No. 8000 DVP15-0106 for Lot 24 District Lot 580A SDYD Plan 25407, located at 866 Coronado Crescent;

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

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

To vary the required minimum side yard from 2.3 m permitted to 2.19 m proposed

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

**Carried**

**6.3 2075 KLO Road, BL11188 (TA15-0010) - Amendment to Section 11 - Agricultural Zone**

Moved By Councillor Donn/Seconded By Councillor Gray

**R497/16/06/14** THAT Bylaw No. 11188 be adopted.

**Carried**  
Councillor Gray - Opposed

**6.4 2075 KLO Road, BL11189 (Z15-0045) - Eva Linttell**

Moved By Councillor Singh/Seconded By Councillor DeHart

**R498/16/06/14** THAT Bylaw No. 11189 be adopted.

**Carried**  
Councillor Gray - Opposed

## 6.5 2075 KLO Road, DP16-0110 & DVP15-0191 - Eva M. Linttell

### Staff:

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

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

### Letters of Concern/Opposition:

Randy Folk, Parsons Road  
Friends of Mission Creek Society

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

### Tyler Lintell, Applicant (get PP)

- Displayed a PowerPoint presentation summarizing the application.
- Summarized the farming progress made since the last Public Hearing.
- Spoke to the reasons for the requested variances and noted that the proposed RV location is the best for agriculture as well as minimizes the impact of neighbours and will create the best experience for guests.
- Responded to questions from Council.
- Confirmed there are no substantive changes to what was previously proposed.

### Gallery:

### Carol Drury, Friends of Mission Creek Society

- Made reference to correspondence that had been submitted to Council.
- Displayed photographs that had been included with written submission.
- Raised concern that there is insufficient screening in place for users of the Greenway.
- Patrons of the Greenway will be able to see through the trees to the RV's.
- Raised concern that there could be a loss of trees due to digging for services.
- Raised concern with the RV's located a distance from the house for monitoring inappropriate behavior.

### Jennifer French, North End Resident

- Former resident of the area.
- Raised concern that commercial use will hinder the enjoyment of the Greenway.
- Opposed to commercial uses along the Greenway.

### Tyler Lintell, Applicant

- Advised that 95% of the area where the RV's would be located is blocked by trees. There is a 50 metre riparian area that we are not permitted to go into.
- Confirmed that no trees will be disturbed.
- Confirmed that RV activities will be monitored.

There were no further comments.

### Moved By Councillor Hodge/Seconded By Councillor Singh

**R499/16/06/14** THAT final adoption of Rezoning Bylaw No. 11189 (Z15-0000) and Text Amendment Bylaw No. 11188 (TA15-0000) be considered by Council;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP15-0191 for Lot B District Lot 131 ODYD Plan 39954, located at 2075 KLO Road, Kelowna, BC;

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



**Section 11.1.8.h - Agricultural Zones - Agri-tourist accommodation**

To vary the location of agri-tourist accommodation units from within 30.0 m of the principal dwelling to within 180.0 m of the principal dwelling as shown in Schedule A.

AND THAT Council authorize the issuance of Development Permit No. DP16-0110 for Lot B District Lot 131 ODYD Plan 39954, located at 2075 KLO Road, Kelowna, BC subject to the following:

1. The dimensions and siting of the development on the land be in accordance with Schedule "A" and Schedule "C";
2. Landscaping to be provided on the land be in accordance with Schedule "B";
3. The applicant be required to post with the City a Landscape Performance Security deposit in the amount of 125% of the estimated value of the Required Landscape Buffer and Year 1 Agricultural Plan in accordance with Schedules "A", "B" and "C".

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

Carried  
Councillors Given and Gray - Opposed

**6.6 477 Christleton Avenue, BL11222 (Z16-0007) - Legault Enterprises Ltd.**

Moved By Councillor DeHart/Seconded By Councillor Singh

R500/16/06/14 THAT Bylaw No. 11222 be adopted.

Carried

**6.7 Item To Be Deferred to the June 28, 2016 Meeting - 477 Christleton Avenue, DP16-0029 & DVP16-0030 - Legault Enterprises Ltd.**

Item 6.7 to be deferred to the June 28, 2016 Regular Meeting.

**7. Reminders - Nil.**

**8. Termination**

The meeting was declared terminated at 6:54 p.m.

\_\_\_\_\_  
Mayor

/acm

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

**CITY OF KELOWNA**  
**BYLAW NO. 11254**  
**Z16-0012 - 414225 Alberta Ltd.**  
**564 Coryell Road**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot C, District Lot 167, IDYD Plan 13025, located at 564 Coryell Road, Kelowna, B.C., from the RU1 Large Lot Houseing zone to the RU6 - Two Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 13<sup>th</sup> day of June, 2016.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

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(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk



# REPORT TO COUNCIL



Date: June 28, 2016

RIM No. 0940-00

To: City Manager

From: Community Planning Department (TY)

Application: DVP16-0072 & DP16-0071

Owner: Judston & Karen Wickwire

Address: 1281 Highway 33 East

Applicant: Novation Design Studio

Subject: Development Variance Permit & Development Permit

Existing OCP Designation: REP - Resource Protection Area

Existing Zone: A1C - Agriculture 1 with Carriage House

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0072 for Lot 2 Section 13 Township 26 ODYD Plan 15924 Except Plans 22851, H8383 and KAP88682, located at 1281 Highway 33 East, Kelowna, BC;

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

### Section 9.5b.1(e): Specific Use Regulations - Carriage House Regulations

To vary the size of upper floor area of a carriage house from a maximum of 75% of the building footprint to the 100% of the building footprint as shown on Schedule "A."

AND THAT Council authorizes the issuance of Development Permit No. DP16-0071 for Lot 2 Section 13 Township 26 ODYD Plan 15924 Except Plans 22851, H8383 and KAP88682, located at 1281 Highway 33 East, 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's consideration of this Development Variance Permit and Development Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "C" attached to the Report from the Community Planning Department dated June 28, 2016.

AND THAT Council's consideration of this Development Variance Permit and Development Permit be considered subsequent to the registration of a Right of Way for sewer connection with neighbouring property located at 1301 Lewis Road, Kelowna, BC, in favour of the subject property;

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

## **2.0 Purpose**

To vary the allowable size of the upper floor area of and to consider the form and character of a carriage house on the subject property.

## **3.0 Community Planning**

Community Planning supports the proposed carriage house design along with one variance. The subject property received the "C" designation in 2010, allowing the property owners to design a carriage house. The carriage house must meet Zoning Bylaw No. 8000 regulations, however the unique lot configuration and topography limit design options with regards to an accessory building.

The subject property is unique in that:

- Although within the Agricultural Land Reserve (ALR), Agricultural Land Commission (ALC) restrictions do not apply.

The *Agricultural Land Commission Act*, Section 23 Exceptions states that certain parcels in the province are exempt from ALC acts, regulations, and policies provided that the parcel a) is not in current farm production b) is less than 2 acres/8,094 m<sup>2</sup> and c) has a separate certificate of title was issued on December 21, 1972, outlining that restrictions on the use of agricultural land do not apply.

The property is subject to all other regulating authorities such as municipal zoning, BC Building code etc.

## **4.0 Proposal**

### **4.1 Background**

The subject parcel is located along Highway 33 E. Due to topography and sightlines, this property and the neighbouring property to the south (1287 Hwy 33 E) access HWY 33 E via a service road within the Highway Right-of-Way.

In 2010, the subject property was rezoned from A1 to A1c. A design was brought forth to Community Planning that although does not meet one regulation in Zoning Bylaw No. 8000, is an appropriate location given the topography and layout of the existing driveway and principal dwelling.

The proposed carriage house will be serviced with City of Kelowna Sanitary System via a R.O.W. access from an adjacent residential parcel, 1301 Lewis Road. A right of way will be registered on the neighbouring property, allowing sanitary sewer utilities from the subject parcel to cross the neighbouring property, connecting to City services located along Lewis Road. The sanitary utilities will service both the carriage house and existing principal dwelling. The principal dwelling is currently serviced by an on-site septic system that will be decommissioned.

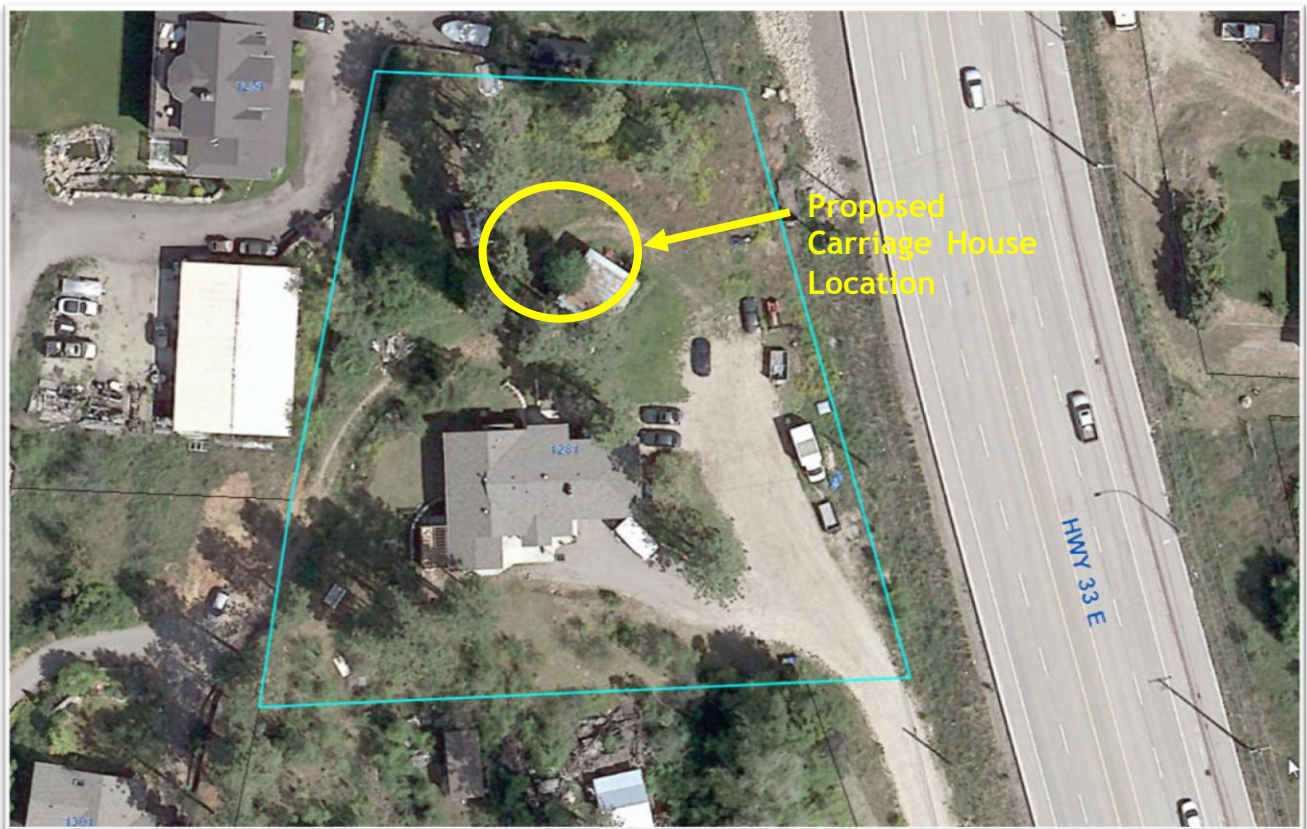
### **4.2 Project Description**

The subject parcel contains on single family dwelling. The applicant is proposing an accessory building designed with an upper and lower storey, constructed into an existing slope on the property. The upper storey of the building, at grade with the high side of the existing slope will contain a two vehicle garage, one single vehicle garage and a carriage house. The lower storey of

the building, at grade with the lower portion of the slope is storage. The lower storey is not to be used as living space for the carriage house as it would create a carriage house with a living area of 169 m<sup>2</sup> which does not comply with Zoning Bylaw No. 8000. The applicant recognizes that should this space be used as living space, immediate fines are applicable until the use is brought back into conformance.

The subject property is not currently serviced by City of Kelowna sanitary sewer services, and is less than 1.0 hectare (2.5 acres). Staff do not support carriage houses on parcels of this size unless they are connected to municipal sanitary services (not relying on on-site septic systems). The applicant has proposed connecting to City sanitary services via an adjacent residential property, (1301 Lewis Road). The applicant is proposing to register a Right of Way over the adjacent parcel in favor of the subject property to accommodate this.

**Existing Conditions: 1281 Hwy 33 E**



#### 4.3 Site Context

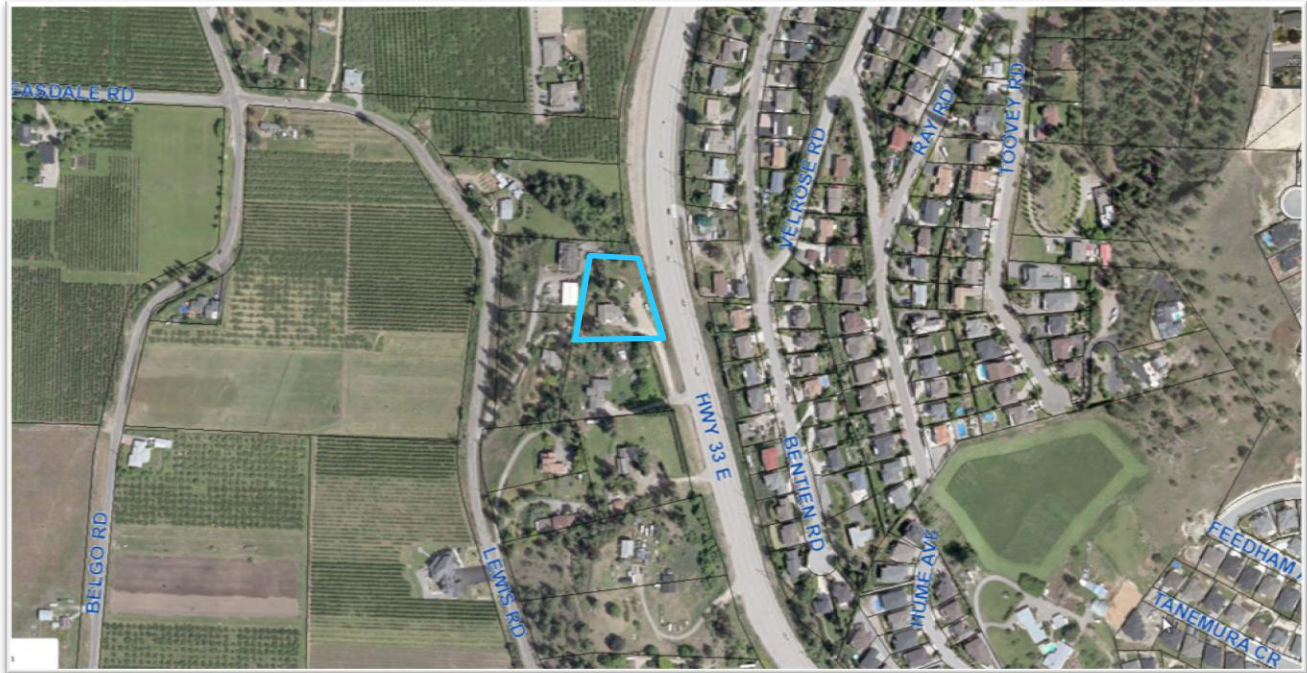
The subject parcel is 1.1 acre in size, located along Highway 33 E in the Belgo-Black Mountain Sector of Kelowna. The property is zoned A1c and is outside of the Permanent Growth Boundary. It is currently serviced with an on-site septic system, water for the property is provided through Black Mountain Irrigation District.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR2, A1	Rural Residential
East	A1c	Rural Residential
South	A1	Rural Residential

West	RR2, RR2c	Rural Residential
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## Neighbourhood Context Map: 1281 Hwy 33 E

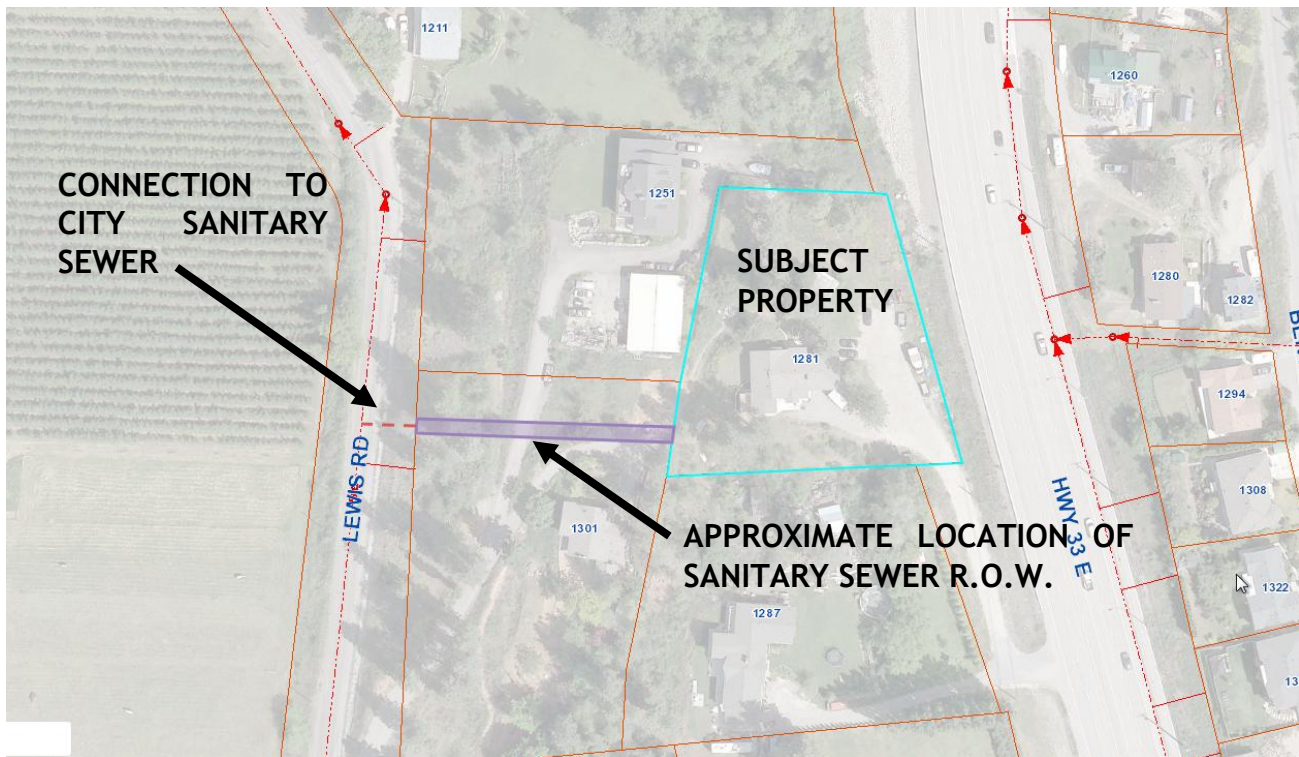


## 4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	A1c ZONE REQUIREMENTS (Carriage House)	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	2.0 ha/5. ac	1.1 ac
Lot Width	40.0 m	71.1 m
Development Regulations		
Site Coverage for Residential development	10%	5%
Carriage House Development Regulations		
Site Coverage of accessory buildings and carriage house	14%	180 m <sup>2</sup> / 4%
Height	6.0 m	5.9 m
Front Yard	Double the Front Yard Setback 12.0 m	12.0 m
Side Yard (north)	3.0 m	16.0 m
Side Yard (south)	3.0 m	45.0 m
Rear Yard	3.0 m	21.0 m
Upper Storey Area	75% of building footprint	100 % of building footprint ❶
❶ Indicates a requested variance to the upper storey area of a carriage house exceeding 75% of the carriage house footprint.		



**Proposed Sanitary Sewer R.O.W.: 1281 Hwy 33 E**



**Technical Comments**

**3.1 Building & Permitting Department**

Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.

The drawings submitted for Building Permit application is to indicate the method of fire separation between the carriage house and the F occupancy basement storage space.

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

**3.2 Development Engineering Department**

See Development Engineering Memorandum dated May 9, 2016.

**4.0 Application Chronology**

Date of Application Received:	March 10, 2016
Date Public Consultation Completed:	April 22, 2016

**Report prepared by:**

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Tracey Yuzik, Planner

**Reviewed by:** Todd Cashin, Subdivision, Suburban and Rural Planning Manager

**Reviewed by:** Ryan Smith, Community Planning Department Manager

**Approved for Inclusion:** Doug Gilchrist, Divisional Director, Community Planning & Real Estate

**Attachments:**

Schedule A - Site Plan & Floor Plans

Schedule B - Elevations

Schedule C - Development Engineering Services Memo

# DEVELOPMENT VARIANCE PERMIT & DEVELOPMENT PERMIT



## APPROVED ISSUANCE OF DEVELOPMENT VARIANCE PERMIT & DEVELOPMENT PERMIT NO. DVP16-0072 & DP16-0071

**Issued To:** Judston & Karen Wickwire  
**Site Address:** 1281 Highway 33 East  
**Legal Description:** Lot 2 Section 13 Township 26 ODYD Plan 159 Except Plans 22851, H8383 and KAP 88682  
**Zoning Classification:** A1C - Agriculture 1 with Carriage House  
**Development Permit Area:** Farm Protection Development Permit Area

### SCOPE OF APPROVAL

This 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 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 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.

### 1. TERMS AND CONDITIONS

THAT Development Variance Permit No. DVP16-0072 for Lot 2 Section 13 Township 26 ODYD Plan 159 Except Plans 22851, H8383 and KAP 88682, located at 1281 HWY 33 E, Kelowna, BC;

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

#### Section 9.5b.1(e): Specific Use Regulations - Carriage House Regulations

To vary the size of upper floor area of a carriage house from a maximum of 75% of the building footprint to the 100% of the building footprint as shown on Schedule "A."

AND THAT Development Permit No. DP16-0071 for Lot 2 Section 13 Township 26 ODYD Plan 159 Except Plans 22851, H8383 and KAP 88682 located at 1281 HWY 33 E, Kelowna, BC to allow the construction of a Carriage House be approved subject to the following:



- 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 Council's consideration of this Development Variance Permit and Development Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "C" attached to the Report from the Community Planning Department dated June 14, 2016.

AND THAT Council's consideration of this Development Variance Permit and Development Permit be considered subsequent to the registration of a Right of Way for sewer connection with neighbouring property located at 1301 Lewis Road, Kelowna, BC, in favour of the subject property;

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

## **2. PERFORMANCE SECURITY**

None required.

## **3. DEVELOPMENT**

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit that shall form a part hereof.

If the Permit Holder does not commence the development permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

**This Permit IS NOT a Building Permit.**

## **4. APPLICANT'S AGREEMENT**

I hereby declare that all of the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree 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 granting to me the said Permit.
- b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of 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.

I further covenant and agree that should I be granted a Development Permit and/or Development Variance Permit, the Municipality may withhold the granting of any Occupancy Permit for the occupancy and / or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Divisional Director of Community Planning & Real Estate.

Should there be any change in ownership or legal description of the property, I undertake to notify the Community Planning Department immediately to avoid any unnecessary delay in processing the application.

**I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.**

Signature of Owner / Authorized Agent

Date

### Print Name in Bold Letters

Telephone No.

## 5. APPROVALS

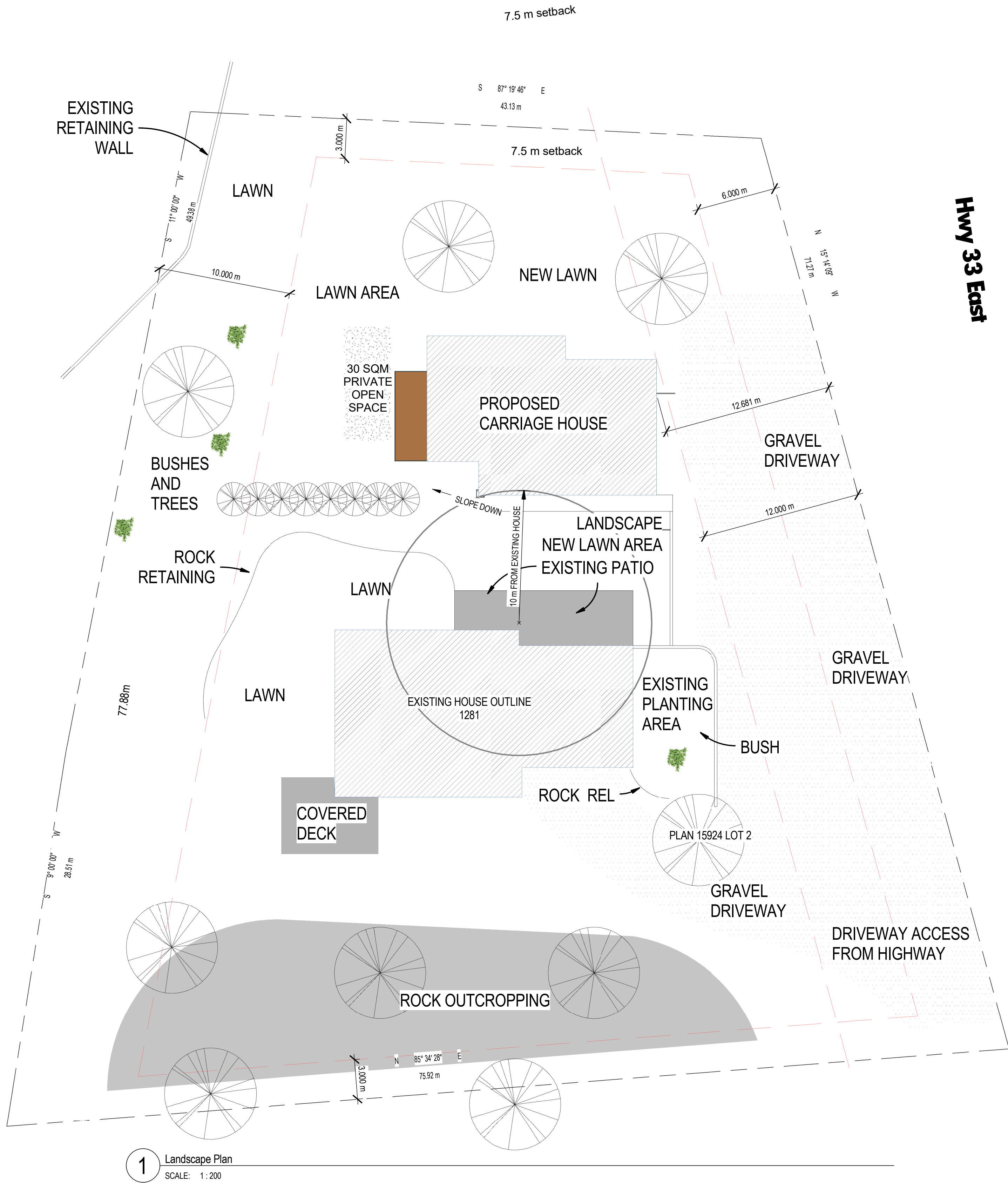
Issued and approved by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Ryan Smith, Community Planning Department Manager  
Community Planning & Real Estate

Date

The PERMIT HOLDER is the CURRENT LAND OWNER.  
Security shall be returned to the PERMIT HOLDER.

SCHEDULE A  
DVP16-0072  
DP16-0071



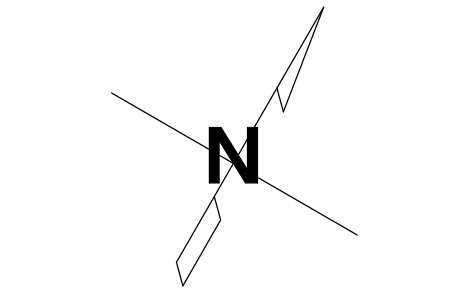
1 Landscape Plan  
SCALE: 1 : 200

Notes:  
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01	20151007	ISSUED FOR DP
no.	date	description
revisions		



101 - 1865 DILWORTH DR. SUITE 520  
KELOWNA BC V1Y 9T1

project title  
WICKWIRE RESIDENCE

1281 HWY 97 East Kelowna, British Columbia  
project no. 1408

drawing title  
LANDSCAPE PLAN

designed	PS	scale	1 : 200
drawn	PS		
checked	Checker		
drawing no.			

A1.02

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SCHEDULE A  
DVP16-0072  
DP16-0071

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WALL ASSEMBLIES

- fc8

EXTERIOR FOUNDATION WALL
- Cf8

EXTERIOR WALL - BASEMENT  
DAMPPROOFING (AS REQUIRED)  
ACRYLIC STUCCO  
3" RIGID INSULATION CI  
8" CONCRETE  
WOOD FRAMING  
1/2" GWB
- W01a

EXTERIOR WALL - SIDING  
BUILDING PAPER  
7/16"PLYWOOD SHEATHING  
2x WOOD STUD LAYER  
R22 BATT INSULATION  
6Mil VAPOUR BARRIER  
1/2" GWB
- W01b

INTERIOR WALL  
1/2" GWB  
2x6 STUD  
1/2" GWB
- W02b

INTERIOR WALL  
1/2" GWB  
2x4 STUDS STUDS  
1/2" GWB

FLOOR ASSEMBLIES

- F1

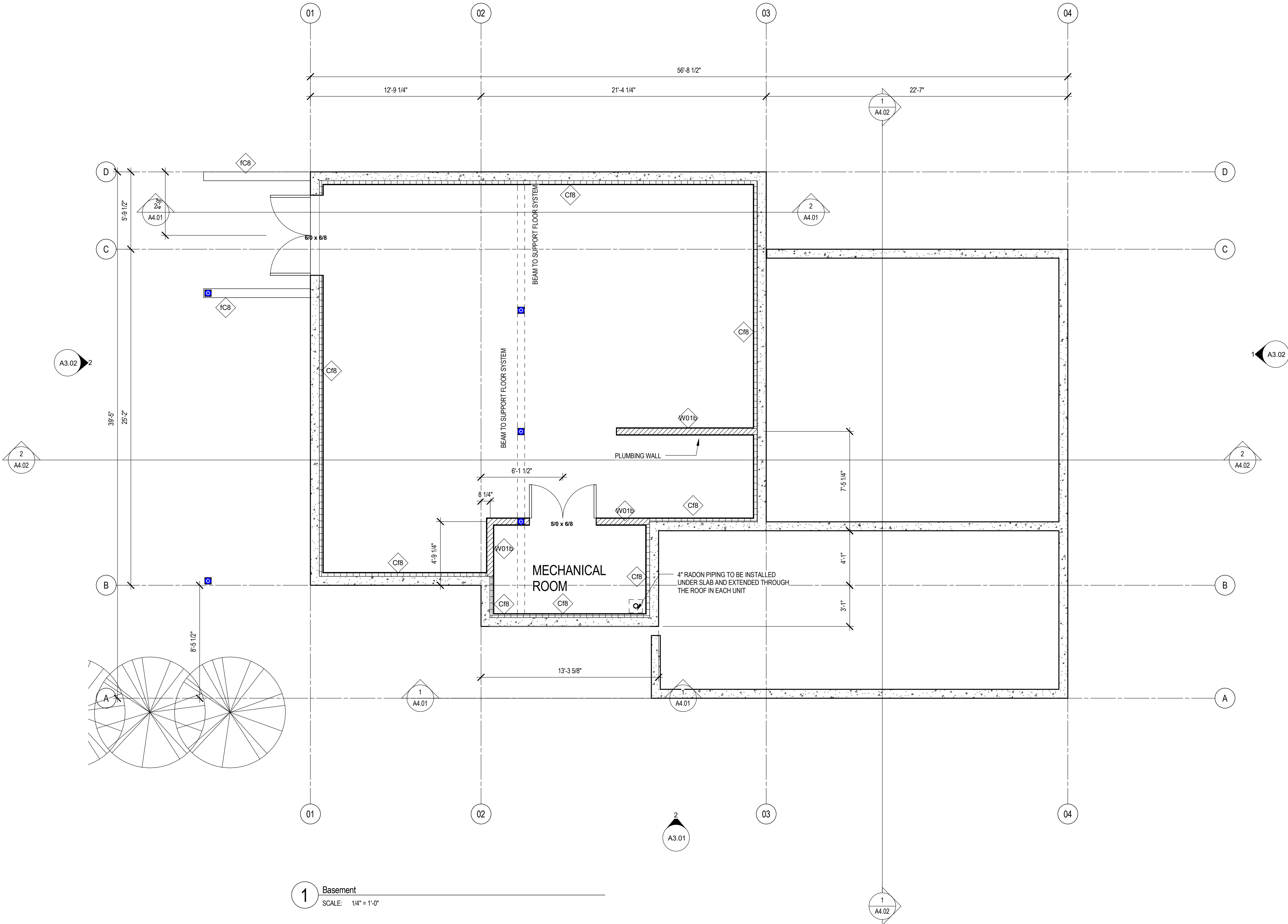
SOG 4" CONCRETE  
RADON BARRIER INSTALL  
STRUCTURAL FILL
- F3

INTERIOR FLOOR  
5/8" PLYWOOD SHEATHING  
11-7/8" TJI  
5/8" TYPE GWB

ROOF ASSEMBLIES

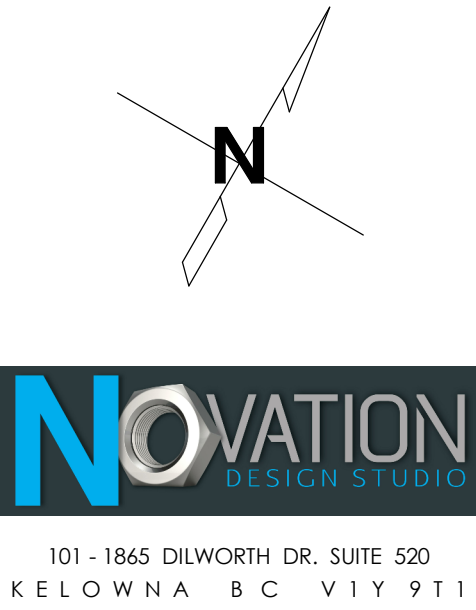
- R1

ROOF 30 YEAR SHINGLES  
2 LAYER 30 LB ROOFING PAPER  
1/2" SHEATHING  
ROOF TRUSS SYSTEM  
R40 INSULATION C/W INSULATION STOPS FOR  
VENT PATH  
60 MIL VAPOUR BARRIER  
1/2" GWB



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03	20150818	ISSUED FOR BUILDING PERMIT
02	20141216	ISSUED FOR BUILDING PERMIT
01	20141210	ISSUED FOR DESIGN REVIEW
no.	date	description
revisions		



project title		
WICKWIRE RESIDENCE		
1281 HWY 97 East Kelowna, British Columbia		
project no. 1408		
drawing title		
BASEMENT FLOOR		
designed	PS	scale As indicated
drawn	PS	
checked	PS	
drawing no.		

A2.02

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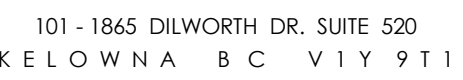
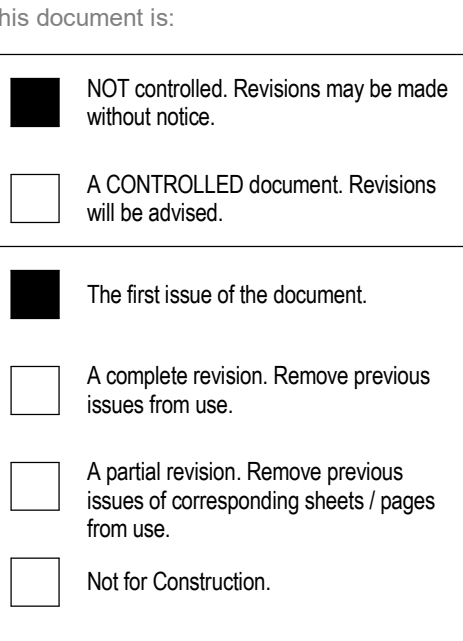
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1281 HWY 97 East Kelowna, British Columbia

project no. 1408

Designed	PS	scale 1/4" = 1'-0"
Drawn	PS	
Checked	PS	
Drawing no.		

2016-03-10 10:38:20 AM





GENERAL NOTES:

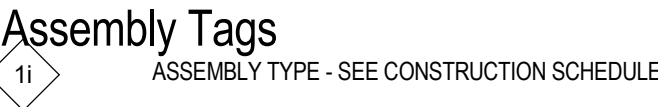
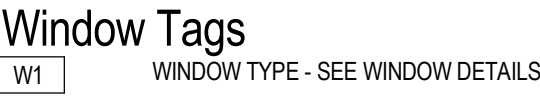
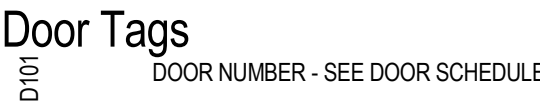
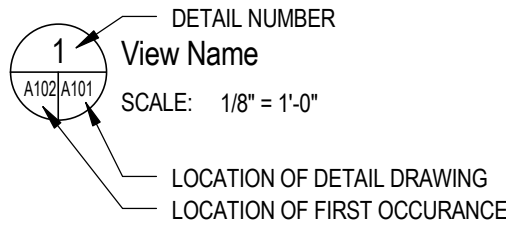
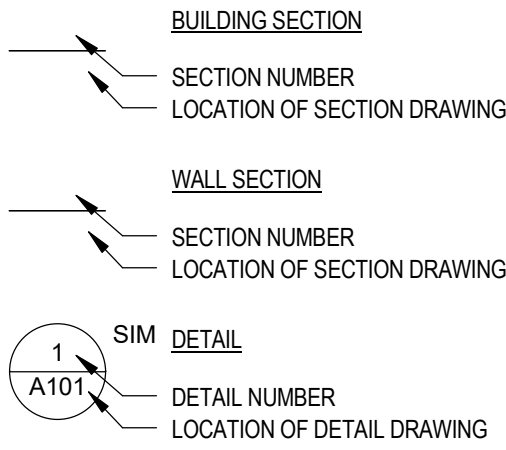
GENERAL

- ALL DIMENSIONS ARE MADE FROM EXTERIOR FACE OF WALL SHEATHING TO CENTER OF PARTY WALLS AND INTERIOR WALLS UNLESS NOTED OTHERWISE ON PLANS. OUTSIDE EDGE OF EXTERIOR WALL SHEATHING TO BE FLUSH WITH FOUNDATION WALL BELOW. DO NOT SCALE DRAWINGS. THE GENERAL CONTRACTOR IS TO CHECK ALL DIMENSIONS AND CONFIRM ALL PROPERTY LINE BEARINGS AND DIMENSIONS WITH LEGAL SURVEY.
- IN THE CASE OF DISCREPANCY, THE DESIGNER IS TO BE NOTIFIED BEFORE WORK CAN COMMENCE. COMMENCEMENT OF CONSTRUCTION SHALL CONSTITUTE ACCEPTANCE OF CONDITIONS AS SATISFACTORY.
- REFER TO MECHANICAL DRAWINGS FOR FINAL PLUMBING AND HVAC LAYOUT AND SPECIFICATIONS.
- REFER TO ELECTRICAL DRAWINGS FOR FINAL LIGHT, OUTLETS AND ELECTRICAL PANEL LOCATIONS AND SPEC.
- REFER TO CIVIL DRAWINGS FOR OFFSITE CONSTRUCTION AND FINAL SITE DRAINAGE LAYOUT AND SPEC.
- REFER TO LANDSCAPE DRAWINGS FOR FINAL LANDSCAPE LAYOUT.
- REFER TO STRUCTURAL DRAWINGS FOR FINAL WALL/FLOOR/ROOF/COLUMN LAYOUT AND SPECIFICATIONS.

ASSURANCE / COMPLIANCE REQUIREMENTS

- THE CURRENT B.C.B.C. 2012, ITS REQUIREMENTS AND ALL AGENDA, SHALL FORM AN INTEGRAL PART OF THESE DRAWINGS. ALL CONSTRUCTION MATERIALS AND PROCEDURES SHALL CONFIRM TO THESE STANDARDS.
- ALL WORK TO CONFORM TO LOCAL BYLAWS AND DEVELOPMENT PERMIT REQUIREMENTS.
- ALL DRAWINGS ARE TO BE READ AS A COMPLETE SET IN CONJUNCTION WITH SPECIFICATIONS AND CIVIL, STRUCTURAL, MECHANICAL, ELECTRICAL, AND LANDSCAPE DRAWINGS AS APPLICABLE.
- ALL WORK WILL BE SUBJECT TO FIELD REVIEW BY THE DESIGNER AND OR OTHER REGISTERED PROFESSIONAL AND BY THE CONSULTING ENGINEERS NAMED ON THESE DRAWINGS TO MEET THE MUNICIPAL LETTERS OF ASSURANCE / COMPLIANCE REQUIREMENTS.
- ALL WORK MUST MEET THE APPROVAL OF THE PROFESSIONAL CONSULTANTS.
- ALL WORK MUST MEET THE STANDARDS OF THE B.C. TRADE ASSOCIATIONS GOVERNING EACH TRADE INVOLVED IN THE PROJECT.
- STARTING WORK ON THIS PROJECT BY ANY SUB-CONTRACTOR MEANS THAT THE ABOVE REQUIREMENTS HAVE BEEN REVIEWED AND NO EXTRA CLAIM FOR COST WILL BE PUT FORWARD TO MEET THE PROFESSIONAL CONSULTANTS FIELD REVIEW REQUIREMENTS.
- THE SUB-CONTRACTORS ARE RESPONSIBLE FOR SITE SAFETY AND TO MEET ALL REQUIREMENTS OF THE WORKERS COMPENSATION BOARD.
- ALL SUB-CONTRACTORS WILL BE REQUIRE TO ACKNOWLEDGE COMPLIANCE WITH ABOVE CONDITIONS BY SIGNING A COPY OF THESE REQUIREMENTS WHICH MUCH ACCOMPANY THEIR QUOTATION.
- GENERAL CONTRACTOR IS TO KEEP RECORD AND PROVIDE ARCHITECT WITH COPIES OF MUNICIPAL INSPECTION SLIPS.
- THE CONTRACTOR / CLIENT IS TO INFORM THE DESIGNER IN WRITING 24 HOURS PRIOR TO STARTING CONSTRUCTION OF THE PROJECT.
- THE SUB-CONTRACTOR IS TO CHECK ALL DIMENSIONS AFFECTION HIS TRADE AND IN THE CASE OF DISCREPANCY THE CONTRACTOR IS TO BE NOTIFIED BEFORE WORK CAN COMMENCE.
- THE CONTRACTOR IS TO NOTIFY THE DESIGNER 24 HOURS PRIOR TO A REQUIRED INSPECTION.

SYMBOL LEGEND:



CONTEXT SITE PLAN:

SCHEDULE B  
DVP16-0072  
DP16-0071

CRITERIA FOR A CARRIAGE HOUSE OR ACCESSORY DEVELOPMENT

Site Details:	Proposal
Site Area (m²)	4347 m2
Site Width (m)	71.27 m
Site Depth (m)	60.00 m
Site Coverage of Building(s) (%)	434 m² 10 %
Site Coverage buildings, driveways, and parking (%)	434 m² 10 %

PRINCIPAL DWELLING Details:	Proposal
Set Backs (in meters):	
Front	21.00 m
Rear	16.75 m
Side (include direction) South	18.60 m
Side (include direction) North	39.67 m
Height of Building(s)/# of storeys / # (m)	2 storeys / 8 m
Total floor area (m2)	380 m2

CARRIAGE HOUSE or ACCESSORY BUILDING details:	Proposal
Total floor area of carriage house (m²)	89.9 m² (single storey)
Building setbacks (in meters):	
Front	12.0 m
Rear	20.8 m
Side (include direction) South	43.7 m
Side (include direction) North	15.6 m
Distance between carriage house and principal buildings	9.7 m
Lot coverage of all accessory buildings (including carriage house)	
Number of on-site parking stalls	5 stalls
Size per parking stall	3 m x 6 m
Private open space per unit (m2)	25 m2

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CONSULTANTS:

DRAWING INDEX:

ILLUSTRATION:

Architectural Drawing List		
no.	name	
A0.00	PROJECT INFORMATION AND DRAWINGS INDEX	
A1.01	SITE PLAN	
A1.02	LANDSCAPE PLAN	
A2.01	FOUNDATION PLAN	
A2.02	BASEMENT FLOOR	
A2.03	MAIN FLOOR PLAN	
A2.04	ROOF PLAN	
A3.01	EXTERIOR ELEVATIONS	
A3.02	EXTERIOR ELEVATIONS	
A4.01	BUILDING SECTIONS	
A4.02	BUILDING SECTIONS	



06	20160310	RE-ISSUED FOR DP
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04	20151007	ISSUED FOR DP
03	20150819	ISSUED FOR BUILDING PERMIT
02	20141216	ISSUED FOR BUILDING PERMIT
01	20140627	ISSUED FOR DESIGN REVIEW
no. revisions	date	description



101 - 1865 DILWORTH DR., SUITE 520  
KELOWNA BC V1Y 9T1

project title  
WICKWIRE RESIDENCE

1281 HWY 97 East Kelowna, British Columbia

project no. 1408

drawing title  
PROJECT INFORMATION AND DRAWINGS INDEX

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drawn	DMD		
checked	PK		
drawing no.			

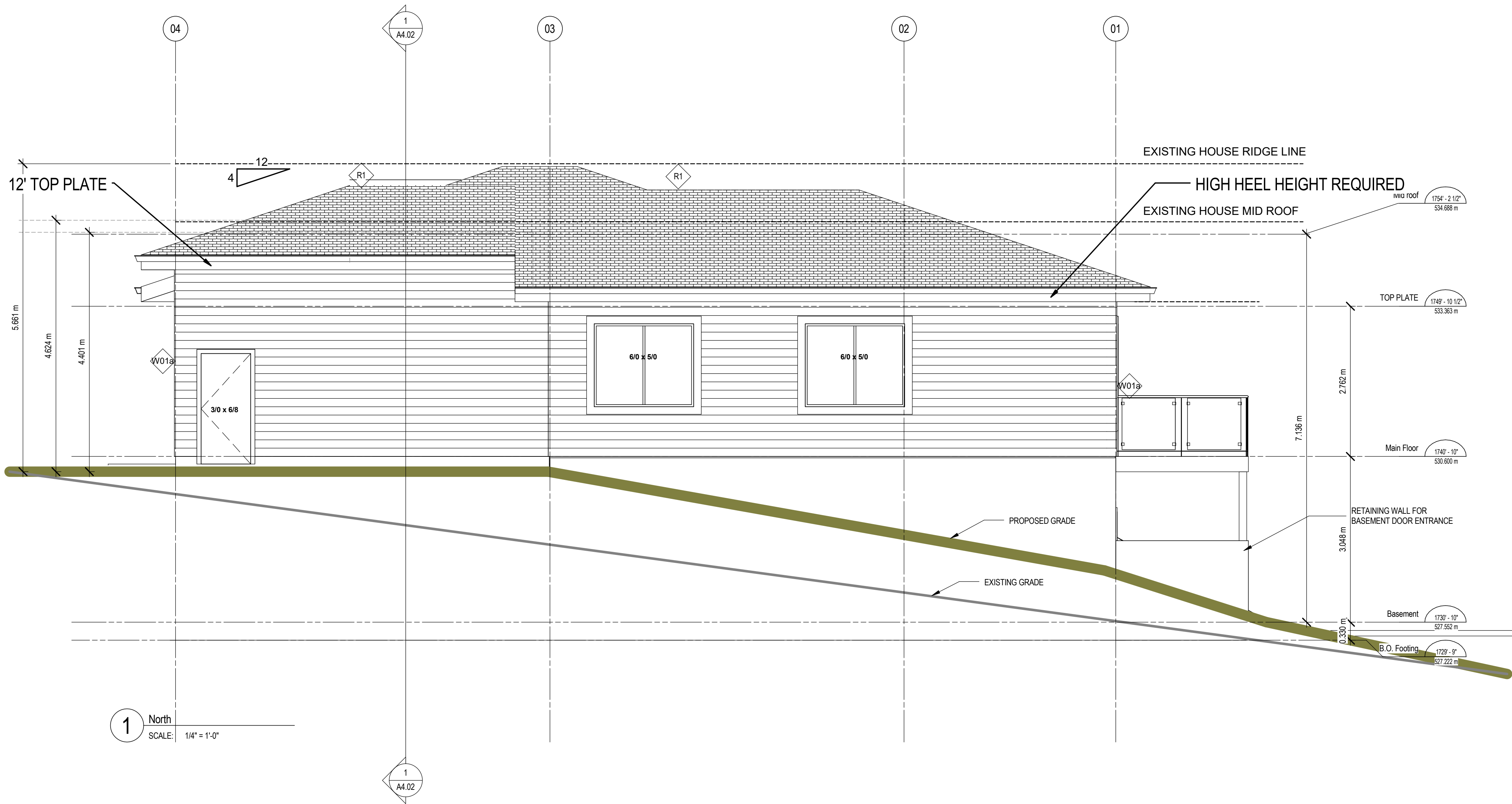
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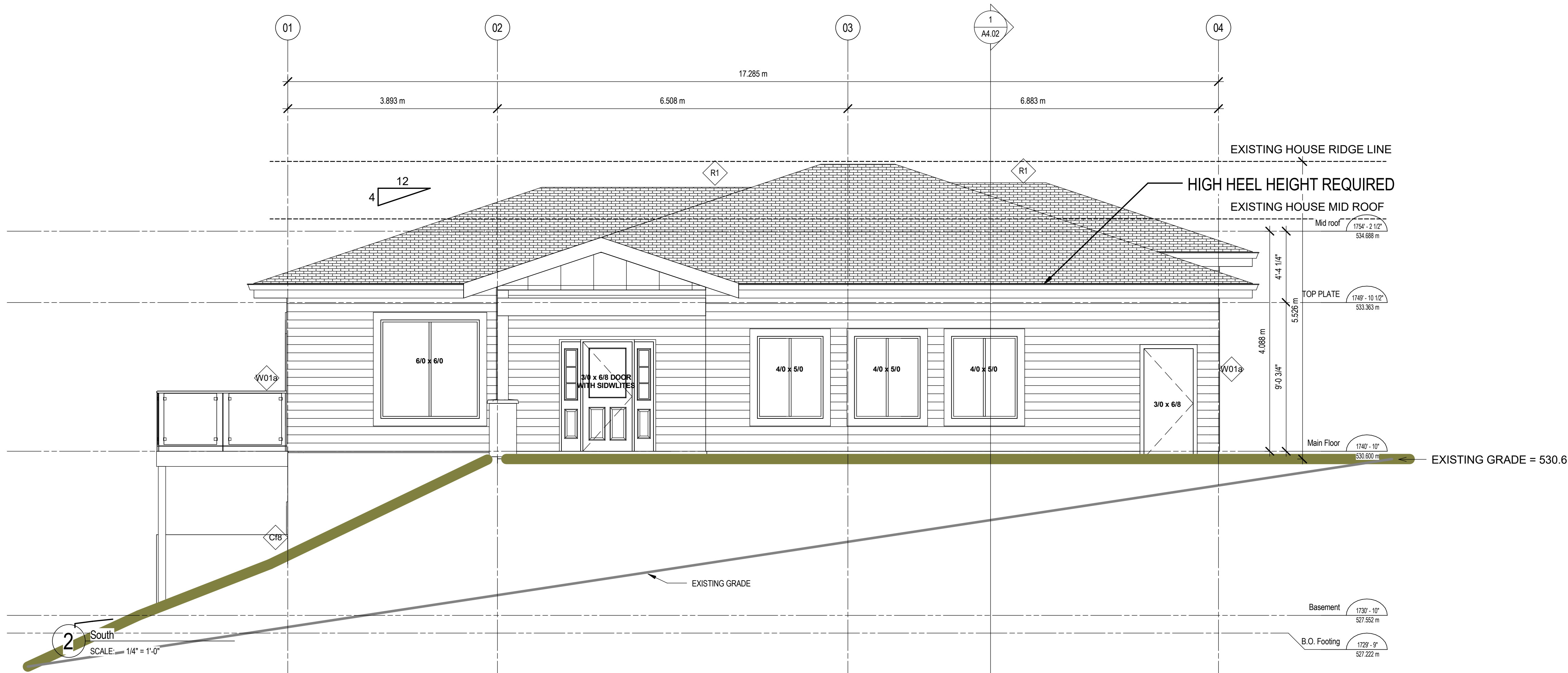
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DVP16-0072  
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no.	date	description
revisions		



101 - 1865 DILWORTH DR. SUITE 520  
KELOWNA BC V1Y 9T1

project title  
WICKWIRE RESIDENCE  
  
1281 HWY 97 East Kelowna, British Columbia  
project no. 1408

drawing title  
EXTERIOR ELEVATIONS

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drawn	DMD		
checked	PK		
drawing no.			

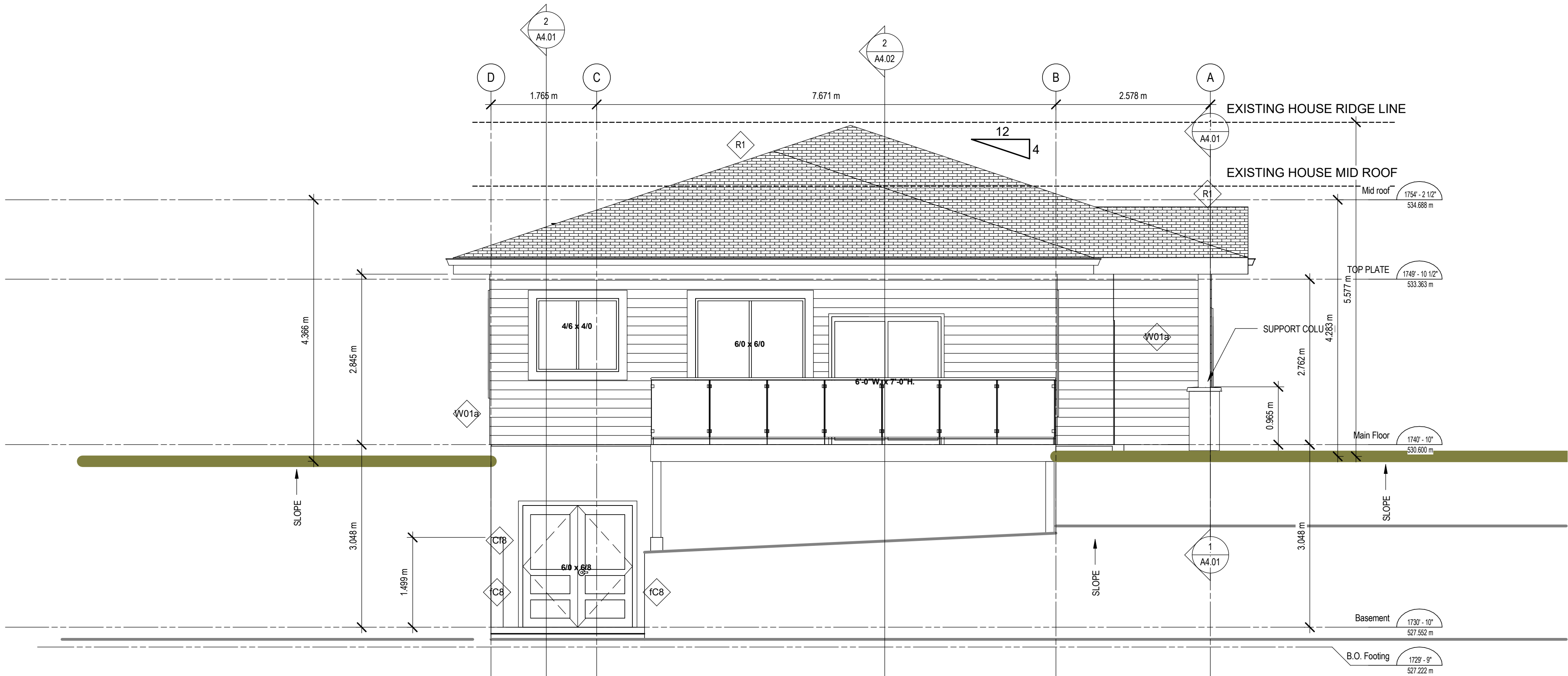
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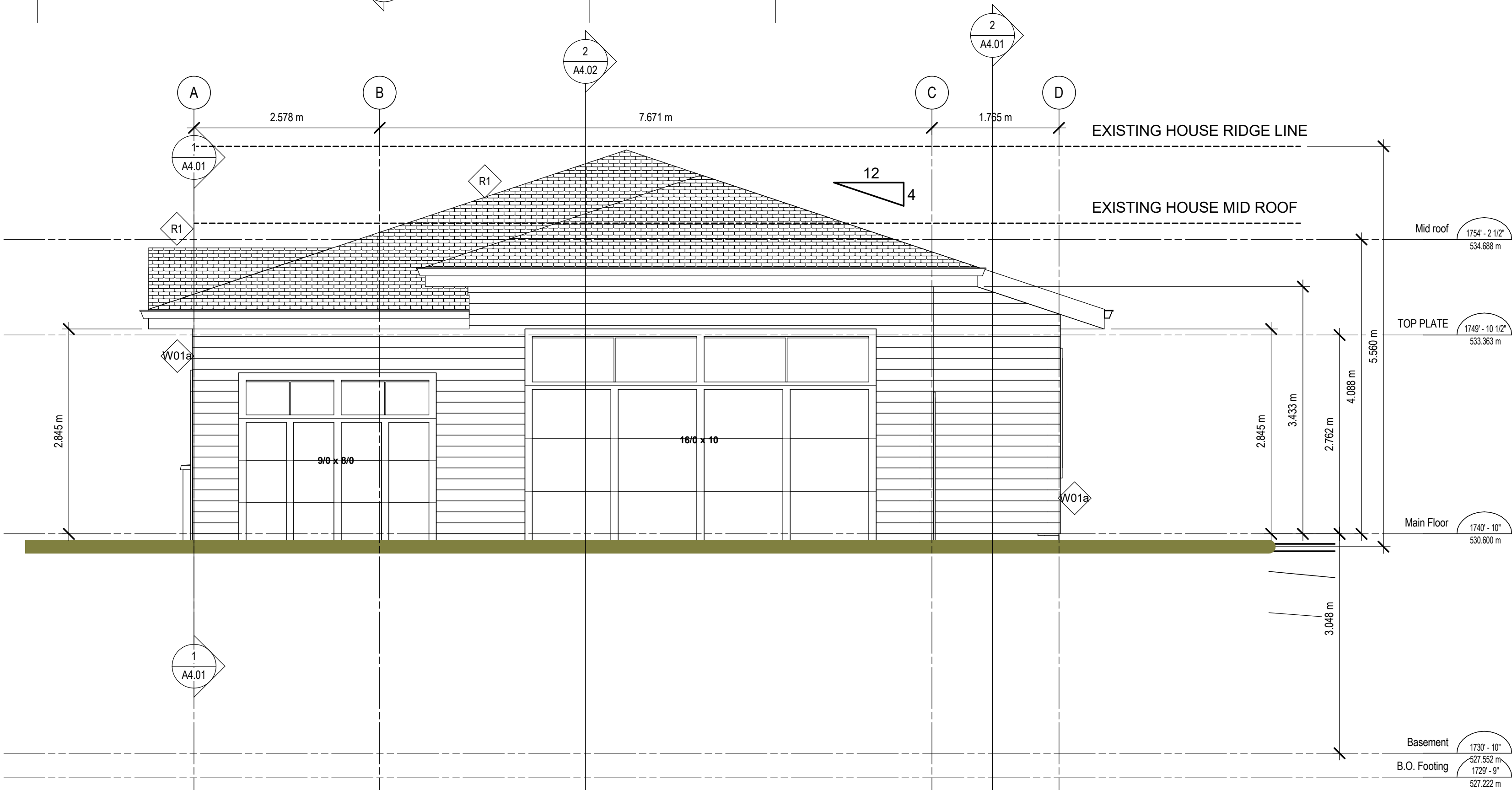


SCHEDULE B  
DVP16-0072  
DP16-0071

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2 West  
SCALE: 1/4" = 1'-0"



1 East  
SCALE: 1/4" = 1'-0"

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01	20141210	ISSUED FOR DESIGN REVIEW
no.	date	description
revisions		



101 - 1865 DILWORTH DR., SUITE 520  
KELOWNA BC V1Y 9T1

project title  
WICKWIRE RESIDENCE

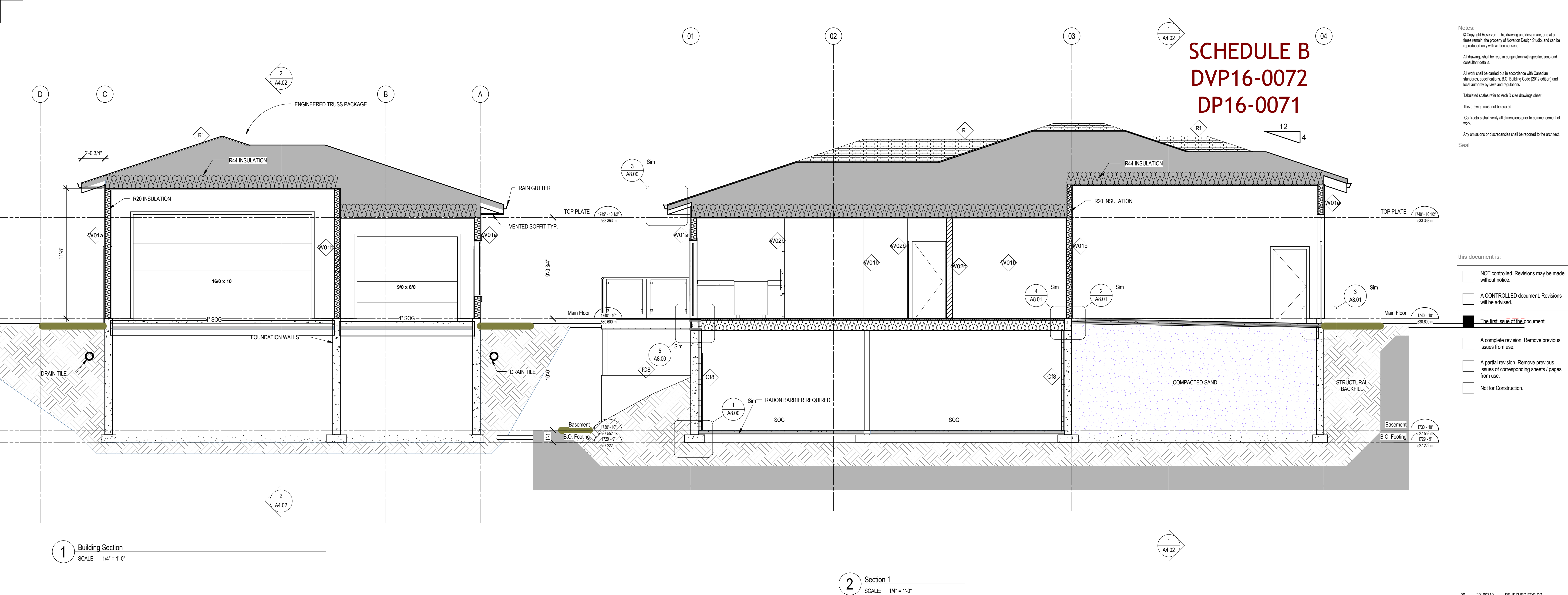
1281 HWY 97 East Kelowna, British Columbia  
project no. 1408

drawing title  
EXTERIOR ELEVATIONS

designed	PS	scale	1/4" = 1'-0"
drawn	DMD		
checked	PK		
drawing no.			

A3.02

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ROOF CONSTRUCTION	RSI
-ASHPHALT SHINGLES (SLOPES UNDER 4/12 PEEL & STICK UNDERLAY) -7/16" OSB SHEATHING C/W H-CLIPS -ENGINEERED ROOF TRUSSES@24"o.c. (HEEL CUT VARIES)	
-AIR FILM (EXTERIOR)	.03
-R40 CONTINUOUS CELLULOSE INSULATION	7.05
-6 MIL POLY	
-1/2" DRYWALL	.08
-AIR FILM (INTERIOR)	.11
TOTAL RSI (REQUIRED 6.91)	7.27

**INTERIOR WALL@MAIN FLR**  
- 1/2" GYPSUM BOARD TO BOTH SIDES OF 2X4 SPRUCE STUDS @ 16" O.C.

**INTERIOR WALLS@LOWER FLR**  
-2xX's@16"o.c. c/w SILL GASKET OR EQIV.  
-1/2" DRYWALL FINSHED RMS ONLY

EXTERIOR WALL CONSTR	
-AIR FILM (EXTERIOR)	.03
-HORZ. FIBER CEMENT SIDING/VERTICAL BOARD AND BATTENS	.003
-BUILDING PAPER	
-7/16" SHEATHING	.11
-R-22 INSULATION	2.67
-2x6 @ 16"o.c.	
-6MIL POLY	
-5/8" DRYWALL	.10
-AIR FILM (INTERIOR)	.11
TOTAL RSI (REQUIRED 2.97)	3.02

#### INTERIOR WALL CONSTRUCTION @ GARAGE

-AIR FILM (EXTERIOR)	.03
-1/2 DRYWALL	.08
-R-22 INSULATION	2.67
-2x6 @ 16"o.c.	
-6MIL POLY	
-1/2" DRYWALL	.08
-AIR FILM (INTERIOR)	.11
TOTAL RSI (REQUIRED 2.97)	2.97

EXTERIOR WALL CONSTR	
-AIR FILM (EXTERIOR)	.03
-ACRYLIC STUCCO (OVER)	.017
-7/16" SHEATHING	.11
-1.5" xps INSULATION	1.33
-8" CONCRETE WALL	
-INTERIOR WOOD STRAPPING CAVITY	1.96
-1/2" DRYWALL	.08
-AIR FILM (INTERIOR)	.11
TOTAL RSI (REQUIRED 2.98)	3.63

**INTERIOR FLOOR CONSTRUCTION**  
-FINISHED FLOORING  
- 3/8" UNDERLAY (PREMIUM)  
@ TILE AREAS  
- 3/4 T.&G. O.S.B. SUB-FLOOR, ENG FLR SYSTEM, SPACING AS PER MANUFACTUER (GLUED, SCREWED & BRIDGED)  
-1/2" GYPSUM BOARD TO FINISHED AREAS

**SLAB ON GRADE**  
- 4" CONC SLAB, 25MPA, 10M REBAR @16" o.c.  
- 6 MIL. POLY. VAPOUR BARRIER  
- 4" GRAVEL BED

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02	20141216	ISSUED FOR BUILDING PERMIT
01	20140708	ISSUED FOR BUILDING PERMIT
no.	date	description
revisions		



101 - 1865 DILWORTH DR., SUITE 520  
KELOWNA BC V1Y 9T1

project title  
WICKWIRE RESIDENCE

1281 HWY 97 East Kelowna, British Columbia  
project no. 1408

drawing title  
BUILDING SECTIONS

designed	PS	scale	1/4" = 1'-0"
drawn	DMD		
checked	PK		
drawing no.			

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CITY OF KELOWNA  
**MEMORANDUM**

---

**Date:** May 9, 2016  
**File No.:** DP16-0071  
**To:** Suburban and Rural Planning (TY)  
**From:** Development Engineering Manager (SM)  
**Subject:** 1281 Hwy 33 E Carriage House

---

Development Engineering has the following comments and requirements associated with this Development Permit application to evaluate the form and character of a proposed carriage house. The utility upgrading requirements outlined in this report will be a requirement of this development.

1. Domestic water and fire protection.

The property is serviced by the BMID water distribution system. Ensure an adequately sized domestic water service is in place. The applicant is required to make satisfactory arrangements with the BMID for these items. All charges for service connection and upgrading costs are to be paid directly to the BMID. If needed, fireflow confirmation will be provided through BMID.

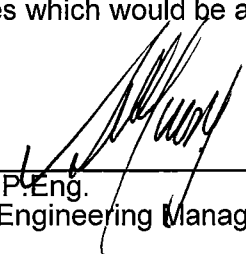
2. Sanitary Sewer.

This subject parcel does not currently have a municipal sanitary sewer service. The applicant may arrange with the neighbouring property owner to establish a legal Easement, under section 219 of the BC Land Titles Act, for the right to install a private sewer service through the neighbour's property down to the existing municipal sanitary sewer main on Lewis Road. The City of Kelowna will not be a party named in the easement agreement and will regard the entire length of the sewer service pipe as privately owned until it crosses onto the public roadway.

Once the easement is established on legal title, the applicant can request a cost estimate for the sanitary sewer service installation to the private easement property line. The cost of the service installation will be paid by the applicant. Additional connection costs will be: Sewer Spec Area Administration Fee of \$250, Sewer Development Fee of \$300.

3. Electric Power and Telecommunication Services

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

  
\_\_\_\_\_  
Steve Muenz, P.Eng.  
Development Engineering Manager  
jo

# REPORT TO COUNCIL



**Date:** 6/28/2016  
**RIM No.** 0940-00  
**To:** City Manager  
**From:** Urban Planning Department (AC)  
**Application:** DP16-0074 & DVP16-0075      **Owner:** Boardwalk Housing Corp., Inc. No. BC1030251  
**Address:** 925 Leon Ave      **Applicant:** Meiklejohn Architects Inc.  
**Subject:** Development Permit and Development Variance Permit Application  
**Existing OCP Designation:** MRH - Multiple Unit Residential (High Density)  
**Existing Zone:** RM6 - High Rise Apartment Housing

---

## 1.0 Recommendation

THAT Council authorize the issuance of Development Permit DP16-0074 for Lot A, District Lot 138, ODYD, Plan EPP54864, located on 925 Leon Ave, Kelowna, BC, subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land to be in general accordance with Schedule "C";
4. That 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 professional landscaper;

AND THAT Council authorize the issuance of Development Variance Permit DVP16-0075 for Lot A, District Lot 138, ODYD, Plan EPP54864, located on 925 Leon Ave, Kelowna, BC;

AND THAT the variances to the following sections of Zoning Bylaw No. 8000 be granted subject to general conformance with the drawings (Schedule "A", "B", & "C") attached to DP16-0074:

### Section 13.12.6 (b) Development Regulations

To vary the maximum site coverage of buildings, driveways, and parking areas from 50% to 83.4%.

### Section 13.12.6 (d) Development Regulations

To vary the minimum front yard (west) setback from 6.0m to 2.9m.

Section 13.12.6 (e) Development Regulations

To vary the minimum flanking yard (south) setback from 6.0m to 3.3m.

Section 6.10 Setback from Provincial Highways

To vary the minimum setback from 4.5m to a Provincial Highway to 3.3m to a Provincial Highway.

Section 13.12.6 (f) Development Regulations

To vary the minimum rear yard (east) setback from 9.0m to 2.2m.

Section 8.1.14 Tandem Parking

To vary the number of parking spaces that may be configured in tandem from 0 to 8 parking stalls.

Section 8.1.11 (b) Size and Ratio Parking

To vary the minimum portion of full sized parking spaces from 50% to 45% and to vary the maximum portion of medium sized parking spaces from 40% to 46.5%.

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

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

## **2.0 Purpose**

To consider a Development Permit for a 5 storey mixed use building that includes 192 residential units and 2 commercial retail units and to consider a Development Variance Permit for setback reductions, a site coverage reduction, and parking configuration relaxations.

## **3.0 Urban Planning**

Staff are supportive of the proposed Development Permit and Development Variance Permit. A Development Permit is necessary in this case as the subject property is located within a designated Comprehensive Development Permit Area for multiple unit residential development. The subject property has a RM6 - High Rise Apartment Housing zoning and the project is intended to fit within this existing zoning pending the applicant's request for seven (7) variances to the Zoning Bylaw. There are similar types of high density residential development in the vicinity along the Hwy 97 corridor.



Figure 1: 737 Leon Ave



Figure 2: 955-1005 Leon Ave

The WalkScore is 80 meaning the location is very walkable so most errands can be accomplished on foot. The TransitScore is 46 which indicates there are a few public transit options available including the #9 Shopper Shuttle, #10 North Rutland, #5 Gordon, and the RapidBus transit line (#97 Okanagan). The property is located between downtown and the Capri Centre area and in close proximity to several municipal parks (Martin Park, Knowles Heritage Park, and the future Rowcliffe Park). Further, it is a relatively short bike ride or 10 minute walk from the shops and services of Downtown. Due to the urban location and provision of amenities in the area coupled with significant on-site amenity space and the integration of a small neighbourhood commercial component, Staff are supportive of the Applicant's micro-suite residential concept.

The goals set out in the OCP encourage development to be pedestrian friendly on all sides of the building including successful transitions between the public and private realms. Overall, Staff are satisfied that the project has met a number of key OCP design guidelines. See "Section 6.0 Current Development Policies" for detailed description of those design guidelines.

### 3.1 Variances

The application needs seven variances:

1. Vary the maximum site coverage for principal buildings, accessory structures, parking areas and driveways from 50% allowed to 83.4% proposed.
2. Vary the minimum setback along Ethel Street from 6.0m required to 2.9m proposed.
3. Vary the minimum setback along Harvey Avenue from 6.0m required to 3.3 m proposed.
4. Vary the minimum setback from a Provincial Highway from 4.5m to 3.3m.
5. Vary the minimum setback along eastern property line from 9.0m required to 2.2m proposed.
6. Vary the maximum number of tandem parking spaces that may be configured in tandem from 0 to 8 parking stalls. minimum parking stalls from 139 parking stalls required to 126 parking stalls proposed.
7. Vary the minimum portion of full size parking stalls from 50% to 45% and to vary the maximum portion of medium sized parking stalls from 40% to 46.5%.

The applicant needs the site coverage and setback variances in order to achieve the necessary parking requirement for their desired density and massing of the project. The setback variances are only needed for the first storey portion of the parkade. The second storey and the stories above (which contain the residential units) do meet the Zoning Bylaw setback requirements. These setback reductions and site coverage variances allow an expansion of the number of parking stalls in order to meet the minimum parking requirement outlined in the Zoning Bylaw. Staff agree with the variances as they were, in part, necessitated by Staff's request for ground floor commercial facing Ethel Street and an amenity space above the parkade. The variances do not result in any potential conflict to the neighbouring properties. Further, the variances are smaller in scale relative to the previously approved Development Permit (DP15-0127) for the subject property which authorized a significant parking variance.

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbour consultation by individually contacting the neighbours within the 50 metre radius.

## 4.0 Proposal

### 4.1 Project Description

The proposal is for a 5 storey mixed use building that is 18.6 metres in height. There is a total of 192 residential units consisting of 8 two bedroom units and 184 micro-suite units. There are two commercial retail units facing Ethel Street with a combined area of 159m<sup>2</sup>. The project has two floors of under-structure parking with the first floor halfway below grade. The building is shaped in a 'U' configuration with a rooftop amenity space facing Harvey Avenue. There is a surface parking lot between the building and Leon Street that handles approximately 24% of the total required parking.

The building materials include a mixture of dark grey brick, dark grey stucco, light grey stucco, 'walnut' coloured longboard cladding, and 'maple' coloured longboard cladding. The building architecture uses vertically-proportioned 'framed elements' that breakdown the façade into smaller and friendlier scale. The building corners are accentuated with brick clad corner features with corner windows and sunscreen feature. In addition, the units are developed with a few interior layout options including some units with and without balconies. This variation is organized into a pattern that create further animation of the façade.

After working with City Planning staff, the applicant has changed the Ethel Street façade and elevation due to the City led beautification and multi-modal work done on Ethel Street last year. The ground floor facing Ethel Street now includes a glazed commercial frontage in a matching brick that creates a welcoming appearance and pedestrian connections to the building. The scale of the neighbourhood retail increases at the Harvey Avenue intersection to highlight the corner and announce the building to the highway. In addition to the framing elements, colour accent panels have been introduced into the façade in a modern 'random' pattern. Window glass is planned to be low emissivity glazing, with either triple-glazed or laminated glass units employed to control the sound impacts from Highway 97.

The building form encloses a south-facing courtyard that collects sun while also placing distance and barrier elements to the busy highway. The patio has an upper social level and a lower passive level that can be used for recreation or lounging as well as a separate 'communal rooftop garden areas at the south east corner.

The main entry is on the north face of the building facing Leon Avenue and is highlighted using a smaller 'framing element' that echoes the building architecture. The garage elements are screened on both the north and south elevations using a modern trellis-shading structure.

Vehicle access is provided to the site from a single point of access off Leon Avenue. The access then forks into an upper visitor and drop-off area or a lower, secure under-building parking structure.

The landscape plan includes perimeter trees along all three frontages. A landscape berm is provided on the Harvey Ave side in front of the parkade in order to mitigate the visual impact. The parkade rooftop amenity space will include green roof plantings, turf areas, bbq areas, outdoor dining areas, outdoor games, benches, and raised garden plots for the residents.



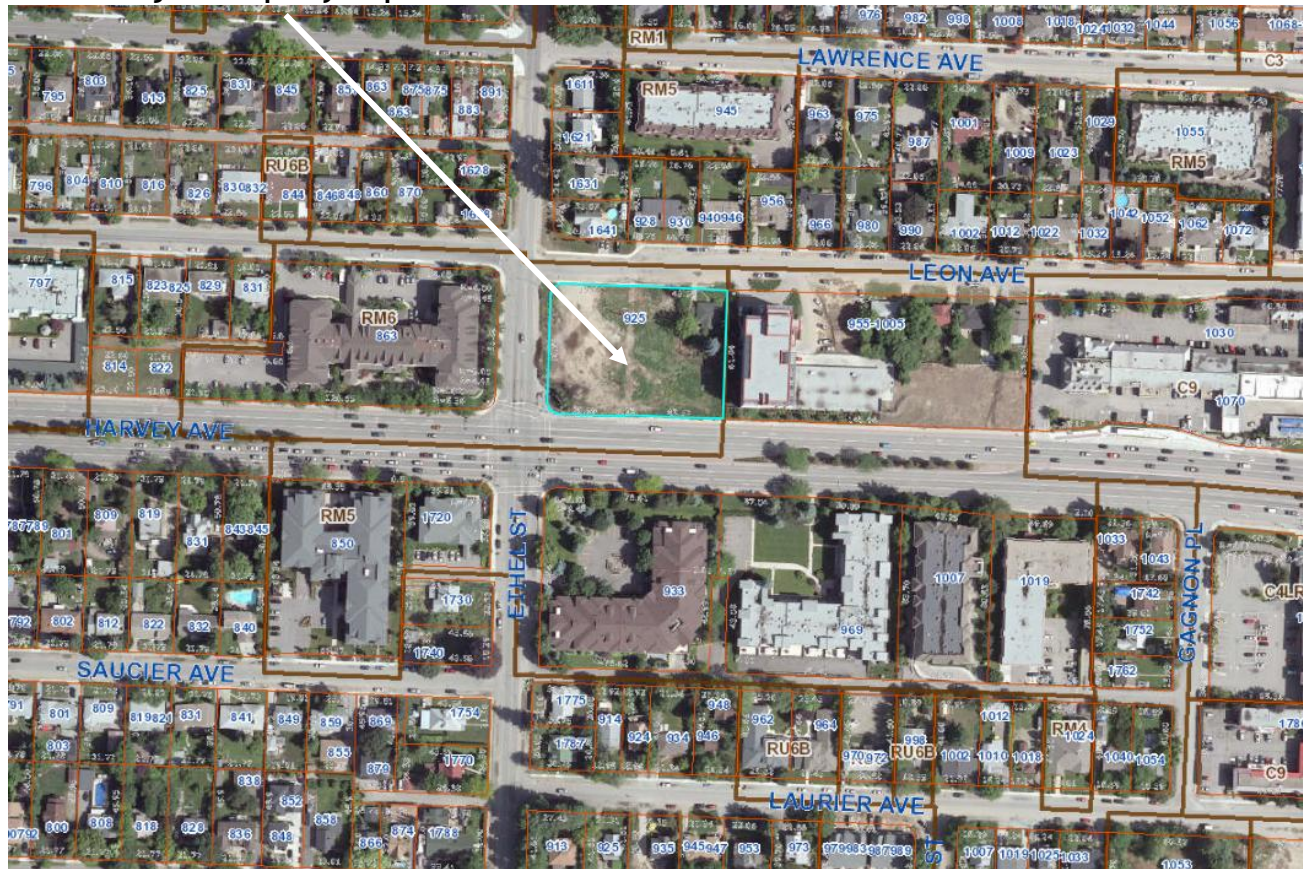
#### 4.2 Site Context

The subject property is located along Harvey Ave just east of the downtown urban centre. The subject property has a Future Land Use designation of MRH - Multiple Unit Residential (High Density) in the Official Community Plan and the property is within the Permanent Growth Boundary.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 - Two Dwelling Housing RM5 - Medium Density Multiple Housing	Residential
East	RM5 - Medium Density Multiple Housing	Residential
South	RM5 - Medium Density Multiple Housing	Residential
West	RM6 - High Rise Apartment Housing	Residential

#### 4.3 Subject Property Map





## 5.0 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM6 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
	Principal Bldgs	Principal Bldgs
Height	Max 55.0 m & 16 stories	18.6 m & 5.0 storeys
Front Yard (west)	Min 6.0 m	9.1 m to Residential Bldg 2.9 m to Commercial Units ❶
Flanking Side Yard (south)	Min 6.0 m	6.1 m to Residential Bldg 3.3 m to Parkade ❷
Setbacks from a Provincial Highway	Min 4.5m	3.3 m ❸
Flanking Side Yard (north)	Min 6.0 m	16.1 m
Rear Yard (east)	Min 9.0 m	9.7 m to Residential Bldg 2.2 m to Parkade ❹
Site coverage of buildings	n/a	n/a
Site coverage of buildings, driveways & parking	Max 50 %	83.4 % ❺
FAR	1.64	1.11
Other Regulations		
Number of Units	n/a	192
Min Parking Requirements	1.5 stalls per 2 bed dwelling unit = 12 stalls 1 stall / studio = 184 stalls 2.2 stalls per 100 m <sup>2</sup> (CRU) = 4 stalls (Total 200 stalls required)	200 parking stalls
Tandem Parking	Not Permitted	8 stalls ❻
Parking Stall Sizes	Min Full Size: 50 % Max Medium Size: 40% Max Compact Car: 10%	Full Size: 45% ❼ Min Medium Size: 46.5% ❼ Min Compact Car: 8.5%
Min Bicycle Parking Requirements	Class 1: 97 Class 2: 21	Class 1: 98 Class 2: 21
Private Open Space	1,462 m <sup>2</sup>	1,566 m <sup>2</sup>
❶ Variance requested to reduce the front yard setback requirement. ❷ Variance requested to reduce the flanking yard setback requirement. ❸ Variance requested to reduce the setback to a provincial highway. ❹ Variance requested to reduce the rear yard setback requirement. ❺ Variance requested to increase the permitted site coverage. ❻ Variance requested to permit 8 parking stalls in tandem. ❼ Variance requested to reduce the amount of full sized parking stalls and increase the amount of medium sized parking stalls.		

## 6.0 Current Development Policies

### 6.1 Kelowna Official Community Plan (OCP)

#### Chapter 5: Development Process

**Compact Urban Form.**<sup>1</sup> Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

**Sensitive Infill.**<sup>2</sup> 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.

#### Relevant Development Permit Guidelines

**Ch14 / S1.6** - Provide generous outdoor spaces, including rooftops, balconies, patios and courtyards, to allow residents to benefit from the favourable Okanagan weather;

**Ch.14 / S2.3** - Design new multi-storey buildings to transition in height where the OCP land use designation provides for smaller structures on adjoining lots;

**Ch.14 / S.3.2** - Develop visual and physical connections between the public street and private buildings (e.g. patios and spill-out activity, views to and from active interior spaces, awnings and canopies);

**Ch.14 / S.4.2** - Ensure developments are sensitive to and compatible with the massing of the established and/or future streetscape;

**Ch.14 / S.4.2** - Design for human scale and visual interest in all building elevations. This can be achieved principally by giving emphasis to doors and windows and other signs of human habitation relative to walls and building structure;

**Ch.14 / S.8.8** - Locate parking areas to the rear of buildings, internal to the building, or below grade;

**Ch.14 / S.8.12** - Incorporate decks, balconies and common outdoor amenity spaces into developments;

## 7.0 Technical Comments

### Building & Permitting

1. Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s). Any DCC exemptions for micro suites to be established at time of DP.
2. Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.

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

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

3. A Hoarding permit is required and protection of the public from the staging area and the new building area during construction. Location of the staging area and location of any cranes should be established at time of DP.
4. A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
  - a. Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
  - b. Access to the roof is required for each building if separated by a firewall or defined as a separate building(s) and guard rails may be required. Guardrails should be reflected in the plans if required.
  - c. Hard surfaced paths leading from the egress door(s) to be clearly defined as part of the DP.
  - d. The egress door on the east side of the parking level 2 should not open onto a parking stall access.
5. A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. This property falls within the Mill Creek flood plain bylaw area and compliance is required. Minimum building elevations are required to be established prior to the release of the Development Permit. This minimum Geodetic elevation is required for all habitable spaces including parking garages. This building may be designed to low, which may affect the form and character of the building
6. We strongly recommend that the developer have his professional consultants review and prepare solutions for potential impact of this development on adjacent properties. Any damage to adjacent properties is a civil action which does not involve the city directly. The items of potential damage claims by adjacent properties are items like settlement of foundations (preload), damage to the structure during construction, additional snow drift on neighbour roofs, excessive noise from mechanical units, vibration damage during foundation preparation work etc.
7. Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s). The drawings submitted for building permit is to clearly identify how this rating will be achieved and where these area(s) are located.
8. An exit analysis is required as part of the code analysis at time of building permit application. The exit analysis is to address travel distances within the units, number of required exits per area, door swing direction, handrails on each side of exit stairs, width of exits etc.
9. Size and location of all signage to be clearly defined as part of the development permit. This should include the signage required for the building addressing to be defined on the drawings per the bylaws on the permit application drawings.
10. Mechanical Ventilation inlet and exhausts vents are not clearly defined in these drawings for the enclosed parking storeys. The location and noise from these units should be addressed at time of Development Permit.
11. Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this structure at time of permit application.

#### Fire Department

- Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
- Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900. Should a hydrant be required on this

property it shall be deemed private and shall be operational prior to the start of construction.

- A visible address must be posted as per City of Kelowna By-Laws.
- Sprinkler drawings are to be submitted to the Fire Dept. for review when available.
- A fire safety plan as per section 2.8 BCFC is required at occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD.
- Fire Department access is to be met as per BCBC 3.2.5.
- Approved Fire Department steel lock box or key tube acceptable to the fire dept. is required by the fire department entrance.
- All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met including the requirements for a high building - communication cable, etc.
- Fire alarm system is to be monitored by an agency meeting the CAN/ULC S561 Standard.
- Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- Fire department connection is to be within 45M of a fire hydrant.
- Ensure FD connection is clearly marked and visible from the street.
- Standpipes to be located on intermediate landings.
- Sprinkler zone valves shall be accessible as per fire prevention bylaw.
- Do not issue BP unless all life safety issues are confirmed.

#### Ministry of Transportation

- Prior to proceeding with work on Highway 97 right-of-way, permit application and drawings must be submitted to the Ministry for review and approval.

#### Fortis - Electric

- There are primary distribution facilities along Ethel Street and Lawson Avenue. There appears to be overhead facilities within the lane near the centre of the assembled lots shown on the plans provided. These facilities will need to be relocated to accommodate the proposed development. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.
- Otherwise, FortisBC Inc. (Electric) has no concerns with this circulation.

#### Development Engineering

- See attached memorandum dated May 5<sup>th</sup> 2015.

## 8.0 Application Chronology

Date of Application Received: March 11<sup>th</sup> 2015  
Date of Neighbourhood Consultation Received (re: variance): May 31<sup>st</sup> 2016

Report prepared by:

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Adam Cseke, Planner

Reviewed by:



Terry Barton, Urban Planning Manager

Approved for Inclusion by:



Ryan Smith, Community Planning Manager

### Attachments:

Subject Property Map

Development Engineering Memo

Draft Development Permit / Development Variance Permit

- Schedule 'A'
  - Site Plan
  - Floor Plan
- Schedule 'B'
  - Elevations
  - Colour Board
- Schedule 'C'
  - Landscape Plan

# DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT



## APPROVED ISSUANCE OF DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT

**File Number** DP16-0074 & DVP16-0075  
**Issued To:** Boardwalk Housing Corp., Inc. No. BC1030251  
**Site Address:** 925 Leon Ave  
**Legal Description:** Lot A, District Lot 138, ODYD, Plan EPP54864  
**Zoning Classification:** RM6 - High Rise Apartment Housing  
**Development Permit Area:** Comprehensive Development Permit Area

### SCOPE OF APPROVAL

This 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 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 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.

### 1. TERMS AND CONDITIONS

THAT Development Permit and Development Variance Permit No. DP16-0074 & DVP16-0075 for Lot A, District Lot 138, ODYD, Plan EPP54864, located at 925 Leon Ave, Kelowna, BC be approved subject to the following:

- 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";
- 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 the variance to the following section Zoning Bylaw No. 8000 be granted subject to general conformance with the drawings (Schedule "A", "B", & "C") attached to DP16-0074 & DVP16-0075:

Section 13.12.6 (b) Development Regulations

To vary the maximum site coverage of buildings, driveways, and parking areas from 50% to 83.4%.

Section 13.12.6 (d) Development Regulations

To vary the minimum front yard (west) setback from 6.0m to 2.9m.

Section 13.12.6 (e) Development Regulations

To vary the minimum flanking yard (south) setback from 6.0m to 3.3m.

Section 6.10 Setback from Provincial Highways

To vary the minimum setback from 4.5m to a Provincial Highway to 3.3m to a Provincial Highway.

Section 13.12.6 (f) Development Regulations

To vary the minimum rear yard (east) setback from 9.0m to 2.2m.

Section 8.1.14 Tandem Parking

To vary the number of parking spaces that may be configured in tandem from 0 to 8 parking stalls.

Section 8.1.11 (b) Size and Ratio Parking

To vary the minimum portion of full sized parking spaces from 50% to 45% and to vary the maximum portion of medium sized parking spaces from 40% to 46.5%.

## 2. 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 Permit Holder and be paid to the Permit Holder if the security is returned. The condition of the posting of the security is that should the Permit Holder 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 the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permit Holder, or should the Permit Holder carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Permit Holder. There is filed accordingly:

- a) Cash in the amount of \$\_\_\_\_\_ OR
- b) A Certified Cheque in the amount of \$ 105,366.88 OR
- c) An Irrevocable Letter of Credit in the amount of \$\_\_\_\_\_.

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.

## 3. DEVELOPMENT

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit that shall form a part hereof.

If the Permit Holder does not commence the development permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

**This Permit IS NOT a Building Permit.**



**4. APPLICANT'S AGREEMENT**

I hereby declare that all of the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree 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 granting to me the said Permit.
- b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of 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.

I further covenant and agree that should I be granted a Development Permit and/or Development Variance Permit, the Municipality may withhold the granting of any Occupancy Permit for the occupancy and / or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Divisional Director of Community Planning & Real Estate.

Should there be any change in ownership or legal description of the property, I undertake to notify the Community Planning Department immediately to avoid any unnecessary delay in processing the application.

**I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.**

\_\_\_\_\_  
Signature of Owner / Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name in Bold Letters

\_\_\_\_\_  
Telephone No.

**5. APPROVALS**

Issued and approved by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Ryan Smith, Community Planning Department Manager  
Community Planning & Real Estate

\_\_\_\_\_  
Date

**The PERMIT HOLDER is the CURRENT LAND OWNER.  
Security shall be returned to the PERMIT HOLDER.**

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

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**Date:** May 5, 2016  
**File No.:** DP16-0074

**To:** Community Planning (AC)

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

**Subject:** 925 Leon Ave

Multi Family Development

Development Engineering has the following comments and requirements associated with these applications. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

1. Domestic Water and Fire Protection
  - a) 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 proposed development lots are currently serviced with small diameter services... Only one service will be permitted for this development. The applicant, at his cost, will arrange for the installation of one new water service and the disconnection of the small existing services.
2. Sanitary Sewer
  - a) Our records indicate the proposed development lots are connected with 100mm diameter sewer services. The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. Only one service will be permitted for this development and must tie into a manhole. The applicant, at his cost, will arrange for the removal and disconnection of the existing services and the installation of one new larger service.
3. Storm Drainage
  - a) The developer must engage a consulting civil engineer to provide a storm water management plan for these sites which meets the requirements of the City Subdivision Development and Servicing Bylaw 7900. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), if applicable, and provision of a storm drainage service and recommendations for onsite drainage containment and disposal systems.
  - b) On site storm drainage systems and overflow service(s) for the site will be reviewed and approved by Engineering when a site servicing design is submitted.



4. Road Improvements

- a) Ethel Street fronting this development site has been urbanized as part of the Ethel Street ATC project completed by the City of Kelowna. The boulevard will require street trees complete with irrigation for the site irrigation system.
- b) Leon Avenue fronting this development site must be upgraded to an urban standard along the full frontage of this proposed development, including curb and gutter, separate sidewalk, landscaped boulevard complete with street trees drainage system including catch basins, manholes and pavement removal and replacement, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- c) Harvey Avenue fronting this development is urbanized although the existing driveway and curb letdown should be removed and replaced with new barrier curb, sidewalk and boulevard as required.
- d) Walkway on the east side of this development is to be constructed to a 3.5m width based on standard SS-R2.

5. Subdivision Requirements

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

6. Electric Power and Telecommunication Services

- a) All proposed distribution and service connections are to be installed underground.
- b) Streetlights must be installed on all roads.
- c) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.
- d) Re-locate existing utilities, where necessary.

7. Design and Construction

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.

- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities 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.

8. 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.

9. Geotechnical Report

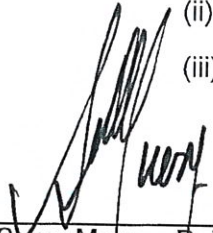
As a requirement of this application and building permit approval the applicant must provide a comprehensive geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- a) Area ground water characteristics, including water sources on the site.
- b) Site suitability for development; i.e. unstable soils, foundation requirements etc.
- c) Drill and/or excavate test holes on the site and install piezometers 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.

10. Development Permit and Site Related Issues

Access and Manoeuvrability

- (i) Driveway access to the site will not be permitted from Harvey Ave or Ethel Street. One access from Leon Ave is permitted.
- (ii) An MSU standard size vehicle must be able to manoeuvre onto and off the site without requiring a reverse movement onto public roadways.
- (iii) Indicate on the site, the locations of loading bays as well as the garbage and recycle bins.



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Steve Muenz, P. Eng.  
Development Engineering Manager  
SS

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

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**Date:** May 5, 2016  
**File No.:** DVP16-0075  
**To:** Community Planning (AC)  
**From:** Development Engineering Manager (SM)  
**Subject:** 925 Leon Ave

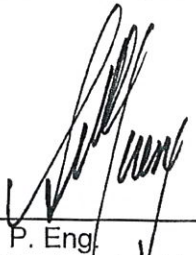
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Development Engineering comments and requirements regarding this development variance permit application are as follows:

This development variance permit application to vary;

1. Number of parking stalls.
2. Site coverage.
3. Building setbacks – front and rear.

does not compromise any municipal services.



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Steve Muenz, P. Eng.  
Development Engineering Manager

SS



A compass rose with a circle and a vertical line. The top half is shaded black. The text "TRUE NORTH" is written vertically to the right of the circle.

5-STOREY - 192 UNITS  
DEVELOPMENT  
1683 ETHEL STREET, KILGONNA

ZONING &  
CODE SUMMARY

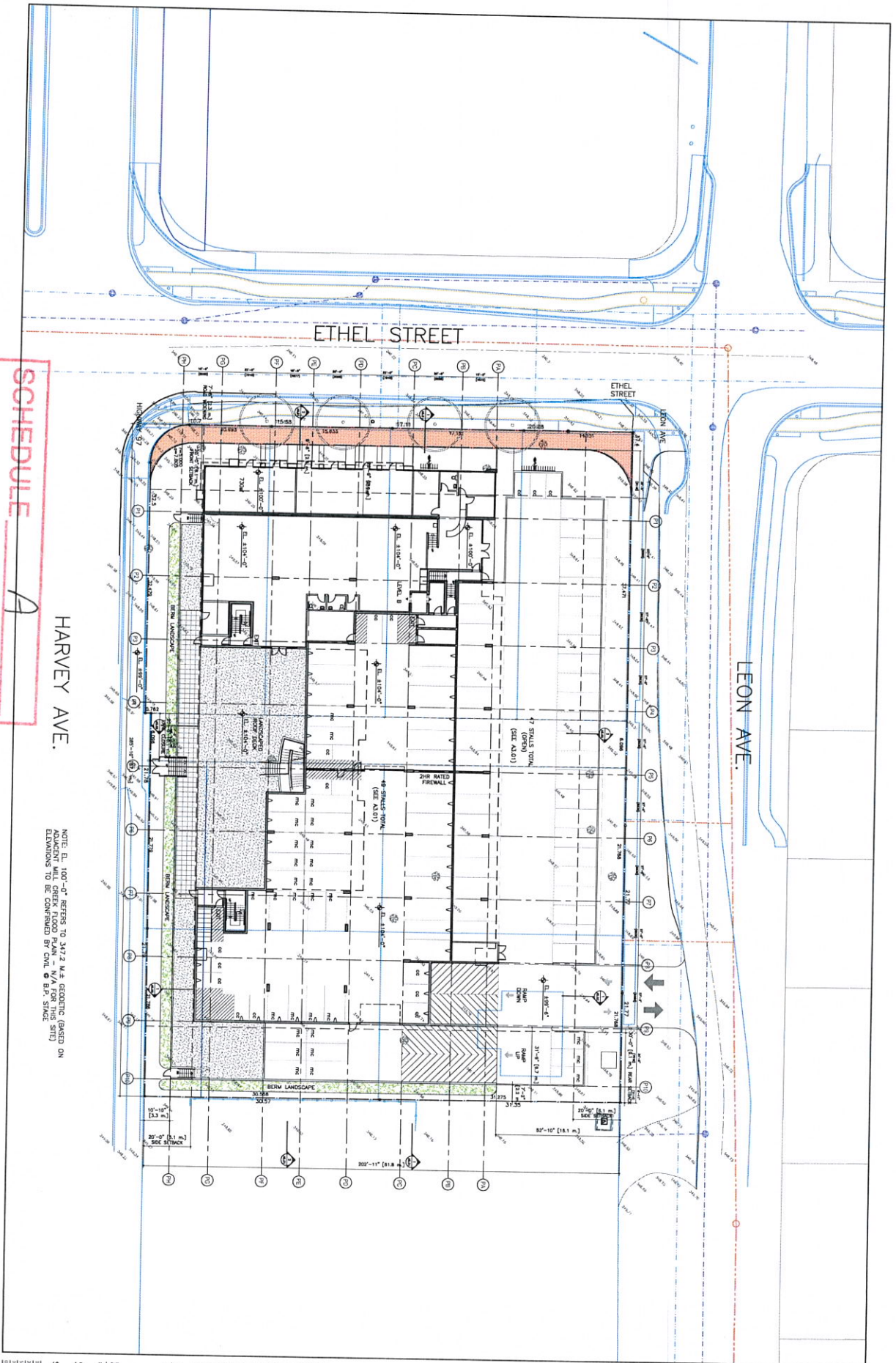
Date	2018-06-21
Job No.	From 15-1642
Scale	At 500:000
Drawn	PL/PL
Checked	PL

[illegible]

## An aerial photograph of a residential neighborhood. A red rectangle highlights a specific lot, which is labeled 'site' in blue text. A yellow diagonal line runs from the top-left to the bottom-right of the highlighted lot. The lot is situated at the intersection of Honey Ave and Laney Ave. Surrounding the highlighted lot are various other residential properties, including houses and trees. The street names 'Honey Ave' and 'Laney Ave' are visible on the map.

Permit # DP16-0074+DNP16-0075





HARVEY AVE.

ETHEL STREET

LEON AVE.

**SCHEDULE** A

This forms part of development  
Permit # DP16-0074

NOTE: E.L. 100'-0" REFERS TO 347.2 M.A. GEOTIC BASED ON ADJACENT MILL CREEK FLOOD PLAIN - N/A FOR THIS SITE. ELEVATIONS TO BE CONFIRMED BY CIVIL & B.P. STAGE

**Cambridge House**  
5-STORY - 192 UNITS  
DEVELOPMENT

180 ETHEL STREET, BEDFORD

**A2.01**

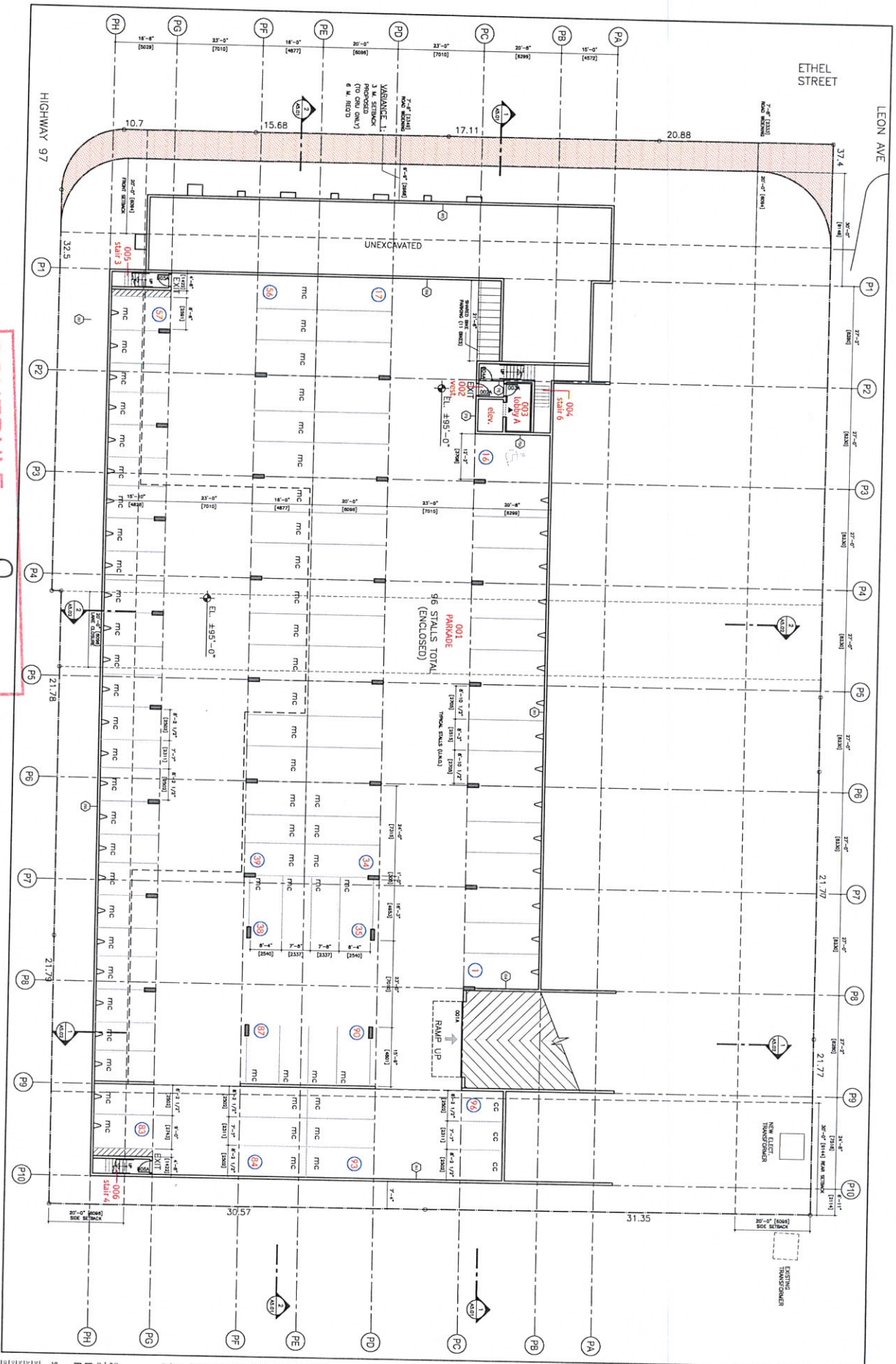
Scale: 1/16" = 1'-0"

**SITE PLAN**

**m+m a**  
MEIKLEJOHN ARCHITECTS INC.

2016-04-21  
REISSUED DP

**BOARDWALK**



**SCHEDULE A**  
This forms part of development  
Permit # **DP16-0074**

**Cambridge House  
5-STOREY - 192 UNITS  
DEVELOPMENT**

1681 ETHEL STREET, KILGOMRAH

**A3.00**

LEVEL "A" PARKADE  
FLOOR PLAN

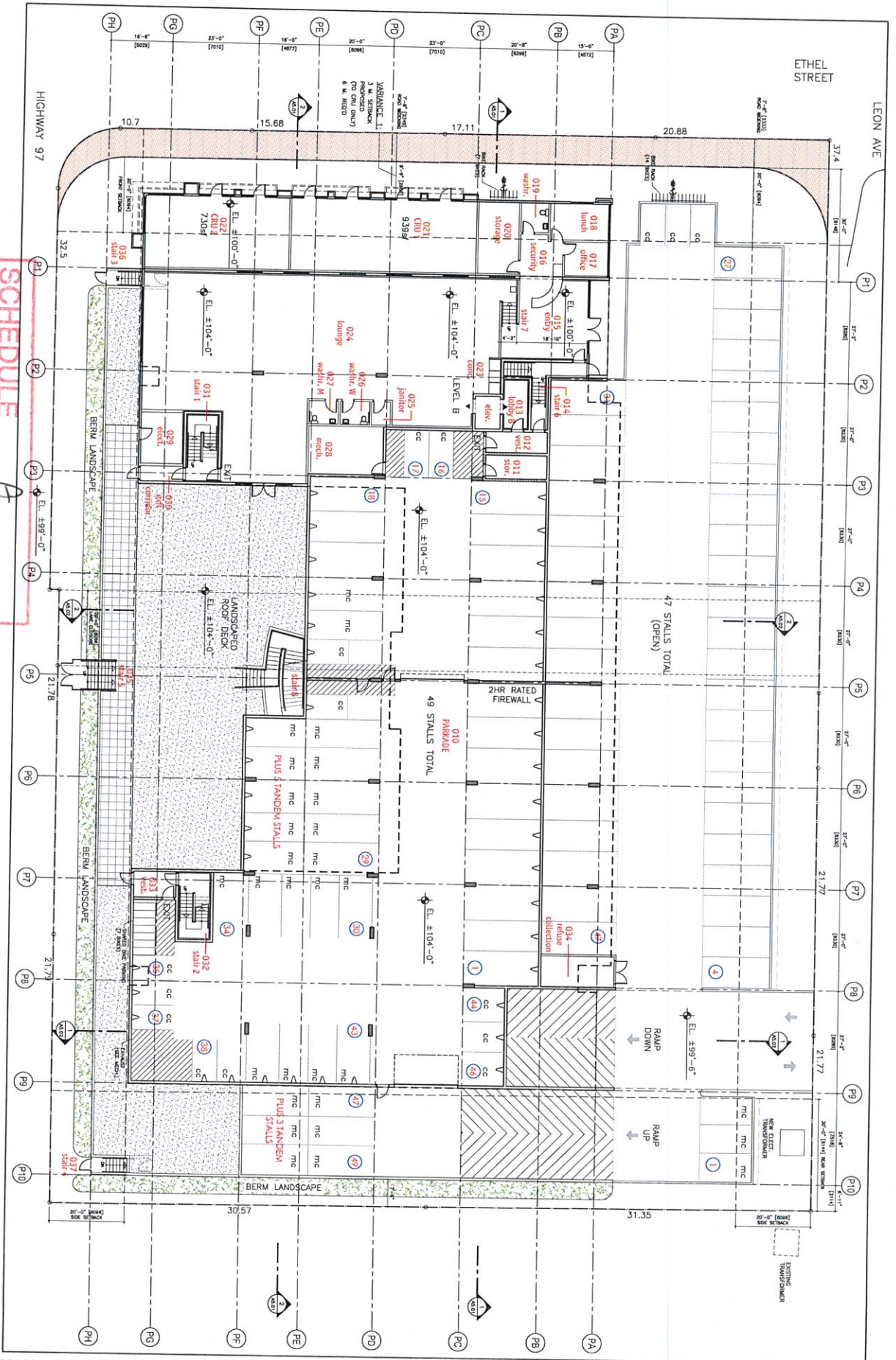
Scale: 1"=10'

**m+m a**  
MEIKLEJOHN ARCHITECTS INC.

2016-04-21  
REISSUED DP

**BOASERMAX**





**Cambridge House**  
5-STOREY - 192 UNITS  
DEVELOPMENT

1000 ETHEL STREET, WILLOWDALE

Level: B - PARKADE  
FLOOR PLAN

Scale: 1"=10'

**2016-04-21**  
**REISSUED DP**

**m+m a**  
MEIKLEJOHN ARCHITECTS INC.

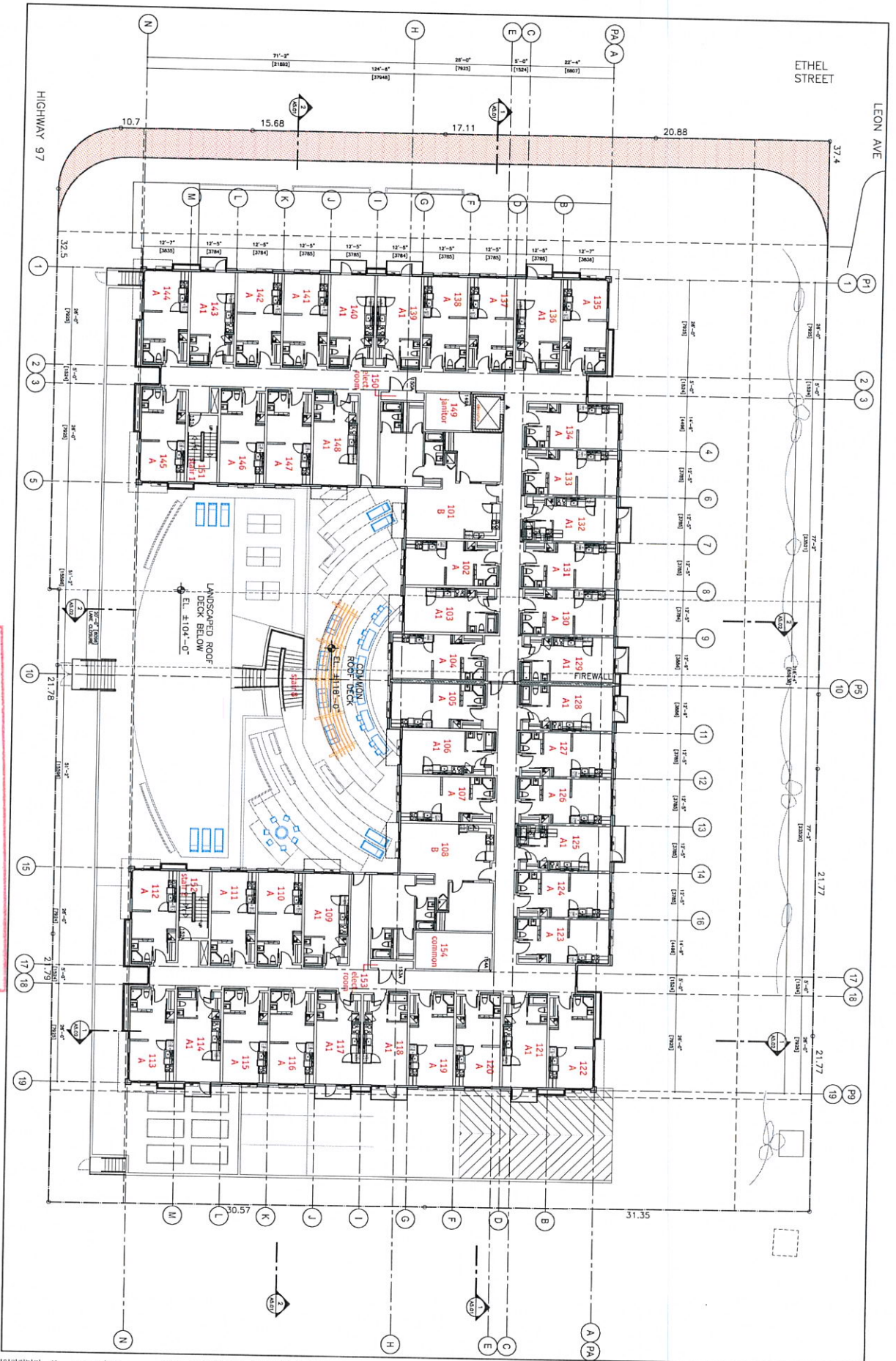
**BOARDMAX**

**SCHEDULE A**

This forms part of development

Permit # **DP16-0074**





**SCHEDULE A**  
This forms part of development  
Permit # DP16-0074

**A3.02**

**LEVEL 1**

**FLOOR PLAN**

Scale: 1"=10'

**CAMBRIDGE HOUSE**

**5-STORY - 192 UNITS**

**DEVELOPMENT**

1001 ETHEL STREET, WILLOWDALE

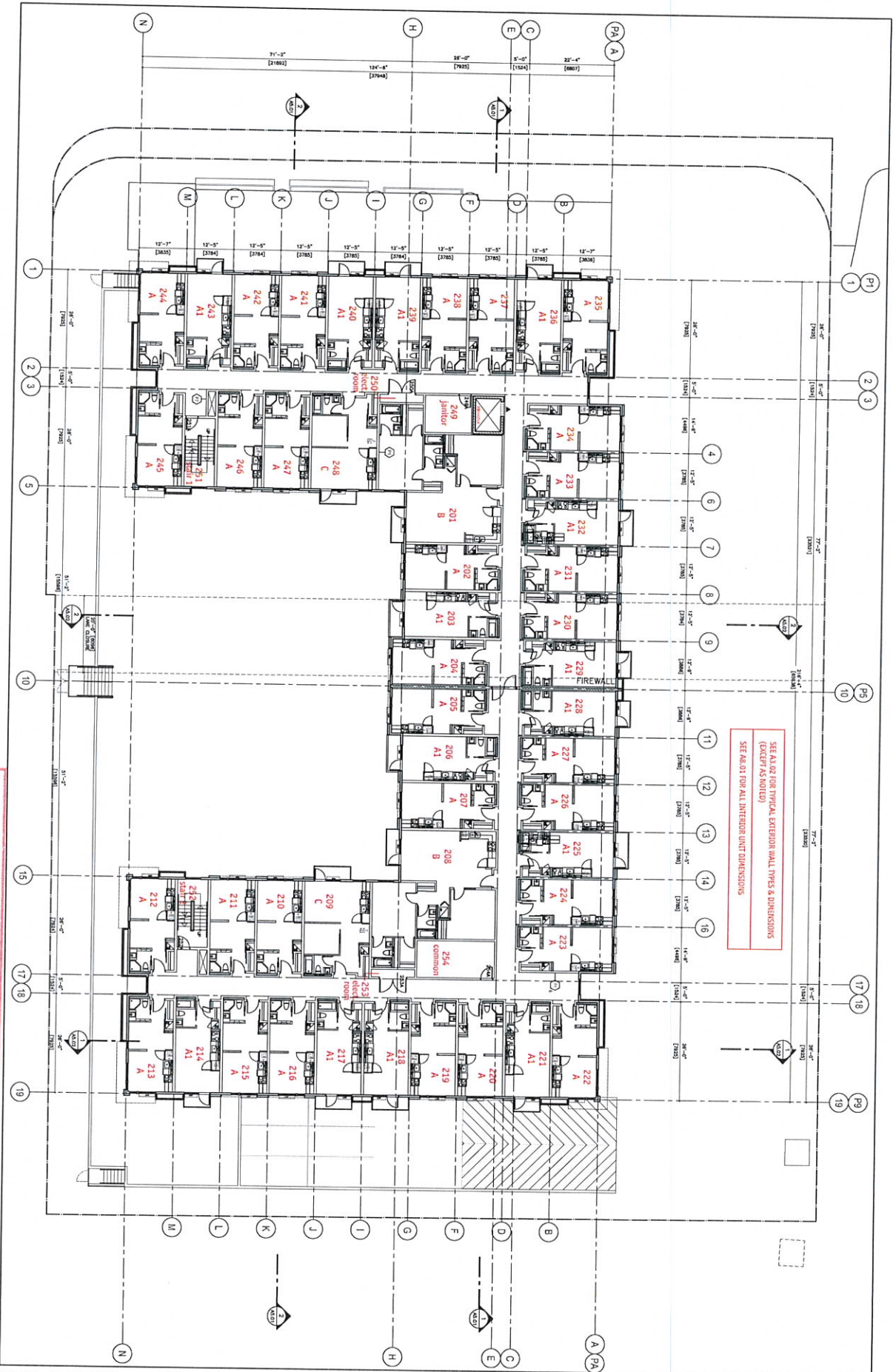
**2016-04-21**

**REISSUED DP**

**BOASERMAX**

**MEIKLEJOHN ARCHITECTS INC.**





**SCHEDULE A**  
This forms part of development  
Permit # **DPL6-0074**

**A3.03**

LEVELS 2 TO 4  
FLOOR PLAN

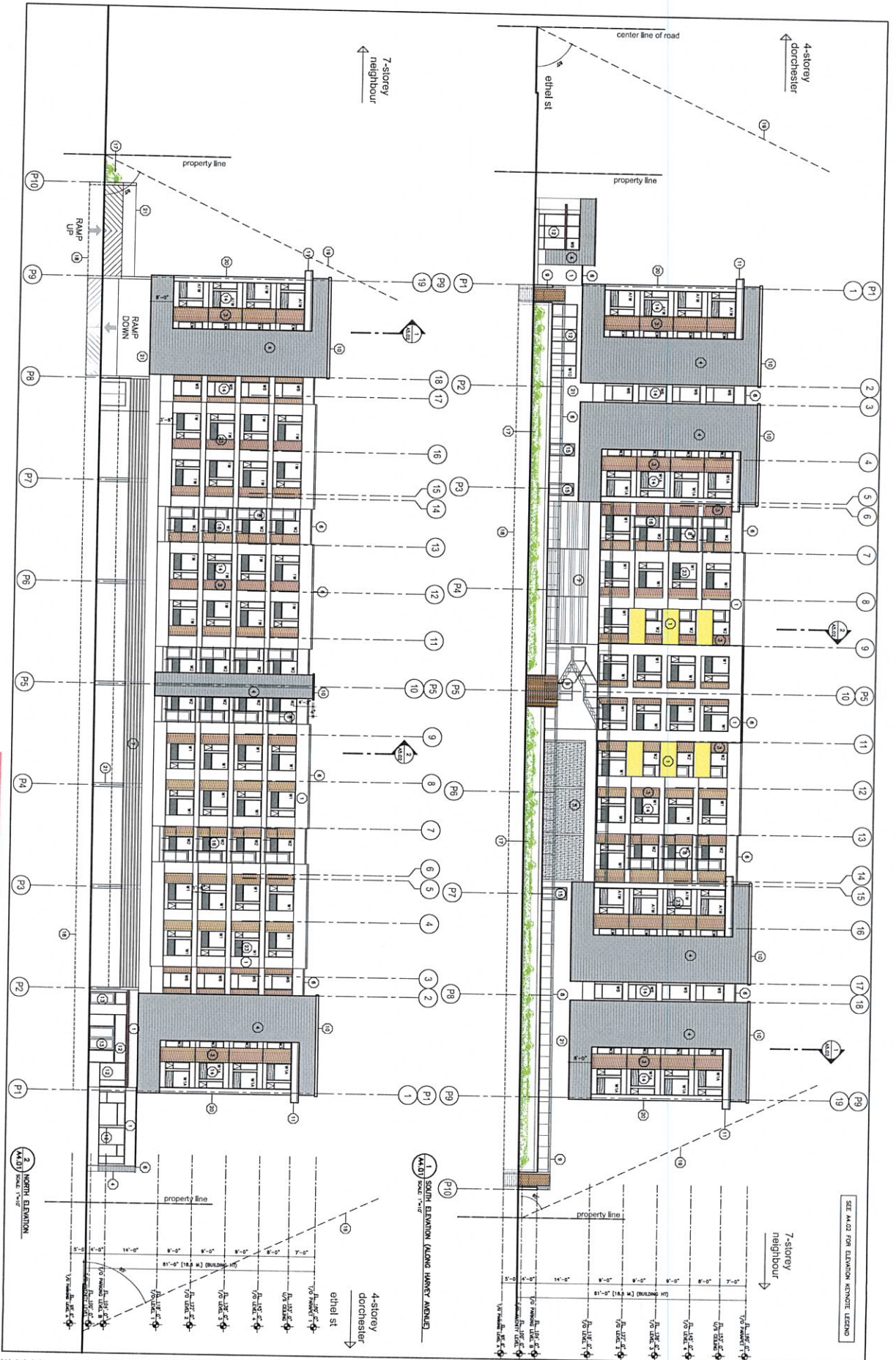
Scale: 1"=10'

DATE: 2016-04-21  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
APPROVED BY: [Name]

**MEIKLEJOHN ARCHITECTS INC.**

201 SOUTH STREET  
SUITE 200  
CAMBRIDGE, ONTARIO N1R 5X8  
TEL: 519.243.2000  
FAX: 519.243.2001  
EMAIL: info@meiklejohn.ca

**2016-04-21**  
**REISSUED DP**



**SCHEDULE B**

This forms part of development

Permit # DP16-0074

**A4.01**

**BUILDING ELEVATIONS**

CAMBRIDGE HOUSE  
5-STORY - 192 UNITS  
DEVELOPMENT

1400 ETHEL STREET, WILLOWDALE

Project Name

Client

Architect

Engineer

Contractor

Other

2016-04-21

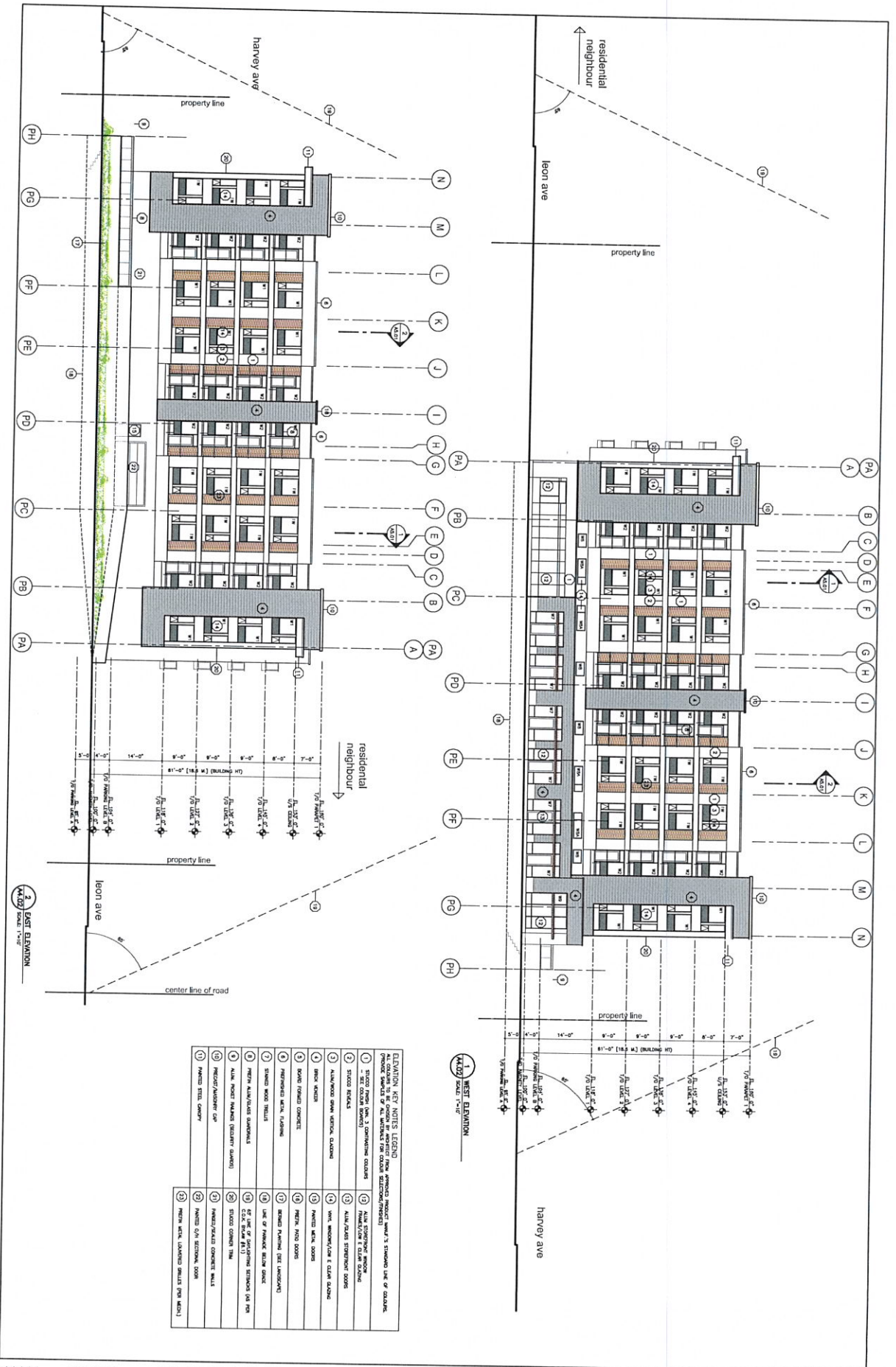
REISSUED DP

**m+m a**

MEIKLEJOHN ARCHITECTS INC.

301 HURONTARIO STREET  
SUITE 200  
TORONTO, ONTARIO M5T 1A4  
TEL: 416-593-1111  
WWW.MEIKLEJOHN.COM





**SCHEDULE B**  
 This forms part of development  
 Permit # DP16-0074

**Cambridge House**  
 5-STOREY - 192 UNITS  
 DEVELOPMENT  
 1401 EVEL STREET, KILGORE  
 Project Name

**A4.02**  
 BUILDING  
 ELEVATIONS

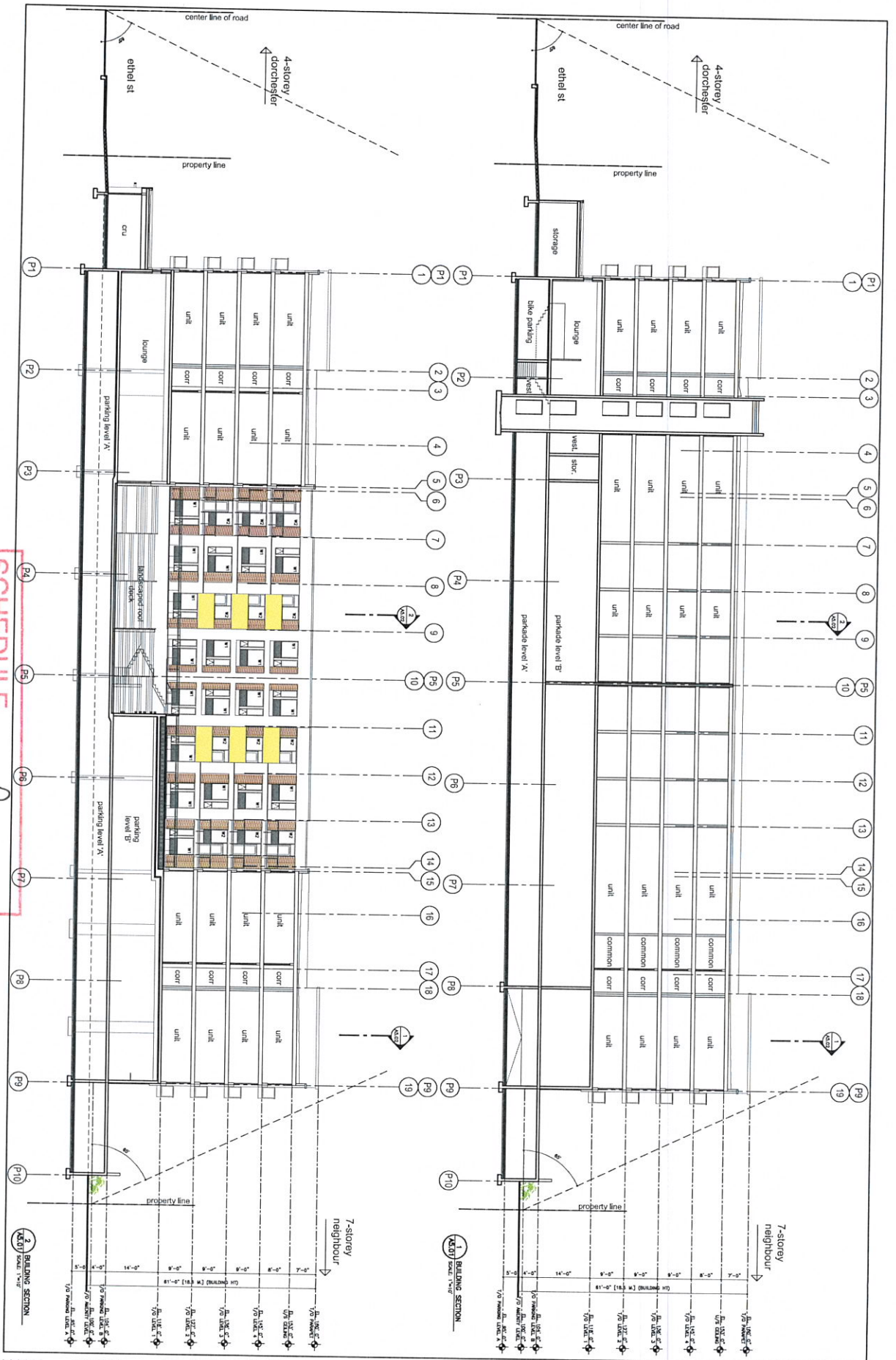
Scale: 1/8" = 1'-0"

Drawn by: [Name]  
 Checked by: [Name]  
 Date: [Date]

**m+m a**  
 MEIKLEJOHN ARCHITECTS INC.

2016-04-21  
 REISSUED DP

1011 13th Street, Suite 100  
 San Francisco, CA 94103  
 Tel: 415.774.1111  
 Fax: 415.774.1112  
 Email: info@m+marchitects.com



**SCHEDULE B**  
This forms part of development  
Permit # DP16-0074

**TABLE**

Legend for symbols: 1. 1/2" Scale, 2. 1/4" Scale, 3. 1/8" Scale, 4. 1/16" Scale, 5. 1/32" Scale, 6. 1/64" Scale, 7. 1/128" Scale, 8. 1/256" Scale, 9. 1/512" Scale, 10. 1/1024" Scale, 11. 1/2048" Scale, 12. 1/4096" Scale, 13. 1/8192" Scale, 14. 1/16384" Scale, 15. 1/32768" Scale, 16. 1/65536" Scale, 17. 1/131072" Scale, 18. 1/262144" Scale, 19. 1/524288" Scale, 20. 1/1048576" Scale, 21. 1/2097152" Scale, 22. 1/4194304" Scale, 23. 1/8388608" Scale, 24. 1/16777216" Scale, 25. 1/33554432" Scale, 26. 1/67108864" Scale, 27. 1/134217728" Scale, 28. 1/268435456" Scale, 29. 1/536870912" Scale, 30. 1/1073741824" Scale, 31. 1/2147483648" Scale, 32. 1/4294967296" Scale, 33. 1/8589934592" Scale, 34. 1/17179869184" Scale, 35. 1/34359738368" Scale, 36. 1/68719476736" Scale, 37. 1/137438953472" Scale, 38. 1/274877907344" Scale, 39. 1/549755814688" Scale, 40. 1/1099511629376" Scale, 41. 1/2199023258752" Scale, 42. 1/4398046517504" Scale, 43. 1/8796093035008" Scale, 44. 1/17592186070016" Scale, 45. 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m+m a



BOARDWALK  
HOUSING CORP.

Cambridge Housing Development

view along harvey/ethel ave

april 21, 2016

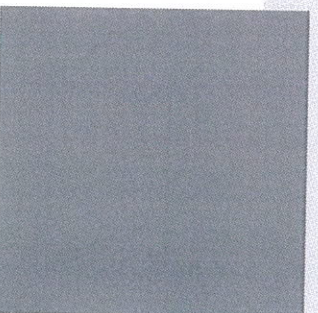
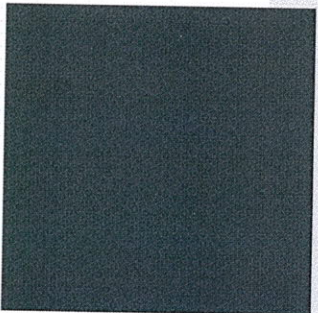
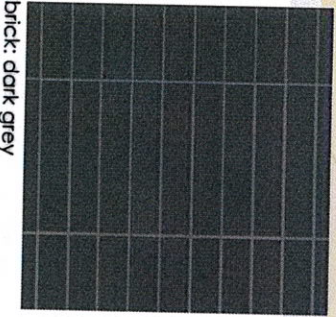
SCHEDULE

B

This forms part of development

Permit # DP16-0074





brick: dark grey

longboard cladding  
walnut

longboard cladding  
maple

dark grey stucco

light grey stucco

m+m a



BOARDWALK  
HOUSING CORP

Cambridge Housing Development

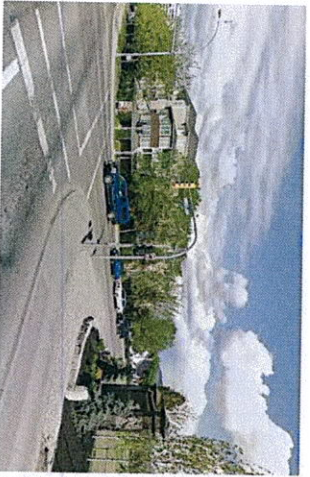
view along leon st

feb 24, 2016

SCHEDULE 3

This forms part of development  
Permit # DP16-0074

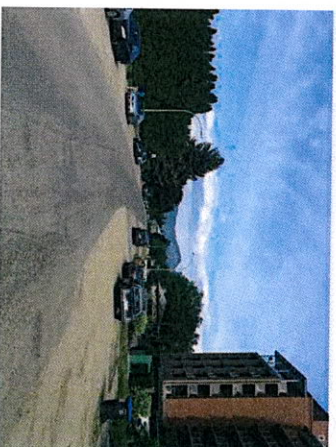
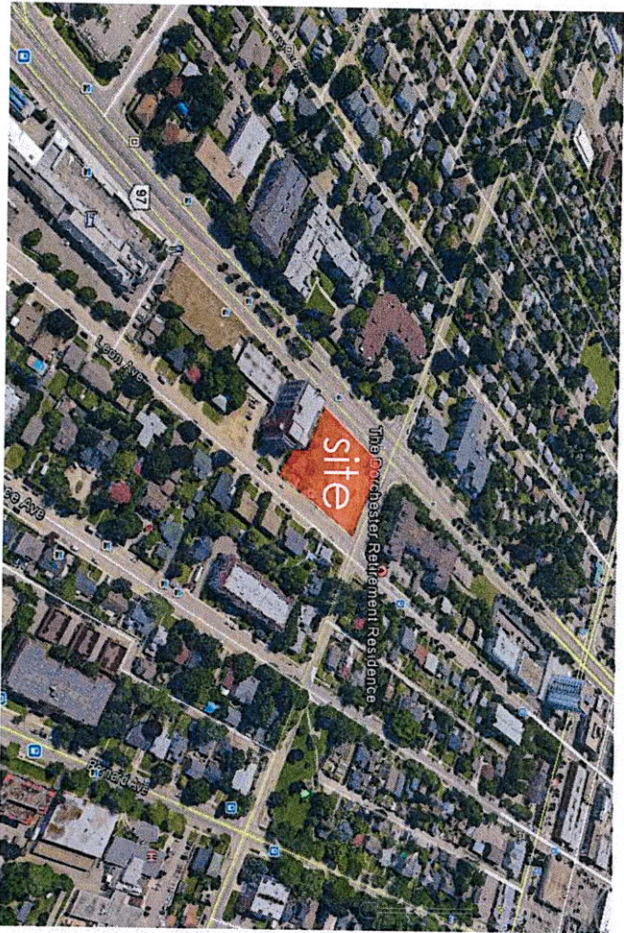




the dorchester



our site @ leon



view along leon ave

m+m a

BOARDWALK  
HOUSING CORP

Cambridge Housing Development

site context

feb 24, 2016

3

SCHEDULE A

A

This forms part of development

Permit # DP16-0074







# IRRIGATION LEGEND

	ZONE 1: LOWEST ELEVATION FOR UP-SLOPE AREAS FOR TREE AREA
	ZONE 2: MODERATE, SOUTH EXPOSURE, PARTIALLY SHADED BY TREES
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	ZONE 100: MODERATE, SOUTH EXPOSURE, PARTIALLY SHADED BY TREES

## IRRIGATION NOTES

1. IRRIGATION NOTES AND INSTALLATION METHODS SHALL MEET OR EXCEED THE REQUIREMENTS OF THE IRRIGATION DESIGN SPECIFICATIONS AND THE SUPPLEMENTARY SPECIFICATIONS IN THE CITY OF KIDDERMAN, KANSAS 2000 PART 6, SCHEDULE 6.
2. THE IRRIGATION SYSTEM SHALL MEET THE REQUIREMENTS, REGULATIONS, AND BYLAWS OF THE WATER FLUORIDE.
3. THE IRRIGATION SYSTEM SHALL BE EQUIPPED WITH AN APPROVED BACKFLOW PREVENTION DEVICE, WATER METER, AND SHUT OFF VALVE LOCATED OUTSIDE THE BUILDING ACCESSIBLE TO THE CITY.
4. AN APPROVED SMART CONTROLLER SHALL BE INSTALLED. THE IRRIGATION SCHEDULING TIMES SHALL BE BASED ON THE WEATHER DATA OF THE CITY OF KIDDERMAN, KANSAS (OR 77 MONTH WEATHER DATA), TAKING INTO CONSIDERATION SOIL TYPE, SLOPE, AND MICROCLIMATE.
5. DRAIN LINE AND PARTS SHALL INCORPORATE TECHNOLOGY TO LIMIT ROOT PENETRATION.
6. IRRIGATION SLEEVES SHALL BE INSTALLED TO ROUTE IRRIGATION LINES UNDER HARD SURFACES AND PAVEMENT.
7. IRRIGATION PIPE SHALL BE SIZED TO ALLOW FOR A MINIMUM FLOW OF 1.5 gpm.
8. A FLOW SENSOR AND WATER VALVE SHALL BE CONNECTED TO THE CONTROLLER AND PROGRAMMED TO SHUT DOWN TO THE SYSTEM IN CASE OF AN IRRIGATION WATER LEAK.

ETHEL STREET

LEON AVENUE

BUILDING

HIGHWAY 97 / HARVEY AVENUE

## WATER CONSERVATION CALCULATIONS

LANDSCAPE MAXIMUM WATER DEFICIT (MM) = 1079 cu in / ft<sup>2</sup>  
 ESTIMATED LANDSCAPE WATER USE (ML) = 725 cu in / ft<sup>2</sup>  
 WATER BALANCE = 354 cu in / ft<sup>2</sup>  
 \*REFERS ATTACHED IRRIGATION APPLICATION FOR DETAILED CALCULATIONS

## SCHEDULE C

This forms part of development  
 Permit # DP16-0074



OUTLAND DESIGN  
 LANDSCAPE ARCHITECTURE

206 - 399 Scott Road  
 Williams, BC V7Y 4R2  
 (250) 944-2271  
 www.outlanddesign.ca



PROJECT TITLE  
 ETHEL LEON  
 DEVELOPMENT

DATE: 08/20/2016

DRAWN BY: JEFF

WATER CONSERVATION  
 & IRRIGATION PLAN

NO.	DESCRIPTION	DATE
1	1.00	08/20/2016
2	2.00	08/20/2016
3	3.00	08/20/2016
4	4.00	08/20/2016
5	5.00	08/20/2016
6	6.00	08/20/2016
7	7.00	08/20/2016
8	8.00	08/20/2016
9	9.00	08/20/2016
10	10.00	08/20/2016

PROJECT NO.	1000
DRAWN BY	JP
CHECKED BY	MB
DATE	08/20/2016
SCALE	1:200

SEALED



L2/2

ISSUED FOR REVIEW ONLY

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OUTLAND DESIGN  
LANDSCAPE ARCHITECTURE

Feb. 24, 2016

**Ethel Leon Development**

C/o Meiklejohn Architects Inc.  
233 Bernard Avenue  
Kelowna, BC V1Y 6N2  
Attn: Jim Meiklejohn

**Re: Proposed Ethel Leon Development – Preliminary Cost Estimate for Bonding**

Dear Jim:

Please be advised of the following preliminary cost estimate for bonding of the proposed landscape works shown in the Ethel Leon Development conceptual landscape plan dated 16.02.24;

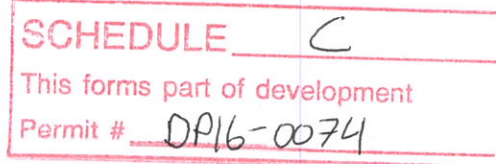
- 1,013 square metres (10,904 square feet) of improvements = \$84,293.50

This preliminary cost estimate is inclusive of trees, shrubs, turf, mulch, topsoil & irrigation.

You will be required to submit a performance bond to the City of Kelowna in the amount of 125% of the preliminary cost estimate. Please do not hesitate to contact me with any questions about the landscape plan.

Best regards,

Fiona Barton, MBCSLA, CSLA  
as per  
Outland Design Landscape Architecture



# REPORT TO COUNCIL



**Date:** June 28, 2016

**RIM No.** 0940-00

**To:** City Manager

**From:** Community Planning Department (RR)

**Application:** DP16-0001 / DVP16-0002      **Owner:** Kelowna Hwy 97/33 Holdings Ltd., Inc. No.BC1003626

**Address:** 2486 Highway 97 N      **Applicant:** Calnitsky Architecture

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

**Existing OCP Designation:** COMM - Commercial

**Existing Zone:** C9 - Tourist Commercial

---

## 1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP16-0001 for Lot 1 DL 125 ODYD Plan 18724 Except Plans KAP78413 and KAP80632 located at 2486 Hwy 97 North, 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. DVP16-0002 for Lot 1 DL 125 ODYD Plan 18724 Except Plans KAP78413 and KAP80632 located at 2486 Hwy 97 North, Kelowna, BC;

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



**Section 14.9.5 (c)**

To vary the required minimum front yard setback from 6.0 m to 3.0 m as shown on the attached Schedule "A"

**Section 14.9.5 (d)**

To vary the required minimum front yard setback from 4.5 m to 2.25 m along the southern property line as shown on the attached Schedule "A"

**Section 14.9.5 (d)**

To vary the required minimum front yard setback from 3.0 m to 0.00 m along the northern property line as shown on the attached Schedule "A"

**Section 8.1.2**

To vary the required minimum number of parking spaces from 206 as prescribed by Table 8.1 to 184.

AND FURTHER 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.

**2.0 Purpose**

To consider a Development Permit and a Development Variance Permit for the construction of a Six storey Hotel and commercial units.

**3.0 Community Planning**

The design of the hotel and commercial units largely complies with the Urban Design Guidelines in the Official Community Plan and Community Planning is recommending support for the four (4) variances and the overall proposed hotel development.

The proponent has laid out the site such that the highway frontage is lined with commercial retail or service units. This provides an active frontage along Highway 97 helping to improve the character and urban form, over where parking traditionally dominates the frontage. This configuration screens most of the surface parking from the highway, and is a step towards enhancing the form of development along the Highway 97 corridor.

The site design proposes to break up the surface parking and reduce heat island effects associated with large expanses of asphalt and hard surfaced area. In addition to screening the parking with commercial buildings, the applicant has integrated bioswales and landscaping into the parking lot. The applicant has also included electric charging stations in the parking lot.

As part of the development approvals process, the applicant has applied to re-zone the property to C4 - Urban Commercial to open up a larger list of commercial tenants. If Council chooses to adopt the zoning at a later date, the variances the applicant has requested to the front and side yard setbacks will no longer be required, as the proposed development complies with the C4 - Urban Commercial zone.

## 4.0 Proposal

### 4.1 Project Description

The applicant has proposed a 6 storey hotel, up to 8 one storey commercial units, and associated parking and landscaping.



Figure 1.0 - Proposed Site Layout

The highway frontage will be lined with single storey retail and restaurant units creating an attractive streetscape and hiding the surface parking located behind.

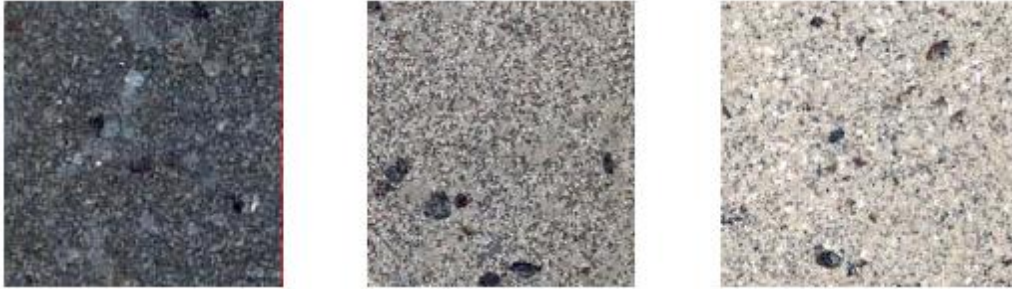


The commercial units will front onto the Highway, with entrances on both the highway and parking lot sides of the buildings. The units will be clad in stone insulation panelling and wooden accent elements.

The proposed hotel is a 6 storey structure with an offset *porte-cochere*. The applicants have proposed cladding the building in a rigid foam exterior material intended to mimic granite, that is in keeping of character with the national brand. The majority of the bulding will be clad in light coloured faux granite. Windows will be framed with a darker material, and the building frame around the porte-cochere will be a dark colour. The cladding material will be an upgrade from the stucco or concrete traditionally applied on highway hotels.







#### 4.2 Site Layout

The front of the site, facing onto Highway 97, will have buildings built to within 3.0 m, the minimum distance the Ministry of Transportation will allow. This will have the effect of screening much of the parking from the travelling public, and minimizing the aesthetic impact of the surface parking lot.

The parking lot will be bisected by a paver pathway running between the commercial plaza and the hotel, a mitigation strategy to enhance the walkability of the site.

The design calls for two plazas between the commercial units to allow pedestrian flow between the highway frontage and the interior of the site. These plazas will be dominated by large canopy trees with benches.

#### 4.3 Variances

The applicant has requested four variances to the Zoning Bylaw, including 3 setback variances and a variance to the total required number of parking stalls.

The setback variances will be temporary variances, and will no longer be required once the associated rezoning is complete. They will act as bridges to allow the development to proceed over the summer while the rezoning bylaw works through the approvals process.

The applicant has also applied to vary the total number of parking stalls by about 10%, from the required 206 to 184. The applicant believes that the offsetting nature of the uses will mean that less parking is required, with retail traffic expected to use the parking lot during the day, and the restaurant's busy hours being in the evening when the retail outlets are closed.

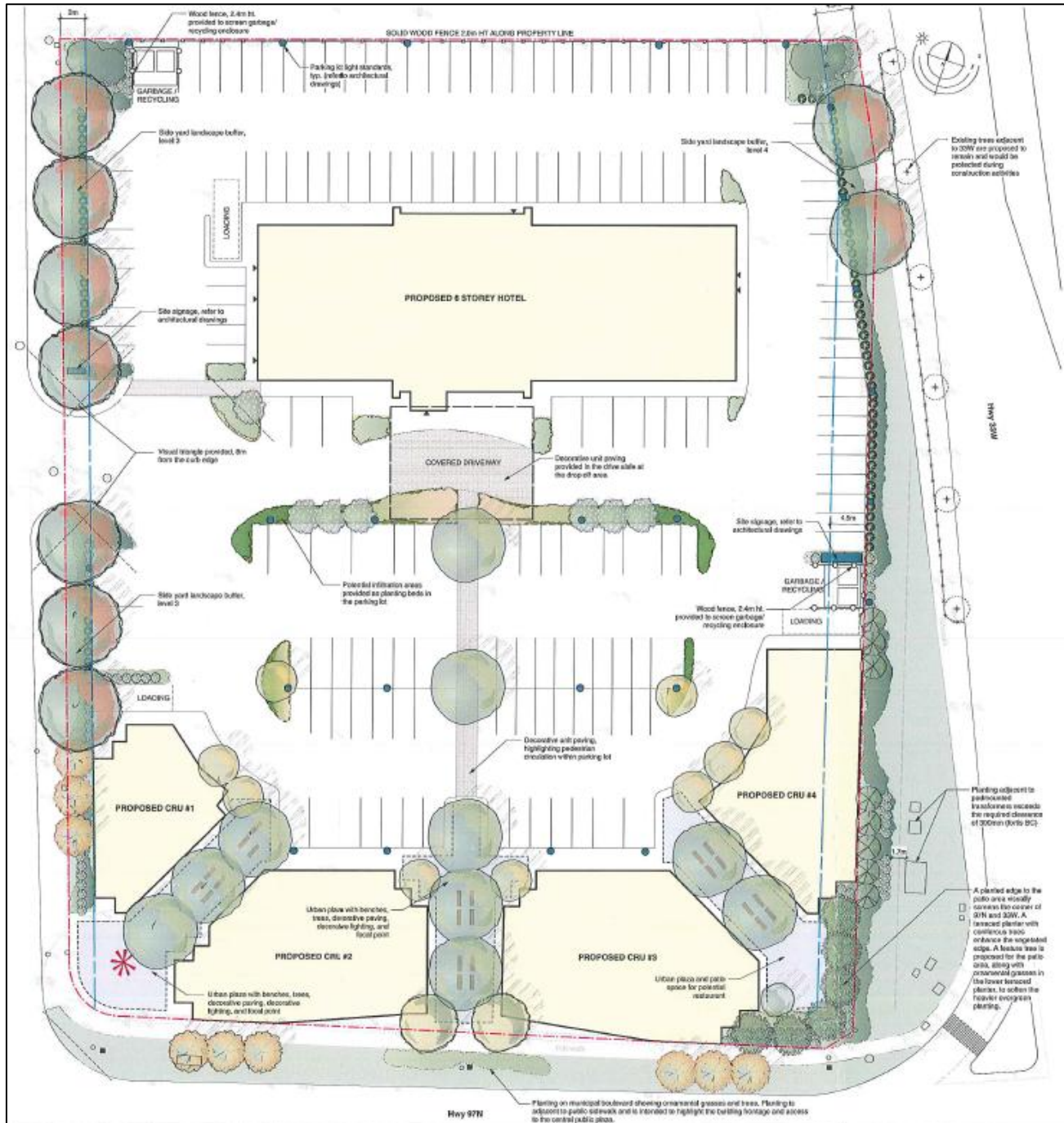
The applicant has further mitigated parking impacts by including an electric car charging station, bioswales, permeable paving where possible and enhanced landscaping along the two urban plazas. With the parking lot sheltered from the east and west by buildings, the heat island effect and aesthetic impacts will also be reduced.

#### 4.4 Landscaping

The site landscaping is intended to screen those areas of the parking lot not screened by building. The south aspect of the property will be lined by red oaks, while large canopy honey locusts will be used for shade in the plazas and walkways.

Planting areas will be designed to act as infiltration swales as part of stormwater management, reducing runoff and providing a more natural drainage solution.

A wooden fence will be constructed along the west property line to screen the hotel from neighbouring uses.



#### 4.5 Site Context

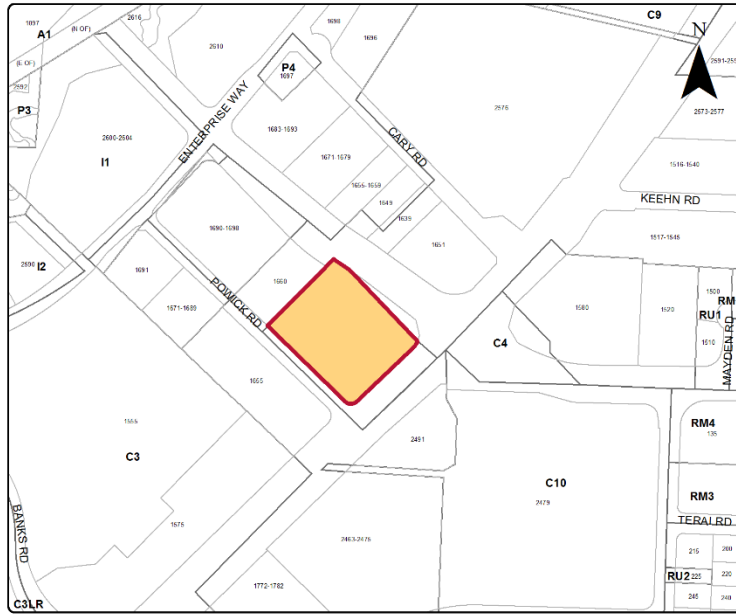
The property is in a heavily urbanized area of the city, at the junction of two major highways. The site is adjacent to another large hotel to the south. The large warehouse retailer Costco is directly across Highway 97. As Highway 33 is extended, it is anticipated that this intersection will grow more and more busy and prominent. Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C10 - Service Commercial	Ashley Furniture
East	C10 - Service Commercial	Costco
South	C4 - Urban Centre Commercial	Fairfield Hotel
West	C10 - Service Commercial	Event Rentals Store

#### Subject Property Map:



CONTEXT



NEIGHBOURING ZONING



SUBJECT PROPERTY



#### 4.6 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C9 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	1800 m <sup>2</sup>	9,129 m <sup>2</sup>
Minimum Lot Width	30.0 m	97.0 m
Minimum Lot Depth	35.0 m	117.30 m
Development Regulations		
Maximum Floor Area Ratio	1.5	0.89
Maximum Height	6 storeys / 22.0m	6 storeys
Minimum Front Yard	6.0 m	3.0 m <sup>❶</sup>
Minimum Side Yard (south)	4.5 m	2.25 m <sup>❷</sup>
Minimum Side Yard (north)	3.0 m	0.0 m <sup>❸</sup>
Minimum Rear Yard	15.0 m	18.0m
Other Regulations		
Minimum Parking Requirements	206	184 <sup>❹</sup>
Minimum Bicycle Parking	21	22
Minimum Loading Space	3	3
<sup>❶</sup> Front Yard Setback Reduction <sup>❷</sup> South Side Yard Setback Reduction <sup>❸</sup> North Side Yard Setback Reduction <sup>❹</sup> Parking Reduction		

### 5.0 Current Development Policies

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

##### Chapter 14: Revitalization Development Permit Area

##### Objectives

- 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.

### 6.0 Technical Comments

#### 6.1 Building & Permitting Department

- 1) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)

- 2) Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- 3) A Hoarding permit may be required and protection of the public from the staging area and the new building area during construction. Location of the staging area and location of any cranes should be established at time of DP
- 4) A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
  - a. Any security system that limits access to exiting needs to be addressed in the code analysis by the architect. This includes separations of the parkade into restricted areas if any.
  - b. Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.
- 5) A Structural peer review may be required at time of building permit application for the 6 storey structure.
- 6) A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. This property falls within the Mill Creek flood plain bylaw area and compliance is required. Minimum building elevations are required to be established prior to the release of the Development Permit. This minimum Geodetic elevation is required for all habitable spaces. This building may be designed to low, which may affect the form and character of the building.
- 7) Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s). The drawings submitted for building permit is to clearly identify how this rating will be achieved and where these area(s) are located.

## 6.2 Development Engineering Department

- See attached Memorandum dated February 23, 2016

## 6.3 Fire Department

- 1) Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
- 2) Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900. Should a hydrant be required on this property it shall be operational prior to the start of construction.
- 3) A visible address must be posted as per City of Kelowna By-Laws . As the only access to this site is off of Powick Rd, the buildings should be addressed off of Powick Rd.
- 4) Sprinkler drawings are to be submitted to the Fire Dept. for review when available.
- 5) A fire safety plan as per section 2.8 BCFC is required at occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD
- 6) Fire Department access is to be met as per BCBC 3.2.5.

- 7) Approved Fire Department steel lock box or key tube acceptable to the fire dept. is required by the fire dept. entrance.
- 8) All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met
- 9) Fire alarm system is to be monitored by an agency meeting the CAN/ULC S561 Standard.
- 10) Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- 11) Fire department connection is to be within 45M of a fire hydrant - unobstructed
  - a. Ensure FD connection is clearly marked and visible from the street
  - b. Standpipes to be located on intermediate landings.
  - c. Sprinkler zone valves shall be accessible as per fire prevention bylaw.
  - d. Dumpster/refuse container must be 3 meters from structures or overhangs.
  - e. Do not issue BP unless all life safety issues are confirmed.

## 7.0 Application Chronology

Date of Application Received: January 4<sup>th</sup>, 2016  
Date of Final Drawing Revisions: May 2016

### Report prepared by:

---

Ryan Roycroft, Planner

### Reviewed by:

☐

Terry Barton, Urban Planning Manager

### Approved for Inclusion:

☐

Ryan Smith, Community Planning Department Manager

### Attachments:

Site Plan  
Conceptual Elevations  
Landscape Plan  
Draft Development Permit  
Engineering Memorandum



# DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT



## APPROVED ISSUANCE OF DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT NO. DP16-0001 / DVP16-0002

**Issued To:** Kelowna Highway 97 / 33 Holdings Ltd. Inc No BC1003636  
**Site Address:** 2486 Highway 97 N  
**Legal Description:** Lot 1 DL 125 ODYD Plan 18724 Except Plans KAP78413 and KAP80632  
**Zoning Classification:** C9 - Tourist Commercial  
**Development Permit Area:** Revitalization Form and Character

### SCOPE OF APPROVAL

This 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 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 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.

### 1. TERMS AND CONDITIONS

THAT Development Permit No. DP16-0001 and DVP16-0002 for Lot 1 DL 125 ODYD Plan 18724 Except Plans KAP78413 and KAP80632, located at 2486 Highway 97, Kelowna, BC to allow the construction of a hotel and associated commercial units be approved subject to the following:

- 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";
- 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, as shown on Schedule "X":

**Section 14.9.5 (c)**

To vary the required minimum front yard setback from 6.0 m to 3.0 m as shown on the attached Schedule "A"

**Section 14.9.5 (d)**

To vary the required minimum front yard setback from 4.5 m to 2.25 m along the southern property line as shown on the attached Schedule "A"

**Section 14.9.5 (d)**

To vary the required minimum front yard setback from 3.0 m to 0.00 m along the northern property line as shown on the attached Schedule "A"

**Section 8.1.2**

To vary the required minimum number of parking spaces from 206 as prescribed by Table 8.1 to 184.

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. 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 Permit Holder and be paid to the Permit Holder if the security is returned. The condition of the posting of the security is that should the Permit Holder 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 the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permit Holder, or should the Permit Holder carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Permit Holder. There is filed accordingly:

- a) Cash in the amount of \$\_\_\_\_\_ OR
- b) A Certified Cheque in the amount of \$\_\_\_\_\_ OR
- c) An Irrevocable Letter of Credit in the amount of \$\_\_\_\_\_ .

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.

## 3. DEVELOPMENT

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit that shall form a part hereof.

If the Permit Holder does not commence the development permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

**This Permit IS NOT a Building Permit.**

## 4. APPLICANT'S AGREEMENT

I hereby declare that all of the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree 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 granting to me the said Permit.
- b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of 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.

I further covenant and agree that should I be granted a Development Permit and/or Development Variance Permit, the Municipality may withhold the granting of any Occupancy Permit for the occupancy and / or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Divisional Director of Community Planning & Real Estate.

Should there be any change in ownership or legal description of the property, I undertake to notify the Community Planning Department immediately to avoid any unnecessary delay in processing the application.

**I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.**

---

Signature of Owner / Authorized Agent

---

Date

---

Print Name in Bold Letters

---

Telephone No.

## 5. APPROVALS

Issued and approved by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

---

Ryan Smith, Community Planning Department Manager  
Community Planning & Real Estate

---

Date

**The PERMIT HOLDER is the CURRENT LAND OWNER.  
Security shall be returned to the PERMIT HOLDER.**



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## CITY OF KELOWNA

# MEMORANDUM

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**Date:** February 23, 2016  
**File No.:** Z16-0001  
**To:** Urban Planning Department (RR)  
**From:** Development Engineering Manager (SM)  
**Subject:** 2486 Highway 97 N                      Lot 1, Plan 18724                      C9 to C4

---

The Development Engineering Department has the following comments and requirements regarding this application to rezone the subject property from C9 to C4 to accommodate the construction of a proposed Hotel.

The road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technologist for this project is Jason Ough

### 1. General

- a) These are Development Engineering comments/requirements and are subject to the review and requirements from the Ministry of Transportation (MOTI) Infrastructure Branch.
- b) This proposed subdivision may require the installation of centralized mail delivery equipment. Please contact Rick Ould, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC, V1Y 2K0 (250-763-3558 ext. 2008) to obtain further information and to determine suitable location(s) within the development.
- c) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement homes may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.

### 2. Geotechnical Report

Provide a comprehensive geotechnical report, prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below:

**NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.**

- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- (ii) Site suitability for development.
- (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).

- (iv) Any special requirements for construction of roads, utilities and building structures.
- (v) Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands.
- (vi) Recommendations for items that should be included in a Restrictive Covenant.
- (vii) Any items required in other sections of this document.
- (viii) Recommendations for erosion and sedimentation controls for water and wind.
- (ix) Recommendations for roof drains and perimeter drains.
- (x) Recommendations for construction of detention or infiltration ponds if applicable.

### **3. Domestic Water and Fire Protection**

- a) The property is located within the Rutland Water District (RWD) service area. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. The developer is responsible, if necessary, to arrange with RWD staff for any service improvements and the decommissioning of existing services.
- b) Boulevard landscape irrigation system, must be integrated with the on-site irrigation system.

### **4. Sanitary Sewer**

- a) The developer's consulting mechanical engineer will determine the development requirements of the proposed development and establish the service needs.
- b) The applicant will arrange for the removal and disconnection of one or both of the existing 150mm sewer services and the installation of one new larger service, if required, at the applicants cost. A maximum of one service will be permitted to this property.

### **5. Storm Drainage**

The developer must engage a consulting civil engineer to provide a storm water management plan which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan will include provision of a lot grading plan, identify minimum basement elevation (MBE), overland drainage routes, floodplain elevations and setbacks, and provision of a storm drainage service for the lot and /or recommendations for onsite drainage containment and disposal systems. The on-site drainage systems may be connected to the existing municipal drainage system in Highway 33 via an overflow service.

### **6. Road Improvements**

- a) Powick Road must be constructed to a full SS-R5 urban standard including curb and gutter, separate sidewalk on property line, piped storm drainage system, fillet pavement, street lights, and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction.
- b) The proposed Hotel triggers a traffic impact assessment. The applicant's transportation engineer shall contact the City's Transportation & Mobility group



who will determine the terms of reference for the study. Recommendations from the Traffic Impact Analysis (TIA) will become requirements of rezoning.

- c) The estimated cost of required road improvement works, for bonding purpose, must be determined based upon a design provided by the developer to be reviewed by the City of Kelowna and MOTI.

## **7. Road Dedication and Subdivision Requirements**

- a) The developer is required to dedicate roadway along Powick Road frontage in order to achieve a minimum 20m standard for Collector Right of Way width.
- b) The required TIA and input from the Ministry will determine the potential need for improvement to the existing channelization island and right turn lane and from Hwy 33 to Hwy 97. A subsequent design will determine how much disposable land is available at this location. The remaining property may be purchased by the developer and consolidated with the subject property.
- c) Grant Statutory Rights of Way if required for utility services.
- d) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager

## **8. Electric Power and Telecommunication Services**

All proposed service connections are to be installed underground. 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.

## **9. Design and Construction**

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



**10. Survey Monuments and Iron Pins**

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

**11. Other Engineering Comments**

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

**12. Development Permit and Site Related Issues**

- a) Access and Manoeuvrability
  - (i) An SU-9 standard size vehicle must be able to manoeuvre onto and off the site without requiring a reverse movement onto public roadways.
  - (ii) Indicate on the site, the locations of loading bays as well as the garbage and recycle bins.

**13. 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.

**14. Charges and Fees**

- a) Development Cost Charges (DCC's) are payable.
- b) Fees per the "Development Application Fees Bylaw" include:
  - i) Street/Traffic Sign Fees: at cost if required (to be determined after design).
  - ii) Engineering and Inspection Fee: 3.5% of construction value (plus GST).



# SCHEDULE A

This forms part of development  
Permit # DP16-0001

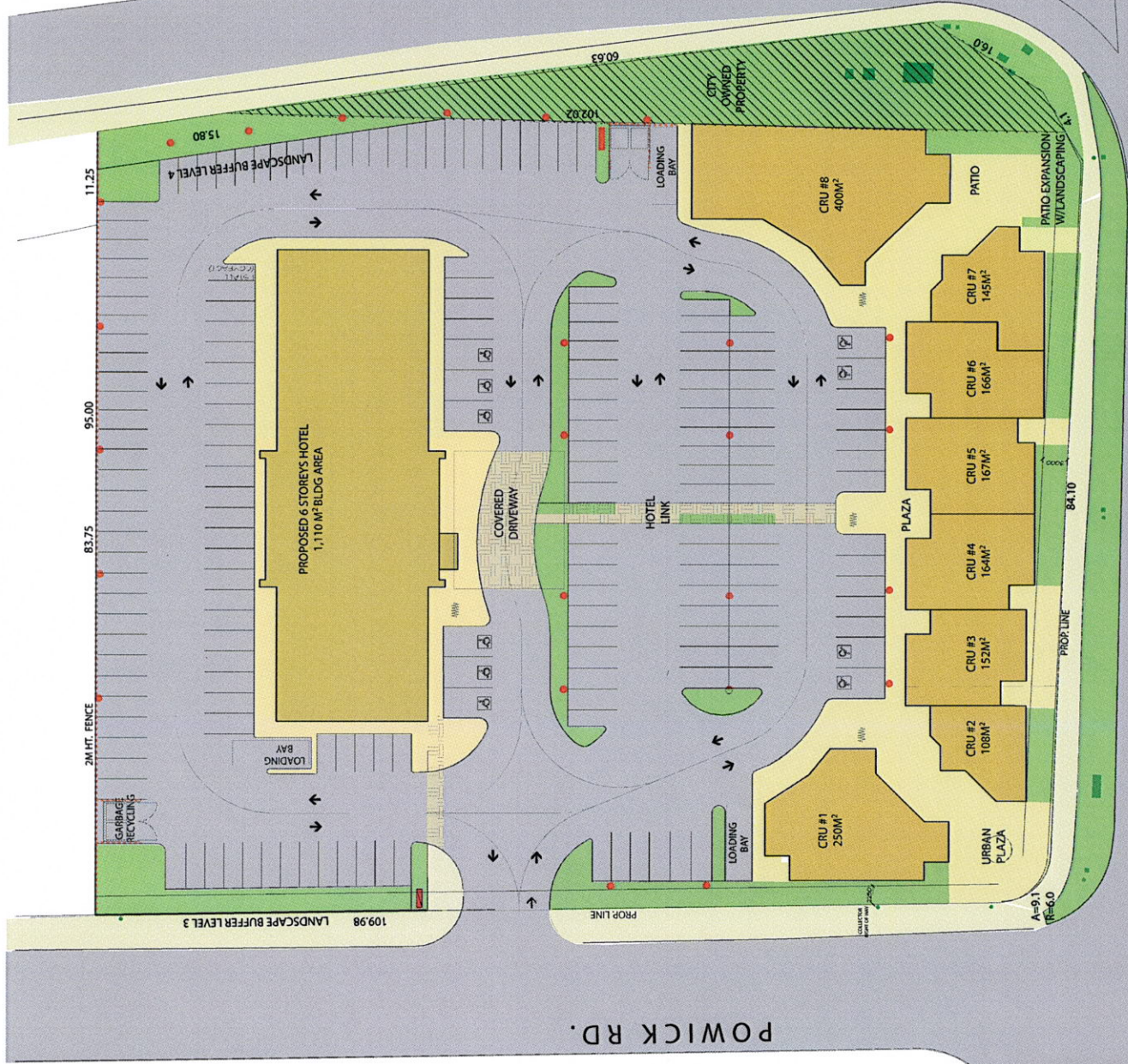
7

COMMERCIAL  
DEVELOPMENT  
HIGHWAYS 97N & 33W  
VICTORIA, BC

SCALE 1:200  
0 1.2 5 10 20m

- CITY PROPERTY
- EXISTING UTILITIES PAD
- EXISTING LIGHT STANDARD
- NEW 2.4m HT. FENCE
- LIGHT STANDARD
- SIGNAGE Pylon
- REVISION 30/03/16

HIGHWAY 33 W



HIGHWAY 97

## SITE PLAN



CALNITSKYIO  
ARCHITECT



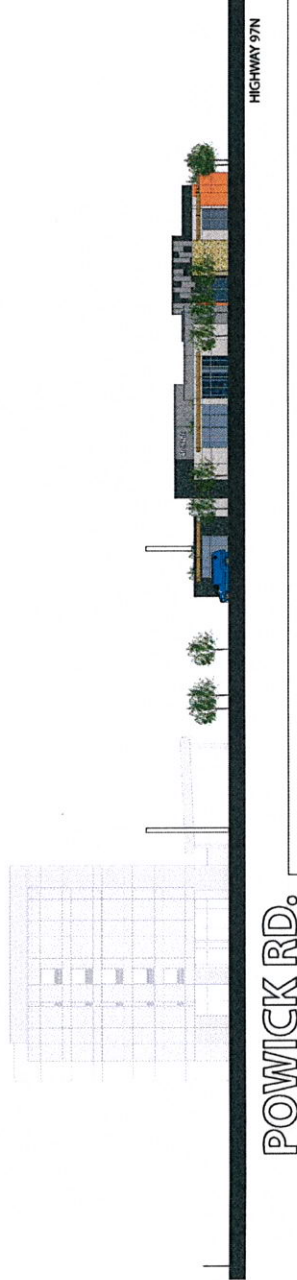
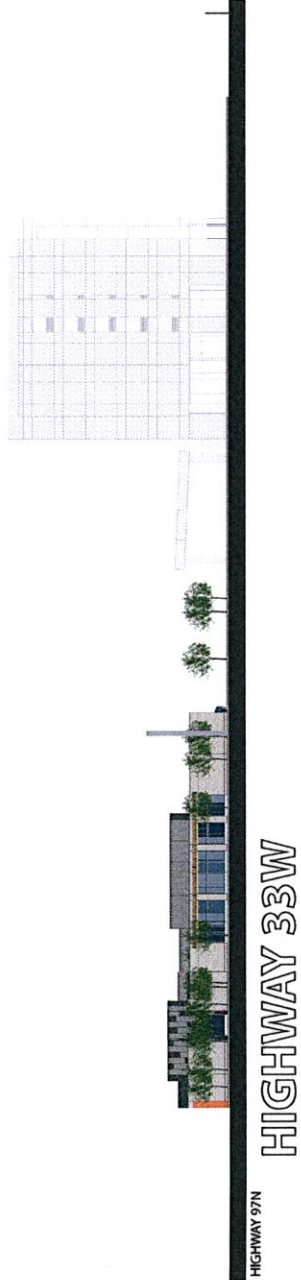
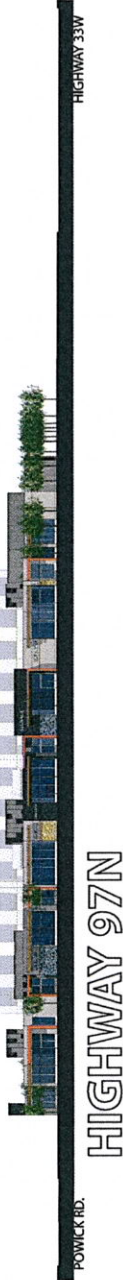
# SCHEDULE B

This forms part of development

Permit # M DP16-0001 AL

DEVELOPMENT  
HIGHWAYS 97N & 33W  
KELOWNA, BC

SCALE 1:200  
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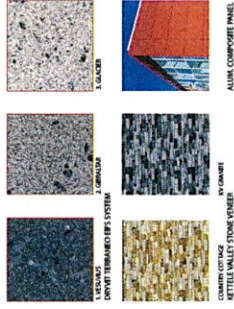


POWICK RD.



MATERIALS PALETTE

ELEVATIONS



PREFIN. ALUM. PANEL  
TREATED WOOD CANOPY / SUNSHADES  
NATURAL ALUMINUM STOREFRONT  
KETTLE VALLEY STONE ACCENT WALL  
EFS SYSTEM - COLOUR 1  
EFS SYSTEM - COLOUR 2  
EFS SYSTEM - COLOUR 3

HIGH ROOF  
100,000  
MID ROOF  
100,000  
LOW ROOF  
100,000  
UPPER CLADDING  
100,000  
GROUND FLOOR  
100,000

REVISION 16/05/16

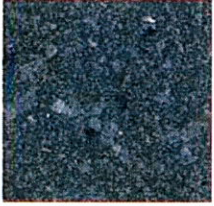
CALNITSKYIO  
ARCHITECT



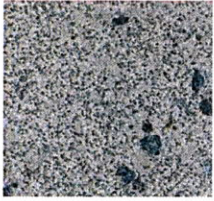


SCHEDULE B

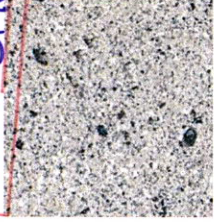
This forms part of development  
Permit # DP16-0001



1. VESUVIUS  
DRYVIT TERRANEO EIFS SYSTEM



2. GIBRALTAR



3. GLACIER





Permit # DP16-0001



Permit # DP16-0001

[illegible][illegible][illegible]



# REPORT TO COUNCIL



**Date:** June 28, 2016

**RIM No.** 0940-50

**To:** City Manager

**From:** Community Planning Department (TB)

**Application:** DP16-0029/DVP16-0030 **Owner:** Legault Enterprises Ltd

**Address:** 477 Christleton Avenue **Applicant:** Joël Legault Projects Inc.

**Subject:** Rezoning Application

**Existing OCP Designation:** S2RES - Single/Two Unit Residential

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

**Proposed Zone:** RU6 - Two Dwelling Housing

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## 1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11222 (Z16-0007) be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP16-0029 for Lot 1, District Lot 14, ODYD, Plan 8009 located at 477 Christleton 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";

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0030 for Lot 1, District Lot 14, ODYD, Plan 8009, located at 477 Christleton Avenue, Kelowna, BC;

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

**Section [13.6.6(G)]: [RU6 - Two Dwelling Housing]**

To vary the required minimum side yards from 2.3m required to 2.0m proposed for the second storey portion of the buildings.

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 two side yard variances and the form and character of two single family dwellings

## 3.0 Community Planning

Community Planning staff supports the requested variance to vary the side yard setback on the second story portion of each building from 2.3m required to 2.0m proposed. The variance has minimal impact on adjacent properties and is consistent with the setback required for the first storey. The form and character of the proposed dwellings meets the majority of the design guidelines for intensive residential development. The design is consistent with the transitional nature of this neighbourhood.

## 4.0 Proposal

### 4.1 Background

The subject property currently has a 70-year-old single story house which will be moved rather than demolished as part of this redevelopment. The RU6 zoning will allow for the construction of two 2-storey dwellings. New construction in this area must adhere to the minimum floor elevations for Okanagan floodplain areas. As a result, many homes in this neighbourhood average two storeys as basements are not viable.

### 4.2 Project Description

The two proposed dwellings meet the majority of the design guidelines for intensive residential development as shown in Attachment "A": Development Permit Guidelines. The proposed dwellings have been designed in a modern style with flat roofs and detached garages in the rear. The street facing elevations have a high quality of design, and the facades incorporate variation to establish individual character. The materials used are of high durable quality such as cedar cladding, red cedar vertical slats, and structural glass.

Conceptual Front Elevation:



The entrances are not a dominant feature from the street, however visual interest is achieved through the use of curved glass on the main floor. Some of the existing mature vegetation will not be retained, however landscaping provides screening of private outdoor space between the two units and from adjacent properties. Tall fencing is proposed to further ensure privacy between adjacent properties. Precast concrete pavers, grass pavers, and washed gravel are used in place of hard surfaces, minimizing impermeable surfaces.

The garages are located off the lane with additional visitor parking available on-site. The rear yard provides private open space between the garages and the back entrance of the dwelling.

Conceptual Lane Elevation:

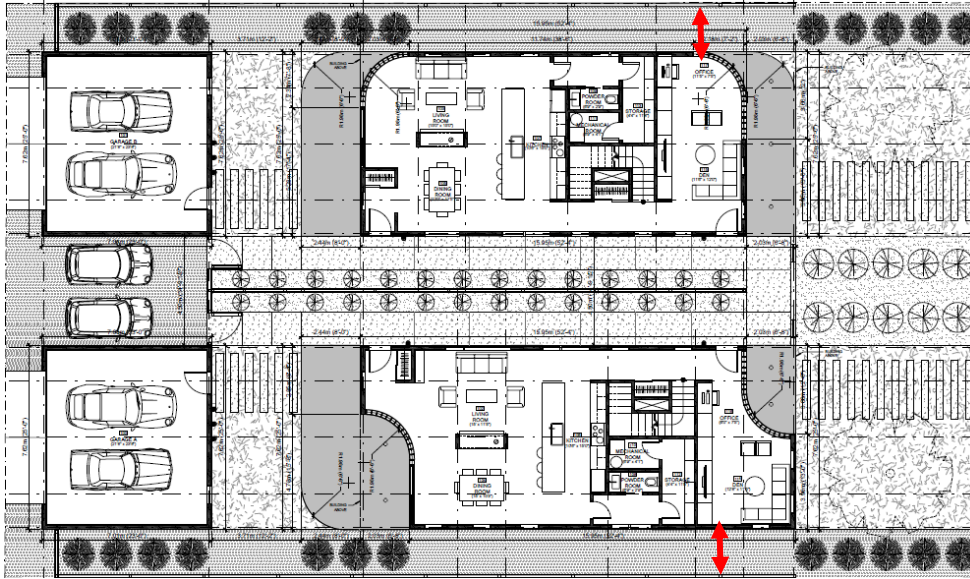




#### 4.3 Variances

Two variances are requested to vary the side yard setbacks for the second story portions of the buildings from 2.3m required to 2.0m proposed. This allows the design to be more consistent with the upper floor matching the side setback of the lower floor. It also provides increased square footage on the upper floor allowing a full 3 bedrooms while maintaining the minimum distance between the two dwellings.

Site plan showing variances: 2.3m required, 2.0m proposed on second storey portions.



Elevation showing variances: 2.3m required, 2.0m proposed on second storey portions.



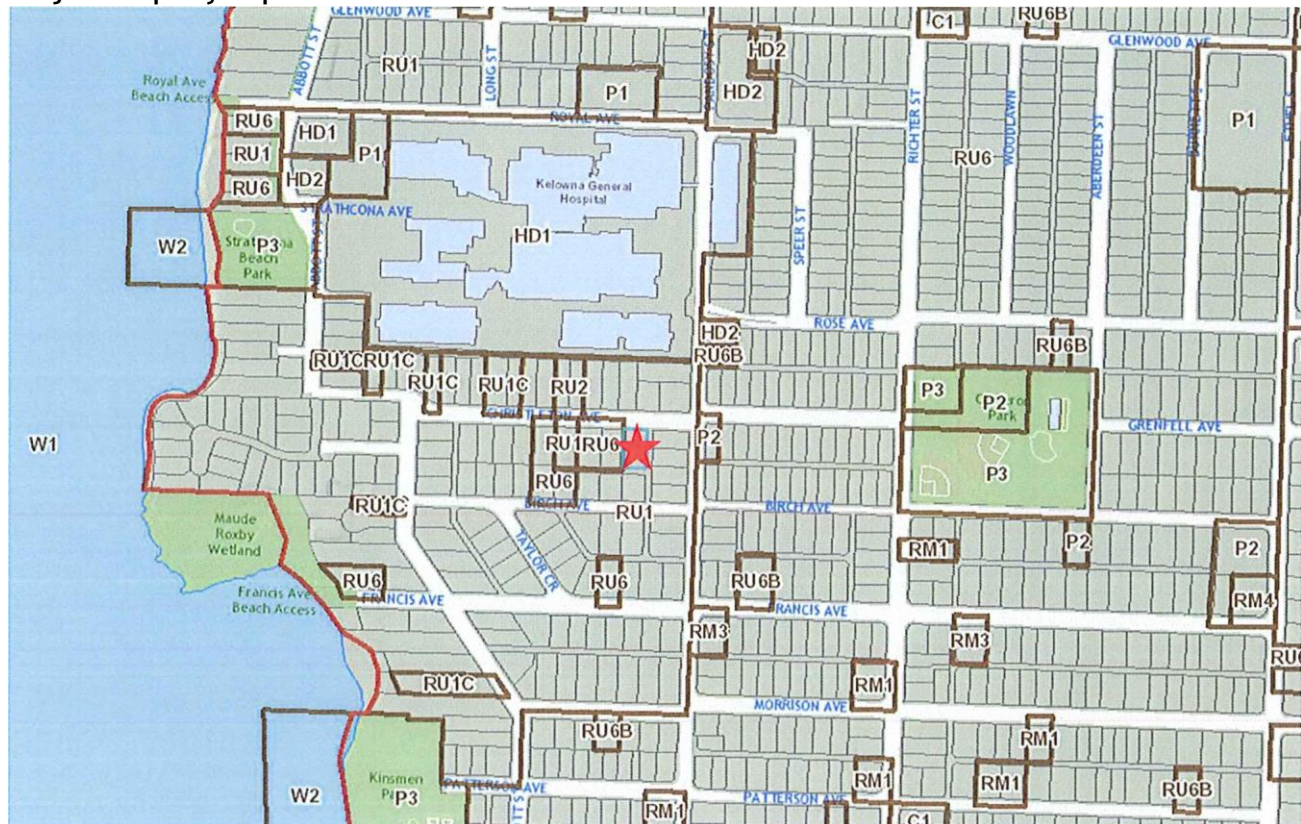
#### 4.4 Site Context

The subject property is located on the south side of Christleton Avenue, east of Pandosy Street, and within the core area. It is in close proximity to Kelowna General Hospital, the Abbott Street Active Transportation Corridor, and Strathcona Beach Park. There are at least 10 other properties in close proximity that have been rezoned for two dwelling housing or for a single family dwelling with carriage house including the immediately adjacent property.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Residential
East	RU1 - Large Lot Housing	Residential
South	RU1 - Large Lot Housing	Residential
West	RU6 - Two Dwelling Housing	Residential

Subject Property Map:



#### 4.5 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	700 m <sup>2</sup>	957 m <sup>2</sup>
Lot Width	18.0 m	23.8 m
Lot Depth	30.0 m	40.2 m
Development Regulations		

Maximum Site Coverage (buildings)	40%	36%
Maximum Site Coverage (buildings, driveways, parking)	50%	42%
Maximum Height	9.5 m or 2.5 storeys	6.86 m or 2 storeys
Minimum Front Yard	4.5 m	7.7 m
Minimum Side Yard (west)	2.3 m	2.0 m <span style="color: red;">❶</span>
Minimum Side Yard (east)	2.3 m	2.0 m <span style="color: red;">❶</span>
Minimum Rear Yard	7.5 m	14.7 m
<b>Other Regulations</b>		
Minimum Parking Requirements	4 stalls	6 stalls
Private Open Space	30.0 m <sup>2</sup> per dwelling	Greater than 30m <sup>2</sup> per dwelling
<span style="color: red;">❶</span> Indicates a requested variance to the side yard setback from 2.3m required to 2.0m proposed on the second storey.		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Compact Urban Form.**<sup>1</sup> Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

**Sensitive Infill.**<sup>2</sup> 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.

## 6.0 Technical Comments

All technical comments were provided on the rezoning file Z16-0007. All requirements have been met at this time.

## 7.0 Application Chronology

Date of Application Received: January 22, 2016  
Date Public Consultation Completed: March 15, 2016

Report prepared by:

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

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



---

Trisa Brandt, Planner I

**Reviewed by:**



Terry Barton, Urban Planning Manager

**Approved for Inclusion:**



Ryan Smith, Community Planning Department Manager

**Attachments:**

Attachment "A": Development Permit Guidelines - Intensive Residential

Schedule "A": Site Plan and Floor Plans

Schedule "B": Elevations and Colour Board

Draft Development Permit/Development Variance Permit DP16-0029/DVP16-0030

# DEVELOPMENT PERMIT / DEVELOPMENT VARIANCE PERMIT



## APPROVED ISSUANCE OF DEVELOPMENT PERMIT / DEVELOPMENT VARIANCE PERMIT NO. DP16-0029/DVP16-0030

**Issued To:** Legault Enterprises Ltd  
**Site Address:** 477 Christleton Avenue  
**Legal Description:** Lot 1, District Lot 14, ODYD, Plan 8009  
**Zoning Classification:** RU6 - Two Dwelling Housing  
**Development Permit Area:** Intensive Residential - Two Dwelling Housing

### SCOPE OF APPROVAL

This 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 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 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.

### 1. TERMS AND CONDITIONS

THAT Development Permit No. DP16-0029 for Lot 1, District Lot 14, ODYD, Plan 8009 located at 477 Christleton Avenue, Kelowna, BC to allow the construction of two single family dwellings be approved subject to the following:

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

**Section [13.6.6(G)]: [RU6 - Two Dwelling Housing]**

To vary the required minimum side yards from 2.3m required to 2.0m proposed for the second storey portion of the buildings.

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. PERFORMANCE SECURITY**

None required.

**3. DEVELOPMENT**

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit that shall form a part hereof.

If the Permit Holder does not commence the development permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

**This Permit IS NOT a Building Permit.**

**4. APPLICANT'S AGREEMENT**

I hereby declare that all of the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree 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 granting to me the said Permit.
- b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of 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.

I further covenant and agree that should I be granted a Development Permit and/or Development Variance Permit, the Municipality may withhold the granting of any Occupancy Permit for the occupancy and / or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Divisional Director of Community Planning & Real Estate.

Should there be any change in ownership or legal description of the property, I undertake to notify the Community Planning Department immediately to avoid any unnecessary delay in processing the application.



I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.

\_\_\_\_\_  
Signature of Owner / Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name in Bold Letters

\_\_\_\_\_  
Telephone No.

**5. APPROVALS**

Issued and approved by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Ryan Smith, Community Planning Department Manager  
Community Planning & Real Estate

\_\_\_\_\_  
Date

The PERMIT HOLDER is the CURRENT LAND OWNER.  
Security shall be returned to the PERMIT HOLDER.

## Attachment "A": DEVELOPMENT PERMIT GUIDELINES

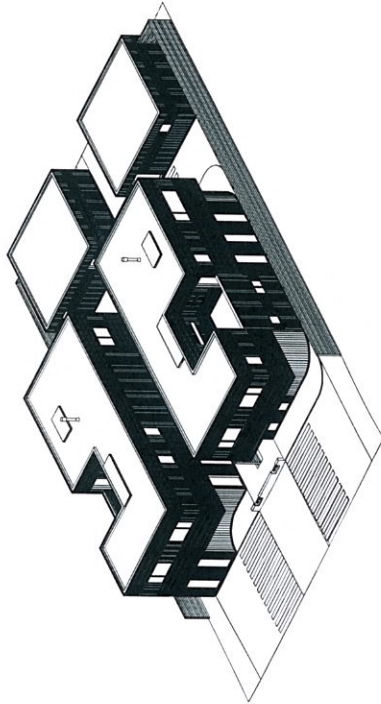
### Intensive Residential - Carriage House / Two Dwelling Housing

Consideration has been given to the following guidelines as identified in Section 14.C. of the City of Kelowna Official Community Plan relating to Intensive Residential - Carriage House / Two Dwelling Housing Development Permit Areas:

INTENSIVE RESIDENTIAL - CARRIAGE HOUSE / TWO DWELLING HOUSING	YES	NO	N/A
<b>General Considerations</b>			
Does the dwelling complement the character of the neighbourhood and the principal dwelling?	✓		
Is private outdoor space maximized for each dwelling unit?	✓		
Does lighting placement ensure safety and reduce light pollution?	✓		
Are parking spaces and garages located in the rear yard?	✓		
Are impermeable surfaces minimized?	✓		
Do all street facing elevations have a high quality of design?	✓		
Are entrances a dominant feature visible from the street or lane?		✓	
Does the design consider the scale and placement of windows on building faces, projections and dormers?	✓		
Is utility and mechanical equipment screened from view?			✓
Do windows and outdoor areas respect the privacy of adjacent properties?	✓		
Does the building location minimize shadowing on the private open space of adjacent properties?	✓		
Does fencing or landscaping screen views of private open space on adjacent properties?	✓		
Is fencing material in keeping with that of abutting properties?	✓		
Are existing healthy mature trees and vegetation being retained?		✓	
Does the front yard landscaping use drought tolerant native plants?	✓		
<b>Two Dwelling Housing and Carriage Houses</b>			
Does the design create a "lanescape" with a main entrance, massing towards the lane and landscaping?			✓
Do all street facing elevations have an equal level and quality of design?	✓		
Does the exterior design and finish complement the principal dwelling?	✓		
Do the roofline, windows and façades incorporate variation to establish individual character?	✓		
Does the massing next to private open space of adjacent properties reduce the sense of scale?	✓		

477 CHRISTLETON AVENUE  
(ISSUED FOR DEVELOPMENT PROPOSAL APPLICATION)  
JANUARY 22, 2016

PID 009-879-471  
KID 196606  
LOT 1 DISTRICT LOT 14  
OSOYOOS DIVISION YALE DISTRICT  
PLAN 8006



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PROJECT INFORMATION

HOUSE A	
GFA DETACHED GARAGE	53.42 m <sup>2</sup> (575 sq ft)
GROUND LEVEL	121.33 m <sup>2</sup> (1305 sq ft)
2ND LEVEL	118.54 m <sup>2</sup> (1276 sq ft)
TOTAL	239.87 m <sup>2</sup> (2582 sq ft)
HOUSE B	
GFA DETACHED GARAGE	53.42 m <sup>2</sup> (575 sq ft)
GROUND LEVEL	119.84 m <sup>2</sup> (1290 sq ft)
2ND LEVEL	118.54 m <sup>2</sup> (1276 sq ft)
TOTAL	238.38 m <sup>2</sup> (2569 sq ft)
LOT AREA	957.5 m <sup>2</sup> (10,306 sq ft)
NOTES	
41	DOUBLE PANE INSULATED ROOFTOP SKYLIGHT
42	ROUND TOP CHIMNEY
43	WOOD DECKING - PRIVATE OPEN SPACE
44	BLACK MATTE - 150mm INDUSTRIAL CAGED NAUTICAL LIGHT
45	BLACK MATTE - RECESSED SOFFIT POT LIGHT

SCHEDULE A  
This forms part of development  
Permit # DP16-0029 DP16-0093

MATERIALS

- M1 ARCHITECTURAL CONCRETE
- M2 BLACK CEDAR CLADDING
- M3 WESTERN RED CEDAR VERTICAL SLAT CLADDING
- M4 WESTERN RED CEDAR WINDOW FRAME WITH DOUBLE PANE INSULATED GLAZING
- M5 CORTEN STEEL
- M6 TEMPERED TRANSLUCENT CHANNEL GLASS
- M7 BLACK CEDAR WOOD SLAT FENCE
- M8 BLACK MATTE PAINTED ALUMINUM FLASHING
- M9 "SEQUIA RED" STAINED SOLID CORE WOOD DOOR
- M10 WESTERN RED CEDAR WOOD DECKING
- M11 EPDM RUBBER MEMBRANE
- M12 WESTERN RED CEDAR PATIO DOOR FRAME WITH DOUBLE PANE INSULATED GLAZING
- M13 WESTERN RED CEDAR PANEL GARAGE DOOR
- M14 WESTERN RED CEDAR DOOR FRAME WITH INSERTED DOUBLE PANE INSULATED GLAZING

DRAWING LIST

- A0.00 TITLE PAGE
- A1.01 SITE PLAN
- A1.02 LANDSCAPE ROOF PLAN
- A2.01 GROUND LEVEL - FLOOR PLAN
- A2.02 2ND LEVEL - FLOOR PLAN
- A3.01 HOUSE ELEVATIONS
- A3.02 DETACHED GARAGE ELEVATIONS
- A3.03 HOUSE A - ELEVATIONS
- A3.04 HOUSE B - ELEVATIONS
- A4.01 PERSPECTIVE VIEW 1
- A4.02 PERSPECTIVE VIEW 2
- A4.03 PERSPECTIVE VIEW 3
- A4.04 PERSPECTIVE VIEW 4
- A4.05 PERSPECTIVE VIEW 5
- A4.06 PERSPECTIVE VIEW 6
- A4.07 PERSPECTIVE VIEW 7

Contractor must check and verify all dimensions and quantities shown on these drawings and proceed with the work.

DO NOT SCALE DRAWINGS

NO.	ISSUES	DATE
1.	Development Proposal Application	January 22, 2016
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477 Christleton Avenue  
Kelowna, British Columbia  
V1Y 3H9  
PID 009-879-471  
LOT 1 DISTRICT LOT 14  
OSOYOOS DIVISION YALE DISTRICT  
PLAN 8006

Sheet Title

Title Page

Drawn: Author  
Job No.: 002  
Checked: Checker  
Reviewed: Engineer  
Scale: Not Applicable

A0.00



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477 Christleton Avenue  
Kelowna, British Columbia  
V1Y 5H9  
KID 199656 / PID 004879-471  
LOT 1, DISTRICT LOT 14  
KID 199656 / PID 004879-471  
PLAN 8009

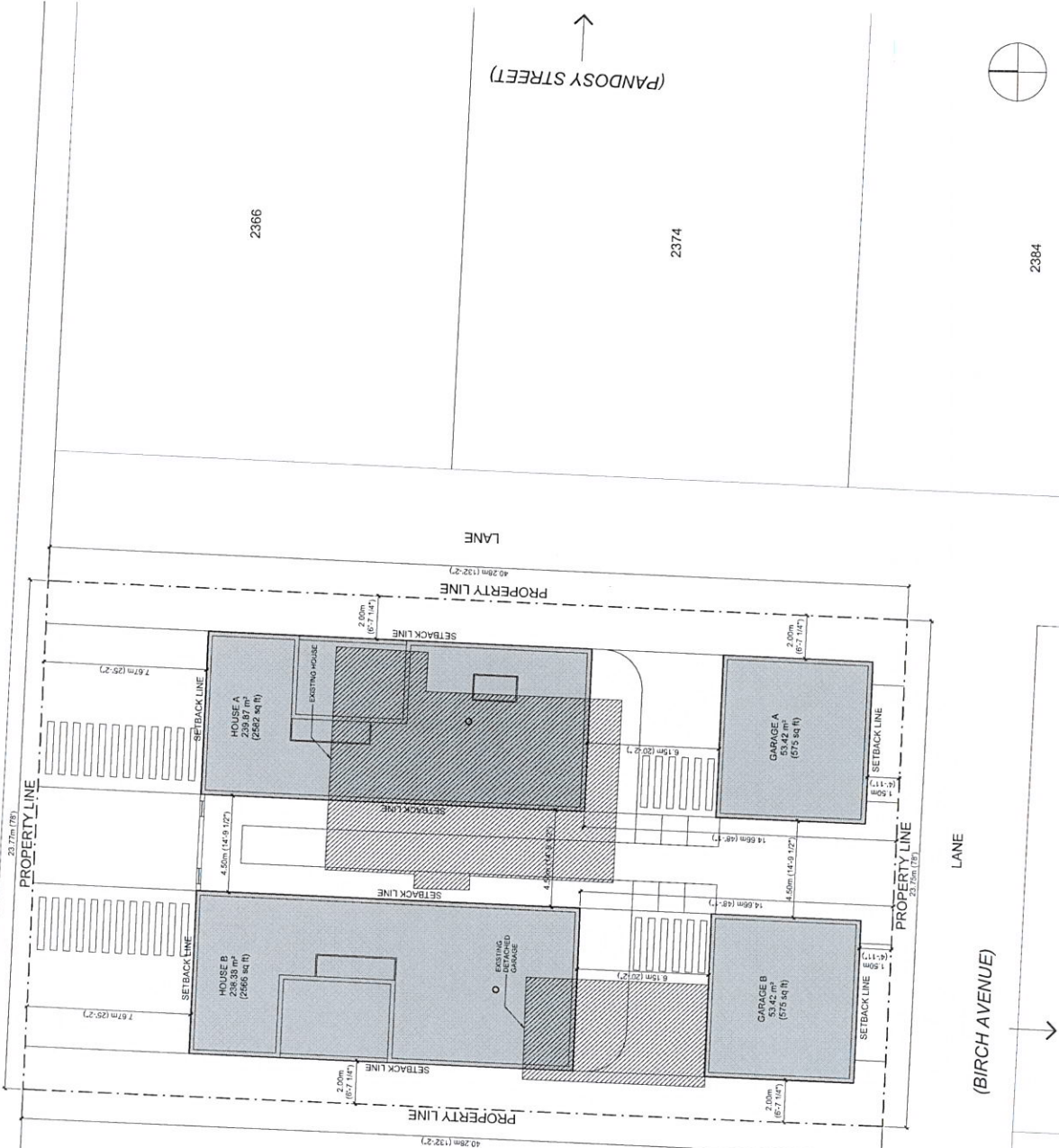
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Drawn: JLL  
Job No.: 002  
Author: JLL  
Issue Date: 01-22-16  
Scale: 1:200

**A1.01**

CHRISTLETON AVENUE

EDGE SIDEWALK



473

### 477 CHRISTLETON AVENUE

#### BUILDING INFORMATION

HOUSE A  
GFA: DETACHED GARAGE 53.42 m² (575 sq ft)  
GROUND LEVEL 121.33 m² (1306 sq ft)  
2ND LEVEL 118.54 m² (1278 sq ft)  
TOTAL 239.87 m² (2584 sq ft)

HOUSE B  
GFA: DETACHED GARAGE 53.42 m² (575 sq ft)  
GROUND LEVEL 118.54 m² (1278 sq ft)  
2ND LEVEL 118.54 m² (1278 sq ft)  
TOTAL 237.08 m² (2556 sq ft)

#### SITE INFORMATION

LOT AREA 957.5 m² (10,306 sq ft)  
SITE COVERAGE OF BUILDINGS 36% - 348.02 m² (3746 sq ft)  
SITE COVERAGE (BUILDINGS, DRIVEWAYS, AND PARKING) 42% - 401.34 m² (4320 sq ft)  
GARAGE COVERAGE 53.42 m² (575 sq ft) per side (11.2% - Total Site Coverage)  
DRIVEWAYS AND SIDE PARKING 23.87 m² (257 sq ft) Per Side

**SCHEDULE**

This forms part of development

Permit # **PP160029 DVP16-0920**



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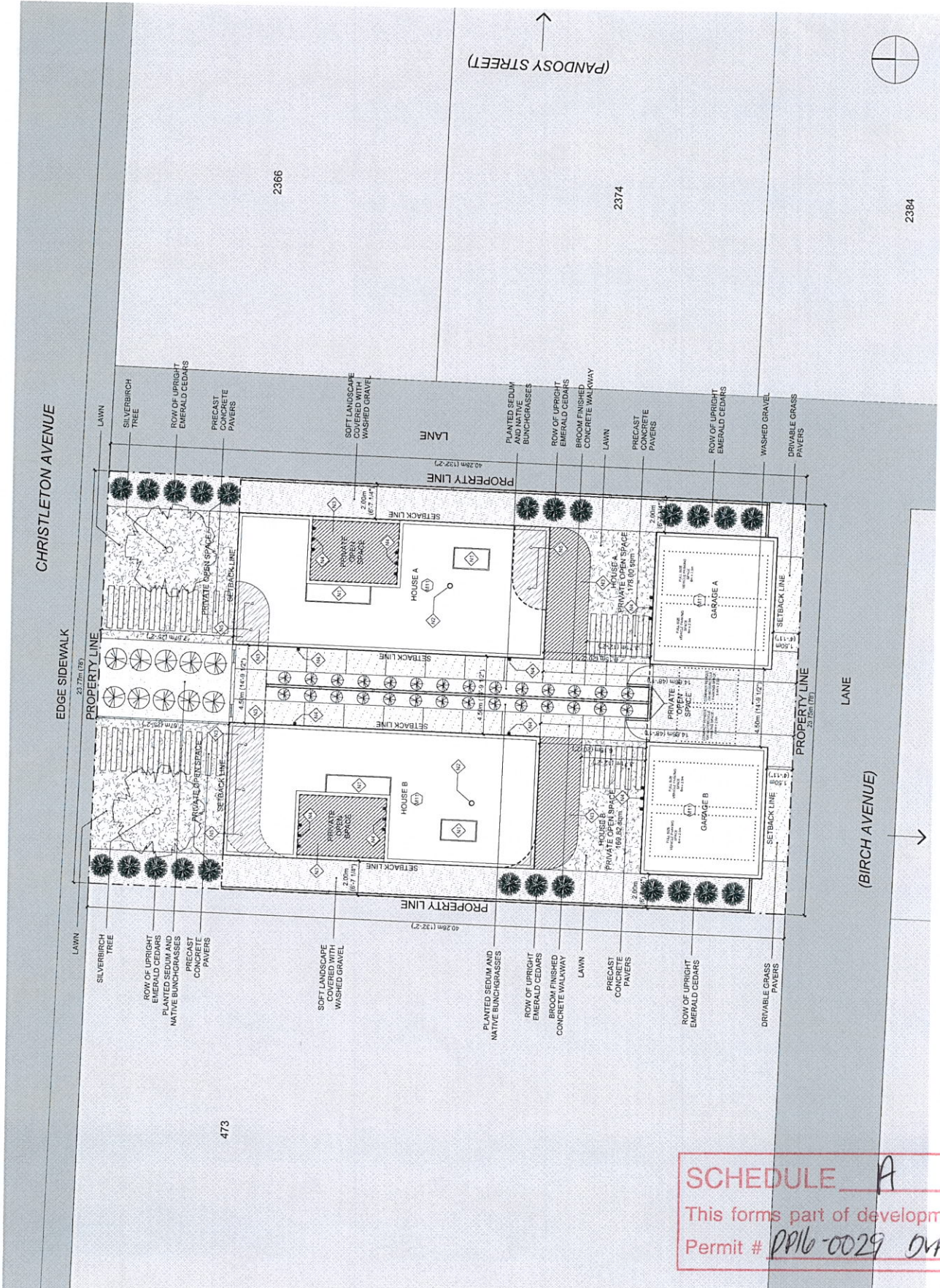
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8. Issued for Permit Application January 22, 2016  
9. Issued for Permit Application January 22, 2016  
10. Issued for Permit Application January 22, 2016

477 Christleton Avenue  
Vancouver, British Columbia  
V1V 5P9  
MO 604 687 3241  
LOT 1 DISTRICT LOT 14  
S1/4 SEC 10 T14N R12W DISTRICT  
PLAN 8000

Sheet Title  
**Landscape/Roof Plan**

Drawn: Author  
Job No: 002  
Client: [Redacted]  
Issue Date: 01-22-16  
Scale: 1:200

**A1.01**



**SCHEDULE A**  
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Permit # **DP16-0029** **DP16-0030**  
**95**



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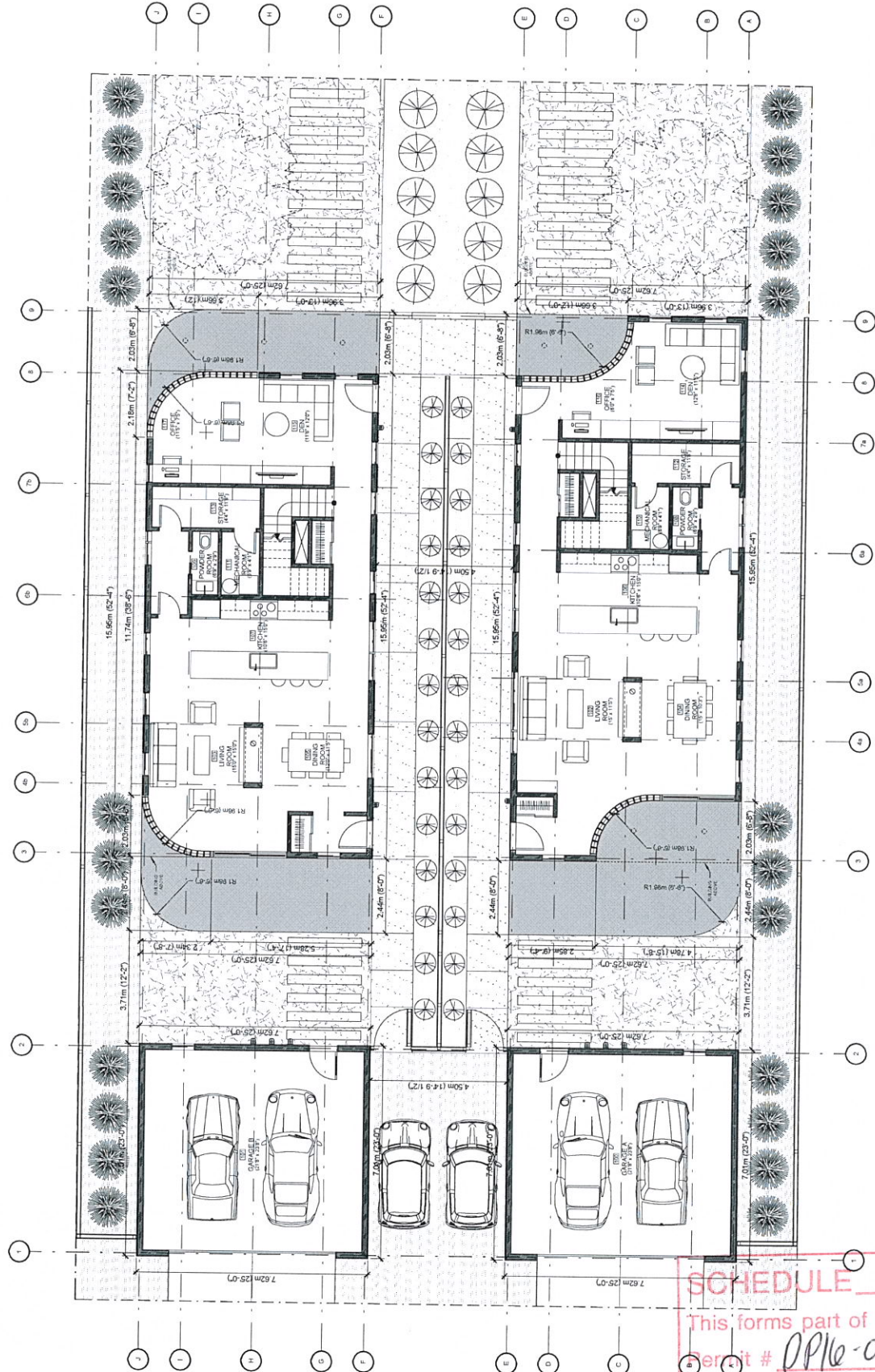
DATE  
January 22, 2016

477 Christleton Avenue  
Vancouver, British Columbia  
V7Y 5H9  
LOT 1 DISTRICT LOT 14  
MISSION VALLEY DISTRICT  
PLAN 8008

Sheet Title  
Ground Level - Floor Plan

Drawn: JLG  
Job No: 05053  
Project Name: 477 Christleton Avenue  
Issue Date: 01-22-16  
Scale: As Indicated

**A2.01**



**SCHEDULE**  
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Permit # *DP16-029 DP16-030*





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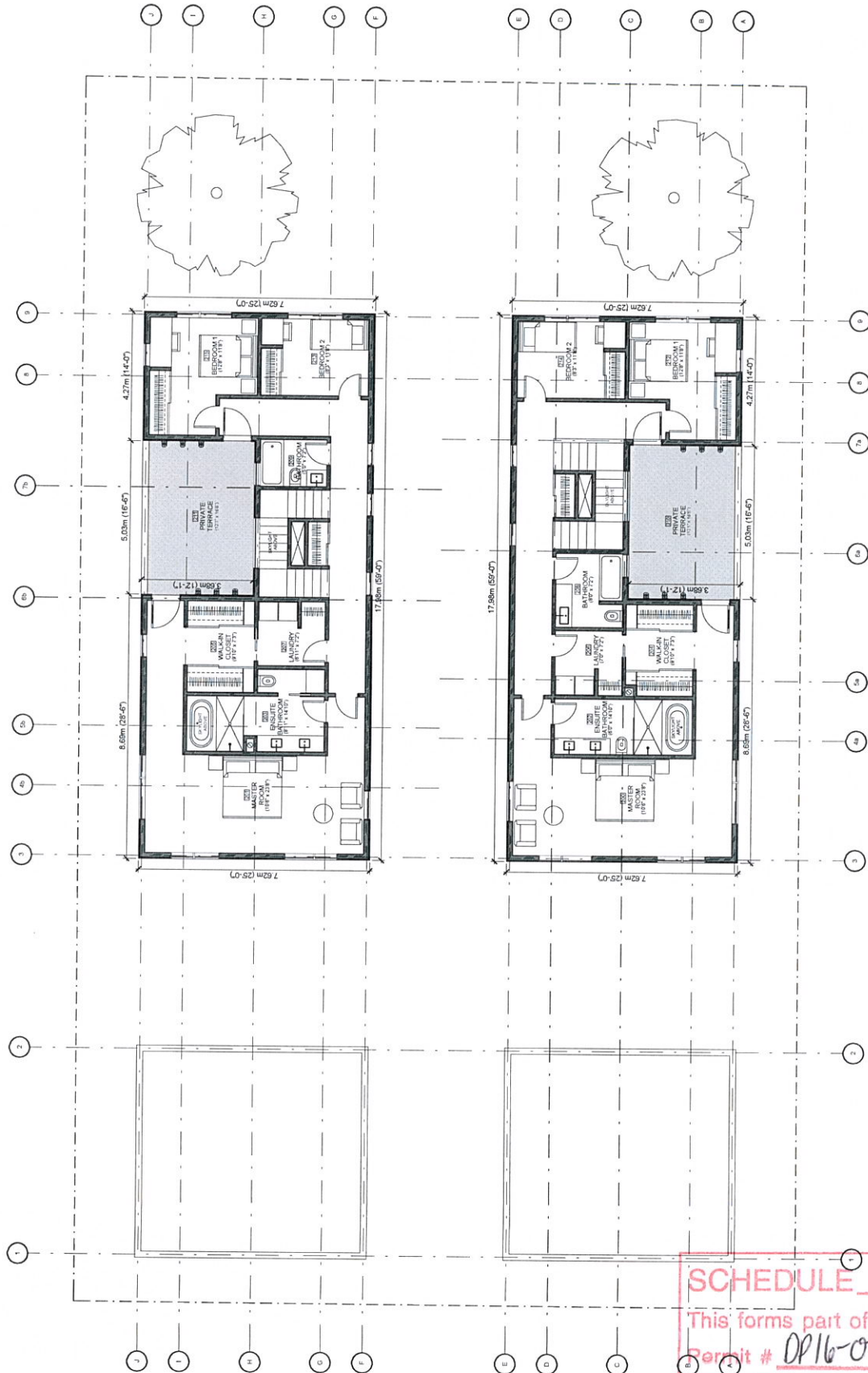
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2. Revisions:  
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477 Christleton Avenue  
Vancouver, British Columbia  
V7Y 1S9  
LOT 1 DISTRICT LOT 14  
CHATELAIN DISTRICT  
PLAN 000

Sheet Title  
2nd Level - Floor Plan

Drawn: Author  
Job No.: 002  
Project Name: 477 Christleton Avenue  
Issue Date: 01-22-16  
Scale: As Indicated

**A2.02**



**SCHEDULE**  
This forms part of development  
Permit # DP16-0029 DP16-00970

SCALE 1:125  
0m 1m 2m 4m

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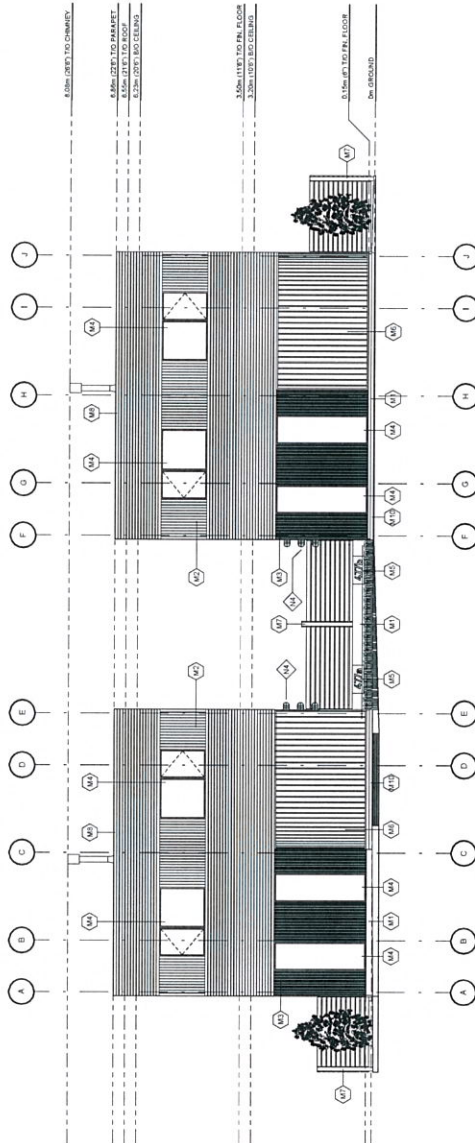
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477 Christison Avenue  
British Columbia  
V1V 5H9  
KRD 19606 / RPD 004-074-471  
LOT 1, DISTRICT LOT 14  
SUNSHINE DISTRICT  
PLAN 800

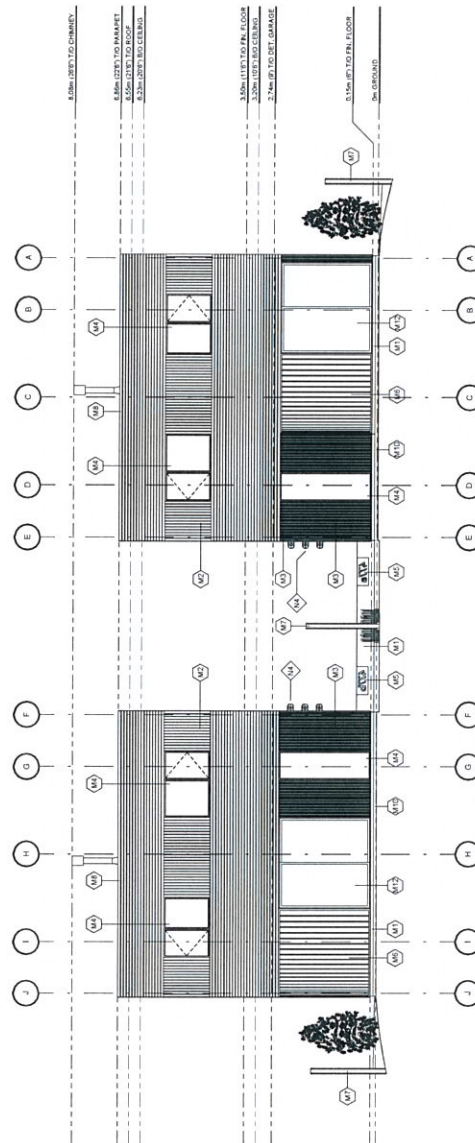
Sheet Title  
**House Elevations**

Drawn: Author  
Job No.: 002  
Client: [Redacted]  
Issue Date: 01-22-16  
Scale: As Indicated

**A3.01**



1 NORTH ELEVATION - HOUSES  
A3.01 1:125



2 SOUTH ELEVATION - HOUSES  
A3.01 1:125

**SCHEDULE**

This forms part of development

Permit # PP16-0029 DVP16-0030

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Consent to publish and use all dimensions and report any discrepancies to the author before proceeding with the work.

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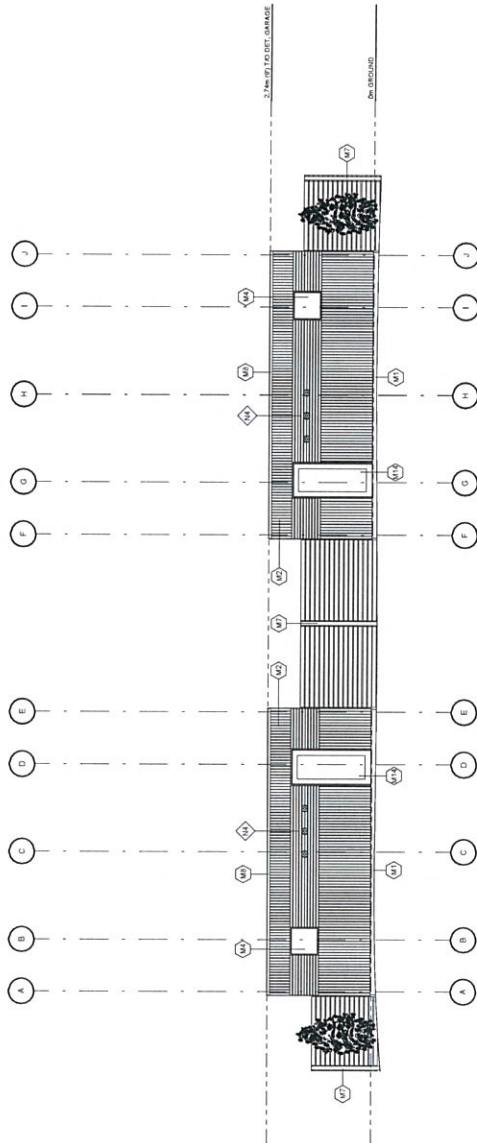
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477 Christleton Avenue  
British Columbia  
V1V 5H9  
KRD 16058 / RND 004-034-471  
LOT 1, DISTRICT LOT 14  
BRITISH COLUMBIA DIVISION YALE DISTRICT  
PLAN 800

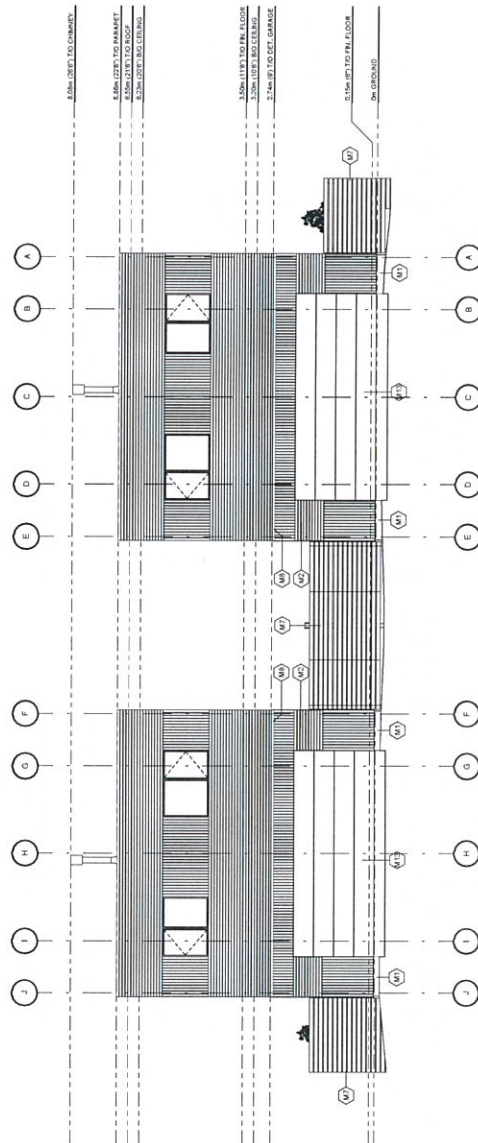
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**Detached Garage Elevations**

Drawn: [Blank]  
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Author: [Blank]  
Date: [Blank]  
Issue Date: 01/21/16  
Scale: As Indicated

**A3.02**



1 NORTH ELEVATION - GARAGES  
A3.02 1:125



2 SOUTH ELEVATION - GARAGES  
A3.02 1:125

**SCHEDULE**  
This forms part of development  
Permit # DP16-0029 BVP16-0030



# JOËL LEGAULT PROJECTS

Unit 205 - 2777 Cassin Road  
West Vancouver, BC  
V1V 1T6 Canada  
Tel: 416 807 3241  
E: joel@jlegault.com

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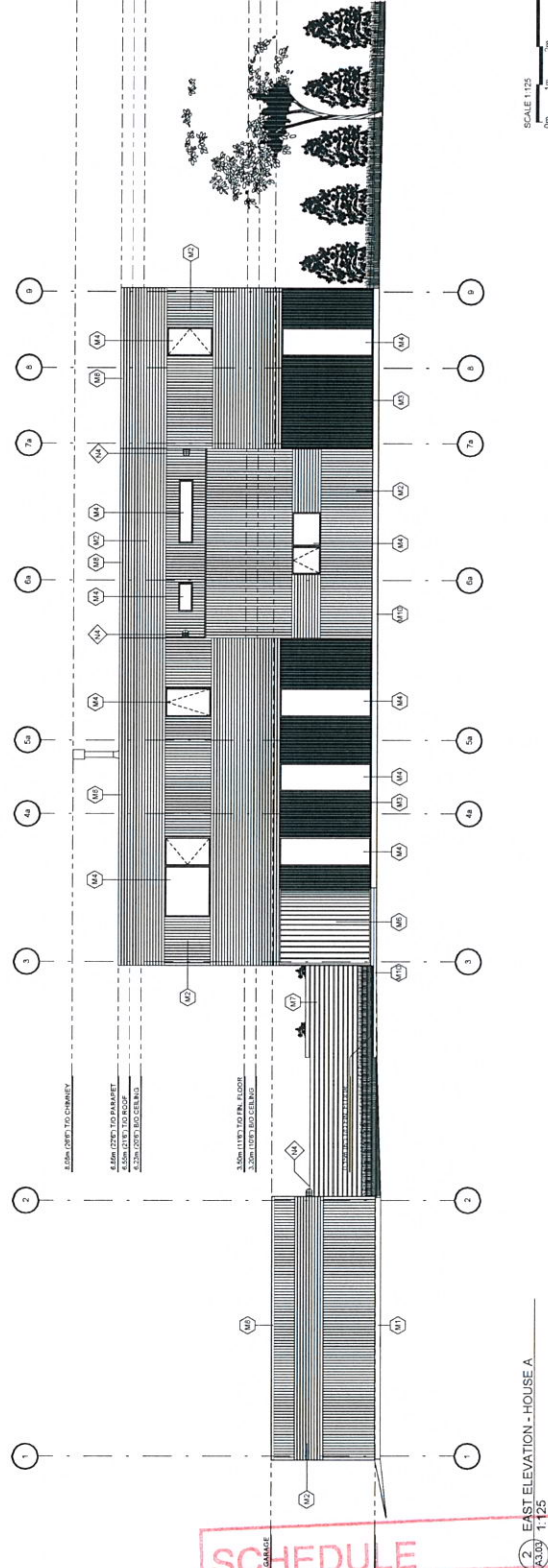
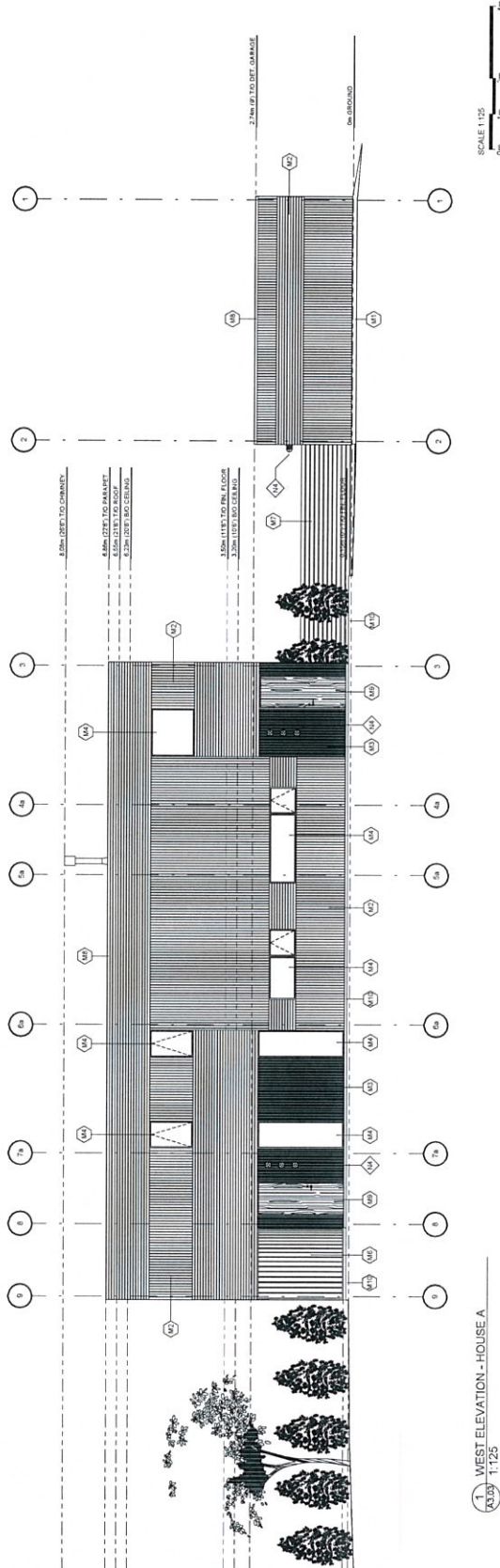
No. ISSUES DATE  
1. Development Proposed Application January 22, 2016

477 Christleton Avenue  
British Columbia  
V1V 5H9  
LOT 1 DISTRICT LOT 14  
DISTRICT 14  
VANCOUVER DISTRICT  
PLAN 8003

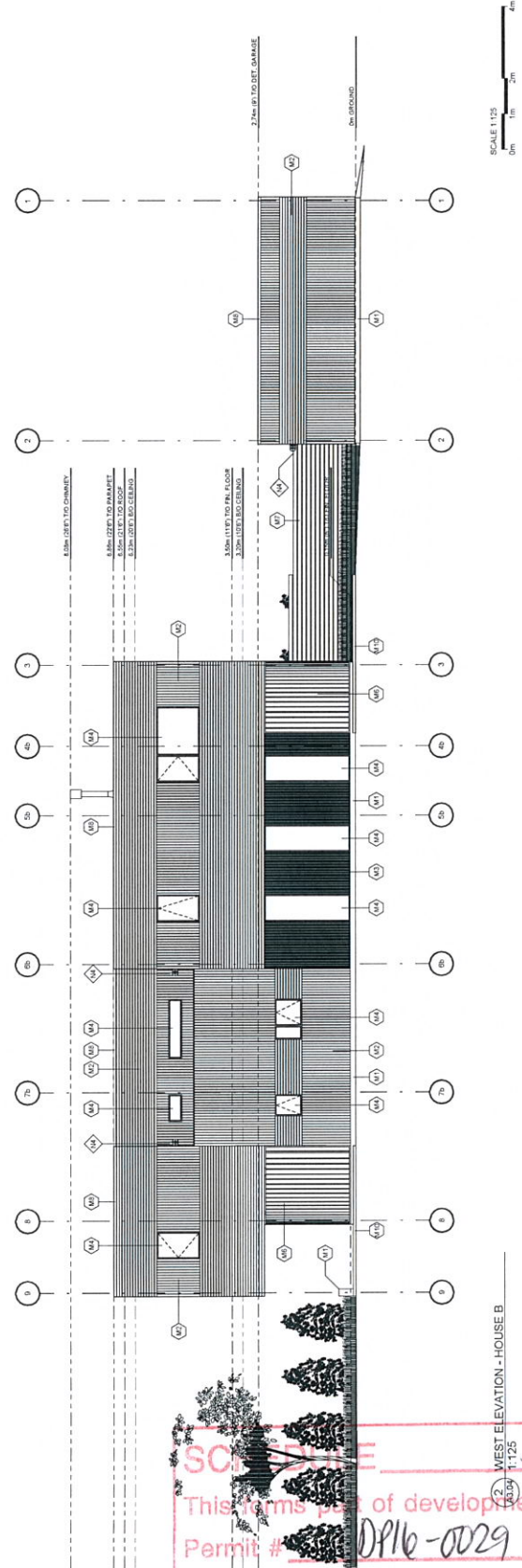
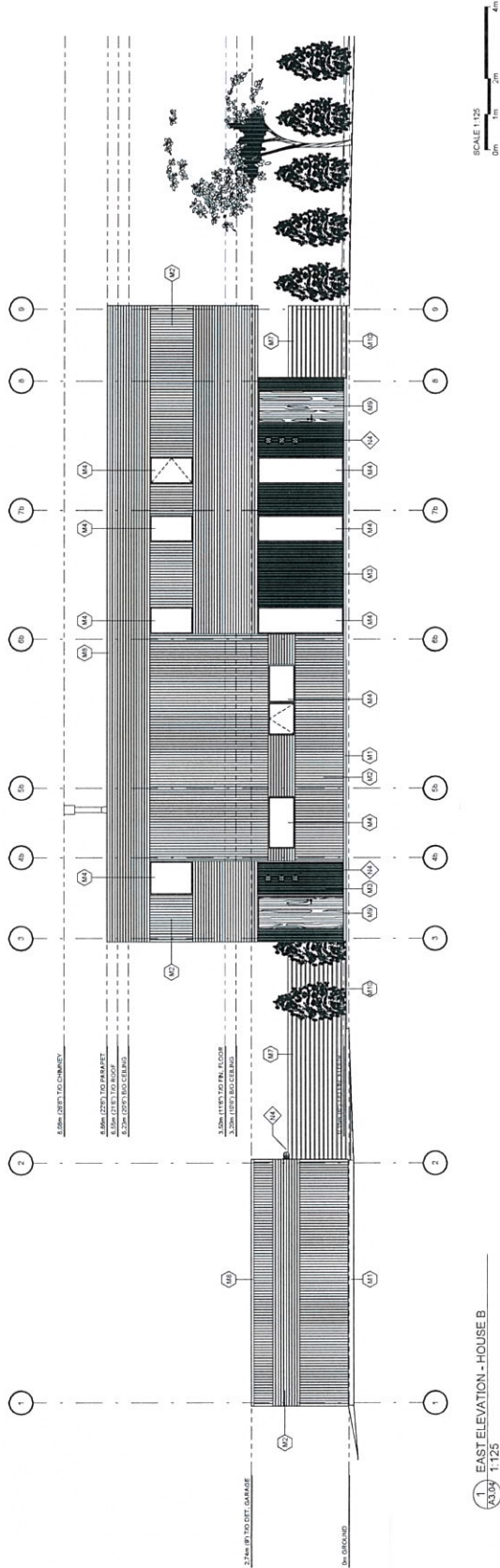
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House A - Elevations

Drawn: Author  
Job No.: 000-000-000  
Issue Date: 01-22-16  
Scale: As Indicated

A3.03



SCHEDULE  
This forms part of development  
Permit # DP16-0029 DVP1610030





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Owner must consult with all relevant authorities and report any changes to the relevant authority prior to proceeding with the work.

DO NOT SCALE DRAWINGS

No.	ISSUES	DATE
1.	Engineering Proposal Application	January 22, 2016
2.		
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**477 Christleton Avenue**  
West Vancouver, British Columbia  
V7V 3G9  
MO 160656 BFO 008-879-471  
LOT 1 DISTRICT LOT 14  
OF 14 LOTS IN DIVISION VALE DISTRICT  
PLAN 0029

Sheet Title  
**Perspective View 1**

Drawn: Author  
Job No.: 002  
Client: JOËL LEGAULT  
Issue Date: 01.22.16  
Scale: Not Applicable

**A4.01**



SCHEDULE B  
This forms part of development  
Permit # DP16-0029 DP16-0030





SCHEDULE B  
This forms part of development  
Permit # Df 16-00291 DVP16-0020





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Contractor must check and verify all dimensions and report any discrepancies to the consultant before proceeding with the work.

#### DO NOT SCALE DRAWINGS

No.	ISSUES	DATE
1.	Client/Owner Proposed Addition	January 22, 2016
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477 Christison Avenue  
Kelowna, British Columbia  
V1Y 5H9  
KRD 186056 / PRD 004879-471  
LOT 11, DISTRICT LOT 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100  
PLAN 8009

Sheet Title  
Perspective View 3

Drawn: [Name]  
Author: [Name]  
Checked: [Name]  
Issue Date: 01.22.16  
Scale: Not Applicable

A4.03

SCHEDULE B  
This forms part of development  
PP16-0029  
PP16-104



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Contractor must check and verify all dimensions and report any discrepancies to the consultant before proceeding with the work.

DO NOT SCALE DRAWINGS

NO.	ISSUES	DATE
1.	Development Proposed Application	January 22, 2016
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477 Christleton Avenue  
Kelowna, British Columbia  
V1Y 5H9  
KID 186006 / PID 206-879-471  
CITY OF KELLOWNA  
CITY OF KELLOWNA  
CITY OF KELLOWNA  
PLAN 8009

Sheet Title  
Perspective View 4

Drawn	Author
Checked	Checked
Issue Date	Issue Date
Scale	Scale

A4.04



SCHEDULE B  
This forms part of development  
Permit # DP16-0029 DVA105030



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DO NOT SCALE DRAWINGS

No.	REVISED	DATE
1.	Design/Preparation	January 22, 2016
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**477 Christleton Avenue**  
Vancouver, British Columbia  
V1V 5H9  
MO 198256 / PID 004-879-471  
LOT 1 DISTRICT LOT 14  
FRASER VALLEY DISTRICT  
PLAN 8209

Sheet Title  
**Perspective View 5**

Drawn: Author  
Job No.: 002  
Client: Fraser Valley  
Issue Date: 01-22-16  
Scale: Not Applicable

**A4.05**



SCHEDULE B  
This forms part of development  
Permit # DP16-CO-29 DP16-106



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DO NOT SCALE DRAWINGS

No. ISSUES DATE  
1. Construction Proposal Submission January 22, 2016

477 Christleton Avenue  
West Vancouver  
V1V 5H9  
MID 1660261 (PID 004-979-471)  
LOT 1 DISTRICT LOT 14  
SOUTH COAST DIVISION VALE DISTRICT  
PLAN 8009

Sheet Title  
Perspective View 6

Drawn: Author  
Job No.: 002  
Client: JOËL LEGAULT  
Issue Date: 01-21-16  
Scale: Not Applicable

**A4.06**





DO NOT SCALE DRAWINGS

No.	ISSUES	DATE
1.	Development Permit Application	January 22, 2016
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477 Christleton Avenue  
Kelowna, British Columbia  
V1Y 5H9  
KID 186626 / PID 005-879-471  
LOT 1 DISTRICT LOT 14  
KID 186626 / PID 005-879-471  
PLAN 8009

Sheet Title  
Perspective View 7

Drawn: Author  
Job No.: 000  
Client: KID  
Issue Date: 01.22.16  
Scale: Not Applicable

A4.07



SCHEDULE B  
This forms part of development  
Permit # 0016-0029 0016-108

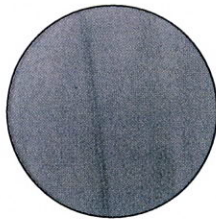


# COLOR AND MATERIAL BOARD

4/1/CI RIS 1-1-1CN AVN-UJ

(PLEASE REFER TO TITLE PAGE LEGEND AND ELEVATIONS FOR EXACT LOCATIONS)

JOËL LEGAULT  
PROJECTS  
ARCHITECTURE  
1000 AVENUE DU PARC  
SUITE 100  
MONTREAL, QUEBEC H3A 2K4  
TEL: 514 381-1111  
WWW.JOELLEGAULT.COM



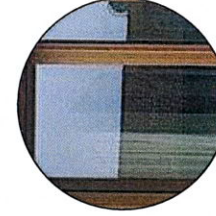
M1 - Architectural Concrete



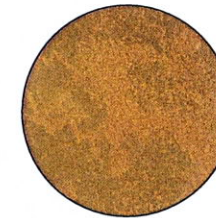
M2 - Black Cedar Cladding



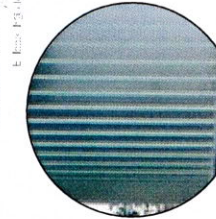
M3 - Western Red Cedar Vertical Slat Cladding



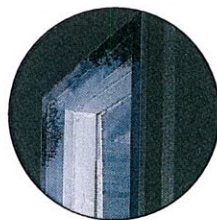
M4 - Western Red Cedar Window Frame With Double Pane Insulated Glazing



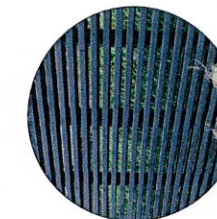
M5 - Corten Steel



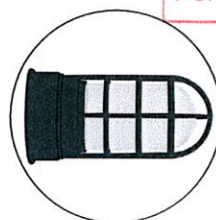
M6 - Tempered Translucent Channel Glass



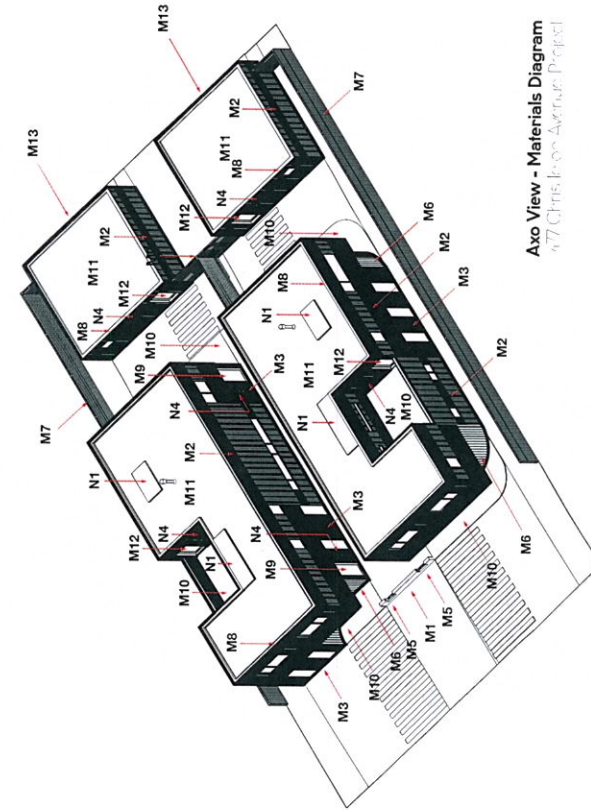
N1 - Double Pane Insulated Rooftop Skylight



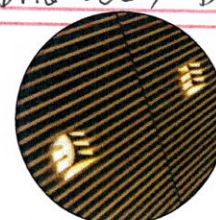
M7 - Black Cedar Wood Slat Fence



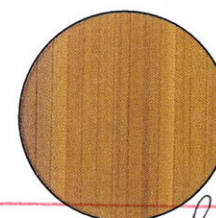
N4 - Black Matte 150mm Industrial Caged Nautical Light



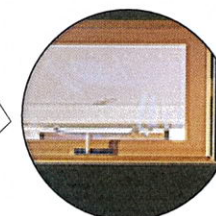
Axo View - Materials Diagram  
4/7 Chris Leong Architect Project



N5 - Black Matte Recessed Soffit Pot Light



M13 - Western Red Cedar Panel Garage Door



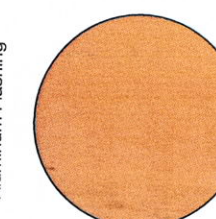
M12 + M14 - Western Red Cedar Door Frame with Inserted Double Pane Insulated Glazing



M11 - EPDM Rubber Membrane



M10 - Western Red Cedar Wood Decking



M9 - "Sequoia Red" Stained Solid Core Wood Door

SCHEDULE B  
This forms part of development  
Permit # DP/16-0029 DP/16-0030