

City of Kelowna

Regular Council Meeting

AGENDA



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

Pages

1. Call to Order
2. Prayer

A Prayer will be offered by Councillor DeHart.
3. Confirmation of Minutes 1 - 6

Public Hearing - February 4, 2014
Regular Meeting - February 4, 2014
4. Bylaws Considered at Public Hearing
 - 4.1 Bylaw No. 10912 (OCP13-0008) - (Off of), (N of) & 2458 Joe Riche Road, Black Mountain Irrigation District 7 - 8

Requires a majority of all members of Council (5).
To give Bylaw No. 10912 second and third readings.
 - 4.2 Bylaw No. 10913 (Z13-0009) - (Off of), (N of) & 2458 Joe Riche Road, Black Mountain Irrigation District 9 - 10

To give Bylaw No. 10913 second and third readings.
5. Notification of Meeting

The City Clerk will provide information as to how the following items on the Agenda were publicized.
6. Liquor License Application Reports
 - 6.1 Bylaw No. 10854 (Z12-0006) - 587-589 Lawrence Avenue, Finnasha Holdings Corp. 11 - 11

To adopt Bylaw No. 10854 in order to rezone the subject property from the C7 - Central Business Commercial zone to the C7lp - Central Business Commercial (Liquor Primary) zone.

- 6.1.1 Liquor License Application No. LL12-0002 - 587-589 Lawrence Avenue, Finnasha Holdings Corp. 12 - 28

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the liquor license application to come forward.
This application seeks Council's support for a Liquor Primary License for a new liquor primary establishment located on the subject property.

7. Development Permit and Development Variance Permit Reports

- 7.1 Bylaw No. 10869 (OCP13-0009) - 434, 442 & 458 Royal Avenue, Interior Health Authority 29 - 29

Requires a majority of all members of Council (5).

To adopt Bylaw No. 10869 in order to change the future land use designation of the subject properties from the Single/Two Unit Residential designation to the Educational/Major Institutional designation.

- 7.1.1 Bylaw No. 10870 (Z13-0015) - 434, 442 & 458 Royal Avenue, Interior Health Authority 30 - 30

To adopt Bylaw No. 10870 in order to rezone the subject properties from the RU1 - Large Lot Housing zone to the P1 - Major Institutional zone.

- 7.1.2 Heritage Alteration Permit Application No. HAP13-0004, 434 Royal Avenue, Interior Health Authority 31 - 54

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 Heritage Alteration Permit to demolish the Heritage Register home located at 434 Royal Avenue and to consider the proposed parking lot's design details. The following variances to the Zoning Bylaw are also being proposed: (a) Vary the required front yard parking setback from 2.0m required to 0.3m proposed; (b) Vary the front yard landscape buffer from 3.0m required to 0.3m proposed; (c) Vary the landscape island area from 182m² required to 38.66m² proposed.

- 7.2 Heritage Alteration Permit Application No. HAP13-0020 - 1979 Abbott Street, Edward & Marilyn Wiltshire 55 - 75

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 Heritage Alteration Permit (HAP) to permit additions to the main floor of the existing house, and to raise the existing main floor elevation to facilitate the reconstruction of the existing crawl space. The

application also includes variances to legalize the existing non-conforming north side yard and provision of one onsite parking space.

8. Reminders
9. Termination



City of Kelowna Public Hearing Minutes

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

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

Council Members Absent: Councillor Robert Hobson.

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Manager, Urban Planning, Ryan Smith; Divisional Director, Communications & Information Services, Carla Weaden; Council Recording Secretary, Joanne Dewar.

1. Call to Order

Mayor Gray called the Hearing to order at 6:33 p.m. Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna 2030 - Official Community Plan Bylaw No. 10500" and Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

2. Notification of Meeting

The City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board of City Hall on January 21st, 2014, and by being placed in the Kelowna Capital News issues of January 24th, 2014 and January 28th, 2014, and by sending out or otherwise delivering 2203 letters to the owners and occupiers of surrounding properties between January 21st, 2014 and January 24th, 2014.

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

3. Individual Bylaw Submissions

The City Clerk advised that the following correspondence and/or petitions had been received: 5 letters of opposition.

3.1. Bylaw No. 10899 (TA13-0005) & Bylaw No. 10907 (Z12-0070) - 543 Tungsten Court, Tysen Properties Ltd.

Staff:

- Displayed a PowerPoint Presentation.
- Provided overview of history of property and reasoning behind text amendment proposal.
- Responded to questions from Council.

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

Bill Bonn, Tyson Properties, (Applicant):

- Provided history of application.
- Confirmed that neighbours were consulted earlier in the process.
- Provided overview of build-out.
- Provided City Clerk with a copy of written speaking notes.

Gallery:

Mr. Rami Hakam:

- Concerned about increasing density of area, that it may set a precedence regarding City staff decisions on future applications.
- Concerned about a lack of parking in area, as there are only 2 access roads in the area.

City Clerk:

- Confirmed that no precedent is ever set as a result of a decision on an individual application. Each application is looked at singularly, and decisions are made on the merits of the application.

Staff:

- Each residence has a two-car garage, which meets requirements.

There were no further comments.

3.2. Bylaw No. 10901 (OCP12-0017) & Bylaw No. 10902 (Z12-0069) - 1215 St. Paul Street and 557 & 567 Clement Avenue, Joseph Higgins et al

Staff:

- Displayed a PowerPoint presentation.
- Provided overview of application.

No written correspondence was received.

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

Hans Newman, Architect for project (Applicant):

- Clarified from photo of site plan that the loading zone area does not meet requirements as it is not large enough.
- Asking for variance in 'area' of loading zone.

There were no further comments.

Mayor



City Clerk



City of Kelowna Regular Council Meeting Minutes

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

Council Members Present: Councillors Colin Basran, Andre Blanleil, Maxine DeHart, Gail Given, Mohini Singh, Luke Stack, and Gerry Zimmermann.

Council Members Absent: Councillor Robert Hobson.

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Manager, Urban Planning, Ryan Smith; Divisional Director, Communications & Info. Services, Carla Weaden; Council Recording Secretary, Joanne Dewar.

1. Call to Order

Mayor Gray called the meeting to order at 6:33 p.m.

2. Prayer

A Prayer was offered by Councillor DeHart.

3. Confirmation of Minutes

Moved By Councillor Basran/Seconded By Councillor Zimmermann

R081/14/02/04 THAT the Minutes of the Public Hearing and Regular Meeting of January 21st, 2014 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1. Bylaw No. 10899 (TA13-0005) - Amendments to Section 13.4, Low Density Cluster Housing in Zoning Bylaw No. 8000

Moved By Councillor Zimmermann/Seconded By Councillor DeHart

R082/14/02/04 THAT Bylaw No. 10899 be read a second and third time.

Carried

4.2. Bylaw No. 10907 (Z12-0070) - 543 Tungsten Court, Tysen Properties Ltd.

Moved By Councillor Stack/Seconded By Councillor Given

R083/14/02/04 THAT Bylaw No. 10907 be read a second and third time.

Carried

4.3. Bylaw No. 10901 (OCP12-00047) - 1215 St. Paul Street and 557 & 567 Clement Avenue, Joseph Higgins et al

Moved By Councillor Singh/Seconded By Councillor Basran

R084/14/02/04 THAT Bylaw No. 10901 be read a second and third time.

Carried

4.4. Bylaw No. 10902 (Z12-0069) - 1215 St. Paul Street and 557 & 567 Clement Avenue

Moved By Councillor Basran/Seconded By Councillor Singh

R085/14/02/04 THAT Bylaw No. 10902 be read a second and third time.

Carried

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of the Development Variance Permit Applications was given by sending out or otherwise delivering 366 letters to the owners and occupiers of the surrounding properties between January 21st, 2014 and January 24th, 2014.

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

6. Development Permit and Development Variance Permit Reports

6.1. Development Variance Permit Application No. DVP13-0186 - 2021 St. Andrews Drive, Gonzalo & Bonita Ferreiro

To vary the minimum required east side yard from 2.0 m required to 1.0 m proposed, to facilitate the construction of an attached garage and workshop for the existing single family dwelling.

Staff:

- Displayed a PowerPoint presentation.
- Provided synopsis of Variance requested and reasons for staff support.

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

There were no comments from the Applicant, and no comments from the Gallery.

Moved By Councillor Zimmermann/Seconded By Councillor Blanleil

R086/14/02/04 THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0186 for Lot 8, Section 29, Township 26, ODYD, District Plan 11458, located at 2021 St. Andrews Drive, Kelowna, BC;

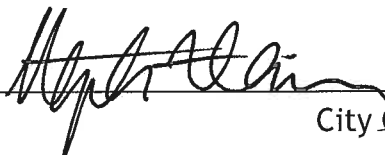
AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted: Section 13.1.6(d) - RU1 Zone Development Regulations to vary the minimum required east side yard from 2.0 m required to 1.0 m proposed, as per Schedule 'A'.

Carried

8. Termination

The meeting was declared terminated at 6:40 pm.

Mayor



City Clerk

CITY OF KELOWNA

BYLAW NO. 10912

Official Community Plan Amendment No. OCP13 - 0008
Agua Consulting Inc. - Bob Hrasko
(OFF OF) Joe Riche Road, (N OF) Joe Riche Road, and 2458 Joe Riche Road

A bylaw to amend the "Kelowna 2030 - Official Community Plan Bylaw No. 10500".

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "Kelowna 2030 - Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designations for a portion of Lot D, Section 18 and 19, Township 27, ODYD, Plan KAP80286, located on (N OF) Joe Riche Road, Kelowna, BC; Lot 19, Sections 17, 18, and 19, Township 27, ODYD, Plan 1991, Except Plan 39110, located on (OFF OF) Joe Riche Road, Kelowna, BC; Lot 8, Sections 18 and 19, Township 27, ODYD, Plan 1991, Except Plans KAP80286 and KAP87038, Located on 2458 Joe Riche Road, Kelowna, BC, from the REP - Resource Protection Area and the PARK - Major Park and Open Space designations to the PSU - Public Services Utilities designations, as per Map "A" 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 3RD day of February, 2014.

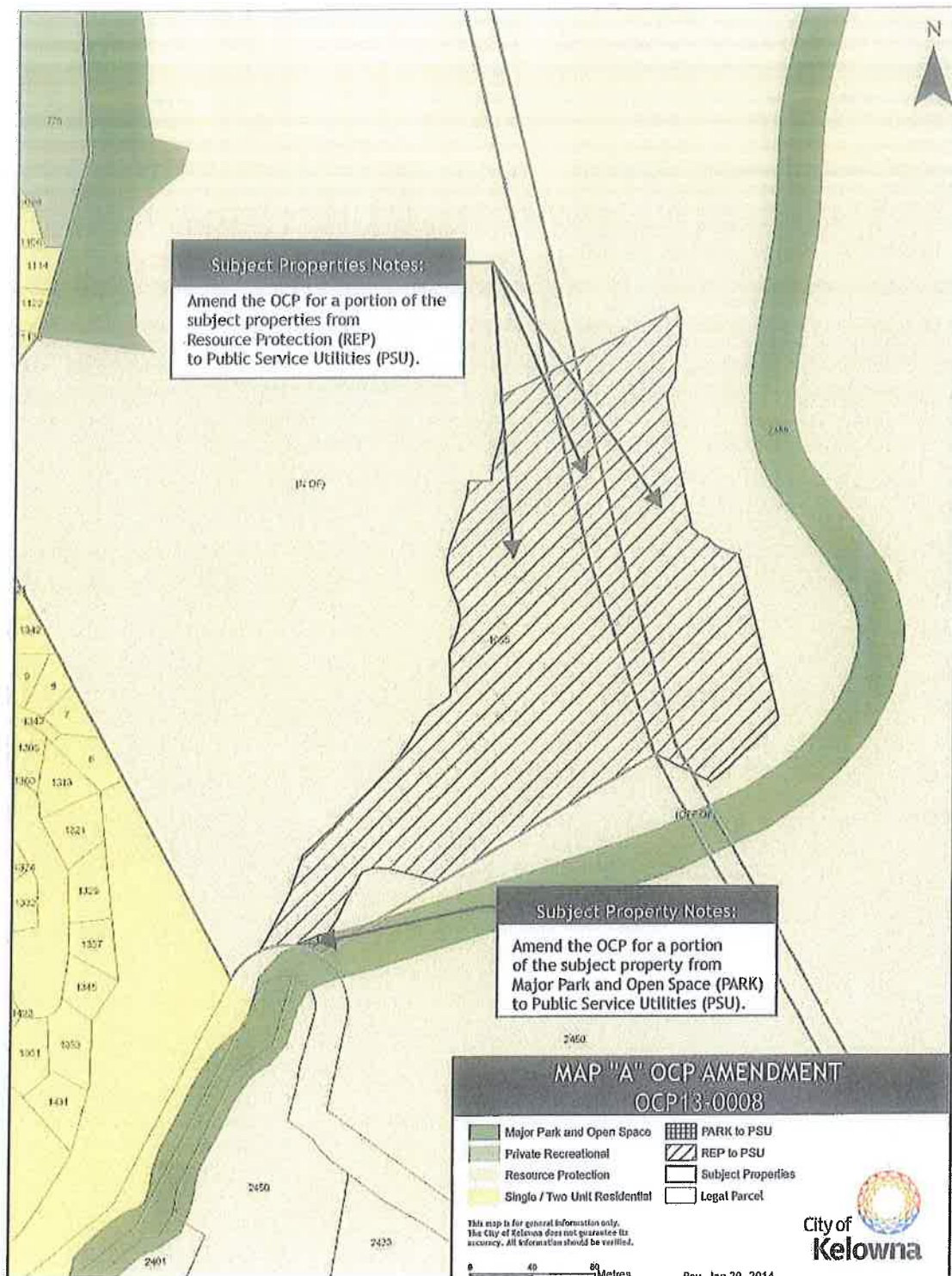
Considered at a Public Hearing on the

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. 10913
Z13-0009 - Black Mountain Irrigation District (BMID)
(OFF OF) Joe Riche, (N OF) Joe Riche Road, and
2458 Joe Riche Road

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of parts of Lot D, Section 18 and 19, Township 27, ODYD, Plan KAP80286, located on (N OF) Joe Riche Road, Kelowna, B.C.; Lot 19, Sections 17, 18, and 19, Township 27, ODYD, Plan 1991, Except Plan 39110, located on (OFF OF) Joe Riche Road, Kelowna, BC; Lot 8, Sections 18 and 19, Township 27, ODYD, Plan 1991, Except Plans KAP80286 and KAP87038, located on 2458 Joe Riche Road, Kelowna, BC, From A1 - Agriculture 1 zone to the P4 - Utilities zone as show 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 3rd day of February, 2014.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

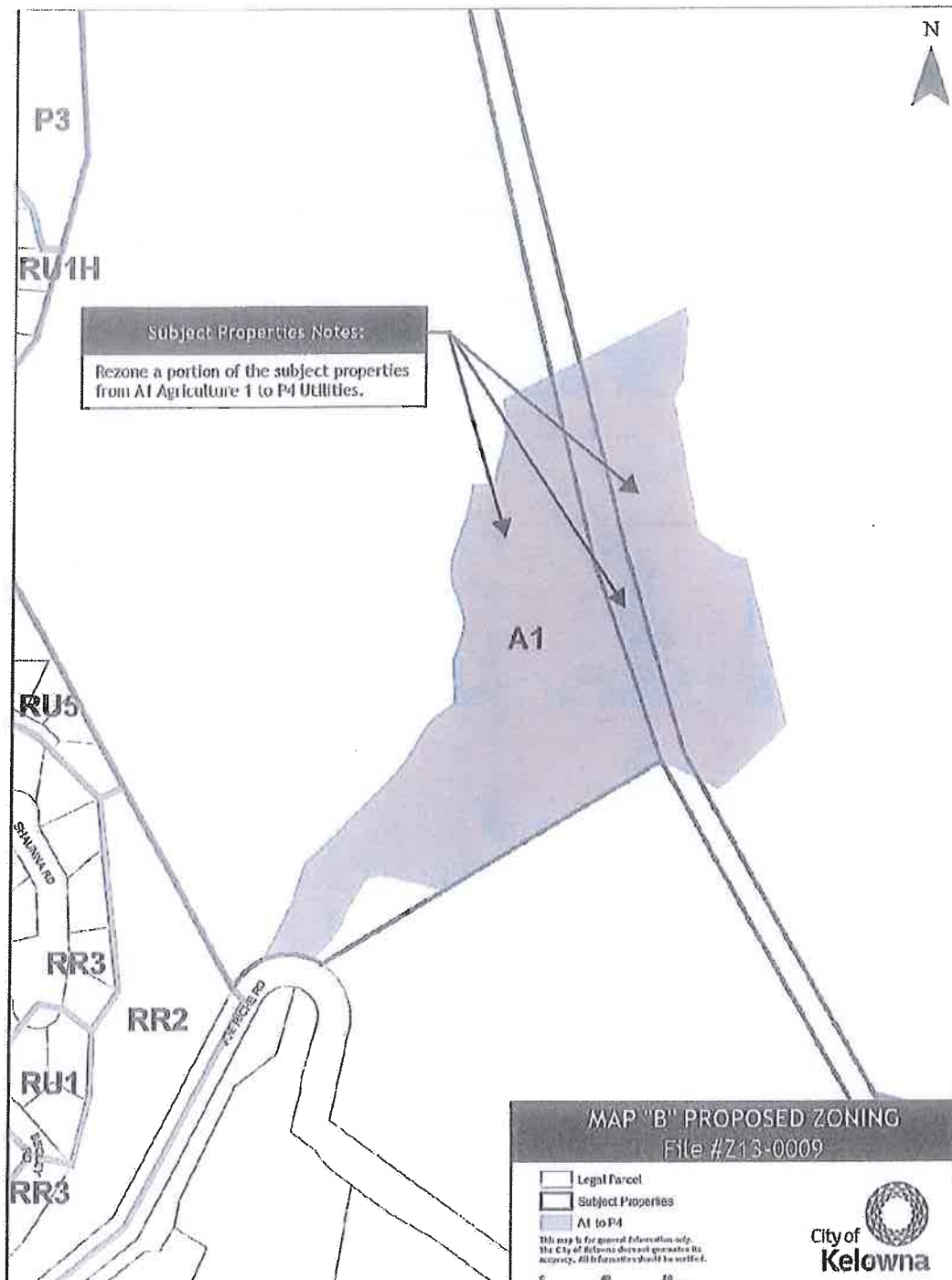
Approved under the Transportation Act

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



CITY OF KELOWNA

BYLAW NO. 10854

Z12-0006 - Finnasha Holdings Corp. Inc. No. BC0905417 587-589 Lawrence Avenue

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 6, DL 139, ODYD, Plan 2536 located on 578-589 Lawrence Avenue, Kelowna, B.C., from the C7 - Central Business zone to the C7lp - Central Business commercial (Liquor Primary) 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 17th day of June, 2013.

Considered at a Public Hearing on the 2nd day of July, 2013.

Read a second and third time by the Municipal Council this 2nd day of July, 2013.

Approved under the Transportation Act the 21st day of August, 2013.

Blaine Garrison
(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: January 24, 2014

RIM No. 0930-50

To: City Manager

From: Urban Planning Branch, Community Planning and Real Estate Division (PMc)

Application: LL12-0002 **Owner:** Finnasha Holdings Corp. Inc.
No. BC0905417

Address: 587-589 Lawrence Ave. **Applicant:** Rising Tide Consultants Ltd.
For DV8 Entertainment Inc.

Subject: 2014 02 18 Report LL12-0002587-589 Lawrence Ave

Existing OCP Designation: MXR - Mixed Use (Commercial/Residential)

Existing Zone: C7 - Central Business District

Proposed Zone: C7lp - Central Business District (liquor primary)

1.0 Recommendation

THAT Zone Amending Bylaw 10854 be forwarded for adoption consideration,

AND THAT in accordance with Section 53 of the Liquor Control and Licensing Regulation and Council Policy #359, be it resolved that:

Council's comments on the Liquor Control & Licensing Branch (LCLB)'s prescribed considerations for the application from at address: 587-589 Lawrence Avenue, Kelowna BC, (legally described as Lot 6, District Lot 139, ODYD, Plan 2536) for a new Liquor Primary License, are as follows:

- a) The potential for noise if the application is approved:
A Minimal increase in noise is expected compared to current circumstances.
- b) The impact on the community if the application is approved:
The potential for negative impacts are considered to be minimal.
- c) View of residents:
The Council's comments on the views of residents (if applicable) are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy & Procedures."

d) The person capacity and hours of liquor service of the establishment:

The total person capacity proposed for liquor primary service is 250 seats with serving hours of 11:00am to 2:00am, 7 days a week.

e) Traffic and parking:

The C7 parking requirements are calculated based on gross floor area, regardless of use (or occupant load). Therefore, the onsite parking is considered compliant to the C7 zone regulations.

f) The proximity of the establishment to other social or recreational facilities and public buildings:

Surrounding facilities would not conflict with the proposed establishment.

g) Recommendation:

Council recommends that the application for a new liquor primary license for a total capacity of 250 patrons for the property located at 587-589 Lawrence Ave. be approved.

2.0 Purpose

This application seeks Council's support for a Liquor Primary License for a new liquor primary establishment located on the subject property.

3.0 Urban Planning Department

Council Policy #359 specifies guidelines for the siting and density of Liquor Primary Establishments. These parameters are designed to help control the density of late-night establishments with a focus on alcohol (nightclubs, pubs, etc.). Given the location of existing of establishments in the area, the application complies with Policy #359.

The proposed license would create greater opportunities to serve a range of patrons, and compliment existing licensed establishments, without causing significant changes to the existing business operation. The proposed Liquor Primary establishment is catering to a target market of adults 25+, and providing both a "kitchen and bar", as well as a "social lounge", this meets the intent of the City fostering the provision of facilities which diversify the selection of venues and entertainment opportunities throughout the Downtown.

Given the above considerations, the Urban Planning Department is supportive of the proposed Liquor Primary establishment. In addition, both the RCMP and Bylaw Enforcement have no concerns with the proposal.

4.0 Proposal

4.1 Background

The applicant originally made application for rezoning and liquor licensing on February 12, 2012. However, owing to a company restructuring, the applicant requested that the application be held in abeyance until these issues were resolved. The corporate structure reorganization concluded in April 2013 and the applicant indicated a desire to proceed with this application with a new consultant team involved. The application was also delayed while an acoustic study was completed to identify the potential for sound generation as well as potential noise issues.

An application has been forwarded by the licensee to the Provincial Liquor Control and Licensing Branch (LCLB) for their approval. Procedurally, all new Liquor Primary license requests require Local Government comment/consideration.

The applicant has commissioned an acoustic assessment for the development of the subject property to assure that there will be minimal noise impact on adjacent properties. This acoustic review was based upon the type of assessment commonly undertaken for applications in the City of Vancouver.

Based on that format, the consultant recommends that the interior noise level be limited to a maximum level of 100db, without any building modifications. Should a higher sound level be desired, it was recommended that a vestibule be created by the addition of a door adjacent to the coat check area. This modification would support an increase of the noise level to 105db.

4.2 Project Description

The applicant is proposing to develop two licensed establishments on the subject property; a 204 m² (2,200sf) kitchen and bar, operated as a coffee shop with a pub featuring micro breweries and local wineries. Additionally, a 297 m² (3,200sf) Social Lounge catering to a more mature, upscale clientele will also be offered. The intent is to provide a combination of beverage, dining and entertainment options, operating as one facility called the "Mixing Room". The proposal includes a Kitchen and Bar area with a capacity of 120 persons, while the lounge area of a 130 persons, for a total capacity of 250 patrons. The lounge area includes a dance floor.

The draft occupant load calculation shows a maximum occupant load of 250 persons.

Proposed License Summary:

Proposed Hours of Sale:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	11:00am	11:00am	11:00am	11:00am	11:00am	11:00am	11:00am
Close	2:00am	2:00am	2:00am	2:00am	2:00am	2:00am	2:00am
Licensed Area					Capacity		
Kitchen and Bar Area					120 patrons		
Social Lounge Area					130 patrons		
Total Proposed Person Capacity					250 patrons*		

*The proposed capacity is based on preliminary floor plans, which are subject to approval by the Building & Permitting Branch and the LCLB.

4.3 Site Context

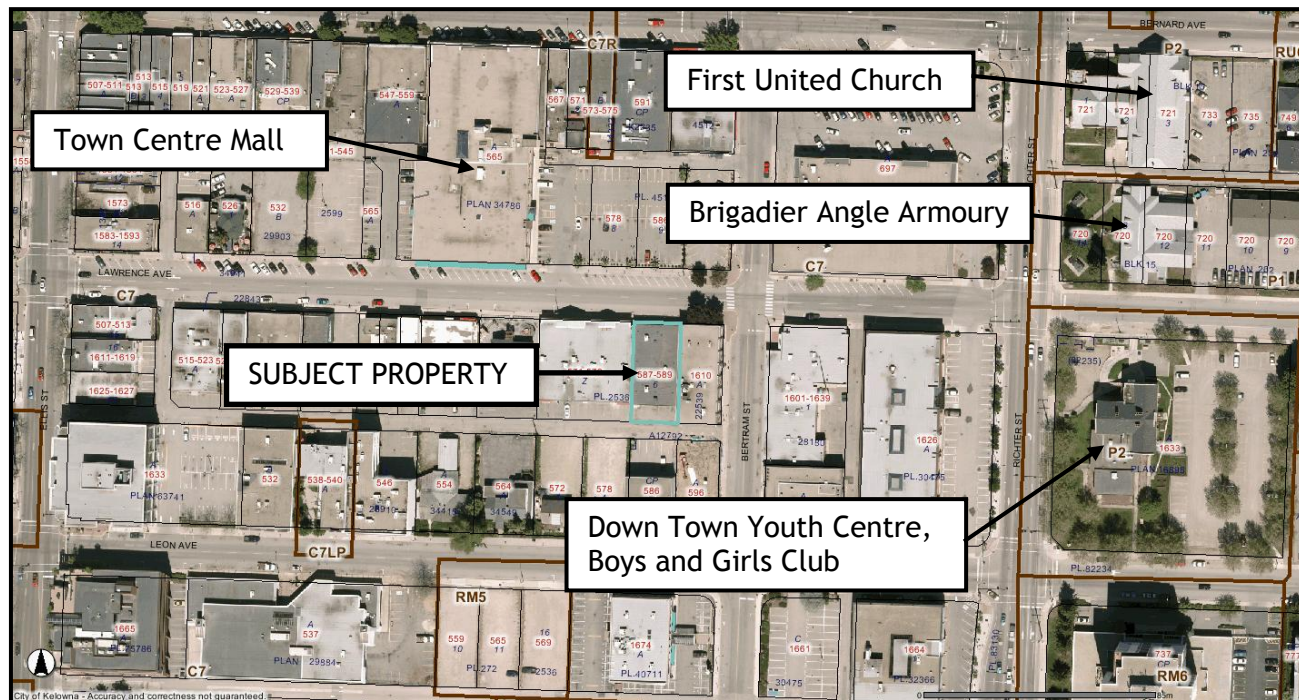
The subject property is surrounded by a mix of commercial and retail uses. See attached map for existing community services and liquor primary locations.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C7 - Central Business Commercial	Parking lot (Town Centre Mall)
East	C7 - Central Business Commercial	Retail / Commercial uses
South	C7 - Central Business Commercial	Retail / Commercial uses
West	C7 - Central Business Commercial	Retail / Commercial uses

Subject Property Map:

587-589 Lawrence Ave.



5.0 Current Development Policies

5.1 Council Policy #359 - Liquor Licensing Policy and Procedures

The following sections of Policy #359 are applicable to this application:

- Large establishments (with person capacity greater than 249 persons):
 - i) Should only be located within an Urban Centre.
 - ii) Should be located a minimum of 250m from another Large establishment.
 - iii) Should be located a minimum of 100m from a Medium establishment.
 - iv) Should not be located beside a Small establishment.

5.2 Kelowna Official Community Plan (OCP)

Entertainment Venues.¹ Within designated Urban Centres, encourage private-sector provision of facilities which diversify the selection of venues and entertainment opportunities throughout the city.

Downtown.² The City of Kelowna recognizes that a unique, attractive, thriving and livable downtown is strategically important to Kelowna's overall prosperity and success. Towards this end, the City will plan and manage the Downtown as a single and special entity and will take a proactive, comprehensive, integrated and collaborative approach towards providing services and infrastructure, delivering programs, and developing a supportive regulatory and financial environment.

¹ Policy 5.17.1 (Development Process Chapter 5, page 5.21)

² Policy 8.9.2 (Economic Development Chapter8, page 8.4)

6.0 Technical Comments

6.1 Building & Permitting Department

No Comment

6.2 Bylaw Services

No Comment.

6.3 Fire Department

Additional comments will be required at the building permit application.

6.4 Interior Health Authority

The applicant has contacted the Environmental Health Office concerning approval of the proposed food service establishment.

6.5 R.C.M.P.

Our comments remain unchanged from rezoning Z12-0006, other than the requirement for an acoustic assessment of the premises, which has been completed.

7.0 Application Chronology

Date of Application Received: February 12, 2012

Date of Placed on hold: April, 2012

Date New information Received: April 24, 2012 & December 13, 2013

Report prepared by:

Paul McVey, Land Use Planner

Reviewed by:

☐

Ryan Smith, Manager, Urban Land Use

Approved for Inclusion:

☐

Doug Gilchrist, Divisional Director,
Community Planning and Real Estate

Attachments:

Location Map

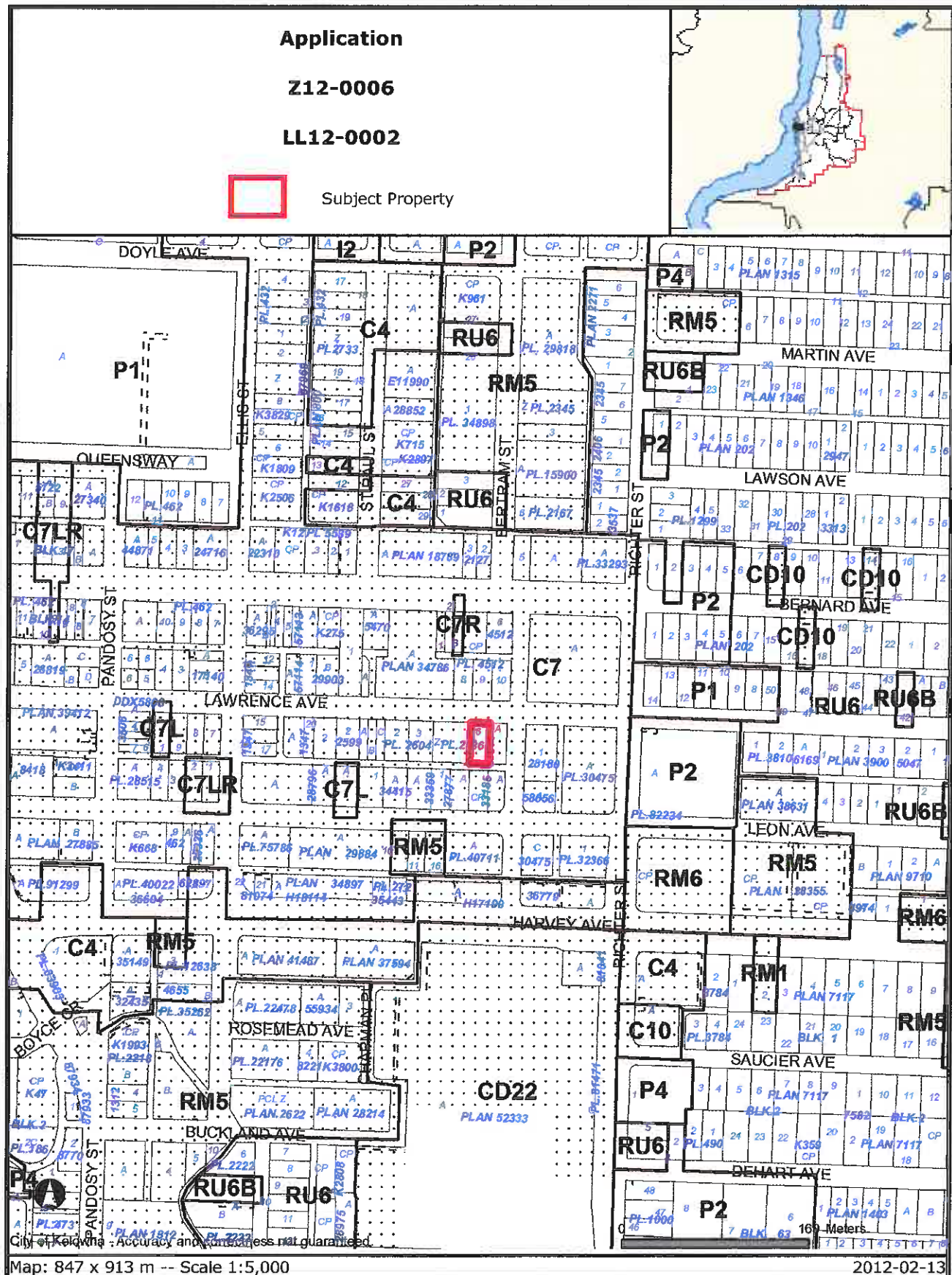
Executive Summary

Neighbourhood Comments

Acoustic Consultant Report

Provisional Floor Plan (Occupant Load)

Site Plan



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



EXECUTIVE SUMMARY

Company Overview

DV8 Entertainment Inc. is a British Columbia registered company founded in 2011 to open and operate a full service entertainment venue at 587 Lawrence Avenue in the City of Kelowna.

DV8 is developing two licensed establishments on the premises:

1. the 2200 square foot **Kitchen and Bar** combines a Blenz type coffee shop with a pub featuring local microbreweries and local wineries, and
2. the 3200 square foot **Social Lounge** targets the mature crowd for its upscale urban lounge

that gives Kelowna and area a combination of beverage, dining and entertainment options not previously available outside of the Lower Mainland. We are calling it **The Mixing Room**.

Mission

The Mixing Room will be the premier go to destination for diners and entertainment seekers of all ages throughout the Okanagan. Our goal is to be the leading edge entertainment option for Okanagan residents and visitors from all over the world. We want our customers to have more fun during their leisure time. Our vision is to provide a safe, relaxed atmosphere where adults 25+ can come to enjoy great food, a one of a kind dining experience, award winning wines and a variety of entertainment options under one roof. We combine menu selection, atmosphere, ambiance, and service to create a sense of "place" in order to reach our goal of over-all value in a dining/entertainment experience.

Our vision is to provide a safe, relaxed atmosphere where adults of all ages and proclivities can come and enjoy world class cuisine and drinks prepared by several of Canada's most recognized and awarded "celebrity" chefs. We will be distinguished by being one of a select few establishments in Canada to offer a "full service" entertainment experience.

Keys to Success

The key elements of The Mixing Room Social Lounge concept are as follows:

- **Quality food**--The Mixing Room will serve freshly prepared, high quality popular cuisine that is locally and sustainably sourced to target and appeal to a variety of tastes and budgets with an emphasis on reasonably and moderately priced signature items.
- **Continued training**—The partners behind The Mixing Room subscribe to the theory of ongoing and focused training of all personnel and staff. The Okanagan is home to a diverse and highly mobile population which makes it imperative that we stay on top of industry changes world-wide.
- **Quality service**--In order to maintain its unique image the Company will provide a higher than average ratio of extensively trained, attentive and friendly service personnel per client. All staff members will be formally trained in the rules and procedures necessary to ensure customer satisfaction while maintaining compliance with any and all rules and regulations from any government organization.
- **Distinctive design features**--The premises have been designed by Canada's leading design house and will be characterized by spectacular visual designs and layout.
- **High profile location**--The company selected its lounge location based on key demographic indicators including traffic counts, average income, number of households, hotels, and offices within a certain radius.



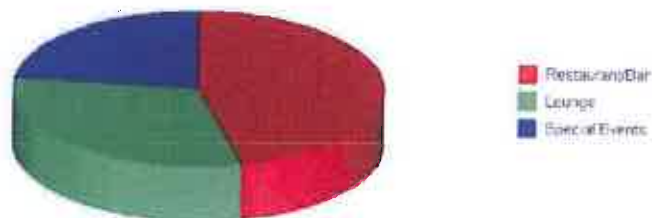
- **Celebrity events**--The Mixing Room will be distinguished by the promotional activities of local media, sports and business celebrities and by media coverage of appearances and special events.

Target Market Customers

The Mixing Room has identified two primary demographic target segments. The first segment is 25+ adults in Kelowna and throughout the whole of the Central Okanagan who want a warm and inviting dining, drinking and entertainment experience. This segment enjoys experiencing live entertainment in an adult orientated setting. They appreciate the opportunity to socialize and mingle with friends and like minded adults while dining, dancing and enjoying a changing venue of performances. This group is growing at the annual rate of 4% with 60,000 potential customers from the start.

The second segment of the population that will be targeted is special interest groups. The research and design team behind The Mixing Room have exhaustively researched and designed the space to allow the various groups the opportunity to turn The Mixing Room into their personal entertainment venue. With upscale yet neutral design themes, the space can be easily transformed into a myriad of different ambiances with minimal effort. Research has shown that these groups schedule regular events and bring repeat business. Examples of these groups include; Real Estate marketing and promotional companies, identified social groups, corporate industries, and the burgeoning local film industry. This segment has an annual growth rate of 7% and well in excess of 30,000 potential customers.

Market Analysis



Management

DV8 Entertainment Inc. serves as a holding company for some of the investment assets of the Dhaliwal family. Juggy Dhaliwal, along with his brother Gary, serve as managing partners of their family's investment companies and assets, including the successful Friends Pub in West Kelowna.

Juggy Dhaliwal will serve as general manager of The Mixing Room and will oversee its daily operations.



Marketing Strategy

Conventional Marketing:

The standards in the conventional marketing field tell us that radio is most effective, followed by local print and online media. The casual users will be reached through a series of advertisements, generally in Kelowna's two newspapers and online news service. The Courier, Capital News and Castanet are a source of information that most patrons consult in determining activities and events. These are the three main outlets; each with a slightly different readership demographic.

Unconventional Marketing:

The partners have identified that conventional, mainstream marketing is quickly becoming obsolete in today's high-tech dominated marketplace. In order to connect to and succeed with today's consumers, businesses need to take an unconventional route to promote their venues and distinguish them from the competition. Although a combination of local media and event marketing will be utilized, it is understood that conventional marketing techniques need to be supplemented with newer guerrilla style marketing efforts.

The beauty (for The Mixing Room) of the social events is that most special interest groups meet weekly, bimonthly or monthly and the amenities at The Mixing Room will encourage this customer segment to use The Mixing Room as a place to socialize regularly. The special interest group sponsorships will generate visibility on the local (city as well as provincial) special interest group websites. The visibility will take the form of activity by members of The Mixing Room staff in association based activities. Becoming active within these associations of people is valuable networking that is likely to bring many new customers to The Mixing Room. We believe that this grassroots approach will be particularly effective for these unusual but tight knit groups of people.

The strategy of live broadcasting and special events tie-ins has been most effective in generating free publicity which has been more effective than any advertising that could have been purchased.

Competitors

Several companies have offerings with similar but singular elements of the feature set to The Mixing Room, but these competitors' businesses differ greatly. Most are located in smaller venues, focus on providing one or two of The Mixing Room amenities, target a younger demographic and are located in Kelowna's Red Zone. A few examples include:

Pubs

Tonics Pub and Grill
Blue Gator Pub and Grill
Doc Willoughby's Downtown Pub
Kelowna Club
Roses

Nightclubs

The Level
The Blue Gator
Flashbacks

Financial Projections

The over-all financial plan for growth allows for use of the significant cash flow generated by operations.

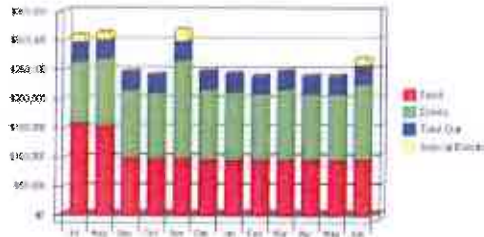
Equity infusion of \$1.5 million allows for more rapid expansion of The Mixing Room than could be accomplished from cash flow alone.



The management is projecting sales of \$2.7 million in the first year and consistent growth of 12% in Year 2 and in Year 3. Gross profits in the first year will be \$449,000.

Upon start-up the business will employ a minimum of 20 employees directly and up to 40 employees indirectly and contribute in excess of \$250,000 per year in additional taxes and benefits for the City of Kelowna and the Province of British Columbia.

Sales Monthly



587-589 LAWRENCE AVE
DVB ENTERTAINMENT INC.

SEE THE
NOTE BELOW

The WASHROOMS
has a net floor area of
30 m². The maximum
occupant load shall be
25 persons, based on
1.2 m²/person.

Reviewed
by City of Kelowna
Inspection Services

The MEETING ROOM
has a net floor area of
9.6 m². The maximum
occupant load shall be
8 persons, based on
1.2 m²/person.

Reviewed
by City of Kelowna
Inspection Services

The BAR AREA (LEFT)
has a net floor area of
12 m². The maximum
occupant load shall be
10 persons, based on
1.2 m²/person.

Reviewed
by City of Kelowna
Inspection Services

The VIP SECTION
has a net floor area of
12.4 m². The maximum
occupant load shall be
12 persons, based on
1.2 m²/person.

Reviewed
by City of Kelowna
Inspection Services

The SEATING AREA
has a net floor area of
26 m². The maximum
occupant load shall be
80 persons, based on
1.2 m²/person.

Reviewed
by City of Kelowna
Inspection Services

The BAR AREA (RIGHT)
has a net floor area of
12 m². The maximum
occupant load shall be
10 persons, based on
1.2 m²/person.

Reviewed
by City of Kelowna
Inspection Services

The SANDWICH BAR
has a net floor area of
6.0 m². The maximum
occupant load shall be
5 persons, based on
1.2 m²/person.

Reviewed
by City of Kelowna
Inspection Services

The DANCE FLOOR
has a net floor area of
12.0 m². The maximum
occupant load shall be
100 persons, based on
1.2 m²/person.

Reviewed
by City of Kelowna
Inspection Services

OF
EIV
RENDERED BY DVB ENTERTAINMENT INC.

NOTE: THIS IS A PRELIMINARY OCCUPANT
LOAD CALCULATION. A FINAL
CALCULATION IS REQUIRED TO
VERIFY THIS AFTER OCCUPANCY PERMIT.

<p>Red House Design</p>	Project: The Living Room	Sheet no.	002-01	King on October
	Job number: 105			
	Sheet title: Drafted Floor Plan			
	Scale: 1/8" = 1'-0"			
	Date drawn:			
	Copyright reserved			
	This drawing is the property of Red House of Design and may not be used in whole or in part without written consent. This notice must appear on any reproduction of this sheet or in part of the drawing. Please check and verify all calculations and dimensions prior to the start of construction, and contact Red House of Design if any clarification is required.			

LIQUOR CONTROL & LICENSING
RECEIVED
DEC 16 2011
AM VICTORIA BC

AC2161-MLG
October 8th, 2013
By email: juggydhal@hotmail.com

Jagraj Dhaliwal
DV8 Entertainment Inc.
2190 Shamrock Drive
Kelowna, BC
V4T 1T9

To Jagraj:

**RE: Acoustic Assessment for Liquor Primary License Application Z12-0006 - The
Mixing Room**

Following our retention as your acoustic consultant, BAP Acoustics visited 587 to 589 Lawrence Avenue, Kelowna, BC on Thursday, September 26, 2013, to undertake an acoustic assessment of the premises in support of your application for a liquor primary license with the City of Kelowna.

Background

The City of Kelowna Noise Control Bylaw (No. 6647) contains no quantitative clauses specifically aimed at controlling noise from licenced or commercial premises. However, the bylaw does contain general regulation clauses (3.1 to 3.3) which prevent the causation of noise that disturbs the peace, rest enjoyment, comfort or convenience of the neighbourhood or persons in the vicinity.

From conversation with Paul McVey at the City of Kelowna, it is our understanding that an acoustic assessment along the lines of the type commonly undertaken for licensing application in the City of Vancouver is thought to be appropriate for this application for a liquor primary license. In particular, we understand that the City would like assurances that there will be no noise impact on the property located at 596 Leon Avenue, which is zoned as a mixed-use, commercial and residential development. The geographical relationship between the proposed development and 596 Leon Avenue is shown in Figure 1.

Noise Assessment Criteria

The City of Vancouver Noise Bylaw 6555 contains a number of clauses that relate to commercial and/or licenced premises which feature amplified or live music. These clauses are designed to control noise transmission to neighbouring residential property and in the general vicinity of the licenced premises to reasonable level. The clauses that are specifically relevant to this pub/nightclubs are summarised below:

- Clause 11 limits continuous noise from a commercial premises to a maximum of 65dBC at a point of reception during night-time hours.
- Clause 11D limits noise from a commercial establishment in a mixed-use area to a maximum of 75dBC when measured at 3m from the exterior wall.

We propose that these two clauses be used as design criteria to limit noise emissions from the development in conjunction with the setting of a maximum noise limit within the premises to control noise resulting from live music or music played by dee-jays.

There are other clauses contained in the City of Vancouver Bylaw 6555 that could be applied to commercial premises that feature live or amplified music. However, in our experience it is the two clauses listed above that govern the level of impact on the neighbouring community, and place limits on the interior noise level.

Building Layout & Construction

A plan of the proposed development is shown in Figure 2. The location of the dee-jay booth and dance floor can be seen to the right-hand side of the premises. The principal noise transmission paths from the interior of the premises to the neighbourhood are via the front façade – particularly through the windows and doorways, and through the emergency exit doors at the rear.

As can be seen in Figure 2, the street façade features an internal floor-to-ceiling window display wall, and an entryway with coat check. These features will increase the level of sound insulation provided by the existing façade.

However, we have undertaken an acoustic assessment of the existing building façade as a conservative measure.

Measurement Procedure

The acoustic assessment was undertaken using a JBL powered loudspeaker to produce band-limited pink noise throughout the interior of the premises. Control levels were measured at interior locations A and B (shown in Figure 2), and at exterior locations 1m from the building façade.

These measurements were used to establish a noise control limit for amplified music within the premises that would not result in any exceedance of the noise assessment criteria proposed above.

The table below presents the maximum noise levels that could be played at the premises while not exceeding the bylaw limit. We recommend that controls be put in place so that these levels are not exceeded at monitoring locations A and B.

Control Location	Control Noise Level	Point of Reception	Design Target
A	115dBC	596 Leon Avenue	65dBC
B	98dBC	3m from street facade	75dBC

Clearly, it is the proposed bylaw limit 3m from the building façade that controls the interior noise level limit to 98dBC. Once the new building façade is constructed, the transmission loss between the interior and the exterior will increase, and the maximum level of interior noise allowable will increase by between 3 to 10dBC, dependent on the interior finishes and any obstacles that act as barriers to noise transmission between the dance floor and the building exterior.

If interior sound levels in excess of 100dBC are desired, then we recommend that the opening between the entryway and the dance floor be closed off with a door, making the entryway and coat check area in effect a vestibule. This is illustrated in Figure 2.

Conclusions

We recommend that the noise limits imposed by the City of Vancouver Noise Bylaw 6555 be adopted as sound control criteria for The Mixing Room. Without any tenant improvements over and above those indicated on the current drawings, we

recommend that 100dBC be adopted as the noise level criteria for the premises, and that this level be controlled at monitoring location B. If higher levels of interior noise are desired, then we recommend that the entryway and coat check be modified to form a vestibule. In this case, the noise level criteria for the Mixing Room can be increased to 105dBC.

Thank you for choosing BAP Acoustics for the provision of acoustical consultancy services. If you have any queries, or if we can be of any assistance, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Gaudet', with a long horizontal flourish extending to the right.

Mark Gaudet, P. Eng.
Director

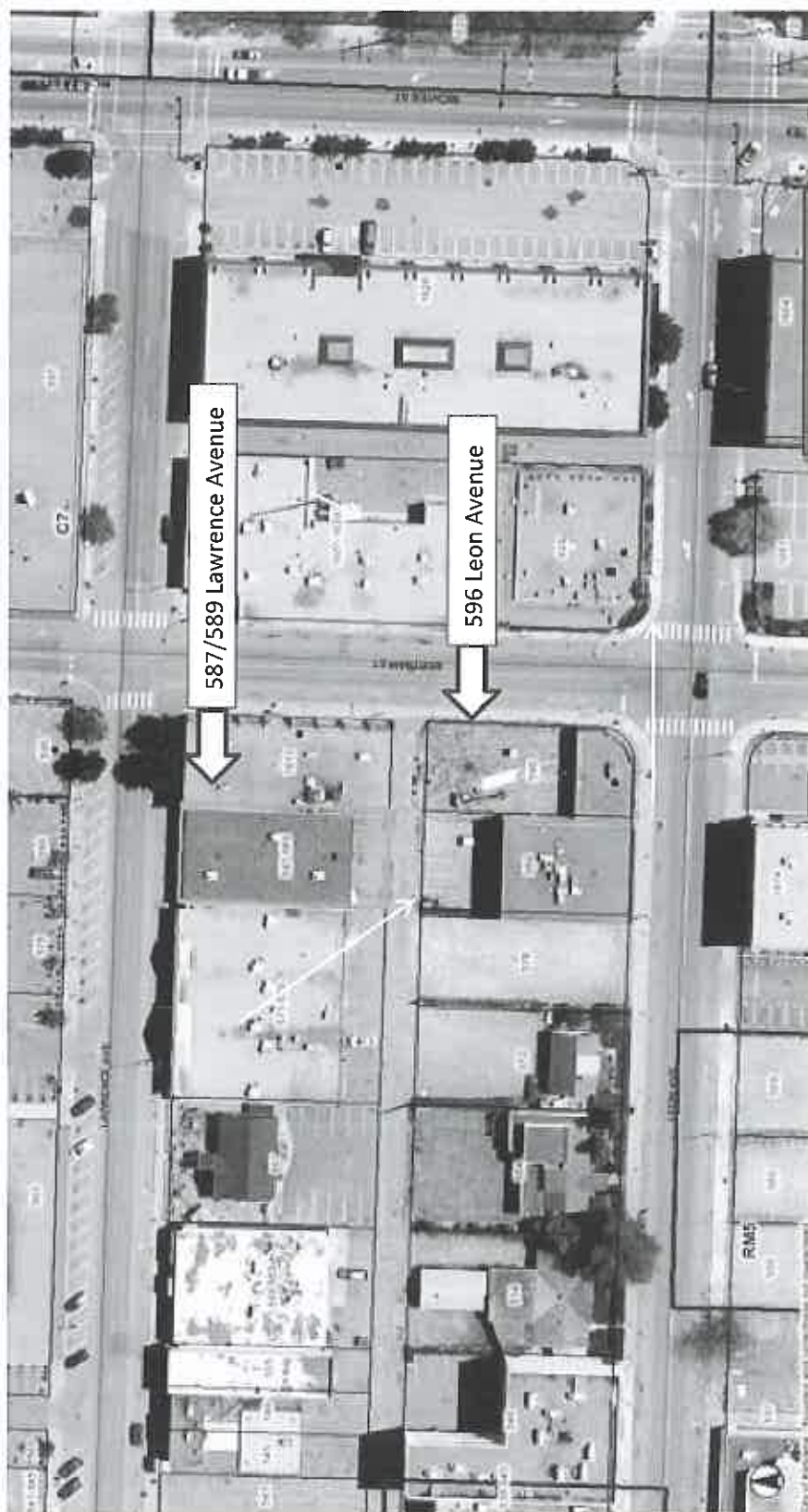


Figure 1: Location of the proposed development The Mixing Room and the nearest noise sensitive property

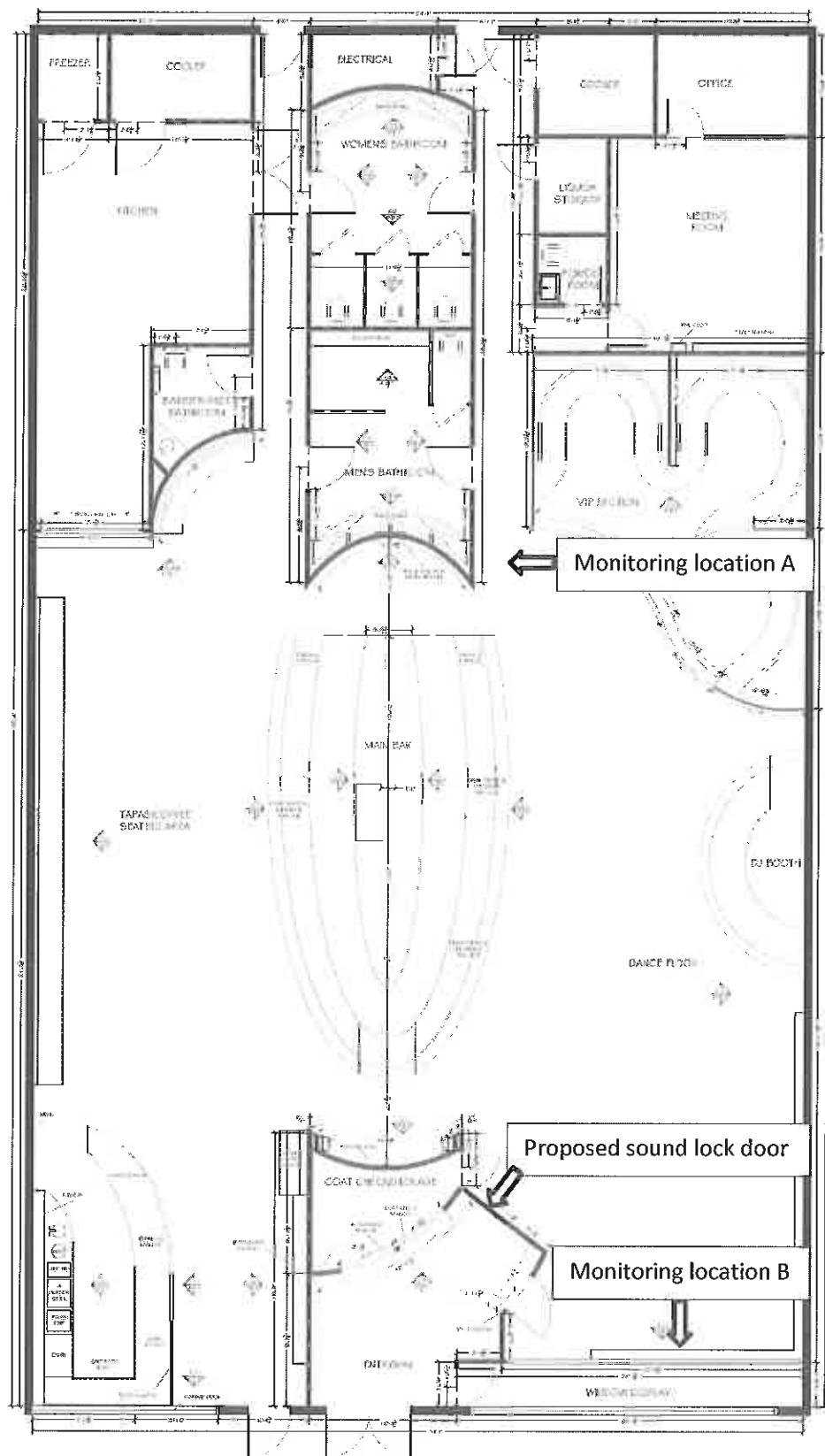


Figure 2: The Mixing Room - Plan

CITY OF KELOWNA

BYLAW NO. 10869

Official Community Plan Amendment No. OCP13 - 0009 Interior Health Authority 434, 442 and 458 Royal Avenue

A bylaw to amend the "*Kelowna 2030* - Official Community Plan Bylaw No. 10500".

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* - Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of Lot A, District Lot 14, ODYD, District Plan 5742, located at 434 Royal Avenue, Kelowna, B.C., Lot 26, District Lot 14, ODYD, District Plan 3393, located at 442 Royal Avenue, Kelowna, B.C., and Lot 1, District Lot 14, ODYD, District Plan 7535, located at 458 Royal Avenue, Kelowna, B.C., from Single / Two Unit Residential designation to Educational / Major Institutional designation;
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 15th day of July, 2013.

Considered at a Public Hearing on the 30th day of July, 2013.

Read a second and third time by the Municipal Council this 30th day of July, 2013.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 10870
Z13-0015 - Interior Health Authority
434, 442 and 458 Royal Avenue

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, District Lot 14, ODYD, District Plan 5742, located at 434 Royal Avenue, Kelowna, B.C., Lot 26, District Lot 14, ODYD, District Plan 3393, located at 442 Royal Avenue, Kelowna, B.C., and Lot 1, District Lot 14, ODYD, District Plan 7535, located at 458 Royal Avenue, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the P1 - Major Institutional 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 15th day of July, 2013.

Considered at a Public Hearing on the 30th day of July, 2013.

Read a second and third time by the Municipal Council this 30th day of July, 2013.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: 2/18/2014
RIM No. 1250-30
To: City Manager
From: Urban Planning, Community Sustainability (AW)
Application: HAP13-0004 **Owner:** Interior Health Authority
Address: 434 Royal Avenue **Applicant:** Interior Health Authority
Subject: Heritage Alteration Permit Application

Existing OCP Designation: Single / Two Unit Residential
Proposed OCP Designation: Educational / Major Institutional
Existing Zone: RU1 - Large Lot Housing
Proposed Zone: P1 - Major Institutional

1.0 Recommendation

THAT Final Adoption of OCP Amending Bylaw No. 10869 and Zone Amending Bylaw No. 10870 be considered by Council;

AND THAT Council authorize the issuance of Heritage Alteration Permit No. HAP13-0004 for Lot A, DL 14, ODYD, Plan EPP30318, located at 434 Royal Avenue, Kelowna, subject to the following:

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

AND THAT the applicant be required to complete the above-noted condition 3 within 180 days of Council's approval of the Development Permit Application in order for the permit to be issued.

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

Section 7.6.1 (b) Minimum Landscape Buffers

Vary the front yard landscape buffer from 3.0m required to 0.3m proposed.

Section 8.1.10 (c) Parking Regulations

Vary the required front yard parking setback from 2.0m required to 0.3m proposed.

Section 8.3.5 Landscaped Island

Vary the landscape island area from 182m² required to 38.66m² proposed.

2.0 Purpose

To consider a Heritage Alteration Permit to demolish the Heritage Register home located at 434 Royal Avenue and to consider the proposed parking lot's design details. The following variances to the Zoning Bylaw are also being proposed:

- Vary the required front yard parking setback from 2.0m required to 0.3m proposed;
- Vary the front yard landscape buffer from 3.0m required to 0.3m proposed;
- Vary the landscape island area from 182m² required to 38.66m² proposed.

3.0 Urban Planning Department

The subject properties are located within the Abbott Street Heritage Conservation area and the property located at 434 Royal Avenue is listed on the City's Heritage Register (see attached Heritage Register information). The Rezoning and OCP amendment applications were supported by Council at the July 15th, 2013 Public Hearing, however Council encouraged the applicant to consider other uses that could preserve the Heritage home on site or via a coordinated relocation. Staff have also encouraged the applicant to consider undertaking an HRA to preserve the remaining heritage register listed home in exchange for allowing the building to be used for Health Services. The applicant has indicated that the properties were purchased in an attempt to provide additional parking and that attempts to have the home relocated have been unsuccessful. For these reasons the applicant is proposing to demolish the heritage residence (See applicant's Heritage Alteration Permit rationale).

From a design perspective, Staff have indicated that a very high parking lot treatment is expected in order to provide as sensitive a transition as possible to the abutting residential neighbourhood. This would consist of high quality finishing materials including lighting, fencing, landscape buffering and a surface treatment that is a not conventional asphalt surface parking lot. The overall design has been greatly improved from the original proposal, but Staff would prefer that the proposal didn't include variances to the setbacks and landscaping standards. While significant landscaping is proposed larger landscape islands and buffers would further enhance the overall aesthetic of the project. IHA undertook a significant public consultation project where the neighbourhood indicated that larger more robust fencing and four season landscaping is preferred, this process had an impact on the overall design with more buffering provided adjacent to neighbouring properties than Royal Avenue.

Although the parking lot design does not meet all bylaw requirements it has been designed to minimize impacts to adjacent residents where possible. The larger fencing and dense landscaping will help to create a high quality parking area that will allow the Emergency centre to function properly. IHA has also undergone a 'Request for Expressions of Interest' to have the heritage home relocated (attached). Unfortunately, this process did not result in any firm offers to relocate the home. While Staff would have preferred a comprehensive plan from IHA for parking within the existing KGH campus, based on the design details and relocation attempts Staff are supportive of the proposal.

4.0 Proposal

4.1 Background

The Rezoning and OCP amendment applications were supported by Council at the July 15th, 2013 Public Hearing, however Council encouraged IHA to consider other uses that could preserve the Heritage home on site or via a coordinated relocation. In principle Council supported the land use but wanted further comment from the Community Heritage Commission (CHC) with regards to the heritage register home and the parking lot design. When the HAP was considered at the May 2nd, 2013 meeting the CHC did not support the proposal. The motion from the meeting is included at the end of this report in the 'Application Chronology' section.

4.2 Project Description

The Interior Health Authority has purchased the three subject properties with the intent of building a surface parking lot in support of the Kelowna General Hospital Campus. The proposal shows a total of 91 surface parking stalls with landscape buffers of varying widths around the perimeter of the property. It is important to note that the east, west and north landscape buffers conform to the Zoning Bylaw landscape buffer requirements but that the southern buffer adjacent to Royal Avenue is only 0.3m where 3.0m is required. Although the landscape buffer and setback have been reduced along Royal Avenue, the applicant has proposed significant landscaping within the Right of Way which should make up for the reduced buffer width. The fence will be 2.4m in height which is 0.4m higher than the residential standard and provides a more appropriate fence height for the context similar to what would be found in commercial or industrial areas.

The site will be hooked across the street with the KGH campus, although the KGH campus is zoned HD1-Kelowna General Hospital the proposed parking lot will be zoned P1 - Major Institutional as it is a major government use that isn't intended to accommodate any further KGH expansion beyond the proposed surface parking. The Interior Health Authority undertook an extensive public consultation process to engage and better understand the neighbourhood's position towards the parking lot expansion, a summary of this process is attached at the end of this report. IHA will be urbanizing the north side of Royal Avenue from Abbott Street to Pandosy Street which is a previous commitment that will be brought forward with this project. Additionally, the existing lane that runs N/S between 458 and 442 Royal Avenue would be closed, sold to IHA and consolidated with the subject properties. The project compares to Zoning Bylaw No. 8000 as follows:

Zoning Analysis Table		
CRITERIA	P1 ZONE REQUIREMENTS	PROPOSAL
Parking setbacks	North - 2.0m South - 1.5m East - 1.5m West - 1.5m	North - 2.01m South - 0.3m* East - 3.0m West - 3.0m
Landscape Buffers	North - 3.0m or Opaque Fence South - 3.0m East - 3.0m West - 3.0m	North - 2.01m & Opaque Fence South - 0.3m* East - 3.0m West - 3.0m
Landscape Island Area	182m ²	38.66m ² *
* Vary required front yard parking setback from 2.0m required to 0.3m proposed.		
* Vary front yard landscape buffer from 3.0m required to 0.3m proposed.		
* Vary landscape island area from 182m ² required to 38.66m ² proposed.		

4.3 Site Context

The subject properties are located along Royal Avenue in the Heritage Conservation Area directly across from the Kelowna General Hospital.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Residential
East	RU1 - Large Lot Housing	Residential
South	HD1 - Kelowna General Hospital	Kelowna General Hospital
West	RU1 - Large Lot Housing	Residential

Subject Property Map:



5.0 Current Development Policies

5.1 Kelowna Official Community Plan 2030 (OCP)

5.1.1 Heritage Conservation Area Guidelines (Chapter 18)¹

- Maintain the residential and historical character of the Marshall Street and the Abbott Street Heritage Conservation Areas;
- Encourage new development, additions and renovations to existing development which are compatible with the form and character of the existing context;

¹ City of Kelowna Official Community Plan, Chapter 16

- Ensure that change to buildings and streetscapes will be undertaken in ways which offer continuity of the 'sense-of-place' for neighbours, the broader community; and
- Provide historical interest for visitors through context sensitive development.

5.1.2 Development Process (Chapter 5)²

Objective 5.32 Ensure the development of institutional facilities meets the needs of residents.

Policy .9 Health Care Facilities. Support the extension of services and appropriate building expansions of the Kelowna General Hospital and other health care facilities, as provided for on the Generalized Future Land Use Map 4.1. The form and character of future expansions should be compatible with the surrounding neighbourhood context.

5.2 Abbott Marshall Street Heritage Conservation Area Design Guidelines

- Post & beam feel to the architecture
- High gable and dormer roof form
- Projecting eaves, open soffit & brackets
- Half-timber with stucco infill panels
- Up to 2 storeys with attic
- Upper storeys within roof mass
- Vertical double-hung window openings
- Single & multi-sash window assembly
- Half-timber window & door trim
- Multiple pane windows
- Asymmetrical front facade on cottages
- Symmetrical fronts on more formal homes
- Wood shingle roofing
- Side or rear yard parking



6.0 Technical Comments

Addressed as part of Zone and OCP Amending applications.

7.0 Application Chronology

Date of Application Received:	March 20 th , 2013
Community Heritage Committee:	May 2 nd , 2013
Public Information Meetings:	April 16 th , 2013, May 15 th , 2013 & May 30 th , 2013
Public Hearing (Zone & OCP):	July 15 th , 2013
Community Heritage Committee:	May 2 nd , 2013

The following motion was passed by the Community Heritage Committee:

THAT the Community Heritage Committee does NOT support the Heritage Alteration Permit No. HAP13-0004 for 434 Royal Avenue to allow Interior Health to demolish the Heritage Register home the house on the property.

² City of Kelowna Official Community Plan, Chapter 5

THAT the Community heritage Committee does NOT support the aesthetics of the proposed parking lot design;

THAT the Community Heritage Committee does NOT support the Heritage Alteration Permit No. HAP13-0004 for 434 Royal Avenue to vary:

- 1) the required front yard parking setback from 2.0 m required to 0.3 m proposed;
- 2) the reduction of the front yard landscape buffer from 3.0 m required to 0.3 m proposed; and
- 3) the landscape island area from 182m² required to 38.66m² proposed

Anecdotal Comments:

The Community Heritage Committee could not support HAP13-0004 to demolish the existing heritage building because it would inconsistent with the Committee's mandate.

The Community Heritage Committee wishes to advise Council that they are aware of the need to provide parking in close proximity to the Emergency Department, but that they would prefer that:

- the future of the whole block be dealt with at once; and
- the design of the parking lot respect the heritage character of the area, for example, incorporate heritage elements into the design that are clearly visible to future users of the site.

Final HAP Package Submitted: January 2nd, 2014

Report prepared by:

Alec Warrender, Land Use Planner

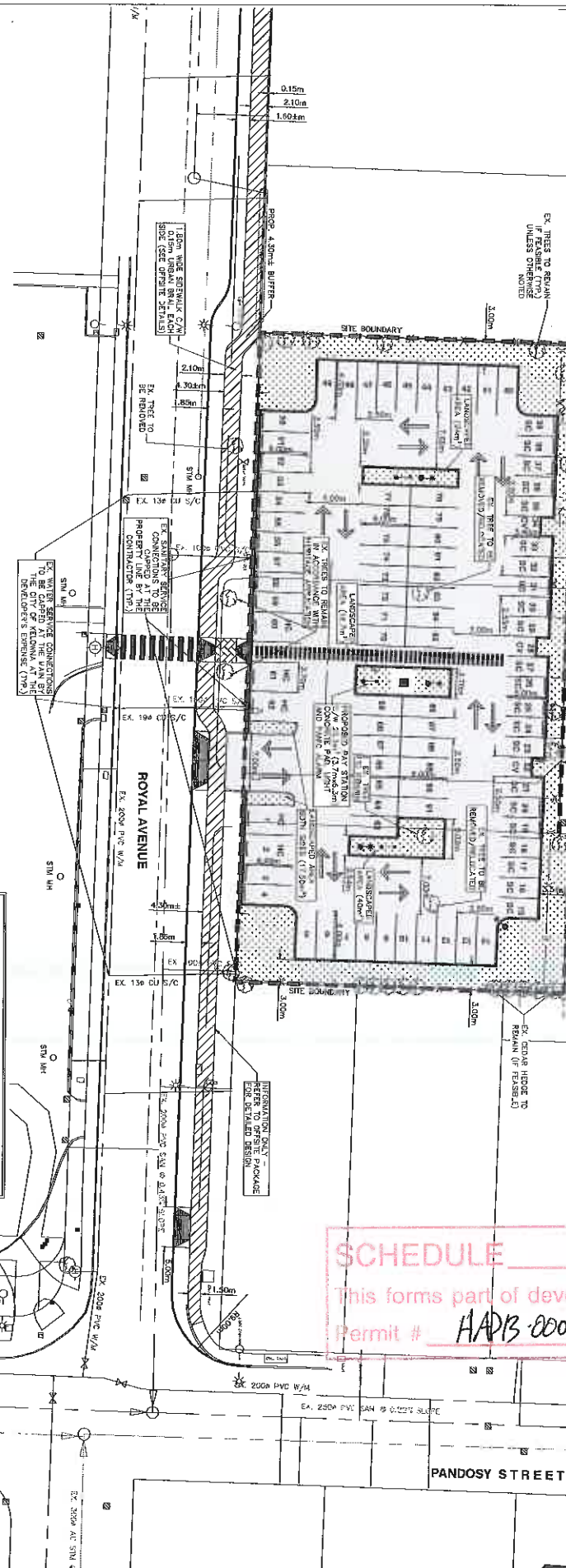
Reviewed by: ☐ Ryan Smith, Manager, Urban Planning

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

Attachments:

Site Plan
Lighting Plan
Fence Design
Landscape Plan
Applicant's Letter of Rationale
Heritage Register Information

AREA FORM WT 31M @ 0.005
(.984m²)



SCHEDULE A
This forms part of development
Permit # HAD13-0004

PANDOSY STREET












CITY OF KELOWNA - CONSOLIDATED ZONING BYLAW NO. 8000

[illegible]

CONCEPTUAL LAYOUT.

- * LANDSCAPE AREA = 6.77m² (0.17acre)
- * PARKING LOT AREA = 2.533m² (0.59acre)
- * PARKING: 21 STALLS
 - 61 REGULAR (2.5m x 5.0m)
 - 22 SMALL CAR (1.5m x 3.0m)
 - 3 COMPACT VEHICLE (2.5m x 3.4m)
 - 5 DISABLED PARKING (3.7m x 6.0m)
- * SETBACKS:
 - FRONT SETBACK: 0.5m
 - REAR SETBACK: 2.00m (Minimum)
 - SIDE SETBACK: 3.0m

LEOLINDA

- | | |
|---|---------------------------|
|  | PAVING MATERIAL |
|  | PAV STATION |
|  | BC |
|  | CV |
|  | COMPACT VEHICLE |
|  | HANDICAP |
| PAVING & ROADWORKS NOTES | |
|  | THRUWAY PAVING SECTION |
|  | (SEE GEOTECHNICAL REPORT) |
| DEGENERATE PAVING, REFER TO LANDSCAPE DRAINAGES FOR DETAILS | |
|  | PROPOSED STORMWAY |

APITN

CLIENT:
INTERIOR HEALTH - CAPITAL PLANNING AND PROJECTS
113 - 1620 Diefenbaker Avenue, Kelowna BC V1Y 8V2

FILE: _____

COMPOSITE PLAN

DESIGN: TK	CHECK: C
DRAWN: TK	APPR: C

LOCALITY	STREET & AVENUE	DR	CH	DATE	APP
REV. NO.	DESCRIPTION				
0	ISSUED FOR NEIGHBORHOOD MEETING	TK	CA# 13.04/76	CAS	
1	ISSUED FOR BEST FOLDING	TK	CA# 13.05/27	CAS	
2	ISSUED TO CITY OF KALOMIA	TK	CA# 13.07/71	CAS	
3	ISSUED FOR HERITAGE ALTERATION PERMIT	TK	CA# 13.09/73	CAS	

MARTIN
CONSULTANTS LTD
PROJEKTOWANIE I DOKUMENTACJA PLANOWA I WYKONSTWOTWA
40-6 ŁĄCZNOŚĆ, KOLIBROWA, B.O. CHYNIA, WYB. 2
TEL. (22) 446-0157, FAX (22) 436-2312, E-MAIL: gsm@martin.pl

PH. 250-770-5500

PROJECT: **ROYAL LAND DEVELOPMENT**

434, 442, and 458 Royal Avenue, Kelowna BC
Lot A, Plan 5742 / Lot 28, Plan 3392 / Lot 1, Plan 7552

T

On October 29, 1960, the author contacted the editor of the *Journal of Management* and advised him that he had written a letter before submitting work, and offered to send it through him. The editor's reply was that the author's letter would be forwarded by the publisher's office to the editor of the *Journal of Management*. The author then wrote a letter to the editor of the *Journal of Management* and advised him that he had written a letter before submitting work, and offered to send it through him. The editor's reply was that the author's letter would be forwarded by the publisher's office to the editor of the *Journal of Management*.

PROJECT NO.	SCALE :
DRAWING NO.	HORZ.
	VERT.
	A & B
	13

1:250 N/A	DRAWING DATE: SEPTEMBER 201
DRAWING NO. 6510-101	SHEET NO. 1 OF 2
	REV.

1
L-3
PERSPECTIVE FROM ROYAL AVE.



SCHEDULE B
This forms part of development
Permit # HAPB-0004

REVISION	DATE	DESCRIPTION
1	10/10/13	ISSUED FOR PERMIT
2	10/10/13	ISSUED FOR PERMIT
3	10/10/13	ISSUED FOR PERMIT
4	10/10/13	ISSUED FOR PERMIT
5	10/10/13	ISSUED FOR PERMIT
6	10/10/13	ISSUED FOR PERMIT
7	10/10/13	ISSUED FOR PERMIT
8	10/10/13	ISSUED FOR PERMIT
9	10/10/13	ISSUED FOR PERMIT
10	10/10/13	ISSUED FOR PERMIT



CONSULTANT
ASIAN LAND
CONSULTANTS LTD.
420 DUNDAS ST. E.
TORONTO, ONT. M5G 1L6

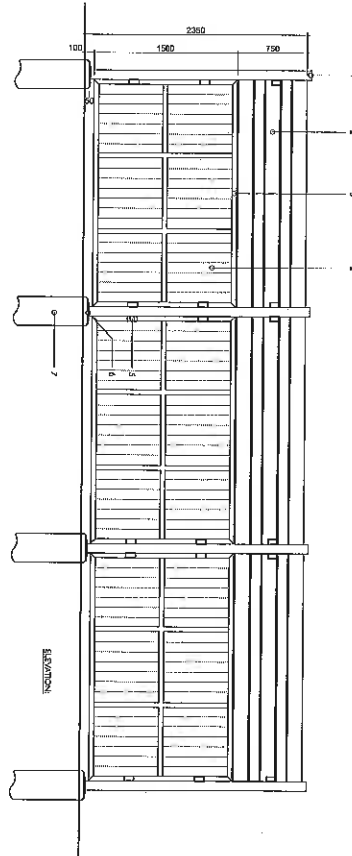
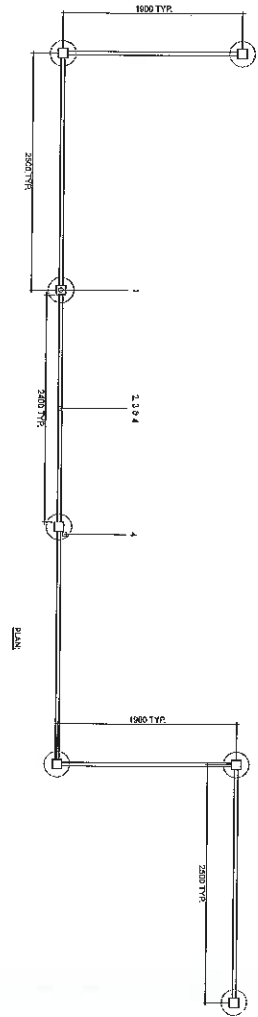
CLIENT
HIA CAPITAL PLANNING
AND PROJECTS
INCORPORATED
100 DUNDAS ST. E.

PROJECT
ROYAL LAND
DEVELOPMENT
INCORPORATED, LTD.

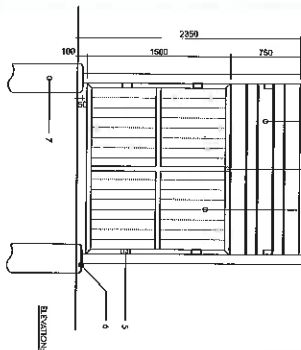
SHEET TITLE
LANDSCAPE PERSPECTIVE

DESIGN BY	DATE
DESIGNED BY	DATE
PROJECT NO.	13-007
SHEET	LANDSCAPE PERSPECTIVE

SHEET NO.
L-3
OF 3



- NOTES
1. ALL STEEL SHALL BE POWDER COATED AND BLACK PAINTED.
 2. ALL EXPOSED HARDWARE SHALL BE PAINTED BLACK TO MATCH STEEL FINISH.
 3. 1000MM HASTEL FENCE POST.
 4. 20MM HORIZONTAL CEDAR PILING W/ 20MM SQUARE CEDAR PLATE & GROOVE CEDAR.
 5. 20MM VERTICAL TONGUE & GROOVE CEDAR.
 6. 1/2" CHANNEL NAIL MOUNTING ASSEMBLY TO CONCRETE FOOTING.
 7. 4"X4" CONCRETE BASE.



2 LANEWAY SECTION
SCALE 1/2"

SCHEDULE B

This forms part of development
Permit # MAP13 0001



CONSULTANT
APLIN & MARTIN
CONSULTANTS LTD.
VICTORIA, B.C.

CLIENT
IHA CAPITAL PLANNING
AND PROJECTS
VICTORIA, B.C.

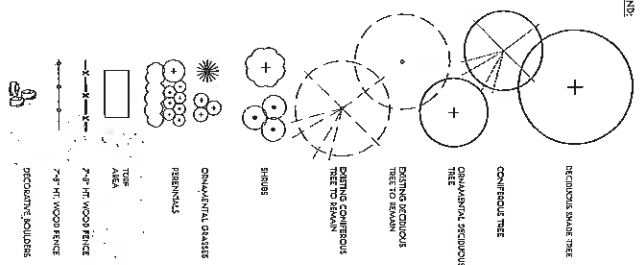
PROJECT
ROYAL LAND
DEVELOPMENT
RENOVATION, B.C.

DATE
13-007-ROYAL LAND CONCEPT SITE PLAN

DESIGNED BY
DRAWN BY
CHECKED BY
PROJECT NO.
SCALE
DATE

L-2

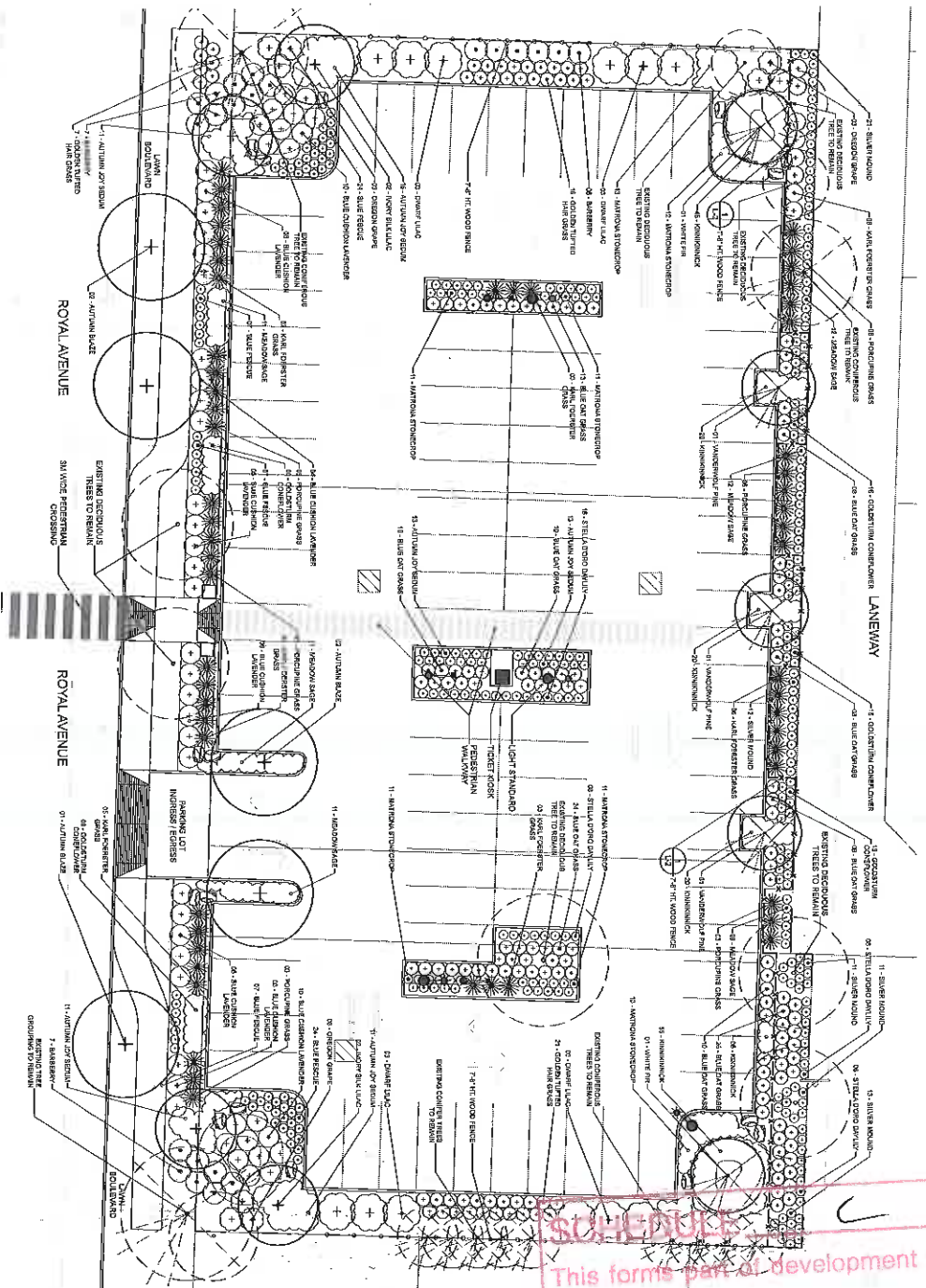
LEGEND:



PLANT LIST:

[illegible]

PLANT IMAGES:



李國華律師事務所



NECESSARILY



03848533



SCHEDULE

This forms part of development Permit # HAP13-0004



**APLIN & MARTIN
CONSULTANTS LTD.
KELLOWNA, B.C.**

IIA CAPITAL PLANNING AND PROJECTS

**ROYAL LAND
DEVELOPMENT
KELOWNA, B.C.**

LANDSCAPE CONCEPT

0626041 BY
SANDRA BY
CHICAGO BY
PROJECT MA
SCALA

5

OCP Amendment Application – #OCP13-0009
Zoning Amendment Application – #Z13-0015
Heritage Alteration Permit Application – #HAP13-0004

434 Royal Avenue

Prepared for: Kelowna City Council

Date: November 30, 2013

A. Purpose of Application

To seek Council's approval to a) amend the OCP; b) amend the zoning bylaw; and c) demolish the house at 434 Royal Avenue. If Interior Health (IH) is successful in securing a Heritage Alteration Permit (HAP) for 434 Royal Avenue and once the re-zoning approvals have been secured, the parking lot development proposed for the Kelowna General Hospital (KGH) lands located on Royal Avenue will be a major attribute for the ongoing redevelopment and operation of the hospital.

B. Background & Proposed Development

IH acquired three properties, at 434 Royal, 442 Royal and 458 Royal Avenue, as well as a Closed Lane, for the purpose of constructing a surface parking lot to primarily service the new larger Emergency Department at KGH. The attached reference plan shows the consolidation of these three residential lots and the Closed Lane needed to create the 0.80 acre site.

IH's application to amend the OCP and rezone the lands to the P1 Zone has received 3rd Reading approval of Council. The City's Community Heritage Committee reviewed the HAP Permit Application on October 3, 2013. In rejecting IH's application the Committee indicated it "...could not support HAP13-0004 to demolish the existing heritage building because it would inconsistent with the Committee's mandate."

The Committee went on to advise [Council] that they are aware of the need to provide parking in close proximity to the Emergency Department, but that they would prefer that:

- the future of the whole block be dealt with at once; and
- the design of the parking lot respect the heritage character of the area, for example, incorporate heritage elements into the design that are clearly visible to future users of the site.

IH is planning to construct a 91 stall surface parking lot on these lands.

C. The Challenge

KGH is estimating a current parking shortage of approx. 275 stalls. Together with future demand, the total parking requirements will be generally addressed as follows:

- 91 stalls anticipated for the 0.80 acres in this proposal;
- 20 stalls through reconfiguration of the hospital campus; and
- A minimum of 300 stalls at an as yet undetermined future location(s).

IH reaffirms the requirement for 91 parking stalls in the proposed location. The full development of IH's Royal Avenue property for surface parking is necessary both to meet the demand, as well

as to ensure the cost effectiveness of the parking project. This necessitates full development of the 0.80 acre site.

Accordingly, two options to deal with the heritage house at 434 Royal Avenue have been considered.

1. Relocation – the house was offered for sale for a nominal value with the Purchaser responsible for moving the house to an alternate location by Spring 2014.
2. Demolition – In the event that the house could not be sold and relocated, it would be demolished, following the potential salvage of valuable or useful building materials and fixtures.

Further details for these options are highlighted below.

D. Description of Subject Property (434 Royal Avenue)

This property is located directly opposite the new Emergency Department at KGH. The property is listed on the City of Kelowna Heritage Conservation Area Register. The property includes a 74 year old (1939), two story with basement, four bedroom house and detached garage.

Functional Deficiencies of the Property and House

The house is in relatively poor condition with original galvanized water pipes throughout the house that are extensively corroded. The furnace does not function and has asbestos-containing materials inside and out. In our opinion, the cost to upgrade the functional components for both the exterior and interior of the house, including the replacement of all galvanized plumbing pipes, windows, new furnace, new electrical panels and wiring, roofing, exterior walls, etc., would likely cost a minimum of \$170,000. This estimate does not include any aesthetical upgrading or to make good any destruction due to HAZMAT remediation.

Hazardous Building Materials (HAZMAT)

The three levels of this house have a variety of asbestos-containing materials. The costs to remove all these asbestos-containing materials and to then repair or replace ducts, drywall, flooring and painting, etc, plus the cost for HAZMAT consulting, lab tests, etc, would be approximately \$80,000 to \$100,000.

Aesthetical Upgrading

The 1939 house has never been significantly upgraded. An estimate to replace carpets, refinish floors, add new cabinets/counters, new plumbing & lighting fixtures, add some new doors and hardware, to a reasonable standard, would be approximately \$60,000.

IH has no use for the house as either rental accommodation or for offices due to the high cost to renovate, as noted above. Further, IH is currently seeking to consolidate its Kelowna office locations and any proposal to re-occupy the house would be inconsistent with this consolidation initiative.

E. Relocation or Demolition of House

A rough estimate of the cost to move the house, depending on the transport route and many other factors, was estimated at a minimum of \$60,000 to well over \$100,000. The height of the house is about 22 feet, and the overall height when situated on the transport trailer is over 28 feet. Costs vary significantly depending on the number of overhead wires and traffic signals that would have to be moved, and numerous other off-site and transportation route factors.

Due to the width of the house, the living room wing would have to be severed from the main part of the house, braced for transportation, and re-attached at the new location.

A further pre-move consideration is the zoning of the property where the house would be proposed for relocation. Without appropriate zoning in-place, the house could not be moved.

IH assisted in the pre-move preparation by coordinating and paying for a full hazardous materials assessment, and for the removal of asbestos containing materials in the basement of the house. This would enable relocation in a safe manner and would provide the new owner with relevant information needed for the remediation of all asbestos containing materials following relocation.

F. Request for Expression of Interest

IH advertised in local newspapers, on August 23-25, 2013, the opportunity for the purchase and relocation of the heritage house. The ad noted that a site visit would be conducted on August 30th, 2013. A formal Request for Expressions of Interest (RFEI) was distributed to attendees at the site visit and was also posted on BC Bid (bcbid.ca). The closing date for the RFEI was September 19th, 2013.

Four separate parties attended the site tour.

RFEI Evaluation Process

- Evaluation of the proposal(s) was based on criteria that included: detailed move plan; identified new location for house; appropriate zoning in place or achievable; demonstrated understanding of house moving issues, identified route to new location, evidence of communication with jurisdictions having authority over the various aspects of the move (ie. Permits, temporary utility moves, private property impacts), etc.
- IH would give preference to proposals where the house would be removed and relocated within the Heritage Conservation Area;
- IH would enter into a Contract with the successful proponent/purchaser, including detailed project scope by November 15, 2013, for removal of house. The contract would contain a termination clause, for the benefit of the Purchaser, in the event that they determined, through due diligence, that moving the house is not feasible.

There were two submissions received through the RFEI. Accordingly, IH entered into preliminary discussions with these interested parties to determine the feasibility of their proposals. Subsequently both parties withdrew their interest, having undertaken additional due diligence that rendered the relocation not feasible. Accordingly, IH is now proposing to proceed with the demolition of the house.

G. Proposed Parking Development and Design

Subject to securing the requested approvals, the following considerations will be incorporated into the project plan:

- IH's consultant team for this development includes a civil engineer, electrical engineer, and landscape architect;
- IH has identified parking concepts that follow best practices for parking design together with incorporating the relevant elements of the City of Kelowna Zoning Bylaw, including heritage features, where relevant;
- Approximately five (5) significant trees and some bushes that are on or adjacent to the 434 Royal Avenue property will be retained, subject to final construction drawings;
- The 442 and 458 Royal Avenue properties include approximately 12 trees and approximately 8 mature junipers in the NE corner of 458 Royal Avenue, many of which will be retained, subject to final construction drawings;
- The development schedule for a parking facility tentatively provides for the relocation of the house or demolition by approximately March 31, 2014, followed by construction commencing in April 2014; and
- As part of a previous commitment to the City, IH will also be upgrading the north side of Royal Avenue between Pandosy Street and Abbott Street with the addition of new curb/gutter, roadway storm drains, paving of existing gravel shoulder and new sidewalk.

Design attributes for the parking lot will include the following:

Landscaping and Landscape Buffers

- Substantial landscaping for setbacks and landscape buffering, with only minor variances to the zoning bylaw, complementary to the neighborhood and the overall Conservation Area;
- Buffer areas are included that mitigate noise and related traffic impacts on the neighboring properties, including generous planting of trees, bushes grasses and perennials;
- Buffering is maximized where most needed, ie. on the perimeter and corners of the lot; and
- There is about 680 sm of landscaped buffer area which constitutes almost 13% of the property, excluding the City boulevard which will also be landscaped and maintained.

Lighting Design

- Lighting design consistent with City bylaws and standards; and;
- Consideration of either contemporary lamps (similar to the Abbott-Royal parking lot) or heritage style lamps, depending on which more effectively minimizes light intrusion into neighboring properties.

Fencing Design

- Fencing – employed in conjunction with landscaping with heritage style design and materials and constructed to mitigate penetration of noise, light and fumes into the adjacent residential area; final design subject to additional neighbor consultation; and
- Consideration is being given to both wooden and concrete fencing products, subject to budget considerations.

Other

- Irrigation in consideration of drought tolerance plantings;
- Signage consistent with the bylaws and design guidelines to ensure efficient traffic flow, access and egress; and
- Appropriate drainage into City storm water system and/or retained on-site.

H. Bylaw Variances

IH is seeking variances to Zoning Bylaw 8000 as follows:

- a. Vary the front yard setback from 2.0 m required to 0.3 m proposed;
- b. Vary the front yard landscape buffer from 3.0 m required to 0.3 m proposed;
- c. Vary the landscape island area from 182 m² required to 38.66 m² proposed; and
- d. Vary the height of the proposed fence from 2.0 m permitted to 3.1 m proposed.

I. Recommendation

That the City of Kelowna Council approve Heritage Alteration Permit HAP13-0004 to allow IH to demolish the house at 434 Royal Avenue to make way for the construction of a 91 stall surface parking facility; and that the City of Kelowna Council adopt the OCP Bylaw #10500 amendment as proposed in OCP13-0009 and the Zoning Bylaw #8000 amendment as proposed in Z13-0015.

Prepared by: Doug Levell, Manager, Real Estate Services

Enclosures: Reference Plan of Consolidation, Sheet A,



Request for Expressions of Interest (RFEI)
434 Royal Avenue - Proposed Building Purchase & Removal

The Interior Health Authority (the "Authority") is requesting expressions of interest from interested parties for the purchase and removal of a heritage house at 434 Royal Avenue, Kelowna, BC. This RFEI is intended to determine whether or not there is sufficient market interest to proceed to a competitive bidding process. In the event there is sufficient interest in this requirement, the Authority may, but is not obligated to, initiate a competitive bidding opportunity.

This 1939 house is located on property that is within the Abbott Street Heritage Conservation Area and is listed on the City's Heritage Register. Details pertaining to the heritage characteristics of the house are included in the enclosed Heritage Register Building Information sheet.

The general scope of the work for removing the house is included in an **Information Package and Response Form** attached to this RFEI. In the event that Interior Health determines that there is sufficient interest to proceed with a competitive bidding process, the successful proponent would be required to enter into a binding Purchase and Sale Agreement.

Interested parties are invited to respond to this RFEI by submitting a letter to the Authority that includes a brief statement of the nature of their interest in the Ministry's requirement. Responses should only include a statement of interest, and should not include any other information or qualifications. The Information Package and Response Form provided with this RFEI will assist respondents in determining their interest. There will be no evaluation, ranking, or selection of vendors as a result of this RFEI; it will not be used to pre-qualify or screen vendors for a subsequent competitive bidding process, if any.

If subsequent competitive bidding opportunities are issued, the Authority is under no obligation to advise any vendor responding to this RFEI. Vendors should monitor the BC Bid website (www.bcbid.ca) for such opportunities, which will be open to all vendors, whether or not a response to this RFEI was submitted.

Responses should be delivered by hand or by courier to the location below before 3:00 pm, September 19, 2013, quoting "**Project: 434 Royal Avenue - Proposed Building Purchase & Removal**".

Interior Health Authority
Capital Planning
B3 – 1620 Dickson Avenue
Kelowna, B. C., V1Y 9Y2

Contact Person:
Tom Michaluk, Property Coordinator
Email: tom.michaluk@interiorhealth.ca

**Request For Expressions of Interest
434 Royal Avenue - Proposed Building Purchase & Removal**

INFORMATION PACKAGE and RESPONSE FORM

Preface

Interior Health Authority is inviting Expressions of Interest (RFEI) for the purchase and removal of the house located at 434 Royal Avenue, Kelowna, BC.

This 1939 house is located on property that is within the Abbott Street Heritage Conservation Area and is listed on the City's Heritage Register. Details pertaining to the heritage characteristics of the house are included in the Heritage Register Building Information sheet (attached).

A. Background and Key Requirements:

1. Landowner/Building Owner (herein the "**Owner**") for the house at 434 Royal Avenue, Kelowna, is the Interior Health Authority (IHA).
2. **Proponents** are those individuals and/or companies who may propose to purchase and fully remove the subject house on or before March 31, 2014.
3. Subject to responses to this RFEI, IHA may issue a Request for Proposals (RFP) and subsequently may enter into negotiations with a preferred Proponent that could lead to a Purchase and Sale Agreement (PSA).
4. The General Scope for the purchase and removal of the house from the current site includes, but is not limited to, the following:
 - Proponents would be purchasing only the main and 2nd floors of the house (from the underside of the main floor joists/beams upward) including both chimneys (also from the underside of the main floor joists/beams upward) (herein called the "**Building**");
 - The detached garage is not part of this RFEI; and
 - All components of the Building will be purchased on an as-is basis.

B. Key Documents and Information - Partial disclosure of known Building information:

Prospective Proponents should review the following documents and/or information prior to responding to this RFEI:

1. Enclosed is the site plan of the Building and lands dated April 12, 2012, showing the exterior dimensions of the Building;
2. Enclosed is Peak Environmental Ltd.'s "Site Specific Risk Assessment" letter dated May 7, 2013 relative to the needed removal of asbestos-containing floor sheeting, floor tile, drywall tap compound and insulating paper;
3. Enclosed is Peak Environmental Ltd.'s "Detailed Hazardous and Regulated Materials Inventory Report (Tab 2) Private Residence – Main and Second Floors" dated May 7, 2013 relative to the needed removal of asbestos-containing floor sheeting, floor tile, drywall tap compound and insulating paper;
4. An estimate of costs to remove all asbestos-containing materials from "the underside of the main-floor joists/beams upward" and to make-good/replace all ductwork and finishes, including all future consulting/monitoring costs to prepare the Building to be safely re-occupied is in excess of \$55,000. The Proponent should evaluate their own specific potential costs for removal and make-good/replacements. Because asbestos-containing insulation and joint materials were used in the Supply Air (S/A) and Return Air (R/A) ductwork/boots/diffusers, the Proponent should be aware that there are most likely friable-asbestos particles in both the furnace and the S/A and R/A systems that may contribute to hazardous conditions;

Request For Expressions of Interest
434 Royal Avenue - Proposed Building Purchase & Removal

5. The Building cannot be used or safely re-occupied until the vast majority of the asbestos-containing materials have been removed and a qualified consultant has approved for re-occupancy;
6. The Building has hot water and cold water galvanized pipes that are very old and corroded and will require replacement by the Proponent;
7. The Building may have wiring, junction boxes, switches and outlets that are very old and/or not properly installed and/or do not meet current electrical safety regulations; the Owners are not aware of the condition of the electrical systems;
8. The condition and integrity of the old sewer pipes/drains in the Building is not known and the Proponent should review their condition when removing the S/A and R/A ductwork noted above; and
9. The height to the east-apex of the varying roof levels from the underside of "the main-floor joists/beams" is **approximately 22 feet**; the chimneys are higher by approximately 2 feet. The Proponent should consider these factors in their evaluations and costs to purchase and remove the Building.

C. Key Obligations of the Owner to be included in a future PSA:

1. The Owner will turn off the water service to the house at the street curb-stop valve and will drain all hot water/cold water pipes in the house and disconnect these;
2. The Owner will have the gas service disconnected, and the meter removed;
3. The Owner will have the electrical/telephone/cable services disconnected, remove any meters. disconnect all electrical wires, remove/dispose of the old electrical panels in the basement and remove overhead wires; and
4. The Owner will remove all asbestos-containing/contaminated materials in the entire basement from the underside of the main-floor joists/beams downward including, but not limited to, the basement S/A & R/A ductwork and the furnace.

D. Key Obligations of the Proponent to be included in a future PSA:

1. The Proponent would be responsible to pre-arrange all aspects to remove the Building off of the foundation walls including, but not limited to, securing all needed approvals and/or permits by the authorities having jurisdiction;
2. The Proponent would remove and dispose of all trees/stumps in the front yard necessary to facilitate the removal of the Building. The Proponent would have to remove all necessary front yard grass/soils and dispose off-site to facilitate the removal of the Building;
3. The Proponent's work must be safely done and not interfere with the access to Kelowna General Hospital Emergency Department or impede ambulance movement on the street;
4. The Proponent will be fully responsible to make good any damage to public lands, road-right-of-ways or improvements or any other private property as a result of removing the Building;
5. In a subsequent RFP that may lead to a PSA, the Proponents would have to clearly provide details that they had the financial and technical capacity to fully comply with and/or address all the forgoing information, responsibilities and obligations; and
6. The successful Preferred Proponent would enter into a formal and binding PSA that would generally reflect the forgoing, and the Preferred Proponent would fully indemnify the Owner from all current and future liabilities as it relates to moving/re-using and re-occupying the Building.

**Request For Expressions of Interest
434 Royal Avenue - Proposed Building Purchase & Removal**

August 30, 2013

E. RFEI Response Form

Please complete this Form, including additional information requested and submit with your Expression of Interest.

1. I/We confirm that we have reviewed all information, documents and obligations included in the RFEI Package. Accordingly, we wish to express our interest in the potential purchase and removal of the Building at 434 Royal Avenue, Kelowna, BC. If selected as the Preferred Proponent in a subsequent competitive tender process, we plan to remove and relocate the Building to the new location (address or description of area) at _____. In expressing our interest I/We confirm that the Building will be removed from the current location on or before March 31, 2014.
2. I/We have identified a preferred travel route to move the Building from its current location to the new location and hereby confirm the logistical and financial feasibility of doing so;
3. I/We have attached to this Form a one page description outlining our general approach to remove and relocate the Building from its current location to the new location. Included in this description, relative to our planned travel route to move the Building, I/we have addressed the implications for the temporary removal of municipal or utility infrastructure, including signage, hydro lines/poles, street lighting and traffic control light standards, in consideration of the height and width dimensions of the Building (as provided in the RFEI Package); and
4. I/We understand that we will be required to liaise with the authorities having jurisdiction relative to the logistics, feasibility and all costs related to moving the Building on/over public roadways and have also attached a planned travel route (superimposed on a City map) for moving the Building to the proposed new location.

Signature of Respondent

Date: September ____, 2013

Signature of Respondent

Date: September ____, 2013

Contact Information of RFEI Respondent(s):

Full legal name(s): _____

Address: _____ Postal Code: _____

Email address: _____

Home/Business Telephone: _____

Cell Telephone: _____

[HOME](#) [Search](#)

Heritage Building

Heritage Building Information



Kid: [270292](#) **Plan:** 5742 **Lot:** A **Block:**
[Map](#)
Civic Address: 434 Royal Ave
Neighbourhood: South Central
Building Name: Wasson House
Conservation Area: Abbott Street
Date Built: 1939
Status: Active

Historical Significance:

Associated through its various occupants/owners with the provincial government services and with health care.

History:

Built in 1939 for Frederick C. Wasson, a B.C. Government dairy instructor. It is interesting that at least three of the owners since the original have been medical practitioners: John T. Cruise (Eye, Ear, Nose & Throat Specialist), Allyn W. Brown (physician), and Ronald D. Ellis (physician).

Architectural Significance:

A very good example of a 1930s Tudor residence, with some historic details. Designed by CBK Van Norman, a Vancouver-based leader in the modern movement.

Style / Character:

Simplified Tudor Revival interpretation with large expanses of plain stucco which show influence of modernism.

Design Features:

Broad asymmetrical massing, with cross-gables projecting forward at LH side. Half-timbering in selected areas such as the gable ends and entry.

Architect:

C.B.K. Van Norman

Builder:

J.M. Gagnon

Building Construction:

wood frame

Foundation Construction:

concrete

Stories:

1.5

Roof Type:

gable over main building, gable over front projection, shed roof over rear entry and dormer

Window types:

some DH, but most are casement

Exterior Wall Material:

stucco

Original Wall Material:

presumed same

Exterior Wall Color:

white w. brown trim

Landscape Features:

Mature trees behind split rail fence

Associated Buildings:

small detached garage

Alterations Documented:

1944 chicken house; 1949 addition (roof--3' at rear) [STREET FILES]

Alterations Observed:

Site Context:

Source:

STREET FILES; SUN 1936-47; KEL CITY DIR 1948, 56, 71.

Additional Notes and Comments:

Updates:**History Recorder
Name:**

David Dendy

Date Recorded:

1997-09-03

**Field Recorder
Name:**

Leigh-Ann Carter

Date Recorded:

1997-08-18

Photographer:

Leigh-Ann Carter

Date Photographed:

1997-08-18

Photo Reference:

CD6.72-73

Main Photo File:**Additional Photos:****CRHP Inventory:**[Click Here](#)



CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Heritage Alteration Permit No.: HAP13-0004

EXISTING ZONING DESIGNATION:

P1 - Major Institutional

ISSUED TO: Interior Health Authority

LOCATION OF SUBJECT SITE: 434 Royal Avenue

	LOT	BLOCK	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	A		14		ODYD	EPP30318

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:

- a. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- b. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
- c. Landscaping to be provided on the lands be in general accordance with Schedule "C".

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

Section 7.6.1 (b) Minimum Landscape Buffers

Vary the front yard landscape buffer from 3.0m required to 0.3m proposed.

Section 8.1.10 (c) Parking Regulations

Vary the required front yard parking setback from 2.0m required to 0.3m proposed.

Section 8.3.5 Landscaped Island

Vary the landscape island area from 182m² required to 38.66m² proposed.

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

3. DEVELOPMENT:

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof. If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

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

THIS Permit IS NOT A BUILDING Permit.

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 Community Planning & Real Estate.

Should there be any change in ownership or legal description of the property, I undertake to notify the Community Planning & Real Estate 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:

HERITAGE ALTERATION PERMIT AUTHORIZED BY THE COUNCIL ON THE 18th DAY OF FEBRUARY, 2014.

ISSUED BY THE DIRECTOR COMMUNITY PLANNING & REAL ESTATE DEPARTMENT OF THE CITY OF KELOWNA THE _____ DAY OF FEBRUARY, 2014 BY THE URBAN PLANNING MANAGER.

Ryan Smith, Urban Planning Manager

REPORT TO COUNCIL



Date: February 18, 2014

RIM No. 0940-60

To: City Manager

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

Application: HAP13-0020 **Owners:** Edward Wiltshire
Marilyn Wiltshire

Address: 1979 Abbott Street **Applicant:** dBA Fine Home Designs

Subject: Heritage Alteration Permit

Existing OCP Designation: S2RES - Single/Two Unit Residential

Existing Zone: RU1 - Large Lot Housing

1.0 Recommendation

THAT Council authorize the issuance of Heritage Alteration Permit No. HAP13-0020 for Lot 1, District Lot 14, ODYD, Plan 3998, located at 1979 Abbott Street, 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";

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

Section 8.1.2 Off-street Vehicle Parking - Table 8.1 Parking Schedule

Vary the required parking for a single detached dwelling from 2 spaces required to 1 space proposed;

Section 13.1.6 (d) RU1 Zone - Development Regulations

Vary the required side yard setback on a flanking street from 4.5 m required to 0.08 m proposed.

2.0 Purpose

To consider a Heritage Alteration Permit (HAP) to permit additions to the main floor of the existing house, and to raise the existing main floor elevation to facilitate the reconstruction of the existing crawl space. The application also includes variances to legalize the existing non-conforming north side yard and provision of one onsite parking space.

3.0 Urban Planning Department

The subject property is located in the Abbott Street Heritage Conservation Area; however, it is not presently included on the City's Heritage Register. The subject dwelling is one of four modest, early (c. 1933-1945) one-storey cottages that line the east side of Abbott Street south of Beach Avenue (see attached photos). The dominant style for the block, including the subject dwelling, is identified in the Abbott Street Heritage Conservation Area Guidelines as "Late Vernacular Cottage".

Staff is generally supportive of the proposed additions and alterations to the subject property, and feel that the overall proposal is a thoughtful approach to the challenge of improving the liveability of the dwelling, while respecting its modest proportions and responding to the irregular lot configuration. The proposed addition to the front elevation of the existing dwelling affords additional living space and functionality, while being generally in keeping with the scale and character of the original, one-storey cottage structure.

The main floor elevation of the existing dwelling is proposed to be modestly raised to accommodate the redevelopment of the existing crawl space to address the Mill Creek flood plain and to ensure its long-term structural integrity. The 0.5 m height by which the dwelling will be raised, while somewhat higher than the adjacent cottages, will be moderated by a graduated increase of existing grades around the perimeter of the dwelling.

The siting of the existing dwelling on the subject property is non-conforming under current zoning regulations along the north side property line, flanking Beach Avenue. Additionally, the site only accommodates one onsite parking space. The proposed alterations to the existing dwelling necessitate that these non-conformities be legalized. Staff is supportive of the two variances being sought to legalize the non-conformities as they are original to the existing pre-WWII structure. Further, while there are discrete portions of the existing dwelling that encroach almost fully into the minimum required 4.5 m side yard along Beach Avenue, there is minimal impact as these portions are of a modest one-storey height and there is a generous City boulevard of approximately 4.6 m which separates the existing dwelling from the street. Finally, all proposed new construction will conform to current zoning requirements.

The applicant has consulted with immediate neighbours regarding the proposal. To date, the application file manager has not been contacted with any inquiries or concerns regarding the overall proposal or variances (to legalize the existing non-conformities).

4.0 Proposal

4.1 Background

In February 2013, an earlier Heritage Alteration Permit (HAP) was submitted under HAP13-0001 for the subject property to undertake the following works:

- raise the existing single family dwelling on the subject site by 2 m;
- construct a basement on the existing footings; and
- legalize the existing non-conforming north side yard.

In March 2013, the Community Heritage Committee (CHC) recommended non-support for the proposed alterations, noting the resultant building would not be in keeping with the form and character of the Heritage Conservation Area. In May 2013, Council moved to not authorize HAP13-0001.

In June 2013, a Building Permit (BP) was issued under BP46519 to permit the crawl space of the existing dwelling to be lowered further into the ground, while maintaining the existing main floor elevation. In September 2013, a Stop Work Order was issued as the dwelling had subsequently been raised higher than the permitted existing main floor elevation, and pending submission and issuance of a new HAP application.

In December 2013, the subject HAP application was submitted under HAP13-0020 to address and remedy the non-permitted work previously undertaken onsite. At its January 16, 2013 meeting, the Community Heritage Committee (CHC) unanimously supported the proposed application (refer to the 'Application Chronology' section for the CHC motion).

4.2 Project Description

The subject HAP application was submitted in December 2013 under HAP13-0020 to address and remedy the non-permitted work previously undertaken onsite, which has raised the main floor elevation of the existing dwelling. The application also proposes floor area efficiencies and additions to the existing dwelling to enhance its livability over the long term.

Specifically, HAP13-0020 proposes the following substantive changes to the existing, one-storey single family dwelling onsite (see attached drawings):

- an addition to the front of the existing dwelling, to accommodate additional living space and an expanded front porch;
- the addition of two projections to the south side elevation of the existing dwelling;
- raising the main floor elevation 0.5 m above the existing elevation to facilitate the redevelopment of the existing crawl space; and
- raising the existing onsite grade around the perimeter of the dwelling by 0.46 m.

The proposed additions would add 28.2 m² of new floor area to the existing 90.2 m² dwelling, for a total floor area of 118.4 m². Other alterations include the removal and addition of windows, doors, and external stairs. The exterior stucco finish for the additions, as well as the new windows and doors, are proposed to match the existing dwelling.

The siting of the existing dwelling is non-conforming under current zoning regulations. The proposed alterations to the existing dwelling necessitate that the existing non-conformities be legalized. Consequently, the subject HAP application also seeks variances to legalize the following non-conformities for the existing dwelling:

- the north side yard setback of existing dwelling along Beach Avenue - portions of the existing dwelling are 0.5 m and 0.08 m from the north property line (see attached survey plan), where the existing zoning would otherwise require a minimum setback of 4.5 m; and
- the provision of one onsite parking space for the single family dwelling, where the existing zoning would otherwise require a minimum of two parking onsite parking spaces.

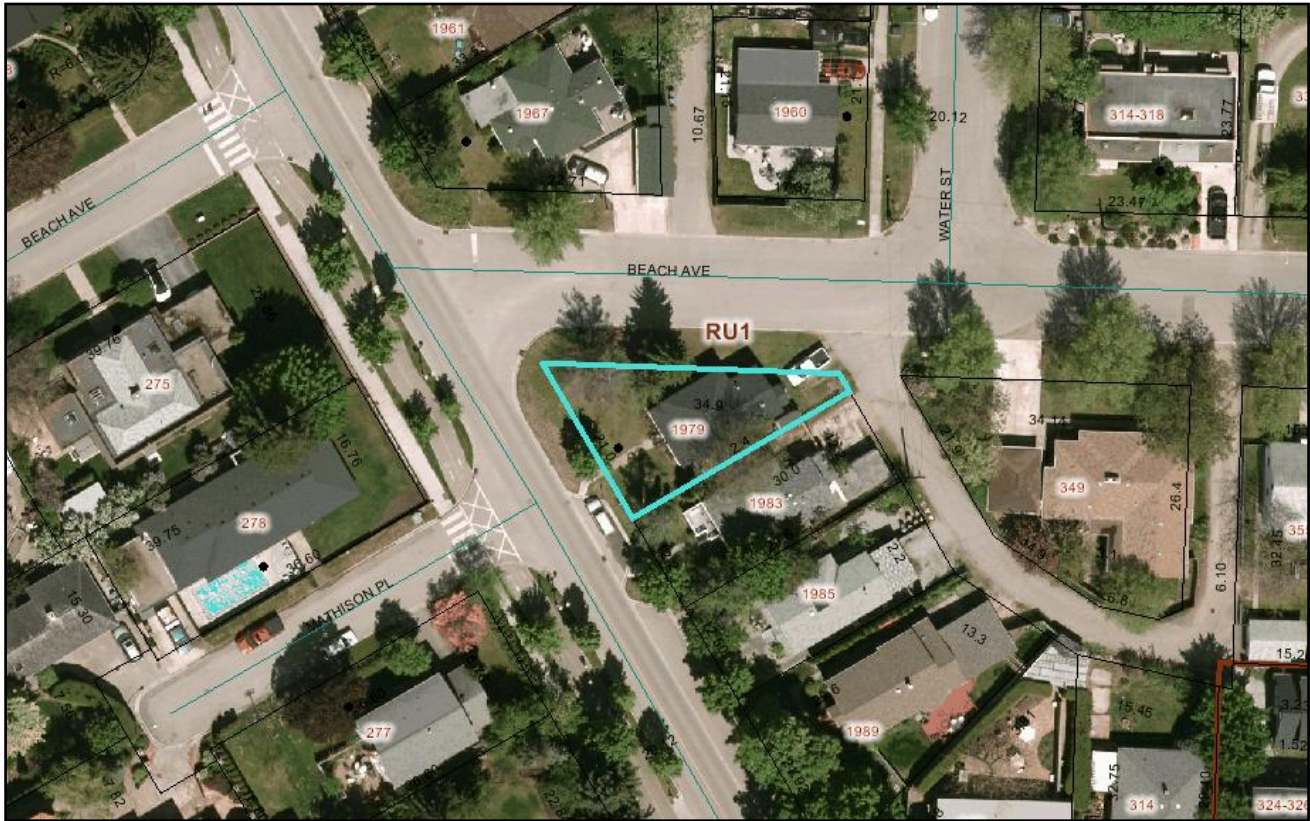
The proposed new additions and alterations to the existing dwelling conform to current zoning requirements, and no variances are being sought to accommodate the new construction.

Discrete portions of the soffit and eaves of the existing dwelling encroach within City boulevard along Beach Avenue by 0.05 m and 0.44 m (see attached survey plan). These encroachments do not pose any immediate concern for the City, and the owner has been notified that, in future, a License of Occupation may be needed or may need to be removed.

4.3 Site Context

The subject property fronts Abbott Street, at the southeast corner of Abbott Street and Beach Avenue, within the Abbott Street Heritage Conservation Area. The subject property is zoned RU1 - Large Lot Housing and designated as Single/Two Unit Residential in the Official Community Plan. The surrounding area is characterized by established, RU1 single family dwellings.

Subject Property Map: 1979 Abbott Street



4.4 Zoning Analysis Table

The proposed application meets the requirements of the RU1- Large Lot Housing zone as follows:

Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	550 m ²	348.9 m ²
Lot Width	16.5 m	Approx. 18 m
Lot Depth	30 m	Approx. 30 m
Site Coverage (Buildings)	40%	36 %
Site Coverage (Buildings & Parking)	50%	42 %

Zoning Analysis Table (cont.)		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Single Family Dwelling		
Height	9.5 m / 2½ storeys	5.08 m (from existing grade) / 1 storey 4.57 m (from proposed grade) / 1 storey
Front Yard	4.5 m (6.0 m to a garage)	4.6 m
Side Yard (north)	2.0 m (1 - 1½ storeys)	4.57 m (to new addition) 0.08 m (to exiting dwelling) ❶
Side Yard (south)	2.0 m (1 - 1½ storeys)	2.0 m
Rear Yard	7.5 m	9.63 m
Other Regulations		
Min. Parking Requirements	2 spaces	1 space ❷
❶ To vary minimum required north side yard for the existing dwelling from 4.5m required to 0.08 m provided. ❷ To vary minimum required parking for the existing dwelling from 2 spaces required to 1 space provided.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 9 - Heritage Policies

Objective 9.2 Identify and conserve heritage resources.

Policy 9.2.4 Conservation Areas. Development in the Abbott Street and Marshall Street Heritage Conservation Area outlined on Map 9.1 will be assessed using the Abbott Street and Marshall Street Heritage Conservation Area Guidelines in Chapter 16.

Chapter 16 - Heritage Conservation Area

Objectives:

- Maintain the residential and historical character of the Marshall Street and the Abbott Street Heritage Conservation Areas;
- Encourage new development, additions and renovations to existing development which are compatible with the form and character of the existing context;
- Ensure that change to buildings and streetscapes will be undertaken in ways which offer continuity of the 'sense-of-place' for neighbours, the broader community; and
- Provide historical interest for visitors through context sensitive development.

4.2 Heritage Conservation Area Development Guidelines

The subject property falls within the third civic phase which spans from the end of the Great Depression, about 1933, and continues through to the end of World War II, 1945. This period is noted for a declining interest in traditional styles in favour of smaller, less ornately detailed housing development. The dominate styles of this period are the Late Vernacular Cottage and the 'forward looking' Moderne architecture.

The dominant style for this block, including the subject site, is "Late Vernacular Cottage", characterized by the following aspects.

Late Vernacular Cottage Characteristics

- Less fanciful feel to the architecture
- Flush gable verges
- Stucco or horizontal siding
- Up to 2 storey massing
- Clustered vertical window sashes
- Asymmetrical facade design
- Flush front entrance
- Minor decorative detailing
- Gable roof forms
- Wood or interlocking asphalt shingle
- Side or rear yard parking



6.0 Technical Comments

6.1 Building & Permitting Department

A new building permit will be required and conformance to the current code will be determined at plan check stage.

6.2 Development Engineering Department

Refer to Development Engineering Memorandum, dated January 9, 2014.

6.3 Real Estate Department

The encroachments do not significantly impact the Boulevard, and therefore, are not of grave concern to the City. The owner has been notified that, in future, a License of Occupation for the encroachments may be required, or they may be required to be removed at owner cost,.

7.0 Application Chronology

Date of Application Received: December 18, 2014

Community Heritage Committee: January 16, 2014

The following recommendations were passed by the Community Heritage Committee:

THAT the Community Heritage Committee supports Heritage Alteration Permit Application No. HAP13-0020 for the property located at 1979 Abbott Street in order to permit additions to the main floor of the existing house and to raise the existing main floor elevation by 0.5 m to facilitate the reconstruction of the existing crawl space.

THAT the Community Heritage Committee supports Heritage Alteration Permit Application No. HAP13-0020 for the property located at 1979 Abbott Street to:

- a) vary the minimum required north side yard setback for the existing dwelling from 4.5 m required to 0.08 m proposed; and
- b) vary the minimum required parking for the existing dwelling from two (2) spaces required to one (1) space proposed.

Report prepared by:

Abigail Riley, Planner II, Urban Planning

Reviewed by: ☐ Ryan Smith, Manager, Urban Planning

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

Attachments:

Subject Property Map

Survey Plan of Existing Dwelling

Site Plan

Elevations Drawings

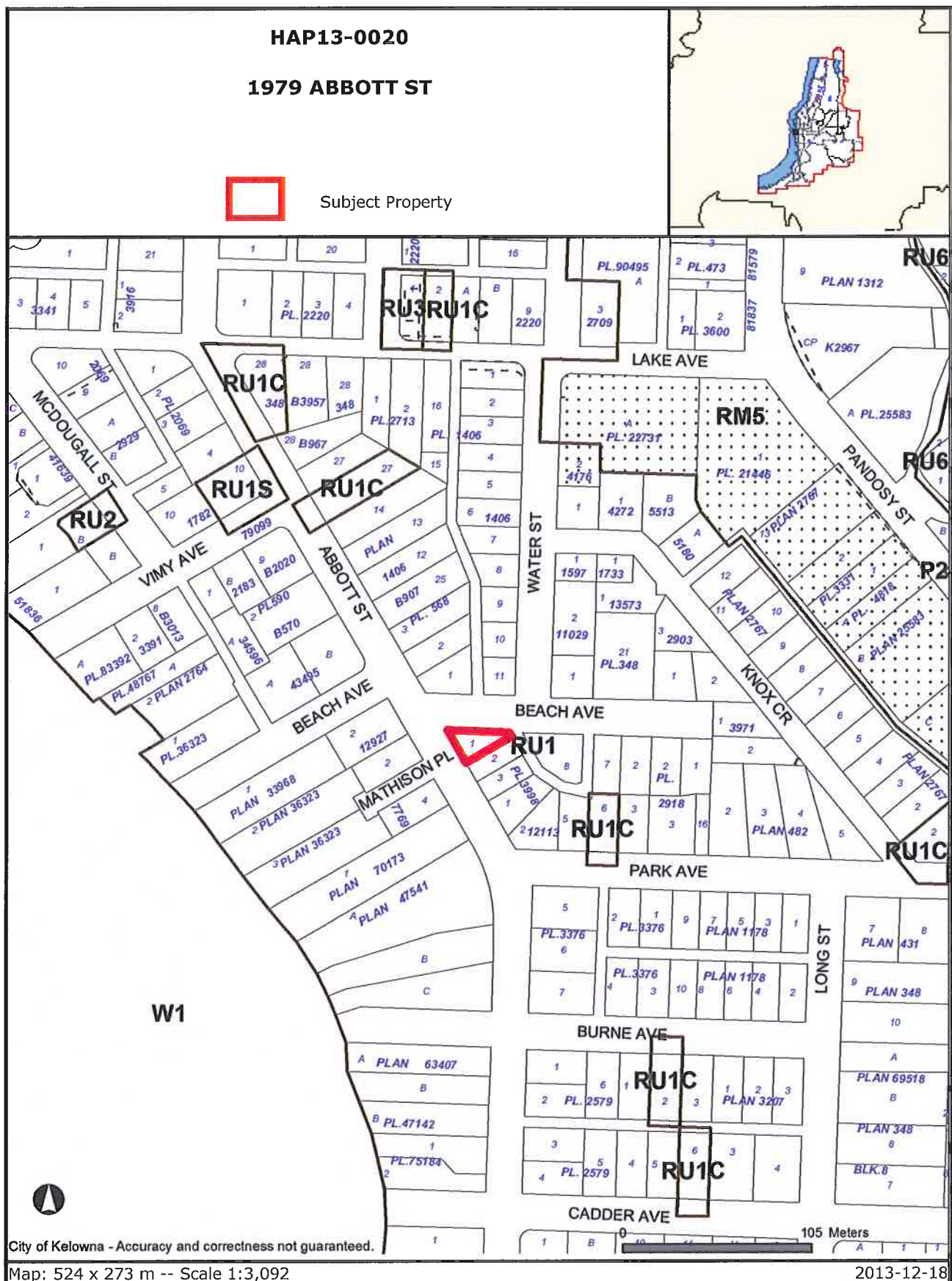
Floor Plans

Colour Board

Context/Site Photos

Development Engineering Memorandum, dated January 9, 2014

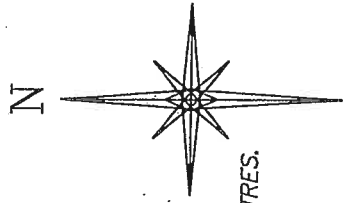
Draft Heritage Alteration Permit



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.

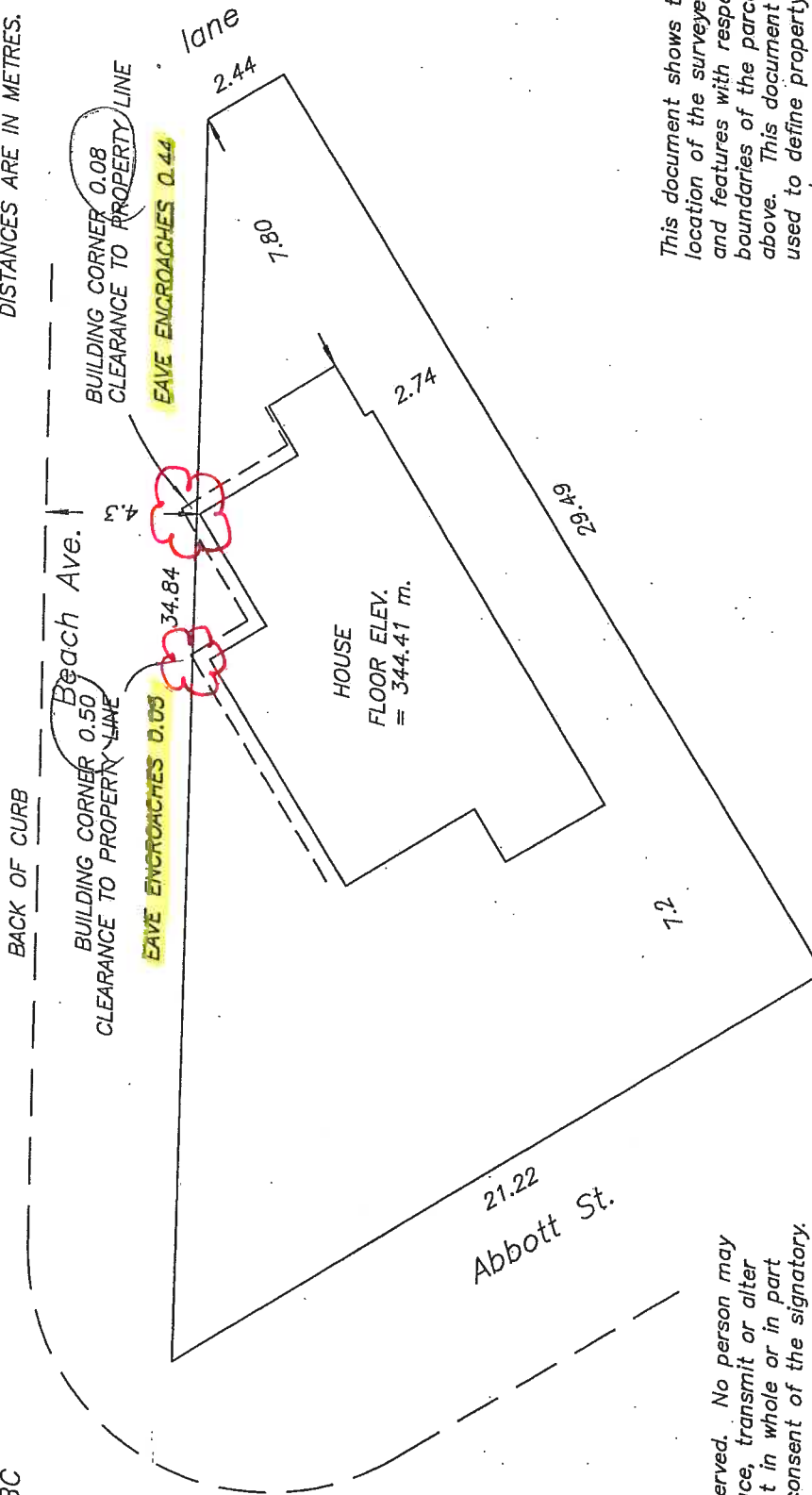
B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION OF BUILDING ON LOT 1 D.L. 14 O.D.Y.D. PLAN 3998

Civic Address:
1979 Abbott Street
Kelowna, BC



SCALE 1:200

DISTANCES ARE IN METRES.



All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or in part without the consent of the signatory.

(C) This document is not valid unless originally signed and sealed.

CERTIFIED CORRECT

this 27th day of November, 2012.

D.A. Goddard

D.A. Goddard BCLS

This plan was prepared for municipal purposes and is for the exclusive use of our client.

FILE 16096 FB 364

Wiltshire

This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners.

The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

D.A. Goddard Land Surveying Inc.
103-1358 St. Paul Street, Kelowna
Phone (250) 763-3733

Legal: ☐ Existing:

EAVES ETC. (MAX. 0.60m.)
 PROVIDED: EXIST. 0.05m. + 0.45m.
 H. ROOF ENCROACHMENTS AND NEW
 ROOF EAVES ARE X 0.10m. (SEE PLAN).
 SEC. 4 = MAX. EAVE HEIGHT 0.0m. b'7".
 SEC. 8 = PARKING (2) ONE STALL
 (2 STALLS REQUIRED.)

Note: New....Conforming/Existing...Non-Conforming.

SCHEDULE A

This forms part of development
Permit # HAF 13-0020.

Site/Landscape Plan.

Lot Area 348.9 Sq.M. REF: GODDARD; B.C.L.S. KEL 763-3733
FILE 16096 FB 364 3756 SF.

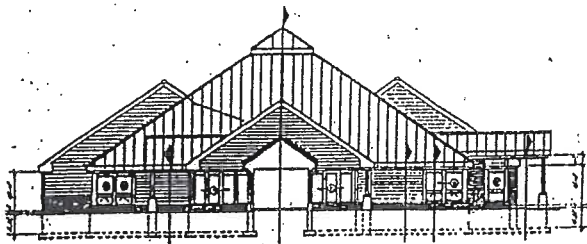
SCHEDULE B.
This forms part of development
Permit # H-913-0020.



SCHEMATIC ONLY. Ftg. & Fdn. Plan

$$\text{SCALE} = 1/4" = 0.1$$

Footings & Foundation Plan



Peter J. Chataway, B.Sc., B.Arch.

HOUSE PLANS AND DESIGN

368 Cadder Ave., Kelowna, B.C. V1Y 5N1

Office: (250) 763-1334

Home: 763-5367

E-mail: muncha@cnx.net

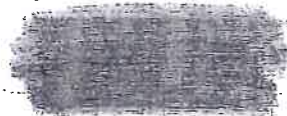
Colour Board

1979 Abbott Street

Roof :

ASPHALT SHINGLES - 1/2 TONE CHARCOAL

(To Match Existing)



Walls :

TROWELLED STUCCO - Mid-Tone Tan

(To Match Existing)



Trim :

Benj.Moore VC-35 Gloss Black



Sash :

Benj.Moore VC-4 Harris Cream



Other :

BASE: Cement Parging - Low Lustre Chacoal.



SCHEDULE B 2.

This forms part of development

Permit # H612-0020.



SOUTH.



NORTH.



1979 ABBOTT ST. - EXISTING CONDITION WEST
(FALL 2013)



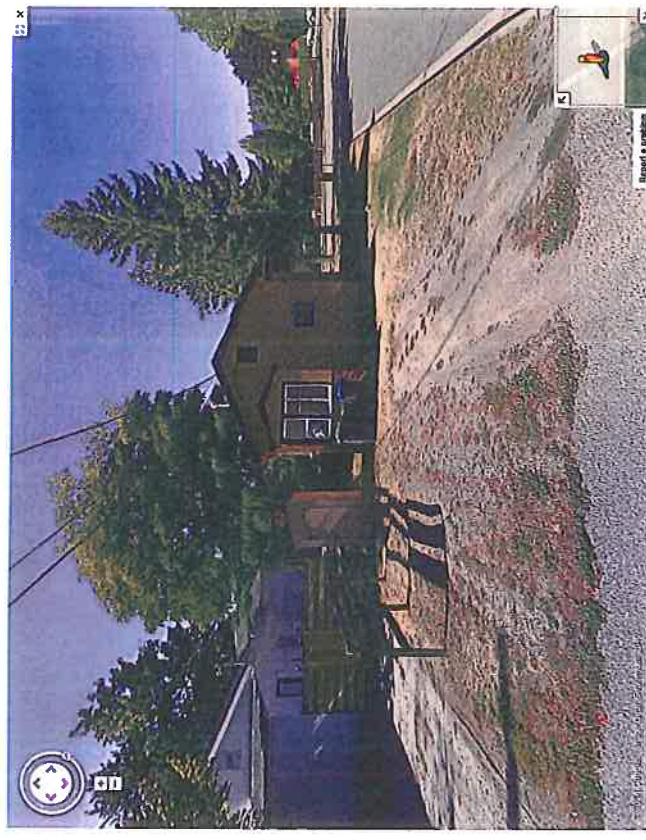
EAST.



E.



1979 Abbott St. - FRONT + NORTH SIDE



1979 Abbott St - REAR



1979 + 1983 Abbott St.



1985 + 1989 Abbott St.

CITY OF KELOWNA
MEMORANDUM

Date: January 9, 2014

File No.: HAP13-0020

To: Urban Planning (AR)

From: Development Engineering Manager

Subject: 1979 Abbott Street

Home Improvement

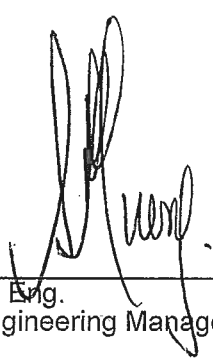
Development Engineering Services comments and requirements pertaining to this application are as follows:

General

The Heritage Alteration Permit application to add 303 square feet to the existing house of 971 square feet, will not compromise our servicing requirements. The building encroachments should either be removed or if necessary a license to occupy be registered with the City.

No municipal service upgrades will be triggered by this application.

It is the applicant's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost.



Steve Muenz, P. Eng.
Development Engineering Manager

SS

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Heritage Alteration Permit No.: HAP13-0020

EXISTING ZONING DESIGNATION: RU1 – Large Lot Housing

DEVELOPMENT VARIANCE PERMIT: To vary the minimum required side yard on a flanking street from 4.5 m required to 0.08 m proposed, and to vary the required parking for a single detached dwelling from 2 spaces required to 1 space proposed.

ISSUED TO: Edward & Marilyn Wiltshire (owners); Peter Chataway, dBA Fine Home Designs (applicant)

LOCATION OF SUBJECT SITE: 1979 Abbott Street, Kelowna, BC

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	1		14	26	ODYD	3998

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:

- a) The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";

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

Section 8.1.2 Off-street Vehicle Parking – Table 8.1 Parking Schedule

Vary the required parking for a single detached dwelling from 2 spaces required to 1 space proposed, as per Schedule 'A';

Section 13.1.6 (d) RU1 Zone – Development Regulations

Vary the required side yard setback on a flanking street from 4.5 m required to 0.08 m proposed, as per Schedule 'A'.

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.

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 Heritage Alteration 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.

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:

HERITAGE ALTERATION PERMIT AUTHORIZED BY THE COUNCIL ON THE ____ DAY OF _____, 2014.

ISSUED BY THE DIRECTOR COMMUNITY PLANNING & REAL ESTATE DEPARTMENT OF THE CITY OF KELOWNA THE
____ DAY OF _____, 2014 BY THE URBAN PLANNING MANAGER.

Doug Gilchrist, Divisional Director
Community Planning & Real Estate

5. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE ____ DAY OF _____, 2014.

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE ____ DAY OF _____,
2014 BY THE DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

Doug Gilchrist
Divisional Director of Community Planning & Real Estate