

Development Permit DP18-135



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

366 & 368 Bernard Road

and legally known as

Parcel A and B on Plan B1311 of Lot 2 Block 17 District Lot 139 ODYD Plan 462

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

Mixed Use Development

USE as per Zoning Bylaw

Multiple Dwelling Housing, Retail Store, Participant Recreation Services - Indoor

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

Date of Decision: September 17, 2018

Decision By: CITY COUNCIL

Development Permit Area: Revitalization

This permit will not be valid if development has not commenced by December 5, 2019.

Existing Zone: Future Land Use Designation:

This is NOT a Building Permit.

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

NOTICE

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

Owner:

Applicant:

Ryan Smith
Community Planning Department Manager
Community Planning & Strategic Investments

Date

1. SCOPE OF APPROVAL

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

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

The issuance of a permit limits the permit holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific variances have been authorized by the Development Permit. No implied variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

2. CONDITIONS OF APPROVAL

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

This Development Permit is valid for two (2) years from the date of September 27, 2018 approval, with no opportunity to extend.

3. PERFORMANCE SECURITY

N/A

4. INDEMNIFICATION

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

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

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

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

CITY OF KELOWNA
MEMORANDUM

Date: July 03, 2018
File No.: DP18-0135
To: Urban Planning Manager (LK)
From: Development Engineering Manager (JK)
Subject: 366 & 368 Bernard Ave Form and Character

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

1. General.
 - a) This application does not compromise any City of Kelowna municipal infrastructure.



James Kay P.Eng.
Development Engineering Manager

JA

| | |
|--|---------------------------------|
| ATTACHMENT A | |
| This forms part of application # DP18-0135 | |
| Planner Initials | <input type="text" value="LK"/> |
|  City of Kelowna COMMUNITY PLANNING | |

DEVELOPMENT PERMIT APPLICATION AND DESIGN RATIONALE

ATTACHMENT B

This forms part of application

DP18-0135

Planner
Initials

LK

City of
Kelowna
COMMUNITY PLANNING



A17-60
Soul Athletix – 366 & 368 Bernard
Avenue
Kelowna, B.C.

June 15, 2018

Prepared by:

Prepared For:
Manuel Yip Tu

To be Submitted to:
City of Kelowna
Development Services

Architecture
Interior Design and Planning
Building Envelope Consulting

ARCHITECTURE

Garry Tomporowski Architect Ltd
Kelowna, B.C. 250.979.1668

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1.0 PROJECT OVERVIEW

Our Client has recently purchased 366 and 368 Bernard Avenue on the North side of Bernard Avenue in the downtown area. The site is the former location of many different businesses, - both retail, commercial and even food establishments.

The age of the building is undetermined at this time however we believe that it would have been constructed in the early 20th century. Existing construction consists of bricks and both wood and steel beams and is sandwiched in between what is currently the Royal Anne Hotel and the HSBC Bank on the corner of Bernard and Pandosy.

The intent of the project is to demolish the existing older buildings and to construct a new two storey building using modern techniques varying from load bearing masonry to potential precast concrete for use as the demising and party walls.

The use of the building will be sole purpose consisting of a retail area on the main floor offering extremely high end yoga clothing and related equipment and accessories. The main floor will also contain change rooms, washrooms and storage areas for the purposes of supporting the retail function. The upper floor will consist of a yoga studio where instruction can be offered as well as male and female change rooms for use before and after yoga practice. There will also be a small residential suite located on the upper floor for the expressed use of the building owners while they are in Kelowna and between locations.

As a special feature there will be an outdoor area for yoga sessions to be held in the open air on warm and sunny days.

This concept of the yoga, retail and instruction areas is based on a model of a very successful business in the USA, primarily down on the West Coast. There are many locations in California and neighboring states. The simple but elegant character of the new building will be embellished by high quality finishes, to synchronize with the detailing and practice of yoga.

2.0 THE SITE, PARKING AND ACCESS

As illustrated on the Architectural drawings, the site is narrow and extends from the recently redeveloped streetscape on Bernard Avenue to the rear lane. Site coverage is approximately 80% of the entire site.

It is expected that any deliveries will be made at the rear or occasionally at the front of the building outside of normal business hours when traffic is at its lowest. While there is no minimum parking requirements for buildings facing Bernard Avenue, we have provided four spaces which would be secured from the rear lane by rolling open metal shutters / gates.

While we are providing a rack for two bikes (Class 1) in the secured area at rear, we will not provide any additional ones (Class 2) to overly complicate and impede pedestrian flow in front of the building. Bernard Avenue currently contains many bicycle racks previously

located when the upgrades occurred.

Due to the extensive site coverage of the building allowed by the Zoning Bylaw, there is no opportunity for any landscaping in the front. The owners will provide some potted plants to soften the exterior of the building, and there will be additional live plants used to decorate the outdoor roof yoga area. This will complement the existing trees currently along Bernard Avenue.

3.0 ATTACHMENTS

In support of the proposal outlined in this Development Brief, GTA has attached the appropriate Architectural drawings, application forms and other information as required in the Development Permit Application Checklist.

Additional high quality renderings of the proposed building exterior will be provided in approximately three weeks from application date and prior to first appearance at council.

END

SOUL ATHLETIX CLOTHING & YOGA

366 & 368 BERNARD AVE.
KELOWNA, BC V1Y 6N5

LOCATION MAP



FRONT VIEW / BERNARD AVE.



PROJECT INFO:

PROPERTY ADDRESS: 366 & 368 Bernard Ave., Kelowna, BC.

LEGAL ADDRESSES:

366 BERNARD: KID: 334603 PLAN#: 462 LOT#: 2 BLOCK: 17
368 BERNARD: KID: 334627 PLAN#: 462 LOT#: 2 BLOCK: 17

ZONING: C7

LOT AREA: 446 m2 (4,800 SQ. FT.)

AREAS:

| GROSS FLOOR AREA | | |
|------------------|------------------------------|----------|
| LEVEL | USE | G.F.A. |
| MAIN FLOOR | RETAIL AND SERVICE ROOMS | 3,473 SF |
| MAIN FLOOR | STAIR 1 | 181 SF |
| MAIN FLOOR | REAR LOBBY AND STAIR 2 | 168 SF |
| UPPER FLOOR | YOGA STUDIO + SERVICE ROOMS | 2,397 SF |
| UPPER FLOOR | RESIDENTIAL UNIT | 585 SF |
| UPPER FLOOR | STAIR 2 AND ELEVATOR HALLWAY | 218 SF |
| UPPER FLOOR | STAIR 1 | 116 SF |
| TOTAL | | 7,139 SF |

GROSS LEASABLE AREA (G.L.A.) = 600 m2 (6,455 m2)

SITE COVERAGE: 355 m2 (3,822 SQ. FT.) = 80%

CITY OF KELOWNA ZONING BYLAW NO. 8000 ANALYSIS:

**SECTION 7 – LANDSCAPING AND SCREENING
7.3 REFUSE AND RECYCLING BINS**

7.3.3 REFUSE & RECYCLING BIN LOCATED WITHIN PROPERTY AND SCREENED FROM ADJOINING LOTS WILL NOT REQUIRE ANY SCREENING OR LANDSCAPE. (PROPOSED: BINS WITHIN PROPERTY)

7.5 FENCING AND RETAINING WALLS

NO FENCE IN A COMMERCIAL, PUBLIC AND INSTITUTIONAL OR INDUSTRIAL ZONE SHALL EXCEED 2.4 m. (PROPOSED: 2.4 m HEIGHT SCREEN FENCE)

7.6 MINIMUM LANDSCAPE BUFFERS

NOT APPLY ; 0.0 m FRONT/SIDE/REAR SETBACKS

8.0 - PARKING AND LOADING

NO MINIMUM PARKING REQUIRED TO PROPERTIES FACING BERNARD AVENUE. (CONFIRMED WITH CoK PLANNING DPT.) **PROP: 4 SPACES (3 FULL + 1 MED.)**

8.4 OFF-STREET BICYCLE PARKING

8.4.1 NUMBER OF SPACES
TABLE 8.3: COMMERCIAL
CLASS I: 0.20 PER 100m2 GLA 1.2 SPACES REQUIRED

TABLE 8.3: RESIDENTIAL
CLASS I: 0.5 PER DWELLING UNIT 0.5 SPACES REQUIRED
TOTAL REQUIRED: 2 SPACES PROP: 2 SPACES

CLASS II: NOT REQUIRED; 0.0 m FRONT SETBACK AT BERNARD / VISITORS PARK AT BERNARD AVE. RACKS

8.4.6 DEVELOPMENT STANDARDS

BICYCLE PARKING MIN WIDTH: 0.6m
MIN LENGTH: 1.8m
MIN HEIGHT: 1.9m

SECTION 14.7 C7- CENTRAL BUSINESS COMMERCIAL

14.7.2. PRINCIPLE USES:
(aa) apartment housing
(dd) participant recreation services, indoor
(nn) retail stores, general

14.7.4 SUBDIVISION REGULATIONS

MINIMUM LOT WIDTH: 6.0m. **EXISTING : 12 m**
MINIMUM LOT DEPTH: 30.0m. **EXISTING: 40 m**
MINIMUM LOT AREA: 200 m². **EXISTING: 446 m²**

14.7.5 DEVELOPMENT REGULATIONS

MAX HEIGHT: IS THE LESSER OF 22.0m OR 6 STOREYS **PROP: 2 STOREYS (10.0m)**
MAX FLOOR AREA RATIO: 9.0 **PROP: 1.50**
MIN FRONT YARD: 0.0m **PROP: 0.0m**
MIN SIDE YARD: 0.0m **PROP: 0.0m**
MIN REAR YARD: 0.0m **PROP: 7.0m**

14.7.7 OTHER REGULATIONS

(a) A MINIMUM AREA OF 10.0 m2 OF PRIVATE OPEN SPACE PER 1-BED UNIT. **PROP: 10 m2**
(e) RETAIL STREET MIN. COMMERCIAL FRONTAGE ON FIRST FLOOR 90% **PROP: 90%**

CONSULTANTS:

ARCHITECTURAL:

GTA ARCHITECTURE LTD.
CONTACT: GARRY TOMPOROWSKI
243 - 1889 SPRINGFIELD ROAD
KELOWNA, B.C., V1V 1S9
PHONE: (250) 979-1668, FAX: (250) 979-4366
EMAIL: carlos@gtarch.ca

LAND SURVEYOR:

RUNNALLS DENBY
CONTACT: NEIL DENBY
259A LAWRENCE AVE,
KELOWNA, BC V1Y 6L2
PHONE:(250) 763-7322
EMAIL:neil@runnallsdenby.com

STRUCTURAL:

R & A ENGINEERING LTD.
CONTACT: GREG WYLIE
#202-3401 33RD ST.
VERNON, BC V1T 7X7
PHONE: 250-542-1357
EMAIL: greg@raengineering.ca

GEOTECHNICAL:

INTERIOR TESTING SERVICES LTD.
CONTACT: JENNIFER ANDERSON
#1-1925 KIRSCHNER ROAD,
KELOWNA, BC V1Y 4N7
P: 250 860-6540
EMAIL: jennifer@interiortesting.com

MECHANICAL:

REINBOLD ENGINEERING GROUP
CONTACT: TONY PAGNOTTA
301, 1664 Richter Street
Kelowna, BC V1Y 8N3
t. 250.763.1049 ext 21
EMAIL: TPagnotta@reg-eng.com

ELECTRICAL:

JARVIS ENGINEERING CONSULTANTS LTD.
CONTACT: JARED MCNEELY
3001 TUTT ST, KELOWNA, BC V1W 4X9
PHONE: (250) 764-6090
EMAIL: jared@jarviseng.com

LIST OF DRAWINGS:

ARCHITECTURAL DRAWINGS LIST

| SHEET NAME | SHEET NUMBER |
|----------------------------------|--------------|
| COVER PAGE | A0.0 |
| SITE PHOTOS | A0.1 |
| PERSPECTIVE VIEWS | A0.2 |
| SITE PLAN | A1.0 |
| MAIN LEVEL FLOOR PLAN | A2.1 |
| UPPER LEVEL AND ROOF FLOOR PLANS | A2.2 |
| ELEVATIONS | A4.1 |
| SECTIONS | A5.1 |

SYMBOL LEGEND:

| | |
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| | GRID LINE: |
| | DRAWING NUMBER |
| | SHEET NUMBER |
| | DETAIL REFERENCE |
| | ASSEMBLY TYPE |
| | STRUCTURAL MATERIAL |
| | BUILDING SECTION REFERENCE MARKER |

Notes:

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| NO. | DATE | BY | DESCRIPTION |
|-----|------------|----|-----------------|
| 4 | 2018/06/14 | CO | FOR DEV. PERMIT |
| 3 | 2018/06/12 | CP | CLIENT REVIEW |
| 2 | 2018/06/05 | CP | CLIENT REVIEW |
| 1 | 2018/05/17 | CP | CLIENT REVIEW |

DESIGN CONSULTANT

DESIGN CONSULTANT

SEAL



GTA ARCHITECTURE LTD.
243 1889 SPRINGFIELD ROAD
Kelowna, British Columbia
V1V 1S9
TELEPHONE: (250)979-1668
www.gtarch.ca

DEVELOPED BY:

PROJECT

SOUL ATHLETIX

366 & 368 Bernard Ave.

SHEET TITLE

COVER PAGE

| | | | |
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NORTH - EAST (LANEWAY)



NORTH - EAST (LANEWAY)



SOUTH- FRONT (BERNARD AVE.)



SOUTH - EAST (BERNARD AVE.)

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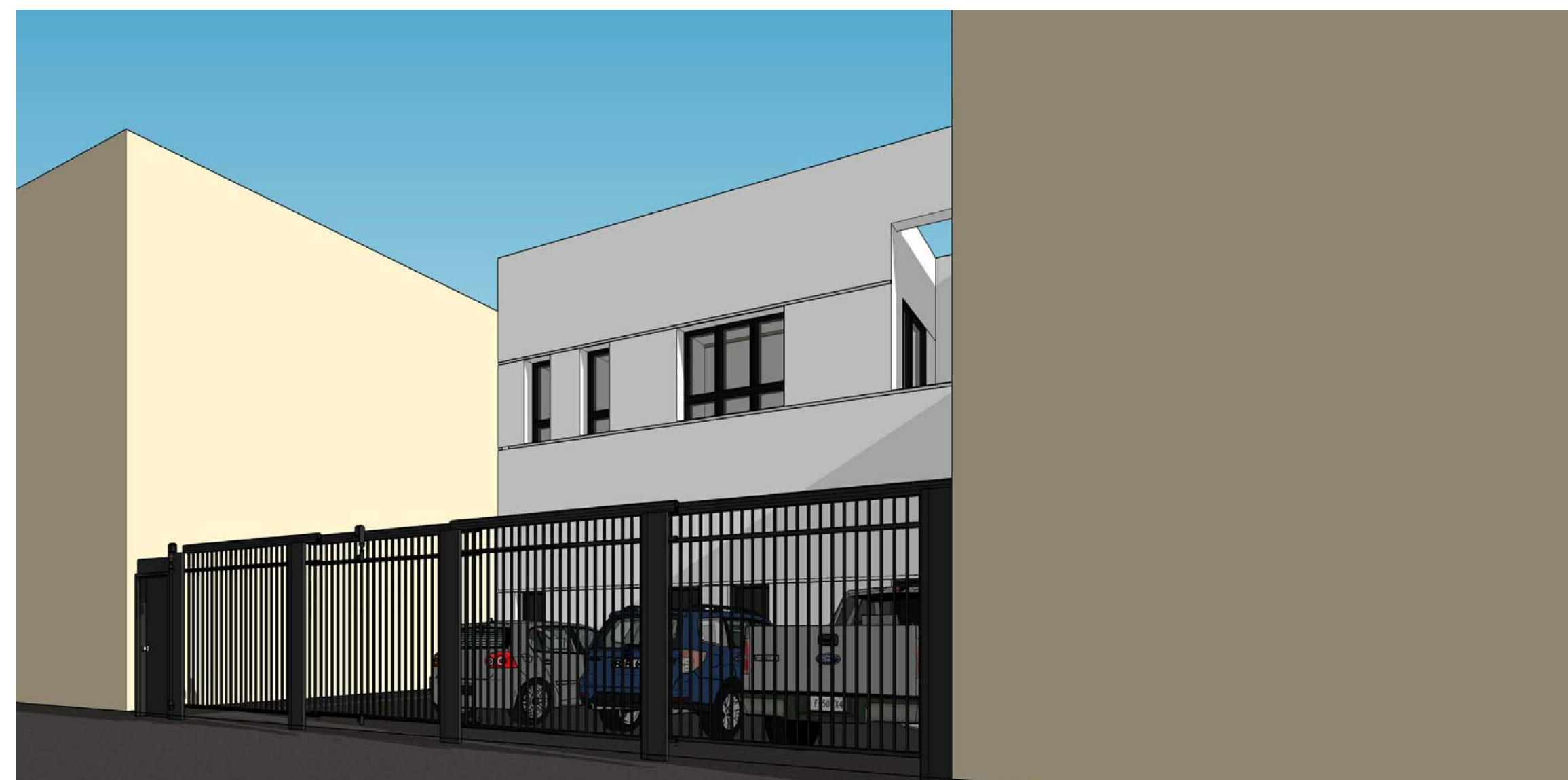
PROJECT
SOUL ATHLETIX
 366 & 368 Bernard Ave.

SHEET TITLE
SITE PHOTOS

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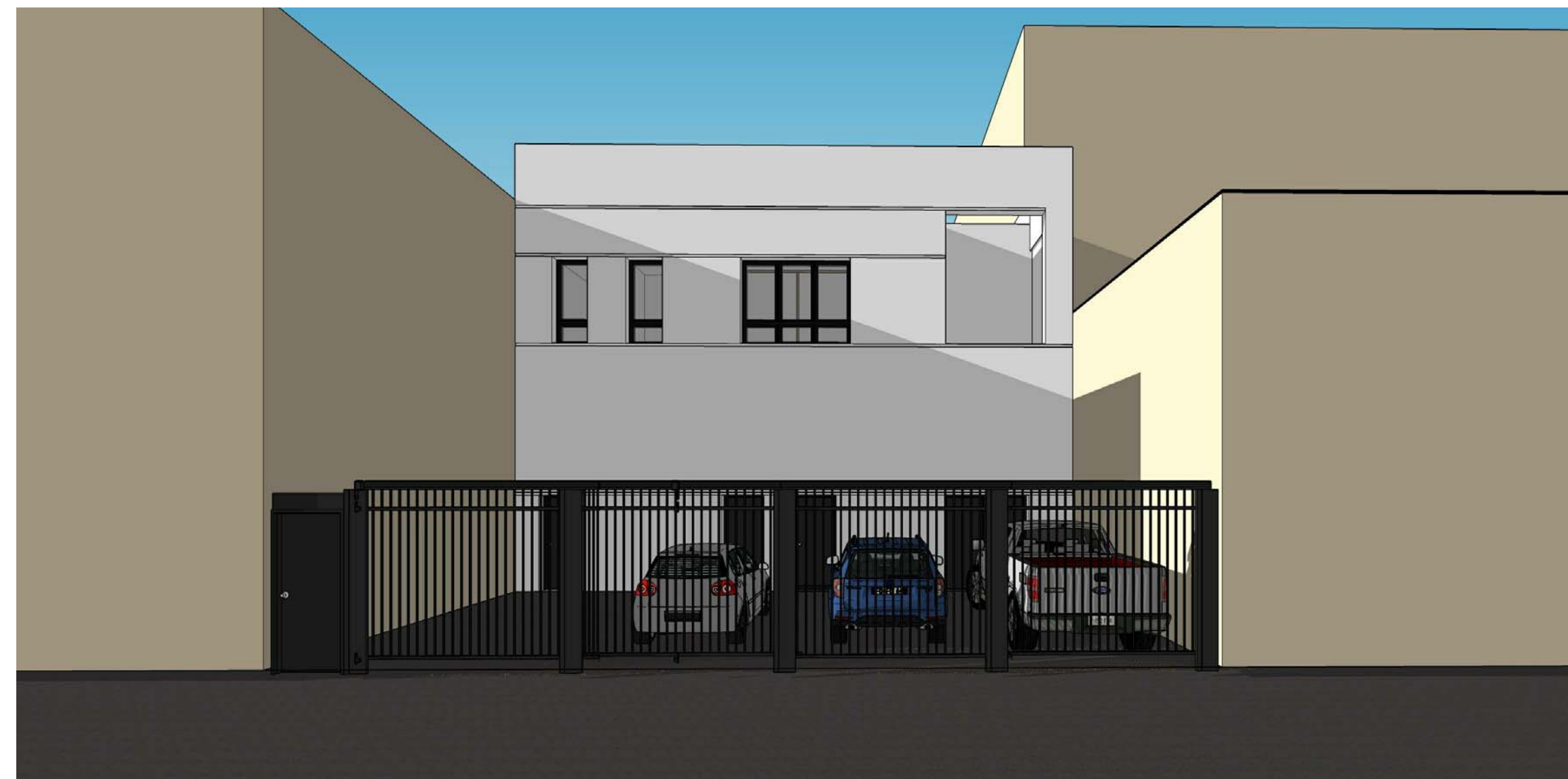
FRONT - SOUTH (BERNARD AVE)



NORTH - WEST (LANEWAY)



SOUTH - EAST (BERNARD AVE)



FRONT - NORTH (LANEWAY)



SOUTH - WEST (BERNARD AVE)

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gta

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PROJECT
SOUL ATHLETIX

366 & 368 Bernard Ave.

SHEET TITLE
PERSPECTIVE VIEWS

| | | | |
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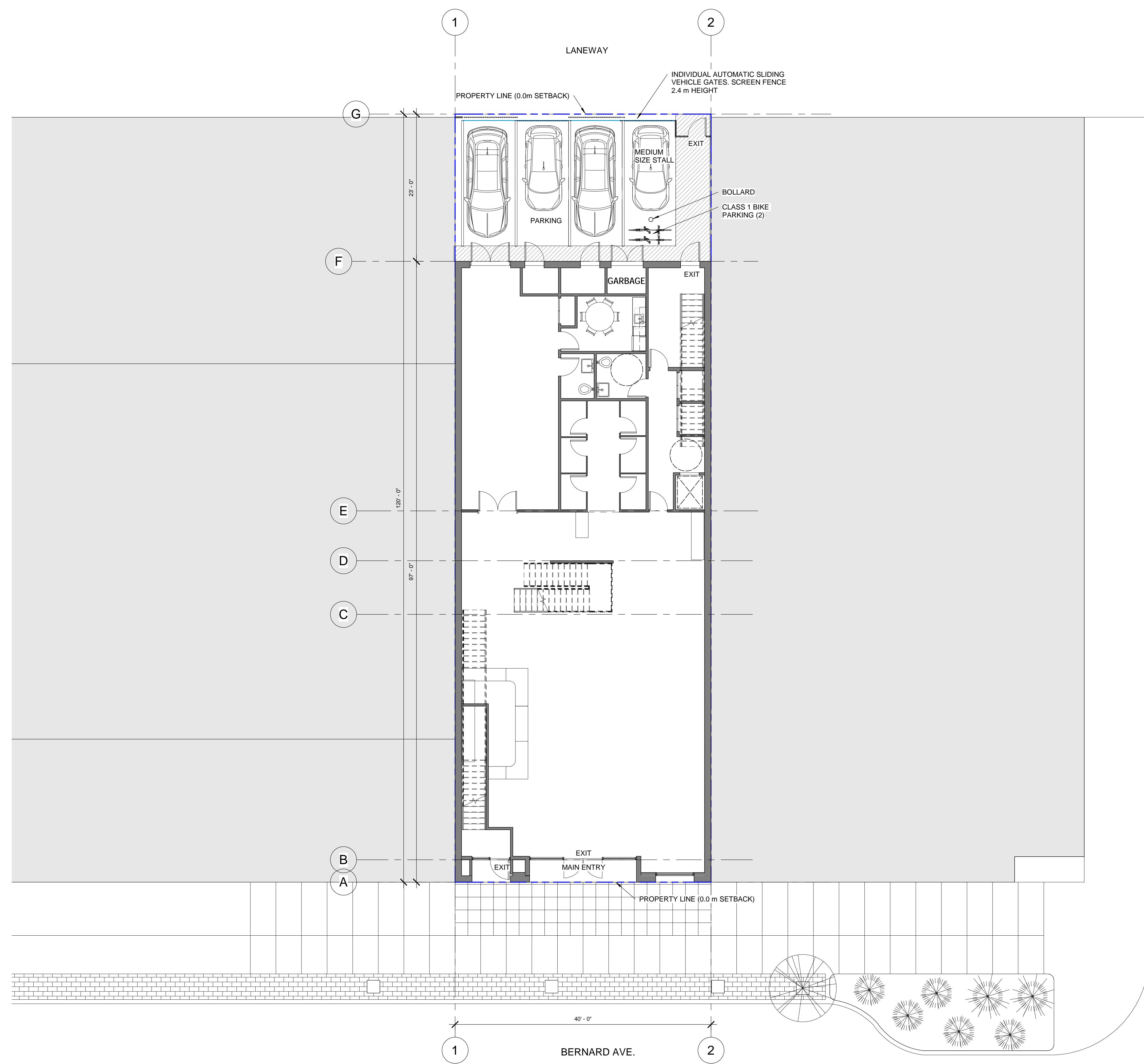
PROJECT
SOUL ATHLETIX

366 & 368 Bernard Ave.

SHEET TITLE

SITE PLAN

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| DATE: | 06/06/18 | FILE: | A17-60 |



PANDOSY ST.

1 SITE PLAN
 A4.1 1/8" = 1'-0"

SCHEDULE A
 This forms part of application
 # DP18-0135

Planner Initials LK

City of Kelowna
 COMMUNITY PLANNING

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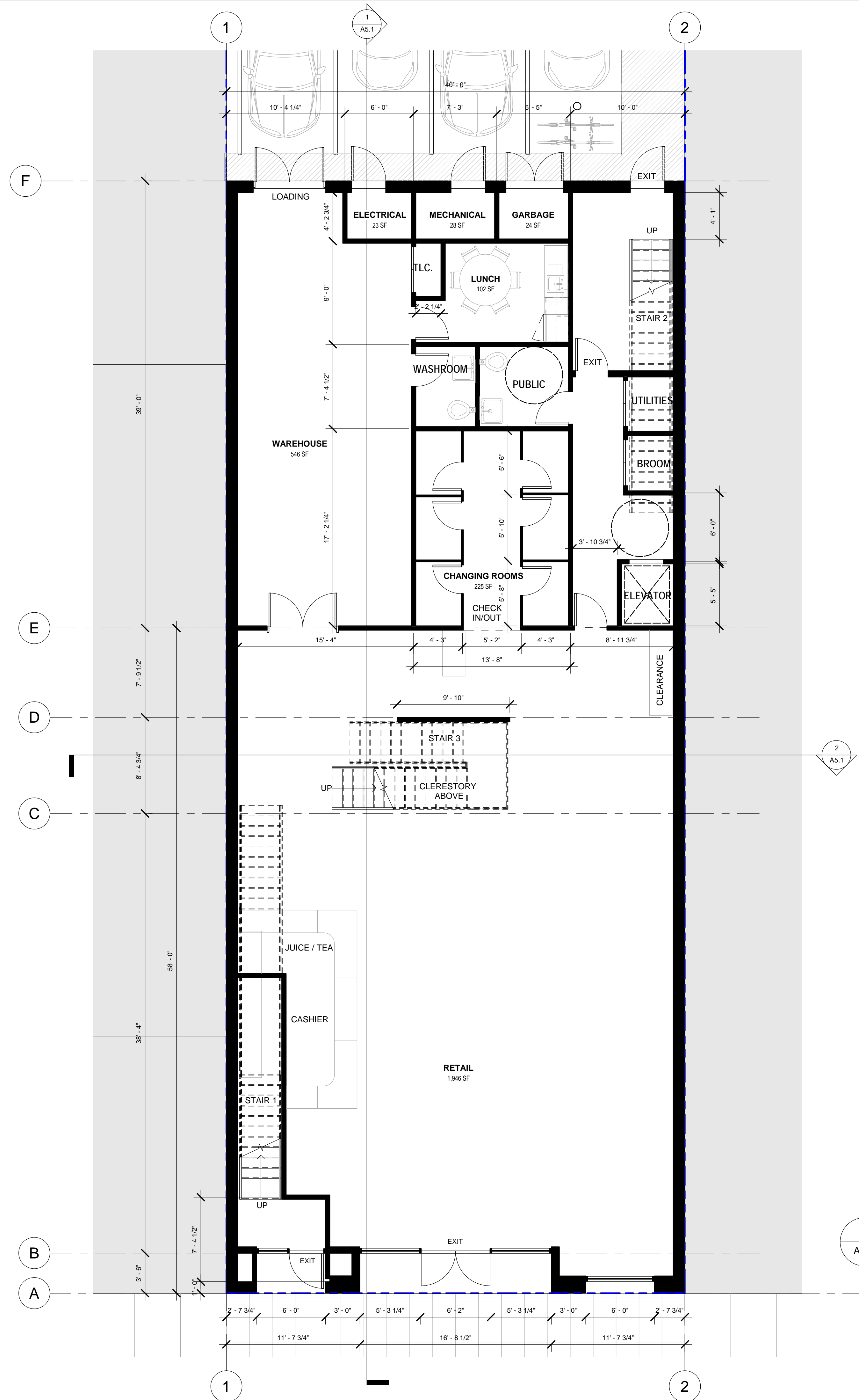
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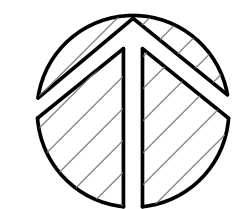
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MAIN LEVEL FLOOR PLAN

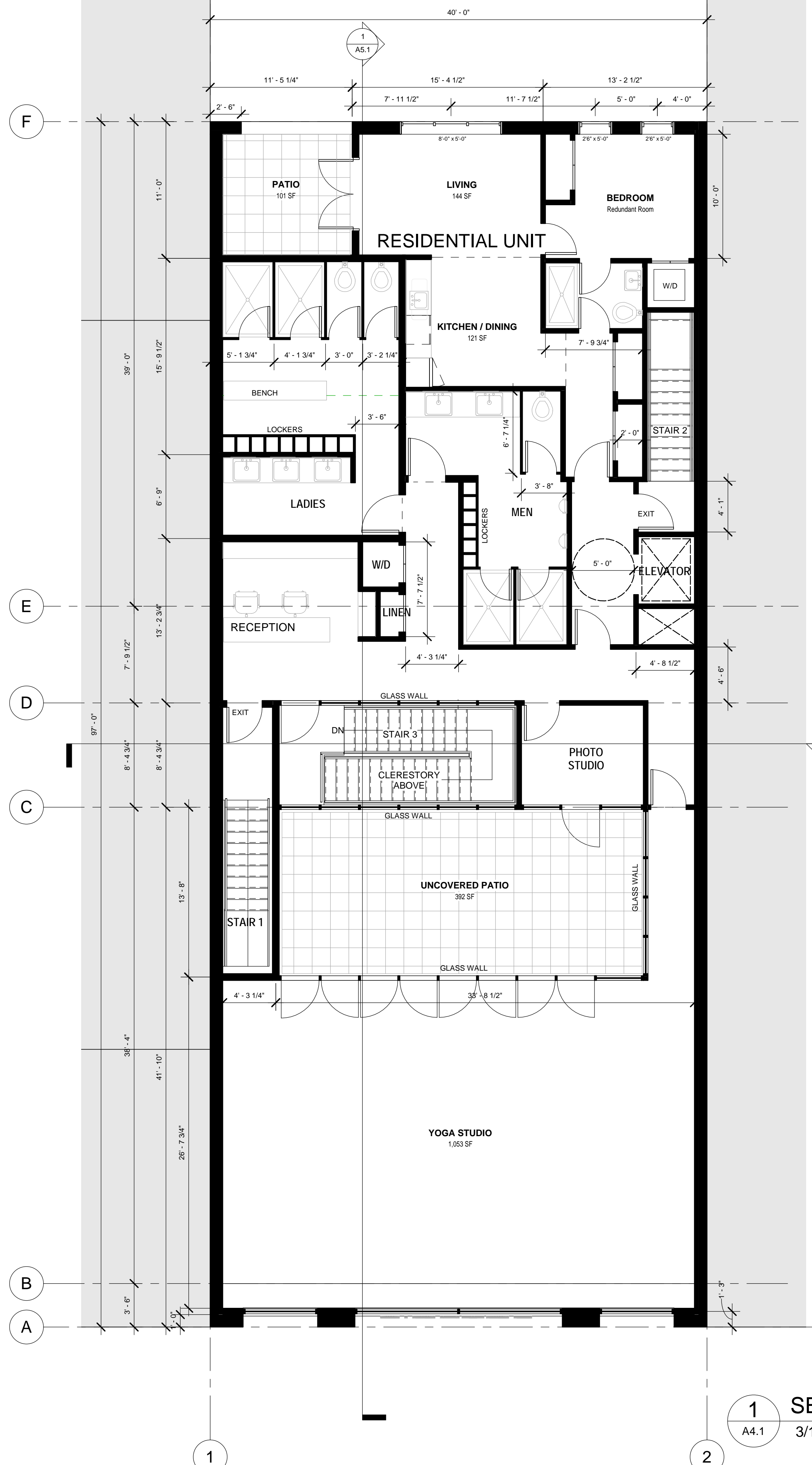
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| DATE: | 05/30/07 | FILE: | A17-60 |

| GROSS FLOOR AREA | | |
|------------------|------------------------------|----------|
| LEVEL | USE | G.F.A. |
| MAIN FLOOR | RETAIL AND SERVICE ROOMS | 3,473 SF |
| MAIN FLOOR | STAIR 1 | 181 SF |
| MAIN FLOOR | REAR LOBBY AND STAIR 2 | 168 SF |
| UPPER FLOOR | YOGA STUDIO + SERVICE ROOMS | 2,397 SF |
| UPPER FLOOR | RESIDENTIAL UNIT | 585 SF |
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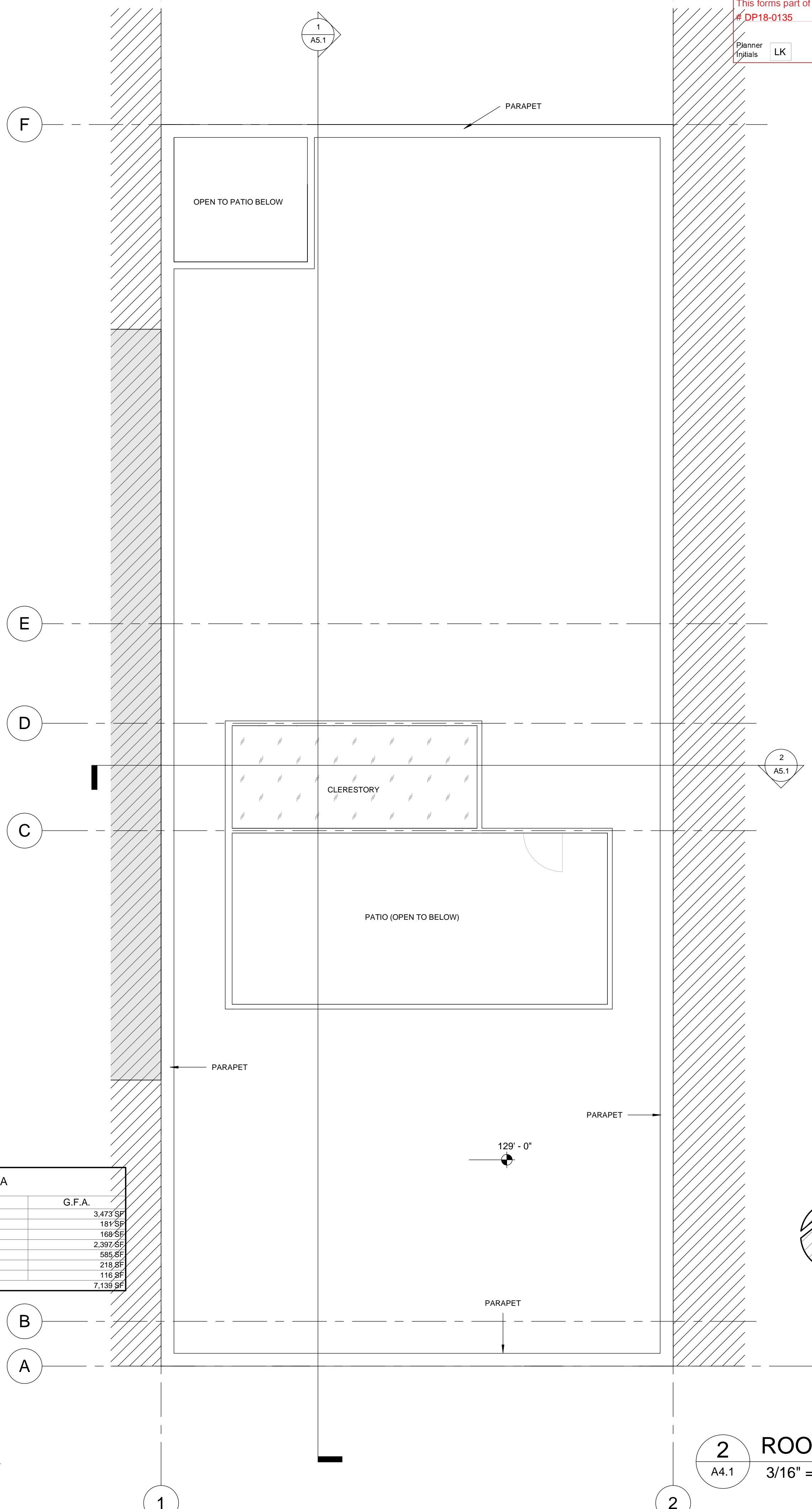
1 MAIN FLOOR PLAN
 A4.1 3/16" = 1'-0"





| GROSS FLOOR AREA | | |
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| TOTAL | | 7,139 SF |

1 SECOND FLOOR PLAN
A4.1 3/16" = 1'-0"



2 ROOF PLAN
A4.1 3/16" = 1'-0"

SCHEDULE A
This forms part of application #DP18-0135
Planner initials LK
City of Kelowna COMMUNITY PLANNING

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SEAL



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TELEPHONE: (250) 879-1068
www.gtarch.ca

DEVELOPED BY:

PROJECT
SOUL ATHLETIX
366 & 368 Bernard Ave.

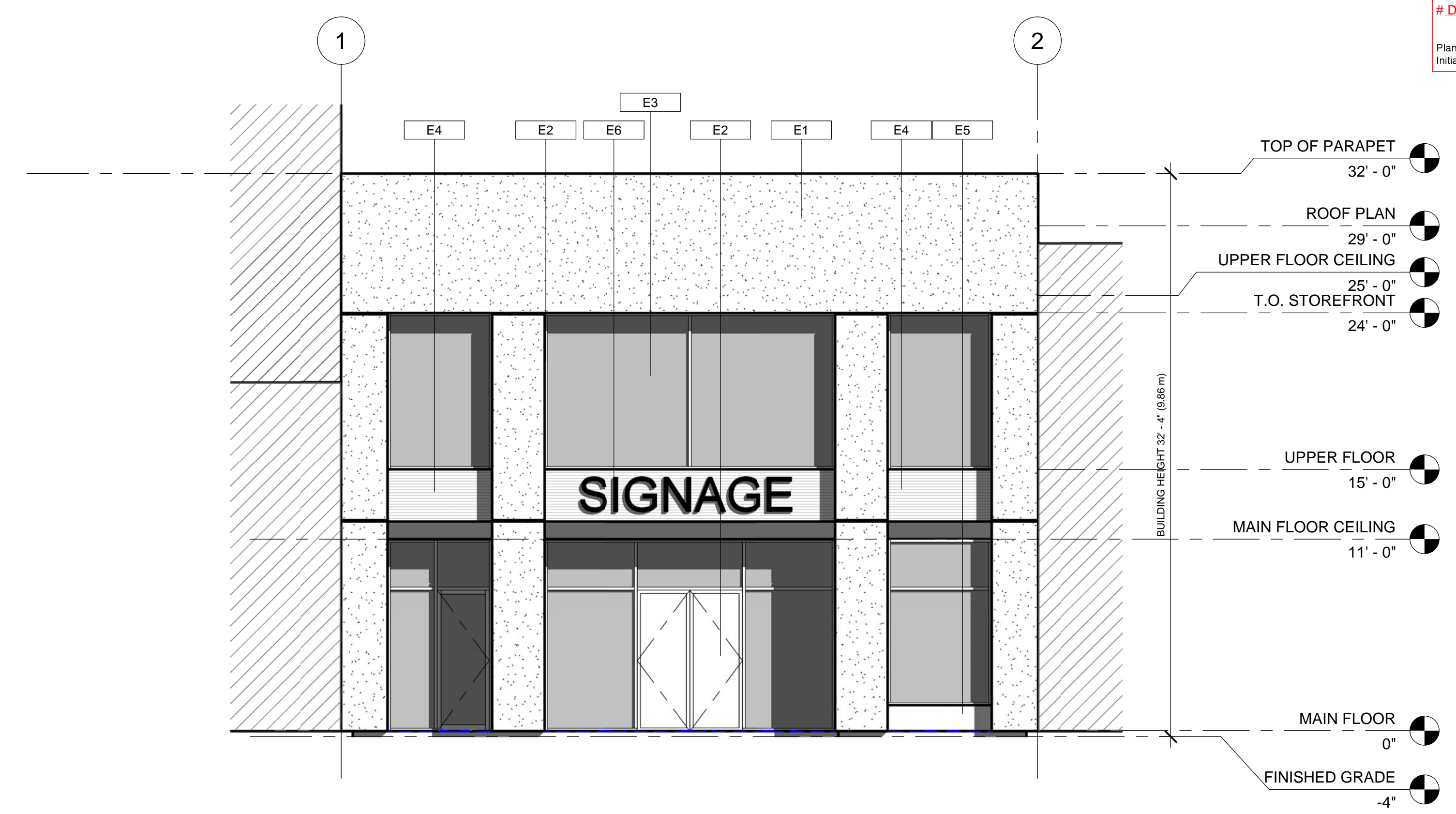
SHEET TITLE
UPPER LEVEL AND ROOF FLOOR PLANS

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| SCALE: | 3/16" = 1'-0" | DATE: | 05/30/07 |
| FILE: | A17-60 | | |

SCHEDULE B
 This forms part of application # DP18-0135
 City of Kelowna
 COMMUNITY PLANNING
 Planner initials LK

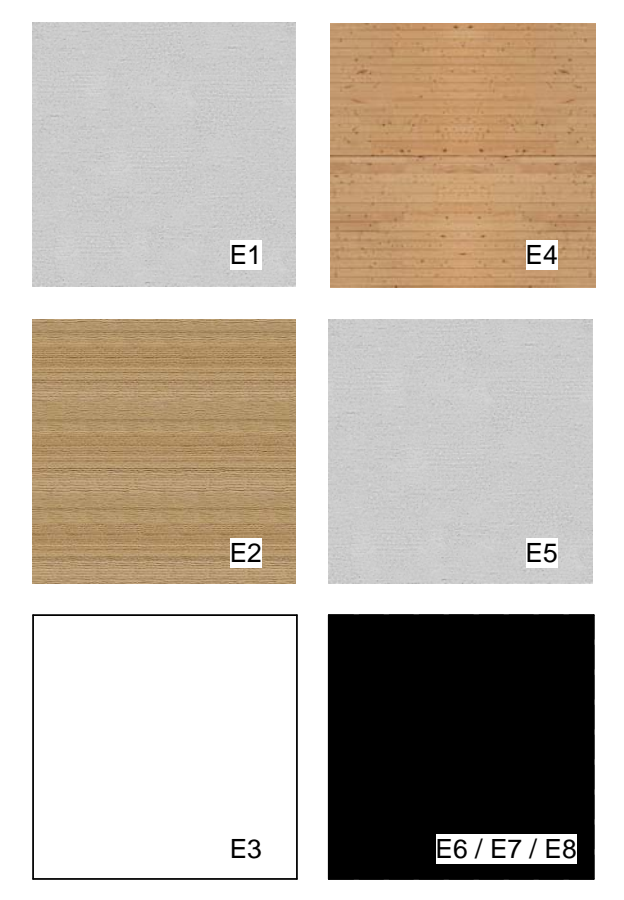
Notes:
 - THIS DRAWING MUST NOT BE SCALED.
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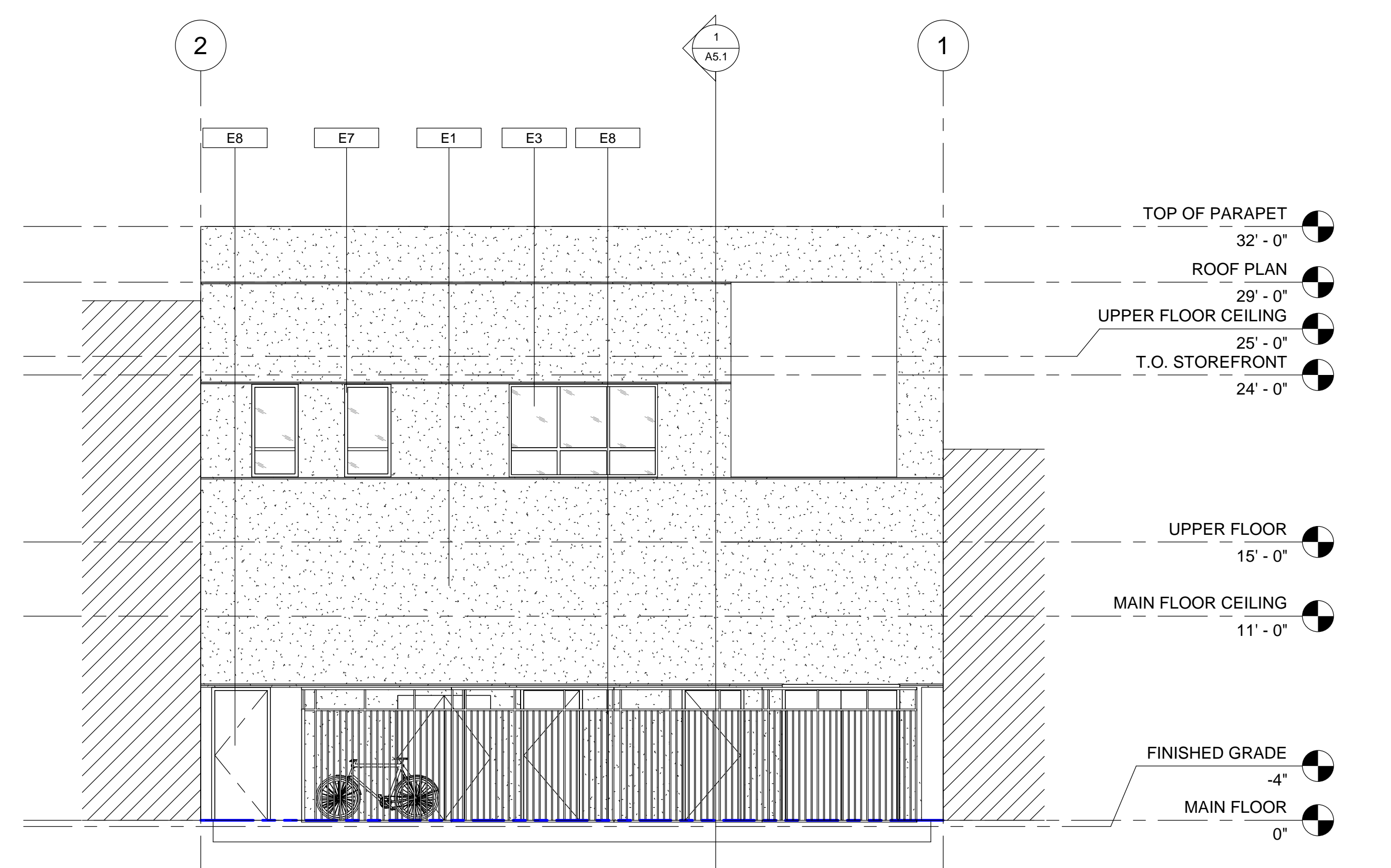


1 SOUTH ELEVATION / BERNARD AVE.
 3/16" = 1'-0"

| MATERIAL SCHEDULE | |
|-------------------|--|
| MATERIAL ID | DESCRIPTION |
| E1 | PRECAST INSULATED CONCRETE PANEL/WHITE |
| E2 | STOREFRONT FRAME/WOOD GRAIN COLOUR |
| E3 | LOW-E DOUBLE PANE GLASS/TRANSPARENT |
| E4 | NATURAL WOOD FINISH/GLULAM |
| E5 | CONCRETE CURB/WHITE |
| E6 | SIGNAGE/BLACK |
| E7 | WINDOWS AND DOOR FRAMES/ANODIZED BLACK |
| E8 | METAL FENCE/POWDER COATED BLACK |



MATERIAL BOARD
 1/4" = 1'-0"



2 NORTH ELEVATION - LANEWAY
 3/16" = 1'-0"

| NO. | DATE | BY | DESCRIPTION |
|-----|------------|----|-----------------|
| 4 | 2018/06/14 | CP | FOR DEV. PERMIT |
| 3 | 2018/06/12 | CP | CLIENT REVIEW |
| 2 | 2018/06/05 | CP | CLIENT REVIEW |
| 1 | 2018/05/17 | CP | CLIENT REVIEW |

DESIGN CONSULTANT

SEAL



GTA ARCHITECTURE LTD.
 243 1889 SPRINGFIELD ROAD
 Kelowna, British Columbia
 V1Y 5X5
 TELEPHONE: (250)979-1668
 www.gtarch.ca

DEVELOPED BY:

PROJECT
SOUL ATHLETIX
 366 & 368 Bernard Ave.

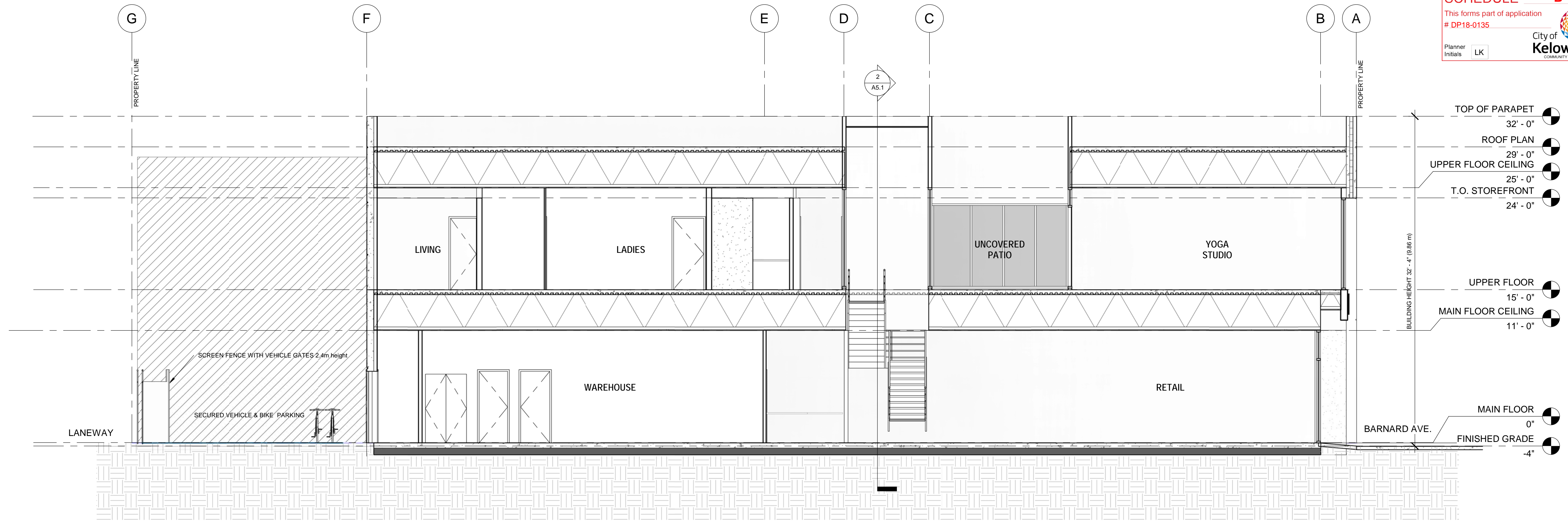
SHEET TITLE
ELEVATIONS

| | | | |
|--------------|--------------|-------------|-------------|
| DRAWN BY: | CP | DRAWING NO. | A4.1 |
| DESIGNED BY: | CP | | |
| SCALE: | As indicated | | |
| DATE: | 06/06/18 | FILE: | |

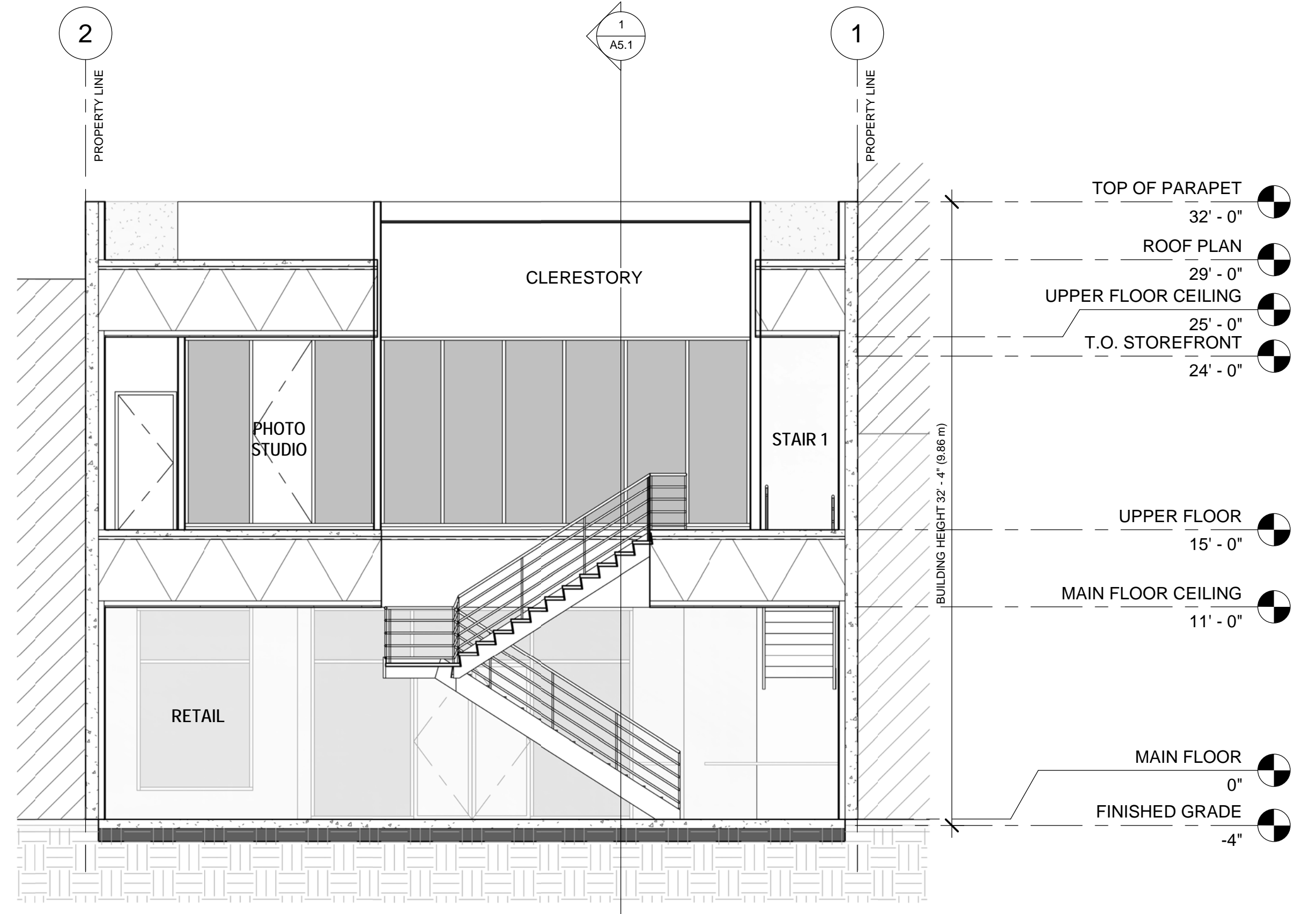
SCHEDULE B
 This forms part of application
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 City of Kelowna
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1 LONGITUDINAL SECTION
 A2.1 3/16" = 1'-0"



2 CROSS SECTION
 A2.1 3/16" = 1'-0"

| NO. | DATE | BY | DESCRIPTION |
|-----|------------|----|-----------------|
| 4 | 2018/06/14 | CP | FOR DEV. PERMIT |
| 3 | 2018/06/12 | CP | CLIENT REVIEW |
| 2 | 2018/06/05 | CP | CLIENT REVIEW |
| 1 | 2018/05/17 | CP | CLIENT REVIEW |

| NO. | DATE | BY | DESCRIPTION |
|-----|------|----|-------------------|
| | | | DESIGN CONSULTANT |

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SHEET TITLE

SECTIONS

| | | | |
|--------------|---------------|--------------|-------------|
| DRAWN BY: | CP | DRAWING NO. | A5.1 |
| DESIGNED BY: | CP | | |
| SCALE: | 3/16" = 1'-0" | | |
| DATE: | 06/06/18 | FILE: A17-60 | |