

**City of Kelowna  
Regular Council Meeting  
AGENDA**



Tuesday, June 10, 2014  
6:00 pm  
Council Chamber  
City Hall, 1435 Water Street

**Pages**

1. Call to Order
2. Prayer

A Prayer will be offered by Councillor DeHart.
3. Confirmation of Minutes 1 - 15

Public Hearing - May 27, 2014  
Regular Meeting - May 27, 2014
4. Bylaws Considered at Public Hearing
  - 4.1 Bylaw No. 10964 (OCP13-0011) - 984 Dehart Road, Sherwood Mission Developments Ltd. 16 - 19

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

To give Bylaw No. 10964 second and third readings in order to change portions of the Future Land Use Designation of the subject property from the Multi-Unit Residential Low Density designation to the Single/Two Unit Residential designation and from the Single/Two Unit Residential designation to the Multi-Unit Residential Low Density designation.
  - 4.2 Bylaw No. 10965 (Z13-0016) - 984 Dehart Road, Sherwood Mission Developments Ltd. 20 - 21

To give Bylaw No. 10965 second and third readings in order to rezone the subject property from the A1 - Agriculture 1 zone to the RU1 - Large Lot Housing zone.
  - 4.3 Bylaw No. 10968 (OCP14-0006) - 560 & 582 McKay Avenue, 0781540 BC Ltd. 22 - 23

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

To give Bylaw No. 10968 second and third readings in order to change the future land use designation of the subject properties from the Multiple Unit Residential (Medium Density) designation to the Mixed Use

(Residential/Commercial) designation.

- 4.4 Bylaw No. 10969 (Z14-0008) - 560 & 582 McKay Avenue, 0781540 BC Ltd. 24 - 25

To give Bylaw No. 10969 second and third readings in order to rezone the subject properties from the RU6 - Two Dwelling Housing zone to the C4 - Urban Centre Commercial 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 Bylaw No. 10953 (Z14-0012) - 1370 Water Street, Kelowna Yacht Club 26 - 26

To adopt Bylaw No. 10953 in order to rezone the subject property from the P1 - Major Institutional and P3 - Parks and Open Space zones to the P1lp - Major Institutional (Liquor Primary) zone.

- 6.1.1 Liquor License Application No. LL14-0002 - 1370 Water Street, Kelowna Yacht Club 27 - 46

**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.**  
To seek approval for the relocation of a Liquor Primary License for the new Yacht Club facility.

7. Development Permit and Development Variance Permit Reports

- 7.1 Development Variance Permit Application No. DVP14-0086 - 987 Clement Avenue, Okanagan Valley Construction 47 - 58

**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 allowable dormer width from 1.2 metres to 2.6 metres.

8. Reminders

9. Termination



## City of Kelowna Public Hearing Minutes

Date: Tuesday, May 27, 2014  
 Location: Council Chamber  
 City Hall, 1435 Water Street

Council Members Present: Mayor Walter Gray and Councillors Colin Basran, Andre Blaneil, Mohini Singh, Luke Stack and Gerry Zimmermann

Council Members Absent: Councillors Maxine DeHart, Gail Given and Robert Hobson

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Manager, Urban Planning Ryan Smith; Manager, Subdivision, Agriculture & Environment Services, Todd Cashin; Manager, Long Range Policy Planning, Gary Stephen; Supervisor, Urban Planning, Lindsey Ganczar; and Council Recording Secretary, Tania Tishenko

(\* denotes partial attendance)

### 1. Call to Order

Mayor Gray called the Hearing to order at 6:05 p.m. Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna 2030 - Official Community Plan Bylaw No. 10500" and Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

### 2. Notification of Meeting

The City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on May 13, 2014 and by being placed in the Kelowna Capital News issues of May 16, 2014 and May 20, 2014 and by sending out or otherwise delivering 55 Statutory Notices to owners and occupiers of surrounding properties, and 1959 Informational Notices to residents in the postal delivery route, between May 13, 2014 and May 16, 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. 10943 (OCP14-0009) - Miscellaneous Housekeeping Amendments, City of Kelowna

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

No one came forward. There were no further comments.

#### 3.2. Bylaw No. 10959 (Z14-0005) - 669 McClure Road, Heritage Log Structures Inc.

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:

- Letter of Opposition
  - Carol Enns, 4580 Bonjou Road
- Letter of Concern
  - Carrie Skinner, 4634 Needham Road

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. No one came forward.

#### 3.3. WITHDRAWN BY THE APPLICANT - Bylaw No. 10960 (OCP13-0003) and Bylaw No. 10961 (Z13-0004) - 1800 Crosby Road, DRS Ventures Ltd.

#### 3.4. 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

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

No one came forward. There were no further comments.

#### 4. Termination

The Public Hearing was declared terminated at 6:29 p.m.

\_\_\_\_\_  
Mayor

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

DRAFT



## City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, May 27, 2014  
Location: Council Chamber  
City Hall, 1435 Water Street

Council Members Present: Mayor Walter Gray and Councillors Colin Basran, Andre Blaneil, Mohini Singh, Luke Stack and Gerry Zimmermann

Council Members Absent : Councillors Maxine DeHart, Gail Given and Robert Hobson

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Manager, Urban Planning Ryan Smith; Manager, Subdivision, Agriculture & Environment Services, Todd Cashin; Manager, Long Range Policy Planning, Gary Stephen; Supervisor, Urban Planning, Lindsey Ganczar; and Council Recording Secretary, Tania Tishenko

(\* denotes partial attendance)

### 1. Call to Order

Mayor Gray called the meeting to order at 6:29 p.m.

### 2. Prayer

A Prayer was offered by Councillor Stack.

3. Confirmation of Minutes

Moved By Councillor Zimmermann/Seconded By Councillor Basran

R37514/05/27 THAT the Minutes of the Public Hearing and Regular Meeting of May 13, 2014 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

- 4.1. Bylaw No. 10943 (OCP14-0009) - Miscellaneous Housekeeping Amendments, City of Kelowna

Moved By Councillor Zimmermann/Seconded By Councillor Stack

R376/14/05/27 THAT Bylaw No. 10943 be read a second and third time and be adopted.

Carried

- 4.2. Bylaw No. 10959 (Z14-0005) - 669 McClure Road, Heritage Log Structures Inc.

Moved By Councillor Stack/Seconded By Councillor Zimmermann

R377/14/05/27 THAT Bylaw No. 10959 be read a second and third time.

Carried

- 4.3. WITHDRAWN BY THE APPLICANT - Bylaw No. 10960 (OCP13-0003) - 1800 Crosby Road, DRS Ventures Ltd.

- 4.4. WITHDRAWN BY THE APPLICANT - Bylaw No. 10961 (Z13-0004) - 1800 Crosby Road, DRS Ventures Ltd.

- 4.5. Bylaw No. 10956 (OCP14-0001) - Various Addresses Richter Street, City of Kelowna & Miles Vucicevic

Moved By Councillor Singh/Seconded By Councillor Basran

R378/14/05/27 THAT Bylaw No. 10956 be read a second and third time.

Carried

4.6. Bylaw No. 10957 (Z14-0001) - Various Addresses on Clement Avenue, St. Paul Street and Richter Street, City of Kelowna & Miles Vucicevic

Moved By Councillor Blaneil/Seconded By Councillor Basran

R379/14/05/27 THAT 10957 be read a second and third time.

Carried

## 5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise delivering 272 Statutory Notices to owners and occupiers of adjacent and adjoining properties, and 892 Informational Notices to residents in the same postal delivery route between May 13, 2014 and May 16, 2014.

Notice of these (amendments to Liquor Primary Licenses) were advertised by being posted on the Notice Board at City Hall on May 13, 2014, and by being placed in the Kelowna Capital News issues on May 16, 2014 and May 20, 2014 and by sending out or otherwise delivering 17 statutory notices to the owners and occupiers of surrounding properties, and 379 informational notices to residents in the same postal delivery route, between May 13, 2014 and May 16, 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. Liquor License Application Reports

6.1. Liquor License Application No. LL14-0003 - 1978 Kirschner Road - Argo Investment Corporation Inc.

Staff:

- Displayed a PowerPoint Presentation summarizing the application before 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. No one came forward. There were no further comments.

Moved By Councillor Zimmermann/Seconded By Councillor Stack

**R380/14/05/27** In accordance with Section 53 of the Liquor Control and Licensing Regulation and Council Policy #359, be it resolved THAT:

Council's comments on the Liquor Control & Licensing Branch (LCLB)'s prescribed considerations for the application from 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.

Carried

## 7. Development Permit and Development Variance Permit Reports

### 7.1. Development Variance Permit Application No. DVP14-0055 - 423 Christleton Avenue - Islam Mohamed & Janet Evans

Staff:

- Displayed a PowerPoint Presentation summarizing the application before Council.

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

- Letter of Opposition
  - o C. Gunn, 453 Christleton Avenue

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

Mr. Chattaway, Applicant

- Displayed map showing neighbourhood support and opposition.
- Spoke to design of structure.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Blanleil

**R381/14/05/27** 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.

Carried

**7.2. Development Variance Permit Application No. DVP14-0051 - Richter Street  
- Simple Pursuits Inc.**

Staff:

- Displayed a PowerPoint Presentation summarizing the application before 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.

Shane Worman, Applicant

- Spoke to the merits of the application.

There were no further comments.

Moved By Councillor Blanleil/Seconded By Councillor Singh

R382/14/05/27 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'.

Carried

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

Staff:

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

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

- Letters of Opposition
  - Matt Summers, 1839 Chandler Avenue
  - Donna Summers, 1839 Chandler Avenue
  - Deborah Summers, 1839 Chandler Avenue
  - Jesse Gazel, 1247 Devonshire Avenue
  - Signature illegible, 1247 Devonshire Avenue
  - Tracey Waldherr, 1247 Devonshire Avenue
  - Lena (Lee) Pawlitsky, 1289 Pridham Avenue
  - Cindy Finnigan, 1309 Pridham Avenue
  - M. Wollenberg, 1318 Pridham Avenue
  - Christopher Freeman, 1348 Sutherland Avenue
  - Derek Moc, 1329 Pridham Avenue
  - Jill and Derek Moc, 1329 Pridham Avenue
  - RJ Koehle, 1277 Pridham Avenue
  - Marcel Pawlitsky, 1289 Pridham Avenue
  - Majid Noorani, 1236 Pridham Avenue
  - Stefanie Duran, 1233 Pridham Avenue
  - John Fajnor, 1266 Sutherland Avenue
  - Mark Anthony Yanga, 1308 Sutherland Avenue
  - Carly Chute, 1328 Sutherland Avenue
  - Chris Maxwell, 1358 Sutherland Avenue
  - Eva Sidorowicz, 213-1395 Kelglen Crescent
  - Colin Wales, 1244 Devonshire Avenue
  - Cody Henderson, 1267 Pridham Avenue
  - D. Smith, 1267 Pridham Avenue
  - Bill Vassar, 1304 Devonshire Avenue
  - Paul Embregts, 1294 Devonshire Avenue
  - Claudia Embregts, 1294 Devonshire Avenue
  - Ivan Sexsmith, 1247 Devonshire Avenue
  - Liz Demer, 1247 Devonshire Avenue
  - Brian Large, 2617 Abbott Street
- Letter of Support
  - Kim Froom, 1177 Sutherland Avenue

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

Tara Tschritter, Inn From the Cold Co-ordinator, Applicant,

- Summarized to Council the reasons for DVP requested, and the misrepresentation of "Inn From the Cold" by different people and groups in the community.
- Spoke of efforts of communication with neighbours within close proximity and solutions to fencing issues.
- Spoke to Inn From the Cold housing program and support system it provides to the homeless community.
- Submitted additional letters of support.

Gallery:

Brian Large, 2617 Abbott Street

- Opposed to variance.
- Inquired if Inn From the Cold is acting as agent for Chandler Management.
- Inquired as to City Public Notification process.
- Inquired as to applicant neighbourhood consultation.

City Clerk summarized notification process and boundaries for public notification circulation.

Jamie Dale Walraven, 1311 Belaire Avenue

- In favor of variance.
- Manages a recovery house in Kelowna, and encourages community discussion on homelessness and addiction within the neighbourhood.

Kim Stanyour, 1247 Sutherland Avenue

- Supports this variance, and in favour of supplying this type of housing.

Peggy Salavari, 970 Springfield Road

- Has been a volunteer with Inn From the Cold since 2001.
- Supportive of variance.

Matt Summers, 1839 Chandler Avenue

- Spoke to challenges of having such a facility in his neighbourhood.
- Against variance.

Reverend Heather Karabelas, Deacon, Cathedral Church of St. Michael and All Angels,  
608 Sutherland Avenue

- Supportive of variance.
- Spoke of outreach committee in their church and that they are in favour of housing proposal that Inn From the Cold has put forward.
- There are numerous homeless people on grounds of cathedral each evening, and they would rather they be in a facility.



Morgan Summers, 1839 Chandler Street

- In opposition of variance.
- Has had issues with homeless individuals in his neighbourhood previously.

Brian Large, 2617 Abbott Street

- Inquired as to whether "Group Home - Major" use is permitted on top floor.

Mark Dixon, President Board of Directors, Inn From the Cold

- Responded to questions raised by interveners.
- Confirmed fence along property line with 1839 Chandler will be constructed prior to building being used as group home at owner/applicant expense.

Staff:

- Confirmed use is permitted on this site.
- Confirmed applicant would have to undertake building renovations prior to building being used, and follow process of appropriate city departments should variance application be successful.

There were no other questions.

Moved By Councillor Basran/Seconded By Councillor Zimmermann

R383/14/05/27 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.

Carried

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

Staff:

- Displayed a PowerPoint Presentation summarizing the application before Council.
- Responded to issues raised by Mr. Serwa in his correspondence and confirmed concerns will be passed along to appropriate staff.



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

- Letters of Support
  - John Hertay, Academy Apartments, #106, 975 Academy Way
  - John Hertay, Watermark Developments Ltd., #106, 975 Academy Way
  - Christopher Grieve, Aberdeen Hall Preparatory School, 950 Academy Way
- Letters of Opposition
  - Dario Russo, 975 Academy Way
  - Cliff Serwa, 3130A Hall Road

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

Michael Bacon, Development Manager with Mission Group

- Had no further comments.

Moved By Councillor Stack/Seconded By Councillor Singh

R384/14/05/27 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'.

Carried

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

Staff:

- Displayed a PowerPoint Presentation summarizing the application before 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.

Craig Abernathy the Applicant of 2544 Tuscan Drive was present and had no further comment.

Moved By Councillor Blaneil/Seconded By Councillor Zimmermann

**R385/14/05/27** 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%.

Carried

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

Staff:

- Displayed a PowerPoint Presentation summarizing the application before Council.

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

- Letters of Opposition
  - Brenda Wilkinson, 453 Groves Avenue
  - Jim Lawrence, 2780 Bath Street

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

Calvin Meiklejohn, Applicant

- Provided an update on status of subject properties

There were no further comments.

Moved By Councillor Blanleil/Seconded By Councillor Basran

**R386/14/05/27** 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:

1. 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";
2. The entire area to be surfaced with a suitable dust free material;
3. The properties to be remediated with suitable vegetation and street trees upon the expiration of the Temporary Use Permit.


Carried

**9. Termination**

The meeting was declared terminated at 8:29 p.m.

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Mayor

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City Clerk

# CITY OF KELOWNA

## BYLAW NO. 10964

### Official Community Plan Amendment No. OCP13-0011 - Sherwood Mission Developments Ltd., Inc. No. BC0795928 984 Dehart 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 Lot 1, Section 31, Township 29, ODYD, Plan KAP62654, located on Dehart Road, Kelowna, B.C., from the Multi-Unit Residential Low Density (MRL) designation to the Single/Two Unit Residential (S2RES) designation, and a portion of Single/Two Unit Residential (S2RES) be changed to Multi-Unit Residential Low Density (MRL) designation as per Map "A" attached to and forming part of this bylaw;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 12<sup>th</sup> day of May, 2014.

Considered at a Public Hearing on the 10<sup>th</sup> day of June, 2014.

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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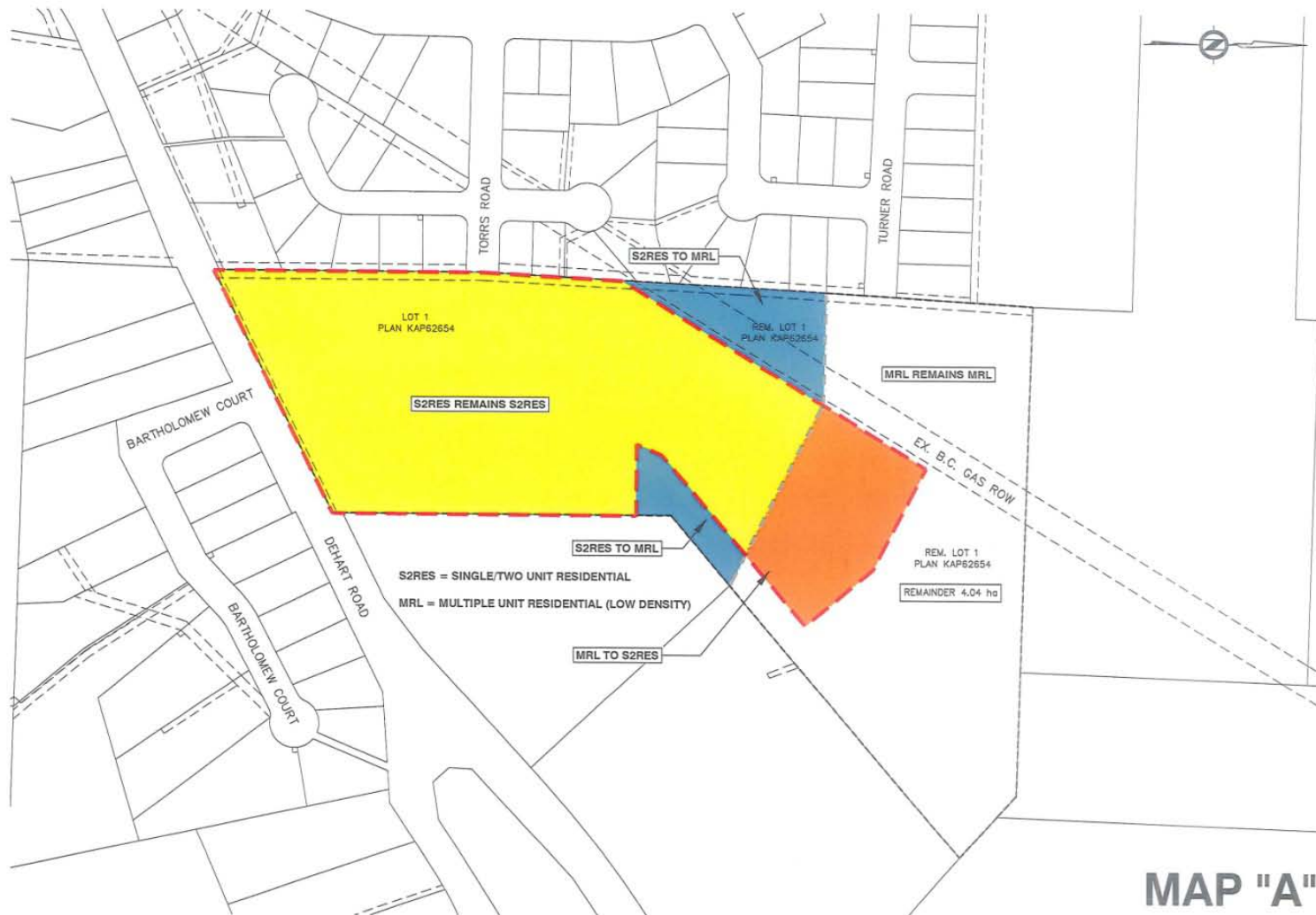
Mayor

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City Clerk









**CITY OF KELOWNA**  
**BYLAW NO. 10965**  
**Z13-0016 - Sherwood Mission Developments Ltd., Inc. No.**  
**BC0795928**  
**984 Dehart 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 part of Lot 1, Section 31, Township 29, ODYD, Plan KAP62654 located on Dehart Road, Kelowna, B.C., from the A1 - Agriculture 1 zone to the RU1 - Large Lot Housing zone as per 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 12<sup>th</sup> day of May, 2014.

Considered at a Public Hearing on the 10<sup>th</sup> day of June, 2014.

Read a second and third time by the Municipal Council this

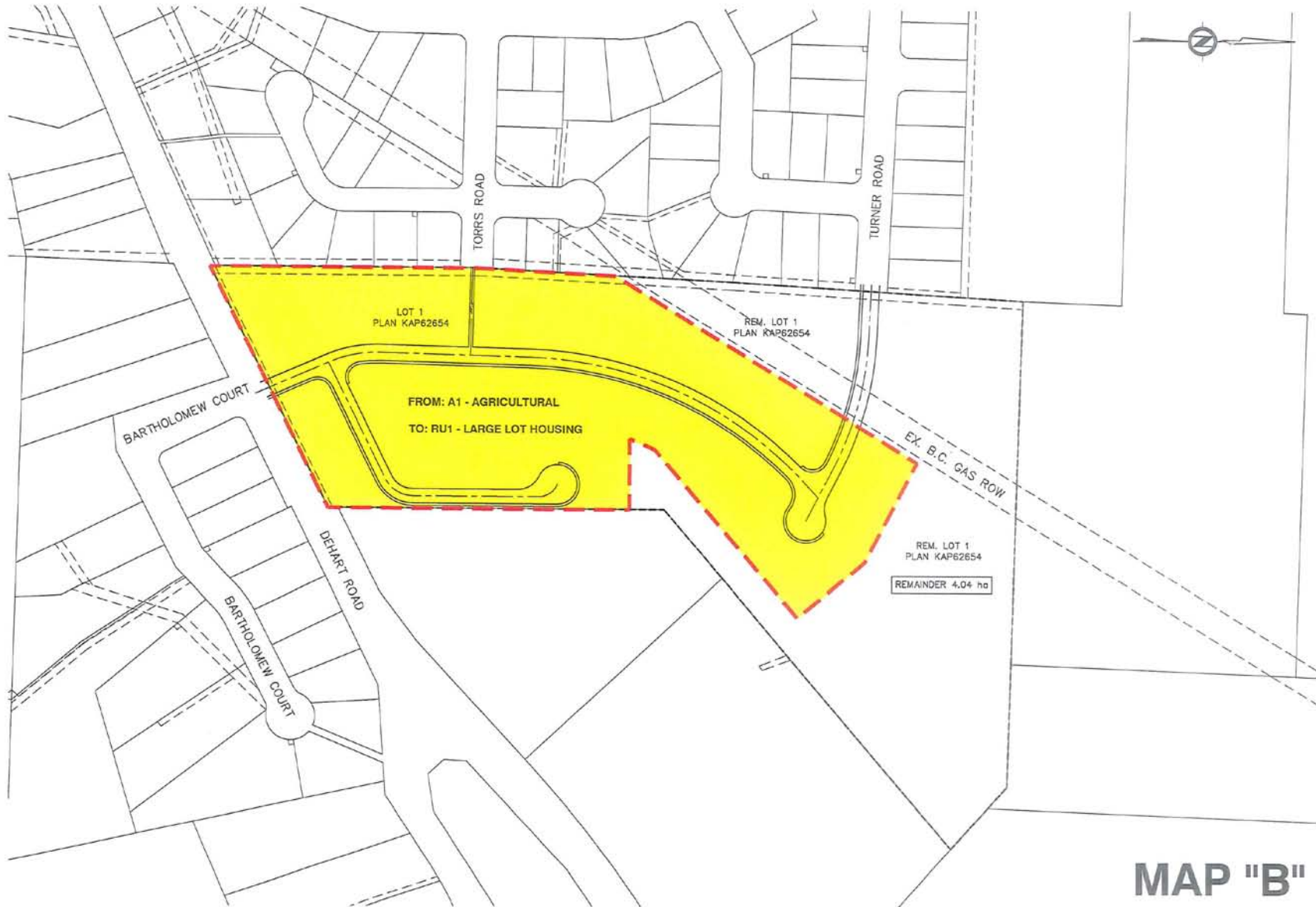
Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk



## CITY OF KELOWNA

### BYLAW NO. 10968

**Official Community Plan Amendment No. OCP14 - 0006  
0781540 B.C. Ltd  
560 & 582 McKay Avenue**

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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 12 & 13, District Lot 14, ODYD, Plan 3769, located on McKay Avenue, Kelowna, B.C., and the portion of McKay Avenue to be closed adjacent to Lots 12 and 13 from the MRM - Multiple Unit Residential (Medium Density) designation to the MXR - Mixed Use (Residential/Commercial) designation as per Map "A" attached to and forming part of this bylaw;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 26<sup>th</sup> day of May, 2014.

Considered at a Public Hearing on the 10<sup>th</sup> day of June, 2014.

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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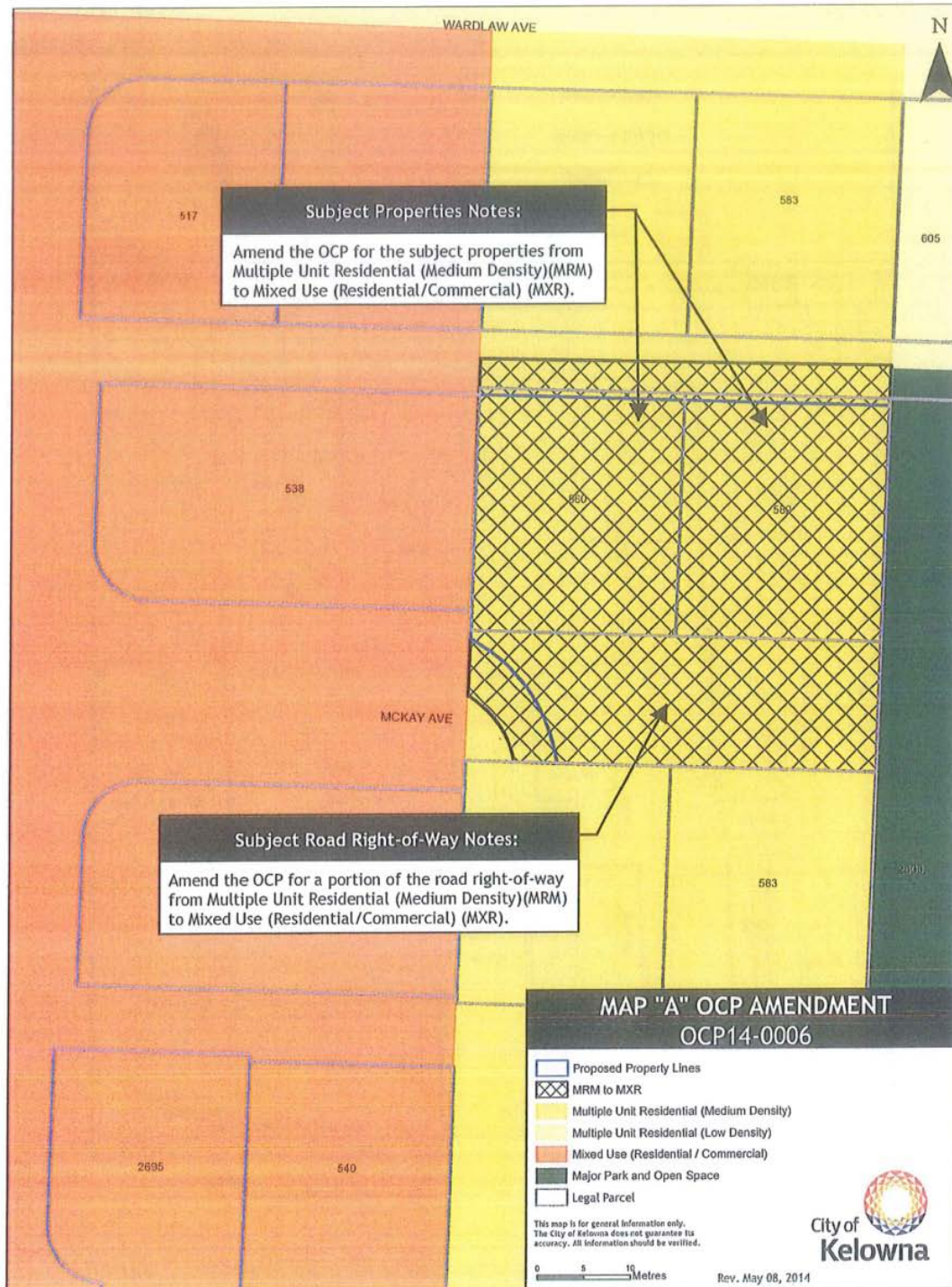
Mayor

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City Clerk



Map "A"



**CITY OF KELOWNA**  
**BYLAW NO. 10969**  
**Z14-0008 - 0781540 BC Ltd**  
**560 & 582 McKay Avenue**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots 12 & 13, District Lot 14, ODYD, Plan 3769, located on McKay Avenue, Kelowna, B.C., and the portion of McKay Avenue to be closed adjacent to Lots 12 and 13 located on McKay Avenue, Kelowna, B.C., from the RU6 - Two Dwelling Housing zone to the C4 - Urban Centre Commercial zone as per Map "B" attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 26<sup>th</sup> day of May, 2014.

Considered at a Public Hearing on the 10<sup>th</sup> day of June, 2014.

Read a second and third time by the Municipal Council this

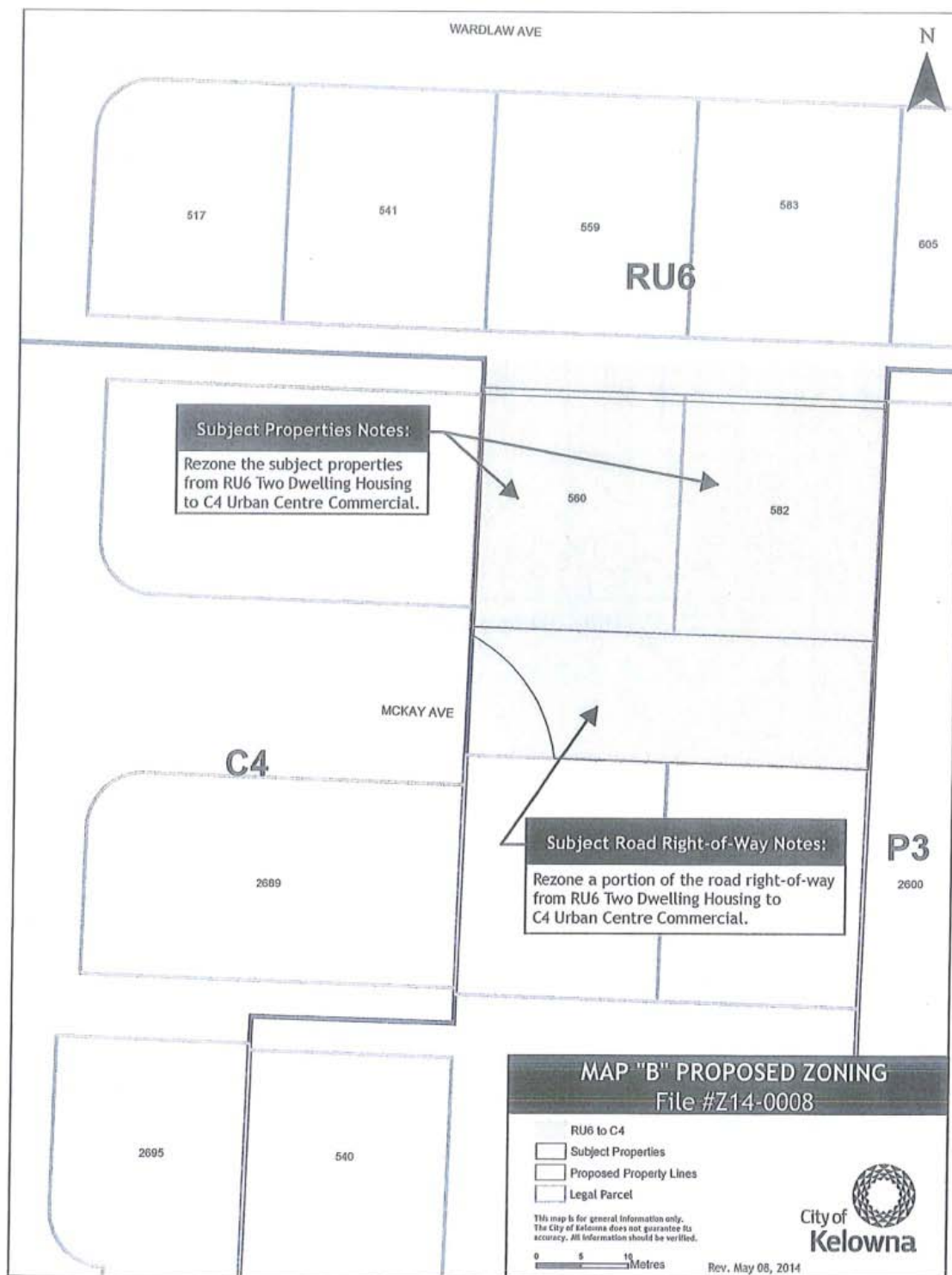
Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk



**CITY OF KELOWNA**  
**BYLAW NO. 10953**  
**Z14-0012 - Kelowna Yacht Club, Inc. No. S-0003099**  
**1370 Water Street**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, District Lots 139 & 4083, ODYD, Plan EPP29214 located on Water Street, Kelowna, B.C., from the P1 - Major Institutional and P3 - Parks and Open Space zone to the P1lp - Major Institutional (Liquor Primary) zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 28<sup>th</sup> day of April, 2014.

Considered at a Public Hearing on the 13<sup>th</sup> day of May, 2014.

Read a second and third time by the Municipal Council this 13<sup>th</sup> day of May, 2014.

Approved under the Transportation Act this 26<sup>th</sup> day of May, 2014.

Lynda Lochhead  
(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

\_\_\_\_\_  
Mayor

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

# REPORT TO COUNCIL



**Date:** May 13, 2014

**RIM No.** 0930-50

**To:** City Manager

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

**Application:** LL14-0002

**Owner:** Kelowna Yacht Club  
(Inc. No. S-0003099)

**Address:** 1370 Water St.

**Applicant:** Kelowna Yacht Club

**Subject:** Liquor License Relocation Application

**Existing OCP Designation:** Major Park/Open Space (public)

**Existing Zone:** P1 - Major Institutional

**Proposed Zone:** P1lp - Major Institutional(Liquor Primary)

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## 1.0 Recommendation

THAT Zone Amending Bylaw 10953 be forwarded for adoption consideration,

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

Council's comments on the Liquor Control & Licensing Branch (LCLB)'s prescribed considerations for the application from at address: 1370 Water Street, Kelowna BC, (legally described as Lot 1, District Lot 139 & 4083, ODYD, Plan EPP29214) for a new Liquor Primary License, are as follows:

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

A minimal increase in noise is expected compared to current circumstances.

- b) The impact on the community if the application is approved:

The potential for negative impacts are considered to be minimal.

- c) View of residents:

The Council's comments on the views of residents (if applicable) are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy & Procedures."

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

The total person capacity proposed for liquor primary service is 474 seats (including outdoor patio area) with serving hours of 9:00am to 2:00am, 7 days a week.

e) Traffic and parking:

The parking requirements were addressed through the original Development Permit application and associated Development Variance Permit application which reduced the required off-street parking to 30 stalls. Therefore, the onsite parking provided is considered compliant.

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

The relocation of the Yacht Club is approximately 60m. north of the existing location. Surrounding facilities are not anticipated to conflict with the proposed new location.

g) Recommendation:

Council recommends that the application for a relocated liquor primary license for a total capacity of 474 patrons (including patio area) with the hours of 9:00 am to 2:00am, 7 days a week, for the property located at 1370 Water Street be approved.

## **2.0 Purpose**

This application seeks Council's support for the relocation of a Liquor Primary License for the new Yacht Club facility.

## **3.0 Urban Planning Department**

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

The proposed relocation of an existing license to a site that is within 100m of the current location will have minimal impact on the neighbourhood. The new Yacht Club development will be located in a new modern facility. This new facility will also add a food primary establishment to the ground floor, which will create greater opportunities to serve a larger range of patrons, as well as to diversify the selection of venues and entertainment opportunities throughout the Downtown.

Given the above considerations, the Urban Planning Department is supportive of the proposed relocations of the Liquor Primary establishment for the Yacht Club.

## **4.0 Proposal**

### **4.1 Background**

The new yacht club building was authorized through Development Permit DP12-0008 for the form and character of the new building, and DVP12-0009 to address building setbacks, site coverage, parking stalls, and loading stalls. The development permit and development variance permit were considered at a Public Council Meeting held on June 26, 2012. The permits were issued April 30, 2013, and construction commenced in June 2013.

### **4.2 Project Description**

To transfer a liquor license, the provincial Liquor Control Licensing Branch requires both public consultation and a Council resolution. During staff review for the relocation application, it was discovered that owing to the size of the Liquor Primary license under consideration, this use would fall under the "Liquor Primary Establishment, major" definition, and that the property



would have to be rezoned to add the “LP” designation on the existing P1 - major Institutional zone. The rezoning application was considered by Council at the May 1<sup>th</sup>, 2014 Public Hearing.

The Liquor License application to the Liquor Control and Licensing Branch is to relocate the liquor license from the old location of the Yacht Club to the new location currently under construction and is located approximately 60 metres north of the existing location.

The proposed occupancy of 474 persons is considered a large liquor primary establishment. Council Policy 359 - Liquor Licensing Policy and Procedures requires this form of establishment to be located within an Urban Centre. As the subject property is located within the Downtown Urban Centre, this condition is met.

The rezoning to add the LP designation to the property and the associated liquor license application will not change the form and character of the development, nor change the use, as the development plans always indicated that there was to be a substantial licensed area within the building, as well as a public restaurant on the ground floor.

### Proposed License Summary:

#### Proposed Hours of Sale:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	9:00am	9:00am	9:00am	9:00am	9:00am	9:00am	9:00am
Close	2:00am	2:00am	2:00am	2:00am	2:00am	2:00am	2:00am
Licensed Area				Capacity			
First Floor Boardroom				50 patrons			
Second Floor (limited by building design)				424 patrons			
Total Proposed Person Capacity				474 patrons*			

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

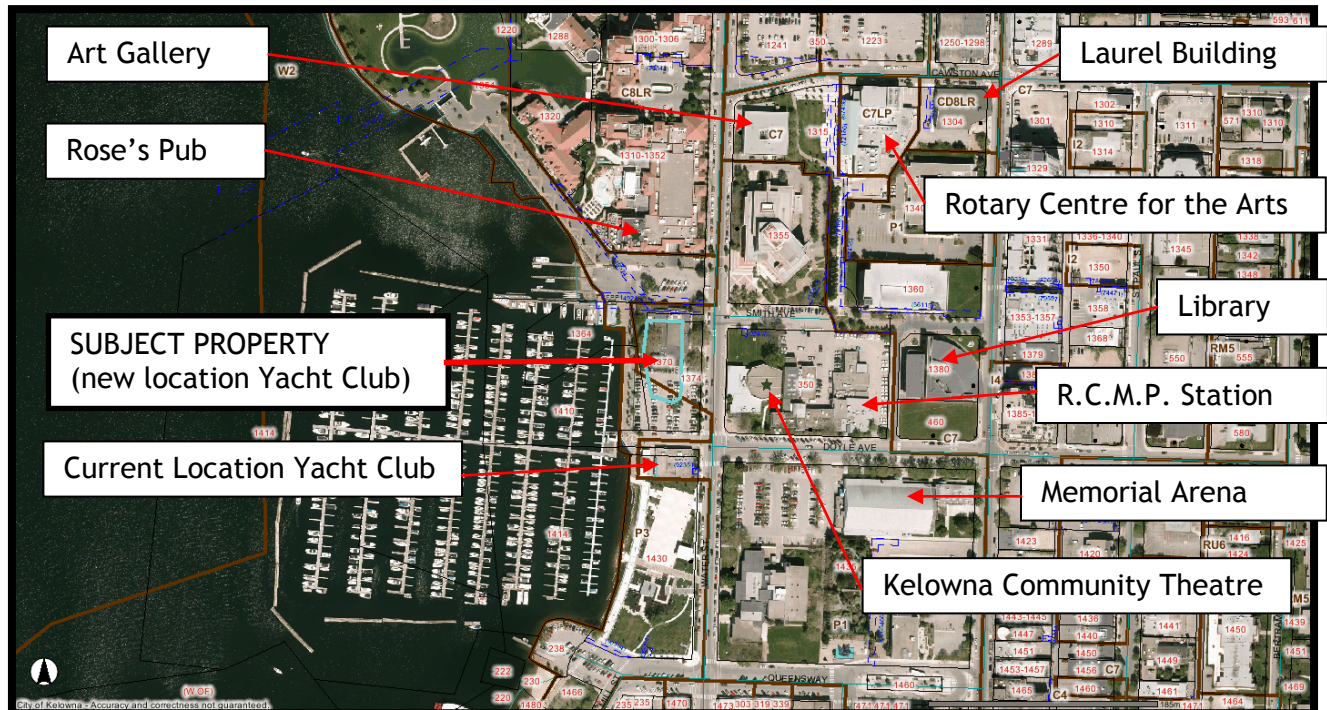
### 4.3 Site Context

The subject property is currently under construction with the new 2 storey yacht Club building. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P3 - Parks and Open Space	boat launch
East	P1 - Major Institutional	community theatre
South	P3 - Parks and Open Space	parking lot
West	W2 - Intensive water use	yacht club docks

## Subject Property Map:

1370 Water Street



## 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. **(Meets this criteria)**
  - Should be located a minimum of 250m from another Large establishment. **(not-Satisfied - see comment below)**
  - Should be located a minimum of 100m from a Medium establishment. **(Satisfied)**
  - Should not be located beside a Small establishment. **(Satisfied)**
- Where appropriate, support alternative entertainment options, and/or establishments which are less focused on alcohol consumption (including event-driven establishments, and Food Primary establishments with the Patron Participation Entertainment Endorsement) to add a mix of entertainment options in Urban Centres. Consider limiting potential community impacts via license terms and conditions (hours, capacity, etc)

It should be noted that this application deals with the relocation of an existing liquor primary establishment, that has been located on the current site since the 1960's. There are other establishments that are classified under the "Large Establishment" category which are located within the 250m separation to the existing Yacht Club facility. The move of the facility to the subject property would not worsen this inconsistency with policy, as the new location is located within 60m of the existing facility.

Parking for the Yacht Club will not change with the transfer of the Liquor License to the new location. Off-Street Parking as required was addressed through the development review process for the issued development permit (DP12-0008 and DVP12-0009) for the resulting development.

## 5.2 Kelowna Official Community Plan (OCP)

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

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

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

No Comment

### 6.2 Development Engineering Department

Servicing was addressed through Development Permit application DP12-0008

### 6.3 Bylaw Services

No Comment

### 6.4 Fire Department

No Concerns

### 6.5 Interior Health Authority

Subject to Health permit approval in new location, will require food safety and sanitation plan.

### 6.6 R.C.M.P.

The RCMP have no concerns regarding this application.

## 7.0 Application Chronology

Date of Application Received: March 21, 2014

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<sup>1</sup> Policy 5.17.1 (Development Process Chapter 5, page 5.21)

<sup>2</sup> Policy 8.9.2 (Economic Development Chapter8, page 8.4 )

**Report prepared by:**

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Paul McVey, Urban Planner

**Reviewed by:**

☐

Ryan Smith, Urban Planning Manager

**Approved for Inclusion:**

☐

D. Gilchrist, Div. Dir. Of Community Planning & Real Estate

**Attachments:**

Subject Property map

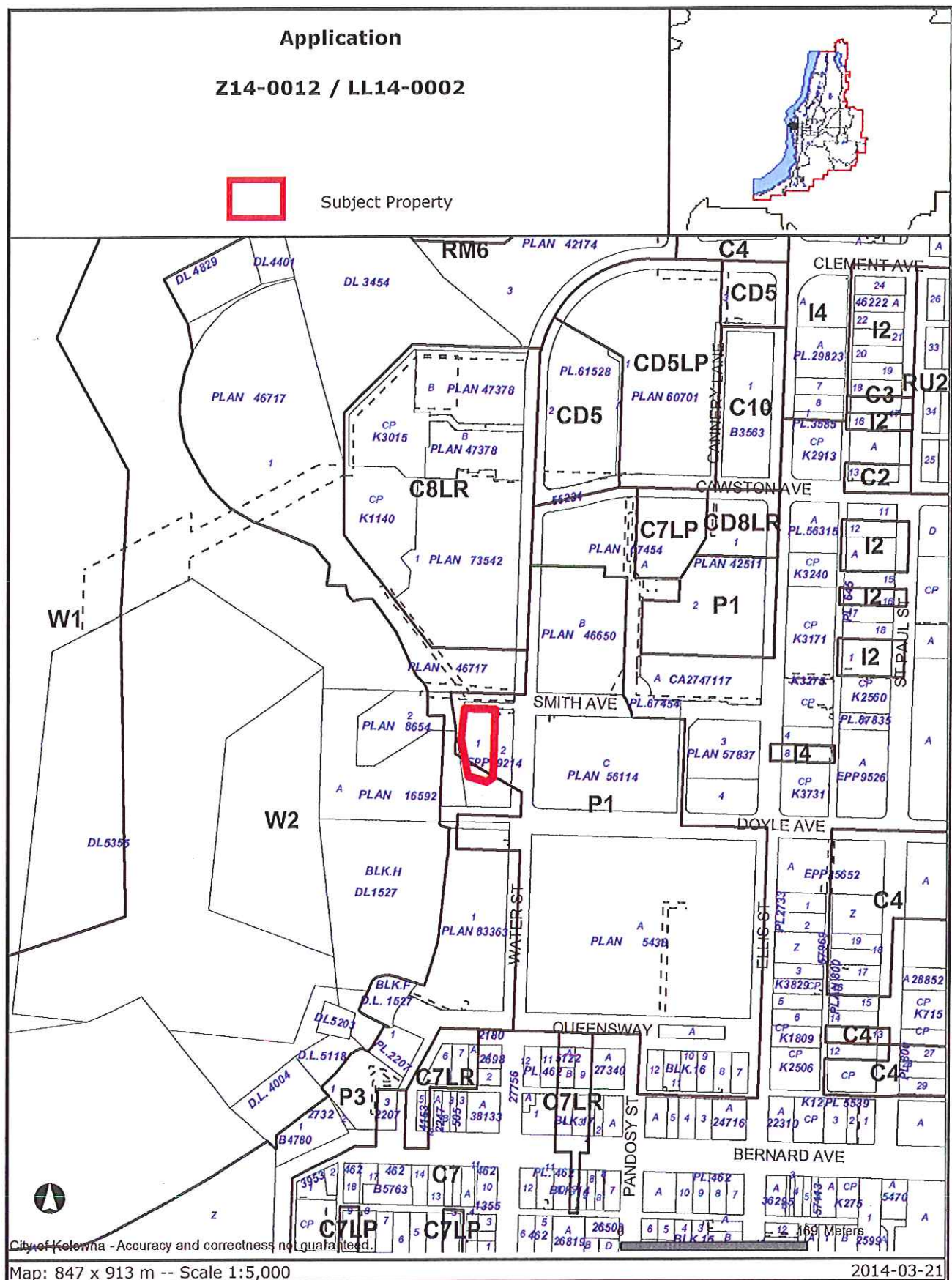
Site Plan

Rationale Letter

Provisional Floor Plan (Occupant Load)

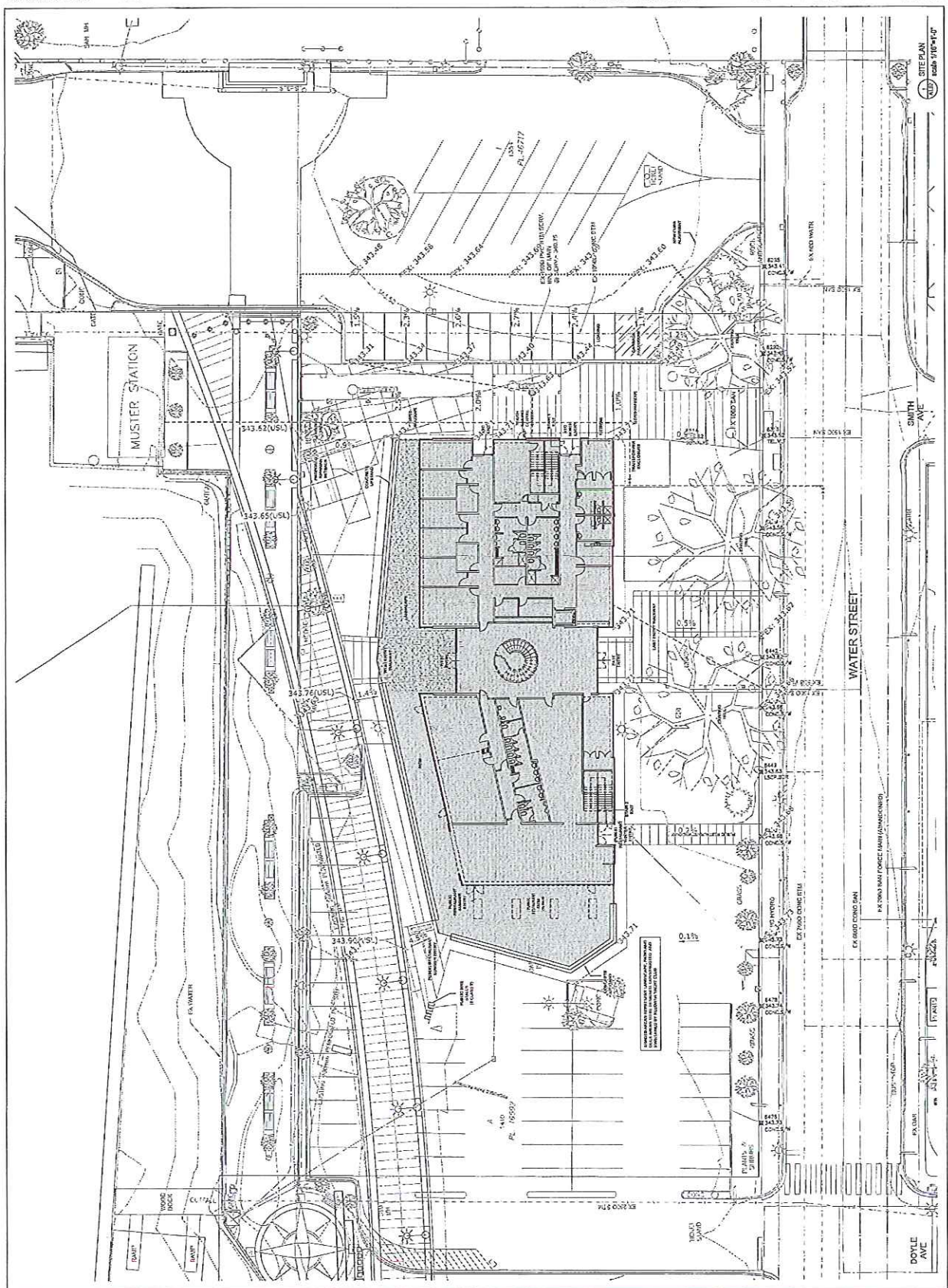
LCLB application





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.









REPLY TO: Mr. Coates  
DIRECT LINE: (250) 372-4923  
email: dpc@mjbblaw.com  
LEGAL ASSISTANT: Anita Moore-Nikoras  
DIRECT LINE: (604) 559-9114  
email: anita@mjbblaw.com

Our File: 22,209-1

February 24, 2014

**VIA EMAIL: liquor.licensing@gov.bc.ca**

Ministry of Justice  
Liquor Control and Licensing Branch  
4<sup>th</sup> Floor, 3350 Douglas Street  
Victoria, BC V8Z 3L1

**Attention: Licensing Department**

Dear Sir or Madam:

RE: Relocation Application for Liquor Primary Club Licence #047536  
Applicant/Licensee: Kelowna Yacht Club  
Current Location: 1414 Water Street, Kelowna, BC  
Proposed New Location: 1370 Water Street, Kelowna, BC

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Please be advised that this letter is intended to serve as the "Letter of Intent" required pursuant to Part 5 of the Liquor Primary ("LP") Transfer of Location Application form. In accordance with the Liquor Branch's Letter of Intent criteria, we submit the following information and enclosed documentation with respect to the above-noted LP Licence relocation application.

**1. PURPOSE**

The purpose and business focus of this establishment has been, and will continue to be entertainment and hospitality services associated with this private yacht club facility. The Kelowna Yacht Club ("KYC") has the largest fresh water marina in Canada. The majority of the club's members are boat owners who have slips at the KYC marina.

The KYC is a long established facility based on boating culture and providing moorage and marina facilities, and also serves as social centre for its members. The current KYC structure has been utilized for over 50 years and is now set to be demolished to

Mair Jensen Blair LLP – Lawyers  
700 – 275 Lansdowne Street, Kamloops, BC V2C 6H6 Canada [www.mjbblaw.com](http://www.mjbblaw.com)  
Telephone: (250) 374-3161 Toll Free: 1-888-374-3161 Fax: (250) 374-6992

accommodate the expansion of a municipal park called Stuart Park. The KYC is moving only 180 metres to its new location, which is on immediately adjacent property. The move was necessitated by a City of Kelowna plan which involved the relocation of a seniors' facility and proposed the extension of Stuart Park into the property where the current KYC is located.

The new KYC building will house the members' lounge and dining room, meeting rooms and banquet facilities. In addition there will be a public restaurant component at ground level, which is anticipated to be a Cactus Club. Enclosed with this package are various drawings, including site plans and floor plans which depict the new facility and its various areas.

The KYC's mandate is to promote the betterment and enjoyment of pleasure boating on the waters of beautiful Okanagan Lake. The new facility will assist in fulfilling this charter as they continue to organize many sailing and boating activities throughout the year.

## **2. TARGET MARKET**

Of the target market options provided on the LCLB application form, the KYC's target market includes urban/suburban locals, as well as rural locals and neighbouring communities seeking an upscale yet casual yacht club.

The KYC has been in existence for the past 69 years and its target market has been, and continues to be its existing club members and recruitment of new club members. They offer several types of memberships including regular memberships, social memberships for non-boaters and corporate memberships for businesses. The KYC boasts a private facility in Kelowna's prime waterfront location with exceptional dining and beverage service for members and their guests. They also provide excellent, secure moorage facilities, social events year-round and a fun friendly atmosphere. In addition they have reciprocal privileges at other clubs in the Okanagan and around the world.

The new location, with the addition of the public restaurant, will also attract a new group of the dining public, which exposure could potentially result in more memberships for the club.

## **3. COMPOSITION OF THE NEIGHBOURHOOD**

As per the options on LCLB's application form, the composition of the neighbourhood is best characterised as urban, downtown with some residential.

The new building is located at 1370 Water Street, which is situated in the area classified as Zone P1. A re-zoning application is being processed concurrently with this liquor licence relocation application to change the zoning to P1-LP. The City of Kelowna has already been consulted in this regard and has expressed their support. The City of Kelowna, in fact,



sold the property to the KYC with full support for the proposed new facility and all components thereof.

The site is within the Cultural District of downtown Kelowna providing arts/municipal functions and services. Within the immediate neighbourhood are the City Hall, Law Courts, public library, police station, theatre, art gallery, museum, skating arena Grand Hotel and Casino, restaurants, etc.

The reasonable distance that would be most suitable for determining the neighbourhood composition is 2 blocks, given that it is in a high density downtown area of the City.

Google maps are enclosed, on which we have marked the approximate 2 block radius circle and have identified the various social, public and private facilities within that radius. There are no pre-schools, daycare facilities, seniors' facilities, or Clubs within this radius.

#### **4. BENEFITS TO THE COMMUNITY**

There are financial and non-financial benefits to the community associated with the operation of this facility, including accessible and affordable full-service club amenities.

The KYC's active and supportive role within the community includes providing moorage space for the fire and rescue boats of the City of Kelowna Fire Department, Central Okanagan Search and Rescue and the Disabled Sailing Association. The Club also raises funds for the Disabled Sailing Association. In addition, they support the Variety Club's Boat for Hope which supports families of children with disabilities.

The new clubhouse facility will be much more vibrant and modern than the old building and it is hoped that it will attract and entice an even greater number of people to become members. The new building includes some public facilities as well as the Club facilities.

We would also point out that this is not a new liquor licence and the applicant is not proposing to introduce an additional licensed establishment in the community. Instead, it is a licensed facility that has been operating for many (69) years and has, over the course of those years, established its many benefits to the community. It is simply moving 180 metres to adjacent property, in order to accommodate the expansion of Stuart Park, which is also a benefit to the community.

#### **5. NOISE IN THE COMMUNITY**

Noise will be controlled by the fact that the proposed new clubhouse is constructed of state of the art materials and modern design for optimum soundproofing. All licensed areas will be internalized within the structure, with the exception of the patio, which will adhere to local government noise by-laws. There will also be state of the art security and surveillance systems in place as part of the overall control of the clubhouse and its members and guests.

In addition, there is little residential composition within close proximity to this site and, specifically, not on the waterfront side of the building where the outdoor patio is located.

6. OTHER IMPACTS ON THE SURROUNDING COMMUNITY

There are not anticipated to be any negative impacts on the surrounding community as a result of this clubhouse relocation. Part of the overall development of the land includes an expansion of the municipal park called Stuart Park. The newly constructed clubhouse will bookmark the north end of Stuart Park and provide a patio off the public restaurant facility offering beautiful views of parkland and Okanagan Lake.

In addition a new parkade will provide greater parking service for users of the park and shoreline.

7. OTHER

As previously mentioned herein, the new site does require re-zoning and that application will run concurrently with the liquor licence relocation application.

The Club is somewhat seasonal and weather dependent in terms of the boating component and use of outdoor patio. It is much busier in the summer, but members use the clubhouse all year round.

8. ADDITIONAL REQUESTS

Other than the items stated on the LCLB application form and within this application package, we are not making any additional requests.

Thank you for your prompt review of our application.

Yours very truly,

MAIR JENSEN BLAIR LLP

  
Legal Assistant for:  
DENNIS P. COATES, Q.C.

/amn

Enclosures

cc: Kelowna Yacht Club  
cc: City of Kelowna

Mair Jensen Blair LLP – Lawyers  
700 – 275 Lansdowne Street, Kamloops, BC V2C 6H6 Canada ☎  
Telephone: (250) 374-3161 Toll Free: 1-888-374-3161 Fax: (250) 374-6992 [www.mjblaw.com](http://www.mjblaw.com)





# Liquor Primary Transfer of Location

## Licence Application

Liquor Control and Licensing Form LCLB095

**INSTRUCTIONS:** Complete all applicable fields, attach required documents and submit with payment as outlined in Part 8. You may complete this form, one of two ways: 1) at your computer, save and then print; or 2) by hand - print clearly using dark ink.

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

### PART 1: Type of Application

Fee: \$2000.00 per licence

Office use only

C5 - LIC

Job No.

Please Check (☑) one of the following boxes to indicate the type of application you are submitting:

☐ Liquor Primary Licence - Transfer of Location

☒ Liquor Primary Club Licence - Transfer of Location

Licence Number:

Licence Number: 047536

Liquor-Primary licensees may apply to move the location of their Liquor-Primary establishment. Neither a Liquor Primary nor a Liquor Primary Club licence may be transferred from one establishment location to another unless the new establishment location is considered by the general manager to be located within a reasonably close distance from the existing establishment and within the same community as the existing establishment.

To meet the requirements of "same community", the relocation will be within the publicly recognized area in which the establishment is already located (i.e., downtown core). In determining whether the proposed location is within a "reasonably close distance", the general manager will consider whether the location is within comfortable walking distance from the existing establishment.

A location change is subject to local government resolution. See Part 9 of this form which explains the approval process.

If the relocation is at the same civic address and is within the existing building or is attached to or abutting the existing building, you may need to apply for a structural alteration instead. If in doubt, please contact the branch to confirm that this is the correct application form and process.

An incomplete package will be held for 45 days and if it is still incomplete, the application may be terminated.

### PART 2: Licensee

Licence Name [as on licence]: Kelowna Yacht Club

Mailing address (for all correspondence unless otherwise advised):

1370 Water Street

Street

Kelowna

City

BC

Province

V1Y 1J1

Postal Code

Contact Person: Anita Moore-Nikoras

(Full name)

Title/Position: Agent for Applicant

Business Contact Information:

Tel: 604-559-9114

Fax: 604-559-9115

E-mail: [anita@mjbblaw.com](mailto:anita@mjbblaw.com)

### PART 3: Establishment Information

Note: Establishment/licence name changes and changes to signs, menus, awnings, advertising, etc. are subject to approval by the Liquor Control and Licensing Branch.

Current establishment name: Kelowna Yacht Club

Proposed new establishment name (if applicable): N/A (no change)

Current street address: 1414 Water Street

Street

Kelowna

City

BC

Province

V1Y 1J1

Postal Code

Proposed street address: 1370 Water Street

Street

Kelowna

City

BC

Province

V1Y 1J1

Postal Code

Distance from current address to proposed address (in metres): 180 Metres

Legal description of the proposed site: PID: 029-067-413; Lot 1, DL 139 & 4083, ODYD, Plan 8654 and Part of Lot A, DL 139 & 4083, ODYD, Plan 16592

(Legal description and parcel identifier (PID) or Strata Plan number of the establishment site, found on property tax notice or from Land Titles office)

Local Government or First Nation: City of Kelowna

Local police jurisdiction: RCMP Kelowna Detachment

LCLB095 (Last updated 28 November 2013)

1 of 6

Liquor Primary Transfer of Location



#### PART 4: Establishment Proposal

1. **Proposed person capacity (patrons plus staff):** The person capacity of a licensed establishment must equal the occupant load of the establishment. Capacity must be approved by the LCLB and is subject to local government/First Nations comment. See Part 9 for an explanation of the liquor primary transfer of location approval process.

a) Proposed total interior capacity (occupant load): 474 \*

b) Proposed patio capacity (occupant load): \* patio to be included in total

- c) Describe the patio by addressing the three points in the space below, and, if applicable, providing the documentation requested in the fourth point.

1. Type of perimeter you intend to use to define and bound the patio area (ie: fencing, planters, iron railings, etc.)
2. Whether a portable bar is being used for food and/or liquor service
3. Whether the location of patio is immediately adjacent or contiguous to the interior licensed area

The patio is immediately adjacent to the interior licensed area and it will be bounded by iron railings. A portable liquor service bar may be used on the patio, or service may come from the interior.

4. If patio is located on a public sidewalk or other public property, you must attach written approval from local government or the landlord.

2. **Proposed hours of sale**

☒ Change requested: Complete the table below by entering the opening and closing times **proposed** for the establishment. Hours requested must fall between 9:00 am and 4:00 am of each business day. Any change to liquor service hours will be reviewed by your local government/First Nation for consideration.

☐ No change requested: Complete the table below by entering the **current** opening and closing times for the establishment.

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
OPEN	9 AM	9 AM	9 AM	9 AM	9 AM	9 AM	9 AM
CLOSE	2 AM	2 AM	2 AM	2 AM	2 AM	2 AM	2 AM

3. **Zoning**

If a zoning change/amendment is required, please indicate the status of your application.

Re-zoning application being submitted with local government concurrently to change from P1 to P1-LP.

4. **Catering endorsement**

Do you currently have a Catering endorsement? ☐ Yes ☒ No

If yes, LCLB will re-assess your eligibility for the catering endorsement of your new proposed location by ensuring you meet the following requirements:

- Catering service is focused on the preparation and serving of food.
- The applicant has the personnel and infrastructure necessary to prepare and serve food at events hosted by others. This includes a requirement to have a full commercial kitchen at the applicant's establishment. For more details please see the Catering Terms & Conditions Guide.

Licences with a catering endorsement are subject to an annual licensing fee of \$100 in addition to the annual renewal fees.

Do you wish to keep the catering endorsement at the new location? ☐ Yes ☐ No

#### PART 5: Letter of Intent (functions and services to be provided at proposed new location)

Explain the functions and services your facility or venue will provide at your proposed new location. The information you provide must address all relevant items indicated under each topic. If additional space is required or if you would like to attach a separate sheet please check the box.

☒ I have attached a separate sheet. \* Separate letter of intent enclosed

1. **Purpose.** Describe the purpose and business focus of your establishment. The business focus must fall within beverage service, entertainment and hospitality services and must not be youth oriented.

Part 5 continued on page 3...  
LCLB095

2 of 6

Liquor Primary Transfer of Location

**2. Target Market.** Your proposed establishment will serve mainly (check all that apply):

- ☐ Urban locals    ☐ Suburban locals    ☐ Rural locals    ☐ Neighbouring communities    ☐ Tourists  
☐ Other (please specify): \_\_\_\_\_

**3. Composition of the Neighbourhood**

**A)** The composition of the neighbourhood is best characterized as (check all that apply):

- ☐ Commercial    ☐ Residential    ☐ Industrial    ☐ Light Industrial    ☐ Urban  
☐ Downtown    ☐ Suburban    ☐ Rural    ☐ Agricultural Land Reserve (ALR)    ☐ First Nations' Land  
☐ Other (please specify): \_\_\_\_\_

**B) Provide a site map of the area surrounding your proposed location identifying the following within a reasonable distance\* of the proposed establishment:**

- |   |  |
|---|--|
| • Site location   | • Health care facilities                         |
| • Road access, egress, parking and all residential areas  | • Seniors facilities                             |
| • All other licensed liquor primary or liquor primary club establishments and liquor primary applications in progress | • Recreational/sports facilities                 |
| • Churches  | • Police stations                                |
| • Clubs   | • Fire halls                                     |
| • Schools (K-12, colleges, universities)  | • Libraries                                      |
| • Preschools  | • Government buildings                           |
| • Day care centres  | • Any other social, public or private facilities |

\*Note: What constitutes a reasonable distance will vary depending on individual circumstances.

**Reasonable Distance Guidelines:**

- In a densely populated city or municipality, reasonable distance is probably a 2 block radius;
- In a pocket community having no adjacent developed regional areas (e.g. Gold River, Tumbler Ridge, Whistler, Valemont) reasonable distance is probably the whole community;
- In a rural area having large acre parcels, reasonable distance is probably up to 8 km (5 miles);
- In a moderately populated area of developed subdivisions, suburbs, reasonable distance is probably 1.5 or 2 km (1 mile).

**C) On the same map, please mark the boundaries of the neighbourhood of the proposed location as per the reasonable distance guidelines above. State what distance measure you chose and explain your logic.**

**4. Benefits of the proposed establishment to the community**

Describe the community/market need you are addressing by providing an additional licensed establishment in the community: (e.g. the proposed establishment will be located in a new mixed-use development where businesses, government offices, residences and sports facilities are located and the LP will be meeting a food and beverage need OR there are currently no licensed establishments in the area)

**5. Impact of noise on the surrounding community**

Describe the noise issues expected from your proposed establishment and the measures you will take to ensure others are not disturbed by your establishment: (e.g. entertainment involving amplified music will be addressed by soundproofing walls; noise from outdoor patio will be addressed by closing the patio by 10 p.m.; outdoor entry lineups will be monitored according to our security plan by trained door security and outdoor lighting and cameras will be installed)

Part 5 continued on page 4...

LCLB095

3 of 6

Liquor Primary Transfer of Location



**6. Other Impacts on the surrounding community**

Describe any other issues expected from your proposed establishment and the measures you will take to address them:  
(e.g. late night community disturbance)

**7. Other**

Include any additional information that might be relevant to your application: (such as site requires rezoning, your business is seasonal in nature and only open from May to October, or liquor service is event driven)

**8. Additional Requests**

State any additional requests that you are making as part of your application:

**PART 6: Required Documents (an application must be complete before it can be processed)**

To be considered a "complete application", the following documents must be provided:

- ☐ 1. Completed *Liquor Primary Change of Location* form (LCLB095).
- ☐ 2. Application fee. See Part 8 of this application form.
- ☐ 3. Proof of valid interest in the site proposed for licensing. Provide a copy of the necessary documentation listed below for the type of valid interest relevant to your application:
  - ☐ • 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. The document must bear the same name as the Applicant for the licence. 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) in the Applicant's name. An offer or option must show price paid, have a term and expiry date, and be signed by both the Applicant and the property owner.

**NOTE:** You must continue to hold valid interest in the currently licensed site until the application receives site and community assessment approval or the equivalent.

- ☐ 4. Preliminary concept drawings of the overall establishment, including details of access to the area(s), egress, kitchen, washrooms, bar, stairs, patio area(s) and unlicensed areas (Professionally drawn floor plans with occupant load stamps will be required at a later stage called "plans approval").
- ☐ 5. Site map of the city, municipality, regional district or First Nation property with the proposed location clearly marked.
- ☐ 6. A sketch of the proposed establishment signage. Signs are subject to LCLB approval.

**Motor Vessels, also provide:**

- ☐ 8. a) Evidence of moorage showing that the moorage contract is for at least 12 months from the date the liquor licence is issued.  
b) Site map showing the moorage location and surrounding areas.
- ☐ 9. Floor plans showing public access areas, kitchen/food service areas, liquor service bar and washroom facilities on the vessel.
- ☐ 10. A current captain accreditation certificate.
- ☐ 11. Photocopy of current registration and safety certificates. Motor vessels – Passenger Vessel: *Transport Canada Passenger Vessel Inspection Certificate*; Charter Vessel: *Small Vessel Regulation Certificate* or a *Courtesy Examination for Pleasure Craft*.

**Note:** Relocation of a motor vessel permits a licensee to change the base of motor vessel operations to a new home port, not to transfer the licence to another motor vessel.

## 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 at it's current licensed location.
- I am the owner or lessee of the establishment at it's current licensed location.
- 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:
  - o If the applicant owns the property, a Certificate of Title in the applicant's name.
  - o 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.
  - o 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 name(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.
- For licensees with a catering endorsement: I will be accountable for the overall operation, for all activities at catered events 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.

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

**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:

Name of Official: Ramsden/Murray Position: Board Member Date: 13/02/2014  
(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.**

LCLB095

5 of 6

Liquor Primary Transfer of Location



**PART 8: Application Fee (non-refundable)****\$2000 per licence**

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

Payment is by (check (X) 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

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

☐ I am paying by credit card and submitting my application by fax or mail:

☐ VISA ☐ MasterCard ☐ AMEX

Credit card Number: \_\_\_\_\_ Expiry Date: \_\_\_\_\_ / \_\_\_\_\_

Name of cardholder (as it appears on card): \_\_\_\_\_

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

**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 Fax: 250 952-7066 Web: www.pssg.gov.bc.ca/lc/b E-mail: liquor.licensing@gov.bc.ca

**PART 9: What Happens Next?*****The Liquor Primary Licence transfer of location application and approval process.***

1. The applicant must submit a complete application package and fee to Victoria Liquor Control and Licensing Branch head office.
2. The Liquor Control and Licensing Branch (LCLB) staff will review the application package for completeness and will advise the applicant in writing of any information/documentation required before the application can be considered complete.
3. LCLB staff will request your local liquor inspector conduct a site inspection and provide comments regarding your application.
4. LCLB staff will provide the applicant with a summary of their application requesting any comment or corrections before the application summary is forwarded to the relevant local government or First Nation requesting a resolution or comments.
5. Your local government or First Nation will be asked to provide a resolution or comments on your application. They have 90 days to respond and may ask for an extension of this period. The local government may also choose not to participate in the process but must provide a resolution explaining their decision.
6. Once a resolution has been received, LCLB will review the resolution and the application to determine whether or not to grant site and community assessment. The applicant and the local government or First Nation will be advised in writing of the decision. If approved, the applicant will be advised to provide plans to the branch for approval.
7. When construction or relocation is complete, the applicant should contact the local liquor inspector to arrange for a final inspection. If the new establishment passes inspection, the applicant will be issued a new licence upon receipt of annual fee. For licensees with catering endorsements, the liquor inspector will also confirm that your business location meets the requirements of a catering endorsement.

**IMPORTANT NOTE:** Your COMPLETE application package must contain this application form with responses in all the applicable fields, all the required documentation AND the full fee. If your application is submitted incomplete, it will cause a delay in processing your application.

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

LCLB095

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Liquor Primary Transfer of Location



BCBC 2012 Table 3.1.17.1  
 Room 108 Occupant Load  
 = 50 persons

200 W. PINE STREET  
 PORTLAND, OREGON 97201  
 TEL: 503.442.3443  
 EMAIL: jason@melkrohn.com

233 BROADWAY SUITE 400  
 SEASIDE, OREGON 97138  
 TEL: 503.442.3004  
 EMAIL: tom@melkrohn.com

**m+m**  
 MEIKLEJOHN ARCHITECTS, INC.

*Kelowna Yacht Club*

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NO.	DATE	DESCRIPTION
1	10/1/12	Initial Design
2	10/15/12	Revised Design
3	10/25/12	Revised Design
4	11/5/12	Revised Design
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319	8/5/21	Revised Design
320		



100 N. BROAD STREET  
 FORT WORTH, TX 76102  
 TEL: 817.442.3143  
 EMAIL: jason@meiklejohn.com

2700 KENNEDY AVENUE  
 FORT WORTH, TX 76102  
 TEL: 817.742.7200  
 EMAIL: info@meiklejohn.com

**m+m**  
 MEIKLEJOHN ARCHITECTS INC.



*Kelowna Yacht Club*

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NO.	DATE	DESCRIPTION
1	10/11/17	Initial Design
2	10/11/17	Design Development
3	10/11/17	Final Design
4	10/11/17	Final Design
5	10/11/17	Final Design
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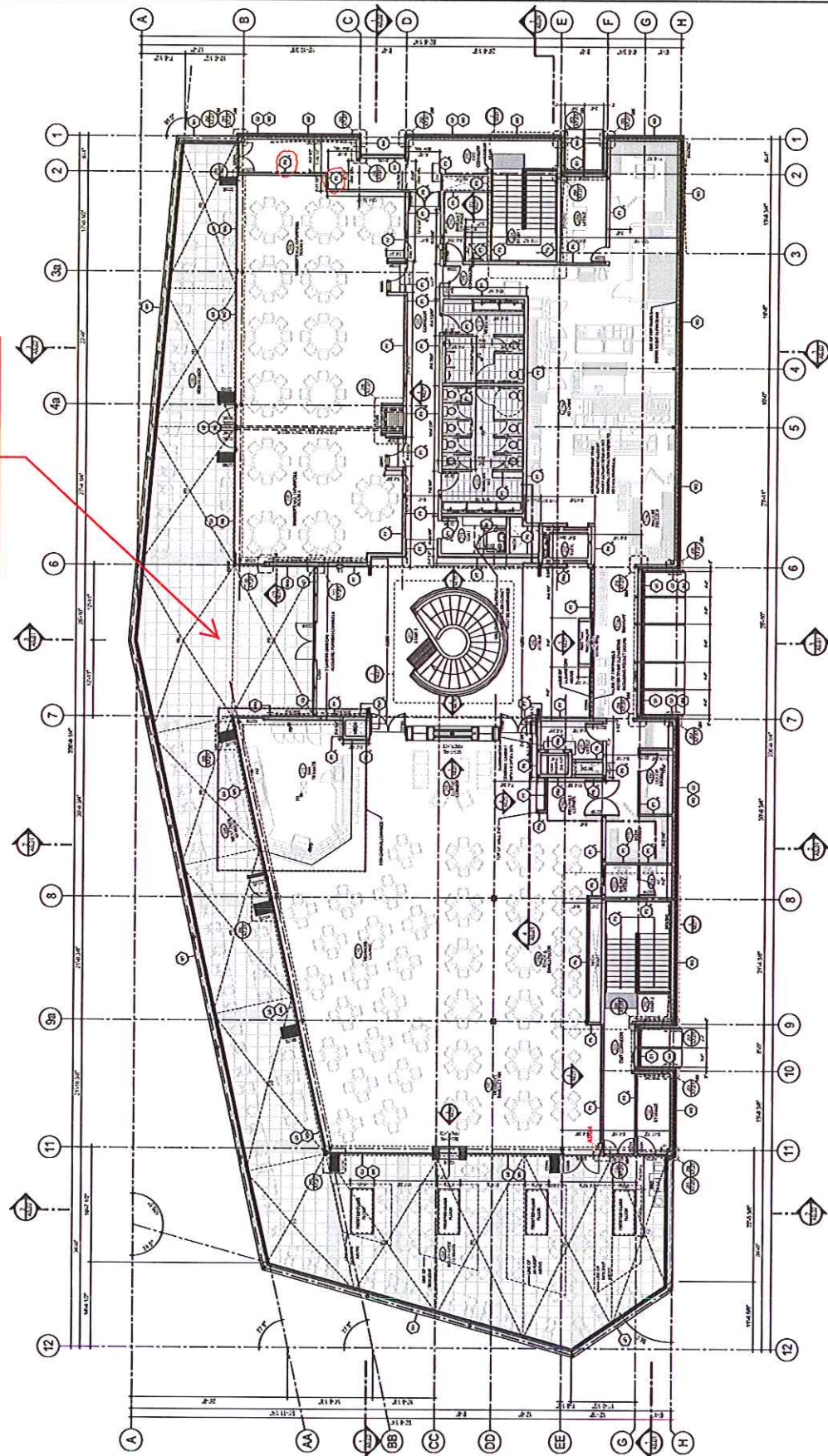
**KELOWNA YACHT CLUB  
 NEW CLUBHOUSE**

**A3.02 R1**

**LEVEL 2 FLOOR PLAN**

NO.	DATE	DESCRIPTION
1	10/11/17	Initial Design
2	10/11/17	Design Development
3	10/11/17	Final Design

Level 2 Occupant Load  
 = 424 persons



- LEGEND**
- FURNITURE
  - PLUMBING
  - ELECTRICAL
  - MECHANICAL
  - STRUCTURAL
  - FINISHES
  - NOTES

**LEVEL 2 FLOOR PLAN**  
 Scale: 1/8" = 1'-0"

# REPORT TO COUNCIL



**Date:** 5/12/2014

**RIM No.** 1940-50

**To:** City Manager

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

**Application:** DVP14-0086      **Owner:** Okanagan Valey Construction Ltd., Inc. No. BC0665697

**Address:** 987 Clement Ave      **Applicant:** Balwinder Takhar

**Subject:** Development Variance Permit

**Existing OCP Designation:** S2RES - Single / Two Unit Residential

**Existing Zone:** RU6 - Two Dwelling Housing

---

## 1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DP14-0086, for Lot 24, Section 30, Township 26, ODYD, Plan 1271 located on 987 Clement Ave, Kelowna, BC.

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

### Section 6.6.4 - Height and Grade Regulations

To vary the maximum permitted width of a dormer from 1.2m to 2.6m

## 2.0 Purpose

The purpose of the 2014 06 10 Report DVP14-0086 987 Clement Ave is to vary the allowable dormer width from 1.2 metres to 2.6 metres.

## 3.0 Urban Planning

The proposed variance is for the dormer width on a new carriage house. The subject property is zoned RU6 - Two Dwelling Housing which permits a carriage house. A Development Permit was issued on December 4<sup>th</sup> 2013 for the form and character and the applicant now wishes to expand the size of the dormer approved by the Development Permit.

Staff are in the process of producing a zoning bylaw amendment to the dormer and carriage house regulations. The old dormer width / height rule restricted dormers to not more than 50% of the roof width. The proposed variance meets the old rule. Staff support this application however, there is concern with privacy regarding the dormer which faces east and directly adjacent to the neighbouring property. This was addressed by only proposing to increase the width of the dormer



but keeping the window size within the door to the same size which was approved in the original Development Permit.

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 metres of the subject site, and to date, City staff has not been contacted with any objections or concerns with the proposed variance.

#### 4.0 Proposal

##### 4.1 Site Context

The subject property is located on the south side of Clement Avenue. The surrounding properties south of Clement Avenue are zoned RU6-Two Dwelling Housing. The properties to the north of the subject property and across Clement Ave are zoned for various industrial uses. The parcel directly to the north across Clement Avenue is zoned I-4 Central Industrial.

##### 4.2 Subject Property Map: 987 Clement Ave:



## 5.0 Zoning Analysis Table

The zoning analysis table is extracted from the 2014 06 10 Report DVP14-0086 987 Clement Ave and shows the requirements of the zone compared to the proposal:

Zoning Analysis Table		
CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Development Regulations		
Site Coverage (buildings)	38.6%	40%
Site Coverage (buildings/parking)	47%	50%
New Principal Dwelling		
Height	2 storeys / 8.78 m	2½ storeys / 9.5 m
Front Yard	4.5 m	4.5 m
Side Yard (west)	2.3	2.3 m (2 - 2½ storey)
Side Yard (east)	2.57	2.3 m (2 - 2½ storey)
Rear Yard	Approx. 19.61 m	7.5 m
Proposed Carriage House		
Height	4.48 m	4.5 m
Front Yard	n/a	4.5 m
Side Yard (west)	2.30 m	2.0 m (1-1½ storey)
Side Yard (east)	2.53 m	2.0 m (1-1½ storey)
Rear Yard	1.96 m	1.5 m
Building Separation	7.29 m	4.5 m
Other Requirements		
Floor Area Ratios	Principal Dwelling: 181.6 m <sup>2</sup> Carriage House: 79 m <sup>2</sup> 43.5%	Lesser of 75% of principal dwelling or 90 m <sup>2</sup>
Accessory building foot print	14%	14%
Parking Stalls (#)	3 spaces	3 spaces
Private Open Space	Meets requirements [37.2 m <sup>2</sup> per dwelling unit]	30 m <sup>2</sup> per dwelling unit

## 6.0 Technical Comments

### Building & Permitting

- No concerns

### Development Engineering

- See attached



## 7.0 Application Chronology

Date of Application Received:

May 8, 2014

Date of Neighbourhood Consultation Received (re: variance):

May 15, 2014

Report prepared by:

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Adam Cseke, Planner

Reviewed by:

☐

Lindsey Ganczar, Supervisor - Urban Planning

Approved for Inclusion:

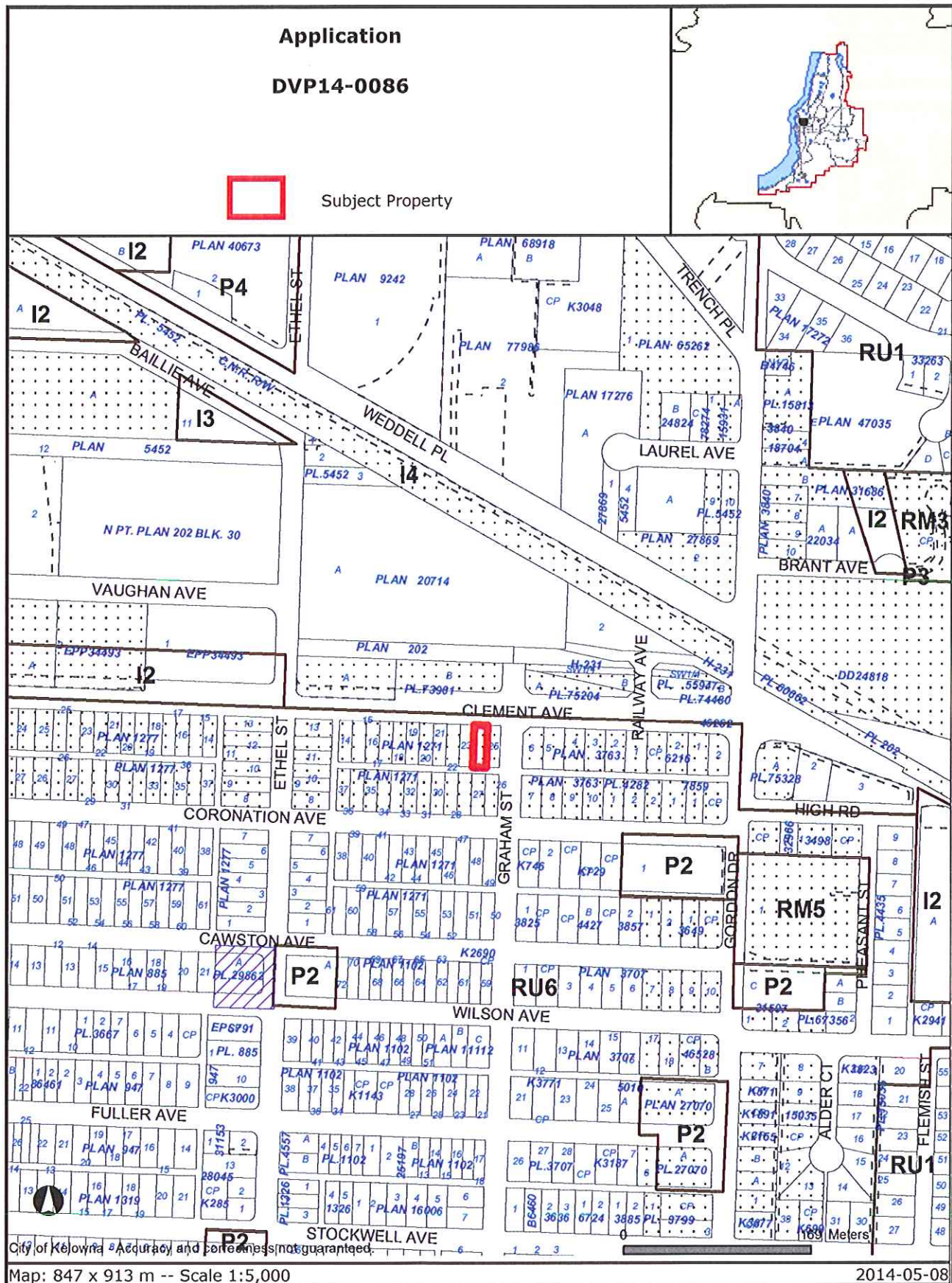
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Ryan Smith, Manager - Urban Planning

### Attachments:

Application package

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.



# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP14-0086

EXISTING ZONING DESIGNATION: RU6 - Two Dwelling Housing  
WITHIN DEVELOPMENT PERMIT AREA: n/a

ISSUED TO: Okanagan Valey Construction Ltd., Inc. No. BC0665697  
LOCATION OF SUBJECT SITE: 987 Clement Ave

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	24		1271	30	26	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 6.6 - Height and Grade Regulations

To vary the maximum permitted width of a dormer from 1.2m to 2.6m

#### 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.

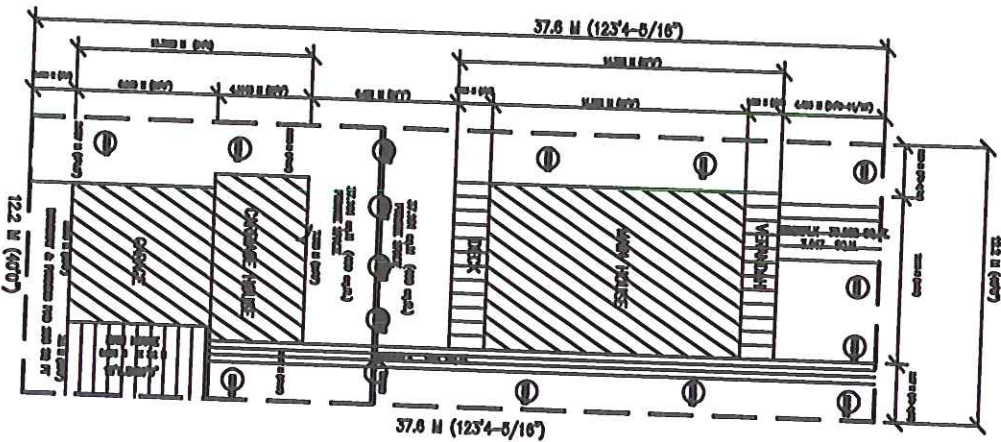
ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE \_\_\_\_ DAY OF \_\_\_\_\_, 2014 BY THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

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



SITE PLAN PLUS LANDSCAPING

CLEMENT AVE.



885 CLEMENT AVENUE  
LOT 24 PLAN 1271  
PLOT 004 224-582

FOOTPRINT OF PROPERTY IS 4000 SQ. FT. (400.00 SQ. M.)

FOOTPRINT OF GARAGE HOUSE IS 704 SQ. FT. (75.78 SQ. M.)

FOOTPRINT OF MAIN HOUSE IS 688 SQ. FT. (63.88 SQ. M.)

FOOTPRINT OF DECKS IS 240 SQ. FT. (22.29 SQ. M.)

FOOTPRINT OF CHLIM AND DECKS IS 1882 SQ. FT. (173.27 SQ. M.)

CORNER 30% OF PROPERTY

FOOTPRINT OF ABOVE IS 1882 SQ. FT. (173.27 SQ. M.)

FOOTPRINT OF PORCHES AND DRIVEWAY IS 188 SQ. FT. (17.32 SQ. M.)

FOOTPRINT OF SHEDS IS 337 SQ. FT. (31.22 SQ. M.)

TOTAL PROPERTY COVERAGE IS 2394 SQ. FT. (221.86 SQ. M.)

TOTAL PROPERTY COVERAGE IS 4000

**SCHEDULE Attachments**

This forms part of development

Permit # **DVP14-0086**

885 CLEMENT AVE. DRAWN BY GARY HEALFIELD  
PLOT 3 OF 6 SCALE 1/8" = 1'-0"  
TUESDAY, 2014 08:00:00 DATE: 08/12/2014  
PROJECT: 004-224-582

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

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**Date:** May 9, 2014  
**File No.:** DVP14-0086  
**To:** Urban Planning (AC)  
**From:** Development Engineering Manager  
**Subject:** 987 Clement Ave

---

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

This development variance permit application to vary the allowable width of the dormers from 1.2 to 2.44m does not compromise any municipal services.

---

Steve Muenz, P. Eng.  
Development Engineering Manager

SS



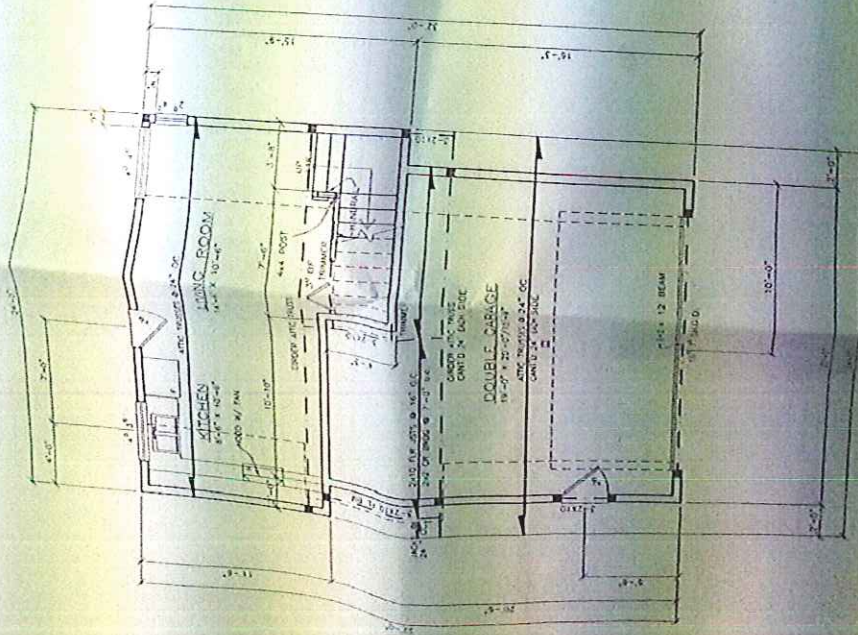


LOFT FLOOR PLAN  
5100 SQUARE FEET (175'x29')

NCE 270

©CLC/BCB/2000/0047 AS PER AGREEMENT

CONSTRUCTION  
ONLY - NOT FOR  
BUILDING PERMIT

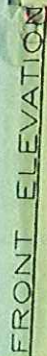


GARAGE FLOOR PLAN

3715 2010Z 1111 (CARR)

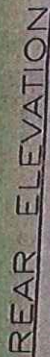
- compare all units of a country





ONLY FOR  
ONLY - NOT FOR  
BUILDING PERMIT

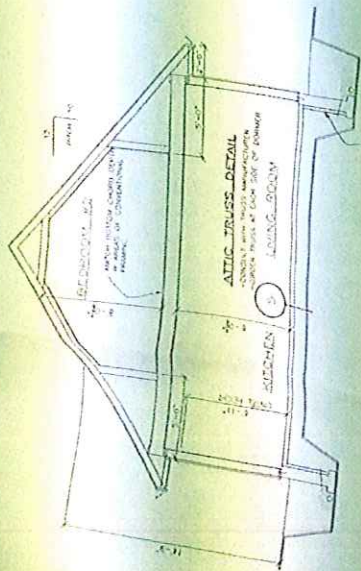
**\*\*No building permit or seal is required based on this copy. Doing so may permit enforcement of building laws.**



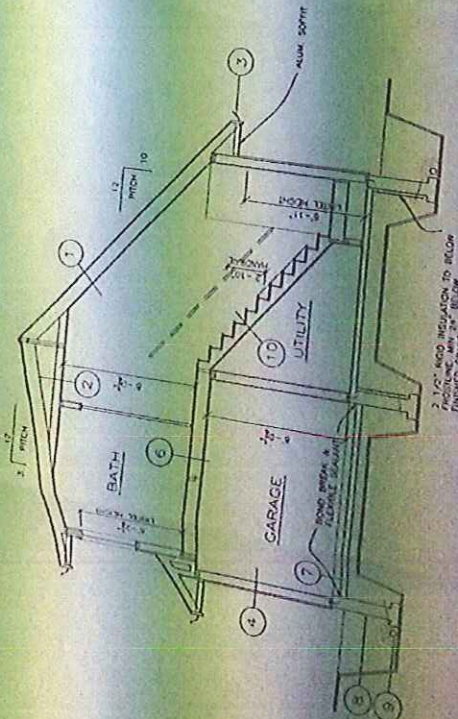


# SPECIFICATIONS

1. ROOF  
ASPHALT SHINGLES  
1/2" MIN. INSULATION  
A. EXTERIOR WALLS: 2" X 4" STUDS @ 16" O.C.  
B. EXTERIOR ROOF: 2" X 4" STUDS @ 16" O.C.
2. CEILING  
2" X 4" STUDS @ 16" O.C.  
1/2" MIN. INSULATION  
A. EXTERIOR WALLS: 2" X 4" STUDS @ 16" O.C.  
B. EXTERIOR ROOF: 2" X 4" STUDS @ 16" O.C.
3. FLOORING  
2" X 4" STUDS @ 16" O.C.  
1/2" MIN. INSULATION  
A. EXTERIOR WALLS: 2" X 4" STUDS @ 16" O.C.  
B. EXTERIOR ROOF: 2" X 4" STUDS @ 16" O.C.
4. EXTERIOR WALL  
2" X 4" STUDS @ 16" O.C.  
1/2" MIN. INSULATION  
A. EXTERIOR WALLS: 2" X 4" STUDS @ 16" O.C.  
B. EXTERIOR ROOF: 2" X 4" STUDS @ 16" O.C.
5. INTERIOR WALL  
2" X 4" STUDS @ 16" O.C.  
1/2" MIN. INSULATION  
A. EXTERIOR WALLS: 2" X 4" STUDS @ 16" O.C.  
B. EXTERIOR ROOF: 2" X 4" STUDS @ 16" O.C.
6. FLOORING  
2" X 4" STUDS @ 16" O.C.  
1/2" MIN. INSULATION  
A. EXTERIOR WALLS: 2" X 4" STUDS @ 16" O.C.  
B. EXTERIOR ROOF: 2" X 4" STUDS @ 16" O.C.
7. CEILING  
2" X 4" STUDS @ 16" O.C.  
1/2" MIN. INSULATION  
A. EXTERIOR WALLS: 2" X 4" STUDS @ 16" O.C.  
B. EXTERIOR ROOF: 2" X 4" STUDS @ 16" O.C.
8. EXTERIOR WALL  
2" X 4" STUDS @ 16" O.C.  
1/2" MIN. INSULATION  
A. EXTERIOR WALLS: 2" X 4" STUDS @ 16" O.C.  
B. EXTERIOR ROOF: 2" X 4" STUDS @ 16" O.C.
9. EXTERIOR ROOF  
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1/2" MIN. INSULATION  
A. EXTERIOR WALLS: 2" X 4" STUDS @ 16" O.C.  
B. EXTERIOR ROOF: 2" X 4" STUDS @ 16" O.C.
10. EXTERIOR WALL  
2" X 4" STUDS @ 16" O.C.  
1/2" MIN. INSULATION  
A. EXTERIOR WALLS: 2" X 4" STUDS @ 16" O.C.  
B. EXTERIOR ROOF: 2" X 4" STUDS @ 16" O.C.



CROSS SECTION  
SCALE 1/4" = 1'-0"



CROSS SECTION  
SCALE 1/4" = 1'-0"

# GENERAL NOTES

1. FOUNDATIONS  
A. EXTERIOR WALLS: 2" X 4" STUDS @ 16" O.C.  
B. EXTERIOR ROOF: 2" X 4" STUDS @ 16" O.C.
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**CONSTRUCTION**  
**ONLY - NOT FOR**  
**BUILDING PERMIT**

No building permit should be issued based on this copy.  
Going to may permit infringement of copyright laws.

# JENISH HOUSE DESIGN LIMITED



SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
○	ROOF	○	CEILING	○	FLOORING
○	EXTERIOR WALL	○	INTERIOR WALL	○	DOOR
○	WINDOW	○	STAIR	○	BATH
○	GARAGE	○	UTILITY	○	PLUMBING
○	ELECTRICAL	○	MECHANICAL	○	HEATING
○	COOLING	○	VENTILATION	○	INSULATION
○	FOUNDATION	○	FOUNDATION	○	FOUNDATION