City of Kelowna Regular Council Meeting AGENDA

Tuesday, April 28, 2015

Council Chamber

6:00 pm

FRUITFUL IN UNITY

(City Hal	l, 1435 Water Street	Pages
1.	Call to	o Order	
2.	Praye		
	A Pray	ver will be offered by Councillor Stack.	
3.	Confir	mation of Minutes	1 - 9
		Hearing - April 14, 2015 ar Meeting - April 14, 2015	
4.	Bylaw	s Considered at Public Hearing	
	4.1	605 Wallace Road, BL11079 (Z15-0003) - Robert John Volk & Gwendlyn Genevive Miller	10 - 10
		To give Bylaw No. 11079 second and third readings in order to rezone the subject property.	
	4.2	BL11077 (OCP14-0002) - Amendments to Chapter 14, Urban Design DP Guidelines	11 - 13
		Requires a majority of all members of Council (5). To give Bylaw No. 11077 second and third readings in order to amend the Official Community Plan to clarify Development Permit Guidelines in Limited Industrial areas.	
	4.3	BL11082 (TA14-0001) - Amendment to Section 15, Industrial Zones	14 - 18
		To give Bylaw No. 11082 second and third readings in order to amend Zoning Bylaw No. 8000.	
5.	Notific	cation of Meeting	
		ity Clerk will provide information as to how the following items on the Agenda publicized.	

6. Liquor License Application Reports

	6.1	293-297 Bernard Avenue (Unit 1500 Water Street), LL15-0002 - Viewcrest Estates Ltd.	19 - 31
		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 Council's support for a proposed change to an existing Liquor Primary license.	
	6.2	267-271 Bernard Avenue (Unit 271 Bernard Avenue), LL15-0004 - Dutchcad B.I.L. Investments Ltd.	32 - 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 liquor license application to come forward. To seek Council's support for a Food Primary Liquor License with closing after midnight and for a Patron Participation Entertainment endorsement for a food primary establishment located on the subject property.	
	6.3	2986-3030 Pandosy Street, LL14-0017 - AD Sopa Holdings Inc.	48 - 66
		City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the liquor license application to come forward. To seek Council's support for a Food Primary Liquor License with closing after midnight and for a Patron Participation Entertainment endorsement for a new food primary establishment to be located on the subject property	
7.	Devel	opment Permit and Development Variance Permit Reports	
	7.1	1290 Bothe Road, DVP15-0014 - Cheryl Rogers	67 - 81
		City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward. To consider a side yard setback variance for an addition.	
	7.2	845 Bernard Avenue, DVP15-0046 - Wendy Marcolli	82 - 93
		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.	
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To consider a variance to the height of an accessory building.

7.3	1480 Guisachan Place, DVP15-0037 - Andrew & Joan Marceau	94 - 105
	City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward. To seek a Development Variance Permit to vary the rear yard setback.	
7.4	1502 & 1506 Sutherland Avenue, DP15-0033 & DVP15-0034 - Nor-Can Ventures Ltd.	106 - 149
	City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward. To consider a Development Permit and Development Variance Permit for a phased mixed use commercial and residential building as well as an expanded car wash.	
7.5	2422 Richter Street, DVP15-0039 - David & Janet Garland	150 - 161
	City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward. To seek a Development Variance Permit to vary the rear yard setback.	
7.6	1539-1541 Bedford Avenue, 1507-1511 Dickson Avenue and 1517-1521 Dickson Avenue, BL11051 (Z14-0050) - Dickson Avenue Holdings Ltd.	162 - 162
	To adopt Bylaw No. 11051 in order to rezone the subject property.	
7.7	1539-1541 Bedford Avenue, 1507-1511 Dickson Avenue & 1517-1521 Dickson Avenue, DP14-0197 & DVP14-0195 - Dickson Avenue Holdings Ltd.	163 - 191
	City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward. To review the form and character Development Permit for a multi-family apartment building, and to consider five variances to the Zoning Bylaw.	

- 8. Reminders
- 9. Termination



City of Kelowna Public Hearing Minutes

Date: Location: Tuesday, April 14, 2015 Council Chamber City Hall, 1435 Water Street

Members Present

Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben, Mohini Singh and Luke Stack

Staff Present

City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Agriculture and Environment Manager, Todd Cashin*; Urban Planning Manager, Ryan Smith; Urban Planning Supervisor, Lindsey Ganczar; Council Recording Secretary, Arlene McClelland

*(Denotes partial attendance)

1. Call to Order

Mayor Basran called the Hearing to order at 6:01 p.m.

Mayor Basran 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 March 31, 2015 and by being placed in the Kelowna Capital News issues on April 3 and 8, 2015 and by sending out or otherwise delivering 46 statutory notices to the owners and occupiers of surrounding properties, and 1729 informational notices to residents in the same postal delivery route, between March 31 and April 3, 2015. The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

3. Individual Bylaw Submissions

3.1 4975 Buckhaven Court, BL11072 (OCP15-0003) & BL11073 (Z14-0057) - Vincent & Pamela Blaskovich

Staff:

- Provided a PowerPoint presentation summarizing the application and responded to questions from Council.

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The Deputy City Clerk advised that the following correspondence was received:

Letters of Opposition or Concern Steve Morrison, Steele Road Frank Crossley, Silver Stag Ct.

Submission From Applicant Letter as submitted by the applicant, Pamela and Vincent Blaskovich

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

Dave Lange, Development Manager, Representative for Applicant,

- Provided a PowerPoint presentation on the proposed development.
- The development is consistent with OCP Policies and direction.
- The proposed rezoning is for RU1 Large Lot Housing in keeping with the S2RES designation in the central area for Phase 3 of The Ponds Bellevue.
- Approximately 31 single family residential lots will be created through this development, extending from Fawn Run Road in Phase 2 to the west. There is sufficient access and egress for the lots. The area is well suited for families. The neighbourhood plan consists of 23 km of trails and green space.
- Dedicated 70% of the site to the City for parks; primary top of ravine trail will be paved along the ridge; secondary trail off the usual track and less accessible; includes a ravine with corridor for wildlife that is less accessible to the public. An assessment identified concerns with extending accessible trail into the ravine therefore changed the plan to keep at the top of the ridge.
- Confirmed that trails will have no negative impact to the environment.
- One small area will be allocated for the Booster Station which is in a natural depressed area. Visual impact from the road is minimal as it's tucked into a slope. Visual impact from the cul-de-sac will be softened with landscaping. Must follow strict architectural guidelines to blend in.
- Confirmed that construction traffic from the east will be along Gordon Drive, from the west along Frost Road. There are only 31 lots so construction traffic will not be heavy.
- Went through a comprehensive planning process and traffic was addressed through that process; Not a significant amount of traffic being added and traffic is handled very well.
- Estimated another 5 years of development to build out. Responded to questions from Council.

Gallery:

Jacqueline Brisebois, Steele Road

- Mr. Morrison is my neighbour.
- Raised concern with increased traffic and construction workers driving heavy trucks on Steele Road which is quite narrow. Concerned for the many children and pets in the area. Raised concern with the tight left turn onto Buckhaven Court.
- Inquired if the use of South Perimeter Road was considered as an option.

Kelly Bolin, Steele Road

- Raised concern with Steele Road being so narrow for the volume of traffic and size of vehicles.
- Steele Road needs improvements.

Dave Lange, Applicant

- Steele Road is designed as a collector road in the area.
- In construction of the development the earth balance is equal and the majority of earth is on-site; there will not be a lot of traffic back and forth for site preparation.
- Will consult owners regarding children at play signage along Steele Road but believes that would be a reasonable approach.
- Anticipate construction to begin this Fall.

There were no further comments.

4. Termination

The Hearing was declared terminated at 6:38 p.m.

	Kreedh	
Mayor	- Aneroth	Deputy City Clerk
Mayor /acm		Deputy City Clerk



City of Kelowna

Date:Tuesday, April 14, 2015Location:Council ChamberCity Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben, Mohini Singh and Luke Stack

Staff Present City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Agriculture and Environment Manager, Todd Cashin*; Urban Planning Manager, Ryan Smith; Urban Planning Supervisor, Lindsey Ganczar; Council Recording Secretary, Arlene McClelland

*(Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 6:38 p.m.

2. Prayer

A Prayer was offered by Councillor Singh.

3. Confirmation of Minutes

Moved By Councillor DeHart/Seconded By Councillor Gray

R278/15/04/14 THAT the Minutes of the Public Hearing and Regular Meeting of March 31, 2015 be confirmed as circulated.

Carried

- 4. Bylaws Considered at Public Hearing
 - 4.1 4975 Buckhaven Court, BL11072 (OCP15-0003) Vincent & Pamela Blaskovich

Moved By Councillor Given/Seconded By Councillor Hodge

R279/15/04/14 THAT Bylaw No. 11072 be read a second and third time.

Carried

4.2 4975 Buckhaven Court, BL11073 (Z14-0057) - Vincent & Pamela Blaskovich

Moved By Councillor Hodge/Seconded By Councillor Gray

R280/15/04/14 THAT Bylaw No. 11073 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 176 statutory notices to the owners and occupiers of surrounding properties, and 4997 informational notices to residents in the same postal delivery route, between March 31 and April 3, 2015.Notice of this (amendments to Manufacturer Distillery Lounge Area endorsement application) were advertised by being posted on the Notice Board at City Hall on March 31, 2015, and by being placed in the Kelowna Capital News issues on April 3 and April 8, 2015 and by sending out or otherwise delivering 24 statutory notices to the owners and occupiers of surrounding properties, and 500 informational notices to residents in the same postal delivery route, between March 31 and April 3, 2015.

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

6. Liquor License Application Reports

6.1 267 Bernard Avenue, LL15-0003 - Dutchcad B.I.L. Investments Ltd.

Staff:

- Provided a PowerPoint presentation summarizing the application and responded to questions from Council.

The Deputy City Clerk advised that no correspondence was received.

Mayor Basran invited the applic<mark>ant</mark> or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Tyler Dyck, Herbert Heights, Applicant

Want to provide a tasting room experience for tourists and residents to taste local spirits.

There were no further comments

Moved By Councillor Sieben/Seconded By Councillor Gray

<u>R281/15/04/14</u> THAT Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 18 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

- 1. Council's comments on the Liquor Control & Licensing Branch (LCLB)'s prescribed considerations for the application from at address:267 Bernard Ave., Kelowna BC, (legally described as Amended Lot 14 (DD142773F), Block 13, District Lot 139, ODYD, Plan 462, for a Manufacturer Distillery Lounge Area endorsement, are as follows:
 - a) The Manufacturer Distillery Lounge Area is located within the building located at 267 Bernard Ave. and the associated patio area.

- b) The proximity of the Manufacturer Distillery Lounge Area to other social or recreational facilities and public buildings are as noted on the attached map. The potential for negative impacts is considered to be minimal.
- c) The person capacity of the Manufacturer Distillery Lounge Area; Interior retail area - 10 persons Outdoor patio area - 13 persons Total capacity - 23 persons
- d) Hours of liquor service on the Lounge Area are proposed to be 11:00 AM to 1:00 AM Sunday to Saturday.
- e) Traffic, noise, parking and zoning: There is minimal increase in traffic or parking associated with this application. The parking meets zoning bylaw regulations for the proposed use. The use is permitted under the current C7 -

Central Business Commercial zone.

- f) The impact on the community if the application is approved: is not anticipated to be major, as the proposed development is expected to add more options to the downtown area, and is expected to benefit other downtown tourist related businesses. Surrounding social or recreational facilities will not conflict with the proposed establishment.
- g) Recommendation: Council recommends that the application for a Manufacturer Distillery Lounge Area Endorsement be approved for a total 23 person capacity.

Carried

7. Development Permit and Development Variance Permit Reports

7.1 1449 Velocity Street, DVP15-0006 - 0871545 BC Ltd.

Staff:

Provided a PowerPoint presentation summarizing the application and responded to questions from Council.

The Deputy City Clerk advised that no correspondence was received.

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

Neil Jaud, Distefano Architecture, Ellis Street, Applicant

- Described exterior finishes to the building.
- The variance has been requested in order to meet operational requirements, including safety, for operating equipment within the site.

There were no further comments

Moved By Councillor Stack/Seconded By Councillor Given

R282/15/04/14 THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0006, for Lot 6, SEC. 11, TWP. 23, O.D.Y.D., Plan EPP12718, located on 1449 Velocity Street, Kelowna, BC;

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

3

Section 18: CD 15: Airport Business Park:

- a) Sub-Section 1.5.1: Development Regulations To vary the front yard setback for HWY 97 frontage from 7.0m required to 6.4m proposed.
- b) <u>Sub-Section 1.5.3(c): Development Regulations</u> To vary the front yard setback for Velocity Street frontage from 6.0m required to 3.9m proposed.

Section 8: Parking and Loading

Table 8.1: (Off-Street Vehicle Parking) To vary number of parking stalls from 59 stalls required to 56 stalls proposed.

AND FURTHER THAT this Development Variance Permit be valid for two (2) years from the date of Council approval, with no opportunity for extension.

Carried

635 Roanoke Avenue, DP15-0001 & DVP15-0002 - Linda Smith & Richard 7.2 Nathorst

Staff:

Provided a PowerPoint presentation summarizing the application and responded to questions from Council.

The Deputy City Clerk advised that no correspondence was received.

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

Applicant:

Present and available for questions.

There were no further comments

Moved By Councillor DeHart/Seconded By Councillor Hodge

R283/15/04/14 THAT Council authorizes the issuance of Development Permit No. DP15-0001 for Lot 9, Block, 1, District Lot 9, ODYD, Plan 1306, located on 635 Roanoke Avenue, Kelowna, BC subject to the following:

- 1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- The exterior design and finish of the building to be constructed on the land be in 2. general accordance with Schedule "B";
- 3. Prior to issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied as described in the attached report dated January 15th 2015";

AND THAT Council authorize the issuance of Development Variance Permit No. DVP15-0002 for Lot 9, Block, 1, District Lot 9, ODYD, Plan 1306, located on 635 Roanoke Avenue, Kelowna, BC

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

Section 13.6.6 (d) Development Regulations

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Vary the west side yard setback requirement from 2.3 metre required setback to 0.73 metre proposed.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit / Development Variance Permit Applications in order for the permit to be issued.

AND FURTHER THAT this Development Permit / Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

7.3 WITHDRAWN - 120 Homer Road, DP14-0137 & DVP10-0076 - Nathan Morden

7.4 850 Saucier Avenue, DVP15-0023 - Murano Strata KAS 3577

Staff:

Provided a PowerPoint presentation summarizing the application and responded to questions from Council.

The Deputy City Clerk advised that the following correspondence was received:

Letters of Opposition or Concern Robert A. Holden, Saucier Avenue Jennie Kostyc, Saucier Avenue

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

John Klempner, Leon Avenue, Applicant, Murano Strata Representative:

- Currently three visitor parking spots are rented out to tenants. Asking for the variance to convert these three designated visitor parking stalls to tenant use.
- Believes that by converting the three visitor parking stalls there will be three less vehicles parking on the street; tenants parking on street for longer periods of time than visitors.
- Confirmed owner of one unit but does not reside in the unit.
- Stated that during the day at any given time the visitor parking spaces are vacant. The only time visitor parking is full is on moving day.
- Responded to questions from Council.

Staff:

- Clarified that two letters of support were submitted with the application.

Gallery:

Marie Cult, on behalf of mother, Jennie Kostyc

- Advised her mother owns a unit but is not well enough to attend the meeting.
- Mother receives IHA care and care aides spend more time trying to find on-street parking due to full visitor parking stalls that it lessens her mother's services and all her needs are not met.
- At the time of purchasing mother's unit it was explained that there were 10 visitor parking stalls. Strata keep advising that there are only 7 visitor parking stalls.

John Klempner, Applicant

- Owners have been informed that Strata controls the three visitor parking stalls in question.
- Över half the units are rentals and due to the demographics there can be 3 vehicles per unit.

- Commented that at some point Strata started to rent out the three designated parking stalls.
- There is currently a waiting list for parking.
- Tenants not using their parking space may rent it out and use the waiting list compiled by Strata.

Council

- Encouraged Strata to re-examine their parking allocation to see if there is an opportunity to meet the needs of their residents.

There were no further comments

Moved By Councillor Stack/Seconded By Councillor Hodge

<u>R284/15/04/14</u> THAT Council <u>NOT</u> authorize the issuance of Development Variance Permit No. DVP15-0023, Plan KAS3577, located on 850 Saucier Avenue, Kelowna, BC.

> Carried Councillors Donn and Given - Opposed

8. Resolutions

8.1 TO BE DEFERRED - 4962 Lakeshore Road, DP15-0009 & DVP15-0008 - Shane Jones

Deputy City Clerk:

- Clárified that there was an outstanding condition that had not been met by this evening and therefore are unable to defer this item to a specific meeting. The item was removed and will be brought back to Council.
- 9. Reminders Nil.
- 10. Termination

The meeting was declared terminated at 7:51 p.m.

Deputy City Clerk

Mayor /acm

CITY OF KELOWNA

BYLAW NO. 11079 Z15-0003 - Robert Volk and Gwendlyn Miller 605 Wallace Road

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

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

- 1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 5, Section 35, Township 26, ODYD, Plan 18566, located on Wallace Road, Kelowna, B.C., from the RR3 Rural Residential 3 zone to the RR3c Rural Residential 3 with Carriage House zone.
- 2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 13th day of April, 2015.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11077

Official Community Plan Amendment No. OCP14-0002 Amendments to Chapter 14 - Urban Design DP Guidelines

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 5.8 **Urban Design DP Area Designation** of "*Kelowna 2030* Official Community Plan Bylaw No. 10500" be deleted in its entirety and replaced with a new Map 5.8 **Urban Design DP Area Designation** as outlined in Schedule "A" attached;
- 2. AND THAT Chapter 14 Urban Design DP Guidelines, A. Comprehensive Development Permit Area (Multiple unit Residential, Commercial and Industrial Design Guidelines be amended by adding a new Section 18.0 Transitional Industrial in its appropriate location the following:

"18.0 Transitional Industrial

In areas designated for Industrial - Limited use, these guidelines must be considered as well as all other guidelines in this section.

- 18.1 Industrial development adjacent to residential land uses must be planned, landscaped and screened to maintain the privacy of residential uses.
- 18.2 Where new industrial development is occurring adjacent to residential uses, window openings shall be placed to reduce the opportunity for overlook and be offset from residential windows.
- 18.3 Unfinished concrete block shall not be used as an exterior building material for principal facades or where the facade faces a residential land use.
- 18.4 Where loading doors face the street, they shall be set back from the main building plane.
- 18.5 The primary entrance of the main building on site should face the roadway.
- 18.6 Where security concerns limit windows and other openings, building design should employ other design techniques to avoid creating long blank walls.
- 18.7 Rooftop screening of mechanical and electrical equipment must be provided using materials consistent with the treatment of principal facades.

- 18.8 All lighting shall be oriented facing the site, pointed in a downward direction and constructed at the lowest practical elevation to minimize light trespass over surrounding properties.
- 18.9 Tall, broadcast or flood lights are not permitted.
- 18.10 Where possible, parking and outdoor storage should be located behind buildings or other structures. Where parking and storage is not behind buildings, it must be screened with landscaping or fencing.
- 18.11 Unpaved parking and storage surfaces should be made dust free through design or treatment."
- 3. 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 13th day of April, 2015.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Schedule "A"



CITY OF KELOWNA

BYLAW NO. 11082 TA14-0001 - Amendment to Section 15-Industrial Zones

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, Section 15 Industrial Zones, 15.6 I6 Low-Impact Transitional Industrial (Liquor Primary) be amended by:
 - Adding to 15.6.1 Purpose, after the first sentence the following: "Uses should be primarily indoors, with limited outdoor storage behind extensive buffering or screening.";
 - b) Adding in its appropriate location to **15.6.2 Principal Uses** "Business Support Services" and "Outdoor Storage" and renumber subsequent sub-paragraphs;
 - c) Deleting from **15.6.2 Principal Uses "Food Primary Establishment**" and "Liquor Primary Establishment, minor" and renumber subsequent sub-paragraphs;
 - d) Adding to **15.6.3 Secondary Uses** a new sub-paragraph "d) **secondary suite within single dwelling housing**" in its appropriate location;
 - e) Deleing 15.6.5 Development Regulations, in its entirety that reads:
 - a) The maximum **floor area ratio** is 1.0.
 - b) The maximum **site coverage** is 60% including **buildings**, driveways and parking areas.
 - c) The maximum **height** is as follows:
 - Lesser of 2 ½ storeys or 9.5 m for residential buildings and structures.
 - Lesser of 3 storeys or 14.0 m for industrial buildings and structures.
 - d) The minimum **front yards** are as follows:
 - 4.5 m for all **buildings** and **structures**.
 - 9.0 m from a garage or **carport** having vehicular entry from the front.
 - 6.0 m for portions of industrial **buildings** and **structures** greater than two **storeys** or 9.5 m in **height**.
 - e) The minimum **side yards** are as follows:
 - 3.0 m for residential buildings and structures.
 - 0.0 m for industrial **buildings** and **structures**, except when adjacent to a residential land use it is 3.0 m for a one **storey** industrial **building** or **structure** (not to exceed 4.5 m in **height**) and 7.5 m for industrial **buildings** and **structures** greater than one **storey** in **height**.
 - In all cases, not less than 4.5 m from a flanking street.
 - f) The minimum **rear yards** are as follows:
 - 7.5 m for residential **buildings** and **structures**.
 - 0.0 m for industrial **buildings** and **structures**, except when adjacent to a residential land use it is 30.0 m"

And replace it with a new **15.6.5 Development Regulations** that reads:

- "a) The maximum **site coverage** is 50%.
- b) The maximum **height** is as follows:
 - Lesser of 2 ½ storeys or 9.5 m for residential **buildings** and **structures**
 - Lesser of 2 ½ storeys or 9.5 m for industrial **buildings** and **structures**.
 - No more than 4.8 m for accessory buildings or structures.
- c) The minimum **front yards** are as follows:
 - 4.5 m for all **buildings** and **structures**.
 - 6.0 m from a garage or **carport** having vehicular entry from the front.
- d) The minimum **side yards** are as follows:
 - 3.0 m for residential **buildings** and **structures**.
 - 4.5 m for industrial buildings and structures, except it is:
 7.5 m where the side yard is adjacent to a non-industrial future land use designation.
- e) The minimum rear yards are as follows:

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- 7.5 m for residential **buildings** and **structures**.
 - 7.5 m for industrial **buildings** and **structures**, except it is:
 - 30.0 m where the **rear yard** is adjacent to a non-industrial future land use designation."
- f) Deleing **15.6.6 Other Regulations** sub-paragraph c) in its entirety that reads "Drive in food services are not a permitted form of development."
- g) Deleing **15.6.7 Building massing and design** in its entirety that reads:
 - "15.6.7 Building massing and design
 - a) **Buildings** shall be oriented to prominently address the **street** and shall include **street**-facing, human-scale elements including windows and identifiable pedestrian entrance doors. Glazing on the principal façade should amount to not less than 30% of the total façade.
 - b) Façade design should incorporate elements and style from commercial and/or residential **buildings**, as opposed to purely industrial/utilitarian design.
 - c) Front façade design should promote no more than a two **storey** presence. Higher portions of the building should be set back and finished with different colour(s) and/or material(s) that the first two **storeys**.
 - d) Where new industrial **development** is occurring adjacent to residential uses, window openings shall be placed to reduce the opportunity for overlook and should be offset in plan from residential windows.
 - e) Unfinished concrete block shall not be used as an exterior building material for principal facades or when the façade faces a residential land use.

- f) Rooftop screening of mechanical and electrical equipment shall be provided using materials consistent with the treatment of principal facades.
- g) When loading doors occur on **street** facing facades they shall be set back from the main building plane and articulated in a manner that compliments the **building** façade.
- h) Signage shall be limited to discrete sign band areas on the building and/or low level free standing signage areas incorporated into the front yard landscaping. Large areas of signage shall not dominate the front façade of the building."
- h) Deleing 15.6.8 Light, noise, dust, odour and emissions in its entirety that reads:

"15.6.8 Light, noise, dust, odour and emissions

- a) Energy efficient light sources (e.g. LED) and energy sources (e.g. solar) are encouraged.
- b) All lighting shall be oriented such that it faces into the site, is downward directional, and is constructed at the lowest elevation practical for the intended application so as to minimize light trespass onto neighbouring properties.
- c) All activities resulting in dust, odour, noise or other emissions must take place inside a structure designed to contain said emission. Building ventilation must adequately remove/filter the emission (e.g. dust or odour) and not simply expel it from the building.
- d) Tall, broadcast or flood light sources are not permitted.
- e) Outdoor paging or sound broadcast systems are not permitted."
- i) Deleing 15.6.9 Landscaping, buffering and parking in its entirety that reads:

"15.6.9 Landscaping, buffering and parking

- a) Parking within the **front yard** shall be limited to customer and visitor parking only; all other parking should be provided elsewhere on site.
- b) Permeable or alternate paving surface treatments are encouraged for light duty parking areas (e.g. customer or visitor parking). Swales and biofiltering are encouraged to be incorporated into **landscaping** adjacent to parking areas in order to aid storm water infiltration.
- c) **Landscape** materials shall be drought tolerant and appropriate for the Okanagan climate. Rain water capture and re-use for irrigation is encouraged.
- d) **Fencing** (in addition to **landscaping**) shall be installed on all property boundaries adjacent to residential use. All installed **fencing** shall be opaque except for decorative fencing in a front yard.
- e) Where new industrial **development** is occurring adjacent to residential land uses, the interface shall be site planned, designed, and **landscaped** to promote privacy for the residential land use.

And replace it with a new 15.6.9 Landscaping, buffering and parking that reads:

- "a) No parking shall be permitted:
 - in the front yard except visitor and residential parking;
 - in required **side yards**;
 - in the **rear yard** within 7.5m of an adjacent non industrial future land use designation."
- j) Deleing **15.6.10 Landscaping, buffering and parking** in its entirety that reads:

"15.6.10 Outdoor storage and display

- a) **Outdoor storage ancillary** to a permitted **use** is not permitted in the **front yard**, or within the minimum **side and rear yard** setbacks (but may be accommodated in the **side and rear yards** when located beyond the minimum setback).
- b) All **outdoor storage** shall be screened from view of any **street** or adjoining property utilizing opaque **fencing** and **landscaping** materials which are consistent with the overall **site development**.
- c) **Outdoor storage** shall be consolidated into a single area per lot.
- d) **Outdoor storage ancillary** to a permitted **use** shall not exceed in area the **building** area used by the **business** on the property to perform its operations.
- e) There shall be no **outdoor storage** of toxic, noxious, explosive, odorous or radioactive materials.
- f) Materials in **outdoor storage** shall be associated with the principal **use** located on the site, and there shall be no **outdoor storage** of unrelated materials.
- g) Illumination of **outdoor storage** areas shall be such that light falling onto abutting properties is minimized.
- h) Outdoor display or sales, or **non-accessory parking**, shall not encroach into **landscaped** areas.
- i) Equipment or vehicles in an outdoor display or sales, or **non-accessory parking**, shall not be in a state of disrepair.
- j) Lighting of outdoor display areas shall not include broadcast light fixtures but rather directional lighting specific to the display items."

And replace it with a new **15.6.10 Outdoor storage and display** that reads:

- "15.6.10 Outdoor storage and display
 - a) No outdoor storage is permitted in the front yard or in required side or rear yard setbacks.
 - b) All **outdoor storage** shall be screened from view of any **street** or adjoining property utilizing opaque **fencing** and **landscaping** materials which are consistent with the overall **site development**.
 - c) **Outdoor storage** shall be consolidated into a single area per lot.

- d) Outdoor display or sales, or **non-accessory parking**, shall not encroach into **landscaped** areas."
- 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 13th day of April, 2015.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date:	3/23/2015			Kelown
RIM No. 0930-50				
То:	City Manager	er		
From:	Community P	lanning and Real Estat	ce (PMc)	
Application:	LL15-0002		Owner:	Viewcrest Estates Ltd. Inc. No. 80372
Address:	293 - 297 Ber (Unit 1500 Wa		Applicant:	Fresco Restaurant Ltd. (Audrey Surrao)
Subject: Liquor Licens		e Application		
Existing OCP Designation:		Mixed Use (Residential /Commercial)(MXR)		
Existing Zone:		C7 - Central Business Commercial		

1.0 Recommendation

THAT Council directs Staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

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

Council's comments on the Liquor Control & Licensing Branch (LCLB)'s prescribed considerations for the application from Fresco Restaurant Ltd. 293-297 Bernard Avenue (unit address 1500 Water St.), Kelowna BC, (legally described as Lot 10, Block 13, DL 139, O.D.Y.D., plan 462 and Lot 11, Block 13 District Lot 139, ODYD Plan 462 except Plan 9892) to add a patio with capacity of 11 persons to an existing Liquor Primary license are as follows:

a) The impact of noise on the community in the immediate vicinity of the establishment: The potential for noise would be compatible with surrounding land uses.

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

The proposed addition of a patio area to the existing license would add to the continued development of a safe, vibrant Downtown area.

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) Recommendation:

Council recommends that the application for a change to a Liquor Primary license to add a

patio be approved

1.0 Purpose

To seek Council's support for a proposed change to an existing Liquor Primary license.

2.0 Urban Planning

This application proposes to add a small patio to an existing small Liquor Primary establishment. It will allow the operator to provide more options to patrons during the summer season. The addition of patio seating will also animate the street front to improve the pedestrian experience in the area. As a requirement of the Terms of Reference for the City of Kelowna Sidewalk Seating program, there is a limit to the operating hours of a sidewalk patio which is 10:00pm Sunday to Thursday, and 12:00 Midnight for Friday and Saturdays.

The Urban Planning Department is supportive of the proposed changes to the Liquor Primary establishment. In addition, the RCMP have no concerns with the proposal.

3.0 Proposal

3.1 Background

The subject property was developed as a Liquor Primary establishment (known as Micro Bar.Bites) with a an occupant load of 34 persons in 2013. Council considered Liquor License application LL13-0003 on August 27, 2013.

3.2 Project Description

An application has been made to the Liquor Control and Licensing Branch for structural changes to an existing Liquor Primary License. The applicant is seeking to add a sidewalk patio to the Water St. frontage with a seating capacity of 11 persons to the existing Liquor Primary License for Micro Bar.Bites.

License Summary:

Proposed Capacity:

Licensed Area	Capacity
Liquor Primary Area	34 persons
Patio Area (added to existing LP license)	11 persons
Total Revised Person Capacity	45 persons

Current License Summary:

Hours of Sale:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	11:00am	11:00am	11:00am	11:00am	11:00am	11:00am	11:00am
Close	2:00am	2:00am	2:00am	2:00am	2:00am	2:00am	2:00am

3.3 Site Context

The subject property is located at the south west corner of the intersection of Bernard Avenue and Water Street. The unit address is 1500 Water Street, and faces Water Street. The location of the Micro Bar. Bites is facing Water Street, located in the middle of the building façade.

Subject Property Map:

293-297 Bernard Avenue



4.0 Current Development Policies

4.1 Council Policy #359 - Liquor Licensing Policy and Procedures

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

Small establishments (with person capacity less than 100 persons):
 i) Should not be located beside an existing Small establishment.

4.2 Kelowna Official Community Plan (OCP)

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

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

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

² Policy 8.9.2 (Economic Development Chapter8, page 8.4)

5.0 Technical Comments

- 5.1 Building & Permitting Department No comment.
- 5.2 Fire Department

No concerns.

5.3 RCMP

The RCMP has no concerns with the applicant extending their liquor licence to include service to an 11 seat patio. It is preferred that liquor service to the patio ends at 12:00 am.

6.0 Application Chronology

Date of Application Received:	February 3, 2015
Missing State of Title Received:	March 18, 2015

Report prepared by:

Paul McVey, Urban Planner	-	
Reviewed by:	Lindsey Ganczar, Urban Planning Superv	isor
Approved for Inclusion:	Ryan Smith, Urban Planning Manager	
Attachments:		

Subject Property map Applicant Rationale letter LCLB Occupant Load Plan



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

Re: rationale letter for a patio for micro bar • bites, 1500 Water Street, Kelowna

Date: January 29, 2015

micro bar opened its doors in November 2013. It is an upscale 34 seat "tapas" bar holding a Liquor Primary License.

We would like to put a 11 seat patio out front of the bar, not only to allow our patrons to enjoy Kelowna's gorgeous summer weather, but to <u>keep us</u> <u>competitive</u> with the numerous bars and eating establishments located on the adjacent Bernard Avenue. The businesses on Bernard Avenue have the competitive advantage of City constructed wide boulevards on which to place their patios.

In our first year of operation, we saw a large number of patrons drawn to the patios on Bernard and would like to offer a similar experience on Water Street. The patio is designed with the same attention to detail and upscale design features that can be found inside micro bar. It will be a beautiful addition to Water Street.

Thank you for your attention.

Sincerely, Audrey Surrao Dame d'Escoffier www.lesdames.ca **RauDZ Regional Table** www.raudz.com **micro bar·bites** www.microkelowna.com

RauDZ Creative Concepts Ltd.



BRITISH	Liquor Primary and Liquor Primary Club	
COLUMBIA	LL/5-0002 Structural Change Application Liguor Control and Licensing Form LCLB 012a	

INSTRUCTIONS:

Complete all applicable fields then submit with payment as outlined in Part 6 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

Application Contact In	formation
-------------------------------	-----------

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

Name:	Phone number:			
Fax number:	E-mail address:			
Licensee Information	Licence # affecte	ed: 305667		
Licensee name [as shown on licence]: Freまい	RESTAURANT LTD DA	a mire bar. bites		
Establishment name [as shown on licence]: Micro bas o bites				
Establishment Location address: 1500 UDATER ST (as shown on licence) Street	City	Province Postal Code		
Business Tel with area code: 250 - 868 - 880	S usiness Fax with area code:	253-868-3785		
Business e-mail: asurrao eraudz, com				
Business Mailing address: 1560 WATER S	T. KELUSNA	BC VIY 157		
(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		Outdoor Patio (C3-LIC)		
Part 2		Structural - ca (C3-LIC)		
	Kemoval of an existing incensed area	Structural - no change (C4-LIC)	capacity	
PADT	4. Addition of Now Outdoor Datia		Fee: \$440	C3 - LIC

PART 1: Addition of New Outdoor Patio

Provide the following information:

1. Attach one 11" x 17" and one 8.5" x 11" copy of the proposed patio floor plan that shows furniture layout, entrance, exits, and abutting areas that may be licensed and/or unlicensed areas.

The branch requires an occupant load (patrons plus staff) for the proposed patio area(s) which must be marked/stamped and dated ON the plan you submit.

The occupant load calculation is generally provided by local building or fire authorities in your area. If you are advised that local building or fire authorities do **not** have jurisdiction or opt out providing this calculation, you may take your plan to an alternate qualified architect or design professional who will authorize the calculation.

Patio #3:

2. What is the occupant load calculation for the new patio(s)?

Patio #1: (Patio #2:

3. If the patio(s) is already constructed, attach a photo

Part 1 continued on next page...

4. Provide the height and composition of the patio perimeter or bounding that is designed to control patron entry/exit (i.e., railings, fencing, planters, hedging, etc.):

METAL RAILING - MAX HEIGHT PER CITY OF KELOWNA = 37"

5. Describe the location of the patio in relationship to the licensed interior, The patio should be immediately adjacent or contiguous to the interior licensed area so that it does not appear to be a standalone patio.

IMMEDIATELY CONTENUOUS

6. Describe how patrons will access the patio

ENTRANCE FROM CONSTRUCTED BOARDWAY

7. Will servers have to carry liquor through any unlicensed areas to get to the patio? Yes If yes, please explain:

8. Describe how staff will manage and control the patio from the interior licensed area: BEDICATED STAFF FOR PATUS ONL 9. Is the patio located on: (a) grass, (b) earth, (c) gravel, (d) finished flooring (e) cement sidewalk or (f) other (please specify below). 10. Will the patio have a fixed or portable liquor service bar? Types 11. If "No", will liquor be served from the interior service bar? Yes No Note: A resolution from your local government or First Nation commenting on the application is required. Please see Parts 3 and 4 for an explanation of what the local government or First Nation is required to consider. Fee: \$440 C3 - Cap Ch. PART 2: Structural Changes (Excluding construction of new patios) C4 - No Cap Ch. Provide the following information:

1. Described the proposed changes in detail:

2. Attach one 11 x 17 and one 8.5 x 11 floor plan of the establishment with the determined occupant load calculations stamped on the plan. The 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
- Show the dimensions of rooms and provide labels for each room as well as identify unlicensed areas, partial height walls, full height walls, planters, doors and windows, stairs showing direction of travel and all entrances and exits
- Washrooms, kitchens, bar, patio(s), and furniture layout must be marked on the plan you submit

Occupant load requirement: The occupant load calculation is generally provided by local building or fire authorities in your area. If you are advised that local building or fire authorities do **not** have jurisdiction or opt out of providing this calculation, you may take your plan to an alternate qualified architect or design professional who will authorize the calculation.

Part 2 continued on next page...

LCLB012a

27

2. Current total of all licensed areas (as shown on the liquor licence):	
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3. By making these alterations, the occupant load will:

Decrease the total occupant load to: (patrons plus staff)

C Occupant load will stay the same: (patrons plus staff)

Increase the total occupant load to: (patrons plus staff)

If there is an increase, a resolution from your local government or First Nation commenting on the application is required. Please see Parts 3 and 4 for an explanation of what the local government or First Nation is required to consider.

PART 3: 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
- O Part 2: Any alteration/additon, when the proposed change increases the occupant load calculation.

Licensee responsibilities:

- Fill out applicable sections of this form.
- Request your local government/First Nation to sign and date Part 4 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 4: 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 2. Applies to Liquor Primary and Liquor Primary Club licences.

Local government/First Nation (name):	UUNA
Name of Official: MEUEY PAUL A a (last / first / middle)	Title/Position: URBAN PLANNER
Email: provey & kelaura-ca	Phone: 250-469-8582
Signature of Official: Da	ate of receipt of application: <u>3 FEB 2015</u> (day / month / year)
This application serves as notice from the Liquor Control and Licensing I	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)

 $\boldsymbol{\circ}$ 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". 28

PART 5: 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: SURCAU AUDRES (last / first / middle)	Position: Co-OWNER	Date:	ン역(ロι(15 (Day/Month/Year)
Signature: Aucentration	Destrian	Data	
Name of Official: (last / first / middle)	Position:	Date:	(Day/Month/Year)
Signature:			
Name of Official: (last / first / middle)	Position:	Date:	(Day/Month/Year)
Signature:			
Name of Official: (last / first / middle)	Position:	Date:	(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 6: Application Fees - Payment Options

TOTAL FEE Submitted: \$

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):

Signature:

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

OMoney order, payable to Minister of Finance

OCredit card: OVISA OMasterCard OAMEX

OI 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.

OI 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 <u>cannot</u> 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 E-mail: 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

		Application for Structural Change
LCLB012a	5 of 5	Application for Structural Change
Credit Card Information (To be submitted by	een eens eens eens eens eens eens eens	nada nada nisa kata masi pana kana kana misa tama pana k
Name of cardholder (as it appears on card):	•	
Credit card number:	Expiry date:	
		(Month) (Year)



REPORT TO COUNCIL



Date:	3/31/2015			Kelowna
RIM No.	0930-50			
То:	City Manager			
From:	Urban Planning, Community Planning and Real Estate (PMc)			
Application:	LL15-0004		Owner:	Dutchcad B.I.L. Investments Ltd., Inc No BC0761560
Address:	267-271 Bernard Ave. (unit address 271 Bernard Ave.)		Applicant:	Rivals Sports Theatre and Grill Ltd. c/o Aegir Consulting Inc.
Subject: Liquor License Application				
Existing OCP Designation: Mixed Use (Reside		Mixed Use (Residenti	al/Commercia	al)(MXR)
Existing Zone:		C7 - Central Business Commercial		

1.0 Recommendation

THAT Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 53 of the Liquor Control and Licensing Regulation and Council Policy #359, BE IT RESOLVED THAT:

1. Council's comments on the Liquor Control & Licensing Branch (LCLB)'s prescribed considerations for the application at address: 271 Bernard Ave., Kelowna BC, (legally described as Amended Lot 14 (DD142773F), Block 13, District Lot 139, O.D.Y.D., Plan 462) for closing at 1am and to include a patron participation entertainment endorsement, are as follows:

- a) The potential for noise if the application is approved: The potential impact for noise is minimal and would be compatible with surrounding land uses.
- 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 food primary service is 84 seats inside and a patio of 15 patrons, with operating hours of 9:00am to 1:00am for Sunday to Saturday.
- e) Traffic and parking:

There is no increase in traffic or parking associated with this application as there is no additional space or seating being added as part of the application. Therefore the parking and traffic situation should remain unchanged.

f) If the proposed endorsement would result in the establishment being operated in a manner which is contrary to its primary purpose:
 The endorsement is being sought to offer an additional level of service to the food primary establishment. The focus of the proposed facility will be as a food primary establishment.

g) Recommendation:

Council recommends that the application for Food Primary License to close after midnight and the application for a patron participation entertainment Liquor License endorsement be approved.

2.0 Purpose

To seek Council's support for a Food Primary Liquor License with closing after midnight and for a Patron Participation Entertainment endorsement for a food primary establishment located on the subject property.

3.0 Urban Planning

The proposed Patron Participation Entertainment endorsement would allow the venue to allow for dancing, in addition to live entertainment events that already occur at the restaurant. This endorsement is not anticipated to have a negative impact on the surrounding area given the location.

The proposed licensed hours of operation to remain open until 1:00am is also not perceived to have negative effects on the surrounding area given the location. The operation of the patio area will have to comply with the City licensing agreement in place.

In consideration of the above, the Urban Planning Department recommends support for the proposed license endorsement. Discussion on the LCLB's regulatory criteria for Local Government comment on liquor license endorsement applications is as contained within Staff's recommendation at the beginning of this report.

4.0 Proposal

4.1 Background

An application has been forwarded by the licensee to the Provincial Liquor Control and Licensing Branch (LCLB) for their approval. Procedurally, all new Food Primary licenses closing after midnight require Local Government comment. Local Government comment is also required for a Parton Participation Entertainment endorsement.
4.2 Project Description

The applicant has operated a Food Primary establishment on the subject property known as "Rivals Sports Theatre and Grill" since 2014. This establishment has been licensed as a Food Primary Establishment, without a patron participation entertainment endorsement and closing at midnight. The application for a permanent change to a liquor license proposes to operate beyond midnight to close at 1:00am, as well as proposes to add a Patron Participation Entertainment endorsement to their Food Primary license to allow for dancing. Both of these occurrences require a Council Resolution to the Liquor Control and Licensing Branch (LCLB).

The Food Primary establishment is designed with an occupancy load of 84 persons for the interior locations and a maximum occupant load of 15 persons for the exterior patio area adjacent to the Bernard Avenue street frontage.

The floor space is to continue to be operated as a food primary establishment.

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	1:00am	1:00am	1:00am	1:00am	1:00am	1:00am	1:00am

Licensed Areas	Capacity
Food Primary capacity	84
Patio capacity	15

4.3 Site Context

Subject Property Map:

271 Bernard Avenue



The subject property is located on the south side of Bernard Avenue, between Abbott Street and Water Street. The location is part of the recently completed Bernard Avenue Revitalization project.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C7 - Central Business Commercial	Professional offices/retail
East	C7 - Central Business Commercial	Professional offices/retail
South	C7 - Central Business Commercial	Professional offices/retail
West	C7 - Central Business Commercial	Professional offices/retail

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;

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)

5.2 Kelowna Official Community Plan (OCP)

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

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

6.0 Technical Comments

6.1 Building & Permitting Department

No comment.

6.2 Fire Department

No concerns.

6.3 R.C.M.P.

The RCMP is not opposed to the applicant's request for a Food-primary Liquor Licence with entertainment endorsement. With this licence the RCMP will not support hours of service beyond 1:00 a.m.

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

² Policy 8.9.2 (Economic Development Chapter8, page 8.4)

6.4 Real Estate & Building Service

Please confirm that there is no impact on patio requirements. (There is no change to the operation of the patio proposed.)

7.0 Application Chronology

Date of Application Received: March 3, 2015

Report prepared by:

Paul McVey, Urban Planner

Reviewed by:	Lindsey Ganczar, Urban Planning Supervisor
Approved for Inclusion:	Ryan Smith, Urban Planning Manager

Attachments: Subject Property Map Certified Occupancy Load Plan Applicant Rationale letter Copy LCLB application Map Output



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.

37

ÆGIR CONSULTING INC

#130-1005 COLUMBIA STREET

TELEPHONE: 778.885.6582

WWW.AEGIRCONSULTING.CA

NEW WESTMINSTER, B.C.V3M 6L7

PO BOX 42555

February 16, 2015

City of Kelowna Planning and Development Services 1435 Water Street, Kelowna, BC V1Y 1J4

Attention: Paul McVey

Re:

Applicant: Rivals Sports Theatre and Grill Ltd. dba Rivals Sports Theatre and Gril At: 271 Bernard Avenue, Kelowna B.C. Permanent Change to Food Primary Liquor Licence #305946 <u>Application For Patron Participation Entertainment Endorsement</u> <u>Extension of Liquor Service Hours</u>

Letter of Operation/Letter of Intent

We act as the Agent for the above applicant and are applying for a patron-participation entertainment endorsement for the existing Food Primary licence at this establishment, as well as an extension to the hours of liquor service.

We have attached the following documents for your review:

City of Kelowna Liquor Licence Application

· Province of B.C. Permanent Change to Liquor License Application

Food Primary License

Letter of Authorization

The application fee of \$450 and the the public consultation fee of \$1500 will be provided when these documents are submitted to your office.

Our client is the owner of a full service restaurant bar in Kelowna - Rivals Sports Theatre and Grill.

This establishment provides food and beverage services to the patrons of the downtown Kelowna area, and proven to be very popular since its opening in June 2013.

Patron Participation Entertainment Endorsement

Our client is applying to the Province of BC and the City of Kelowna to seek permission for a patron-participation entertainment endorsement.

The form of entertainment proposed is dancing.

Our client currently has live entertainment on weekends in the restaurant. Clients may on occasion wish dance at these events, and our client would like them to be able to do this while being in compliance with the terms of condition of the liquor licence.

This entertainment will not be a regular occurrence, and the main focus of these events will remain food service. Full meals will be served at any event, and the main focus of the restaurant will continue to be dining.

There will be no increase in the amount of noise at this establishment; the live entertainment evenings will provide musical entertainment which will be conducive to dining, as well as regular conversation.

The restaurant will continue to take measures to prevent disturbances to its neighbours, and any amplified entertainment will comply with local noise bylaws.

All patron participation entertainment will end by midnight in compliance with current British Columbia liquor licensing regulations.

Extension of Liquor Service

Our client wishes to extend the hours of liquor service from the current time midnight until 1:00 a.m. seven days a week.

Many patrons would like the ability to have a drink after midnight on these days, particularly if they are attending other events in the downtown core. The experience of the restaurant is that given their busy downtown location, they do have patrons walking in later in the evening, only to be told that the restaurant is having last call. In addition, the lounge and kitchen of the restaurant will also remain open for patrons during these times.

It is anticipated that should these hours be approved, that they will primarily be used in the busy summer months or long weekends.

Our client believes that these hours of liquor service are reasonable and fit in with the City of Kelowna's liquor licensing policy for the area, given that this is a low-risk establishment located in the downtown.

The proposed hours of service mean that patrons will be leaving prior to the later 'club flush' in the downtown area, and will therefore not contribute to any closing hour issues.

Rivals has operated successfully without any compliance issues in the last year, and believes that the proposed changes will be a benefit to its business as well as the City of Kelowna and the customers.

When you have reviewed the documentation, we kindly request that you send us back a signed copy of page 6 of the application, to acknowledge receipt of same. We will forward the application package to Liquor Control and Licensing Branch.

Should you have any questions or require anything further, please contact me directly at 778-885-6582 or steve@aegirconsulting.ca

We look forward to your assistance in completing this project.

Regards,

Aegir Consulting Inc.

Stephen Barron

Permanent Change to Liquor Licence - Rivals Sports Theatre and Grill



Application for a Permanent Change to a Liquor Licence

The applicant authorizes the person below to be the primary

contact for the duration of the application process only.

All Licence Types

a containe and a contraction of the track of the ballence

FILLING	OUT	THIS	FORM:

Complete all applicable fields then submit with payment as outlined in Part 10 of this application form.

- If you have any questions about this application, call 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

Application Contact Information

BRITISH

OLUMBIA

Phone number: 778-885-6582

Name: Stephen Barron/Aegir Consulting Inc.

Fax number: 1-844-231-9755

E-mail address: steve@aegirconsulting.ca

Licensee Information

Licensee name [as shown on licence]: Rivals Sports Theatre and Grill Ltd.

Establishment name [as shown on licence]: Rivals Sports Theatre and Grill

Establishment		- p	P	
Location address 271	Bernard Avenue	Kelowna	BC	V1Y 6N2
(as shown on licence):	Street	City	Province	Postal Code
Mailing address:				al an a fuir a share a
will go to this address)	Street	City	Province	Postal Code
Business Tel with area	code: 778-484-4417 B	Business Fax with area code:		
Business e-mail: shani	acash7@shaw.ca			
Contact Name: Brodow	/ay/Craig	Title/Position: Owner		
	last / first / middle			

Type of Change Requested

Please check (ID) appropriate box(es) below and provide licence numbers affected for each requested change. You may complete more than one change section on this form. An incomplete application will be held for a maximum of thirty (30) days. If still incomplete after the thirty (30) day period, the application may be terminated. See Part 13 for the approval process for the change you have requested.

Type of change requested	Licence numbers affected MANDATORY	Job Number Office Use ONLY
1. Establishment/business or licence name change (p.2)	n an Jaran an a	(C2-LIC) (sub)
X 2. Food-primary entertainment endorsement (p.2)	305946	(C2-LIC) (sub)
3. Request for change in terms and conditions (p.2)		(C3-LIC) (sub)
4. Live theatres requesting liquor service (p. 2)		(C3-LIC) (sub)
5. Request for tied house restrictions exemption (p. 3)		(C3-LIC) (sub)
\overline{X} 6. Change to hours of sale (p.3)	305946	(C3-LIC) (sub)
7. Catering endorsement (p.4)	μη φαληγού του του Του Του (τοφηρού του) «Να στο Ντηγής του πολοξη του μοποιοτολολογία του Καταγκά του Του Του 	(C3-LIC) (sub)
. Temporary off-site sale endorsement (p.4)		(C2-LIC) (sub)

Applying for other permanent changes to your licence?

To apply for alterations or additions to a licensed establishment (structural changes), use an Application for a Structural Change.
 For Liquor Primary and Liquor Primary Club, use form LCLB012a; for Food Primary, use LCLB012b; for Manufacturer and Winery Endorsements, use LCLB013; for Wine Store and Licensee Retail Store, use LCLB012c.

• To apply to have a third party management firm or lessee operate your licensed establishment, use the Application to Add or Change a Licensee's Third Party Operator (LCLB026) or to apply for a resident manager to operate your establishment, use the Application to Add or Change a Licensee's Resident Manager (LCLB025).

 To apply for a change to the shareholders, directors, licensee name or to add a receiver or executor, use the Application for a Permanent Change to a Licensee (LCLB005a).

LCLB005b (Last updated 21 June 2014)

PART 1: Establishment or Business Nan To be completed when the licensee wishes to change the Note: If a name change results in a change in exterior signs, the	ne Change and/or Licence Name Change C2 - LIC name of an establishment or business and/or licence. the signs are subject to branch approval.
	Fee: \$220 per licence x licences = \$
Establishment or business name change:	
Current establishment or business name as shown on licence:	
Proposed name: Licence name changes:	
Licence #: Current-licence name:	
Proposed licence name:	
Licence #: Current licence name:	:
Attach the following: Proposed licence name:	
Sketch or picture of the proposed establishment or bu	
PART 2. Entertainment Endorsement (F	Food Primary licenses only) C2 - LIC
	complete either (A) or (B) below and attach required documents:
A) Patron non-participation entertainment endorsement (
Note: Patron non-participation entertainment must end by 1:0	
Submit a letter of intent describing, in detail, the form of p place in your restaurant.	atron non-participation entertainment proposed and where it will take
 B) Patron participation entertainment endorsement (e.g., Note: Patron participation entertainment must end by midnight 	
X Submit a letter of intent describing, in detail, the form of p	patron participation entertainment proposed and where it will take
this form. For further information on local government res	nenting on the application (local government must complete Part 12 of solutions, read Part 11).
of your proposal, consult with licensing staff at LCLB in NOTE – When relocating a Food-Primary establishment: An elecation without local government/First Nations comment and	endorsement for patron participation entertainment cannot transfer I LCLB approval. This is required because the local government/First pact of the endorsement on the community given the establishment's new
Are you submitting an application to transfer the location of a	
	Also complete Parts 9 and 10
PART 3. Request of Change in Terms a This section may be used for requests to change the terms ar for an exercise of discretion. Depending on the nature of the li	and Conditions [C3 - LIC] and conditions on a liquor licence including requests to the general manager licence change requested, local goverment and public input may be required
· · · · ·	Fee: \$220 per licence x licences = \$
discretion, provide a written submission detailing why a re your request for discretion must be submitted together in after a completed application is received. If a staff report and will have two weeks to provide any comment before	ge to your licence and compelling reasons for your request. To request equest for discretion should be approved. All documentation to support one package; the branch will not consider additional materials submitted is prepared in regards to your request, you will be provided with a copy the request for discretion is considered by the General Manager. For more of the Licensing Policy Manual (http://www.pssg.gov.bc.ca/lclb/docs-forms/
	Also complete Parts 9 and 10
PART 4. Live theatres requesting liquor	service in conjunction with C3-LIC Fee: \$330
proposal detailing your request.	re liquor in conjunction with films and broadcasts. Please provide a written
See Policy Directive 12-02 for the conditions that apply to liqu LCLB will forward your application to your local government/fi	for service at live theatres during films and broadcasts. irst nation for comment. Consideration will also be given to the compliance
history of the establishment.	Also complete Parts 9 and 10
LCLB0005b	2 of 7 Application for Permanent Change to Liquor Licence

PART 5. Request for Exemption from Tied House Restrictions (Manufacturers only) **C3 - LIC**

Fee: \$220 per licence x

licences = \$

C3 - LIC

As of March 1, 2013, licensed manufacturers may own or have an association with up to 3 licensed establishments (LP, LRS, FP, Catering) that are not located on the same site as the manufacturer and where the manufacturer's products may be sold.

Attach a signed letter for each manufacturing licence that you are applying for above, stating the following:

- Identify the manufacturer (by licence name and licence number) applying for the exemption. If the manufacturer is not yet licensed, provide the proposed licence name, location address and the job number assigned to your file.
- Identify the liquor licences (by name and number) that you wish to have exempted from the tied house restrictions (maximum you can ever apply for is three).
- Disclose the manufacturer's production amount (minus spillage) for the previous year.

Also complete Parts 9 and 10 For more information on requests for exemption, see Policy Directive 13-03.

PART 6. Change to Hours of Sale

(Liquor Primary, Liquor Primary Club, Food Primary & Manufacturer endorsements)

Pursuant to Section 12(3) of the Liquor Control and Licensing Act, the general manager may limit the days and hours that an establishment is permitted to be open for the sale of liquor.

Hours of liquor sales for Food Primary establishments must meet with the dining habits of the clientele expected. Liquor must not be served unless the establishment is open for the service of a varied selection of menu items.

Licensees may apply to revise hours of sale, subject to any restrictions within the Liquor Control and Licensing Act, Regulations, branch policies and/or original terms and conditions of licensing. In some instances, the general manager of the Liquor Control and Licensing Branch may require the licensee to post public notices before a decision to alter licence hours is considered.

Check (1) the appropriate change, and provide the requested information and documents:

A) Food Primary

- Fee: \$220 per licence x licences = \$ (i) Request to change hours of liquor sales before midnight · complete proposed hours of sale table below
- (ii) Request to extend hours of liquor sales later than midnight Fee: \$330 per licence x 1 licences = \$ 330 · complete proposed hours of liquor sale table below, and
 - request a local government/First Nation resolution commenting on the application (local government must complete Part 12 of this form; for further information on local government/First Nations resolutions, read Part 11).

Note: if you have patron participation entertainment, it must end by midnight

B) Liquor-Primary, Liquor-Primary Club, Manufacturer Special Event Area or Manufacturer Lounge

(i) Request to change the hours of liquor sales within the hours currently approved: Fee: \$220 per licence x licences = \$ · complete proposed hours of sale table below

(ii) Request to change the hours of liquor sales outside the hours currently approved: licences = \$

- complete proposed hours of liquor sale table below, and Fee: \$330 per licence x
- request a local government/First Nation resolution commenting on the application (local government must complete Part 12 of this form; for further information on local government/First Nation resolutions, read Part 11).

Complete the table below, indicating proposed hours of liquor sales:

Current Hours of Liquor Sale:

oui	i cint nouio o	Liquoi Guioi						
		Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
	OPEN	9:00a	9:00a	9:00a	9:00a	9:00a	9:00a	9:00a
	CLOSED	12a	12a	12a	12a	12a	12a	12a
Pro	posed Hours	of Liquor Sale	e:	L		-		
B1 8 114		Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
	OPEN	9:00a	9:00a	9:00a	9:00a	9:00a	9:00a	9:00a
	CLOSED	1:00a	1:00a	1:00a	1:00a	1:00a	1:00a	1:00a

NOTE - When relocating a Food-Primary establishment: An endorsement for hours of liquor service after midnight cannot transfer location without local government/First Nations comment and LCLB approval. Use this form to reapply for the endorsement but do not pay the application fee(s).

Are you submitting an application to transfer the location of a Food Primary licence with this application? | Yes X No

Also complete Parts 9 and 10

Application for Permanent Change to Liquor Licence

LCLB0005b

PART 7. Request for Catering Endorsement (Food Primary and Liquor Primary licences only)

Food primary and liquor primary licensees (excluding liquor primary club licensees) may apply for a catering endorsement if they wish to be licensed to transport and sell liquor at catered events where they have been hired to provide food service. The catered events must be hosted by other people and must take place outside the 'red-lined area' (the area where liquor is sold, served and consumed) and generally away from the establishment. The caterer must be present for the duration of a catered event. Licences with a catering endorsement are subject to an annual licensing fee of \$100 in addition to the annual renewal fees.

Fee: \$330 per licence x

licences = \$

To qualify for an endorsement the applicant must demonstrate at the time of inspection:

- 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 existing licensed establishment.

NOTE: If a licence is approved with a catering endorsement, the licensee must notify LCLB of all catered events (except in private residences) using OneStop (www.bcbusinessregistry.ca). Some events may require approval from LCLB before the catered event can take place. Further information about how to notify LCLB will be provided by your local liquor inspector when they complete their final inspection.

LCLB will review your application and if approved you will be required to arrange a final inspection. If the liquor inspector is not satisfied with your kitchen equipment, food selection, advertising and staffing, you may be required to make changes and schedule a second (2nd) inspection to confirm you meet the requirements of a catering endorsement. A fee of \$200 will be charged if a second (2nd) inspection is required.

Also complete Parts 9 and 10

PART 8. Temporary Off-Site Sale Endorsement (Licensee Retail Store & Wine Store licences only)

Licensee retail store (LRS) licensees and wine store (WS) licensees may apply for a temporary off-site sale endorsement to permit the sale of packaged liquor in conjunction with a Special Occasion Licensed (SOL) event that has a focus on food and/or beverage tasting (e.g., a wine festival).

A temporary off-site store can only operate during the festival days and hours but liquor sales cannot take place before 9am or after 11pm. The LRS or WS licensee must have an agreement with the SOL licensee and confirm with the SOL licensee that Local Government /First Nations permits the sale of packaged liquor products for off site consumption at the SOL event. Wine store licensees can only sell the range of products permitted by their store licence.

No Fee

NOTE: If a licence is approved with a temporary off-site sale endorsement, the licensee must notify LCLB for each temporary off-site store they will be operating by submitting a complete Temporary Off-site Sale Authorization form (LCLB 091) by fax or email 14 calendar days prior to the SOL event. A copy of LCLB 091 form can be found on our website at http://www.pssg.gov.bc.ca/lclb/docsforms/LCLB091.pdf. An event specific authorization will be issued.

Also complete Parts 9 and 10

PART 9: Declaration

My signature (the licensee's) below indicates that I understand and acknowledge:

All of the information given is true and complete to the best of my knowledge. 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".

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: Brodoway/Craig	1 Calve, and a calve of a calve		aka na ang kanang ka		
	• •	(last / first / midd	le)	-		, í
Position:	Owner	Date:	10/14/2015 (Day/Month/Year)	Signature:	- into The	ution
Name of (Official:				2. D	2. -
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Position:		Date:		Signature:		
			(Day/Month/Year)			
PART 1	0: Application Fe	es		тс	OTAL FEE Submitted: \$;
In accordar	ce with Payment Card Indu	stry Standards, th	e branch is no longe	er able to accept	pt credit card information	via email.
Payment is	by (check (🗹) one):					!
	payable to Minister of Finance	e (if cheque is retu	rned as non-sufficient	funds, a \$30 fee	e will be charged)	
15 0000 Decision	rder, payable to Minister of Fir					
	rd: (VISA (MasterCard					
(l an	n submitting my application 66-209-2111 and understand	by email and I wi				
(`lan	n submitting my application	by fax or mail an	d have given my cred	dit information	in the space provided at	the bottom of the page.
L		Liquor C	ontrol and Lice	ncing Bran	ah	
			oor, 3350 Douglas			
			Box 9292 Stn Prov			
P	hone: 250 952-5787 Fax	: 250 952-7066	Web: www.pssg.ge	ov.bc.ca/lclb	E-mail: liquor.licensing	@gov.bc.ca
LCLB005b			5 of 7		Application for Permanent	Change to Liquor Licence
Credit Card	nformation (To be submitted	by fax or mail only	<i>'</i>)			
Name of car	dholder (as it appears on care	i):				
Credit card	number:				Expiry date: (Month)) (Year)
Signature:						

PART 11: Local Government/First Nation Resolutions: (Information for the Applicant)

- For the following changes a resolution from your local government or First Nation, commenting on the application is required: Part 2(B): Food-primary patron participation entertainment endorsement, and
- Parts 5(A)(ii) and 6(B)(ii): Change to hours of sale

Licensee responsibilities:

- Fill out appropriate change application sections in this form.
- Request your local government/First Nation to sign and date Part 12 of this 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 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.

PART 12: Local Government/First Nation Confirmation of Receipt of Application

This application serves as notice from the Liquor Control and Licensing Branch (LCLB) that an application for one or more of the following changes to a liquor licence has been made within your community:

- Hours of liquor service past midnight for a food primary licence.
- Change to hours of liquor service for a liquor primary, liquor primary club, winery lounge or winery special event endorsement Addition of patron participation entertainment endorsement for a food primary licence.

Local government/First Nation (name): City of Kelowna	· · · · · · · · · · · · · · · · · · ·
Name of Official: Hevery PAUL (last / first / middle)	Title/Position: URBAN PLANNER
Date of receipt of application: 03/03/2016	Phone Number: 250-469-8562
The Liquor Control and Licensing Branch (LCLB) requests that a resolution con Head Office within 90 days of the above date of receipt.	mmenting on the application be sent to the LCLB Victoria
To comply with section 53 of the Liquor Control and Licensing Fegulation	n, this resolution must:
 Comment on the following regulatory criteria: 	
 the potential for noise if the application is approved; 	
 the impact on the community if the application is approved; and 	
- whether the amendment may result in the establishment being operation	ated in a manner that is contrary to the primary purpose

- (provide comments only if the application is from a food-primary licence for an extension of hours of liquor service past midnight or the addition of patron participation entertainment).
- Indicate whether or not the views of residents were gathered, and if not, provide reasons why they were not gathered (residents include residents and business owners).
- If the views of residents were gathered explain:
 - the views of the residents;
 - the method used to gather the views of the residents; and
 - comments and recommendations with respect to the views of residents.
 - Provide recommendation as to whether the amendment should be approved.

You must refer to and attach any report presented by an advisory body or sub-committee to the council or board.

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. Please be advised that if the LCLB does not receive a resolution or a request for an extension within 90 days, the general manager is authorized to review the application without a resolution and make a decision about the application.

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.

PART 13: Application and Approval Process – What happens next?

For the following change requests (all C2):

- Part 1 Establishment or Licence Name Change
- Part 2 Food-Primary Entertainment Endorsement (may require local government/First Nations resolution).
- Part 8 Temporary Off-site Sale Endorsement

The process is:

- 1. Applicant will complete the appropriate section of this form and Parts 9 and 10, and attach all required documents.
- 2. Applicant must submit a complete application package and fee to the Liquor Control and Licensing Branch.
- 3. Liquor Control and Licensing Branch (LCLB) staff will review the application package for completeness and will advise the applicant of any information/documentation required before the application can be processed. If a complete application is not received within 30 days of notification, your application will be terminated and you will have to re-apply and pay the application fees.
- 4. LCLB staff will advise the applicant and the liquor inspector when the application is approved.

For the following change requests:

- Part 3 Change to Terms and Conditions (all C2)
- Part 4 Live theatres requesting liquor service (all C2)
- Part 5 Request for exemption from tied house restrictions (all C3)
- Part 6 Change to Hours of Sale (may require local government/First Nations resolution) (all C3)
 - The process is:
 - 1. Applicant will complete the appropriate section of this form and Parts 9 and 10, and attach all required documents.
 - 2. Applicant must submit a complete application package and fee to the Liquor Control and Licensing Branch.
 - 3. Liquor Control and Licensing Branch (LCLB) staff will review the application package for completeness and will advise the applicant of any information/documentation required before the application can be processed. If a complete application is not received within 30 days of notification, your application will be terminated and you will have to re-apply and pay the application fees.
 - 4. LCLB staff may request your local liquor inspector to provide comments regarding your application.
 - 5. LCLB staff will advise the applicant and the liquor inspector when the application is approved.

For the following change request:

- Part 7 Catering Endorsement (all C1)
- The process is:
- 1. Applicant will complete the appropriate section of this form and Parts 9 and 10, and attach all required documents.
- 2. Applicant must submit a complete application package and fee to the Liquor Control and Licensing Branch.
- 3. Liquor Control and Licensing Branch (LCLB) staff will review the application package for completeness and will advise the applicant of any information/documentation required before the application can be processed. If a complete application is not received within 30 days of notification, your application will be terminated and you will have to re-apply and pay the application fees.
- 4. If the application requirements have been met, the applicant will be asked to contact the inspector for an interview/final inspection. Before contacting the inspector for the interview/final inspection, the applicant must have the inspector interview letter.

Note: The applicant must contact the local area inspector to arrange for a final inspection by the date noted on the letter (30 days from the date on the letter). If the inspector is not contacted to arrange for a final inspection or for an extended time, the application will be terminated.

- 5. At your final inspection, the inspector will verify that your business location meets the requirements for a catering licence by reviewing the food selection, the kitchen equipment, advertising and staffing resources. If the inspector is not satisfied you business location meets the requirements of a catering licence you may be asked to makes changes and schedule a second (2nd) inspection to confirm you meet the requirements of a catering licence. A fee \$200 will be charged if a second (2nd) inspection is required
- 6. LCLB staff will advise the applicant and the liquor inspector when the application is approved.

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. 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. Phone - Victoria: 250 952-5787. Outside Victoria: 1-866 209-2111. Fax: 250 952-7066

LCLB005b

Application for Permanent Change to Liquor Licence

REPORT TO COUNCIL



Date:	3/31/2015			Kelowna		
RIM No.	0930-50					
То:	City Manager					
From:	Urban Planning, Community Planning and Real Estate (PMc)					
Application:	LL14-0017		Owner:	AD Sopa Holdings Inc.		
Address:	2986 - 3030 Pandosy St.		Applicant:	ANR Construction for The Canadian Brewhouse		
Subject:	Liquor License Application					
Existing OCP Designation:		Mixed Use (Residential/Commercial)(MXR)				
Existing Zone:		C4 - Urban Centre Commercial				

1.0 Recommendation

THAT Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 53 of the Liquor Control and Licensing Regulation and Council Policy #359, BE IT RESOLVED THAT:

1. Council's comments on the Liquor Control & Licensing Branch (LCLB)'s prescribed considerations for the application at address: 3030 Pandosy St., Kelowna BC, (legally described as Lot A, District Lot 14 and Section 13, Township 25, ODYD, Plan KAP90796, excpet Air Space Plan EPP17953) for closing at 1am and to include a patron participation entertainment endorsement, are as follows:

- a) The potential for noise if the application is approved: The potential impact for noise is minimal and would be compatible with surrounding land uses.
- 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 food primary service is 243 seats inside and a patio of 33 patrons, with operating hours of 11:00am to 1:00am for Sunday to Saturday.
- e) Traffic and parking:

There is no increase in traffic or parking associated with this application as there is no additional space or seating being added as part of the application. Therefore the parking and traffic situation should remain unchanged.

- f) If the proposed endorsement would result in the establishment being operated in a manner which is contrary to its primary purpose:
 The endorsement is being sought to offer an additional level of service to the food primary establishment. The focus of the proposed facility will be as a food primary establishment.
- g) Recommendation:

Council recommends that the application for Food Primary License to close after midnight and the application for a patron participation entertainment Liquor License endorsement be approved.

2.0 Purpose

To seek Council's support for a Food Primary Liquor License with closing after midnight and for a Patron Participation Entertainment endorsement for a new food primary establishment to be located on the subject property.

3.0 Urban Planning

The proposed Patron Participation Entertainment endorsement would allow the venue to hold special events, such as "wine and dine", or "New Year's Eve" where patrons would typically participate in some form of entertainment. This endorsement is not anticipated to have a negative impact on the surrounding area given the location.

The proposed licensed hours of operation to remain open until 1:00am is also not perceived to have negative effects on the surrounding area given the location.

In consideration of the above, the Urban Planning Department recommends support for the proposed license endorsement. Discussion on the LCLB's regulatory criteria for Local Government comment on liquor license endorsement applications is as contained within Staff's recommendation at the beginning of this report.

The applicant has canvassed the neighbourhood and had provided input that had been obtained during that process.

4.0 Proposal

4.1 Background

An application has been forwarded by the licensee to the Provincial Liquor Control and Licensing Branch (LCLB) for their approval. Procedurally, all new Food Primary licenses closing after midnight require Local Government comment. Local Government comment is also required for a Parton Participation Entertainment endorsement.

4.2 Project Description

The applicant is proposing to develop a Food Primary establishment within the southern two bays of the Sopa Square building, currently under construction. The Liquor License application indicates that they are proposing to operate beyond midnight to close at 1:00am, as well as proposing to add a Patron Participation Entertainment endorsement to their Food Primary license to allow for special events. Both of these occurrences require a Council Resolution to the Liquor Control and Licensing Branch (LCLB).

Associated with this application, the applicant is also seeking a Lounge Endorsement for the Food Primary liquor license in order for LCLB to approve the operating name that the applicant has proposed for the establishment.

The Food Primary establishment is designed with an occupancy load of 243 persons for the interior locations, and a maximum occupant load of 33 persons for the exterior patio area adjacent to the Pandosy Street frontage.

The interior portion of the establishment is also designed to incorporate a designated lounge area with a capacity of 40 patrons, that is included within the 243 person occupant load for the establishment.

The floor space is to be operated as a food primary establishment.

Proposed Hours of Sale:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	11:00am	11:00am	11:00am	11:00am	11:00am	11:00am	11:00am
Close	1:00am	1:00am	1:00am	1:00am	1:00am	1:00am	1:00am

Licensed Areas	Capacity
Food Primary capacity	243
Patio capacity	33

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 site is a portion of the ground floor space of the Sopa Square building. The subject location is the southernmost bays of the building, and a portion of the outdoor and sidewalk area in front of the space.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C4 - Urban Centre Commercial	Professional offices/retail
East	C4 - Urban Centre Commercial	Retail / restaurants
South	C4 - Urban Centre Commercial	Financial Services
West	RU1 - Large Lot Housing	Temporary Staging area for Sopa Square

Subject Property Map:

2986 - 3030 Pandosy 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;

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)

5.2 Kelowna Official Community Plan (OCP)

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

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

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

² Policy 8.9.2 (Economic Development Chapter8, page 8.4)

6.0 Technical Comments

- 6.1 Building & Permitting Department
 - 1 Changes to the interior will require Architectural, Structural and Mechanical Consultants due to the changes required in the interior of the building. Building, Plumbing and Heating Permits are required to be issued prior to any work occurring.
 - 2 Exiting travel distances are to be established on the Architectural code analysis
 - 3 Washroom requirement to be established (i.e. H/C universal room, occupant loads)
 - 4 Confirmation of the roof membrane is still adequate from the Architect
 - 5 Full Plan check for Building Code related issues will be done at time of Building Permit applications.
- 6.2 Fire Department

The Fire Department has no concerns with the liquor license. We will be required to make comments on the BP stage.

6.3 R.C.M.P.

The RCMP have no concerns with these applications proceeding.

6.4 Real Estate & Building Service

Need to confirm location of patio to determine if it is locate on City property (Application has been submitted

7.0 Application Chronology

Date of Application Received:	December 8, 2014
Occupant Load Received;	January 20, 2015
New Title	March 30, 2015

Report prepared by:

Paul McVey, Urban Planner

Reviewed by:	Lindsey Ganczar, Urban Planning Supervisor
Approved for Inclusion:	Ryan Smith, Urban Planning Manager

Attachments:

Subject Property Map Certified Occupancy Load Plan Applicant Rationale letter Copy 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.



<u>The Canadian Brewhouse & Grill</u>

The Canadian Brewhouse and Grill was founded in Edmonton, Alberta in 2002. Starting with one location, The Canadian Brewhouse has grown to 12 locations throughout the province and is now expanding into B.C. and Saskatchewan.

For the first 10 years of business The Canadian Brewhouse found success mostly as a restaurant and sports bar. In recent years, our locations have been shifting towards a family friendly environment as there has become a larger demand for a restaurant like ours to reach out to all ages. The results have been staggering and we have opened 3 new stores that are family friendly in the last year and sales have never been better.

Our one-of-a-kind sports and Canadian themed restaurant has an extensive menu of appetizers, entrees, drinks and amazing food specials every day of the week; including our \$1.49 Taco Tuesdays, our popular \$4.79 two topping 8" pizza Sundays, and our famous Prime Rib Fridays, boasting a 7oz cut of AAA Canadian slow cooked prime rib with vegetables, mashed potatoes and gravy for just \$12.99! It was this special that really put us on the map as a contender (and we believe champion) as the best food in Canada. Our menu highlights the "taste's" of Canada from the east coast to the west and offers flavours that highlight the very unique ethnicity Canada has to offer. You'll note our Canadian décor starts the moment you see our huge Inukshuk greeting you at our doors, and continues throughout the restaurant in a "cheeky" and proudly Canadian fashion. From hockey stick rails to Canadian penny walls to various scaled down imitations of specialty items that feature that region's local pride (eg. Calgary Tower, oil derrek in Leduc, grain elevator in Saskatoon, etc).

We promise, when you and your family come to The Canadian Brewhouse & Grill, you'll all feel instantly at home, because our house is your house..... only we have way more TV's! You won't find a better selection of screens anywhere for the sports you love.

We also believe that being a part of the community means giving back. We've been raising funds for various charities and organizations through events and fundraisers for over 10 years. We support charities such as The Stollery Children's Hospital, Canadian Breast Cancer Foundation, Prostate Cancer Canada and many local initiatives that are important to our neighbors in each community we serve. We have a big focus on the local youth programs in each community and are proud to actively sponsor and support any leagues or programs that help our youth grow and learn to be a part of something bigger!

In short our goal is simple. We are striving to serve the best Canadian food in any town or city we become a part of. Our focus is on Canada and it's food, people, achievements and of course, the sports we Canadians love. We believe there is no better way to spend your time with family and friends than over a delicious meal while enjoying some of your favorite sports!

Jan.22.2015	12:49	PM	
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BRITISH	FOOD PRIMARY (Restaurant)
COLUMBIA	Liquor Control and Licensing Form LCLB001b
through the OneStop business registry at: http://onestop.gov.b	required documents and submit with payment as outlined in Part 10. puter, then print; 2) by hand - print clearly using dark ink; or 3) online c.ca
 If you have any questions about completing this application, ca Allow 4 to 6 weeks for LCLB to review and process your application. 	ation.
LCLB forms and supporting materials which may be referred to	· · · · · · · · · · · · · · · · · · ·
PART 1: Application Contact Information	The applicant authorizes the person below to be the primary contact for the duration of the application process only.
Name: Daniel (DZ) Ilg	Phone number: 780-887-791/
Fax number: 780 - 677 - 809/ E-ma	il address: djethecanadishbiewhouse.com
PART 2: Applicant Information (Legal Entit	by Office use only Job No. (new)
Name: 1832055 Alberta LtJ.	Business Number*: 805057379
Mailing address: (All correspondence 3307 56st will go to this address)	Camrose AB T4V5E7 Province Postal Code
Phone number: 780 - 887 - 7911	
Fax: 780-677-8881	E-mail: djethecanodian/Newhouse.com
The applicant authorizes Its shareholder, director or partner t	below to be the primary contact for the licence, if approved.
Contact Name: DJ ILG Phone	* 1780-087-791/
*NOTE: Prior to licensing applicants must have a Canada Revenue Ager the liquor licence. This is the first 9 digits of your 15 digit GST/HST registr apply for one through the Canada Revenue Agency at http://www.cra-ar	icy issued Business Number in place in the legal name of the applicant for ation number. If you don't have a GST/HST registration number, you can c.gc.ca.
check (12) one:	
Yes, I currently hold a British Columbia liquor licence, or I happendous licence(s) or previous applications (date held, licence)	ave held or applied for one in the past. If Yes, provide details of current or #(s), location, type of licence and name of establishment(s)) :
Although, I have been a holder 4 years and have never had a s	of an Alberta liquer livence for
4 years and have never had a s	ingle infraction.
Do you hold a Rural Agency Store Appointment? Please check (12 Vio, I do not currently hold a Rural Agency Store Appointment. Ves, I currently hold a Rural Agency Store Appointment.	វ) one:
Do you, or any of your shareholders, have any connection, financial Please check (\square) one:	al or otherwise, direct or indirect, with a distillery, brewery or winery?
 No. I do not have any connection, financial or otherwise, directly Yes, I acknowledge a connection, financial or otherwise, directly provide details: 	y or indirectly, with a distillery, brewery or winery. y or indirectly, with a distillery, brewery or winery. If Yes,
LCLB001b (Last updated 20 June 2014) 1 of	10 Food Primary - Licence Application

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PART 3: Type of Business There are six types of businesses identified here. Choose (☑) the type of business used to operate your restaurant. Beneath the type of business you indicate are a list of documents to submit with this application.

For a registered partnership the following documents are required and must be submitted with this application: Statement of Registration of General Partnership, OR Partnership Agreement or Joint Venture Agreement. Private Corporation The following documents are required for this type of business and must be submitted with this application: Certificate of Incorporation, Certificate of Incorporation, Certificate of Incorporation, Certificate Segister, Notice of Articles, and	Γ	Society
Certificate of Incorporation under the Society Act, Current list of officers and directors, Plus the top four executive officers must submit: a completed Consent for Disclosure of Criminal Record Information (RCMP GRC3584) form, and a completed Personal History Summary and Consent to Criminal Record Search (LCLB004) form and required documents noted on formation (RCMP Intership) Please check (IZ) if you are a Capital Partnership or a Non-Registered Partnership List Partners in the space provided balow: PARTNER 1: Percentage of Ownership: Legal Name: PARTNER 2: Percentage of Ownership: Legal Name: PARTNER 3: Percentage of Ownership: Legal Name: If there are more than four partners, provide same information for other partners on separate sheet and attach. If one or more of the partners are a private corporation, a public corporation or a society, submit all the documents inters index downed to complete Percent History Burney and Consent to Criminal Record Information (RCMP GRC3584) form, a completed Consent for Disclosure of Criminal Record Information for other partners on separate sheet and attach. If one or more of the partners are a private corporation, a public corporation or a society, submit all the documents listed under that business type with this application. Plus, each partner (individual) must submit:		The society's annual membership fee is: \$ The society has members.
Partnership Please check (2) if you are a Registered Partnership or a Non-Registered Partnership List Partners in the space provided below: PARTNER 1: Percentage of Ownership: Legal Name: PARTNER 2: Percentage of Ownership: Legal Name: PARTNER 3: Percentage of Ownership: Legal Name: PARTNER 4: Percentage of Ownership: Legal Name: PARTNER 4: Percentage of Ownership: Legal Name: If there are more than four partners, provide same information for other partners on separate sheet and attach. If one or more of the partners, provide same information for other partners on separate sheet and attach. If one or more of the partners, provide same information for other partners on separate sheet and attach. If one or more of the partners are a private corporation, a public corporation or a society, submit all the documents listed under that business type with this application. Plue, each partner (individual) must submit: a completed Consent for Disclosure of Criminal Record Information (RCMP GRC3584) form, a completed Personal History Summary and Consent to Criminal Record Search (LCLB004) form and required documents noted on for For a registration of General Partnership, OR Partnership Agreement or Joint Venture Agreement. Private Corporation The following documents are required for this type of business and must be submitted with this application: Cortificate of incorporation, If your business is located outside British Columbia, General Partnership, If your business is located outside British Columbia, General Partnership, CR Statement of Articles, and Septient Partnership (four business is located outside British Columbia, General Partnership, CR Septient Partnership, CR Septient Partnership, CR Partnership Agreement or Joint Venture Agreement.		Certificate of Incorporation under the Society Act, Current list of officers and directors, <i>Plus</i> the top four executive officers must submit: a completed Consent for Disclosure of Criminal Record Information (RCMP GRC3584) form, and
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business type.	6	usiness type.
Plus, all shareholders (individuals) holding 10% or greater interest in the applicant corporation must submit all the documents listed: a completed Consent for Disclosure of Criminal Record Information (RCMP GRC3584) form, a completed Personal History Summary and Consent to Criminal Record Search (LCLB004) form and required documents noted on for Note: Shareholders (individuals) holding less than 10% interest in the applicant corporation must provide their full legal name and date of birth space provided below or on a separate sheet of paper.	Note	a completed Consent for Disclosure of Criminal Record Information (RCMP GRC3584) form, a completed Personal History Summary and Consent to Criminal Record Search (LCLB004) form and required documents noted on form. Shareholders (individuals) holding less than 10% interest in the applicant corporation must provide their full legal name and date of birth in the
See separate page titled non-voting shareholders		See separate page titled non-voting shareholders

LCLB001b

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LCLB001b

Food Primary - Licence Application

Patron Participation entertainment endorsement (dance floor, sing-alongs) Note: All forms of entertainment must end by 12 midnight.

Note: Patron participation requires local government/First Nations approval (See Part 8 and Part 9).

special events such as our "wine and dine" New Year's EVE event where a DI would perform.

Restaurant Lounge Endorsement:

Only food primary establishments with an occupant load of 50 persons or greater may apply for a restaurant lounge endorsement. A restaurant lounge is a separate area within the food primary establishment that is visually distinct from the main dining area. A games or dance area may not be located in the lounge area. Food service must be available in the lounge at all times and liquor service must only be offered in the lounge if the primary dining area of the restaurant is also fully open for service. Minors must be accompanied by an adult in the lounge area and signage at the entrance of the lounge must explain this requirement.

The maximum seating capacity of the restaurant lounge is 20 percent of the primary interior dining occupant load or 40 seats, whichever is less. Two areas may comprise the lounge, each equal to the total approved restaurant lounge capacity, and one area must be on a patio.

x 20% (or x 0.20) =

Patio Lounge:

Example: Occupant load is 100 x 20 percent = 20. 20 is less than 40, therefore 20 seats may be assigned to an interior or patio lounge, or both (20 Interior and 20 patio), but no more than 20 people can occupy the two lounge areas at one time.

Are you applying for a Restaurant Lounge Endorsement? Yes No

Calculate the maximum permitted restaurant lounge capacity below:

Occupant load of the primary dining indoor area of the restaurant as shown on your floor plan:

(not including banquet rooms or patios)

/UT/ Proposed restaurant lounge capacities, if planning to create two areas: Interior Lounge:

Indicate on the floor plan you submit with this application where the lounge area(s) will be.

Tescribe the location of the lounge area(s) as well as the proposed number of seats:

The lounge area is located near the rear of the restaurant adjurant to the Bathrooms. The sealing area would be 40 people.

Describe how the lounge area(s) Is/are visibly distinct from the main dining area ? (i.e., different flooring, different styles of furniture, seating only at bar, etc.):

The lange is a raised area seperated with a hand rail from the rest	
room. There will be two enfrances/exits that will be clearly marked	"Lounge"
No minors unless accompanied by adult as required.	

Catering Endorsement

A food primary applicant may apply for a catering endorsement if they wish to be licensed to transport and sell liquor at catered events where they have been hired to provide food service. The catered events must be hosted by other people and must take place outside the `red-lined area' (the area where liquor is sold, served and consumed) and generally away from the establishment. The caterer must be present for the duration of a catered event. Licences with a catering endorsement are subject to an annual licensing fee of \$100 in addition to the annual fees.

To qualify for an endorsement the applicant must demonstrate at the time of inspection:

- 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 existing licensed establishment.

Are you applying for a catering endorsement?

NOTE: If a licence is approved with a catering endorsement, the licensee must notify LCLB of all catered events (except in private residences) using OneStop (www.bcbusinessregistry.ca). Some events may require approval from LCLB before the catered event can take place. Further information about how to notify LCLB will be provided by your local liquor inspector when they complete their final inspection.

Jan.22.2015 12:50 PM

Patios:

The licensing of an outdoor patio must be approved by the Liquor Control and Licensing Branch. The applicant is responsible for complying with any local bylaws relating to a licensed establishment patio.

Are you applying for a patio to be part of the licensed area? Yes

The patio occupancy load must be marked on the floor plan by provincial (or designate) fire or building authorities as a separate occupant load or clearly stated that the occupancy load for the patio will be "taken from inside".

No

Noccupant Load from floor plan Patio 1: 24 Patio 2: (Max 33 - 24 by design

Findicate on the floor plan you submit with this application where the patio area will be. The floor plans must have sufficient detail to be acceptable to the branch.

Provide the following information:

1. Describe the patio perimeter that is designed to control entry/exits (i.e., railing, fencing, planters, hedges, etc.):

The partie will be surranded with tempered glass and steel posts. The glass will be at a herent of 6 feet and the posts at 6.5 fl. There will be an emergency exit as marked on plans that will be clearly marked Emergency Exit only and will have an alarm that will sound if Opened -2. Will your servers have to carry liquor through unlicensed areas to get to the patio? Type The free, please explain: 3. Is the patic located immediately adjacent or contiguous to the interior licensed area? Tres T No If No, please explain: 4. Describe how your staff will manage and control the patio from the interior licensed area: We will have a floor manager on shift all haves of operation that will circle the entire room and partic constantly. Our hostess will be monitoring the traffic flow to and from the pation as her hosters station will be adjacent to patio. The patio will also be fitted with two security cameres that will be viewable from the back of house. Patio servers will serve patoonly. 5. Will the patio have a fixed or portable liquor service bar? Ves No 6. If "No", will liquor be served from the Interior service bar? Mes PART 5: Resident Manager A licensee who does not reside in BC or who will not be present to manage the day to day business must hire an individual to manage the establishment. The resident manager must be an employee of the licensee, a resident of BC, a Canadian citizen or lawfully admitted to Canada under the Immigration and Refugee Protection Act (Canada) for permanent residence, and must be 19 years of age or over. Will you employ a resident manager to operate your licence? Please check (2) one: No, I will not employ a resident manager to operate my licence. Tes, I will employ a resident manager to operate my licence. If Yes, provide details: Legal Name of Resident Manager: Felipa (Given Namea) (Last)

Submit the following documents for the resident manager with this application:

Traccompleted Personal History Summary and Consent for Criminal Record Search (LCLB004) form and required documents noted on form.

5 of 10

Food Primary - Licence Application

PART 6: Additional Requirements and Information

- Floor Plans: Provide one legible reduced 8.5" x11" copy of the floor layout plan detailing furniture and equipment layout of the entire establishment. The occupant load on the establishment must be clearly marked/stamped ON the plans by provincial (or designate) fire or building authorities. An alternate qualified architect or design professional may be used in locations where building and fire authorities do not have jurisdiction to provide an occupant load and written acknowledgement by local government/First Nations is provided.
 - Floor plans should meet the following requirements:

CCCUPANT LOAD(S) MUST BE CLEARLY MARKED/STAMPED ON THE PLAN

To provide dimensions of room sizes, partial height walls, planters, etc.

main entrance/exits, access points

indicate the proposed unlicensed areas (MIA Kitchen only)

- Stairs showing direction of travel
- Tocation of liquor service bar or area from which liquor will be served
- The state of the s

Signage: provide a sketch of the proposed establishment signage. Signs and establishment name are subject to LCLB approval

MI Gaming Facilities:

If your proposed liquor licence will be located at a commercial casino, community gaming centre or bingo hall you must provide in addition to the above:

Manufacturing Facilities:

If your proposed liquor licence will be located at a winery, brewery or distillery you must provide in addition to the above:

- a site map showing the location of the proposed Food Primary in relation to the manufacturing facility, tasting area(s) or any other endorsement area(s) (i.e., on-site store, lounge, special event, picnic or tour area).
- a description of the type of separation that will be in place between the Food Primary licences area(s) and the manufacturer licensed areas(s) NOTE: A food primary licence cannot overlap any other licensed area. The manufacturer licensed area(s) should be contiguous - not separated by a food primary licence
- a copy of Agriculture Land Commission (ALC) approval (If you are located in the Agriculture Land Reserve) to permit a food primary establishment. ALC restrictions may apply.
- If the addition of a food primary licence will change the existing manufacturer licensed areas, complete Manufacturer Structural Change Application (http://www.pssg.gov.bc.ca/lclb/docs-forms/LCLB013.pdf)

UA T Motor Vessels:

If your proposed liquor licence is located on a motor vessel you must provide in addition to the above:

- a legible copy of the captaln's accreditation certificate.
- a legible copy of registration and safety certificates.
- floor plan, which must show public access areas, kitchen/food services area and washroom facilities.

The valid interest declaration signed on Part 7 of the application indicates you have a moorage contract in place for a period of at least 12 months from the date the liquor licence is issued.

Alrcraft and Trains:

If your proposed liquor licence is located on an aircraft or a train you must provide in addition to the above:

floor plans submitted must show public access areas, kitchen/food services area and washroom facilities

Third party operator:

If you are intending to have a third party operator run your business on your behalf, complete *Third Party Operator Application* (http://www.pssg.gov.bc.ca/lclb/docs-forms/LCLB026.pdf) and submit completed application with your application for a new food primary licence.

Note: At the time of final inspection, the liquor inspector will confirm that your establishment meets the requirements of a food primary licence by verifying the following:

- Menus have a varied selection of food items, including both appetizers and main course, or their equivalent and are available at all times liquor is being served.
- · Kitchen equipment is sufficient to prepare the food items listed on the menu.
- Flatware, china and other table accessories are sufficient to accommodate the number of patrons in your establishment (disposable dishes and flatware do not meet this requirement).
 - · Furnishing and lighting is suitable for dining and table service.

If you have applied for a catering endorsement, at the time of final inspection, the liquor inspector will confirm that your business location meets the requirements of a catering licence by verifying the following eligibility 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 existing licensed establishment.

If at the time of final inspection the Ilquor Inspector is not satisfied with the above requirements, you may be required to make changes and schedule a second (2nd) inspection to confirm you meet the licensing requirements. A fee of \$200 will be charged if a second (2nd) inspection is required.

....

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:
 - 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.
 - 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 explry 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.
- 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.
- I solemnly declare that the statements in this declaration and all the application documents are true and complete
 to the best of my knowledge.

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.

LCLB001b	consider terminating the licent	ce application and/or ca	ancelling the licence.
	False declaration of valid inte	rest is reason for the	general manager to
a licence wh) of the Liquor Control and Licensing Act sta o fails to disclose a material fact required b cation commits an offence."	ates: "A person applying for the i y the form of application or mak	ssue, renewal, transfer, or amendment of es a false or misleading statement in the
Signature:			
	(last / first / middle)		(Day/Month/Year)
Name of Of	fficial:	Position:	Date:
Signature:			
	(last / first / middle)	Position:	Date: (Day/Month/Year)
Name of Of	ficial	Position:	
Signature:			
	(last / first / middle)		(Day/Month/Year)
Name of Of	fficial:	Position:	Date:
Signature:	DIG.		
Name of Of	ficial: ILG, Dane Jen (last/first/middle)	Y Position: OWAR	Date: 7-1/01/15 (DayMonth/Year)

PART 8: Local Government / First Nation Resolutions: Information for the Applicant

The following require a resolution from your local government or First Nation, commenting on the application.

- · Patron participation entertainment endorsement.
- Liquor service past midnight.

NOTE: If you are applying for patron participation or liquor service past midnight, your application will take longer to process. You may wish to move forward with your new food primary application and apply for these changes at a later date by completing an Application for a Permanent Change to a Liquor Licence (LCLB005b) and submit the required fees,

Licensee responsibilities:

Complete this application form.

- E Request your local government/First Nation sign and date Part 9 of this form. * Submitted to City of Kebung
- Provide a legible 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 to the Liquor Control and Licensing Branch.

For more information on resolutions regarding B.C. liquor licenses, please visit the LCLB Web site publication index to consult the guide Role of Local Government and First Nation at http://www.pssg.gov.bc.ca/lclb/publications/index.htm

PART 9: Local Government/First Nation Confirmation of Receipt of Application

This application serves as notice from the Liquor Control and Licensing Branch (LCLB) that an application for a new food primary licence is being made within your community that is requesting hours of liquor service past midnight and/or patron participation. Please provide the following information: Important Note

Name of Municipality/ Regional District/First Nation: Name of authorized representative:	Phone # with area	The resolution must comment on whether the late hours or patron- participation entertainment may result in the restaurant being operated in a manner that is contrary to its primary purpose (serving food).
Position;	code and extension:	
Signature		Data
Signature:		Date:
		Month/Day/Year
The Liquor Control and Licensing Branch (LCI.B) requests Head Office within 90 days of the above date of receipt.	that a resolution commenting or	n the application be sent to the LCLB Victoria
To comply with section 53 of the Liquor Control and Li	censing Regulation, this resol	lution must:

- ent on the following regulatory criteria
- the potential for noise if the application is approved;
- the impact on the community if the application is approved; and
- whether the amendment may result in the establishment being operated in a manner that is contrary to the primary purpose (provide comments only if the application is from a food-primary licence for an extension of hours of liquor service past midnight or the addition of patron participation entertainment.
- Indicate whether or not the views of residents were gathered, and if not, provide reasons why they were not gathered (residents include residents and business owners).
- If the views of residents were gathered explain:
 - the views of the residents;
 - the method used to gather the views of the residents; and
 - comments and recommendations with respect to the views of residents.
- Provide recommendation as to whether the amendment should be approved.

You may refer to and attach any report presented by an advisory body or sub-committee to the council or board.

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. Please be advised that if the LCLB does not receive a resolution or a request for an extension within 90 days, the general manager is authorized to review the application without a resolution and make a decision about the application.

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/resources/.

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Food Primary - Licence Application

PART 10: Application Fee - \$475.00 (non refundable)

Note: At the conclusion of your inspection, a \$475 licence fee is required for the first year of licensing. This fee must be received prior to issuing final licence approval.

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

Payment is by (check (1) one):

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

OMoney order, payable to Minister of Finance

Ocredit card: OMSA OMasterCard OAMEX

OI 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.

Of am submitting my application by fax or mall and have given my credit information in the space provided at the bottom of the page.

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/lclb E-mail: liquor.licensing@gov.bc.ca

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 and, therefore, your ability to sell liquor.

		the state of the s
Freedom of Information and Privacy Act - The liquor licence application. All personal information	information requested on this form is collect tion is collected under the authority of Section	ted for the purpose of obtaining or making changes to a n 15 of the Liquor Control and Licensing Act (RSBC
1996, c.267). Questions should be directed to GOVT, Victoria, BC V8W 9J8. Ph: In Victoria,	: Liquor Control and Licensing Branch, Free	dom of Information Officer, PO Box 9292 STN PROV
LCLB0015	9 of 10	Food Primary - Licence Application
Credit Card Information (To be submitted by fax	or mail only)	
Name of cardholder (as it appears on card):	Daniel Ila	
Credit card number:		Expiry date: 09 / 18
Signature:		(Monin) (Year)"
$\langle \mathcal{O} \rangle$		



REPORT TO COUNCIL



Date:	March 17, 201	4		Kelow
RIM No.	0940-40			
То:	City Manager			
From:	Urban Planning, Community Planning & Real Estate (LK)			
Application:	DVP15-0014		Owner:	Cheryl Rogers
Address:	1290 Bothe Road		Applicant:	Mike Budd MS Budd Construction MBL12890
Subject:	Development Variance Permit			
Existing OCP Designation: S2RES - Single / Two Unit		Unit Resident	ial	
Existing Zone:		RU1 - Rural Resident	ial 1	

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0014, for Lot G District Lot 131 ODYD Plan 38135, located on 1290 Bothe Road, Kelowna, BC;

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

Section 13.1.6(d) RU1 - Large Lot Housing Zone Development Regulations

To vary the side yard from 2.3m required to 2.13m existing;

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval with no opportunity to extend.

2.0 Purpose

To consider a side yard setback variance for an addition.

3.0 Urban Planning

Urban Planning supports the proposed development application. The existing single detached house was constructed in 1988. The proposal is to convert the single, front attached garage into a secondary suite. The proposal includes the addition of a second storey area for the suite. The required variance would allow the second storey side setback to be reduced from 2.3m required to the provided setback of 2.13m on the east side of the house.

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbour consultation by contacting the neighbours in person.

4.0 Proposal

4.1 Project Description

The existing single detached dwelling meets the setback requirements of the Zoning Bylaw. The second storey addition will have the same setback as the existing main floor level and therefore requires the variance to reduce the setback from 2.3m proposed to 2.1m existing.

A small addition is proposed on the west side of the house to add a single car garage. The proposed setback from the house to the west side property line meets the Zoning Bylaw requirement of 2.0m. The addition is 3.05m (10 feet) wide and matches the existing building depth. The roofline of the addition will match the existing house.

The parcel provides parking to meet the Bylaw requirements for both the existing dwelling and the secondary suite. Parking for the house is provided with one stall in the new garage addition and the second stall on the driveway entry to the garage. The parking space for the secondary suite utilizes the current driveway access and is adjacent to the suite. A lit pathway provides access from the parking stall to the entry of the suite. Private open space is directly accessed from the secondary suite entry.

The exterior cladding is being upgraded with hardiplank siding for the entire home. Cultured stone accents are used on the facades visible from the street. Shingles on the existing house are being replaced to make the shingles on the addition. These changes modernize the aging facade and blends the additions seamlessly.

4.2 Site Context

The subject property is located on the north side of Bothe Road in the South Pandosy - KLO area of Kelowna.

Orientation	Zoning	Land Use
North	P2 - Education & Minor Institutional	Religious Assemblies
East	RU2 -Medium Lot Housing	Single Family Dwelling
South	RU1 - Large Lot Housing	Single Family Dwelling
West	RU1 - Large Lot Housing	Single Family Dwelling

Specifically, adjacent land uses are as follows:

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Subject Property Map: 1290 Bothe Road

4.3 Zoning Analysis Table

Zoning Analysis Table					
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL			
Existing Lot/Subdivision Regulations					
Min. Lot Area	550m ²	3,062m ²			
Min. Lot Width	16.5m	27m			
Min. Lot Depth	30m	135.28m			
Development Regulations					
Max. Site Coverage	40%	11.1%			
Max. Site coverage (with driveways & parking areas)	50%	3.7%			
Max. Height	9.5m ot 2 ¹ / ₂ storeys	5.1m			
Min. Front Yard (to dwelling)	4.5m	7.12m			
Min. Front Yard (to garage)	6.0m	11.44m			
Min. Side Yard (east)	2.3m	2.1m o			
Min. Side Yard (west)	2.0m	2.0m			
Min. Rear Yard	7.5m	10.65m existing			
Other Regulations					
Min. Parking Requirements	3 stalls	3 stalls			
Min. Private Open Space	30m ² min.	30m ²			
• Indicates a requested variance to vary the east side yard from 2.3m required to 2.1m provided.					
5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

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

Sensitive Infill² Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighborhood with respect to building design, height and siting.

6.0 Technical Comments

- 6.1 Building & Permitting Department
 - 1) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
 - 2) Operable bedroom windows required as per the 2012 edition of the British Columbia Building Code (BCBC 12).
 - 3) Provide the City of Kelowna Bulletin #88-02 (Secondary Suites Requirements in a single family dwelling) for minimum requirements. The drawings submitted for Building Permit application is to indicate the method of fire separation between the suite and the main dwelling.
 - 4) Range hood above the stove and the washroom to vent separately to the exterior of the building. The size of the penetration for this duct thru a fire separation is restricted by BCBC 12, so provide size of ducts and fire separation details at time of Building Permit Applications.
 - 5) A fire rating of the new second floor will require an upgrade of the fire separations within the existing dwelling space. Please provide these details on the building permit drawing sets.
 - 6) Full Plan check for Building Code related issues will be done at time of Building Permit applications.
 - 7) Windows in the upper floor area are within the fire separation wall required and need to be protected with one of the following methods:
 - a) fire shutters,
 - b) sprinkler heads,
 - c) or removed from the wall.

This will affect the form and character of this dwelling.

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

² City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

6.2 Development Engineering Department

See attached Memorandum dated February 13, 2015.

6.3 Fortis BC Inc - Electric

There are primary distribution facilities along Bothe Rd. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

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

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

7.0 Application Chronology

Date of Application Received:	January 12, 2015
Date Public Consultation Completed:	March 3, 2015

Report prepared by:	
Lydia Korolchuk, Planner	
Reviewed by:	Lindsey Ganczar, Urban Planning Supervisor
Reviewed by:	Ryan Smith, Urban Planning Manager
Attachments: Site Plan Elevations	

Landscape Plan Development Engineering Memorandum Draft Development Variance Permit DVP15-0014



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.

APPROVED ISSUANCE OF A:

Development Variance Permit No. DVP15-0014

EXISTING ZONING DESIGNATION:	RU1
WITHIN DEVELOPMENT PERMIT AREA:	Comprehensive Development Permit Area (Residential)

ISSUED TO: MS Budd Construction MBL12890

LOCATION OF SUBJECT SITE: 1290 Bothe Road

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	G	131	38135			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:

- a) THAT the dimensions and siting of the building and the landscaping are to be constructed on the land in general accordance with Schedule "A".
- b) THAT the exterior design / finish are to be constructed on the land in general accordance with Schedule "B":
- 2. The development shall commence by and in accordance with an approved Building Permit within TWO YEARS of the date of the Municipal Council authorization resolution.
- 3. <u>PERFORMANCE SECURITY</u>: None Required.

4. <u>DEVELOPMENT</u>:

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 two years 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. <u>APPLICANT'S AGREEMENT</u>:

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

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

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

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

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

Signature of Owner/Authorized Agent	Date		
Print Name in Bold Letters	Telephone No.		
6. <u>APPROVALS</u> :			
DEVELOPMENT PERMIT AUTHORIZED BY COUNCIL ON THE DA	Y OF, 2015.		
ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL			

Doug Gilchrist, Director, Community Planning & Real Estate Div.

MEMORANDUM

Date: February 13, 2015

File No.: DVP15-0014

To: Urban Planning (PM)

From: Development Engineering Manager (LK)

Subject: 1290 Bothe Rd

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

This development variance permit application to vary the side yard setback to 2.1m does not compromise any municipal services.

Steve Muenz, P. Ehg.

Development Engineeking Manager

SS













REPORT TO COUNCIL



Date:	March 13, 201	15		Kelov
RIM No.	0940-50			
То:	City Manager			
From:	Urban Plannir	ng, Community Plannin	ng & Real Esta	te (LK)
Application:	DVP15-0046		Owner:	Wendy Marcolli
Address:	845 Bernard A	Avenue	Applicant:	Wendy Marcolli
Subject:	Development	Variance Permit		
Existing OCP D	esignation:	S2RES - Single / Two	Unit Resident	ial
Existing Zone:		RU6 - Two Dwelling H	lousing	

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0046, for 845 Bernard Avenue, located on Lot 26 Block 15 District Lot 138 ODYD Plan 262, Kelowna, BC;

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

Section 13.6.6 (b): RU6 - Two Dwelling Housing Development Guidelines

To vary the maximum height of an accessory building from 4.5m to 4.8m;

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval with no opportunity to extend.

2.0 Purpose

To consider a variance to the height of an accessory building.

3.0 Urban Planning

Urban Planning Staff support the requested variance to the overall height of the accessory building. The property owner would like to construct an accessory building with the future intention of converting the building to a Carriage House.

4.0 Proposal

4.1 Project Description

The property is currently zoned RU6 - Two Dwelling Housing. The Zoning Bylaw maximum height of an accessory building is 4.5m. The maximum height for a Carriage House is 4.8m. Building height is measured to the mid-point of the roof structure. This additional height will easily allow the attic storage space to be converted to a dwelling unit at a future date. Currently, the owner

does not have funds to complete the construction of the dwelling unit. The space will be used as storage.

The conversion of an accessory building to a Carriage House has, in the past, been a problematic process for Building & Permitting. In order to ensure a smoother process, provisions for the future conversion to a Carriage House have been considered. The proposal has been reviewed to ensure it meets current Zoning Bylaw requirements for Carriage House development. To aid the Building Permit process, the steps being taken now include radon venting of the concrete slab, fire separation around the stairwell, and two piece rough-in plumbing within the storage space as allowed in the Zoning Bylaw for Accessory Development.

The accessory building is accessed from the rear lane with the lower level providing two parking spaces for the dwelling. The building is located 1.5m from the rear property line and is centred across the width of the parcel with 3.35m to each on the side property lines. This will accomodate the future additional parking space requirement for a Carriage House. The accessory building as proposed meets all other current zoning requirements for both an accessory building and a Carriage House.

The subject property is located on the south side of Bernard Avenue. The parcel is designated S2RES - Single / Two Unit Residential in the Official Community Plan and is within the Permanent Growth Boundary. The parcel is located within the Character Neighbourhood Development Permit Area and a form and character development permit will be required for the building when converted to a Carriage House. Even though form and character is not reviewed for the current application, the proposal is accounting for the future requirements of a Carriage House. The accessory building as proposed fits within the site context. There are numberous existing carriage houses accessed from the same rear lane.

The area surrounding the property is a mix of residential uses, and includes single family dwellings, carriage houses and an apartment building. Knowles Heritage Park is located east of the subject parcel.

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbour consultation by contacting them in person and providing proposal application packages.

4.2 Site Context

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

Specifically, adjacent land uses are as follows:



Subject Property Map: 845 Bernard Avenue

4.3 Zoning Analysis Table

Zoning Analysis Table				
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL		
Exi	sting Lot/Subdivision Regulatio	ns		
Min. Lot Area	400 m ² min.	636.40 m ²		
Min. Lot Width	13.0 m min.	15.24 m		
Min. Lot Depth	30.0 m min.	41.76 m		
	Development Regulations			
Max. Site Coverage (buildings)	40% max.	29.98%		
Max. Site Coverage (buildings, driveways & parking)	50% max.	29.98%		
Development Regulations (Accessory Building)				
Min. Side Yard (east)	1.2 m min.	3.35 m		
Min. Side Yard (west)	1.2 m min.	3.35 m		
Min. Rear Yard	1.5 m min.	1.5 m		
Min. Separation from Dwelling	1.0 m min.	7.70m		
Max. Accessory Site Coverage	14% max	9.81%		
Max. Accessory Building Footprint	90 m ² max.	62.4 m ²		
Max. Accessory Building Height	4.5m max.	4.8m proposed 0		
• Indicates a proposed variance to the accesscory building maximum height				

4.4 Current Development Policies

4.5 Kelowna Official Community Plan (OCP)

Development Process

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

5.0 Technical Comments

- 5.1 Building & Permitting Department
 - 1) Full Plan check for Building Code related issues will be done at time of Building Permit applications.

5.2 Development Engineering Department

See the attached memorandum dated March 3, 2015.

6.0 Application Chronology

Date of Application Received:	March 2, 2015
Date Public Consultation Completed:	March 3, 2015

Report prepared by:

Lydia Korolchuk, Planner	
Reviewed by:	Lindsey Ganczar, Urban Planning Supervisor
Reviewed by:	Ryan Smith, Urban Planning Manager
Attachments:	
Subject Property Map Project Rendering	

Site Plan/Landscape Plan Conceptual Elevations Floor Plan Summary of Technical Comments Development Engineering Memorandum Draft Development Variance Permit No. DVP15-0046

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

Map Output



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.

APPROVED ISSUANCE OF A:

Development Variance Permit No. DVP15-0046

EXISTING ZONING DESIGNATION:	RU6
WITHIN DEVELOPMENT PERMIT AREA:	Character Neighbourhood Development Permit Area

ISSUED TO: Wendy Marcolli

LOCATION OF SUBJECT SITE: 845 Bernard Avenue

	LOT	D.L.	PLAN	BLOCK	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	26	138	262	15		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:

- a) THAT the dimensions and siting of the building and the landscaping are to be constructed on the land in general accordance with Schedule "A".
- b) THAT the exterior design / finish are to be constructed on the land in general accordance with Schedule "B":
- c) AND THAT the variance to the following section Zoning Bylaw No. 8000 be granted: <u>Section 13: Two Dwelling housing: 13.6.6 (b) Development Guidelines</u> To vary the maximum height of an accessory building from 4.5m to 4.8m
- 2. The development shall commence by and in accordance with an approved Building Permit within TWO YEARS of the date of the Municipal Council authorization resolution.
- 3. <u>PERFORMANCE SECURITY</u>: None Required.
- 4. <u>DEVELOPMENT</u>:

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 two years of the date of this Permit, this Permit shall lapse.

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

THIS Permit IS NOT A BUILDING Permit.

5. APPLICANT'S AGREEMENT:

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

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

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

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

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

Signature of Owner/Authorized Agent	Date
Print Name in Bold Letters	Telephone No.
6. <u>APPROVALS</u> :	
DEVELOPMENT PERMIT AUTHORIZED BY COUNCIL ON THE DAY	Y OF, 2015.
ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE C DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL B	CITY OF KELOWNA THE DAY OF, 2015 BY THE ESTATE.

MEMORANDUM

Date: March 3, 2015

File No.: DVP15-0046

To: Urban Planning (LK)

From: Development Engineering Manager (SM)

Subject: 845 Bernard Ave

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

This development variance permit application to vary the required height from 4.5m to 4.8m does not compromise any municipal services.

Steve Muenz, P. Eng. Development Engineering Manager

SS









REPORT TO COUNCIL



Date:	March 11, 20	15		Kelowna
RIM No.	0940-50			
То:	City Manager			
From:	Urban Planning, Community Planning & Real Estate (TY)			
Application:	DVP15-0037		Owner:	Andrew & Joan Marceau
Address:	1480 Guisachan Place		Applicant:	Kevin Lashinski
Subject:	Development Variance Permit			
Existing OCP Designation:		S2RES - Single/Two Unit Residential		
Existing Zone:		RU1 - Large Lot Hous	ing	

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0037, for Lot 4 District Lot 136 ODYD Plan 9353, Located at 1480 Guisachan Place, Kelowna, BC;

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

Section 13.1.6(e): RU1 - Large Lot Housing - Development Regulations

Vary the minimum required rear yard setback from 7.5 m required to 6.0 m proposed.

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval with no opportunity to extend.

2.0 Purpose

To seek a Development Variance Permit to vary the rear yard setback.

3.0 Urban Planning

Urban Planning supports the proposed variance on the subject property. The proposed variance is required to allow the addition of a carport to an existing attached garage on a single family dwelling. This addition will fit with the form and character of the existing ranch style dwelling. The roof of the proposed carport will follow the same pitch as the existing attached garage and be 30 cm lower than the height of the existing garage. The proposed location of the carport allows for 6.0 m of open space to the rear property line as well as 7.5 m clearance down the driveway to Guisachan Place. This distance permits a vehicle to turn around on the property allowing forward access and egress to and from Guisachan Place.

4.0 Proposal

4.1 Project Description



Area of Proposed Carport

The subject property contains a one storey single family dwelling with an garage. attached The proposed carport would be constructed on the west side of an existing garage. The carport measures 4.9 m wide and 9.1 m long. The mid-point of the roof measures 3.7 m in height which is 30 cm lower than the existing garage height. The driveway on the subject property is currently wider than the maximum allowable width of 6.0 m as per Schedule 4 of Bylaw 7900 City of Kelowna Design Standards; Section 4.6

Curb & Gutter, Sidewalks & Bike Lanes. The existing driveway may remain the current width of 8.0 m. Widening of the driveway along Guisachan Place to access the proposed carport parking spot is not permitted.



Proposed North Elevation

4.2 Site Context

The subject property is located on the northwest corner of the intersection at Guisachan Place and Burtch Road. The neighbouring properties to the north and west are also zoned RU1. A development to the south of the subject property is zoned RU5. Agriculture land zoned A1 -Agriculture 1 exists to the east of Burtch Road. The subject property is identified in Kelowna's OCP as Single /Two Unit Residential (S2RES), and is within the permanent growth boundary.

Orientation	Zoning	Land Use
North	RU1	Single Family House
East	A1	Pasture
South	RU5	Bareland Strata Housing
West	RU1	Single Family House

Adjacent land uses are as follows:

Subject Property Map: 1480 Guisachan Place



4.3 Zoning Analysis Table

Zoning Analysis Table			
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL	
Existi	ng Lot/Subdivision Regulation	5	
Minimum Lot Area	550 m ²	871 m ²	
Minimum Lot Width	17 m	20.4 m	
Minimum Lot Depth	30 m	42.67 m	
Development Regulations			
Maximum Site Coverage	40%	30%	
Maximum Site Coverage including driveways & parking areas	50%	37%	
Maximum Height	4.0 m (existing garage)	3.8 m	
Minimum Front Yard	4.5 m	9.1 m	
Minimum Side Yard (north)	2.0 m	2.15 m	
Minimum Side Yard (south)	2.0 m	7.6 m	
Minimum Rear Yard	7.5 m	6.0 m o	
 Requested Rear Yard Setback to a principle dwelling 			

5.0 Technical Comments

5.1 Development Engineering Department

See attached Memorandum dated February 24, 2015

Application Chronology

Date of Application Received:	February 17, 2015
Date Public Consultation Completed:	September 28, 2014

Report prepared by:

Schedule "B" Elevations

Development Engineering Memorandum

Tracey Yuzik, Planner	
Reviewed by:	Lindsey Ganczar, Urban Planning Supervisor
Approved for Inclusion:	Ryan Smith, Urban Planning Manager
Attachments:	
Subject Property Map Schedule "A" Site Plan	



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





Joan & Andy Marceau 1480 Guisachan Place Kelowna, B.C. Carport Addition Scale 1/8"= 1'

West Elevation



MEMORANDUM

Date: February 24, 2015

File No.: DVP15-0037

To: Urban Planning (TY)

From: Development Engineering Manager (SM)

Subject: 1480 Guisachan Place

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

This development variance permit application to vary the rear yard setback to 6.0m does not compromise any municipal services.

Steve Muenz, P. Eng. Development Engineering Manager

SS

APPROVED ISSUANCE OF A:

	Development Variance Permit No .:		DVP15-0037	
EXIS	TING ZONING DESIGNATION:	RU1 – Large Lot Housing		

DEVELOPMENT VARIANCE PERMIT: Vary the minimum rear yard setback from 7.5 m required to 6.0 m proposed.

ISSUED TO: Andrew & Joan Marceau

LOCATION OF SUBJECT SITE: 1480 Guisachan Place

	LOT	D.L.	DISTRICT	PLAN
LEGAL DESCRIPTION:	4	136	ODYD	9353

SCOPE OF APPROVAL

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

1. TERMS AND CONDITIONS:

- a) THAT the dimensions and siting of the carport are to be constructed on the land in general accordance with Schedule "A";
- b) AND THAT the design and finish of the carport are to be constructed on the land in general accordance with Schedule "B";
- c) AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

<u>Section 13.1.6(e): RU1 – Large Lot Housing – Development Regulations</u> Vary the minimum required rear yard setback from 7.5 m required to 6.0 m proposed.

d) AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend;

3. <u>DEVELOPMENT</u>:

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

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

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

THIS Permit IS NOT A BUILDING Permit.

4. <u>PERFORMANCE SECURITY</u>:

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

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

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

5. <u>APPLICANT'S AGREEMENT</u>:

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 Manager of Urban Planning.

Should there be any change in ownership or legal description of the property, I undertake to notify the Land Use Management Departmant 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. <u>APPROVALS</u> :	
DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE CO	DUNCIL ON THEDAY OF, 2015.
ISSUED BY THE URBAN PLANNING DEPARTMENT O	F THE CITY OF KELOWNA THE DAY OF ANNING.

Ryan Smith, Urban Planning Manager
REPORT TO COUNCIL



Date:	3/13/2015		Kelowna							
RIM No.	0940-00									
То:	City Manager									
From:	Urban Planning Department (AC)									
Application:	DP15-0033 & DVP15-0034	Owner:	Nor-Can Ventures Ltd., Inc. No. 594390							
Address:	1502 &1506 Sutherland Ave	Applicant:	Dennis MacLeod							
Subject:	Development Permit and Deve	lopment Varia	nce Permit Application							
Existing OCP Designation:	MXR - Mixed Use (Residential / Space	Commercial)	& PARK - Major park / Open							
Existing Zone:	C3 - Community Commercial									

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP15-0033 for Lot A & B, District Lot 141, ODYD, Plan 19444, located on 1502 & 1506 Sutherland Avenue, Kelowna, BC subject to the following:

- 1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- 2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
- 3. Landscaping to be provided on the land be in general accordance with Schedule "C";
- 4. That an access easement be registered on Lot A & B to ensure adequate vehicle stacking for the car wash be maintained.
- 5. That a blanket Statutory Right-of-Way for maintenance access to the riparian area be registered on Lot A & B.
- 6. That the land swap agreement between the applicant and the City of Kelowna be completed.
- 7. Prior to issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied as described in the attached report dated March 5th 2015";
- 8. That the applicant be required to post with the City, a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP15-0034 for Lot A, District Lot 141, ODYD, Plan 19444, located on 1502 & 1506 Sutherland Avenue, Kelowna, BC.

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

Section 14.3.5 (d) Development Regulations

Vary the front yard setback requirement from 3.0 metre required setback to 1.5 metre proposed; AND

Section 14.3.5 (e) Development Regulations

Vary the west flanking side yard setback requirement from 2.0 metre required setback to 1.5 metre proposed.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit / Development Variance Permit Applications in order for the permit to be issued.

AND FURTHER THAT this Development Permit / Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

To consider a Development Permit and Development Variance Permit for a phased mixed use commercial and residential building as well as an expanded car wash.

3.0 Urban Planning

Staff are supportive of the proposed Development Permit and Development Variance Permit. A Development Permit is necessary in this case as the subject property is located within a designated revitalization area. Kelowna's revitalization areas represent the city's core commercial centres with associated, supporting mixed use and residential development. The intent of the Revitalization Development Permit areas is to enhance and catalyze these areas as they continue to experience rapid growth, pressures to intensify, and increasing design expectations. The purpose of the Revitalization Design Guidelines is to ensure that the siting, form, landscaping, exterior design and finish of buildings, and character of the development is of high quality and compatible with the vision for these urban centres.

The intersection at Sutherland Ave and Burtch Rd is a significant underdeveloped corner lot that will inform any future development in the area. The proposed building is placed close to the property lines and the intersection to enhance the pedestrian experience and to provide for a more visually appealing urban setting. The development of this corner lot will add another traffic lane along Burtch Rd which has been a priority improvement from a transportation perspective. The integrated parking within the building and the proposed car elevator exceeds the Development Permit guidelines and avoids surface parking surrounding the building which is common in similar forms of development. The development meets the zoning bylaw requirement of one loading space. Staff further recommend that the loading space be clearly marked on the pavement and that the necessary signage is provided. The lane between the two buildings will be blocked whenever the loading space is being utilized.

The Development Variance Permit is proposed to permit a flanking side yard (along Burtch Rd) setback reduction from 2.0 metres to 1.5 metres and a front yard (along Sutherland Ave) setback reduction from 3.0 metres to 1.5 metres. These setback requirements were negotiated with Staff

to enhance the pedestrian experience and protect the multi-modal corridor located along Sutherland Avenue.



In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbour consultation by individually contacting the neighbours as described in the attached *Schedule 'A'*. No major issues were identified during the initial consultation with neighbouring parcels

4.0 Proposal

4.1 Project Description

The subject properties are broken into two legal sites. Site 1 is located on the corner of Burtch Road and Sutherland Avenue. This site is proposed to consist of a new phased commercial development. Phase 1 will begin with the renovated car wash on site 2. This development consists of face lifts to the existing carwash building and access changes which will permit an entrance from Burtch Road and an exit onto Sutherland Avenue. The building enhancement will include similar materials to the proposed commercial building, including similar colour schemes. This will provide visual unity for the overall development.

Phase 2 will consist of a commercial building that includes: 12 parking stalls, 114 m^2 of office space, and a proposed 120 m^2 laundromat. Phase 3 converts the first floor office space to a sandwich/coffee restaurant style space and adds: 19 new parking spaces on second floor, a car elevator, 478 m^2 office space on third floor, and 7 residential units on the fourth floor. The site entrance and proposed parkade entrance for the commercial building is located on Sutherland Avenue.

The commercial building will be constructed with a combination of steel frames and wood construction with an acrylic stucco exterior. The entrances to the tenant spaces in the building will be from the south. The parking is contained within the building itself. The south face of the building (Sutherland Ave) will be articulated with doors and windows in the form of storefront glazing, canopies, and decorative corporate signage.

4.2 Site Context

The subject properties are located in the 'Capri-Landmark' Urban Centre. The developable portions of the subject properties have a Future Land Use designation of MXR - Mixed Use (Residential / Commercial) in the Official Community Plan and are within the Permanent Growth Boundary.

Orientation	Zoning	Land Use
North	C3 - Community Commercial	Commercial
East	C3 - Community Commercial	Commercial
	RU1 - Large Lot Housing	Residential
South	C3 - Community Commercial	Commercial
	Land Use Contract	Commercial
West	P2 - Education and Minot Institutional	Church - Salvation Army

4.3 Subject Properties Map: 1502 - 1506 Sutherland Avenue



5.0 Zoning Analysis Table

		Zoning An	alysis Table			
	C3 ZONE REC	QUIREMENTS		PROPOSAL		
CRITERIA	Site 1	Site 2	Site	1	Site 2	
			Phase 1	Phase 2		
		Developmen	t Regulations	•		
Height	15 m / 4	storeys	1 storey	15 m / 4 storeys	1 storey	
Front Yard (north)	3.0		1.5 m		5.13 m	
Side Yard (west)	2.0 m	0.0 m	1.5 m	n 🛛	3.13 m	
Side Yard (east)	0.0	m	2.31	m	4.32 m	
Rear Yard (south)	0.0	m	33.4	m	27.25 m	
Site coverage of buildings	50	%	43 5	%	16 %	
Commercial FAR	1.	0	0.13	0.72	0.16	
Max Gross Floor Area for Financial Services	500	m ²	114 m ²	478 m ²	n/a	
		Other Re	gulations		•	
Minimum Parking Requirements	(Phase 1 / 2) 9 spaces / 21 spaces	1 stall per 2 employees (1 req'd)	12 spaces	22 spaces	1 stall	
Minimum Car Wash Stacking	n/a	5 spaces per automatic & 2 spaces per manual	n/a	n/a	9 car stacking O	
Minimum Bicycle Parking	(Phase 1 / 2) Class 1: 0 / 4 Class 2: 0 / 2	Class 1: 4 Class 2: 2	Class 1: 0 Class 2: 4	Class 1: 6 Class 2: 4	Class 1: 0 Class 2: 0	
Car Wash Vehicle Stacking	n/a	5 per automatic 2 per manual (9 total req'd)	n/a	n/a	9 spaces	
Private Open Space	(Phase 1 / 2) 0 m ² / 70 m ²	n/a	n/a	70 m ²	n/a	
 Indicates a requested v Indicates a requested v The stacking occurs over 	variance to reduce t	he flanking side yar	d setback requirement	t for site 1.		

6.1 Kelowna Official Community Plan (OCP)

Development Process

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

Sensitive Infill.² Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

Relevant Revitalization Development Permit Guidelines

S.4.12. Incorporate a high level of transparency (non-reflective and non-tinted glazing) on a minimum of 75% of the first floor elevation for commercial mixed use, and industrial developments;

S.6.1. Conceal at-grade and above-grade parking levels with façade treatments;

S.6.5. Uses associated with motor vehicles, including truck loading and waste storage and removal, should be screened from public view and should not be situated where they would conflict with pedestrian movement patterns;

S.6.8. Distinguish driving, parking, pedestrian, and cycling areas through changes in colour / pattern / materials of the paving.

7.0 Technical Comments

Building & Permitting

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
- Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- A Hoarding permit is required and protection of the public from the staging area and the new building area during construction. Location of the staging area and location of any cranes should be established at time of DP.
- A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
 - Door swings and gate swings for proper means of exiting are required
 - Additional doors and corridors may be required to meet minimum exiting requirements. This may include moving of the internal rated exit stairwells to meet minimum distances and addition of rated corridors.
 - Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.

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

² City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

- Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.
- A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. This property falls within the Mill Creek flood plain bylaw area and compliance is required. Minimum building elevations are required to be established prior to the release of the Development Permit. This minimum Geodetic elevation is required for all habitable spaces including parking garages. This building may be designed to low, which may affect the form and character of the building.
- We strongly recommend that the developer have his professional consultants review and prepare solutions for potential impact of this development on adjacent properties. Any damage to adjacent properties is a civil action which does not involve the city directly. The items of potential damage claims by adjacent properties are items like settlement of foundations (preload), damage to the structure during construction, additional snow drift on neighbour roofs, excessive noise from mechanical units, vibration damage during foundation preparation work etc.
- Guards are required for all decks and parking areas. The drawings provided don't clearly identify compliance to these minimum requirements, but will be reviewed at time of building permit application. The appearance of these guards may affect the form and character of the building.
- Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s). The drawings submitted for building permit is to clearly identify how this rating will be achieved and where these area(s) are located.
- An exit analysis is required as part of the code analysis at time of building permit application. The exit analysis is to address travel distances within the units, number of required exits per area, door swing direction, handrails on each side of exit stairs, width of exits etc.
- Washroom requirements for base building are to be addressed in the building permit application. This will be addressed at time of building permit application.
- Size and location of all signage to be clearly defined as part of the development permit. This should include the signage required for the building addressing to be defined on the drawings per the bylaws on the permit application drawings.
- Mechanical Ventilation inlet and exhausts vents are not clearly defined in these drawings for the enclosed parking storeys. The location and noise from these units should be addressed at time of Development Permit.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this structure at time of permit application.

Development Engineering

• See attached memorandum dated March 5th 2015.

8.0 Application Chronology

Date of Application Received:February 16th 2015Date of Neighbourhood Consultation Received (re: variance):March 18th 2015

DP15-0033 & DVP15-0034 - Page 8

Report prepared by:

Adam Cseke, Planner

 Reviewed by:
 Ryan Smith, Urban Planning Manager

Attachments:

Subject Property Map Development Engineering Memo Applicant Rationale Neighbourhood Consultation Draft Development Permit / Development Variance Permit

- Schedule 'A'
 - o Site Plan
 - Floor Plan
- Schedule 'B'
 - o **Elevations**
 - Colour Board
- Schedule 'C'
 - Landscape Plan



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

CITY OF KELOWNA

MEMORANDUM

 Date:
 March 5, 2015

 File No.:
 DP15-0033

To: Urban Planning (AC)

From: Development Engineering Manager

Subject: 1502, 1504, 1506 Sutherland Ave

Mixed Use

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

The Development Engineering Technologist for this project is Sergio Sartori

1. Domestic Water and Fire Protection

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

2. <u>Sanitary Sewer</u>

The developer's consulting mechanical engineer will determine the development requirements of the proposed development and establish the service needs. Only one service per lot will be permitted for this development. The applicant will arrange for the removal and disconnection of the existing service and the installation of one new larger service per lot at the applicants cost.

3. <u>Storm Drainage</u>

(a) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the Subdivision, Development and Servicing Bylaw No. 7900. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and provision of a storm drainage service for the development and / or recommendations for onsite drainage containment and disposal systems. A connection into Mill creek will not be permitted.

4. Road Improvements

- (a) Sutherland Avenue has been upgraded to a Multi-use corridor urban standard along the full frontage of this proposed development. A landscaped boulevard complete with underground irrigation system may be required for approval by Development Engineering.
- (b) Burtch Road must be upgraded to an urban standard along the full frontage of this proposed development, including curb and gutter, monolithic sidewalk, a raised concrete median, storm drainage system including catch basins, manholes and pavement removal and replacement, street lighting and re-location or adjustment of utility appurtenances (traffic signal) if required to accommodate the upgrading construction.
- (c) Provide street sign and pavement marking drawing. The developer's consulting engineer will be required, in consultation with the City, based on the existing design, to determine the required radius for the corner rounding at the property corner. The City will install the required signs and traffic control devices.

5. Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Provide a Certificate of Compliance from the Ministry of Environment prior to dedicating an additional highway allowance widening of ~2.60m for the full frontage of Burtch Rd.
- (b) Provide a Certificate of Compliance from the Ministry of Environment prior to dedicating a corner rounding of the Burtch Rd and Sutherland Rd intersection. (See item 4. (c))
- (c) Excess road right of way (2.2m) on the Sutherland Avenue frontage (20.0m road right-of-way width) may be available to the developer.
- (d) If any road dedication affects lands encumbered by a Utility right-of-way (such as Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.
- (e) Grant Statutory Rights Of Way if required for utility services.

6. Electric Power and Telecommunication Services

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

7. Design and Construction

- (a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- (b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.

- (c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- (d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- (e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Development Engineering Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

8. <u>Servicing Agreements for Works and Services</u>

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

9. Other Engineering Comments

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

10. Geotechnical Report

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

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

- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- (ii) Site suitability for development.
- (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).

- (iv) Any special requirements for construction of roads, utilities and building structures.
- (v) Suitability of on-site disposal of storm water, including effects upon adjoining lands in accordance with the Subdivision, Development and Servicing Bylaw, Schedule 4 Sanitary Item 2.18.
- viii) Any items required in other sections of this document.
- ix) Recommendations for roof drains and perimeter drains.

11. Survey Monuments and Iron Pins

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

12. Development Permit and Site Related Issues

- (a) Access and Manoeuvrability
 - (i) An SU-9 standard size vehicle must be able to manoeuvre onto and off the site without requiring a reverse movement onto public roadways. If the development plan intends to accommodate larger vehicles movements should also be illustrated on the site plan.
 - (ii) Driveway access to a property with one access shall be max. 11.0m. Driveway access to a property with more than one access shall be max. 9.0m. Burtch Road access will be a right in/right out only access due to the raised concrete median.
 - (iii) Perimeter access must comply with the BC Building Code. Fire Truck access designs and proposed hydrant locations will be reviewed by the Fire Protection Officer.

Steve Muenz, P. Eng. Development Engineering Manager

SS

DEVELOPMENT APPLICATION / DESIGN RATIONALE



Prepared For:

Dennis MacLeod, The Cooperators

To be Submitted to:

City of Kelowna Development Services

Date:

February 03, 2015

A13-33 Carwash and Commercial Building Sutherland Avenue & Burtch Avenue Kelowna, B.C.

February 2015

Prepared by

Sta Architecture Interior Design and Planning Building Envelope Consulting



Garry Tomporowski Architect Ltd Kelowna, B.C. 250.979.166

St

ARCHITECTURE

GTA Architecture LTD. 243 – 1889 Springfield Road Kelowna, BC Canada V1Y 5V5 Phone: 250.979.1668 Fax: 250.979.4366 Email: <u>gtaoffice@gtarch.ca</u>

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TABLE OF CONTENTS

10	OVERVIEW	1
	THE PROJECT	
3.0	PROPOSED DEVELOPMENT	.2
	SITE ACCESS	
5.0	PARKING	. 2
6.0	THE BUILDING	. 3
7.0	SUMMARY	. 3

A13-33 – Car Wash Renovations and New Mixed-use Office Building

February 2015

1.0 OVERVIEW

Sta

Our Client, Mr. Dennis MacLeod proposes to build a new commercial building at the prominent intersection at Sutherland Avenue and Burtch Avenue in Kelowna. The site has two points of entry, one along Burtch Avenue on the west of the site and the other on Sutherland Ave. The new building is nestled close to the intersection. While the existing carwash building is being added to and renovated is to the east, the parking area to the rear of these buildings provides temporary parking and circulation for the carwash primarily.

The 'site' itself is split into two legal components on which this particular project will be built. The remaining part of the site is a park and part of the Mission Creek water way. The site Planning and Development requirements underwent initial beneficial physical adjustments between Mr. Macleod and the City to achieve mutual goals. Some environmental remediation by the Owner and the City will be undertaken in due course.

2.0 THE PROJECT

The new commercial building will consist of a four storey steel frame building consisting of approximately 25, 400 GFA, split into three major group areas: commercial, parking and residential.

Due to the high significance of this intersection, and the role it will play in the overall future development of this area both from a residential and commercial perspective, the building was placed closed to the property lines and the intersection to enhance the pedestrian experience and to provide for a more visually urban setting. It brings prominence to this intersection and anchors the corner. This does two other major things; it signifies the importance of this intersection as an important transportation node within the City, and secondly further intensifies and reinforces the importance of this development in the overall City fabric. Further, the integrated parking floor within the four-storey commercial building removes the sea of cars which is so common in these types of developments. It removes them from the view of the passers-by and allows the building and its user to put their best foot forward to the public.

This will allow the resident businesses to put their "faces" right on the street for immediate recognition. It will provide a degree of encouragement for passers-by, pedestrian, bicycle and vehicular traffic to seek them out and further explore their offerings.

The building itself is further enhanced by the use of a prominent entrance feature on the south face to anchor the building. The corner is greatly emphasized with the use of this feature which itself entices people to the site. This with the use of highly articulated landscape features will welcome people from the adjacent blocks to this area of repose as well as providing an appealing space for people to sit and meet, have lunch, chat and relax.

The attempt for this area is to create a casual meeting place for which people can move in both directions around the intersection to explore the various services that are provided not only for this building but also other businesses and buildings in the neighborhood itself.

As this building forms only one component of the entire site, the features which are key to the development of this site will also be used to enhance the shopping experience of the other buildings on the adjacent site. The success of the entire site, which includes both buildings, is incumbent upon the cross-use of access points, parking and the architectural branding of the buildings to come

Sta

A13-33 – Car Wash Renovations and New Mixed-use Office Building February 2015

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together with a common visual theme. This will be developed in the subsequent phase of the overall site development.

The calming effect of the park and creek to the north add considerably to the building and working experience, while providing a sound and noise barrier to the business of Highway 97 and the adjacent activities. The resident water fowl, plentiful along the creek adds a further measure of peace and enjoyment.

A number of the COEPD measures have been reviewed and integrated into the design of the project.

GTA has reviewed the *Sustainability Checklist* in preparation of the project and have included as many options as possible for consideration at this time. More will be considered during the Building Permit drawing stage.

3.0 PROPOSED DEVELOPMENT

This development of the entire site as mentioned above will include face lifts for the eastern most existing carwash building. The access to the carwash building to the east will be only from Burtch. Access to the new building will be from Sutherland with parking and landscaping to further enhance the site.

This building enhancement will include incorporation of similar materials as the commercial building, including similar color schemes. This will provide visual unity, harmony and an overall high level of appeal.

4.0 SITE ACCESS

The site is accessed from two primary locations as mentioned in the general comments above. Firstly, the most well recognized site access is that off of Sutherland Ave. This is being maintained as this as it is the most commonly known and will provide direct access to the covered parking and parkade. Care has been taken in the development of the overall project to ensure that there is proper and adequate stacking distance for cars coming off of Burtch Avenue. This is to control the in and out flow of vehicular traffic using the carwash, and site which will be single-directional. This is to provide for enhanced traffic management to avoid traffic conflicts. Similar consideration is calculated for vehicles leaving the carwash, before entering back onto Sutherland. Care has been taken to visually separate the traffic flows to and from the car wash, and to and from the commercial mixed-use building.

Prior to any type of consideration for property consolidation, the appropriate cross-agreements will be prepared and signed between the properties to ensure the access agreements will be executed and in place to avoid management conflicts.

5.0 PARKING

The parking has been allocated as outlined in the City of Kelowna Parking Guidelines. Please refer to the Table both on the drawings and elsewhere in the Development Permit Application forms. The parking has been laid out to allow for the maximum and best use of the property, and also includes areas for loading zones, parking islands, various landscaping to provide intermediate relief and to Sta

carefully allow for areas for garbage collection containers and other site features, some of which are existing and belong to the existing buildings on the adjacent legal site.

Covenants and cross agreements will be signed between the two pieces of property to ensure that proper access and allowances will be made to accommodate free flow movement of parking for all of the businesses located on entire site.

The required parking for the mixed use commercial building is contained within itself – both at grade and on the second floor (Phase 2), which will be accessed by vehicle lift. This is done at considerable experience to the owner and project, but an incredible amenity to the users, and a huge bonus visually to all others.

The parking allocation for all phases of development has been calculated based on the usage for entire site and not the first building or the carwash alone.

6.0 THE BUILDING

As eluded to earlier above, the building will be a combination of steel frame and wood construction with an acrylic stucco exterior. The design is as illustrated in the drawings is of a newer style not copied or seen commonly in the Okanagan area.

The entrances to the major businesses in the building will be from the south. The parking is located within the buildings itself, which is a huge bonus. The south face of the building (Sutherland) will be articulated with doors and windows in the form of storefront glazing, canopies and decorative signage with both corporate and possibly some 'lifestyle branding and signage'.

This will enliven the building and provide a level of excitement and activity to this face of the building attracting passers-by but still displaying "correctiveness" in corporate image.

The site itself will receive extensive and attractive landscape treatment consisting of a variety of elements, forms and mixture of plantings to not only to accentuate but complement the desired 'gathering experience' for which the Client is striving. This will also heighten the prominence of this intersection.

7.0 SUMMARY

We feel as designers for this project, that the Owner / Client has departed from the traditional approach for this project by succeeding in creating a landmark development for this site. It could very well have gone the direction of project which would have seen a building located in a sea of parking, located far from the street creating yet again another anonymous cube of building materials.

In this instance the Owner has chosen to champion the human, the pedestrian, the shopper and allowing the business to put itself forward as an important element as opposed to the automobile. This has always been the most important commercial interaction. In this instance we feel that this is a highly successful approach to urban development and certainly the precedent which will transform the urban landscape to a much more personable experience in the future. Hopefully, making for much more liveable cities.

END



Neighbour Consultation Form (Council Policy No.367)

A summary of neighborhood consultation efforts, feedback and response must be provided to City staff, identifying how the efforts meet the objectives of this Policy. This form must be filled out and submitted to the File Manager a minimum of 20 days prior to initial consideration by Council.

DP15-0033

I, NOR-CAN (JENTURES ATA., the applicant for Application No. <u>DUPIS-0034</u>

for <u>CARWASH</u> <u>RENO/EXPANSION</u> AND <u>4</u> STOREY BUILDING (brief description of proposal)

at_1502,1504 + 1506 SutHarland Adds_have conducted the required neighbour (address)

consultation in accordance with Council Policy No. 367.

- □ My parcel is located outside of the Permanent Growth Boundary and I have consulted all owners & occupants within a 300m radius
- My parcel is located inside of the Permanent Growth Boundary and I have consulted all owners & occupants within a 50m radius

I have consulted property owners and occupants by doing the following:

WENT DOOR TO DOOR SPEAKING TO OWNERS + DROPPING OKE

PACKAGES.

Please initial the following to confirm it has been included as part of the neighbour consultation:

- AM Location of the proposal;
- $\beta\gamma$ Detailed description of the proposal, including the specific changes proposed;
- My_____Visual rendering and/or site plan of the proposal;
- <u>A</u> Contact information for the applicant or authorized agent;
- <u>AM</u> Contact information for the appropriate City department;
- OM Identification of available methods for feedback.

Please return this form, along with any feedback, comments, or signatures to the File Manager 20 days prior to the anticipated initial consideration by Council date. On the back of this form please list those addresses that were consulted.

> City of Kelowna 1435 Water Street Kelowna, BC V1Y 1J4 TEL 250 469-8600 FAX 250 862-3330 kelowna.ca

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CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Permit No.: DP14-0033

Development Variance Permit No.: DVP14-0034

EXISTING	ZONING	DESIGNATION:

C3 - Community Commercial

WITHIN DEVELOPMENT PERMIT AREA:

Revitalization Development Permit Area

ISSUED TO:

Nor-Can Ventures Ltd., Inc. No. 594390

LOCATION OF SUBJECT SITE: 1502 & 1506 Sutherland Ave

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	A & B		141		ODYD	19444

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:

- a) The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
- c) Landscaping to be provided on the land be in general accordance with Schedule "C";
- d) Prior to issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied;
- e) That an access easement be registered on Lot a & B to ensure adequate vehicle stacking for the car wash be maintained.
- f) That a blanket Statutory Right-of-Way for maintenance access to the riparian area be registered on Lot A & B.
- g) That the land swap agreement between the applicant and the City of Kelowna be completed.

 h) The applicant be required to post with the City, a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

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

Section 14.3.5 (d) Development Regulations

Vary the front yard setback requirement from 3.0 metre required setback to 1.5 metre proposed; AND

Section 14.3.5 (e) Development Regulations

Vary the west flanking side yard setback requirement from 2.0 metre required setback to 1.5 metre proposed.

2. <u>PERFORMANCE SECURITY</u>:

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; OR
- (b) A Certified Cheque; OR
- (c) An Irrevocable Letter of Credit in the amount of <u>\$ 28,715.63</u>.

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. <u>DEVELOPMENT</u>:

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. <u>APPLICANT'S AGREEMENT</u>:

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 Community Planning & Real Estate Department immediately to avoid any unnecessary delay in processing the application.

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

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

6.<u>APPROVALS</u>:

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE ____ DAY OF _____, 2015 BY THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

Doug Gilchrist	
Divisional Director of Community Pla	anning & Real Estate

	APPCHARE		CRU UNC		0000	PHASE 3 FOURTH FLOOR PLAN PHASE 3 GROUND FLOOR PLAN PHASE 3 SECOND FLOOR PLAN PHASE 3 THIRD FLOOR PLAN	A1.3 PHASE 1 PROPOSED SITE/GROUND FLOOR PLAN A1.4 PHASE 2 PROPOSED SITE PLAN A1.5 PHASE 2 PROPOSED SITE PLAN		GARRY TOMPOROWSKI ARCHITECT LTD 57:27 CONTACT: Natualio Singn 243 - 1889 SERIUSFIELD ROAD KELOWAA, B.C., V17 5V5 PHONE: 250.979,1668, FAX: 250,979,4366 EMML: natualie@gtarch.ca	CONSULTANTS: ARCHITECTURAL:			HROAD		111110 and 1-706	SUTHER AND AVENUE VELOWINA BO	
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		KELOWNA, B.C., VIY 986 PHONE: 250,860,6778 EMAIL: kelht@bendesladesign.com LIST OF DRAWINGS: L-1 LANDSCAPE PLAN			LIST OF DRAWINGS:	ELECTRICAL:		LIST OF DRAWINGS:		STRUCTURAL:			15T FL. LAWNROMAT, SANDMCHOOFFEE SHOP, PARKING STOP FL. PARKING STOP FL. PARKING STOP FL. OFFICES 4TH FL RESIDENTIAL AVARTMENTS	- RENOVATION & EXPANSION OF EXISTING CARWASH - I STORER MICED USE - LAUNDROMAT, OFFICE, COVERED PARRING		NENCLE NT	
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REPORT TO COUNCIL



Date:	4/1/2015			Kelowna
RIM No.	0940-50			
То:	City Manager			
From:	Urban Plannir	ng, Community Plannir	ng and Real Es	tate (PMc)
Application:	DVP15-0039		Owner:	David & Janet Garland
Address:	2422 Richter S	St.	Applicant:	Urban Options Planning and Permits
Subject:	Development	Variance Permit		
Existing OCP De	esignation:	MRL - Multiple Unit R	esidential (Lo	w Density)
Existing Zone:		RU6 - Two Dwelling H	lousing	

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0039, for Lot 7, DL 14, O.D.Y.D., Plan 1141, located on 2422 Richter Street, Kelowna, BC;

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

Section 13.6.6 (e): Development Regulations:

To vary the rear yard setback from 7.5m required to 2.9m proposed.

AND FURTHER THAT this Development Variance Permit be valid for two (2) years from the date of Council approval, with no opportunity for extension.

2.0 Purpose

To seek a Development Variance Permit to vary the rear yard setback.

3.0 Urban Planning

Urban Planning supports the required variance. The owners are proposing an addition for a secondary suite to provide housing for an aging family member. The size of the lot and the location of the existing dwelling preclude the construction of a carriage house. An addition to the existing dwelling to add a secondary suite is an appropriate solution to provide additional accommodation on the property.

The applicant has provided a record of the neighbourhood consultation. Of the people contacted, there was no concern expressed. This meets the requirements of Council Policy 367.

Urban Planning has received a Staff level Development Permit application to address the form and character of the proposed development which will be processed should the variances be approved.

4.0 Proposal

4.1 Background

The original dwelling on the subject property was built in 1946. There were several additions made in 1953 and 1973.

4.2 Project Description

The proposed addition to the rear of the existing dwelling is designed as a two bay garage on the ground level with a one bedroom suite above.

The garage is accessed from the adjacent lane at the rear of the lot. The suite is accessed by a covered stairway located along the north side of the addition.

The applicant has requested a variance to relax the rear yard setback to 2.9m, measured to the stairway access to the suite. This allows the proposed two storey addition to be connected to the rear of the existing dwelling. The location of the new garage with access from the lane will replace the existing garage, and remove the current access from Richter Street.

As part of the building program, the suite addition is designed to be finished with "Hale Navy" dark blue horizontal siding, with "Windham Cream" off-white trim element to the gable and windows. The gable areas are designed to be finished with "Huntington Beige" shingle finishes.

The existing dwelling is also proposed to be refinished with matching design elements and new paint as part of the construction program for the new suite. The existing driveway access to Richter Street is to be decommissioned. However, the existing gate is to remain to provide for emergency access to the property.

4.3 Site Context

The subject property is located within the South Pandosy - KLO sector of the City. The property is located on the west side of Richter Street, mid-block between Birch Avenue and Francis Avenue. The dwellings located on either side of the subject property are generally of a similar age and condition to the dwelling located on the subject property.

Orientation	Zoning	Land Use
North	RU6 - Two Dwelling Housing	Single unit dwelling
East	RM1 - Four Dwelling Housing	Three unit dwelling
EdSL	RU6 - Two Dwelling Housing	2 - Single unit dwellings
South	RU6 - Two Dwelling Housing	Single unit dwelling & suite
West	RU6 - Two Dwelling Housing	Lane

Specifically, adjacent land uses are as follows:

Subject Property Map:

2422 Richter St.



4.4 Zone Analysis Table

Zoning Analysis Table						
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL				
Exi	Existing Lot/Subdivision Regulations					
Min. Lot Area	400m ²	658m ²				
Min. Lot Width	13m	17.98m				
Min. Lot Depth	30m	36.58m				
Max. Site Coverage of Buildings	40%	30%				
Max. Site Coverage of Buildings, Driveways, and parking	50%	36.5%				
Principal Dwelling Development Regulations						
Floor Area - dwelling	-	196m ² (after addition)				
Floor Area -suite	The lesser of 40% of principal building or 90m ²	60.2m ² 30.7%				
Max. Height	9.5m / 2 1/2 Storeys	6.7m /2 storeys				
Min. Front Yard	4.5m 6.0m to garage or carport	7.2m				
Min. Side Yard (south)	2.0m for 1 or 1½ storey 2.3m for 2 or 2½ storey	1½ storey - 2.5m				
Min. Side Yard (north)	2.0m for 1 or 1½ storey 2.3m for 2 or 2½ storey	2 storey - 2.3m				
Min. Rear Yard	6.0m for 1 or 1½ storey 7.5m for21 or 2½ storey	2.9m o				
	Other Regulations					
Minimum Parking Requirements	2 stalls required	2 stalls provided				

Min. Private Open Space	30m ² per dwelling	Meets requirements		
• Indicates a requested variance to vary rear yard setback from 7.5m required to 2.9m proposed				

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Sensitive Infill.¹ Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height, and siting.

6.0 Technical Comments

- 6.1 Building & Permitting Department
 - 1) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
 - 2) Operable bedroom windows required as per the 2012 edition of the British Columbia Building Code (BCBC 12).
 - 3) Provide the City of Kelowna Bulletin #88-02 (Secondary Suites Requirements in a single family dwelling) for minimum requirements. The drawings submitted for Building Permit application is to indicate the method of fire separation between the suite and the main dwelling.
 - 4) Range hood above the stove and the washroom to vent separately to the exterior of the building. The size of the penetration for this duct thru a fire separation is restricted by BCBC 12, so provide size of ducts and fire separation details at time of Building Permit Applications.
 - 5) A fire rated exit stairwell is required from the suite to the exterior c/w fire rated doors that open into the stairwell and a fire rating on the bottom of the stairs. Please provide these details on the building permit drawing sets.
 - 6) The Building Code only allows for a secondary suite to be 40% of the main residence to a maximum of 90 sq. meters.
 - 7) Full Plan check for Building Code related issues will be done at time of Building Permit applications.
- 6.2 Development Engineering Department

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

1. Domestic Water and Fire Protection

The existing lot is serviced with a small diameter (13-mm) copper water service, which is substandard. Adequate metered water service should be provided to meet current by-law requirements. The disconnection of the existing small diameter water service and the tie-in of a larger new service can be provided by City forces at the developer's expense. The applicant will be required to sign a Third Party Work Order for the cost of the water service upgrades. For estimate

¹ City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

inquiry's please contact Sergio Sartori, by email <u>ssartori@kelowna.ca</u> or phone, 250-469-8589.

2. Sanitary Sewer

Our records indicate that this property is currently serviced with a 100mmdiameter sanitary sewer service. An inspection chamber (IC) complete with brooks box must be installed on the service at the owner's cost. Service upgrades can be provided by the City at the applicant's cost. The applicant will be required to sign a Third Party Work Order for the cost of the service upgrade. For estimate inquiry's please contact Sergio Sartori, by email <u>ssartori@kelowna.ca</u> or phone, 250-469-8589.

3. Development Permit and Site Related Issues Direct the roof drains into on-site rock pits. Access to this site is permitted from the lane only.

4. Electric Power and Telecommunication Services

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

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

This development variance permit application to vary the rear yard setback from 7.5m to 2.9m does not compromise any municipal services.

6.3 Fire Department

No concerns.

6.4 FortisBC - Gas

No concerns.

7.0 Application Chronology

Date of Application Received: February 17, 2015

Report prepared by:

Paul McVey, Urban Planner

Reviewed by:	Lindsey Ganczar, Urban Planning Supervisor
Approved for Inclusion:	Ryan Smith, Urban Planning Manager

Attachments: Subject Property Map Site Plan Conceptual Elevations



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.:	DVP15-0039
----------------------------------	------------

EXISTING ZONING	EXISTING ZONING DESIGNATION: RU6 - Two Dwelling Housing				
DEVELOPMENT PERMIT AREA: Character Neighbourhood DP Area					
l					
ISSUED TO:	ISSUED TO: Urban Options Planning and Permits				
LOCATION OF SUB	LOCATION OF SUBJECT SITE: 2422 Richter Street				
1) 1	LOT	DISTRICT LOT	PLAN	DISTRICT	
LEGAL DESCRIPTION:	7	14	1141	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. <u>TERMS AND CONDITIONS</u>:

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

Section 13.6: RU6 - Two Dwelling Housing: Sub-Section 13.6.6: Development Regulations To vary the rear yard setback from 7.5m required to 2.9m proposed.

- 2. The development shall commence by and in accordance with an approved Building Permit within ONE YEAR of the date of the Municipal Council authorization resolution.
- 3. <u>PERFORMANCE SECURITY</u>: None Required.
- 4. <u>DEVELOPMENT</u>:

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.

5. APPLICANT'S AGREEMENT:

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

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

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

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

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

Signature of Owner/Authorized Agent	Date
Print Name in Bold Letters	Telephone No.
6. <u>APPROVALS</u> :	
DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY COUNCIL	THE DAY OF, 2015.
ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING AND REAL	CITY OF KELOWNA THE DAY OF, 2015 BY THE ESTATE.



CITY OF KELOWNA

BYLAW NO. 11051 Z14-0050 - Dickson Avenue Holdings Ltd. Inc. No. BC0778937 1539-1541 Bedford Avenue, 1507-1511 Dickson Avenue and 1517-1521 Dickson Avenue

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

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

- 1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots 2-4, District Lot 141, ODYD, Plan 13608, located on Bedford and Dickson Avenue, Kelowna, B.C., from the RU6 Two Dwelling Housing zone to the RM5 Medium Density Multiple 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 19th day of January, 2015.

Considered at a Public Hearing on the 17th day of February, 2015.

Read a second and third time by the Municipal Council this 17th day of February, 2015.

Approved under the Transportation Act this 23rd day of March, 2015.

Blaine Garrison

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date:	3/24/2015			Kelowna
RIM No.	1250-30			
То:	City Manager			
From:	Urban Planni	ng, Community Planni	ng & Real Esta	ate (AC)
Application:	Z14-0050, DP 0195	14-0197, & DVP14-	Owner:	Dickson Avenue Holdings Ltd., Inc. No. BC0778937
	1539-1541 Be	edford Ave,		
Address:	1507-1511 Di	ckson Ave, &	Applicant:	Meiklejohn Architects Inc.
	1517-1521 Di	ckson Ave		
Subject:	Rezoning Adoption, Development Permit, and Development Variance Permit Application			evelopment Variance Permit
Existing OCP Designation:		MRM - Multiple Unit Residential, Medium-Density		
Existing Zone:	: RU6 - Two Dwelling		Housing	
Proposed Zone	e: RM5 - Medium Dens		ty Multiple Ho	using

1.0 Recommendation

THAT Final Adoption of Zoning Amending Bylaw No. 11051 be considered by Council;

AND THAT Council authorize the issuance of Development Permit DP14-0197 for Lot 2-4, District Lot 141, ODYD, Plan 13608, located on 1539-1541 Bedford Ave, 1507-1511 Dickson Ave, & 1517-1521 Dickson Ave, Kelowna, BC, subject to the following:

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

AND THAT Council authorize the issuance of Development Variance Permit DVP14-0195 for Lots 2-4, District Lot 141, ODYD, Plan 13608, located on 1539-1541 Bedford Ave, 1507-1511 Dickson Ave, & 1517-1521 Dickson Ave, Kelowna, BC, subject to the following: Section 13.11.6 (d) RM5 Development Regulations:

To vary the front yard setback for a patio from 1.5m required to 1.0m proposed.

<u>Section 13.11.6 (e) RM5 Development Regulations:</u> To vary the side yard setback for the parkade from 4.5m required to 1.5m proposed.

<u>Section 13.11.6 (f) RM5 Development Regulations:</u> To vary the rear yard setback for the parkade from 9.0m required to 3.0m proposed.

<u>Section 13.11.6 (b) RM5 Development Regulations:</u> To vary the site coverage of building from 40% required to 66.3% proposed.

<u>Section 13.11.6 (b) RM5 Development Regulations:</u> To vary the site coverage of buildings, driveways & parking from 65% required to 78.5% proposed.

AND FURTHER THAT this Development Permit and Development Variance Permit be valid for two (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

To review the form and character Development Permit for a multi-family apartment building, and to consider five variances to the Zoning Bylaw.

3.0 Urban Planning

Staff supports the proposed Development Permit and Development Variance Permit. The project meets many objectives of the Comprehensive Development Permit Area. The architectural design of the building fits within the neighbourhood context including the Landmark Technology Centre, Landmark 7, and Mode apartment buildings. The siting of the buildings including ground oriented housing units, parking located in the rear, and access located in the rear promotes an interesting, pedestrian friendly streetscape design and pedestrian linkages. The location of the project is located within walking distance to a rapid-transit bus stop and promotes alternate transportation with enhanced streetscapes and multi-modal linkages. Further, the adjacent employment centre (in the Landmark area) will provide opportunities for workers to abandon vehicle commutes and reduce traffic congestion.

Staff and the applicant had many discussions regarding the setback variances. One design goal was to minimize the setbacks but achieve significant outdoor amenity space for the micro suite and non-micro suite units. To achieve that goal, a single floor parkade was developed with outdoor amenity space located on the roof. This parkade creates various setback variances. The minimum distance required adjacent to the drainage flume in the rear yard is 3.0 metres for the City's works crews to maintain the flume. Designing to a 3.0 metre setback in the rear yard pushes the building forward towards Dickson Ave and creates a small portion (~10 ft²) of patio area requires a variance from 1.5 metres to 1.0 metre. Staff expressed concerns to the applicant regarding site coverage and noted that the project may be too large for this site. However, the goals of the OCP to increase density and encourage redevelopment in this area are the reasons that Staff supports the site coverage variances.

Figure 1 shows the two duplex lots that will not be developed as part of this project. These two lots



could potentially re-develop to a higher density but would likely be limited to a townhouse form due to their lot sizes. This would provide good transitions in height to the adjacent development in the neighbourhood.

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbour consultation prior to first reading by individually contacting the neighbours as described in the attached *Schedule 'A'*.

4.0 Proposal

Highlighted Properties

4.1 Project Description

The applicant is proposing a 90 unit rental apartment building on the subject properties. Out of the proposed 90 units, 44 units will be micro-suite units. Micro-suite units are defined as residential units smaller than 29 m². All micro-suite units are Development Cost Charges (DCCs) exempt as per the *Local Government Act*. The applicant has applied for and has gained approval from the City's housing grant program to fund \$230,000 (~38.5%) of their DCC amount that applies to the remainder 46 dwelling units. Further, the applicant is applying for a Revitalization Tax Exemption for \$212,840 over 10 years. Council will receive a Revitalization Tax Exemption report at a subsequent Council meeting. This will occur as soon as the applicant has submitted a building permit and has completed the conditions of the Development Permit and Development Variance Permit should they be approved.

The proposed 4 ½ storey multi-family building will provide ground-oriented townhouse units on the first floor, similar in scale, proportion, and materials to the MODE development built in 2008. Vehicle access to the site is proposed from Bedford Avenue, thus avoiding placing vehicle interactions on the busy Dickson Avenue frontage. A dedicated loading space has been identified on-site to facilitate move-ins and move-outs which addresses concerns identified by Council at Public Hearing. The loading space identified along Dickson Avenue has been eliminated from the Development Permit drawings.

The proposed variances include site coverage to allow additional percentage of the lot to be built upon with building, structures, and parking, as well as setback variances to allow for the parkade structure to be built closer to the property lines.

4.2 Site Context

The site area is approximately $4,450 \text{ m}^2$ and is located within the Landmark Tech Centre neighbourhood. The subject property is designated MRM (Multiple Residential - Medium Density) and the lots are within the Permanent Growth Boundary. The properties each contained three duplex dwellings but they have all been demolished. Specifically, the adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Residential
East	RU1 - Large Lot Housing	Residential
South	RM3 - Low Density Multiple Housing	Residential
West	RU6 - Two Dwelling Housing RM3 - Low Density Multiple Housing	Residential

Subject Property Map: 1539-1541 Bedford Ave, 1507-1511 Dickson Ave, & 1517-1521 Dickson Ave



4.3 Zoning Analysis Table

Zoning Analysis Table						
CRITERIA	RM5 ZONE REQUIREMENTS	PROPOSAL				
	Development Regulations					
Height	18.0 m / 4.5 storeys	14.3 m / 4.5 storeys				
Front Yard (north)	6.0 m 1.5 m for ground oriented housing	 > 6.0 m to the town house bldg 1.0 m for a small portion of a deck • 				
Side Yard (east)	4.5 m for flanking portion 4.0 m for non-flanking portion	5.8 m for flanking portion 12.6 m for non-flanking portion				
Side Yard (west)	4.5 m (up to 2 ½ storeys) 7.0 m (above 2 ½ storeys)	4.5 m to townhouses 7.0 m to apartments 1.5 m to parkade e				
Rear Yard (south)	9.0 m	9.0 m to apartments 3.0 m to parkade €				
Site coverage of buildings	40 %	66.3 % 🛛				
Site coverage of buildings, driveways & parking	65 %	78.5 % 9				
Other Regulations						
Minimum Parking Requirements	104 parking stalls	104 parking stalls				
Minimum Bicycle Parking Requirements	Class 1: 45 bikes Class 2: 9 bikes	Class 1: 45 bikes Class 2: 10 bikes				

DP14-0197 & DVP14-0195 - Page 5

Zoning Analysis Table					
CRITERIA RM5 ZONE REQUIREMENTS PROPOSAL					
Private Open Space	Private Open Space 1,115 m ² 1,899 m ²				
 Indicates a requested variance to reduce the front yard setback for the decks from 1.5 m to 1.0 m. Indicates a requested variance to reduce the side yard setback for the parkade from 4.5 m to 1.5 m. Indicates a requested variance to reduce the rear yard setback for the parkade from 9.0 m to 3.0 m. Indicates a requested variance to reduce the site coverage of buildings from 40% to 66.3%. Indicates a requested variance to reduce the site coverage of buildings, driveways, & parking from 65% to 78.5%. 					

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

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

Sensitive Infill.² Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height, and siting.

Relevant Development Permit Guidelines

Ch14 / S1.6 - Provide generous outdoor spaces, including rooftops, balconies, patios and courtyards, to allow residents to benefit from the favourable Okanagan weather;

Ch.14 / S2.3 - Design new multi-storey buildings to transition in height where the OCP land use designation provides for smaller structures on adjoining lots;

Ch.14 / S.3.2 - Develop visual and physical connections between the public street and private buildings (e.g. patios and spill-out activity, views to and from active interior spaces, awnings and canopies);

Ch.14 / S.4.2 - Ensure developments are sensitive to and compatible with the massing of the established and/or future streetscape;

Ch.14 / S.4.2 - Design for human scale and visual interest in all building elevations. This can be achieved principally by giving emphasis to doors and windows and other signs of human habitation relative to walls and building structure;

Ch.14 / S.8.8 - Locate parking areas to the rear of buildings, internal to the building, or below grade;

Ch.14 / S.8.12 - Avoid vehicle access from arterial and collector roads and from those roads with a prominent streetscape;

Ch.14 / S.8.12 - Incorporate decks, balconies and common outdoor amenity spaces into developments;

¹ City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

6.0 Technical Comments

- 6.1 Building & Permitting Department
 - a) Development Demolition permits are required for any existing structures
 - b) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
 - c) Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
 - d) A Hoarding permit is required and protection of the public from the staging area and the new building area during construction. Location of the staging area and location of any cranes should be established at time of DP.
 - e) A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
 - Guards are required for all exterior decks and stairwells. The drawings provided don't clearly identify these requirements, but will be reviewed at time of building permit application. The appearance of these guards may affect the form and character of the building
 - $\circ~$ Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
 - Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.
 - f) A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. This property falls within the Mill Creek flood plain bylaw area and compliance is required. Minimum building elevations are required to be established prior to the release of the Development Permit. This minimum Geodetic elevation is required for all habitable spaces including parking garages. This building may be designed to low, which may affect the form and character of the building. Development Engineering Department.
 - g) We strongly recommend that the developer have his professional consultants review and prepare solutions for potential impact of this development on adjacent properties. Any damage to adjacent properties is a civil action which does not involve the city directly. The items of potential damage claims by adjacent properties are items like settlement of foundations (preload), damage to the structure during construction, additional snow drift on neighbour roofs, excessive noise from mechanical units, vibration damage during foundation preparation work etc.
 - Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s). The drawings submitted for building permit are to clearly identify how these rating will be achieved and where these area(s) are located.
 - An exit analysis is required as part of the code analysis at time of building permit application. The exit analysis is to address travel distances within the units, number of required exits per area, door swing direction, handrails on each side of exit stairs, width of exits etc.
 - j) Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this structure at time of permit application.

6.2 Development Engineering

• All offsite infrastructure and service upgrades are addressed in the zoning report (Z14-0050).

7.0 Application Chronology

Date of Application Received:	September 26 th 2014
Date of Public consultation:	November 25 th 2014
Date of First Reading:	January 19 th 2015
Date of Supplemental Report to Council:	February 2 nd 2015
Date of Public Hearing and Third Reading:	February 17 th 2015

Report prepared by:

Adam Cseke, Planner

Reviewed by:

Ryan Smith, Urban Planning Manager

Attachments:

Subject Property Map Applicant Rationale Neighbourhood Consultation Draft Development Permit / Development Variance Permit

- Schedule 'A'
 - o Site Plan
 - Floor Plan
- Schedule 'B'
 - Elevations
 - Colour Board



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.



NEW DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE APPLICATION FOR DICKSON AVE

Al Stober Construction is pleased to announce they are applying for a Development Permit and Development Variance Permit for the 1500 block on Dickson Ave.

The new Building will be a four storey, 90 unit wood framed residential building with 104 stalls of parking, 91 underground and 13 above ground. Garbage and re-cycling will be Located next to the parkade entrance and will be completely enclosed. This building will consist of bachelors' suites as well as one and two bedroom suites.

As part of this development three variances are required; 1) a 13.5% variance requested for site coverage including driveways and parking and 2) a variance requested for rear yard and partial west side yard setbacks to enclosed parkade (amenity deck to be provided on top of exposed parkade slab) 3) addition of a small portion of front entrance to front parcel line on Dickson Ave.

This building conforms to the City of Kelowna Official Community Plan and drawings can be viewed at the City of Kelowna Planning Department.

As part of the Municipal process we are pleased to inform our neighbors about our applications for development permit and development variance permit with regards to our proposed housing development.

The aerial photo context below shows the location of our proposed development in relation to your properties and the illustration above shows the front of our proposed building. If you have any questions please contact Mr. Harry Issler at ASC Office 250-763-2305






























Residental Apartments - Dickson Avenue

Dec. 3/2014

ESTIMATE OF PROBABLE COSTS - Reference: LDP 1 - Re-Issued For Development Permit/2014-12-03

Description of work	Unit	Estimated	Estimated Value	Total Value

LANDSCAPE

1.0	Landscape On-Site				
1.1	Deciduous trees (5cm Cal.)		16	\$450.00	\$7,200.00
1.2	2 Deciduous shrub on standard (#10 pot)		22	\$225.00	\$4,950.00
1.3	3 Ornamental shrubs and perennials		375	\$50.00	\$18,750.00
1.4			1	\$3,675.00	\$3,675.00
1.5			116	\$7.50	\$870.00
1.6	Imported growing medium for trees (2 cu.m. per tree)	m ³	32	\$60.00	\$1,920.00
1.7			180	\$60.00	\$10,800.00
1.8	Imported growing medium for sod (150mm depth)	m ³	19	\$60.00	\$1,140.00
1.9			450	\$7.50	\$3,375.00
1.10	High efficiency irrigation system	m ²	825	\$20.00	\$16,500.00
	Water service for rooftop planters	ls.	1	\$7,500.00	\$7,500.00
	Feature boulders (1000mm-1500mm diametre)	ea.	5	\$450.00	\$2,250.00
	1.8m height fence (style to be determined)	I.m.	100	\$160.00	\$16,000.00
				SUBTOTAL	\$94,930.00

ESTIMATED TOTAL LANDSCAPE BUDGET

\$94,930.00

This is an estimate and not a guaranteed amount, and is to be used for bonding purposes only. Costing is based on 2014 contractor pricing and is subject to change.

SCHEDULE C	
This forms part of development	
Permit #	_



MMM Group Limited 540 Leon Avenue Kelowna, BC V1Y 6J6 t: 250.862.3600 | f: 250.862.4849

www.mmm.ca

Date: December 3, 2014

Address: 1435 Water Street Kelowna, B.C. V1Y 1J4

Attention: Development Services

Dear Sir/Madam:

Re: 4-Storey Rental Dickson Apartments - Dickson Ave. - Development Permit

As per our client's request, MMM Group Limited estimates a landscape development cost of **\$94,930.00**, excluding applicable taxes, for the above noted development. This price includes landscape materials and installation (planted areas, sod, trees, topsoil, mulches, feature boulders, fencing, and irrigation).

Should you require any explanation of this letter, please contact the undersigned.

Regards, MMM Group Limited

Benjamin SC Walker, MBCSLA Registered Landscape Architect

cc Harry Issler (Al Stober Construction Ltd.) Shirley Ng (M+M Architects)

SCHED	ULE_	С	
This forms	part of	development	
Permit #	DPI	4-0197	

COMMUNITIES TRANSPORTATION BUILDINGS INFRASTRUCTURE

Our File: 5114035





CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Permit No.: DP14-0197

Development Variance Permit No.: DVP14-0195

ZONING	DESIGNATION:
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RM5 - Medium Density Multiple Housing

WITHIN DEVELOPMENT PERMIT AREA:

Comprehensive Development Permit Area

ISSUED TO:	Al Stober Construction Ltd.
1550ED 10.	ALSLODEL CONSTRUCTION FLO.

LOCATION OF SUBJECT SITE: 1539-1541 Bedford Ave, 1507-1511 Dickson Ave, & 1517-1521 Dickson Ave

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	2-4		141		ODYD	13608

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

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

Section 13.11.6 - Development Regulations

13.11.6 (d)

• Variance to reduce the front yard setback for a patio from 1.5 m to 1.0 m.

13.11.6 (e)

• Variance to reduce the side yard setback for the parkade from 4.5 m to 1.5 m.

13.11.6 (f)

• Variance to reduce the rear yard setback for the parkade from 9.0 m to 3.0 m.

13.11.6 (b)

- Indicates a requested variance to reduce the site coverage of buildings from 40% to 66.3%.
- Indicates a requested variance to reduce the site coverage of buildings, driveways, & parking from 65% to 78.5%.

2. <u>PERFORMANCE SECURITY</u>:

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; OR
- (b) A Certified Cheque; OR
- (c) An Irrevocable Letter of Credit in the amount of <u>\$ 118,662.50</u>.

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. <u>DEVELOPMENT</u>:

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

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 Community Planning & Real Estate Department immediately to avoid any unnecessary delay in processing the application.

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

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

6.APPROVALS:

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE ____ DAY OF _____, 2015 BY THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

Doug Gilchrist Divisional Director of Community Planning & Real Estate