

# City of Kelowna

## Regular Council Meeting

### AGENDA



Tuesday, October 22, 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 Hobson.
3. Confirmation of Minutes 1 - 3

Regular Meeting - September 24, 2013
4. Bylaws Considered at Public Hearing
- 4.1 Bylaw No. 10890 (Z13-0031) - 260 Lake Avenue, Marianne Hill 4 - 4

To give Bylaw No. 10890 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
- 6.1 Bylaw No. 10874 (Z13-0025) - 2253 Wilkinson Street, Sharon & Thomas Matthes and Caroline & Carl Maloney 5 - 5

To adopt Bylaw No. 10874 in order to rezone the subject property from the RU2 - Medium Lot Housing Zone to the RU2c - Medium Lot Housing with Carriage House Zone.
- 6.1.1 Development Variance Permit Application No. DVP13-0091 - 2253 Wilkinson Street, Sharon & Thomas Matthes and Caroline & Carl Maloney 6 - 15

**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.**

A Development Variance Permit is sought to allow greater site coverage for buildings, driveways and parking than permitted by the Zoning Bylaw.

- 6.2 Development Variance Permit Application No. DVP13-0122 - 4052 Finch Road, Paul & Leeann Payne 16 - 26

**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 projection into a required rear yard from 2.5m permitted to 3.3m proposed to accommodate a portion of a rear yard deck and pergola.

- 6.3 Development Variance Permit Application No. DVP13-0130 -1191 Kelview St, Brian & Susie Reese 27 - 39

**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 Variance Permit to reduce the minimum lot depth from 30.0 metres required to 29.49 metres and 22.02 metres proposed. The variances are being proposed for two lots which do not presently exist. Council's authorization of the variances is a prerequisite for the Approving Officer to create three parcels from the existing parcel.

- 6.4 Bylaw No. 10885 (Z13-0028) - 3935 Lakeshore Road and adjacent Bed of Mission Creek, Braniff Real Estate Services Inc. et al 40 - 41

To adopt Bylaw No. 10885 (Z13-0028) in order to rezone portions of the subject properties from the C1 - Local Commercial Zone to the C3 - Community Commercial Zone, from the C1 - Local Commercial Zone to the RU5 - Bareland Strata Zone and from the RU5 - Bareland Strata Zone to the C3 - Community Commercial Zone.

- 6.4.1 Development Permit Application No. DP13-0105 and Development Variance Permit Application No. DVP13-0148 - 3935 Lakeshore Road and adjacent Bed of Mission Creek, Braniff Real Estate Services Inc. et al 42 - 68

**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 the merits of a proposal for three variances: to reduce the minimum side yard setback abutting residential development, to reduce the minimum landscape buffer, and to reduce the minimum setback for vehicle parking. Council is also asked to consider the form and character of the proposed three-storey retail/office building on the subject property.

- 6.5 Development Variance Permit Application No. DVP13-0143 - 1125 Richter St, Canrim Packaging Ltd. Inc.

69 - 80

**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.**

The purpose of the application is to seek certain variances to Zoning Bylaw 8000 to facilitate the redevelopment of an accessory parking area to serve a proposed new winery retail store and tasting room in an existing industrial winery building on the subject property. The application proposes a variance to the minimum required parking setback on Vaughan Avenue from 2 m required to 0.1 m proposed, and to the minimum required landscape buffer on Vaughan Avenue from 3 m required to 0.1 m proposed.

- 6.6 Development Permit Application No. DP13-0131 and Development Variance Permit Application No. DVP13-0132 - Buckland and Rowcliffe Ave, City of Kelowna/Meiklejohn Architects Inc.

81 - 109

**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 70 unit supportive housing development. To consider a Development Variance Permit to vary the requirement that all parking and loading be below grade or under building and screened from view to allow surface parking.

7. Reminders

8. Termination



## City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, September 24, 2013  
Location: Council Chamber  
City Hall, 1435 Water Street

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

Council Members Absent Councillor Andre Blanleil

Staff Present Acting City Manager, Rob Mayne; City Clerk, Stephen Fleming; Planner II, James Moore; and Council Recording Secretary, Sandi Horning

(\* denotes partial attendance)

### 1. Call to Order

Mayor Gray called the meeting to order at 6:02 p.m.

### 2. Prayer

A Prayer was offered by Councillor Given.

### 3. Confirmation of Minutes

Moved By Councillor Stack/Seconded By Councillor Hobson

R617/13/09/24 THAT the Minutes of the Public Hearing of September 10, 2013 and the Regular Meeting of September 10, 2013 be confirmed as circulated.

Carried

### 4. Notification of Meeting

Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise delivering 559 letters to the owners and occupiers of the surrounding properties between September 10, 2013 and September 13, 2013.

This meeting is open to the public and all representations to Council form part of the public record. A live audio feed may be broadcast and recorded by Castanet.



**5. Development Permit and Development Variance Permit Reports**

**5.1. Development Variance Permit Application No. DVP13-0080 - 1008 Fuller Avenue, Gwendolyn Rathbone & Alan Nordstrom**

Staff:

- Summarized the application before Council.

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

Mayor Gray invited the applicant and anyone in the public gallery who deemed themselves affected by the proposed variance to come forward, followed by comments from Council. The Applicants were present, but did not have anything further to add to staff's comments. No one came forward.

Moved By Councillor Basran/Seconded By Councillor Hobson

**R618/13/09/24** THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0080, for Lot 21, District Lot 138, ODYD, Plan 3707 located on 1008 Fuller Avenue, Kelowna, BC;

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

**Specific Regulations Section 6.6.4 Height and Grade - Dormer width:**

To vary the maximum permitted dormer width from 1.2m permitted to 1.85m proposed (as per Schedule 'A');

**Section 9.5b.1(d) Carriage House regulations - height:**

To allow the carriage house to be higher than the existing principal dwelling to a maximum of 4.5 (Schedule 'A').

Carried

**5.2. Development Variance Permit Application No. DVP13-0107 - 1510 Lawrence Avenue, Cynthia Stevenson**

Staff:

- Summarized the application before Council.

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

- o **Letter of Comment:**
  - B. Young, 1477 Lawrence Avenue

Mayor Gray invited the applicant and anyone in the public gallery who deemed themselves affected by the proposed variance to come forward, followed by comments from Council. No one came forward.

Moved By Councillor Stack/Seconded By Councillor Zimmermann

**R619/13/09/24** THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0107, for Lot C, Section 20, Township 26, ODYD Plan 19841 located on Lawrence Avenue, Kelowna, BC;

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

**Section 13.1.6(d) Development Regulations Side Yard Setbacks:**

To vary the maximum permitted east side yard setback from 2.0 m required to 1.12m proposed and west side yard setback from 2.0m permitted to 1.52m proposed (as per Schedule 'A').

Carried

**6. Reminders**

Mayor Gray:

- Advised that the Governor General of Canada, David Johnson, will be in Kelowna this Sunday for the National Convention of Chambers of Commerce and requested an audience with Council.
- Advised that during the first two (2) weeks of the Blood Drive Challenge, the City of Kelowna is at 101.4% and the City of Prince George is at 93.36%. The competition ends on October 31, 2013 and if anyone would like to donate blood, they should phone 1-888-2-DONATE to set up an appointment.

**7. Termination**

The meeting was declared terminated at 6:12 p.m.

\_\_\_\_\_  
Mayor

/slh

  
\_\_\_\_\_  
City Clerk

**CITY OF KELOWNA**  
**BYLAW NO. 10890**  
**Z13-0031 - Marianne Hill**  
**260 Lake Avenue**

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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 2, District Lot 14, ODYD, Plan EPP30347 located on 260 Lake Avenue, Kelowna, B.C., from the RU3 - Small Lot Housing zone to the RU1c - Large Lot Housing with Carriage House 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 7<sup>th</sup> day of October, 2013.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

# **CITY OF KELOWNA**

## **BYLAW NO. 10874**

### **Z13-0025 - Sharon Elaine and Thomas William Matthes & Caroline Mary and Carl Steve Maloney 2253 Wilkinson Street**

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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 5, District Lot 136, ODYD Plan KAP89721 located on 2253 Wilkinson Street, Kelowna, B.C., from the RU2 - Medium Lot Housing zone to the RU2c - Medium Lot Housing with Carriage House 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 12<sup>th</sup> day of August, 2013.

Considered at a Public Hearing on the 27<sup>th</sup> day of August, 2013.

Read a second and third time by the Municipal Council this 27<sup>th</sup> day of August, 2013.

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

# REPORT TO COUNCIL



**Date:** September 12, 2013

**RIM No.** 0940-40

**To:** City Manager

**From:** Urban Planning, Community Planning and Real Estate (BD)

**Application:** DVP13-0091      **Owner:** Sharon Elaine and Thomas  
William Matthes & Caroline  
Mary and Carl Steve Maloney

**Address:** 2253 Wilkinson Street      **Applicant:** Thomas Matthes

**Subject:** 2013-10-22 Report DVP13-0091 2253 Wilkinson Street

**Existing OCP Designation:** Single/Two Unit Residential

**Existing Zone:** RU2- Medium Lot Housing

**Proposed Zone:** RU2c - Medium Lot Housing with Carriage House

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## 1.0 Recommendation

THAT final adoption of Zone Amending Bylaw No. 10874 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0091, for Lot 5, District Lot 136, ODYD, Plan KAP89721, located at 2253 Wilkinson Street, Kelowna, BC;

AND FURTHER THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:  
Section 13.2.6 (a): Site Coverage

To vary the permitted site coverage of buildings and hard surfaces from 50% permitted to 75% proposed (as per Schedule A).

## 2.0 Purpose

A Development Variance Permit is sought to allow greater site coverage for buildings, driveways and parking than permitted by the Zoning Bylaw.

## 3.0 Urban Planning

This application is seeking to obtain rezoning final adoption and a variance to relax the site coverage from 50% permitted to 75%. The variance will allow the property owner to maintain the site as it currently exists.

The immediate neighbourhood block was originally developed with 1½ storey garages to provide storage space in the upper half storey. The Building Permit was approved with a gravel driveway;

however, the developer paved three property's driveways after occupancy. The resulting site coverage exceeds the permitted 50% and has triggered a variance.

Technical comments provided by the Building and Permitting department and the Development Engineering branch do not identify drainage or other concerns. Staff have verified that the site coverage was an existing condition at purchase. Nevertheless, if this were not an existing condition, planning Staff would not be in a position to support the application, given the negative impact to the overall neighbourhood.

Steps have been taken by Staff to inform the remaining properties owners of non-conforming site coverage issues and advise them that it must be addressed prior to any further development or site changes. Favorably, support from the immediate property owners has been provided. Future infill sites that are rezoned to medium sized lots will be more comprehensively evaluated to determine the ultimate build-out potential where no lane access is provided.

#### 4.0 Proposal

The subdivision was planned with a laneway to provide access to the garages, however, due to neighbourhood opposition the laneway was never constructed. The development was constructed with detached garages and the accesses were paved after receiving final occupancy. Given the small size of the site, the pavement contributed to exceeding the allowable site coverage.

The applicant recently received third reading by Council to allow the conversion of the garage to a carriage house. The applicant contacted all neighbours within a 50m radius to advise them of the proposal. Given that a neighbouring property has successfully received a variance for the same concern, the immediate neighbours are familiar with the nature of the variance request and are mixed in their support.

##### 4.1 Site Context

The subject property is located in the Central City area of Kelowna. The Guisachan Village area is within walking distance with transit available on Gordon Avenue and Springfield Road. The subject property is located within the Permanent Growth Boundary. The surrounding properties in all directions are zoned RU2 - Medium Lot Housing with single family dwellings.

##### 4.2 Subject Property Map: 2253 Wilkinson Street



4.3 The proposed application meets the requirements of RU2c - Medium Lot Housing with carriage house zone as follows:

Zoning Analysis Table		
CRITERIA	RU2c ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	400 m <sup>2</sup>	568 m <sup>2</sup>
Lot Width	13 m	13.6 m
Lot Depth	30 m	41.16 m
Site Coverage (buildings)	40%	38.78 %
Site Coverage (buildings and Parking)	50%	75% ①
Development Regulations Principal Dwelling		
Height	9.5 m/ 2 ½ storeys	9.2m to peak 1.5 storeys
Front Yard	4.5 m or 6.0 m to garage	6.0m
Side Yard (north)	1.5 m (1 - 1 ½ storey) 1.8 m (2 - 2 ½ storey)	3.16 m
Side Yard (south)	1.5 m (1 - 1 ½ storey) 1.8 m (2 - 2 ½ storey)	1.8 m
Rear Yard	6.0 m (1 - 1 ½ storey) 7.5 m (2 - 2 ½ storey)	19.2m
Proposed Carriage house conversion		
Height	1 ½ storeys / 4.5 m	4.5 m
Front Yard	4.5 m	31.4 m
Side Yard (n)	1.5 m (1 - 1 ½ storey)	1.8 m
Side Yard (s)	1.5 m (1 - 1 ½ storey)	1.5 m
Rear yard	1.5m	1.5 m
Minimum Distance to Principal Dwelling	4.5m	9.4 m
Development Regulations		
Floor Area Ratio	May not exceed the lesser of 90 m <sup>2</sup> or 75%	Principal dwelling: 189.5 m <sup>2</sup> Carriage House: 65 m <sup>2</sup> 34 %
Parking Stalls (#)	3 spaces required	3 spaces
Private Open Space	30 m <sup>2</sup> of private open space per dwelling	meets requirements with designated patio area
① Variance required to site coverage.		

## 5.0 Current Development Policies

### 5.1 Zoning Bylaw 8000

#### Section 13.2.6 Development Regulations

- (a) The maximum site coverage is 40% and together with driveways and parking areas, shall not exceed 50%.

## 6.0 Technical Comments

### 6.1 Development Services Department

The developer admitted pouring the driveway at this address post occupancy, therefore the hard surfaces were in place when the applicant purchased the site. Site drainage functions adequately, therefore the Development Services Department has no concerns with this application.

## 6.2 Development Engineering Department

This Development Variance Permit application to vary the site coverage does not compromise any municipal services provided that roof leaders are not connected to the storm service.

## 7.0 Application Chronology

Date of Application Received: June 6, 2013  
Rezoning Public Hearing: August 27, 2013

Report prepared by:

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Birte Decloux, Land Use Planner

Reviewed by:



Danielle Noble-Brandt, Urban Planning Manager

Approved for Inclusion:

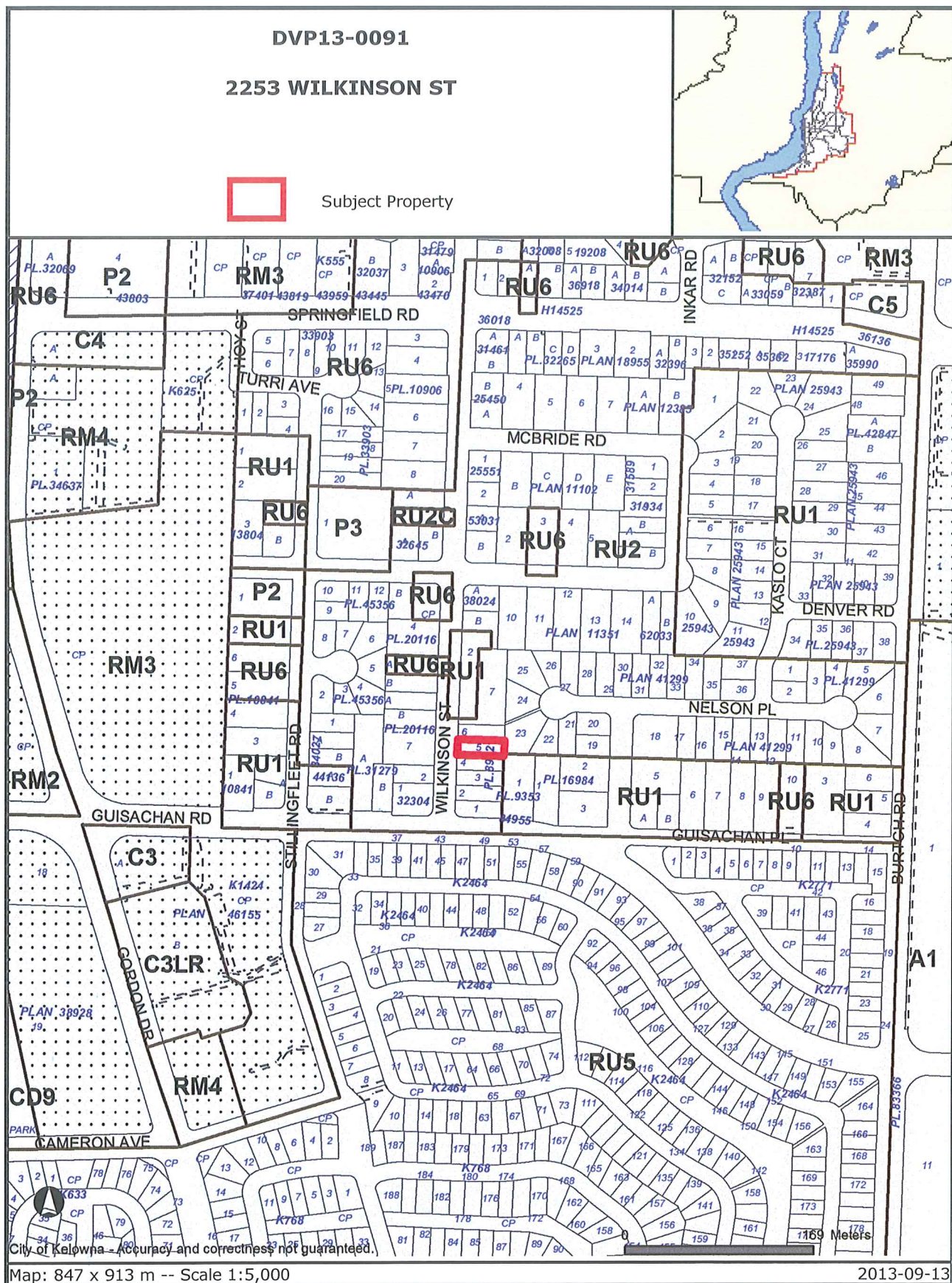


Doug Gilchrist, Division Director, Community Planning and Real Estate

Attachments:

- Site/Landscape Plan
- Site Photos





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.



2253 WILKINSON STREET  
PLAN 89721 LOT 5 DIST 00Y0



This forms part of development  
Permit # DVP13-0091

6/3

DATE: MAR 16-2010

**LOT 5 WILKINSON ST**

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

**MULLINS**  
**DRAFTING & DESIGN**







*Presenting.....*

*2253 Wilkinson Street*



## Concerning our application for a Variance on percentage of site coverage at 2253 Wilkinson Street, Kelowna, BC.

To whom it may concern

I have been asked to write this letter and reason on why we should be allowed this variance so that we can proceed with home improvements, namely a rezoning to C for a carriage house. As we understand the concerns revolve around not only percentage of coverage but also the ability for our property to absorb rain and runoff.

First let me state that since our purchase in august 2012 we have not covered any portion of the property with non-permeable materials. When we purchased the property we were assured the City of Kelowna had approved our new and previously un occupied home for occupancy as it sat with a paved driveway and rear parking spaces. Our home is one of 6 in a row all built by the same contractor. The home to the north has a rental suite and an office above the garage. The home to the south has a newly built basement rental suite and has received permission to occupy it in April 2013. During the construction process Feb-April 2013 we watched numerous inspectors walk up and down the paved driveway without any questions raised, even though lot coverage is the same if not more than ours! The home next to our neighbor has been recently purchased and it also has about the same coverage as ours and I understand they are having the same issue with site coverage.

The next property is in construction and will be finished soon; it mirrors the other 3 properties and it will be interesting to see what happens when it is finished, I suspect the city will not allow the driveway to be paved. As you can understand we feel someone has let us down regarding this lot coverage issue, be that as it may we are writing this letter to ask for your consideration in this matter.

Now as to drainage so far we have never had any problems with standing water on our property, the builder has a drainage pit under the rear parking area and a floor drain in the lower patio area, when it rains water runs toward this area and disappears into the ground immediately beside the paved parking area and prior to entering the lower patio. I have been told that the ground under these sites was mostly rock/gravel and when the gas line was installed to the garage it appeared to be so. I have been told by the builder that the downspouts from the main residence are going into the ground and into gravel backfill around the foundation. We have permeable rock coverage around the rest of the site and have never had any issues with runoff or standing water so far.

Thank you for taking the time to read this. Tom & Sharon Matthes.



# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP13-0091

EXISTING ZONING DESIGNATION: RU2c - Medium Lot Housing with Carriage House

DEVELOPMENT VARIANCE PERMIT: Section 13.2.6(a): Site Coverage

ISSUED TO: Thomas Matthes

LOCATION OF SUBJECT SITE: 2253 Wilkinson Street

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	5		136		ODYD	KAP89721

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

##### Section 13.2.6 (a) Site Coverage:

To vary the permitted site coverage of buildings and hard surfaces from 50% permitted to 75% 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 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 THE COUNCIL ON THE \_\_\_\_ DAY OF OCTOBER 2013.

ISSUED BY THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING AND REAL ESTATE OF THE CITY OF KELOWNA  
ON THE \_\_\_\_ DAY OF OCTOBER, 2013.

\_\_\_\_\_  
Doug Gilchrist  
Divisional Director, Community Planning & Real Estate

# REPORT TO COUNCIL



**Date:** September 11, 2013

**RIM No.** 0940-50

**To:** City Manager

**From:** Urban Planning, Community Planning & Real Estate (AR)

**Application:** DVP13-0122      **Owner:** Paul Graham Payne  
Leeann Ernestine Payne

**Address:** 4052 Finch Road      **Applicant:** Jeff Corrin, Pro Contractors

**Subject:** 2013-10-08 Report DVP13-0122 4052 Finch Rd

**Existing OCP Designation:** REP - Resource Protection Area

**Existing Zone:** RR3 - Rural Residential 3

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0122 for Lot 13, Sections 32 and 33, Township 23, ODYD, Plan 13462, located at 4052 Finch Road, Kelowna, BC;

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

### Section 6.4.2: Development Regulations

To vary maximum permitted projection into rear yard from 2.5 m permitted to 3.3 m proposed, as per Schedule 'A'.

## 2.0 Purpose

To vary the maximum permitted projection into a required rear yard from 2.5 m permitted to 3.3 m proposed to accommodate a portion of a rear yard deck and pergola.

## 3.0 Urban Planning

Urban Planning staff is supportive of the proposed modest variance to the Zoning Bylaw to accommodate the existing remodeled deck on the subject property. While the remodeled deck structure encroaches on the Riparian Management Area (RMA) setback, measured 15 m upland from the Natural Boundary of Okanagan Lake, staff is not concerned as the deck is built above an existing cement patio that was previously approved by the City of Kelowna in 2002, under an earlier regulatory regime.

The remodeled and extended deck, having been constructed above existing cement patio, does not remove landscaped rear yard area. Additionally, the trellis of the overhead pergola is proposed to be cut back to align with the deck and pergola posts to minimize the requested variance. The proposed deck does not impinge on the sight lines of adjacent neighbours to Okanagan Lake, nor impact maximum site coverage.

In accordance with Council Policy 367 - Public Notification & Consultation for Development Applications, the applicant has provided notification of the proposed Development Variance Permit application to neighbouring properties within 50 m of the subject site. To date, staff has not been contacted with any concerns regarding the proposed variance.

## 4.0 Proposal

### 4.1 Background

In 2002, a Building Permit Application BP21949 was approved for renovations and additions to the existing, lakefront cottage on the subject site, including a rear, grade-level patio and main-level deck above.

In July 2013, the City identified that works had occurred on the subject property without the required permits. Works underway within the 15 m Okanagan Lake Riparian Management Area (RMA) to extend retaining wall and patio were removed and restored to sod. The subject Development Variance Permit Application DVP13-0122 was submitted on August 1, 2013 to address the remodeled rear deck and pergola.

### 4.2 Project Description

Several years ago, the property owner hired a contractor to remodel the existing rear deck at the main floor level of the subject house and to build a pergola overtop to provide shade. This work was completed without permit, and extended the deck beyond the one previously approved under a Building Permit in 2002. (See attached photos of existing remodelled deck and pergola).

The Zoning Bylaw permits a maximum projection of 2.5 m into required rear yard, where the rear yard is greater than 6 m in depth. The remodelled rear deck (and pergola posts) extends 3.3 m into the required 7.5 m rear yard. The existing pergola trellis extends another approximate 2 m beyond the deck (and pergola posts). The subject Development Variance Permit application proposes to vary the maximum permitted projection into required rear yard from 2.5 m required to 3.3 m proposed to accommodate the existing remodelled deck (and pergola posts), a variance of 0.8 m. The existing pergola trellis is proposed to be cut back to align with the deck and pergola posts.

### 4.3 Site Context

The subject property is located on the west side of Finch Road, within a small, lakefront subdivision in the northern part of the McKinley area. The surrounding area is characterized by large, steeply sloped, rural residential lots with lakefront homes, and is largely undeveloped east of Finch Road.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR3 - Rural Residential 3	Single Family House
East	A1 - Agriculture 1	Undeveloped
South	RR3(c) - Rural Residential 3 with Carriage House	Single Family House & Carriage House
West	W1 - Recreational Water Use	Okanagan Lake



## Subject Property Map: 4052 Finch Road



### 5.0 Technical Comments

#### 5.1 Building & Permitting Department

Structure was built without permits, so Structural Engineering is required at time of Building Permit application. Full plan review for compliance will be done at time of permit application.

#### 5.2 Development Engineering Department

The application for a Development Variance Permit to vary section 6.4.2 to increase the maximum projection permitted into rear yard from 2.5 m permitted to 3.3 m proposed does not compromise the municipal servicing requirements.

#### 5.3 Subdivision, Agriculture & Environment Department

The Subdivision, Agriculture and Environment Department is not concerned about the deck or pergola being built within the Riparian Management Area of Okanagan lake, since it was built directly over top a cement patio, which was previously approved by the City of Kelowna in 2002.

#### 5.4 Fire Department

No concerns.

## 5.5 FortisBC (Electric)

There are primary distribution facilities bisecting the subject property. These facilities appear to be adequately protected by existing land rights. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required. Otherwise, FortisBC Inc. (Electric) has no concerns with this circulation.

In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

## 6.0 Application Chronology

Date of Application Received:	August 1, 2013
Supplementary Materials Received:	August 13 & 21 and September 5, 2013

**Report prepared by:**

---

Abigail Riley, Urban Planner

**Reviewed by:**

☐

Danielle Noble, Manager, Urban Land Use

**Approved for Inclusion**

☐

Doug Gilchrist, Divisional Director, Community Planning & Real Estate Services

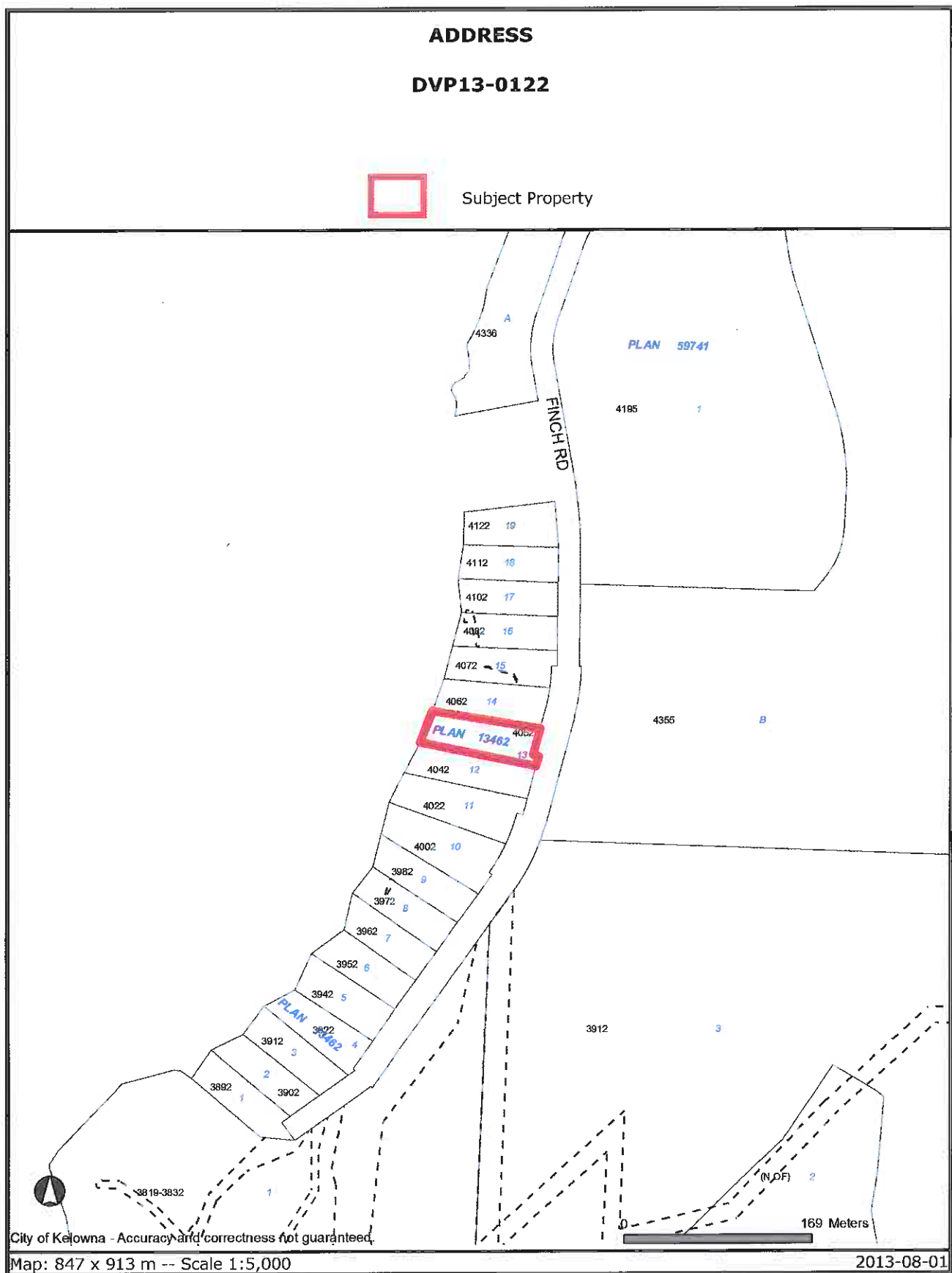
### Attachments:

Subject Property Map

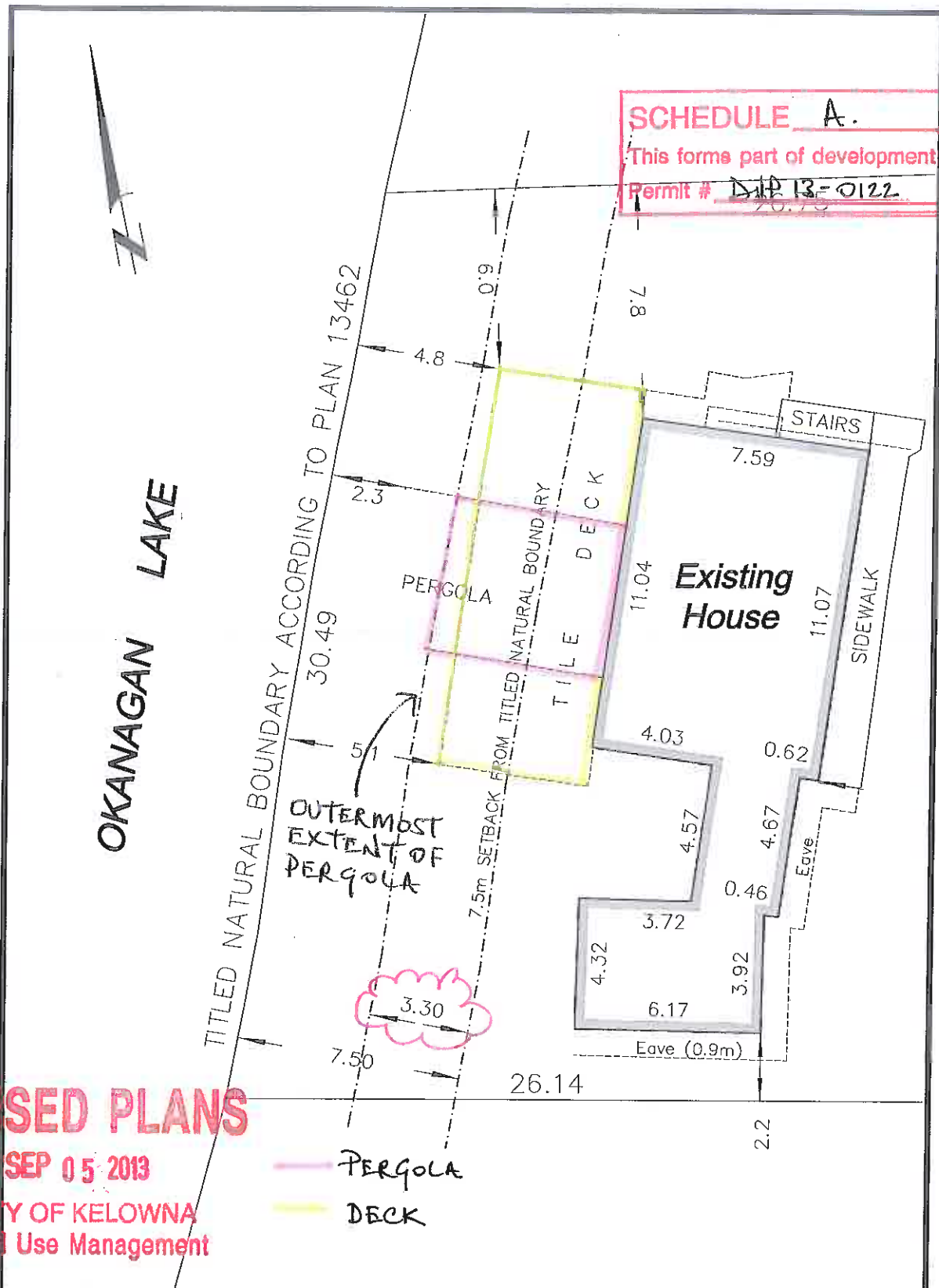
Site Plans

Context/Site Photos

Draft Development Variance Permit



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.



**REVISED PLANS**

**SEP 05 2013**

**CITY OF KELOWNA  
Land Use Management**

**SITE PLAN SHOWING 7.5 METRE SETBACK FROM TITLED NATURAL BOUNDARY ACCORDING TO PLAN 13462 ON LOT 13, SECTIONS 32 AND 33, TOWNSHIP 23, OSOYOOS DIVISION YALE DISTRICT, PLAN 13462**

**DRAWN BY:**

**RUNNALLS DENBY**  
*british columbia land surveyors*

259A Lawrence Avenue Phone: (250)763-7322  
Kelowna, B.C. Fax: (250)763-4413  
V1Y 6L2 Email: nell@runnallsdenby.com

**SCALE: 1:150**

**DATE: SEPTEMBER 5, 2013**

**DWG: 13852 SITE**

**CLIENT:**

**JEFF CORRIN**

**FILE No: 13852**

**REV. 0**



RECEIVED  
AUG 24 2013



ABOVE: SHOWS THE DECK, PERGOLA AND LAKE PROPERTY LINE LOOKING NORTH  
BELOW: SHOWS THE DECK, PERGOLA AND LAKE PROPERTY LINE LOOKING SOUTH



ABOVE: SHOWS SOUTH NEIGHBOURS VIEW - NOTE THEIR VIEW OF DECK AND PERGOLA IS OBSTRUCTED BY TREES  
BELOW: SHOWS NORTH NEIGHBOURS VIEW - NOTE THERE IS NO HOUSE OR CABIN HERE JUST A SHED AS WELL AS VIEW IS PARTIALLY OBSTRUCTED



RECEIVED

AUG 21 2013



ABOVE: SHOWS VIEW FROM THE ROAD ABOVE - NOTE VIEW OF DECK AND PERGOLA ARE OBSTRUCTED BY HOUSE

BELOW: SHOWS THE PERGOLA POSTS AND BEAM CONSTRUCTION AS WELL AS THE RAFTER TAILS - THE PROPOSED SET BACK OF 4.4 M WOULD KEEP THE POSTS AND BEAM AND WOULD CUT OFF THE RAFTER ENDS AT THE BEAM



ABOVE AND BELOW: SHOW FROM THE LAKE

ABOVE: SHOWS BOTH ADJACENT NEIGHBOUR'S PROPERTIES

BELOW: SHOWS VIEW OF JUST 4052 FINCH RD



# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP13-0122

EXISTING ZONING DESIGNATION: RR3 – Rural Residential 3

DEVELOPMENT VARIANCE PERMIT: To vary maximum permitted projection into rear yard from 2.5 m permitted to 3.3 m proposed.

ISSUED TO: Jeff Corrin, Pro Contractors (Owners: Paul Graham Payne & Leeann Ernestine Payne)

LOCATION OF SUBJECT SITE: 4052 Finch Road

	LOT	SECTIONS	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	13	32 & 33		23	ODYD	13462

### 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 6.4.2: Development Regulations

To vary maximum permitted projection into rear yard from 2.5 m permitted to 3.3 m proposed, as per Schedule 'A'.

### 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.**

4. 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.

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 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.



6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE \_\_\_\_<sup>th</sup> DAY OF OCTOBER 2013.

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE \_\_\_\_<sup>TH</sup> DAY OF \_\_\_\_\_, 2013 BY  
THE DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE SERVICES.

---

Doug Gilchrist  
Divisional Director of Community Planning & Real Estate Services

DRAFT

# REPORT TO COUNCIL



**Date:** September 27, 2013

**RIM No.** 0940-50

**To:** City Manager

**From:** Greg Sauer, Land Use Planner

**Application:** DVP13-0130      **Owner:** Bryan Reese  
Susie Reese

**Address:** 1191 Kelview Street      **Applicant:** Bryan Reese

**Subject:** Development Variance Permit

**Existing OCP Designation:** Single/Two Unit Residential

**Existing Zone:** RU1 - Large Lot Housing

---

## 1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP13-0130, for Lot 1, Section 30, Township 26, ODYD Plan 4411, located at 1191 Kelview Street, Kelowna, BC;

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

### Section 13.1.5(b) Subdivision Regulations

To vary the minimum lot depth from 30.0 m required to 29.49 m proposed for proposed Lot B;

### Section 13.1.5(b) Subdivision Regulations

To vary the minimum lot depth from 30.0 m required to 22.02 m proposed for proposed Lot C.

## 2.0 Purpose

To consider a Development Variance Permit to reduce the minimum lot depth from 30.0 metres required to 29.49 metres and 22.02 metres proposed. The variances are being proposed for two lots which do not presently exist. Council's authorization of the variances is a prerequisite for the Approving Officer to create three parcels from the existing parcel.

## 3.0 Land Use Planning Comments

Staff are supportive of the two lot depth variances being proposed. The impacts arising from the proposed lot depth variances are largely limited to the subject property and to the future lots that will be made possible by way of the proposed variances while the minimum lot size is met.

Further, staff feel that the proposed subdivision and development represent a sensitive infill within an existing neighbourhood. The added density is in a good geographic location - in close proximity to transit, the City's downtown and a number of Urban Centres. The addition of two

new lots and dwellings is not expected to create noticeable negative impacts for existing residents, though some additional traffic is inevitable on these relatively quiet roads.

The redevelopment of this parcel will contribute to a more functional road right of way (Koby Court) as the currently unfinished cul-de-sac can be completed as a result of land dedication. Staff will also contemplate pedestrian mobility on both Koby Court and Kelview Street with an ability to require sidewalk construction as part of the development, or accept cash in-lieu for construction in the future.

The incremental increase in density is also supported by City of Kelowna policy.

#### Public Notification/Consultation

As per Council Policy 367 - Public Notification & Consultation for Development Applications, applicants are expected to undertake neighbour consultation within 50 metres of the subject property. The applicant has been very receptive to his obligations to consult the neighbourhood and has been proactive in doing so.

Staff are in receipt of the correspondence (including proposed lot layout) that was provided to affected properties. The applicant notes that all but one property owner was supportive of the proposal.

## 4.0 Proposal

### 4.1 Project Background/Description

The applicant has recently acquired the subject property with the intent of adding minimal density to the established single family neighbourhood. The RU1 zoned residential parcel size is large, relatively speaking. The subject property is ~1,950 m<sup>2</sup> while properties along Koby Court and Kelview Street average 820 m<sup>2</sup>. Properties west of Kelview Street are much larger however.

The applicant proposes to subdivide the existing parcel into three smaller parcels averaging approximately 610 m<sup>2</sup> where the minimum parcel size is 585 m<sup>2</sup>. The City has an interest in completing the cul-de-sac at the end of Koby Court. The redevelopment of this property would allow for this to occur as the City would obtain a dedication of approximately 46 m<sup>2</sup> through the subdivision for cul-de-sac completion. The subject property owner will also be responsible for frontage upgrades.

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

Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Subdivision Regulations (Lot A)		
Lot Area	550 m <sup>2</sup>	585 m <sup>2</sup>
Lot Width	16.5 m	>16.5 m
Lot Depth	30.0 m	30.0 m
Subdivision Regulations (Lot B)		
Lot Area	550 m <sup>2</sup>	623 m <sup>2</sup>
Lot Width	16.5 m	>16.5 m
Lot Depth	30.0 m	29.49 m ⓘ
Subdivision Regulations (Lot C)		
Lot Area	550 m <sup>2</sup>	626 m <sup>2</sup>
Lot Width	16.5 m	> 16.5 m
Lot Depth	30.0 m	22.02 m ⓘ
ⓘ Indicates a variance to lot depth.		

## 4.2 Site Context

The subject property is located between Kelview Street and Koby Court just north of Clement Avenue. The subject property is at the end of two cul-de-sac's with access/egress via Cerise Drive to the east. Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Urban Residential
East	RU1 - Large Lot Housing	Urban Residential
South	RU1 - Large Lot Housing	Urban Residential
West	RU1 - Large Lot Housing	Urban Residential

Subject Property Map: 1191 Kelview Street



## Proposed Three Lot Subdivision



## 5.0 Current Development Policies & Guidelines

### 5.1 Kelowna Official Community Plan (OCP)

#### Develop sustainably<sup>1</sup>

Policy .4 Complete Communities. Support the development of complete communities with a minimum intensity of approximately 35 - 40 people and/or jobs per hectare to support basic transit service - a bus every 30 minutes.

#### Ensure context sensitive housing development<sup>2</sup>

Policy .6 Sensitive Infill. Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighborhood with respect to building design, height and siting.

## 6.0 Technical Comments

### 6.1 Subdivision Approvals

No concerns with requested variances given the overall lot sizes. However, building envelope covenants may be required through the PLR process.

### 6.2 Fortis BC, Electric

There are no primary facilities within close proximity to the subject property. It appears that nearby properties, including the subject, as well as streetlighting is fed from underground secondary extensions. It is likely that a primary extension will be required in order to service the proposed lots fronting on Koby Court. Currently, no arrangements have been made to ensure

<sup>1</sup> City of Kelowna Official Community Plan. Development Process Chapter - Chapter 5. P. 5.2.

<sup>2</sup> City of Kelowna Official Community Plan. Development Process Chapter - Chapter 5. P. 5.27.



that they can be serviced or to inquire as to the potentially significant cost to do so. The applicant is responsible for costs associated with any change to the proposed lots' existing service, if any, as well as the provision of appropriate land rights where required.

Otherwise, FortisBC Inc. (Electric) has no concerns with this circulation.

## 7.0 Application Chronology

Application Received: August 13, 2013  
Neighbourhood Consultation Correspondence Received: September 24, 2013

### Report prepared by:

---

Greg Sauer, Land Use Planner

### Reviewed by:



Todd Cashin, Manager, Subdivision, Agriculture & Environment Services

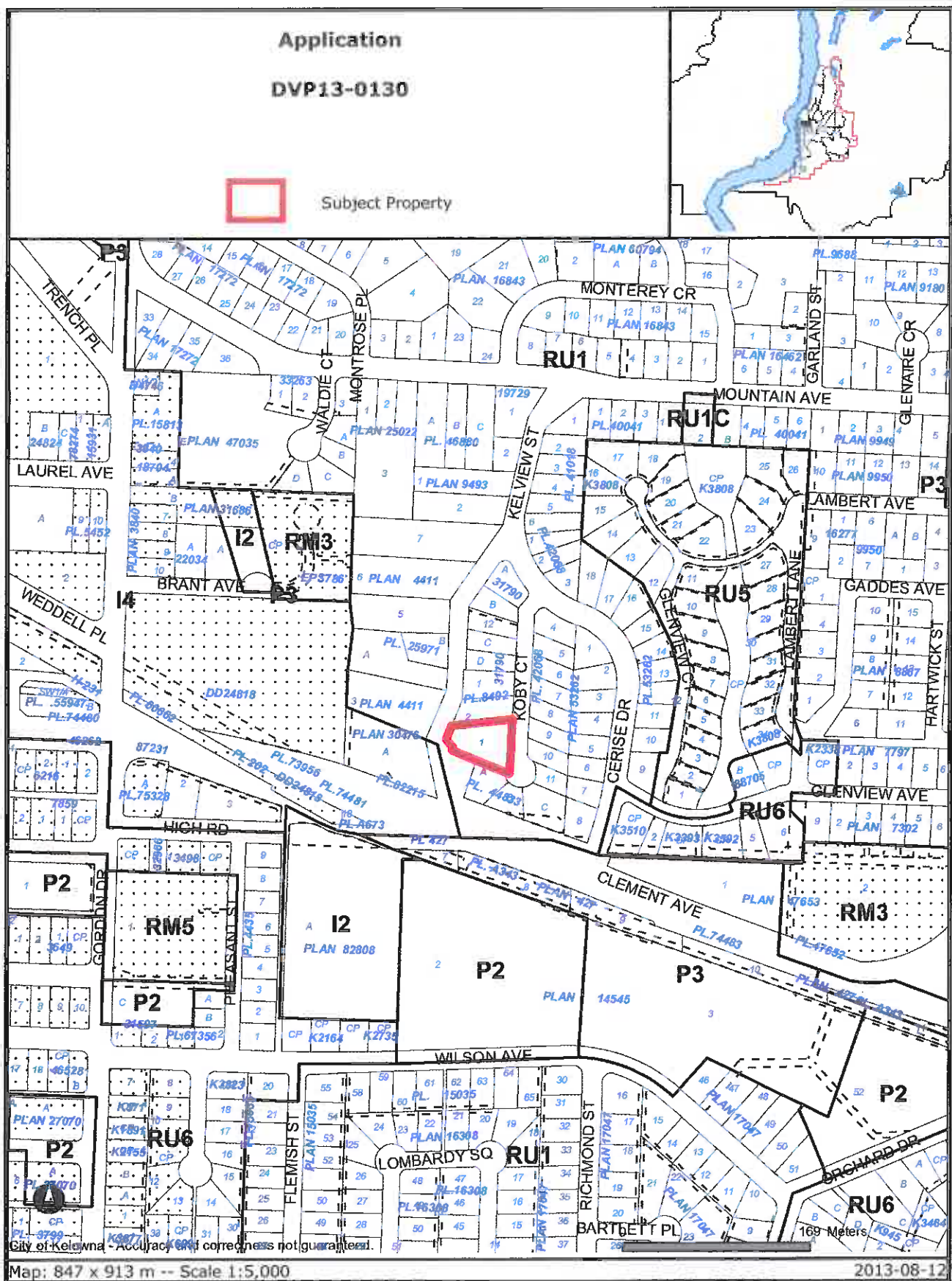
### Approved for Inclusion:



Shelley Gambacort, Director, Subdivision, Agriculture & Environment Services

### Attachments:

Subject Property Map  
Proposed Subdivision Plan/Lot Layout  
Neighbourhood Consultation Correspondence (2 pages)  
Draft Permit (4 pages)



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.

**PROPOSED SUBDIVISION OF LOT 1  
SEC. 30 TP. 26 O.D.Y.D.**

SCALE 1: 500 DISTANCES ARE IN METRES.

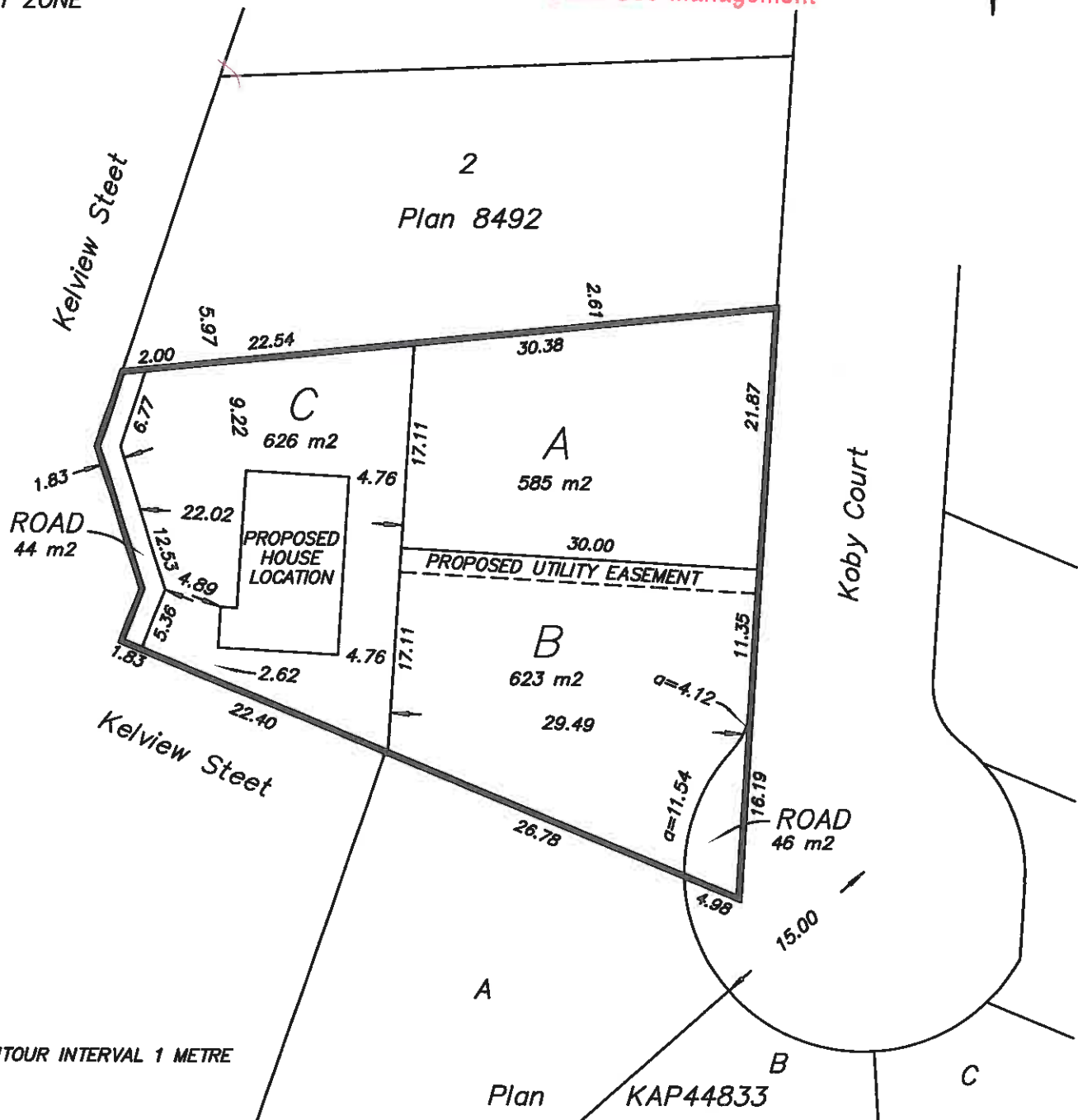
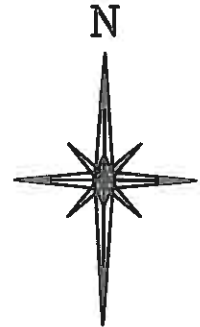
CIVIC ADDRESS:  
1191 KELVIEW STREET  
KELOWNA, B.C.

RU1 ZONE

**REVISED PLANS**

SEP 16 2013

CITY OF KELOWNA  
Land Use Management



CONTOUR INTERVAL 1 METRE

**FILE 16196**

**Bryan Reese**

SEPTEMBER 16 2013

D.A. Goddard Land Surveying Inc.  
103-1358 ST. PAUL STREET KELOWNA



Proposed subdivision of 1191 Kelview . Development variance permit # DVP 11-0130

The property is proposed to be subdivided into three new lots, one fronting Kelview with the existing home renovated and moved onto a new foundation, and two new lots fronting Koby Court.

The zoning will remain RU1 (see attached) All three lots exceed the minimum size of 550 square meters (+/- 5920 square feet) They are respectively: Lot A 585 square meters (+/-6297 square feet) Lot B 623 square meters (+/- 6706 square feet) . Lot C 626 square meters (+/- 6738 square feet).

Lot A conforms to the zoning for depth and width with no variances required.

Lot B conforms to width and requires a depth variance of .51 meter (+/- 1 foot 8 inches) This is after giving back to the city of Kelowna 4.98 meters ( +/- 16 feet 4 inches) at south east boundary to allow the completion of the cul-de-sac bulb.

Lot C facing Kelview exceeds the zoning for width requirement by over 17 meters (+/-55 feet). The depth requires a variance of 7.98 meters (+/- 26 feet 2 inches). This is calculated after a 1.83 meter (+/- 6 feet) give back to the city of Kelowna along the entire road frontage. In essence, the lot is a very wide shallower lot that still has a substantial yard over 76 square meters (800 square feet) bigger than required and adequate parking.

Method for feedback: Bryan Reese Manzanita Homes, 2378  
Saucier Road Kelowna BC V1W 4B8  
Phone:250-870-1827 email [bryan@manzanitahomes.net](mailto:bryan@manzanitahomes.net)

City Of Kelowna, Land Use Management Department  
1435 Water Street Kelowna BC. Planner Greg Sauer 250-469-8586  
fax 250-862-3320

NEIGHBORHOOD CONSULTATION 1191 KELVIEW 3 LOT SUBDIVISION DEVELOPMENT VARIANCE PERMIT

Address	name	signature	phone # / comments
1151 Kelview St	Nicole Coulombe	<i>Nicole Coulombe</i>	250-862-5940
1177 Kelview St	Nicole Williams	<i>Nicole Williams</i>	250-762-7000
1152 Koby Ct	Patricia Bane <i>Patricia Bane</i>	<i>Patricia Bane</i>	250-763-1896
1172 Koby Ct			
1182 Koby Ct	Justin Bruckner	<i>Justin Bruckner</i>	278-478-1234 OKAY
1192 Koby Ct	Jim Spence	<i>Jim Spence</i>	250 763 6410
1202 Koby Ct	Ron Ferraro	<i>Ron Ferraro</i>	250 712-7642 OKAY
1205 Koby Ct	Peter & Doroth North	<i>Peter &amp; Doroth North</i>	250 763 9321 Sounds Good
1212 Koby Ct	G Mooney	<i>G Mooney</i>	250 575 6189
1215 Koby Ct	Patricia	<i>Patricia</i>	250 762 2407
1190 Kelview	Pinda Lank		250-861-3938

# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP13-0130

EXISTING ZONING DESIGNATION:	RU1 - Large Lot Housing
DEVELOPMENT VARIANCE PERMIT:	Lot Depth

ISSUED TO:	Brian Reese (Manzanita Homes Inc.)
LOCATION OF SUBJECT SITE:	1191 Kelview St

	PARCEL	LOT	SECTION	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:		1	30	26	ODYD	4411

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

Section 13.1.5(b) Subdivision Regulations

To vary the minimum lot depth from 30.0 m required to 29.49 m proposed as per Schedule 'A'.

Section 13.1.5(b) Subdivision Regulations

To vary the minimum lot depth from 30.0 m required to 22.02 m proposed as per Schedule 'A'.

### 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.**

4. 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.

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 Subdivision, Agriculture & Environment Services.

Should there be any change in ownership or legal description of the property, I undertake to notify Subdivision, Agriculture & Environment Services 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 22<sup>nd</sup> DAY OF OCTOBER, 2013.

ISSUED BY THE DIRECTOR, SUBDIVISION, AGRICULTURE & ENVIRONMENT OF THE CITY OF KELOWNA THE \_\_\_\_ DAY OF \_\_\_\_\_, 2013.

\_\_\_\_\_  
Shelley Gambacort  
Director, Subdivision, Agriculture & Environment

# PROPOSED SUBDIVISION OF LOT 1 SEC. 30 TP. 26 O.D.Y.D.

SCALE 1:500 DISTANCES ARE IN METRES.

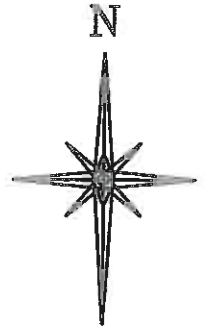
CIVIC ADDRESS:  
1191 KELVIEW STREET  
KELOWNA, B.C.

RU1 ZONE

## REVISED PLANS

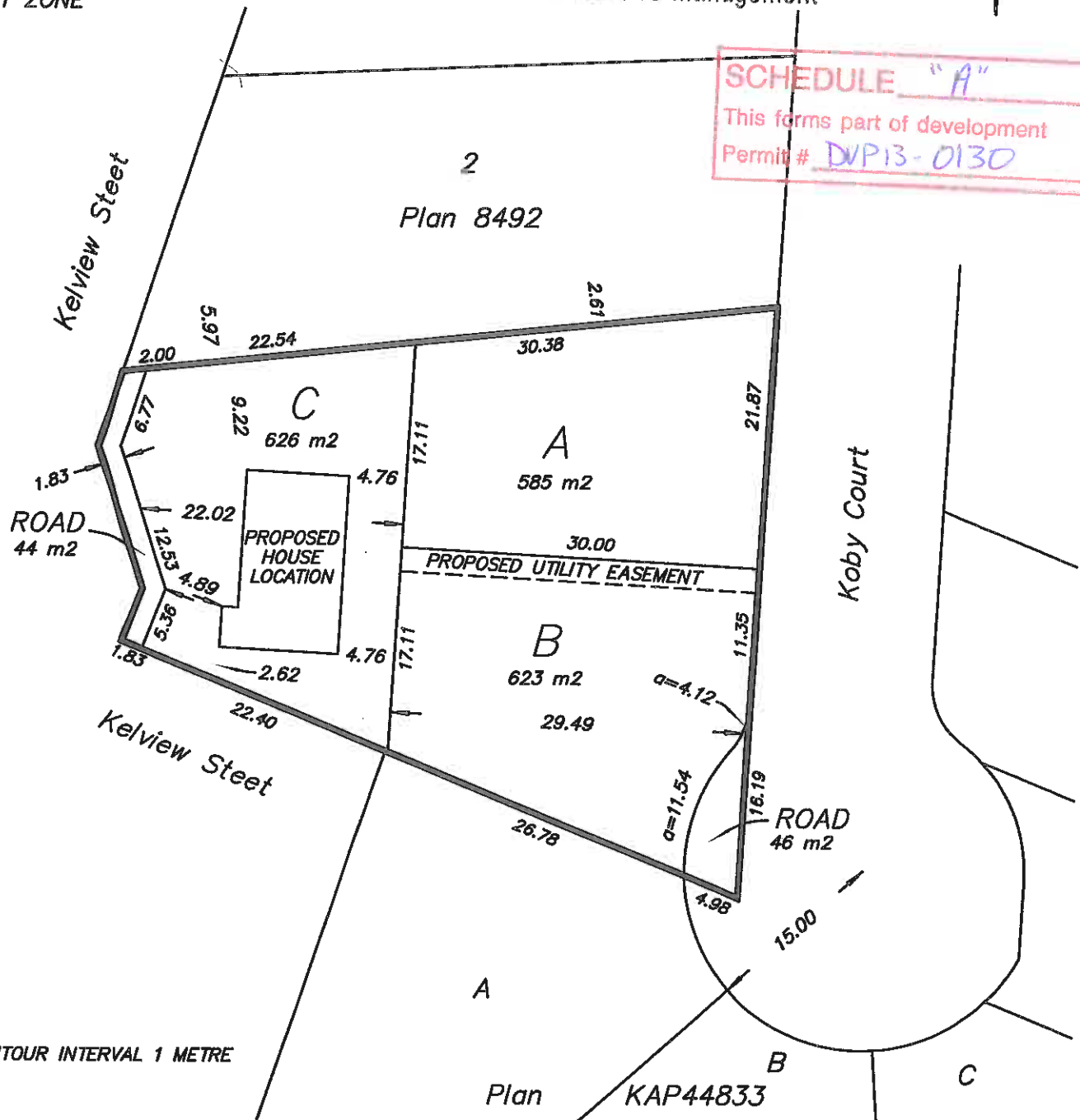
SEP 16 2013

CITY OF KELOWNA  
Land Use Management



**SCHEDULE "A"**

This forms part of development  
Permit # **DVP13-0130**



FILE 16196  
Bryan Reese

SEPTEMBER 16 2013

D.A. Goddard Land Surveying Inc.  
103-1358 ST. PAUL STREET KELOWNA



# **CITY OF KELOWNA**

## **BYLAW NO. 10885**

### **Z13-0028 - Braniff Real Estate Services Inc. (Michael Hoffman) & Crown (Ministry of Forests, Land and Natural Resource Operations) 3935 Lakeshore Road and adjacent Bed of Mission Creek**

---

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 part of Lot A, Section 6, Township 26, ODYD, Plan 12477, Except Plan KAP92361 located on 3935 Lakeshore Road, Kelowna, B.C., from the C1 - Local Commercial zone to the C3 - Community Commercial zone, and from the C1 - Local Commercial zone to the RU5 - Bareland Strata zone; and to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of All that unsurveyed Crown foreshore being part of the bed of Mission Creek adjacent to Lot A, Section 6, Township 26, ODYD, Plan 12477, Except Plan KAP92361, containing 56.5 square metres, more or less, from the RU5 - Bareland Strata zone to the C3 - Community Commercial zone as shown on Map "B" attached to and forming part of this bylaw.
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 26<sup>th</sup> day of August, 2013.

Considered at a Public Hearing on the 10<sup>th</sup> day of September, 2013.

Read a second and third time by the Municipal Council this 10<sup>th</sup> day of September, 2013.

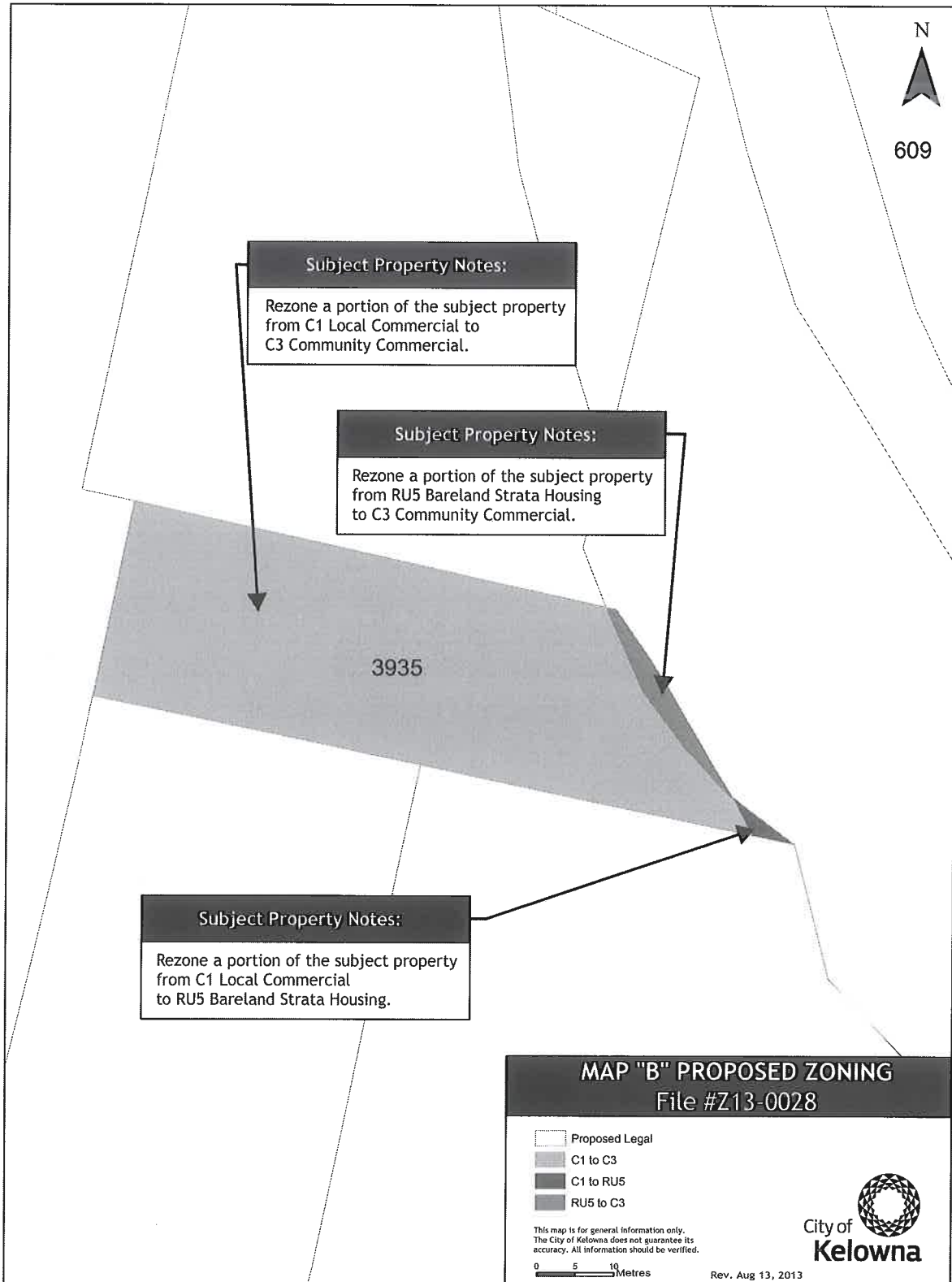
Adopted by the Municipal Council of the City of Kelowna this

---

Mayor

---

City Clerk





# REPORT TO COUNCIL



**Date:** September 25, 2013

**RIM No.** 0940-50

**To:** City Manager

**From:** Urban Planning, Community Planning & Real Estate (JM)

**Application:** DVP13-0148 / DP13-0105      **Owner:** Braniff Real Estate Services Inc.

**Address:** 3935 Lakeshore Road      **Applicant:** Michael Hoffman

**Subject:** 2013-10-22 Report DVP13-0148\_DP13-0105 3935 Lakeshore Rd

**Existing OCP Designation:** COMM - Commercial  
PARK - Major Parks & Open Space

**Existing Zone:** C3 - Community Commercial  
RU5 - Bareland Strata

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## 1.0 Recommendation

THAT final adoption of Zone Amending Bylaw No. 10885 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP13-0105 for Lot A, Section 6, Township 26, ODYD, Plan 12477, Except Plan KAP92361, located on 3935 Lakeshore Road, Kelowna, BC 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 Landscape Architect;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0148, for Lot A, Section 6, Township 26, ODYD, Plan 12477, Except Plan KAP92361, located on 3935 Lakeshore Road, Kelowna, BC;

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

Section 14.3.5(e): Development Regulations

To vary minimum side yard setback from 2.0m permitted to 0.0m proposed, as per Schedule 'A'.

**Section 8.1.10(d): Off-Street Vehicle Parking**

To vary the minimum side yard setback for off-street vehicle parking in non-residential zones from 1.5m permitted to 0.0m proposed, as per Schedule 'A'.

**Table 7.1: Minimum Landscape Buffer Treatment Levels Schedule**

To vary the minimum side yard landscape buffer from Level 3 permitted to Level 1 proposed, as per Schedule 'A'.

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council's approval of the Development Permit & Development Variance Permit Applications, in order for the permits to be issued.

## 2.0 Purpose

To consider the merits of a proposal for three variances: to reduce the minimum side yard setback abutting residential development, to reduce the minimum landscape buffer, and to reduce the minimum setback for vehicle parking.

Council is also asked to consider the form and character of the proposed three-storey retail/office building on the subject property.

## 3.0 Urban Planning Department

Overall, Urban Planning staff are supportive of both the Development Permit and Development Variance Permit applications. Neither application is without challenges, and the merits of each is considered separately below.

### Development Permit:

The form and character of the proposed building is generally of a high quality and injects a fresh, modern esthetic into the area. The colour and material palette takes its inspiration from tourist-oriented development areas of the city to the north. Certainly, the building achieves many of the objectives of the Official Community Plan. But, it does represent a departure in character from other recent development in the immediate vicinity, which tend to reflect more traditional architectural forms.

Despite that, this commercial node is evolving and intensifying, and the proposed building sets a new standard of design for the gradual redevelopment of this area in the coming years.

### Development Variance Permit:

The three variances requested are all focused on the same portion of the building, where approximately 5.6m of the south elevation abuts the north parcel line of the adjacent Lexington bareland strata development. The applicant has met both with individuals within the strata and with the strata council for the development, and has not received any significant concerns.

From a planning perspective, the variances are minor in nature and are not seen to affect the privacy of the residents of the Lexington. Typically, in instances where a commercial building interfaces with residential development, staff would be seeking a high level of design detail, building relief, articulation and scale that act as a comfortable transition. In this case, the portion of the building facing adjoining residential is a firewall. While beneficial from the perspective of preserving privacy, it has the potential to have a stark impact in terms of

character. To address this, the applicant has proposed to construct the wall out of faceted blocks and to utilize climbing vines, both of which aim to soften the impact of the wall.

While not an ideal interface with residential, this section is a relatively minor portion of the development, and staff are not aware of any negative feedback from the neighbours who would be most impacted.

## 4.0 Proposal

### 4.1 Background

On September 10, 2013, Council gave 2<sup>nd</sup> and 3<sup>rd</sup> readings to the proposed Rezoning for this project. As conditions of the Rezoning, the applicant was required to:

1. Prepare Development Permit and Development Variance Permit applications for consideration;
2. Satisfy the requirements of the Development Engineering Branch;
3. Register on title a Statutory Right-of-Way for dike maintenance purposes both to the Province and to the City;
4. Register in the Land Titles Office a lot line adjustment on the eastern property line.

Subsequent to this most recent Council review, the first three items have been addressed. However, the applicant has asked that the fourth item be deferred until after the City development process, as several complexities have arisen related to the technical means of exchanging land with the Province. As a consequence to this, there will be approximately 50m<sup>2</sup> of Provincial land that is improperly zoned for commercial purposes, as well as a very small area of the applicant's land improperly zoned for bareland strata use. In support of their position, the applicant has worked with the Province and has obtained a formal letter in which the Province advises that it is comfortable with the zoning of its land over the short term, while the applicant and Province work together to find the most effective means to achieve the land exchange (see attached letter). Should these efforts fail, the applicant has committed to a minor Rezoning to ensure that the zoning lines conform to property lines.

Under Council Policy No. 367, the applicant is expected to conduct Neighbour Consultation regarding the proposed variances. This requirement was satisfied during the consultation required for the Rezoning at which time the applicant's efforts included full discussions relating to the variances (see attached letter from applicant).

### 4.2 Project Description

#### General Description:

The applicant is proposing to construct a three-storey commercial building on the subject property, having retail on the ground floor, followed by two storeys of offices. The proposal features a covered sidewalk, or "arcade", that is continued from the development to the south, allowing for seamless pedestrian movement between the two lots. The retail units will be accessed directly from this sidewalk, as will the lobby for the offices on the upper two storeys. There is a service access at the rear of the building for the retail units.

Vehicle access for the development will be achieved through the use of a cross-access easement with the property to the south, using a common entry/exit onto Lakeshore Road across from Radant Road. Customer parking is located principally in the front of the parcel, between Lakeshore Road and the proposed building. Staff parking is proposed to be located at the rear of the property, accessed through a service lane at the north side of the building. Short-term

bicycle parking will be located at the front entrance to the building, and long-term secure bike storage is proposed in a “bike box” at the rear of the building. The garbage and recycling enclosure is also located at the rear of the building, adjacent to the secure bike parking.

#### Form & Character:

In terms of form and character, the proposed building represents a departure from abutting development to the north and south and, taken together with other recent development in the area, suggests that this commercial node is undergoing gradual intensification. Existing development to the north is representative of the formerly dominant land use pattern in this node, featuring single storey buildings, and large parking areas. This is contrasted by the proposed building, which brings a three storey massing and a fresh, playful palette to the area, pulling its inspiration from more tourist commercial areas further to the north.

Overall, the building displays a distinctly modern architecture, with a strong focus on linear elements and on overall simplicity of form. The architecture relies on repeating rectangular elements at various scales to break down the massing of the structure. Further reinforcing this, the rectangular elements are often set in contrast to one another using varied finishing materials, from different colours of glazing, to a stucco-like cladding system in white and orange. Wood is used as an accent material.

The southern wall presented the applicant team and City staff with a challenge. At near zero lot line, fire-related code requirements leave limited design options, and this building elevation interfaces directly with the adjacent development to the south. In response, the applicant team is proposing the use of faceted blocks and vines to add dimension and texture to the building face.

The proposed landscaping includes robust plantings along the Lakeshore Road frontage using Armstrong Maple and a mixture of hedges and grasses. The applicant team is also re-establishing a riparian area using native plantings at the rear of the site, abutting the Mission Creek dike. The details of this proposal will be dealt with at a staff level through a Natural Environment Development Permit.

#### Variances:

According to the applicant team, the sizing of the footprint of the building is in large part due to the construction system that is proposed for use, which has restricted dimensions. As a result, the outer envelope of the building is not easily adjusted, and extends along the southern property line and interfaces for approximately 5.6m with the residential development to the south (the Lexington). This triggers two of the three variances, including side yard setback and landscape buffer.

The final variance aims to reduce the setback for vehicle parking stalls from 1.5m to 0.0m. This variance may limit the functionality of two parking stalls, as reversing movements out of the stalls would be challenging; however, this is not seen to be a significant issue, as this parking area is principally intended to accommodate staff parking.

### 4.3 Site Context

The subject property is approximately 1,871m<sup>2</sup> in area and is located on the east side of Lakeshore Road, south of the Mission Creek bridge. The lot is presently empty, but formerly contained a dentist’s office building. The lot is within the Permanent Growth Boundary, but is not within any Urban or Village Centres.

The surrounding neighbourhood is characterized by a mix of commercial, service and residential uses. The lots fronting the east side of Lakeshore Road south of the Mission Creek bridge are

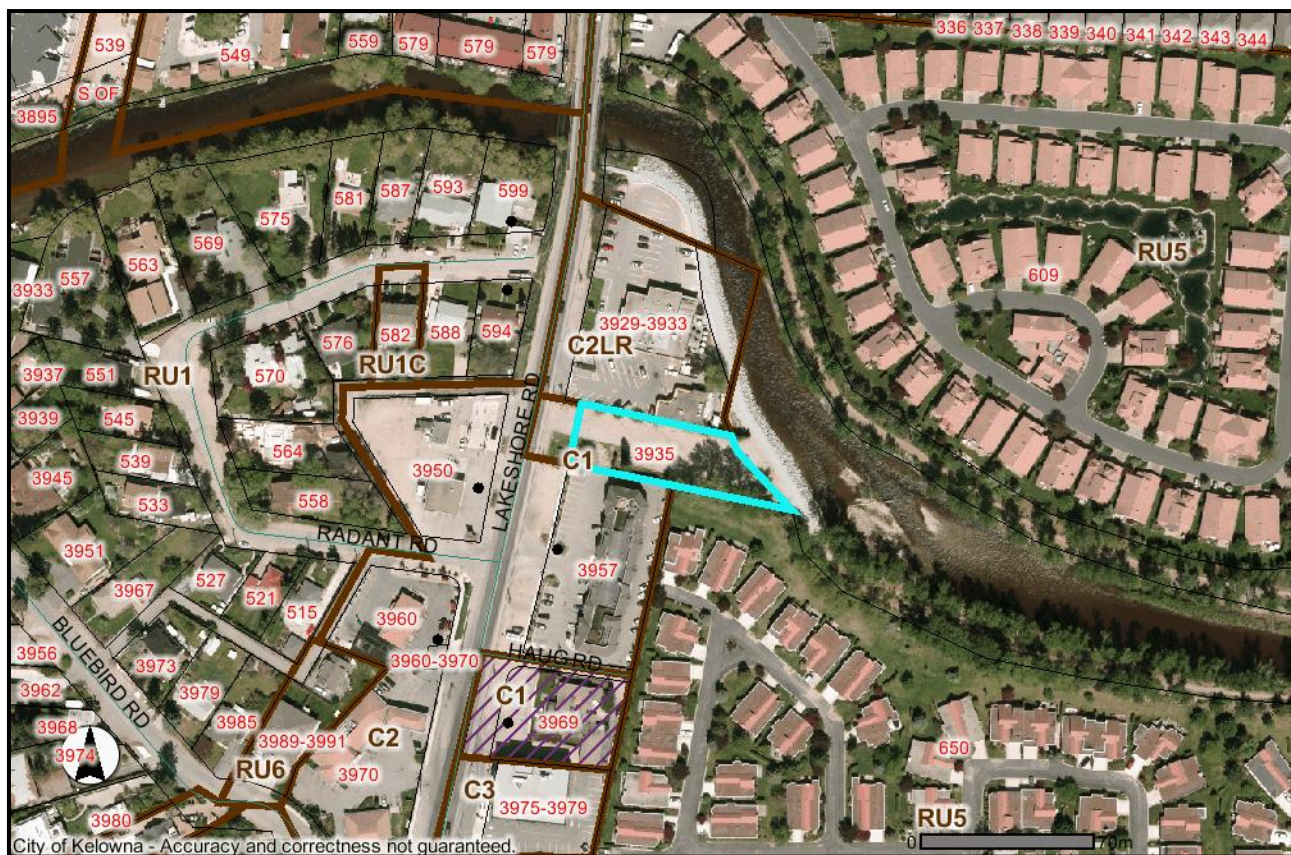


gradually developing into a neighbourhood/community commercial centre, with a mix of retail and office development.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C2RLS - Neighbourhood Commercial (Retail Liquor Sales)	Creekside Pub Liquor Store
East	Mission Creek	Mission Creek
South	C2 - Neighbourhood Commercial RU5 - Bareland Strata	Mixed retail commercial/apartment housing The Lexington - bareland strata
West	C2 - Neighbourhood Commercial	Petro Canada

Subject Property Map: 3935 Lakeshore Road



Floor Area Ratio	1.0	0.71
Site Coverage	50%	26%
Height	15.0 m / 4 storeys	12.0 m / 3 storeys
Front Yard	3.0 m	21.0 m
Side Yard (south)	0.0 m (abutting commercial) 2.0 m (abutting residential)	0.0 m (abutting commercial) 0.0 m (abutting residential) <sup>❶</sup>
Side Yard (north)	0.0 m	6.0 m
Rear Yard	0.0 m	exceeds
<b>Other Regulations</b>		
Minimum Parking Requirements	Office @ 2.5/100m <sup>2</sup> GFA + Retail @ 2.0/100m <sup>2</sup> GFA = 26 stalls	28 stalls
Parking Setbacks	1.5 m from residential	0.0 m from residential <sup>❷</sup>
Bicycle Parking	Class I = 3 Class II = 7	Class I = 3 Class II = 7
Loading Space	1 stall	1 stall
Landscaping	Front - Level 2 Side - Level 3 (abutting res) Rear - Level 3	Front - Level 2 Side - Level 1 (abutting res) <sup>❸</sup> Rear - Level 3
<p>* the subject property does not need to meet minimum subdivision standards, as no subdivision is proposed.</p> <p>❶ Indicates a requested variance to the minimum side yard setback abutting a residential zone from 2.0m permitted to 0.0m proposed.</p> <p>❷ Indicates a requested variance to the minimum setback for parking areas from 1.5m permitted to 0.0m proposed.</p> <p>❸ Indicates a requested variance to the minimum landscape buffer abutting a non-commercial zone from Level 3 permitted to Level 1 proposed.</p>		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Comprehensive Development Permit Objectives:

- Convey a strong sense of authenticity through urban design that is distinctive for Kelowna;
- Promote a high urban design standard and quality of construction for future development that is coordinated with existing structures;
- Integrate new development with existing site conditions and preserve the character amenities of the surrounding area;
- Promote interesting, pedestrian friendly streetscape design and pedestrian linkages;
- Provide for a scale and massing of commercial buildings that promotes a safe, enjoyable living, pedestrian, working, shopping and service experience;
- Incorporate architectural features and detailing of buildings and landscapes that define an area's character;
- Promote alternative transportation with enhanced streetscapes and multimodal linkages;
- Protect and restore the urban ecology (i.e. architectural and site consideration with respect to the ecological impact on urban design).

## **6.0 Technical Comments**

### **6.1 Building & Permitting Department**

- 1) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
- 2) Full Plan check for Building Code related issues will be done at time of Building Permit applications.

### **6.2 Development Engineering Department**

See attached Memoranda, dated September 10, 2013.

## **7.0 Application Chronology**

Date of Application Received: September 10, 2013

**Report prepared by:**

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James Moore, Land Use Planner

**Reviewed by:**



Danielle Noble-Brandt, Urban Planning Manager

### **Attachments:**

Subject Property Map

Site Plan

Conceptual Elevations

Landscape Plan

Colour/Materials Board

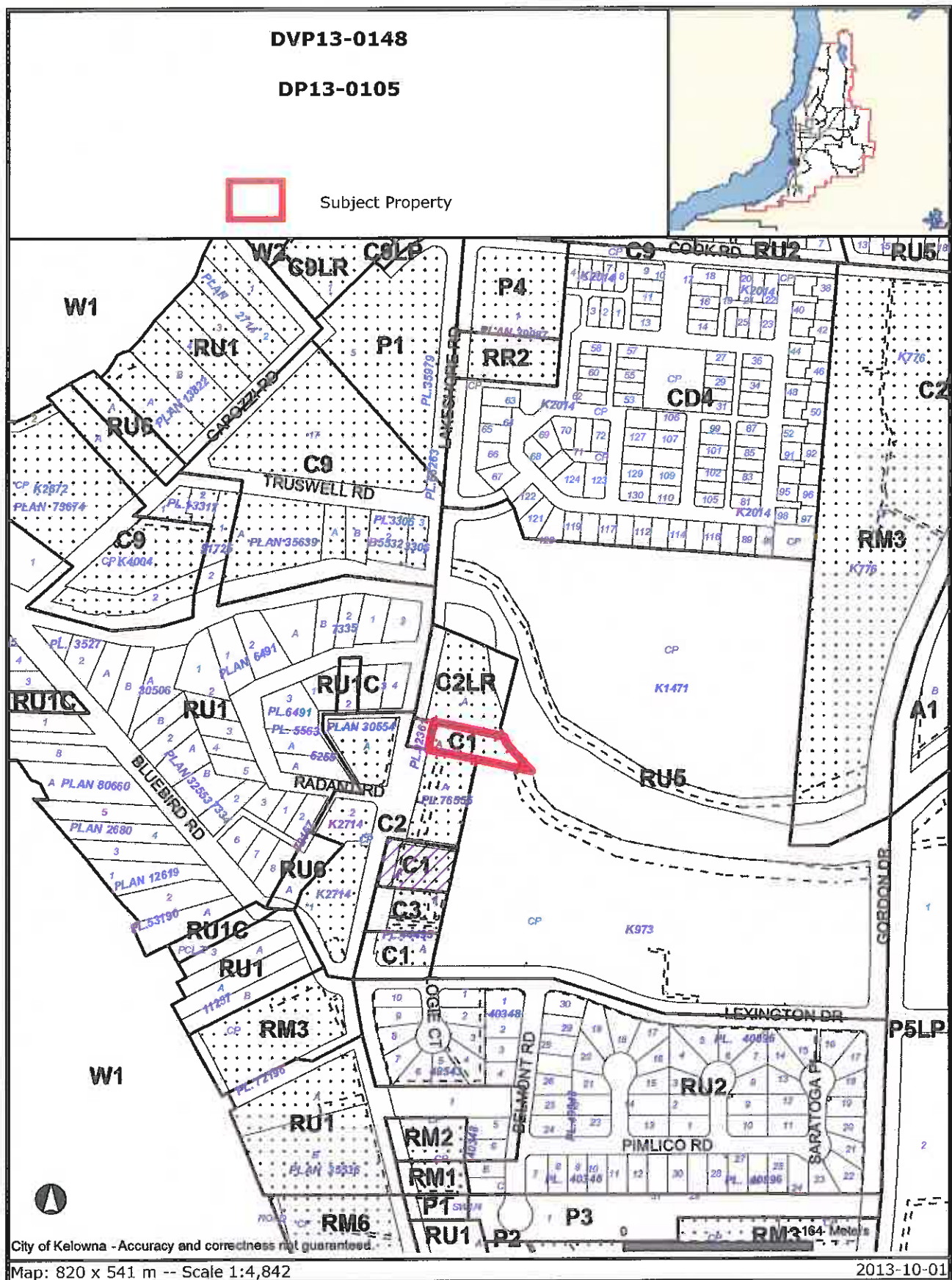
Letter from the Ministry of Forests, Lands and Natural Resource Operations

Letter from Applicant RE: Neighbour Consultation

Development Engineering Memorandum, dated September 12, 2013

DRAFT Development Permit / Development Variance Permit

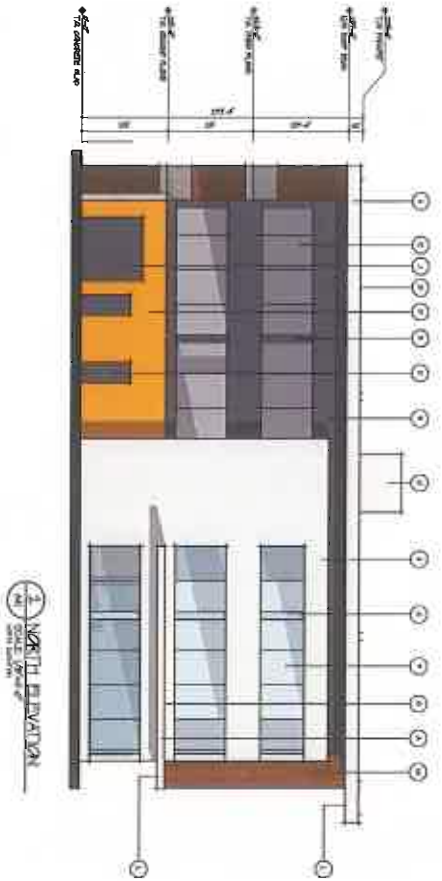
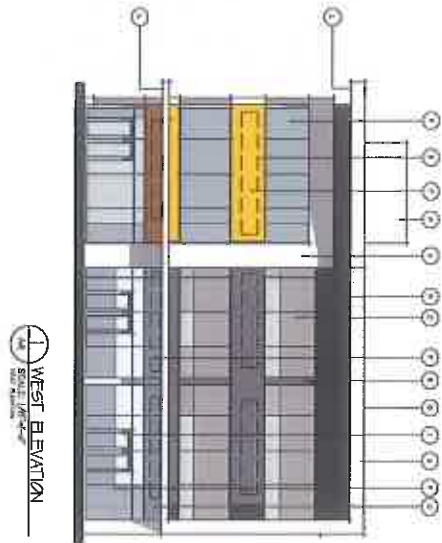




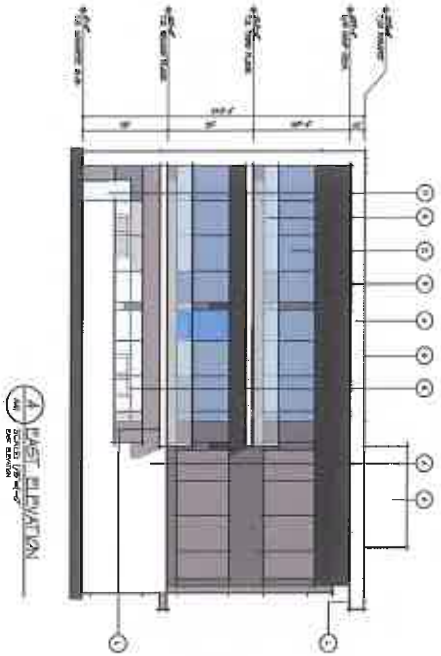
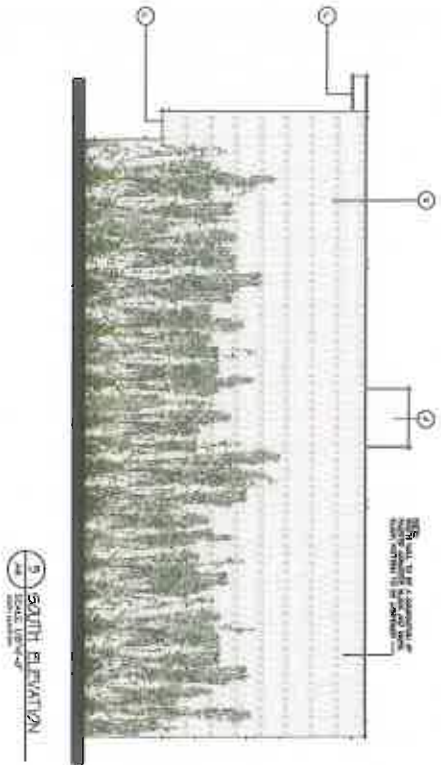
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.







LEGEND	
[Symbol]	BRS 1
[Symbol]	BRS 2
[Symbol]	BRS 3
[Symbol]	GLAZING 1 IN ALUM. FRAME
[Symbol]	GLAZING 2 IN ALUM. FRAME
[Symbol]	PREFIN. METAL FLASHING
[Symbol]	METAL DOOR & FRAME
[Symbol]	METAL DOOR IN ALUM. FRAME
[Symbol]	METAL OVERHEAD DOOR
[Symbol]	GLASS GLAZED IN ALUM. FRAME
[Symbol]	WOOD SHED
[Symbol]	WOOD SHED
[Symbol]	SCREENED MECHANICAL UNIT
[Symbol]	POTENTIAL SIGNAGE LOCATION











October 2, 2013

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

Attention: James Moore

Dear Mr. Moore:

**RE: Application for Rezoning of Crown Land – 3935 Lakeshore Road**

This letter will confirm that Braniff Real Estate Services Inc. is authorized to act as Agent on behalf of the Ministry of Forests, Lands and Natural Resource Operations ("Owner") with respect to a rezoning application to the City of Kelowna over a very small tract of Crown land located adjacent to Lot A, Plan 12477, shown outlined in "red" on attached sketch.

I trust this letter is sufficient to allow the City of Kelowna to accept and process this rezoning application.

Yours truly,

Don Meeks  
Manager, Land Authorizations  
Phone: (250) 828-4415

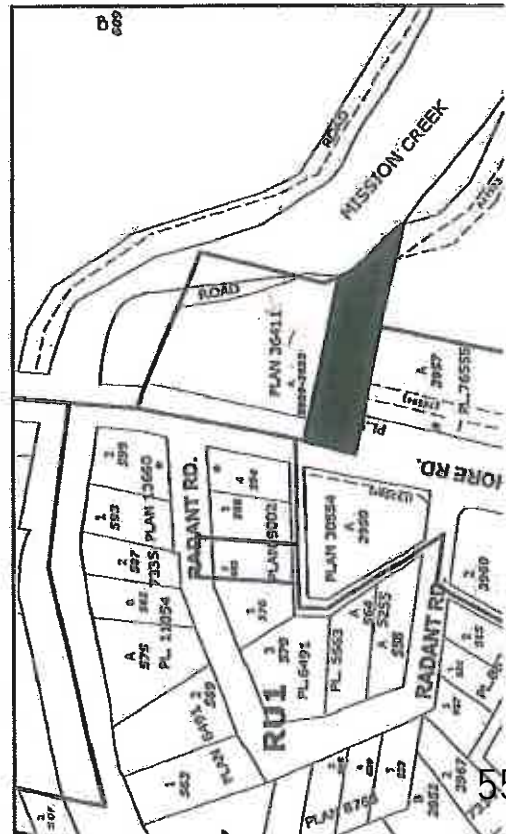
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Lot A, PL1247



PROPOSED BUILDING AREAS					
STORY	GFA (SQFT)	GFA (SQM)	USE	NO. OF UNITS	NO. OF PARKING SPACES
FIRST	44,700	4,144	RESIDENTIAL	2,200	434
SECOND	44,800	4,146	OFFICE	2,145	409
THIRD	44,800	4,146	OFFICE	2,145	409
TOTAL	134,300	12,436		6,490	1,252

FARMING CALCULATION			
FEED	GRA	FEEDING REQUIREMENT	2.0 STALLS/ANIMAL
OTHER	GRA	FEEDING REQUIREMENT	3.5 STALLS/ANIMAL
TOTAL FEEDING PROVIDED		20 STALLS	
TOTAL FEEDING PROVIDED		20 STALLS	
LOADING PROVIDED		1 STALL	
LOADING PROVIDED		1 STALL	



Michael Hoffman  
Director of Development & Construction  
Braniff Real Estate Services  
1240 industrial road  
West Kelowna, BC  
V1Z 1G5

August 14, 2013

James Moore, MCIP, RPP  
Planner II  
Urban Planning | Community Planning & Real Estate Division  
City of Kelowna  
1435 Water Street  
Kelowna, BC  
V1Y 1J4

Dear James,

Subject: Z13-0026 & Z13-0028 3935 Lakeshore Rd. Neighbour Consultation

As the owners of 3935 Lakeshore Rd., we have endeavoured to meet with our neighbours in accordance with City of Kelowna Policy No. 367. As our property lies within the City of Kelowna Permanent Growth Boundary, per the attached diagram, we have identified the following properties as being within 50m of our property:

- 3929-3933 Lakeshore Road (met owners on August 13, 2013)
- 3957 Lakeshore Road (met owner on August 13, 2013)
- 3950 Lakeshore Road (met owner on August 14, 2013)
- 588 Radant Road (made efforts to contact owner and waiting for response)
- 594 Radant Road (made efforts to contact owner and waiting for response)
- 650 Lexington Road (met strata council on August 8, 2013)

In addition to these properties, we have also contacted and met with the strata council of 609 Truswell Road on August 2, 2013 as this development is immediately adjacent to our property across the creek to the east. For all of the above noted properties to date, with the exception of the properties indicated, we have successfully met with and fulfilled the requirements of Policy 367 to present:

- Location of the proposal;
- Detailed description of the proposal, including the specific changes proposed;
- Visual rendering and/or site plan of the proposal;
- Contact information for the applicant or authorized agent;
- Contact information for the Land Use Management department;
- Identification of available methods for feedback.

Our meetings included but were not limited to a full review of the drawings submitted to the City of Kelowna, discussion around rezoning of the site, removal of existing trees on site and the proposed landscaping, discussion around the form and character of the proposed building, discussion around parking and access to the site, discussion around flooding, and the following variances:

- Variance to the minimum setback for parking in a side yard abutting a residential zone from 1.5m permitted to 0.0m proposed.
- Variance to the minimum side yard setback abutting residential zones from 2.0m permitted to 0.0m proposed.
- Variance to the minimum landscape requirement of a property zoned C3 abutting a residential use from Level 3 required to Level 1 proposed.

Any questions that were raised by any party were resolved through a detailed dialogue and a thorough explanation and understanding of the proposal. We have not been made aware of any formal objections by any party, and no additional efforts or revisions to the proposed design as discussed have been requested.

We are continuing efforts to contact the owners of the properties who are currently unavailable due to the summer season, and once we have met with them, we will confirm this to you.

Sincerely,



Michael Hoffman  
Director of Development & Construction  
Braniff Real Estate Services

Encl.

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

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**Date:** September 12, 2013  
**File No.:** DVP13-0148  
**To:** Urban Planning (JM)  
**From:** Development Engineering Manager  
**Subject:** 3935 Lakeshore Road

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

This development variance permit application to vary the side yard setback, side yard parking setback and the landscape buffer level from 3 to 1 does not compromise any municipal services.



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Steve Muenz, P. Eng.  
Development Engineering Manager

SS



# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

- ☐ Development Permit No.: DP13-0105  
☐ Development Variance Permit No.: DVP13-0148

EXISTING ZONING DESIGNATION: C3 - Community Commercial  
WITHIN DEVELOPMENT PERMIT AREA: Comprehensive Development Permit Area  
DEVELOPMENT VARIANCE PERMIT:  

- To vary the minimum side yard setback abutting a residential zone from 2.0m permitted to 0.0m proposed.
- To vary the minimum setback for parking areas from 1.5m permitted to 0.0m proposed.
- To vary the minimum landscape buffer abutting a non-commercial zone from Level 3 permitted to Level 1 proposed.

ISSUED TO: Braniff Real Estate Services Inc.  
LOCATION OF SUBJECT SITE: 3935 Lakeshore Road

	SECTION	LOT	TWP	DISTRICT	PLAN
LEGAL DESCRIPTION:	6	A	26	ODYD	Plan 12477, Except Plan KAP92361

### SCOPE OF APPROVAL

- ☐ This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- ☐ This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
- ☐ Applicants for a Heritage Alteration Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

### 1. TERMS AND CONDITIONS:

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

4. Prior to the issuance of a building permit the applicant be required to post with the City a "Letter of Credit" in the amount of 125% of the estimated value of the cost to design, construct and complete the parking area, which includes parking spaces and sidewalks as shown in general accordance with Schedule "C";

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

Section 14.3.5(e): Development Regulations

To vary minimum side yard setback from 2.0m permitted to 0.0m proposed, as per Schedule 'A'.

Section 8.1.10(d): Off-Street Vehicle Parking

To vary the minimum side yard setback for off-street vehicle parking in non-residential zones from 1.5m permitted to 0.0m proposed, as per Schedule 'A'.

Table 7.1: Minimum Landscape Buffer Treatment Levels Schedule

To vary the minimum side yard landscape buffer from Level 3 permitted to Level 1 proposed, as per Schedule 'A'.

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.**

2. 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 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:**

DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE \_\_\_\_ DAY OF OCTOBER, 2013

ISSUED BY THE ACTING GENERAL MANAGER OF COMMUNITY SUSTAINABILITY OF THE CITY OF KELOWNA THE \_\_\_\_ DAY OF OCTOBER, 2013.

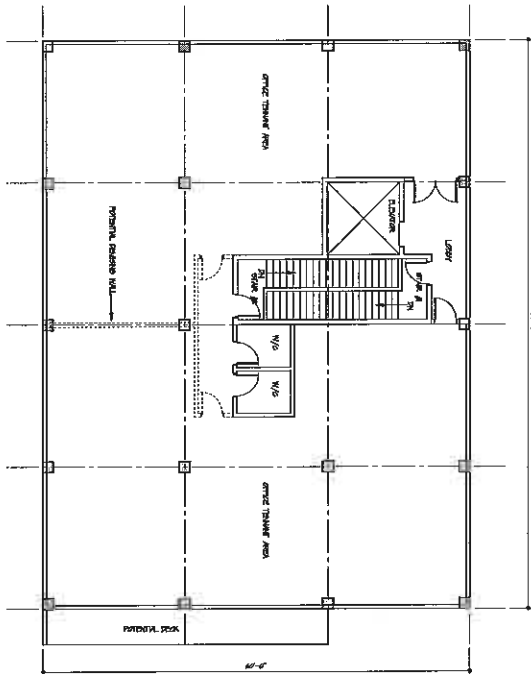
\_\_\_\_\_  
Doug Gilchrist, Divisional Director, Community Planning & Real Estate



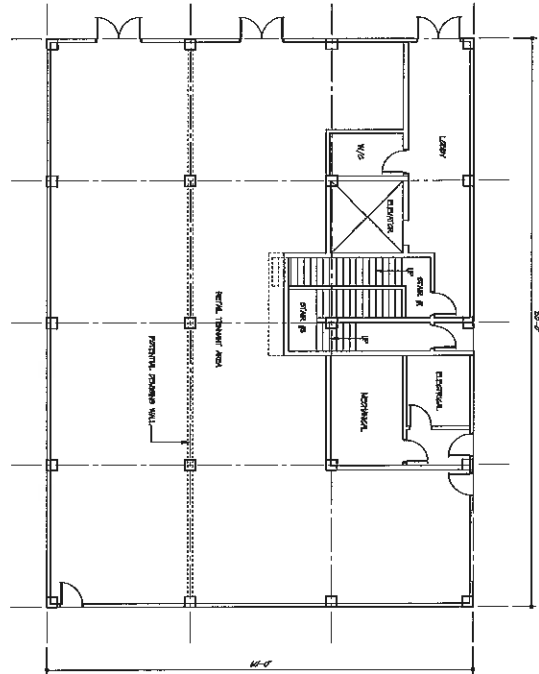


**SCHEDULE** A  
 This forms part of development  
 Permit # DP13-0105

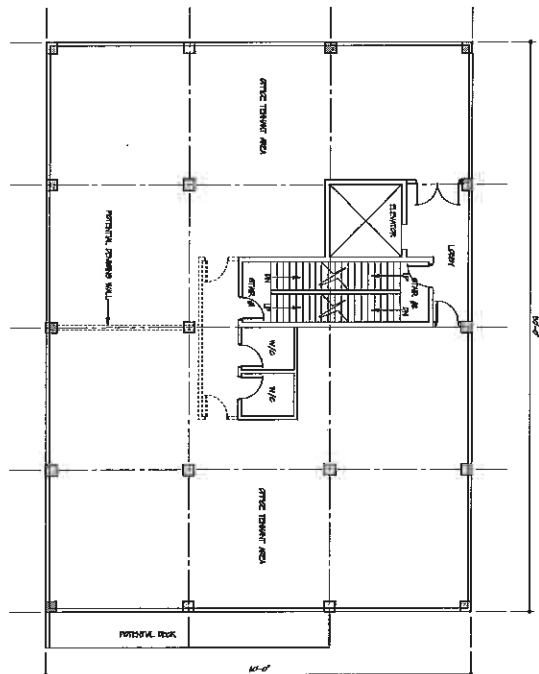
3 THIRD FLOOR PLAN  
 SCALE 1/8"=1'-0"



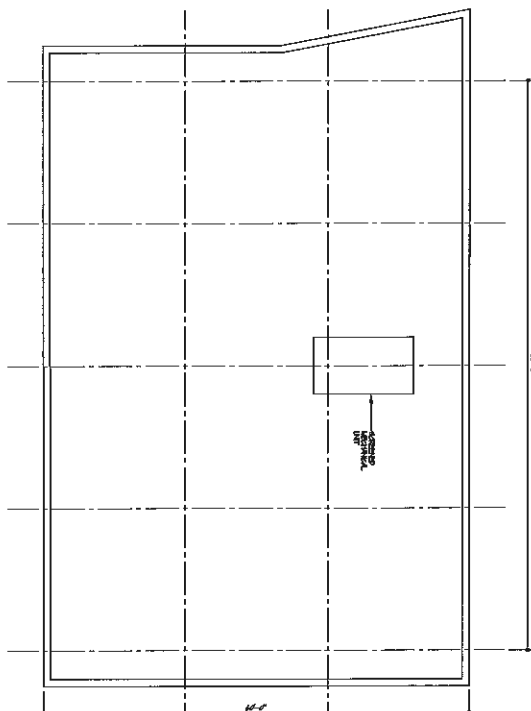
1 MAIN FLOOR PLAN  
 SCALE 1/8"=1'-0"



2 SECOND FLOOR PLAN  
 SCALE 1/8"=1'-0"



4 ROOF PLAN  
 SCALE 1/8"=1'-0"

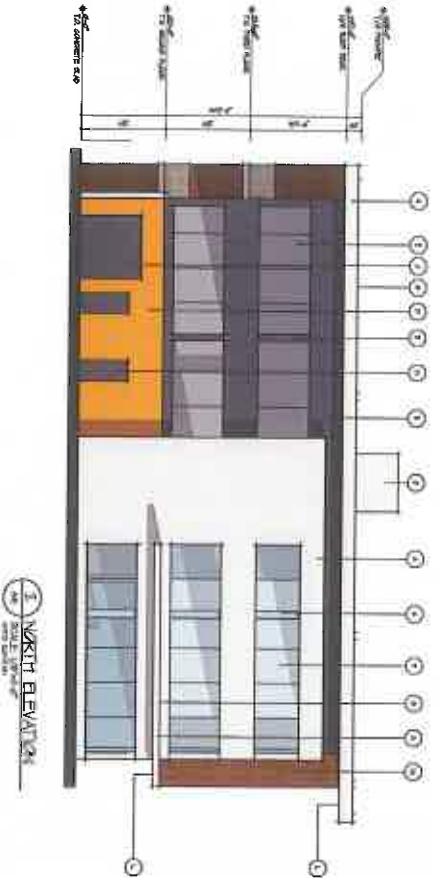
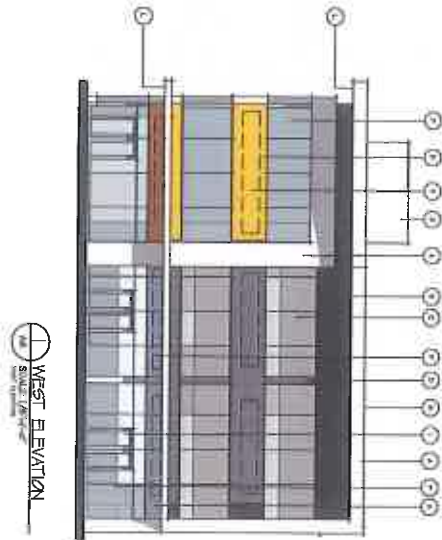


**KR ARCHITECT INC**  
**PROJECT: 3935 LAKESHORE ROAD**

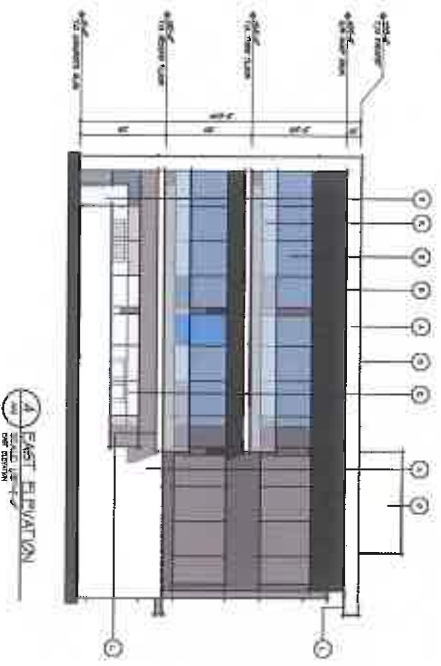
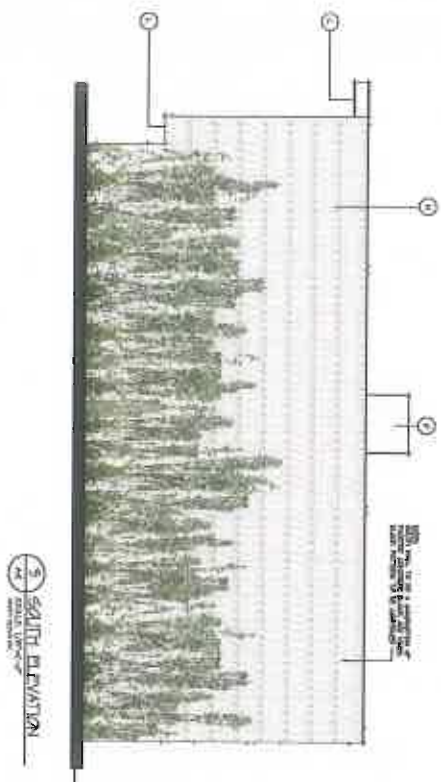
DATE: JUNE 20, 2013  
 ISSUED FOR RE-ZONING & DEVELOPMENT PERMIT

THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE CLIENT TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS.

**A21**



LEGEND	
1	EIFS 1
2	EIFS 2
3	EIFS 3
4	EIFS 4
5	GLAZING 1 IN ALUM. FRAME
6	GLAZING 2 IN ALUM. FRAME
7	PREPARED METAL FLASHING
8	METAL DOOR IN ALUM. FRAME
9	METAL OVERHEAD DOOR
10	WOOD FINISH
11	SCREENED CONCRETE BLOCK
12	POTENTIAL SIGNAGE LOCATION



**SCHEDULE A & B**  
 This forms part of development  
 Permit # DP13-0165

KR ARCHITECT INC  
**PROJECT: 3935 LAKESHORE ROAD**  
 DATE: AUGUST 7, 2013  
 ISSUED FOR DEVELOPMENT PERMIT REVISIONS

THIS DRAWING IS AN INSTRUMENT OF SERVICE AND IS THE PROPERTY OF THE ARCHITECT. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION AND CONDITIONS ON THE SITE AND THE ARCHITECT SHALL BE INFORMED OF ANY VARIATIONS.

**A41**



3935 Lakeshore Road  
MATERIALS June 20, 2013

- 1. Glass type 1
- 2. Glass type 2
- 3. Wood finish
- 4. Metal flashing
- 5. Metal frame
- 6. Eifs 1
- 7. Eifs 2
- 8. Eifs 3
- 9. Eifs 4

SCHEDULE B  
This forms part of development  
Permit # 0813-0105







AUG 14, 2013

THE CITY OF KELOWNA  
1435 Water Street  
Kelowna, BC.  
V1Y 1J4

RE: 3935 LAKESHORE ROAD – LANDSCAPE ESTIMATE OF CONSTRUCTED COST

Dear Sir,

We estimate the value of supply and place constructed cost on the above noted development to be approximately \$16,000

Components of the landscape work include:

- Bark Mulch & Granular cover with weed-barrier fabric
- Plant material (trees, shrubs,) including pit soil
- Bed edging
- Root-Barrier
- Sod c/w soil
- Drip/spray irrigation system

Please contact the undersigned should you have any questions or require additional information, thank you.

Kindest Regards,

0797623 B.C. LTD.

Per:  
Gary Dewhurst, B.L.A.,  
PRINCIPAL,  
Sustainable Systems



SUSTAINABLE SYSTEMS

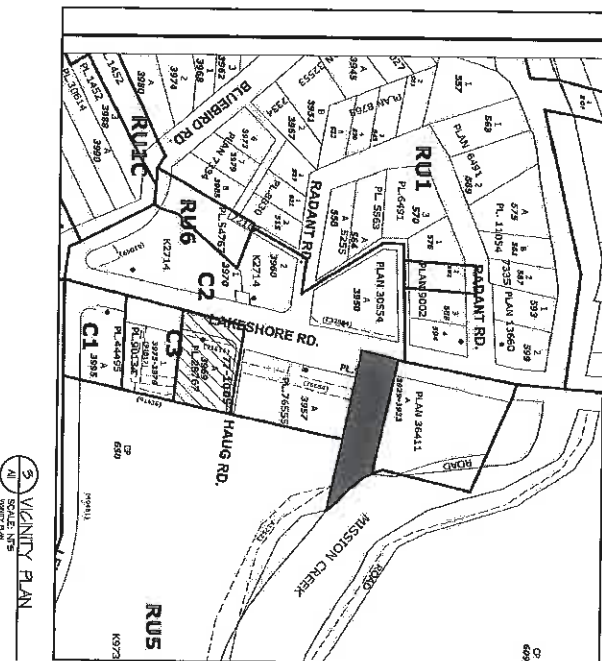
K.R. ROSS: Ph. 604-418-9917

Mail: 2902-26<sup>th</sup> St., VERNON, B.C. V1Y 4T7

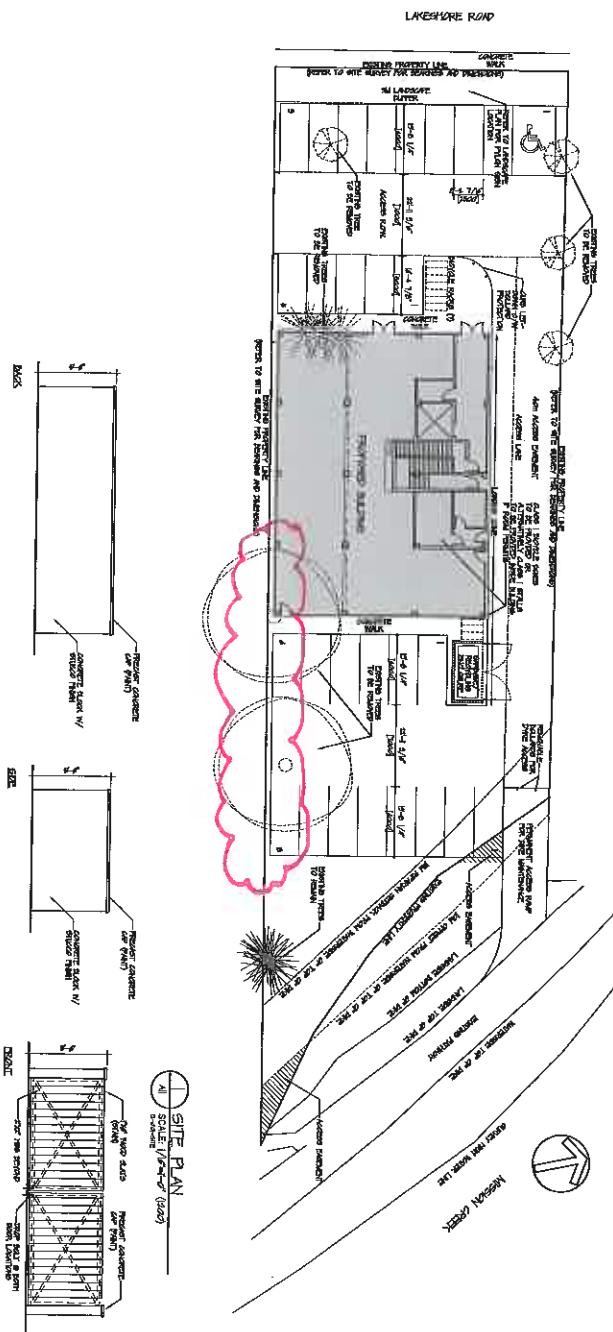
Tel: (250) 549-6717

e-mail: sustainable@telus.net

SCHEDULE C  
This forms part of development  
Permit # BP13-0105



ZONING INFORMATION			
EXISTING ZONING	CD	OR	
PROPOSED ZONING	ZONED FOR ACCESS	DESIGNATED PRODUCT	
LOT WIDTH	124' MINIMUM	AREA	
LOT DEPTH	204' MINIMUM	A:75%	
LOT AREA	1,000sq. MINIMUM	A:87.5%	
HEIGHT	LESSOR OF 144' OR 4 STORIES	3 STORIES (4' MAX)	
SETBACKS	SEE CONVENIENCE	SEE BACK	
SIDE (MIN)	24'		
FRONT (MIN)	24'		
REAR (MIN)	24'/24'		
FRONT (MAX)	24'		
REAR (MAX)	24'		
BACK (MIN)	24'		
BACK (MAX)	24'		
P.A.S.	1.0		.25



SCHEDULE A  
This forms part of development  
Permit # DVP13-0148

# REPORT TO COUNCIL



**Date:** October 2, 2013

**RIM No.** 0940-50

**To:** City Manager

**From:** Urban Planning, Community Planning & Real Estate (AR)

**Application:** DVP13-0143      **Owner:** Canrim Packaging Ltd.,  
Inc. No. A38958

**Address:** 1125 Richter Street      **Applicant:** Gren Weis Architect

**Subject:** 2013-10-22 Report DVP13-0143 1125 Richter St

**Existing OCP Designation:** IND - Industrial

**Existing Zone:** I4 - Central Industrial

---

## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0143 for Lot A, Section 30, Township 26, ODYD, Plan 30655, except Plan M15406, located at 1125 Richter Street, Kelowna, BC;

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

Section 7.6: Minimum Landscape Buffers, Table 7.1 Treatment Levels Schedule, Industrial Zone and Sections 7.6.1(c) & 7.6.9(h)  
To vary the minimum required landscaped buffer on Vaughan Avenue from 3.0 m required to 0.1 m proposed, as per Schedule 'A';

Section 8.1.10(c) - Off Street Vehicle Parking  
To vary the minimum required parking setback on Vaughan Avenue from 2 m required to 0.1 m proposed, as per Schedule 'A'.

## 2.0 Purpose

The purpose of the application is to seek certain variances to Zoning Bylaw 8000 to facilitate the redevelopment of an accessory parking area to serve a proposed new winery retail store and tasting room in an existing industrial winery building on the subject property.

The application proposes a variance to the minimum required parking setback on Vaughan Avenue from 2 m required to 0.1 m proposed, and to the minimum required landscape buffer on Vaughan Avenue from 3 m required to 0.1 m proposed.

### 3.0 Urban Planning

Urban Planning staff is supportive of the proposed variances to reduce the required parking setback and landscape buffer along the Vaughan Avenue frontage. While the variances are seeking in essence a 100% relaxation in both instances, the overall improvements proposed for the existing building and parking area at the northeast corner of Richter Street and Vaughan Avenue will significantly benefit the visual attractiveness of this portion of the site and the surrounding area.

At present there is no parking setback or landscaped area provided along the Vaughan Avenue frontage, nor any City boulevard (see attached site photos). With the development of the improved parking area for the new winery retail store and tasting room, the proponent proposes to develop the City boulevard and to landscape it in accordance with City requirements. Further, the proponent proposes to provide substantial landscaping along the Richter Street frontage with trees, planting beds, a seating area, and decorative paving. Through review of the accompanying Development Permit application, staff will seek landscape improvements within the City boulevard to screen the proposed parking area from Vaughan Avenue.

Given the existing non-conforming condition of the site along the Vaughan Avenue frontage (with no parking setback, landscaping, or City boulevard) and given the arguably negligible impact for existing adjacent industrial properties, staff believes that neighbour notification is adequately satisfied through the formal public notification process and posting of Development Application signage.

### 4.0 Proposal

#### 4.1 Project Description

The extensive 2.5 ha site generally operates as a winery operation for Calona Wines. The company proposes to renovate a 790 m<sup>2</sup> area of the existing building at the northwest corner of Richter Street and Vaughan Avenue to accommodate a new winery retail store and tasting room. This modernized area would accommodate visitors wanting to learn about the production process, as well as taste and purchase winery products.

To accommodate the proposed retail and tasting area, an accessory parking area for 20 vehicle parking spaces is required in close proximity. The existing paved area directly south of the proposed retail store and tasting room is proposed to be developed as an accessory parking area, with significant public realm and landscape improvements along the Richter Street and Vaughan Avenue frontages. However, given the existing placement of the building, and the necessity to provide minimum dimensions for parking spaces and drive aisle, variances are requested to parking setback and landscape buffer requirements along the Vaughan Avenue frontage. Specifically, the application seeks to vary the minimum required parking setback from Vaughan Avenue from 2 m required to 0.1 m proposed, and to vary the minimum required landscape buffer along Vaughan Avenue from 3 m required to 0.1 m proposed.

Renovations to the building's exterior for the proposed winery retail store and tasting room are also proposed along the Richter Street and Vaughan Avenue frontages at this time. They include removal of the existing stucco finish and introduction of contemporary design details, including wood screen, glass, aluminium trim, and a feature laminate panel wall. The proposed building renovations will be reviewed under a separate Development Permit (DP) Application for form and character.

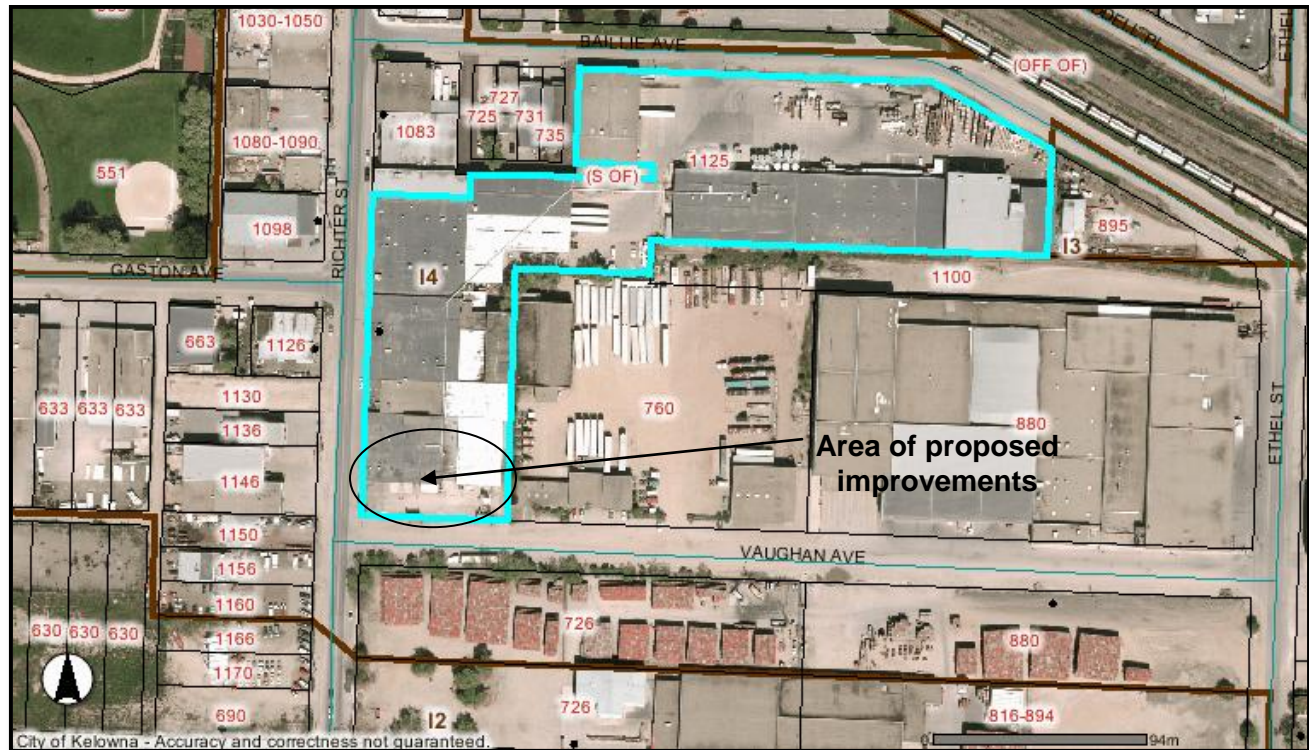
## 4.2 Site Context

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: 1125 Richter Street



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

Comprehensive Development Permit Area Urban Design Guideline Objectives:

- Promote a high urban design standard and quality of construction for future development that is coordinated with existing structure;
- Integrate new development with existing site conditions and preserve the character amenities of the surrounding area;



- Promote interesting, pedestrian friendly streetscape design and pedestrian linkages;
- Provide for a scale and massing of commercial buildings that promotes a safe, enjoyable living, pedestrian, working, shopping and service experience.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

- Structural Engineering schedules and drawings are required for the changes to the existing building at time of permit application.
- The Building Permit drawings are to clearly identify the fire separation assemblies and the code analysis is to identify exit travel distances.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

### 6.2 Development Engineering Department

See attached Development Engineering Memorandum, dated September 27, 2013.

### 6.3 Fire Department

Ensure that the addressing of this building remains and that the renovation is not addressed off of Vaughn Avenue.

### 6.4 FortisBC (Electrical)

There are primary distribution facilities along Richter Street, Vaughan Avenue and Bailie Avenue. The applicant is responsible for costs associated with changes to the existing services, if required, as well as the provision of appropriate land rights where required. Otherwise, FortisBC Inc. (Electric) has no concerns with this circulation.

## 7.0 Application Chronology

Date of Complete Application Received: August 30, 2013  
Revised Materials Received: September 26, 2013

**Report prepared by:**

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Abigail Riley, Urban Planner

**Reviewed by:**



Danielle Noble, Manager, Urban Planning

**Approved for Inclusion:**



Doug Gilchrist, Divisional Director, Community Planning & Real Estate Services

### Attachments:

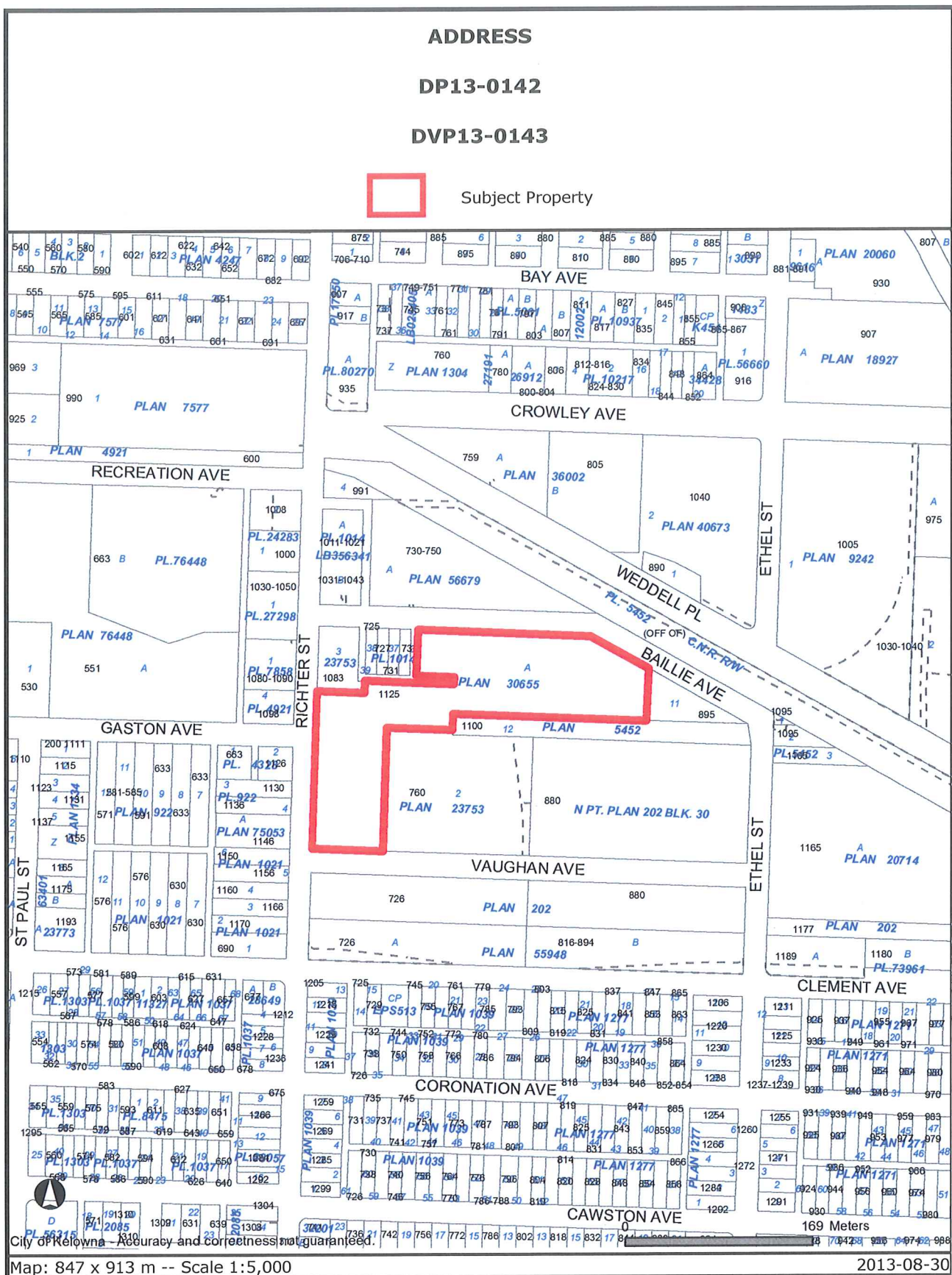
Subject Property Map

Site Plan

Context/Site Photos

September 26, 2013 Development Engineering Memorandum

Draft Development Variance Permit



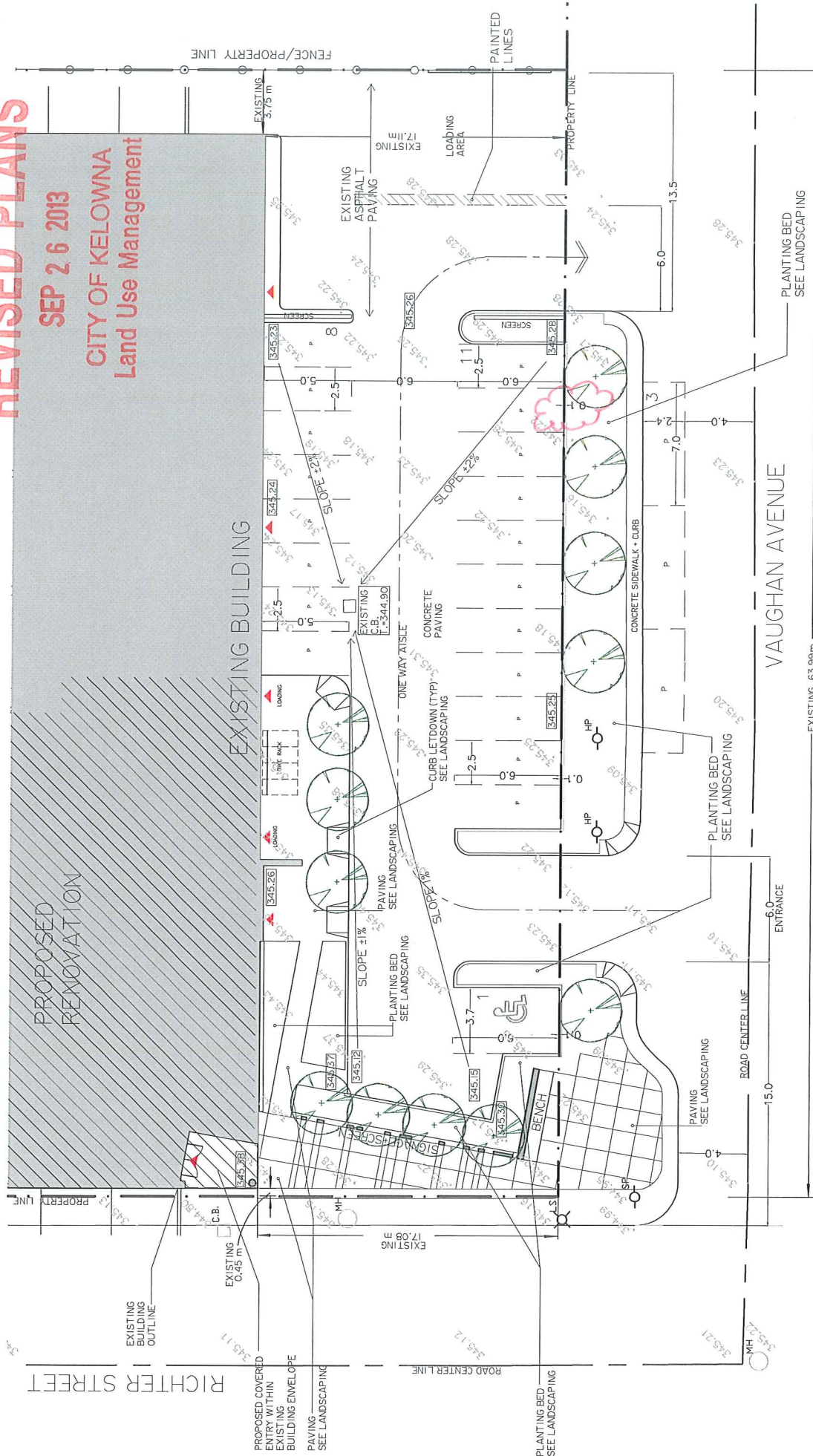
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.



**REVISED PLANS**

**SEP 26 2013**

**CITY OF KELOWNA  
Land Use Management**



PROPOSED SITE PLAN

**THE SANDHILL ESTATE**  
KELOWNA, BC

**SCHEDULE A**  
This forms part of development  
Permit # **D13-0143**

**GREN WEIS ARCHITECT**

1:200  
Sep. 26, 2013



To see all the details that are visible on the screen, use the "Print" link next to the map.



VAUGHAN AV. FRONTAGE - EXISTING.



To see all the details that are visible on the screen, use the "Print" link next to the map.



RICHTER ST. FRONTAGE (AT VAUGHAN AVE.) - EXISTING-



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


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**Date:** September 27, 2013  
**File No.:** DVP13-0143  
**To:** Urban Planning Department (AR)  
**From:** Development Engineering Manager  
**Subject:** 1125 Richter Street

---

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

1. This development variance to vary the landscape buffer from 3.0m to 0.1m does not compromise any municipal services.
2. The development variance to vary the aisle width to 6.0m from 7.0m is not required based on the site plan submitted September 26, 2013 showing a one way aisle in the parking lot. A one way aisle of 6.0m is acceptable.
3. The development variance to vary the parking spaces to be 5.0m in length 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.: DVP13-0143

EXISTING ZONING DESIGNATION: I4 – Central Industrial

DEVELOPMENT VARIANCE PERMIT: To vary the minimum required parking setback on Vaughan Avenue from 2m required to 0.1m proposed and the minimum required landscape buffer on Vaughan Avenue from 3m required to 0.1m proposed

ISSUED TO: Gren Weis Architect ( Owner: Canrim Packaging Ltd., Inc. No. A38958)

LOCATION OF SUBJECT SITE: 1125 Richter Street

	LOT	SECTIONS	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	A	30		26	ODYD	30655 except Plan M15406

### 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:

Table 7.1: Minimum Landscape Buffer Treatment Levels Schedule and Sections 7.6.19c) & 7.6.9 (h)

To vary the minimum required landscaped buffer on Vaughan Avenue for 3.0m required to 0.1m proposed, as per Schedule 'A';

Section 8.1.109c) – Off-Street Vehicle Parking

To vary the minimum required parking setback on Vaughan Avenue from 2m required to 0.1m 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 \_\_\_\_<sup>th</sup> DAY OF OCTOBER 2013.

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE \_\_\_\_<sup>TH</sup> DAY OF \_\_\_\_\_, 2013  
BY THE DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE SERVICES.

---

Doug Gilchrist  
Divisional Director of Community Planning & Real Estate Services



# REPORT TO COUNCIL



**Date:** September 27<sup>th</sup>, 2013

**RIM No.** 0940-50

**To:** City Manager

**From:** Strategic Planning, Community Sustainability (AW)

**Application:** DP13-0131 / DVP13-0132 **Owner:** City of Kelowna

**Address:** 555 Buckland Ave. & 550 Rowcliffe Ave. **Applicant:** Meiklejohn Architects Inc.

**Subject:** 2013-10-22 Report DP13-0131 DVP13-0132 Buckland and Rowcliffe

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

**Existing Zone:** CD22 - Central Green Comprehensive Development Zone

---

## 1.0 Recommendation

THAT Council authorize the issuance of Development Permit No. DP13-0131 for Lot 5 D.L. 14 ODYD Plan KAP92715, located at 555 Buckland Avenue, Lot 6 D.L. 14 ODYD Plan KAP92715, located at 550 Rowcliffe 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. DVP13-0132 for Lot 5 D.L. 14 ODYD Plan KAP92715, located at 555 Buckland Avenue, Lot 6 D.L. 14 ODYD Plan KAP92715, located at 550 Rowcliffe Avenue, Kelowna, BC, Kelowna, B.C.;



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

Schedule 'B' Comprehensive Development Zones: CD22 - Central Green Comprehensive Development Zone, Section 1.5.3 (after Table 1 - Parking) - To permit surface parking and loading where below grade and screened parking and loading are required.

## **2.0 Purpose**

To consider a Development Permit for the form and character of the proposed 70 unit supportive housing development. To consider a Development Variance Permit to vary the requirement that all parking and loading be below grade or under building and screened from view to allow surface parking.

## **3.0 Strategic Planning**

Staff are supportive of the proposal, as it is seen to meet the objectives and supporting policies of the Official Community Plan (OCP). The proposal is also broadly in line with the CD22 - Central Green Development Permit Area Guidelines. The subject property is located within the Downtown Urban Centre, within close proximity to the commercial core and adjacent to the future Rowcliffe Community Park where residential intensification has long been anticipated. The proposal is also the first project to come forward as part of the City led Central Green initiative.

The building represents a more contemporary form of architecture, the finishes are of a high quality, featuring contrasting horizontal and vertical blocks of materials that serve to reduce massing and to emphasize building articulation. The building is also hinged in the middle which helps to provide additional articulation and break up what would otherwise be one long building frontage. Locating the building adjacent to the park will help to animate and provide additional eyes on the park while moving the building mass away from the existing single family neighbourhood to the west. Staff encouraged the applicant to take design inspiration from the adjacent heritage conservation area but the applicant's floor plans and programming were more conducive to a flat roofed building with programmable patio space. Although Staff would prefer that the project satisfied the underbuilding parking requirement the logistics of accomplishing this on a project of this scale is difficult. In Staff's opinion, allowing limited vehicular movements and parking on the fringe of the Central Green project for Sub-Areas E & F will not have a significant impact on this overall objective. Future developments with larger buildings should be able to satisfy this requirement.

In summary, this project delivers on many aspects of both land use and urban design that are encouraged for Central Green and other Downtown Urban Centre revitalization efforts. Importantly, the project will satisfy two of the crucial Central Green objectives with the provision of 30 supportive housing units and a LEED Certified building.

## **4.0 Proposal**

### **4.1 Project Description**

The proposal is broadly in line with the CD22 - Central Green Development Permit Area Guidelines. Although the project doesn't have historic references to the adjacent Marshall Street Heritage Conservation Area design guidelines and doesn't have its main entrance facing Rowcliffe Avenue as suggested in the Design Guidelines it does provide for a sensitive transition to the adjacent single family residences with the bulk of the building located adjacent to the park. The proposed development consists of a total of 30 supportive housing units of varying sizes. The main floor is programmed with Karis office and common amenity space with a townhouse unit

located at the end of each building, the 2<sup>nd</sup> floor provides 18 - 1 bedroom units with a kitchen and family room area and the 3<sup>rd</sup> floor has 8 - 2 bedroom units and 2 - 1 bedroom units.

Principal vehicular access is provided by a one way drive aisle entering from Rowcliffe and exiting onto Buckland. Surface parking for the development is located along the one way drive aisle at the centre of the property with a total of 20 stalls being provided. The applicant has proposed a variance to the CD22 zone to allow surface parking when one of the overarching goals of the Central Green project was to limit onsite vehicular movements and impacts. Long term bicycle parking is provided and short term bicycle parking is located near the main entrance. Pedestrian circulation is accommodated with a separate onsite sidewalk and the Rowcliffe Avenue will be urbanized along the property's frontage. As part of the proposal the two properties will be consolidated into a single property with an additional development phase to be coming forward at a later date. The building is representative of a more contemporary aesthetic, having a flat roof and clean building lines. While it would have been preferred to the building oriented towards Rowcliffe Avenue, the proposal aims to respond to the urban context and provide an active use adjacent to Rowcliffe Park. Refer to the applicants attached Design Rationale for additional information.

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

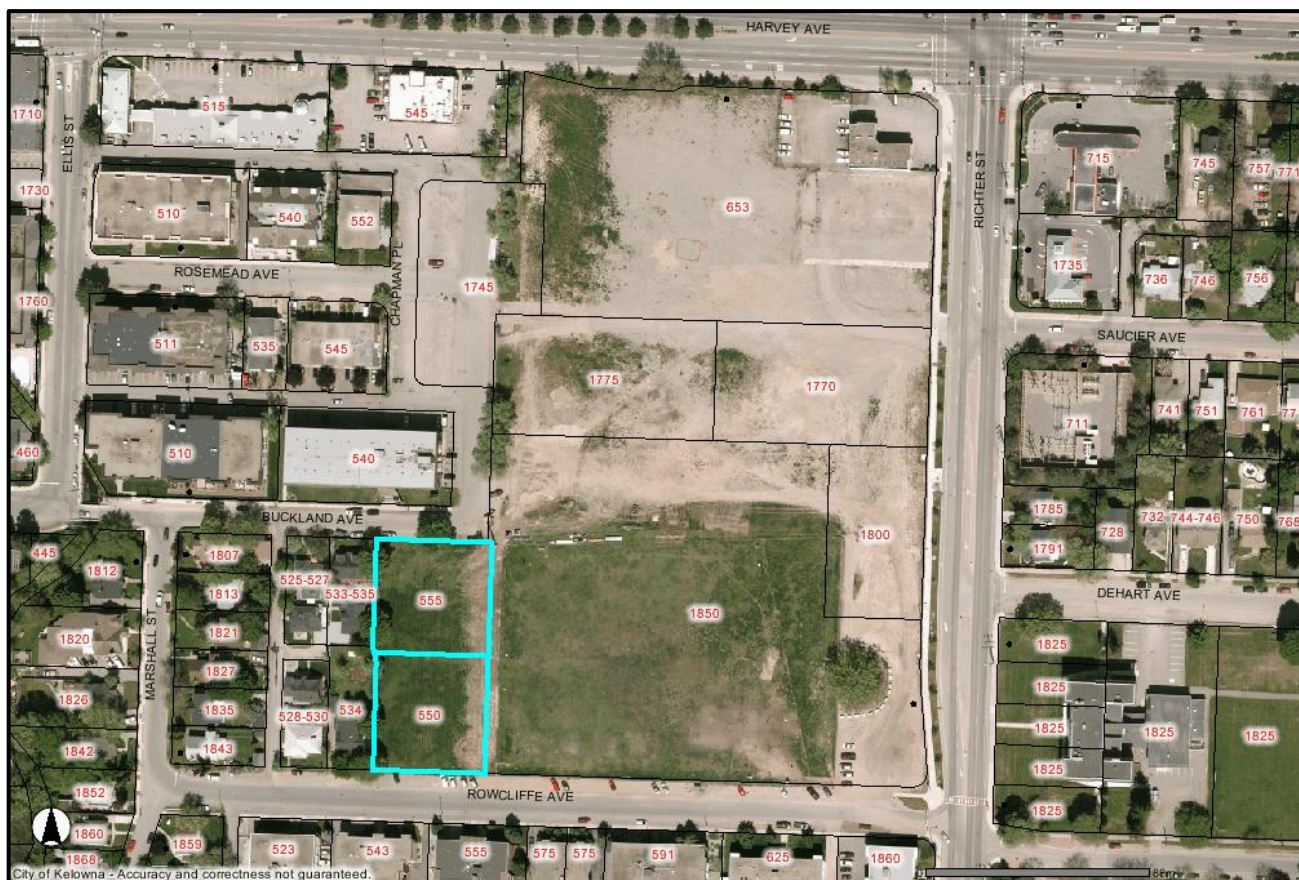
Zoning Analysis Table		
CRITERIA	CD22 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Floor Area Ratio	1.0	0.74
Site Coverage - Buildings	40%	21.1%
Height	12.0m / 3 Storeys	12.0m / 3 Storeys
Front Yard	3.0m	3.0m
Side Yard (east)	3.0m	7.5m
Side Yard (west)	3.0m	15.0m
Rear Yard	3.0m	36.0m
Other Regulations		
Minimum Parking Requirement	16 stalls	20 stalls
Maximum Parking Requirement	16 x 125% = 20 stalls	
Bicycle Parking	Class I: 1 Class II: 5	Class I: 1 Class II: 5
Private Open Space	330m <sup>2</sup>	524m <sup>2</sup>
<sup>1</sup> Variance to permit surface parking and loading where below grade and screened parking and loading are required.		

#### 4.2 Site Context

The subject properties are located within the Downtown Urban Centre adjacent to the future Rowcliffe Park to the east and the Marshall Street Heritage Conservation Area to the west. Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM5 - Medium Density Multiple Housing	Apartment Housing
East	CD22 - Central Green	Future Park
South	RM5 - Medium Density Multiple Housing	Apartment Housing
West	RU6 - Two Dwelling Housing	Single Family Residential

**Subject Property Map: 555 Buckland Ave. & 550 Rowcliffe 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.

### 5.1.2 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).

### 5.2 CD22 - Central Green Development Permit Area Design Guidelines

#### *Site- Specific Design Guidelines - Sub-Areas E and f*

- Building siting and massing of Buildings E and F should generally conform to Plan CG-1.
- Building E should be set back a sufficient distance from the sidewalk edge along Rowcliffe to create a transition space that clearly demarcates the public realm from the private. Private outdoor amenity space associated with ground-level units can be provided within this space.
- Buildings E and F should be set back a sufficient distance from the sidewalk edge located along the east side of the site, to create a transition space that clearly demarcates the public realm from the private. Private outdoor amenity space associated with ground-level units can be provided within this space.



- Buildings E and F should respect the adjacent single-unit residences. It is recommended that the massing of Buildings E and F step down to a height that approximates the height of the buildings on the adjoining properties. Additionally, the setbacks of Buildings E and F from Rowcliffe Avenue and Buckland Avenue respectfully, should not be less than the setbacks of the adjacent buildings from these streets.
- The principal entrance to Building E should be clearly identifiable from Rowcliffe Avenue.
- The principal entrance to Building F should be clearly identifiable from Buckland Avenue.
- Use of historic references, e.g., details, building forms, etc. that complement the character of the adjacent Marshall Street Heritage Conservation Area is encouraged.

## 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);
- This building may be required to be of non-combustible construction with sprinklers throughout. This building appears to contain a group A3 major occupancy on the main floor and a group B3 major occupancy on the 2nd floor, so the allowances of group C shown on the drawings for the entire building would not apply. Any proposed deviance from this requirement of BCBC 12 requires an approved alternate solution report and approval by the chief Building Inspector prior to the release of the Development Permit.
- This property falls within the Mill Creek flood plain bylaw area and compliance is required. Minimum building elevations are required to be established prior to the release of the Development Permit. This building may be designed to low, which may affect the form and character of the building.
- A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
  - The Main floor appears to have the allowable travel distance exceeded for the allowance of one exit. An addition door may be required or redesign of the space
  - Any security system that limits access to exiting needs to be addressed in the code analysis by the architect (2nd floor), so additional exits may be required from the building (occupancy class dependent).
  - The exits from the 2nd & 3rd floors appear not to meet minimum code requirements (number of exits, travel distance, interconnected floor space, dead end corridors etc).
- A Geotechnical report is required to address the sub soil conditions.
- 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.
- A 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.
- Access to any mechanical rooms at roof level are required or access to the roofs are required
- Full Plan check for Building Code related issues will be done at time of Building Permit applications. The mechanical engineer to have all layouts of the NFPA canopy hood(s) and fire suppression design included for plan review at time of permit application.

6.2 Development Engineering Department

See attached memorandum.

6.3 Infrastructure Planning

All concerns have been addressed, however, please provide detailed grading information for review at time of civil engineering drawing submission. Bylaw Services - No concerns

7.0 Application Chronology

Date of Application Received: August 13<sup>th</sup>, 2013

Report prepared by:

---

Alec Warrender, Land Use Planner

Reviewed by: ☐ Ryan Smith, Manager, Strategic Planning

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

**Attachments:**

Subject Property Map

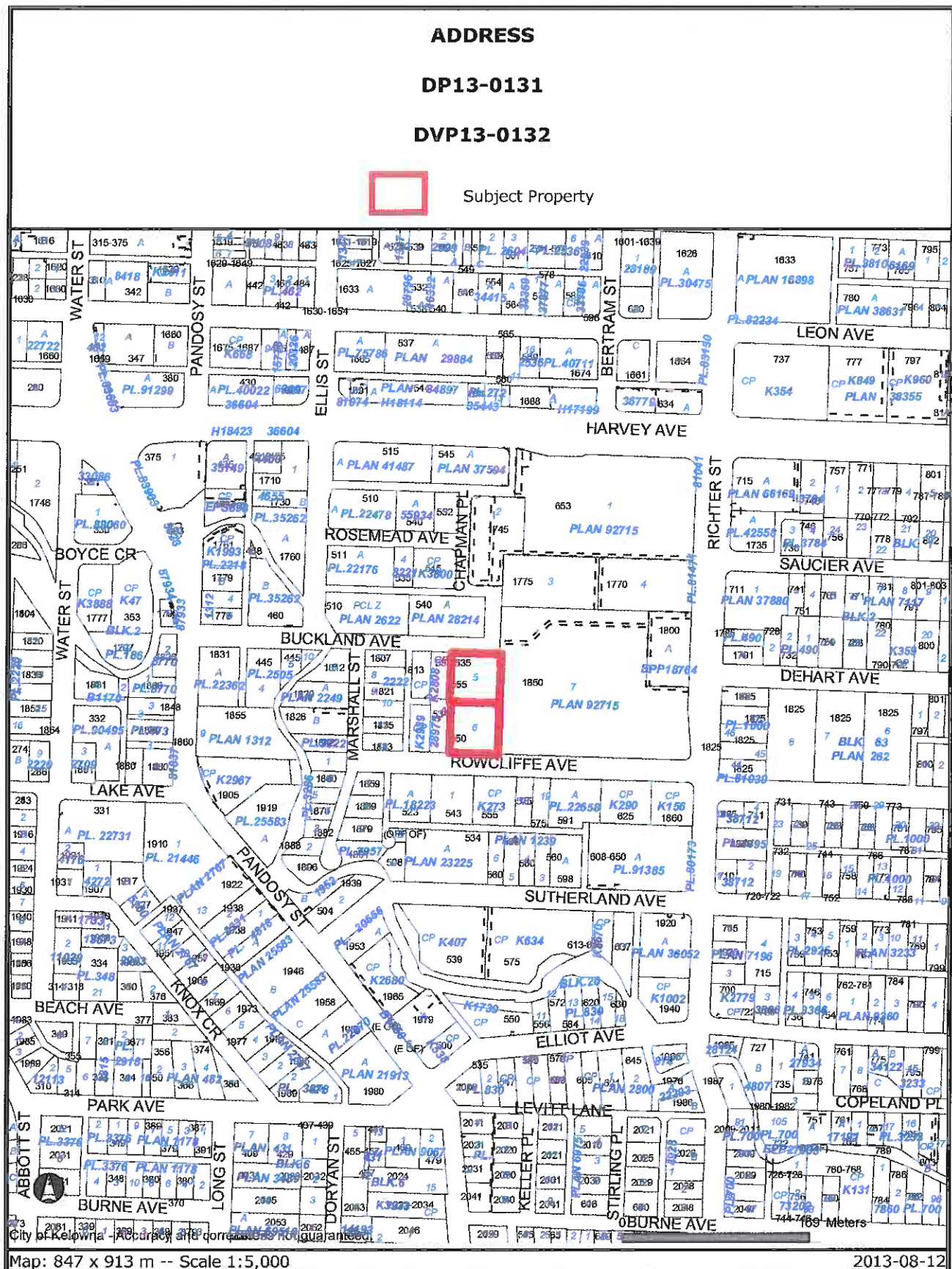
Site Plan

Elevations & Renderings

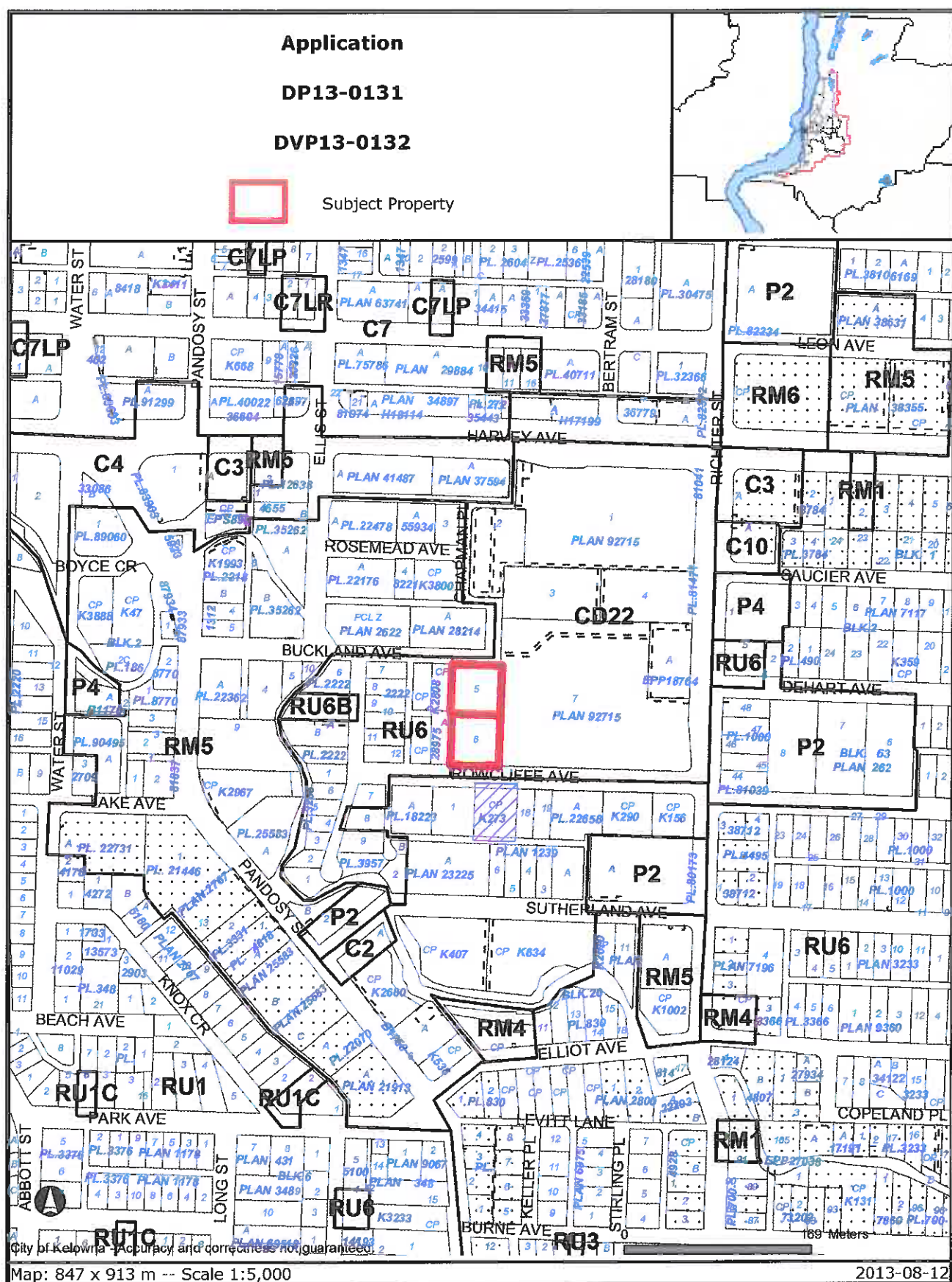
Landscape Plan

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.



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.



This architectural rendering shows a modern building facade with large glass windows and yellow accents. The building is surrounded by landscaping, including trees and a paved area. The rendering is oriented vertically on the page.

ISSUED FOR DEVELOPMENT PERMIT

SCHEDULE A  
This forms part of development  
Permit # DP13-0131 / DUP13-0132



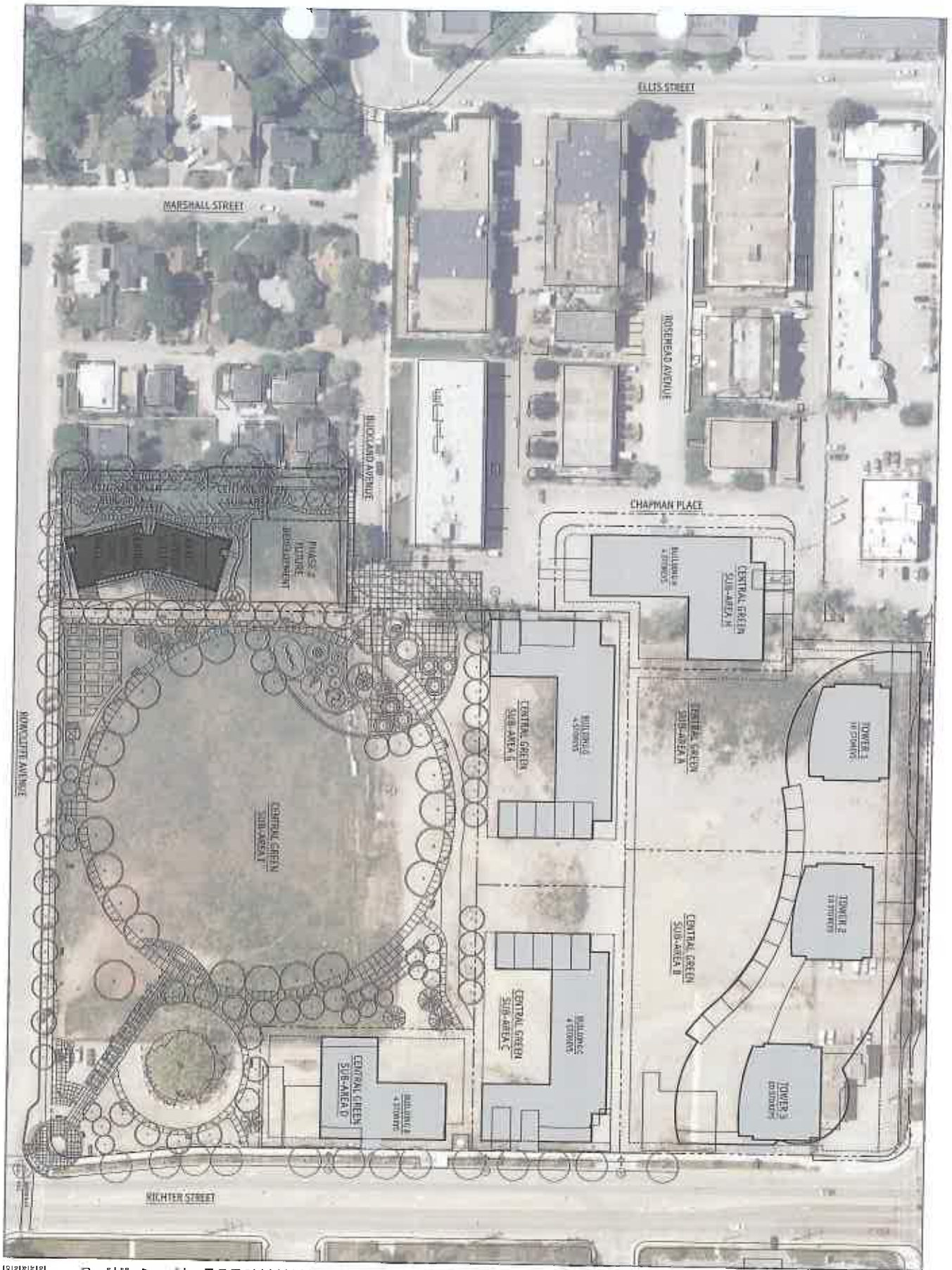
MEIKLEJOHN ARCHITECTS INC.

201-75 FROST STREET  
PRINCETON, N.J.  
VIA AIR  
TEL: 201.492.3143  
EMAIL: gmt-mc@princeton.edu

AO.01

COVERSHEET

Date	2013.08.06
Job No.	mai 13-1M2
Scale	A5 6420N
Drawn	
Checked	



**A2.01**

**CONTEXT PLAN**

DATE: 01/11/2011  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 PROJECT: KARIS SUPPORT SOCIETY CENTRAL GREEN CARE FACILITY

NO.	DESCRIPTION	DATE	BY	CHECKED BY
1	ISSUED FOR PERMIT	01/11/2011	[Name]	[Name]
2	REVISION			
3	REVISION			
4	REVISION			
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6	REVISION			
7	REVISION			
8	REVISION			
9	REVISION			
10	REVISION			

**SCHEDULE A**

**MEIKLEJOHN ARCHITECTS INC.**

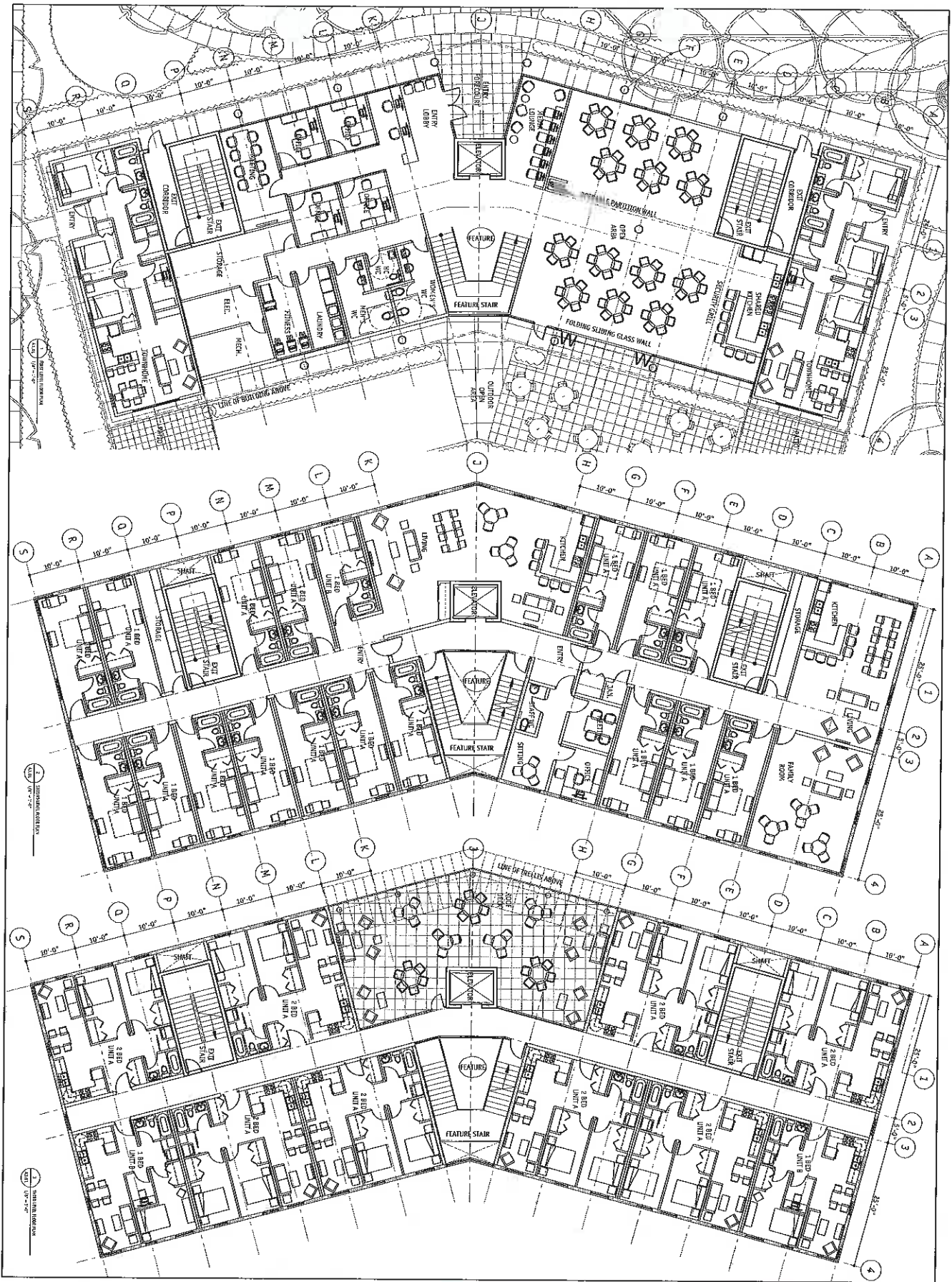
This forms part of development

Permit # **DP13-0131 / DP13-0132**

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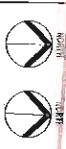
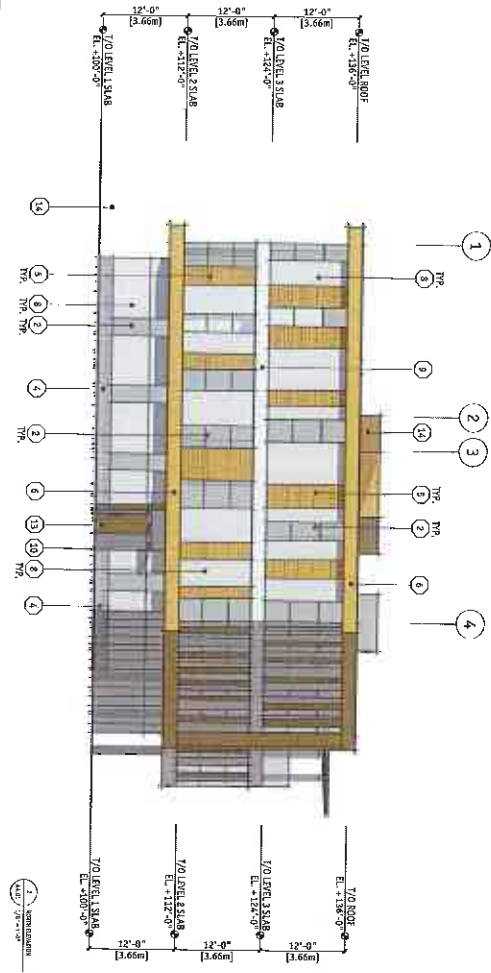
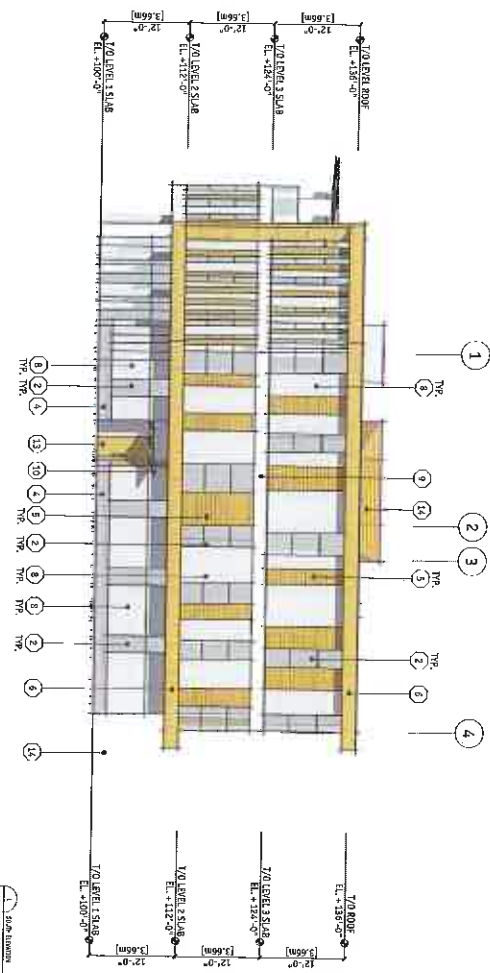
**SCHEDULE A** **m+m a**  
 MEIKLEJOHN ARCHITECTS INC.  
 This forms part of development  
 Permit # **DP13-0131 / DUP13-0132**

**PROJECT** KARIS SUPPORT SOCIETY  
**TYPE** CENTRAL GREEN CARE FACILITY  
**DATE** 10/1/13  
**SCALE** AS SHOWN  
**DESIGNER** MEIKLEJOHN ARCHITECTS INC.  
**PROJECT** 10/1/13  
**DATE** 10/1/13  
**SCALE** AS SHOWN  
**DESIGNER** MEIKLEJOHN ARCHITECTS INC.  
**PROJECT** 10/1/13  
**DATE** 10/1/13  
**SCALE** AS SHOWN  
**DESIGNER** MEIKLEJOHN ARCHITECTS INC.





ELEVATION ELEVATION	
1	ALUMINUM GLAZING SYSTEM C/W CLEAR VISION GLASS
2	WINDOW GLAZING SYSTEM C/W CLEAR VISION GLASS
3	PAINTED ARCHITECTURAL CONCRETE
4	MASSIVE BLACK VENEER - RUNNING BOND ALTERNATING CHANGE HEIGHTS
5	WOOD CLAD ALUMINUM SIDING
6	WOOD CLAD ALUMINUM SIDING
7	WOOD CLAD ALUMINUM SIDING
8	STUCCO FINISH C/W REBARS/CONTROL JOINTS
9	PAINTED ALUMINUM SIDING
10	PAINTED ALUMINUM SIDING (H.A.C.)
11	PAINTED ALUMINUM SIDING (H.A.C.)
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19	PAINTED ALUMINUM SIDING (H.A.C.)



**SCHEDULE A**

This forms part of development

Permit # **DPB-0131 / DUPB-0137**



MEIKLEJOHN ARCHITECTS INC.  
 211 KENNEDY BLVD.  
 SUITE 200  
 SCARBOROUGH, ONTARIO M1T 3B4  
 TEL: 416-291-1000  
 FAX: 416-291-1001  
 EMAIL: info@meiklejohn.ca

**A4.02**

**BUILDING ELEVATIONS**

KARIS SUPPORT SOCIETY  
 CENTRAL GREEN CARE  
 FACILITY

DATE	2014.04.04
BY	MEIKLEJOHN
CHECKED	MEIKLEJOHN
SCALE	AS SHOWN



1 NORTH  
NORTH VIEW



2 SOUTH  
SOUTH VIEW



3 EAST  
EAST VIEW



4 WEST  
WEST VIEW



# SCHEDULE B

This forms part of development

Permit # DP13-0131 / DU13-0132



MEIKLEJOHN ARCHITECTS INC.  
1000 10th Ave. S.W.  
Calgary, Alberta T2P 1K1  
Tel: (403) 243-1111  
Fax: (403) 243-1112  
Email: info@m+m+a.ca  
Website: www.m+m+a.ca

KARIS SUPPORT SOCIETY  
CENTRAL GREEN CARE  
FACILITY

A4.03

BUILDING  
VIEWS

DATE	2013.08.08
BY	MM
CHKD	MM
DATE	2013.08.08
BY	MM
CHKD	MM
DATE	2013.08.08
BY	MM
CHKD	MM





OUTLAND DESIGN  
LANDSCAPE ARCHITECTURE

# Karis Care Facility

①  
NTS

Section  
September 23, 2013



SCHEDULE C

This forms part of development

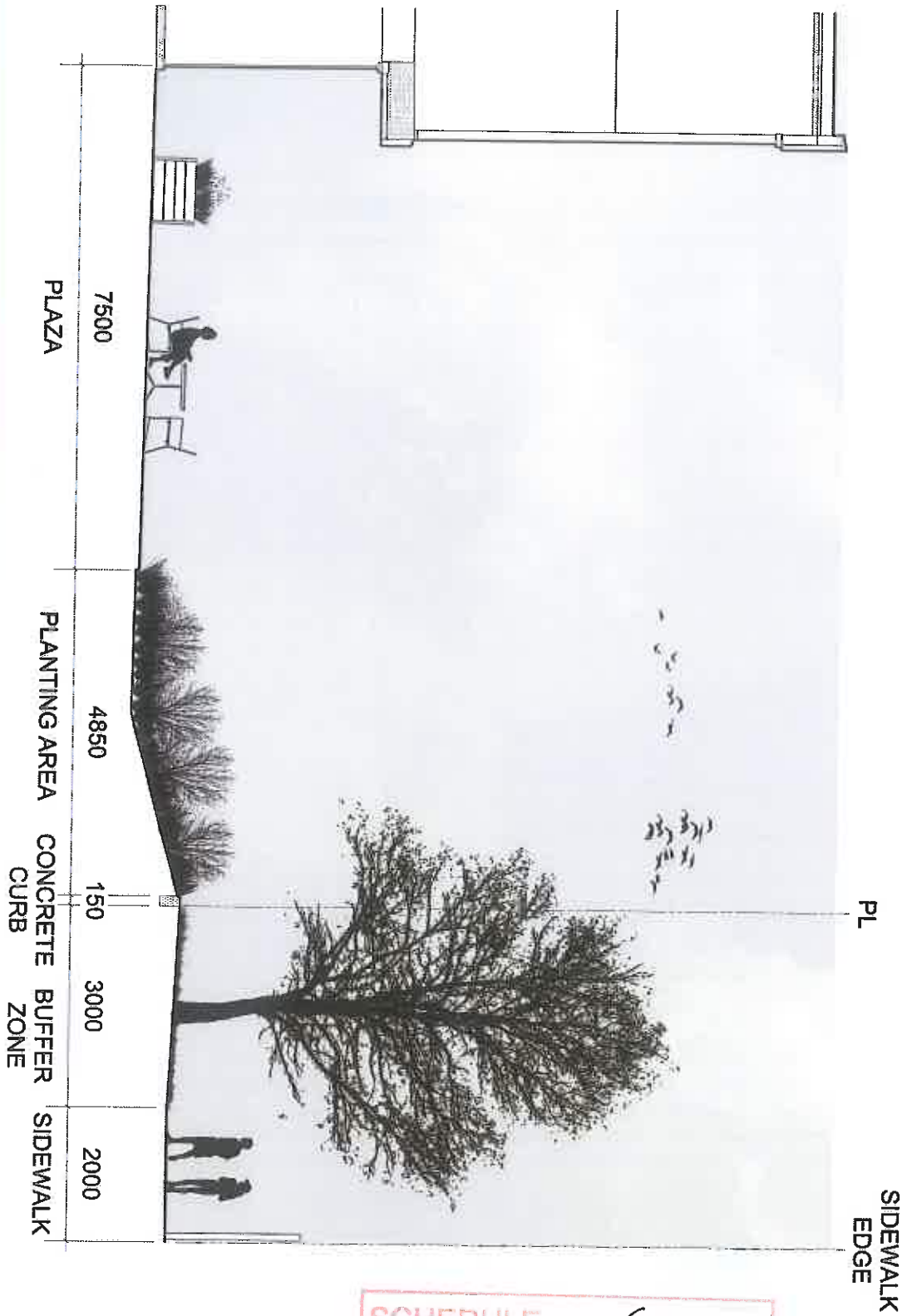
Permit # DP13-0131/DP13-0132



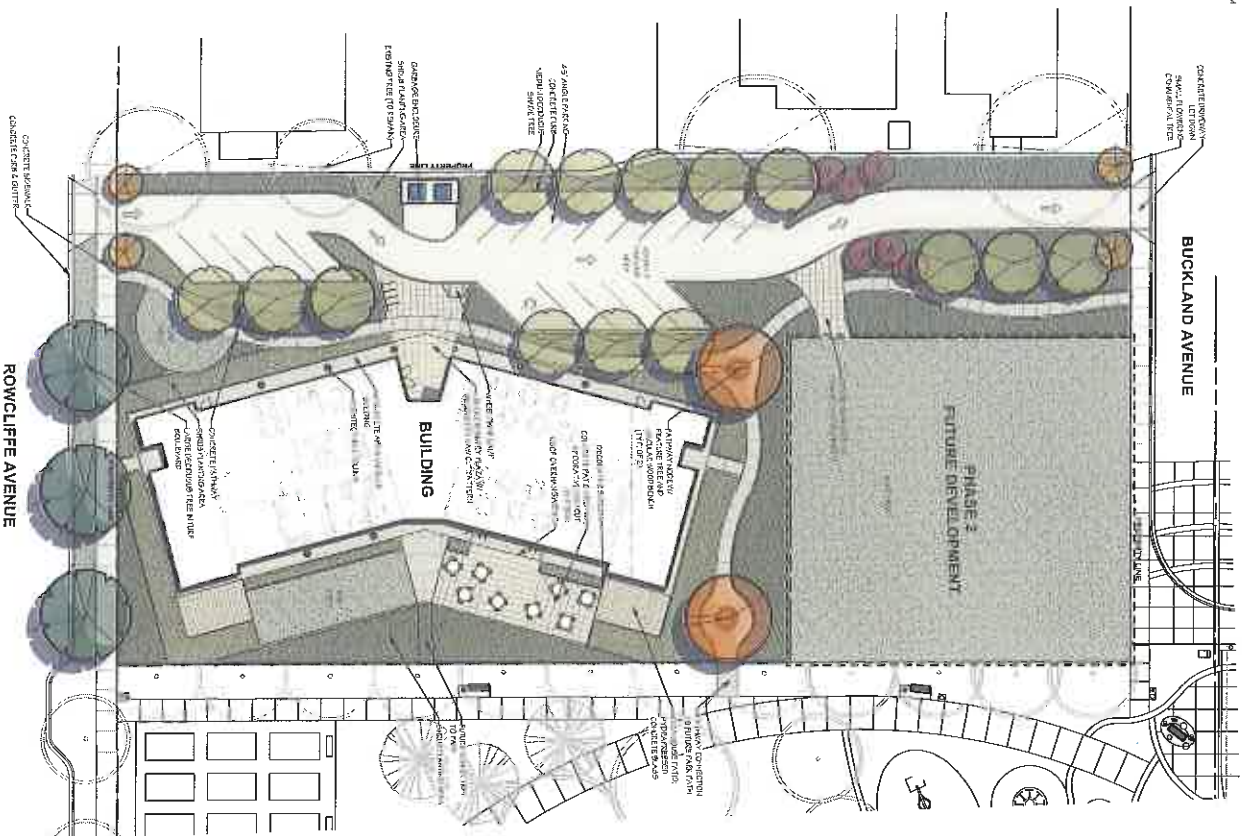
Karis Care Facility

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NTS

Section  
September 11, 2013



SCHEDULE C  
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Permit # DA13-031 / DV13-032

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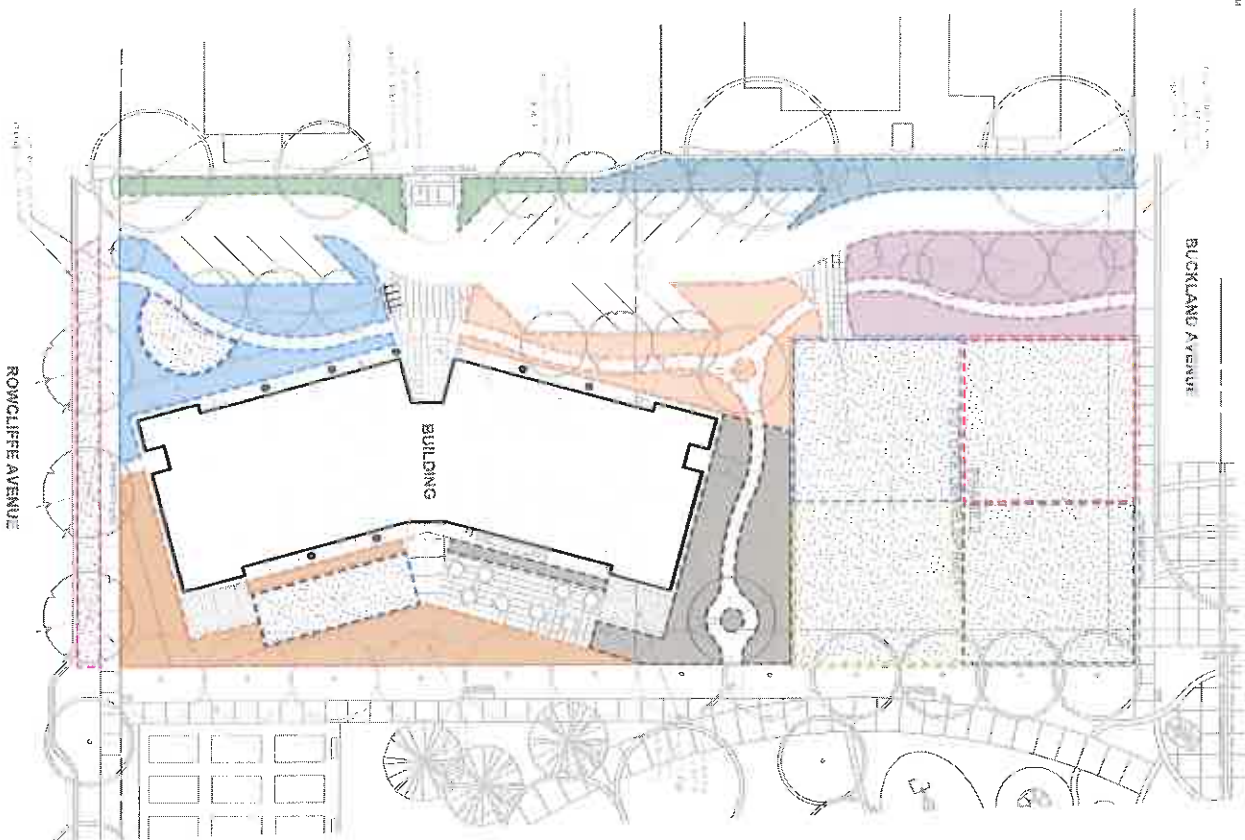
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**SCHEDULE C**  
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Permit # DPI3-0131 / DPI3-0132



1. THE PROPOSED SYSTEM WILL BE THE FIRST OF ITS KIND TO BE DEVELOPED BY THE U.S. ARMY, AND WILL BE USED BY THE U.S. ARMY AND THE U.S. NAVY TO SUPPORT THE U.S. ARMY AND THE U.S. NAVY IN THE U.S. ARMY AND THE U.S. NAVY.
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10. THE PROPOSED SYSTEM WILL BE THE FIRST OF ITS KIND TO BE DEVELOPED BY THE U.S. ARMY, AND WILL BE USED BY THE U.S. ARMY AND THE U.S. NAVY TO SUPPORT THE U.S. ARMY AND THE U.S. NAVY.

LABORATORY MEASUREMENTS: BIOGROWTH RATE = 2.175 cm./year  
ESTIMATED LABORATORY MEASUREMENTS: BIOGROWTH RATE = 2.19 cm./year  
WATER BALANCE = 60 cm./year  
ZEPHYRUS ATTACHED FROM NONAPPLICATION OF RETAINED CALCULATIONS

[illegible]

SCHEDULE C  
 This forms part of development  
 Permit # DR13-0R31 / DU13-0R32

OUTLAND DESIGN  
LANDSCAPE ARCHITECTURE

205 - 3:00 Spall Room  
Kefauver, BC V1Y 4R2  
T1250 8682271



# WATER CONSERVATION AND IRRIGATION PLAN

PAGE FOR REVIEW	
1	Developer Point
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**davara.**



**Davara Holdings & The Karis Support Society**

**Design Rationale Central Green Sites E & F**

Submitted By: David Sargent  
Davara Holdings Real Estate Manager

1-911 Borden Ave, Kelowna B.C V1Y 6A5  
P: 250-575-2994 E: dave.sargent@davara.ca



The Karis Support Societies building proposal stems from the need to increase the efficiency and efficacy of the societies programs which currently operate 14 care homes throughout the Kelowna area. Having started with a single home the program has grown to a scale which requires a centralized building.

Co-founded by Dave and Donara Krysko, the Karis Support Society assists women who are struggling with mental health and substance addictions. **Karis Vision:**

***"Love In Action"***

***The Karis Support Society seeks to impact the community and the Province of British Columbia by providing safe housing, support, life skills, and training for people struggling with life altering addiction and mental health.***

After exploring all neighborhoods' in Kelowna the Central Green site was chosen because of the very fact that it is Central to all daily needs and amenities.

In all the projects Davara Holdings approaches one of the main discussions revolves around community and the lasting impact that can be felt through the design and function of a new project. Through the help of Meiklejohn Architects and Outland Design a thoughtful site and building plan has taken shape that not only fulfills the functional needs of Karis, but also the broader community at large.

The basic form of the building can be viewed as a clean, well-detailed, and balanced through the composition of a few select materials that become further refined upon closer inspection. A flexible plan was an important design consideration. The high degree of spatial function from floor to floor was the driver behind the organized variety of the building elevations.

Key considerations of the site plan were to be respectful and mindful of both the future Central Green park and the neighboring single family homes. This is achieved by setting the building away from the single family homes and introducing a large landscape buffer to the west, while opening and activating the eastern portion of the building facing the park.

The meandering lane way and sidewalks were designed with the intent to make the building inclusive and inviting to the community. This approach as opposed to screening these edges or making hard delineations between the park, Rowcliffe and Buckland is so people feel free to walk down the lane or sidewalks that connect these streets and parks.

This project was conceptualized and has progressed with the simply intention to help and better the community. Hopefully, through the design, function and operation of this future building the community will agree that it's a positive addition.

---

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

---

**Date:** August 29, 2013  
**File No.:** DP13-0131

**To:** Strategic Planning (AW)

**From:** Development Engineering Manager

**Subject:** 555 Buckland Ave & 550 Rowcliffe Ave Supportive Housing

---

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

The Development Engineering Technologist for this project is Sergio Sartori

**1. Domestic Water and Fire Protection**

- (a) The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the installation of the new service.
- (b) A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost. Boulevard landscaping, complete with underground irrigation system, must be integrated with the on-site irrigation system.

**2. Sanitary Sewer**

The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the installation of one new service.

**3. Storm Drainage**

- (a) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and provision of a storm drainage service for the development and / or recommendations for onsite drainage containment and disposal systems.

**4. Road Improvements**

- (a) Buckland Avenue has been upgraded to an urban standard along the full frontage of this proposed development of this proposed development, including curb and gutter, monolithic sidewalk street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- (b) Rowcliffe Avenue must be upgraded to an urban standard along the full frontage of this proposed development, including curb and gutter, monolithic sidewalk, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.

**5. Road Dedication and Subdivision Requirements**

By registered plan to provide the following:

- (a) Lot consolidation.
- (b) Grant Statutory Rights Of Way if required for utility services.

**6. Electric Power and Telecommunication Services**

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

**7. Design and Construction**

- (a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- (b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- (c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- (d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- (e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Development Engineering Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

## 8. Servicing Agreements for Works and Services

- (a) A Servicing Agreement is required for all offsite works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- (b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

## 9. Other Engineering Comments

- (a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- (b) If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.

## 10. Geotechnical Report

- a) Provide a comprehensive geotechnical report prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed development.**

The Geotechnical reports must be submitted to the Development Engineering Department prior to submission of Engineering drawings or application for subdivision approval.

- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- (ii) Site suitability for development.
- (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- (iv) Any special requirements for construction of roads, utilities and building structures.
- (v) Suitability of on-site disposal of storm water, including effects upon adjoining lands in accordance with the Subdivision, Development and Servicing Bylaw, Schedule 4 Sanitary Item 2.18.
- viii) Any items required in other sections of this document.
- ix) Recommendations for roof drains and perimeter drains.



**11. Survey Monuments and Iron Pins**

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

**12. Development Permit and Site Related Issues****(a) Access and Manoeuvrability**

- (i) An SU-9 standard size vehicle must be able to manoeuvre onto and off the site without requiring a reverse movement onto public roadways. If the development plan intends to accommodate larger vehicles movements should also be illustrated on the site plan.
- (ii) Perimeter access must comply with the BC Building Code. Fire Truck access designs and proposed hydrant locations will be reviewed by the Fire Protection Officer.

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Steve Muenz, P. Eng.  
Development Engineering Manager

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# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

☐ Development Permit No.:

DP13-0131 & DVP13-0132

EXISTING ZONING DESIGNATION:	CD22 - Central Green Comprehensive Development Zone
WITHIN DEVELOPMENT PERMIT AREA:	Revitalization Development Permit Area
DEVELOPMENT VARIANCE PERMIT:	To permit surface parking and loading where below grade and screened parking and loading are required.

ISSUED TO:	Meiklejohn Architects Inc.
LOCATION OF SUBJECT SITE:	555 Buckland Ave. & 550 Rowcliffe Ave.

	LOT	DISTRICT LOT	TWP	DISTRICT	PLAN
LEGAL DESCRIPTION:	5	14		ODYD	KAP92715
	6	14		ODYD	KAP92715

### SCOPE OF APPROVAL

- ☐ This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- ☐ This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
- ☐ Applicants for a Heritage Alteration Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

### 1. TERMS AND CONDITIONS:

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

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

Schedule 'B' / CD22 Schedule Section 1.5.3 and Schedule 10.1 (a) - Below Grade Parking  
To permit surface parking and loading where below grade and screened parking and loading are required.

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 22<sup>nd</sup> DAY OF OCTOBER, 2013

ISSUED BY THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING AND REAL ESTATE OF THE CITY OF KELOWNA THE \_\_\_\_ DAY OF SEPTEMBER, 2013.

\_\_\_\_\_  
Doug Gilchrist, Divisional Director  
Community Planning & Real Estate