

**City of Kelowna
Regular Council Meeting
AGENDA**



Tuesday, March 18, 2014
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order
2. Prayer

A Prayer was offered by Councillor Singh.
3. Confirmation of Minutes 1 - 7

Public Hearing - March 4, 2014
Regular Meeting - March 4, 2014
4. Bylaws Considered at Public Hearing
 - 4.1 Bylaw No. 10917 (TA14-0002) - City of Kelowna Medical Marihuana Production Facilities - Industrial Zones 8 - 8

To give Bylaw No. 10917 second and third readings in order to amend City of Kelowna Zoning Bylaw No. 8000 with respect to Medical Marihuana Production Facilities in certain Industrial Zones.
 - 4.2 Bylaw No. 10919 (TA14-0003) - City of Kelowna Medical Marihuana Production Facilities in Agriculture 1 Zones 9 - 9

To give Bylaw No. 10919 second and third readings in order to amend City of Kelowna Zoning Bylaw No. 8000 with respect to Medical Marihuana Production Facilities in Agriculture 1 Zones.
5. Notification of Meeting

The City Clerk will provide information as to how the following items on the Agenda were publicized.
6. Liquor License Application Reports
 - 6.1 Liquor License Application No. LL13-0013 - 1125 Richter Street, Canrim Packaging Ltd. (Calona Wines) 10 - 19

City Clerk to state for the record any correspondence received. Mayor to

invite anyone in the public gallery who deems themselves affected by the liquor license application to come forward.

This application seeks Council support to add a Special Event Area Endorsement to the existing winery Liquor Licenses for Calona Wines.

7. Development Permit and Development Variance Permit Reports

- 7.1 Development Variance Permit Application DVP14-0002 - 815 Burne Avenue, Daljit Dhani 20 - 32

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

To vary the maximum permitted height for a carriage house from 4.5 m permitted to 4.58 m proposed to facilitate the construction of a carriage house in the rear yard of the existing single family dwelling.

- 7.2 Development Permit Application No. DP13-0195 and Development Variance Permit No. DVP13-0196 - 2105 Benvoulin Court, National Society of Hope 33 - 58

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

To consider a Development Permit for the form and character of the proposed 125 unit seniors rental housing project. To consider a Development Variance Permit to allow (a) 5.0 storey building where 4.5 storeys is permitted; and (b) 117 parking stalls where 162 are required.

8. Reminders

9. Termination



City of Kelowna Public Hearing Minutes

Date: Tuesday, March 4, 2014
 Location: Council Chamber
 City Hall, 1435 Water Street

Council Members Present: Mayor Walter Gray and Councillors Colin Basran, Andre Blanleil, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and Gerry Zimmermann

Council Members Absent: Councillor Maxine DeHart

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Manager, Subdivision, Agriculture & Environment, Todd Cashin; Manager, Urban Planning, Ryan Smith; Council Recording Secretary, Sandi Horning and Council Recording Secretary, Tania Tishenko

(*denotes partial attendance)

1. Call to Order

Mayor Gray called the Hearing to order at 6:00 p.m.

Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "*Kelowna 2030 - Official Community Plan Bylaw No. 10500*" and Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

2. Notification of Meeting

The City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board of City Hall on February 18, 2014 and by being placed in the Kelowna Capital News issues of February 21, 2014 and February 24, 2014, and by sending out or otherwise delivering 3,075 letters to the owners and occupiers of surrounding properties between February 18, 2014 and February 21, 2014. The correspondence and/or petitions received in

response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

3. Individual Bylaw Submissions

3.1. Bylaw No. 10914 (OCP13-0020) & Bylaw No. 10915 (Z13-0043) - 1055 Frost Road, No. 21 Great Projects Ltd. & City of Kelowna

Staff:

- Displayed a PowerPoint presentation summarizing the application before Council.

The City Clerk advised that the following correspondence and/or petitions had been received:

- Letters of Opposition:
 - Rami Hakam & Anna-Marie Bergen
 - Justin & Jennifer Pont

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Crystal Lloyd No. 21 Great Projects Ltd, Applicant

- Provided an overview of the project.

David Miller, Vernon Resident

- Self described "Black swan from the wilderness with a dire warning of converging catastrophes brought on by peak oil"
- Encourages the City to take above into consideration when drafting plans and considering bylaws.

3.2. Bylaw No. 10916 (Z14-0003) - 4377 Gordon Drive, Richard & Michelle Kooistra

Staff:

- Displayed a PowerPoint presentation summarizing the application before Council and responded to questions from Council.

The City Clerk advised that the following correspondence and/or petitions had been received:

- Letter of Opposition
 - Jon & Joan Rounq

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

4. Termination

The Hearing was declared terminated at 6:24 p.m.

Mayor

Heather Lewis

City Clerk

/tt

DRAFT



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, March 4, 2014
Location: Council Chamber
City Hall, 1435 Water Street

Council Members Present: Mayor Walter Gray and Councillors Colin Basran, Andre Blanleil, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and Gerry Zimmermann

Council Members Absent: Councillor Maxine DeHart

Staff Present: City Manager, Ron Mattiusi; City Clerk, Stephen Fleming; Manager, Subdivision, Agriculture & Environment, Todd Cashin*; Manager, Urban Planning, Ryan Smith; Council Recording Secretary, Sandi Horning and Council Recording Secretary Tania Tishenko

(* denotes partial attendance)

1. Call to Order

Mayor Gray called the meeting to order at 6:24 pm.

2. Prayer

A Prayer was offered by Councillor Hobson.

3. Confirmation of Minutes

Moved By Councillor Hobson/Seconded By Councillor Basran

R141/14/03/04 THAT the Minutes of the Public Hearing and Regular Meeting of February 18, 2014 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1. Bylaw No. 10914 (OCP13-0020) - 1055 Frost Road, No. 21 Great Projects Ltd. & City of Kelowna

Moved By Councillor Blanleil/Seconded By Councillor Basran

R142/14/03/04 THAT Bylaw No. 10914 be read a second and third time.

Carried

4.2. Bylaw No. 10915 (Z13-0043) - 1055 Frost Road, No. 21 Great Projects Ltd. & City of Kelowna

Moved By Councillor Zimmermann/Seconded By Councillor Given

R143/14/03/04 THAT Bylaw No. 10915 be read a second and third time.

Carried

4.3. Bylaw No. 10916 (Z14-0003) - 4377 Gordon Drive, Richard & Michelle Kooistra

Moved By Councillor Given/Seconded By Councillor Zimmermann

R144/14/03/04 THAT Bylaw No. 10916 be read a second and third time.

Carried

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of the Development Variance Permit was given by sending out or otherwise delivering 662 letters to the owners and occupiers of the surrounding properties between February 18, 2014 and February 21, 2014.

The correspondence and/or petitions received in response to advertising for the applications on tonight's Agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

6. Development Permit and Development Variance Permit Reports

6.1. Development Variance Permit Application No. DVP14-0006, 2759 Highway 97, Lunelli Enterprises Ltd.

Staff:

- Displayed a PowerPoint Presentation summarizing the application before Council.

The City Clerk advised that no correspondence and/or petitions had been received:

Mayor Gray invited the applicant or anyone in the public gallery who deemed to come forward, followed by comments from Council. The applicant was not present. No one came forward.

Moved By Councillor Hobson/Seconded By Councillor Zimmermann

R145/14/03/04 THAT Council authorize the issuance of Development Variance Permit No. DVP14-0006, for Lot A, District Lot 124, ODYD, Plan 10824 Except Plans H8110 & EPP29923, located on 2757 Hwy 97, Kelowna, BC;

AND THAT a variance to the following section of the Sign Bylaw No. 8235 be granted:

Section 5.6.1 - Frees-standing signs shall not be located closer than 1.5 metres to any lot line: To vary the setback distance from a lot line to a free-standing from 1.5 metres to 0.145 metres.

Carried

7. Reminders

Mayor Gray:

- Noted that the City of Kelowna received a "2014 Lucky Loonie Plaque" from the Royal Canadian Mint in honor of Kelowna's hometown athlete and 2014 Winter Olympic Silver Medal Winner Kelsey Serwa.

8. Termination

The meeting was declared terminated at 6:33pm.

Mayor
/tt


City Clerk

CITY OF KELOWNA

BYLAW NO. 10917

TA14-0002 - City of Kelowna

Medical Marihuana Production Facilities - Industrial Zones

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Zoning Bylaw No. 8000 be amended as follows:

1. THAT **Section 2 - Interpretation, 2.3.3** be amended by adding in its appropriate location the definition for **Medical Marihuana Production Facility** that reads:

“**MEDICAL MARIHUANA PRODUCTION FACILITY** means a facility for the producing, processing, selling, providing, shipping, delivering, and destroying of marihuana and must be licenced under the Health Canada Marihuana for Medical Purposes Regulations (SOR/2013-119).”
2. AND THAT **Section 15 - Industrial Zones, 15.2 I2-General Industrial, 15.2.2 Principal Uses** be amended by adding in its appropriate location a new sub-paragraph for **Medical Marihuana Production Facilities** and renumber subsequent sub-paragraphs;
3. AND THAT **Section 15 - Industrial Zones, 15.3 I3-Heavy Industrial, 15.3.2 Principal Uses** be amended by adding in its appropriate location a new sub-paragraph for **Medical Marihuana Production Facilities** and renumber subsequent sub-paragraphs;
4. AND THAT **Section 15 - Industrial Zones, 15.4 I4-Central Industrial, 15.4.2 Principal Uses** be amended by adding in its appropriate location a new sub-paragraph for **Medical Marihuana Production Facilities** and renumber subsequent sub-paragraphs;
5. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 24th day of February, 2014.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 10919
TA14-0003 - City of Kelowna
Medical Marihuana Production Facilities in Agriculture 1
Zones

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Zoning Bylaw No. 8000 be amended as follows:

1. THAT Section 2 - Interpretation, 2.3.3 be amended by deleting the definition for **AGRICULTURE** in its entirety that reads:

“AGRICULTURE means development or use for the primary production of farm products such as dairy products, poultry products, cattle, hogs, sheep or other animals, wheat or other grains, and vegetables, orchards or other field crops. This use is limited to one dwelling, and the processing and marketing of the products of the farm and those off-farm products permitted by the Land Reserve Commission.”

And replace with the following:

“AGRICULTURE means development or use for the primary production of farm products such as dairy products, poultry products, cattle, hogs, sheep or other animals, wheat or other grains, and vegetables, orchards or other field crops but shall exclude a Medical Marihuana Production Facility. This use is limited to one dwelling, and the processing and marketing of the products of the farm and those off-farm products permitted by the Land Reserve Commission.”

2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 24th day of February, 2014.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

midnight, Sunday to Saturday.

- e) Traffic, noise, parking and zoning: There is minimal increase in traffic or parking associated with this application. The parking provided on site meets zoning bylaw regulations for the proposed use. The use is permitted under the current I4 - Central Industrial zone.
- f) The impact on the community if the application is approved: is not anticipated to be major, as the proposed development is expected to add more options for wine tour/tasting to the downtown area, and is expected to benefit other downtown tourist related businesses. Surrounding social or recreational facilities will not conflict with the proposed establishment.
- g) Recommendation:
Council recommends that the application for a Special Event Areas Endorsement be approved for a total 110 person capacity.

2.0 Purpose

This application seeks Council support to add a Special Event Area Endorsement to the existing winery Liquor Licenses for Calona Wines.

3.0 Urban Planning Department

The Calona Wines facility is going through a major renovation of their existing operation located on the subject property. The proposed Special Event Area endorsement will allow the venue to hold catered events, as well as to allow flexibility in wine tastings locations within their operation.

This endorsement is not perceived to have negative effects on the surrounding area given the industrial location, and would direct activity to this area of the Downtown. Potential impact on the surrounding community is considered minimal.

In consideration of the above, the Urban Planning Department recommends support for the proposed license endorsement. Discussion on the LCLB's regulatory criteria for Local Government comment on liquor license endorsement applications is as contained within staff's recommendation at the beginning of this report.

4.0 Proposal

4.1 Background

Calona Wines recently received a Development Permit (DP13-0142) to authorize exterior building renovations to facilitate a new winery retail store and tasting room adjacent to the northwest corner of Richter Street and Vaughan Avenue.

4.2 Project Description

An application for a Special Event Area endorsement has been forwarded by the licensee to the Provincial Liquor Control and Licensing Board (LCLB) for their approval. Procedurally, Special Event Area endorsement requires local government comment prior to the LCLB making final decision.

As part of the recently issued Development Permit, the applicant included an area to accommodate a new winery retail store and tasting room. This newly created area was planned to also accommodate visitors wishing to learn about the production process, as well as taste and purchase winery products.

The requested endorsement will allow daily wine tasting with guests as well as ongoing tastings in a variety of locations, including the barrel cellar. The applicant also proposes to offer events that involve occasional catered meal services for lunch or dinner which may include wine service by the glass. As part of these events, these catered functions may also include culinary guests along with the possibility of live entertainment.

Existing License Summary	Details
Manufacturers Manufacturers Agent On Site Agent	As a licensed winery
Proposed Endorsement	Retail area - 110 persons Barrel room - 79 persons <u>Viewing area - 18 persons</u> Any combination of rooms cannot exceed 110 persons (washroom fixtures) <i>Special Event Area Entertainment*</i>

***Proposed**

Proposed Hours of Sale:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM
Close	12:00 midnight	12:00 midnight	12:00 midnight	12:00 midnight	12:00 midnight	12:00 midnight	12:00 midnight

4.3 Site Context

The subject site is located in Kelowna’s central industrial area, immediately east of the Downtown Urban Centre area across Richter Street. The property is comprised of a 2.5 ha parcel with an extensive winery operation (Calona Wines) and related buildings. The portion of the property proposed to be renovated and improved is located at the southwest corner of the site, at the northeast corner of Richter Street and Vaughan Avenue. The surrounding area is largely characterized by traditional industrial development.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I2 - General Industrial	Industrial
East	I4 - Central Industrial	Industrial
South	I4 - Central Industrial	Industrial
West	I4 - Central Industrial	Industrial

Subject Property Map:



5.0 Existing Policies

5.1 Council Policy #359 - Liquor Licensing Policy & Procedures.

Council Policy #359 includes procedures for Special Event Area Endorsements. The applicant met the spirit of these requirements.

6.0 Technical Comments

6.1 Building & Permitting Department

No Comments received

6.2 Bylaw Services

No Concerns

6.3 Fire Department

No Concerns

6.4 Interior Health Authority

No Comments received

6.5 RCMP

The RCMP have no concerns regarding the applicant's request to obtain a Special Event Areas Endorsement.

7.0 Application Chronology

Date of Application Received: November 5, 2013

Report prepared by:

Paul McVey, Urban Planner

Reviewed by:

Ryan Smith, Manager, Urban Planning

Approved for Inclusion

Doug Gilchrist, Divisional Director, Community Planning and Real Estate

Attachments:

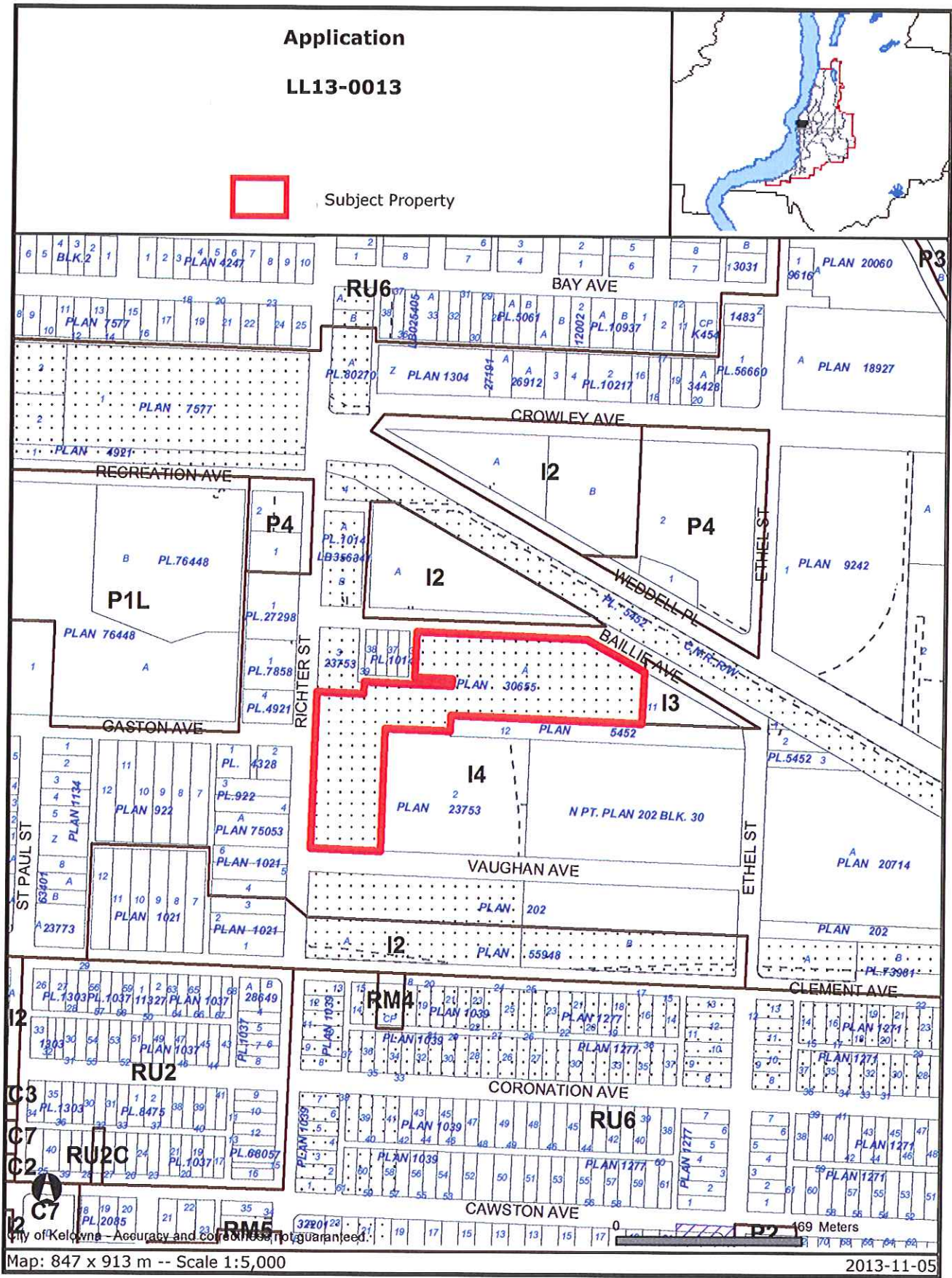
Subject Property Map

Site Plan

Provisional Internal Floor Plan (Occupancy Load)

Map of nearby businesses/public facilities

Rationale letter



City of Kelowna - Accuracy and correctness not guaranteed.

Map: 847 x 913 m -- Scale 1:5,000

2013-11-05

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.

Manufacturer Lounge and/or Special Event Areas Endorsement
Licence Application

Part 5: Letter of Intent

1. Purpose

The purpose of this endorsement is to allow daily wine tastings with guests as well as ongoing tastings in a variety of locations, including the barrel cellar. As well, we would like to offer events that involve occasional catered meal services for lunch or dinner and includes wine service by the glass. Lastly, these catered functions would feature culinary guests along with the possibility of live entertainment.

4. Street Map of Surrounding Area

The boundaries in which we chose includes businesses and housing within the area of our property. Since we are located in the industrial part of downtown, we did not include any areas that involved open spaces.

5. Benefits to the Community

Special events that we are able to hold will support and encourage tourism to our facility and the downtown area. Also, events that we have will help in the revitalization of the area.

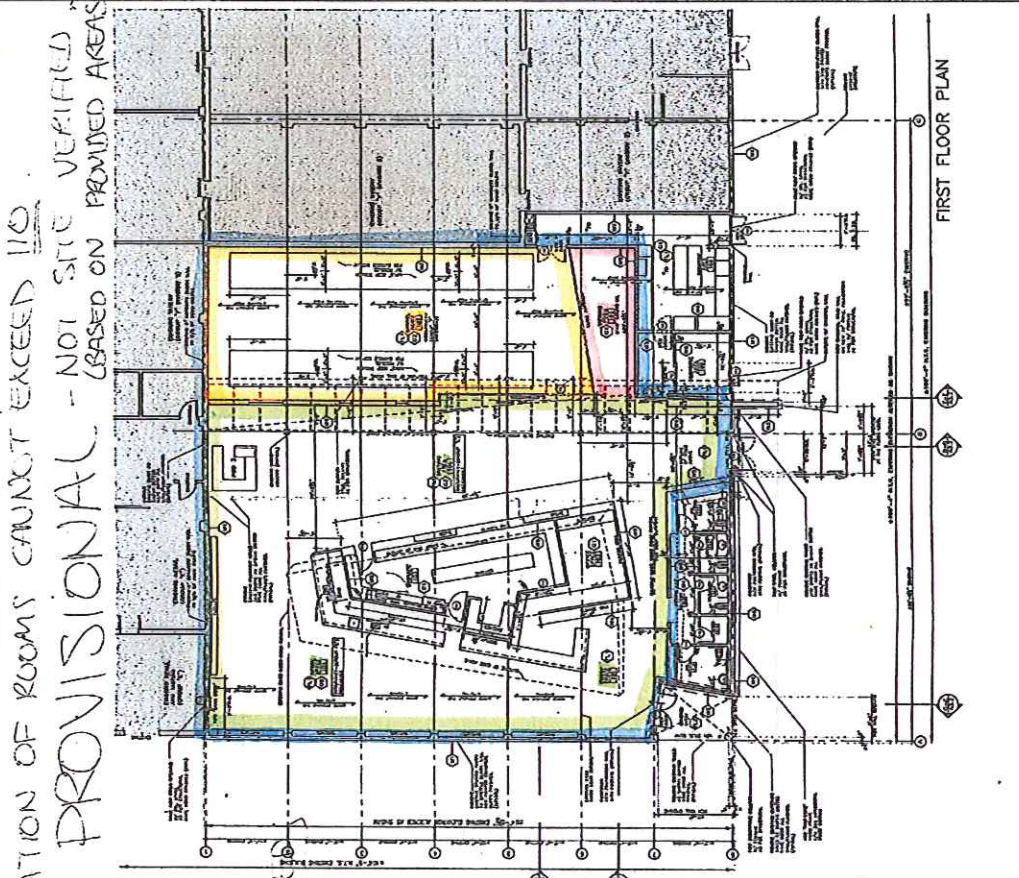
6. Impact of Noise on the Surrounding Community

There will be no noise impact on the surrounding area as there is no outdoor area. There will be no music amplified above the bylaws that are currently in place. Outdoor lighting and cameras will be installed for security purposes. Also, the increase in traffic should not create additional noise to the area.

7. Other Impacts on the Surrounding Community

Encouraging more traffic to our area will benefit local businesses along the same street. Also, the influx of tourists/guests, will benefit the downtown area as well as the city of Kelowna.

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<p>GREEN WEIS ARCHITECT</p> <p>SANDHILL ESTATE WINERY</p> <p>1150 BOWEN STREET</p> <p>ALBANY, CA 94706</p> <p>PHONE: (925) 781-1111</p> <p>FAX: (925) 781-1112</p> <p>WWW.GREENWEISARCHITECT.COM</p>																																																																																														
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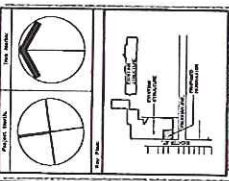
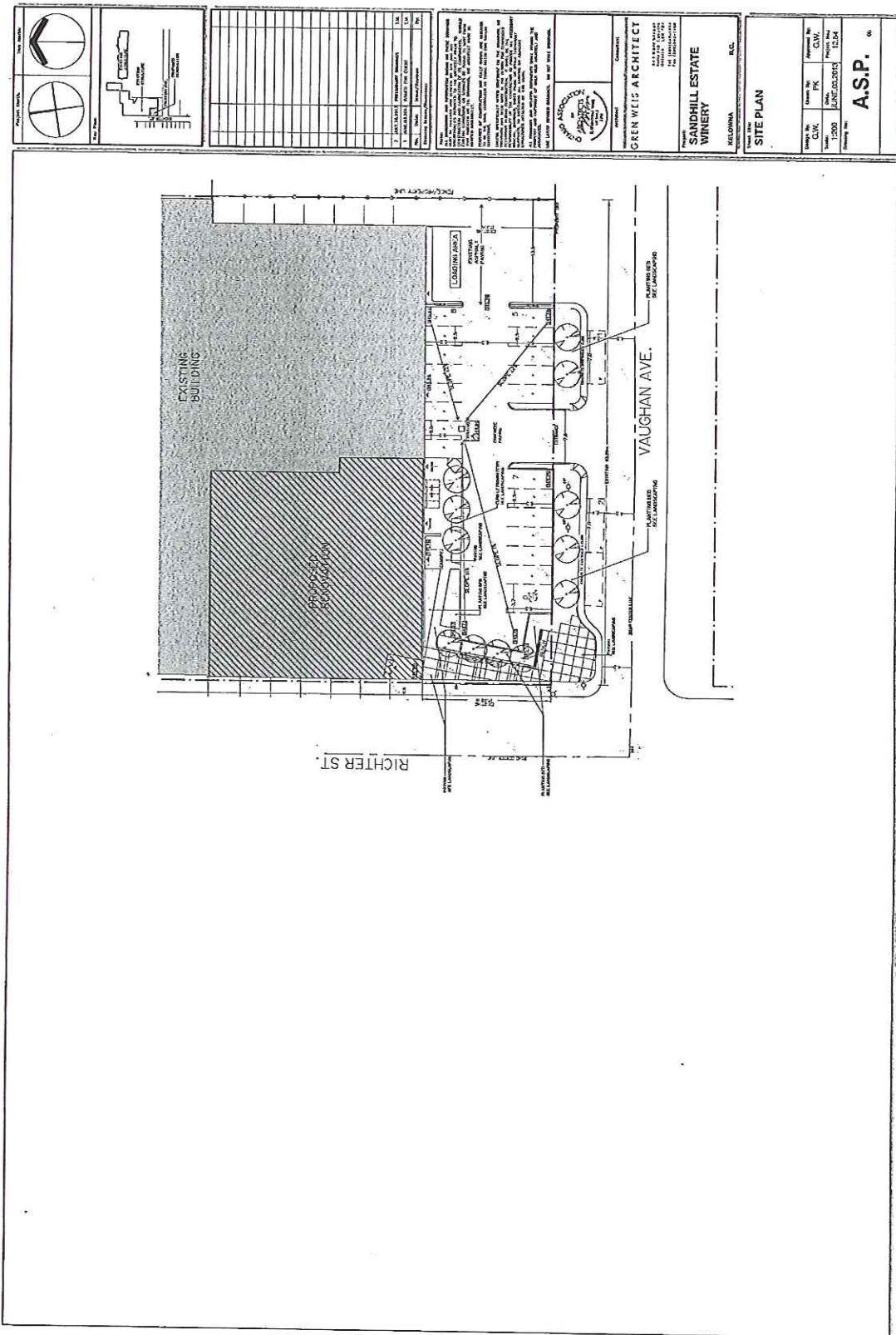
GRAND - ANY COMBINATION OF ROOMS CANNOT EXCEED 110 TOTAL (RETAIL/VIEWING/WARE).
 The maximum occupant load shall be 400 persons, based on 1.2 m²/person.

SPECIFIC ROOMS CANNOT EXCEED
 The RETAIL SPACE has a net floor area of 3228 m². The maximum occupant load shall be 110 persons, based on 1.2 m²/person.

The BARREL ROOM has a net floor area of 719 m². The maximum occupant load shall be 19 persons, based on 1.2 m²/person.

The VIEWING ROOM has a net floor area of 720 m². The maximum occupant load shall be 18 persons, based on 1.2 m²/person.

Revised 10/10/13

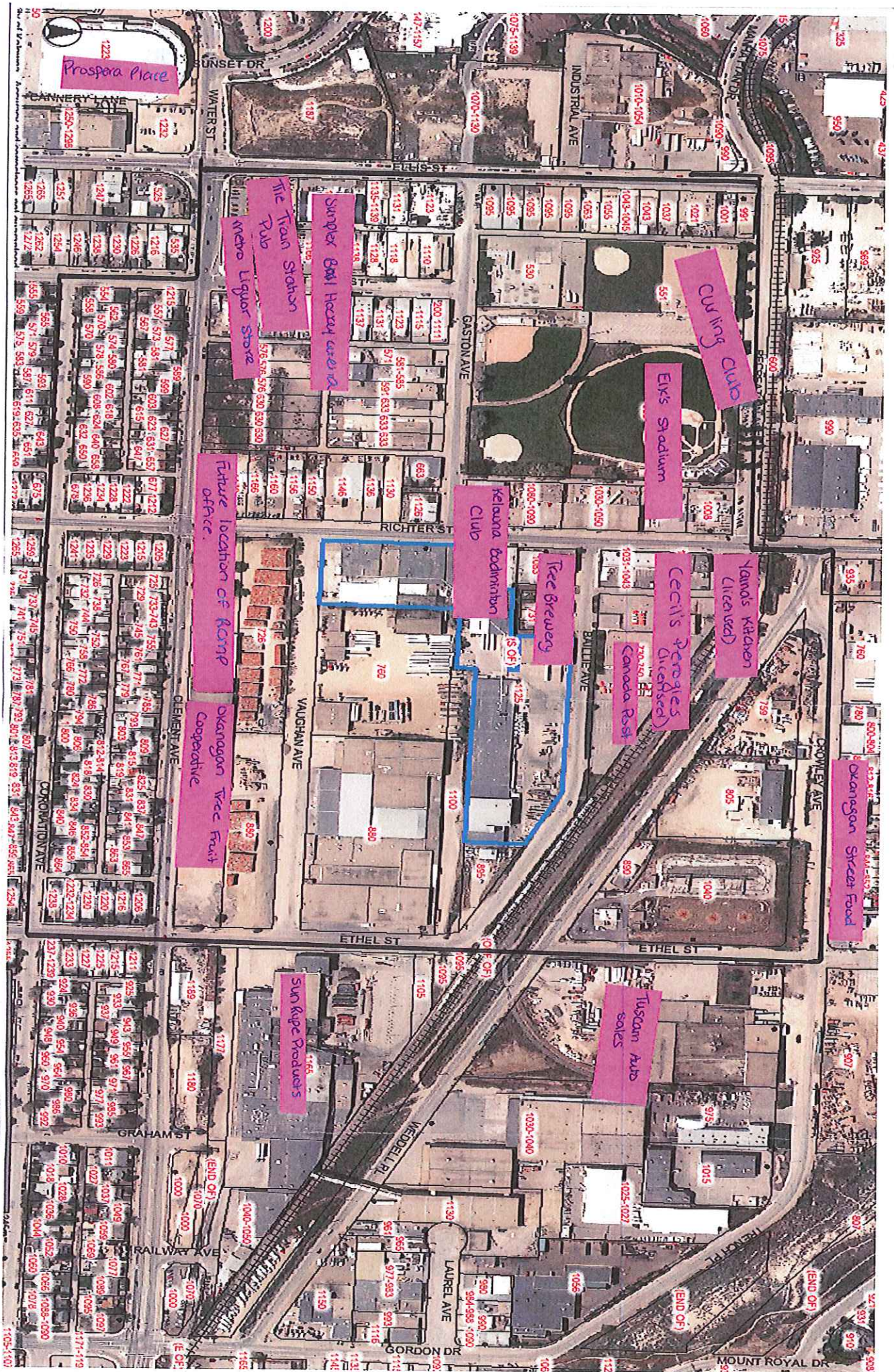


NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY PLAN	12/15/00	AW
2	REVISED RENOVATION PLAN	12/15/00	AW
3	FINAL PLAN	12/15/00	AW

PROFESSIONAL ARCHITECT
CREN WEIS ARCHITECT
 143 BAY ST. S.
 SUITE 100
 WILLOWDALE, ONT. M2H 3B4
 TEL: (416) 491-1111
 FAX: (416) 491-1112
 WWW.CRENWEISARCHITECT.COM

SANDHILL ESTATE WINERY
 143 BAY ST. S.
 SUITE 100
 WILLOWDALE, ONT. M2H 3B4
 TEL: (416) 491-1111
 FAX: (416) 491-1112
 WWW.CRENWEISARCHITECT.COM

SITE PLAN	
Project No.	AW-00-001
Client	PK
Scale	1:1000
Sheet No.	12.04
Project Name	SANDHILL ESTATE WINERY
Architect	AW
City	WILLOWDALE
Province	ON
Country	CAN
Project No.	AW-00-001
Sheet No.	12.04
Project Name	SANDHILL ESTATE WINERY
Architect	AW
City	WILLOWDALE
Province	ON
Country	CAN



Prospera Place

The Pub
Metro Liquor Store

Simplex Ball Hockey arena

curling club

Eiks Stadium

Keliana Badminton Club

rice Brewery

Cecil's Petros (licensed)

Yanis Kitchen (licensed)

Canada Post

Future location of Romp ofice.

Okanagan Trac Farm cooperative

Okanagan Street Food

Tuscan Auto sales

SunRape Products

REPORT TO COUNCIL



Date: March 18, 2014
RIM No. 0940-50
To: City Manager
From: Urban Planning, Community Planning & Real Estate (AR)
Application: DVP14-0002 **Owners:** Daljit Dhami
Baksho Dhami
Address: 815 Burne Avenue **Applicant:** Daljit Dhami
Subject: Development Variance Permit
Existing OCP Designation: S2RES - Single/Two Unit Residential
PARK - Major Park/Open Space (Public)
Existing Zone: RU6 - Two Dwelling Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0002 for Lot 75, Section 19, Township 26, ODYD, Plan 700, located at 815 Burne Avenue, Kelowna, BC;

AND FURTHER THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 13.6.6(b) - RU6 Zone Development Regulations

To vary the maximum height for accessory buildings from 4.5 m permitted to 4.58 m proposed, as per Schedule 'A';

Section 9.5b.1(d) - Carriage House Regulations

To vary the maximum permitted height for a carriage house from the lesser of 4.5 m or the height of the existing principal dwelling unit to 4.58 m proposed, as per Schedule 'A'.

2.0 Purpose

To vary the maximum permitted height for a carriage house from 4.5 m permitted to 4.58 m proposed to facilitate the construction of a carriage house in the rear yard of the existing single family dwelling.

3.0 Urban Planning Department

Urban Planning staff is supportive of the proposed variances to the Zoning Bylaw to accommodate the modest additional height of 0.08 m for a proposed carriage house of 4.58 m. Measured to the mid-point of roof slope, the proposed carriage house would be only slightly higher than the existing single family dwelling on the subject site by 0.03 m.

The proposed carriage house conforms in all other respects to the required zoning. There will be adequate private outdoor space provided for both the principal dwelling and the carriage house on site, as well as sufficient on-site parking. The carriage house is of an attractive design and will complement the existing single family dwelling. Given the aforementioned, it is not anticipated to create an appreciably greater impact for adjacent properties.

Given the minor nature of the proposed variance, staff has made several attempts to contact the designer to see whether minor amendments to the design could be made to achieve zoning compliance, but have been unable to make progress in this regard.

In accordance with Council Policy 367 - Public Notification & Consultation for Development Applications, the applicant has undertaken efforts to contact neighbouring properties within 50 m of the subject site of the proposed Development Variance Permit application. To date, the file manager has not been contacted with any questions or concerns regarding the subject applications.

4.0 Proposal

4.1 Project Description

The applicant is proposing to construct a 1½ storey carriage house of 72 m² at the rear of the subject property, with a one car garage and living space on the main level, and two bedrooms and full bathroom in the half storey. The application proposes variances to Zoning Bylaw 8000 to permit an increase in maximum building height from 4.5 m permitted to 4.58 m proposed, a difference of 0.08 m. The building height of the proposed carriage house will be modestly higher (at 0.03 m) than the existing principal dwelling on site (as measured to the midpoint of the roof slope).

As currently proposed, both units will have access to sufficient private outdoor space (min. 30 m² each). Additionally, adequate parking for the two dwellings will be provided on site with 3 parking spaces (one of which provided in carriage house garage).

Should Council support the proposed variances for building height, a Development Permit would be required to assess the proposed form and character of the carriage house, and would be executed at the staff level.

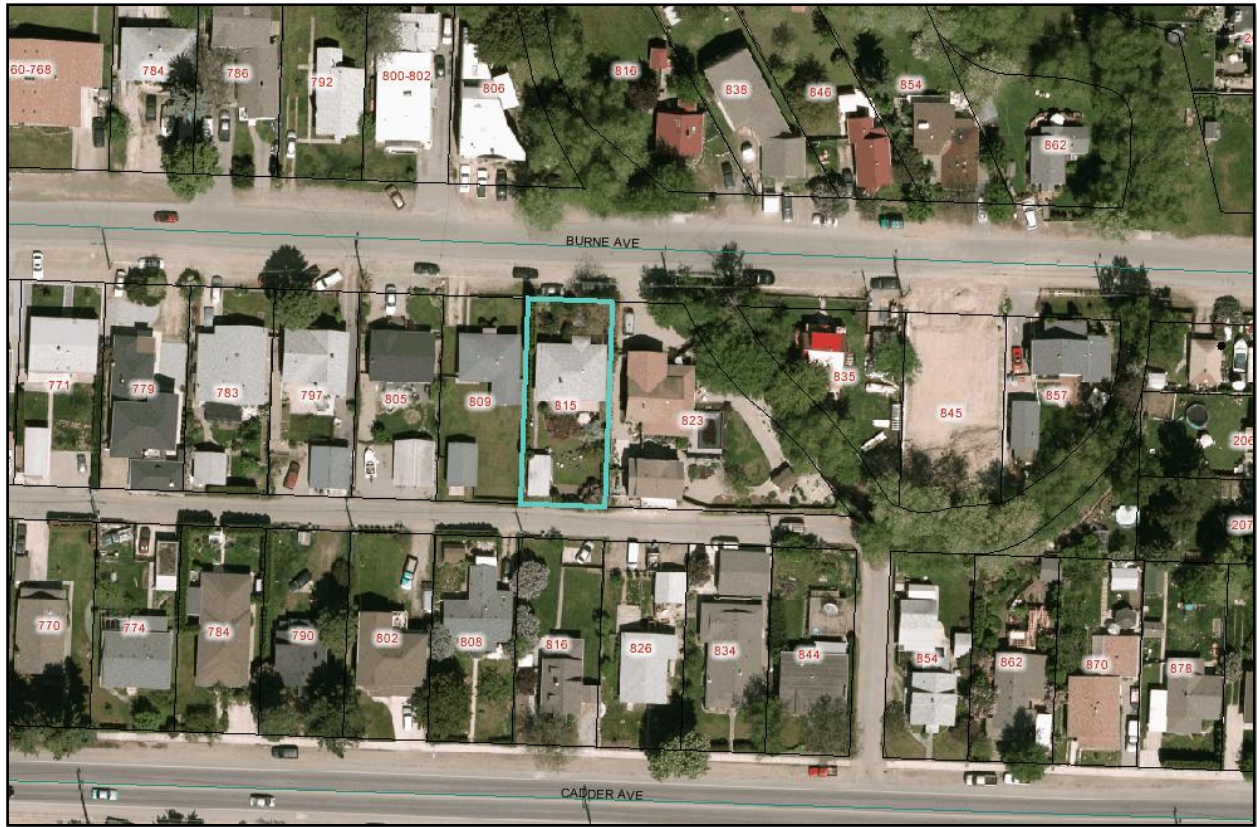
4.2 Site Context

The subject property is located on the south side of Burne Avenue, approximately mid-block between Richter Street and Ethel Street. The site and the surrounding area is presently zoned RU6 - Two Dwelling Housing. The neighbourhood is largely characterized by established, modest single family houses, many with existing carriage house development, including the east adjacent neighbouring property. Mill Creek is located nearby (to the north and to the east) and is designated as future Park. Across Burne Avenue and west of Mill Creek, the subject property is bordered by MRL - Multiple Unit Residential (Low Density) land use designation.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 - Two Dwelling Housing	Single Family Housing & Mill Creek
East	RU6 - Two Dwelling Housing	Single Family Housing (with Carriage House)
South	RU6 - Two Dwelling Housing	Single Family Housing
West	RU6 - Two Dwelling Housing	Single Family Housing

Subject Property Map: 815 Burne Avenue



4.3 Zoning Analysis Table

The proposed application meets the requirements of RU6 - Two Dwelling Housing zone as follows:

Zoning Analysis Table		
CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Existing Lot/Subdivision Regulations		
Lot Area	566.92 m ²	400 m ²
Lot Width	15.24 m	13 m
Lot Depth	37.20 m	30 m
Development Regulations		
Site Coverage (buildings)	32%	40%
Site Coverage (buildings/parking)	40%	50%
Carriage House (with Principal Dwelling at the front of the site)		
Height	1½ storeys / 4.58 m ①	1½ storeys / 4.5 m
Distance from Principal Dwelling	Approx. 6.36 m	4.5 m
Side Yard (West)	2.0 m	2.0 m (1 - 1½ storey)
Side Yard (East)	5.1 m	2.0 m (1 - 1½ storey)
Rear Yard	4.2 m	1.5 m
Lot coverage of accessory building	71.7 m ² / 12.6%	May not exceed 14% or 90m ²

Zoning Analysis Table (cont.)		
CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Other Requirements		
Floor Area Ratio	Principal dwelling: 188 m ² Carriage House: 71.7 m ² 38 %	May not exceed the lesser of 90 m ² or 75%
Parking Stalls (#)	3 spaces	3 spaces
Private Open Space	Meets Requirements	30 m ² per dwelling
① To vary maximum permitted height of a carriage house from 4.5 m permitted to 4.58 m proposed.		

5.0 Technical Comments

5.1 Building & Permitting Department

1. Development Cost Charges (DCCs) are required to be paid prior to issuance of any Building Permits;
2. Operable bedroom windows required as per the 2012 edition of the British Columbia Building Code (BCBC 12);
3. Full Plan check for Building Code related issues will be done at time of Building Permit applications.

5.2 Development Engineering Department

See attached Development Engineering Memorandum, dated January 28, 2014.

5.3 Fire Department

1. Requirements of section 9.10.19 Smoke Alarms of the BCBC 2012 are to be met.
2. If a fence is ever constructed between the dwellings a gate with a clear width of 1100mm is required. Any gate is to open without special knowledge.
3. Additional visible address is required from Burne Ave.
4. Emergency access is from the main roadway and not the lane.

5.4 Shaw Cable

Owner / developer to supply and install an underground conduit system per Shaw Cable drawings and specifications.

5.5 Fortis BC (Electric)

No comments received.

5.6 Fortis BC (Gas)

No comments received.

5.7 Telus

No concerns.

6.0 Application Chronology

Date of Application Received: January 7, 2014

Summary of Public Consultation Received: February 14, 2014

Report prepared by:

Abigail Riley, Planner II
Urban Planning Department

Reviewed by:

Ryan Smith, Manager, Urban Planning

Approved for Inclusion:

Doug Gilchrist, Divisional Director, Community Planning &
Real Estate

Attachments:

Subject Property Map

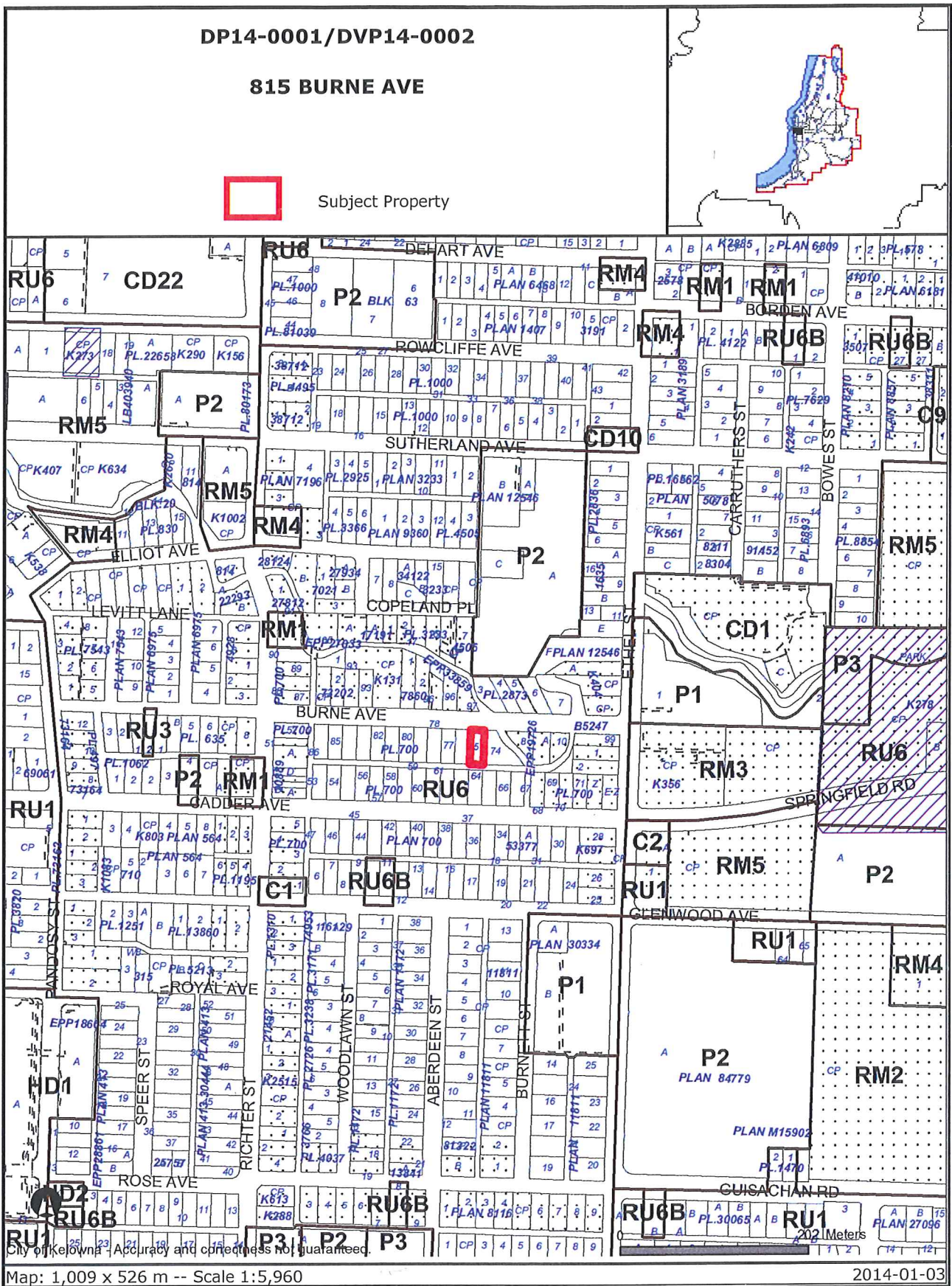
Building Elevations

Site/Floor Plan

Context/Site Photos

Development Engineering Memorandum, dated January 28, 2014

Draft Development Variance Permit



City of Kelowna Accuracy and correctness not guaranteed.

Map: 1,009 x 526 m -- Scale 1:5,960

2014-01-03

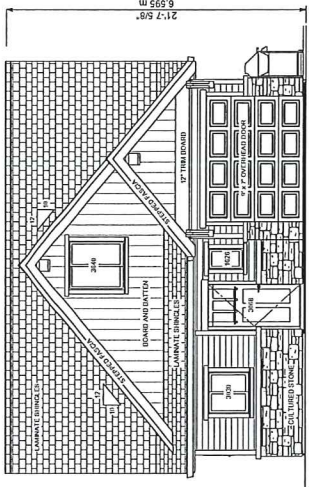
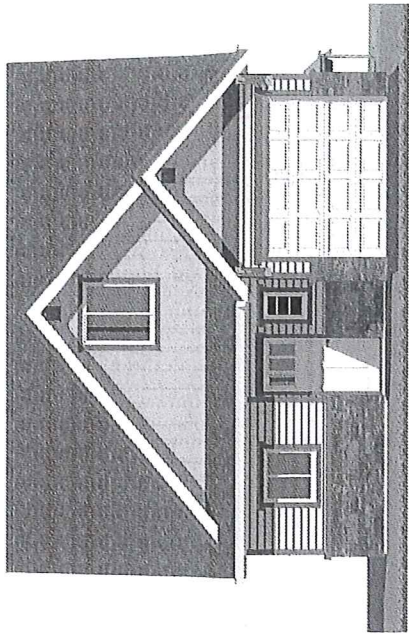
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

1/3
SHEET NUMBER

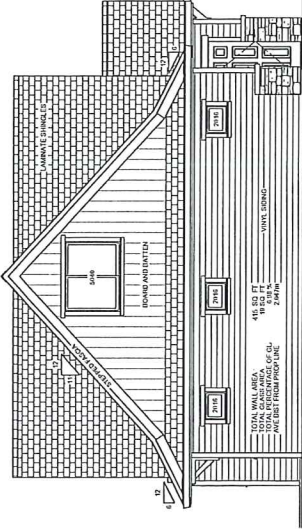
SCALE: 1/4" = 1'
DATE: DEC-09-2013

PROPOSED PROJECT FOR
LOT # 75
815 BURNE AVE

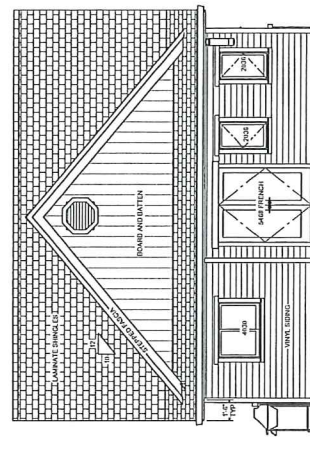
1964 Dayton Street
Kelowna BC V1Y 7W6
Bus: (250) 717-3415
Cell: (250) 258-7819
e-mail: mullinsdrafting@shaw.ca



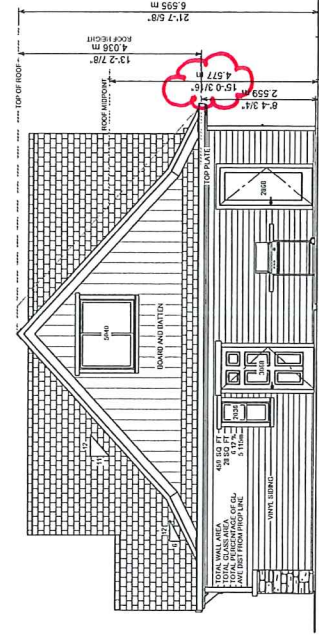
FRONT ELEVATION



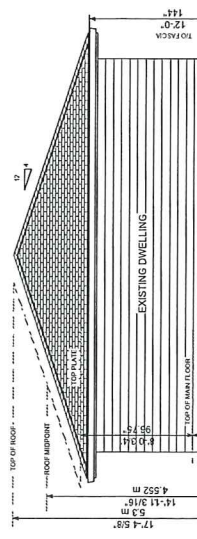
LEFT ELEVATION



REAR ELEVATION



RIGHT ELEVATION



- NOTE**** THIS IS AN EXISTING DWELLING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
- NOTE**** PROVIDE PROPER SLOPE TO ALLOW DRAINAGE AND WATER RUNOFF.
- NOTE**** CONTRACTOR TO CONFIRM DIM PRIOR TO CONST.
- GENERAL NOTES**
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT EDITION OF THE B.C. BUILDING CODE AND ALL LOCAL LAWS AND BYLAWS.
 2. BEFORE CONSTRUCTION COMMENCES IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS.
 3. IT IS THE RESPONSIBILITY OF THE CONTRACTOR FOR THE CORRECT PLACEMENT AND DIMENSIONS OF ALL WORK.
 4. MATERIALS SPECIFIED HAVE BEEN ASSUMED TO BE AVAILABLE AND ACCURATE. DRAWINGS ARE NOT TO BE USED AS A BASIS FOR OBTAINING A DESIGN. DESIGNER WILL NOT BE LIABLE FOR ANY ERRORS OR OMISSIONS.

SCHEDULE A.
This forms part of development
Permit # **DP 14-0002.**




CITY OF KELOWNA
MEMORANDUM

Date: January 28, 2014
File No.: DVP14-0002
To: Urban Planning (AR)
From: Development Engineering Manager
Subject: 815 Burne Ave

Development Engineering comments and requirements regarding this development permit application are as follows:

This development variance permit application to vary the height from 4.5 to 4.577m does not compromise any municipal services.



Steve Muenz, P. Eng.
Development Engineering Manager

SS

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP14-0002

EXISTING ZONING DESIGNATION: RU6 – Two Dwelling Housing

DEVELOPMENT VARIANCE PERMIT: To vary maximum permitted height of a carriage house from 4.5 m permitted to 4.58 m proposed.

ISSUED TO: Djjit Dhami

LOCATION OF SUBJECT SITE: 815 Burne Avenue

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	75	19		26	ODYD	700

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 Development Permit and/or Development Variance 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:

THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 13.6.6(b) – RU6 Zone Development Regulations

To vary the maximum height for accessory buildings from 4.5 m permitted to 4.58 m proposed, as per Schedule 'A';

Section 9.5b.1(d) – Carriage House Regulations

To vary the maximum permitted height for a carriage house from the lesser of 4.5 m or the height of the existing principal dwelling unit to 4.58 m proposed, as per Schedule 'A'.

2. 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 N/A.

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. 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 Community Planning & Real Estate Services.

Should there be any change in ownership or legal description of the property, I undertake to notify the Urban Planning 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 VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE ___ DAY OF _____ 2014.

ISSUED BY THE COMMUNITY PLANNING & REAL ESTATE DEPARTMENT OF THE CITY OF KELOWNA THE ___ DAY OF _____ 2014 BY THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

Doug Gilchrist
Divisional Director of Community Planning & Real Estate Services

DRAFT

REPORT TO COUNCIL



Date: 3/18/2014
RIM No. 0940-50
To: City Manager
From: Urban Planning Department (AW)
Application: DP13-0195 / DVP13-0196 **Owner:** National Society of Hope
Address: 2105 Benvoulin Court **Applicant:** Patrick McCusker
Architecture Inc.
Subject: Development Permit & Development Variance Permit
Existing OCP Designation: Multiple Unit Residential - Medium Density
Existing Zone: RM5 - Medium Density Multiple Housing

1.0 Recommendation

THAT Council authorize the issuance of Development Permit No. DP13-0195 for Lot C D.L. 128 and 142 ODYD Plan KAP89861, located at 2105 Benvoulin Court, 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;
5. Registration of a plan of subdivision to subdivide the property into legal lots at the Land Titles Office 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. DVP13-0196 for Lot C D.L. 128 and 142 ODYD Plan KAP89861, located at 2105 Benvoulin Court, Kelowna, B.C.;

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

Section 13.11.6(c) - Development Regulations

Vary the height from 4.5 storeys permitted to 5.0 storeys proposed.

Table 8.1 - Parking Schedule

Vary the required parking from 162 stalls required to 117 stalls proposed.

2.0 Purpose

To consider a Development Permit for the form and character of the proposed 125 unit seniors rental housing project. To consider a Development Variance Permit to allow:

- 5.0 storey building where 4.5 storeys is permitted;
- 117 parking stalls where 162 are required;

3.0 Urban Planning

Staff are supportive of the proposal, as it is seen to meet the Official Community Plan (OCP) Design Guidelines and Urban Centre objectives. The subject property is located in the Midtown Urban Centre, within close proximity to the centre's commercial core. Fostering the sensitive integration of a wide variety of housing forms is a strong civic objective and this project will provide an affordable form of seniors housing. Developing these vacant properties will also help to revitalize the area which has been underutilized since the Benvoulin Road realignment.

The form and character of the proposed development, which consists of two 5 storey apartment buildings, will be coordinated with the design of the existing building (Phase I) and will create a comprehensive facility with shared amenities. The reduction in the parking is justifiable for a number of reasons. The housing operator has experience in providing this form of housing and is well aware of the parking demands of the future tenants that typically are not auto dependent, this has been proven with Phase I where a similar parking ratio was approved. Construction of any surplus parking that would go unused is a waste of resources that could be better spent on reducing the housing cost. Furthermore, the location of this facility is within reach of various amenities (e.g. shopping, Mission Park Greenway, medical services etc.) through other modes of transportation (walking, cycling, transit, scooters, etc.). In this case there appears to be good reason to support the parking shortfall (See applicant's attached rationale). The height variance is a reasonable request as the massing actually fits within the allowable 18.0m height profile, but the building has been programmed to include a 5th storey. That said the height and parking ratio variances will not have a negative impact on the project or the neighbourhood.

In summary, this project delivers on many aspects of both land use and urban design that are encouraged for this Urban Centre location. When the project was rezoned in 2009 Staff were aware that future phases would be subject to Development Permit approval and the proposed development is in line with those expectations. Most importantly, the project will provide seniors rental housing in an Urban Centre location in close proximity to transit and amenities. The applicant has consulted with neighbouring properties in accordance with Council Policy No. 367.

4.0 Proposal

4.1 Background

The Phase I Development Permit for a 5 storey apartment building was approved by Council at the October 9th, 2009 Regular Council meeting, it has been occupied for a few years.

4.2 Project Description

Phase II & III consist of two 5-storey apartment buildings with a total of 125 units; there will be 97 - 1 bedroom units and 28 - 2 bedroom units. Parking will be provided within a 1 storey underground parkade and access will be from the Phase I access point from Benvoulin Court. The buildings are oriented towards Benvoulin Court; a large internal courtyard providing landscaped private open space is to be located between the two proposed buildings. All three phases of the project will work together to create one comprehensive development. The buildings are articulated with balconies, bay windows, columns and vertical design elements to help break up the long frontages. The large roof over-hangs add to the visual interest and provide shading and weather protection. The exterior materials will be a combination of stucco, vinyl and hardi board. These materials along with the natural colour palette add to the buildings character. (See applicants attached design rationale). The existing property will be subdivided in two with one lot facing Benvoulin Court and the other facing Benvoulin Road.

Two variances are proposed as follows:

- Vary the height from 4.5 storeys permitted to 5.0 storeys proposed.
- Vary the number of parking stalls from 162 required to 117 proposed.

The proposal compares to Zoning Bylaw No. 8000 as follows:

Zoning Analysis Table		
CRITERIA	RM5 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	1400m ²	7850m ²
Lot Width	30m	91m
Lot Depth	35m	99m
Development Regulations		
Floor Area Ratio	1.4	1.1
Height	18.0m / 4.5 storeys	16.5m / 5 storeys ¹
Front Yard	6.0m	6.0m
Side Yard (south)	7.0m	7.0m
Side Yard (north)	7.0m	7.0m
Rear Yard	9.0m	9.0m
Site Coverage	50%	29%
Site Coverage - Bldg, Drive, Parking	65%	32%
Other Regulations		
Minimum Parking Requirements	162 stalls	117 stalls ²
Bicycle Parking	Class I: 63 Spaces Class II: 13 Spaces	Class I: 63 Spaces Class II: 13 Spaces
Private Open Space	2,155m ²	2,847m ²
¹ Vary the height from 4.5 storeys permitted to 5.0 storeys proposed.		
² Vary the number of parking stalls from 162 required to 117 proposed.		

Subject Property Map: 2105 Benvoulin Court



The subject property is located in the Midtown Urban Centre, and is designated as “Multiple Unit Residential - Medium Density”. 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	A1 - Agricultural 1 - ALR	Agriculture
South	A1 - Agricultural 1 (<i>Multi-family designation</i>)	Vacant
West	C4 - Urban Centre Commercial RM5 - Medium Density Multiple Housing	Commercial Residential

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

5.1.1 Development Process (Chapter 5) - Considerations in Reviewing Development Applications

Objective 5.8 Achieve high quality urban design.

Streetscaping (Policy 2). Urban Centre roads should be considered as part of the public space and streetscaped with full amenities (i.e. sidewalks, trees and other planting, furniture, bike facilities, boulevards, etc.).

Ensure opportunities are available for greater use of active transportation and transit to: improve community health; reduce greenhouse gas emissions; and increase resilience in the face of higher energy prices (Objective 5.10)

Maximize Pedestrian / Cycling Connectivity. Require that pedestrian and cyclist movement and infrastructure be addressed in the review and approval of all City and private sector developments, including provision of sidewalks and trails and recognition of frequently used connections and informal pedestrian routes.

Transit Infrastructure. Require that transit service needs to be integrated into community designs and development proposals to optimize access to transit service and incorporate essential infrastructure on transit routes identified.

5.1.2 Urban Design Development Permit Areas (Chapter 14) - 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;
- Design and facilitate beautiful public open spaces that encourage year-round enjoyment;
- 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)

- Ensure streetwall height is proportional (0.75:1 maximum) to the width of the street as measured from building face to building face. Any development that exceeds this height must utilize a podium and step back above the streetwall;
- 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).

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)
- Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.

- 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(s):
 - Hard surface paths are to be provided from the exit stairwells to the street(s)
 - Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
 - Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.
 - Fire department to comment of driveway access, load requirements over the parkade and turn radius requirements for their vehicles.
 - The drawings indicate a covered parkade car ramp with landscaping that is not reflected in all the drawings . Guardrails are required from this landscaped area (covered roof) where the difference in elevation exceeds 600mm as per building code and reflected in the DP drawings.
 - Any additional retaining walls to be defined in the drawings which will require separate building permits. Retaining walls must be designed to be solely on the property unless easements have been obtained and defined on the DP drawings.
 - Building appears to project into the required setbacks, are variances being applied for as part of the DP
- A Geotechnical report is required to address the sub soil conditions and site drainage.
- Guards are required for all decks. The drawings provided don't clearly identify these requirements, but will be reviewed at time of building permit application.
- Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s). The drawings submitted for building permit are to clearly identify how this rating will be achieved and where these area(s) are located.
- The upper floor plan may have a dead end corridor(s). An exiting analysis is required as part of the code analysis at time of building permit application. No cross sections were provided at time of DP review.
- Size and location of all signage to be clearly defined as part of the development permit. This should include the signage required for the building addressing to be defined on the drawings per the bylaws on the permit application drawings.
- 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 main access road to the front entrance shall be constructed as per BCBC 3.2.5.6. A Construction Fire Safety Plan is required and shall be submitted prior to start of construction. Additional comments will be required with the building permit application.

7.0 Application Chronology

Date of Application Received:	December 23 rd , 2013
Variance Rationale Received:	January 30 th , 2014
Neighbourhood Consultation:	February 19 th , 2014

Neighbourhood consultation was conducted in accordance with Council Policy No. 367.

Report prepared by:

Alec Warrender, Urban Planning

Reviewed by: Ryan Smith, Manager, Urban Planning

Approved Inclusion: D. Gilchrist, Community Planning & Real Estate Divisional Director

Attachments:

Subject Property Map

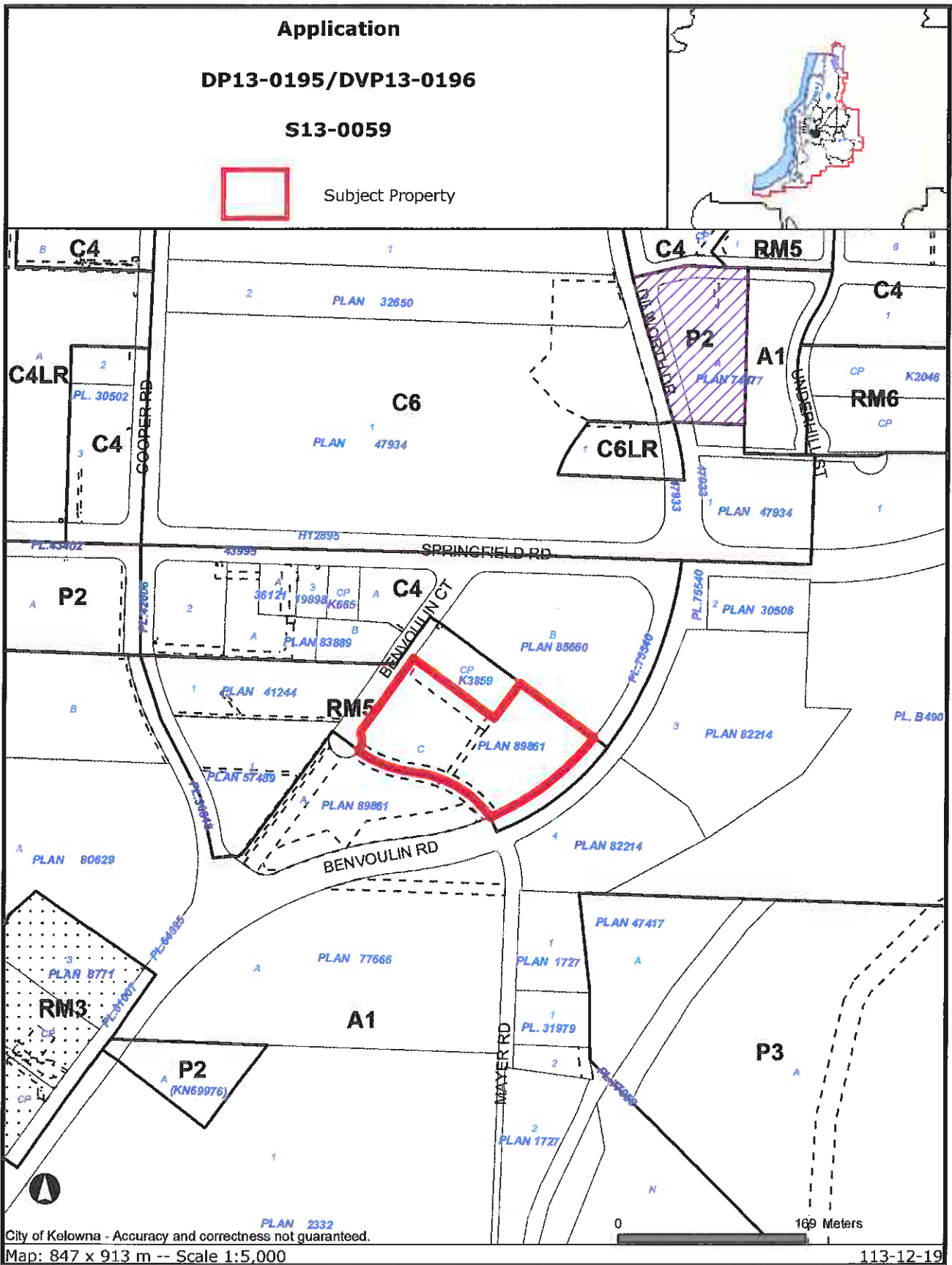
Site Plan

Elevations & Renderings

Landscape Plan

Applicant's Parking Variance Rationale

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.

BUILDING STATISTICS:

ITEM	QUANTITY	UNIT	DESCRIPTION
1	1	SQ FT	100,000
2	1	SQ FT	100,000
3	1	SQ FT	100,000
4	1	SQ FT	100,000
5	1	SQ FT	100,000
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16	1	SQ FT	100,000
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37	1	SQ FT	100,000
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39	1	SQ FT	100,000
40	1	SQ FT	100,000
41	1	SQ FT	100,000
42	1	SQ FT	100,000
43	1	SQ FT	100,000
44	1	SQ FT	100,000
45	1	SQ FT	100,000
46	1	SQ FT	100,000
47	1	SQ FT	100,000
48	1	SQ FT	100,000
49	1	SQ FT	100,000
50	1	SQ FT	100,000

CONSULTANTS:

NO.	NAME	ADDRESS	PHONE	FAX	EMAIL
01	PM	1000 N.
02
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DRAWING INDEX:

NO.	DESCRIPTION	DATE
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ILLUSTRATIONS:



SCHEDULE A

This forms part of Development Permit 2013-0198 / DuP13-0198

NO. OF SHEETS: 10

NO. OF SHEETS USED: 10

DATE: 08/13/13

PROJECT: ...

PREPARED BY: ...

CHECKED BY: ...

APPROVED BY: ...

PM
PATRICK MCGEE
ARCHITECTURE INC.

PROJECT NO: BLDG13-0198

DATE: 08/13/13

PROJECT: ...

COVER SHEET

NO. OF SHEETS: 10

NO. OF SHEETS USED: 10

DATE: 08/13/13

PROJECT: ...

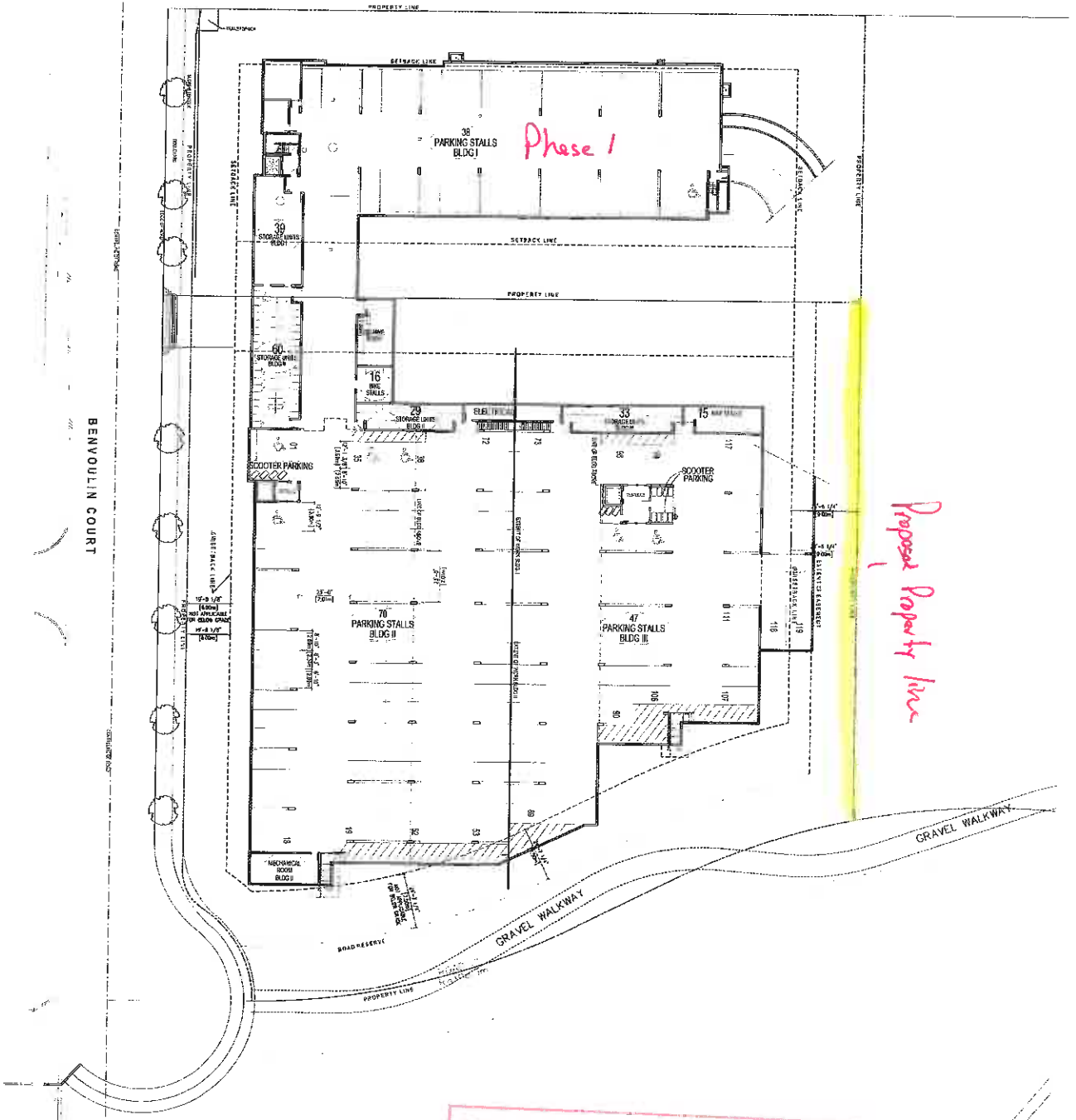
PREPARED BY: ...

CHECKED BY: ...

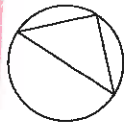
APPROVED BY: ...

DP0.00

CHANGING THE COVER SHEET



SCHEDULE A
 This forms part of development
 Permit # D013-0195 / DV13-0196



NOTE:
 1. The information on this plan is based on the information provided by the applicant and is not to be used for any other purpose.
 2. The information on this plan is not to be used for any other purpose.
 3. The information on this plan is not to be used for any other purpose.
 4. The information on this plan is not to be used for any other purpose.
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 9. The information on this plan is not to be used for any other purpose.
 10. The information on this plan is not to be used for any other purpose.

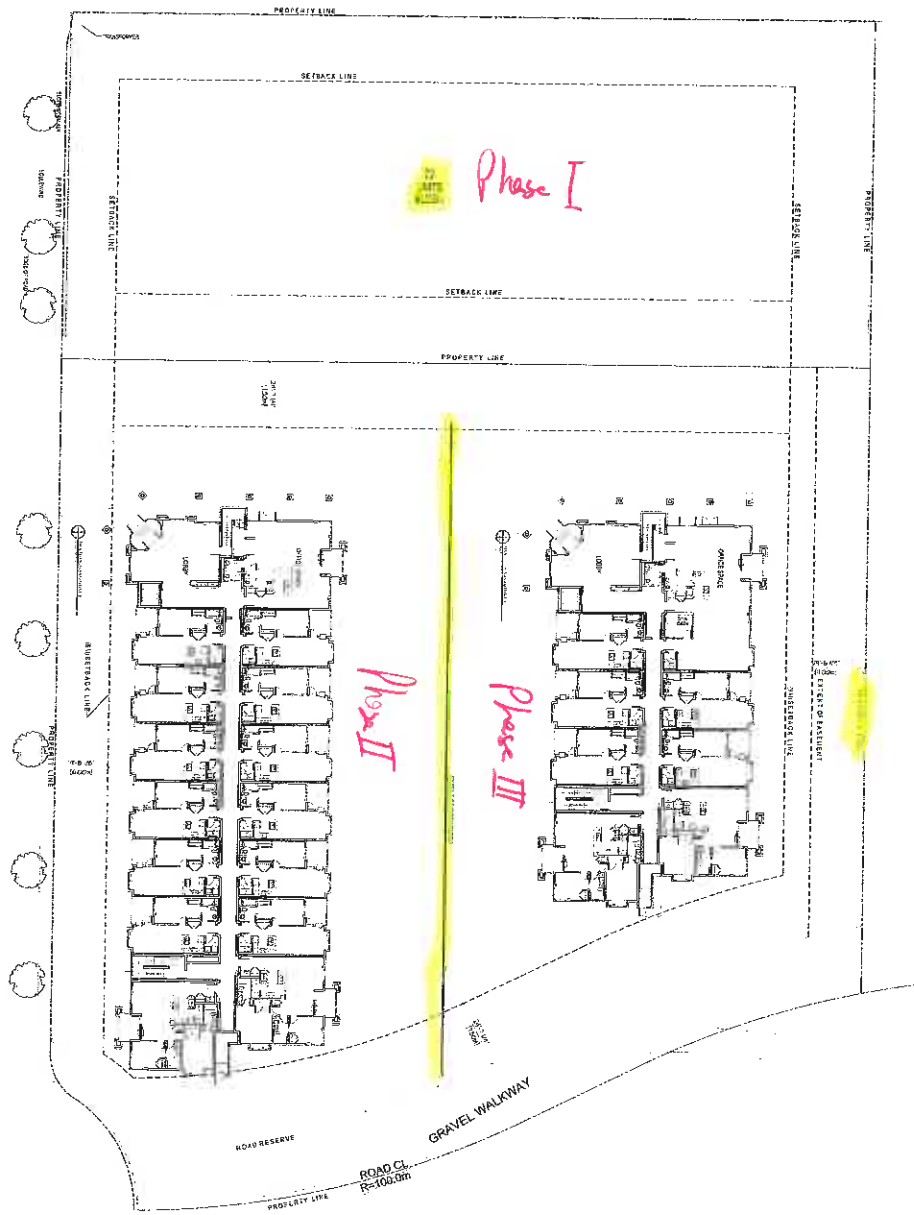
- 1. All work shall be done in accordance with the approved plans.
- 2. All work shall be done in accordance with the approved plans.
- 3. All work shall be done in accordance with the approved plans.
- 4. All work shall be done in accordance with the approved plans.
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- 8. All work shall be done in accordance with the approved plans.
- 9. All work shall be done in accordance with the approved plans.
- 10. All work shall be done in accordance with the approved plans.

PM
 PATRICK MCCUSKER
 ARCHITECTURE INC

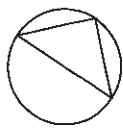
BUILDING LAYOUT II

388 BENVOLIN COURT
 DOWNSIDE, ONTARIO
 PLAN - OVERALL
 AT PARKING

DATE: 03/28/13
 DRAWN BY: PS
 CHECKED BY: PS
 PROJECT NO: DP1.01



SCHEDULE A
 This forms part of development
 Permit # DP13-0195 / DP13-0196



NOTES
 1. The applicant is responsible for obtaining all necessary approvals from the relevant authorities.
 2. The applicant is responsible for providing all necessary information to the relevant authorities.
 3. The applicant is responsible for providing all necessary information to the relevant authorities.
 4. The applicant is responsible for providing all necessary information to the relevant authorities.
 5. The applicant is responsible for providing all necessary information to the relevant authorities.
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 9. The applicant is responsible for providing all necessary information to the relevant authorities.
 10. The applicant is responsible for providing all necessary information to the relevant authorities.

- Development**
- Development of land for residential purposes
 - Development of land for commercial purposes
 - Development of land for industrial purposes
 - Development of land for public purposes
 - Development of land for other purposes

11. 2018/19 SUBMITTED
 12. 2018/19 SUBMITTED
 13. 2018/19 SUBMITTED

PM
 PATRICK MCGUCKER
 ARCHITECTURE INC.

SILICON DUNE
 SILICON DUNE

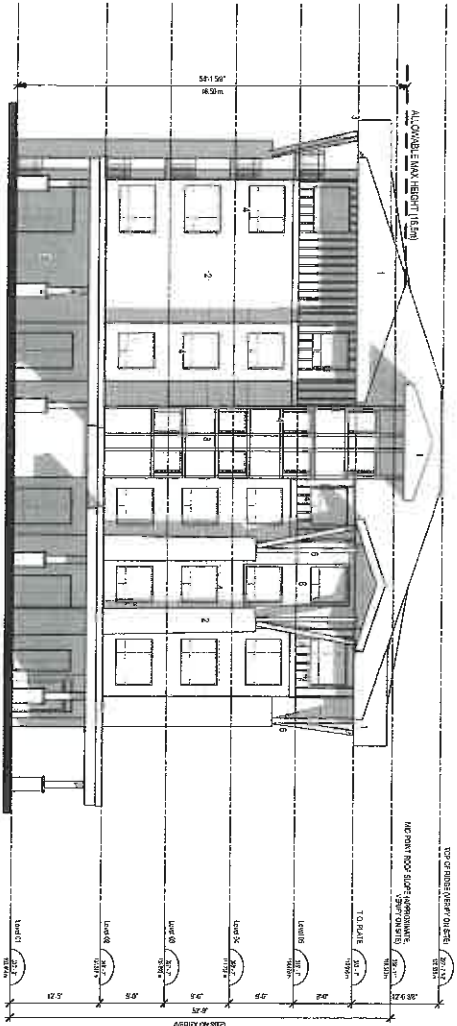
286 BENYOU LIN COURT
 PROJECT NO. 3215
 DATE: 11/11/18
 DRAWN BY: P.M.
 CHECKED BY: P.M.
 APPROVED BY: P.M.

DP1.02
 11/11/18



2. ELEVATION - WEST BUILDING 02
SCALE: 1/8" = 1'-0"

- LEGEND**
- 1 ASPHALT SHINGLES - 30 YEAR MATCH EXISTING
 - 2 ASPHALT SIDING - BROWN MATCH EXISTING
 - 3 FACIA - HORIZONTAL PAINTED WHITE MATCH EXISTING
 - 4 WINDOW FRAMES - WHITE VINYL MATCH EXISTING
 - 5 ALUMINUM QUADRAL WITH HICKS MATCH EXISTING
 - 6 QUALAL STYLS - STAINED MATCH EXISTING
 - 7 HORIZONTAL VINYL SIDING - GREEN
 - 8 BOARD AND BATTEN - WHITE MATCH EXISTING
 - 9 WOOD POSTS - PAINTED WHITE MATCH EXISTING



1. ELEVATION - NORTH BUILDING 02
SCALE: 1/8" = 1'-0"

SCHEDULE A
 This forms part of development
 Permit # DP13-0196 / DP13-0196

PM
 PATRICK MCCUSKER
 ARCHITECTURE INC.

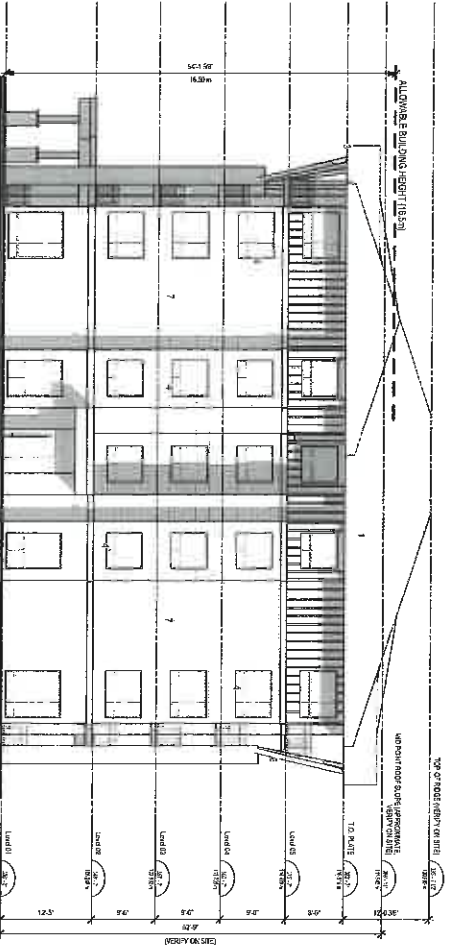
PROJECT: BUILDING II AND III
 2008 BROADWAY
 PROJECT NO: 2215
 DRAWING NO: ELEVATIONS - BUILDING II
 DATE: 08
 SCALE: 1/8" = 1'-0"
 SHEET: 05

DP3.01
 05/07/13 10:34 AM



2 ELEVATION EAST BUILDING 02
SCALE: 1/8" = 1'-0"

- LEGEND
- 1 ASPHALT SHINGLES - 30 YEAR MATCH EXISTING
 - 2 ASPHALT SHINGLES - BROWN MATCH EXISTING
 - 3 FACED - HARDWOOD PAINTED WHITE MATCH EXISTING
 - 4 WINDOW FRAMES - WHITE VINYL MATCH EXISTING
 - 5 ALUMINUM CASUAL WITH POCKET'S MATCH EXISTING
 - 6 GLULAM STRIPS - STAINED MATCH EXISTING
 - 7 HORIZONTAL SIDING - GREEN
 - 8 BOARD AND BATTEN - WHITE MATCH EXISTING
 - 9 WOOD POST - PAINTED WHITE MATCH EXISTING



1 ELEVATION SOUTH BUILDING 02
SCALE: 1/8" = 1'-0"

SCHEDULE
This forms part of development
Permit # DP3 0195 / DP3 0196

NOTES:
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF TORONTO BUILDING CODE AND ALL APPLICABLE REGULATIONS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
3. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY OF TORONTO.
4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
5. ALL UTILITIES SHALL BE PROTECTED AND MARKED PRIOR TO CONSTRUCTION.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
7. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
8. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
9. ALL UTILITIES SHALL BE PROTECTED AND MARKED PRIOR TO CONSTRUCTION.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

PM
PATRICK MCCUSKER
ARCHITECTURE INC.

PROJECT NO: 5315
PROJECT NAME: 3668 BAYVIEW COURT
ELEVATIONS - BUILDING II

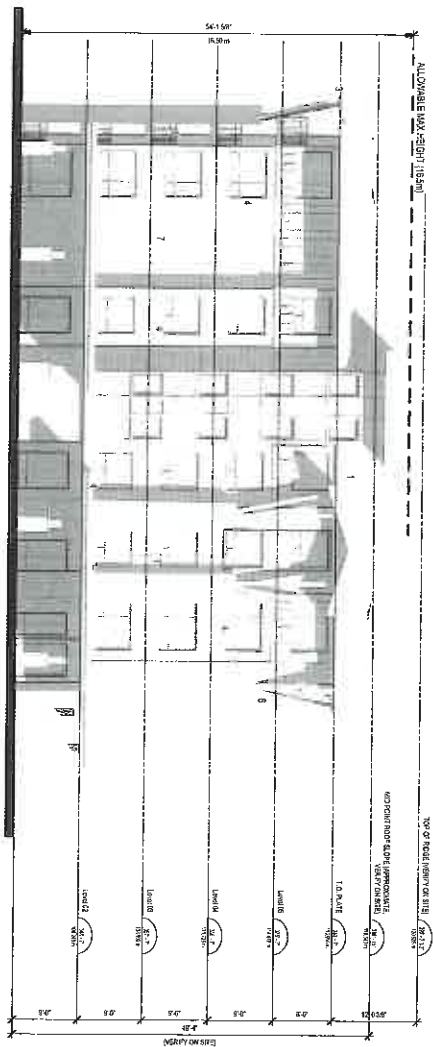
DATE: 03/14/20
DRAWN BY: AUBREY
CHECKED BY: CHLOE

DP3.02



2 ELEVATION - WEST BUILDING 03
SCALE: 1/8" = 1'-0"

- LEGEND
- 1 ASPHALT SHINGLES - 30-YEAR MATCH EXISTING
 - 2 ASPHALT SHINGLES - BROWN MATCH EXISTING
 - 3 FASCIA - VENEERBOARD PAINTED WHITE MATCH EXISTING
 - 4 WINDOW FRAMES - WHITE W/ML MATCH EXISTING
 - 5 ALUMINUM CASING WITH PICKETS MATCH EXISTING
 - 6 GULLAW STRIPS - STAINED MATCH EXISTING
 - 7 HORIZONTAL VINE SOLING - YELLOW
 - 8 BOARD AND BATTEN - WHITE MATCH EXISTING
 - 9 WOOD POSTS - PAINTED WHITE MATCH EXISTING



1 ELEVATION - NORTH BUILDING 03
SCALE: 1/8" = 1'-0"

SCHEDULE
This forms part of development
Permit # *DP17-0185 / DP15-0186*

NOTES:
1. CONSULT THE PERMITS DIVISION FOR THE LATEST EDITION OF THE CITY OF DENVER DEVELOPMENT CODE (DC) AND THE DENVER ZONING ORDINANCE (Z.O.).
2. THE PERMITS DIVISION WILL REVIEW ALL SUBMITTALS FOR COMPLIANCE WITH THE DC AND Z.O.
3. THE PERMITS DIVISION WILL REVIEW ALL SUBMITTALS FOR COMPLIANCE WITH THE CITY OF DENVER DEVELOPMENT CODE (DC) AND THE DENVER ZONING ORDINANCE (Z.O.).
4. THE PERMITS DIVISION WILL REVIEW ALL SUBMITTALS FOR COMPLIANCE WITH THE CITY OF DENVER DEVELOPMENT CODE (DC) AND THE DENVER ZONING ORDINANCE (Z.O.).

- DATE SUBMITTED:**
- NOT COMPLETE - SUBMITTED TO PERMITS
 - IN REVIEW
 - A COMPLETE SET OF SUBMITTALS HAS BEEN RECEIVED
 - THE PERMITS DIVISION HAS REVIEWED THE SUBMITTALS
 - THE PERMITS DIVISION HAS REVIEWED THE SUBMITTALS AND THE PERMITS DIVISION HAS ISSUED A PERMIT
 - THE PERMITS DIVISION HAS REVIEWED THE SUBMITTALS AND THE PERMITS DIVISION HAS ISSUED A PERMIT WITH CONDITIONS
 - THE PERMITS DIVISION HAS REVIEWED THE SUBMITTALS AND THE PERMITS DIVISION HAS ISSUED A PERMIT WITH CONDITIONS AND A PERMIT TO CONSTRUCT
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 - THE PERMITS DIVISION HAS REVIEWED THE SUBMITTALS AND THE PERMITS DIVISION HAS ISSUED A PERMIT WITH CONDITIONS AND A PERMIT TO CONSTRUCT AND A PERMIT TO OCCUPY AND A PERMIT TO OPERATE AND A PERMIT TO CLOSE

PM
PATRICK MOGUSKER
ARCHITECTURE INC.

PROJECT INFO:
PROJECT NAME: BUILDING AND II
PROJECT NO: 2015
DATE: 08/11/2015
PROJECT LOCATION: 1418 S. KIMBROUGH ST., DENVER, CO 80202
PROJECT TYPE: RESIDENTIAL
PROJECT PHASE: PRELIMINARY DESIGN
PROJECT STATUS: IN PROGRESS
PROJECT CONTACT: PATRICK MOGUSKER
PROJECT PHONE: 303.733.1111
PROJECT FAX: 303.733.1112
PROJECT EMAIL: PM@MOGUSKERARCH.COM
PROJECT WEBSITE: WWW.MOGUSKERARCH.COM
PROJECT ADDRESS: 1418 S. KIMBROUGH ST., DENVER, CO 80202
PROJECT ZIP: 80202
PROJECT CITY: DENVER
PROJECT STATE: CO
PROJECT COUNTRY: USA
PROJECT COUNTY: DENVER
PROJECT DISTRICT: DENVER
PROJECT NEIGHBORHOOD: DENVER
PROJECT SUBDIVISION: DENVER
PROJECT TRACT: DENVER
PROJECT LOT: DENVER
PROJECT UNIT: DENVER
PROJECT PHASE: PRELIMINARY DESIGN
PROJECT STATUS: IN PROGRESS
PROJECT CONTACT: PATRICK MOGUSKER
PROJECT PHONE: 303.733.1111
PROJECT FAX: 303.733.1112
PROJECT EMAIL: PM@MOGUSKERARCH.COM
PROJECT WEBSITE: WWW.MOGUSKERARCH.COM
PROJECT ADDRESS: 1418 S. KIMBROUGH ST., DENVER, CO 80202
PROJECT ZIP: 80202
PROJECT CITY: DENVER
PROJECT STATE: CO
PROJECT COUNTRY: USA
PROJECT COUNTY: DENVER
PROJECT DISTRICT: DENVER
PROJECT NEIGHBORHOOD: DENVER
PROJECT SUBDIVISION: DENVER
PROJECT TRACT: DENVER
PROJECT LOT: DENVER
PROJECT UNIT: DENVER

Notes:
 1. All work shall be in accordance with the approved plans and specifications.
 2. The contractor shall be responsible for obtaining all necessary permits.
 3. The contractor shall be responsible for maintaining access to all adjacent properties.
 4. The contractor shall be responsible for protecting all existing utilities.
 5. The contractor shall be responsible for the removal and disposal of all debris.
 6. The contractor shall be responsible for the installation of all materials.
 7. The contractor shall be responsible for the completion of all work within the specified time frame.
 8. The contractor shall be responsible for the maintenance of all records.
 9. The contractor shall be responsible for the payment of all taxes and fees.
 10. The contractor shall be responsible for the insurance of all workers and equipment.



SCHEDULE
 This forms part of development
 Permit # DP3-0195 DU103-0196

2 ELEVATION - EAST BUILDING 03
 SCALE: 1/8" = 1'-0"

- LEGEND**
- 1 ASPHALT SHINGLES - 30 YEAR (MATCH EXISTING)
 - 2 ACRYLIC STUCCO - BROWN (MATCH EXISTING)
 - 3 FASCIA - HARDBOARD PAINTED WHITE (MATCH EXISTING)
 - 4 WINDOW FRAMES - WHITE VINYL (MATCH EXISTING)
 - 5 ALUMINUM GUARCOIL WITH PICKETS (MATCH EXISTING)
 - 6 GLAZED STUCCO STAINED (MATCH EXISTING)
 - 7 HORIZONTAL VINYL SHIMS - YELLOW
 - 8 BOARD AND BATTEN - WHITE (MATCH EXISTING)
 - 9 WOOD POSTS - PAINTED WHITE (MATCH EXISTING)



1 ELEVATION - SOUTH BUILDING 03
 SCALE: 1/8" = 1'-0"

- Site documents:**
- NOT provided. Review and locate where noted.
 - A CONTROLLING DEVELOPER REVIEWED AND APPROVED.
 - THE BUILDING FOOTPRINT.
 - A DEVELOPER REVIEWED AND APPROVED.
 - A DEVELOPER REVIEWED AND APPROVED.
 - A DEVELOPER REVIEWED AND APPROVED.
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 - A DEVELOPER REVIEWED AND APPROVED.
 - A DEVELOPER REVIEWED AND APPROVED.

PM
 PATRICK MCCUSKER
 ARCHITECTURE INC.

PROJECT TITLE: BUILDING 03 III
 PROJECT NUMBER: 2024040000000000
 PROJECT DATE: 03/13
 PROJECT LOCATION: ELEVATIONS - BUILDING III

DATE: 03/13
 DRAWN BY: JB
 CHECKED BY: PS
 PROJECT: DP3.04



Apple Valley

2045
2035
2075

SCHEDULE B
123-456 / 123-456



MODULE 5
part of development
MS-0195 P113-012

WHITE VINYL FRAMES



HORIZONTAL BOARD SIDING

HORIZONTAL BOARD SIDING

FLASHINGS AND MISC

HORIZONTAL VINYL SIDING

BOARD AND BATTEN, FASCIA
& RAILINGS

ACRYLIC STUCCO FINISH

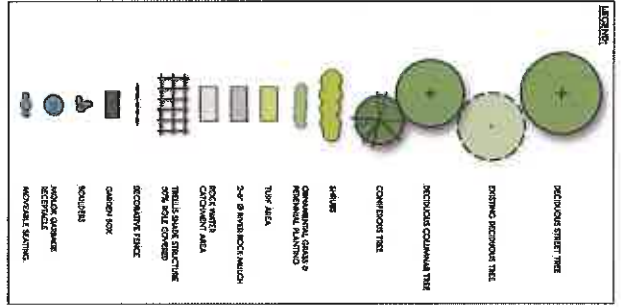
Apple Valley Residence (BLDG 2 & 3)

2065 / 2075 Benvoulin Court

SCHEDULE B

This forms part of development

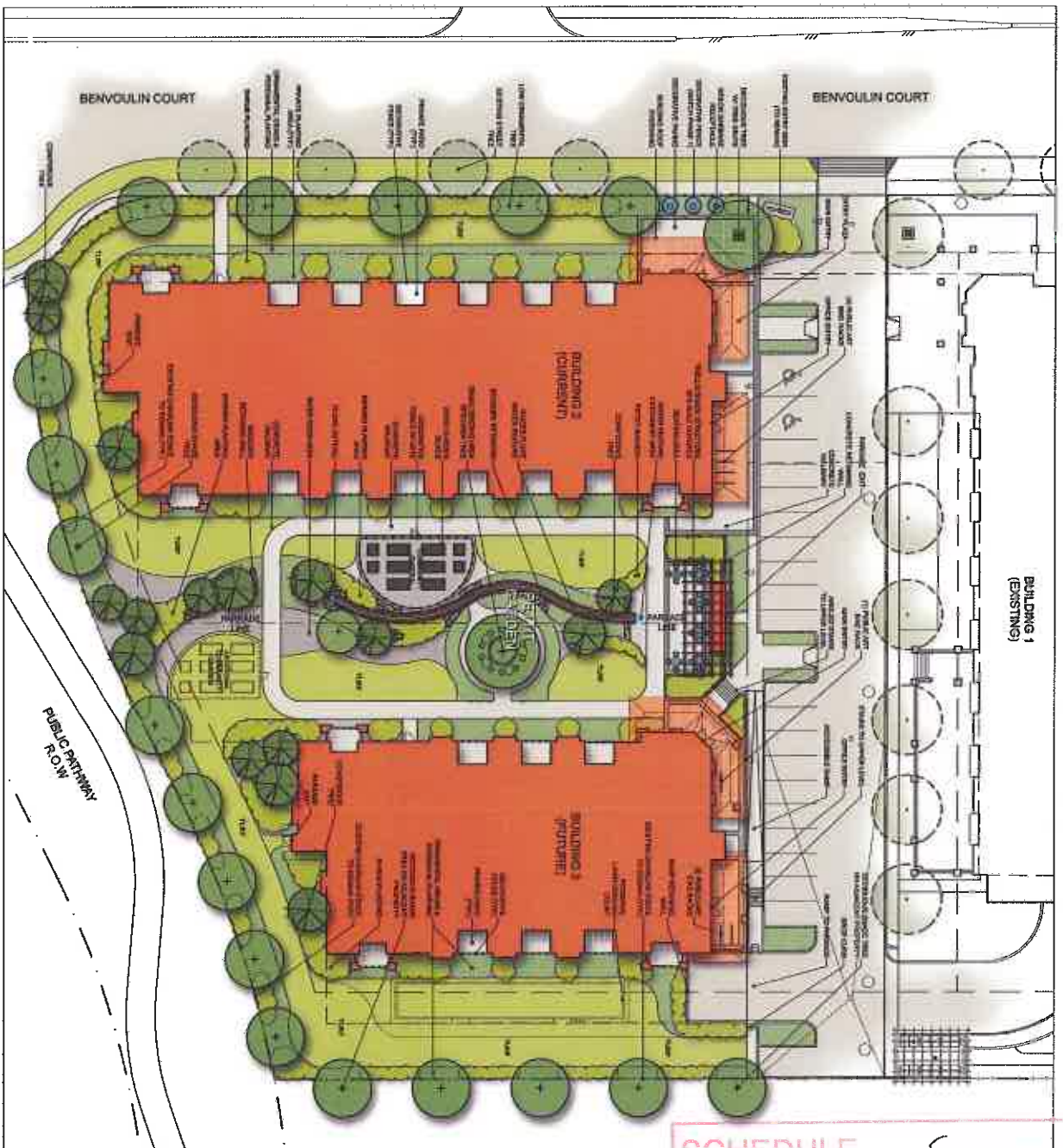
Permit # DPR3-0195 / DPR3-0196



- NOTES:**
1. PAINT MATERIALS AND CONSTRUCTION METHODS SHALL CONFORM TO AMERICAN STANDARD SPECIFICATIONS IN THE LATEST EDITIONS OF THE LANDSCAPE SPECIFICATIONS.
 2. THE LANDSCAPE DESIGNER SHALL PROVIDE A CONCEPTUAL AND FINAL PLANNING SECTION AND A CONCEPTUAL AND FINAL PLANNING SECTION AND A CONCEPTUAL AND FINAL PLANNING SECTION.
 3. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE LANDSCAPE SPECIFICATIONS.
 4. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE LANDSCAPE SPECIFICATIONS.
 5. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE LANDSCAPE SPECIFICATIONS.
 6. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE LANDSCAPE SPECIFICATIONS.

PLANT LIST

Plant Name	Quantity	Notes
Deciduous Street Tree	100	100
Deciduous Decorative Tree	100	100
Deciduous Columnar Tree	100	100
Coniferous Tree	100	100
Shrub	100	100
Ornamental Grass / Perennial Planting	100	100
Turf Area	100	100
2" x 8" Brush Rock Mulch	100	100
Rock Wedges	100	100
Courtment Area	100	100
Trail Side Structure	100	100
2" x 4" Brush Rock Mulch	100	100
Recreation Fence	100	100
Court Floor	100	100
Moulded	100	100
Wood Shakes	100	100
Recreation Fence	100	100
Acrylic Sealing	100	100



SCHEDULE

This forms part of development Permit # *DA17045 / DA1730116*

CONTRACTOR: NEW TOWN PLANNING SOCIETY OF HOPE, INC.

PROJECT: APPLE VALLEY PH 2

DATE: 11/13/2011

SCALE: L-1

PROJECT: APPLE VALLEY PH 2

DATE: 11/13/2011

SCALE: L-1



Jan 30, 2014

Our File: 3215

City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4

Attention: Ryan Smith, Planning & Development Officer

Dear Mr. Smith:

**Re: Development Permit Application for
2065/2075 Benvoulin Court**

This development proposal will adhere to the requirements of the RM-5 zone as described in the City of Kelowna Zoning Bylaw No. 8000.

Project Description

The proposed project is a Phased 125-unit, 5-story wood framed residential complex over a single storey underground concrete underground parking garage. Access to the building and the parking will be off of Benvoulin Court. At present the lot is zoned RM5 but will require subdivision.

Pedestrian access will be off Benvoulin Court. Garbage and recycling will be shared with the existing garbage enclosure which is near the Parking ramp (East of property).

Design Rationale

As the lot only has a single street frontage off Benvoulin Court, the building design features a simple shaped footprint that minimizes the visual impact to Benvoulin Court. The orientation of the buildings were designed to efficiently utilizing the property while anticipating a larger master plan scheme that will allow for a main courtyard between the buildings with one main drop off/pick up. This will create visual interest all around the project while helping to reduce security issues for the projects.

The building is highly articulated by the introduction of balconies, bay windows, beveled column build-outs with canted struts and undulating vertical planes to further soften the overall mass of the buildings. Large roof over-hangs add to the visual interest and provide needed shading and weather protection.

The exterior materials will be a combination of stucco, Vinyl and hardi board. These materials, along with the corresponding rich natural colour palette, will further add to the visual diversity and provide a sophisticated addition to the existing urban context. The building has been designed without a typical base to create more focus on the vertical elements rather than the horizontal mass.

Requested Variance

- 1) Through the design process we concluded that in order to provide the needed density and amenities that will be offered to the occupants we needed to increase our number of floors to 5 (bylaw allows 4.5). The new building code allows for this type of design and construction. Although the building is deviating from the Zoning in the number of storey's the building height limit is being maintained.
- 2) We also request a reduction of parking stalls from the required 162 to 117 which all will be located completely underground. We feel this is a justifiable variance for the following reasons:
 - a) The target market for this project is purpose built senior's rental housing all of which do not traditionally own cars. We have increased parking from the parking variance ratio that was approved in the first building (66% or .66 stalls/unit) which is the current demand and projected demand for parking in the future. It is not that we cannot provide the required parking but more that the target market and tested (current building) has shown that we do not require the parking. As you can see we have areas in the parking that could be changed to parking stalls but storage for seniors is much more desirable and useful to seniors. We have areas for scooter parking and bike parking because these transportation options are more desirable to the resident seniors.
 - b) The parking requirements for buildings 2/3 are elevated higher than the first building because of the added number of 2 bedroom units within the development which has proven to be of higher demand but yet the parking requirement for those units is not. With this purpose built seniors housing the demand for a second bedroom is not due to increase occupancy but for the need for additional living space. The added 2 bedroom units within buildings 2/3 elevate the parking by 3.5 parking stalls.

In building 1 we had 4 accessible units that were bachelors units due to the fact that they did not have a door separating the bedroom to living room area. Feedback from the first building has shown that the occupants would prefer to have the door. Buildings 2/3 have been designed with this in mind changing the bachelor suite to a 1 bedroom which elevates our parking requirement by an additional 2 stalls but yet the use and demand has not changed.

As indicated on the plans as well as statistics sheet we have made provision for 125 units within buildings 2/3. This is to allow for the potential for 125 units in the future but there actually only 123 slated to be built as two of those units (main floor) are to be used for amenity areas and only to be used if there is extreme need in the future. This elevates the parking requirement by 4 parking stalls

As you can see from the above three mentioned items just a shift in the program without changing the use there is an elevated parking requirement as per bylaw by 15 parking stalls.

- c) Sustainable design dictates that people should live closer to work and amenities in order to reduce our carbon footprint. This project is located well within walking distance of all major amenities and major bus routes servicing downtown and the university. The location of this project reduces the need for a car to the point where it is a choice rather than a necessity. This has been proven in Building one as many residents have chosen not to have an automobile.
- d) The intent of the parking design variance rationale in summary is that we have designed the parking for the intended use based on the existing building (66%) and are providing an additional 23 surface parking stalls (+12%) for visitors. The alternate solution to meet the parking needs would be to remove storage and replace with parking (which could be done in the future if needed) and remove the beautiful courtyard and add more surface parking. This is undesirable and contrary to sustainable design and good practice.

I trust that you will find our application in good order. Please contact our office if you require any further information.

Sincerely,

Patrick M. McCusker, M.A.I.B.C
Principal

PM/ps

CITY OF KELOWNA
MEMORANDUM

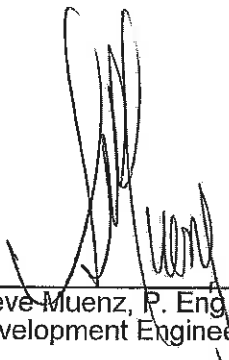
Date: February 14, 2014 *(Revised parking variance comment)*
File No.: DVP13-0196
To: Urban Planning (AW)
From: Development Engineering Manager (SM)
Subject: 2105 Benvoulin Court – Lot C, Plan 89861, Sec. 21, twp. 26. ODYD.

The Development Engineering comments and requirements regarding this application are as follows:

1. General.

- a) The requested variance to increase the building height from 4.5 storeys to 5 storeys does not compromise any Municipal Infrastructure.

- b) *The applicant has provided a detailed rationale explaining and justifying the parking stall reduction from 162 to 117. Based upon the logic and the precedent set by the existing initial first phase of the development, the requested variance appears to be reasonable. Assuming that the demographics in the subsequent phases are similar to the initial phase, Development Engineering does not have any major concerns with regards the requested parking variance under this application.*



Steve Muenz, P. Eng.
Development Engineering Manager

B²

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Permit No.: DP13-0195 & DVP13-0196

EXISTING ZONING DESIGNATION:	RM5 - Medium Density Multiple Housing
WITHIN DEVELOPMENT PERMIT AREA:	Revitalization Development Permit Area
DEVELOPMENT VARIANCE PERMIT:	<ul style="list-style-type: none"> Vary the height from 4.5 storeys permitted to 5.0 storeys proposed. Vary the number of parking stalls from 162 required to 117 proposed.

ISSUED TO:	Patrick McCusker Architecture Inc.
LOCATION OF SUBJECT SITE:	2105 Benvoulin Court

	LOT	DISTRICT LOT	TWP	DISTRICT	PLAN
LEGAL DESCRIPTION:	C	128 & 142		ODYD	KAP89861

<u>SCOPE OF APPROVAL</u>
<input type="checkbox"/> 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. <input type="checkbox"/> 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. <input type="checkbox"/> 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(c) - Development Regulations
 Vary the height from 4.5 storeys permitted to 5.0 storeys proposed.

Table 8.1 - Parking Schedule
 Vary the required parking from 162 stalls required to 117 stalls 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 .

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 18th DAY OF MARCH, 2014.

ISSUED BY THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING AND REAL ESTATE OF THE CITY OF KELOWNA THE ___ DAY OF MARCH, 2014.

Doug Gilchrist, Divisional Director
Community Planning & Real Estate