Development Permit

DP23-0115



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

3593 Lakeshore Road

and legally known as

Lot 10 District Lot 134 ODYD Plan 2988

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

Apartment Housing

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

Date of Council Approval:	May 27 th , 2024
Development Permit Area:	Form and Character DPA
Existing Zone:	MF ₃ – Apartment Housing
Future Land Use Designation:	C-NHD – Core Area Neighbourhood

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

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.

<u>NOTICE</u>

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:

Immortal Homes Ltd., Inc. No. A0101356

Applicant:

Matt Johnston – LIME Architecture

Nola Kilmartin Development Planning Department Manager Planning & Development Services Date of Issuance



1. SCOPE OF APPROVAL

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

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

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

2. CONDITIONS OF APPROVAL

THAT Council authorizes the issuance of Development Permit No. DP23-0115 and for Lot 10 District Lot 134 ODYD Plan 2988 located at 3593 Lakeshore Road, Kelowna, BC, 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 amount of 125% of the estimated value of the Landscape Plan, as determined by a Registered Landscape Architect;

AND FURTHER THAT this Development Permit is valid for two (2) years from the date of Manager 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 owner of the day. Should the Developer carry out the development as per the conditions of this permit, the security shall be returned to the Developer or his or her designate following proof of Substantial Compliance as defined in Bylaw No. 12310. There is filed accordingly:

a) An Irrevocable Letter of Credit OR certified cheque OR a Surety Bond in the amount of \$116,948.75

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

4. INDEMNIFICATION

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

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

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



The PERMIT HOLDER is the <u>CURRENT LAND OWNER</u>. Security shall <u>ONLY</u> be returned to the signatory of the

Landscape Agreement or their designates.



























RIGHT PERSPECTIVE RENDERING

BACK PERSPECTIVE RENDERING







Consideration has been given to the following guidelines as identified in Chapter 18 of the City of Kelowna 2040 Official Community Plan:

The highlighted policies are the ones that Development Planning staff believe have improved.

SECTION 2.0: GENE	RAL RESIDENTIAL AND MIX	(ED US	E				
RATE PROPOSALS COMPLIANCE TO PE	RTINENT GUIDELINE	N/A	1	2	3	4	5
(1 is least complying & 5 is highly complying)				-	•	
2.1 General residential & mixed use guid	elines		<u> </u>				
2.1.1 Relationship to the Street		N/A	1	2	3	4	5
a. Orient primary building facades and er	ntries to the fronting street						\checkmark
or open space to create street edge de	finition and activity.						
b. On corner sites, orient building facade	s and entries to both	✓					
fronting streets.							
c. Minimize the distance between the bu	ilding and the sidewalk to					✓	
create street definition and a sense of	enclosure.						
d. Locate and design windows, balconies	, and street-level uses to						\checkmark
create active frontages and 'eyes on th	e street', with additional						
glazing and articulation on primary bu	lding facades.						
e. Ensure main building entries are clearl	y visible with direct sight						\checkmark
lines from the fronting street.							
f. Avoid blank, windowless walls along st	reets or other public open					\checkmark	
spaces.							
g. Avoid the use of roll down panels and/	or window bars on retail and	✓					
commercial frontages that face streets	s or other public open						
spaces.							
2.1.2 Scale and Massing		N/A	1	2	3	4	5
a. Provide a transition in building height	from taller to shorter					~	
buildings both within and adjacent to t	he site with consideration						
for future land use direction.							-
b. Break up the perceived mass of large t	ouldings by incorporating					~	
visual breaks in facades.							
2.1.3 Site Planning	· · · · · · · · · · · · · · · · · · ·	N/A	1	2	3	4	5
a. Site and design buildings to respond to	o unique site conditions and						v
opportunities, such as oddly shaped lo	ts, location at prominent						
Intersections, traming of important op	en spaces, corner lots, sites						
with buildings that terminate a street of	and view, and views of						
hatural features.							1
b. Use Crime Prevention through Environ principles to better ensure public sofet							v
principies to better ensure public safet	imental Design (CPTED)						
appropriate lighting visible optrances	y through the use of						
appropriate lighting, visible entrances,	y through the use of opportunities for natural						
appropriate lighting, visible entrances, surveillance, and clear sight lines for po	y through the use of opportunities for natural edestrians.						✓
appropriate lighting, visible entrances, surveillance, and clear sight lines for per- c. Limit the maximum grades on develop	y through the use of opportunities for natural edestrians. ment sites to 30% (3:1)	✓					 ✓



•	Stepping buildings along the slope, and locating building						
	entrances at each step and away from parking access where						
	possible;						
•	Incorporating terracing to create usable open spaces around the						
	building						
•	Using the slope for under-building parking and to screen service						
	and utility areas;						
•	Design buildings to access key views; and						
•	Minimizing large retaining walls (retaining walls higher than 1 m						
	should be stepped and landscaped).						
e.	Design internal circulation patterns (street, sidewalks, pathways)						\checkmark
	to be integrated with and connected to the existing and planed						
	future public street, bicycle, and/or pedestrian network.						
2.1	.4 Site Servicing, Access, and Parking	N/A	1	2	3	4	5
a.	Locate off-street parking and other 'back-of-house' uses (such as				✓	-	
	loading, garbage collection, utilities, and parking access) away						
	from public view.						
b.	Ensure utility areas are clearly identified at the development						\checkmark
	permit stage and are located to not unnecessarily impact public or						
	common open spaces.						
с.	Avoid locating off-street parking between the front facade of a						\checkmark
	building and the fronting public street.						
d.	In general, accommodate off-street parking in one of the					\checkmark	
	following ways, in order of preference:						
•	Underground (where the high water table allows)						
•	Parking in a half-storey (where it is able to be accommodated to						
	not negatively impact the street frontage);						
•	Garages or at-grade parking integrated into the building (located						
	at the rear of the building); and						
•	Surface parking at the rear, with access from the lane or						
	secondary street wherever possible.						
e.	Provide bicycle parking at accessible locations on site, including:	1					\checkmark
•	Covered short-term parking in highly visible locations, such as						
	near primary building entrances; and						
•	Secure long-term parking within the building or vehicular parking						
	area.						
f.	Provide clear lines of site at access points to parking, site						\checkmark
	servicing, and utility areas to enable casual surveillance and safety.						
2.1	.5 Streetscapes, Landscapes, and Public Realm Design	N/A	1	2	3	4	5
a.	Site buildings to protect mature trees, significant vegetation, and				✓		
	ecological features.						
b.	Locate underground parkades, infrastructure, and other services	✓					
	to maximize soil volumes for in-ground plantings.						
с.	Site trees, shrubs, and other landscaping appropriately to						\checkmark
	maintain sight lines and circulation						



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	have sufficient visual privacy (e.g. by locating windows to						
с.	Design buildings to ensure that adjacent residential properties					\checkmark	
	trellises, pergolas, and arbors.						
	railings; substantial trim details and moldings / cornices; and						
	ornamental features and art work; architectural lighting; grills and						
	distinguish between floors; articulation of columns and pilasters:						
	and stone: siding including score lines and varied materials to						
	Include architectural details such as Masonry such as tiles, brick						
	entries; and canopies and overnangs.						
	or cupolas; variations in root height, shape and detailing; building						
	bay windows and balconies; corner feature accents, such as turrets						
	approached by pedestrians. Include architectural features such as:						
	building facades to create visual interest, especially when						
b.	Incorporate a range of architectural features and details into					✓	
	gables, or other roof elements to reinforce each interval.					<u> </u>	
•	Changing the roof line by alternating dormers, stepped roofs,						
	bay window for each interval; and						
•	Providing a porch, patio, or deck, covered entry, balcony and/or						
	interval;						
•	Repeating window patterns on each step-back and extension						
	portion of the façade to create a series of intervals or breaks;						
•	Articulating facades by stepping back or extending forward a						
	in façade treatments. Strategies for achieving this include:						
a.	Express a unified architectural concept that incorporates variation						\checkmark
2.1	6 Building Articulation, Features and Materials	N/A	1	2	3	4	5
	as the use of rain gardens and permeable surfacing.						
	flows through capture, infiltration, and filtration strategies, such						
i.	Design sites and landscapes to maintain the pre-development		1				\checkmark
	and compatibility with the site's specific urban conditions.						
h.	Select trees for long-term durability, climate and soil suitability,		1			1	\checkmark
يو.	the local climate.						
а.	Plant native and/or drought tolerant trees and plants suitable for		1				\checkmark
	the public realm.						
f	Use landscaping materials that soften development and enhance					✓	
•	Using building mass, trees and planting to buffer wind						
	of shading in the summer and solar access in the winter: and						
•	Planting both evergreen and deciduous trees to provide a balance						
•	Using materials and colors that minimize heat absorption:						
	throughout the year:						
•	Locating outdoor spaces where they will receive ample sunlight						
с.	outcomes through strategies such as					•	
0	Encure cite planning and design achieves favourable microclimate					✓	
	with high quality, durable, and contemporary materials, colors,						
d.	Design attractive, engaging, and functional on-site open spaces					✓	
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	minimize overlook and direct sight lines into adjacent units), as				
	well as protection from light trespass and noise.				
d.	Design buildings such that their form and architectural character			~	
	reflect the buildings internal function and use.				
e.	Incorporate substantial, natural building materials such as			\checkmark	
	masonry, stone, and wood into building facades.				
f.	Limit signage in number, location, and size to reduce visual clutter				\checkmark
	and make individual signs easier to see.				
g.	Provide visible signage identifying building addresses at all				\checkmark
	entrances.				

SECTION 4.0: LOW & MID-RISE RESIDENTIAL MIXED USE								
RATE PROPOSALS COMPLIANCE TO PERTINENT GUIDELINE	N/A	1	2	3	4	5		
(1 is least complying & 5 is highly complying)								
4.1 Low & mid-rise residential & mixed use guidelines								
4.1.1 Relationship to the Street	N/A	1	2	3	4	5		
h. Ensure lobbies and main building entries are clearly visible from						✓		
the fronting street.								
i. Avoid blank walls at grade wherever possible by:					\checkmark			
Locating enclosed parking garages away from street frontages of	or							
public open spaces;								
• Using ground-oriented units or glazing to avoid creating dead								
frontages; and								
When unavoidable, screen blank walls with landscaping or								
incorporate a patio café or special materials to make them more	5							
visually interesting.								
Residential & Mixed Use Buildings						-		
j. Set back residential buildings on the ground floor between 3-5 n	n				\checkmark			
from the property line to create a semi-private entry or transitio	n							
zone to individual units and to allow for an elevated front								
entryway or raised patio.								
• A maximum 1.2 m height (e.g. 5-6 steps) is desired for front								
entryways.								
• Exceptions can be made in cases where the water table requires								
this to be higher. In these cases, provide a larger patio and scree	n							
parking with ramps, stairs and landscaping.								
k. Incorporate individual entrances to ground floor units accessible	2					✓		
from the fronting street or public open spaces.								
I. Site and orient buildings so that windows and balconies overloo	k			\checkmark				
public streets, parks, walkways, and shared amenity spaces whil	e	1						
minimizing views into private residences.								
4.1.2 Scale and Massing	N/A	1	2	3	4	5		
a. Residential building facades should have a maximum length of 6	50				✓			
m. A length of 40 m is preferred.								
b. Residential buildings should have a maximum width of 24 m.						\checkmark		



C	Buildings over 4.0 m in length should incorporate a significant					\checkmark	
0.	horizontal and vertical break in the facade.						
4.1	.3 Site Servicing, Access, and Parking	N/A	1	2	2	4	5
а.	On sloping sites, floor levels should step to follow natural grade	\checkmark	_		5	-	5
	and avoid the creation of blank walls.						
b.	Site buildings to be parallel to the street and to have a distinct					\checkmark	
	front-to-back orientation to public street and open spaces and to						
	rear yards, parking, and/or interior court yards:						
•	Building sides that interface with streets, mid-block connections						
	and other open spaces and should positively frame and activate						
	streets and open spaces and support pedestrian activity; and						
•	Building sides that are located away from open spaces (building						
	backs) should be designed for private/shared outdoor spaces and						
	vehicle access.						
с.	Break up large buildings with mid-block connections which should	✓					
	be publicly-accessible wherever possible.						
d.	Ground floors adjacent to mid-block connections should have	✓					
	entrances and windows facing the mid-block connection.						
4.1	.4 Site Servicing, Access and Parking	N/A	1	2	3	4	5
а.	Vehicular access should be from the lane. Where there is no lane,					~	
	and where the re-introduction of a lane is difficult or not possible,						
	access may be provided from the street, provided:						
•	Access is from a secondary street, where possible, or from the						
	long face of the block;						
•	Impacts on pedestrians and the streetscape is minimised; and						
• h	There is no more than one curb cut per property.						
D.	Above grade structure parking should only be provided in					v	
	ather parking forms and should be screened from public view with						
	active retail uses active residential uses architectural or						
	landscaped screening elements						
c	Buildings with around floor residential may integrate half-storey					✓	
C.	underground parking to a maximum of 1.2 m above grade, with						
	the following considerations:						
•	Semi-private spaces should be located above to soften the edge						
	and be at a comfortable distance from street activity; and						
•	Where conditions such as the high water table do not allow for this						
	condition, up to 2 m is permitted, provided that entryways, stairs,						
	landscaped terraces, and patios are integrated and that blank						
	walls and barriers to accessibility are minimized.						
4.1	.5 Publicly-Accessible and Private Open Spaces	N/A	1	2	3	4	5
a.	Integrate publicly accessible private spaces (e.g. private	\checkmark					
	courtyards accessible and available to the public) with public open						
	areas to create seamless, contiguous spaces.						



b.	Locate semi-private open spaces to maximize sunlight					\checkmark	
	penetration, minimize noise disruptions, and minimize 'overlook'						
	from adjacent units.						
4.1	.6 Building Articulation, Features, and Materials	N/A	1	2	3	4	5
a.	Articulate building facades into intervals that are a maximum of 15					\checkmark	
	m wide for mixed-use buildings and 20 m wide for residential						
	buildings. Strategies for articulating buildings should consider the						
	potential impacts on energy performance and include:						
•	Façade Modulation – stepping back or extending forward a						
	portion of the façade to create a series of intervals in the façade;						
•	Repeating window pattern intervals that correspond to extensions						
	and step backs (articulation) in the building façade;						
•	Providing a porch, patio, deck, or covered entry for each interval;						
•	Providing a bay window or balcony for each interval, while						
	balancing the significant potential for heat loss through thermal						
	bridge connections which could impact energy performance;						
•	Changing the roof line by alternating dormers, stepped roofs,						
	gables, or other root elements to reinforce the modulation or						
	articulation interval;						
•	Changing the materials with the change in building plane; and						
•	Provide a lighting fixture, trellis, tree or other landscape feature						
<u> </u>	within each interval.						
b.	Break up the building mass by incorporating elements that define					~	
	a building's base, middle and top.						
с.	Use an integrated, consistent range of materials and colors and					~	
	provide variety, by for example, using accent colors.						
а.	Articulate the façade using design elements that are innerent to						v
	depth in huilding facades by recessing window frames or partially						
	recording balconies to allow chadows to add detail and variety as a						
	hyproduct of massing						
Δ	Incorporate distinct architectural treatments for corner sites and					\checkmark	
с.	highly visible buildings such as varving the roofline articulating					-	
	the facade, adding pedestrian space, increasing the number and						
	size of windows, and adding awnings or canopies						
f.	Provide attractive signage on commercial buildings that identifies	✓					
	uses and shops clearly but which is scaled to the pedestrian rather						
	than the motorist. Some exceptions can be made for buildings						
	located on highways and/or major arterials in alignment with the						
	City's Sign Bylaw.						
q.	Avoid the following types of signage:						\checkmark
•	Internally lit plastic box signs;						
•	Pylon (stand alone) signs; and						
•	Rooftop signs.						
h.	Uniquely branded or colored signs are encouraged to help						\checkmark
	establish a special character to different neighbourhoods.						

