

**City of Kelowna
Regular Council Meeting
AGENDA**



Tuesday, July 30, 2013
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order
2. Prayer

A Prayer will be offered by Councillor DeHart.
3. Confirmation of Minutes 1 - 12

Public Hearing - July 16, 2013
Regular Meeting - July 16, 2013
4. Bylaws Considered at Public Hearing
 - 4.1 Bylaw No. 10864 (OCP13-0013) - 459 Groves Avenue and 437 & 442 Newsom Avenue, P218 Enterprises Ltd. 13 - 13

Requires a majority of all members of Council (5).
To give Bylaw No. 10864 second and third readings.
 - 4.2 Bylaw No. 10865 (Z13-0021) - 459 Groves Avenue and 437 & 442 Newsom Avenue, P218 Enterprises Ltd. 14 - 14

To give Bylaw No. 10865 second and third readings.
 - 4.3 Bylaw No. 10869 (OCP13-0009) - 434, 442 & 458 Royal Avenue, Interior Health Authority 15 - 15

Requires a majority of all members of Council (5).
To give Bylaw No. 10869 second and third readings.
 - 4.4 Bylaw No. 10870 (Z13-0015) - 434, 442 & 458 Royal Avenue, Interior Health Authority 16 - 16

To give Bylaw No. 10870 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. Development Permit and Development Variance Permit Reports

- 6.1 Development Variance Permit Application No. DVP13-0032 - 2273 Aberdeen Street, Valerie Spring 17 - 27

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 not authorizing a Development Variance Permit to allow off-street parking in the required front yard and to site two parking stalls with direct access to the fronting street (which otherwise would be required to have rear lane access) to facilitate a proposed home based business.

- 6.2 Development Permit Application No. DP13-0052 and Development Variance Permit Application No. DVP13-0094 - 2280 Baron Road, Victor Projects Ltd. 28 - 66

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 non-support for a Development Permit for the form and character of three new buildings at the existing Superstore site and the corresponding Development Variance Permit to vary the parking from 100 stalls permitted to 231 stalls proposed (231% variance).

- 6.3 Temporary Use Permit Application No. TUP13-0004 - 3050 Abbott Street, City of Kelowna 67 - 80

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

To consider a Temporary Use Permit application to facilitate a paddle centre on the subject site for a period of 3 years.

- 6.3.1 Licence of Occupation - 3050 Abbott Street, Kelowna Outrigger Racing Canoe Association 81 - 110

To provide a Licence of Occupation for the use of City property as a paddling centre.

7. Reminders

8. Termination



City of Kelowna Public Hearing Minutes

Date: Tuesday, July 16, 2013
Location: Council Chamber
City Hall, 1435 Water Street

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

Council Members Absent: Councillor Andre Blaneil

Staff Present: Acting City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Manager, Urban Planning, Danielle Noble; Council Recording Secretary, Sandi Horning

(* denotes partial attendance)

1. Call to Order

Mayor Gray called the Hearing to order at 6:01 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 July 2, 2013 and by being placed in the Kelowna Capital News issues of July 5, 2013 and July 9, 2013, and by sending out or otherwise delivering 486 letters to the owners and occupiers of surrounding properties between July 2, 2013 and July 5, 2013.

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

3. Individual Bylaw Submissions

3.1. Bylaw No. 10843 (OCP13-0006) & Bylaw No. 10844 (Z13-0007) - 3503 & 3505 Lakeshore Road, 602, 610, 620, 630 & 640 Swordy Road and 3510 Landie Road, Northern Lights Land Development Corporation

Staff:

- Summarized the application before Council;

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

Mayor Gray invited the Applicant, and anyone in the public gallery who deemed themselves affected by the proposed application to come forward, followed by comments from Council. The Applicant was present, but did not have anything further to add to staff's comments.

Gallery:

Matt Brisco, 925 Morrison Avenue

- In favour of the Official Community Plan amendment and rezoning.
- Likes all aspects of the proposal and believes that the development will fit very nicely into the neighbourhood.
- Believes that there is ample parking for the residents and any visitors.

There were no further comments.

3.2. Bylaw No. 10860 (OCP13-0010) & Bylaw No. 10861 (Z13-0018), Various Addresses on Central Avenue, Richter Street and Cambridge Avenue, Provincial Housing Corporation

Staff:

- Summarized the application before Council.

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

o Letter of Support:

- Ross G. Gilley, President, Rotary Club of Kelowna, PO Box 24076, Kelowna, BC

Mayor Gray invited the Applicant, and anyone in the public gallery who deemed themselves affected by the proposed application to come forward, followed by comments from Council.

Bryce Tupper, Manager, Planning Services, Norr Architects Planners, Applicant's Representative

- Introduced Danna Locke from BC Housing and Juliet Anderton from Juliet Anderton Consulting Inc.

Danna Locke, Director, Regional Development, Development Services, BC Housing

- Provided background information regarding the subject project.
- Responded to questions from Council.
- Advised that all 50 of the existing residents will be offered relocation and will be offered a right of first refusal when the units are completed. All of the costs will be covered during the transition period and the rental costs will be guaranteed.

Bryce Tupper, Manager, Planning Services, Norr Architects Planners, Applicant's Representative

- Displayed slides of the proposed site.
- Reviewed the Planning & Redevelopment Principles for the site.
- Explained the sustainable aspect of the project.
- Responded to questions from Council.

Juliet Anderton, Juliet Anderton Consulting Inc.

- Summarized the public engagement process that was followed with respect to the subject application.

Acting City Manager:

- Responded to questions from Council regarding the parcel of land that is not currently part of the project and confirmed that the project has been designed to work around the parcel.

Gallery:

Catherine Comben, President, Pleasantvale Homes Society

- Circulated a pamphlet to Council with respect to the project.
- Provided an overview of the history of the site.
- Supportive of the redevelopment.
- Submitted her speaking notes.

Michael Hanson, 645 Central Avenue

- Expressed a concern with parking in the area and how the increase in density will affect the parking.
- Expressed a concern that the project does not meet the form and character of the surrounding area.
- Believes that the project will obstruct his view of Knox Mountain.
- Expressed a concern that the project is at odds with various policies in the Official Community Plan, particularly Policies 5.39, 5.5 and 14.15.
- Opposed to the Official Community Plan amendment and rezoning.
- Expressed a concern that there was no environmental impact study conducted.
- Submitted his speaking notes.

Saskia Makela, 641 Broadway Avenue

- Advised that she has been involved in all of the public input sessions that were offered.
- Not concerned with the density and height, but expressed a concern with the proposed parking.
- Encouraged by the sustainable aspect of the proposal, but is disappointed with the form and character.
- Expressed a concern with the market housing component of the development.

Bryce Tupper, Manager, Planning Services, Norr Architects Planners, Applicant's Representative

- Advised that a lot of Mr. Hanson's comments were incorporated into the urban design elements of the project.
- Believes that there will be a net increase to the parking provided for the development. Currently less than half of the residents own or operate a vehicle. There will actually be more on-site parking under the proposal than there currently is now.
- Provided the rationale for the townhouse units on the site.
- Advised that BC Housing would be willing to work with the neighbourhood should the market housing component not develop in a timely manner.
- Advised that the affordable apartment building is the first priority and BC Housing is currently seeking an operator to manage the supportive housing and market housing component.
- Advised that BC Housing is not in the business of developing market housing, and therefore will be marketing that component to developer.

There were no further comments.

3.3. Bylaw No. 10862 (Z11-0051) - 2641 Longhill Road, Richard & Walter Denman

Staff:

- Summarized the application before Council.

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

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

4. Termination

The Hearing was declared terminated at 7:05 p.m.

Mayor

/slh



City Clerk

DRAFT



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, July 16, 2013
Location: Council Chamber
City Hall, 1435 Water Street

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

Council Members Absent: Councillor Andre Blankeil

Staff Present: Acting City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Manager, Urban Planning, Danielle Noble; Planner, Greg Sauer*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. Call to Order

Mayor Gray called the meeting to order at 7:05 p.m.

2. Prayer

A Prayer was offered by Councillor Singh.

3. Confirmation of Minutes

Moved By: Councillor Basran/Seconded By: Councillor Zimmermann

R503/13/07/16 THAT the Minutes of the Public Hearing and Regular Meeting of June 18, 2013 be confirmed as circulated;

AND THAT the Minutes of the Public Hearing and Regular Meeting of July 2, 2013 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

- 4.1. Bylaw No. 10843 (OCP13-0006) - 3510 Landie Road and 3505 Lakeshore Road, Northern Lights Land Development Corporation**

Moved By: Councillor DeHart/Seconded By: Councillor Zimmermann

R504/13/07/16 THAT Bylaw No. 10843 be amended at first reading by deleting the words "RU6 - Two Dwelling Housing zone" and replacing it with the words "RU1 - Large Lot Housing zone";

AND THAT Bylaw No. 10843 be read a second and third time.

Carried

- 4.2. Bylaw No. 10844 (Z13-0007) - 3503 & 3505 Lakeshore Road, 602, 620, 630 & 640 Swordy Road and 3510 Landie Road, Northern Lights Land Development Corporation**

Moved By: Councillor DeHart/Seconded By: Councillor Zimmermann

R505/13/07/16 THAT Bylaw No. 10844 be read a second and third time.

Carried

- 4.3. Bylaw No. 10860 (OCP13-0010) - Various Addresses on Central Avenue, Richter Street and Cambridge Avenue, Provincial Rental Housing Corporation**

Moved By: Councillor Given/Seconded By: Councillor Stack

R506/13/07/16 THAT Bylaw No. 10860 be read a second and third time.

Carried

- 4.4. Bylaw No. 10861 (Z13-0018) - Various Addresses on Central Avenue, Richter Street and Cambridge Avenue**

Moved By: Councillor Singh/Seconded By: Councillor Basran

R507/13/07/16 THAT Bylaw No. 10861 be read a second and third time.

Carried

- 4.5. Bylaw No. 10862 (Z11-0051) - 2641 Longhill Road, Richard & Walter Denman**

Moved By: Councillor Hobson/Seconded By: Councillor Singh

R508/13/07/16 THAT Bylaw No. 10862 be read a second and third time.

Carried

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of the Liquor License Application was advertised by being posted on the Notice Board at City Hall on July 2, 2013 and by being placed in the Kelowna Capital News issues on July 5, 2013 and July 9, 2013 and by sending out or otherwise delivering 365 letters to the owners and occupiers of the surrounding properties between July 2, 2013 and July 5, 2013.

The City Clerk advised that Notice of Council's consideration of the Temporary Use Permit Applications was given by sending out or otherwise delivering 426 letters to the owners and occupiers of the surrounding properties between July 2, 2013 and July 5, 2013.

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

6. Liquor License Application Reports

6.1. Liquor License Application No. LL13-0007 - 4870 Chute Lake Road, Stephen Cipes (Summerhill Estate Winery)

Councillor DeHart declared a conflict of interest as she works in the hotel/motel industry and is in direct competition with the Applicant with respect to wedding receptions and other such events and left the meeting at 7:19 p.m.

Staff:

- Summarized the application before Council.

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

- **Letters of Support:**
 - Lambert Schmaltz, 4870B Chute Lake Road
 - Levente Fodor, 4833 Lakeshore Road, carriage house
 - Susanne Zimmermann, 4849 Lakeshore Road
 - Vreni and Bernard Morel, 457 Avery Road
- **Letter of Concern:**
 - Ria York, 4869 Lakeshore Road
- **Letters of Opposition:**
 - Patrick Keeney and Angela Dereume, 497 Okaview Road
 - Paul Havens, 4877 Lakeshore Road
 - Harvey and Shirley Hubscher, 466 Okaview Road

Mayor Gray invited the Applicant, and anyone in the public gallery who deemed themselves affected by the proposed application to come forward, followed by comments from Council.

Stephen & Ezra Cipes, Summerhill Estate Winery, Applicant

- Advised that this is the end of a 4 year process with respect to changing the liquor license for Summerhill Estate Winery.
- Confirmed that the business is not changing, just how they do business. Summerhill currently holds weddings and other events through Special Occasion Liquor Licenses. With this License, Summerhill will be able to control these events better.
- Agreed that in the past they did not engage their neighbours that well in the process, however there are now policies in place to manage traffic, smoking areas and noise concerns.

- Confirmed that there is a clause in Summerhill's contracts that the DJ's are personally liable if there is a noise complaint. Since that clause was incorporated into Summerhill's contracts, they have not had a noise complaint.
- Advised that they have been working with their abutting neighbours to mediate any of their concerns or complaints.
- Believes that the developments in the Kettle Valley Area would impact traffic in the area more than the types of events Summerhill hosts.
- Believes that this License will help Summerhill operate and manage wedding and other events better.
- Explained the process for dealing with events.
- Responded to questions from Council.

Gallery:

Ron Heinz, 4817 Lakeshore Road

- Summarized the history of the noise complaints in the area.
- Advised that Ezra Cipes has been very responsive to any noise concerns.
- Expressed a concern that he does not completely understand the Liquor License and how Summerhill will operate.
- Expressed a concern regarding what would happen should the winery be sold to another operator.
- Understands the need for going forward with this liquor license, but has a concern with the consequences should 'things go wrong'. Does not want Summerhill to turn into a 'nightclub'.
- Responded to questions from Council.

City Clerk:

- Advised that the City has jurisdiction with respect to issues such as a business license, zoning and land use.
- Confirmed that the Liquor Control Branch issues the actual Liquor License.
- Spoke to the Bylaw Complaint process.

Ria York, 4869 Lakeshore Road

- Confirmed that she submitted a letter summarizing her experiences over the past few years with Summerhill.
- Expressed a concern that she does not understand what the Liquor License Application means.
- Advised that no one has attended her property to speak to her about this liquor license.
- Expressed a concern with the proposed change to the Liquor License.

Stephen & Ezra Cipes, Summerhill Estate Winery, Applicant

- Believes that they have addressed every concern Mr. Heinz brought forward.
- Responded to Ms. York's concerns and advised that they are willing to meet with Ms. York to address the concerns raised in her correspondence to Council.
- Confirmed that the hours of operation will remain the same.

Erin Urquart, Events & Catering Coordinator, Summerhill Estate Winery

- Summarized Summerhill's policy with respect to liquor license events.
- Advised that the Liquor License being sought will simplify Summerhill's events business.

There were no further comments.

Moved By: Councillor Basran/Seconded By: Councillor Zimmermann

R509/13/07/16 THAT Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

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: 4870 Chute Lake Road, Kelowna BC, (legally described as Lot 1, Sections 24 and 25, Township 28, SDYD, Plan KAP78562) for a patron participation Liquor License endorsement, are as follows:

- a) **The potential for noise if the application is approved:**
There will be an increase in noise associated with the application due to live music and DJ's playing associated with the weddings, conferences and private parties. The owner has built a sound barrier wall and enclosed the "Banquet Room" area to help mitigate the increase in noise.
- b) **The impact on the community if the application is approved:**
The potential for negative impacts is 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 517 seats with operating hours of 9:00am to 12:00 midnight 7 days a week.
- e) **Traffic and parking:**
There is no increase in traffic or parking associated with this application, no additional space or seating is being added as part of the application. Therefore the parking and traffic situation should remain unchanged.
- f) **The proximity of the establishment to other social or recreational facilities and public buildings:**
Surrounding social or recreational facilities would not conflict with the proposed establishment. However, given the rural location and proximity to other residences there is a history of bylaw complaints predominantly related to noise.
- g) **Recommendation:**
Council recommends that the application for a patron participation Liquor License endorsement be approved, excluding the patio, for a total of 402 person capacity.

Carried

7. Development Permit and Development Variance Permit Reports

7.1. Temporary Use Permit Application No. TUP12-0002, Extension - 4493 Stewart Road East, Becky & Andrew Habib and Sally Bloomfield (CrocTalk)

Councillor DeHart rejoined the meeting at 8:07 p.m.

Staff:

- Summarized the application before Council.
- Advised that as a result of further discussions with the land owner, staff are recommending that condition (e) be removed from the Temporary Use Permit conditions.
- Responded to questions from Council.
- Confirmed that the 'temporary zoo permit' expires on June 30, 2014 and this extension coincides with that permit.

City Clerk:

- Provided comment regarding any extension of the Temporary Use Permit and confirmed that the land owner, not the Applicant, would have to agree to a longer extension term.

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

Mayor Gray invited the Applicant, and anyone in the public gallery who deemed themselves affected by the proposed application to come forward, followed by comments from Council.

Doug Illman & Brenda Bruce, CrocTalk, Applicant

- Confirmed that the zoo permit is temporary and that the extension to the Temporary Use Permit is required due to new Provincial Regulations that came into effect on April 1, 2010.
- A Temporary Zoo Permit is required due to the type of animals that are managed by CrocTalk and explained the process for a Temporary Zoo Permit.
- Confirmed that this Temporary Use Permit is a direct-result of the new Provincial Rules & Regulations and that CrocTalk requires the extension in order to move forward with any relocation.
- Confirmed that the Temporary Zoo Permit expires on June 30, 2014 and advised that if CrocTalk is not in a permanent location by that date, CrocTalk will have to be disbanded
- Responded to questions from Council.

There were no further comments.

Moved By: Councillor Hobson/Seconded By: Councillor Singh

R510/13/07/16 THAT Council authorizes the extension of Temporary Use Permit No. TUP12-0002 to allow an "Exotic Animal Rescue/Conservation Facility" on Lot 182, Section 33, Township 29, ODYD, Plan 1247, located at 4493 Stewart Road East, Kelowna BC, as shown on Map "A" attached to the Report of the Land Use Management Department dated June 10, 2013, subject to the following conditions:

- a) No expansion of the existing facility (or any additional buildings/structures) or parking is permitted during the term of the Temporary Use Permit;
- b) The Temporary Use Permit will expire on June 30, 2014;
- c) That on-site disposal of water, waste and other related activities be in accordance with Best Management Practices of both the Ministry of Environment and the Interior Health Authority;
- d) Remediation of the site following expiration of the Temporary Use Permit to a viable agricultural standard;
- e) (Removed); and
- f) General requirements for obtaining a Business License are to be met.

Carried

7.2. Temporary Use Permit Application No. TUP13-0001 - 2045 Begbie Road & 990 Glenmore Road, Michael & Latisha Dawson

Staff:

- Summarized the application before Council and responded to questions from Council.
- Clarified the Agricultural Land Commission's position with respect to the business being operated on the lands and the non-farm use.

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

- o **Letter of Opposition:**
 - J.P. Squire, 2163 Galiano Road, Kelowna, BC

Mayor Gray invited the Applicant, and anyone in the public gallery who deemed themselves affected by the proposed application to come forward, followed by comments from Council.

Sean Dawson, 3242 Hall Road, Applicant

- Advised that he is the owner of 990 Glenmore Road and Advanced Powerlines.
- Advanced Powerlines employs approximately 20 people and provided the history of the business operation.
- Confirmed that he has been actively searching for industrial lands within the City in which to relocate the business operation to.
- Advised that he has spoken with his neighbours and they are happy with the remediation that have taken place on the site.
- Advised that the mobile home on the site is currently rented and the rental income is being used to support the upgrades to the site.
- Advised that the tenant of the mobile home assists with the safety and security of the site. He believes that the assistance provided by the tenant does support the farm-business use of the property.
- Responded to questions from Council.

Staff:

- Responded to questions from Council regarding the mobile home and tenancy on the subject property.
- Explained the outcome of the previous non-farm use application with respect to the subject property. The Agricultural Land Commission did not grant approval for a non-farm use of the mobile home as the mobile home has to be occupied by a family member or farm help.

Acting City Manager:

- Responded to questions from Council regarding the mobile home and tenancy on the subject property.

City Clerk:

- Advised that Council can set its own definition of 'farm help' by way of a Bylaw.

There were no further comments.

Moved By: Councillor Stack/Seconded By: Councillor Basran

R511/13/07/16 THAT Council authorizes the issuance of Temporary Use Permit No. TUP13-0001 to allow the continued operation of Advanced Powerlines (a Contractor Services General use) on a portion of Lot 16, Block 4, Section 9, Township 23, ODYD, Plan 896, Except Plans KAP64694 and KAP85916, located at 2045 Begbie Road, Kelowna, BC as shown on Map "A" attached to the Report of the Land Use Management Department dated June 10, 2013, subject to the following conditions:

- a) The Temporary Use Permit will expire on February 4, 2014;
- b) Issuance of a Business License for Advanced Powerlines at the subject property; and
- c) The applicant be required to bring the residential uses (i.e. Mobile Home) into compliance with ALC and City regulations.

Carried

7.3. Temporary Use Permit Application No. TUP13-0002 - 278 Leon Avenue and 1620 & 1630 Water Street, Kelowna Motors Holdings Limited

Staff:

- Summarized the application before Council.

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

Mayor Gray invited the Applicant, and anyone in the public gallery who deemed themselves affected by the proposed application to come forward, followed by comments from Council.

Gary August, Kelowna Motors Holdings Limited

- Thanks City staff for being very supportive of the Temporary Use Permit.
- Believes that the temporary use permit is better than leaving the property vacant.
- Responded to questions from Council.

There were no further comments.

Moved By: Councillor Hobson/Seconded By: Councillor DeHart

R512/13/07/16 THAT Council authorizes the issuance of Temporary Use Permit No. TUP13-0002 to allow the "Automotive and Equipment Repair Shop" use for North ½ Lot 1 & 2, Block 10, District Lot 139, ODYD, Plan 462, and South ½ lot 1 & 2, Block 10, District Lot 139, ODYD Plan 462, and Lot 3 Block 10, District Lot 139, ODYD Plan 462, located on 1620 & 1630 Water Street and 278 Leon Avenue, Kelowna, BC as shown on Map "A" attached to the Report of the Land Use Management Department dated June 13, 2013 for a maximum of a three (3) year period commencing from the date of Council consideration.

Carried

8. Reminders - Nil.

9. Termination

The meeting was declared terminated at 9:14 p.m.

Mayor

/slh



City Clerk

CITY OF KELOWNA

BYLAW NO. 10864

Official Community Plan Amendment No. OCP13-0013 - P 218 Enterprises Ltd., Inc. No. 0852875 459 Groves Avenue and 437 & 442 Newsom 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 14, District Lot 14, ODYD, Plan 3856, except Plan KAP90797, located at 459 Groves Avenue, Kelowna, B.C.; Lot 11, Block 2, District Lot 14, ODYD, Plan 4743, except Plan KAP90797, located at 437 Newsom Avenue, Kelowna, BC; and Lot 19, District Lot 14, ODYD, Plan 3856, except Plan KAP90797, located at 442 Newsom Avenue, Kelowna, BC from the MRM - Multiple Unit Residential (Medium Density) designation to the MXR - Mixed Use (Residential/Commercial) 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

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. 10865
Z13-0021 - P 218 Enterprises Ltd., Inc. No. 0852875
459 Groves Avenue and 437 & 442 Newsom 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 14, District Lot 14, ODYD, Plan 3856, except Plan KAP90797, located at 459 Groves Avenue, Kelowna, B.C.; Lot 11, Block 2, District Lot 14, ODYD, Plan 4743, except Plan KAP90797, located at 437 Newsom Avenue, Kelowna, B.C.; Lot 19, District Lot 14, ODYD, Plan 3856, except Plan KAP90797, located at 442 Newsom Avenue, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the C4 - Urban Centre Commercial 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

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. 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

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. 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

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

REPORT TO COUNCIL



Date: June 11th, 2013

RIM No. 0940-50

To: City Manager

From: Land Use Management, Community Sustainability (PMc)

Application: DVP13-0032

Owner: Valerie Diane Spring

Address: 2273 Aberdeen Street

Applicant: Valerie Diane Spring

Subject: Development Variance Permit

Existing OCP Designation: Multiple Unit Residential (low density)

Existing Zone: RU6 - Two Dwelling Housing

1.0 Recommendation

THAT Council NOT authorize the issuance of Development Variance Permit No. DVP13-0032, for Strata Lot 1, DL 136, O.D.Y.D., Strata Plan KAS3174 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V, located on 2273 Aberdeen Street, Kelowna, BC;

2.0 Purpose

To consider not authorizing a Development Variance Permit to allow off-street parking in the required front yard and to site two parking stalls with direct access to the fronting street (which otherwise would be required to have rear lane access) to facilitate a proposed home based business.

3.0 Land Use Management

This proposal seeks to make changes to the existing parcel to accommodate a home based business for a nail salon. Generally, Staff are supportive to sensitively integrate home based businesses that encourage live/work opportunities. However, there are concerns regarding the proposed location of required parking in the front yard of the subject property. The site development has reached the maximum allowable development potential in terms of site coverage and does not have sufficient area to provide for an additional parking stall adjacent to the lane for the home based business. The applicant is proposing to locate the parking for the home based business in the front yard with direct access from Aberdeen Street.

While the applicant has canvassed the neighbourhood to garner written support for parking in the front yard, this would establish a precedent that is at cross-purposes of neighborhood parking management. As proposed, the front lawn area would be removed and gravel would be placed down for the parking stall(s). As the property is zoned RU6 - Two Dwelling Housing zone, two

dwelling units are permitted on the property and allowing parking in both the rear and the front areas of the lot defeats the purpose of the lane access to direct traffic and parking for this street block. The technical review by the Development Engineering Branch has established that the dimensions on the site plan are not accurate, and the size of the proposed parking stalls for the front yard do not meet the minimum stall area requirements. Furthermore, given the established lane for this block, enforcing parking and traffic movements off the lane ensure that pedestrian conflicts along the street frontage are minimized. For both the functional aspects of how the property would operate in addition to the established precedence, Staff are non-supportive of the proposed variances.

4.0 Proposal

4.1 Background

The site was developed with a new semi-detached dwelling in 2006. At the same time, there was also a building permit issued to authorize construction of an accessory building in the rear yard to provide a two stall garage for each dwelling unit, along with a loft area located above the garage. The site development met the maximum site coverage provisions of the RU6 - Two Dwelling Housing zone.

4.2 Project Description

The owner has made application for a business license for a home based business in April 2012. At that time, it was discovered that she would not be able to provide the required parking for the proposed home based business to comply with the provisions of the Zoning Bylaw.

Accordingly, the applicant has been investigating possible layouts to provide additional parking for the home based business. She had observed that there were other locations on Aberdeen Street where the front yard was used for vehicle parking. As a possible solution, the applicant has proposed to provide parking in the front yard with direct access off of Aberdeen Street. The proposed parking stalls would also be located adjacent to the walkway that provides pedestrian access to the dwelling and to the proposed home based business.

4.3 Site Context

The subject property is located within a character neighbourhood Development Permit Area, located north of Rose Avenue.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 - Two Dwelling Housing	Single Unit Dwelling
East	RU6 - Two Dwelling Housing	Single Unit Dwelling
South	RU6 - Two Dwelling Housing	Single Unit Dwelling
West	RU6 - Two Dwelling Housing	Single Unit Dwelling

Subject Property Map:

2273 - 2275 Aberdeen St.



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Compact Urban Form.¹ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns.

Economic Development Policies:

Sustainable Prosperity: Assign priority to supporting the retention, enhancement and expansion of existing businesses and post secondary institutions and the attraction of new businesses and investment identified as bringing sustainable prosperity to Kelowna².

6.0 Technical Comments

6.1 Development Engineering Department

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

This development variance permit application to vary the off street parking is not supported by Development Engineering Branch. The following comments are based on the site plan provided;

- the maximum driveway width of 6.0m while the site plan indicates 6.5m
- the clear parking length should be 6.0m while the site plan indicates 5.5m.

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

² City of Kelowna Official Community Plan, Objective 8.1, Chapter 8

- no off street parking shall be located in the required front yard without a garage or carport.

6.2 Fire Department

No comment

7.0 Application Chronology

Date of Application Received: February 26, 2013

8.0 Alternate Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0032, for Strata Lot 1, DL 136, O.D.Y.D., Strata Plan KAS3174, located on 2273 Aberdeen Street, Kelowna, BC;

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

Section 8.1.9(b): Off-Street Vehicle Parking - Location

To allow off-street parking to be located within the required front yard setback, as per Schedule "A";

Section 13.6.7(f): Other Regulation

To allow a development which has access to a rear lane to have vehicular access to parking from the fronting street.

Report prepared by:

Paul McVey, Land Use Planner

Reviewed by:



Danielle Noble, Urban Land Use Manager

Approved for Inclusion:



Doug Gilchrist, Division Director of Community Planning & Real Estate

Attachments:

Subject Property Map
Site Plan (Schedule "A")



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.

BP 31946

2273 Aberdeen St

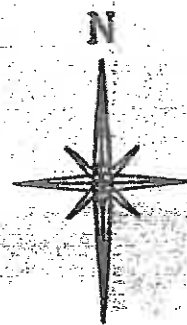
HS

B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION OF BUILDING ON LOT A PLAN KAP8322 DL 136 O.D.YD.

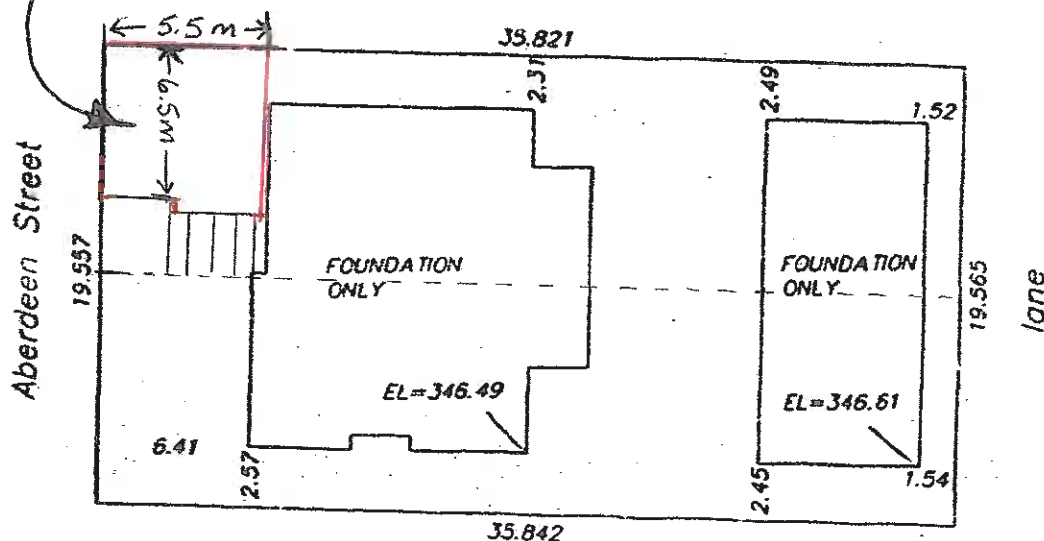
SCALE 1:300

DISTANCES ARE IN METRES

AUG 04 2006

CITY OF KELLOWNA
Inspection Stamp

Home
based
business
parking



SCHEDULE "A"

©

THIS DOCUMENT IS NOT VALID UNLESS
ORIGINALLY SIGNED AND SEALED.

CERTIFIED CORRECT

this 2nd day of August, 2006.

D.A. Goddard

D.A. Goddard BCLS

FILE 13728 FB 305

RE: D. PARKER

THIS PLAN IS FOR MORTGAGE OR
MUNICIPAL PURPOSES ONLY AND IS
NOT TO BE USED TO DEFINE THE
BOUNDARIES OF THIS LOT.

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

22

OCT 4/06 BP 31946 = 2273-2275 Aberdeen St



Val Spring residence

2273 Aberdeen Street

February 2013

Neighbour's that are in agreement with changing the front lawn area into parking spaces.

2267 Aberdeen St	Bayley
2284 Aberdeen St.	Nut Khoury
2264 A Berdoen St	Jan C. H.
2288 ABERDEEN ST.	Alta J. Shannon
2275 ABERDEEN ST	
2282 Aberdeen	Lee Clark
2263 Aberdeen St	S. Kalabaka
2287 Aberdeen St	H. Trely

February 21, 2013

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

To whom it may concern,

In April of 2012 I purchased a half of a duplex at 2273 Aberdeen Street, only to find out that I was not able to have a home based business license permit due to not having one (1) off street parking space as needed. I am applying to have the Bylaws: 8.1.19 (b) and 13.6.7 (f) varied.

I am a professionally licensed Nail Technician. My business is myself and one (1) client at a time. For over twenty five (25) years now I lived with a serious chronic health condition and many additional health challenges which have limited me to where I am able to work, what type of work I am able to do and other limitations. I have found that the only way I have been able take care of my needs, be well enough and earn enough income, is through working from home. I have fought an up hill battle to be able to work a sufficient amount in order to earn enough income to be self supporting. Therefore it is imperative for my health, well being and cost of living to not have additional overhead costs of working away from home and the stress of working conditions.

I have two (2) parking spaces in my garage which is accessed from the rear lane and ample parking in front of my home. However, in order to obtain a home based business license, I am requesting that I be able to remove some or all of my front lawn area in order to secure the one (1) additional off street parking that is required in order to be licensed to operate my Nail Services business from my home. I have more than the required amount of space needed in order to do this according to requirements. I have explained this to all of my adjacent and adjoining neighbours and ALL have said, "Yes! No problem" and I have a list of their signatures giving their okay.

Thank you in advance for your consideration with this matter.

Sincerely,



Valerie Diane Spring

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP13-0032

EXISTING ZONING DESIGNATION: RU6 - Two Dwelling Housing
WITHIN DEVELOPMENT PERMIT AREA: Multi Family Development Permit Area

ISSUED TO: Valerie Diane Spring
LOCATION OF SUBJECT SITE: 2273 Aberdeen Street

	LOT	D.L.	STRATA PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	1	136	KAS3174 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V			ODYD

SCOPE OF APPROVAL

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

1. TERMS AND CONDITIONS:

THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0032, for Strata Lot 1, DL 136, O.D.Y.D., Strata Plan KAS3174 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V, located on 2273 Aberdeen Street, Kelowna, BC;

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

Section 8.1.9(b): Off-Street Vehicle Parking - Location

To allow off-street parking to be located within the required front yard setback, as per Schedule "A";

Section 13.6.7(f): Other Regulation

To allow a development which has access to a rear lane to have vehicular access to parking from the fronting street.

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. PERFORMANCE SECURITY:

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$ N/A.
- (b) A Certified Cheque in the amount of \$ N/A.
- (c) An Irrevocable Letter of Credit in the amount of \$ N/A.

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

4. DEVELOPMENT:

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

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

THIS Permit IS NOT A BUILDING Permit.

5. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Director of Land Use Management.

Should there be any change in ownership or legal description of the property, I undertake to notify the Land Use Management Department immediately to avoid any unnecessary delay in processing the application.

I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

5. APPROVALS:

ISSUED BY THE LAND USE MANAGEMENT DEPARTMENT OF THE CITY OF KELOWNA THE ____ DAY OF ____, 2013, BY THE DIRECTOR OF LAND USE MANAGEMENT.

Doug Gilchrist, Director
Community Planning & Real Estate Division

REPORT TO COUNCIL



Date: June 21st, 2013

RIM No. 0940-50

To: City Manager

From: Land Use Management, Community Sustainability (AW)

Application: DP13-0052 / DVP13-0094 **Owner:** Victor Projects Ltd., Inc. No. 593426

Address: 2280 Baron Road **Applicant:** Mallen Gowing Berzins Architecture Inc.

Subject: Development Permit & Development Variance Permit

Existing OCP Designation: Mixed Use (Residential / Commercial)

Existing Zone: C4 - Urban Centre Commercial

1.0 Recommendation

THAT Council NOT authorize the issuance of Development Permit No. DP13-0052 for Lot 6, D.L. 126, ODYD, Plan KAP59534, located at 2280 Baron Road.

AND THAT Council NOT authorize the issuance of Development Variance Permit No. DVP13-0094 for Lot 6, D.L. 126, ODYD, Plan KAP59534, located at 2280 Baron Road.

2.0 Purpose

To consider non-support for a Development Permit for the form and character of three new buildings at the existing Superstore site and the corresponding Development Variance Permit to vary the parking from 100 stalls permitted to 231 stalls proposed (231% variance).

3.0 Land Use Management

The subject property is located within the Midtown Urban Centre on a large commercial property currently occupied by the Superstore. The property is designated Mixed Use - Residential / Commercial with the vision that redevelopment efforts would help to further urbanize and add a mix of commercial and residential units to the urban centre. Staff recognize that this is an infill project that was always anticipated for development and that the existing conditions are not conducive to a completely urban form of development, however there are concerns with aspects of the project. Staff worked with the applicant in an attempt to orient the new buildings to face both Underhill Street and Baron Road. While the proposed Keg (Building 3) is a unique response and will help to animate the Underhill / Hwy 97 intersection, Buildings 1 & 2 are oriented inwards without any real streetscape presence. The OCP's Revitalization Design Guidelines focus on orienting buildings to the street which would have been a much more appropriate response helping to animate the street, improve the pedestrian realm and create a more vibrant urban centre.

Staff also have concerns with the extent of the proposed parking variance. It is acknowledged that the Superstore is an existing condition that cannot be significantly improved at present, and that the applicant is responding to market demands for a particular retail sector, however Staff would have preferred a more urban form of development. The Zoning Bylaw would allow 80 stalls split between the three buildings with 125% of that count set as a maximum in support of Transportation Demand Measures. The proposed variance is 2.31 (231%) times the 100 stall maximum expected of the project. Staff recognize that the Midtown urban centre is only in the early stages of becoming an urban node and for this reason would be willing to work with the applicant to integrate a various parking / transportation measures but providing 2.31 times the permitted parking is a significant variance.

In summary, infill on this site is a positive addition to this urban centre location and the applicant has made improvements to the pedestrian linkages and landscaping around Buildings 1 & 2. However on balance, the lack of street animation and excessive parking do not meet the guidelines and expectations of an urban centre that is intended to provide a destination shopping experience. The appropriate redevelopment of this property is an important objective and will establish precedence for how key sites such as this will infill.

4.0 Proposal

4.1 Project Description

The project features three different buildings being added to undeveloped portions of the Superstore site. One building will occupy the northwest corner closest to Highway 97 and Underhill Road, the other two buildings will occupy the S/W corner at Baron & Underhill. Site access points will be maintained with the Underhill access near the gas station and the Baron access will be maintained between Buildings 1 & 2. The new buildings are all single storey structures with slightly undulated rooflines to help break up the long frontages. The elevations and materials were designed to relate back to the existing Superstore with a modernist and industrial expression clad in corrugated metal in primary colours mixed with grey. Buildings 1 & 2 feature grey brick, coloured metal panels, coloured stucco and some exposed concrete. Building 3 consists of polished stucco, metal panel and exposed concrete largely in grey and charcoal colours. Building 3 has been well design and features a patio surrounded by a decorative fence of copper aluminium fins. Drought tolerant trees, shrubs and ornamental grasses have been selected to provide and existing plant materials will be retained, where feasible, to minimize the impact of new development. A 3.0m landscape buffer will be provided around the perimeter of the property. Each retail unit will have signage oriented towards the parking lot with street oriented signage on the building corners. A Development Variance Permit has been proposed in order to provide more parking than permitted in the Zoning Bylaw, 231 stalls are provided where a maximum of 100 stalls are permitted. The applicant has indicated that the bike parking requirements have been satisfied but the exact location of these needs to be confirmed.

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

Zoning Analysis Table		
CRITERIA	C4 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Floor Area Ratio	1.0	0.3
Height	15.0m / 4 Storeys	8.9m / 1 Storey
Front Yard	0.0m	3.0m
Side Yard (south)	0.0m	3.0m

Side Yard (north)	0.0m	3.0m
Rear Yard	0.0m	3.0m
Site Coverage	75%	30%
Other Regulations		
Minimum Parking Requirements (New Buildings Only)	80 Stalls 80 x 125% = 100 permitted	231 stalls ¹
Bicycle Parking	Class I: 10 spaces Class II: 24 spaces	Class I: 10 spaces Class II: 24 spaces
Loading Space	3 stalls	3 stalls
¹ Vary parking from 100 stalls permitted to 231 proposed		

4.2 Site Context

Subject Property Map:



The subject property is located in the Midtown Urban Centre and is home to the existing Superstore. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C4 - Urban Centre Commercial	Commercial
East	A1 - Agriculture 1	Vacant
South	C4 - Urban Centre Commercial	Vacant

West	RM5 - Medium Density Multiple Housing C3 & C4	Residential Commercial
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5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

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

Objective 5.8 Achieve high quality urban design.

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

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

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

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

5.2.1 Urban Design Development Permit Areas (Chapter 14) - Revitalization Design Guidelines

Objectives

- Use appropriate architectural features and detailing of buildings and landscapes to define area character;
- Convey a strong sense of authenticity through high quality urban design that is distinctive of Kelowna;
- Enhance the urban centre's main street character in a manner consistent with the area's character;
- Provide for a scale and massing of buildings that promotes an enjoyable living, pedestrian, working, shopping and service experience;
- Encourage an appropriate mix of uses and housing types and sizes;
- Design and facilitate beautiful public open spaces that encourage year-round enjoyment;
- Create open, architecturally-pleasing and accessible building facades to the street; and
- Improve existing streets and sidewalks to promote alternative transportation.

Guidelines

Relationship to the Street (Objective 2.0)

- Ensure streetwall height is proportional (0.75:1 maximum) to the width of the street as measured from building face to building face. Any development that exceeds this height must utilize a podium and step back above the streetwall;
- Provide for public movement, street furniture, and building access zones to be incorporated into sidewalks adjacent to development;
- Design buildings to occupy 100% of a property's frontage along streets, eliminating elements that disrupt the streetwall such as off-street parking, dead spaces, empty lots, or driveways;
- Coordinate building setbacks with adjacent sidewalks to increase the space for public use (i.e., utilize a building setback or building indentation as a patio space or seating area, incorporate corner rounding into the public realm with specialized paving treatment and street furniture);
- Provide a high quality public realm consistent with the character of urban development (i.e. incorporate focal points/plazas, pedestrian pathways, parks and open space, enhanced streetscapes, and landscaping).

6.0 Technical Comments

6.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s) for new construction
- Size and location of all signage to be clearly defined as part of the development permit
- Full Plan check for Building Code related issues will be done at time of Building Permit applications

6.2 Development Engineering Department

DP

- The proposed building does not compromise any Municipal Infrastructure or services.
- All the services to the proposed building are to be extended from the on-site mains. No additional services to the property will be permitted for this development.

DVP

- The requested variance to provide additional parking spaces over the Bylaw requirements does not compromise any Municipal services.
- This application does not trigger any offsite upgrades, the property is fully serviced and the frontages are urbanized to level consistent with the zone of the property.

6.3 Fire Department

Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw #7900. The Subdivision Bylaw requires a minimum of 150ltr/sec flow. The main access road to the front entrance Super Store has been changed with the addition of the new building 1. The fire route to the Super Store requires 6M clear access and the corners are to be a 12M center line radius as per 3.2.5.6 of the BCBC. Additional comments will be required at the Building permit application.

7.0 Application Chronology

Date of Application Received: June 12th, 2013

8.0 Alternate Recommendation

THAT Council authorize the issuance of Development Permit No. DP13-0052 for Lot 6, D.L. 126, ODYD, Plan KAP59534, located at 2280 Baron Road, Kelowna B.C., subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND THAT the applicant be required to complete the above-noted condition No. 4 within 180 days of Council approval of the Development Permit application in order for the permit to be issued.

AND THAT Council authorize the issuance of Development Variance Permit No. DVP13-0094 for Lot 6, D.L. 126, ODYD, Plan KAP59534, located at 2280 Baron Road, Kelowna, B.C.;

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

Table 8.1 - Parking Schedule

Vary parking from 100 stalls permitted to 231 proposed as shown on Schedule A.

Report prepared by:

Alec Warrender, Land Use Planner

Reviewed by:

☐

Danielle Noble, Manager, Urban Land Use

Approved for Inclusion

☐

Doug Gilchrist, GM, Community Planning & Real Estate

Attachments:

Subject Property Map

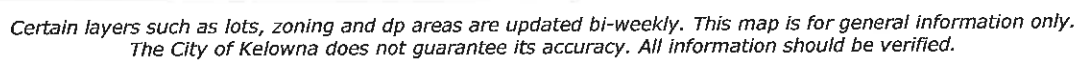
Sit Plan

Elevations & Renderings

Landscape Plan

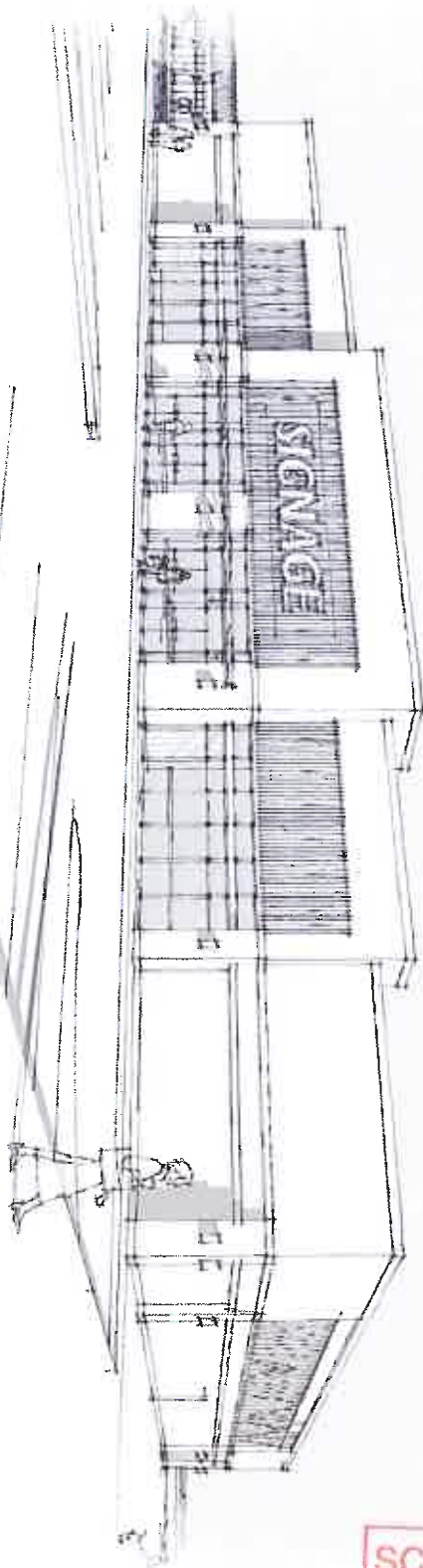
Development Engineering Requirements

Applicant's Letter of Rationale



BARON CENTRE

2280 BARON ROAD, KELOWNA, B.C.



SCHEDULE A

This forms part of development

Permit # DP13-0052 / DVPB-0094

ISSUED FOR DEVELOPMENT VARIANCE PERMIT: June 11, 2013

MALLEN-COWING-BERZINS
ARCHITECTURE INCORPORATED

ARCHITECTURAL DRAWINGS	GENL. DRAWINGS	LANDSCAPE DRAWINGS
DP-01 SITE PLAN	1200S-01 BUILDING 3	11 LANDSCAPE PLAN
DP-02 FLOOR PLAN & ADJACENT DIAGRAM	1200S-02 BUILDING 2	12 LANDSCAPE SHrub PLAN
DP-03 BUILDING 2 ELEVATIONS	1200S-03 BUILDING 1	13 LANDSCAPE SHrub PLAN
DP-04 BUILDING 1 ELEVATIONS		14 LANDSCAPE SHrub PLAN
DP-05 BUILDING 2 ELEVATIONS		15 LANDSCAPE SHrub PLAN
DP-06 BUILDING 1 ELEVATIONS		16 LANDSCAPE SHrub PLAN
DP-07 BUILDING 2 ELEVATIONS		17 LANDSCAPE SHrub PLAN
DP-08 BUILDING 1 ELEVATIONS		18 LANDSCAPE SHrub PLAN
DP-09 BUILDING 2 ELEVATIONS		19 LANDSCAPE SHrub PLAN
DP-10 BUILDING 1 ELEVATIONS		20 LANDSCAPE SHrub PLAN
DP-11 BUILDING 2 ELEVATIONS		21 LANDSCAPE SHrub PLAN
DP-12 BUILDING 1 ELEVATIONS		22 LANDSCAPE SHrub PLAN
DP-13 BUILDING 2 ELEVATIONS		23 LANDSCAPE SHrub PLAN
DP-14 BUILDING 1 ELEVATIONS		24 LANDSCAPE SHrub PLAN
DP-15 BUILDING 2 ELEVATIONS		25 LANDSCAPE SHrub PLAN
DP-16 BUILDING 1 ELEVATIONS		26 LANDSCAPE SHrub PLAN
DP-17 BUILDING 2 ELEVATIONS		27 LANDSCAPE SHrub PLAN
DP-18 BUILDING 1 ELEVATIONS		28 LANDSCAPE SHrub PLAN
DP-19 BUILDING 2 ELEVATIONS		29 LANDSCAPE SHrub PLAN
DP-20 BUILDING 1 ELEVATIONS		30 LANDSCAPE SHrub PLAN
DP-21 BUILDING 2 ELEVATIONS		31 LANDSCAPE SHrub PLAN
DP-22 BUILDING 1 ELEVATIONS		32 LANDSCAPE SHrub PLAN
DP-23 BUILDING 2 ELEVATIONS		33 LANDSCAPE SHrub PLAN
DP-24 BUILDING 1 ELEVATIONS		34 LANDSCAPE SHrub PLAN
DP-25 BUILDING 2 ELEVATIONS		35 LANDSCAPE SHrub PLAN
DP-26 BUILDING 1 ELEVATIONS		36 LANDSCAPE SHrub PLAN
DP-27 BUILDING 2 ELEVATIONS		37 LANDSCAPE SHrub PLAN
DP-28 BUILDING 1 ELEVATIONS		38 LANDSCAPE SHrub PLAN
DP-29 BUILDING 2 ELEVATIONS		39 LANDSCAPE SHrub PLAN
DP-30 BUILDING 1 ELEVATIONS		40 LANDSCAPE SHrub PLAN
DP-31 BUILDING 2 ELEVATIONS		41 LANDSCAPE SHrub PLAN
DP-32 BUILDING 1 ELEVATIONS		42 LANDSCAPE SHrub PLAN
DP-33 BUILDING 2 ELEVATIONS		43 LANDSCAPE SHrub PLAN
DP-34 BUILDING 1 ELEVATIONS		44 LANDSCAPE SHrub PLAN
DP-35 BUILDING 2 ELEVATIONS		45 LANDSCAPE SHrub PLAN
DP-36 BUILDING 1 ELEVATIONS		46 LANDSCAPE SHrub PLAN
DP-37 BUILDING 2 ELEVATIONS		47 LANDSCAPE SHrub PLAN
DP-38 BUILDING 1 ELEVATIONS		48 LANDSCAPE SHrub PLAN
DP-39 BUILDING 2 ELEVATIONS		49 LANDSCAPE SHrub PLAN
DP-40 BUILDING 1 ELEVATIONS		50 LANDSCAPE SHrub PLAN
DP-41 BUILDING 2 ELEVATIONS		51 LANDSCAPE SHrub PLAN
DP-42 BUILDING 1 ELEVATIONS		52 LANDSCAPE SHrub PLAN
DP-43 BUILDING 2 ELEVATIONS		53 LANDSCAPE SHrub PLAN
DP-44 BUILDING 1 ELEVATIONS		54 LANDSCAPE SHrub PLAN
DP-45 BUILDING 2 ELEVATIONS		55 LANDSCAPE SHrub PLAN
DP-46 BUILDING 1 ELEVATIONS		56 LANDSCAPE SHrub PLAN
DP-47 BUILDING 2 ELEVATIONS		57 LANDSCAPE SHrub PLAN
DP-48 BUILDING 1 ELEVATIONS		58 LANDSCAPE SHrub PLAN
DP-49 BUILDING 2 ELEVATIONS		59 LANDSCAPE SHrub PLAN
DP-50 BUILDING 1 ELEVATIONS		60 LANDSCAPE SHrub PLAN
DP-51 BUILDING 2 ELEVATIONS		61 LANDSCAPE SHrub PLAN
DP-52 BUILDING 1 ELEVATIONS		62 LANDSCAPE SHrub PLAN
DP-53 BUILDING 2 ELEVATIONS		63 LANDSCAPE SHrub PLAN
DP-54 BUILDING 1 ELEVATIONS		64 LANDSCAPE SHrub PLAN
DP-55 BUILDING 2 ELEVATIONS		65 LANDSCAPE SHrub PLAN
DP-56 BUILDING 1 ELEVATIONS		66 LANDSCAPE SHrub PLAN
DP-57 BUILDING 2 ELEVATIONS		67 LANDSCAPE SHrub PLAN
DP-58 BUILDING 1 ELEVATIONS		68 LANDSCAPE SHrub PLAN
DP-59 BUILDING 2 ELEVATIONS		69 LANDSCAPE SHrub PLAN
DP-60 BUILDING 1 ELEVATIONS		70 LANDSCAPE SHrub PLAN
DP-61 BUILDING 2 ELEVATIONS		71 LANDSCAPE SHrub PLAN
DP-62 BUILDING 1 ELEVATIONS		72 LANDSCAPE SHrub PLAN
DP-63 BUILDING 2 ELEVATIONS		73 LANDSCAPE SHrub PLAN
DP-64 BUILDING 1 ELEVATIONS		74 LANDSCAPE SHrub PLAN
DP-65 BUILDING 2 ELEVATIONS		75 LANDSCAPE SHrub PLAN
DP-66 BUILDING 1 ELEVATIONS		76 LANDSCAPE SHrub PLAN
DP-67 BUILDING 2 ELEVATIONS		77 LANDSCAPE SHrub PLAN
DP-68 BUILDING 1 ELEVATIONS		78 LANDSCAPE SHrub PLAN
DP-69 BUILDING 2 ELEVATIONS		79 LANDSCAPE SHrub PLAN
DP-70 BUILDING 1 ELEVATIONS		80 LANDSCAPE SHrub PLAN
DP-71 BUILDING 2 ELEVATIONS		81 LANDSCAPE SHrub PLAN
DP-72 BUILDING 1 ELEVATIONS		82 LANDSCAPE SHrub PLAN
DP-73 BUILDING 2 ELEVATIONS		83 LANDSCAPE SHrub PLAN
DP-74 BUILDING 1 ELEVATIONS		84 LANDSCAPE SHrub PLAN
DP-75 BUILDING 2 ELEVATIONS		85 LANDSCAPE SHrub PLAN
DP-76 BUILDING 1 ELEVATIONS		86 LANDSCAPE SHrub PLAN
DP-77 BUILDING 2 ELEVATIONS		87 LANDSCAPE SHrub PLAN
DP-78 BUILDING 1 ELEVATIONS		88 LANDSCAPE SHrub PLAN
DP-79 BUILDING 2 ELEVATIONS		89 LANDSCAPE SHrub PLAN
DP-80 BUILDING 1 ELEVATIONS		90 LANDSCAPE SHrub PLAN
DP-81 BUILDING 2 ELEVATIONS		91 LANDSCAPE SHrub PLAN
DP-82 BUILDING 1 ELEVATIONS		92 LANDSCAPE SHrub PLAN
DP-83 BUILDING 2 ELEVATIONS		93 LANDSCAPE SHrub PLAN
DP-84 BUILDING 1 ELEVATIONS		94 LANDSCAPE SHrub PLAN
DP-85 BUILDING 2 ELEVATIONS		95 LANDSCAPE SHrub PLAN
DP-86 BUILDING 1 ELEVATIONS		96 LANDSCAPE SHrub PLAN
DP-87 BUILDING 2 ELEVATIONS		97 LANDSCAPE SHrub PLAN
DP-88 BUILDING 1 ELEVATIONS		98 LANDSCAPE SHrub PLAN
DP-89 BUILDING 2 ELEVATIONS		99 LANDSCAPE SHrub PLAN
DP-90 BUILDING 1 ELEVATIONS		100 LANDSCAPE SHrub PLAN



GENERAL SITE INFORMATION

Site Address: 2280 Beaver Road, Kelowna
 British Columbia, Canada
 Legal Description: Lot 8 Plan 55524 P.O. 02347/5524
 Current Zoning: C4 - Urban Centre Commercial
 Official Site Area: 58,859 sq.m. 595,059 sq.ft.

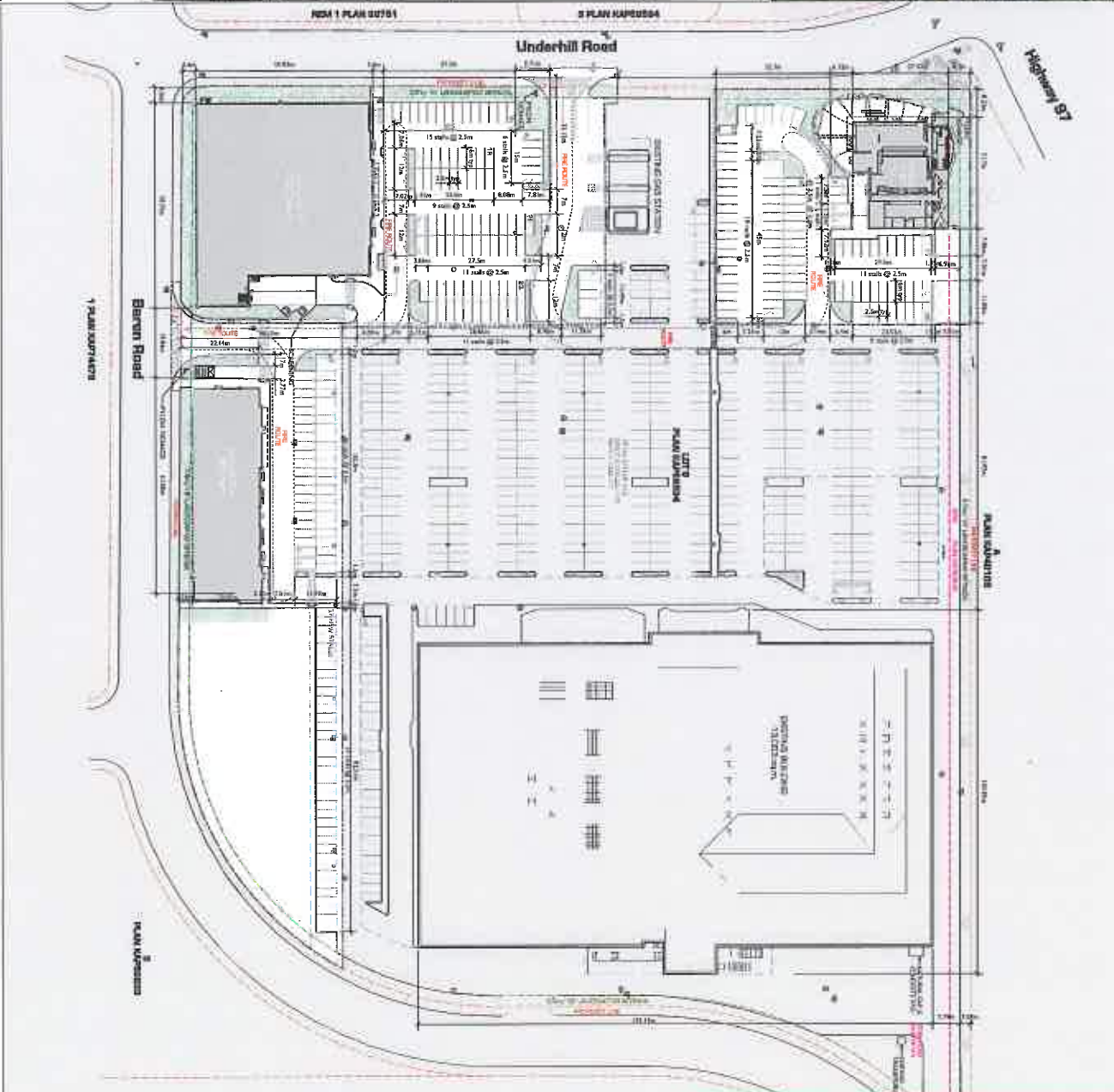
SITE ANALYSIS
 2280 Beaver Road, Kelowna
 Available Site Coverage: 30%
 Proposed Site Coverage: 75%
 Building Footprint: 1,169 sq.m. 12,500 sq.ft.
 Building 1: 2,507 sq.m. 26,800 sq.ft.
 Building 2: 740 sq.m. 7,963 sq.ft.
 Total New Construction: 4,247 sq.m. 45,763 sq.ft.
 Existing Building: 13,003 sq.m. 139,987 sq.ft.
 Total Building Area: 17,254 sq.m. 185,750 sq.ft.

EXISTING INFRASTRUCTURE
 (17.2 acres per acre 100 sq.m. 247)
 New Construction:
 Building 1: 1,169 sq.m. 12,500 sq.ft.
 Building 2: 740 sq.m. 7,963 sq.ft.
 Total Building Area: 1,909 sq.m. 20,463 sq.ft.
 Building 1: 1,169 sq.m. 12,500 sq.ft.
 Building 2: 740 sq.m. 7,963 sq.ft.
 Total Building Area: 1,909 sq.m. 20,463 sq.ft.

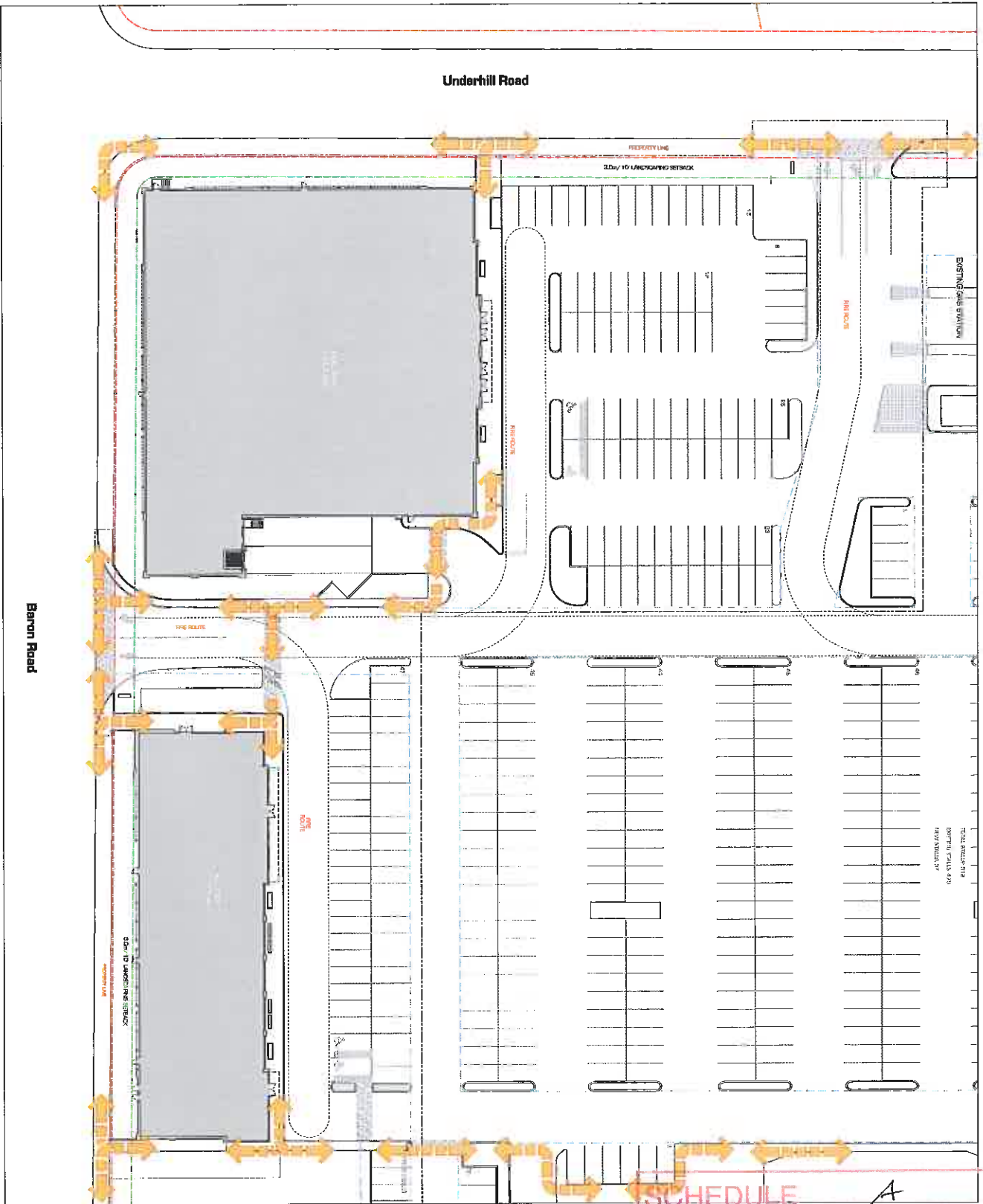
PERMITTED RATIO
 Building 1: 1,169 sq.m. 12,500 sq.ft.
 Building 2: 740 sq.m. 7,963 sq.ft.
 Total Building Area: 1,909 sq.m. 20,463 sq.ft.

PERMITTED RATIO
 Building 1: 1,169 sq.m. 12,500 sq.ft.
 Building 2: 740 sq.m. 7,963 sq.ft.
 Total Building Area: 1,909 sq.m. 20,463 sq.ft.

PERMITTED RATIO
 Building 1: 1,169 sq.m. 12,500 sq.ft.
 Building 2: 740 sq.m. 7,963 sq.ft.
 Total Building Area: 1,909 sq.m. 20,463 sq.ft.

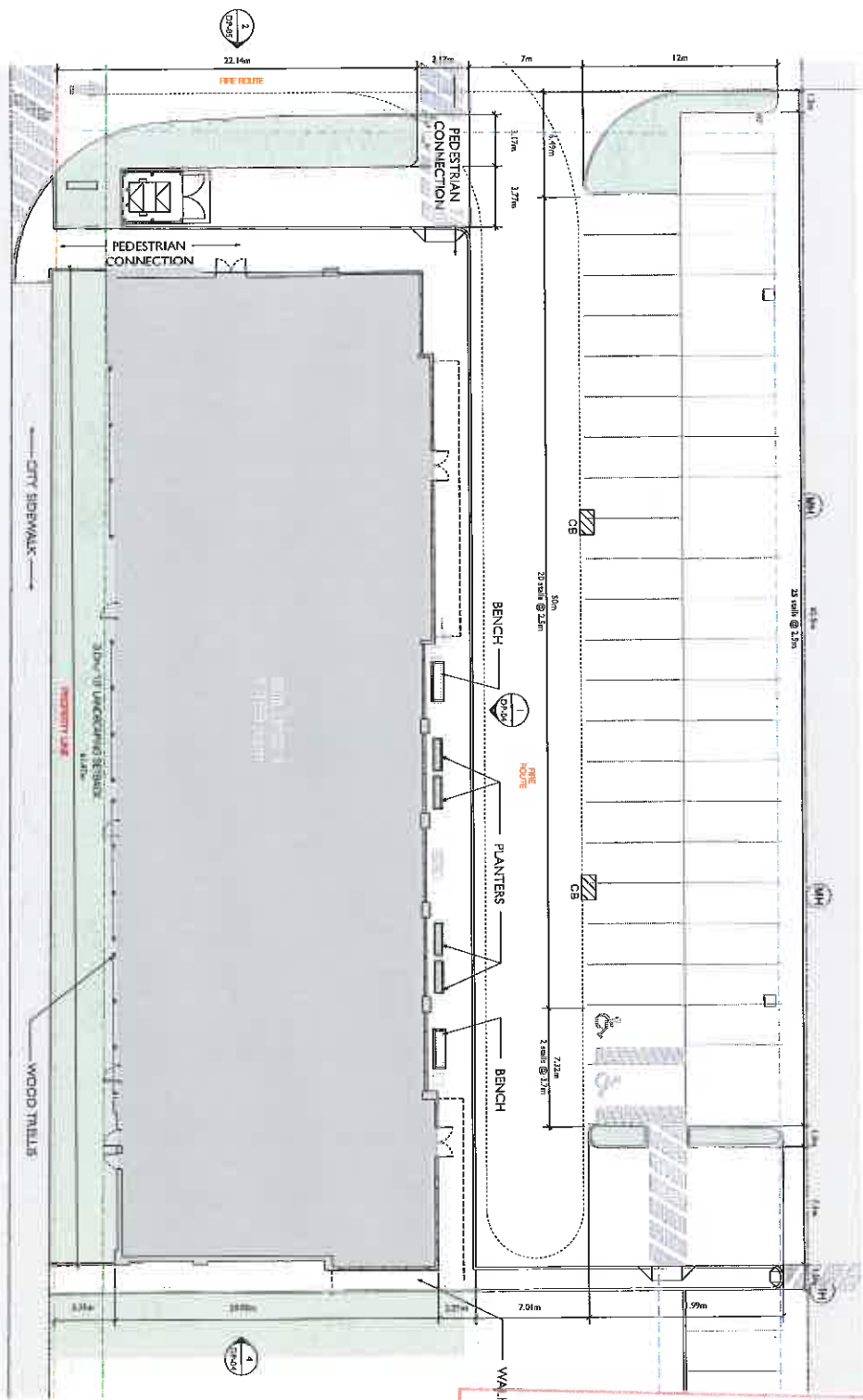


SCHEDULE A
 This forms part of development
 Permit # DP13-0052 / DUP13-0094



SCHEDULE A
 This forms part of development
 Permit # DPB-0052 / DVPB-0094

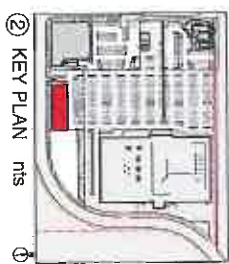
PROJ. TITLE KEDRONA DEVELOPMENT 2880 Baron Road Kelowna, B.C.	
PROJ. NO. 1800	
PROJ. DATE 1/27/2018	
PROJ. SCALE 1/8" = 1'-0"	
PROJ. SHEET DPB-01a	
PROJ. TOTAL SHEETS 3	
PROJ. DESCRIPTION PERMIT ROUTE & MOVEMENT DIAGRAM	
PROJ. PREPARED BY MALLEN COWING BERZINS ARCHITECTURE INCORPORATED	
PROJ. CHECKED BY MALLEN COWING BERZINS ARCHITECTURE INCORPORATED	
PROJ. APPROVED BY MALLEN COWING BERZINS ARCHITECTURE INCORPORATED	
PROJ. DATE 1/27/2018	
PROJ. SCALE 1/8" = 1'-0"	
PROJ. SHEET DPB-01a	
PROJ. TOTAL SHEETS 3	



① BUILDING 1 - ENLARGE PLAN 3/32" = 1'0"

Baron Road

SCHEDULE A
 This forms part of development
 Permit # DPB-0052 / DPB-0044



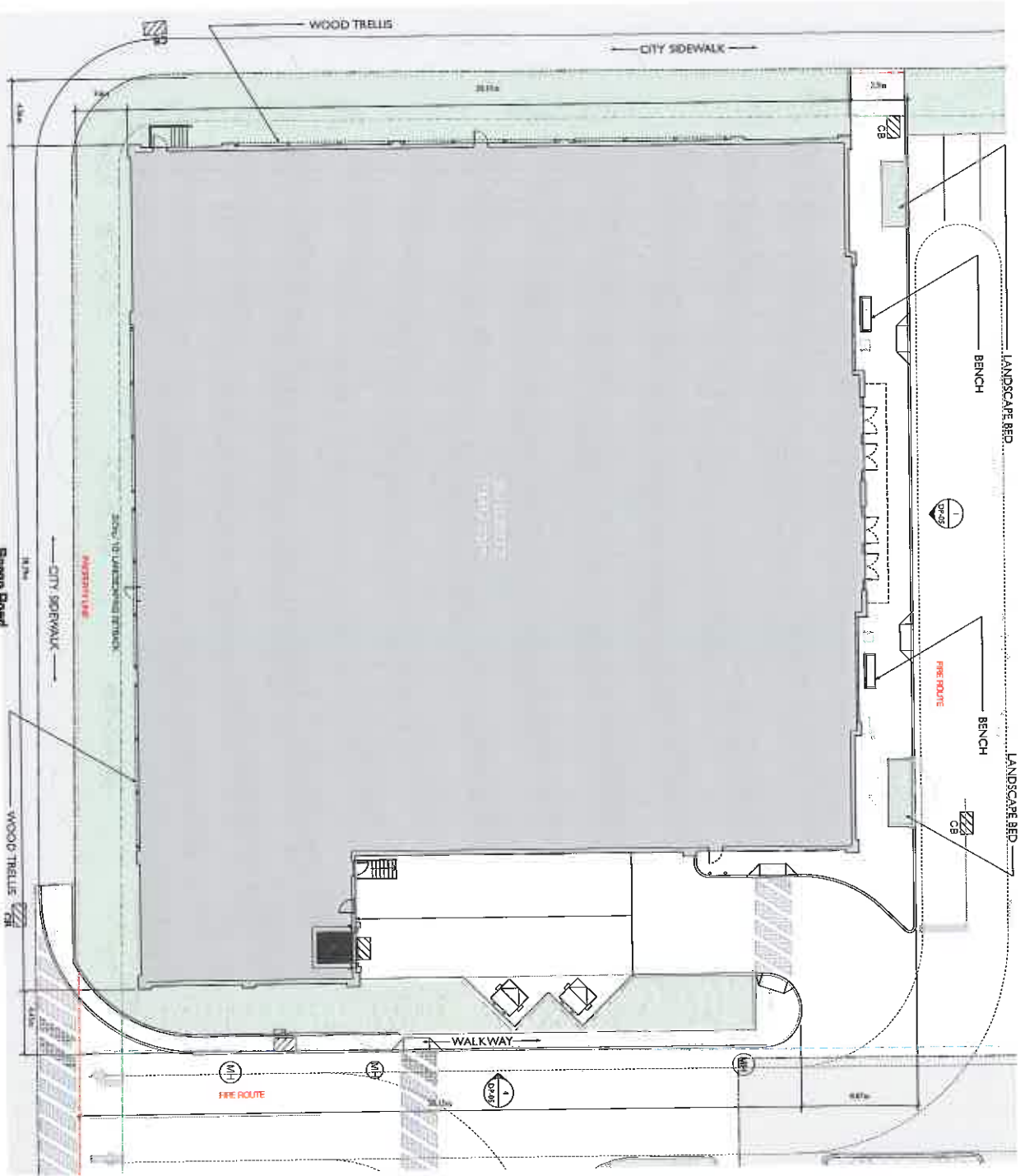
② KEY PLAN nts

PROJECT		DATE			
PROJECT #	170258	DATE	JAN 11, 2019		
170258 PROJECT 3/28" = 1'0"					
				PROJECT LOCATION	
				2800 Baron Road Kalamazoo, MI	
				PROJECT DESCRIPTION	
				BUILDING 1 ENLARGED PLAN	
PROJECT #		DATE			
DP-02		3			

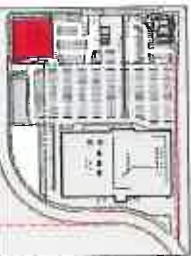
Underhill Road

① BUILDING 2 - ENLARGE PLAN 3/32" = 10'

Barton Road



② KEY PLAN n/s

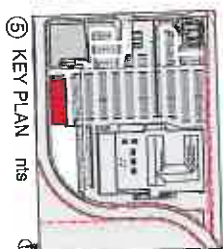
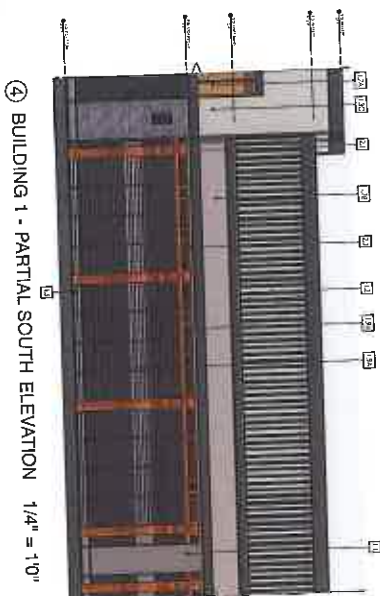
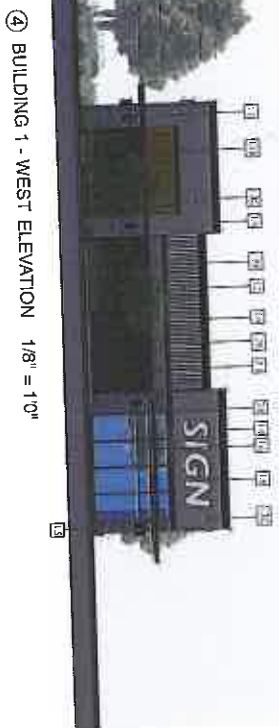


SCHEDULE A

This forms part of development

Permit # DPR3-0052 / DPR3-0094

PROJECT		VELOCINA DEVELOPMENT	
2250 Barton Road		Kelowna, B.C.	
CLIENT		VELOCINA	
10008		10008	
DATE		DATE	
3/2/2014		3/2/2014	
PROJECT		VELOCINA	
10008		10008	
DATE		DATE	
3/2/2014		3/2/2014	
PROJECT		VELOCINA	
10008		10008	
DATE		DATE	
3/2/2014		3/2/2014	

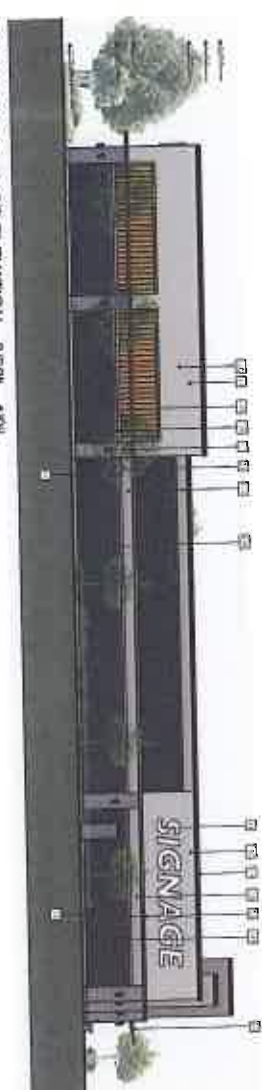
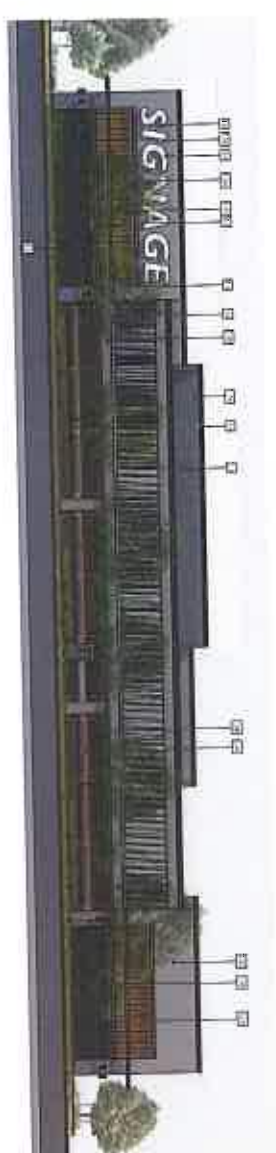
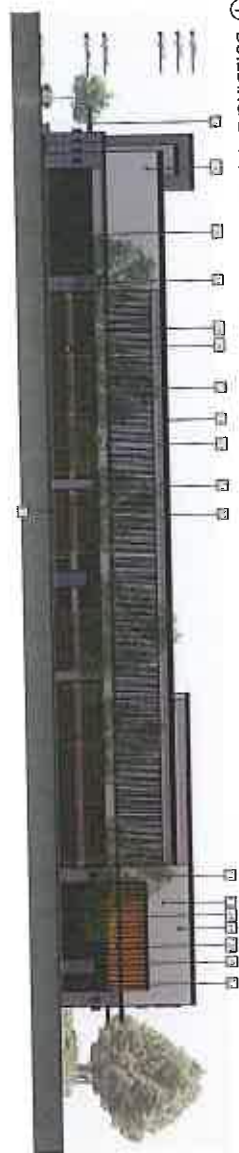
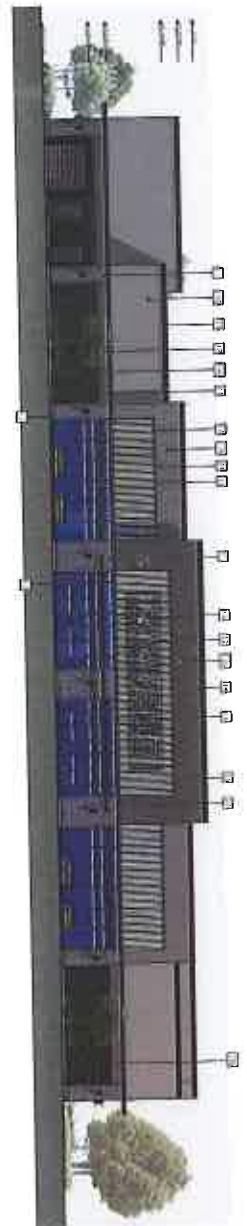
[illegible]

SCHEDULE

This forms part of development

Permit # DP13-0052 / DP13-0014

MALLEN GOWING BERZINS
ARCHITECTURE INCORPORATED

[illegible]

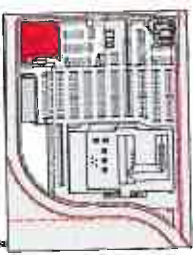
SCHEDULE A

This forms part of development

Permit # DP13-0052 / DW13-0094

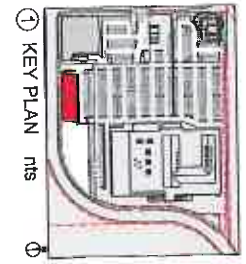
This forms part of development
Permit # DPI3-0052 / DU DPI3-0094

Permit # DP13-0052 / DP13-0094

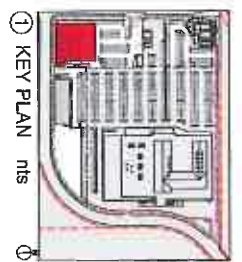
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SCHEDULE B
 This forms part of development
 Permit # DP13-0052 / DP13-0094



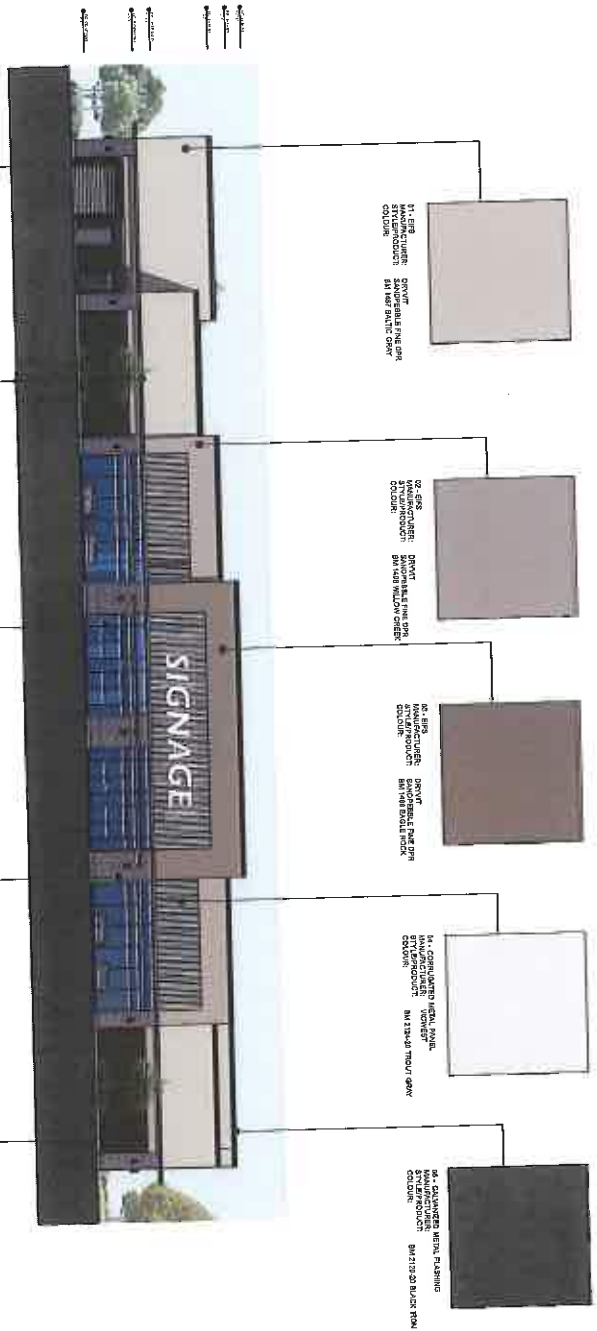
MALLEN COWING BERZINS ARCHITECTURE INCORPORATED Suite 170 • 491 W. Concord Street, Vancouver, B.C. V6C 1H1 Tel: (604) 681-8000 Fax: (604) 681-8001	
PROJECT KEDLOWNA DEVELOPMENT 8360 Sayer Road Kelowna, B.C.	
CLIENT BUILDING 1 VIEWS	
DATE 12/06/13	
PROJECT NO. DP06	
3	



① KEY PLAN n/s

SCHEDULE B
 This forms part of development
 Permit # DPB-0052 / DUPB-0094

1. PROJECT NAME 2. PROJECT LOCATION 3. PROJECT NUMBER 4. PROJECT DATE 5. PROJECT STATUS 6. PROJECT TYPE 7. PROJECT PHASE 8. PROJECT DESCRIPTION 9. PROJECT CONTACT 10. PROJECT NOTES	11. PROJECT OWNER 12. PROJECT MANAGER 13. PROJECT ARCHITECT 14. PROJECT ENGINEER 15. PROJECT CONSULTANT 16. PROJECT SPECIALIST 17. PROJECT SUBMITTER 18. PROJECT REVIEWER 19. PROJECT APPROVER 20. PROJECT SIGNATURE	21. PROJECT TITLE 22. PROJECT LOCATION 23. PROJECT NUMBER 24. PROJECT DATE 25. PROJECT STATUS 26. PROJECT TYPE 27. PROJECT PHASE 28. PROJECT DESCRIPTION 29. PROJECT CONTACT 30. PROJECT NOTES	31. PROJECT OWNER 32. PROJECT MANAGER 33. PROJECT ARCHITECT 34. PROJECT ENGINEER 35. PROJECT CONSULTANT 36. PROJECT SPECIALIST 37. PROJECT SUBMITTER 38. PROJECT REVIEWER 39. PROJECT APPROVER 40. PROJECT SIGNATURE	41. PROJECT TITLE 42. PROJECT LOCATION 43. PROJECT NUMBER 44. PROJECT DATE 45. PROJECT STATUS 46. PROJECT TYPE 47. PROJECT PHASE 48. PROJECT DESCRIPTION 49. PROJECT CONTACT 50. PROJECT NOTES	51. PROJECT OWNER 52. PROJECT MANAGER 53. PROJECT ARCHITECT 54. PROJECT ENGINEER 55. PROJECT CONSULTANT 56. PROJECT SPECIALIST 57. PROJECT SUBMITTER 58. PROJECT REVIEWER 59. PROJECT APPROVER 60. PROJECT SIGNATURE	61. PROJECT TITLE 62. PROJECT LOCATION 63. PROJECT NUMBER 64. PROJECT DATE 65. PROJECT STATUS 66. PROJECT TYPE 67. PROJECT PHASE 68. PROJECT DESCRIPTION 69. PROJECT CONTACT 70. PROJECT NOTES	71. PROJECT OWNER 72. PROJECT MANAGER 73. PROJECT ARCHITECT 74. PROJECT ENGINEER 75. PROJECT CONSULTANT 76. PROJECT SPECIALIST 77. PROJECT SUBMITTER 78. PROJECT REVIEWER 79. PROJECT APPROVER 80. PROJECT SIGNATURE	81. PROJECT TITLE 82. PROJECT LOCATION 83. PROJECT NUMBER 84. PROJECT DATE 85. PROJECT STATUS 86. PROJECT TYPE 87. PROJECT PHASE 88. PROJECT DESCRIPTION 89. PROJECT CONTACT 90. PROJECT NOTES	91. PROJECT OWNER 92. PROJECT MANAGER 93. PROJECT ARCHITECT 94. PROJECT ENGINEER 95. PROJECT CONSULTANT 96. PROJECT SPECIALIST 97. PROJECT SUBMITTER 98. PROJECT REVIEWER 99. PROJECT APPROVER 100. PROJECT SIGNATURE	101. PROJECT TITLE 102. PROJECT LOCATION 103. PROJECT NUMBER 104. PROJECT DATE 105. PROJECT STATUS 106. PROJECT TYPE 107. PROJECT PHASE 108. PROJECT DESCRIPTION 109. PROJECT CONTACT 110. PROJECT NOTES	111. PROJECT OWNER 112. PROJECT MANAGER 113. PROJECT ARCHITECT 114. PROJECT ENGINEER 115. PROJECT CONSULTANT 116. PROJECT SPECIALIST 117. PROJECT SUBMITTER 118. PROJECT REVIEWER 119. PROJECT APPROVER 120. PROJECT SIGNATURE	121. PROJECT TITLE 122. PROJECT LOCATION 123. PROJECT NUMBER 124. PROJECT DATE 125. PROJECT STATUS 126. PROJECT TYPE 127. PROJECT PHASE 128. PROJECT DESCRIPTION 129. PROJECT CONTACT 130. PROJECT NOTES	131. PROJECT OWNER 132. PROJECT MANAGER 133. PROJECT ARCHITECT 134. PROJECT ENGINEER 135. PROJECT CONSULTANT 136. PROJECT SPECIALIST 137. PROJECT SUBMITTER 138. PROJECT REVIEWER 139. PROJECT APPROVER 140. PROJECT SIGNATURE	141. PROJECT TITLE 142. PROJECT LOCATION 143. PROJECT NUMBER 144. PROJECT DATE 145. PROJECT STATUS 146. PROJECT TYPE 147. PROJECT PHASE 148. PROJECT DESCRIPTION 149. PROJECT CONTACT 150. PROJECT NOTES	151. PROJECT OWNER 152. PROJECT MANAGER 153. PROJECT ARCHITECT 154. PROJECT ENGINEER 155. PROJECT CONSULTANT 156. PROJECT SPECIALIST 157. PROJECT SUBMITTER 158. PROJECT REVIEWER 159. PROJECT APPROVER 160. PROJECT SIGNATURE	161. PROJECT TITLE 162. PROJECT LOCATION 163. PROJECT NUMBER 164. PROJECT DATE 165. PROJECT STATUS 166. PROJECT TYPE 167. PROJECT PHASE 168. PROJECT DESCRIPTION 169. PROJECT CONTACT 170. PROJECT NOTES	171. PROJECT OWNER 172. PROJECT MANAGER 173. PROJECT ARCHITECT 174. PROJECT ENGINEER 175. PROJECT CONSULTANT 176. PROJECT SPECIALIST 177. PROJECT SUBMITTER 178. PROJECT REVIEWER 179. PROJECT APPROVER 180. PROJECT SIGNATURE	181. PROJECT TITLE 182. PROJECT LOCATION 183. PROJECT NUMBER 184. PROJECT DATE 185. PROJECT STATUS 186. PROJECT TYPE 187. PROJECT PHASE 188. PROJECT DESCRIPTION 189. PROJECT CONTACT 190. PROJECT NOTES	191. PROJECT OWNER 192. PROJECT MANAGER 193. PROJECT ARCHITECT 194. PROJECT ENGINEER 195. PROJECT CONSULTANT 196. PROJECT SPECIALIST 197. PROJECT SUBMITTER 198. PROJECT REVIEWER 199. PROJECT APPROVER 200. PROJECT SIGNATURE	201. PROJECT TITLE 202. PROJECT LOCATION 203. PROJECT NUMBER 204. PROJECT DATE 205. PROJECT STATUS 206. PROJECT TYPE 207. PROJECT PHASE 208. PROJECT DESCRIPTION 209. PROJECT CONTACT 210. PROJECT NOTES	211. PROJECT OWNER 212. PROJECT MANAGER 213. PROJECT ARCHITECT 214. PROJECT ENGINEER 215. PROJECT CONSULTANT 216. PROJECT SPECIALIST 217. PROJECT SUBMITTER 218. PROJECT REVIEWER 219. PROJECT APPROVER 220. PROJECT SIGNATURE
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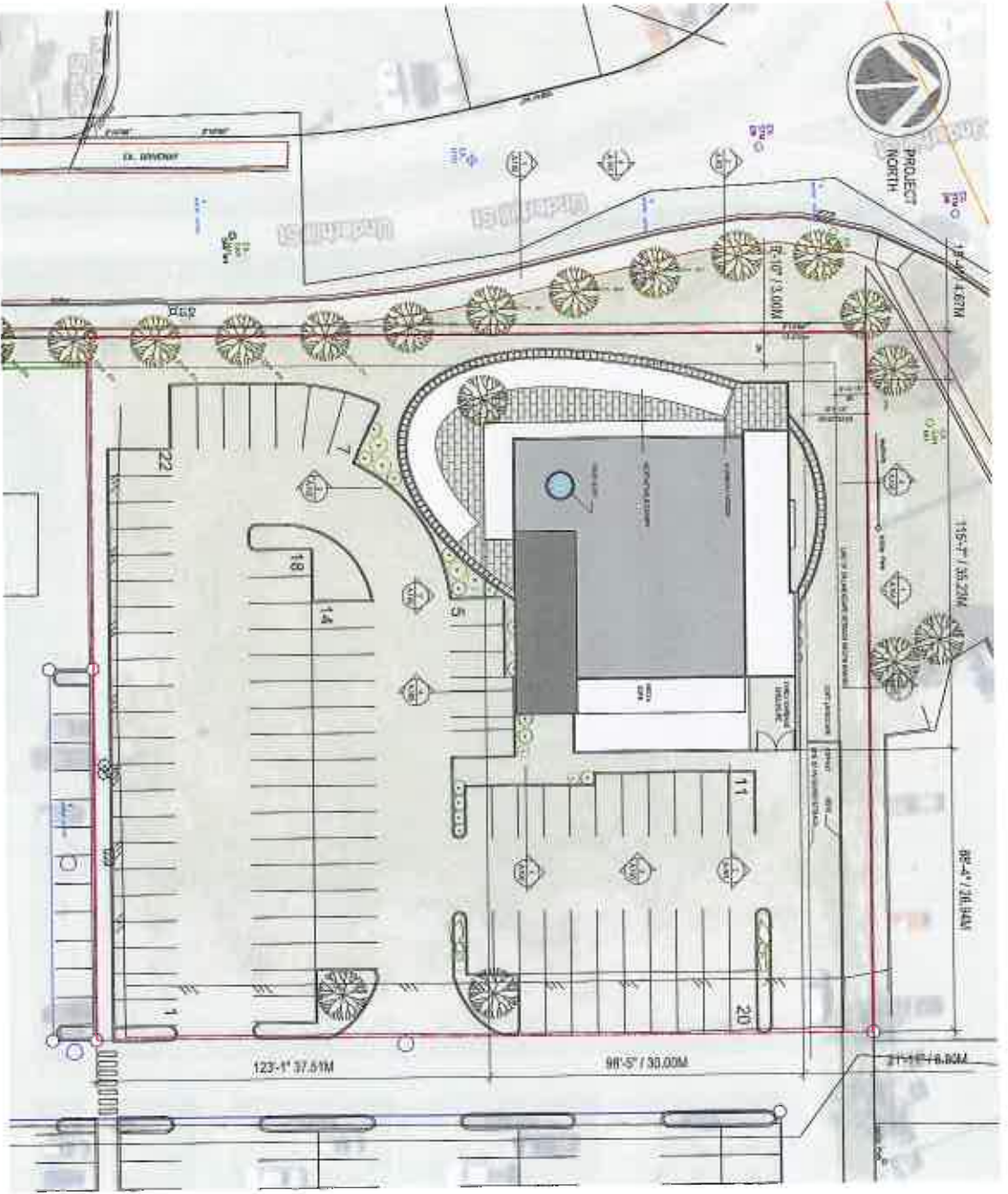
① BUILDING 2 - MATERIAL ELEVATION 3/8" = 1'

② BUILDING 2 - 3D ELEVATION



SCHEDULE B
 This forms part of development
 Permit # DP13-0052 / DP13-0094

CHRISTOPHER
BOZYK ARCHITECTS LTD
14-16 KENNEDY STREET, VANCOUVER, BC, V6M 1S1
Phone: 604-276-0000 Fax: 604-276-0001



1 SITE LAYOUT / ROOF PLAN
1/16" = 1'-0"

SCHEDULE A
This forms part of development
Permit # DDP13-0052 / DDP13-0094

THE KEG
STEAKHOUSE & BAR

THE KEG
2280 BARON ROAD
KELOWNA BC

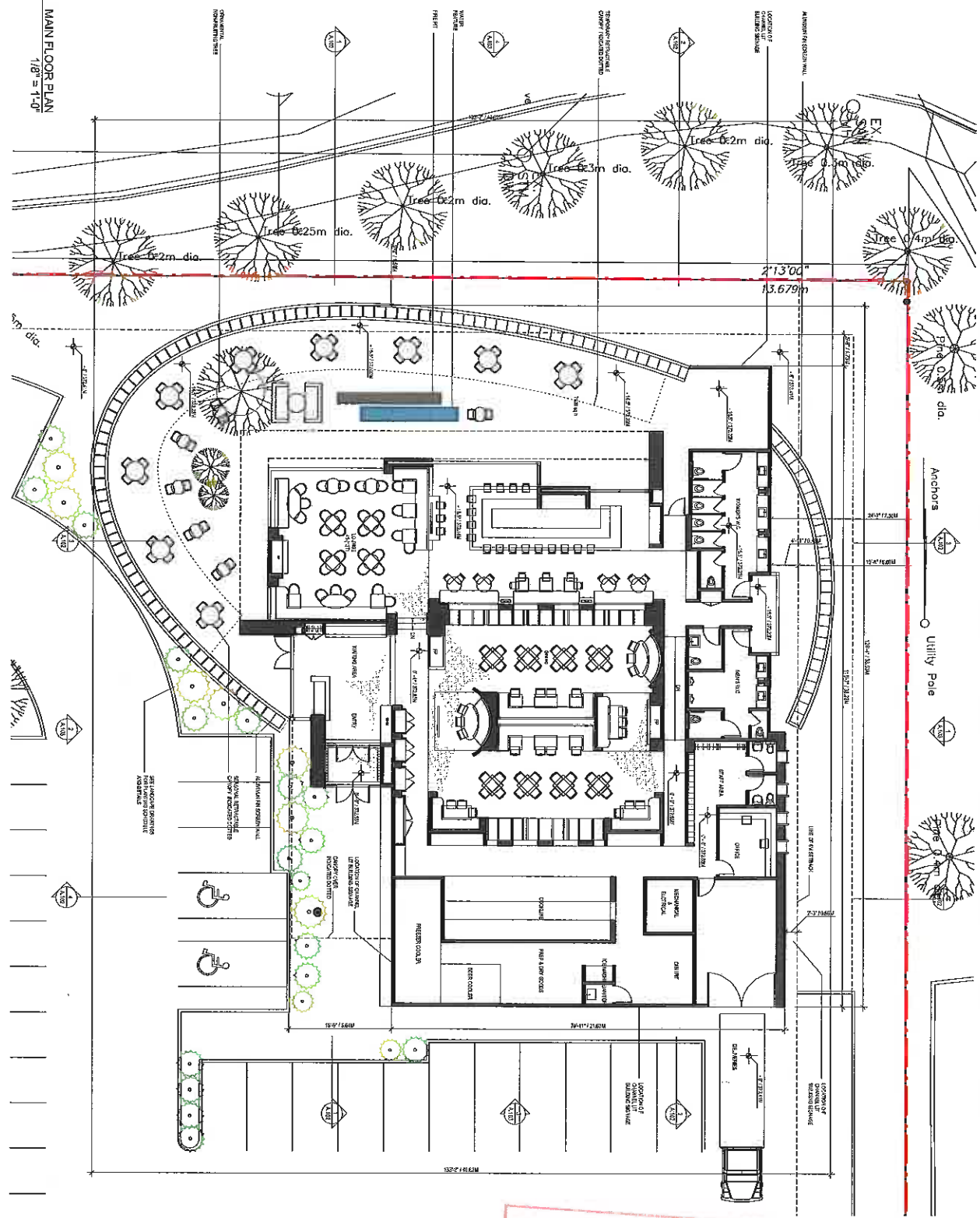
BUILDING 3
SITE LAYOUT &
ROOF PLAN

DATE: 10/13/13 DRAWN: HW

A.0.01



1
101
MAIN FLOOR PLAN
1/8" = 1'-0"



SCHEDULE A
This forms part of development
Permit # DR13-0052 / DR13-0094

A.1.01

THE KEG
2280 BARON ROAD
KELOWNA BC
BUILDING 3
MAIN FLOOR PLAN

THE KEG
RESTAURANT & BAR

1.1.1	SECTION 1.1.1: THE KEG RESTAURANT & BAR
1.1.2	SECTION 1.1.2: THE KEG RESTAURANT & BAR
1.1.3	SECTION 1.1.3: THE KEG RESTAURANT & BAR
1.1.4	SECTION 1.1.4: THE KEG RESTAURANT & BAR
1.1.5	SECTION 1.1.5: THE KEG RESTAURANT & BAR
1.1.6	SECTION 1.1.6: THE KEG RESTAURANT & BAR
1.1.7	SECTION 1.1.7: THE KEG RESTAURANT & BAR
1.1.8	SECTION 1.1.8: THE KEG RESTAURANT & BAR
1.1.9	SECTION 1.1.9: THE KEG RESTAURANT & BAR
1.1.10	SECTION 1.1.10: THE KEG RESTAURANT & BAR

CHRISTOPHER BOZYK ARCHITECTS LTD
44-11-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100

Permit # DP13-0052 / DP13-0094

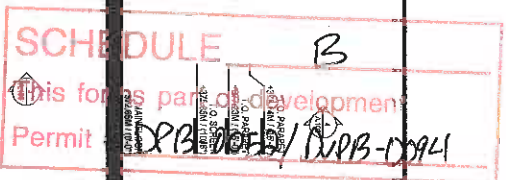
Without formaldehyde, manufacturers can reduce formaldehyde. Conscientious buyers will not find the formaldehyde by 24 hours and emissions on the low end because of the use of formaldehyde, or chemical treatments required in service life after use. Companies like H. H. Smith and others have been the industry's response to the marketing campaign and will be the best of the industry.

THE KEG
2280 BARON ROAD
KELOWNA BC

BUILDING 3
SECTIONS

A.1.02





- ① ANODIZED ALUMINUM FIN.
COPPER FINISH
- ② POLISHED STUCCO
- ③ RAW CONCRETE FINISH
- ④ ANODIZED ALUMINUM
CUTTING WALL SYSTEM
BLACK
- ⑤ GLAZING
- ⑥ ALCOHOLIC PAINT
SPARKLE MIX
- ⑦ PRESSED HEAVY FLASHING
CHEMICAL JOINT
CUTTING WALL
- ⑧ POLISHED STUCCO
CUTTING WALL

1	12/26/01	INITIALS OF PERSONS ON CALL
2	12/26/01	INITIALS OF PERSON ON CALL
3	11/04/03	INITIALS OF PERSON ON CALL
4	04/04/03	INITIALS OF PERSON ON CALL
5	DATE	DESCRIPTION

COMPANY RECORD

1. **Company Name:** *ABC, Inc.*
Address: *123 Main St., Suite 100, New York, NY 10001*
Phone: *(212) 555-1234*
Fax: *(212) 555-5678*
E-mail: *info@abc.com*
Website: *www.abc.com*
Industry: *Software Development*
Business Type: *Private Company*
Year Founded: *1998*
Number of Employees: *50*
Annual Revenue: *\$1,200,000*
Key Executives: *John Doe (CEO), Jane Smith (CFO), Bob Johnson (CTO)*
Other Information: *ABC, Inc. is a leading provider of software solutions for small and medium-sized businesses. The company has a strong track record of innovation and customer satisfaction.*

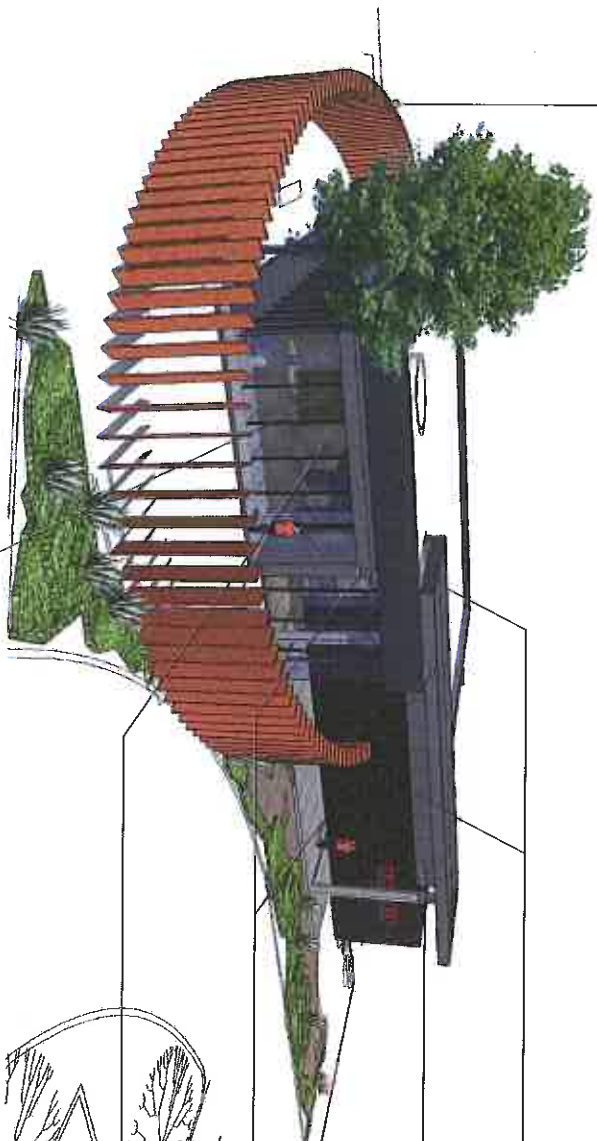
THE KEG
STANDHOUSE & BAR

**THE KEG
2280 BARON ROAD
KELOWNA BC
BUILDING 3
ELEVATIONS**

SCALE: 100% DATE: APRIL 2013 GROUP: K4

A.1.03

SCHEDULE B
This forms part of development
Permit # DRP13-0052 / DUP13-0694



1
104
MATERIALS
NTS

- 1. MODIFIED ALUMINUM FIN. COPPER
- 2. POLISHED STUCCO - GRAPHITE
- 3. IN SITU CONCRETE FINISH
- 4. ALCOBOND PANEL, GRAPHITE MUDY
- 5. GLAZING
- 6. ALUMINUM GLAZING SYSTEM
PAINTED STEEL
CHROMIUM

ITEM NO.	DESCRIPTION	QUANTITY	UNIT
1	MODIFIED ALUMINUM FIN. COPPER		
2	POLISHED STUCCO - GRAPHITE		
3	IN SITU CONCRETE FINISH		
4	ALCOBOND PANEL, GRAPHITE MUDY		
5	GLAZING		
6	ALUMINUM GLAZING SYSTEM PAINTED STEEL CHROMIUM		

THE KEG
STEAKHOUSE & BAR

THE KEG
2280 BARON ROAD
KELOWNA BC

BUILDING 3
MATERIALS

DATE: 10/10/13 DRAWN: JH

A.1.04



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pmbs
LANDSCAPE ARCHITECTS

5401 N. 41st St., Suite 100
Phoenix, AZ 85018
P: 602-998-0000
F: 602-998-0001

DATE:



SCHEDULE
This forms part of development
Permit # DRB-0052 / DRB-0094

NO.	DATE	DESCRIPTION	BY	CHKD.
1	11/11/11	ISSUED FOR PERMIT	PMBS	PMBS
2	11/11/11	REVISION	PMBS	PMBS
3	11/11/11	REVISION	PMBS	PMBS
4	11/11/11	REVISION	PMBS	PMBS
5	11/11/11	REVISION	PMBS	PMBS
6	11/11/11	REVISION	PMBS	PMBS
7	11/11/11	REVISION	PMBS	PMBS
8	11/11/11	REVISION	PMBS	PMBS
9	11/11/11	REVISION	PMBS	PMBS
10	11/11/11	REVISION	PMBS	PMBS

PROJECT:
COMMERCIAL DEV.
2200 DAVEN ROAD
TUCSON, AZ

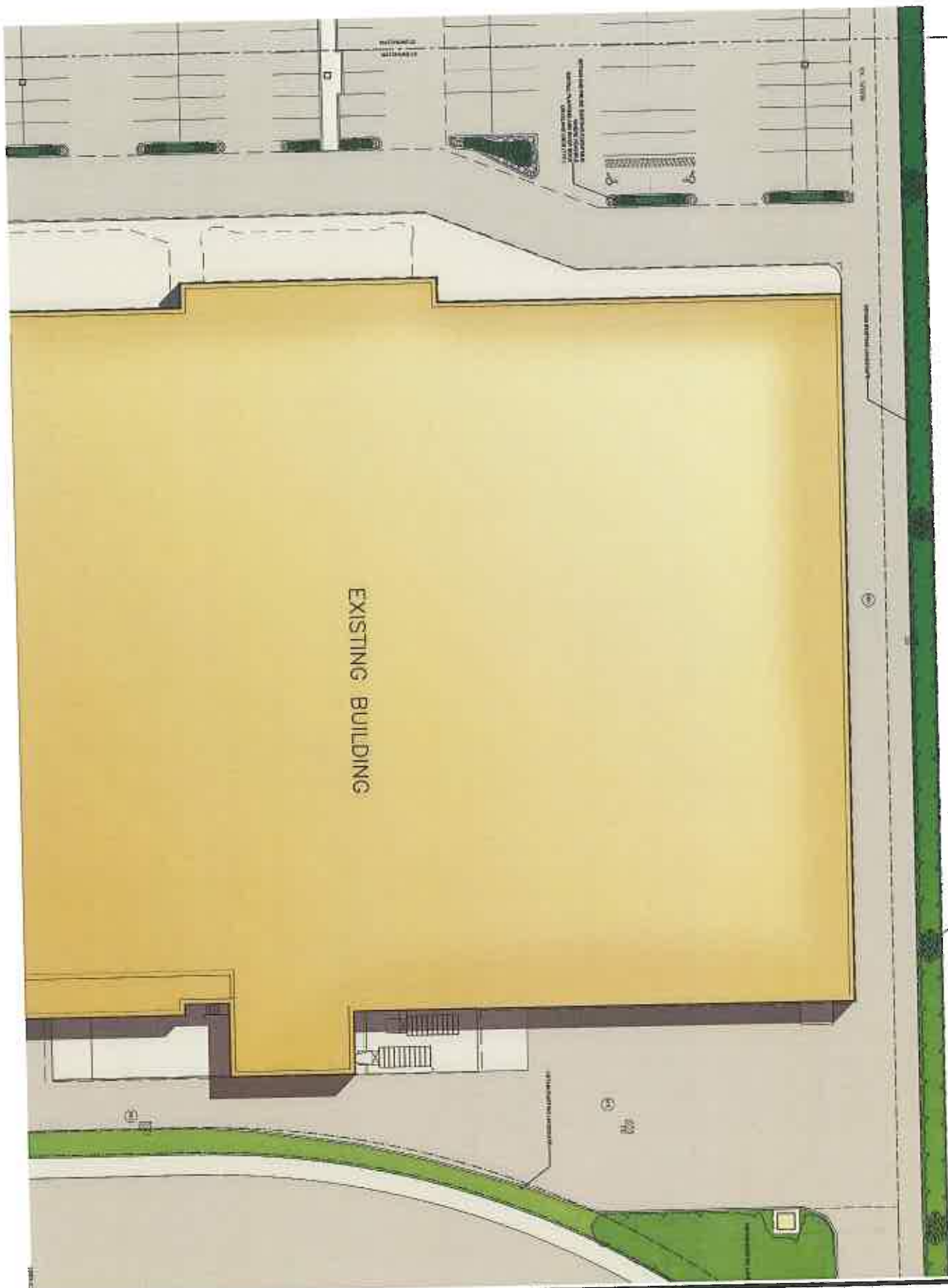
DRAWING TITLE:
LANDSCAPE SITE PLAN
DATE: 11/11/11
SCALE: 1/8" = 1'-0"
DRAWN: SA
DESIGN: SA
CHECK: RM
PROJECT MANAGER: PMBS
11-001



PROJECT: COMMERCIAL DEV.
 2200 SAGEHILL ROAD
 KENNESAW, GA
 DRAWN: M
 CHECKED: M
 DATE: 11/14/14
 SCALE: 1/8" = 1'-0"
 SHEET: 13
 DRAWING NUMBER: 13-001
 PHS PROJECT NUMBER: 13-001

SCHEDULE C
 This forms part of development
 Permit # DD13-0052 / DD13-0094

AS PREPARED BY: PMG ARCHITECTS, 1000 10th St. N.E.
 WASHINGTON, D.C. 20002-4242
 PHONE: (202) 556-1000
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53

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SCALE:



SCHEDULE
 This forms part of development
 Permit # DD13-0052 / DD13-0091

NO.	DATE	REVISION DESCRIPTION	BY
1	10/10/13	ISSUED FOR PERMITTING	SK
2	10/10/13	ISSUED FOR PERMITTING	SK
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4	10/10/13	ISSUED FOR PERMITTING	SK
5	10/10/13	ISSUED FOR PERMITTING	SK
6	10/10/13	ISSUED FOR PERMITTING	SK
7	10/10/13	ISSUED FOR PERMITTING	SK
8	10/10/13	ISSUED FOR PERMITTING	SK
9	10/10/13	ISSUED FOR PERMITTING	SK
10	10/10/13	ISSUED FOR PERMITTING	SK

PROJECT:

COMMERCIAL DEV.
1300 BROAD ROAD
WILSONIA, DC

DRAWING TITLE:

LANDSCAPE
SHIELD PLAN

DATE: 10/10/13
 SCALE: 1/8" = 1'-0"
 DRAWN BY: **LA**
 CHECKED BY: **SK**
 OFFICE: **PMG**
 PMG PROJECT NUMBER: **13-001**
 OF 3



410 S. 1st Street, Suite 200
Tampa, FL 33602
813.251.1111
www.pmsarchitects.com

SCHEDULE

This forms part of development

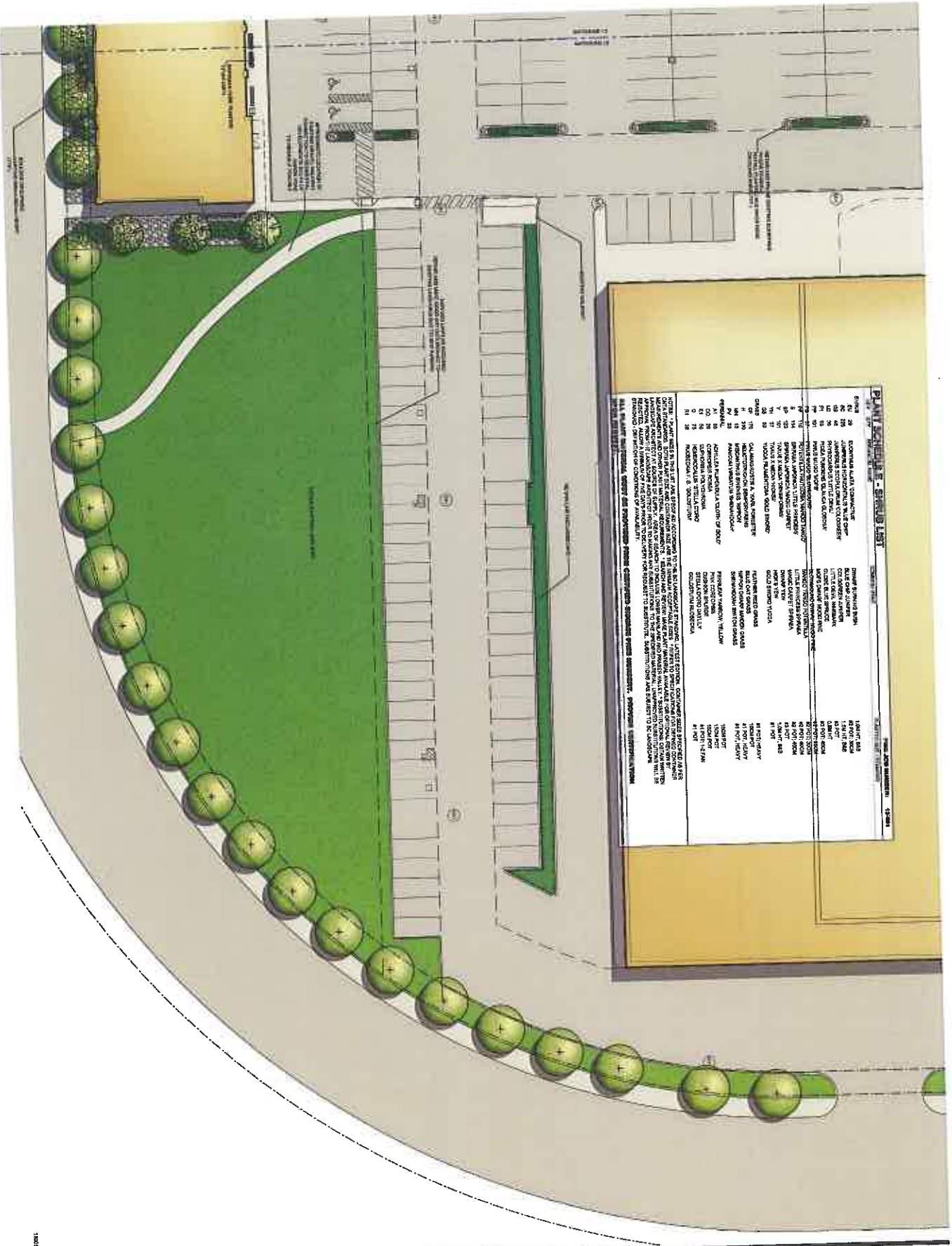
Permit # DP13-0052 / DV13-0094

NO.	DATE	REVISION	DESCRIPTION
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3	11/15/2013	REVISED	REVISED PER COMMENTS
4	11/15/2013	REVISED	REVISED PER COMMENTS
5	11/15/2013	REVISED	REVISED PER COMMENTS
6	11/15/2013	REVISED	REVISED PER COMMENTS
7	11/15/2013	REVISED	REVISED PER COMMENTS
8	11/15/2013	REVISED	REVISED PER COMMENTS
9	11/15/2013	REVISED	REVISED PER COMMENTS
10	11/15/2013	REVISED	REVISED PER COMMENTS

PROJECT: COMMERCIAL DEV.
2300 BAYVIEW ROAD
MELBOURNE, FL

DRAWING TITLE: LANDSCAPE SITE PLAN
DATE: 11/15/2013
SCALE: 1"=40'
DRAWN BY: L5
CHECKED BY: L5
DATE: 11/15/2013

13-001



PLANT	QUANTITY	PLANT NAME	PLANT SIZE	PLANT TYPE
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100	10	FLORIDA PALM	10' H	PALEOCLIMATIC

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LANDSCAPE
ARCHITECTS

One City - 1400 9th Street, Suite 100
Baltimore, MD 21202
Tel: 410-528-1111 | Fax: 410-528-1112

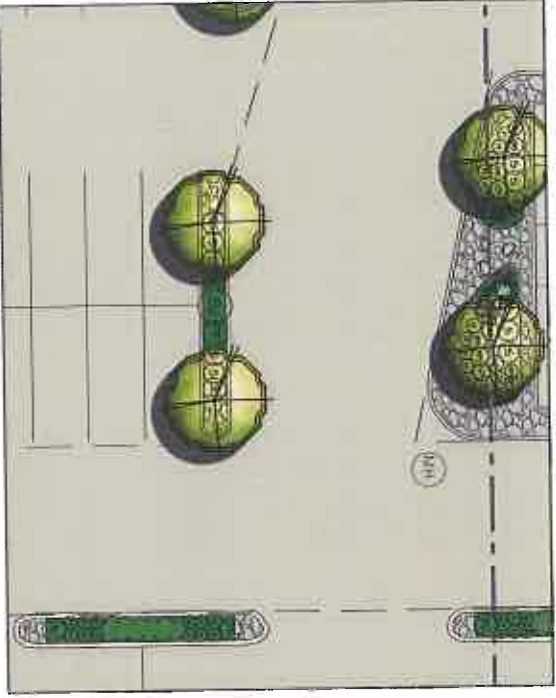
DATE:

SCHEDULE C
This forms part of development
Permit # DP13-0052/DVP13-09-1

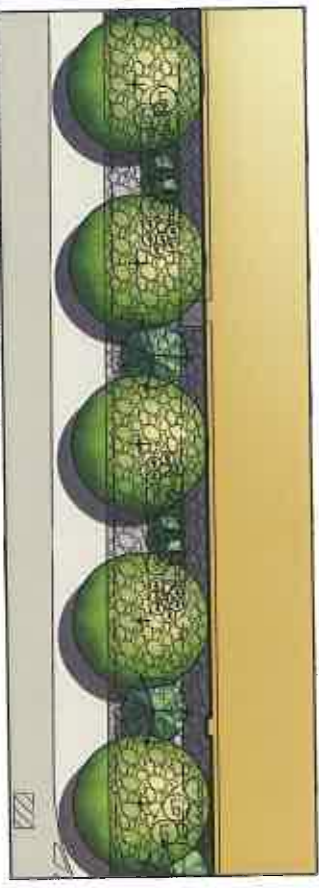
1. PROJECT	LANDSCAPE ARCHITECT	DATE	NO. DATE
2. CLIENT	COMMERCIAL DEV.	DATE	NO. DATE
3. PROJECT	2200 BAYVIEW ROAD	DATE	NO. DATE
4. PROJECT	WILMINGTON, DE	DATE	NO. DATE
5. PROJECT	WILMINGTON, DE	DATE	NO. DATE
6. PROJECT	WILMINGTON, DE	DATE	NO. DATE
7. PROJECT	WILMINGTON, DE	DATE	NO. DATE
8. PROJECT	WILMINGTON, DE	DATE	NO. DATE
9. PROJECT	WILMINGTON, DE	DATE	NO. DATE
10. PROJECT	WILMINGTON, DE	DATE	NO. DATE

COMMERCIAL DEV.
2200 BAYVIEW ROAD
WILMINGTON, DE

LANDSCAPE DETAILS
DATE: 10/1/13
SCALE: 1/8" = 1'-0"
DRAWN: J. P. M.
CHECKED: J. P. M.
DATE: 10/1/13
PROJECT NUMBER: 13-0052
SHEET: 16 OF 18



PLANTER ISLANDS - TYPICAL PLANTING
SCALE 1:100

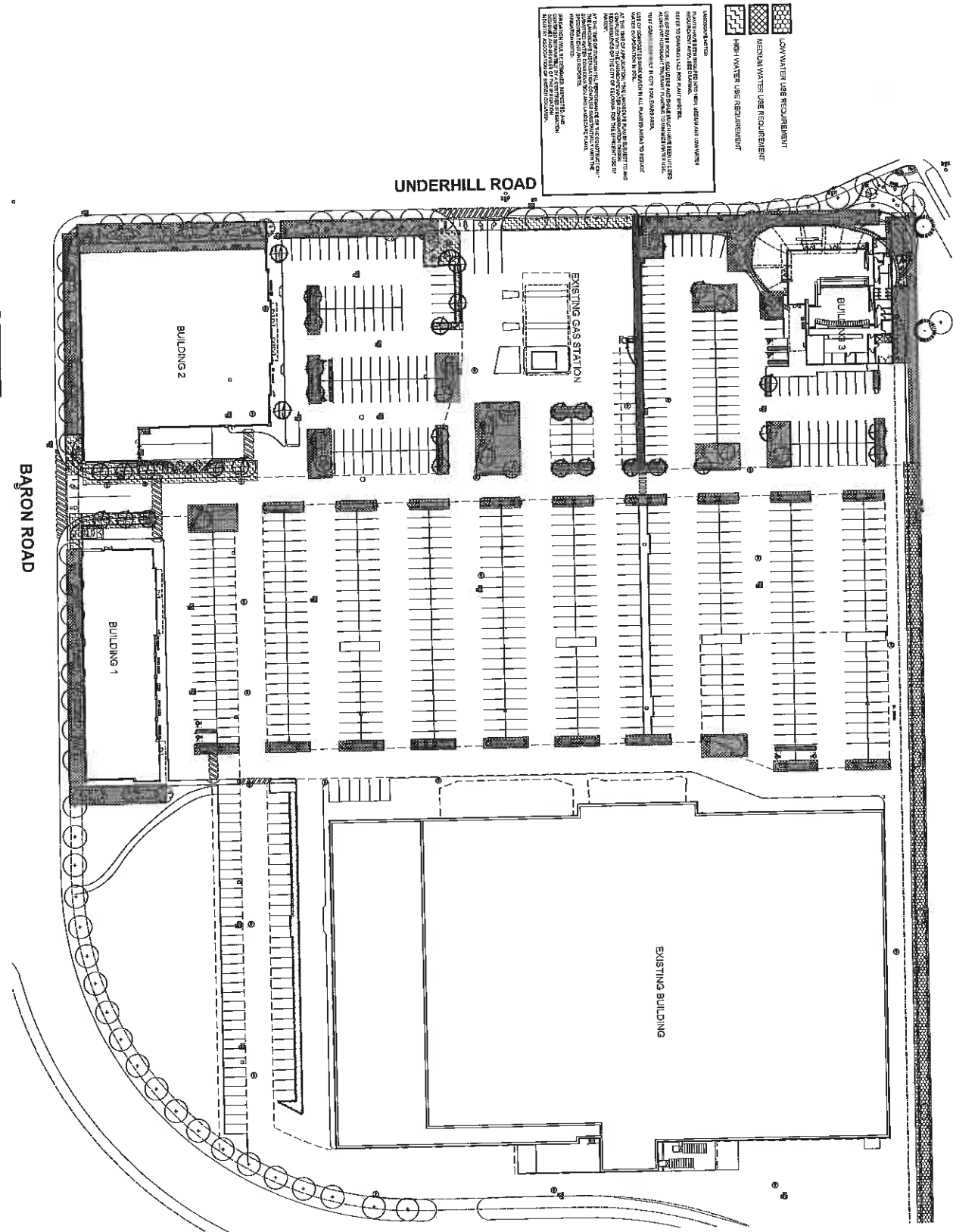


BARON ROAD STREET FRONTAGE - TYPICAL PLANTING
SCALE 1:100



SITE FURNISHINGS





LANDSCAPE NOTES

1. PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF KIDDERMAN LANDSCAPE DESIGN STANDARDS. PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF KIDDERMAN LANDSCAPE DESIGN STANDARDS. PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF KIDDERMAN LANDSCAPE DESIGN STANDARDS.

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- LOW WATER USE REQUIREMENT
- MEDIUM WATER USE REQUIREMENT
- HIGH WATER USE REQUIREMENT

SCHEDULE C

This forms part of development

Permit # **DP13-0052 / DP13-0094**

pnos
LANDSCAPE ARCHITECTS

1001 N. 10th St., Suite 100
KIDDERMAN, MS 39301
P: 662-294-0011 F: 662-294-0022

PROJECT:
COMMERCIAL DEV.
2280 BARON ROAD
KIDDERMAN, MS

CLIENT:

DRAWING TITLE:
IRRIGATION ZONES

DATE: 11/15/2013
SCALE: 1/4" = 1'-0"
DESIGNER: M
CHECKER: M

DRAWING NUMBER: **L7**

PLOT PROJECT NUMBER: 13-001

FILE COPY

CITY OF KELOWNA
MEMORANDUM

File No.: DP13-0052
Date: April 30, 2013
To: Land Use Management (AW)
From: Development Engineering Manager (SM)
Subject: 2280 Baron Road Lot 6, Plan 59534 D.L. 126 ODYD

Development Engineering comments and requirements regarding this application for a new building within the property are as follows:

1. General
 - a) The proposed building does not compromise any Municipal Infrastructure or services.
 - b) All the services to the proposed building are to be extended from the on-site mains. No additional services to the property will be permitted for this development.



Steve Muenz, P. Eng.
Development Engineering Manager

BB

June 10, 2013

The City of Kelowna

Attn.: Alec Warrender
Land Use Planner

Re.: Baron Road and Underhill Superstore Site
Development Permit Variance Rationale – Parking

Dear Alec,

Thanks for taking the time to sit down and meet with us last week regarding our resubmission.

Since that time, we have confirmed the parking supply and demand for the site, and have determined that we will require a variance in order to maintain the existing parking requirements under the current lease.

Our calculation (refer to the drawing package), interpreting the site as that of a 'shopping centre', shows that the gross stall demand is that of a 308 stall minimum as it resides in a C-4 zone. As designed, we have supplied 743 stalls, or 241% of the bylaw minimum requirement. As we have exceeded 125% of the minimum requirement with our supply, we will require a technical variance to be supported by both staff and Council.

Our rationale for the supply of 241% of minimum stalls required is as follows:

- The industry standard of parking demands for tenants is higher than the bylaw provision associated with a C-4 zone.
- The site would be under parked in a more applicable zone for this location and collection of uses, such as C-6.
- The original agreements set out with the development of the Superstore in 1996 require minimum stall provisions to allow for the development of the balance of the site.
- The site's parking is well-used and is often nearing full use for many peak periods through the year.
- There is no street parking along Baron Road or Underhill to support any over-demand for parking during peak periods.

The industry standard of parking demands for tenants is higher than the bylaw provision associated with a C-4 zone.

The C-4 zone parking minimum requirement is that of 1.75 stalls per 100m² of Gross Leasable Area, or 1.63 stalls per 1,000 s.f. of GLA.

Industry standards for retail demand between 4.00 stalls per 1,000 s.f. and 4.50 stalls per 1,000 s.f. Grocery stores prefer ratios higher than that of 5.00 s.f. per 1,000 s.f. of GLA. The site as designed supplies parking at a ratio of 3.94 stalls per 1,000 s.f. of GLA, just slightly shy of the industry standard preferences for these uses. These demands fall more in line with the proposed

1/3

provision of stalls as per the proposed site plan.

The site would be under parked in a more applicable zone for this location and collection of uses, such as C-6.

While this site is situated in a C-4 zone, this site, given its remoteness from the downtown area and auto-oriented uses (both existing and proposed) on site, could be easily situated in something more applicable, such as a C-6 zone. If that were the case, the site could then be construed as a shopping centre with a stall demand of 771 stalls based on the requirement of 4.4 stalls per 100m². If we were indeed in a C-6 zone, we would actually be in a stall deficit of 28 stalls. In other words, the site is actually more in line for stall demands for other commercial zones in the Zoning Bylaw for developments of this density and use, common to other similar parcels along Harvey Avenue away from the downtown core. The proposal is by no means an outlier in terms of parking supply for sites along Highway 97 in this local vicinity.

The original agreements set out with the development of the Superstore in 1996 require minimum stall provisions to allow for the development of the balance of the site.

The original agreements set out with the original lease with Superstore and the Owner stipulate a minimum number of stalls required for the development of the fallow lands at the corners of the site. This restriction has been review with the existing Tenant and no relaxations under the current lease will be granted by the Tenant.

The terms of the lease stipulate that the fallow lands, when developed, must achieve a parking ratio of a minimum of 4.50 stalls per 1,000 s.f. GLA independent of the Superstore development and already-provided parking. The proposed development of 48,761 s.f. with 221 new stalls provided achieves 4.53 stalls per 1,000 s.f. GLA, in conformance with the requirements of the anchor tenant, Superstore.

If the new development does not provide this minimum parking ratio requirement, Superstore has the right to object to the development of these 3 new buildings.

The site's parking is well-used and is often nearing full use for many peak periods through the year.

The current development uses its parking supply quite efficiently, with the lot being nearly or at full capacity during peak periods as the original development only produced a supply of approximately 3.80 stalls per 1,000 s.f. GLA for the original Superstore and gas bar. Just after our last meeting with City staff, we attended the store to witness approximately 75% use of the existing stalls during an off-peak time of Wednesday at noon in early June, before peak times associated with the summer tourist season.

There is no street parking along Baron Road or Underhill to support any over-demand for parking during peak periods.

The last rationale for the parking supply as presented is that there is no additional street parking along any of the site's frontages, placing additional pressure on the development to supply all of its own parking needs. If the needs are not met, the parking demand runs the risk of shifting to neighbouring sites to park illegally, which is undesirable for the development site and its neighbouring sites alike.

We trust that the aforementioned rationale lends adequate support for our request to vary the bylaw point 8.1.2 for maximum provision of parking. If you have any questions or require any further clarification, please don't hesitate to contact our office.

Regards,



P.J. Mallen, B.A., M.Arch., MAIBC, AAA, OAA, LEED AP
Principal

Monday, April 15, 2013

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

Attn.: Plans Reviewer
City of Kelowna Planning Department

Re.: 2280 Baron Road
Development Permit Application, 3 New Buildings at Superstore Site

To whom it may concern,

We are writing to provide a summary and rationale to be used in your review of our proposal for 3 new buildings at 2280 Baron Road on the existing Superstore site at the intersection of Baron Road and Underhill Road.

Our client, Victor Projects, intends to build 3 purpose-built buildings on site for a restaurant, household goods store, a discount household goods store and one vacant commercial retail unit. The intent will be to construct all 3 structures concurrently.

Context

The 3 new buildings will occupy undeveloped portions of the existing Superstore site. One building will occupy the northwest corner closest to Highway 97 and Underhill Road; the other two buildings will occupy the southwest corner closest to Underhill Road and Baron Road. Site access points will be maintained with the single point of access off Underhill Road occurring at the existing gas station, and other point of access off Baron Road situated between the 2 new structures there.

The site is bordered by a shopping centre to the north (that fronts highway 97). The site is bordered by Underhill Road to the west, with a storage, auto spa and gas station use across Underhill. The site is bordered by Baron Road to the south with mid-rise residential (up to 14 storeys) set back a great distance from the street. To the east is the existing Superstore on site with vacant lands east of the serpentine profile of Baron Road beyond the existing building.

The current zoning is that of C-4 Urban Centre Commercial, which allows for all proposed primary uses outright.

Massing and Height

All new buildings on site will be single-storey, with no building exceeding 15.0m, the C-4 zone maximum. Building 1 at the south frontage of Baron is the lowest with an upper parapet height of 6.2m on the north side, with its main flat roof parapet at 5.5m. Building 2 at the southwest corner is the highest with an upper parapet height of 9.0m on the north side, with its main flat roof parapet at 7.1m. Building 3 at the northwest corner is has an upper parapet height of 6.2m with its main flat roof parapet at 4.6m.

All buildings have been massed to offer undulation in roofline and wall planes to address corners, major intersections and entries.

Exterior Elevations and Materials

The elevations and materials have been design and selected to relate back the existing Superstore, largely a modernist and industrial expression clad predominantly in corrugated metal in primary colours mixed with grey. Buildings 1 and 2 will feature grey brick, coloured metal panels, coloured stucco and some exposed concrete

to tie in with the Superstore. A canopy will surround parts of the building met with sidewalk for pedestrian weather protection and to relate some parts of the building to the pedestrian scale. Building 3 will feature polished stucco, metal panel and exposed concrete largely in grey and charcoal colours. Building 3 will also feature a patio to its south and west sides surrounded by a decorative fence of copper aluminum fins.

Pedestrian Access, Provision for Cyclists, and Loading

All buildings will feature pedestrian entries that relate directly to the parking areas that serve the buildings – Buildings 1 and 2 feature north entries and Building 3 features a south entry. Pedestrian approaches will be made informally to these front doors through the parking areas and are all skirted with generous sidewalks offering weather protection.

Bicycle parking along with benches have been provided proximate to each new entry.

Each new building will also feature formal loading spaces, complete with screening. For Building 1, a significant loading dock with compactor and screened garbage enclosures has been provided on the east side of the building, away from the main street frontages and views. For Building 2, a small loading slip has been provided on its west side, again screened from the main street frontages, with oversized man doors for pallet loading for that user. The restaurant at Building 3 has a similar arrangement on its east side where garbage and recycling have been internalized into the building.

Landscape Design and Water Conservation

The Commercial Development at Baron Road includes a comprehensive landscape plan designed to provide an aesthetic that complements the character of the neighbourhood and surrounding development, while also reducing on site water requirements. Drought tolerant trees, shrubs and ornamental grasses have been selected to provide low maintenance landscape with year round interest, and have been arranged into high, medium and low irrigation zones. Existing plant material has been retained, where feasible, to minimize the impact of new development.

Crime Prevention

The buildings have been sited and landscape provided in such a way as to allow for views from vehicles passing by Underhill and Baron Roads. In addition, no hidden areas have been introduced around these new buildings; all aspects of the site are surveillable from external or internal vantage points.

Exterior building lighting has been provided on all faces of each building for illumination of accessible and inaccessible areas of the site.

Universal Design

Each new building meets all aspects of the accessibility requirements of the BC Building code.

We trust that this summary will assist in your review of the attached proposal. If you have any need for more information or further clarification, please don't hesitate to call. We look forward to your comments.

Regards,



P.J. Mallen Architect—AIBC, OAA, AAA, LEED AP
Principal

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Permit No.: DP13-0052 / DVP13-0094

EXISTING ZONING DESIGNATION: C4 - Urban Centre Commercial
WITHIN DEVELOPMENT PERMIT AREA: Revitalization Development Permit

ISSUED TO: Mallen Gowing Berzins Architecture Inc.
LOCATION OF SUBJECT SITE: 2280 Baron Road

	LOT	D.L.	TOWNSHIP	SECTION	DISTRICT	PLAN
LEGAL DESCRIPTION:	6	126	26		ODYD	KAP59534

SCOPE OF APPROVAL

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

1. TERMS AND CONDITIONS:

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

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

Table 8.1 - Parking Schedule

Vary parking from 100 stalls permitted to 231 proposed as shown on Schedule A.

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

3. PERFORMANCE SECURITY:

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$ _____ N/A _____.
- (b) A Certified Cheque in the amount of \$ _____ N/A _____.
- (c) An Irrevocable Letter of Credit in the amount of \$ _____ TBD

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

4. DEVELOPMENT:

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.

If the Permittee does not commence the development permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

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

THIS Permit IS NOT A BUILDING Permit.

5. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Director of Land Use Management.

Should there be any change in ownership or legal description of the property, I undertake to notify the Land Use Management Department immediately to avoid any unnecessary delay in processing the application.

I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

5. APPROVALS:

AUTHORIZING RESOLUTION PASSED BY MUNICIPAL COUNCIL THE 16th DAY OF JULY, 2013.

ISSUED BY THE CITY OF KELOWNA THE _____ DAY OF JULY, 2013, BY THE GENERAL MANAGER OF COMMUNITY PLANNING & REAL ESTATE.

Doug Gilchrist
GM, Community Planning & Real Estate

REPORT TO COUNCIL



Date: July 10, 2013

RIM No. 0940-93

To: City Manager

From: Land Use Management, Community Sustainability (AR)

Application: TUP13-0004

Owner: City of Kelowna

Address: 3050 Abbott Street

Applicant: Kelowna Outrigger Racing
Canoe Club Association

Subject: Temporary Use Application

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

Existing Zone: RU1 - Large Lot Housing

1.0 Recommendation

THAT Council authorize the issuance of Temporary Use Permit No. TUP13-0004 to allow a paddle centre for Lot B, District Lot 14, ODYD, Plan 10727, located at 3050 Abbott Street, Kelowna, BC, for a three (3) year period commencing from the date of Council consideration, subject to the following conditions:

- a) That the subject site be fenced and treated in accordance with Schedule 'A', and that opaque fencing be provided along the north and south property boundaries, where appropriate for residential privacy;
- b) That a dust-free surface be maintained for the parking area, and that an asphalt apron be provided back of sidewalk for access from Abbott Street, in accordance with the Development Engineering Branch Memorandum dated June 26, 2013;
- c) That eighteen (18) parking spaces meeting the minimum dimension requirements of the Zoning Bylaw be maintained on site, in accordance with Schedule 'A'; and
- d) That the total number of storage containers be limited to two (2) and that such containers conform to the dimensions and placement shown on Schedule 'A', and be maintained in a manner to minimize visual presence.

1.0 Purpose

To consider a Temporary Use Permit application to facilitate a paddle centre on the subject site for a period of 3 years.

2.0 Land Use Management

The subject property is designated as Mixed Use (Residential/Commercial) in the Kelowna 2030 Official Community Plan (OCP), and is located within the South Padosy Urban Centre area. The application is for a Temporary Use Permit (TUP) to facilitate the location of a temporary paddle centre on subject site for a 3 year period. The *Local Government Act* allows municipalities to designate areas in an OCP where temporary uses may be permitted by Council, and the OCP permits TUPs to be considered for lands designated Mixed Use. The Mixed Use designation contemplates a variety of uses to support an urban centre, and as such this site could be considered for a commercial use.

Based on information provided by the applicant on anticipated average daily activities, the proposed 18 on-site parking spaces would be adequate for the proposed use. The proposed setbacks to the parking area conform with the requirements of the Zoning Bylaw for sites abutting a residential zone, and are to be maintained as existing landscaped area. The OCP sets out that appropriate screening and buffering are to be considered as permit conditions to protect adjacent land uses. As a condition of the subject TUP, it is recommended that opaque fencing be provided adjacent to the existing residences for screening and privacy, where appropriate, and in consultation with the residential neighbours.

It is expected that the proposed storage containers be temporary for a 3 year maximum period, and limited to the two described in the attached site plan. After this time, a more permanent and visually compatible solution to secure on-site storage would be required. In the intervening period, as a condition of the TUP, it will be required that the storage containers be maintained in a manner that minimizes their visual presence on the site.

Based on the above land use considerations, staff recommends support for the proposed TUP application. In accordance with the comments provided by the Recreation and Culture Services Department, paddling is identified as a non-motorized activity that is consistent with the City's promotion of a healthy, active lifestyle. Presently, there is no existing paddling facility in Kelowna. The TUP would enable the related paddling interests to pilot the paddle centre, and cultivate a comprehensive paddling organization, for a 3 year period. This would then afford the paddling community an opportunity to begin longer-term planning and programming for a permanent location, potentially including other paddling clubs and disciplines currently operating in Kelowna.

3.0 Proposal

3.1 Background

On June 24, 2013, Council received a report from the Director of Recreation & Cultural Services, and authorized staff to allow the Kelowna Outrigger Canoe Club Association to apply for a Temporary Use Permit for use of the City-owned property at 3050 Abbott Street as the temporary location for the Kelowna Paddle Centre.

3.2 Project Description

A group of paddling enthusiasts that includes representation from the Kelowna Outrigger Canoe Club Association and paddling disciplines representing the standup paddleboard and sprint canoe/kayak community are proposing to create a paddle centre in Kelowna. The Kelowna Outrigger Canoe Club Association is the lead group for the proposal and is seeking a Temporary Use Permit (TUP) to facilitate the location of a paddle centre on the subject site for the three aforementioned disciplines on a pilot basis for a 3 year period.

A number of sites were considered for the possible location of the paddle centre, including several City parks. However, in evaluating site requirements against possible locations, the subject site was determined as the preferred site. Its attributes include provision of a sandy shoreline with a gently sloped gradient into the lake; a relatively quiet area, away from power boat traffic; close proximity to an area of commerce; and secure storage of equipment.

It is proposed that the subject site will primarily serve for parking, equipment storage, and access to Okanagan Lake for the paddlers. To this end, a gravelled parking area with 18 parking spaces is proposed on the eastern half of the property, with direct access from Abbott Street. The applicant estimates that anticipated, average daily activities for the paddle centre would typically require 8-10 parking spaces at any one time, so there would be adequate on-site parking and minimal disruption to adjacent streets. Further, the parking area is proposed to be locked off to prevent unrelated parking activity occurring on the site when not in use for paddling activities.

The western half of the site is proposed as a secure staging and storage area for the paddlers. In this area of the site the existing ground cover will be retained, and a locked, secure storage container will be added for canoes, kayaks, standup paddle boards and related equipment (see attached site plan). Depending on need, a second container may be added at a later date. It is proposed that the containers will be maintained in a manner that minimizes their visibility from the surrounding area. The site presently has perimeter chain link fencing, and additional fencing with gates will be added to separate the staging and storage area from the parking area. No alterations are proposed within the Riparian Management Area (RMA), measured 15m from the natural boundary of Okanagan Lake.

It is proposed that all activities on the subject site will be coordinated by members of the three paddling disciplines involved in the proposal, and that the site would only be open to the public during scheduled events and programs. The proposed hours of operation, during which club members could access the site are 6am-10pm. In recognition of the surrounding residential context, the Kelowna Outrigger Canoe Club Association proposes to establish the paddle centre based on a "good neighbour principle," meaning that it intends to oversee and address neighbourhood considerations such as parking management, site maintenance, noise mitigation, hours of operation, and ongoing neighbourhood communication.

Public Consultation and Feedback

In fulfillment of *Council Policy #367: Public Consultation and Notification for Development Applications*, the applicant undertook notification of surrounding neighbours and property owners. The applicant took a further step beyond the minimum required and hosted a Public Open House on the subject site on July 3, 2013 (see attached Neighbourhood Consultation Summary Report).

A few concerns have been raised by some local residents through the review process, notably nearby neighbours, regarding the proposed paddle centre use, which include:

- concerns for the commercial nature of the proposed use relative to the existing single-family residential area;
- potential privacy, safety, noise, and odour impacts on adjacent residences; and
- potential traffic and parking impacts on surrounding streets.

As outlined earlier, the proposed paddle centre use is consistent with the Mixed Use designation in the Official Community Plan (OCP), and the surrounding area could be expected to evolve to more intensive residential and/or commercial uses over time. In the interim, through a condition of the TUP, it is proposed to mitigate some of the identified impacts by requiring opaque

fencing, in addition to the provided minimum parking setback of 1.2m. The applicant has also indicated a willingness to work with neighbours to minimize on-site disturbance of adjacent residences. Finally, based on the applicant information that the proposed average daily activities would generate need for approximately 8-10 parking spaces at any one time, the proposed on-site parking would be adequate.

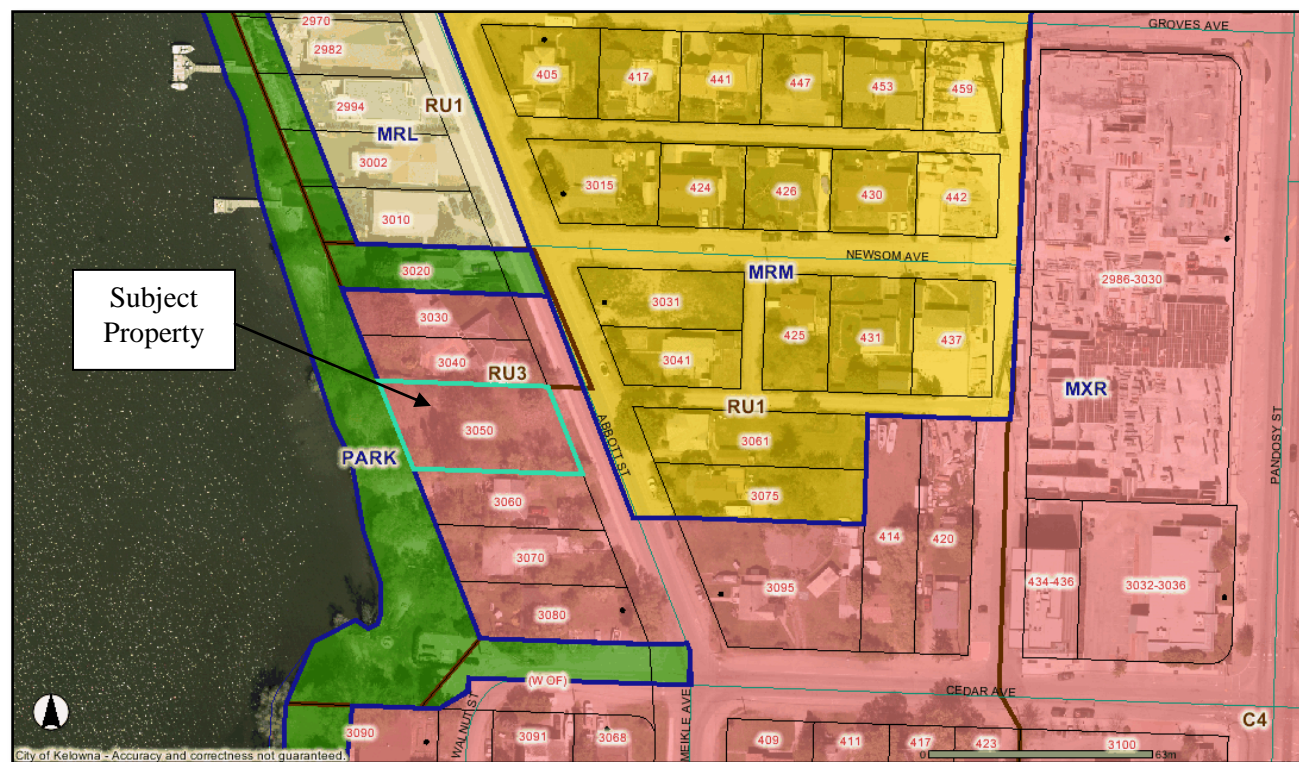
3.3 Site Context

The subject site is located in the South Pandosy Urban Centre area, on the west side of Abbott Street, mid-way between Newsom and Cedar Avenues, with frontage on Okanagan Lake. The 1,156 m² site is presently vacant and fenced along its perimeter. The City owns the subject site, as well as the three parcels to the north (3020-3040 Abbott Street) and the three to the south (3060-3080 Abbott Street). The surrounding area consists of single-family housing, with future land use designations of Mixed-Use (Residential/Commercial) to the north and south and Multiple Unit Residential (Medium Density) to the east.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU3 - Small Lot Housing	Single Family Housing
East	RU1 - Large Lot Housing	Single Family Housing
South	RU1 - Large Lot Housing	Single Family Housing
West	W1 - Recreational Water Use	Okanagan Lake

Subject Property Map: 3050 Abbott Street (with zoning and future land use designations)



4.0 Current Development Policies

4.1 Kelowna Official Community Plan (OCP)

Chapter 4 - Future Land Use - Temporary Use Permits (TUP)

The temporary use designation is intended to apply to operations that are temporary in nature and the designation does not in itself permit specific uses on the designated sites. Within these areas, Council may, by resolution, issue a Temporary Use Permit and specify the conditions under which the temporary use be carried on. Upon the expiration of a Temporary Use Permit, the permitted uses revert to those outlined in the City of Kelowna Zoning Bylaw 8000.

Temporary Use Permits may be considered within the Permanent Growth Boundary (PGB) on all lands designated in OCP2030 Commercial, Education/Institutional, Industrial, Mixed Use, or Public Service/Utility. All Temporary Use Permits must conform to other policy direction in this OCP, including fit within the character of the neighbourhood and surrounding uses. Appropriate landscaping, screening and buffering will be included as conditions of the permit to protect adjacent land uses.

5.0 Technical Comments

5.1 Development Engineering Department

See attached Memorandum.

5.2 Fire Department

No concerns.

5.3 Recreation & Cultural Services Department

- The existing lot is vacant with no structures with a gently sloping beach access - suitable for this type of activity.
- The lot is located in a neighborhood with rental houses (City is land owner) on both sides.
- Abbott Street corridor is an active roadway with lots of pedestrian use - cycling, rollerblading, walking, jogging, etc.
- There are bike lanes on both sides of Abbott.
- Activity associated with a paddling center is not inconsistent with the active, pedestrian-based activity that currently takes place in the area.
- The use of the lake in this area is consistent with a paddling center as the water quality is not the best for swimming.
- Paddling is a non-motorized activity that fits with the City's promotion of a healthy, active lifestyle.
- There is no paddling facility in Kelowna - this temporary use is the first step to demonstrate that Kelowna can support a paddling center.
- There is significant potential for the development of paddle sports in Kelowna - this facility will be instrumental in that development.
- A strong paddling community has the potential to be the host for significantly sized paddle based events in the future - these events will add to the local economy and lifestyle.
- The Club has stated their desire to engage the community in the objectives of the paddling center and is interested in connecting with the commercial community in the area.

- The paddle center will attract some additional traffic to the area, so the proposed off street parking makes sense.
- Paddling club participants will need to be aware of residential nature of neighborhood when conducting early morning practice sessions.

6.0 Application Chronology

Date of Application Received: June 26, 2013

Date of On-site Open House: July 3, 2013

Report prepared by:

Abigail Riley, Land Use Planner

Reviewed by:



Danielle Noble, Manager of Urban Planning

Approved for Inclusion



Doug Gilchrist, Divisional Director, Community Planning and Real Estate

Attachments:

Subject Property Map

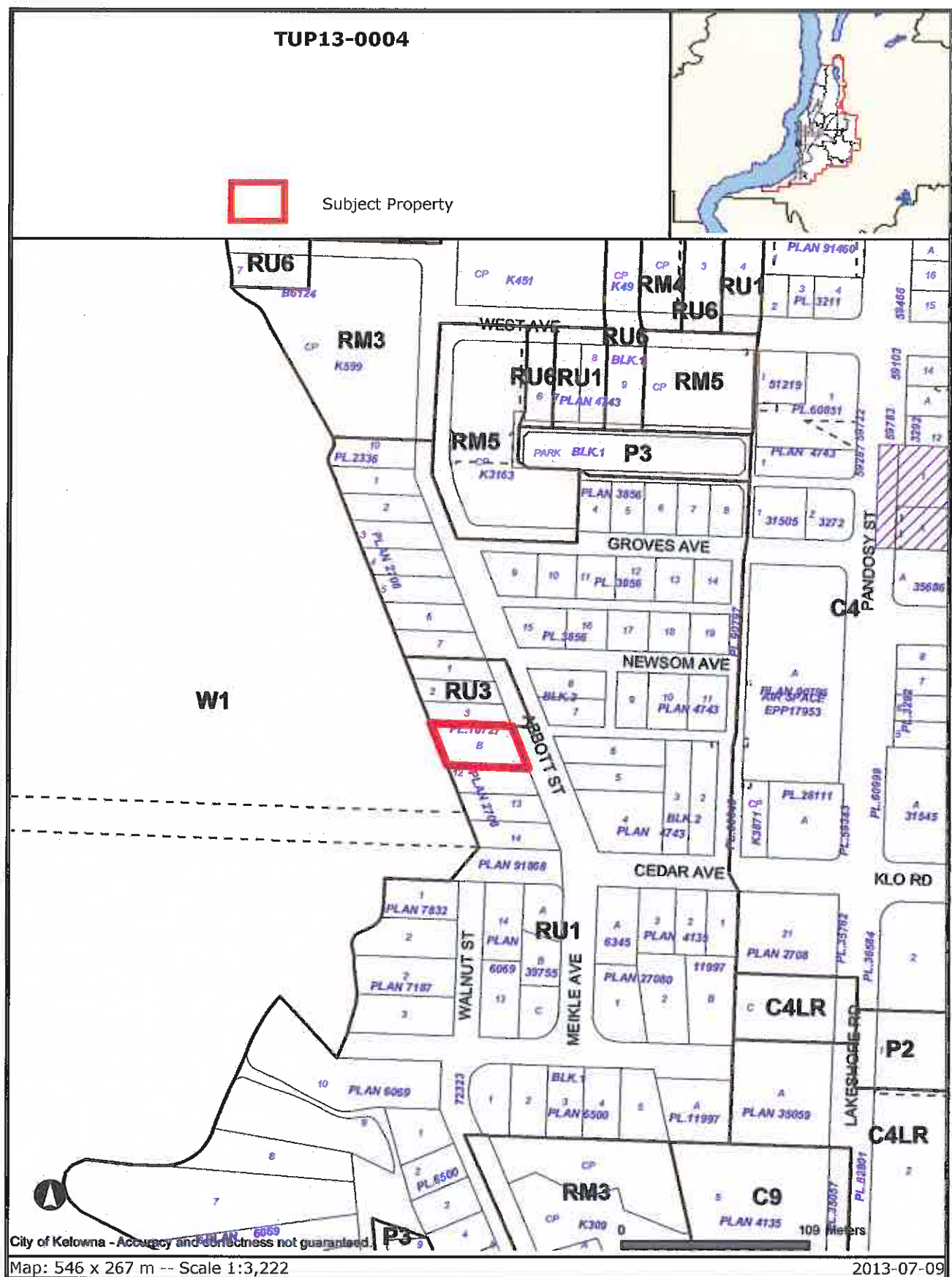
Site Plan

Context/Site Photos

Development Engineering Memorandum

Public Consultation Summary Report

DRAFT Temporary Use Permit No. TUP13-0004



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.

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



3050 ABBOTT ST.



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



3050 ABBOTT ST - LOOKING NW

Date: June 26, 2013
File No.: TUP13-0004

To: Land Use Management Department (AR)

From: Development Engineering Manager (SM)

Subject: 3050 Abbott Street Temporary Parking Lot

The Temporary Use Permit application, to use the property for a parking lot will require the following;

- Asphalt apron 50 mm thicknesses from the back of walk 7m in depth by the proposed width on the site plan.
- Dust free surface complete with 100mm thickness of ¾ minus gravel
- The existing driveway letdown location should be confirmed.
- Parking lot should be graded such that it is crowned with a 2% grade to each side for drainage.

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Summary Report of Neighborhood Consultation

Temporary Use Permit

#3050 Abbott St.

July 4, 2013

To: Abigail Riley, MCIP, RPP Land Use Planner

From: Joey Hertz, Operations Manager Kelowna Outrigger Canoe Club Assoc.

In March 2013, City Council adopted Council Policy #367 – Public Notification & Consultation for Development Applications, which for TUP applications sets out a requirement for neighbourhood consultation within 50m of the subject development parcel, per section 4b of the policy. It is noted that a good number of parcels are City-owned (west of Abbott St.) however, there are a number of privately-owned parcels to the north and across Abbott St. which were consulted as well.

In preparation for neighbourhood consultation a pamphlet brochure was prepared. The circular was personally delivered to all house holds within 50m of #3050 Abbott St. on June 24th, 25th, and 27th. The hand delivered envelopes contained an Introductory cover letter, colour ariel photographs, Site Plan Maps, Canoe photos, and contact information.(see below) During initial brochure delivery efforts were made to make personal contact with all residents. A neighbourhood contact sheet tracking comments was filed. Open dialogue was initiated and discussion encouraged.

The Cover letters made invitation for all interested parties to attend an on site Open House hosted by the club on Wed. July 3rd from 5:30-7:00pm. An additional second colour brochure invitation to the Open House was delivered to all area mail boxes on June 28th.

The Open House was held on site July 3rd. All interested parties were invited on site where the clubs entire inventory of Canoes (Paddled from Rotary Beach) were on display. Approx. 20 club members were present on site for a meet and greet. Personal paddle boards and watercraft were brought on location to show residents examples of equipment expected to be available in the future.

Note that the KLO Central Neighbourhood Assoc. was sent an E-mail Brochure package(as above) detailing the application. (as well as a package sent by regular post.)

The Results of the door-to-door neighbour contact tracking showed a clear majority of

very positive support for a The Kelowna Paddle Centre.

Nine (9) Households are in full support.

Three(3) households had no comments to make(neutral).

Two (2) Households were in some opposition to the initiative.

The Open House comments reflected the same community support levels.

It is our belief that the required and appropriate efforts were exceeded to inform the local residents of our initiatives, and to listen to and record their concerns as presented in this report.

Thank-you

Joey Hertz

Attached below for your reference is an aerial photo with the 50m buffer and properties consulted identified.

image007.jpg ↵

Kelowna Paddle Centre OPEN HOUSE

Wednesday July 3rd #3050 Abbott St.

5:30-7:00 PM **Everyone Welcome**

482942_187867761349377_1461985769_n.jpeg ↵

3050 Abbott-parking 2 aerial.pdf ↵KLO Central Neighbourhood Assoc.

Richard Borroughs

2425 Taylor Crescent

Phone 250.979.2959

kloneighbourhoodassociation@gmail.com

June29/13

Re: Temporary Use Permit (TUP) #3050 Abbott

Hi Richard:

The applicant (Kelowna Outrigger Canoe Club) has applied for a TUP on the above captioned property. We have sent the KLO CentralNeighbourhood Assoc. an E-mail Brochure package detailing the application. (as well as a package by regular post) Could you please verify receiving this information from us?

Please feel free to contact me by e-mail or telephone if you have any questions or concerns. I would be happy to make myself available to attend a KLO Central

Neighbourhood Assoc. meeting if requested to answer any questions.

Thank you,

Sincerely

Joey Hertz

joey2paddles@telus.net

250-859-0879

Report to Council



Date: July 24, 2013
Rim No. 1140-53
To: City Manager
From: R. Forbes, Manager, Property Management
Subject: Licence of Occupation - - 3050 Abbott Street - Kelowna Outrigger Racing Canoe Association

Recommendation:

THAT Council approves the City entering into a three (3) year Licence of Occupation, with the Kelowna Outrigger Racing Canoe Association ("Association"), for the Association's use of City-owned property for the operation of a paddling centre, in the form attached to the Report of the Manager, Property Management, dated July 24, 2013;

AND THAT the 2013 Financial Plan be amended for \$25,000 to provide for the parking site with funding from the Parks Purchase and Development Reserve.

AND FURTHER THAT the Mayor and City Clerk be authorized to execute the Licence of Occupation.

Purpose:

To provide a Licence of Occupation for the use of City property as a paddling centre.

Background:

The City owns property at 3050 Abbott Street, part of the Cedar Avenue redevelopment area. It is the City's intent to develop the property in the future. Until such time, the City has granted the Association a Temporary Use Permit ("TUP") allowing the site to be used as a paddling centre. This license outlines the terms of the use, which include:

- Three (3) years with an option to renew for an additional three (3) years provided an extension is granted to the TUP;
- Maintenance of the site is the sole responsibility of the Association;
- The City has the right to terminate the agreement by providing 60-days notice at the City's sole discretion for any reason;
- The Association will provide instruction on the use of various water craft through development programs;
- The Association will provide storage at a cost for members stand up paddle boards;

- The Association will take reasonable measures to ensure people utilizing the space do not adversely impact parking in the neighbourhood;
- The Association will take reasonable measures to ensure their activities work in harmony with the neighbours;
- If the operation is having an adverse effect on the neighbourhood, the City reserves the right to impose additional operational restrictions at its sole discretion; and
- The City will provide the improvements to the parking area as the Agreement has an uncertain tenure.

Internal Circulation:

Manager, Urban Land Use
Director, Financial Services
Communications Supervisor

Financial/Budgetary Considerations:

The City is to spend up to \$25,000 from the Parks Purchase and Development Reserve and that any rent received from the Association be allocated to the Parks Purchase and Development Reserve.

Considerations not applicable to this report:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Existing Policy:

Personnel Implications:

External Agency/Public Comments:

Communications Comments:

Alternate Recommendation:

In light of the above, the Property Management branch of the Real Estate & Property Services department request Council's support of this Licence of Occupation.

Submitted by:

Ron Forbes, RPA
Manager, Property Management

Approved for inclusion:



D. Edstrom, Acting Director,
Real Estate & Property Services

cc: D. Noble, Manager, Urban Land Use
K. Grayston, Director, Financial Services
J. Foster Sexsmith, Communications Supervisor

Attachments: Licence of Occupation
Subject Property Map
Sketch Map

LICENCE OF OCCUPATION

THIS AGREEMENT dated for reference the 15 day of July 2013.

BETWEEN:

CITY OF KELOWNA, a municipal corporation having its
office at 1435 Water Street, Kelowna, BC., V1Y 1J4

(the "City")

AND: **KELOWNA OUTRIGGER RACING CANOE CLUB ASSOCIATION**,
800 – 1708 Dolphin Avenue, Kelowna BC., V1Y 9S4

(the "Licensee")

OF THE FIRST PART

OF THE SECOND PART

WHEREAS:

- A. The City is the owner of the property located at 3050 Abbott St. in the City of Kelowna, legally known as:

Parcel Identifier : 009-534-083

(the "Property");

- B. The Licencee wishes to operate a Paddle Centre on the Property (the "Works") which will create an encroachment onto City-owned property (known as the "Licence Area");
- C. The Kelowna Outrigger Racing Canoe Club Association Society is a not-for-profit registered (#S-0049788) under the Society's Act (British Columbia) with the mandate to promote, develop and encourage canoeing and other athletic aquatic activities for the physical, competitive, and social well-being of the members of the Society and of the Central Okanagan community as a whole.
- D. The Licencee wishes to develop the Kelowna Paddle Centre with the mission statement of: "To build and support paddling sport in the Central Okanagan". By bringing various paddling disciplines under one structure and location, various synergies may be achieved such as; program and club development, coach development and recruitment, recruiting and maintaining members, developing a sustainable financial model and establishing community presence.
- E. The Kelowna Paddling Centre Goals include:

- a. To secure water accessible location that will provide a central meeting place for paddling sport
 - b. Create a governance structure that is representative, accountable, transparent and sustainable
 - c. Create community awareness of the Kelowna Paddling Centre, it's activities and it's accomplishments
 - d. Increased visibility and understanding of paddle sport to the general public
 - e. Develop paddle sports in the central Okanagan through club development activities as well as community programming (clinics, courses, events) open to all members of the general public.
- F. Build stakeholder support to ensure a sustainable business model
- G. The City is prepared to grant the Licencee a Licence of Occupation pursuant to Section 35(11) of the *Community Charter*, S.B.C. 2003, c.26 for a term of three (3) years over the Licence Area to enable the Licencee to complete the Works.

NOW THEREFORE in consideration of the payment of Two Thousand five hundred dollars (\$2,500) per year and other good and valuable consideration, from the Licencee to the City, the receipt and sufficiency is hereby acknowledged, the City and the Licencee covenant and agree as follows:

1. **Grant** – The City grants to the Licencee the non-exclusive right and licence to enter onto and use that portion of the Licence Area shown in bold on Schedule "A" which is attached hereto for the purposes of operating a Paddling Centre including storage of equipment, providing instruction of the use of various human powered watercraft.
2. **Additional Rights** – For the purposes outlined in Section 1, the Licencee shall have the right to bring onto the Licence Area all necessary materials, vehicles, machinery and equipment.
3. **Term** – The duration of this Agreement and Licence herein granted shall be for a term of three (3) years commencing on the date of execution of this Agreement, unless earlier terminated in accordance with Section 17.
4. **Extension** – The term of this Licence of Occupation may be renewed for a further three (3) year period (the "Renewal Period") upon written agreement by the City and the Licencee and extension of the Temporary Use Permit. All other terms and conditions with the exception of Article 4 will apply.
5. **State of Licence Area at Termination** – In the event that this Agreement terminates or expires for any reason, the Licencee will cease all occupation of the Licence Area and will remove all equipment, chattels, fixtures, buildings and other improvements from the Licence Area. The Licencee will leave the Licence Area in a safe, clean and tidy condition and clear of contamination occurring since the date of commencement of this Agreement. In the event that the Licencee fails to remove any equipment or chattels upon termination of this Agreement then the City may do so and recover the expense thereof from the Licencee. All buildings, improvements and fixtures remaining on the Licence Area become the sole property of the City upon termination of this Agreement, without any compensation whatsoever to the Licensee.

6. **Non-exclusive Use** – The Licencee agrees that:
- (a) the rights granted under this Agreement do not constitute any interest in the Licence Area or entitle the Licencee to exclusive possession of the Licence Area;
 - (b) the Licencee's rights under this Agreement are at all times subject to the rights and interest of the City as owner and possessor of the Licence Area.
7. **No Waste or Nuisance** – The Licencee will not do or permit anything that may become a nuisance to occupiers or invitees on adjoining lands.
8. **Terms and Conditions** – The Licencee will comply with all the terms, conditions, rules or regulations that the City may from time to time impose in respect of the use and administration of the Licence Area. The Licencee acknowledges that the fact that the Licence is granted by the City does not excuse the Licencee from obtaining building permits, development permits, business licences and other required permissions.
9. **Maintenance** – The Licencee will at its own expense keep the Licence Area in a safe, clean and tidy condition, and will erect boarding and fencing around the Licence Area prior to any construction.
10. **Compliance with Laws** – The Licencee will comply with all laws and regulations pertaining to its use and occupation of the Licence Area as well as all terms and conditions of the Temporary Use License TUP 13-0004.
11. **Inspection by the City** – The City may review and inspect the Licence Area and the work which the Licencee is undertaking pursuant to this Agreement to determine if the Licencee is in compliance with the terms of this Agreement.
12. **No Transfer** – The rights granted to the Licencee under this Agreement may not be sub-licensed, assigned or otherwise transferred.
13. **Risk** – The Licencee accepts the Licence Area on an as-is basis and agrees that it will use the Licence Area at its own risk, and the City will not be liable in respect of any loss of life, personal injury, damage to property, loss of property or other loss or damage suffered by the Licencee, its contractors, subcontractors, agents, invitees, employees or any other person arising out of this Agreement or the use and occupation of the Licence Area except in the case of negligence or wilful act or omission by the City, its employees, agents or invitees.
14. **Indemnity** – The Licencee will indemnify and save harmless the City and its elected and appointed officials, officers, employees, agents and others from and against any claim, action, damage, liability, cost and expense in connection with loss of life, personal injury, loss of property, damage to property or other loss or damage arising from this Licence or any occurrence on or around the Licence Area during the term of this Licence, or by use or occupancy of the Licence Area by the Licencee or any default of the Licencee under this Agreement or any wrongful act, omission or negligence of the Licencee or its officers, employees, contractors, agents or others for whom the Licencee is responsible. This indemnity will survive the expiry or sooner termination of this Agreement.

15. **Release** – The Licencee hereby releases and forever discharges the City, its elected officials, officers, employees, agents and invitees, of and from any claim, causes of action, suit, demand, expense, cost, legal fees and compensation of whatever kind, whether known or unknown, at law or in equity, including without limitation any claim under the *Property Law Act* (collectively “Claims”), which the Licencee may have, sustain or suffer, as the case may be, now or in the future arising from the Works, other improvements in the Licence Area, the expiry or termination of this Licence, the exercise by the City of any of its rights under this Licence or from or in any way connected with the Licencee’s use of the Licence Area, except claims arising from the exclusive negligence of the City.
16. **Insurance** – During the term of this Agreement, the Licencee will carry public liability insurance, in a form and with an insurer acceptable to the City, insuring the Licencee and the City under this Agreement in an amount not less than \$5,000,000.00 per occurrence, and any other type of insurance that the City may reasonably require. The Licencee will provide the City with proof of insurance at the time of execution of this Agreement and at other times upon request. The City will not be responsible for any damage to the Licencee’s equipment. The City will not be liable for any injury as a result of their operation.
17. **Termination** – The City reserves the right to terminate this agreement by providing 60 days notice in writing at its sole discretion for any reason. The City may require the Licensee to cease using the License Area should the conduct of the members of the Club result in an unacceptable level of complaints from the neighbours. The City will not be liable to compensate the Licencee for damages, costs or losses resulting from the exercise of this right of termination or any termination of this Licence.
18. **Notices** – Any notice given pursuant to this Agreement will be sufficiently given if it is in writing and delivered by hand or mailed by prepaid registered mail or sent by facsimile transmission to the intended party at its address set out on page 1 of this Agreement or to such other address as either party may provide in writing to the other pursuant to the provisions of this paragraph.

All notices:

To the City:

Attention: City Clerk
1435 Water St.
Kelowna, BC V1Y 1J4

To the Licensee:

Attention: Kelowna Outrigger Racing Canoe Association
C/O Kevin Kingston
#1800-1631 Dickson Ave.
Kelowna, BC V1Y 0E5

A notice will be deemed to be received on the day it is delivered, if delivered by hand, on the day of transmission, if sent by facsimile, or 3 days after the date it was mailed or if that day is not a business day, the next day that is a business day. If mailed, should there be at the time of mailing or between the time of mailing and the deemed receipt of the notice, a mail strike or slowdown, labour or other dispute which might affect the

delivery of such notice by the mails, then such notice will only be effective if delivered by hand or sent by facsimile transmission.

19. **No Effect on Laws or Powers** – Nothing contained or implied herein prejudices or affects the City's rights and powers in the exercise of its functions pursuant to the *Local Government Act* or its rights and powers under any enactment to the extent the same are applicable to the Licence Area, all of which may be fully and effectively exercised in relation to the Licence Area as if this Agreement had not been fully executed and delivered.
20. **Severance** – If any portion of this Agreement is held invalid by a Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid must not affect the validity of the remainder of the Agreement.
21. **Further Actions** – Each of the parties hereto shall from time to time hereafter and upon any reasonable request of the other, execute and deliver, make or cause to be made all such further acts, deeds, assurances and things as may be required or necessary to more effectually implement and carry out the true intent and meaning of this Agreement.
22. **Waiver or Non-action** – Waiver by the City of any breach of any term, covenant or condition of this Agreement by the Licensee must not be deemed to be a waiver of any subsequent default by the Licensee. Failure by the City to take any action in respect of any breach of any term, covenant or condition of this Agreement by the Licensee must not be deemed to be a waiver of such term, covenant or condition.
23. **Reference** – Every reference to a party is deemed to include the heirs, executors, administrators, successors, servants, employees, agents, contractors and officers of such party wherever the context so requires or allows.
24. **General** –
 - a. This Agreement will bind and benefit each party to this Agreement, and its respective corporate successors;
 - b. The Schedules attached to this Agreement form part of this Agreement;
 - c. This Agreement and the terms and conditions of the Temporary Use Permit 13-0004 constitutes the entire agreement between the parties and may not be amended except by agreement in writing signed by all parties to this Agreement;
 - d. Time is of the essence of this Agreement;
 - e. This Agreement must be construed according to the laws of the Province of British Columbia.
 - f. This License of Occupation is subject to approval of City of Kelowna Council.
 - g. This License of Occupation is subject to the terms and conditions outlined in the Temporary Use Permit and notwithstanding all other terms and conditions of this agreement shall terminate one (1) day prior to the expiration or cancellation of the Temporary Use Permit.

- h. The Licensee is to use the License Area only for the purpose of water sport and recreation centre or such activity as may be properly authorized, in writing, by the City and to operate to the satisfaction of the City and in accordance with any conditions or requirements as may from time to time be detailed by the City. It is understood that motorized boats may be used in support of non-motorized vessels and programs, but the operation and storage of the motorized boats is not the primary purpose of the License.
- i. The Licensee shall not construct or install any structures without first receiving written approval from the City which approval may be withheld for any reason. Any structures must comply with the terms set out in the Temporary Use Permit and must meet all rules and regulations.
- j. The Licensee shall not display any signs without first obtaining approval from the City including owners authorization and following all appropriate sign bylaws.
- k. The Licensee shall not to commit or permit: any waste or injury to the License Area including the Leasehold Improvements and the trade fixtures therein; any conduct which impedes or, in the opinion of the City acting reasonably, could constitute a nuisance to the City or anyone else; any other use or manner of use which, in the opinion of the City acting reasonably, may have an adverse impact on the reputation of the Licence Area.
- l. The Licensee shall permit the City at any time and from time to time to enter and to have its authorized agents, employees, and contractors enter the Licensed Area for the purpose of inspection or making repairs, alterations, or improvements to the Licensed Area as the Landlord may deem necessary or desirable, or as the City may be required to make by law. The City shall be allowed to take into the Premises all material which may be required for such purpose and the rent reserved shall in no way abate while such repairs, alterations or improvements are being made by reason of interruption of the business of the Licensee. The City shall exercise reasonable diligence as to minimize the disturbance or interruption of the Licensee's operation.
- m. Any functions / events at which alcoholic beverages are to be available must receive the prior approval of the City and must be licensed by the Liquor Licensing Branch of the Province of British Columbia. The City, in its sole discretion, may withhold approval of the function;
- n. The Licensee shall take reasonable measures to ensure people utilizing the License Area do not adversely impact parking the neighbourhood. ;
- o. The hours of use are 6:00 am to 10:00pm or dawn to dusk whichever are shorter.
- p. Noise control – There will be noise that comes from the nature of the activity, but this noise should be controlled. Noise should be reduced or eliminated between the hours of 8pm and 8 am daily. For example; Participants must be discouraged from using automatic vehicle locking devices that emit a noise to confirm doors are locked.
- q. The site will be used for the operation of a club. It is not to be rented to another organization.

- r. The Licensee shall take reasonable measures to inform the neighbourhood of the use of the site. This includes special events that will attract a large number of participants.
- s. The Licensee shall take reasonable measures to ensure the daily activities and events associated with the Licensee work in harmony with the neighbourhood;
- t. The Licensee is responsible to ensure security of the site and any insurance.
- u. The Licensee is responsible for all aspects of the daily operations.
- v. The Licensee shall ensure that the bins are appropriately concealed.
- w. The Licensee shall ensure any temporary toilet structure(s) are located as far away from neighbouring residents as possible and that are cleaned out on a regular basis to reduce the odour in the neighbourhood.
- x. In the event that the operation of the Licensee in the Licensed Area has an adverse effect on the neighbourhood, the City reserves the right to impose additional operational restrictions at its sole discretion; and
- y. The Licensee is responsible for any and all taxes whether municipal, Provincial or Federal associated with their use of this property.

Schedules:

- Schedule "A" - Certificate of Insurance
- Schedule "B" – Temporary Use Permit
- Schedule "C" - Site Plan
- Schedule "D" - Constitution and Bylaws

As evidence of their agreement to be bound by the above terms and conditions, the parties have executed this Agreement below on the dates written below.

SIGNED, SEALED & DELIVERED by the)
CITY OF KELOWNA, in the presence of:)

_____)
Signature of Witness)

_____)
Print Name)

_____)
Address)

_____)
Occupation)
*As to both signatures)

SIGNED, SEALED & DELIVERED by the)
KELOWNA OUTRIGGER RACING CANOE)
CLUB ASSOCIATION, in the presence of:)

@ by its authorized signatories:

_____)
Signature of Witness)

_____)
Print Name)

_____)
Address)

_____)
Occupation)
*As to both signatures)

CITY OF KELOWNA by its authorized
signatories:

Print Name: JOEY HERTZ

Print Name: KEVIN KINGSTON



1435 Water Street
Kelowna, BC V1Y 1J4
250 469-8500
kelowna.ca

APPENDIX A-1
CERTIFICATE OF INSURANCE

City staff to complete prior to circulation

City Dept.: _____
Dept. Contact: _____
Project/Contract/Event: _____

Insured

Name: Kelowna Outrigger Racing Canoe Club Association

Address: 3050 Abbott Street, Kelowna BC

Broker

Name:

Address:

Location and nature of operation and/or contract reference to which this Certificate applies:

3050 Abbott Street, operation of the Outrigger Racing Canoe Club

Type of Insurance	Company & Policy Number	Policy Dates		Limits of Liability/Amounts
		Effective	Expiry	
Section 1 Comprehensive General Liability including: <ul style="list-style-type: none">• Products/Completed Operations;• Blanket Contractual;• Contractor's Protective;• Personal Injury;• Contingent Employer's Liability;• Broad Form Property Damage;• Non-Owned Automobile;• Cross Liability Clause.				Bodily Injury and Property Damage \$ <u>2,000,000</u> Inclusive \$ _____ Aggregate \$ _____ Deductible
Section 2 Automobile Liability				Bodily Injury and Property Damage \$ <u>2,000,000</u> Inclusive

It is understood and agreed that the policy/policies noted above shall contain amendments to reflect the following:

1. Any Deductible or Reimbursement Clause contained in the policy shall not apply to the City of Kelowna and shall be the sole responsibility of the Insured named above.
2. The City of Kelowna is named as an Additional Insured.
3. 30 days prior written notice of material change and/or cancellation will be given to the City of Kelowna.

Print Name

Title

Company (Insurer or Broker)

Signature of Authorized Signatory

Date

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Temporary Industrial Use Permit: TUP13-0004

EXISTING ZONING DESIGNATION: RU1 - LARGE LOT HOUSING

ISSUED TO: Kelowna Outrigger Racing Canoe Club Association (Joey Hertz)

LOCATION OF SUBJECT SITE: 3050 Abbott Street

	LOT	DISTRICT LOT	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	B	14	Plan 10727			O.D.Y.D.

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.

1. TERMS AND CONDITIONS:

- a) THAT, in addition to the permitted uses of the RU1 - Large Lot Housing zone of Zoning Bylaw 8000, as amended or replaced from time to time, this Permit allows for the "Participant Recreation Services, Outdoor" use, limited to paddling activities;
- b) AND THAT, for the purposes of this Permit, "Participant Recreation Services, Outdoor" shall be defined as follows:
"PARTICIPANT RECREATION SERVICES, OUTDOOR" means facilities which are available to the public at large for sports and active recreation conducted outdoors, limited to paddling activities."
- c) AND THAT the subject site be fenced and treated in accordance with Schedule 'A', and that opaque fencing be provided along the north and south property boundaries, where appropriate for residential privacy and in consultation with the adjacent neighbours;
- d) AND THAT a dust-free surface be maintained for the parking area, and that an asphalt apron be provided back of sidewalk for access from Abbott Street, in accordance with the Development Engineering Branch Memorandum dated June 26, 2013;
- e) AND THAT eighteen (18) parking spaces meeting the minimum dimension requirements of the Zoning Bylaw be maintained on site, in accordance with Schedule 'A'; and
- f) AND THAT the total number of storage containers be limited to two (2) and that such containers conform to the dimensions and placement shown on Schedule 'A', and be maintained in a manner to minimize visual presence.
- g) AND THAT this Permit will expire on July 30, 2016;
- h) AND THAT, following the expiry of this Permit, the use of the subject property must comply with the provisions of the RU1-Large Lot Housing zone of Zoning Bylaw 8000, as amended or replaced from time to time;

- i) AND THAT the storage containers be removed from the site and that it be returned to a vacant state following expiration of the Temporary Use Permit;

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.

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

THIS Permit IS NOT A BUILDING Permit.

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.

Should there be any change in ownership or legal description of the property, I undertake to notify the Community Planning and 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.

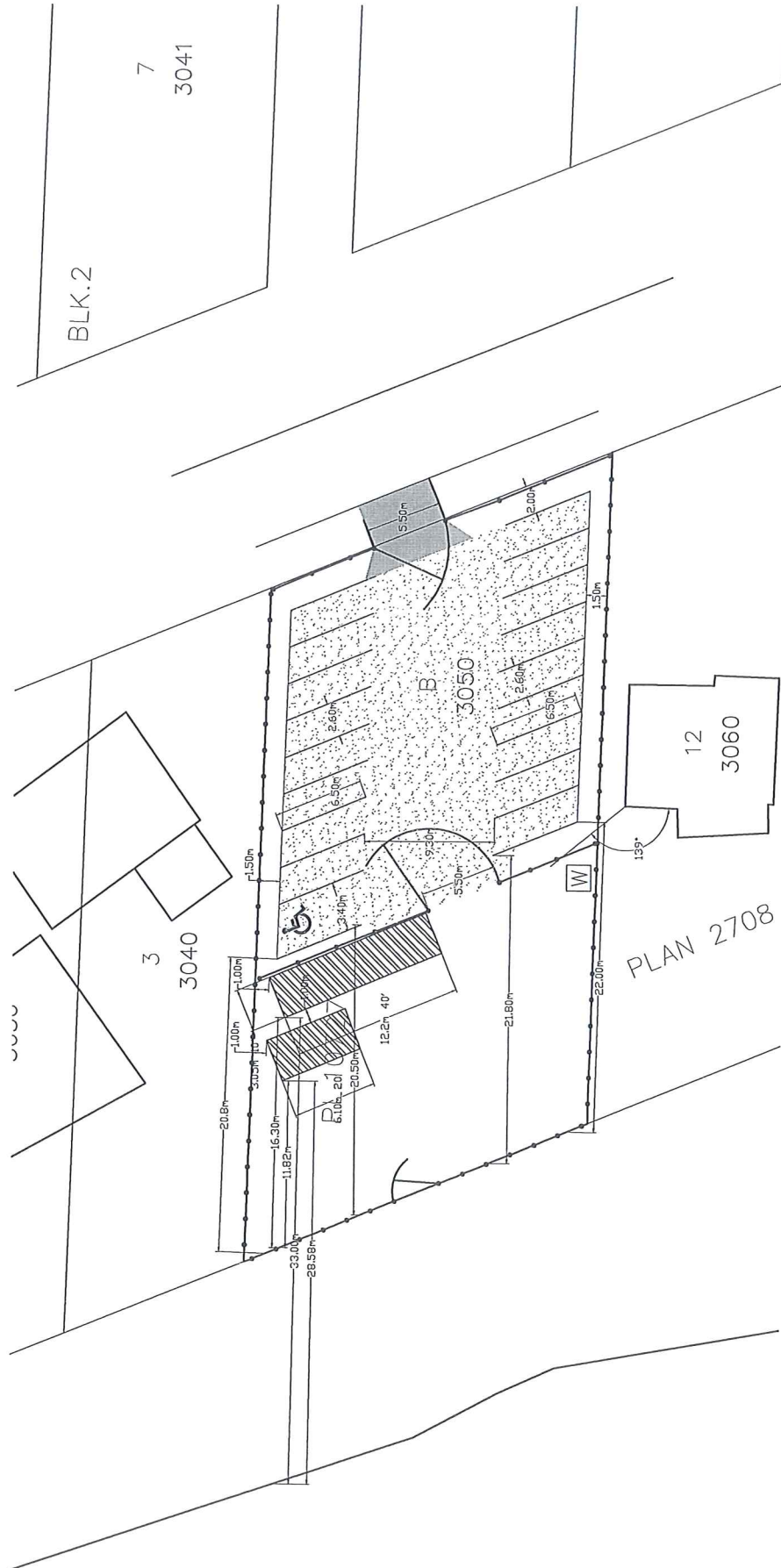
2. APPROVALS:

TEMPORARY USE PERMIT AUTHORIZED BY COUNCIL ON THE ____ DAY OF _____, 2013.

ISSUED BY THE LAND USE MANAGEMENT DEPT. OF THE CITY OF KELOWNA THE ____ DAY OF _____, 2013.

Doug Gilchrist
Divisional Director, Community Planning and Real Estate Department

SCHEDULE "C"
SITE PLAN



Society Summary

For

KELOWNA OUTRIGGER RACING CANOE CLUB ASSOCIATION

Date and Time of Search: July 5, 2013 10:11 AM Pacific Time

Currency Date: April 4, 2013

ACTIVE

Society Number: S-0049788 **Business Number:** 817887540BC0001
Name of Society: KELOWNA OUTRIGGER RACING CANOE CLUB ASSOCIATION
Incorporation Date and Time: Incorporated on October 11, 2005
Last Annual Report Filed: 2012 **Reporting Society:** No
Last Annual General Meeting: June 18, 2012 **Number of Directors:** 5
In Liquidation: No

REGISTERED OFFICE INFORMATION

Physical Address:

00-1708 DOLPHIN AVE
KELOWNA BC V1Y 9S4

Mailing Address:

800-1708 DOLPHIN AVE
KELOWNA BC V1Y 9S4

DIRECTOR INFORMATION

Last Name, First Name, Middle Name:

BATES, JIM

Physical Address:

519 KNOWLES RD
KELOWNA BC V1W 1H4

Mailing Address:

519 KNOWLES RD
KELOWNA BC V1W 1H4

Last Name, First Name, Middle Name:

BATES, KAREN

Physical Address:

519 KNOWLES RD
KELOWNA BC V1W 1H4

Mailing Address:

519 KNOWLES RD
KELOWNA BC V1W 1H4

Last Name, First Name, Middle Name:

HERTZ, GAYLE

Physical Address:

2691 CASA LOMA RD
KELOWNA BC V1Z 1T6

Mailing Address:

2691 CASA LOMA RD
KELOWNA BC V1Z 1T6

Last Name, First Name, Middle Name:

HERTZ, JOEY

Physical Address:

391 CASA LOMA ROAD
KELOWNA BC V1Z 1T6

Mailing Address:

2691 CASA LOMA ROAD
KELOWNA BC V1Z 1T6

Last Name, First Name, Middle Name:

KINGSTON, KEVIN

Physical Address:

800 - 1708 DOLPHIN AVE
KELOWNA BC V1Y 9S4

Mailing Address:

800 - 1708 DOLPHIN AVE
KELOWNA BC V1Y 9S4

FORM 3

SOCIETY ACT

CONSTITUTION OF KELOWNA OUTRIGGER RACING CANOE CLUB ASSOCIATION ✓

1. The name of the Society is Kelowna Outrigger Racing Canoe Club Association. ✓

2. The purposes of this Society shall be to:

2.1 promote, develop and encourage the sport of canoeing and other athletic and aquatic activities for the physical, competitive and social well-being of the members of the Society and of the Central Okanagan community as a whole;

2.2 provide and promote financial assistance to society members who compete in the sport of canoeing;

2.3 to acquire by purchase, lease, gift, or otherwise, and to build, construct, erect, operate and maintain any and all facilities, improvements and equipment;

2.4 manage, develop, improve, exchange, rent, allow the use of, lease, mortgage, dispose of or otherwise deal with all or any of the property, assets, equipment, or rights of the Society as the Society may decide upon from time to time;

2.5 raise, borrow, provide or otherwise secure funds in such a manner as the Society may see fit and, in particular, by mortgage or by issue of notes, bonds, debentures, security agreements or otherwise charged upon all or any of the Society's assets or property and to redeem and pay same;

2.6 do all such things as are incidental or conclusive to the attainment of any of the above purposes or for the necessary and proper operation of the Society;

3. If the Society is wound up or dissolved then the funds and assets of the Society remaining after the satisfaction of its debts and liabilities shall be given or transferred to such organization or organizations concerned with the social problems or organizations promoting the same purposes of this Society as may be determined by the members of the Society at the time of winding up or dissolution. If effect cannot be given or transferred to some other organization provided that such other organization referred to in this paragraph shall be a charitable organization or charity recognized by the Department of National Revenue as being qualified from time to time in effect. This clause is unalterable. ✓

4. The above purposes of the Society shall be carried out without purpose of gain for its members, and any profits or other accretions to the Society shall be used for promoting its purposes, and all of the above purposes shall be carried out on an exclusively charitable basis. This clause is unalterable. ✓

BYLAWS

The bylaws of the Kelowna Outrigger Racing Canoe Club Association are those set out in Schedule "B" to the Society Act. ✓

FILED AND REGISTERED

OCT 11 2005

REGISTRAR OF COMPANIES

Dated the 29th day of August, 2005, at the City of Kelowna, Province of BC. ✓

WITNESS:

Wanda Murinko ✓
Witness Signature

Address WANDA MURINKO

Legal Assistant

902 - 1708 DOLPHIN AVE.

KELOWNA, BC V1Y 9S4

PH (250) 979-4444 FAX (250) 979-4445

WITNESS:

Wanda Murinko ✓
Witness Signature

WANDA MURINKO

Legal Assistant

Address

902 - 1708 DOLPHIN AVE.

KELOWNA, BC V1Y 9S4

PH (250) 979-4444 FAX (250) 979-4445

Occupation

1. [Signature]
KEVIN KINGSTON
1870 MAPLE ST.
KELOWNA, B.C.
V1Y 1H3

[Signature]
GAYLE HERTZ
2691 CASA LOMA RD
KELOWNA, B.C.
V1Z 1T6

WITNESS: DOROTHY ESPEZETH

[Signature]
Witness Signature

8900 RUSSET DRIVE

Address

VERNON, B.C. V1B 2B7

RETIRED

Occupation

[Signature]
JOEY HERTZ
2691 CASA LOMA RD.
KELOWNA, B.C.
V1Z 1T6

Dated the 29th day of August, 2005, at the City of Kelowna, Province of BC.

WITNESS: MARTIN TIMMS

Witness Signature

#105-680 Lequime Rd.

Address

Kelowna BC V1W 1A4

Sales

Occupation



KAREN BATES

519 KNOWLES RD

KELOWNA, B.C.

V1W 1H4

WITNESS: MARTIN TIMMS

Witness Signature

#105-680 Lequime Rd

Address

Kelowna BC V1W 1A4

Sales

Occupation



JIM BATES

519 KNOWLES RD.

KELOWNA, B.C.

V1W 1H4

PROVINCE OF BRITISH COLUMBIA

SCHEDULE B – SOCIETY ACT

Bylaws of Access Justice Society

Part 1 - Interpretation

1. (1) In these bylaws, unless the context otherwise requires,
 - (a) “directors” means the directors of the Society for the time being;
 - (b) “Society Act” means the Society Act of the Province of British Columbia from time to time in force and all amendments to it;
 - (c) “registered address” of a member means his address as recorded in the register of members;
- (2) The definitions in the *Society Act* on the date these bylaws become effective apply to these by-laws.
2. Words importing the singular include the plural and vice versa; and words importing a male person include a female person and a corporation.

Part 2 — Membership

3. The members of the Society are the applicants for incorporation of the Society. and those persons who subsequently have become members, in accordance with these by-laws and, in either case, have not ceased to be members.
4. Any person, including a corporation, interested in the objects of the Society, may become a member by (a) applying to and being accepted by the directors for membership in the Society and (b) paying such fees, if any, as may be determined by the directors from time to time..
5. Each member shall uphold the constitution and comply with these by-laws.
6. A person shall cease to be a member of the Society
 - (1) by delivering a written resignation to the secretary of the Society or by mailing or by delivering it to the address of the Society, or
 - (2) on death or in the case of a corporation, on dissolution; or
 - (3) on being expelled; or

- (4) on having been a member not in good standing for 12 consecutive months.
7. A member who has failed to pay the current annual membership fee or any other subscription or debt due and owing by such member to the Society is not in good standing so long as the fee, subscription or debt remains unpaid.

Part 3 — Meetings of Members

8. General meetings of the Society shall be held at time and place, in accordance with the Society Act, as the directors decide.
9. Every general meeting, other than an annual general meeting, is an extraordinary general meeting.
10. The directors may, whenever they think fit, convene an extraordinary general meeting.
11. (1) Notice of a general meeting shall specify the place, the day and the hour of the meeting, and, in the case of special business, the general nature of that business.
- (2) The accidental omission to give notice of a meeting to, or the non-receipt of a notice by, any of the members, entitled to receive notice does not invalidate proceedings at that meeting.
12. Not less than 14 days written notice of a general meeting shall be given to each member of the Society not in good standing.
13. An annual general meeting shall be held at least once in every calendar year and not more than 15 months after the holding of the last preceding annual general meeting.

Part 4. — Proceedings at General Meetings

14. Special business is
- (1) all business at an extraordinary general meeting except the adoption of rules of order, and
- (2) all business that is transacted at an annual general meeting, except.
- (a) the adoption of rules of order,
- (b) the consideration of the financial statements,
- (c) the report of the directors,
- (d) the report of the auditor, if any.

- (e) the election of directors.
 - (f) the appointment of the auditor, if required. and
 - (g) such other business as, under the bylaws, ought to be transacted at an annual general meeting, or business which is brought under consideration by the report of the directors issued with the notice convening the meeting.
15. (1) No business shall be conducted at a general meeting at a time when a quorum is not present, other than the election of a chairperson and the adjournment or termination at the meeting.
- (2) A quorum is 3 members present or such greater number as the members may determine at a general meeting.
16. If within 30 minutes from the time appointed for a general meeting a quorum is not present, the meeting, if convened on the requisition of members, shall be terminated; but in any other case, it shall stand adjourned to the same day in the next week, at the same time and place, and if, at the adjourned meeting, a quorum is not present within 30 minutes from the time appointed for the meeting, the members present constitute a quorum.
17. Subject to Bylaw 19, the president of the Society, or in the absence of the president, the vice-president, or in the absence of both, one of the other directors present shall preside at a general meeting.
18. If at a general meeting
- (1) neither the chairperson nor any other director is present within 15 minutes after the time appointed for holding the meeting, or
 - (2) neither the chairperson nor any director, although present, is willing to preside at the meeting
- the members present shall choose one of their number to preside at the meeting.
19. (1) A general meeting may be adjourned from time to time and from place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
- (2) Where a meeting is adjourned for 10 days or more notice of the adjourned meeting shall be given, as in the case of the original meeting.
- (3) Except as provided in this by-law, it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned general meeting.

20. (1) No resolution proposed at a meeting need be seconded and the person presiding at a meeting may move or propose a resolution
- (2) In case of an equality of votes the person presiding at the meeting shall not have a casting or second vote in addition to the vote to which such person may be entitled as a member and the proposed resolution shall not pass.
21. (1) A member in good standing present at a meeting of members is entitled to one vote.
- (2) Voting is by show of hands.
- (3) Voting by proxy is not permitted.
22. The authorized representative of a corporate member shall be reckoned as a member for all purposes with respect to a meeting of the Society and is entitled to speak and vote, and in all other respects exercise the rights of a member

Part 5 — Directors

23. (1) The Society must at all times have at least 3 directors.
- (2) An employee of the Society is not eligible to be elected or appointed as a director.
- (3) Subject to paragraph (1), the directors may from time to time increase or reduce the number of directors.
- (4) The directors shall retire from office at each annual general meeting when their successors shall be elected.
24. (1) The directors may at any time and from time to time appoint a member as a director to fill a vacancy in the directors.
- (2) A director so appointed holds office only until the conclusion of the next following annual general meeting of the Society, but is eligible for re-election at the meeting.
- (3) No act or proceeding of the directors is invalid only because there is less than the prescribed number of directors in office.
25. The members may by special resolution remove a director before the expiration of the term of office of that director, and may a successor to complete the term of office.
26. Subject to the Society Act and the constitution and bylaws of the Society, the directors:

- (1) must manage, or supervise the management of, the affairs of the society, and
 - (2) may exercise all such powers and do all such acts and things as the Society may exercise and do, and which are not directed or required to be exercised or done by the Society in general meeting.
27. In exercising the powers and performing the functions of a director, a person must act honestly and in good faith and in the best interests of the Society and display the care, diligence and skill of a reasonably prudent person.
28. A director who is, directly or indirectly, interested in a proposed contract with or transaction of the Society must disclose fully and promptly to each of the other directors the nature and extent of such director's interest.
29. As provided in paragraph 3 of the Constitution, a director must not be remunerated for being or acting as a director but a director shall be reimbursed for all expenses necessarily and reasonably incurred by such director while engaged in the affairs of the Society.

Part 6 — Proceedings of Directors

30. (1) The directors may meet at such times and places as they think fit and they may adjourn and otherwise regulate their meetings and proceedings as they see fit.
- (2) The directors may from time to time fix the quorum necessary for the transaction of business and unless so fixed the quorum shall be a majority of the directors then in office.
- (3) The chairperson of the board shall preside at all meetings of the directors; but if at any meeting the chairperson is not present within 30 minutes after the time appointed for holding the meeting, the directors present may choose one of their number to preside at that meeting.
- (4) A director may at any time, and the secretary, on the request of a director, shall, convene a meeting of the directors.
31. (1) The directors may appoint an executive committee to consist of such directors as they think fit and with such powers as may be vested in that committee by resolution of the directors and in the intervals between meetings of the directors the executive committee has and may exercise all the powers vested in it by the directors.
- (2) The directors may from time appoint such other committees as they think fit and determine their composition, which may include persons who are not directors, and subject to Bylaw 31 (3), their powers.

- (3) Any committee a majority of the members of which consists of persons who are not directors shall not have, and the directors may not delegate to it, any of their powers. The functions of any such committee shall be advisory only
 - (4) A committee shall conform to any rules that may from time to time be imposed on it by the directors, and shall make a report of every act or thing done in exercise of its powers to the meeting of the directors held next after it has been done.
 - (5) The provisions of Bylaw 30, 32 and 33 apply to the proceedings of a committee, to the extent applicable and with any necessary changes.
32. (1) Questions arising at any meeting of the directors and committee of directors shall be decided by a majority of votes.
- (2) In case of an equality of votes, the person presiding does not have a second or casting vote.
33. A resolution in writing signed by the directors and placed with the minutes of the directors is as valid and effective as if regularly passed at a meeting of directors.

Part 7 - Officers

34. (1) The directors shall appoint one of their number to be the chairperson of the directors and the person so appointed shall, subject to these Bylaws, preside at all meetings of the Society and of the directors.
- (2) The directors shall appoint one of their number to be the secretary of the Society.
35. The secretary shall
- (1) issue notices of meetings of the Society and directors, or cause them to be issued,
 - (2) keep minutes of the meetings of the Society and directors or cause them to be kept;
 - (3) have custody of all records and documents of the Society;
 - (4) have custody of the common seal of the Society, if any; and
 - (5) maintain the register of members or cause it to be maintained..
36. In the absence of the secretary from a meeting the directors shall appoint another person to act as secretary at the meeting.

37. The directors may from time to time appoint such other officers, who need not be directors, as they consider necessary or desirable, may determine their titles, duties and functions, their remuneration and other conditions of their appointment, and may at any time, terminate an appointment, and modify or revoke any of the conditions thereof, subject, however, to the provisions of any contract

Part 8 - Indemnification of Directors and Officers

38. (1) In this bylaw, “director” includes a former director and the heirs and personal representatives of such director or former directors; and “officer” includes an employee or agent, and the heirs and personal representatives of such officer.

(2) Subject to such court approval as may be required by the Society Act, the directors shall cause the Society to indemnify a director against all costs, charges and expenses actually and reasonably incurred by such director, including an amount paid to settle or satisfy a judgement in a civil, criminal or administrative action or proceeding to which the director is made a party by reason of being or having been a director of the Society. Each director of the Society on being elected or appointed shall be deemed to have contracted with the Society on the terms of the foregoing indemnity.

39. The directors may cause the Society to indemnify any officer of the Society against all costs, charges and expenses whatsoever incurred by him or them and resulting from acting as an officer and each officer shall on being appointed be deemed to have contracted with the Society on the terms of the foregoing indemnity.

40. The Directors may cause the Society to purchase and maintain insurance for the benefit of any person who is or was serving as a director or officer against any liability incurred as such.

Part 9 - Seal

41. The directors may provide a common seal for the Society and they shall have power from time to time to destroy it and substitute a new seal in place of the seal destroyed.

42. The common seal shall be affixed only when authorized by a resolution of the directors and then only in the presence of the persons prescribed in the resolution.

Part 10. — Borrowing

43. In order to carry out the purposes of the Society the directors may, on behalf of and in the name or the Society, raise or secure the payment or repayment of money in

such manner as they decide and in particular but without limiting the generality of the foregoing, by the issue of debentures.

44. No debenture shall be issued without the sanction of a special resolution.

45. The members may by special resolution restrict the borrowing powers of the directors but a restriction so imposed expires at the next annual general meeting.

Part 11. — Auditor

46. This Part applies only where the Society is required or has resolved to have an auditor.

47. The first auditor shall be appointed by the directors who shall also fill all vacancies occurring in the office of auditor.

48. At each annual general meeting the Society shall appoint an auditor to hold office until re-elected or a successor is elected at the next annual general meeting.

49. An auditor may be removed by ordinary resolution.

50. An auditor shall be informed forthwith in writing of appointment or removal.

51. No director and no employee of the Society shall be auditor.

52. The auditor may attend general meetings.

Part 12. — Notices to Members -

53. A notice may be given to a member:

- (1) personally or
- (2) by mail addressed to such member at the member's registered address, or
- (3) if the member has designated an address for such purpose, by electronic mail.

54. A notice sent by mail shall be deemed to have been given on the second day following that on which the notice is posted, and in proving that notice has been given it is sufficient to prove that the notice was properly addressed and put in a Canadian post office receptacle.

55. (1) Notice of a general meeting shall be given to

- (a) every member shown on the register of members on the day notice is given and
- (b) the auditor, if Part 11 applies.

- (2) No other person is entitled to receive a notice of general meeting.

Part 13 — Bylaws

56. On being admitted to membership, a member is entitled to and the Society shall give such member, without charge, a copy of the constitution and by-laws of the Society.
57. These bylaws shall not be altered or added to except by special resolution.

