



City of
Kelowna

Development Permit & Development Variance Permit

DP23-0088 & DVP23-0089

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

- 346 Lawrence Ave
- 1551 Water St

and legally known as

- LOT A DL 139 ODYD PLAN 26819
- THE SOUTH ½ LOT 6 BLOCK 14 DL 139 ODYD PLAN 462
- THE NORTH ½ LOT 6 BLOCK 14 DL 139 ODYD PLAN 462
- THE SOUTH ½ LOT 5 BLOCK 14 DL 139 ODYD PLAN 462
- THE NORTH ½ LOT 5 BLOCK 14, DL 139 ODYD PLAN 462

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

High-rise Mixed-use Tower

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

<u>Date of Council Approval:</u>	November 5, 2024
Development Permit Area:	Form and Character
Existing Zone:	UC1 – Downtown Urban Centre
Future Land Use Designation:	UC – Urban Centre

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.

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:	1318421 B.C. LTD., INC.NO. BC1318421 Victor Projects Ltd., Inc. No. BC1326399
Applicant:	Srang Gokhale, Mission Group Enterprises

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. DP23-0088 for the subject properties:

- LOT A DISTRICT LOT 139 ODYD PLAN 26819, located at 346 Lawrence Ave, Kelowna, BC;
- THE SOUTH ½ LOT 6 BLOCK 14 DL 139 ODYD PLAN 462, located at 1551 Water St, Kelowna, BC;
- THE NORTH ½ LOT 6 BLOCK 14 DL 139 ODYD PLAN 462, located at 1551 Water St, Kelowna, BC;
- THE SOUTH ½ LOT 5 BLOCK 14 DL 139 ODYD PLAN 462, located at 1551 Water St, Kelowna, BC;
- THE NORTH ½ LOT 5 BLOCK 14, DL 139 ODYD PLAN 462, located at 1551 Water St, 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 amount of 125% of the estimated value of the Landscape Plan, as determined by a Registered Landscape Architect;
5. The applicant be required to make a payment into the Public Amenity & Streetscape Capital Reserve Fund as established by Bylaw No. 12386 in accordance with Table 6.8.a. in Zoning Bylaw No. 12375;
6. The applicant be required to register a Section 219 Restrictive Covenant restricting the individual stratification and sale of 89 dwelling units on Levels 6 to 12;
7. The applicant be required to complete a technical subdivision to consolidate the five subject lots, provide a 6.0 m corner rounding, and register a Statutory-Right-of-Way 0.8 m wide along the north lane;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP23-0089 for the subject properties;

AND THAT variances to the following sections of Zoning Bylaw No. 12375 be granted as shown on Schedule "A":

Section 8: Parking and Loading – Table 8.3 Required Residential Off-Street Parking Requirements

To vary the total minimum parking requirements from 283 required to 266 proposed;

Section 8: Parking and Loading – Table 8.5.1 Minimum Dimensions for Bicycle Parking

To vary the minimum distance between wall mounted bicycle racks from 0.45 m required to 0.375 m proposed;

Section 9: Specific Use Regulations – Table 9.11 Tall Building Regulations

To vary the maximum floor plate above the sixth storey from 750.0 m² GFA required to 862.7 m² GFA proposed for Levels 6 to 12;

Section 9: Specific Use Regulations – Table 9.11 Tall Building Regulations

To vary the minimum stepback above podium including balconies on the north lane side from 3.0 m required to 2.5 m proposed on Levels 7 to 13 and from 3.0 m required to 2.0 m proposed on Levels 14 to 32;

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

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.



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 **\$49,375.00**

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. PUBLIC AMENITY & STREETScape CAPITAL RESERVE FUND

Public Amenity & Streetscape Capital Reserve Fund Payment in the amount of **\$107,526.50** required for **2150.53 m²** lot area (not including SRW) as part of the proposed development.

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.

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