

# City of Kelowna

## Public Hearing

### AGENDA



Tuesday, September 18, 2018  
6:00 pm  
Council Chamber  
City Hall, 1435 Water Street

Pages

#### 1. Call to Order

THE CHAIR WILL CALL THE HEARING TO ORDER:

1. (a) The purpose of this Hearing is to consider certain bylaws which, if adopted, shall amend Kelowna 2030 - Official Community Plan Bylaw No. 10500 and Zoning Bylaw No. 8000.

(b) All persons who believe that their interest in property is affected by the proposed bylaws shall be afforded a reason-able opportunity to be heard or to present written submissions respecting matters contained in the bylaws that are the subject of this hearing. This Hearing is open to the public and all representations to Council form part of the public record. A live audio feed may be broadcast and recorded by Castanet.

(c) All information, correspondence, petitions or reports that have been received concerning the subject bylaws have been made available to the public. The correspondence and petitions received after September 4, 2018 (date of notification) are available for inspection during the course of this hearing and are located on the information table in the foyer of the Council Chamber.

(d) Council debate on the proposed bylaws is scheduled to take place during the Regular Council meeting after the conclusion of this Hearing. It should be noted, however, that for some items a final decision may not be able to be reached tonight.

(e) It must be emphasized that Council will not receive any representation from the applicant or members of the public after conclusion of this Public Hearing.

#### 2. Notification of Meeting

The City Clerk will provide information as to how the Hearing was publicized.

### **3. Individual Bylaw Submissions**

- |            |   |                  |
|------------|---|------------------|
| <b>3.1</b> | <b>Text Amendment for Cannabis Production and Retail Cannabis Sales TA18-0008 (BL11659, BL11678 &amp; BL11679) - City of Kelowna</b>  | <b>4 - 46</b>    |
|            | <p>To amend the Zoning Bylaw by creating a retail cannabis sales subzone, adding cannabis production and retail cannabis sales establishments as permitted uses to specified zones, and to update the existing language from “marihuana” to “cannabis”.</p> |                  |
| <b>3.2</b> | <b>Enterprise Way 2092, TA18-0004 (BL11668) - o838232 BC Ltd</b>  | <b>47 - 55</b>   |
|            | <p>To consider a site specific text amendment to allow for thrift store use in the I3 – Heavy Industrial zone at 2092 Enterprise Way.</p>   |                  |
| <b>3.3</b> | <b>Cary Rd 1639, Z18-0053 (BL11673) - 1124478BC Ltd</b>   | <b>56 - 70</b>   |
|            | <p>An application to rezone from I2 – General Industrial and C10 – Service Commercial to C10 – Service Commercial to facilitate zoning which is consistent with the Future Land Use Designation.</p>  |                  |
| <b>3.4</b> | <b>Harvey Ave 1717, LUC18-0005 (BL11675) - Al Stober Construction Ltd</b>   | <b>71 - 112</b>  |
|            | <p>To consider a Land Use Contract discharge to convert the old Volkswagen Dealership into mixed use commercial units.</p>  |                  |
| <b>3.5</b> | <b>Cawston Ave 540, Z18-0087 (BL11677) - Cawston 540 Holdings Inc</b>   | <b>113 - 121</b> |
|            | <p>To rezone the subject property from the C2 – Neighbourhood Commercial zone to the C7 – Central Business Commercial zone to allow a commercial school within the existing building.</p>   |                  |

### **4. Termination**

### **5. Procedure on each Bylaw Submission**

- (a) Brief description of the application by City Staff (Land Use Management);
- (b) The Chair will request that the City Clerk indicate all information, correspondence, petitions or reports received for the record.
- (c) The applicant is requested to make representation to Council regarding the project and is encouraged to limit their presentation to 15 minutes.
- (d) The Chair will call for representation from the public in attendance as follows:
  - (i) The microphone at the public podium has been provided for any person(s) wishing to make representation at the Hearing.

(ii) The Chair will recognize ONLY speakers at the podium.

(iii) Speakers are encouraged to limit their remarks to 5 minutes, however, if they have additional information they may address Council again after all other members of the public have been heard a first time.

(e) Once the public has had an opportunity to comment, the applicant is given an opportunity to respond to any questions raised. The applicant is requested to keep the response to a total of 10 minutes maximum.

(f) Questions by staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the Regular Meeting, unless for clarification.

(g) Final calls for representation (ask three times). Unless Council directs that the Public Hearing on the bylaw in question be held open, the Chair shall state to the gallery that the Public Hearing on the Bylaw is closed.

Note: Any applicant or member of the public may use visual aids (e.g. photographs, sketches, slideshows, etc.) to assist in their presentation or questions. The computer and ELMO document camera at the public podium are available. Please ask staff for assistance prior to your item if required.

# Report to Council



**Date:** August 27, 2018

**File:** 1250-04

**To:** City Manager

**From:** Ryan Smith, Community Planning Department Manager

**Subject:** Zoning Bylaw Text Amendment for Cannabis Production and Retail Cannabis Sales

**Report prepared by:** Kimberly Brunet, Planner

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## **Recommendation:**

THAT Zoning Bylaw Text Amendment Application No. TA18-0008 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" from the Report from the Community Planning Department dated August 27, 2018 be considered by Council;

AND THAT Zoning Bylaw Text Amendment Application No. TA18-0008 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "B" from the Report from the Community Planning Department dated August 27, 2018 be considered by Council;

AND THAT Zoning Bylaw Text Amendment Application No. TA18-0008 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "C" from the Report from the Community Planning Department dated August 27, 2018 be considered by Council;

AND THAT the Zoning Bylaw Text Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Council endorses the process for accepting and evaluating rezoning applications for retail cannabis sales as outlined in Schedule "D";

AND THAT Council directs Staff to accept the initial rezoning applications for retail cannabis sales between October 1, 2018 to November 30, 2018;

AND THAT Council directs Staff to prepare an amendment to the Development Application Fees Bylaw No. 10560 to include a fee for a retail cannabis sales subzone under Zoning Amendments;

AND FURTHER THAT final adoption of the Text Amendment Bylaws be considered subsequent to the approval of the Ministry of Transportation and Infrastructure.



**Purpose:**

To amend the Zoning Bylaw by creating a retail cannabis sales subzone, adding cannabis production and retail cannabis sales establishments as permitted uses to specified zones, and to update the existing language from “marihuana” to “cannabis”.

**Background:****Municipal Role**

The Government of Canada has announced that on October 17, 2018, adults will be able to legally:

- possess up to 30 grams of legal dried cannabis or equivalent in non-dried form;
- share up to 30 grams of legal cannabis with other adults;
- purchase dried or fresh cannabis and cannabis oil from a provincially-licensed retailer;
- grow up to four cannabis plants per residence for personal use from licensed seed or seedlings; and
- make cannabis products, such as food and drinks, at home provided that organic solvents are not used

In British Columbia, the Provincial Government will license and oversee the distribution and sale of cannabis, subject to federal conditions. They have established through legislation that the minimum age to purchase or sell cannabis in British Columbia is 19, and established a cannabis retail licensing regime similar to the current licensing regime for liquor. The Provincial Government has also prohibited consumption in certain areas, including the use of cannabis on school properties and in vehicles.

The City of Kelowna has land use authority relating to zoning, business licensing, building code, municipal workplace safety and enforcement of regulations around public consumption. Community Planning Staff recommend making amendments to Zoning Bylaw No. 8000, relating to production of non-medical cannabis in industrial zones, and the retail sale of non-medical cannabis. Further, Staff are recommending updating the existing language in the Zoning Bylaw from ‘marihuana’ to ‘cannabis’, to be consistent with federal and provincial legislation.

**Medical Cannabis**

Medical cannabis will continue to be sold online by federally licensed producers only. The federal government has committed to conducting a review of the medical cannabis system in five years.

With the exception to updating the language from ‘marihuana’ to ‘cannabis’, the amendments to the Zoning Bylaw being considered at this time are for non-medical cannabis only. The one exception is that staff are proposing updating to the current Zoning Bylaw definition of medical cannabis production facilities, to encompass both medical and non-medical cannabis production facilities within the same defined use. The details of this are further outlined in the “Cannabis Production” section below.

**Engagement***Government of Canada and Province of British Columbia*

The Government of Canada and Province of British Columbia have both conducted large public consultations. Federally, the feedback helped shape the Cannabis Act, and in British Columbia, it guided decisions about the Cannabis Control and Licensing Act and the Cannabis Distribution Act.

*City of Kelowna*

To engage with stakeholders, a Public Notice was posted in the Kelowna Daily courier from June 11-13, 2018, and the City website for cannabis production, sales and use was updated. Businesses or other stakeholders interested in participating in the review process of cannabis zoning regulations were invited to contact the Planning Department. Community Planning and Business Licensing staff also contacted business stakeholders who had expressed interest in involvement in the development of regulations over the past few months. A summary of the draft regulations was sent to over forty stakeholders and written feedback was received. Comments provided by both internal and external stakeholders were used to further refine the final version of the Text Amendment being considered by Council.

### **Community Planning: Cannabis Production**

Community Planning Staff are recommending amending the current definition of medical marihuana production facilities in the Zoning Bylaw so it encompasses both medical and non-medical cannabis production facilities updating the language from marihuana to cannabis in the bylaw definition. Medical marihuana production facilities are currently a permitted principal use in the I<sub>1</sub> – Business Industrial, I<sub>2</sub> – General Industrial, I<sub>3</sub> – Heavy Industrial and I<sub>4</sub> – Central Industrial zones, and amending this definition would result in both medical and non-medical cannabis production facilities being a permitted principal use in these four industrial zones. There is no biological difference between a cannabis plant grown for medical or for non-medical purposes and production of both medical and non-medical cannabis requires a federal license issued by Health Canada.

To help minimize the number of nuisance complaints that may arise from an increase in cannabis production facilities, Staff recommend introducing a minimum 60 metre setback from properties which have residential as a principal use. This minimum setback for production facilities from residential properties would be regulated in the Zoning Bylaw and enforced through business license applications, as no rezoning application is required for cannabis production facilities. This setback does not currently exist in the Zoning Bylaw for existing for medical marihuana production facilities and would only apply to new cannabis production facilities.

Within the Agricultural Land Reserve the Government of British Columbia has clarified that cannabis production cannot be prohibited if grown lawfully in an open field, in a structure that has a soil base; in a structure that was either constructed or under construction by July 13, 2018 or in an existing licensed operation. Staff are not proposing any changes to the A<sub>1</sub> – Agriculture 1 zone in relation to cannabis production at this time.

### **Retail Cannabis Sales**

Community Planning Staff have considered the inclusion of retail cannabis sales using a similar approach what exists for liquor. To open a retail cannabis sales establishment, a rezoning application to a retail cannabis sales subzone, and Council approval, would be required. Stakeholder engagement helped to inform the zones that are recommended for inclusion. As such, Staff are recommending retail cannabis sales subzones be created, retail cannabis sales establishments be defined, and retail cannabis sales be added as a permitted principal use in the following zones:

- C<sub>3</sub> – Community Commercial;
- C<sub>4</sub> – Urban Centre Commercial;
- C<sub>6</sub> – Regional Commercial;
- C<sub>7</sub> – Central Business Commercial;
- C<sub>10</sub> - Service Commercial;

CD17 – Mixed Use Commercial – High Density; and

CD26 – Capri Centre Comprehensive Development Zone.

Staff also recommend retail cannabis sales be added as a permitted secondary use in the following zones:

C2 – Neighbourhood Commercial;

C9 – Tourist Commercial

I1 – Business Industrial\*;

I2 – General Industrial\*; and

I4 – Central Industrial\*.

*\*To help protect industrial uses, Staff recommend limiting the gross floor area for retail cannabis sales establishments in Industrial zones to a maximum of 250 m<sup>2</sup>*

Local governments have the ability to use land use controls to regulate the location of retail cannabis stores in the community through Zoning Bylaws. The intention of establishing minimum setback distances for retail cannabis stores is to help restrict youth access to cannabis, and to protect young people from promotions or enticements to use cannabis. Consistent with approaches being implemented in other municipalities (see Attachment “A”), Community Planning Staff are recommending establishing several minimum setback distances relating to retail cannabis sales establishments, as outlined below.

Planning Staff recommend establishing a minimum setback distance for retail cannabis stores from public schools, and specific community, recreation and city parks. Staff recommend a distance of 150 metres from elementary schools and specific parks listed in Schedule “A”, and 500 metres from middle and secondary schools. Staff recommend these distances as they still allow for businesses to operate in many areas in our city, while still maintaining a setback from area where children and youth visit. The proposed setback distances are consistent with other municipalities in our province. Attachment “A” compares setback distances that are either established or proposed in different municipalities in British Columbia, and internationally, where cannabis is legal. Staff recommend additional family and other sensitive uses be factored in to how rezoning applications are evaluated, as outlined further below and in Schedule “D”.

Staff also recommend establishing a minimum proximity distance of 500 metres between retail cannabis store locations, to avoid the clustering of multiple stores in specific areas, particularly in urban centres. This intent of this minimum proximity distance is similar to the Provincial Government requirement for a minimum of one kilometer distance between new retail liquor stores.

Staff recommend no retail cannabis sales establishments be located on any lot on Lawrence or Leon Avenue, between Bertram Street and Abbot Street. This is due to concerns about the high concentration of social support services in this area, and wanting to support efforts to revitalize this area of the City’s downtown. A map of this area is shown in Schedule “B”. Staff recommend that support services located outside of this downtown area also be factored in to how rezoning applications are evaluated, as outlined in Schedule “D”.

The establishment of setbacks is anticipated to limit the number of locations where the retail sale of non-medical cannabis occurs. It is still expected to allow for a number of locations within the City of Kelowna, in existing areas of commercial and industrial zoning, to meet the needs of the City’s residents. Medical cannabis will continue to be legally sold online by federally licensed producers only. A map layer has been created, showing all locations where a Retail Cannabis Sales Establishment would be permitted or

prohibited from operating, and draft maps of the areas where cannabis retail sales establishments may be permitted are included in Attachment “B”.

### **Rezoning Applications and Process**

Community Planning and Business Licensing Staff have received a significant number of inquiries relating to the retail sales of cannabis in the city of Kelowna. To establish a fair and transparent manner for determining how rezoning applications will be accepted and processed, Staff are asking for Council to endorse the application process and requirements, outlined in Schedule “D”. This includes the creation of a multi-departmental Evaluation Committee and a scoring matrix, to prioritize which applications are most consistent with regulations and established criteria. Staff are seeking Council endorsement to accept rezoning applications to a retail cannabis sales subzone from October 1, 2018 to November 30, 2018, and to begin evaluating and processing applications after this date. Staff are also seeking Council direction to prepare amendments to the Development Application Fees Bylaw to reflect this process.

### **Licensing**

Staff are preparing amendments to the Business License and Regulation Bylaw, which will be brought forward for Council consideration at a future date. The following licence requirements will be included:

**Cannabis Production:** Minimum 60 metre setback from any property that have residential as a principal use. A federal production licence, and a City of Kelowna business licence would be required to operate.

**Retail Cannabis Sales Establishments:** The Provincial Cannabis Control and Licensing Act establishes a cannabis retail licensing regime similar to the current licensing regime for liquor. The Liquor Control and Licensing Branch (LCLB) will be responsible for licensing non-medical cannabis private stores and monitoring the non-medical cannabis retail sector. A provincial non-medical cannabis retail licence and a City of Kelowna business licence would be required to operate. The LCLB will be responsible for licensing and monitoring the retail sector, which will consist of private stores and government-operated stores. The Province will not issue a non-medical cannabis retail licence without the support of the local government.

### **Consumption**

The Parks and Public Spaces Bylaw prohibits the smoking or vaporizing of marihuana or any other substance in any park or public space, except in a designated smoking area. Cannabis would be included in the definition as “any other substance”, or the Parks and Public Space Bylaw could be amended to replace “marihuana” with “cannabis”.

The Province’s Cannabis Control and Licensing Act further regulates consumption in public. It prohibits smoking and vaping of cannabis everywhere tobacco smoking and vaping are prohibited, as well as at playgrounds, sports fields, skate parks and other place where children commonly gather. The use of cannabis is also prohibited on school properties and in vehicles. Landlords and strata councils will be able to further restrict or prohibit non-medical cannabis smoking and vaping at tenanted and strata properties.

The province will not be licensing consumption lounges at this time, and they are currently not permitted, as they are focused on gradually introducing a safe and responsible retail non-medical cannabis sector. They may give consideration to other types of licenses at a later date. Further, consumption of any kind, including providing samples, is not permitted in retail cannabis stores.

### **Capacity / Enforcement**

As with other levels of government, the City of Kelowna may need to increase or create staff capacity to deal with issues arising from cannabis production, retail sales, licensing and consumption. Licensing fees will focus on cost recovery for licensing and enforcement needs.

**Internal Circulation:**

Bylaw Services Manager  
Business License Manager  
City Clerk  
Communications Advisor, Community Engagement  
Parks Services Manager  
Policy & Planning Department Manager  
Sport & Event Services Manager

**Existing Policy:** Related Policy (Liquor Licensing Policy & Procedures – Policy No. 359)

**Financial/Budgetary Considerations:** It is anticipated there will be increased costs for enforcement. These estimated costs will be offset by development application and business license fees.

**Personnel Implications:** Short term impacts are anticipated in development application and business license processes.

**Considerations not applicable to this report:**

**Communications Comments:** N/A

**External Agency/Public Comments:** N/A

**Legal/Statutory Authority:** N/A

**Legal/Statutory Procedural Requirements:** N/A

**Alternate Recommendation:** N/A

**Submitted by:**

R. Smith, Community Planning Department Manager

**Approved for inclusion:**

D. Edstrom, Acting Divisional Director, Community Planning & Strategic Investments

**Attachments:**

Schedule "A" – Summary Table of Proposed Text Amendments to Zoning Bylaw No. 8000

Schedule "B" – Summary Table of Proposed Text Amendments to Zoning Bylaw No. 8000

Schedule "C" – Summary Table of Proposed Text Amendments to Zoning Bylaw No. 8000

Schedule "D" – Rezoning Application Process and Requirements

Attachment "A" – Comparison Table of Setback Distances in other BC Municipalities

Attachment "B" – Draft Maps of Areas Where Retail Cannabis Sales Establishments May Be Permitted

**SCHEDULE "A" – Amendments to City of Kelowna Zoning Bylaw No. 8000**

**TA18-0008**

| Zoning Bylaw No. 8000 |   |                                 |  |   |  |   |
|-----------------------|---|---------------------------------|--|---|--|---|
| No.                   | Section   | Existing Text                   |  | Proposed Text   |  | Rationale   |
| 1                     | Section 01 – General Administration<br><br>1.3 – Zoning Map | Section 14 – Commercial Zones   |  | Section 14 – Commercial Zones   |  | Amending the General Administration Section for the creation of a Retail Cannabis Sales subzone |
|                       |   | C2<br>C2rls                     | Neighbourhood Commercial<br>Neighbourhood Commercial (Retail Liquor Sales)   | C2<br>C2rls<br>C2rcs<br>C2rls/rcs   | Neighbourhood Commercial<br>Neighbourhood Commercial (Retail Liquor Sales)<br>Neighbourhood Commercial (Retail Cannabis Store)<br>Neighbourhood Commercial (Retail Liquor Sales/Retail Cannabis Store) |   |
| 2                     | Section 01 – General Administration<br><br>1.3 – Zoning Map | Section 14 – Commercial Zones   |  | Section 14 – Commercial Zones   |  | Amending the General Administration Section for the creation of a Retail Cannabis Sales subzone |
|                       |   | C3<br>C3lp<br>C3lp/rls<br>C3rls | Community Commercial<br>Community Commercial (Liquor Primary)<br>Community Commercial (Liquor Primary/Retail Liquor Sales)<br>Community Commercial (Retail Liquor Sales) | C3<br>C3lp<br>C3lp/rls<br>C3rls<br>C3rcs<br>C3lp/rcs<br>C3rls/rcs<br>C3lp/rls/rcs | Community Commercial<br>Community Commercial (Liquor Primary)<br>Community Commercial (Liquor Primary/Retail Liquor Sales)<br>Community Commercial (Retail Liquor Sales)                               |   |

|              |   |   |    |   |       |            |      |              |          |                                  |  |              |  |                             |  |              |  |   |   |    |              |       |            |      |              |          |                                  |       |              |          |                             |           |              |              |   |  |              |  |                                    |   |
|--------------|---|---|----|---|-------|------------|------|--------------|----------|----------------------------------|--|--------------|--|-----------------------------|--|--------------|--|---|---|----|--------------|-------|------------|------|--------------|----------|----------------------------------|-------|--------------|----------|-----------------------------|-----------|--------------|--------------|---|--|--------------|--|------------------------------------|---|
|              |   |   |    | Community<br>Commercial (Retail Cannabis Sales)<br>Community<br>Commercial (Liquor Primary/Retail Cannabis Sales)<br>Community<br>Commercial (Retail Liquor Sales /Retail Cannabis Sales)<br>Community<br>Commercial (Liquor Primary/Retail Liquor Sales/Retail Cannabis Sales) |       |            |      |              |          |                                  |  |              |  |                             |  |              |  |   |   |    |              |       |            |      |              |          |                                  |       |              |          |                             |           |              |              |   |  |              |  |                                    |   |
| 3            | Section 01 – General Administration<br><br>1.3 – Zoning Map | <b>Section 14 – Commercial Zones</b> <table><tr><td>C4</td><td>Urban Centre</td></tr><tr><td>C4rls</td><td>Commercial</td></tr><tr><td>C4lp</td><td>Urban Centre</td></tr><tr><td>C4lp/rls</td><td>Commercial (Retail Liquor Sales)</td></tr><tr><td></td><td>Urban Centre</td></tr><tr><td></td><td>Commercial (Liquor Primary)</td></tr><tr><td></td><td>Urban Centre</td></tr><tr><td></td><td>Commercial (Liquor Primary/Retail Liquor Sales)</td></tr></table> | C4 | Urban Centre  | C4rls | Commercial | C4lp | Urban Centre | C4lp/rls | Commercial (Retail Liquor Sales) |  | Urban Centre |  | Commercial (Liquor Primary) |  | Urban Centre |  | Commercial (Liquor Primary/Retail Liquor Sales) | <b>Section 14 – Commercial Zones</b> <table><tr><td>C4</td><td>Urban Centre</td></tr><tr><td>C4rls</td><td>Commercial</td></tr><tr><td>C4lp</td><td>Urban Centre</td></tr><tr><td>C4lp/rls</td><td>Commercial (Retail Liquor Sales)</td></tr><tr><td>C4rcs</td><td>Urban Centre</td></tr><tr><td>C4lp/rcs</td><td>Commercial (Liquor Primary)</td></tr><tr><td>C4rls/rcs</td><td>Urban Centre</td></tr><tr><td>C4lp/rls/rcs</td><td>Commercial (Liquor Primary/Retail Liquor Sales)</td></tr><tr><td></td><td>Urban Centre</td></tr><tr><td></td><td>Commercial (Retail Cannabis Sales)</td></tr></table> | C4 | Urban Centre | C4rls | Commercial | C4lp | Urban Centre | C4lp/rls | Commercial (Retail Liquor Sales) | C4rcs | Urban Centre | C4lp/rcs | Commercial (Liquor Primary) | C4rls/rcs | Urban Centre | C4lp/rls/rcs | Commercial (Liquor Primary/Retail Liquor Sales) |  | Urban Centre |  | Commercial (Retail Cannabis Sales) | Amending the General Administration Section for the creation of a Retail Cannabis Sales subzone |
| C4           | Urban Centre  |   |    |   |       |            |      |              |          |                                  |  |              |  |                             |  |              |  |   |   |    |              |       |            |      |              |          |                                  |       |              |          |                             |           |              |              |   |  |              |  |                                    |   |
| C4rls        | Commercial  |   |    |   |       |            |      |              |          |                                  |  |              |  |                             |  |              |  |   |   |    |              |       |            |      |              |          |                                  |       |              |          |                             |           |              |              |   |  |              |  |                                    |   |
| C4lp         | Urban Centre  |   |    |   |       |            |      |              |          |                                  |  |              |  |                             |  |              |  |   |   |    |              |       |            |      |              |          |                                  |       |              |          |                             |           |              |              |   |  |              |  |                                    |   |
| C4lp/rls     | Commercial (Retail Liquor Sales)                            |   |    |   |       |            |      |              |          |                                  |  |              |  |                             |  |              |  |   |   |    |              |       |            |      |              |          |                                  |       |              |          |                             |           |              |              |   |  |              |  |                                    |   |
|              | Urban Centre  |   |    |   |       |            |      |              |          |                                  |  |              |  |                             |  |              |  |   |   |    |              |       |            |      |              |          |                                  |       |              |          |                             |           |              |              |   |  |              |  |                                    |   |
|              | Commercial (Liquor Primary)                                 |   |    |   |       |            |      |              |          |                                  |  |              |  |                             |  |              |  |   |   |    |              |       |            |      |              |          |                                  |       |              |          |                             |           |              |              |   |  |              |  |                                    |   |
|              | Urban Centre  |   |    |   |       |            |      |              |          |                                  |  |              |  |                             |  |              |  |   |   |    |              |       |            |      |              |          |                                  |       |              |          |                             |           |              |              |   |  |              |  |                                    |   |
|              | Commercial (Liquor Primary/Retail Liquor Sales)             |   |    |   |       |            |      |              |          |                                  |  |              |  |                             |  |              |  |   |   |    |              |       |            |      |              |          |                                  |       |              |          |                             |           |              |              |   |  |              |  |                                    |   |
| C4           | Urban Centre  |   |    |   |       |            |      |              |          |                                  |  |              |  |                             |  |              |  |   |   |    |              |       |            |      |              |          |                                  |       |              |          |                             |           |              |              |   |  |              |  |                                    |   |
| C4rls        | Commercial  |   |    |   |       |            |      |              |          |                                  |  |              |  |                             |  |              |  |   |   |    |              |       |            |      |              |          |                                  |       |              |          |                             |           |              |              |   |  |              |  |                                    |   |
| C4lp         | Urban Centre  |   |    |   |       |            |      |              |          |                                  |  |              |  |                             |  |              |  |   |   |    |              |       |            |      |              |          |                                  |       |              |          |                             |           |              |              |   |  |              |  |                                    |   |
| C4lp/rls     | Commercial (Retail Liquor Sales)                            |   |    |   |       |            |      |              |          |                                  |  |              |  |                             |  |              |  |   |   |    |              |       |            |      |              |          |                                  |       |              |          |                             |           |              |              |   |  |              |  |                                    |   |
| C4rcs        | Urban Centre  |   |    |   |       |            |      |              |          |                                  |  |              |  |                             |  |              |  |   |   |    |              |       |            |      |              |          |                                  |       |              |          |                             |           |              |              |   |  |              |  |                                    |   |
| C4lp/rcs     | Commercial (Liquor Primary)                                 |   |    |   |       |            |      |              |          |                                  |  |              |  |                             |  |              |  |   |   |    |              |       |            |      |              |          |                                  |       |              |          |                             |           |              |              |   |  |              |  |                                    |   |
| C4rls/rcs    | Urban Centre  |   |    |   |       |            |      |              |          |                                  |  |              |  |                             |  |              |  |   |   |    |              |       |            |      |              |          |                                  |       |              |          |                             |           |              |              |   |  |              |  |                                    |   |
| C4lp/rls/rcs | Commercial (Liquor Primary/Retail Liquor Sales)             |   |    |   |       |            |      |              |          |                                  |  |              |  |                             |  |              |  |   |   |    |              |       |            |      |              |          |                                  |       |              |          |                             |           |              |              |   |  |              |  |                                    |   |
|              | Urban Centre  |   |    |   |       |            |      |              |          |                                  |  |              |  |                             |  |              |  |   |   |    |              |       |            |      |              |          |                                  |       |              |          |                             |           |              |              |   |  |              |  |                                    |   |
|              | Commercial (Retail Cannabis Sales)                          |   |    |   |       |            |      |              |          |                                  |  |              |  |                             |  |              |  |   |   |    |              |       |            |      |              |          |                                  |       |              |          |                             |           |              |              |   |  |              |  |                                    |   |

|   |   |   |                     |  |   |   |   |   |
|---|---|---|---------------------|--|---|---|---|---|
|   |   |   |                     | Urban Centre<br>Commercial (Liquor<br>Primary/Retail<br>Cannabis Sales)<br>Urban Centre<br>Commercial (Retail<br>Liquor Sales /Retail<br>Cannabis Sales)<br>Urban Centre<br>Commercial (Liquor<br>Primary/Retail<br>Liquor Sales/Retail<br>Cannabis Sales) |   |   |   |   |
| 4   | Section 01 –<br>General<br>Administration<br><br>1.3 – Zoning Map   | <b>Section 14 – Commercial Zones</b><br><table><tr><td>C6<br/>C6rls<br/>C6lp</td><td>Regional Commercial<br/>Regional Commercial<br/>(Retail Liquor Sales)<br/>Regional Commercial<br/>(Liquor Primary)</td></tr></table> | C6<br>C6rls<br>C6lp | Regional Commercial<br>Regional Commercial<br>(Retail Liquor Sales)<br>Regional Commercial<br>(Liquor Primary)   | <b>Section 14 – Commercial Zones</b><br><table><tr><td>C6<br/>C6rls<br/>C6lp<br/>C6lp/rls<br/>C6rcs<br/>C6lp/rcs<br/>C6rls/rcs<br/>C6lp/rls/rcs</td><td>Regional<br/>Commercial<br/>Regional<br/>Commercial (Retail<br/>Liquor Sales)<br/>Regional<br/>Commercial (Liquor<br/>Primary)<br/>Regional<br/>Commercial (Liquor<br/>Primary/ Retail<br/>Liquor Sales)<br/>Regional<br/>Commercial (Retail<br/>Cannabis Sales)<br/>Regional<br/>Commercial (Liquor<br/>Primary/Retail<br/>Cannabis Sales)</td></tr></table> | C6<br>C6rls<br>C6lp<br>C6lp/rls<br>C6rcs<br>C6lp/rcs<br>C6rls/rcs<br>C6lp/rls/rcs | Regional<br>Commercial<br>Regional<br>Commercial (Retail<br>Liquor Sales)<br>Regional<br>Commercial (Liquor<br>Primary)<br>Regional<br>Commercial (Liquor<br>Primary/ Retail<br>Liquor Sales)<br>Regional<br>Commercial (Retail<br>Cannabis Sales)<br>Regional<br>Commercial (Liquor<br>Primary/Retail<br>Cannabis Sales) | Amending the General<br>Administration Section<br>for the creation of a<br>Retail Cannabis Sales<br>subzone<br><br>Addition of C6lp/rls as a<br>miscellaneous Zoning<br>Bylaw amendment |
| C6<br>C6rls<br>C6lp   | Regional Commercial<br>Regional Commercial<br>(Retail Liquor Sales)<br>Regional Commercial<br>(Liquor Primary)  |   |                     |  |   |   |   |   |
| C6<br>C6rls<br>C6lp<br>C6lp/rls<br>C6rcs<br>C6lp/rcs<br>C6rls/rcs<br>C6lp/rls/rcs | Regional<br>Commercial<br>Regional<br>Commercial (Retail<br>Liquor Sales)<br>Regional<br>Commercial (Liquor<br>Primary)<br>Regional<br>Commercial (Liquor<br>Primary/ Retail<br>Liquor Sales)<br>Regional<br>Commercial (Retail<br>Cannabis Sales)<br>Regional<br>Commercial (Liquor<br>Primary/Retail<br>Cannabis Sales) |   |                     |  |   |   |   |   |



|   |   |  |                                 |  |   |   |   |   |
|---|---|--|---------------------------------|--|---|---|---|---|
|   |   |  |                                 | Regional<br>Commercial (Retail<br>Liquor Sales /Retail<br>Cannabis Sales)<br>Regional<br>Commercial (Liquor<br>Primary/Retail<br>Liquor Sales/Retail<br>Cannabis Sales)  |   |   |   |   |
| 5   | Section 01 –<br>General<br>Administration<br><br>1.3 – Zoning Map   | <b>Section 14 – Commercial Zones</b> <table><tr><td>C7<br/>C7rls<br/>C7lp<br/>C7lp/rls</td><td>Central Business<br/>Commercial<br/>Central Business<br/>Commercial (Retail<br/>Liquor Sales)<br/>Central Business<br/>Commercial (Liquor<br/>Primary)<br/>Central Business<br/>Commercial (Liquor<br/>Primary/Retail Liquor<br/>Sales)</td></tr></table> | C7<br>C7rls<br>C7lp<br>C7lp/rls | Central Business<br>Commercial<br>Central Business<br>Commercial (Retail<br>Liquor Sales)<br>Central Business<br>Commercial (Liquor<br>Primary)<br>Central Business<br>Commercial (Liquor<br>Primary/Retail Liquor<br>Sales) | <b>Section 14 – Commercial Zones</b> <table><tr><td>C7<br/>C7rls<br/>C7lp<br/>C7lp/rls<br/>C7rcs<br/>C7lp/rcs<br/>C7rls/rcs<br/>C7lp/rls/rcs</td><td>Central Business<br/>Commercial<br/>Central Business<br/>Commercial (Retail<br/>Liquor Sales)<br/>Central Business<br/>Commercial (Liquor<br/>Primary)<br/>Central Business<br/>Commercial (Liquor<br/>Primary/Retail<br/>Liquor Sales)<br/>Central Business<br/>Commercial<br/>(Retail Cannabis<br/>Sales)<br/>Central Business<br/>Commercial (Liquor<br/>Primary/Retail<br/>Cannabis Sales)<br/>Central Business<br/>Commercial (Retail</td></tr></table> | C7<br>C7rls<br>C7lp<br>C7lp/rls<br>C7rcs<br>C7lp/rcs<br>C7rls/rcs<br>C7lp/rls/rcs | Central Business<br>Commercial<br>Central Business<br>Commercial (Retail<br>Liquor Sales)<br>Central Business<br>Commercial (Liquor<br>Primary)<br>Central Business<br>Commercial (Liquor<br>Primary/Retail<br>Liquor Sales)<br>Central Business<br>Commercial<br>(Retail Cannabis<br>Sales)<br>Central Business<br>Commercial (Liquor<br>Primary/Retail<br>Cannabis Sales)<br>Central Business<br>Commercial (Retail | Amending the General<br>Administration Section<br>for the creation of a<br>Retail Cannabis Sales<br>subzone |
| C7<br>C7rls<br>C7lp<br>C7lp/rls   | Central Business<br>Commercial<br>Central Business<br>Commercial (Retail<br>Liquor Sales)<br>Central Business<br>Commercial (Liquor<br>Primary)<br>Central Business<br>Commercial (Liquor<br>Primary/Retail Liquor<br>Sales)  |  |                                 |  |   |   |   |   |
| C7<br>C7rls<br>C7lp<br>C7lp/rls<br>C7rcs<br>C7lp/rcs<br>C7rls/rcs<br>C7lp/rls/rcs | Central Business<br>Commercial<br>Central Business<br>Commercial (Retail<br>Liquor Sales)<br>Central Business<br>Commercial (Liquor<br>Primary)<br>Central Business<br>Commercial (Liquor<br>Primary/Retail<br>Liquor Sales)<br>Central Business<br>Commercial<br>(Retail Cannabis<br>Sales)<br>Central Business<br>Commercial (Liquor<br>Primary/Retail<br>Cannabis Sales)<br>Central Business<br>Commercial (Retail |  |                                 |  |   |   |   |   |

|              |   |   |    |  |       |                    |      |                       |          |                                     |  |   |  |    |                    |       |                    |      |                       |          |                                     |       |                            |          |                              |           |  |              |   |   |
|--------------|---|---|----|--|-------|--------------------|------|-----------------------|----------|-------------------------------------|--|---|--|----|--------------------|-------|--------------------|------|-----------------------|----------|-------------------------------------|-------|----------------------------|----------|------------------------------|-----------|--|--------------|---|---|
|              |   |   |    | Liquor Sales /Retail Cannabis Sales)<br>Central Business Commercial (Liquor Primary/Retail Liquor Sales/Retail Cannabis Sales) |       |                    |      |                       |          |                                     |  |   |  |    |                    |       |                    |      |                       |          |                                     |       |                            |          |                              |           |  |              |   |   |
| 6            | Section 01 – General Administration<br><br>1.3 – Zoning Map                   | <b>Section 14 – Commercial Zones</b> <table><tr><td>Cg</td><td>Tourist Commercial</td></tr><tr><td>Cgrls</td><td>Tourist Commercial</td></tr><tr><td>Cglp</td><td>(Retail Liquor Sales)</td></tr><tr><td>Cglp/rls</td><td>Tourist Commercial (Liquor Primary)</td></tr><tr><td></td><td>Tourist Commercial (Liquor Primary/Retail Liquor Sales)</td></tr></table> | Cg | Tourist Commercial   | Cgrls | Tourist Commercial | Cglp | (Retail Liquor Sales) | Cglp/rls | Tourist Commercial (Liquor Primary) |  | Tourist Commercial (Liquor Primary/Retail Liquor Sales) | <b>Section 14 – Commercial Zones</b> <table><tr><td>Cg</td><td>Tourist Commercial</td></tr><tr><td>Cgrls</td><td>Tourist Commercial</td></tr><tr><td>Cglp</td><td>(Retail Liquor Sales)</td></tr><tr><td>Cglp/rls</td><td>Tourist Commercial (Liquor Primary)</td></tr><tr><td>Cgrcs</td><td>Tourist Commercial (Liquor</td></tr><tr><td>Cglp/rcs</td><td>Primary/Retail Liquor Sales)</td></tr><tr><td>Cgrls/rcs</td><td>Tourist Commercial (Retail Cannabis Sales)</td></tr><tr><td>Cglp/rls/rcs</td><td>Tourist Commercial (Liquor Primary/Retail Liquor Sales/Retail Cannabis Sales)</td></tr></table> | Cg | Tourist Commercial | Cgrls | Tourist Commercial | Cglp | (Retail Liquor Sales) | Cglp/rls | Tourist Commercial (Liquor Primary) | Cgrcs | Tourist Commercial (Liquor | Cglp/rcs | Primary/Retail Liquor Sales) | Cgrls/rcs | Tourist Commercial (Retail Cannabis Sales) | Cglp/rls/rcs | Tourist Commercial (Liquor Primary/Retail Liquor Sales/Retail Cannabis Sales) | Amending the General Administration Section for the creation of a Retail Cannabis Sales subzone |
| Cg           | Tourist Commercial  |   |    |  |       |                    |      |                       |          |                                     |  |   |  |    |                    |       |                    |      |                       |          |                                     |       |                            |          |                              |           |  |              |   |   |
| Cgrls        | Tourist Commercial  |   |    |  |       |                    |      |                       |          |                                     |  |   |  |    |                    |       |                    |      |                       |          |                                     |       |                            |          |                              |           |  |              |   |   |
| Cglp         | (Retail Liquor Sales)   |   |    |  |       |                    |      |                       |          |                                     |  |   |  |    |                    |       |                    |      |                       |          |                                     |       |                            |          |                              |           |  |              |   |   |
| Cglp/rls     | Tourist Commercial (Liquor Primary)   |   |    |  |       |                    |      |                       |          |                                     |  |   |  |    |                    |       |                    |      |                       |          |                                     |       |                            |          |                              |           |  |              |   |   |
|              | Tourist Commercial (Liquor Primary/Retail Liquor Sales)                       |   |    |  |       |                    |      |                       |          |                                     |  |   |  |    |                    |       |                    |      |                       |          |                                     |       |                            |          |                              |           |  |              |   |   |
| Cg           | Tourist Commercial  |   |    |  |       |                    |      |                       |          |                                     |  |   |  |    |                    |       |                    |      |                       |          |                                     |       |                            |          |                              |           |  |              |   |   |
| Cgrls        | Tourist Commercial  |   |    |  |       |                    |      |                       |          |                                     |  |   |  |    |                    |       |                    |      |                       |          |                                     |       |                            |          |                              |           |  |              |   |   |
| Cglp         | (Retail Liquor Sales)   |   |    |  |       |                    |      |                       |          |                                     |  |   |  |    |                    |       |                    |      |                       |          |                                     |       |                            |          |                              |           |  |              |   |   |
| Cglp/rls     | Tourist Commercial (Liquor Primary)   |   |    |  |       |                    |      |                       |          |                                     |  |   |  |    |                    |       |                    |      |                       |          |                                     |       |                            |          |                              |           |  |              |   |   |
| Cgrcs        | Tourist Commercial (Liquor  |   |    |  |       |                    |      |                       |          |                                     |  |   |  |    |                    |       |                    |      |                       |          |                                     |       |                            |          |                              |           |  |              |   |   |
| Cglp/rcs     | Primary/Retail Liquor Sales)  |   |    |  |       |                    |      |                       |          |                                     |  |   |  |    |                    |       |                    |      |                       |          |                                     |       |                            |          |                              |           |  |              |   |   |
| Cgrls/rcs    | Tourist Commercial (Retail Cannabis Sales)                                    |   |    |  |       |                    |      |                       |          |                                     |  |   |  |    |                    |       |                    |      |                       |          |                                     |       |                            |          |                              |           |  |              |   |   |
| Cglp/rls/rcs | Tourist Commercial (Liquor Primary/Retail Liquor Sales/Retail Cannabis Sales) |   |    |  |       |                    |      |                       |          |                                     |  |   |  |    |                    |       |                    |      |                       |          |                                     |       |                            |          |                              |           |  |              |   |   |

|   |  |   |                           |  |  |   |  |
|---|--|---|---------------------------|--|--|---|--|
| 7   | Section 01 – General Administration<br><br>1.3 – Zoning Map  | <b>Section 14 – Commercial Zones</b><br><table><tr><td>C10<br/>C10lp<br/>C10lp/rls</td><td>Service Commercial<br/>Service Commercial (Liquor Primary)<br/>Service Commercial (Liquor Primary/Retail Liquor Sales)</td></tr></table> | C10<br>C10lp<br>C10lp/rls | Service Commercial<br>Service Commercial (Liquor Primary)<br>Service Commercial (Liquor Primary/Retail Liquor Sales) | <b>Section 14 – Commercial Zones</b><br><table><tr><td>C10<br/>C10lp<br/>C10lp/rls<br/>C10rls<br/>C10rcs<br/>C10lp/rcs<br/>C10lp/rls/rcs</td><td>Service Commercial<br/>Service Commercial (Liquor Primary)<br/>Service Commercial (Liquor Primary/Retail Liquor Sales)<br/>Service Commercial (Retail Liquor Sales)<br/>Service Commercial (Retail Cannabis Sales)<br/>Service Commercial (Liquor Primary/Retail Cannabis Sales)<br/>Service Commercial (Liquor Primary/Retail Cannabis Sales)<br/>Service Commercial (Liquor Primary/Retail Cannabis 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| 10 | Section 01 – General Administration<br><br>1.3 – Zoning Map    | <b>Section 15 – Industrial Zones</b><br><br>I4 Central Industrial   | <b>Section 15 – Industrial Zones</b><br><br>I4<br>I4rcs Central Industrial (Retail Cannabis Sales)  | Amending the General Administration Section for the creation of a Retail Cannabis Sales subzone                         |
| 11 | Section 01 – General Administration<br><br>1.3 – Zoning Map    | <b>Section 18 – Comprehensive Development Zones</b><br><br>CD17 Mixed Use Commercial – High Density   | <b>Section 18 – Comprehensive Development Zones</b><br><br>CD17<br>CD17rcs Mixed Use Commercial – High Density<br>Mixed Use Commercial – High Density (retail cannabis sales)                                   | Amending the General Administration Section for the creation of a Retail Cannabis Sales subzone                         |
| 12 | Section 01 – General Administration<br><br>1.3 – Zoning Map    | <b>Section 18 – Comprehensive Development Zones</b><br><br>CD26 Capri Centre Comprehensive Development Zone   | <b>Section 18 – Comprehensive Development Zones</b><br><br>CD26<br>CD26rcs Capri Centre Comprehensive Development Zone<br>Capri Centre Comprehensive Development Zone (retail cannabis sales)                   | Amending the General Administration Section for the creation of a Retail Cannabis Sales subzone                         |
| 13 | Section 02 – Interpretation<br><br>2.3.3 – General Definitions | N/A   | <b>CANNABIS</b> means cannabis as defined in the <i>Controlled Drugs and Substances Act</i> and includes any products containing cannabis.  | Addition of a Zoning Bylaw definition of Cannabis   |
| 14 | Section 02 – Interpretation<br><br>2.3.3 – General Definitions | <b>HEALTH SERVICES, MAJOR</b> means a <b>development</b> used for the provision of physical or mental <b>health services</b> on an out-patient basis. Services may be of a preventative, diagnostic, treatment, | <b>HEALTH SERVICES, MAJOR</b> means a <b>development</b> used for the provision of physical or mental <b>health services</b> on an out-patient basis. Services may be of a preventative, diagnostic, treatment, | Updating the existing language from 'marihuana' to 'cannabis', to be consistent with federal and provincial legislation |

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|    |  | therapeutic, rehabilitative or counseling nature. Typical <b>uses</b> include, but are not limited to, medical and dental <b>offices</b> , chiropractors, massage therapists and acupuncture clinics, health clinics, and counseling services. This <b>use</b> does not include the retail sale or dispensing of <b>marihuana</b> .   | therapeutic, rehabilitative or counseling nature. Typical <b>uses</b> include, but are not limited to, medical and dental <b>offices</b> , chiropractors, massage therapists and acupuncture clinics, health clinics, and counseling services. This <b>use</b> does not include the retail sale or dispensing of <b>cannabis</b> .   |  |
| 15 | Section 02 – Interpretation<br><br>2.3.3 – General Definitions | <b>HEALTH SERVICES, MINOR</b> means development used for the provision of counselling and therapeutic services.   | <b>HEALTH SERVICES, MINOR</b> means development used for the provision of counselling and therapeutic services. <b>This use does not include the retail sale or dispensing of cannabis.</b>  | Clarifying that retail sale or dispensing of cannabis is not a permitted use under Health Services, Minor  |
| 16 | Section 02 – Interpretation<br><br>2.3.3 – General Definitions | <b>MEDICAL MARIHUANA PRODUCTION FACILITY</b> means a facility for the producing, processing, setting, providing, shipping, delivering and destroying of medical <b>marihuana</b> and can include analytical testing in permitted industrial zones and must be licensed by Health Canada. This <b>use</b> does not include the retail sale or dispensing of <b>marihuana</b> . | <b>MEDICAL CANNABIS PRODUCTION FACILITY</b> means a facility for the producing, processing, setting, providing, shipping, delivering and/or destroying of <del>medical</del> <b>cannabis</b> and can include analytical testing in permitted industrial zones and must be licensed by Health Canada. This <b>use</b> does not include the retail sale or dispensing of <b>cannabis</b> . | Amending the existing definition to encompass both medical and non-medical cannabis production facilities<br><br>Updating the existing language from 'marihuana' to 'cannabis', to be consistent with federal and provincial legislation |
| 17 | Section 02 – Interpretation<br><br>2.3.3 – General Definitions | N/A   | <b>RETAIL CANNABIS SALES ESTABLISHMENT (rcs)</b> means a development used for the retail sale of <b>cannabis</b> that has been licensed by the Government of British Columbia.   | Addition of a Zoning Bylaw definition defining Retail Cannabis Sales Establishments as a use   |

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| 18 | <p>Section 02 – Interpretation</p> <p>2.3.3 – General Definitions</p> | <p><b>RETAIL STORE, CONVENIENCE</b> means <b>development</b> used for the retail sale of those goods required by area residents (including tourists temporarily resident in a neighbourhood) and employees on a day to day basis, from <b>business premises</b> which do not exceed 235 m<sub>2</sub> in <b>gross floor area</b>. Typical <b>uses</b> include but are not necessarily limited to: small food stores, drug stores, florists, or variety stores selling confectionery, tobacco, groceries, beverages, pharmaceutical items, personal care items, hardware, printed matter, seasonal or tourism related rentals or the rental of videos. This <b>use</b> does not include the retail sale or dispensing of <b>marihuana</b>. In the W2 Zone, this includes items normally required by people using marina facilities, but does not include the rental of personal watercraft or rental of automobiles.</p> | <p><b>RETAIL STORE, CONVENIENCE</b> means <b>development</b> used for the retail sale of those goods required by area residents (including tourists temporarily resident in a neighbourhood) and employees on a day to day basis, from <b>business premises</b> which do not exceed 235 m<sub>2</sub> in <b>gross floor area</b>. Typical <b>uses</b> include but are not necessarily limited to: small food stores, drug stores, florists, or variety stores selling confectionery, tobacco, groceries, beverages, pharmaceutical items, personal care items, hardware, printed matter, seasonal or tourism related rentals or the rental of videos. This <b>use</b> does not include the retail sale or dispensing of <b>cannabis</b>. In the W2 Zone, this includes items normally required by people using marina facilities, but does not include the rental of personal watercraft or rental of automobiles.</p> | Updating the existing language from 'marihuana' to 'cannabis', to be consistent with federal and provincial legislation |
| 19 | <p>Section 02 – Interpretation</p> <p>2.3.3 – General Definitions</p> | <p><b>RETAIL STORE, GENERAL</b> means <b>premises</b> where goods, merchandise and other material are offered for sale at retail to the general public and includes limited on-site storage or limited seasonal outdoor sales to support that store's operations. Typical <b>uses</b> include but are not limited to grocery,</p>   | <p><b>RETAIL STORE, GENERAL</b> means <b>premises</b> where goods, merchandise and other material are offered for sale at retail to the general public and includes limited on-site storage or limited seasonal outdoor sales to support that store's operations. Typical <b>uses</b> include but are not limited to grocery, hardware,</p>  | Updating the existing language from 'marihuana' to 'cannabis', to be consistent with federal and provincial legislation |

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|    |  | hardware, pharmaceutical, clothing, appliance and sporting goods stores. This <b>use</b> excludes <b>warehouse sales</b> and sale of gasoline, heavy agricultural and industrial equipment, second-hand goods, and retail stores requiring <b>outdoor storage</b> . This <b>use</b> does not include the retail sale or dispensing of <b>marihuana</b> .  | pharmaceutical, clothing, appliance and sporting goods stores. This <b>use</b> excludes <b>warehouse sales</b> and sale of gasoline, heavy agricultural and industrial equipment, second-hand goods, and retail stores requiring <b>outdoor storage</b> . This <b>use</b> does not include the retail sale or dispensing of <b>cannabis</b> .  |   |
| 20 | Section 02 – Interpretation<br><br>2.3.3 – General Definitions | <b>RETAIL STORES, HEALTH PRODUCTS</b> means a retail outlet where products related to the health industry are sold, rented, custom fitted or repaired. Such uses include but are not limited to pharmacies, health food stores, naturopathic stores, uniform stores. Limited convenience retail is permitted as a secondary use. This <b>use</b> does not include the retail sale or dispensing of <b>marihuana</b> .   | <b>RETAIL STORES, HEALTH PRODUCTS</b> means a retail outlet where products related to the health industry are sold, rented, custom fitted or repaired. Such uses include but are not limited to pharmacies, health food stores, naturopathic stores, uniform stores. Limited convenience retail is permitted as a secondary use. This <b>use</b> does not include the retail sale or dispensing of <b>cannabis</b> .                 | Updating the existing language from 'marihuana' to 'cannabis', to be consistent with federal and provincial legislation |
| 21 | Section 02 – Interpretation<br><br>2.3.3 – General Definitions | <b>RETAIL STORE, SERVICE COMMERCIAL</b> means <b>premises</b> where goods, merchandise or other materials are offered for sale at retail to the general public and require extensive on-site storage to support the store's operations, either for product storage, or for processing, manufacturing or repairing goods sold on site. Typical <b>uses</b> include but are not limited to sales of automotive parts, and | <b>RETAIL STORE, SERVICE COMMERCIAL</b> means <b>premises</b> where goods, merchandise or other materials are offered for sale at retail to the general public and require extensive on-site storage to support the store's operations, either for product storage, or for processing, manufacturing or repairing goods sold on site. Typical <b>uses</b> include but are not limited to sales of automotive parts, and bakeries and | Updating the existing language from 'marihuana' to 'cannabis', to be consistent with federal and provincial legislation |

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|    |   | bakeries and butchers that process on site. This <b>use</b> does not include the retail sale or dispensing of <b>marihuana</b> . | butchers that process on site. This <b>use</b> does not include the retail sale or dispensing of <b>cannabis</b> .  |   |
| 22 | Section 08 –<br>Parking and<br>Loading<br><br>Table 8.1 –<br>Parking Schedule | Retail Liquor Sales Establishments<br>(a) GFA less than 200m <sup>2</sup><br>(b) GFA greater than 200m <sup>2</sup>              | Retail Liquor Sales Establishments<br><b>Retail Cannabis Sales Establishments</b><br>(a) GFA less than 200m <sup>2</sup><br>(b) GFA greater than 200m <sup>2</sup>  | Addition of <b>Retail Cannabis Sales Establishments</b> to the Parking Schedule   |
| 23 | Section 09 –<br>Specific Use<br>Regulations                                   | N/A  | <b>9.15 Cannabis Production Facilities</b><br><br><b>9.15.1 Cannabis Production Facilities</b> may not be located within 60 metres of any <b>lot</b> that has a residential use as a principal use, measured from closest <b>lot</b> line to closest <b>lot</b> line  | Establishment of a minimum distance that any new <b>Cannabis Production Facilities</b> need to be from any lot that has residential as a principal use to help minimize any potential nuisances to residential properties   |
| 24 | Section 09 –<br>Specific Use<br>Regulations                                   | N/A  | <b>9.16 Retail Cannabis Sales Establishments</b><br><br><b>9.16.1</b> Any <b>Retail Cannabis Sales Establishment</b> must be set back a minimum distance of 500 metres from another <b>Retail Cannabis Sales Establishment</b> , measured from closest <b>lot</b> line to closest <b>lot</b> line<br><br><b>9.16.2</b> No more than one <b>Retail Cannabis Sales Establishment</b> may exist per <b>lot</b> | Establishment of a minimum distance that <b>Retail Cannabis Sales Establishments</b> need to be separated to ensure stores are spaced out and clustering in certain corridors is avoided, particularly in urban centres.<br><br>Adding a regulation that only one Retail Cannabis |



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|  |  |  | <p>9.16.3 Any <b>Retail Cannabis Sales Establishment</b> must be set back a minimum distance of 150 metres from any public elementary school, measured from closest <b>lot</b> line to closest <b>lot</b> line</p> <p>9.16.4 Any <b>Retail Cannabis Sales Establishment</b> must be set back a minimum distance of 500 metres from any public middle or secondary school, measured from closest <b>lot</b> line to closest <b>lot</b> line</p> <p>9.16.5 Any <b>Retail Cannabis Sales Establishment</b> must be set back a minimum distance of 150 metres from the following parks, measured from closest <b>lot</b> line to closest <b>lot</b> line:</p> <ul style="list-style-type: none"> <li>a) Ben Lee Park</li> <li>b) Bluebird Beach Park</li> <li>c) Boyce-Gyro Beach Park</li> <li>d) City Park</li> <li>e) East Kelowna Park</li> <li>f) Glenmore Recreation Park</li> <li>g) Kasugai Gardens</li> <li>h) Kinsmen Park</li> <li>i) KLO Sports Field</li> <li>j) Lombardy Park</li> <li>k) Mission Recreation Park</li> <li>l) Munson Pond Park</li> <li>m) Parkinson Recreation Park</li> <li>n) Recreation Avenue Park</li> </ul> | <p>Sales Establishment can exist per lot.</p> <p>Establishment of a minimum distance that <b>Retail Cannabis Sales Establishments</b> need to be from public schools and select parks, to help limit the exposure of youth to cannabis</p> |
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|    |   |  | <p>o) Rotary Beach Park<br/> p) Rutland Centennial Park<br/> q) Rutland Recreation Park<br/> r) Sarsons Beach Park<br/> s) Stuart Park<br/> t) Sutherland Bay Park<br/> u) Waterfront Park</p> <p>9.16.6 Mobile sales, drive-in retail sales and/or delivery of cannabis are not a permitted form of <b>Cannabis Retail Sales Establishments</b></p> <p>9.16.7 In Industrial zones the maximum gross floor area for <b>Cannabis Retail Sales Establishments</b> is 250 m<sup>2</sup></p> | <p>Establishment of a regulation that prohibits mobile sales, drive-in retail sales and delivery as a permitted form of <b>Retail Cannabis Sales Establishments</b></p> <p>Establishing a maximum gross floor area for <b>Retail Cannabis Sales Establishments</b> in Industrial Zones, to help protect industrial uses</p> |
| 25 | <p>Section 14 – Commercial Zones</p> <p>14.2 – C2 – Neighbourhood Commercial</p>                  | <b>C2 – Neighbourhood Commercial/ C2rls – Neighbourhood Commercial (Retail Liquor Sales)</b> | <p><b>C2 – Neighbourhood Commercial/ C2rls – Neighbourhood Commercial (Retail Liquor Sales)</b><br/> <b>C2rcs – Community Commercial (Retail Cannabis Sales)</b><br/> <b>C2rls/rcs – Community Commercial (Retail Liquor Sales/Retail Cannabis Sales)</b></p>  | Addition of Retail Cannabis Sales as a subzone in the C2 zone   |
| 26 | <p>Section 14 – Commercial Zones</p> <p>14.2.3 Secondary Uses (C2 – Neighbourhood Commercial)</p> |  | Addition of <b>retail cannabis sales establishment (C2rcs and C2rls/rcs only)</b> as a permitted secondary use and renumbered accordingly  | Addition of <b>Retail Cannabis Sales Establishments</b> as a permitted secondary use in the C2 zone   |

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| 27 | <p>Section 14 – Commercial Zones</p> <p>14.3 – C3 – Community Commercial</p>                    | <p><b>C3 – Community Commercial/ C3lp/rls – Community Commercial (Liquor Primary/Retail Liquor Sales)</b></p> <p><b>C3rls – Community Commercial (Retail Liquor Sales)</b></p> <p><b>C3lp – Community Commercial (Liquor Primary)</b></p> | <p><b>C3 – Community Commercial/ C3lp/rls – Community Commercial (Liquor Primary/Retail Liquor Sales)</b></p> <p><b>C3rls – Community Commercial (Retail Liquor Sales)</b></p> <p><b>C3lp – Community Commercial (Liquor Primary)</b></p> <p><b>C3rcs – Community Commercial (Retail Cannabis Sales)</b></p> <p><b>C3lp/rcs – Community Commercial (Liquor Primary/Retail Cannabis Sales)</b></p> <p><b>C3rls/rcs – Community Commercial (Retail Liquor Sales/Retail Cannabis Sales)</b></p> <p><b>C3lp/rls/rcs – Community Commercial (Liquor Primary/Retail Liquor Sales/Retail Cannabis Sales)</b></p> | <p>Addition of Retail Cannabis Sales as a subzone in the C3 zone</p>                                       |
| 28 | <p>Section 14 – Commercial Zones</p> <p>14.3.2 – Principal Uses (C3 – Community Commercial)</p> |   | <p>Addition of <b>retail cannabis sales establishment (C3rcs, C3lp/rcs, C3rls/rcs and C3lp/rls/rcs only)</b> as a permitted principal use and renumbered accordingly</p>  | <p>Addition of <b>Retail Cannabis Sales Establishments</b> as a permitted principal use in the C3 zone</p> |
| 29 | <p>Section 14 – Commercial Zones</p> <p>14.4 – C4 – Urban Centre Commercial</p>                 | <p><b>C4 – Urban Centre Commercial/ C4rls – Urban Centre Commercial (Retail Liquor Sales)</b></p> <p><b>C4lp – Urban Centre Commercial (Liquor Primary)</b></p>   | <p><b>C4 – Urban Centre Commercial/ C4rls – Urban Centre Commercial (Retail Liquor Sales)</b></p> <p><b>C4lp – Urban Centre Commercial (Liquor Primary)</b></p>   | <p>Addition of Retail Cannabis Sales as a subzone in the C4 zone</p>                                       |

|    |   |   |   |  |
|----|---|---|---|--|
|    |   | C4lp/rls – Urban Centre Commercial (Liquor Primary/Retail Liquor Sales)   | C4lp/rls – Urban Centre Commercial (Liquor Primary/Retail Liquor Sales)<br>C4rcs – Urban Centre Commercial (Retail Cannabis Sales)<br>C4lp/rcs – Urban Centre Commercial (Liquor Primary/Retail Cannabis Sales)<br>C4rls/rcs – Urban Centre Commercial (Retail Liquor Sales/Retail Cannabis Sales)<br>C4lp/rls/rcs – Urban Centre Commercial (Liquor Primary/Retail Liquor Sales/Retail Cannabis Sales) |  |
| 30 | Section 14 – Commercial Zones<br><br>14.4.2 Principal Uses (C4 – Urban Centre Commercial) |   | Addition of retail cannabis sales establishment (C4rcs, C4lp/rcs, C4rls/rcs and C4lp/rls/rcs only) as a permitted principal use and renumbered accordingly  | Addition of Retail Cannabis Sales Establishments as a permitted principal use in the C4 zone |
| 31 | Section 14 – Commercial Zones<br><br>14.6 – C6 – Regional Commercial                      | C6 – Regional Commercial/<br>C6rls – Regional Commercial (Retail Liquor Sales)<br>C6lp – Regional Commercial (Liquor Primary) | C6 - Regional Commercial<br>C6rls - Regional Commercial (Retail Liquor Sales)<br>C6lp - Regional Commercial (Liquor Primary)<br>C6lp/rls - Regional Commercial (Liquor Primary/ Retail Liquor Sales)<br>C6rcs - Regional Commercial (Retail Cannabis Sales)   | Addition of Retail Cannabis Sales as a subzone in the C6 zone                                |

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|    |   |   | <b>C6lp/rcs - Regional Commercial (Liquor Primary/Retail Cannabis Sales)</b><br><b>C6rls/rcs - Regional Commercial (Retail Liquor Sales /Retail Cannabis Sales)</b><br><b>C6lp/rls/rcs - Regional Commercial (Liquor Primary/Retail Liquor Sales/Retail Cannabis Sales)</b>   |   |
| 32 | Section 14 – Commercial Zones<br><br>14.6.2 Principal Uses (C6 – Regional Commercial) |   | Addition of <b>retail cannabis sales establishment (C6rcs, C6lp/rcs, C6rls/rcs and C6lp/rls/rcs only)</b> as a permitted principal use and renumbered accordingly   | Addition of <b>Retail Cannabis Sales Establishments</b> as a permitted principal use in the C6 zone |
| 33 | Section 14 – Commercial Zones<br><br>14.7 C7 – Central Business Commercial            | <b>C7 – Central Business Commercial</b><br><b>C7rls – Central Business Commercial (Retail Liquor Sales)</b><br><b>C7lp – Central Business Commercial (Liquor Primary)</b><br><b>C7lp/rls – Central Business Commercial (Liquor Primary/Retail Liquor Sales)</b> | <b>C7 – Central Business Commercial</b><br><b>C7rls – Central Business Commercial (Retail Liquor Sales)</b><br><b>C7lp – Central Business Commercial (Liquor Primary)</b><br><b>C7lp/rls – Central Business Commercial (Liquor Primary/Retail Liquor Sales)</b><br><b>C7rcs – Central Business Commercial (Retail Cannabis Sales)</b><br><b>C7lp/rcs – Central Business Commercial (Liquor Primary/Retail Cannabis Sales)</b><br><b>C7rls/rcs – Central Business Commercial (Retail Liquor Sales/Retail Cannabis Sales)</b> | Addition of Retail Cannabis Sales as a subzone in the C7 zone                                       |

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|    |   |  | <b>C7lp/rls/rcs – Central Business Commercial (Liquor Primary/Retail Liquor Sales/Retail Cannabis Sales)</b>   |   |
| 34 | Section 14 – Commercial Zones<br><br>14.7.2 Principal Uses (C7 – Central Business Commercial) |  | Addition of <b>retail cannabis sales establishment (C7rcs, C7lp/rcs, C7rls/rcs and C7lp/rls/rcs only)</b> as a permitted principal use and renumbered accordingly  | Addition of <b>Retail Cannabis Sales Establishments</b> as a permitted principal use in the C7 zone |
| 35 | Section 14 – Commercial Zones<br><br>14.9 – Tourist Commercial                                | <b>C9 – Tourist Commercial/ C9rls – Tourist Commercial (Retail Liquor Sales)<br/>C9lp – Tourist Commercial (Liquor Primary)<br/>C9lp/rls – Tourist Commercial (Liquor Primary/Retail Liquor Sales)</b> | <b>C9 – Tourist Commercial/ C9rls – Tourist Commercial (Retail Liquor Sales)<br/>C9lp – Tourist Commercial (Liquor Primary)<br/>C9lp/rls – Tourist Commercial (Liquor Primary/Retail Liquor Sales)<br/>C9rcs – Tourist Commercial (Retail Cannabis Sales)<br/>C9lp/rcs – Tourist Commercial (Liquor Primary/Retail Cannabis Sales)<br/>C9rls/rcs – Tourist Commercial (Retail Liquor Sales/Retail Cannabis Sales)<br/>C9lp/rls/rcs – Tourist Commercial (Liquor Primary/Retail Liquor Sales/Retail Cannabis Sales)</b> | Addition of Retail Cannabis Sales as a subzone in the C9 zone                                       |
| 36 | Section 14 – Commercial Zones   |  | Addition of <b>retail cannabis sales establishment (C9rcs, C9lp/rcs, C9rls/rcs and C9lp/rls/rcs only)</b> as a   | Addition of <b>Retail Cannabis Sales Establishments</b> as a  |

|    |  |   |   |   |
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|    | 14.9.3 – Secondary Uses (Tourist Commercial)   |   | permitted secondary use and renumbered accordingly  | permitted secondary use in the C9 zone  |
| 37 | Section 14 – Commercial Zones<br><br>14.10 – C10 – Service Commercial                    | <b>C10 – Service Commercial</b><br><b>C10lp – Service Commercial (Liquor Primary)</b><br><b>C10lp/rls – Service Commercial (Liquor Primary/Retail Liquor Sales)</b> | <b>C10 – Service Commercial</b><br><b>C10lp – Service Commercial (Liquor Primary)</b><br><b>C10lp/rls – Service Commercial (Liquor Primary/Retail Liquor Sales)</b><br><b>C10rls – Service Commercial (Retail Liquor Sales)</b><br><b>C10rcs – Service Commercial (Retail Cannabis Sales)</b><br><b>C10lp/rcs – Service Commercial (Liquor Primary/Retail Cannabis Sales)</b><br><b>C10lp/rls/rcs – Service Commercial (Liquor Primary/Retail Liquor Sales/Retail Cannabis Sales)</b> | Addition of Retail Cannabis Sales as a subzone to the C10 zone<br><br>Addition of C10rls as a subzone as a miscellaneous Zoning Bylaw amendment |
| 38 | Section 14 – Commercial Zones<br><br>14.10.2 – Principal Uses (C10 – Service Commercial) |   | Addition of <b>retail cannabis sales establishment (C10rcs, C10lp/rcs, and C10lp/rls/rcs only)</b> as a permitted principal use and renumbered accordingly  | Addition of <b>Retail Cannabis Sales Establishments</b> as a permitted principal use to the C10 zone  |
| 39 | Section 15 – Industrial Zones<br><br>15.1 I1 – Business Industrial                       | <b>I1 – Business Industrial</b>   | <b>I1 – Business Industrial</b><br><b>I1rcs – Business Industrial (Retail Cannabis Sales)</b>   | Addition of Retail Cannabis Sales as a subzone to the I1 zone   |

|    |   |  |   |   |
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| 40 | Section 15 – Industrial Zones<br><br>15.1.2 – Principal Uses (I1 – Business Industrial) | The <b>principal uses</b> in this zone are:<br>(a) <b>analytical testing</b><br>(b) <b>animal clinics, major</b><br>(c) <b>broadcasting studios</b><br>(d) <b>business support services</b><br>(e) <b>child care centre, major</b><br>(f) <b>commercial storage</b><br>(g) <b>contractor services, limited</b><br>(h) <b>custom indoor manufacturing</b><br>(i) <b>emergency and protective services</b><br>(j) <b>food primary establishment</b><br>(k) <b>general industrial uses</b><br>(l) <b>liquor primary establishment, minor</b><br>(m) <b>medical marihuana production facilities</b><br>(n) <b>offices</b><br>(o) <b>participant recreation services, indoor</b><br>(p) <b>private clubs</b><br>(q) <b>thrift stores</b><br>(r) <b>utility services, minor impact</b> | The <b>principal uses</b> in this zone are:<br>(a) <b>analytical testing</b><br>(b) <b>animal clinics, major</b><br>(c) <b>broadcasting studios</b><br>(d) <b>business support services</b><br>(e) <b>child care centre, major</b><br>(f) <b>commercial storage</b><br>(g) <b>contractor services, limited</b><br>(h) <b>custom indoor manufacturing</b><br>(i) <b>emergency and protective services</b><br>(j) <b>food primary establishment</b><br>(k) <b>general industrial uses</b><br>(l) <b>liquor primary establishment, minor</b><br>(m) <b>medical cannabis production facilities</b><br>(n) <b>offices</b><br>(o) <b>participant recreation services, indoor</b><br>(p) <b>private clubs</b><br>(q) <b>thrift stores</b><br>(r) <b>utility services, minor impact</b> | Updating the existing language from 'marihuana' to 'cannabis', to be consistent with federal and provincial legislation<br><br>Removal of the reference to "medical" for <b>Cannabis Production Facilities</b> , as Interpretation Section definition will be updated to include both medical and non-medical cannabis production |
| 41 | Section 15 – Industrial Zones<br><br>15.1.3 – Secondary Uses (I1 – Business Industrial) |  | Addition of <b>retail cannabis sales establishment (I1rcs only)</b> as a permitted secondary use and renumbered accordingly   | Addition of <b>Retail Cannabis Sales Establishments</b> as a permitted secondary use to the I1 zone   |
| 42 | Section 15 – Industrial Zones   | <b>I2 – General Industrial</b>   | <b>I2 – General Industrial I2rcs – General Industrial (Retail Cannabis Sales)</b>   | Addition of Retail Cannabis Sales as a subzone to the I2 zone   |



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|    | 15.2 I2 – General Industrial  |   |   |   |
| 43 | <p>Section 15 – Industrial Zones</p> <p>15.2.2 – Principal Uses (I2 – General Industrial)</p> | <p>The <b>principal uses</b> in this <b>zone</b> are:</p> <p>(a) <b>analytical testing</b></p> <p>(b) <b>animal clinics, major</b></p> <p>(c) <b>auctioneering establishments</b></p> <p>(d) <b>automotive and equipment repair shops</b></p> <p>(e) <b>automotive and minor recreation vehicle sales/rentals</b></p> <p>(f) <b>breweries and distilleries, major</b></p> <p>(g) <b>breweries and distilleries, minor</b></p> <p>(h) <b>bulk fuel depots</b></p> <p>(i) <b>commercial storage</b></p> <p>(j) <b>contractor services, general</b></p> <p>(k) <b>contractor services, limited</b></p> <p>(l) <b>convenience vehicle rentals</b></p> <p>(m) <b>custom indoor manufacturing</b></p> <p>(n) <b>emergency and protective services</b></p> <p>(o) <b>equipment rentals</b></p> <p>(p) <b>fleet services</b></p> <p>(q) <b>food primary establishment</b></p> <p>(r) <b>gas bars</b></p> <p>(s) <b>general industrial uses</b></p> <p>(t) <b>household repair services</b></p> <p>(u) <b>liquor primary establishment, minor</b></p> <p>(v) <b>medical <del>marihuana</del> production facilities</b></p> <p>(w) <b>outdoor storage</b></p> <p>(x) <b>participant recreation services, indoor</b></p> <p>(y) <b>private clubs</b></p> | <p>The <b>principal uses</b> in this <b>zone</b> are:</p> <p>(a) <b>analytical testing</b></p> <p>(b) <b>animal clinics, major</b></p> <p>(c) <b>auctioneering establishments</b></p> <p>(d) <b>automotive and equipment repair shops</b></p> <p>(e) <b>automotive and minor recreation vehicle sales/rentals</b></p> <p>(f) <b>breweries and distilleries, major</b></p> <p>(g) <b>breweries and distilleries, minor</b></p> <p>(h) <b>bulk fuel depots</b></p> <p>(i) <b>commercial storage</b></p> <p>(j) <b>contractor services, general</b></p> <p>(k) <b>contractor services, limited</b></p> <p>(l) <b>convenience vehicle rentals</b></p> <p>(m) <b>custom indoor manufacturing</b></p> <p>(n) <b>emergency and protective services</b></p> <p>(o) <b>equipment rentals</b></p> <p>(p) <b>fleet services</b></p> <p>(q) <b>food primary establishment</b></p> <p>(r) <b>gas bars</b></p> <p>(s) <b>general industrial uses</b></p> <p>(t) <b>household repair services</b></p> <p>(u) <b>liquor primary establishment, minor</b></p> <p>(v) <b><del>medical</del> <b>cannabis</b> production facilities</b></p> <p>(w) <b>outdoor storage</b></p> <p>(x) <b>participant recreation services, indoor</b></p> <p>(y) <b>private clubs</b></p> | <p>Updating the existing language from 'marihuana' to 'cannabis', to be consistent with federal and provincial legislation</p> <p>Removal of the reference to "medical" for <b>Cannabis Production Facilities</b>, as Interpretation Section definition will be updated to include both medical and non-medical cannabis production</p> |

|    |   |   |  |   |
|----|---|---|--|---|
|    |   | <p>(z) rapid drive-through vehicle services</p> <p>(aa) recycling depots</p> <p>(bb) recycled materials drop-off centres</p> <p>(cc) service stations, minor</p> <p>(dd) service stations, major</p> <p>(ee) temporary shelter services</p> <p>(ff) truck and mobile home sales/rentals</p> <p>(gg) utility services, minor impact</p> <p>(hh) vehicle and equipment services, industrial</p> <p>(ii) warehouse sales</p>                               | <p>(z) rapid drive-through vehicle services</p> <p>(aa) recycling depots</p> <p>(bb) recycled materials drop-off centres</p> <p>(cc) service stations, minor</p> <p>(dd) service stations, major</p> <p>(ee) temporary shelter services</p> <p>(ff) truck and mobile home sales/rentals</p> <p>(gg) utility services, minor impact</p> <p>(hh) vehicle and equipment services, industrial</p> <p>(ii) warehouse sales</p>                              |   |
| 44 | <p>Section 15 – Industrial Zones</p> <p>15.2.2 – Secondary Uses (I2 – General Industrial)</p> |   | <p>Addition of <b>retail cannabis sales establishment (I2rcs only)</b> as a permitted secondary use and renumbered accordingly</p>   | <p>Addition of <b>Retail Cannabis Sales Establishments</b> as a permitted secondary use to the I2 zone</p>  |
| 45 | <p>Section 15 – Industrial Zones</p> <p>15.3.2 – Principal Uses (I3 – Heavy Industrial)</p>   | <p>The principal uses in this zone are:</p> <p>(a) analytical testing</p> <p>(b) animal clinics, major</p> <p>(c) breweries and distilleries, major</p> <p>(d) breweries and distilleries, minor</p> <p>(d) bulk fuel depots</p> <p>(e) concrete and asphalt plants</p> <p>(f) general industrial uses</p> <p>(g) medical <b>marihuana</b> production facilities</p> <p>(h) outdoor storage</p> <p>(i) recycling depots</p> <p>(j) recycling plants</p> | <p>The principal uses in this zone are:</p> <p>(a) analytical testing</p> <p>(b) animal clinics, major</p> <p>(c) breweries and distilleries, major</p> <p>(d) breweries and distilleries, minor</p> <p>(d) bulk fuel depots</p> <p>(e) concrete and asphalt plants</p> <p>(f) general industrial uses</p> <p>(g) <b>medical cannabis</b> production facilities</p> <p>(h) outdoor storage</p> <p>(i) recycling depots</p> <p>(j) recycling plants</p> | <p>Updating the existing language from 'marihuana' to 'cannabis', to be consistent with federal and provincial legislation</p> <p>Removal of the reference to "medical" for <b>Cannabis Production Facilities</b>, as Interpretation Section definition will be updated</p> |

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|----|--|---|---|---|
|    |  | (k) <b>recycled materials drop-off centres</b><br>(l) <b>utility services, minor impact</b><br>(m) <b>utility services, major impact</b><br>(n) <b>vehicle and equipment services, industrial</b><br>(o) <b>wrecking yards</b>  | (k) <b>recycled materials drop-off centres</b><br>(l) <b>utility services, minor impact</b><br>(m) <b>utility services, major impact</b><br>(n) <b>vehicle and equipment services, industrial</b><br>(o) <b>wrecking yards</b>  | to include both medical and non-medical cannabis production   |
| 46 | Section 15 – Industrial Zones<br><br>15.4 I4 – Central Industrial                      | <b>I4 – Central Industrial</b>  | <b>I4 – Central Industrial</b><br><b>I4rcs – Central Industrial (Retail Cannabis Sales)</b>   | Addition of Retail Cannabis Sales as a subzone to the I4 zone   |
| 47 | Section 15 – Industrial Zones<br><br>15.4.2 – Principal Uses (I4 – Central Industrial) | The <b>principal uses</b> in this <b>zone</b> are:<br>(a) <b>analytical testing</b><br>(b) <b>animal clinics, major</b><br>(c) <b>auctioneering establishments</b><br>(d) <b>automotive and equipment repair shops</b><br>(e) <b>automotive and minor recreation vehicle sales/rentals</b><br>(f) <b>breweries and distilleries, major</b><br>(g) <b>breweries and distilleries, minor</b><br>(h) <b>broadcasting studios</b><br>(i) <b>bulk fuel depots</b><br>(j) <b>child care centre, major</b><br>(k) <b>commercial storage</b><br>(l) <b>concrete and asphalt plants</b><br>(m) <b>contractor services, limited</b><br>(n) <b>contractor services, general</b><br>(o) <b>custom indoor manufacturing</b><br>(p) <b>equipment rentals</b><br>(q) <b>fleet services</b><br>(r) <b>food primary establishment</b><br>(s) <b>gas bars</b> | The <b>principal uses</b> in this <b>zone</b> are:<br>(a) <b>analytical testing</b><br>(b) <b>animal clinics, major</b><br>(c) <b>auctioneering establishments</b><br>(d) <b>automotive and equipment repair shops</b><br>(e) <b>automotive and minor recreation vehicle sales/rentals</b><br>(f) <b>breweries and distilleries, major</b><br>(g) <b>breweries and distilleries, minor</b><br>(h) <b>broadcasting studios</b><br>(i) <b>bulk fuel depots</b><br>(j) <b>child care centre, major</b><br>(k) <b>commercial storage</b><br>(l) <b>concrete and asphalt plants</b><br>(m) <b>contractor services, limited</b><br>(n) <b>contractor services, general</b><br>(o) <b>custom indoor manufacturing</b><br>(p) <b>equipment rentals</b><br>(q) <b>fleet services</b><br>(r) <b>food primary establishment</b><br>(s) <b>gas bars</b> | Updating the existing language from 'marihuana' to 'cannabis', to be consistent with federal and provincial legislation<br><br>Removal of the reference to "medical" for <b>Cannabis Production Facilities</b> , as Interpretation Section definition will be updated to include both medical and non-medical cannabis production |

|    |  |  |   |   |
|----|--|--|---|---|
|    |  | (t) general industrial uses<br>(u) industrial high technology research and product design<br>(v) liquor primary establishment, minor<br>(w) medical <b>marihuana</b> production facilities<br>(x) mobile catering food services<br>(y) non- accessory parking<br>(z) participant recreation services, indoor<br>(aa) pawnshop<br>(bb) private clubs<br>(cc) rapid drive-through vehicle services<br>(dd) recycled materials drop-off centres<br>(ee) service stations, major<br>(ff) service stations, minor<br>(gg) temporary parking lot<br>(hh) temporary shelter services<br>(ii) utility services, minor impact<br>(jj) warehouse sales | (t) general industrial uses<br>(u) industrial high technology research and product design<br>(v) liquor primary establishment, minor<br>(w) <b>medical cannabis</b> production facilities<br>(x) mobile catering food services<br>(y) non- accessory parking<br>(z) participant recreation services, indoor<br>(aa) pawnshop<br>(bb) private clubs<br>(cc) rapid drive-through vehicle services<br>(dd) recycled materials drop-off centres<br>(ee) service stations, major<br>(ff) service stations, minor<br>(gg) temporary parking lot<br>(hh) temporary shelter services<br>(ii) utility services, minor impact<br>(jj) warehouse sales |   |
| 48 | Section 15 – Industrial Zones<br><br>15.4.2 – Secondary Uses (I4 – Central Industrial) |  | Addition of <b>retail cannabis sales establishment (I4rcs only)</b> as a permitted secondary use and renumbered accordingly   | Addition of <b>Retail Cannabis Sales Establishments</b> as a permitted secondary use to the I4 zone |
| 49 | Section 18 – Schedule 'B' – Comprehensive  | <b>CD17 – Mixed Use Commercial - High Density</b>  | <b>CD17 – Mixed Use Commercial - High Density</b>   | Addition of Retail Cannabis Sales as a subzone to the CD17 zone                                     |

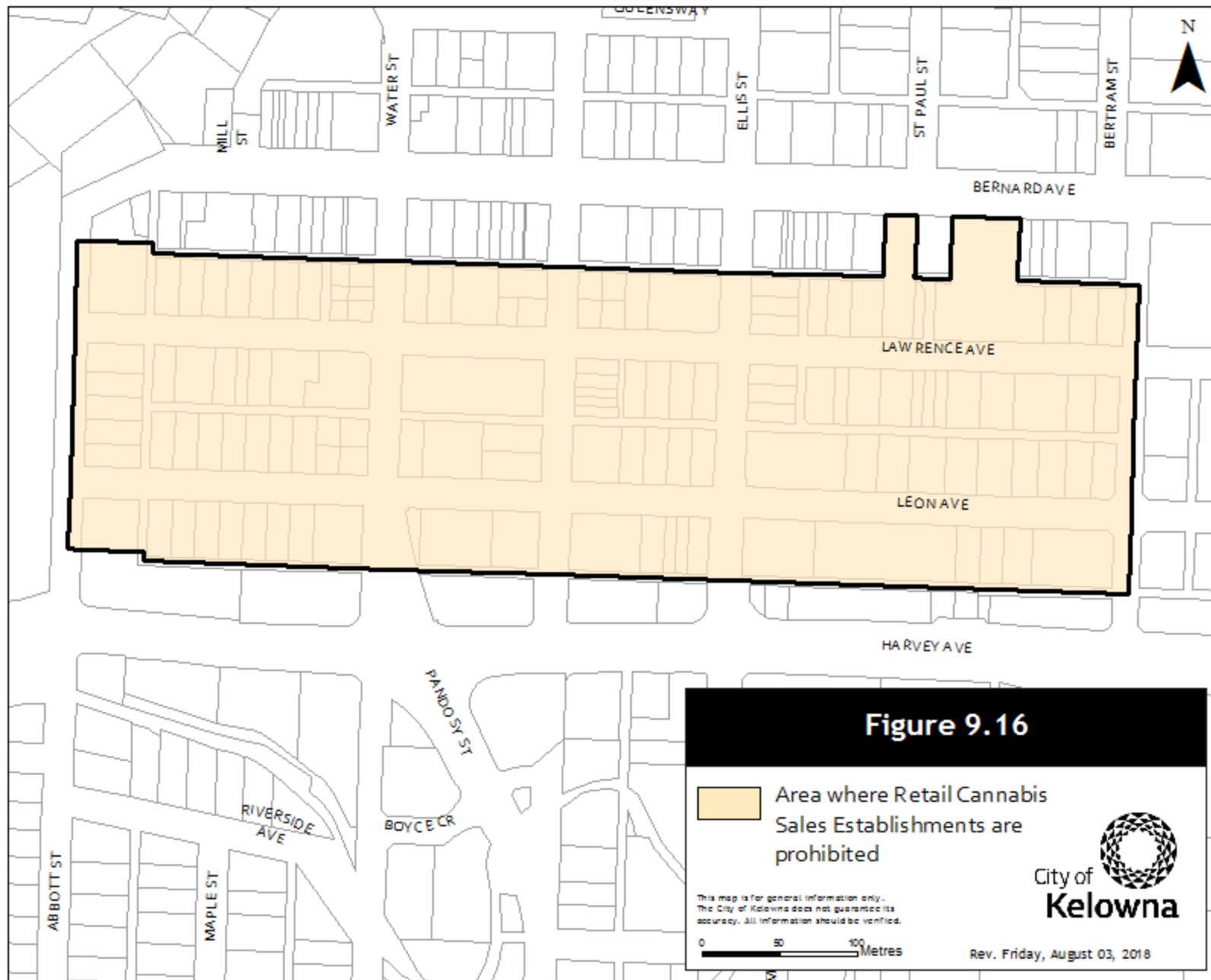
|    |   |  |  |   |
|----|---|--|--|---|
|    | Development Zones<br><br>CD17 – Mixed Use Commercial – High Density   |  | <b>CD17rcs - Mixed Use Commercial - High Density (Retail Cannabis Sales)</b>   |   |
| 50 | Section 18 – Schedule 'B' – Comprehensive Development Zones<br><br>CD17 – Mixed Use Commercial – High Density<br><br>Section 1.1 Principal Uses |  | Addition of <b>retail cannabis sales establishment (CD17rcs only)</b> as a permitted principal use and renumbered accordingly              | Addition of <b>Retail Cannabis Sales Establishments</b> as a permitted principal use to the CD17 zone |
| 51 | Section 18 – Schedule 'B' – Comprehensive Development Zones<br><br>CD26 – Capri Centre Comprehensive Development Zone                           | <b>CD26– Capri Centre Comprehensive Development Zone</b> | <b>CD26– Capri Centre Comprehensive Development Zone<br/>CD26rsc – Capri Centre Comprehensive Development Zone (Retail Cannabis Sales)</b> | Addition of Retail Cannabis Sales as a subzone to the CD26 zone                                       |
| 52 | Section 18 – Schedule 'B' – Comprehensive Development Zones   |  | Addition of <b>retail cannabis sales establishment (CD26rcs only)</b> as a permitted principal use and renumbered accordingly              | Addition of <b>Retail Cannabis Sales Establishments</b> as a permitted principal use to the CD26 zone |

|  |   |  |  |  |
|--|---|--|--|--|
|  | CD26 – Capri<br>Centre<br>Comprehensive<br>Development<br>Zone<br><br>Section 1.4<br>Principal Uses |  |  |  |
|--|---|--|--|--|

**SCHEDULE "B" – Amendments to City of Kelowna Zoning Bylaw No. 8000**

**TA18-0008**

| <b>Zoning Bylaw No. 8000</b> |   |                      |  |  |
|------------------------------|---|----------------------|--|--|
| <b>No.</b>                   | <b>Section</b>                              | <b>Existing Text</b> | <b>Proposed Text</b>   | <b>Rationale</b>   |
| 1.                           | Section 09 –<br>Specific Use<br>Regulations |                      | <b>9.16.8 – Cannabis Retail Sales Establishments</b> are not permitted on any lot identified within Figure 9.16 below. | <p>Establishment of an area in downtown Kelowna where Retail Cannabis Sales Establishments are not permitted, due to the high concentration of many support services in the area.</p> <p>Additional sensitive uses that are located outside of this Downtown area are recommended for consideration for how rezoning applications for retail cannabis sales are evaluated. This is outlined in Schedule "D".</p> |





**SCHEDULE "C" – Amendments to City of Kelowna Zoning Bylaw No. 8000**

**TA18-0008**

| <b>Zoning Bylaw No. 8000</b> |   |                      |  |  |
|------------------------------|---|----------------------|--|--|
| <b>No.</b>                   | <b>Section</b>  | <b>Existing Text</b> | <b>Proposed Text</b>   | <b>Rationale</b>   |
| 1.                           | Section 02 – Interpretation<br><br>2.3.3 – General Definitions          |                      | <b>FARM RETAIL SALES STANDS</b> means those accessory <b>buildings</b> and <b>structures</b> for retailing agricultural products on a farm. <b>This use does not include the retail sale or dispensing of cannabis.</b>  | Clarification that retail cannabis sales are not a permitted use at Farm Retail Sales Stands<br><br>This amendment assumes that TA18-0003 was endorsed by Council.   |
| 2.                           | Section 11 – Agricultural Zones<br><br>11.1.6 – Development Regulations |                      | <b>(g) Land or a building or structure used for cannabis production may not be located within 60 metres of any lot outside of the Agricultural Land Reserve that has a residential use as a principal use, measured from closest lot line to closest lot line.</b> | Establishment of a minimum distance that any new cannabis production needs to be from any lot that has residential as a principal use to help minimize any potential nuisances to residential properties. Distance is based on the Minister of Agriculture's Bylaw Standard for medical marihuana production facilities. |

## Schedule "D"

TA18-0008

### Background

Due to the significant number of inquiries that have been received, it is anticipated that the City of Kelowna may receive more rezoning applications than can initially be processed for Retail Cannabis Sales Establishments. As such, Staff are proposing the use of an evaluation matrix for scoring and prioritizing applications. Complete applications would be evaluated by a multi-departmental committee against regulations and a scoring matrix.

Staff are looking for Council to endorse this process for accepting and evaluating rezoning applications for retail cannabis sales establishments, and to direct staff to accept the initial rezoning applications between October 1, 2018 and November 30, 2018. Applications received during this timeframe would be evaluated by the committee after this date.

### Application Requirements

In accordance with City of Kelowna's Development Application Procedures Bylaw No. 10540 (Schedule '2', Section 1.1) the following items are required as part of a rezoning application:

- (a) Application fee (established in Development Application Fees Bylaw No. 10560)
- (b) Application Form, indicating proposed location
- (c) State of Title Certificate
- (d) Owners Authorization form (if applicable)
- (e) Site Profile or Site Profile Waiver
- (f) Zoning Analysis Table
- (g) Project Rationale\* (*see greater detail below*)
- (h) Photographs of the existing site
- (i) Sustainability Statement
- (j) Site plan (*including showing how parking requirements are being met*)
- (k) Floor Plan
- (l) Elevation Drawings

Schedule '2', Section 1.2 of the Development Application Procedures Bylaw gives the Department Manager, Community Planning to require additional development approval information, to adequately evaluate an amendment application, in accordance with Section 2.4 of this bylaw. As such, Staff are looking for the following additional information to be provided as part of a rezoning application for a retail cannabis sales subzone:

- (a) Detailed Business Plan, which should include:
  - (i) Description of how the cannabis retail store in the identified location is in compliance with all applicable City bylaws; and
  - (ii) How any potential neighbourhood impacts of the cannabis retail store will be minimized
  - (iii) Proposed hours of operation; and
  - (iv) Proposed security measures;
- (b) Details on the potential form, character and design of the proposed retail store, including
  - (i) Signage

## Schedule "D"

TA18-0008

- (ii) Interior and exterior lighting
- (iii) Materials and colour board
- (c) Landscape Plan (if applicable)

Additional information may also be required.

### Scoring Matrix

| Criteria   | Points              | % of total   |
|--|---------------------|--------------|
| The applicant(s) and/or owners failed to comply with previous City regulations specific to cannabis  | Maximum – 20 points | ( 20 % )     |
| Location and Community Compatibility and Impact <ul style="list-style-type: none"> <li>The location complies with Zoning Bylaw requirements and no variances are being requested</li> <li>The location is at an adequate distance from sensitive uses, which may include:               <ul style="list-style-type: none"> <li>Support or Emergency Services Facilities;</li> <li>Childcare Facilities;</li> <li>Community Facilities (i.e. Libraries, Community Centres);</li> <li>Retail Liquor Sales Establishments; and</li> <li>Liquor Primary Establishments.</li> </ul> </li> </ul> | Maximum + 40 points | 25 %         |
| Security Plan <ul style="list-style-type: none"> <li>Adequately address security for the particular site and operation</li> </ul>  | Maximum + 15 points | 15 %         |
| Qualifications and Experience of the Applicant(s) and/or Owners: <ul style="list-style-type: none"> <li>The applicant provides a viable business plan</li> <li>The applicant has previous successful business experience and background</li> </ul>   | Maximum + 20 points | 30 %         |
| Building Façade and Interior Improvements <ul style="list-style-type: none"> <li>The applicant provides a detailed interior improvement plan</li> <li>The locations exterior and façade will be attractive and align with the design guidelines in the Official Community Plan</li> </ul>  | Maximum + 25 points | 30 %         |
| <b>Highest Possible Score:</b>   | <b>100</b>          | <b>100 %</b> |

### Evaluation Committee

An evaluation committee is proposed to be composed of one member from each of the following:

- City Clerk
- Community Planning Department
- Bylaw Department
- Business Licensing Department

## **Schedule "D"**

**TA18-0008**

- Building and Permitting Department
- Royal Canadian Mounted Police
- Business and Entrepreneurial Development

### Process

Staff are looking for Council endorsement to accept rezoning applications for retail cannabis sales subzones between October 1, 2018 and November 30, 2018. All applications received prior to 4:00 PM on November 30, 2018 will be evaluated by the evaluation committee and the highest rated applications will be selected to move forward with a rezoning application. Applications that score below 50 will not be recommended for staff support. Applications who scored within 10% of each other will be considered materially equivalent and a lottery will be held to determine which application will be processed first. Multiple applications may be submitted by the same applicant for different locations, however only complete applications will be evaluated by the committee. The number of applications selected to move forward initially with a rezoning application will depend on the number of complete applications that are received, and the number that follow the setback regulations established in the Zoning Bylaw.

Applicants will be advised in writing what their application score was, and if their application was selected to move forward at this time. The processing procedure will occur in accordance with the Development Application Procedures Bylaw. The rezoning process typically takes six to eight months from the time of submission of a complete application to receive 3<sup>rd</sup> reading. Additional development applications (Development Permits, Development Variance Permits) may be required depending on the scope of the proposal, which would add additional processing time.

Council retains the ability to approve or deny applications as it sees fit.

## Attachment "A"

TA18-0008

### Background

Municipalities have the ability, through land use controls, to tailor cannabis regulations to best suit the needs of their community. This table shows a comparison of other setback distances relating to retail cannabis sales establishments in several other British Columbia municipalities (including proposed distances, not yet endorsed by their Municipal Councils, and as such may change), as of July 24, 2018.

### Comparison Table

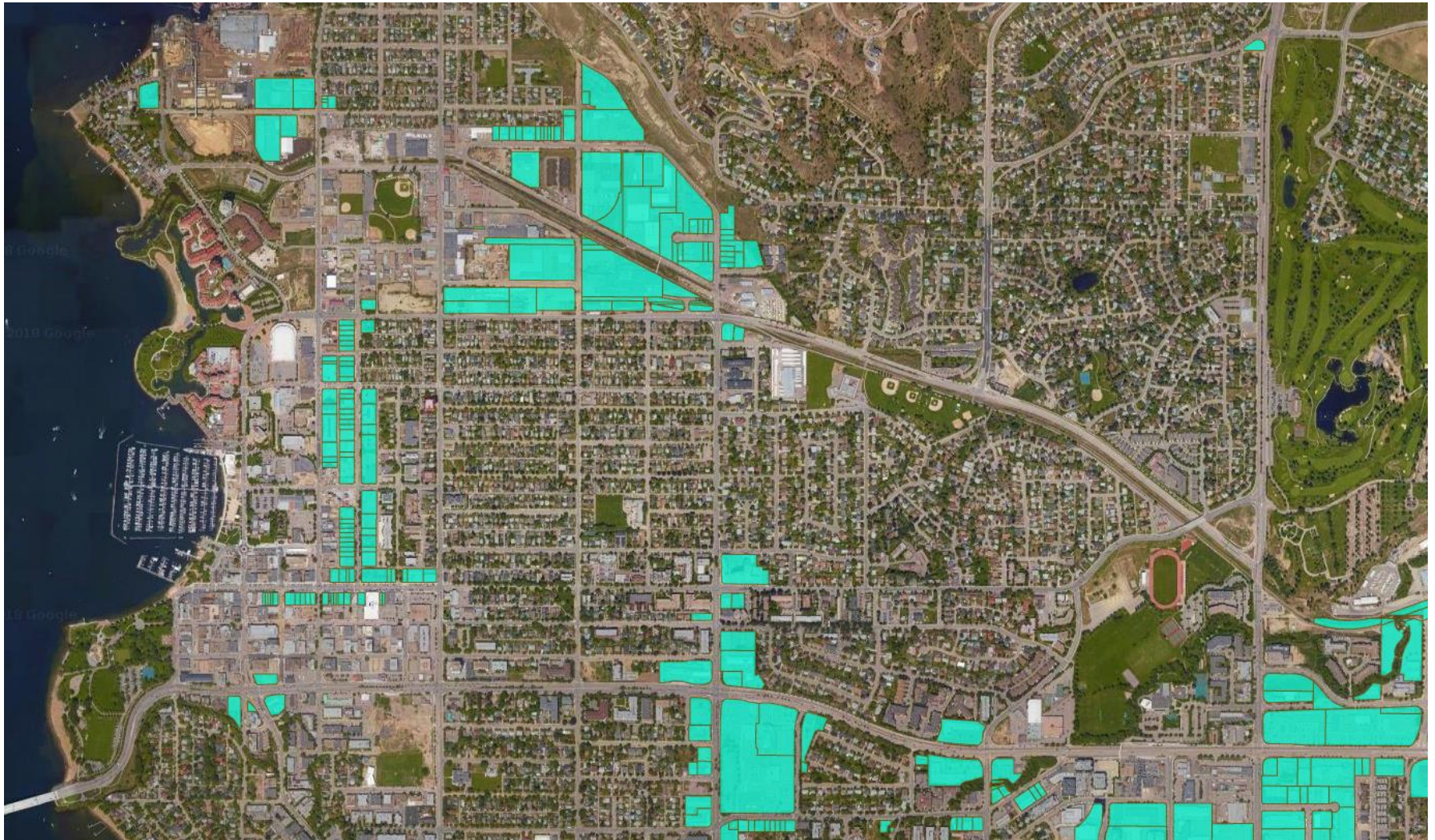
|   | Industrial Production<br>- Minimum Setbacks               | Cannabis Retail – Minimum<br>Setback between Retail<br>Locations  | Cannabis Retail – Minimum<br>Setback from<br>Schools/Daycares/Parks   |
|---|---|---|---|
| City of Kelowna<br>( <i>PROPOSED</i> )            | 60 metres<br>(residential)                                | 500 metres  | 150 metres (Elementary Schools)<br>500 metres (Middle and<br>Secondary Schools)<br>150 metres (select parks)                                  |
| City of West<br>Kelowna                           | 150 metres<br>(residential)                               | Only full service pharmacies licensed under the BC <i>Pharmacy<br/>Operations and Drug Scheduling Act</i> will be permitted for retail<br>sales at this time. |   |
| City of Penticton                                 |   | 300 metres (downtown)<br>750 metres (other locations)   | 300 metres (schools, other select<br>areas)   |
| District of Lake<br>Country                       | 1,000 m (production)<br>400 metres (daycare<br>or school) | 1,000 metres  | 400 metres (schools or daycares)  |
| City of Kamloops                                  |   | 150 metres  | 150 metres (schools)  |
| City of New<br>Westminster<br>( <i>PROPOSED</i> ) | 61 metres (school or<br>residential)                      | 300 metres  | 100 metres (schools, playgrounds,<br>parks, community centres and<br>daycares)  |
| City of Langford                                  |   | 500 metres  | 300 metres (schools or group<br>daycare)<br>50 metres (from residential except<br>within designated City Centre)<br>150 metres (select parks) |
| City of Victoria                                  |   | 400 metres  | 200 metres (schools)  |
| City of Williams<br>Lake                          | 100 metres<br>(residential)                               | 500 metres  | 300 metres (schools, daycares,<br>specific rec centre)  |
| City of Nelson                                    |   | Maximum five retail stores,<br>distributed in designated<br>areas   | 150 metres (schools (K to 12),<br>Community Complex, Youth<br>Centre and Civic Centre<br>150 metres (select parks)                            |
| City of Vancouver                                 |   | 300 metres  | 300 metres (schools, community<br>centres, neighbourhood houses,<br>and youth facilities)   |



## Attachment "B" – Draft Areas Where Retail Cannabis Sales May Be Permitted

*Areas shown are those with higher concentrations of properties which may allow a retail cannabis sales establishment under the proposed TA18-0008*

### Downtown and Central Highway 97

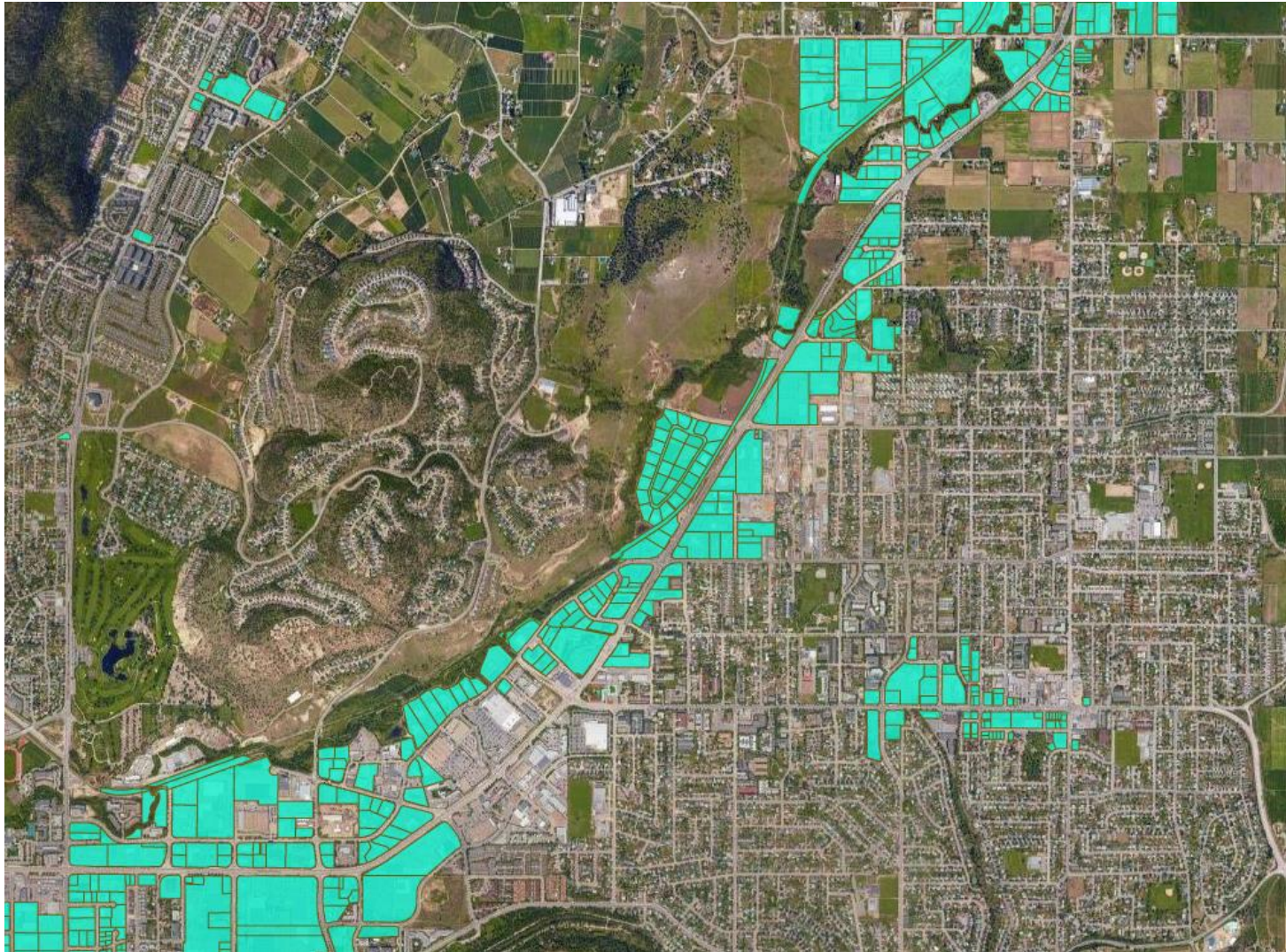




## Attachment "B" – Draft Areas Where Retail Cannabis Sales May Be Permitted

*Areas shown are those with higher concentrations of properties which may allow a retail cannabis sales establishment under the proposed TA18-0008*

**Glenmore, Rutland and Highway 97 (from Spall Rd to Sexsmith Rd)**

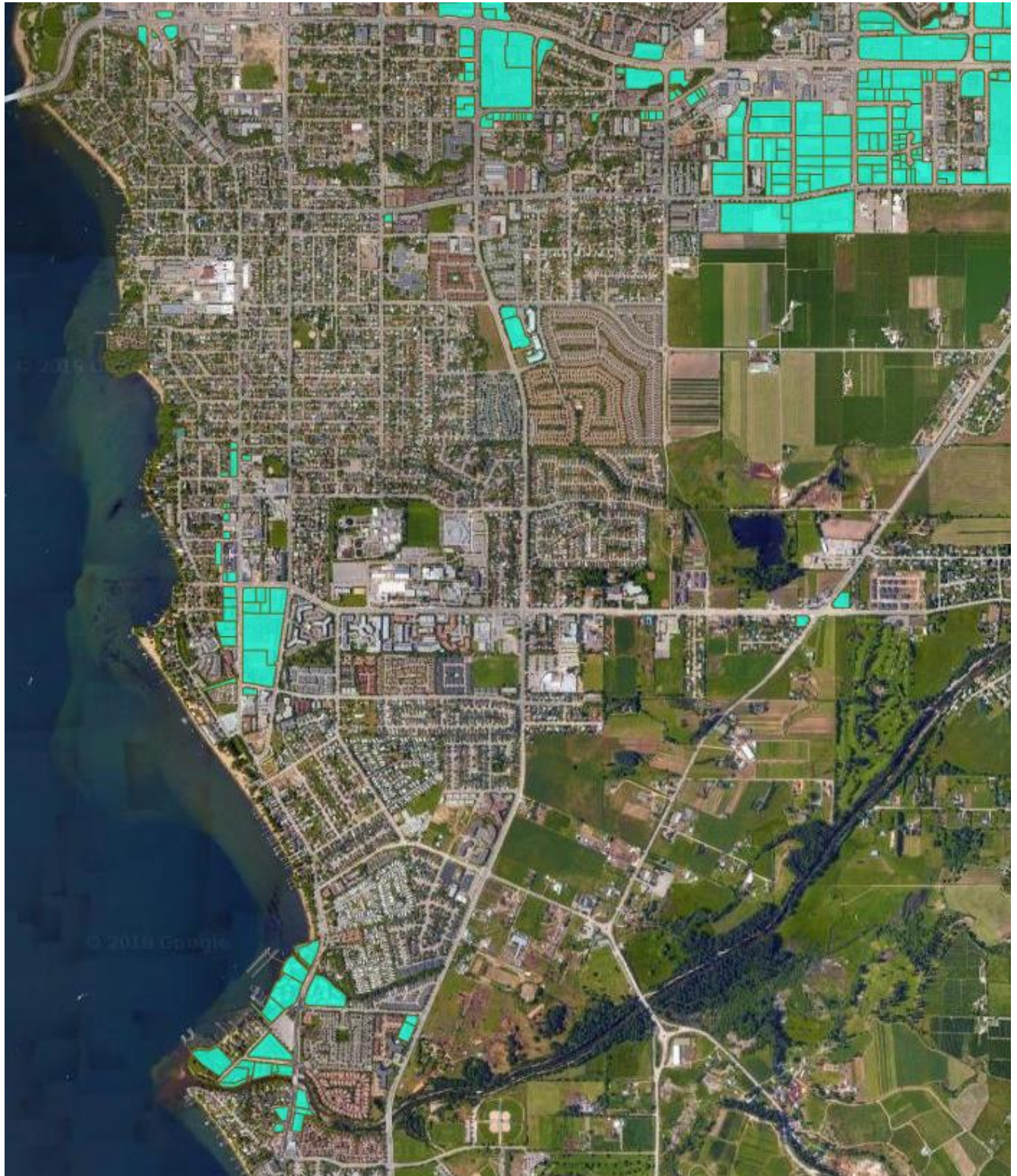




## Attachment "B" – Draft Areas Where Retail Cannabis Sales May Be Permitted

*Areas shown are those with higher concentrations of properties which may allow a retail cannabis sales establishment under the proposed TA18-0008*

### Central Kelowna and North Mission





## Attachment "B" – Draft Areas Where Retail Cannabis Sales May Be Permitted

*Areas shown are those with higher concentrations of properties which may allow a retail cannabis sales establishment under the proposed TA18-0008*

### Highway 97 Corridor North of Sexsmith Rd

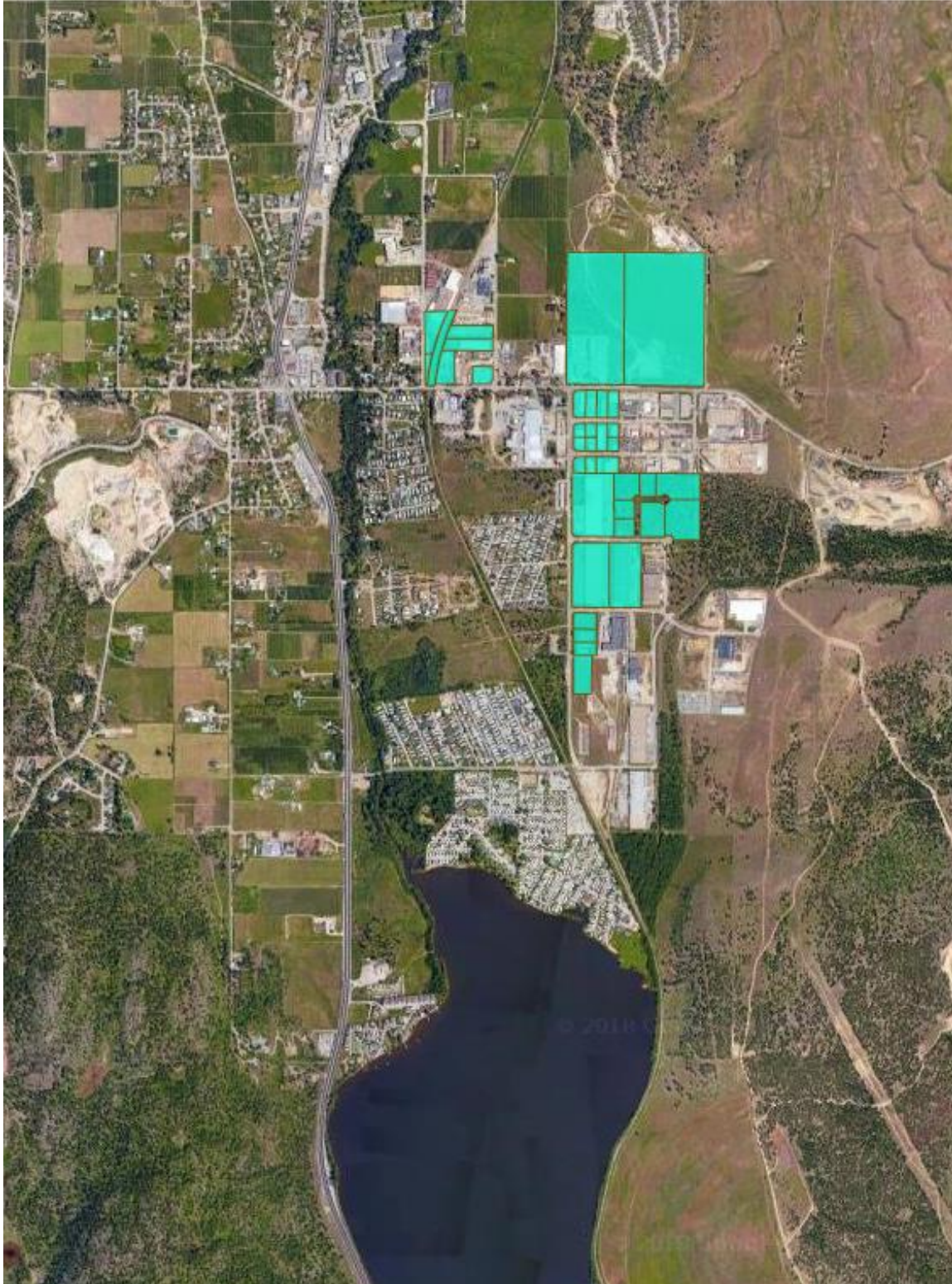




## Attachment "B" – Draft Areas Where Retail Cannabis Sales May Be Permitted

*Areas shown are those with higher concentrations of properties which may allow a retail cannabis sales establishment under the proposed TA18-0008*

### Lake Country / Kelowna Boundary



# REPORT TO COUNCIL



**Date:** August 27, 2018

**RIM No.** 1250-04

**To:** City Manager

**From:** Community Planning Department (TA)

**Application:** TA18-0004

**Owner:** 0838232 BC Ltd.

**Address:** 2092 Enterprise Way

**Applicant:** Neil Smith, Habitat for  
Humanity Okanagan Society

**Subject:** Text Amendment

Existing OCP Designation: IND – Industrial

Existing Zone: I3 – Heavy Industrial

---

## 1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA18-0004 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in the Report from the Community Planning Department dated August 27, 2018 for Lot 3, DL 127 and 531, ODYD, Plan KAP54290, located at 2092 Enterprise Way be considered by Council;

AND THAT the Zoning Bylaw Text Amending Bylaw be forwarded to a Public Hearing for further consideration.

## 2.0 Purpose

To consider a site specific text amendment to allow for thrift store use in the I3 – Heavy Industrial zone at 2092 Enterprise Way.

## 3.0 Community Planning

Community Planning Staff support the proposed text amendment to the Zoning Bylaw to allow thrift store as a permitted use in the I3 – Heavy Industrial zone at 2092 Enterprise Way for the continued operation of the Habitat for Humanity ReStore. The ReStore has operated on-site since 2015 under Temporary Use Permits TUP14-0005 and TUP17-0002 with no complaints or bylaw infractions. In accordance with the Local Government Act, the Temporary Use Permit cannot be extended again.

The ReStore accepts donations of used or discontinued construction material and home decor by contractors or commercial retailers that may otherwise end up in the landfill. This is consistent with the definition of “recycled materials drop-off centre” which is a permitted use in the I3 zone. The ReStore offers these items for sale in order to support Habitat for Humanity Okanagan in providing safe and affordable

housing into the local market. The re-sale of used items is consistent with the definition of “thrift store” which is not a permitted use in the I3 zone. In order to continue operations, the ReStore would need to rezone to a zone which permits both “thrift store” and “recycled materials drop-off centre”, which is only the I2 – General Industrial zone, or relocate. There are other tenants on site that have Heavy Industrial uses which would become non-conforming if the applicant were to rezone. Further, the location of the ReStore is a preferred location as it is centralized and is surrounded by industrial and commercial.

Therefore, Staff have directed the applicant to apply for a site-specific text amendment which will allow the continued operations of all tenants on site including the ReStore.

#### 4.0 Proposal

##### 4.1 Project Description

The existing building footprint is approximately 13,490m<sup>2</sup>, with the ReStore portion utilizing 2,111m<sup>2</sup> in the west side end the building. The site specific text amendment would apply to the entire site, which would allow ReStore to expand or scale back in the future.

##### 4.2 Site Context

The subject property is located on the north side of Enterprise Way, between Hardy Street and Dilworth Drive. The property is currently zoned I3, identified in Kelowna's Official Community Plan as Industrial, and is within the Permanent Growth Boundary.

Specifically, adjacent land uses are as follows:

| Orientation | Zoning  | Land Use   |
|-------------|---|--|
| North       | I1 – Business Industrial  | Custom Indoor Manufacturing & Technical Service Businesses |
| East        | C7 – Central Business Commercial<br>I2 – General Industrial   | Automotive Parts Sales<br>Window Manufacturing             |
| South       | C4 – Urban Centre Commercial<br>C4 – Urban Centre Commercial<br>C4LP - Urban Centre Commercial (Liquor Primary) | Commercial Business<br>Restaurant<br>Hotel                 |
| West        | I2 – General Industrial   | Power Line Contracting & Dry Coating Paint Business        |



**Subject Property Map: 2092 Enterprise Way**



**5.0 Current Development Policies**

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

**Chapter 7 - Infrastructure – Solid Waste Policies**

*Divert solid waste from landfills.* Ensure Regional Strategies for waste management are followed.

*Resource Recovery.* Provide opportunities for resource recovery from reuse and utilization of waste transported for disposal in order to reduce the carbon footprint associated with waste.

**6.0 Technical Comments**

**6.1 Ministry of Transportation**

Preliminary approval is granted under file no. 2018-02603.

## **7.0 Application Chronology**

Date of Application Received: April 27, 2018

Date Public Consultation Completed: July 12, 2018

**Report prepared by:** Trisa Atwood, Planner II

**Reviewed by:** Terry Barton, Urban Planning Manager

**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

### **Attachments:**

Applicant's Letter of Rationale

Site Photos

Site Plan

Floor Plan



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

Attn: Trisa Atwood, Planner II

Please find attached a Text Amendment application to allow for Thrift Store use in the I3 zone at 2092 Enterprise Way. Habitat for Humanity Okanagan has been operating a ReStore on the site since 2015 under Temporary Use Permits TUP14-0005 and TUP17-0002.

A ReStore is an essential operation which diverts new and used products from local landfills for extended life. The ReStore operating at 2092 Enterprise Way has quickly become a leader on the national level thanks in part to its centralized physical location in the city. This store ranks 1<sup>st</sup> overall out of 104 stores in Canada for private drive-up donations which reveals the environmental consciousness of the population of Kelowna to reuse and recycle. To date, the ReStore operations of HFH Okanagan have diverted over 2700 tonnes (est. 24,346 cubic meters) of product from the Glenmore landfill. Through partnerships, the ReStore also successfully recycles metals, styrofoam, cardboard and electronics.

Proceeds from ReStore operations assist HFH Okanagan to deliver safe, decent and affordable housing into the local market. The Okanagan affiliate has built 33 homes, is currently engaged in a 12- unit build and in preliminary negotiations on partnerships which could add 29 additional homes. Long term intentions are to positively impact current housing shortages by delivering up to 30 homes per year into the affiliate management area.

At Habitat for Humanity Okanagan, we strive to empower families through affordable home ownership offering strength, stability and self-reliance to each family we are able to help. ReStores are crucial to our growth strategies as income supports all operational costs of the affiliate while assisting with seed funding for build projects such as land purchase. We view the Enterprise Way location as a critical component to our long term vision for the Okanagan.

To assist with ensuring stability in this location, we would propose the following:

The amendment to the I3 Zone for Habitat for Humanity would thus read as follows:

Insert 15.3.2(l) *thrift stores – applicable only to Lot 3, Plan KAP54290, ODYD (2092 Enterprise Way)*

Renumber following four uses as (m) through (p) as follows:

(m) *utility services, minor impact*

(n) *utility services, major impact*

(o) *vehicle and equipment services, industrial*

(p) *wrecking yards*



Habitat for Humanity Okanagan is the primary contact for this Text Amendment application and authorization from the landowner is attached.

Sincerely

A handwritten signature in black ink, appearing to be "Neil Smith". The signature is fluid and cursive, with a large loop at the end.

**Neil Smith**

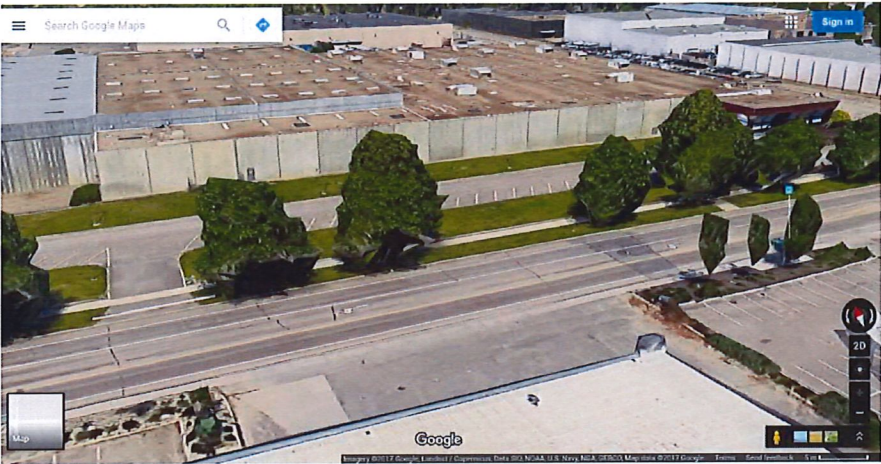
Chief Operations Officer

Habitat for Humanity Okanagan - 1793 Ross Rd. West Kelowna V1Z 3E7 778-755-4346

Neil.smith@hfhokanagan.ca - [www.habitatforhumanityokanagan.ca](http://www.habitatforhumanityokanagan.ca)



**Site Photographs – 2092 Enterprise Way – Temporary Use Permit, Gymnastics**



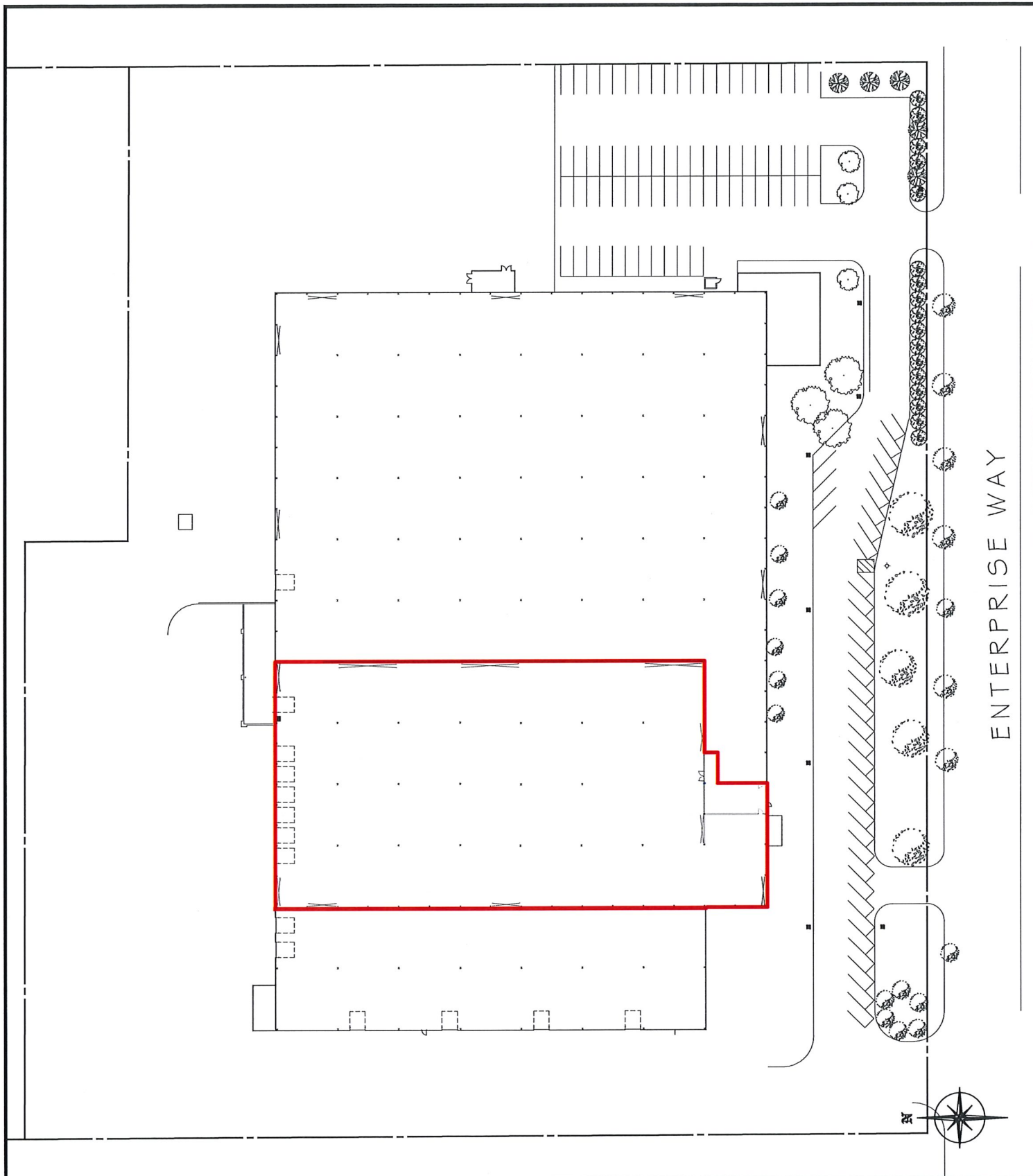
Google Street View Image – Building View from South, Facing North-Northeast



Google Street View Image – From Enterprise Way, facing Northwest



Building Frontage - From On Site north of Cooper Road, facing East

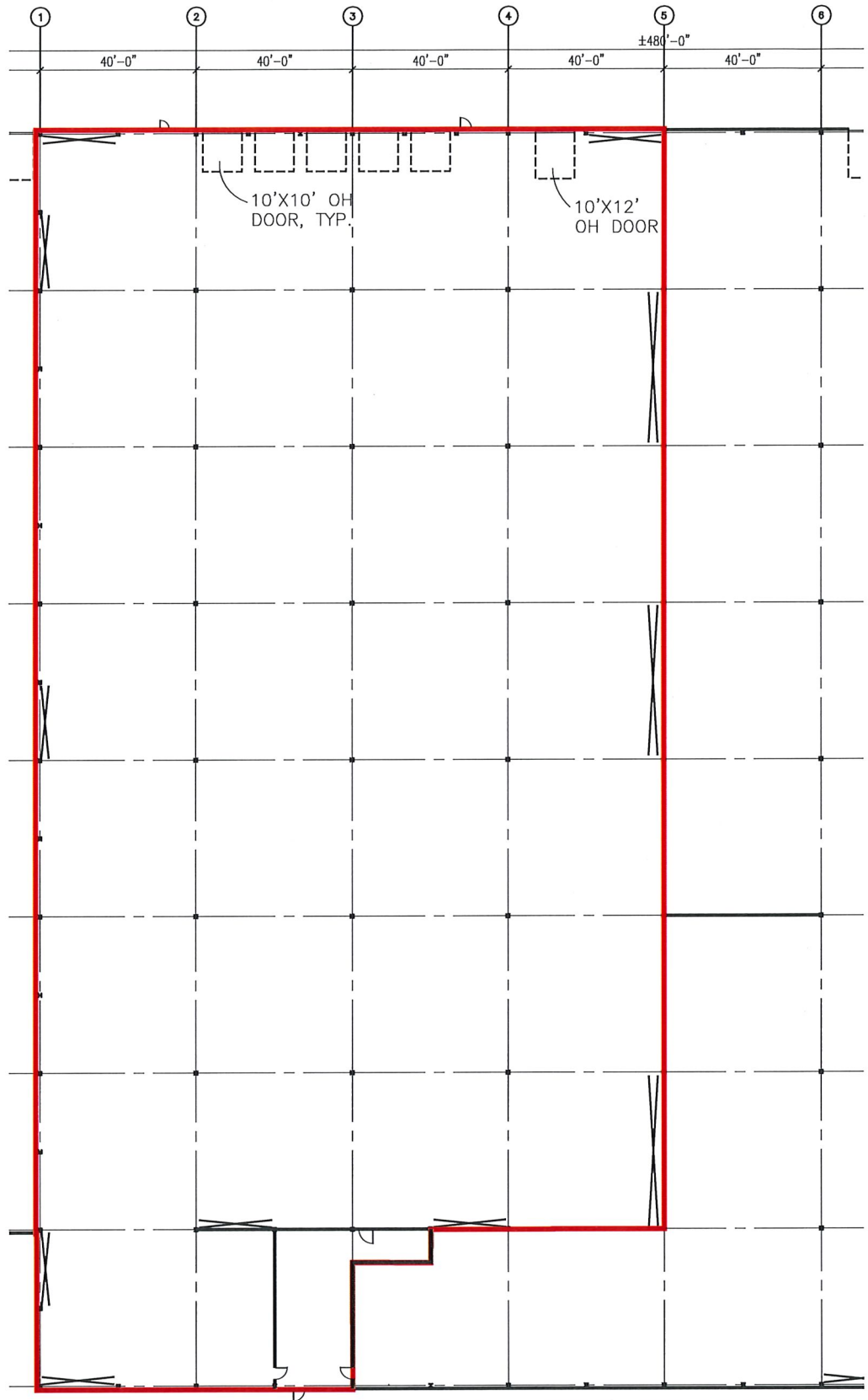


Suite 300 - 1060 Manhattan Drive  
Kelowna, British Columbia V1Y 9X9  
T:(250) 763-6789 F:(250) 763-6799

PROJECT:  
TEMPORARY USE  
PERMIT  
GYMNASTICS FACILITY  
#600 - 2092 ENTERPRISE WAY  
KELOWNA BC


DRAWING:  
SITE PLAN

DATE:  
JUN.06/17  
INIT.  
CRM



UNIT 600  
49,030 ft  
RENTABLE AREA



|  |  |                                   |                               |
|--|--|-----------------------------------|-------------------------------|
|  <p><b>ARGUS</b><br/>PROPERTIES LTD.</p> <p>Suite 300 - 1060 Manhattan Drive<br/>Kelowna, British Columbia V1Y 9X9<br/>T:(250) 763-6789 F:(250) 763-6799</p> | <p>PROJECT:</p> <p>TEMPORARY USE<br/>PERMIT<br/>GYMNASTICS FACILITY</p> <p>#600 - 2092 ENTERPRISE WAY<br/>KELOWNA BC</p> | <p>DRAWING:</p> <p>FLOOR PLAN</p> | <p>DATE:</p> <p>JUN.06/17</p> |
|  |  |                                   | <p>INIT.</p> <p>CRM</p>       |



# REPORT TO COUNCIL



**Date:** August 27, 2018

**RIM No.** 1250-30

**To:** City Manager

**From:** Community Planning Department (AF)

**Application:** Z18-0053

**Owner:** 1124478 BC Ltd

**Address:** 1639 Cary Rd

**Applicant:** Architecturally Distinct  
Solutions

**Subject:** Rezoning Application

Existing OCP Designation: SC – Service Commercial

Existing Zone: C10 – Service Commercial / I2 – General Industrial

Proposed Zone: C10 – Service Commercial

---

## 1.0 Recommendation

THAT Rezoning Application No. Z18-0053 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 125, ODYD, Plan KAP81782, located at 1639 Cary Road, Kelowna, BC from I2 – General Industrial zone and the C10 – Service Commercial zone to the C10 – Service Commercial zone be considered by Council;

AND THAT final adoption of the Rezoning Bylaw 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 August 27, 2018;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration.

## 2.0 Purpose

An application to rezone from I2 – General Industrial and C10 – Service Commercial to C10 – Service Commercial to facilitate zoning which is consistent with the Future Land Use Designation.

## 3.0 Community Planning

Community Planning supports the proposed development application to rezone a portion of the subject property from I2 – General Industrial to C10 – Service Commercial as it is in line with the Official Community Plan (OCP) Future Land Use Designation of SC – Service Commercial. The property is situated within the Urban Core Area of the City and is located within the Highway 97 City Sector just northeast of

the Midtown City Centre. The intent of the development application is to facilitate a minor rezoning of the property which will allow the zone of the subject property to be consistent with the Future Land Use Designation. It is consistent with the OCP Urban Infill Policy of Compact Urban Growth by utilizing the existing services and utilities in the area.

#### **4.0 Proposal**

##### **4.1 Background**

The subject property currently has an existing two story building located near the front property line along Cary Road as well as an accessory building located to the rear of the principle building.

##### **4.2 Project Description**

The proposed development application to rezone a portion of the site from I2 to C10 will facilitate consistent zoning for the subject property which is consistent with the OCP Future Land Use Designation of SC – Service Commercial. An associated Development Permit has been submitted for a two-storey 1,027m<sup>2</sup> commercial building. Staff are not tracking any variances associated with the Development Permit.

The proposed rezoning meets the OCP Urban Infill Policies for Compact Urban Growth and Sensitive Infill. These policies state that growth should occur in areas that are already serviced and have access to transit, and that growth should be designed to be sensitive to the existing character of the neighbourhood.

##### **4.3 Site Context**

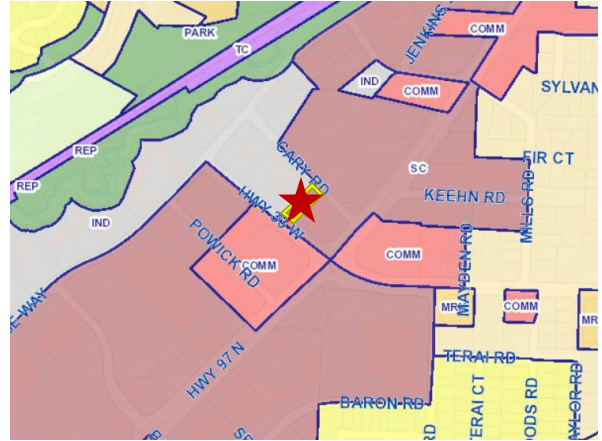
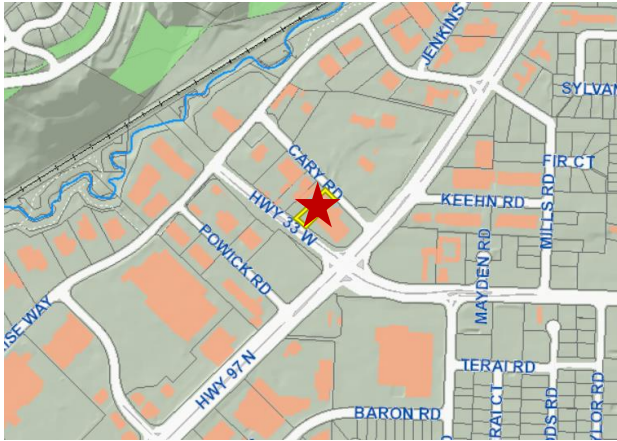
The subject property is located within the Highway 97 corridor near the intersection of Highway 33 and Highway 97 and just southeast of Mill Creek Linear Park. It is in close proximity to transit routes located along both Highway 33 and Highway 97. The surrounding neighbourhood is largely comprised of commercially zoned properties including C3 – Community Commercial, C4 – Urban Centre Commercial, C9 – Tourist Commercial and C10 – Service Commercial. Other zones within the surrounding area include I1 – Business Industrial, I2 – General Industrial and P4 – Utilities. The property is fully serviced and is located within the Permanent Growth Boundary.

Specifically, adjacent land uses are as follows:

| <b>Orientation</b> | <b>Zoning</b>                | <b>Land Use</b> |
|--------------------|------------------------------|-----------------|
| North              | C10 – Service Commercial     | Commercial      |
| East               | C10 – Service Commercial     | Commercial      |
| South              | C4 – Urban Centre Commercial | Commercial      |
| West               | I2 – General Industrial      | Industrial      |

#### **Site Context Map**

#### **Future Land Use Map**



Subject Property Map: 1639 Cary Rd



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

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

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

**Retention of Commercial Land.**<sup>2</sup> 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.

**Conversion of C10.**<sup>3</sup> Discourage the conversion of C10 Service Commercial zoned areas to C3, C4 or C7 zoning, outside of Urban Centres. The City, depending on site-specific circumstances, may support the conversion of C10 Service Commercial zoned sites to C3, C4 or C7, within Urban Centres.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

- No comments applicable to rezoning

### 6.2 Development Engineering Department

- See attached memorandum dated May 16, 2018

### 6.3 Fire Department

- No concerns with proposed rezoning application

### 6.4 Ministry of Transportation

- Preliminary Approval is granted for the rezoning for one year pursuant to Section 52(3)(a) of the Transportation Act. Please forward the bylaw for Ministry signature after 3rd reading.

## 7.0 Application Chronology

Date of Application Received: May 15, 2018

Date Public Consultation Completed: May 28, 2018

**Report prepared by:** Andrew Ferguson, Planner

**Reviewed by:** Dean Strachan, Suburban and Rural Planning Manager

**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

### Attachments:

Attachment A: Development Engineering Technical Comments

Attachment B: Site Plan

Attachment C: Floor Plans

Attachment D: Conceptual Building Elevations and Sections

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.24.2 (Development Process Chapter).

<sup>3</sup> City of Kelowna Official Community Plan, Policy 5.25.1 (Development Process Chapter).

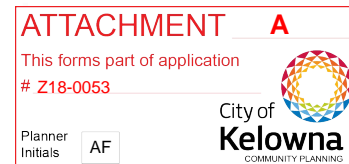
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## CITY OF KELOWNA

# MEMORANDUM

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**Date:** May 16, 2018  
**File No.:** Z85-0053  
**To:** Suburban and Rural Planner (AF)  
**From:** Development Engineering Manager (JK)  
**Subject:** 1639 Cary Rd



I2 to C10

---

The Development Engineering Department has the following comments and requirements associated with this rezoning 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 Aaron Sangster.

### 1) General

- a) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement homes may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.
- b) The Fire Department and Environment Division requirements and comments are addressed separately by them.
- c) These Development Engineering comments and requirements and are subject to review and or revision for approval by the Ministry of Transportation (MOTI) Infrastructure.

### 2) Geotechnical Study

- a) Provide a comprehensive geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.**

The Geotechnical reports must be submitted to the Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.

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



- (iv) Any special requirements for construction of roads, utilities and building structures.
- (v) Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands.
- (vi) Slope stability, rock fall hazard and slippage including the effects of drainage and septic tank effluent on the site.
- (vii) Identify slopes greater than 30%.
- ii) Top of bank assessment and location including recommendations for property line locations, septic field locations, building setbacks, and ground water disposal locations.
- iii) Any items required in other sections of this document.
- iv) Recommendations for erosion and sedimentation controls for water and wind.
- v) Recommendations for roof drains and perimeter drains.

### 3) **Water**

- a) The property is located within the Rutland Water District (RWD) service area. Design drawings must be reviewed by RWD prior to the City issuing the drawings for construction. Confirmation of their review must be provided to the City for review.
- b) Provide an adequately sized domestic water and fire protection system complete with individual lot connections. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. Only one service will be permitted for this development.
- c) A water meter is mandatory for this development and must be installed inside a building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost

### 4) **Sanitary Sewer**

- a) The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal and disconnection of the existing services and the installation of one new larger service.
- b) The developer must install an oil/grit separator onsite before sanitary service is connected to the City's system.

### 5) **Drainage**

- a) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and provision of a storm drainage service for the development

and / or recommendations for onsite drainage containment and disposal systems.

b) Provide the following drawings:

- i) A detailed Stormwater Management Plan for this development; and,
- ii) An Erosion and Sediment Control Plan.

**6) Roads**

- a) Cary Rd must be upgraded to a 2 lane collector along the full frontage of this proposed development including curb and gutter, street lights, landscaped boulevard, sidewalk, drainage system including catch basins, and pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. A one-time cash payment in lieu of construction must be collected from the applicant for future construction by the City. The cash-in-lieu amount is determined to be **\$22,711.72** not including utility service cost.
- b) HWY 33 W fronting this development has already been upgraded, and no further upgrades are required at this time. Access from the HWY will not be permitted.

**7) Road Dedication and Subdivision Requirements**

- a) Grant Statutory Rights of Way if required for utility services.
- b) If any road dedication affects lands encumbered by a Utility right-of-way (such as BC Hydro Gas, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.

**8) Power and Telecommunication Services and Street Lights**

- 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.
- b) 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.

**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.

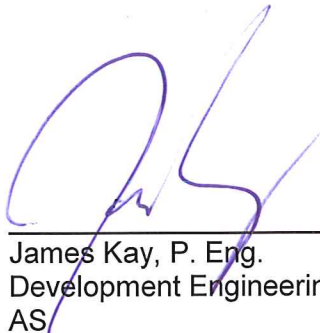
- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Development Engineering Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

#### 10) Servicing Agreements for Works and Services

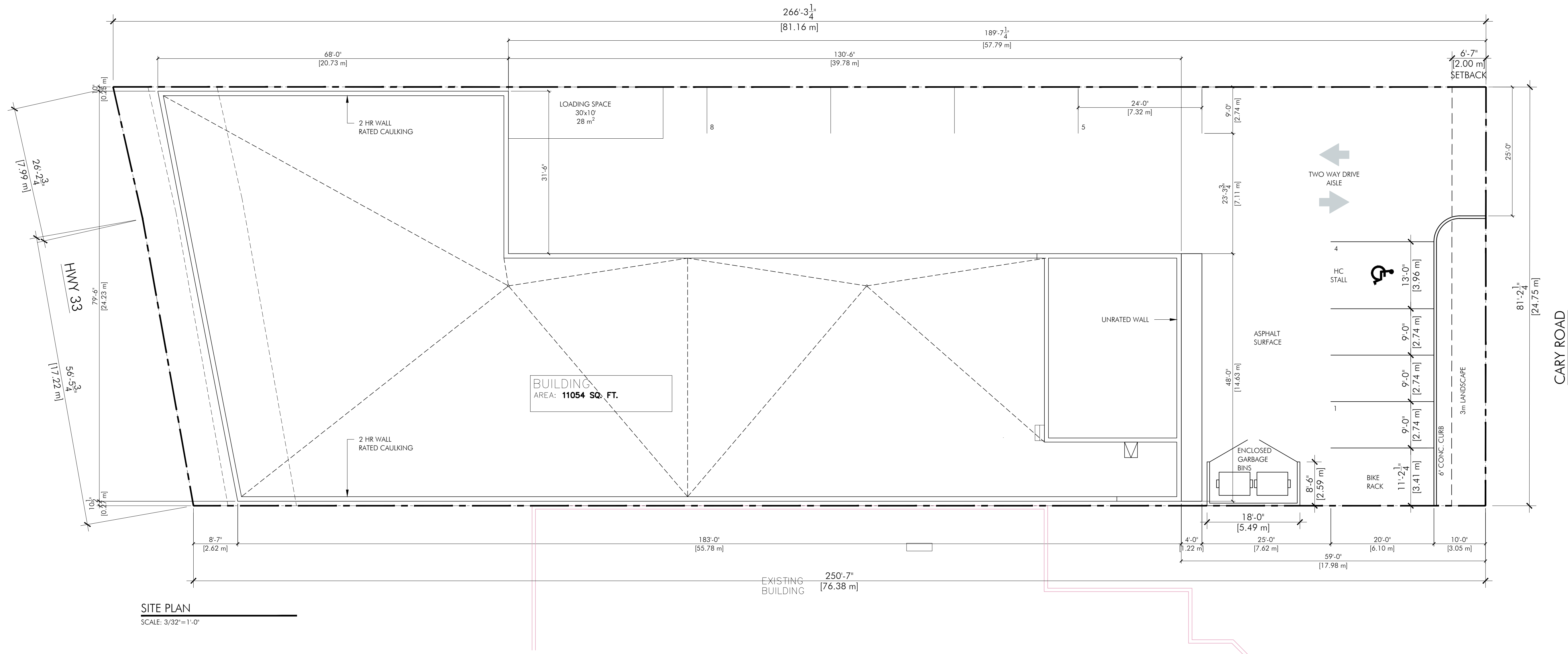
- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. **The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works.** 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) Charges and Fees

- a) Development Cost Charges (DCC's) are payable.
- b) None of the Works & Services required are items included in the DCC calculations and therefore not eligible for DCC credits.
- c) Fees per the "Development Application Fees Bylaw" include:
- i) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
  - ii) Engineering and Inspection Fee: 3.5% of construction value (plus GST).

  
 \_\_\_\_\_  
 James Kay, P. Eng.  
 Development Engineering Manager  
 AS



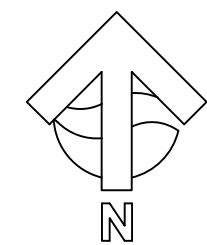


SITE PLAN  
SCALE: 3/32"=1'-0"

| CITY OF KELOWNA ZONING BYLAW |           |  |                                   |
|------------------------------|-----------|--|-----------------------------------|
| LEGAL ADDRESS                |           | LOT A, PLAN 81782, O.D.Y.D.                            |                                   |
| CIVIC ADDRESS                |           | 1639 CARY ROAD   |                                   |
| ZONING                       |           | C10 - SERVICE COMMERCIAL                               |                                   |
| LOT AREA                     |           | 20,951 SQ. FT. ( 1,946.4 m <sup>2</sup> / 0.482 ACRES) |                                   |
| BUILDING AREA                |           | 11,054 SQ. FT. ( 1,027 m <sup>2</sup> )                |                                   |
| GROSS FLOOR AREA             |           | 12,006 SQ.FT. (1,115 m <sup>2</sup> )                  |                                   |
|                              | CODE REF. | PROPOSED   | REQUIRED / PERMITTED              |
| MAX. FLOOR AREA RATIO        | 15.2.5    | 0.57   | 0.65                              |
| MAX. SITE COVERAGE           | 15.2.5    | 53%  | 60%                               |
| MAX. HEIGHT                  | 15.2.5    | 25'-0" (7.62m)   | 12.0m                             |
| MIN. FRONT YARD              | 15.2.5    | 59'-0" (18.0m)   | 2.0m                              |
| MIN. YARD FLANKING STREET    | 15.2.5    | N/A  | 2.0m                              |
| MIN. SIDE YARD               | 15.2.5    | 0'-10" (0.25m)   | 0m                                |
| MIN. REAR YARD               | 15.2.5    | 8'-7" (2.6m)   | 0m                                |
| PARKING STALLS               | 8.1       | 8  | 2 PER SERVICE BAY = 8             |
| LOADING STALLS               | 8.2       | 1  | 1 PER 1900m <sup>2</sup> GFA = 1  |
| BICYCLE STALLS               | 8.3       | 6  | 0.3 PER 100m <sup>2</sup> GFA = 4 |



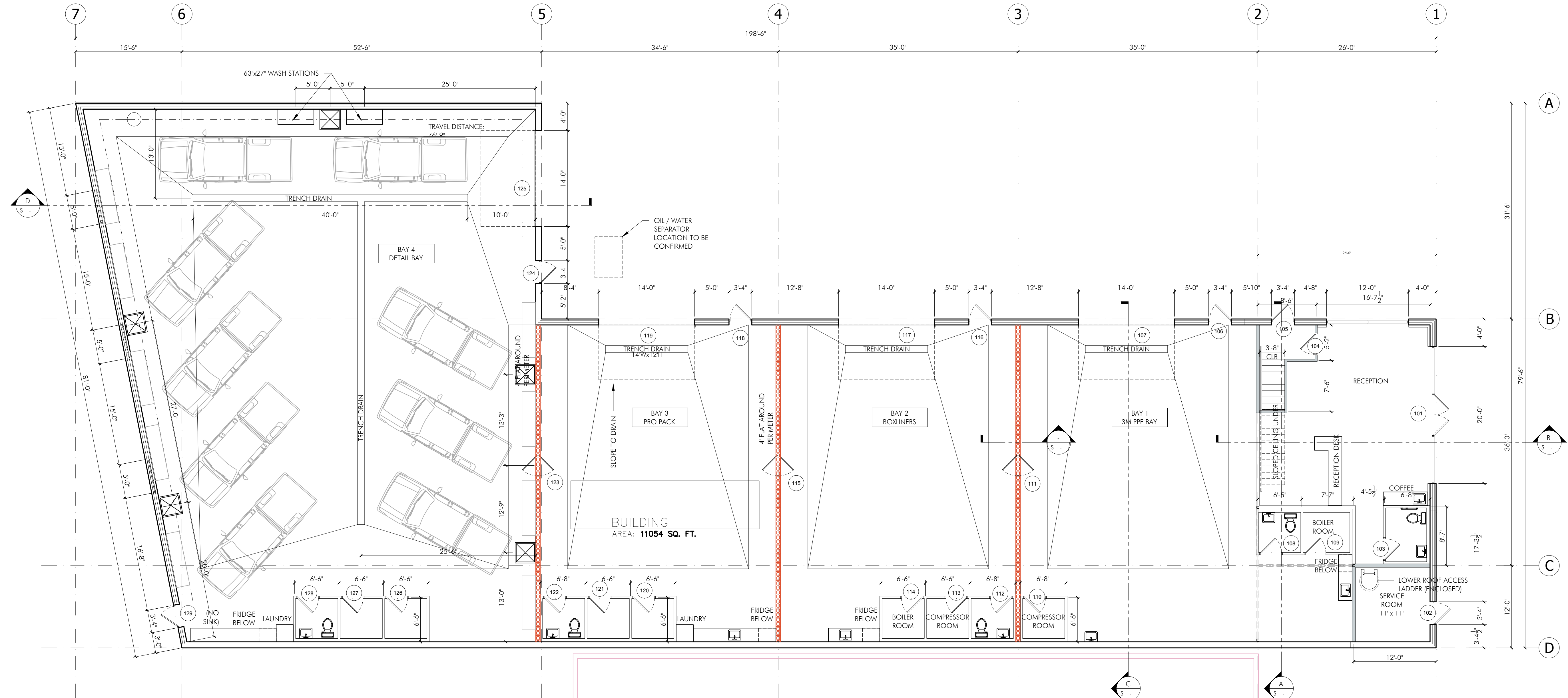
KEY PLAN  
SCALE: NTS



FOR DP







MAIN FLOOR PLAN  
SCALE: 1/8" = 1'-0"

| DOOR SCHEDULE |           |       |                                      |            |
|---------------|-----------|-------|--------------------------------------|------------|
| MARK          | DOOR SIZE |       | Style                                | NOTES      |
|               | WD        | HGT   |                                      |            |
| 101           | 6'-0"     | 7'-0" | Hinged - Double - Exterior Full Lite | ---        |
| 102           | 3'-0"     | 7'-0" | Hinged - Single - Exterior           | ---        |
| 103           | 3'-0"     | 7'-0" | Hinged - Single                      | ---        |
| 104           | 3'-0"     | 7'-0" | Hinged - Single                      | 45 min F/R |
| 105           | 3'-0"     | 7'-0" | Hinged - Single - Exterior           | ---        |
| 106           | 3'-0"     | 7'-0" | Hinged - Single - Exterior           | ---        |
| 107           | 14'-0"    | 8'-0" | Overhead - Sectional                 | ---        |
| 108           | 3'-0"     | 7'-0" | Hinged - Single                      | ---        |
| 109           | 3'-0"     | 7'-0" | Hinged - Single                      | ---        |
| 110           | 3'-0"     | 7'-0" | Hinged - Single                      | ---        |
| 111           | 3'-0"     | 7'-0" | Hinged - Single                      | 45 min F/R |
| 112           | 3'-0"     | 7'-0" | Hinged - Single                      | ---        |
| 113           | 3'-0"     | 7'-0" | Hinged - Single                      | ---        |
| 114           | 3'-0"     | 7'-0" | Hinged - Single                      | ---        |
| 115           | 3'-0"     | 7'-0" | Hinged - Single                      | 45 min F/R |
| 116           | 3'-0"     | 7'-0" | Hinged - Single - Exterior           | ---        |
| 117           | 14'-0"    | 8'-0" | Overhead - Sectional                 | ---        |
| 118           | 3'-0"     | 7'-0" | Hinged - Single - Exterior           | ---        |
| 119           | 14'-0"    | 8'-0" | Overhead - Sectional                 | ---        |
| 120           | 3'-0"     | 7'-0" | Hinged - Single                      | ---        |
| 121           | 3'-0"     | 7'-0" | Hinged - Single                      | ---        |
| 122           | 3'-0"     | 7'-0" | Hinged - Single                      | ---        |
| 123           | 3'-0"     | 7'-0" | Hinged - Single                      | 45 min F/R |
| 124           | 3'-0"     | 7'-0" | Hinged - Single - Exterior           | ---        |
| 125           | 14'-0"    | 8'-0" | Overhead - Sectional                 | ---        |
| 126           | 3'-0"     | 7'-0" | Hinged - Single                      | ---        |
| 127           | 3'-0"     | 7'-0" | Hinged - Single                      | ---        |
| 128           | 3'-0"     | 7'-0" | Hinged - Single                      | ---        |
| 129           | 3'-0"     | 7'-0" | Hinged - Single - Exterior           | ---        |

EXISTING BUILDING

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

FOR DP

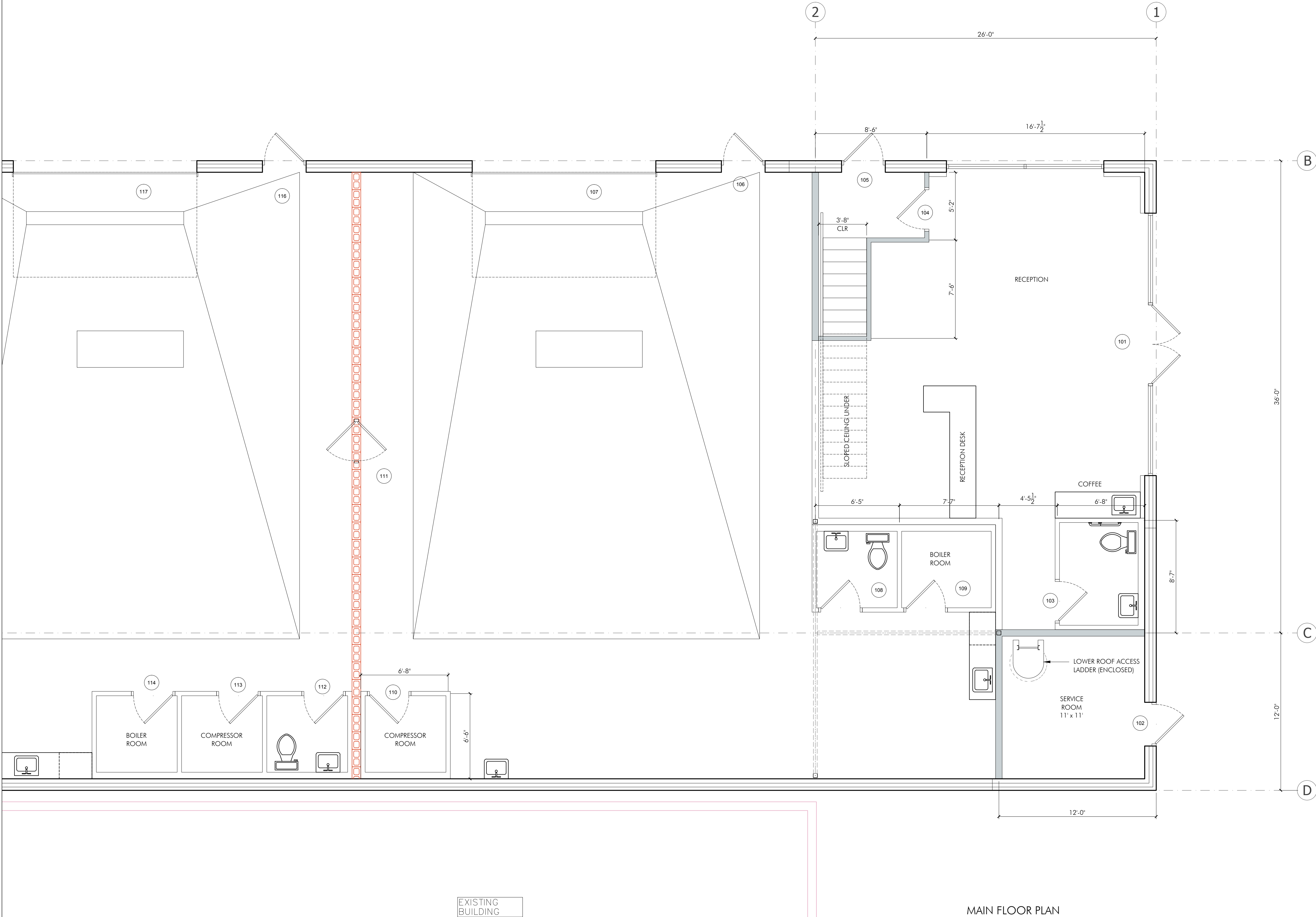
ATTACHMENT C

This forms part of application  
# Z18-0053

Planner  
Initials AF

City of Kelowna

COMMUNITY PLANNING



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

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All trades are to execute the work in accordance with the current municipality building by-laws and requirements of other local authorities having jurisdiction as well as the British Columbia Building Code - (most recent edition) including all published revisions and addenda. All trades shall assume full responsibility for the locations and protection of all under and above ground utilities, wires and conduit connections, including (but not limited to) water, sewer, gas, hydro and telephone.

**Revision No., Date and Description**  
03.20.18-FOR DP

**Plot Date**  
20-Mar-18

**Drawing No.**  
A-005

**PROJECT**  
PROSMART-1639 CARY RD.  
KELOWNA, BC

**DRAWING TITLE**  
MAIN FLOOR PLAN 1-4



FOR DP

ATTACHMENT C

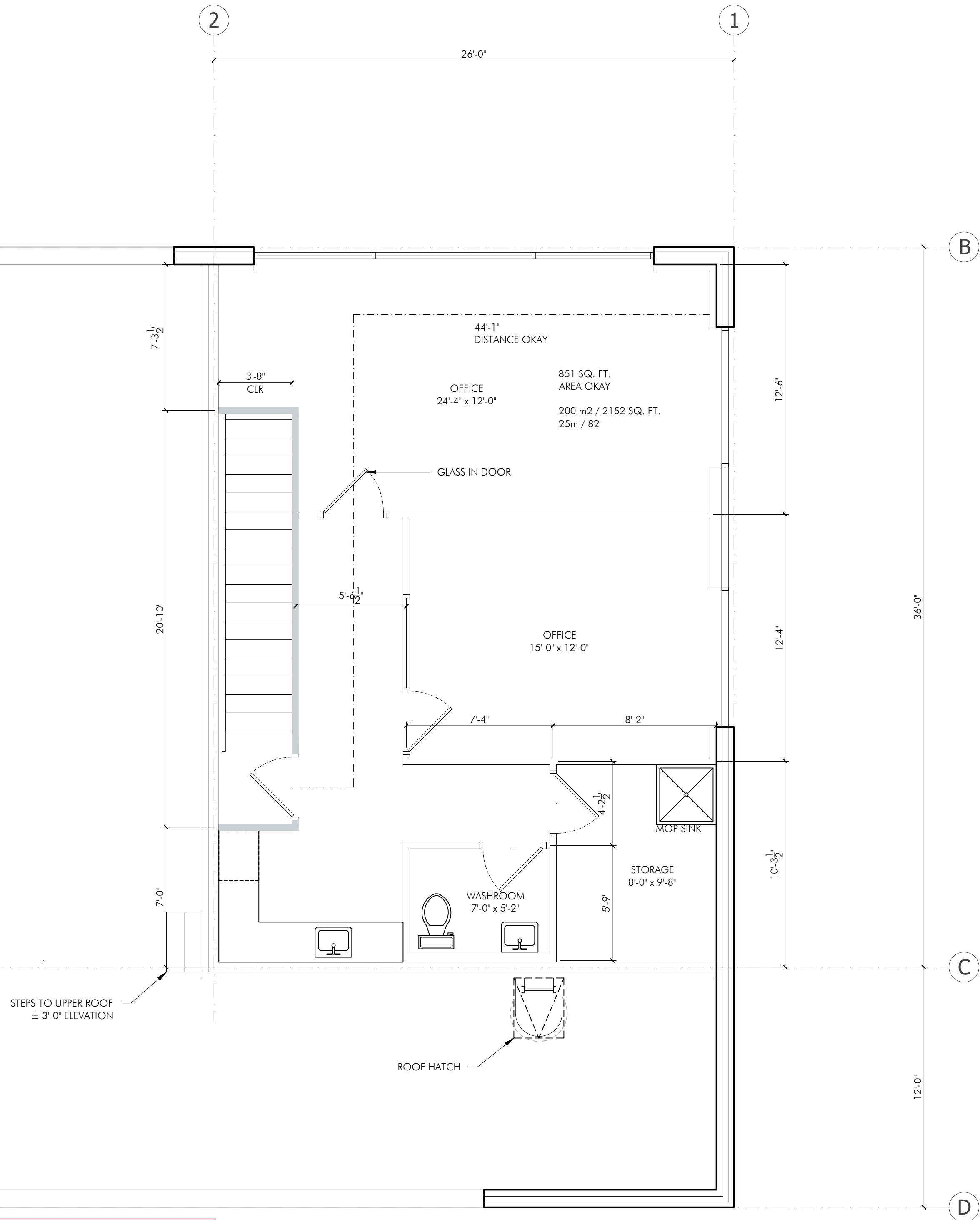
This forms part of application  
# Z18-0053

Planner  
Initials AF



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EXISTING  
BUILDING

UPPER FLOOR PLAN

SCALE: 1/4" = 1'-0"

AREA: 952 SQ. FT.

Revision No., Date  
and Description  
03.20.18- FOR DP

Plot Date  
20-Mar-18

Drawing No.  
A-006

PROJECT  
PROSMART-1639 CARY RD.  
KELOWNA, BC

DRAWING TITLE  
UPPER FLOOR PLAN



FOR DP



# 1639 Cary Road, Kelowna, BC

ATTACHMENT D

This forms part of application  
# Z18-0053

Planner Initials AF

City of Kelowna  
COMMUNITY PLANNING

architecturally

DISTINCT SOLUTIONS INC.

ph:250-448-7801 cell:250-878-4313

501-1630 Pandosy St.,  
Kelowna, BC V1Y 1P7  
www.distinctsolutions.ca

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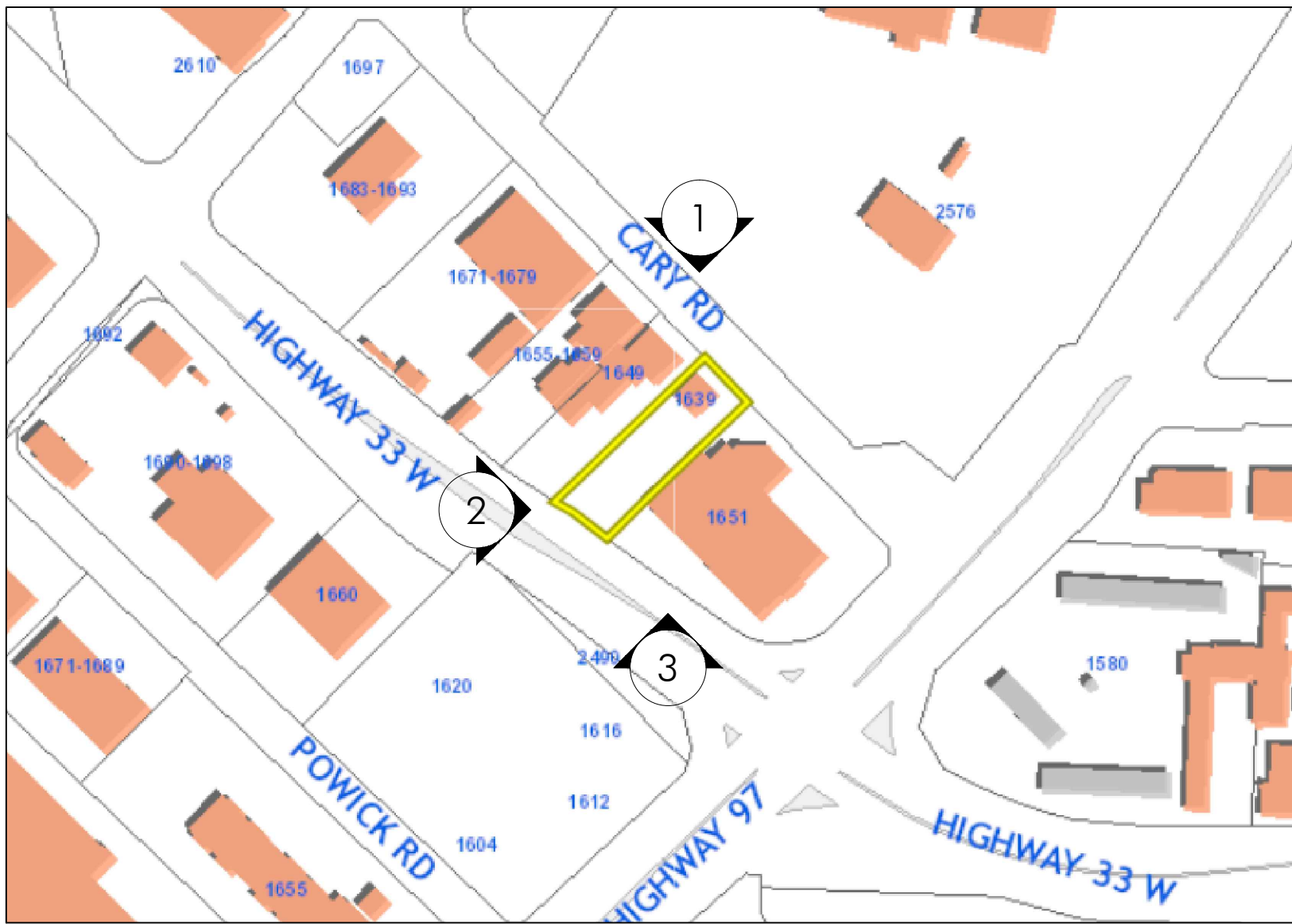
1 NORTH VIEW



2 WEST VIEW



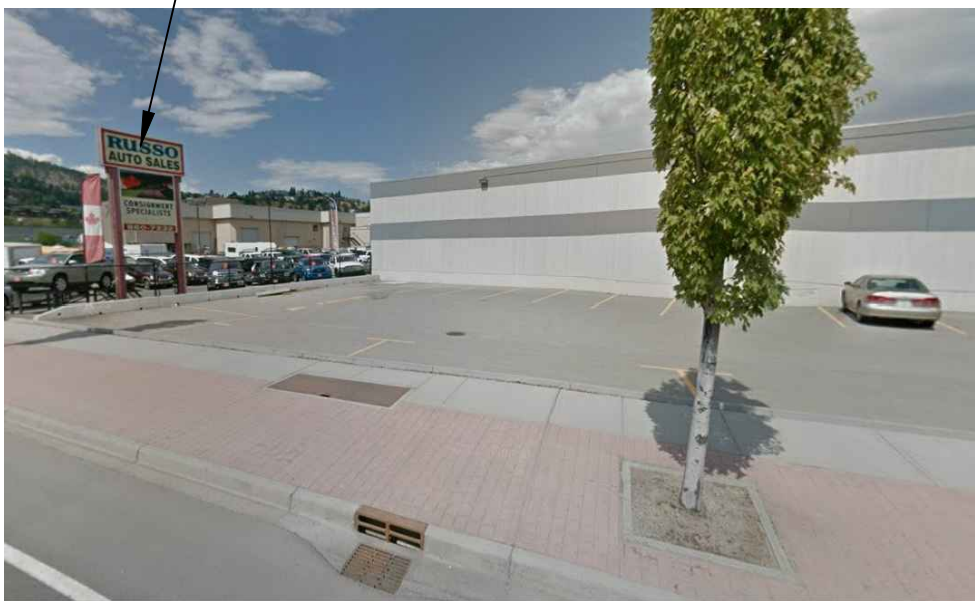
3 SOUTH VIEW



KEY PLAN



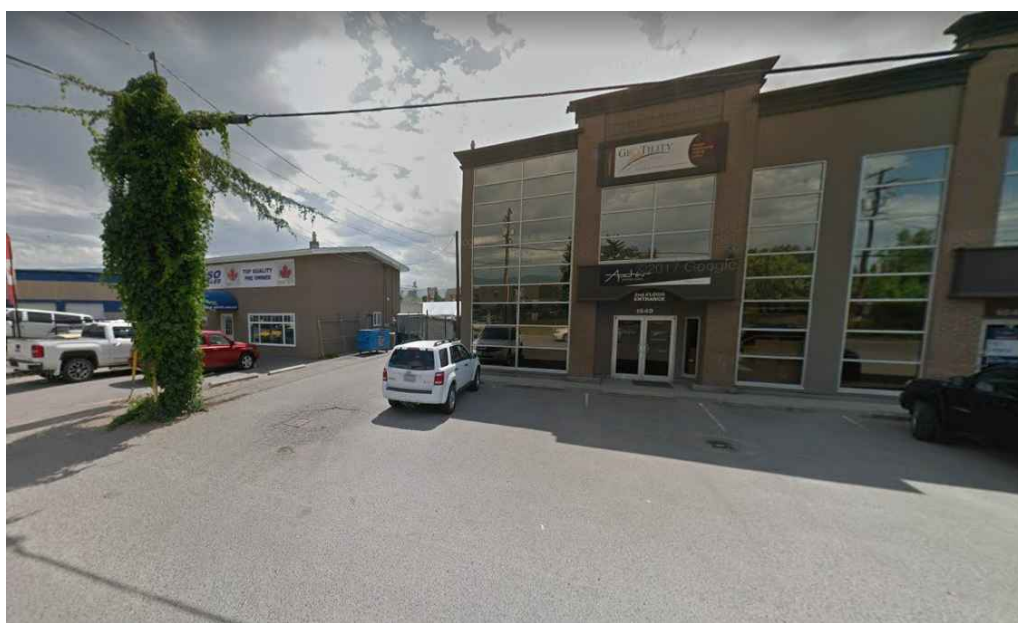
WEST



EAST



EAST



WEST

HWY 33

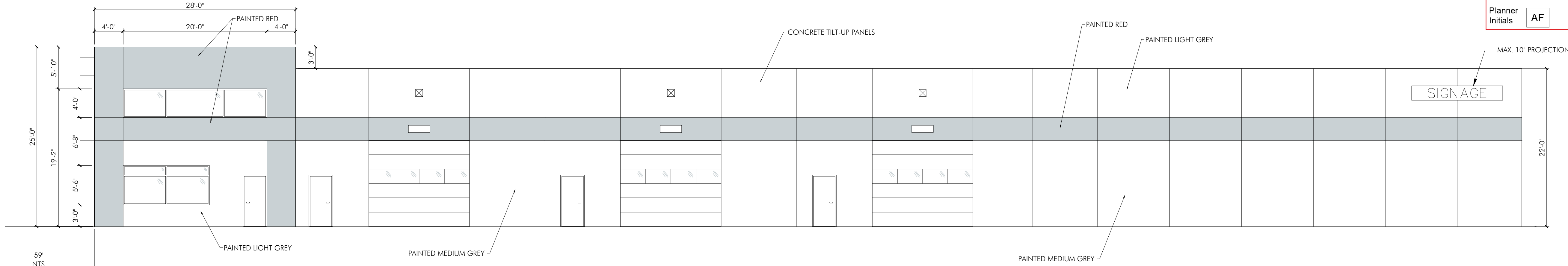
CARY ROAD

FOR DP

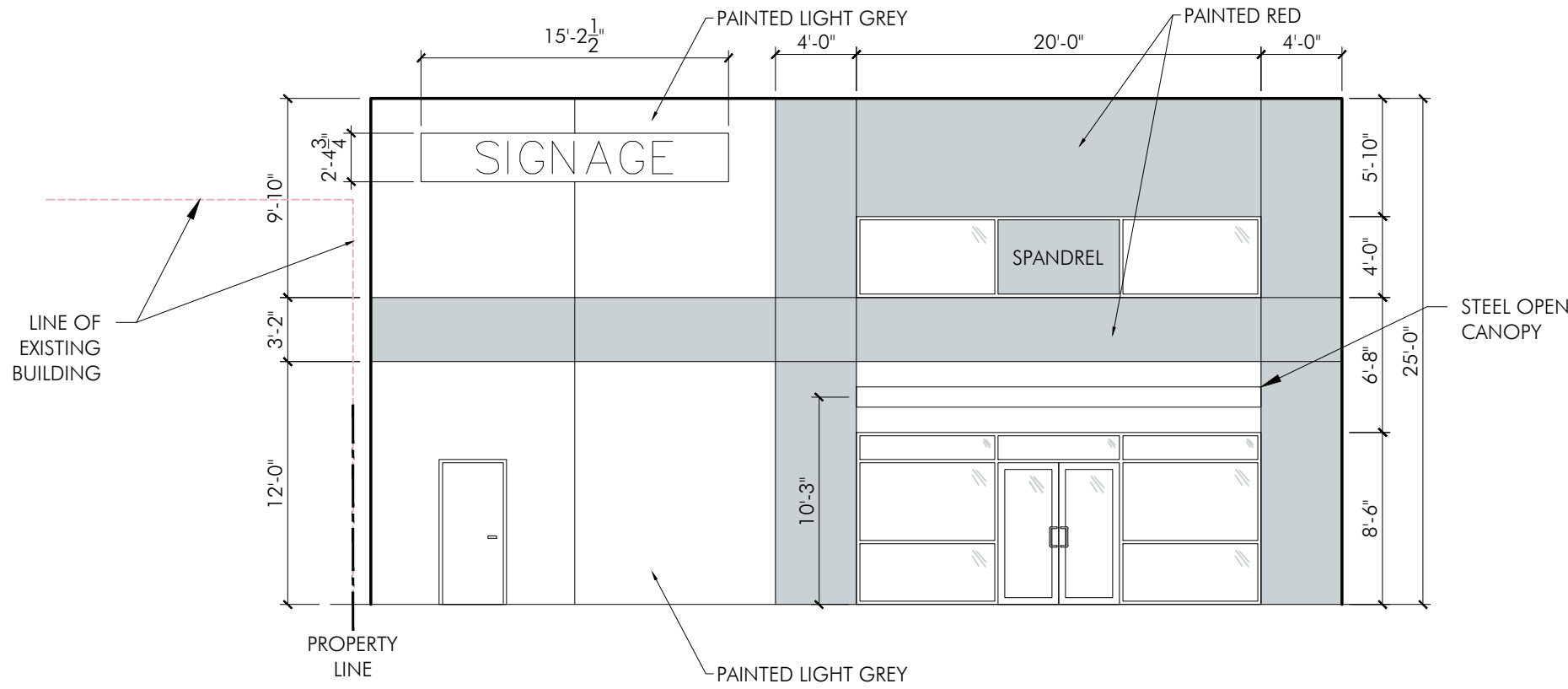
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|------------------------------------|-------------|
| 03.20.18-FOR DP                    |             |
| Plot Date                          | Drawing No. |
| 20-Mar-18                          | A-001       |
| PROJECT                            |             |
| PROSMART-1639 CARY RD.             |             |
| KELWONA, BC                        |             |
| DRAWING TITLE                      |             |
| COVER SHEET                        |             |



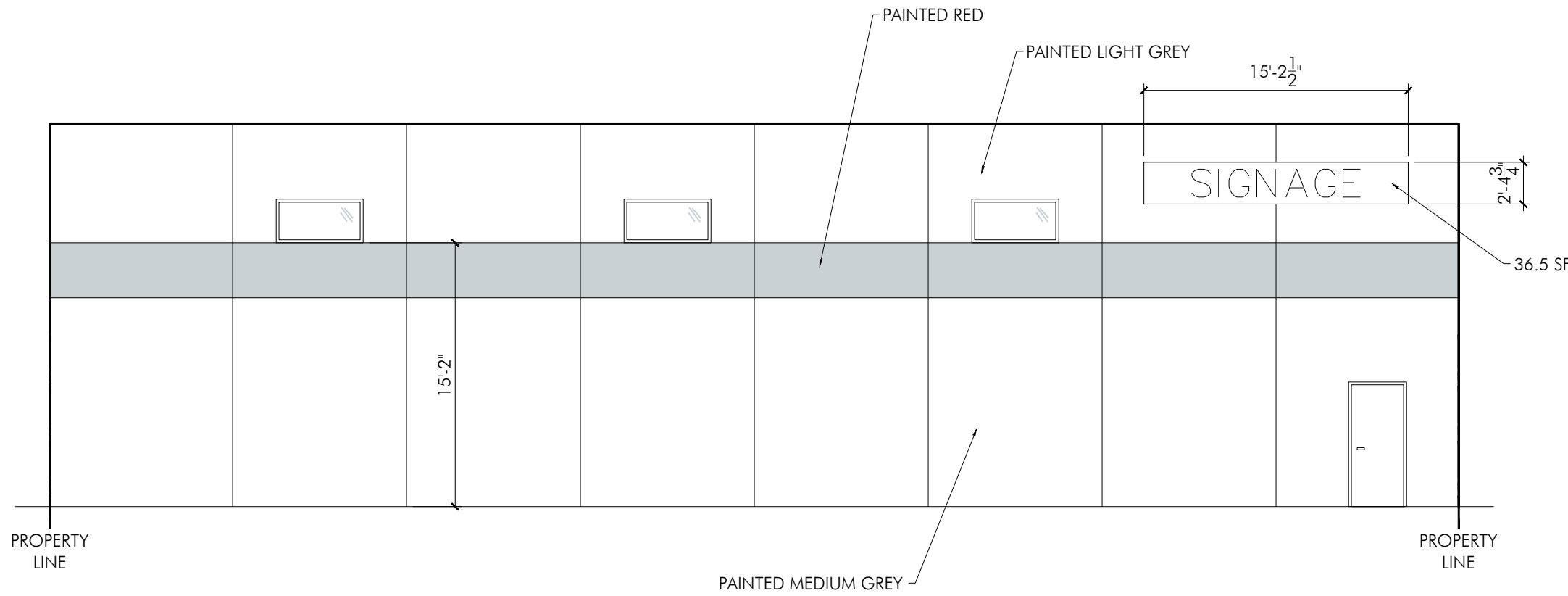
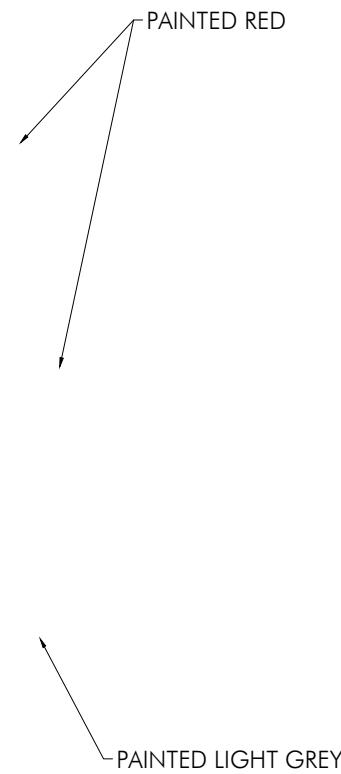




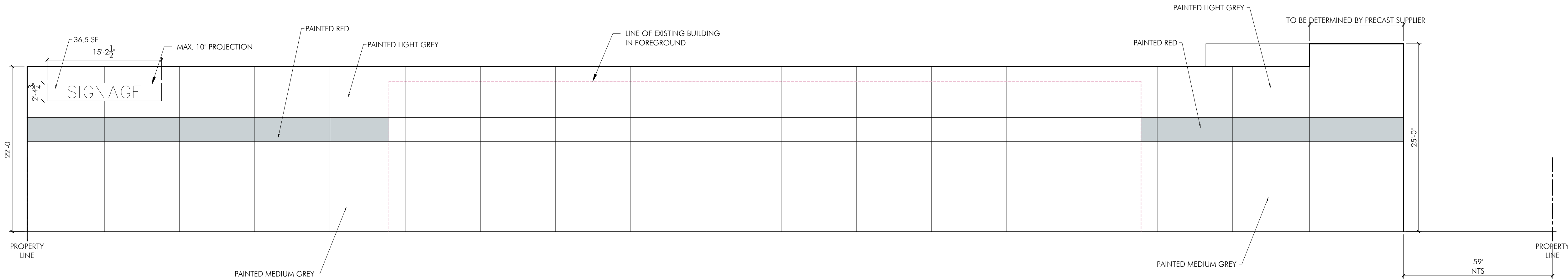
NORTH ELEVATION  
SCALE: 1/8" = 1'-0"



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



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



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

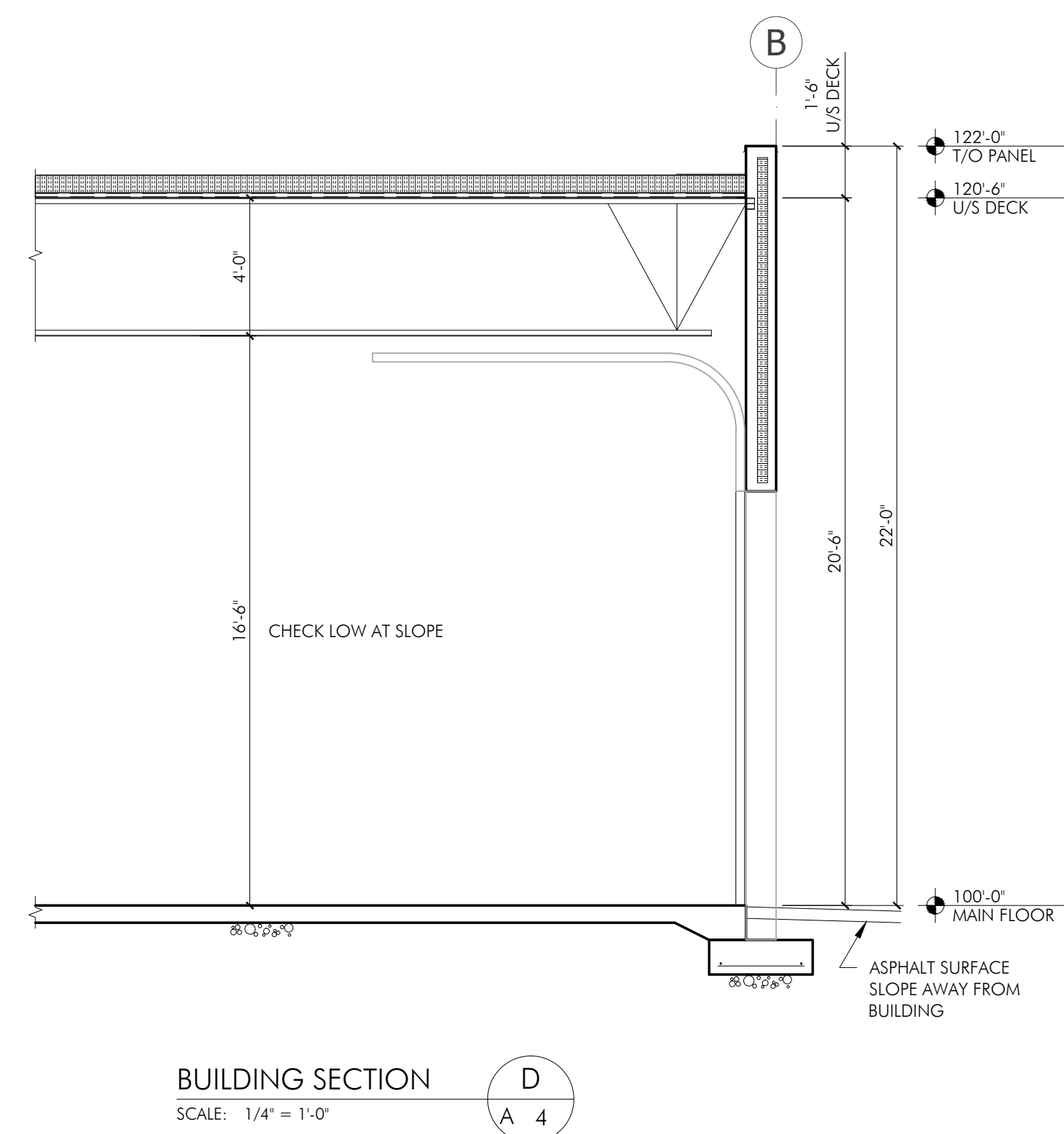
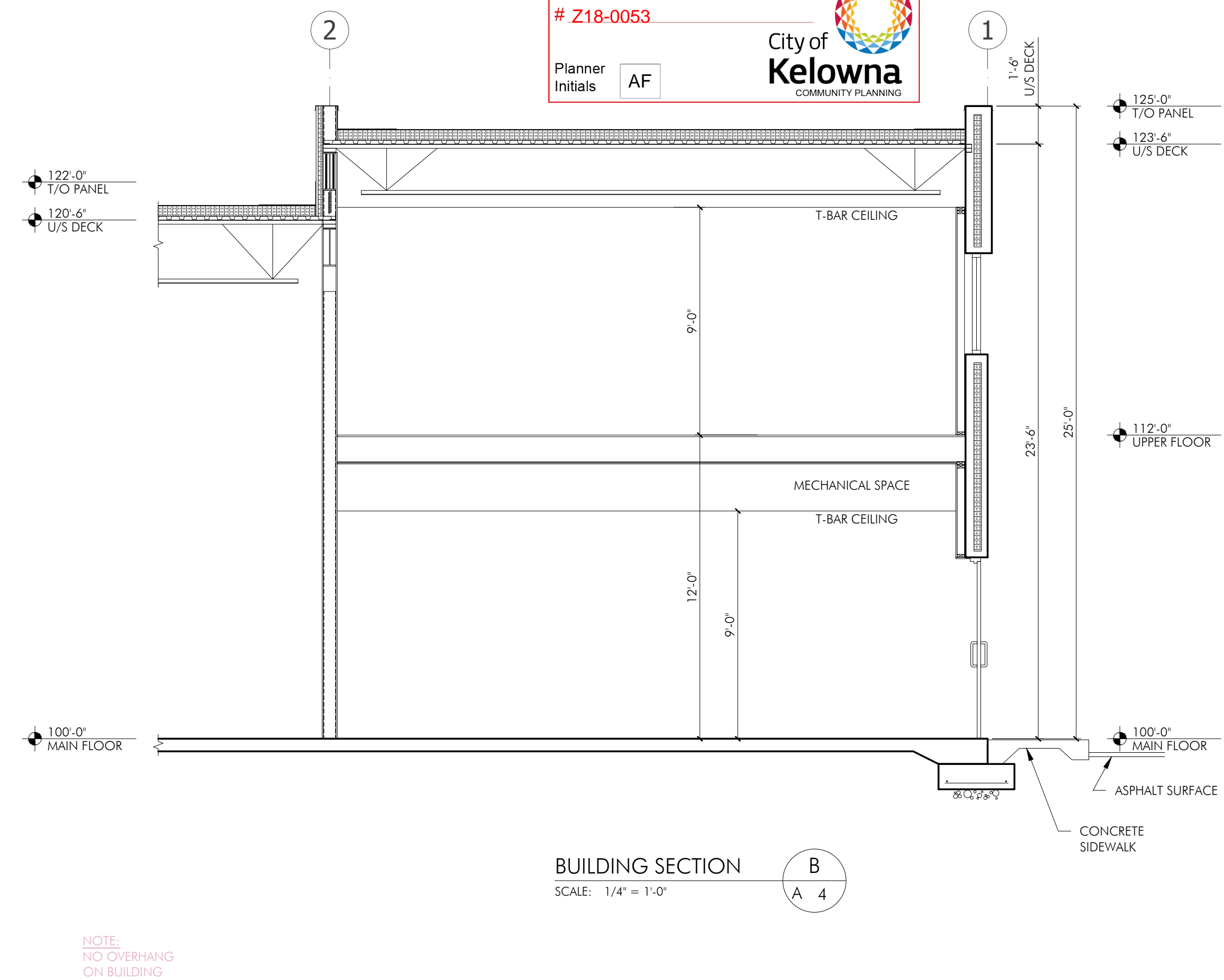
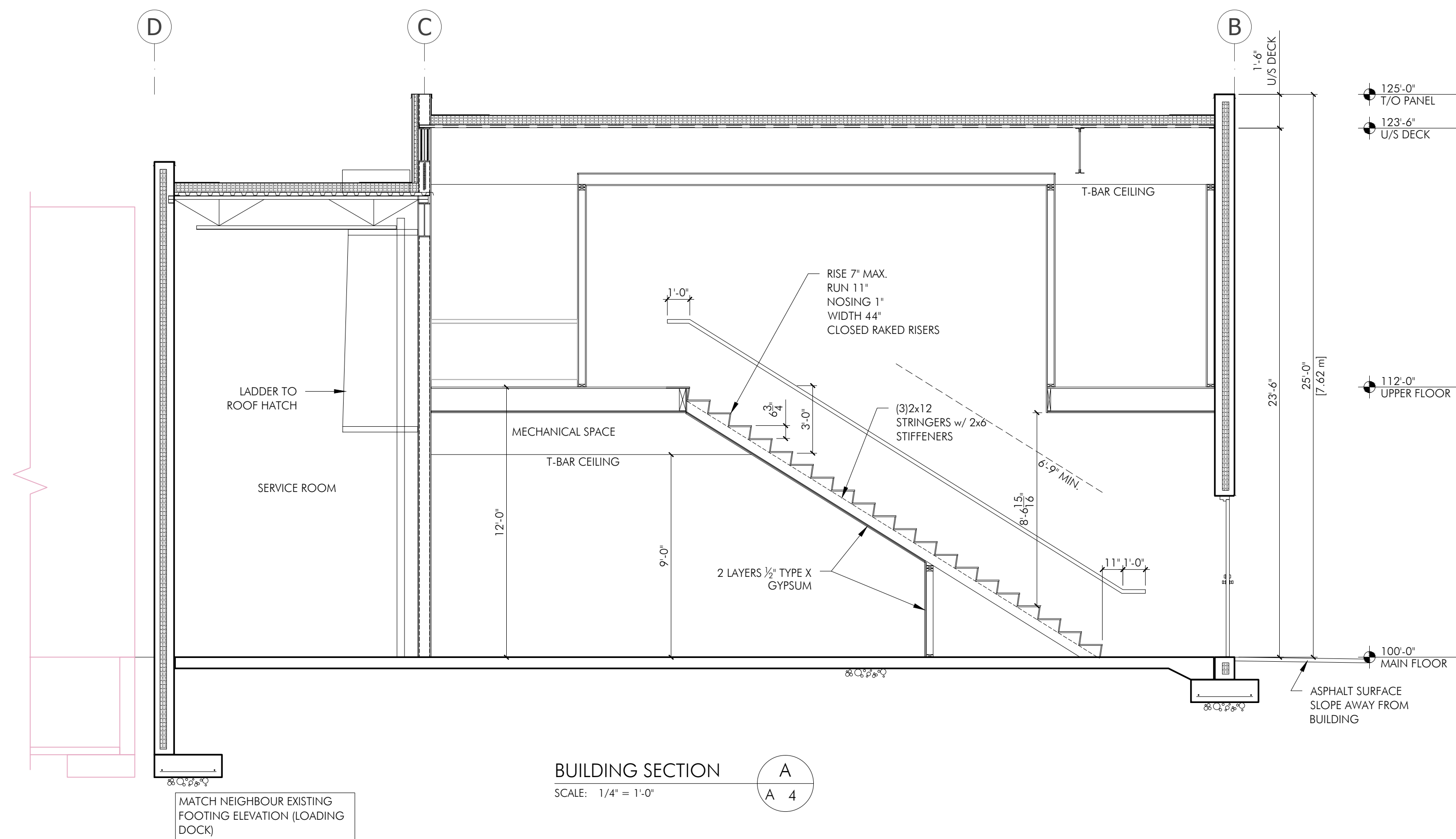
| Revision No., Date and Description |  |
|------------------------------------|--|
| 03.20.18-FOR DP                    |  |

| Plot Date | Drawing No. |
|-----------|-------------|
| 20-Mar-18 | A-007       |

|                        |
|------------------------|
| PROJECT                |
| PROSMART-1639 CARY RD. |
| KELOWNA, BC            |
| DRAWING TITLE          |
| ELEVATIONS             |



FOR DP



FOR DP

# REPORT TO COUNCIL



**Date:** August 27<sup>th</sup> 2018

**RIM No.** 0940-00

**To:** City Manager

**From:** Community Planning Department (AC & JR)

**Application:** LUC18-0005 **Owner:** Al Stober Construction Ltd

**Address:** 1717 Harvey Avenue **Applicant:** Meiklejohn Architects

**Subject:** Land Use Contract Discharge (LUC76-1054)

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

Existing Zone: C10 – Service Commercial

---

## 1.0 Recommendation

THAT Application No. LUC 18-0005 to discharge LUC76-1054 from Lot B, District Lot 129, Plan KAP68674 located at 1717 Harvey Avenue, Kelowna, BC, be considered by Council;

AND THAT Council's consideration of the Development Permit be considered subsequent to the discharge of LUC76-1054 and the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated August 27, 2018;

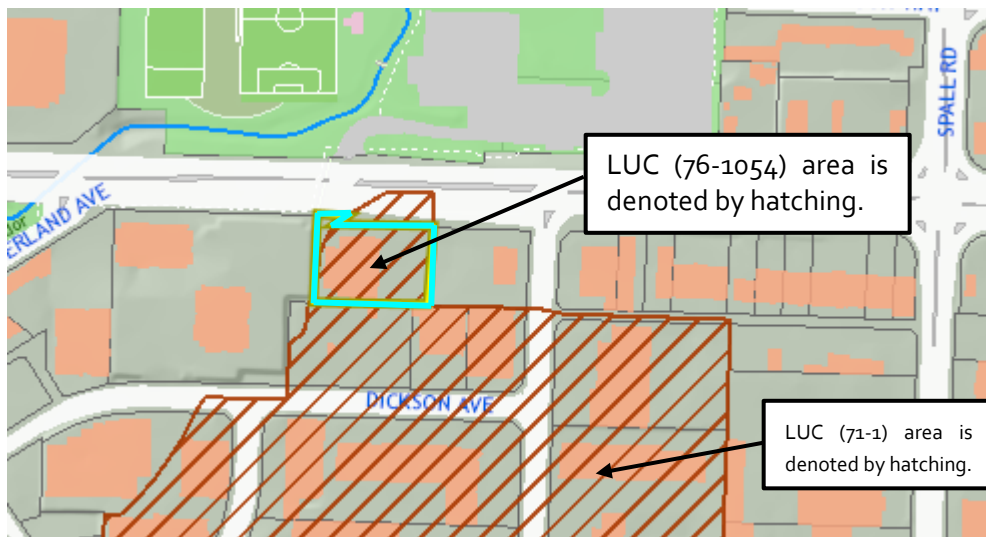
AND FURTHER THAT the Land Use Contract Discharge be forwarded to a Public Hearing for further consideration;

## 2.0 Purpose

To consider a Land Use Contract discharge to convert the old Volkswagen Dealership into mixed use commercial units.

## 3.0 Community Planning

Community Planning Staff support the Land Use Contract discharge and Development Permit for the proposed mixed use commercial units. In order to accomplish these changes, the Land Use Contract (LUC76-1054) currently regulating this property will need to be discharged. The current LUC affects one property and restricts the use to "automotive garage, body shop and automotive parts sale in addition to such other uses as are permitted in the zone" as regulated under the City's previous Zoning Bylaw No. 4500. The underlying C10 – Service Commercial zone fits the area and is an appropriate zone for this land use.



The old, one storey, Volkswagen dealership is looking to be converted into commercial market space. The project will be divided into six commercial units, each with storefront openings, and will take on an industrial character through the façade changes. A mix of retail and restaurant uses will be provided. The west side of the building will be used to create a green pedestrian connection from Harvey Avenue to Dickson Avenue. The small scale of the development changes will allow for a pedestrian friendly experience. This development meets minimum parking and landscaping requirements. Design guidelines are met and therefore, Staff recommend support of the Land Use Contract discharge and Development permit.

#### 4.0 Proposal

##### 4.1 Project Description

The applicant has proposed converting the former Volkswagen dealership into commercial market space. The building will be divided into six commercial units, some used as retail, and others as a restaurant. Each unit will have its own private entrance/exit and two will have patios. Surface parking and a green pedestrian connection will be provided. The small scale of the building and the pedestrian connection will allow for a visitor friendly experience.

##### 4.2 Site Context

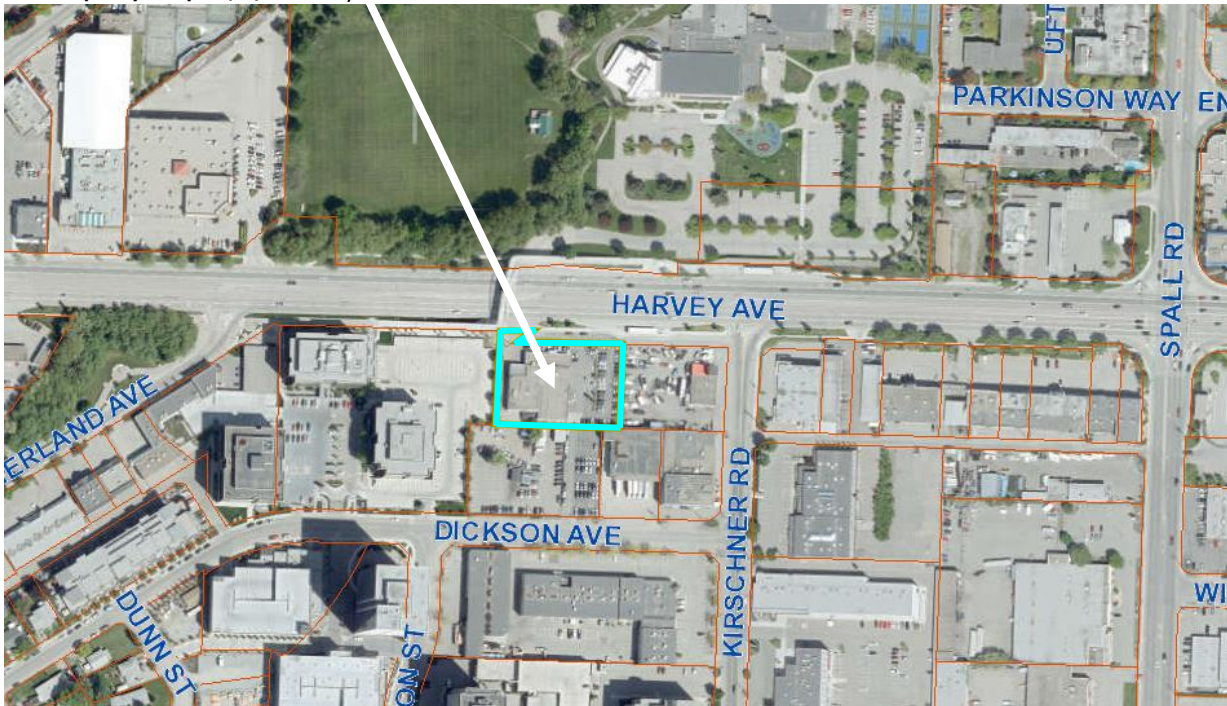
The subject property is located at 1717 Harvey Avenue and falls within the Capri Landmark Urban Centre. The area is characterized primarily by office buildings and small restaurants. The Landmark pedestrian bridge is adjacent to the subject property with Parkinson Recreational Centre across the highway.



Specifically, adjacent land uses are as follows:

| Orientation | Zoning   | Land Use                      |
|-------------|--|-------------------------------|
| North       | P1LP – Major Institutional (Liquor Primary)    | Parkinson Recreational Centre |
| East        | C10 – Service Commercial                       | Boat Storage / Boat Repair    |
| South       | C10 – Service Commercial                       | Parking Lot                   |
| West        | CD14 – Comprehensive High Tech Business Campus | Landmark Buildings            |

**Subject Property Map: 1717 Harvey Avenue**



#### 4.3 Zoning Analysis Table

| Zoning Analysis Table                |                       |                     |
|--------------------------------------|-----------------------|---------------------|
| CRITERIA                             | RM5 ZONE REQUIREMENTS | PROPOSAL            |
| Existing Lot/Subdivision Regulations |                       |                     |
| Lot Area                             | 1000 m <sup>2</sup>   | 4026 m <sup>2</sup> |
| Lot Width                            | 30 m                  | 76 m                |
| Lot Depth                            | 30 m                  | 51.6 m              |
| Site Coverage of Buildings (%)       | 60%                   | 32%                 |
| Development Regulations              |                       |                     |
| Total Number & Types of Units        | n/a                   | 6                   |
| Floor Area Ratio                     | 0.65                  | 0.318               |
| Floor Area (gross/net)               | 5507 m <sup>2</sup>   | 1280 m <sup>2</sup> |
| Height                               | 3 storeys / 12 m      | 1 storeys / 5.5 m   |
| Building Setbacks (m):               |                       |                     |
| Front Yard (North)                   | 2 m                   | 7.58 m              |
| Side Yard (West)                     | 0 m                   | 5.88 m              |
| Side Yard (East)                     | 0 m                   | 33.3 m              |

|                              |                        |                        |
|------------------------------|------------------------|------------------------|
| Rear Yard (South)            | 0 m                    | 3.28 m                 |
| Other Regulations            |                        |                        |
| Minimum Parking Requirements | 60                     | 60                     |
| Bicycle Parking              | 3 class 1<br>8 class 2 | 3 class 1<br>8 class 2 |
| Drive Aisle Width (m)        | 7 m                    | 7 m                    |
| Number of Loading Spaces     | 1 space                | 1 space                |

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

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

#### Chapter 14: Urban Design Guidelines Amenities, ancillary Services and Utilities.<sup>5</sup>

- Locate loading, garbage, storage, utilities and other ancillary services away from public view. All such areas shall be screened and designed as an integral part of the building to minimize impact;
- Create attractive rear alley facades with high quality materials on buildings facing residential areas (e.g. rear building entrances, windows, balconies, plazas, and plantings).
- Promote a high urban design standard and quality of construction for future development that is coordinated with existing structures;

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

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

### 6.2 Development Engineering Department

See Attachment 'A'

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



## 7.0 Application Chronology

Date of Application Received: May 3, 2018

Date Public Consultation Completed: N/A

**Report prepared by:** Adam Cseke, Planner Specialist & Jenna Ratzlaff, Planner

**Reviewed by:** Terry Barton, Urban Planning Manager

**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

### Attachments:

Attachment 'A': Development Engineering Memorandum

Draft Development Permit & Development Variance Permit DP18-0096

Schedule 'A': Rational, Plans & Renders

Schedule 'B': Elevations & Sections

Schedule 'C': Landscape Plan

---

# CITY OF KELOWNA

## MEMORANDUM

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**Date:** August 07, 2018  
**File No.:** DP18-0096  
**To:** Community Planning (AC)  
**From:** Development Engineering Manager (JK)  
**Subject:** 1717 Harvey Ave (REVISED)

|  |    |
|--|----|
| <b>ATTACHMENT A</b>  |    |
| This forms part of application   |    |
| # <u>LUC18-0005</u><br>DP18-0096   |    |
| Planner<br>Initials  | AC |
| <br>City of<br><b>Kelowna</b><br>COMMUNITY PLANNING |    |

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The Development Engineering Department has the following comments and requirements associated with this Development Permit 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 Jason Angus.

**1. General.**

- a. This Development Permit to convert the old Volkswagen dealership into six commercial retail units with the beginning of a pedestrian path from Harvey to Dickson will be required at Building Permit to complete the following works as laid out in this Engineering Memo:
  - i. Frontage Improvements on Harvey Ave
  - ii. Water service upgrade
  - iii. Sanitary service upgrade
- b. The discharge of the land use contract from the subject property does not compromise any City of Kelowna municipal infrastructure.
- c. Provide easements as may be required

**2. Domestic Water and Fire Protection**

- a. Provide an adequately sized domestic water and fire protection system complete with individual lot connections. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. Provide water calculations for this property to confirm this. Ensure every building site is located at an elevation that ensures water pressure is within the bylaw pressure limits.

**3. Sanitary Sewer**

- a. Our records indicate that this property is currently serviced with a 150mm-diameter sanitary sewer service. The applicant's consulting mechanical engineer will determine the requirements of the proposed development and establish the service needs. Only one service will be permitted for this development. If required, the applicant will arrange for the removal and disconnection of the existing service and the installation of one new service at the applicant's cost.

#### **4. Drainage**

- a. Provide a detailed Storm Water Management Plan for this development as per the Subdivision, Development and Servicing Bylaw #7900.

#### **5. Road Improvements**

- a. Harvey Ave and the access road must be upgraded to an urban standard along the full frontage of this proposed development, including curb and gutter, sidewalk, 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.

#### **6. Development Permit and Site Related Issues**

- a. By Registered plan to provide the following
  - i. Grant statutory rights-of-way if required for utility services and/or pedestrian access.
  - ii. Road dedication is needed for the right-in and right-out of the highway frontage lane. *This will be deferred until a major development is proposed on the property or consolidation of 1717 Harvey Ave and 164-1710 Dickson Ave.*

#### **7. Power and Telecommunication Services and Street Lights**

- 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.
- b. Streetlights must be installed on all roads.
- 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. Remove existing poles and utilities, where necessary. Remove aerial trespass (es)

#### **8. Design and Construction**

- a. Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b. Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c. Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d. A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.

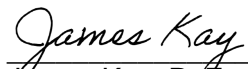
- e. Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Development Engineering Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs

#### **9. Servicing Agreements for Works and Services**

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

#### **10. Bonding and Levy Summary**

- a. Bonding To be Determined

  
\_\_\_\_\_  
James Kay, P. Eng.  
Development Engineering Manager

JA

|                                |    |   |
|--------------------------------|----|---|
| <b>ATTACHMENT</b>              |    | <b>A</b>  |
| This forms part of application |    |   |
| # LUC18-0005                   |    |   |
| DP18-0096                      |    |   |
| Planner<br>Initials            | AC | <br><b>City of<br/>Kelowna</b><br>COMMUNITY PLANNING |
|                                |    |   |

# Development Permit DP18-0096



This permit relates to land in the City of Kelowna municipally known as

1717 Harvey Avenue

and legally known as

Lot B, District Lot 129, Plan KAP68674

and permits the land to be used for the following development: Retail Commercial and Restaurant

The present owner and any subsequent owner of the above described land must comply with any attached terms and conditions.

Date of Decision:

Decision By: CITY COUNCIL OR UP

Issued Date:

Development Permit Area: (N/A for DVP's)

**This permit will not be valid if development has not commenced by August 27, 2019.**

Existing Zone: C10 – Service Commercial Future Land Use Designation: MXR – Mixed Use (Residential / Commercial)

## **This is NOT a Building Permit.**

In addition to your Development Permit, a Building Permit may be required prior to any work commencing. For further information, contact the City of Kelowna, Development Services Branch.

## **NOTICE**

This permit does not relieve the owner or the owner's authorized agent from full compliance with the requirements of any federal, provincial or other municipal legislation, or the terms and conditions of any easement, covenant, building scheme or agreement affecting the building or land.

Owner: Al Stober Construction Ltd

Applicant: Meiklejohn Architects

\_\_\_\_\_  
Ryan Smith  
Community Planning Department Manager  
Community Planning & Strategic Investments

Date:

## 1. SCOPE OF APPROVAL

This Development 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 Development 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 Development 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.

## 2. CONDITIONS OF APPROVAL

- 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"; and
- 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.

This Development Permit is valid for two (2) years from the date of August 27, 2017 approval, with no opportunity to extend.

## 3. PERFORMANCE SECURITY

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Developer and be paid to the Developer or his or her designate if the security is returned. The condition of the posting of the security is that should the Developer 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 enter into an agreement with the property owner of the day to have the work carried out, and any surplus shall be paid over to the property own of the day. Should the Developer carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Developer or his or her designate. There is filed accordingly:

- a) An Irrevocable Letter of Credit in the amount of **\$174,300.00**

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

## 4. INDEMNIFICATION

Upon commencement of the works authorized by this Permit the Developer covenants and agrees 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 said Permit.

All costs, expenses, claims that may be incurred by the Municipality where the construction, 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.

**The PERMIT HOLDER is the CURRENT LAND OWNER.  
Security shall ONLY be returned to the signatory of the  
Landscape Agreement or their designates.**



Re: Development Permit Submission

Design Rationale – 1717 Harvey Ave.

April 11, 2018

The latest addition to the Landmark Town Centre is going to be the development of the Landmark District Market. The design will provide for 6 new retail tenants that will create amenities to the Landmark area. It was an intentional decision to re-purpose the existing building in order give the area a more small scale pedestrian friendly experience.

#### Architectural Design

The building will be divided into smaller tenancies with the introduction of storefront openings along the east side of the building. The use of awnings and sign carriers will assist in defining the individual spaces. The north side of the building will remain relatively intact with paint and signage being applied. The intent is to give the project a bit of a warehouse/industrial character. The windows and storefronts will be introduced using black aluminium. Prominent architectural sign carriers that are positioned away from the building face will help to shield the past use and introduce a new focus to the building. The west side will be used to create a green pedestrian connection to the south side of the building. Two retail patio areas will be located on the south side and are anticipated that they will become perfect seasonal opportunity for the tenants.

#### Landscape Design

Because we are creating a pedestrian friendly realm, the landscape will include the introduction of walkways and patios all around the building that are intended to animate the space more effectively. This will include a mixture of materials including cast in place concrete, brick pavers and street furniture and trees. The greening up and reconfiguration of the existing parking lot will serve to diminish the importance of the car and emphasize the importance of the pedestrian. We are creating this as a walkable amenity for the tenants of the Landmark area.

#### Conclusion

In summary we feel that this unstructured design approach with a well design public realm and appropriately detailed storefronts will be a welcome evolution to one of Kelowna's premier urban neighbourhoods.

|                                |  |
|--------------------------------|--|
| <b>SCHEDULE</b>                | <b>A</b>   |
| This forms part of application |  |
| # LUC18-0005                   |  |
| DP18-0096                      |  |
| Planner<br>Initials            | <br>City of<br><b>Kelowna</b><br>COMMUNITY PLANNING |
| AC                             |  |



# SCHEDULE

This forms part of application

# LUC18-0005  
DP18-0096

Planner  
Initials

AC

City of  
**Kelowna**  
COMMUNITY PLANNING



## Legend

- 1717 Harvey Ave
- Feature 1



Google Earth

© 2018 Google

1717 harvey ave



80 m



1717 Harvey Ave

existing car lots

april 10, 2018



# SCHEDULE

A

This forms part of application

# LUC18-0005

DP18-0096

Planner  
Initials

AC

City of  
**Kelowna**  
COMMUNITY PLANNING





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City of  
**Kelowna**  
COMMUNITY PLANNING





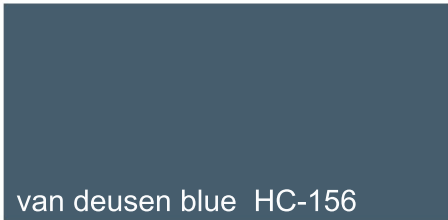
coventry gray HC-169



kendall charcoal HC-166



rockport gray HC-105



van deusen blue HC-156



wood trellis





## ZONING SUMMARY

|                         |   |
|-------------------------|---|
| TURNER VOLKSWAGEN       |   |
| ADDRESS                 | 1717 HARVEY AVE                                 |
| LEGAL DESCRIPTION       | LOTS B&C, PLAN KAP68674 AND LOT 2, PLAN 25004   |
| DEVELOPMENT PERMIT AREA | N/A   |
| EXISTING ZONING         | C10   |
| EXISTING LEGAL USE      | AUTO DEALERSHIP                                 |
| GRADES                  | EXISTING AVERAGE - LEVEL FINISH AVERAGE - LEVEL |
| NUMBER OF BUILDINGS     | 1 STOREY COMMERCIAL BUILDING                    |

CRITERIA FOR ALL TYPES OF APPLICATION: C10 SERVICE COMMERCIAL

|                | ZONING STANDARD | PROPOSAL |
|----------------|-----------------|----------|
| SITE AREA (sm) | 1000            | ±4026    |
| SITE WIDTH (m) | 30              | ±76      |
| SITE DEPTH (m) | 30              | ±51.6    |

## PARKING

|                                     |                                    |                     |
|-------------------------------------|------------------------------------|---------------------|
| OFF-STREET PARKING                  | 60 stalls min. (see parking calcs) | ±60 stalls (EXIST.) |
| HEIGHT OF BUILDING (S)/# OF STOREYS | 12.0 m/ 3 storeys                  | ±5.5 m/ 1 storey    |

## COVERAGE

|  |          |                       |
|--|----------|-----------------------|
| SITE COVERAGE OF BUILDING(S) (%)                             | 60% MAX. | ±1280/ ±4026 = ±31.8% |
| SITE COVERAGE INCLUDING BUILDINGS, DRIVEWAYS AND PARKING (%) | N/A      | N/A                   |

ADDITIONAL REQUIREMENTS FOR COMMERCIAL, INDUSTRIAL AND MULTIPLE UNIT / INTENSIVE RESIDENTIAL APPLICATIONS: C10 SERVICE COMMERCIAL

|   | ZONING STANDARD   | PROPOSAL  |
|---|---|---|
| NUMBER OF BICYCLE PARKING SPACES (COMMERCIAL) | Class I: 0.2 per 100sm x 1280sm<br>Total = 3 bikes min.<br><br>Class II: 0.6 per 100sm x 1280sm<br>Total = 8 bikes min. | Class I: 3 stall bike rack (confirm with tenants)<br><br>Class II: 8 stall bike racks (see site plan) |

|                                     |                         |                             |
|-------------------------------------|-------------------------|-----------------------------|
| NUMBER OF LOADING SPACES            | 1/ 1900sm = 1 space min | min 1 space (see site plan) |
| DRIVE AISLE WIDTH (m) (IF PROPOSED) | 7.0m                    | ±7.0m (exist.)              |
| SETBACKS TO PARKING (m):            |                         |                             |
| NORTH (FRONT)                       | 3.0m                    | ±2.0m (exist.)              |
| SOUTH (REAR)                        | N/A                     | N/A                         |
| WEST (SIDE)                         | N/A                     | N/A                         |
| EAST (SIDE)                         | N/A                     | N/A                         |
| FLOOR AREA NET                      | 5,507sm max.            | ±1280sm                     |

## FAR

|                                |           |                      |
|--------------------------------|-----------|----------------------|
| FLOOR AREA RATIO (F.A.R.)      | 0.65 MAX. | ±1280/ ±4026 = 0.318 |
| BUILDING (S) SETBACKS (m):     |           |                      |
| NORTH (FRONT)                  | 2.0m      | ±7.58m               |
| SOUTH (REAR)                   | 0.0m      | ±3.28m               |
| WEST (SIDE)                    | 0.0m      | ±5.88m               |
| EAST (SIDE)                    | 0.0m      | ±33.3m               |
| DAYLIGHT ANGLE (IF A TOWER)    | N/A       | N/A                  |
| PODIUM HEIGHT (IF PROPOSED)    | N/A       | N/A                  |
| FLOOR PLATE SIZE (IF REQUIRED) | N/A       | N/A                  |

## PARKING CALCULATIONS

| STALL SIZE                   | WIDTH  | LENGTH | HEIGHT | PARKING RATIO |          |
|------------------------------|--------|--------|--------|---------------|----------|
|                              |        |        |        | required      | proposed |
| FULL SIZE STALL              | 8'-3"  | 2.5m   | 19'-8" | 6.0m          |          |
| MEDIUM SIZE STALL (40% max)  | 7'-6"  | 2.3m   | 15'-9" | 4.8m          |          |
| COMPACT SIZE STALL (10% max) | 6'-6"  | 2.0m   | 11'-2" | 3.4m          |          |
| DISABLED STALL               | 12'-2" | 3.7m   | 19'-8" | 6.0m          |          |
| DRIVE AISLES (2-way 90° pkg) | 23'-0" | 7.0m   |        |               |          |

|                                      |                     |
|--------------------------------------|---------------------|
| PARKING REQUIREMENTS:                |                     |
| COMMERCIAL:                          | no of stalls        |
| Liquor Primary Establishment, Minor: |                     |
| 1 per 4 seats of capacity x 183 ppl  | 46 stalls           |
| Retail Store GFA less than 1,000sm:  |                     |
| 2 stalls/ 100sm x 660sm              | 14 stalls           |
| TOTAL PARKING REQUIRED:              | 60 stalls           |
| TOTAL PARKING PROVIDED:              |                     |
| PARKING @ GRADE:                     | ±60 stalls (EXIST.) |



## FIRE PROTECTION: 3.2.4/ 3.2.5/ 3.2.6.

|                                       |                       |                |
|---------------------------------------|-----------------------|----------------|
| LOCATION OF HYDRANT TO BUILDING ENTRY | 90 m MAX.             | 3.2.5.5.       |
| STANDPIPE/HOSE                        | N/A                   | 3.2.5.8.       |
| SPRINKLERED                           | N/A                   |                |
| FIRE ALARM SYSTEM                     | N/A (CONFIRM ON SITE) | 3.2.4.1.(2)(f) |
| EXIT LIGHTS                           | YES                   |                |
| EMERGENCY LIGHTING                    | YES                   |                |

## OCCUPANT LOAD SEE A201.1

|                       |             |
|-----------------------|-------------|
| LEVEL 1 (retail):     | 180 PERSONS |
| LEVEL 1 (restaurant): | 183 PERSONS |
| BUILDING TOTAL        | 363 PERSONS |

## EXIT FACILITIES 3.1 TO 3.6

| REQUIRED EXITS         | REQUIRED WIDTHS                                    | PROVIDED WIDTHS                                   |
|------------------------|--|---|
|                        | min. 800mm door width as per 3.4.3.2.(A)           |   |
| LEVEL 1 (doors)        | 6.1mm/ person X 363 persons max.<br>= 2,214mm MIN. | min.10 doors @ 3'-0"<br>width = 30'-0" (9,144 mm) |
| EXIT THROUGH LOBBY     | NO   | 3.4.4.2.  |
| PANIC HARDWARE REQ'D   | yes (at exterior doors - confirm with tenants)     | 3.4.6.16.(2)                                      |
| EXIT EXPOSURE          | ok   | 3.2.3.13.   |
| MAX. TRAVEL DISTANCE   | 30m (15m for single exit)                          | 3.4.2.5.(1)                                       |
| EXIT RATINGS REQUIRED: |  |   |
| STAIR SHAFTS           | N/A  | 3.4.4.1.  |
| CORRIDORS              | N/A  | 3.3.2.6.(4)                                       |

## REQUIRED FIRE SEPARATIONS 3.1.3.1.

|                             |      |        |
|-----------------------------|------|--------|
| TENANTS / MAJOR OCCUPANCIES |      |        |
| GROUP A2 TO E               | 2 HR |        |
| SERVICES ROOMS              | 1 HR | 3.8.2. |
| JANITOR ROOM                | 1 HR |        |

## BUILDING FIRE SAFETY

|                              |             |           |
|------------------------------|-------------|-----------|
| SOFFIT PROTECTION            | N/A         | 3.2.3.16. |
| FLAME SPREAD RATINGS         | COMPLY WITH | 3.1.13.2  |
| METAL DECK ASSEMBLIES        | N/A         | 3.1.14.2. |
| ROOF COVERING CLASSIFICATION | CLASS "A"   | 3.1.15.2. |
| ATTIC FIRESTOPS              | N/A         | 3.1.11.   |
| MAX. ATTIC AREA              | N/A         | 3.1.11.5. |
| MAX. CRAWLSPACE AREA         | N/A         | 3.1.11.6. |
| CONCEALED FLOOR AREA         | N/A         | 3.1.11.5. |

## ACCESSIBILITY REQUIREMENTS 3.8.

|                          | REQUIRED | PROVIDED |
|--------------------------|----------|----------|
| ACCESS TO MAIN ENTRANCES | YES      | YES      |
| ACCESS TO ALL FLOORS     | YES      | YES      |
| ACCESSIBLE WASHROOM      | YES      | YES      |

## WASHROOM FIXTURES REQUIREMENTS

WASHROOM REQUIREMENTS TO BE CONFIRMED BY FUTURE TENANTS AS PART OF THEIR LEASEHOLD IMPROVEMENTS PERMIT APPLICATION (N.I.C.)

## BUILDING CODE REVIEW

| OCCUPANCY                | GROUP A2                       | GROUP D                                 | GROUP E  | GROUP F2 |
|--------------------------|--------------------------------|---|----------|----------|
| ARTICLE                  | 3.2.2.25                       | 3.2.2.58                                | 3.2.2.64 | 3.2.2.74 |
| NO. OF STOREYS           | 1 STOREY                       | 1 STOREY                                | 1 STOREY | 1 STOREY |
| NO. OF STREETS FACING    | 2                              | 2                                       | 2        | 2        |
| MAX. BUILDING AREA       | PROPOSED<br>±13,680 (±1,280sm) | CODE MAXIMUM<br>1,500 sm (3.2.2.64.(1)) |          |          |
| CONSTRUCTION TYPE        | COMBUSTIBLE / NON-COMBUST.     |   |          |          |
| SPRINKLERED              | NO                             |   |          |          |
| ASSEMBLY RATINGS:        |                                |   |          |          |
| FLOOR                    | N/A                            |   |          |          |
| WALLS/ BEARING STRUCTURE | 45 MINUTES                     |   |          |          |
| ROOFS                    | 45 MINUTES                     |   |          |          |

## SPATIAL SEPARATION: 3.2.3.1.C

|                   | NORTH (FRONT) & EAST WALL                                       | WEST WALL    | SOUTH WALL   |
|-------------------|---|--------------|--------------|
| WALL AREA         |   | ±152.2sm     | ±89.4sm      |
| OPENING AREA      | WINDOW OPENINGS & WALL CONSTRUCTION UNRESTRICTED.               | ±10.7sm      | ±13.3sm      |
| % PROVIDED        |   | ±7.1%        | ±14.9%       |
| LIMITING DISTANCE | EXCEED 9.0m, OR BLOG FACES A STREET IN ACCORDANCE WITH 3.2.3.10 | 5.88m        | 3.28m        |
| % PERMITTED       |   | ±25%         | ±15.5%       |
| CONSTRUCTION TYPE |   | Combust.     | Combust.     |
| CLADDING MATERIAL |   | Non combust. | Non combust. |
| REQUIRED RATINGS  |   | 45 MINUTES   | 1 HOUR       |

## BUILDING FLOOR AREAS

|  | GFA (±sf) | GFA (±sm) |
|--|-----------|-----------|
| LEVEL 1  | 13,680    | 1,280     |
| BUILDING FOOTPRINT FOR SITE COVERAGE                 | 13,680    | 1,280     |
| TOTAL FLOOR AREA FOR FAR (SEE A201.1 FOR LEASE AREA) | 13,680    | 1,280     |

233 BERNARD AVENUE  
KELOWNA, B.C.  
V1Y 6N2  
TEL: 250.762.3004  
EMAIL: kel-mat@shaw.ca

**m+m**  
MEIKLEJOHN ARCHITECTS INC.

2018-04-10

DP



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| No. | Date       | Revision  |
|-----|------------|-----------|
| 01  | 2018-04-10 | issued DP |

Project Title  
**EXISTING BUILDING  
FACADE UPGRADE**

1717 HARVEY AVE KELOWNA V1Y 6G3  
LOT B DL 129 ODYS PLAN KAP68674

Drawing Number

**A2.01**

DRAWINGS ARE NOT TO BE SCALED.  
ALL DIMENSIONS SHALL BE VERIFIED ON JOB

Drawing Title  
**ZONING &  
CODE SUMMARY**

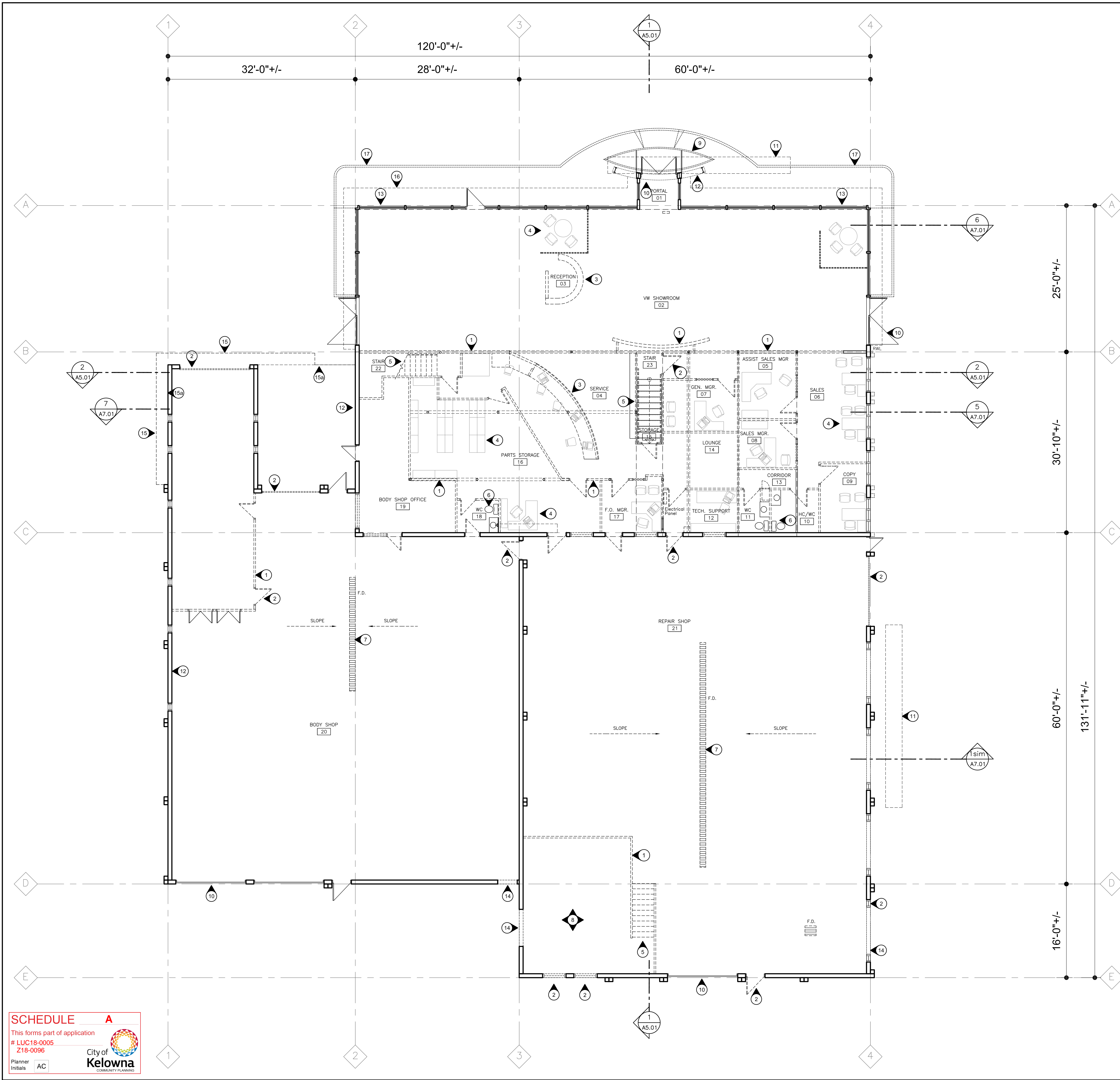
20' = 12"

|         |             |
|---------|-------------|
| Date    | 2018-04-10  |
| Job No. | m+m 17-1786 |
| Scale   | AS SHOWN    |
| Drawn   | ES          |
| Checked | JM          |

**SCHEDULE A**  
This forms part of application  
# LUC18-0005  
Z18-0096  
City of Kelowna  
COMMUNITY PLANNING  
Planner Initials AC

Site Plan





DEMOLITION KEY NOTE LEGEND:

All demolition items to be removed from site unless noted or as directed by owner.

All existing services affected by new construction to be patched & repaired.

Provide all temporary framing and support/shoring during demolition & construction. Remove and dispose all shoring and attachments off site upon completion.

1. Remove existing wall. Note: all existing services/wiring to be v.o.s. & capped/relocated as directed by elec
2. Remove existing door & window.
3. Remove existing millwork.  
Note: confirm on site locations of existing trenches for existing power, clean & prepare trenches as required for new concrete fill.
4. Remove existing shelving/furniture where applicable
5. Remove existing stairs
6. Remove existing plumbing fixtures.  
Cap existing plumbing lines & locate existing mains for future connections
7. Remove existing trench drain.
8. Remove existing mezzanine framing & sheathing
9. Remove curved canopy (v.o.s.)
10. Existing doors to remain  
(protect during construction)
11. Excavation as required for new exterior screens.  
Provide conduit as required for lighting.
12. Existing walls to remain where applicable.  
Patch & make good all surfaces & ensure all air barriers/ vapour barriers are sealed
13. Existing windows to remain  
(protect during construction)
14. Existing wall to be cut & removed as required to suit new openings. Provide shoring & new lintels as required (struct. to review on site)
15. Existing fabric awning & framing to be removed to suit new exterior finishes.
- 15a. Existing metal cladding to remain (protect during awning removal)
16. Existing canopy/fascia to be retained.  
Existing surfaces to be prepared for new finishes (see renovation elevations)
17. Existing sidewalk /curb to be removed.

233 BERNARD AVENUE  
KELOWNA, B.C.  
V1Y 6N2  
TEL: 250.762.3004  
EMAIL: kel-mai@shaw.ca



2018-04-10  
DP

TRUE NORTH

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| No. | Date       | Revision  |
|-----|------------|-----------|
| 01  | 2018-04-10 | Issued DP |
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Project Title  
EXISTING BUILDING  
FACADE UPGRADE

1717 HARVEY AVE KELOWNA V1Y 6G3  
LOT B DL 129 ODYD PLAN KAP68674

Drawing Number

A3.01

DRAWINGS ARE NOT TO BE SCALED.  
ALL DIMENSIONS SHALL BE VERIFIED ON JOB

Drawing Title  
MAIN FLOOR  
DEMOLITION

1/8"=1'0"

|         |             |
|---------|-------------|
| Date    | 2018-04-10  |
| Job No. | m+m 17-1786 |
| Scale   | AS SHOWN    |
| Drawn   | ES          |
| Checked | JM          |

**SCHEDULE A**

This forms part of application

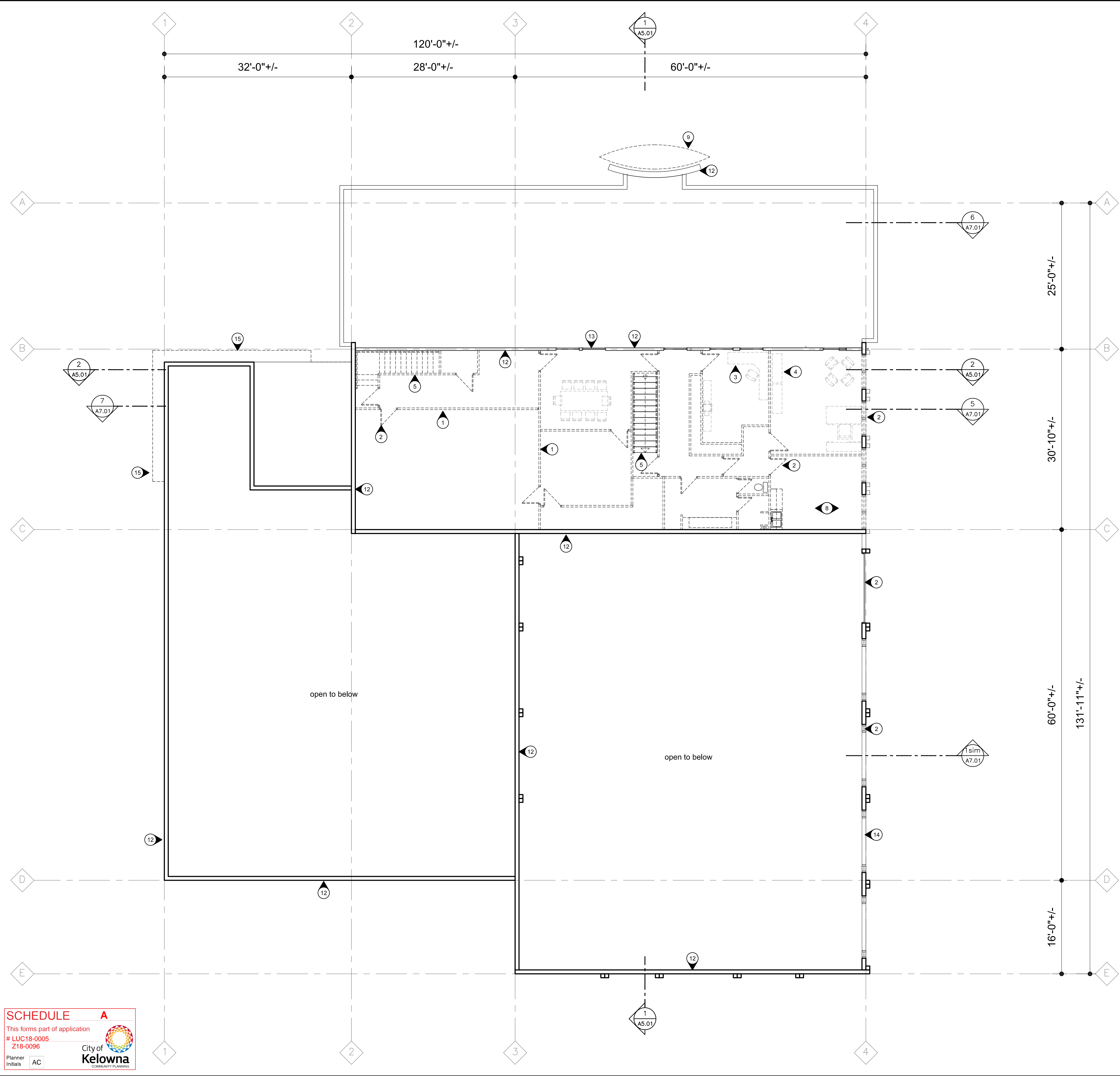
# LUC18-0005  
Z18-0096

Planner  
Initials AC

City of Kelowna  
COMMUNITY PLANNING

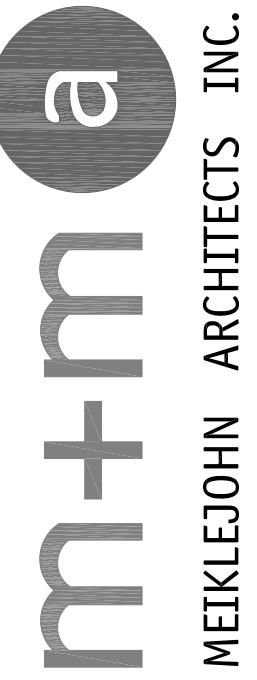






Note:  
See A301 for demolition key note legend.

233 BERNARD AVENUE  
KELOWNA, B.C.  
V1Y 6N2  
TEL: 250.762.3004  
EMAIL: kel-mai@shaw.ca



2018-04-10  
**DP**



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| No. | Date       | Revision  |
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| 01  | 2018-04-10 | issued DP |
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Project Title  
**EXISTING BUILDING  
FACADE UPGRADE**

1717 HARVEY AVE KELOWNA V1Y 6G3  
LOT B DL 129 ODYD PLAN KAP68674

Drawing Number

**A3.03**

DRAWINGS ARE NOT TO BE SCALED.  
ALL DIMENSIONS SHALL BE VERIFIED ON JOB

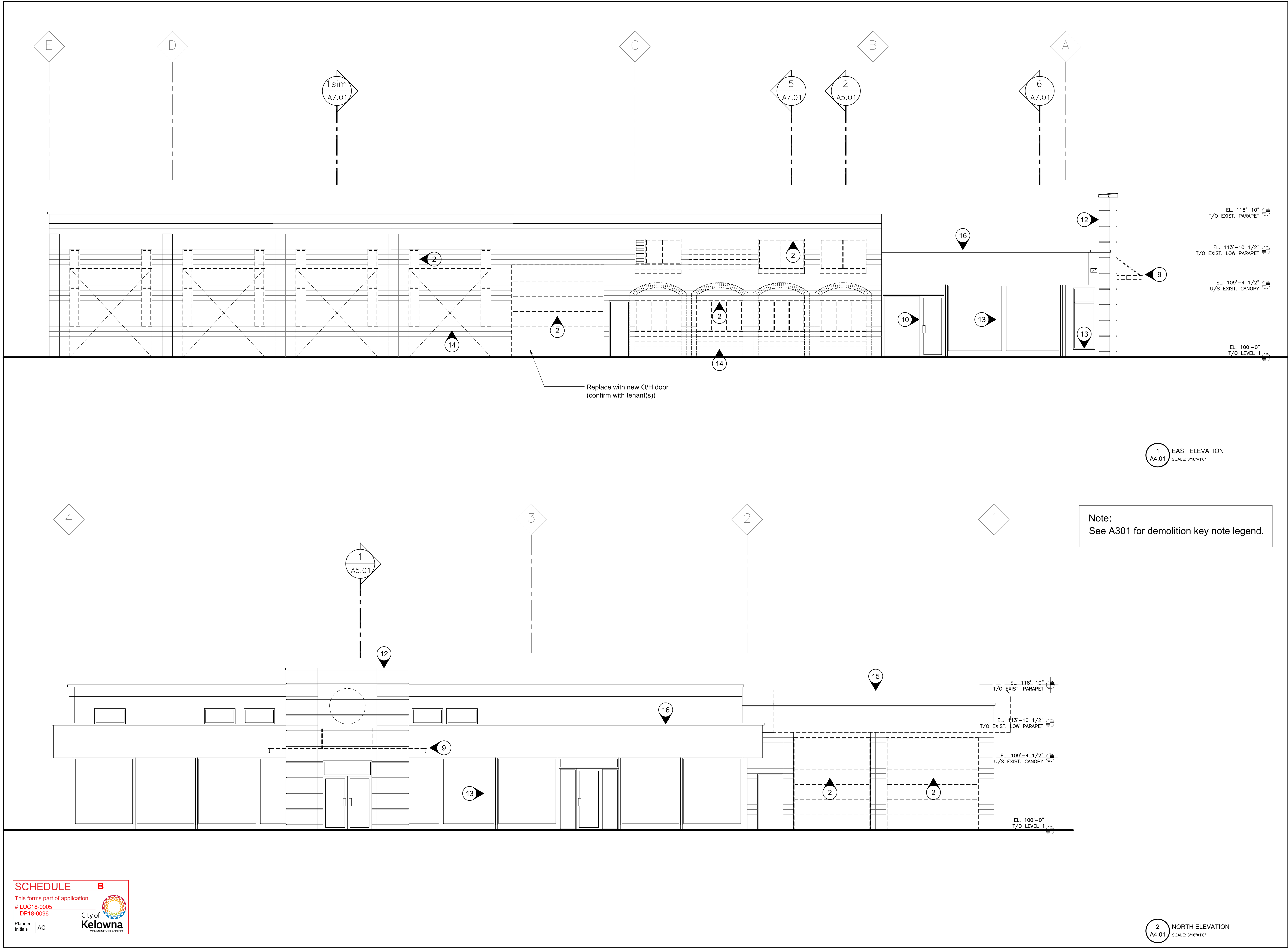
Drawing Title  
**2ND FLOOR  
DEMOLITION**

|           |             |
|-----------|-------------|
| 1/8"=1'0" |             |
| Date      | 2018-04-10  |
| Job No.   | m+m 17-1786 |
| Scale     | AS SHOWN    |
| Drawn     | ES          |
| Checked   | JM          |

**SCHEDULE A**  
This forms part of application  
# LUC18-0005  
Z18-0096  
Planner  
Initials AC

**City of Kelowna**  
COMMUNITY PLANNING

2018-04-10  
**DP**



**1 EAST ELEVATION**  
SCALE: 3/16"=1'0"

Note:  
See A301 for demolition key note legend.



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| No. | Date       | Revision  |
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Project Title  
**EXISTING BUILDING  
FACADE UPGRADE**

1717 HARVEY AVE KELOWNA V1Y 6G3  
LOT B DL 129 ODYD PLAN KAP68674

Drawing Number

**A4.01**

DRAWINGS ARE NOT TO BE SCALED.  
ALL DIMENSIONS SHALL BE VERIFIED ON JOB

Drawing Title  
**EXTERIOR ELEVATION  
DEMOLITION**

3/16"=1'0"

|         |             |
|---------|-------------|
| Date    | 2018-04-10  |
| Job No. | m+m 17-1786 |
| Scale   | AS SHOWN    |
| Drawn   | ES          |
| Checked | JM          |

SCHEDULE

B

This forms part of application

# LUC18-0005

DP18-0096

Planner

Initials

AC

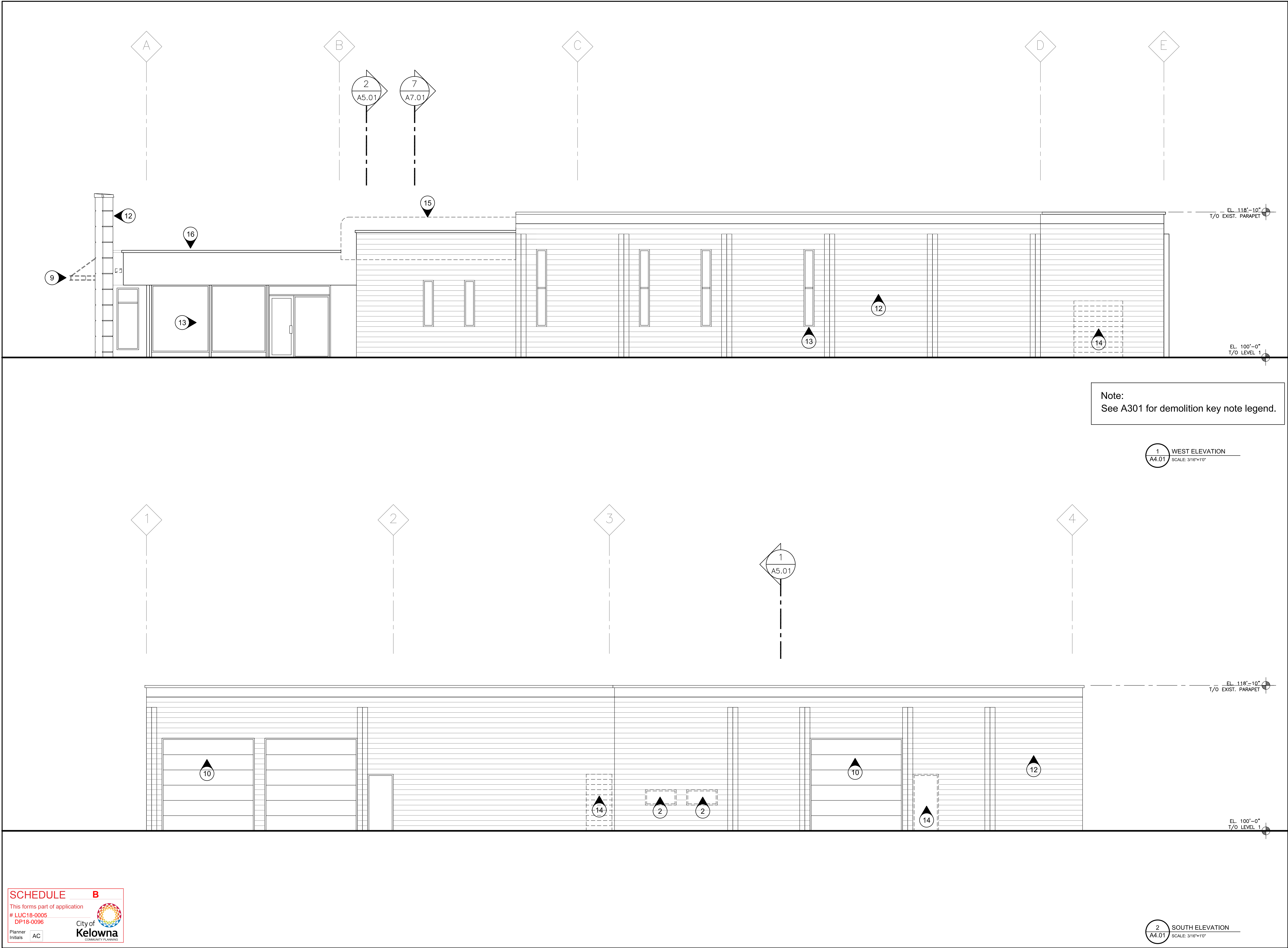
City of

**Kelowna**

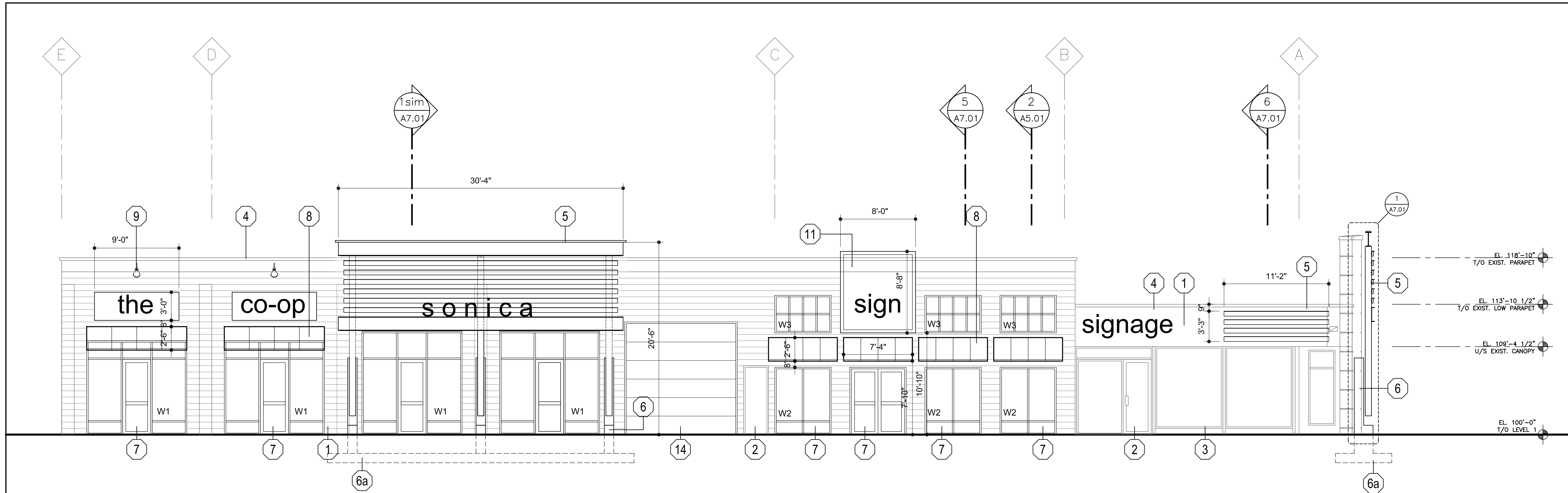
COMMUNITY PLANNING

**2 NORTH ELEVATION**  
SCALE: 3/16"=1'0"

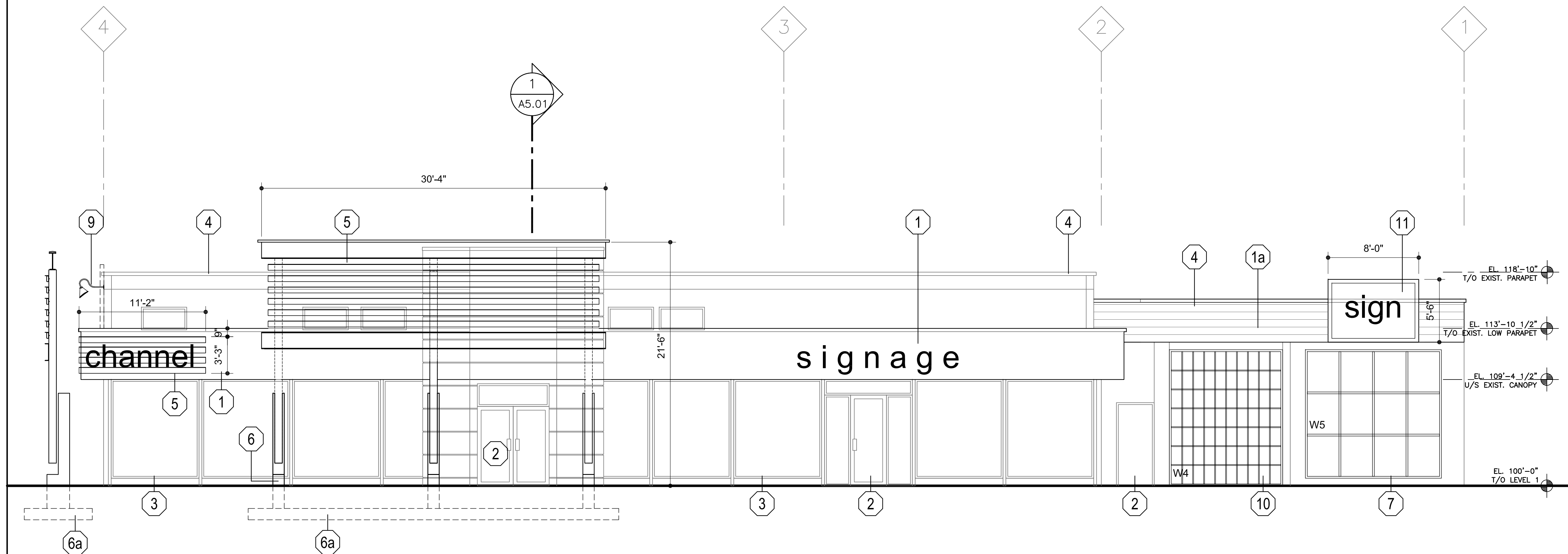
2018-04-10  
**DP**



2018-04-10  
**DP**



**1 EAST ELEVATION**  
SCALE: 3/16"=1'0"



**2 NORTH ELEVATION**  
SCALE: 3/16"=1'0"

**ELEVATION KEY NOTES**  
ALL COLOURS TO BE CHOSEN BY ARCHITECT FROM APPROVED PRODUCT MANUF.'S STANDRAD LINE OF COLOURS.

- 1** NEW PAINT FINISH ON EXIST. WALLS & FASCIA
- 1a** NEW PAINT FINISH OVER EXIST. METAL CLADDING
- 2** EXIST. DOORS TO REMAIN (NEW PAINT FINISHES WHERE APPLICABLE)
- 3** EXIST. WINDOWS TO REMAIN
- 4** NEW FINISHES/ NEW FLASHING CAP WHERE APPLICABLE.
- 5** NEW WOOD/STEEL TRELLIS/ SCREEN
- 6** CONC. PILASTER
- 6a** NEW FOUNDATIONS FOR WOOD/STEEL TRELLIS/SCREEN
- 7** NEW ALUM. STORE FRONT WINDOWS & DOORS
- 8** NEW FABRIC AWNINGS ( CONFIRM WITH TENANT)
- 9** NEW BLDG / SIGNAGE LIGHTING
- 10** NEW DECORATIVE GLASS SCREEN /DOOR (CONFIRM WITH TENANT)
- 11** NEW ILLUMINATED SIGNAGE
- 12** NEW PAINTED METAL DOOR
- 13** NEW BLOCK INFILL TO MATCH EXIST. WALLS
- 14** NEW O/H DOOR - PAINT FINISH
- 15** NEW SCREEN AROUND NEW PATIOS (CONFIRM WITH TENANT)



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| 01  | 2018-04-10 | issued DP |
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Project Title  
**EXISTING BUILDING  
FACADE UPGRADE**

1717 HARVEY AVE KELOWNA V1Y 6G3  
LOT B DL 129 ODYD PLAN KAP68674

Drawing Number

**A4.03**

DRAWINGS ARE NOT TO BE SCALED.  
ALL DIMENSIONS SHALL BE VERIFIED ON JOB

Drawing Title  
**EXTERIOR ELEVATIONS**

**3/16"=1'0"**

|         |             |
|---------|-------------|
| Date    | 2018-04-10  |
| Job No. | m+m 17-1786 |
| Scale   | AS SHOWN    |
| Drawn   | ES          |
| Checked | JM          |



2018-04-10  
**DP**



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Project Title  
**EXISTING BUILDING  
FACADE UPGRADE**

1717 HARVEY AVE KELOWNA V1Y 6G3  
LOT B DL 129 ODVD PLAN KAP68674

Drawing Number

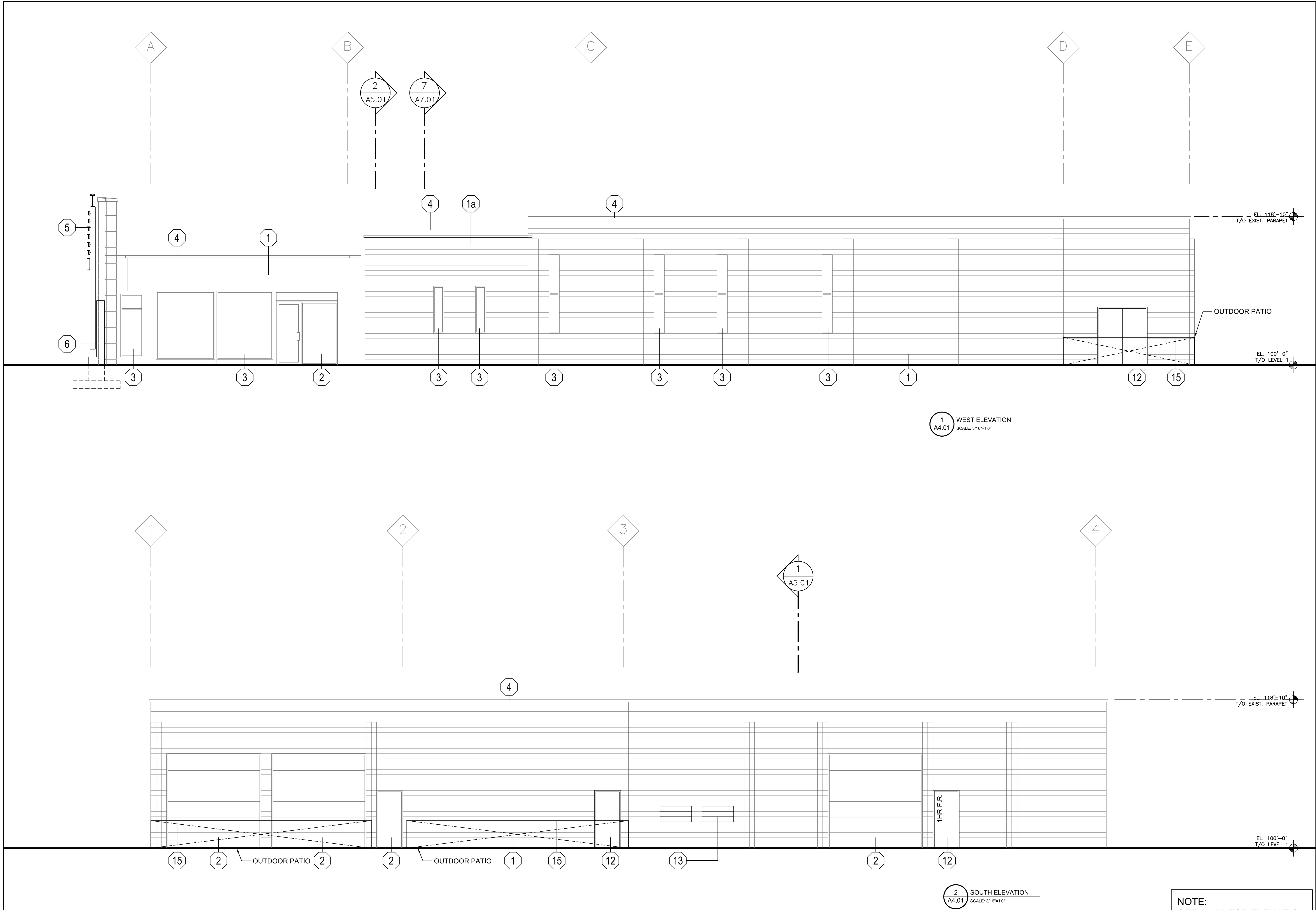
**A4.04**

DRAWINGS ARE NOT TO BE SCALED.  
ALL DIMENSIONS SHALL BE VERIFIED ON JOB

Drawing Title  
**EXTERIOR ELEVATIONS  
RENOVATION**

3/16"=1'0"

|         |             |
|---------|-------------|
| Date    | 2018-04-10  |
| Job No. | m+m 17-1786 |
| Scale   | AS SHOWN    |
| Drawn   | ES          |
| Checked | JM          |



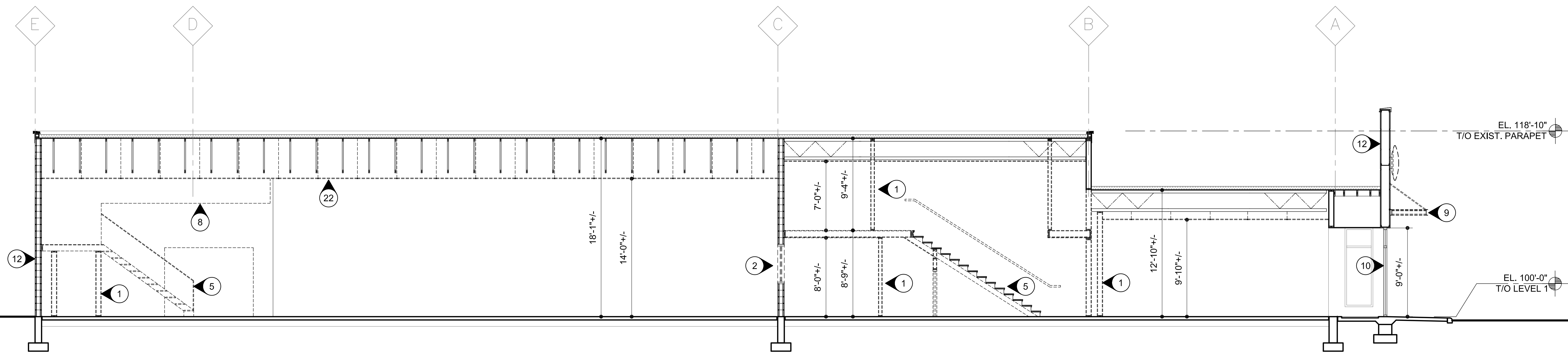
**SCHEDULE**  
This forms part of application  
# LUC18-0005  
DP18-0096

City of  
**Kelowna**  
COMMUNITY PLANNING

Planner  
Initials **AC**

2018-04-10  
**DP**

Note:  
See A301 for demolition key note legend.



1 BUILDING SECTION  
SCALE: 3/16"=1'0"



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| No. | Date       | Revision  |
|-----|------------|-----------|
| 01  | 2018-04-10 | issued DP |
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Project Title

**EXISTING BUILDING  
FACADE UPGRADE**

1717 HARVEY AVE KELOWNA V1Y 6G3  
LOT B DL 129 ODYD PLAN KAP68674

Drawing Number

**A5.01**

DRAWINGS ARE NOT TO BE SCALED.  
ALL DIMENSIONS SHALL BE VERIFIED ON JOB

Drawing Title

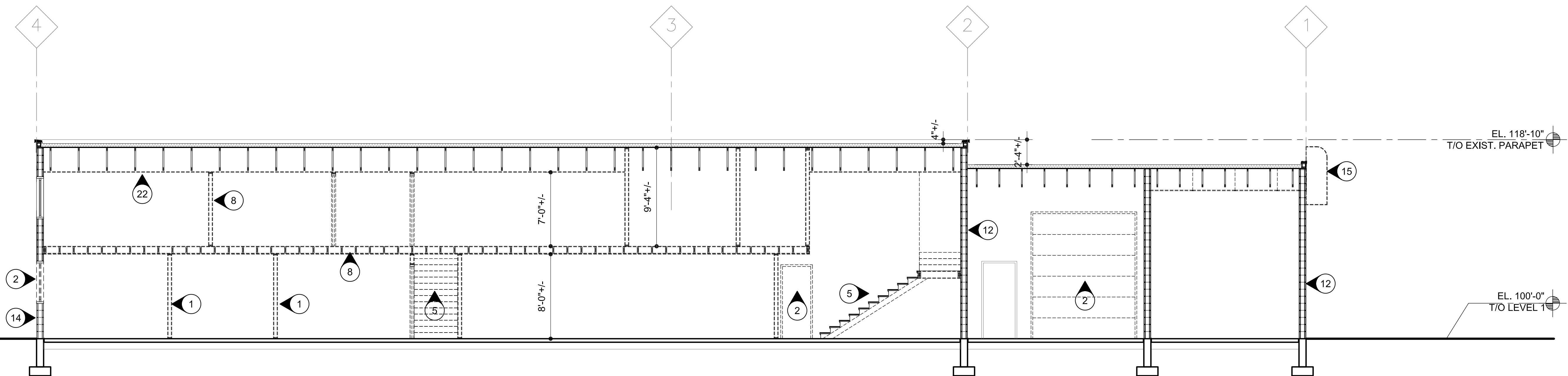
**BUILDING SECTION**

**DEMOLITION**

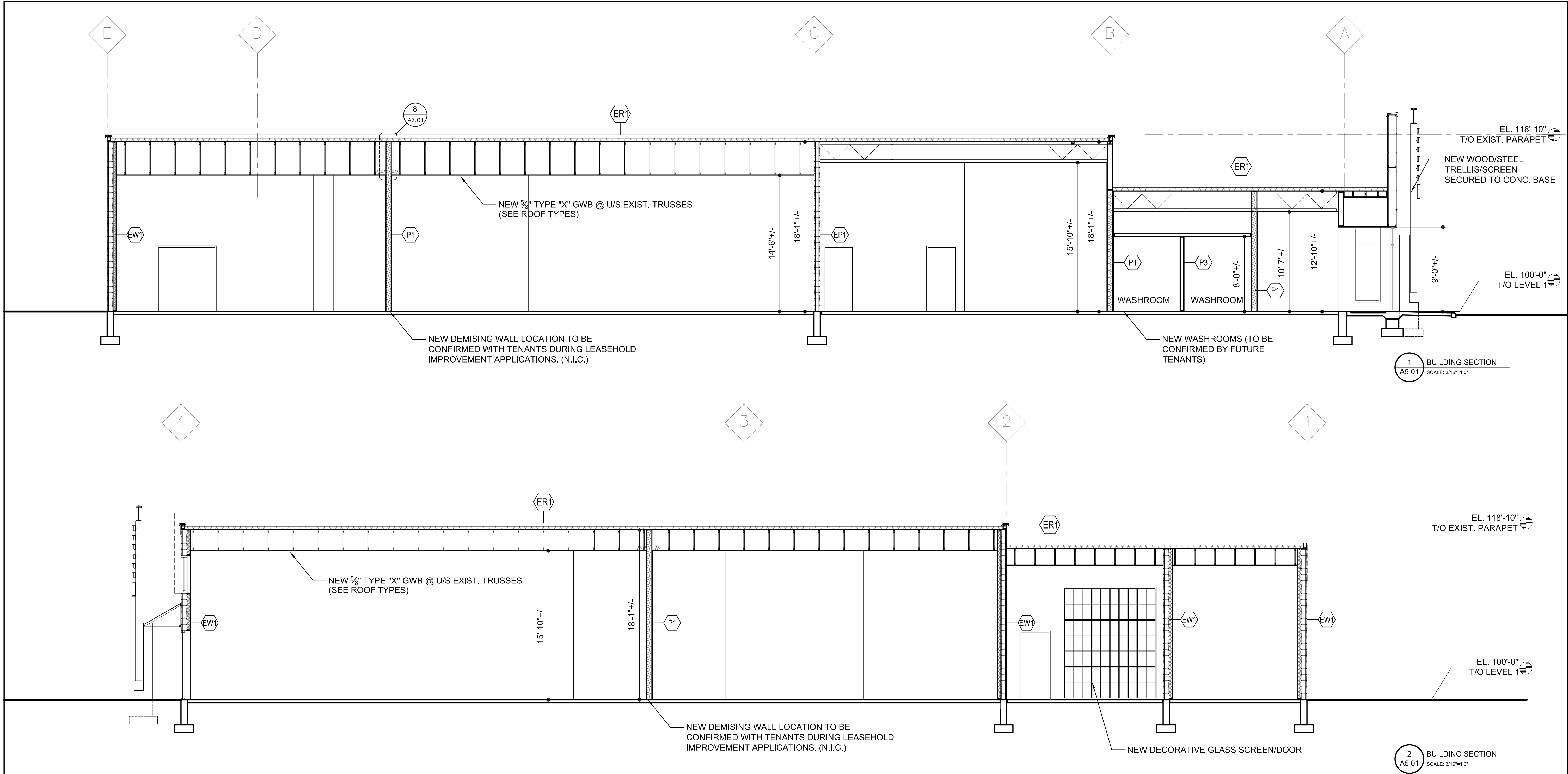
**3/16"=1'0"**

|         |             |
|---------|-------------|
| Date    | 2018-04-10  |
| Job No. | m+m 17-1786 |
| Scale   | A5 SHOWN    |
| Drawn   | ES          |
| Checked | JM          |

2 BUILDING SECTION  
SCALE: 3/16"=1'0"



2018-04-10  
**DP**



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| No. | Date       | Revision  |
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| 01  | 2018-04-10 | issued DP |
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Project Title  
**EXISTING BUILDING  
FACADE UPGRADE**

1717 HARVEY AVE KELOWNA V1Y 6G3  
LOT B DL 129 ODYD PLAN KAP68674

Drawing Number

**A5.02**

DRAWINGS ARE NOT TO BE SCALED.  
ALL DIMENSIONS SHALL BE VERIFIED ON JOB

Drawing Title  
**BUILDING SECTION**

**RENOVATION**

**3/16"=1'0"**

|         |             |
|---------|-------------|
| Date    | 2018-04-10  |
| Job No. | m+m 17-1786 |
| Scale   | AS SHOWN    |
| Drawn   | ES          |
| Checked | JM          |



PL51 - BC INTERIOR 511717M-00803-00 LANDMARK CAMPUS GREENING INITIATIVE V01 - PRODUCTION DRAWINGS V01 - DRAWINGS V02 - CURRENT V01 1717M-00803-LDP-MKTDSTRCT.DWG



LANDSCAPE PLAN LEGEND:

- PROPERTY LINE
- BUILDING ENTRY
- BIKE RACK
- CONCRETE PAVING
- SPECIALTY PAVING
- REMOVABLE BOLLARD
- SPECIALTY SEATING
- TRELLIS

PLANTING LEGEND:

- PROPOSED DECIDUOUS TREE
- NATIVE GRASS, SHRUB AND PERENNIAL PLANTING

LANDSCAPE DEVELOPMENT DATA:

- PLANT MATERIALS AND CONSTRUCTION METHODS SHALL CONFORM TO MINIMUM STANDARDS ESTABLISHED IN THE CANADIAN LANDSCAPE STANDARDS (CURRENT EDITION).
- THE LANDSCAPE DESIGN DESIGNATED HEREIN IS CONCEPTUAL BUT REFLECTS THE MINIMUM ACCEPTABLE QUALITY AND SIZE.
- PLANT MATERIAL SELECTIONS ARE CONCEPTUAL ONLY. FINAL PLANTING SELECTIONS MAY VARY DEPENDING UPON AVAILABILITY.
- ALL PLANTERS SHALL HAVE APPROVED MULCH.
- ALL LANDSCAPE AREAS TO BE IRRIGATED WITH AN EFFICIENT AUTOMATIC IRRIGATION SYSTEM.
- THIS DRAWING DEPICTS FORM AND CHARACTER AND IS TO BE USED FOR DEVELOPMENT PERMIT SUBMISSION ONLY. IT IS NOT INTENDED FOR USE AS A CONSTRUCTION DOCUMENT.

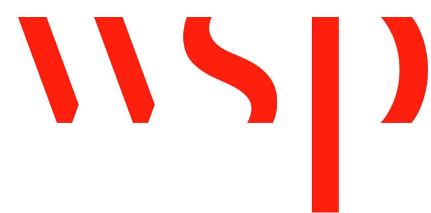


**SCHEDULE C**  
This forms part of application  
# LUC18-0005  
DP18-0096  
City of Kelowna  
COMMUNITY PLANNING  
Planner Initials AC



| REVISIONS / ISSUED |           |                               |
|--------------------|-----------|-------------------------------|
| NO.                | DATE      | DESCRIPTION                   |
| 2                  | MAR 13/18 | ISSUED FOR DEVELOPMENT PERMIT |
| 1                  | MAR 06/18 | ISSUED FOR REVIEW             |

PROJECT  
**LANDMARK CAMPUS GREENING INITIATIVE**  
CLIENT  
**AL STOBBER CONSTRUCTION LTD.**  
CONSULTANT

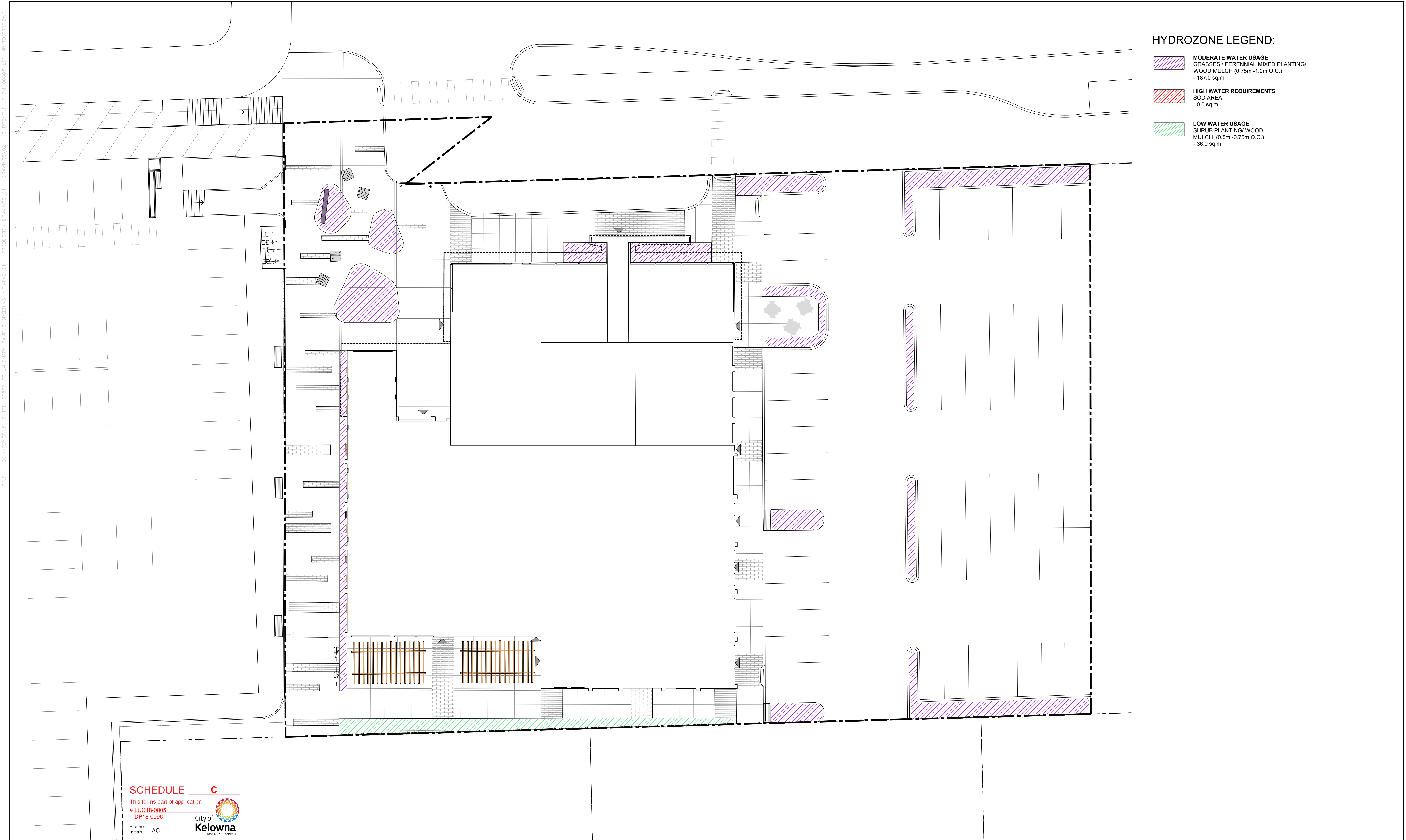


LANDSCAPE ARCHITECTURE | URBAN DESIGN | PLANNING | ENGINEERING  
540 Leon Ave., Kelowna, BC V1Y 6J6 T: 250.869.1334 F: 250.862.4849 www.wmm.ca

|             |           |
|-------------|-----------|
| DESIGN BY   | RTE       |
| DRAWN BY    | CR        |
| CHECKED BY  | RF        |
| PROJECT NO. | 17M-00803 |
| SCALE       | 1:150     |

SHEET TITLE  
**LANDMARK HARVEY  
LANDSCAPE PLAN**  
SHEET NO.  
**LDP-1**



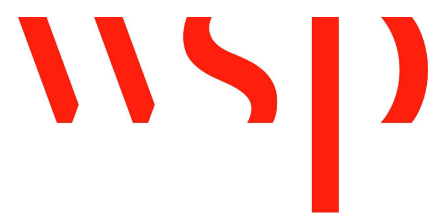


| REVISIONS / ISSUED |           |                               |
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|                    |           |                               |
| 2                  | MAR 13/18 | ISSUED FOR DEVELOPMENT PERMIT |
| 1                  | MAR 06/18 | ISSUED FOR REVIEW             |
| NO.                | DATE      | DESCRIPTION                   |

PROJECT  
**LANDMARK CAMPUS GREENING INITIATIVE**

CLIENT  
**AL STOBER CONSTRUCTION LTD.**

CONSULTANT



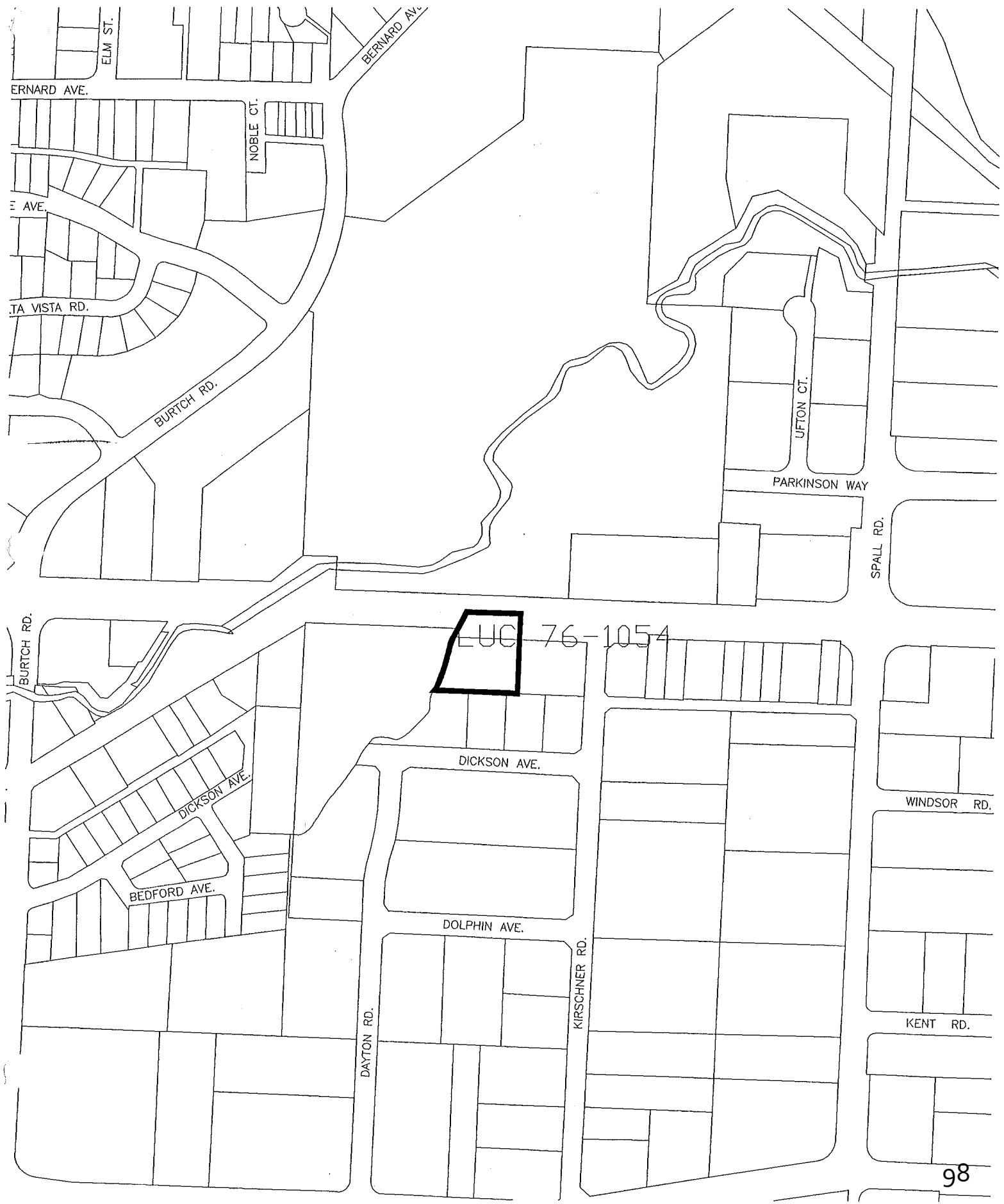
LANDSCAPE ARCHITECTURE | URBAN DESIGN | PLANNING | ENGINEERING  
540 Leon Ave., Kelowna, BC V1Y 6J6 T: 250.869.1334 F: 250.862.4849 www.wmm.ca

|             |           |
|-------------|-----------|
| DESIGN BY   | RTE       |
| DRAWN BY    | CR        |
| CHECKED BY  | RF        |
| PROJECT NO. | 17M-00803 |
| SCALE       | 1:150     |

SHEET TITLE  
**LANDMARK HARVEY  
HYDROZONE PLAN**

SHEET NO.

**LDP- 2**





Kid: 133102 Plan: 14171 Lot: 1 Block: \_\_\_\_\_  
Address: HARVEY AVE 1717 Add Date: \_\_\_\_\_  
Kid Stat: Active Reg Stat: Registered Archived Date: \_\_\_\_\_

**Zoning-**

Zoning: Land Use Contract: Future Land Use: Urban Area: Yes Aviation Zone: No  
C-12 LUC 76-1054 Commercial

**Development Permit Information-**Current DP: Yes

Other DPA Considerations

Natural Feature: NoUrban Town Centre: NoIndustrial: NoResidential Urban Village: NoCommercial: YesArterial: HIGHWAY 97Multi-Family: No**Natural Features-**Water:  
noneLand:  
none**DCC Sector Codes-**

| Water:   | Parks:   | Sewer:   | Roads:   | Treatment: | Drainage: |
|----------|----------|----------|----------|------------|-----------|
| <u>A</u> | <u>A</u> | <u>A</u> | <u>I</u> | <u>A</u>   | <u>A</u>  |

**Pre-1996 DCC Sector Codes-**

| Water:   | Parks:   | Sewer:   | Roads:   | Treatment: |
|----------|----------|----------|----------|------------|
| <u>A</u> | <u>A</u> | <u>A</u> | <u>I</u> | <u>A</u>   |

**Utility Boundaries-**

| Water:      | Electrical: |
|-------------|-------------|
| <u>CITY</u> | <u>WKPL</u> |

**Misc-**

|                    |                       |                              |           |
|--------------------|-----------------------|------------------------------|-----------|
| Water Spec Area:   | Sewer Spec Area:      | Future Park:                 | ALR:      |
| <u>3</u>           | <u>3</u>              | <u>No</u>                    | <u>No</u> |
|                    |                       | Park/Recreational: <u>No</u> |           |
| Contaminated Area: | Heritage Designation: | Tree Soil Bylaw: <u>No</u>   |           |
| none               | none                  |                              |           |

Upsheet Number:  
26-20

*Merwyn Motors - auto sales, services  
Merwyn auto body repair*

\*\* End of Report \*\*

---

Roll: 10492000 Status: Assessed Deleted: No  
Plan: 14171 Lot: 1 Block:   
Street Name: HARVEY AVE Dir:  Number: 1717

**Owners**

Owner: PARKLANE AUTO & R V SALES LTD  
Address: C/O MERVYN MOTORS  
171 HARVEY AVE  
KELOWNA BC  
V1Y 6G3

\*\* End of Report \*\*

BY-LAW NO. 4406

LAND USE CONTRACT  
NO. 76 - 1054

NAME: MERVYN MOTORS LTD.

LOCATION: HARVEY AVE.

**AMENDMENTS:**

| BY-LAW/DP/DVP NO. | DATE | LEGAL | COMMENTS |
|-------------------|------|-------|----------|
|-------------------|------|-------|----------|

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**QUIT CLAIMS:**

| BY-LAW NO. | DATE | LEGAL | COMMENTS |
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**COMMENTS**

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CITY OF KELOWNA

BY-LAW NO. 4406-77

11158950  
Nov. 21/77

(Mervyn Motors Limited Land Use Contract Authorizing By-Law,  
Highway #97, File LUC76-1054)

WHEREAS Subsection (3) of Section 702A of the "Municipal Act", being Chapter 255 of the Revised Statutes of British Columbia, 1960, provides in part that the Council may, by by-law, notwithstanding any by-law of the municipality, or Section 712 or 713 of the "Municipal Act", enter into a Land Use Contract containing such terms and conditions for the use and development of the land as may be mutually agreed upon, and thereafter the use and development of the land shall, notwithstanding any by-law of the municipality, or Section 712 or 713 of the said Act, be in accordance with the land use contract;

AND WHEREAS the Municipal Council of the City of Kelowna is desirous of entering into a Land Use Contract with Mervyn Motors Limited, 1717 Harvey Avenue, Kelowna, B.C.

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

1. The Municipal Council of the City of Kelowna hereby authorizes the City of Kelowna to enter into a Land Use Contract with Mervyn Motors Limited, 1717 Harvey Avenue, Kelowna, B.C. in the form of Land Use Contract attached hereto and forming part of this by-law.
2. His Worship the Mayor and the City Clerk are hereby authorized to sign the attached Land Use Contract as well as any conveyances, deeds, receipts and other documents in connection with the attached Land Use Contract and affix the corporate seal of the City of Kelowna to same.

Read a first time by the Municipal Council this 13th day of September, 1977.

Considered at a Public Hearing on the 27th day of September, 1977.


Read a second time by the Municipal Council this 27th day of September, 1977.


Read a third time by the Municipal Council this 27th day of September, 1977.

Approved under the Controlled Access Highways Act this 2nd day of November, 1977.

"H.F. Blunden"  
Approving Officer, Ministry of Highways and Public Works.

Reconsidered, finally passed and adopted by a vote of two-thirds of the members of the Municipal Council of the City of Kelowna present this 15 day of November, 1977.

  
\_\_\_\_\_  
Mayor

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

LAND USE CONTRACT

THIS CONTRACT made the 25th day of August, A.D. , 1977

BETWEEN:

CITY OF KELOWNA

a municipal corporation having  
its offices at 1435 Water Street,  
in the City of Kelowna,  
Province of British Columbia

(hereinafter called the "Municipality")

OF THE FIRST PART

AND:

MERVYN MOTORS LIMITED

a company duly incorporated under  
the Companies Act of the Province  
of British Columbia,  
1717 Harvey Avenue,  
in the City of Kelowna,  
Province of British Columbia

(hereinafter called the "Developer")

OF THE SECOND PART

WHEREAS as a result of the extension of the boundaries of the City of Kelowna a mass rezoning of lands within the City boundaries were deemed necessary by the Council of the City of Kelowna;

WHEREAS the Municipality, pursuant to Section 702A of the Municipal Act, may, notwithstanding any By-Law of the Municipality, or Section 712 or 713 of the Municipal Act, enter into a land use contract containing such terms and conditions for the use and development of land as may be agreed upon with a Developer, and thereafter the use and development of the land shall be in accordance with the land use contract;

AND WHEREAS the Municipal Act requires that the Municipal Council consider the criteria set out in Section 702(2) and 702A(1) in arriving at the terms, conditions and consideration contained in a land use contract and the Council of the Municipality have considered such criteria in arriving at the terms and conditions herein contained;

AND WHEREAS the Developer has presented to the Municipality a scheme of use and development of the within described lands and premises that would be in contravention of the Zoning By-Law of the Municipality and has requested that the Council of the Municipality enter into this contract under the terms, conditions and for the consideration hereinafter set forth;

AND WHEREAS the Land is within an area of the Municipality designated as a development area pursuant to Section 702A(2) of the Municipal Act;

AND WHEREAS the Land is within a radius of one-half mile of the intersection of a controlled access highway and another highway, the approval of the Minister of Highways to the terms hereof must be obtained;

AND WHEREAS the Municipality and the Developer both acknowledge that the Council of the Municipality cannot enter into this Contract, until the Council has held a public hearing in relation to this Contract, and considered any opinions expressed at such hearing, and unless two-thirds of the members of Council present at the meeting at which the By-Law to approve this Contract is adopted vote in favour of the Municipality entering into this Contract;

NOW THEREFORE THIS CONTRACT WITNESSETH that in consideration of the premises and the conditions and covenants hereinafter set forth, the Municipality and the Developer covenant and agree as follows:

1. The Developer is the registered owner of an estate in fee simple of all and singular that certain parcel or tract of land and premises, situate, lying and being in the City of Kelowna, in the Province of British Columbia and being more particularly known and described as:

Lot 1  
District Lot 129  
Osoyoos Division  
Yale District  
Plan 14171

(herein called the "Land")

CONSENTS

2. The Developer has obtained the consent of all persons having a registered interest in the Land as set out in the schedule prefacing the consents to the use and development set forth herein which consents are attached hereto.

USES

3. The Land, and any and all buildings and structures erected thereon, thereover or therein may be used for the purpose of automotive garage, body shop and automotive parts sales in addition to such other uses as are permitted in the zone in which the Land is located by the Zoning By-law then currently in force.

INCORPORATIONS

4. The Schedules attached hereto hereinbefore referred to are hereby incorporated into and made a part of this Contract.

COSTS

5. The Developer shall pay to the Municipality on invoice by the Municipality, all legal, surveying and advertising costs incurred by the Municipality in the preparation and registration of this Contract.

COMPLIANCE

6. Except for the matters otherwise specifically provided for herein the Developer shall comply with all of the By-Laws of the Municipality as the same apply to the Land.

PRESENTATIONS

7. It is understood and agreed that the Municipality has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with the Developer other than those set out in this Contract.

REGISTRATION

8. This Contract shall be construed as running with the Land and shall be registered in the Land Registry Office by the Municipality pursuant to the provisions of Section 702A(4) of the Municipal Act.

INTERPRETATION

9. Wherever the singular or masculine is used herein, the same shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.

BINDING

10. This Contract shall enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.



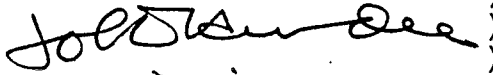
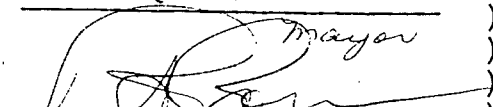
A public hearing on this Contract was held on the 27 day of September, 1977.

This Contract was adopted by an affirmative vote of at least two-thirds of the members of the Council of the Municipality present at the meeting at which the By-Law to authorize this Contract was adopted by the Council of the Municipality on the 15 day of November, 1977.

IN WITNESS WHEREOF the said parties to this Contract have hereunto set their hands and seals the day and year first above written.

THE CORPORATE SEAL OF THE  
CITY OF KELOWNA was here-  
unto affixed in the  
presence of:

(Seal)

  
\_\_\_\_\_  
Mayor  
  
\_\_\_\_\_  
Clerk

SIGNED, SEALED AND DELIVERED  
by the Developer in the  
presence of:

Name:


Address:

City:

Occupation:

THE CORPORATE SEAL OF  
MERVYN MOTORS LTD.  
was hereunto affixed in  
the presence of:

(Seal)

  
\_\_\_\_\_  
\_\_\_\_\_

Regulations Pertaining to the C-7 Zone

The following regulations apply to every development in all areas designated by this By-Law as C-7:

A. Lot Area

The minimum lot area shall be five thousand (5,000) square feet; (464.68 square metres).

B. Minimum Frontage

The minimum frontage of a lot containing a principal building shall be fifty (50) feet; (15.24 metres).

C. Floor Area Ratio

The maximum floor area ratio shall be zero point six five (0.65).

D. Height

i) Principal Buildings

The height of principal buildings shall not exceed thirty (30) feet; (9.14 metres).

ii) Accessory Structures

The height of accessory structures shall not exceed forty (40) feet; (72.19 metres).

E. Front Yard

Subject to Schedule "A" of this By-Law, a Front Yard shall be provided of not less than seven (7) feet; (2.13 metres) in depth. No storage of materials shall be permitted in the required Front Yard.

F. Side Yard

Subject to Schedule "A" of this By-Law:

- i) No Side Yards shall be required in cases where the zoning of the abutting lot is commercial or industrial.
- ii) A Side Yard of fifteen (15) feet; (4.57 metres) in width shall be provided in cases where the existing zoning of the abutting lot is residential; institutional or rural.
- iii) In the case of a corner lot, the Side Yard abutting the flanking street shall not be less than seven (7) feet; (2.13 metres) in width.
- iv) In the case where a lot is not served by a rear lane, one (1) Side Yard shall be provided of not less than fifteen (15) feet; (4.57 metres) in width.

- xxvii) Service and Repair Establishments (excluding heavy machinery)
- xxviii) Sign Painting and Fabricating
- xxix) Stationery Supply
- xxx) Taxi-cabs and Limousine Dispatch Offices
- xxxi) Telephone Booths
- xxxi) Used Good Sales
- xxxi) Veterinarian Services, Animal Hospitals and Animal Beauty Parlours
- xxxi) Radio & T.V. Studios

B. Secondary Uses

- i) Outdoor Storage Areas
- ii) Warehousing
- iii) Offices

C. Condition of Secondary Uses

- i) Secondary Uses shall be permitted only in conjunction with a principal use.
- ii) All storage yards shall be surfaced by a permanent surface of asphalt or concrete.
- iii) All storage yards shall be screened by a fabricated fence of not less than six (6) feet; (1.83 metres) and not greater than eight (8) feet; (2.44 metres) in height.
- iv) All exterior lighting shall be designed to deflect away from adjacent properties.
- v) All outdoor storage yards shall be located to the rear of the principal building they serve.
- vi) All outdoor storage yards shall have road access to a public street or public lane.
- vii) No toxic, noxious, explosive, odorous, or radio active materials shall be stored in outdoor storage yards.

Permitted Buildings and Structures

The following buildings and structures and no others shall be permitted in those areas designated by this By-Law as C-7:

- A. Commercial buildings.
- B. Accessory buildings and structures.
- C. Telephone booths.

#### Rear Yard

Subject to Schedule "A" of this By-Law, a Rear Yard shall be provided of not less than twenty-five (25) feet; (7.62 metres) in depth.

#### Minimum Gross Floor Area

Minimum gross floor area of one (1) commercial unit shall be five hundred (500) square feet; (46.47 square metres).

#### Lot Coverage

Lot coverage by principal buildings should not exceed sixty-five (65) per cent of the total lot area.

#### Off-Street Parking

Provision for off-street parking shall be made in accordance with the requirements established in Section 6 of Part III of this By-Law.

#### Off-Street Loading

Provision for off-street loading shall be made in accordance with the requirements established in Section 5 of Part III of this By-Law.



LAND USE CONTRACT

Schedule of Persons Having a Registered Interest In the Land Whose Consents Are Required

Full Name

Address

Occupation

Nature of Charge

*NIL*

~~XXXXXXXXXXXX~~  
Mortgage #44773

100% 99% 98% 97% 96% 95% 94% 93% 92% 91% 90% 89% 88% 87% 86% 85% 84% 83% 82% 81% 80% 79% 78% 77% 76% 75% 74% 73% 72% 71% 70% 69% 68% 67% 66% 65% 64% 63% 62% 61% 60% 59% 58% 57% 56% 55% 54% 53% 52% 51% 50% 49% 48% 47% 46% 45% 44% 43% 42% 41% 40% 39% 38% 37% 36% 35% 34% 33% 32% 31% 30% 29% 28% 27% 26% 25% 24% 23% 22% 21% 20% 19% 18% 17% 16% 15% 14% 13% 12% 11% 10% 9% 8% 7% 6% 5% 4% 3% 2% 1% 0%

to the said Instrument, that he was first duly authorized to subscribe his name as aforesaid, and affix the said seal to the said Instrument, and that such corporation is legally entitled to hold and dispose of land in the Province of British Columbia.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office,  
at Kelowna in the Province of  
British Columbia, this 25th day of August, A.D.  
one thousand nine hundred and seventy-seven.

A Notary Public in and for the Province of British Columbia.  
A Commissioner for taking Affidavits for British Columbia.

NOTE—WHERE THE PERSON MAKING THE ACKNOWLEDGMENT IS PERSONALLY KNOWN TO THE OFFICER TAKING THE SAME, STRIKE OUT THE WORDS IN BRACKETS.

BETWEEN:

CITY OF KELOWNA

AND:

MERVYN MOTORS LTD.

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LAND USE CONTRACT

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J. GALT WILSON  
Barrister and Solicitor

#1 - 246 Lawrence Avenue  
Kelowna, B.C. V1Y 6L3

# REPORT TO COUNCIL



**Date:** Aug 27<sup>th</sup> 2018

**RIM No.** 1250-30

**To:** City Manager

**From:** Community Planning Department (AC)

**Application:** Z18-0087

**Owner:** Cawston 540 Holdings Inc

**Address:** 540 Cawston Ave

**Applicant:** Kevin Edgecombe

**Subject:** Rezoning Application

Existing Zone: C2 – Neighbourhood Commercial

Proposed Zone: C7 – Central Business Commercial

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## 1.0 Recommendation

THAT Rezoning Application No. Z18-0087 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 13, District Lot 139, ODYD, Plan KAP1303, located at 540 Cawston Ave, Kelowna, BC from the C2 – Neighbourhood Commercial zone to the C7 – Central Business Commercial zone, be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw 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 August 27<sup>th</sup>, 2018;

## 2.0 Purpose

To rezone the subject property from the C2 – Neighbourhood Commercial zone to the C7 – Central Business Commercial zone to allow a commercial school within the existing building.

## 3.0 Community Planning

Staff are supportive of the rezoning application. Most properties are zoned C7 in the downtown and the Official Community Plan identifies the C7 zone as the appropriate zoning for the subject property. The proposal is to re-use the existing office building for a commercial school. The walkscore of the subject property is 94 indicating this site is a walker's paradise. Additional educational and child care opportunities servicing downtown Kelowna are important services and amenities increasing the desirability of living and working downtown. Educational Services and Commercial Schools are not allowable uses with the existing C2 zone, thus precipitating the need for the rezoning. The applicant has provided a letter attached to this



report outlining the history of this application and providing additional details about the proposed tenant Arrowleaf Schools. The engineering conditions for the rezoning include:

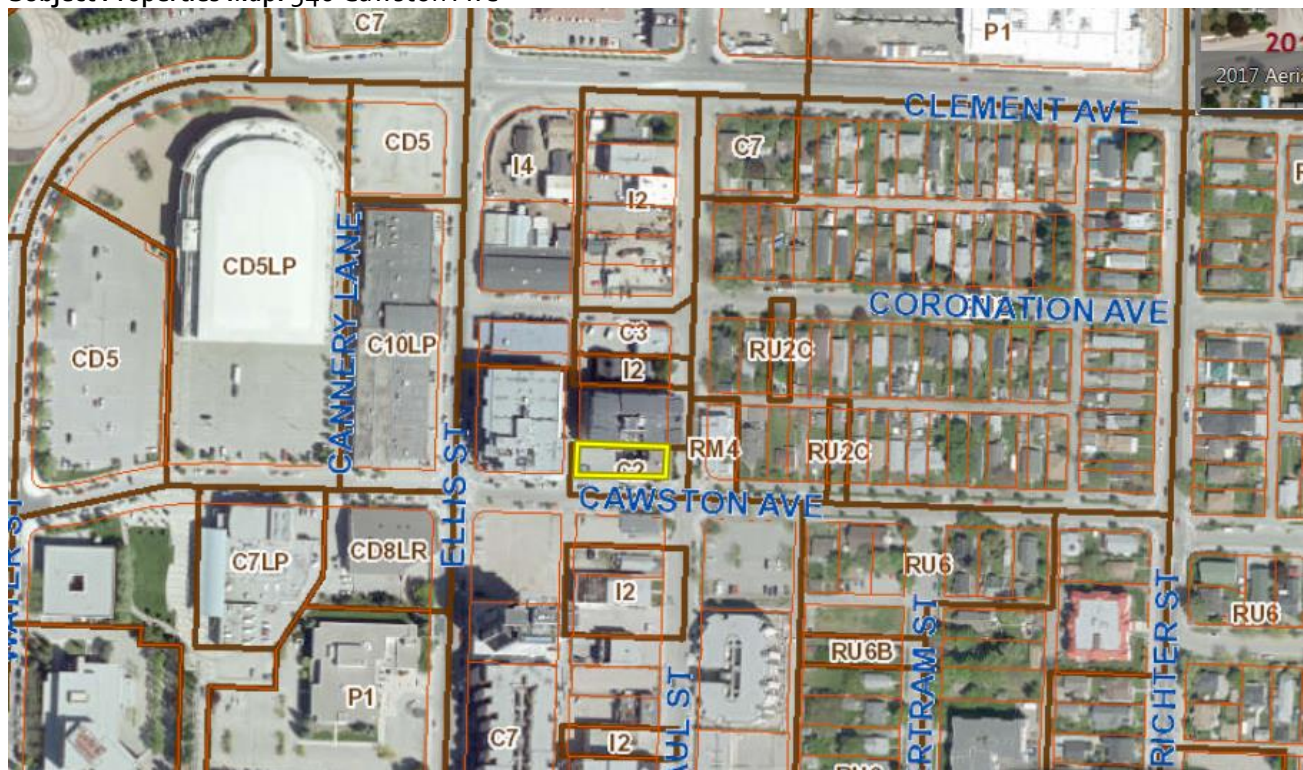
1. Road dedication along the rear lane in order to widen the lane to the downtown commercial standard of 7.6m; and
2. Removal of the curb let along the Cawston Ave in order to prevent vehicles from crossing the Active Transportation Corridor in multiple spots within a short distance. The vehicle access would be from the lane only.

### 3.1 Site Context

The subject property is located downtown on north side of Cawston Ave. The lot is 688 m<sup>2</sup> and is located immediately south of the recently completed Sole building. Specifically, adjacent land uses are as follows:

| Orientation | Zoning   | Land Use                 |
|-------------|--|--------------------------|
| North       | C7 – Central Business Commercial                                   | Commercial & Residential |
| East        | RU2 – Medium Lot Housing<br>RM4 – Transitional Low Density Housing | Residential              |
| South       | C7 – Central Business Commercial                                   | Commercial               |
| West        | C7 – Central Business Commercial                                   | Commercial & Residential |

**Subject Properties Map: 540 Cawston Ave**



#### **4.0 Current Development Policies**

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

###### **Focus Development to Designated Growth Areas**

Downtown Development.<sup>1</sup> Support rezoning to C7 use in the downtown Urban Centre area only where properties are surrounded on a minimum of 3 sides by existing C7 zoning. The intent of this policy is to support intensification within the existing core areas of Downtown.

###### **Portray a Positive Image of Kelowna**

Cultural Service Delivery.<sup>3</sup> Recognize that a unique, attractive, thriving and livable downtown is strategically important to Kelowna's overall prosperity and success. Towards this end, the City will plan and manage the Downtown as a single and special entity and will take a proactive, comprehensive, integrated and collaborative approach towards providing services and infrastructure, delivering programs, and developing a supportive regulatory and financial environment.

###### **Arts and Culture Policies**

Downtown.<sup>5</sup> Support cultural service delivery in all areas of the city, particularly the downtown and other Urban Centres.

#### **7.0 Technical Comments**

##### **7.1 Development Engineering Department**

See Attachment 'A', memorandum dated July 27<sup>th</sup>, 2018

#### **8.0 Application Chronology**

|                                     |                           |
|-------------------------------------|---------------------------|
| Date of Application Received:       | July 5 <sup>th</sup> 2018 |
| Date Public Consultation Completed: | Aug 10 <sup>th</sup> 2018 |

|                                |   |
|--------------------------------|---|
| <b>Report Prepared by:</b>     | Adam Cseke, Planner Specialist                    |
| <b>Reviewed by:</b>            | Terry Barton, Urban Planning Department Manager   |
| <b>Approved for Inclusion:</b> | Ryan Smith, Community Planning Department Manager |

##### **Attachments:**

Attachment 'A' Development Engineering Memo July 27<sup>th</sup>, 2018  
Site Plan

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<sup>1</sup> Policy 5.3.4 (Development Process Chapter 5).

<sup>3</sup> Policy 8.3.9 (Economic Development Chapter 8).

<sup>5</sup> Policy 8.3.9 (Economic Development Chapter 8).

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Rezoning Application Rational  
**540 Cawston Street Kelowna BC**

**Purpose:**

To rezone the subject property from C2 – Neighbourhood Commercial  
to C7 – Central Business Commercial

540 Cawston Holding's Ltd. owns and leases the premise at 540 Cawston Ave.  
Currently there are 2 tenants in the building, One been "Get in the Loop", and the 2<sup>nd</sup>  
been Arrowleaf Schools.

Some background on this application will show that we had intended to do a addition to  
the existing building but found out late in the game that there would be a change  
required to parking lot access and thus our parking capacity would be reduced from 15  
(current) to 9 stalls with this change. The addition was cancelled as it was no longer  
feasible with the limited parking.

The purpose of the rezoning is to ensure the appropriate land use is in place to support  
the Arrowleaf Programs planned for this location. This zoning designation is required for  
them to conduct the type of educational facility they intend to and for this reason we as  
property owners are going through the process (with a significant impact on our parking  
capacity) in order to secure a long term lease from the tenant. The nature of their  
business does not have significant parking requirements as students are dropped off in  
the am and picked up in the afternoon.

You can find more information about Arrowleaf here:

[www.arrowleaf.ca](http://www.arrowleaf.ca)

At this point in time there is no physical changes planned for the building other than as  
part of our rezoning requirement, the City is requesting that we eliminate the access  
onto Cawston from the existing parking lot. This will mean some minor remediation to  
Curb let down and sidewalk adjustments. The intent of this is to eliminate motor vehicle  
passing over the pedestrian multi –model pathway. The parking lot will now be  
accessed only from the laneway to the west.

Please feel free to contact me at 778 484 7077 ext 204

Sincerely,

Kevin Edgecombe  
per/ 540 Cawston Holdings Ltd.

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## CITY OF KELOWNA MEMORANDUM

**ATTACHMENT A**

This forms part of application  
# Z18-0087

Planner  
Initials

AC

City of  
**Kelowna**  
COMMUNITY PLANNING



**Date:** July 27, 2018  
**File No.:** Z18-0087  
**To:** Community Planning (AC)  
**From:** Development Engineering Manager (JK)  
**Subject:** 540 Cawston Avenue

C2 to C7

Development Engineering has the following 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 Jason Angus

.1) Domestic Water and Fire Protection

- a) The development site is presently serviced with one (1) 19mm water services. The developer's consulting mechanical engineer will determine the domestic, fire protection requirements of this proposed development and establish hydrant requirements and service needs. Only one service will be permitted for this development.

.2) Sanitary Sewer

- a) The development site is presently serviced with one (1) 100mm diameter sanitary sewer services. Only one service will be permitted for this development. The developer's consulting civil/mechanical engineer will determine sanitary sizing for this development. The applicant, at his cost, will arrange for the removal of the existing services and and the installation of one new larger service.

.3) Storm Drainage

- a) 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) The development site is presently serviced with one (1) 150mm storm services. Only one service will be permitted for this development. The applicant, at his cost, will arrange the installation of one overflow service. The estimated cost of this construction is included in the road improvements.





Z18-0087

**.4) Road Improvements**

- a) St. Paul Street fronting this development has already been upgraded to an urban standard.
- b) Cawston Ave fronting this development has already been upgraded to an urban standard. Decommissioning of the south driveway off Cawston Avenue will be required c/w restoration to the curb & gutter, boulevard, street trees, and multi-path sidewalk.
- c) Lane fronting this development must be upgraded to SS-R2 standard to include road fillet and relocation or adjustment of existing utility appurtenances if required to accommodate the upgrading construction.

**.5) Road Dedication and Subdivision Requirements**

By registered plan to provide the following:

- a) The subjected property must dedicate roughly 0.8m off the lane frontage to achieve the required 7.6m commercial lane (SS-R2).
- b) Grant statutory rights-of-way if required for utility services.

**.6) Development Permit and Site Related Issues**

- a) Site access to the development will be off the lane.
- b) Driveway access is permitted from the lane per bylaw

**.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 protected and remain underground as this site is located within the City Centre urban town centre.
- b) 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.

**.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.

Z18-0087

- 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

.11) Survey Monuments and Iron Pins

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

.12) Administration Charge

An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as (3.5% of Total Off-Site Construction Cost plus GST).

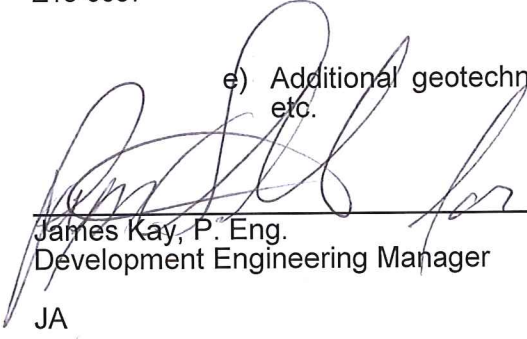
.13) Geotechnical Report

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.

Z18-0087

e) Additional geotechnical survey may be necessary for building foundations,  
etc.

  
James Kay, P. Eng.  
Development Engineering Manager

JA

**ATTACHMENT A**

This forms part of application

# Z18-0087

Planner  
Initials

AC

City of  
**Kelowna**  
COMMUNITY PLANNING





## Option 1

