

City of Kelowna  
Regular Council Meeting  
AGENDA



Tuesday, May 27, 2014  
6:00 pm  
Council Chamber  
City Hall, 1435 Water Street

Pages

1. Call to Order
2. Prayer

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

Public Hearing - May 13, 2014  
Regular Meeting - May 13, 2014
4. Bylaws Considered at Public Hearing
  - 4.1 Bylaw No. 10943 (OCP14-0009) - Miscellaneous Housekeeping Amendments, City of Kelowna 8 - 16

**Requires a majority of all members of Council (5).**  
To give Bylaw No. 10943 second and third readings, and adoption consideration, in order to amend the Kelowna 2030 - Official Community Plan Bylaw No. 10500.
  - 4.2 Bylaw No. 10959 (Z14-0005) - 669 McClure Road, Heritage Log Structures Inc. 17 - 17

To give Bylaw No. 10959 second and third readings in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing zone.
  - 4.3 WITHDRAWN BY THE APPLICANT - Bylaw No. 10960 (OCP13-0003) - 1800 Crosby Road, DRS Ventures Ltd. 18 - 19

**Requires a majority of all members of Council (5).**  
To give Bylaw No. 10960 second and third readings in order to change the Future Land Use Designation of a portion of the subject property from the Single/Two Unit Residential, Multiple Unit Residential (Low Density) and Major Park/Open Space designations to the Single/Two Unit Residential, Multiple Unit Residential (Low Density) and Major Park/Open Space designations.

- 4.4 **WITHDRAWN BY THE APPLICANT - Bylaw No. 10961 (Z13-0004) - 1800 Crosby Road, DRS Ventures Ltd.** 20 - 21
- To give Bylaw No. 10961 second and third readings in order to rezone a portion of the subject property from the A1 - Agriculture 1 zone to the P3 - Parks and Open Space and RU2 - Medium Lot Housing zones.
- 4.5 **Bylaw No. 10956 (OCP14-0001) - Various Addresses Richter Street, City of Kelowna & Miles Vucicevic** 22 - 23
- Requires a majority of all members of Council (5).**
- To give Bylaw No. 10956 second and third readings in order to change the future land use designations of the subject properties from the COMM - Commercial designation to the EDINST - Educational/Institutional designation.
- 4.6 **Bylaw No. 10957 (Z14-0001) - Various Addresses on Clement Avenue, St. Paul Street and Richter Street, City of Kelowna & Miles Vucicevic** 24 - 24
- To give Bylaw No. 10957 second and third readings in order to rezone the subject properties from the I2 - General Industrial and I4 - Central Industrial zones to the P1 - Major Institutional zone.
5. **Notification of Meeting**
- The City Clerk will provide information as to how the following items on the Agenda were publicized.
6. **Liquor License Application Reports**
- 6.1 **Liquor License Application No. LL14-0003 - 1978 Kirschner Road - Argo Investment Corporation Inc.** 25 - 38
- City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the liquor license application to come forward.**
- This application seeks Council support for an expansion of the existing Liquor Primary license with a revised capacity of 355 persons and hours of service from 7:00 p.m. to 2:00 a.m. daily.
7. **Development Permit and Development Variance Permit Reports**
- 7.1 **Development Variance Permit Application No. DVP14-0055 - 423 Christleton Avenue - Islam Mohamed & Janet Evans** 39 - 47
- City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.**
- The purpose of the Development Variance Permit is to reduce the required front yard setback for an accessory building from 12 metres to 6 metres.
- 7.2 **Development Variance Permit Application No. DVP14-0051 - Richter Street -** 48 - 67



Simple Pursuits Inc.

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

The purpose of the Development Variance Permit is to vary the maximum number of permitted commercial parking spaces from 130 spaces permitted to 193 spaces proposed.

- 7.3 Development Variance Permit Application No. DVP14-0057 - 1829 Chandler Avenue - Chandler Management Group Ltd. 68 - 83

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

The purpose of the Development Variance Permit is to allow a caretaker suite on the first floor for a supportive housing use.

- 7.4 Development Variance Permit Application No. DVP14-0049 - 935 Academy Way - U One Mission Group Homes Ltd. 84 - 103

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

The purpose of this Development Variance Permit is to vary the minimum number of required parking spaces to be provided on site and to vary the maximum permitted building height in order to facilitate minor revisions to the approved development of a multiple unit residential building on the subject site.

- 7.5 Development Variance Permit Application No. DVP14-0067 - 609 Burne Avenue - Craig Abernathy 104 - 119

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

The purpose of this Development Variance Permit is to vary the permitted carriage house height from 4.5 metres to 5.5 metres and to vary site coverage from 14% to 15.4%.

- 7.6 Temporary Use Permit Application No. TUP14-0001 - 459 Groves Avenue and 437 & 442 Newsom Avenue - Meiklejohn Architects Ltd. 120 - 132

**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 temporary use permit to come forward.**

To consider a Temporary Use Permit to extend the use of the subject properties as a construction staging and storage location for the adjacent mixed use SOPA Square project.

## 8. Reminders

## 9. Termination



## City of Kelowna Public Hearing Minutes

Date: Tuesday, May 13, 2014  
 Location: Council Chamber  
 City Hall, 1435 Water Street

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

Council Members Absent: Councillor Andre Blanleil

Staff Present: Deputy City Manager, Paul Macklem; City Clerk, Stephen Fleming; Manager, Urban Planning Manager, Ryan Smith; and Council Recording Secretary, Arlene McClelland

(\* 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.

Mayor Gray noted that Item 3.4 will be deferred to May 27, 2014.

### 2. Notification of Meeting

The City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on April 30, 2014 and by being placed in the Kelowna Capital News issues on May 02, and May 06, 2014 and by sending out or otherwise delivering 189 statutory notices to the owners and occupiers of surrounding properties, and 5,746 informational notices to residents in the same postal delivery route between April 30 and May 02, 2014.

The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy No. 369.

### 3. Individual Bylaw Submissions

#### 3.1. Bylaw No. 10947 (OCP14-0004) - Amendment to OCP 2030 Bylaw No. 10500, City of Kelowna

Staff:

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

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

- o **Letters of Opposition:**
  - Michael Kumle, Ethel St
  - Colleen DeGraff, Ethel St

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

Gallery:

Tina Kennedy, Borden Avenue Resident, 3 Properties

- Raised concern over impact on above properties which are each owned by family members.
- Raised concern over impacts on neighbourhood parking that the increase in density will bring. Recent higher density has brought increased parking to the neighbourhood already.

Pat Cole, Borden Avenue Resident

- Raised concern over decrease in her property value.
- Raised concern over impacts on parking.

Mr. Chung, Borden Avenue Resident

- Inquired as to why his previous application in April 2011 was turned down when others with similar applications were approved. Had to build a duplex instead of a preferred fourplex.

Staff:

- Advised that there is not a great change to the neighbourhood other than a slight change in density.
- The Zoning Bylaw includes on-site parking requirements for new multi-family developments.
- Confirmed that the OCP was amended in 2011 as it's a living document and future land use designations can change.
- Confirmed that laneway dedication in City's name would be constructed.

There were no further comments

#### 3.2. Bylaw No. 10955 (Z13-0041) - 979 & 989 Laurier Avenue, AJ Weins Development Group Ltd.

Staff:

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

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

- **Letters of Support:**

- Syjetlana and Bernard Gregov, Laurier Ave,

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

Alf Weins, Applicant

- Confirmed off-site parking for his development will be off the back lane.
- Hoping to provide curb, gutter and sidewalk in the front of the property and to preserve mature trees.

There were no further comments.

### 3.3. Bylaw No. 10953 (Z14-0012) - 1370 Water Street, Kelowna Yacht Club

Staff:

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

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

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

Mike Terrace, Applicant

- Confirmed construction on schedule with an opening later this summer.

There were no further comments.

### 3.4. TO BE DEFERRED - Bylaw No. 10956 (OCP14-0001) and Bylaw No. 10957 (Z14-0001) - Various Addresses on Clement Avenue, St. Paul Street and Richter Street, City of Kelowna & Miles Vucicevic

### 3.5. Bylaw No. 10954 (Z14-0009) - 1470 Guisachan Place, Sohayl & Sholen Ghadirian

Staff:

- Displayed an aerial photograph and various plans and responded to questions from Council.

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

- **Letters of Opposition:**

- C Mandryk, 1430 Guisachan Place
- Cal and Flora Fortnum, 2260 Nelson Road
- Dan and Kathy Seufert, 1460 Guisachan Place

- **Letters of Concern:**

- Silvio and Robert Ferro, 62 Boswell Crescent, Whitehorse YT

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

Sohayl Ghadirian, Applicant

- Displayed photographs
- Spoke to comments and concerns raised in neighbourhood correspondence.

Gallery:

Louis Mantilla, Representing Burtch Road Resident

- Raised concern over noise and lane way traffic impacts of a carriage house.

Danny White, Representing Burtch Road Owner

- Raised concern with carriage house and lane way to second dwelling.

Sohayl Ghadirian, Applicant

- Advised that the existing large cedars in place between properties will remain.
- Advised that the existing house determined the placement of the lane way.
- Confirmed the existing house is a ranch style and the majority of the buildings in the neighbourhood are taller.

Staff:

- Confirmed Development Permit would be staff issued.
- Confirmed that second home on RU6 lot is considered a dwelling rather than a carriage home and dwelling development regulations would apply rather than the carriage home regulations.

There were no further comments.

#### 4. Termination

The Hearing was declared terminated at 7:06 p.m.

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Mayor

/acm/sf/slh



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City Clerk





## City of Kelowna

### Regular Council Meeting

### Minutes

Date: Tuesday, May 13, 2014  
Location: Council Chamber  
City Hall, 1435 Water Street

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

Council Members Absent: Councillor Andre Blanleil

Staff Present: Deputy City Manager, Paul Macklem; City Clerk, Stephen Fleming; Manager, Urban Planning, Ryan Smith; Manager; Council Recording Secretary, Arlene McClelland

(\*denotes partial attendance)

1. **Call to Order**

Mayor Gray called the meeting to order at 7:06 p.m.

2. **Prayer**

A Prayer was offered by Councillor Hobson.

3. **Confirmation of Minutes**

Moved By Councillor Singh/Seconded By Councillor Given

R345/14/05/13 THAT the Minutes of the Public Hearing and Regular Meeting of April 29, 2014 be confirmed as circulated.

Carried

4. **Bylaws Considered at Public Hearing**

4.1. **Bylaw No. 10947 (OCP14-0004) - Amendment to OCP 2030 Bylaw No. 10500, City of Kelowna**

Moved By Councillor Stack/Seconded By Councillor Given

R346/14/05/13 THAT Bylaw No. 10947 be read a second and third time.

Carried

4.2. Bylaw No. 10955 (Z13-0041) - 979 & 989 Laurier Avenue, AJ Weins Development Group Ltd.

Moved By Councillor Stack/Seconded By Councillor Given

R347/14/05/13 THAT Bylaw No. 10955 be read a second and third time.

Carried

4.3. Bylaw No. 10953 (Z14-0012) - 1370 Water Street, Kelowna Yacht Club

Moved By Councillor Singh/Seconded By Councillor Basran

R348/14/05/13 THAT Bylaw No. 10953 be read a second and third time.

Carried

4.4. TO BE DEFERRED - Bylaw No. 10956 (OCP14-0001) & Bylaw No. 10957 (Z14-0001) - Various Addresses Richter Street, City of Kelowna & Miles Vucicevic

Moved By Councillor Stack/Seconded By Councillor Given

R349/14/05/13 THAT the Public Hearing for Bylaw No. 10956 (OCP14-0001) and Bylaw No. 10957 (Z14-0001) - Various addresses on Clement Avenue, St. Paul Street and Richter Street be deferred to Tuesday, May 27 2014 starting at 6:00 p.m. in Council Chambers.

Carried

4.5. Bylaw No. 10954 (Z14-0009) - 1470 Guisachan Place, Sohayl & Sholen Ghadirian

Moved By Councillor Singh/Seconded By Councillor Basran

R350/14/05/13 THAT Bylaw No. 10954 be read a second and third time.

Carried

Moved By Councillor Stack/Seconded By Councillor Hobson

R351/14/05/13 THAT Council direct staff to take into consideration sensitive integration of the structures into the neighbourhood when issuing the development permits for each of the respective dwellings.

Carried

## 5. Notification of Meeting

The City Clerk advised Notice of Council's consideration of this Development Variance Permit Application was given by sending out or otherwise delivering 8 statutory notices to the owners and occupiers of surrounding properties, and 641 informational notices to residents in the same postal delivery route between April 30 and May 02, 2014.



The correspondence and/or petitions received in response to advertising for the applications on tonight's Agenda were arranged and circulated to Council in accordance with Council Policy No. 369.

**6. Development Permit and Development Variance Permit Reports**

**6.1. Development Variance Permit Application No. DVP14-0047 - 245 Arab Road, Center Construction Ltd.,**

**Staff:**

- Displayed a PowerPoint Presentation summarizing the application before Council.
- Responded to questions from Council.

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

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

There were no further comments.

**Moved By Councillor Stack/Seconded By Councillor Zimmermann**

**R352/14/05/13** THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0047 for Lot 3, Section 3, Township 23, ODYD, Plan EPP11475, located at 245 Arab Rd, Kelowna, BC.

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

To vary section 6.4.2 (Projections Into Yards) from 'a deck may project 2.5 metres in the case of a rear yard greater than 6.0 metres' to 'a deck may project 2.76 metres into the rear yard' (as per schedule 'A').

**Carried**

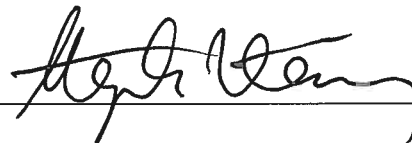
**7. Reminders Nil**

**8. Termination**

The meeting was declared terminated at 7:21 p.m.

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Mayor

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City Clerk

# CITY OF KELOWNA

## BYLAW NO. 10943

### Official Community Plan Amendment No. OCP14-0009- City of Kelowna - Miscellaneous Housekeeping Amendments

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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 Chapter 5 - Development Process, Objective 5.5 Ensure appropriate and context sensitive built form, Policy .1 Building Height be amended by deleting in its entirety the table that reads:

Policy .1 Building Height Does Not Apply to the following:	
Civic Address	Legal Address
526 Doyle Avenue	Lot A, District Lot 139, ODYD, Plan EPP9526
1368 St. Paul Street	Lot A, District Lot 139, ODYD, Plan KAP87835

2. AND THAT Chapter 5 - Development Process, Objective 5.25 Ensure that Urban Centres develop as vibrant commercial nodes, Policy .1 Retail Impact Analysis be deleted in its entirety that reads:

"Retail Impact Analysis. Commercial developments greater than 2,300 m<sup>2</sup> that would require an amendment to the OCP may be required to prepare, at the discretion of staff and at the applicants' expense, a Retail Impact Analysis (see Chapter 17 for a definition) using Terms of Reference developed by the City."

3. AND THAT Chapter 5 - Development Process, Objective 39 Ensure all development is consistent with the vision, goals and objectives of the OCP, Policy .1 Evaluation Checklist be deleted in its entirety that reads:

- Does the proposed development contribute to preserving lands with slopes greater than 30%?
- Does the proposed development respect the OCP Permanent Growth Boundary (OCP Map 4.1 and 5.2)?
- Does the proposed development feature a mix of residential, employment, institutional, and/or recreational uses within individual buildings or larger development projects?
- Is the proposed development located in an Urban Centre?

- Does the proposed development increase the supply of affordable (as defined in the OCP) apartments or townhouses?
- Is the property serviced with water and City sanitary sewer at the time of application?
- Could the proposed project be built at no financial cost to the City? (This should consider operational and maintenance costs.)
- Would the proposed project help decrease the rate of travel by private automobile, especially during peak hours?
- Is there transit service within 400 metres of non-residential projects or major employment generators (50+ employees)?
- Does the proposed project involve redevelopment of currently under-utilized, urbanized land?
- Does the proposed project result in the creation of substantially more public open space than would be available if the development were not to proceed (not including required open space dedications or non-developable areas)?
- Is there a deficiency of properties within the applicable Sector (see Map 5.4) that already have the required OCP designation?
- Does the project avoid negative impacts (shadowing, traffic etc.) on adjoining properties where those adjoining properties are not slated for land use changes?
- Is the project consistent with the height principles established in the OCP?
- If the project goes ahead, would surrounding property owners be likely to develop their properties as per OCP Future Land Use and other City policy provisions?
- Would the additional density or new land use designation enhance the surrounding neighbourhood in a way that the current land use designation does not?
- Could the project be supported without over-burdening existing park and other community resources or threatening the viability of existing neighbourhood resources?

And replaced with the following:

- Does the proposed development respect the OCP Permanent Growth Boundary (OCP Map 4.1 and 5.2)?
- Is the proposed development located in an Urban Centre?
- Does the proposed development feature a mix of residential, employment, institutional, and/or recreational uses?
- Does the proposed development increase the supply of affordable housing (as defined in the OCP)?
- Is the property serviced with water and City sanitary sewer at the time of application?



- Is there transit service within 400 metres of major multiple unit residential projects (30 + units) or other non-residential projects or major employment generators (50 + employees)?
- Does the proposed project involve redevelopment of currently under-utilized, urbanized land?
- Does the proposed development contribute to preserving lands with slopes greater than 30%?
- Will the project likely facilitate future development on adjacent parcels that meets the policies of the OCP?
- Does the project avoid negative impacts (shadowing, traffic etc.) on adjoining properties?
- Is the project consistent with the height principles established in the OCP?
- Would the additional density or new land use designation enhance the surrounding neighbourhood (i.e. Complete Communities) or introduce incompatible uses?
- Could the project be supported without over-burdening existing park and other neighbourhood resources?
- Could the proposed project be built at minimal (<\$) cost to the City? (This should consider operational and maintenance costs.)

4. **AND THAT Chapter 14 - Urban Design DP Guidelines, A. COMPREHENSIVE DEVELOPMENT PERMIT AREA (MULTIPLE UNIT RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL DESIGN GUIDELINES), GUIDELINES, 17.0 Signs** be amended by adding a new sub-section 17.4 in its appropriate location as follows:

“17.4 Where signage is proposed for buildings with historical character or heritage significance (i.e. Listed on the Heritage Register, with Heritage Designation and/or located in the Abbott Street and Marshall Street Heritage Conservation Areas) that signage should use design inspiration from historical influences (e.g. non-illuminated and non-animated.)”

5. **AND THAT Chapter 14 - Urban Design DP Guidelines, C. INTENSIVE RESIDENTIAL - CARRIAGE HOUSE/TWO DWELLING HOUSING DESIGN GUIDELINES, EXEMPTIONS** be amended by adding a new bullet after the third bullet the following:

“The addition of a second dwelling attached to a principal dwelling, provided construction of the new addition does not exceed 30 sq. m (323 sq. ft); or”

6. **AND THAT Chapter 14 - Urban Design DP Guidelines, E. INTENSIVE RESIDENTIAL - HILLSIDE DESIGN GUIDELINES, EXEMPTIONS** be amended by adding a new bullet after the ninth bullet the following:

“The addition of a second dwelling attached to a principal dwelling, provided construction of the new addition does not exceed 30 sq. m (323 sq. ft); or”

7. AND THAT **Map 4.1 Generalized Future Land Use Map** be deleted in its entirety and replaced with a new **Map 4.1 Generalized Future Land Use Map** as attached to and forming part of this bylaw;
8. AND THAT **Map 5.2 Permanent Growth Boundary** be deleted in its entirety and replaced with a new **Map 5.2 Permanent Growth Boundary** as attached to and forming part of this bylaw;
9. AND THAT **Map 5.3 Urban and Village Centres** be deleted in its entirety and replaced with a new **Map 5.3 Urban and Village Centres** as attached to and forming part of this bylaw;
10. AND THAT **Map 5.4 City Sector Map** be deleted in its entirety and replaced with a new **Map 5.4 City Sector Map** as attached to and forming part of this bylaw;
11. AND THAT **Map 5.6 Hazardous Condition DP Area Designation** in its entirety and replaced with a new **Map 5.6 Hazardous Condition DP Area Designation** as attached to and forming part of this bylaw;
12. 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 5<sup>th</sup> day of May, 2014.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

## Legend

Permanent Growth Boundary

### Land Use Designations:

- Commercial (C/GM)
- Education / Major Institutional (ED/MI)
- First Nations Reserve (FN)
- Future Urban Reserve (FUR)
- Health District (H/D)
- Industrial (IND)
- Industrial - Limited (IND-L)
- Industrial - Transitional (IND-T)
- Major Park and Open Space (PAOS)
- Mixed Use (Residential / Commercial) (MR)
- Mixed Use System (MUS)
- Multiple Unit Residential (Dense Housing) (MUR)
- Multiple Unit Residential (Low Density) (MUR-L)
- Multiple Unit Residential (Medium Density) (MUR-M)
- Multiple Unit Residential (High Density) (MUR-H)
- Private Recreational (PRC)
- Public Service / Office (PS/O)
- Transportation Corridor (TC)
- Resource Protection Area (RPA)
- Service Commercial (SC)
- Single - Two Unit Residential (S2UR)
- Single - Two Unit Residential - Islanda (S2UR-I)

Future Land Use Boundaries on lots with more than one Land Use Designation are conceptual only and may change based on Development Proposals.

### NOTES

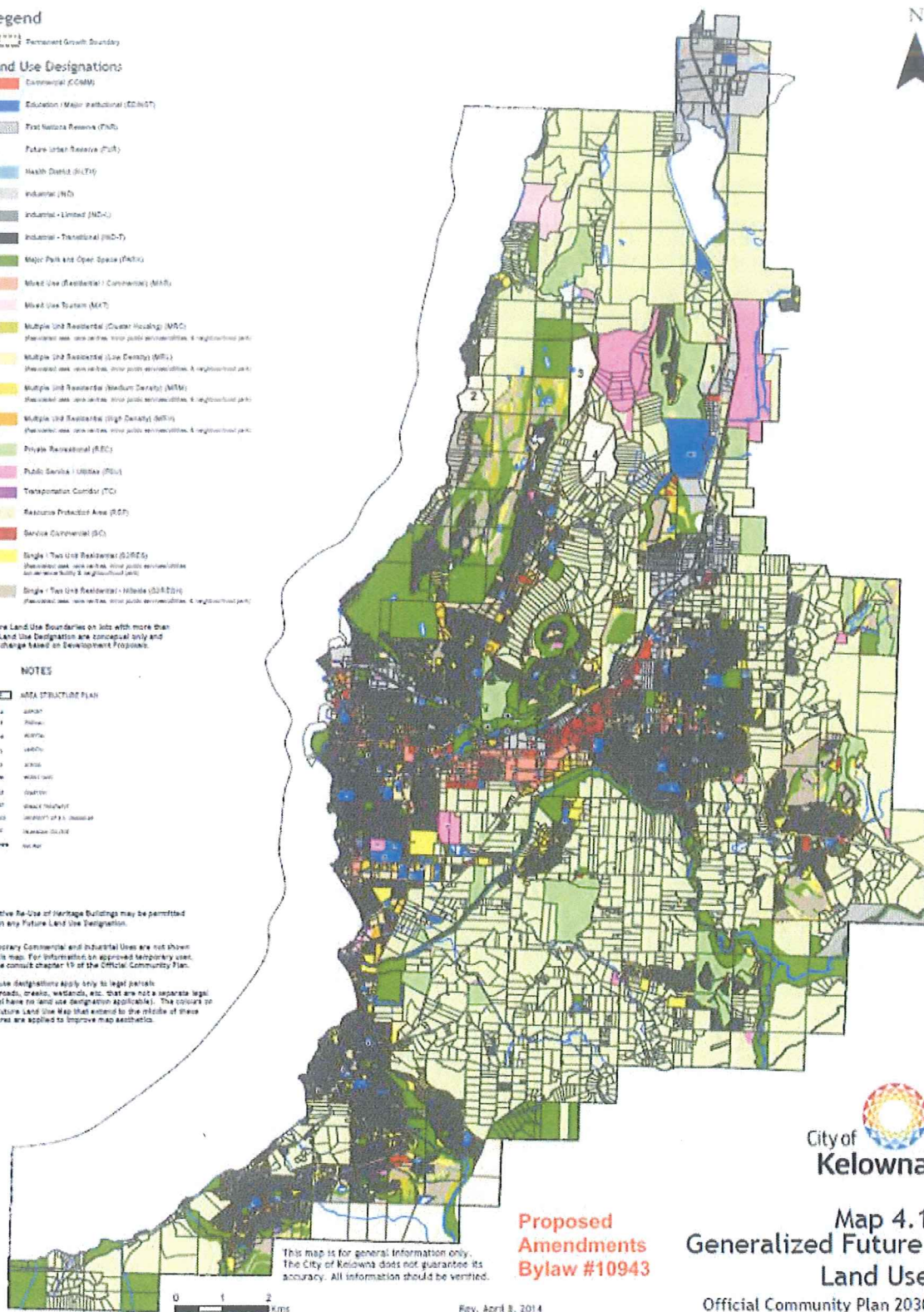
ADA STRUCTURE PLAN

- 1. Airport
- 2. Police
- 3. Fire
- 4. Health
- 5. Library
- 6. School
- 7. Water
- 8. Court
- 9. Social Services
- 10. Property of the City
- 11. Recreation
- 12. Other

Adaptive Re-Use of Heritage Buildings may be permitted within any Future Land Use Designation.

Temporary Commercial and Industrial Uses are not shown on this map. For information on approved temporary uses, please consult chapter 19 of the Official Community Plan.

Land use designations apply only to legal parcels (i.e. roads, creeks, wetlands, etc. that are not a separate legal parcel have no land use designation applicable). The colour on the Future Land Use Map that extends to the outside of these features are applied to improve map aesthetics.



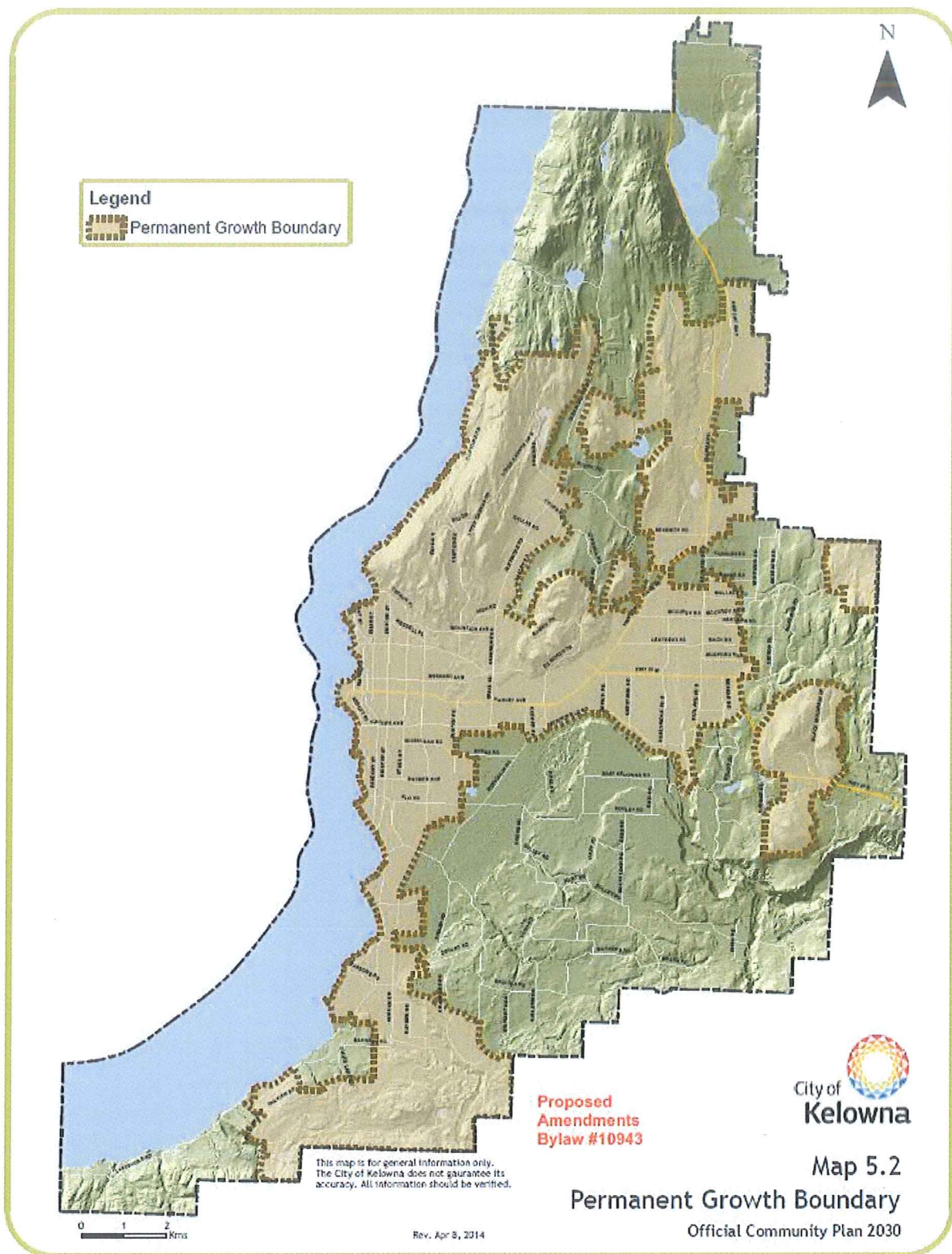
**Proposed  
Amendments  
Bylaw #10943**

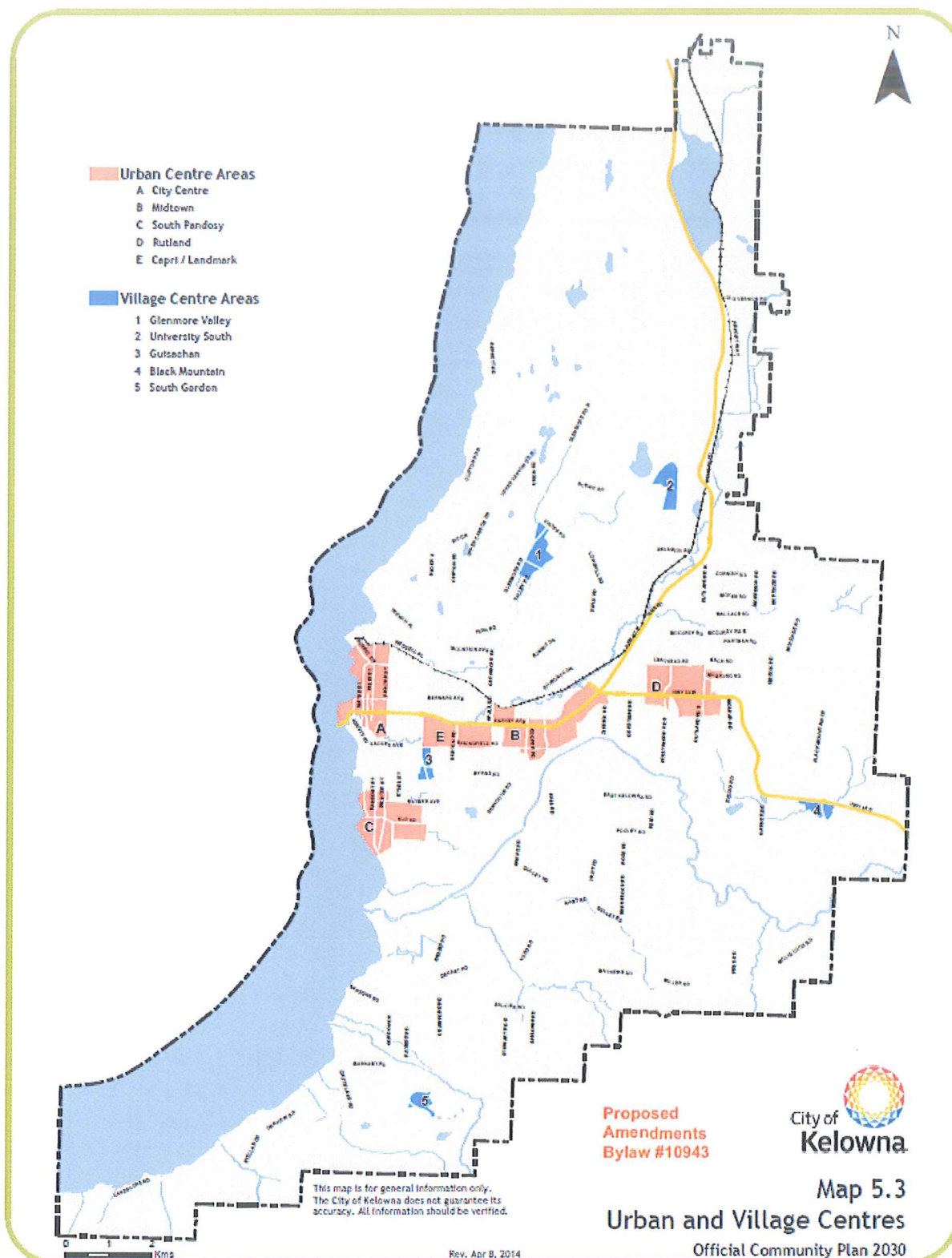
**Map 4.1  
Generalized Future  
Land Use**  
Official Community Plan 2030

This map is for general information only.  
The City of Kelowna does not guarantee its  
accuracy. All information should be verified.

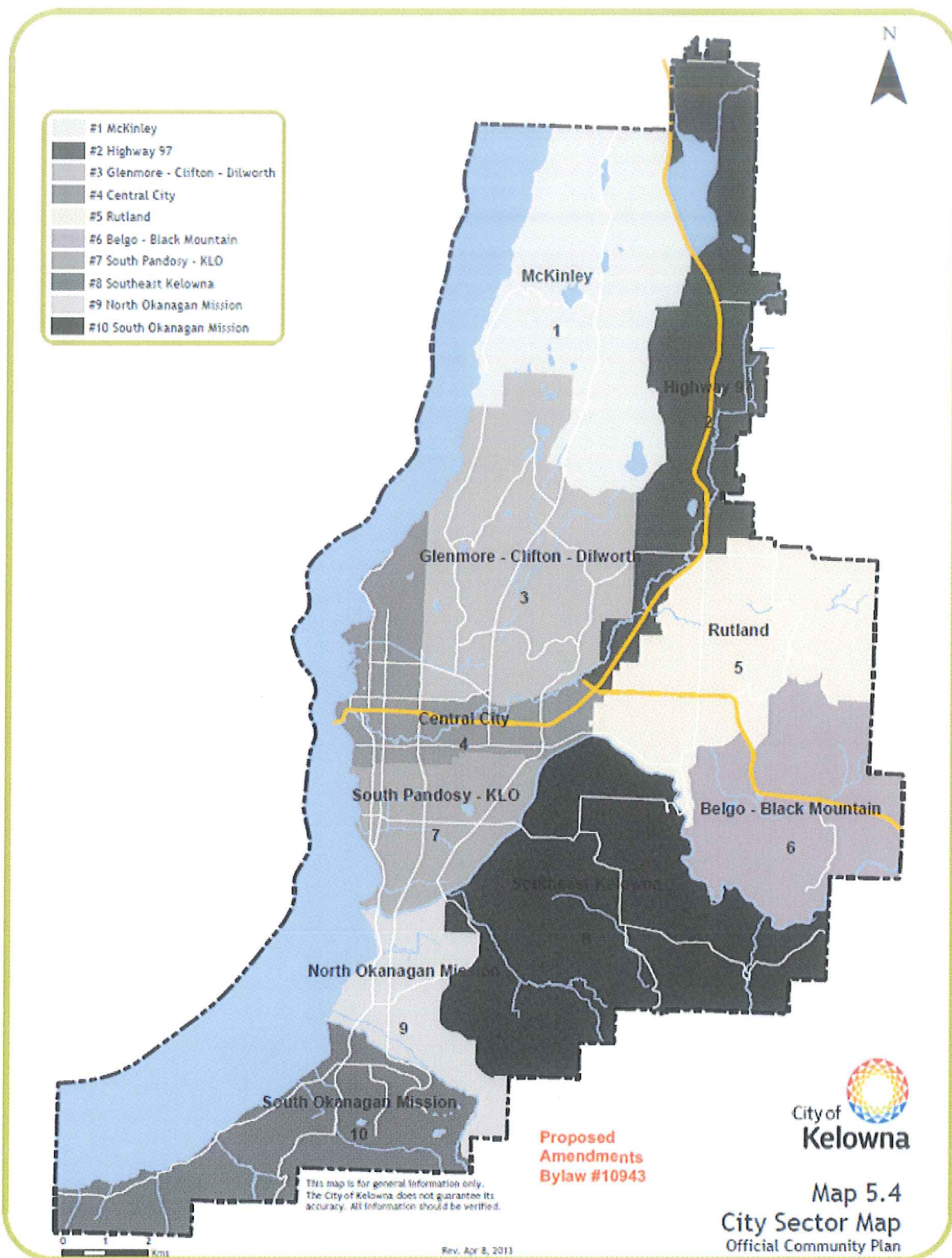
Rev. April 8, 2014

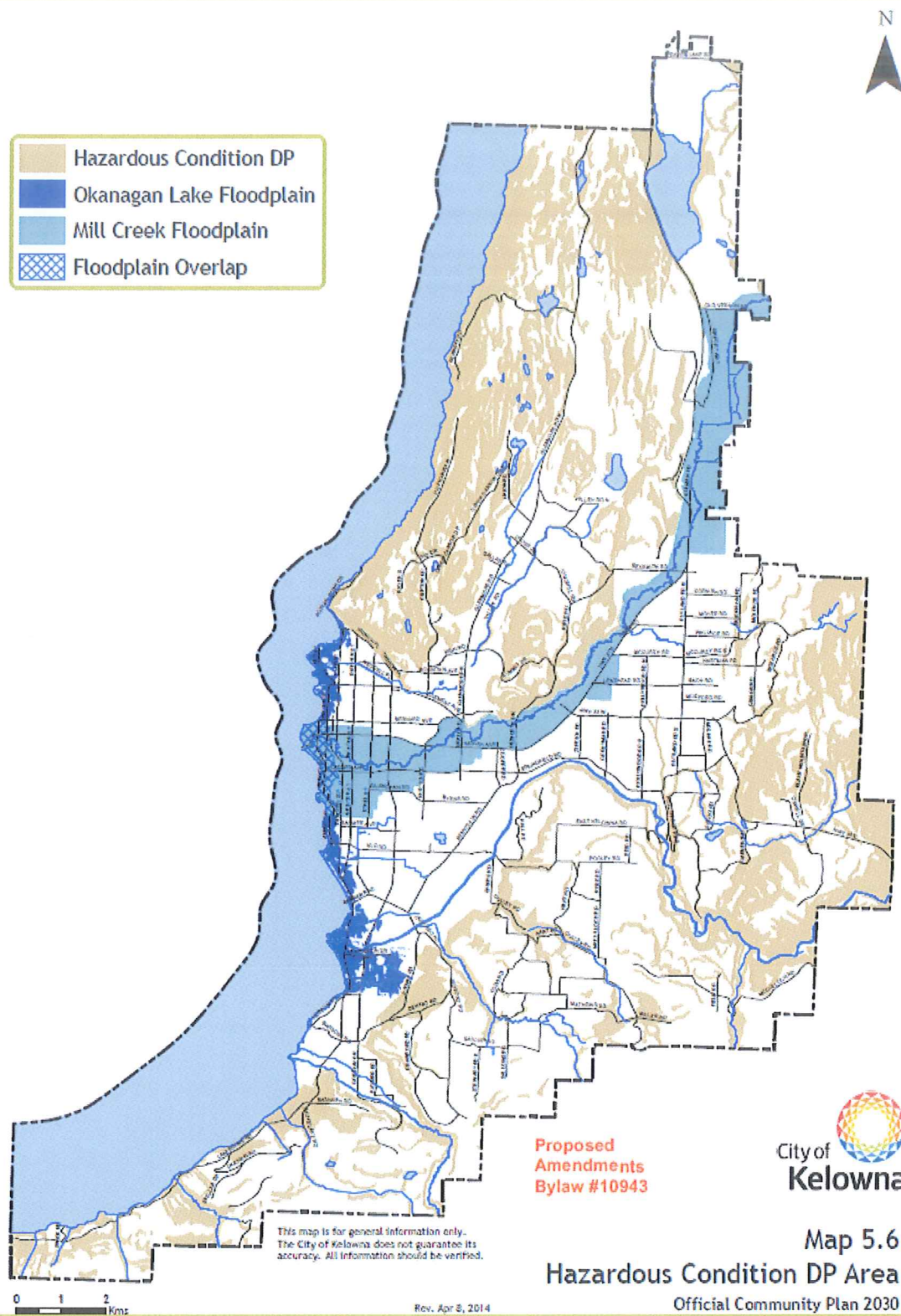












# CITY OF KELOWNA

## BYLAW NO. 10959

### Z14-0005 - Heritage Log Structures Inc., Inc.No. BC0750582 669 McClure Road

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, District Lot 357, ODYD, Plan 24825 located on McClure Road, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 5<sup>th</sup> day of May, 2014.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk



# CITY OF KELOWNA

## BYLAW NO. 10960

### Official Community Plan Amendment No. OCP13-0003 DRS Ventures Ltd., Inc. No. BC0758611 1800 Crosby Road

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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 a portion of the South East ¼ of Section 5, Township 23, ODYD, Except Plan 896, located on Crosby Road, Kelowna, B.C., from the S2RESH - Single/Two Unit Residential Hillside and PARK - Major Park/Open Space designation to the S2RES - Single/Two Unit Residential and PARK - Major Park/Open Space designation as identified on Map "A" attached to and forming part of this bylaw;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 5<sup>th</sup> day of May, 2014.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk



[illegible]



**CITY OF KELOWNA**  
**BYLAW NO. 10961**  
**Z13-0004 - DRS Ventures Ltd**  
**1800 Crosby Road**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of a portion of the South East ¼ of Section 5, Township 23, ODYD, Except Plan 896, located on Crosby Road, Kelowna, B.C., from the A1 - Agriculture 1 zone to the P3 - Parks and Open space and RU2 - Medium Lot Housing zone as identified on Map "B" attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 5<sup>th</sup> day of May, 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

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Mayor

---

City Clerk



# CITY OF KELOWNA

## BYLAW NO. 10956

### Official Community Plan Amendment No. OCP14 - 0001 City of Kelowna and Miles Vucicevic 1150, 1156 & 1160 Richter Street

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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 Lots 4, 5 and 6, District Lot 139, ODYD, Plan 1021, located on Richter Street, Kelowna, B.C., from the COMM - Commercial designation to the EDINST - Educational/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

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

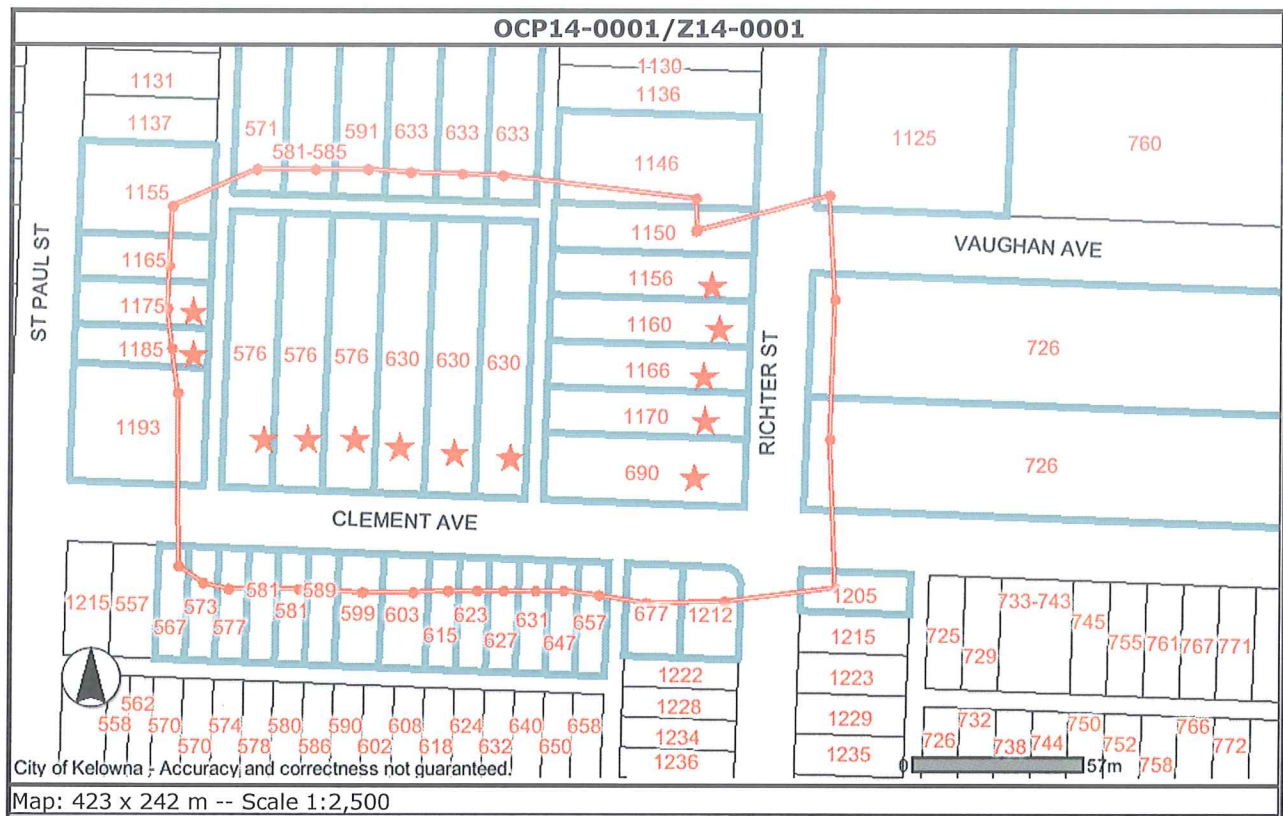
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Mayor

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City Clerk





*This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.*

## **CITY OF KELOWNA**

### **BYLAW NO. 10957**

#### **Z14-0001 - City of Kelowna and Miles Vucicevic 576, 630 & 690 Clement Avenue, 1175 & 1166 St. Paul Street and 1150, 1156, 1160, 1166 & 1170 Richter Street**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots 1, 7, 8, 9, 10, 11 and 12, District Lot 139, ODYD, Plan 1021 located on Clement Avenue, Lots 2, 3, 4, 5 and 6, District Lot 139, ODYD, Plan 1021 located on Richter Street; and Lots A and B, District Lot 139, ODYD, Plan KAP63401 located on St. Paul Street, Kelowna, B.C., from the I2 - General Industrial and I4 - Central Industrial 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

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

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Mayor

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City Clerk

# REPORT TO COUNCIL



**Date:** May 6, 2014.

**RIM No.** 0930-50

**To:** City Manager

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

**Application:** LL14-0003

**Owner:** Argo Investment Corporation, Inc. No. 304067  
Federico Enterprises Ltd.,  
Inc. No. 225514

**Address:** 1978 Kirschner Road

**Applicant:** 0885172 B.C. LTD.  
(dba O.K. Corral)

**Subject:** Liquor License - Structural Change

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

**Existing Zone:** C10lp/rls - Service Commercial (Liquor Primary/  
Retail Liquor Store)

---

## 1.0 Recommendation

Council's comments on the Liquor Control & Licensing Branch (LCLB)'s prescribed considerations for the application from OK Corral Cabaret 1978 Kirschner Road, Kelowna BC, (legally described as Lot A, DL 129, O.D.Y.D., Plan 23146 for an expansion of the existing Liquor Primary license with a revised capacity of 355 persons and hours of service from 7:00pm-2:00am daily are as follows:

a) The potential for noise if the application is approved:

The expansion is limited to indoor areas. It is anticipated that only incremental increases in noise from the existing operation are anticipated.

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 355 seats with operating hours of 7:00pm to 2:00 am 7 days a week.

e) Traffic and parking:

There is no increase in traffic or parking associated with this application, as 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.

g) Recommendation:

Council recommends that the application for a structural change to increase the capacity of the existing Liquor Primary establishment be approved.

## **2.0 Purpose**

This application seeks Council's support for an increase in capacity to the existing Liquor Primary from an existing licensed capacity of 291 persons to a proposed capacity of up to 355 persons.

## **3.0 Urban Planning Department**

This application to increase occupant load represents a minor change to the existing establishment. The applicant has recently completed renovations to increase the washroom capacity of the establishment, as well as engaged the services of a building code consultant to review the fire exit capacity of the existing cabaret to confirm the occupant load of the associated building areas. With this information and a site visit by building and permitting staff, a new occupancy load for the establishment was generated. No change to the business focus, clientele or management are expected through the change.

Based on the above, the Urban Planning Department recommends that the application be supported.

## **4.0 Summary**

### **4.1 Background**

An application has been forwarded by the licensee to the Provincial Liquor Control and Licensing Branch (LCLB) for their approval. Procedurally, changes to the floor plans that increase total occupancy of licensed establishments require Local Government comment on the application, prior to the LCLB making a final decision.

### **4.2 Proposal**

The subject property has operated as a Liquor Primary establishment since the mid 1980's. The property also includes a liquor store component. The current establishment has a licensed capacity of 291 persons. The revised occupant load generated by the City's Building and Permitting branch, supports a maximum occupancy load of 355 persons, based on the renovated washroom capacity and site visit observations. There have been no recent renovations that have increased the size of the building, so there has been no increase in the amount of off-street parking required.

As a result of this review, the operators of the establishment have received a revised occupant load from the City of Kelowna for a total of 355 persons. That occupant load was based on washroom capacity for the facility, which was recently increased, and a site visit by City staff.

### Proposed Structural Change Summary:

#### Person Capacity:

Licensed Area	Capacity
Total Existing Licensed Capacity	291
<b>Proposed Total Licensed Capacity</b>	<b>355</b>

No changes to the existing licensed hours of sale (until 2:00am daily) are being considered.

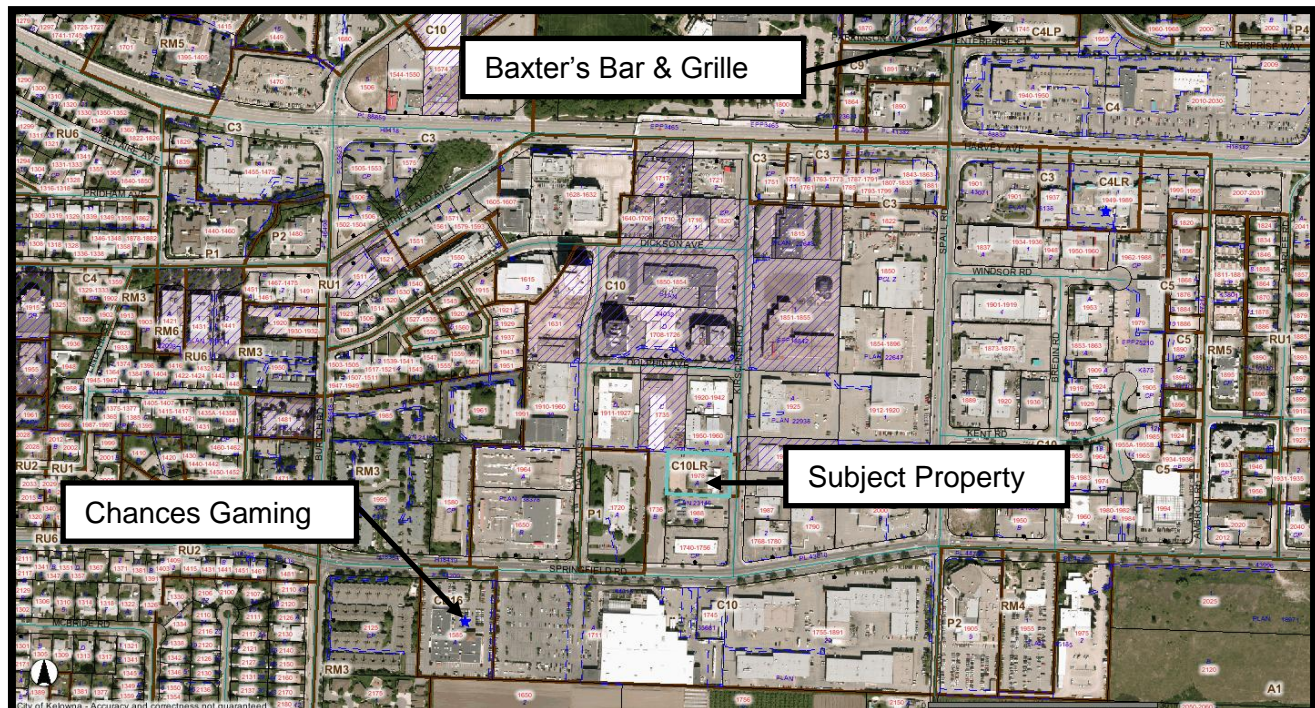
### 4.3 Site Context

The subject property is located within the Capri-Landmark Urban Centre. The nearest Liquor Primary establishment would be Chances Gaming Entertainment, which is approximately 350m away, to the south-west.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C10 - Service Commercial	Auto body shop, restaurant
East	C10 - Service Commercial & LUC76-1052	Service Commercial uses
South	C10 - Service Commercial	Service Commercial uses
West	C10 - Service Commercial	Service Commercial uses

#### Subject Property Map: 1978 Kirschner Road



## 5.0 Current Development Policies

### 5.1 Council Policy #359 - Liquor Licensing Policy and Procedures

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

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

### 5.2 Kelowna Official Community Plan (OCP)

**Compact Urban Form.**<sup>1</sup> Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

**Entertainment Venues.**<sup>2</sup> Within designated Urban Centres, encourage private-sector provision of facilities which diversify the selection of venues and entertainment opportunities throughout the city.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

No Comment

### 6.2 Bylaw Services

No Response

### 6.3 Fire Department

No Concerns

### 6.4 Interior Health Authority

<sup>1</sup> Policy 5.3.2 (Development Process Chapter)

<sup>2</sup> Policy 5.17.1 (Development Process Chapter 5, page 5.21)



Interior Health does not have any comments on the attached referral based on no changes to bars/foodservice and only an increase in occupancy load with new washrooms.

**6.5 R.C.M.P.**

The RCMP have no comments regarding the requested increase in permitted seating capacity from 291 to 355 occupants.

**7.0 Application Chronology**

Date of Application Received: March 23, 2014

**Report prepared by:**

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Paul McVey, Urban Planner

**Reviewed by:**

☐

Ryan Smith, Manager  
Urban Planning

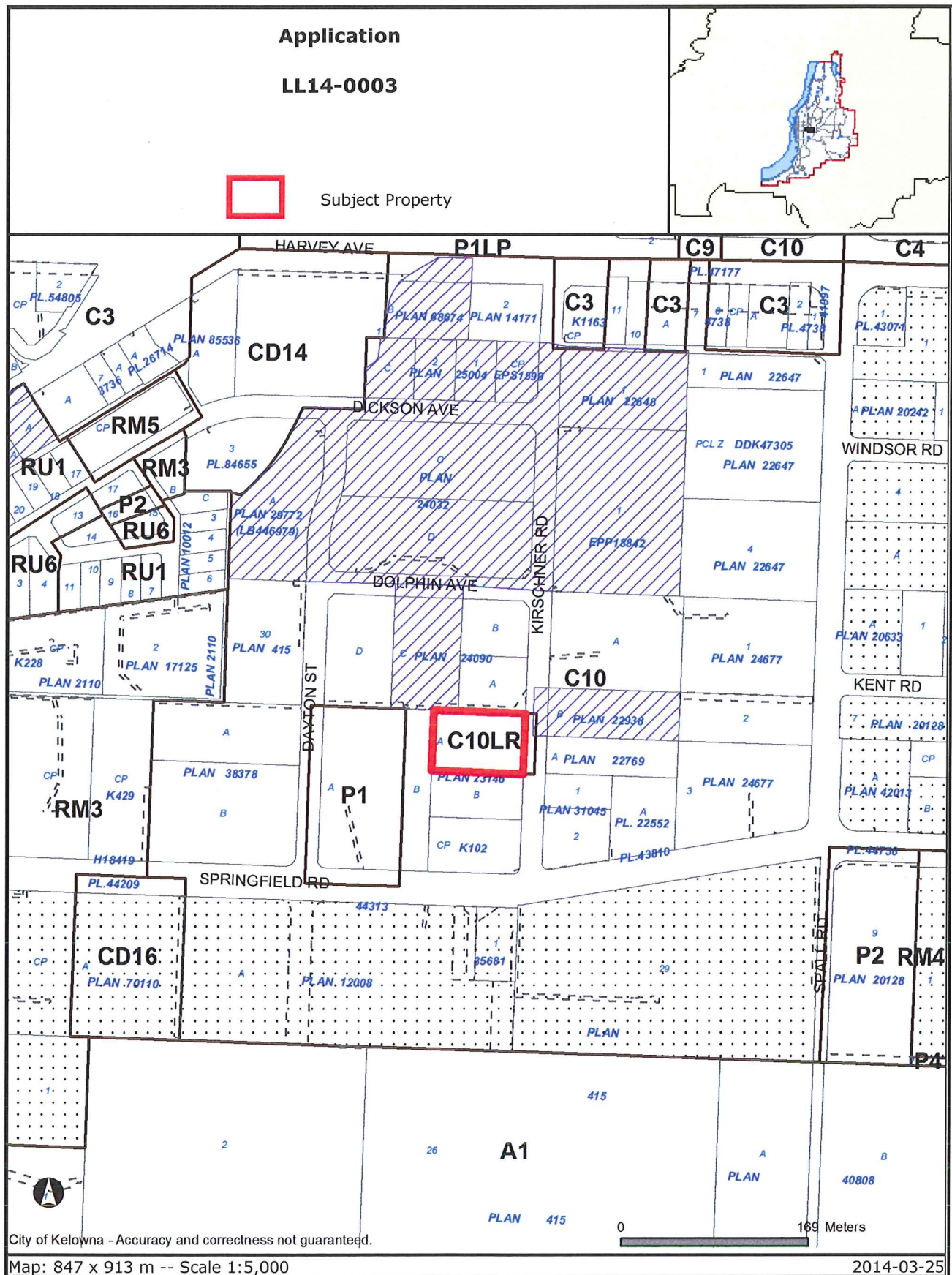
**Approved for Inclusion**

☐

D. Gilchrist, Divisional Director  
Community Planning and Real Estate

**Attachments:**

Subject Property Map  
Applicant letter  
Occupant Load floor plan  
LCLB Application



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.





1978 Kirschner Rd.

March 21 2014

Kelowna B.C.

V1Y 4N6

To: City Of Kelowna

To Whom It May Concern,

Included is a copy of our liquor license application as well as a copy of our application to the Liquor Control and Licensing Branch for an occupancy increase. A zoning analysis has not been provided as we have not done any structural change to the establishment. We request that a resolution from council be provided and sent directly to the Liquor Control and Licensing Branch at Head Office in Victoria. Along with part 5 of the original application.

Sincerely

Louise Fleming

General Manager



# Liquor Primary and Liquor Primary Club

## Structural Change Application

Liquor Control and Licensing Form LCLB 012a

### INSTRUCTIONS:

Complete all applicable fields then submit with payment as outlined in Part 8 of this application form. You may complete this form online, then print.

- If you have any questions about this application, call the Liquor Control and Licensing Branch (LCLB) toll-free at: 1 866 209-2111
- LCLB forms and supporting materials referred to in this document can be found at: [www.pssg.gov.bc.ca/lclb](http://www.pssg.gov.bc.ca/lclb)

### Application Contact Information

The applicant authorizes the person below to be the primary contact for the duration of the application process only.

Name: Dave Crown

Phone number: (604) 240-4866

Fax number: (250) 763-5554

E-mail address: dcrown@telus.net

### Licensee Information

Licence # affected: 029983

Licensee name [as shown on licence]: O.K. Corral Cabaret

Establishment name [as shown on licence]: O.K. Corral Cabaret

Establishment

Location address: 1978 Kirschner Rd.  
(as shown on licence) Street

Kelowna  
City

B.C.  
Province

V1Y4N6  
Postal Code

Business Tel with area code: (250) 763-5554

Business Fax with area code: (250) 763-5545

Business e-mail: lou.fleming@hotmail.com

Business

Mailing address:

(if different from above)

Street

City

Province

Postal Code

### Type of Change Requested

Please check ☒ appropriate box(es) below:

Sub- Job Number  
Office Use ONLY

Part 1	<input type="checkbox"/> New Outdoor Patio: see Part 1	Outdoor Patio (C3-LIC) _____
Part 2	<div>This section is for golf courses only.</div> <div><input type="checkbox"/> A Kiosk</div> <div><input type="checkbox"/> Take-out Window</div> <div><input type="checkbox"/> Beverage Cart Service (one cart permitted per 9 holes)</div> <div><input type="checkbox"/> Playing Area of the golf course to allow liquor service from the interior LP liquor service bar.</div>	<div>Structural - no capacity change (Golf Kiosk/take-out) (C4-LIC) _____</div> <div>Structural - no capacity change (Golf Cart) (C6-LIC) _____</div>
Part 3	<div><input type="checkbox"/> Alteration/Renovation resulting in an increase in occupant load</div> <div><input type="checkbox"/> Alteration/Renovation resulting in no increase in occupant load</div> <div><input type="checkbox"/> Addition of a new licensed area with an increase in occupant load</div> <div><input type="checkbox"/> Addition of a new licensed area with no increase in occupant load</div> <div><input type="checkbox"/> Removal of an existing licensed area</div> <div><input type="checkbox"/> Increase to occupant load where no alterations/renovations are proposed</div>	<div>Structural - capacity change (C3-LIC) _____</div> <div>Structural - no capacity change (C4-LIC) _____</div>

## PART 1: Addition of New Outdoor Patio

Fee: \$440

C3 - LIC

The addition of a licensed outdoor patio must be approved by the Liquor Control and Licensing Branch. Floor plans must have sufficient detail to be acceptable to the branch. Please be advised that the applicant is responsible for complying with any local bylaws related to the licensed establishment patios. **The application requires a local government/First Nation resolution.**

Provide the following:

- ☐ One 11" x 17" and one 8.5" x 11" floor plan detailing furniture layout of the entire establishment and the proposed patio area(s). The occupant load of the establishment and proposed patio area(s) must be marked/stamped ON the plans by fire or building authorities. An alternate qualified architect or design professional may be used in locations where fire and building authorities do not have jurisdiction to provide an occupant load. Written confirmation must be provided by local government/First Nations.
- ☐ Occupant load of patio(s) from above plans, if provided separately and not included in calculation of main interior occupant load.  
Patio #1:  Patio #2:
- ☐ Provide evidence of valid interest in the patio property if the patio is on different property than the licensed establishment, such as a patio located on a public sidewalk adjacent to the licensed interior. Evidence of valid interest may be in the form of a lease, letter of authorization or other agreement document.
- ☐ Attach a photo if the patio is already built.

1. Describe the patio perimeter that is designed to control patron entry/exit. (i.e., railing, fencing, planters, hedging, etc.)

2. Will your servers have to carry liquor through unlicensed areas to get to the patio? ☐ Yes ☐ No If Yes, please explain:

3. Is the patio located immediately adjacent or contiguous to the interior licensed area? ☐ Yes ☐ No If No, please explain:

4. Describe how your staff will manage and control the patio from the interior licensed area

**IMPORTANT:** You must request a local government/First Nation resolution commenting on the application. Local government must complete Part 5 of this form. For further information on local government resolutions, read Part 4.

*...Also complete Parts 7 and 8*



## PART 2: Golf Courses Only - Licensing the Playing Area

Fee: \$440  
(each)

C4 - LIC

C6 - LIC

Applies to: Golf courses with a Liquor-Primary or Liquor-Primary Club Licence.

For all changes, including Beverage Cart (C6), please provide a map of the entire golf course that identifies the following:

- ☐ Label the holes (1-9 or 1-18 as applicable)
- ☐ Label any road ways (public or private) that may divide the golf course playing area (as applicable)
- ☐ Label the location of any existing licensed areas that fall under an LP or FP (as applicable)
- ☐ Label the parking area, club house, other businesses and any other external buildings on the playing area of the golf course.

**Note:** Putting green and driving ranges are not permitted to be licensed.

For Take-out Window (C4), also provide:

- ☐ Provide interior floor plan layout detailing the location of the take-out window and where liquor will be served.  
**Note:** The take-out window must be in a location such that patrons do not have to walk through a food primary licensed area in order to access the window AND that is sufficiently close to the golf course so that patrons do not walk through an unlicensed area with their liquor in order to access the golf playing area.
- ☐ If the window is an existing structure, provide a recent photo of the interior and exterior area.

For Kiosk (C4), also provide

- ☐ Detail the exact location of the kiosk(s).
- ☐ If the kiosk is an existing structure, provide a recent photo of the interior area and exterior area.

For Playing Area only (no kiosk, beverage cart, or take-out window) (C6), also provide:

- ☐ Identify any unlicensed interior or exterior areas between the interior LP liquor service bar and the playing area.  
**Note:** If applying for just the playing area to be licensed, there must be an interior LP licensed area with a liquor service bar located within the LP red-lined area

...Also complete Parts 7 and 8

## PART 3: Other Structural Alterations (Excluding construction of new patios)

Fee: \$440

C3 - Cap Ch.

C4 - No Cap Ch.

Please check (☑) beside the type of structural alteration for which you are applying:

- ☐ Alteration/Renovation resulting in an increase in occupant load
- ☐ Alteration/Renovation resulting in no increase in occupant load
- ☐ Addition of a new licensed area with an increase in occupant load
- ☐ Addition of a new licensed area with no increase in occupant load
- ☐ Removal of an existing licensed area
- ☒ Increase to occupant load where no alterations/renovations are proposed

Provide the following:

- ☐ Describe the proposed alterations or addition, including the general construction proposal, e.g. if exits will be added, full height or pony walls to be removed or added, a change to the bar location, washrooms, etc.

- ☒ One 11" x 17" and one 8.5" x 11" floor plan detailing furniture layout of the entire establishment. The occupant load of the establishment and proposed patio area(s) **must be marked/stamped ON the plans by fire or building authorities**. An alternate qualified architect or design professional may be used in locations only where fire and building authorities do not have jurisdiction to provide an occupant load. Written consent must be provided by local government/First Nations.

A. Current total of all licensed areas (as shown on the liquor licence): 291

B. Occupant load for all new areas, as determined by building or fire authorities on the submitted plans: 355

**IMPORTANT:** If the alteration or addition results in an **increase** to your current occupant load, see "Licensee Responsibilities" in Part 4.

**Note:** You are cautioned not to construct or make changes until you receive Branch approval to do so.

...Also complete Parts 7 and 8

## PART 4: Local Government/First Nation Resolutions: Information for the Applicant

A resolution from your local government or First Nation commenting on the application is required for the following change types:

- Part 1: Addition of a new patio
- Part 3: Any alteration/addition, when the change increases the physical size of the establishment and the occupant load calculation.

### Licensee responsibilities:

- Fill out applicable sections of this form.
- **Request your local government/First Nation to sign and date Part 5 of the original form.**
- Provide a photocopy of this form to the local government/First Nation and request that a resolution be provided within 90 days and sent directly to the Liquor Control and Licensing Branch, Victoria Head Office.
- Send the original form and application fees to the branch.
- The Liquor Control and Licensing Branch will follow up with the local government/First Nation if a resolution has not been received by the Branch within 90 days of the local government's receipt of your request.

Your local government/First Nation may decide that it does not wish to provide comment on your change request. However, they must still provide a resolution stating this decision and this resolution must be submitted directly to the Liquor Control and Licensing Branch.

For more information on resolutions regarding B.C. liquor licences, please visit the LCLB website publication index to consult the guide *Role of Local Government and First Nation* at <http://www.pssg.gov.bc.ca/lclb/> under "Publications, Legislation & Resources".

## PART 5: Local Government/First Nation Confirmation of Receipt of Application

This is to be filled out by your local government/First Nation office in relation to Parts 1 and 3. Applies to Liquor Primary and Liquor Primary Club licences.

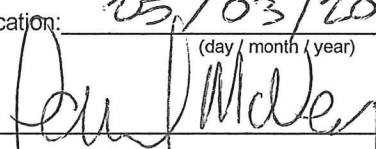
Local government/First Nation (name): CITY OF KELOWNA

Name of Official: McVEY PAUL A.  
(last / first / middle)

Title/Position: URBAN PLANNER

Date of receipt of application: 25/03/2014  
(day / month / year)

Phone: 250-469-8582

Signature of Official: 

This application serves as notice from the Liquor Control and Licensing Branch that an application for a permanent change to a liquor licence is being made within your community. The Liquor Control and Licensing Branch (LCLB) requests that a resolution commenting on the application be sent to the LCLB Victoria Head Office within 90 days of the above date of receipt.

If more than 90 days is required to provide a resolution, please contact the branch to make a request to the general manager for an extension. If the local government/First Nation decides not to provide comment, a resolution indicating this decision must be provided to the branch.

All of the items outlined below in points (a) through (d) must be addressed in the resolution in order for the resolution to comply with section 53 of the Liquor Control and Licensing Regulation. Any report presented by an advisory body or sub-committee to the council or board may be referenced in and attached to the resolution.

(a) The potential for noise if the application is approved (provide comments).

(b) The impact on the community if the application is approved (provide comments).

(c) If the amendment may affect nearby residents, the local government or first nation must gather the views of residents in accordance with 11.3(2)(c) of the Act.

- If the local government or first nation gathered the views of residents, they must provide:

- (i) the views of the residents
- (ii) the method used to gather the views of the residents, and
- (iii) its comments and recommendations respecting the views of the residents.

(Residents includes residents and business owners)

- If the views of residents were not gathered, provide reasons.

(d) Its recommendation with respect to whether the amendment should be approved.

For more information on resolutions regarding B.C. liquor licences, please visit the LCLB website publication index to consult the guide *Role of Local Government and First Nation* at <http://www.pssg.gov.bc.ca/lclb/> under "Publications, Legislation & Resources".

## PART 6: Floor Plan Guidelines

A floor plan is a view of each floor as seen if you were to remove the roof or ceiling and all construction above. Floor plans must show acceptable levels of detail to the Liquor Control and Licensing Branch for your application to be processed.

Floor plans should meet the following requirements:

- Must be clear, legible and of sufficient size and detail
- OCCUPANT LOAD(S) MUST BE CLEARLY MARKED/STAMPED ON THE PLANS by provincial (or designate) fire or building authorities. An alternate qualified professional may be used in locations where fire and building authorities are not available to provide an occupant load, if accompanied by local government/First Nation written consent.
- Dimensions of rooms, partial height walls, planters, location of doors and windows, stairs showing direction of travel, etc.
- Clearly mark the washrooms, kitchen, bars, patio(s), furniture layout of tables, chairs and barstools, entrances and exits, as applicable.



## PART 7: Declaration of Signing Authority Including Valid Interest

My signature, as Applicant, indicates that, with respect to the establishment:

- ✓ I am the owner of the business to be carried on at the establishment or the portion of the establishment to be licensed.
- I am the owner or lessee of the establishment or portion of the establishment to be licensed. If I have an option/offer to lease the establishment, or portion of the establishment to be licensed, prior to a licence being issued, I will obtain a completed lease that will not expire for a minimum of 12 months after the date the licence is issued.
- I understand that the general manager has the right to request the following documentation supporting valid interest at any time and I agree to provide the requested documentation in a timely manner upon request:
  - If the applicant owns the property, a Certificate of Title in the applicant's name.
  - If the applicant is renting or leasing, a fully executed lease or assignment/offer of lease which does not expire for at least 12 months from the date the licence is issued. An offer for rent/lease must show rent paid, have a term and an expiry date and be signed by both the applicant and the property owner.
  - If the applicant is buying the land and the building(s), a copy of the offer or option to purchase the property and building(s). An offer must show price paid, have a term and expiry date, and be signed by both the applicant and the property owner.
- I understand that loss of valid interest at any time while holding a licence is reason for the general manager to consider cancelling the licence.
- I understand that I must advise the branch immediately if at any time the potential exists to lose valid interest either during the licensing process or once a licence has been issued.
- I understand that the name(s) on documentation demonstrating valid interest must be identical to the applicant names(s).
- As the licensee, I will be accountable for the overall operation, for all activities within the establishment and will not allow another person to use the licence without having first obtained a written approval from the general manager.
- I understand that a licence can only be renewed if I am the owner of the business carried on at the licensed establishment and I am the owner or lessee of the licensed portion of the establishment.

**I solemnly declare that the statements in this declaration are true.**

*(Signature of any shareholder of a private corporation, signing officer of a public corporation or society, sole proprietor or all individuals in a partnership is required below):*

**Note:** An agent, lawyer, resident manager or third party operator may not sign the declaration on behalf of the applicant.

Name of Official: Crown David Bordan Position: Owner Date: 19/03/14  
(last / first / middle) (Day/Month/Year)

Signature: [Signature]

Name of Official: \_\_\_\_\_ Position: \_\_\_\_\_ Date: \_\_\_\_\_  
(last / first / middle) (Day/Month/Year)

Signature: \_\_\_\_\_

Name of Official: \_\_\_\_\_ Position: \_\_\_\_\_ Date: \_\_\_\_\_  
(last / first / middle) (Day/Month/Year)

Signature: \_\_\_\_\_

Name of Official: \_\_\_\_\_ Position: \_\_\_\_\_ Date: \_\_\_\_\_  
(last / first / middle) (Day/Month/Year)

Signature: \_\_\_\_\_

Section 15(2) of the Liquor Control and Licensing Act states: "A person applying for the issue, renewal, transfer, or amendment of a licence who fails to disclose a material fact required by the form of application or makes a false or misleading statement in the form of application commits an offence".

**False declaration of valid interest is reason for the general manager to consider terminating the licence application and/or cancelling the licence.**



## PART 8: Application Fees - Payment Options

TOTAL FEE Submitted: \$ 1440.00

In accordance with Payment Card Industry Standards, the branch is no longer able to accept credit card information via email.

Payment is by (check ☒ one):

☒ Cheque, payable to Minister of Finance (if cheque is returned as non-sufficient funds, a \$30 fee will be charged)

☐ Money order, payable to Minister of Finance

☐ Credit card: ☐ VISA ☐ MasterCard ☐ AMEX

☐ I am submitting my application by email and I will call with my credit card information. I will call Victoria Head Office at 250-952-5787 or 1-866-209-2111 and understand that no action can proceed with my application until the application fee is paid in full.

☐ I am submitting my application by mail and have given my credit information in the space provided at the bottom of the page.

**Note:** To ensure legibility, this application and supporting material cannot be faxed to the branch.

### Contact Information

Liquor Control and Licensing Branch

Location: 4th Floor, 3350 Douglas St., Victoria BC V8Z 3L1

For Mail Only: PO Box 9292 Stn Prov Govt Victoria, BC V8W 9J8

Phone: 250 952-5787 Web: [www.pssg.gov.bc.ca/lclb](http://www.pssg.gov.bc.ca/lclb) E-mail: [liquor.licensing@gov.bc.ca](mailto:liquor.licensing@gov.bc.ca)

Freedom of Information and Privacy Act - The information requested on this form is collected for the purpose of obtaining or making changes to a liquor licence application. All personal information is collected under the authority of Section 15 of the Liquor Control and Licensing Act (RSBC 1996, c.267). Questions should be directed to: Liquor Control and Licensing Branch, Freedom of Information Officer, PO Box 9292 STN PROV GOVT, Victoria, BC V8W 9J8. Ph: In Victoria, 250 952-5787 Outside Victoria, 1 866 209-2111. Fax: 250 952-7066

LCLB012a

6 of 6

Application for Structural Change

Credit Card Information (To be submitted by fax or mail only)

Name of cardholder (as it appears on card):

Credit card number:

Expiry date:

(Month)

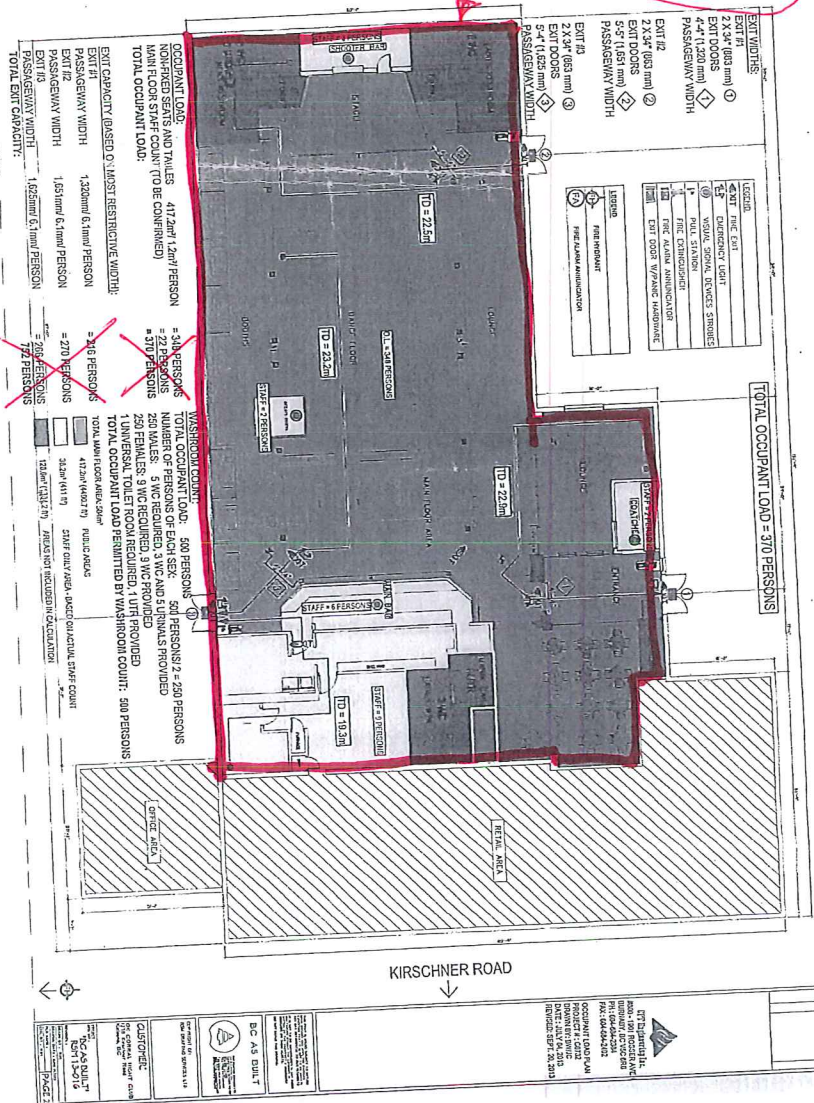
(Year)

Signature: \_\_\_\_\_

The Bar Area has a net floor area of 426 m<sup>2</sup>. The maximum occupant load shall be 355 persons, based on 1.2 m<sup>2</sup>/person.

OCCUPANT LOAD  
INCLUDES STAFF.

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# REPORT TO COUNCIL



**Date:** 4/17/2014  
**RIM No.** 0940-50  
**To:** City Manager  
**From:** Urban Planning, Community Planning & Real Estate (AC)  
**Application:** DVP14-0055 **Owner:** Islam Mohamed & Janet Evans  
**Address:** 423 Christleton Ave **Applicant:** Peter J. Chataway  
**Subject:** Development Variance Permit  
**Existing OCP Designation:** S2RES - Single / Two Unit Residential  
**Existing Zone:** RU1 - Large Lot Housing

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## 1.0 Recommendation

That Council authorizes the issuance of Development Variance Permit No. DVP14-0055 for Lot B, District Lot 14, ODYD, Plan KAP55329, located at 423 Christleton Ave, Kelowna, BC.

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

To vary Section 6.5.8(a) (Accessory Development) from a twelve (12) metre front yard setback for an accessory building to a six (6) metre front yard setback for a detached garage or carport that meets the principal building's side yard setback requirements (as per schedule 'A').

AND THAT the "FortisBC Energy Inc. - Gas" requirements be met prior to issuance of a building permit.

## 2.0 Purpose

The purpose of the Development Variance Permit is to reduce the required front yard setback for an accessory building from 12 metres to 6 metres.

## 3.0 Urban Planning

Staff are supportive of the proposed variance. If the carport was attached to the principal dwelling then it would be permitted without the need for a variance. From a design perspective, any garage or carport in the front yard attached or otherwise is highly undesirable. However, in this case there is no rear access via a lane and the houses are built in close proximity to the side lot preventing a driveway to the rear of the property.

In accordance with Council Policy 367 - Public Notification & Consultation for Development Applications, the applicant has provided notification of the proposed Development Variance



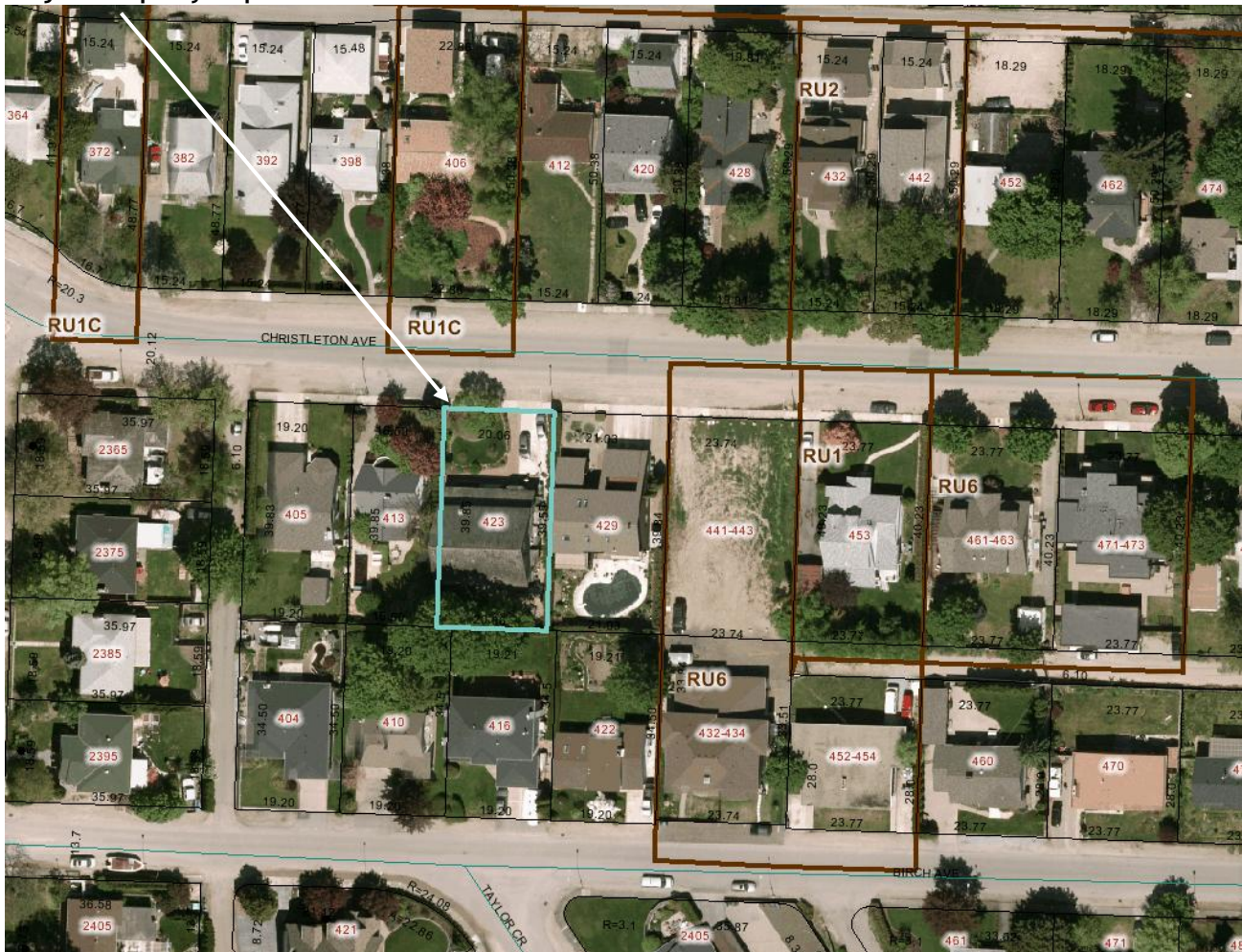
Permit application to neighbouring properties within 50 m of the subject site, and to date, City staff has not been contacted with any objections or concerns with the proposed variance.

4.0 Site Context

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing RU2 - Medium Lot Housing RU1c - Large Lot Housing with Carriage House	Residential
East	RU1 - Large Lot Housing RU6 - Two Dwelling Housing	Residential
South	RU1 - Large Lot Housing	Residential
West	RU1 - Large Lot Housing	Residential

Subject Property Map: 423 Christleton Ave





## **5.0 Current Development Policies**

### **5.1 Kelowna Official Community Plan (OCP)**

#### **Urban Design Development Permit Areas Guidelines (Chapter 14)**

- Encourage building and landscape designs that promote privacy, safety, and accessibility;
- Respect the privacy of adjacent properties through appropriate placement of windows, location of decks, and any other feature that may infringe upon the privacy of a neighbouring residence;

## **6.0 Technical Comments**

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

Continuous footings required around full perimeter. Full Plan check for Building Code related issues will be done at time of Building Permit applications.

### **6.2 Development Engineering Department**

Does not compromise any municipal services.

### **6.3 Fire Department**

No concerns.

### **6.4 FortisBC Energy Inc - Gas**

Please be advised FortisBC gas division has reviewed the above mentioned referral and the homeowner must be aware that our records indicate that the existing gas service line would be 'underneath' the new carport structure. Gas Safety regulations consider this contravention of gas safety codes, the gas service line will need to be 'altered' outside of the carport footprint. Call 1-888-224-2710 Option 3 to initiate alteration."

## **7.0 Application Chronology**

Date of Application Received: April 7, 2014

Date of Public Consultation Received: April 17, 2014

### **Report prepared by:**

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Adam Cseke, Land Use Planner

**Reviewed by:**

☐

Ryan Smith, Urban Planning Manager

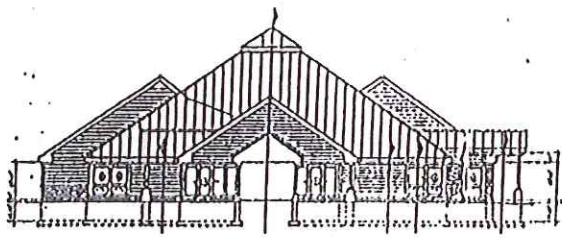
**Approved for Inclusion:**

☐

Doug Gilchrist, Community Planning  
& Real Estate Div. Director

### **Attachments:**

Application Package (Schedule 'A')



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

HOUSE PLANS AND DESIGN

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

Office: (250) 763-1334

Home: 763-5367

E-mail: muncha@cnx.net

Letter of Rationale

RE: 423 CHRISTLETON AVE. - D.V.P.

The provision of covered parking will increase the useability, viability and desirability of this important heritage house. The 1994 subdivision of the property (without a lane) left this house with only access from the front street. Since then, the City's Zoning & Development ByLaws have required that accessory structures located between the principal dwelling and the road (front) must have a minimum setback of two times the required house setback of 6 m. (20') when cars (and garage doors) face the street, totaling 12 m. (40'). The house front wall is now 14.92 m. (49') from the north (front) property line leaving no space to build a new carport without a Development Variance Permit (D.V.P.)

The D.V.P. Proposal meets the frontyard siting requirement of 6 m. (20') if the new carport (or garage) were attached to the house, but attaching the carport would severely impact negatively the heritage character and other values of the house. Therefore, a low impact (minimal) structure detached from the house but with visibility, fire protection (east wall) and compatibility (with the house) was chosen as the carport design.

The streetscape character will not be negatively impacted from the proposed carport as other properties on the block have similar driveway and garage access from the front.

There is no other location available on the property to locate a parking structure other than in the required frontyard setback area.

The carport location (closest) to the east property line and the design mitigate impacts from the variance request.

The proposal is to build a modestly sized (20' x 20') 6.1 m x 6.1 m (37.16 sq. m) carport which is compatible in design with the existing 1912 Arts & Crafts styled home on the lot. The low-sloped (4:12) "hip" or cottage-styled roof and open walls provide increased visibility to and from the heritage house while the full height (closed) east wall provides the necessary fire protection from its close (3'6") 1.07 m proximity to the property line. The roof, walls, columns and beam materials and colours will be similar yet distinguishable from the house. The existing concrete driveway, stamped concrete walks and garden areas will be retained but patched and repaired as required to match the existing. The variance would reduce the required frontyard for an accessory building from 12 m (39.4') to 6 m (19.68').

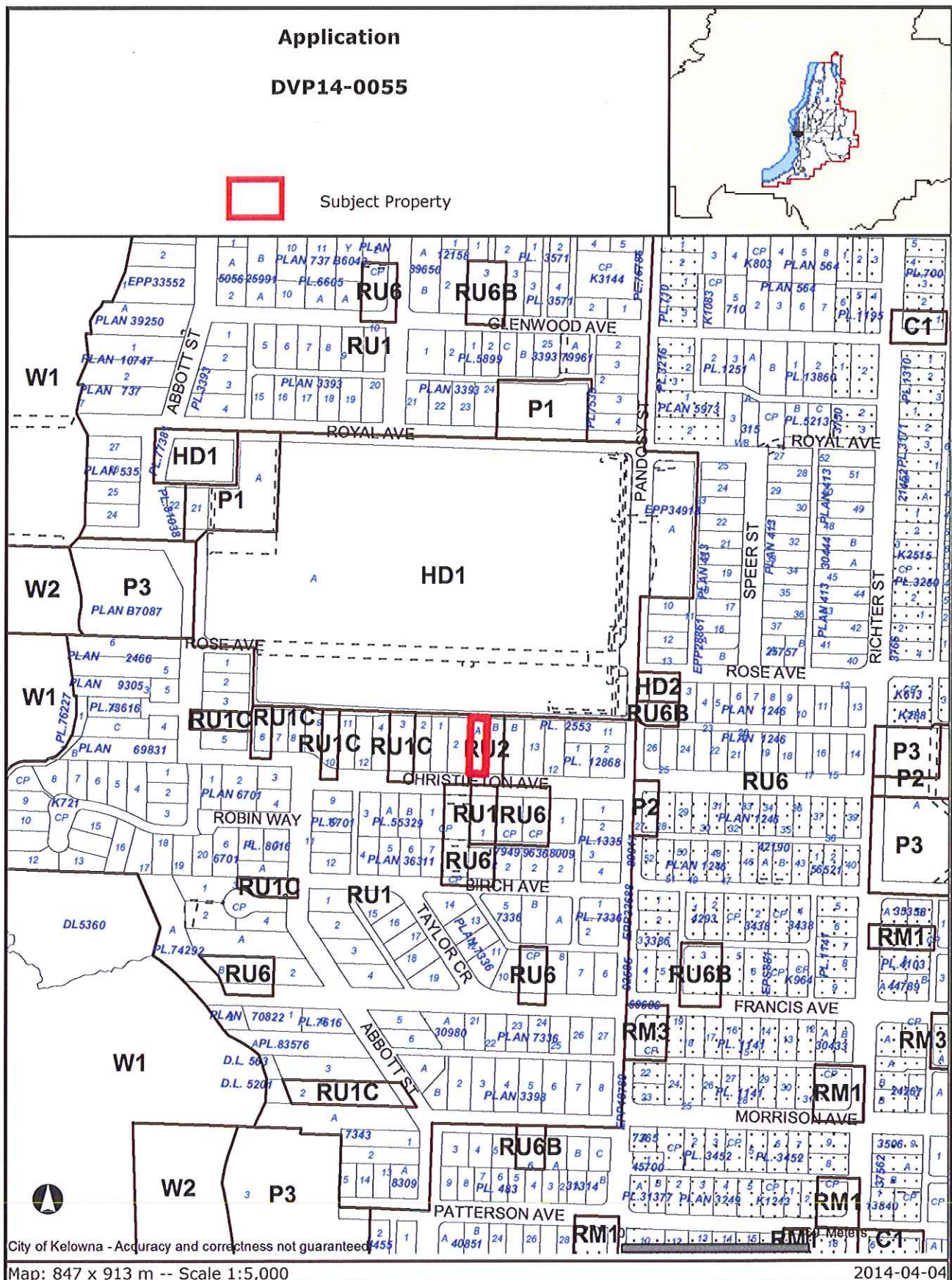
SCHEDULE	'A'
This forms part of development	
Permit #	DVP14-0055











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

# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP14—0055

EXISTING ZONING DESIGNATION: RU1 - Large Lot Housing  
WITHIN DEVELOPMENT PERMIT AREA: n/a

ISSUED TO: Islam Mohamed & Janet Evans  
LOCATION OF SUBJECT SITE: 423 Christleton Ave

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	14		KAP55329			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 the variance to Section 6.5.8(a) of the Zoning Bylaw No. 8000 be granted from:

To vary Section 6.5.8(a) (Accessory Development) from a twelve (12) metre front yard setback for an accessory building to a six (6) metre front yard setback for a detached garage or carport that meets the principal building's side yard setback requirements (as per schedule 'A').

#### 3. PERFORMANCE SECURITY: None Required.

#### 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 Divisional Director of Community Planning & Real Estate.

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

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

\_\_\_\_\_  
Signature of Owner/Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name in Bold Letters

\_\_\_\_\_  
Telephone No.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2014.

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE \_\_\_\_ DAY OF \_\_\_\_\_, 2014 BY THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

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

# REPORT TO COUNCIL



**Date:** April 28, 2014

**RIM No.** 0940-50

**To:** City Manager

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

**Application:** DVP14-0051      **Owner:** Simple Pursuits Inc.,  
Inc. No. BC0449611

**Address:** 2700-2790 Richter Street      **Applicant:** Simple Pursuits Inc.,  
Inc. No. BC0449611

**Subject:** Development Variance Permit

**Existing OCP Designation:** Mixed Use (Residential/Commercial)

**Existing Zone:** C4 - Urban Centre Commercial

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0051 for Lot 1, District Lot 14, ODYD, Plan EPP29295, located at 2700-2790 Richter Street, Kelowna, BC;

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

Section 8.1.2 - Off-Street Vehicle Parking - Number of Spaces: Table 8.1 Parking Schedule  
To vary the maximum number of permitted commercial parking spaces from 130 spaces permitted to 193 spaces proposed, as per Schedule 'A'.

## 2.0 Purpose

To increase the maximum number of permitted commercial parking spaces from 130 spaces permitted to 193 spaces proposed, in order to facilitate the addition of a third level of parking to the parking structure of the approved mixed-use development on the subject site.

## 3.0 Urban Planning Department

Under the City's zoning requirements, the maximum permitted parking that may be provided in conjunction with a development is 125% of the minimum required parking for each proposed use class, in order to support the City's transportation demand management (TDM) objectives. The subject Development Variance Permit application seeks to vary the maximum permitted amount of onsite commercial parking from 130 spaces (125% of the minimum required) to 193 spaces (185% of the minimum required), a variance of 63 spaces or 48%. This is proposed to be achieved



by revising the originally approved development (currently under construction) to add a third level of parking to the project's internalized parking structure.

Presently underway is the City's Parking Strategy, which includes the South Pandosy Town Centre area. The results of this work indicate that there is a shortfall of parking in the area, notably during peak times when employee parking is also a contributing factor. Through this process, area residents and business owners have also vocalized concerns about a perceived inadequate supply and/or availability of off-street parking. Albeit private parking, the proposed addition of the 63 commercial parking spaces beyond the maximum permitted would ensure that the proposed mixed-use development does not further exacerbate the neighbourhood's parking issues, and may help to alleviate overall parking demand in those cases where customers parking on the subject site are then making other trips on foot within the surrounding area. Finally, the third level addition to the parking structure will not appreciably alter the street view of the approved development, since it will be screened by the external development that wraps the internalized parking structure almost entirely (except at access points).

In accordance with Council Policy 367 - Public Notification & Consultation for Development Applications, the applicant has undertaken efforts to contact the neighbouring properties within 50 m of the subject site of the proposed Development Variance Permit application. Two adjacent neighbours have submitted letters of support for the provision of additional onsite parking. Additionally, the KLO Central Neighbourhood Association has also submitted a letter of support for the proposed parking variance (see attached KLONCA letter dated April 25, 2014).

## **4.0 Proposal**

### **4.1 Background**

On April 23, 2013, Council approved Development Permit DP13-0016 and Development Variance Permit DVP13-0017 to facilitate the development of a comprehensive mixed-used development on the subject site. The approved development is presently under construction, and is comprised of a 5-storey commercial building at the west end of the site, four townhouse units fronting onto Osprey Avenue and four fronting onto Raymer Avenue, and retail frontage along Richter Street. At the centre of the site, is a two-level parking structure, with the lower level accessed from Osprey Avenue and the upper level accessed from Raymer Avenue. In total, the originally approved development proposed 137 parking spaces (127 commercial and 10 residential) within internal parking structure.

### **4.2 Project Description**

Subsequent to the original approvals noted above, the applicant has determined that additional parking to serve the subject development is desirable to ensure the development's leasability, and that a 3<sup>rd</sup> level of parking could be added to the project's internal parking structure with minimal impact on the outward appearance of the development (see attached Applicant's Letter of Rationale). To this end, the applicant is seeking a variance to the maximum permitted amount of commercial parking from 130 spaces permitted to 193 spaces proposed.

As originally designed, the parking structure is internalized within the site and wrapped by external development, thereby concealing most of the structure from view with the exception of the parkade access points. The proposed additional parking level will also be largely screened from view by the surrounding development – the upper-level guard wall will protrude above the townhouse units along the Osprey Avenue frontage; however, this wall is setback approximately 7.5 m from the street and should therefore have limited visibility. With the addition of a third level of parking, access to the parking structure will be revised such that the lower level will now be accessed from Raymer Avenue and the upper levels accessed from Osprey Avenue.



#### 4.4 Zoning Analysis

The proposal compares to the relevant C4 zone parking requirements as follows:

Zoning Analysis Table		
CRITERIA	C4 ZONE REQUIREMENTS	PROPOSAL
Minimum / Maximum Parking Requirements	<u>Commercial:</u> Min. 104 spaces Max. 130 spaces (125% of min. required spaces)  <u>Residential:</u> Min. 8 spaces Max. 10 spaces (125% of min. required spaces)	<u>Commercial:</u> 193 spaces (185% of min. required spaces) ❶  <u>Residential:</u> 10 spaces (125% of min. required spaces)
Bicycle Parking	Class I: 10 spaces Class II: 30 spaces	Class I: 10 spaces Class II: 30 spaces
Loading Space	4 stalls	4 stalls
❶ Vary maximum permitted commercial parking from 130 spaces permitted to 193 spaces proposed.		

#### 5.0 Current Development Policies

##### 5.1 Kelowna Official Community Plan (OCP)

#### Chapter 14 - Comprehensive Development Design Guidelines

Pedestrian access, provision for cyclists, circulation, vehicles and loading

- Locate parking areas to the rear of buildings, internal to the building, or below grade
- Avoid large expanses of parking
- Ensure vehicular and service access has minimal impact on the streetscape

#### 6.0 Technical Comments

##### 6.1 Building & Permitting Department

No comment.

##### 6.2 Development Engineering Department

Refer to Development Engineering Memorandum, dated March 26, 2014.

##### 6.3 Fire Department

No concerns.

##### 6.4 FortisBC Energy Inc. - Gas

No comments received.

##### 6.5 FortisBC Energy Inc. - Electric

No comments received.



#### 6.6 Shaw Cable

Shaw Communications' interests are unaffected. The applicant should contact Shaw regarding future cable services.

#### 6.7 Telus

No comments received.

### 7.0 Application Chronology

Date of Application Received: March 19, 2014

Applicant's Consultation Summary Received: April 11, 2014

#### Report prepared by:

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Abigail Riley, Planner II  
Urban Planning

Reviewed by:

☐

Ryan Smith, Manager, Urban Planning

Approved for Inclusion:

☐

Doug Gilchrist, Divisional Director, Community Planning & Real Estate

#### Attachments:

Subject Property Map

Site Plan

Building Elevations

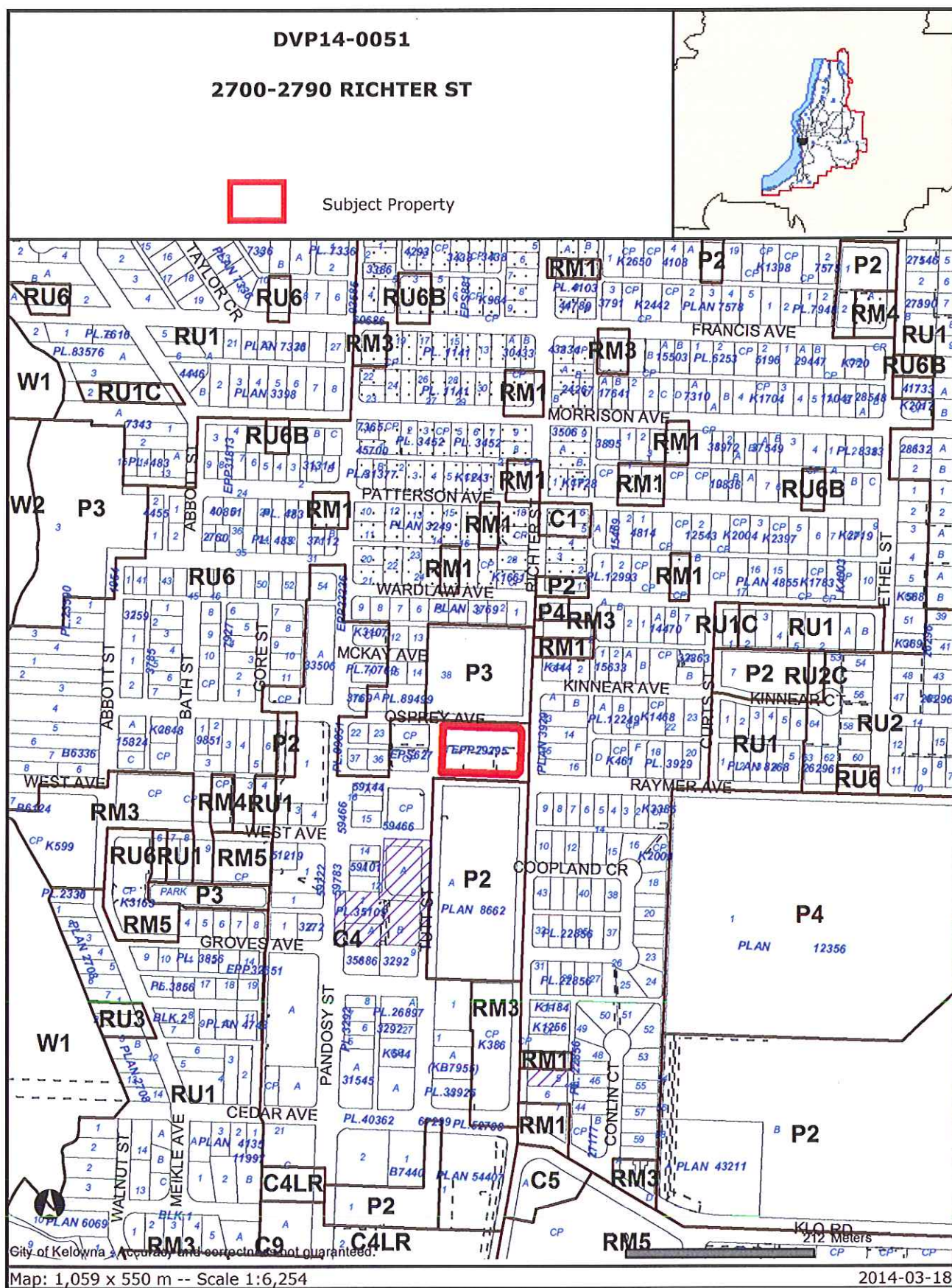
Applicant's Letter of Rationale, dated March 12, 2014

Development Engineering Memorandum, dated March 26, 2014

Letter from KLOCNA, dated April 25, 2014

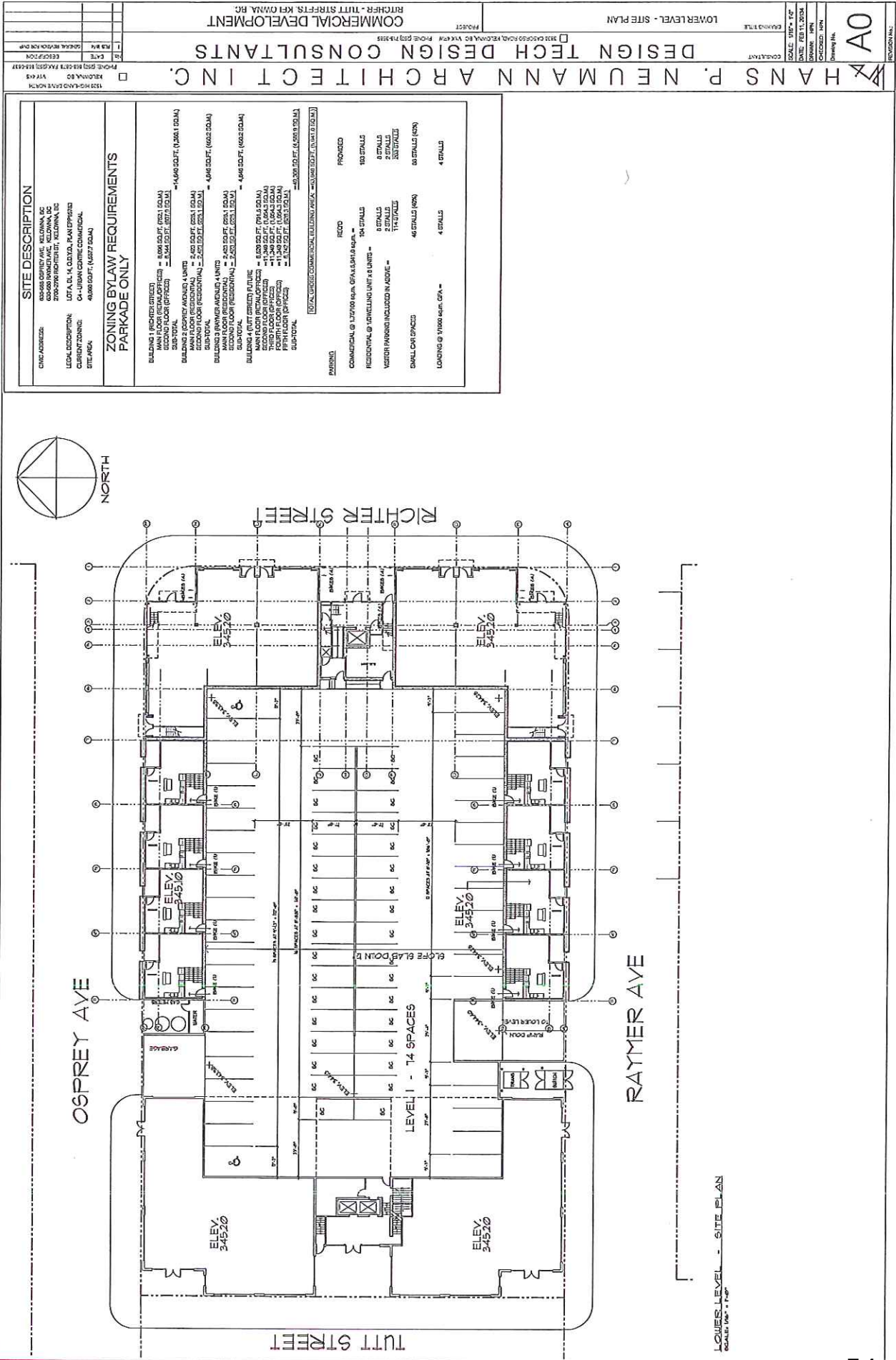
Letters of neighbor support

Draft Development Variance Permit



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





HANS P. NEUMANN ARCHITECT INC.  
DESIGN TECH DESIGN CONSULTANTS  
COMMERCIAL DEVELOPMENT  
RITCHER - TUTT STREEFS KILGUNA BC.

DATE	15.04.2019
BY	15.04.2019
CHECKED	15.04.2019
APPROVED	15.04.2019
SCALE	1:100
PROJECT	15.04.2019

LOWER LEVEL - SITE PLAN  
SCALE: 1/8" = 1'-0"





## **Development Rationale for 2750 Richter & 2755 Tutt Street Parking Variance**

March 12, 2014

To: City of Kelowna Council

Re: Development Variance Permit for Parking Variance

Dear City Staff and Council,

Thank you for your consideration of our development variance permit for increased parking at 2750 Richter & 2755 Tutt Street.

As we near the completion of construction of phase 1 of our development on Richter Street we are getting very excited about the positive response we are having to our development. However one thing that has become clear to us over the past couple of years with our previous developments in the area is that the lack of parking is impairing our ability to lease our buildings. The intention of this variance is to help ourselves and the area by increasing our own parking ratio beyond what the bylaw allows.

In our past developments in this area we have been able to meet the bylaw requirement of 1.75 stalls per 100 square meters of building. What we have found though is that, although we meet the bylaw, we have not met the real world demand. This has had a detrimental effect on our ability to lease space to commercial tenants. It has also impacted the neighbourhood by putting more demand on the City's on street facilities. We appreciate that the City is working towards a management plan for the area and that hopefully there will be an alleviation of the pressures in South Pandosy in the near future.

In our other developments in the neighbourhood adding more parking has been either not possible or too expensive to be feasible. However on this site we realized that we could help with the situation with minimal impact on the "look" of our development. With our large site we are able to use a unique design to contain our parking structures "behind" active buildings. When we investigated the idea of adding more parking we realized we could add the extra level with minimal impact on the "outward" appearance. We also realized that we have a great deal of the infrastructure already in place for the approved 2 levels of parking so the costs, although high, are not prohibitive to add a 3<sup>rd</sup> level.

Finally, we appreciate and realize that there are alternative transportation modes available and we continue to fully support these. By choosing to develop in a town center in the first place we hope people will choose to live and work in the same neighbourhood. We continue to provide secure bicycle storage and end of trip facilities for those riding bicycles. We fully support the work of Okanagan Car Share Coop and our development is located only steps away from several bus stops. However we are realizing that in order for our development to be successful we need to provide what the market is requesting: parking.

Thank you for your consideration of this matter, and we look forward to your favorable response to our variance request.

Sincerely,



Shane Worman  
Simple Pursuits Inc.



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

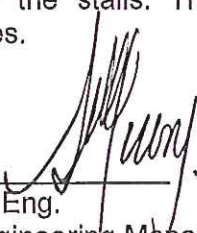
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**Date:** March 26, 2014  
**File No.:** DVP14-0051  
**To:** Urban Planning (AR)  
**From:** Development Engineering Manager (SM)  
**Subject:** 2700-2790 Richter Street

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

The Development Variance Permit to vary the maximum amount of required onsite parking from 143 stalls to 203 stalls is acceptable provided the developer confirm the intended use of the stalls. The additional parking stall does not compromise any municipal services.

  
\_\_\_\_\_  
Steve Muenz, P. Eng.  
Development Engineering Manager

SS

**KLOCNA**  
KLO Central  
Neighbourhood Association



RECEIVED  
APR 25 2013

April 25, 2014.

Abigail Riley  
Planner  
Policy and Planning  
City Hall  
1435 Water Street,  
Kelowna, BC V1Y 1J4

Re: DVP14-0051  
2700-2790 Richter St  
Development Variance Permit to vary maximum permitted parking from 143  
spaces permitted to 203 spaces proposed.

This morning I had the opportunity to attend the External Review of the Draft South Pandosy Parking Strategy. I was alarmed to learn that the parking stall short fall for the Pandosy Village could be conservatively estimated at 100 stalls. However, we were told that estimates during peak times of the day could go as high as 200 when employee parking was also included. Previously we were lead to believe that the short fall was approximately 50 stalls.

It is with this information in mind that the Association wishes to reiterate its complete support for the DVP14-0051: Development Variance Permit to vary maximum permitted parking from 143 spaces permitted to 203 spaces proposed.

The Association is well aware that this request contravenes current City Bylaws. However, we feel it is paramount that support be provided to a developer who voluntarily wishes to provide the necessary parking for the office/commercial development under construction. This is consistent with the support we offered to the SOPA Square developer when a request was made to increase the parking within the scope of that development.

Parking in the Pandosy Village is a critical issue. Businesses are being strangled by lack of parking. Homeowners adjacent to the commercial areas are complaining about the loss of residential parking in front of their homes. Drop off parking immediately adjacent to Raymer School is a significant problem. The KLOCNA wants to offer support to a developer who wishes to be part of the solution and not exasperate an already difficult situation.

Sincerely,

O. J. (John) Mardall  
Vice President,  
KLO Central Neighbourhood Association (KLOCNA),  
#6 – 3775 Springbrook Road,  
Kelowna, BC, V1W 4A3  
250-762-4792  
mardall@telus.net





Dear Abigail Riley & Kelowna City Council,

I am writing in support of the recent application for a variance permit to the parkade currently under construction at 2750 Richter.

I am the owner of Active Living Chiropractic located at 565 Osprey Avenue. We have been in the South Pandosy area for six years, recently moving from West Avenue to Osprey Avenue. As I know you are aware, parking is limited in our area. Allowing the extra 79 stalls to this parkade will have a positive impact to businesses in our area as it will lessen the neighborhood impact.

Please feel free to contact me via email or phone (250-448-8008).

Sincerely,

Dr. Melanie Brandt, DC

Active Living Chiropractic Inc.

**From:** Brian Beach [mailto:bbeach@true.bc.ca]  
**Sent:** Sunday, April 13, 2014 3:59 PM  
**To:** Abigail Riley  
**Subject:** Worman Commercial - 2750 Richter Development - Additional Parking Proposal

Hi Abigail,

On behalf of Strata EPS627 (570 Raymer Avenue) I would like to extend our complete and enthusiastic support for the above noted application for additional parking. Although the additional parking will not benefit our strata directly, any additional off-street parking in the South Pandosy neighbourhood needs to be encouraged and fully supported. As you well know, the parking demands of commercial retail and office, residential and school properties in the vicinity are being stressed to the max. An additional level of parking at this development site has a very minor visual impact but will have a significant positive impact on the parking situation in the vicinity once the development is complete and fully utilized.

Regards,

Brian Beach  
Strata President

# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP14-0051

EXISTING ZONING DESIGNATION: C4 – Urban Centre Commercial

DEVELOPMENT VARIANCE PERMIT: To vary the maximum number of permitted commercial parking spaces from 130 spaces permitted to 193 spaces proposed.

ISSUED TO: Simple Pursuits Inc., Inc. No. BC0449611

LOCATION OF SUBJECT SITE: 2700-2790 Richter Street, Kelowna, BC

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	1		14		ODYD	EPP29295

### SCOPE OF APPROVAL

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

#### 1. TERMS AND CONDITIONS:

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

##### Section 8.1.2 - Off-Street Vehicle Parking - Number of Spaces

To vary the maximum number of permitted commercial parking spaces from 130 spaces permitted to 193 spaces proposed, as per Schedule 'A'.

#### 2. DEVELOPMENT:

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

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



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

**THIS Permit IS NOT A BUILDING Permit.**

3. PERFORMANCE SECURITY:

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

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

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

4. APPLICANT'S AGREEMENT:

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

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

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

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

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

\_\_\_\_\_  
Signature of Owner/Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name in Bold Letters

\_\_\_\_\_  
Telephone No.

5. APPROVALS:

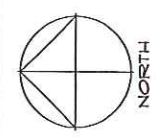
DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE \_\_\_\_th DAY OF \_\_\_\_\_ 2014.

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

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Doug Gilchrist  
Divisional Director of Community Planning & Real Estate

SITE DESCRIPTION	
CARC ADDRESS:	650-660 CORTNEY AVE., KENOSHA, WI 63101-1000 200E-2001 WEST ST., KENOSHA, WI 53140-1000
LEGAL DESCRIPTION:	LOTS 13, 14, 0.0720 AC. R-1M IMPROVED CH-1 UNIMPROVED COMMERCIAL
CURT. ZONING:	CH-1 UNIMPROVED COMMERCIAL
EST. AREA:	40.000 SQ. FT. (1,457.77 SQ. YD.)
ZONING BYLAW REQUIREMENTS PARKADE ONLY	
BUILDING 1 FLOOR (STREET SIDE)	= 4,000 SQ. FT. (92.1 SQ. M.)
SECOND FLOOR (OFFICES)	= 5,544 SQ. FT. (1,277.1 SQ. M.)
SUBTOTAL	= 9,544 SQ. FT. (2,200.1 SQ. M.)
BUILDING 2 FLOOR (WALKER UNITS)	= 4,000 SQ. FT. (92.1 SQ. M.)
SECOND FLOOR (OFFICES)	= 5,452 SQ. FT. (1,251.1 SQ. M.)
SUBTOTAL	= 9,452 SQ. FT. (2,103.1 SQ. M.)
BUILDING 3 FLOOR (WALKER UNITS)	= 4,000 SQ. FT. (92.1 SQ. M.)
SECOND FLOOR (RESIDENTIAL)	= 5,452 SQ. FT. (1,251.1 SQ. M.)
SUBTOTAL	= 9,452 SQ. FT. (2,103.1 SQ. M.)
BUILDING 4 FLOOR (STREET SIDE)	= 4,000 SQ. FT. (92.1 SQ. M.)
SECOND FLOOR (OFFICES)	= 5,544 SQ. FT. (1,277.1 SQ. M.)
SUBTOTAL	= 9,544 SQ. FT. (2,200.1 SQ. M.)
BUILDING 5 FLOOR (STREET SIDE)	= 4,000 SQ. FT. (92.1 SQ. M.)
SECOND FLOOR (OFFICES)	= 5,544 SQ. FT. (1,277.1 SQ. M.)
SUBTOTAL	= 9,544 SQ. FT. (2,200.1 SQ. M.)
BUILDING 6 FLOOR (STREET SIDE)	= 4,000 SQ. FT. (92.1 SQ. M.)
SECOND FLOOR (OFFICES)	= 5,544 SQ. FT. (1,277.1 SQ. M.)
SUBTOTAL	= 9,544 SQ. FT. (2,200.1 SQ. M.)
BUILDING 7 FLOOR (STREET SIDE)	= 4,000 SQ. FT. (92.1 SQ. M.)
SECOND FLOOR (OFFICES)	= 5,544 SQ. FT. (1,277.1 SQ. M.)
SUBTOTAL	= 9,544 SQ. FT. (2,200.1 SQ. M.)
BUILDING 8 FLOOR (STREET SIDE)	= 4,000 SQ. FT. (92.1 SQ. M.)
SECOND FLOOR (OFFICES)	= 5,544 SQ. FT. (1,277.1 SQ. M.)
SUBTOTAL	= 9,544 SQ. FT. (2,200.1 SQ. M.)
BUILDING 9 FLOOR (STREET SIDE)	= 4,000 SQ. FT. (92.1 SQ. M.)
SECOND FLOOR (OFFICES)	= 5,544 SQ. FT. (1,277.1 SQ. M.)
SUBTOTAL	= 9,544 SQ. FT. (2,200.1 SQ. M.)
BUILDING 10 FLOOR (STREET SIDE)	= 4,000 SQ. FT. (92.1 SQ. M.)
SECOND FLOOR (OFFICES)	= 5,544 SQ. FT. (1,277.1 SQ. M.)
SUBTOTAL	= 9,544 SQ. FT. (2,200.1 SQ. M.)
BUILDING 11 FLOOR (STREET SIDE)	= 4,000 SQ. FT. (92.1 SQ. M.)
SECOND FLOOR (OFFICES)	= 5,544 SQ. FT. (1,277.1 SQ. M.)
SUBTOTAL	= 9,544 SQ. FT. (2,200.1 SQ. M.)
BUILDING 12 FLOOR (STREET SIDE)	= 4,000 SQ. FT. (92.1 SQ. M.)
SECOND FLOOR (OFFICES)	= 5,544 SQ. FT. (1,277.1 SQ. M.)
SUBTOTAL	= 9,544 SQ. FT. (2,200.1 SQ. M.)
BUILDING 13 FLOOR (STREET SIDE)	= 4,000 SQ. FT. (92.1 SQ. M.)
SECOND FLOOR (OFFICES)	= 5,544 SQ. FT. (1,277.1 SQ. M.)
SUBTOTAL	= 9,544 SQ. FT. (2,200.1 SQ. M.)
BUILDING 14 FLOOR (STREET SIDE)	= 4,000 SQ. FT. (92.1 SQ. M.)
SECOND FLOOR (OFFICES)	= 5,544 SQ. FT. (1,277.1 SQ. M.)
SUBTOTAL	= 9,544 SQ. FT. (2,200.1 SQ. M.)
BUILDING 15 FLOOR (STREET SIDE)	= 4,000 SQ. FT. (92.1 SQ. M.)
SECOND FLOOR (OFFICES)	= 5,544 SQ. FT. (1,277.1 SQ. M.)
SUBTOTAL	= 9,544 SQ. FT. (2,200.1 SQ. M.)
BUILDING 16 FLOOR (STREET SIDE)	= 4,000 SQ. FT. (92.1 SQ. M.)
SECOND FLOOR (OFFICES)	= 5,544 SQ. FT. (1,277.1 SQ. M.)
SUBTOTAL	= 9,544 SQ. FT. (2,200.1 SQ. M.)
BUILDING 17 FLOOR (STREET SIDE)	= 4,000 SQ. FT. (92.1 SQ. M.)
SECOND FLOOR (OFFICES)	= 5,544 SQ. FT. (1,277.1 SQ. M.)
SUBTOTAL	= 9,544 SQ. FT. (2,200.1 SQ. M.)
BUILDING 18 FLOOR (STREET SIDE)	= 4,000 SQ. FT. (92.1 SQ. M.)
SECOND FLOOR (OFFICES)	= 5,544 SQ. FT. (1,277.1 SQ. M.)
SUBTOTAL	= 9,544 SQ. FT. (2,200.1 SQ. M.)
BUILDING 19 FLOOR (STREET SIDE)	= 4,000 SQ. FT. (92.1 SQ. M.)
SECOND FLOOR (OFFICES)	= 5,544 SQ. FT. (1,277.1 SQ. M.)
SUBTOTAL	= 9,544 SQ. FT. (2,200.1 SQ. M.)
BUILDING 20 FLOOR (STREET SIDE)	= 4,000 SQ. FT. (92.1 SQ. M.)
SECOND FLOOR (OFFICES)	= 5,544 SQ. FT. (1,277.1 SQ. M.)
SUBTOTAL	= 9,544 SQ. FT. (2,200.1 SQ. M.)
BUILDING 21 FLOOR (STREET SIDE)	= 4,000 SQ. FT. (92.1 SQ. M.)
SECOND FLOOR (OFFICES)	= 5,544 SQ. FT. (1,277.1 SQ. M.)
SUBTOTAL	= 9,544 SQ. FT. (2,200.1 SQ. M.)
BUILDING 22 FLOOR (STREET SIDE)	= 4,000 SQ. FT. (92.1 SQ. M.)
SECOND FLOOR (OFFICES)	= 5,544 SQ. FT. (1,277.1 SQ. M.)
SUBTOTAL	= 9,544 SQ. FT. (2,200.1 SQ. M.)
BUILDING 23 FLOOR (STREET SIDE)	= 4,000 SQ. FT. (92.1 SQ. M.)
SECOND FLOOR (OFFICES)	= 5,544 SQ. FT. (1,277.1 SQ. M.)
SUBTOTAL	= 9,544 SQ. FT. (2,200.1 SQ. M.)
BUILDING 24 FLOOR (STREET SIDE)	= 4,000 SQ. FT. (92.1 SQ. M.)
SECOND FLOOR (OFFICES)	= 5,544 SQ. FT. (1,277.1 SQ. M.)
SUBTOTAL	= 9,544 SQ. FT. (2,200.1 SQ. M.)
BUILDING 25 FLOOR (STREET SIDE)	= 4,000 SQ. FT. (92.1 SQ. M.)
SECOND FLOOR (OFFICES)	= 5,544 SQ. FT. (1,277.1 SQ. M.)
SUBTOTAL	= 9,544 SQ. FT. (2,200.1 SQ. M.)
BUILDING 26 FLOOR (STREET SIDE)	= 4,000 SQ. FT. (92.1 SQ. M.)
SECOND FLOOR (OFFICES)	= 5,544 SQ. FT. (1,277.1 SQ. M.)
SUBTOTAL	= 9,544 SQ. FT. (2,200.1 SQ. M.)
BUILDING 27 FLOOR (STREET SIDE)	= 4,000 SQ. FT. (92.1 SQ. M.)
SECOND FLOOR (OFFICES)	= 5,544 SQ. FT. (1,277.1 SQ. M.)
SUBTOTAL	= 9,544 SQ. FT. (2,200.1 SQ. M.)
BUILDING 28 FLOOR (STREET SIDE)	= 4,000 SQ. FT. (92.1 SQ. M.)
SECOND FLOOR (OFFICES)</	



LEVEL 4.5 - SITE PLAN  
SCALE: 1/8" = 1'-0"





**SCHEDULE A**  
This forms part of development  
Permit # **Dwp14-0051**

# REPORT TO COUNCIL



**Date:** 4/30/2014

**RIM No.** 0940-50

**To:** City Manager

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

**Application:** DVP14-0057 **Owner:** Chandler Management Group Ltd.

**Address:** 1829 Chandler Street **Applicant:** Inn from the Cold - Kelowna

**Subject:** Development Variance Permit

**Existing OCP Designation:** MXR - Mixed Use Residential / Commercial

**Existing Zone:** C3 - Community Commercial

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## 1.0 Recommendation

That Council authorizes the issuance of Development Variance Permit No. DVP14-0057 for Lot 36, District Lot 137, ODYD, Plan 10011, Except Plan KAP54078 located at 1829 Chandler Street, Kelowna, BC.

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

### Section 14.3.6 (a) - Other Regulations

To vary the regulation that only permits commercial uses on the first floor to allow a caretaker suite for supportive housing purposes on the first floor.

## 2.0 Purpose

The purpose of the Development Variance Permit is to allow a caretaker suite on the first floor for a supportive housing use.

## 3.0 Urban Planning

Staff support the proposed variance. The 'Inn from the Cold' business model fits within a few different land use definitions; however, the land use that is most congruent is supportive housing. Supportive Housing is a principal use within the C-3 zone and is limited to the following other zones: RM3, RM4, RM5, RM6, C2, C3, C4, & C7. In this case, a separated 24 hour caretaker suite for the supportive housing use would provide beneficial supervision for this valuable community service. The proposed variance does not permit any clients to be located on the first floor and is limited to a caretaker suite which should have limited impact on the overall use of the building. The required number of parking stalls for the proposed use is 10 and the amount of parking provided (including rear carport) is 12 stalls.

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

### 3.1 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C3 ZONE REQUIREMENTS	PROPOSAL
Subdivision Regulations		
Lot Area	1,300 m <sup>2</sup>	1021 m <sup>2</sup>
Lot Width	18.0 m	38.1 m
Lot Depth	30.0 m	23.4 m
Development Regulations		
Height	15 m or 4 storeys	6.7 metres, 2 storeys
Front Yard	3.0 m	Greater than 3.0m
Side Yard (south)	2.0 m	Greater than 2.0m
Side Yard (north)	2.0 m	Greater than 2.0m
Rear Yard	0.0 m	Greater than 0.0m
Site coverage	50 %	20.5%
Other Regulations		
Minimum Parking Requirements	10 stalls	12 stalls

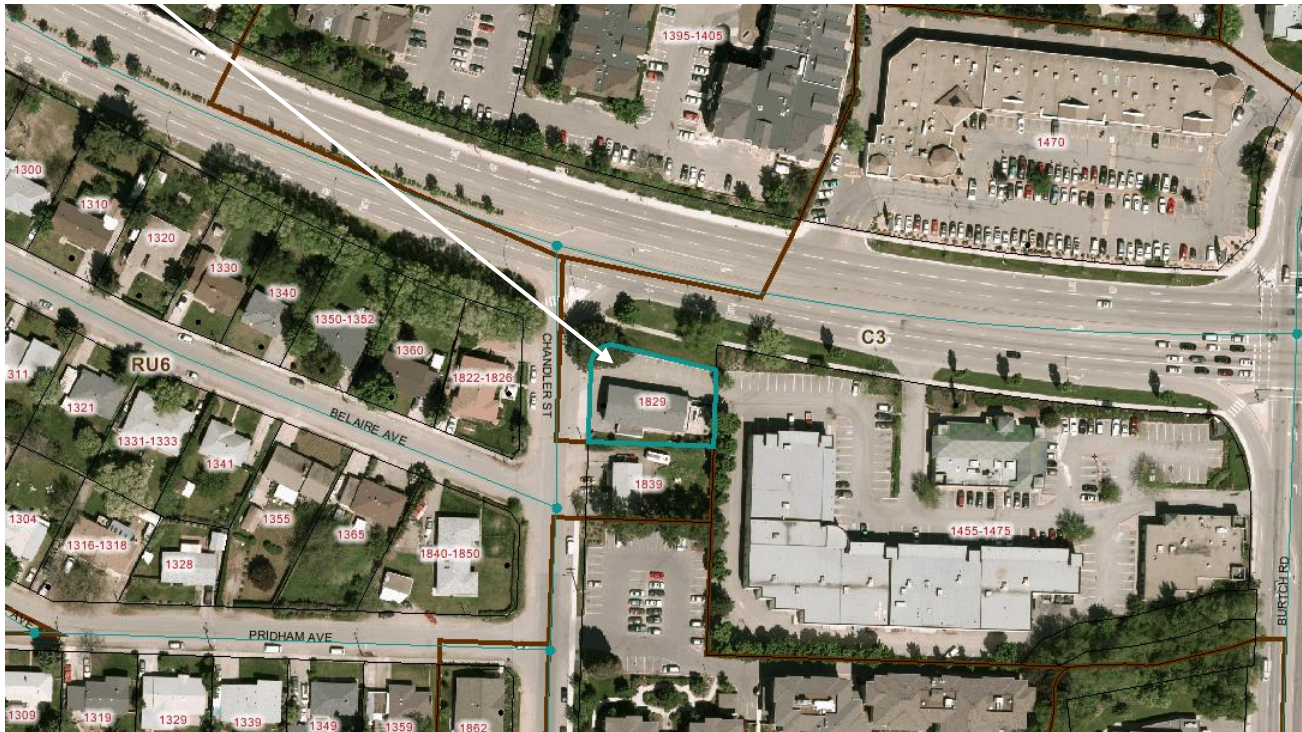
### 4.0 Site Context

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	Highway 33 RM5 - Medium Density multiple housing	Residential
East	C-3 Community Commercial	Commercial
South	RU6 - Large Lot Housing P1- Public & Institutional zones	Residential Institutional
West	RU6 - Two Dwelling Housing	Residential



## Subject Property Map: 1829 Chandler St



### 5.0 Current Development Policies

#### 5.1 Kelowna Official Community Plan (OCP)

##### Social Sustainability (Chapter 10)

- Objective 10.3: Support the creation of affordable and safe rental, non-market and/or special needs housing.
- Policy 1 Housing Availability: Support the provision of housing for all members of the community, including those in core housing need or requiring special needs housing (transitional, age in place, emergency or shelter).

### 6.0 Technical Comments

#### 6.1 Building & Permitting Department

- Building Code Analysis c/w exiting analysis is required at time of building permit application for the change of use for this building.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

#### 6.2 Development Engineering Department

- This development variance permit application to waive the following regulation stating that "Apartment housing and major group homes are allowed only above the first storey and requires access to grade separate from the commercial uses does not compromise any municipal services.

## 7.0 Application Chronology

Date of Application Received: April 4, 2014  
Date of Public Consultation Received: April 4, 2014

**Report prepared by:**

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Adam Cseke, Land Use Planner

**Reviewed by:**

☐

Ryan Smith, Urban Planning Manager

**Approved for Inclusion:**

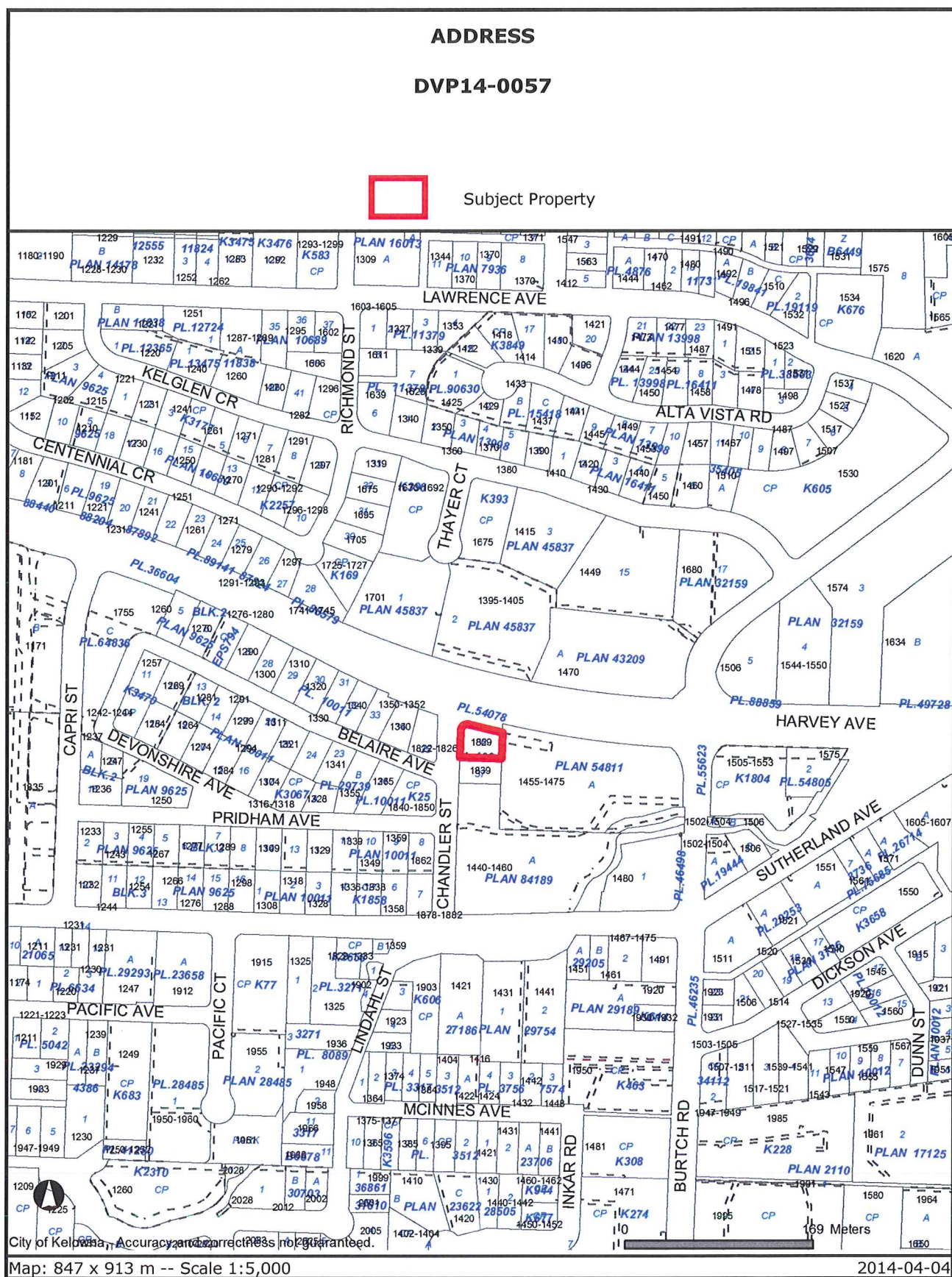
☐

Doug Gilchrist, Community Planning  
& Real Estate Div. Director

**Attachments:**

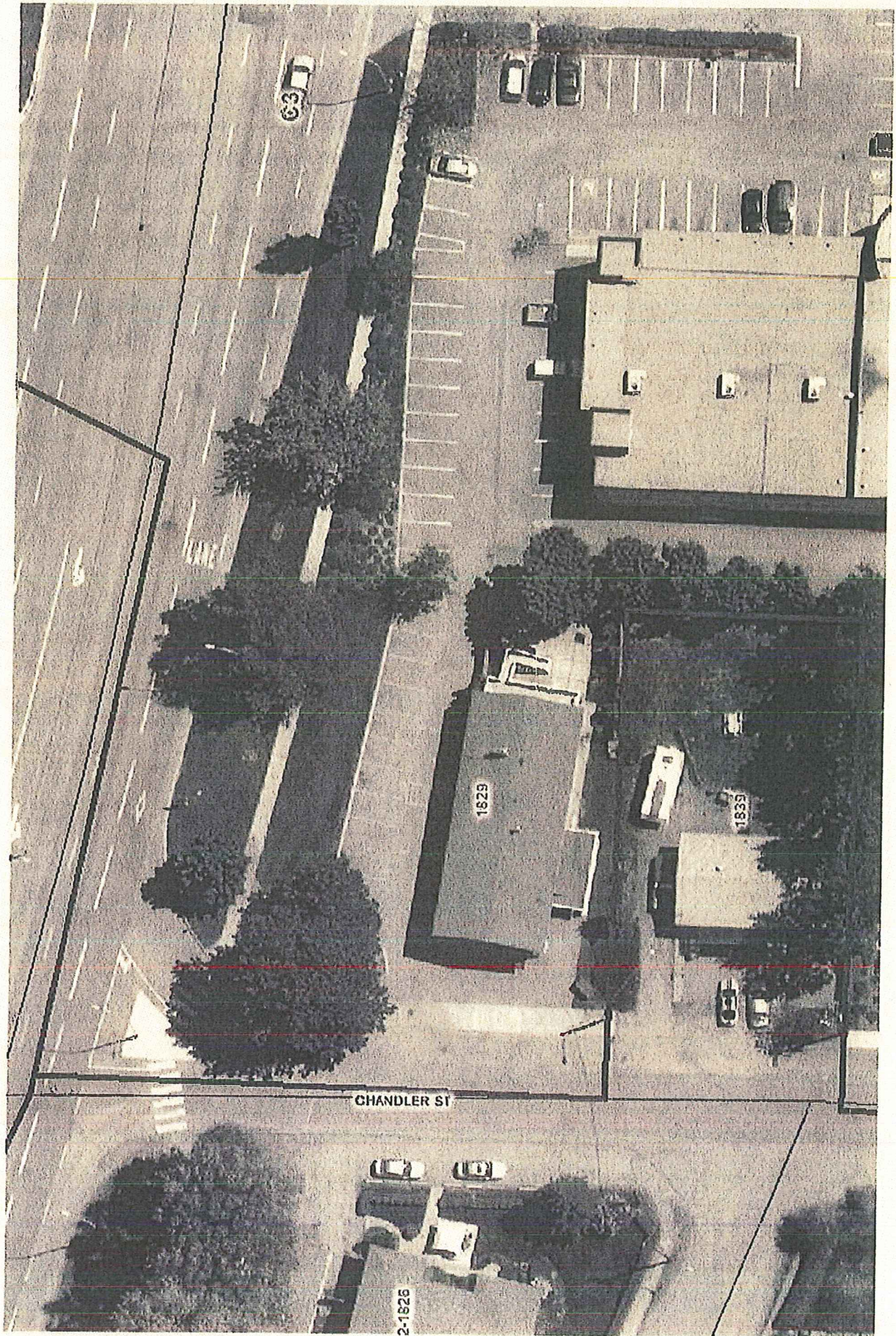
Application Package (Schedule 'A')





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.







## Development Proposal

Currently 1829 Chandler St. is zoned C3/Community Commercial. This allows the building to be used for supportive housing (ee). Inn From the Cold Kelowna is requesting a Development Variance Permit in order that we may construct a support staff suite on the main floor. According to 14.3.6 of the C3 Bylaws sleeping accommodation is only allowed above the first storey.

Occurring is an Innovative Housing First approach to ending chronic homelessness where people are provided rapid access to affordable housing, with 24 hour support services available on site. Recently Inn From the Cold (IFTC) Kelowna has secured a rental property at 1829 Chandler Street. Included on the main floor of this residence are 5 administration offices designated for IFTC staff, a reception area, as well as a 450 square foot area allocated for a live-in support staff. We are applying for this variance in order that we can house a staff member on the main floor and subsequently provide evening, night time and early morning support for our clientele. Day support will be provided by rotating staff members designated specifically to this program. Having a staff on site is essential and will ultimately maximize the success of this housing project. Ensuring health and safety is first and foremost in our minds. Conflicts will remain to a minimum and reckless behavior will not be tolerated minimizing concern for the neighbouring community. The ultimate reality is .... no variance, no evening, night time support. Accessibility to the second floor is quick and easy via two separate routes. The second floor houses 8 bedrooms, an eat in kitchen, bathroom and a living room intended to house participants who would previously be residing in a local shelter or on the streets. This property is sanctioned to house up to 10 individuals. It is our intention to house 8 participants and one staff member.

### **Design Rationale:**

In Kelowna, there are no buildings, other than the building located at 1829 Chandler Street, that would allow Inn From the Cold – Kelowna, a local non-profit housing charity, to move forward with their gracious project. This 2 storey 4500 sq. ft. building allows for housing above the first storey (2,250 sq. ft) and has access to grade separate from the commercial uses in accordance with the bylaws under the C3 Community Commercial zoning.

Inn from the Cold – Kelowna, understands the need to provide housing to those who are less fortunate and this opportunity would allow 8 men, currently facing homelessness, the opportunity to have housing. The second floor of this building currently has 8 bedrooms available, a common living space, dining room, kitchen, full bathroom and potential for a laundry room, as only a small amount of plumbing is required.

The reason for the request for the Development Variance Permit is to be able to achieve having a legal 450 sq. ft. suite on the main floor for a staff member to reside in permanently. By having a permanent staff on site during the evenings, nights, early mornings and weekends, this will ensure that the potentially vulnerable clientele has the support they need, 24/7, in order to move forward in a healthier and safer environment.

The main floor, with the variance permit, would allow the staff suite, and already has a boardroom, reception, 4 offices for daytime staff and a wheelchair accessible bathroom.

All renovations to create the suite will occur within the original framework of the existing building.

Please see the neighbourhood consultation and information package for more information on the past and future of Inn from the Cold – Kelowna.

Currently, the property at 1829 Chandler has 11 parking stalls in the immediate front, including one designated for the disabled, and a carport with a driveway in the rear of the building for a total of 12 parking spaces.

According to the Consolidated Zoning Bylaw No. 8000 Section 8 Parking and Loading requires the following:

8.1.6 Where a development consists of a mix use class, the total off-street parking requirement shall be the sum of the off-street parking requirements



for each use class.

**8.1.7 Parking space for the disabled:**

- (a) Shall be designated if the BC Building Code deems that disabled access to the development is required;
- (b) Shall be designated as parking space for the disabled using appropriate signage; and
- (c) Shall be included in the calculation of the applicable minimum parking requirement

With respect to the 8.1 Parking Schedule, herewith attached requires the following:

Supportive housing requires 1 per 3 dwelling units (there are 3 stalls required as there will be 8 dwelling units on the 2nd floor)

Commercial Office requires 2.5 per 100m<sup>2</sup> GFA (1800 sq. ft of office space = 167.23 m<sup>2</sup>) (approx. 5 stalls required)

Secondary Suite requires 1 required parking space for a principal dwelling must be designated to the secondary suite. The space may not be located within an attached garage providing direct access to the principal dwelling or in a tandem configuration.

Disabled parking space required

Total amount required: 10 stalls

Total amount available: 12 stalls (rear carport included)

Bicycle racks shall be constructed, if necessary to the bylaw, of theft resistant material and shall be securely anchored to the floor, building or ground, shall support the bicycle frame above the centre of gravity, and shall enable the bicycle frame and front or rear wheel to be locked with a Ustyle lock in accordance with 8.4.8 of the bylaw."

**SCHEDULE** 'A'  
This forms part of development  
Permit # DVP14-0057

DR BY  
RIKEMPE  
AZTEK & SHAW CO.

SCALE  $\frac{1}{8}'' = 1'$

2250' 13

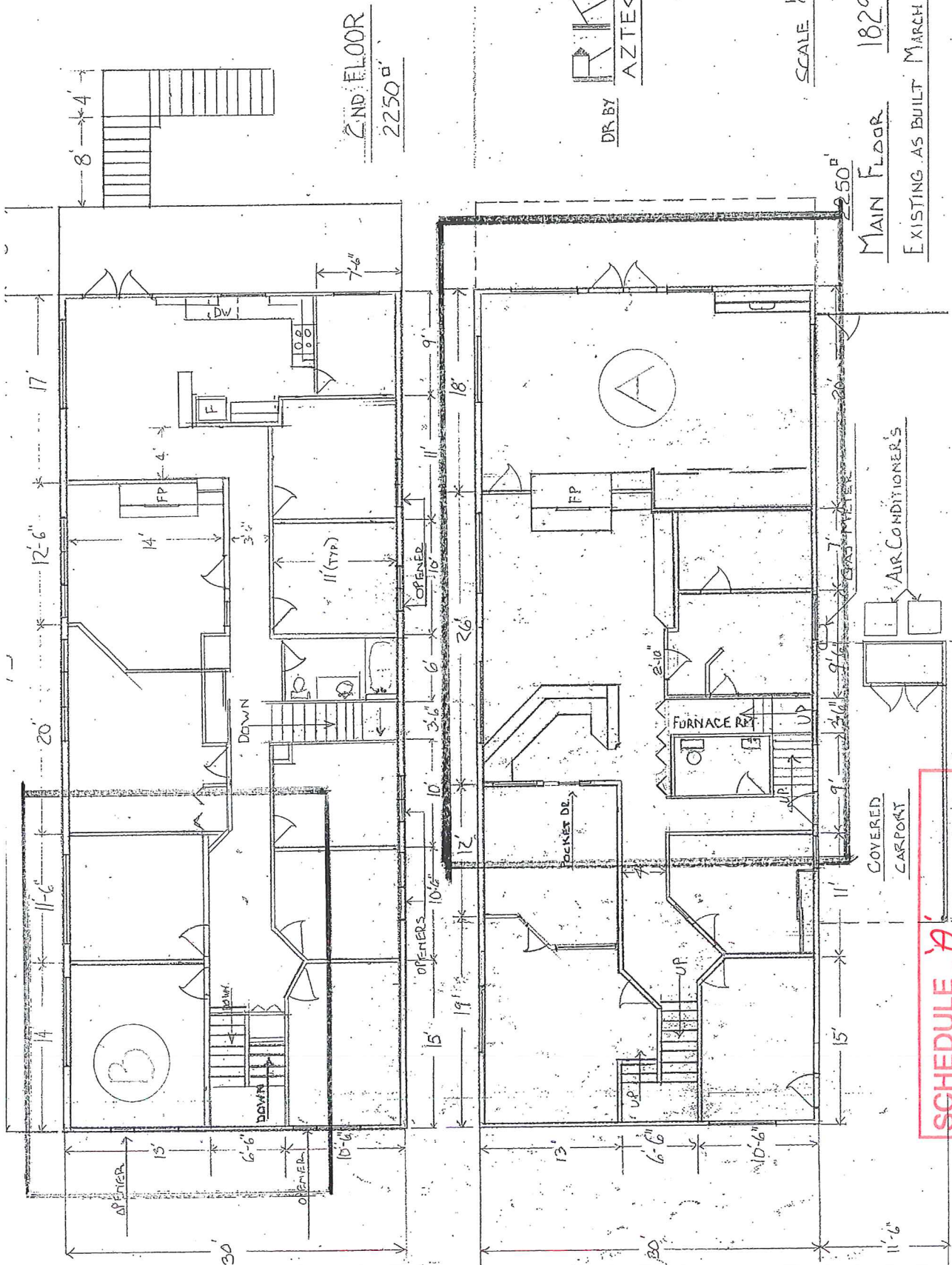
COVERED CARPORT AIR CONDITIONED

MAIN Floor 1829 CHANDLER

EXISTING AS BUILT MARCH 31<sup>ST</sup> 2014.

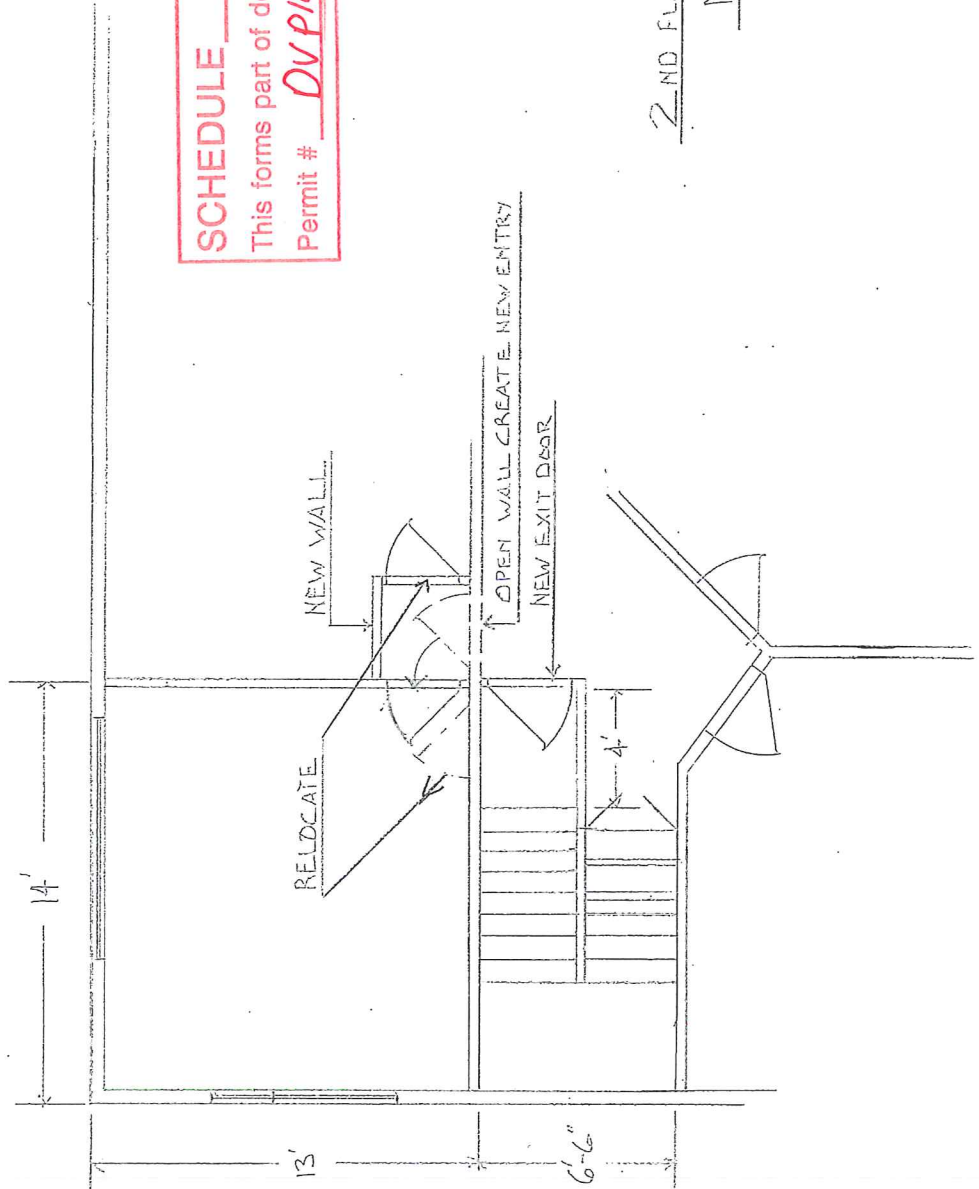


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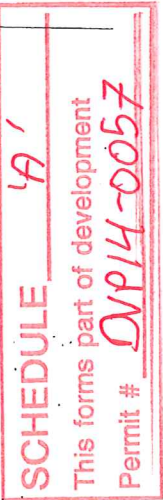
SCHEDULE 4'  
 This forms part of development  
 Permit # DVPI4-0057

R. KEMPE  
 AZTECK CHAWICO

2ND FLOOR 1829 CHANDLER

MARCH 31ST 2014

B





# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP14-0057

EXISTING ZONING DESIGNATION: C-3 - Community Commercial

WITHIN DEVELOPMENT PERMIT AREA: n/a

ISSUED TO: Chandler Management Group Ltd.

LOCATION OF SUBJECT SITE: 1829 Chandler St.

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	36	137	Plan 10011 Except KAP54078			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 the variance to the following section Zoning Bylaw No. 8000 be granted:

To vary Section 14.3.6 (a) to allow a caretaker suite for supportive housing purposes on the first storey.

#### 3. PERFORMANCE SECURITY: None Required.

#### 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 Divisional Director of Community Planning & Real Estate.

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

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

\_\_\_\_\_  
Signature of Owner/Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name in Bold Letters

\_\_\_\_\_  
Telephone No.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2014.

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE \_\_\_\_ DAY OF \_\_\_\_\_, 2014 BY THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

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

# REPORT TO COUNCIL



**Date:** April 25, 2014

**RIM No.** 0940-50

**To:** City Manager

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

**Application:** DVP14-0049      **Owner:** U One Mission Group Homes Ltd.

**Address:** 935 Academy Way      **Applicant:** U One Mission Group Homes Ltd.

**Subject:** Development Variance Permit

**Existing OCP Designation:** MRM - Multiple Unit Residential (Medium Density)

**Existing Zone:** RM4 - Transitional Low Density Housing

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP14-0049 for Lot B, Section 10, Township 23, ODYD, Plan EPP16167, located at 935 Academy Way, Kelowna, BC;

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

Section 8.1.2 - Off-Street Vehicle Parking - Number of Spaces

To vary the minimum number of required parking spaces from 100 spaces required to 93 spaces proposed, as per Schedule 'A';

Section 13.10.6 (c) - RM4 Zone Development Regulations

To vary the maximum permitted height from 3 storeys permitted to 3½ storeys proposed, as per Schedule 'A'.

## 2.0 Purpose

To vary the minimum number of required parking spaces to be provided on site and to vary the maximum permitted building height in order to facilitate minor revisions to the approved development of a multiple unit residential building on the subject site.

## 3.0 Urban Planning Department

Urban Planning staff is supportive of the proposed variance to permit a building height of 3½ storeys. The variance results from a minor modification to landscape berming at the base of the building's north elevation, but does not alter the overall building height of 13 m approved under the original Development Permit DP13-0197 and is consistent with the maximum building



height of the RM4 zone. The proposed revision to the landscape berming enables an improved treatment of the pedestrian environment along the front of the building, with a wider sidewalk and row of trees buffering the adjacent parking area.

Staff is also supportive of the proposed variance to reduce the required onsite parking modestly from 100 spaces to 93 spaces, a variance of 7 spaces. The development is targeted principally for students and staff of the adjacent UBC Okanagan campus and, given the anticipated overall reduced levels of corresponding vehicle ownership, staff feels that a modest variance of 7% can be accommodated. Additionally, the development provides twice the amount of required bicycle parking, with one secured bicycle space for every unit. Further, the variance enables the elimination of a second surface parking area in front of the proposed development, thereby reducing paved surface and facilitating the addition of a landscaped common gathering area for use by building residents.

Given the largely undeveloped surrounding context, staff believes that neighbour notification is adequately satisfied through the formal public notification process and posting of Development Application signage.

## **4.0 Proposal**

### **4.1 Background**

In February 2014, Council authorized a Development Permit under DP13-0197 for a proposed 66-unit residential building on the subject site, along with associated landscaping and site works. At 3 storeys and 13 m in height, the approved building is designed to respond to the site's natural contour and sloping grades. The approved onsite parking consists of a total of 100 parking spaces—66 spaces are provided in below-grade, under-building parking (with one enclosed parking space per unit), and a further 34 spaces are provided in front of the building in two surface parking areas.

### **4.2 Project Description**

The subject Development Variance Permit application is seeking two variances to the original Development Permit approved under DP13-0197—one is to vary building height by a ½ storey for a total of 3½ storeys, and the other is to reduce required parking by 7 spaces for a total of 93 spaces.

In the first instance, the variance is of a technical nature, pertaining to how the number of storeys is measured under the Zoning Bylaw. The site slopes down significantly to the north, resulting in the base of the building's north elevation being exposed. Under the original proposal, a steeply sloped landscaped berm is provided along the north elevation to screen the building's base and under-building parking area, and the number of storeys is measured from the top of this landscaped berm. The applicant would like to revise the application to lower the overall height of this landscape berm modestly (by approximately 0.80 m), thereby enabling a wider sidewalk area with tree planting along the front of the building. However, this modification has the effect of increasing the measurement of the number of storeys from 3 storeys to 3½ storeys. The proposed landscape modification does not affect the overall approved building height of 13 m, which remains unchanged for the proposal and which complies with the RM4 development regulations.

The second variance proposed is to reduce the total required parking to be provided on site by 7 spaces, from 100 spaces to 93 spaces, a variance of 7%. Specifically, it is proposed that the number of surface parking spaces provided in front of the building be reduced from 34 spaces to 27 spaces, given the anticipated primarily student occupancy of the proposed development and

its close proximity to the University campus ( $\pm 200$  m). The proposed reduction of parking would enable the removal of the second surface parking area and the inclusion of a landscaped common gathering area for the building's residents.

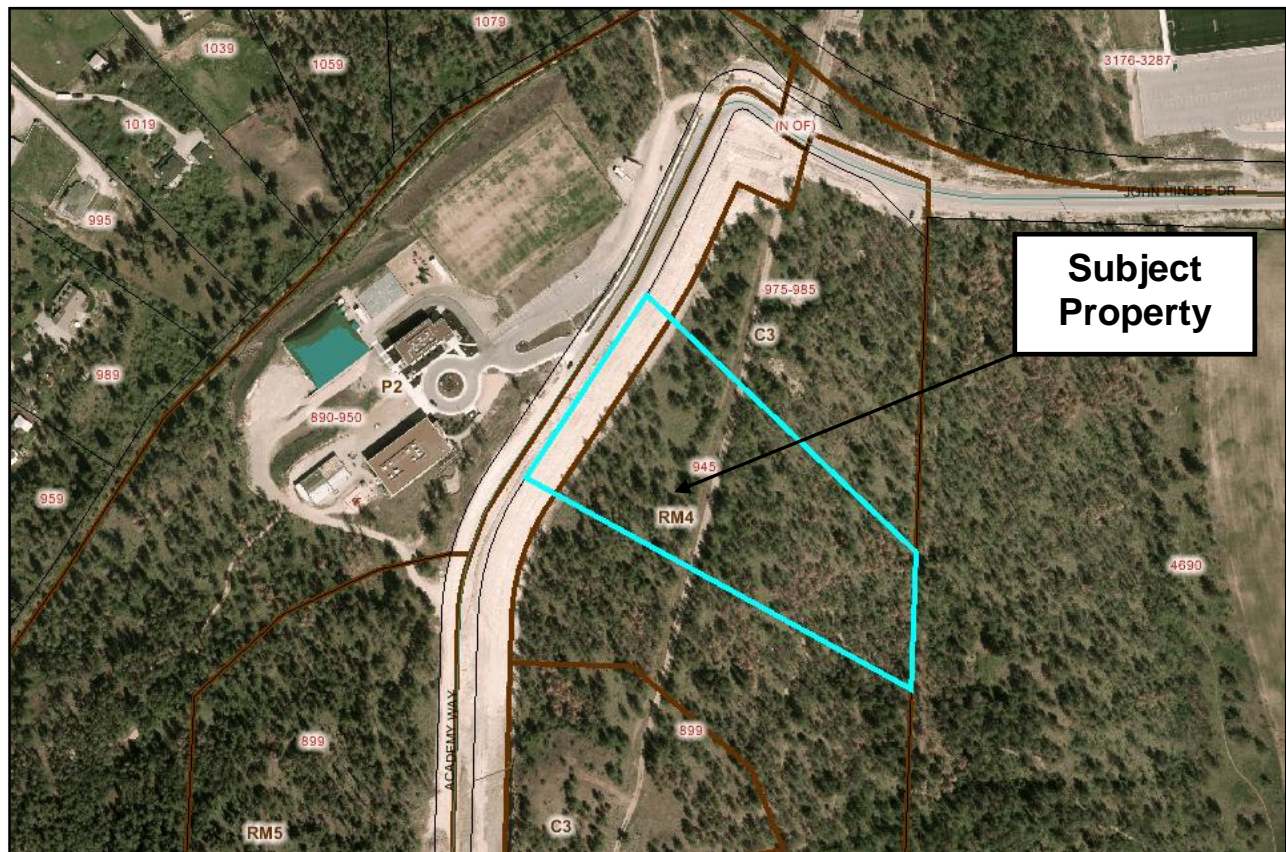
#### 4.3 Site Context

The subject property is located on the north facing slope of the developing University South Area, on the east side of Academy Way across from Aberdeen Hall, and south of John Hindle Drive and the UBC Okanagan campus.

Presently, the adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C3 - Community Commercial	Mixed Use Development
East	A1 - Agricultural 1	Agricultural / Vacant
South	RM5 - Medium Density Multiple Housing	Forested / Vacant
West	P2 - Educational & Minor Institutional	Aberdeen Hall / School

#### Subject Property Map: 935 Academy Way



#### 4.4 Zoning Analysis

The proposal compares to the RM4 zone requirements as follows:

Zoning Analysis Table		
CRITERIA	RM-4 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	900 m <sup>2</sup>	Approx. 20,156 m <sup>2</sup> (2.02 ha)
Lot Width	30 m	Approx. 111 m
Lot Depth	30 m	Approx. 241 m
Development Regulations		
Floor Area Ratio	0.65 with 0.13 bonus	0.26
Site Coverage (buildings)	50%	11.4%
Site Coverage (buildings, driveways, parking areas)	60%	20.0%
Height	Lesser of 13 m or 3 storeys	13 m and 3½ storeys ❶
Front Yard	6 m (if more than 2 storeys)	34.8 m
Side Yard (north)	4.5 m (if more than 2 storeys)	44.5 m
Side Yard (south)	4.5 m (if more than 2 storeys)	9.0 m
Rear Yard	9.0 m (if more than 2 storeys)	69.2 m
Other Regulations		
Min. Parking Requirements	100 spaces	93 spaces ❷
Min. Setback for Vehicular Parking	3.0 m from any street 1.5 m from any side property line	Meets requirements
Bicycle Parking	Class 1: 0.5/unit (33 spaces) Class 2: 0.1/unit (7 spaces)	66 Class 1 spaces (in parkade) 8 Class 2 spaces
Visitor Parking	10 spaces	10 spaces (at surface)
Private Open Space	1,438 m <sup>2</sup>	2,230 m <sup>2</sup>
❶ Indicates a requested variance to increase maximum permitted building height from 3 storeys permitted to 3½ storeys proposed. ❷ Indicates a requested variance to reduce required parking from 100 spaces required to 93 spaces proposed.		

#### 5.0 Current Development Policies

##### 5.1 Kelowna Official Community Plan (OCP)

##### Development Process

**Policy 5.11.1. Parking Relaxations.** Consider parking requirement relaxations, in areas that are not part of a cash-in-lieu program, where an approved TDM strategy indicates a lower use of vehicles and the City is satisfied that parking relaxations would not create parking spill-over problems on adjoining neighbourhood streets. Parking relaxations will not be considered in hillside areas (as defined on Map 4.1 - Future Land Use).

#### 6.0 Technical Comments

##### 6.1 Building & Permitting Department

No comment.

##### 6.2 Development Engineering Department

Refer to attached Development Engineering Memorandum, dated March 25, 2014.



6.3 Fire Department

No concerns.

6.4 Glenmore Ellison Irrigation District (GEID)

Refer to attached GEID letter, dated March 13, 2014.

6.5 FortisBC (Electric)

No comments received.

6.6 FortisBC (Gas)

No comments received.

6.7 Telus

No comments received.

6.8 Shaw Cable

No concerns.

**7.0 Application Chronology**

Date of Application Received: March 11, 2014

**Report prepared by:**

---

Abigail Riley, Planner II  
Urban Planning

**Reviewed by:**

☐

Ryan Smith, Manager, Urban Planning

**Approved for Inclusion:**

☐

Doug Gilchrist, Divisional Director, Community Planning & Real Estate

**Attachments:**

Subject Property Map

Site Plan

Landscape Plan

Building Elevations

Building Façade Section

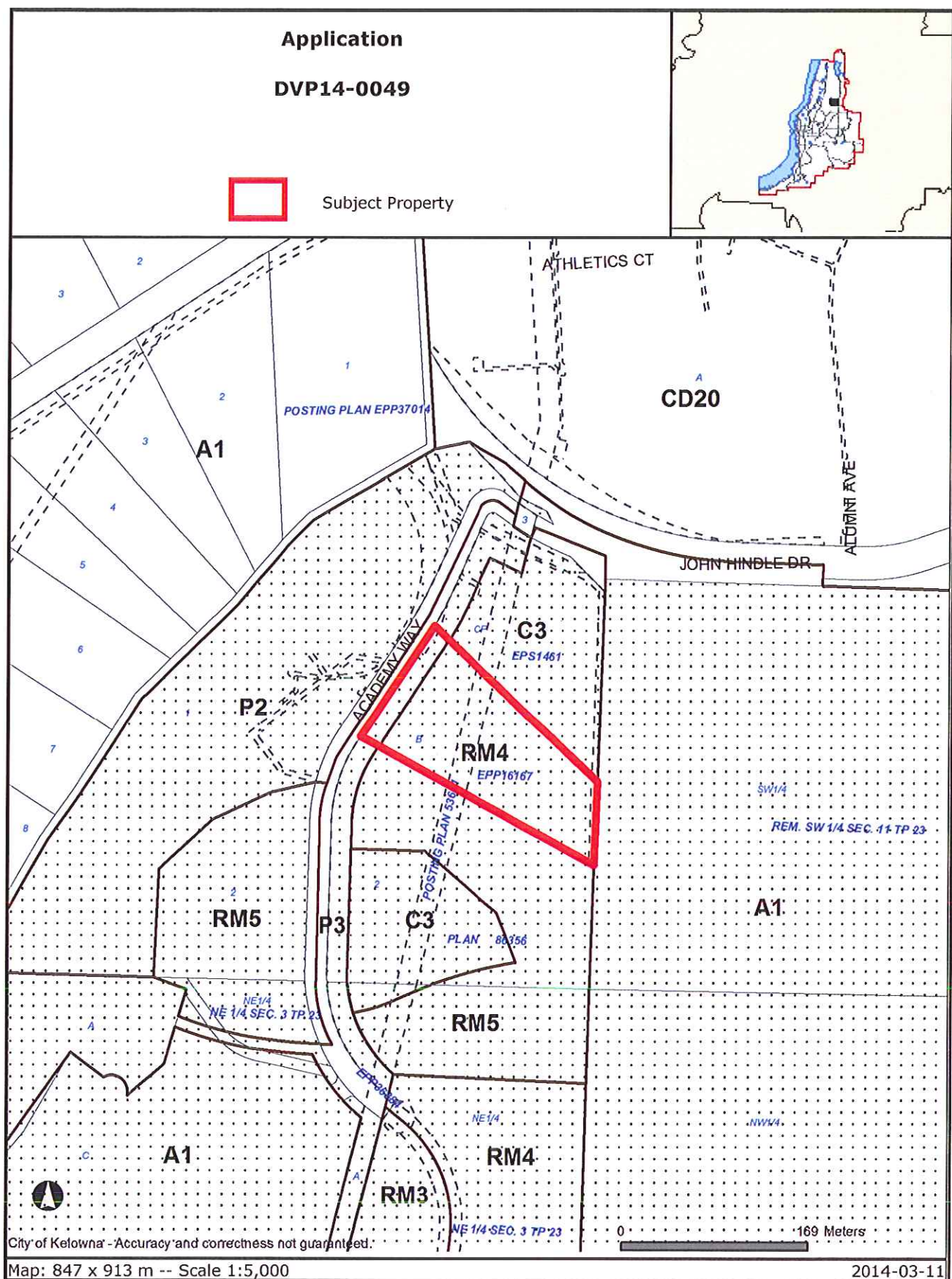
Building Façade Renderings

Applicant's Letter of Rationale

Development Engineering Memorandum, dated March 25, 2014

GEID Letter, dated March 13, 2014

Draft Development Variance Permit



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





This forms part of development  
Permit # DUP 14-0049

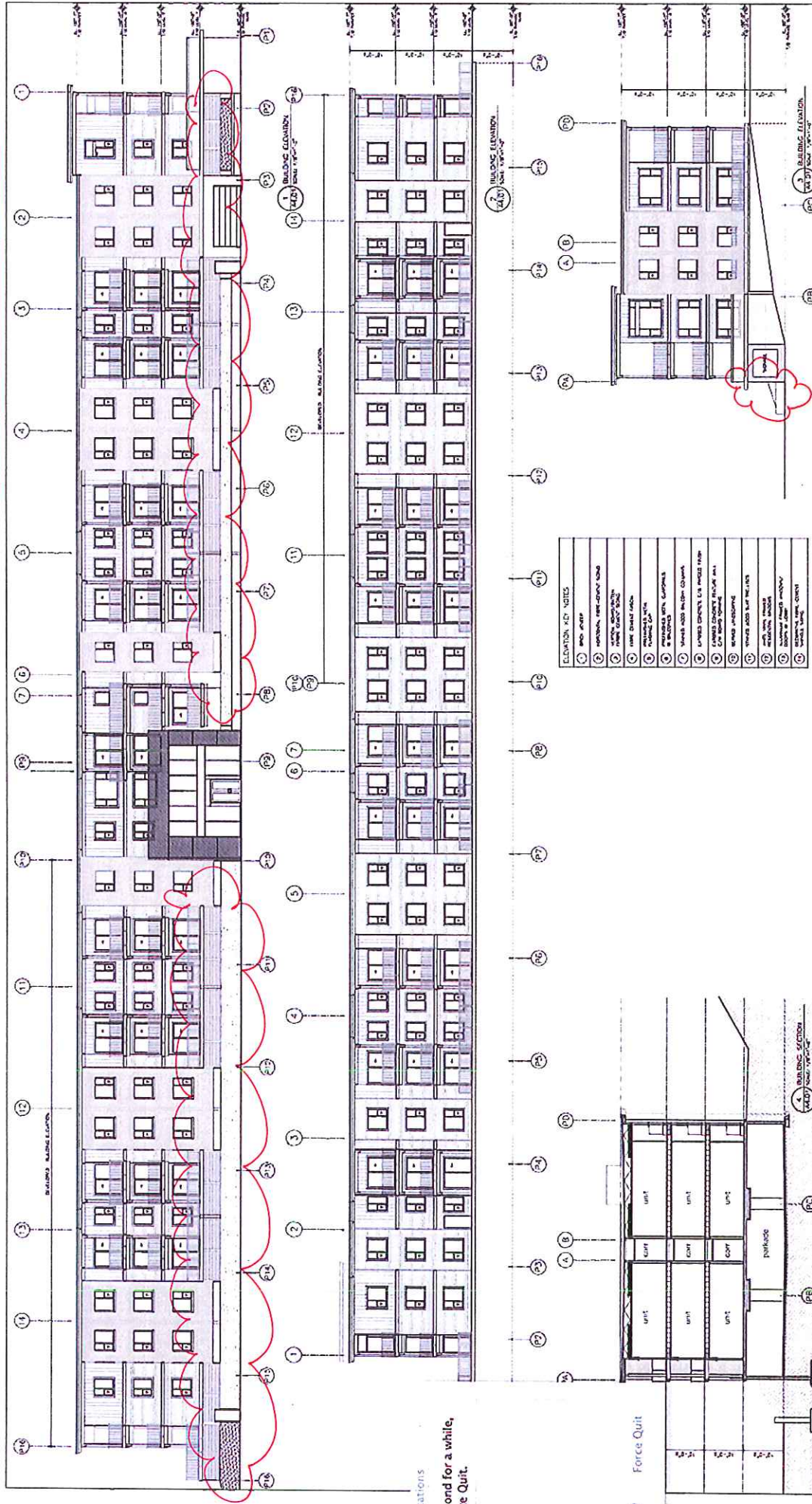


**CITY OF KELOWNA**  
**Land Use Management**



# SCHEDULE A3.

This forms part of development  
Permit # **DUP 14-0049**



A4.01

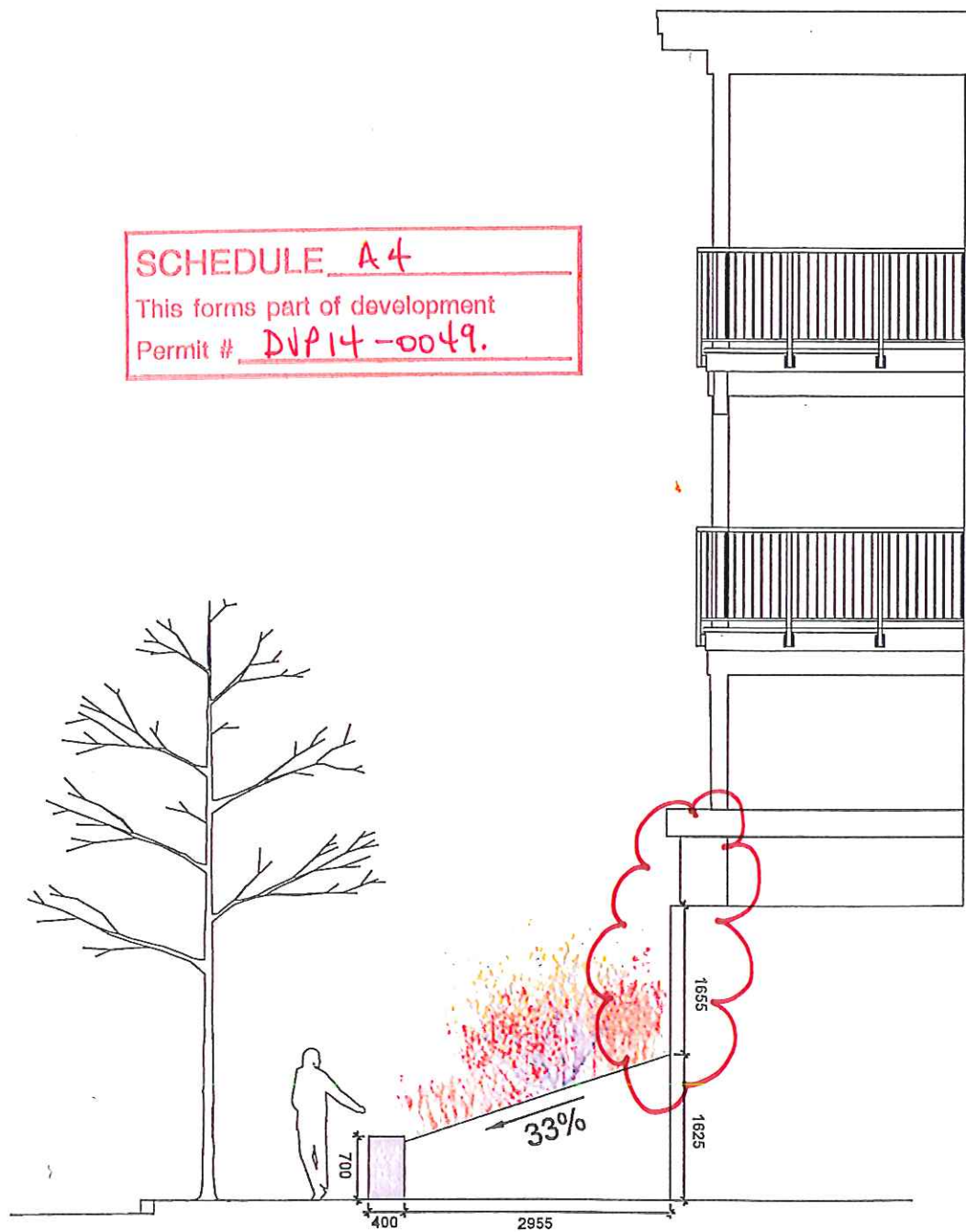
BUILDING  
ELEVATIONS  
& SECTION  
Scale 1" = 10'-0"

m+m  
MERKLEIN ARCHITECTS INC.

UNIVERSITY HEIGHTS  
APARTMENT  
3 LEVELS - 66 UNITS  
NO. 1400 WEST 13TH

2013-12-13  
DP Submission

SCHEDULE A4  
This forms part of development  
Permit # DUP14-0049.



2 BUILDING FACADE SECTION  
L-1 SCALE 1:75













**March 10th, 2014**

**Ms. Abigail Riley  
Planner II, Urban Planning  
Community Planning and Real Estate Division  
City of Kelowna  
1435 Water Street  
Kelowna, BC  
V1Y 1J4**

**Re: Letter of Rationale  
Development Variance Permit  
935 Academy Way, Kelowna BC, V1V 3C8**

Mission Group Homes is pleased to submit to the City of Kelowna our Development Variance Permit Application regarding 935 Academy Way – or U One.

Mission Group Homes Ltd. is a multi-family homebuilder with operations in Kelowna and Vancouver. Mission Group strives to dream beyond the conventional, design with care, and build with a keen eye for detail, while providing exceptional customer service for homeowners. At Mission Group Homes, our mission is to build each home as it were our own, and treat our homeowners like family.

Our newest community will be located at 935 Academy Way - adjacent to UBCO Kelowna. UBCO currently has a population of approximately 8500 students and is experiencing a shortage of accommodation on Campus - with housing for only 1700 students in a variety of dorm room types.

In response to this housing shortage, a 48 unit project has recently been completed adjacent to our proposed site with 100% of the units sold. In addition, a second phase of 30 units is nearing completion.

For this development, Mission Group Homes has retained Micklejohn Architects of Kelowna to design this exciting new project.

**Kelowna Office**  
Landmark Six  
10<sup>th</sup> Floor – 1631 Dickson Avenue  
Kelowna, BC V1Y 0B5  
t: 250.448.8810 f: 250 762 4236

**Vancouver Office**  
Park Place  
Suite 500 – 666 Burrard Street  
Vancouver, BC V6P 3P6  
t: 604.639.6142 f: 604.688.2419



## **Variance Required**

In February of this year, Council approved a Development Permit for U One. This approval has enabled us to submit for a Foundation Permit – that will allow for our construction schedule to be achieved – which is having a building completed for the start of the 2015 / 2016 school year.

In reviewing our project design with City of Kelowna staff, we have identified two areas which will significantly improve our building design – both of which will require variances.

### **Parking Variance**

The first Variance is in regards to reducing the amount of surface parking that we are providing. For this project we are required by zoning to have 100 parking stalls for our 66 unit building. These stalls are currently comprised of 66 stalls under the building in an enclosed parking structure (every unit has an enclosed parking stall), and the balance of 34 stalls are located in two surface parking lots in front of the building. Of the 34 surface stalls, 10 are designated to be visitor parking.

Considering the proximity to the University, we believe that all students living at U One will walk to the campus – therefore reducing the need to have a car. Considering this we have looked at our site plan and have identified a preferred parking layout that will provide a total of 29 surface parking stalls or a reduction of 7 parking stalls.

In this revised layout there are 7 parking stalls that will be directly off of the turning circle in front of the building, and the second surface parking lot is now eliminated. This allows for significantly more green space in front of the building - which can also double as a community gathering location. Increased landscaping will also make the building more appealing.

By reducing the parking requirement by 7 cars, the impact on the site is significant, and a more sensitive site plan will be achieved.

### **Building Height Variance**

The building height variance is related to how the height of the building is determined. By definition U One is classified as a three story building and the ground level around the building is set at a maximum of 2ft or 600mm below the main floor level.

Currently – U One is sited within existing contours and built into a sloping hillside. On the East, West and South sides of the building, grade level complies with this requirement.

As the structure is built into the ground, the North face of the building becomes exposed – so we have designed a retaining wall that fronts onto the parkade, that brings the ground level up to within two feet of the Main Floor Level. This treatment enables the building to comply with the zoning bylaw – but it creates a steep slope of planting that is bermed up against the building – which will appear to be out of scale for pedestrians entering the building. – (see drawing provided).

By increasing this bermed area to 4 or 5 feet from the Main Floor, a more comfortable pedestrian environment is achieved. It should be noted that the building will not change in height – just the level of the bermed area between the parkade door and the front door of the building will changed. Additionally, once planting on this slope reaches maturity – it will likely be up to the previously referenced two foot level or closer to the Main Floor.

An additional benefit will be that trees being planted adjacent to the surface planting area become more significant as they can now be located out of the bermed area in in their own tree well. This change will create a nice separation between the parking area and the sidewalk in front of the building.

Although this change is quite subtle, it does have a significant impact on the building.

Please refer to the attached group of plans. One set shows the existing plans that have been submitted, and the other set shows the proposed changes and how they will benefit the project.

Thank you for your consideration of these variances.

Regards;



Michael Bacon  
Development Manager  
Mission Group

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

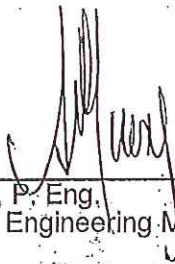
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**Date:** March 25, 2014  
**File No.:** DVP14-0049  
**To:** Urban Planning (AR)  
**From:** Development Engineering Manager (SM)  
**Subject:** 935 Academy Way- Lot B Plan EPP16167 Section 10, Township 23, ODYD

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Development Engineering Services comments and requirements pertaining to this application, for a Development Variance Permit application on the subject property, are as follows:

- a) The site has been serviced and offsite requirements have been met under subdivision file S06-0026.
- b) The requested variance to increase the building height does not compromise any Municipal infrastructure.
- c) The requested parking variance to reduce the number of stalls from 100 to 97 appears reasonable in light of the argument presented in support of the reduction. The owner should be made aware that the Transportation Division has indicated that on-street parking will be prohibited and enforced when Academy Way is extended to the South and links up with the City transportation network.

  
\_\_\_\_\_  
Steve Muenz, P. Eng.  
Development Engineering Manager

B<sup>2</sup>





**Glenmore-Ellison Improvement District**

445 Glenmore Road  
Kelowna, BC V1V 1Z6

Email: [glenmore.ellison@shaw.ca](mailto:glenmore.ellison@shaw.ca)

Website: [www.glenmoreellison.com](http://www.glenmoreellison.com)

Fax: 250-763-5688

Phone: 250-763-6506

March 13, 2014

City of Kelowna  
Community Planning & Real Estate  
Land Use Management Dept.  
1435 Water St.  
Kelowna, BC V1Y 1J4

Attention: Abigail Riley (via email: [achampton@kelowna.ca](mailto:achampton@kelowna.ca))

Re: University Heights Apts – 66 Unit, 3 Storey Building  
Lot B, Plan EPP16167 – 935 Academy Way  
File: Development Variance Proposal DVP14-0049

Glenmore-Ellison Improvement District (GEID) has received a referral under application DVP14-0049. This application is to permit variances to the height and the parking for the 66 unit apartment building at 935 Academy Way which is within GEID service boundaries.

On January 27, 2014, GEID provided comments concerning the proposed building and on February 7, 2014, provided separate comments concerning a development application (DP13-0197) for the property.

Mission Group Homes has advised that the variance to the height of the building is due to the calculation of the height in relation to grade level. Further, Mission Group has advised that the FUS fire flow for the building (provided December 13<sup>th</sup>, 2013 from CTQ Consultants) is not changed due to this variance. Based on this, GEID has no concerns with regard to DVP14-0049.

If you have any questions on this matter, please do not hesitate to contact me at (250) 763-6506.

Sincerely,  
**GLENMORE-ELLISON  
IMPROVEMENT DISTRICT**

Darren Schlamp, B.Sc.  
Operations Manager

cc: Michael Bacon, Mission Group Homes Ltd. (via email: [mbacon@missiongroup.ca](mailto:mbacon@missiongroup.ca))  
John Hertay, Watermark Developments (via email: [johnhertay@highlinerealty.com](mailto:johnhertay@highlinerealty.com))

# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP14-0049

EXISTING ZONING DESIGNATION: RM4 – Transitional Low Density Housing

DEVELOPMENT VARIANCE PERMIT: To vary the minimum number of required parking spaces from 100 spaces required to 93 spaces proposed;

To vary the maximum permitted height from 3 storeys permitted to 3½ storeys proposed.

ISSUED TO: U One Mission Group Homes Ltd.

LOCATION OF SUBJECT SITE: 935 Academy Way, Kelowna, BC (formerly 945 Academy Way)

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	B	23		23	ODYD	EPP16167

### SCOPE OF APPROVAL

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

### 1. TERMS AND CONDITIONS:

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

#### Section 8.1.2 - Off-Street Vehicle Parking - Number of Spaces

To vary the minimum number of required parking spaces from 100 spaces required to 93 spaces proposed, as per Schedule 'A';

#### Section 13.10.6 (c) - RM4 Zone Development Regulations

To vary the maximum permitted height from 3 storeys permitted to 3½ storeys proposed, as per Schedule 'A'.



2. DEVELOPMENT:

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

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

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

**THIS Permit IS NOT A BUILDING Permit.**

3. PERFORMANCE SECURITY:

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

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

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

4. APPLICANT'S AGREEMENT:

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

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

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

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



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

\_\_\_\_\_  
Signature of Owner/Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name in Bold Letters

\_\_\_\_\_  
Telephone No.

5. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE \_\_\_\_th DAY OF \_\_\_\_\_ 2014.

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

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

# REPORT TO COUNCIL



**Date:** 5/6/2014  
**RIM No.** 1940-50  
**To:** City Manager  
**From:** Urban Planning, Community Planning & Real Estate (AC)  
**Application:** DVP14-0067 **Owner:** Craig Abernathy  
**Address:** 609 Burne Ave **Applicant:** Craig Abernathy  
**Subject:** Development Variance Permit  
**Existing OCP Designation:** S2RES - Single / Two Unit Residential  
**Existing Zone:** RU6 - Two Dwelling Housing

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## 1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DP14-0067, for Lot 1, District Lot 14, ODYD, Plan KAP54306 located on 609 Burne Ave, Kelowna, BC.

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

### Section 19.5b.1 - Carriage House Regulations

To vary the permitted height of a carriage house from 4.5m to 5.5m.

### Section 6.5.7 - Accessory Development

To vary the maximum site coverage of accessory buildings from 14% to 15.4%.

## 2.0 Purpose

The purpose of the Development Variance Permit is to vary carriage house height and site coverage.

## 3.0 Urban Planning

The subject property was designated a heritage building until the building was destroyed by fire and the heritage designation was removed by Council on April 15<sup>th</sup> 2014. The subject property is located within a character neighbourhood and thus needs a development permit for any new construction.

The carriage house height does not meet the 4.5 metre maximum height, however, if the 'old dormer height regulations' applied then it would comply. Staff are currently in the process of making changes to the carriage house height and dormer width regulations. The proposal would comply under the proposed regulations. In the mean time, the applicant still needs to apply for a

variance. In this case, the dormer widths are less than 50% of the width of the roof on which they are located and the dormers are facing the lane and the principal dwelling. This minimizes the impact on adjacent parcels and is supported by the design guidelines. Additionally due to the relatively small parcel size (551 m<sup>2</sup>) the maximum footprint size of the carriage house that meets the 14% site coverage is 77m<sup>2</sup>. The applicant is proposing to build a carriage house with a footprint size of 85 m<sup>2</sup> which results in a site coverage of 15.4%. Many of the adjacent carriage houses along the lane are a full two storeys and were built prior to the current restrictions on carriage houses. Staff are supportive of the proposed variances due to their minor nature relative to other carriage houses on the lane.

## 4.0 Proposal

### 4.1 Background

A development permit has been issued for the single family dwelling, however, the carriage house portion has been held up due to the variances required. If the variance for the carriage house is approved by Council, then another development permit will be issued for the carriage house.

### 4.2 Site Context

The subject property is located on the south side of Burne Avenue. The surrounding properties are zoned RU6-Two Dwelling Housing. However, the adjacent parcel the west is zoned RU3 - Small Lot Housing.

### 4.3 Subject Property Map: 609 Burne Ave:





## 5.0 Zoning Analysis Table

The zoning analysis table is extracted from the Development Variance Permit and shows the requirements of RU6 - Two Dwelling Housing zone compared to the proposal at the time:

Zoning Analysis Table		
CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Existing Lot/Subdivision Regulations		
Lot Area	551 m <sup>2</sup>	400 m <sup>2</sup>
Lot Width (1)	12.1 m	13 m
Lot Depth	40.0 m	30 m
Development Regulations		
Site Coverage (buildings)	40.0%	40%
Site Coverage (buildings/parking)	45.0%	50%
Single Family Dwelling		
Height	2 ½ storeys / 9.4m	2 ½ storeys / 9.5 m
Front Yard	4.5 m	4.5 m
Side Yard (w)	2.33m	2.3m
Side Yard (e)	2.30m	2.3m
Rear Yard	16.9m	6.0m
Carriage House (existing dwelling at the front of the site)		
Height (2)	1 ½ storeys / (4.5 m to halfway mark in roof) 1 ½ storeys / (5.5 m to halfway mark in the dormer roof)	1 ½ storeys / 4.5 m
Front Yard	29.4 m	9.0 m
Side Yard (w)	2.0 m	2.0 m
Side Yard (e)	2.1m	2.0 m
Rear Yard	1.57m	1.5 m
Lot coverage of accessory building (3)	15.4%	May not exceed 14%
Other Requirements		
Floor Area	70 m <sup>2</sup>	90 m <sup>2</sup>
Parking Stalls (#)	3 spaces	3 spaces
Private Open Space	30 m <sup>2</sup> per dwelling	Meets Requirements
(1) A Variance is not necessary as the minimum lot width only applies to duplexes, second single family dwellings, and subdivisions. (2) A Variance is necessary to permit an over height carriage house as the proposed dormers are too wide. (3) A Variance is necessary to permit larger site coverage for accessory buildings.		

## 6.0 Technical Comments

### Building & Permitting

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
- Operable bedroom windows required as per the 2012 edition of the British Columbia Building Code (BCBC 12).
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.
- The Profile of the main dwelling appears to be three stories and variances may be required for this?

### Fire

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

### Development Engineering

- See attached

## 7.0 Application Chronology

Date of Application Received:	April 10, 2014
Date of Neighbourhood Consultation Received (re: variance):	April 23, 2014

Report prepared by:

---

Adam Cseke, Planner

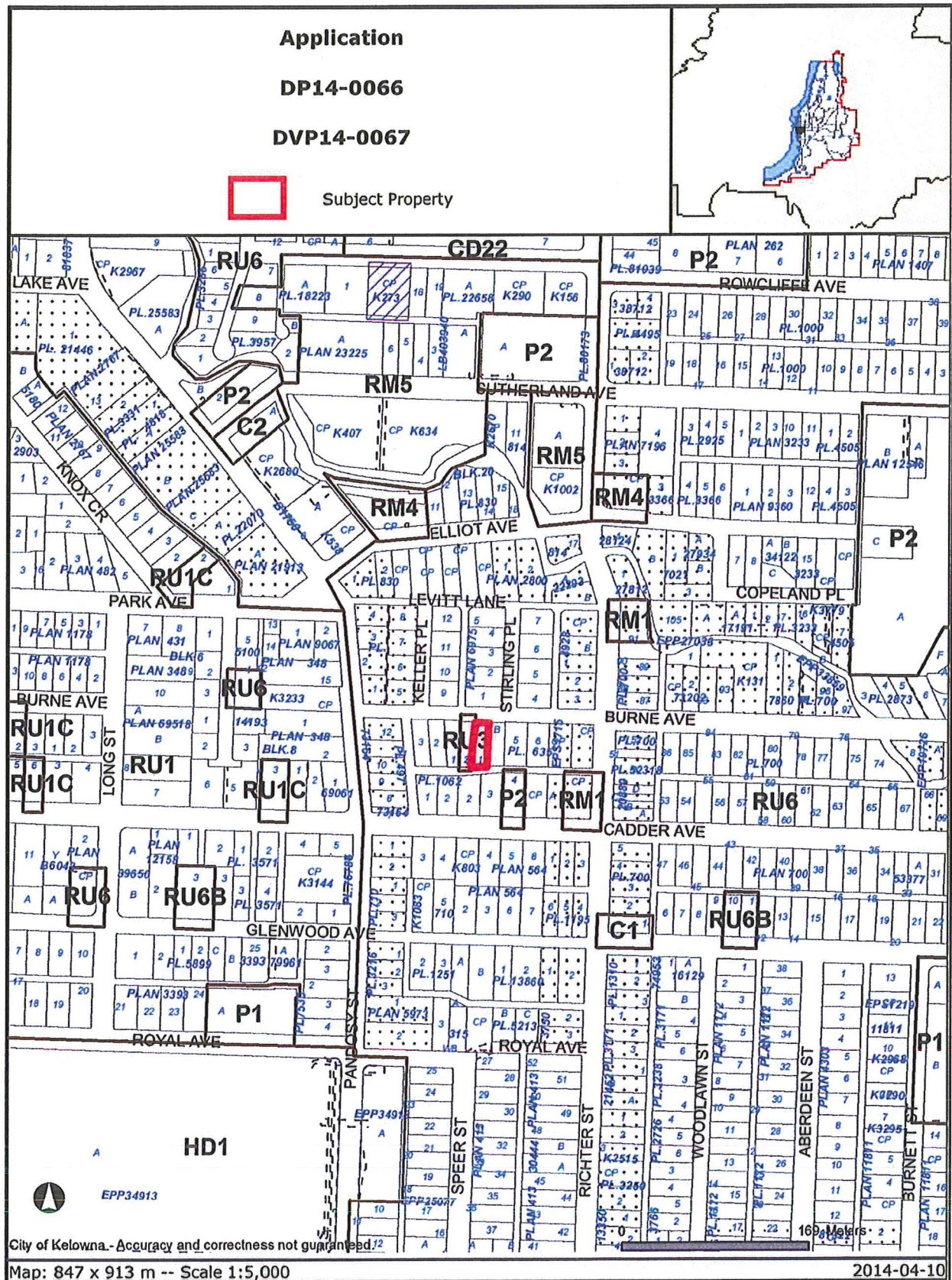
Approved for Issuance:



Ryan Smith, Urban Planning Manager

### Attachments:

Site Plan  
Conceptual Elevations  
Landscape Plan  
Development Engineering Memo



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.





Community Planning  
1435 Water Street  
Kelowna, BC V1Y 1J4  
250-469-8626  
kelowna.ca

# Application Form

## Development Proposal

### TYPE OF APPLICATION

DP14-0066 / DVP14-0067

Please check all that apply

<input type="checkbox"/> Rezoning	<input type="checkbox"/> Heritage Revitalization Permit
<input type="checkbox"/> Official Community Plan Amendment	<input type="checkbox"/> Heritage Alteration Permit
<input checked="" type="checkbox"/> Development Permit (all types)	<input type="checkbox"/> File Extension request
<input checked="" type="checkbox"/> Development Variance Permit	<input type="checkbox"/> LUC discharge
<input type="checkbox"/> Text Amendment	<input type="checkbox"/> Other:

### APPLICANT

Development Application Primary Contact:

Full Legal Name:	
Craig Abernethy	
Corporate Owner: (if applicable)	
Mailing Address:	
2544 Tuscany Drive	
City:	Postal Code:
W. Kelowna	V4T 3B6
Primary Contact No.:	Secondary Contact No.:
250 718-4448	
Email / Fax:	
R10 Grande 4 @ shaw.ca	

Registered Owner(s) of the Property:

Full Legal Name:	
Craig Abernethy	
Corporate Owner: (if applicable)	
Mailing Address:	
2544 Tuscany Drive	
City:	Postal Code:
W. Kelowna	V4T 3B6
Phone:	Cell:
250 718 4448	
Email / Fax:	
R10 grande 4 @ shaw.ca	

NOTE: If the applicant is other than the registered owner(s), a Letter of Authorization is required.

### PROPERTY(IES) DESCRIPTION

Legal Description:	
LOT 1 District Lot 14 OSOY005 Division plan KAP54306	
Civic Address:	
609 Burne Ave, Kelowna, BC V1Y 5P3	
Current Zoning:	Proposed Zoning:
R02	
Purpose & Variances if any proposed:	
- CARRIAGE HOUSE & NEW SFD &	
- TO VARY HEIGHT OF CARRIAGE HOUSE	



Craig Abernethy  
2544 Tuscany Drive  
West Kelowna, B.C  
Cell: 250-718-4448  
Email: [RioGrande4@shaw.ca](mailto:RioGrande4@shaw.ca)

April 9, 2014  
City of Kelowna  
Att: Adam Cseke  
Planner  
City of Kelowna

To the City of Kelowna,

In regards to the carriage house application on 609 Burne Ave in the city of Kelowna I feel that the design proposed in the application respectably meets the design requirements of ninety nine percent of existing carriage houses built in Kelowna. The current design bylaw which is now being updated allows dormers of only 4' in width which severely limits the space and practicability of a living/rental space above a garage. This design has limited the dormer width to much less than 50% of the roof width as was required in the previous bylaw.

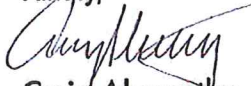
The design of the carriage house is character fitting in regards to the neighborhood and the Single Family Dwelling, the peak height being 12' ( 3.7m ) less than Single Family Dwelling and the exterior color and trim being the same as the (SFD). I also spoke and shared the design with most of the neighbors within a close proximity to the property, and was met with encouragement from all I spoke with ( attached are names, addresses and phone numbers).

This is an empty lot zoned Ru6 and was home to a Heritage home triplex that unfortunately burnt down late summer 2013. I am building a single family home on the property for myself and my family and have a development application in with the City Of Kelowna, as well as one for the carriage home. With the Single family dwelling going ahead and construction starting, it would be hugely beneficial to me to build the carriage home/garage with the SFD for huge savings in subcontractors, basic construction and total lot access for all of the underground services. As well it being easier on the neighbors due to noise, traffic and the basic annoyances that construction causes.

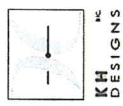
In the lane way between Burne Ave, Cadder, Richter Street and Pandosy where the proposed Carriage House is located there are numerous carriage homes above garages as large or larger than the one proposed in the application as well as a few two home lots. I have enclosed a few photos of these homes in this lane way with this letter and variance application.

With the proper Set Backs in place, zoning, and the rationale provided in the preceding paragraphs of this letter I believe a variance should be awarded to this application.

Kindly,

  
Craig Abernethy





2410 Bayview Village Lane  
Richmond, BC V6X 3S5  
250.575-0590

Abernethy  
Residence

509  
Burne Ave.  
Kelowna BC

DRAWN BY: KPH  
PROJECT: 10-14  
PREP: DATE  
ISSUE: Drawing Issued: 04/05/14

Site  
Plan

A-0

List Of Drawings

- A-0 Site Plan
- A-1 Foundation Plan Carriage
- A-2.1 Main Plan Carriage
- A-3 Upper Plan Carriage
- A-4 Loft Plan Carriage
- A-5 Roof Plan Carriage
- A-6 Elevations House
- A-7 Elevations Carriage
- A-8 Sections/ General Notes

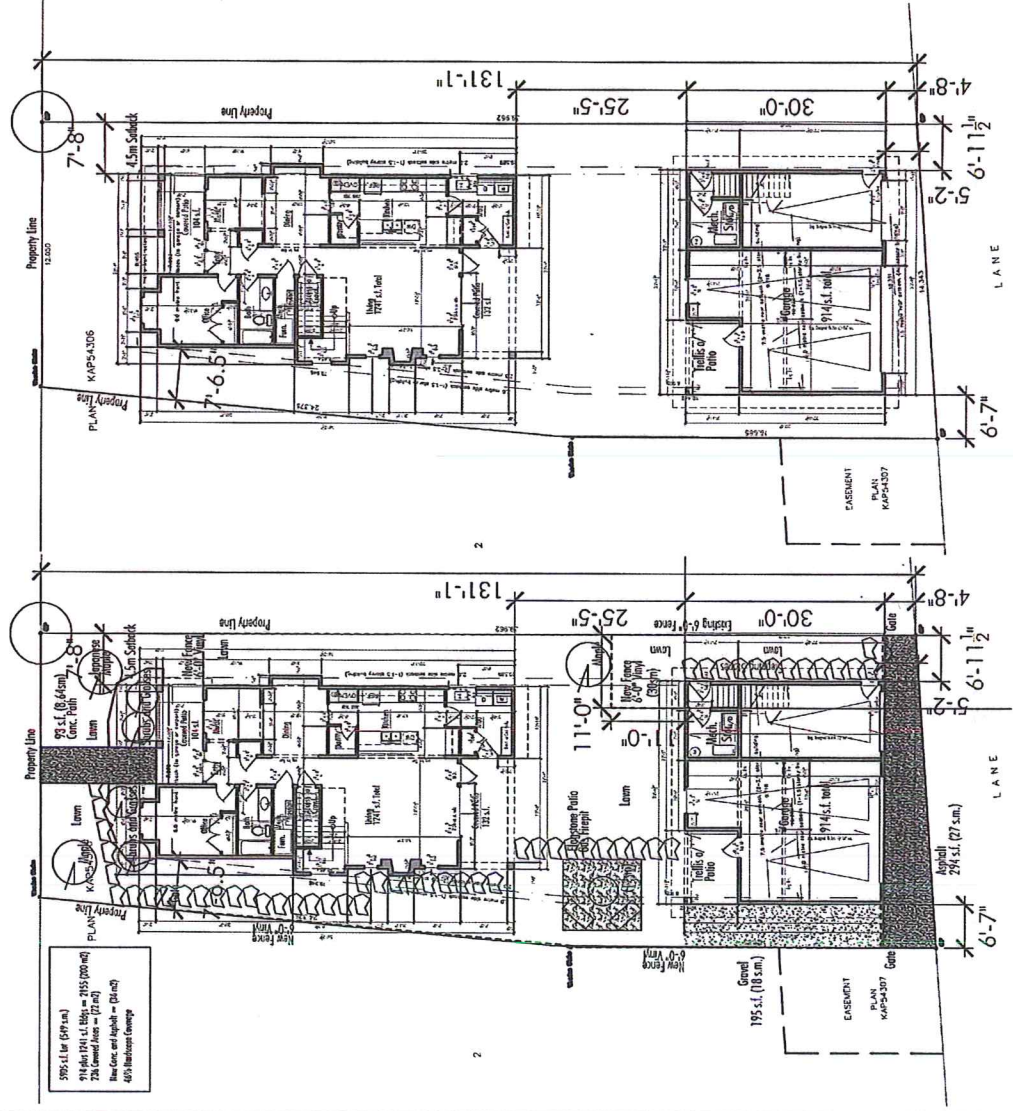
Project Notes:

PROJECT	DESCRIPTION	PROJECT DATA
Project Name: Abernethy Residence	Foundation Plan Carriage	Project Number: 10-14
Client: Mr. & Mrs. J. & K. Smith	Upper Plan Carriage	Project Location: 509 Burne Ave., Kelowna, BC
Architect: K&H Designs	Loft Plan Carriage	Project Date: 04/05/14
Engineer: K&H Designs	Roof Plan Carriage	Project Status: Issued
Structural Engineer: K&H Designs	Elevations House	Project Notes: See General Notes for details.
Electrical Engineer: K&H Designs	Elevations Carriage	
Mechanical Engineer: K&H Designs	Sections/ General Notes	

Site

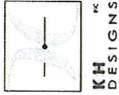
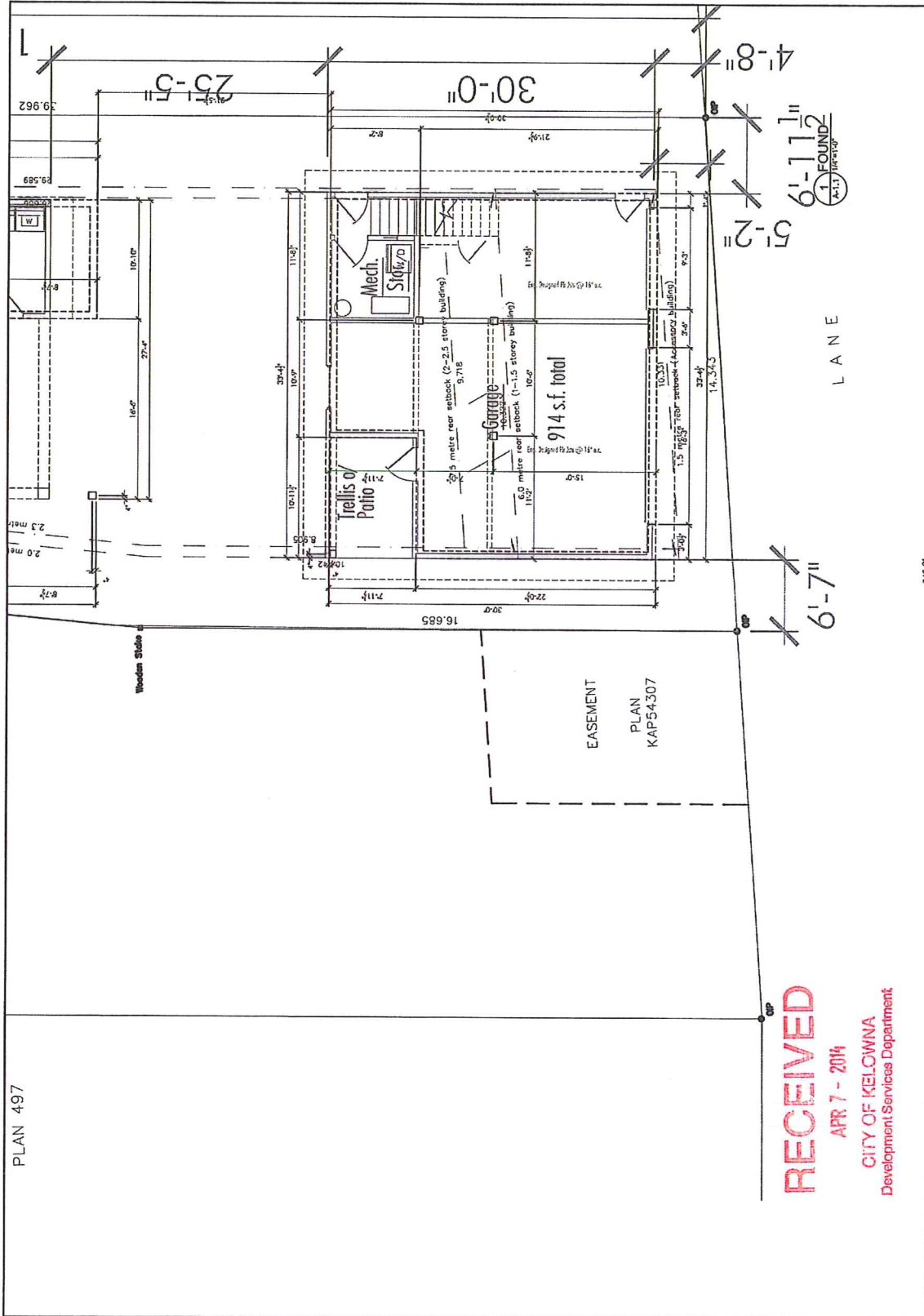


RECEIVED  
APR 7 - 2014  
CITY OF KELOWNA  
Development Services Department





PLAN 497



2412 Macdonald Rd. Kelowna BC V1Y 1A1  
250-275-5590

Abernethy  
Residence

603  
Burne Ave.  
Kelowna BC

DRAWN BY: KSH  
PROJECT: 10.14  
FILE:  
ISSUE: DATE  
Drawing issued: 04/05/14

Foundation  
Plan  
Carriage  
A-1.1

RECEIVED  
APR 7 - 2014  
CITY OF KELOWNA  
Development Services Department



KH  
DESIGNS

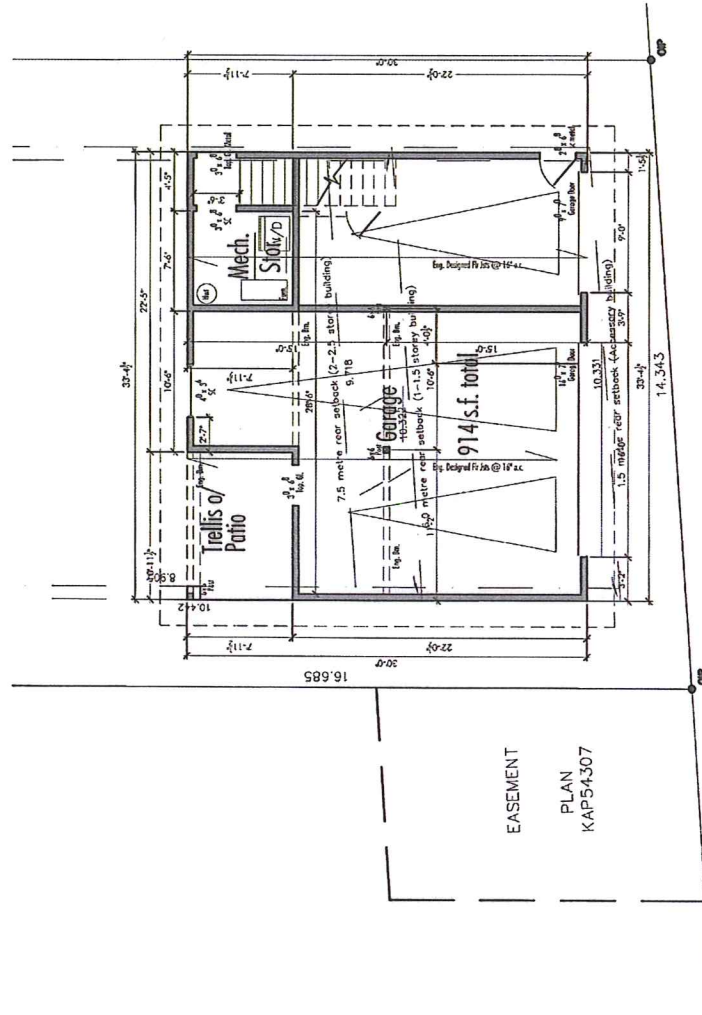
2116 Steveston Highway  
West Kelowna  
BC V1Y 1A5  
250-758-5990

Abernethy  
Residence

508  
Burne Ave.  
Kelowna BC

DRAWN BY: KH  
PROJECT: 10-14  
FILE:  
DATE  
Drawing issued: 04/02/14

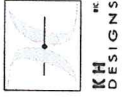
Main  
Plan  
Carriage  
A-2.1



1 MAIN  
A-2 1/4"=1'-0"

LANE

RECEIVED  
APR 7 - 2014  
CITY OF KELOWNA  
Development Services Department



KH  
DESIGNS

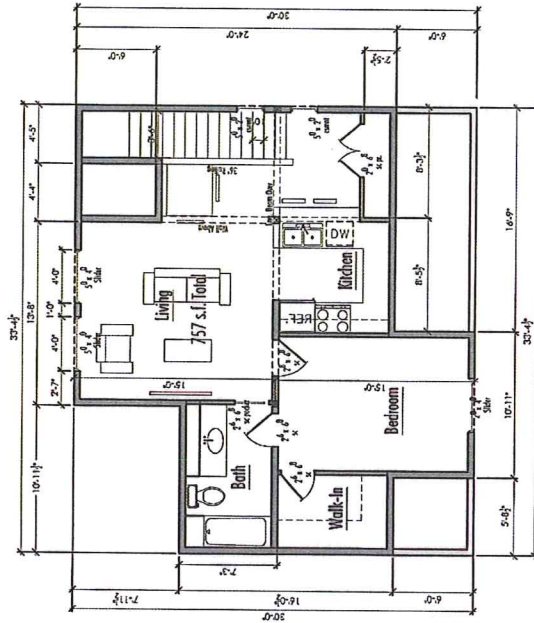
2116 University Hillway  
Kelowna, BC V1Y 1A4  
Tel: 250-860-5590  
Fax: 250-860-5590

Abernethy  
Residence

505  
Burne Ave.  
Kelowna BC

DRAWN BY: KKH  
PROJECT: 10-14  
FILE:  
ISSUE: DATE  
Drawing Issued: 04/06/14

Upper  
Plan  
Carriage  
A-3.1



1 UPPER  
A-3.1 / 11'0" x 12'0"

RECEIVED  
APR 7 - 2014  
CITY OF KELOWNA  
Development Services Department





KH  
DESIGNS

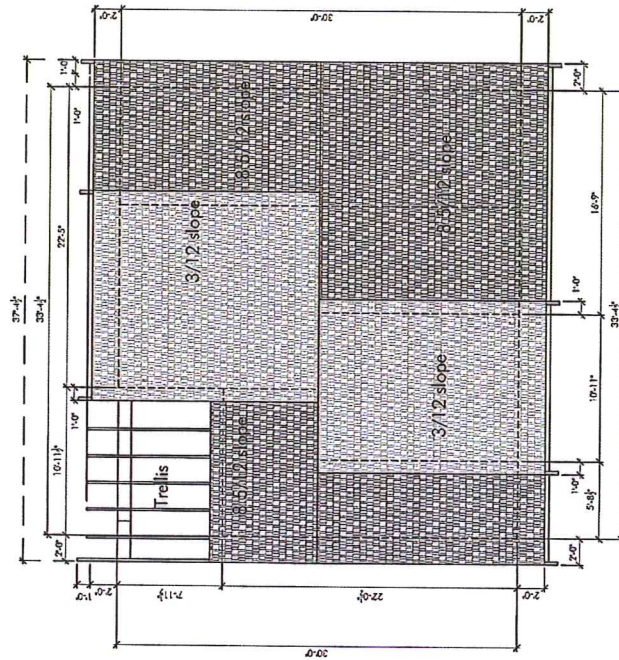
2116 Aberdeen Mall, Suite  
West Kelowna  
BC V1Y 8K3  
250-775-5776

Abernethy  
Residence

609  
Burne Ave.  
Kelowna BC

DRAWN BY: KH  
PROJECT: 10-14  
FILE:  
ISSUE: DATE  
Drawing issued: 04/05/14

Roof  
Plan  
Carriage  
A-5.1



RECEIVED

APR 7 - 2014

CITY OF KELOWNA  
Development Services Department



KH  
DESIGNS

214 Main Street, Kelowna BC  
V1Y 1C6  
BC V4T 3H5  
250-575-0590

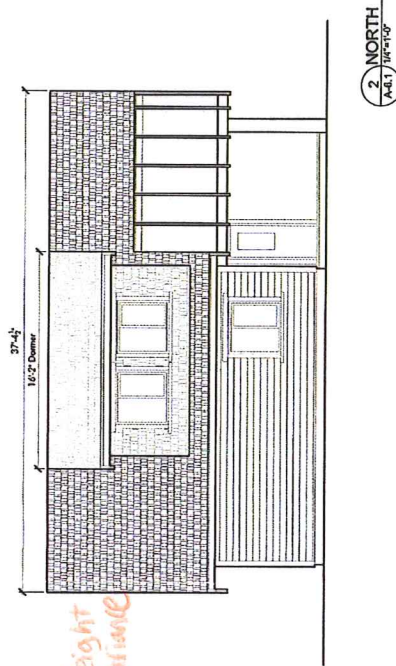
Abernethy  
Residence

609  
Burne Ave.  
Kelowna BC

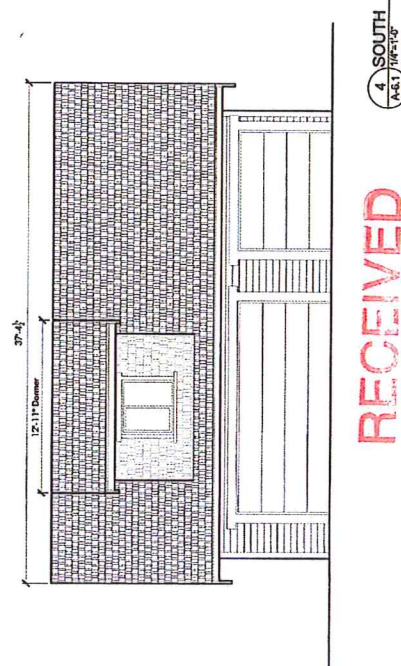
DRAWN BY: KSH  
PROJECT: 10-14  
FILE:  
ISSUE: DATE  
Drawing Number: 03/24/14

Elevations  
Carriage

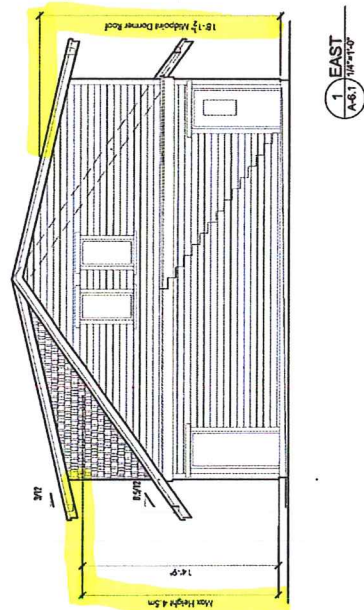
A-6.1



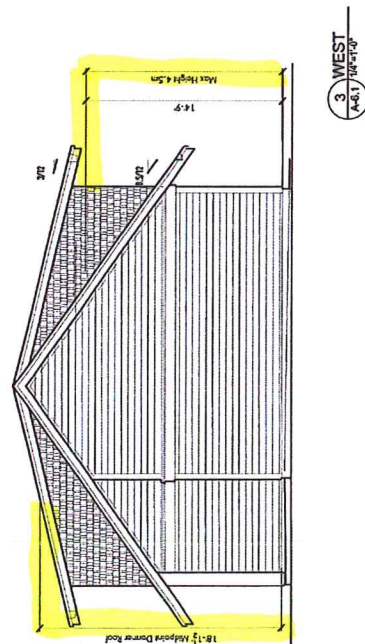
2 NORTH  
A-6.1 1/8"=1'-0"



4 SOUTH  
A-6.1 1/8"=1'-0"



1 EAST  
A-6.1 1/8"=1'-0"



3 WEST  
A-6.1 1/8"=1'-0"

RECEIVED

APR 10 2014

CITY OF KELOWNA  
Development Services Department





# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP14-0067

EXISTING ZONING DESIGNATION: RU6 - Two Dwelling Housing  
WITHIN DEVELOPMENT PERMIT AREA: Intensive Residential - Character Neighbourhood Design Guideline

ISSUED TO: Craig Abernethy  
LOCATION OF SUBJECT SITE: 609 Burne Ave

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	1	14	KAP54306			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 the variance to the following section Zoning Bylaw No. 8000 be granted:

Section 19.5b.1 - Carriage House Regulations

To vary the permitted height of a carriage house from 4.5m to 5.5m.

Section 6.5.7 - Accessory Development

To vary the maximum site coverage of accessory buildings from 14% to 15.4%.

#### 3. PERFORMANCE SECURITY: None Required.

#### 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 Divisional Director of Community Planning & Real Estate.

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

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

\_\_\_\_\_  
Signature of Owner/Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name in Bold Letters

\_\_\_\_\_  
Telephone No.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2014.

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE \_\_\_\_ DAY OF \_\_\_\_\_, 2014 BY THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

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

# REPORT TO COUNCIL



**Date:** April 28, 2014

**RIM No.** 0940-43

**To:** City Manager

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

**Application:** TUP14-0001      **Owner:** P 218 Enterprises Ltd.  
Inc. No. 0852875

**Address:** 459 Groves Avenue  
437 & 442 Newsom Avenue      **Applicant:** Meiklejohn Architects Ltd.

**Subject:** Temporary Use Permit

**Existing OCP Designation:** MRM - Multiple Unit Residential (Medium Density)

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

---

## 1.0 Recommendation

THAT Council authorize Temporary Use Permit No. TUP14-0001 to allow construction staging and preparation on Lots 14 & 19, District Lot 14, ODYD, Plan 3856, except Plan KAP90797, and Lot 11, Block 2, District Lot 14, ODYD, Plan 4743 except Plan KAP90797, located at 459 Groves Avenue, 442 Newsom Avenue, and 437 Newsom Avenue, Kelowna, BC, for a three (3) year period commencing from March 8, 2014, subject to the following conditions:

- a) Construction of temporary fencing including a visual/noise barrier to the satisfaction of the Director of Community Planning & Real Estate, as shown on "Schedule A";
- b) The entire area to be surfaced with a suitable dust free material;
- c) The properties to be remediated with suitable vegetation and street trees upon the expiration of the Temporary Use Permit.

## 2.0 Purpose

The applicant is seeking a Temporary Use Permit (TUP) application to extend the use of the subject properties as a construction staging and storage location for the adjacent mixed-use SOPA Square project under construction at 2986-3030 Pandosy Street for a further and final period of three (3) years.

## 3.0 Urban Planning Department

The subject properties are well located to serve the construction staging needs of the adjacent SOPA Square development, and critically, there is otherwise no opportunity to accommodate construction staging on the actual development site. Originally it had been anticipated that the



construction of the development would have been completed within the 3-year timeframe of the first TUP issued in March 2011. Unfortunately, however, the project has had to contend with some financial and other factors that have resulted in construction proceeding at a slower pace than originally anticipated. Under current legislation, a second Temporary Use Permit may be issued to extend the use of the area for temporary construction staging and storage, but only for a maximum of 3 years, and no further extensions beyond the second are permitted.

The applicant proposes to maintain the existing construction fencing and mesh screening around the subject properties, as well as the adjacent portions of the temporarily closed lanes, to secure and visually screen the site from the surrounding area. The Kelowna Noise and Disturbance Control Bylaw #6647 is in effect and prohibits any construction activity before 7:00 a.m. or after 10:00 p.m.

To date, there has been one letter of complaint regarding the subject construction and staging site from an adjacent neighbor, expressing concern about the length of time the site has been used for construction purposes, and the extent of storage visible above the height of the construction fencing. The developer has subsequently made efforts to tidy and re-organize the construction staging area, so that it is again largely concealed behind the fencing and visual screening.

## **4.0 Proposal**

### **4.1 Background**

In November 2008, Council approved the Development and Development Variance Permit applications for the SOPA Square development at 2986-3030 Pandosy Street. The proposed development is comprised of an 11 storey mixed-use development, with a 2-storey commercial podium at grade, and 4-storey townhouse component above the south end of the podium and a 9-storey apartment building component above the north end. As originally approved, all required parking for the residential and commercial components of the development (214 spaces) is to be provided underground in a parking facility under the subject development and accessed from the rear lane.

On March 8, 2011, Council authorized Temporary Use Permit TUP10-0003 for the RU1-zoned properties at 459 Groves Avenue and 437 & 442 Newsom Avenue to allow construction staging and storage for the adjacent SOPA Square project at 2986-3030 Pandosy Street for a period of three (3) years, which expired on March 8, 2014. These three residential properties were purchased by the developer in 2008, and the existing single family dwellings were subsequently demolished.

On July 30, 2013, Council gave 2<sup>nd</sup> and 3<sup>rd</sup> reading to OCP Amendment application OCP13-0013 to change the future land use designation for the three properties at 459 Groves Avenue and 437 & 442 Newsom Avenue from MRM - Multiple Unit Residential (Medium Density) to MXR - Mixed Use (Residential/Commercial) and to Rezoning application Z13-0039 to rezone from RU1 - Large Lot Housing to C4 - Urban Centre Commercial, to facilitate the development of a surface parking area to serve the adjacent SOPA Square development at 2986-3030 Pandosy Street.

Adoption of the OCP and zone amending bylaws for use of the properties at 449 Groves Avenue and 437 & 442 Newsom Avenue as accessory surface parking for the SOPA Square development is pending completion of the approved conditions of adoption by the applicant. To date, the 2-storey commercial podium of the SOPA Square development at 2986-3030 Pandosy Street has been

largely constructed under the originally issued Development Permit; however, as of the date of this report, final occupancy is still pending.

#### 4.2 Project Description

On February 27, 2014, the City accepted the subject Temporary Use Permit (TUP) application TUP14-0001, which proposes to extend the use of the subject properties at 459 Groves Avenue and 437 & 442 Newsome Avenue as a construction staging and storage location for the adjacent mixed-use SOPA Square project for a further and final period of three (3) years. The applicant is seeking to extend the TUP to continue to use the subject properties as a construction staging and storage area during the subsequent phases of the project, which includes construction of the 9-storey residential tower and 2-storey townhouses above the existing 2-storey commercial podium.

It is proposed that the 1.8 m (6 ft) high construction fence surrounding the existing construction staging and storage area on the subject properties will continue to be maintained in order to control access and secure the construction site. The existing fencing has mesh fabric attached to the inside to visually screen construction activities from the adjacent neighbours and surrounding area. (See attached photos).

#### 4.3 Site Context

The adjacent zones are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Residential
East	C4 - Urban Centre Commercial	Commercial (SOPA Square)
South	RU1 - Large Lot Housing	Residential
West	RU1 - Large Lot Housing	Residential

In conjunction with the original TUP issued in 2011, the City granted the developer permission to temporarily close a portion of the existing lane to the east of the subject properties for construction purposes. In addition, the developer has also received permission to temporarily close the end of Newsom Avenue, as well as a portion of the lanes located north and south of Newsom Avenue that run parallel to Newsom Avenue.

**Subject Property Map: 459 Groves Avenue and 437 & 442 Newsom Avenue****5.0 Current Development Policies****5.1 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.

## **6.0 Technical Comments**

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

No comment.

### **6.2 Development Engineering Department**

Refer to attached Development Engineering Memorandum, dated March 25, 2014.

### **6.3 Fire Department**

No concerns.

### **6.4 Policy & Planning Department**

This application is for a Temporary Use Permit (TUP) to extend the use of the subject properties as a construction staging and storage location for the adjacent mixed-use SOAP Square development at 2988-3030 Pandosy St. for a 3 year period.

This application is consistent with the OCP. However, the OCP also states that a TUP must also conform to other OCP policies and since the TUP location is adjacent to a single/two unit residential neighbourhood, appropriate buffering and landscaping should be included as condition of the permit to protect the adjacent land uses.

### **6.5 Real Estate Department**

No comments.

## **7.0 Application Chronology**

Date of Application Received: February 27, 2014

**Report prepared by:**

---

Abigail Riley, Planner

**Reviewed by:**

☐

Ryan Smith, Manager of Urban Planning

**Approved for Inclusion**

☐

Doug Gilchrist, Divisional Director, Community Planning and Real Estate

### **Attachments:**

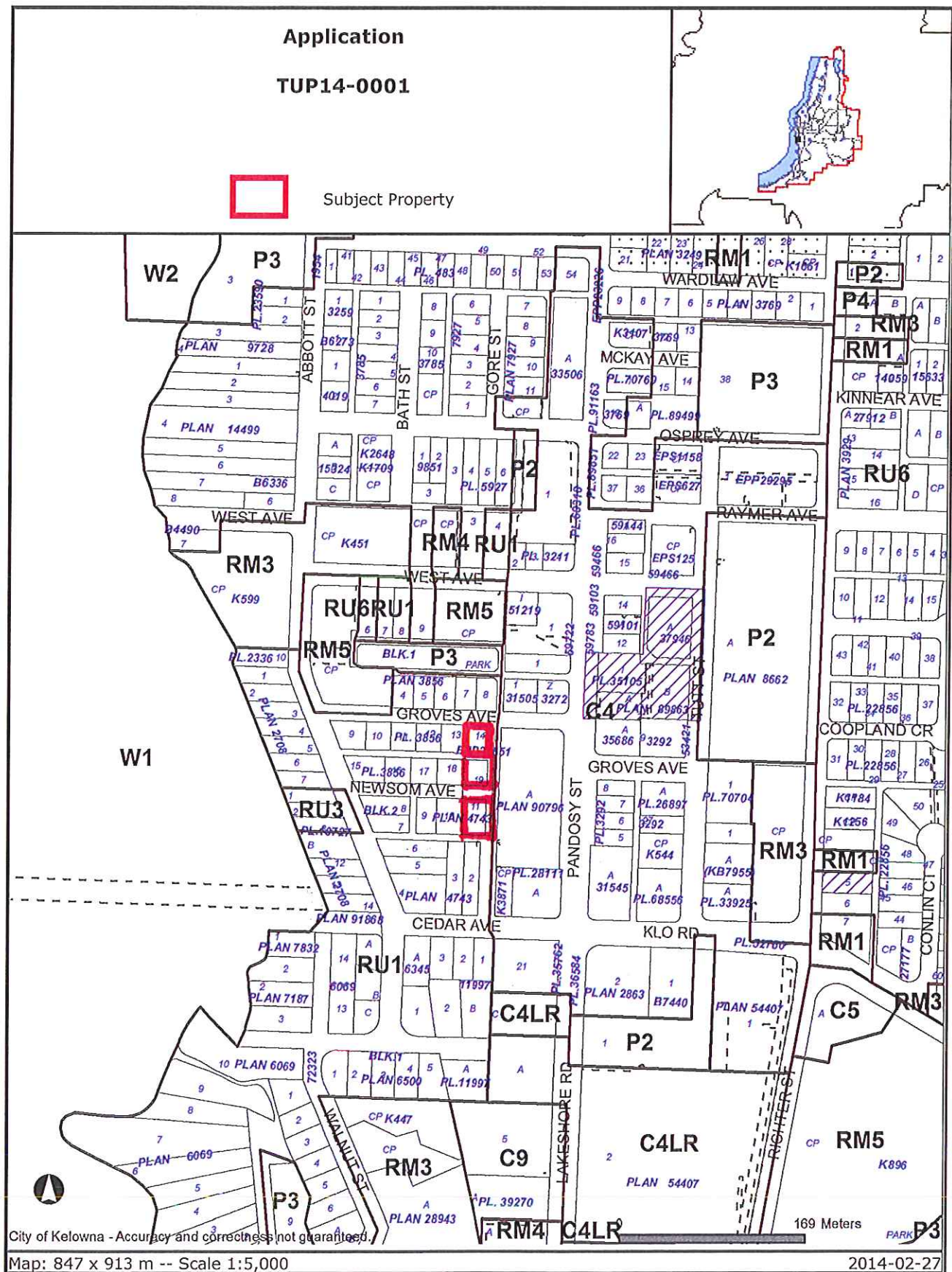
Subject Property Map

Site Plan

Context/Site Photos

Development Engineering Memorandum, dated March 25, 2014

DRAFT Temporary Use Permit No. TUP14-0001



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.



# SCHEDULE A

This forms part of development

Permit # TUP 14-0001



PANDOSY ST

EXISTING PHASE I

PHASE I  
PUBLIC ACCESS/EXITING

EXISTING PHASE I

EXISTING  
PHASE I

GROVES AVE

PARKADE  
ENTRY

REVISED PLANS

APR 25 2014

CITY OF KELOWNA  
Land Use Management

FENCING WITH  
VISUAL SCREENING

437 NEWSOM AVE.

442 NEWSOM AVE.

459 GROVES AVE.

98210

PROPOSED CONSTRUCTION  
AND STAGING AREA  
(TEMPORARY USE PERMIT)

m+m a

Drawing Title

TUP APPLICATION PLAN

Date 25/04/2014 3:48:43 PM

Job No. m+m 14-1484

Scale 1 : 450

Drawn Author

Checked Checker

EMAIL: pen-mai@shaw.ca

EMAIL: kel-mai@shaw.ca

Drawing Number A912

SOPA SQUARE

201 - 75 FRONT STREET, PENTICTON, B.C., V2A 1H2

233 BERNARD AVENUE, KELOWNA, B.C., V1Y 6N2

TEL: 250.492.3143

TEL: 250.762.3004

DRAWINGS ARE NOT TO BE SCALED.  
ALL DIMENSIONS SHALL BE VERIFIED ON JOB  
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without the Architects' consent.



April 28, 2014,



GROVES AV. FRONTAGE. - WEST END



GROVES AV. FRONTAGE - EAST END.





REAR LME - WEST OF SHOP SOURCE



437 NEWSON RD @ REAR LME



437 NEWSOM W - FROM KEN LAKE.



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

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**Date:** March 25, 2014  
**File No.:** TUP14-0001  
**To:** Planning & Development Services Department (AR)  
**From:** Development Engineering Manager  
**Subject:** 459 Groves Ave 437 & 442 Newsom Ave Temporary Staging Area Sopa

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

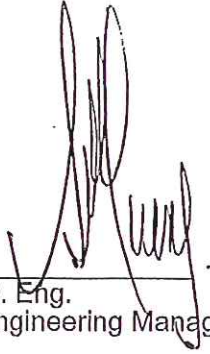
The Development Engineering Technologist for this project is John Filipenko. ASCT

1. General.

Development Engineering servicing and frontage improvement requirements were addressed under File Z13-0021. Also refer to our Development Permit comments under File DP13-0076, DVP13-0077

2. Temporary Use Permit

The application indicates that the south most lot ( 437 Newsom Ave ) will be used for parking in the near future (no date provided) .In the interim, a parking area needs to be available for the existing and future commercial occupancy.



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

# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

☐ Temporary Industrial Use Permit No. : TUP14-0001

EXISTING ZONING DESIGNATION: RU1 – LARGE LOT HOUSING  
WITHIN DEVELOPMENT PERMIT AREA: SOUTH PANDOSY TOWN CENTRE DP AREA

ISSUED TO: P 218 Enterprises Ltd., Inc. No. 0852875  
LOCATION OF SUBJECT SITE: 459 Groves Avenue and 437 & 442 Newsom Avenue

	LOT	BLOCK	D.L.	TOWNSHIP	PLAN	DISTRICT
LEGAL DESCRIPTION:	14 & 19		14		3856, Exc. Plan KAP90797	O.D.Y.D.
	11	2	14		4743 Exc. Plan KAP90797	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:

THAT this Permit allows for construction staging and storage use for the adjacent SOPA Square project at 2986-3030 Pandosy Street, subject to the following conditions:

- Construction of temporary fencing including a visual/noise barrier to the satisfaction of the Director of Community Planning & Real Estate, as shown on "Schedule A";
- The entire area to be surfaced with a suitable dust free material;
- The properties to be remediated with suitable vegetation and street trees upon the expiration of the Temporary Use Permit;

AND THAT this Permit will expire on March 8 , 2017.

#### 2. DEVELOPMENT:

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

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

This Permit is not 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.**

3. **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.

4. **APPROVALS:**

TEMPORARY USE PERMIT AUTHORIZED BY COUNCIL ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2014.

ISSUED BY THE COMMUNITY PLANNING & REAL ESTATE DEPARTMENT OF THE CITY OF KELOWNA THE \_\_\_\_ DAY OF \_\_\_\_\_, 2014.

\_\_\_\_\_  
Doug Gilchrist  
Divisional Director, Community Planning and Real Estate Department