# Development Variance Permit DVP20-0110 

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

## 410 Francis Avenue

and legally known as

## Lot 19 District Lot 14, ODYD, Plan 7336

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

## RU6 - Two Dwelling Housing

The present owner and any subsequent owner of the above described land must comply with any attached terms and conditions.
Date of Council Decision: November 30, 2021

Decision By: Council
Development Permit Area:
n/a
This permit will not be valid if development has not commenced by November 30, 2023.
Existing Zone: RU6 - Two Dwelling Housing
Future Land Use Designation: S2RES - Single / Two Unit Residential

## This is NOT a Building Permit.

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

## NOTICE

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

| Owner: | 1256484 B.C. LTD., Inc. No. BC1256484 |
| :--- | :--- |
| Applicant: | CLD Western Property |
| Planner: | Andrew Ferguson |

## Terry Barton

Development Planning Department Manager
Development Planning

## Date

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## 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 ";

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

To vary the minimum front yard setback from 4.5 m required to 4.0 m proposed.

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

To vary the minimum flanking side yard setback from 4.5 m required to 3.5 m proposed.
b) Landscaping to be provided on the land be in accordance with Schedule " B "; and
c) The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of $125 \%$ of the estimated value of the landscaping, as determined by a Registered Landscape Architect.

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

## 3. PERFORMANCE SECURITY

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Developer and be paid to the Developer or his or her designate if the security is returned. The condition of the posting of the security is that should the Developer fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use enter into an agreement with the property owner of the day to have the work carried out, and any surplus shall be paid over to the property own of the day. Should the Developer carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Developer or his or her designate. There is filed accordingly:
a) An Irrevocable Letter of Credit or certified cheque in the amount of \$49,020.89

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

## 4. INDEMNIFICATION

Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:
a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.

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

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


# CATLYGT <br> DYNAMIC CONSTRUCTORS 

## 410 Francis Development Application Rationale

Second Design Concept

Dear Andrew,
This is our second application submission for this property. Our initial submission is included with this letter for ease of reference. Based neighborhood and staff feedback, we have reduced our proposal to two, two storey homes at this location. While we remain of the opinion that three units, while a nominal increase, does represent an ideal densification scenario, achieving a balance between density yield and neighborhood feedback remains a priority.

Further to neighborhood commentary on density and height, we considered several planning perspectives including:

- Limit vehicular access to only one driveway, via the rear laneway;
- Because some side yard setback variances are required to accomplish infill on this site, the Taylor frontage should be prioritized over the Francis frontage for rhythm with the neighborhood. The Francis frontage is an "island" in that Taylor borders one side of the property and the rear lane the other side.
- Consider height given overall surrounding neighborhood context.

The design rationale started with an appreciation of the ongoing City of Kelowna OCP process and our intent to create a form of housing which would fit an infill neighborhood context while promoting marginally higher density in a ground-oriented infill form. In terms of neighborhood context, the strip of homes between Taylor and the rear access lane is predominately built out with a primary residence plus carriage house scenario. Our proposal mirrors the rhythm of what is found on this strip of homes in that this site would have two residences, albeit two primary residences.

The corner lot location of 410 Francis is well suited to the development we are proposing for several reasons. It is also highly unique being a triangle shaped property with road interface on three of four sides.

We are requesting rezoning to RU6 in our second submission. There are presently 5 properties within a 2 block radius currently zoned RU6. We propose to create a small lot subdivision as a test case in looking forward to more infill initiatives in the ongoing OCP review. The proposed lots have separate legal frontage and separate vehicular access. In preapplication discussions with Development Engineering, they provided a preliminary approval for a slightly wider access apron to accommodate the two-unit driveway scenario proposed. The location of the driveway allows for the largest setback to occur between the proposed homes and the one neighboring home to the North. While the landscape setback is varied, the functional setback from the built forms is 2 m from a one storey garage and 3.6 m from the 2 storey West unit.

In terms of aesthetic design, we intentionally varied the types of architectural character such that it doesn't appear as one solid built form, and so that it ages well with an already diverse neighborhood. Exploring the current neighborhood, you will find homes of a wide variety that match the proposed character of this application.

We kept Crime Prevention through Passive Design in mind as we progressed this design. All homes have windows facing the street for animation and pedestrian connection, but also to establish consistent visibility. We have located the windows to achieve that goal while maintaining privacy between homes. We have predesigned optional fenced courtyards to provide some extent of private outdoor space. Automated sensor lights will be hardwired and installed at entrances and garages.

These homes will be constructed to a minimum Step 3 Energy code or greater standard. Our aim will be to achieve Step 5, however some of that performance has yet to be determined through energy modelling. As is the case in all our developments, we will incorporate the best practices for environmental construction techniques including waste and debris minimization, utilizing durable and low carbon materials, minimize hazardous chemicals used in construction, install electric vehicle charging in garages, prep for rooftop solar arrays, and more.

Both of these homes have enclosed - and hidden from the street - two car garages. This prioritizes the street interface. Both homes feature predesigned private outdoor space.

The interfaces will be landscaped with tall columnar aspens for a visual screen, and we will be further plant out of the existing boulevards with added boulevard trees (3) and lawn. We have intentionally varied the tree types from home to home such that they age looking like two distinct properties.

I look forward to speaking with you after your review of this resubmission and moving this application forward to neighborhood consultation and initial consideration.

I believe the application fees paid to date can still be applied to this resubmission. Please advise me if anything further is required.






| This forms part of application |
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| \# DVP20-0110 |


| Planner |
| :--- | :--- |
| Initials | AF







