

City of Kelowna

Regular Council Meeting

AGENDA



Tuesday, February 2, 2016
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 Singh.
3. **Confirmation of Minutes** 1 - 6
Public Hearing - January 19, 2016
Regular Meeting - January 19, 2016
4. **Bylaws Considered at Public Hearing**
 - 4.1 **160 Gibbs Road West, BL11183 (Z15-0055) - Lance Johnson & Tracey Skulmoski** 7 - 7
To give Bylaw No. 11183 second and third readings in order to rezone the subject property to facilitate the conversion of an accessory building to a carriage house.
 - 4.2 **150 Homer Road, BL11186 (OCP15-0004) - The BC Muslim Association** 8 - 9
Requires a majority of all members of Council (5).
To give Bylaw No. 11186 second and third readings in order to re-designate a portion of the subject parcel to facilitate the redevelopment of a religious assembly use on the adjacent property.
 - 4.3 **150 Homer Road, BL11187 (Z15-0018) - The BC Muslim Association** 10 - 11
To give Bylaw No. 11187 second and third readings in order to rezone a portion of the subject parcel to facilitate the redevelopment of a religious assembly use on the adjacent property.
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

- 6.1 275 Leon Avenue, LL15-0023 - 1568447 Alberta Ltd. 12 - 40**

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 consider a staff recommendation NOT to support a structural change to an existing Liquor Primary license to increase establishment capacity from 464 persons to 500 persons (including patio area) and for a permanent change to an existing Liquor Primary license to change hours of operation to open at 11 AM and close at 2 AM seven days a week.

7. Development Permit and Development Variance Permit Reports

- 7.1 125 Dundas Road & 815 Highway 33 W, BL11165 (Z15-0046) - Unico One Developments Ltd. 41 - 41**

To amend Bylaw No. 11165 at third reading to reflect the new legal description of the subject properties and to adopt the Bylaw in order to rezone the subject properties to facilitate the development of a 4.5 storey student housing residential development.

- 7.2 125 Dundas Road, DP15-0197 & DVP15-0198 - Unico One Developments Ltd. 42 - 95**

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

To review the form and character Development Permit for a 4.5 storey student housing residential development and to consider four variances to side yard setback, rear yard setback, site coverage, and the ratio of small sized parking stalls.

- 7.3 732 Highpointe Place, DVP15-0271 - JSI Supply Inc. 96 - 114**

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 the maximum building height on the subject property to facilitate the construction of a new single family dwelling.

- 7.4 3657 Highway 97 N, BL10934 (Z13-0037) - Raul Holdings Ltd. 115 - 116**

To adopt Bylaw No. 10934 in order to rezone the subject property to facilitate a new Service Commercial building.

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

To consider a Development Permit for form and character of new Service Commercial building and Development Variance Permit for reduced agricultural buffer.

8. Reminders

9. Termination



City of Kelowna Public Hearing Minutes

Date: Tuesday, January 19, 2016
Location: Council Chamber
City Hall, 1435 Water Street

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

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Divisional Director, Community Planning & Real Estate, Doug Gilchrist; Community Planning Department Manager, Ryan Smith; and Legislative Systems Coordinator, Sandi Horning

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the Hearing to order at 6:02 p.m.

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

2. Notification of Meeting

The City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board of City Hall on January 5, 2016 and by being placed in the Kelowna Capital News issues of January 8 and January 13, 2016 and by sending out or otherwise delivering 31 statutory notices to the owners and occupiers of surrounding properties, and 2,000 information notices to residents in the same postal delivery route, between January 5 and January 8, 2016.

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

3.1 988 Frost Road, BL11176 (Z15-0051) - 0954654 BC Ltd.

Staff:

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

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

Letters of Support:

- Tim & Stephanie Kent, Devonian Avenue
- Iris & Gary Phillips, Buckhaven Court

Letters of Opposition or Concern:

- Stirling Fraser, Martin Crescent
- Tony Markoff, Barnaby Road

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

Troy Sherris, Steele Road

- Supports the development and the liquor store.
- Raised a concern with traffic volumes and speeds.
- Inquired whether any traffic calming or speed enforcement would be forthcoming once the development is complete.

There were no further comments.

3.2 200 Potterton Road, BL11178 (OCP15-0018) & BL11179 (Z15-0057) - Roth Enterprises Ltd.

Staff:

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

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

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

Grant Maddock, Applicant, Protech Consultants:

- Advised that the owner of the property is present and available to respond to any questions.

There were no further comments.

4. Termination

The Hearing was declared terminated at 6:18 p.m.

Mayor

/slh

_____
City Clerk



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, January 19, 2016
Location: Council Chamber
City Hall, 1435 Water Street

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

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Divisional Director, Community Planning & Real Estate, Doug Gilchrist; Community Planning Department Manager, Ryan Smith; and Legislative Systems Coordinator, Sandi Horning

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 6:18 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Sieben.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Gray

R030/16/01/19 THAT the Minutes of the Public Hearing and Regular Meeting of December 15, 2015 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 988 Frost Road, BL11176 (Z15-0051) - 0954654 BC Ltd.

Moved By Councillor Hodge/Seconded By Councillor Gray

R031/16/01/19 THAT Bylaw No. 11176 be read a second and third time and be adopted.

Carried

4.2 200 Potterton Road, BL11178 (OCP15-0018) - Roth Enterprises Ltd.

Moved By Councillor Donn/Seconded By Councillor Given

R032/16/01/19 THAT Bylaw No. 11178 be read a second and third time and be adopted.

Carried

4.3 200 Potterton Road, BL11179 (Z15-0057) - Roth Enterprises Ltd.

Moved By Councillor Singh/Seconded By Councillor Sieben

R033/16/01/19 THAT Bylaw No. 11179 be read a second and third time and be adopted.

Carried

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise delivering 53 statutory notices to the owners and occupiers of the surrounding properties, and 2,019 informational notices to residents in the same postal delivery route, between January 5 and January 8, 2016.

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

6. Development Permit and Development Variance Permit Reports

6.1 2055 Heimlich Road, DP15-0225 & DVP15-0226 - Christine Bothe

Staff:

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

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

Mayor Basran invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. The applicant was present, but did not have anything further to add to Staff's presentation. No one came forward.

Moved By Councillor Stack/Seconded By Councillor Hodge

R034/16/01/19 THAT Council authorizes the issuance of Development Permit No. DP15-0225 for Lot 1 Section 8 Township 26 ODYD Plan 34462 located at 2055 Heimlich Road, Kelowna, BC subject to the following:

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

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0226 for Lot 1 Section 8 Township 26 ODYD Plan 34462 located at 2055 Heimlich Road, Kelowna, BC;

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

Section 12.3.6(b): RR3 Rural Residential 3 Development Regulations

To vary the height for an accessory building from 4.5m maximum to 5.61m proposed.

AND THAT Council's consideration of this Development Permit and Development Variance Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment 'A' attached to the Report from the Community Planning Department dated January 19, 2016;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit Application in order for the permits to be issued;

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

6.2 TO BE DEFERRED - 3657 Highway 97 N, BL10934 (Z13-0037), DP13-0159 & DVP13-0160 - Raul Holdings Inc.

Moved By Councillor Singh/Seconded By Councillor DeHart

R035/16/01/19 THAT Council defers consideration of Bylaw No. 10934 (Z13-0037), Development Permit Application No. DP13-0159 and Development Variance Permit Application No. DVP13-0160 for the property located at 3567 Highway 97 North to the February 2, 2016 Regular Meeting.

Carried

7. Reminders - Nil.

8. Resolution Closing the Meeting to the Public

Moved By Councillor Given/Seconded By Councillor Singh

R036/16/01/19 THAT this meeting be closed to the public pursuant to Section 90(2) (b) of the *Community Charter* for Council to deal with matters relating to the following:

- Negotiations with the Provincial Government.

Carried

9. Adjourn to Closed Session

The meeting adjourned to a closed session at 6:32 p.m.

10. Reconvene to Open Session & Termination

The meeting reconvened to an open session and was declared terminated at 6:35 p.m.

Mayor

/slh

City Clerk

CITY OF KELOWNA
BYLAW NO. 11183
Z15-0055 - Lance Johnson & Tracey Skulmoski
160 Gibbs Road W

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 4, Section 26, Township 26, ODYD, Plan 12452 located on Gibbs Rd W, 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 18th day of January, 2016.

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

CITY OF KELOWNA

BYLAW NO. 11186

Official Community Plan Amendment No. OCP15-0004 The BC Muslim Association 150 Homer Road

A bylaw to amend the "*Kelowna 2030* - Official Community Plan Bylaw No. 10500".

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* - Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of portions of Lot 12, Section 27, Township 26, ODYD, Plan 14897, located on Homer Road, Kelowna, B.C., from the MRL - Multiple Unit Residential (Low Density) designation to the EDINST - Education / Major Institutional designation as per Map "A" attached to and forming part of this bylaw;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 18th day of January, 2016.

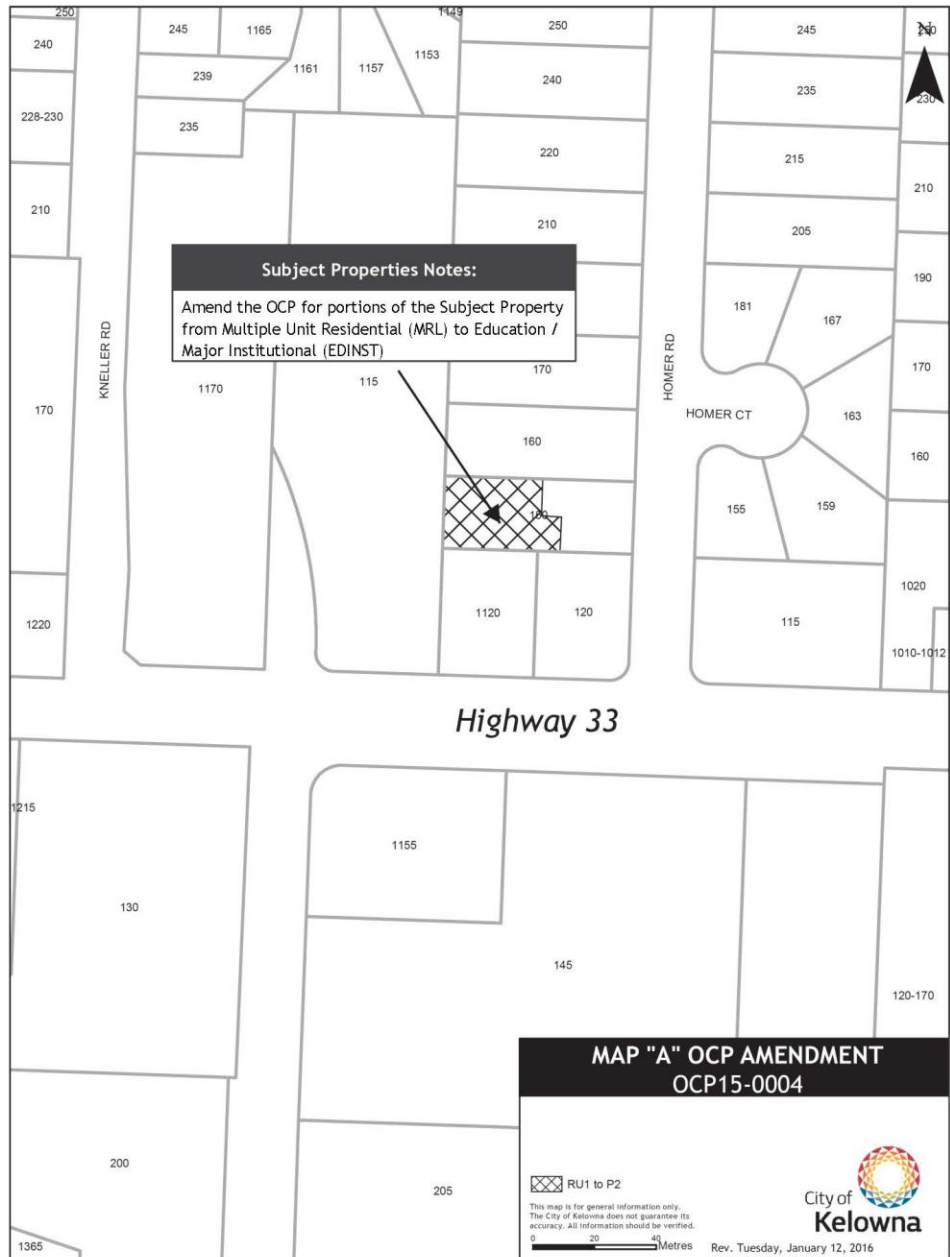
Considered at a Public Hearing on the

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. 11187
Z15-0018 - The BC Muslim Association
150 Homer 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 portions of Lot 12, Section 27, Township 26, ODYD, Plan 14897, located on Homer, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the P2 - Education and Minor Institutional zone as per Map "B" attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 18th day of January, 2016.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

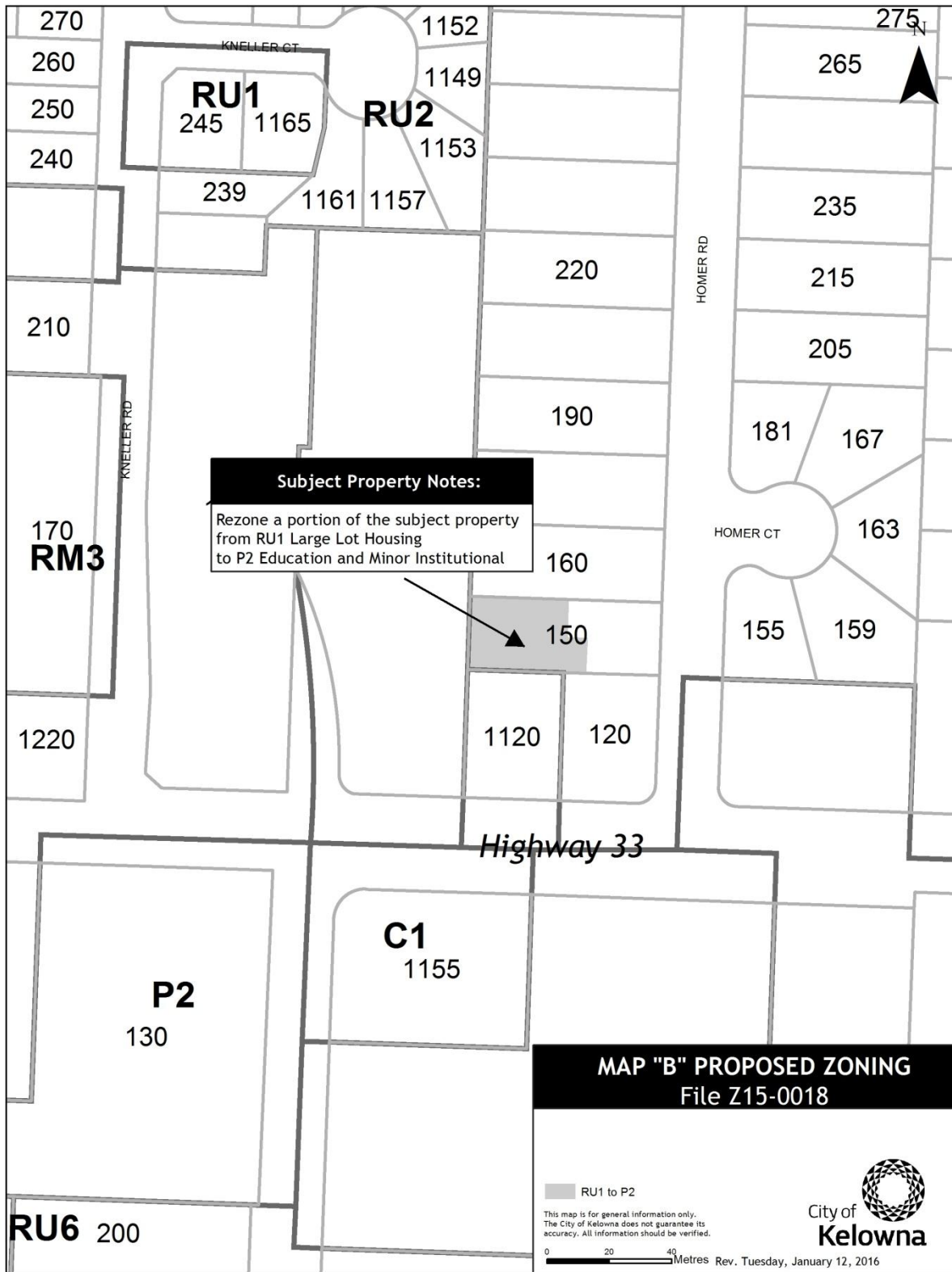
Approved under the Transportation Act

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



REPORT TO COUNCIL



Date: February 2, 2016

RIM No. 0930-50

To: City Manager

From: Community Planning Department (PMc)

Application: LL15-0023

Owner: 1568447 Alberta Ltd.

Address: 275 Leon Ave.

Applicant: 0749038 BC Ltd. (dba Level Night Club)

Subject: Liquor License

Existing OCP Designation: MXR - Mixed Use (residential/commercial)

Existing Zone: C7lp - Central Business Commercial (Liquor Primary)

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 non-support of an application from The Level Night Club for a liquor primary license amendment for Lot 1, DL139, O.D.Y.D., Plan 32713, located at 275 Leon Avenue, Kelowna, BC for a change in capacity from the current occupant load of 464 persons to the proposed 500 persons, and changes to the licensed hours of sales from the current 7:00pm to 2:00am seven days a week to the proposed 11:00am to 2:00 am seven days a week for the following reasons:

2. Council's comments on LCLB's prescribed considerations are as follows:

Criteria for license amendment:

- a. The potential for noise if the application is approved:
There is potential for an increase in noise due to the additional hours of service. .
- b. The impact on the community if the application is approved:
There is the potential for negative impacts to public safety and policing costs.

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

2.0 Purpose

To consider a staff recommendation NOT to support a structural change to an existing Liquor Primary license to increase establishment capacity from 464 persons to 500 persons (including patio area) and for a permanent change to an existing Liquor Primary license to change hours of operation to open at 11 AM and close at 2 AM seven days a week.

3.0 Community Planning

Staff are supportive of the earlier opening time to the facility, as this will provide an opportunity to animate a space that is normally vacant during the day. Having activity in the space will improve the animation of the street during the day time.

However, Staff and the RCMP have concerns with the increase in occupant loads that the applicant has proposed. RCMP resources are already at capacity dealing with issues related to the "bar flush" that occurs in this area of the City between 1:30 AM and 2:30 AM. Staff's concern relates to adding more patrons to the numbers of people that are already putting a strain on the police and taxi industry in this area at this time. Staff are also concerned about the potential impacts that multiple LP establishments may have on this area in the future as it begins to transition a more mixed use neighbourhood as envisioned by the Official Community Plan. It is for this reason that staff are recommending for non-support.

An alternative recommendation has been provided should Council support all aspects of this application (patron capacity and hours of operation).

4.0 Proposal

4.1 Background

The subject property has been operated as a nightclub since the 1980's. There had been a number of applications processed since that time to amend their liquor licenses over the years in order to take advantage of changes that had occurred to the Provincial liquor license regulations of the time. Project Description

4.2 Site Context

The applicant is seeking Council support for both a Permanent Change to the hours of operation of the existing Liquor Primary Establishment, as well as a Structural Change to the capacity of an existing Liquor Primary Establishment and to add an outdoor patio area to the liquor license.

The Level night club (formerly known as Splashes) has been operating as a cabaret at this location since the 1980's. This application seeks to change hours of operation for an existing Liquor Primary Establishment from the existing license hours of 7:00 PM to 2:00 AM seven days a week, to the proposed hours of 11:00 AM to 2:00 AM seven days a week. This application also seeks to increase the licensed capacity of the establishment from the current occupant load of 232 persons per floor (464 persons entire building) to the proposed capacity of 250 per floor for a total capacity of 500. This revised capacity also includes a small patio area adjacent to the lane with a capacity of 55 persons, which is included in the certified occupant load. The certified occupant load has been limited by the washroom capacity of the facility. The increase in capacity has been authorized by a reconfiguration of the washroom fixture counts, and not by an increase in floor area. No change to the business focus, clientele or management are anticipated through these changes. Please note that the LCLB application forms request an increase in occupant load to a total of 522 persons,

including staff and patrons. However, the certified occupant load provided by the Building Department limits the capacity to a maximum of 500 persons, including patrons and staff.

Proposed Permanent Change:

Existing Hours of Sale:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	7:00 PM	7:00PM	7:00PM	7:00PM	7:00PM	7:00PM	7:00PM
Close	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM

Proposed Hours of Sale:

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

Proposed Structural Change Summary:

Person Capacity (including staff):

Licensed Area	Capacity
Existing Licensed Capacity lower floor	232
Existing Licensed Capacity upper floor	232
Total Existing Licensed Capacity	464
Proposed Licensed Capacity lower floor	250
Proposed Licensed Capacity upper floor	250
Licensed Patio area included with lower floor area	(55)
Proposed Total Licensed Capacity (includes patio)	500

Subject Property Map: 275 Leon Ave.

The subject property is located within the City Centre Urban Centre, within the "Entertainment District". The subject property is located on the south side of Leon Avenue, across and to the east from the Habitat location. The Gospel Mission is located to the west of the subject property.

Orientation	Zoning	Land Use
North	C7 - central business Commercial	Automotive sales and repair
East	C7 - central business Commercial	Automotive sales
South	C7 - central business Commercial	Commercial uses
West	C7 - central business Commercial	Gospel Mission and associated services

Council Policy #359 - Liquor Licensing Policy and Procedures

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

(N/A)

- Should not be located beside a Small establishment.

(N/A)

As shown above, **the proximity of two of the surrounding establishments would not meet the siting/density guidelines provided in the Council Policy.** The subject property is located approximately 50m from the Habitat, a facility with an LP license for 332 persons capacity.

6.0 Technical Comments

6.1 Building & Permitting Department

Drawings to be revised for clarity, plan checker will revise and resubmit approved drawing for greater clarity.

(Drawings have been updated to clarify exiting through patio area)

6.2 Bylaw Services

Bylaws Services is concerned about the proposed capacity increase (and outdoor patio) which has the potential to further exacerbate noise issues with the neighbouring hotel. The change in hours to open earlier could be a positive change to activating some business activity in the area.

6.3 Fire Department

The creation of the outdoor patio creates an area that is blocking exiting from the second floor stairwell. It also now creates a dead end corridor at the north end of the patio. The plans will have to be revised as that these life safety issues are addressed.

(plans have been updated to delineate required clear exit path)

6.4 R.C.M.P.

The RCMP does not support the capacity increase and has concerns about the proposed patio. The increase would be inconsistent with established policies for liquor primary establishments.

7.0 Application Chronology

Date of Application Received:	September 21, 2015
Revised drawings received:	October 15, 2015
Updated circulation comments:	December 16, 2016

8.0 Alternate Recommendation

Should Council only support the applicant's request to change hours of operation to increase capacity from 464 persons to 500 persons and to open earlier at 11 AM and to close at 2:00 AM, seven days a week, the following alternate resolution is provided for consideration;

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 The Level Night Club for a liquor primary license amendment for Lot 1, DL139, O.D.Y.D., Plan 32713, located at 275 Leon Avenue, Kelowna, BC for a change in capacity from the current occupant load of 464 persons to the proposed 500 persons, and changes to the licensed hours of sales from the current 7:00pm to 2:00am seven days a week to the proposed 11:00am to 2:00 am seven days a week for the following reasons:

2. Council's comments on LCLB's prescribed considerations are as follows:

Criteria for license amendment:

- a. The potential for noise if the application is approved:
There is the potential for negative impacts to public safety and policing costs.
- b. The impact on the community if the application is approved:
There is the potential for negative community impacts and policing costs.

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

Report prepared by:

Paul McVey, Urban Planner

Reviewed by:

☐

Terry Barton, Urban Planning Manager

Reviewed by:

☐

Todd Cashin, Suburban and Rural Planning Manager

Approved for Inclusion:

☐

Ryan Smith, Community Planning Department Manager

Attachments:

Subject Property Map

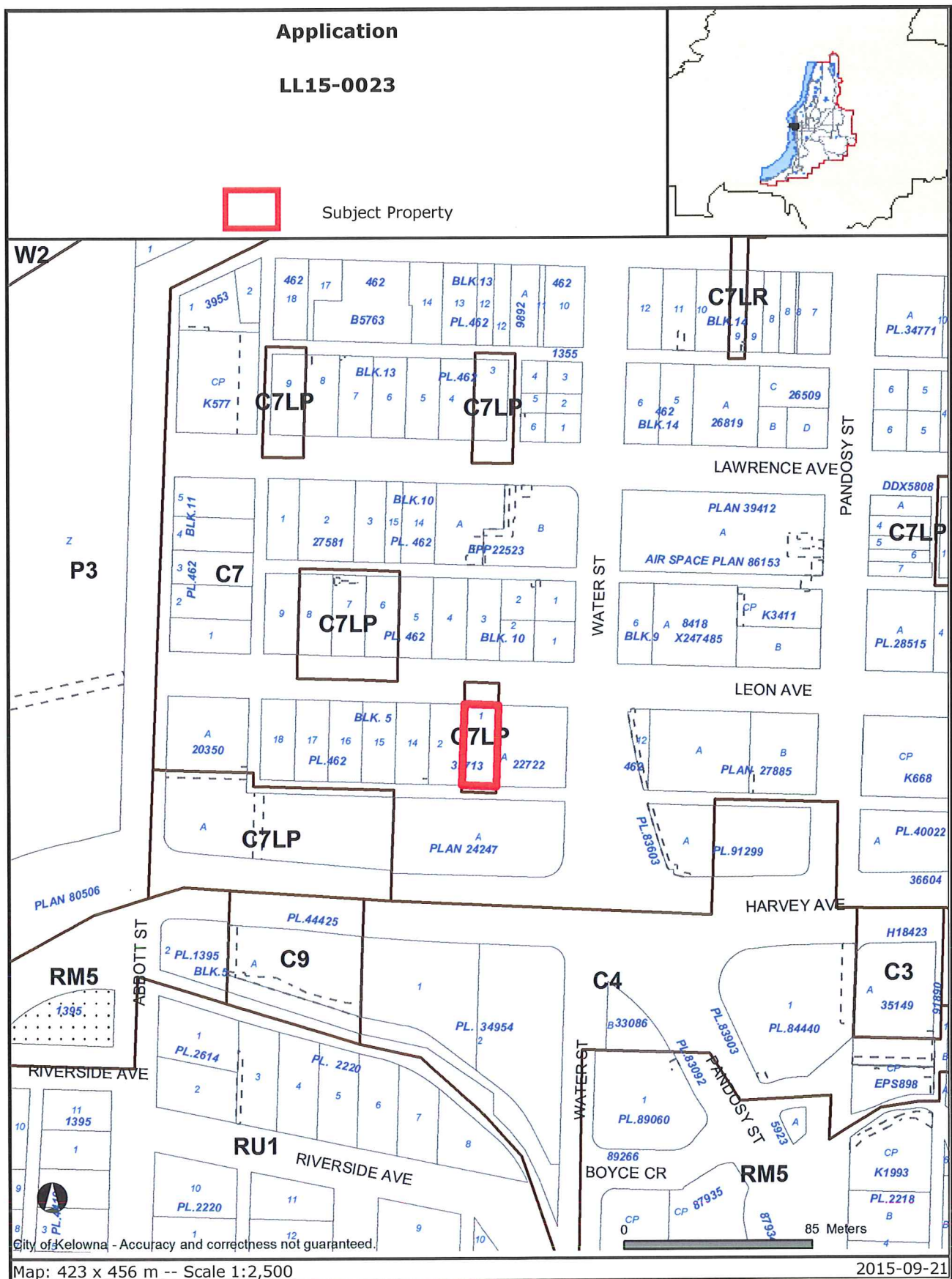
Site Plan

Letter of Intent

Certified floor plans

LCLB Structural Change application

LCLB Permanent Change application



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

COMMUNITY IMPACT STATEMENT

**FOR: AN APPLICATION FOR AN INCREASE IN CAPACITY AND
AN ADDITION OF A PATIO TO THE LIQUOR PRIMARY LICENSE NUMBER 017187**

**AT: LEVEL
275 LEON AVENUE,
KELOWNA, B.C. V1Y 6J1**

APPLICANT: 0749038 B.C. LTD.

COMMUNITY IMPACT STATEMENT

Submitted to:

**City of Kelowna
1435 Water Street
Kelowna, B.C.
V1Y 1J4**

Submitted by:

**Rising Tide Consultants Ltd.
1620-1130 West Pender Street
Vancouver, BC V6E 4A4**

**Phone: (604) 669-2928
Fax: (604) 669-2920**

COMMUNITY IMPACT STATEMENT

**FOR: AN APPLICATION FOR AN INCREASE IN CAPACITY AND
AN ADDITION OF A PATIO TO THE LIQUOR PRIMARY LICENSE NUMBER 017187**

**AT: LEVEL
275 LEON AVENUE,
KELOWNA, B.C. V1Y 6J1**

APPLICANT: 0749038 B.C. LTD.

COMMUNITY IMPACT STATEMENT

INTRODUCTION

This Community Impact Statement is provided in support of the application submitted to the City of Kelowna and the Liquor Control & Licensing Branch by 0749038 B.C. Ltd for an increase in capacity and an addition of a patio on the liquor primary license located at Level, 275 Leon Avenue, Kelowna, B.C. V1Y 6J1.

The applicant is seeking an increase from the current total capacity of 464 persons to 522 persons which would include staff and a patio. The patio has a capacity of 55 persons and this capacity will be derived from the interior capacity.

Level is a sizeable establishment which could accommodate this increase of capacity under Building Code and also from a Fire Safety perspective.

In tandem with this application the applicant is also applying for an earlier hour for commencement of liquor service to accommodate the demand for the establishment for corporate events, product launches and fashion shows.

BENEFITS TO THE COMMUNITY

The applicant's expanded capacity and new patio will benefit the community in the following ways:

- Employment opportunities for residents of the area;
- Provide a source of additional tax revenue for the city, the provincial and federal governments;
- Further diversify this venue available to the residents, business people and tourists in Kelowna;
- Offer the community a patio experience in this popular venue.
- Provides an expanded venue for community events, fundraisers and special events;
- Involvement in community sponsorships and activities;
- Compliments other nearby businesses in the area
- Provides an expanded venue for local musicians/DJ's to perform and therefore supports local artists.

HOSPITALITY/TOURISM DEVELOPMENT FACTORS

Level will contribute to the hospitality/tourism development in the city by adding an expanded capacity and a new patio in a night club lounge experience. This expanded venue will provide a venue for patrons to attend whether for a corporate or special event, night club or lounge experience.

TRAFFIC IN THE VICINITY

The establishment will not impact negatively on traffic. The primary purpose of Level is to cater to persons who can easily walk and drive to the establishment from nearby residences and businesses. Therefore, there will be no impact on the traffic in the vicinity. This location is also well serviced by main roads and public transportation.

NOISE IN THE COMMUNITY

As Level is long established in the area, it is not a venue that will create any more noise in the community. This establishment is a quintessential liquor primary licensed night club which will be increasing its capacity and expanding as an event venue for different events as well as being a night club venue and noise is not anticipated to be a problem. The applicant will comply with the City of Kelowna noise by-law.

PARKING

There are many parking spots located near the proposed establishment. There is street meter parking available nearby.

Most of the patrons of Level will walk and drive from nearby businesses and residential areas. Therefore, parking should not be a factor because of the ease of access via public transportation and the available timed and meter parking in the surrounding areas.

OTHER FACTORS

The applicant also submits the following additional factors for consideration:

- This venue will not be operated as a pub or neighbourhood house. It will operate as a night club and a venue for various events.
- This is a long established night club in Kelowna.
- The applicant has a favourable record with the Liquor Branch, the City of Kelowna and the RCMP.

Mr. Sean Wilson of 0749038 B.C. Ltd does not envisage any adverse impacts on the community with the application for an increase in capacity and also the addition of a patio at Level.

All of which is respectfully submitted this 31st day of August, 2015.

Rising Tide Consultants Ltd.
1620-1130 West Pender Street
Vancouver BC V6E 4A4

What is a Structural Change?

It is defined as a change to the existing approved licensed area(s), including but not limited to:

- a change in the position of a wall or partial height divider (pony wall) or fixed planters used as separation between/within a licensed area
- new construction
- the removal or addition of permanent display cabinets, stages or dance floors
- a change to the food and liquor service bar location or size
- in the position of access and exit points leading to or from a licensed area
- the removal of a licensed area from the liquor licence
- addition of a new outdoor patio or the removal or expansion of an existing patio
- increase to capacity (occupant load) of a licensed establishment with or without changes to the licensed area(s)
- such other construction or changes the general manager considers may affect patron routing, capacity, or the line of sight between a staff control point and the licensed area of the establishment.

If you are making changes to the current approved floor plan, other than cosmetic changes, a structural alteration application is required.

Note: This does not include cosmetic changes such as changes to existing flooring, wallpaper, reconfiguring tables and chairs, countertops, painting, or changing the type of material used in the perimeter bounding of an outdoor patio.

If you have any questions about this application, call the Liquor Control and Licensing Branch (LCLB) toll-free at: **1 866 209-2111**

Licence Information

Licence # affected: 017187

☐ Please check if licence is currently dormant.

If yes, attach a letter signed by the licensee requesting the licence to be reactivated if this application is approved.

Do you currently hold other licences at this location? ☐ Food Primary _____ (Licence #)
☐ Liquor Primary _____ (Licence #) ☐ Licensee Retail Store _____ (Licence #) ☐ UBrew/UVin _____ (Licence #)
 or Other _____

Licensee name [as shown on licence]: 0749038 B.C. Ltd

Establishment name [as shown on licence]: Level

Establishment Location address: 275 Leon Avenue Kelowna B.C. V1Y 6J1
(as shown on licence) Street City Province Postal Code

Business Tel with area code: 250-864-9402 Business Fax with area code: _____

Business e-mail: sean@levelclub.ca

Business Mailing address: _____
(if different from above) Street City Province Postal Code

Contact Name: WILSON, Sean Title/Position: Owner
last / first / middle

Type of Change Requested

Sub- Job Number
Office Use ONLY

Please check ☒ appropriate box(es) below:

Part 1	<input checked="" type="checkbox"/> Addition of a New Outdoor Patio	Outdoor Patio (C3-LIC) _____
Part 2	<input checked="" type="checkbox"/> Alteration/Renovation <input type="checkbox"/> Removal of an existing licensed area <input type="checkbox"/> Other	Structural - capacity change (C3-LIC) _____ Structural - no capacity change (C4-LIC) _____

Application Contact Information

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

Name: Rising Tide Consultants

Phone number: 604-669-2928

Fax number: 604-669-2920

E-mail address: risingtide@shawcable.com

PART 1: Addition of New Outdoor Patio

Fee: \$440

C3 - LIC

Provide the following information:

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

The branch requires an occupant load (patrons plus staff) for the proposed patio area(s) which must be marked/stamped and dated ON the plan you submit. Do not submit this application if you do not have the occupant load calculation stamped on your patio plans.

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

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

Patio #1: 55

Patio #2:

Patio #3:

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

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

Chain link fence at th end of the patio at the exist with the balance surrounded by brick walls of the Level Night Club building and the adjoining building.

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

Please Note: The patio capacity of 55 will be derived from the inside capacity. The patio is directly adjacent to the existing licensed interior area and is connected via a double door and a staircase from it's second level licensed area.

6. Describe how patrons will access the patio.

Patrons will access the patio from inside the establishment or from coming down the staircase to the ground floor or from the double gate at the end of the patio.

7. Will servers have to carry liquor through any unlicensed areas to get to the patio? ☒ No ☐ Yes If yes, please explain:

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

The patio will be controlled by way of security door staff at the entrance to patio and by several staff patrolling the area.

9. Is the patio located on: (a) grass, (b) earth, (c) gravel, (d) finished flooring, (e) cement sidewalk or (f) other (please specify below). If located on grass, earth or gravel, please make sure that you have local health authority approval.

The patio is located on a cement floor

10. Will the patio have a fixed or portable liquor service bar? ☐ Yes ☒ No

11. If "No", will liquor be served from the interior service bar? ☐ Yes ☐ No

from time to time may have a portable bar

Note: A resolution from your local government or First Nation commenting on the application is required. Please see Parts 3 and 4 for an explanation of what the local government or First Nation is required to consider.

PART 2: Structural Changes (Excluding construction of new patios)

Fee: \$440

C3 - Cap Ch.

C4 - No Cap Ch.

Provide the following information:

1. Describe in full detail the reason for this application and what the changes are that you want considered.

The applicant is also applying to increase the capacity of the establishment from the current total of 464 to 522 including staff and the patio.

Please note: The patio capacity will be derived from the interior capacity.

2. Attach one 11" x 17" updated floor plan of the establishment which shows the changes proposed and has the determined occupant load calculations stamped on the plan. The floor plan is a view of the establishment as seen if you were to remove the roof or ceiling.

Floor plans must:

- Show acceptable levels of detail
- Show the dimensions of rooms and provide labels for each room as well as identify unlicensed areas, partial height walls, full height walls, planters, doors and windows, stairs showing direction of travel and all entrances and exits, washrooms, kitchens, bar, patio(s), and furniture layout must be marked on the plan you submit

Note: The occupant load calculation is generally provided by local building or fire authorities in your area. If you are advised that local building or fire authorities do not have jurisdiction or opt out of providing this calculation, provide written confirmation from that authority. You may then take your plan to an alternate qualified architect or design professional who will authorize the calculation. Do not submit this application if you do not have updated floor plans with updated current occupant load.

3. Current total of all licensed areas (as shown on the liquor licence): 464

4. By making these alterations, the total occupant load will:

☐ Decrease to: (patrons plus staff)

☐ Stay the same: (patrons plus staff)

☒ Increase to: 522 persons (patrons plus staff)

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

PART 3: Local Government/First Nation Resolutions: Information for the Applicant

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

- Part 1: Addition of a new patio
- Part 2: Any alteration/addition, when the proposed change increases the occupant load calculation.

Licensee responsibilities:

1. Fill out applicable sections of this form.
2. Attach floor plan showing the proposed changes and stamped with an updated and current occupant load calculation.
3. Take your completed application, updated floor plan with updated occupancy load calculation to your local government/First Nation office. They will photocopy all of the documents and complete Part 4.
4. Request that a resolution be provided within 90 days and sent via email or post directly to the Liquor Control and Licensing Branch, Victoria.
5. Send the completed original form, floor plan and application fees to the branch.
6. The Liquor Control and Licensing Branch will follow up with the local government/First Nation if a resolution has not been received by the Branch within 90 days of the local government's receipt of your request.

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

PART 4: Local Government/First Nation Confirmation of Receipt of Application

This is to be filled out by your local government/First Nation office in relation to Parts 1 and 2. Applies to Liquor Primary and Liquor Primary Club licences.

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

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

Title/Position: URBAN PLANNER

Email: pmcvey@kelowna.ca

Phone: 250-469-8582

Signature of Official: 

Date of receipt of application: 21/SEPT/2015
(day / month / year)

This application serves as notice from the Liquor Control and Licensing Branch (LCLB) that an application for a permanent change to a liquor licence is being made within your community. LCLB requests that a resolution commenting on the application be sent to the LCLB Victoria Head Office within 90 days of the above date of receipt. If more than 90 days is required to provide a resolution, please contact the branch to make a request to the general manager for an extension. If the local government/First Nation decides not to provide comment, a resolution or letter indicating this decision must be provided to the branch.

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

- (a) The potential for noise if the application is approved (provide comments).
- (b) The impact on the community if the application is approved (provide comments).
- (c) If the amendment may affect nearby residents, the local government or first nation must gather the views of residents in accordance with 11.3(2)(c) of the Act.

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

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

(Residents includes residents and business owners)

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

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

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

PART 5: Declaration of Signing Authority Including Valid Interest

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

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

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

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

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

Name of Official: WILSON, Sean

Position: Licensee

Date: 01/09/2015
(Day/Month/Year)

Signature: 

Name of Official:

(last / first / middle)

Position:

Date:

(Day/Month/Year)

Signature:

Name of Official:

(last / first / middle)

Position:

Date:

(Day/Month/Year)

Signature:

Name of Official:

(last / first / middle)

Position:

Date:

(Day/Month/Year)

Signature:

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

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

PART 6: Application Fees - Payment Options

TOTAL FEE Submitted: \$ 880

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

Payment is by (check (X) one):

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

☐ Money order, payable to Minister of Finance

☒ Credit card: ☒ VISA ☐ MasterCard ☐ AMEX

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

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

Note: To ensure legibility, do not submit by fax.

Contact Information

Liquor Control and Licensing Branch

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

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

Phone: 250 952-5787 Web: www.pssg.gov.bc.ca/lclb E-mail: liquor.licensing@gov.bc.ca

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

LCLB012a

5 of 5

Application for Structural Change

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

Name of cardholder (as it appears on card): Sean Wilson

Credit card number: 4514 0116 0418 7920

Expiry date: 3 / 18
(Month) (Year)

Signature: _____

COMMUNITY IMPACT STATEMENT

**FOR: APPLICATION FOR A CHANGE OF HOURS TO THE
LIQUOR PRIMARY LICENSE**

**AT: LEVEL
275 LEON AVENUE,
KELOWNA, B.C. V1Y 6J1**

APPLICANT: 0749038 B.C. LTD.

COMMUNITY IMPACT STATEMENT

Submitted to:

**City of Kelowna
1435 Water Street
Kelowna, B.C.
V1Y 1J4**

Submitted by:

**Rising Tide Consultants Ltd.
1620-1130 West Pender Street
Vancouver, BC V6E 4A4**

**Phone: (604) 669-2928
Fax: (604) 669-2920**

COMMUNITY IMPACT STATEMENT

**FOR: APPLICATION FOR A CHANGE OF HOURS TO THE
LIQUOR PRIMARY LICENSE**

**AT: LEVEL
275 LEON AVENUE,
KELOWNA, B.C. V1Y 6J1**

APPLICANT: 0749038 B.C. LTD.

COMMUNITY IMPACT STATEMENT

This Community Impact Statement is provided in support of the application submitted to the City of Kelowna and the Liquor Control & Licensing Branch by 0749038 B.C. Ltd for an extension of the hours of liquor service to an earlier hour of liquor service from 7 pm to 2 am to 11 am to 2 am for the liquor primary license at Level, 275 Leon Avenue, Kelowna, B.C. V1Y 6J1.

The applicant is seeking an earlier commencement of liquor service of 11 am to better serve the community as a venue for corporate events, fundraising events, fashion shows, product launches which are conducted at an earlier hour than the current 7 pm commencement of liquor service. These events would also like to take advantage of the superior sound system at Level.

The Applicant would also like to be able to compete with other liquor primary licensed establishments in the area that currently host these events.

BENEFITS TO THE COMMUNITY

The applicant's extension of hours will benefit the community in the following ways:

- Employment opportunities for residents of the area;

- Provide a source of additional tax revenue for the city, the provincial and federal governments;
- Further diversify this hospitality venue for the residents, business people and tourists in Kelowna;
- Provides additional licensed hours for community events, fundraisers and special events;
- Involvement in community sponsorships and activities;
- Compliments other nearby businesses in the area
- Provides extended hours of employment for local musicians to perform and therefore supports local artists.

HOSPITALITY/TOURISM DEVELOPMENT FACTORS

Level will contribute to the hospitality/tourism development in the city by having extended hours for liquor service for this establishment. These extended hours of liquor service will provide greater flexibility for this venue for patrons to attend whether for a corporate or special event, night club or lounge experience.

TRAFFIC IN THE VICINITY

The establishment will not impact negatively on traffic. The primary purpose of Level is to cater to persons who can easily walk and drive to the establishment from nearby residences and businesses. Therefore, there will be no impact on the traffic in the vicinity. This location is also well serviced by main roads and public transportation.

NOISE IN THE COMMUNITY

As Level is long established in the area, it is not a venue that will create any more noise in the community. This establishment is a quintessential liquor primary licensed night club with the added advantage of longer liquor service hours to facilitate an event venue environment for various events as well as being a night club venue. Noise is not anticipated to be a problem. The applicant will comply with the City of Kelowna noise by-law.

PARKING

There are many parking spots located near the proposed establishment to accommodate the patrons in this establishment in the extended hours of liquor service. There is street meter parking available nearby.

Most of the patrons of Level will walk and drive from nearby businesses and residential areas. Therefore, parking should not be a factor because of the ease of access via public transportation and the available timed and meter parking in the surrounding areas.

OTHER FACTORS

The applicant also submits the following additional factors for consideration:

- This venue will not be operated as a pub or neighbourhood house. It will operate as a night club and a venue for various events.
- Extending liquor service hours at this establishment will give this establishment greater flexibility to hold different events for the community in Kelowna.
- This is a long established night club in Kelowna.
- The applicant has a favourable record with the Liquor Branch, the City of Kelowna and the RCMP.

Mr. Sean Wilson of 0749038 B.C. Ltd, the applicant and owner of the establishment does not envisage any adverse impacts on the community with this extension of liquor service hours to an earlier commencement of 11 am. Indeed, it will have very positive impacts and benefits as mentioned above.

All of which is respectfully submitted this 2nd day of September, 2015.

Rising Tide Consultants Ltd.
1620-1130 West Pender Street
Vancouver BC V6E 4A4



Application for a Permanent Change to a Liquor Licence

All Licence Types

Liquor Control and Licensing Form LCLB005b

FILLING OUT THIS FORM:

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

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

Application Contact Information

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

Name: Rising Tide Consultants

Phone number: 604-669-2928

Fax number: 604-669-2920

E-mail address: risingtide@shawcable.com

Licensee Information

Licensee name [as shown on licence]: 0749038 B.C. Ltd

Establishment name [as shown on licence]: Level

Establishment

Location address: 275 Leon Avenue

Kelowna

B.C.

V1Y 6J1

(as shown on licence):

Street

City

Province

Postal Code

Mailing address: As above

(All correspondence will go to this address)

Street

City

Province

Postal Code

Business Tel with area code: 250-864-9402

Business Fax with area code:

Business e-mail: sean@levelclub.ca

Contact Name: WILSON, Sean

Title/Position: Owner

last / first / middle

Type of Change Requested

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

Type of change requested	Licence numbers affected MANDATORY	Job Number Office Use ONLY
<input type="checkbox"/> 1. Establishment/business or licence name change (p.2)		(C2-LIC) (sub)
<input type="checkbox"/> 2. Food-primary entertainment endorsement (p.2)		(C2-LIC) (sub)
<input type="checkbox"/> 3. Request for change in terms and conditions (p.2)		(C3-LIC) (sub)
<input type="checkbox"/> 4. Live theatres requesting liquor service (p. 2)		(C3-LIC) (sub)
<input type="checkbox"/> 5. Request for tied house restrictions exemption (p. 3)		(C3-LIC) (sub)
<input checked="" type="checkbox"/> 6. Change to hours of sale (p.3)	017187	(C3-LIC) (sub)
<input type="checkbox"/> 7. Catering endorsement (p.4)		(C3-LIC) (sub)
<input type="checkbox"/> 8. Temporary off-site sale endorsement (p.4)		(C2-LIC) (sub)

Applying for other permanent changes to your licence?

- To apply for alterations or additions to a licensed establishment (structural changes), use an *Application for a Structural Change*. For Liquor Primary and Liquor Primary Club, use form LCLB012a; for Food Primary, use LCLB012b; for Manufacturer and Winery Endorsements, use LCLB013; for Wine Store and Licensee Retail Store, use LCLB012c.
- To apply to have a third party management firm or lessee operate your licensed establishment, use the *Application to Add or Change a Licensee's Third Party Operator* (LCLB026) or to apply for a resident manager to operate your establishment, use the *Application to Add or Change a Licensee's Resident Manager* (LCLB025).
- To apply for a change to the shareholders, directors, licensee name or to add a receiver or executor, use the *Application for a Permanent Change to a Licensee* (LCLB005a).

PART 5. Request for Exemption from Tied House Restrictions (Manufacturers only)

C3 - LIC

Fee: \$220 per affected licence x licences = \$
 (where you are adding or removing an exemption)

Small and medium manufacturers may apply to have a tied house association with up to 3 licensed establishments (LP, LRS, FP, Catering) that are not located on the same site as the manufacturer and where the manufacturer's products may be sold.

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

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

For more information on requests for exemption, see Policy Directive 13-03.

Also complete Parts 9 and 10

PART 6. Change to Hours of Sale

C3 - LIC

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

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

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

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

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

A) Food Primary

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

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

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

- ☐ (i) Request to change the hours of liquor sales within the hours currently approved:
 • complete proposed hours of sale table below Fee: \$220 per licence x licences = \$
- ☒ (ii) Request to change the hours of liquor sales outside the hours currently approved:
 • complete proposed hours of liquor sale table below, and Fee: \$330 per licence x licences = \$330.00
 • request a local government/First Nation resolution commenting on the application (local government must complete Part 12 of this form; for further information on local government/First Nation resolutions, read Part 11).

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

Current Hours of Liquor Sale:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
OPEN	7 pm	7 pm	7 pm	7 pm	7 pm	7 pm	7 pm
CLOSED	2 am	2 am	2 am	2 am	2 am	2 am	2 am

Proposed Hours of Liquor Sale:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
OPEN	11 am	11 am	11 am	11 am	11 am	11 am	11 am
CLOSED	2 am	2 am	2 am	2 am	2 am	2 am	2 am

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

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

Also complete Parts 9 and 10

PART 1: Establishment or Business Name Change and/or Licence Name Change C2 - LIC

To be completed when the licensee wishes to change the name of an establishment or business and/or licence.

Note: If a name change results in a change in exterior signs, the signs are subject to branch approval.

Fee: \$220 per licence x licences = \$

Establishment or business name change:

Current establishment or business name as shown on licence:

Proposed name:

Licence name changes:

Licence #: Current licence name:

Proposed licence name:

Licence #: Current licence name:

Proposed licence name:

Attach the following:

☐ Sketch or picture of the proposed establishment or business signage.

Also complete Parts 9 and 10

PART 2. Entertainment Endorsement (Food Primary licenses only)

C2 - LIC

According to the type of entertainment being applied for, complete either (A) or (B) below and attach required documents:

A) Patron non-participation entertainment endorsement (e.g., musicians)

Note: Patron non-participation entertainment must end by 1:00 a.m. Fee: \$220 per licence x licences = \$

☐ Submit a letter of intent describing, in detail, the form of patron non-participation entertainment proposed and where it will take place in your restaurant.

B) Patron participation entertainment endorsement (e.g., dance floor):

Note: Patron participation entertainment must end by midnight. Fee: \$330 per licence x licences = \$

☐ Submit a letter of intent describing, in detail, the form of patron participation entertainment proposed and where it will take place in your restaurant.

☐ Request a local government/First Nation resolution commenting on the application (local government must complete Part 12 of this form. For further information on local government resolutions, read Part 11).

There are restrictions related to forms of entertainment, sound systems, etc. If you are uncertain about any of the details of your proposal, consult with licensing staff at LCLB in Victoria (see contact information on page 5 of this form).

NOTE – When relocating a Food-Primary establishment: An endorsement for patron participation entertainment cannot transfer location without local government/First Nations comment and LCLB approval. This is required because the local government/First Nation must be provided an opportunity to reconsider the impact of the endorsement on the community given the establishment's new location. Use this form to reapply for the endorsement but do not pay the application fee(s).

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

Also complete Parts 9 and 10

PART 3. Request of Change in Terms and Conditions

C3 - LIC

This section may be used for requests to change the terms and conditions on a liquor licence including requests to the general manager for an exercise of discretion. Depending on the nature of the licence change requested, local government and public input may be required.

Fee: \$220 per licence x licences = \$

Attach:

☐ A letter of intent describing, in detail, the proposed change to your licence and compelling reasons for your request. To request discretion, provide a written submission detailing why a request for discretion should be approved. All documentation to support your request for discretion must be submitted together in one package; the branch will not consider additional materials submitted after a completed application is received. If a staff report is prepared in regards to your request, you will be provided with a copy and will have two weeks to provide any comment before the request for discretion is considered by the General Manager. For more information on requests for discretion, see section 4.1.2 of the Licensing Policy Manual (<http://www.pssg.gov.bc.ca/lclb/docs-forms/lclb207-policy-licensing.pdf>)

Also complete Parts 9 and 10

PART 4. Live theatres requesting liquor service in conjunction with films/broadcasts

C3 - LIC Fee: \$330

Licensed live event theatres may apply for permission to serve liquor in conjunction with films and broadcasts. Please provide a written proposal detailing your request.

See Policy Directive 12-02 for the conditions that apply to liquor service at live theatres during films and broadcasts.

LCLB will forward your application to your local government/first nation for comment. Consideration will also be given to the compliance history of the establishment.

Also complete Parts 9 and 10

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

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

Fee: \$330 per licence x licences = \$

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

- Catering service is focused on the preparation and serving of food.
- The applicant has the personnel and infrastructure necessary to prepare and serve food at events hosted by others. This includes a requirement to have a full commercial kitchen at the applicant's existing licensed establishment.

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

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

Also complete Parts 9 and 10

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

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

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

No Fee

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

Also complete Parts 9 and 10

PART 9: Declaration

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

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

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

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

Name of Official: WILSON, Sean

(last / first / middle)

Position: Licensee

Date: 01/09/2015
(Day/Month/Year)

Signature: 

Name of Official:

(last / first / middle)

Position:

Date:

(Day/Month/Year)

Signature:

Name of Official:

(last / first / middle)

Position:

Date:

(Day/Month/Year)

Signature:

Name of Official:

(last / first / middle)

Position:

Date:

(Day/Month/Year)

Signature:

PART 10: Application Fees

TOTAL FEE Submitted: \$ 330

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

Payment is by (check (X) one):

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

☐ Money order, payable to Minister of Finance

☒ Credit card: ☒ VISA ☐ MasterCard ☐ AMEX

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

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

Liquor Control and Licensing Branch

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

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

Phone: 250 952-5787 Fax: 250 952-7066 Web: www.pssg.gov.bc.ca/lclb E-mail: liquor.licensing@gov.bc.ca

LCLB005b

5 of 7

Application for Permanent Change to Liquor Licence

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

Name of cardholder (as it appears on card):

Credit card number:

Expiry date:

(Month)

(Year)

Signature:

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

For the following changes a resolution from your local government or First Nation, commenting on the application is required:

- Part 2(B): Food-primary patron participation entertainment endorsement, and
- Parts 5(A)(ii) and 6(B)(ii): Change to hours of sale

Licensee responsibilities:

- Fill out appropriate change application sections in this form.
- Request your local government/First Nation to sign and date Part 12 of this form.
- Provide a photocopy of this form to the local government/First Nation and request that a resolution be provided within 90 days and sent directly to the Liquor Control and Licensing Branch, Victoria Head Office.
- Send the original form and application fees to the branch.
- The Liquor Control and Licensing Branch will follow up with the local government/First Nation if a resolution has not been received by the Branch within 90 days of the local government's receipt of your request.

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

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

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

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

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

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

Name of Official: McVEY, PAUL Title/Position: URBAN PLANNER
(last / first / middle)

Date of receipt of application: 21 / SEPTEMBER / 2015 Phone Number: 250-463-8582
(Day/Month/Year)

Signature of Official: [Signature]

The Liquor Control and Licensing Branch (LCLB) requests that a resolution commenting on the application be sent to the LCLB Victoria Head Office within 90 days of the above date of receipt.

To comply with section 53 of the Liquor Control and Licensing Regulation, this resolution must:

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

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

If more than 90 days is required to provide a resolution, please contact the branch to make a request to the general manager for an extension. If the local government/First Nation decides not to provide comment, a resolution indicating this decision must be provided to the branch. Please be advised that if the LCLB does not receive a resolution or a request for an extension within 90 days, the general manager is authorized to review the application without a resolution and make a decision about the application.

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

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

For the following change requests (all C2):

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

The process is:

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

For the following change requests:

- Part 3 Change to Terms and Conditions (all C2)
- Part 4 Live theatres requesting liquor service (all C2)
- Part 5 Request for exemption from tied house restrictions (all C3)
- Part 6 Change to Hours of Sale (may require local government/First Nations resolution) (all C3)

The process is:

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

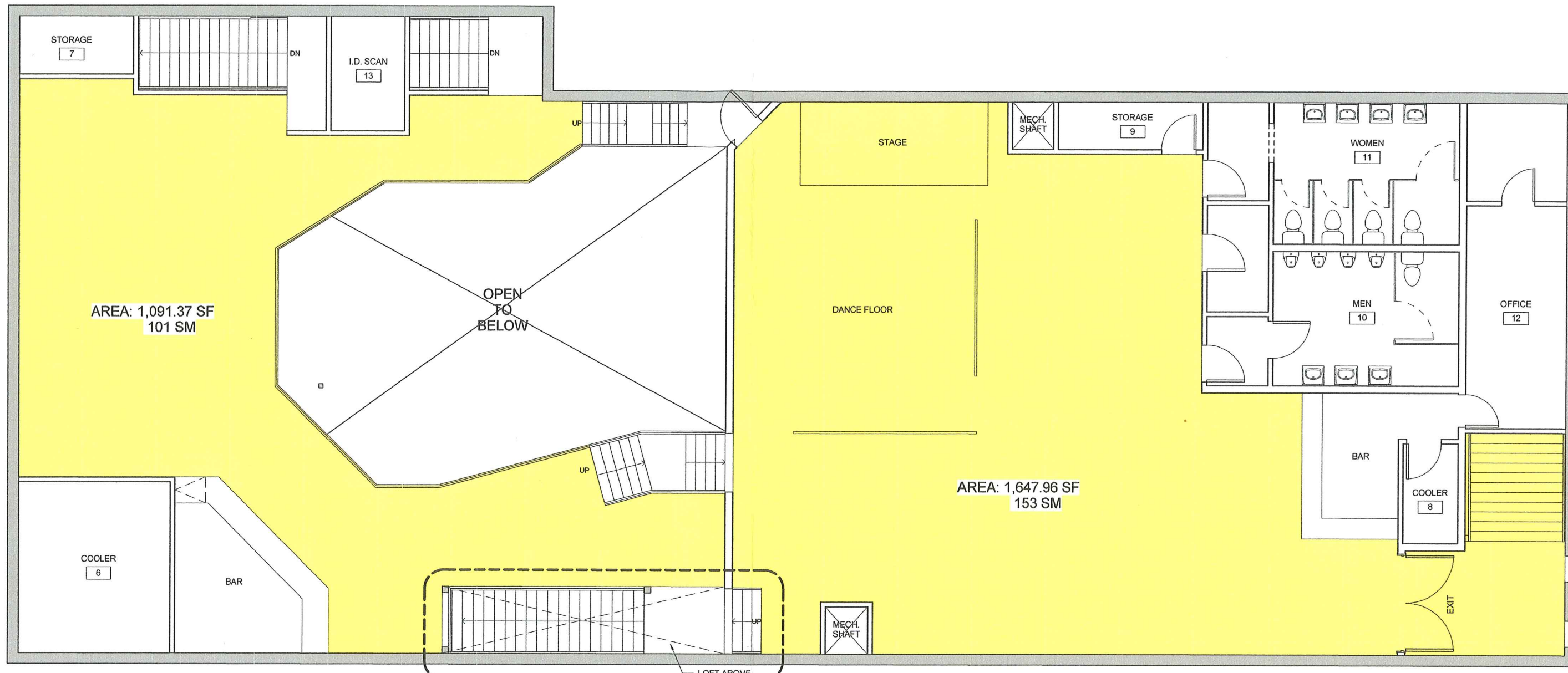
For the following change request:

- Part 7 Catering Endorsement (all C1)

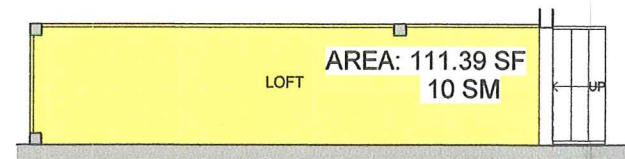
The process is:

1. Applicant will complete the appropriate section of this form and Parts 9 and 10, and attach all required documents.
2. Applicant must submit a complete application package and fee to the Liquor Control and Licensing Branch.
3. Liquor Control and Licensing Branch (LCLB) staff will review the application package for completeness and will advise the applicant of any information/documentation required before the application can be processed. If a complete application is not received within 30 days of notification, your application will be terminated and you will have to re-apply and pay the application fees.
4. If the application requirements have been met, the applicant will be asked to contact the inspector for an interview/final inspection. Before contacting the inspector for the interview/final inspection, the applicant must have the inspector interview letter.
Note: The applicant must contact the local area inspector to arrange for a final inspection by the date noted on the letter (30 days from the date on the letter). If the inspector is not contacted to arrange for a final inspection or for an extended time, the application will be terminated.
5. At your final inspection, the inspector will verify that your business location meets the requirements for a catering licence by reviewing the food selection, the kitchen equipment, advertising and staffing resources. If the inspector is not satisfied your business location meets the requirements of a catering licence you may be asked to make changes and schedule a second (2nd) inspection to confirm you meet the requirements of a catering licence. A fee \$200 will be charged if a second (2nd) inspection is required
6. LCLB staff will advise the applicant and the liquor inspector when the application is approved.

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



① SECOND FLOOR
1/4" = 1'-0"



② LOFT
1/4" = 1'-0"

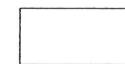
The LOFT has a net floor area of 10 m². The maximum occupant load shall be 8 persons, based on 1.2 m²/person.

LEVEL NIGHTCLUB OCCUPANT LOAD

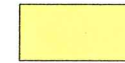
LIQUOR PRIMARY AREA- 500
STAFF AREAS - 22
TOTAL - 522

NOTE: EXTERIOR STAIRS NOT INCLUDED IN OCCUPANT LOAD CALCULATION

LIQUOR LICENSE LEGEND



STAFF AREAS
196 sq.m. / 9.3 sq.m. per person = 22



LIQUOR PRIMARY AREA (excluding washrooms)
600 sq.m. / 1.20 sq.m. per person = 500

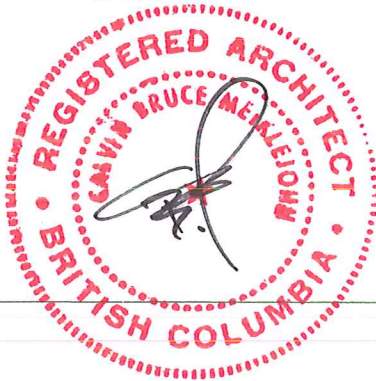
The 2ND FLOOR (incl. LOFT) has a net floor area of 111.39 m². The maximum occupant load shall be 250 persons, based on 1.2 m²/person. (58% MALE) (145) (42% FEMALE) (105)

Reviewed by City of Kelowna Inspection Services 7. Reid SEPT. 31/15

LEVEL NIGHTCLUB



201-75 FRONT STREET, PENTICTON, B.C. V2A 1H2
230 BERNARD AVENUE, KELLOWNA, B.C. V1Y 0N2
TEL: 250.492.3143 FAX: 250.762.3004
EMAIL: info@shaw.ca

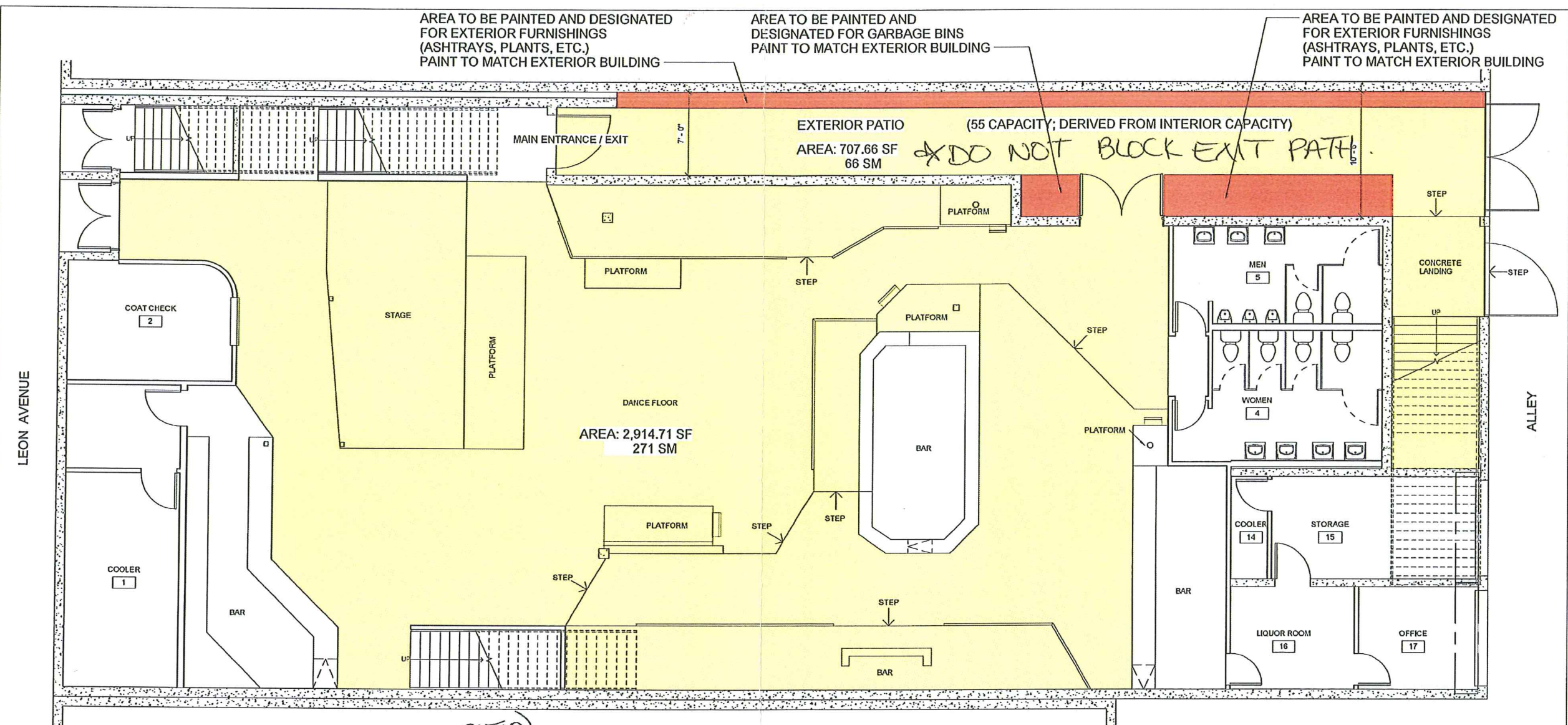


SECOND FLOOR
DRAWING TITLE

JULY 28, 2015
DATE

As indicated
SCALE

A302
DRAWING NUMBER



The MAIN FLOOR (INCL. EXT. PATIO)
 has a net floor area of 2,914.71 m². The maximum
 occupant load shall be 250 persons, based on
WASHROOMS 1.2 m²/person.
145 58% MALE 42% FEMALE
LEVEL NIGHTCLUB

The EXTERIOR PATIO
 has a net floor area of 707.66 m². The maximum
 occupant load shall be 55 persons, based on
1.2 m²/person.

LEVEL NIGHTCLUB OCCUPANT LOAD
 LIQUOR PRIMARY AREA - 500
 STAFF AREAS - 22
 TOTAL - 522
 NOTE: EXTERIOR STAIRS NOT INCLUDED IN
 OCCUPANT LOAD CALCULATION

LIQUOR LICENSE LEGEND	
	STAFF AREAS 196 sq.m. / 9.3 sq.m. per person = 22
	LIQUOR PRIMARY AREA (excluding washrooms) 600 sq.m. / 1.20 sq.m. per person = 500

Reviewed
 by City of Kelowna
 Inspection Services
 7. Reid
 OCT. 14/15.

m+m a

MAIN FLOOR
 DRAWING TITLE
 JULY 28, 2015
 DATE
 As indicated
 SCALE
 A301
 DRAWING NUMBER

CITY OF KELOWNA
BYLAW NO. 11165
Z15-0046 - Unico One Developments Ltd., Inc. No.
BC0990537
125 Dundas Road and 815 Hwy 33 W

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, Section 22, Township 26, ODYD, Plan EPP51775 located on Hwy 33 W, Kelowna, B.C. and Lot B, Section 22, Township 26, ODYD, Plan 19344 Except Plan 39372 located on Dundas Road, Kelowna, BC, from the RU1 - Large Lot Housing zone to the RM5 - Medium Density Multiple Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 16th day of November, 2015.

Considered at a Public Hearing on the 1st day of December, 2015.

Read a second and third time by the Municipal Council this 1st day of December, 2015.

Approved under the Transportation Act 7th day of December, 2015.

Audrie Henry

(Approving Officer-Ministry of Transportation)

Amended at third reading and adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: 1/19/2016

RIM No. 0940-40

To: City Manager

From: Community Planning Department (AC)

Application: DP15-0197, DVP15-0198, & Z15-0046

Owner: Unico One Developments Ltd., Inc. No. BC0990537

Address: 125 Dundas Rd

Applicant: BlueGreen Architecture (Wendy Rempel)

Subject: Rezoning Applications

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

Existing Zone: RU1 - Large Lot Housing

Proposed Zone: RM5 - Medium Density Multiple Housing

1.0 Recommendation

THAT Final Adoption of Zoning Amending Bylaw No. 11165 be considered by Council;

AND THAT Council authorize the issuance of Development Permit DP15-0197 for Lot 1, Section 22, Township 26, ODYD, Plan EPP51775, located on 125 Dundas Road, Kelowna, BC, subject to the following:

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

AND THAT Council authorize the issuance of Development Variance Permit DVP15-0198 for Lot 1, Section 22, Township 26, ODYD, Plan EPP51775, located on 125 Dundas Road, Kelowna, BC.

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

Section 13.11.6 Development Regulations

- a) To vary the maximum site coverage from 40% permitted to 43.05% proposed in sub-paragraph (b);
- b) To vary the side yard setback from 7.0m permitted to 5.2m proposed in sub-paragraph (e); and
- c) To vary the rear yard setback from 9.0m permitted to 7.1m proposed in sub-paragraph (f)

Section 8.1.11 (b) Size and Ratio

To increase the maximum percentage of small sized parking stalls from 10% permitted to 18.5% proposed.

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

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

2.0 Purpose

To review the form and character Development Permit for a 4.5 storey student housing residential development and to consider four variances to side yard setback, rear yard setback, site coverage, and the ratio of small sized parking stalls.

3.0 Community Planning

Staff supports the proposed Development Permit and Development Variance Permit as the project meets many objectives and supporting policies of the Official Community Plan (OCP) including the applicable urban design guidelines. The Official Community Plan (OCP) identifies the area as MRM (Medium Density Multiple Residential). The proposal for student housing on this site will add significant density within an urban centre. The proposal will also support the nearby commercial uses and improve the walkability within the neighbourhood. Student residents are only 300 meter's (or a four-minute walk) from 31 shops and services in the Rutland Town Centre. Additional density in this area is well supported by the close proximity to existing parks and outdoor amenities. Ben Lee Park is located 2 blocks north and has many amenities that a student population would likely utilize.

This proposal is unique compared to the other developments in the neighbourhood. The majority of the existing apartment style buildings have developed underground parking. This development while not providing the minimum number parking stalls does not need a parking variance. The developer will be paying for the parking shortfall through cash-in-lieu as permitted by the Payment in Lieu of Parking Bylaw No. 8125. The funds will be maintained in a City reserve for future city parking investment in the area. Further, this development works particularly well for students as the #8 UBCO - OC Bus Line stops on Highway 33 immediately adjacent to this site. Transit time to UBCO from this site is approximately 16 minutes' door to door and transit time to Okanagan College its is approximately 28 minutes' door to door.

Four variances are requested. The variances and the payment in lieu of parking are necessary for the applicant to meet their density objectives on a relatively small site. The main issue with the proposal is balancing the desire for increased density in the core areas while maintaining adequate parking onsite. Adequate parking onsite is needed to meet the demand for parking generated by the development and limiting the spillover effects into the surrounding

neighbourhood. The OCP does include policy direction that promotes transit oriented development including higher density housing developments, especially as infill or redevelopment projects in the core areas. Transit oriented developments include areas that are mixed-use, compact, walkable, and encourage people to live, work, and shop near transit services in order to decrease their dependence on driving. This project meets the criteria of a transit oriented development warranting the requested variances that have led to a reduction in parking provided onsite. Further, the applicant has hired CTQ to produce a parking demand analysis to further provide justification for their proposal (see attachments).

Staff will be reviewing parking rates in the future for all multi-family developments including student housing projects especially in relation to areas with transit oriented development potential. The recommendations derived from a comprehensive parking review should better reflect the future parking expectations in urban centres and in transit oriented developments.

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant notified all of the neighbours within a 50 meter radius.

4.0 Proposal

4.1 Project Description

The current proposal for the site is a new 23 unit student housing development. The type of dwelling unit varies between 3 and 5 bedrooms. The building is 4 ½ stories, with the top floor incorporated into a dormer, and partial under-cover parking at grade. Architecturally, the development is a mix between traditional materials (brick, siding, and stucco) and a modern colour palette and textures. The applicant's facade treatment includes green colour highlights with three dimensional facade articulations to develop shadow and depth in these elevations as well as to provide visual interest.

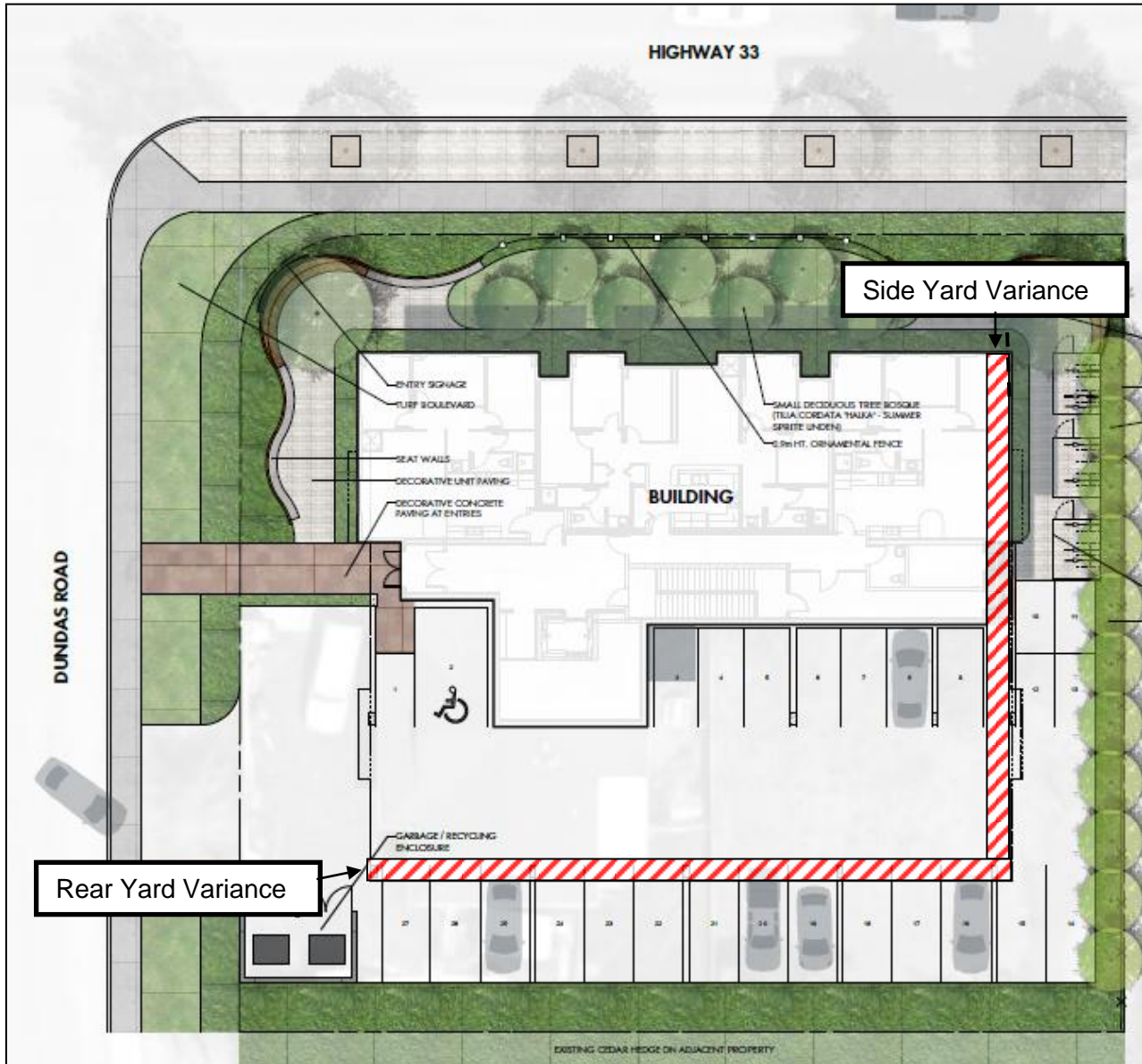
4.2 Variances

The proposed development requires four variances.

- 1) Side yard setback reduction (from 7.0m to 5.2m);
- 2) Rear yard setback reduction (from 9.0m to 7.1m);
- 3) Site coverage reduction (from 40% to 43.05%);
- 4) Increase in the proportion of small sized parking stalls (from 10% to 18.5%)

The site coverage and the proportion of small sized parking stall variances are considered relatively minor as both variances are below ten percent. The setback variances (See Figure 1) are larger but are requested by the developer to achieve their desired density projections in order to provide a competitively priced product. Generally, in the urban core areas adjacent to transit and services variances that result in an increase in density are supported as long as the impact on adjacent properties can be mitigated. In this case, the developer is proposing to mitigate this impact by providing a line of buffering trees (Swedish Columar Aspen) along the eastern property line. Along the southern property line there is an existing cedar hedge on the neighbouring property that will provide screening.

Figure 1: Setback Variance

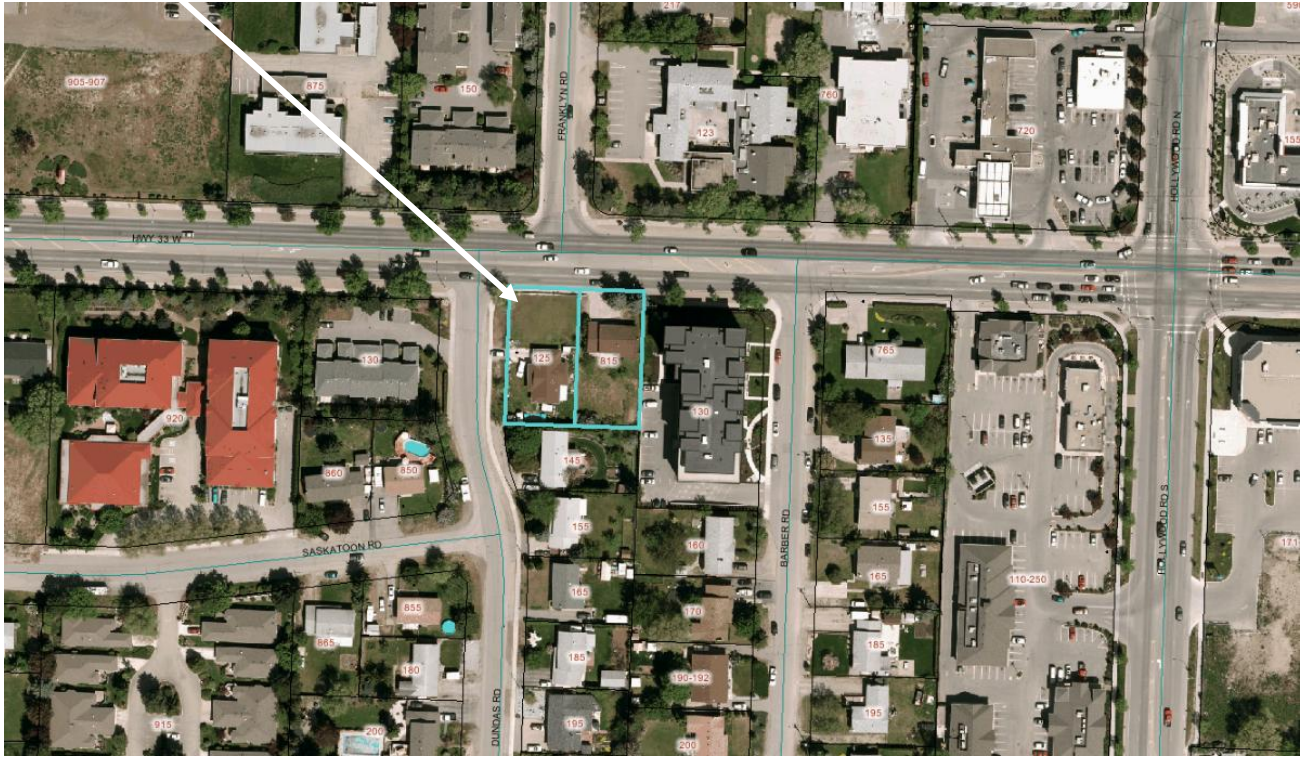


4.3 Site Context

The subject parcels are located within the Rutland Urban Centre adjacent Highway 33. The subject property is designated as Multiple Unit Residential - Medium Density (MRM) in the OCP and the lot is within the Permanent Growth Boundary. Specifically, the adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM3 - Low Density Multiple Housing P2 - Education and Minor Institutional	Residential Institutional
East	RM5 - Multiple Unit Residential (Medium Density) RM3 - Low Density Multiple Housing RU1 - Large Lot Housing	Residential
South	RU1 - Large Lot Housing	Residential
West	RM5 - Multiple Unit Residential (Medium Density) RU1 - Large Lot Housing	Residential

Subject Property Map:



4.4 Zoning Analysis

Zoning Analysis Table		
CRITERIA	PROPOSAL	REQUIREMENTS
		RM5
Development Regulations		
Height	18m / 4.5 stories	16.5 m / 4.5 stories
Front Yard (north)	6.0 m	6.0 m
Side Yard (west)	9.1 m	4.5 m
Side Yard (east)	5.2 m ❶	7.0 m
Rear Yard (south)	7.71 m ❷	9.0 m
Site Coverage	43.05 % ❸	40 %
Site coverage of buildings, parking, & driveways	62.62 %	65 %
FAR	1.25	1.1 plus 0.2 bonuses = 1.3 max FAR
Other Regulations		
Minimum Parking Requirements	27	46 stalls

Zoning Analysis Table		
CRITERIA	PROPOSAL	REQUIREMENTS
		RM5
Portion of Parking Stall Size	(Based on 27 parking stalls) Full size = 15 stalls Medium size = 7 stalls Small size = 5 stalls ❶	(Based on 27 parking stalls) Min Full size: 50% = 14 stalls Max Medium size: 40% = 11 stalls Max Small size: 10% = 3 stalls
Minimum Bicycle Parking	Class 1: 14 Class 2: 5	Class 1: 12 Class 2: 3
Private Open Space	643 m ²	575 m ²
❶ Side yard setback reduction requested; ❷ Rear yard setback reduction requested; ❸ Site coverage reduction requested; ❹ Requested an increase in the proportion of small vehicle size stalls from 10% to 37%;		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

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

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

Affordable Housing.³ Support the creation of affordable and safe rental, non-market and/or special needs housing.

Housing.⁴ Kelowna 2030 includes policy direction that promotes higher density housing development in general, especially as infill or redevelopment in core areas. Approximately 57% of all new housing would be in the form of apartments and townhouses in support of compact urban form and complete communities objectives, as well as reduced servicing costs. Kelowna 2030 also includes policy direction in support of affordable and safe rental housing, non-market and/or special needs housing.

Objective 5.11.⁵ Support parking management programs that promote reduced vehicle ownerships, reduced vehicle trips and increased use of active modes of transportation.

Policy 1 Parking Relaxations. Consider parking requirement relaxations, in areas that are not part of a cash- in-lieu program, where an approved TDM strategy indicates a lower use of vehicles and the City is satisfied that parking relaxations would not create parking spill-over problems on adjoining neighbourhood streets. Parking relaxations will not be considered in hillside areas (as defined on Map 4.1 - Future Land Use).

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

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

³ City of Kelowna Official Community Plan, Objective 10.3, Chapter 10 (Social Sustainability).

⁴ City of Kelowna Official Community Plan, Housing, Chapter 2.1 (Regional Context).

⁵ City of Kelowna Official Community Plan, Chapter 5 (Development Process).

Policy 3 Preferred Parking. Encourage preferred (e.g. close to entrances) or dedicated parking stalls for electric vehicles, share cars and / or hybrid vehicles and small vehicles for all developments.

Policy 4 Multi-Unit Residential Parking. Encourage developers / landlords to unbundle parking price from the multi-family housing or rental price.

6.0 Technical Comments

6.1 Building & Permitting Department

- a) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
- b) Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- c) A Hoarding permit is required and protection of the public from the staging area and the new building area during construction. Location of the staging area and location of any cranes should be established at time of DP.
- d) A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
 - o Door swings and gate swings for proper means of exiting are required along with a hard path of to the street for exiting from the exit stairwells
 - o Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
- e) A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application.
- f) We strongly recommend that the developer have his professional consultants review and prepare solutions for potential impact of this development on adjacent properties. Any damage to adjacent properties is a civil action which does not involve the city directly. The items of potential damage claims by adjacent properties are items like settlement of foundations (preload), damage to the structure during construction, additional snow drift on neighboring roofs, excessive noise from mechanical units, vibration damage during foundation preparation work etc.
- g) Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s). The drawings submitted for building permit is to clearly identify how this rating will be achieved and where these area(s) are located.
- h) An exit analysis is required as part of the code analysis at time of building permit application. The exit analysis is to address travel distances within the units, number of required exits per area, door swing direction, handrails on each side of exit stairs, width of exits etc.
- i) Size and location of all signage to be clearly defined as part of the development permit. This should include the signage required for the building addressing to be defined on the drawings per the bylaws on the permit application drawings.
- j) Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this structure at time of permit application.

6.2 Development Engineering

- See attached Memo dated October 19th 2015

6.3 Fire Department

- a) Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required. Template available online at Kelowna.ca
- b) Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900. A minimum of 150litres/sec is required. Should a hydrant be required on this property it shall be deemed private and shall be operational prior to the start of construction.
- c) Fire Department access is to be met as per BCBC 3.2.5.6 -
- d) A visible address must be posted as per City of Kelowna By-Laws
- e) Sprinkler drawings are to be submitted to the Fire Dept. for review when available
- f) A fire safety plan as per section 2.8 BCFC is required at occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD
- g) Approved Fire Department steel lock box or key tube acceptable to the fire dept. is required by the fire dept. entrance.
- h) All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met.
- i) Fire alarm system is to be monitored by an agency meeting the CAN/ULC S561 Standard.
- j) Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- k) Fire department connection is to be within 45M of a fire hydrant- unobstructed.
- l) Ensure FD connection is clearly marked and visible from the street
- m) Dumpster/refuse container must be 3 meters from structures or if inside the parking garage, it shall be enclosed within a rated room
- n) Do not issue BP unless all life safety issues are confirmed

6.4 FortisBC Inc - Electric

- There are primary distribution facilities along Hwy 33 and south of the subject along Dundas Road. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.
- Otherwise, FortisBC Inc. (Electric) has no concerns with this circulation.
- In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

6.5 Ministry of Transportation

- Preliminary Approval is granted for the rezoning for one year pursuant to Section 52(3)(a) of the Transportation Act, subject to the following conditions:
- No direct access to any portion of the subject lots via Highway 33 be maintained, provision of alternate access served via Dundas Road.

- Physical removal of the existing drop curb/driveway letdown along subject properties frontage on Highway 33 to include restoration of highway curb/gutter/sidewalk and drainage works to Ministry satisfaction.
- Dedication of lands for Provincial Arterial Highway 15 metres measured at a right angle from mean centreline of Highway 33, along entire frontage of subject properties.

7.0 Application Chronology

Date of Application Received:	August 27 th 2015
Date of Public Consultation:	August 24 th 2015
Date of First Reading:	November 16 th 2015
Date of Public Hearing:	December 1 st 2015

Report prepared by:

Adam Cseke, Planner

Reviewed by:



Terry Barton, Urban Planning Manager

Approved by:



Ryan Smith, Community Planning Manager

Attachments:

Subject Property Map

Development Engineering Comments dated October 19th 2015

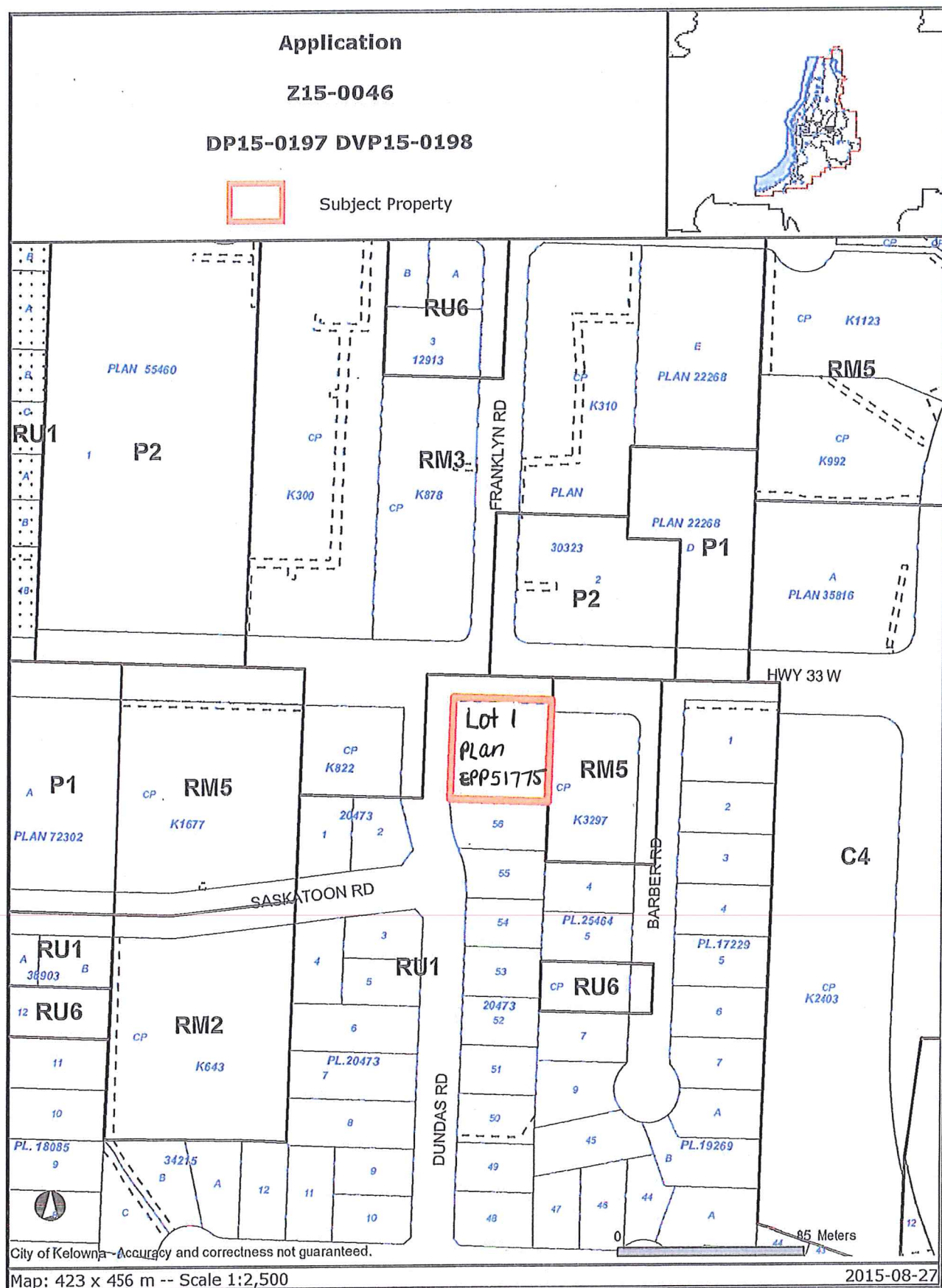
Applicant's rationale

Public Notification summary

Application Package

Draft Development Permit / Development Variance Permit

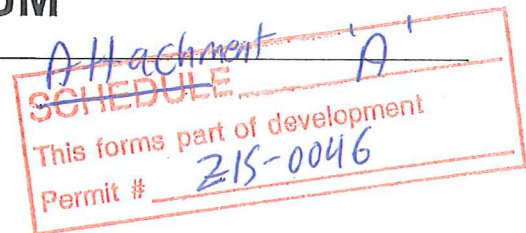
- Schedule 'A'
 - Site Plan
 - Floor Plan
- Schedule 'B'
 - Elevations
 - Colour Board
- Schedule 'C'
 - Landscaping



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: October 19, 2015
File No.: Z15-0046
To: Community Planning (AC)
From: Development Engineering Manager
Subject: 125 Dundas Rd & 815 Hwy 33 W



RU1 to RM5

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

The Development Engineering Technologist for this project is Sergio Sartori

1. Domestic Water and Fire Protection

- (a) This development is within the service area of the Rutland Waterworks District (RWD). The developer is required to make satisfactory arrangements with the RWD for these items. All charges for service connection and upgrading costs are to be paid directly to the RWD. The developer is required to provide a confirmation that the district is capable of supplying fire flow in accordance with current requirements.
- (b) A water meter is mandatory as well as a sewer credit meter to measure all the irrigation water. Water meters must be housed in an above-ground, heated, accessible and secure building, either as part of the main site buildings or in a separate building. Remote readers units are also mandatory on all meters.

2. Sanitary Sewer

- (a) The existing lots are serviced with 150mm diameter sanitary service. The developer's consulting mechanical engineer will determine the requirements of this proposed development and establish the required size and preferred location of the service. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal of one of the existing services. The estimated cost of this construction for bonding purposes is **\$4,000.00**

3. Storm Drainage

- (b) The developer must engage a consulting civil engineer to provide a storm water management plan for these sites which meets the requirements of the City Subdivision Development and Servicing Bylaw 7900. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), if applicable, and provision of a storm drainage service and recommendations for onsite drainage containment and disposal systems.
- (b) Only one service will be permitted for this development. The applicant, at his cost, will arrange for the installation of one new overflow service. The new

service should tie in to the main on Dundas Rd. The estimated cost of this construction for bonding purposes is **\$5,000.00**

4. Road Improvements

- (a) Dundas Street must be upgraded to an urban standard along the full frontage of this proposed development, including curb and gutter, separate sidewalk, corner bulb, landscaped boulevard complete with street trees, drainage system including catch basins, manholes and pavement removal and replacement, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The estimated cost of this construction for bonding purposes is **\$23,000.00**
- (a) Hwy 33 W will require removal of the driveway letdowns and separate sidewalk from the removed letdown to Dundas Road. The 2 trees located within the dedicated road area are to remain. A tree covenant will be required for proper care of the trees during construction. In addition a hard surfaced boulevard complete with street trees, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The estimated cost of this construction for bonding purposes is **\$10,000.00**

5. Transportation

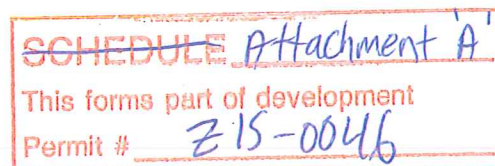
- a) These Development Engineering comments/requirements and are subject to the review and requirements from the Ministry of Transportation (MOT) Infrastructure Branch.

6. Road Dedication and Subdivision

- (a) Lot consolidation is required.
- (b) Grant Statutory Rights Of Way if required for utility services.
- (c) Dedicate ~5.26m width along the full frontage of Hwy 33 West complete with a 6.0 m corner rounding at the intersection of Dundas Rd and Hwy 33 W.
- (d) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.

7. Electric Power and Telecommunication Services

- a) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground as the subject properties are within the "Rutland Urban Centre".
- b) Streetlights must be installed on Dundas Rd if needed.
- c) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.
- d) Re-locate existing poles and utilities, where necessary. Remove aerial trespass (es).



8. Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the city engineering department for review and marked "issued for construction" by the city engineer before construction may begin.

9. Design and Construction

- (a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- (b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- (c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- (d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- (e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

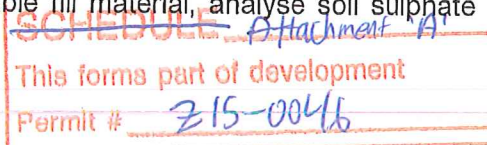
10. Servicing Agreements for Works and Services

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

11. Geotechnical Report

As a requirement of this application the owner must provide a geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- (a) Area ground water characteristics.
- (b) Site suitability for development, unstable soils, etc.
- (c) Drill and / or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content,



Identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.

- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.
- (e) Additional geotechnical survey may be necessary for building foundations, etc.

12. Bonding and Levy Summary

(a) Bonding

Water service upgrades	N/A
Sanitary sewer service upgrades	\$ 4,000
Storm overflow services	\$ 5,000
Dundas Rd frontage improvements	\$ 23,000
Hwy 33 W frontage improvements	\$ 10,000
Total Bonding	\$41,000.00

NOTE: The bonding amount shown above are comprised of estimated construction costs escalated by 140% to include engineering design and contingency protection and are provided for information purposes only. The owner should engage a consulting civil engineer to provide detailed designs and obtain actual tendered construction costs if he wishes to do so. Bonding for required off-site construction must be provided and may be in the form of cash or an irrevocable letter of credit, in an approved format.

The owner must also enter into a servicing agreement in a form provided by the City.

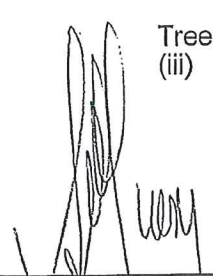
12. Development Permit and Site Related Issues

Access and Manoeuvrability

- (i) Access to the site will be permitted from Dundas Rd.
- (ii) Indicate on the site, the locations of loading bays as well as the garbage and recycle bins.

Trees fronting Hwy 33

- (iii) A tree covenant will be required for proper care of the trees during construction.


Steve Muenz, P. Eng.
Development Engineering Manager

SS



THE VARSITY Student Residence DESIGN RATIONALE

August 20, 2015 – Development Permit Application

ARCHITECTURAL PROJECT PLANNING

The VARSITY is a new student housing development on the Southeast corner of Highway 33W and Dundas Road located within the Rutland Urban Centre. Based on the proposed RM-5 zoning, the building is 4½ stories, with the top floor incorporated into a dormer architecture, and partial under-cover parking at grade.

The primary planning considerations for the development were to create a project that responds sensitively to the nearby neighbours, develops a massing that is in keeping with the adjacent RM5 (Multi-family) developments in the area, and to craft an architectural vocabulary that continues to revitalize the immediate and greater Rutland area where it is located.

Additionally, the rationale behind the development of a student residence in this location is multi-faceted:

Proximity to BC Transit – both to UBCO and Okanagan College

The #8 UBCO – OC Bus Line traveling to UBCO stops on Highway 33, on the development's side of the highway, just 5 meters from the northeast property line. Directly across Highway 33, is the bus stop for the #8 Bus line going directly to Okanagan College. Transit time to UBCO from our building is estimated at 16 minutes door to door, and to Okanagan College 28 minutes door to door. During peak hours, these buses stop at this stop every 15 minutes.

Proximity to Merchant and Retail Services

At the corner of Highway 33 W and Hollywood Road S, which Google Maps shows is a 300 meter, or a four-minute walk from the development, are 31 Shops and Services, which Students want, and would patronize (list attached)

Parks and Outdoor Activities

Directly across Highway 33W, from our building, and 2 blocks north up Franklyn Road, is Ben Lee Park. Ben Lee Park provides the amenities that university aged students are looking for. The park has a basketball court, a multi-purpose (netted) court, a skateboard park, as well as running and hiking trails. At 7.3 hectares, there is ample room for exercising, running, or quiet time and studying, at Ben Lee Park.

Architecturally, the development is a marriage of traditional materials (brick, siding and stucco) with a palette of colors that creates a modern mix of colors and textures that give the building strong architectural interest. As a

Kevin Ryan | Architect AIBC - MA (Hons) - DA - LEED AP

Wendy Rempel | Architect AIBC - M.Arch - B.Arch

www.bluegreenarchitecture.com

KAMLOOPS

2 - 436 Lorne Street, Kamloops, BC V2C 1W3
P | 250.374.1112 F | 250.374.2279

KELOWNA

202 - 110 Highway 33 West, Kelowna, BC V1X 1X7
P | 778.753.2650 F | 778.753.1448

student residence, there is an additional need of creating an architectural vocabulary with a modern flair, which is created with the green punches of color.

The highest profile elevations are the Highway 33 Elevation (North) and the Dundas Elevation (West). Significant attention has been given to creating architecture that has both material and textural interest as well as 3-dimensional façades for further development of shadow and depth in these elevations. The building sits within the required setbacks per the zoning bylaw for RM-5. The east elevation matches, in general, the architecture on the west elevation that faces the multi-family development to the east. A variance is being sought for the east setback to 5.8 m in lieu of the 7m required). To be sensitive and maintain significant architectural interest to the adjacent neighbor, part of the request for the variance in this case is to allow for a continuation of the 3-dimensional architecture that appears on the North and West façades. The South elevation is consistent in color and texture palette in order to, again, create interest facing the neighbor to the south, although currently there is a very tall cedar hedge on the north edge of the adjacent property that creates a significant privacy buffer. A variance is being sought for the south setback from 9m to 7.68m. This is in part to continue some 3-dimensional interest as well as to accommodate the parking for the project (below). The setback reduction still maintains a significant separation from the adjacent property.

There is a private open space requirement of 25 square metres / unit for the RM5 zone for units exceeding 1 bedroom. This development proposal incorporates 23 units in excess of 1 bedroom equaling a total of 575 sm. required P.O.S. area. There are two variances being sought in order to address the issue of the Private Open Space requirement. First, based on the use (student housing), the POS component was addressed in common spaces rather than individual spaces. In order to create reasonably-sized internal common/social spaces, the building needed to expand to slightly (Building area allowable: 40%; Actual: 43.05%). The project incorporates a fitness room, a yoga room, a quiet study room and a student lounge and games room with an exterior deck creating significant internally-focused social and active spaces for students.

Second, in order to compensate for a 5.25m road dedication loss to the property along Highway 33, the development seeks a variance to the stipulation that Private Open Space cannot be part of a required setback(s). The north and east setbacks have been calculated into the POS area. And due to the variance request, there has been significant attention given to landscaping, as well as the social and interactive needs of the students. The project has developed a beautiful green space that not only achieves the appealing, inviting environment that makes this space very useable by students, but creates and enhances the streetscape appeal for the general public. Due to the very close proximity of the adjacent bus stop, the landscape concept additionally maintains a definition between the public and private realms in order to maintain security and privacy for the occupants while creating a park-like setting within.

The project also seeks two variances to the parking requirement which have been outlined by the developer in a letter dated August 13, 2015 (attached) wherein is outlined the rationale for the reduction, and proposed solution to address actual student and City requirements.

Further to the attachment, it is important to note that the above-noted transit, merchant and amenity features so accessible to the development's location, strongly suggest that the students living there will not need cars. It is expected to attract student residents that either cannot afford, or choose not to own and operate a car. Accordingly, we would request that this be considered in our parking requirements and proposed variance.



List of Merchants:

McDonalds
Tim Horton's
Wendy's
Shoppers Drug Mart – with a Post Office
Rexall Drugstore
Panago Pizza
Starbucks
TacoTime
IGA Supermarket
Liquor Depot
Wings Tap and Grill
Sushi Zen Restaurant
Zabb Thai Restaurant
Pizza Factory
Specialty Bakery
Johnny's Meats and Deli
Old Town Farmers Market
New Empress Chinese Restaurant
Insurance – Autoplan
Dollar Store
H+R Block Taxes
Hollywood Shoes
Purple Sea Horse Pet Store
Rutland Optical
Brayd's Hair Salon and Tanning Spa
First Choice Hair Cutters
Nails + Spa
Central Spa and Nails
Esso Gas Station – Car Wash
Curves – Women's Fitness
Quantum Video Games Store

Two blocks further east on Highway 33, there is a Dairy Queen, KFC, and another grouping of services and merchants.



August 13th, 2015

**Ryan Smith,
BA, RPP, MCIP
Department Manager, Community Planning
City of Kelowna
1435 Water Street,
Kelowna, BC
V1Y 1J4**

Re: Student Housing Parking Review

Development: 125 Dundas Road and 815 Highway 33 W
Proposed 23 Unit Rental Apartment Building

RM5 Zoning Calls for 46 parking Spaces (2 x Unit)
Current proposal provides for 27 Parking Spaces
Current Shortfall is 19 Parking Spaces

Dear Ryan,

I wanted to present you with some research and facts from similar student housing facilities located here in Kelowna, to corroborate my proposal to you in regards to our parking space requirements.

We had discussed the dedication of an OGO car share vehicle on site to provide extra transportation in lieu of fewer cars from tenants. In speaking with Christian Brandt, the Managing Director of OGO, he advised me that in it's first full year of placement at Academy Hill, they signed up 10 new members (users) for their (single) OGO car share vehicle and they had 5-6 occasional users of that car that were already OGO members. He suggests that this number of users is low, compared to his other locations. Academy Hill is comprised of 15 one bedroom and den units and 63 two bedroom and den units...78 units in total. Assuming that the 'dens' are occupied by students as sleeping areas, total residency at Academy Hill could be about 215 people. This is more than double our expected occupancy. If only 10 people out of 200+ tenants sign up for car share membership, I believe that we should consider placement of one OGO car share vehicle at our development.

Of particular interest is the additional feedback from Christian Brandt, regarding inquiries for the OGO car share program from the Rutland area. He indicates that he has comparatively more interest from Rutland than from any other un-serviced area in greater Kelowna. He feels that there would be substantial membership sign-ups coming from the community at large, over and above the tenants in our building. In short, the benefit of placing an OGO car share vehicle at our development would become a community benefit.

In a Vancouver Sun Newspaper article, which ran on November 29th, 2014 , entitled "Vancouver Swaps parking requirement for car shares", the writer referred to a recent metro Vancouver study, which showed that "...one car share vehicle takes up to 11 cars off the road." The writer went on to report that "parking supply in strata apartments is 18 to 35 percent oversupplied across the region, with the highest vacancies near transit hubs."

I believe these stats are particularly relevant in our situation, due to a number of factors:

1. Transit Access – The #8 UBCO – OC Bus Line (going both directions) stops on Highway 33, beside, and directly across, from our proposed building. Transit time to UBCO from our building is estimated at 16 minutes door to door, and to Okanagan College 28 minutes door to door. During peak hours, these buses stop here every 15 minutes.

2. Access to Services and Amenities – Within a 2 block (5 minute) stroll from our building are 31 retail and service businesses that students require. They include:

Tim Hortons
McDonalds
Wendy's
TacoTime Cantina
Wings Tap and grill
Panago Pizza
Sushi Zen
IGA Supermarket
2 x Drug Stores
Walk-in Medical Clinic
3 x Personal Care and Hair Styling Shops
Liquor Store

With transit access, and shops and services this close to our building, the students we attract will likely not own cars. We feel that car ownership, and therefore parking requirements, at our building, will be considerably lower than other apartment buildings, which cater to a wider rental market, especially those buildings located away from main transit arteries.

We would like to address our shortfall of 19 parking spaces with the following proposal:

A) Install, at our cost, one OGO car share vehicle, for a minimum 2 year commitment period.

B) Consider that the OGO car share reduces parking (cars) by 11 spaces

C) Submit a one-time payment to the City of Kelowna in the amount of \$60,000 to mitigate the remaining 8 space shortfall (8 x \$7500)

Attached are a copy of the Vancouver Sun article, and confirmation from OGO on their membership numbers, for your consideration.

Best Regards,

David Hallonquist
Unico One Developments Ltd.
101 – 1865 Dilworth Drive,
Suite #351,
Kelowna, BC
V1Y 9T1



Project No.: 15055-10
File No.: 1-5-001

December 22, 2015

Unico One Developments Ltd.
101-1865 Dilworth Drive
Kelowna, BC V1Y 9T1

Attention: Mr. Dave Hallonquist

Dear Sir:

**Re: Varsity Student Housing, Kelowna, BC
Parking Review**

Unico One Developments Ltd. is proposing to develop 125 Dundas Road and 815 Highway 33 with a 23 unit Purpose Built Student Housing development.

The Varsity Student Housing project will add much needed dedicated student rental housing to the Highway 33 commercial area of Kelowna. There has been a severe lack of affordable student rental housing developed within Kelowna, with minimal off campus dedicated student housing available.

Current City of Kelowna Zoning Bylaw Parking requirements call for 2 parking stalls per unit for a total site requirement of 46 parking stalls.

The proposal is to provide much needed student rental accommodations to help facilitate Kelowna's current and future student housing needs. CTQ has been engaged to provide information validating the reduction of the City's above noted parking requirements to 1 stall per 4 student beds, so that Unico One Developments Ltd. can submit the variance to the City, for consideration.

The proximity of the site to the Highway 33 / Hollywood Road Commercial area (Hollywood Road is less than 200 m away), and adjacent public transit, work to support the City Official Community Plan vision and support a reduction in the single vehicle occupant and vehicle dependences that were associated with the current Zoning Parking requirements. Further, other jurisdictions recognize that rental suites and urban core uses, such as apartment housing, require less parking stalls per unit than conventional single family detached housing.

COST

TIME

QUALITY

The determination of the parking demand is a function of the following:

- proximity to the commercial core;
- proximity and availability of public transit;
- proximity and quality of pedestrian facilities;
- affordability of rental housing is a function of average income of residents and has a direct effect on level of car ownership.

The initial cost to a project for the development and provision of onsite parking is reflected in the ultimate cost of the facility to the end user, and is reflected in either a higher cost of ownership or higher monthly rental rates. The greater the amount of parking constructed the higher the end user cost.

The City of Kelowna Official Community Plan states in the Introduction – *An important part of a sustainable city is creating centrally-located communities served by transportation routes that encourage transit, bicycles, and pedestrians, and by efficient infrastructure. These three elements - land use, transportation and infrastructure - are the core decisions that the OCP is meant to guide.*

The first three goals for a sustainable future in the OCP are:

1. **Contain Urban Growth.** *Reduce Greenfield urban sprawl and focus growth in compact, connected and Mixed-use (residential and commercial) urban and village centers.*
2. **Address Housing Needs of All Residents.** *Address housing needs of all residents by working towards an adequate supply of a variety of housing.*
3. **Feature a Balanced Transportation Network.** *Increase the attractiveness, convenience and safety of all modes of transportation by implementing “complete streets” that are designed to serve a broader range of transportation modes, focusing on pedestrians, cyclists and transit service, and function in the context of surrounding land uses.*

The Varsity Student Housing project aligns with all of the above OCP goals.

A DP was issued in April 2014, for 225 Rutland Road S, which is also a purpose built student housing residence, with 22 4 bedroom units stacked on top of a main floor designated as commercial space. The 225 Rutland Road S site zoning is C4, versus the RM5 zoning for 125 Dundas Road / 815 Highway 33 W. The C4 zoning requires only 1 parking space per unit. Council approved the Rutland Road development on the basis one parking spot would service each 4 bedroom unit.

The site is proposed as purpose built student housing and is anticipated to have parking utilization and characteristics similar in nature to on campus student housing. To assist with the review of a reduced parking ratio for the off campus student housing development, a review of on campus parking for student housing is provided.

REVIEW OF ON SITE UNIVERSITY RESIDENCE PARKING

UBC Okanagan:

- 8,400 students, of which 810 are international students;
- 1,050 Faculty and Staff;
- 1,720 residence beds in total, 620 residence beds with kitchen facilities;
- 2,700 parking stalls, 320 parking stalls allocated for residence use (at a monthly rate);
- Average of one parking stall for every 7 student residence beds.

University of Victoria

- 19,500 students;
- 1,900 Faculty and Staff;
- 2,500 residence beds in total, 480 residence beds with kitchen facilities;
- 4,200 parking stalls, 194 parking stalls allocated for residence use (at a monthly rate);
- Average of one parking stall for every 12 student residence beds.

Thompson River University

- 13,200 students;
- 574 residence beds in total;
- 2,400 parking stalls, 123 parking stalls allocated for residence use (at a monthly rate);
- Average of one parking stall for every 5 student residence beds.

To assist with the review of a reduced parking ratio for rental apartment housing, a review of other jurisdictions parking standards is provided.

REVIEW OF OTHER JURISDICTIONS

A review of parking requirements from other jurisdictions provides the following:

- The Okanagan communities have similar rates to the City of Vernon, with an average of 1 to 1.25 stalls per multifamily units. Parking rates do not differentiate between rental and non rental uses. There has been a minimal amount rental housing developed in the Okanagan over the past 30 years.
- City of Kamloops (within the downtown specified area) – 1 space per Multi Family dwelling unit (no additional 15% visitor parking required);
- City of Vancouver – a minimum of 0.5 parking stalls for each unit that is less than 50 m² of GFA;
- City of Edmonton - within the downtown ARP, 0.5 to 1 parking stalls per unit;
- City of Calgary – within the downtown core, 0.5 to 1 parking stalls per unit;

- City of Hamilton – 1 space per unit, 0.3 spaces when the dwelling is less than 50 m²;
- City of Toronto – Between 0.2 and 1.65 spaces based on number of bedrooms, location within the city and tenure;
- City of Ottawa – Between 0 and 1 space depending on location within the city and if it is within 600m of a rapid transit station;

Several cities have standardized the means to vary parking requirements, as follows:

- Calgary - minimum parking requirements may be reduced if:
 - the building is listed as a heritage structure; or
 - a Transportation Demand Management (TDM) measure is approved by the Development Authority where the TDM is included in an approved plan or as a condition on the development permit.
- Winnipeg - the Director of Planning may approve a Parking Management Plan if the lower parking amount will adequately service the use (or combination of uses) without incurring additional parking congestion on surrounding streets or lanes.

The Metro Vancouver Apartment Parking Study, City of Vancouver, September 2012; noted the following:

Vehicle holdings and parking demand for apartment renters are much lower than for owners. This is consistent with prior research. In purpose-built market rental sites, the parking demand range is 0.58 - 0.72 vehicles per apartment unit.

Visitor parking supply may be over supplied. Observed parking demand rates were below 0.1 stall per apartment unit, compared to the typical municipal requirement of 0.2 visitor stall per apartment unit.

Generally, market and non-market renters have lower vehicle ownership rates than do apartment owners. In order to maximize affordability and efficiency in apartment buildings, municipalities should encourage rental housing in Urban Centres and Frequent Transit Development Areas. Household expenditures on transportation should inherently be lower in locations near transit as there is a reduced need to own or operate a private personal vehicle. Reduced parking reduces the cost of development. Municipalities could encourage rental apartment units near transit by reducing or waiving parking requirements as part of an incentive package as appropriate, and encouraging inclusion of rental apartment units in new developments through policy or housing agreements.

Parking rates vary greatly from jurisdiction to jurisdiction, with the average being less than 1 stall per unit for conventional residential rental and market housing. Parking rates continue to be reduced as communities bring zoning requirements into alignment with current trends toward less single occupant vehicle oriented developments and lifestyles.

Student housing parking needs are further reduced by the provision of student transit passes and limited on campus parking availability, combined with the low percentage of vehicle ownership among students.

PROPOSED DEVELOPMENT

The site is located at 125 Dundas Road and 815 Highway 33 W, with the proposed layout of the 23 unit student housing apartment building shown on the Blue Green Architecture Inc. Site Drawing. The purpose built student housing proposal calls for 23 units, made up of a mix of 3, 4 and 5 bedroom units, with a total of 97 beds. Each unit has a communal kitchen and shared bathroom facilities. The site is planned with a total of 27 parking stalls.

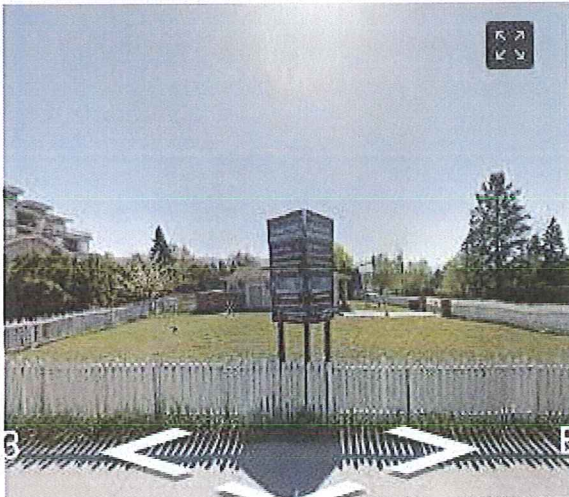
Transit Facilities

The BC Transit #8 bus, with direct service to UBCO, and Okanagan College, stops on Highway 33 immediately in front of, and directly across the street from the site. The transit time from the site to UBCO is 16 minutes, and to Okanagan College is 28 minutes. The BC Transit schedule uses commuter 15 minute service durations during peak hours, for both the UBCO and Okanagan College transit route. The transit time on the #8 bus to Orchard Park Shopping Mall is 14 minutes.

Pedestrian Facilities

The site has a walk score of 70 / 100 and is considered “Very walkable, so most errands can be completed on foot”. The average walk score for Kelowna is 42 / 100. The onsite campus housing at UBCO and Academy Way developments have very low walk scores (24 to 29 / 100) and are considered “Car Dependant. Almost all errands require a car”.

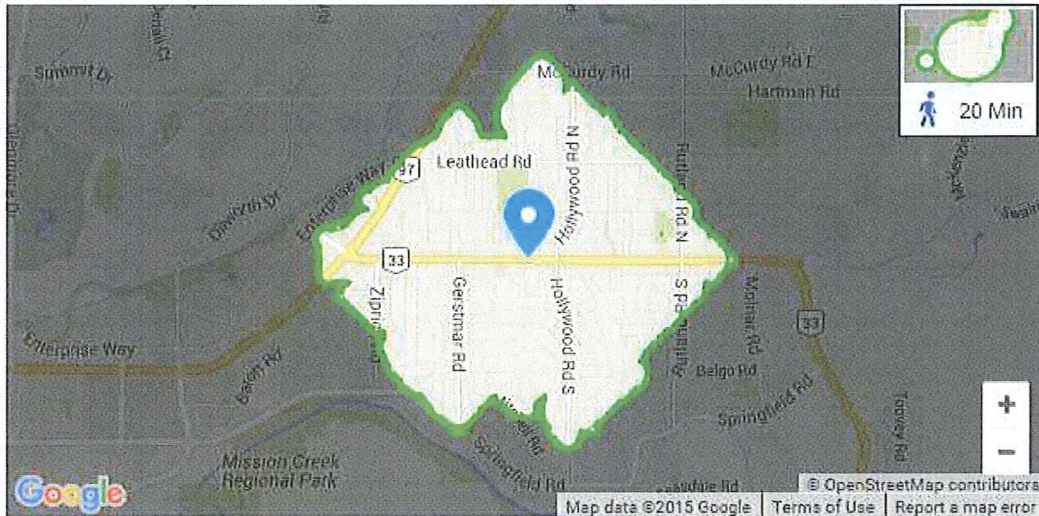
Ben Lee Park is 400m to the north of the site. The 7.3 hectare Ben Lee Park provides a basketball court, a multi-purpose court, a skateboard park, and running and hiking trails.



Site Location Walk Score

815 Highway 33 has a Walk Score of 70 out of 100. This location is Very Walkable so most errands can be accomplished on foot.

This location is in Kelowna. Nearby parks include Ben Lee Park, Rutland Bluff Linear Park and Rutland Centennial Park.



Site Location 20 Min Walk Area

CONCLUSION / RECOMENDATION

With the percentage of car ownership among students well below the average; the proximity of the site to the Highway 33 / Hollywood Road Commercial area; the proximity of the site to public transit; these factors provide for a supportable reduction in the current unit zoning requirement for onsite parking.

We recommend the City of Kelowna review the provision of 1 parking stall per unit, for student dedicated residential rental housing units where they are located within close proximity to commercial and business districts and transit facilities. The ratio of visitor parking stalls can remain unchanged at one space per 7 residential units.

As an alternate, for dedicated student rental housing facilities the parking rate could be based on the number parking stalls per beds, with 1 stall required for every 4 beds.

If you have any further questions or require any additional information please contact our office.

Yours truly,

CTQ CONSULTANTS LTD.

Per:

David D. Cullen, P.Eng.
Transportation Engineer
DDC
Enclosure

August 24th, 2015

**Ryan Smith,
Adam Cseke
Community Planning
City of Kelowna
1435 Water Street,
Kelowna, BC
V1Y 1J4**

Re: VARSITY Student Residence Neighborhood Consultation

Development: 125 Dundas Road and 815 Highway 33 W
Proposed 23 Unit Rental Apartment Building

Dear Ryan, Adam,

I have conducted the neighbourhood consultation, for the above-mentioned development, as required under policy 367. I attach the original, signed copies, of the comment sheets, from each resident that I consulted with. The comment sheet allows each resident to show their approval rating from a scale of 1 – 5, with 5 being the best approval rating, and 1 being the rating for the least approval.

We received:

5's – 8
4's – 6
3's – 2
2's – 0
1's – 1

There is only one address within the 50 meter radius that I could not make contact with: 155 Dundas Road. The owner is away traveling. I determined this from the owners brother, Rick Schneider, who owns 145 Dundas Road, and who is also part-owner of 155 Dundas Road. As Rick gave us a "5", and he suggested his brother would as well, I have no problem with not having this comment.

Regards,


David Hallonquist
Unico One Developments Ltd.



(37358)

305-307

HWY 32 W

(56027)

K300

CP 875

K978

CP 150

(49517)

FRANKLYN RD

(39372)

PL.19344

125 B

515 A

56 145

155 55

155 54

5 170

155 53

DUNDAS RD

6 200

505 4

555 3

153 5

BARBER RD

(39372)

755 1

155 3

155 2

155 4

155 5

155 6

110-250 CP

K2403

PLAN 22286

750 D

30323

A15032

123 2

217 CP PLAN

PLAN 35816

720 A

150 CP

(36191)

(37094)



SCHEDULE A, B, C
 This forms part of development
 Permit # DP15-0197



THE VARSITY STUDENT RESIDENCE DEVELOPMENT

**BLUE GREEN
ARCHITECTURE INC.**
 201-113-0000 FAX 201-113-0001
 www.bluegreenarchitecture.com
 3-4th Avenue, Suite 1000, New York, NY 10013
 P 1206-204-1112 F 1206-204-1112

THE VARSITY
STUDENT RESIDENCE

PROJECT AND ZONING INFO

DATE: 11/10/2011
 PREPARED BY: BLUE GREEN ARCHITECTURE
 PROJECT NO.: 1506-204-1112
 PROJECT NAME: THE VARSITY
 PROJECT LOCATION: 3-4th Avenue, Suite 1000, New York, NY 10013
 PROJECT STATUS: A0.0

SCHEDULE B
This forms part of development
Permit # DP15-0197



SCHEDULE B
This forms part of development
Permit # DP15-0197



SCHEDULE B
This forms part of development
Permit # OP15-0197





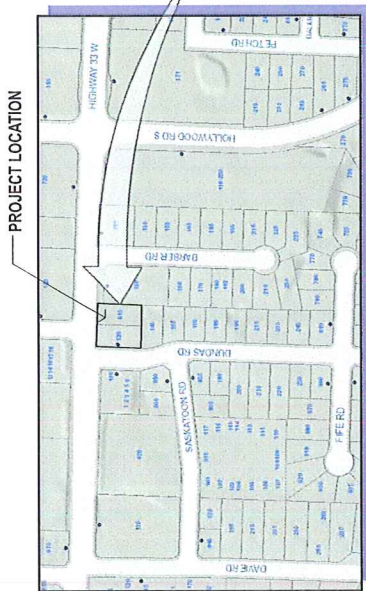
SCHEDULE B
This forms part of development
Permit # DD15-0197

SCHEDULE A

This forms part of development Permit # 2010-012

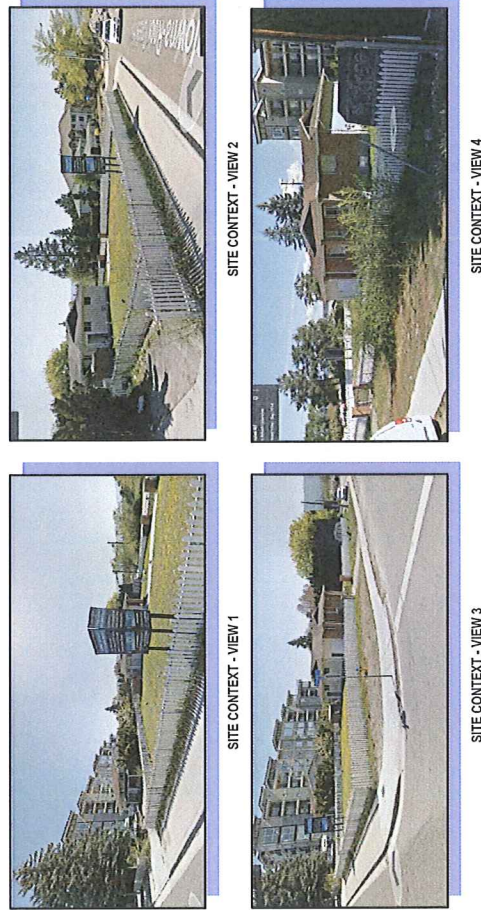
PROJECT LEGAL DESCRIPTION

LEGAL DESCRIPTION: LOTS A & B, TP. 26, O.D.Y.D. PL. 19344, EXCEPT PL. 39372



SITE LOCATION
NTS

2 SITE CONTEXT PLAN NTS



SITE CONTEXT - VIEW 4

SITE CONTEXT - VIEW 3

**BLUEGREEN
ARCHITECTURE INC.**
www.bluegreenarchitecture.com

203 • 110 HWY 32, Kilauea, HI 96751-1X7
P | 778.753.3620 F | 778.753.1448

3 • 416 Loma Ave., Kailua, HI 96756
P | 260.374.1112 F | 260.370.3774

THE VARSITY
STUDENT RESIDENCE

PROJECT AND ZONING INFO

DATE 2015/12/17
SCALE AS NOTED
ISSUED FOR REWORKING / DIM. VARIANCE
PROJECT A0.1r2
REV. 14 306

75

Permit # DP15-0197



THE VARSITY STUDENT RESIDENCE

www.NutgreenArchitecture.com

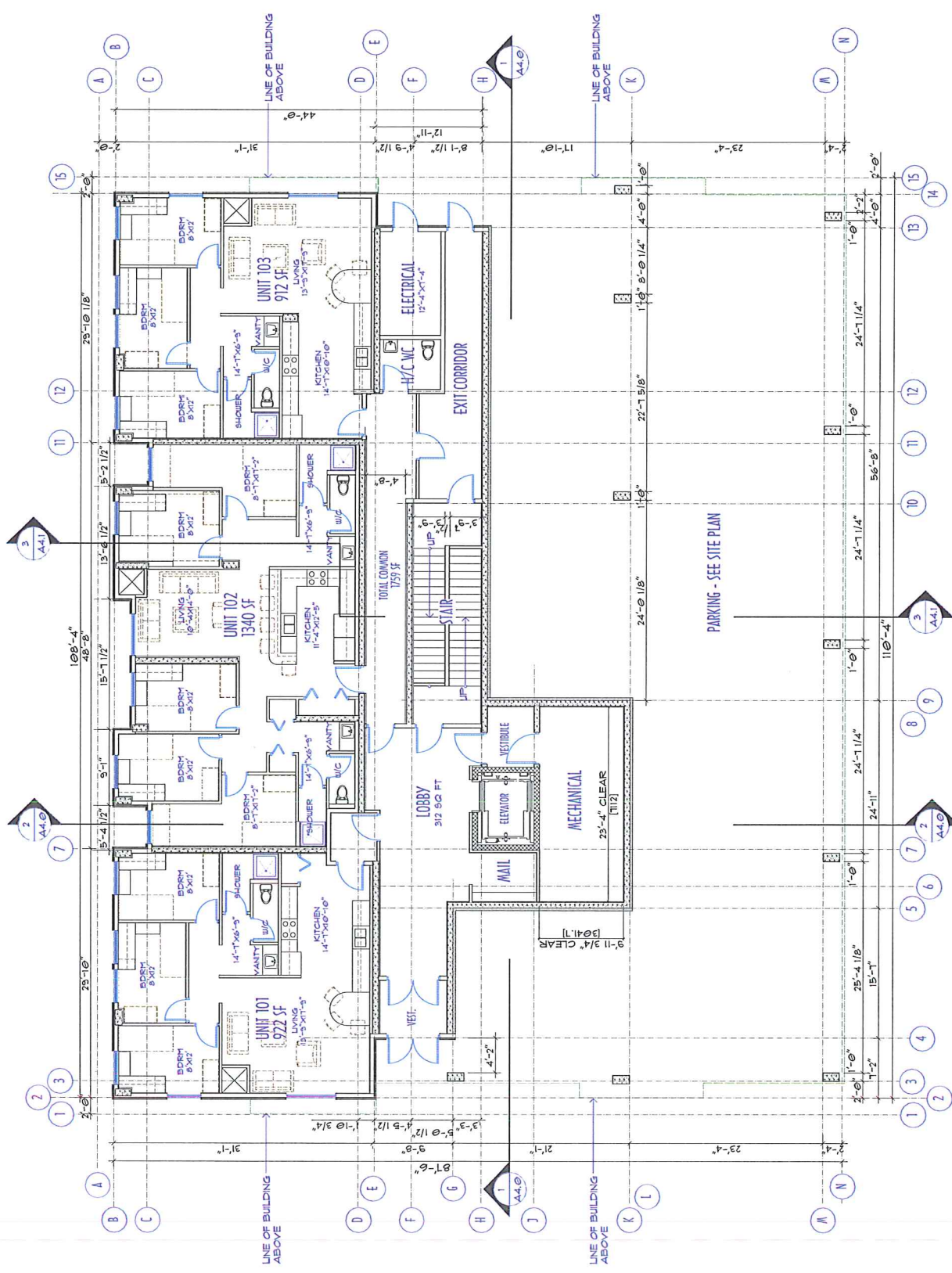
SCHEDULE A
 This forms part of development
 Permit # DP15-0197

DATE 10/12/17
 SCALE 1/8" = 1'-0"
 ISSUED FOR PERMITS
 PROJECT 14388 A2.0 r1

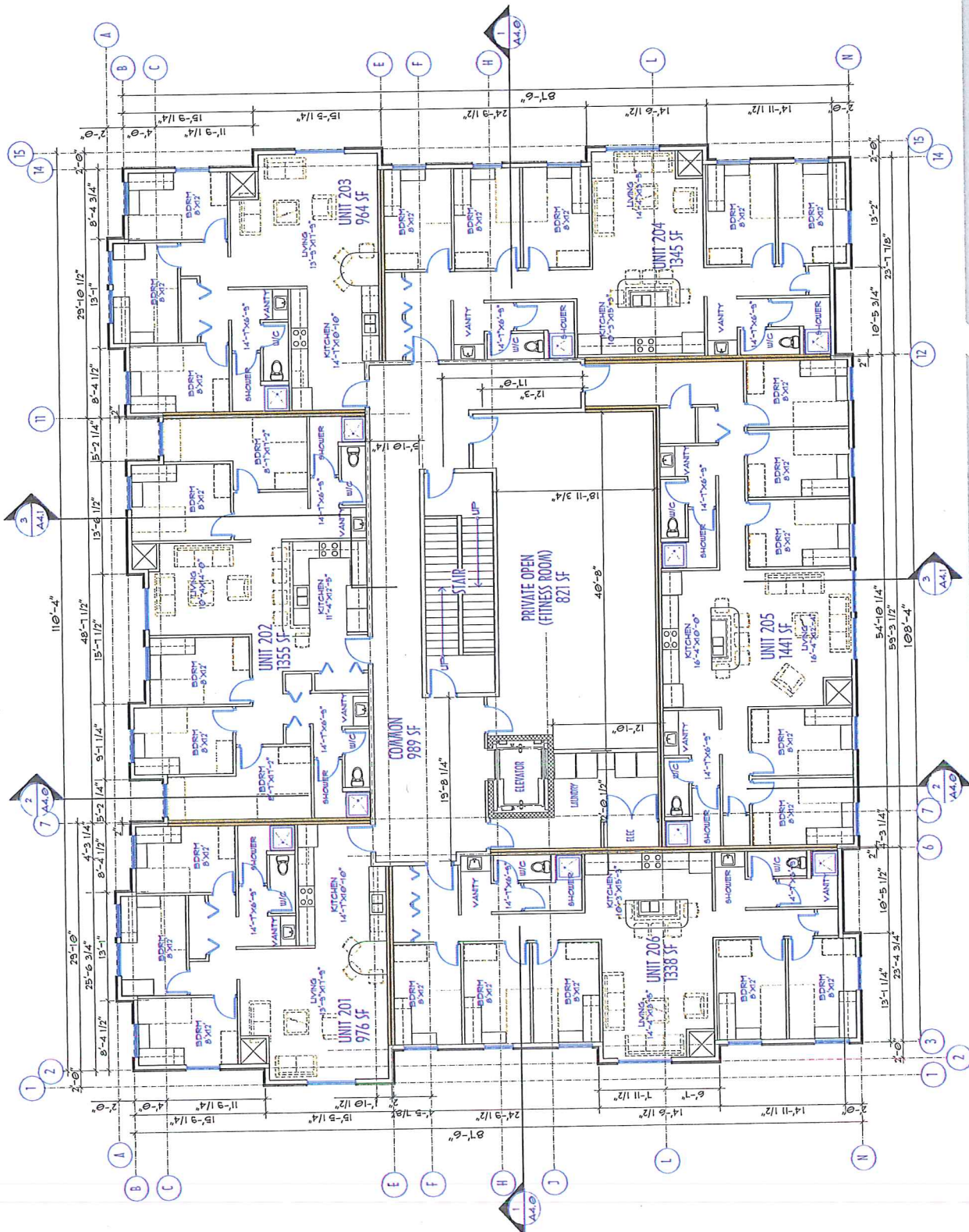
MAIN FLOOR PLAN

THE VARSITY STUDENT RESIDENCE

BLUEGREEN ARCHITECTURE INC.
 2445 Lander Street, Kennesaw, GA 30144
 770.424.1111
 www.bluegreenarchitect.com



SCHEDULE A
 This forms part of development
 Permit # DP15-0197



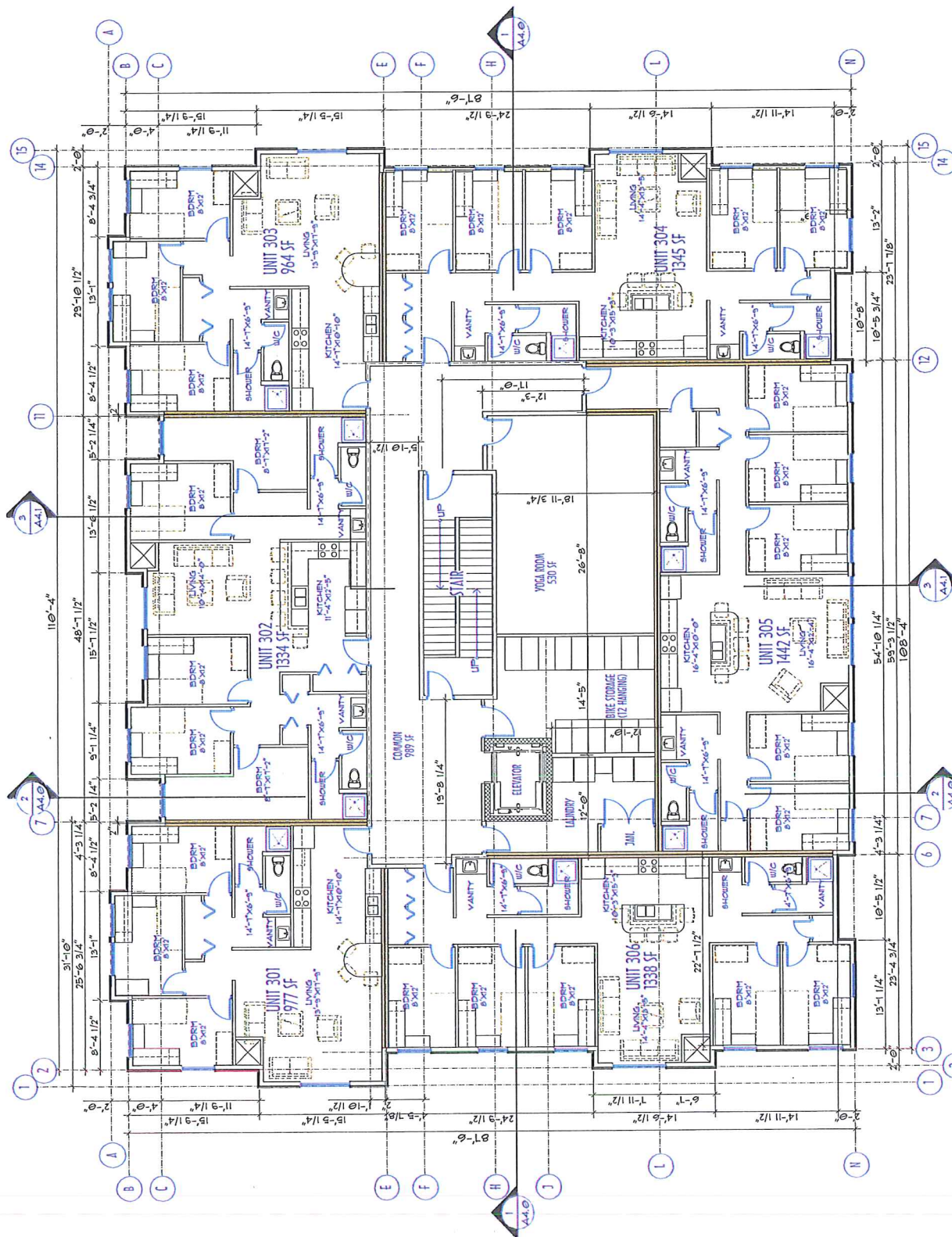
BLUE GREEN
 ARCHITECTURE INC.
 2140 Lower Dover Road, Suite 100, Dover, DE 19904
 P 302.366.1112 F 302.366.1113

THE VARSITY STUDENT RESIDENCE

2ND FLOOR PLAN

DATE: 11/15/2015
 SCALE: 3/16" = 1'-0"
 USED FOR: PERMITS, DEVELOPMENT
 REVISED: 11/15/15 A2.1

SCHEDULE A
 This forms part of development
 Permit # DP15-0497



**BLUEGREEN
 ARCHITECTURE INC.**

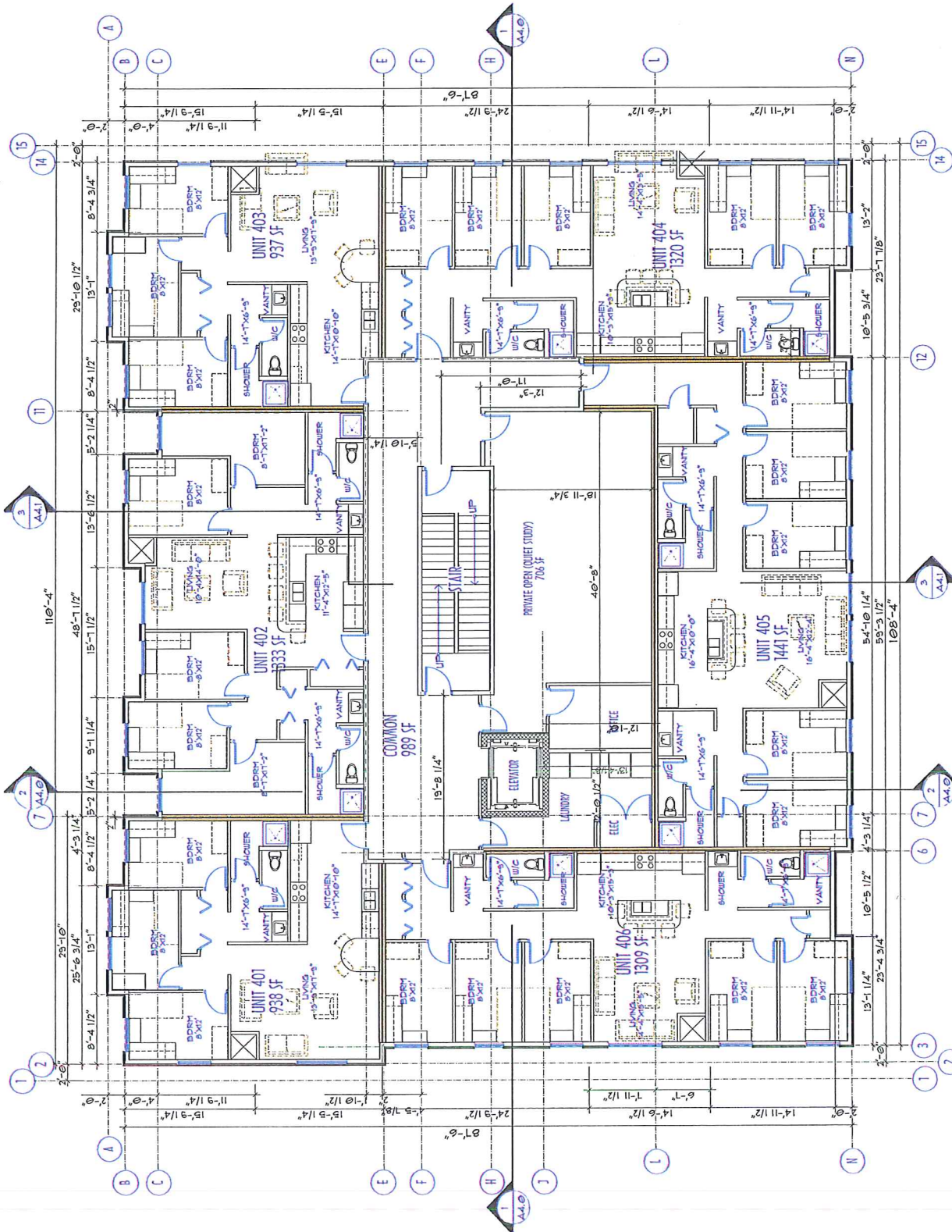
300 - 118 HWY 33, Kalamazoo, MI 49001
 P: 269.335.0405 F: 269.335.0407
 E: info@bluegreenarch.com W: www.bluegreenarch.com

THE VARSITY STUDENT RESIDENCE

3RD FLOOR PLAN

DATE: 10/27/15
 DRAWN BY: J. HARRIS
 CHECKED BY: J. HARRIS
 SCALE: 1/8" = 1'-0"
 SHEET: A2.2

SCHEDULE A
 This forms part of development
 Permit # DP15-0497



4TH FLOOR PLAN

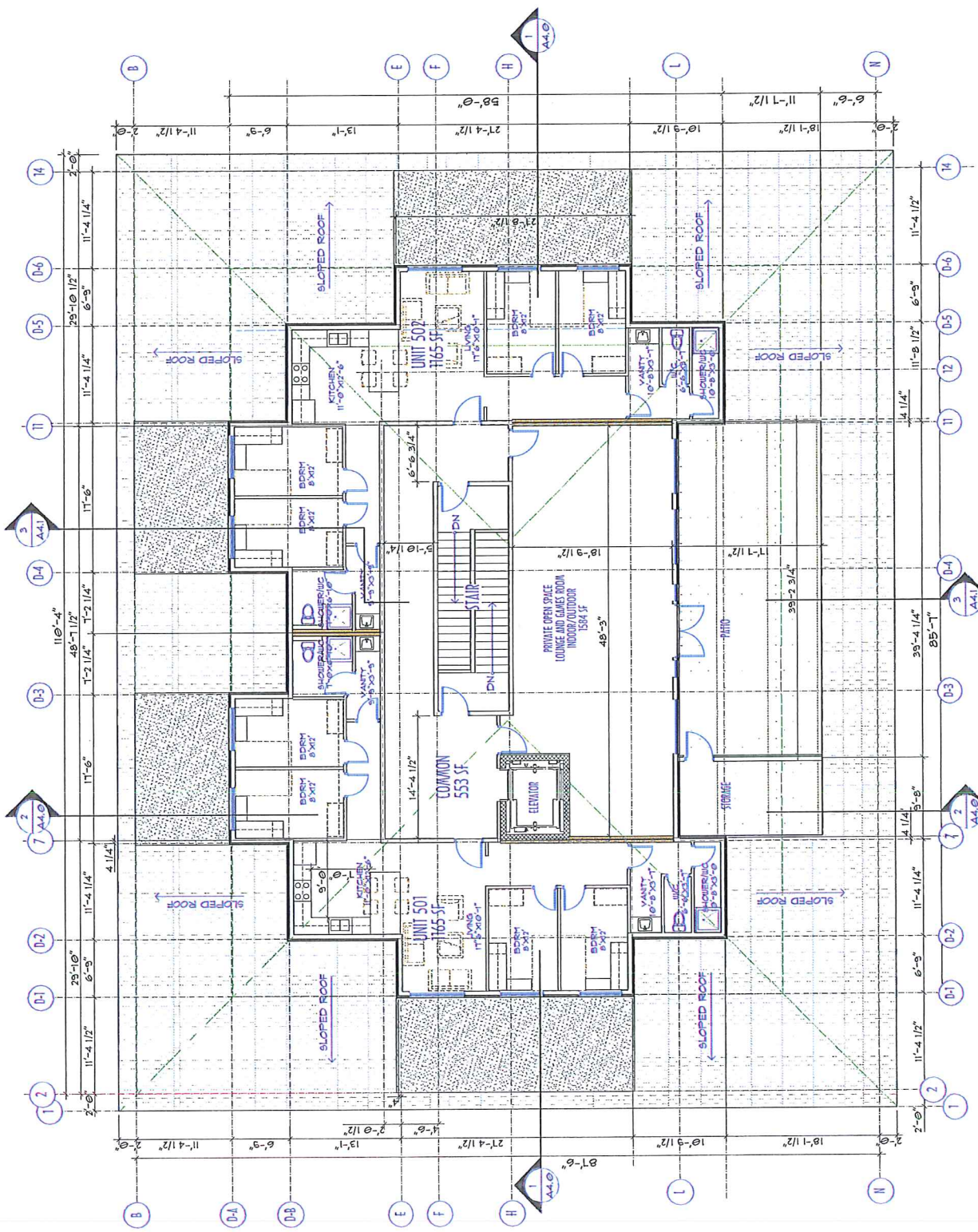
THE VARSITY STUDENT RESIDENCE

BLUEGREEN ARCHITECTURE INC.
 2445 Lower James Street, Suite 100
 Richmond, BC V6V 1A2
 Tel: 604.273.2500 Fax: 604.273.2501
 Email: info@bluegreenarch.com

Project: 15-0001
 Date: 05/15/2015
 Drawn: J. Green
 Checked: J. Green
 Scale: As Shown
 Project: 15-0001
 Date: 05/15/2015
 Drawn: J. Green
 Checked: J. Green
 Scale: As Shown



SCHEDULE A
 This forms part of development
 Permit # DP15-0197



DORMER FLOOR PLAN

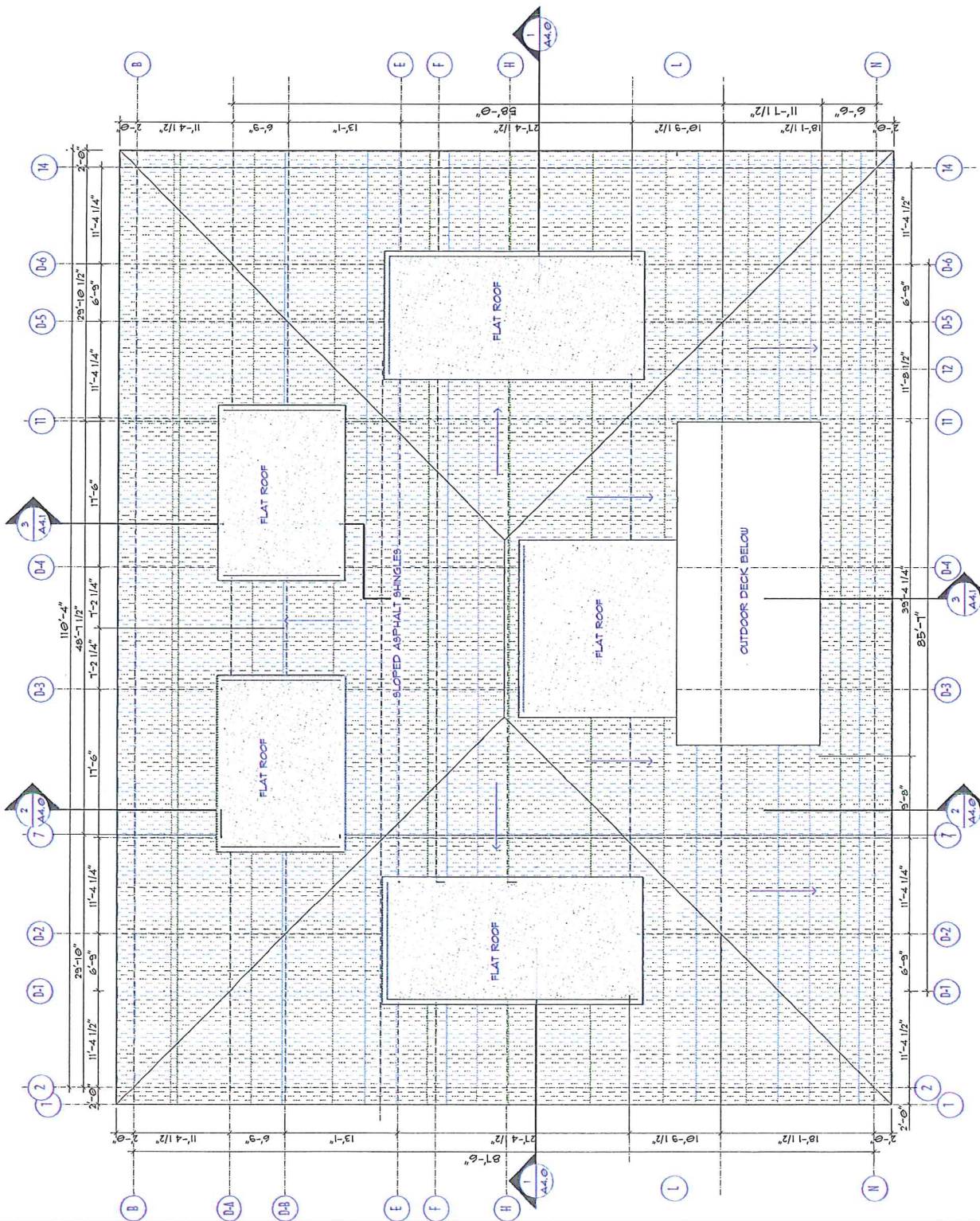
THE VARSITY STUDENT RESIDENCE

BLUE-GREEN ARCHITECTURE INC.
 200 - 10 HWY 20, Kamouristag, P.E.I.
 P 779-2320
 F 779-2321
 E info@blue-green.ca
 W www.blue-green.ca



DATE: 11/15/2015
 DRAWN BY: J. B. BROWN
 CHECKED BY: J. B. BROWN
 SCALE: 1/8" = 1'-0"
 SHEET: A2.4

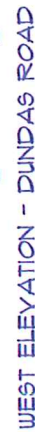
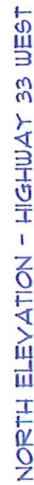
SCHEDULE A
This forms part of development
Permit # DP15-0197



BLUEGREEN
ARCHITECTURE INC.

202 • 110 HWY 33, Katonah BC, VIX 1X7
P | 778.753.2650 F | 778.753.1448

1	TRACER BRICK
2	TUFGLO COLOR 1
3	TUFGLO COLOR 2
4	TUFGLO COLOR 3
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**BLUEGREEN
ARCHITECTURE INC.**
www.bluegreenarchitecture.com

202 • 110 HWY 33, Kalamazoo, MI 49001-1440
P | 734.275.2650 F | 734.275.1440

2 • 436 Levens, Virginia, Maryland, DC 22201-1967
P | 703.275.1112 F | 703.275.1967

BUILDING COLORS AND FINISHES KEY

1	FACE BRICK
2	STUCCO COLOR 1
3	STUCCO COLOR 2
4	STUCCO COLOR 3
5	STUCCO COLOR 4
6	STUCCO ACCENT
7	STUCCO ACCENT
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100	STUCCO ACCENT

SCHEDULE **AB**
 This forms part of development
 Permit # **DP15-0197**



BLUEGREEN ARCHITECTURE INC.
 1-430-440-4400
 1-778-733-1400
 1-778-733-1400

THE VARSITY STUDENT RESIDENCE
 Kelowna, BC

BUILDING ELEVATIONS

DATE: 10/1/15
PROJECT: THE VARSITY STUDENT RESIDENCE
PROJECT: 15-0197
PROJECT: 15-0197

SCHEDULE A+B

This forms part of development

Permit # DP15-0197

DATE: 02/07/2015
 DRAWN BY: J. B. BROWN
 CHECKED BY: J. B. BROWN
 PROJECT: 1501
 A4.0

BUILDING SECTIONS

THE VARSITY STUDENT RESIDENCE
 Kelowna, BC

**BLUEGREEN
 ARCHITECTURE INC.**
 1-435, Main Street, Kelowna, BC V1Y 1A6
 P: 778.233.1448
 F: 778.233.1449
 www.bluegreenarchitecture.com



Date: August 6th, 2015

The Varsity Student Housing
Hwy33/Dundas Street
Contact: Dave Hallonquist

Exterior Finishing:

Preliminary Colours:

Paint:

- **Green:** herbal wisdom 1964 General paint (Stucco)
- **Terracotta:** Brandywine 7710, Sherwin-Williams (Stucco)
- **Cream:** morrisson 1008 General paint (Hardi Board)
- **Tan:** Stonebriar 7693 Sherwin-Williams (Stucco)
- **Dark Trim:** Peppercorn 7674, Sherwin-Williams (Hardi or Stucco)

Brick:

- High desert used brick (Cultured stone)

Windows:

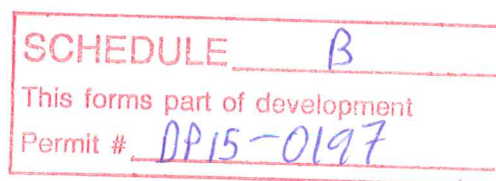
- Dark Gray Metal

Metal Fascia:

- Gentek Iron Ore

Soffits:

- Gentek Iron Ore





OUTLAND DESIGN
LANDSCAPE ARCHITECTURE

December 17, 2015

The VARSITY Student Residence
C/o Unico One Developments Ltd.
101-1865 Dilworth Drive
Kelowna, BC V1Y 9T1
Attn: David Hallonquist

Re: Proposed Student Residence Development – Preliminary Cost Estimate for Bonding

Dear David:

Please be advised of the following preliminary cost estimate for bonding of the proposed landscape works shown in the VARSITY Student Residence conceptual landscape plan dated 15.08.17;

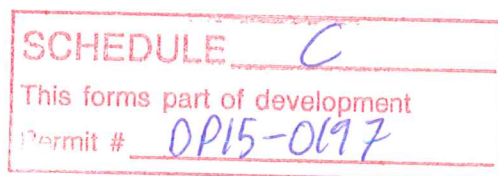
- 613 square metres (6,598 square feet) of improvements = \$47,153.50

This preliminary cost estimate is inclusive of trees, shrubs, turf, mulch, topsoil & irrigation.

You will be required to submit a performance bond to the City of Kelowna in the amount of 125% of the preliminary cost estimate. Please do not hesitate to contact me with any questions about the landscape plan.

Best regards,

Fiona Barton, MBCSLA, CSLA
as per
Outland Design Landscape Architecture





HIGHWAY 33

BUILDING

BUNDAS ROAD

SCHEDULE C
This forms part of development
Permit # **DP15-0197**

IRRIGATION LEGEND

 	ZONE #1 LOW EFFICIENCY SURFACE IRRIGATION FOR TURF AREA
 	TOTAL AREA: 9,000 sq. ft. ESTIMATED ANNUAL WATER USE: 170,000 gal.
 	ESTIMATED ANNUAL WATER USE: 170,000 gal.
 	ZONE #2 LOW EFFICIENCY SURFACE IRRIGATION FOR TURF AREA
 	TOTAL AREA: 10,000 sq. ft. ESTIMATED ANNUAL WATER USE: 180,000 gal.
 	ESTIMATED ANNUAL WATER USE: 180,000 gal.
 	ZONE #3 HIGH EFFICIENCY SURFACE IRRIGATION FOR TURF AREA
 	TOTAL AREA: 10,000 sq. ft. ESTIMATED ANNUAL WATER USE: 180,000 gal.
 	ESTIMATED ANNUAL WATER USE: 180,000 gal.
 	ZONE #4 HIGH EFFICIENCY SURFACE IRRIGATION FOR TURF AREA
 	TOTAL AREA: 10,000 sq. ft. ESTIMATED ANNUAL WATER USE: 180,000 gal.
 	ESTIMATED ANNUAL WATER USE: 180,000 gal.
 	ZONE #5 HIGH EFFICIENCY SURFACE IRRIGATION FOR TURF AREA
 	TOTAL AREA: 10,000 sq. ft. ESTIMATED ANNUAL WATER USE: 180,000 gal.
 	ESTIMATED ANNUAL WATER USE: 180,000 gal.
 	ZONE #6 HIGH EFFICIENCY SURFACE IRRIGATION FOR TURF AREA
 	TOTAL AREA: 10,000 sq. ft. ESTIMATED ANNUAL WATER USE: 180,000 gal.
 	ESTIMATED ANNUAL WATER USE: 180,000 gal.
 	ZONE #7 HIGH EFFICIENCY SURFACE IRRIGATION FOR TURF AREA
 	TOTAL AREA: 10,000 sq. ft. ESTIMATED ANNUAL WATER USE: 180,000 gal.
 	ESTIMATED ANNUAL WATER USE: 180,000 gal.
 	ZONE #8 HIGH EFFICIENCY SURFACE IRRIGATION FOR TURF AREA
 	TOTAL AREA: 10,000 sq. ft. ESTIMATED ANNUAL WATER USE: 180,000 gal.
 	ESTIMATED ANNUAL WATER USE: 180,000 gal.
 	ZONE #9 HIGH EFFICIENCY SURFACE IRRIGATION FOR TURF AREA
 	TOTAL AREA: 10,000 sq. ft. ESTIMATED ANNUAL WATER USE: 180,000 gal.
 	ESTIMATED ANNUAL WATER USE: 180,000 gal.
 	ZONE #10 HIGH EFFICIENCY SURFACE IRRIGATION FOR TURF AREA
 	TOTAL AREA: 10,000 sq. ft. ESTIMATED ANNUAL WATER USE: 180,000 gal.
 	ESTIMATED ANNUAL WATER USE: 180,000 gal.

WATER CONSERVATION CALCULATIONS

LANDSCAPE MAXIMUM WATER BUDGET (WB) = 612 cu. in. / year
ESTIMATED LANDSCAPE WATER USE (WU) = 512 cu. in. / year
*REFER ATTACHED IRRIGATION APPLICATION FOR DETAILED CALCULATIONS

IRRIGATION NOTES

1. IRRIGATION PRODUCTS AND INSTALLATION METHODS SHALL MEET OR EXCEED THE REQUIREMENTS OF THE WATER USE REGULATION (MAY 10, 1980) AND THE SUPPLEMENTARY SPECIFICATIONS IN THE CITY OF Kalamazoo PLANS 7500 (PART 6, SCHEDULE 2).
2. THE IRRIGATION SYSTEM SHALL MEET THE REQUIREMENTS, REGULATIONS, AND STANDARDS OF THE WATER DEPARTMENT.
3. THE IRRIGATION SYSTEM SHALL BE EQUIPPED WITH A PRESSURE-SENSITIVE SHUT-OFF VALVE, WATER METER, AND SHUT-OFF VALVE LOCATED OUTSIDE THE BUILDING ACCESSIBLE TO THE CITY.
4. AN APPROVED SMART CONTROLLER SHALL BE INSTALLED. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO UTILIZE A MAXIMUM IRRIGATION RATE OF 7.7 INCHES PER HOUR (Kalamazoo City Ordinance 100.01, TAKING INTO CONSIDERATION SOIL TYPE, SLOPE, AND MICROCLIMATE).
5. DRIP LINE AND EMITTERS SHALL INCORPORATE TECHNOLOGY TO LIMIT ROOT INTRUSION.
6. IRRIGATION SYSTEMS SHALL BE INSTALLED TO IRRIGATE IRRIGATION LINES UNDER HARD SURFACES AND FEATURES.
7. IRRIGATION PIPES SHALL BE SIZED TO ALLOW FOR A MAXIMUM FLOW OF 1.5 in. / sec.
8. A FLOW SENSOR AND MASTER VALVE SHALL BE CONNECTED TO THE CONTROLLER AND PROGRAMMED TO STOP FLOW TO THE SYSTEM IN CASE OF AN IRRIGATION WATER LEAK.



**THE VARSITY
STUDENT RESIDENCE**
Kalamazoo, MI

**IRRIGATION WATER
CONSERVATION PLAN**

NO.	DATE	DESCRIPTION
1	11/15/17	Landscaping Plan
2		
3		
4		
5		

PROJECT NO.	1504
CLIENT NO.	1504
DESIGNER	JD
CHECKED BY	JD
DATE	DEC. 17, 2015
SCALE	1/2"

5/15/17



ISSUED FOR REVIEW ONLY

L2/2

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

IRRIGATION APPLICATION

APPLICATION IDENTIFICATION

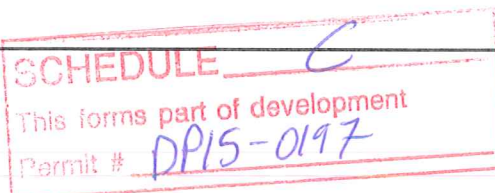
Owner:	Unico One Developments Ltd.	Subject Address:	125 Dundas Road / 815 Hwy 33 W, Kelowna, BC	
Agent if applicable:	Steve Petryshyn	Telephone:	250-868-9270	
Title:	Certified Irrigation Designer	Fax No:		
Company:	Outland Design Landscape Architecture	Email:	steve@outlanddesign.ca	
City:	Kelowna, BC	Mailing Address:	206-1889 Spall Road, Kelowna	
		Province:	BC	Postal Code: V1Y 4R2

LANDSCAPE WATER CONSERVATION CHECKLIST

Note: all boxes are to be checked - see instruction page

- ☒ Install Backflow prevention devices to meet City of Kelowna standards to isolate the outdoor irrigation system from the potable water system.
- ☒ Group planting into 'hydrozones' of high, medium and low water-use plants or unirrigated/unwatered areas.
- ☒ Minimize mown turf areas that are high water use areas - ideally to 50% of the landscape area or less - substitute with areas of lower water use treatments like unwatered native woods or meadow, mulch, spaced wood deck, pervious paving.
- ☒ Provide adequate topsoil or growing medium of depth and quality to meet the BC Landscape Standard, published by the BC Society of Landscape Architects and the BC Landscape and Nursery Association. General minimum depths over poor subsoils are 150mm for lawn and 300mm for shrubs groundcover.
- ☒ Group irrigation circuits/zones into 'hydrozones' of high, medium, and low or unirrigated areas consistent with the landscape planting plan. Provide a separate irrigation valve for each irrigated hydrozone.
- ☒ Minimize use of high-volume spray heads, and employ drip or low volume irrigation where practical.
- ☒ When spray or rotor irrigation is used, design and install head to head coverage in accordance with manufacturer's specifications, and avoid overspray outside landscape areas.
- ☒ Ensure matched precipitation rates within all irrigation circuits.
- ☒ Design and install pipe and head layout so flow velocity does not exceed 1.5 m/s, and to minimize elevation change or pressure variation in circuits. Provide check valves to stop low head drainage.
- ☒ Ensure irrigation mainlines are proved leak-free with hydrostatic tests.
- ☒ Provide pressure regulating devices to ensure irrigation outlets are operating at the manufacturer's optimum pressure range.
- ☒ Install - and program to minimize water use - 'Smart Controllers' to meet standards of the City of Kelowna Water Regulation Bylaw.
- ☒ Install an irrigation master shut-off valve (isolation valve) located outside the building in a location accessible to the City that when closed shall stop the supply of water from the potable water supply to the outdoor irrigation system and shall be capable of being closed and locked off by the City.

Applicant Notes on the Landscape Water Conservation Checklist:



IRRIGATION APPLICATION

LANDSCAPE WATER CONSERVATION TABLE

Applicant: **Unico One Developments Ltd.**

Address: **125 Dundas Road / 815 Hwy 33 W, Kelowna, BC**

Step 1: Measure Total Landscape Area (LA)

Area of site that will absorb water:

621 sq.m.

Note: INCLUDE BOULEVARD, and proposed lawn, plants, mulch, PERVIOUS decks or paving. Do not include building areas, driveways, patios, decks or walks unless pervious.

Step 2: Divide Into Landscape Treatments*		Plant Factor	Irrig Efficiency	Hydrozone Area	% of Total LA	Estimated Water
Note: each of the areas below are a 'HYDROZONE'		(PF)	(IE)	(HA)		(WU)
Unwatered Pervious Areas (not impervious paving)						
Mulch (Stone, bark or sand)		N/A	N/A		0%	N/A
Pervious deck (Spaced wood deck)		N/A	N/A		0%	N/A
Pervious paving (AquaPave, Rima Pave)		N/A	N/A		0%	N/A
Naturalized meadow (wildflowers)		N/A	N/A		0%	N/A
Naturalized area (Existing natural area)		N/A	N/A		0%	N/A
Other:		N/A	N/A		0%	N/A
Swimming or ornamental pool		1	1		0%	0
Watered Planting Beds (shrubs or groundcover)						
<i>Planting Type</i>	<i>Irrig Efficiency</i>					
Low water use plants	High (Drip or Bubbler)	0.3	0.9		0%	0
Low water use plants	Low (Spray or Rotor)	0.3	0.7		0%	0
Moderate water use plants	High (Drip or Bubbler)	0.5	0.9	416	67%	231
Moderate water use plants	Low (Spray or Rotor)	0.5	0.7		0%	0
High water use plants	High (Drip or Bubbler)	0.7	0.9		0%	0
High water use plants	Low (Spray or Rotor)	0.7	0.7		0%	0
Watered Mown Lawn Areas						
Low		1	0.7	197	32%	281
Special Landscape Areas (SLA)						
Vegetable Garden	High (Drip or Bubbler)	1	0.9		0%	0
Vegetable Garden	Low (Spray or Rotor)	1	0.7		0%	0
Sports Lawn	Low (Spray or Rotor)	1	0.7		0%	0
Rainwater or Recycled Water Use		0.3	1		0%	0
Totals				613	99%	513
Special Landscape Area (SLA) Sub total						

*If proposed design conditions are not shown on the form please contact the City at 250 469-8502

SCHEDULE
This forms part of development
Permit # **DP15-0197**

IRRIGATION APPLICATION

CALCULATE & COMPARE WATER BUDGET TO ESTIMATED WATER USE

Note: For Evapotranspiration (ET_o) in Kelowna use 1000m Amount Units

Total Landscape Area	613	sq.m.
Landscape Maximum Water Budget (WB)	613	cu.m./yr.
Estimated Landscape Water Use (WU)	513	cu.m./yr.
Under (-OVER) Budget (Must be under Water Budget WB)	100 OK	cu.m./yr.

I have identified and confirmed, by completing the attached 'Landscape Water Conservation Checklist' above, that the project will conform to current landscape and irrigation water conservation practices listed in the checklist. I also acknowledge that the landscape treatments of the project will conform to the Hydrozone areas identified by me in the 'Landscape Water Conservation Calculation Table' above.

Signature of Applicant

Date: _____

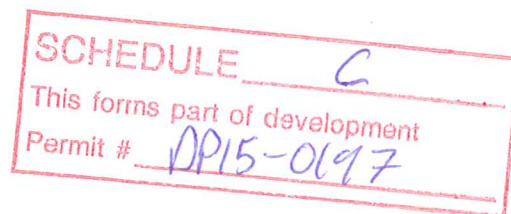
FOR CITY OF KELOWNA OFFICE USE ONLY

The Irrigation Application and calculations above satisfy the requirements of the Water Regulation Bylaw 10480 Section 4.4.2 and 4.4.3. and is hereby APPROVED with the signature of the Water Manager or designate.

Signature of Kelowna Water Smart designate
For Water Manager

Date: _____

Print Name



NOTE: Post Signed and approved application at Smart Controller for future reference

DEVELOPMENT PERMIT



APPROVED ISSUANCE OF DEVELOPMENT PERMIT

File Number	DP15-0197 & DVP15-0198
Issued To:	Unico One Developments Ltd., Inc. No. BC0990537
Site Address:	125 Dundas Rd
Legal Description:	Lot 1, Section 22, Township 26, ODYD, Plan EPP51775
Zoning Classification:	C2 - Neighbourhood Commercial
Development Permit Area:	Comprehensive Development Permit Area

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.

The issuance of a Permit limits the Permit Holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

1. TERMS AND CONDITIONS

THAT Development Permit and Development Variance Permit (No. DP15-0197 & DVP15-0198) for Lot 1, Section 22, Township 26, ODYD, Plan EPP51775, located at 125 Dundas Rd, Kelowna, BC to allow the construction of a single storey commercial building to be approved subject to the following:

- a) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";
- c) Landscaping to be provided on the land be in accordance with Schedule "C";
- d) 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 Registered Landscape Architect;

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

Section 13.11.6 Development Regulations

- a) To vary the maximum site coverage from 40% permitted to 43.05% proposed in sub-paragraph (b);
- b) To vary the side yard setback from 7.0m permitted to 5.2m proposed in sub-paragraph (e); and
- c) To vary the rear yard setback from 9.0m permitted to 7.1m proposed in sub-paragraph (f)

Section 8.1.11 (b) Size and Ratio

To increase the maximum percentage of small sized parking stalls from 10% permitted to 18.5% 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.

2. PERFORMANCE SECURITY

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

- a) Cash in the amount of \$ 58,941.88 OR
- b) A Certified Cheque in the amount of \$ 58,941.88 OR
- c) An Irrevocable Letter of Credit in the amount of \$ 58,941.88 .

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

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 that shall form a part hereof.

If the Permit Holder 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 a Building Permit.

4. APPLICANT'S AGREEMENT

I hereby declare that all of 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 and/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 Department immediately to avoid any unnecessary delay in processing the application.

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

Signature of Owner / Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

5. APPROVALS

Issued and approved by Council on the _____ day of _____, 2016.

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

Date

**The PERMIT HOLDER is the CURRENT LAND OWNER.
Security shall be returned to the PERMIT HOLDER.**

REPORT TO COUNCIL



Date: February 2, 2016

RIM No. 0940-50

To: City Manager

From: Community Planning Department (LK)

Application: DVP15-0271 **Owner:** JSI Supply Inc., Inc. No. DC0582863

Address: 732 Highpointe Pl **Applicant:** David Shevchuk

Subject: Development Variance Permit

Existing OCP Designation: S2RES - Single / Two Unit Residential

Existing Zone: RU1 - Large Lot Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0271 for Strata Lot 27 Section 30 Township 26 ODYD Strata Plan KAS3162, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form V, located at 732 Highpointe Place, Kelowna, BC;

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

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

To vary the height of the building from 9.5 m maximum to 12.19 m proposed.

2.0 Purpose

To vary the maximum building height on the subject property to facilitate the construction of a new single family dwelling.

3.0 Community Planning

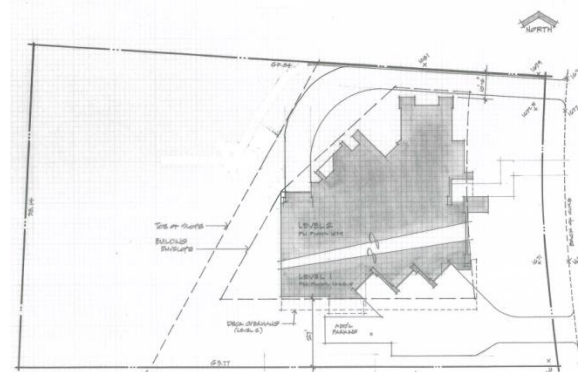
Community Planning Staff supports the requested variance to the maximum building height on the subject parcel at 732 Highpointe Place to facilitate the construction of a new single family dwelling. The benefit of the height variance will allow the new dwelling to have access to the lower level parking area on the sloping lot.

The subject parcel has a Future Land Use of S2RES - Single / Two Unit Residential and the application meets the guidelines of the Official Community Plans (OCP). The OCP promotes sensitive infill development to reflect the character of the neighbourhood with respect to building design, height and siting.

4.0 Proposal

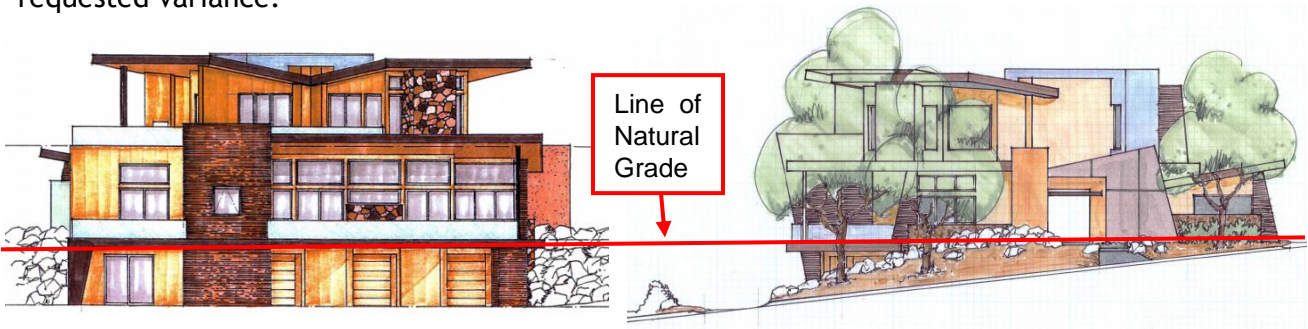
4.1 Project Description

The applicant is proposing to build a new single detached dwelling on the subject parcel which is located at 732 Highpointe Place within the Highpointe strata development. The parcel has an uphill slope along the roadway frontage. The house is designed as a walkout to the south side of the parcel to provide lower level access to the parking garage. Zoning Bylaw 8000 indicates that walkout basements oriented to the rear of a parcel will not be considered for determining the height of the building. This regulation does not apply to a side walkout scenario, therefore the variance is required.



The requested variance is to allow the maximum height of a dwelling to be over 9.50 m. The proposal is 12.19 m from the lowest level to the roof peak. Building height is generally measured from grade to the mid-point of a roof. Since the building has a flat roof design, the building height is measured from the lowest point of grade to the top of the roof peak. The garage area is set lower than the natural grade at the basement level. Therefore, it does not raise the overall height of the building. The house is a two storey development when viewed from the street and north side. Minimal windows are provided along the north side of the house to ensure privacy for the future development of the adjacent site.

Council Policy No. 367 with respect to public consultation was undertaken by the applicant. All adjacent neighbours within a 50 m radius were contacted by the applicant with plans available for viewing through the Strata Board. The Strata Board has provided a letter in support of the requested variance.



Side Elevation (South)

Front Elevation (East) - Highpointe Pl

4.2 Site Context

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Single Family Dwelling
East	RU1 - Large Lot Housing	Single Family Dwelling
South	RU1 - Large Lot Housing	Single Family Dwelling
West	RU1 - Large Lot Housing	Single Family Dwelling

Subject Property Map: 732 Highpointe Pl



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	550 m ²	2227 m ²
Minimum Lot Width	30 m	34.12 m
Minimum Lot Depth	30 m	63.77 m
Development Regulations		
Maximum Site Coverage (buildings)	40%	17%
Maximum Site Coverage (buildings, driveways and parking)	50%	23%
Maximum Height	9.5 m	12.19 m ●
Minimum Front Yard	4.5 m	6.0 m
Minimum Side Yard (north)	2.3 m	3.2 m
Minimum Side Yard (south)	2.3 m	8.2 m
Minimum Rear Yard	7.5 m	28.0 m
Other Regulations		
Minimum Parking Requirements	3 stalls	6 stalls
Minimum Private Open Space	30 m ²	+30 m ²

● Indicates a requested variance to the building height from 9.5m maximum to 12.19 m proposed.

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

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

6.0 Technical Comments

6.1 Development Engineering Department

- See Attachment 'A' below.

7.0 Application Chronology

Date of Application Received: October 29, 2015
Date Public Consultation Completed: December 22, 2015

Report prepared by:

Lydia Korolchuk, Planner

Reviewed by:



Terry Barton, Urban Planning Manager

Approved for Inclusion:

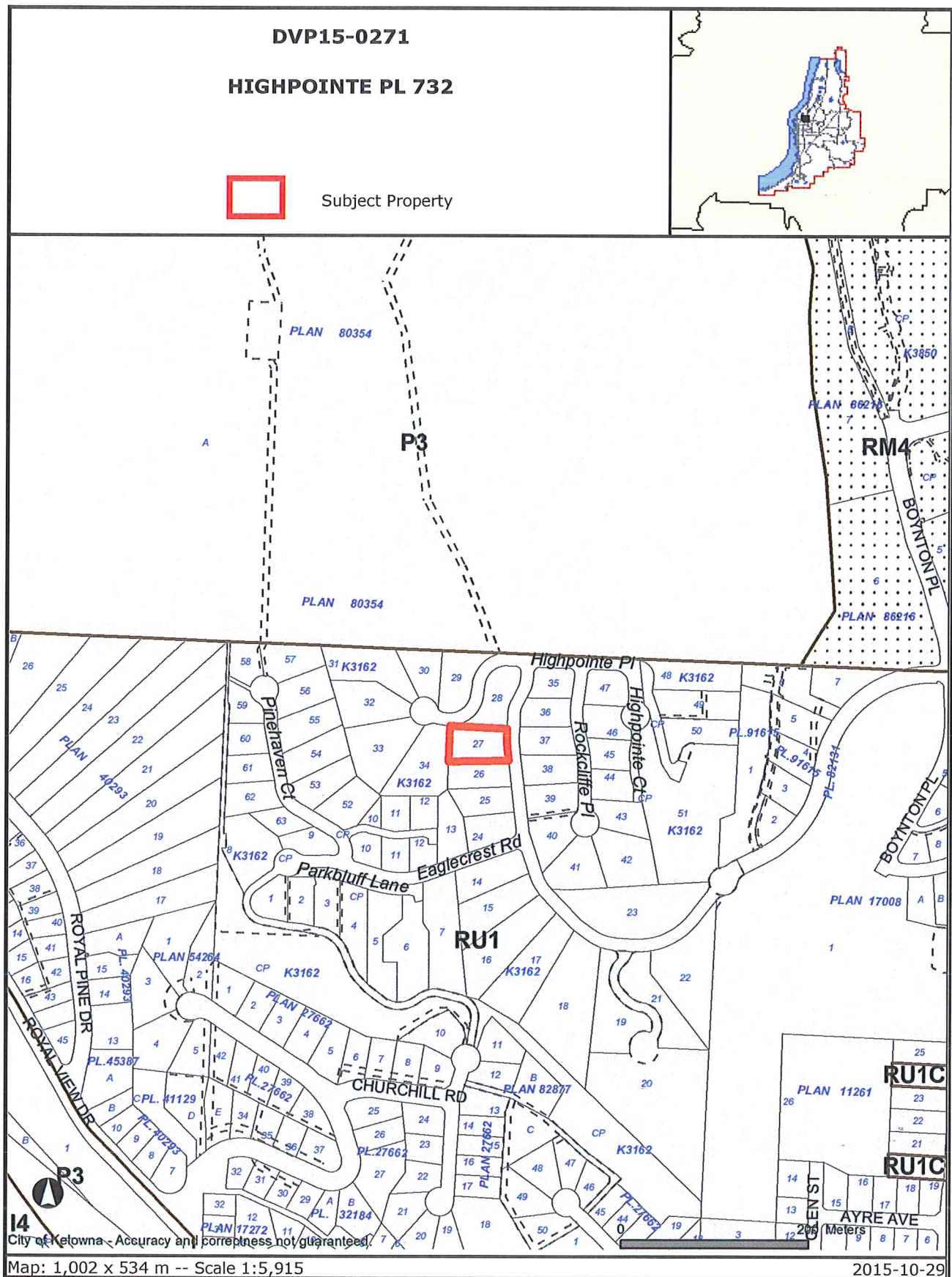


Ryan Smith, Community Planning Department Manager

Attachments:

Site Context Map
Schedule A - Site Plan
Schedule B - Conceptual Elevations
Attachment A - Development Engineering Memorandum
Draft Development Variance Permit - DVP15-0271

¹ 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.*

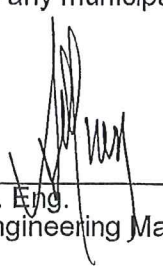
CITY OF KELOWNA

MEMORANDUM

Date: December 8, 2015
File No.: DVP15-0271
To: Community Planning (LK)
From: Development Engineer Manager (SM)
Subject: 732 Highpointe Place

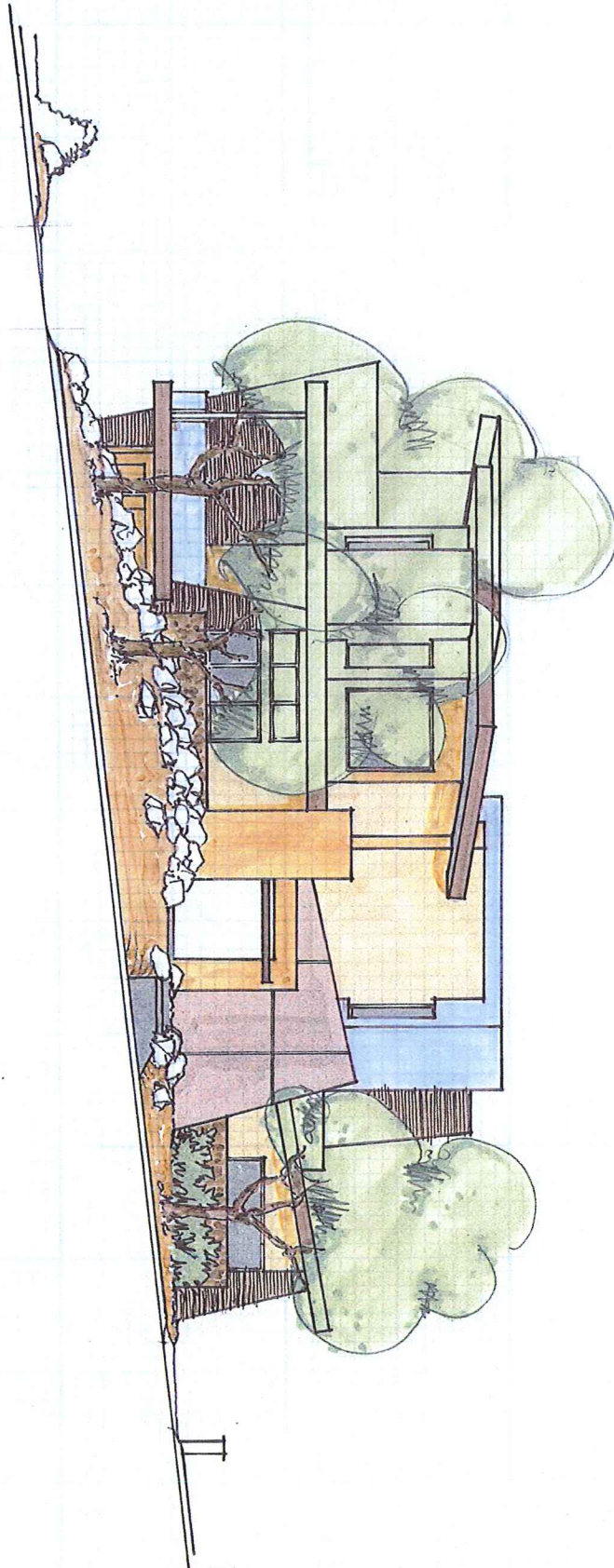
The Development Engineering comments and requirements regarding this OCP amendment application are as follows:

This development variance permit application to allow for 3 stories on the south elevation does not compromise any municipal services.



Steve Muenz, P. Eng.
Development Engineering Manager

SS



EAST ELEVATION

NOT TO SCALE.

EAST ELEVATION
VIEW FROM STREET

SHEVCHUK RESIDENCE
LOT 27, HIGHPOINTE
KELOWNNA, BC, CANADA

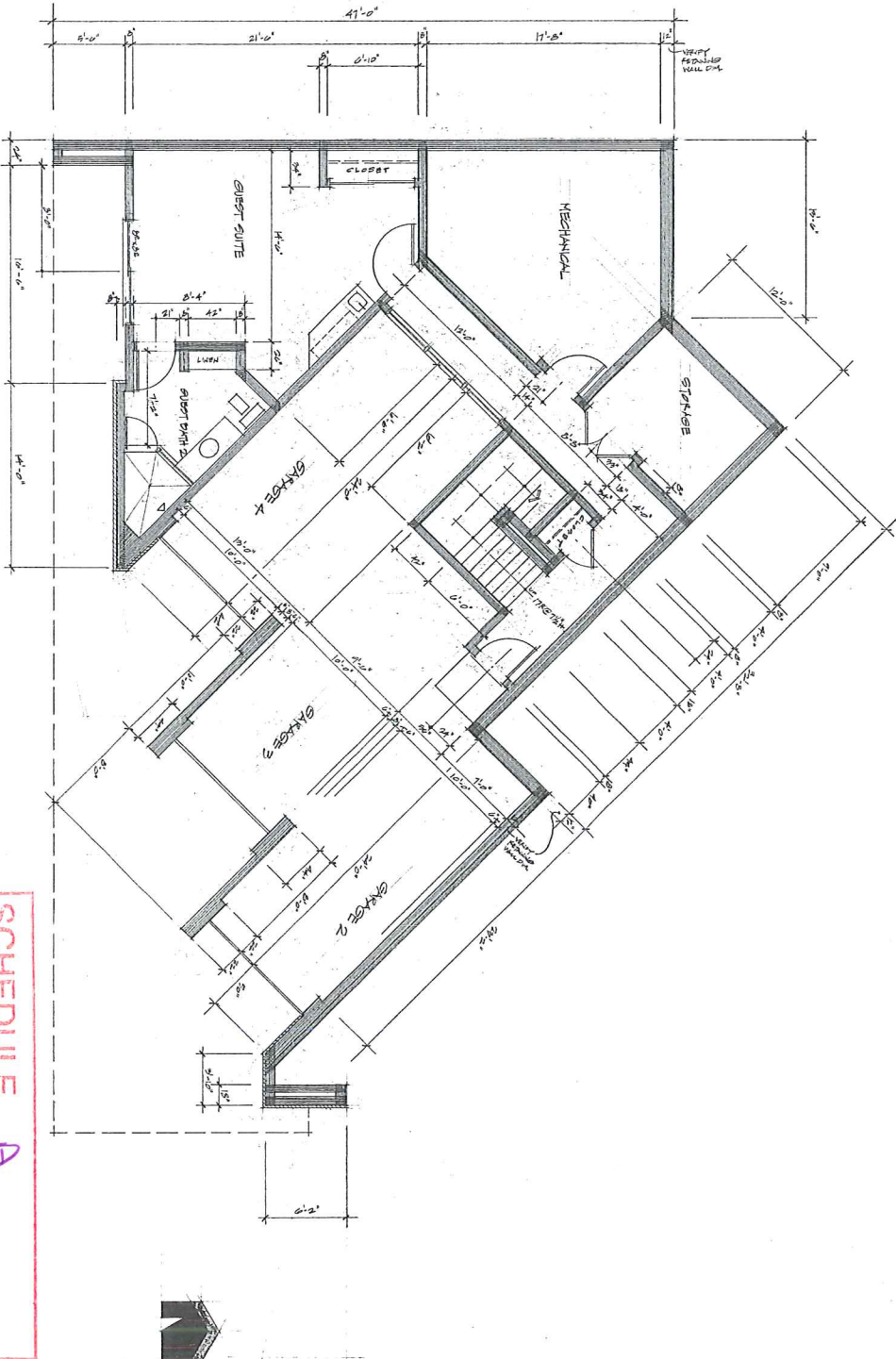
JEFFREY JURASKY & ASSOCIATES, INC
INTERIOR DESIGN & PLANNING

687 NORTH PALM CANYON DRIVE SUITE A PALM SPRINGS CA 92262
T. 760/325.1090 F. 760/325.3363 www.JJandAdesign.com

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DRAWING	CLIENT
ARCHITECT	
DATE: 22 OCT 15	
REVISIONS:	
SCALE: INDICATED	



SCHEDULE A

This forms part of development
Permit # **DR15-0271**

A-1

SCALE: 1/4" = 1'-0"
SHEET #
FLOOR PLAN

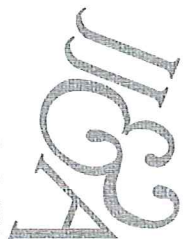
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REVISIONS:

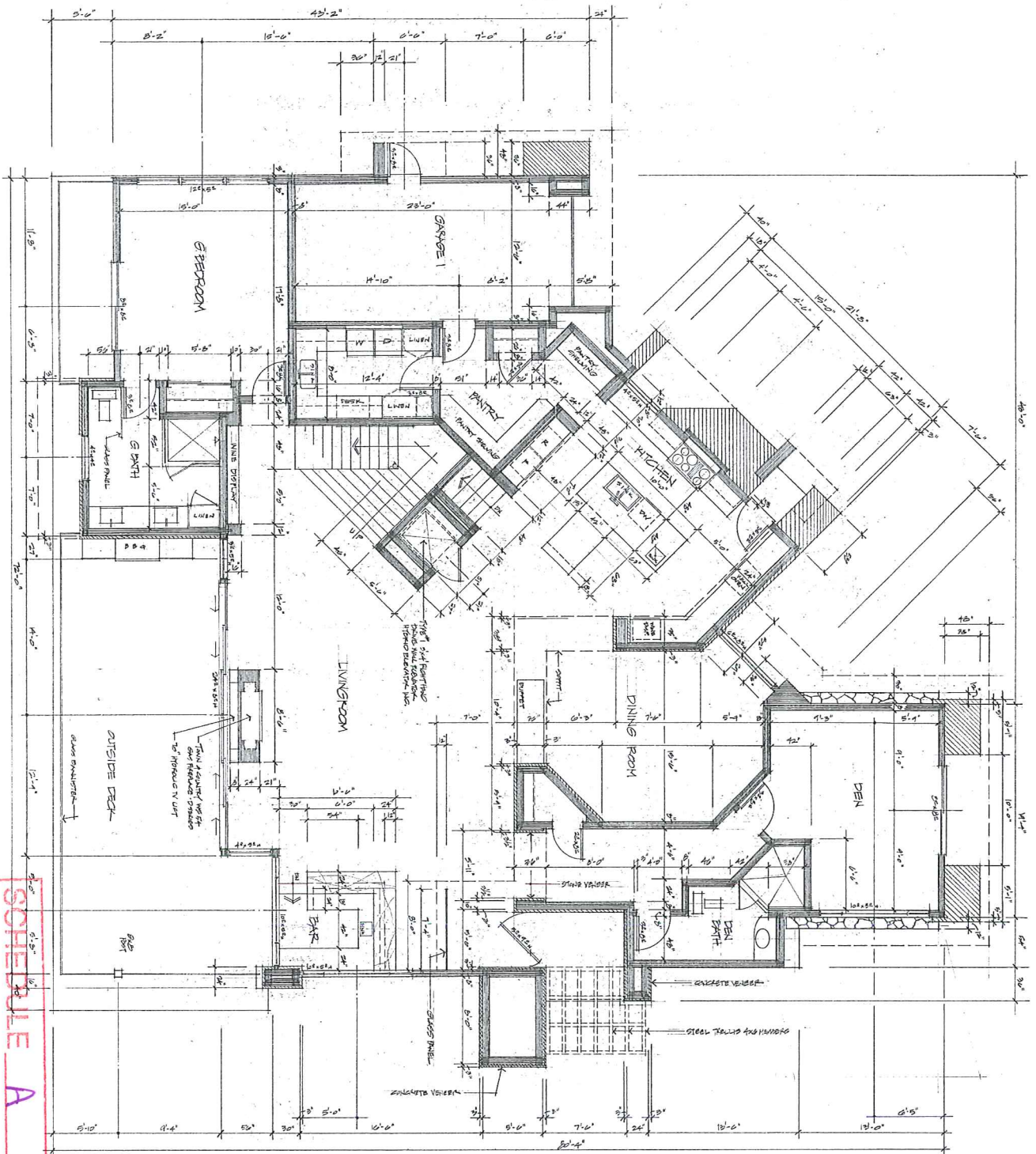
ARCHITECT:
DRAWING
CLIENT

**FLOOR PLAN
LEVEL ONE**
SHEVCHUK RESIDENCE
LOT 37 - HIGHWAY
KELONNA, BC, CANADA

JEFFREY JURASKY & ASSOCIATES, INC
INTERIOR DESIGN & PLANNING
687 NORTH PALM CANYON DRIVE SUITE A PALM SPRINGS CA 92262
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SCHEDULE A
This forms part of development
Permit # **D0P15-0271**

A.2

SCALE: 1/4" = 1'-0"
SHEET #
FLOOR PLAN

DATE:
REVISIONS:

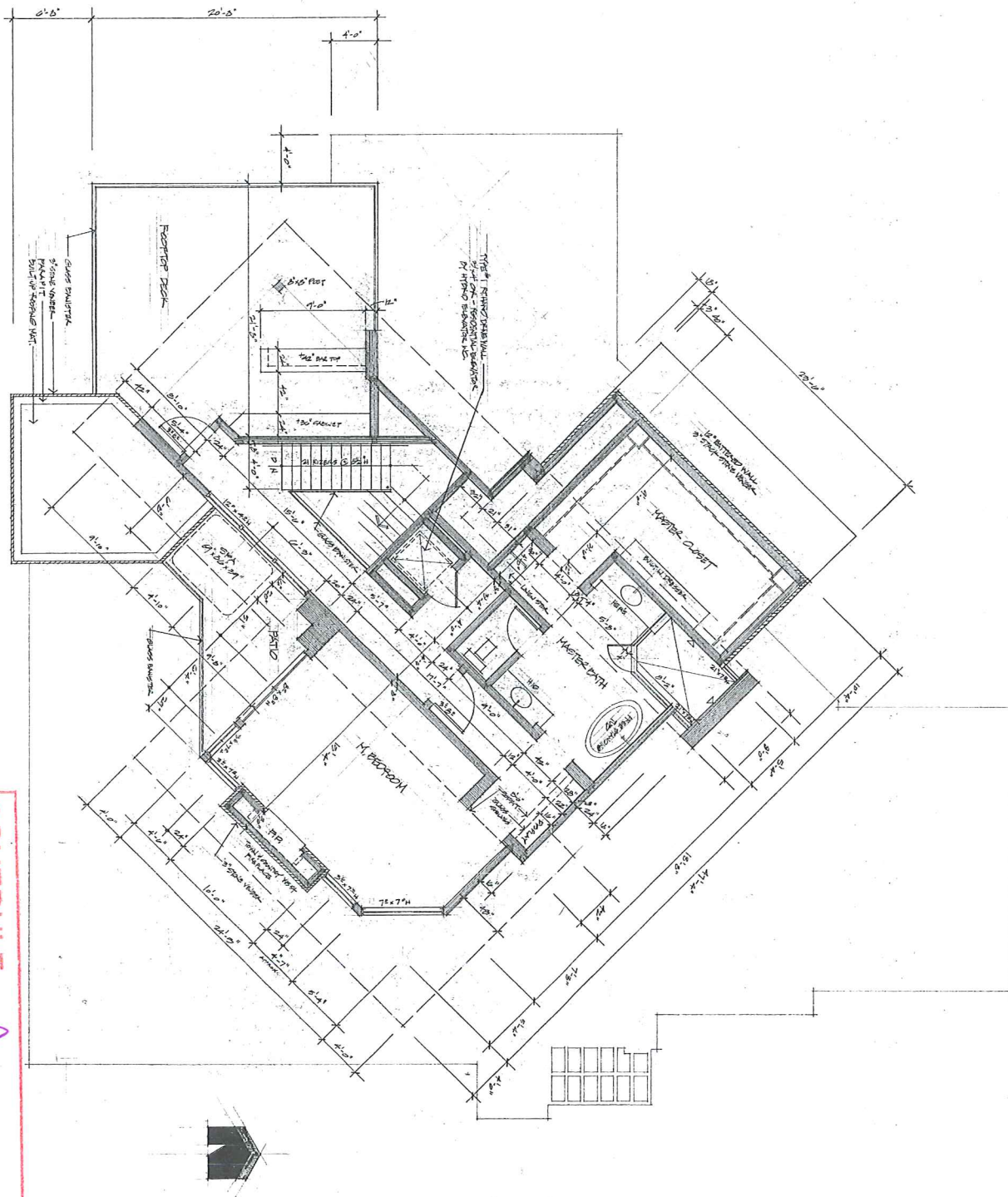
ARCHITECT:
DRAWING CLIENT

**FLOOR PLAN
LEVEL TWO**
SHEVCHUK RESIDENCE
LOT 27 - HIGHRISE
KELOWNA, BC, CANADA

JEFFREY JURASKY & ASSOCIATES, INC
INTERIOR DESIGN & PLANNING
687 NORTH PALM CANYON DRIVE SUITE A PALM SPRINGS CA 92262
T. 760/325.1090 F. 760/325.3363 www.jjandjdesign.com

The concepts represented in this document are meant for design purposes only. Nothing herein shall be deemed to mean that Jeffrey Jurasky & Associates, Inc. is a licensed Architect or is obligated to render any services that require a professional license. All drawings submitted are subject to authorization by a Licensed Architect or Structural Engineer as necessary relevant to State and Local code requirements.

JJ&A



SCHEDULE A
This forms part of development
Permit # 00P15-0271

A-3

SCALE: 1/4" = 1'-0"
SHEET #
FLOOR PLAN

DATE: JJ
REVISIONS:

ARCHITECT:

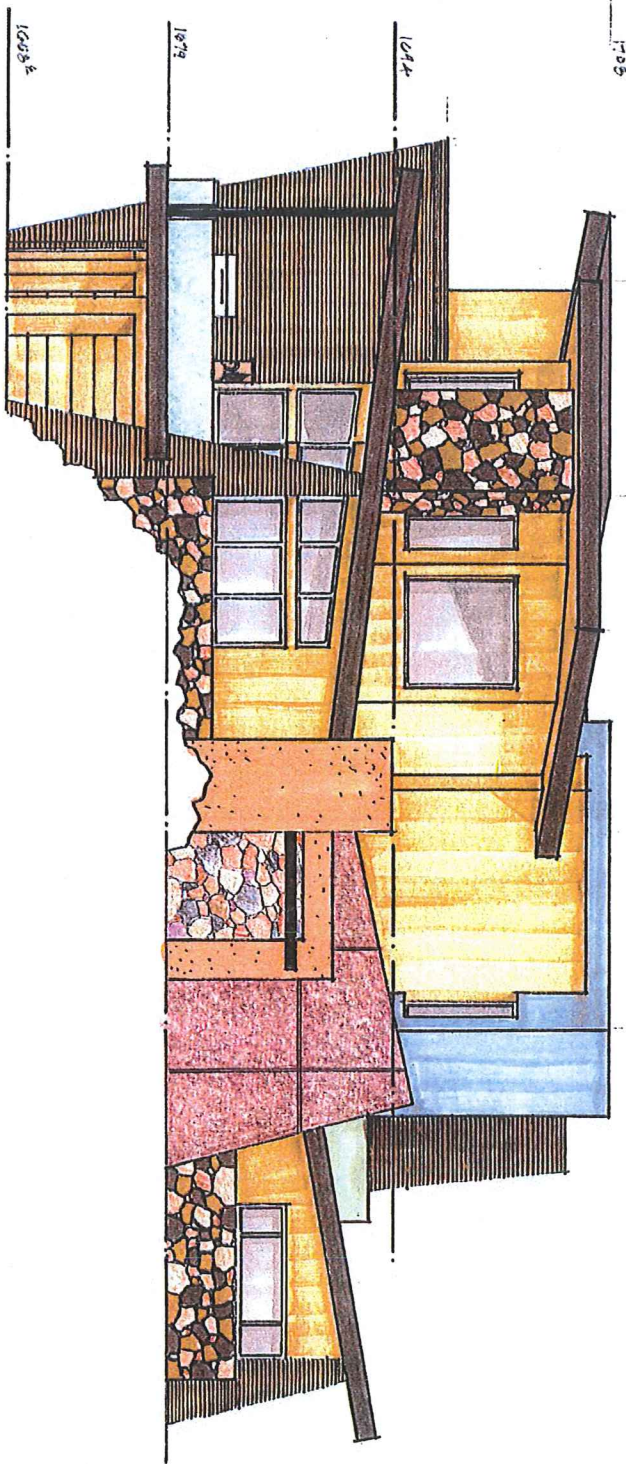
DRAWING: FLOOR PLAN
CLIENT: LEVEL THREE

SHEVCHUK RESIDENCE
LOT 21 - HIGHRISE
KELOWNA, BC, CANADA

JEFFREY JURASKY & ASSOCIATES, INC.
INTERIOR DESIGN & PLANNING
687 NORTH PALM CANYON DRIVE SUITE A PALM SPRINGS CA 92262
T. 760/325.1090 F. 760/325.3363 www.JJandADesign.com

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JJ&A



EAST ELEVATION

SCALE: 1/8" = 1'-0"

SCHEDULE B

This forms part of development

Permit # 00P15-0271

ELEVATIONS

EAST

CHEVCHUK RESIDENCE

LOT 27, HIGHPOINTE

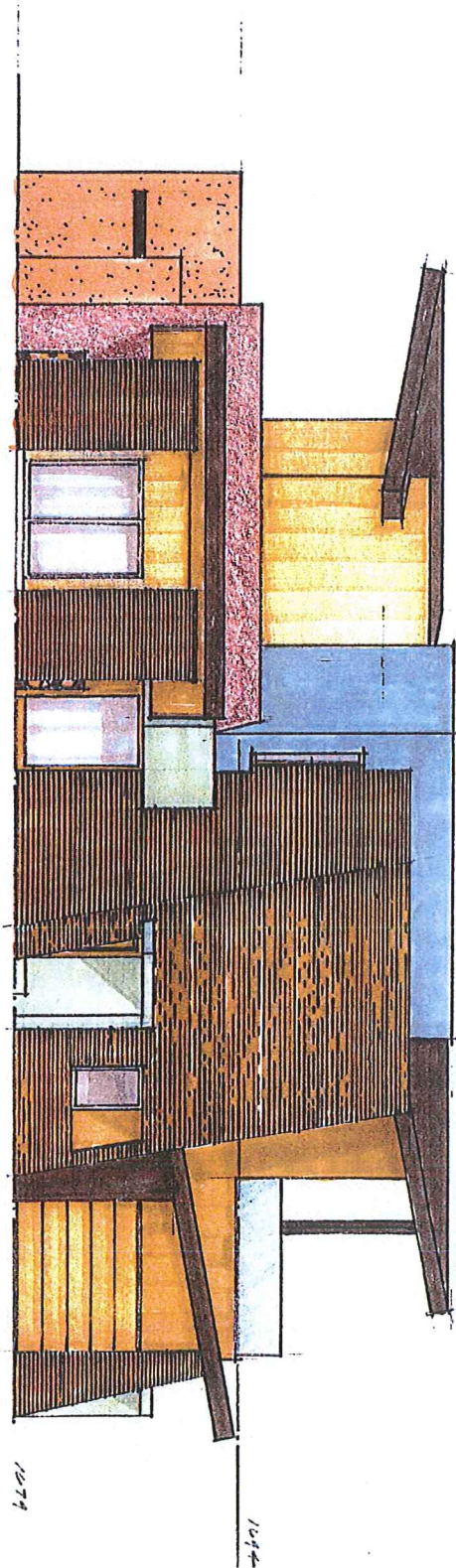
REDDING, CA

JEFFREY JURASKY & ASSOCIATES, INC
INTERIOR DESIGN & PLANNING

687 NORTH PALM CANYON DRIVE SUITE A PALM SPRINGS CA 92262
T. 760/325.1090 F. 760/325.3363 www.JJandADesign.com

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JJ&A



NORTH ELEVATION

Scale: 1/8" = 1'-0"

SCHEDULE B

This forms part of development
Permit # 00415-0071

ELEVATIONS
NORTH

SHEVCHUK RESIDENCE
10727 HIGHWAY
FELONIA, MI

JEFFREY JURASKY & ASSOCIATES, INC
INTERIOR DESIGN & PLANNING
687 NORTH PALM CANYON DRIVE SUITE A PALM SPRINGS CA 92262
T. 760/325.1090 F. 760/325.3363 www.JJandADesign.com

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JJ&A



WEST ELEVATION

SCALE: 1/8" = 1'-0"

SCHEDULE B

This forms part of development
Permit # 00815-0271

Draftsman: Jeffrey Jurasky
 DATE: 1/10/2005
 REVISIONS:
 SCALE: Indicated

DRAWING: CLIENT
 ARCHITECT:

ELEVATIONS
WEST

SHEVCHUK RESIDENCE
 LOT 27: HARBORVIEW
 KELONIA, BC

JEFFREY JURASKY & ASSOCIATES, INC

INTERIOR DESIGN & PLANNING

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The concepts represented in this document are meant for design purposes only. Nothing herein shall be deemed to mean that Jeffrey Jurasky & Associates, Inc. is a licensed Architect or is obligated to render any services that require a contractor's license. All drawings submitted are subject to authorization by a licensed Architect or Structural Engineer as necessary relevant to State and Local code requirements.





SOUTH ELEVATION

Scale: 1/8" = 1'-0"

SCHEDULE B

This forms part of development
Permit # **00015-0271**

ELEVATIONS
South

CHENCHUK RESIDENCE
LOT 27: HIGHWAY
KELOWNIA, BC

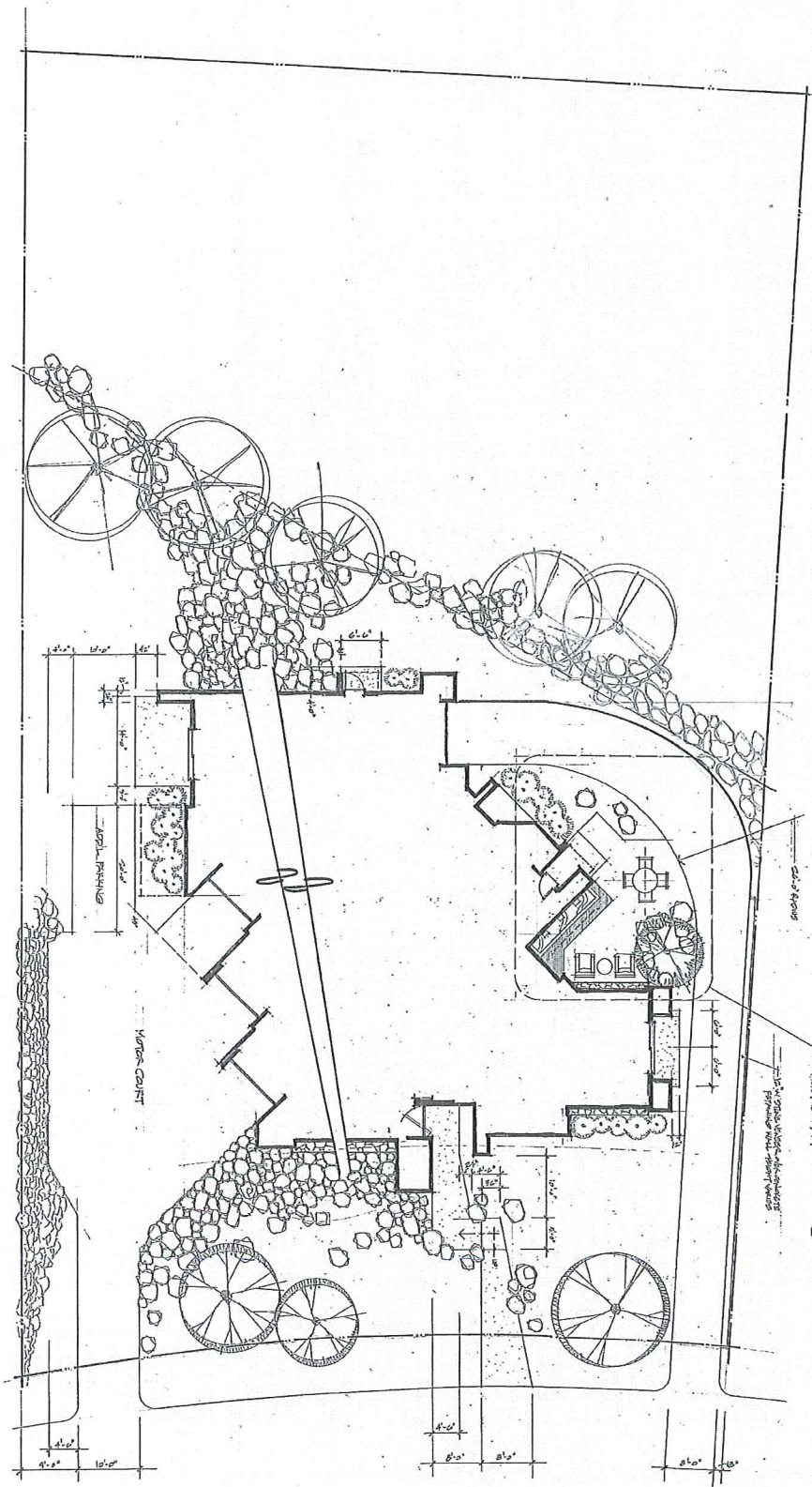
JEFFREY JURASKY & ASSOCIATES, INC
INTERIOR DESIGN & PLANNING

687 NORTH PALM CANYON DRIVE SUITE A PALM SPRINGS CA 92262
T. 760/325.1090 F. 760/325.3363 www.JJandAdesign.com

The concepts represented in this document are meant for design purposes only. Nothing herein shall be deemed to mean that Jeffrey Jurasky & Associates, Inc. is a licensed Architect or is obligated to render any services that require a contractor's license. All drawings submitted are subject to authorization by a Licensed Architect or Structural Engineer as necessary relevant to State and local code requirements.

JJ&A

DRAWING CLIENT
ARCHITECT:
DATE: 1/20/2005
REVISIONS:
SCALE: Indicated



A-8

SITE PLAN

SCALE 1/8" = 1'-0"

SHEET #

DATE 2/27/2012

REVISIONS:

DESIGNED BY J

ARCHITECT

DRAWING CLIENT

SITE PLAN

SITE PLAN

SHEVCHUK RESIDENCE

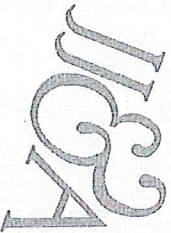
101 21 E HIGHWAY

PELONNA, BC, CANADA

JEFFREY JURASKY & ASSOCIATES, INC INTERIOR DESIGN & PLANNING

687 NORTH PALM CANYON DRIVE SUITE A PALM SPRINGS CA 92262
T. 760/325.1050 F. 760/325.3363 www.jjandadesign.com

This company represented in this document are not a design program only. Nothing herein shall be construed as a contract. Jeffrey Jurasky & Associates, Inc. is a licensed architect and is not qualified to provide any services that require a contractor's license. All drawings submitted are subject to and information by a licensed architect or structural engineer as necessary reference to state and local code requirements.



DEVELOPMENT VARIANCE PERMIT

APPROVED ISSUANCE OF DEVELOPMENT VARIANCE PERMIT NO. DVP15-0271

Issued To: JSI Supply Inc., Inc. No. DC0582863
Site Address: 732 Highpointe Place
Legal Description: Strata Lot 27 Section 30 Township 26 ODYD Strata Plan KAS3162, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form V
Zoning Classification: RU1 - Large Lot Housing
Development Permit Area: N/A

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.

The issuance of a Permit limits the Permit Holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

1. TERMS AND CONDITIONS

THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0271 for Strata Lot 27 Section 30 Township 26 ODYD Strata Plan KAS3162, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form V, located at 732 Highpointe Place, Kelowna, BC;

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

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

To vary the height of the building from 9.5 m maximum to 12.19 m proposed.

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

2. 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 that shall form a part hereof.

If the Permit Holder 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 a Building Permit.

4. APPLICANT'S AGREEMENT

I hereby declare that all of 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 and/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 Department immediately to avoid any unnecessary delay in processing the application.

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

Signature of Owner / Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

5. APPROVALS

Issued and approved by Council on the _____ day of _____, 2015.

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

Date

CITY OF KELOWNA
BYLAW NO. 10934
Z13-0037 - Raul Holdings Inc.
3657 Highway 97 North

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, Section 35, Township 26, ODYD, Plan 19674, Except Plan 23587 located on 3657 Highway 97 North, Kelowna, B.C., from the A1 - Agriculture 1 zone to the C10 - Service Commercial zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 24th day of March, 2014.

Considered at a Public Hearing on the 15th of April, 2014.

Read a second and third time by the Municipal Council this 15th of April, 2014.

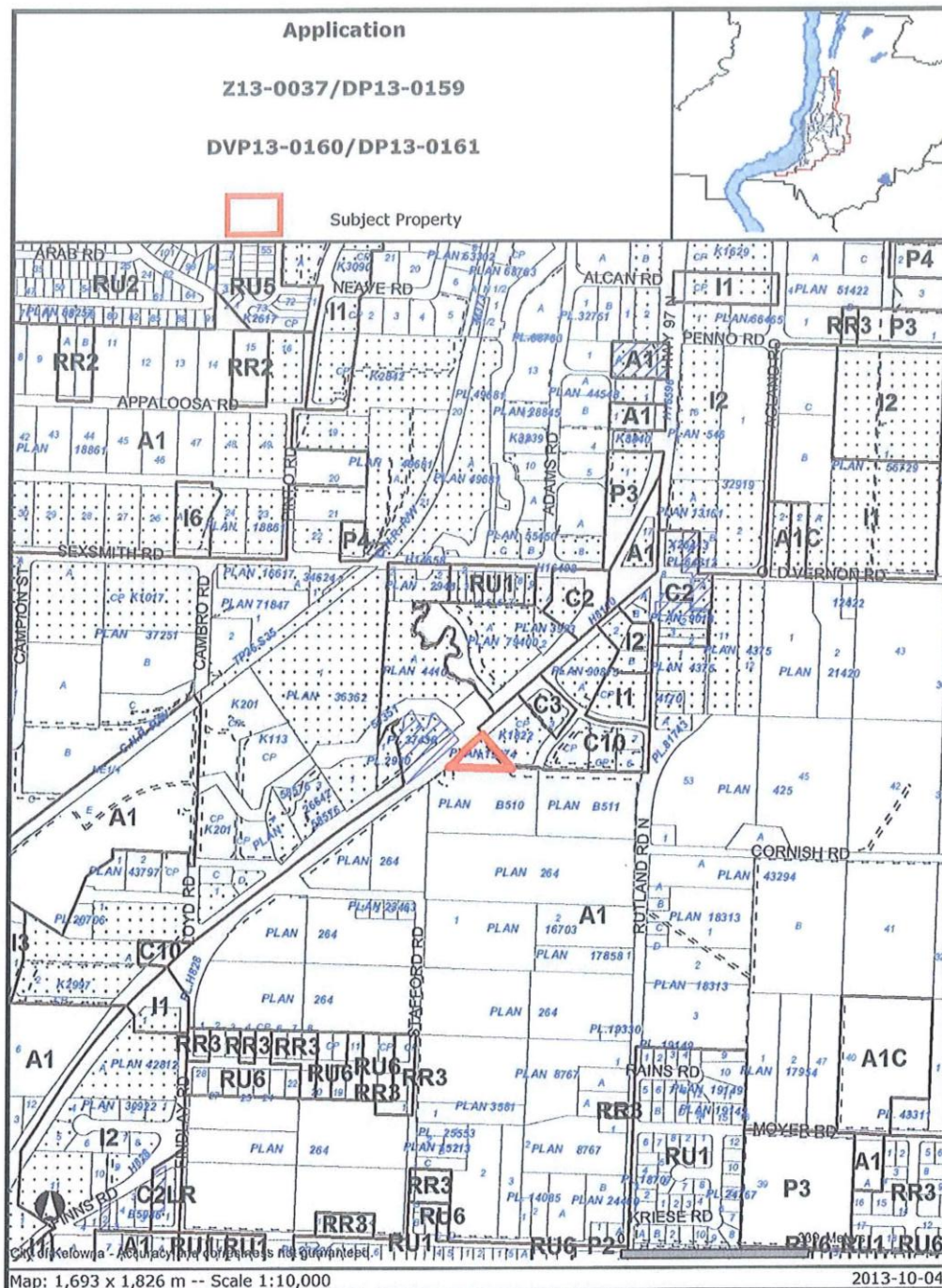
Approved under the Transportation Act this 8th day of December, 2015.

Audrie Henry
(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



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.

REPORT TO COUNCIL



Date: January 19, 2016

RIM No. 1250-30

To: City Manager

From: Community Planning Department (RS)

Z13-0037

Application: DP13-0159

DVP13-0160

Owner: Raul Holdings Inc.

Address: 3657 Hwy 97N

Applicant: Novation Design Studio (Paul Schuster)

Subject: Development Permit, Development Variance Permit

Existing OCP Designation: SC - Service Commercial

Existing Zone: A1 - Agriculture 1

Proposed Zone: C10 - Service Commercial

1.0 Recommendation

THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Zone Amending Bylaw No. 10934 (Z13-0037, *Raul Holdings Inc*, 3657 Hwy 97N), be extended from April 15, 2015 to January 19, 2016;

AND THAT final adoption of Zone Amending Bylaw No. 10934 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP13-0159 for Lot A, Section 35, Township 26, ODYD Plan 19674 Except Plan 23587 located on 3657 Hwy 97N, Kelowna, BC subject to the following:

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

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

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0160, for Lot A, Section 35, Township 26, ODYD Plan 19674 Except Plan 23587, located on 3657 Hwy 97N, Kelowna, BC;

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

Section 7: 7.6.1 *Minimum Landscape Buffers*

To vary level 5 landscape buffer against ALR lands required to Level 1 buffer proposed.

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council's approval of the Development Permit and Development Variance Permit Application in order for the permit to be issued.

2.0 Purpose

Development Permit for form and character of new Service Commercial building and Development Variance Permit for reduced agricultural buffer.

3.0 Community Planning

Urban Planning staff are supportive of the overall development concept, as it is consistent with the vision of the Official Community Plan (OCP) for the site. The building and supporting landscaping place considerable design effort on the site's Highway 97 frontage, which contributes to the development of an improved highway corridor.

The proposal contemplates a significant reduction in the required landscape buffer directly abutting lands in the ALR. Following OCP direction, staff seek to ensure the compatibility of adjacent development with agricultural lands. However, given the location of the building on the site, the nature of the proposed development, and the proposed buffer treatment, staff feels that the proposal adequately mitigates any potential negative impacts. While the proposal does not achieve that 3.0m vegetative buffer, it does achieve a minimum 2.0m buffer as well as a 2.4m opaque fence which is a key component of the buffering requirement.

The applicant has conducted Neighbor Consultation in accordance with the requirements of Council Policy No. 367. Of the 6 properties contacted with regards to the development proposal, none were opposed, and one was in support.

4.0 Proposal

4.1 Background

Council advanced the associated rezoning application Z13-0037 to 3rd after a Public Hearing on April 14, 2013. Staff has been holding off on an extension/adoption of the rezoning application pending a firm commitment by the applicant to resolve the outstanding servicing requirements. Outstanding servicing requirements have now been addressed by the applicant

4.2 Project Description

The applicant is proposing to develop a service commercial building on the subject property. The building will be a single storey with a mezzanine, having a total building footprint of 590m² and a total floor area of 826m² (including mezzanine). The building will contain space for up to four tenants, each having their own loading bay access at the rear of the building.

The building is oriented so that it fronts Highway 97N, and it is from that frontage that the main entrances for all the tenant spaces are taken. It is also the highway frontage of the proposed building that benefits from the highest level of design detail and visual interest.

While the building fronts Highway 97, its access is located at the opposite side of the site at Lansdowne Place. Garbage and recycling for the development is located on the south side of the building, and is appropriately screened from view. The southern property line directly abuts agricultural land situated within the Agricultural Land Reserve (ALR). Accordingly, increased buffer requirements are triggered on the subject property in accordance with both City and ALC policy. Beyond the policy direction for a larger landscape buffer adjacent to ALR lands, there is a minimum Zoning Bylaw standard of a 3.0m buffer. The proponent has made application for a Development Variance Permit to reduce the landscape buffer requirement from 3.0m required to 2.0m proposed.

Alongside the Development Variance Permit, Development permits are also required to evaluate the form and character of the proposed development as well as its impact on adjacent farmland. Should Council give favourable consideration to the proposal, both application will be brought forward in concert with final adoption of the rezoning.

4.3 Site Context

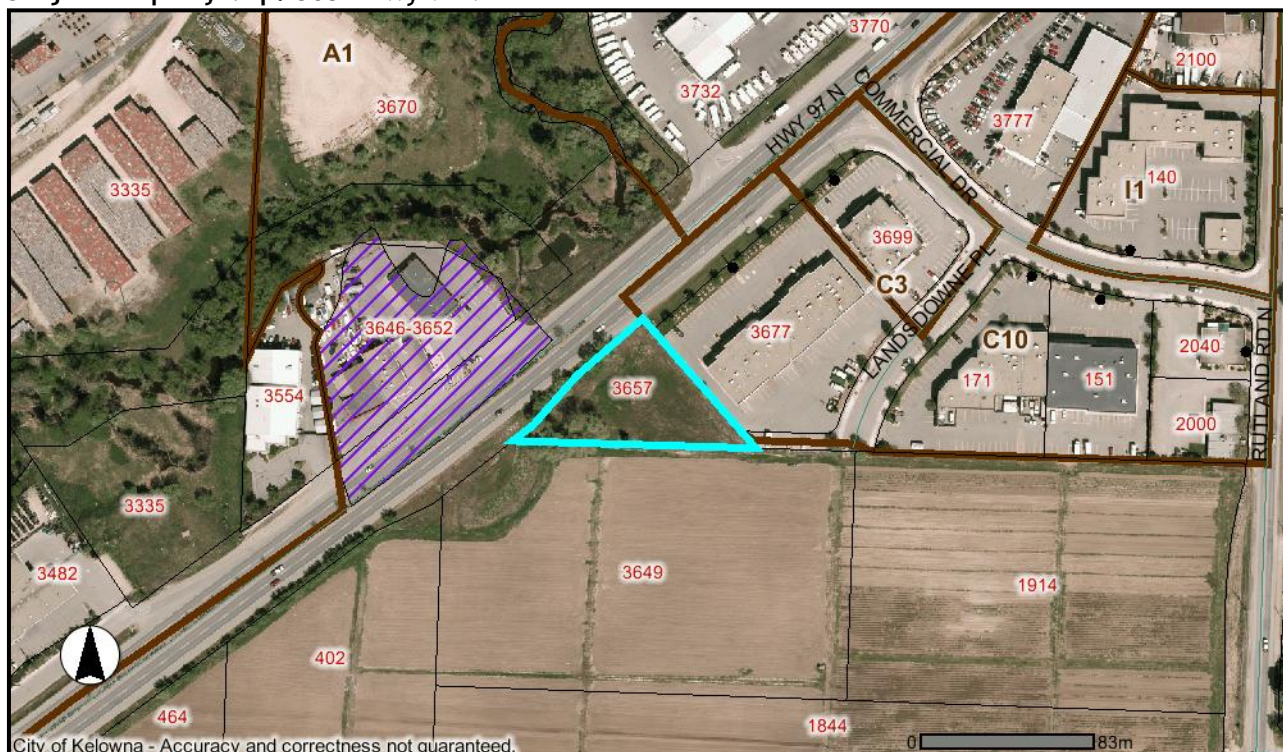
The subject property fronts the south side of Highway 97N, approximately 150m southwest of its intersection with Commercial Drive in the Rutland sector of the city. The 0.36ha lot is generally triangular in shape, and takes its principal access from the east at Lansdowne Place.

The lot is situated in an area characterized by land uses which are sharply divided between a mix of service commercial and industrial set against agricultural lands in the Agricultural Land Reserve (ALR). The lot is zoned A1 - Agriculture 1 zone, but is designated as SC - Service Commercial in the OCP and is within the Permanent Growth Boundary. The parcel is not within the ALR, but it does share its southern lot line with lands that are in the ALR.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C10 - Service Commercial	Service commercial development
East	C10 - Service Commercial	Service commercial development
South	A1 - Agriculture 1	Agriculture
West	A1 - Agriculture 1/Land Use Contract 77-1040	General industrial uses

Subject Property Map: 3657 Hwy 97N



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C10 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	1,000 m ²	3,583 m ²
Lot Width	30.0 m	Approx 75.0 m
Lot Depth	30.0 m	Approx 90.0 m
Development Regulations		
Floor Area Ratio	0.65	0.23
Height	12.0 m / 3 storeys	11.5 m / 1 storey + mezzanine
Front Yard (hwy 97)	4.5 m	exceeds
Side Yard (south)	4.5 m	6.0 m
Side Yard (northeast)	0.0 m	10.0 m
Rear Yard (east corner)	0.0 m	exceeds
Other Regulations		
Minimum Parking Requirements	2 stalls / 100m ² = 17 stalls	20 stalls
Bicycle Parking	Class I: 2 Class II: 5	Class I: TBD Class II: TBD

Loading Space	1 per 1,900m ²	4 stalls
Landscape Buffer Requirements Front Side (northeast) Side (south) Rear (east corner)	Level 4 (3.0m planting) Level 3 (3.0m or fence) Level 5 (3.0m planting & fence) Level 3 (3.0m or fence)	Level 4 (3.0m planting) Level 3 (3.0m or fence) Level 1 (2.0m planting & fence) ❶ Level 3 (3.0m or fence)
❶ Indicates a requested variance to the minimum landscape buffer abutting lands within the ALR from Level 5 required to Level 1 proposed.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Retention of Commercial Land.¹ 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.

6.0 Technical Comments

6.1 Building & Permitting Department

Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)

Full Plan check for Building Code related issues will be done at time of Building Permit applications. The submitted drawings do not show floor plans to make building comments on.

The fire department may have access issues to get to the front of the building as required by code. Please have the fire department comment on access and required turn radius requirements.

6.2 Development Engineering Department

Development Engineering requirements satisfied as part of Z13-0037.

6.3 FortisBC (electric)

There are primary distribution facilities along Highway 97N as well as Landsdowne Place. However, an extension will be required in order to service the proposed development. The design process required to plan such an extension does not yet appear to have been initiated. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

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

6.4 Black Mountain Irrigation District

See attached email, dated November 1, 2013.

6.5 Ministry of Transportation

¹ City of Kelowna Official Community Plan. Chapter 5 (Development Process), Policy 5.24.2.

Approved.

6.6 Shaw Cable

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

6.7 Telus Communications

TELUS will provide underground facilities to this development. Developer will be required to supply and install conduit as per TELUS policy.

6.9 Agricultural Advisory Committee

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting on November 28, 2013 and the following referral comments were provided:

The Committee did not have any concerns with respect to the proposed variance and ALR landscape buffering provided that there is a 'solid' fence constructed.

7.0 Application Chronology

Date of Application Received: October 4, 2013

Date Circulation Complete: November 1, 2013

Advisory Design Team: November 7, 2013

Public Notification & Consultation: February 17 & 18, 2014

Development Engineering/Development Servicing resolved: November 17, 2015

Report prepared by:

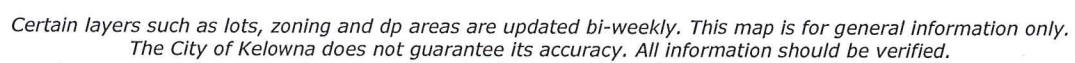
Ryan Smith, Community Planning Manager

Attachments:

Site Plan (Schedule 'A')

Elevations (Schedule 'B')

Landscape Plan/Estimate (Schedule 'C')



CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Permit No. DP15-0159
Development Variance Permit No. DVP15-0160

EXISTING ZONING DESIGNATION: A1 – Agriculture 1
PURPOSED ZONING DESIGNATION: C10 – Service Commercial
DEVELOPMENT PERMIT PURPOSE: To consider form and character of new Service Commercial building
DEVELOPMENT VARIANCE PERMIT PURPOSE: To reduce the minimum landscape buffer from Level 5 to Level 1
PERMIT PREPARED BY: Ryan Smith

ISSUED TO: Raul Holdings Inc., Inc. No. BC0968428
LOCATION OF SUBJECT SITE: 3657 Hwy 97 N

	LOT	SECTION	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION	A	35	26	ODYD	19674 EXCEPT PLAN 23587

SCOPE OF APPROVAL

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

1. TERMS AND CONDITIONS:

- a) THAT the dimensions and siting of the building to be constructed on the land in general accordance with Schedule "A";
- b) AND THAT the exterior design and finish of the building to be constructed on the land in general accordance with Schedule "B";
- c) AND THAT Landscaping to be provided on the land by in general accordance with Schedule "C".

- d) AND THAT the applicant is required to post with the City, a Landscape Performance Security deposit in the form of "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;
- e) AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend;

3. DEVELOPMENT:

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

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

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

THIS Permit IS NOT A BUILDING Permit.

4. PERFORMANCE SECURITY:

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

- (a) Cash in the amount of \$ N/A.
- (b) A Certified Cheque in the amount of N/A
- (c) An Irrevocable Letter of Credit in the amount of \$49,357.50

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

5. 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 Manager of Urban Planning.

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

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

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT ISSUED & APPROVED BY COUNCIL ON THE
_____ DAY OF _____, 2015.

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

DATE



Notes:

© Copyright Reserved. This drawing and design are, and at all times remain, the property of Patrick McCusker Architecture Inc., and can be reproduced only with written consent.

All drawings shall be read in conjunction with specifications and consultant details.

All work shall be carried out in accordance with Canadian standards, specifications, B.C. Building Code (Current Edition) and local authority by-laws and regulations.

Tabulated scales refer to Arch D size drawings sheet.

This drawing must not be scaled.

Contractors shall verify all dimensions prior to commencement of work.

Any omissions or discrepancies shall be reported to the architect.

Seal

this document is:

- ☒ NOT controlled. Revisions may be made without notice.
- ☐ A CONTROLLED document. Revisions will be advised.
- ☒ The first issue of the document.
- ☐ A complete revision. Remove previous issues from use.
- ☐ A partial revision. Remove previous issues of corresponding sheets / pages from use.
- ☒ Not for Construction.

NOT FOR CONSTRUCTION

DP 0.00 - COVER SHEET
DP 1.01 - SITE PLAN
DP 1.02 - MAIN FLOOR PLAN
DP 1.03 - MEZZANINE FLOOR PLAN
DP 1.04 - ROOF PLAN
DP 3.01 - ELEVATION
DP 3.02 - ELEVATION

Raul Holdings Inc.

Address: 0000 Landsdowne Place, Kelowna, B.C.
Legal: Lot A, PLAN 19674 ODYD, TWP 26

Zoning (Current) : A1 Non-ALR
Permitted Use: Refer to Zoning bylaw #8000
Zoning: (Proposed) C10 Service Commercial
Permitted Use: Refer to Zoning bylaw #8000 section 14.10

Site Area:	3,292.5	sq.m.
	35,440	sq.ft.
	0.3293	Ha

	ALLOWED		PROPOSED	
Min Lot Width	40.0	m	128.0	m
Min Lot Depth	30.0	m	44.5	m
Min Parcel Size	1000.0	2	7270	m2

	ALLOWED		PROPOSED	
Front yard		4.5m		16.0 m
Front yard parking		2.0m		11.0 m
Side yard (East)		0.0 m		9.8 m
Side yard (West)		0.0 m		8.4 m

	LANDSCAPE BUFFER	
Front	Level	3.0 m
	4	9.81 ft
Side	Level	3.0 m
	3	9.84 ft
Adjacent ALR	Level	3.0 m
	5	9.84 ft

2.0 m provided for portion of property

Parcel Coverage Maximum 60%
(Building Footprint)
Maximum # of dwelling units

Floor Area Ratio Maximum .65

Height Principal buildings
or 3 storeys

Parking 2.0 stalls/100 m2 (main floor)
2.0 stalls/100 m2 (40% mezzanine)

Regular Size (6m x 2.5m) Max 50%
Medium Size (4.8m x 2.3) Max 40%
Compact Size (3.4m x 2.0m) Max 10%

ALLOWED/REQUIRED		PROPOSED	
1,976	sq.m.	600	sq.m.
21,264	sq.ft.	6,458	sq.ft.
1 unit		N/A	

2,140	sq.m.	837	sq.m.
23,036	sq.ft.	9,013	sq.ft.
12.0	m	11.5	m
39.4	ft	37.0	ft

Required	12.0	spaces
	4.7	spaces
	0	spaces
Total Required	17	spaces

Covered	0	spaces
On Grade	20	spaces
Total Provided	20	spaces
Visitor	0	spaces
Loading	4	spaces

1 20161112 ISSUED FOR DP
no. date description
Revisions
NOVATION
DESIGN STUDIO
101 - 1865 DILWORTH DR. SUITE 520
KELOWNA B C V1Y 9T1

PM 
PATRICK McCUSKER
ARCHITECTURE INC.
AAA MAIBC MRAIC
3430 BENOULIN ROAD
KELOWNA B C V1W 4M5
~ Phone: 778-484-0223 ~
pat@pmccarch.com

project title
RAUL HOLDINGS INC.
COMMERCIAL

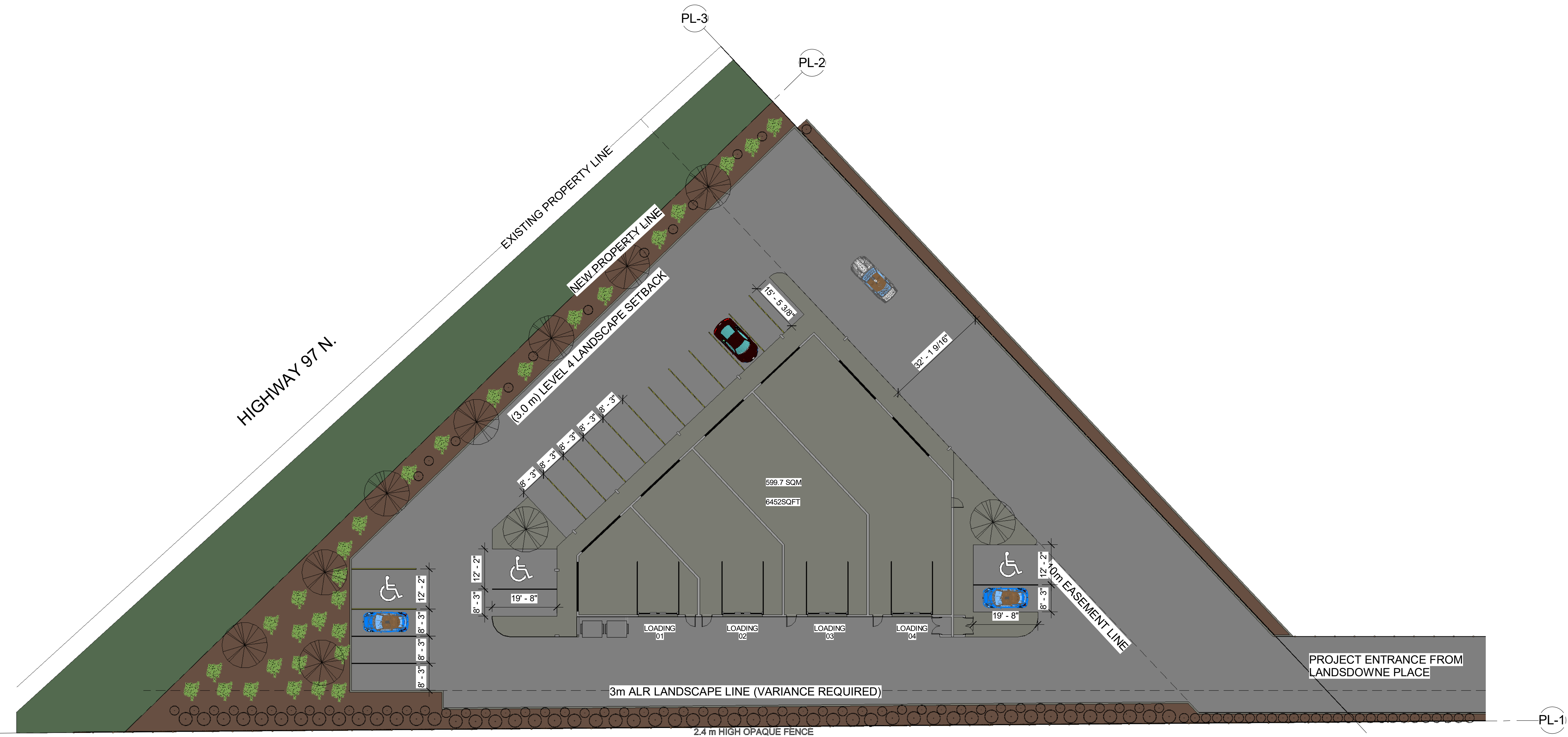
3657 HIGHWAY 97 N.
project no. 1301

drawing title
Cover Sheet

designed PS scale
drawn PS
checked Checker
drawing no.

DP0.00

plotted 2015-12-23 1:48:25 PM



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

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KELOWNA BC V1Y 9T1

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3657 HIGHWAY 97 N.

project no. 1301

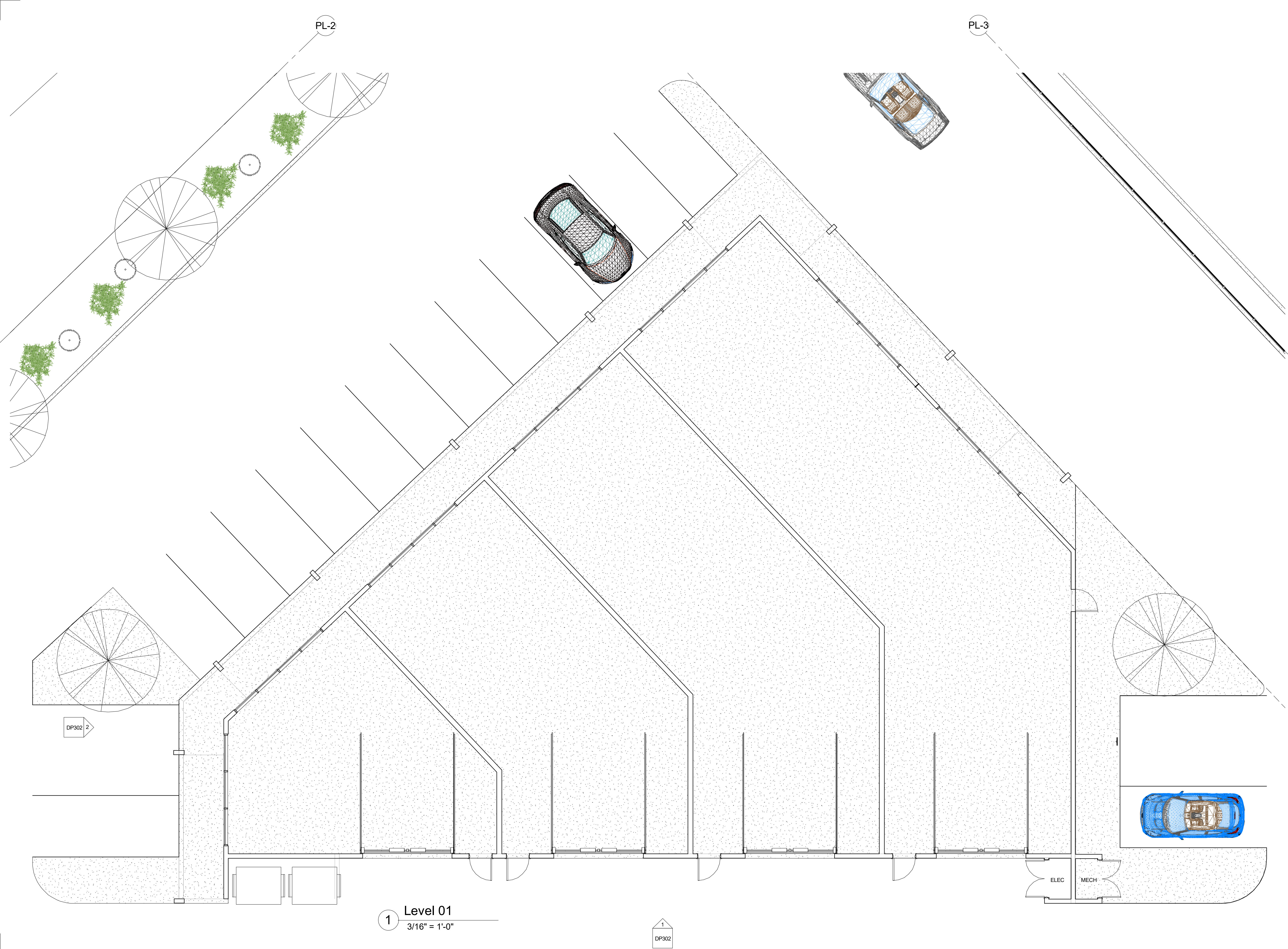
drawing title

SITE PLAN

designed	PS	scale	1/16" = 1'-0"
drawn	PS		
checked	Checker		
draw ing no.			

DP101

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project title
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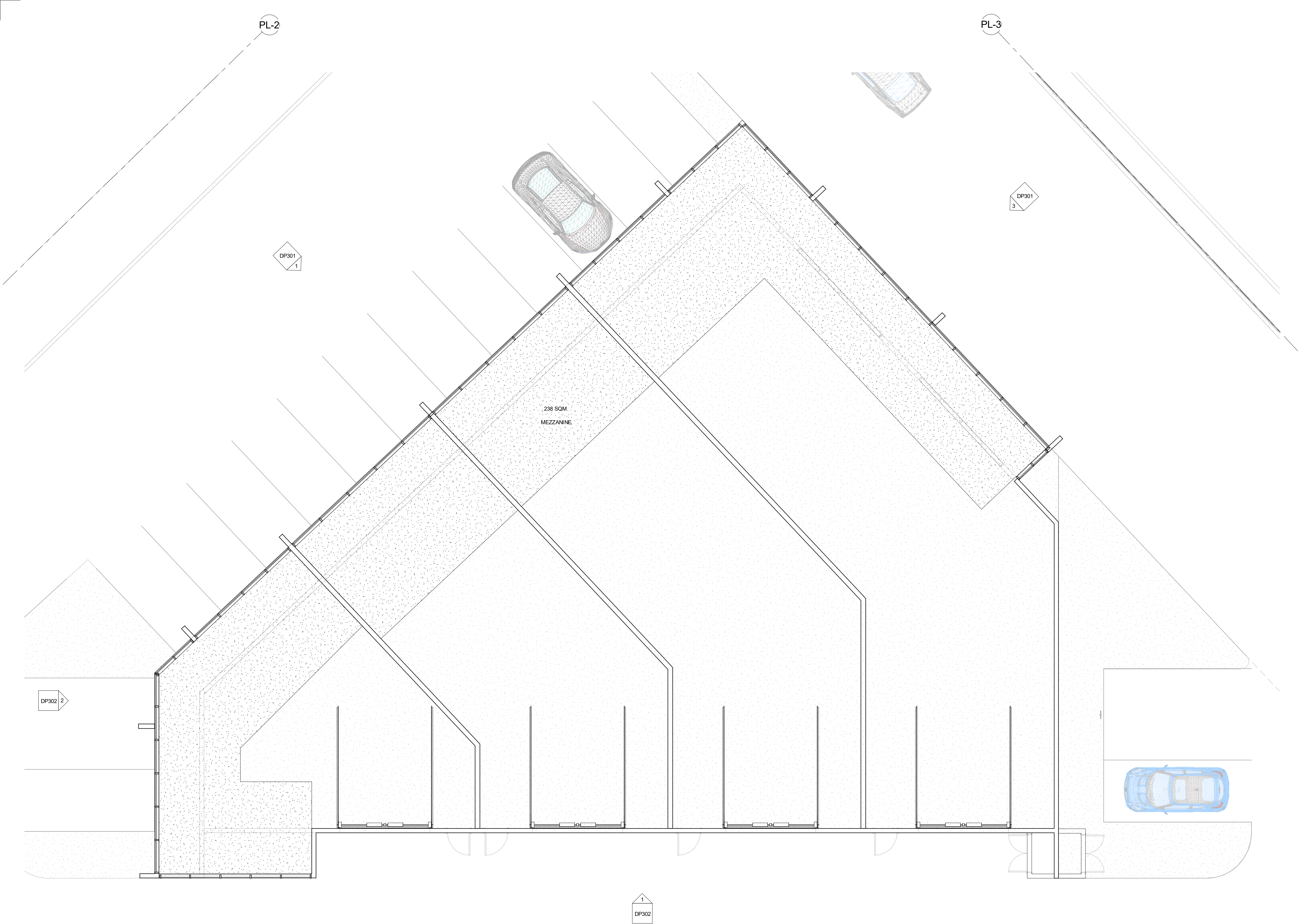
3657 HIGHWAY 97 N.
project no. 1301

drawing title
MAIN FLOOR PLAN

designed	PS	scale	3/16" = 1'-0"
drawn	PS		
checked	Checker		
drawing no.			

DP102

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project title
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COMMERCIAL

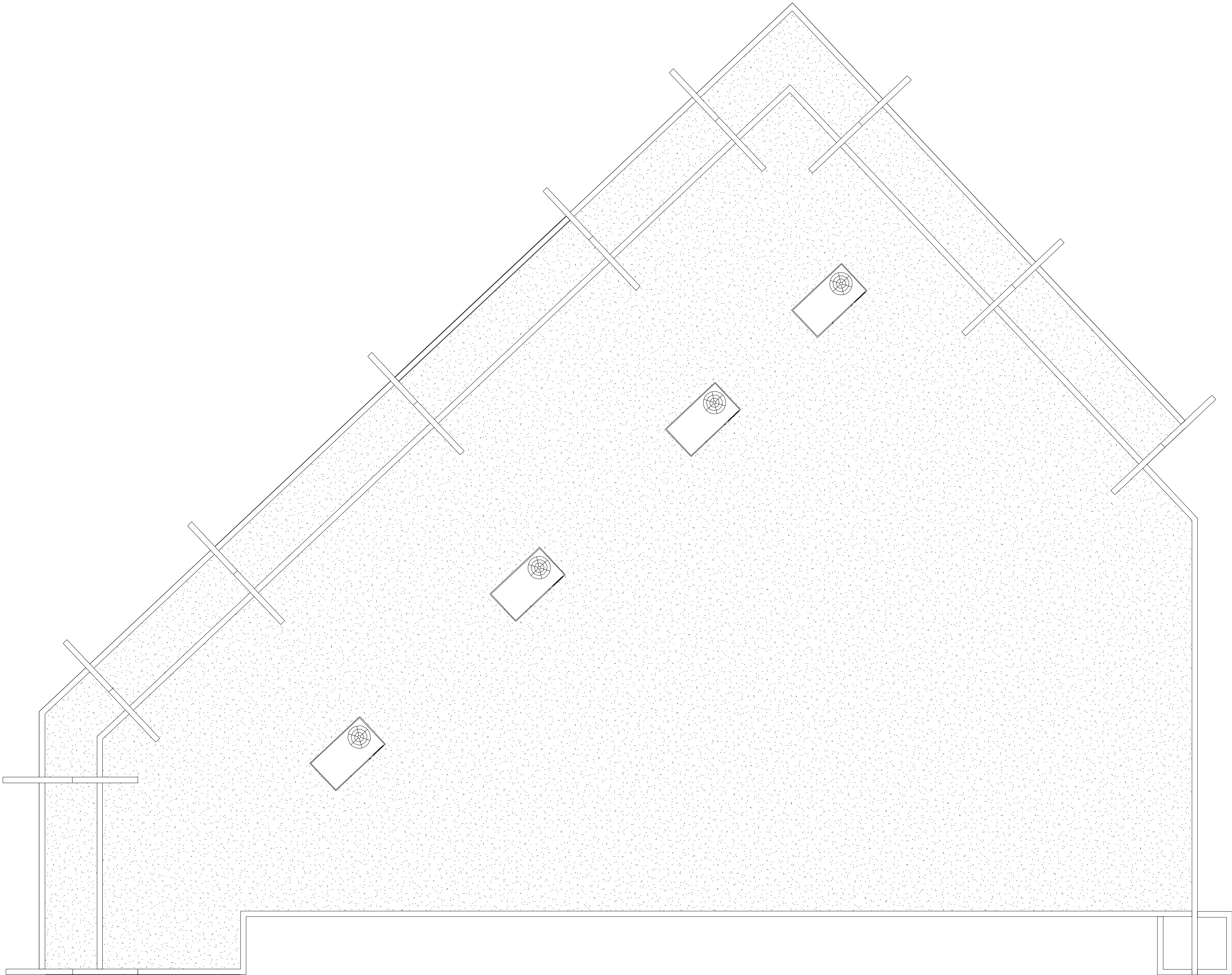
3657 HIGHWAY 97 N.
project no. 1301

drawing title
MEZZANINE FLOOR

designed	PS	scale	3/16" = 1'-0"
drawn	PS		
checked	Checker		
draw ing no.			

DP103

plotted 2015-12-23 1:48:37 PM



1 ROOF PLAN
3/16" = 1'-0"

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project title

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COMMERCIAL

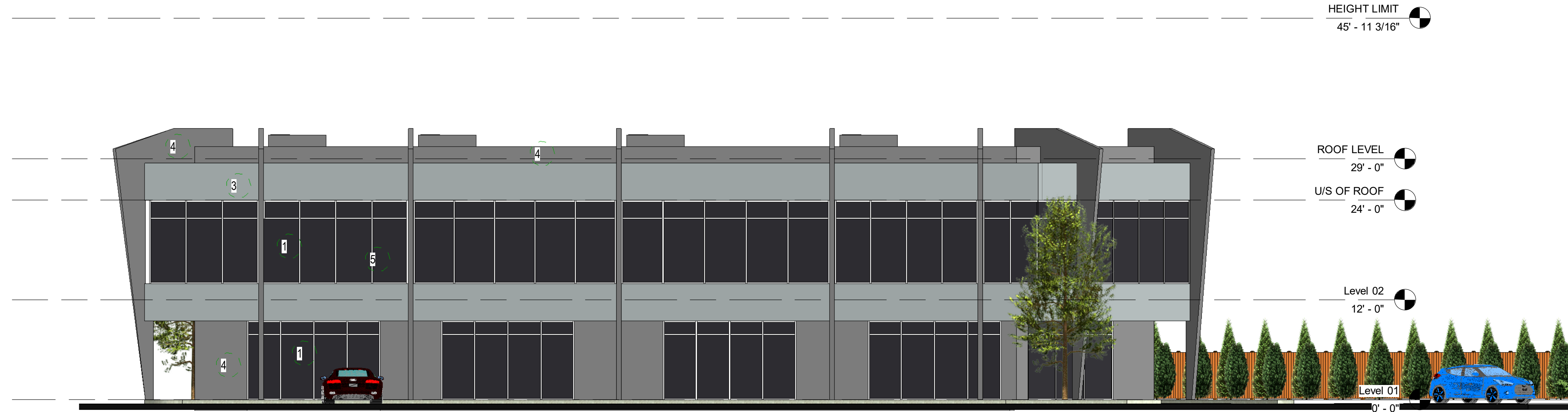
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project no. 1301

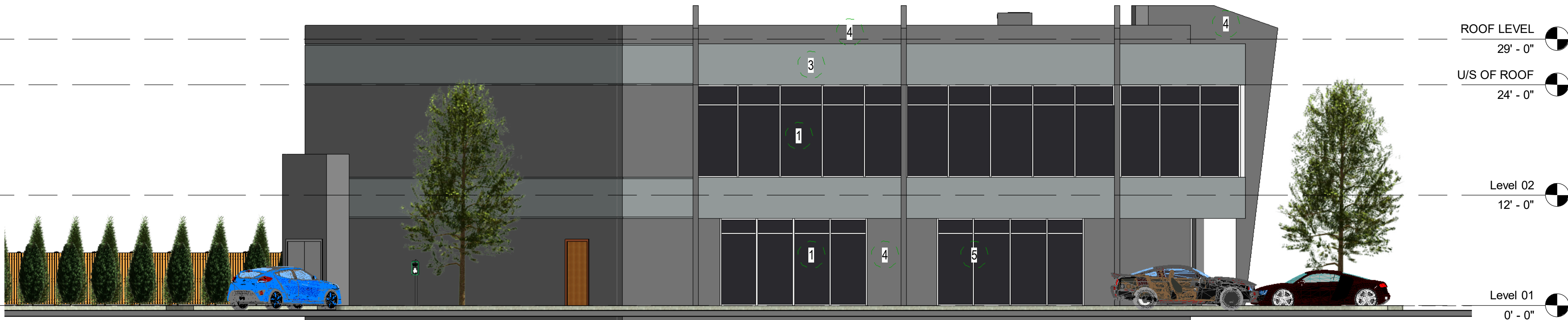
drawing title

ROOF PLAN

designed	Designer	scale	3/16" = 1'-0"
drawn	Author		
checked	Checker		
drawing no.			
DP104			
plotted	2015-12-23 1:48:37 PM		



1 N. West Elevation
1/8" = 1'-0"



3 N. East Elevation
1/8" = 1'-0"

- 1 - TINTED GLASS
- 2 - CLEAR GLASS
- 3 - PHENOLIC PANEL SIDING (REFER TO MATERIAL BOARD)
- 4 - SMOOTH ACRYLIC STUCCO (REFER TO MATERIAL BOARD)
- 5 - BLACK ALUMINIUM STOREFRONT SYSTEM



2 East Elevation
1/8" = 1'-0"

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project title
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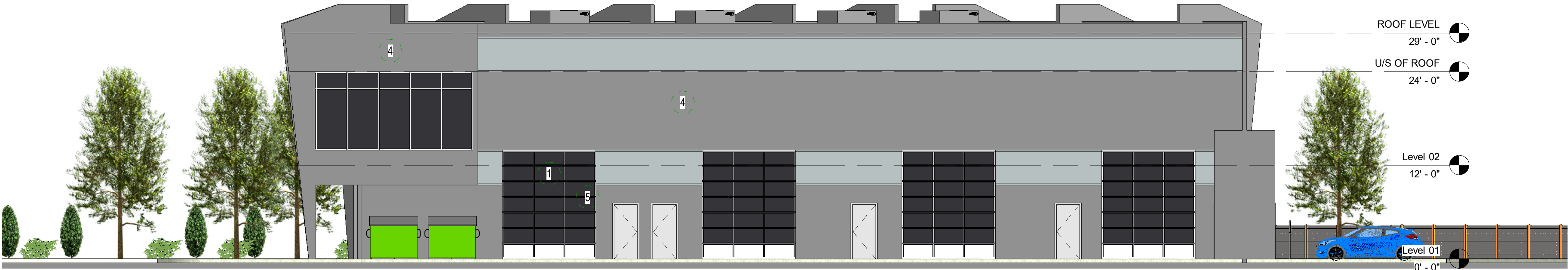
3657 HIGHWAY 97 N.
project no. 1301

drawing title
ELEVATIONS

designed	PS	scale	1/8" = 1'-0"
drawn	PS		
checked	Checker		
draw no.			

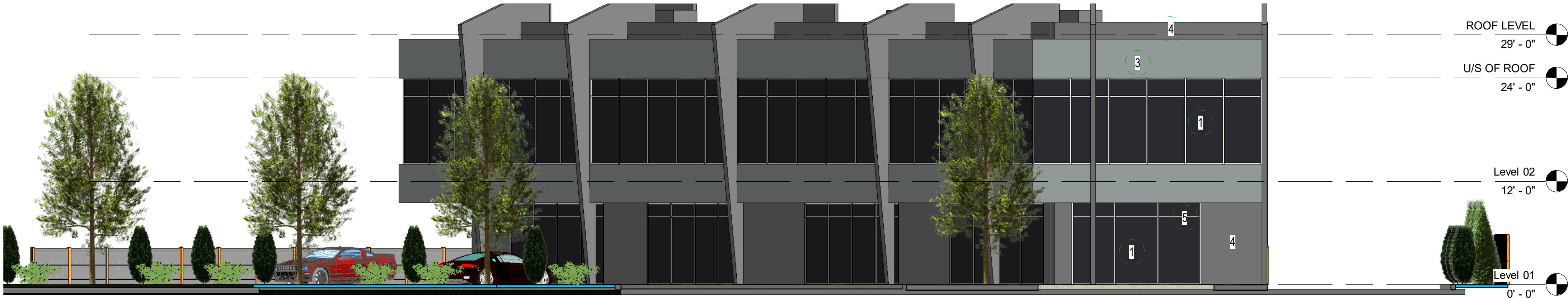
DP301

plotted 2015-12-23 1:48:54 PM



1 South Elevation
1/8" = 1'-0"

- 1 - TINTED GLASS
- 2 - CLEAR GLASS
- 3 - PHENOLIC PANEL SIDING (REFER TO MATERIAL BOARD)
- 4 - SMOOTH ACRYLIC STUCCO (REFER TO MATERIAL BOARD)
- 5 - BLACK ALUMINIUM STOREFRONT SYSTEM



2 West Elevation
1/8" = 1'-0"

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project title
RAUL HOLDINGS INC.
COMMERCIAL

3657 HIGHWAY 97 N.
project no. 1301
drawing title
ELEVATIONS

designed	PS	scale	1/8" = 1'-0"
drawn	PS		
checked	Checker		
drawing no.			

DP302
plotted 2015-12-23 1:49:04 PM



OUTLAND DESIGN
LANDSCAPE ARCHITECTURE

January 21, 2014

Highway 97 N Commercial Development
C/o Novation Design Studio
101-1865 Dilworth Drive Suite 520
Kelowna, BC V1Y 9T1
Attn: Paul Shuster
Via email to: paul@novationdesignstudio.com

Re: Proposed Highway 97 N Commercial Development – Preliminary Cost Estimate for Bonding

Dear Paul:

Please be advised of the following preliminary cost estimate for bonding of the proposed landscape works shown in the Highway 97 N Commercial Development conceptual landscape plan dated 14.01.21;

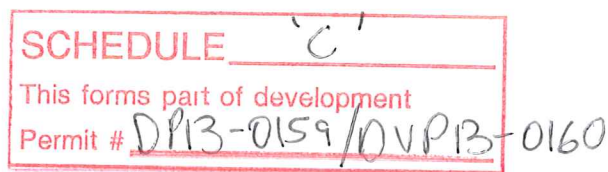
- 556 square metres (5,985 square feet) of improvements = \$39,486.00

This preliminary cost estimate is inclusive of trees, shrubs, mulch, topsoil & irrigation.

You will be required to submit a performance bond to the City of Kelowna in the amount of 125% of the preliminary cost estimate. Please do not hesitate to contact me with any questions about the landscape plan.

Best regards,

Fiona Barton, MBCSLA, CSLA
as per
Outland Design Landscape Architecture



206-1889 Spall Road, Kelowna, BC, V1Y 4R2 P 250.868.9270
outlanddesign.ca