

REPORT TO COUNCIL



Date: December 9, 2011

To: City Manager

From: Land Use Management, Community Sustainability (AW)

Application: DP11-0085 & DVP11-0086 Owner: Davara Holdings Ltd., Inc. No. BC0797640

Address: 596 Leon Ave Applicant: Davara Holdings Ltd.

Subject: Development Permit and Development Variance Permit

Existing OCP Designation: Mixed Use (Commercial / Residential)

Existing Zone: C7 - Central Business Commercial

1.0 Recommendation

THAT Council NOT authorize the issuance of Development Permit No. DP11-0085 for Lot A, D.L. 139, ODYD Plan 33185, located at 596 Leon Avenue, Kelowna, B.C.

AND FURTHER THAT the Council NOT authorize the issuance of Development Variance Permit No. DVP11-0086 for Lot A, D.L. 139, ODYD Plan 33185, located at 596 Leon Avenue B.C. to vary:

- Vary loading space from 1 required to 0 proposed;
- Vary parking from 13 required to 12 proposed;
- Vary the required commercial frontage at grade from 75% required to 45% proposed.

2.0 Purpose

The applicant is seeking a Development Permit for the form and character of a 3 storey commercial building with parking at grade. A Development Variance Permit is also being requested to:

- Vary loading space from 1 required to 0 proposed;
- Vary parking from 13 required to 12 proposed
- Vary the required commercial frontage at grade from 75% required to 45% proposed.

3.0 Land Use Management

The subject property is located within an area that is evolving as a business district of the Downtown and in an area that is ready to transition and is strongly supported (including eligibility for property tax incentives) for new development. Additionally, the redevelopment of a private

surface parking lot will help revitalize the area. Ideally the building would contain a mix of occupancies including residential and retail to animate this area day and night. While there are obvious benefits associated with the proposed development, the pedestrian level treatment and the proposed variance to reduce the required commercial frontage along Bertram Avenue is not consistent with the standards articulated in the new Downtown Plan and 2030 OCP guidelines. The use of exposed concrete along the Bertram frontage, which contains the parking gate and two large metal security screens for the enclosed parking (without adding any active uses) creates a similar aesthetic to a service lane rather than a vibrant urban commercial frontage that is expected for redevelopment within the Downtown Urban Centre.

Development Permit (Form & Character)

While the proposed development is a welcome addition to the area, there are significant design concerns associated with the proposed form and character. Staff acknowledge that adding a new development to an existing building is always a significant design challenge. However, various design options could be used to create strong visual interest and activity at the street level and divert attention from the utility and parking elements. Staff have encouraged the applicant to consider ways to provide a more distinct architectural treatment where both buildings complement each other. The proposed use of materials could be improved to complement the existing building and to provide a more local feel to the architecture. Additional patio seating with a bump out at the corner of Leon and Bertram will enhance this space, however a more active streetscape along Bertram Avenue would be preferable to limit the amount of 'dead space' along this frontage. As noted, the use of exposed concrete along the Bertram frontage creates an elevation that does not serve to animate the interface between the interior and the exterior space of the building as desired. The OCP's vision for this area focuses on ground oriented development to achieve a pedestrian friendly environment.

Development Variance Permit

Staff have encouraged the applicant to look at ways to reduce the amount of parking proposed and possibly even further vary the parking requirements in order to create an animated streetscape. On that note and given the proposed office use, the loading stall variance would be supported but Staff do not support the variance to reduce the active streetscape along Bertram from 75% required to 45% proposed as this is contrary to OCP policy. There are firm policies in the 2030 OCP (See Section 4.1.1) that were created to ensure that infill development introduces active streetscapes that create a welcoming pedestrian environment. The following OCP policies deal specifically with the creation of active well designed ground oriented developments:

- Create open, architecturally-pleasing and accessible building facades to the street;
- Design buildings to occupy 100% of a property's frontage along streets, eliminating elements that disrupt the streetwall such as off-street parking, dead spaces, empty lots, or driveways;
- Design active facades that incorporate windows and doors on at least 75% of a building's frontage;
- Promote pedestrian-scaled architecture along the street through the use of street wall massing, articulation, quality materials and decorative details, textures, colours, lighting, and signage;
- Conceal at-grade and above-grade parking levels with façade treatments;
- Ensure doors and entrances to parking garages are not more visually prominent than any principal pedestrian entrance to a building;

- Uses associated with motor vehicles, including truck loading and waste storage and removal, should be screened from public view and should not be situated where they would conflict with pedestrian movement patterns;

In summary, Staff support the revitalization of this property and look forward to having more uses introduced into this part of the Downtown Urban Centre. While there are many positive attributes associated with the location of the development, Council endorsed policies compel Staff to not support the pedestrian level treatment of the proposed building. While this project will introduce more people into the area, a building with an active streetscape and warmer materials and design features would greatly enhance the projects potential and impact on the immediate area. Staff would be in a position to support the proposed development if:

- active retail uses occupied the majority of the street frontage;
- more significant architectural detailing was added to the building’s streetscape including emphasis to the Bertram street entranceway; and
- the Bertram street frontage did not occupy motor vehicle access that aesthetically and functionally acts similar to a lane treatment. This street frontage (as well as Leon Avenue) is envisioned to become a more prominent pedestrian route and enhancing the streetscape activity is critical to achieve this Downtown objective.

4.0 Proposal

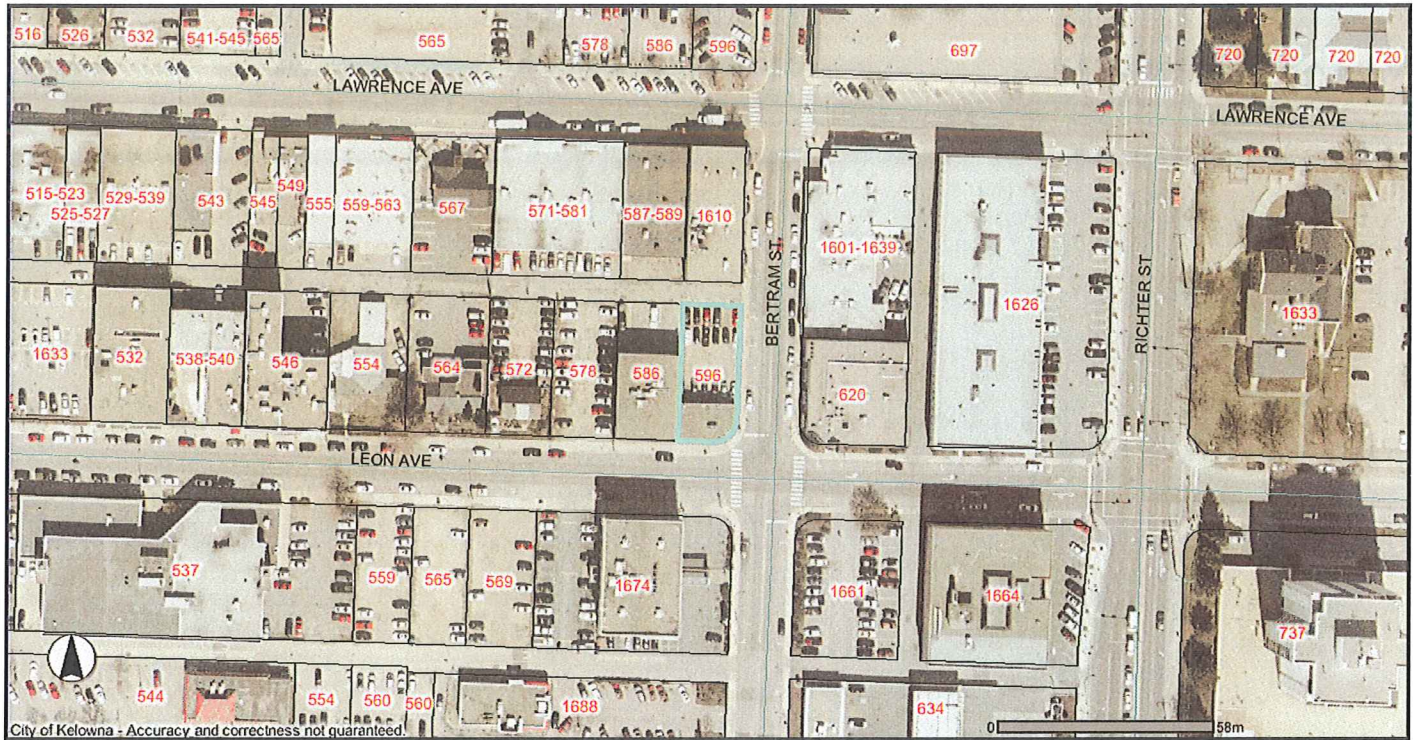
The applicant has proposed to construct a 3 storey addition / development at the rear of the subject property while retaining the existing one storey commercial building finished with brick. The parking will be located under building with access from Bertram Street and the rear lane. A mix of exposed concrete and metal flashing will be applied to the exterior of the building. The existing commercial building will remain unchanged beyond the addition of a green roof.

The proposed development compares with the Zoning Bylaw No. 8000 requirements for the C7 - Central Business Commercial zone as follows:

Criteria	C7 Zone Requirements	Proposed
Height	44.0 m	12.6 m / 2 storeys
Front Yard	0 m	0 m
Side Yards	0 m	0 m
Rear Yard	0 m	0 m
Floor Area Ratio	9.0	1.42
Bike Parking	Class I: 5 spots Class II: 5 spots	Class II: 6 stalls Class II: 5 spots
Parking Stalls	13 stalls	12 stalls *
Loading Space	1 per 1900 m ² GFA = 1	None provided *
Active Frontage Requirement Bertram Street	75%	45% *
* Variance required.		

4.1 Site Context

The subject property is located in the City Centre Urban Centre and has frontage on Leon Avenue and Bertram Street. Land uses in the surrounding neighbourhood are diverse, in accordance with urban centre status, but generally retail, commercial, and office. Redevelopment potential along the Richter St corridor is high due to the OCP designation of Multiple Unit Residential (Medium Density).



Specifically, the adjacent zones and land uses are:

Direction	Zone	Land Use
North	C7	Commercial / Retail / Office
South	C7	Commercial / Retail / Office
East	C7	Commercial / Retail / Office
West	C7	Commercial / Retail / Office

5.0 Current Development Policies

5.1 Kelowna 2030 Official Community Plan

The subject property is designated as Mixed Use (Commercial / Residential) for future land use.

Revitalization Design Guidelines

Objectives

- Use appropriate architectural features and detailing of buildings and landscapes to define area character;
- Convey a strong sense of authenticity through high quality urban design that is distinctive of Kelowna;
- Enhance the urban centre’s main street character in a manner consistent with the area’s character;
- Provide for a scale and massing of buildings that promotes an enjoyable living, pedestrian, working, shopping and service experience;
- Encourage an appropriate mix of uses and housing types and sizes;

- Create open, architecturally-pleasing and accessible building facades to the street; and
- Improve existing streets and sidewalks to promote alternative transportation.

Guidelines

Relationship to the Street (Objective 2.0)

- Provide for public movement, street furniture, and building access zones to be incorporated into sidewalks adjacent to development;
- Design buildings to occupy 100% of a property's frontage along streets, eliminating elements that disrupt the streetwall such as off-street parking, dead spaces, empty lots, or driveways;
- Coordinate building setbacks with adjacent sidewalks to increase the space for public use (i.e., utilize a building setback or building indentation as a patio space or seating area, incorporate corner rounding into the public realm with specialized paving treatment and street furniture);
- Provide a high quality public realm consistent with the character of urban development (i.e. incorporate focal points/plazas, pedestrian pathways, parks and open space, enhanced streetscapes, and landscaping).

Downtown Considerations

- Incorporate a level of detailing that conveys a sense of craftsmanship consistent with the era in which original downtown buildings were built (i.e., incorporate architectural features such as quoins, traditional brick patterns, pediments, keystones, recessed entrances, etc.);
- Windows at street level should keep the sills low for displays of retail goods and for high visibility into interior spaces;
- Brick and cut stone are preferred building materials, where appropriate. Materials should emulate a range of colours found on prominent buildings located Downtown;
- Incorporate high quality signage utilizing traditional size, style, fonts and design. Prominent and colourful signage creating a rich visual character is encouraged, however, illuminated signs in fluorescent colours are discouraged.

Building Design (Objective 4.0)

- Align architectural features from one building to the next. (i.e., building kickplate, top and bottom height of first floor windows, transoms over entranceway, horizontal and vertical proportions of the building, sign band above street level, parapet and cornice line, window sills on upper floors, roof line and proportions);
- Design active facades that incorporate windows and doors on at least 75% of a building's frontage;
- Incorporate distinctive massing articulation and architectural treatments for corner sites, highly visible building sites, or buildings/portions of buildings that terminate important view corridors (i.e., varying building heights, change in façade plane, additional pedestrian space, large windows, awnings, canopies, arcades, or archways);
- Promote pedestrian-scaled architecture along the street through the use of street wall massing, articulation, quality materials and decorative details, textures, colours, lighting, and signage;
- Provide transition zones between the inside and outside of buildings and where applicable, between the public and private realms, with increased setbacks to incorporate courtyards, arcades, plazas, and/or patios;

- Incorporate a high level of transparency (non-reflective and non-tinted glazing) on a minimum of 75% of the first floor elevation for commercial, mixed use, and industrial developments;
- Finish buildings with exterior building materials that are natural, indigenous, durable and appropriate to the character of the development. Recommended building materials include brick, stone, wood and heavy timber, clear glass, metal, composite cement board, and finished in-situ concrete and modular concrete;
- Prohibited building materials include vinyl siding, reflective or nonvision glass, plastic, unpainted or unstained wood, including pressure treated wood, and concrete block;
- Select exterior building materials that are appropriate to the building face orientation (sun, wind, noise, views) as well as building use and street frontage;

Vehicular Access and Parking (Objective 6)

- Conceal at-grade and above-grade parking levels with façade treatments;
- Integrate garage doors into the overall building design with street-level exterior building finishes wrapping into the garage opening;
- Ensure doors and entrances to parking garages are not more visually prominent than any principal pedestrian entrance to a building;
- Uses associated with motor vehicles, including truck loading and waste storage and removal, should be screened from public view and should not be situated where they would conflict with pedestrian movement patterns;
- Distinguish driving, parking, pedestrian, and cycling areas through changes in colour/pattern/materials of the paving.

6.0 Technical Comments

Building & Permitting

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s) for new construction
- Signage areas for the commercial spaces are to be defined on the Development Permit
- Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building. This building is required to have a two rated exit stair shafts opening to the exterior. An alternative solution will be required for the glass exit stairwell to achieve the required fire resistance rating. A 2nd exit is required from the parking garage to the exterior. Access to and use of the green roof to be clearly defined as either occupied or non occupied space (ie guard rails, number of exits, etc). Fuel fired mechanical units mounted on the roof of the new building are to be placed at a distance of 1.2 meters min from property line. Fuel fired mechanical units mounted on the roof of the existing building are to be at a minimum distance of 3.0 meters from the adjacent wall of the new building or the drawing are to reflect the requirements of BCBC 06. Mechanical ventilation is required for the parking garage area. Exiting of the existing A2 occupancy to be addressed thru the new patio area since the required 2nd exit and fire separations are being altered by the addition of the new structure. A fire separation is required around a recycling area just like a garbage room. Spatial calculation to be provided for the extent of glazing facing the lane (unprotected openings).
- No doors are allowed to open over property line (ie garbage room) & the required fire separations are to be maintained as per BCBC 06. This may affect form and character of the building if compliance is not achievable.

- Where is the proposed staging area for this project going to be and what is proposed for hoarding of the site to maintain public safety. Are tower cranes going to be used and are they swinging over private and public properties other than this site?
- Full Plan check for Building Code related issues will be done at time of Building Permit.

Fire Department

Fire department access, fire flows of 150ltr/sec, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw #7900. A building code analysis is required. Additional comments will be required at the building permit application.

Development Engineering

See Attached.

Fortis BC

FortisBC has completed its review of the proposal attached and has no concerns at this time.

Telus

Developer will be required to supply and install conduit as per TELUS policy.

7.0 Application Chronology

Advisory Planning Commission: November 22, 2011

The above noted application was reviewed by the Advisory Planning Commission at the meeting on November 22, 2011 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Development Permit Application No. DP11-0085 by D. Sargent (Davara Holdings Ltd.), to consider the form and character of a 3 storey, commercial building.

THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP11-0086 by D. Sargent (Davara Holdings Ltd.), to vary loading space from 1 required to 0 proposed; to vary parking from 13 required to 12 proposed; to vary the required commercial frontage at grade from 75% required to 45% proposed.

Anecdotal Comments

The Advisory Planning Commission supported the Development Permit application, however, would like the Applicant to continue working with staff and the Architect team to enhance the entryway into the lobby and suggested changing to exterior building materials to brick to integrate the existing building into the new/proposed building.

8.0 Alternate Recommendation

Should Council choose to support the proposed development, the following is recommended:

THAT Council authorize the issuance of Development Permit No. DP11-0085 for Lot A, D.L. 139, ODYD Plan 33185, located at 596 Leon Ave, Kelowna, subject to the following:

- 1) The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";

- 2) The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
- 3) Landscaping to be provided on the land be in general accordance with Schedule "C";
- 4) 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 professional landscaper;
- 5) The Development Engineering requirements to be satisfied prior to issuance of the Development Permit.

AND THAT the applicant be required to complete the above-noted condition No. 4 within 180 days of Council approval of the Development Permit application in order for the permit to be issued.

AND THAT Council authorize the issuance of Development Variance Permit No. DVP11-0086 for Lot A, D.L. 139, ODYD Plan 33185, located at 596 Leon Ave, Kelowna, B.C.;

AND FURTHER THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Table 8.1 Parking Schedule

To vary the required parking stalls from 13 required to 12 proposed.

Table 8.2 Loading Schedule

To vary the required loading spaces from 1 required to 0 proposed.

Section 14.7.6 (C) C7 - Central Business Commercial - Other Regulations

Vary the required commercial frontage at grade from 75% required to 45% proposed.

Report prepared by:



Alec Warrender, Land Use Planner

Reviewed by:



Shelley Gambacort, Director of Land Use Management

Approved for inclusion:



Jim Paterson, General Manager of Community Sustainability

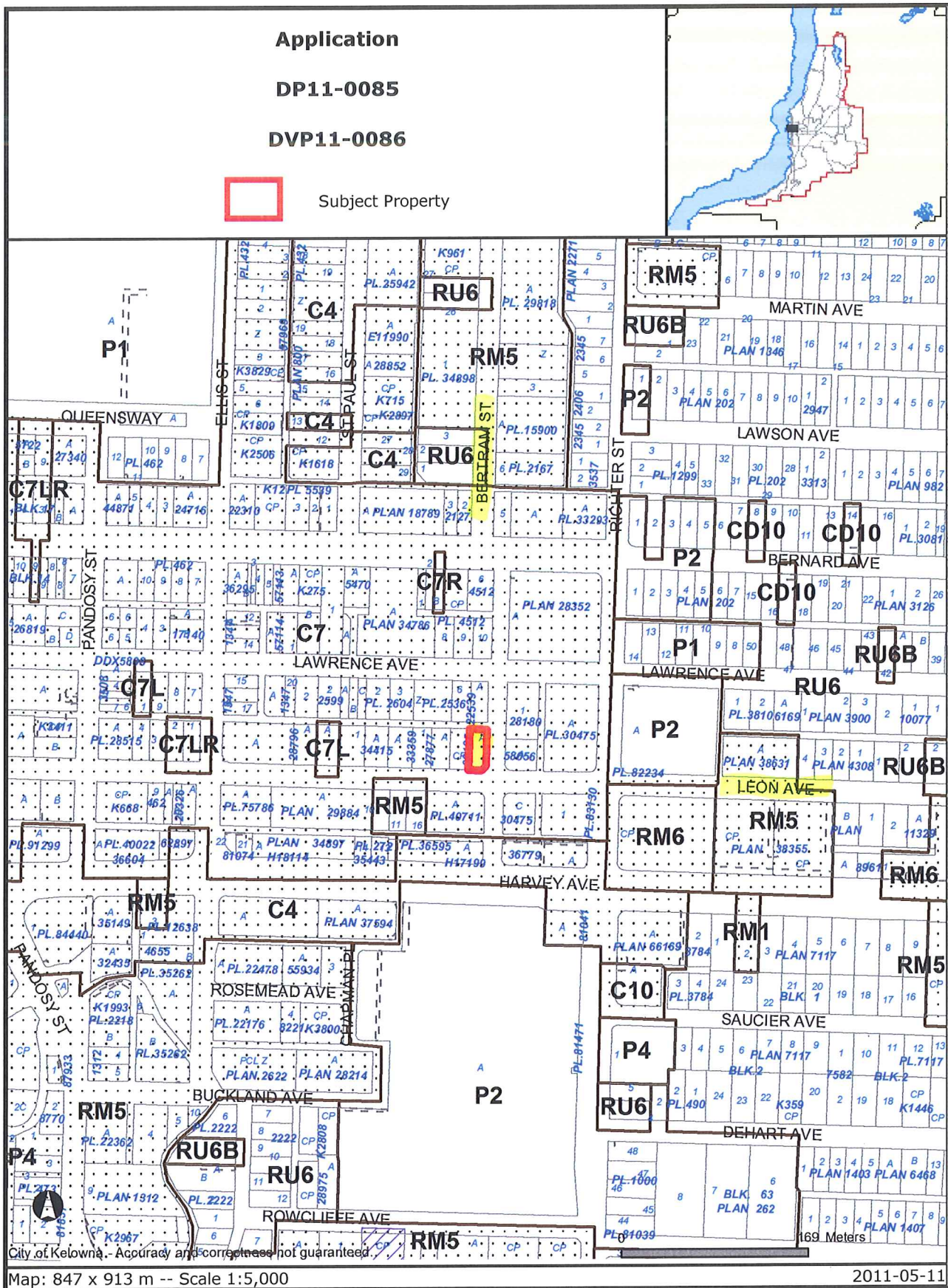
Attachments:

Subject property and zoning map

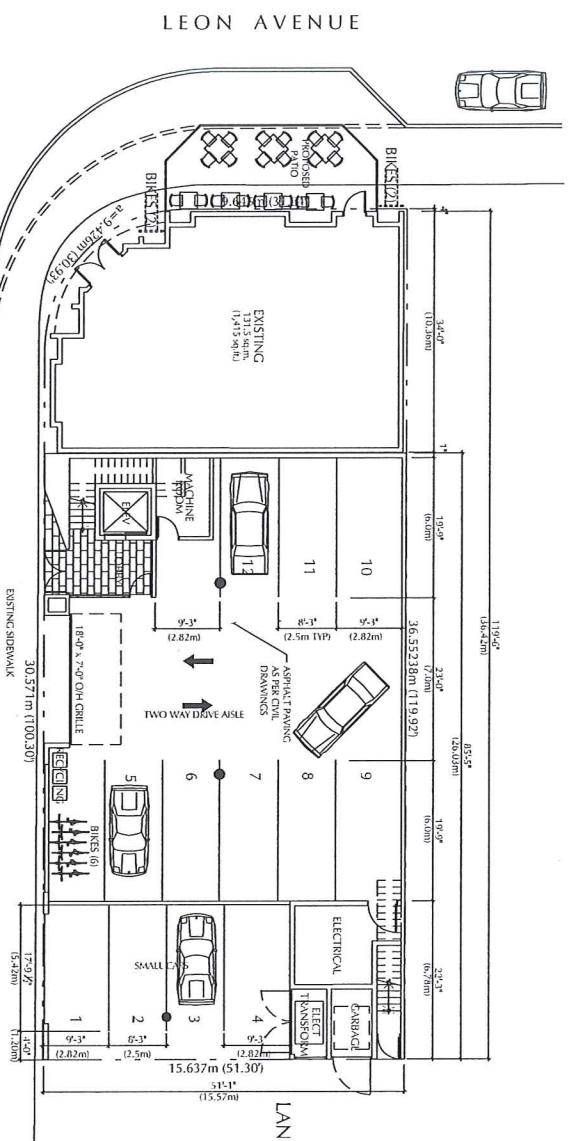
Site Plan

Building Elevations and Floor Plans

Development Engineering Requirements



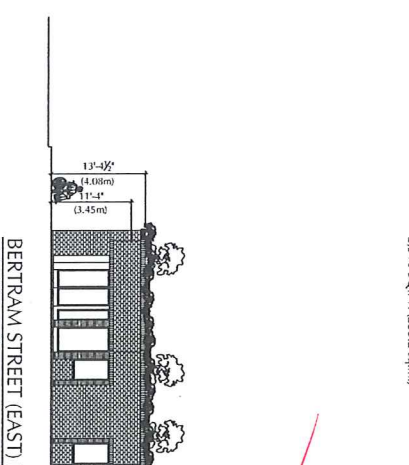
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
 The City of Kelowna does not guarantee its accuracy. All information should be verified.



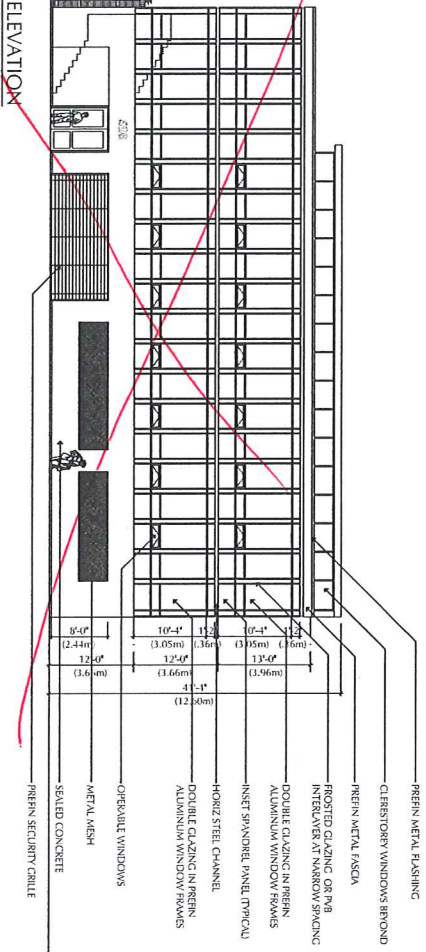
GROUND FLOOR PLAN
2,510 SQ.FT. (233.2 sq.m.)

BERTRAM STREET

SCHEDULE A
This forms part of development
Permit # DP11-0085 / DUP11-0085



BERTRAM STREET (EAST) ELEVATION
SCALE: 1/8" = 1'-0"



HAN S P. NEUMANN ARCHITECT INC.

PROPOSED MIXED-USE COMMERCIAL OFFICE BUILDING
596 LEON AVENUE
KELOWNIA, BC

SITE/GROUND FLOOR PLAN & FRONT ELEVATION

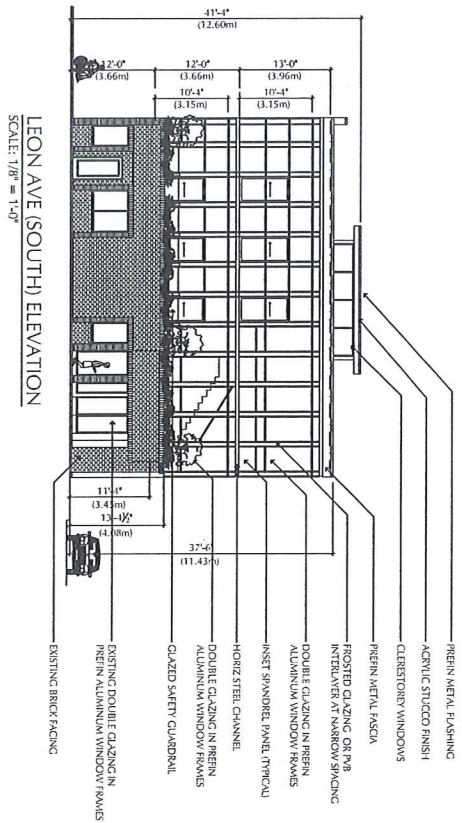
PROJECT DATA

CIVIC ADDRESS:	596 LEON AVENUE, KELOWNIA, BC	
LEGAL DESCRIPTION:	LOT 1 A, PLAN 258, DL 136, O.B.V.D.	
CURRENT ZONING:	C7 - CENTRAL BUSINESS COMMERCIAL	
ZONING BYLAW REQUIREMENTS		
SITE AREA = 3,144 SQ. FT. (291 SQ.M.)		
TOTAL GROSS FLOOR AREA = 10,113 SQ.FT. (932 SQ.M.)		
LOT WIDTH	60m	MINIMUMS
LOT DEPTH	20.0m	15.64m
LOT AREA	1200 sq.m.	306.50m
FLOOR HEIGHT	22.0m	667.94m
MINIMUM CLEARANCE	0.0m	12.00m / 37.75ft
MINIMUM CLEARANCE	0.0m	0.0m
MINIMUM CLEARANCE	0.0m	0.0m
MINIMUM CLEARANCE	0.0m	0.0m
MINIMUM CLEARANCE	0.0m	0.0m

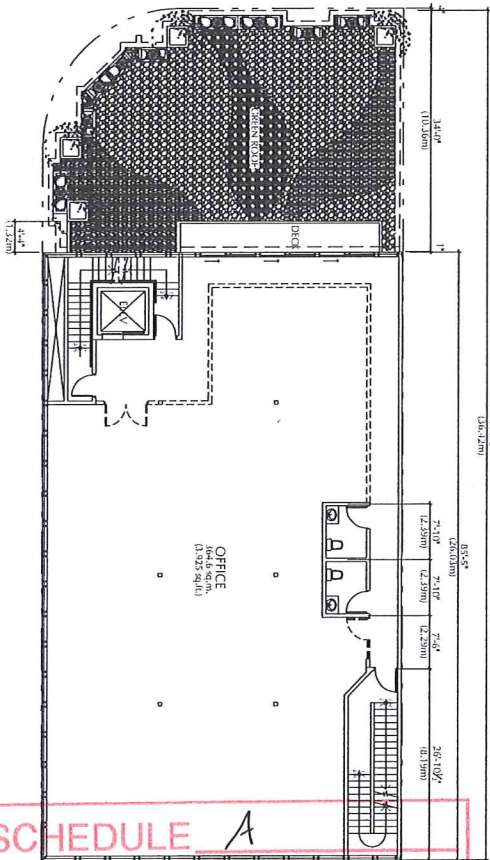
OFFICES @ 131.00 sq.m. CHA X 800 X 2 sq.m. =	2 STALLS	2 STALLS
SMALL CAR SPACES	13 STALLS	10 STALLS
LOADING @ 171.00 sq.m. CHA =	5 STALLS	13 STALLS
BICYCLE STORAGE	1 STALL	5 STALLS @ 1.50
BICYCLE STORAGE	3 SPACES	3 SPACES
CLASS II @ 0.3710 sq.m. CHA =	3 SPACES	3 SPACES
CLASS II @ 0.3710 sq.m. CHA =	3 SPACES	3 SPACES
TOTAL 48.0m x 144.0m 6972 = 24.6m 69725		
PERMISSIBLE ELEVATION 15.00m 51'0" 1105m = 15.00m 51'0"		
SECONDARY PARALLEL STREET 15.00m 51'0" 1105m = 15.00m 51'0"		
15.00m 51'0" 1105m = 15.00m 51'0"		
48m = 156m 514'4"		

NO.	DATE	DESCRIPTION	SCALE 1/8" = 1'-0"
1	MAY 2011	ISSUED FOR CONSTRUCTION PERMIT	DATE: APRIL 2, 2011
2	DEC 2011	REVISED FOR CONSTRUCTION PERMIT	DRAWN: JHS
3	FEB 2012	ISSUED FOR DEVELOPMENT PERMIT	DATE: APRIL 2, 2011
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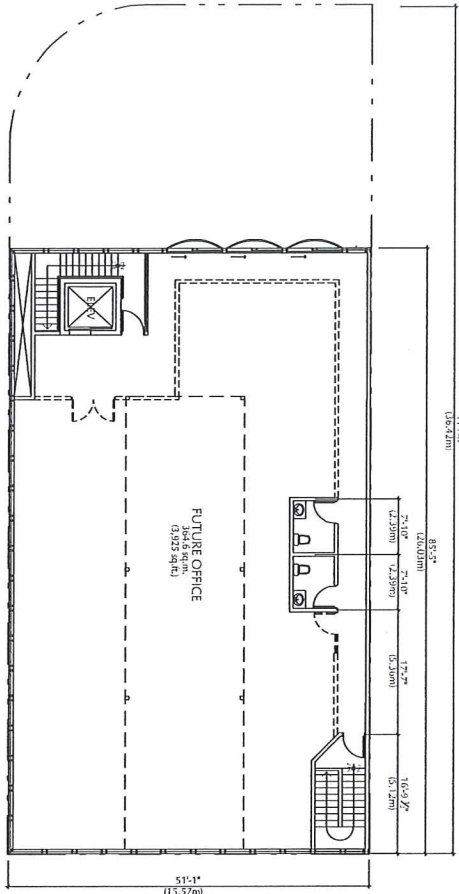
DP1



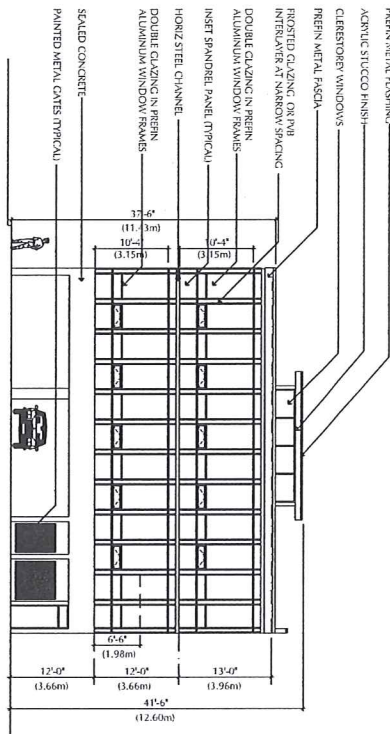
LEON AVE (SOUTH) ELEVATION
SCALE: 1/8" = 1'-0"



SECOND FLOOR PLAN
4,350 SQ. FT. (404.1 sq.m)



THIRD FLOOR PLAN
4,350 SQ. FT. (404.1 sq.m)



LANE (NORTH) ELEVATION
SCALE: 7/8" = 1'-0"



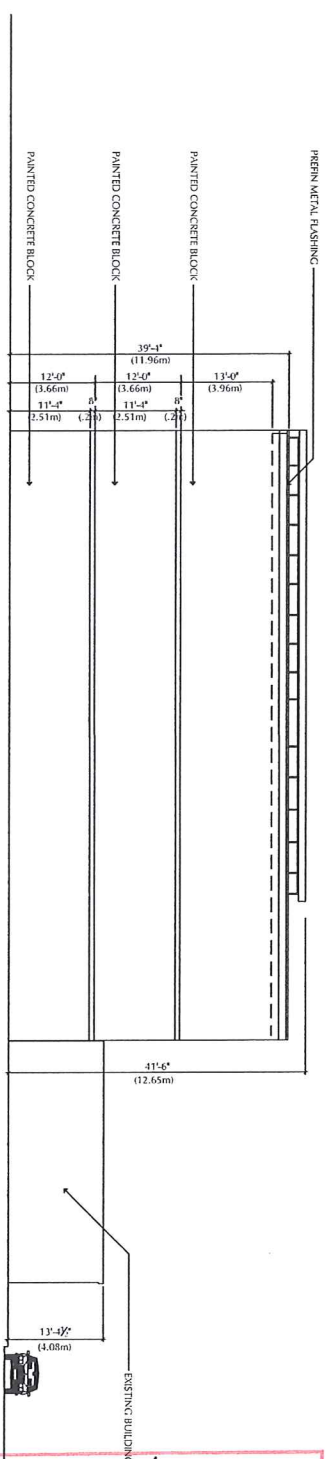
HANS P. NEUMANN ARCHITECT INC.
1520 HIGHLAND DRIVE NORTH, RECONNA, B.C. V1V 4A2
PHONE: 250-866-0178 FAX: 250-866-0837
PROJECT: PROPOSED MIXED-USE COMMERCIAL OFFICE BUILDING
595 LEON AVENUE, RELOWNA, BC

DRAWING TITLE: SECOND/THIRD FLOOR PLANS & ELEVATIONS

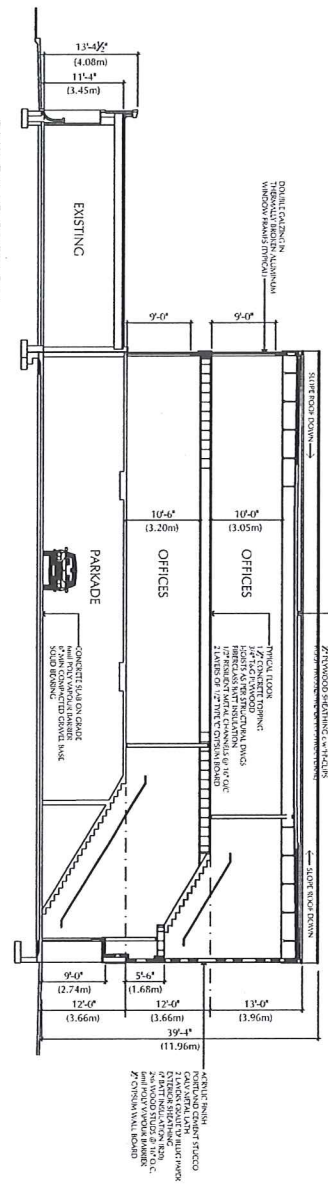
NO.	DATE	DESCRIPTION
1	10/25/11	ISSUED FOR PERMIT
2	11/15/11	ISSUED FOR PERMIT
3	12/17/11	ISSUED FOR PERMIT
4	12/17/11	ISSUED FOR PERMIT

Scale: 1/8" = 1'-0"
 DRAWING NO. DP2

SCHEDULE A
 This forms part of development
 Permit # DP11-0085/DP11-0086



SIDE (WEST) ELEVATION
SCALE: 1/8" = 1'-0"



BUILDING SECTION
SCALE: 1/8" = 1'-0"

SCHEDULE A
This forms part of development
Permit # DP11-0085 / DP11-0086

HANS P. NEUMANN ARCHITECT INC.

PROJECT
PROPOSED MIXED-USE COMMERCIAL OFFICE BUILDING
596 LEON AVENUE
KELOWNA, BC

BRAND/CLIENT
1520 HIGHLAND DRIVE NORTH, KELLOWNA, B.C. V1Y 4S5
PHONE: (250) 868-8878 FAX: (250) 868-8877

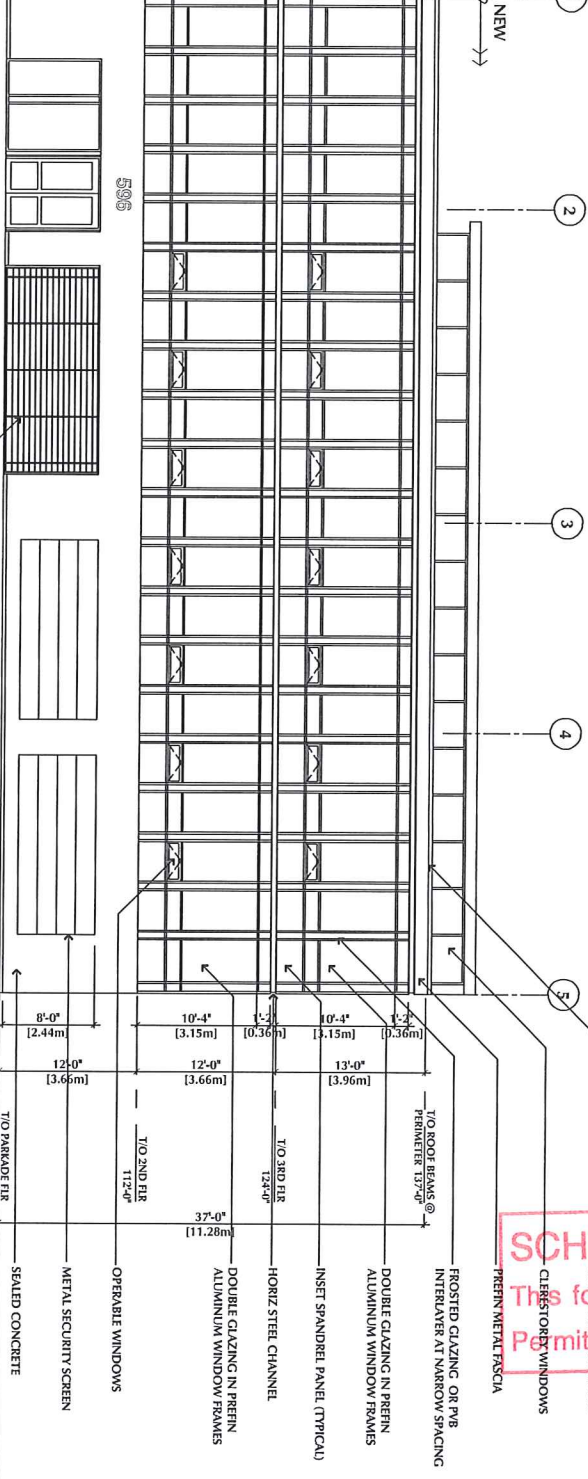
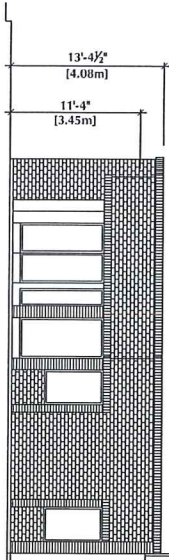
ELEVATION & BUILDING SECTION

[Handwritten Signature]

No.	DATE	DESCRIPTION	SCALE: 1/8" = 1'-0"
1	APR 2011	ISSUED FOR DEVELOPMENT PERMIT	DATE: APRIL 8, 2011
2	MAY 2011	ISSUED FOR HIGH-CRIP & LSC	DRAWING NO.
3	SEP 2011	ISSUED FOR DEVELOPMENT PERMIT	DP11-0085
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DP3

BERTRAM STREET (EAST) ELEVATION
 SCALE: 1/8" = 1'-0"



- PREFIN METAL FLASHING
- CLERESTORY WINDOWS
- PREFIN METAL FASCIA
- FROSTED GLAZING OR PVB INTERLAYER AT NARROW SPACING
- T/O ROOF BEAMS @ PERIMETER 137'-0"
- 1'-3"
- 10'-4" [3.15m]
- DOUBLE GLAZING IN PREFIN ALUMINUM WINDOW FRAMES
- INSET SPANDREL PANEL (TYPICAL)
- HORIZ STEEL CHANNEL
- T/O 3RD FLOOR 128'-0"
- 1'-2"
- 10'-4" [3.15m]
- DOUBLE GLAZING IN PREFIN ALUMINUM WINDOW FRAMES
- OPERABLE WINDOWS
- T/O 2ND FLOOR 112'-0"
- 12'-0" [3.66m]
- METAL SECURITY SCREEN
- SEALED CONCRETE
- T/O PARKADE FLOOR 100'-0"
- 8'-0" [2.44m]
- PREFIN SECURITY GRILLE

SCHEDULE A
 This forms part of development
 Permit # DP11-0085 / DP11-0086



SCHEDULE B
This forms part of development
Permit # D011-0085 / D011-0086



B

Diverse





This forms part of development

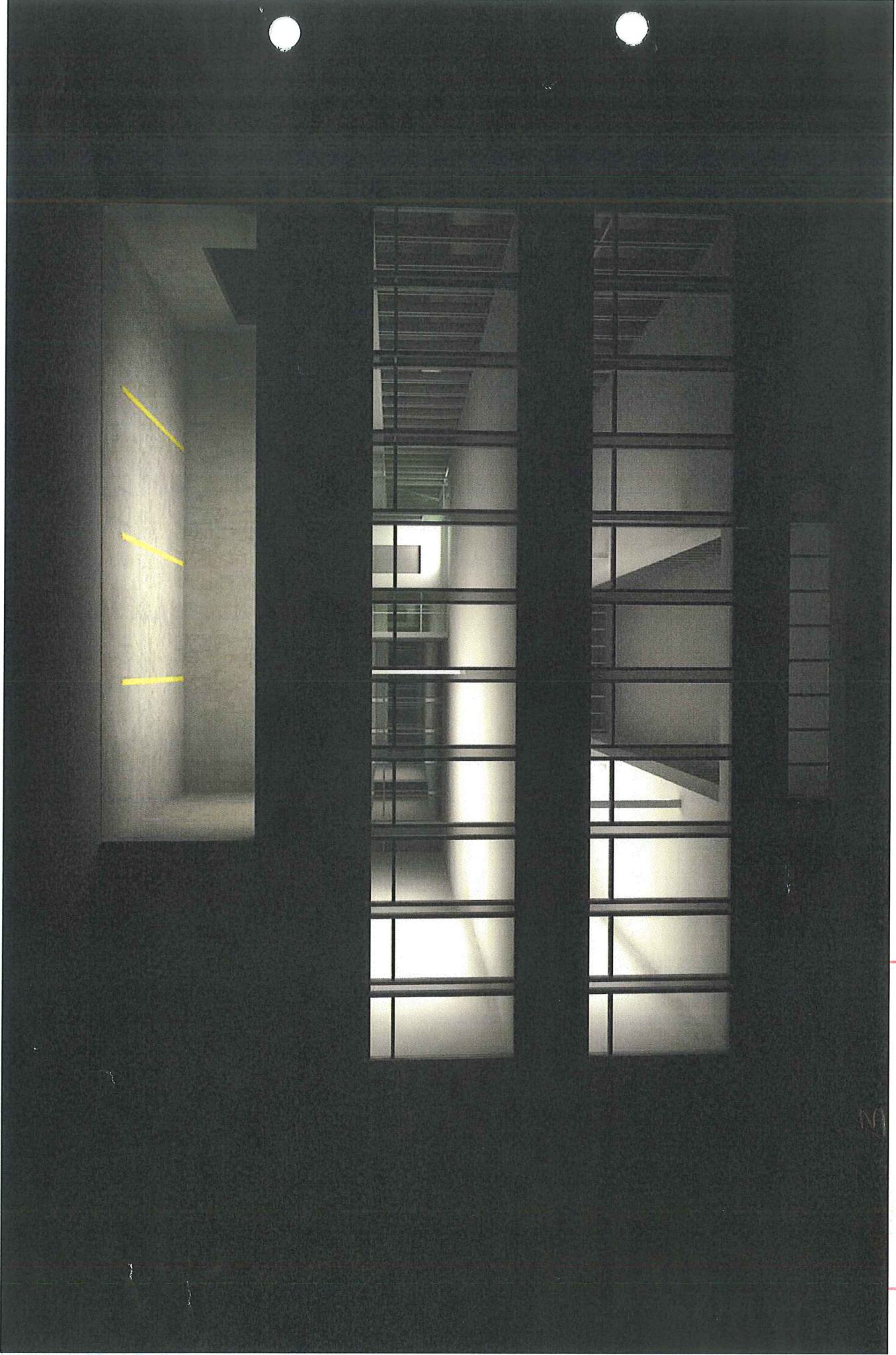
Permit # *Dr. Koos / DPM-0086*



SCHEDULE B
 This form part of development
 Permit # DP11-0086/DUPK-0086



SCHEDULE B
This forms part of development
Permit # DP11-0085 / DP11-0086



This forms part of development
Permit # DP11-0085 / DP11-0086

CITY OF KELOWNA
MEMORANDUM

Date: June 24, 2011
File No.: DP11-0085 DVP11-0086
To: Land Use Management Department (LT)
From: Development Engineering Manager (SM)
Subject: Proposed Commercial Development

596 Leon Ave Bertram St

Lot A Plan 2536

Development Engineering has the following comments and requirements associated with this application. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

The Development Engineering Technologist for this project is John Filipenko. AScT

1. Domestic Water and Fire Protection

- (a) The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs. Only one service will be permitted for this subject property. The applicant, at his cost, will arrange for the disconnection and replacement of the existing 19mm diameter service with a larger service. The estimated cost of this construction for bonding purposes is **\$20,000.00**
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6. Site related Issues

The request to vary the parking and loading bay requirements do not compromise our servicing requirements.

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Permit No.:

DP11-0085 & DVP11-0086

EXISTING ZONING DESIGNATION:	C7 - Central Business Commercial
WITHIN DEVELOPMENT PERMIT AREA:	Comprehensive Development Permit Area

ISSUED TO:	Davara Holdings Ltd.
LOCATION OF SUBJECT SITE:	596 Leon Ave

	LOT	BLOCK	D.L.	DISTRICT	PLAN
LEGAL DESCRIPTION:	A		139	ODYD	33185

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.
- Applicants for a Heritage Alteration Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";

AND FURTHER THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Table 8.1 Parking Schedule

To vary the required parking stalls from 13 required to 12 proposed.

Table 8.2 Loading Schedule

To vary the required loading spaces from 1 required for each building (4 total) to 0 proposed.

Section 14.7.6 (d) C7 - Central Business Commercial - Other Regulations

Vary the required commercial frontage at grade from 75% required to 45% proposed.

2. The development shall commence by and in accordance with an approved Building Permit within ONE YEAR of the date of the Municipal Council authorization resolution.

3. 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 which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

This Permit is not transferrable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

THIS Permit IS NOT A BUILDING Permit.

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 Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee 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 the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$ N/A .
- (b) A Certified Cheque in the amount of \$ N/A .
- (c) An Irrevocable Letter of Credit in the amount of \$ TBD at issuance .

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.

5. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree 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 granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of 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.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Director of Planning & Development Services.

Should there be any change in ownership or legal description of the property, I undertake to notify the Land Use Management Department immediately to avoid any unnecessary delay in processing the application.

I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

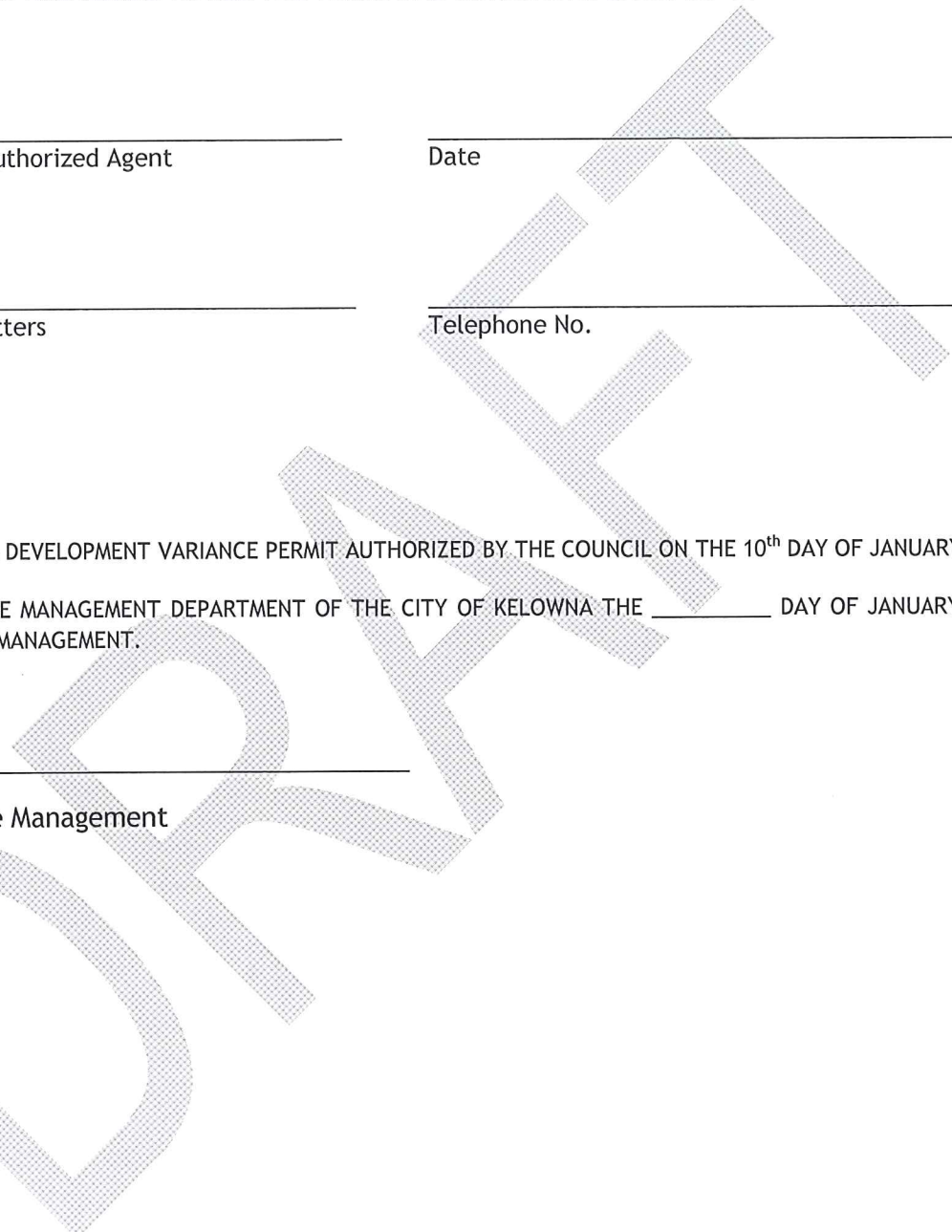
Telephone No.

5. APPROVALS:

DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE 10th DAY OF JANUARY, 2012

ISSUED BY THE LAND USE MANAGEMENT DEPARTMENT OF THE CITY OF KELOWNA THE _____ DAY OF JANUARY, 2012 BY THE DIRECTOR OF LAND USE MANAGEMENT.

Shelley Gambacort
Director of Land Use Management

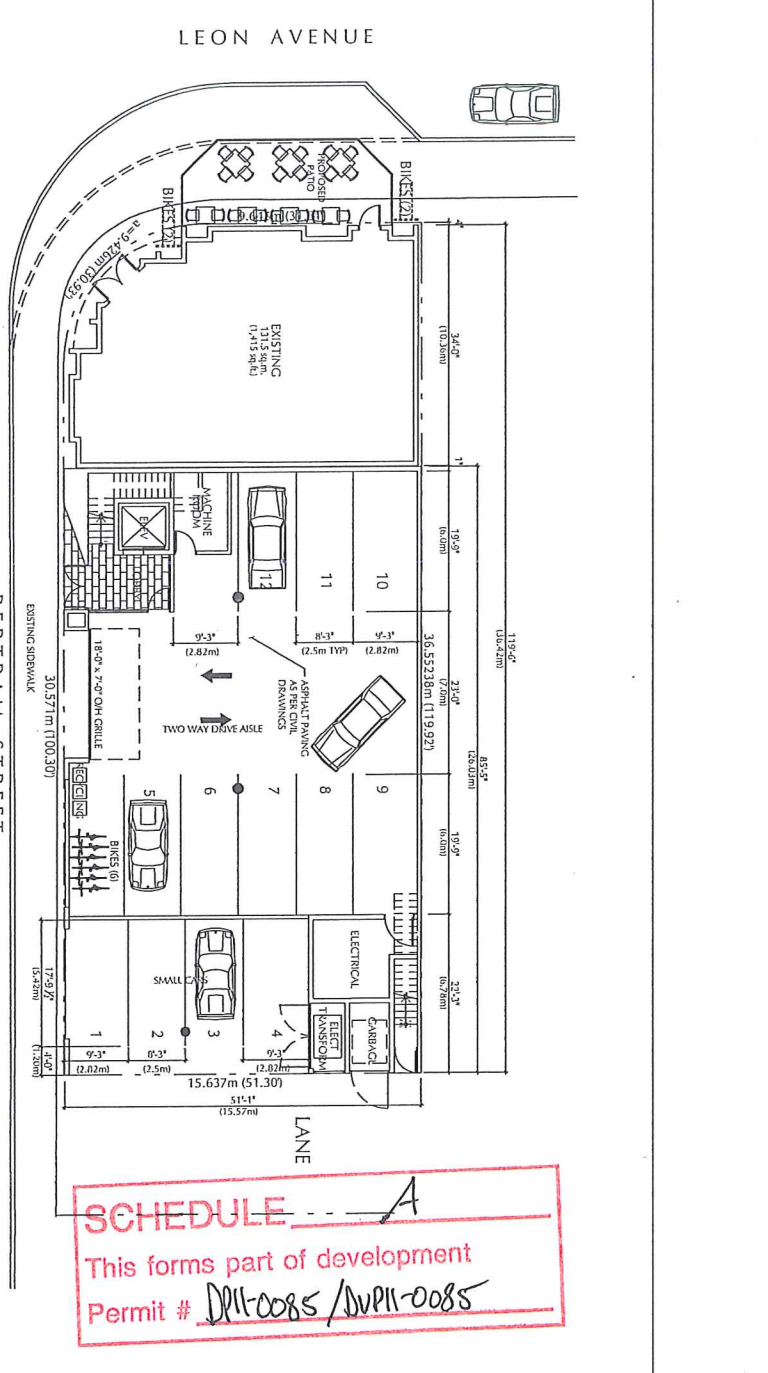
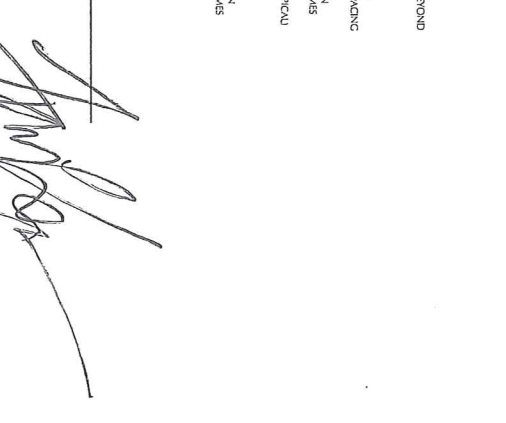
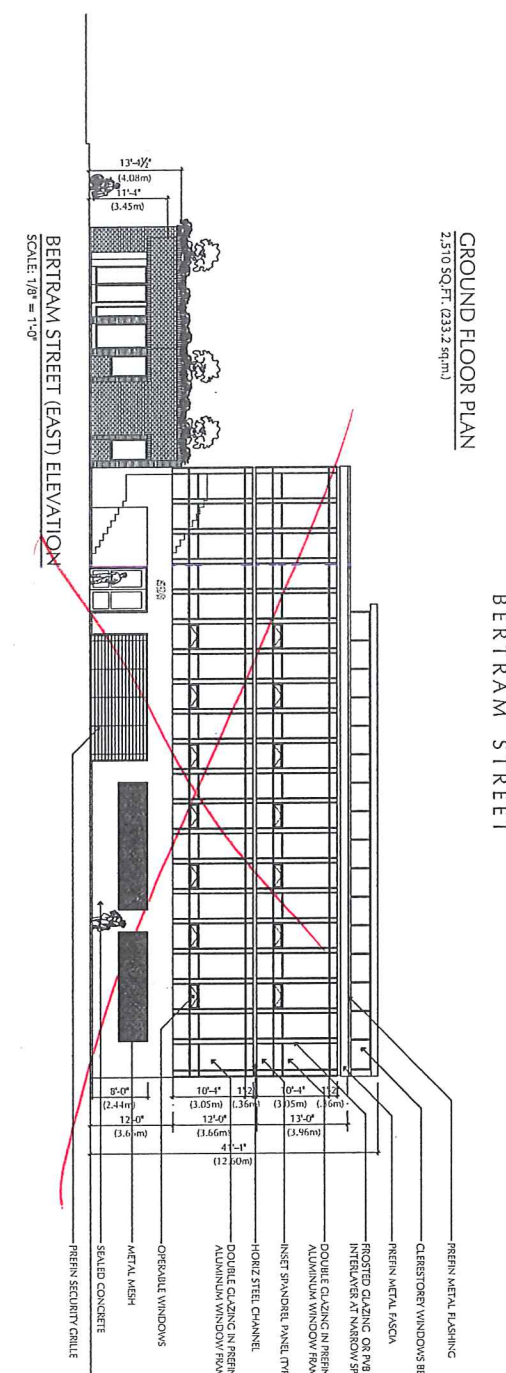




HANS P. NEUMANN ARCHITECT INC.
 PROPOSED MIXED-USE COMMERCIAL OFFICE BUILDING
 596 LEON AVENUE
 KELOWNA, BC

1200 HIGHLAND DRIVE NORTH, KELOWNA, B.C. V1Y 4K3
 PHONE (250) 868-0879 FAX (250) 868-0837
 DRAWING TITLE: SITE/GROUND FLOOR PLAN & FRONT ELEVATION

DATE: 11/27/14
 DRAWN BY: J. SMITH
 CHECKED BY: J. SMITH
 PROJECT NO.: DP1
 REVISIONS: 1

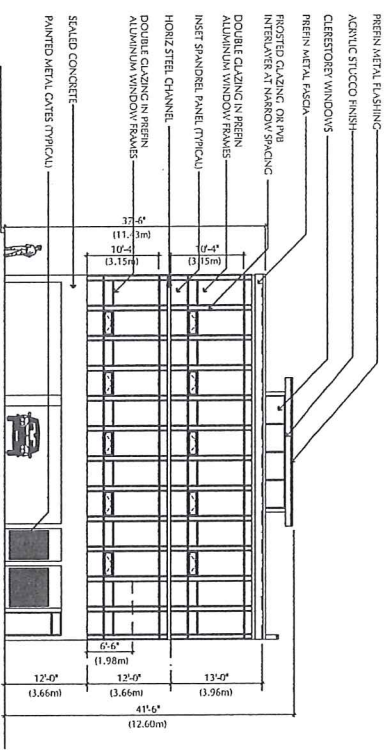
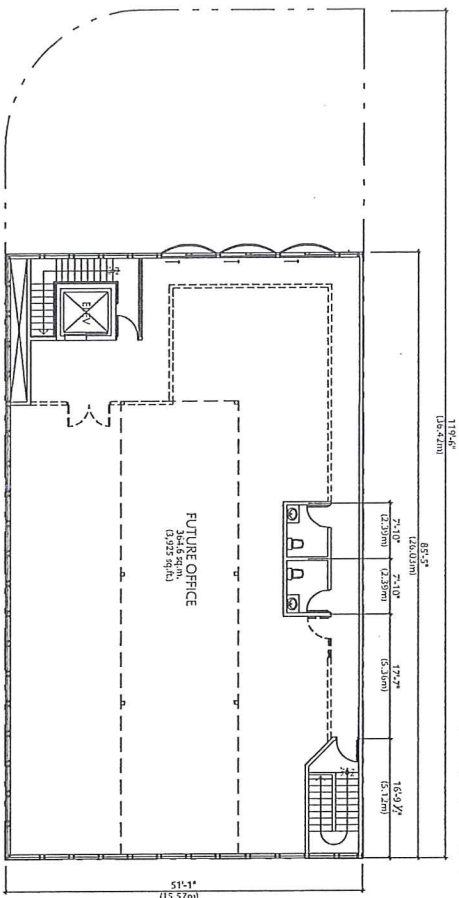
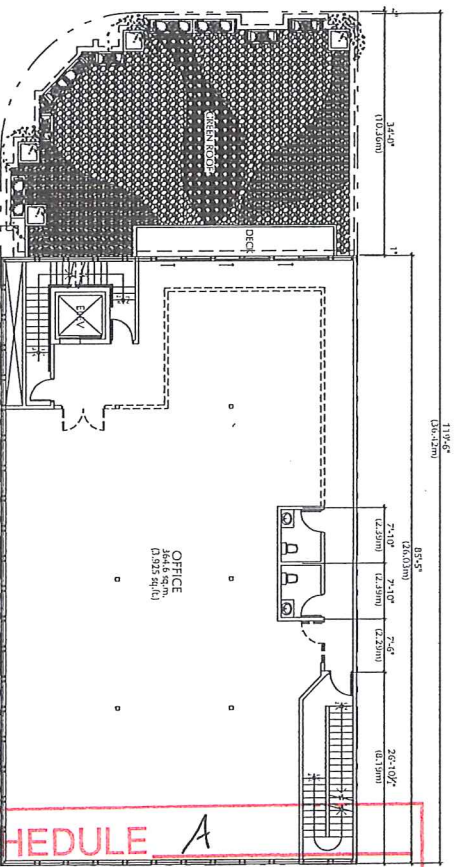
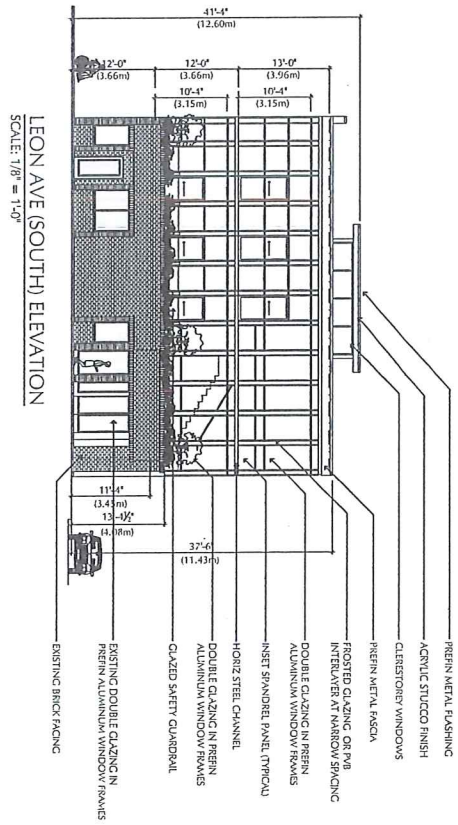


PROJECT DATA

OWNER ADDRESS: 596 LEON AVENUE, KELOWNA, BC
 LOCAL DISCRETION: LOT 4, PLAN 2516, DL 129, O.D. 12, D.
 CURRENT ZONING: C7 - CENTRAL BUSINESS COMMERCIAL

ZONING BYLAW REQUIREMENTS

ITEM	REQUIRED	PROPOSED
TOTAL GROSS FLOOR AREA	10115 SQ. FT. (937.7 SQ.M.)	
LOT WIDTH	6.0m	15.64m
LOT DEPTH	30.0m	30.0m
LOT AREA	200 sq.m.	500 sq.m.
HEIGHT	0.0m	12.0m (STORIES)
SETBACKS FROM ADJACENT SIDE (METER)	0.0m	0.0m
SOCC. SETBACK (METER)	0.0m	0.0m
SOCC. (METER)	0.0m	0.0m
REAR (METER)	0.0m	0.0m
FRONT (METER)	0.0m	0.0m
OFFICES @ 1.1/100 sq.m. GFA x 111.5 sq.m. = 23 STALLS		2 STALLS
SMALL CAR SPACES @ 11 STALLS		11 STALLS
LOADING @ 17500 sq.m. GFA = 13 STALLS		13 STALLS
TRUCK SPACES @ 17500 sq.m. GFA = 5 STALLS		5 STALLS
CLASS I @ 23100 sq.m. GFA = 1 STALL		0 STALL
CLASS II @ 23100 sq.m. GFA = 3 SPACES		3 SPACES
CLASS III @ 23100 sq.m. GFA = 3 SPACES		3 SPACES



SCHEDULE A
This forms part of development
Permit # DP11-0085/DP11-0086



HANS P. NEUMANN ARCHITECT INC.

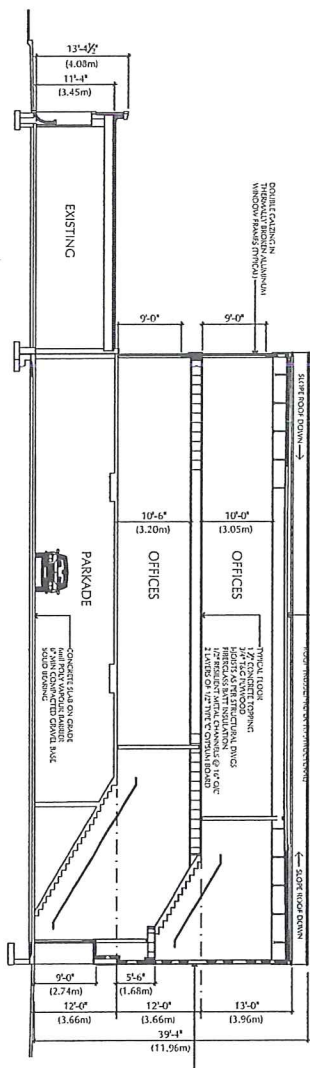
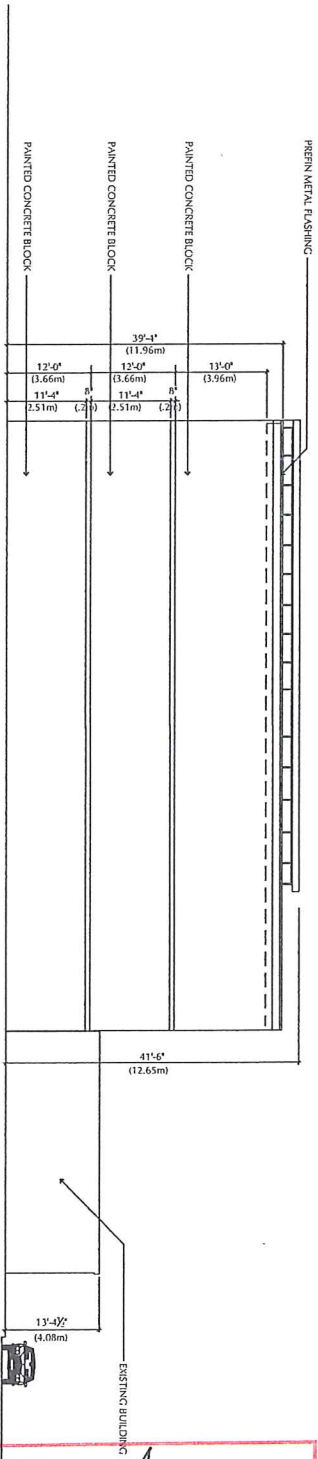
PROJECT: PROPOSED MIXED-USE COMMERCIAL OFFICE BUILDING
596 LEON AVENUE
KELOWNA, BC

DRAWING TITLE: SECOND/THIRD FLOOR PLANS & ELEVATIONS

DATE: APR 11, 2011
DESIGNER: HANS P. NEUMANN
DRAWN BY: J. [Signature]

NO.	DATE	DESCRIPTION	SCALE: 1/8" = 1'-0"
1	APR 11, 2011	ISSUED FOR PERMITTING	DATE: APRIL 13, 2011
2	APR 11, 2011	ISSUED FOR PERMITTING	DATE: APRIL 13, 2011
3	APR 11, 2011	ISSUED FOR PERMITTING	DATE: APRIL 13, 2011
4	APR 11, 2011	ISSUED FOR PERMITTING	DATE: APRIL 13, 2011

DP2



SCHEDULE A

This forms part of development
Permit # DP11-0085 / DP11-0086

HANS P. NEUMANN ARCHITECT INC.

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596 LEON AVENUE
KELOWNA, BC

1520 HIGHLAND DRIVE NORTH, KELOWNA, B.C. V1Y 4J5
PHONE: 250-860-0878 FAX: 250-868-0037

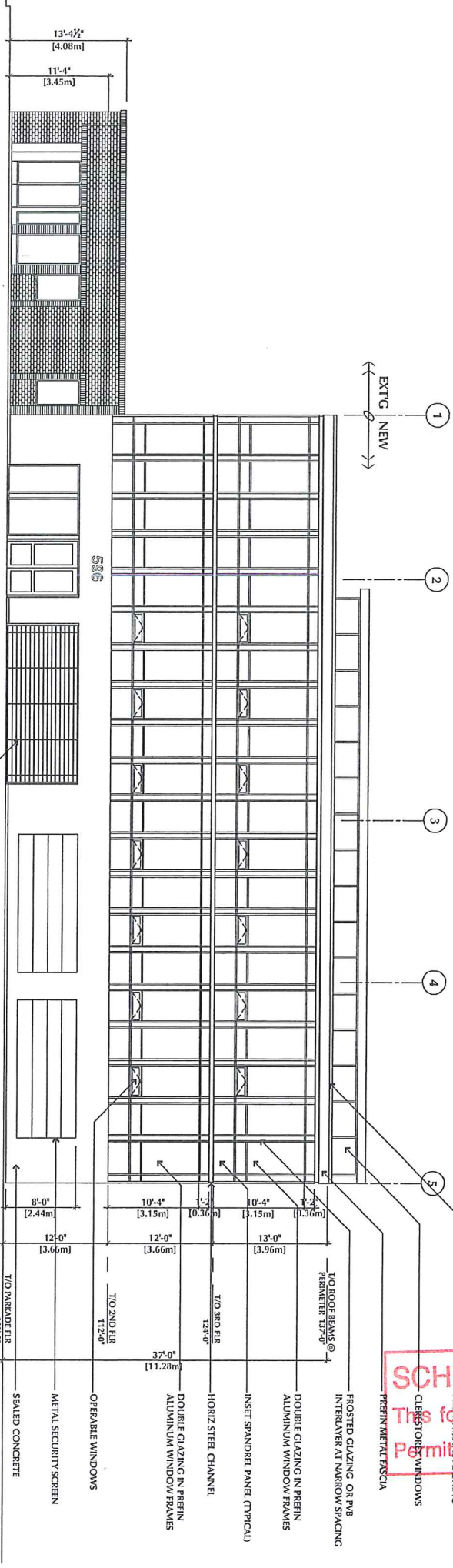
ELEVATION & BUILDING SECTION

[Handwritten Signature]

No.	DATE	DESCRIPTION	SCALE: 1/8" = 1'-0"
1	APR 2, 2011	ISSUED FOR DEVELOPMENT PERMIT	DATE: APRIL 2, 2011
2	MAY 10, 2011	ISSUED FOR DEVELOPMENT PERMIT	DATE: MAY 10, 2011
3	JULY 1, 2011	ISSUED FOR DEVELOPMENT PERMIT	DATE: JULY 1, 2011
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DP3

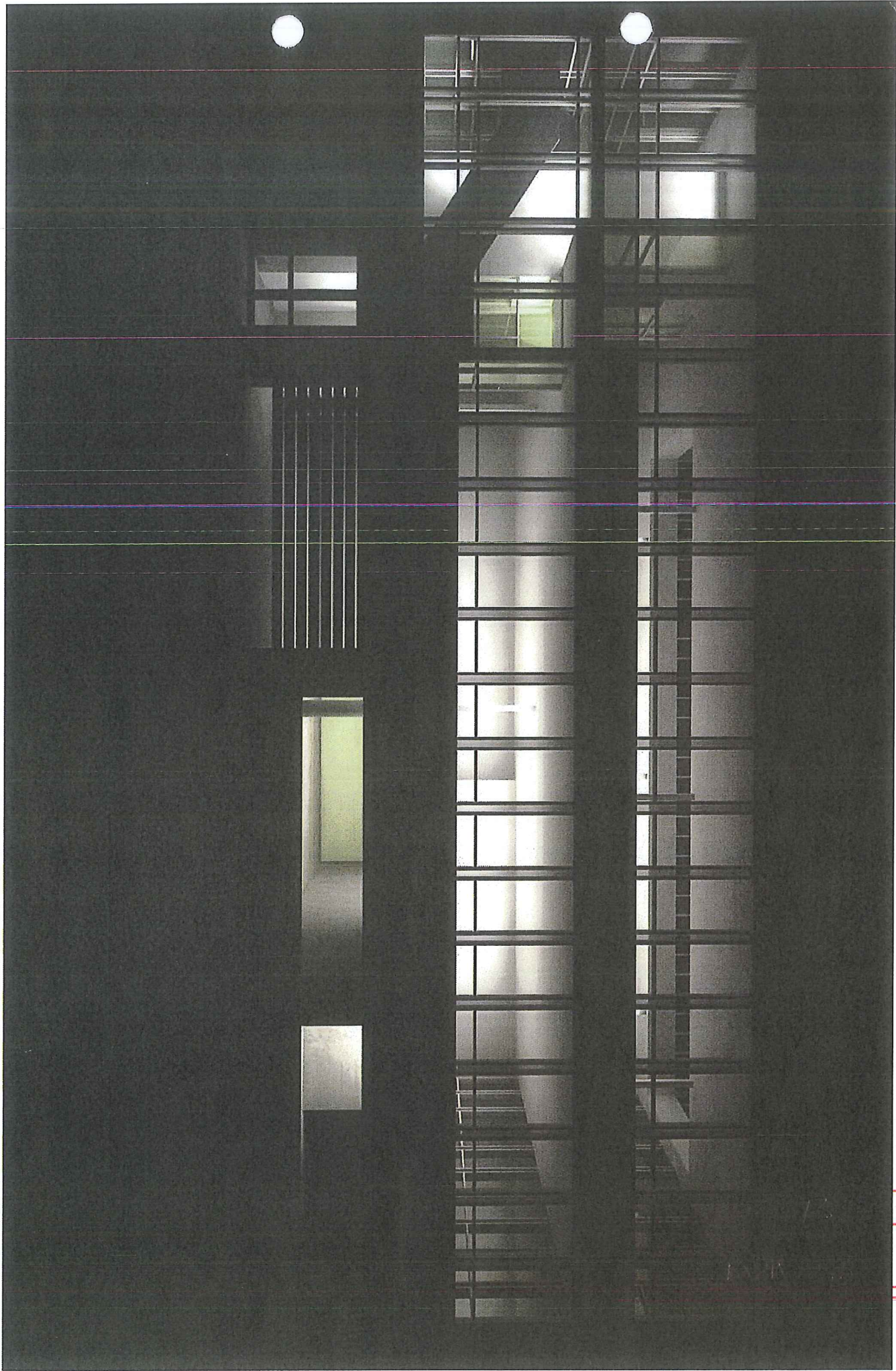
BERTRAM STREET (EAST) ELEVATION
 SCALE: 1/8" = 1'-0"

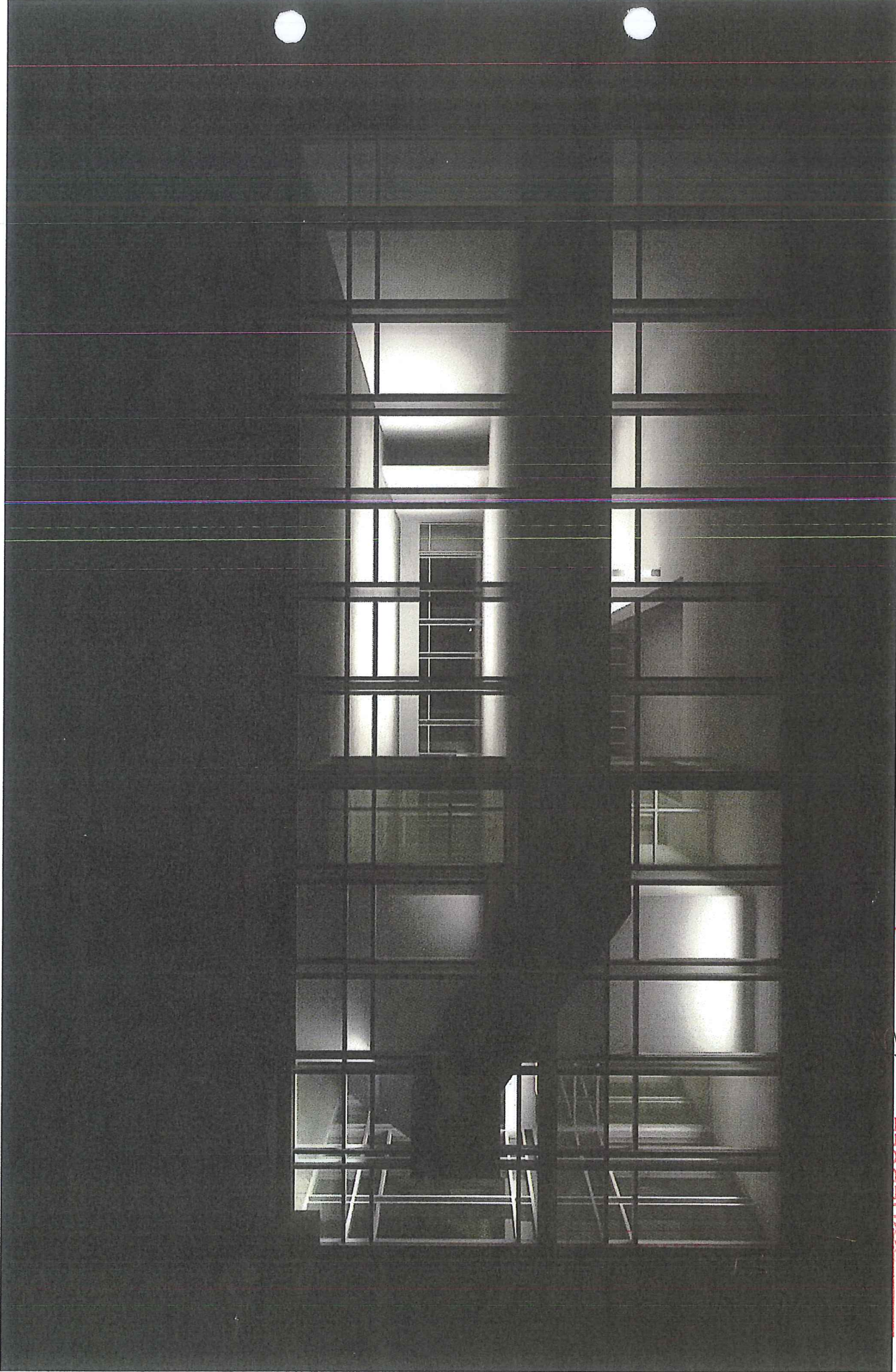


SCHEDULE A
 This forms part of development
 Permit # DP11-0085 / DP11-0086



SCHEDULE B
This forms part of development
Permit # DPII-0085 / DPII-0086





This forms part of development

Permit # *Dr 110088/Dr 111-0086*



SCHEDULE B
This form part of development
Permit DP11-0086/DUPK-0086



SCHEDULE B
This forms part of development
Permit # DP11-0085 / DP11-0086



This forms part of development

Permit # DP11-0088 / DP11-0086

CITY OF KELOWNA
MEMORANDUM

Date: June 24, 2011
File No.: DP11-0085 DVP11-0086
To: Land Use Management Department (LT)
From: Development Engineering Manager (SM)
Subject: Proposed Commercial Development

596 Leon Ave Bertram St

Lot A Plan 2536

Development Engineering has the following comments and requirements associated with this application. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

The Development Engineering Technologist for this project is John Filipenko. AScT

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