

# REPORT TO COUNCIL



**Date:** August 24<sup>th</sup>, 2012

**To:** City Manager

**From:** Land Use Management, Community Sustainability (AW)

**Application:** DP12-0115 & DVP12-0116      **Owner:** Vant Construction Ltd., Inc. No. BC0766256

**Address:** 598 Sutherland Avenue      **Applicant:** Vant Construction Ltd.,

**Subject:** Development Permit & Development Variance Permit

**Existing OCP Designation:** Multiple Unit Residential - Medium Density

**Existing Zone:** RM5 - Medium Density Multiple Housing

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## 1.0 Recommendation

THAT Council authorize the issuance of Development Permit No. DP12-0115 for Parcel A (Being a consolidation of Lots 1 and 2, See LB403940) D.L. 14, ODYD, Plan 1239, located at 598 Sutherland Avenue, Kelowna B.C., 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;

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. DVP12-0116 for Parcel A (Being a consolidation of Lots 1 and 2, See LB403940) D.L. 14, ODYD, Plan 1239, located at 598 Sutherland Avenue, Kelowna, B.C.;

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

Section 13.11.6 (b) Development Regulations - Site Coverage:

To vary the maximum site coverage from 60% permitted to 65% proposed for buildings, parking areas and driveways.

Section 13.11.6 (e) Development Regulations - Side Yard Setback:

To vary the minimum side yard setback for a portion of a building over 2 ½ storeys from 7.5m to 6.59m.

Table 8.1 Parking Schedule

To vary the required parking stalls from 23 required to 20 proposed.

## 2.0 Purpose

To consider a Development Permit for the form and character of the proposed 16 unit rental apartment housing development. To consider a Development Variance Permit to vary the following regulations:

- To vary the maximum site coverage from 60% permitted to 65% proposed for buildings, parking areas and driveways.
- To vary the minimum side yard setback for a portion of a building over 2 ½ storeys from 7.5m to 6.59m.
- To vary the required parking stalls from 23 required to 20 proposed

## 3.0 Land Use Management

The subject property has been used as a surface parking lot for the neighbouring church for a number of years. Staff consider the redevelopment of surface parking lots within the urban core a positive step towards achieving the livability goals as established in the 2030 OCP. The proposal as submitted also meets the intent of the 2030 OCP Design Guidelines. The project is centrally located, has convenient access to transit and will fit within the established apartment housing neighbourhood. The rental housing apartment project will provide newer rental apartment housing stock to an area that provides other rental options in a variety of aging rental units.

The proposed parking is located at the rear of the subject property with access from the lane. Although Staff prefer under building parking, this concept allows for active ground oriented housing units that will help to further animate the Sutherland Avenue frontage. The massing, building step back and decks provide the building with visual interest and help to break up the long horizontal building frontage. The proposed landscaping is of high quality and includes a number of trees and significant groundcover. Each residential unit will be provided with a balcony which will satisfy the project's public open space requirements. The proposed variances shouldn't have a negative impact on the surrounding neighbourhood. The parking variance allows the site to be programmed with a good balance of residential units and parking without requiring too significant of a site coverage variance.

## 4.0 Proposal

### 4.1 Project Description

The proposed rental apartment housing project will introduce another 16 units of rental housing into the urban core. Parking and bicycle parking will be located at grade and at the rear of the building. The plans indicate that the project will consist of four two-bedroom and twelve two-bedroom units. Each unit has a private balcony or patio space. Various planting beds are proposed for the development. The proposed building materials consist primarily of vertical and



horizontal brown Hardie plank siding. Red trim will be used to provide colour to the project. The application conforms to the City's Zoning Bylaw No. 8000 as follows:

Zoning Bylaw No. 8000		
Criteria	Proposed	RM5 Zone Requirements
Floor Area Ratio	0.76	1.1
Site Coverage	32.79% 65% *	40% (buildings) 60% (buildings, parking areas, and driveways)
Height	11.48m / 3 storeys	16.5 m or 4 storeys
Front Yard	6.0 m	6.0 m
Rear Yard	13.53 m	7.5 m
Side Yard (West)	4.5 m 7.5 m	4.5 m ( 2 ½ storeys) 7.5 m (above 2 ½ storeys)
Side Yard (East)	6.59 m *	7.5 m
Other Regulations		
Minimum Parking Requirements	20 Spaces *	23 Spaces
Bicycle Parking	Class I - 8 Class II - 2	Class I: 0.5/unit = 8 Class II: 0.1/unit = 2
Private Open Space	455 m <sup>2</sup>	360 m <sup>2</sup>
*Variance Required		

#### 4.2 Site Context





The adjacent land uses are as follows:

<i>Direction</i>	<i>Zoning Designation</i>	<i>Land Use</i>
North	RM5 - Medium Density Multiple Housing	Residential
East	P2 - Educational & Minor Institutional	Church
South	RM5 - Medium Density Multiple Housing	Residential
West	RM5 - Medium Density Multiple Housing	Residential

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan 2030 (OCP)

#### 5.1.1 Urban Design Development Permit Areas (Chapter 14) - Comprehensive Design Guidelines

##### *Objectives*

- Convey a strong sense of authenticity through urban design that is distinctive for Kelowna;
- Promote a high urban design standard and quality of construction for future development that is coordinated with existing structures;
- Integrate new development with existing site conditions and preserve the character amenities of the surrounding area;
- Promote interesting, pedestrian friendly streetscape design and pedestrian linkages;
- Provide for a scale and massing of commercial buildings that promotes a safe, enjoyable living, pedestrian, working, shopping and service experience;
- Incorporate architectural features and detailing of buildings and landscapes that define an area's character;
- Promote alternative transportation with enhanced streetscapes and multimodal linkages;
- Highlight the significance of community institutional and heritage buildings; and
- Protect and restore the urban ecology (i.e. architectural and site consideration with respect to the ecological impact on urban design).
- Moderate urban water demand in the City so that adequate water supply is reserved for agriculture and for natural ecosystem processes.
- Reduce outdoor water use in new or renovated landscape areas in the City by a target of 30%, when compared to 2007.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s) for new construction
- Size and location of all signage to be clearly defined as part of the development permit
- This property falls within the Mill Creek flood plain bylaw area and compliance is required. Minimum building elevations are required to be established prior to the release of the Development Permit. This building may be designed to low, which may affect the form and character of the building.
- A Building 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. An additional exit(s) may be required from the terrace level to meet minimum travel distances to exits. The exit paths are to be protected from the windows (unprotected openings) on the Terrace level (exit stairwell windows). Is there going to be separation walls on the terrace level to create individual balconies or is it a common terrace? The



fire separation between the parking area and the 3rd floor projection is to be defined in the drawings for Building Permit.

- Full Plan check for Building Code related issues will be done at time of Building Permit applications

6.2 Development Engineering Department  
See Attached.

6.3 Fire Department  
Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw #7900. The Subdivision Bylaw requires a minimum of 150ltr/sec flow. The garbage bins should be located 3m from any combustibles including the rear overhang. Additional comments will be required at the building permit application.

6.4 Fortis BC - Gas  
Upon review of the property referral referencing the above noted matter, please be advised that FortisBC does not currently service the subject lot. FortisBC, therefore, has no objection to the applications.

6.5 Fortis BC - Electric  
FortisBC (electric) reviewed the attached referral and based on the information received have no concerns with the proposal subject to any changes to this application which would require further review and comment by Fortis.

## 7.0 Application Chronology

Application Accepted: June 20, 2012

Report prepared by:



Alec Warrender, Land Use Planner

Reviewed by:



Danielle Noble, Manager of Urban Land Use

Approved for Inclusion:



Shelley Gambacort, Director of Land Use Management

### Attachments:

Subject Property Map

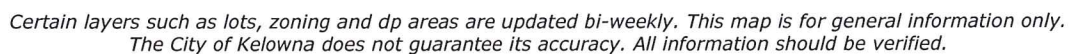
Site Plan

Building Elevations

Landscape Plan

Development Engineering requirements.







## SITE CALCULATIONS: RM 5 ZONING

### SITE AREA:

TOTAL SITE AREA: 14,286.25 SQ.FT. = 1,327.23 SQ.M.  
BUILDING AREA AT GRADE: 4,208 SQ.FT. = 390.93 SQ.M.  
FLOOR AREA:

GROUND FLOOR - RESIDENTIAL 4,208 SQ.FT. = 390.93 SQ.M.  
SECOND FLOOR - RESIDENTIAL 3,988 SQ.FT. = 370.49 SQ.M.  
THIRD FLOOR - RESIDENTIAL 3,588 SQ.FT. = 333.34 SQ.M.  
FOURTH FLOOR - RESIDENTIAL 3,588 SQ.FT. = 333.34 SQ.M.  
TOTAL FLOOR AREA: 15,372 SQ.FT. = 1,428.04 SQ.M.

### UNIT COUNT:

2 x UNIT 'A'	2 x UNIT 'B'	2 x UNIT 'C'	2 x UNIT 'D'
759 SQ. FT. (70.51 SQ.M.)	654 SQ. FT. (60.76 SQ.M.)	757 SQ. FT. (70.33 SQ.M.)	919 SQ. FT. (85.38 SQ.M.)
9 x UNIT 'E'	2 x UNIT 'F'	2 x UNIT 'G'	2 x UNIT 'H'
823 SQ. FT. (76.46 SQ.M.)	570 SQ. FT. (52.95 SQ.M.)	805 SQ. FT. (74.79 SQ.M.)	675 SQ. FT. (62.71 SQ.M.)

TOTAL UNIT COUNT: 16 UNITS

### FLOOR AREA RATIO:

PERMITTED 1.1 = 15,715 SQ.FT. (1,459.95 SQ.M.)  
PROVIDED 0.76 = 11,924 SQ.FT. (1,107.7 SQ.M.)

### SITE COVERAGE:

PERMITTED 40% = 5,714.6 SQ.FT. (530.89 SQ.M.)  
PROVIDED MAIN FLOOR: 4,208 SQ.FT. (390.93 SQ.M.)  
CANTILEVER FLOOR: 480 SQ.FT. (44.59 SQ.M.)  
TOTAL: 32.79% = 4,688 SQ.FT. (435.53 SQ.M.)  
TOTAL SITE COVERAGE 60% (BLDGS, DRIVES, PRKG) 60% = 8,571 SQ.FT. (796.3 SQ.M.)  
PROVIDED 65% = 9,362.23 SQ.FT. (869.76 SQ.M.)

\* WAIVER REQUIRED FOR 5%

### SETBACKS:

	REQUIRED:	PROVIDED:
NORTH - REAR YARD (LANE)	7.5 m	13.53 m
SOUTH - FRONT YARD (STREET)	6.0 m	6.0 m
WEST - SIDE YARD (INTERIOR)	4.5 m + 7.5 m	4.5 m + 7.5 m
EAST - SIDE YARD (LANE)	4.5 m + 7.5 m	4.5 m + * 6.59 m

\* WAIVER REQUIRED

### BUILDING HEIGHT:

	REQUIRED:	PROVIDED:
4 STOREYS OR:	16.5 m	11.58 m

### PRIVATE OPEN SPACES:

REQUIRED 4- 1 BEDROOM UNITS (15 m2/ UNIT) = 60 sq. m.  
12- 2 BEDROOM UNITS (25 m2/ UNIT) = 300 sq. m.  
TOTAL REQUIRED = 360 m2 (3875 SQFT)

PROVIDED BALCONIES: 21.2 M2 (228 sqft)  
AMENITY ROOMS: 13.4 M2 (144 sqft)  
LANDSCAPED DECK: 94.8 M2 (1,020 sqft)  
SOFT LANDSCAPING: 326.2 M2 (3,511 sqft)  
TOTAL OPEN SPACE 455.6 M2 (4,904 sqft)

### VEHICLE PARKING:

REQUIRED: RESIDENTIAL 4 - 1 BDRM UNITS x 1.25 SPACES = 5 REQUIRED  
12 - 2 BDRM UNITS x 1.5 SPACES = 18 REQUIRED

PROVIDED: 20 SPACES

\* WAIVER REQUIRED FOR 3 SPACE

### BIKE PARKING:

REQUIRED: 16 UNITS X 0.5 STALLS/UNIT = 8 and 16 UNITS X 0.1 = 2  
PROVIDED: 6 UNITS AT FRONT ENTRY, 4 INDOOR SECURED = TOTAL 10 SPACES

### LOADING SPACE:

REQUIRED: N.A.

PROVIDED: N.A.

### BUILDING CLASSIFICATION:

GROUP C - RESIDENTIAL, UP TO 4 STOREYS  
NON-COMBUSTIBLE CONSTRUCTION, SPRINKLERED  
BUILDING HEIGHT = 4 STOREYS - 1,800 SQ.M. PERMITTED  
PROVIDED - 390.9 m2 AT GRADE  
1 HR. FIRE RESISTANCE RATING

### NOTE:

FIRE SEPARATION BETWEEN  
GROUP C & F3 IS REQUIRED  
(BUILDING CANTILEVERED OF DRIVE ISLE)  
TO BE 2 HR. FIRE SEPARATION  
B.C.B.C. - TABLE 3.1.3.1.

### OCCUPANT LOAD:

#### OCCUPANT LOAD DETERMINATION

CONFORMING TO THE 2006 B.C.B.C. ARTICLE 3.1.17.1 b) -  
2 PERSONS PER SLEEPING ROOM IN A DWELLING UNIT.  
PROVIDED: 12-2 BEDROOM UNITS = 24 BEDROOMS  
4-1 BEDROOM UNITS = 4 BEDROOMS  
TOTAL = 28 BEDROOMS

28 BEDROOMS x 2 PERSONS PER ROOM = 56 PERSONS

### EXIT REQUIREMENTS:

#### EXIT REQUIREMENTS OF GROUP C-RESIDENTIAL OCCUPANCY

CONFORMING TO THE 2006 B.C.B.C. ARTICLE 3.4.2.5.1 c) - TRAVEL DISTANCE  
TO AT LEAST ONE EXIT FROM THE SUITE OR ROOM - MAX 45 M = 147.64 FT

#### EXIT CAPACITY - GROUP C - RESIDENTIAL

CONFORMING TO THE 2006 B.C.B.C. ARTICLE 3.4.3.2 a) AND b)

- a) GROUND FLOOR EXIT DOORWAYS - 6.1 MM PER PERSON REQ.  
REQ'D OPENING WIDTH = 166 PERSONS x 6.1mm = 1.013 M  
PROVIDED OPENING WIDTH = 3.66 M (12')  
2ND, 3RD, 4TH FLOOR EXIT DOORWAYS - 6.1mm PER PERSON REQ.  
REQ'D OPENING WIDTH = 166 PERSONS x 6.1mm = 1.013 M  
PROVIDED OPENING WIDTH = 1.83 M (6')  
2ND, 3RD, 4TH FLOOR CORRIDORS - 6.1mm PER PERSON REQ.  
REQ'D OPENING WIDTH = 166 PERSONS x 6.1mm = 1.013 M  
PROVIDED OPENING WIDTH = 1.83 M (6')  
b) 2ND, 3RD, 4TH FLOOR EXIT STAIRS - 8.0mm PER PERSON REQ.  
REQ'D STAIR WIDTH = 166 PERSONS x 8.0mm = 1.328 M  
PROVIDED STAIR WIDTH = 2.24 M (7.33')

SCHEDULE A

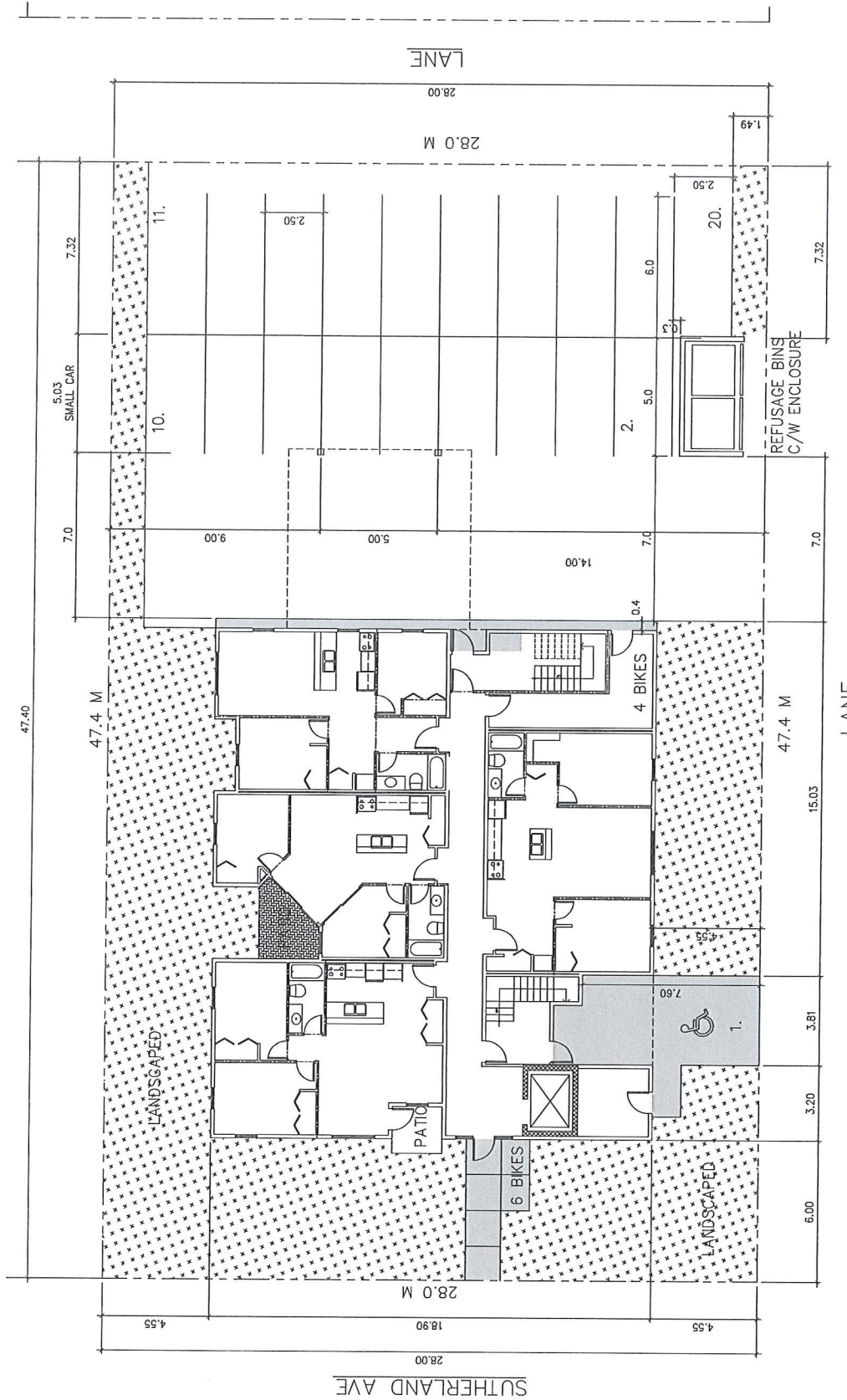
This forms part of development

Permit # DPB-0115 / DUPB-0116

# LEGAL DESCRIPTION



LOTS A PLAN 1239  
KID. 737709  
SEC.  
TWP.  
DISTRICT: O.D.Y.D.  
98 SUTHERLAND AVE  
KELOWNA, B.C.



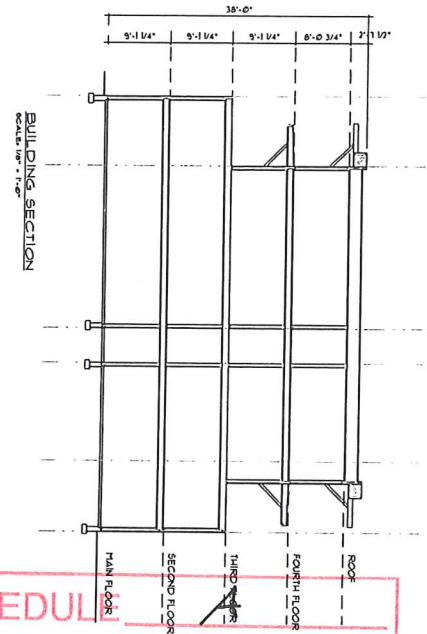
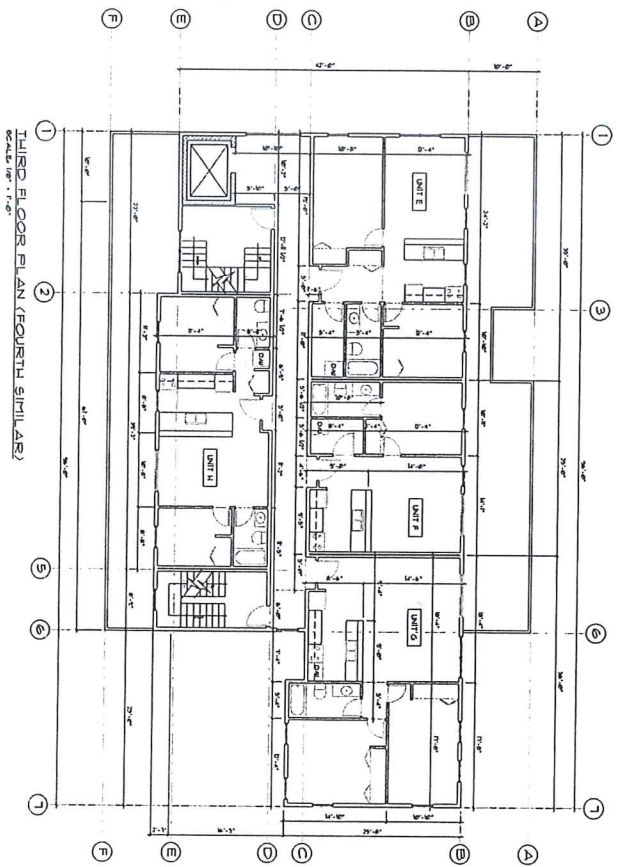
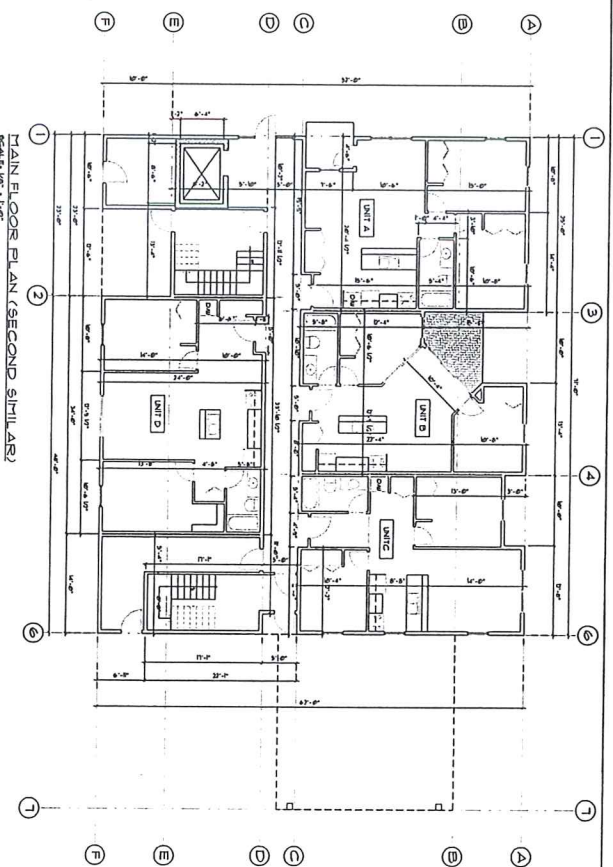
SITE PLAN  
SITE AREA = 14,286 SQ. FT. (1,327.2 SQ.M.)

SCHEDULE A

This forms part of development

Permit # DPA-0115 / DPA-0116





**SCHEDULE**

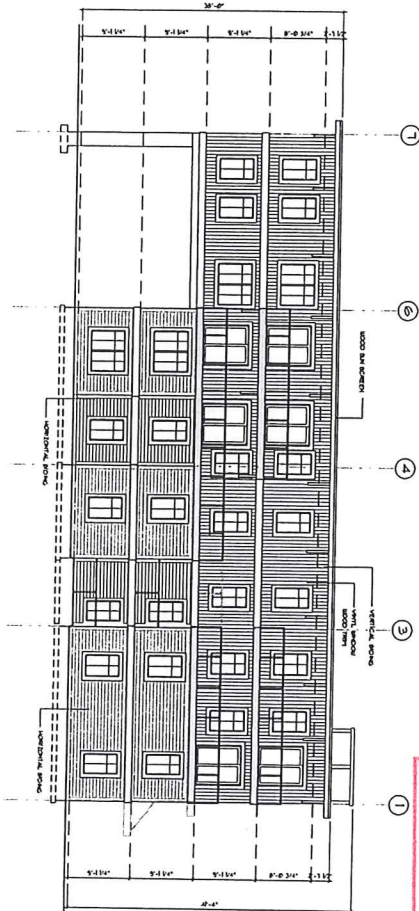
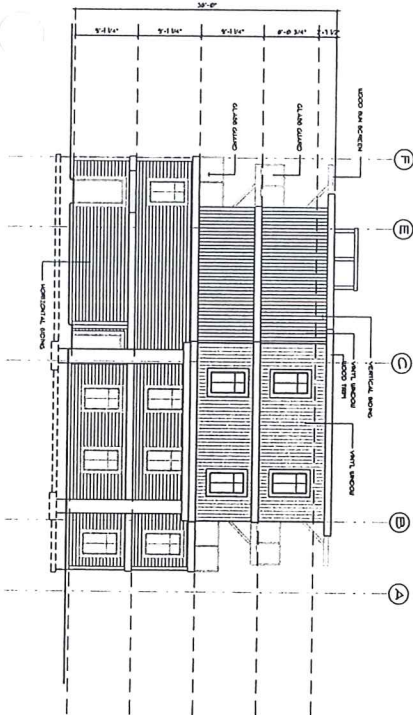
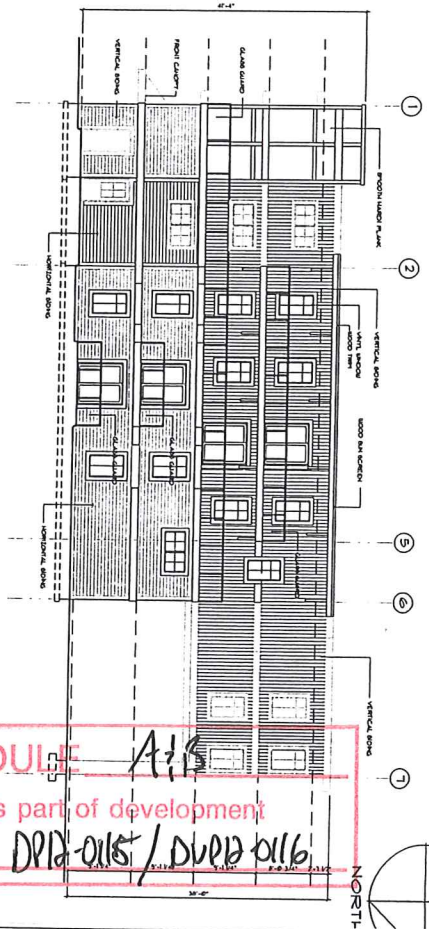
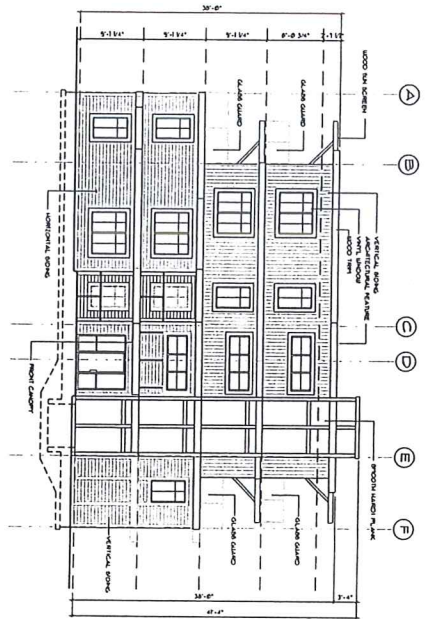
This forms part of development

Permit # DD-0115 / DVPD-0116



Vant Construction 4479 Gaspardona Kelowna	16 Unit Apartment Sutherland Ave Kelowna	Floor Plans Section	Date June 5, 2012	Drawn by BY	Project No. 210	Scale A2	Project Status A2	05/06/2012 11:08:27 AM
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No.	Description	Date
1	Development Permit 05/06/2012	



**SCHEDULE** A-15

This forms part of development

Permit # DP12-015 / DP12-016

This forms part of development

Permit # DP12-0115 / DP12-0116

REAR (NORTH) ELEVATION  
DATE: 10-1-68

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

## COLOUR SCHEDULE

WINDOW FRAMES • VINYL FRAMES • TAN METAL FRAMES • ANODIZED BRONZE  
 HARD PLANK SIDING • VERTICAL • KHAZI BROWN (JH20-30)  
 HORIZONTAL • TIMBER BARK (JH40-30)  
 FASCIA • TRIM • TRADITIONAL RED (JH30-10)

METAL FRAMES - ANODIZED BRONZE

HARDI PLANK SIDING - VERTICAL - KHAKI BROWN (JH20-30)

HORIZONTAL - TIMBER BARK (JH40-30)

FASCIA • TRIM - TRADITIONAL RED (JH30-10)

No.	Description	Dated
1	Development Permit 05/06/2012	

1 Development Permit 05/06/2012

Vant Contruction  
4479 Gaspardona  
Kelowna

16 Unit Apartment  
Sutherland Ave  
Kelowna

## Elevations

Date	June 5, 2012
Drawn by	BY
Project No.	210
Scale	
A3	

05/06/2012 11:08:27 AM



# EXTERIOR COLOR SCHEME

## PROJECT:

PROPOSED 16 UNIT CONDO DEVELOPMENT

598 SUTHERLAND AVE

KELOWNA BC

## ROOFING:

TAR & GRAVEL ROOFING (UNSEEN)

METAL FLASHING

- TO MATCH COLOUR OF WALLS

## TRIM:

FASCIA + TRIM - TRADITIONAL RED (JH90-10)

## WINDOWS:

- VINYL WINDOWS - TAN
- METAL FRAMES - ANODIZED BRONZE

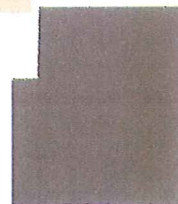
## WALLS:

HARDIE PLANK SIDING

- VERTICAL - KHAKI BROWN (JH20-30)
- HORIZONTAL - TIMBER BARK (JH40-30)



Navajo Beige  
JH30-10



Timber Bark  
JH40-30



Traditional Red  
JH90-10



Khaki Brown  
JH20-30

SCHEDULE B

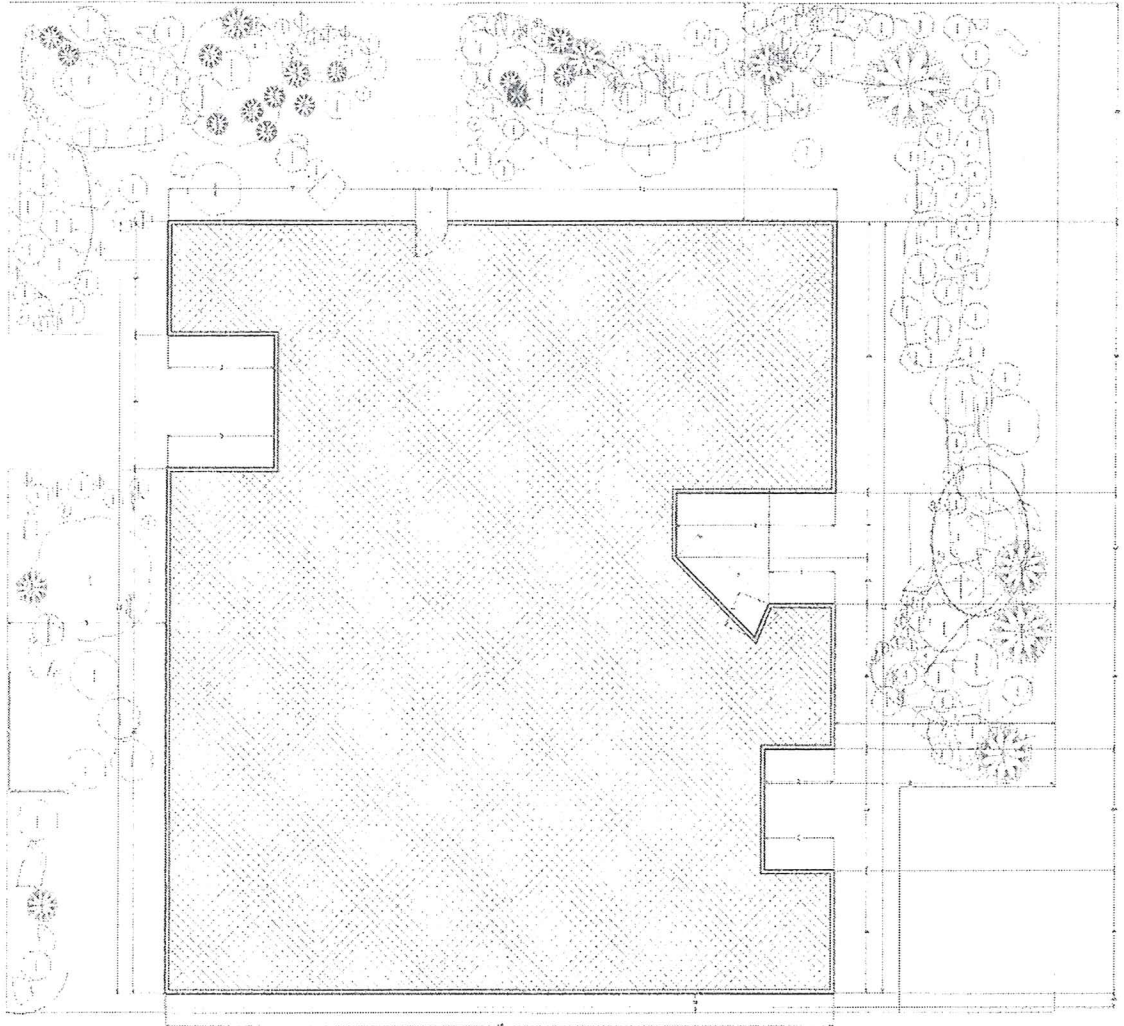
This forms part of development

Permit # DPI2-0115 / DPI2-0116

Lunde Architect Ltd  
3904 31<sup>st</sup> Street, Vernon, BC

598 SUTHERLAND AVENUE

LANE



PARKING AREA

Landscape Plan

Civic: 598 Sutherland Avenue, Kelowna B.C.

Legal: Lot A. Plan 1239. KID 737709. O D Y D

SCHEDULE C

This forms part of development

Permit # DP12-015 / DP12-016



August 7th, 2012

598 Sutherland Ave  
KELOWNA, B.C.

UPDATED PLAN			
TREES			
3	Rhus typhina 'Tiger Eyes' Large		
EVERGREEN SHRUBS			
1	Picea pungens		
3	Chamaecyparis pisifera		
8	Mahonia aquifolium		
16	Juniperus procumbens		
4	Chamaecyparis pisifera		
9	Juniperus horizontalis		
12	Yucca filamentosa ?		
DECIDUOUS SHRUBS			
14	Berberis thunbergii 'Rose glow'		
3	Berberis 'Carousel'		
6	Spiraea 'Magic Carpet'		
3	Ribes nigrum, 'King Edward VII'		
6	Rosa 'Red Carpet'		
1	Cotinus coggygia		
3	Cotinus obovatus, Rhus cotinoides		
1	Sambucus nigra (Black Beauty Elder)		
15	Lavandula spp.		
2	Caryopteris clandonensis		
5	Euonymus alatus, Celastrus alatus		
1	Hibiscus syriacus		
GRASSES			
6	Calamagrostis acutiflora 'Karl Foerster'		
3	Festuca cinerea, Festuca glauca		
12	Miscanthus sinensis 'Purpurea'		
		Sub-Total	0.00
		HST:	0.00
		TOTAL:	\$0.00

**SCHEDULE** C  
This forms part of development  
Permit # DP12-0115 / DP12-0116

August 7th, 2012

598 Sutherland Ave  
KELOWNA, B.C.

[illegible]

SCHEDULE C

This forms part of development

Permit # DP12-015 / DP12-016



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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** July 24, 2012  
**File No.:** DP12-0115 DVP12-0116

**To:** Land Use Management Department (AW)

**From:** Development Engineering Manager (SM)

**Subject:** Proposed Commercial Development

598 Sutherland Avenue                      Lot A Plan 1239                      16 Unit Apartment

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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 **\$17,500.00**
- (b) A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost.
- (c) Boulevard landscaping, complete with underground irrigation system, must be integrated with the on-site irrigation system.

2. Sanitary Sewer

- (a) The developer's consulting civil / mechanical engineer will determine the requirements of this proposed development and establish the required service needs. Only one service will be permitted for this subject property. The applicant, at his cost, will arrange for the installation of a large diameter sanitary service. The estimated cost of this construction for bonding purposes is **\$12,500.00**

3. Storm Drainage

- (a) Provide a storm water management plan for this site which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of a Lot Grading Plan, minimum basement elevation (MBE), if applicable, and provision of a storm drainage service for the development and / or recommendations for onsite drainage containment and disposal systems.
- (b) The on-site drainage system may be connected to an existing or proposed drainage system with an overflow service. The estimated cost for providing a overflow service for bonding purposes is **\$ 5,000.00**

4. Road Improvements

Sutherland Avenue fronting this development site is fully urbanized. The driveway letdown for the lane access to Sutherland Avenue requires reconstruction. The decommissioning of existing services and installation of new services will require road cuts. The extent of road restoration will be at the discretion of the City Development Engineer. The estimated cost of the road improvements and anticipated reconstruction, for bonding purposes is **\$10,000.00**

- (a) The lane that abuts the subject property will require a fillet pavement along the pavement edge. The estimated cost of the lane and access improvements, for bonding purposes is **\$5,000.00**

2. Electric Power and Telecommunication Services

The electrical and telecommunication services to this building must be installed in an underground duct system, and the building must be connected by underground ducting. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services which would be at the applicant's cost

3. Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the City Engineering Department for review and marked "issued for construction" by the City Engineer before construction may begin.

4. Geotechnical and Environmental Report

As a requirement of this application and/or prior to issue of a building permit, the following will be required:

- (a) A geotechnical assessment to verify the site suitability for development, unstable soils, etc.
- (b) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.



## 5. Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

## 6. Site related Issues

- (a) Provide all necessary Statutory Rights-of-Way for any utility corridors required. ( for a FortisBC transformer etc ).
- (b) Provide a 3.0m x 3.0m lane corner truncation.
- (c) A Development Variance Permit to vary site coverage from 60% to 67.83%, a variance for the east setback from 7.5m to 6.5m; do not compromise our servicing requirements.
- (d) The request to vary the parking requirements from 23 stalls required to the 22 stalls proposed is supported by Development Engineering provided that the proposed parking stalls meet the bylaw requirements.

## 7. Bonding and Levy Summary

(a) Bonding

Service upgrades	\$35,000.00
Sutherland Avenue improvements	\$ 5,000.00
Lane and access improvements	\$10,000.00

Total Bonding	<u>\$50,000.00</u>
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**NOTE:** The bonding amounts shown above are comprised of estimated construction costs escalated by 130% to include engineering design and contingency protection and are provided for information purposes only. The owner should engage a consulting civil engineer to provide detailed designs and obtain actual tendered construction costs if he wishes to do so. Bonding for required off-site construction must be provided as a condition of this application, and may be in the form of cash or an irrevocable letter of credit, in an approved format.

The owner must also enter into a servicing agreement in a form provided by the City prior to issuance of this permit.

### 8. Administration Charge

An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as (3% of Total Off-Site Construction Cost plus HST) in the amount of **\$1,292.48** (\$1,154.00 + 138.48 HST)

Steve Muenz, P. Eng.  
Development Engineering Manager

JF/jf

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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** August 20, 2012  
**File No.:** DVP12-0116

**To:** Land Use Management Department (AW)

**From:** Development Engineering Manager (SM) (REVISED DRAWING)

**Subject:** Proposed Commercial Development

598 Sutherland Avenue

Lot A Plan 1239

16 Unit Apartment

FILE COPY

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Development Engineering has the following comments and requirements associated with this application.

1. General

Development Engineering servicing and frontage improvement requirements were addressed under File DP12-0115.

2. Site related Issues

- (a) A Development Variance Permit to vary site coverage, and a variance for the east setback, do not compromise our servicing requirements.
- (b) The request to vary the parking requirements from 23 stalls required to the 21 stalls proposed is supported by Development Engineering provided that the proposed parking stalls meet the bylaw requirements.
- (c) It is recommended that the area shown as stall No 3 be reserved for turning movements.



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Steve Muenz, P. Eng.  
Development Engineering Manager

JF/jf



# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

☐ Development Permit No.:

DP12-0115 & DVP12-0116

EXISTING ZONING DESIGNATION:

RM5 – Medium Density Multiple Housing

WITHIN DEVELOPMENT PERMIT AREA:  
DEVELOPMENT VARIANCE PERMIT:

Revitalization Development Permit Area

To vary the maximum site coverage from 60% permitted to 65% proposed for buildings, parking areas and driveways.

To vary the minimum side yard setback for a portion of a building over 2 ½ storeys from 7.5m to 6.59m.

To vary the required parking stalls from 23 required to 20 proposed.

ISSUED TO: Vant Construction Ltd.

LOCATION OF SUBJECT SITE: 598 Sutherland Avenue

	LOT	DISTRICT LOT	TWP	DISTRICT	PLAN
LEGAL DESCRIPTION:	Parcel A (Being a consolidation of Lots 1 and 2, See LB403940)	12		ODYD	1239

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

#### Section 13.11.6 (b) Development Regulations – Site Coverage:

To vary the maximum site coverage from 60% permitted to 65% proposed for buildings, parking areas and driveways.

Section 13.11.6 (e) Development Regulations – Side Yard Setback:

To vary the minimum side yard setback for a portion of a building over 2 ½ storeys from 7.5m to 6.59m.

Table 8.1 Parking Schedule

To vary the required parking stalls from 23 required to 20 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 \$ \$17,793.00.

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.

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 18<sup>th</sup> DAY OF SEPTEMBER, 2012

ISSUED BY THE LAND USE MANAGEMENT DEPARTMENT OF THE CITY OF KELOWNA THE \_\_\_\_\_ DAY OF SEPTEMBER, 2012 BY THE DIRECTOR OF LAND USE MANAGEMENT.

\_\_\_\_\_  
Shelley Gambacort  
Director of Land Use Management