

City of Kelowna

Regular Council Meeting

AGENDA



Tuesday, August 25, 2015
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. **Call to Order**
2. **Reaffirmation of Oath of Office**
The Oath of Office will be read by Councillor Sieben.
3. **Confirmation of Minutes** 1 - 14
Public Hearing - August 11, 2015
Regular Meeting - August 11, 2015
4. **Bylaws Considered at Public Hearing**
 - 4.1 **1285 Graham Road, BL11126 (Z15-0029) - W-Ten Development Ltd.** 15 - 15
To give Bylaw No. 11126 second and third readings in order to rezone the subject property to construct a semi-detached dwelling.
 - 4.2 **1457 Highway 33 East, BL11129 (Z15-0020) - Francesco Guarini** 16 - 16
To give Bylaw No. 11129 second and third readings in order to rezone the subject property to facilitate the development of a second dwelling.
5. **Notification of Meeting**
The City Clerk will provide information as to how the following items on the Agenda were publicized.
6. **Liquor License Application Reports**
 - 6.1 **315 Lawrence Avenue, LL15-0012 - City of Kelowna** 17 - 38
City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the liquor license application to come forward.
To seek Council's support for a Liquor Primary License for an existing Food Primary establishment located on the subject property.

7. Development Permit, Development Variance Permit and Heritage Alteration Permit Reports

7.1 902 Clifton Road, BL11107 (Z15-0008) - Dan & Mary Cresswell 39 - 39

To adopt Bylaw No. 11107 in order to rezone the subject property to allow for a carriage house.

7.2 902 Clifton Road, DP15-0057 & DVP15-0056 - Dan & Mary Cresswell 40 - 51

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 the form and character, and a variance, for the conversion of an existing Accessory Building to a Carriage House.

7.3 277 Mathison Place, HAP15-0005 - David & Claire Beedle 52 - 71

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

To consider a heritage Alteration Permit for the form and character of additions to an existing single detached house and avariances to reduce the minimum front and flanking street side yard setbacks.

7.4 505 Doyle Avenue, DVP15-0168 - Doyle Avenue Holdings Ltd. 72 - 85

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 vary several regulations in the C7 zone for the subject property.

8. Reminders

9. Termination



City of Kelowna Public Hearing Minutes

Date: Tuesday, August 11, 2015
 Location: Council Chamber
 City Hall, 1435 Water Street

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

Members Absent Mayor Colin Basran

Staff Present Acting City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Community Planning Manager, Ryan Smith; Community Planning Supervisor, Lindsey Ganczar*; Parking Services Manager, Dave Duncan*; Council Recording Secretary, Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Deputy Mayor Stack called the Hearing to order at 6:00 p.m.

Deputy Mayor Stack 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 July 28, 2015 and by being placed in the Kelowna Capital News issues on Friday July 31 and Wednesday, August 5, 2015 and by sending out or otherwise delivering 140 statutory notices to the owners and occupiers of surrounding properties, and 5844 informational notices to residents in the same postal delivery route, between July 28 and July 31, 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 BL11114 (TA15-0006), Proposed Text Amendment to Zoning Bylaw No. 8000
 - City of Kelowna

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence had been received.

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

3.2 561 McKay Avenue, BL11120 (OCP15-0009) & BL11121 (Z15-0026) - City of Kelowna

Staff:

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

The City Clerk advised that no correspondence had been received.

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

There were no further comments.

3.3 310 Mugford Road, BL11122 (Z15-0017) - Harjinder, Jaswinder & Swaran Malhi

Staff:

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

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

Letters of Concern or Opposition

Veronique Broger and Will Brundula, Mugford Road

Noreen Carter, Mugford Road

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

Birte Decloux, Urban Options Planning & Permits, Applicant Representative

- Made reference to staff's report and indicated information that was missing.
- The Applicant wants to rezone to RU2 in order to subdivide the property into two lots with the intention of building a home on one lot with a suite for their parents and sell the second lot.
- Displayed numerous sketches and photographs identifying different aspects of the application.
- The Applicant's home will be two storey with the suite located at the rear designed as a walk in and walk out with no steps.
- The dwelling is not a large structure and would cover only 39% of this property. There will be a driveway and 2 car garage and will not infringe on on-street parking.
- The property is located in the Rutland Urban Centre. The OCP encourages compact urban growth and redevelopment in these kinds of areas.
- The neighbourhood is predominantly 2 storey homes. There are a number of homes in the area with secondary suites.
- Responded to questions from Council.

Gallery:

Sylvia McConnell, Mugford Road

- Raised concerns with the impact the development would have on the privacy she enjoys at her home.
- Raised concern with increased traffic and parking.
- Opposed to this application.
- Responded to questions from Council.

Birte Decloux, Applicant Representative

- Parking will be accommodated within the home.
- BC Building Code requires a certain fire separation between structures and minimizes privacy issues.
- Responded to questions from Council.

There were no further comments

**3.4 140 Mugford Road, 405 & 425 Rutland Road, BL11123 (Z15-0010) - RA
Quality Homes Ltd.**

Staff:

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

The City Clerk advised that the following correspondence had been received:

Letters of Concern or Opposition

Jody Dais and Leroy Chase, Mugford Road

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

Doug Lane, Architect on behalf of Applicant:

- Available for questions.

Gallery:

Nancy Ryan, Rutland Road North

- Owner of adjacent property that has the encroaching accessory building.
- Does not think it's fair that the property owner has to remove the accessory building at their expense.
- Stated that at the time of purchasing the property the Realtor advised that the garage could stay and in the unlikelyhood that it had to be removed it would be at the City's cost.
- Raised concern with impact on privacy with the development off the laneway as their property is already on the corner.
- Raised concern with increase of criminal activity and vandalism.
- Raised concern with parking as the area is currently congested.
- Raised concern with snow removal.
- Responded to questions from Council.

Beth Veenkamp and Michelle Fitzgerald, Sadler Road

- Raised concern with lane access and traffic implications that the development would bring.
- Suggested the city engage in a traffic study plan.

- Currently there are 2 speed bumps on Sadler Road to assist with traffic calming.
- Raised concern with lack of sidewalks on Sadler Road with heavy pedestrian traffic.
- Responded to questions from Council.

Staff:

- Confirmed the proposed development would have two lane way accesses.

Resident, Rutland Road

- Inquired if future roads could eliminate the need for the lane.
- Raised concern regarding traffic and suggested improvements.

Rick Martin, Rutland Road

- Do not have financial resources to remove the accessory building.
- Raised concerns with the increased traffic the laneway will generate.
- Commented on improvements made to the accessory building over the years.
- Raised concern where to park their multiple vehicles if accessory building is removed.

Tony Khunkhun, Mugford Road, Applicant

- Acknowledged traffic concerns raised.
- Confirmed that the development would have two lane accesses; one off Rutland Road North and one off of Mugford Road. Believes it will be a low traffic impact to the neighbourhood.
- Offered to pay for removal of accessory building at his expense.
- The neighbouring property (former Church) is owned by the city and is being upgraded. This will be a rejuvenation to the neighbourhood.
- Responded to questions from Council.

There were no further comments

3.5 2124 Pandosy Street, BL11124 (HRA15-0001) - F. DeVilliers Medical Prof. Corp. et al

Staff:

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

The City Clerk advised that the following correspondence had been received:

Letters of Support or Conditional Support

Patrick Bentley, Beach Avenue
Karen Stewart & Harry Tonn, Francis Avenue
Sunil Mangal, West 8th Avenue, Vancouver, BC

Submission on behalf of the applicant

A two page submission of additional information as submitted by the applicant.

Letters of Concern or Opposition

Vicki Presley, Abbott Street
James Avery, Abbott Heritage Area Society, Abbott Street
Jan Bauman, Kelowna South Central Association of Neighbourhoods
Dwight and Barbara Carroll, Water Street
Rudy Schoenfeld, Maple Street
Ian Chrichton, Park Avenue

Janice Henry, Central Okanagan Heritage Society, Cameron Avenue
 Marten Gruenwald, Long Street
 Jillian Stamp and James Williams, Abbott Street
 Kelvin Hauta and Dee Capozzi, Cadder Avenue

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

Hazel Christy, Applicant Representative

- Provided a history of strata ownership of Cadder House.
- Clarified that a tax exemption agreement had been rescinded in the mid 2000's and currently there is no tax financial support.
- The owner's intention is to preserve this heritage house. There will be no change to the exterior or grounds of the house.
- Basement units now meet BC Building Code and are proposed to being part of one of the existing strata units.
- Provided a PowerPoint presentation outlining the Cadder House maintenance and operating costs.
- Noted the definition of commercial within the HRA is very limited.
- Met with immediate neighbours for consultation on the proposal. Reviewed 2 additional letters of support.
- Some units have been rented to individuals associated with the Kelowna General Hospital.
- Cadder House has enjoyed a long association with the Kelowna General Hospital.
- Responded to questions from Council.

Gallery:

Vern Miller, Cameron Avenue

- In support of the application.
- Holds the contract for grounds maintenance at Cadder House for past 7 years.
- Aware of the mounting future costs to keep the property up to standard.
- The location lends itself to commercial and short term residential uses. The need is there.

Neil Claire, Clinton BC

- Currently receiving care at the Cancer Clinic and resident of the Cadder House.
- The location of Cadder House is very convenient for patients at KGH.
- Short term rentals would be very convenient for patients.
- The property is an oasis in the neighbourhood.
- Believe the intent of the owner is sincere and solely for financial sustainability of the property and the house.
- In support of the current proposal.

Wayne Dodds, on behalf of Kelowna South Central Association of Neighbourhoods

- Referenced the letter from KSAN in the Council package.
- Supportive of the Heritage status.
- Should remain a residential building with no commercial at this time.
- The proposed HRA has many similarities to the HD3 zone which is not intended for residential properties.
- The proposed HRA seems to be putting the HD3 zoning into a residential house outside of the HD3 zone.
- Support the Cadder House remaining as residential.
- Responded to questions from Council.

Gary Chenko, Green Bay Road

- Alberta base businessman that lives in Kelowna.
- Supportive of short term rental use.
- Supports the application in its entirety.

Former Resident, Dubai

- Has lived in Dubai since 2008 but originally from Kelowna.
- Stayed at Cadder House when she came back to Kelowna to deliver her second child.
- There is a real need for short term rentals for hospital visits.
- Believes this application is a good compromise while keeping heritage status.
- In support of this application.

Briomy Cardiff, Sunset Drive

- Mother owns Unit 4 but needs to move due to health reasons.
- Supportive of rentals to hospital users.

Dr. Ethridge, Kelowna General Hospital

- This is an ideal location for a medical office which would not have a high turnover.
- Supportive of this proposal including commercial uses.

Katherine Wilner, Sunset Drive

- In favour of preserving the heritage stock of homes left in Kelowna.
- In support of this application.

Colin Meekum, Gallagher Road

- Has known the applicant for numerous years.
- Very Impressed with the current status of the Cadder House,
- As a stock broker I am not permitted to have a home based business and am required to have a separate office location. Would definitely be interested in renting one of the Cadder Houser basement suites as an office.
- Short term rentals are required for hospital users.
- In support of this application.

Jean Davis, Vancouver Cancer Care Worker

- In support of short term rentals for hospital uses.

Valerie Halford, Sutherland Avenue

- Current and former owner of a heritage property.
- It is a reflection on both past and current owners if the building has not been properly maintained.
- Has extensive history with implementation of the heritage area.
- Believes there are many options for short term stays in the area.
- Not in support of this application.

Resident (Dr.), Quilchena Drive

- In support of application including short term rentals.

Anne Laurie, Abbot Street

- Concern with proposed HRA is the uncertainty of the nature of secondary businesses.
- Limit uses to residents on a nightly, monthly or short term rental basis.
- Not in support of commercial use.

Janice Henry, Central Okanagan Heritage Society

- Referenced correspondence the Central Okanagan Heritage Society submitted.

- Cadder House is a designated Heritage Building which is one of 19 in Kelowna.
- The previous and current owners have not taken advantage of the heritage grants program over the past 8 years to assist with exterior maintenance costs. Can apply up to \$10,000 every three years.
- Noted that this is the second HRA application and what is stopping a third to change the use again.
- Proposed uses for the building should be narrowed.

Staff:

- Confirmed that an HRA is used in the same manner as a covenant on a property which restricts the uses on the property.

Hazel Christy, Applicant

- Confirmed that the owners had met with KSAN and AHAS and agreed to disagree on the HRA.
- Does not believe the HRA is equivalent to the HD3 zone. The HRA defines commercial use to one of four commercial uses.

There were no further comments

4. Termination

The Hearing was declared terminated at 9:20 p.m.

Deputy Mayor

/acm


City Clerk



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, August 11, 2015
Location: Council Chamber
City Hall, 1435 Water Street

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

Members Absent Mayor Colin Basran

Staff Present Acting City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Community Planning Manager, Ryan Smith; Community Planning Supervisor, Lindsey Ganczar*; Council Recording Secretary, Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Deputy Mayor Stack called the meeting to order at 9:32 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Gray.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Donn

R623/15/08/11 THAT the Minutes of the Public Hearing of July 28, 2015 be confirmed as circulated.

Carried

Moved By Councillor Hodge/Seconded By Councillor DeHart

R624/15/08/11 THAT the Minutes of the Regular Meeting of July 28, 2015 be confirmed as circulated.

Carried

Moved By Councillor Donn/Seconded By Councillor Hodge

R625/15/08/11 THAT Council move Items 6.2 and 6.3 before Item 4 on the Agenda.

Carried

6. Development Permit and Development Variance Permit Reports

6.2 1280 Highway 33 East, BL11095 (Z15-0011) - Imre & Jennifer Csorba

Moved By Councillor Singh/Seconded By Councillor DeHart

R626/15/08/11 THAT Bylaw No. 11095 be adopted.

Carried

6.3 1280 Highway 33 East, DP15-0078 & DVP15-0059 - Imre & Jennifer Csorba

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence had been received.

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

Imre Csorba, Applicant

- The staff presentation covered all of his comments.
- Available for questions.

There were no further comments

Moved By Councillor Hodge/Seconded By Councillor Donn

R627/15/08/11 THAT Council authorizes the issuance of Development Permit No. DP15-0078 for Lot B Section 13 Township 26 ODYD Plan 25650, located at 1280 Highway 33 East, Kelowna, BC subject to the following:

1. The dimensions and siting of the building and landscaping to be constructed on the land be in general accordance with Schedule 'A';
2. The exterior design and finish of the building to be constructed on the land, be in general accordance with Schedule 'B';

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0059, for Lot B Section 13 Township 26 ODYD Plan 25650, located at 1280 Highway 33 East, Kelowna, BC;

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

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

To vary the height of a carriage house from 4.8 m maximum to 5.75 m proposed.

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

To vary the required front yard setback from 4.5 m required to 3.66 m proposed.

Section 9.5b.1 9d): Carriage House Regulations

To vary the upper storey floor area from the maximum 75% of the carriage house footprint to 76.55% proposed.

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

Carried

4. Bylaws Considered at Public Hearing

4.1 BL11114 (TA15-0006) - New C3rls - Community Commercial (Retail Liquor Sales) and C3lp - Community Commercial (Liquor Primary)

Moved By Councillor Hodge/Seconded By Councillor Gray

R628/15/08/11 THAT Bylaw No. 11114 be read a second and third time.

Carried

4.2 561 McKay Avenue, BL11120 (OCP15-0009) - City of Kelowna

Moved By Councillor Given/Seconded By Councillor Donn

R629/15/08/11 THAT Bylaw No. 11120 be read a second and third time.

Carried

4.3 561 McKay Avenue, BL11121 (Z15-0026) - City of Kelowna

Moved By Councillor Gray/Seconded By Councillor Hodge

R630/15/08/11 THAT Bylaw No. 11121 be read a second and third time.

Carried

4.4 310 Mugford Road, BL11122 (Z15-0017) - Harjinder, Jaswinder & Swaran Mahli

Moved By Councillor Given/Seconded By Councillor Donn

R631/15/08/11 THAT Bylaw No. 11121 be read a second and third time.

Carried

Deputy Mayor Stack and Councillors DeHart and Hodge - Opposed.

4.5 140 Mugford Road, 405 & 425 Rutland Road, BL11123 - RA Quality Homes Ltd.

Moved By Councillor Singh/Seconded By Councillor DeHart

R632/15/08/11 THAT Bylaw No. 11123 be read a second and third time.

Carried

4.6 2124 Pandosy Street, BL11124 (HRA15-0001) - F. Devillier Medical Prof. Corp. et al

Moved By Councillor Sieben/Seconded By Councillor Singh

R633/15/08/11 THAT Bylaw No. 11124 be read a second and third time.

Carried
Councillor Gray - Opposed.

6. Development Permit and Development Variance Permit Reports

6.1 128 Clifton Road, DVP15-0125 - James Burkell & Brenda Mounce

Staff:

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

The City Clerk advised that no correspondence had been received.

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

Gallery:

Eric Zvaniga, Clifton Road

- Raised concerns with location of workshop and that it will tower over his property.
- Acknowledged that it's difficult to locate the building anywhere else on the site.

Kevin Edgecombe, Applicant

- The configuration of the property creates challenges to the design and location of the workshop.
- The garage is a low single storey structure which is half buried in the ground and is tastefully done as is the main house.
- Will continue to take the good neighbour approach.

There were no further comments

Moved By Councillor Given/Seconded By Councillor Donn

R634/15/08/11 THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0125 for Lot A, Section 6, Township 23, ODYD, Plan KAP68067, located at 128 Clifton Road, Kelowna, BC;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A":

Section 6.5.8(a): Accessory Development

To vary the minimum front yard for an accessory building from two times the distance of the required front yard setback, 9.0 m, permitted 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.

Carried

6.4 1683 Ethel Street, DP15-0127 & DVP15-0128 - Boardwalk Housing Corp.

Staff:

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

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

Letters of support

O. Lillie Randa, Leon Avenue

Letters of Concern or Opposition

Garth Thomson, Lawrence Avenue

Leigh Krupinski (for Pat Kitsch), Leon Avenue

Iris Jensen, Harvey Avenue

Carlo DiStefano, Leon Avenue

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

Jim Meiklejohn, Meiklejohn Architects Inc., Applicant Representative

- Displayed a PowerPoint presentation summarizing the application and rationale behind the design and variances.
- Confirmed the building will be constructed of wood.
- Confirmed there will be 24 hour security on site.
- Responded to questions from Council.

Moved By Councillor DeHart/Seconded By Councillor Given

R635/15/08/11 THAT in accordance to Council Procedure Bylaw No. 9200, Council agrees the meeting proceed past 11:00 p.m.

Carried

Gallery:

Chris Walker, Ethel Street

- Raised concern regarding the footprint.
- Would prefer the building to be higher and narrower.
- Raised concerns with parking and increased traffic.
- Noted that there is no guarantee the business model will work over the expected life of the building and that future uses may require more parking than is being proposed.
- Raised concern with the lack of response to their inquiries to the company behind this application. Did not receive a public consultation package.
- Responded to questions from Council.

Judy Burtchwall, across the street from Copperstone Gate

- Raised concerns with increase in vehicles and modes of transportation to and from UBCO and Okanagan College.
- Raised concerns with incompatible neighbouring land uses and noise levels as there is senior residences nearby.
- Responded to questions from Council.

Jim Meiklejohn & Jim Marcott, Applicant Representative

- Reiterated that the variances required are due to parking not to the lower height proposed.
- The building is in compliance with coverage and setbacks.
- Units are unique to student housing market.
- Complied with city's neighbourhood consultation policy.

- This is a privately managed business and tenants will be managed to minimize impact on the neighbourhood.
- Responded to questions from Council.

There were no further comments

Moved By Councillor Given/Seconded By Councillor DeHart

R636/15/08/11 THAT Council authorizes the issuance of Development Permit No. DP15-0127 and DVP15-0128 for the following lots:

- Lot 2, District Lot 138, ODYD, Plan 3007 Except Plan 36604, located on 942 Harvey Avenue, Kelowna, BC;
- Lot 1, District Lot 138, ODYD, Plan 3007 Except Plan 36604, located on 932 Harvey Avenue, Kelowna, BC;
- Lot 2, District Lot 138, ODYD, Plan 3133 Except Plan 36604, located on 1683 Ethel Street, Kelowna, BC;
- Lot 1, District Lot 138, ODYD, Plan 3133, located on 1681 Ethel Street, Kelowna, BC;
- Lot 2, District Lot 138, ODYD, Plan 6535, located on 1667 Ethel Street, Kelowna, BC;
- Lot 1, District Lot 138, ODYD, Plan 6535, located on 1659 Ethel Street, Kelowna, BC;
- Lot 3, District Lot 138, ODYD, Plan 6535, located on 931 Leon Avenue, Kelowna, BC;
- Lot 4, District Lot 138, ODYD, Plan 6535, located on 941 Leon Avenue, Kelowna, BC; AND
- The to be closed lane right-of-way that is adjacent to 932 Harvey Ave, 1683 Ethel Street, 1681 Ethel Street, 1667 Ethel Street, 1659 Ethel Street, and 931 Leon Avenue;

AND THAT the Development Permit be subject to the following conditions:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A" as presented at the Council Meeting;
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B" as presented at the Council Meeting;
3. Landscaping to be provided on the land be in general accordance with Schedule "C" as presented at the Council Meeting;
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;
5. That all the properties be consolidated into one parcel;

AND THAT the variances to the following sections of Zoning Bylaw No. 8000 be granted in accordance with the drawings attached to the Development Variance Permit described in Schedule "A", "B", & "C":

Section 13.12.6 (b) Development Regulations

Vary the maximum site coverage for principal buildings, accessory structures, parking areas and driveways from 50% allowed to 62.5% proposed.

Section 13.12.6 (d) Development Regulations

Vary the minimum front yard setback from 6.0m required to 3.2m proposed.

Section 13.12.6 (f) Development Regulations

Vary the minimum rear yard setback from 9.0m required to 7.92m proposed.

Section 8.5 (Table 8.1) General Provisions

To vary the minimum parking stalls from 139 parking stalls required to 126 parking stalls 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 THAT prior to issuance of the Building Permit, the requirements of the Development Engineering Branch dated June 26th 2015 be satisfied;

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

Councillors Gray, Hodge and Sieben - Opposed.

7. Reminders - Nil.

8. Termination

The meeting was declared terminated at 12:19 a.m.

Deputy Mayor Stack

/acm/scf/slh



City Clerk

CITY OF KELOWNA
BYLAW NO. 11126
Z15-0029 - W-Ten Development Ltd., Inc. No. BC0720702
1285 Graham 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 78, Section 22, Township 26, ODYD, Plan 19162 located on Graham Road, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling 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 10th day of August, 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. 11129
Z15-0020 - Francesco Guarini
1457 Highway 33 East

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, Section 13, Township 26, ODYD, Plan 23518 Except Plan KAP 86904 located on Highway 33 East, Kelowna, B.C., from the A1 - Agriculture 1 zone to the RU6 - Two Dwelling 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 10th day of August, 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: August 25, 2015

RIM No. 0930-60

To: City Manager

From: Community Planning, Community Planning & Real Estate (LK)

Application: LL15-0012

Owner: City of Kelowna

Address: 315 Lawrence Avenue

Applicant: Marni Manegre
(Wine & Art Kelowna Inc.)

Subject: Liquor License Application

Existing OCP Designation: MXR - Mixed Use Residential/Commercial

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 recommends support of an application from Wine & Art Kelowna Inc. for a liquor primary license for Lot A, District Lot 139, Osoyoos Division Yale District, Plan 39412 except Air Space Plan KAP86153, located at 315 Lawrence Avenue, Kelowna, BC for the following reasons:
 - The application complies with Council Policy #359 guidelines for the siting and density of Liquor Primary Establishments, it is a modest size liquor primary establishment, caters to a niche market new to Kelowna and no concerns have been raised by the RCMP.
2. Council's comments on the Liquor Control & Licensing Branch (LCLB)'s prescribed considerations are as follows:
 - a) The location of the establishment:

The property is located within the Downtown core and is suitable for the proposed small-scale Liquor Primary license.
 - b) The proximity of the establishment to other social or recreational facilities and public buildings:

No negative impact on surrounding facilities/ buildings is anticipated.

- c) The person capacity and hours of liquor service of the establishment:
The capacity and hours are deemed appropriate based on other establishments in the immediate area.
 - d) The number and market focus or clientele of liquor primary license establishments within a reasonable distance of the proposed location:
The size and focus of the establishment would compliment the existing establishments in the Downtown area.
 - e) The impact on the community in the immediate vicinity of the establishment:
The potential for noise would be compatible with surrounding land uses.
 - f) The impact on the community if the application is approved:
The proposed license would add to the continued development of a safew, vibrant Downtown area.
3. Council's comments of the views of residents area 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."

2.0 Purpose

To seek Council's support for a Liquor Primary License for an existing Food Primary establishment located on the subject property.

3.0 Urban Planning

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

This application represents a modest sized liquor primary establishment. The business will cater to patrons who wish to participate in art classes, paint on-site, view local art and consume food and beverage. The focus is on wine and art education. Patrons are able to attend a class, reserve an easel to paint at their leisure or just come in for food & drink.

The target market is Kelowna's downtown working professionals. The focus is on the female market with the average ages being 35 - 65 years. The site will provide a safe environment for women to learn about local wine and art. As there are no televisions provided, the proposed liquor primary license will provide an artistic outlet for the average person which is lacking in Kelowna. Given the small scale and niche market, the business operation meets the intent of the City fostering the provision of facilities which diversify the selection of venues and entertainment opportunities throughout the Downtown.

Given the above considerations, Community Planning Staff is supportive of the proposed Liquor Primary establishment. In addition, the RCMP have no concerns with the proposal.

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 Liquor Primary license requests require Local Government comment.

4.2 Project Description

The applicant has requested a Liquor Primary (LP) license in order to create a small liquor primary establishment in the existing food primary establishment. The LP is being requested to allow for patron participation in the form of painting. As the seating capacity is under 100 patrons, the Liquor Primary (Minor) use does not require a rezoning. There are no changes to the interior or exterior of the building. Additionally, there are no other Liquor Primary - minor establishments on neighbouring properties. The draft occupant load shows a maximum occupant load of 50 persons.

Proposed License Summary

Proposed Hours of Sale:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	10:00am	11:00am	11:00am	11:00am	11:00am	11:00am	10:00am
Close	12:00am	12:00am	12:00am	12:00am	12:00am	12:00am	12:00am

4.3 Site Context

The subject property is located at the intersection of Lawrence Avenue and Water Street on the main floor in the north west corner of the Chapam Parkade. The unit address is 315 Lawrence Avenue.

Subject Property Map: 305 - 375 Lawrence Avenue



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

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 Concerns

6.2 Bylaw Services

¹ City of Kelowna Official Community Plan, Policy 5.17.1 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 8.9.2 (Economic Development Chapter).

No Concerns

6.3 Fire Department

- 1) The fire department has no issues with this liquor license as long as this bistro does not cook anything that may produce grease laden vapors. This bistro does NOT currently have a commercial kitchen installed so should the menu change to include such foods, a commercial kitchen shall be installed.

6.4 R.C.M.P.

No Concerns

7.0 Application Chronology

Date of Application Received: May 27, 2015
Date LCLB Package Received: July 7, 2015

Report prepared by:

Lydia Korolchuk, Planner

Reviewed by:

☐

Lindsey Ganczar, Planning Supervisor

Reviewed by:

☐

Todd Cashin, Suburban and Rural Planning Manager

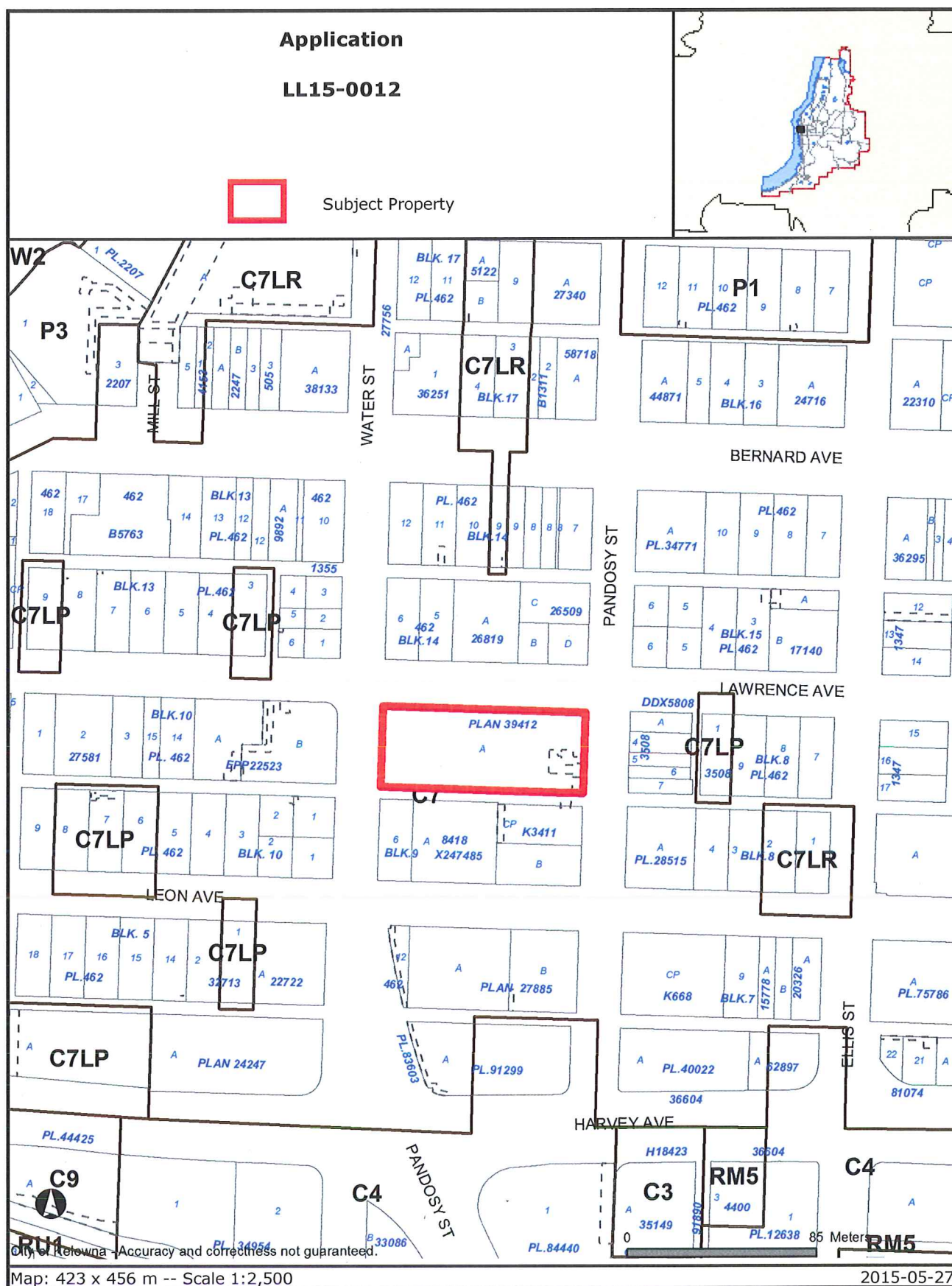
Approved for Inclusion:

☐

Ryan Smith, Community Planning Department Manager

Attachments:

Subject Property Map
Occupant Load Floor Plan
LCLB Application Package
Applicant Letter of Intent



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.



July 7, 2015

Job # 26095043-1

Sent via email: rsmith@kelowna.ca

Ryan Smith
City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4

Dear Ryan:

**Re: Application Summary - Application for Liquor-Primary (LP)
Licence
Applicant: Wine & Art Kelowna Inc.
Proposed Location: 315 Laurence Avenue, Kelowna
Proposed Establishment Name: Wine & Art Bistro & Wine Bar**

The applicant, Wine & Art Kelowna Inc., has applied to the Liquor Control and Licensing Branch (the Branch) for a liquor primary licence, to be located at the above address. The Branch has completed the initial review of the application to determine applicant suitability and eligibility of the establishment type for licensing. As part of that process, a Liquor Inspector has completed a site review of the proposed establishment location.

Having determined applicant eligibility, we are now proceeding to the Site and Community Assessment (SCA) stage which is the stage for local government input.

The City of Kelowna is requested to consider the application and provide the Branch with a resolution which includes their comments and recommendation with respect to the licence application. To assist with Council's assessment of the application, the Branch has prepared a summary report for review and consideration by Council. The summary report is based on information provided by the applicant and by Branch staff.

Please note that effective February 16, 2011, there has been a change in the regulatory criteria that Council is asked to consider and comment on. The amended regulatory criteria are reflected in the attached summary report. For more information on the change to the regulatory criteria, see LCLB policy directive 11-01 at <http://www.pssg.gov.bc.ca/lclb/resources/index.htm#8>

Council has 90 days to either provide comments to the general manager, or to advise that they wish to "opt out" of the process. Either must be in the form of a Council resolution. Additional time over the 90 days can be approved by the Branch if the request is received in writing prior to the end of the 90 day period.

**Liquor Control and
Licensing Branch**

Mailing Address:
PO Box 9292 Stn Prov Govt
Victoria BC V8W 9J8
Telephone: 250 952-5787
Facsimile: 250 952-7066

Location:
4th Floor, 3350 Douglas Street
Victoria, BC
<http://www.pssg.gov.bc.ca/lclb>

Upon receipt of a Council Resolution, the Branch will review the Resolution to determine if all the regulatory criteria have been met in accordance with section 10 of the Liquor Control and Licensing Regulation and; if recommended by local government, assess whether the granting of the licence would be contrary to the public interest. Should you gather the views of local residents and businesses as part of your consideration, please be reminded that the applicant cannot gather the views themselves. As part of your process, the gathering of the views must be administered by the local government.

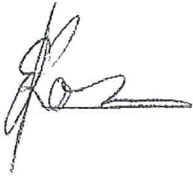
Following the rendering of a decision by the general manager as to whether to grant site and community approval, the applicant and the local government will be advised in writing.

Once granted site and community approval, the application proceeds to the building assessment stage of the licensing process, where floor plans are reviewed and if approved in principle, the applicant may proceed with construction/renovation of the establishment, followed by the final stages of the licensing process.

Further details of the liquor licensing application process can be found in the "Role of Local Government and First Nations in the Provincial Liquor Licensing Process" guidelines, enclosed for your reference and also available on the branch website at <http://www.hsd.gov.bc.ca/lclb/>.

If you have any questions regarding this application please contact me at 250 952-5775 or emma.ross@gov.bc.ca.

Yours sincerely,



Emma Ross
Senior Licensing Analyst

Enclosure – Application Summary and supporting material

copy: Doug Hufsmith, Liquor Inspector
Marni Manegre, Wine & Art Kelowna Inc.



APPLICATION SUMMARY

For Applicant and Local Government/First Nations

Date: July 7, 2015

Job # 26095043-1

Created by: Emma Ross, Senior Licensing Analyst

Re: Application for a Liquor Primary Licence

Applicant: Wine & Art Kelowna Inc.

Proposed Site: 315 Lawrence Avenue, Kelowna

Proposed Establishment Name: Wine & Art Bistro & Wine Bar

1. APPLICATION INFORMATION

Date application deemed complete: June 30, 2015

Local Government Jurisdiction: City of Kelowna

The primary business focus of the proposed establishment: Food and Beverage

Total person capacity/occupant load requested: 50 Person 01, Lounge
(this number includes patrons plus staff)

Hours of Operation requested:

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	10:00 AM	10:00 AM
12:00	12:00	12:00	12:00	12:00	12:00	12:00
Midnight	Midnight	Midnight	Midnight	Midnight	Midnight	Midnight

Terms and Conditions Requested:

No special terms and conditions requested.

2. APPLICANT SUITABILITY INFORMATION (Fit and Proper)

Applicant has met the eligibility and suitability requirements of the Liquor Control and Licensing Act.

The following sections are compiled from information provided by the applicant except where indicated otherwise.

3. LOCATION/SITE FACTORS

The legal description of the proposed site is: Lot A Plan 39412 ODYD. This site is located in a cement parkade building. The proposed establishment will replace the existing Food Primary (#306260) that will be cancelled upon the licensing of the LP. The establishment will operate as a sophisticated wine bar catering to the arts community that want to discuss wine and art. Art and wine education courses will also be offered as an ancillary to the wine bar and bistro business. The proposed establishment has an indoor area only.

See the attached Applicant's Letter of Intent for details of the proposed Liquor Primary establishment, including the following details:

- a) **Business Focus or Purpose**
- b) **Target Market**
- c) **Composition of the Neighbourhood and Reasonable Distance Measure**
- c) **Benefits to the Community**
- d) **Noise in the Community**
- f) **Impact on the Community**
- g) **Other impacts, comments or requests**

Please note that the applicant's letter of intent is enclosed as an attachment to this report for reference purposes. The information or statements included in the letter of intent have not been confirmed unless otherwise stated in this report.

4. CONTRAVENTION STATISTICS:

The Liquor Control and Licensing Branch will provide contravention statistics for liquor primary and liquor primary club establishments near the subject location upon request.

5. POPULATION AND SOCIO-ECONOMIC INFORMATION

- Circle population statistics for 2001 and 2006 are available from BC Stats by emailing your request to BC.Stats@gov.bc.ca
- BC Stats Community Facts includes the BC Benefits recipient and EI Beneficiary statistics and is available at <http://www.bcstats.gov.bc.ca/data/dd/facsheet/facsheet.asp>
- Statistics Canada Population breakdown by categories is available at: <http://www12.statcan.ca/census-recensement/2006/dp-pd/prof/92-591/index.cfm?Lang=E>

6. PUBLIC INTEREST

In providing its resolution on the proposed Liquor Primary application, local government must consider and comment on each of the regulatory criteria indicated below. The written comments must be provided to the general manager by way of a resolution within 90 days after the local government receives notice of the application, or any further period authorized by the general manager in writing.

Regulatory Criteria local government or First Nation must consider and comment on:

- a) The location of the establishment;
- b) The proximity of the establishment to other social or recreational facilities and public buildings;
- c) The person capacity and hours of liquor service of the establishment;
- d) The number and market focus or clientele of liquor primary licence establishments within a reasonable distance of the proposed location;
- e) The impact of noise on the community in the immediate vicinity of the establishment; and
- f) The impact on the community if the application is approved.

The local government or first nation must gather the views of residents in accordance with section 11.1 (2) (c) of the Act and include in their resolution:

- (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;

A sample resolution template and comments are enclosed as attachments 2 and 3 to this report for reference purposes.

For use by Liquor Control and Licensing Branch:

REGULATORY CONSIDERATIONS

Liquor Control and Licensing Act, sections: 11, 16 and 18

Liquor Control and Licensing Regulations sections: 4, 5, 6, 8, 10

POLICY CONSIDERATIONS

Policy Manual Section 3.2 Applicant Eligibility Assessment

Policy Manual Section 3.3 Site and Community Assessment

Policy Manual Section 3.4 Building Assessment and Issue of a Licence

ATTACHMENT 1

APPLICANT'S LETTER OF INTENT

PART 9: Letter of Intent and Site Map for Wine & Art Bistro & Wine Bar

a) Purpose: Wine & Art is a Bistro & Wine Bar that will be offering art classes and allow for painting in the establishment. The focus will be on Wine & Art Education with food and beverage service. Patrons will be able to either attend an art class, reserve an easel to paint at their leisure, or come in just for food and beverage.

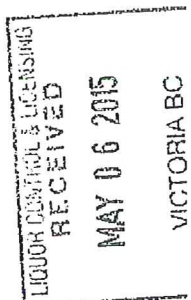
b) Target market: Our target market is working professionals downtown Kelowna and the arts community in the Okanagan. We do not have TVs on premise; rather we showcase local art, so we find our clients tend to be 75% female in the average age range of 35 – 65 years.

c) Composition of the neighbourhood: We are located downtown Kelowna at 315 Lawrence Avenue. We are on the corner of the Chapman Parkade, which is a public parking structure for people who work downtown. We are one block away from the Public Park and beach. We are across the street from 2 high-end restaurants with chefs that have been featured on the food network. Other businesses in the area are: realtors, night clubs, spas, gyms, hair salons, financial institutions, retail shops, law offices, cafes, media companies, & security companies. We are across the street from the fire hall and ½ block away from the ambulance station.

d) Benefits of the proposed establishment to the community: We are currently operating as a restaurant, but would like to offer painting and art instruction in our establishment. Kelowna has a strong art community and the patrons here like to do activities. We also offer a safe environment for women to hang out, since the majority of our customers are women that come in to learn more about local Okanagan Wine and discuss the artwork on the walls.

e) Impact of noise on the community: The impact of noise to the community would be minimal. We're located in a concrete building in a Parkade in close proximity to nightclubs. We will not have bands on premise and, since we will be focused on Wine & Art education, the music volume will be low enough to hear the instructors.

f) Other impacts on the surrounding community: Our customers tend to be sophisticated and, even though we have a strict house policy with alcohol service, our customers tend to be responsible. We're very cautious to offer non-alcoholic beverages, food service, and verify transportation to any customers who have consumed more than 2 alcoholic beverages. Since we're located close to strip clubs and other nightclubs, the impact of our establishment on the surrounding community is minimal.



Ross, Emma JAG:EX

From: Marni Manegre <marni.manegre@live.ca>
Sent: Monday, June 29, 2015 5:32 PM
To: Ross, Emma JAG:EX
Subject: RE: New Liquor Primary Application Wine & Art Kelowna 26095043-1

Hi Emma,

We would be offering lessons Tuesday and Thursday evenings. We would have food and beverage service for patrons all the time and it would be food and beverage only on other days when lessons are not offered.

Marni Manegre

From: Emma.Ross@gov.bc.ca
To: marni.manegre@live.ca
Subject: New Liquor Primary Application Wine & Art Kelowna 26095043-1
Date: Mon, 29 Jun 2015 23:45:56 +0000

Hello Marni,
I am in receipt of the above LP application.
In considering the proposed business, could you please respond to the following:

How often would you be offering lessons?
Would the establishment be open to food and beverage only patrons when no lessons were being offered?

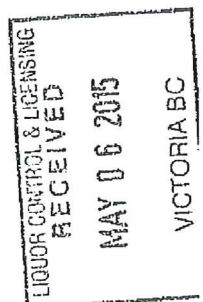
Regards,

Emma Ross
Senior Licensing Analyst
Liquor Control and Licensing Branch
Ministry of Justice
Phone 250 952-5775 Fax 250 952-7066

 Please consider the environment before printing this email.

Site Map – See Attached Downtown Kelowna Map

- Site location: 315 Lawrence Ave, Kelowna BC – as indicated by the blue star on the attached map.
- Road access, egress, parking and all residential areas: We're 5 blocks west of residential area on Lawrence and 3 blocks north of a residential area, which is on the other side of Harvey Ave (Highway 97). We're located in the corner of the Chapman Parkade with access to Lawrence Ave (2 blocks away from Harvey Ave).
- All other licensed liquor primary or liquor primary club establishments and liquor primary applications in progress: The closest liquor primary establishments to our location are: Cake (formerly Cheetahs) and Liquid Zoo, which are one block over on Lawrence Avenue and Micro Bites + Bar, located one block over on Water St., The Blue Gator on Lawrence Ave, Tonics on Leon Ave.. Other Liquor Primary Sites are indicated with a triangle symbol on the attached Map.
- Churches: The closest church is located on the corner of Richter St & Bernard Ave (approximately 5 blocks away). It is outside the boundary of the attached map.
- Clubs
- Schools (K-12, colleges, universities) – There are no schools downtown Kelowna or in a 5 block radius.
- Preschools – There are no preschools downtown Kelowna or in a 5 block radius
- Day care centres – The closest Day Care Centre is "Day Care Connections", which is on Bernard Ave and Ethel Street, about 6 blocks away. It is outside the boundary of the attached map.
- Health care facilities – The closest Health Care Centre is Kelowna Naturopathic Health Care Centre, which is on Water Street (across the street from us). On Bernard Street, there is the Foot Care Centre. All other Health Care Centres are greater than 5 blocks away and outside the boundary of the attached map.
- Seniors facilities – The office of Classic Caregivers is one block south of our location on Water St. The closest live-in facility for seniors is approximately 7 blocks North and East of our location and outside the boundary of the attached map.
- Recreational/sports facilities – The downtown marina is approximately 2 blocks away and the park and beach are approximately 1 block west. 30 Minute Hit is the closest sports facility on Lawrence Ave and approximately 1 block West. Okanagan Pilates is 1 block East on Pandosy St. Bikram Yoga is located 2 blocks East on Lawrence Ave, Spinco is approximately 3 blocks away on Bernard, and another Yoga studio is also on Bernard Ave. All sports facilities are

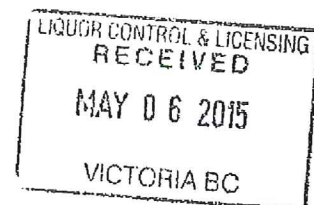


indicated with the heart symbol on the attached map.

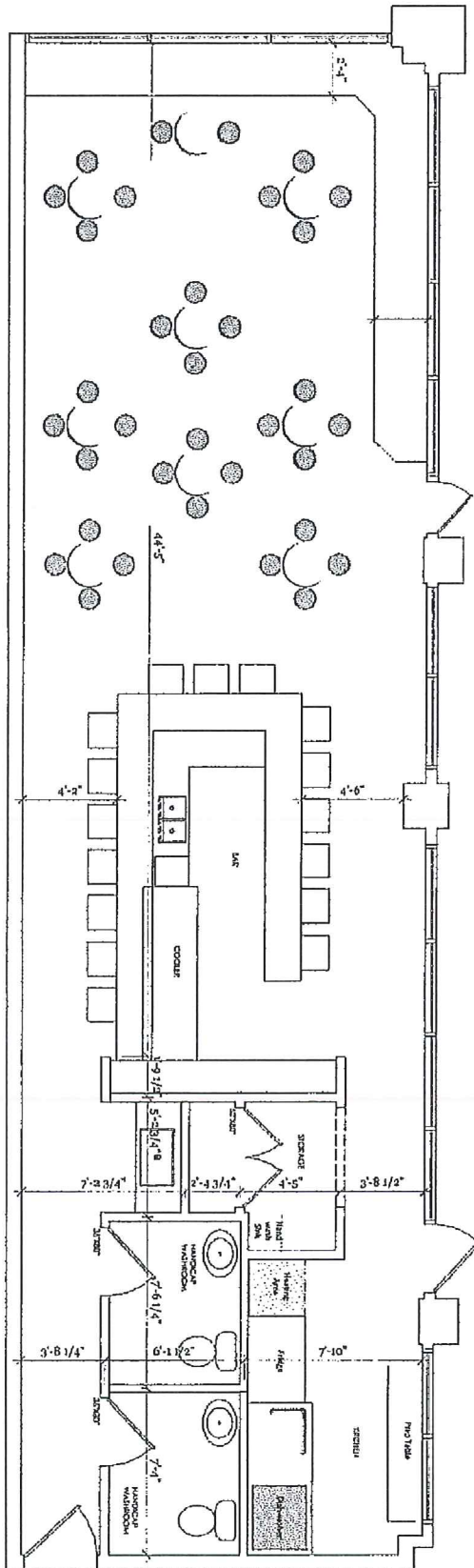
- Police stations – The police Station is on Water Street, just passed Bernard Avenue and approximately 3 blocks away and outside the boundary of the attached map.
- Fire halls – The Fire Hall is across the street on Water Street and is indicated on the map with the symbol of the lightning bolt.
- Libraries – The Library is on Ellis Street approximately 6 blocks away and outside of the boundary of the map.
- Government buildings – City Hall is on Water St approximately 4 blocks away and outside the boundary of the map.

I have chosen to include Downtown Kelowna as the boundaries. Downtown Kelowna is North of Highway 97, which is a clear boundary limit. I have provided slightly greater than a 2 block radius, as we're located in the centre of a small city.

I have also attached some photos of the premise, which show the existing signs and the outside of the building. The signs will only reflect the business name.



LIQUOR CONTROL & LICENSING
 RECEIVED
 MAY 06 2015
 VICTORIA BC



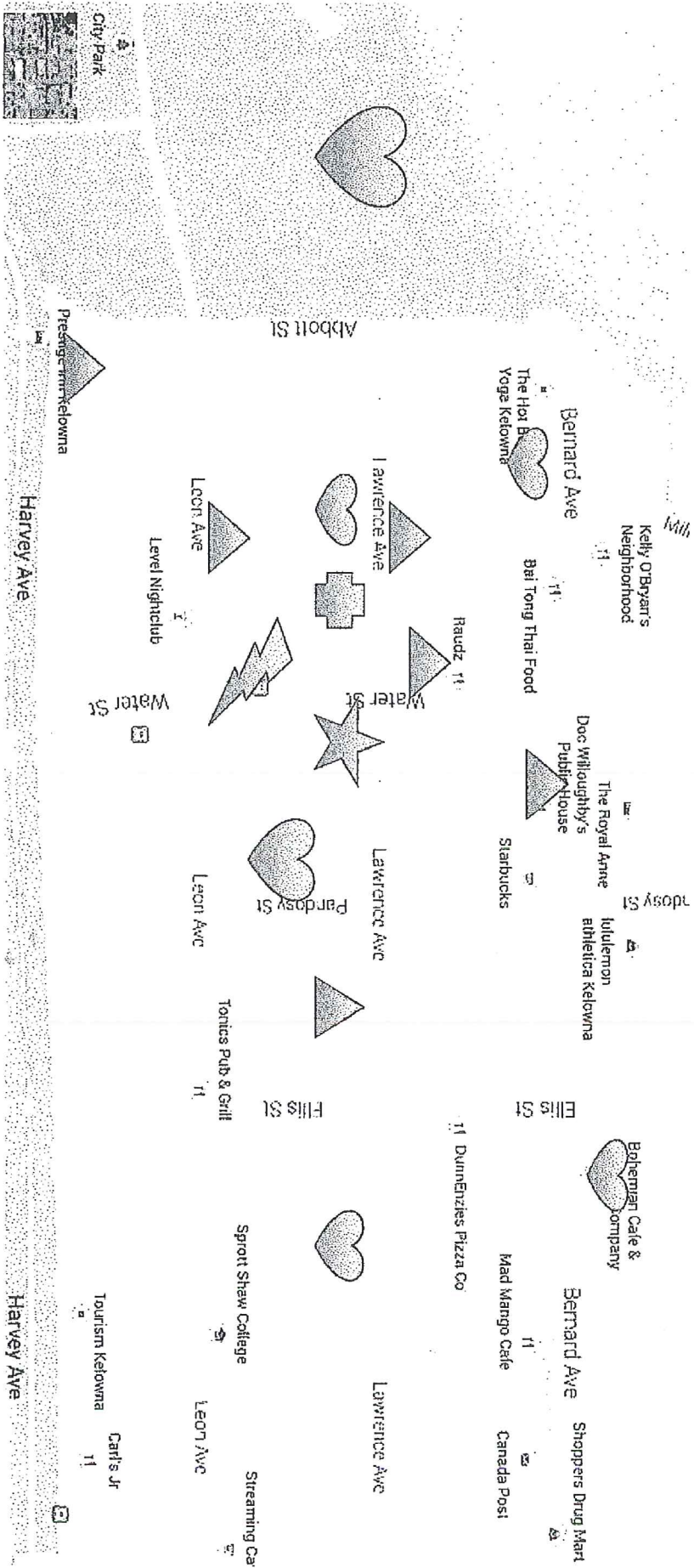
1 PROPOSED FLOOR PLAN
 SCALE 1/8" = 1'-0"

The Wine & Art Kelowna
 has a rest floor area of
 1000 sq. ft. The maximum
 occupant load shall be
 50 persons, based on
 Washington's fire code.

Reviewed
 7 Feb 15
 Jan.

CB VIOLATION
MAY 06 2015
RECEIVED
SINCE 2011 & 2012

Map of Downtown Kelowna



Legend

- Star = Premise Location
- Triangle = Liquor Primary Establishments
- Heart = Fitness Centres/Yoga
- Plus = Ambulance Station
- Lightning Bolt = Firehall

ATTACHMENT 2**Sample Resolution Template for a Liquor-Primary or Liquor-Primary Club Licence Application**

General Manager, Liquor Control and Licensing Branch

RE: Application for a liquor-primary licence at: (address of proposed establishment)

At the (council/board) meeting held on (date), the (council/board) passed the following resolution with respect to the application for the above named liquor licence:

"Be it resolved that:

1. The (council/board) (recommends/does not recommend) the issuance of the licence for the following reasons: (detail and explain reasons for recommendation)
2. The (council's/board's) comments on the prescribed considerations are as follows: (see the following page for sample comments for each criterion – a comment on each must be included in the resolution. Where a staff report has been prepared that addresses the criteria this can be used to provide Council's comments provided the staff report is referenced in the resolution and there is a clear statement that Council endorsed the comments in the report.
 - (a) The location of the establishment (provide comments)
 - (b) The proximity of the establishment to other social or recreational facilities and public buildings (provide comments)
 - (c) The person capacity and hours of liquor service of the establishment (provide comments)
 - (d) The number and market focus or clientele of liquor-primary licence establishments within a reasonable distance of the proposed location (provide comments)
 - (e) The impact of noise on the community in the immediate vicinity of the establishment (provide comments), and
 - (f) The impact on the community if the application is approved (provide comments)
3. The (council's/board's) comments on the views of residents are as follows: (describe the views of residents, the method used to gather the views and provide comments and recommendations with respect to the views. If the views of residents were not gathered, provide reasons).

The undersigned hereby certifies the above resolution to be a true copy of the resolution passed by the (council/board) of (local government/First Nation) on (date).

Sincerely,

(signature)
(name and title of official)
(local government/First Nation)

Note:

- All of the items outlined above in points 1, 2(a) through (h) and 3 must be addressed in the resolution in order for the resolution to comply with section 10 of the Liquor Control and Licensing Regulation.
- Any report presented by an advisory body or sub-committee to the council or board may be attached to the resolution.

ATTACHMENT 3

Sample Resolution Comments for a Liquor-Primary Licence Application

The following are examples that illustrate the type of comments that local government and First Nations might provide to demonstrate they have taken into consideration each of the criterion in reaching their final recommendation. Comments may be a mix of positive, negative and neutral observations relevant to each criterion. The final recommendation is the result of balancing these 'pros and cons'.

The list is not intended to illustrate every possible comment as the variations are endless, given the wide range of applications and local circumstances.

It is important that the resolution include the comment and not refer to a staff report, as the general manager cannot suppose that the local government considered all the criteria unless comment on each criterion is specifically addressed in the resolution itself.

Local government or First Nation staff may wish to contact the Liquor Control and Licensing Branch for assistance on drafting the content of a resolution before it is presented to local government or First Nation to avoid resolutions that do not comply with the regulations.

- (a) The location of the establishment:
The location is in a commercial area that is removed from nearby residences and is suitable for a late night entertainment venue where some street noise at closing time can be anticipated.
- (b) The proximity of the establishment to other social or recreational facilities and public buildings:
The only nearby social, recreational and public buildings do not conflict with the operation of a late night entertainment venue.
– or –
The proposed location is across a lane from a church with an attached retirement facility and church hall routinely used for youth group gatherings. The proximity of the proposed establishment is not considered compatible with the existing facilities.
- (c) The person capacity and hours of liquor service of the establishment
The maximum person capacity of 250 with closing hours of 2:00 a.m. Tuesday through Saturday and midnight on Sunday is acceptable. A larger capacity or later hours is not supported given the few number of police on duty at that time.
- (d) The number and market focus or clientele of liquor-primary licence establishments within a reasonable distance of the proposed location:
The existing establishments are large public house establishments that focus on exotic entertainment or are nightclubs that attract patrons 19 to 25 years of age. The proposed establishment is a small local pub style facility with an extensive menu and is designed to appeal to couples wanting a quiet adult venue for socializing in their community. There are no other (or few other) facilities with a similar focus.
- (e) The impact on the community in the immediate vicinity of the establishment:
The establishment is not expected to negatively affect traffic patterns and noise is not expected to be an issue because [of the small size and early hours] – or – [the applicant has agreed to various noise baffling strategies to ensure the neighbours are not disturbed by late night music]. The applicant has met the requirements of the zoning bylaw with regard to road access and parking.

- (f) The impact on the community if the application is approved:
If the application is approved, the impact is expected to be positive in that it will support the growth in tourism and offer a new social venue for residents.

The Council's comments on the views of residents are as follows:

The views of residents within a half mile* of the proposed establishment were gathered by way of *written comments that were received in response to a public notice posted at the site and newspaper advertisements placed in two consecutive editions of the local newspaper. Residents were given 30 days from the date of the first newspaper advertisement to provide their written views. Residents were also given an opportunity to provide comments at the public meeting of Council held on March 18, 200X.

A total of 63 responses were received from businesses and residents. Of the responses received, 21 were in support of the application citing the creation of additional jobs and a new entertainment venue for the area as their primary reasons. A total of 42 letters were received in opposition to the application. The primary reason cited by those in opposition was the proposed closing hours of 4 am. A number of business residents in the area also cited the lack of parking as an area of concern.

The following three examples illustrate ways Council may complete their comments on the views of residents based upon the preceding fact pattern.

1. Council agrees that a 4 am closing time for this establishment would not be appropriate and therefore recommends that the establishment have a closing time of 2 am to be consistent with the other licensed establishments in the area. Council does not agree with the parking concerns raised by some of the local businesses as the proposed establishment's peak operating hours will be after the surrounding businesses have closed.

Council recommends that a liquor licence be issued with hours of operation ceasing at 2 am. Council believes that the majority of residents in the area support the issuance of the licence provided the closing hours are no later than 2 am. The establishment will create new jobs and provide a new entertainment venue that is needed in this area.

— or —

2. There are 6450 residents within the half mile radius of the proposed establishment. Notwithstanding that there is a two to one ratio of opposed residents to residents that support the application Council is of the view that the 42 residents who are in opposition represent a small proportion of the overall population that may be affected by this establishment. Council also notes that frequently only residents who oppose a proposal are the ones that respond; consequently Council is of the view that the rest of the residents are not opposed to issuance of a liquor licence for this establishment.

Council recommends that a liquor licence be issued with hours of operation ceasing at 4 am. Council believes that the majority of residents in the area support the issuance of the licence. The establishment will create new jobs and provide a new entertainment venue that is needed in this area.

— or —

3. Based upon the input received by residents within a half mile of the proposed establishment there is a two to one ratio of opposed residents to residents that support the application. The opposition to this establishment comes from both homeowners and businesses. Council is of the view that with both the residential and business communities' opposition to this proposed establishment that the issuance of a licence for this establishment would be contrary to the community standard for this area.

Despite the potential creation of additional jobs and a new entertainment venue for the area Council is unable to support the issuance of a liquor licence for this establishment. Council recommends that a licence not be issued.

***The local government or First Nation determines the appropriate area to be included and the method for gathering those views**

CITY OF KELOWNA
BYLAW NO. 11107
Z15-0008 - Danny and Mary Cresswell
902 Clifton 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 20, Section 30, Township 26, ODYD, Plan 11261 located on Clifton Road, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing 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 22nd day of June, 2015.

Considered at a Public Hearing on the 14th day of July, 2015.

Read a second and third time by the Municipal Council this 14th day of July, 2015.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: August 25, 2015
RIM No. 0940-40
To: City Manager
From: Community Planning Department (LK)
Application: DP15-0057 & DVP15-0056 **Owner:** Dan & Mary Cresswell
Address: 902 Clifton Road **Applicant:** Dan & Mary Cresswell
Subject: Development Permit & Development Variance Permit Applications
Existing OCP Designation: S2RES - Single / Two Unit Residential
Existing Zone: RU1 - Large Lot Housing
Proposed Zone: RU1c - Large Lot Housing with Carriage House

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11107 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP15-0057 for Lot 20 Section 30 Township 26 ODYD Plan 11261, located at 902 Clifton Rd, Kelowna, BC subject to the following:

1. The dimensions and siting of the building and landscaping to be constructed on the land be in general accordance with Schedule 'A';
2. The exterior design and finish of the building to be constructed on the land, be in general accordance with Schedule 'B';

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0056, for Lot 20 Section 30 Township 26 ODYD Plan 11261 located at 902 Clifton Road, Kelowna, BC;

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

Section 13.1.7(c): RU1 - Large Lot Housing - Other Regulations

To vary the distance from a Carriage House to the principal dwelling from 3.0m permitted to 2.08m 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 consider the form and character, and a variance, for the conversion of an existing Accessory Building to a Carriage House.

3.0 Community Planning

Community Planning Staff support the building separation variance to allow the conversion of an existing Accessory Building to a Carriage House. The form and character of the Carriage House fits within the local context and the building meets all other zoning regulations. Any increased life safety requirements will be addressed with the Building Permit application.

The parcel is located within the Permanent Growth Boundary. Policies within the Official Community Plan (OCP) support sensitive integration into existing neighbourhoods where services are already in place and densification can easily be accommodated.

4.0 Proposal

4.1 Background

The Accessory Building was constructed in 1981 with an addition in 1999. Applications for the Carriage House were applied for with Z03-0069, DVP04-0054. All readings for the Zoning application were rescinded and due to inactivity the applications were closed. Currently, complaint file #299698 with Bylaw Services has prompted the current applications to legalize the dwelling unit, which was constructed without the appropriate permits in place.

4.2 Project Description

The Carriage House is located along the north side property line of the subject parcel. The existing Accessory Building has a workshop in the east portion of the building and a dwelling unit in the west portion. The building finishes match the existing primary dwelling with vertical siding and stone veneer accents along the front of the buildings. Private open space is provided on the west side of the accessory building.

The parcel provides one parking stall within the attached garage of the primary dwelling, and two parking stalls on a large driveway area to meet the Bylaw parking requirements for both the existing dwelling and the Carriage House.

The zoning requirements for a Carriage House vary from those required for an Accessory Building. A variance is required to allow the Carriage House to be located 2.08 m from the primary dwelling. The Zoning Bylaw requires a 3.0 m minimum separation from the primary dwelling. The requirement for an Accessory Building is 1.0 m minimum separation and the original building was constructed to exceed this requirement. All other zoning regulations for a Carriage House have been met.

In fulfillment of Council Policy No. 367 regarding public consultation, the applicant undertook neighbour consultation by providing proposal application packages to each of the adjacent parcels within 50 0 of the subject parcel.

4.3 Site Context

The subject property is located on the west side of Clifton Road in the Glenmore/Clifton area of Kelowna.

Specifically, adjacent land uses are as follows:

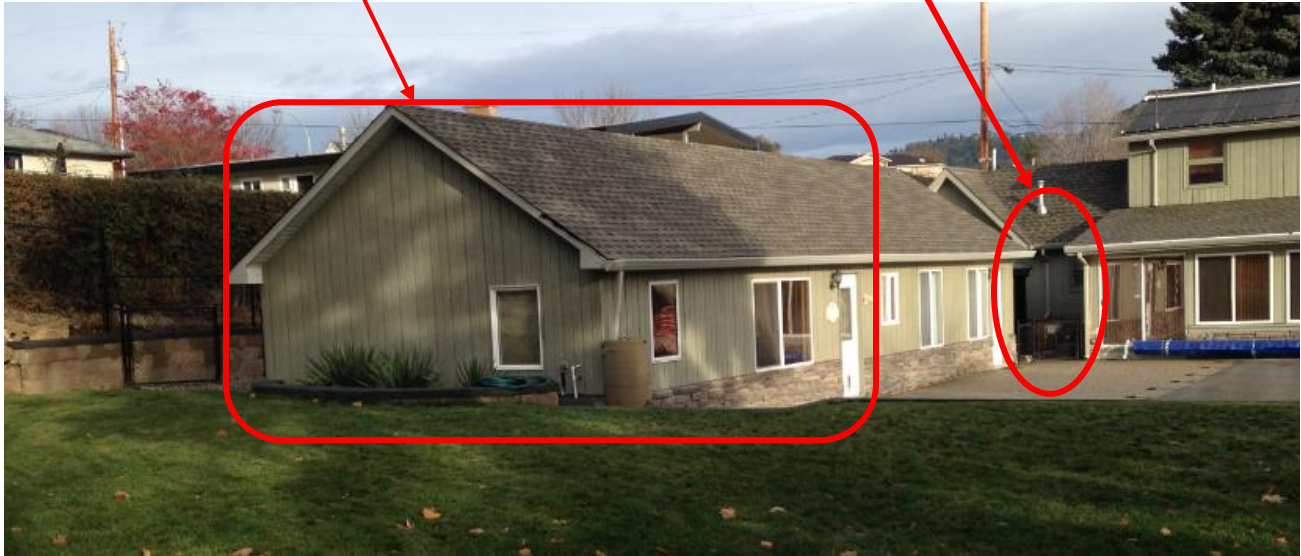
Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Residential
East	RU1 - Large Lot Housing	Residential
South	RU1 - Large Lot Housing	Residential
West	RU1 - Large Lot Housing	Vacant

Subject Property Site Photo: 902 Clifton Rd

South Elevation

Carriage House location

Variance required for Separation Distance



Subject Property Map: 902 Clifton Rd



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU1c ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	550m ²	1486.44m ²
Min. Lot Width	16.5m	24.38m
Min. Lot Depth	30m	60.96m
Development Regulations		
Site Coverage	40%	18.92%
Site Coverage: accessory buildings or structures and carriage house (one storey)	20%	6.3%
Floor area of carriage house (footprint)	100m ²	56.72m ²
Max. area of carriage house (total building area)	130m ²	93.65m ²
Max. net floor area of carriage house to total net floor area of principal building	75%	49.91%
Height (mid point of roof)	4.8m	4.13m
Setback from Principal Dwelling	3.0m	2.08m●
Carriage House Regulations		
Max. Height	4.8m	3.66m
Min. Side Yard (north)	2.0m	2.3m
Min. Rear Yard (west)	0.9m	21.64m
Height (carriage house shall not be higher than existing primary dwelling unit)	5.48m ex. House roof peak	4.88m Carriage house roof peak
Other Regulations		
Minimum Parking Requirements	3 stalls	3 stalls
Private Open Space	30 m ²	30m ²
● Indicates a requested variance for separation distance from the carriage house to the primary dwelling.		

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.

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

Sensitive Infill.² 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 Permit(s)
- 2) Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

See attached Memorandum dated February 10, 2015.

7.0 Application Chronology

Date of Application Received:	March 17, 2015
Date Public Consultation Completed:	June 1, 2015
Date of Rezoning 2 nd & 3 rd Reading:	July 14, 2015

Report prepared by:

Lydia Korolchuk, Planner

Reviewed by:

☐

Lindsey Ganczar, Planning Supervisor

Approved for Inclusion:

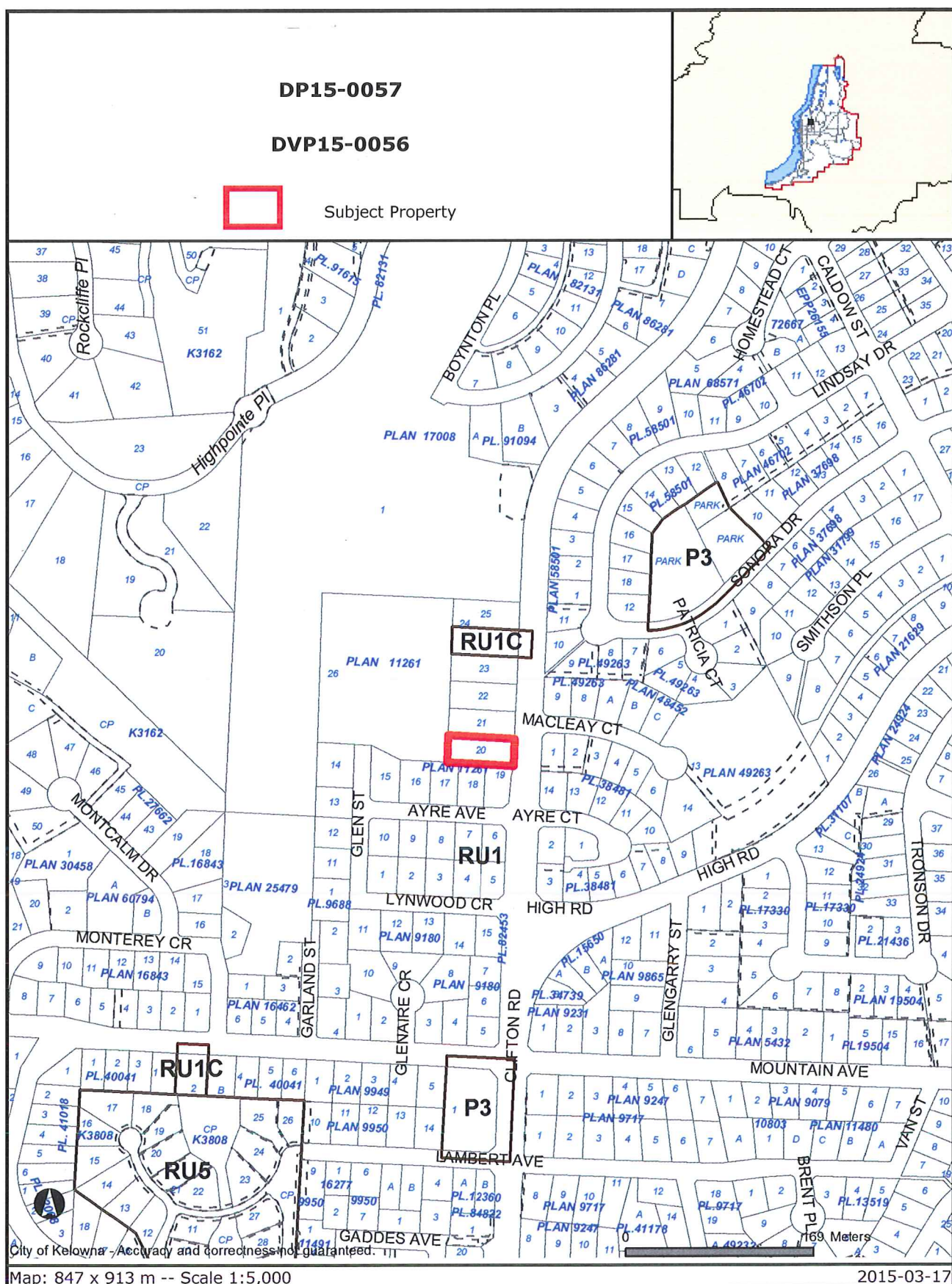
☐

Ryan Smith, Community Planning Department Manager

Attachments:

Site Context Map
Site Plan/ Landscape Plan - Schedule 'A'
Floor Plans - Schedule 'A'
Elevations - Schedule 'B'
Development Engineering Memorandum
Draft Development Permit - DP15-0057, DVP15-0056

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



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 Permit No. DP15—0057
DVP15-0056

EXISTING ZONING DESIGNATION: RU1c
WITHIN DEVELOPMENT PERMIT AREA: N/A

ISSUED TO: Dan & Mary Cresswell
LOCATION OF SUBJECT SITE: 902 Clifton Rd

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	20		11261	30	26	ODYD

SCOPE OF APPROVAL

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

1. TERMS AND CONDITIONS:

- 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:
Section 13.1.7(c): Other Regulations
To vary the distance from a carriage house to the principal dwelling from 3.0m permitted to 2.08m proposed

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. PERFORMANCE SECURITY: None Required.

4. DEVELOPMENT:

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

If the Permittee does not commence the development Permitted by this Permit within 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. APPROVALS:

DEVELOPMENT PERMIT AUTHORIZED BY COUNCIL ON THE ____ DAY OF _____, 2015.

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, Director, Community Planning & Real Estate Div.

CITY OF KELOWNA
MEMORANDUM

Date: April 2, 2015
File No.: Z15-0008 & DP15-0057
To: Urban Planning (LK)
From: Development Engineering Manager
Subject: 902 CLIFTON RD RU1c

Development Engineering has the following comments and requirements associated with this application to rezone from RU1 to RU1c.

1. Domestic Water and Fire Protection

Our records indicate this property is currently serviced with a 19mm-diameter water service. The service is adequate for the proposed application.

2. Sanitary Sewer

Our records indicate that this property is serviced with a 100mm-diameter sanitary sewer service complete with inspection chamber. The service is adequate for the proposed application.

3. Access, Manoeuvrability and Parking Requirements

The proposed parking arrangement does not work. The designated suite parking space blocks access to one of the required primary residence parking spaces. All vehicles will also have to reverse onto Clifton Rd

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.



Steve Muenz, P. Eng.
Development Engineering Manager

JF

CITY OF KELOWNA
MEMORANDUM

Date: April 2, 2015
File No.: DVP15-0056

To: Urban Planning (LK)

From: Development Engineering Manager

Subject: 902 CLIFTON RD

RU1c

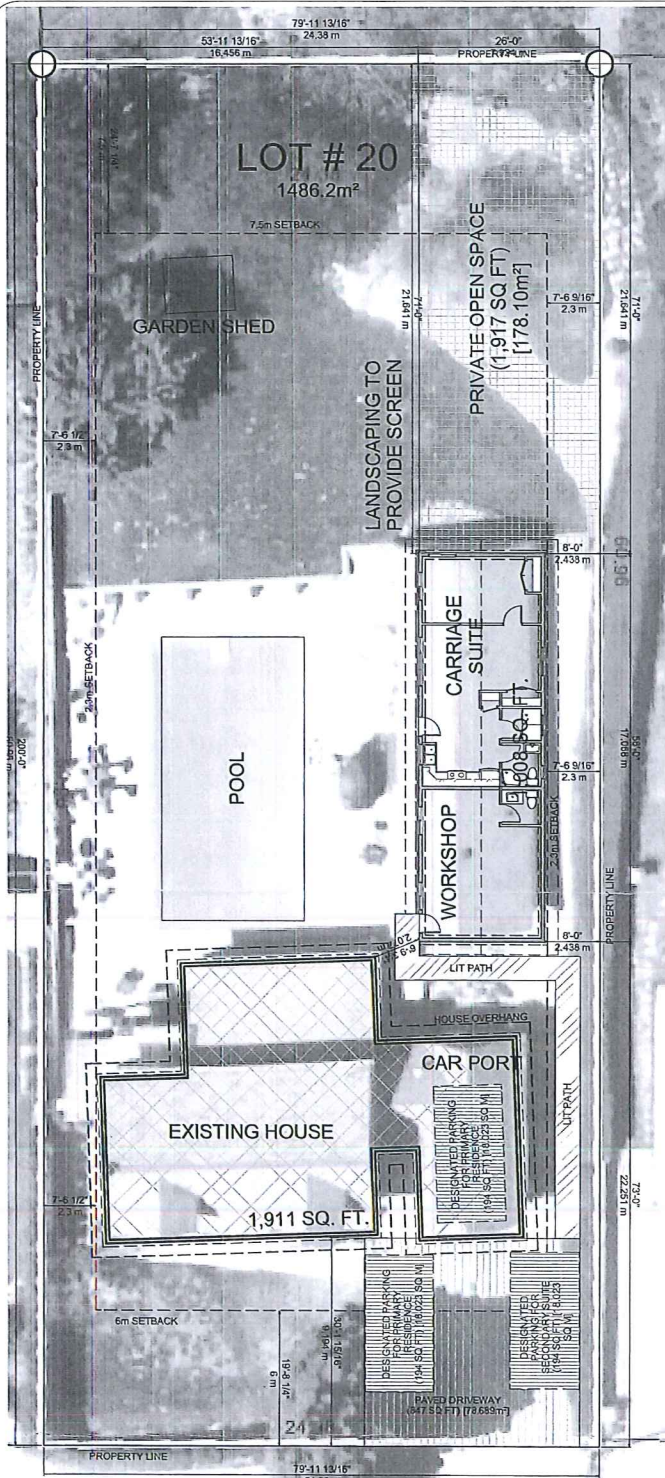
Development Engineering has the following comments and requirements associated with this application.

The Development variance permit application to vary the carriage house distance to an existing principal building does not compromise our servicing requirements



Steve Muenz, P. Eng.
Development Engineering Manager

JF



PLOT PLAN

SCALE: 1/8" = 1'

NOTES

EXISTING	NEW ADDRESS	LOT #	PLAN #
CLIFTON RD	902 CLIFTON RD	20	KAP11201

LOT COVERAGE

EXISTING HOUSE	=	1,911 SQ.FT.
DETACHED BUILDING	=	1,008 SQ.FT.
TOTAL FOOTPRINT	=	2,919 SQ.FT.
TOTAL LOT SQ.FT.	=	14,866 SQ.FT.

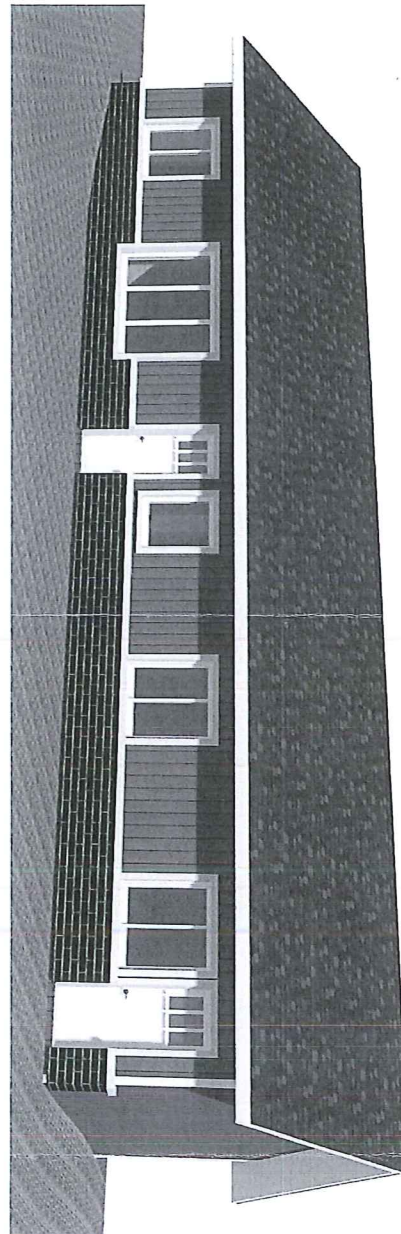
TOTAL COVERAGE = 19.6%

CITY OF KELOWNA - COMMUNITY PLANNING

REVISED PLANS

File No.: 715-0008

Date Received: MAY 11 115



UNIT 203 - 1889 SPALL RD.
Kelowna BC V1Y 4R2
 Bus: (250) 717-3415
 Cell: (250) 258-7819
 e-mail: mullinsdrafting@shaw.ca

PROPOSED PROJECT FOR

LOT # 20
902 CLIFTON ROAD
KELOWNA BC

DANNY CRESSWELL
250-212-6834

SCALE: 1/4" = 1'

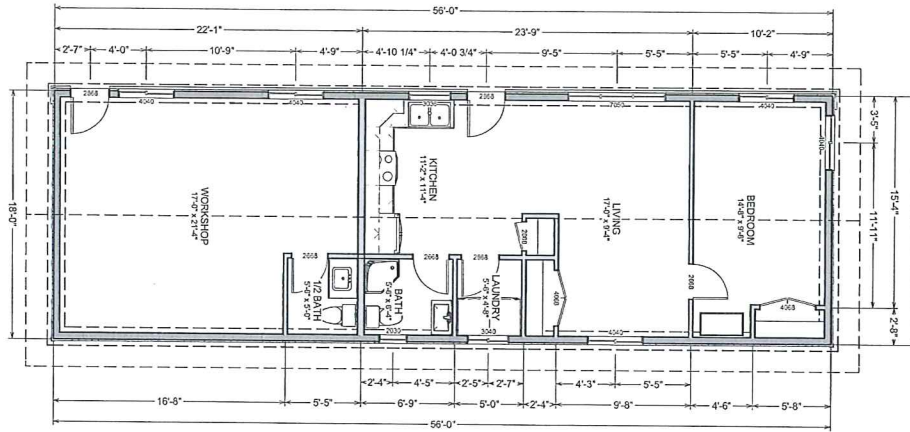
DATE: MAY-04-2015

SHEET NUMBER

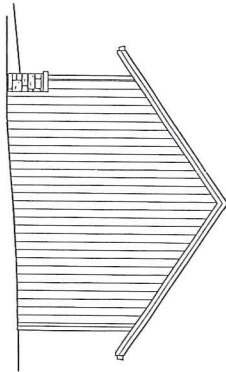
1/2

REVISED PLANSFile No.: 215-0008Date Received: May 11/15

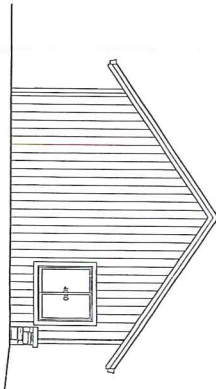
MAIN FLOOR
 18'2" x 56'0" FT.
 WORKSHOP



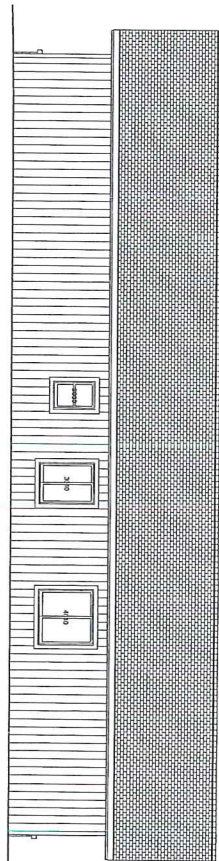
EAST ELEVATION



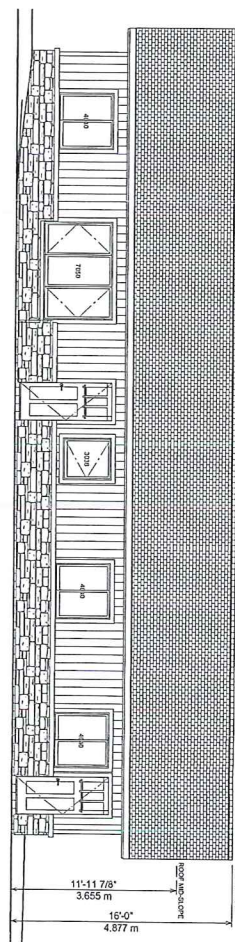
WEST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION



UNIT 203 - 1889 SPALL RD.
 Kelowna BC V1Y 4R2
 Bus: (250) 717-3415
 Cell: (250) 258-7819
 e-mail: mullinsdrafting@shaw.ca

PROPOSED PROJECT FOR

LOT # 20
 902 CLIFTON ROAD
 KELOWNA BC

DANNY CRESSWELL
 250-212-6834

SCALE: 1/4" = 1'

DATE : MAR-09-2015

SHEET NUMBER

2/2

REPORT TO COUNCIL



Date: August 25, 2015

RIM No. 0940-60

To: City Manager

From: Community Planning, Community Planning & Real Estate (LB)

Application: HAP15-0005 **Owner:** David Harold Beedle & Claire Elizabeth Beedle

Address: 277 Mathison Place **Applicant:** Claire Beedle

Subject: Heritage Alteration Permit Application

Existing OCP Designation: S2RES - Single / Two Unit Residential

Existing Zone: RU1 - Large Lot Housing

1.0 Recommendation

THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP15-0005 for Lot 4, District Lot 14, ODYD, Plan 7769, located at 277 Mathison Place, Kelowna, BC, subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedule "C":

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

To vary the minimum front yard from 4.5 m permitted to 3.0 m proposed.

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

To vary the minimum side yard from a flanking street from 4.5 m permitted to 2.8 m proposed.

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

2.0 Purpose

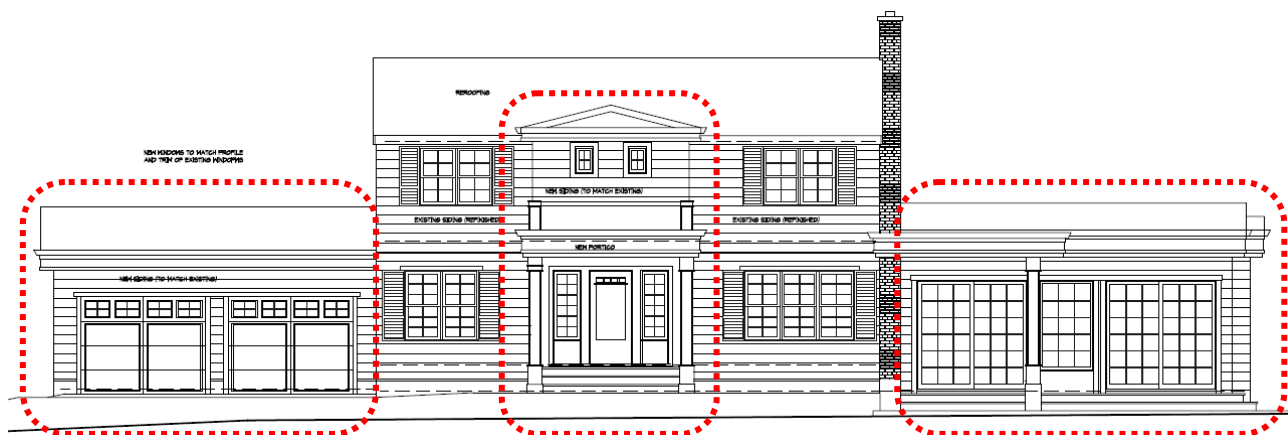
To consider a heritage Alteration Permit for the form and character of additions to an existing single detached house and avariances to reduce the minimum front and flanking street side yard setbacks.

3.0 Community Planning

Community Planning Staff supports the additions to the existing house and variances to the front and side yard setbacks. The additions complement the overall character of the house, build on its Colonial Revival features and are generally in keeping with the Heritage Conservation Area guidelines. The requested variances allow for more functional use of the property through the creation of a two car garage and further enhance the architectural style with the formal front entrance.

Form and Character

The additions are consistent with the characteristics of the Colonial Revival style identified for the property and they will enhance the formal nature of the house. Replacing the existing carport on the east side of the house will be a two car garage, symmetrically balanced by the addition of new living space on the west side of the house. The design features of the established style will be retained in the roof, window and entrance details. The existing exterior materials will be refinished and similar materials will be used on the new portions of the house. The new entry feature will add to the property's formal character and create a more grand entrance consistent with the Colonial Revival style.



Proposed Changes and Additions to the Existing House

Consideration has been given to the Heritage Conservation Area guidelines as identified in Chapter 16 of the City of Kelowna Official Community Plan, and the application generally meets the guidelines. Many of the guidelines regarding maintaining the established streetscape massing, setbacks and styles are not applicable because of the property's specific context. It is the only property of the Colonial Revival style in the vicinity and is smaller than most of the surrounding properties at the end of Mathison Place and along Abbott Street.

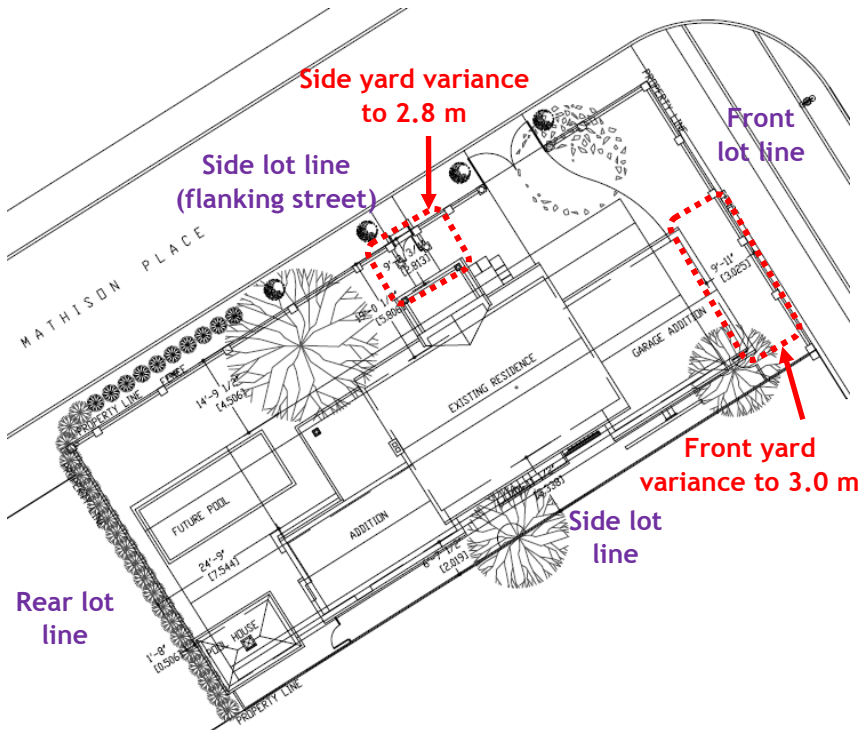
Although many of the mature trees on the property will be retained, the existing cedar hedge along Abbott Street is not in healthy condition and will be removed. A 1.8 m high solid fence is proposed along the Abbott Street and Mathison Place frontages, with gates for the driveway and walkway entrances. The guidelines for the Heritage Conservation Area include provisions for

fencing to be less than 1 m in height, consistent with that of neighbouring properties and to have clear sightlines from the street to the dwelling. The property owner would like a higher fence to address privacy concerns with being a corner lot abutting the Abbott Street Recreational Corridor.

Front and Side Yard Variances

As per Section 2 of the Zoning Bylaw, the front lot line of a residential corner lot is the narrowest street frontage. In this case, the east lot line along Abbott Street is considered the front lot line and the north lot line along Mathison Place is a flanking street side lot line. The required setback for both the front and flanking street side yards is 4.5 m.

Due to the existing location of the house, the applicant is requesting a variance to reduce the minimum front yard from 4.5 m permitted to 3.0 m proposed. This will accommodate the addition of a two car garage on the east side of the property, replacing and expanding on the existing carport. The garage will be oriented towards Mathison Place and use the existing driveway access from Mathison Place. The side of the garage will face Abbott Street and the applicant has included windows at the top of the garage wall to improve this façade.



To allow for the new entrance feature facing Mathison Place, the applicant is requesting a variance to reduce the minimum flanking street side yard from 4.5 m permitted to 2.8 m proposed. This variance only applies to the new extended entry, which spans approximately 4 m (13 ft) in width along the Mathison Place frontage.

Staff support the requested variances to accommodate the garage and entry feature, enhancing the heritage character of the property. No negative impacts to surrounding properties are anticipated since the variances are towards streets rather than other properties.

In fulfillment of Council Policy No. 367 concerning public notification and consultation, the applicant contacted property owners within 50 m of the subject property with information about the proposed development. No concerns were identified through this consultation. At the time of writing, Staff has not been contacted with any questions or concerns regarding this application.

4.0 Proposal

4.1 Project Description

The applicant is proposing to add onto the existing single detached house to create new and more functional living space as well as enhance the heritage character of the property. The main changes are as follows:

- Build new living space on the west side of the house towards the rear of the property;
- Convert the existing carport and add onto it to create a two car garage on the east side of the house towards the front of the property;
- Extend and change the front entrance on the north side of the house towards the side of the property;
- Add to the existing accessory structure on the west side of the property; and
- Replace the existing hedges along the east and north property lines with a fence and gates that match the character of the house.

The Abbott Street and Marshall Street Heritage Conservation Areas Development Guidelines identify the subject property as the Colonial Revival style, one of only two examples of this style outside of the Maple Street and Lake Avenue area. Defining characteristics of the Colonial Revival style include:

- Stately feel to the architecture
- High to medium gable roof forms
- Horizontal lap-board siding
- 1 ½ and 2 storeys with attic massing
- Grand entrance
- Vertical double-hung window openings
- Single and multi-sash window assembly
- Window shutters
- Multiple pane windows
- Symmetrical front facades on formal homes
- Grand front drive and rear yard parking



The applicant is looking to enhance the architectural details of the house in keeping with the Colonial Revival style.

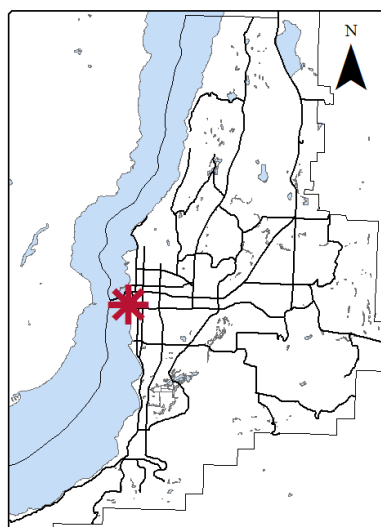
4.2 Site Context

The subject property is located at the southwest corner of the intersection of Abbott Street and Mathison Place in the Abbott Street Heritage Conservation Area and the Central City Sector. The property is designated S2RES - Single / Two Unit Residential in the Official Community Plan. The surrounding area is a single dwelling housing residential neighbourhood.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Single dwelling housing
East	RU1 - Large Lot Housing	Single dwelling housing
South	RU1 - Large Lot Housing	Single dwelling housing
West	RU1 - Large Lot Housing	Single dwelling housing

Subject Property Map: 277 Mathison Place



CONTEXT



SUBJECT PROPERTY

4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot		
Minimum Lot Area	550 m ²	613.2 m ²
Minimum Lot Width	17.0 m	16.8 m
Minimum Lot Depth	30.0 m	36.6 m
Development Regulations		
Maximum Site Coverage (buildings)	40%	33.1%
Maximum Site Coverage (buildings, driveways and parking)	50%	39.8%
Maximum Height	9.5 m	7.1 m
Minimum Front Yard	4.5 m	3.0 m ❶
Minimum Side Yard (south)	2.0 m (1 or 1 ½ storey portion)	2.0 m
	2.3 m (2 or 2 ½ storey portion)	3.3 m
Minimum Side Yard (north)	4.5 m (flanking street)	2.8 m ❷
Minimum Rear Yard	7.5 m	7.5 m
Other Regulations		
Minimum Parking Requirements	2 stalls	
❶ Indicates a requested variance to reduce the minimum front yard from 4.5 m permitted to 3.0 m proposed. ❷ Indicates a requested variance to reduce the minimum flanking street north side yard from 4.5 m permitted to 2.8 m proposed.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Heritage Conservation Area Guidelines

Consideration has been given to the following guidelines as identified in Chapter 16 of the City of Kelowna Official Community Plan relating to Heritage Conservation Areas:

HERITAGE CONSERVATION AREA	YES	NO	N/A
Site Layout and Parking			
Are established front yard setbacks maintained within 10% of neighbouring building setbacks?			✓
Are parking spaces and garages located in the rear yard?		✓	
Are established building spacing patterns maintained?			✓
Does the carriage house complement the character of the principal dwelling?			✓
Are accessory buildings smaller than the principal building?	✓		
Building Massing			
Is the established streetscape massing maintained?			✓
Is the massing of larger buildings reduced?	✓		
Roof Forms, Dormers and Chimneys			
Is the roof pattern in keeping with neighbouring buildings?		✓	
Are skylights hidden from public view?			✓
Are high quality, low maintenance roofing materials being used?	✓		
Are the roofing materials similar to traditional materials?	✓		
Are the soffit, overhang and rain water drainage features in keeping with the building's architectural style?	✓		
Do secondary roof elements have a similar pitch as the principal roof?	✓		
Are chimneys in keeping with the building's architectural style?	✓		
Cladding Materials			
Are low maintenance building materials being used?	✓		
Are the building materials similar to traditional materials?	✓		
Are exterior colours in keeping with the traditional colours for the building's architectural style?	✓		

HERITAGE CONSERVATION AREA	YES	NO	N/A
Doors and Windows			
Are established window placement, style and window-to-wall area ratios maintained?	✓		
Are established door placement, style and door-to-wall area ratios maintained?	✓		
Is the main entrance a dominant feature visible from the street?	✓		
Is the main entrance in keeping with the building's architectural style?	✓		
Are the door and window design details consistent with the building's architectural style?	✓		
Landscaping, Walks and Fences			
Are existing healthy mature trees being retained?	✓		
Is the front yard landscaping consistent with neighbouring properties?		✓	
Is street facing fencing or screening landscaping no more than 1 m in height?		✓	
Privacy and Shadowing Guidelines			
Are there clear sightlines from the street to the front yard and dwelling?		✓	
Does the building location minimize shadowing on the private open space of adjacent properties?	✓		

6.0 Technical Comments

6.1 Building & Permitting Department

- A Geotechnical Report is required to address the subsoil 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 Heritage Alteration Permit. This minimum Geodetic elevation is required for all habitable spaces including garages. This building may be designed too low, which may affect the form and character of the building.
- 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 Department

- See attached memorandum, dated June 23, 2015.

7.0 Application Chronology

Date of Application Received: June 10, 2015
Date Public Consultation Completed: July 18, 2015

Report prepared by:

Laura Bentley, Planner

Reviewed by:

☐

Lindsey Ganczar, Planning Supervisor

Approved for Inclusion:

☐

Ryan Smith, Community Planning Department Manager

Attachments:

Subject Property Map

Development Engineering Memorandum

Draft Heritage Alteration Permit No. HAP15-0005

Schedule A: Site Plan and Floor Plans

Schedule B: Elevations and Colour Board

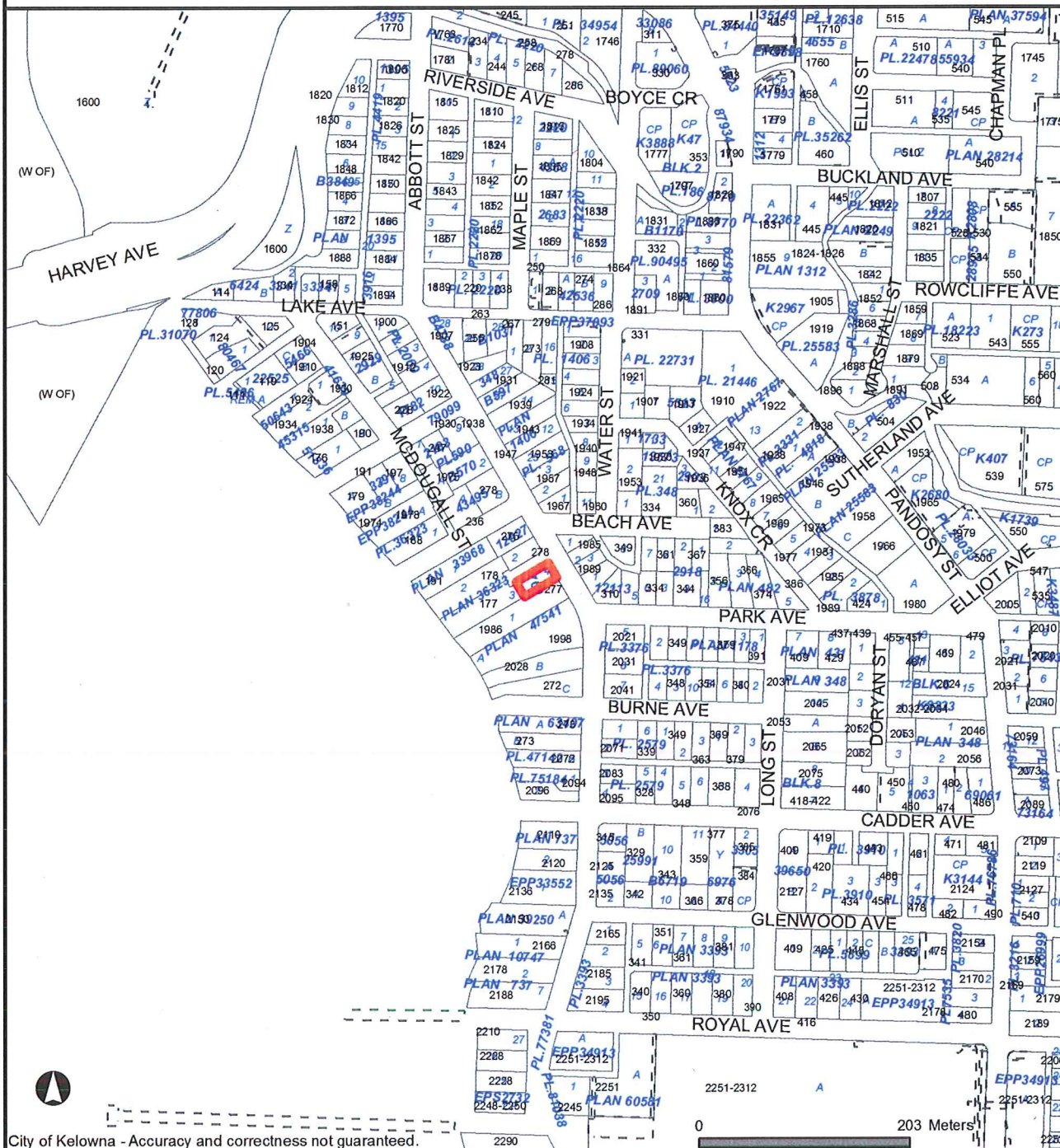
Schedule C: Site Plan with Variances

Application

HAP15-0005



Subject Property



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: June 23, 2015
File No.: HAP15-0005

To: Urban Planning (LB)

From: Development Engineering Manager (SM)

Subject: 277 Mathison Pl

Garage

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

This property is currently serviced with a 19mm-diameter copper water service. The service will be adequate for this application.

2. Sanitary Sewer

Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service which is adequate for this application.

3. Development Permit and Site Related Issues

Direct the roof drains into on-site rock pits.

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.



Steve Muenz, P. Eng.
Development Engineering Manager

SS

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Heritage Alteration Permit No.: HAP15-0005

EXISTING ZONING DESIGNATION: RU1 – Large Lot Housing

ISSUED TO: David & Claire Beedle

LOCATION OF SUBJECT SITE: 277 Mathison Place

	LOT	BLOCK	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	4	-	14	-	ODYD	7769

SCOPE OF APPROVAL

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

1. TERMS AND CONDITIONS:

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".

THAT variances to the following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedule "C":

Section 13.1.6(c): RU1 – Large Lot Housing Development Regulations

To vary the minimum front yard from 4.5 m permitted to 3.0 m proposed.

Section 13.1.6(d): RU1 – Large Lot Housing Development Regulations

To vary the minimum side yard from a flanking street from 4.5 m permitted to 2.8 m proposed.

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

2. DEVELOPMENT:

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

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

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

THIS Permit IS NOT A BUILDING Permit.

3. APPLICANT'S AGREEMENT:

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

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

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

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

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

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

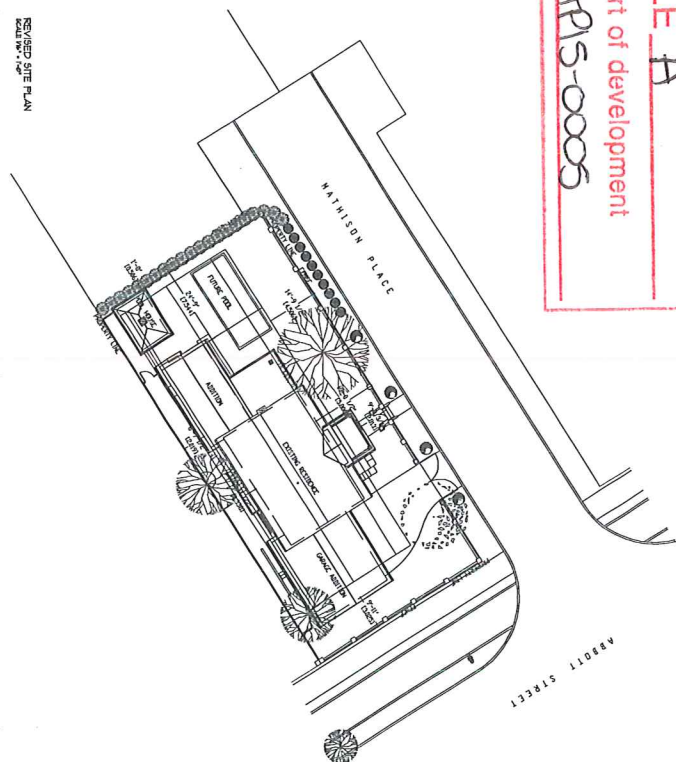
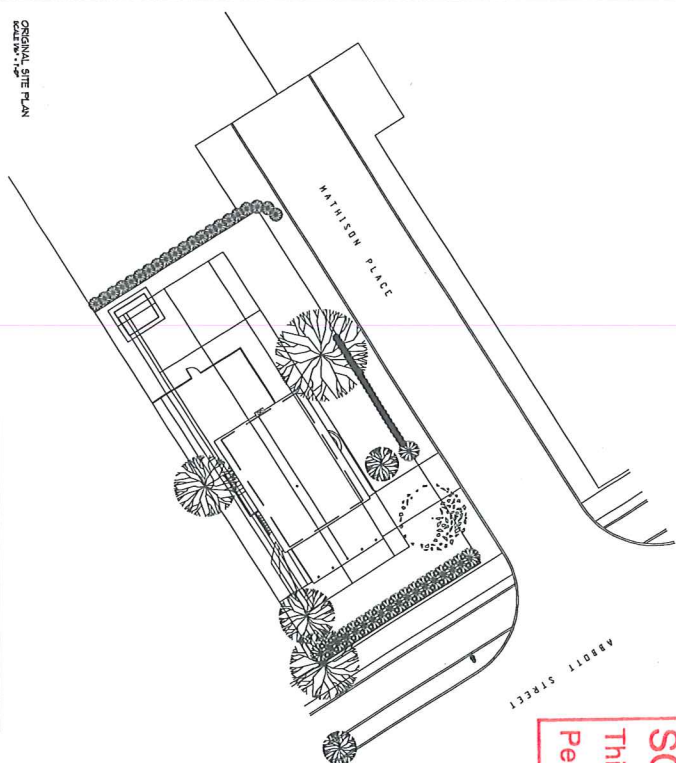
Telephone No.

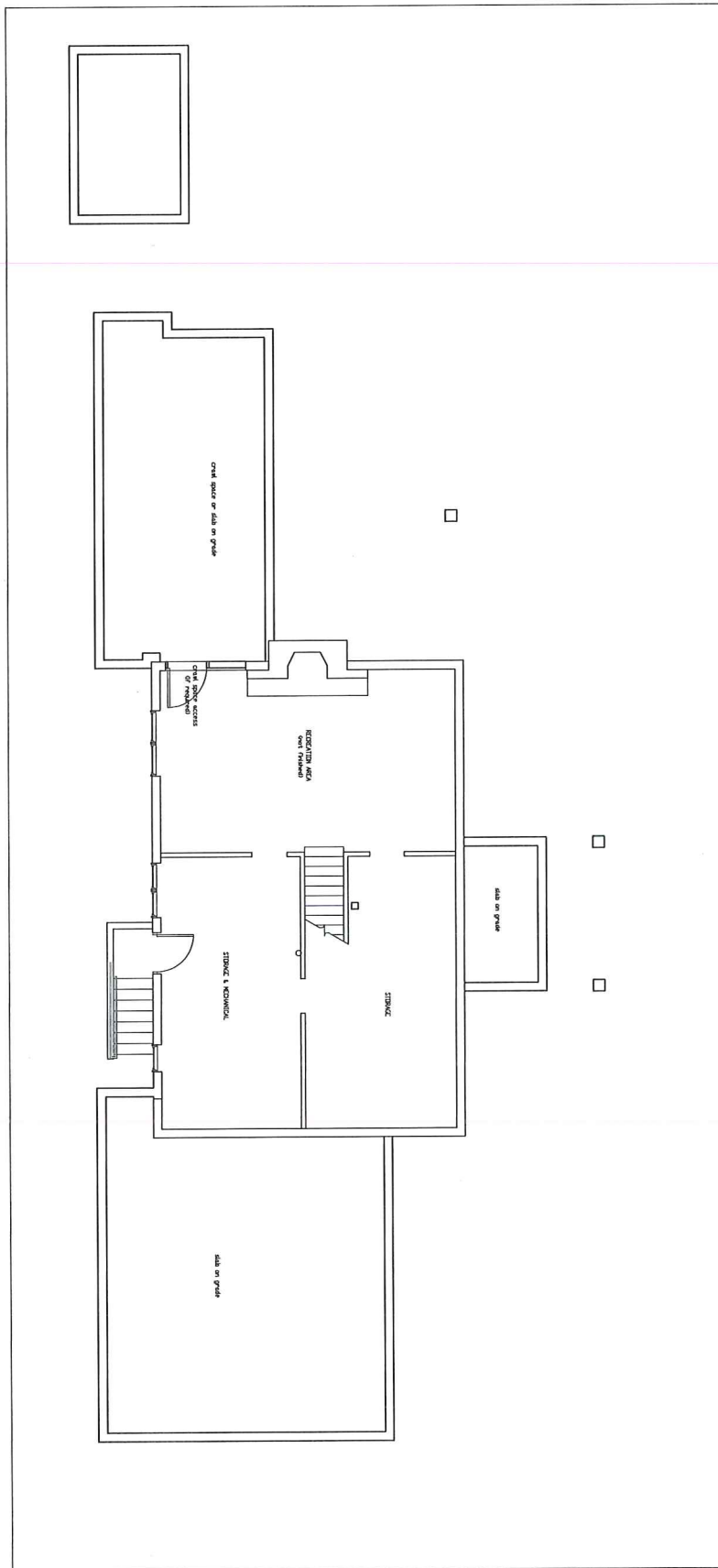
4. APPROVALS:

HERITAGE ALTERATION PERMIT AUTHORIZED BY THE COUNCIL ON THE ____ DAY OF _____ 2015.
ISSUED BY THE COMMUNITY PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE ____ DAY OF _____ 2015 BY THE COMMUNITY PLANNING DEPARTMENT MANAGER.

Ryan Smith, Department Manager
Community Planning

SCHEDULE A
This forms part of development
Permit # HAP15-0005

[illegible][illegible]



SCHEDULE A
 This forms part of development
 Permit # WAP15-0005

Sheet	BC	File disk
A2	01	01
Scale	1/4" = 1'-0"	1/4" = 1'-0"
Project No.	660-200	701 VIEW A

C. & D. Beedle
 211 Mathison Place
 Kelowna B.C. V1Y 5R4
 Project
 Additions & Renovations
 211 Mathison Place
 Kelowna B.C. V1Y 5R4

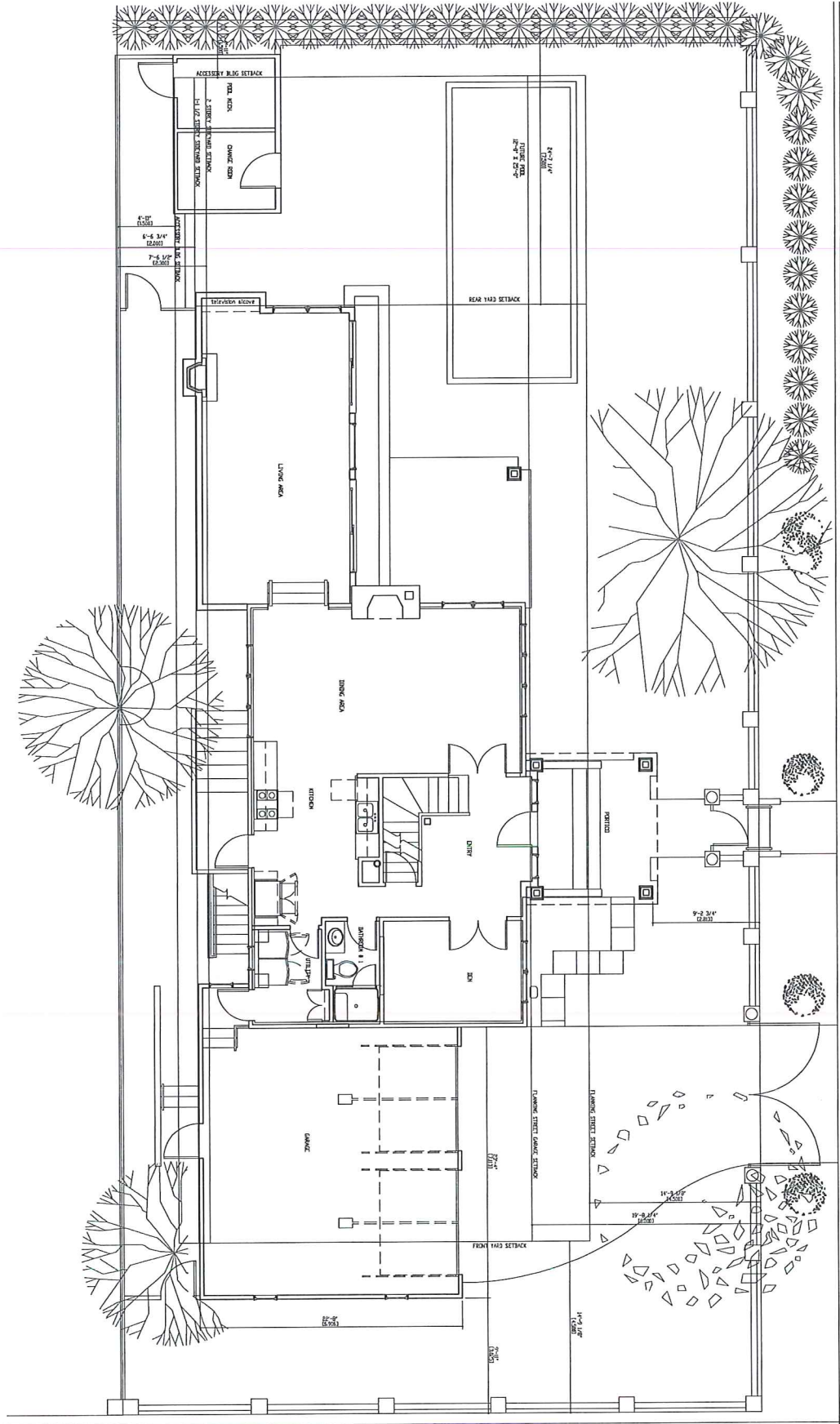
Basement Floor Plan

XZ
 CONSULTING ENGINEERS, COVIELAND
 143 - 609 Truswell Road Kelowna B.C. V1W 3Z1
 (250) 860 3321

SCHEDULE A

This forms part of development

Permit # HP15-0005



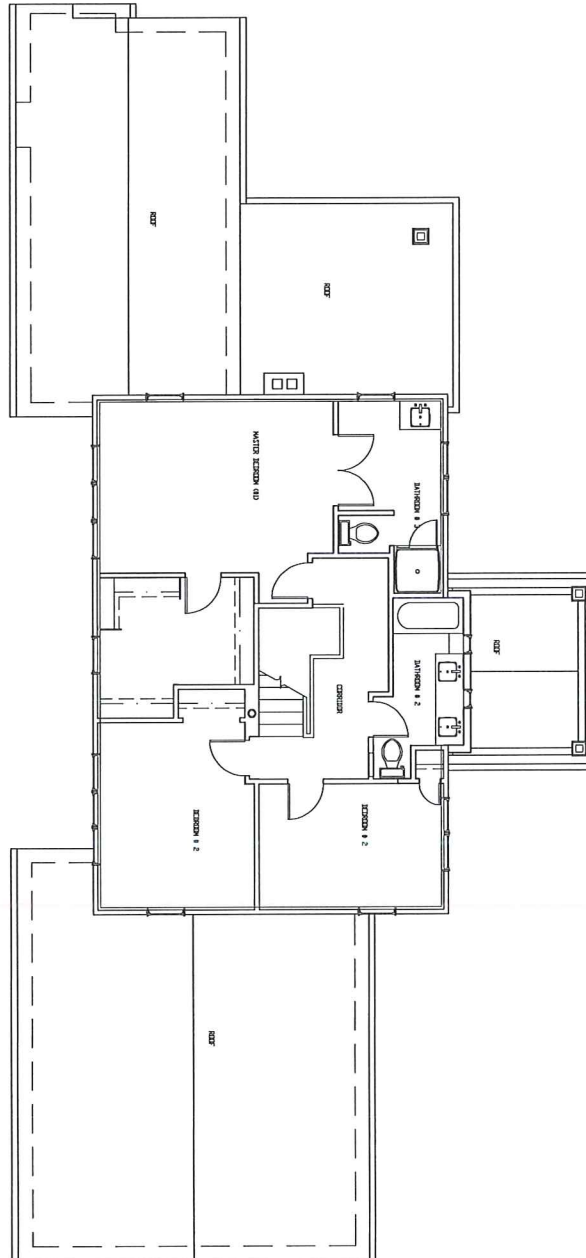
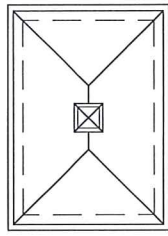
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		Date	2008-09-18
		Checked	-
		Date	-
S. T. 1:11		Scale	1/4" = 1'-0"
Project No. 660-000		Plot	VIEW A

C. & D. Beedle
 2711 Mathison Place
 Kelowna B.C. V1Y 5R4
 Project
Additions & Renovations
 2711 Mathison Place
 Kelowna B.C. V1Y 5R4

Main Floor Plan



143 - 609 Truswell Road Kelowna B.C. V1W 3Z1
 (250) 860 3321



SCHEDULE A
This forms part of development
Permit # 44P15-0005

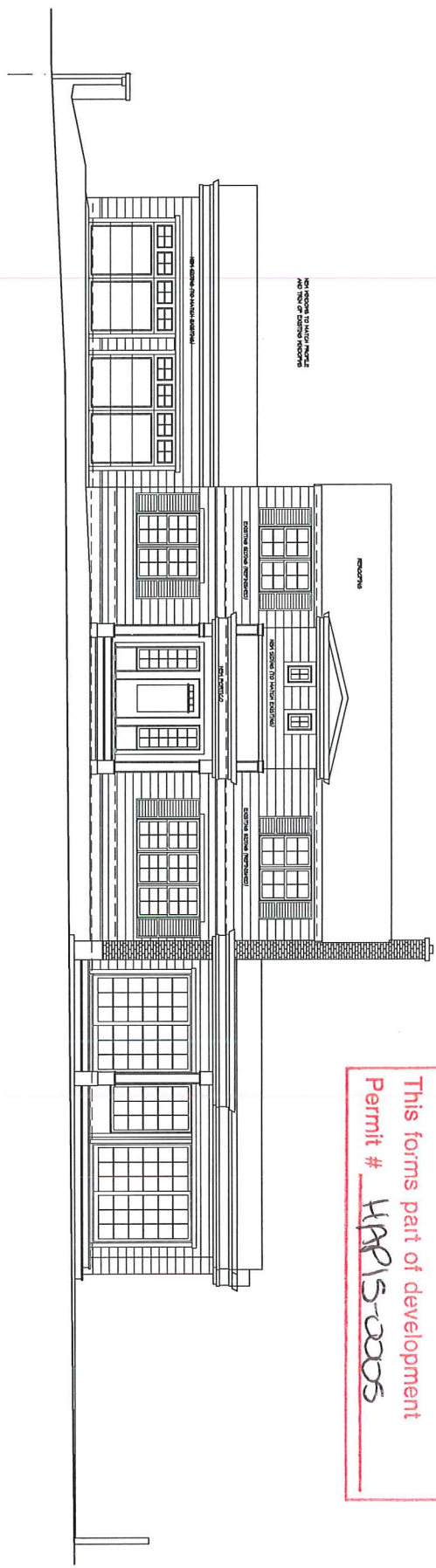
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Sheet	A2	Drawn	G.D.	
	03	Date	2015-05-18	
		Checked	-	
		Date	-	
S. P. 1-1-1		Scale	1/4" = 1'-0"	
Project No. 660-000		Plot	VIEW A	

C. & D. Beadle
211 Mathison Place
Kelowna B.C. V1Y 5R4
For Project
Additions & Renovations
211 Mathison Place
Kelowna B.C. V1Y 5R4

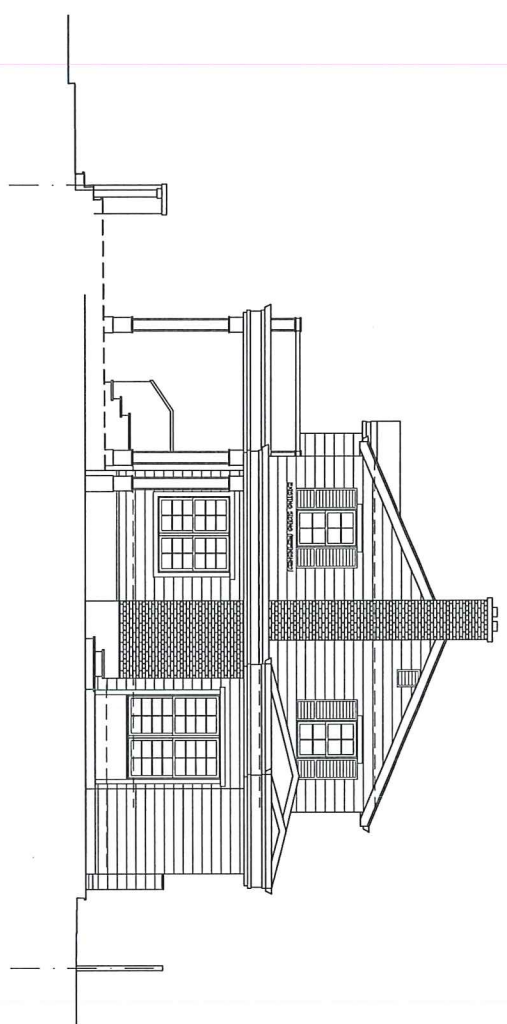
Second Floor Plan

XZ
LUNDY, GILBERT, GONLAND
143 - 609 Truswell Road Kelowna B.C. V1W 3Z1
(250) 860 3321

SCHEDULE B
 This forms part of development
 Permit # HP15-0005



Building Street Mathison(NW) Elevation




Back (NW) Elevation

Status	OK	Ex. II	File chak
Sheet	A3	Draw	G.G.
	01	Date	2008-09-18
		Checked	-
		Date	-
S.F. 1-1-1	Scale	1/4" = 1'-0"	
Project No. 660-000	Plot	VIEW A	

C. & D. Beedle
 211 Mathison Place
 Kelowna B.C. V1Y 5R4
 For Project
Additions & Renovations
 211 Mathison Place
 Kelowna B.C. V1Y 5R4

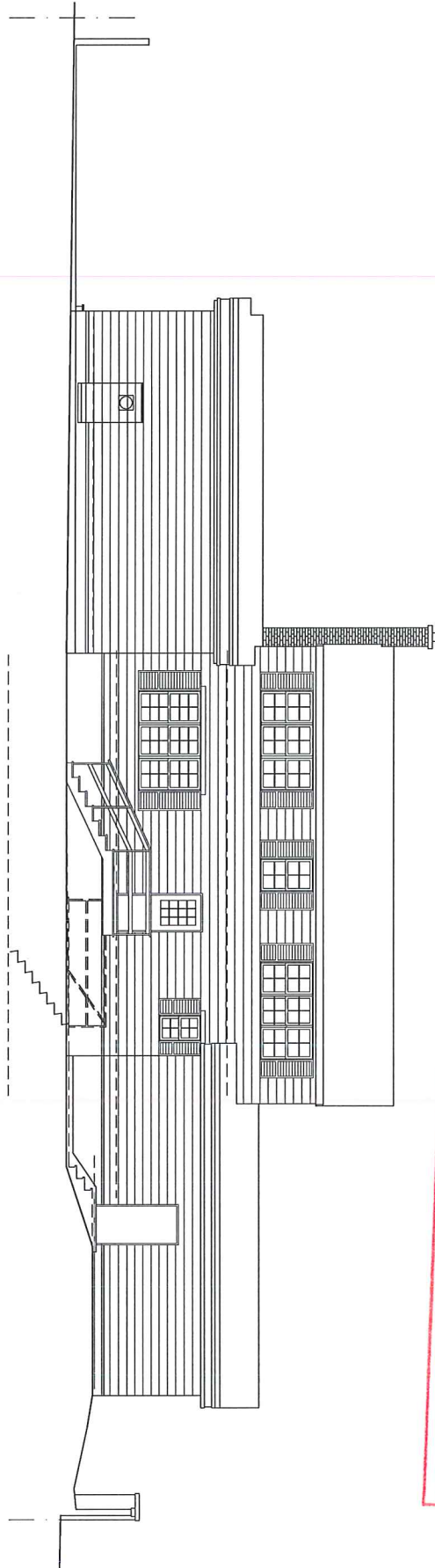
Elevations



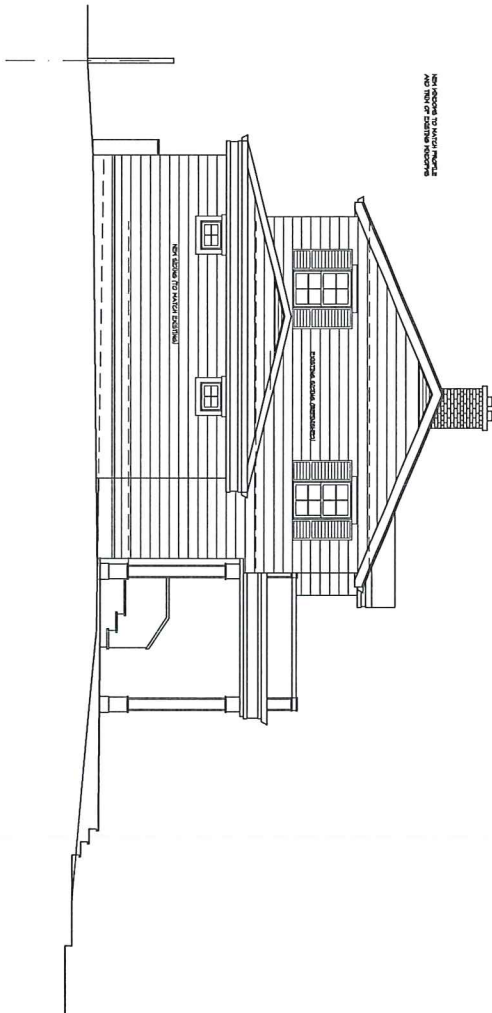
LOVED, BELIEVED, TESTED, CONTINUED

143 - 609 Truswell Road Kelowna B.C. V1W 3Z1
 (250) 860 3321

SCHEDULE B
 This forms part of development
 Permit # HAP15-0005



Side (Rear) Elevation



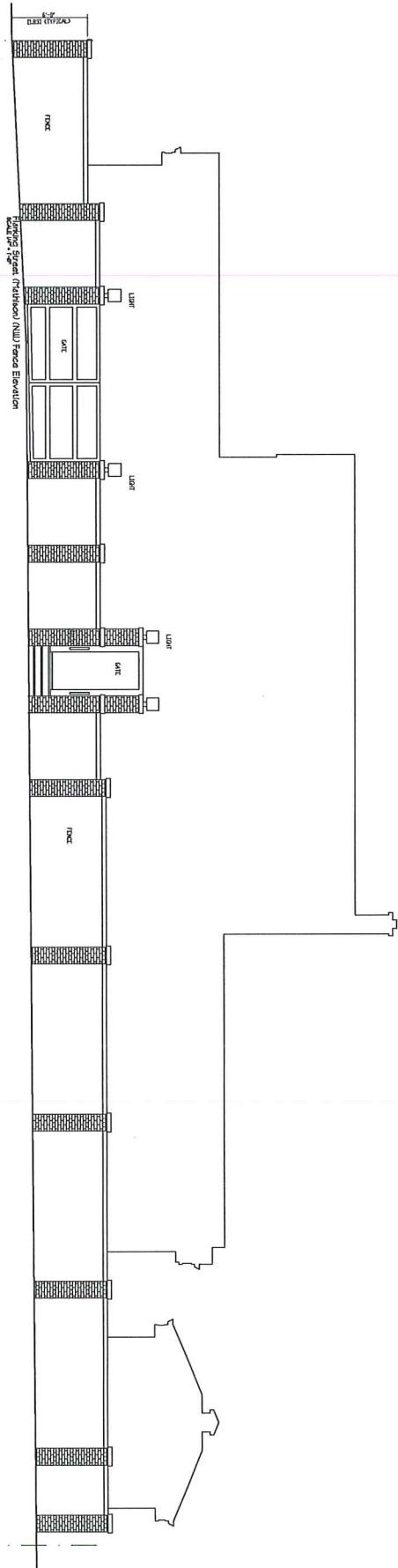
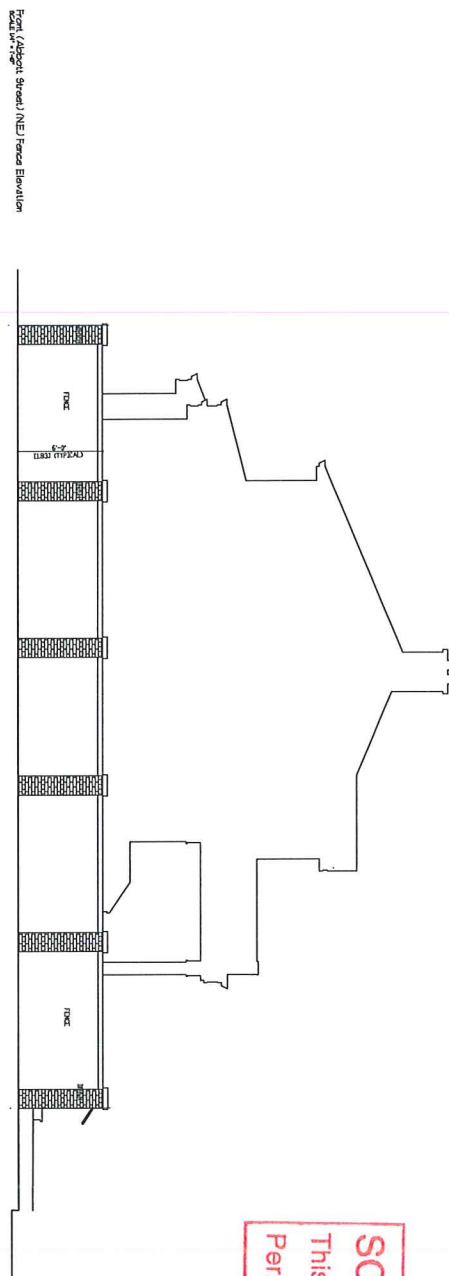
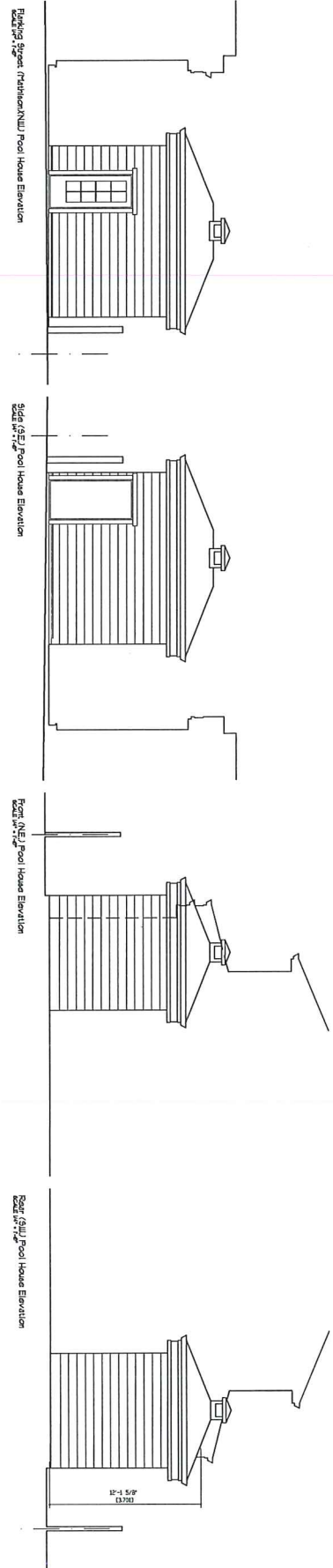
Front (Nearest Street) Elevation

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	02	Date	2003-05-18
		Checked	-
		Date	-
E. F. 1411		Scale	1/4" = 1'-0"
Project No. 660-000		Plot	VIEW A

C. & D. Beedle
 277 Mathison Place
 Kelowna B.C. V1Y 5R4
 For
Additions & Renovations
 277 Mathison Place
 Kelowna B.C. V1Y 5R4

Elevations

XZ
 CONSULTING ARCHITECTS, CONSULTANTS
 143 - 609 Truswell Road Kelowna B.C. V1W 3Z1
 (250) 860 3321

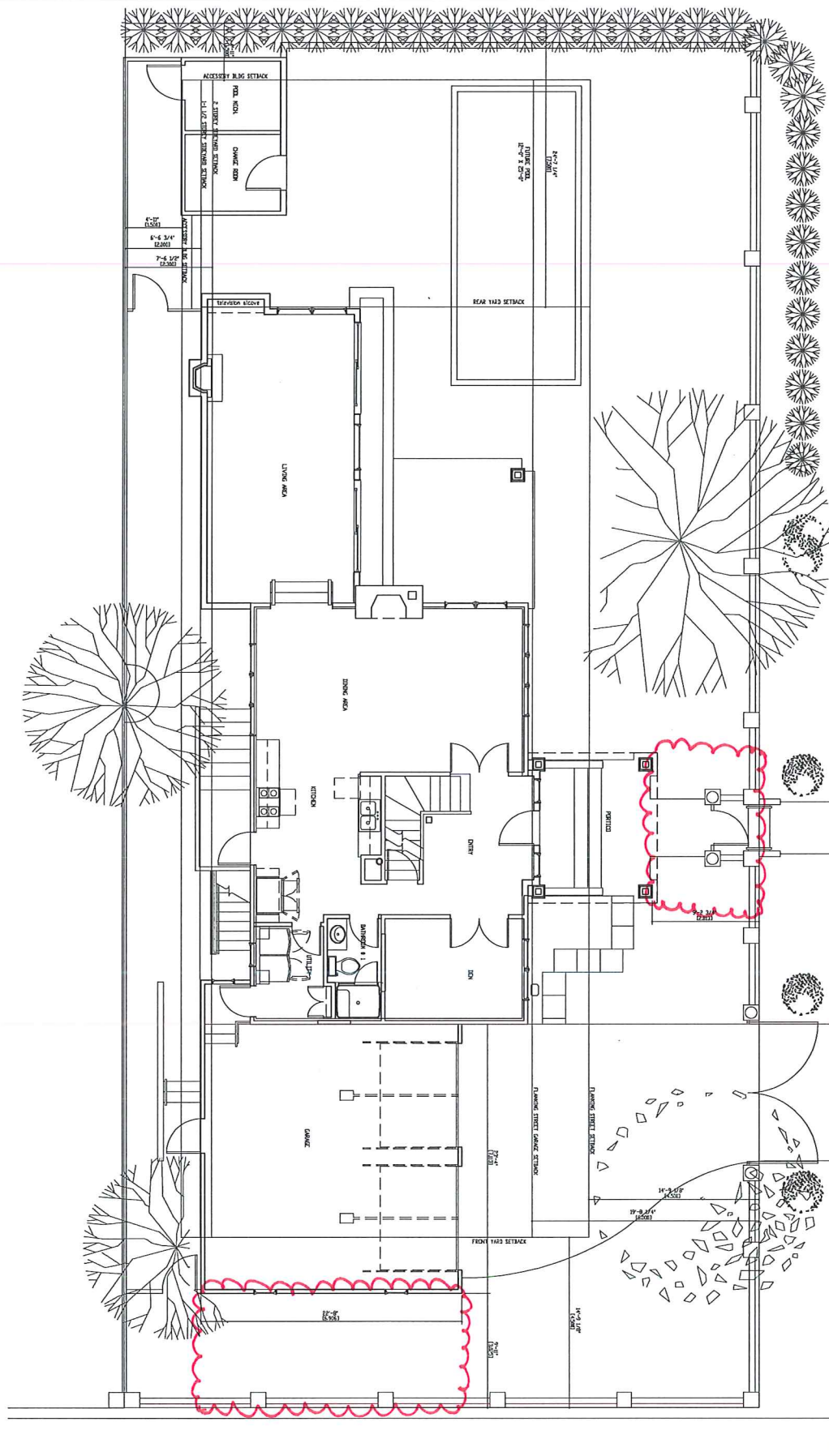


SCHEDULE B
This forms part of development
Permit # HAP15-0005

Sheet	Sub	No. II	File	Drawn	By	Date	Checked	Date	Scale	Project No.	View
A3	03					2023-05-18	-	-	1/4" = 1'-0"	660-000	VIEW A

C. & D. Beedle
211 Mathison Place
Kelowna B.C. V1Y 5R4
Additions & Renovations
211 Mathison Place
Kelowna B.C. V1Y 5R4

XZ
COUNTY OF Kootenai
143 - 609 Truswell Road Kelowna B.C. V1W 3Z1
(250) 860 3321



SCHEDULE C
 This forms part of development
 Permit # WPA5-0005

Sheet	50	Ys. II	The Clerk
Drawn	A2	Drawn	G.D.
Date	02	Date	2008-05-18
Client		Client	
S. P. 1-1-1		Scale	1/4" = 1'-0"
Project No.	660-000	File	V-111-A

C. & D. Beedle
 211 Mathison Place
 Kelowna B.C. V1Y 5R4
 Project
 Additions & Renovations
 211 Mathison Place
 Kelowna B.C. V1Y 5R4

Main Floor Plan

XZ
 LANDSCAPE ARCHITECTS & CIVIL ENGINEERS
 143 - 609 Truswell Road Kelowna B.C. V1W 3Z1
 (250) 860 3321

REPORT TO COUNCIL



Date: August 25, 2015

RIM No. 0940-50

To: City Manager

From: Community Planning Department (LG)

Application: DVP15-0168 **Owner:** Doyle Avenue Holdings Ltd.
Inc. No. BC1003539

Address: 505 Doyle Ave **Applicant:** Gibbs Gage Architects (Eric Longchamp)

Subject: Development Variance Permit Application

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

Existing Zone: C7 - Central Business Commercial

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0168 for Lot A, District Lot 139, ODYD Plan EPP25652 located at 505 Doyle Avenue, Kelowna, BC;

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

Section 14.7.5 (e) - C7 Development Regulations

To vary the approved 3.00 m setback from a street requirement from 19 m to 21.14 m above grade (DVP14-0103 previously varied from 15 m above grade permitted to 19 m).

Section 14.7.5 (h) - C7 Development Regulations

To vary the approved maximum floor plate areas above 15 m from 1879 m² to 2842 m² on the fifth floor (DVP14-0103 previously varied from 676.0 m² permitted to 1879 m²).

Section 14.7.5 (i) - C7 Development Regulations (on the fifth floor)

- a) To vary the maximum continuous horizontal dimension above 15 m from 26 m allowed to 38.3 m proposed (east elevation);
- b) To vary the maximum continuous horizontal dimension above 15 m from 52 m allowed to 59.2 m proposed (north elevation) (DVP14-0103 previously varied from 26 m permitted to 52m); and
- c) To vary the maximum continuous horizontal dimension above 15 m from 54 m allowed to 65 m proposed (south elevation) (DVP14-0103 previously varied from 26 m permitted to 54 m).

Section 14.7.5 (j) - C7 Development Regulations

To vary the maximum diagonal dimension of a floor plate above 15.0 m from 80 m to 90.2 m on the fifth floor (DVP14-0103 previously varied from 39.0 m permitted to 80 m).

AND THAT Council considers the Public Consultation Process outlined in the Report from the Community Planning Department for DVP14-0103 dated August 19, 2014 to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*;

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 vary several regulations in the C7 zone for the subject property.

3.0 Community Planning

Community Planning supports the proposed variances for the *Kelowna Community Health Services Centre* (IHA Building) fifth floor expansion. The development regulations in the C7 zone were written to facilitate tall, narrow high-rises on small, downtown lots. This is evident in the maximum building height (44m) and the maximum floor area ratio (9) regulations.

In this case, several lots were consolidated to allow for an office building that has large floor plates but lower height. The floor plates are larger than 676m² as this allows for flexible and adaptable programming areas on each floor. In addition, the proposed building is approximately half of the allowed height in the zone which results in a more human-scale building from the outside pedestrian realm and the adjacent uses.

4.0 Proposal

4.1 Background

The IHA Building was approved in 2014. Council approved the form and character development permit, as well as a development variance permit (DVP). The DVP was required to vary the C7 rules to allow for the shape of the building. The development plans that were approved showed the fifth floor as future expansion area, and not to be built immediately.

4.2 Project Description

The applicants have now decided to complete the fifth floor construction at the same time as the rest of the building. The form and character of the building has not changed, and the new plans simply reflect that the area that was denoted for expansion is now finalized design.

The finalized fifth floor area requires similar variances to those that were approved for the remainder of the building.

While the applicant is seeking several variances for their proposal, they relate only to the shape of the fifth floor plate. As the C7 rules were written with tall, narrow buildings in mind, the proposed low rise building extends beyond the restrictive maximum dimensions. These include minimum setback, maximum floor plate area, and maximum diagonal width.

4.3 Site Context

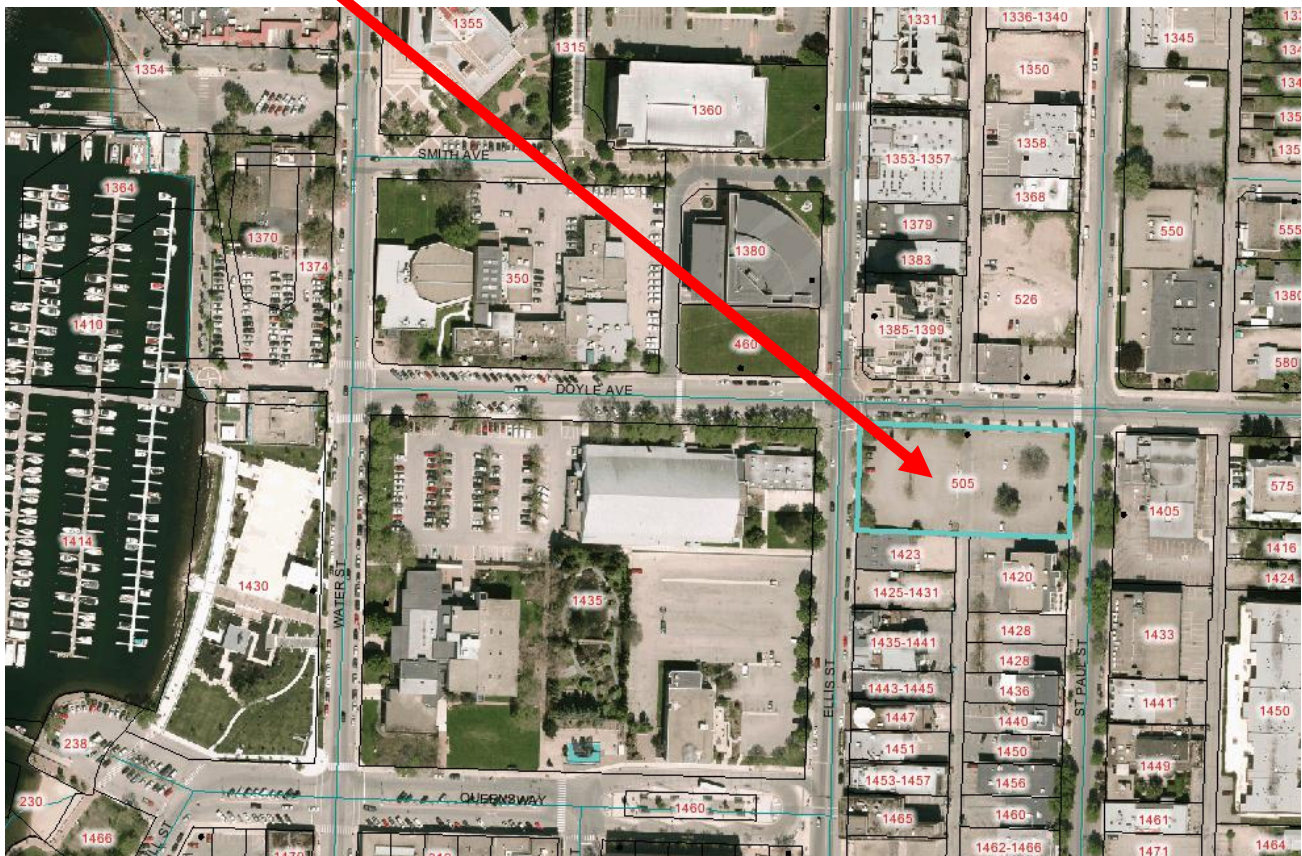
The subject property is located at the southeast corner of Doyle Avenue and Ellis Street. Neighbouring the site is The Madison to the north, Memorial Arena to the west, and commercial

uses to the east and south. The site is located within the Central City Sector and the City Centre (Downtown) Urban Centre.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C7 - Central Business Commercial	MXR - Mixed Use (Residential / Commercial)
West	P1 - Major Institutional, C7 - Central Business Commercial	EDINST - Educational / Institutional
East	C4 - Urban Centre Commercial	MXR - Mixed Use (Residential / Commercial)
South	C4 - Urban Centre Commercial, C7 - Central Business Commercial	MXR - Mixed Use (Residential / Commercial)

Subject Property Map:



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

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.

Downtown Development.² Support rezoning to C7 use in the downtown Urban Centre area only where properties are surrounded on a minimum of 3 sides by existing C7 zoning. The intent of this policy is to support intensification within the existing core areas of Downtown.

Retention of Commercial Land.³ In order to ensure that the City's commercial land supply is not eroded, where the OCP Bylaw 10500 indicated a commercial land use designation for the property, the expectation would be that there be no net loss of commercial space on the site as a result of the redevelopment to include other uses.

Office Building Location.⁴ Encourage office buildings providing more than 929 m² of useable space to locate in the City Centre or the Town Centres. This policy does not include offices integral to business park / industrial uses and "corporate offices" allowable under relevant industrial zones.

6.0 Technical Comments

No concerns.

7.0 Application Chronology

Date of Application Received: July 22, 2015

Report prepared by:

Lindsey Ganczar, Planning Supervisor

Reviewed by:



Ryan Smith, Community Planning Department Manager

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

² City of Kelowna Official Community Plan, Policy 5.3.4 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Policy 5.24.2 (Development Process Chapter).

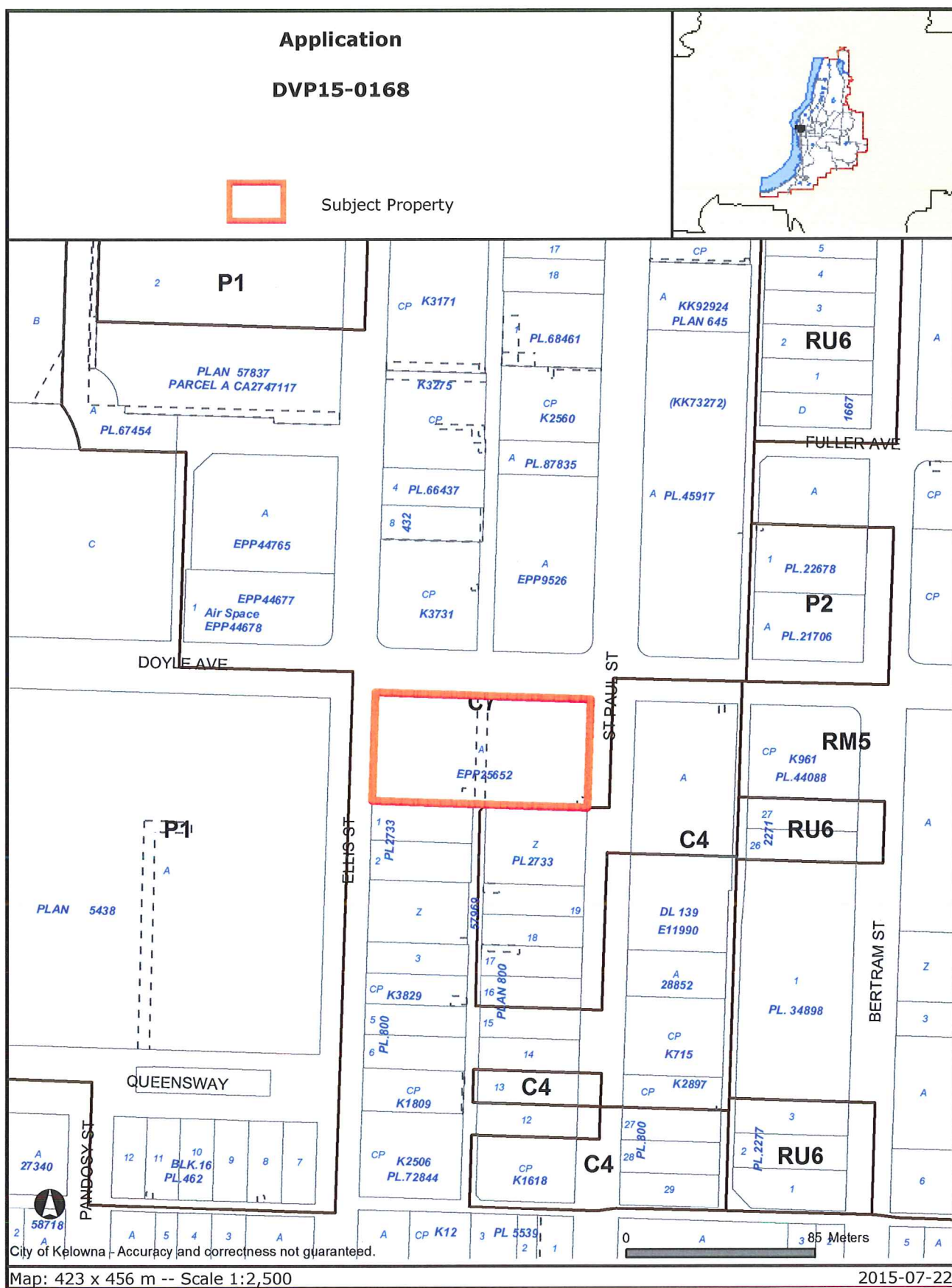
⁴ City of Kelowna Official Community Plan, Policy 5.25.2 (Development Process Chapter).

Attachments:

Property Location 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.

KCHSC

KELOWNA COMMUNITY HEALTH SERVICES CENTRE



DEVELOPMENT PERMIT REVISION JULY 16, 2015



ARCHITECTURAL

- DP-0.0 KCHSC COVER SHEET
- DP-1.0 KEY PLAN + PROJECT STATISTICS
- DP-1.0a EXISTING SITE SURVEY
- DP-1.1 SITE PLAN
- DP-2.1 MAIN FLOOR - 101.5
- DP-2.2 FIRST FLOOR - 102.0
- DP-2.3 SECOND FLOOR - 102.5
- DP-2.4 THIRD FLOOR - 103.0
- DP-2.5 FOURTH FLOOR - 104.0
- DP-2.6 FIFTH FLOOR - 105.0
- DP-2.7 ROOF PLAN
- DP-2.7a UPPER ROOF PLAN
- DP-3.1 NORTH + EAST ELEVATIONS
- DP-3.2 SOUTH + WEST ELEVATIONS

REVISIONS SHEET WITH CHANGES TO PREVIOUS ISSUE

REVISION	DATE
DEVELOPMENT PERMIT - REVISION	14-07-15
DEVELOPMENT PERMIT - REVISION	14-07-15
DEVELOPMENT PERMIT - REVISION	15-07-15

Gibbs Gage

205, 14010 Avenue 15, Kelowna, BC V1Y 4S1
 TEL: 250.860.8888 FAX: 250.860.8889
 WWW.GIBBSGAGE.COM
 PROJECT NUMBER: 15012

Notes:
 1. All dimensions are in millimeters unless otherwise specified.
 2. All dimensions are to the centerline of the member unless otherwise specified.
 3. All dimensions are to the finished floor level unless otherwise specified.
 4. All dimensions are to the centerline of the member unless otherwise specified.
 5. All dimensions are to the finished floor level unless otherwise specified.

OWNER / DEVELOPMENT MANAGER
Bentall Kennedy

CONSTRUCTION MANAGER
GRAHAM

ASSOCIATE ARCHITECT
m+m

REGISTERED ARCHITECTS INC.

Project Name	Amended Fifth Floor Plan
Project Number	10000000000000000000
Project Address	10000000000000000000
Project City	10000000000000000000
Project State	10000000000000000000
Project Zip	10000000000000000000
Project Date	10000000000000000000

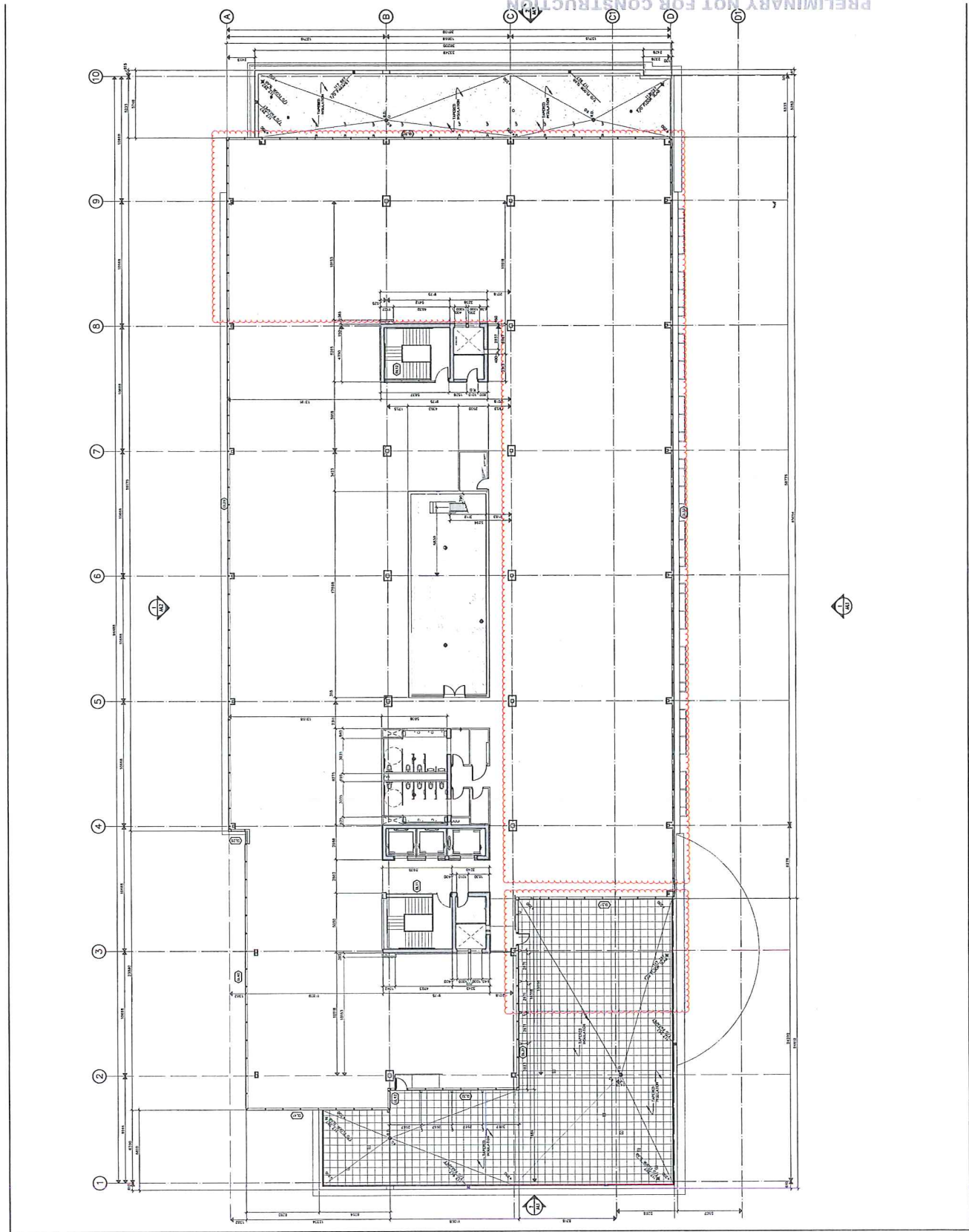
ARCHITECT
KCHSC

REGISTERED ARCHITECT
BC

PROJECT NUMBER
10000000000000000000

Gibbs Gage
ARCHITECTS

PROJECT NUMBER
DP-2.6



Notes:
 1. All elevations are shown in feet and inches.
 2. All elevations are shown to the nearest 1/8 inch.
 3. All elevations are shown to the nearest 1/4 inch.
 4. All elevations are shown to the nearest 1/2 inch.
 5. All elevations are shown to the nearest 1 inch.
 6. All elevations are shown to the nearest 2 inches.
 7. All elevations are shown to the nearest 4 inches.
 8. All elevations are shown to the nearest 8 inches.
 9. All elevations are shown to the nearest 16 inches.
 10. All elevations are shown to the nearest 32 inches.
 11. All elevations are shown to the nearest 64 inches.
 12. All elevations are shown to the nearest 128 inches.
 13. All elevations are shown to the nearest 256 inches.
 14. All elevations are shown to the nearest 512 inches.
 15. All elevations are shown to the nearest 1024 inches.
 16. All elevations are shown to the nearest 2048 inches.
 17. All elevations are shown to the nearest 4096 inches.
 18. All elevations are shown to the nearest 8192 inches.
 19. All elevations are shown to the nearest 16384 inches.
 20. All elevations are shown to the nearest 32768 inches.
 21. All elevations are shown to the nearest 65536 inches.
 22. All elevations are shown to the nearest 131072 inches.
 23. All elevations are shown to the nearest 262144 inches.
 24. All elevations are shown to the nearest 524288 inches.
 25. All elevations are shown to the nearest 1048576 inches.
 26. All elevations are shown to the nearest 2097152 inches.
 27. All elevations are shown to the nearest 4194304 inches.
 28. All elevations are shown to the nearest 8388608 inches.
 29. All elevations are shown to the nearest 16777216 inches.
 30. All elevations are shown to the nearest 33554432 inches.
 31. All elevations are shown to the nearest 67108864 inches.
 32. All elevations are shown to the nearest 134217728 inches.
 33. All elevations are shown to the nearest 268435456 inches.
 34. All elevations are shown to the nearest 536870912 inches.
 35. All elevations are shown to the nearest 1073741824 inches.
 36. All elevations are shown to the nearest 2147483648 inches.
 37. All elevations are shown to the nearest 4294967296 inches.
 38. All elevations are shown to the nearest 8589934592 inches.
 39. All elevations are shown to the nearest 17179869184 inches.
 40. All elevations are shown to the nearest 34359738368 inches.
 41. All elevations are shown to the nearest 68719476736 inches.
 42. All elevations are shown to the nearest 137438953472 inches.
 43. All elevations are shown to the nearest 274877906944 inches.
 44. All elevations are shown to the nearest 549755813888 inches.
 45. All elevations are shown to the nearest 1099511627776 inches.
 46. All elevations are shown to the nearest 2199023255552 inches.
 47. All elevations are shown to the nearest 4398046511104 inches.
 48. All elevations are shown to the nearest 8796093022208 inches.
 49. All elevations are shown to the nearest 17592186044416 inches.
 50. All elevations are shown to the nearest 35184372088832 inches.
 51. All elevations are shown to the nearest 70368744177664 inches.
 52. All elevations are shown to the nearest 140737488355328 inches.
 53. All elevations are shown to the nearest 281474976710656 inches.
 54. All elevations are shown to the nearest 562949953421312 inches.
 55. All elevations are shown to the nearest 1125899906842624 inches.
 56. All elevations are shown to the nearest 2251799813685248 inches.
 57. All elevations are shown to the nearest 4503599627370496 inches.
 58. All elevations are shown to the nearest 9007199254740992 inches.
 59. All elevations are shown to the nearest 18014398509481984 inches.
 60. All elevations are shown to the nearest 36028797018963968 inches.
 61. All elevations are shown to the nearest 72057594037927936 inches.
 62. All elevations are shown to the nearest 144115188075855872 inches.
 63. All elevations are shown to the nearest 288230376151711744 inches.
 64. All elevations are shown to the nearest 576460752303423488 inches.
 65. All elevations are shown to the nearest 1152921504606846976 inches.
 66. All elevations are shown to the nearest 2305843009213693952 inches.
 67. All elevations are shown to the nearest 4611686018427387904 inches.
 68. All elevations are shown to the nearest 9223372036854775808 inches.
 69. All elevations are shown to the nearest 18446744073709551616 inches.
 70. All elevations are shown to the nearest 36893488147419103232 inches.
 71. All elevations are shown to the nearest 73786976294838206464 inches.
 72. All elevations are shown to the nearest 147573952589676412928 inches.
 73. All elevations are shown to the nearest 295147905179352825856 inches.
 74. All elevations are shown to the nearest 590295810358705651712 inches.
 75. All elevations are shown to the nearest 1180591620717411303424 inches.
 76. All elevations are shown to the nearest 2361183241434822606848 inches.
 77. All elevations are shown to the nearest 4722366482869645213696 inches.
 78. All elevations are shown to the nearest 9444732965739290427392 inches.
 79. All elevations are shown to the nearest 18889465931478580854784 inches.
 80. All elevations are shown to the nearest 37778931862957161709568 inches.
 81. All elevations are shown to the nearest 75557863725914323419136 inches.
 82. All elevations are shown to the nearest 151115727451828646838272 inches.
 83. All elevations are shown to the nearest 302231454903657293676544 inches.
 84. All elevations are shown to the nearest 604462909807314587353088 inches.
 85. All elevations are shown to the nearest 1208925819614629174706176 inches.
 86. All elevations are shown to the nearest 2417851639229258349412352 inches.
 87. All elevations are shown to the nearest 4835703278458516698824704 inches.
 88. All elevations are shown to the nearest 9671406556917033397649408 inches.
 89. All elevations are shown to the nearest 19342813113834066795298816 inches.
 90. All elevations are shown to the nearest 38685626227668133590597632 inches.
 91. All elevations are shown to the nearest 77371252455336267181195264 inches.
 92. All elevations are shown to the nearest 154742504910672534362390528 inches.
 93. All elevations are shown to the nearest 309485009821345068724781056 inches.
 94. All elevations are shown to the nearest 618970019642690137449562112 inches.
 95. All elevations are shown to the nearest 1237940039285380274899124224 inches.
 96. All elevations are shown to the nearest 2475880078570760549798248448 inches.
 97. All elevations are shown to the nearest 4951760157141521099596496896 inches.
 98. All elevations are shown to the nearest 9903520314283042199192993792 inches.
 99. All elevations are shown to the nearest 19807040628566084398385987584 inches.
 100. All elevations are shown to the nearest 39614081257132168796771975168 inches.
 101. All elevations are shown to the nearest 79228162514264337593543950336 inches.
 102. All elevations are shown to the nearest 158456325028528675187087900672 inches.
 103. All elevations are shown to the nearest 316912650057057350374175801344 inches.
 104. All elevations are shown to the nearest 633825300114114700748351602688 inches.
 105. All elevations are shown to the nearest 1267650600228229401496703205376 inches.
 106. All elevations are shown to the nearest 2535301200456458802993406410752 inches.
 107. All elevations are shown to the nearest 5070602400912917605986812821504 inches.
 108. All elevations are shown to the nearest 10141204801825835211973625643008 inches.
 109. All elevations are shown to the nearest 20282409603651670423947251286016 inches.
 110. All elevations are shown to the nearest 40564819207303340847894502572032 inches.
 111. All elevations are shown to the nearest 81129638414606681695789005144064 inches.
 112. All elevations are shown to the nearest 162259276829213363391578010288128 inches.
 113. All elevations are shown to the nearest 324518553658426726783156020576256 inches.
 114. All elevations are shown to the nearest 649037107316853453566312041152512 inches.
 115. All elevations are shown to the nearest 1298074214633706907132624082305024 inches.
 116. All elevations are shown to the nearest 2596148429267413814265248164610048 inches.
 117. All elevations are shown to the nearest 5192296858534827628530496329220096 inches.
 118. All elevations are shown to the nearest 10384593717069655257060992658440192 inches.
 119. All elevations are shown to the nearest 20769187434139310514121985316880384 inches.
 120. All elevations are shown to the nearest 41538374868278621028243970633760768 inches.
 121. All elevations are shown to the nearest 83076749736557242056487941267521536 inches.
 122. All elevations are shown to the nearest 166153499473114484112975882535043072 inches.
 123. All elevations are shown to the nearest 332306998946228968225951765070086144 inches.
 124. All elevations are shown to the nearest 664613997892457936451903530140172288 inches.
 125. All elevations are shown to the nearest 1329227995784915872903807060280344576 inches.
 126. All elevations are shown to the nearest 2658455991569831745807614120560689152 inches.
 127. All elevations are shown to the nearest 5316911983139663491615228241121378304 inches.
 128. All elevations are shown to the nearest 10633823966279326983230456482242756608 inches.
 129. All elevations are shown to the nearest 21267647932558653966460912964485513216 inches.
 130. All elevations are shown to the nearest 42535295865117307932921825928971026432 inches.
 131. All elevations are shown to the nearest 85070591730234615865843651857942052864 inches.
 132. All elevations are shown to the nearest 170141183460469231731687303715884105728 inches.
 133. All elevations are shown to the nearest 340282366920938463463374607431768211456 inches.
 134. All elevations are shown to the nearest 680564733841876926926749214863536422912 inches.
 135. All elevations are shown to the nearest 1361129467683753853853498429727072845824 inches.
 136. All elevations are shown to the nearest 2722258935367507707706996859454145691648 inches.
 137. All elevations are shown to the nearest 5444517870735015415413993718908291383296 inches.
 138. All elevations are shown to the nearest 10889035741470030830827987437816582766592 inches.
 139. All elevations are shown to the nearest 21778071482940061661655974875633165533184 inches.
 140. All elevations are shown to the nearest 43556142965880123323311949751266331066368 inches.
 141. All elevations are shown to the nearest 87112285931760246646623899502532662132736 inches.
 142. All elevations are shown to the nearest 174224571863520493293247799005065324265472 inches.
 143. All elevations are shown to the nearest 348449143727040986586495598010130648530944 inches.
 144. All elevations are shown to the nearest 696898287454081973172991196020261297061888 inches.
 145. All elevations are shown to the nearest 1393796574908163946345982392040522594123776 inches.
 146. All elevations are shown to the nearest 2787593149816327892691964784081045188247552 inches.
 147. All elevations are shown to the nearest 5575186299632655785383929568162090376495104 inches.
 148. All elevations are shown to the nearest 11150372599265311570767859136324180752990208 inches.
 149. All elevations are shown to the nearest 22300745198530623141535718272648361505980416 inches.
 150. All elevations are shown to the nearest 44601490397061246283071436545296723011960832 inches.
 151. All elevations are shown to the nearest 89202980794122492566142873090593446023921664 inches.
 152. All elevations are shown to the nearest 178405961588244985132285746181186892047843328 inches.
 153. All elevations are shown to the nearest 356811923176489970264571492362373784095686656 inches.
 154. All elevations are shown to the nearest 713623846352979940529142984724747568191373312 inches.
 155. All elevations are shown to the nearest 1427247692705959881058285969449495136382746624 inches.
 156. All elevations are shown to the nearest 2854495385411919762116571938898990272765493248 inches.
 157. All elevations are shown to the nearest 5708990770823839524233143877797980545530986496 inches.
 158. All elevations are shown to the nearest 11417981541647679048466287755595961091061972992 inches.
 159. All elevations are shown to the nearest 22835963083295358096932575511191922182123945984 inches.
 160. All elevations are shown to the nearest 45671926166590716193865151022383844364247891968 inches.
 161. All elevations are shown to the nearest 91343852333181432387730302044767688728495783936 inches.
 162. All elevations are shown to the nearest 182687704666362864775460604089535377456991567872 inches.
 163. All elevations are shown to the nearest 365375409332725729550921208179070754913983135744 inches.
 164. All elevations are shown to the nearest 730750818665451459101842416358141509827966271488 inches.
 165. All elevations are shown to the nearest 1461501637330902918203684832716283019655932542976 inches.
 166. All elevations are shown to the nearest 2923003274661805836407369665432566039311865085952 inches.
 167. All elevations are shown to the nearest 5846006549323611672814739330865132078623730171904 inches.
 168. All elevations are shown to the nearest 11692013098647223345629478661730264157247460343808 inches.
 169. All elevations are shown to the nearest 23384026197294446691258957323460528314494920687616 inches.
 170. All elevations are shown to the nearest 46768052394588893382517914646921056628989841375232 inches.
 171. All elevations are shown to the nearest 93536104789177786765035829293842113257979682750464 inches.
 172. All elevations are shown to the nearest 187072209578355573530071658587684226515959365500928 inches.
 173. All elevations are shown to the nearest 374144419156711147060143317175368453031918731001856 inches.
 174. All elevations are shown to the nearest 748288838313422294120286634350736906063837462003712 inches.
 175. All elevations are shown to the nearest 1496577676626844588240573268701473812127674924007424 inches.
 176. All elevations are shown to the nearest 2993155353253689176481146537402947624255349848014848 inches.
 177. All elevations are shown to the nearest 5986310706507378352962293074805895248510699696029696 inches.
 178. All elevations are shown to the nearest 11972621413014756705924586149611790497021399392059392 inches.
 179. All elevations are shown to the nearest 23945242826029513411849172299223580994042798784118784 inches.
 180. All elevations are shown to the nearest 47890485652059026823698344598447161988085597568237568 inches.
 181. All elevations are shown to the nearest 95780971304118053647396689196894323976171195136475136 inches.
 182. All elevations are shown to the nearest 191561942608236107294793378393788647952342390272950272 inches.
 183. All elevations are shown to the nearest 383123885216472214589586756787577295904684780545900544 inches.
 184. All elevations are shown to the nearest 766247770432944429179173513575154591809369561091801088 inches.
 185. All elevations are shown to the nearest 1532495540865888858358347027150309183618739122183602176 inches.
 186. All elevations are shown to the nearest 3064991081731777716716694054300618367237478244367204352 inches.
 187. All elevations are shown to the nearest 6129982163463555433433388108601236734474956488734408704 inches.
 188. All elevations are shown to the nearest 12259964326927110866866776217202473468949912977468817408 inches.
 189. All elevations are shown to the nearest 24519928653854221733733552434404946937899825954937634816 inches.
 190. All elevations are shown to the nearest 49039857307708443467467104868809893875799651909875269632 inches.
 191. All elevations are shown to the nearest 98079714615416886934934209737619787751599303819750539264 inches.
 192. All elevations are shown to the nearest 196159429230833773869868419475239575503198607639501078528 inches.
 193. All elevations are shown to the nearest 392318858461667547739736838950479151006397215279002157056 inches.
 194. All elevations are shown to the nearest 784637716923335095479473677900958302012794430558004314112 inches.
 195. All elevations are shown to the nearest 1569275433846670190958947355801916604025588861116008628224 inches.
 196. All elevations are shown to the nearest 3138550867693340381917894711603833208051177722232017256448 inches.
 197. All elevations are shown to the nearest 6277101735386680763835789423207666416102355444464034512896 inches.
 198. All elevations are shown to the nearest 12554203470773361527671578846415332832204710888928069025792 inches.
 199. All elevations are shown to the nearest 25108406941546723055343157692830665664409421777856138051584 inches.
 200. All elevations are shown to the nearest 50216813883093446110686315385661331328818843555712276103168 inches.
 201. All elevations are shown to the nearest 100433627766186892221372631771322662657637687111424552206336 inches.
 202. All elevations are shown to the nearest 200867255532373784442745263542645325315275374222849104412672 inches.
 203. All elevations are shown to the nearest 401734511064747568885490527085290650630550748445698208825344 inches.
 204. All elevations are shown to the nearest 803469022129495137770981054170581301261101496891396417650688 inches.
 205. All elevations are shown to the nearest 1606938044258990275541962108341162602522202993782792835301376 inches.
 206. All elevations are shown to the nearest 3213876088517980551083924216682325205044405987565585670602752 inches.
 207. All elevations are shown to the nearest 6427752177035961102167848433364650410088811975131171341205504 inches.
 208. All elevations are shown to the nearest 12855504354071922204335696866729300820177623950262342682411008 inches.
 209. All elevations are shown to the nearest 25711008708143844408671393733458601640355247900524685364822016 inches.
 210. All elevations are shown to the nearest 51422017416287688817342787466917203280710495801049370729644032 inches.
 211. All elevations are shown to the nearest 102844034832575377634685574933834406561420991602098741459288064 inches.
 212. All elevations are shown to the nearest 205688069665150755269371149867668813122841983204197482918576128 inches.
 213. All elevations are shown to the nearest 411376139330301510538742299735337626245683966408394965837152256 inches.
 214. All elevations are shown to the nearest 822752278660603021077484599470675252491367932816789931674304512 inches.
 215. All elevations are shown to the nearest 1645504557321206042154969198941350504982735865633579863348609024 inches.
 216. All elevations are shown to the nearest 3291009114642412084309938397882701009965471731267159726697218048 inches.
 217. All elevations are shown to the nearest 6582018229284824168619876795765402019930943462534319453394436096 inches.
 218. All elevations are shown to the nearest 13164036458569648337239753591530804039861886925068638906788872192 inches.
 219. All elevations are shown to the nearest 26328072917139296674479507183061608079723773850137277813577744384 inches.
 220. All elevations are shown to the nearest 52656145834278593348959014366123216159447547700274555627155488768 inches.
 221. All elevations are shown to the nearest 105312291668557186697918028732246432318895095400549111254310975536 inches.
 222. All elevations are shown to the nearest 210624583337114373395836057464492864637790190801098222508621951072 inches.
 223. All elevations are shown to the nearest 421249166674228746791672114928985729275580381602196445017243902144 inches.
 224. All elevations are shown to the nearest 842498333348457493583344229857971458551160763204392890034487804288 inches.
 225. All elevations are shown to the nearest 1684996666896914987166688459715942917102321526408785780068975608576 inches.
 226. All elevations are shown to the nearest 3369993333793829974333376919431885834204643052817571560137951217152 inches.
 227. All elevations are shown to the nearest 6739986667587659948666753838863771668409286105635143120275902434304 inches.
 228. All elevations are shown to the nearest 13479973335175319897333507677727543336818572211270286240551804868608 inches.
 229. All elevations are shown to the nearest 26959946670350639794667015355455086673637144422540572481103609737216 inches.
 230. All elevations are shown to the nearest 53919893340701279589334030710910173347274288845081144962207219474432 inches.
 231. All elevations are shown to the nearest 10783978668140255917866806142182034669454857769016228992441443894886

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP15-0168

EXISTING ZONING DESIGNATION: C7 - Central Business Commercial

DEVELOPMENT VARIANCE PERMIT: To vary: the setback from a property line abutting a street for any portion of a building above 15 m in height, the maximum floor plate for areas above 15 m in height, the maximum continuous horizontal dimension for any portion of a building above 15 m in height, and the maximum diagonal dimension of a floor plate situated above 15 m in height.

ISSUED TO: Doyle Avenue Holdings Ltd.

LOCATION OF SUBJECT SITE: 505 Doyle Avenue

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	A	-	139	-	ODYD	EPP25652

SCOPE OF APPROVAL

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

1. TERMS AND CONDITIONS:

THAT variances to following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A":

Variance A: Section 14.7.5 (e) - C7 Development Regulations

To vary the minimum 3.0 m setback from any property line abutting a street for any portion of a building above 15 m in height to 21.1 m in height.

Variance B: Section 14.7.5 (h) - C7 Development Regulations

To vary the maximum floor plate for areas above 15 m in height from 676 m² to 2,842 m² on the fifth floor.

Variance C: Section 14.7.5 (i) - C7 Development Regulations

To vary the maximum continuous horizontal dimension for any portion of a building above 15 m in height from 26.0 m to 38.3 m for the east elevation, from 26.0 m to 59.2 m for the north elevation and from 26.0 m to 65.0 m for the south elevation on the fifth floor.

Variance D: Section 14.7.5 (j) - C7 Development Regulations

To vary the maximum diagonal dimension of a floor plate situated above 15 m in height from 39.0 m to 90.2 m on the fifth floor.

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

2. PERFORMANCE SECURITY:

None required.

3. DEVELOPMENT:

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

If the Permittee does not register the subdivision 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.

4. APPLICANT'S AGREEMENT:

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

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

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

5. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE ____ DAY OF _____ 2015.
ISSUED BY THE COMMUNITY PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE ____ DAY OF _____ 2015,
BY THE COMMUNITY PLANNING DEPARTMENT MANAGER.

Ryan Smith, Community Planning Department Manager
Community Planning & Real Estate