

# DEVELOPMENT PERMIT / DEVELOPMENT VARIANCE PERMIT



## APPROVED ISSUANCE OF DEVELOPMENT PERMIT / DEVELOPMENT VARIANCE PERMIT NO. DP16-0260 DVP16-0261

**Issued To:** Aqua Resort Ltd. Inc. No. BCo796165, City of Kelowna, Sujata Randhawa

**Site Addresses and Legal Descriptions:** Lot 1, Sec 1 & 12, Twp 25, ODYD, Plan 2714, located at 3814 Capozzi Road, Kelowna, BC;  
Lot 2, Sec 1, Twp 25, ODYD, Plan 2714, located at 3820 Capozzi Road, Kelowna, BC;  
Lot 3, Sec 1, Twp 25, ODYD, Plan 2714, located at 3828 Capozzi, Road, Kelowna, BC;  
Lot 4, Sec 1, Twp 25, ODYD, Plan 2714, located at 3832 Capozzi Road, Kelowna, BC;  
Lot B, Sec 1, Twp 25, ODYD, Plan 13822, located at 3838 Capozzi Road, Kelowna, BC;  
Lot 17, Sec 1, Twp 25 & DL 134, ODYD, Plan 2714 Except Plan KAP66263, located at 550 Truswell Road, Kelowna, BC;  
Lot 5, Sec 1, Twp 25, & Sec 6 Twp 26, ODYD, Plan 2912 Except Plan 35979 and Plan KAP56428, located at 3786 Lakeshore Road, Kelowna, BC;

**Zoning Classification:** C9 – Tourist Commercial

**Development Permit Area:** Comprehensive Development Permit Area - Commercial

### 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. DP16-0260 and Development Variance Permit No. DVP16-0261 be approved for portions of each of the following properties:

1. Lot 1, Sec 1 & 12, Twp 25, ODYD, Plan 2714, located at 3814 Capozzi Road, Kelowna, BC;
2. Lot 2, Sec 1, Twp 25, ODYD, Plan 2714, located at 3820 Capozzi Road, Kelowna, BC;
3. Lot 3, Sec 1, Twp 25, ODYD, Plan 2714, located at 3828 Capozzi, Road, Kelowna, BC;
4. Lot 4, Sec 1, Twp 25, ODYD, Plan 2714, located at 3832 Capozzi Road, Kelowna, BC;
5. Lot B, Sec 1, Twp 25, ODYD, Plan 13822, located at 3838 Capozzi Road, Kelowna, BC;
6. Lot 17, Sec 1, Twp 25 & DL 134, ODYD, Plan 2714 Except Plan KAP66263, located at 550 Truswell Road, Kelowna, BC;
7. Lot 5, Sec 1, Twp 25, & Sec 6 Twp 26, ODYD, Plan 2912 Except Plan 35979 and Plan KAP56428, located at 3786 Lakeshore Road, Kelowna, BC;

as outlined in red on Attachment "MAP" attached to the Report from the Community Planning Department dated January 23, 2017, subject to the following:

1. Registration of subdivision with the Land Title & Survey Authority;
2. Completion of Land Agreement between City of Kelowna and Aqua Resort Ltd;
3. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
4. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
5. Landscaping to be provided on the land be in accordance with Schedule "C";
6. 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 and improvements as determined by a Registered Landscape Architect and/or Engineer as required;
7. Public Washroom Facilities to be provided on the land in accordance with Schedule "D";
8. 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 Public Washroom Facilities;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted, in accordance with Schedule E:

### **Section 14.9.5 (b) Tourist Commercial Development Regulations**

To vary the maximum height from 22.0 m or 6 storeys (required) to 53.5m or 16 storeys (proposed), 47.58m or 14 storeys (proposed), and 41.7m or 12 storeys (proposed) for apartment hotels and hotels;

### **Section 14.9.6 (f): Tourist Commercial Other Regulations**

To vary the maximum height of a boat storage building from 6.0m or 1 storey (required) to 17.4m or 4 storeys (proposed) and to vary the maximum number of tiers of storage from 1 (required) to 4 (proposed);

### **Section 14.9.5 (c): Tourist Commercial Development Regulations**

To vary the minimum front yard setback from 6.0m (required) to 0.0m (proposed) (Cook Road);

**Section 14.9.5 (d): Tourist Commercial Development Regulations**

To vary the minimum side yard setback from a flanking street from 4.5m (required) to 0.0m (proposed) (Cook Road Boat Launch);

**Section 14.9.5 (d): Tourist Commercial Development Regulations**

To vary the minimum side yard setback from a flanking street from 4.5m (required) to 0.0m (proposed) (Cook Road Boat Launch);

**Section 14.9.5 (e): Tourist Commercial Development Regulations**

To vary the minimum rear yard setback for a structure from 4.5m (required) to 0.0m (proposed) (Waterfront Property Line);

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

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

**2. PERFORMANCE SECURITY – LANDSCAPE SCHEDULE "C"**

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

- a) A Certified Cheque in the amount of **\$911,498.12** OR
- b) An Irrevocable Letter of Credit in the amount of **\$911,498.12**

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. PERFORMANCE SECURITY – WASHROOMS SCHEDULE "D"**

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

- c) A Certified Cheque in the amount of **\$197,187.50** OR

- d) An Irrevocable Letter of Credit in the amount of **\$197,187.50**

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

**4. 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.**

**5. Indemnification**

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

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

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

**6. 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

This forms part of application # DP16-0260 DVP16-0261



City of Kelowna  
 COMMUNITY PLANNING

Planner Initials: **TB**

Level	GFA		Exclusions		FFR Area	
	Sub Total	Common Space	Open to Below	Amenity	Sub Total	Common Space
Mech	648.2	1,051.5	-	-	648.2	1,051.5
PH	7,919.2	7,919.2	-	-	7,919.2	7,919.2
Amenity/Units	11,088.2	11,088.2	-	-	11,088.2	11,088.2
Lobby/TH (Units)	2,414.1	2,414.1	-	-	2,414.1	2,414.1
<b>Total</b>	<b>22,069.7</b>	<b>22,472.9</b>	<b>0.0</b>	<b>0.0</b>	<b>22,069.7</b>	<b>22,472.9</b>

Level	Unit #												Total
	1	2	3	4	5	6	7	8	9	10	11	12	
Mech	-	-	-	-	-	-	-	-	-	-	-	-	648.2
PH	-	-	-	-	-	-	-	-	-	-	-	-	7,919.2
Amenity/Units	-	-	-	-	-	-	-	-	-	-	-	-	11,088.2
Lobby/TH (Units)	-	-	-	-	-	-	-	-	-	-	-	-	2,414.1
<b>Total</b>	<b>-</b>	<b>22,069.7</b>											

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Mech	648.2	1,051.5	-	-	648.2	1,051.5
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	1	2	3	4	5	6	7	8	9	10	11	12	
Mech	-	-	-	-	-	-	-	-	-	-	-	-	648.2
PH	-	-	-	-	-	-	-	-	-	-	-	-	7,919.2
Amenity/Units	-	-	-	-	-	-	-	-	-	-	-	-	11,088.2
Lobby/TH (Units)	-	-	-	-	-	-	-	-	-	-	-	-	2,414.1
<b>Total</b>	<b>-</b>	<b>22,069.7</b>											

Level	Unit #												Total
	1	2	3	4	5	6	7	8	9	10	11	12	
Mech	-	-	-	-	-	-	-	-	-	-	-	-	648.2
PH	-	-	-	-	-	-	-	-	-	-	-	-	7,919.2
Amenity/Units	-	-	-	-	-	-	-	-	-	-	-	-	11,088.2
Lobby/TH (Units)	-	-	-	-	-	-	-	-	-	-	-	-	2,414.1
<b>Total</b>	<b>-</b>	<b>22,069.7</b>											

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Amenity/Units	11,088.2	11,088.2	-	-	11,088.2	11,088.2
Lobby/TH (Units)	2,414.1	2,414.1	-	-	2,414.1	2,414.1
<b>Total</b>	<b>22,069.7</b>	<b>22,472.9</b>	<b>0.0</b>	<b>0.0</b>	<b>22,069.7</b>	<b>22,472.9</b>

Level	Unit #												Total
	1	2	3	4	5	6	7	8	9	10	11	12	
Mech	-	-	-	-	-	-	-	-	-	-	-	-	648.2
PH	-	-	-	-	-	-	-	-	-	-	-	-	7,919.2
Amenity/Units	-	-	-	-	-	-	-	-	-	-	-	-	11,088.2
Lobby/TH (Units)	-	-	-	-	-	-	-	-	-	-	-	-	2,414.1
<b>Total</b>	<b>-</b>	<b>22,069.7</b>											

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	Sub Total	Common Space	Open to Below	Amenity	Sub Total	Common Space
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Amenity/Units	11,088.2	11,088.2	-	-	11,088.2	11,088.2
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<b>Total</b>	<b>22,069.7</b>	<b>22,472.9</b>	<b>0.0</b>	<b>0.0</b>	<b>22,069.7</b>	<b>22,472.9</b>

Level	Unit #												Total
	1	2	3	4	5	6	7	8	9	10	11	12	
Mech	-	-	-	-	-	-	-	-	-	-	-	-	648.2
PH	-	-	-	-	-	-	-	-	-	-	-	-	7,919.2
Amenity/Units	-	-	-	-	-	-	-	-	-	-	-	-	11,088.2
Lobby/TH (Units)	-	-	-	-	-	-	-	-	-	-	-	-	2,414.1
<b>Total</b>	<b>-</b>	<b>22,069.7</b>											

Level	GFA		Exclusions		FFR Area	
	Sub Total	Common Space	Open to Below	Amenity	Sub Total	Common Space
Mech	648.2	1,051.5	-	-	648.2	1,051.5
PH	7,919.2	7,919.2	-	-	7,919.2	7,919.2
Amenity/Units	11,088.2	11,088.2	-	-	11,088.2	11,088.2
Lobby/TH (Units)	2,414.1	2,414.1	-	-	2,414.1	2,414.1
<b>Total</b>	<b>22,069.7</b>	<b>22,472.9</b>	<b>0.0</b>	<b>0.0</b>	<b>22,069.7</b>	<b>22,472.9</b>

















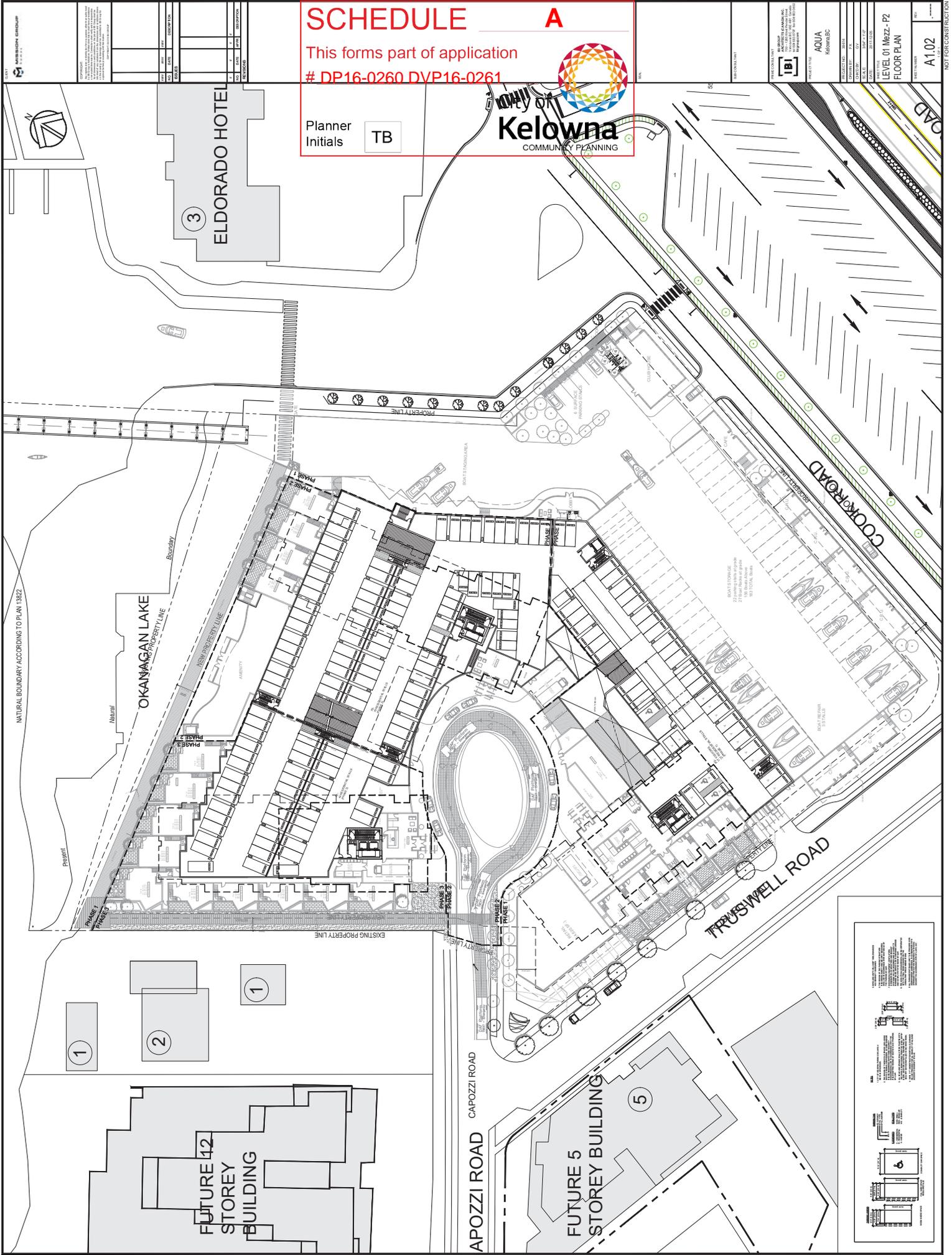
# SCHEDULE A

This forms part of application  
# DP16-0260 DVP16-0261



Planner Initials **TB**

City of Kelowna  
COMMUNITY PLANNING



**LEGEND**

- Tree symbols: Various types of trees and shrubs.
- Parking symbols: Standard parking spaces, accessible parking spaces (marked with a wheelchair icon), and bicycle parking.
- Other symbols: Utility lines, easements, and other site-specific markers.

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NOT FOR CONSTRUCTION











# SCHEDULE A

This forms part of application  
# DP16-0260 DVP16-0261



City of  
**Kelowna**  
COMMUNITY PLANNING

Planner  
Initials **TB**

PROJECT NUMBER	16-0260
PROJECT TITLE	AQUA Kelowna BC
PROJECT LOCATION	3000 - 3001 F.W. ROAD
PROJECT TYPE	COMMERCIAL
DATE	2016.12.28
SCALE	1:500
DRAWN BY	W. WILSON
CHECKED BY	W. WILSON
DATE	2017.01.05
PROJECT NUMBER	16-0260
PROJECT TITLE	AQUA Kelowna BC
PROJECT LOCATION	3000 - 3001 F.W. ROAD
PROJECT TYPE	COMMERCIAL
DATE	2016.12.28
SCALE	1:500
DRAWN BY	W. WILSON
CHECKED BY	W. WILSON
DATE	2017.01.05

LEVEL 08 FLOOR  
PLAN  
A1.08



NO.	DATE	DESCRIPTION
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MISSION GROUP

NOT FOR CONSTRUCTION















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2 VIEW FROM LAKESHORE DRIVE LOOKING NORTH  
SCALE: 1/8" = 1'-0"



4 VIEW FROM LAKE LOOKING SOUTH  
SCALE: 1/8" = 1'-0"



1 VIEW FROM TRUSWELL LOOKING EAST  
SCALE: 1/8" = 1'-0"



3 VIEW FROM LAUNCH LOOKING WEST  
SCALE: 1/8" = 1'-0"



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

# SCHEDULE B

This forms part of application  
# DP16-0260 DVP16-0261



City of  
**Kelowna**  
COMMUNITY PLANNING

Planner  
Initials **TB**

PROJECT TITLE	
PROJECT NUMBER	
PROJECT LOCATION	
PROJECT OWNER	
PROJECT CONTACT	
PROJECT DATE	
PROJECT STATUS	
PROJECT PHASE	
PROJECT VALUE	
PROJECT RISK	
PROJECT COMPLEXITY	
PROJECT IMPACT	
PROJECT SCOPE	
PROJECT BOUNDARIES	
PROJECT CONSTRAINTS	
PROJECT OPPORTUNITIES	
PROJECT CHALLENGES	
PROJECT RISKS	
PROJECT MITIGATIONS	
PROJECT MONITORING	
PROJECT EVALUATION	
PROJECT REPORTING	
PROJECT COMMUNICATION	
PROJECT STAKEHOLDERS	
PROJECT INTERESTS	
PROJECT INFLUENCES	
PROJECT RESPONSIBILITIES	
PROJECT ACCOUNTABILITIES	
PROJECT ROLES	
PROJECT RELATIONSHIPS	
PROJECT NETWORKS	
PROJECT CULTURES	
PROJECT VALUES	
PROJECT BELIEFS	
PROJECT ATTITUDES	
PROJECT BEHAVIOURS	
PROJECT EMOTIONS	
PROJECT COGNITIONS	
PROJECT PERCEPTIONS	
PROJECT INTERPRETATIONS	
PROJECT CONCLUSIONS	
PROJECT RECOMMENDATIONS	
PROJECT DECISIONS	
PROJECT ACTIONS	
PROJECT OUTCOMES	
PROJECT IMPACTS	
PROJECT EFFECTS	
PROJECT RESULTS	
PROJECT PERFORMANCE	
PROJECT EFFICIENCY	
PROJECT EFFECTIVENESS	
PROJECT PRODUCTIVITY	
PROJECT QUALITY	
PROJECT QUANTITY	
PROJECT VALUE	
PROJECT COST	
PROJECT BUDGET	
PROJECT FINANCING	
PROJECT INVESTMENT	
PROJECT REVENUE	
PROJECT PROFIT	
PROJECT LOSS	
PROJECT BREAK-EVEN	
PROJECT RISK	
PROJECT UNCERTAINTY	
PROJECT SENSITIVITY	
PROJECT ELASTICITY	
PROJECT CORRELATION	
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PROJECT COVARIATION CORRELATION COEFFICIENT NINTH	
PROJECT COVARIATION CORRELATION COEFFICIENT TENTH	
PROJECT COVARIATION CORRELATION COEFFICIENT ELEVENTH	
PROJECT COVARIATION CORRELATION COEFFICIENT TWELFTH	
PROJECT COVARIATION CORRELATION COEFFICIENT THIRTEENTH	
PROJECT COVARIATION CORRELATION COEFFICIENT FOURTEENTH	
PROJECT COVARIATION CORRELATION COEFFICIENT FIFTEENTH	
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PROJECT COVARIATION CORRELATION COEFFICIENT TWENTIETH	
PROJECT COVARIATION CORRELATION COEFFICIENT TWENTYFIRST	
PROJECT COVARIATION CORRELATION COEFFICIENT TWENTYSECOND	
PROJECT COVARIATION CORRELATION COEFFICIENT TWENTYTHIRD	
PROJECT COVARIATION CORRELATION COEFFICIENT TWENTYFOURTH	
PROJECT COVARIATION CORRELATION COEFFICIENT TWENTYFIFTH	
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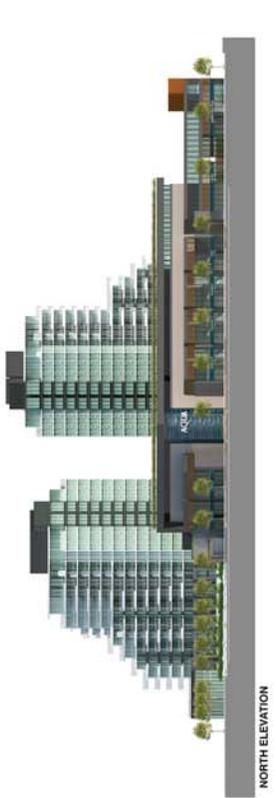
Client Name		Client Address	
NO.	DATE	BY	DESCRIPTION
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PROJECT TITLE	AQUA
PROJECT ADDRESS	Kelowna BC
PROJECT NO.	2017-12-28
DATE	2017-12-28
COLOUR	COLOUR
ELEVATIONS	ELEVATIONS
SCALE	SCALE
PROJECT NUMBER	A0.13

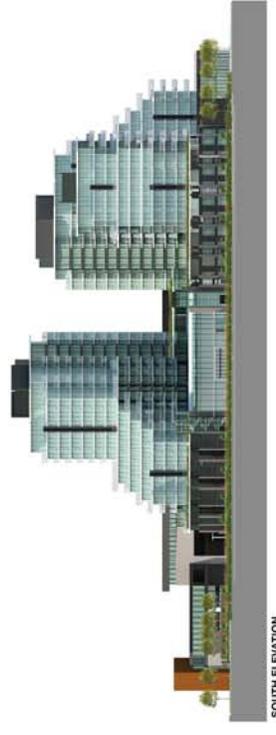
**SCHEDULE B**

This forms part of application  
 # DP16-0260 DVP16-0261

Planner Initials **TB**

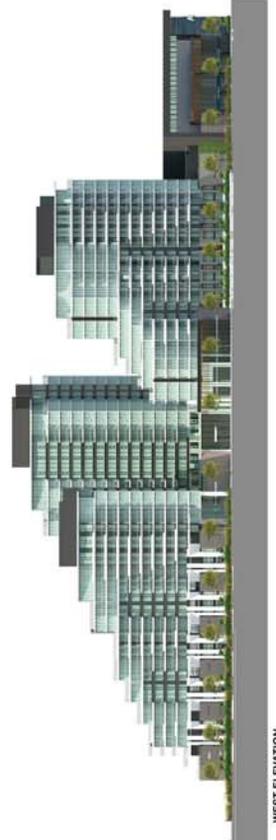
NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION



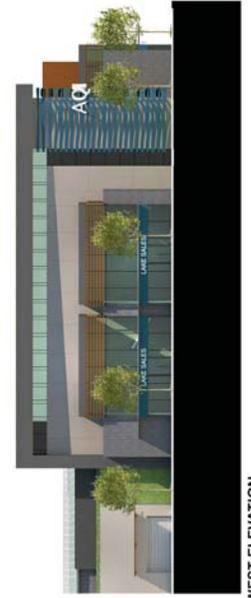
WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION



# SCHEDULE B

This forms part of application  
 # DP16-0260 DVP16-0261

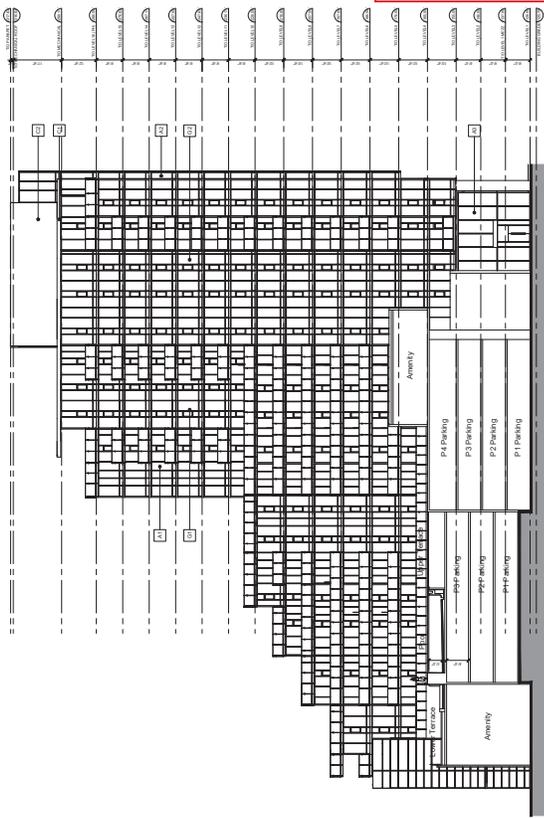


City of  
**Kelowna**  
 COMMUNITY PLANNING

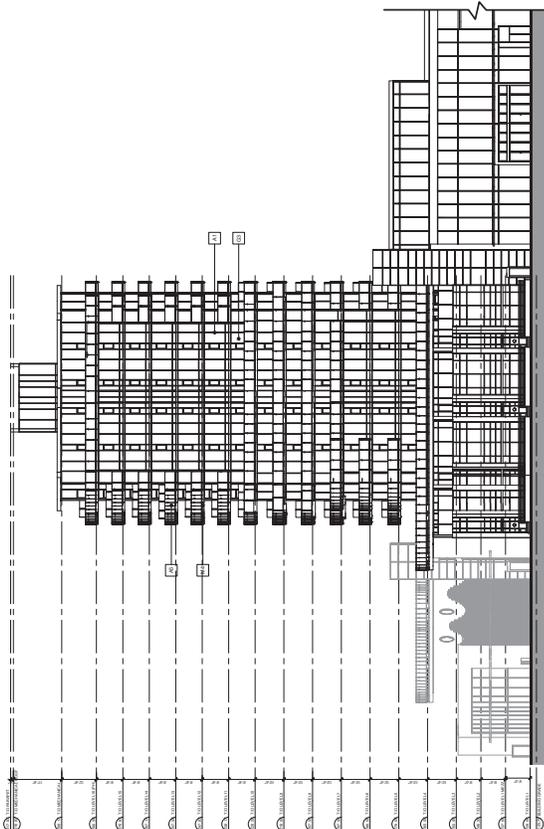
Planner  
 Initials **TB**

**MATERIAL LEGEND**

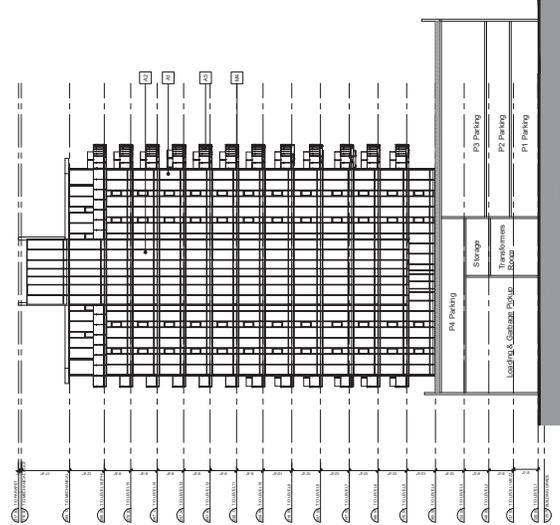
- A1 - Masonry - Brick
- A2 - Masonry - Concrete Block
- A3 - Curtain Wall - SSQ
- A4 - Aluminum Siding - White
- A5 - Aluminum Wood Siding - Dark Gray
- A6 - Aluminum Wood Siding - Light Gray
- A7 - Aluminum Wood Siding - Dark Gray
- A8 - Aluminum Wood Siding - White
- A9 - Aluminum Wood Siding - Dark Gray
- A10 - Aluminum Wood Siding - White
- A11 - Aluminum Wood Siding - Dark Gray
- A12 - Aluminum Wood Siding - White
- A13 - Aluminum Wood Siding - Dark Gray
- A14 - Aluminum Wood Siding - White
- A15 - Aluminum Wood Siding - Dark Gray
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- A17 - Aluminum Wood Siding - Dark Gray
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- A96 - Aluminum Wood Siding - White
- A97 - Aluminum Wood Siding - Dark Gray
- A98 - Aluminum Wood Siding - White
- A99 - Aluminum Wood Siding - Dark Gray
- A100 - Aluminum Wood Siding - White



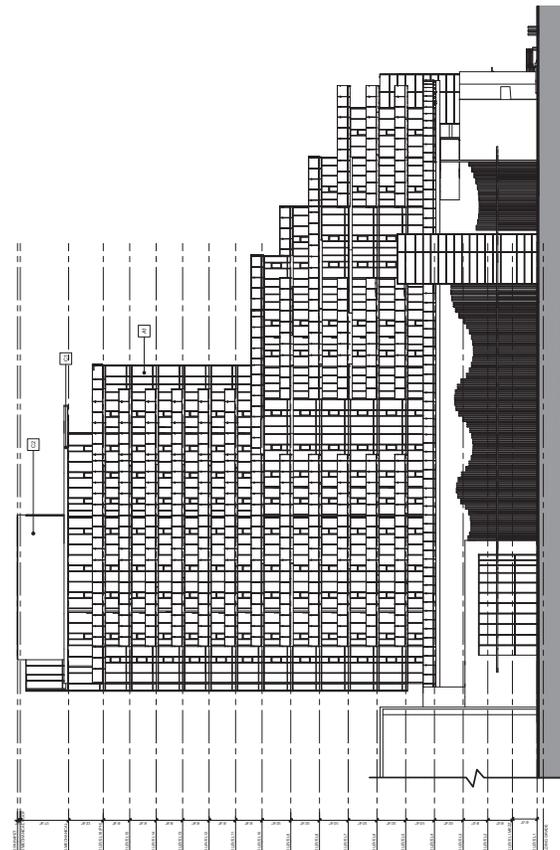
2 TOWER 02 WEST ELEVATION  
 SCALE 1/8"=1'-0"



1 TOWER 02 NORTH ELEVATION  
 SCALE 1/8"=1'-0"



4 TOWER 02 SOUTH ELEVATION  
 SCALE 1/8"=1'-0"



3 TOWER 02 EAST ELEVATION  
 SCALE 1/8"=1'-0"



**MATERIAL LEGEND**

- A1 - Aluminum Window Wall - Light White
- A2 - Aluminum Window Wall - Dark Gray
- A3 - Curtain Wall - SS05
- A4 - Aluminum Clarity - White
- A5 - Aluminum Clarity - Clear Glass - White
- G1 - Vision Glass - Blue Green Tinted Low E Glass
- G2 - Vision Glass - Clear Glass - White
- G3 - Spandrel Glass - LIGHT
- M1 - Wood Panel - WarmBeige
- M2 - Wood Panel - White
- M3 - Wood Panel - Wood Tone
- B1 - Brick - Tan
- B2 - Brick - Tan
- C1 - Poured Concrete - White
- C2 - Poured Concrete - Dark Gray

# SCHEDULE B

This forms part of application  
 # DP16-0260 DVP16-0261

Planner Initials TB