

**City of Kelowna  
Regular Council Meeting  
AGENDA**



Tuesday, April 26, 2016  
6:00 pm  
Council Chamber  
City Hall, 1435 Water Street

**Pages**

1. **Call to Order**
2. **Reaffirmation of Oath of Office**  
The Oath of Office will be read by Councillor Given.
3. **Confirmation of Minutes** 1 - 15  
Public Hearing - April 5, 2016  
Regular Meeting - April 5, 2016
4. **Bylaws Considered at Public Hearing**
  - 4.1 **889 McCurdy Place, BL11217 (Z16-0003) - P J S Holdings Ltd.** 16 - 16  
To give Bylaw No. 11217 second and third readings in order to rezone the subject property to allow general industrial uses with outdoor storage.
  - 4.2 **190 Homer Road, BL11218 (Z15-0044) - Kaskade Developments Group Inc.** 17 - 17  
To give Bylaw No. 11218 second and third readings in order to rezone the subject property to facilitate the conversion of an accessory building into a carriage house.
  - 4.3 **2970 Shayler Court, BL11219 (Z15-0056) - Bruce & Helga Morris** 18 - 18  
To give Bylaw No. 11219 second and third readings in order rezone the subject property to facilitate a carriage house.
  - 4.4 **990 Guisachan Road, BL11220 (OCP15-0019) - Strandhaus Developments Inc.** 19 - 19  
**Requires a majority of all members of Council (5).**  
To give Bylaw No. 11220 second and third readings in order to change the Future Land Use Designation of the subject property to facilitate a five unit multi family dwelling.

- 4.5 990 Guisachan Road, BL11221 (Z15-0065) - Strandhaus Developments Inc. 20 - 20

To give Bylaw No. 11221 first reading in order to rezone the subject property to facilitate a five unit multi family dwelling.

## 5. Notification of Meeting

The City Clerk will provide information as to how the following items on the Agenda were publicized.

## 6. Liquor License Application Reports

- 6.1 1310-1352 Water Street, LL16-0003 - Delta Hotels No. 48 Holdings Ltd. 21 - 58

**City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the liquor license application to come forward.**

To seek Council's support for a permanent change in hours of operation for a Liquor Primary License and a Food Primary License (which includes a patron patron participation entertainment endorsement).

## 7. Development Permit and Development Variance Permit Reports

- 7.1 800 Academy Way, DP16-0027 & DVP16-0028 - Watermark Developments Ltd. 59 - 112

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

To consider a form and character Development Permit and a Development Variance Permit application for a 316 micro-unit, 4 ½ storey apartment development.

- 7.2 580 Patterson Avenue, BL11170 (Z15-0034) - Teresa Corea-Gaspari 113 - 113

To adopt Bylaw No. 11170 in order to rezone the subject property to facilitate the development of a new fourplex.

- 7.3 580 Patterson Avenue, DP15-0149 & DVP15-0206 - Teresa Corea-Gaspari 114 - 145

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

To consider the form and character of a four-plex dwelling on the subject parcel and variances to the minimum front yard and the location of off-street parking to the side property line.

- 7.4 3957 Lakeshore Road, DVP15-0043 - 678222 BC Ltd. 146 - 156**
- City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.**
- To consider a Variance to sign height and maximum sign area provisions in the City of Kelowna Sign Bylaw No 8235 to allow for the construction of a commercial sign.
- 7.5 305 Homer Road, BL11166 (Z15-0049) - Davara Holdings Ltd. 157 - 157**
- To adopt Bylaw No. 11166 in order to rezone the subject property to construct a new 9 unit rental row-housing development.
- 7.6 305 Homer Road, DP15-0221 & DVP15-0222 - Davara Holdings Ltd. 158 - 180**
- City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.**
- To review the form and character of a 9 unit townhouse development and to consider three variances.
- 7.7 120 Homer Road, BL10403 (Z10-0044) - Nathan Morden 181 - 181**
- To adopt Bylaw No. 10403 in order to rezone the subject property to legalize an existing four-plex.
- 7.8 120 Homer Road, DP14-0137 & DVP10-0076 - Nathan Morden 182 - 196**
- City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.**
- To consider a Development Permit application for form and character and to vary the rear yard setback on the subject parcel to legalize the existing building on the subject property.

**8. Reminders**

**9. Termination**



## City of Kelowna

### Public Hearing

### Minutes

Date: Tuesday, April 5, 2016  
 Location: Council Chamber  
 City Hall, 1435 Water Street

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

Members Absent Mayor Colin Basran

Staff Present City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton; Divisional Director, Community Planning & Real Estate, Doug Gilchrist; Council Recording Secretary, Arlene McClelland

(\* Denotes partial attendance)

#### 1. Call to Order

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

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

#### 2. Notification of Meeting

The Deputy City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on March 22, 2016 and by being placed in the Kelowna Capital News issues on March 25 and March 30, 2016 and by sending out or otherwise delivering 38 statutory notices to the owners and occupiers of surrounding properties, and 1299 informational notices to residents in the same postal delivery route, between March 22 and March 25, 2016.

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

### 3. Individual Bylaw Submissions

#### 3.1 909 Juniper Road (formerly known as 1035 Hollywood Road South), BL11194 (OCP15-0014) & B:11105 (Z15-0043) - Seventh Day Adventist Church (British Columbia Conference)

##### Staff:

- Displayed a PowerPoint presentation summarizing the application.
- Advised that the laneway will be utilized by the property owner.
- Parking meets rezoning requirements.
- Advised that mapping inaccuracies delayed this application.
- Commented that the DCC increase will not likely effect this file as staff anticipate there will be a preliminary layout review letter issued prior to approval of DCC changes.
- Responded to questions from Council.

Councillor Sieben joined the meeting at 6:10 p.m.

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

##### Letters of Opposition or Concern

Amy & Richard Heseltine, Cactus Road  
Marge & Verne Borne, Cactus Road  
Wilf Davis, Juniper Road

##### Petition of Opposition or Concern

A petition of concern containing 8 names of the owners of surrounding properties as submitted by Bill Bro, Monterey Road

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

##### Grant Maddock, Protech Consultants, Applicant Representative

- Advised of the public consultation with the surrounding neighbours for this site.
- Addressed concerns in the correspondence related to lane widening, view corridors and upgrades to the roads.
- Advised the City's Engineering Department was not in favour of the extension of the lane due to maintenance; as well, did not feel it was necessary.
- Have no intentions of building to maximum height allowable in the Zoning Bylaw. Want to create partial basements that will not impair views.
- Commented on upgrades with respect to road widening on Hollywood Road; South side of Juniper Road with sidewalks and a connection to walkway up to Cactus Road.
- There will be benefits with extension of Rutland Waterworks as well Fortis strengthened their electrical circuit up to Cactus Road.
- Stated this project will provide more affordable housing.
- Confirmed that a Preliminary Layout Review from the City should be received within 2 or 3 weeks and anticipate to meet the timelines prior to increase to DCC's.
- Responded to questions from Council.

##### Gallery:

##### Wilf Davis, Juniper Road

- 50-year resident with a well on the southwest corner of the property.
- Has an independent water and disposal system.
- Raised concern with damage to aquifer and loss of water supply.
- Raised concern with spray of pesticides by the well.
- Raised concern with contamination of well and ultimate loss of well.
- Responded to questions from Council.

Grant Maddock, Protech Consultants, Applicant Representative

- Advised that a Geotechnical report was completed; test pits were conducted and went down 14 feet and did not find any water.
- In favour of protecting this well source. Will do more research to try and find the well and stay away from it.
- Stated that this project is fully sewerred so there won't be any effluent going into the ground.
- Stated that there are buffers including 20 feet of his elevation as well as setbacks from the property line and do not believe it will be an issue related to the distance of build.

City Manager:

- Advised that if the contractor disrupts the well it would be a civil matter.

There were no further comments.

**3.2 468 Barkley Road, BL11208 (Z15-0067) - Wayne & Lisa Heinen**

Staff:

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

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

Letters of Opposition or Concern

Sid & Anya LeBeau, Eldorado Court  
 Malcolm & Kim McDuff, Barkley Road  
 Ray & Jacqueline Whyte, Barkley Road  
 Christina & James MacMahon, Swaisland Road  
 Simon & Natalia Constant, Eldorado Road

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

Wayne Heinen, Applicant

- In 2011 received a building permit to build a garage/office space; was not meant for a carriage house.
- Believes that 2 letters of opposition referencing permission to have this garage are in fact for a different property on Barkley Road that needed permission for a variance.
- Did not need variance for original building permit application.
- Outlined the process which began last fall with an application; spoke to 17 out of 18 residents by New Year's Eve and thought there were no major issues.
- Indicated there was a possibility he may be moving from this property.
- Goal was to do this property and be up front with the process.
- The intention of this carriage house has always been for aging family members.
- Believes that neighbours do not want more rentals in the area as they believe it will devalue their property.
- Researched property values and believes that carriage homes actually increase the value of properties in the area.
- This application is within the Official Community Plan and growth boundary; as well, it provides more housing.

Gallery:

Colleen Bryant, Barkley Road

- Believes they are most affected by the change in zoning as property is on the north side of the carriage house and it would directly face into their backyard.
- Raised concern with side window creating privacy issues.
- Raised objection to the lack of privacy.
- Had not been informed that the applicant was moving.
- Raised concern with current rentals in the neighbourhood that are not respectful.
- Raised concerns with increased vehicles, speed and safety of children in the neighbourhood.
- Raised concerns with lack of parking. There is limited parking for visitors.
- Raised concern with overload of water main in the area with increased population.
- Inquired as to the intentions for this proposed carriage house.
- Opposed to this application.
- Responded to questions from Council.

Steve Manlove, Barkley Road

- Believes this is a great neighbourhood including the applicant as neighbours.
- On-street parking is an issue and the reliance of vehicles is evident in the area.
- Raised concerns with increase of vehicles in neighbourhood.
- Raised concern that rentals in the area are not maintained very well.
- Raised concern with turnover of renters.
- Opposed to this application.

Brenda Sbrozzi, Director on behalf Ok Mission Residents Association

- Speaking on behalf of the Okanagan Mission Residents Association.
- Received a number of comments and concerns about this application.
- Opposed to this application.
- Raised concerns with precedent setting; parking and home values in the area.
- Believes the value of the subject property may increase but value of adjacent homes will decrease.
- Raised concern with carriage homes generally not matching the home in front of it and loss of privacy.
- Not against densification; however, objects when it comes as an inconvenience and expense to neighbours.
- The Residents Association would like to work more closely with the city for the residents and assist with how planning our community should look.
- Inquired if there's an opportunity to be part of these applications earlier on in the process.
- Responded to questions from Council.

James Kinakin, Barkley Road

- Raised concern with parking and increased traffic.
- Raised safety concerns as the street is very narrow.
- Raised concern with vehicular speed.
- Raised concern with setting a precedent in the neighbourhood and devaluing properties.
- Opposed to this application.
- Responded to questions from Council.

Wally Murovec, Barkley Road

- Raised concerns with lack of parking and vehicles parking in front of his house.
- Initially was advised that the carriage house was for in-laws and was supportive. Has since learned the applicant may move and now concerned that there will be 2 rentals.
- No objections with basement suites.
- Opposed to carriage houses in the neighbourhood.

Wayne Heinen, Applicant

- Advised there is a 6-foot fence between properties for privacy.
- Commented on greenhouse display, 6 x 10 ft.; was unaware it required a permit, however staff advised since it was attached to the garage it required a permit; has since removed.
- Advised there is a small bathroom window facing neighbour that could be relocated to mitigate privacy concern.
- Has never had a parking issue with my neighbours.
- Was unaware there was a Residents Association; the President of OMRA spoke to neighbours but did not speak to us.
- Believes that if the carriage house is done well there would be no detriment to surrounding properties.
- Wanted to advise close neighbours regarding thoughts of moving. To date, have not purchased anything, but wanted to be upfront.
- The intention of the carriage house is for in-laws in the future but will keep using it as an office in the interim.
- Confirmed the facing wall to neighbours would have an entry door and small window that could possibly be frosted.
- Confirmed the building footprint including height would not be altered.
- Would consider altering the plan to leave the entire wall facing the neighbour with no windows.
- Confirmed the carriage house matches the house.
- Responded to questions from Council.

## Staff:

- Confirmed the encroachment of city road right away in the area; resulting in narrowness of the road and limited parking.

There were no further comments.

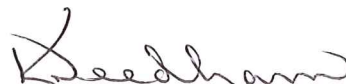
**4. Termination**

The Hearing was declared terminated at 7:49 p.m.

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 Deputy Mayor

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 Deputy City Clerk





**City of Kelowna**  
**Regular Council Meeting**  
**Minutes**

Date: Tuesday, April 5, 2016  
Location: Council Chamber  
City Hall, 1435 Water Street

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

Members Absent Mayor Colin Basran

Staff Present City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton; Divisional Director, Community Planning & Real Estate, Doug Gilchrist; Council Recording Secretary, Arlene McClelland

(\* Denotes partial attendance)

**1. Call to Order**

Deputy Mayor Stack called the meeting to order at 7:57 p.m.

**2. Reaffirmation of Oath of Office**

The Oath of Office was read by Councillor Donn.

**3. Confirmation of Minutes**

Moved By Councillor Hodge/Seconded By Councillor Given

R247/16/04/05 THAT the Minutes of the Public Hearing and Regular Meeting of March 15, 2016 be confirmed as circulated.

Carried

**4. Bylaws Considered at Public Hearing**

4.1 909 Juniper Road (formerly known as 1035 Hollywood Road South), BL11194 (OCP15-0014) - Seventh Day Adventist Church (British Columbia Conference)

Moved By Councillor Gray/Seconded By Councillor Given

R248/16/04/05 THAT Bylaw No. 11194 be read a second and third time.

Carried

- 4.2 909 Juniper Road (formerly known as 1035 Hollywood Road South), BL11195 (Z15-0043) - Seventh Day Adventist Church (British Columbia Conference)

Moved By Councillor Hodge/Seconded By Councillor Given

R249/16/04/05 THAT Bylaw No. 11195 be read a second and third time.

Carried

- 4.3 468 Barkley Road, BL11208 (Z15-0067) - Wayne & Lisa Heinen

Moved By Councillor DeHart/Seconded By Councillor Singh

R250/16/04/05 THAT Bylaw No. 11208 be read a second and third time.

Carried

5. Notification of Meeting

The Deputy City Clerk advised that Notice of Council's consideration of the Development Variance Permit Applications was given by sending out or otherwise delivering 1646 statutory notices to the owners and occupiers of surrounding properties, and 3514 informational notices to residents in the same postal delivery route, between March 22 and March 25, 2016.

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

6. Development Permit and Development Variance Permit Reports

- 6.1 1960 Water Street, HAP15-0012 - Christina & Kelly Donovan

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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

Letters of Support

Sean Upshaw, Knox Crescent  
Beryl Itani, Rosemead Avenue

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

Peter Chataway, Applicant Representative

- Commented that staff provided a clear report.
- Provided history of the area in relation to zoning.
- This is a rehabilitation project in order to upgrade the existing building.
- This is a modest dwelling with a modest addition.

- Advised that 10 out of 12 neighbours signed a form letter of support for the application but missed connecting with 2 neighbours.

Kelly Donovan, Owner

- Purchased the house in 2005 and since the purchase more room is needed for their growing family.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Given

**R251/16/04/05** THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP15-0012 for Lot 11 District Lot 14 ODYD Plan 1406, located at 1960 Water Street, Kelowna, BC subject to the following:

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

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

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

To vary the required minimum side yard from 2.3 m permitted to 1.52 m proposed.

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

To vary the required minimum rear yard from 7.5 m permitted to 4.2 m proposed.

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

Carried

Councillor DeHart declared a conflict of interest as she owns property in the north tower on Sunset Drive and departed the meeting at 8:41 p.m.

**6.2 1088 Sunset Drive, DVP15-0301 - Strata Corp. KAS2503**

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The Deputy City Clerk advised that there was no correspondence or petitions had been received.

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

Applicant:

- Present and available for questions.

No one came forward.

There were no further comments.

Councillor Donn/Seconded By Councillor Hodge

**R252/16/04/05** THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0301 for Common Property Strata Plan KAS2503, located at 1088 Sunset Dr., Kelowna, BC;

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

**Section 8.1.11 (i) Drive Aisle Width**

To vary the required drive aisle width from 6.0 m to 5.3 m as proposed.

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

Carried

Councillor DeHart rejoined the meeting at 8:45 p.m.

**6.3 540 Osprey Avenue, BL11133 (Z15-0005) - 0958123 BC Ltd.**

Councillor Singh/Seconded By Councillor DeHart

**R253/16/04/05** THAT Bylaw No. 11133 be adopted.

Carried

**6.4 540 Osprey Avenue, DP15-0020 & DVP15-0021 - 0958123 BC Ltd.**

Staff:

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

The Deputy City Clerk advised that the no correspondence or petitions had been received.

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

Garry Tomporowski, Architect, Applicant Representative

- This is a form of infill housing.
- Believes this is a much needed rental option in the Pandosy area; a benefit with KGH and the College being in the vicinity.
- This project is incorporating unique design elements not seen in Kelowna.
- Respecting the environment by using green design concept and initiatives.
- The idea behind the mural is to mitigate the effect of the blank mass wall and to provide some interest. There is room for discussion regarding the design of the mural.
- Responded to questions from Council.

Anthony Yskes, U-neek Thinking Building Designer

- Advised that it's a zero lot line wall and displayed a picture as an example of the mural.
- The mural will have some interest, however, will be low key with not a great deal of investment as it could be covered up at some time.

There were no further comments.

Councillor Sieben/Seconded By Councillor DeHart

**R254/16/04/05** THAT final adoption of Rezoning Bylaw No. 11133 (Z15-0005) be considered by Council;

AND THAT Council Authorizes the issuance of Development Permit No. DP15-0020 for Lot A District Lot 14 ODYD Plan EPP14200, located at 540 Osprey Avenue, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;
5. The Development Permit not be issued until the lot consolidation is register at the Land Title Office;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0021 for Lot A District Lot 14 ODYD Plan EPP14200, located at 540 Osprey Ave, Kelowna, BC;

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

Section 14.4.5 (b) - C4 - Urban Centre Commercial Development Regulations  
To vary the required maximum site coverage from 75 % permitted to 91% proposed.

Section 14.4.5 (c) - C4 - Urban Centre Commercial Development Regulations  
To vary the required maximum height from the lesser of 15.0 m or 4 storeys permitted to 17.8 m or 5 storeys proposed.

AND THAT this Development Permit and Development Variance Permit be subsequent to the payment of cash-in-lieu payment in the amount of \$45,000.00 for six parking stalls.

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

Carried

## **6.5 206 Lochview Road, DVP15-0293 - Norval Bradley**

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The Deputy City Clerk advised that the no correspondence or petitions had been received.

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

Dan Francoeur, Applicant Representative

- Advised the application relates to safety and aesthetics.

There were no further comments.

Councillor Gray/Seconded By Councillor Hodge

**R255/16/04/05** THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0293 for Lot 2 Section 7 Township 23 ODYD Plan 18805, located at 206 Lochview Road, Kelowna, BC;

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

**Section 11.1.6 (c): A1 - Agricultural 1 Development Regulations**

To vary the required minimum front yard from 6.0 m permitted to 1.3 m proposed.

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

**Carried**

**6.6 332 Lake Avenue, DP15-0173 & DVP15-0174 - Windmill Ventures Ltd. & 0797989 BC Ltd.**

**Staff:**

- Displayed a PowerPoint presentation summarizing the application.
- Confirmed this is not in the Abbott Street Heritage Conservation area, however it is across the street from the boundary
- Responded to questions from Council.

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

**Letters of Support**

Sean Upshaw, Knox Crescent  
Beryl Itani, Rosemead Avenue

**Letters of Opposition or Concern**

Rudy Schoenfeld, Maple Street  
Michael & Moira Willmott, Maple Street  
Richard & Carole Denison, Maple Street  
Heather Marshall, Water Street  
Paddy Hall on behalf of the Board of Directors of FRAHCAS

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

**Neil Jaud, Architect Inc., Applicant Representative**

- Displayed a PowerPoint presentation noting the concept of a residential community within a community.
- Provided a history of development plans for the site including sustainability aspect.
- Displayed an image of a 2009 application that had been approved consisting of 32 bachelor suites. Clarified that in 2009 the height requested was 17.58 m and now requesting 20.1 m with fewer suites.
- Sill require outdoor surface parking.
- Has explored an L-shaped building but was not feasible.
- Has performed a shadowing exercise in the neighbourhood.
- Highlighted a sheltered and central communal entrance with secure landscaped yards that ties to the park and Mill Creek Greenway.
- Believes the design reflects residential scale and massing defined by layered building planes, balcony niches, windows and colours.
- Worked with images in the local area to show multi-faceted façade.

- Residential roof top garden is an asset.
- Sustainability materials used such as solar panels and magnesium wall panels.
- Responded to questions from Council.

Gallery:

Paddy Hall, President of FRAHCAS

- Speaking on behalf of residents in the area and those that are immediately impacted.
- Provided information on society boundaries on both west and east sides of Water Street.
- There are 182 homes in the boundary area and 100 households are active in the society; commented that there is strong membership and participation.
- Referenced correspondence submitted by FRAHCAS noting opposition to the height that far exceeds what is appropriate for the site; surface parking lot not conducive to a community of single family dwellings; no consideration given for the architecture or streetscape to the heritage characteristics of the surrounding residences; and the significant shadowing effect.
- Having a surface parking lot as an entry way into this neighbourhood is the least preferred concept. Referenced inviting entry way off of Highway 97 to Abbott Street Conservation area.
- FRAHCAS would like to work collaboratively with development community.
- Does not believe the proposed development is an Art Deco style and does not represent local character.
- The Society supports staff recommendation of non-support for this application.
- The Martin Lofts noted in the Applicant's PowerPoint Presentation is in a completely different neighbourhood with different zoning and cannot be compared to the heritage area.
- A residential community within a community does not reflect being a part of the neighbourhood.

Andrew Meiklejohn, Water Street

- Lives directly across from proposed front entrance.
- Agrees with staff's non-support for this application.
- In favour of something occurring on this site as it is an eyesore; however, this proposal is the wrong solution.
- Believes the number of variances indicates this proposal is the wrong solution.
- Concerned with the excessive surface parking.
- Consider future potential impacts of the neighbourhood.
- Opposed to this application.

Leonard Lermer, Water Street

- Agrees with staff's non-support for this application.
- Raised concerns with the height variances and the height impact.
- Indicated would support development that meets the requirements of the RM5 zone only.
- Commented that the 30-foot cedar hedges bordering between his property and the applicants were ruined but was advised this was a civil matter.

Neil Jaud, Architect Inc., Applicant Representative

- Advised that reference to the Martin Lofts development was to provide a sense of scale.
- Advised he had spent a number of years on the West Vancouver's Heritage Advisory Commission and is well aware of concerns in the Abbott area; believes the design treated the area and heritage with sensitivity.

Tim Walchuck, Developer

- The previous building concept was contemplated with the future purchase of the Water Street corner lot therefore the design was higher due to the water table. Stated the corner lot will never be acquired.

Staff:

- Clarified that the height is measured from natural grade; where the ground is today. In 2009 the grade was measured from the fill on site. This was further clarified in the 2011 Rezoning Bylaw.

There were no further comments.

Councillor Hodge/Seconded By Councillor Singh

**R256/16/04/05** THAT Council NOT authorize the issuance of Development Permit DP15-0173 and Development Variance Permit DVP15-0174 for Lot A, District Lot 14, ODYD, Plan KAP90495, located at 332 Lake Ave, Kelowna, BC.

Carried

**6.7 775 Academy Way, DP15-0314 & DVP15-0315 - Watermark Developments Ltd.**

Staff:

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

The Deputy City Clerk advised that the no correspondence or petitions had been received.

Deputy Mayor read aloud Item 6.8 to be heard in concurrence with the Applicant providing an overview of both applications.

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

Moved By Councillor Given/Seconded By Councillor DeHart

**R257/16/02/16** THAT Council continue the Tuesday, April 5, 2016 Regular Meeting past 11:00 p.m.

Carried

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

Luke Turri, Mission Group Homes, Applicant Representative

- Displayed a PowerPoint presentation re: U-Three @ University District
- Have been in the area for quite some time and will further develop student oriented housing and some housing units will go to market.
- Provided a rationale for the U3A variance;
  - o Affordability;
  - o Constructability;
  - o Parking-pool efficiency;
  - o Demand (U-District Experience)
- Comfortable with the amount of parking stalls that are being presented as not all stalls have been used in other phases. There are 8 parking stalls available in the U-One phase and 17 stalls available in U-Two phase.
- U-Three design improvements consist of streetscape; planting areas; pedestrian network; linear greenspace; building entry and visitor parking.
- There will be an electric vehicle charging system paid by the Mission Group. As well, a fully funded car share vehicle and bike maintenance areas.
- Rental fees and parking fees will remain separate.



No one came forward.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Singh

**R258/16/02/16** THAT Council authorizes the issuance of Development Permit No. DP15-0314 for Lot 2, Section 3 & 10, Township 23, ODYD, Plan EPP53793, located on 775 Academy Way, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. An updated Landscape Plan be provided on the land in general accordance with Schedule "C" and to the satisfaction of the Community Planning Director;
4. Prior to issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied as described in the report's "Attachments";
5. The applicant be required to post with the City, a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0315, Lot 2, Section 3 & 10, Township 23, ODYD, Plan EPP53793, located on 775 Academy Way, Kelowna, BC.

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

Section 8.1 - Parking Schedule

Vary the parking requirements from 152 parking stalls required to 103 parking stalls proposed.

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

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

Carried

**6.8 805 Academy Way, DP15-0316 & DVP15-0317 - Watermark Developments Ltd.**

Staff:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.
- Confirmed that structure parking preferred, however, compromised with trees, landscaping and other amenities.

The Deputy City Clerk advised that the no correspondence or petitions had been received.

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

No one came forward.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor DeHart

**R259/16/02/16** THAT Council authorizes the issuance of Development Permit No. DP15-0316 for Lot 1, Section 3 & 10, Township 23, ODYD, Plan EPP53793, located on 805 Academy Way, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. Prior to issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied as described in the report's "Attachments";
5. The applicant be required to post with the City, a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP15-0317, Lot 1, Section 3 & 10, Township 23, ODYD, Plan EPP53793, located on 805 Academy Way, Kelowna, BC.

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

Section 8.1 - Parking Schedule

Vary the parking requirements from 93 parking stalls required to 69 parking stalls proposed.

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

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

Carried

7. Reminders - Nil.

8. Termination

The meeting was declared terminated at 11:16 p.m.

\_\_\_\_\_  
Deputy Mayor

/acm



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

**CITY OF KELOWNA**  
**BYLAW NO. 11217**  
**Z16-0003 - P J S Holdings Ltd.**  
**889 McCurdy Place**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Strata Lot 23, District Lot 124, ODYD, Strata Plan KAS3323, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form V located on McCurdy Place, Kelowna, B.C., from the I1 - Business Industrial zone to the I2 - General Industrial zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 4<sup>th</sup> day of April, 2016.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

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(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

**CITY OF KELOWNA**  
**BYLAW NO. 11218**  
**Z15-0044 - Kaskade Developments Group Inc., Inc. No.**  
**A0078591**  
**190 Homer Road**

---

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 9, Section 27, Township 26, ODYD, Plan 14897 located on Homer Road, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 4<sup>th</sup> day of April, 2016.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

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(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

**CITY OF KELOWNA**  
**BYLAW NO. 11219**  
**Z15-0056 - Bruce & Helga Morris**  
**2970 Shayler Court**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 9, Section 29, Township 23, ODYD, Plan KAP70569 located on Shayler Court, Kelowna, B.C., from the A1 - Agriculture 1 zone to the A1c - Agriculture 1 with Carriage House zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 4<sup>th</sup> day of April, 2016.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

# CITY OF KELOWNA

## BYLAW NO. 11220

### Official Community Plan Amendment No. OCP15-0019 Strandhaus Developments Inc., Inc. No. BC1005533 990 Guisachan Road

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

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* - Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of Lot 1, District Lot 136, ODYD, Plan 1470 and Lot 2, District Lot 136, ODYD, Plan 1470, located on Guisachan Road, Kelowna, B.C., from the EDINST - Educational / Major Institutional designation to the MRL - Multiple Unit Residential (Low Density) designation;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 4<sup>th</sup> day of April, 2016.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

**CITY OF KELOWNA**  
**BYLAW NO. 11221**  
**Z15-0065 - Strandhaus Developments Inc., Inc. No.**  
**BC1005533**  
**990 Guisachan Road**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, District 136, ODYD, Plan 1470 and Lot 2, District Lot 136, ODYD, Plan 1470 located on Guisachan Road, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RM3 - Low Density Multiple Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 4<sup>th</sup> day of April, 2016.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

# REPORT TO COUNCIL



**Date:** April 26, 2016

**RIM No.** 0930-50

**To:** City Manager

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

**Application:** LL16-0003                                      **Owner:** Delta Hotels No. 48 Holdings Ltd. No. A74658

**Address:** 1310-1352 Water St                                      **Applicant:** Rising Tide Consultants Ltd.

**Subject:** Liquor License Application

**Existing OCP Designation:** Commercial (Comm)

**Existing Zone:** C10lp/rls - Service Commercial (Liquor Primary/  
Retail Liquor Store)

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## 1.0 Recommendation

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

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

1. Council recommends support for the application from Delta Hotels No. 48 Holdings Ltd. No. A74658 at 1310-1352 Water St. Kelowna BC, legally described as Lot B, District Lots 139, 3454 and 4082, ODYD, Plan KAP47378 Except Plans KAP73543 and KAP76701, for a permanent change to a liquor primary licensed hours of sales for License Number 148683 (Vines Lounge) from '11:00 am to 1:00 AM Monday to Saturday and 11:00AM to 12:00AM Sunday' to '9:00 AM to 2:00 AM Monday to Sunday'.
2. Council recommends support for the application from Delta Hotels No. 48 Holdings Ltd. No. A74658 at 1310-1352 Water St. Kelowna BC, legally described as Lot B, District Lots 139, 3454 and 4082, ODYD, Plan KAP47378 Except Plans KAP73543 and KAP76701, for a permanent change to a food primary licensed hours of sales for License Number 148264 (Grand Bay Cafe) from '11:00 am to 1:00 AM Monday to Saturday and 11:00AM to 12:00AM Sunday' to '9:00 AM to 2:00 AM Monday to Sunday' and to include a patron participation entertainment endorsement.
3. The Council’s comments on the prescribed considerations are as follows:
  - (a) The potential for noise if the application is approved:
 

The potential impact for noise is minimal and would be compatible with surrounding land uses.



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

The potential for negative impacts is considered to be minimal.

(c) It is unlikely that the change in hours may result in the establishment being operated contrary to its primary purpose.

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

## **2.0 Purpose**

To seek Council's support for a permanent change in hours of operation for a Liquor Primary License and a Food Primary License (which includes a patron participation entertainment endorsement).

## **3.0 Community Planning**

This application to open earlier in the day represents a minor change to the establishment. Opening earlier in the day will have the potential to activate the space during the day when the facility would be otherwise closed and vacant. Opening earlier in the day does not create the same enforcement and policing issues that occur with later closings.

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

The proposed licensed hours of operation to remain open until 2:00am is also not perceived to have negative effects on the surrounding area given the location within the Hotel.

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

## **4.0 Proposal**

### **4.1 Background**

An application has been forwarded by the licensee to the Provincial Liquor Control and Licensing Branch (LCLB) for their approval. Procedurally, all these applications need Local Government comment prior to the LCLB making a final decision:

- Permanent changes to the hours of operation for liquor primary licensed establishments;
- Food Primary licenses closing after midnight; and
- Patron Participation Entertainment endorsement.

4.2 Project Description

**Existing Hours of Sale for Vines Lounge (Liquor Primary License # 148683):**

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

**Proposed Hours of Sale for Vines Lounge (Liquor Primary License # 148683):**

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM
Close	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM

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**Existing Hours of Sale for Grand Bay Cafe (Food Primary License # 148264):**

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

**Proposed Hours of Sale for Grand Bay Cafe (Food Primary License # 148264):**

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM
Close	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM

The Food Primary establishment is designed with an occupancy load of 93 persons for the interior locations, and a maximum occupant load of 24 persons for the exterior patio area. The Liquor Primary area is split into four different areas and is designed with a total occupancy load of 1,763 persons for the interior locations, and a maximum total occupant load of 391 persons for the exterior patio area.

This application proposes to extend the opening and closing hours for both the Liquor Primary license and the Food Primary license.

4.3 Site Context

The subject property is located downtown. The nearest Liquor Primary establishment would be Lake City Casinos, which is within the same building.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P3 - Parks and Open Space	Park
East	CD5 - Multi-Purpose Facility C7 - Central Business Commercial P1 - Major Institutional	Prospera Arena Art Gallery Provincial Court
South	P3 - Parks and Open Space P1 - Major Institutional	Park Yacht Club / Cactus Club Cafe
West	P3 - Parks and Open Space	Park / Okanagan lake

**Subject Property Map: 1310-1352 Water St.**



**5.0 Current Development Policies**

**5.1 Council Policy #359 - Liquor Licensing Policy and Procedures**

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

Where appropriate, support alternative entertainment options, and/or establishments which are less focused on alcohol consumption (including event-driven establishments, and Food Primary establishments with the Patron Participation Entertainment Endorsement) to add a mix of entertainment options in Urban Centres. Consider limiting potential community impacts via license terms and conditions (hours, capacity, etc).

The proposed change in hours of sale will not contravene any guidelines within this policy.

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

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

**Downtown.**<sup>2</sup> The City of Kelowna recognizes that a unique, attractive, thriving and liveable downtown is strategically important to Kelowna’s overall prosperity and success.

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

<sup>2</sup> Policy 8.9.2 (Economic Development Chapter 8, page 8.4)

Towards this end, the City will plan and manage the Downtown as a single and special entity and will take a proactive, comprehensive, integrated and collaborative approach towards providing services and infrastructure, delivering programs, and developing a supportive regulatory and financial environment.

**6.0 Technical Comments**

**6.1 Building & Permitting Department**

No Comment

**6.2 Bylaw Services**

No Concerns

**6.3 Fire Department**

No Objections

**6.4 R.C.M.P**

The RCMP are not opposed to the changes in hours of liquor service and patron participation endorsement requested by the applicant.

**7.0 Application Chronology**

Date of Application Received: February 11, 2016

Date RCMP Comments Received: February 12, 2016

**Report prepared by:**

\_\_\_\_\_  
Adam Cseke, Urban Planner

**Reviewed by:**

Terry Barton, Urban Planning Manager

**Approved for Inclusion:**

Ryan Smith, Community Planning Department Manager

**Attachments:**

Subject Property Map

Rationale Letter

LCLB Application



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

**AT: DELTA GRAND OKANAGAN RESORT & CONFERENCE CENTRE  
1310 WATER STREET  
KELOWNA, BC V1Y 9P3**

**LICENSEE: DELTA HOTELS NO. 48 LIMITED PARTNERSHIP**

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**COMMUNITY IMPACT STATEMENT**

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**Submitted to:**

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

**Submitted by:**

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

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



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

**AT: DELTA GRAND OKANAGAN RESORT & CONFERENCE CENTRE  
1310 WATER STREET  
KELOWNA, BC V1Y 9P3**

**LICENSEE: DELTA HOTELS NO. 48 LIMITED PARTNERSHIP**

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**COMMUNITY IMPACT STATEMENT**

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This Community Impact Statement is provided in support of the applications submitted to the City of Kelowna and the Liquor Control & Licensing Branch by Delta Hotels No. 48 Limited Partnership for an extension of the hours of liquor service to the liquor primary license number 148683 from 11 am to 1 am Monday to Saturday and 11 am to Midnight on Sunday to 9 am to 2 am Monday to Sunday and to the food primary license number 148264 from 11 am to 1 am Monday to Saturday and 11 am to Midnight on Sunday to 9 am to 2 am Monday to Sunday.

The Delta Grand Okanagan Resort & Conference Centre is requesting this change of hours to the liquor primary license and the food primary license to better serve the general public of Kelowna and the tourist population of Kelowna. Kelowna is now considered a leading international and North American tourist destination.

The Delta Grand Okanagan Resort & Conference Centre would like to update their hours of licensing so that it is comparable with other world class hotels with



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respect to level of service. It is now standard for hotels to start liquor service at 9 AM to provide services such as champagne brunches and special events.

### **BENEFITS TO THE COMMUNITY**

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

- Create flexibility in the operation of licensed venues and ability to serve the guests of the hotel.
- Expanded employment opportunities for residents of the area;
- Provide a source of additional tax revenue for the provincial and federal governments;
- Further expand this hospitality venue for the residents, business people and tourists in Kelowna;
- Provides additional hours for community events, fundraisers and special events held at the hotel;
- Provides employment for local musicians and artists to perform at events held at the hotel.

### **TARGET MARKET**

The location of the establishment is such that it will cater to the local residents, business travellers and tourists to Kelowna utilizing the facilities of the hotel. The target market group will be to all age groups – families and their children, business people, tourists and the convention going public.

### **HOSPITALITY/TOURISM DEVELOPMENT FACTORS**

The Delta Grand Okanagan Resort & Conference Centre is the largest hotel conference facility in Kelowna. The proposed changes for the licensed hours will contribute to the hospitality/tourism development in the community in the following ways:

- Permit licensed hours consistent with other major hotels in other communities and ensure that guest experience are similar.
- Provide better customer service.



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**TRAFFIC IN THE VICINITY**

The proposed change of hours will not impact negatively on traffic. The primary purpose of this change of hours is to cater to the local resident and tourists to Kelowna. Therefore, there will be no impact on the traffic in the vicinity.

**NOISE IN THE COMMUNITY**

The potential impact for noise is minimal and would be compatible with surrounding land uses. It is not a venue that will create noise in the community. This change of hours at this establishment will not be a problem. The applicant will not permit the establishment to be detrimental to the area or to the guests staying in the hotel. The applicant will have to comply with the city noise by-law.

**OTHER FACTORS**

Delta Hotels No. 48 Limited Partnership does not envisage any adverse impacts on the community. Indeed, it will have very positive impacts and benefits as mentioned above.

All of which is respectfully submitted this 5th day of February, 2016.

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





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**APPLICATION FOR A PATRON PARTICIPATON ENTERTAINMENT  
ENDORSEMENT TO THE FOOD PRIMARY LICENSE**

**AT: DELTA GRAND OKANAGAN RESORT & CONFERENCE CENTRE  
GRAND BAY CAFÉ  
1310 WATER STREET  
KELOWNA, BC V1Y 9P3**

**LICENSEE: DELTA HOTELS NO. 48 LIMITED PARTNERSHIP**

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**COMMUNITY IMPACT STATEMENT**

---

**Submitted to:**

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

**Submitted by:**

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

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



*Experts in liquor licensing for the success of your business*

**APPLICATION FOR A PATRON PARTICIPATION ENTERTAINMENT  
ENDORSEMENT TO THE FOOD PRIMARY LICENSE**

**AT: DELTA GRAND OKANAGAN RESORT & CONFERENCE CENTRE  
GRAND BAY CAFÉ  
1310 WATER STREET  
KELOWNA, BC V1Y 9P3**

**LICENSEE: DELTA HOTELS NO. 48 LIMITED PARTNERSHIP**

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**COMMUNITY IMPACT STATEMENT**

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This Community Impact Statement is provided in support of the application for a Patron Participation Entertainment Endorsement submitted to the City of Kelowna and the Liquor Control & Licensing Branch by Delta Hotels No. 48 Limited Partnership

Patron Participation Entertainment is defined as any activity that involves participation of the patrons at an event such as having live music and dancing during a special event such as a fundraiser, gala, wedding or other celebratory event. The Liquor Branch is requiring that hotels have specific approval for this.

Having this Patron Participation Entertainment Endorsement will further diversify the licensing at the Delta Grand Okanagan Resort and will make the Delta Grand Okanagan Resort comparable with other world class hotels with respect to level of service and facilities.

**BENEFITS TO THE COMMUNITY**

The applicant's patron participation entertainment endorsement will benefit the community in the following ways:



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- Employment opportunities for residents of Kelowna;
- Provide a source of additional tax revenue for the provincial and federal governments;
- Further diversify the entertainment options in this hospitality venue for the residents, business people and tourists in Kelowna;
- Provides a facility that could be used for community events, fundraisers and special events where dancing would be permitted as well as live bands;
- Compliments other nearby businesses in the area
- Provides a facility for local musicians to perform and therefore supports local artists.

### **TARGET MARKET**

The location of the establishment is such that it will cater to the residents, business travellers and tourists of the area. The target market group will be to all age groups – families and their children, business people, tourists and the convention going public.

### **HOSPITALITY/TOURISM DEVELOPMENT FACTORS**

The applicant submits the proposed endorsement will not impact negatively on any of the surrounding facilities and public venues. Indeed, it will further diversify the hospitality options in the city.

### **TRAFFIC IN THE VICINITY**

The proposed patron participation entertainment endorsement will not impact negatively on traffic. Therefore, there will be no impact on the traffic in the vicinity.

### **NOISE IN THE COMMUNITY**

The potential impact for noise is minimal and would be compatible with surrounding land uses. It is not a venue that will create noise in the community. This is an all-encompassing resort and the patron participation entertainment endorsement will be an added feature of this resort. The applicant will not permit



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the establishment to be detrimental to the area or to the operation of the hotel and the guests staying in the hotel. The applicant will have to comply with the city noise by-law.

**OTHER FACTORS**

The potential for negative impacts is considered to be minimal.

Delta Hotels No. 48 Limited Partnership does not envisage any adverse impacts on the community. Indeed, it will have very positive impacts and benefits as mentioned above.

All of which is respectfully submitted this 5th day of February, 2016.

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

# Food Primary Licence #148264

Expires on September 30, 2016

Establishment Name: **Delta Grand Okanagan Resort & Conference Centre**  
Licence Name: **Grand Bay Cafe**  
Location Address: **1310 Water Street**  
**KELOWNA, BC V1Y 9P3**  
Issued to: **DHL No. 48 Limited Partnership**  
Resident Manager: **Bibby, Daniel Patrick**

## TERMS AND CONDITIONS

### HOURS OF SALE

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

### CAPACITY

Patio1	20	Patio2	50	Patio3	4	Patio4	4
Patio5	40	Patio6	20	Patio7	145	Patio8	108
Patron01	130	Patron02	83	Patron03	36	Patron04	150
Patron05	41	Patron06	33	Patron07	47	Patron08	82
Patron09	99	Patron10	77	Patron11	81	Patron12	99
Patron13	77	Patron14	452	Patron15	116	Patron16	116
Patron17	44						

### Catering Endorsement Approved

- For the sale and consumption of all types of liquor in establishments with a primary focus on the service of food.
- The terms and conditions to which this licence is subject include the terms and conditions contained in the publication 'Guide for Liquor Licensees in British Columbia' as that publication is amended from time to time.
- Liquor may only be sold, served and consumed within the areas outlined in red on the official plan, unless otherwise endorsed or approved by the LCLB.
- Catering endorsement permits sale and service of liquor at another person's event where food service is catered by the licensee. Catered events must have catering authorization issued by the LCLB.
- Patio extension permitted as outlined in red on the official plan.
- Entertainment other than games permitted in the banquet rooms only.

September 10, 2015



**PATIO-A**  
 net floor area of  
 The maximum  
 shall be  
 based on  
 person.

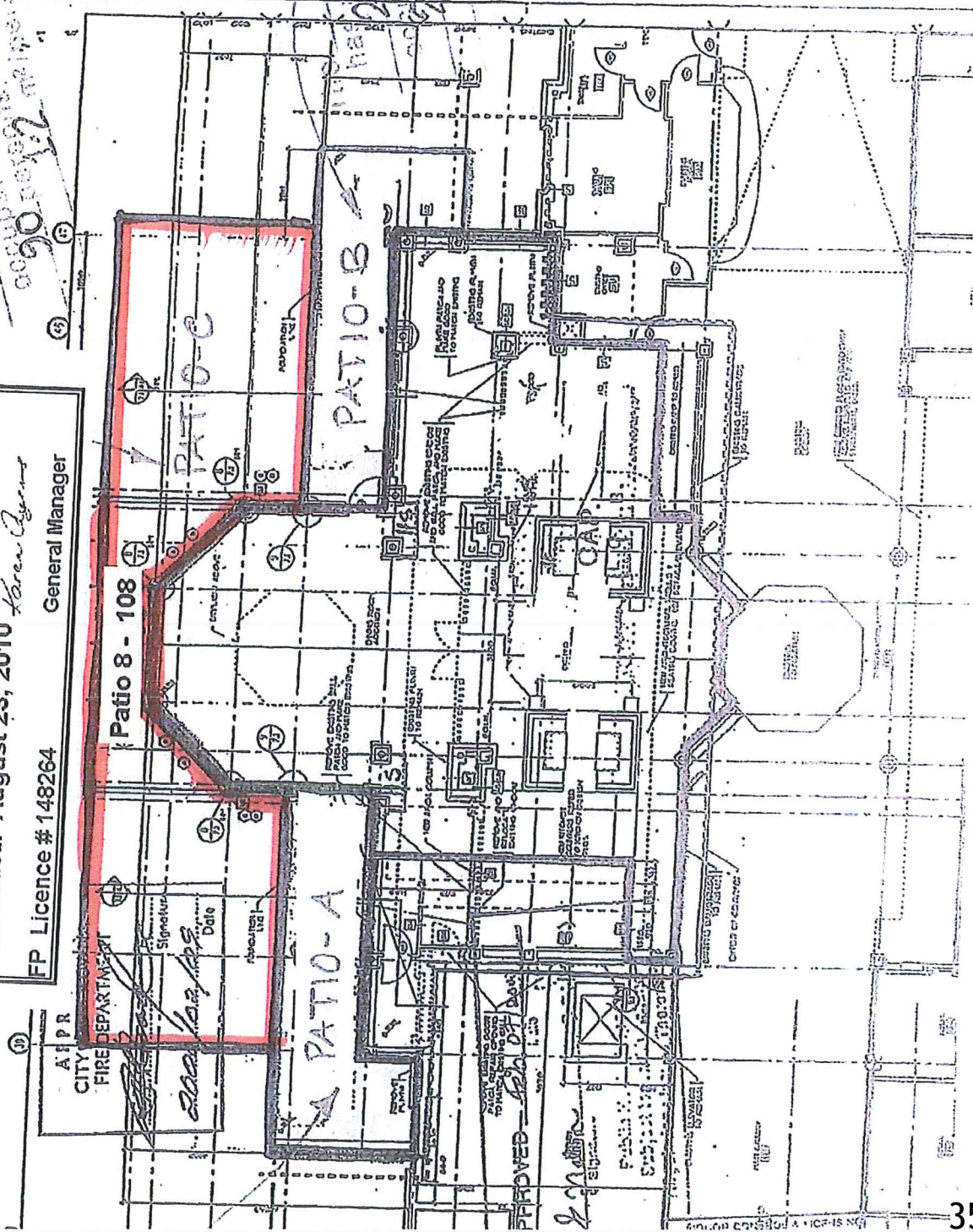
*Reviewed*  
 by City of Kelowna  
 Inspection Services  
 MAY 11/09

**LCLB OFFICIAL PLAN**  
**MUST BE KEPT WITH LIQUOR LICENCE AND**  
**AVAILABLE FOR INSPECTION AT ALL TIMES**  
 Date Issued: August 23, 2010  
 General Manager

*Reviewed*  
 by City of Kelowna  
 Inspection Services  
**Delta Grand Okanagan Resort & Conference Centre - Grand Bay Cafe**  
 MAY 11/09

**PATIO-C**  
 net floor area of  
 The maximum  
 shall be  
 based on  
 person.

**LIQUOR CONTROL AND LICENSING BY**  
**APPROVED, IN PRINCIPLE J# 78570**  
 Subject to the terms and/or conditions specified in it  
 in principle letter(s) dated: *Aug 23/09*  
 Authority: *[Signature]*  
 Maximum Person Capacity: *Patio 8*



**PATIO-B**  
 net floor area of  
 The maximum  
 shall be  
 based on  
 person.

*Reviewed*  
 by City of Kelowna  
 Inspection Services  
 MAY 11/09

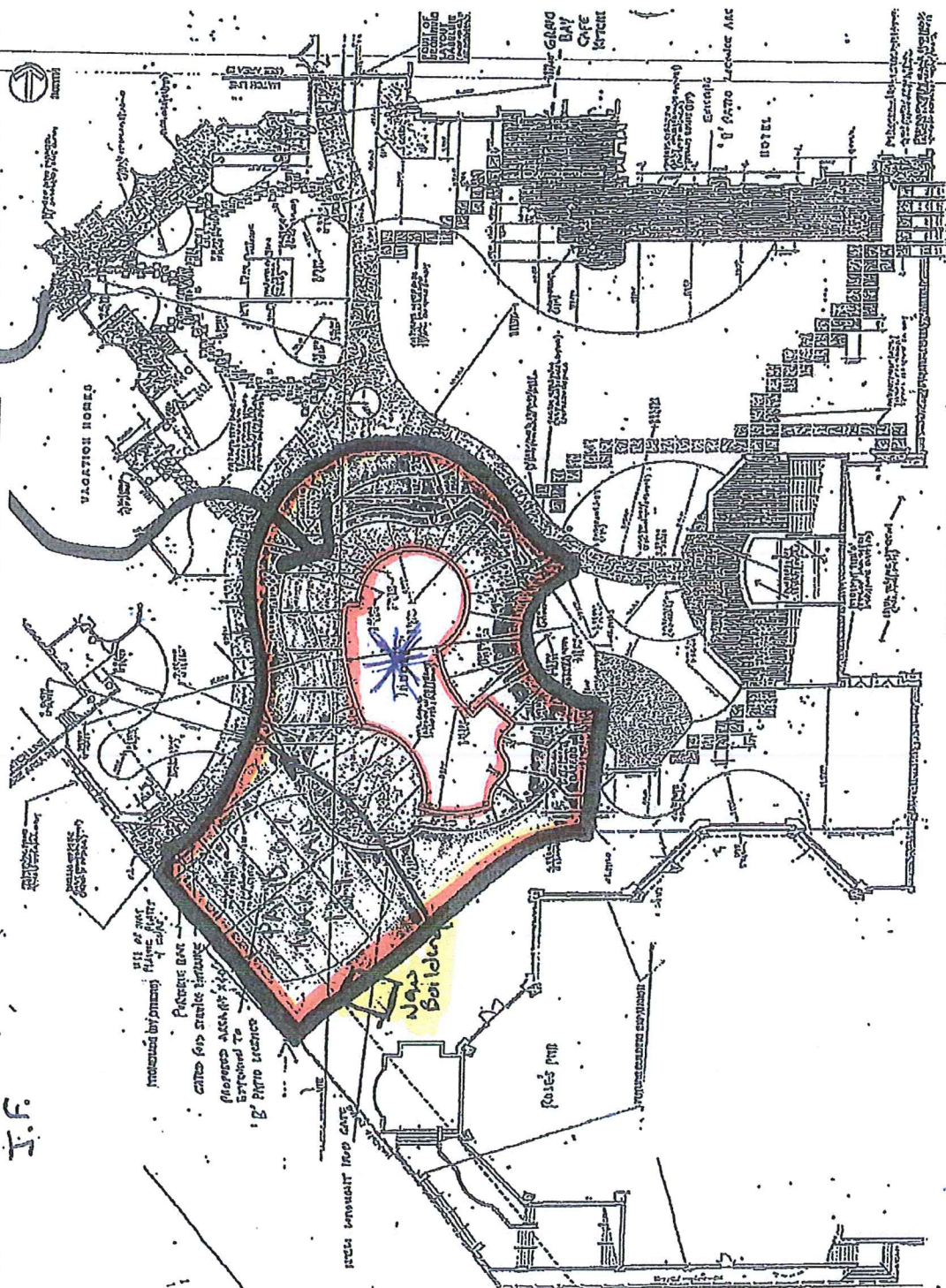
LIQUOR CONT  
 MAY 1  
 PM VICT

Delta Grand Okanagan Resort & Conference Centre - Grand Bay Cafe Kelowna, BC

**Reviewed**  
by City of Kelowna  
Inspection Services  
June 25/13  
I.F.

LCLB OFFICIAL PLAN  
MUST BE KEPT WITH LIQUOR LICENSE AND AVAILABLE FOR INSPECTION AT ALL TIMES  
Date issued: July 8, 2013  
Karan Agnew  
General Manager  
FP Licence #: 148264

The Patio Around Pool has a net floor area of 174 m<sup>2</sup>. The maximum occupant load shall be 145 persons, based on 1.2 m<sup>2</sup>/person.



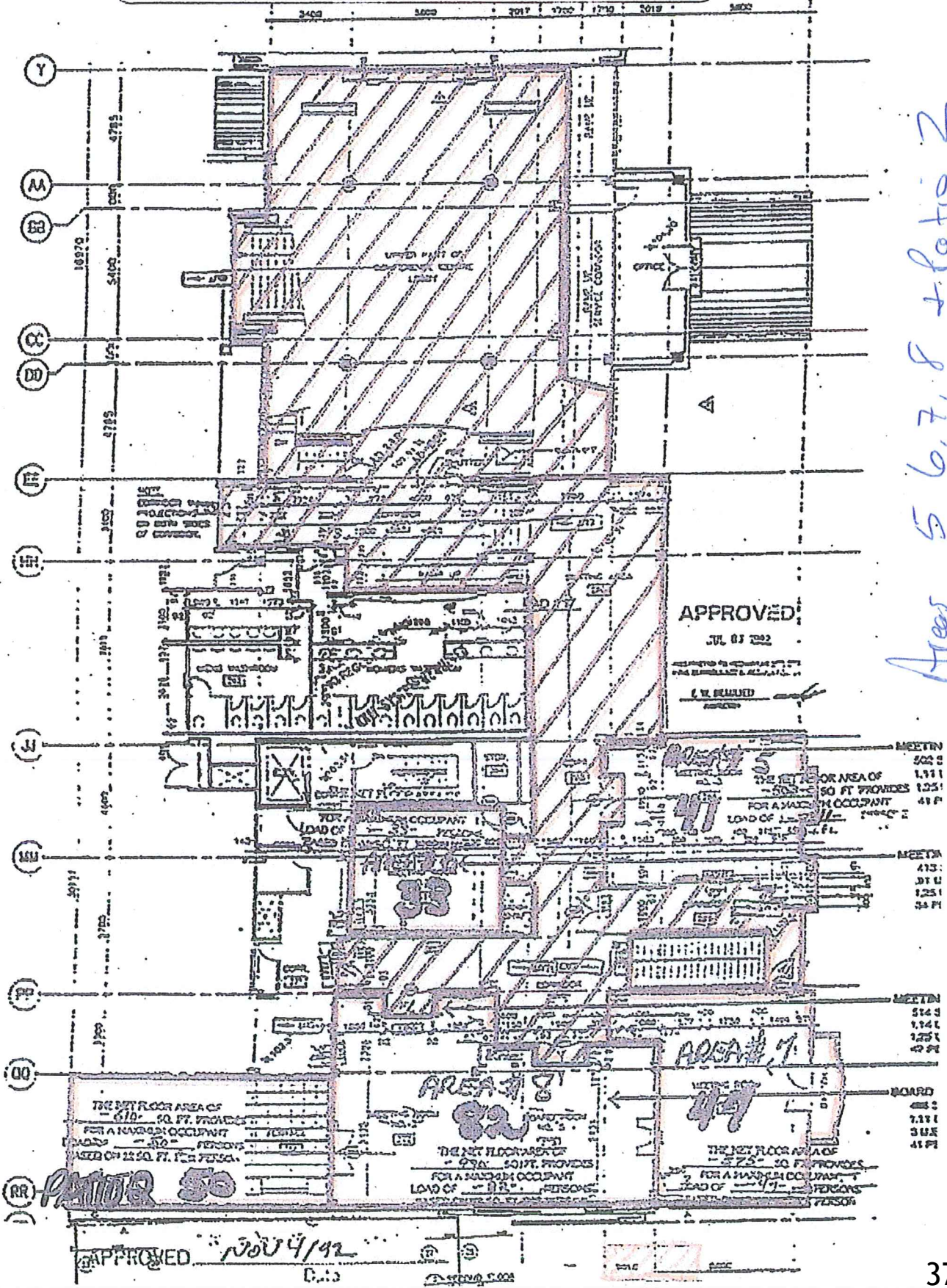
\* Pool and hot-tub are unlicensed \*

Job # 785704-60  
LIQUOR CONTROL AND LICENSING BRANCH  
APPROVED, IN PRINCIPLE  
Subject to the terms and/or conditions specified in the approval.  
in principle letter(s) dated: June 26, 2013  
Authority: [Signature]  
Ratio 07 = 145 persons  
Maximum Person Capacity

MUST BE KEPT WITH LIQUOR LICENCE AND  
 AVAILABLE FOR INSPECTION AT ALL TIMES  
 Date Issued: March 4, 2009 *Karen Ayers*  
 Licence #: 148683 General Manager

36

Delta Grand Okanagan Resort &  
 Conference Centre - Grand Bay Cafe  
 Kelowna, BC



Areas 5, 6, 7, 8 + patio 2

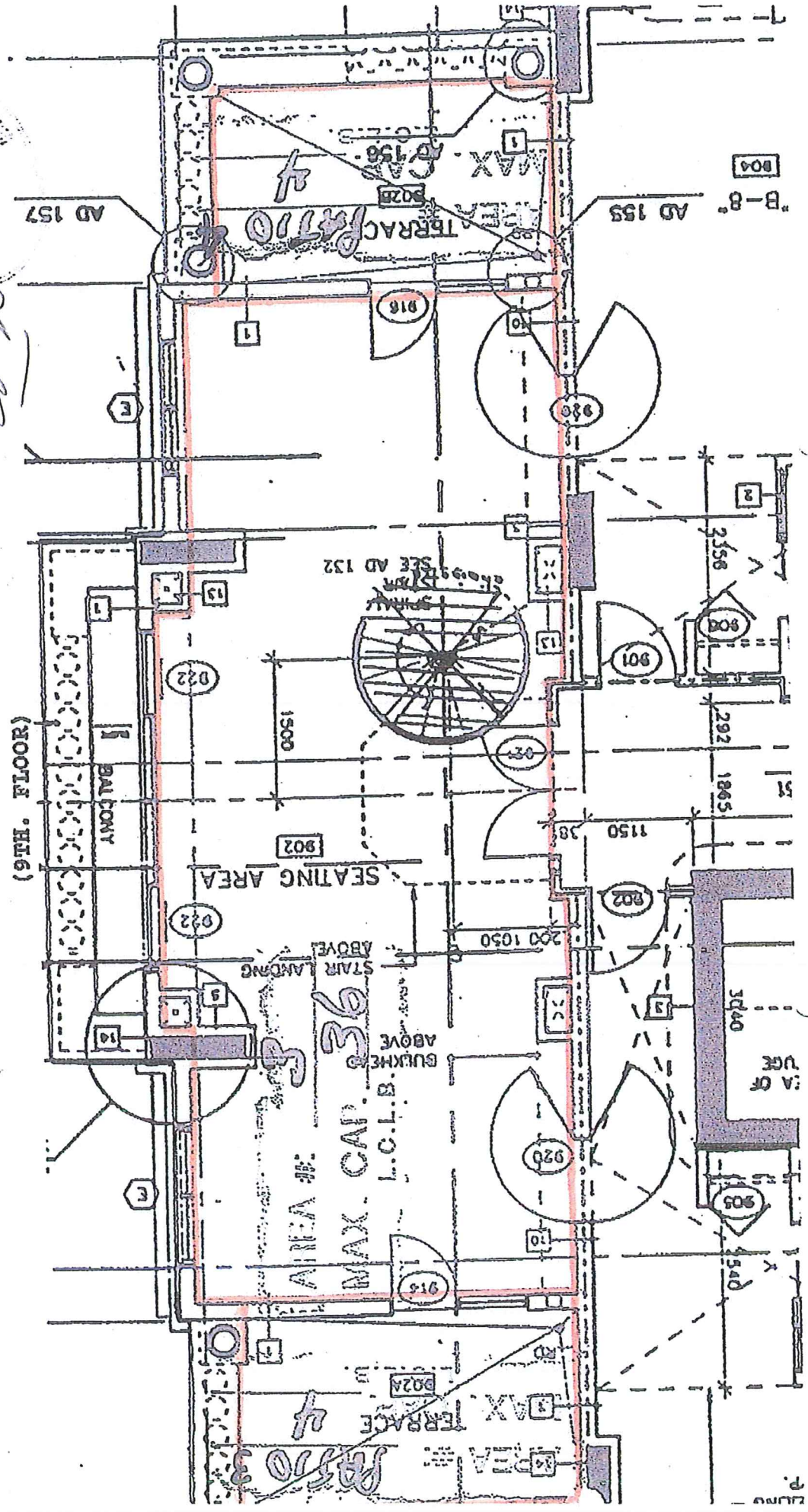
APPROVED NOV 4/92





*Club  
Floor  
George*

LCLB OFFICIAL PLAN 3 of 8  
MUST BE KEPT WITH LIQUOR LICENCE AND  
AVAILABLE FOR INSPECTION AT ALL TIMES  
Date Issued: March 4, 2009 *Karen Agnew*  
Licence #: 148683 General Manager



Delta Grand Okanagan Resort &  
Conference Centre - Grand Bay C  
Kelowna, BC

*Area 3, Radio 3 & 4.*

APPROVED: *2009/03/04*  
Liquor Licence Commission BC  
Liquor Licence No. 148683

Delta Grand Okanagan Resort & Conference Centre - Grand Bay Cafe Kelowna, BC

The UPPER TERRACE has a net floor area of 160 m<sup>2</sup>. The maximum occupant load shall be 133 persons, based on 1.2 m<sup>2</sup>/person.

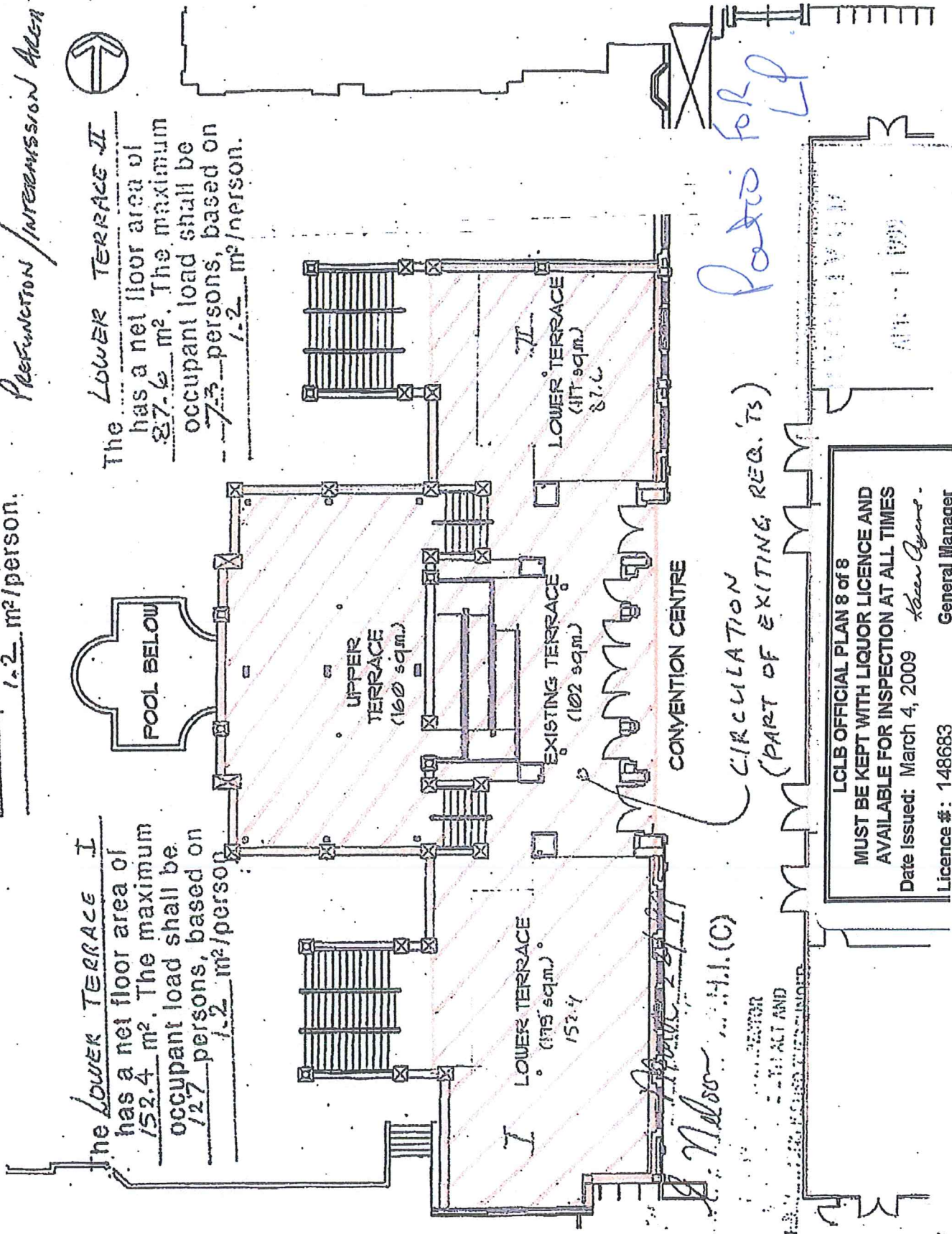
DESIGNATES

Pre-function / Transmission Area



The LOWER TERRACE II has a net floor area of 87.6 m<sup>2</sup>. The maximum occupant load shall be 73 persons, based on 1.2 m<sup>2</sup>/person.

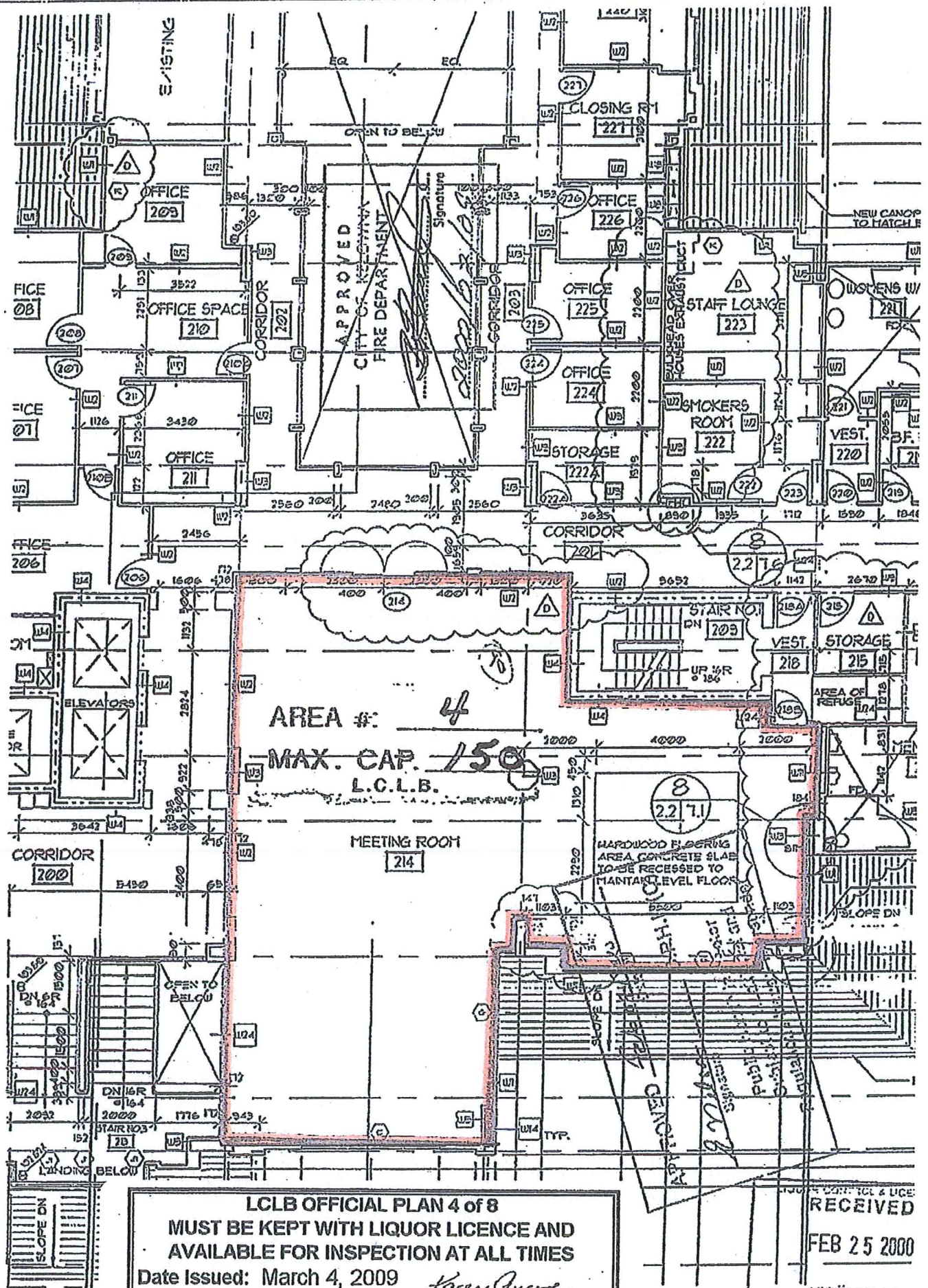
The LOWER TERRACE I has a net floor area of 152.4 m<sup>2</sup>. The maximum occupant load shall be 127 persons, based on 1.2 m<sup>2</sup>/person.



LCLB OFFICIAL PLAN 8 of 8  
MUST BE KEPT WITH LIQUOR LICENCE AND AVAILABLE FOR INSPECTION AT ALL TIMES  
Date Issued: March 4, 2009  
Licence #: 148683  
General Manager

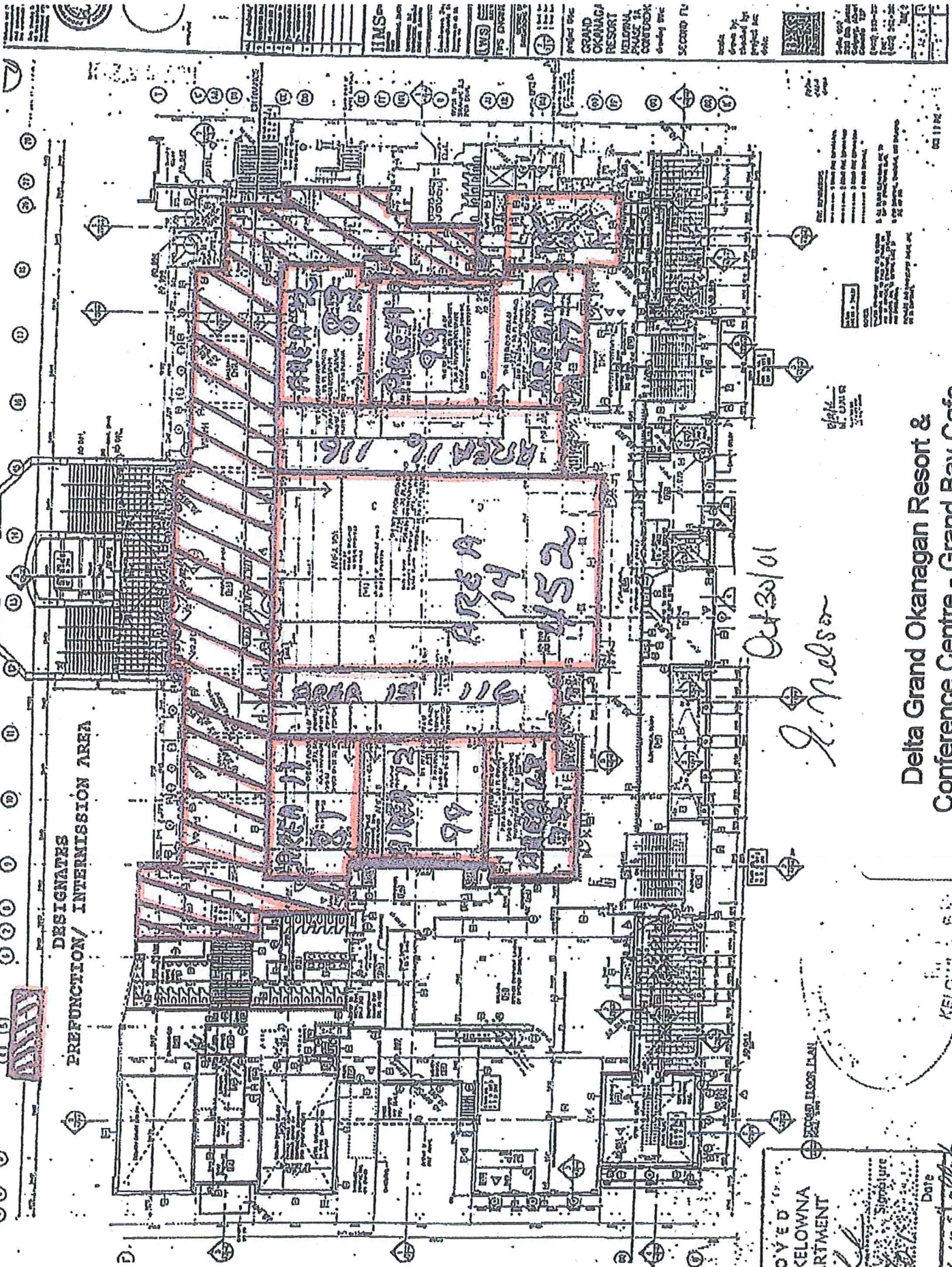
Project: THE GRAND OKANAGAN RESORT POOL / CONFERENCE CENTRE  
Drawing Name: TERRACE PLAN

Conference Centre - Grand Bay Cafe  
Kelowna, BC



LCLB OFFICIAL PLAN 4 of 8  
MUST BE KEPT WITH LIQUOR LICENCE AND  
AVAILABLE FOR INSPECTION AT ALL TIMES  
Date Issued: March 4, 2009 *Karen Ayers*  
Licence #: 148683 General Manager

RECEIVED  
FEB 25 2000  
VICTORIA BC



Delta Grand Okanagan Resort &  
 Conference Centre - Grand Bay Cafe  
 Kelowna, BC

*Res 2,9,10,11,12,13,14*

*Oct 30/01*

*G. Nelson*

Date Issued: March 4, 2009  
 Licence #: 148683  
 General Manager  
*Karen Ogden*

APPROVED  
 CITY OF KELOWNA  
 FIRE DEPARTMENT  
*[Signature]*  
 Signature  
 Date  
*inst to install*  
*Exit sign*



# Liquor Primary Licence #148683

Expires on September 30, 2015

Establishment Name: **Delta Grand Okanagan Resort & Conference Centre**  
Licence Name: **Vines Lounge**  
Location Address: **1310 Water Street**  
**KELOWNA, BC V1Y 9P3**  
Issued to: **Delta Hotels No. 48 Limited Partnership**  
Resident Manager: **Bibby, Daniel Patrick**

## TERMS AND CONDITIONS

### HOURS OF SALE

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

### CAPACITY

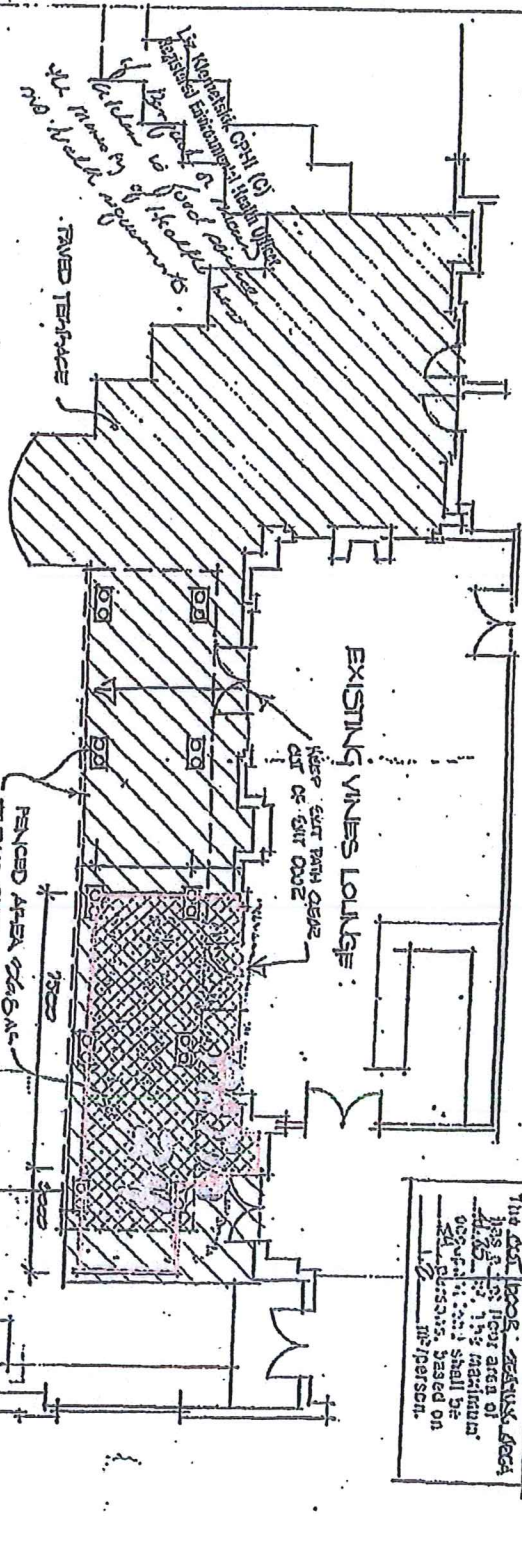
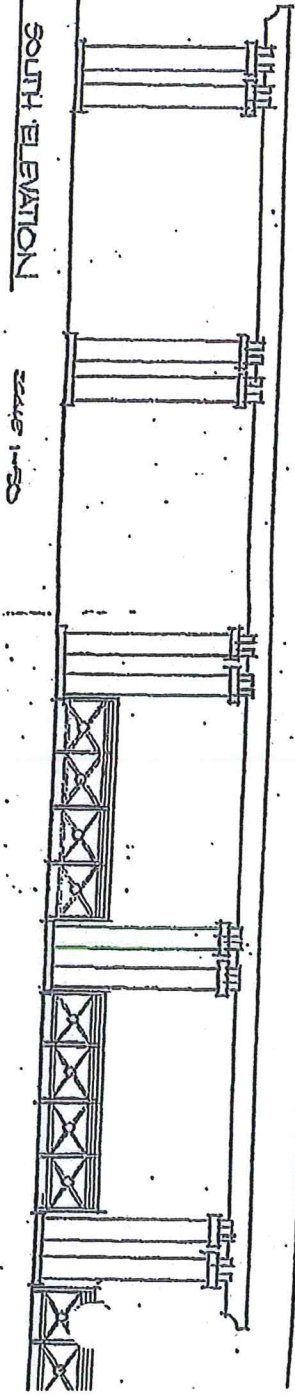
Patio1	24	Patron01	93		
--------	----	----------	----	--	--

- The terms and conditions to which this licence is subject include the terms and conditions contained in the publication 'A Guide for Liquor Licensees in British Columbia' as that publication is amended from time to time.
- Liquor may only be sold, served and consumed within the areas outlined in red on the official plan, unless otherwise endorsed or approved by the LCLB.
- Subject to terms and conditions specified in the restriction or approval letter(s). A copy of restriction or approval letter(s) to be kept with current liquor licence.
- Patio extension permitted as outlined in red on the official plan. Patio capacity must be taken from the inside capacity when patio is in use.

September 11, 2014



Delta Grand Okanagan Resort &  
 Conference Centre - Vines Lounge  
 Kelowna, BC



THE GRAND  
 PLAN VINES  
 SCALE 1:50 AS

VACANT

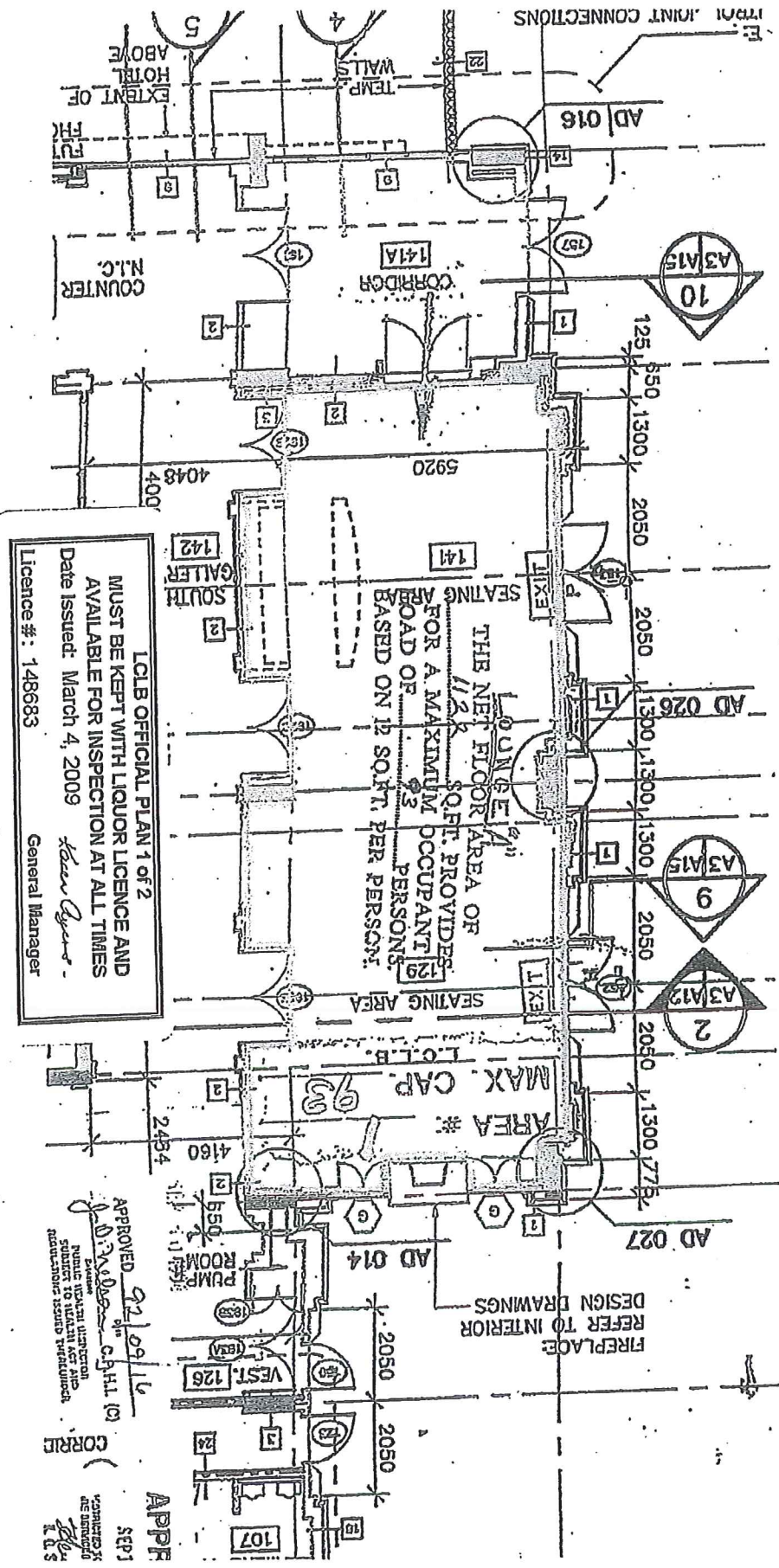
**LCLB OFFICIAL PLAN 2 of 2**  
**MUST BE KEPT WITH LIQUOR LICENCE AND**  
**AVAILABLE FOR INSPECTION AT ALL TIMES**  
 Date Issued: March 4, 2009  
*Karen Green*  
 General Manager  
 Licence #: 148683

The OUT ROOM - SEATING AREA  
 11.5 x 11.5 m floor area of  
 130.6 sq. m. The maximum  
 occupancy shall be  
 24 persons, based on  
 5.44 sq. m. per person.



Delta Grand Okanagan Resort &  
 Conference Centre - Vines Lounge  
 Kelowna, BC

*Vines Lounge*



LCLB OFFICIAL PLAN 1 of 2  
 MUST BE KEPT WITH LIQUOR LICENCE AND  
 AVAILABLE FOR INSPECTION AT ALL TIMES  
 Date Issued: March 4, 2009  
 Licence #: 148683  
 General Manager



# Application for a Permanent Change to a Liquor Licence

All Licence Types

Liquor Control and Licensing Form LCLB005b

### FILLING OUT THIS FORM:

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

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

### Application Contact Information

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

Name:  Phone number:

Fax number:  E-mail address:

### Licensee Information

Licensee name [as shown on licence]:

Establishment name [as shown on licence]:

Establishment Location address [as shown on licence]:

(as shown on licence): Street City Province Postal Code

Mailing address:

(All correspondence will go to this address) Street City Province Postal Code

Business Tel with area code:  Business Fax with area code:

Business e-mail:

Contact Name:  Title/Position:

last / first / middle

### Type of Change Requested

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

Type of change requested	Licence numbers affected MANDATORY	Job Number Office Use ONLY
<input type="checkbox"/> 1. Establishment/business or licence name change (p.2)	<input type="text"/>	(C2-LIC) (sub)
<input type="checkbox"/> 2. Food-primary entertainment endorsement (p.2)	<input type="text"/>	(C2-LIC) (sub)
<input type="checkbox"/> 3. Request for change in terms and conditions (p.2)	<input type="text"/>	(C3-LIC) (sub)
<input type="checkbox"/> 4. Live theatres requesting liquor service (p. 2)	<input type="text"/>	(C3-LIC) (sub)
<input type="checkbox"/> 5. Request for tied house restrictions exemption (p. 3)	<input type="text"/>	(C3-LIC) (sub)
<input checked="" type="checkbox"/> 6. Change to hours of sale (p.3)	<input type="text" value="LP148683"/>	(C3-LIC) (sub)
<input type="checkbox"/> 7. Catering endorsement (p.4)	<input type="text"/>	(C3-LIC) (sub)
<input type="checkbox"/> 8. Temporary off-site sale endorsement (p.4)	<input type="text"/>	(C2-LIC) (sub)

### Applying for other permanent changes to your licence?

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



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

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

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

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

Establishment or business name change:

Current establishment or business name as shown on licence:

Proposed name:

Licence name changes:

Licence #:  Current licence name:

Proposed licence name:

Licence #:  Current licence name:

Proposed licence name:

Attach the following:

Sketch or picture of the proposed establishment or business signage.

Also complete Parts 9 and 10

**PART 2. Entertainment Endorsement (Food Primary licenses only)** C2 - LIC

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

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

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

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

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

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

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

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

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

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

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

Also complete Parts 9 and 10

**PART 3. Request of Change in Terms and Conditions** C3 - LIC

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

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

Attach:

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

Also complete Parts 9 and 10

**PART 4. Live theatres requesting liquor service in conjunction with films/broadcasts** C3 - LIC Fee: \$330

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

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

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

Also complete Parts 9 and 10

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

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

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

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

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

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

**Also complete Parts 9 and 10**

**PART 6. Change to Hours of Sale** C3 - LIC

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

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

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

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

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

**A) Food Primary**

(i) Request to change hours of liquor sales before midnight Fee: \$220 per licence x  licences = \$   
 • complete proposed hours of sale table below

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

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

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

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

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

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

**Current Hours of Liquor Sale:**

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
<b>OPEN</b>	<input type="text" value="11 am"/>	<input type="text" value="11 am"/>	<input type="text" value="11 am"/>	<input type="text" value="11 am"/>	<input type="text" value="11 am"/>	<input type="text" value="11 am"/>	<input type="text" value="11 am"/>
<b>CLOSED</b>	<input type="text" value="1 am"/>	<input type="text" value="1 am"/>	<input type="text" value="1 am"/>	<input type="text" value="1 am"/>	<input type="text" value="1 am"/>	<input type="text" value="1 am"/>	<input type="text" value="12 am"/>

**Proposed Hours of Liquor Sale:**

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
<b>OPEN</b>	<input type="text" value="9 am"/>	<input type="text" value="9 am"/>	<input type="text" value="9 am"/>	<input type="text" value="9 am"/>	<input type="text" value="9 am"/>	<input type="text" value="9 am"/>	<input type="text" value="9 am"/>
<b>CLOSED</b>	<input type="text" value="2 am"/>	<input type="text" value="2 am"/>	<input type="text" value="2 am"/>	<input type="text" value="2 am"/>	<input type="text" value="2 am"/>	<input type="text" value="2 am"/>	<input type="text" value="2 am"/>

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

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

**Also complete Parts 9 and 10**

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

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

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

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

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

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

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

*Also complete Parts 9 and 10*

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

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

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

**No Fee**

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

*Also complete Parts 9 and 10*

**PART 9: Declaration**

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

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

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

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

Name of Official: Giblin, Stephen J.  
(last / first / middle)

Position: Director Date: 27 01 2016  
(Day/Month/Year)

Signature: [Handwritten Signature]

Name of Official: \_\_\_\_\_  
(last / first / middle)

Position: \_\_\_\_\_ Date: \_\_\_\_\_  
(Day/Month/Year)

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

Name of Official: \_\_\_\_\_  
(last / first / middle)

Position: \_\_\_\_\_ Date: \_\_\_\_\_  
(Day/Month/Year)

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

Name of Official: \_\_\_\_\_  
(last / first / middle)

Position: \_\_\_\_\_ Date: \_\_\_\_\_  
(Day/Month/Year)

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

**PART 10: Application Fees**

TOTAL FEE Submitted: \$ \_\_\_\_\_

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

Payment is by (check  one):

- Cheque, payable to Minister of Finance (if cheque is returned as non-sufficient funds, a \$30 fee will be charged)
- Money order, payable to Minister of Finance
- Credit card:  VISA  MasterCard  AMEX
- I am submitting my application by email and I will call with my credit card information. I will call Victoria Head Office at 250-952-5787 or 1-866-209-2111 and understand that no action can proceed with my application until the application fee is paid in full
- I am submitting my application by fax or mail and have given my credit information in the space provided at the bottom of the page.

**Liquor Control and Licensing Branch**

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

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

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

LCLB005b

5 of 7

Application for Permanent Change to Liquor Licence

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

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

Credit card number: \_\_\_\_\_ Expiry date: \_\_\_\_\_ / \_\_\_\_\_  
(Month) (Year)

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

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

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

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

### Licensee responsibilities:

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

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

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

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

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

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

Local government/First Nation (name): City of Kelowna

Name of Official: Cseke / Adam Title/Position: City Planner 2  
(last / first / middle)

Date of receipt of application: 10/02/16 Phone Number: 250-469-8608  
(Day/Month/Year)

Signature of Official: Adam Cseke

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

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

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

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

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

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

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

### For the following change requests (all C2):

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

#### *The process is:*

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

### For the following change requests:

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

#### *The process is:*

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

### For the following change request:

- Part 7 Catering Endorsement (all C1)

#### *The process is:*

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

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



# Application for a Permanent Change to a Liquor Licence

## All Licence Types

Liquor Control and Licensing Form LCLB005b

### FILLING OUT THIS FORM:

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

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

### Application Contact Information

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

Name: Rising Tide Consultants

Phone number: 604-669-2928

Fax number: 604-669-2920

E-mail address: susan@risingtideconsultants.ca

### Licensee Information

Licensee name [as shown on licence]: Delta Hotels No. 48 Limited Partnership

Establishment name [as shown on licence]: Delta Grand Okanagan Resort & Conference Centre

Establishment

Location address: 1310 Water Street

Kelowna

BC

V1Y 9P3

(as shown on licence):

Street

City

Province

Postal Code

Mailing address: 1310 Water Street

Kelowna

BC

V1Y 9P3

(All correspondence will go to this address)

Street

City

Province

Postal Code

Business Tel with area code: 250-868-5671

Business Fax with area code: n/a

Business e-mail: daniel.bibby@deltahotels.com

Contact Name: Bibby, Daniel

Title/Position: General Manager/ Resident Manager

last / first / middle

### Type of Change Requested

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

Type of change requested	Licence numbers affected MANDATORY	Job Number Office Use ONLY
<input type="checkbox"/> 1. Establishment/business or licence name change (p.2)		(C2-LIC) (sub)
<input checked="" type="checkbox"/> 2. Food-primary entertainment endorsement (p.2)	FP #148264	(C2-LIC) (sub)
<input type="checkbox"/> 3. Request for change in terms and conditions (p.2)		(C3-LIC) (sub)
<input type="checkbox"/> 4. Live theatres requesting liquor service (p. 2)		(C3-LIC) (sub)
<input type="checkbox"/> 5. Request for tied house restrictions exemption (p. 3)		(C3-LIC) (sub)
<input checked="" type="checkbox"/> 6. Change to hours of sale (p.3)	FP #148264	(C3-LIC) (sub)
<input type="checkbox"/> 7. Catering endorsement (p.4)		(C3-LIC) (sub)
<input type="checkbox"/> 8. Temporary off-site sale endorsement (p.4)		(C2-LIC) (sub)

### Applying for other permanent changes to your licence?

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

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

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

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

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

**Establishment or business name change:**

Current establishment or business name as shown on licence:

Proposed name:

**Licence name changes:**

Licence #:  Current licence name:

Proposed licence name:

Licence #:  Current licence name:

Proposed licence name:

**Attach the following:**

Sketch or picture of the proposed establishment or business signage.

**Also complete Parts 9 and 10**

**PART 2. Entertainment Endorsement (Food Primary licenses only)** C2 - LIC

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

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

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

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

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

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

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

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

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

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

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

**Also complete Parts 9 and 10**

**PART 3. Request of Change in Terms and Conditions** C3 - LIC

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

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

**Attach:**

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

**Also complete Parts 9 and 10**

**PART 4. Live theatres requesting liquor service in conjunction with films/broadcasts** C3 - LIC Fee: \$330

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

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

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

**Also complete Parts 9 and 10**



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

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

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

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

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

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

*Also complete Parts 9 and 10*

**PART 6. Change to Hours of Sale** C3 - LIC

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

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

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

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

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

**A) Food Primary**

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

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

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

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

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

**Current Hours of Liquor Sale:**

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
<b>OPEN</b>	<input type="text" value="11 AM"/>	<input type="text" value="11 AM"/>	<input type="text" value="11 AM"/>	<input type="text" value="11 AM"/>	<input type="text" value="11 AM"/>	<input type="text" value="11 AM"/>	<input type="text" value="11 AM"/>
<b>CLOSED</b>	<input type="text" value="1 AM"/>	<input type="text" value="1 AM"/>	<input type="text" value="1 AM"/>	<input type="text" value="1 AM"/>	<input type="text" value="1 AM"/>	<input type="text" value="1 AM"/>	<input type="text" value="12 AM"/>

**Proposed Hours of Liquor Sale:**

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
<b>OPEN</b>	<input type="text" value="9 AM"/>	<input type="text" value="9 AM"/>	<input type="text" value="9 AM"/>	<input type="text" value="9 AM"/>	<input type="text" value="9 AM"/>	<input type="text" value="9 AM"/>	<input type="text" value="9 AM"/>
<b>CLOSED</b>	<input type="text" value="2 AM"/>	<input type="text" value="2 AM"/>	<input type="text" value="2 AM"/>	<input type="text" value="2 AM"/>	<input type="text" value="2 AM"/>	<input type="text" value="2 AM"/>	<input type="text" value="2 AM"/>

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

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

*Also complete Parts 9 and 10*

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

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

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

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

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

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

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

*Also complete Parts 9 and 10*

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

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

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

**No Fee**

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

*Also complete Parts 9 and 10*

**PART 9: Declaration**

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

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

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

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

Name of Official: Giblin, Stephen J.  
(last / first / middle)

Position: Director Date: 27 01 2016  
(Day/Month/Year)

Signature: 

Name of Official: \_\_\_\_\_  
(last / first / middle)

Position: \_\_\_\_\_ Date: \_\_\_\_\_  
(Day/Month/Year)

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

Name of Official: \_\_\_\_\_  
(last / first / middle)

Position: \_\_\_\_\_ Date: \_\_\_\_\_  
(Day/Month/Year)

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

Name of Official: \_\_\_\_\_  
(last / first / middle)

Position: \_\_\_\_\_ Date: \_\_\_\_\_  
(Day/Month/Year)

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

**PART 10: Application Fees**

TOTAL FEE Submitted: \$ \_\_\_\_\_

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

Payment is by (check  one):

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

Money order, payable to Minister of Finance

Credit card:  VISA  MasterCard  AMEX

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

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

**Liquor Control and Licensing Branch**

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

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

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

LCLB005b

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Application for Permanent Change to Liquor Licence

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

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

Credit card number: \_\_\_\_\_

Expiry date: \_\_\_\_\_ / \_\_\_\_\_

(Month)

(Year)

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

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

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

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

**Licensee responsibilities:**

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

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

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

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

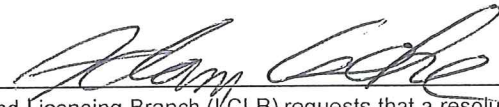
This application serves as notice from the Liquor Control and Licensing Branch (LCLB) that an application for one or more of the following changes to a liquor licence has been made within your community:

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

Local government/First Nation (name): City of Kelowna

Name of Official: Cseke / Adam (last / first / middle) Title/Position: City Planner 2

Date of receipt of application: ~~10/02/16~~ 10/02/16 (Day/Month/Year) Phone Number: 250-469-8608

Signature of Official: 

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

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

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

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

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

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

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

### For the following change requests (all C2):

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

#### *The process is:*

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

### For the following change requests:

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

#### *The process is:*

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

### For the following change request:

- Part 7 Catering Endorsement (all C1)

#### *The process is:*

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

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

# REPORT TO COUNCIL



**Date:** April 5<sup>th</sup>, 2016  
**RIM No.** 0940-40  
**To:** City Manager  
**From:** Community Planning (AC)  
**Application:** DP16-0027 & DVP16-0028      **Owner:** Watermark Developments Ltd., Inc. No. BC0642787  
**Address:** 800 Academy Way      **Applicant:** EIDOS Architecture Inc.  
**Title:** Development Permit and Development Variance Permit  
**Existing OCP Designation:** MRM - Multiple Unit Residential (Medium Density)  
**Existing Zone:** RM5 - Medium Density Multiple Housing

---

## 1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP16-0027 for Lot 1, Sections 3 & 10, Township 23, ODYD, Plan EPP45918, located on 800 Academy Way, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. Prior to issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied as described in the report's "Attachments";
5. The applicant be required to post with the City, a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP16-0028, Lot 1, Sections 3 & 10, Township 23, ODYD, Plan EPP45918, located on 800 Academy Way, Kelowna, BC.

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

### Section 8.1 - Parking Schedule

Vary the parking requirements from 316 parking stalls required to 174 parking stalls proposed.

## 2.0 Purpose

To consider a form and character Development Permit and a Development Variance Permit application for a 316 micro-unit 4 ½ storey apartment development.

## 3.0 Community Planning

### 3.1 Development Variance Permit

Staff support the proposed Development Variance Permit for a reduction to parking on-site. This is a purpose built project for students and essentially represents a dormitory style development. As with Veda Phase 1 the applicant will also be providing a car-share for the students to utilize in this development. Table 1 outlines comparable parking requirements for student dormitory style housing in the Province.

	Student Housing (# of parking stalls per dorm unit)
UBC (Regulations)	0.32
Vancouver (Regulations)	0.5
Burnaby (Regulations)	0.5
Richmond (Regulations)	0.33
SFU (Regulations)	0.33-0.5
BCIT (Regulations)	0.35
Veda Phase 1 (Project)	0.58
Veda Phase 2 (Project)	0.55

<sup>1</sup> UBC Parking Review (June 1998)

Further, the applicant has designed the site with the topography and has maximized the number of underground parking stalls and provided minimal surface parking stalls in keeping with the design guidelines. This approach has helped to protect the natural features including the two knolls on-site. This rationalized site planning with careful consideration of the natural features, slope, solar orientation, and building locations exceeds design guidelines expectations and should be replicated with other hillside developments. The previous parking variances on Academy Way are:

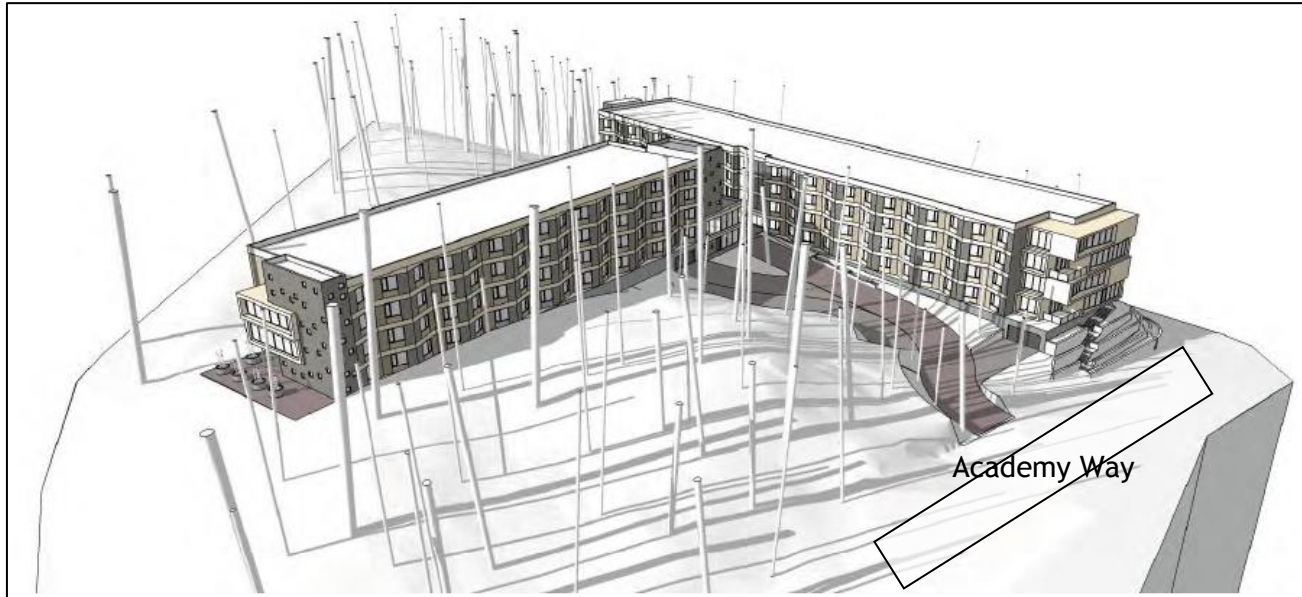
Project	Number of Units	Number of Parking Stalls per unit	Parking Variance
Academy Hill	78	1.49	0%
U1	66	1.41	7%
U2	112	1.38	7%
Veda (Micro Suites)	251	0.58	42%
U3a	63	1.10	26%
U3b	87	1.18	33%
Veda 2 (Micro suites)	316	0.55	45%

Staff supported a 42% parking variance on the applicant’s first project (Veda Phase 1).

### 3.2 Development Permit

Staff support the issuance of the proposed Development Permit and Development Variance Permit.

**Figure 1: Concept Rendering**



The overall site layout and design respects the natural contours with the building located between two naturally occurring knolls. A significant portion of outdoor amenity space is retained onsite and the project has similar yet different features from the previous project (Veda Phase 1).

The design guidelines within the OCP and the University Village Master Plan that Veda phase 2 are consistent with are:

**3.6 Plazas and courtyards<sup>1</sup>** - In keeping with the village character, plazas, and courtyards are encouraged to both private and public realms.

- The site design has prioritized outdoor amenity space and has created a plaza which is in keeping with this guideline.

**3.7 Parks, Open Space and Trails<sup>1</sup>** - A key principle of the Master Plan is to feature a relatively compact and densely populated neighbourhood that has easy and immediate access to parks, trails, and open space/natural areas. These areas and facilities will encourage outdoor recreation and exercise, hiking, cycling, nature walk, and socialization. A trail system will be integrated through the site, with connections to major open space systems and the neighbourhood park. A wildlife corridor will run through the site, with connections to major open space systems and the neighbourhood park.

**3.8 Design (Parking Structures)<sup>1</sup>** - All multiple family residential and mixed use buildings will contain understructure (beneath habitable or commercial space) in keeping with zoning

<sup>1</sup> Part 2 University Master Plan (October 2009) – Watermark



requirements. Parking structures should be screened from views/wrapped by other uses, and entrances must be located to avoid pedestrian-vehicle conflicts.

**5.5 Integration of Development with Parking, Roads, Open Space, and Trails (Parking)<sup>1</sup>** - Parking spaces for automobiles for the entire Village will be largely limited to understructure/structured facilities, with minor surface parking especially in the residential lots. Entrances/exits for one or more buildings (including shared arrangements) will be encouraged to be “hidden” on sides or rear of buildings and especially away from plazas or courtyards where pedestrian movement prevails. Various design applications should attempt to minimize impact of any surface parking where it is required, including breaking up the mass into smaller lots, heavy landscaping/naturalization, buffering, stepping smaller lots, and metered or posted to allow turn-over of users.

- The project has designed the majority of the parking underground (94%) with surface parking for designated for visitors and drop-offs. Further, the development has been designed with the topography maximizing the outdoor amenity features. These features meet and exceed the design guidelines.

**4.3 Sustainability and University Village (Site Landscaping)<sup>1</sup>** - Use native plants on a substantial part of the site and use no invasive plants on any part of the site. Design around the existing Ponderosa Pine forest (with components of Douglas Fir and Spruce).

- The portions of the site requiring a more intensively landscaped finish are minimized, using a mass planting style of indigenous and drought tolerant plant choices that are evocative of the natural context. Trail connections are provided on site and a landscaped area is provided towards the central plaza and entrance. Details can be read in the applicant’s rationale.

### 3.3 Public Notification

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbour consultation by individually contacting the neighbours. No major issues were identified during the initial consultation with neighbouring parcels.

## 4.0 Proposal

### 4.1 Project Description

The residences are divided into two four storey rectangular buildings connected by a common, below grade parkade. Building ‘C’ aligned along the northern property line, will house 188 single occupancy ‘micro’ units. Building ‘D’, located mid-site perpendicular to Building ‘C’, will house 128 units, the operations offices, and amenity centre. Approaching the site from the north, Building ‘C’ presents a cantilevered solid and glass form that hosts six of the project’s study rooms along with two levels of roof top decks. The main entrance is located at the centre of the site and has an extensively glazed two-storey common amenity space. This amenity space includes a Club Lounge, Games Room, Fitness Centre and Study Rooms

A methodical articulated rhythm is presented in the façades of both buildings. The solid surfaces consist of fiber cement siding in a wood tone that contrast with the earth tone fiber cement panels. The materials chosen will provide a low maintenance cladding and is consistent with the wildfire covenant registered on title.

### 4.2 Site Context

The Veda 2 development project is located on the north slope adjacent to Academy Way. The property has a Future Land Use designation of MRM - Multiple Unit Residential (Medium Density) in the Official Community Plan and is within the Permanent Growth Boundary.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
East	C3 - Neighbourhood Commercial RM5 - Medium Density Multiple Housing	Vacant Vacant - Multi-family application
North	RM5 - Medium Density Multiple Housing	Micro-suite Apartments
South	A1 - Agricultural	Vacant - single family subdivision application
West	P2 - Education and Minor Institutional A1 - Agricultural	Vacant - micro suite application Vacant

Subject Property Map: 800 Academy Way



#### 4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM5 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Site Coverage (buildings)	40 %	24 %
Site Coverage (buildings, driveways, and parking)	65 %	31 %
FAR	1.2	0.62
Height	18.0 m and 4 ½ storeys	15.2 m and 4 storeys
Front Yard (east)	6.0 m	6.0 m
Side Yard (north)	7.0 m	7.0 m

Side Yard (south)	7.0 m	7.0 m
Rear Yard (west)	9.0 m	>9.0 m
<b>Other Regulations</b>		
Private Open Space	2,370 m <sup>2</sup>	2,378 m <sup>2</sup>
Parking Stalls	316	174 ●
Bicycle Spaces	158 Class 1 spaces 32 Class 2 spaces	158 Class 1 spaces 32 Class 2 spaces
● Indicates a requested variance to reduce the minimum number of parking stalls by 45%.		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Compact Urban Form.**<sup>2</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.

**Sensitive Infill.**<sup>3</sup> Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

**Parking Relaxations.**<sup>4</sup> Consider parking requirement relaxations, in areas that are not part of a cash-in-lieu program, where an approved TDM strategy indicates a lower use of vehicles and the City is satisfied that parking relaxations would not create parking spill-over problems on adjoining neighbourhood streets. Parking relaxations will not be considered in hillside areas (as defined on Map 4.1 - Future Land Use).

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
- Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
  - Spatial calculations required to support the amount of glazing between Building D and C or an alternative solution accepted by the Chief Building Inspector in lieu prior to the release of the DP
  - Fire prevention department to provide comment of access to the building
  - Hard surfaced paths leading from the egress stairwells to be clearly defined as part of the DP
  - Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

<sup>3</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

<sup>4</sup> City of Kelowna Official Community Plan, Policy 5.11.1 (Development Process Chapter).

- Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.
- Mechanical Ventilation inlet and exhausts vents are not clearly defined in these drawings for the enclosed parking stories. The location and noise from these units should be addressed at time of Development Permit.
- A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application.
- Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s). The drawings submitted for building permit is to clearly identify how this rating will be achieved and where these area(s) are located.
- An exit analysis is required as part of the code analysis at time of building permit application. The exit analysis is to address travel distances within the units, number of required exits per area
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

## 6.2 Fire Department

- Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required. Template available online at Kelowna.ca
- Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900. Should another hydrant be required on this property it shall be deemed private and shall be operational at the start of construction.
- Fire department connection is to be within 45M of a fire hydrant and the FD connection shall be clearly marked and visible from the street.
- Sprinkler drawings are to be submitted to the Fire Dept. for review when available.
- Sprinkler isolation valves shall be no higher than 7 feet from the ground so as to be accessible.
- A fire safety plan as per section 2.8 BCFC is required at occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD.
- Fire Department access is to be met as per BCBC 3.2.5. -
- Approved Fire Department steel lock box or key tube acceptable to the fire dept. is required by the fire dept. entrance.
- All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met.
- Fire alarm system is to be monitored by an agency meeting the CAN/ULC S561 Standard.
- Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- A visible address must be posted on Academy Way as per City of Kelowna By-Laws
- Dumpster/refuse container must be 3 meters from structures and overhangs or if in the parking garage, it shall be in a rated room.
- Do not issue BP unless all life safety issues are confirmed

## 6.3 Development Engineering Department

- See attached memorandum.

## 7.0 Application Chronology

Date of Application Received: December 17<sup>th</sup>, 2015  
 Date of Public Consultation: February 19<sup>th</sup>, 2016

**Report prepared by:**

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Adam Cseke, Planner

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

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

**Attachments:**

Development Engineering Memorandum

Applicant Rationale

Draft Development Permit / Development Variance Permit

- Schedule 'A'
  - Site Plan
  - Floor Plan
- Schedule 'B'
  - Elevations
- Schedule 'C'
  - Landscape Plan

# DEVELOPMENT PERMIT



## APPROVED ISSUANCE OF DEVELOPMENT PERMIT

**File Number** DP16-0027 & DVP16-0028  
**Issued To:** Eidos Architecture Inc.  
**Site Address:** 800 Academy Way  
**Legal Description:** Lot 1, Section 3 & 10, Township 23, ODYD, Plan EPP45918  
**Zoning Classification:** RM5 - Multiple Unit Residential (Medium Density)  
**Development Permit Area:** Comprehensive Development Permit Area

### SCOPE OF APPROVAL

This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.

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

### 1. TERMS AND CONDITIONS

THAT Development Permit No. DP16-0027 & DVP16-0028 for Lot 1, Section 3 & 10, Township 23, ODYD, Plan EPP45918, located at 800 Academy Way, Kelowna, BC to allow the construction of a single storey commercial building to be approved subject to the following:

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

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

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

Section 8.1 - Parking Schedule

Vary the parking requirements from 316 parking stalls required to 174 parking stalls proposed.

## 2. PERFORMANCE SECURITY

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

- a) Cash in the amount of \$ 99,397.50 OR
- b) A Certified Cheque in the amount of \$ 99,397.50 OR
- c) An Irrevocable Letter of Credit in the amount of \$ 99,397.50 .

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

## 3. DEVELOPMENT

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

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

**This Permit IS NOT a Building Permit.**

## 4. APPLICANT'S AGREEMENT

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

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

I further covenant and agree that should I be granted a Development Permit and/or Development Variance Permit, the Municipality may withhold the granting of any Occupancy Permit for the occupancy and / or use of any building or part thereof constructed upon the hereinbefore referred to land until all of

the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Divisional Director of Community Planning & Real Estate.

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

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

\_\_\_\_\_  
Signature of Owner / Authorized Agent                                      Date

\_\_\_\_\_  
Print Name in Bold Letters                                      Telephone No.

**5. APPROVALS**

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

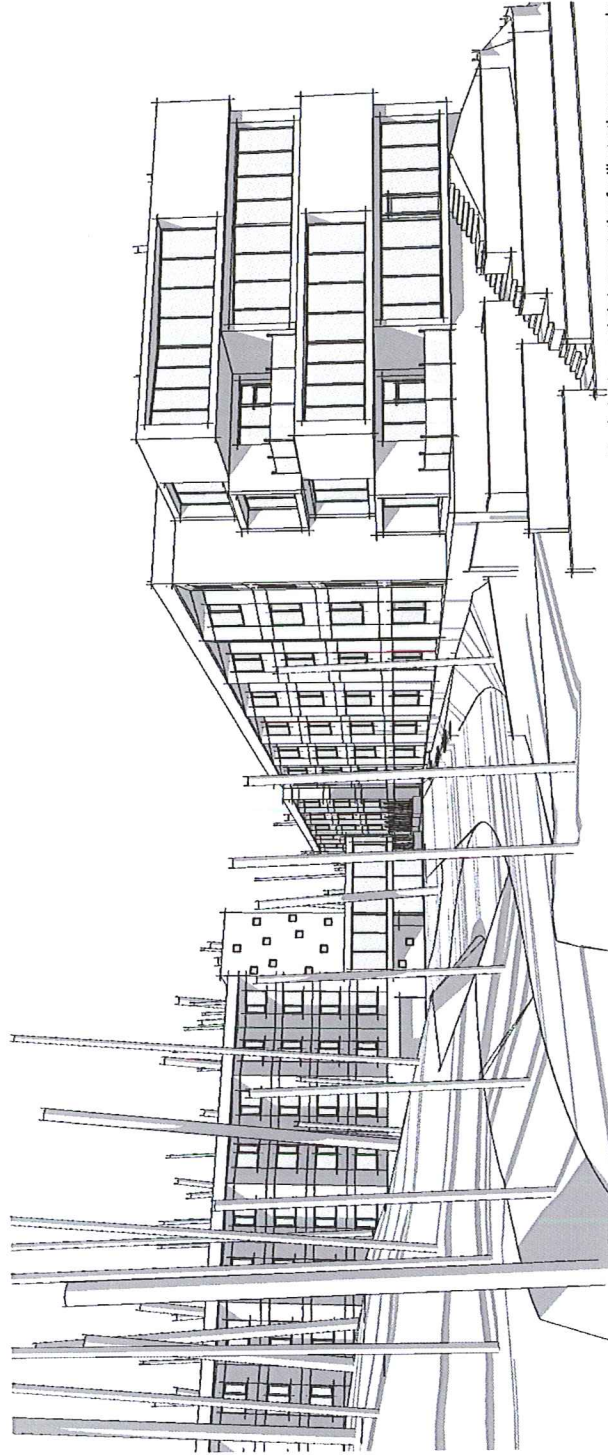
\_\_\_\_\_  
Ryan Smith, Community Planning Department Manager                                      Date  
Community Planning & Real Estate

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



Development Permit Application  
Planning Rationale & Urban Design Brief

**800 Academy Way Residences - University South Village**  
Kelowna, British Columbia  
January 15, 2016



Rendering is an artistic interpretation for illustrative purposes only.

SCHEDULE A/B  
This forms part of development  
Permit # DP16-0027

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SCHEDULE A  
This forms part of development  
Permit # DP16-0027

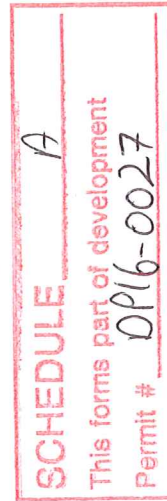
## 800 Academy Way - Development Permit Application

Kelowna, British Columbia,  
January 16, 2016

### 1.0 Character & Image:

Traditionally, the student residence has served to isolate students from the surrounding community. This has limited a student's personal interactions and experiences to within the boundaries of the campus. Suburban campuses particularly can afford the space so there has been little reason for them to do otherwise. In order to remain relevant, student residences must be willing to adapt. The recent increase in the number of emerging community-University partnerships has resulted in the necessity for exactly that: the reconsideration and adaptation of student residences within their adopted communities. The extension of a progressive university culture beyond the campus boundary can benefit the school, the community, and the students equally.

In harmony with the aspirations of post-secondary student life, the design for this privately owned and operated student housing project endeavours to facilitate study, socializing and solidarity. The units are democratically designed but the placement of the units in each building allows for individual degrees of preference for study versus socialization. The unique articulated form of the exterior facade highlights a clean functional design with a modern aesthetic appealing to young adults.



# 800 Academy Way - Development Permit Application

Kelowna, British Columbia, January 16, 2016

## 1.1 Preliminary Development Information

PROJECT: 800 Academy Way  
 CLIENT: Beaumont Timber Company  
 PROJECT NO.: 15-005  
 LEGAL ADDRESS: 800 Academy Way  
 CURRENT ADDRESS: Lot 1, Section 3/10, Township 23, ODYD, Plan EPP45918  
 RM-5  
 PROPOSED USE: Single Occupant Rental Student Housing (29m2 per unit)  
 ISSUED FOR: Development Permit

### SUMMARY (ZONING ANALYSIS TABLE)

Site Area:	Minimum		Proposed	
	(acres)	(ft2)	(acres)	(ft2)
	0.345	15,069.5 +/-	3.586 +/-	14,512 +/-

Site Width:	Minimum		Proposed	
	(m)	(ft)	(m)	(ft)
	30	98.4 +/-	138.3 +/-	453.6 +/-

Site Depth:	Minimum		Proposed	
	(m)	(ft)	(m)	(ft)
	35	114.8 +/-	134.8 +/-	442.0 +/-

### Site Coverage (area):

Buildings	Minimum		Proposed	
	(m2)	(ft2)	(m2)	(ft2)
	5,804.8	62,482.3 +/-	3,499.0 +/-	37,665.0 +/-
Buildings, Driveways, Parking	9,432.8	101,533.8 +/-	4,431.0 +/-	47,691.0 +/-

### Site Coverage (percentage):

Buildings	Minimum		Proposed	
	(%)	(%)	(%)	(%)
	40%	40%	24%	24%
Buildings, Driveways, Parking	65%	65%	24%	31%

### DEVELOPMENT INFORMATION

Level	Type	Building A		Building B		Total
		Units	Gross (m2)	Units	Gross (m2)	
1	Micro Unit +/-	47	1,856 +/-	32	1,335 +/-	79
2	Micro Unit +/-	47	1,856 +/-	32	1,335 +/-	79
3	Micro Unit +/-	47	1,856 +/-	32	1,335 +/-	79
4	Micro Unit +/-	47	1,856 +/-	32	1,335 +/-	79
Total		188	7,424 +/-	128	5,340 +/-	316

### Floor Area:

Level	Units (ft2)		Circ/Service (ft2)		Gross (ft2)		Net (ft2)*	
	Required	Proposed	Required	Proposed	Required	Proposed	Required	Proposed
P1	188	188	19,977	19,977	19,977	19,977	0	0
1	14,365	14,365	3,735	3,735	18,265	18,265	1,335	1,335
2	14,365	14,365	3,735	3,735	18,420	18,420	1,335	1,335
3	14,365	14,365	3,735	3,735	18,265	18,265	1,335	1,335
4	14,365	14,365	3,735	3,735	18,420	18,420	1,335	1,335
Subtotal	57,460	57,460	34,917	34,917	93,347	93,347	5,340	5,340



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Building D Level	Units (ft2)	Amenity (ft2)	Circ/Service (ft2)	Gross (m2)	Gross (ft2)	Net (m2)*	Net (ft2)*
P1	188	19,977	19,977	1,644	17,700 +/-	0	0
P2	188	19,977	19,977	1,503	16,175 +/-	0	0
1	14,365	2,025 +/-	2,670 +/-	1,322	14,235 +/-	909 +/-	9,780
2	14,365	1,785 +/-	2,975 +/-	1,202	12,940 +/-	909 +/-	9,780
3	14,365	185 +/-	2,680 +/-	1,175 +/-	12,645 +/-	909 +/-	9,780
4	14,365	185 +/-	2,680 +/-	1,158 +/-	12,460 +/-	909 +/-	9,780
Subtotal	39,120 +/-	4,180 +/-	42,855 +/-	8,004 +/-	86,155 +/-	3,636 +/-	39,120 +/-
Total	96,580 +/-	5,150 +/-	77,772 +/-	16,676 +/-	179,502 +/-	8,976 +/-	96,580 +/-

\* Net area as defined by the City of Kelowna Bylaw No. 8000

### Floor Area Ratio:

	Maximum	Proposed
	1.2*	0.62

\*Based on providing required parking below habitable space of a principle building per RMS

### Building Height (storeys):

	Maximum	Proposed
	4.5	4.5

### Building Height:

	Maximum (m)	Proposed (ft)
	13	59 +/-

### Building Setbacks (from property line):

	Required (ft)	Proposed (ft)
Front	6	19.7 +/-
Side (East)	6	19.7 +/-
Side (North)	7	23.0 +/-
Rear (West)	9	29.5 +/-
Side (South)	7	23.0 +/-

### Private Open Space:

	Required (m2)	Proposed (ft2)
	2,370	25,511.3 +/-

### Parking Stalls:

Use	Required	Proposed
Building A Apartment Housing - Micro Unit	188	48
Building B Apartment Housing - Micro Unit	128	116
Surface Stalls		30
Total	316	174 **

\*\*Refer to University Village Student Housing Parking Review, June 2, 2014

### Loading Spaces:

	Required	Proposed
	0	0

### Bicycle Parking:

	Required	Proposed
Class I	158	158
Class II	32	32

\*\*Variance requested to alter the required parking stalls as prescribed by the City of Kelowna Parking Bylaw from 1 stall per bachelor unit to 0.55 stalls per student micro unit.

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**2.0 Neighborhood Context:**

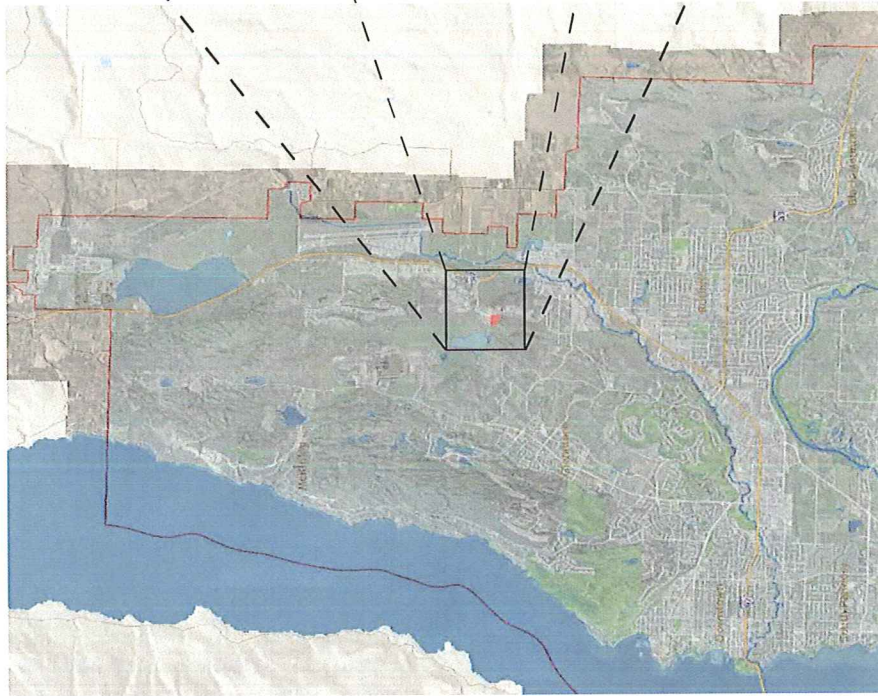
The following is an excerpt from the University South Development Plan dated September 2010 prepared by CTQ consultants for Watermark Developments Ltd.:

University Village has been planned and designed on the premise that although not located directly on UBCO lands, it will form an integral part of the campus community. The vision incorporated a symbiotic relationship between the growing institutional precinct and the Village by offering residential homes, commercial services, public and private schools and parks that university students, staff, local residents and visitors can all enjoy. The physical proximity to the university and the site terrain facilitates pedestrian movement, cycling and enhanced mobility between the Village and campus, and throughout the Village. Furthermore, the University Village calls for relatively high residential density with a concentration of apartment style condominiums that will support close to 2,000 people with a diverse demographic cross section. The Village character will be further enhanced by commercial retail and offices to add life to the streets and a true complete community lifestyle.

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**2.1 Location**



Map of City of Kelowna N.T.S.



Subject Land & Context Plan N.T.S.

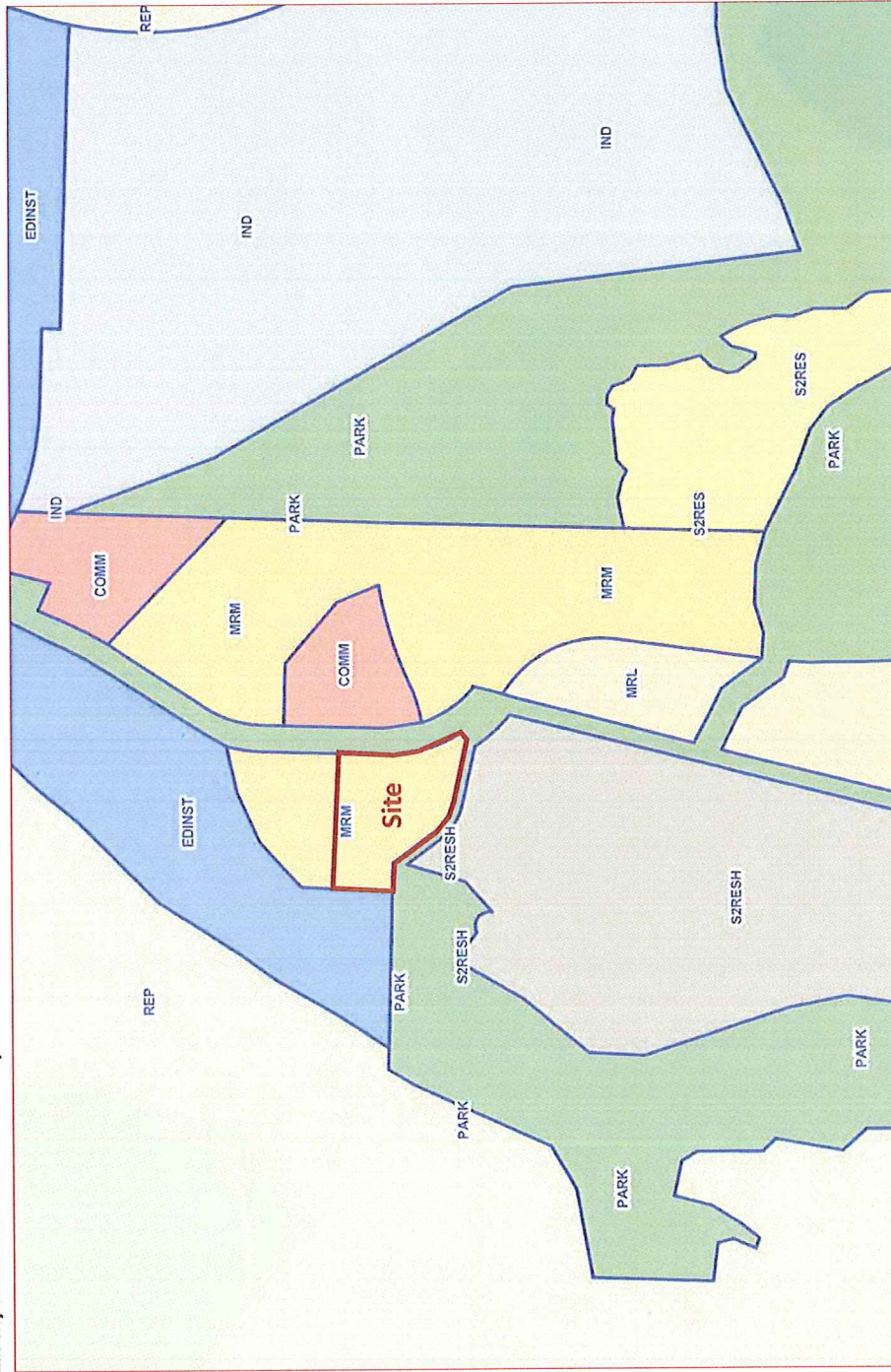


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**2.2 City of Kelowna Official Community Plan**



- Legend**
- Future Land Use Text
  - Future Land Use
  - Agri-Business
  - Commercial
  - Educational/Major Institutional
  - First Nations Reserve
  - Future Urban Reserve
  - Health District
  - Industrial
  - Industrial - Limited
  - Industrial - Transitional
  - Multiple Unit Residential - Cluster Housing
  - Multiple Unit Residential (High Density)
  - Multiple Unit Residential (Medium Density)
  - Multiple Unit Residential (Low Density)
  - Mixed Use (Residential / Commercial)
  - Mixed Use Tourism
  - Major Park/Open Space (public)
  - Public Service/Utilities
  - Private Recreation
  - Resource Protection Area
  - Service Commercial
  - Single / Two Unit Residential
  - Single / Two Unit Residential - Hillside
  - Transportation Corridor



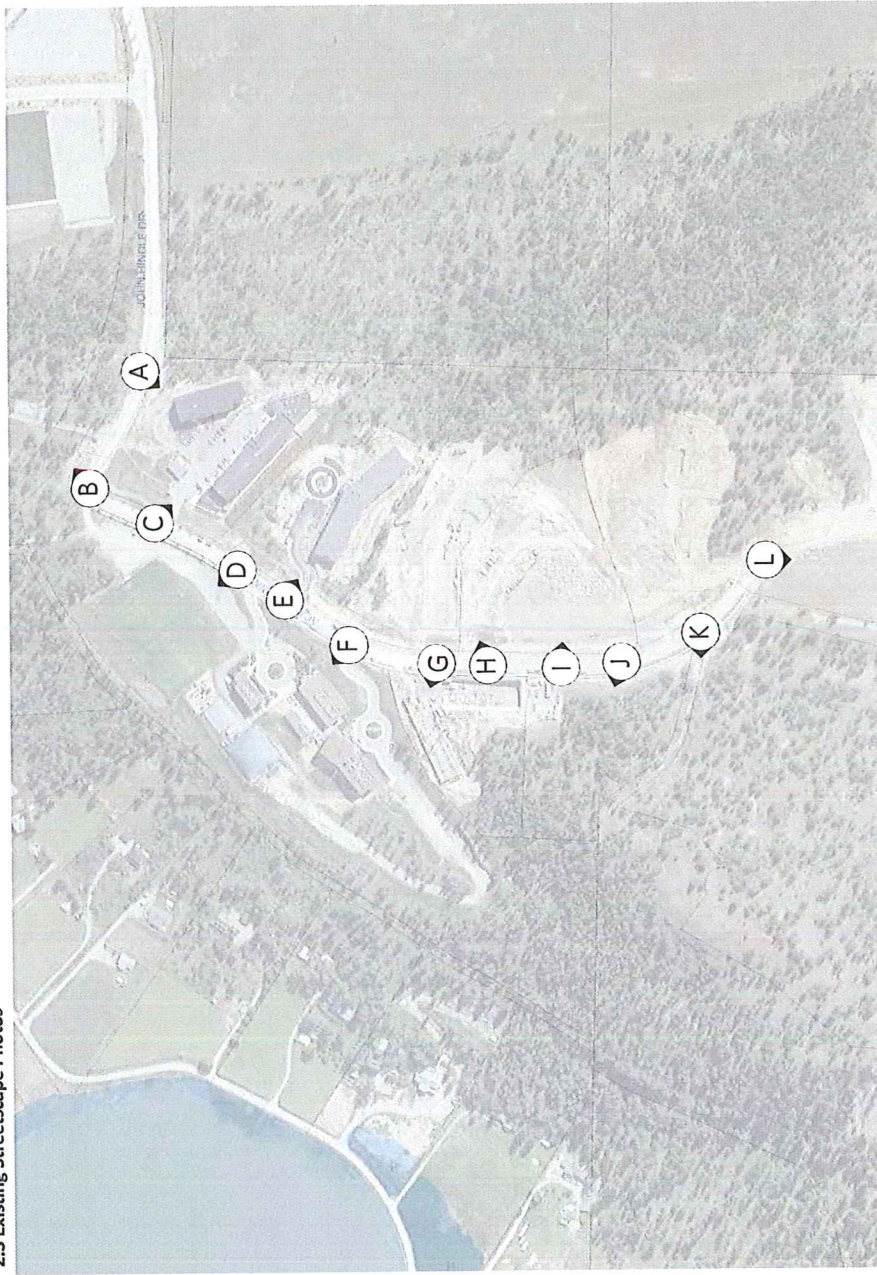
City of Kelowna OCP - Future Land Use N.T.S.



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**2.3 Existing Streetscape Photos**



Existing Streetscapes Keyplan N.T.S.



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 This forms part of development  
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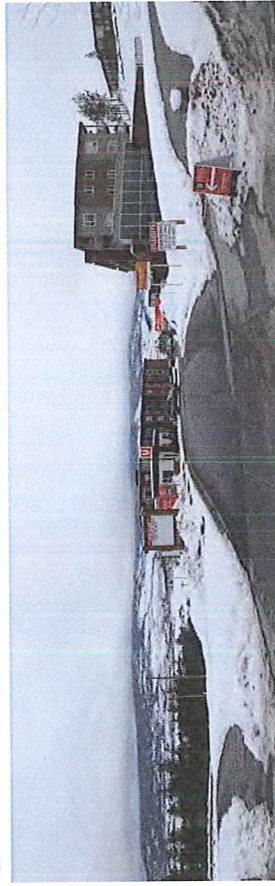
**Existing Streetscapes**



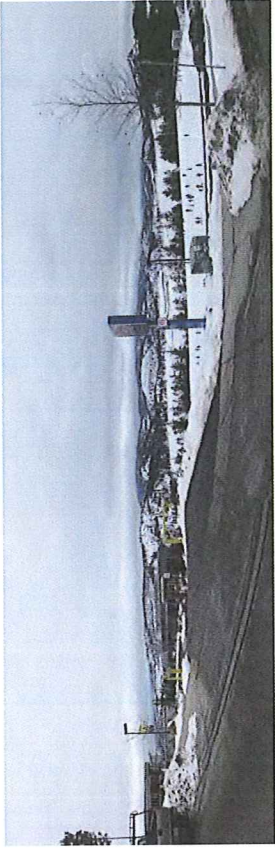
(A) South Side of John Hindle Dr. - Academy Hill



(B) North Side of John Hindle Dr. - UBCCO Campus



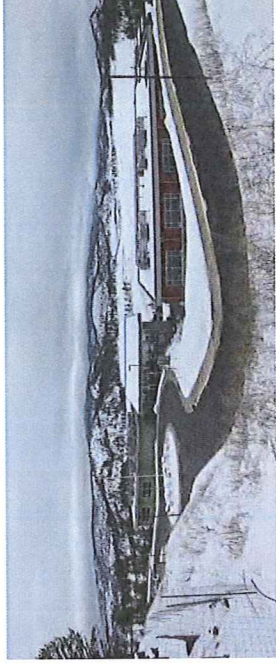
(C) East Side of Academy Way - Academy Hill



(D) West Side of Academy Way - Aberdeen Hall



(E) East Side of Academy Way - U ONE



(F) West Side of Academy Way - Aberdeen Hall



SCHEDULE A/B  
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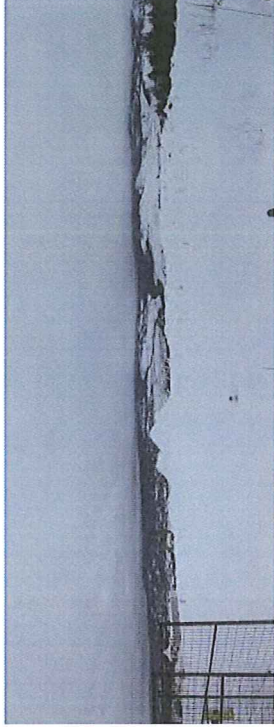
**Existing Streetscapes**



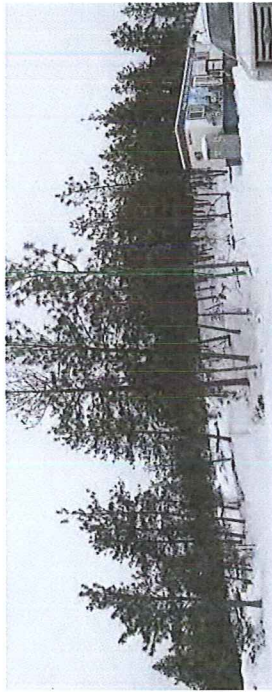
(G) West Side of Academy Way - 840 Academy Way



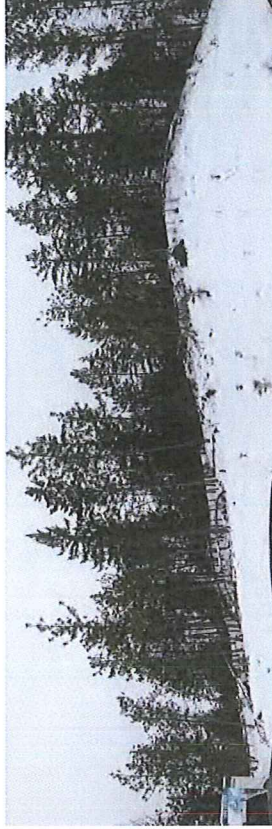
(H) East Side of Academy Way - U TWO



(I) East Side of Academy Way - Future Village Centre



(J) West Side of Academy Way - 800 Academy Way



(K) West Side of Academy Way - Access Trail to Future Park



(L) South End of Academy Way - View to Future Development

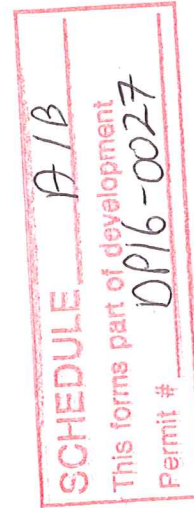


SCHEDULE   A1B    
 This forms part of development  
 Permit #   OP16-0027

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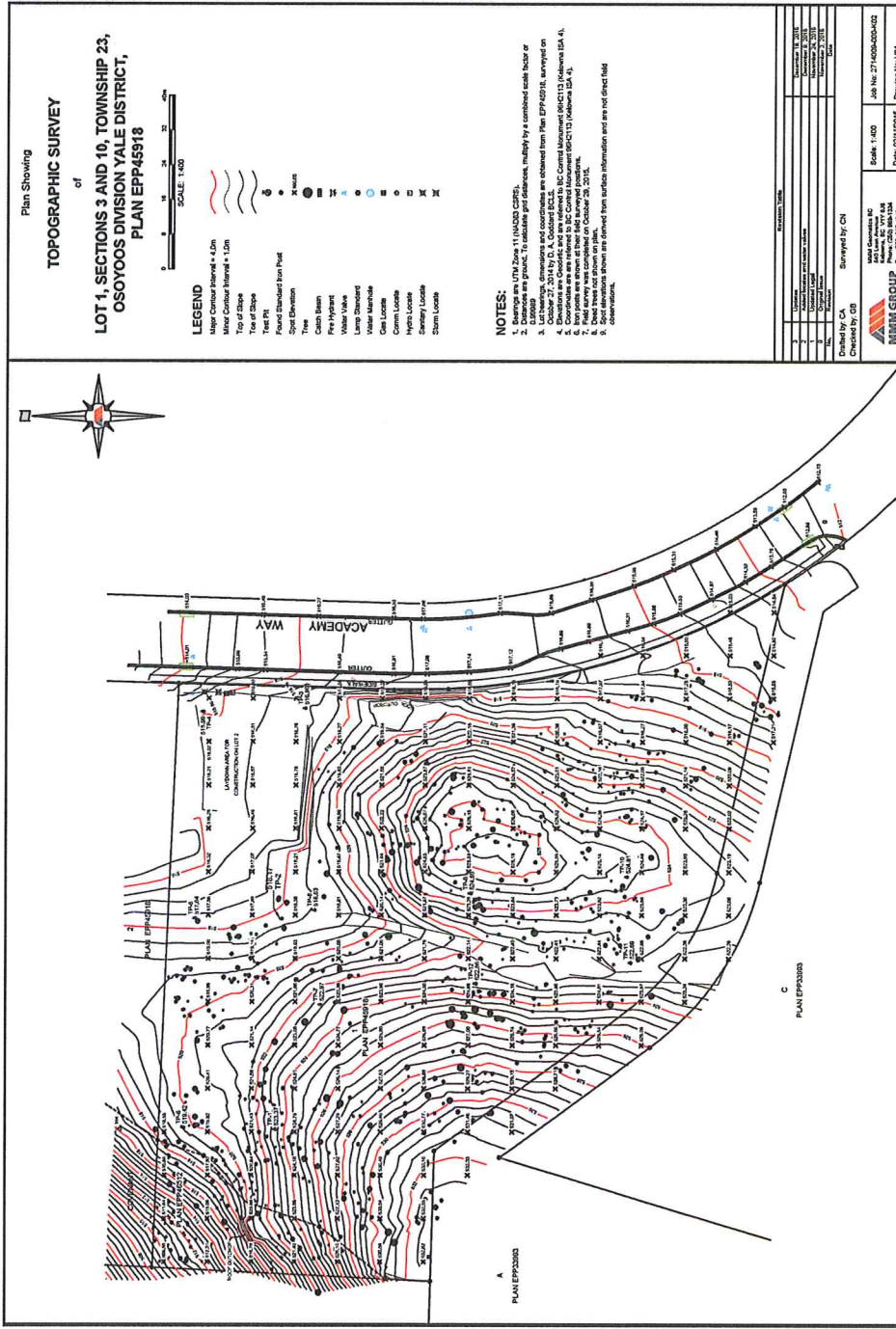
**3.0 Site Design**

For the overall site layout, the main design intent was to establish a harmonious relationship between the new built forms and the site's existing natural features. The strategy was to identify suitable building locations that would result in minimal site disturbance while still meeting the requirements of the project's built program. It was determined that the best solution would be to house the residences within two, four-storey buildings connected by a common, multi-level, below grade parkade. The resultant configuration would have the two buildings sited roughly perpendicular to each other. Building C, containing 188 units, is located in an area that runs parallel along the site's northern property line, while Building D, containing 128 units, is located in a natural hollow between two existing knolls and is set back from the Academy Way frontage. Additionally, by locating the majority of parking stalls under the two buildings, a significant amount of the site will be preserved. The location of the site access along the Academy Way frontage was primarily selected to facilitate a relatively level transition onto the site. In conjunction with the site access location, the routing of the access drive was laid out to follow the site's existing topography. By avoiding key rock outcrops and locating the parking within the confines of the two building footprints, blasting and excavating will be kept to a minimum, concentrating it to limited areas versus leveling the entire site. With less blasting and site disturbance, the project will be able to achieve numerous tangible benefits by maintaining a significant portion of the existing vegetation that would otherwise take decades to re-establish and replace. This is a critical factor when trying to establish a strong connection between the building's residents and nature.



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**3.1 Site Survey**



Site Survey N.T.S.



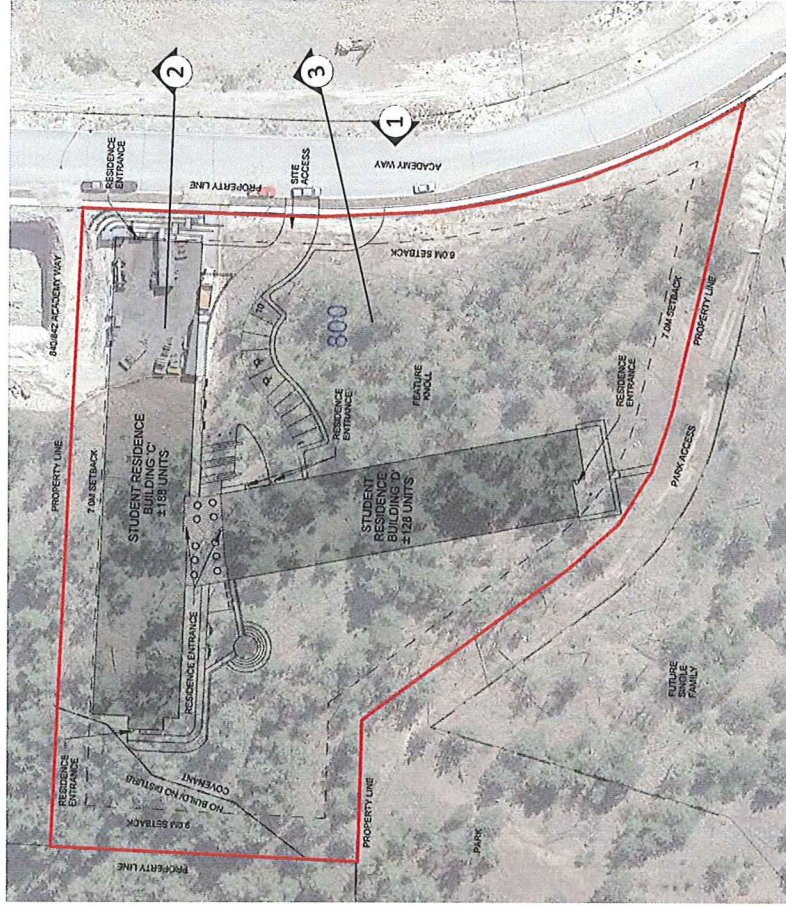
**SCHEDULE A**  
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**3.2 Site Layout**



Proposed Site  
 Scale 1:1000

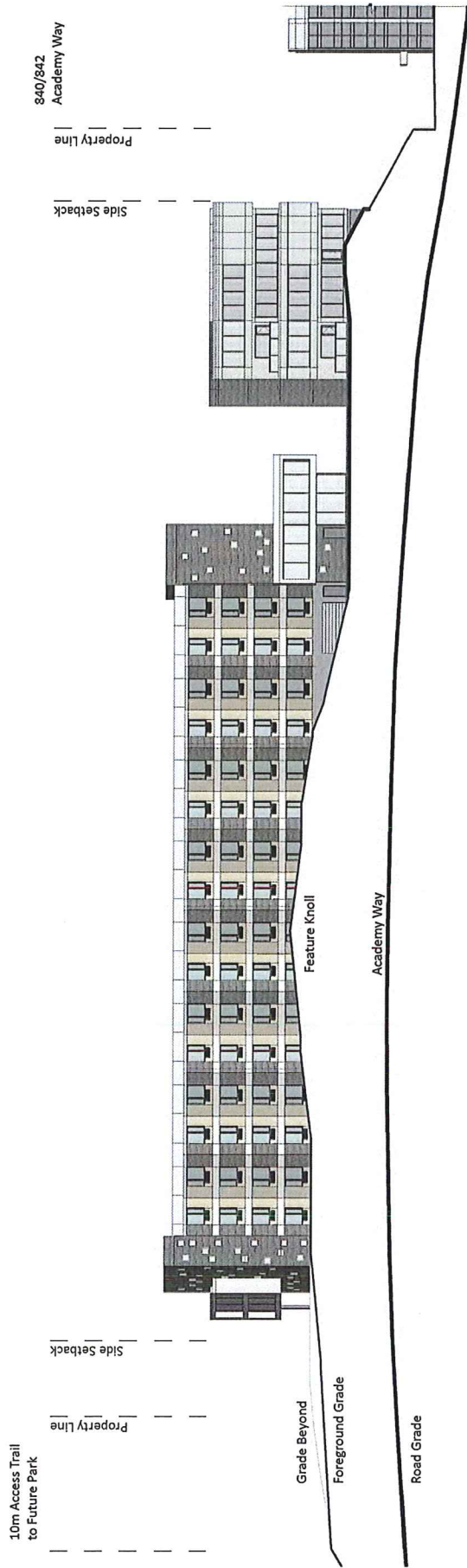


Proposed Site Plan  
 Scale 1:1000

**SCHEDULE A**  
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**3.3 Academy Way Street Elevation**

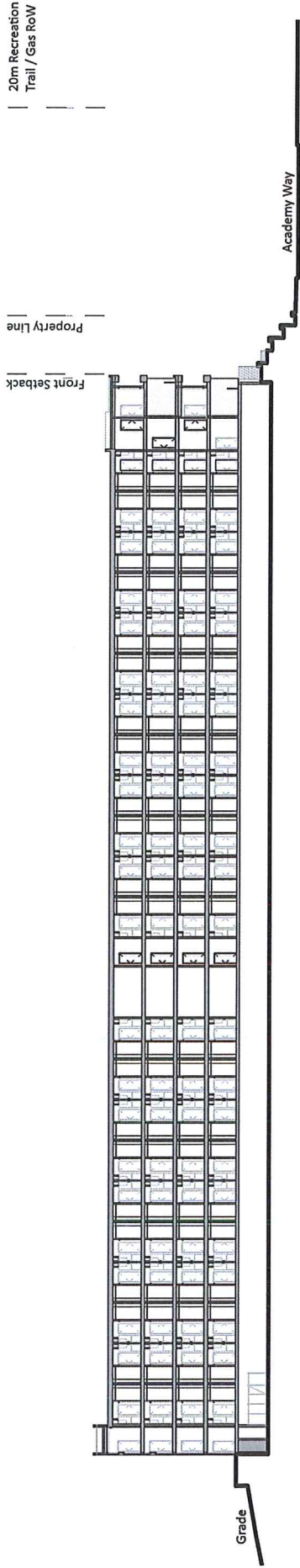


**1 - Academy Way Street Elevation**  
 Scale 1/32" = 1'-0"

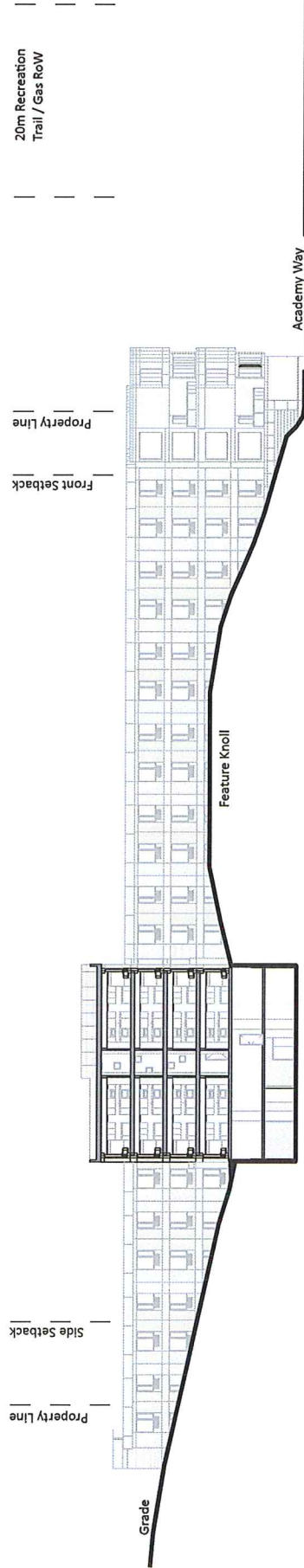
**SCHEDULE A**  
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**3.4 Site Cross Section**



**2 - Site Section Through Building C**  
Scale 1/32" = 1'-0"



**3 - Site Section Through Building D**  
Scale 1/32" = 1'-0"



**SCHEDULE A/B**  
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## 800 Academy Way - Development Permit Application

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### 3.5 Landscape Design

The Academy Way student residences are sited adjacent to the main UBCO campus, along a major access route for both vehicular, pedestrian and cycling circulation, and across the street from a future commercial hub. Being off campus, the key element to the design was to recreate a campus experience for the students residing within the residence buildings. The two residence buildings are set back from the frontage of Academy Way, nestled into the topography of the site to retain the natural knoll features. To reinforce pedestrian character of the project the development will provide a pedestrian friendly, boulevard treatment along the sidewalk and street frontage with the installation of deciduous trees and a turf boulevard.

It is the intention of the landscape scheme to retain the majority of the natural setting and for the populated exterior spaces to provide a harmonious transition from the façade of the buildings into the natural environment. The portions of the site requiring a more intensively landscaped finish are minimized, using a mass planting style of indigenous and drought tolerant plant choices that are evocative of the natural context.

The pedestrian and vehicular access point to the site is located on Academy Way and comprises a 'mews' style of circulation, using pedestrian scaled materials such as decorative concrete paving and site furniture that provides opportunities for gathering. Ornamental landscaping and address monumentation is utilized to emphasize the entry point to the development.

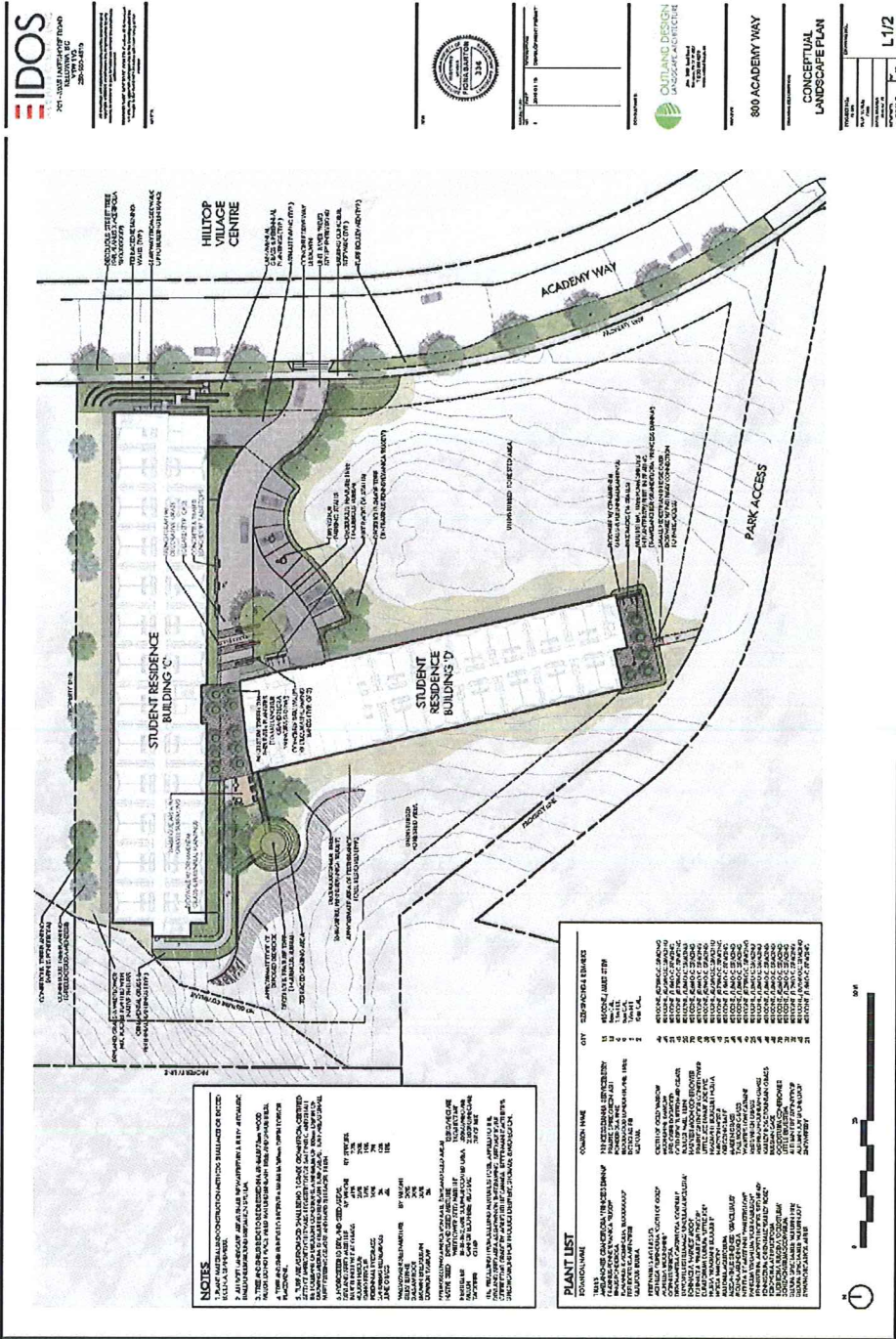
Upon entering the site, the mews provides wayfinding to the building entrances and is reinforced by soft landscaping in the form of ornamental shrub planting along the building foundation and a deciduous feature tree. A set of three lectern style benches run parallel with the mews and are intended to provide a seating opportunity with southern exposure for students who wish to study outside and have a tabletop on which to put textbooks or a laptop computer.

The pedestrian character of the mews is further reinforced by three perpendicular, architectural concrete seat walls that play off the geometry of the architecture and 'throat' up the entrance to the building entry plaza. The plaza is comprised of decorative paving and shaded by a canopy of deciduous shade trees. To the rear of the entry plaza is an additional gathering space for outdoor events such as bbq's and frosh week festivities. These events are catered to with the installation of a bbq area and a terraced seating area. Further outdoor gathering space is provided at the end of Building 'D' with a south facing terrace. A narrow planting area lines the perimeter of the terrace to reinforce the edges of the space and create an intimate outdoor area. This terrace is furnished with large raised planters with shade trees and circular benches. These are located in close proximity to each other to encourage social interaction and allow views to the park system beyond. The adjacent Southeast portion of the site reinforces the park setting through the retention of the natural forested area. A connection from the terrace is provided to the park access and the existing flume trail system located to the West.

SCHEDULE C  
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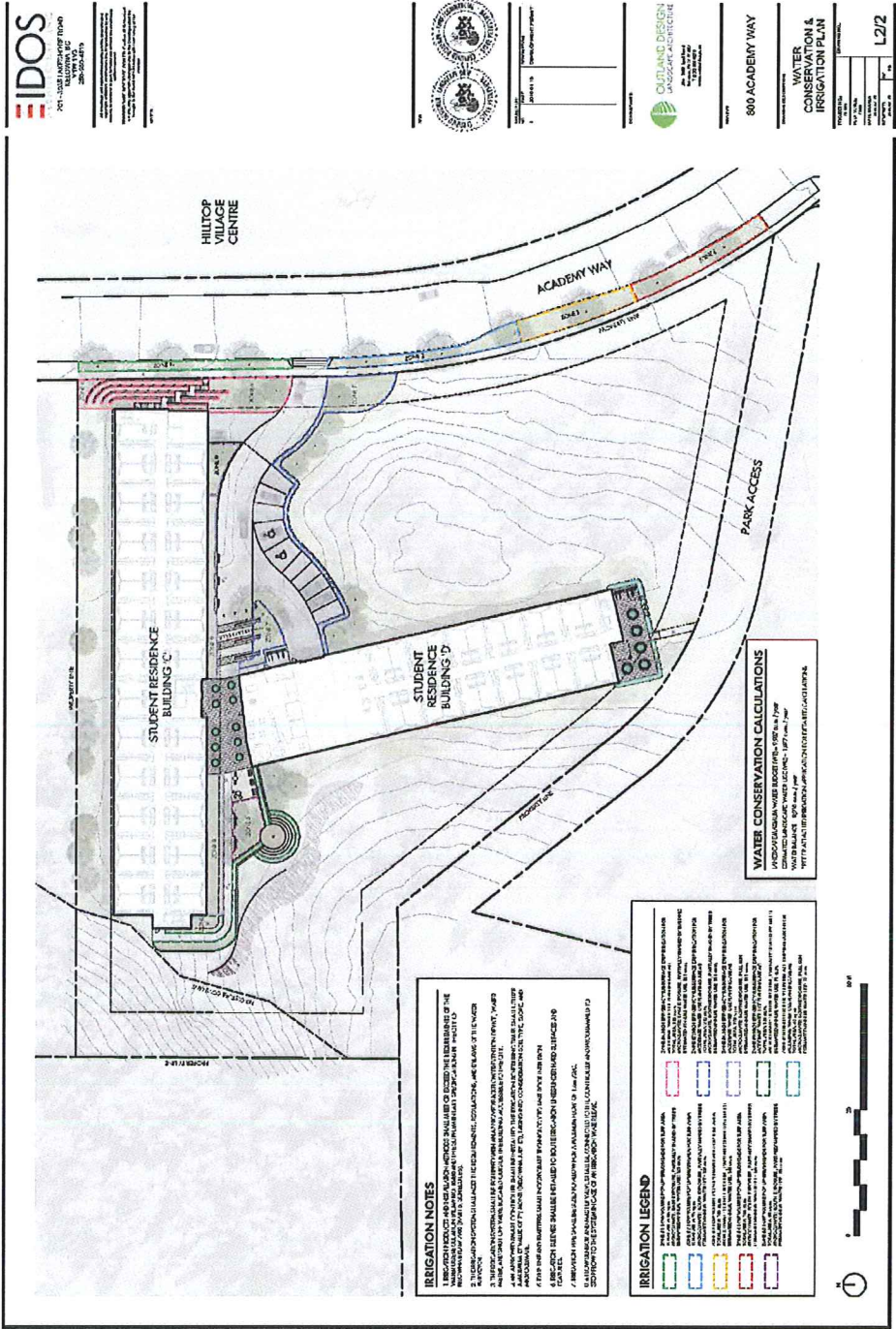


**SCHEDULE C**  
 This forms part of development  
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Conceptual Landscape Plan N.T.S.



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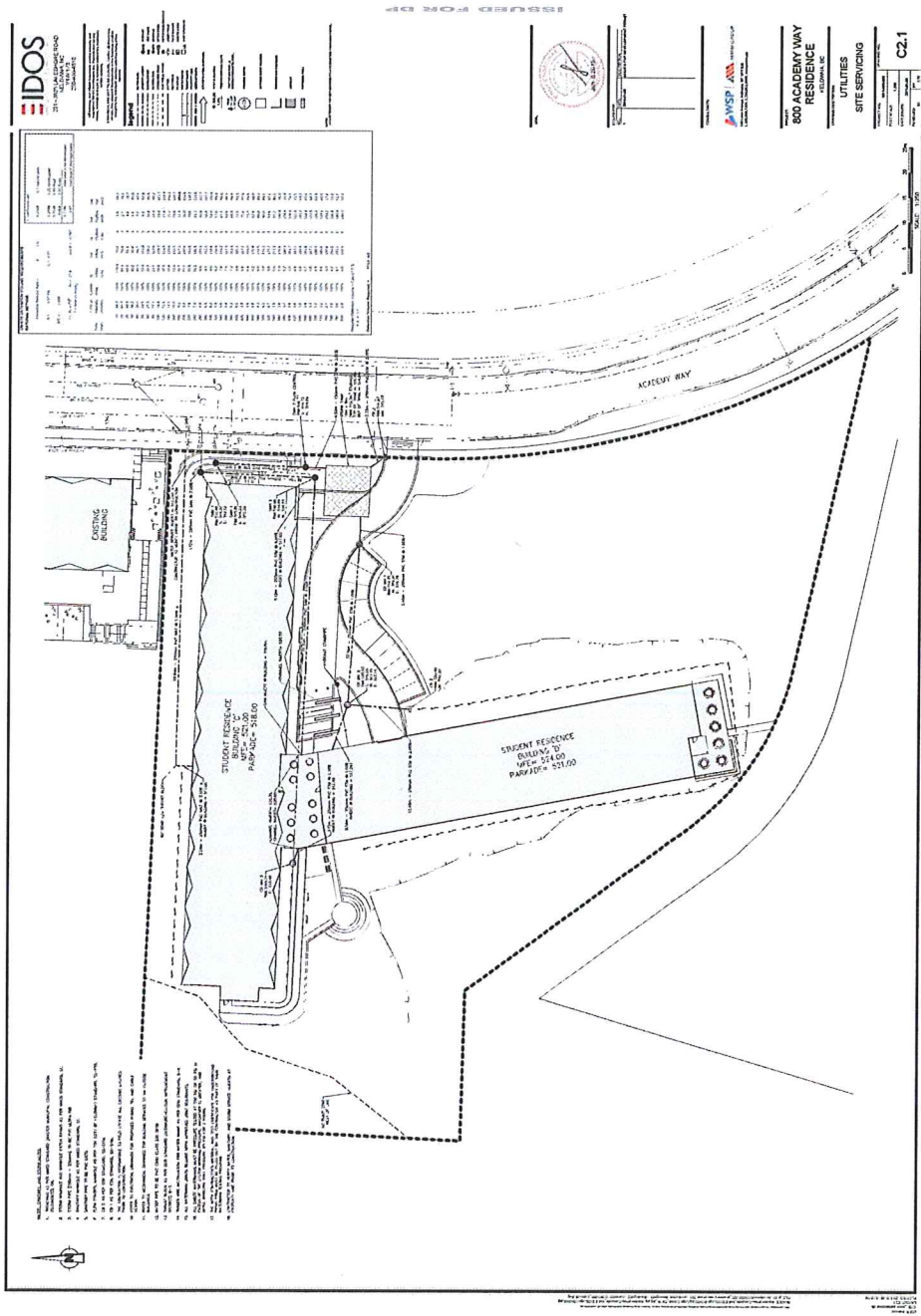
**SCHEDULE C**  
This forms part of development  
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Water Conservation & Irrigation Plan N.T.S.





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Civil Utilities Site Servicing N.T.S.



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## 800 Academy Way - Development Permit Application

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### 4.0 Architectural Treatment:

The residences are divided into two four-storey rectangular buildings connected by a common, below grade parkade. Building 'C', aligned along the northern property line, will house ±188 single occupancy 'micro' units. Building 'D', located mid-site perpendicular to Building 'C' will house ±128 units, the operations offices, and amenity centre. Approaching the site from the north, Building 'C' presents a dynamic, cantilevered solid and glass form housing six of the project's study rooms along with two levels of roof top decks. The main entrance is located in the heart of the site, at the end of the access Mews off Academy Way. Within this extensively glazed two-storey volume, located at the north end of Building 'D', the main entrance will also contain the social amenity spaces for the residences. The amenity program consists of a Club Lounge and Games Room on the entry grade level and will easily be accessed from residents in Building 'C'. The Fitness Centre on the second level, will have extensive views down to Academy Way to the east and the preserved forest and outdoor amenity to the west.

A methodical rhythm along the façade of both buildings is set up by repeating the resident unit form. Each resident unit is the same but together they weave a pattern of solid and transparent surfaces. The vertical circulation cores located at the ends of the circulation corridors will contain patterned glazing to bring in natural light and provide access to views. The solid surfaces will consist of fiber cement siding in warm wood tone and contrasting earth tone fiber cement panels for a robust and low maintenance cladding appropriate for the buildings use, as well as to satisfy the wildfire covenant.

### Sustainability:

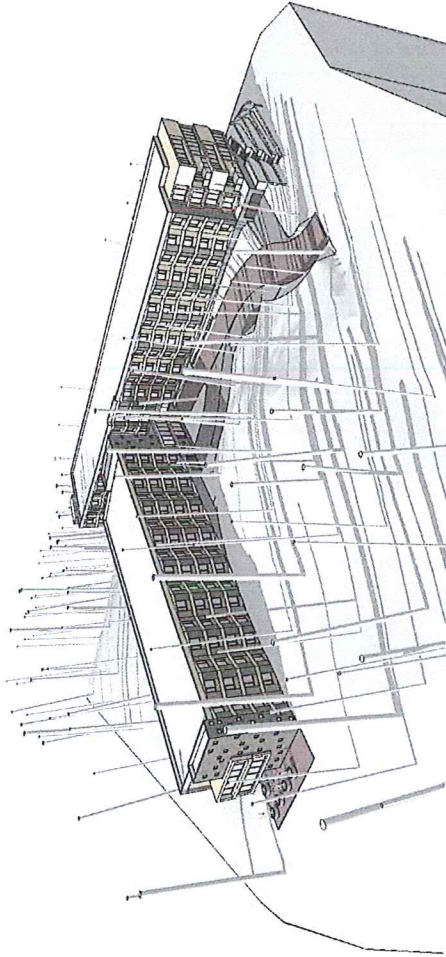
The design of the proposed new student housing takes into account the following sustainability strategies:

- Selecting plant species that are low maintenance, thereby conserving water,
- Limiting site disturbance to reduce the impact on the City storm system,
- Adding trees on the site and adjacent to the buildings, sidewalks and parking area that provide shade,
- Establishing a recycling program on the site,
- Increasing the density of the existing site to increase the efficiency of land use,
- Design the building systems for the efficient use of energy, water, and other resources,
- Design the building envelope to include high efficiency glazing, and increased insulation in wall cavities and roofing system,
- Use low V.O.C. emitting materials and materials that contain re-cycled content,
- Use regional materials and services where possible,
- Utilize natural ventilation,
- Provide access to natural light and views.



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**4.1 Conceptual Renderings**



Rendering is an artistic interpretation for illustrative purposes only.

**South East Corner Aerial View**

This view illustrates how the two buildings are located within the site's existing natural terrain and existing wooded forest. It reveals the extent to which the design has integrated the two buildings while preserving a significant portion of the site's original character.



Rendering is an artistic interpretation for illustrative purposes only.

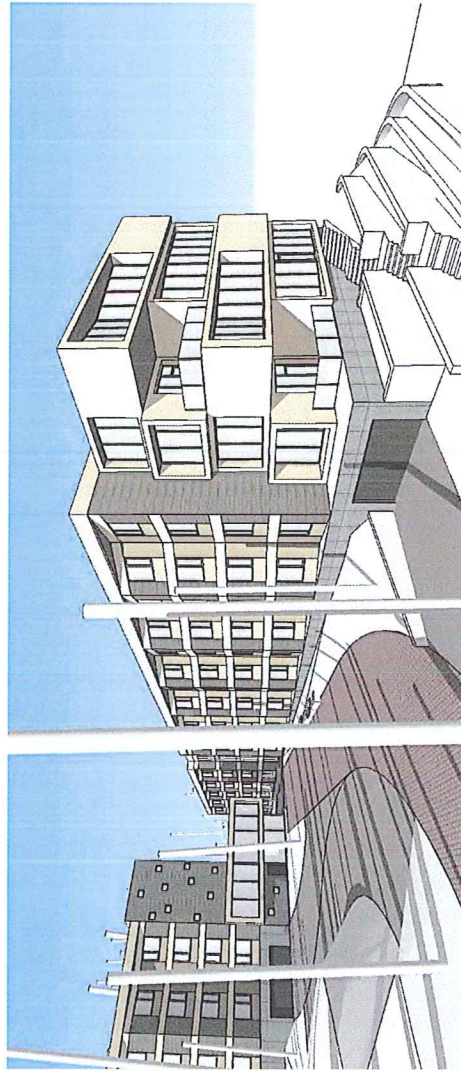
**North East Corner Academy Way View**

The East elevation of Building C is the important building interface with Academy Way. To enhance the connectivity along this portion of the street edge a dynamic form of extensively glazed student study spaces are stacked the full height of the building. This will provide an animated interface that engages both the building inhabitants and the passing pedestrian.

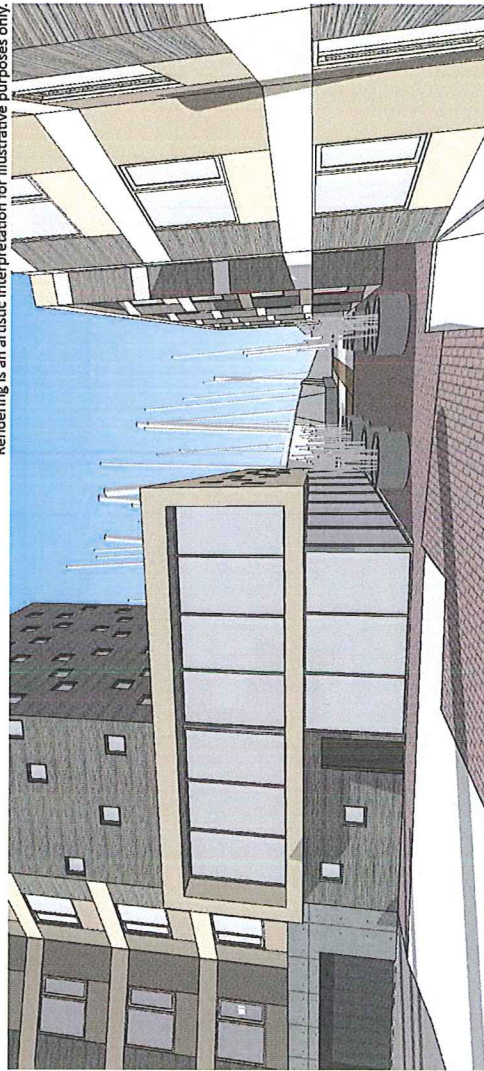


**SCHEDULE B**  
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Rendering is an artistic interpretation for illustrative purposes only.



Rendering is an artistic interpretation for illustrative purposes only.

**Site Access and Pedestrian Mews**

The design solution for the Academy Way access is to create a Mews with a hierarchical preference towards the pedestrian and cyclist user. This is achieved through the use of materials that are commonly associated with the pedestrian realm. Additionally, the Mews will have lighting and planters with integrated informal seating so as to provide opportunity for spontaneous social interactions. The Mews will also serve the more utilitarian access requirements for the project, including resident vehicle access to the two parkades, on site visitor parking and service and emergency vehicle access.

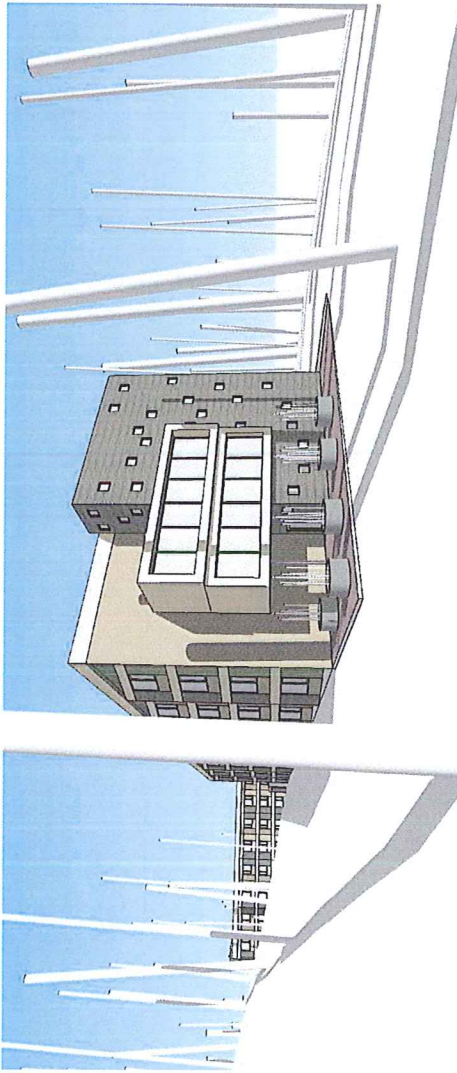
**Main Entry / Amenity Centre**

Located centrally within the site is the main entry and amenity centre. This two storey volume will serve as a link between the two buildings though common, social amenity spaces. It will provide the opportunity for the residents to congregate and connect with one another outside of the confines of their individual suites. The amenity spaces will include a club room, play room and fitness centre. The club and play rooms are located on the grade level and will serve as the social living room for the project. The fitness centre, located on the second level, will have extensively glazed openings on the east and west facades providing views over the Mews to the east and views over the outdoor amenity and natural forest woods to the west.



**SCHEDULE B**  
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Rendering is an artistic interpretation for illustrative purposes only.

**South East Corner Aerial View**

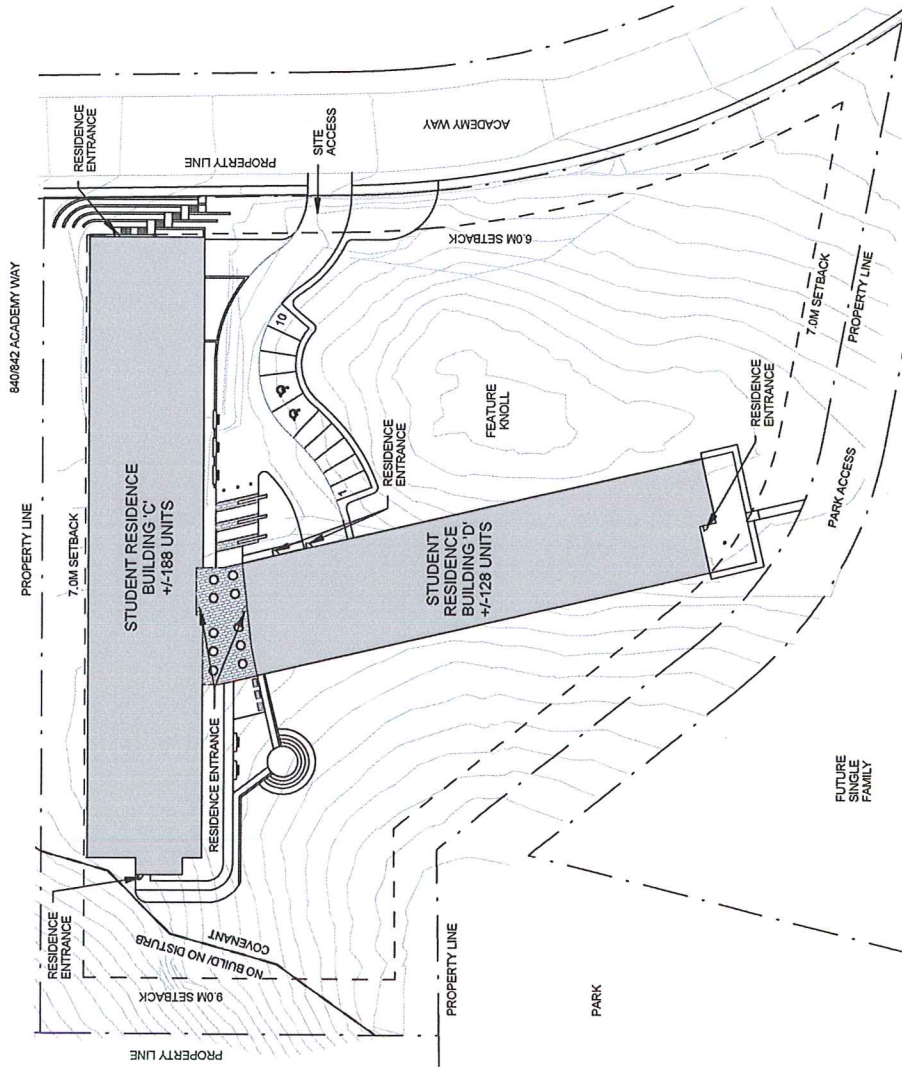
To respond to the neighbouring park access trail directly south of the site, the south end of Building D has two levels of elevated, glazed study rooms. This provides both a visual connection to the trail for students studying and a covered area for an on site outdoor amenity space located at grade level. This area of the site will serve as both a serene, tranquil area for study and a connective recreation hub to the surrounding neighbourhood's parks and the building.

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**4.2 Architectural Drawings**

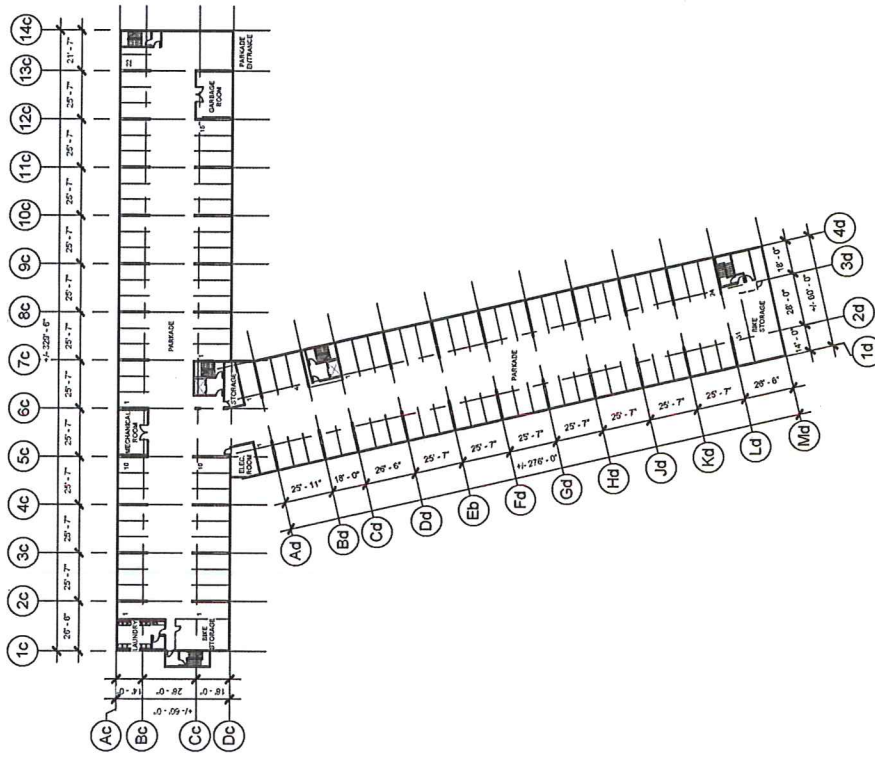


Site Plan  
 Scale 1/64" = 1'-0"



**SCHEDULE A**  
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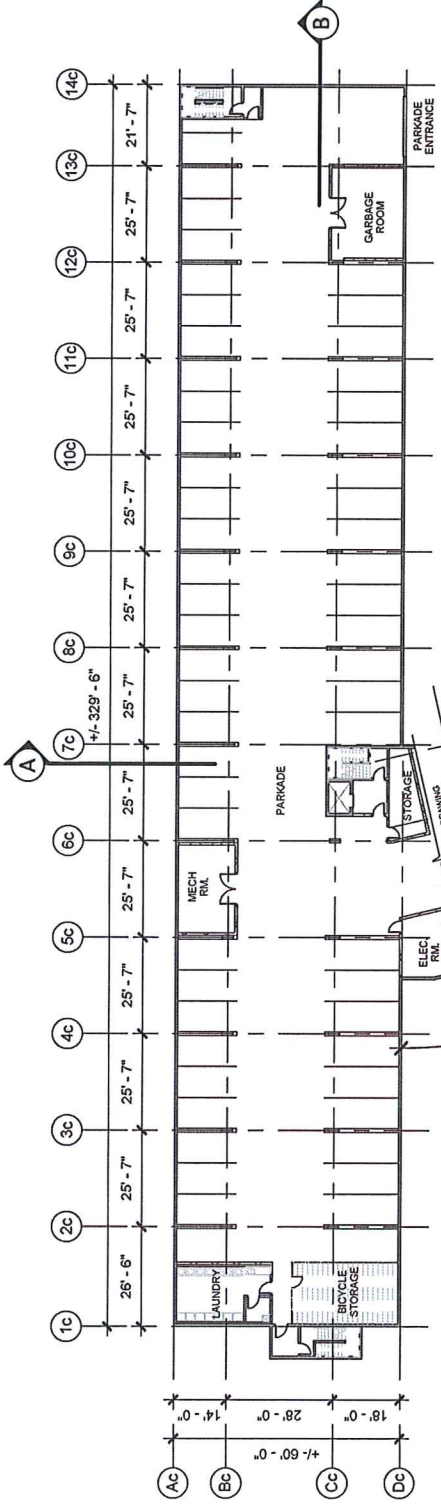


Overall - Level P1  
 Scale 1/64" = 1'-0"

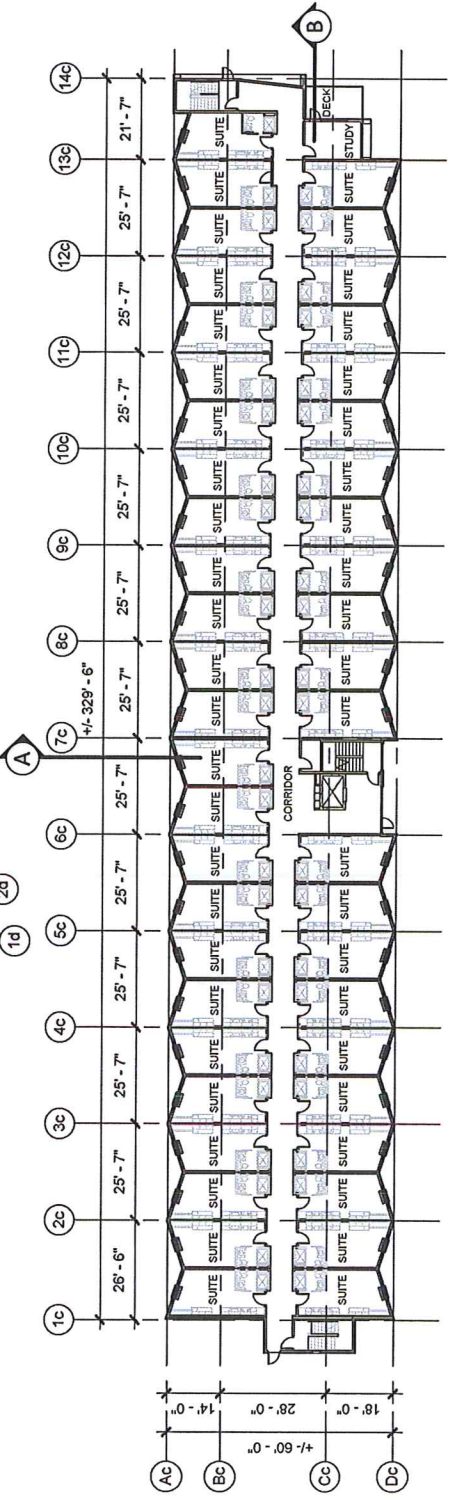


**SCHEDULE A**  
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**Building C Level P1**  
 Scale 1/32" = 1'-0"

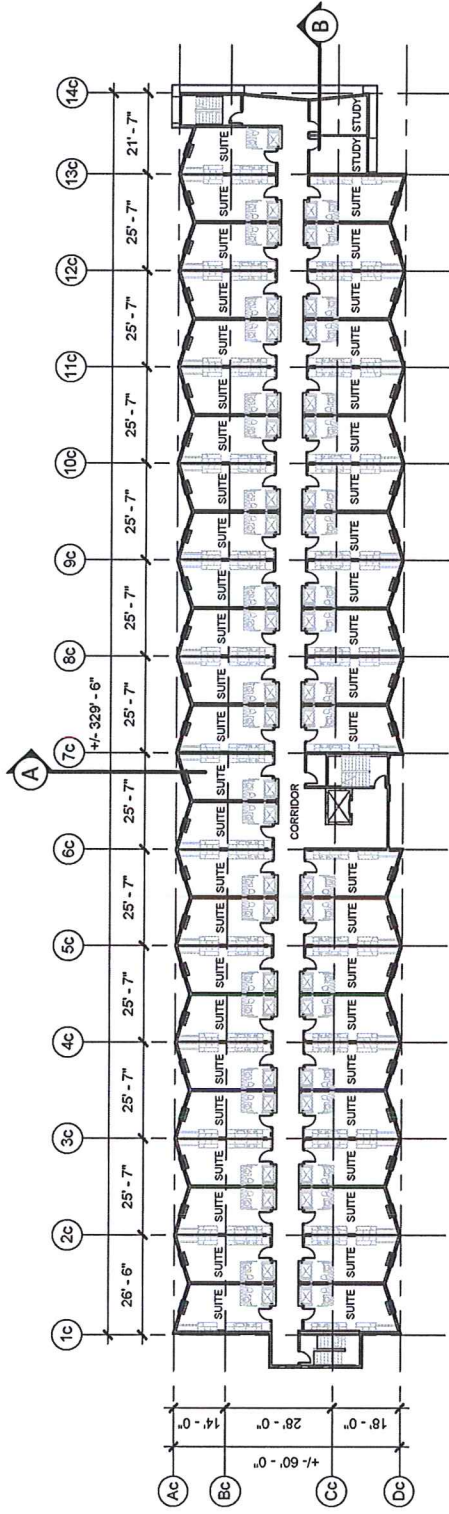


**Building C Level 1**  
 Scale 1/32" = 1'-0"

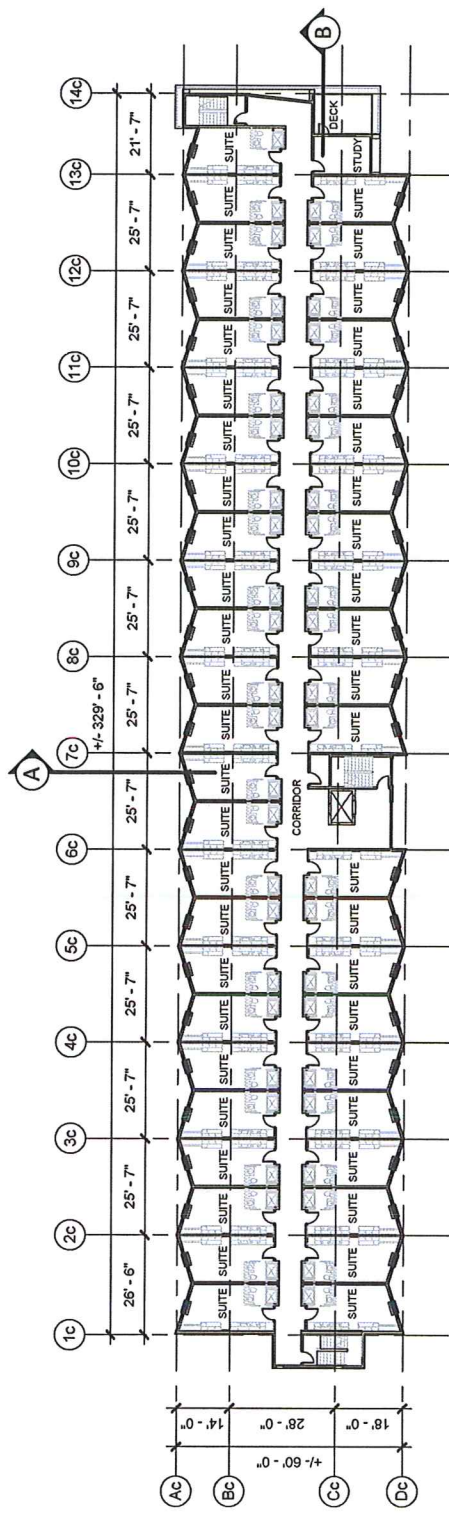


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**Building C Level 2**  
Scale 1/32" = 1'-0"

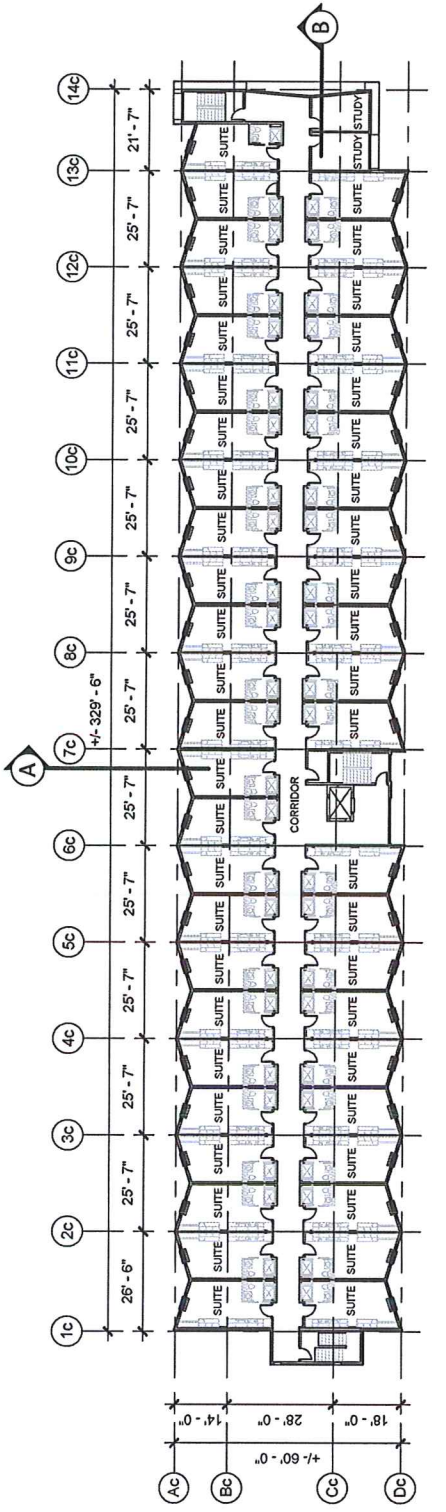


**Building C Level 3**  
Scale 1/32" = 1'-0"

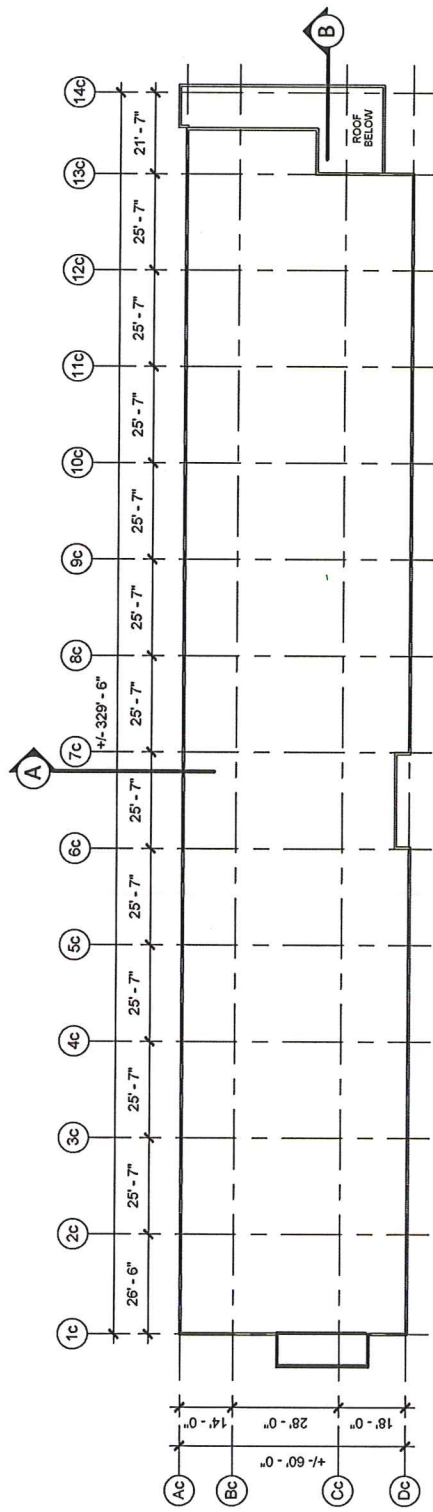


**SCHEDULE A**  
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**Building C - Level 4**  
Scale 1/32" = 1'-0"



**Building C - Roof**  
Scale 1/32" = 1'-0"

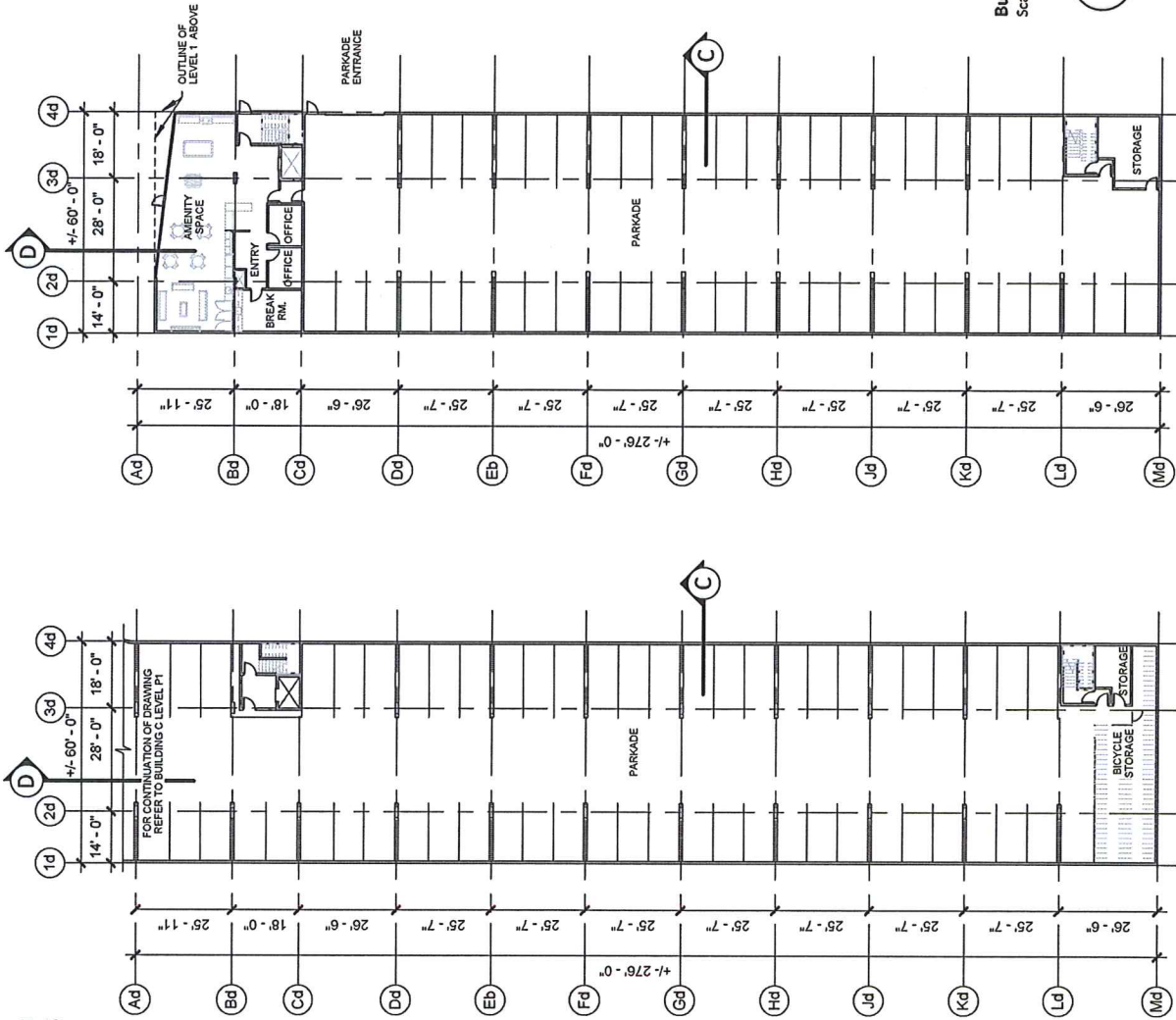


**SCHEDULE A**  
 This forms part of development  
 Permit # **DP16-0027**



**800 Academy Way - Development Permit Application**  
 Kelowna, British Columbia,  
 January 16, 2016

**SCHEDULE A**  
 This forms part of development  
 Permit # **DP16-0027**



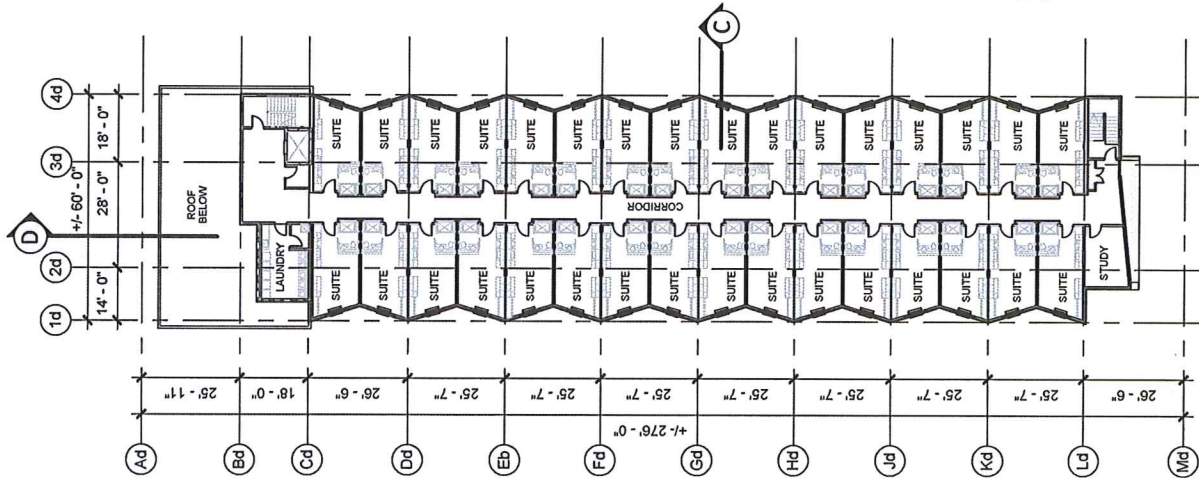
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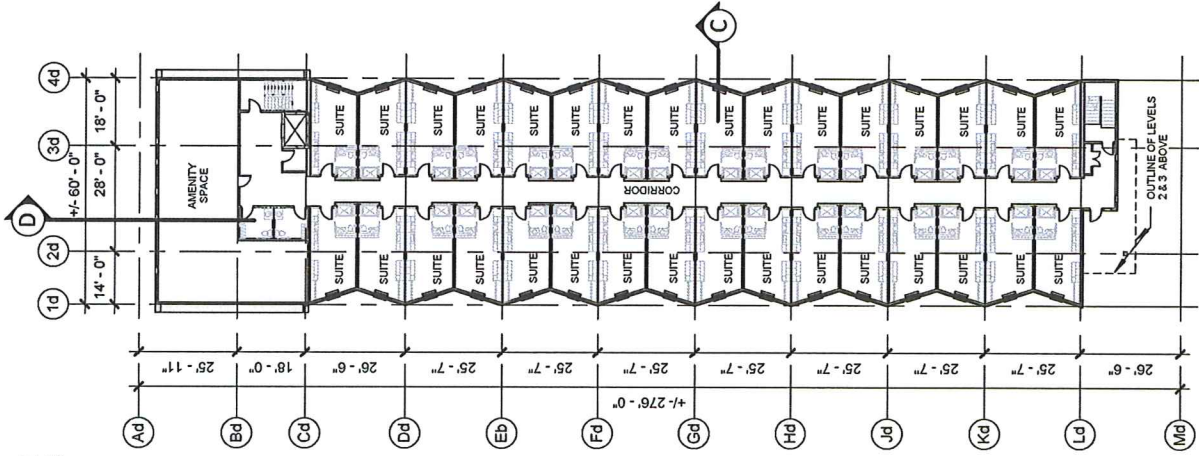
**Building D - Level P2**  
 Scale 1/32" = 1'-0"



**800 Academy Way - Development Permit Application**  
 Kelowna, British Columbia,  
 January 16, 2016



**Building D - Level 2**  
 Scale 1/32" = 1'-0"

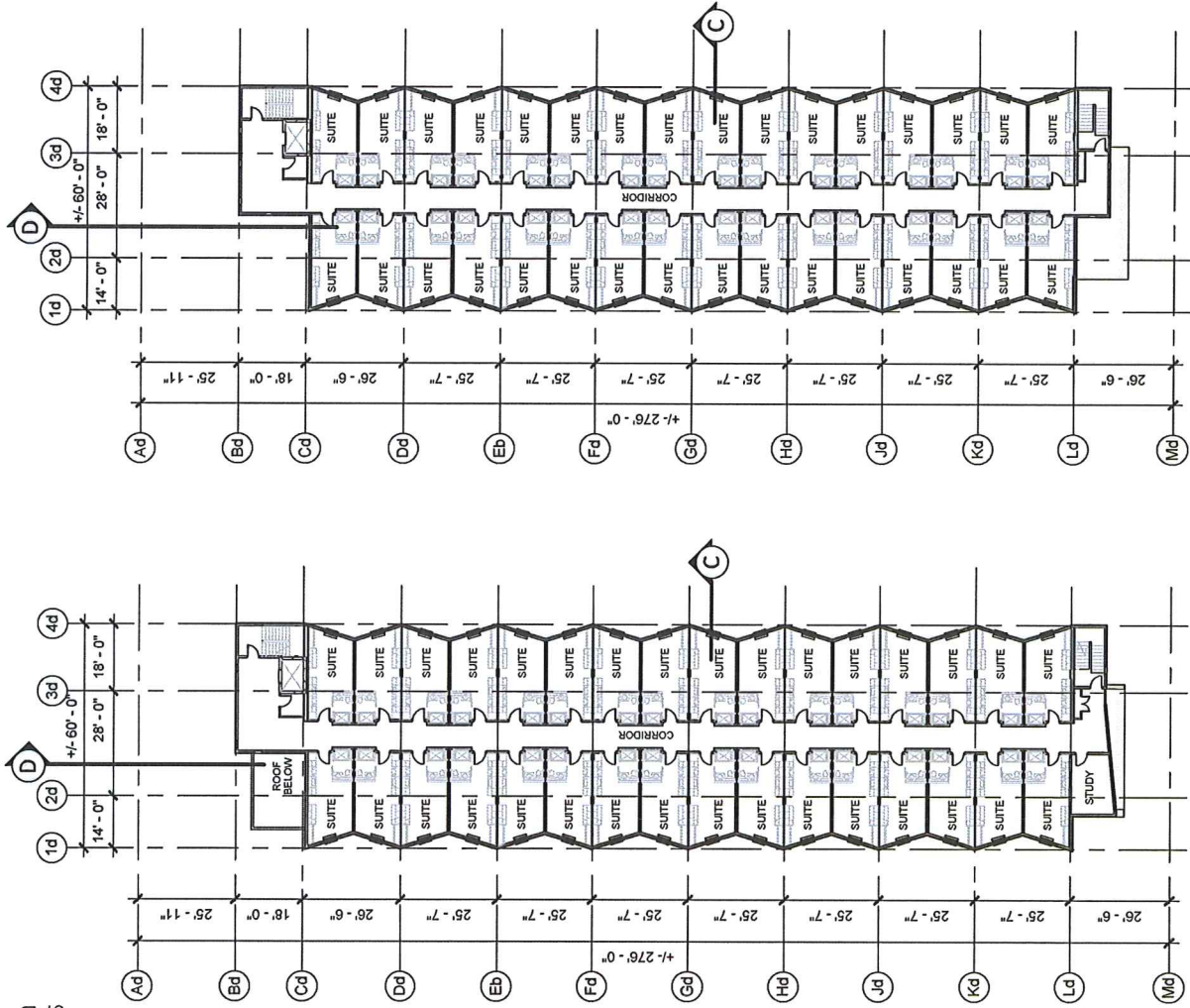


**Building D - Level 1**  
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**SCHEDULE A**  
 This forms part of development  
 Permit # **DP16-0027**



**800 Academy Way - Development Permit Application**  
 Kelowna, British Columbia,  
 January 16, 2016



**Building D - Level 3**  
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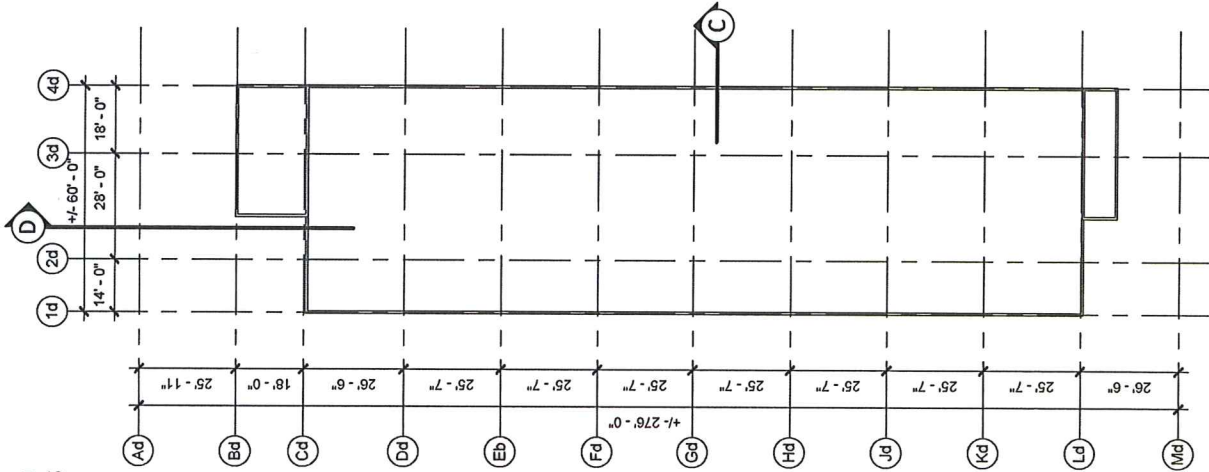
**Building D - Level 4**  
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SCHEDULE A  
 This forms part of development  
 Permit # OP16-0027





**800 Academy Way - Development Permit Application**  
 Kelowna, British Columbia,  
 January 16, 2016



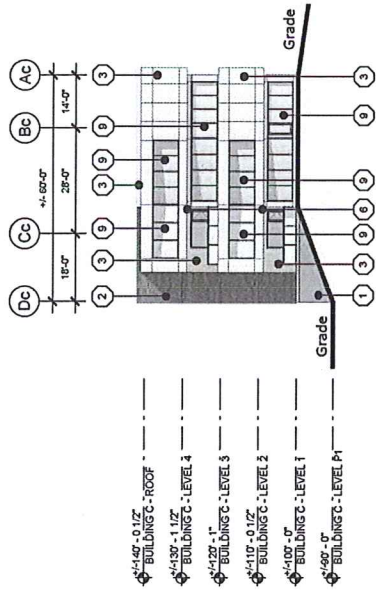
**SCHEDULE A**  
 This forms part of development  
 Permit # **DP16-0027**

**Building D - Roof**  
 Scale 1/32" = 1'-0"



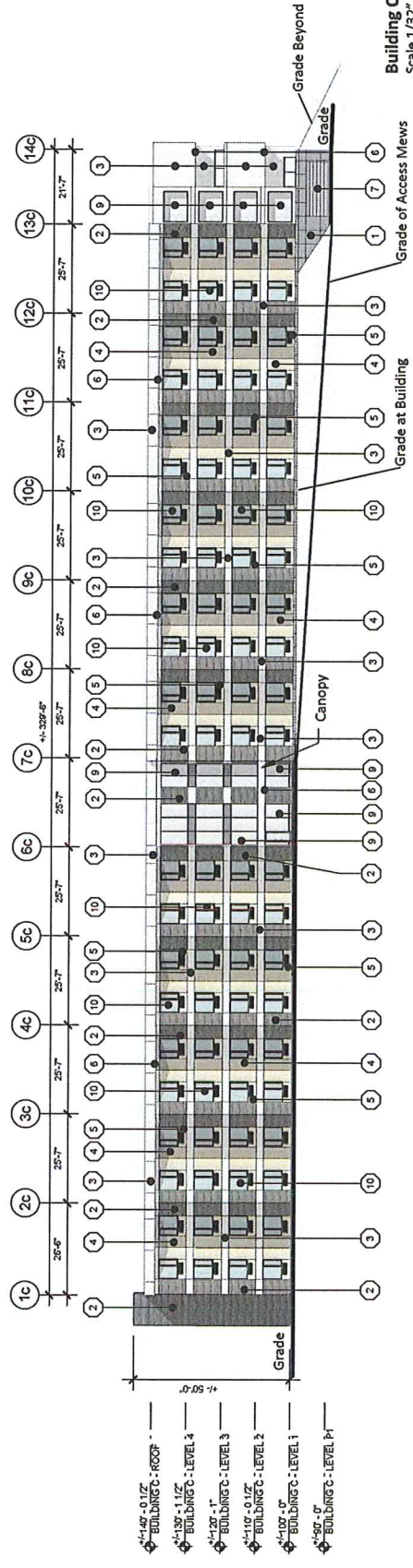
**800 Academy Way - Development Permit Application**  
Kelowna, British Columbia, January 16, 2016

**SCHEDULE B**  
 This forms part of development  
 Permit # **DP16-0027**



**Building C - East Elevation**  
Scale 1/32" = 1'-0"

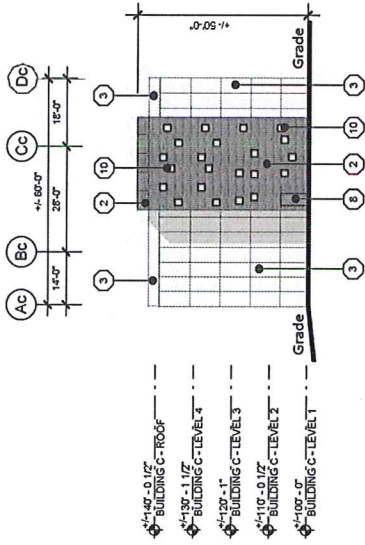
Exterior Cladding Material Legend	
①	Concrete Faced Insulation
②	Fibre Cement Siding (Wood Grain)
③	Fibre Cement Panel (Off White)
④	Fibre Cement Panel (Dark Beige)
⑤	Fibre Cement Infill Panel (Light Beige)
⑥	Fibre Cement Soffit (Wood Grain)
⑦	Overhead Door
⑧	Metal Door
⑨	Glazing Frame Type 1 (Clear Anodized)
⑩	Glazing Frame Type 2 (Light)



**Building C - South Elevation**  
Scale 1/32" = 1'-0"

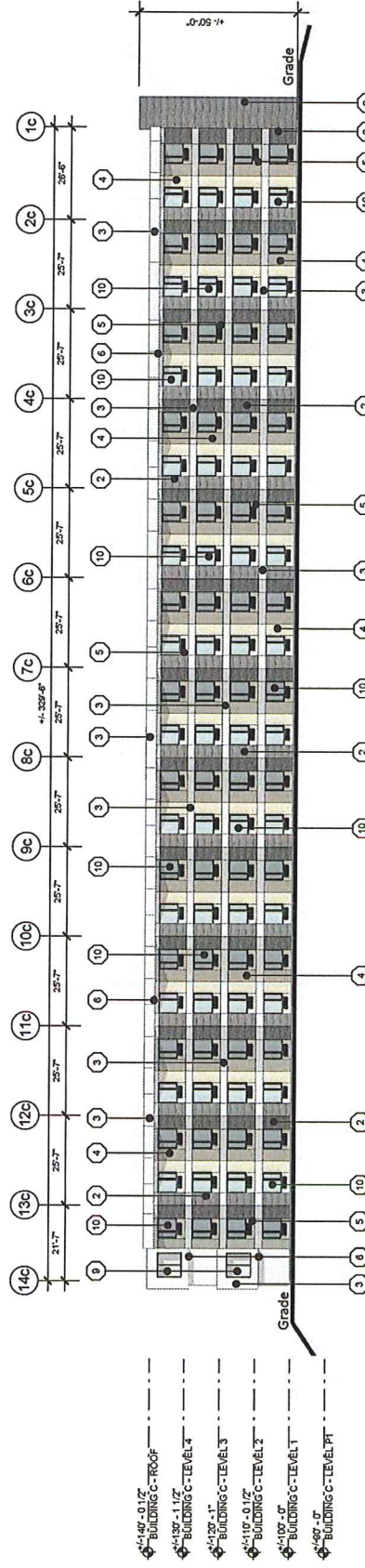
**800 Academy Way - Development Permit Application**  
Kelowna, British Columbia,  
January 16, 2016

SCHEDULE B  
This forms part of development  
Permit # DP16-0027



**Building C - West Elevation**  
Scale 1/32" = 1'-0"

Exterior Cladding Material Legend	
1	Concrete Faced Insulation
2	Fibre Cement Siding (Wood Grain)
3	Fibre Cement Panel (Off White)
4	Fibre Cement Panel (Dark Beige)
5	Fibre Cement Infill Panel (Light Beige)
6	Fibre Cement Soffit (Wood Grain)
7	Overhead Door
8	Metal Door
9	Glazing Frame Type 1 (Clear Anodized)
10	Glazing Frame Type 2 (Light)

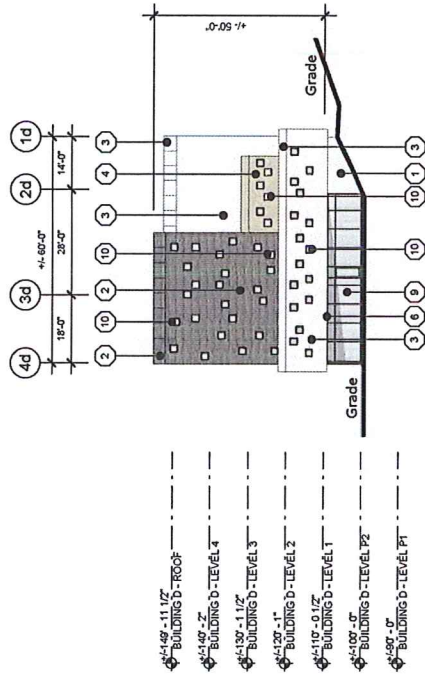


**Building C - North Elevation**  
Scale 1/32" = 1'-0"

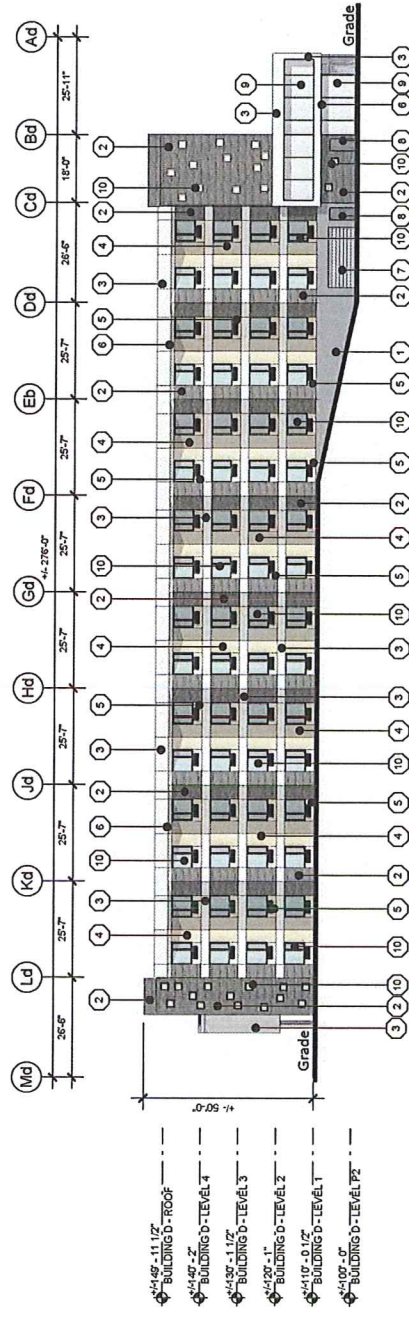


**800 Academy Way - Development Permit Application**  
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**SCHEDULE B**  
 This forms part of development  
 Permit # **DP16-0027**

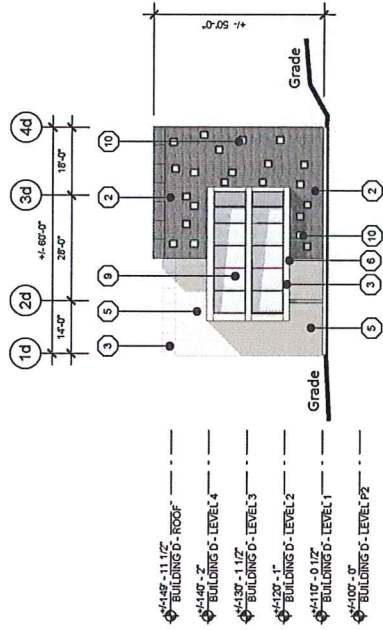


Exterior Cladding Material Legend	
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3	Fibre Cement Panel (Off White)
4	Fibre Cement Panel (Dark Beige)
5	Fibre Cement Infill Panel (Light Beige)
6	Fibre Cement Soffit (Wood Grain)
7	Overhead Door
8	Metal Door
9	Glazing Frame Type 1 (Clear Anodized)
10	Glazing Frame Type 2 (Light)



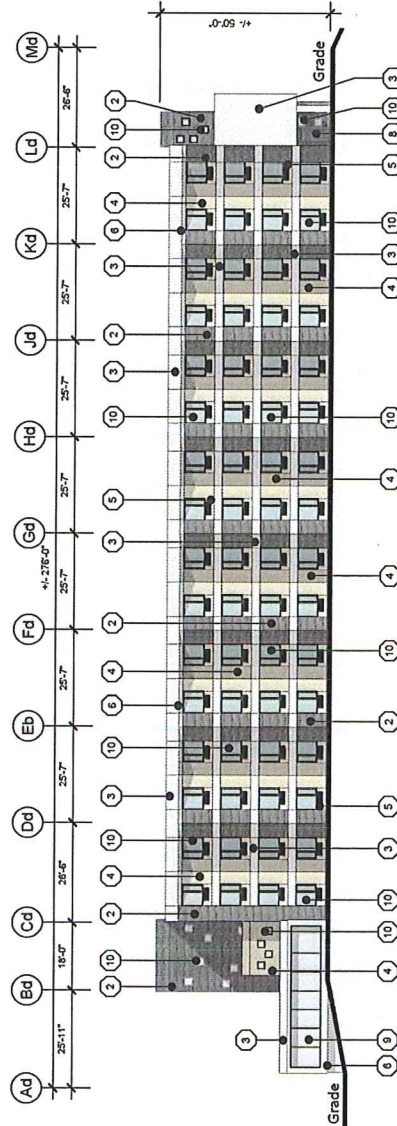
**800 Academy Way - Development Permit Application**  
Kelowna, British Columbia,  
January 16, 2016

SCHEDULE B  
This forms part of development  
Permit # DP16-0027



**Building D - South Elevation**  
Scale 1/32" = 1'-0"

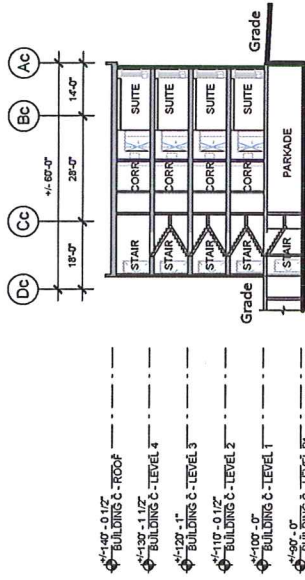
Exterior Cladding Material Legend	
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2	Fibre Cement Siding (Wood Grain)
3	Fibre Cement Panel (Off White)
4	Fibre Cement Panel (Dark Beige)
5	Fibre Cement Infill Panel (Light Beige)
6	Fibre Cement Soffit (Wood Grain)
7	Overhead Door
8	Metal Door
9	Glazing Frame Type 1 (Clear Anodized)
10	Glazing Frame Type 2 (Light)



**Building D - West Elevation**  
Scale 1/32" = 1'-0"

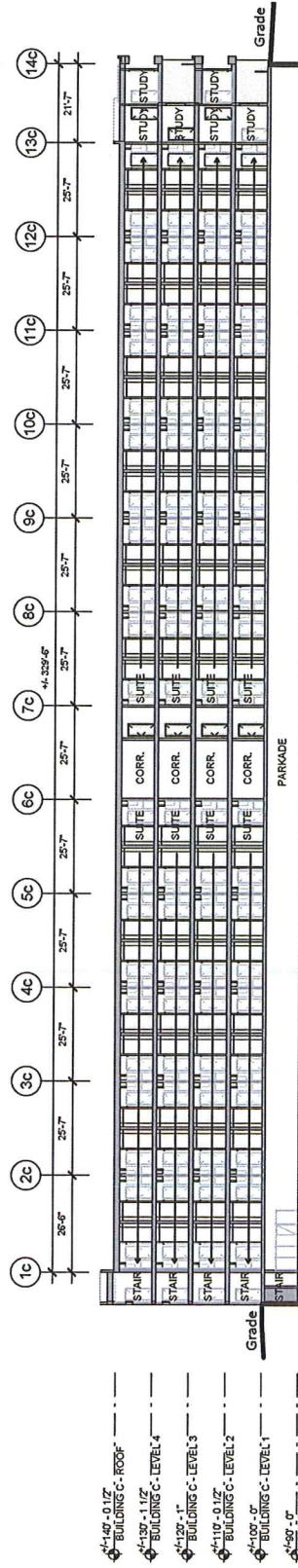


**800 Academy Way - Development Permit Application**  
 Kelowna, British Columbia,  
 January 16, 2016



**SCHEDULE A/B**  
 This forms part of development  
 Permit # **DP16-0027**

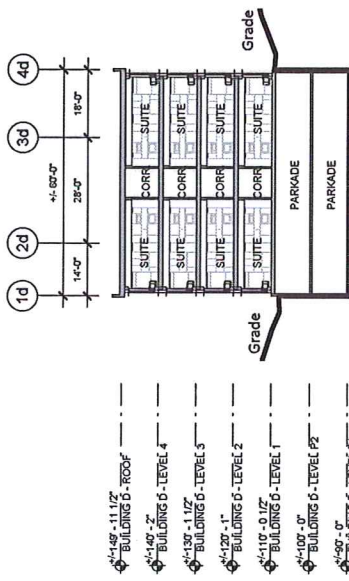
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 Scale 1/32" = 1'-0"



**Building C - Section B**  
 Scale 1/32" = 1'-0"

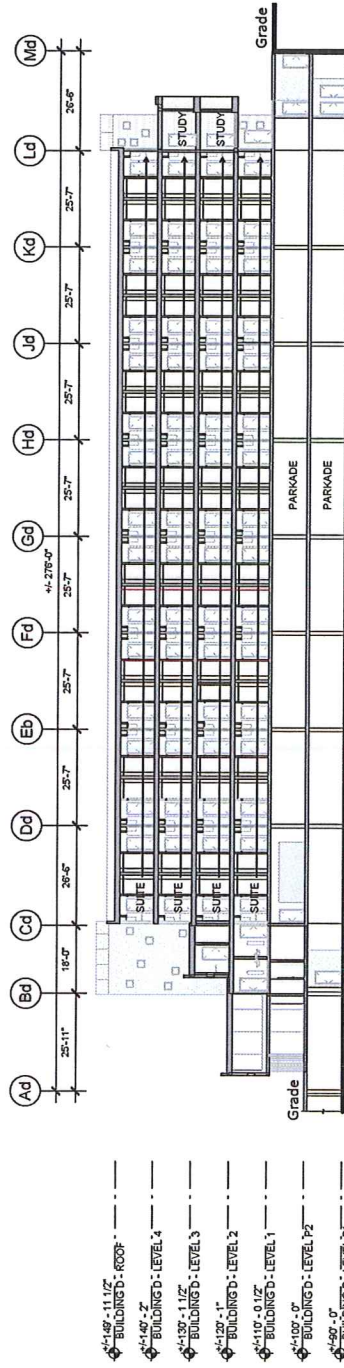


**800 Academy Way - Development Permit Application**  
 Kelowna, British Columbia,  
 January 16, 2016



**Building D - Section C**  
 Scale 1/32" = 1'-0"

**SCHEDULE A/B**  
 This forms part of development  
 Permit # **DP16-0027**



**Building D - Section D**  
 Scale 1/32" = 1'-0"





**OUTLAND DESIGN**  
LANDSCAPE ARCHITECTURE

Friday, January 15, 2016

800 Academy Way  
C/o Eidos Architecture Incorporated  
201-3935 Lakeshore Road  
Kelowna, BC V1W 1V3  
Attn: Tim McLennan, Architect, AIBC, MRAIC, Principal  
Via email to: [tmclennan@eidosarchitecture.ca](mailto:tmclennan@eidosarchitecture.ca)

Re: Proposed 800 Academy Way Development – Preliminary Cost Estimate for Bonding

Dear Tim:

Please be advised of the following preliminary cost estimate for bonding of the proposed landscape works shown in the 800 Academy Way conceptual landscape plan dated 16.01.15;

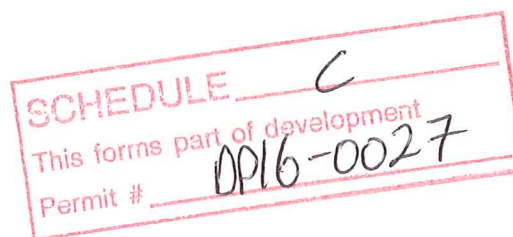
- 3,352 square metres (36,080 square feet) of improvements = \$79,518.00

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

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

Best regards,

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



206-1889 Spall Road, Kelowna, BC, V1Y 4R2 P 250.868.9270  
[outlanddesign.ca](http://outlanddesign.ca)



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

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**Date:** March 2, 2016  
**File No.:** DP16-0027  
**To:** Community Planning (AC)  
**From:** Development Engineering Manager (SM)  
**Subject:** 800 Academy Way Lot 1, Plan EPP45919

---

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

The Development Engineering Technologist for this project is Jason Ough

**1. General**

- a) Subdivision requirements have been addressed in the Development Engineering report under file S09-0074.
- b) Provide Right of Way and Easement as may be required.
- c) This proposed subdivision may require the installation of centralized mail delivery equipment. Please contact Rick Ould, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC V1Y 2K0 to obtain further information and to determine suitable location(s) within the development.
- d) A Statutory 219 Covenant of No Occupancy Permit is required until such time that Bylaw conforming fireflow and domestic water demand capacity is in place.

**2. Geotechnical Study**

A comprehensive Geotechnical Study is required to be prepared by a Professional Engineer competent in the field of geotechnical engineering. The study is to address the following:

- a) Overall site suitability for development.
- b) Presence of ground water and/or springs.
- c) Presence of fill areas.
- d) Presence of swelling clays.
- e) Presence of sulfates.
- f) Potential site erosion.
- g) Provide recommendations for on-site storm water disposal.
- h) Provide specific requirements for footings and foundation construction.

**8. Development Permit and Site Related Issues**

- a) Access and Manoeuvrability
  - (i) An SU-9 standard size vehicle must be able to manoeuvre onto and off the site without requiring a reverse movement onto public roadways. If the development plan intends to accommodate larger vehicles movements should also be illustrated on the site plan.

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Steve Muenz, P. Eng.  
Development Engineering Manager

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

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**Date:** March 2, 2016  
**File No.:** DVP16-0028  
**To:** Community Planning (AC)  
**From:** Development Engineering Manager (SM)  
**Subject:** 800 Academy Way Lot 1, Plan EPP45919

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Development Engineering Services comments and requirements pertaining to this Development Permit application to reduce the parking requirements are as follows:

- a) Additional information is required in order to support a parking stall reduction from 316 to 174 as proposed.
- b) Provide a Traffic consultant's detailed rationale in support of this parking variance. On-street parking is not an option and should not be affected due to on-site under-supply.
- c) If on-street parking becomes an issue due to approved variances, the City should have the authority to limit or eliminate parking due to decreased road capacity and/or diminished safety conditions.

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Steve Muenz, P.Eng.  
Development Engineering Manager

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**CITY OF KELOWNA**  
**BYLAW NO. 11170**  
**Z15-0034 - Teresa Corea-Gaspari**  
**580 Patterson Avenue**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 3, District Lot 14, ODYD, Plan 3249 located on Patterson Avenue, Kelowna, B.C., from the RU6 - Two Dwelling Housing zone to the RM1 - Four Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 23<sup>rd</sup> day of November, 2015.

Considered at a Public Hearing on the 23<sup>rd</sup> day of December, 2015.

Read a second and third time by the Municipal Council this 15<sup>th</sup> day of December, 2015.

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

# REPORT TO COUNCIL



**Date:** April 26, 2016  
**RIM No.** 0940-30  
**To:** City Manager  
**From:** Community Planning Department (LK)  
**Application:** DP15-0149 & DVP15-0206      **Owner:** Teresa Corea- Gaspari  
**Address:** 580 Patterson Ave      **Applicant:** Lynn Welder Consulting  
**Subject:** Development Permit and Development Variance Permit  
**Existing OCP Designation:** MRL -Multiple Unit Residential (Low Density)  
**Existing Zone:** RU6 - Two Dwelling Housing  
**Proposed Zone:** RM1 - Four Dwelling Housing

---

## 1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11170 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP15-0149 for Lot 3 District Lot 14 ODYD Plan 3249, located at 580 Patterson Avenue, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping as determined by a Registered Landscape Architect;
5. That a section 219 flood restrictive covenant be registered on the subject parcel to restrict the area located below a geodetic elevation of 344.7 as non-habitable, and that no furnace or other fixed mechanical equipment damageable by flood waters will be located below the stated flood elevation;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0206 for Lot 3 District Lot 14 ODYD Plan 3249, located at 580 Patterson Avenue, Kelowna, BC;

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

**Section 8.1.9 (c): Parking and Loading Regulations**

To vary the location of off-street parking to the side property line from 1.5 m required to 1.0 m proposed.

**Section 13.7.6 (d): Four Dwelling Housing Development Regulations**

To vary the minimum site front yard from 4.5 m required to 3.75 m proposed.

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

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

**2.0 Purpose**

To consider the form and character of a four-plex dwelling on the subject parcel and variances to the minimum front yard and the location of off-street parking to the side property line.

**3.0 Community Planning**

Community Planning staff supports the development permit and requested variances to the Zoning Bylaw to allow for the development of a four-plex on the subject parcel. The application is consistent with the Future Land Use of the Official Community Plan (OCP) for low density multiple family. It is also consistent with OCP policies to encourage increased density in existing urban neighbourhoods and consistent with the Comprehensive and Character Development Permit Guidelines.

Development Engineering requirements for a 0.76 m road dedication on Patterson Avenue have been met with an associated subdivision application #S16-0002 being approved on January 20, 2016. Domestic water and sanitary sewer upgrade requirements are noted within the engineering memorandum and will be addressed at time of building permit. All other requirements at the Rezoning Application have been completed to the satisfaction of Community Planning.

Council Policy No. 367 with respect to public consultation was undertaken by the applicant. All adjacent neighbours within a 50 m radius were provided with a circulation package in regards to the development in June and July of 2015.

**4.0 Proposal**

**4.1 Background**

The Patterson Avenue neighbourhood has been evolving in recent years under the OCP designation of MRL - Multiple Unit Residential (Low Density). New development is occurring in the neighbourhood in the form of single detached dwellings with carriage houses, two dwelling housing and four dwelling housing. The block currently has two existing four-plex developments towards the Richter Street end of the block. Other four-plex developments are located around the surrounding streets.



#### 4.2 Project Description

The proposed design has been through various modifications to require only two minor variances and to address concerns regarding privacy to adjacent parcels. Originally proposed balconies have been removed, with the remaining ones reduced to one foot Juliette style. This will ensure the primary outdoor space will be on the main floor level patios, which are two feet above grade. A landscape buffer is provided through the placement of hedges along the length of the side property lines and multiple trees to ensure privacy for both the adjacent parcels and the subject parcel. All vehicular access will be taken from the rear laneway. The parking requirements are met through the provision of 6 parking stalls. Four parking stalls are within a detached garage and two at-grade parking stalls flank each side of the garage.

The first requested variance is to allow an off-street parking stall to be 1.0m from the side property line. The Zoning Bylaw states that any development over two units may not have an off-street parking stall within 1.5m of the side property line. The parking stall is required to be 3.30m wide in order to allow egress from the adjacent garage side door. The variance is required for the east parking stall only, as the west side provides a sufficient setback and also accommodates the garbage and recycling bins required for the site.

The second requested variance is to reduce the front yard setback requirement from 4.5 m required to 3.75 m proposed. This variance is required due to the City of Kelowna Development Engineering Department request for a 0.76m road dedication. This area is to allow for the possible future road widening of Patterson Avenue. The actual setback to the building has not been modified from the original design and the façade location matches the neighbours creating a unified streetscape. All other building setback requirements have been met.

The building height is within the 9.5 m maximum and is proposed at 9.0 m measured to the top of the flat roof. Currently, there are two new developments at 551 and 619 Patterson Avenue. Both of these parcels are being subdivided into two parcels, with each parcel being developed with two dwelling housing. Both developments have a modern design with two storey, flat-roofs and roof top decks. The subject property development is similar in styling with the flat-roof design. Private amenity space is provided with at-grade patio areas with landscaping along the side property lines to provide privacy for the adjacent parcels and the subject property. The high quality exterior materials and façade articulation will help to create an appropriate transition to the character neighbourhood. The materials used will be stucco and hardie plank siding with stone accents in earth toned colours.

#### 4.3 Site Context

The parcel is located mid-block on the north side of Patterson Avenue between Pandosy Street and Richter Street.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6- Two Dwelling Housing	Single Detached Dwelling w/ Carriage House & Two Dwelling Housing
East	RU6- Two Dwelling Housing	Single Detached Dwelling w/ Carriage House
South	RU6- Two Dwelling Housing	Single Detached Dwelling w/ Carriage House & Two Dwelling Housing
West	RU6- Two Dwelling Housing	Single Detached Dwelling w/ Carriage House & Two Dwelling Housing

Subject Property Map: 580 Patterson Avenue



Parcels to be subdivided into 2 lots, with two dwelling housing developed on each lot.

Existing four-plexes

4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	700 m <sup>2</sup>	737.80 m <sup>2</sup>
Minimum Lot Width	20 m	21.34 m
Minimum Lot Depth	30 m	34.60 m
Development Regulations		
Maximum Floor Area Ratio	0.6	0.59
Maximum Site Coverage (buildings)	40%	39.56%
Maximum Site Coverage (buildings, driveways and parking)	50%	48.60%
Maximum Height (Lessor of)	9.5 m or 2 ½ storeys	9.0 m
Minimum Front Yard	4.5 m	3.75 m ●
Minimum Side Yard (east)	2.5 m	4.3 m
Minimum Side Yard (west)	2.5 m	4.3 m
Minimum Rear Yard	7.5m	7.9 m
Minimum Rear Yard for Access. Building	1.5m	1.5 m
Other Regulations		
Minimum Parking Requirements	1.5 stalls/2 bdrm dwelling units (x4 units = 6 stalls req.)	6 stalls



Minimum Side Setback to a Parking Stall	1.5 m	1.0 m <sup>ⓔ</sup>
Minimum Private Open Space	25 m <sup>2</sup> / unit	+38 m <sup>2</sup> / unit
<p><sup>ⓓ</sup> Indicates a requested variance to the required front yard setback.</p> <p><sup>ⓔ</sup> Indicates a requested variance to the required side yard setback to a parking stall.</p>		

## 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.

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

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
- Operable bedroom windows required as per the 2012 edition of the British Columbia Building Code (BCBC 12).
- Mechanical Room required and not shown
- Fire separation and Spatial calculation required at time of Building Permit Applications
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

### 6.2 Development Engineering Department

- See attached Schedule A

### 6.3 Fire Department

- Requirements of section 9.10.19 Smoke Alarms of the BCBC 2012 are to be met.
- All units shall have a posted address on Patterson Ave.
- Should a gate or fence be installed between north and south building the gate is to open without special knowledge (locking device).
- A man door shall be installed on the garage so that should there be a car fire access is through a man door and not an overhead door
- Emergency access is NOT from the lane to the north but from Patterson Ave.

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

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

## 7.0 Application Chronology

Date of Application Received: June 22, 2015  
Date Public Consultation Completed: July 31, 2015  
Date of Amended Plans Received: October 1, 2015  
Date of Rezoning Third Reading: December 15, 2015

### Report prepared by:

\_\_\_\_\_  
Lydia Korolchuk, Planner

Reviewed by:  Terry Barton, Urban Planning Manager

Approved for Inclusion:  Ryan Smith, Community Planning Department Manager

### Attachments:

Subject Property Map  
Schedule A: Site Plan  
Schedule B: Conceptual Elevations  
Schedule C: Landscape Plan  
Attachment A: Development Engineering Memorandum dated July 22, 2015  
Attachment B: OCP Development Permit Design Guidelines  
Draft Development Permit & Development Variance Permit - DP15-0149 & DVP15-0206

## DEVELOPMENT PERMIT GUIDELINES

### *Comprehensive Development Permit Area*

Consideration has been given to the following guidelines as identified in Section 14.A. of the City of Kelowna Official Community Plan relating to Comprehensive Development Permit Areas:

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
<b>Authenticity and Regional Expression</b>			
Do landscaping and building form convey a character that is distinct to Kelowna and the Central Okanagan?	✓		
Are materials in keeping with the character of the region?	✓		
Are colours used common in the region's natural landscape?	✓		
Does the design provide for a transition between the indoors and outdoors?	✓		
<b>Context</b>			
Does the proposal maintain the established or envisioned architectural character of the neighbourhood?	✓		
Does interim development consider neighbouring properties designated for more intensive development?	✓		
Are façade treatments facing residential areas attractive and context sensitive?	✓		
Are architectural elements aligned from one building to the next?	✓		
For exterior changes, is the original character of the building respected and enhanced?			✓
Is the design unique without visually dominating neighbouring buildings?	✓		
For developments with multiple buildings, is there a sense of architectural unity and cohesiveness?			✓
<b>Relationship to the Street</b>			
Do buildings create the desired streetscape rhythm?	✓		
Are parkade entrances located at grade?			✓
For buildings with multiple street frontages, is equal emphasis given to each frontage?			✓
<b>Massing and Height</b>			
Does the design mitigate the actual and perceived mass of buildings?	✓		
Does the height consider shading and view impacts for neighbouring properties and transition to less intensive areas?	✓		
<b>Human Scale</b>			
Are architectural elements scaled for pedestrians?	✓		
Are façades articulated with indentations and projections?	✓		
Are top, middle and bottom building elements distinguished?	✓		

<b>COMPREHENSIVE DEVELOPMENT PERMIT AREA</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
Do proposed buildings have an identifiable base, middle and top?	✓		
Are building facades designed with a balance of vertical and horizontal proportions?	✓		
Are horizontal glazed areas divided into vertically proportioned windows separated by mullions or building structures?	✓		
Does the design incorporate roof overhangs and the use of awnings, louvers, canopies and other window screening techniques?	✓		
Is the visual impact of enclosed elevator shafts reduced through architectural treatments?			✓
<b>Exterior Elevations and Materials</b>			
Are buildings finished with materials that are natural, local, durable and appropriate to the character of the development?	✓		
Are entrances visually prominent, accessible and recognizable?	✓		
Are higher quality materials continued around building corners or edges that are visible to the public?	✓		
Are a variety of materials used to create contrast, enhance the pedestrian environment and reduce the apparent mass of a building?	✓		
Are elements other than colour used as the dominant feature of a building?	✓		
<b>Site Access</b>			
Is the safe and convenient movement of pedestrians prioritized?	✓		
Are alternative and active modes of transportation supported through the site design?			✓
Are identifiable and well-lit pathways provided to front entrances?	✓		
Is parking located behind or inside buildings, or below grade?	✓		
Are large expanses of parking separated by landscaping or buildings?			✓
Are vehicle and service accesses from lower order roads or lanes?	✓		
Do vehicle and service accesses have minimal impact on the streetscape and public views?	✓		
Is visible and secure bicycle parking provided in new parking structures and parking lots?			✓
<b>Decks, Balconies, Rooftops and Common Outdoor Amenity Space</b>			
Are decks, balconies or common outdoor amenity spaces provided?	✓		
Does hard and soft landscaping enhance the usability of decks, balconies and outdoor amenity spaces?	✓		
Are large flat expanses of roof enhanced with texture, colour or landscaping where they are visible from above or adjacent properties?			✓

<b>Amenities, Ancillary Services and Utilities</b>			
Are loading, garage, storage, utility and other ancillary services located away from public view?	✓		
Are vents, mechanical rooms / equipment and elevator penthouses integrated with the roof or screened with finishes compatible with the building's design?			✓
<b>Landscape Development and Irrigation Water Conservation</b>			
Does landscaping:	-	-	-
✓ Compliment and soften the building's architectural features and mitigate undesirable elements?	✓		
✓ Maintain the dominant pattern of landscaping along the street and surrounding properties?	✓		
✓ Enhance the pedestrian environment and the sense of personal safety?	✓		
✓ Screen parking areas, mechanical functions, and garbage and recycling areas?	✓		
✓ Respect required sightlines from roadways and enhance public views?	✓		
✓ Retain existing healthy mature trees and vegetation?	✓		
✓ Use native plants that are drought tolerant?	✓		
✓ Define distinct private outdoor space for all ground-level dwellings?	✓		
Do any fences and retaining walls create visual interest and enhance the pedestrian environment?	✓		
Do parking lots have one shade tree per four parking stalls?			✓
Does the Landscape Architect's Landscape Water Conservation Report:	-	-	-
• Meet the requirements for Landscape Water Budget calculations for the landscaped area?			✓
• Indicate how the development complies with or varies from the Landscape Water Conservation Guidelines?			✓
<i>Landscape Water Conservation Guidelines</i>			
Are plants grouped into "hydro-zones" of high, medium and low or unirrigated / unwatered areas?			✓
Does at least 25% of the total landscaped area require no irrigation / watering?			✓
Does at least 25% of the total landscaped area require low water use?			✓
Does at most 50% of the total landscaped area require medium or high water use?			✓
Is mulch cover provided for shrubs and groundcover to reduce soil evaporation?	✓		
Do water features such as pools and fountains use recirculated water systems?			✓
Do landscape installation standards meet the requirements of the BC Landscape Standard and / or the Master Municipal Construction Document?	✓		
Are the required written declarations signed by a qualified Landscape Architect?			✓

<i>Irrigation System Guidelines</i>			
Is the Irrigation Plan prepared by a Qualified Professional?	✓		
Are irrigation circuits grouped into “hydro-zones” of high, medium and low or unirrigated / unwatered areas consistent with the landscaping plan?			✓
Is drip or low volume irrigation used?			✓
Are the required written declarations signed by a qualified Certified Irrigation Designer?			✓
<b>Crime prevention</b>			
Are CPTED practices as related to landscaping, siting, form and exterior design included in the design?			✓
Are building materials vandalism resistant?			✓
<b>Lighting</b>			
Does lighting enhance public safety?	✓		
Is “light trespass” onto adjacent residential areas minimized?	✓		
Does lighting consider the effect on the façade, neighbouring buildings and open spaces?	✓		
Is suitably scaled pedestrian lighting provided?	✓		
Does exterior street lighting follow the International Dark Sky Model to limit light pollution?			✓

### *Intensive Residential - Character Neighbourhood*

Consideration has been given to the following guidelines as identified in Section 14.D. of the City of Kelowna Official Community Plan relating to Intensive Residential - Character Neighbourhood Development Permit Areas:

<b>INTENSIVE RESIDENTIAL - CHARACTER NEIGHBOURHOOD</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
<b>Site and Context Considerations</b>			
Does the building location maximize usable and private open space?	✓		
Are parking spaces and garages located in the rear yard?	✓		
Is all parking screened from public view or contained in a structure?	✓		
Does articulation on the front façade create depth and architectural interest?	✓		
Do all street facing elevations have an equal level and quality of design?	✓		
Are garages recessed behind the front elevation?	✓		
Do garages face away from the street?	✓		
Does the project complement the established character of the neighbourhood?	✓		

<b>INTENSIVE RESIDENTIAL - CHARACTER NEIGHBOURHOOD</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
Does the design limit height difference to adjacent properties?	✓		
Are established front yard setbacks maintained?	✓		
Does the building location minimize shadowing on the private open space of adjacent properties?	✓		
Does fencing or landscaping screen views of private open space on adjacent properties?	✓		
Does the placement of windows, decks and other features respect the privacy of adjacent properties?	✓		
Is the front yard landscaped with a variety of trees, shrubs, flower beds or other landscape materials?	✓		
Are existing healthy mature trees and vegetation being retained?	✓		
Are impermeable surfaces minimized?	✓		
Do the driveways and parking areas use permeable paving materials?		✓	
<b>Form and Character</b>			
Is the established streetscape massing maintained?	✓		
Are accessory buildings smaller than the principal building?	✓		
If converting to multiple unit housing, is the exterior appearance of a single family structure maintained?	✓		
Are details from the front elevations carried to the midpoint of the side elevation or the nearest articulated element?	✓		
Are exterior colours in keeping with the traditional colours for the building's architectural style?	✓		
Are high quality, low maintenance roofing and building materials being used?	✓		
Are the roofing and building materials similar to traditional materials?	✓		
Are a mixture of building materials used to enhance visual appeal and building design?	✓		
Are entrances and porches a dominant feature facing the street?	✓		
Do entrances match the pattern of the established architectural style?	✓		

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

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**Date:** July 22, 2015  
**File No.:** Z15-0034

**To:** Urban Planning Department (LK)

**From:** Development Engineering Manager

**Subject:** 580 Patterson Ave

RU6 to RM1

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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 Sergio Sartori

**1. Domestic Water and Fire Protection**

The subject property is currently serviced with a 19mm water service. The developer will need to determine the domestic and fire protection requirements of this proposed development. Only one service will be permitted for this development. The applicant will arrange for the disconnection of existing service and the installation of a new service. The disconnection of the existing small diameter water services and the tie-in of a larger new service can be provided by City forces at the developer's expense. One metered water service will supply the development. The applicant will be required to sign a Third Party Work Order for the cost of the water service upgrades. For estimate inquiry's please contact Sergio Sartori, by email [ssartori@kelowna.ca](mailto:ssartori@kelowna.ca) or phone, 250-469-8589.

**2. Sanitary Sewer**

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

**3. Road Improvements**

Patterson Ave 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. 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 **\$11,565.00** not including utility service cost



Only the service upgrades must be completed at this time. The City wishes to defer the upgrades to Patterson Ave fronting this development. Therefore, cash-in-lieu of immediate construction is required and the City will initiate the work later, on its own construction schedule.

Patterson Ave

Item	Cost
Curb &Gutter	\$2,134.00
Sidewalk	\$2,668.00
Street Lighting	\$ 720.00
Drainage	\$ 3,776.00
Landscape Boulevard	\$ 400.00
Road Fillet	\$1,867.00
<b>Total</b>	<b>\$11,565.00</b>

**4. Subdivision**

- (a) Grant Statutory Rights Of Way if required for utility services.
- (b) Dedicate 0.76m width along the full frontage of Patterson Ave.
- (c) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.

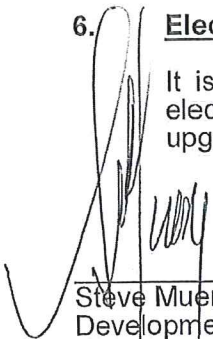
**5. Development Permit and Site Related Issues**

Direct the roof drains into on-site rock pits or splash pads.

Access to this property is permitted from the lane only.

**6. Electric Power and Telecommunication Services**

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




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Steve Muenz, P. Eng.  
Development Engineering Manager

SS

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CITY OF KELOWNA

MEMORANDUM

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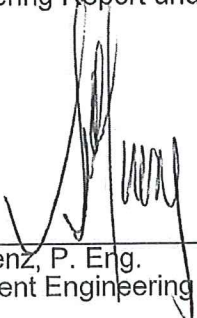
**Date:** July 22, 2015  
**File No.:** DP15-0149  
**To:** Urban Planning (LK)  
**From:** Development Engineer Manager (SM)  
**Subject:** 580 Patterson Ave

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

1. **General.**

- a) All the offsite infrastructure and services upgrades are addressed in the Rezoning Engineering Report under file Z15-0034.



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Steve Muenz, P. Eng.  
Development Engineering Manager

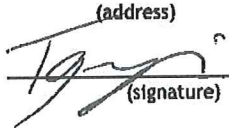
SS



**CITY OF KELOWNA  
URBAN PLANNING  
PROPERTY OWNERSHIP CERTIFICATE**  
(to be signed by all owners on Title)

I, **Teresa Corea-Gaspari**  
(print name in full)

of **361 Providence Ave, Kelowna, B.C. V1W 4Y7**  
(address)

  
(signature)

**November 5, 2015**  
(date)

**hereby certify that I am currently the owner of:**

**Lot 3, Plan 3249**  
(legal description)

**580 Patterson Ave.**  
(street address)

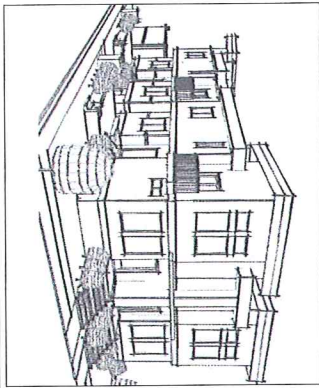
for File No. Z15-0034, DP15-0149 & DVP15-0206).

**AND that the original Title submitted for this file remains unchanged.**

Community Planning  
& Real Estate  
1435 Water Street  
Kelowna, BC V1Y 1J4  
TEL 250 469-8626  
FAX 250 862-3314  
kelowna.ca

# PATTERSON AVE. FOURPLEX KELOWNA, B.C.

## RESIDENTIAL DEVELOPMENT



LOCATION MAP

SECTION 8. PARKING AND LOADING  
 8.1 OFF-STREET VEHICLE PARKING  
 8.1.2 MIN NUMBER SPACES  
 TABLE 8.1 (PARTMENTROW HOUSING): 15 DWELLING UNIT  
 12 SPACES x 4 UNITS = 48 SPACES  
 8.1.7 PARKING SPACES FOR THE DISABLED  
 a) PER B.C. BUILDING CODE NOT REQUIRED  
 8.1.8 VISITOR PARKING  
 TABLE 8.1 (PARTMENTROW HOUSING): 17 DWELLING UNITS  
 4 UNITS = 1 VISITOR SPACE  
 8.1.9 RESIDENTIAL USE LOCATION  
 b) PARKING NOT PERMITTED IN REAR FRONT YARD  
 c) PARKING SETBACK  
 WEST PROPERTY LINE: MIN 1.5m  
 EAST PROPERTY LINE: MIN 1.5m  
 REAR PROPERTY LINE: MIN 1.5m  
 8) EASY ACCESS FROM VISITOR PARKING  
 TO BUILDING DEVELOPMENT ACCESS

8.1.11 SIDE  
 a) MIN WIDTH: 2.5m  
 b) MIN LENGTH: 6.0m  
 MIN HEIGHT: 2.0m  
 8.4 OFF-STREET BICYCLE PARKING  
 TABLE 8.3 (PARTMENTROW HOUSING):  
 4 UNITS 0.5 SPACES/UNIT = 2 SPACES  
 CLASS B 0.1 DWELLING UNIT  
 4 UNITS 0.1 SPACES/UNIT = 0.4 SPACES  
 SECTION 13 - URBAN RESIDENTIAL ZONES  
 13.2 RM - FOUR DWELLING UNITS HOUSING  
 13.2.1 MINIMUM SETBACKS  
 13.2.2 BUILDINGS AND STRUCTURES PERMITTED  
 13.2.3 SUBDIVISION REGULATIONS  
 13.2.4 DEVELOPMENT REGULATIONS  
 13.2.5 MAX SITE COVERAGE: 40%  
 EXCEPT THE MAX SITE COVERAGE OF BUILDINGS,  
 DRIVEWAYS AND PARKING AREAS IS 50%  
 (31-27-715 = 3857 / 7942 = 0.4866)  
 b) MAX FLOOR AREA RATIO: 0.6  
 c) MAX HEIGHT: LESSER OF 9.0m & 7 1/2 STOREYS  
 d) MIN FRONT YARD: 4.5m  
 e) MIN SIDE YARD (I OR I 1/2 STOREYS): 2.0m  
 MIN SIDE YARD (J STOREYS): 2.5m  
 f) MIN REAR YARD (I OR I 1/2 STOREYS): 6.0m  
 MIN REAR YARD ACCESSORY STRUCTURE: 1.5m  
 13.2.7 OTHER REGULATIONS  
 4 UNITS x 50sqm/UNIT = 200sqm  
 b) WHERE LANE ACCESS IS PROVIDED, NO VEHICLE ACCESS FROM THE FRONTING  
 c) ADDITIONAL REGULATIONS

PROJECT INFO:  
 CIVIC ADDRESS:  
 CURRENT: 380 PATTERSON AVENUE, KELOWNA, BC.  
 CURRENT LOT: 3, PLAN 3249, C.D.V.D.  
 ZONING:  
 CURRENT: RM - TWO DWELLING HOUSING  
 PROPOSED: RM1 - FOUR DWELLING HOUSING

SITE AREA: 737.8 m<sup>2</sup> (7942 SF)  
 FLOOR AREA:  
 BUILDING A TOTAL AREA: 325.6m<sup>2</sup>  
 1ST FLOOR: 106.8 m<sup>2</sup> (1132 SF)  
 2ND FLOOR: 104.3 m<sup>2</sup> (1123 SF)  
 NET FLOOR AREA: 211.1 m<sup>2</sup> (2255 SF)  
 BUILDING B TOTAL AREA: 325.6m<sup>2</sup>  
 1ST FLOOR: 104.3 m<sup>2</sup> (1123 SF)  
 2ND FLOOR: 117.2 m<sup>2</sup> (1252 SF)  
 NET FLOOR AREA: 221.5 m<sup>2</sup> (2385 SF)

SECTION 9. STAIRS, RAMPS, HANDRAILS AND GUARDS  
 9.2.2 STAIR DIMENSIONS (BASE TO MAIN)  
 9.2.2.1(1) HEIGHT OF STAIR: MAX 190mm  
 9.2.2.1(2) RISE: MAX 200mm - MIN 125mm  
 9.2.2.1(3) RUN: MAX 350mm - MIN 250mm  
 9.2.2.1(4) MIN CLEAR HEIGHT: 2.1m  
 9.2.2.1(5) STAIR WIDTH: MIN 800mm  
 9.2.2.1(6) CLEAR OVER STAIR: MIN 190mm  
 9.2.2.1(7) HEIGHT OF STAIR: MAX 3.7m  
 9.2.2.1(8) HEIGHT OF STAIR: MAX 3.7m  
 9.2.2.1(9) SEPARATION OF STAIRS  
 9.2.2.1(10) SEPARATION OF STAIRS  
 9.2.2.1(11) SEPARATION OF STAIRS  
 9.2.2.1(12) SEPARATION OF STAIRS  
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 9.2.2.1(14) SEPARATION OF STAIRS  
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 9.2.2.1(18) SEPARATION OF STAIRS  
 9.2.2.1(19) SEPARATION OF STAIRS  
 9.2.2.1(20) SEPARATION OF STAIRS

SECTION 10.10.1. FIRE RESISTANCE AND COMBUSTIBILITY IN RELATION TO OCCUPANCY HEIGHT  
 TABLE 10.10.1. RESIDENTIAL (GROUP C)  
 FLOOR: 45min F.R.  
 ROOF: F.R. NOT REQUIRED  
 WALLS: NOT LESS THAN SUPPORTED  
 9.10.10.2. FIRE SEPARATIONS BETWEEN ROOMS AND SPACES WITHIN BUILDINGS  
 9.10.10.2.1. FLOOR ASSEMBLIES CONTAINED WITHIN DWELLING UNITS NEED NOT BE  
 CONSTRUCTED AS FIRE SEPARATIONS.  
 9.10.10.2.2. SEPARATION OF RESIDENTIAL OCCUPANCIES  
 MIN TH BETWEEN ALL OCCUPANCIES  
 9.10.10.2.3. SEPARATION OF RESIDENTIAL SUITES  
 IF 2+ STOREYS MIN F.R.: TH  
 9.10.10.2.4. SEPARATION OF STORAGE GARAGES  
 9.10.10.2.5. GARAGES CONTAINING 5 VEHICLES OR LESS SHALL BE SEPARATED FROM  
 OTHER OCCUPANCIES BY THE WALL REQUIRED BETWEEN A GARAGE AND DWELLING IF  
 THE GARAGE IS ONLY SERVING THAT DWELLING.  
 9.10.10.2.6. SPATIAL SEPARATION  
 TO CONFORM TO TABLE 10.10.14, OR TABLE 3.2.2.19, OR D  
 SEE A3.1.4.4.2  
 9.11.1 SOUND CONTROL  
 9.11.2.1(1) MIN STC OF 50 BETWEEN OCCUPANCIES PROP: 66  
 9.11.2.1(2) MIN STC OF 50 BETWEEN OCCUPANCIES PROP: 66  
 9.11.2.1(3) PROVIDING FOR THE ROOM FOR A SUBFLOOR DEPRESSURIZATION SYSTEM  
 PROP: 70 CONFORM

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 9.11.2.1(2) MIN STC OF 50 BETWEEN OCCUPANCIES PROP: 66  
 9.11.2.1(3) PROVIDING FOR THE ROOM FOR A SUBFLOOR DEPRESSURIZATION SYSTEM  
 PROP: 70 CONFORM

CONSULTANTS:  
 ARCHITECTURAL:  
 GTA ARCHITECT LTD.  
 CONTRACT: GARRY TOLPOVOSKI  
 280 1889 SPRINGFIELD ROAD  
 KELOWNA, BC V1Y 4Z7  
 PHONE: (250) 979-1668, FAX: (250) 879-4286  
 EMAIL: gerry@gta.ca  
 CIVIL:  
 APJUN & MARTIN  
 CONTRACT: COREY BARBER  
 206 1889 SPRINGFIELD ROAD  
 KELOWNA, BC V1Y 4Z7  
 PHONE: (250) 460-1571  
 EMAIL: corey@apjunm.com  
 STRUCTURAL:  
 N/A FOR DEVELOPMENT PERMIT  
 LIST OF DRAWINGS:  
 N/A FOR DEVELOPMENT PERMIT

ARCHITECTURAL:  
 1.0 COVER SHEET  
 1.1 SCHEDULES  
 1.2 GENERAL NOTES  
 1.3 FINISHES  
 1.4 EXTERIOR WALLS  
 1.5 EXTERIOR ROOFING  
 1.6 EXTERIOR FLOORING  
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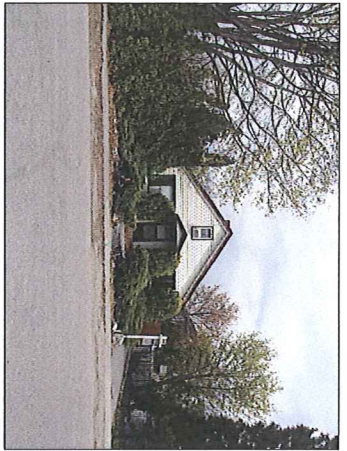
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 INTERIOR TESTING SERVICES LTD.  
 226 1889 SPRINGFIELD ROAD  
 KELOWNA, BC V1Y 4Z7  
 PHONE: (250) 860-4540  
 EMAIL: jreid@interior-testing.com  
 LIST OF DRAWINGS:  
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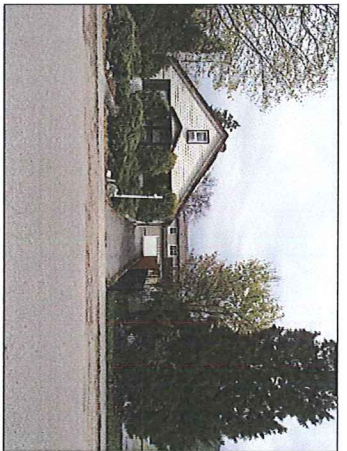
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 EMAIL: jreid@interior-testing.com  
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 226 1889 SPRINGFIELD ROAD  
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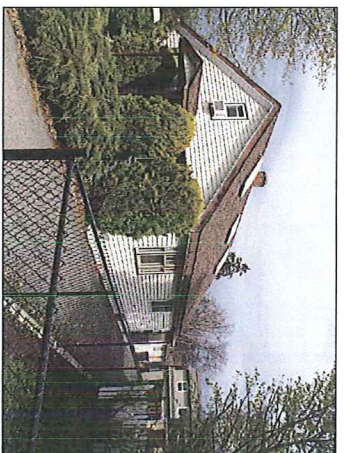
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 APPROVED BY: [Name]



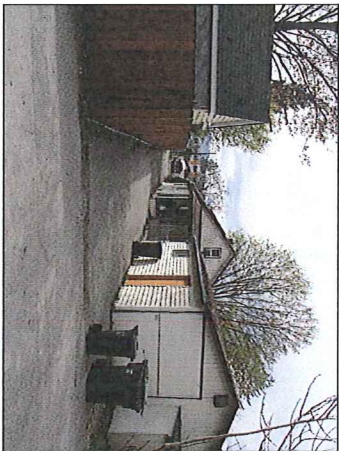
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LOOKING NORTH



2  
A0.1  
NTS  
LOOKING NORTH



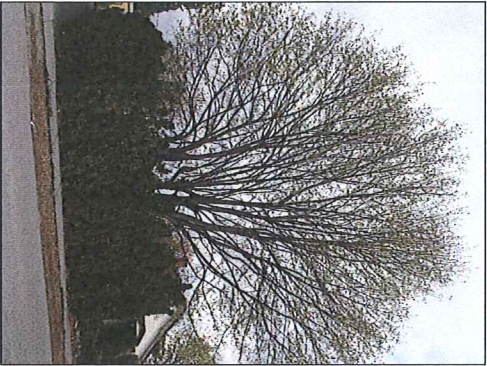
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NTS  
LOOKING NORTHWEST



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A0.1  
NTS  
LOOKING SOUTH



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NTS  
LOOKING SOUTHWEST



6  
A0.1  
NTS  
LOOKING NORTH



7  
A0.1  
NTS  
LOOKING NORTH



8  
A0.1  
NTS  
LOOKING SOUTHEAST

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NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY		
2	REVISED		
3	REVISED		
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7	REVISED		
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SCALE

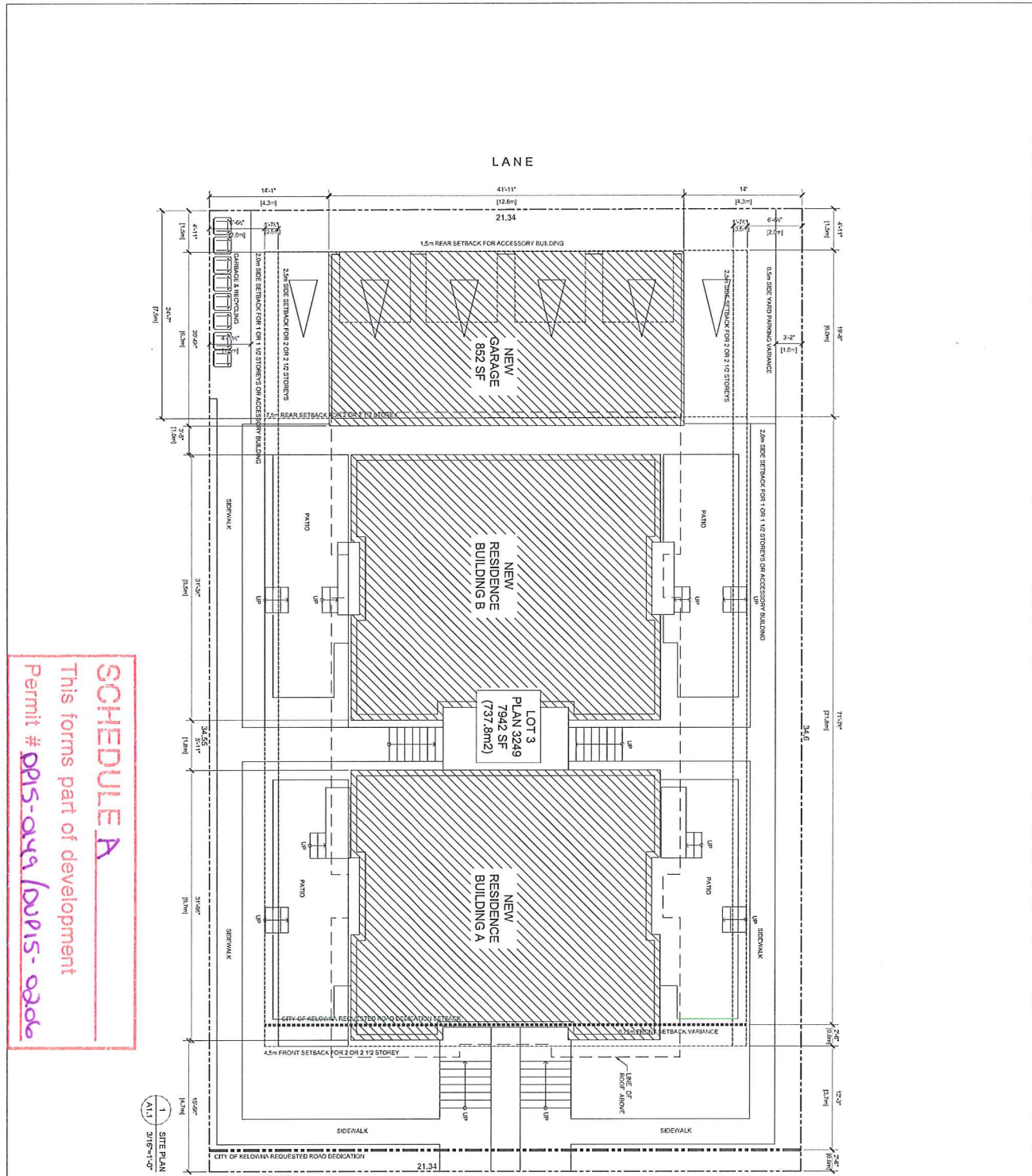
**gta**  
 GTA Architecture Ltd.  
 204-4881 Glenhead Rd.  
 V1V 5N5  
 P.O. Box 25007  
 Telephone: 250.979.8888  
 Email: gta@gtainc.com

**FOUR FLEX**  
 550 PATTERSON AVE.  
 LAKE COUNTRY, BC

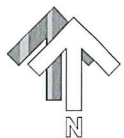
**SITE PHOTOS**

DATE: APRIL 2015  
 FILE: A1509

**A0.1**



**SCHEDULE A**  
 This forms part of development  
 Permit # **DRS-0449 / 0015-0006**



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3	REVISED	
4	REVISED	
5	REVISED	

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 V7E 2S2  
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 Fax: 604.273.4022  
 Email: gta@gtadirect.com

FOURPLEX  
 580 PATTERTON AVE  
 KELOWNA, BC

SITE PLAN

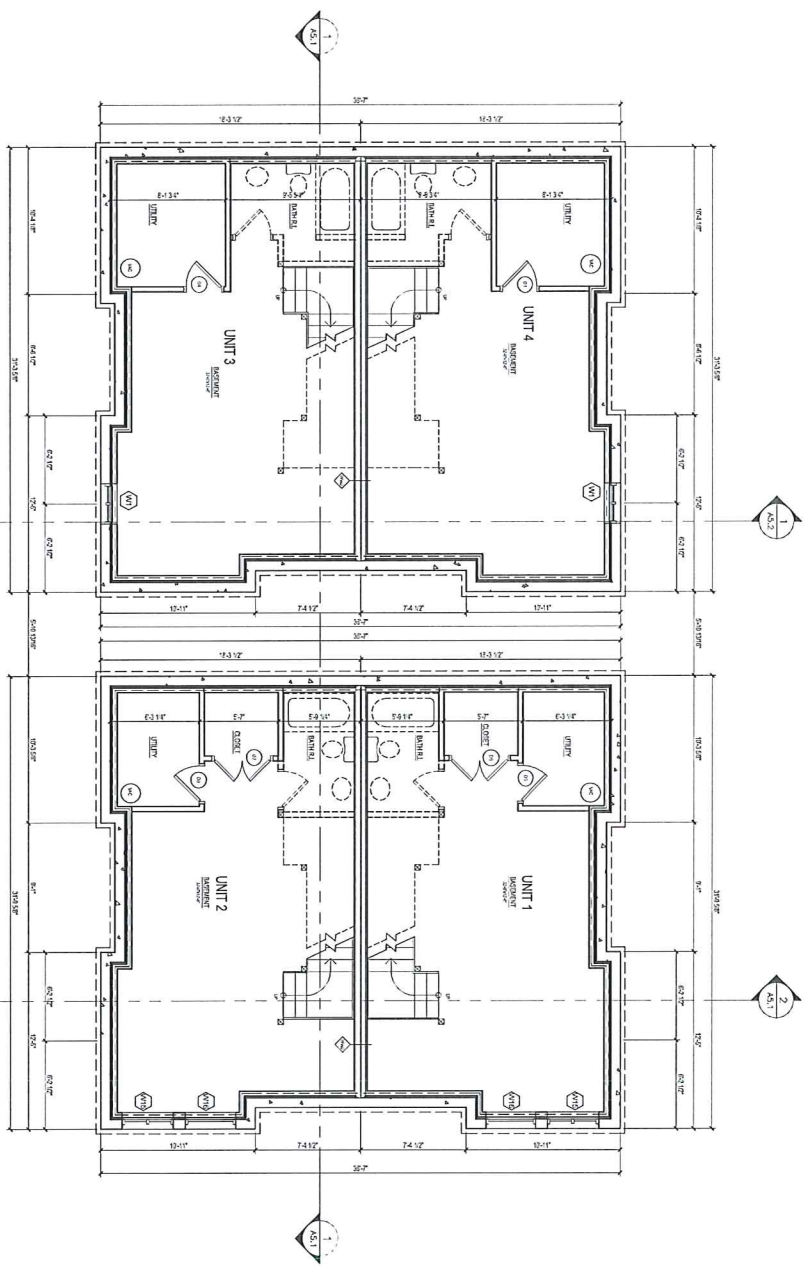
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APRIL 2015	FILE: A1.1-06

A1.1



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7	2013.04.08	ISSUED FOR PERMIT
8	2013.04.08	ISSUED FOR PERMIT
9	2013.04.08	ISSUED FOR PERMIT
10	2013.04.08	ISSUED FOR PERMIT



2 UNIT 3 & 4 (BUILDING B) BASEMENT FLOOR PLAN A2.2 / 1/4"=1'-0"

1 UNIT 1 & 2 (BUILDING A) BASEMENT FLOOR PLAN A2.2 / 1/4"=1'-0"

**SCHEDULE A**

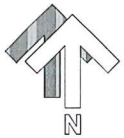
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Permit # DPIS-0144 / DPIS-0206

DATE	2013.04.08
BY	AS NOTED
SCALE	AS NOTED
TITLE	APRIL 2013
FILE	A13-018
<b>A2.2</b>	

**BASEMENT PLAN**

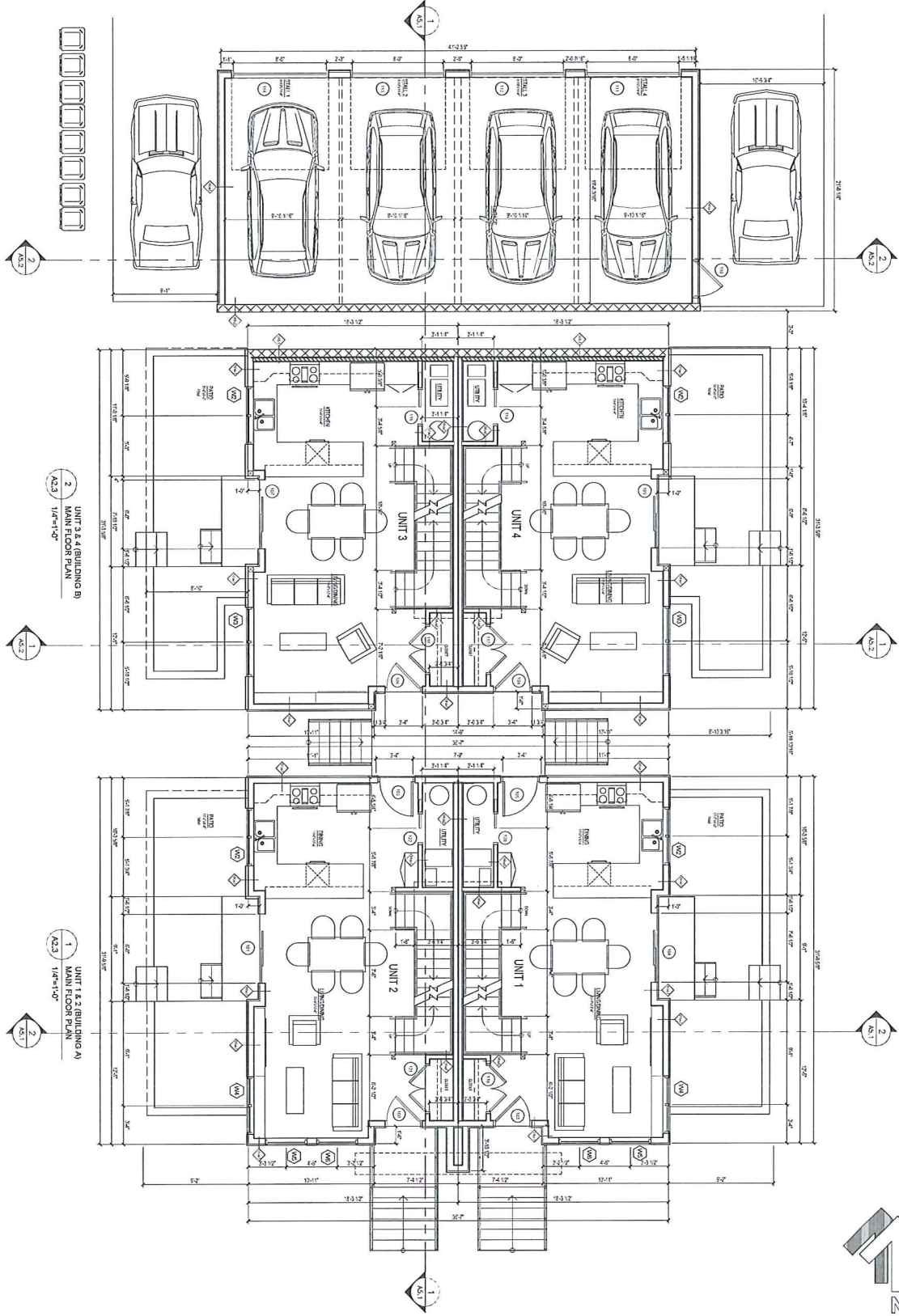
**FOURFLEX**  
550 PATTERSON AVE.  
KELOWNA, BC

**gta**  
G.T.A. ARCHITECTURE LTD.  
20-1805 SPRINGFIELD RD.  
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V1Y 1Y2  
PHONE: 250.860.4265  
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8	2015-04-15	ISSUED FOR PERMIT
9	2015-04-15	ISSUED FOR PERMIT
10	2015-04-15	ISSUED FOR PERMIT



2 UNIT 3 & 4 (BUILDING B) MAIN FLOOR PLAN

1 UNIT 1 & 2 (BUILDING A) MAIN FLOOR PLAN

**SCHEDULE A**

This forms part of development  
Permit # 0015-0149 / DU15-0006

DATE: 2015-04-15  
SCALE: AS NOTED  
FILE: A2.3

MAIN FLOOR

FOURPLEX  
560 PATTERSON AVE.  
KELOWNA, BC

gta

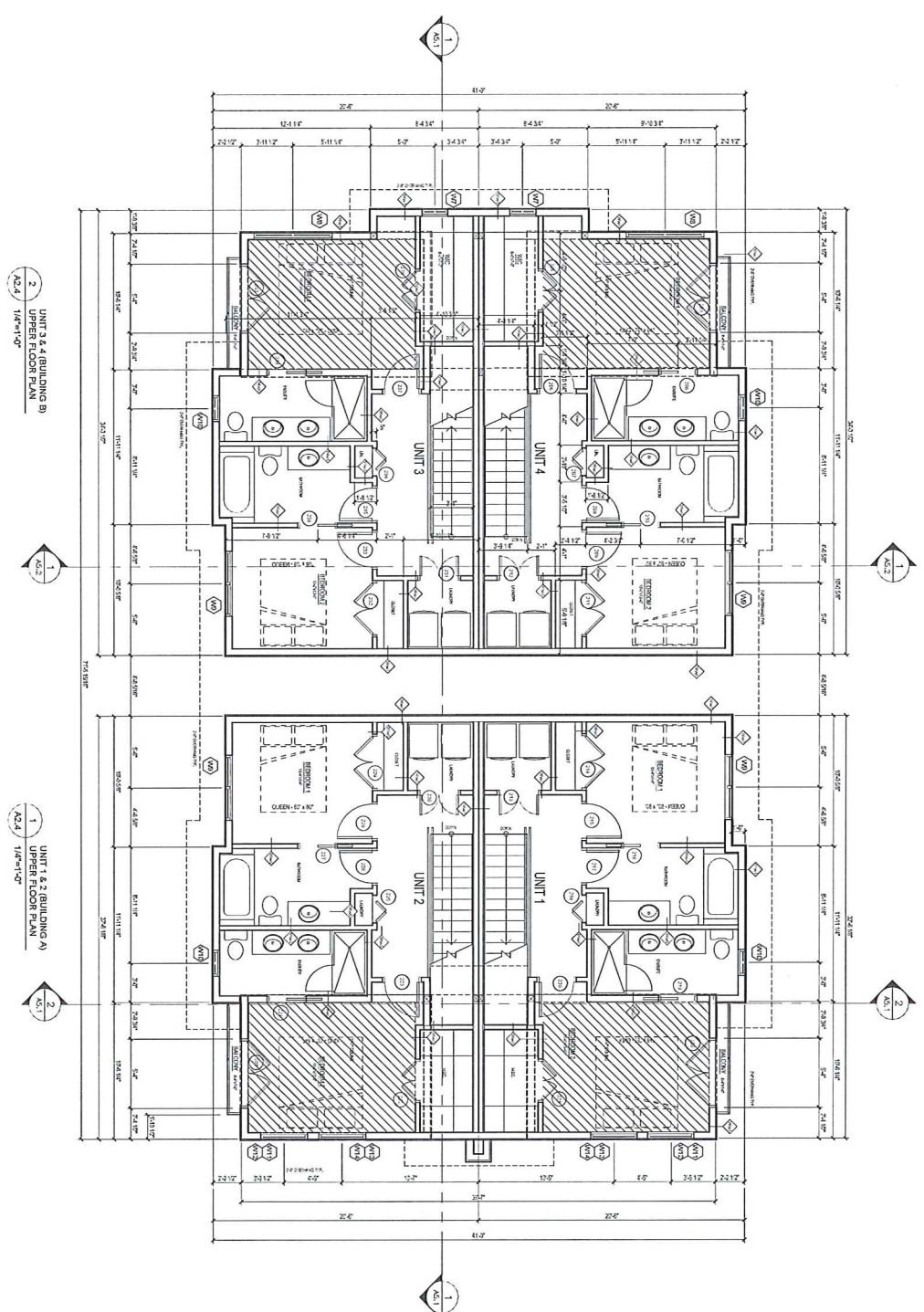
GTA Architecture Ltd.  
200-1000 Riverside Dr.  
Kelowna, British Columbia  
V1Y 9Y9  
Tel: 250.860.2022  
Fax: 250.860.2023  
www.gtaarchitecture.com





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10	ISSUED FOR PERMIT	2015-04-06



UNIT 3 & 4 (BUILDING B)  
UPPER FLOOR PLAN  
A2.4 / 1/4"=1'-0"

UNIT 1 & 2 (BUILDING A)  
UPPER FLOOR PLAN  
A2.4 / 1/4"=1'-0"

**SCHEDULE A**  
This forms part of development  
Permit # DR15-0144 / DRP15-0226

PROJECT NO.	15-001
DATE	2015-04-06
SCALE	AS NOTED
DATE	2015-04-06
TITLE	A2.4

**UPPER FLOOR**

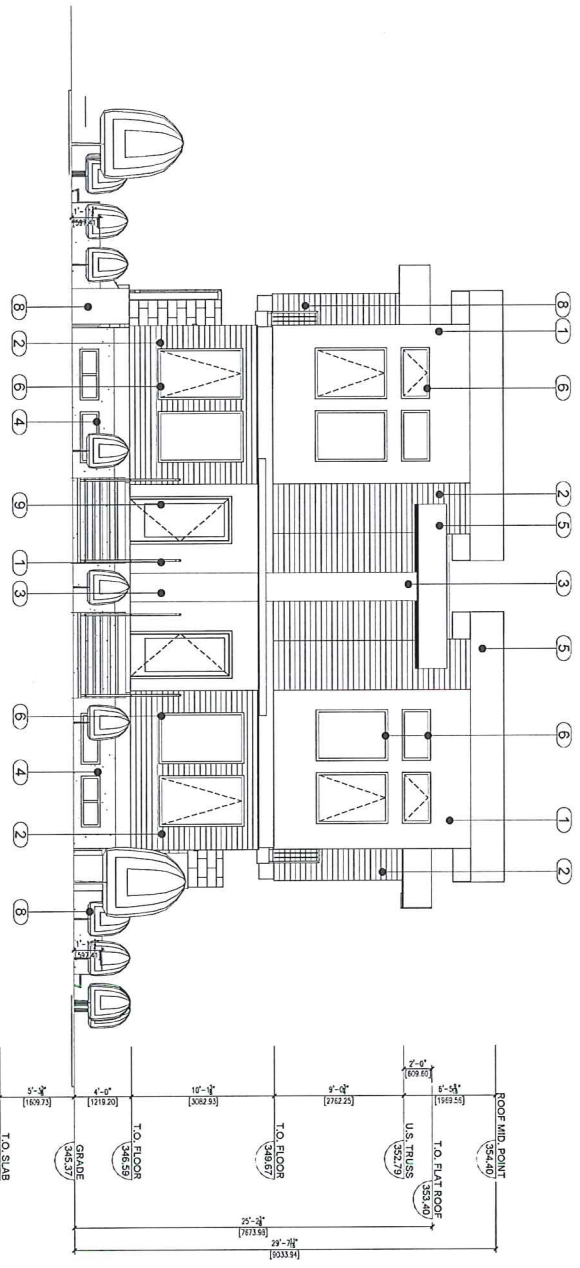
**FOURPLEX**  
560 PATTERSON AVE.  
KELOWNA, BC

**gta**  
GTA Architects & Ltd.  
2000 West 10th Avenue  
Kelowna, British Columbia  
V1Y 9S2  
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8	ISSUED FOR PERMIT	2015.04.15
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1 ELEVATION - FRONT  
A2.2 1/8"=1'-0"

- EXTERIOR FINISH SCHEDULE**
- 1) SIDING - STUCCO
  - 2) SIDING - HORIZONTAL SIDING
  - 3) SIDING - STONE
  - 4) CONCRETE - PARGED
  - 5) FASCIA - CEMENTITIOUS PANEL, PAINTED
  - 6) WINDOW AND DOOR FRAMES - PAINTED
  - 7) N/A
  - 8) GUARD RAIL - ALUMINUM
  - 9) FLASHING - PREFINISHED METAL



**SCHEDULE B**

This forms part of development  
Permit # DR15-0149 / 0415-0206

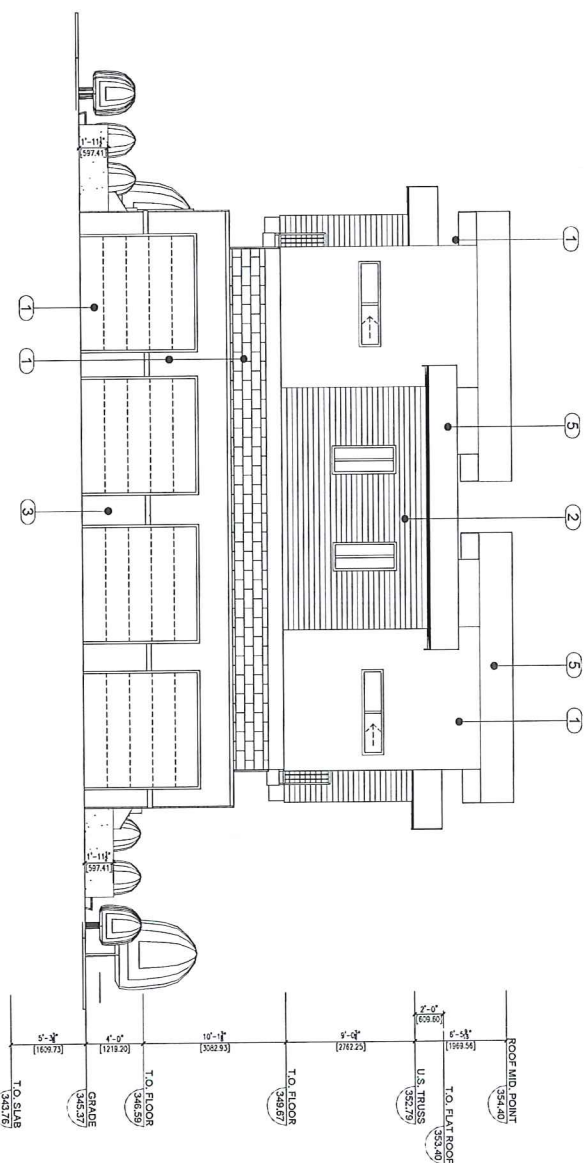
**FOURPLEX**  
560 PATTERSON AVE.  
KELLOWNA, BC

**FRONT ELEVATION**

DATE: APRIL 2015 FILE: A3-1

**gta**  
GTA Architects Ltd.  
24-100 Springfield Rd.  
Vancouver, British Columbia  
Tel: 604.278.4444  
Fax: 604.278.1666  
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 VERIFY ALL ELEVATIONS AND CALCULATE ALL VOLUMES.  
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 VERIFY ALL MATERIALS AND FINISHES.  
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 VERIFY ALL CONTRACTS AND AGREEMENTS.  
 VERIFY ALL SCHEDULES AND TIMELINES.  
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 VERIFY ALL QUALITY CONTROL MEASURES.  
 VERIFY ALL SAFETY PROCEDURES.  
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1 ELEVATION - REAR  
 1/8"=1'-0"

UNPROTECTED OPENING CALCULATION

UPPER FLOOR  
 LIMITING DISTANCE = 8.5m  
 ALLOWABLE = 100%  
 UNPROTECTED OPENINGS = 3%

LOWER FLOOR BETWEEN GARAGE AND RESIDENCE  
 LIMITING DISTANCE = 0.6m  
 ALLOWABLE = 0%  
 UNPROTECTED OPENINGS = 0%

STORAGE GARAGE TO LAINE  
 LIMITING DISTANCE 5.0m  
 EXPOSED BUILDING FACE AREA = 39.8m<sup>2</sup>  
 UNPROTECTED OPENINGS = 55%  
 PROVIDE ONE (1) 20-MINUTE RATED OVERHEAD DOOR:  
 UNPROTECTED OPENINGS = 43%

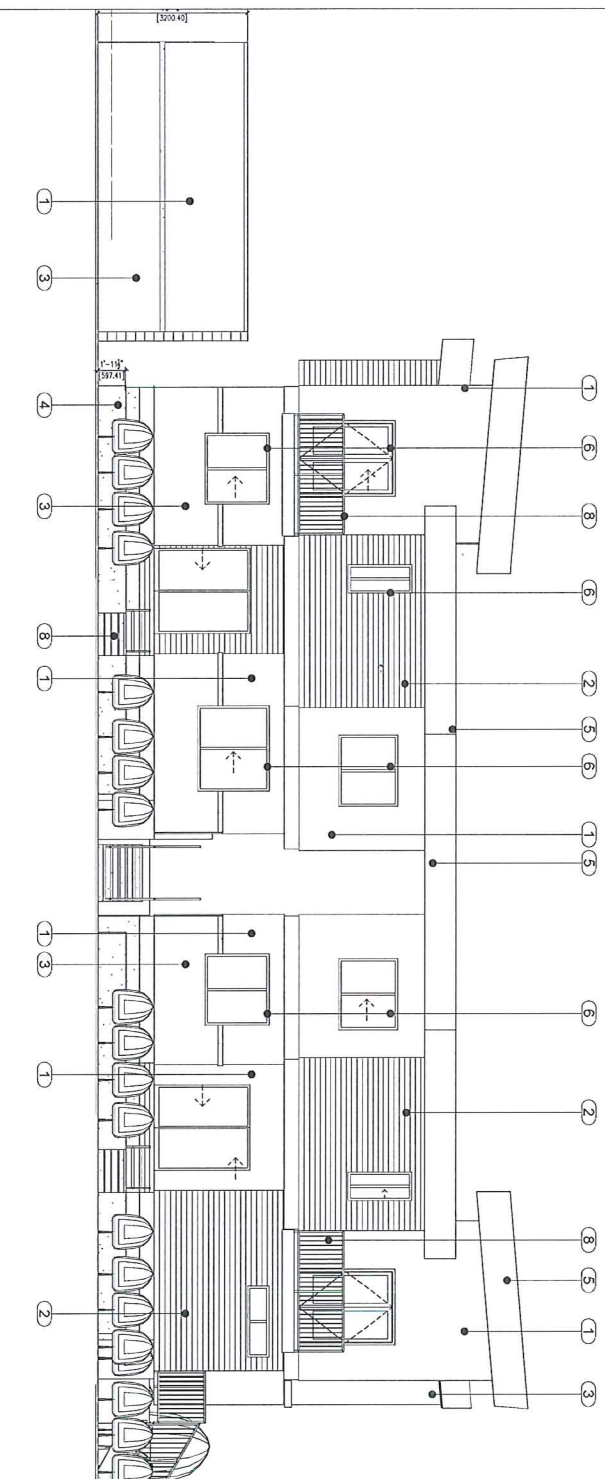
**SCHEDULE B**  
 This forms part of development  
 Permit # **DL15-0144 (DL15-0226)**

REAR ELEVATION  
 DATE: 15 APRIL 2015  
 FILE: A3.2

**gta**  
 GTP Architecture Ltd.  
 308-308 Springfield Rd.  
 5th Floor  
 Victoria, BC  
 Tel: 250.879.4444  
 Fax: 250.879.4444  
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**FOURPLEX**  
 580 PATERSON AVE.  
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**UNPROTECTED OPENING CALCULATION**  
 LIMITING DISTANCE = 10.6m  
 EXPOSED BUILDING FACE AREA = 71m<sup>2</sup>  
 WORST CASE ALLOWABLE = 0%  
 NON COMBUSTIBLE CLADDING AND  
 STRUCTURE REQUIRED

1 - ELEVATION - SIDE  
 A2.1 / 1/4"=1'-0"

**UNPROTECTED OPENING CALCULATION**  
 LIMITING DISTANCE = 5.2m  
 EXPOSED BUILDING FACE AREA = 59m<sup>2</sup>  
 WORST CASE ALLOWABLE = 25%  
 UNPROTECTED OPENINGS = 25%

**SCHEDULE B**  
 This forms part of development  
 Permit # DP15-D144/00215-0006

LEVEL	NO.	FINISH	MARKED TO FINISH
ROOF MID. POINT	1	354.40	
U.S. TRUSS	2	352.79	
TO FLOOR	3	348.97	
TO FLOOR	4	348.29	
TO FLOOR	5	348.29	
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TO FLOOR	7	348.29	
TO FLOOR	8	348.29	
TO FLOOR	9	348.29	
TO FLOOR	10	348.29	
TO SLAB	11	345.37	
TO SLAB	12	343.76	
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TO SLAB	47	343.76	
TO SLAB	48	343.76	
TO SLAB	49	343.76	
TO SLAB	50	343.76	

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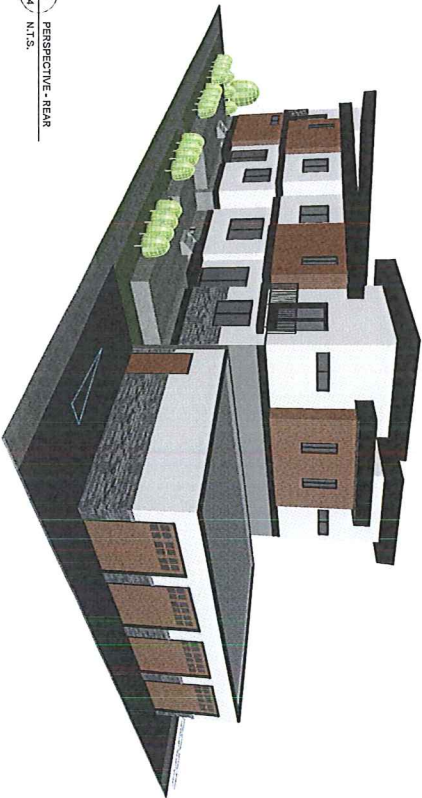
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**PATTERSONAVE.**  
 KELOWNA, BC

**SIDE ELEVATION**

DATE	REVISION
APRIL 2015	A3.3



1 PERSPECTIVE - FRONT  
A3.4 / N.T.S.



2 PERSPECTIVE - REAR  
A3.4 / N.T.S.

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1	PRELIMINARY DESIGN	2013/07/16	GT
2	CONCEPTUAL DESIGN	2013/07/16	GT
3	SCHEMATIC DESIGN	2013/07/16	GT
4	DESIGN DEVELOPMENT	2013/07/16	GT
5	FINAL DESIGN	2013/07/16	GT

DATE

gta

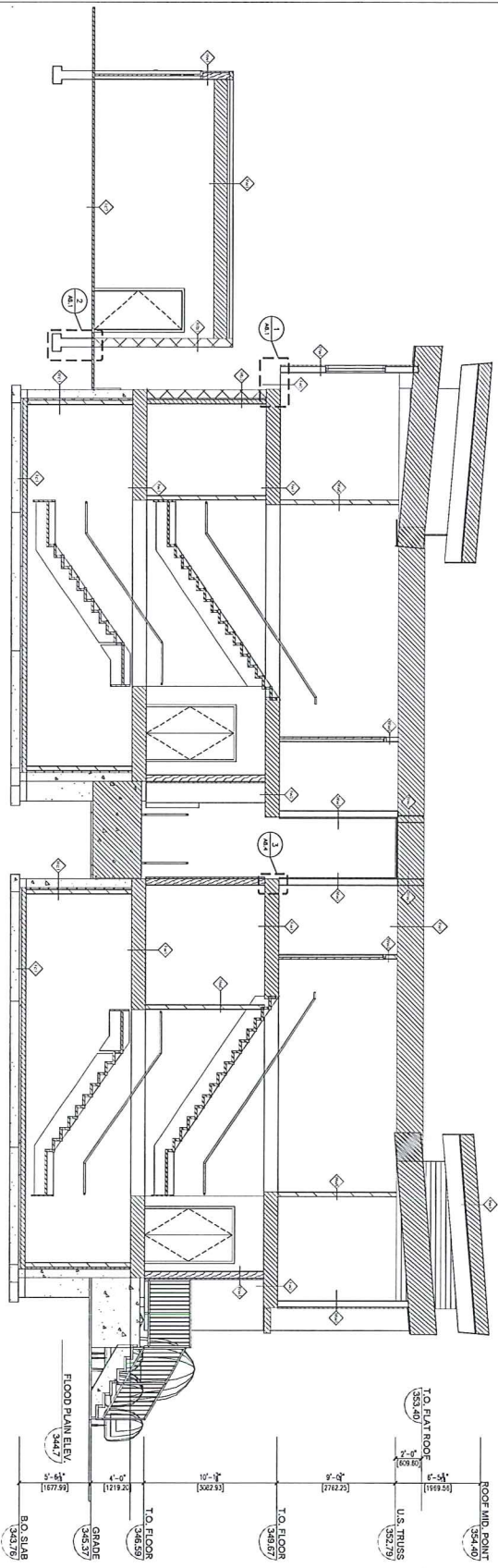
G.T.A. Architecture Ltd.  
320-3288 Pender Rd.  
Kelowna, British Columbia  
V1Y 2S2  
Tel: 250.860.4012  
Telephone: 250.878.1668  
email: gta@gtadesign.com

PROJECT  
FOURFLEX  
560 PATTERSON AVE.  
KELOWNA, BC

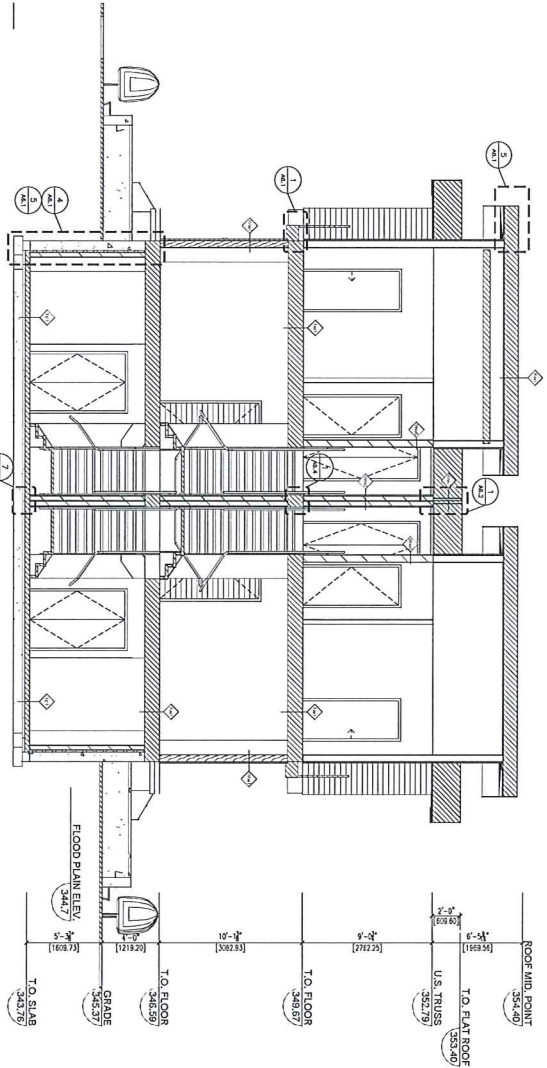
PERSPECTIVES

Scale:	N.T.S.
Client:	M.T.C.
Date:	APRIL 2015
File:	A3-06

A3.4



1 SECTION  
1/8" = 1'-0"



2 SECTION  
1/8" = 1'-0"

THIS DOCUMENT MUST NOT BE SCALE D.  
 THESE DIMENSIONS ARE NOT TO BE USED FOR  
 CONSTRUCTION OF THE WORK.  
 THE ARCHITECT'S OFFICE SHALL BE RESPONSIBLE  
 FOR THE ACCURACY OF THE DIMENSIONS.  
 ALL DIMENSIONS SHALL BE TO FACE UNLESS  
 OTHERWISE NOTED.  
 ALL DIMENSIONS SHALL BE TO FACE UNLESS  
 OTHERWISE NOTED.  
 ALL DIMENSIONS SHALL BE TO FACE UNLESS  
 OTHERWISE NOTED.

NO.	DATE	BY	REVISION
1			ISSUED FOR PERMITS
2			ISSUED FOR PERMITS
3			ISSUED FOR PERMITS
4			ISSUED FOR PERMITS
5			ISSUED FOR PERMITS
6			ISSUED FOR PERMITS
7			ISSUED FOR PERMITS
8			ISSUED FOR PERMITS
9			ISSUED FOR PERMITS
10			ISSUED FOR PERMITS

**gta**

GARY TOMPOWSKI ARCHITECT, LTD.  
 28555 Springfield Rd.  
 Kennesaw, Florida Columbia  
 30143  
 Tel: 770.429.7188  
 Fax: 770.429.7188  
 email: gta@gtainc.com

PROJECT  
**580 PATTERSON**

SECTIONS

JAMES HERRERA  
 ARCHITECT  
 1/8" = 1'-0"  
 FILE  
**A4.1**







# DEVELOPMENT PERMIT / DEVELOPMENT VARIANCE PERMIT



## APPROVED ISSUANCE OF DEVELOPMENT PERMIT / DEVELOPMENT VARIANCE PERMIT NO. DP15-0149/DVP15-0206

**Issued To:** Teresa Corea-Gaspari  
**Site Address:** 580 Patterson Avenue  
**Legal Description:** Lot 3 District Lot 14 ODYD Plan 3249  
**Zoning Classification:** RM1 - Four Dwelling Housing  
**Development Permit Area:** Comprehensive Development Permit Area

### SCOPE OF APPROVAL

This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.

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

### 1. TERMS AND CONDITIONS

THAT Development Permit No. DP15-0149 for Lot 3 District Lot 14 ODYD Plan 3249, located at 580 Patterson Avenue, Kelowna, BC to allow the construction of a Four-plex be approved subject to the following:

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

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

**Section 8.1.9 (c): Parking and Loading Regulations)**

To vary the location of off-street parking to the side property line from 1.5 m required to 1.0 m proposed;

**Section 13.7.6 (d): Four Dwelling Housing Development Regulations**

To vary the minimum site front yard from 4.5 m permitted to 3.75 m proposed.

AND THAT Council's consideration of this Development Permit and Development Variance Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated July 22, 2015;

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

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

## 2. PERFORMANCE SECURITY

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

- a) Cash in the amount of \$19,791.88 OR
- b) A Certified Cheque in the amount of \$19,791.88 OR
- c) An Irrevocable Letter of Credit in the amount of \$19,791.88 .

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

## 3. DEVELOPMENT

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

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

**This Permit IS NOT a Building Permit.**

## 4. APPLICANT'S AGREEMENT

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

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

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

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

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

Signature of Owner / Authorized Agent	Date

Print Name in Bold Letters	Telephone No.

**5. APPROVALS**

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

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

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

# REPORT TO COUNCIL



**Date:** April 26, 2016

**RIM No.** 0940-50

**To:** City Manager

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

**Application:** DVP15-0043      **Owner:** 678222 BC Ltd (Inc. No. 678222)

**Address:** 3957 Lakeshore Rd      **Applicant:** William Morel

**Subject:** Development Variance Permit to Allow Construction of 7.7 m<sup>2</sup> sign

**Existing OCP Designation:** COMM - Commercial

**Existing Zone:** C2 - Neighbourhood Commercial

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0043, for Lot A, Section 6, Township 26, ODYD Plan KAP76555, located at 3957 Lakeshore Rd.

AND THAT variances to the following sections of Sign Bylaw No. 8235 be granted:

**Section 6.1: Local Commercial Zones (C1, C2 and C5) - Free-standing signs**

To vary the maximum height from 3.0 m permitted to 5.5 m as proposed.

To vary the maximum area from 3.0 m<sup>2</sup> permitted to 8.5 m<sup>2</sup> as proposed.

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

## 2.0 Purpose

To consider a Variance to sign height and maximum sign area provisions in the City of Kelowna Sign Bylaw No 8235 to allow for the construction of a commercial sign.

## 3.0 Community Planning

Community Planning has no concerns with the variances requested by the applicant. The property where the sign will be located is functionally a roadway commercial development, and the signage being requested by the applicant is comparable or slightly smaller than neighboring properties.

## 4.0 Proposal

### 4.1 Background

The property is a developed lot zoned for C2 - Neighbourhood Commercial use. The site has been fully developed with a 2 storey commercial shopping plaza which includes a café, small restaurant and hair stylist, among other uses.

### 4.2 Project Description

The owner would like to construct a sign along Lakeshore Road advertising businesses in the shopping plaza. The proposed sign would be 5.5 m high and 2.8 m wide, with a sign area of 8.5 m<sup>2</sup>.

According to the City of Kelowna Sign Bylaw, the maximum height of a freestanding sign in the C2 - Neighbourhood Commercial zone is 3.0 m, and the maximum area 3.0 m<sup>2</sup>.

The applicant indicates that the larger sign should be permitted because of the nature of the development and the neighbouring properties. The maximum size of the sign in the C2 zone is intended serve a primarily pedestrian traffic, while 3957 Lakeshore is on a busy road serving primarily vehicle traffic.



Figure 1 Property With Sign Sketch



The sign will not be powered or internally lit. The majority of signs in the area, including the gas stations and car wash, have fully internally lit signage.

#### 4.3 Site Context

The property is in the middle of a commercial node off of Lakeshore Road. Nearby uses include two gas stations, a professional building and restaurant.

The proposed sign would only be visible from the roadway, with the bulk of the building blocking views from residential properties to the east.

The gas stations across the roadway have installed signs larger than are being proposed by the applicant.



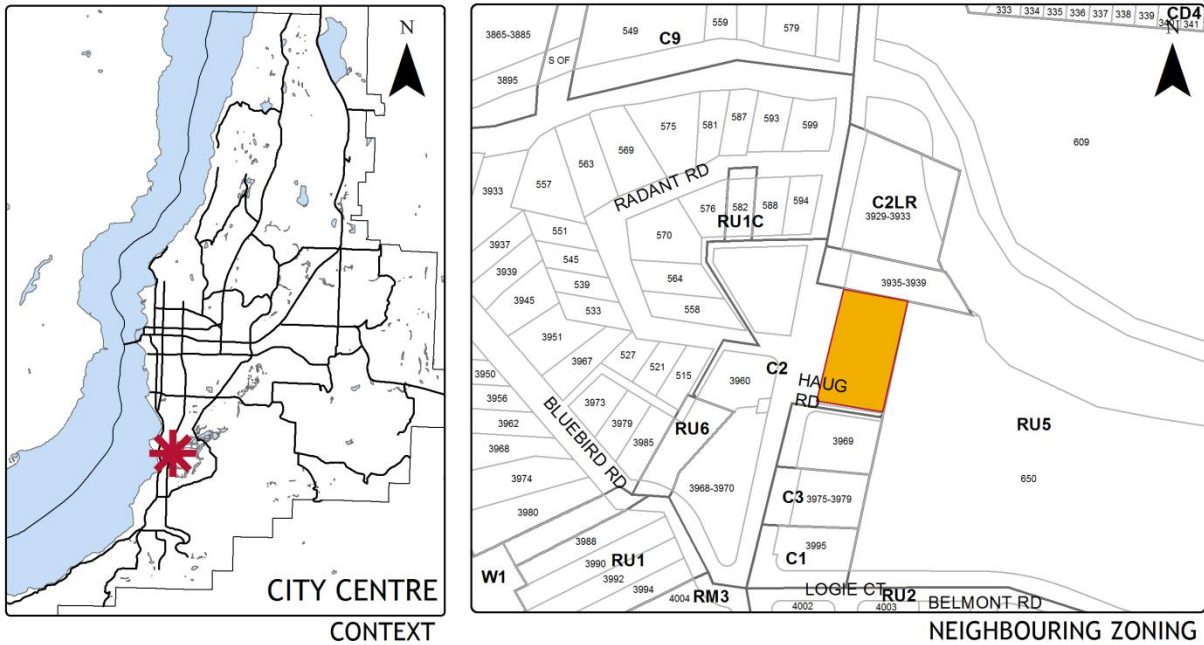
Figure 2 Neighbouring Signs

Surrounding land uses are as follows:

Orientation	Zoning	Land Use
North	C3	Vacant
East	RU5	Strata Townhome Development
South	C1	Veterinary Clinic
West	C2	Gas Stations



Subject Property Map:



SUBJECT PROPERTY

4.4 Zoning Analysis Table

Sign Bylaw Analysis Table		
CRITERIA	ZONE REQUIREMENTS	PROPOSAL
Maximum Height	3.0 m	5.5 m <span style="color: red;">●</span>
Maximum Sign Area	3.0 m <sup>2</sup>	8.5 m <sup>2</sup> <span style="color: red;">●</span>
Front Yard Setback	1.5 m	2.5 m <sup>2</sup>
<span style="color: red;">●</span> Indicates a requested variance to Sign Bylaw 8235		

## 5.0 Current Development Policies

### 5.1 Sign Bylaw 8235

The Sign Bylaw limits signage size in the C2 - Neighborhood Commercial zone to 3.0 m in height and 3.0m<sup>2</sup> in area. Industry contacts have indicated that this is a very small allowance for the traditional suite of uses in Neighborhood Commercial developments, which are generally small scale plazas.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

The Building Department advises that the sign will require a Building Permit and must meet all applicable requirements.

### 6.2 Development Engineering Department

Development Engineering indicates that the proposed variance does not impact any municipal services.

### 6.3 Fire Department

The Fire Department has no concerns with the application.

## 7.0 Application Chronology

Date of Application Received: Mach 2, 2015

Report prepared by:

\_\_\_\_\_  
Ryan Roycroft, Planner

Reviewed by:

Terry Barton, Urban Planning Manager

Approved for Inclusion:

Ryan Smith, Community Planning Department Manager

# DEVELOPMENT VARIANCE PERMIT



## APPROVED ISSUANCE OF DEVELOPMENT VARIANCE PERMIT NO. DVP15-0043

**Issued To:** 678222 BC Ltd Inc No 678222  
**Site Address:** 3957 Lakeshore Rd  
**Legal Description:** Lot A Section 6 Twp. 26 ODYD Plan KAP76555  
**Zoning Classification:** C2 - Neighbourhood Commercial

### SCOPE OF APPROVAL

This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.

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

### 1. TERMS AND CONDITIONS

THAT Development Variance Permit No. DVP15-0053 for Lot A Section 6 Twp. 26 ODYD Plan KAP76555, located at 3957 Lakeshore Rd, Kelowna, BC to allow the construction of a sign be approved subject granting variances to the following sections of Sign Bylaw 8235 be granted, as shown on Schedule "A":

#### **Section 6.1: Local Commercial Zones (C1, C2 and C5) - Free-standing signs**

To vary the maximum height from 3.0 m permitted to 5.5 m as proposed.

To vary the maximum area from 3.0 m<sup>2</sup> permitted to 8.5 m<sup>2</sup> as proposed.

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

### 2. DEVELOPMENT

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

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

**This Permit IS NOT a Building Permit.**

**3. APPLICANT'S AGREEMENT**

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

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

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

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

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

Signature of Owner / Authorized Agent	Date

Print Name in Bold Letters	Telephone No.

**4. APPROVALS**

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

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

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

---

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

---

**Date:** March 10, 2015  
**File No.:** DVP15-0043  
**To:** Urban Planning (RR)  
**From:** Development Engineering Manager (SM)  
**Subject:** 3957 Lakeshore Rd

---

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

This development variance permit application to vary the dimensions of signage does not compromise any municipal services.

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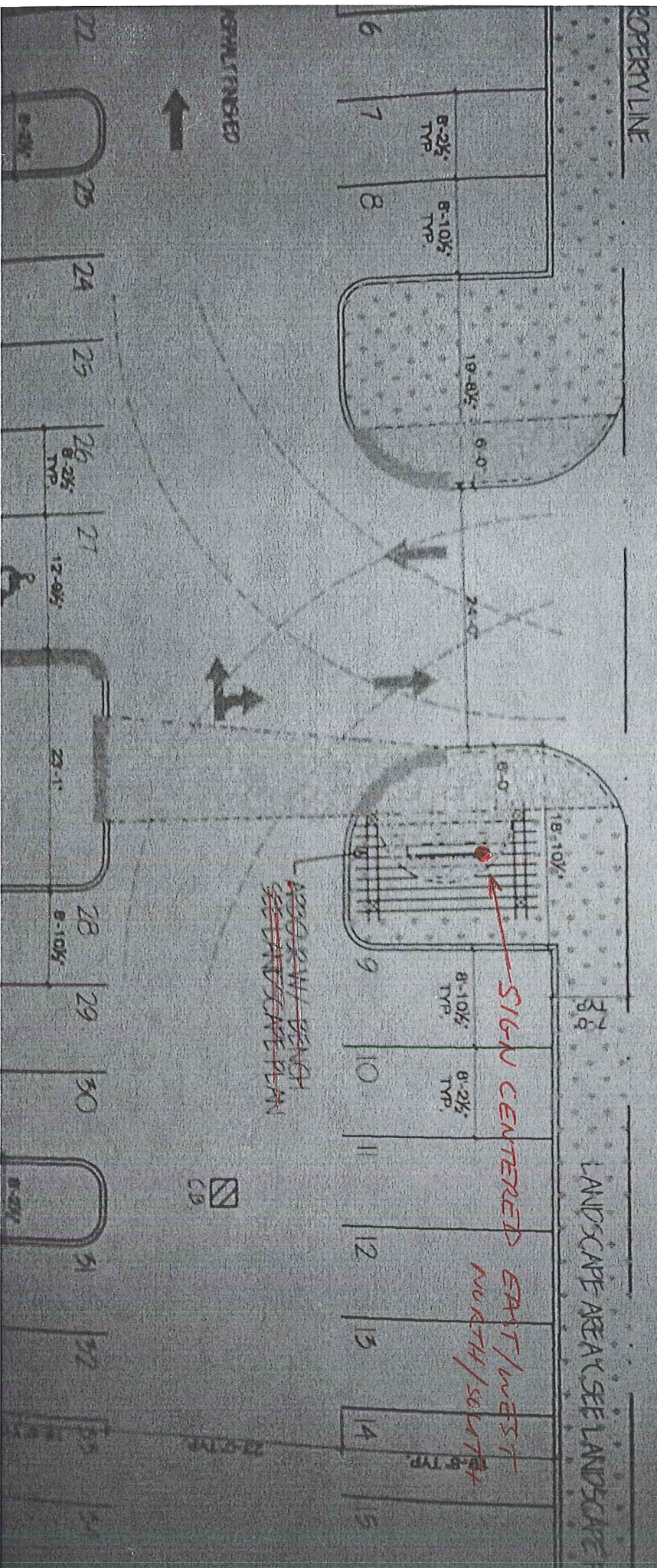
Steve Muenz, P. Eng.  
Development Engineering Manager

SS

# LAKE SHORE RD.

241.62 (73.65m)

PROPOSED ROAD EXCHANGE FOR HALG ROAD 4,085.58 sq. ft. (379.56 sq. m.)



**STRUCTURAL NOTES - THIS BUILDING IS DESIGNED UNDER PART 9 OF THE CBC (2012) (HOUSING AND SMALL BUILDINGS)**  
PARTS OF THE BUILDING FALL UNDER PART 4

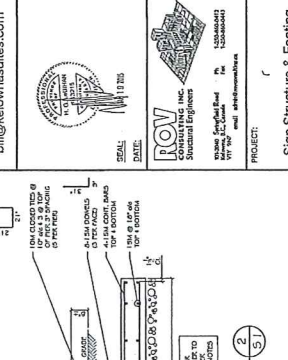
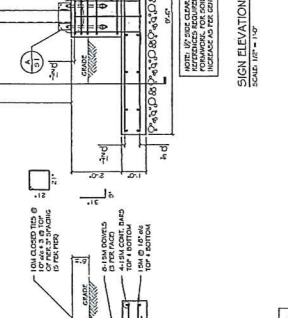
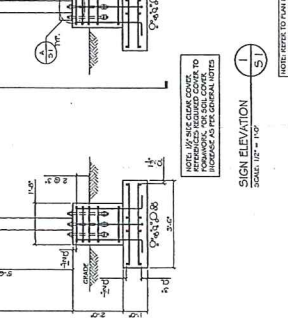
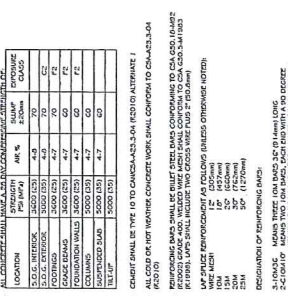
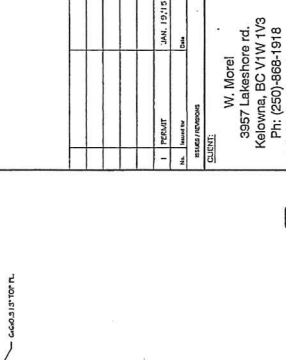
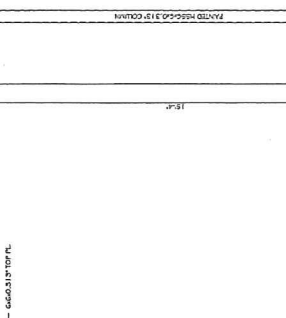
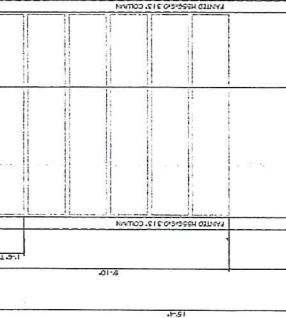
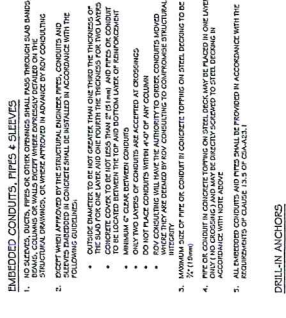
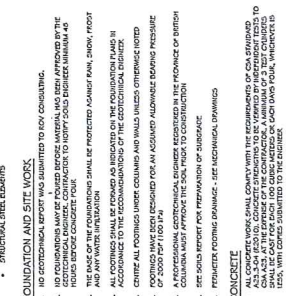
- GENERAL**
1. ALL DIMENSIONS AND TOLERANCES SHALL BE AS SHOWN ON THE STRUCTURAL DRAWINGS AND TO BE IN ACCORDANCE WITH THE CANADIAN STANDARDS ASSOCIATION (CSA) STANDARD S16.01-03.
  2. THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH THE DRAWINGS AND SPECIFICATIONS FOR THE FOUNDATION AND CONSTRUCTION. ANY DISCREPANCIES SHALL BE REPORTED IMMEDIATELY TO THE ARCHITECT.
  3. DEAD LOADS (APPROXIMATE)
- | DESI                  | 10  | 15  | 20  | 25  | 30  | 35  | 40  | 45  | 50  |
|-----------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| ROOF LOADS (UNIFORM)  | 1.0 | 1.2 | 1.4 | 1.6 | 1.8 | 2.0 | 2.2 | 2.4 | 2.6 |
| FLOOR LOADS (UNIFORM) | 1.5 | 1.8 | 2.1 | 2.4 | 2.7 | 3.0 | 3.3 | 3.6 | 3.9 |
| WIND LOADS (UNIFORM)  | 0.5 | 0.6 | 0.7 | 0.8 | 0.9 | 1.0 | 1.1 | 1.2 | 1.3 |
| WIND LOADS (POINT)    | 0.5 | 0.6 | 0.7 | 0.8 | 0.9 | 1.0 | 1.1 | 1.2 | 1.3 |
4. WIND LOADS (UNIFORM)
  5. WIND LOADS (POINT)
  6. MANUFACTURERS OF ALL STRUCTURAL COMPONENTS SHALL SUBMIT SHOP DRAWINGS FOR APPROVAL PRIOR TO CONSTRUCTION.
  7. MANUFACTURERS OF ALL STRUCTURAL COMPONENTS SHALL SUBMIT SHOP DRAWINGS FOR APPROVAL PRIOR TO CONSTRUCTION.
  8. MANUFACTURERS OF ALL STRUCTURAL COMPONENTS SHALL SUBMIT SHOP DRAWINGS FOR APPROVAL PRIOR TO CONSTRUCTION.
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  10. MANUFACTURERS OF ALL STRUCTURAL COMPONENTS SHALL SUBMIT SHOP DRAWINGS FOR APPROVAL PRIOR TO CONSTRUCTION.

- TEMPORARY SHORING**
1. SHORING SHALL BE DESIGNED BY A STRUCTURAL ENGINEER. THE DESIGN SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO CONSTRUCTION.
  2. SHORING SHALL BE DESIGNED TO SUPPORT THE FULL WEIGHT OF THE FORMWORK AND CONCRETE.
  3. SHORING SHALL BE DESIGNED TO WITHSTAND WIND LOADS AS SPECIFIED IN THE DRAWINGS.
  4. SHORING SHALL BE DESIGNED TO WITHSTAND EARTHQUAKE LOADS AS SPECIFIED IN THE DRAWINGS.
  5. SHORING SHALL BE DESIGNED TO WITHSTAND COLLAPSE LOADS AS SPECIFIED IN THE DRAWINGS.
- INSPECTIONS AND TESTING**
1. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT IN ADVANCE OF ALL INSPECTIONS AND TESTING.
  2. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT IN ADVANCE OF ALL INSPECTIONS AND TESTING.
  3. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT IN ADVANCE OF ALL INSPECTIONS AND TESTING.
  4. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT IN ADVANCE OF ALL INSPECTIONS AND TESTING.
  5. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT IN ADVANCE OF ALL INSPECTIONS AND TESTING.

- ABREVIATIONS**
- ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
- CONCRETE**
- CONCRETE SHALL BE SUPPLIED BY A STRUCTURAL ENGINEER. THE DESIGN SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO CONSTRUCTION.
- REINFORCEMENT**
- REINFORCEMENT SHALL BE SUPPLIED BY A STRUCTURAL ENGINEER. THE DESIGN SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO CONSTRUCTION.
- STEEL**
- STEEL SHALL BE SUPPLIED BY A STRUCTURAL ENGINEER. THE DESIGN SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO CONSTRUCTION.

- TEMPORARY SHORING**
1. SHORING SHALL BE DESIGNED BY A STRUCTURAL ENGINEER. THE DESIGN SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO CONSTRUCTION.
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  4. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT IN ADVANCE OF ALL INSPECTIONS AND TESTING.
  5. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT IN ADVANCE OF ALL INSPECTIONS AND TESTING.



**CONTRACTOR IS RESPONSIBLE TO CHECK AND CONFIRM ALL DIMENSIONS AND ELEVATIONS ON DRAWINGS.**

**W. Morel**  
3957 Lakeshore rd.  
Kelowna, BC V1W 1V3  
Ph: (250) 868-1918  
bill@kelownasites.com

**PROV**  
PROFESSIONAL ENGINEER  
REGISTERED IN BC  
1000-1010-1011  
1012-1013-1014  
1015-1016-1017-1018

**PROJECT:**  
Sign Structure & Footing  
3957 Lakeshore rd.  
City of Kelowna

**TITLE:**  
SIGN ELEVATIONS & DETAILS

**DESIGNED BY:** H.C.L.  
**CHECKED BY:** T.J.  
**DATE:** AS NOTED  
**PROJECT NO.:** 3660  
**SHEET NO.:** S1

**CITY OF KELOWNA**  
**BYLAW NO. 11166**  
**Z15-0049 - Davara Holdings Ltd., Inc. No. BC0797640**  
**305 Homer Road**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, Section 27, Township 26, ODYD, Plan 18004 located on Homer Road, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RM3 - Low Density Multiple Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

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

Considered at a Public Hearing on the 1<sup>st</sup> day of December, 2015.

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

Approved under the Transportation Act on the 3<sup>rd</sup> day of December, 2015.

Audrie Henry  
(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

\_\_\_\_\_  
Mayor

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



# REPORT TO COUNCIL



Date: 4/26/2016

RIM No. 1250-30

To: City Manager

From: Community Planning Department (AC)

Application: DP15-0221, DVP15-0222, & Z15-0049

Owner: Davara Holdings Ltd., Inc. No. BC0797640

Address: 305 Homer Rd

Applicant: Davara Holdings Ltd. (Dave Sargent)

Subject: Rezoning Applications

Existing OCP Designation: MRL - Multiple Unit Residential (Low Density)

Existing Zone: RU1 - Large Lot Housing

Proposed Zone: RM3 - Low Density Multiple Housing

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## 1.0 Recommendation

THAT Final Adoption of Zoning Amending Bylaw No. 11166 be considered by Council;

AND THAT Council authorize the issuance of Development Permit DP15-0221 for Lot 1, Section 27, Township 26, ODYD, Plan 18004, located at 305 Homer Road, Kelowna, BC subject to the following:

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

AND THAT Council authorize the issuance of Development Variance Permit DVP15-0222 for Lot 1, Section 27, Township 26, ODYD, Plan 18004, located at 305 Homer Road, Kelowna, BC;

AND THAT the variances to the following sections of Zoning Bylaw No. 8000 be granted in accordance with the drawings attached to DP15-0221:

Section 13.9.6(b) Development Regulations

To vary the site coverage of buildings, driveways, and parking areas when permeable drive surfaces and parking are provided from 65% to 76.4%.

Section 8.1.9(c) Off-Street Vehicle Parking - Location

To vary the minimum side yard parking setback from a 1.5m to 0.3m.

Section 6.4.1 Projections Into Yards

To vary the maximum permitted projections into a required yard from 0.6m to 1.3m.

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

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

**2.0 Purpose**

To review the form and character of a 9 unit townhouse development and to consider three variances.

**3.0 Community Planning**

Staff supports the proposed Development Permit and Development Variance Permit. The Official Community Plan (OCP) identifies the area as MRL (Low Density Multiple Residential). The proposed rental housing project meets many of the goals of the OCP. Adding additional density within close proximity to Ben Lee Park, the multi-use corridor on Houghton, the Rutland urban centre, and schools (Heritage Christian School, Studio 9, & BC Online School) achieves many of the sensitive infill goals outlined in the OCP.

Rental housing, especially 3-bedroom units are in great demand. According to CMHC at the end of 2014 the vacancy rate for 3-bedroom townhouses / apartment units in the Rutland zone was 0%<sup>1</sup>. The 2015 data in the Rutland zone was not available or not statistically reliable<sup>1</sup>. However, the 2015 vacancy rate for 3-bedroom townhouses / apartment units within the Kelowna Core Area CMA (Census Metropolitan Area) was 0%<sup>1</sup>.

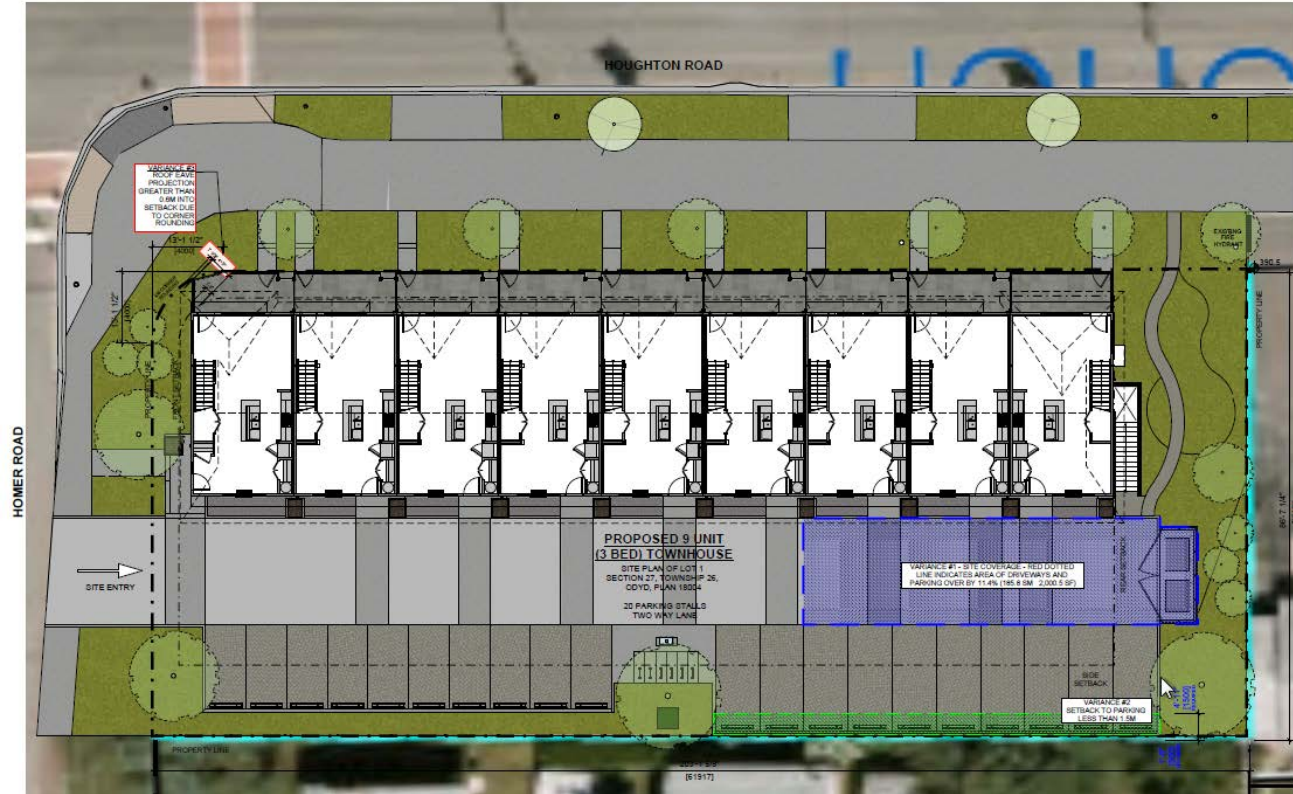
The current proposal needs three variances. The first variance is to the overall site coverage. The proposal meets the building site coverage but needs a variance to the overall allowable site coverage which includes driveways and parking areas. The second variance is a parking setback variance for 50% of the stalls. The third variance is an increase to the allowable projection limit. See Figure 1 (on page 3) for visual examples of the proposed variances.

The applicant is proposing permeable pavement for the parking stalls to mitigate the site variance and parking setback variances. Permeable pavement would have been considered along the driveway but the material would not stand up over time to the weight of garbage trucks. The third variance expanding the projection limit is a minor variance and was only necessary when the City requested a corner rounding road dedication.

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<sup>1</sup> CMHC Rental Market Report Kelowna CMA - Fall 2015

Figure 1: Variances



In fulfillment of Council Policy No. 367 respecting public consultation, the applicant notified all of the neighbours within a 50 metre radius. The applicant further attended a Rutland Residents Association meeting on Thursday, September 24<sup>th</sup> 2015 to discuss the project.

#### 4.0 Proposal

##### 4.1 Project Description

The proposal for the site is a new 9 unit (3-bedroom) rental row-housing development. The proposed building is 2 stories with parking located in the rear and ground-oriented accesses facing the multi-use corridor on Houghton Road. The applicant chose to design a two story building to conform to the surrounding building heights. During Staff's Advisory Design Team meeting, direction was given to the applicant to increase the vertical elements along the Houghton Road facade to break up the massing and increase the visual appeal. The original design was:

Figure 2: Original Design



FRONT ELEVATION - NORTH - FACING HOUGHTON ROAD

Figure 3: Current Design



FRONT ELEVATION - NORTH - FACING HOUGHTON ROAD

The finish materials include white acrylic stucco with cement board cladding, fiberglass shingles, white vinyl windows, and aluminum picket railings along the Houghton Road frontage. Screening material includes landscape features and wood privacy fencing. The patios on Houghton Road will include timber trellis and adequate landscape features to create an appropriate transition from the private realm to the public realm.

4.2 Site Context

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

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

Subject Property Map: 305 Homer Road



### 4.3 Zoning Analysis

Zoning Analysis Table		
CRITERIA	PROPOSAL	REQUIREMENTS
		RM3
<b>Development Regulations</b>		
Height	7 m / 2 stories	Max 0 m / 3 stories
<b>Building Setbacks</b>		
Front Yard (west)	1.5 m	Min 1.5 m
Side Yard (north)	1.5 m	Min 1.5 m
Side Yard (south)	11.0 m	Min 4.0 m
Rear Yard (east)	7.5 m	Min 7.5 m
Site Coverage	37.0 %	Max 40 %
Site coverage of buildings, parking, & driveways	76.4 % ❶	Max 60 % or 65% when permeable drive surfaces and parking are provided
FAR	0.7	Max 0.75
<b>Other Regulations</b>		
Minimum Parking Requirements	20 stalls	Min 18 stalls
<b>Setbacks for parking</b>		
Front Yard (west)	3.0 m	Min 3.0 m
Side Yard (north)	20 m	Min 3.0 m
Side Yard (south)	0.3 m ❷	Min 1.5 m
Rear Yard (east)	8.1 m	Min 1.5 m
Roof Eave projection into north setback	1.3 m ❸	Max 0.6m
Minimum Bicycle Parking	Class 1: 5 Class 2: 1	Min Class 1: 5 Min Class 2: 1
❶ Site coverage variance requested; ❷ Parking setback reduction on southern side yard; ❸ Increase the roof eave projection limit;		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Compact Urban Form.**<sup>2</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>2</sup> City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).

**Sensitive Infill.**<sup>3</sup> Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height, and siting.

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

**Residential Land Use Policies.**<sup>4</sup> Address the needs of families with children through the provision of appropriate family oriented housing.

- **Policy 1 Ground-Oriented Housing.** Encourage all multiple-unit residential buildings in neighbourhoods with schools and parks to contain ground-oriented units with 2 or more bedrooms so as to provide a family housing choice within the multi-unit rental or ownership markets. High density residential projects in the Downtown area are encouraged to include a ground-oriented housing component, especially where such can be provided on non-arterial and non-collector streets.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

- a) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
- b) A Building Code analysis is required for the structure at time of building permit applications.
- c) A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application.
- d) Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this structure at time of permit application.

### 6.2 Development Engineering

- See attached Memo dated October 28<sup>th</sup> 2015

### 6.3 Fire Department

- a) Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required. Template available online at Kelowna.ca
- b) Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900. A minimum of 150litres/sec is required. Should a hydrant be required on this property it shall be deemed private and shall be operational prior to the start of construction.
- c) Fire Department access is to be met as per BCBC 3.2.5.6
- d) There shall be one address for this complex with unit numbers assigned to each townhouse. A visible address must be posted as per City of Kelowna By-Laws
- e) Dumpster/refuse container must be 3 meters from structures or if inside the parking garage, it shall be enclosed within a rated room

<sup>3</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

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

<sup>4</sup> City of Kelowna Official Community Plan, Objective 5.23, Chapter 5 (Development Process).

6.4 FortisBC Inc - Electric

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

6.5 Ministry of Transportation

- Preliminary Approval is granted for the rezoning for one year pursuant to Section 52(3)(a) of the Transportation Act.

7.0 Application Chronology

Date of Application Received: September 21<sup>st</sup> 2015  
Date of Public consultation: September 24<sup>th</sup> 2015

Report prepared by:

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Adam Cseke, Planner

Reviewed by:

Terry Barton, Urban Planning Manager

Approved by:

Ryan Smith, Community Planning Manager

Attachments:

Subject Property Map

Development Engineering Comments dated October 28<sup>th</sup> 2015 (Attachment 'A')

Applicant's rationale

Draft DP15-0221 & DVP15-0222

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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** October 28, 2015  
**File No.:** DP15-0221  
**To:** Community Planning (AC)  
**From:** Development Engineer Manager (SM)  
**Subject:** 305 Homer Rd

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

**1. General.**

- a) All the offsite infrastructure and services upgrades are addressed in the Rezoning Engineering Report under file Z15-0049.

\_\_\_\_\_  
Steve Muenz, P. Eng.  
Development Engineering Manager

SS



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

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**Date:** October 28, 2015  
**File No.:** DVP15-0222  
**To:** Community Planning (AC)  
**From:** Development Engineering Manager (SM)  
**Subject:** 305 Homer Rd

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

This development variance permit application to vary;

1. Side yard parking set back.
2. Site coverage
3. Side yard setback

does not compromise any municipal services.

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Steve Muenz, P. Eng.  
Development Engineering Manager

SS

Davara Holdings Ltd  
#1 911 Borden Ave  
Kelowna B.C v1y 6a5

City of Kelowna  
Planning Department

3/14/2016

### **RE: Rationale 305 Homer Road Development Proposal**

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Davara Holdings proposal to develop an infill townhome project along the Houghton Road multi use corridor adheres to the City of Kelowna OCP land use designation, complies with urban design principals, provides ground oriented affordable family housing and follows sustainability initiatives by:

- Selecting a site which conforms to the future land use designation intended for the area and borders the Rutland urban center
- Expanding the City of Kelowna's rental housing options
- Fulfilling the City's goals of promoting infill development along the Houghton multi use corridor
- Contributing to the OCP policy relating to Ground Oriented Housing
- Creating safe family housing within walking distance of parks, schools and amenities
- Conforming to surrounding building heights and massing by remaining below 3 stories
- Siting the building and front doors close to the multi-use corridor to allow for a visual and physical connection between the private and public realm
- Locating all parking to the rear of the site and incorporating landscape buffers to ensure all parking is screened from the multi-use corridor
- Creating enduring, safe solutions through the use of CPTED (Crime Prevention Through Environmental Design) principles
- Abandoning drive aisle let downs currently crossing the multi-use corridor
- Providing an efficient pedestrian focused site plan by reducing the visual impact of hardscape through the use of differing materials and permeable paving treatments
- Supplying attainable housing that appeals to the greatest need group of young families
- Establishing a high standard of comfort and appearance through function, beauty, and visual interest, including construction materials that project an image of value and durability
- Ensuring superior maintenance and operations to create an obvious sense of care and pride for the space, to promote a sense of pride in ownership for the community
- Ensuring the design of the homes are "livable" for families, through the provision of 2 parking spaces for each home and ample storage space both in the home and onsite

# DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT



## APPROVED ISSUANCE OF DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT

**File Number** DP15-0221 & DVP15-0222  
**Issued To:** Davara Holdings Ltd.  
**Site Address:** 305 Homer Rd  
**Legal Description:** Lot 1, Section 27, Township 26, ODYD, Plan 18004  
**Zoning Classification:** RM3 - Low Density Multiple Housing  
**Development Permit Area:** Comprehensive Development Permit Area

### SCOPE OF APPROVAL

This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.

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

### 1. TERMS AND CONDITIONS

THAT Development Permit No. DP15-0221 & DVP15-0222 for Lot 1, Section 27, Township 26, ODYD, Plan 18004 located at 305 Homer Rd, Kelowna, BC, subject to the following:

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

AND THAT the variances to the following sections of Zoning Bylaw No. 8000 be granted in accordance with the drawings attached to DP15-0221:

Section 13.9.6(b) Development Regulations

To vary the site coverage of buildings, driveways, and parking areas when permeable drive surfaces and parking are provided from 65% to 76.4%.

Section 8.1.9(c) Off-Street Vehicle Parking - Location

To vary the minimum side yard parking setback from a 1.5m to 0.3m.

Section 6.4.1 Projections Into Yards

To vary the maximum permitted projections into a required yard from 0.6m to 1.3m AND FURTHER THAT this Development Permit and Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

**2. PERFORMANCE SECURITY**

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

- a) Cash in the amount of \$\_\_\_\_\_ OR
- b) A Certified Cheque in the amount of \$\_\_\_\_\_ OR
- c) An Irrevocable Letter of Credit in the amount of \$ \$51,212.50 .

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

**3. DEVELOPMENT**

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

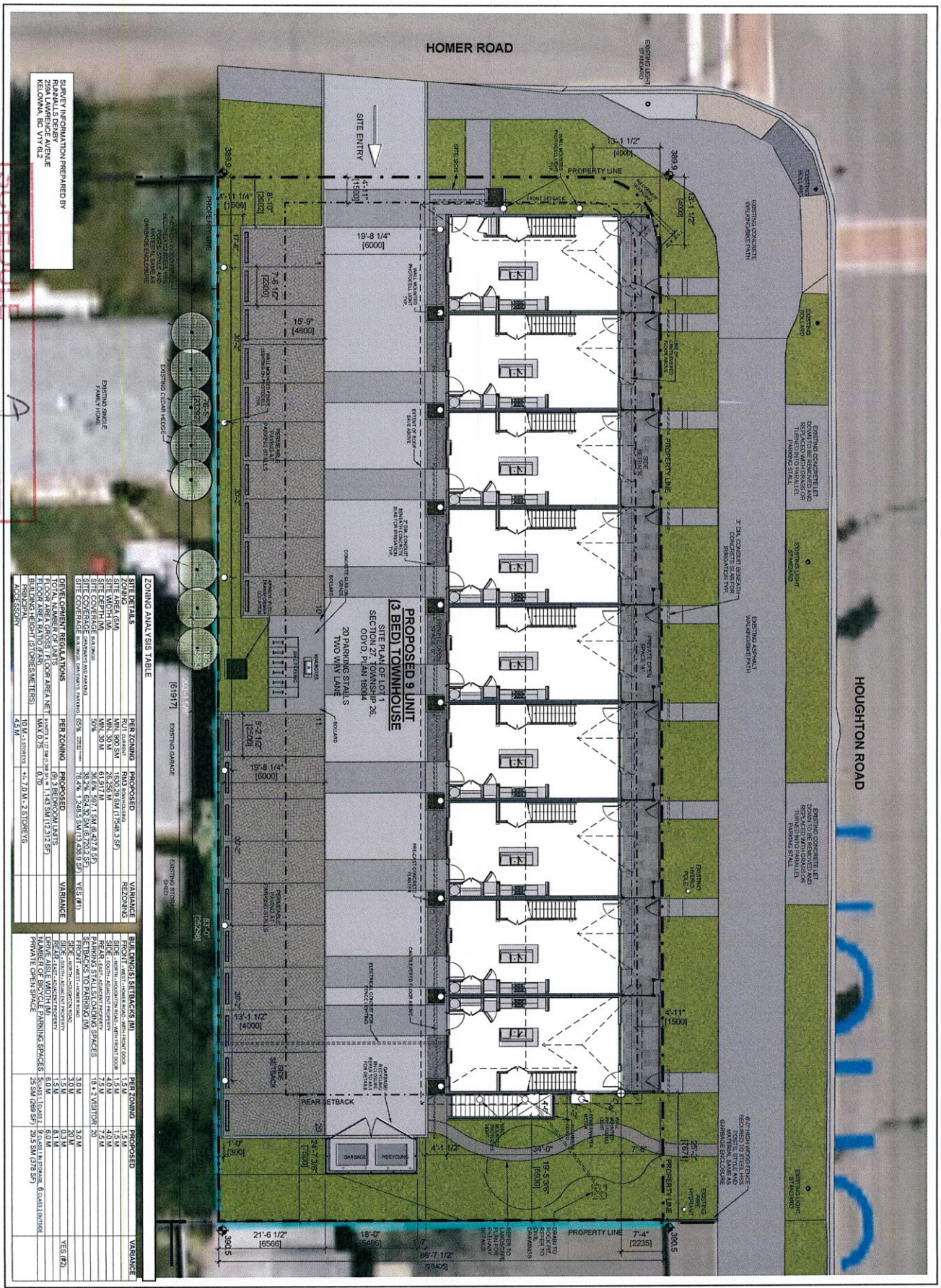
If the Permit Holder does not commence the development permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

**This Permit IS NOT a Building Permit.**

**4. APPLICANT'S AGREEMENT**

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





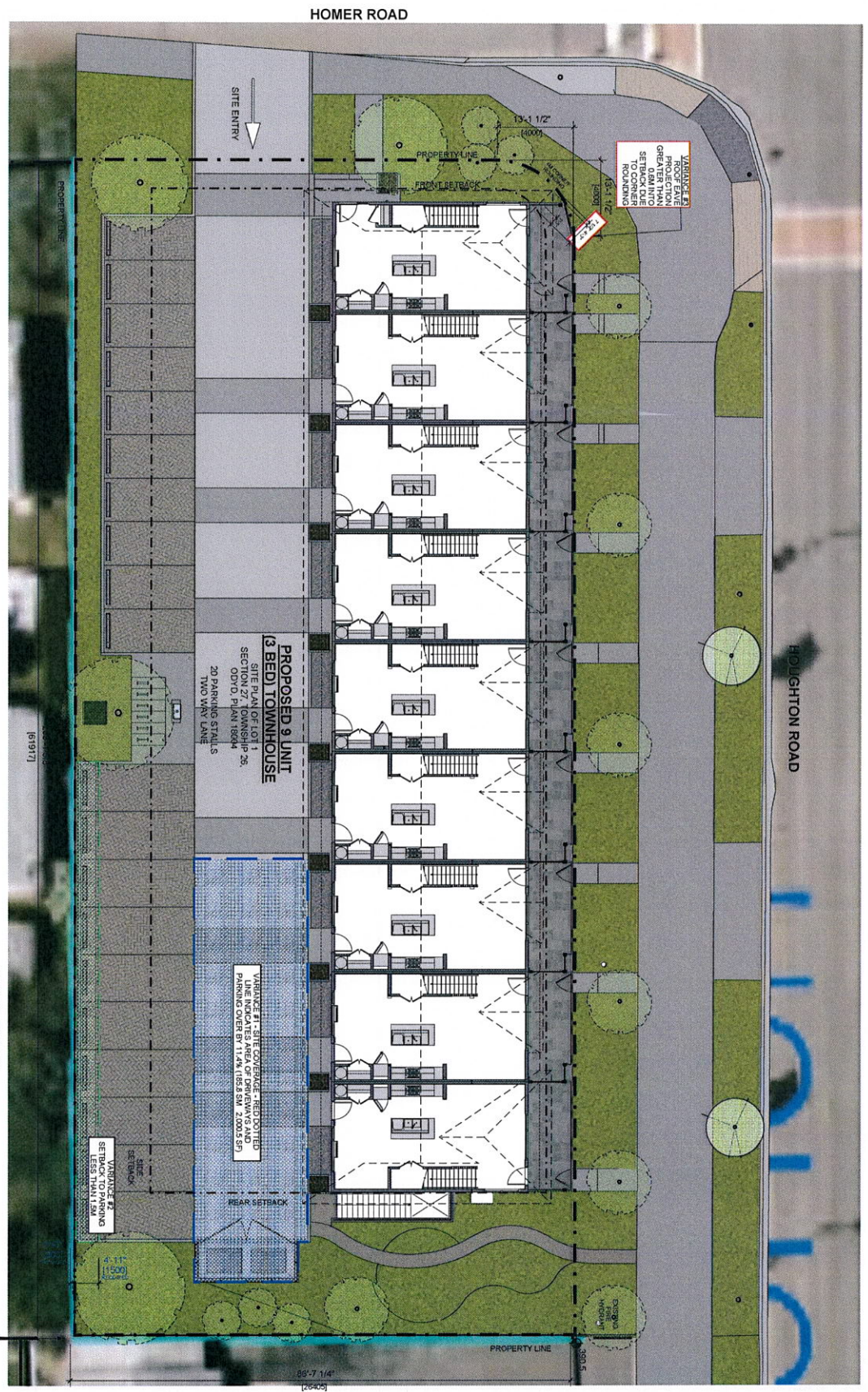
**ZONING ANALYSIS TABLE** (S1917) EXISTING GARAGE EXISTING STORE (S2208)

SITE DETAILS		PER ZONING I PROPOSED	VARIANCE
ZONING	RESIDENTIAL SINGLE-FAMILY	RESIDENTIAL SINGLE-FAMILY	RESIDENTIAL SINGLE-FAMILY
PERMITTED USES	RESIDENTIAL SINGLE-FAMILY	RESIDENTIAL SINGLE-FAMILY	RESIDENTIAL SINGLE-FAMILY
MIN. LOT AREA	1,500 SQ. FT. (138.9 SQ. M)	1,500 SQ. FT. (138.9 SQ. M)	1,500 SQ. FT. (138.9 SQ. M)
MIN. FRONT YARD SETBACK	10 FT. (3.0 M)	10 FT. (3.0 M)	10 FT. (3.0 M)
MIN. SIDE YARD SETBACK	5 FT. (1.5 M)	5 FT. (1.5 M)	5 FT. (1.5 M)
MIN. REAR YARD SETBACK	10 FT. (3.0 M)	10 FT. (3.0 M)	10 FT. (3.0 M)
MIN. FRONT SETBACK	10 FT. (3.0 M)	10 FT. (3.0 M)	10 FT. (3.0 M)
MIN. REAR SETBACK	10 FT. (3.0 M)	10 FT. (3.0 M)	10 FT. (3.0 M)
MIN. SIDE SETBACK	5 FT. (1.5 M)	5 FT. (1.5 M)	5 FT. (1.5 M)
MIN. MAXIMUM BUILDING HEIGHT	35 FT. (10.7 M)	35 FT. (10.7 M)	35 FT. (10.7 M)
MIN. MAXIMUM FLOOR AREA	10,000 SQ. FT. (929 SQ. M)	10,000 SQ. FT. (929 SQ. M)	10,000 SQ. FT. (929 SQ. M)
MIN. MAXIMUM NUMBER OF UNITS	1	1	1
MIN. MAXIMUM NUMBER OF STOREYS	3	3	3
MIN. MAXIMUM NUMBER OF GARAGES	1	1	1
MIN. MAXIMUM NUMBER OF CARPORTS	1	1	1
MIN. MAXIMUM NUMBER OF DRIVEWAYS	1	1	1
MIN. MAXIMUM NUMBER OF STAIRS	1	1	1
MIN. MAXIMUM NUMBER OF ELEVATORS	1	1	1
MIN. MAXIMUM NUMBER OF STAIRWELLS	1	1	1
MIN. MAXIMUM NUMBER OF BALCONIES	1	1	1
MIN. MAXIMUM NUMBER OF TERRACES	1	1	1
MIN. MAXIMUM NUMBER OF PORCHES	1	1	1
MIN. MAXIMUM NUMBER OF PATIOS	1	1	1
MIN. MAXIMUM NUMBER OF DECKS	1	1	1
MIN. MAXIMUM NUMBER OF STAIRS	1	1	1
MIN. MAXIMUM NUMBER OF ELEVATORS	1	1	1
MIN. MAXIMUM NUMBER OF STAIRWELLS	1	1	1
MIN. MAXIMUM NUMBER OF BALCONIES	1	1	1
MIN. MAXIMUM NUMBER OF TERRACES	1	1	1
MIN. MAXIMUM NUMBER OF PORCHES	1	1	1
MIN. MAXIMUM NUMBER OF PATIOS	1	1	1
MIN. MAXIMUM NUMBER OF DECKS	1	1	1

This forms part of development  
 Permit # **DP15-0221**

**davara.**

A1.0



HOMER ROAD

HOUGHTON ROAD

SITE ENTRY

**PROPOSED 9 UNIT  
 (3 BED) TOWNHOUSE**  
 SITE PLAN OF LOT 1  
 SECTION 27, TOWNSHIP 26  
 COUNTY, HANCOCK  
 20 PARKING STALLS  
 TWO WAY LANE

**VARIANCE #1: SITE COVERAGE REDUCED TO 50% FROM 62.35% (1,541.5 SQ. FT. TO 770.2 SQ. FT.)**

**VARIANCE #2: SETBACK TO PARKING REDUCED TO 1.5M FROM 2.0M**

**VARIANCE SUMMARY**

VARIANCE #1	PER ZONING	PROPOSED
SITE COVERAGE	62.35%	50%
SITE COVERAGE - EXISTING DEVELOPMENT	62.35%	50%
SITE COVERAGE - EXISTING DEVELOPMENT (MINIMUM)	18.54%	18.54%

VARIANCE #2	PER ZONING	PROPOSED
SETBACK TO PARKING (M)	2.0	1.5
SETBACK TO ADJACENT PROPERTY	0.3	0.3

PROJECTING TO YARD	PER ZONING	PROPOSED
MINIMUM SETBACK TO SIDE YARD	1.8	1.8
MINIMUM SETBACK TO REAR YARD	1.8	1.8

**SCHEDULE A**  
 This forms part of development  
 Permit # DP15-0221

**davara.**

**GENERAL CONDITIONS**  
 1. This plan and all other documents prepared by the Architect are the property of the Architect and shall remain his property. The Client shall not be permitted to reproduce, copy, or otherwise use these documents for any purpose other than that intended by the Architect without the written consent of the Architect.  
 2. The Client shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities. The Architect shall provide the necessary information and documents to the Client for this purpose.  
 3. The Client shall be responsible for providing the Architect with all necessary information and documents in a timely manner. The Architect shall not be responsible for any delays or omissions caused by the Client's failure to provide this information and documents.  
 4. The Client shall be responsible for paying the Architect's fees in accordance with the schedule of payments set forth in the contract. The Architect shall not be responsible for any delays or omissions caused by the Client's failure to pay these fees.  
 5. The Client shall be responsible for providing the Architect with a site that is ready for construction at the time of the start of the project. The Architect shall not be responsible for any delays or omissions caused by the Client's failure to provide a site that is ready for construction.  
 6. The Client shall be responsible for providing the Architect with all necessary information and documents in a timely manner. The Architect shall not be responsible for any delays or omissions caused by the Client's failure to provide this information and documents.  
 7. The Client shall be responsible for providing the Architect with a site that is ready for construction at the time of the start of the project. The Architect shall not be responsible for any delays or omissions caused by the Client's failure to provide a site that is ready for construction.  
 8. The Client shall be responsible for providing the Architect with all necessary information and documents in a timely manner. The Architect shall not be responsible for any delays or omissions caused by the Client's failure to provide this information and documents.  
 9. The Client shall be responsible for providing the Architect with a site that is ready for construction at the time of the start of the project. The Architect shall not be responsible for any delays or omissions caused by the Client's failure to provide a site that is ready for construction.  
 10. The Client shall be responsible for providing the Architect with all necessary information and documents in a timely manner. The Architect shall not be responsible for any delays or omissions caused by the Client's failure to provide this information and documents.

**SITE NORTH PROJECT NORTH**

**SCALE**  
 1:100

**DATE**  
 10/15/15

**PROJECT TITLE**  
 #1510

**PROJECT LOCATION**  
 Homer Townhomes  
 305 Homer Road, Raleigh, NC

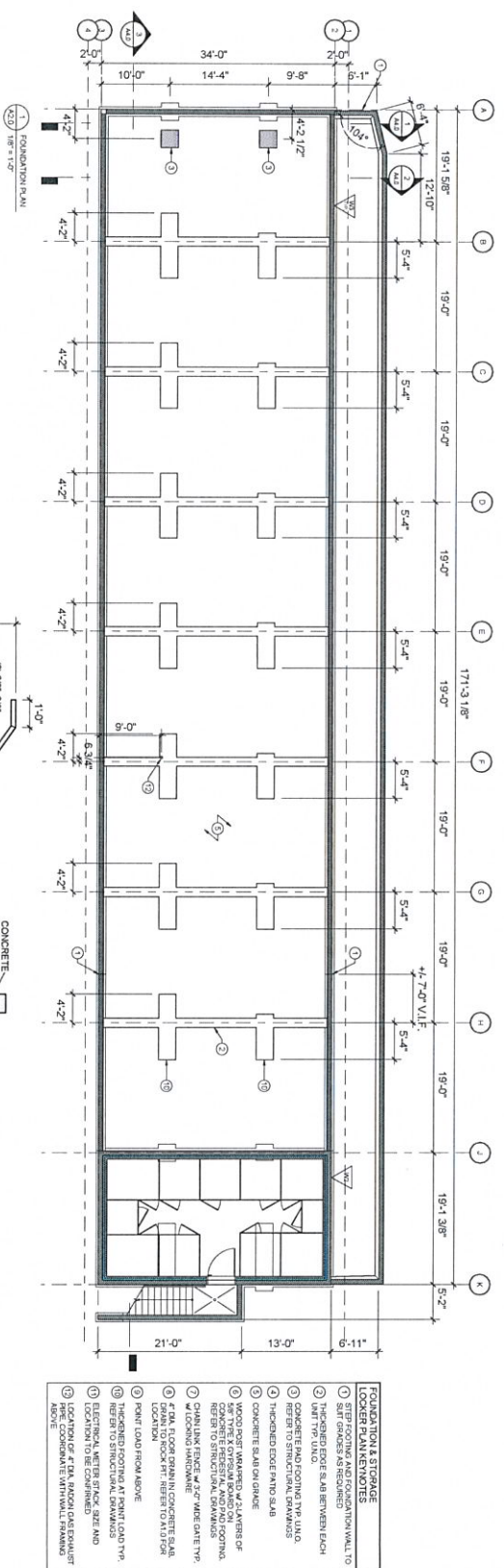
**SHEET TITLE**  
 Site Plan  
 Variance Summary

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

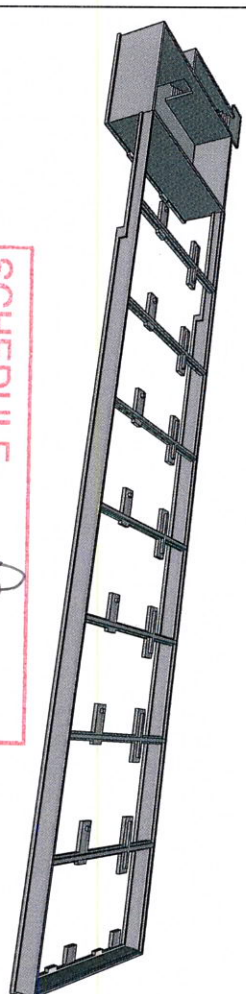
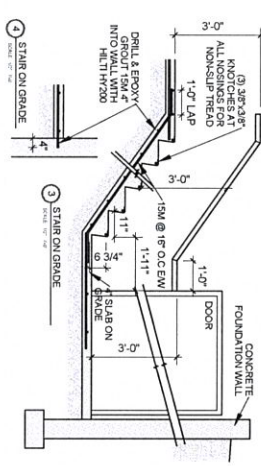
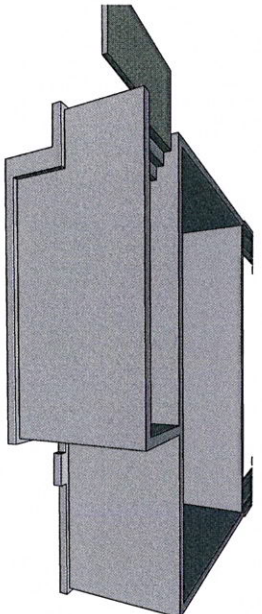
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 10/15/15

**PROJECT TITLE**  
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A.1.1

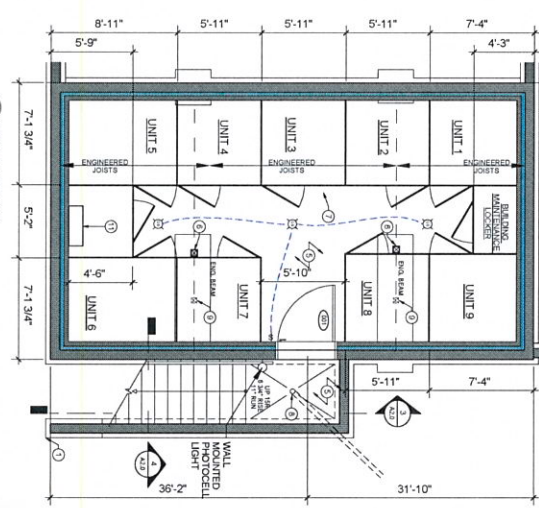


- FOUNDATION & STORAGE**
- 1 SET FOOTING AND FOUNDATION WALL TO PERFORMED AS SHOWN
  - 2 THICKENED EDGE BETWEEN EACH UNIT TYPE UNITS
  - 3 CONCRETE PAD FOOTING TYPE UNITS REFER TO STRUCTURAL DRAWINGS
  - 4 THICKENED EDGE PAVO SLAB
  - 5 CONCRETE SLAB ON GRADE
  - 6 WOOD JOIST WALKWAY 2 LAYERS OF CONCRETE PRECAST AND PAD FOOTING REFER TO STRUCTURAL DRAWINGS
  - 7 CHAIN LINK FENCE 4" X 4" WIRE GATE TYPE
  - 8 GRAN FLOOR GRAIN IN CONCRETE SLAB DEAN TO ROCK HT. REFER TO AIRBOR LOCATION
  - 9 PAINT LOAD FROM ABOVE
  - 10 ELECTRICAL WETTER SHOCK SIZE AND LOCATION REFER TO ELECTRICAL DRAWINGS
  - 11 LOCATION OF TANK ROOM (AUXILIARY) REFER TO STRUCTURAL DRAWINGS



**ELECTRICAL LEGEND**

1	DRINK DISPENSER
2	DRINK DISPENSER - COFFEE
3	DRINK DISPENSER - HOT
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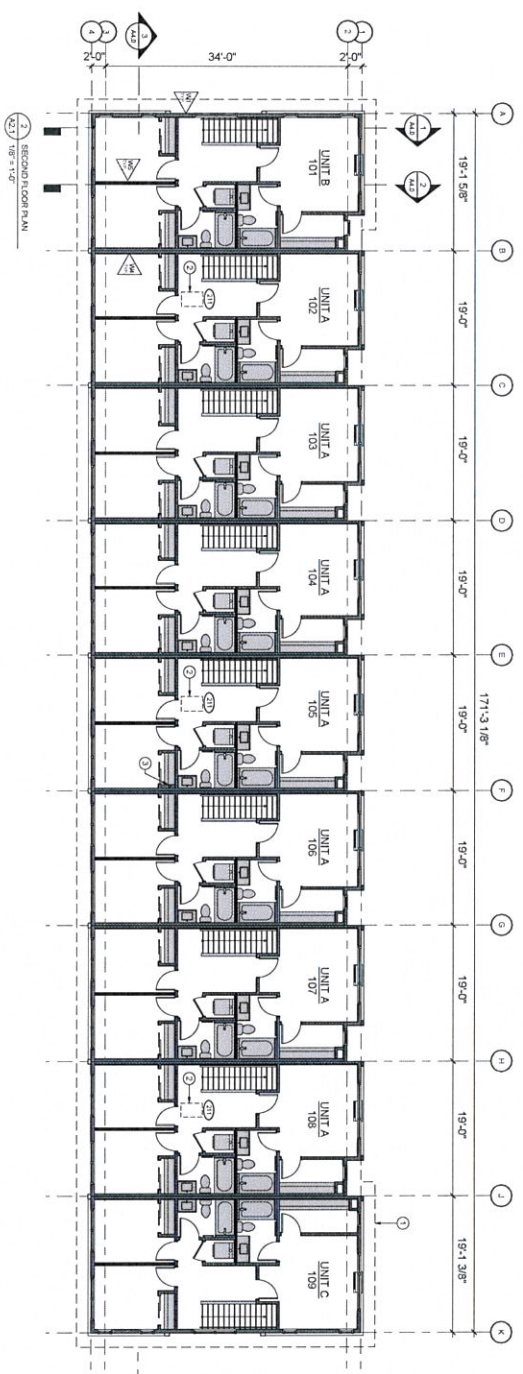
**SCHEDULE A**  
 This forms part of development  
 Permit # DP15-0221

Foundation Plan  
 SHEET TITLE  
 PROJECT TITLE  
 PROJECT NUMBER  
 A2.0

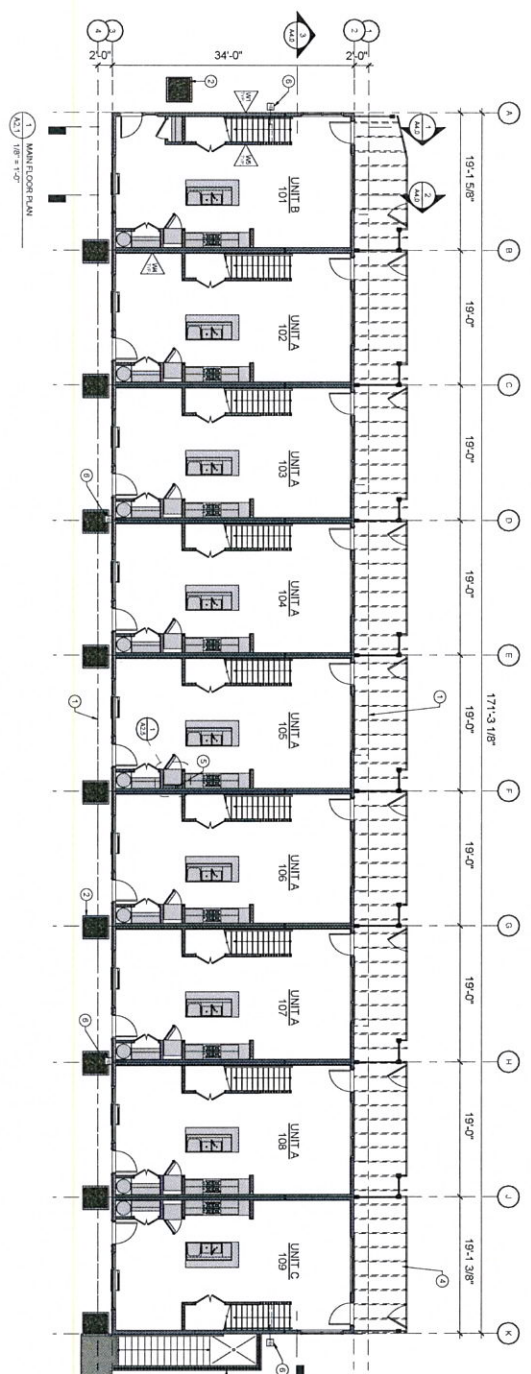
**davara.**

**GENERAL CONDITIONS**  
 1. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.  
 2. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE AND BONDING.  
 3. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES AND SERVICES.  
 4. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY MATERIALS AND LABOR.  
 5. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EQUIPMENT AND TOOLS.  
 6. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY TRANSPORTATION.  
 7. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY STORAGE.  
 8. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY OFFICES AND WORKSHOPS.  
 9. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY TRUCKS AND VEHICLES.  
 10. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SAFETY EQUIPMENT AND SIGNALS.  
 11. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SIGNAGE AND MARKINGS.  
 12. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY LIGHTING AND ELECTRICAL SERVICES.  
 13. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY WATER AND SEWER SERVICES.  
 14. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY GAS AND OIL SERVICES.  
 15. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY TELEPHONE AND CABLE SERVICES.  
 16. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY MAIL SERVICES.  
 17. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INTERNET SERVICES.  
 18. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CABLE TV SERVICES.  
 19. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SATELLITE SERVICES.  
 20. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY VOIP SERVICES.  
 21. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY VOCTEL SERVICES.  
 22. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY VOIP SERVICES.  
 23. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY VOCTEL SERVICES.  
 24. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY VOIP SERVICES.  
 25. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY VOCTEL SERVICES.





- SECOND FLOOR PLAN KEYNOTES**
- 1) DOTTED LINE INDICATES EXIST
  - 2) 2'-0" X 2'-0" HIK PREPARED
  - 3) LOCATION OF F.P.A. ANCHORAGE
  - 4) EXHIBIT PREP IN 2ND WALL



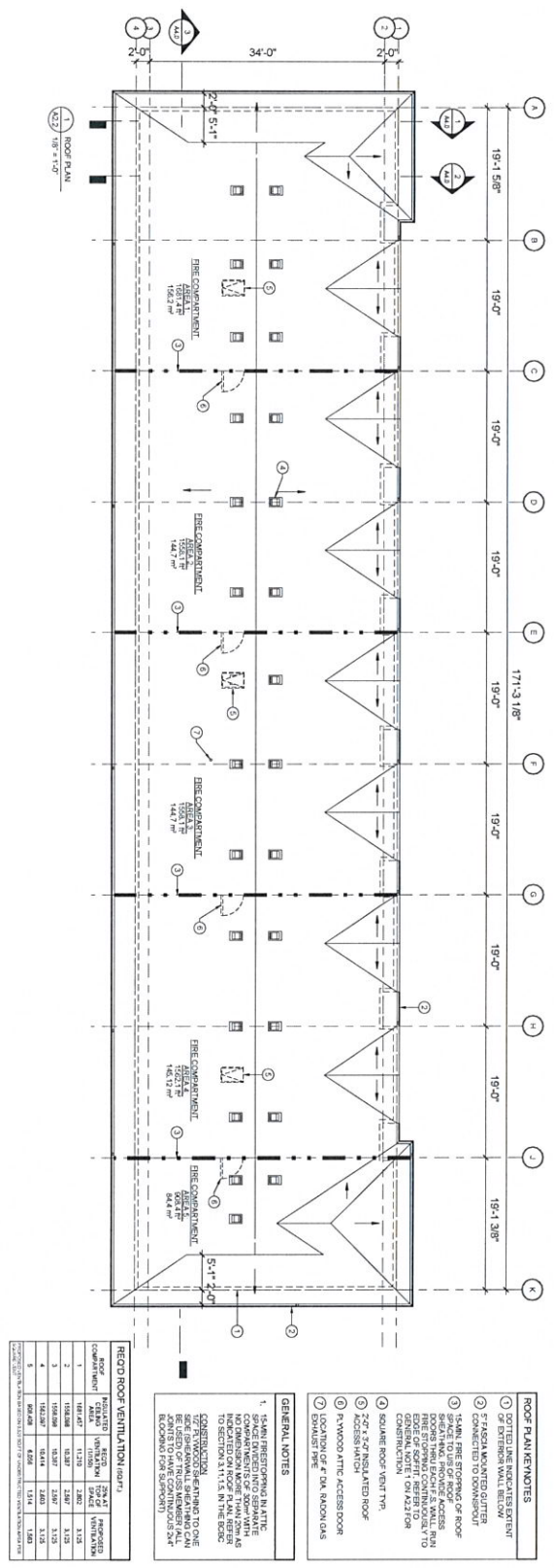
- MAIN FLOOR PLAN KEYNOTES**
- 1) DOTTED LINE INDICATES EXIST
  - 2) 2'-0" X 2'-0" HIK PREPARED
  - 3) 4" HIGH ALUMINUM PICKET GUARD
  - 4) 3" HIGH ALUMINUM PICKET AND PERIODIC BRANDING ABOVE
  - 5) LOCATION OF F.P.A. ANCHORAGE
  - 6) EXHIBIT PREP IN 2ND WALL IN THIS LOCATION
  - 7) LOCATION OF FIREWORKS HOSE
  - 8) 2ND WALL FINISH

**SCHEDULE**  
 This forms part of development  
 Permit # DR15-0221

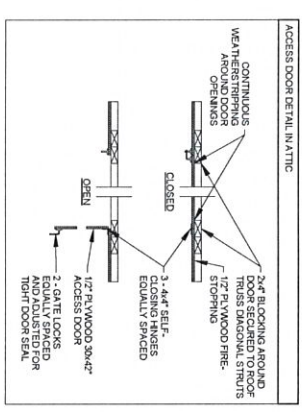
**davara.**  
 DESIGN, CONSTRUCTION  
 3035 Howard Road, Yorktown, VA 23692  
 757-861-1111  
 info@davara.com

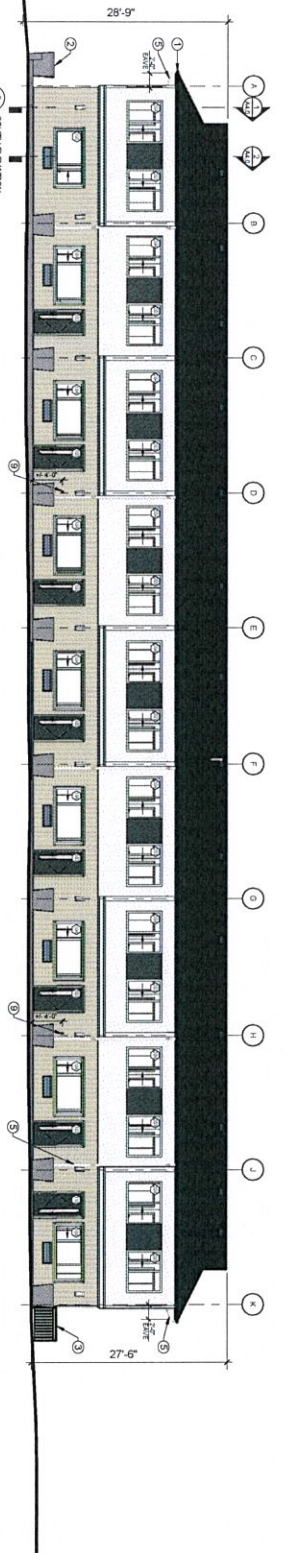
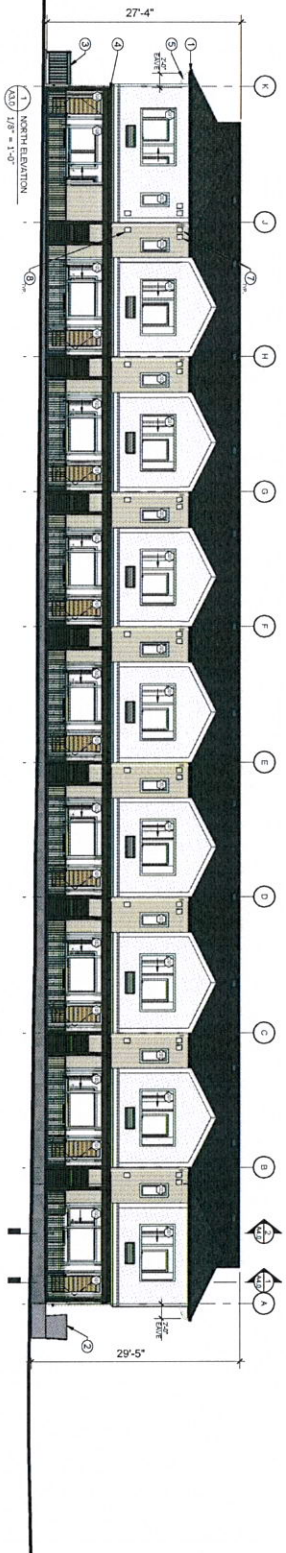
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**PROJECT NORTH**  
**DATE** 08/14/21  
**PROJECT NAME** HOMER TOWNHOMES  
**2015-10-11** 1ST CONSTRUCTION  
**2015-10-11** 2ND CONSTRUCTION  
**2015-10-11** 3RD CONSTRUCTION  
**2015-10-11** 4TH CONSTRUCTION  
**2015-10-11** 5TH CONSTRUCTION  
**2015-10-11** 6TH CONSTRUCTION  
**2015-10-11** 7TH CONSTRUCTION  
**2015-10-11** 8TH CONSTRUCTION  
**2015-10-11** 9TH CONSTRUCTION  
**2015-10-11** 10TH CONSTRUCTION

**SCALE** 1/8" = 1'-0"  
**DATE** 08/14/21  
**PROJECT NAME** HOMER TOWNHOMES  
**2015-10-11** 1ST CONSTRUCTION  
**2015-10-11** 2ND CONSTRUCTION  
**2015-10-11** 3RD CONSTRUCTION  
**2015-10-11** 4TH CONSTRUCTION  
**2015-10-11** 5TH CONSTRUCTION  
**2015-10-11** 6TH CONSTRUCTION  
**2015-10-11** 7TH CONSTRUCTION  
**2015-10-11** 8TH CONSTRUCTION  
**2015-10-11** 9TH CONSTRUCTION  
**2015-10-11** 10TH CONSTRUCTION



**SCHEDULE A**  
 This forms part of development  
 Permit # **DP15-0221**





8.10.14.4.4 MAXIMUM AGGREGATE AREA OF UNPROTECTED OPENINGS IN EXTERIOR WALLS

ELEVATION	AREA OF EXTERIOR WALLS (SQ. FT.)	PERCENTAGE OF UNPROTECTED OPENINGS	ALLOWABLE PERCENTAGE OF UNPROTECTED OPENINGS
NORTH	3,281 (286.80M <sup>2</sup> )	4.02% (12.72M <sup>2</sup> )	5%
SOUTH	3,281 (286.80M <sup>2</sup> )	4.02% (12.72M <sup>2</sup> )	5%
EAST	656 (60.36M <sup>2</sup> )	2.42% (7.28M <sup>2</sup> )	5%
WEST	656 (60.36M <sup>2</sup> )	2.42% (7.28M <sup>2</sup> )	5%

- ELEVATION NETWORKS**
- 1) 5" FASCIA MOUNTED GUTTER
  - 2) PRE-CAST CONCRETE PLANTER
  - 3) ALUMINUM PICKET GUARD
  - 4) WOOD TRELLIS, SEEN TO AND FOR CONNECTION DETAILS
  - 5) DOWNSPOUT CONNECTED TO DRAINAGE SYSTEM
  - 6) RESINOID
  - 7) WALL MOUNTED AIR/AND LAUNDRY DRAINAGE CONDENSATE LEACHERS WITH CONDENSATE TRAY
  - 8) WALL MOUNTED AIR SURVEY AIR
  - 9) NON-FREEZE HOSE BIB

**FINISH MATERIAL LEGEND**

- WHITE ACRYLIC STUCCO
- BOARD AND BATTEN CEMENT PLASTER
- PERGOLAS SHINGLES
- WHITE VINYL WINDOWS
- WOOD PRIVACY FENCING
- ALUMINUM PICKET GUARD

**SCHEDULE A+B**  
 This forms part of development Permit # DP15-0221

**davara.**  
 GENERAL CONTRACTOR  
 2015 W. 11th Street, Suite 100  
 Columbia, SC 29201  
 803.733.1111  
 www.davara.com

**PROJECT NORTH**

**PROJECT TITLE**  
 #116  
 Homer Townhomes  
 303 Harper Road, Yorkville, SC

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

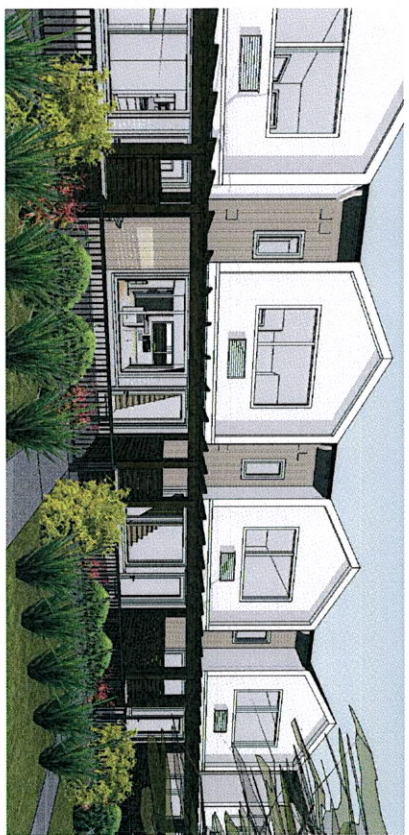
**DATE**  
 04/15/2015

**PROJECT TITLE**  
 Elevations

**SHEET TITLE**  
 A3.0



**BSD.**  
 Bani Studio Design  
 203 - 2451 Lawrence Avenue  
 Vancouver, BC V7M 6L2  
 Tel: 604.273.8222  
 info@banistudiodesign.com



**davara.**

INTERNAL COMMENTS

Check for any missing information or details in the drawings. If any information is missing, please contact the architect. If any information is missing, please contact the architect. If any information is missing, please contact the architect.

DATE	ISSUED FOR
2015-02-20	SCHEMATIC DESIGN
2015-04-18	3D COORDINATION
2015-08-04	REV. BOARD
2015-11-23	REV. BOARD #1
2016-01-21	CONSULTANT COORD.
2016-03-08	TRIPLE
2016-03-08	TRIPLE PLAN REVISIONS

**PROJECT TITLE** #1510  
**PROJECT NORTH**  
**SITE NORTH**  
**PROJECT NORTH**

**HomeTownhomes**  
 355 Howe Street, Vancouver, BC  
**SHEET TITLE**  
**Perspective Elevations**  
**SCALE** 1/2"=1'-0"  
**DRAWING NUMBER**

**SCHEDULE** B  
 This forms part of development  
 Permit # DP15-02221

A3.2



OUTLAND DESIGN  
LANDSCAPE ARCHITECTURE

November 24, 2015

**Homer Townhomes**

C/o Davara Holdings Limited  
Suite 1, 911 Borden Avenue  
Kelowna, BC V1Y 6A5  
Attn: Dave Sargent  
Via e-mail to: Dave.Sargent@Davara.ca

**Re: Proposed Homer Townhomes Development – Preliminary Cost Estimate for Bonding**

Dear Dave:

Please be advised of the following preliminary cost estimate for bonding of the proposed landscape works shown in the Homer Townhomes conceptual landscape plan dated 15.11.24;

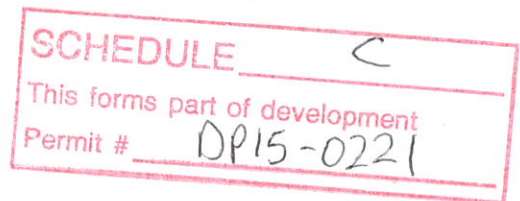
- 524 square metres (5,640 square feet) of improvements = \$40,970.00

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

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

Best regards,

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





**CITY OF KELOWNA**  
**BYLAW NO. 10403**  
**Z10-0044 – Gordon Kaltenhauser**  
**120 Homer Road**

---

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 13, Section 27, Township 26, ODYD, Plan 14897, Except Plan 39705 located on Homer Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RM1 – Four Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 23<sup>rd</sup> day of August, 2010.

Considered at a Public Hearing on the 21<sup>st</sup> day of September, 2010.

Read a second and third time by the Municipal Council this 21<sup>st</sup> day of September, 2010.

Approved under the Transportation Act this 28<sup>th</sup> day of September, 2010.

Lynda Lochhead  
(Approving Officer-Ministry of Transportation)

---

Adopted by the Municipal Council of the City of Kelowna this

\_\_\_\_\_  
Mayor

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



# REPORT TO COUNCIL



**Date:** 4/19/2016  
**RIM No.** 0940-00  
**To:** City Manager  
**From:** Community Planning (AC)  
**Application:** DP14-0137 & DVP10-0076      **Owner:** Nathan Morden  
**Address:** 120 Homer Road      **Applicant:** Nathan Morden  
**Subject:** Development Permit and Development Variance Permit Application  
**Existing OCP Designation:** MRL - Multiple Residential, Low Density  
**Existing Zone:** RM1 - Four Dwelling Housing

---

## 1.0 Recommendation

THAT Final Adoption of Zoning Amending Bylaw No. 10403 be considered by Council.

AND THAT Council authorize the issuance of Development Permit DP14-0137 for Lot 13 Section 27 Township 26 ODYD Plan 14897, except Plans 39705 and EPP43967, located at 120 Homer Road, Kelowna BC, subject to the following:

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

AND THAT Council authorize the issuance of Development Variance Permit No. DVP10-0076 for Lot 13 Section 27 Township 26 ODYD Plan 14897, except Plans 39705 and EPP43967, located at 120 Homer Road, Kelowna BC, subject to the following:

### Section 13.7.6(f) - Development Regulations

Vary the rear yard setback from 7.5m to 3.2m;

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

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

## 2.0 Purpose

To consider a Development Permit application for form and character and to vary the rear yard setback on the subject parcel to legalize the existing building on the subject property.

## 3.0 Urban Planning

Staff support the proposed Development Variance Permit application. The proposed variance is required as a result of rezoning application Z10-0044. The status of the original dwelling is only protected under the non-conforming sections of the Local Government Act when the use and density do not change. A rear setback variance is needed to legalize the existing location of the original dwelling because the use and density have changed.

The Multiple Residential (Low Density) OCP designation on the subject property supports the conversion of the property to four dwelling units. The building is existing and no changes are planned in regards to the form and character Development Permit. Staff have been working for years with the applicant to address the basic health and life safety issues. Since those have now been resolved, Staff are supporting the Development Permit and Development Variance Permit.

The final zoning conditions which the applicant has now completed were:

- 1) Payment of Development Engineering fees;
- 2) Initialize a building permit to bring the structure into compliance with the BC Building Code; and
- 3) Dedicate the necessary road right-of-way along Highway 33 and corner rounding.

## 4.0 Proposal

### 4.1 Background

An addition to the original dwelling was approved through a Building Permit issued in 2005, which added approximately 2600ft<sup>2</sup> of floor area. The property currently has an open Bylaw Enforcement file regarding illegal dwelling units.

The property is zoned RU1 - Large Lot Housing, however, there are 3 illegal units in the single-family dwelling. The original dwelling has a three-bedroom unit located in the basement. The addition approved in 2005 allowed for a three-car garage with living space behind and above. These additional spaces have been converted into a one-bedroom unit and a three-bedroom unit respectively. In total, the property contains four separate dwelling units. The property was sold to a new owner who bought the property in 2011-2012 and the new owner has been attempting to resolve the outstanding legalization issues ever since.

### 4.2 Site Context

The subject property is located on the north side of Hwy 33 W near Gerstmar Road and west of the Rutland Urban Centre boundary. Specifically, the adjacent zones and uses are:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Single Family Housing
East	RM3 - Low Density Multiple Housing	Townhomes
South	RM4 - Transitional Low Density Housing C1 - Local Commercial	Apartment Complex Gas Bar
West	P2 - Educational & Major Institutional	Religious Assembly

### 4.3 Site Location Map

Subject property: 120 Homer Road



### 5.0 Zoning Analysis Table

The application meeting the requirements of Zoning Bylaw No. 8000 (with the noted variance) as follows:

Criteria	Proposal	RM1 Zone Requirements
<b>Subdivision Requirements</b>		
Site Area (m <sup>2</sup> )	1389m <sup>2</sup>	800m <sup>2</sup>
Site Width (m)	30.83m	22.0m
Site Depth (m)	46.42m	30.0m
<b>Development Regulations</b>		
Site Coverage (%)	24% (39%)	40% (50% including buildings, driveways and parking areas)
F.A.R.	.41	0.6
Height (m)	6.6m	9.5m
Storeys (#)	2 storeys	2.5 storeys
<b>Required Setbacks</b>		
Front (Hwy 33)	11.75m	15.0m
Rear (north) ❶	3.2m	7.5m
Flanking Side (Homer)	8.5m	4.5m (6.0m to garage/carport)
Side (west)	4.4m	2.5m
<b>Other Regulations</b>		
Private Open Space	Exceeds requirements	4 units x 25 m <sup>2</sup> Total: 100 m <sup>2</sup>
Parking Spaces (#)	7 spaces	3-three bedroom units x 2 spaces 1 bachelor unit x 1 space Total: 7 spaces

❶ Indicates a variance to the required rear yard from 7.5m required to 3.2m proposed.

**6.0 Technical Comments**

Building & Permitting

- See Z10-0044

Development Engineering

- See Z10-0044

**7.0 Application Chronology**

Date of Application Received:

May 18, 2010

Date of Neighbourhood Consultation Received (re: variance):

n/a

**Report prepared by:**

---

Adam Cseke, Planner

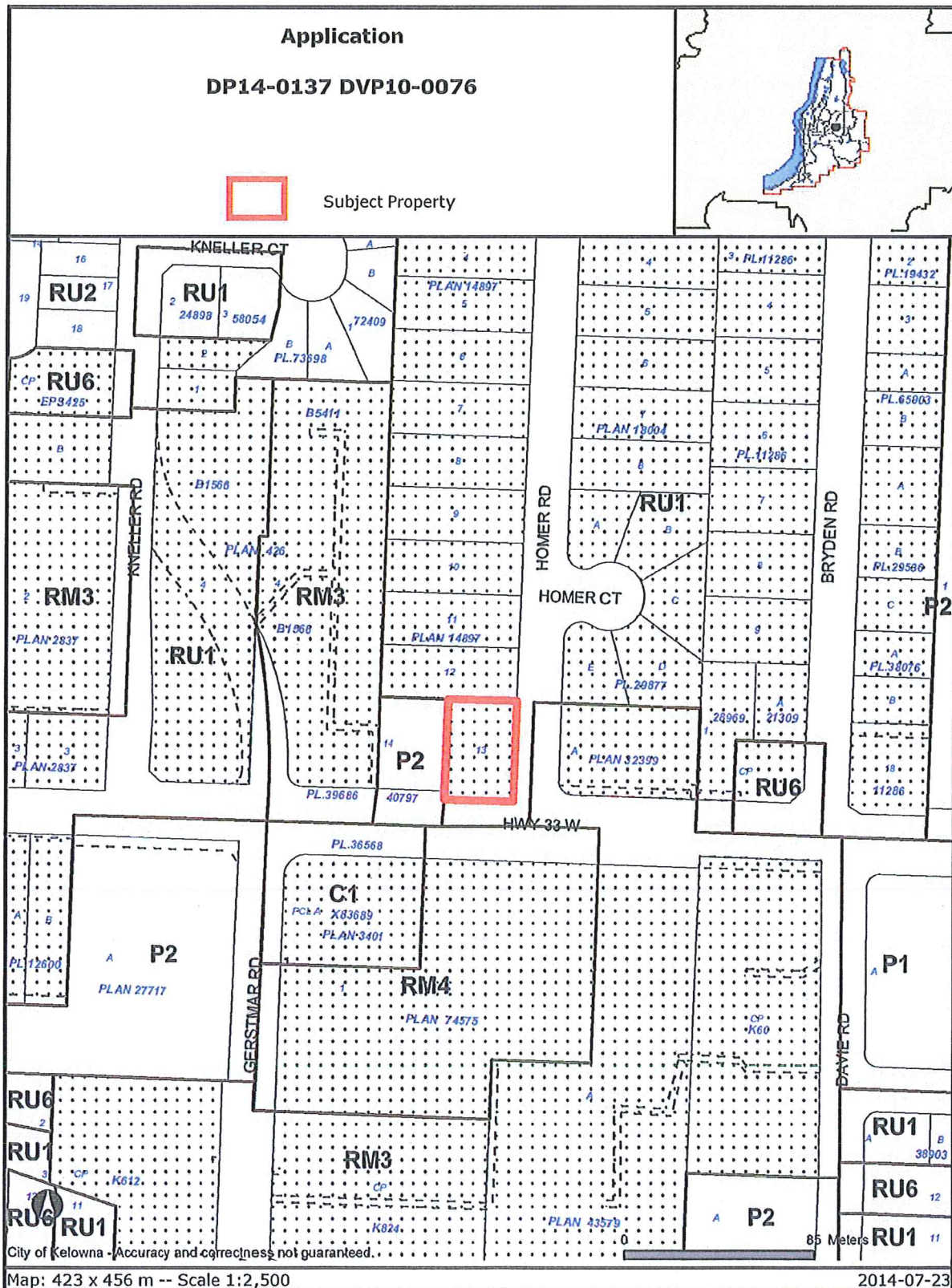
**Reviewed by:**  Terry Barton, Urban Planning Manager

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

**Attachments:**

Subject Property Map

Development Variance Permit and Development Permit



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

# CITY OF KELOWNA

**APPROVED ISSUANCE OF A:**

Development Variance Permit No.: DVP10–0076

Development Permit No.: DP14–0137

EXISTING ZONING DESIGNATION:	RM1 - Four Dwelling Housing
WITHIN DEVELOPMENT PERMIT AREA:	Comprehensive Development Design Guidelines - Multifamily

ISSUED TO: Nathan Morden
LOCATION OF SUBJECT SITE: 120 Homer Rd

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	13		Plan 14897, Except Plan 39705		26	ODYD

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

1. TERMS AND CONDITIONS:

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

Section 13.7.6 - Development Regulations

- a) To vary the rear yard setback from 7.5m to 3.2m;

AND THAT:

- a) The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";

2. The development shall commence by and in accordance with an approved Building Permit within TWO YEAR of the date of the Municipal Council authorization resolution.

3. PERFORMANCE SECURITY: None Required.

4. DEVELOPMENT:

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

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

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

**THIS Permit IS NOT A BUILDING Permit.**

5. APPLICANT'S AGREEMENT:

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

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

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

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

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

\_\_\_\_\_  
Signature of Owner/Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name in Bold Letters

\_\_\_\_\_  
Telephone No.

6. APPROVALS:

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE \_\_\_ DAY OF \_\_\_\_\_, 2016 BY THE COMMUNITY PLANNING MANAGER.

\_\_\_\_\_  
Ryan Smith, Community Planning Manager



**SCHEDULE** A-1-B  
This forms part of development  
Permit # DP4-0137 Colbur District



SCHEDULE - A  
 Part of development  
 Permit # OP14-0137

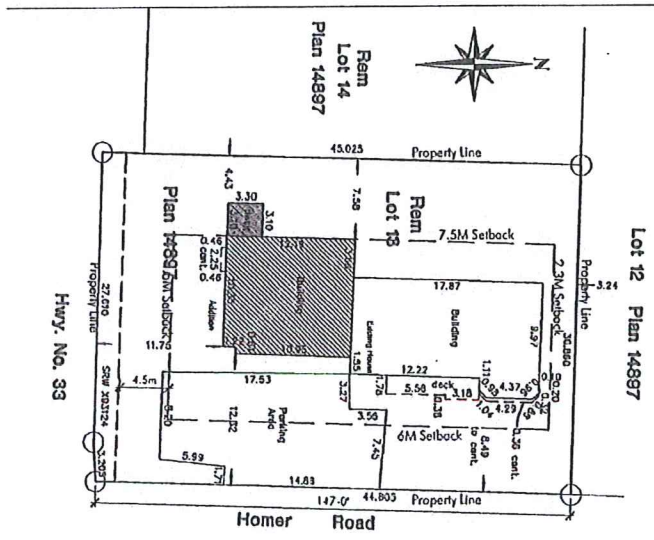
British Columbia Land Surveyors  
**BUILDING LOCATION CERTIFICATE**

This is to certify that on the 29th day of March, 2014, a survey was performed under my supervision, on the property described as follows:

#120 Homer Road Lot 13, Sec 27, Tp 26, R070, Plan 14897, Except Plan 39705.

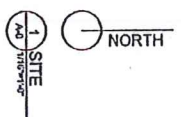
The building(s) erected on the said property is (are) wholly within the boundaries thereof, and does (do) not encroach on adjoining property. The accompanying sketch shows with concise statement the size of the building(s) and the location thereof. The boundaries shown on the sketch are the boundaries of the property. Property boundary dimensions shown are derived from registered records. This certificate is intended for building inspection purposes only.

Surveyed by:  
 S. M. H. H. H.  
 BC Reg. No. 1175  
 -S.M. 803122  
 -Mortgage CA2372756



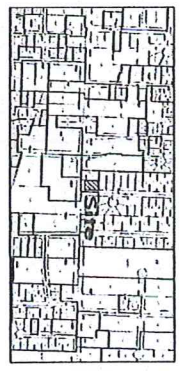
Lot 12 Plan 14897

Rem  
 Lot 14  
 Plan 14897



- Let Of Drawings:
- A-0 Site Plan
  - A-1 Lower Plan
  - A-2 Upper Plan
  - A-3 Roof Plan
  - A-4 Elevations
  - A-5 Elevations
  - A-6 Section - General Notes

Vicinity Map:



Project Notes:

PROJECT INFORMATION	DATE
PROJECT NO.	1314
CLIENT	1314
DATE	03/07/14
SCALE	AS SHOWN
DRAWN BY	SM
CHECKED BY	SM
DATE	03/07/14

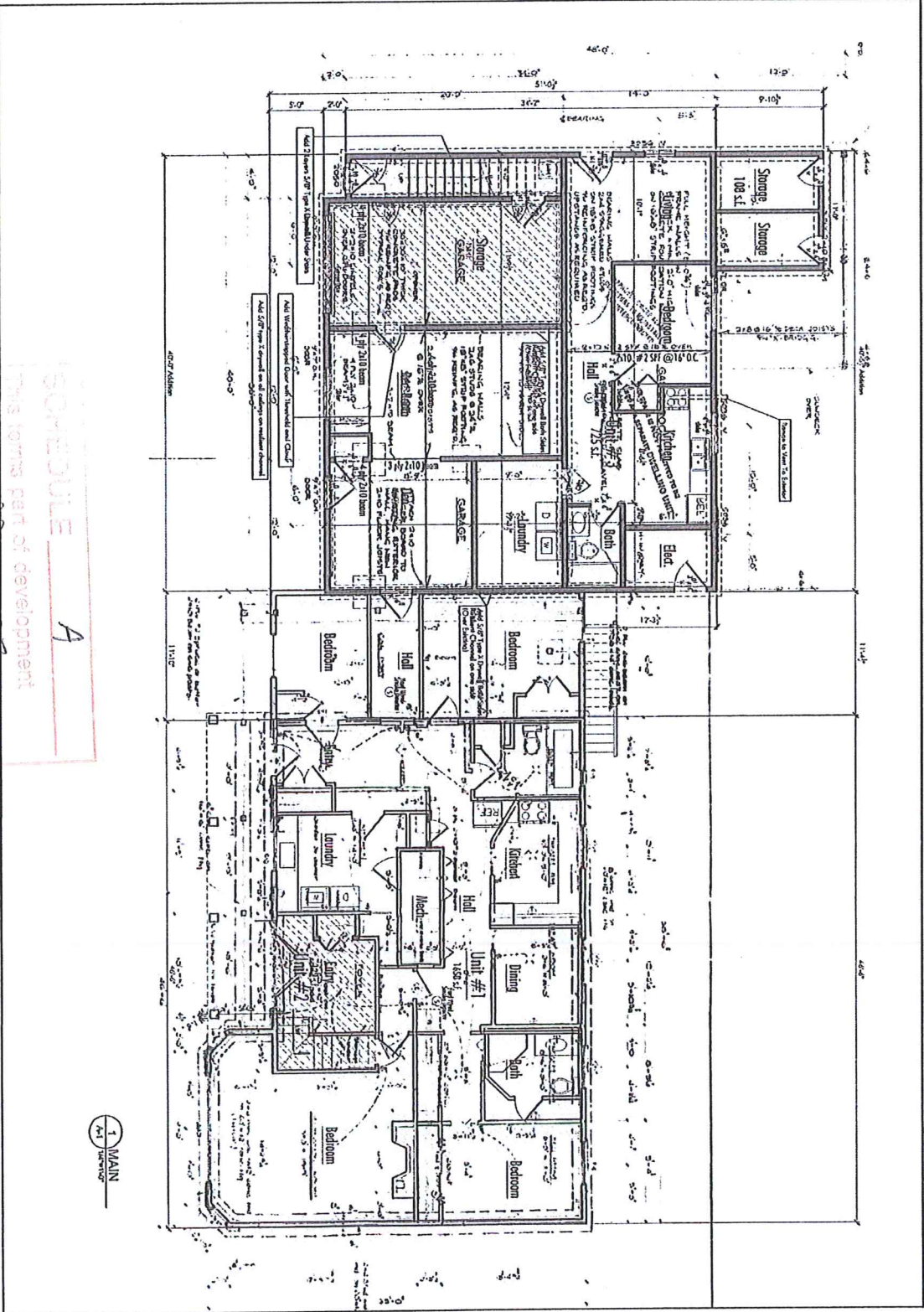
KH  
 DESIGNS

3229 Dalmeny Rd.  
 Richmond B.C.  
 BC V6N 1J1  
 250-279-6370



720  
 Homer Road  
 Rutland BC

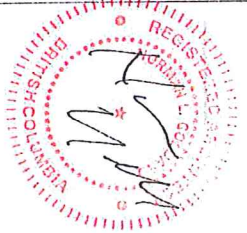
Site  
 Plan  
**A-0**



**SCHEDULE 4**  
 This forms part of development  
 Permit # D14-0157

1 MAIN  
A-1

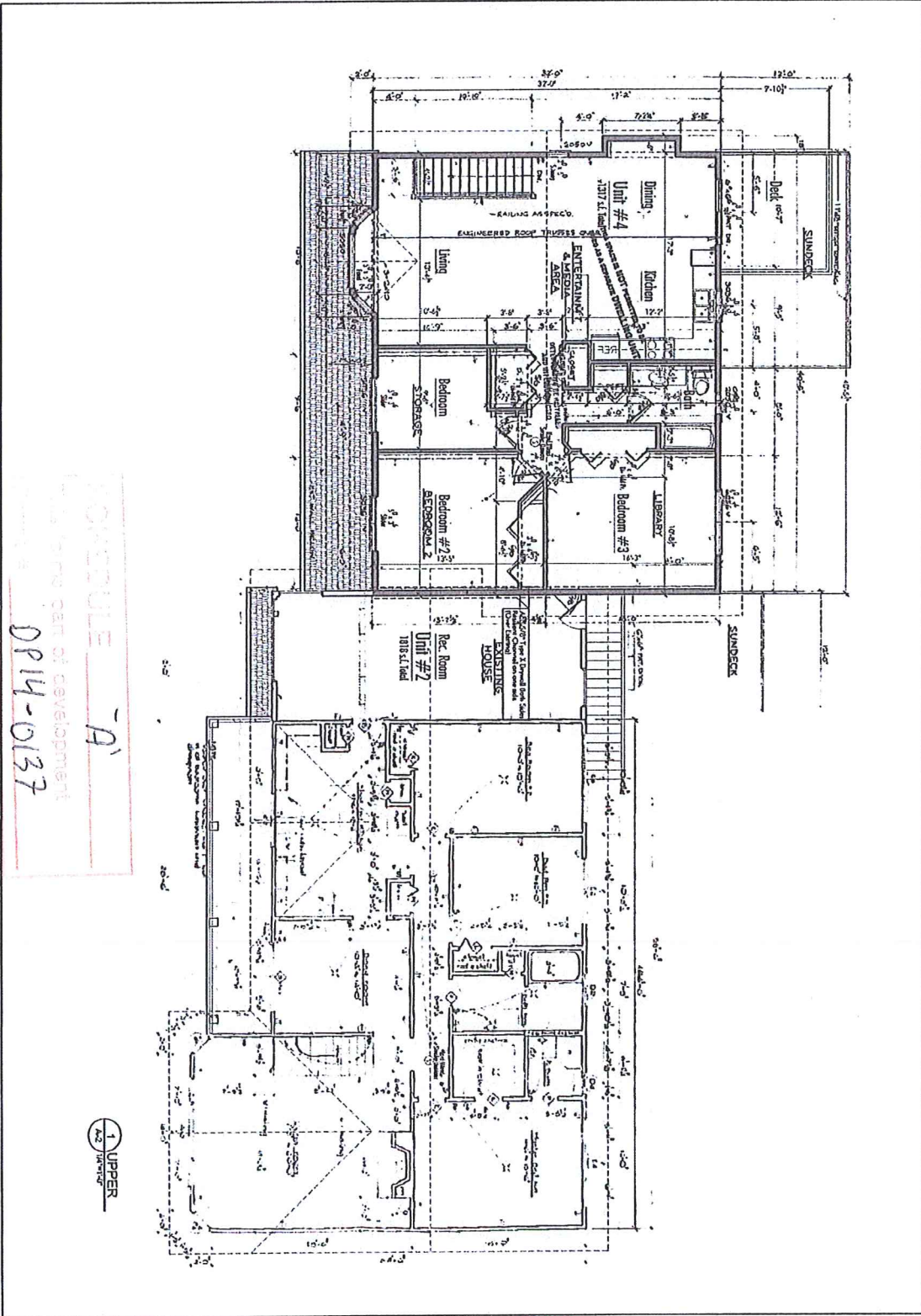
**KH DESIGN**  
 1220 Ardmore Rd.  
 Richmond B.C.  
 B.C. V6M 1X1  
 780-750-1596



**1200**  
 Homer Reed  
 Rutland BC

DRAWN BY: KH  
 PROJECT: 1214  
 FILE:  
 DATE:  
 Drawing Board: 03/17/14

**Main Plan**  
**A-1**

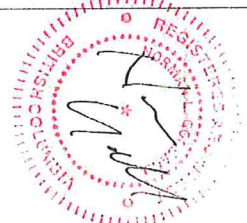


SCHEDULE A  
 Part of development  
 DP14-0137

1 UPPER  
 2nd Floor

K H  
 DESIGNS

2025 Boulevard #4,  
 Richmond, BC V6V 1E1  
 780-375-9398



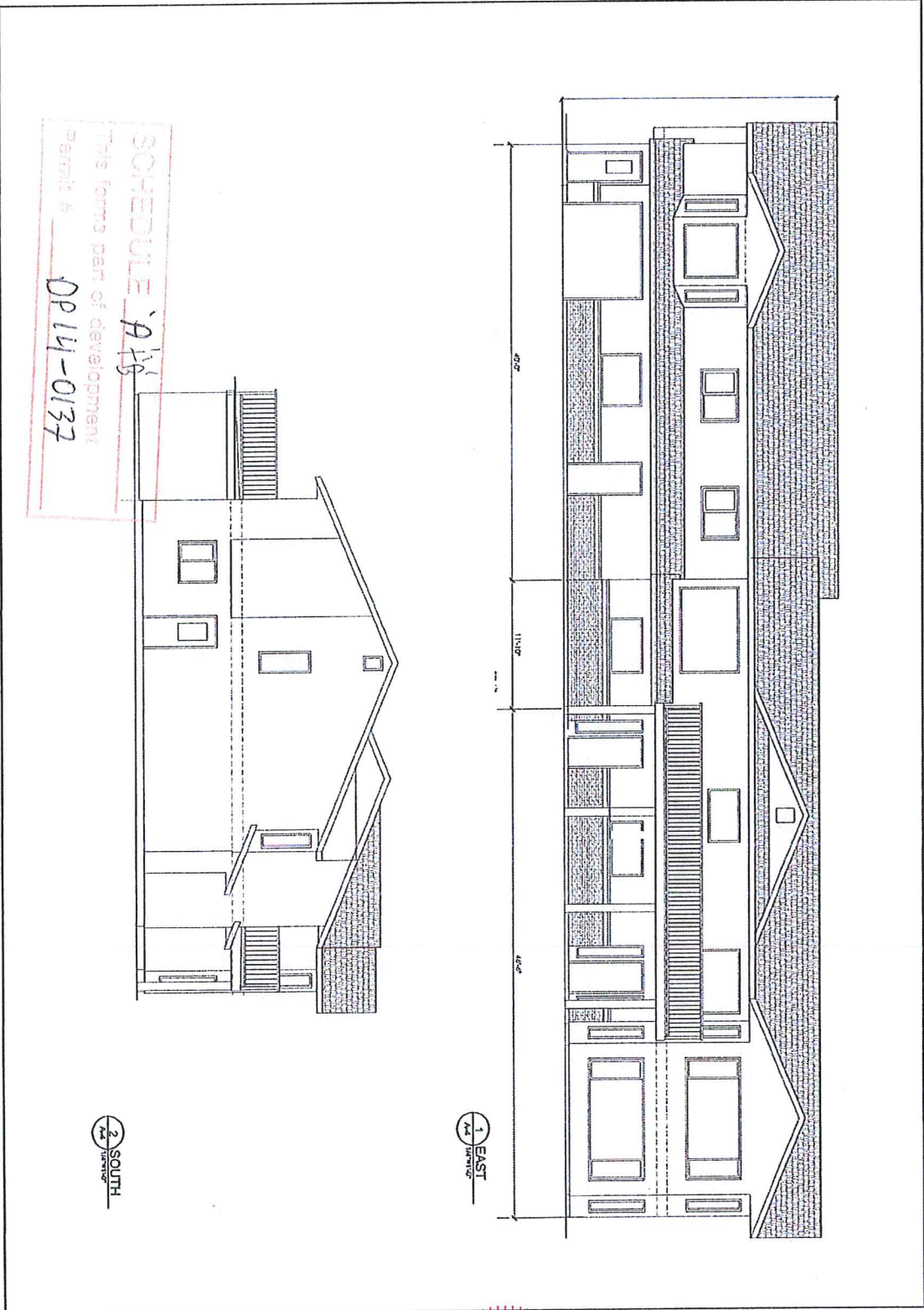
TNO  
 Homer Road  
 Richmond BC

DRAWN BY: SH  
 PROJECT: 1314  
 FILE:  
 SCALE: ONE  
 DATE: 04/17/14  
 DWT

Upper  
 Plan

A-2

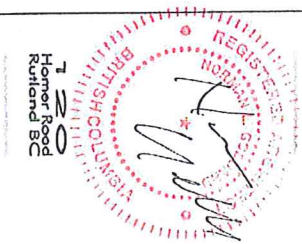




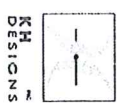
SCHEDULE 'A' 1/2  
 This forms part of development  
 Permit # DP 14-0137

2 SOUTH

1 EAST



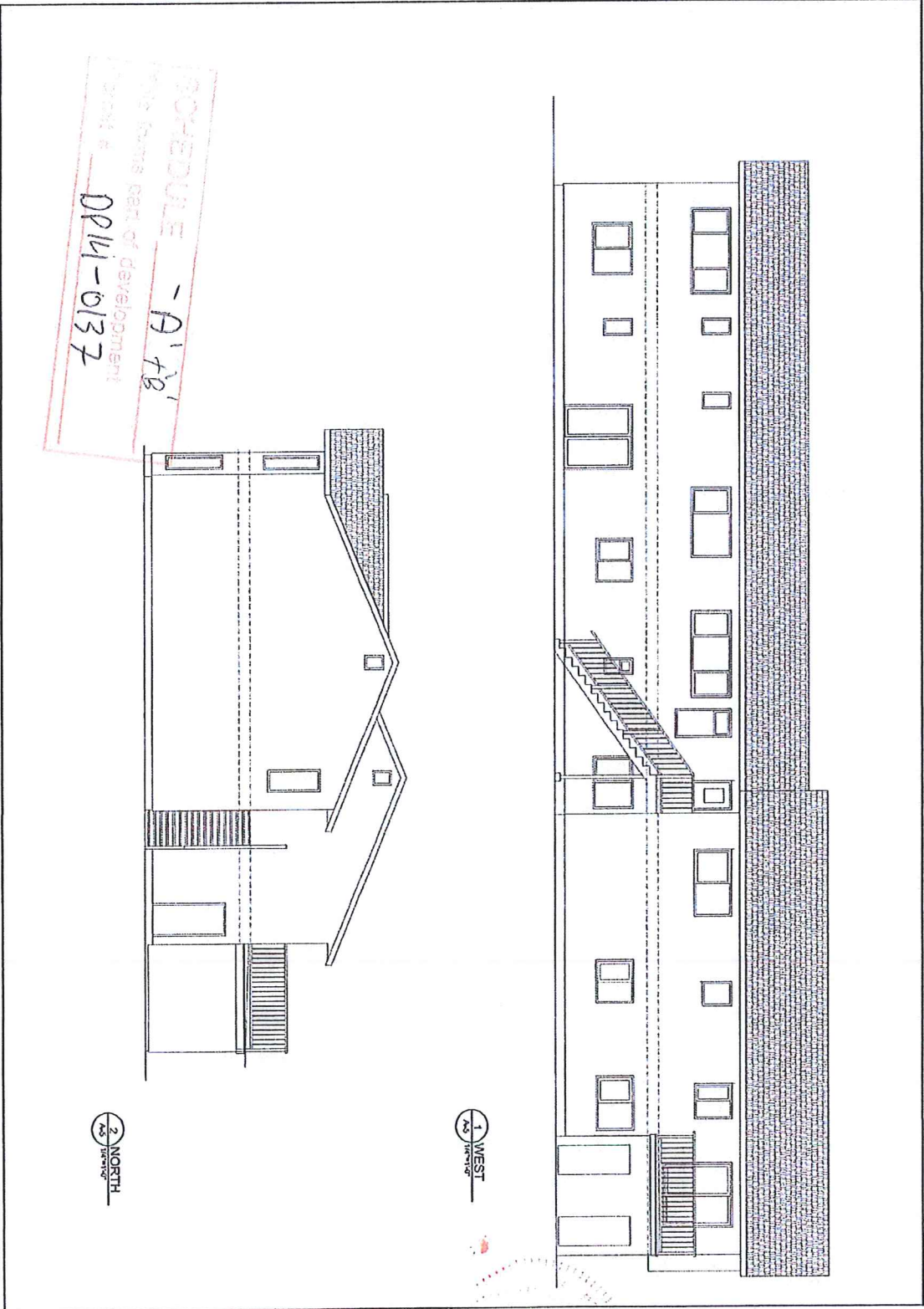
5225 Sanderson Rd.  
 Powell Sound B.C.  
 B.C. V0H 1X1  
 250.572-0398



DRAWN BY: KHM  
 PROJECT: 12-14  
 TITLE:  
 SCALE: A2/2  
 DATE: 02/20/14  
 DRAWING: 02/20/14

Elevations

A-4



5075 Sutherland Rd.  
 Richmond, BC V6X 1A1  
 250.375-6396



**130**  
 Homer Food  
 Rutland BC

DRAWN BY: GY  
 PROJECT: 1314  
 FILE:  
 SCALE: DATE  
 Drawing Number: 02/24/14

Elevations

**A-5**

