

**City of Kelowna
Regular Council Meeting
AGENDA**



June 4, 2013
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order
2. Prayer

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

Public Hearing - May 21, 2013

Regular Meeting - May 21, 2013
4. Bylaws Considered at Public Hearing
 - 4.1 Bylaw No. 10847 (Z12-0064) - Parminder & Kulwant Hans and Gurdev & Kamalpreet Gill, 275 Petch Road 8 - 8

To give Bylaw No. 10847 second and third reading.
5. Notification of Meeting

The City Clerk will provide information as to how the following items on the Agenda were publicized.
6. Development Permit and Development Variance Permit Reports

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.

 - 6.1 Bylaw No. 10809 (Z12-0068) - 1121, 1131, 1141 and 1151 Brookside Avenue 9 - 9

To adopt Bylaw No. 10809.

 - 6.1.1 Bylaw No. 10800 - Housing Agreement - City of Kelowna and Evergreen Lands Ltd. - 1121, 1131, 1141 and 1151 Brookside Avenue 10 - 17

To adopt Bylaw No. 10800.

- 6.1.2 Development Permit Application No. DP12-0212 and Development Variance Permit Application No. DVP12-0213 - 1121, 1131, 1141 & 1151 Brookside Avenue 18 - 43

To consider a Development Permit for the form and character of the proposed 70 unit purpose built rental townhouse development. To consider a Development Variance Permit to vary site coverage for buildings from 40% permitted to 41.6% proposed, for buildings and parking from 60% permitted to 62.6% proposed and to vary the parking from 97 stalls required to 83 stalls proposed.

- 6.2 Development Variance Permit Application No. DVP13-0027 - 5330 Signet Crescent, Craig Mohr 44 - 63

To obtain Council's approval to issue a Development Variance Permit to vary the maximum allowable height and spacing of an existing retaining wall system.

- 6.3 Development Variance Permit Application No. DVP13-0042 - 1-2368 Abbott Street, Patricia Evans 64 - 72

To vary the required rear yard set back from 7.5m required to 5.0m proposed to allow the construction of a sunroom.

7. Reminders

8. Termination



City of Kelowna Public Hearing Minutes

Date: Tuesday, May 21, 2013
Location: Council Chamber
City Hall, 1435 Water Street

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

Staff Present: Acting City Manager, Doug Gilchrist; Deputy City Clerk, Karen Needham; Manager, Urban Land Use, Danielle Noble; Manager, Long Range Planning, Gary Stephen; Subdivision Approving Officer, Ryan Smith; and Council Recording Secretary, Sandi Horning.

(* 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 Deputy City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board of City Hall on May 7, 2013 and by being placed in the Kelowna Capital News issues of May 10, 2013 and May 14, 2013, and by sending out or otherwise delivering 72 letters to the owners and occupiers of surrounding properties between May 7, 2013 and May 10, 2013.

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. 10841 - Heritage Designation Application No. HD13-0001 - 0874309 BC Ltd., 784 Elliot Avenue

3.2. Bylaw No. 10840 - Heritage Revitalization Agreement Application No. HRA12-0001 - 0874309 BC Ltd., 784 Elliot Avenue

Staff:

- Advised that the staff presentation will be addressing Agenda Item Nos. 3.1 & 3.2 together as they relate to the same property.
- Summarized the applications before Council and responded to questions from Council.

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

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

Jackie Gorton, Applicant

- Spoke to the heritage aspect of the property.
- Confirmed that the property will be kept as individual rentals.
- Confirmed that the veranda will be re-built.
- Responded to questions from Council.

There were no further comments.

3.3. Bylaw No. 10746 - Official Community Plan Bylaw Amendment Application No. OCP12-0010 - City of Kelowna, Miscellaneous Amendments to the 2030 Official Community Plan Bylaw No. 10500

Councillor Stack declared a perceived conflict of interest, as the subject Bylaw deals with a site specific piece of property, and the Society that he is involved with is within the notification area of that property. Councillor Stack left the meeting at 6:14 p.m.

Staff:

- Summarized the application before Council.
- Confirmed that 'notification' letters were sent to affected property owners.
- Clarified the ongoing discussions with UBC.
- Responded to questions from Council.

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

- o Letter of Concern:
 - Robert Newby, 3702 Finch Road
- o Letter of Comment:
 - Renee Wasyluk, Urban Development Institute, 300-1708 Dolphin Avenue

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

Gallery:

Kim Priebe, 2601 Walburn Road

- Expressed a concern with the Designation for Resource Protection Area (REP) as it was her understanding that any changes to lands within the Agricultural Land Reserve are to be dealt with directly between the landowner and the Agricultural Land Commission.

Staff:

- Confirmed that Agricultural Land Reserve properties are not part of the Resource Protection Area.

Councillor Zimmermann:

- Advised that a small portion of Ms. Priebe's property is not part of the Agricultural Land Reserve.

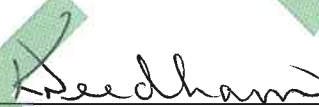
There were no further comments.

4. Termination

The Hearing was declared terminated at 6:26 p.m.

Mayor

/slh



Deputy City Clerk



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, May 21, 2013
Location: Council Chamber
City Hall, 1435 Water Street

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

Staff Present: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Manager, Urban Land Use, Danielle Noble; Manager, Long Range Planning, Gary Stephen*; Subdivision Approving Officer, Ryan Smith*; Council Recording Secretary, Sandi Horning

(* denotes partial attendance)

1. Call to Order

Mayor Gray called the meeting to order at 6:26 p.m.

2. Prayer

A Prayer was offered by Councillor Hobson.

3. Confirmation of Minutes

Moved By: Councillor Hobson/Seconded By: Councillor DeHart

R364/13/05/21 THAT the Minutes of the Public Hearing and Regular Meeting of April 23, 2013 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

- 4.1. Bylaw No. 10841 (HD13-0001) - Heritage Designation Bylaw "Copeland House" - 0874309 BC Ltd., 784 Elliot Avenue

Moved By: Councillor Zimmermann/Seconded By: Councillor DeHart

R365/13/05/21 THAT Bylaw No. 10841 be read a second and third time.

Carried

- 4.2. Bylaw No. 10840 (HRA12-0001) - Heritage Revitalization Agreement Authorization Bylaw, 0874309 BC Ltd., 784 Elliot Avenue

Moved By: Councillor Stack/Seconded By: Councillor Given

R366/13/05/21 THAT Bylaw No. 10840 be read a second and third time.

Carried

- 4.3. Bylaw No. 10746 (OCP12-0010) - City of Kelowna, Miscellaneous Amendments

Councillor Stack declared a perceived conflict of interest, as the subject Bylaw deals with a site specific piece of property, and the Society that he is involved with is within the notification area of that property. Councillor Stack left the meeting at 6:29 p.m.

Moved By: Councillor Singh/Seconded By: Councillor Given

R367/13/05/21 THAT Bylaw No. 10746 be given second and third readings and be adopted.

Carried

Councillor Stack rejoined the meeting at 6:29 p.m.

5. Notification of Meeting

The Deputy City Clerk advised that Notice of Council's consideration of the Development Variance Permit Applications was given by sending out or otherwise delivering 399 letters to the owners and occupiers of the surrounding properties between May 7, 2013 and May 10, 2013.

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. DVP13-0038 - The Pit Stop C-Store & Gas Bar Ltd., 3802 Gordon Drive

Staff:

- Summarized the application before Council and responded to questions from Council.

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

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

David Atkinson, Applicant's Representative

- Advised that the requested variance will increase the distance between the road and the property.
- Believes that there will be no impact with respect to visibility and that there is no safety impact to vehicular or pedestrian traffic.

There were no further comments.

Moved By: Councillor Blanleil/Seconded By: Councillor Stack

R368/13/05/21 THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0038 for Lot A D.L. 134, ODYD, Plan 40137, located at 3802 Gordon Drive, Kelowna, B.C.;

AND THAT variances to the following sections of Sign Bylaw No. 8325 be granted:

Section 6.1 - Permitted Area of Freestanding Signs in the C2 zone:

To vary the area for projecting signs in the C2 zone from 3.0m² permitted to 5.9 m² proposed as per schedule 'A'.

Carried

6.2. Heritage Alteration Permit Application No. HAP13-0001 - Edward and Marilyn Wiltshire, 1979 Abbott Street

Staff:

- Summarized the application before Council.
- Clarified that height could be the means for more storage for the crawl space, with improvements, and expected variances.
- Responded to questions from Council.

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

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

Doug Clark, Applicants' Representative

- Advised that was never a basement mentioned, only elevations as a possible solution for parking.
- Advised that the property is located pretty close to the water table.
- Discussed the rationale for the requested variance.
- Advised the building can't be moved without triggering variances.
- Advised that before attempting any renovations to the home, the foundation needs to be raised and inspected.
- Advised that there is no 'Plan B' for the property should the Heritage Alteration Permit not be granted.
- Advised that he canvassed the neighbourhood and did not receive any negative comments regarding the proposal.
- Confirmed that the intent is to gain additional, useable, space.
- Advised that there currently is no parking on site and that there is no place on the site to put parking.
- Responded to questions from Council.

There were no further comments.

Moved By: Councillor Stack/Seconded By: Councillor Basran

R369/13/05/21 THAT Council NOT authorize the issuance of Heritage Alteration Permit No. HAP13-0001, Lot 1, District Lot 14, ODYD plan 3998, located on 1979 Abbott Street, Kelowna, B.C.

Carried

6.3. Development Variance Permit Application No. DVP13-0037 - Rory and Donna Gatenby, 286 Atwood Place

Staff:

- Summarized the application before Council and responded to questions from Council.

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

Mayor Gray invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The Applicant was present, but did not have anything further to add to staff's comments. No one came forward.

Moved By: Councillor Zimmermann/Seconded By: Councillor Hobson

R370/13/05/21 THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0037, for Lot B, District Lot 14, ODYD Plan KAP73616 located on 286 Atwood Place, Kelowna, BC;

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

Section 13.1.6 (d) Development Regulations:

To vary the north side yard setback from 2.0m permitted to 1.0m proposed (Schedule A).

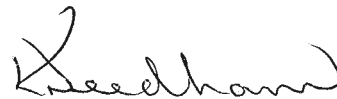
Carried

8. Termination

The meeting was declared terminated at 7:23 p.m.

Mayor

/slh



Deputy City Clerk

CITY OF KELOWNA

BYLAW NO. 10847

**Z12-0064 - Parminder Hans, Kulwant Hans, Gurdev Gill,
Kamalpreet Gill
275 Petch Road**

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 40, Section 23, Township 26, ODYD Plan 18008 located on 275 Petch Road, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone.
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 13th day of May, 2013.

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. 10809
Z12-0068 - Evergreen Lands Limited Inc. No. 382754
1121, 1131, 1141 and 1151 Brookside Avenue

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots 9-12, Section 19, Township 26, ODYD, Plan 2704 located on Brookside Avenue, Kelowna, B.C., from the RU6 - Two Dwelling Housing zone to the RM3 - Low Density Multiple Housing zone.
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 25th day of February, 2013.

Considered at a Public Hearing on the 9th day of April, 2013

Read a second and third time by the Municipal Council this 9th day of April, 2013.

Approved under the Transportation Act this 15th day of April 2013.

Robyn Clifford

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 10800

Housing Agreement Authorization Bylaw Evergreen Lands Limited, Inc. No. 382754 - 1121, 1131, 1141 & 1151 Brookside Avenue

Whereas pursuant to Section 905 of the *Local Government Act*, a local government may, by bylaw, enter into a housing agreement.

Therefore, the Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. The Municipal Council hereby authorizes the City of Kelowna to enter into a Housing Agreement with Evergreen Lands Ltd., Inc. No. 382754 for the lands known as Lots 9, 10, 11 and 12, Section 19, Township 26, ODYD, Plan 2704 located on 1121, 1131, 1141 & 1151 Brookside Avenue, Kelowna, B.C., a true copy of which is attached to and forms part of this bylaw as Schedule "A".
2. The Mayor and City Clerk are hereby authorized to execute the attached agreement as well as any conveyances, deeds, receipts or other documents in connection with the attached agreement.
3. 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, second and third time by the Municipal Council this 25th day of February, 2013.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

PURPOSE-BUILT RENTAL HOUSING AGREEMENT

THIS AGREEMENT dated for reference February____, 2013 affects:

LEGAL DESCRIPTION OF PROPERTY SUBJECT TO THE AGREEMENT:

Lot 9 Section 19 Township 26 ODYD Plan 2704
Lot 10 Section 19 Township 26 ODYD Plan 2704
Lot 11 Section 19 Township 26 ODYD Plan 2704
Lot 12 Section 19 Township 26 ODYD Plan 2704

("Land")

And is

BETWEEN:

Evergreen Lands Ltd., a body corporate and having its office at 102 – 1370 Ridgeway Drive,
Kelowna, B.C. V1Y 9V3

("Owner")

AND:

CITY OF KELOWNA, a local government incorporated pursuant to the *Community Charter* and having its offices at 1435 Water Street, Kelowna, B.C. V1Y 1J4

("City")

GIVEN THAT:

- A. The Owner has applied to the City for rezoning of the Lands to permit the construction of a housing complex that will include purpose-built rental housing units, as defined in this Agreement, on certain lands more particularly described in this Agreement;
- B. The City may, pursuant to section 905(1) of the *Local Government Act*, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure, and availability of the housing units on the land or construction on land;
- C. The Owner and the City wish to enter into this Agreement to provide for purpose- built rental housing on the terms and conditions set out in this Agreement, and agree that this Agreement is a housing agreement under s. 905 of the *Local Government Act*; and
- D. The City has, by bylaw, authorized the execution of this Agreement and the Owner has duly authorized the execution of this Agreement;

This Agreement is evidence that in consideration of \$1.00 paid by the City to the Owner (the receipt of which is acknowledged by the Owner) and in consideration of the promises exchanged below, the City and Owner agree, as a housing agreement between the Owner and the City under s. 905(1) of the *Local Government Act*, as follows:

**ARTICLE 1
INTERPRETATION**

1.1 Definitions -

"Caregiver" means an individual who provides assistance with the performance of the personal functions and activities necessary for daily living that a person is unable to perform efficiently for himself or herself;

"City" means the City of Kelowna;

"Dwelling Unit" means accommodation providing sleeping rooms, washrooms, and no more than one kitchen, intended for domestic use, and used or intended to be used permanently or semi permanently for a Household. This use does not include a room in a hotel or a motel.

"Household" means

- (a) a person;
- (b) two or more persons related by blood, marriage, or adoption; or associated through foster care, all living together in one dwelling unit as a single household using common cooking facilities;
- (c) a group of not more than five persons, including boarders, who are not related by blood, marriage, or adoption, or associated through foster care, all living together in one dwelling unit as a single household using common cooking facilities; or
- (d) a combination of (b) and (c), provided that the combined total does not include more than 3 persons unrelated by blood, marriage or adoption or associated through foster care; all living together in one dwelling unit as a single household using common cooking facilities.

In addition, a household may also include up to one Caregiver or nanny;

"Land" means the land described herein;

"LTO" means the Kamloops Land Title Office or its successor;

"Official Community Plan" means the City of Kelowna Official Community Plan Bylaw No. 7600, or its successor bylaw;

"Owner" means the registered owner of the Lands from time to time and any parcels into which the Lands are subdivided;

"Purpose-Built Rental Housing" means a self-contained building(s) containing three or more Dwelling Units that are intended to be used for rental housing and does not include buildings that are stratified; and

"Tenancy Agreement" means a tenancy agreement as defined in, and subject to, the *Residential Tenancy Act*.



1.2 Interpretation - In this Agreement:

- (a) reference to the singular includes a reference to the plural, and vice versa, unless the context requires otherwise;
- (b) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this Agreement;
- (c) reference to a particular numbered section or article, or to a particular lettered Schedule, is a reference to the correspondingly numbered or lettered article, section or Schedule of this Agreement;
- (d) if a word or expression is defined in this Agreement, other parts of speech and grammatical forms of the same word or expression have corresponding meanings;
- (e) the word "enactment" has the meaning given in the *Interpretation Act* on the reference date of this Agreement;
- (f) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;
- (g) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided;
- (h) the provisions of s. 25 of the *Interpretation Act* with respect to the calculation of time apply;
- (i) time is of the essence;
- (j) all provisions are to be interpreted as always speaking;
- (k) reference to a "party" is a reference to a party to this Agreement and to their respective successors, assigns, trustees, administrators and receivers;
- (l) reference to a "day", "month", "quarter" or "year" is a reference to a calendar day, calendar month, calendar quarter or calendar year, as the case may be, unless otherwise expressly provided;
- (m) the definitions given in the City of Kelowna Zoning Bylaw No. 8000, or its successor bylaw, and the Official Community Plan apply for the purposes of this Agreement; and
- (n) any act, decision, determination, consideration, consent or exercise of discretion by a party, or other person, as provided in this Agreement must be performed, made or exercised acting reasonably.

1.3 Purpose of Agreement - The Owner and the City agree that:

- (a) this Agreement is intended to serve the public interest by providing for occupancy of a certain number of Dwelling Units, of the kinds provided for in this Agreement, that are in demand in the City of Kelowna but that are not readily available;

- (b) performance of this Agreement by the Owner is a condition, as contemplated by s. 904 of the *Local Government Act*, of the Owner becoming entitled to certain density bonuses respecting development of the Land, which density bonuses the Owner acknowledges are a benefit to the Owner; and
- (c) damages are not an adequate remedy to the City in respect of any breach of this Agreement by the Owner, such that the Owner agrees the City should be entitled to an order for specific performance, injunction or other specific relief respecting any breach of this Agreement by the Owner.

**ARTICLE 2
HOUSING AGREEMENT AND LAND USE RESTRICTIONS**

2.0 Land Use Restrictions - The Owner and the City hereby covenant and agree as follows:

- (a) The Land must be used only in accordance with this Agreement;
- (b) The Owner will design, construct and maintain a building or buildings providing 68 Dwelling Units as purpose-built rental housing;
- (c) The Owner acknowledges that the City will not support applications to stratify the building and allow the identified purpose-built rental dwellings to be sold independently of each other for a period of ten (10) years from the date of this agreement.

**ARTICLE 3
HOUSING AGREEMENT AND TRANSFER RESTRICTIONS**

3.0 Purchaser Qualifications - The City and the Owner agree as follows:

- (a) the Owner must not sell or transfer, or agree to sell or transfer, any interest in any building containing purpose built rental Dwelling Unit(s) on the Land other than a full interest in the fee simple title to an agency or individual that will continue to ensure that the identified purpose- built rental Dwelling Unit(s) are available in accordance with this Agreement.

**ARTICLE 4
GENERAL**

4.1 Notice of Housing Agreement - For clarity, the Owner acknowledges and agrees that:

- (a) this Agreement constitutes a housing agreement entered into under s. 905 of the *Local Government Act*;
- (b) the City is requiring the Owner to file a notice of housing agreement in the LTO against title to the Land; and
- (c) once such a notice is filed, this Agreement binds all persons who acquire an interest in the Land.

4.2 No Effect On Laws or Powers - This Agreement does not

- (a) affect or limit the discretion, rights, duties or powers of the City under any enactment or at common law, including in relation to the use or subdivision of land,
- (b) impose on the City any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement,
- (c) affect or limit any enactment relating to the use or subdivision of land, or
- (d) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of land.

4.3 Management – The Owner covenants and agrees that it will furnish good and efficient management of the Dwelling Units and will permit representatives of the City to inspect the Dwelling Units at any reasonable time, subject to the notice provisions of the *Residential Tenancy Act*. The Owner further covenants and agrees that it will maintain the Dwelling Units in a satisfactory state of repair and fit for habitation and will comply with all laws, including health and safety standards applicable to the Land. Notwithstanding the foregoing, the Owner acknowledges and agrees that the City, acting reasonably, may require the Owner, at the Owner's expense, to hire a person or company with the skill and expertise to manage the Dwelling Units.


4.4 Notice - Any notice which may be or is required to be given under this Agreement must be in writing and either be delivered or sent by facsimile transmission. Any notice which is delivered is to be considered to have been given on the first day after it is dispatched for delivery. Any notice which is sent by fax transmission is to be considered to have been given on the first business day after it is sent. If a party changes its address or facsimile number, or both, it must promptly give notice of its new address or facsimile number, or both, to the other party as provided in this section.

4.5 Agreement Runs With the Land - Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted by the Owner to the City in respect of the Land and this Agreement burdens the Land and runs with it and binds the Owner's successors in title and binds every parcel into which it is consolidated or subdivided by any means, including by subdivision or by strata plan under the *Strata Property Act*.

4.6 Discharge - The City agrees that within a reasonable time after a demand by the Owner, the City must execute and deliver to the Owner a discharge of this Agreement, executed in registerable form, discharging this Agreement as a section 905 Local Government Act notice from the Lands if:

- (a) a written request for discharge for this Agreement from the Owner is received by the City no earlier than 10 years from the date notice of this Agreement is registered against title to the Lands, which request includes the registrable form of discharge;
- (b) the Owner repays any City-provided grant associated with the construction of the purpose-built rental housing to the City, which payment will be deposited into the City's Housing Opportunities Reserve Fund; and
- (c) the cost of preparation of the aforesaid discharge, and the cost of registration of the same in the Land Title Office is paid by the Owner.

4.7 Limitation on Owner's Obligations - The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Land.

- 4.8 **Release** – The Owner by this Agreement releases and forever discharges the City and each of its elected officials, officers, directors, employees and agents, and its and their heirs, executors, administrators, personal representatives, successors, and assigns, from and against all claims, demands, damages, actions, or causes of action by reason of or arising out of advice or direction respecting the ownership, lease, operation or management of the Land or the Dwelling Units which has been or at any time after the commencement of this Agreement may be given to the Owner by all or any of them. This clause will survive the termination of this Agreement.
- 4.9 **Joint Venture** – Nothing in this Agreement will constitute the Owner as the agent, joint venturer, or partner of the City or give the Owner any authority to bind the City in any way.
- 4.10 **Waiver** - An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.
- 4.11 **Further Acts** - The Owner shall do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.
- 4.12 **Severance** - If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.
- 4.13 **Equitable Remedies** – The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.
- 4.14 **No Other Agreements** - This Agreement is the entire agreement between the parties regarding its subject and it terminates and supersedes all other agreements and arrangements regarding its subject.
- 4.15 **Amendment** - This Agreement may be discharged, amended or affected only by an instrument duly executed by both the Owner and the City.
- 4.16 **Enurement** - This Agreement binds the parties to it and their respective successors, heirs, executors and administrators. Reference in this Agreement to the "City" is a reference also to the elected and appointed officials, employees and agents of the City.
- 4.17 **Deed and Contract** - By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.
- 

IN WITNESS WHEREOF the parties hereunto have executed this Agreement on the date and year first above written.

SIGNED, SEALED & DELIVERED in)
the presence of:)

C. Barteaux
Signature of Witness)

C. BARTEAUX
Print Name)

111-1321 RIDGEWAY DR
Address)

OFFICE MANAGER
Occupation)

Evergreen Lands Ltd. by its authorized
signatories:

[Signature]

PER: ILEN WEBSTER
Print Name:

Print Name:

SIGNED, SEALED & DELIVERED in)
the presence of:)

Signature of Witness)

Print Name)

Address)

Occupation)

CITY OF KELOWNA
by its authorized signatories:

Mayor

City Clerk

REPORT TO COUNCIL



Date: May 10th, 2013

RIM No. 0940-50

To: City Manager

From: Land Use Management, Community Sustainability (AW)

Application: DP12-0212 / DVP12-0213 **Owner:** Evergreen Lands Limited, Inc. No. 382754

Address: 1121, 1131, 1141 & 1151 Brookside Ave. **Applicant:** Meiklejohn Architects Inc.

Subject: Development Permit & Development Variance Permit

Existing OCP Designation: Multiple Unit Residential - Low Density

Existing Zone: RU6 - Two Dwelling Housing

Proposed Zone: RM3 - Low Density Multiple Housing

1.0 Recommendation

THAT Final Adoption of the Zoning Amending Bylaw No. 10809 be considered by Council;

AND THAT Final Adoption of the Housing Agreement Bylaw No. 10800 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP12-0212 for Lot 9 Section 19 Township 26 ODYD Plan 2704, located at 1121 Brookside Avenue, Lot 10 Section 19 Township 26 ODYD Plan 2704, located at 1131 Brookside Avenue, Lot 11 Section 19 Township 26 ODYD Plan 2704, located at 1141 Brookside Avenue, Lot 12 Section 19 Township 26 ODYD Plan 2704, located at 1151 Brookside Avenue, Kelowna, BC, 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. Consolidation of the subject properties into a single title 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. DVP12-0213 for Lot 9 Section 19 Township 26 ODYD Plan 2704, located at 1121 Brookside Avenue, Lot 10 Section 19 Township 26 ODYD Plan 2704, located at 1131 Brookside Avenue, Lot 11 Section 19 Township 26 ODYD Plan 2704, located at 1141 Brookside Avenue, Lot 12 Section 19 Township 26 ODYD Plan 2704, located at 1151 Brookside Avenue, Kelowna, BC, Kelowna, B.C.;

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

Section 13.9.6 (b) Development Regulations - Site Coverage

To vary the site coverage for buildings from 40% permitted to 41.6% proposed and for buildings, driveways and parking from 60% permitted to 62.6% proposed

Table 8.1 - Parking Schedule

To vary the parking from 97 stalls required to 83 stalls proposed.

2.0 Purpose

To consider a Development Permit for the form and character of the proposed 70 unit purpose built rental townhouse development. To consider a Development Variance Permit to vary site coverage for buildings from 40% permitted to 41.6% proposed, for buildings and parking from 60% permitted to 62.6% proposed and to vary the parking from 97 stalls required to 83 stalls proposed.

3.0 Land Use Management

Land Use Management staff are supportive of the proposal, as it is seen to meet the objectives and supporting policies of the Official Community Plan (OCP). The subject property is located within the Capri / Landmark Urban Centre, along the Gordon Drive bus route and within walking distance to A.S. Mathison Elementary School and the Capri Centre Mall. The applicant will secure all 70 units as purposed built rental housing for a period of 10 years. The proposed development places a clear emphasis on human scale buildings that feature strong relationships to Brookside Avenue.

The buildings represent a more contemporary form of architecture, the finishes are of a high quality, featuring contrasting blocks of colours and materials that serve to reduce massing and to emphasize building articulation. Decks have been incorporated to provide private open space facing the street and site landscaping uses native species, where possible, and complements the building design. The proposed variances are required in order to enable the developer to proceed with this form of project. The site coverage variances are relatively minor and the proposed parking variance has been subsequently reduced since the rezoning application was considered by Council at the public hearing. The proposal has been reduced from 72 units to 70 units while the total parking variance has been adjusted by 2 stalls to a 14 stall variance proposal. The property is located within the Capri / Landmark Urban Centre has great transit access and is within walking distance to various amenities. The applicant has other projects with similar parking calculations and has provided a rationale (attached at the end of this report) for how parking will be managed.

4.0 Proposal

4.1 Project Description

The proposed development consists of a total of 70 dwelling units divided between 4 buildings; 34 - 1 bedroom units and 36 - 2 bedroom units. Principal vehicular access for the units is via a driveway from Brookside Avenue. Parking for the development is located at the centre of the property with 46 of the stalls provided within carports. The applicant has proposed a parking variance which would provide each unit with 1 parking stall and a total of 13 visitor parking stalls. As this property is located within an Urban Centre, \$7,500.00 per stall as cash-in-lieu would be the appropriate mechanism to overcome this shortfall. However, as this is a purpose built housing project the applicant has asked that the parking be varied in accordance with the recently adopted Housing Strategy. Section 15 of the Housing Strategy suggests that parking should be reduced for multi family housing projects located within the Urban Core.

Long term bicycle parking is provided within individual storage units, and short term bicycle parking is provided near the centre of the site adjacent to the visitor vehicle parking. Pedestrian circulation is provided between buildings and through the property and a sidewalk will be provided along Brookside Avenue. The Brookside Avenue frontage provides a strong pedestrian orientation, with main building entrances and patios. Such design elements serve to activate these building frontages with heightened levels of pedestrian activity. The buildings are representative of a more contemporary aesthetic, having flat roofs and clean building lines. While it would have been preferred to have a land assembly include the lots to the west that front onto Gordon Drive, the proposal aims to respond to the urban context and provide an active streetscape experience. The proposal compares to Zoning Bylaw No. 8000 as follows:

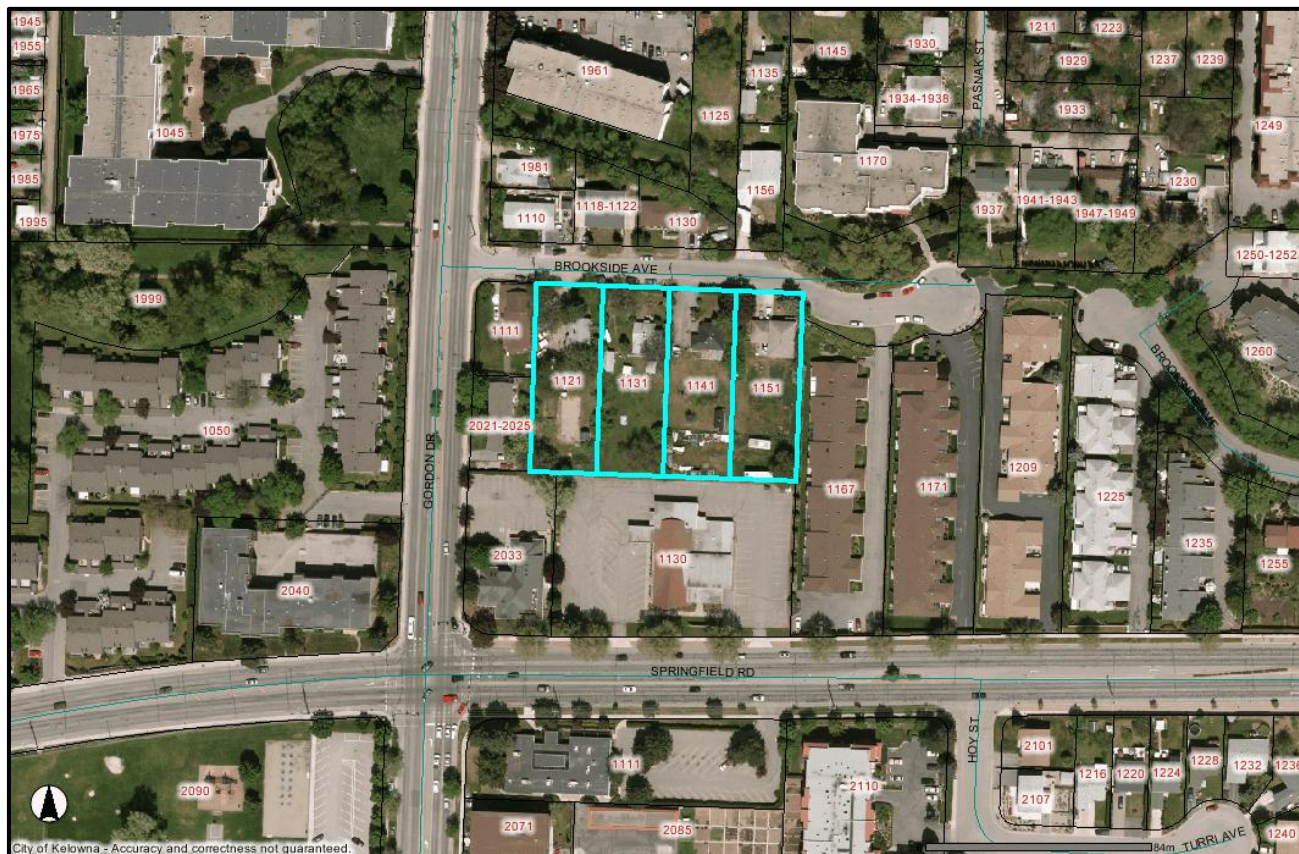
Zoning Analysis Table		
CRITERIA	RM3 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Floor Area Ratio	0.85	0.74
Site Coverage - Buildings	40%	41.6% ¹
Site Coverage - Buildings & Drive	60%	62.6% ²
Height	10.0m / 3 Storeys	8.8m / 2.5 storeys
Front Yard	1.5m	4.5m
Side Yard (east)	4.0m	17.0m
Side Yard (west)	4.0m	4.5m
Rear Yard	7.5m	7.5m
Other Regulations		
Minimum Parking Requirements	97 stalls	83 stalls ³
Bicycle Parking	Class I: 34 stalls Class II: 7 stalls	Class I: 34 stalls Class II: 7 stalls
Private Open Space	1472m ²	1472m ²
¹ To vary site coverage for buildings from 40% permitted to 41.6% proposed. ² To vary site coverage for buildings and parking from 60% permitted to 62.6% proposed. ³ To vary parking from 97 stalls required to 83 stalls proposed.		

4.2 Site Context

The subject properties are located within the Capri / Landmark Urban Centre in an area designated for a townhouse form of development. Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 - Two Dwelling Housing	Single Family Residential
East	RM3 - Low Density Multiple Housing	Townhouse Development
South	P2 - Educational & Minor Institutional	Church
West	RU6 - Two Dwelling Housing	Single Family Residential

Subject Property Map: 1121, 1131, 1141 & 1151 Brookside Ave.



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.

5.2.1 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

- 1) Demolition Permits required for any structures prior to them being taken down.
- 2) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s) for new construction
- 3) 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.

- 4) 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.
 - a. The area above the covered parking with welded wire mesh guards would be defined as climbable. These guards for the A2 assembly would be required to meet the minimum requirements for guards as defined in BCBC
 - b. There does not seem to be good fire fighting access for the two internal buildings mainly (upper type B units). How would these units be addressed and has the fire department commented on required access routes as per BCBC?
- 5) Full Plan check for Building Code related issues will be done at time of Building Permit applications

6.2 Development Engineering Department

Addressed as part of Z12-0068.

6.3 Infrastructure Planning

Transportation staff have not been able to locate any files pertaining to the closure of Brookside Avenue to vehicular through traffic. It is likely however that the closure was due to factors including the high number of multi-family units on the east leg of Brookside Avenue, proximity of Mill creek and an expectation that the western portion of Brookside Avenue, connecting to Gordon Dr, would be used as a short cut route if the connection was intact. High volumes of short-cutting would have created problems as there is not sufficient right-of-way to build a proper cross-section to connect the two parts of Brookside Avenue.

As part of the proposed development at 1121-1151 Brookside Ave, a sidewalk will be built along the development frontage and connect to the sidewalk at Gordon Dr. Due to the low vehicle volumes on this street, even after the traffic from the proposed development is added, it is felt that there is no need for any major improvements for this road.

There would be a need for a continuous sidewalk along Brookside Avenue if the street were opened up to through traffic, as that would change the road classification from a local road to a minor collector. It should be noted that there is not currently sufficient right-of-way available to allow for continuous sidewalk.

6.4 Bylaw Services - No concerns

6.5 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. Confirm 6m emergency access. A fire department turn-a-round is required in an access exceeding 100m. On site fire hydrants will be required.

6.6 Interior Health Authority

This development proposal appears to be adjacent to the Capri/Landmark Urban Centre which aims to create a pedestrian friendly environment where mixed-use, commercial, and parks and opens spaces are encouraged. These concepts align with Interior Health's goal to create environments where the healthy choice is the easy choice to enhance physical, mental and social health.

7.0 Application Chronology

Date of Application Received: November 27th, 2013
 Zone Amend Bylaw (3rd Reading): April 9th, 2013

Report prepared by:

Alec Warrender, Land Use Planner

Reviewed by:

☐

Danielle Noble, Manager, Urban Land Use

Approved for Inclusion:

☐

Doug Gilchrist, A. General Manager, Community Sustainability

Attachments:

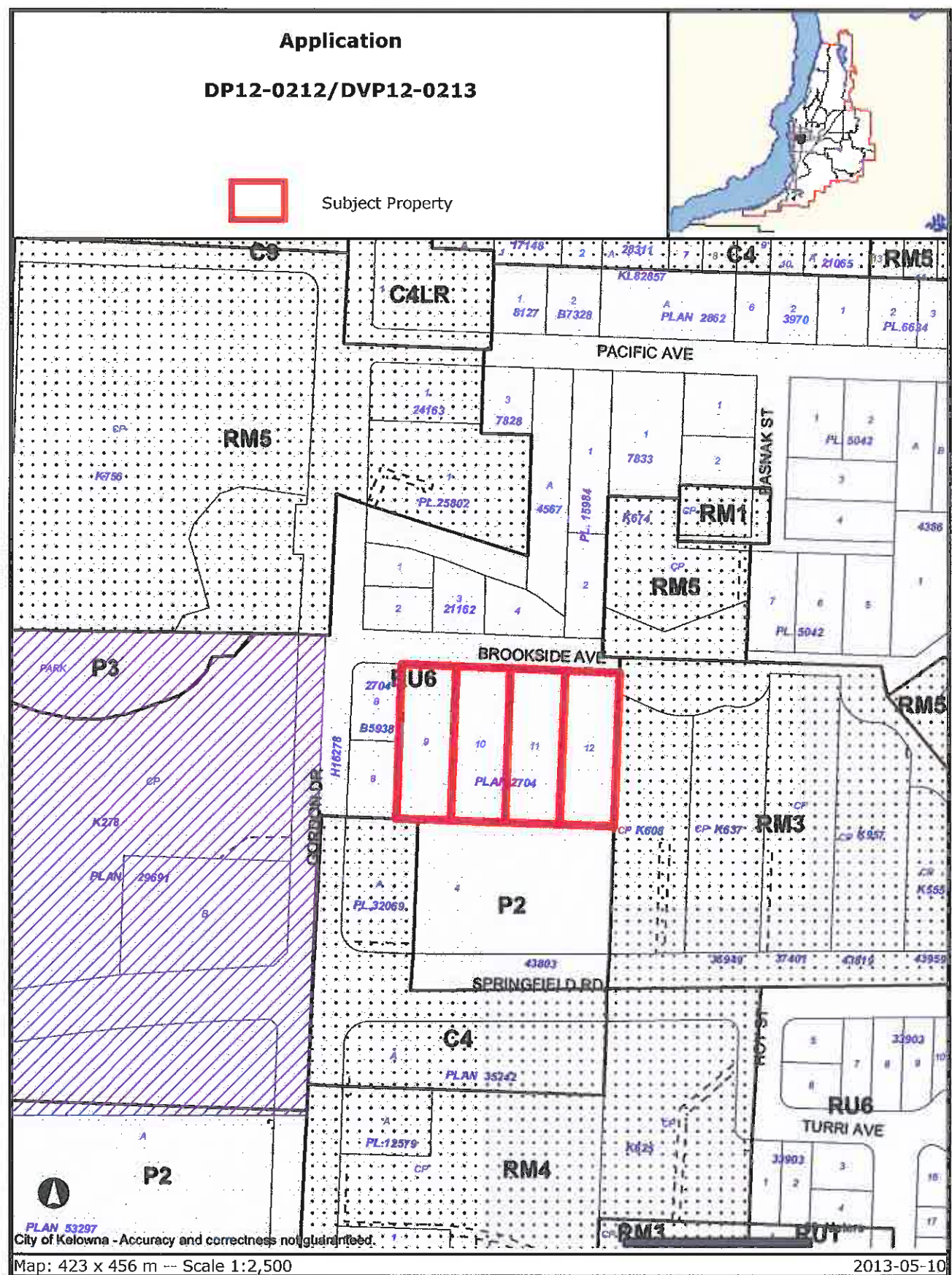
Subject Property Map

Sit Plan

Elevations & Renderings

Landscape Plan

Applicant's Parking Variance Rationale



*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.*

BROOKSIDE CITYHOMES

1155 BROOKSIDE AVE., KELOWNA, V1Y 5T5 LOT 9-12 Plan 2704

ISSUED FOR DP : 2013-05-09



ARCHITECTURAL



MEKLEDON ARCHITECTS INC.

LANDSCAPE



BENCH

A1.00	COVER SHEET & DRAWING LIST
A2.00	BUILDING CODE REVIEW & LOCATION PLAN
A2.01	SITE PLAN
A3.01	1ST FLOOR PLAN
A3.02	2ND FLOOR PLAN
A3.03	3RD FLOOR PLAN & ROOF PLAN
A4.01	BUILDING ELEVATIONS
A5.01	BUILDING SECTIONS
A5.02	BUILDING SECTIONS
A5.03	SITE SECTION

SCHEDULE A

This forms part of development

2013-05-09

ISSUED FOR DP

MEKLEDON ARCHITECTS INC.

DATE: 2013-05-09

TIME: 10:00 AM

PROJECT: 3 STOREY BROOKSIDE CITYHOMES - 70 UNITS

DESIGNER: MEKLEDON ARCHITECTS INC.

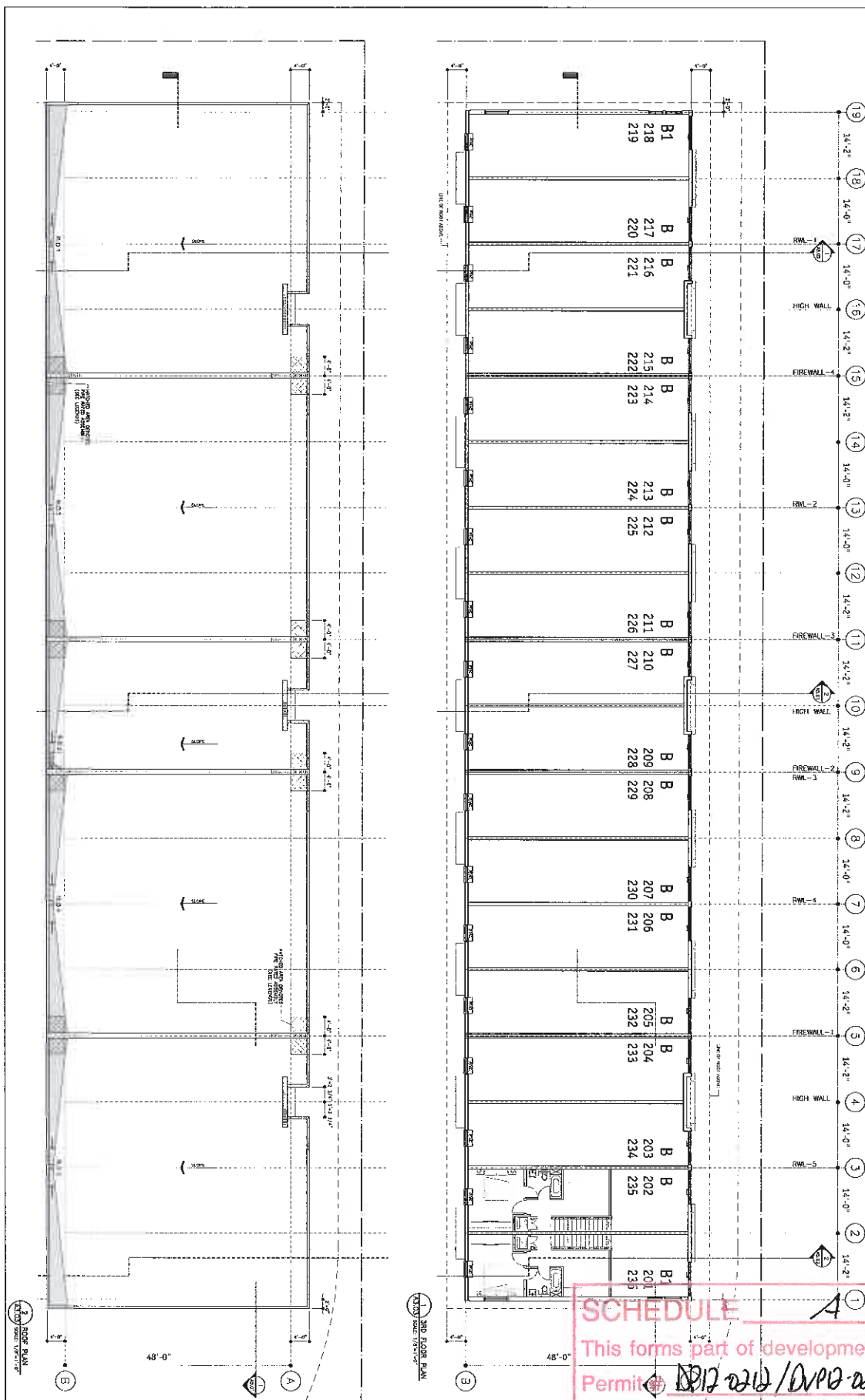
CLIENT: BENCH

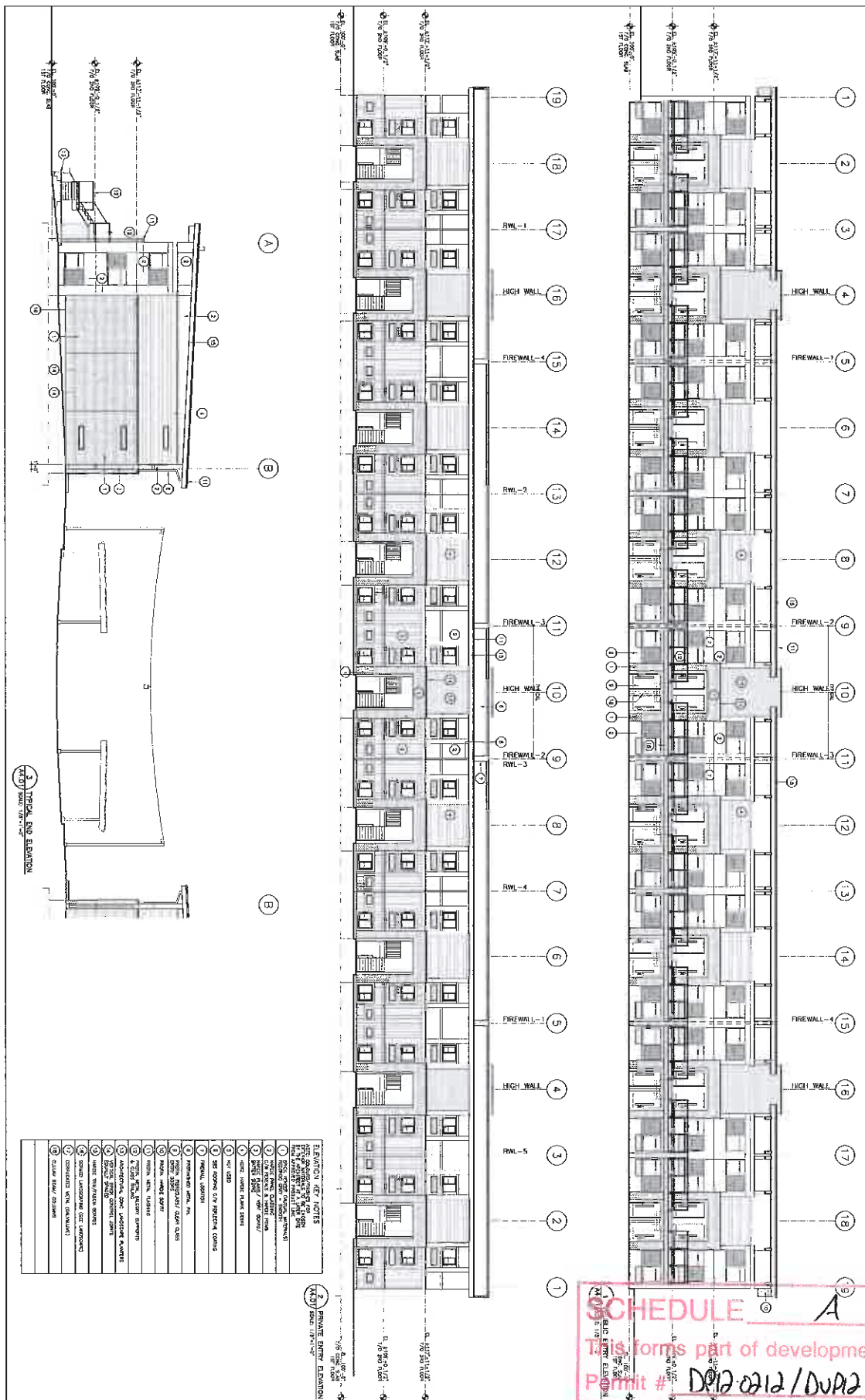
LOCATION: 1155 BROOKSIDE AVE., KELOWNA, V1Y 5T5

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

SHEET: 1 OF 1

TOTAL: 1 OF 1



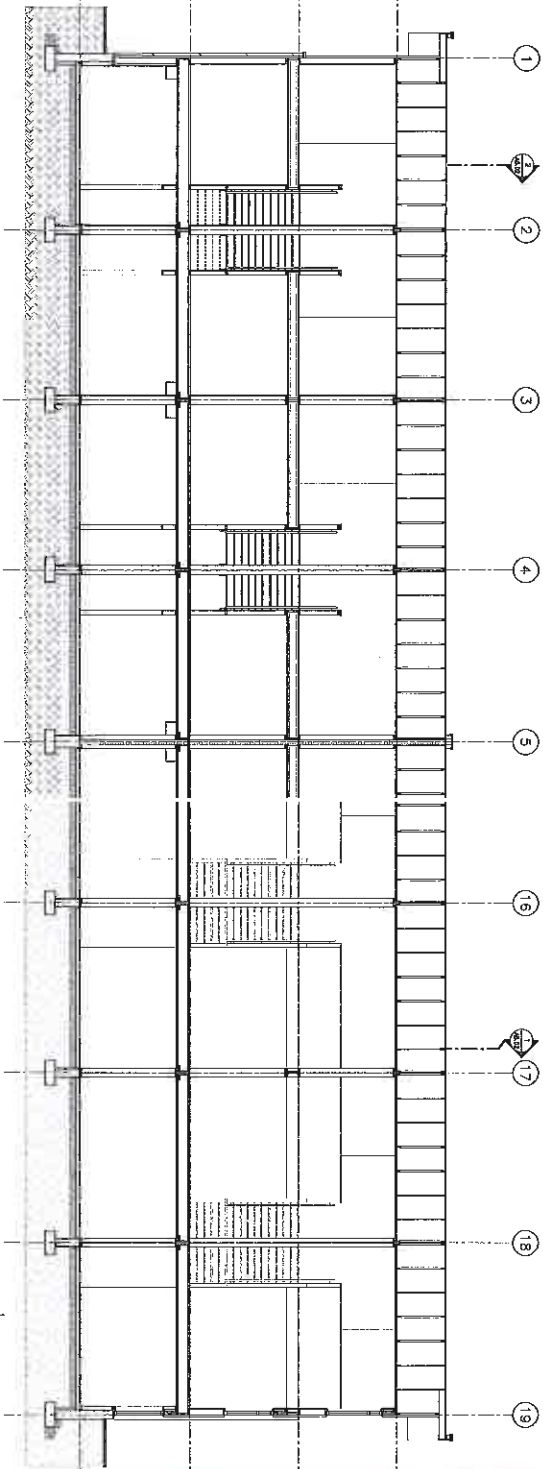


SCHEDULE A
 This is part of development
 Permit # D012 0212 / D012 0213

m+m
 MEIKLEJOHN ARCHITECTS INC.

2013-05-09
 Issued for DP

A4.01
 BUILDING ELEVATIONS
 3 STOREY BROOKSIDE
 COTTAGES - 70 UNITS



SCHEDULE A

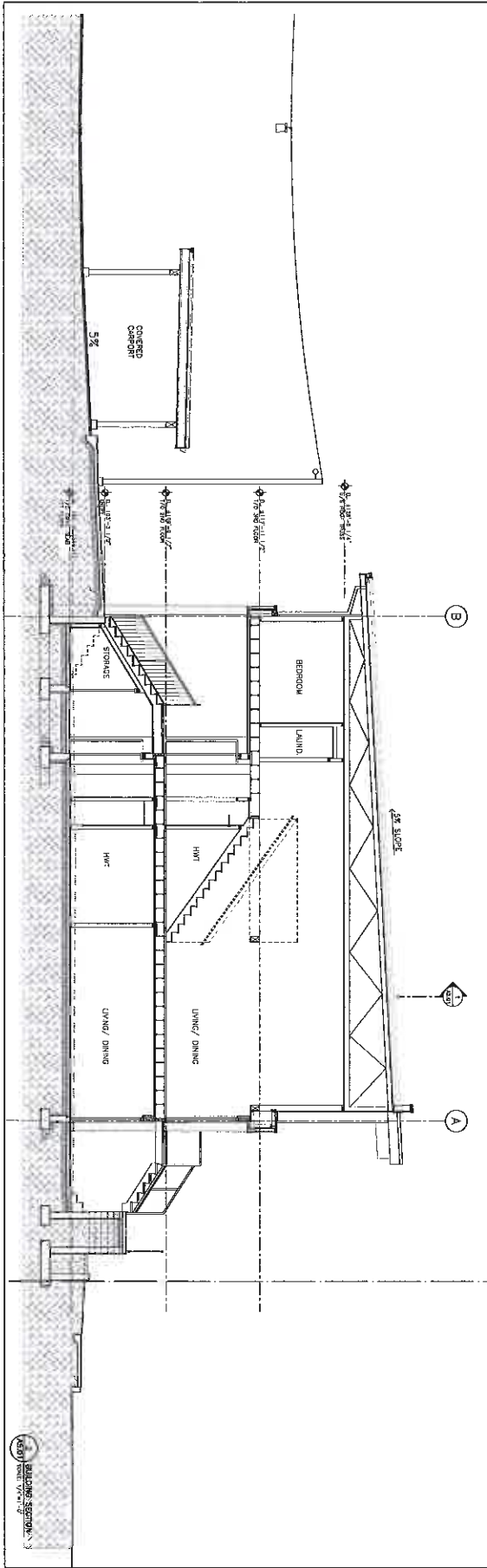
This forms part of development

Permit # DP12-0212 / DP12-0213

2013-05-09
Issued for DP

m+m
MECKLEJOHN ARCHITECTS, INC.

1000 N. 10TH STREET
SUITE 200
DENVER, CO 80202
TEL: 303.733.1111
WWW.M+MARCHITECTS.COM

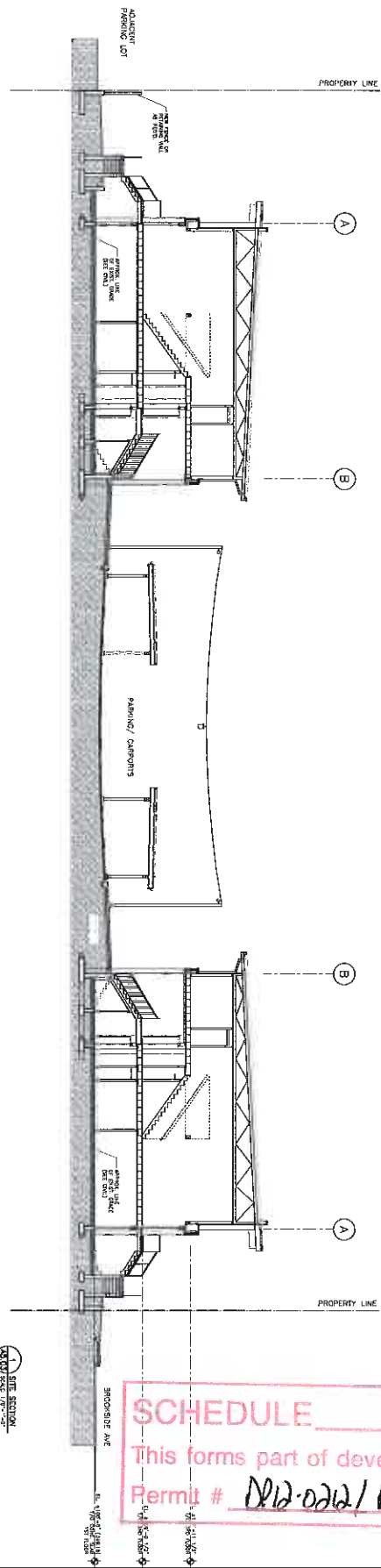


NO.	DATE	DESCRIPTION
1	05/09/2013	ISSUED FOR DP
2	05/09/2013	ISSUED FOR DP
3	05/09/2013	ISSUED FOR DP
4	05/09/2013	ISSUED FOR DP
5	05/09/2013	ISSUED FOR DP
6	05/09/2013	ISSUED FOR DP
7	05/09/2013	ISSUED FOR DP
8	05/09/2013	ISSUED FOR DP
9	05/09/2013	ISSUED FOR DP
10	05/09/2013	ISSUED FOR DP
11	05/09/2013	ISSUED FOR DP
12	05/09/2013	ISSUED FOR DP
13	05/09/2013	ISSUED FOR DP
14	05/09/2013	ISSUED FOR DP
15	05/09/2013	ISSUED FOR DP
16	05/09/2013	ISSUED FOR DP
17	05/09/2013	ISSUED FOR DP
18	05/09/2013	ISSUED FOR DP
19	05/09/2013	ISSUED FOR DP

A5.01

BUILDING SECTIONS

NO.	DATE	DESCRIPTION
1	05/09/2013	ISSUED FOR DP
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3	05/09/2013	ISSUED FOR DP
4	05/09/2013	ISSUED FOR DP
5	05/09/2013	ISSUED FOR DP
6	05/09/2013	ISSUED FOR DP
7	05/09/2013	ISSUED FOR DP
8	05/09/2013	ISSUED FOR DP
9	05/09/2013	ISSUED FOR DP
10	05/09/2013	ISSUED FOR DP
11	05/09/2013	ISSUED FOR DP
12	05/09/2013	ISSUED FOR DP
13	05/09/2013	ISSUED FOR DP
14	05/09/2013	ISSUED FOR DP
15	05/09/2013	ISSUED FOR DP
16	05/09/2013	ISSUED FOR DP
17	05/09/2013	ISSUED FOR DP
18	05/09/2013	ISSUED FOR DP
19	05/09/2013	ISSUED FOR DP



SCHEDULE A
 This forms part of development
 Permit # DP12-0212 / DP12-0213

m+m
 METKLEJOHN ARCHITECTS INC.

2013-05-09
 issued for DP

3 STORY PROPOSED
 CITYHOMES - 70 UNITS
 3 STORY PROPOSED
 CITYHOMES - 70 UNITS

NO.	REVISION	DATE	BY	CHKD
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driveway entry to the site



m+m a

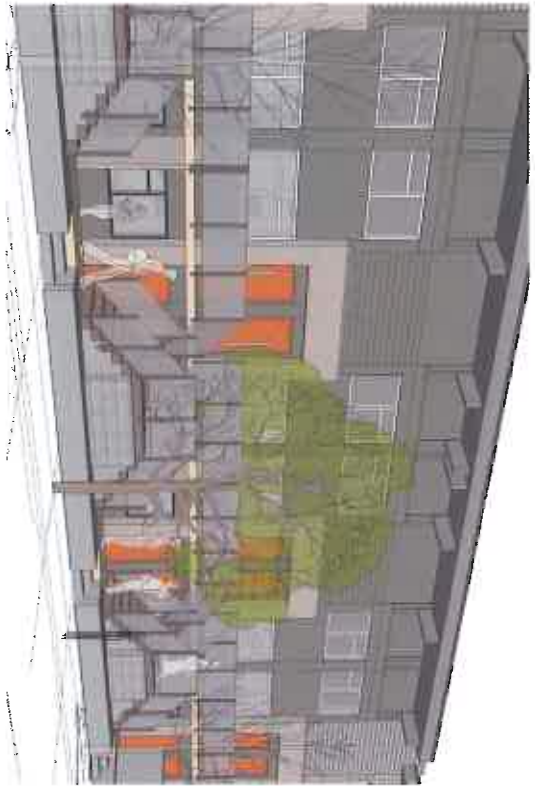
EVERGREEN
LANDS

view along brookside avenue

cityhomes on brookside

May 9, 2013

SCHEDULE B
This is part of development
Permit DP12-0212 / DP12-0213 35



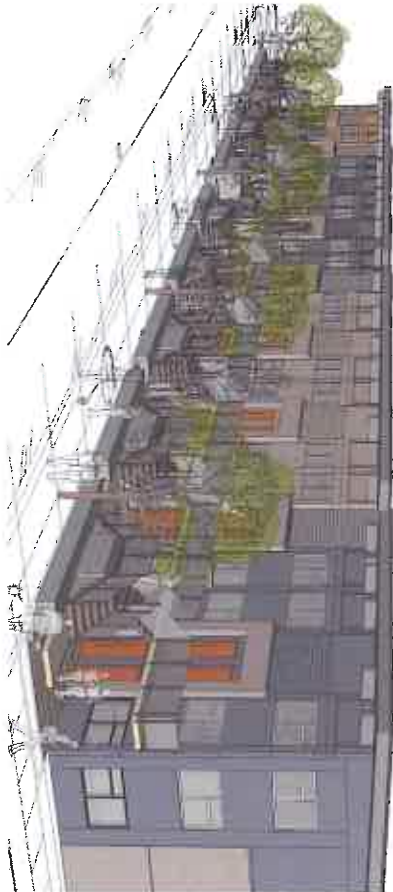
stairs to entry door



2nd level exterior corridor



main floor level deck



sidewalk with trees



Cityhomes on Brookside

May 9, 2013

SCHEDULE B

This forms part of development

Permit # DP12-012 / DVPD-1213



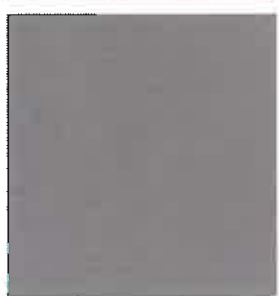
SCHEDULE B
 This forms part of development
 permit # DPR-2012/00PR-0013



siding - khaki brown



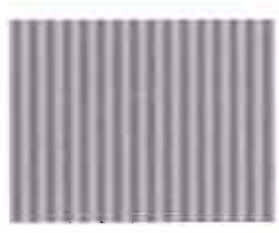
redondo gray brick



siding - iron gray



siding - monterey taupe



corrugated metal



siding - boothbay blue



view along brookside avenue

Cityhomes on Brookside

May 9, 2013

LEGEND

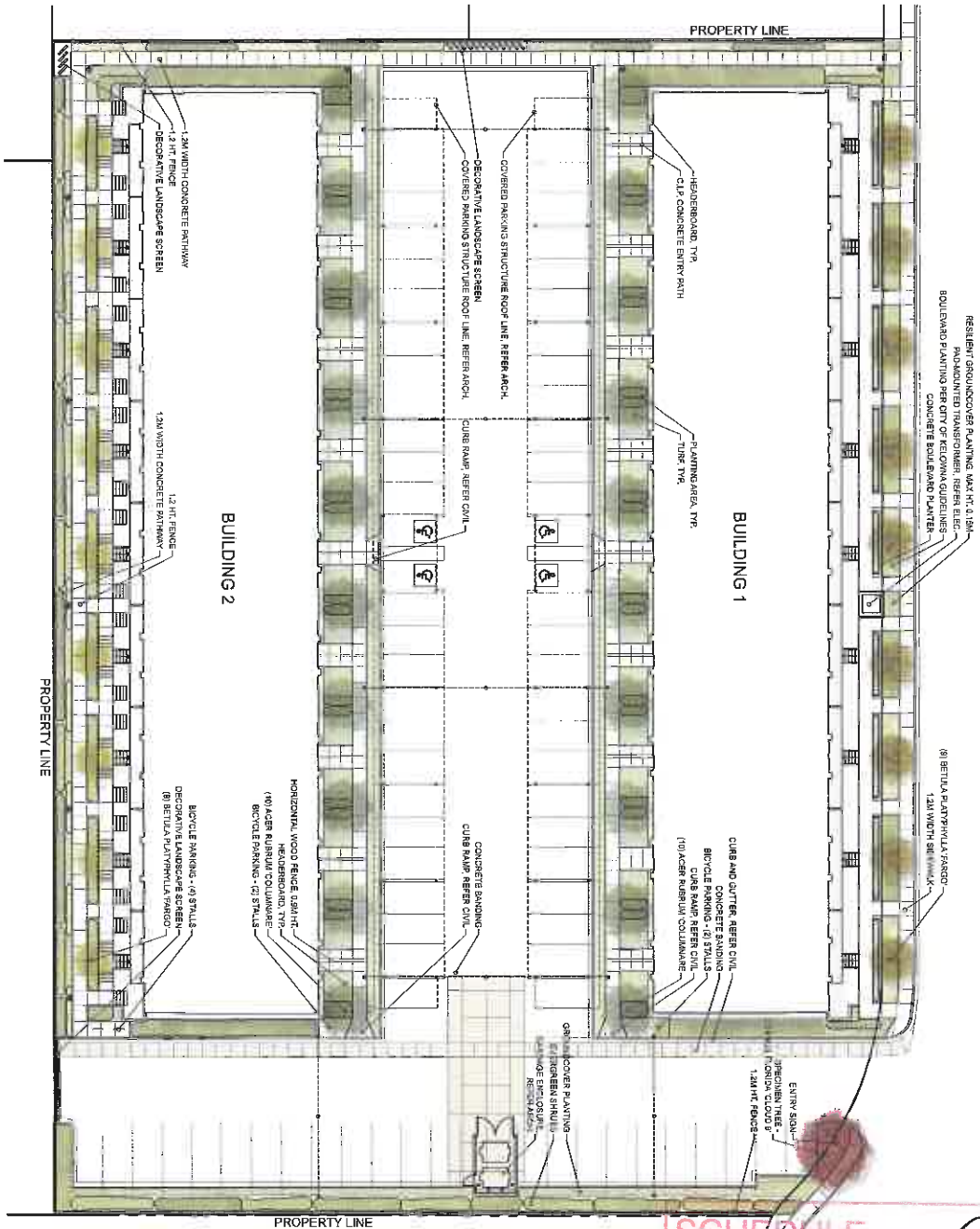
1. HEDGEROW TREES
2. BOUNDED PLANTING PER CITY OF BIRMINGHAM GUIDELINES
3. BOUNDED PLANTING PER CITY OF BIRMINGHAM GUIDELINES
4. BOUNDED PLANTING PER CITY OF BIRMINGHAM GUIDELINES
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10. BOUNDED PLANTING PER CITY OF BIRMINGHAM GUIDELINES

PLANT LIST

PLANT NAME	COMMON NAME	HEIGHT
1. Hedgerow Tree	Hedgerow Tree	10-15'
2. Bounded Planting	Bounded Planting	4-6'
3. Bounded Planting	Bounded Planting	4-6'
4. Bounded Planting	Bounded Planting	4-6'
5. Bounded Planting	Bounded Planting	4-6'
6. Bounded Planting	Bounded Planting	4-6'
7. Bounded Planting	Bounded Planting	4-6'
8. Bounded Planting	Bounded Planting	4-6'
9. Bounded Planting	Bounded Planting	4-6'
10. Bounded Planting	Bounded Planting	4-6'

LEGEND

1. Hedgerow Tree
2. Bounded Planting
3. Bounded Planting
4. Bounded Planting
5. Bounded Planting
6. Bounded Planting
7. Bounded Planting
8. Bounded Planting
9. Bounded Planting
10. Bounded Planting



SCHEDULE

This forms part of development
Permit # **DP12-0012/DUPD-2013**

LANDSCAPE PLAN

DATE: 11/13/12

PROJECT: 11/13/12

SCALE: 1" = 10'

NOT FOR CONSTRUCTION

BENCH

11/13/12

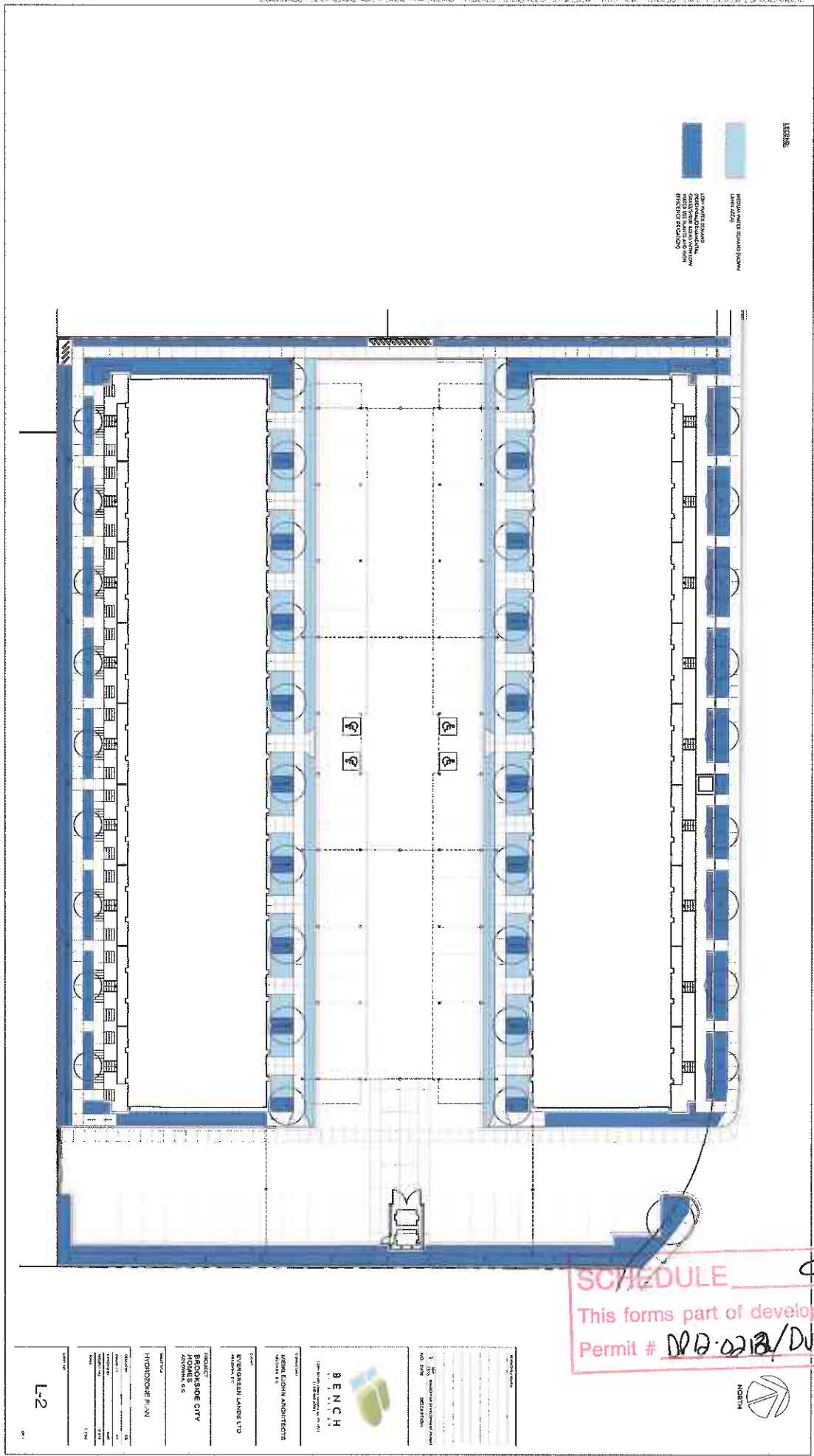
LANDSCAPE PLAN

DATE: 11/13/12

PROJECT: 11/13/12

SCALE: 1" = 10'

NOT FOR CONSTRUCTION



NOT FOR CONSTRUCTION

May 10, 2013

City of Kelowna
1435 Water Street
Kelowna, B.C. V1Y 1J4



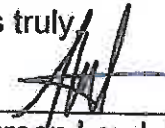
Attention: Alec Warrender
Re: Parking Variance Rational for DVP 12-0212, 1121-1151 Brookside Avenue

Dear Mr. Warrender:

Please find below the parking variance rational for Brookside Avenue as discussed.

1. This Development Permit application now reduces the parking variance from that which was already "approved" at the rezoning public hearing. The total number of units is now reduced from seventy-two (72) to seventy (70) units and the parking variance has been reduced from 16 to 14 parking stalls. In other words, 83 parking stalls are being provided on site for 70 units (34 one bedroom, 36 two bedroom), so there is now an increase of two (2) parking stalls on site from what was presented and "approved" at the rezoning public hearing.
2. Additional parking from what is provided in this development permit application is not needed based on our current "real" market experience with a new 79 unit rental apartment, Centre Point at 1370 Ridgeway Drive in Kelowna. All that is necessary, on average, is one stall per one bedroom or two bedroom unit, plus roughly 10% more as guest parking – which is what has been provided. Further, Centre Point is roughly a 1:2 ratio of one bedroom to two bedroom homes. This development on Brookside is roughly a 1:1 ratio of one bedroom to two bedroom homes – requiring even less parking.
3. This development will upgrade not only our three hundred and twenty-five (325) foot frontage along Brookside Avenue, but also another eighty (80) feet fronting the neighbouring property all the way to Gordon Drive, all to an SS-R4 urban standard including boulevard, sidewalk, curb and gutter. The result will provide new parallel parking along almost all of this frontage, or approximately an additional 16-18 parallel parking stalls.
4. This development is located well within the area the City defines as the "Urban Centre" which, amongst other things, means it is well located to take advantage of public transit, urban cycling routes and overall walkability – for a true live, work and play lifestyle – and reducing the need for additional vehicles.
5. It is widely acknowledged today that it is poor planning to waste valuable residential living space within the Urban Centre to build unnecessary parking. The days of "acres of parking", at least within the Urban Centre, are gone.
6. This development is a relatively low density both within the context of the Urban Centre and within the context of its immediate surroundings. At a Floor Area Ratio (FAR) of almost half that of urban apartment style buildings, and with apartments less than 100m away from this property, this development is relatively low density – including its demand for parking.
7. Only a block to the north of this development is the Capri Centre which is currently zoned C4 which requires only one parking stall per residential unit regardless of size – i.e. regardless of whether it's a one bedroom or a ten bedroom unit.
8. The City of Kelowna's very own "Kelowna Housing Strategy", which was first introduced to Council on November 2, 2011 and then more formally documented in March of 2012 (attached), recommends to Reduce minimum parking requirements in the zoning bylaw for new multi-unit housing in the Urban Core this document, and it's recommendations, played a very important role in the conception of this development. Simply stated, the City introduced their Housing Strategy and we responded to it.

Yours truly,


Evergreen Lands Ltd
Per: Ken Webster

P 250.763.6600
F 250.763.6614

www.evergreenlands.com

40

102- 1370 Ridgeway Drive
Kelowna, BC V1Y 9V3

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Permit No.: DP12-0212 / DVP12-0213

EXISTING ZONING DESIGNATION: RM3 - Low Density Multiple Housing
WITHIN DEVELOPMENT PERMIT AREA: Revitalization Development Permit

ISSUED TO: Meiklejohn Architects Inc.

LOCATION OF SUBJECT SITE: 1121, 1131, 1141 & 1151 Brookside Ave.

	LOT	SECTION	TOWNSHIP	SECTION	DISTRICT	PLAN
LEGAL DESCRIPTION:	9	19	26		ODYD	2704
	10	19	26		ODYD	2704
	11	19	26		ODYD	2704
	12	19	26		ODYD	2704

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 Development and 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:

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

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

Section 13.9.6 (b) Development Regulations - Site Coverage

To vary the site coverage for buildings from 40% permitted to 41.6% proposed and for buildings, driveways and parking from 60% permitted to 62.6% proposed

Table 8.1 - Parking Schedule

To vary the parking from 97 stalls required to 83 stalls proposed.

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

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.

4. 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 transferable 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.

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 Land Use Management.

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:

AUTHORIZING RESOLUTION PASSED BY MUNICIPAL COUNCIL THE 4th DAY OF JUNE, 2013.

ISSUED BY THE LAND USE MANAGEMENT DEPARTMENT OF THE CITY OF KELOWNA THE ____ DAY OF JUNE, 2013, BY THE ACTING GENERAL MANAGER OF COMMUNITY SUSTAINABILITY.

Doug Gilchrist
Acting General Manager, Community Sustainability

REPORT TO COUNCIL



Date: May 9, 2013

RIM No. 0940-50

To: City Manager

From: Land Use Management, Community Sustainability (BD)

Application: DVP13-0027

Owner: Craig Richard Mohr

Address: 5330 Signet Crescent

Applicant: Vineyard Mgmt. Ltd
(Craig Mohr)

Subject: Development Variance Permit

Existing OCP Designation: Single/two Unit Residential

Existing Zone: RU1H- Large Lot Housing (Hillside Area)

1.0 Recommendation

THAT Council authorize the issuance of a Development Variance Permit No. DVP13-0027, for Lot 5, Section 24, Township 28, SDYD, Plan KAP87210, located on 5330 Signet Crescent, Kelowna, BC;

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

Section 7.5.9 - Fencing and Retaining Walls:

To vary the south portion of the east rock wall from 1.2 m permitted to 2.0 m proposed.

To vary the lower portion of the two tiered portion of the rock wall from 1.2 m permitted to 1.6 m proposed.

To vary the minimum vertical distance between the rock walls from 1.2 m permitted to 0.1 m proposed.

AND THAT a building permit for the rock retaining walls be applied for prior to issuance of the Development Variance Permit;

AND THAT a licence of occupation be applied for prior to issuance of the Development Variance Permit;

AND FURTHER THAT the wall be rebuilt to meet the City of Kelowna Traffic Bylaw 8120 sightline requirements as approved through the corresponding Building Permit.

2.0 Purpose

To obtain Council's approval to issue a Development Variance Permit to vary the maximum allowable height and spacing of an existing retaining wall system.

3.0 Land Use Management

The subject property has a height difference from the street level to the lane which is common to the corner lots along this area's flanking streets. A walkout single family dwelling, with a single storey on the street front and the lower floor accessible from the lane is near completion. A retaining wall system was constructed on the eastern portion of the site which has impacted City services and encroaches on City land. The application seeks to vary the height and vertical depth of the walls and legalize their placement. Specifically, the retaining walls vary to a maximum height of 2.0m whereas 1.2m is permitted. The minimum permitted step back of a retaining wall is 1.2m, whereas the depths of these walls vary from 0.1m to 1.37m.

Circulation comments highlighted a number of concerns pertaining to the wall placement and their impact on City infrastructure and potential liabilities. The walls were constructed without permits and encroach on the City boulevard. Other concerns include relocating City hook-up services without approvals, and future ability for the City to maintain utility services without disturbing the wall and sightline issues. Noted by the Development Engineering branch, in the event there is a future water main break, City crews would be required to demolish the wall to access these services and it would have to be rebuilt by the owner.

In working with the applicant, Staff have been able to secure the appropriate engineering schedules providing structural, anchoring, and seismic restraint assurances to the satisfaction of the Chief Building Officer. Staff do not condone construction without permits, however the wall has been proven to be structurally sound, and the applicant has shown good faith in resolving some of the utility services issues and is committed to rebuilding a portion of the walls to meet City sightline requirements. Further, letters of support have been provided from all abutting neighbours.

4.0 Proposal

4.1 Background

Retaining walls that exceed maximum height allowances were constructed on the subject property that encroach on the City boulevard over City services. The walls vary in height to a maximum of 2.0 meters of continuous wall. There is a portion of the rock wall that is stepped back, which varies from a depth of 1.37m to 0.1m, triggering a variance for all portions less than 1.2m in spacing. A variance for both the height and vertical distance between the walls is being requested.

In reviewing the proposal, it was found that:

- portions of the rock wall encroach on the City boulevard;
- that the inspection chamber (IC) and water shut off were altered without City approval and were no longer accessible;
- the walls obstruct site lines requirements as per Traffic Bylaw 8120; and
- the functionality of the fire hydrant at the site's rear was impeded.

Since making application, the applicant has adjusted the IC, water shut off and the fire hydrant accessibility to the City's satisfaction. They have committed to reconstructing portions of the retaining walls that are causing site line issues pending favorable consideration by Council.

Staff appreciate that action has been taken to remedy some immediate concerns however there are still situations where the wall will impede the City's ability to maintain and service the water shutoff valve if required. Considering that the wall is partially on the boulevard, road clearing

and maintenance could be impacted. The Building and Permitting comments have been resolved with the schedules of assurance from a registered Professional Engineer.

Should Council consider this variance favorably, the property owner would be required to reconstruct those portions of the wall that impede traffic sightlines, apply for a licence of occupation for the portions of the wall that encroach on City land, and understand that should the wall need to be removed for maintenance issues, it would be at the owner's cost and responsibility to replace it.

4.2 Site Context

The subject property is located in the south slopes in the south west Mission Area. The area is characterized by new dwellings. The adjacent land uses in all directions are RU1h- Large Lot housing (Hillside area).

4.3 Subject Property Map: 5330 Signet Crescent



4.4 Zoning Analysis Table

The proposed application meets the requirements of RU1h- Large Lot Housing (Hillside Area) zone as follows:

Zoning Analysis Table		
CRITERIA	RU1H ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	550 m ²	965 m ²
Lot Width	15 m	27.8 m
Lot Depth	30 m	33.4 m
Development Regulations		
Maximum retaining wall height	1.2m	Varies up to 2.0m
Minimum retaining wall spacing	1.2m	Varies from 0.1m to 1.37m

5.0 Current Development Policies and Bylaws

5.1 Zoning Bylaw 8000

Section 7.5.9 Retaining walls on all residential lots, except those required as a condition of subdivision approval, must not exceed a height of 1.2 m measured from grade on the lower side, and must be constructed so that any retaining walls are spaced to provide at least a 1.2 m horizontal separation between them.

5.2 Official Community Plan Hillside Guidelines: Landscaping and Retaining Walls¹

- Incorporate landscaping that is natural and blends in with any existing vegetation minimizing large areas of formal landscaping;
- Preserve existing plant materials of significant size or relocate within the site;
- Incorporate landscaping that enhances building design and architectural elements;
- Re-vegetate any unavoidable cut and fill along ridgelines with natural landscaping;
- Minimize the impact of development by screening structures through effective use of landscaping materials;
- Incorporate retaining walls utilizing native building materials (i.e., earth berms, rock forms, or stone) to minimize the visual impact of cuts;
- Minimize fence and retaining wall height and length. Stepped or terraced walls with landscaping are encouraged for areas where steep cuts are required.

6.0 Technical Comments

6.1 Building & Permitting Department

Geotechnical Engineer required for the wall design at time of building permit application.

The clarification of a geotechnical engineer for the over height rock walls on city property would be to limit liability for the city due to the potential of falling rocks or retained land movement. If this wall was to be reconstructed on the owners property and meet the heights allowable in the zoning bylaw the risks to the public should be greatly reduced. The responsibility for the design of landscaping is typical of all residential lots being developed within the prescriptive requirements of the zoning bylaw and should be easily achievable without hardship.

May 8th revision- Received Schedule B, C-B, from Gable LeBihan, P. Eng. allow with schedule D of insurance to satisfaction of the Building and Permitting Branch.

Building Permit is required.

6.2 Development Engineering Department

See attached.

6.3 Shaw Cable

Rock wall height change, make sure rock wall isn't built over top of existing conduit on the east and south sides of property.

7.0 Application Chronology

Date of Application Received: February 18, 2013
Date of submission Correction: April 23, 2013

¹ Official Community Plan – Hillside Guideline Chapter 14

Report prepared by:

Birte Decloux, Land Use Planner

Reviewed by:

☐

Danielle Noble, Manager, Urban Land Use

Approved for Inclusion:

☐

Doug Gilchrist, Acting General Manager,
Community Sustainability

Attachments:

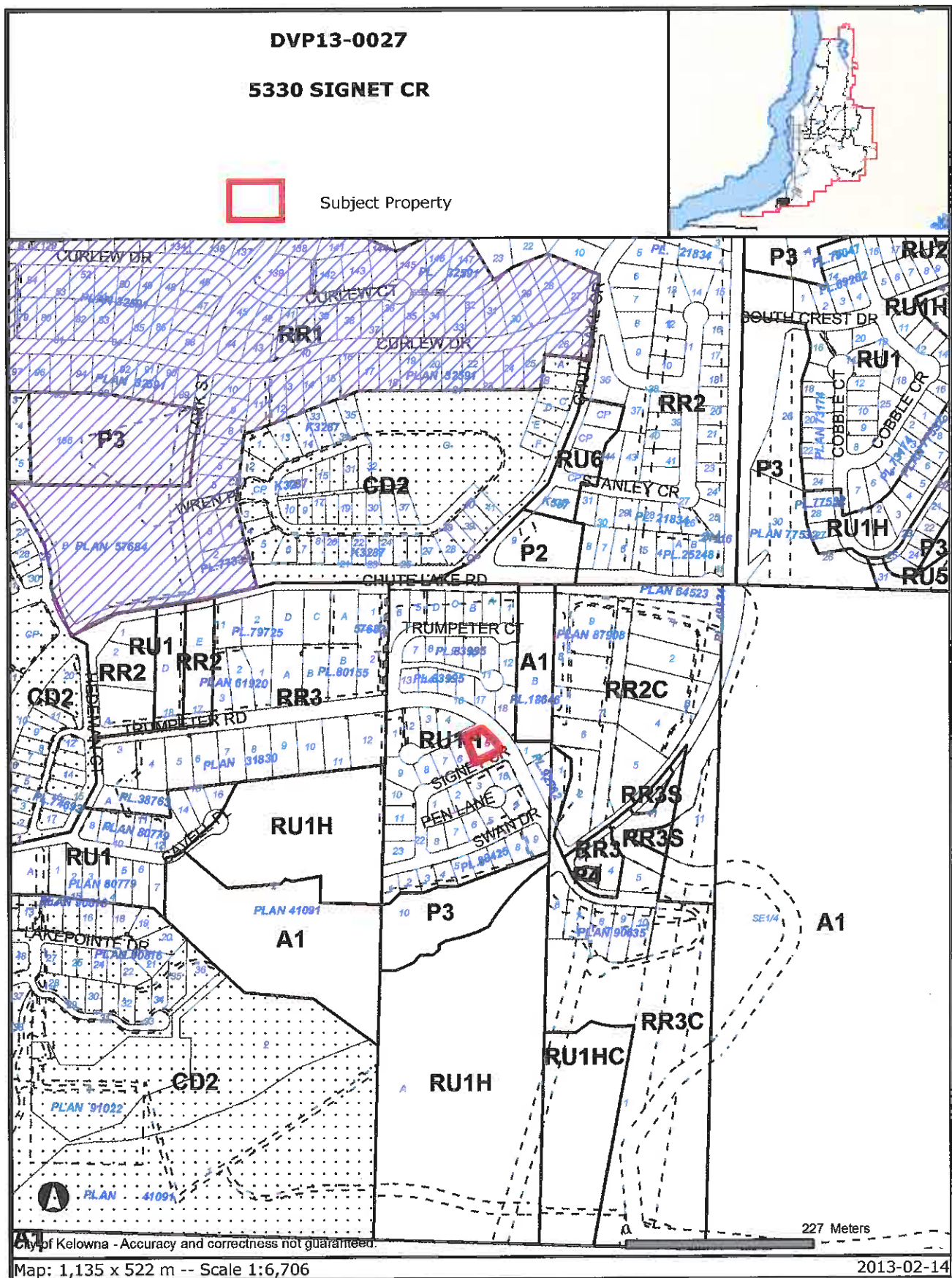
Site Plan

Conceptual Elevations (dwelling)

Elevations photo (retaining wall)

Context/Site Photos

Summary of Technical Comments



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.

CITY OF KELOWNA
MEMORANDUM

Date: April 25, 2013
File No.: DVP13-0027

To: Land Use Management Department (BD)

From: Development Engineering Manager (**Revised Comments**)

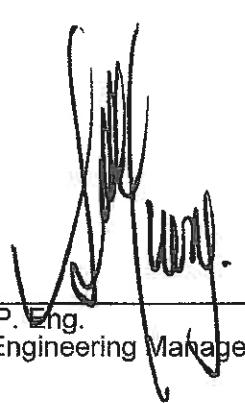
Subject: 5330 Signet Court Lot 5 Plan 87210 Retaining Wall Height Variance

Development Engineering has the following comments associated with this Development Variance Permit application.

The wall or portions of it encroach significantly into our roadway as evident from the location of our services and the hydrant. The encroachment has compromised both sightlines and our servicing and operations.

Our sanitary inspection chamber (IC) and Water shut-off valve are behind the constructed rock retaining walls. Should repairs to these services be required, city operation would need to remove a large portion of the wall structure to access the services at the installed depths.

The sightlines from Signet Crescent as well as from Cob Lane are very limited (existing sightline is just over 40m) This is partially due to the horizontal and vertical road alignment elements but the sightline is made worse by the encroachment of the retaining wall.



Steve Muenz, P. Eng.
Development Engineering Manager
JF/jf

5330 SIGNET CRES. - CONCEPT WITHOUT POOL



- ### Legend

① Pictures locations for photos on following pages

SCHEDULE A

This forms part of development Permit # DIP13-0027



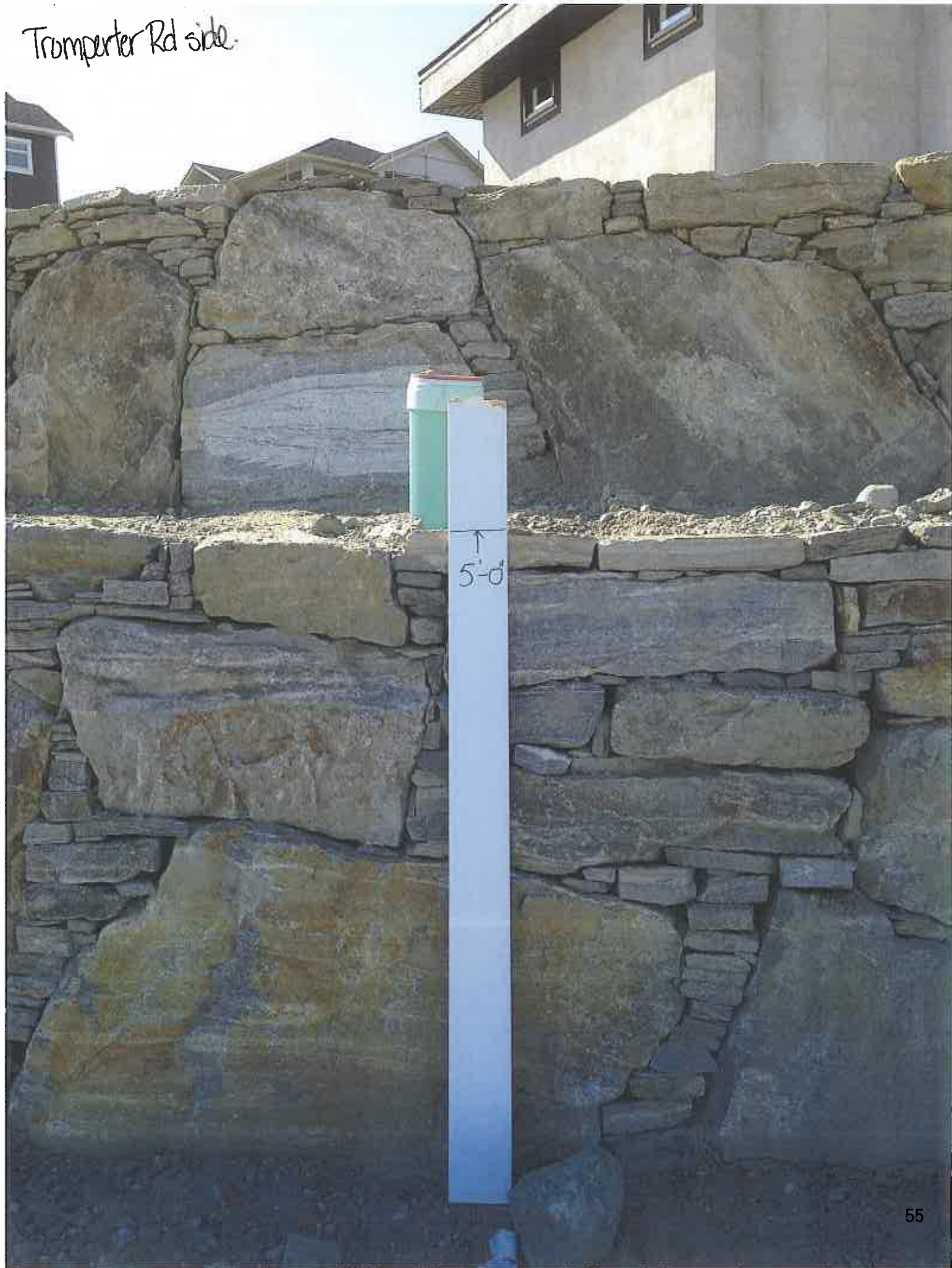
dwelling
is not complete
& is missing
cladding



neighbour



Tromperter Rd side.





View from South
East corner



Proportional view







vertical distance

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No .: DVP13-0037

EXISTING ZONING DESIGNATION:	RU1h - Large Lot Housing (Hillside)
WITHIN DEVELOPMENT PERMIT AREA:	Zoning Bylaw Section 7.5.9 - Fencing and Retaining walls To vary the permitted height and depth of retaining walls

ISSUED TO: Craig R. Mohr (Vineyard Mgmt. Ltd)
LOCATION OF SUBJECT SITE: 5330 Signet Crescent

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	5		KAP87210	24	28	SDYD

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 Development and 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 are granted:

Section 7.5.9 - Fencing and Retaining Walls:

To vary the south portion of the east rock wall from 1.2 m permitted to 2.0m proposed.

To vary the lower portion of the two tiered portion of the rock wall from 1.2m permitted to 1.6m proposed.

To vary the vertical distance between the rock walls from 1.37m permitted to 0.0m proposed.

AND THAT a building permit for the rock retaining walls be applied for prior to issuance of the Development Variance Permit;

AND THAT a licence of occupation be applied for prior to issuance of the Development Variance Permit;

AND FURTHER THAT the wall be rebuilt to meet the City of Kelowna Traffic Bylaw 8120 sightline requirements as approved through the corresponding Building Permit.

2. PERFORMANCE SECURITY: None Required.

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 transferable 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.

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 Land Use Management.

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.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY COUNCIL ON THE ____th DAY OF JUNE, 2013.

ISSUED BY THE LAND USE MANAGEMENT DEPT. OF THE CITY OF KELOWNA THE ____TH DAY OF JUNE 2013.

Doug Gilchrist, Acting General Manager, Community Sustainability
For the Director of Land Use Management

REPORT TO COUNCIL



Date: May 9, 2013

RIM No. 0940-50

To: City Manager

From: Land Use Management, Community Sustainability (BD)

Application: DVP13-0042 **Owner:** Patricia Clara Evans

Address: #1 - 2368 Abbott Street **Applicant:** Gord Turner Renovations Ltd.

Subject: Development Variance Permit

Existing OCP Designation: Single/ Two Unit Residential

Existing Zone: RU1- Large Lot Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0042, for Strata Lot 1, District Lot 14, ODYD Plan K721 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1 located on 2368 Abbott Street, Kelowna, BC;

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

Section 13.1.6 (e) Development Regulations:

To vary the rear yard setback from 7.5 m permitted to 5.0m proposed (as per Schedule "A").

2.0 Purpose

To vary the required rear yard set back from 7.5m required to 5.0m proposed to allow the construction of a sunroom.

3.0 Land Use Management

The applicant is seeking to construct a 16.25 m² addition to the rear of the dwelling. A variance to the rear yard is triggered by the siting of the proposed addition. The addition is anticipated to blend seamlessly into the existing dwelling and not be visible from Abbott Street or the internal strata road. As the variance is considered to be modest relaxation to the rear setback and all impacted property owners are in support, Staff are supportive of the proposal.

5.2 Development Engineering Department

The Development Variance Permit to vary rear yard setback from 7.5m to 5.00m does not compromise any municipal services.

6.0 Application Chronology

Date of Application Received: April 8, 2013

Report prepared by:

Birte Decloux, Land Use Planner

Reviewed by:

☐

Danielle Noble, Manager, Urban Land Use

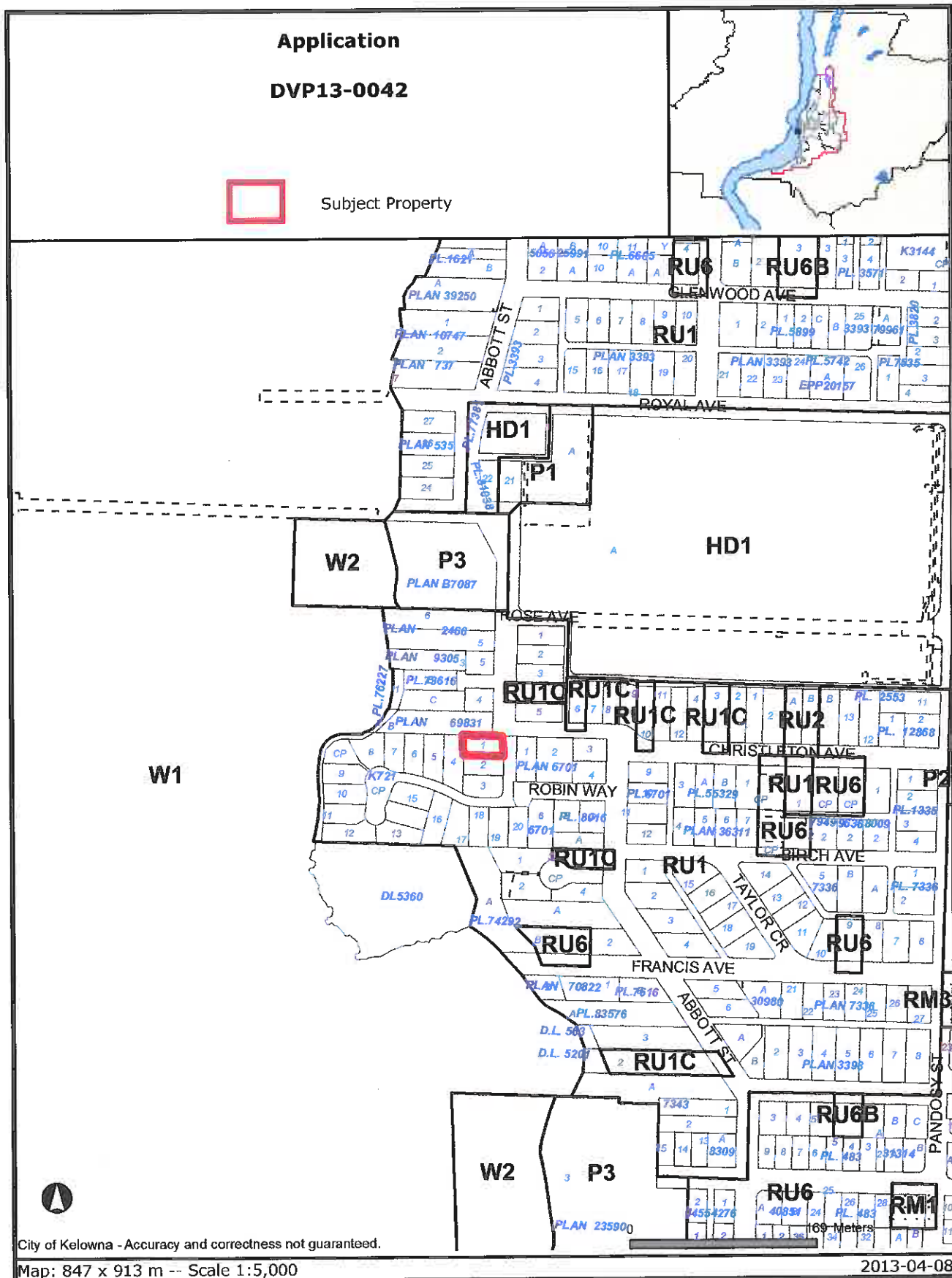
Approved for Inclusion:

☐

Doug Gilchrist, Acting General Manager,
Community Sustainability

Attachments:

Site Plan (Schedule A)
Conceptual Elevations
Floor Plan



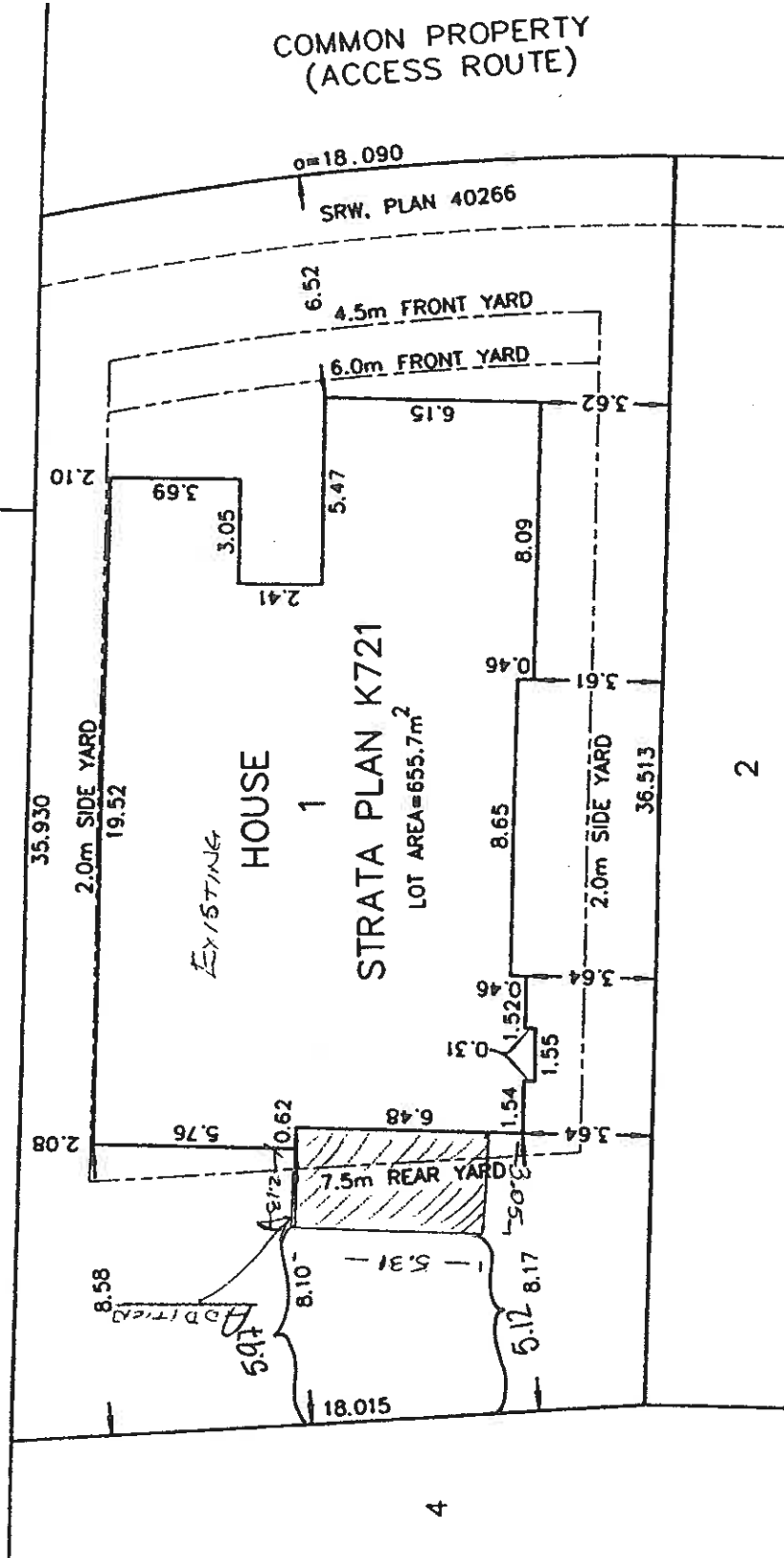
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

PLAN SHOWING BUILDING ENVELOPE AND HOUSE LOCATION ON STRATA LOT 1, DL 14, ODYD, STRATA PLAN K721

#1-2368 ABBOTT STREET

B
PLAN KAP69831

ABBOTT STREET



CLIENT: CORD TURNER RENOVATIONS DATE: NOVEMBER 8, 2012

SCALE: 1:200 METRES FILE: 19451 DRAWN BY: CH

Ferguson Land Surveying & Geomatics Ltd.

BC AND CANADA LAND SURVEYORS 404-1630 PANDOSY STREET, KELOWNA, BC

PHONE: (250) 763-3115 FAX: (250) 763-0321

© Ferguson Land Surveying & Geomatics Ltd., ALL RIGHTS RESERVED.

----- DENTOE'S SETBACK LINE

ZONE IS RU1, CITY OF KELOWNA

SITE COVERAGE (BUILDING ONLY)=36.5% (MAX.=40%)

SITE COVERAGE (WITH DRIVEWAY)=43.2% (MAX.=50%)

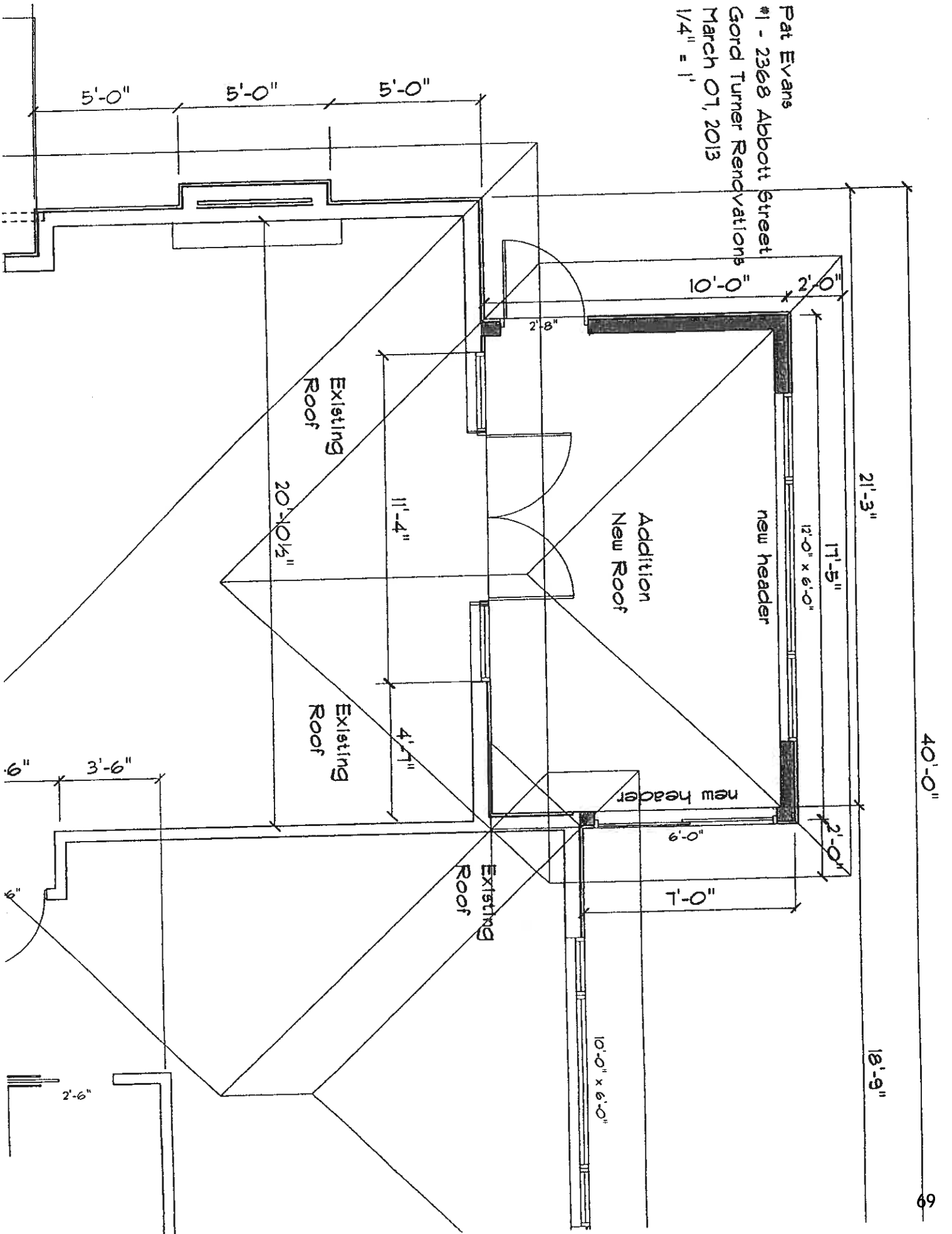
SCHEDULE A

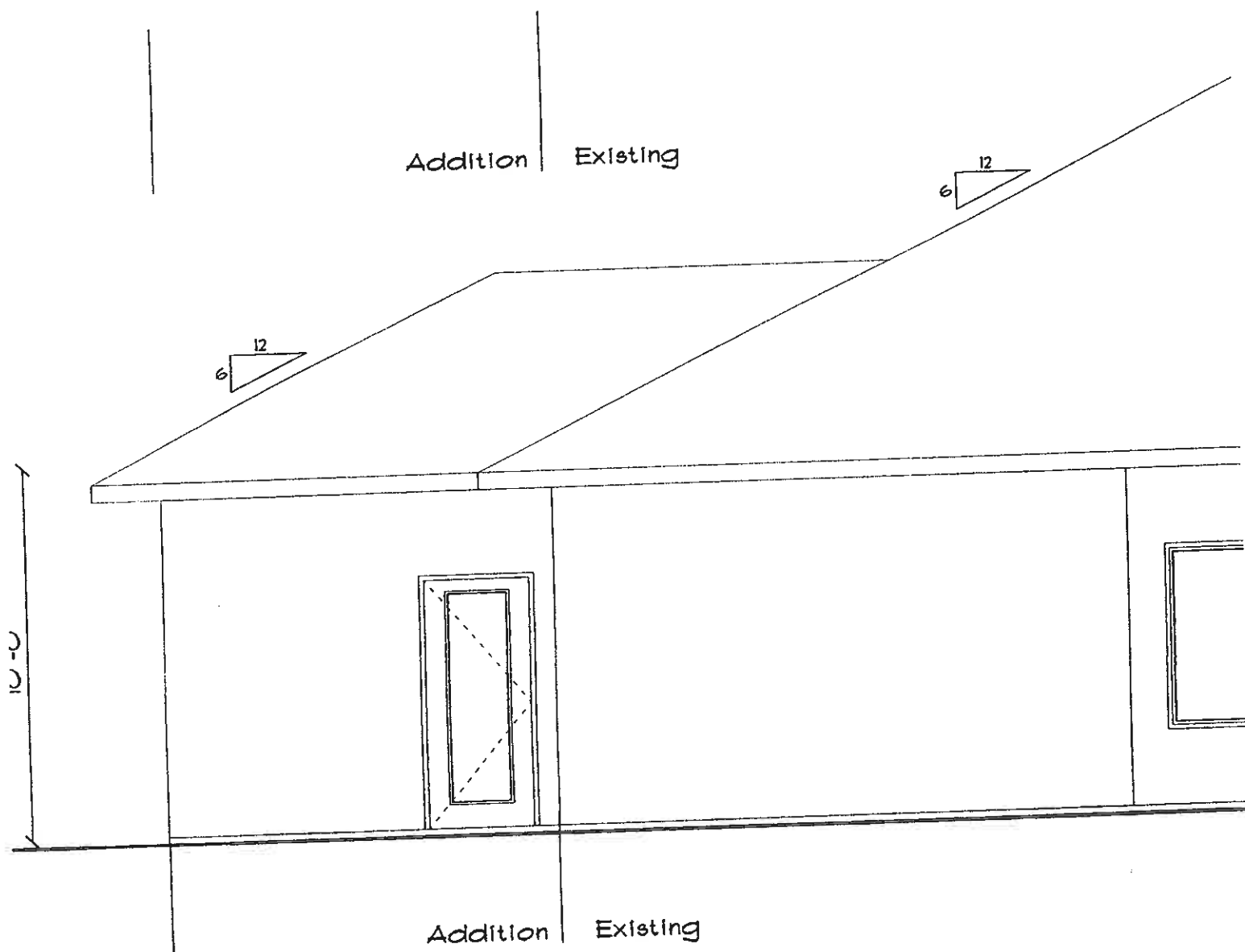
This forms part of development

Permit #

NP13-0042

Pat Evans
 #1 - 2368 Abbott Street
 Gord Turner Renovations
 March 07, 2013
 1/4" = 1'





Pat Evans
#1 - 2368 Abbott St.
Right Elevation
Gord Turner Renovations

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP13-0042

EXISTING ZONING DESIGNATION: RU1- Large Lot Housing
DEVELOPMENT VARIANCE PERMIT: To vary the required rear yard setback

ISSUED TO: Patricia Evans (Applicant Gord Turner Renovations)
LOCATION OF SUBJECT SITE: #1- 2368 Abbott Street

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	Strata Lot 1		14		ODYD	K721 together with an interest in the common propoerti in proportion to the unit entitlement of the strata as shown on form 1

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.
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1. TERMS AND CONDITIONS:

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

Section 13.1.6 (e) Development Regulations:

To vary the rear yard setback from 7.5 m permitted to 5.0m 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: Not applicable.

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 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.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE ____th DAY OF MAY, 2013.

ISSUED BY THE ACTING GENERAL MANAGER OF COMMUNITY SUSTAINABILITY OF THE CITY OF KELOWNA THE ____ DAY OF MAY, 2013.

Doug Gilchrist
Acting General Manager, Community Sustainability