

City of Kelowna

Regular Council Meeting

AGENDA



Tuesday, September 29, 2015
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. **Call to Order**
2. **Reaffirmation of Oath of Office**
The Oath of Office will be read by Councillor Stack.
3. **Confirmation of Minutes** 1 - 10
Public Hearing - September 15, 2015
Regular Meeting - September 15, 2015
4. **Bylaws Considered at Public Hearing**
 - 4.1 **1981 Cross Road, BL11134 (Z15-0030) - Lorne Pearson** 11 - 11
To give Bylaw No. 11134 second and third readings in order to rezone the subject property to facilitate a 12 lot subdivision in a form consistent with the Official Community Plan.
 - 4.2 **4619 Gordon Drive, BL11135 (Z15-0036) - Reza Atri & Soraya Shidarian-Atri** 12 - 12
To give Bylaw No. 11135 second and third readings, and adoption, in order to rezone the subject property to facilitate development of a carriage house.
 - 4.3 **4077 Lakeshore Road, BL11136 (OCP15-0011) - Greencorp Ventures Inc.** 13 - 13
Requires a majority of all members of Council (5).
To give Bylaw No. 11136 second and third readings in order to change the future land use designation of the subject property in order to facilitate a four unit residential development.
 - 4.4 **4077 Lakeshore Road, BL11137 (Z15-0031) - Greencorp Ventures Inc.** 14 - 14
To give Bylaw No. 11137 second and third readings in order to rezone the subject property in order to facilitate a four unit residential development.

5. Bylaws to be Rescinded at First Reading

5.1 605 Stirling Road, BL11142 (Z15-0024) - 1009440 BC Ltd.

15 - 15

To rescind first reading given to Bylaw No. 11142 and to direct staff to close the file.

6. Notification of Meeting

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

7. Liquor License Application Reports

7.1 4320 Gallaghers Drive W, LL15-0009 - GolfBC Holdings Inc.

16 - 32

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

To consider a Staff recommendation NOT to support a permanent change in licensed hours of sales for the existing Liquor Primary establishment.

7.2 3200 Via Centrale, LL15-0010 - GolfBC Holdings Ltd.

33 - 49

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

To consider a Staff recommendation NOT to support a permanent change in licensed hours of slae for the existing Liquor Primary establishment.

8. Development Permit and Development Variance Permit Reports

8.1 710 Stockwell Avenue, DP14-0205 & DVP15-0158 - Valleywest Homes Inc.

50 - 83

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 to address the form and character of a new 32 unit apartment building, and a Development Variance Permit application to vary the definition of “Lot Line, Front - Urban and Rural Residential”, and to vary maximum permitted site coverage.

8.2 360 Penno Road, TUP15-0002 - Ian Robertson

84 - 97

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 temporarily allow an outdoor storage area on the subject property for a period of 3 years.

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

To vary the height of a retaining wall on the subject property.

9. Resolutions

9.1 (S of) Academy Way, Draft Resolution, BL11143 (Z15-0006) - Watermark Developments Ltd. & City of Kelowna

117 - 117

To defer consideration of Bylaw No. 11143 to the October 6, 2015 Public Hearing.

10. Reminders

11. Termination



City of Kelowna Public Hearing Minutes

Date: Tuesday, September 15, 2015
Council Chamber
Location: City Hall, 1435 Water Street

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

Members Absent: Councillors Charlie Hodge and Brad Sieben

Staff Present: Acting City Manager, Doug Gilchrist; City Clerk, Stephen Fleming, Community Planning Manager, Ryan Smith; Urban Planning Manager, Terry Barton; Urban Planner, Adam Cseke*; Council Recording Secretary, Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

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

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

2. Notification of Meeting

The City Clerk advised that Notice of this *Public Hearing* was advertised by being posted on the Notice Board at City Hall on September 1, 2015 and by being placed in the Kelowna Capital News issues on September 4 and September 9, 2015 and by sending out or otherwise delivering 42 statutory notices to the owners and occupiers of surrounding properties, and 1091 informational notices to residents in the same postal delivery route, between September 1 and September 4, 2015. The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

3. Individual Bylaw Submissions

3.1 285 Sadler Road, BL11132 (Z15-0032) - Thorsten Tropf

Staff:

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

The City Clerk advised that no correspondence had been received.

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

No one came forward.

There were no further comments.

3.2 540 Osprey Avenue, BL11133 (Z15-0005) - 0958123 BC Ltd.

Staff:

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

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

Letter of Opposition or Concern
Penny Lobdell, Kinnear Avenue

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

Anthony Yskes, Applicant Representative

- Displayed renderings of the building.
- Advised that the covered parking is driving the site coverage and height variance.
- Confirmed parking is all enclosed with residential parking on site and one commercial stall. The balance of commercial stalls we are seeking will be paid cash in lieu.
- Advised that the Owner of the property and the Architect are also present.
- Responded to questions from Council.

There were no further comments.

4. Termination

The Hearing was declared terminated at 6:23 p.m.

Mayor

/acm

City Clerk



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, September 15, 2015
Council Chamber
Location: City Hall, 1435 Water Street

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

Members Absent Councillors Charlie Hodge and Brad Sieben

Staff Present Acting City Manager, Doug Gilchrist; City Clerk, Stephen Fleming, Community Planning Manager, Ryan Smith; Urban Planning Manager, Terry Barton; Urban Planner, Adam Cseke*; Council Recording Secretary, Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 6:25 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Singh.

3. Confirmation of Minutes

Moved By Councillor Singh/Seconded By Councillor Given

R713/15/09/15 THAT the Minutes of the Public Hearing and Regular Meeting of August 25, 2015 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 285 Sadler Road, BL11132 (Z15-0032) - Thorsten Tropic

Moved By Councillor Gray/Seconded By Councillor Donn

R714/15/09/15 THAT Bylaw No. 11132 be read a second and third time.

Carried

4.2 540 Osprey Avenue, BL11133 (Z15-0005) - 958123 BC Ltd.

Moved By Councillor Donn/Seconded By Councillor Gray

R715/15/09/15 THAT Bylaw No. 11133 be read a second and third time.

Carried

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise delivering 309 statutory notices to the owners and occupiers of surrounding properties, and 2223 informational notices to residents in the same postal delivery route, between September 1 and September 4, 2015.

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

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

6.1 ITEM WITHDRAWN BY APPLICANT - 2072 Abbott Street, HAP15-0004 - Resear Ltd.

Mayor Basran advised that the Heritage Alteration Permit Application was withdrawn by the Applicant.

6.2 3320 Jackson Ct, DVP15-0143 - Richard Skurzyk & Patricia Walker

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence had been received.

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

Richard Skurzyk, Jackson Court, Applicant

- The purpose of the building is to enable us to house a motor home as well as a hoist.
- The accessory building roofline will match that of the house. It will not look oversized and will match the house nicely.
- Confirmed there was neighbour consultation and blueprints were provided.
- Confirmed that all neighbours were supportive of the project.
- Responded to questions from Council.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Gray

R716/15/09/15 THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0143, for Lot 24 Section 16 Township 26 ODYD Plan 24182, located at 3320 Jackson Court, Kelowna, BC;

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

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

To vary the accessory building height from 4.5 m maximum to 5.17 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

6.3 621 Roanoke Avenue, DP15-0147 & DVP15-0148 - Darla Kopp

Staff:

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

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

Letter of Support or Conditional Support

Clark Webb, 618 Roanoke Avenue

Letter of Opposition or Concern

Audrey Dunne, 602 Bay Avenue

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

Applicant:

- Present and available for questions.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor DeHart

R717/15/09/15 THAT Council authorizes the issuance of Development Permit No. DP15-0147 for Lot 11 Block 1 District Lot 9 ODYD Plan 1306, located at 621 Roanoke Avenue, Kelowna, BC subject to the following:

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

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0148 for Lot 11 Block 1 District Lot 9 ODYD Plan 1306, located at 621 Roanoke Avenue, Kelowna, BC;

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

Section 13.6.6(a): RU6 - Two Dwelling Housing - Development Regulations

To vary the maximum lot coverage of a carriage house from 14% to 16%;

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

6.4 561 McKay Avenue, BL11120 (OCP15-0009) - City of Kelowna

Moved By Councillor Stack/Seconded By Councillor DeHart

R718/15/09/15 THAT Bylaw No. 11120 be adopted.

Carried

6.5 561 McKay Avenue, BL11121 (Z15-0026) - City of Kelowna

Moved By Councillor DeHart/Seconded By Councillor Stack

R718/15/09/15 THAT Bylaw No. 11121 be adopted.

Carried

6.6 561 McKay Avenue, DP15-0118 & DVP15-0119 - City of Kelowna

Staff:

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

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

Letter of Opposition or Concern
Dr Crawford & Dr. Wade, McKay Avenue

Mayor Basran 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 Given/Seconded By Councillor Stack

R719/15/09/15 THAT Council authorizes the issuance of Development Permit No. DP15-0118 for Lot 1 District Lot 14 ODYD Plan EPP45951, located at 561 McKay Avenue, Kelowna, BC subject to the following:

1. The dimensions and siting of the works to be constructed on the land be in accordance with Schedule "A,"
2. Landscaping to be provided on the land be in accordance with Schedule "B";

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0119 for Lot 1 District Lot 14 ODYD Plan EPP45951, located at 561 McKay Avenue, Kelowna, BC;

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

Section 7.6.9 (e): Landscaping and Screening Minimum Landscape Buffers

To vary the required minimum front yard for a surface parking lot from Level 2 landscape buffer permitted to Level 1 landscape buffer zone proposed.

To vary the required minimum side yard (west) for a surface parking lot from Level 2 landscape buffer permitted to Level 1 landscape buffer zone proposed.

To vary the required minimum side yard (east) for a surface parking lot from Level 2 landscape buffer permitted to Level 1 landscape buffer zone proposed.

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

Carried

6.7 15-2368 Abbott Street, DVP15-0166 - Randall & Cecilia Gossen

Staff:

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

The City Clerk advised that no correspondence had been received.

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

Applicant:

- Present and available for questions.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor DeHart

R720/15/09/15 THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0166 for Strata Lot 15, District Lot 14, ODYD, Strata Plan K721, together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as shown on Form 1, located at 15-2368 Abbott Street, Kelowna, BC;

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

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

To vary the required minimum side yard from 2.0 m permitted to 1.5 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

6.8 519, 529 and 539 Truswell Road, BL11015 (Z14-0030) - MKS Resources Inc.

Moved By Councillor Stack/Seconded By Councillor DeHart

R721/15/09/15 THAT Bylaw No. 11015 be adopted.

Carried

6.9 529 Truswell Road, DP14-0132 & DVP14-0133 - MKS Resources Inc.

Staff:

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

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

Letters of Opposition or Concern

M. Hanak, Truswell Road
Douglas Cebryk, Truswell Road
Leslie Eames, Truswell Road
Royce & Merle Hetherington, Truswell Road
Jake Thiessen, Strata Corp KAS 4004 Truswell Road
Linda & Rene Hantelmann, Truswell Road
James & Claire Steinback, Truswell Road
Ray & Pat Putnam, Truswell Road
Bernice Hanson, Truswell Road
Jack & Mary Jane Patterson, Truswell Road
Marianne & Jim Lynn, Truswell Road
Robert & Diane Silk, Truswell Road
Julee Poole, Truswell Road
Donald & Maureen Anderson, Truswell Road
Marlene Dunlop, Truswell Road
Judy & Dennis Kalynchuk, Truswell Road
Robert & Karen Millar, Truswell Road
Ann & Randy Leavitt, Truswell Road
George Mapson & Heather McLaren, Truswell Road

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

Steve Shoranick, MKS Resources Applicant

- Spoke to the nine year history of the process and the phasing of the development.
- Spoke to full disclosure to owners of Phase 1 and that nothing has changed since that disclosure.
- Displayed site plan on the overhead projector.
- Confirmed that the lane will not be used or changed.
- Spoke to the parking space history.
- Acknowledged that concerns from the last Public Hearing were taken into consideration.
- Responded to questions from Council.

Gallery:

Jake Thiessen, Strata Corp KAS 4004 President, Truswell Road

- Spoke with 65 owners and received supporting emails and signatures from half of those owners who are opposed to the variances.
- Owners of Phase 1 are not opposed to the development but to the variances especially related to the setbacks.
- Spoke to the distribution of parking stalls between Phase 1 and Phase 2 as outlined in the Strata's correspondence to Council.
- Raised concern with the narrow lane and the impact on fire safety, traffic flow, snow and garbage removal.

Ray Putnam, Truswell Road

- New owner of property which faces the proposed construction.
- Raised concern with variance on the lane that will impede his privacy.
- Raised concern that the landscaping will be different and would prefer consistency.
- Responded to questions from Council.
- Opposed to the variances.

George Mapson, Truswell Road

- Raised concern that there is a lack of hardship demonstrated in support of the variances.
- Raised concern with the lane between the 2 buildings being too close and emitting noise from garbage removal as well as pedestrian activity.
- Supportive of as much green space as possible.

Bernice Hanson, Truswell Road

- Spoke to zoning standards and bylaws that should be adhered as outlined in the correspondence submitted to Council.
- Raised concern that there is no demonstration of hardship to support these variances.
- Opposed to the variances.

Valems Liber, Truswell Road

- Raised concern with emergency services access in the lane.
- Supportive of more green space provided.
- Responded to questions from Council.

Staff:

- Clarified the Fire Department comments regarding impact of access lane with response to and fighting fires.

Steve Shoranick, Applicant

- Confirmed that the lane would not be used and will only be used for emergency.
- Stated that the lane would have access closed by way of a gate.
- Confirmed that the footprint and location of Phase 2 has not changed and neither has the lane. Will create a 5 foot landscape strip to mitigate view of a concrete wall.
- Responded to questions from Council.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Given

R722/15/09/15 THAT Council authorize the issuance of Development Permit DP14-0132 for Lot A, Section 1, Township 25, ODYD, Plan EPP52732, located on 529 Truswell 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 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 DVP15-0080 for Lot A, Section 1, Township 25, ODYD, Plan EPP52732, located on 529 Truswell Road, Kelowna, BC;

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

Section 8.1.2 Off-Street Vehicle Parking

Vary the maximum number of parking spaces permitted from 125% of the required minimum (33 parking stalls) to 200% of the required minimum (52 parking stalls).

Section 14.9.5 (c) Development Regulations

Vary the front yard setback requirement from 6.0 metre required to 2.5 metre proposed.

Section 14.9.5 (d) Development Regulations

Vary the north flanking side yard setback requirement from 4.5 metre required setback to 1.8 metre proposed.

Section 14.9.5 (d) Development Regulations

Vary the south side yard setback requirement from 3.0 metre required setback to 0.0 metre proposed.

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

AND FURTHER THAT this Development Permit and Development Variance Permit be 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 8:13 p.m.

Mayor

/acm



City Clerk

CITY OF KELOWNA
BYLAW NO. 11134
Z15-0030 - Lorne Pearson
1981 Cross 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 2, Section 4, Township 23, ODYD, Plan 10134, Except Plan H8323 located on Cross Road, Kelowna, B.C., from the A1 - Agriculture 1 zone to the RU2 - Medium Lot 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 14th day of September, 2015.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11135
Z15-0036 - Reza Atri & Soraya Shidarian-Atri
4619 Gordon Drive

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, District Lot 357, ODYD, Plan KAP46269 located on Gordon Drive, 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 14th day of September, 2015.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11136

Official Community Plan Amendment No. OCP15-0011 Greencorp Ventures Inc., Inc. No. BC0987730 4077 Lakeshore Road

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

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* - Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of Lot B, Section 6, Township 26, ODYD, Plan 10613, located on Lakeshore Road, Kelowna, B.C., from the S2RES - Single / Two Unit Residential 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 14th day of September, 2015.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11137
Z15-0031 - Greencorp Ventures Inc., Inc. No. BC0987730
4077 Lakeshore 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 B, Section 6, Township 26, ODYD, Plan 10613 located on Lakeshore 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 14th day of September, 2015.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11142
Z15-0024 - 1009440 BC Ltd. Inc. No. 1009440
605 Stirling 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 22, Township 26, ODYD, Plan 21786 located on Stirling Road, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 14th day September, 2015.

First reading rescinded by the Municipal Council this

Mayor

City Clerk

REPORT TO COUNCIL



Date: 9/29/2015
RIM No. 0930-50
To: City Manager
From: Community Planning Department (PMc)
Application: LL15-0009 **Owner:** GolfBC Holdings Inc.
Address: 4320 Gallaghers Dr. W. **Applicant:** GolfBC Holdings Inc.
Subject: Liquor License Application
Existing OCP Designation: (REC) Private Recreation
Existing Zone: CD6lp - Comprehensive Residential Golf Resort (Liquor Primary)

1.0 Recommendation

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

In accordance with Section 10 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends non-support for the application from GolfBC Holdings Inc. (dba Gallagher's Canyon Golf Resort) at 4320 Gallagher's Dr. W., legally described as Lot 2, Section 2 Township 26, ODYD, Plan KAP82436 and an undivided 1/32 share in Common Lot 1, Plan KAP63646 (See Plan as to Limited Access) and an Undivided 1/384 share in Common Lot G Plan KAP53116 (See Plan as to Limited Access) and an undivided 1/24 Share in Common Lot 7 Plan KAP71295 (See Plan as to Limited Access for a change to licensed hours of sale from 10:00 AM to 12:00 PM Monday to Saturday and 11:00 AM to 12:00 PM Sunday, to 9:00 AM to 1:00 AM Monday to Sunday to better serve the golf playing public.
2. The Council's comments on the prescribed considerations are as follows:
 - (a) The potential for noise if the application is approved;
The potential for noise may increase due to the additional hours of service. However, noise has not been an issue at this location in the past.
 - (b) The impact on the community if the application is approved:
There will be an increased potential for impaired driving due to limited taxi supply.
 - (c) It is unlikely that the change in hours may result in the establishment being operated contrary to its primary purpose.

3. 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 consider a Staff recommendation NOT to support for a permanent change in licensed hours of sales for the existing Liquor Primary establishment.

3.0 Community Planning

The applicant wishes to change the hours of liquor service for an existing Liquor Primary license to now commence service at 9:00 AM and to allow service until 1:00 AM seven days a week, in order to better meet the needs of a changing customer base. However, Staff have concerns allowing late closings at what are generally more remote locations that are sited away from easy access to public transportation and taxi service. There is also the concern for the potential for the increase in noise into a quiet established residential community. It is for this reason that Staff has provided a negative Council recommendation for consideration.

An alternative recommendation has been provided to address the earlier opening time of 9:00 AM and retaining a closing time of 12:00 PM seven days a week, as noted in the current Liquor Primary license. This alternate recommendation has been provided for consideration should Council support only the applicant's proposal to open earlier at 9:00 AM seven days a week.

4.0 Background

The subject property has been developed as a golf course since the 1980's, and was the subject of an Area Structure Plan process in the mid 1990's. In 2012 there had been a Liquor License application for a structural change to amend the occupancy loads for the licensed area. They are currently have a capacity of 171 persons for their existing Liquor Primary license.

A liquor license application has been forwarded by the owner to the Provincial Liquor Control and Licensing Branch (LCLB) for their approval. Procedurally, any liquor primary applications requesting a permanent change to a liquor primary license require Local Government comment. As noted in the applicant's Community Impact Statement, they are seeking a change to operating hours, from the existing 10:00 AM to 12:00 PM Monday to Saturday and 11:00 AM to 12:00 PM, to the proposed hours of sales of 9:00 AM to 1:00 AM, seven days a week, in order to allow clients to use the golf resort facility longer.

Existing Hours of Sale:

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

Requested Hours of Sale:

	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	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM

Proposed Hours of Sale (alternate recommendation):

	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	12:00 PM	12:00 PM	12:00 PM	12:00 PM	12:00 PM	12:00 PM	12:00 PM

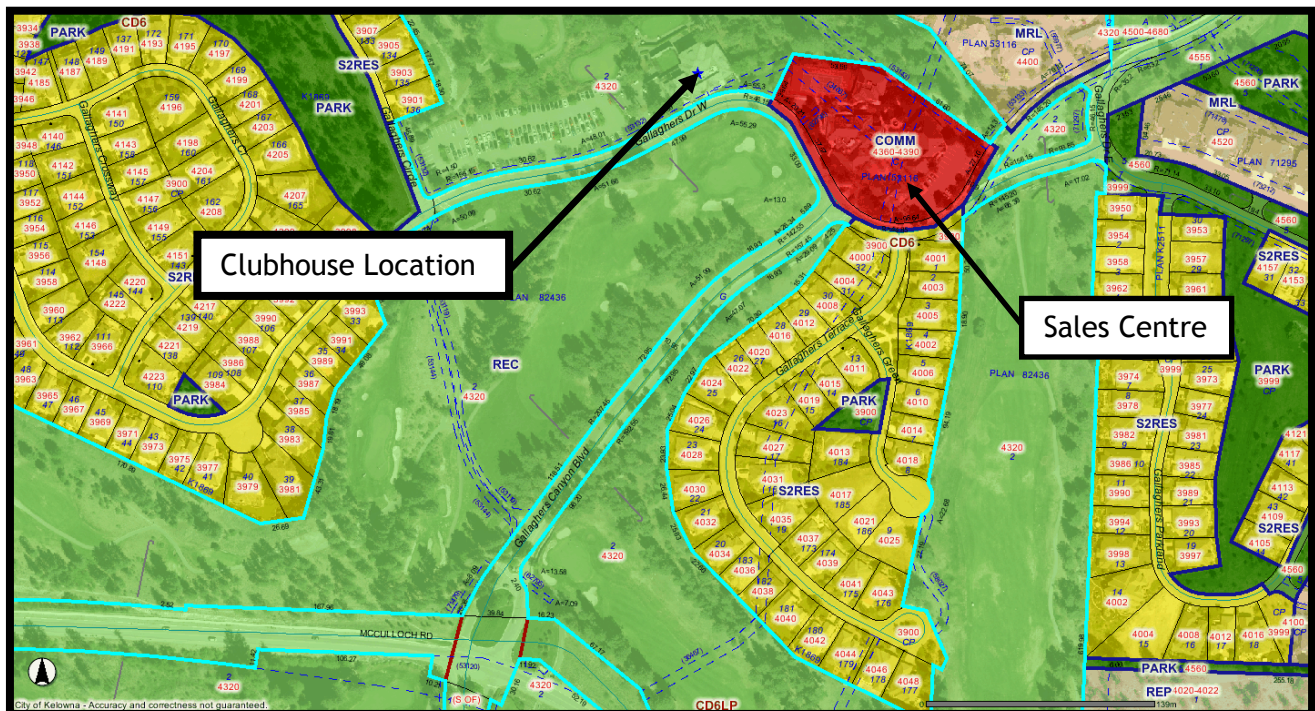
4.1 Site Context

The subject property is located within the area that became the Gallagher's Canyon Golf Resort. The clubhouse where the liquor license is situated is located on the north side of Gallagher's Drive West, to the east of the commercial centre. The adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	CD6lp - Comp Residential Golf Resort (liquor primary)	Golf Course
East	CD6 - Comp Residential Golf Resort	Commercial sales centre
South	CD6lp - Comp Residential Golf Resort (liquor primary)	Golf Course
West	CD6lp - Comp Residential Golf Resort (liquor primary)	Golf Course

Subject Property Map:

4320 Gallaghers Drive W



5.0 Current Development Policies

5.1 Council Policy #359 - Liquor Licensing Policy & Procedures

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

6.0 Technical Comments

6.1 Building & Permitting Department

No Comment

6.2 Bylaw Services

No Objections

6.3 Fire Department

No Concerns

6.4 RCMP

The RCMP has no concerns regarding the proposed change in hours to begin liquor service at 9:00 a.m. Monday to Sunday.

The RCMP does not support a permanent change to the close of liquor service from midnight to 1:00 a.m. Monday to Sunday. Such extension of liquor service should be authorized or granted on a case by case basis and only where it can be clearly established that safe transportation options have been considered and arranged appropriate to the number of guests.

7.0 Alternate Recommendation

Should Council only support the applicant's request to change hours of operation to open earlier at 9 AM and to close at 12:00 PM, seven days a week, the following alternate resolution is provided for consideration;

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

In accordance with Section 10 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of the application from GolfBC Holdings Inc. (dba Gallagher's Canyon Golf Resort) at 4320 Gallagher's Dr. W., (legally described as Lot 2, Section 2 Township 26, ODYD, Plan KAP82463 and an undivided 1/32 share in Common Lot 1, Plan KAP63646 (See Plan as to Limited Access) and an Undivided 1/384 share in Common Lot G Plan KAP53116 (See Plan as to Limited Access) and an undivided 1/24 Share in Common Lot 7 Plan KAP71295 (See Plan as to Limited Access)) for a change to licensed hours of sale from 10:00 AM to 12:00 PM Monday to Saturday and 11:00 AM to 12:00 PM Sunday, to 9:00 AM to 12:00 PM Monday to Sunday to better serve the golf playing public.
2. The Council's comments on the prescribed considerations are as follows:
 - (a) The potential for noise if the application is approved;

The potential for noise may increase due to the additional hours of service. However, noise has not been an issue at this location in the past.
 - (b) The impact on the community if the application is approved:

Significant negative community impacts are not anticipated.

- (c) It is unlikely that the change in hours may result in the establishment being operated contrary to its primary purpose.
3. 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".

8.0 Application Chronology

Date of Application Received: April 27, 2015
Revised RCMP comments: June 8, 2015
Meeting with consultant: July 14, 2015

Report prepared by:

Paul McVey, Urban Planner

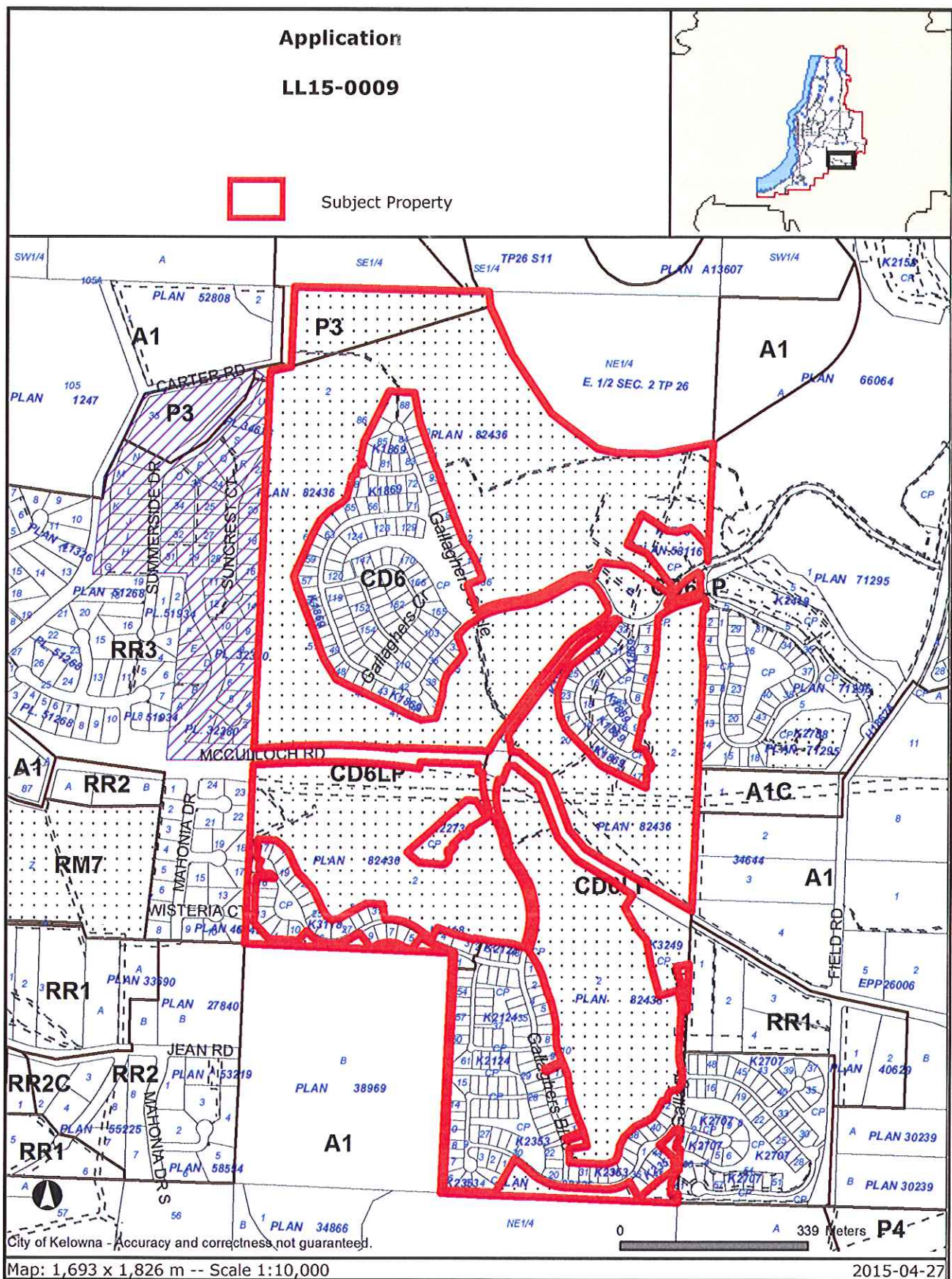
Reviewed by:



Ryan Smith, Manager, Community Planning

Attachments:

Subject Property Map;
Rationale Letter
LCLB License Application package
List of Hours of operation for other golf clubs in area



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.



Application for a Permanent Change to a Liquor Licence

All Licence Types

Liquor Control and Licensing Form LCLB005b

FILLING OUT THIS FORM:

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

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

Application Contact Information

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

Name: Rising Tide Consultants

Phone number: 604-669-2928

Fax number: 604-669-2920

E-mail address: risingtide@shawcable.com

Licensee Information

Licensee name [as shown on licence]: GolfBC Holdings Inc.

Establishment name [as shown on licence]: Gallagher's Canyon Golf Resort

Establishment

Location address 4320 Gallagher's Drive West

Kelowna

BC

V1W 3Z9

(as shown on licence):

Street

City

Province

Postal Code

Mailing address: 4320 Gallagher's Drive West

Kelowna

BC

V1W 3Z9

(All correspondence will go to this address)

Street

City

Province

Postal Code

Business Tel with area code: 604-681-8700

Business Fax with area code: 604-662-3978

Business e-mail: ahedley@GolfBC.com

Contact Name: Andrew Hedley

Title/Position: Vice President of Golf Operations

last / first / middle

Type of Change Requested

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

Type of change requested	Licence numbers affected MANDATORY	Job Number Office Use ONLY
<input type="checkbox"/> 1. Establishment/business or licence name change (p.2)		(C2-LIC) (sub)
<input type="checkbox"/> 2. Food-primary entertainment endorsement (p.2)		(C2-LIC) (sub)
<input type="checkbox"/> 3. Request for change in terms and conditions (p.2)		(C3-LIC) (sub)
<input type="checkbox"/> 4. Live theatres requesting liquor service (p. 2)		(C3-LIC) (sub)
<input type="checkbox"/> 5. Request for tied house restrictions exemption (p. 3)		(C3-LIC) (sub)
<input checked="" type="checkbox"/> 6. Change to hours of sale (p.3)	034030	(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 licence x licences = \$

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

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

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

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.

Licenses 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
OPEN	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
CLOSED	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Proposed Hours of Liquor Sale:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
OPEN	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
CLOSED	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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

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

Also complete Parts 9 and 10

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

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

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

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

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

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

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

Also complete Parts 9 and 10

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

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

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

No Fee

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

Also complete Parts 9 and 10

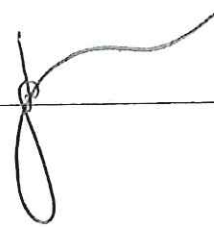
PART 9: Declaration

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

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

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

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

Name of Official:	<u>Lee/Donald/Guy</u> (last / first / middle)	Date:	<u>13 / 4 / 15</u> (Day/Month/Year)	Signature:	
Name of Official:	 (last / first / middle)	Date:	 (Day/Month/Year)	Signature:	
Name of Official:	 (last / first / middle)	Date:	 (Day/Month/Year)	Signature:	
Name of Official:	 (last / first / middle)	Date:	 (Day/Month/Year)	Signature:	
Name of Official:	 (last / first / middle)	Date:	 (Day/Month/Year)	Signature:	

PART 10: Application Fees

TOTAL FEE Submitted: \$ 330

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

Payment is by (check ☒ one):

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

☐ Money order, payable to Minister of Finance

☐ Credit card: ☐ VISA ☐ MasterCard ☐ AMEX

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

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

Liquor Control and Licensing Branch

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

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

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

LCLB005b

5 of 7

Application for Permanent Change to Liquor Licence

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

Name of cardholder (as it appears on card): _____

Credit card number: _____ Expiry date: _____ / _____
(Month) (Year)

Signature: _____

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

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

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

Licensee responsibilities:

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

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

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

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

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

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

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

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

Date of receipt of application: 27/04/2015 (Day/Month/Year) Phone Number: 250-469-8582

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>.

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

For the following change requests (all C2):

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

The process is:

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

For the following change requests:

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

The process is:

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

For the following change request:

- Part 7 Catering Endorsement (all C1)

The process is:

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

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

Liquor Primary Licence #034030

Expires on July 31, 2015

Establishment Name: Gallagher's Canyon Golf Resort
Licence Name: Gallagher's Canyon Golf Resort
Location Address: 4320 Gallagher's Drive West
KELOWNA, BC V1W 3Z9
Issued to: GolfBC Holdings Inc.
Resident Manager: Hopley, Peter

TERMS AND CONDITIONS

HOURS OF SALE

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

CAPACITY

Patio1	80	Person01	91		
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- 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.
- Kiosk extension permitted for the area outlined in red on the official plan.
- Beverage cart extension permitted within the area outlined in red on the official floor plan.
- Minors are permitted in the licensed lounge until 10:00 PM when the golf course is open and actively functioning for recreation purposes on a day to day basis.

June 10, 2014



COMMUNITY IMPACT STATEMENT

AT: GALLAGHER'S CANYON GOLF RESORT
4320 Gallagher's Drive West
KELOWNA, BC
V1W 3Z9

APPLICANT: GOLFBBC HOLDINGS INC.

INTRODUCTION

The applicant is in the process of applying to extend the hours for his Liquor Primary License No. 034030 for the Okanagan Golf Club from 10:00 AM – 12:00 AM Monday to Saturday and 11:00 AM – 12:00 AM on Sunday to 9:00 AM – 1:00 AM Monday to Sunday. The applicant is seeking this change of hours to better serve the golf playing public and to accommodate events going later than midnight.

TARGET MARKET

The location of this Golf Club is such that it will cater to the golf playing public and Kelowna tourists. The target market group will be primarily over 30 years of age with a variety of occupations.

HOSPITALITY/TOURISM DEVELOPMENT FACTORS

The applicant submits the proposed change of hours will not impact negatively on any of the surrounding facilities and public venues as it will primarily cater to recreational users and residents. Indeed, it will further diversify hospitality and tourism in the area.

BENEFITS TO THE COMMUNITY

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

- Employment opportunities for residents of the area;
- Provide a source of additional tax revenue for the city, the provincial and federal governments;
- Further diversify the hospitality venues available to the residents, business people and tourists to Kelowna;

SOCIAL FACILITIES & PUBLIC BUILDINGS

The applicant submits that the proposed change of hours will not impact negatively on any of the surrounding facilities and public buildings as it will primarily cater to the golf playing public.

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 golf playing public. Therefore, there will be no impact on the traffic in the vicinity.

NOISE IN THE COMMUNITY

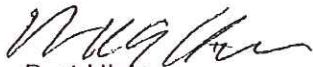
The potential impact for noise is minimal and would be compatible with surrounding land uses. As the applicant's establishment is a Golf Club, it is not a venue that will create noise in the community. This change of hours at this establishment will not be a problem. The applicant will not permit the Club to be detrimental to the area. The applicant will have to comply with the city noise by-law.

OTHER FACTORS

The potential for negative impacts is considered to be minimal.

In Closing, GolfBC Holdings Inc. 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 30 day of March 2015.



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

Golf Club hours of operation provided by Rising Tide Consultants

Re; LL15-0009 (Gallaghers Golf Club) and LL15-0010 (Okanagan Golf Club) for GolfBC

Thank you for your email in regard to the Gallagher's Canyon Golf Resort and Okanagan Golf Club applications for a change of hours to the Liquor Primary Licenses.

Golf courses need to be competitive with other golf courses in a region and provide similar services.

We have been reviewing other Golf clubs in the region and find the following Golf Clubs that are licensed to 1:00 am (8 licensed establishments) or to 2:00 am (2 licensed establishments):

1:00 am Closing

- | | |
|---|-------------------------------------|
| • Eagles Point Golf & Country Club, Kamloops | Licensed to 1:00 am 7 days per week |
| • Mount Paul Golf Course, Kamloops | Licensed to 1:00 am 7 days per week |
| • Sun Rivers Golf Course, Kamloops | Licensed to 1:00 am 7 days per week |
| • Penticton Golf & Country Club, Penticton | Licensed to 1:00 am Monday – |
| Saturday, Licensed to midnight on Sunday | |
| • Rivershore Golf Club, Kamloops | Licensed to 1:00 am Monday – |
| Saturday, Licensed to midnight on Sunday | |
| • Kamloops Golf & Country Club, Kamloops | Licensed to 1:00 am Monday – |
| Saturday, Licensed to midnight on Sunday | |
| • Two Eagles Golf Course, West Kelowna | Licensed to 1:00 am 7 days per week |
| • Merritt Golf & Country Club, Merritt | Licensed to 1:00 am Monday to |
| Thursday, Licensed to midnight Friday to Sunday | |

2:00 am Closing

- | | |
|--|-------------------------------------|
| • Predator Ridge Golf Resort, Vernon | Licensed to 2:00 am 7 days per week |
| • Carringtons's at Tower Ranch Golf Club | Licensed to 2:00 am 7 days per week |

In regard to your concern regarding transportation after midnight from that area, most patrons to a golf facility (whether playing golf or attending a function) usually have their own transportation. We do not see the establishment as having a significant number of persons in the licensed area after 12:00 midnight however, because of our location it is our policy to provide a safe ride home to anyone who requires it whether it be by taxi or golf course personnel. Most patrons to events at Gallagher's Canyon and Okanagan Golf Clubs arrive by car or provided transportation (shuttle vans or taxi). We do not have many persons using public transit because the nature of the establishment (golf course and banquet pre-booked event such as a dinner function).

Gallagher's and Okanagan golf clubs cater to an older mature clientele who may use the lounge on occasion. The later hours would provide operational flexibility.

We would be much obliged if when the request for the change of hours goes to Council, it could be dealt with in two parts. Part 1 would be for seeking Council approval for the 9:00 am commencement and Part 2 would be the extension to 1:00 am, so council can approve one and not the other if they choose to.

REPORT TO COUNCIL



Date: 9/29/2015
RIM No. 0930-50
To: City Manager
From: Community Planning Department (PMc)
Application: LL15-0010 **Owner:** GolfBC Holdings Ltd.
Address: 3200 Via Centrale **Applicant:** GolfBC Holdings Ltd.
Subject: Liquor License Application
Existing OCP Designation: (REC) Private Recreation
Existing Zone: CD6lp - Comprehensive Residential Golf Resort (Liquor Primary)

1.0 Recommendation

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

In accordance with Section 10 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends non-support for the application from GolfBC Holdings Ltd. (dba The Okanagan Golf Club) at 3200 Via Centrale, legally described as Lot C, Sections 22 and 23, ODYD, Plan 1632 Except Plan KAP47192 for a change to licensed hours of sale from 10:00 AM to 12:00 PM Monday to Saturday and 11:00 AM to 12:00 PM Sunday, to 9:00 AM to 1:00 AM Monday to Sunday to better serve the golf playing public.
2. The Council's comments on the prescribed considerations are as follows:
 - (a) The potential for noise if the application is approved;
The potential for noise may increase due to the additional hour of service. However, noise has not been an issue at this location in the past.
 - (b) The impact on the community if the application is approved:
There will be an increase potential for impaired driving due to limited taxi supply.
 - (c) It is unlikely that the change in hours may result in the establishment being operated contrary to its primary purpose.
3. 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 consider a Staff recommendation NOT to support a permanent change in licensed hours of sale for the existing Liquor Primary establishment.

3.0 Community Planning

The applicant wishes to change the hours of liquor service for an existing Liquor Primary license to now commence service at 9:00 am and to allow service until 1:00 am seven days a week, in order to better meet the needs of a changing customer base. However, Staff have concerns allowing late closings at what are generally more remote locations that are sited away from easy access to public transportation and taxi service. There is also the concern for the potential for the increase in noise into a quiet established residential community. It is for this reason that Staff has provided a negative Council recommendation for consideration.

An alternative recommendation has been provided to address the earlier opening time of 9:00 AM and retaining a closing time of 12:00 PM seven days a week, as noted in the current Liquor Primary license. This alternate recommendation has been provided for consideration should Council support only the applicant's proposal to open earlier at 9:00 AM seven days a week.

4.0 Background

The subject property was developed as a Comprehensive Residential Golf Resort Community in the 1990's. The Clubhouse currently has a capacity of 76 persons for their existing Liquor Primary license.

A liquor license application has been forwarded by the owner to the Provincial Liquor Control and Licensing Branch (LCLB) for their approval. Procedurally, any liquor primary applications requesting a permanent change to a liquor primary license require Local Government comment. As noted in the applicant's Community Impact Statement, they are seeking a change to operating hours, from the existing 10:00 AM to 12:00 PM Monday to Saturday and 11:00 AM to 12:00 PM, to the proposed hours of sales of 9:00 AM to 1:00 AM, seven days a week, in order to allow clients to use the golf resort facility longer.

Existing Hours of Sale:

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

Requested Hours of Sale:

	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	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM

Proposed Hours of Sale (alternate recommendation):

	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	12:00 PM	12:00 PM	12:00 PM	12:00 PM	12:00 PM	12:00 PM	12:00 PM

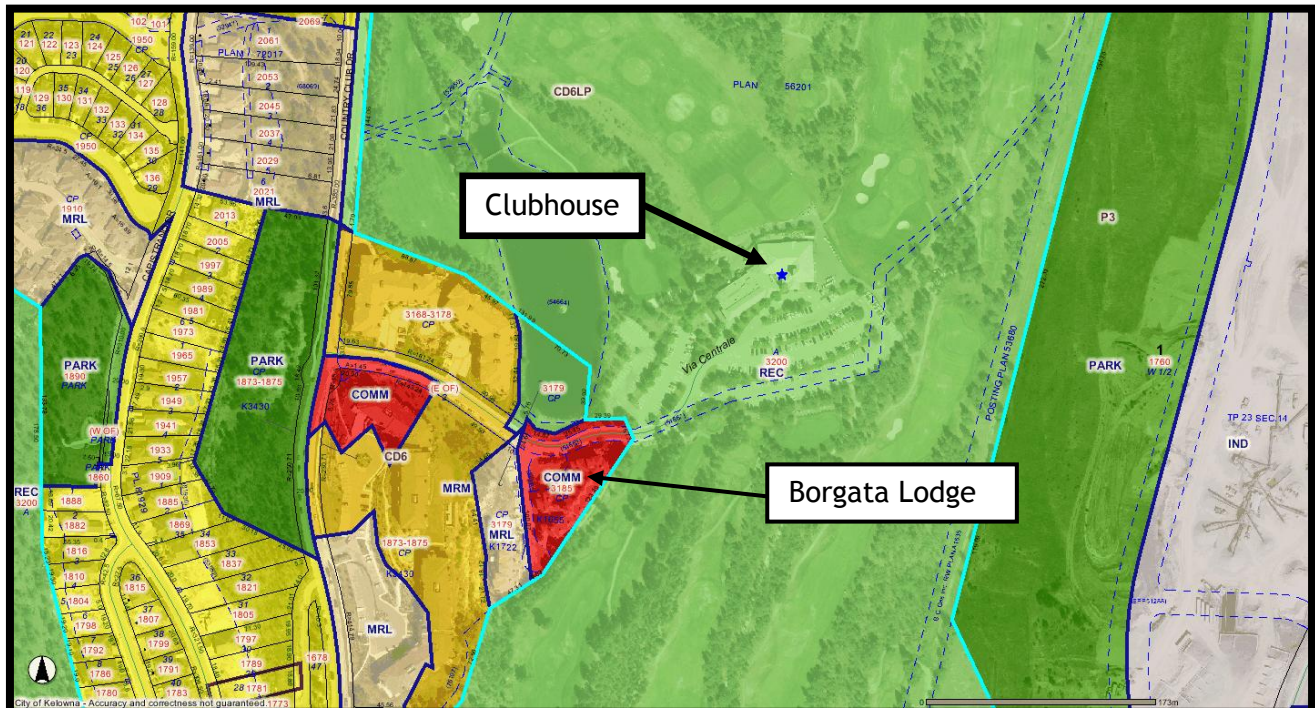
4.1 Site Context

The subject property is located at the end of Via Central. The adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	CD6 - Comp Residential Golf Resort	Golf Course
East	P3 - Parks and Open Space	Park land
South	CD20 - Comprehensive University Development zone	UBC - Okanagan
West	CD6 - Comp Residential Golf Resort	Commercial - Hotel Medium Density Housing

Subject Property Map:

3200 Via Centrale



5.0 Current Development Policies

5.1 Council Policy #359 - Liquor Licensing Policy & Procedures

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

6.0 Technical Comments

6.1 Building & Permitting Department

No Comment

6.2 Bylaw Services

No Concerns

6.3 Fire Department

No Concerns

6.4 RCMP

The RCMP has no concerns regarding the proposed change in hours to begin liquor service at 9:00 a.m. Monday to Sunday.

The RCMP does not support a permanent change to the close of liquor service from midnight to 1:00 a.m. Monday to Sunday. Such extension of liquor service should be authorized or granted on a case by case basis and only where it can be clearly established that safe transportation options have been considered and arranged appropriate to the number of guests.

7.0 Alternate Recommendation

Should Council only support the applicant's request to change hours of operation to open earlier at 9 AM and to close at 12:00 PM, seven days a week, the following alternate resolution is provided for consideration;

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

In accordance with Section 10 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of the application from GolfBC Holdings Ltd. (dba The Okanagan Golf Club) at 3200 Via Centrale, (legally described as Lot C, Sections 22 and 23, ODYD, Plan 1632 Exc. Plan KAP47192) for a change to licensed hours of sale from 10:00 AM to 12:00 PM Monday to Saturday and 11:00 AM to 12:00 PM Sunday, to 9:00 AM to 12:00 AM Monday to Sunday to better serve the golf playing public.
2. The Council's comments on the prescribed considerations are as follows:
 - (d) The potential for noise if the application is approved;

The potential for noise may increase due to the additional hour of service. However, noise has not been an issue at this location in the past.
 - (e) The impact on the community if the application is approved:

Significant negative community impacts are not anticipated.
 - (f) It is unlikely that the change in hours may result in the establishment being operated contrary to its primary purpose.
3. 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".

8.0 Application Chronology

Date of Application Received: April 28, 2015
Revised RCMP comments: June 8, 2015
Meeting with consultant: July 14, 2015

Report prepared by:

Paul McVey, Urban Planner

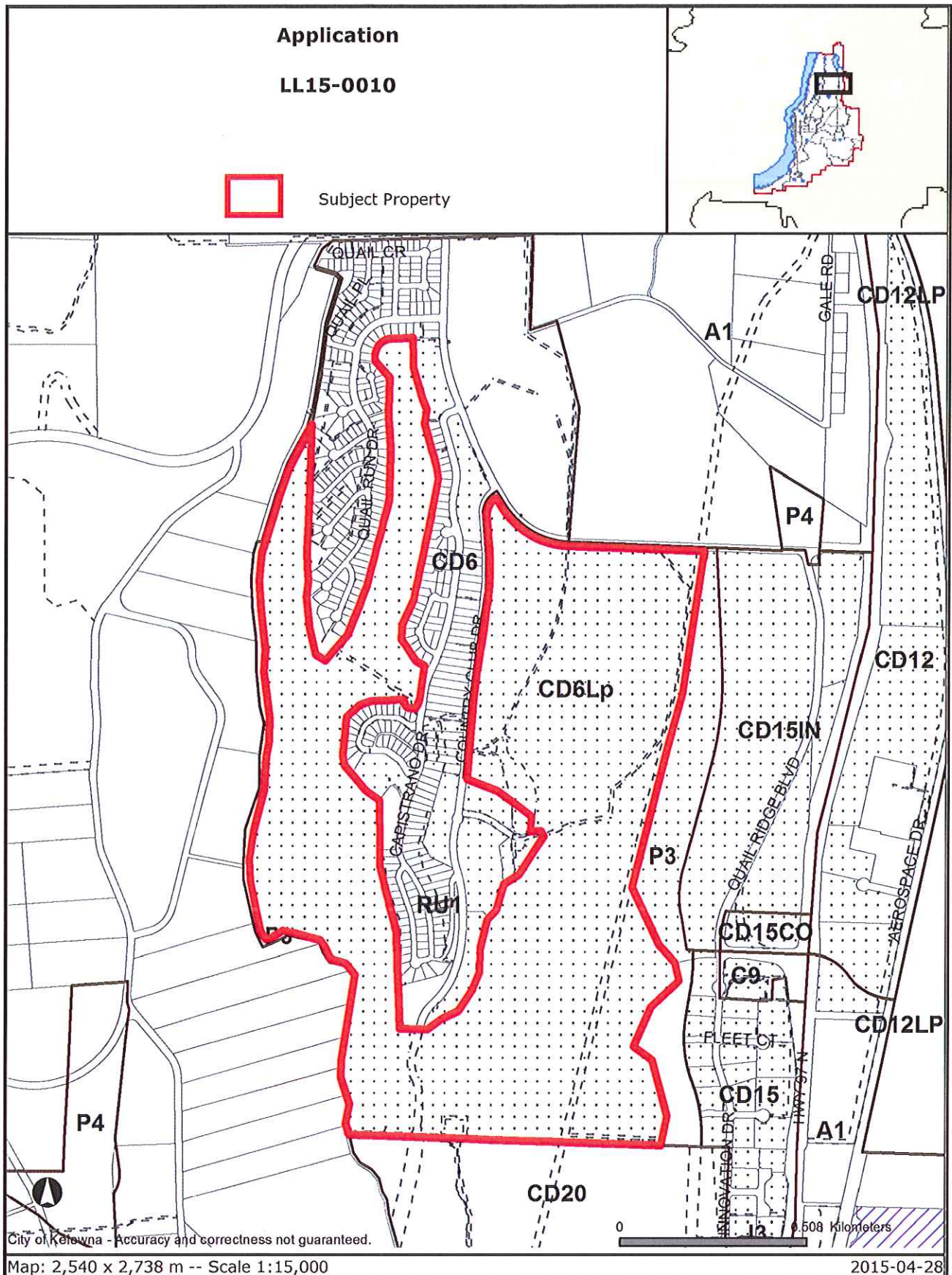
Reviewed by:



Ryan Smith, Manager, Urban Planning

Attachments:

Subject Property Map;
Rationale Letter
LCLB License Application package
List of Hours of operation for other golf clubs in area



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.



Application for a Permanent Change to a Liquor Licence

All Licence Types

Liquor Control and Licensing Form LCLB005b

FILLING OUT THIS FORM:

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

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

Application Contact Information

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

Name: Rising Tide Consultants

Phone number: 604-669-2928

Fax number: 604-669-2920

E-mail address: risingtide@shawcable.com

Licensee Information

Licensee name [as shown on licence]: GolfBC Holdings Inc.

Establishment name [as shown on licence]: Okanagan Golf Club

Establishment

Location address 3200 Via Centrale

Kelowna

BC

V1V 2A4

(as shown on licence):

Street

City

Province

Postal Code

Mailing address: 3200 Via Centrale

Kelowna

BC

V1V 2A4

(All correspondence will go to this address)

Street

City

Province

Postal Code

Business Tel with area code: 604-681-8700

Business Fax with area code: 604-662-3978

Business e-mail: ahedley@GolfBC.com

Contact Name: Andrew Hedley

Title/Position: Vice President of Golf Operations

last / first / middle

Type of Change Requested

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

Type of change requested	Licence numbers affected MANDATORY	Job Number Office Use ONLY
<input type="checkbox"/> 1. Establishment/business or licence name change (p.2)		(C2-LIC) (sub)
<input type="checkbox"/> 2. Food-primary entertainment endorsement (p.2)		(C2-LIC) (sub)
<input type="checkbox"/> 3. Request for change in terms and conditions (p.2)		(C3-LIC) (sub)
<input type="checkbox"/> 4. Live theatres requesting liquor service (p. 2)		(C3-LIC) (sub)
<input type="checkbox"/> 5. Request for tied house restrictions exemption (p. 3)		(C3-LIC) (sub)
<input checked="" type="checkbox"/> 6. Change to hours of sale (p.3)	188532	(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 licence x licences = \$

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

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

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

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

Also complete Parts 9 and 10

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

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

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

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

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

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

A) Food Primary

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

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

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

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

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

Current Hours of Liquor Sale:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
OPEN	<input type="text"/> 10 AM	<input type="text"/> 10 AM	<input type="text"/> 10 AM	<input type="text"/> 10 AM	<input type="text"/> 10 AM	<input type="text"/> 10 AM	<input type="text"/> 11 AM
CLOSED	<input type="text"/> 12 AM	<input type="text"/> 12 AM	<input type="text"/> 12 AM	<input type="text"/> 12 AM	<input type="text"/> 12 AM	<input type="text"/> 12 AM	<input type="text"/> 12 AM

Proposed Hours of Liquor Sale:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
OPEN	<input type="text"/> 9 AM	<input type="text"/> 9 AM	<input type="text"/> 9 AM	<input type="text"/> 9 AM	<input type="text"/> 9 AM	<input type="text"/> 9 AM	<input type="text"/> 9 AM
CLOSED	<input type="text"/> 1 AM	<input type="text"/> 1 AM	<input type="text"/> 1 AM	<input type="text"/> 1 AM	<input type="text"/> 1 AM	<input type="text"/> 1 AM	<input type="text"/> 1 AM

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

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

Also complete Parts 9 and 10

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

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

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

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

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

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

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

Also complete Parts 9 and 10

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

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

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

No Fee

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

Also complete Parts 9 and 10

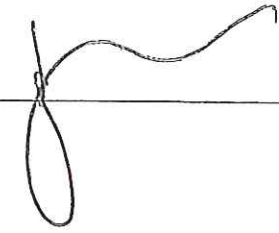
PART 9: Declaration

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

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

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

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

Name of Official:	<u>Lee/Donald/Guy</u> (last / first / middle)		
Position:	<u>President</u>	Date:	<u>13/4/15</u> (Day/Month/Year)
Name of Official:		Signature:	
Position:		Date:	
Name of Official:		Signature:	
Position:		Date:	
Name of Official:		Signature:	
Position:		Date:	

PART 10: Application Fees

TOTAL FEE Submitted: \$ 330

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

Payment is by (check (X) one):

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

☐ Money order, payable to Minister of Finance

☐ Credit card: ☐ VISA ☐ MasterCard ☐ AMEX

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

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

Liquor Control and Licensing Branch

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

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

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

LCLB005b

5 of 7

Application for Permanent Change to Liquor Licence

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

Name of cardholder (as it appears on card):	<u></u>		
Credit card number:	<u></u>	Expiry date:	<u></u> / <u></u>
			(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 KELLOWNA

Name of Official: McVEY PAUL

(last / first / middle)

Title/Position: URBAN PLANNER

Date of receipt of application: 28/04/2015

(Day/Month/Year)

Phone Number: 250-462-8582

Signature of Official: [Signature]

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

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

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

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

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

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

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

For the following change requests (all C2):

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

The process is:

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

For the following change requests:

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

The process is:

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

For the following change request:

- Part 7 Catering Endorsement (all C1)

The process is:

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

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

Liquor Primary Licence #188532

Expires on February 28, 2015

Establishment Name: Okanagan Golf Club
Licence Name: Okanagan Golf Club
Location Address: 3200 Via Centrale
KELOWNA, BC V1V 2A4
Issued to: GolfBC Holdings Inc.
Resident Manager: Matheson, Daniel McGonigil

TERMS AND CONDITIONS

HOURS OF SALE

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

CAPACITY

Person01	76		
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- 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.
- Minors, other than professional entertainers, are not permitted within the licensed area(s) unless otherwise endorsed or approved by the LCLB.
- Kiosk extension permitted for the area outlined in red on the official plan.

February 20, 2014



COMMUNITY IMPACT STATEMENT

AT: OKANAGAN GOLF CLUB
3200 VIA CENTRALE
KELOWNA, BC
V1V 2A4

APPLICANT: GOLFBC HOLDINGS INC.

INTRODUCTION

The applicant is in the process of applying to extend the hours for his Liquor Primary License No. 034030 for the Okanagan Golf Club from 10:00 AM – 12:00 AM Monday to Saturday and 11:00 AM – 12:00 AM on Sunday to 9:00 AM – 1:00 AM Monday to Sunday. The applicant is seeking this change of hours to better serve the golf playing public and to accommodate events going later than midnight.

TARGET MARKET

The location of this Golf Club is such that it will cater to the golf playing public and Kelowna tourists. The target market group will be primarily over 30 years of age with a variety of occupations.

HOSPITALITY/TOURISM DEVELOPMENT FACTORS

The applicant submits the proposed change of hours will not impact negatively on any of the surrounding facilities and public venues as it will primarily cater to recreational users and residents. Indeed, it will further diversify hospitality and tourism in the area.

BENEFITS TO THE COMMUNITY

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

- Employment opportunities for residents of the area;
- Provide a source of additional tax revenue for the city, the provincial and federal governments;
- Further diversify the hospitality venues available to the residents, business people and tourists to Kelowna;

SOCIAL FACILITIES & PUBLIC BUILDINGS

The applicant submits that the proposed change of hours will not impact negatively on any of the surrounding facilities and public buildings as it will primarily cater to the golf playing public.

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 golf playing public. 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. As the applicant's establishment is a Golf Club, 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 Club to be detrimental to the area. The applicant will have to comply with the city noise by-law.

OTHER FACTORS

The potential for negative impacts is considered to be minimal.

In Closing, GolfBC Holdings Inc. 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 30 day of May 2015.



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

Golf Club hours of operation provided by Rising Tide Consultants

Re; LL15-0009 (Gallaghers Golf Club) and LL15-0010 (Okanagan Golf Club) for GolfBC

Thank you for your email in regard to the Gallagher's Canyon Golf Resort and Okanagan Golf Club applications for a change of hours to the Liquor Primary Licenses.

Golf courses need to be competitive with other golf courses in a region and provide similar services.

We have been reviewing other Golf clubs in the region and find the following Golf Clubs that are licensed to 1:00 am (8 licensed establishments) or to 2:00 am (2 licensed establishments):

1:00 am Closing

- | | |
|---|-------------------------------------|
| • Eagles Point Golf & Country Club, Kamloops | Licensed to 1:00 am 7 days per week |
| • Mount Paul Golf Course, Kamloops | Licensed to 1:00 am 7 days per week |
| • Sun Rivers Golf Course, Kamloops | Licensed to 1:00 am 7 days per week |
| • Penticton Golf & Country Club, Penticton | Licensed to 1:00 am Monday – |
| Saturday, Licensed to midnight on Sunday | |
| • Rivershore Golf Club, Kamloops | Licensed to 1:00 am Monday – |
| Saturday, Licensed to midnight on Sunday | |
| • Kamloops Golf & Country Club, Kamloops | Licensed to 1:00 am Monday – |
| Saturday, Licensed to midnight on Sunday | |
| • Two Eagles Golf Course, West Kelowna | Licensed to 1:00 am 7 days per week |
| • Merritt Golf & Country Club, Merritt | Licensed to 1:00 am Monday to |
| Thursday, Licensed to midnight Friday to Sunday | |

2:00 am Closing

- | | |
|---|-------------------------------------|
| • Predator Ridge Golf Resort, Vernon | Licensed to 2:00 am 7 days per week |
| • Carrington's at Tower Ranch Golf Club | Licensed to 2:00 am 7 days per week |

In regard to your concern regarding transportation after midnight from that area, most patrons to a golf facility (whether playing golf or attending a function) usually have their own transportation. We do not see the establishment as having a significant number of persons in the licensed area after 12:00 midnight however, because of our location it is our policy to provide a safe ride home to anyone who requires it whether it be by taxi or golf course personnel. Most patrons to events at Gallagher's Canyon and Okanagan Golf Clubs arrive by car or provided transportation (shuttle vans or taxi). We do not have many persons using public transit because the nature of the establishment (golf course and banquet pre-booked event such as a dinner function).

Gallagher's and Okanagan golf clubs cater to an older mature clientele who may use the lounge on occasion. The later hours would provide operational flexibility.

We would be much obliged if when the request for the change of hours goes to Council, it could be dealt with in two parts. Part 1 would be for seeking Council approval for the 9:00 am commencement and Part 2 would be the extension to 1:00 am, so council can approve one and not the other if they choose to.

REPORT TO COUNCIL



Date: 9/29/2015

RIM No. 0940-50

To: City Manager

From: Community Planning Department (PMc)

Application: DP14-0205/DVP15-0158

Owner: Valleywest Homes Inc.

Address: 710 Stockwell Ave.

Applicant: Garry Tomporowski
Architects

Subject: Development Permit application/Development Variance Permit Application

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

Existing Zone: RM5 - Medium Density Multiple Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP14-0205 for Lot 1, D.L. 138, O.D.Y.D., Plan KAP85472, located at 710 Stockwell Ave., Kelowna, BC subject to the following:

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

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

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0158 for Lot 1, D.L. 138, O.D.Y.D., Plan KAP85472, located at 710 Stockwell Ave., Kelowna, BC;

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

1. **Section [2.3.3 General Definitions]: [Lot Line, Front - Urban and Rural Residential]**
To vary the definition of Lot Line, Front - Urban and Rural Residential to allow the larger of the street frontages to be considered as the front lot line.

2. Section [13.11.6(b)]: [RU5 - Medium Density Multiple Housing Development Regulations]

To vary the maximum site coverage from 40% permitted to 57.7% proposed.

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

2.0 Purpose

To consider a Development Permit application to address the form and character of a new 32 unit apartment building, and a Development Variance Permit application to vary the definition of "Lot Line, Front - Urban and Rural Residential", and to vary maximum permitted site coverage.

3.0 Community Planning

In 2013, the RM5 - Medium Density Multiple Housing zone was amended to increase the permitted building height, reduce the building setbacks for ground oriented housing, and to increase the base density permitted in the zone. The changes to the Zoning Bylaw adopted at that time also amended the parking provisions Section 8 of the Zoning Bylaw to add medium size and compact size parking stall categories, which has allowed for more variety in parking configuration. These changes have allowed the applicant to revisit the previously approved development proposal for this site, and has allowed for a larger number of units to be created on the property in a similar building form.

However, in order to take advantage of the reduced setback provisions of the zone for parking structures there needs to be a rear lane to the site. The subject property is a corner lot, with road frontages on two sides. By definition, the narrowest of the two road frontages is considered the Lot Line, Front. In this case the Richter Street frontage becomes the front yard, which makes the Stockwell Avenue frontage the Flanking Side Yard. This then makes the lane adjacent a side yard, not a rear yard. By seeking a variance to consider the Stockwell Avenue the front yard, the lane is then able to be considered as the rear yard, and the reduced setbacks to 1.5m to the parking structure that is less than 2m above grade can be applied. Otherwise, the setback to the lane would have to be 4.5m.

The applicant is also seeking a variance to the site coverage. This has been predicated by the overall dimensions of the under-building parking structure. With the reduced setbacks to the parking structure from the lane and the reduced setbacks to the road frontages allowed by ground-oriented housing, the parking structure results in a site coverage of 57.7%, where the zone limits site coverage to 40%. However, the zone does allow for a total site coverage for buildings, driveways and parking areas of 65%. The apartment component constructed on top of the parking structure has the equivalent site coverage of 36%.

The applicant has worked with Staff to revise the building plans to minimize impact on the neighbourhood, and has revised the landscape plan to ensure that the plantings proposed for the Richter Street frontage did not interfere with the major electrical infrastructure in the area.

The owner has provided copy of the neighbourhood notification letter, and information on the results of the neighbourhood consultation to staff, in compliance with Council Policy 367 - Public Notification and Consultation for Development Applications.

4.0 Proposal

4.1 Background

The subject property was previously considered under development applications for Rezoning (Z06-0065), Development Permit (DP06-0217) and Development Variance Permit (DP06-0218) in 2006. The zone amending Bylaw was adopted on February 5, 2008 and the applications for Development Permit and Development Variance permit were authorized for issuance. Those applications proposed a 28 unit apartment building. However, the permits were never issued.

Council again considered both the Development Permit and Development Variance Permit on April 27, 2009 to rescind the previous authorization for issuance in order that the security bonds associated with those applications could be returned to the applicant. Both of those application files were then closed.

4.2 Project Description

The applicant is proposing to develop a 32 unit apartment building constructed on top of a concrete parking structure set partially below grade. The form and character of the proposed building generally replicates the form and character of the previously approved Development Permit application.

The building is designed to incorporate 8 units per storey, (six 2 bedroom units and two 1 bedroom units). The first level units each have a exterior deck area located on top of the parking structure, along with a turfed area for private open space. Each of the units at this level facing Stockwell Avenue have direct access to grade. The units above the first level each have private deck areas. The main pedestrian entrance is located at the west end of the building, with direct pedestrian access to Richter Street, along with an accessible ramp. The building is proposed to be operated as rental accommodation.

The under-building parking structure is designed to be set partially below grade, with access from the lane, located near the east end of the building. The parking structure provides for a total of 46 parking stalls. This level also includes a secure storage area for 16 bicycle stalls. There are 5 exterior visitor parking stalls provided adjacent to the lane.

The landscape plan indicates a strong planting scheme for the boulevards on both Richter Street and Stockwell Avenue. The plan also shows ornamental deciduous trees on the top of the parking structure along the Richter Street frontage and adjacent to the lane frontage of the building. The area between the lane and parking structure is to be planted with ornamental grasses and perennial plantings. The east end of the development site is designed to buffer the adjacent residential properties with a solid panel screen fence, as well as columnar tree plantings. The area between back of sidewalk and the parking structure is to be planted with ornamental grasses. The top of the parking structure is to be finished with turf to provide for an outdoor amenity space for building residents.

The exterior form and character of the building is designed to be finished with a variety of stucco finishes. The background wall colour is white (Wedding Veil) and the major detail element wall colour is dark grey (Shadow Gray). There is also a third stucco finish colour of light beige (Winter Wood) proposed for the minor detail element wall areas. The wood build-out and framing for the canopy features is shown as brown. The metal railing system for the decks are to be finished in black.

4.3 Site Context

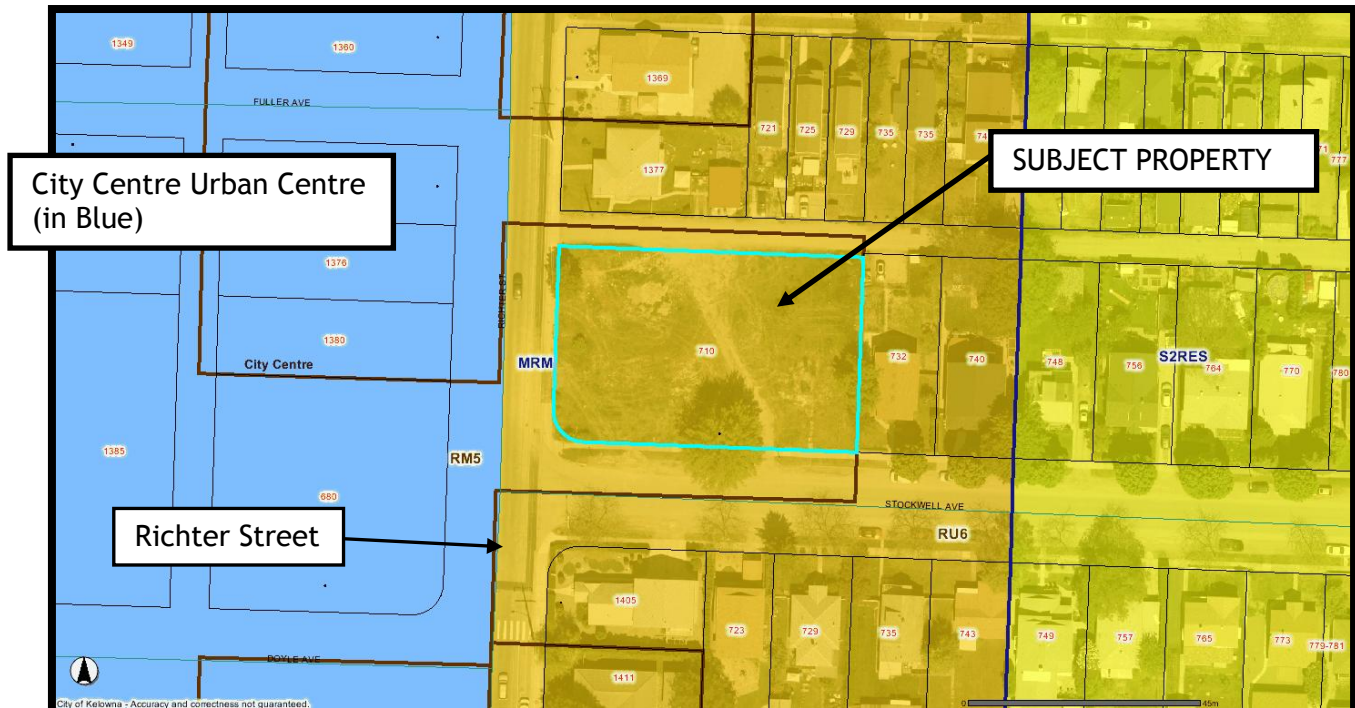
The subject property is located at the north-east corner of Stockwell Ave. and Richter St., within a Character Neighbourhood Development Permit area. The property was rezoned to RM5 in 2008. The limit of the City Centre Urban Centre is located across Richter Street to the west of the subject property, and therefore does not apply to this parcel.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 - Two Dwelling Housing	Single unit housing
East	RU6 - Two Dwelling Housing	Single unit housing
South	RU6 - Two Dwelling Housing	Single unit housing
West	RU6 - Two Dwelling Housing RM5 - Medium Density Multiple Housing	Single unit housing 3 storey apartment building

Subject Property Map:

710 Stockwell Avenue



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM5 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	1,400m ²	2,210m ²
Min. Lot Width	30.0m	58.8m ①
Min. Lot Depth	35.0m	37.6m ①
Development Regulations		
Floor Area Ratio	Max FAR = 1.2 with bonus	FAR = 1.2
Max. Height	4½ storeys/18.0m	4½ storeys/16m
Min. Front Yard (Stockwell Ave.) ①	1.5m for ground oriented housing 6.0m over 2½ storeys	1.5m to parkade 6.0m above parkade
Min. Flanking Side Yard (Richter St.) ①	1.5m for ground oriented housing 6.0m over 2½ storeys	1.5m to parkade 6.0m above parkade

Min. Side Yard (east) ❶	7.0m over 2½ storey	9.0m to parkade 11.25m above parkade
Min. Rear Yard (lane) ❶	7.0m with lane access 1.5m for parkades < 2.0m above grade	1.5m to parkade 10.0m above parkade
Max. Site Coverage	Max 40%	Parking structure 57.5% ❷
Max. Site Coverage including buildings driveways & parking areas	Max 65%	65%
Other Regulations		
Min. Minimum Parking Requirements	46 stalls required	52 stalls provided (inc. 5 visitor stalls)
Min. Bicycle Parking	Class 1 - 16 required Class 2 - 4 required	16 secure stalls provided 6 stall bike rack
Min. Private Open Space	720m² required	723.3m² provided
❶ Indicates a requested variance to consider the larger street frontage on a corner lot as the front lot line		
❷ Indicates a requested variance to allowable site coverage to allow for size of under building parking structure		

5.0 Current Development Policies

5.1 Development Process (Chapter 5) - Considerations in Reviewing Development Applications

Achieve high quality urban design¹.

Streetscaping (Policy 2). Urban Centre roads should be considered as part of the public space and streetscaped with full amenities (i.e. sidewalks, trees and other planting, furniture, bike facilities, boulevards, etc.).

Ensure opportunities are available for greater use of active transportation and transit to: improve community health; reduce greenhouse gas emissions; and increase resilience in the face of higher energy prices².

5.2 Urban Design Development Permit Areas³ - Character Neighbourhood Design Guidelines

Objectives

- Preserve and enhance the scale and character of individual neighbourhoods and streetscapes;
- Ensure compatibility with existing dwellings on a lot or with surrounding properties;
- Promote a high standard of design, construction and landscaping;
- Encourage building and landscape designs that promote privacy, safety, and accessibility;
- Contribute to the creation of pedestrian oriented streets; and
- Design for livability.

Guidelines

Site and Context Considerations

- Design buildings to limit the height difference between adjacent properties (i.e., step back upper floors, slope roofs towards side yards);

¹ OCP 2030 Chapter 5 - Development Process, Objective 5.8, Page 5.12

² OCP 2030 Chapter 5 - Development Process, Objective 5.10, Page 5.12

³ OCP 2030 Chapter 14 - Urban Design DP Guidelines - Character Neighbourhood, Page 14.25

- 1.4 Articulate front facades to create depth and architectural interest (i.e., variations in height, detailing and massing);
- 1.5 Incorporate an equal level and quality of design and architectural details on all street facing elevations (corner and double fronting lots);
- 1.19 Ensure all parking is screened from public view or contained within the structure.

Form and Character

- Maintain and complement established massing of the streetscape (i.e., design buildings with massing setback from the street or utilize architectural treatments to soften the massing);
- Ensure the same level of architectural detailing continues from the front elevations around to the midpoint of the side elevation or to the nearest articulated element;
- Incorporate colours similar to the traditional tones for the building's architectural style;
- Incorporate high quality, low maintenance roofing and building materials similar to traditional materials;
- Incorporate a mixture of building materials to enhance visual appeal and building design;
- Avoid flat, monotonous facades with entry features and porches as the dominant feature facing the street;
- Entrances should adhere to the pattern of established architectural style.

6.0 Technical Comments

6.1 Building & Permitting Department

- 1) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
- 2) 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.
- 3) A Hoarding permit is required and protection of the public from the staging area and the new building area during construction. Location of the staging area and location of any cranes should be established at time of DP.
- 4) 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):
 - a. Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
 - b. Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.
- 5) A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. This building may be designed too low if a high water table is present, which may affect the form and character of the building.
- 6) We strongly recommend that the developer have his professional consultants review and prepare solutions for potential impact of this development on adjacent properties. Any damage to adjacent properties is a civil action which does not involve the city directly. The items of potential damage claims by adjacent properties are items like settlement of foundations (preload), damage to the structure during construction, additional snow drift on neighbour roofs, excessive noise from mechanical units, vibration damage during foundation preparation work etc.

- 7) Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s). The drawings submitted for building permit are to clearly identify how these rating will be achieved and where these area(s) are located. The mechanical room in the parking level may need a vestibule to protect the exit
- 8) An exit analysis is required as part of the code analysis at time of building permit application. The exit analysis is to address travel distances within the units, number of required exits per area, door swing direction, handrails on each side of exit stairs, width of exits etc
- 9) Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this structure at time of permit application.

6.2 Development Engineering Department

See attached report.

6.3 Fire Department

- 1) Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
- 2) Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900.
- 3) A visible address must be posted as per City of Kelowna By-Laws
- 4) Sprinkler drawings are to be submitted to the Fire Dept. for review when available.
- 5) 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 or DVD to facilitate Fire Department pre-planning for this structure. The fire safety plan should clearly detail the unique requirements for this structure. A copy of the sprinkler system owner's certificate is to be included in the fire safety plan.
- 6) Fire Department access is to be met as per BCBC 3.2.5.6
- 7) Fire Department steel lock box or key tube acceptable to the fire dept. is required by the fire dept. entrance. Kurt's Lock & Safe at 100A - 1021 Ellis Street, Kelowna is the approved supplier for flush mount lock boxes.
- 8) The standpipes connections are to be installed on the transitional landings of the stairwells as per NFPA 14. 3)
- 9) Fire Stairwells to be marked clearly (including roof access) as per Fire Department requirements. This would be standardized and approved by the Kelowna Fire Department (KFD).
- 10) All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met,
- 11) Fire alarm system is to be monitored by an agency meeting the CAN/ULC S562 Standard.
- 12) Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- 13) Fire department connection is to be within 45M of a fire hydrant - please ensure this is possible and that the FD connection is clearly marked and visible from the street.

6.4 FortisBC Electrical

There are primary distribution and transmission facilities along the east side of Richter St. The proposed landscaping appears to include trees adjacent to and/or underneath these powerlines. This would present a safety issue and should not be permitted. The applicant is responsible for costs associated any changes to the subject'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.

(NOTE - Revised Landscape drawings have been provided.)

7.0 Application Chronology

Date of Application Received: October 3, 2014

Revised Landscape dwg received: January 19, 2015

Site Elevation dwg received: February 3, 2015

Revised Drawings received; July 13, 2015

Report prepared by:

Paul McVey, Urban Planner

Reviewed by:



Ryan Smith, Community Planning Department Manager

Attachments:

Location Map

Site Plan

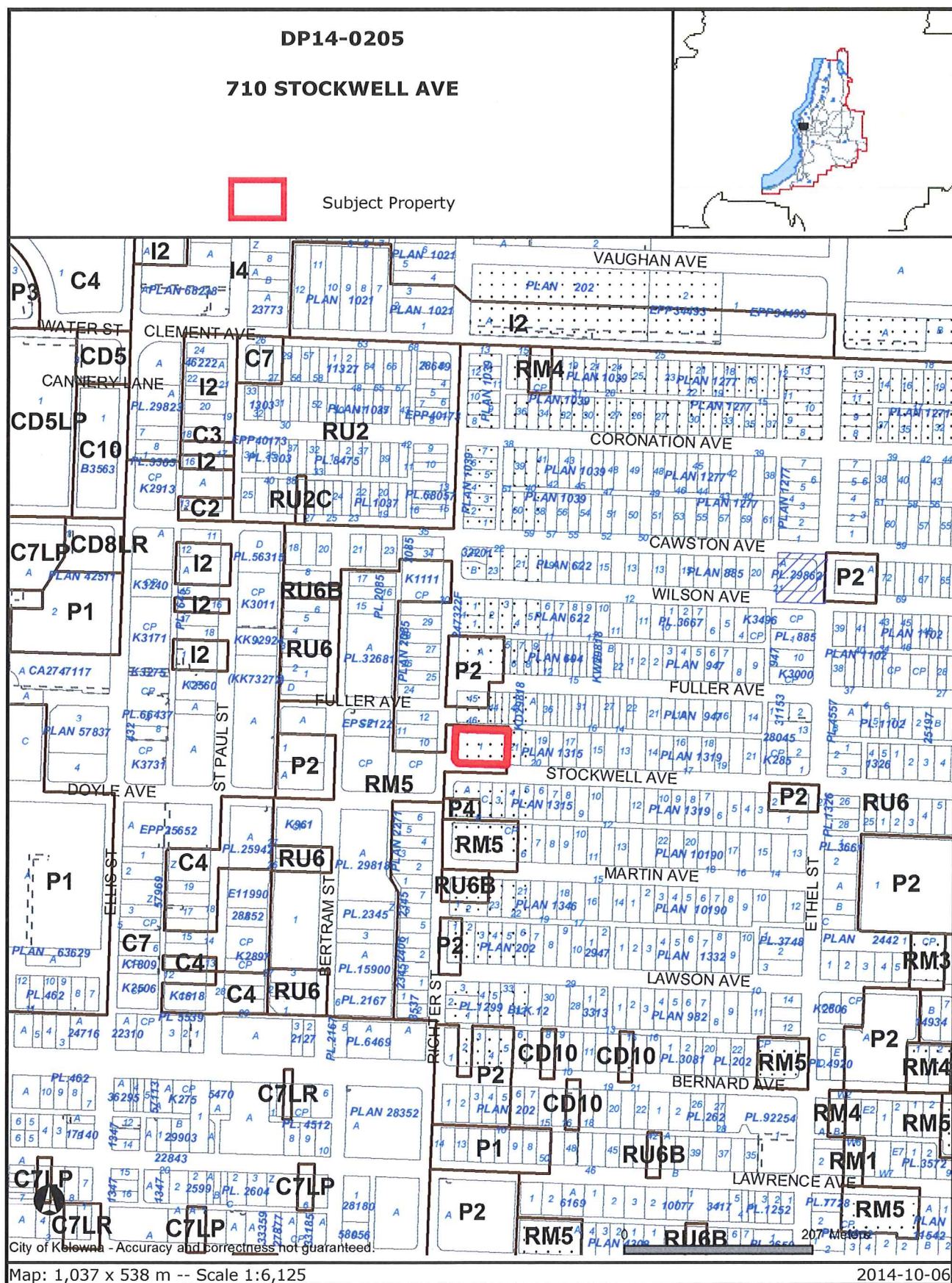
Design Rationale

Floor Plans

Conceptual Elevations

Landscape Plan

Development Engineering Technical Comments



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.



1.0 OVERVIEW

The Azure, a thirty-two unit, four storey, rental Apartment building project by Valley West Homes, brings a new luxury rental living option in the heart of Downtown Kelowna. Valley West Homes together with GTA and Outland Design Landscape Architecture have created a beautiful rental residential complex for the vacant site. It is consistent with the future land use designation of Multiple Unit Residential Medium Density in the Official Community Plan and meets the Design criteria for multiple unit Developments in the downtown core.

2.0 THE PROJECT

This design fully meets all of the objectives of the RM5 zoning. In developing the project, the aspects of elegance and walk-ability in the downtown core were key factors. The revitalization of Downtown Kelowna has always been a key focus of City Council and the Planning Department, and the Developers feel that this project can be inspirational for other future developments of urban infill. This project will add further major support for the recently begun improvements to the Downtown Revitalization project which started with the Bernard Avenue face lift and the soon to be started IHC, High-tech Innovation Centre and Monaco complexes.

GTA has reviewed the *Sustainability Checklist* in preparation of the project and has included as many options as possible for consideration at this time. Many more will be considered during the Building Permit Drawings stage. The location within the urban core reduces the dependency on the automobile, as many existing amenities are within walking distance. This unique four storey building with mix of one and two bedrooms rental units, will add to the diversity of housing options available within the community. This properly designed and detailed building will reduce heating and cooling loads, increase air quality, and reduce energy consumption.

Envelope details that prevent water and moisture ingress, yet still allow the assemblies to dry, will prevent mould growth. Reducing thermal bridging combined with appropriate thermal insulation will reduce heating and cooling loads. Providing windows in all of the occupied spaces allows natural day lighting, and reducing energy consumption required for illumination. Operable windows also allow for natural ventilation, thus reducing the need for



mechanical ventilation to provide fresh air, and adding “liveability”.

3.0 SITE AND PARKING ACCESS

The Architectural design utilizes a conventionally shaped four storey building on top of a partially below grade parkade. Primary site access is designed off of the north bound lane with a single point access for the underground parkade. Additional visitor parking spaces are incorporated within the parkade along with the bicycle parking. A solid screen fence and landscaping is proposed along the rear property line to create a distinct privacy buffer between the proposed building and neighboring single family homes.

4.0 THE BUILDING

A variety of design strategies were implemented to give the building a residential quality. The project aims to provide for a convenient and accessible lifestyle, incorporated through the suite layout, and interior design features accompanied with close proximity to urban amenities. Floor plans accommodating both one and two bedrooms units are offered. The ground level street oriented units with patio area and optional gated street entry convey a sense of neighborliness. Each of the remaining units is graced with a balcony area to take advantage of the views of the surrounding area and to provide exposure to the extraordinary Okanagan climate.

The combination of materials and colours is selected to give the building a residential feeling, as well as a modern urban quality throughout the development. Both textured stucco and wood grain cladding and trim throughout will add to the unique modern characteristics. Colours and materials were inspired by the surrounding Okanagan hillsides and urban downtown.

The proposed exterior contains “wedding veil”, “shadow gray” and “winter wood” stucco colours accented with “black bean” trim detailing and segmental stone veneer. The ground level of the building is to be delineated with simplistic black railing, concrete columns and landscaping planters to outline the property and create a delineation of public versus private space.

Additional visual interest is provided by incorporating decorative accents to the



roofline along with vertical stained timber beams perpendicular to the horizontal rooflines.

5.0 LANDSCAPING

The proposed landscape plan incorporates a vegetative buffer to distinguish between the complex and adjacent properties.

Landscaping throughout the site also integrates the use of local and natural vegetation which will compliment the developments overall form and character. This has been carefully orchestrated by Outland Landscape Design. This buffer contains a mixed variety of ornamental plantings to add visual interest; act as a house shield, and soften the transition of the building to the street level.

6.0 CRIME PREVENTATION

The intentions of CPTED have been addressed in the following ways. Providing new well maintained rental units will help to promote ownership amongst the residents, and discourage vandalism. The design of the buildings and landscaping promote surveillance and do not provide opportunistic hiding spaces. The entrances are clearly visible from the street and parking areas. Points of entry and pathways will be clearly lit, designed to illuminate the faces of users, and provide illumination levels that do not create high contrast areas that could potentially conceal offenders. Individual entrances allow residents to become familiar with their neighbours and recognize when strangers are present. Large windows and stoops in the front of the units help to provide eyes to the street and parking areas. To support interaction and familiarity amongst the residence common outdoor space has been provided. Landscaping in the common outdoor spaces will be designed to make the spaces more desirable and encourage tenant usage. Changes in materials, along with rich landscaping planters will clearly define the boundary between the common and private outdoor space.

The building owner will maintain an office in the building which he or someone will occupy on a reasonably regular basis, providing services to the residents and offering password building security

7.0 SUMMARY



The Developers and design team felt that the combination of a high class design coupled with leading edge technology and modern building materials will provide for a solid building project. As a group, we feel that it will be a catalyst for other similar 'urban in-fill' developments in this area and will be a testimony to the faith of a rejuvenated Downtown Kelowna. It is also our hope that the project will become a timeless icon, setting the standards in an area critical to the continued sustainability and growth of our City.

As such we offer this project for consideration by Staff and Council for Development Permit and collateral approvals believing it to be and meeting the High Standards deserving of our fine city.

END

CITY OF KELOWNA

MEMORANDUM

Date: October 22, 2014
File No.: DP14-0205
To: Urban Planning (PM)
From: Development Engineering Manager
Subject: 710 Stockwell Ave Multifamily Development

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

1. General

- a) Provide easements as may be required.
- b) These are Development Engineering comments/requirements and are subject to the review and requirements from the Ministry of Transportation (MOT) Infrastructure Branch.

2. Domestic Water and Fire Protection

- a) The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs. Decommissioning of three existing small diameter services and the installation of one larger service will be at the applicant's cost. If it is determined that upgrades to the existing water distribution system must be made to achieve the required fire flows, additional bonding will be required.

3. Sanitary Sewer

- a) Our records indicate that this proposed development site is connected with three (3) sewer service. The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal and disconnection of the existing services and the installation of one new larger service if necessary.

4. Storm Drainage

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

- b) On site storm drainage systems and overflow service(s) for the site will be reviewed and approved by Engineering when a site servicing design is submitted.
- c) There is a possibility of a high water table or surcharging of storm drains during major storm events. This should be considered in the design of the onsite system.

5. Road Improvements

- (a) Richter Street fronting this development is fully urbanized. Frontage improvement requirements include the replacement of damaged sidewalk panels, wheelchair ramp and lane curb access crossing. This work will require curb, gutter sidewalk and ramp removal and replacement. The work must be constructed to City of Kelowna Standards.
- (b) Stockwell Avenue fronting this development must be upgraded to a (SS-R5) standard including concrete curb and gutter, sidewalk replacement, street lighting upgrade, extension of the piped storm drainage system, fillet pavement, landscaping and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction.
- c) The lane fronting this development must be upgraded to a paved standard (SS-R2).

6. Road Dedication and Subdivision Requirements

- c) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.

7. Electric Power and Telecommunication Services

- a) All proposed distribution and service connections are to be installed underground.
- b) Streetlights must be installed on all roads.
- c) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.
- d) Re-locate existing utilities, where necessary.

8. Design and Construction

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

first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

9. Servicing Agreements for Works and Services

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

10. Geotechnical Report

As a requirement of this application and building permit approval the applicant must provide a comprehensive geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- c) Area ground water characteristics, including water sources on the site.
- d) Site suitability for development; i.e. unstable soils, foundation requirements etc.
- e) Drill and/or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.
- f) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.
- g) Additional geotechnical survey may be necessary for building foundations, etc.

11. Development Permit and Site Related Issues

Access and Manoeuvrability

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

Steve Muenz, P. Eng.
Development Engineering Manager

SS

CONSTRUCTION
NOT FOR
PRELIMINARY

DATE	BY	NO.	REVISION
06/01/2014	CSN	5	ISSUED FOR REVIEW
06/07/2014	CSN	6	ISSUED FOR REVIEW
06/14/2014	CSN	7	ISSUED FOR REVIEW
06/20/2014	CSN	8	ISSUED FOR REVIEW
06/27/2014	CSN	9	ISSUED FOR DP
07/03/2014	CSN	10	ISSUED FOR DP (LEGAL SURVEY)
09/04/2014	CSN	11	STATUS FOR REVIEW
09/11/2014	CSN	12	STATUS FOR REVIEW
09/22/2014	CSN	13	STATUS FOR REVISION
09/29/2014	CSN	14	CAMPAIGN FOR CITY
06/24/2014	CSN	15	CITY REQUESTS FOR DP

REAL

eta

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THE AZURE
710 STOCKWELL AVE.
Kelowna, BC

TRUCK 133045

SITE PHOTOS

ENGINE	CG/NIS	<div style="text-align: center;"> <h1>A0.1</h1> </div>	SHEET NO.
DESIGN	JNP		
SCALE	AS NOTED		
DATE		JAN 15, 2014	FILE: A14-05



1 PANORAMIC VIEW
SOUTH WEST



2 RICHTER STREET VIEW
WEST



2 STOCKWELL AVENUE VIEW SOUTH



1 CONCEPTUAL RENDERINGS LOOKING SOUTH WEST
Scale: 1/8" = 1'-0"



2 CONCEPTUAL RENDERING LOOKING SOUTH EAST
Scale: 1/8" = 1'-0"

SCHEDULE B
This forms part of development
Permit # **DP14-0205**

- THIS DRAWING MUST NOT BE SCALED.
- VERIFY ALL DIMENSIONS AND FINISHES FOR ALL ELEMENTS OF THE PROJECT BEFORE CONSTRUCTION.
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- THIS DRAWING IS THE EXCLUSIVE PROPERTY OF THE ARCHITECT.
- ANY REPRODUCTION MUST BEAR THEIR NAME AND ADDRESS.

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NOT FOR
CONSTRUCTION

DATE	BY	REV	DESCRIPTION
04/24/2014	CH	10	REVISED FOR SP
05/22/2014	CH	11	CHANGING THE CITY
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05/22/2014	CH	99	REVISED FOR SP
05/22/2014	CH	100	REVISED FOR SP

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PROJECT
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Kelowna, BC

SHEET TITLE

PERSPECTIVES

DATE	02/19/14	SCALE	AS NOTED
DESIGN	JMP	FILED	A4.405
A0.2			
DATE	JAN 25, 2014	FILED	A4.405

CONSTRUCTION
NOT FOR
PRELIMINARY

DATE	DP	NO.	NOTION
01/01/2014	014	1	ISSUED FOR REVIEW
01/01/2014	014	2	ISSUED FOR REVIEW
01/01/2014	014	3	ISSUED FOR REVIEW
01/01/2014	014	4	ISSUED FOR REVIEW
01/01/2014	014	5	ISSUED FOR REVIEW
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01/01/2014	014	11	ISSUED FOR REVIEW
01/01/2014	014	12	ISSUED FOR REVIEW
01/01/2014	014	13	ISSUED FOR REVIEW
01/01/2014	014	14	ISSUED FOR REVIEW
01/01/2014	014	15	ISSUED FOR REVIEW

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email: glaci@ice@earthlink.ca

PROJECT

THE AZURE
710 STOCKWELL AVE.
Kelowna, BC

THE AUTHOR

PERSPECTIVES

DATE	JAN 15, 2014	FILE# A14-05
SCALE	AS NOTED	
DESIGN	JHP	
CG/NS		
SHEET NO.	A0.3	



1 CONCEPTUAL RENDERINGS LOOKING NORTH WEST
Scale: N.T.S.

SCHEDULE B¹

This forms part of development Permit # DP14-0205



2 CONCEPTUAL RENDERING LOOKING NORTH EAST
Scale: 1:10,000

THIS DRAWING MUST BE SCALED.
 VERIFY ALL DIMENSIONS AND DETAILS
 BEFORE CONSTRUCTION AND OBTAIN
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 APPROVALS FROM THE APPROPRIATE
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DATE	BY	NO.	REVISION
04/27/2014	GA	01	DATE REQUEST FOR INFO
04/27/2014	GA	02	DATE REQUEST FOR INFO
04/27/2014	GA	03	DATE REQUEST FOR INFO
04/27/2014	GA	04	DATE REQUEST FOR INFO
04/27/2014	GA	05	DATE REQUEST FOR INFO
04/27/2014	GA	06	DATE REQUEST FOR INFO
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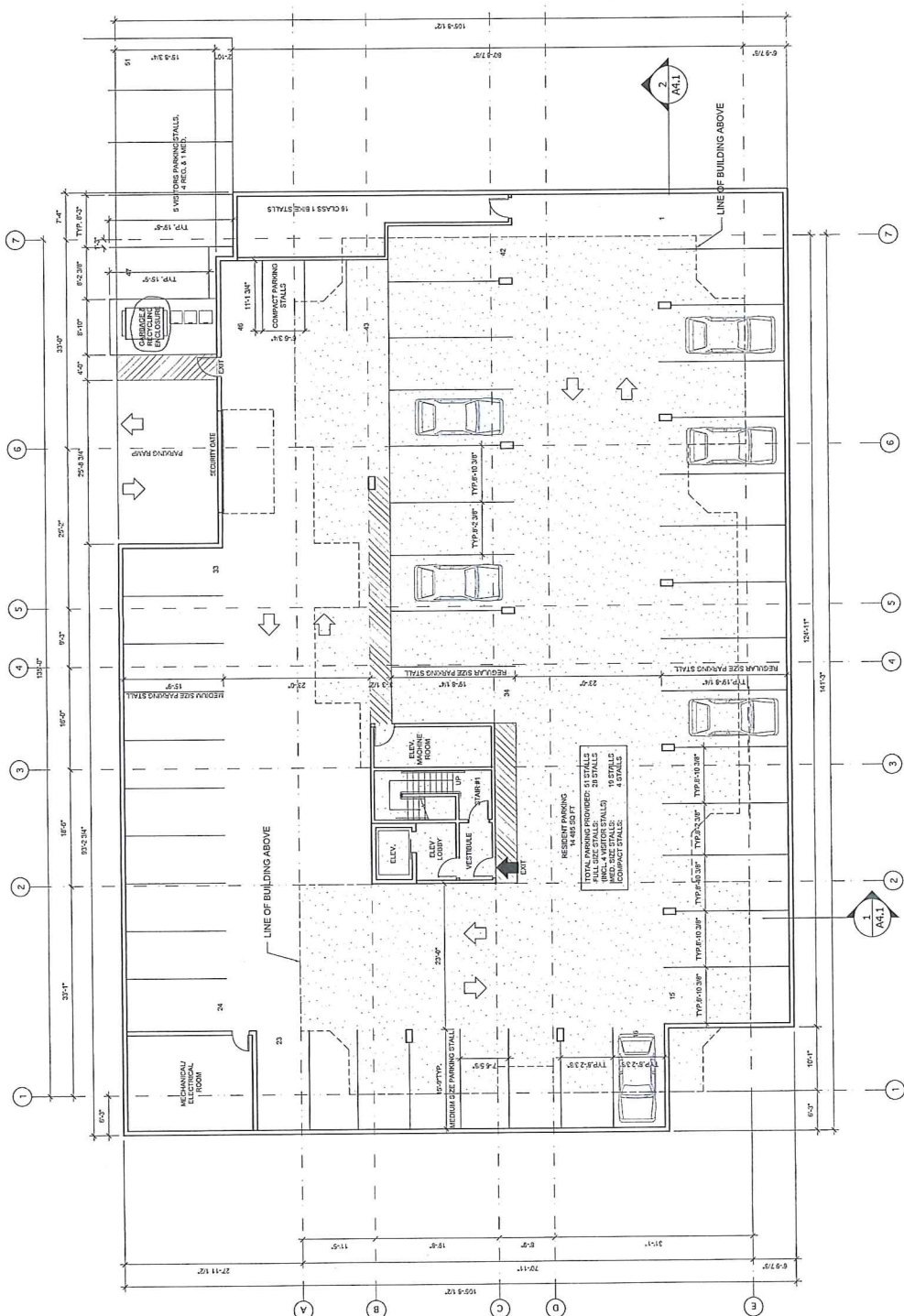
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 245-1000 Springfield Rd.
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 Fax: 250.860.4206
 email: gta@gtaarch.ca

THE AZURE
 710 STOCKWELL AVE.
 Kelowna, BC

PARKADE PLAN

DATE	04/27/2014
BY	GA
SCALE	AS NOTED
FILE	A14-01

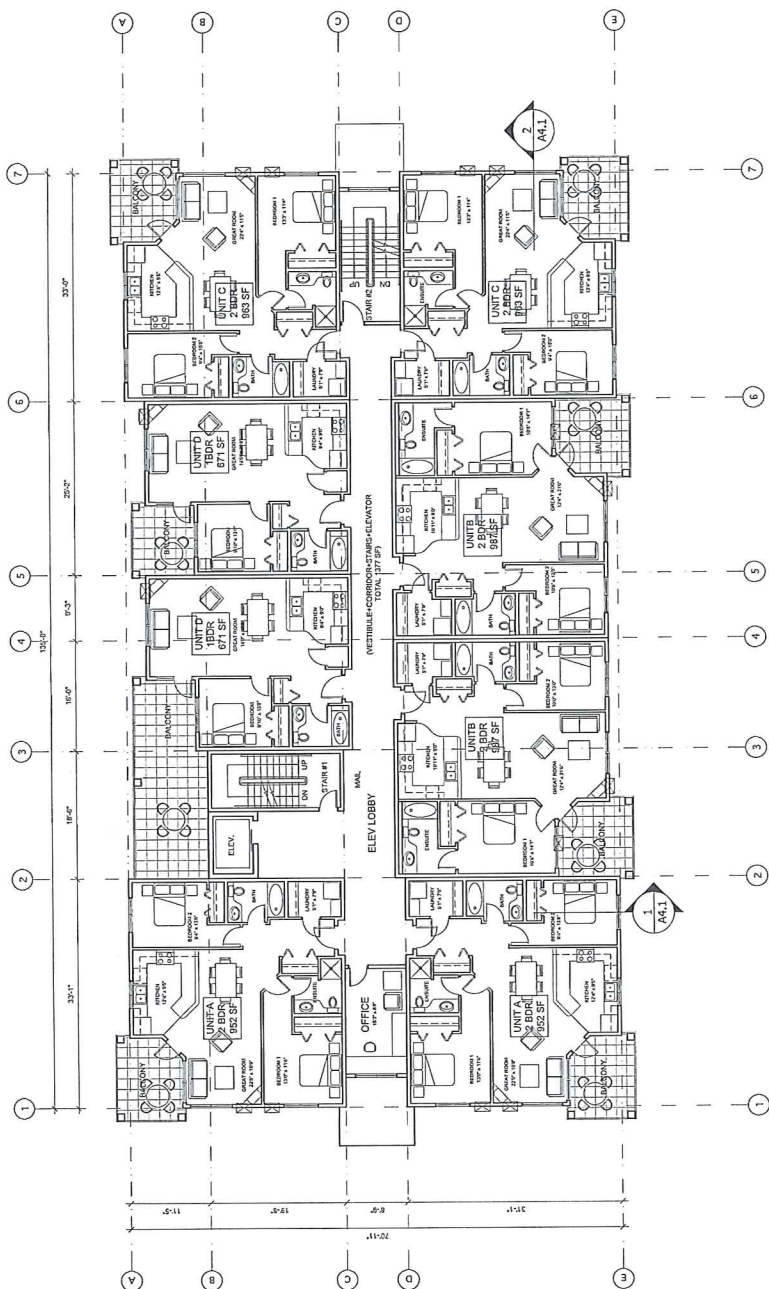
1 PARKING LEVEL PLAN
 Scale: 1/8"=1'-0"



- THIS DRAWING MUST BE SCALED.
 - VERIFY ALL DIMENSIONS AND DETAILS
 BEFORE CONSTRUCTION.
 - VARIATIONS AND MODIFICATIONS ARE NOT
 PERMITTED WITHOUT THE WRITTEN PERMISSION
 FROM THE ARCHITECT.
 - THIS DRAWING IS THE EXCLUSIVE
 PROPERTY OF G.T.A. ARCHITECTS.
 - ANY REPRODUCTION MUST BEAR THEIR
 NAME AS ARCHITECT.

PRELIMINARY
 NOT FOR
 CONSTRUCTION

DATE	DESCRIPTION	BY	CHKD
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04/27/2014	99	99	99
04/27/2014	100	100	100



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THE AZURE
 710 STOCKWELL AVE.
 Kelowna, BC

THIRD FLOOR PLAN

1 THIRD FLOOR PLAN
 Scale: 1/8" = 1'-0"

DATE	REV	BY	CHKD	APP
04/27/2014	01	01	01	01
04/27/2014	02	02	02	02
04/27/2014	03	03	03	03
04/27/2014	04	04	04	04
04/27/2014	05	05	05	05
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04/27/2014	11	11	11	11
04/27/2014	12	12	12	12
04/27/2014	13	13	13	13
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04/27/2014	15	15	15	15
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CONSTRUCTION
NOT FOR
PRELIMINARY

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11/11/11

27a

37TA Architecture Ltd.
143-1000 Springfield Rd
Kelowna, British Columbia
V1Y 5V5
Fax: 250.979.4366
Telephone: 250.979.1600
Email: gailoffice@gurich.ca

10

THE AZURE
710 STOCKWELL AVE.
Kelowna, BC

BUILDING
ELEVATIONS

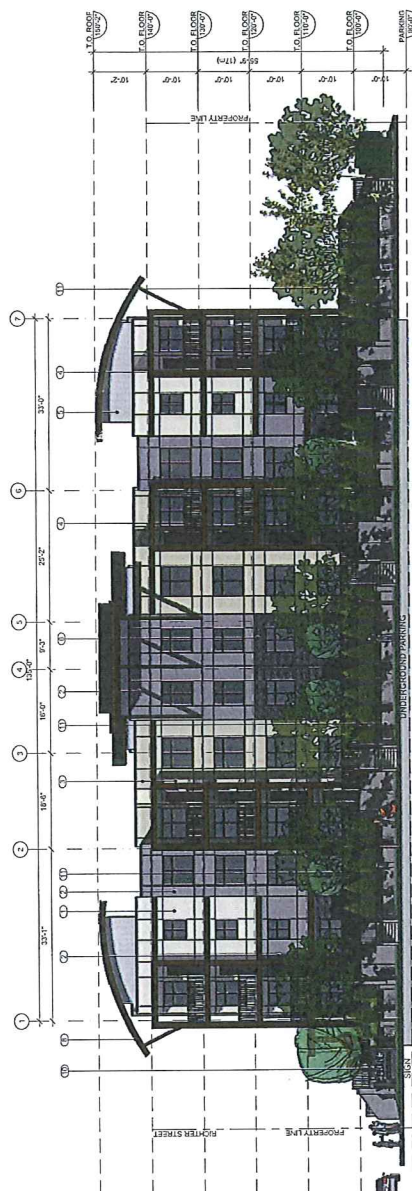
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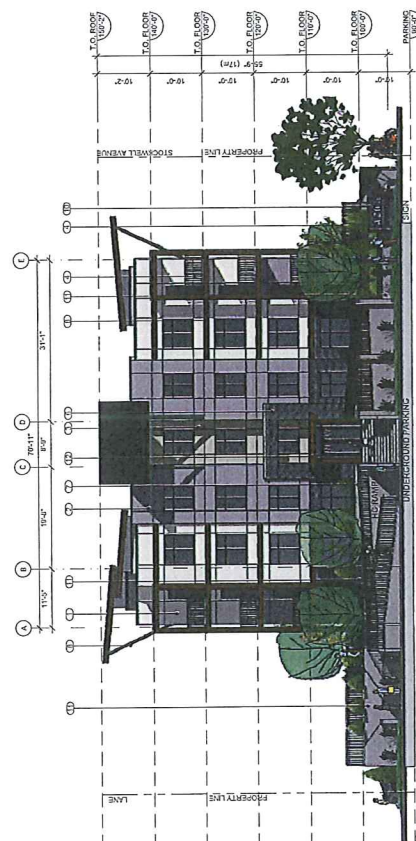
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- 6 CONCRETE
- 7 EXPOSED WOODEN STRUCTURE
- 8 PTD FASCIA (GRAY)
- 9 "40" AZURE SIGNAGE
- 10 "PTD RASSED METAL LETTERING"
- 11 LANDSCAPE PLANTER
- 12 ENTRY CANOPY

SCHEDULE

This forms part of development
Permit # DP14-0205



1 SOUTH ELEVATION
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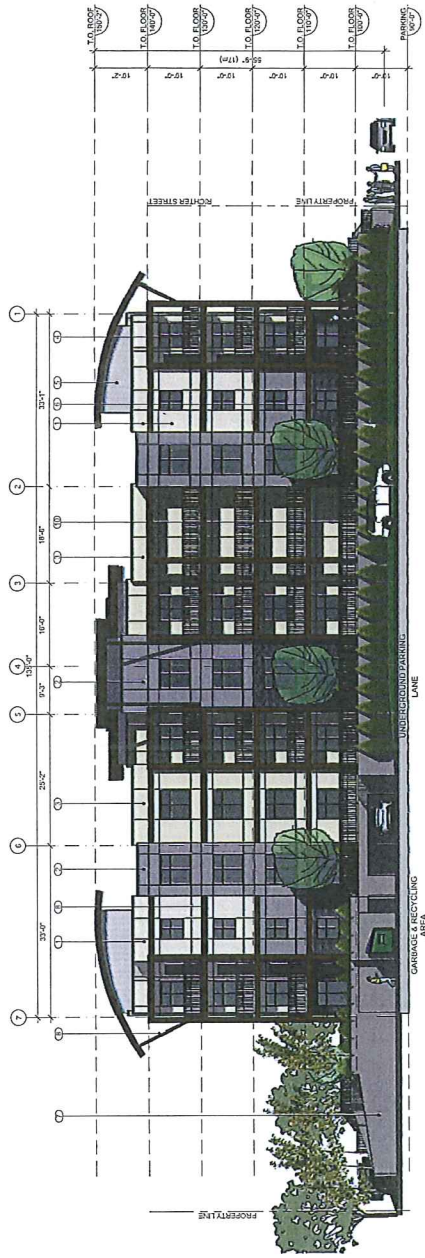


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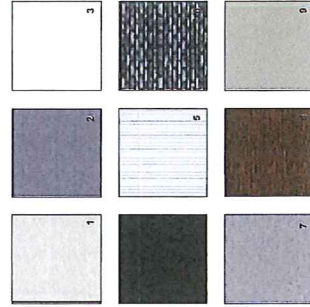
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CONSTRUCTION
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1 NORTH ELEVATION
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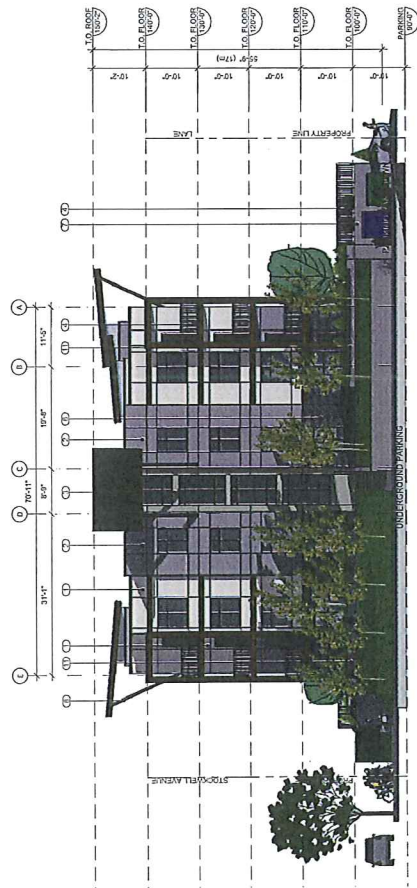
gta
 GTA Architecture Ltd.
 1000 West 10th Avenue
 Kelowna, BC V1Y 1S5
 Tel: 250.860.1234
 Fax: 250.860.1235
 Email: gta@gta.ca

THE AZURE
 710 STOCKWELL AVE.
 Kelowna, BC

BUILDING
 ELEVATIONS

SCHEDULE "B"
 This forms part of development
 Permit # D14-0205

DATE: JAN 15, 2014
 FILE: A14-05

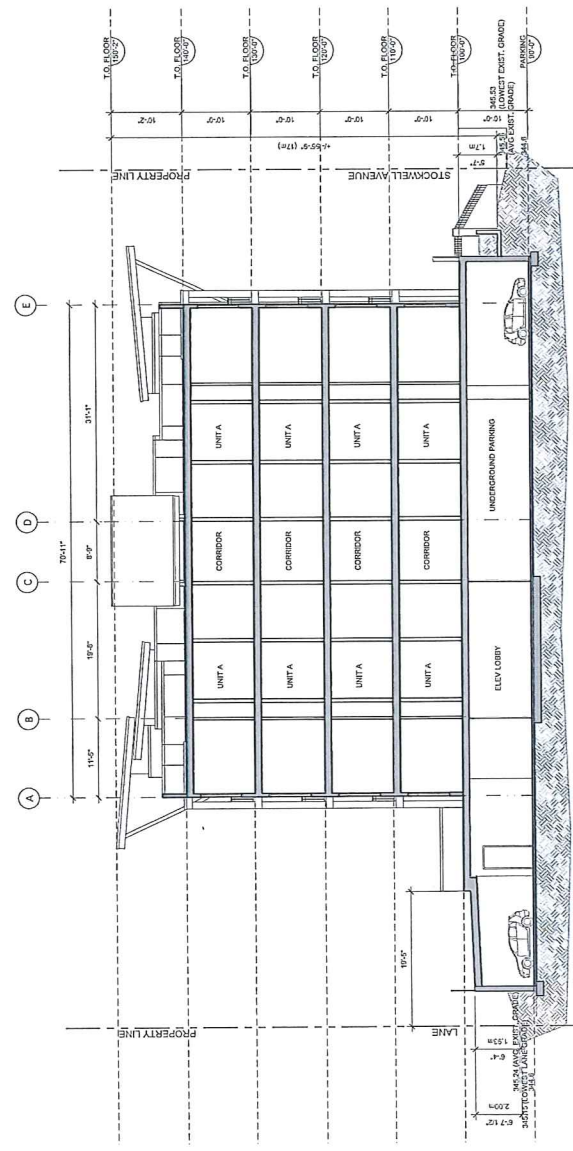


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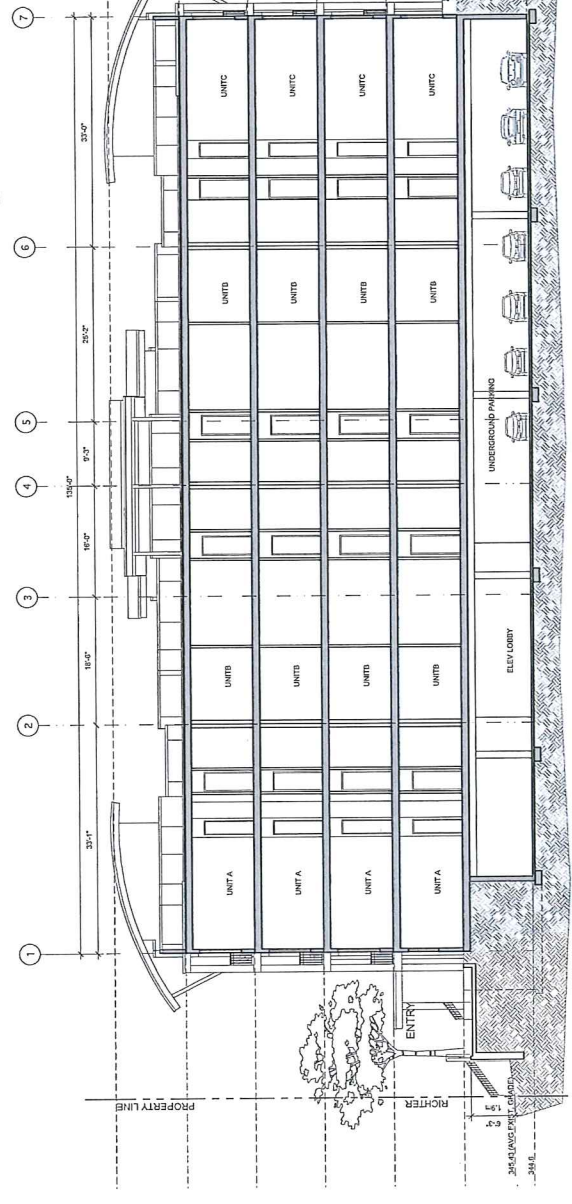
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SECTION 1-1
 SCALE: 1/4" = 1'-0"



gta
 G.T.A. Architecture Ltd.
 100-1000 Glenview Rd.
 Kelowna, British Columbia,
 V1Y 9V5
 Tel: 250.860.1000
 Email: gta@gtarchitects.com

THE AZURE
 710 STOCKWELL AVE.
 Kelowna, BC

SECTIONS

DATE: 02/10/14
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 CHECKED BY: JNP
 SCALE: AS NOTED
 SHEET NO.: A4.1
 DATE: JAN 15, 2014
 FILE: A4.1-05

SECTION 2-2
 SCALE: 1/4" = 1'-0"



OUTLAND DESIGN
LANDSCAPE ARCHITECTURE

July 22, 2015

Azure Multifamily

C/o GTA Architecture
Suite 243-1889 Springfield Road
Kelowna, BC V1Y 5V5
Attn: Gary Tomporowski, Architect

Re: Proposed Azure Multifamily Development – Preliminary Cost Estimate for Bonding

Dear Gary:

Please be advised of the following preliminary cost estimate for bonding of the proposed landscape works shown in the Azure Multifamily conceptual landscape plan dated 15.07.22;

- 840 square metres (9,042 square feet) of improvements = \$61,416.00

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



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

IRRIGATION APPLICATION

APPLICATION IDENTIFICATION

Owner: **GTA Architecture**
Agent if applicable: **Steve Petryshyn**
Title: **Certified Irrigation Designer**
Company: **Outland Design Landscape Architecture**
City: **Kelowna, BC**

Subject Address: **710 Stockwell Avenue**
Telephone: **250-868-9270**
Fax No:
Email: steve@outlanddesign.ca
Mailing Address: **206-1889 Spall Road, Kelowna**
Province: **BC** Postal Code: **V1Y 4R2**

LANDSCAPE WATER CONSERVATION CHECKLIST

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

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

Applicant Notes on the Landscape Water Conservation Checklist:

IRRIGATION APPLICATION

CALCULATE & COMPARE WATER BUDGET TO ESTIMATED WATER USE

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

Total Landscape Area	840	sq.m.
Landscape Maximum Water Budget (WB)	840	cu.m./yr.
Estimated Landscape Water Use (WU)	812	cu.m./yr.
Under (-OVER) Budget (Must be under Water Budget WB)	28 OK	cu.m./yr.

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

Signature of Applicant

Date: _____

FOR CITY OF KELOWNA OFFICE USE ONLY

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

Signature of Kelowna Water Smart designate
For Water Manager

Date: _____

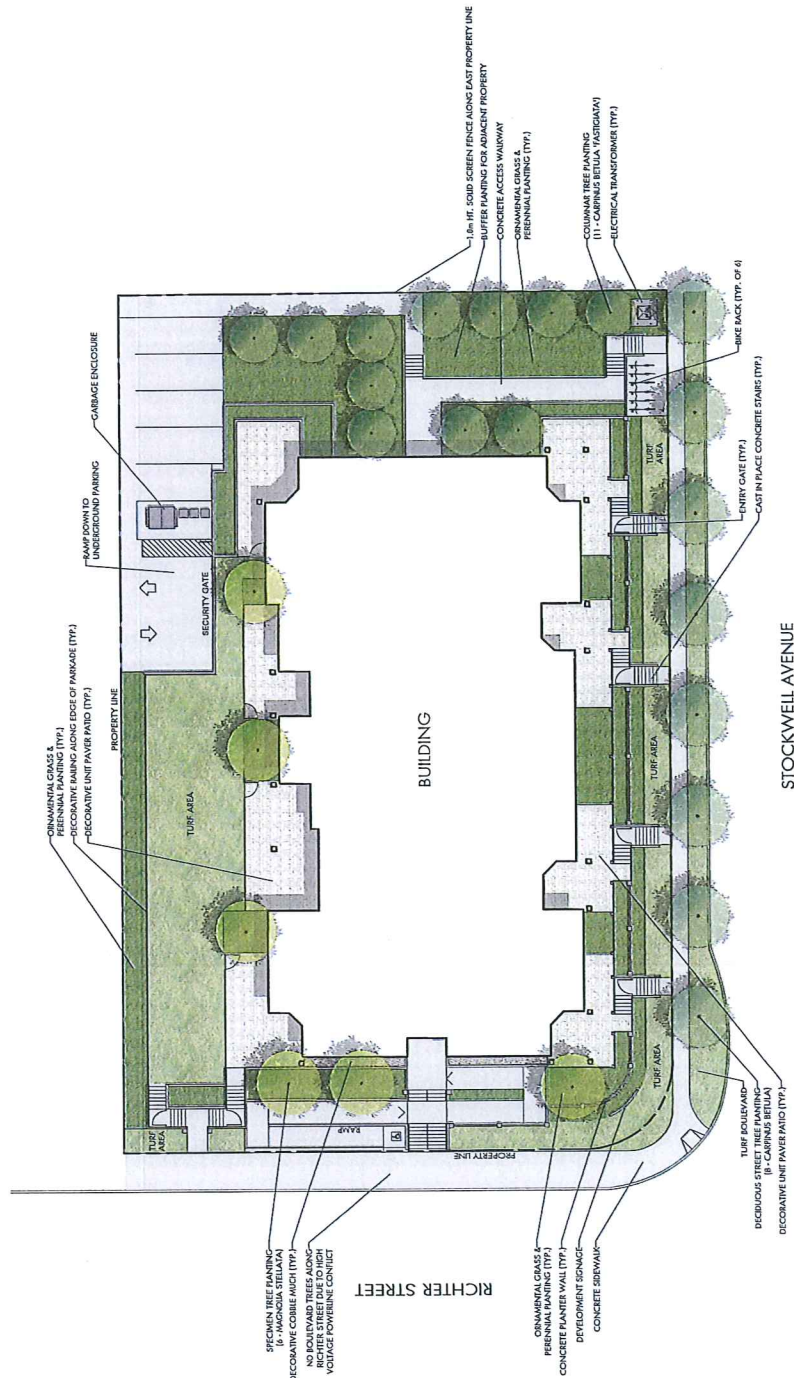
Print Name

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



ISSUED FOR/REVISION		Development Point
1	15-05-22	
2		
3		
4		

PROJECT NO.	14020
DESIGN BY	FD
DRAWN BY	SP
CHECKED BY	FD
DATE	JULY 22, '5
SCALE	1"=5'



SCHEDULE "C"
This forms part of development
Permit # DP14-0205

NOTES

- ## NOTES
1. INFANT MATERIAL AND CONSTRUCTION METHODS SHALL MEET OR EXCEED I.C.S. STANDARDS.
 2. ALL SOFT, UNIFORM AREAS SHALL BE WATERED BY A FULLY AUTOMATIC TIMED UNDERGROUND IRRIGATION SYSTEM.
 3. TREE AND SHRUB SPECIES SHALL BE DRESSED IN A MINIMUM 75mm WOOD MULCH. IT DOES NOT PLACED WOOD MULCH UNDERNEATH TREE AND SHRUB BEDS.
 4. TREE AND SHRUB BEDS TO RECEIVE A MINIMUM 100mm DEPTH TOPSOIL PLACEMENT.
 5. TURF AREAS FROM 100 SQM SHALL BE NO. 1 GRADE GROWN FROM CERTIFIED SEED OF IMPROVED CULTIVARS REGISTERED FOR SALE IN N.C. AND SHALL BE TOLERANT OF DROUGHT CONDITIONS. A MINIMUM OF 100mm DEPTH OF TOPSOIL SHALL BE PLACED OVER THE TURF AREAS. TURF AREAS SHALL MEET DRAINAGE CRITERIA AND BE PROTECTED FROM HAND SURFACES FLUSH.

PLANT LIST

[illegible]



PROJECT TITLE
AZURE MULTIFAMILY
Kelowna, BC

DRAWING TITLE
WATER CONSERVATION & IRRIGATION PLAN

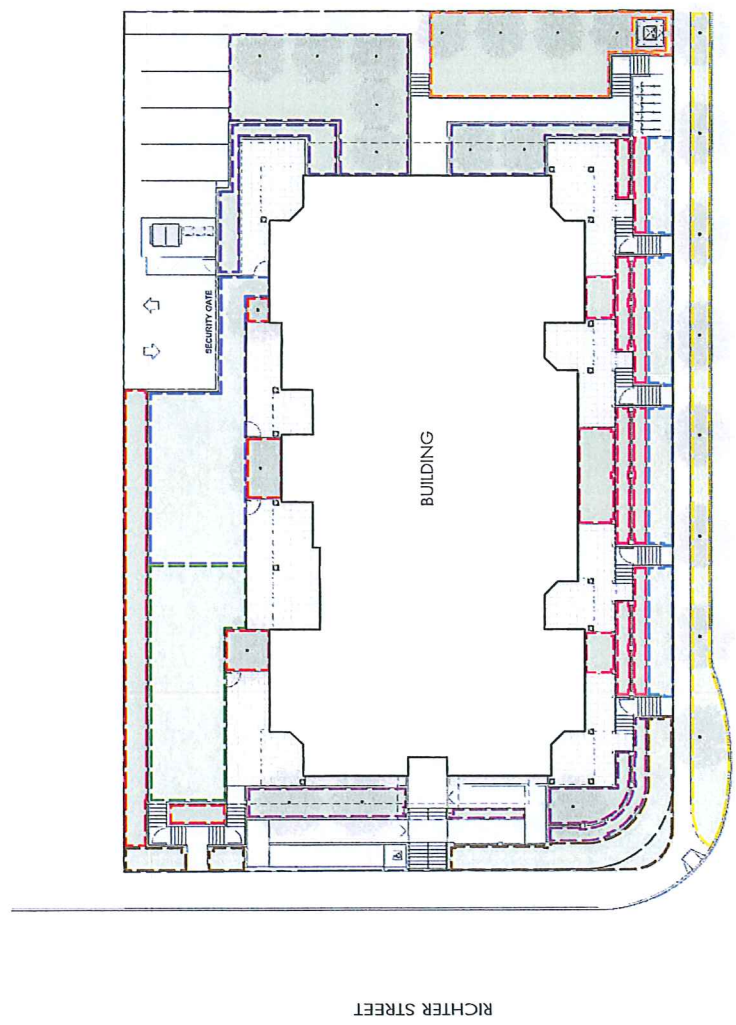
DATE	DESCRIPTION	DESIGNED BY
11.07.22	Final Design Phase	
11.07.22		
11.07.22		
11.07.22		

PROJECT NO.	16000
CLIENT	ES
DESIGNER	PD
CHECKED BY	PD
SCALE	1:200
DATE	11.07.22



L2/2

ISSUED FOR REVIEW ONLY
This drawing is not to be used for construction without the approval of the Designer. Any use of this drawing for any other purpose is strictly prohibited.



STOCKWELL AVENUE

RICHTER STREET

WATER CONSERVATION CALCULATIONS

LANDSCAPE MAXIMUM WATER BUDGET (WUB) = 446 cc/m² / year
ESTIMATED LANDSCAPE WATER USE (WU) = 873 cc/m² / year
WATER BALANCE = 28 cc/m² / year
*REFER ATTACHED IRRIGATION APPLICATION FOR DETAILED CALCULATIONS

IRRIGATION NOTES

1. IRRIGATION REQUIREMENTS AND INSTALLATION METHODS SHALL MEET OR EXCEED THE REQUIREMENTS OF THE WATER USE REDUCTION BYLAW NO. 1080 AND THE SUPPLEMENTARY REGULATIONS IN THE CITY OF KEDLOWNA BYLAW 700 (PART 6, SCHEDULE 2).
2. THE IRRIGATION SYSTEM SHALL MEET THE REQUIREMENTS, REGULATIONS, AND BYLAWS OF THE WATER PURVISOR.
3. THE IRRIGATION SYSTEM SHALL BE EQUIPPED WITH AN APPROVED BACKFLOW PREVENTION DEVICE, WATER METER, AND SHUT OFF VALVE LOCATED UPSTREAM AND ACCESSIBLE TO THE CITY ENGINEER.
4. IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE A MAXIMUM ET VALUE OF 7.7 mm/hr (KEDLOWNA L.A.T. 1) BASED ON A CONSERVATION SOIL TYPE, SLOPE, AND MICROCLIMATE.
5. Drip Line and Emitters shall incorporate technology to limit root intrusion.
6. IRRIGATION SLEEVES SHALL BE INSTALLED TO ROUTE IRRIGATION LINES UNDER HARD SURFACES AND FEATURES.
7. IRRIGATION PIPE SHALL BE SIZED TO ALLOW FOR A MAXIMUM FLOW OF 1.5m³ / SEC.
8. A FLOW SENSOR AND MASTER VALVE SHALL BE CONNECTED TO THE CONTROLLER AND PROGRAMMED TO STOP FLOW TO THE SYSTEM IN CASE OF AN IRRIGATION WATER LEAK.

IRRIGATION LEGEND

<p>ZONE #1: LOW VOLUME POP-UP SPRAYHEADS FOR TURF AREA TOTAL AREA: 72 m² MICROCLIMATE: NORTHWEST EXPOSURE, PARTIALLY SHADED BY TREES & BUILDINGS ESTIMATED ANNUAL WATER USE: 131 cc/m²</p>	<p>ZONE #2: LOW VOLUME POP-UP SPRAYHEADS FOR TURF AREA TOTAL AREA: 29 m² MICROCLIMATE: NORTHWEST EXPOSURE, PARTIALLY SHADED BY TREES & BUILDINGS ESTIMATED ANNUAL WATER USE: 139 cc/m²</p>	<p>ZONE #3: LOW VOLUME POP-UP SPRAYHEADS FOR TURF AREA TOTAL AREA: 81 m² MICROCLIMATE: SOUTH EXPOSURE, FULL SUN ESTIMATED ANNUAL WATER USE: 17 cc/m²</p>	<p>ZONE #4: LOW VOLUME POP-UP SPRAYHEADS FOR TURF AREA TOTAL AREA: 88 m² MICROCLIMATE: WEST EXPOSURE, PARTIALLY SHADED BY TREES & BUILDINGS ESTIMATED ANNUAL WATER USE: 125 cc/m²</p>	<p>ZONE #5: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS TOTAL AREA: 148 m² MICROCLIMATE: EAST EXPOSURE, PARTIALLY SHADED BY TREES ESTIMATED ANNUAL WATER USE: 77 cc/m²</p>	<p>ZONE #6: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS TOTAL AREA: 148 m² MICROCLIMATE: SOUTH EXPOSURE, FULL SUN ESTIMATED ANNUAL WATER USE: 89 cc/m²</p>	<p>ZONE #7: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS TOTAL AREA: 148 m² MICROCLIMATE: WEST EXPOSURE, PARTIALLY SHADED BY TREES & BUILDINGS ESTIMATED ANNUAL WATER USE: 74 cc/m²</p>
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CITY OF KELOWNA

APPROVED ISSUANCE OF A:

- ☐ Development Permit No.: DP14-0205
- ☐ Development Variance Permit No.: DVP15-0158

EXISTING ZONING DESIGNATION: RM5 - Medium Density Multiple Housing

WITHIN DEVELOPMENT PERMIT AREA: Character Neighbourhood Development Permit Area

ISSUED TO: GTA Architecture Ltd.

LOCATION OF SUBJECT SITE: 710 Sutherland Ave.

	LOT	D.L.	DISTRICT	PLAN
LEGAL DESCRIPTION:	1	138	ODYD	KAP85472

SCOPE OF APPROVAL

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

1. TERMS AND CONDITIONS:

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

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

a) **Section [2.3.3 General Definitions]: [Lot Line, Front - Urban and Rural Residential]**

To vary the definition of Lot Line, Front - Urban and Rural Residential to allow the larger of the street frontages to be considered as the front lot line.

b) **Section [13.11.6(b)]: [RU5 - Medium Density Multiple Housing Development Regulations]**

To vary the maximum site coverage from 40% permitted to 57.7% proposed.

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

2. **PERFORMANCE SECURITY:**

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

- (a) Cash; OR
- (b) A Certified Cheque; OR
- (c) An Irrevocable Letter of Credit in the amount of \$ 76,770.00 .

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

4. **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 Divisional Director of Community Planning & Real Estate.

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

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

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

6. APPROVALS:

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

ISSUED BY THE COMMUNITY PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE ____ DAY OF _____, 2015 BY THE
MANAGER OF THE COMMUNITY PLANNING DEPARTMENT.

Ryan Smith
Community Planning Department Manager

REPORT TO COUNCIL



Date: September 29, 2015

RIM No. 0940-93

To: City Manager

From: Community Planning Department (AC)

Application: TUP15-0002 **Owner:** New North West Trading Inc., BC0845659

Address: 360 Penno Road **Applicant:** Ian Robertson

Subject: Temporary Use Permit Application

Existing OCP Designation: IND - Industrial

Existing Zone: P3 - Parks and Open Space

1.0 Recommendation

THAT Council authorize the issuance of Temporary Use Permit No. TUP15-0002 to allow an outdoor storage area for Lot 1, District Lot 123, ODYD, Plan 4183 EXCEPT:

(1) PARCEL A (DD 131560F)

(2) PLANS 4784, 22129 AND H8110,

located at 360 Penno Road, Kelowna, BC, for a three (3) year period commencing from the date of Council approval, subject to the following conditions:

a) The dimensions and siting of the temporary use on the land be in general accordance with Schedule "A";

b) That no permanent structures be erected on the subject property in relation to the outdoor storage temporary use.

AND FURTHER THAT any application to extend the permit must be approved by Council prior to this permit expiring.

2.0 Purpose

To temporarily allow an outdoor storage area on the subject property for a period of 3 years.

3.0 Community Planning

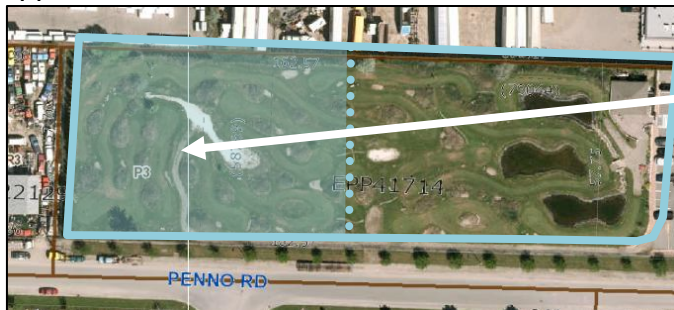
Staff support the Temporary Use Permit with the recommended condition that a restrictive covenant be registered on the property preventing any permanent structure from being erected on the subject property. The application is for a Temporary Use Permit (TUP) to facilitate an outdoor storage area on the subject site for a period of 3 years. The *Local Government Act* allows municipalities to designate areas in an OCP where temporary uses may be permitted by Council.

The OCP identifies lands designated as IND - Industrial are eligible for TUPs. The proposed temporary storage yard fits within the industrial designation and the surrounding properties.

The subject property is currently divided between a 9 hole putting course and vacant land. The applicant would like to use the vacant portion of the property for outdoor storage. The western portion of the property could be rezoned and subdivided in the future as the property meets the industrial designation within the OCP and the subdivision regulations within the Zoning Bylaw. The applicant has indicated that they would be willing to rezone and subdivide the property when the Temporary Use Permit expires but currently do not have a development plan.

There is a road reserve on property which was put in place for the extension of Norris Road. If the applicant were to rezone or to subdivide the property they would be responsible for the construction of Norris Road. The applicant does not want to perform this work at this time and would prefer to delay that expense to a future date when the Temporary Use Permit expires.

Staff is concerned that the temporary industrial use may become permanent and in the future (3-6 years) the applicant may lobby for Norris Road to not be installed. As a result, Staff is recommending that a condition of TUP approval be that no permanent structures shall be erected in relation to the storage use. The limitation on permanent structures will hopefully motivate the applicant to commit to the future road construction once a rezoning application is submitted.



Approximate portion of property subject to TUP (2012 Air Photo)

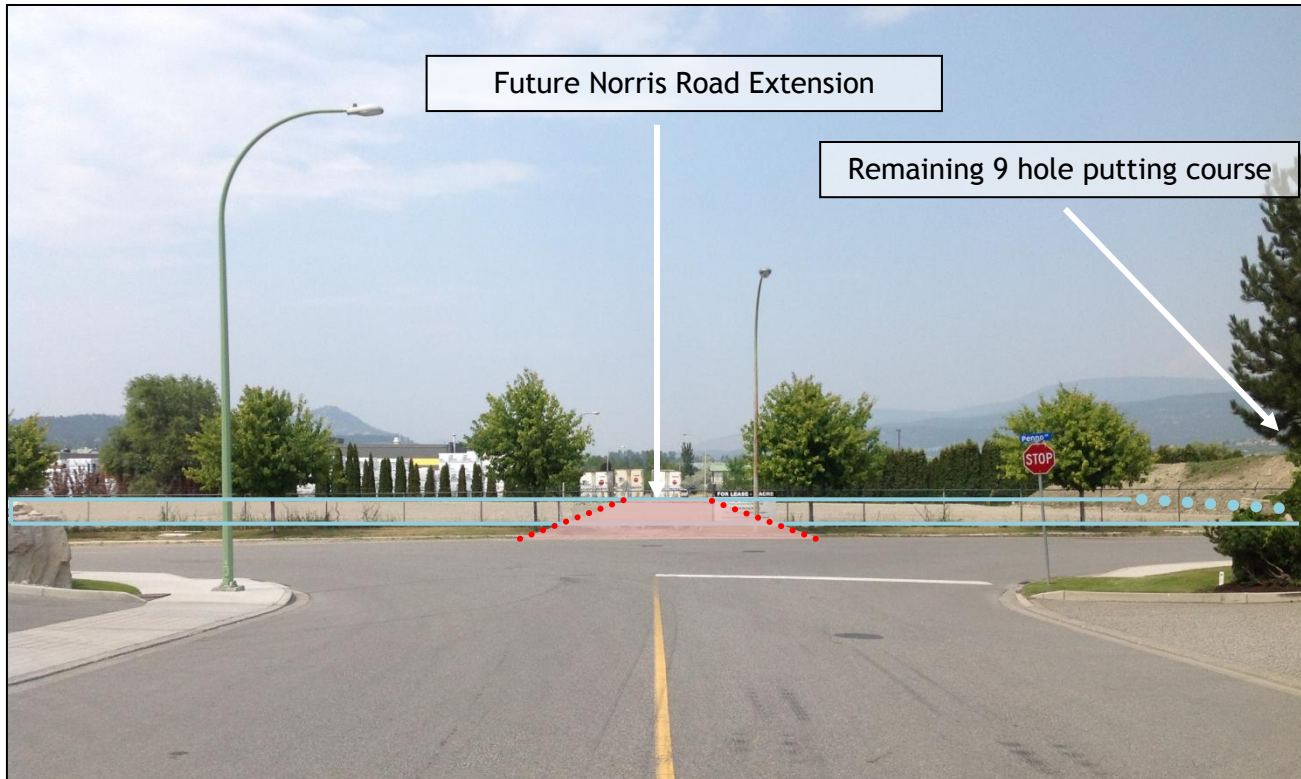


Figure 1: July 9th 2015

4.0 Proposal

4.1 Project Description

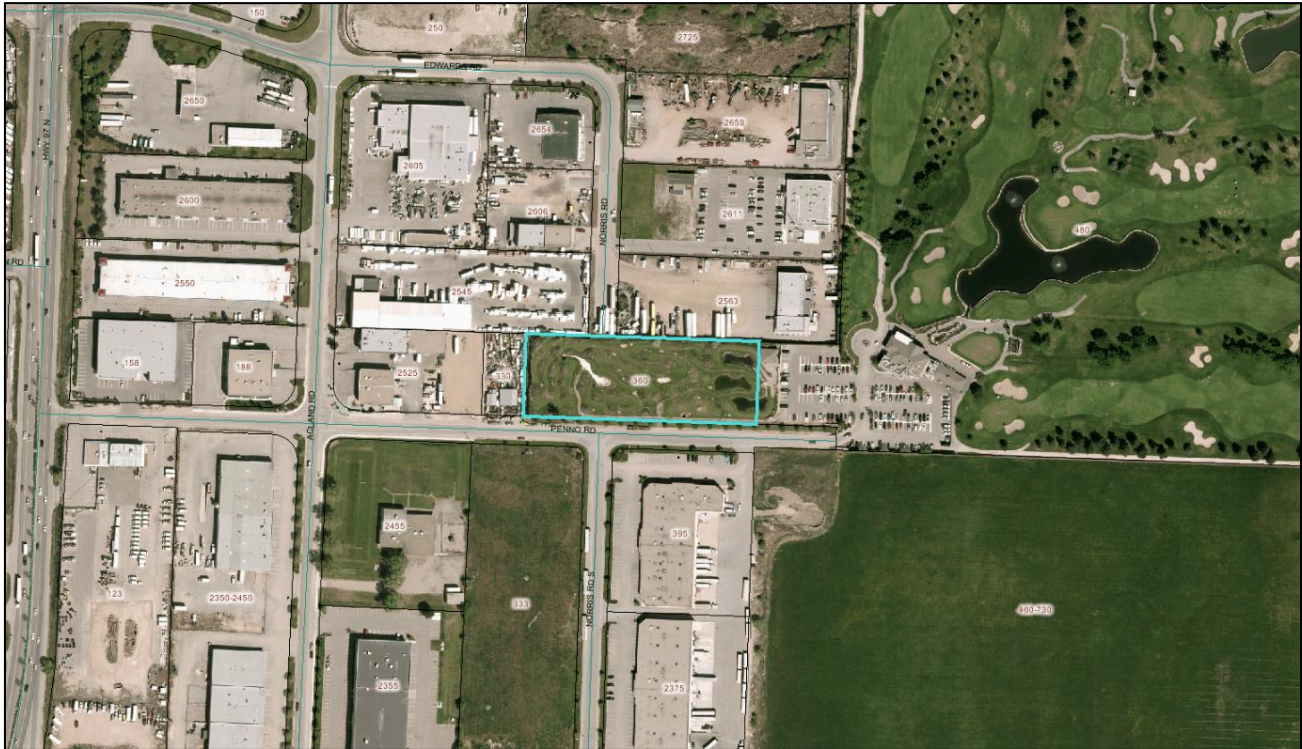
The 18 hole golf putting course beside Kelowna Springs Golf Club has been reduced to a 9 hole course. The remaining 9 hole course is located on the east side of the subject property adjacent to the Kelowna Springs Golf Club. The west side of the property is currently a vacant area.

In fulfillment of *Council Policy #367: Public Consultation and Notification for Development Applications*, the applicant undertook notification of surrounding neighbours and property owners. Staff has received no correspondence to date regarding this application.

4.2 Site Context

The subject site is located near Highway 97, south of the airport and is designated as IND - Industrial. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I2 - Industrial	Industrial
East	P3 - Parks and Open Space Unzoned property	Golf Course
South	I2 - Industrial	Industrial
West	I2 - Industrial RR3 - Rural Residential 3	Industrial

Subject Property Map: 360 Penno Road (2012 Air Photo)**5.0 Current Development Policies****5.1 Kelowna Official Community Plan (OCP)****Chapter 4 - Future Land Use - Temporary Use Permits (TUP)**

The temporary use designation is intended to apply to operations that are temporary in nature and the designation does not in itself permit specific uses on the designated sites. Within these areas, Council may, by resolution, issue a Temporary Use Permit and specify the conditions under which the temporary use be carried on. Upon the expiration of a Temporary Use Permit, the permitted uses revert to those outlined in the City of Kelowna Zoning Bylaw 8000.

Temporary Use Permits may be considered within the Permanent Growth Boundary (PGB) on all lands designated in OCP2030 Commercial, Education/Institutional, Industrial, Mixed Use, or Public Service/Utility. All Temporary Use Permits must conform to other policy direction in this OCP, including fit within the character of the neighbourhood and surrounding uses. Appropriate landscaping, screening and buffering will be included as conditions of the permit to protect adjacent land uses.

6.0 Technical Comments**6.1 Development Engineering Department**

See attached Memorandum.

6.2 Fire Department

The Fire Department has no issues with the storage of vehicles on the property as there are no buildings on the lot. Please ensure accessibility to the property should a vehicle fire occur - an access aisle through the storage. No storage of hazardous or flammable materials/liquids on site. No hazardous processes on site.

7.0 Application Chronology

Date of Application Received: June 17th, 2015

Date of Public Consultation Received: August 21st, 2013

Report prepared by:

Adam Cseke, Planner

Reviewed by:



Ryan Smith, Community Planning Manager

Attachments:

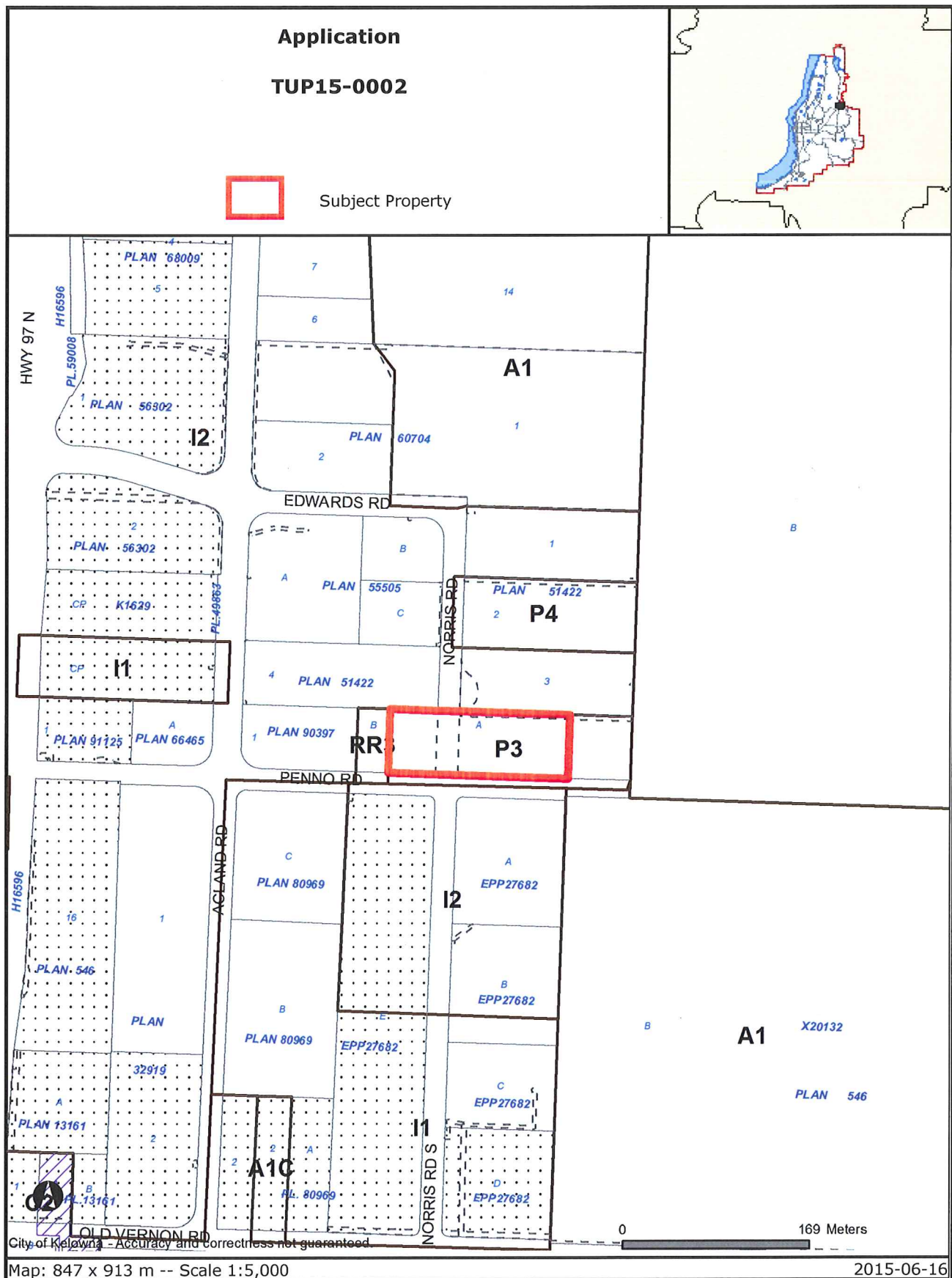
Subject Property Map

Attachments

Context/Site Photos

Development Engineering Memorandum

DRAFT Temporary Use Permit No. TUP15-0002



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.

April 10, 2015

RE: 360 Penno Road

City of Kelowna Councillors & Management:

Our family has owned Kelowna Springs Golf Club for twenty years – two titles make up this land.

The main title is approximately 105 acres, is zoned P3, and has been assessed fairly by BC Assessment over the years with an annual cost that is in line with other area golf courses. This is the land that comprises all of the 18 holes, clubhouse and parking.

It is the second lot that we are seeking a temporary land use variance. The lot is less than 3 acres, and was originally a driving range 20 years ago. We then turned it into an 18 hole putting course about 12 years ago, as it was too short to be a driving range, and we experienced frequent problems with errant golf balls. This lot is also zoned P3, but the effective tax rate on it has been between 7 and 8 times the per acre rate on the larger title. In the OCP, I understand the City sees the lot as I2 zoning down the road, and am told by BC Assessment that this is why the taxes are substantial in comparison.

We have endeavored to keep green space near the main entrance of the golf course – this truly has been the driving force to operate the putting course. We simply have never wanted more 'industrial' use crowding Kelowna Springs Golf Club. There is an abundance of industrial all around us as it is.

However, as the tax rate has climbed, and the golf industry receded, we have been forced to make some tougher decisions.

Our first decision was to do a lot line adjustment – this was recently completed, and it saw a small portion of the 'putting course' land (the end nearest to the golf course main Clubhouse) added to the main title. For clarification, the part that was removed has been used for parking for 12+ years (the main parking lot simply staggered over the two titles).

Our second decision is to try and find a 'happy medium' between keeping green space while not losing thousands of dollars annually on the 'putting course' property. To do this, we have altered the putting course from 18 holes to 9 holes, and made ongoing maintenance easier. This answers our desire to have a green space buffer near our entrance. With the remaining land (all at the far end), we simply want to find a **single** commercial tenant to rent from us with the sole purpose being commercial storage. We have had interest from eight parties, including three very good and logical candidates.

I am told we need to request and attain a variance to the permitted use to do this. We are not developers, and have no prior experience in these matters. We also have no interest in re-zoning the property at this time, as there is a strong likelihood that the City may require that a long standing road

easement be triggered. As we have no plans to develop the property, the financial impact of this would simply be too much given our humble intentions.

Our goals are to continue to operate Kelowna Springs Golf Course for as long as possible – ownership has already passed from one generation of our family, and it is our intent to see both properties remain in our family – ideally to transfer to a third generation a few more decades from now.

We seek permission to use approximately 1 acre of the 'putting course' property to generate a revenue source that will somewhat justify our desire to both hold the land, and retain the 9 hole putting course green space. We anticipate revenue potential of \$1 per square foot per year.

I would be happy to answer any questions at any time, and I am very hopeful of your timely support in this manner.

Respectfully,

Ian Robertson



250-765-2364, ext 1 W 250-868-0858 Home 250-808-0858 Cell gm@kelownasprings.com

CITY OF KELOWNA

MEMORANDUM

Date: August 6, 2015
File No.: TUP15-0002
To: Urban Planning (AC)
From: Development Engineer Manager (SM)
Subject: 360 Penno Road, Lot 1, plan 4183, D.L. 123, ODYD.

The Development Engineering comments and requirements regarding this Temporary Use Permit application are as follows:

1. General.

- a) This application does not compromise any Municipal services.
- b) Development Engineering has no requirements associated with this application.

1. Transportation.

- a) There is a road reserve registered on the property for the continuity of Norris Road. The link between the North and South sections of Norris Road is not essential at this point in time but may be triggered after the realignment of Rutland Road with Acland Road. The Norris Road connectivity will depend upon the assessment of the traffic pattern created by the contemplated transportation network improvements in the area.
- b) In the future, Acland Road will be extended to the YLW airport and will become a crucial arterial link from Rutland to the North. Norris road will then be classified as a collector between Old Vernon Road and Edwards Road. The construction of Norris Road link through the subject property will likely be triggered near the time of the northerly Acland Road extension.

Steve Muenz, P.Eng.
Development Engineering Manager

B²

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Temporary Industrial Use Permit: TUP15-0002

EXISTING ZONING DESIGNATION: P3 - PARKS AND OPEN SPACE

ISSUED TO: New North West Trading Inc., BC0845659 (Ian Robertson)

LOCATION OF SUBJECT SITE: 360 Penno Road

	LOT	DISTRICT LOT	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	2	123	Plan 3874 Except Plan 43848			O.D.Y.D.

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.

1. TERMS AND CONDITIONS:

- THAT, in addition to the permitted uses of the P3 - Parks and Open Space zone of Zoning Bylaw 8000, as amended or replaced from time to time, this Permit allows for the "outdoor storage" ;
- The dimensions and siting of the temporary use on the land be in general accordance with Schedule "A";
- AND THAT this Permit will expire three years from the date of Council approval;
- AND THAT, following the expiry of this Permit, the use of the subject property must comply with the provisions of the P3 - Parks and Open Space zone of Zoning Bylaw 8000, as amended or replaced from time to time or a rezoning application be submitted to the City in order to permanently allow industrial uses;
- AND THAT as a condition of issuance of the Temporary Use Permit that the following are completed by the owner:
 - That no permanent structures be erected on the subject property in relation to the outdoor storage temporary use.

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.

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.

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.

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

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

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

2. APPROVALS:

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

ISSUED BY THE COMMUNITY PLANNING DEPT. OF THE CITY OF KELOWNA THE ____ DAY OF _____, 2015.

Ryan Smith
Urban Planning Manager



We propose access to the storage yard to be along Penno Road - to be determined in consultation with hopeful lessee as to what makes the most sense for their needs, traffic, etc. Our first choice would be for access to be to the far left end of the property as shown above. *There will be NO permanent structures of any kind put on the lot, nor is there a need for any services for our intended use.

*for the timeline of temporary use permit.

Total size of the storage yard is approximately 285' * 180' (51,300 square feet)

SCHEDULE <u>A</u>
This forms part of development
Permit # <u>TUP15-0002</u>



SCHEDULE A
This forms part of development
Permit # TPR15-0002

REPORT TO COUNCIL



Date: 9/29/2015

RIM No. 0940-40

To: City Manager

From: Community Planning Department (AC)

Application: DVP15-0162

Owner: Gary & Tina Gaspari

Address: 774 Barnaby Rd

Applicant: Gary Gaspari

Subject: Development Variance Permit

Existing OCP Designation: S2RES - Single / Two Unit Residential

Existing Zone: RR3 - Rural Residential 3

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0162 for the property legally known as Lot B, District Lot 357, SDYD, Plan KAP65931, located on 774 Barnaby Road, Kelowna, BC;

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

Section 7.5.9 - Fencing and Retaining Walls Regulations

To vary the height of a retaining wall from 1.2 metres to 1.5 metres in accordance with the drawings attached to the Development Variance Permit described in Schedule "A".

2.0 Purpose

To vary the height of a retaining wall on the subject property.

3.0 Community Planning

Staff supports the proposed variance. Permitting a variance after a building or structure is built is always discouraged; however, the retaining wall is not disproportionately large or high on this size of lot (1.34 acres).

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbour consultation by individually contacting the neighbours within a 50 metre radius. Staff has not fielded any objections or correspondence from the neighbours.

4.0 Proposal

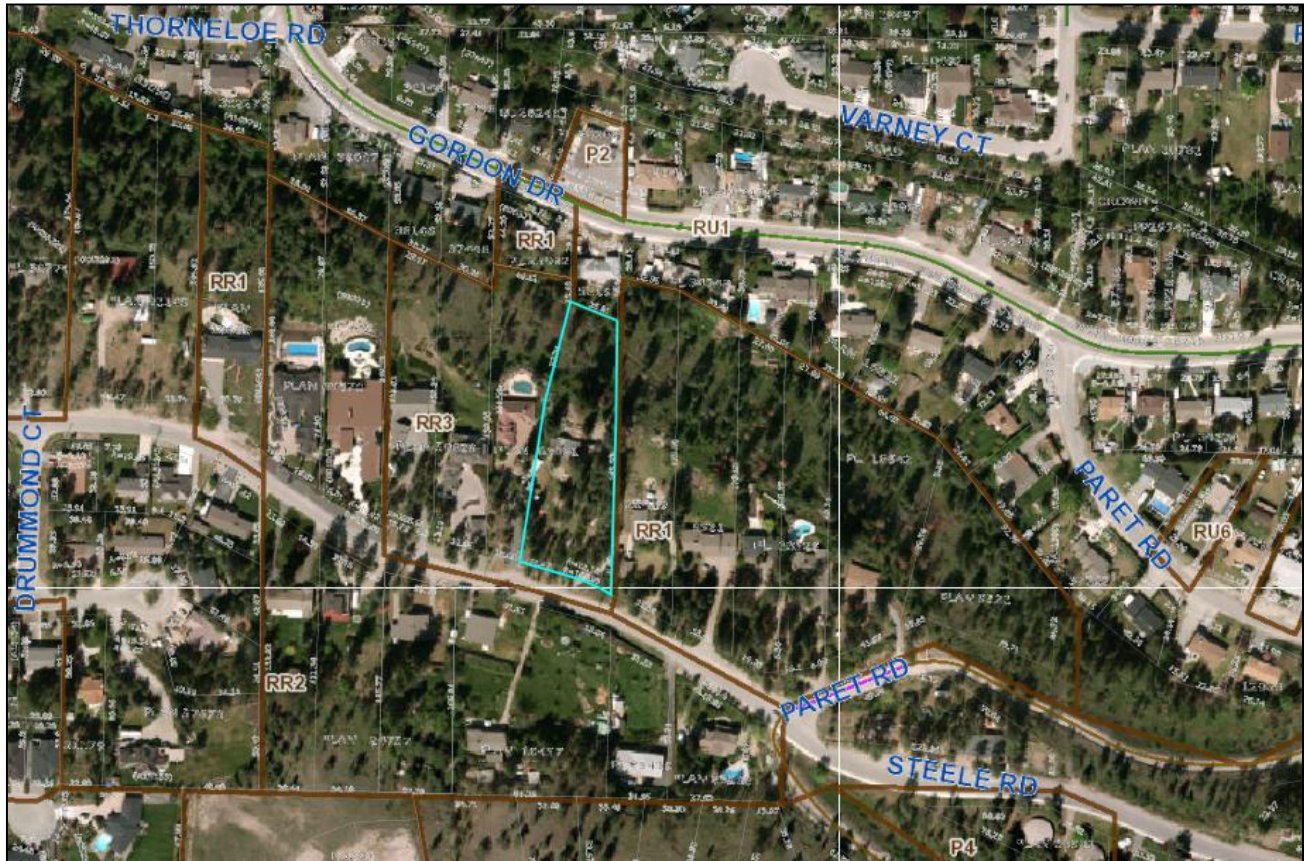
4.1 Project Description

The applicant has installed an over height retaining wall on their property and is seeking a height variance.

4.2 Site Context

The subject property is located in the Upper Mission area and is designated as S2RES - Single Two Unit Residential. All the surrounding properties are large single family lots and zoned rural residential.

Subject Property Map: 774 Barnaby Road



5.0 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RR3 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Maximum Retaining Wall Height	1.2 m	1.5 ①
① Indicates a requested variance to increase the maximum retaining wall height.		

6.0 Current Development Policies

6.1 Kelowna Official Community Plan (OCP)

Development Process

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

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

7.0 Technical Comments

7.1 Building & Permitting Department

- No comments.

7.2 Development Engineering Department

- No comments.

8.0 Application Chronology

Date of Application Received: July 10, 2015

Date Public Consultation Received: July 14, 2015

Report prepared by:

Adam Cseke, Planner

Reviewed by:



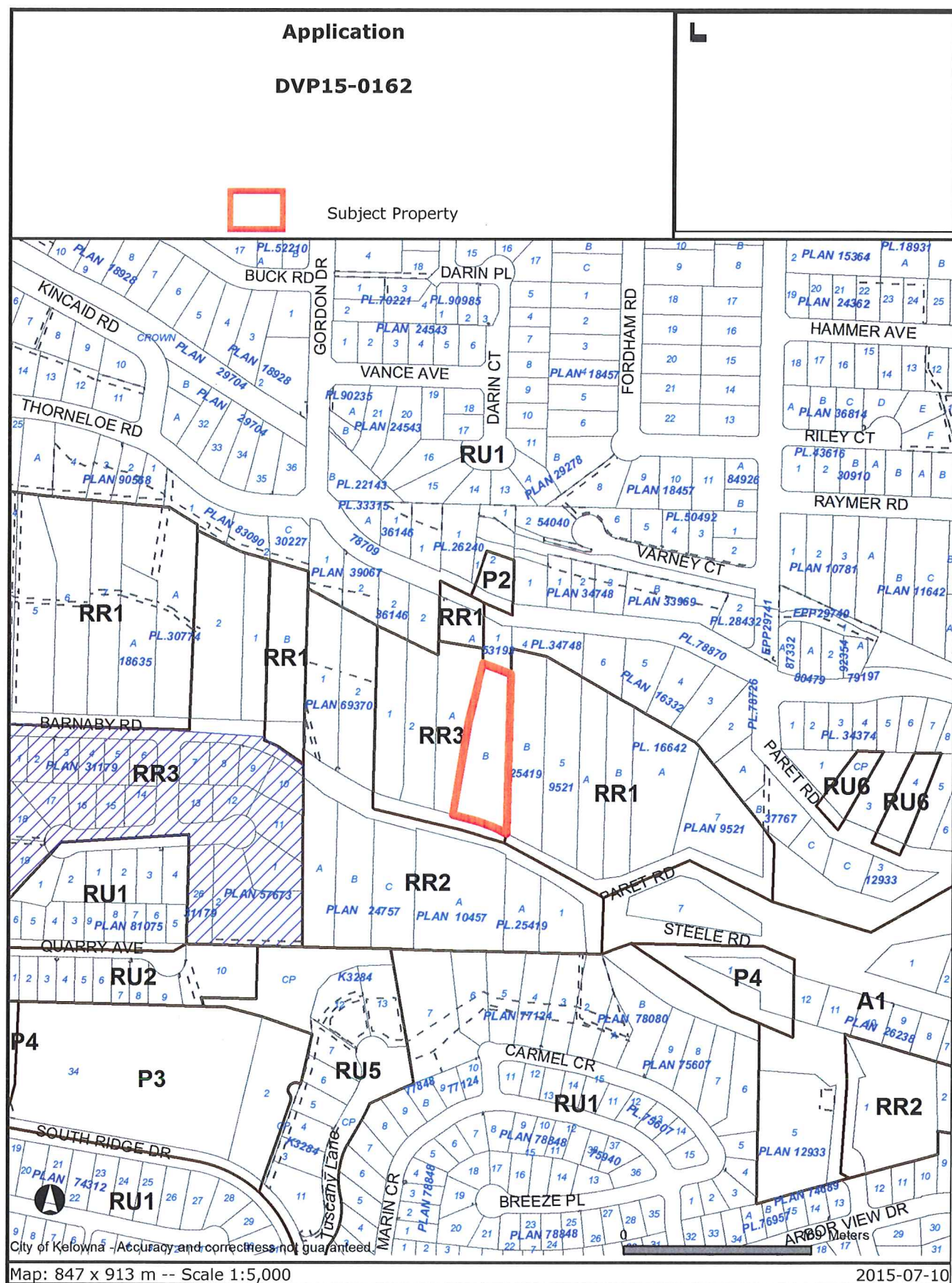
Lindsey Ganczar, Urban Planning Supervisor

Attachments:

Subject Property Map
Site Plan and Site Photos
DVP15-0162

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

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



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.

Pictures Taken from 1-9

774 Barnaby Road

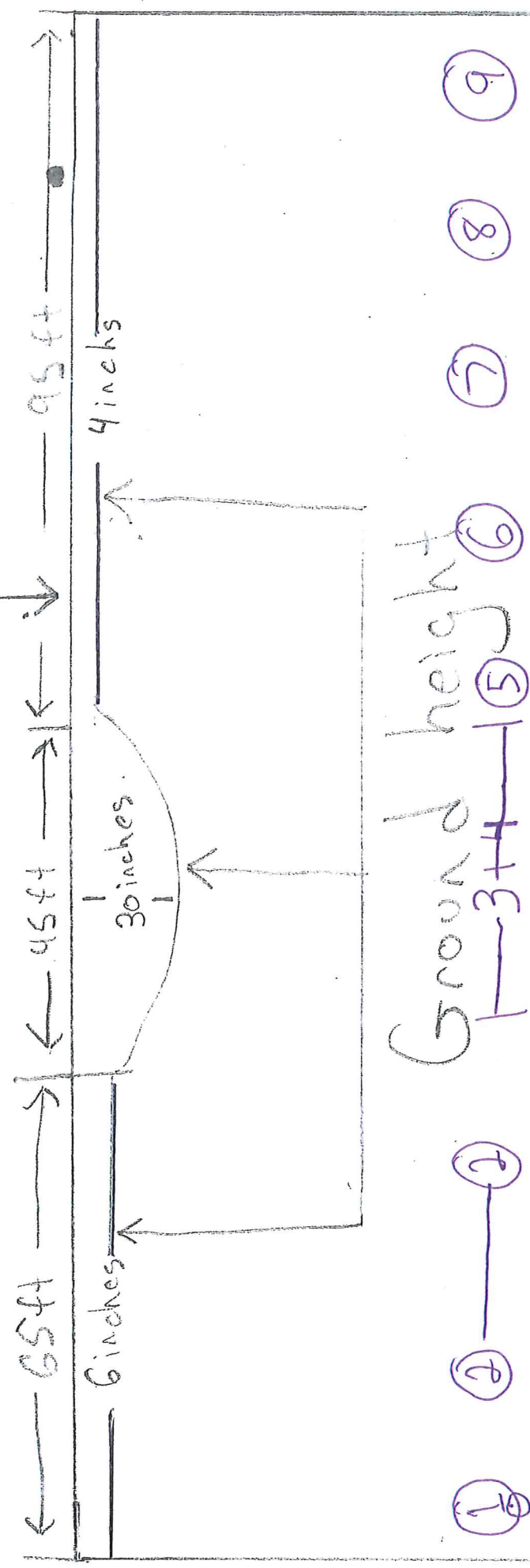


Subject Property 774 Barnaby Road
Facing West

Top of Wall

North

South

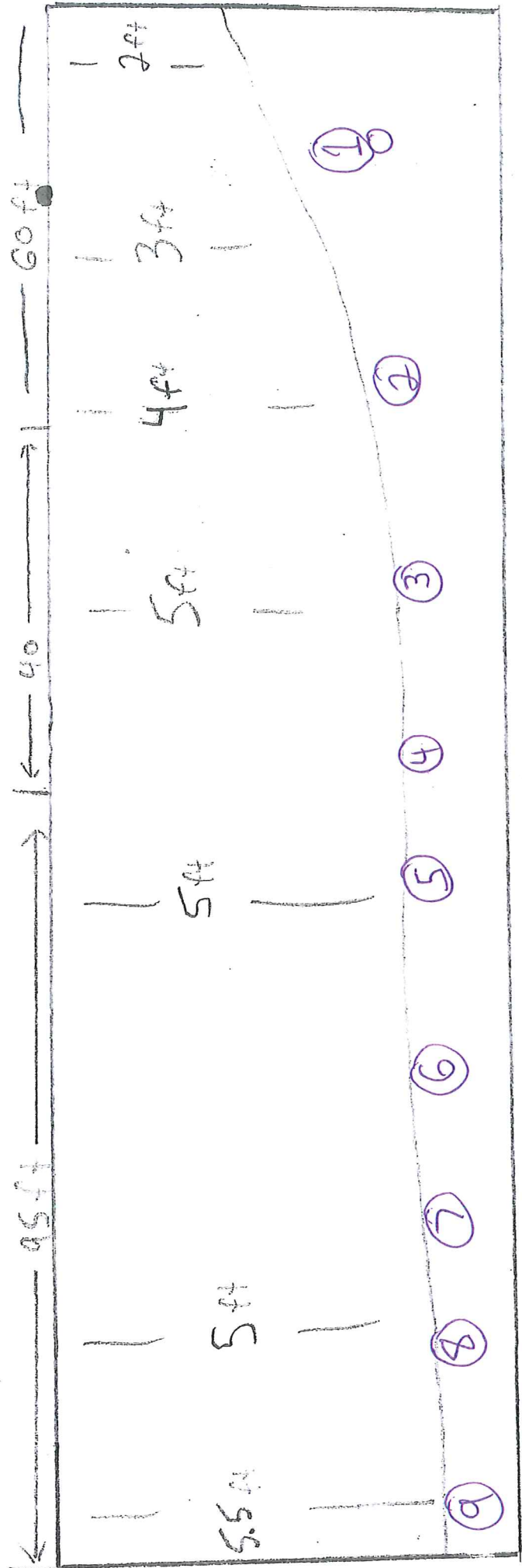


Pictures 1-9

Neighbors Side 770-Barnaby Rd
Facing East

North
←

South
→

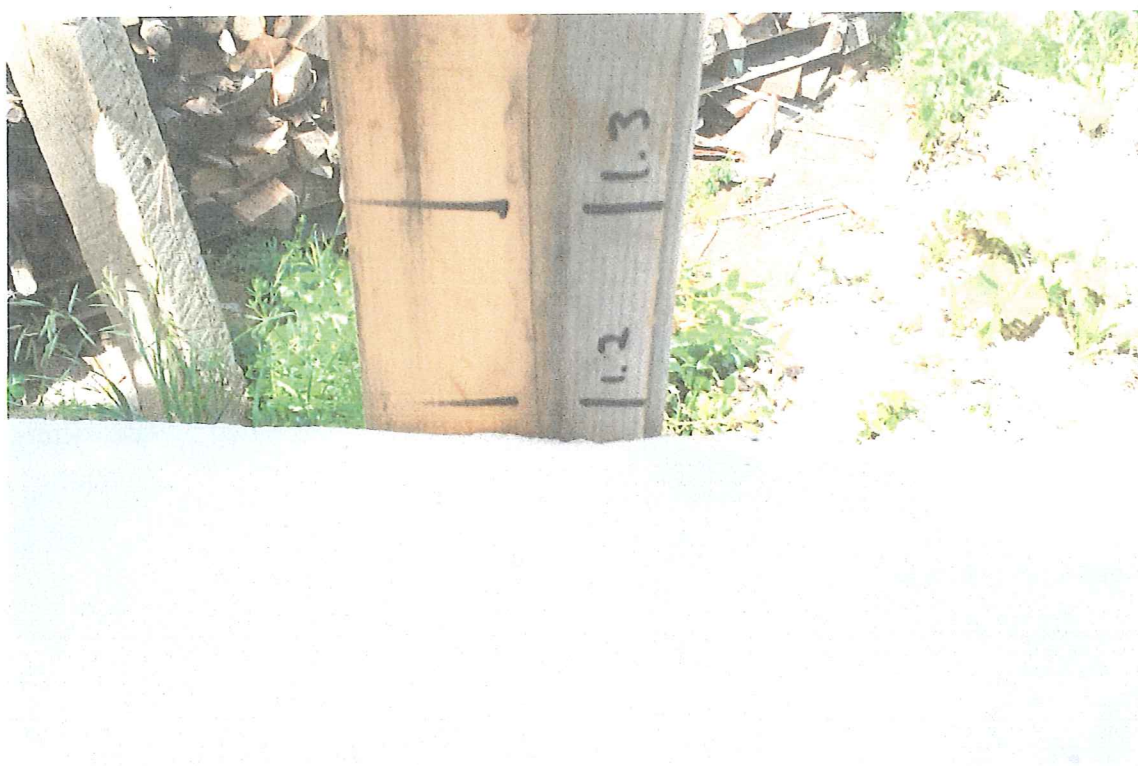


Pictures 1-9

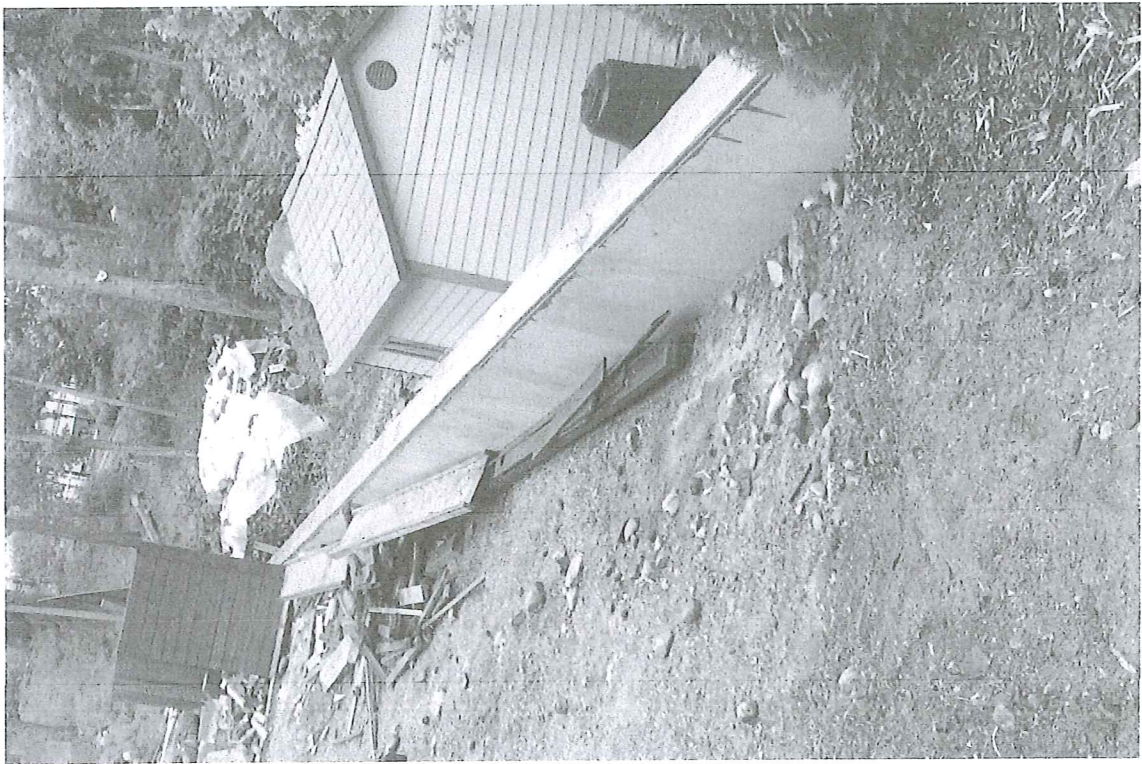
⑤



2



3



④



Wall

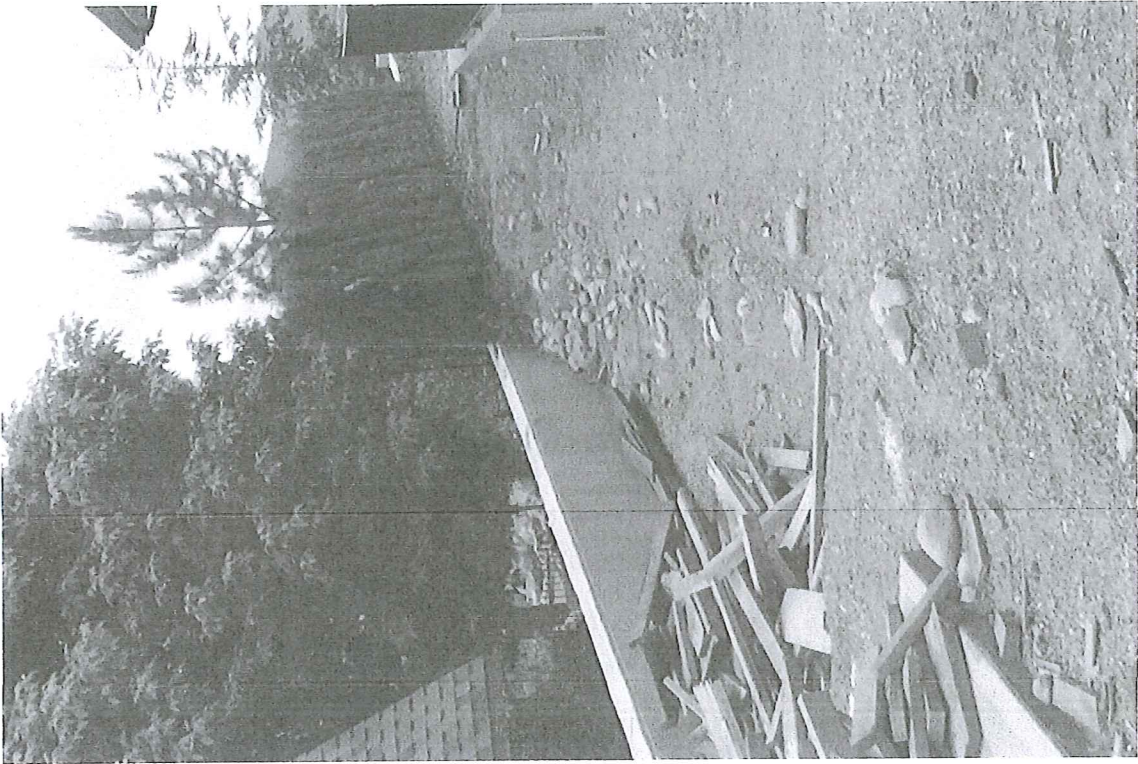
Height
1.4m

behind shed

5



9



⑦



8



9



CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP15—0162

EXISTING ZONING DESIGNATION:	RR3 - Rural Residential 3
WITHIN DEVELOPMENT PERMIT AREA:	n/a

ISSUED TO:	Piero Gary Waldo Gaspari and Leontina Gaspari
LOCATION OF SUBJECT SITE:	774 Barnaby Rd

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	B	357	65931			SDYD

SCOPE OF APPROVAL

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

1. TERMS AND CONDITIONS:

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

Section 7.5.9 - Fencing and Retaining Walls Regulations

To vary the retaining wall height of an accessory building from 1.2 metres to 1.5 metres in accordance with the drawings described in Schedule "A":

2. PERFORMANCE SECURITY:

none

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 Divisional Director of Community & Real Estate.

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 _____, 2015 BY THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

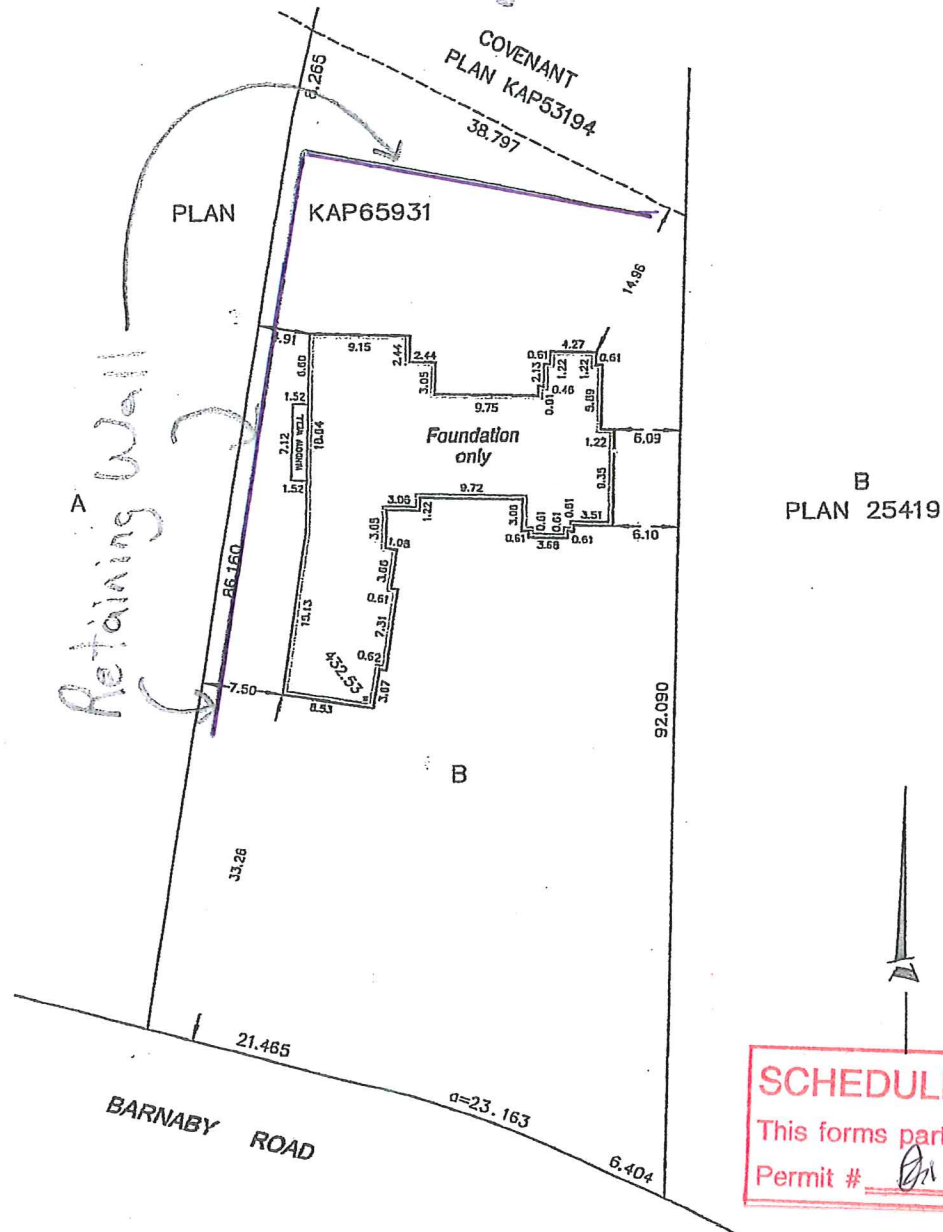
Ryan Smith, Manager - Urban Planning Branch
Community Planning and Real Estate

B.C. LAND SURVEYOR'S CERTIFICATE

ON LOT B, DISTRICT LOT 357,
S.D.Y.D., PLAN KAP65931

SCALE 1:500 All distances are in metres.

FILE No: 13838 SC
CIVIC ADDRESS: 774 BARNABY ROAD



Certified correct this 22nd day of October, 2013.

NEIL R. DENBY

B.C.L.S.

THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED

RUNNALLS DENBY

british columbia land surveyors

259A Lawrence Avenue
Kelowna, B.C. V1Y 6L2

Phone: (250)763-7322
Fax: (250)763-4413

Email: neil@runnallsdenby.com

© THIS PLAN IS PROTECTED BY COPYRIGHT.

ELEVATIONS ARE ASSUMED GEODETIC AND ARE
TAKEN FROM CITY OF KELOWNA LOT GRADING PLAN.
ELEVATIONS ARE TO TOP OF FOUNDATION WALL.

THIS DOCUMENT WAS PREPARED FOR MORTGAGE AND MUNICIPAL
PURPOSES AND IS FOR THE EXCLUSIVE USE OF OUR CLIENT,
GARY GASPARI.

THIS DOCUMENT SHOWS THE RELATIVE LOCATION OF THE SURVEYED
STRUCTURES AND FEATURES WITH RESPECT TO THE BOUNDARIES
OF THE PARCEL DESCRIBED ABOVE. THIS DOCUMENT SHALL NOT BE
USED TO DEFINE PROPERTY LINES OR PROPERTY CORNERS.

THE SIGNATORY ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR
ANY DAMAGES THAT MAY BE SUFFERED BY A THIRD PARTY AS
A RESULT OF ANY DECISIONS MADE, OR ACTIONS TAKEN BASED
ON THIS DOCUMENT.

DRAFT RESOLUTION

Re: (South of) Academy Way, BL11143 (Z15-0006) - Watermark Development Ltd. & City of Kelowna

THAT Council defers consideration of Bylaw No. 11143 (Z15-0006), for the property located (South of) Academy Way, to the October 6, 2015 Public Hearing.

BACKGROUND:

Staff has advised that the development sign was not posted on the subject property, and therefore the Applicant did not meet the requirements of Development Application Procedure Bylaw No. 10540 with respect to signage. The Applicant is aware that Council's consideration of its application will have to be deferred.

Date: September 23, 2015
File: 0610-53