City of Kelowna
Regular Council Meeting
AGENDA

Tuesday, November 3, 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 DeHart.

3. Confirmation of Minutes 1 - 7

Public Hearing - October 20, 2015
Regular Meeting - October 20, 2015

4. Bylaws Considered at Public Hearing

4.1 BL11119 (OCP15-0008) - Amendment to Chapter 4 - Future Land Use - MRM 8 - 8

Requires a majority of all members of Council (5).
To give Bylaw No. 11119 second and third readings in order to amend the Official Community Plan with respect to the CD22 Central Green Comprehensive Development Zone.

4.2 BL11118 (TA15-0003) - CD22 - Central Green Comprehensive Development Zone Amendments 9 - 13

To give Bylaw No. 11118 second and third readings in order to amend City of Kelowna Zoning Bylaw No. 8000 with respect to the requirements of the CD22 Central Green Comprehensive Development Zone.

5. Notification of Meeting

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

6. Liquor License Application Reports

6.1 248 Leon Avenue, LL13-0005 - J.Q. Developments Inc. 14 - 40

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the liquor license application to come forward.
To consider a Staff recommendation NOT to support an application for a structural change to an existing Liquor Primary license and for a permanent change to an existing Liquor Primary license.

6.2 1923 Kent Road, LL15-0019 - Callahan Construction Company Ltd. 41 - 55

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the liquor license application to come forward.
To seek Council's support to relocate an existing Liquor Primary license and to reduce the occupant load of that facility.

6.3 1978 Kirschner Road, LL15-0017 - Agro Investment Corporation et al 56 - 68

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the liquor license application to come forward.
To seek Council's support for a permanent change in hours of operation for a Liquor Primary Establishment.

7. Development Permit and Development Variance Permit Reports

7.1 2664 Bath Street, DP15-0186 & DVP15-0187 - Peter & Wendy O'Brien 69 - 81

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.
To consider the form and character, and a variance, for a proposed Carriage House on the subject property.

7.2 427 Wardlaw Avenue, DVP15-0188 - Ryan McDowell & Angela Chapman 82 - 94

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 minimum side yard to facilitate additions to the existing single detached house on the subject property.

7.3 449 Eldorado Road, DVP15-0201 - Robert & Jennifer Petty 95 - 103

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 minimum side yard for the existing house to facilitate a two lot subdivision of the subject property.

8. Reminders

9. Termination

City of Kelowna
Public Hearing
Minutes

Date:	Tuesday, October 20, 2015
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben*, Mohini Singh, Luke Stack
Members Absent	Councillor Maxine DeHart
Staff Present	City Manager, Ron Mattiussi;, City Clerk, Stephen Fleming; 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 October 6, 2015 and by being placed in the Kelowna Capital News issues on October 9 and October 14, 2015 and by sending out or otherwise delivering 385 statutory notices to the owners and occupiers of surrounding properties, and 3938 informational notices to residents in the same postal delivery route, between October 6 and October 9, 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

3.1 975 - 985 Academy Way, BL11148 (Z15-0033) - Academy Apartments Ltd.

Councillor Sieben declared a conflict of interest as his in-laws have business interests in close proximity to the subject property that would be in direct competition and left the meeting at 6:05 p.m.
Staff:
- Displayed a PowerPoint presentation summarizing the application.

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

Letters of Opposition or Concern
Janet Ingram and Ken Love, Academy Way
Cecilia Tan and Lewis Louie, Academy Way
John and Doreen Jack, Capistrano Dr.
Jean Bulach, Quail Run Drive

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

John Hertay, Kyndree Court, Applicant
- Advised that the other uses going into the complex are an Asian Restaurant, Medical Walk In Clinic, Convenience Store/ Coffee Shop and Offices.

Gallery:

Ed Neeland, Dead Pine Drive
- Professor at UBC Okanagan.
- Opposed to this application.
- Raised concerns with student drinking.
- Raised concerns with liquor store being too close to campus and hard liquor being too accessible to students.
- Provided his perspective on the differences between beer and hard liquor.
- Responded to questions from Council.

John Hertay, Kyndree Court, Applicant
- Confirmed that this is a retail store with liquor sales and that the store will concentrate on beer sales.

There were no further comments.

Councillor Sieben returned to the meeting at 6:20 p.m.

3.2 3473 Scott Road, BL11151 (Z15-0040) - Frank & Dawn Filice

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.

Paul Schuster, Applicants Agent
- Advised that the owner will be bringing forward another application following this one and that this is not infill but a master plan to revitalize the area.
- Confirmed the development meets all setback and site coverages.

There were no further comments.

3.3 980 Mayfair Road, BL11152 (Z15-0038) - Justin & Rebecca Bullock

Staff:
- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence had been received.

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

Justin Bullock, Applicant
- Confirmed he resides at the residence and expressed his ambition to make the area aesthetically pleasing.

There were no further comments.

3.4 3461 Scott Road, BL11153 (Z15-0042) - Frank & Dawn Filice

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 not present.

No one came forward.

There were no further comments.

3.5 2982 Volterra Court, BL11155 (Z15-0039) - Franklin Talbot

Staff:
- Displayed a PowerPoint presentation summarizing the application.

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

Letters of Opposition or Concern
Joanne Garrard-Barton, 3067 Quail Run Drive
Rod McLeod, Lois McLeod, Shawne McLeod, 3020 Quail Crescent
John Jack, 114-1950 Capistrano Dr.
Valerie Archer and Mike McBurney, 2093 Capistrano Drive
James D. King, 3058 Quail Run Drive
Larry Bigler and Terry Fraser, 2279 Capistrano Drive
Al and Sandra Ohlhauser, #103 - 1910 Capistrano Drive
Sheila Inose, 2513 Quail Place
Sid Bildfell (Quail Ridge Residents Association), 2215 Salerno Court
Dirwyn R. Hayes, 2029 Capistrano Drive
Mac Campbell, 2502 Quail Place

Letters of Support
Donald K. Steer, 2516 Quail Lane
Denis Showler and Jacki Morgan, 2988 Volterra Court
Don and Dale Driscoll, 2994 Volterra Court

Additional Information from Applicant
Letter of additional information as submitted by the applicant, Frank Talbot, 2982 Volterra Court

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

Frank Talbot, Volterra Court, Applicant
- Lived in the home since April 2010.

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- Believes the application will provide affordable housing in the Quail Ridge area.
- Appreciates and values the quiet neighbourhood and will rent to those who share those values.
- Tenants will park in the driveway and will share half of the garage.
- Confirmed that all short term rentals have stopped since non-compliance was brought to his attention by the City.
- Responded to questions from Council.

Gallery:

Blair Donnelly, Allegro Mews
- President of Strata for 11 years however not representing Strata at this time.
- Lives directly above the property in question.
- Spoke to the numerous bylaw infractions and fines against the Applicant.
- Advised that the pool in the backyard has not been shown in any plans.
- Responded to questions from Council.

City Clerk:
- Made general comment on the bylaw non-compliance for uses contrary to the zone for suite and for short term rentals.
- Responded to questions from Council.

Richard Newton, Quail Place
- Opposed to this proposal.
- Bought his home on the basis that the CD6 zone did not permit suites.
- Raised concern with increased traffic in the area.
- Believed the area was not developed properly for secondary suites as services are limited.
- Raised concern with the history of complaints on this property.
- Responded to questions from Council.

Harland Lockhart, Quail Run Drive
- Strata President speaking on his own behalf.
- Raised concern this will set a precedent of rezoning from CD6 to RU1 as it has already happened once.
- Raised concern that there is not adequate parking for suites.
- Raised concern with increasing the density in an area that was not designed for it.
- Raised concern with being outside of the fire coverage area.
- Responded to questions from Council.

Frank Talbot, Applicant
- Confirmed that they had never received a fine for noise complaints.
- Received 5 tickets from Bylaw Enforcement for one occurrence.
- Stated that the most recent fines were issued when a family member and her children stayed.
- Confirmed that the fines will go through the Adjudication process.
- Confirmed that in the past the suite had been rented out as a short term rental. Have since removed the vacation rental site from the Web.
- Was told by Bylaw Enforcement to legalize or decommission the suite.
- Responded to questions from Council.

There were no further comments.

4. Termination

The Hearing was declared terminated at 7:15 p.m.

Mayor

City Clerk

/acm

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City of Kelowna
Regular Council Meeting
Minutes

Date:	Tuesday, October 20, 2015
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben*, Mohini Singh, Luke Stack
Members Absent	Councillor Maxine DeHart
Staff Present	City Manager, Ron Mattiussi;, City Clerk, Stephen Fleming; 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 7:16 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Donn.

3. Confirmation of Minutes

Moved By Councillor Singh/Seconded By Councillor Sieben

R806/15/10/20 THAT the Minutes of the Public Hearing and Regular Meeting of September 29, 2015 and October 6, 2015 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 975 - 985 Academy Way, BL11148 (Z15-0033) - Academy Apartments Ltd.

Councillor Sieben declared a conflict of interest as his in-laws have business interests in close proximity to the subject property that would be in direct competition and left the meeting at 7:17 p.m.

Moved By Councillor Gray/Seconded By Councillor Hodge

R807/15/10/20 THAT Bylaw No. 11148 be read a second and third time.

Carried

Councillor Sieben returned to the meeting at 7:27 p.m.

4.2 3473 Scott Road, BL11151 (Z15-0040) - Frank & Dawn Filice

Moved By Councillor Donn/Seconded By Councillor Gray

R808/15/10/20 THAT Bylaw No. 11151 be read a second and third time.

Carried

4.3 980 Mayfair Road, BL11152 (Z15-0038) - Justin & Rebecca Bullock

Moved By Councillor Donn/Seconded By Councillor Given

R809/15/10/20 THAT Bylaw No. 11152 be read a second and third time.

Carried

4.4 3461 Scott Road, BL11153 (Z15-0042) - Frank & Dawn Filice

Moved By Councillor Sieben/Seconded By Councillor Singh

R810/15/10/20 THAT Bylaw No. 11153 be read a first and second time.

Carried

4.5 2982 Volterra Court, BL11155 (Z15-0039) - Franklin Talbot

Moved By Councillor Sieben/Seconded By Councillor Singh

R811/15/10/20 THAT Bylaw No. 11155 be read a second and third time and be adopted.

Carried
Councillors Gray, Sieben and Stack - Opposed

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of these Development Permit Applications was given by sending out or otherwise delivering 17 statutory notices to the owners and occupiers of surrounding properties, and 1282 informational notices to residents in the same postal delivery route, between October 6 and October 9, 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. Development Permit and Development Variance Permit Reports

6.1 507 Bernard Avenue, DVP15-0182 - Lexlaur Properties Inc. et al

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.

Applicant was not present.

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No one came forward.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Sieben

R812/15/10/20 THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0182 for the property legally known as Lot A, District Lot 139, ODYD, Plan 36295, located on 507 Bernard Avenue, Kelowna, BC;

AND THAT a variance to the following section of Sign Bylaw No. 8235 be granted:

Section 6 - Specific Zone Regulations - Major Commercial (a)
To vary the maximum fascia sign area rule that would allow a maximum sign area of $3.66m^2$ to $5.02m^2$ 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

7. Reminders

Council:
- Raised questions regarding secondary suites in residential CD zones.
- Discussed the following:
  - Secondary Suite bylaw files by CD zone;
  - How Bylaw Enforcement approach use contrary to zone complaints and compliance;
  - Where secondary suites could be accommodated and where not.

Moved By Councillor Stack/Seconded By Councillor Hodge

R813/15/10/20 THAT staff report back to Council with a report on the implications of adding secondary suites to residential CD zones.

Carried

8. Termination

The meeting was declared terminated at 8:05 p.m.

Mayor

City Clerk

/acm

DRAFT

CITY OF KELOWNA

BYLAW NO. 11119

Official Community Plan Amendment No. OCP15-0008
Amendment to Chapter 4 – Future Land Use - MRM

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 **Chapter 4 – Future Land Use, LAND USE DESIGNATION DEFINITIONS**, Multiple Unit Residential (Medium Density) (MRM) be amended by deleting the following:

   "This designation provides potential for increased density specific to four (4) buildings that meet the RM5 Zone height regulations as per the Central Green CD 22 Zone. The maximum of Floor Area Ratio (FAR) for sub-area D is 1.5; for sub-areas C&G it is 1.6 and for sub-area H it is 1.7."

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 28th 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. 11118
TA15-0003 – CD22 – Central Green Comprehensive Development Zone Amendments

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000, **Schedule 'B' – Comprehensive Development Zones, CD22 – Central Green Comprehensive Development, SCHEDULE 7- CD22 Sub-Areas A & B Zoning** be amended by:

   a) Adding "**financial services**" in its appropriate location and re-numbering subsequent sub-sections to section **7.3 Secondary Uses**; and

   b) Deleting section **7.5 Parcel Size** that reads:

      "The maximum number of **lots** to be created from these Sub-Areas A and B is two and if created, such parcels shall have the area, size and shape of CD22 Central Green Sub-Areas A and B, all as shown on Plan CG-1."

      And replacing it with:

      "The maximum number of **lots** to be created from these Sub-Areas A and B is four."

   c) Deleting section **7.6 Density** that reads:

      "If the lands in Sub-Areas A and B are subdivided into two parcels, then the maximum permitted **density** in Sub-Area A shall be the lesser of **Gross Floor Area** 20,000m² or FAR 3.3, and the maximum permitted **density** on Sub-Area B shall be the lesser of **Gross Floor Area** 40,000m² or FAR 4.5; however if the lands on Sub-Area A and B are not subdivided to create two separate parcels and constitute a single parcel then the maximum permitted density permitted shall be 60,000m² of **Gross Floor Area** or FAR 4.0."

      And replacing it with:

      "(a) The maximum permitted FAR in Sub-Area AB shall be 4.0."

   d) Deleting section **7.9 Setbacks** that reads:

      "(a) The minimum **front yard** setback along Harvey Avenue is 4.5m.
      (b) The minimum **rear** and **side yard** setbacks, excluding the parking structure, shall be 3.0m.

(c) The parking structures must have a 0.0m **rear yard** setback and must be coordinated with the parking structure of Sub-Areas C and G to ensure a contiguous public open space is created above the parking structures."

And replacing it with:

"(a) The minimum setback along Harvey Avenue is 0.0m.

(b) The minimum setback along Richter Avenue is 0.0m.

(c) The minimum side yard setback where not fronting Richter is 3.0m.

(d) The minimum rear yard setback, excluding the parking structure is 3.0m.

(e) The parking structures must have a 0.0m rear yard setback and must be coordinated with the parking structure of Sub-Areas C and G to ensure a contiguous public open space is created above the parking structures."

2. THAT City of Kelowna Zoning Bylaw No. 8000, **Schedule 'B' - Comprehensive Development Zones, CD22 - Central Green Comprehensive Development, SCHEDULE 8- CD22 Sub-Areas C & G Zoning** be amended by:

a) Deleting under section **8.1 Permitted Uses** in its entirety that reads:

"The uses set out above are permitted, provided that:

(a) Off-street vehicular parking and off-street loading must only be sited and located below grade at street level."

b) Deleting section **8.3 Density** in its entirety that reads:

"If the lands Sub-Areas C and G are subdivided into two parcels, then the maximum permitted density in each of Sub-Areas C and G shall be the lesser of **Gross Floor Area** of 6500m^2 or FAR of 1.6; however, if the lands Sub-Areas C and G are not subdivided to create two parcels and constitute a single parcel, then the maximum density permitted density shall be the lesser of **Gross Floor Area** 13,000m^2 or 1.6 FAR."

And replacing it with:

"(a) The maximum permitted FAR in Sub-Area C shall be 2.0.

(b) The maximum permitted FAR in Sub-Area G shall be 2.0."

c) Deleting section **8.6 Setbacks** (b) in its entirety that reads:

"(b) The minimum **rear yard** setback, excluding the parking structure, shall be 12.0m."

And replacing it with:

"(b) The minimum **rear yard** setback, excluding the parking structure, shall be 7.0 m."

3. THAT City of Kelowna Zoning Bylaw No. 8000, **Schedule 'B' - Comprehensive Development Zones, CD22 - Central Green Comprehensive Development, SCHEDULE 9- CD22 Sub-Areas D Zoning** be amended by:

   a) Deleting under section **9.1 Permitted Uses** in its entirety that reads:

      "The uses set out above are permitted, provided that:

      a) Off-street vehicular parking and off-street loading must only be sited and located below grade at street level."

   b) Deleting section **9.3 Density** in its entirety that reads:

      "The permitted density in this CD22 Central Green Sub-Area D must not exceed a **Gross Floor Area** of the lesser of 3,900 m2 or an **FAR** of 1.50"

      And replacing it with:

      "The maximum permitted FAR in Sub-Area D shall be FAR 2.0."

4. THAT City of Kelowna Zoning Bylaw No. 8000, **Schedule 'B' - Comprehensive Development Zones, CD22 - Central Green Comprehensive Development, ANNEXURE 1 – Central Green Development Permit Area Guidelines** be amended by:

   a) deleting Diagram 2.15 Plan CG-1 and replacing it with a new Diagram 2.15 Plan CG-1 as attached to and forming part of this bylaw;

   b) deleting 2.16 Plan Central Green Design Guidelines in its entirety;

   c) deleting 3.0 Sub-Area Guidelines, 3.1.2.6 Towers, sub-section h) and i) be deleted in their entirety that reads;

      "h) Maximum Gross Floor Area for all floor levels above podium is 750 m2.

      i) The maximum height of the buildings located within CD22 Sub-Area A & B shall be as follows:

         A) the maximum height for the podium is the lesser of 18.0m or 4 storeys, minimum height of podium shall be 10m above grade or 2 storeys;
         B) the maximum height for tower #1 is 60m;
         C) the maximum height for tower #2 is 66m; and;
         D) the maximum height for tower #3 is 72m."

5. 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 28th day of September, 2015.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

_____

(Approving Officer-Ministry of Transportation)

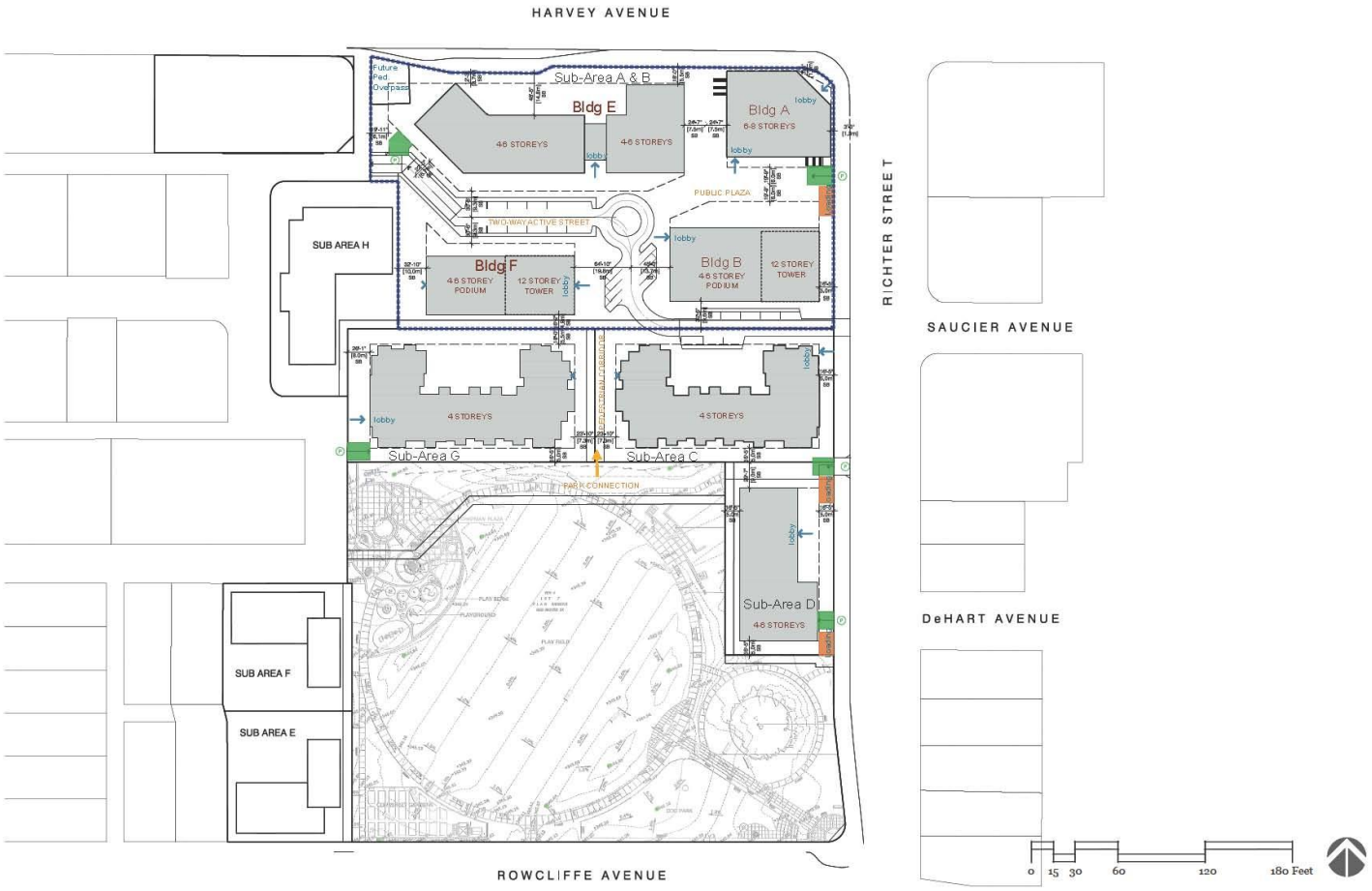
Adopted by the Municipal Council of the City of Kelowna this

_____

Mayor

_____

City Clerk



C22 - Central Green Comprehensive Development Zone
Proposed Text Amendment
Revised June 2015

ARCHITECTURAL & SITE ACCESS PLAN

REPORT TO COUNCIL

Date:	November 3, 2015		
RIM No.	0930-50		
To:	City Manager		
From:	Community Planning Department (PMc)		
Application:	LL13-0005	**Owner:**	J.Q. Developments Inc.
Address:	248 Leon Avenue	**Applicant:**	QB Habitat resources Inc.
Subject:	Liquor License – Permanent Change and Structural Change		
Existing OCP Designation:	Mixed Use (Residential/Commercial) (MXR)		
Existing Zone:	C7lp – Central Business District (Liquor Primary)		

1.0 Recommendation

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

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

1. Council recommends non-support of an application from The Habitat for a liquor primary license amendment for Lot 6, Block 10, DL139, O.D.Y.D., Plan 462, located at 248 Leon Avenue, Kelowna, BC for a change in capacity from the current occupant load of 225 persons to the proposed 332 persons, and changes to the licensed hours of sales from the current 11:00am to 1:00am six days a week to the proposed 10:00am to 2:00 am seven days a week for the following reasons:

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

Criteria for license amendment:

a. The potential for noise if the application is approved:
There is potential for an increase in noise due to the additional hour of service. Any increase in noise would be compatible with the current use in the area but not compatible with the anticipated future mixed-use in the area.

b. The impact on the community if the application is approved:
There is the potential for significant negative community impacts and policing costs.

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

2.0 Purpose

To consider a Staff recommendation NOT to support an application for a structural change to an existing Liquor Primary license and for a permanent change to an existing Liquor Primary license.

3.0 Community Planning

The Habitat has been operating as an events-driven establishment, catering to live events focused on entertainment, arts and culture. This application seeks to change hours of operation for an existing Liquor Primary Establishment from the existing license hours of 11:00 AM to 1:00 AM Monday to Saturday, to the proposed hours of 10:00 AM to 2:00 AM seven days a week. This application also seeks to increase the licensed capacity of the establishment from the current occupant load of 225 persons to the proposed capacity of 332. The increase in capacity has been created by a proposed building renovation to utilize an existing second floor area as a licensed area, as well as the addition of an adjacent small patio area. The applicant has engaged an architect to address building code concerns associated with these changes to ensure compliance with BC Building Code requirements. No change to the business focus, clientele or management are expected through these changes.

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

An alternative recommendation has been provided to address the request for the earlier opening time of 10:00am while retaining the current closing time of 1:00am and to add Sunday openings to license the facility seven days a week, and to increase cap from the current occupant load of 225 persons to the proposed capacity of 332 persons. This alternate recommendation has been provided for consideration should Council support only the applicant's proposal to open earlier at 10:00 AM seven days a week and support the increase in capacity to 332 persons.

4.0 Proposal

4.1 Background

The subject property has been operated as an events oriented facility since 2005. The facility was originally operated as a banquet hall, and then in 2007 was licensed as a food primary establishment with a patron participation entertainment endorsement. In 2011, the site was rezoned to add a Liquor Primary designation to the existing C7 zone in order to permit the liquor license to be changed to a liquor primary establishment.

At this time, the applicant is proposing to update the building frontage, as was recently authorized under issued Development Permit DP14-0174, and to renovate the interior to repurpose some existing interior space to add capacity to the licensed area.

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.

4.2 Project Description

The applicant is seek Council support for both a Permanent Change to the hours of operation of the existing Liquor Primary Establishment, as well as a Structural Change to the capacity of an existing Liquor Primary Establishment in order to increase capacity of the facility by licensing an existing upper level floor area within the building.

Proposed Permanent Change:

Existing Hours of Sale:

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

Proposed 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	10:00 AM
Close	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM

Proposed Hours of Sale: (alternative recommendation)

	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	10:00 AM
Close	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM

Proposed Structural Change Summary:

Person Capacity:

Licensed Area	Capacity
Total Existing Licensed Capacity	**225**
Proposed Total Licensed Capacity (includes patio)	**332**

4.3 Site Context

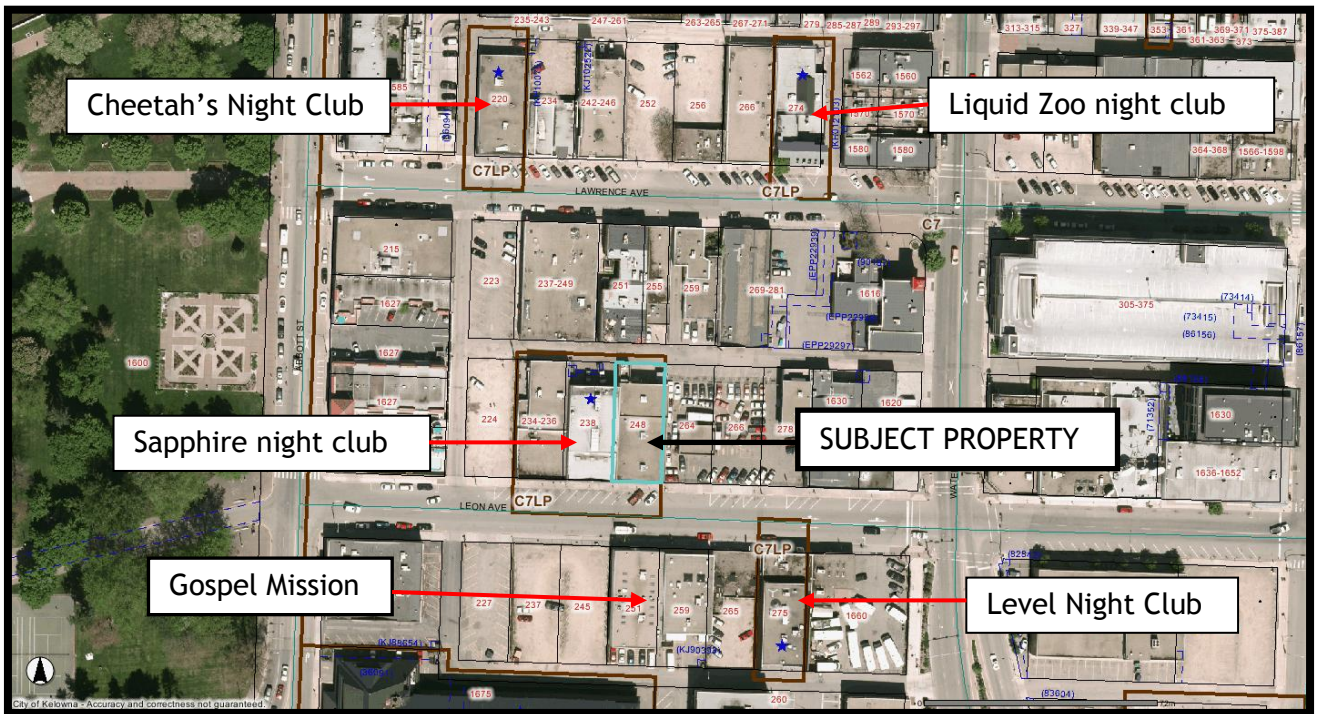
The subject property is located within the City Centre Urban Centre, within the "Entertainment District". The subject property is located adjacent to an existing Liquor Primary establishment (Sapphire Night Club) and across the street from the Gospel Mission. The Level Night Club is also across the street to the east of the subject property.

Adjacent land uses are as follows:

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

West	C7lp – central business Commercial(Liquor Primary)	Sapphire night club

Subject Property Map: 248 Leon Ave.



5.0 Current Development Policies

5.1 Council Policy #359 – Liquor Licensing Policy and Procedures

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

- Large establishments (with person capacity greater than 249 persons):
  - Should only be located within an Urban Centre.
  - Should be located a minimum of 250m from another Large establishment.
  - Should be located a minimum of 100m from a Medium establishment.
  - Should not be located beside a Small establishment.
- Medium establishments (with person capacity between 100-249 persons):
  - Should only be located within an Urban or Village Centre.
  - Should be located a minimum of 100m from a Large or Medium establishment.
  - Should not be located beside a Small establishment.
- Where appropriate, support alternative entertainment options, and/or establishments which are less focused on alcohol consumption (including event-driven establishments, and Food Primary establishments with the Patron Participation Entertainment Endorsement) to add a mix of entertainment options in Urban Centres. Consider limiting potential community impacts via license terms and conditions (hours, capacity, etc)

As shown above, the proximity of two of the surrounding establishments would not meet the siting/density guidelines provided in the Council Policy. However, the Policy also allows for special consideration of establishments which are less focused on alcohol consumption. The event-driven license makes this establishment somewhat unique, and a different style of facility

than the neighbouring properties. It is for this reason that the siting guidelines should not be applied in this circumstance. The guidelines are intended to regulate more traditional Liquor Primary establishments (pubs, nightclubs, lounges, etc).

6.0 Technical Comments

6.1 Building & Permitting Department

Original drawings do not meet BC Building Code and are not suitable for occupant load.

Revised drawings produced by Architect provided, occupant load produced July 10, 2015.

6.2 R.C.M.P.

The RCMP are not opposed to the Applicant's request for consideration for a permanent change to the hours of liquor service from 10:00 a.m. to 9:00 a.m. seven days a week.

Unfortunately, the RCMP cannot support extending the hours of liquor service until 2:00 a.m. as police resources are at maximum capacity with existing night club patrons at this time. The Applicant's request is also hindered by its proximity with two other large capacity night clubs, a concern the RCMP has presented to Council on numerous occasions.

7.0 Application Chronology

Date of Application Received:	May 14, 2013
Application on hold for drawings:	May 15, 2013
Architectural drawing received:	
Occupancy Load issued:	July 10, 2015
Updated RCMP input:	Sept 9, 2015

8.0 Alternate Recommendation

Should Council only support the applicant’s request to change hours of operation to increase capacity from 225 persons to 332 persons and to open earlier at 10 AM and to close at 2:00 AM, seven days a week, the following alternate resolution is provided for consideration;

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

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

1. Council recommends support of an application from The Habitat for a liquor primary license amendment for Lot 6, Block 10, DL139, O.D.Y.D., Plan 462, located at 248 Leon Avenue, Kelowna, BC for a change in capacity from the current occupant load of 225 persons to the proposed 332 persons, and changes to the licensed hours of sales from the current 11:00am to

1:00am six days a week to the proposed 10:00am to 1:00 am seven days a week for the following reasons:

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

Criteria for license amendment:

a. The potential for noise if the application is approved:
   There is potential for an increase in noise due to the additional hour of service. However, any increase in noise would be compatible with the area.

b. The impact on the community if the application is approved:
   There is the potential for significant negative community impacts and policing costs.

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

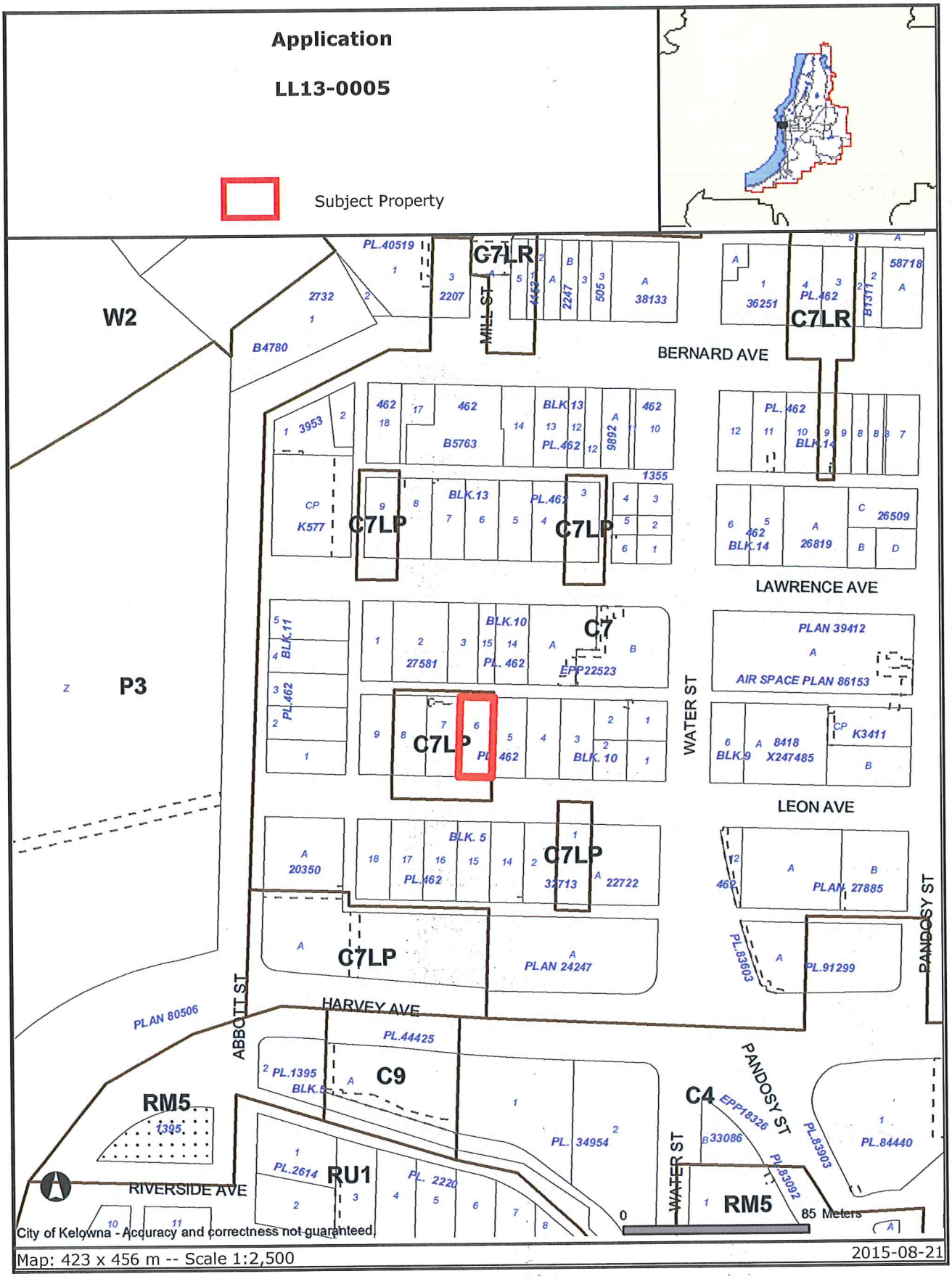
Report prepared by:

_____
Paul McVey, Urban Planner

Reviewed by: Ryan Smith, Community Planning Department Manager

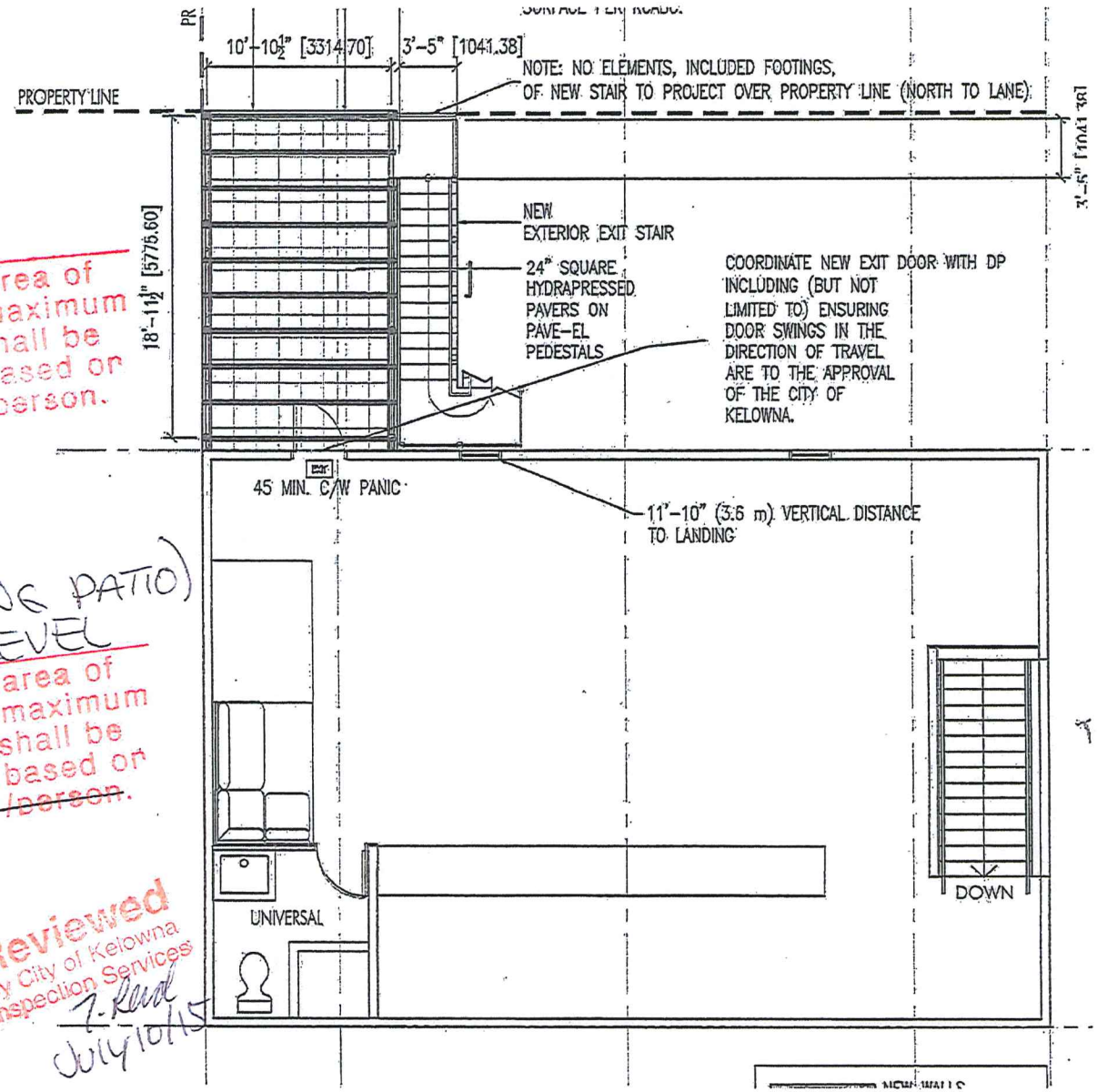
Attachments:

Subject Property Map
Site Plan
Letter of Intent
Certified floor plans
LCLB Structural Change application
LCLB Permanent Change application



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

HABITAT
248 LEON



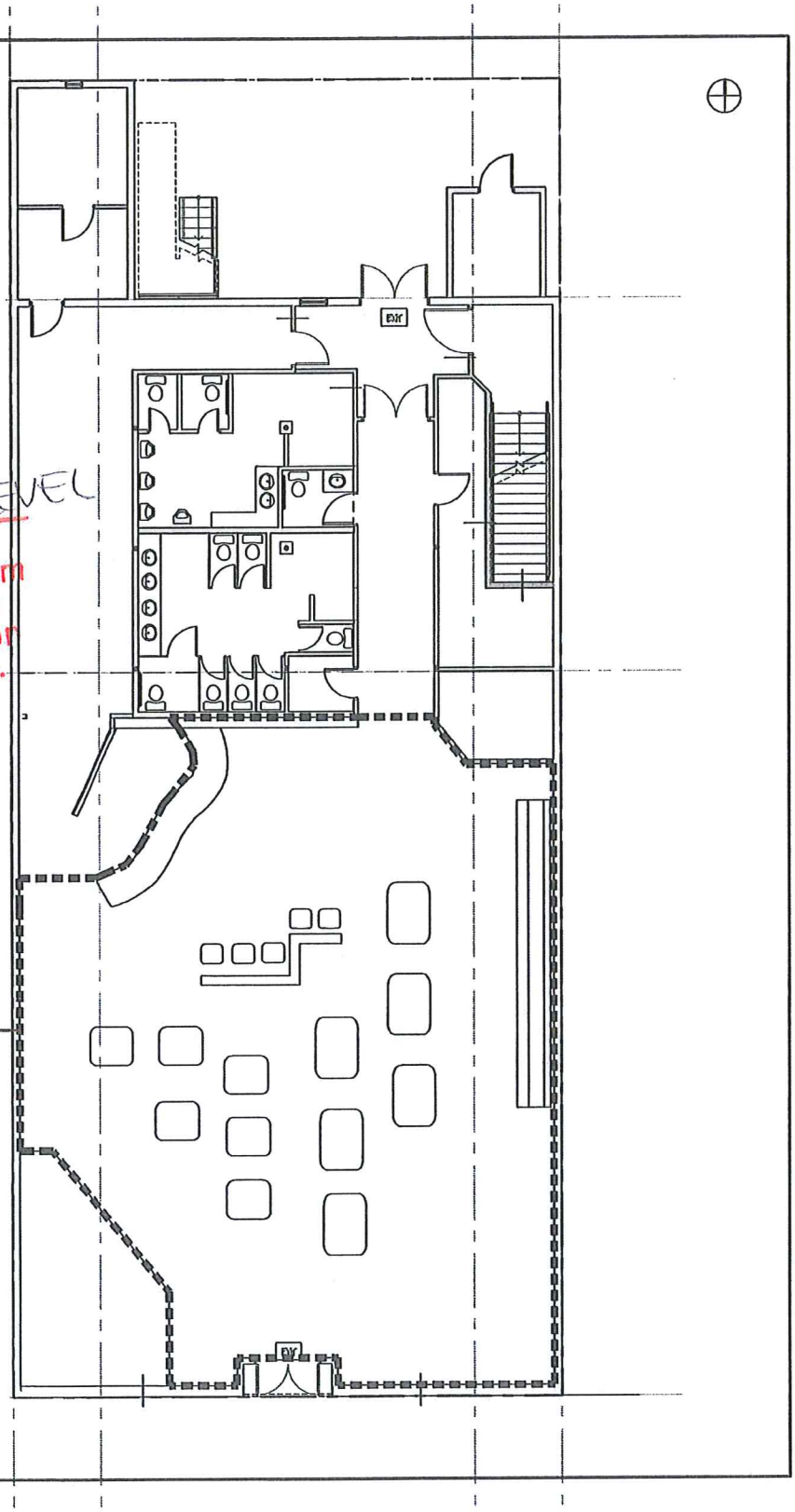
The PATIO has a net floor area of 10.8 m². The maximum occupant load shall be 9 persons, based on 1.2 m²/person.

*(MAX INCLUDING PATIO)
The UPPER LEVEL has a net floor area of 87.8 m². The maximum occupant load shall be 76 persons, based on WASHROOMS ~~m²/person~~.

Reviewed by City of Kelowna Inspection Services
J. Reid
July 10/15

THE HABITAT
248 LEON AVE. KELOWNA

Request of Information July 10th, 2015



The HABITAT LOWER LEVEL has a net floor area of 235.1 m². The maximum occupant load shall be 247 persons, based on 0.95 m²/person.

Reviewed by City of Kelowna Inspection Services
T. Reid
JULY 10/15.

AREA: 2,482 sq. ft. = 230.60 m2

architecturally DISTINCT SOLUTIONS INC.
p/c 250-448-7001

LETTER OF INTENT

FOR THE APPLICATION OF STRUCTURAL AND PERMANENT CHANGES TO AN EVENT-DRIVEN LIQUOR PRIMARY LICENSE

LOCATION:

THE HABITAT
248 LEON AVE.
KELOWNA, B.C.

APPLICANT:

QB HABITAT RESOURCES INC.

May 15, 2014

V.07

INTRODUCTION

This Letter of Intent is written in support of the applications submitted to the Liquor Control & Licensing Branch for both a Permanent Change and a Structural Change to the current Event-Driven Liquor Primary License located at 248 Leon Avenue in Kelowna, B.C. These applications will require the approval of the Liquor Control & Licensing Branch and the City of Kelowna.

EXECUTIVE SUMMARY

In August of 2005, after extensive renovations, the facility at 248 Leon Avenue was opened as an Events Centre and operated for close to 2 years under a Banquet Hall License from the City of Kelowna. Then in July 2007, a commercial kitchen was installed and a Food Primary License with a Patron Participation Entertainment Endorsement was obtained. In 2011, after considering the expansion of downtown Kelowna, the official City of Kelowna Re-zoning and Redevelopment plan, and the Tourism Kelowna goals of creating a Cultural Corridor in BC's Interior, the licensing was changed to an Event-Driven Liquor Primary License in order to allow the venue to meet the new demands of the community. There was and still is an increased need for Cultural Event Centres and Live Performance Facilities within the downtown core and the facility at 248 Leon Avenue is perfectly situated to continue as a thriving cultural community venue and event facility in the heart of downtown Kelowna.

As the City of Kelowna continues to grow and change we are constantly challenged to refine our services. In order to do this we have applied for a structural change to our existing license to allow use of the existing second floor. An application for a permanent change to the license has also been submitted to change the hours and days of service. These changes will go towards improving our services within Habitat with a goal to continue offering great hospitality at diverse events as we have done since opening in 2005.

Over the past year the Event-Driven Liquor Primary License has enabled The Habitat to provide the service of liquor as an additional amenity so that patrons can enjoy the basic hospitality of food and beverage service while they attend one of the various live events hosted at the venue. Our primary focus has been and will continue to be in live events; providing entertainment, arts, and culture. The events offered are diverse and require different levels of hospitality depending on the style of event. As an Events Centre, the venue caters to concerts, theatrical presentations, cultural showcases, and dance performances. These live events are hosted by either the Habitat event management staff or by clients who rent the venue. Through the rental facility, clients already have the convenience of a "one stop shop" for planning their event without having to go to a range of other suppliers. This keeps the costs down and the quality of service high.

We have been providing food and hospitality for both private and public events at Habitat since 2007 at which time our commercial kitchen was installed. Our staff are well trained in providing food and beverage service at diverse events from concerts, to conferences with guest speakers, presentations, and other live performances. Whether it's a seated dinner with several courses, a buffet, or a casual event with servers offering trays of tapas, we have all of the necessary equipment, menu options, food suppliers, and trained staff.

The current establishment is a 6,778 sq. ft. building, which consists of two floors. The first floor is the existing licensed area. The second floor is 1,590 sq. ft. Much of the feedback we have received from our clients is regarding the lack of space available for smaller events for 30-50 people. We have often accommodated these events within our existing licensed space however it is much too large for these smaller events. Opening up the second floor will allow some flexibility to be able to offer a smaller space for these events which is more appropriate. With the increase in our days of operation we would also be able to host events on Sundays which would give our clients more options as well.

With the proposed changes we have taken into account the potential impact of

noise and parking on the surrounding area. Since Habitat is located in the heart of downtown Kelowna, we are surrounded by buildings zoned for commercial or mixed commercial use. The closest Residential zoning is separated from Habitat by several barriers: there's one commercial city block, then a 6 lane highway, another commercial block, a creek, and then the residential area begins. In regards to parking, the Chapman Parkade in addition to two public parking lots provide ample parking nearby.

OTHER LICENSED ESTABLISHMENTS

Other Liquor primary establishments (pubs, nightclubs, casino) in the surrounding area include:

Establishment	Proximity (approximate)	Category	Capacity	Establishment Type
Sapphire	0m	Large	473	Cabaret
Level	60m	Large	464	Cabaret
Cheetah's	125m	Medium	218	Adult Entertainment
Liquid Zoo	130m	Large	301	Adult Entertainment
O'Flannigans	250m	Medium	148	Neighborhood Pub
Micro	200m	Small	35	Resto bar
Fernando's	300m	Small	88	Neighborhood Pub
Doc Willoughby's	350m	Medium	180	Neighborhood Pub
Carlos O'Bryans	250m	Small	60	Neighborhood Pub

SUMMARY

It is clear that this Application, as outlined above, has significant benefits to the City of Kelowna and the Province by continuing to provide new and unique live performance and event facilities that will showcase the many different cultural facets of the Okanagan.

It should also be noted that:

- Cultural Event Centres have not represented problems in terms of licensing or impact on the community because of the nature of the events, the clientele and the fact that Liquor is only an added amenity.

- The establishment will further diversify the Tourism/Hospitality base of the community.

- The establishment will continue to provide event services in Kelowna, catering to the increasing number of local and national events coming to Kelowna each year.

All of which is respectfully submitted to the Liquor Control & Licensing Branch this 15th day of May, 2014.

Quinn Best

QB Habitat Resources Inc.
Venue: 248 Leon Ave.
Kelowna, B.C. V1Y6H9
Mailing: 590 Levitt Lane
Kelowna, B.C. V1Y9Y1
quinn@thehabitat.ca
office (250)763-9674
cell (250)718-3999
fax (250)763-9614

Liquor Primary and Liquor Primary Club

Structural Change Application

Liquor Control and Licensing Form LCLB 012a

INSTRUCTIONS:
Complete all applicable fields then submit with payment as outlined in Part 8 of this application form. You may complete this form online, then print.

- If you have any questions about this application, call the 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**

Licensee Information

Licence # affected: 304551

Licensee name [as shown on licence]: The Habitat

Establishment name [as shown on licence]: The Habitat

Establishment Location address: (as shown on licence)
248 Leon Avenue (Street) | Kelowna (City) | BC (Province) | V1Y6H9 (Postal Code)

Business Tel with area code: 250-763-9674 Business Fax with area code: 250-763-9614

Business e-mail: quinn@thehabitat.ca

Business Mailing address: (if different from above)
590 Levitt Lane (Street) | Kelowna (City) | BC (Province) | V1Y9Y1 (Postal Code)

Contact Name: Best/Quinn (last / first / middle) Contact number: 250-718-3999

Type of Change Requested

Please check ☑ appropriate box(es) below:

		Sub- Job Number *Office Use ONLY*
Part 1	☐ **New Outdoor Patio:** see Part 1	Outdoor Patio (C3-LIC)_____
Part 2	**This section is for golf courses only.** ☐ **A Kiosk** ☐ **Take-out Window** ☐ **Beverage Cart Service** (one cart permitted per 9 holes) ☐ **Playing Area** of the golf course to allow liquor service from the interior LP liquor service bar.	Structural - no capacity change (Golf Kiosk/take-out) (C4-LIC)_____ Structural - no capacity change (Golf Cart) (C6-LIC)_____
Part 3	☐ **Alteration/Renovation** resulting in an increase in occupant load ☐ **Alteration/Renovation** resulting in **no** increase in occupant load ☒ **Addition** of a new licensed area with an increase in occupant load ☐ **Addition** of a new licensed area with **no** increase in occupant load ☐ **Removal** of an existing licensed area ☐ **Increase to occupant load** where no alterations/renovations are proposed	Structural - capacity change (C3-LIC)_____ Structural - no capacity change (C4-LIC)_____

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PART 1: Addition of New Outdoor Patio

Fee: $440 | C3 - LIC

The addition of a licensed outdoor patio must be approved by the Liquor Control and Licensing Branch. Floor plans must have sufficient detail to be acceptable to the branch. Please be advised that the applicant is responsible for complying with any local bylaws related to the licensed establishment patios. **The application requires a local government/First Nation resolution.**

Provide the following:

- ☐ One 11" x 17" and one 8.5" x 11" floor plan detailing furniture layout of the entire establishment and the proposed patio area(s). The occupant load of the establishment and proposed patio area(s) must be marked/stamped ON the plans by fire or building authorities. An alternate qualified architect or design professional may be used in locations where fire and building authorities do not have jurisdiction to provide an occupant load. Written confirmation must be provided by local government/First Nations.
- ☐ Occupant load of patio(s) from above plans, if provided separately and not included in calculation of main interior occupant load. Patio #1: _____ Patio #2: _____
- ☐ Provide evidence of valid interest in the patio property if the patio is on different property than the licensed establishment, such as a patio located on a public sidewalk adjacent to the licensed interior. Evidence of valid interest may be in the form of a lease, letter of authorization or other agreement document.
- ☐ Attach a photo if the patio is already built.

1. Describe the patio perimeter that is designed to control patron entry/exit. (i.e., railing, fencing, planters, hedging, etc.)

2. Will your servers have to carry liquor through unlicensed areas to get to the patio? ☐ Yes ☐ No *If **Yes**, please explain:*

3. Is the patio located immediately adjacent or contiguous to the interior licensed area? ☐ Yes ☐ No *If **No**, please explain:*

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

IMPORTANT: You must request a local government/First Nation resolution commenting on the application. Local government must complete **Part 5** of this form. For further information on local government resolutions, read Part 4.

...Also complete Parts 7 and 8

PART 2: Golf Courses Only - Licensing the Playing Area

Fee: $440 (each) | C4 - LIC | C6 - LIC

Applies to: Golf courses with a Liquor-Primary or Liquor-Primary Club Licence.

For all changes, including Beverage Cart (C6)**, please provide a map of the entire golf course that identifies the following:**

- ☐ Label the holes (1-9 or 1-18 as applicable)
- ☐ Label any road ways (public or private) that may divide the golf course playing area (as applicable)
- ☐ Label the location of any existing licensed areas that fall under an LP or FP (as applicable)
- ☐ Label the parking area, club house, other businesses and any other external buildings on the playing area of the golf course.

  Note: Putting green and driving ranges are not permitted to be licensed.

For Take-out Window (C4)**, also provide:**

- ☐ Provide interior floor plan layout detailing the location of the take-out window and where liquor will be served.
  Note: The take-out window must be in a location such that patrons do not have to walk through a food primary licensed area in order to access the window AND that is sufficiently close to the golf course so that patrons do not walk through an unlicensed area with their liquor in order to access the golf playing area.
- ☐ If the window is an existing structure, provide a recent photo of the interior and exterior area.

For Kiosk (C4)**, also provide**

- ☐ Detail the exact location of the kiosk(s).
- ☐ If the kiosk is an existing structure, provide a recent photo of the interior area and exterior area.

For Playing Area only (no kiosk, beverage cart, or take-out window) (C6)**, also provide:**

- ☐ Identify any unlicensed interior or exterior areas between the interior LP liquor service bar and the playing area.
  Note: If applying for just the playing area to be licensed, there must be an interior LP licensed area with a liquor service bar located within the LP red-lined area

...Also complete Parts 7 and 8

PART 3: Other Structural Alterations (Excluding construction of new patios)

Fee: $440 | C3 - Cap Ch. | C4 - No Cap Ch.

Please check (☑) beside the type of structural alteration for which you are applying:

- ☐ **Alteration/Renovation** resulting in an increase in occupant load
- ☐ **Alteration/Renovation** resulting in **no** increase in occupant load
- ☒ **Addition** of a new licensed area with an increase in occupant load
- ☐ **Addition** of a new licensed area with **no** increase in occupant load
- ☐ **Removal** of an existing licensed area
- ☐ **Increase to occupant load** where no alterations/renovations are proposed

Provide the following:

- ☒ Describe the proposed alterations or addition, including the general construction proposal, e.g. if exits will be added, full height or pony walls to be removed or added, a change to the bar location, washrooms,etc.

  We are applying to add the existing second floor as a licensed area. A bar service area will be built on the second floor to serve this area.

- ☒ One 11" x 17" and one 8.5" x 11" floor plan detailing furniture layout of the entire establishment. The occupant load of the establishment and proposed patio area(s) **must be marked/stamped ON the plans by fire or building authorities**. An alternate qualified architect or design professional may be used in locations only where fire and building authorities do not have jurisdiction to provide an occupant load. Written consent must be provided by local government/First Nations.

A. Current total of all licensed areas (as shown on the liquor licence): 225

B. Occupant load for all new areas, as determined by building or fire authorities on the submitted plans: ~~85~~ 107

IMPORTANT: If the alteration or addition results in an **increase** to your current occupant load, see "Licensee Responsibilities" in Part 4.

Note: You are cautioned not to construct or make changes until you receive Branch approval to do so.

...Also complete Parts 7 and 8

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PART 4: Local Governmen irst Nation Resolutions: Inform n for the Applicant

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

- Part 1: Addition of a new patio
- Part 3: Any alteration/additon, when the change increases the physical size of the establishment and the occupant load calculation.

Licensee responsibilities:

- Fill out applicable sections of this form.
- **Request your local government/First Nation to sign and date Part 5 of the original 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 directly 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/ under "Publications, Legislation & Resources".

PART 5: Local Government/First Nation Confirmation of Receipt of Application

This is to be filled out by your local government/First Nation office in relation to Parts 1 and 3. Applies to Liquor Primary and Liquor Primary Club licences.

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

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

Date of receipt of application: 18/06/2014 (day / month / year) Phone: 250-469-8587

Signature of Official: Paul McVey

This application serves as notice from the Liquor Control and Licensing Branch that an application for a permanent change to a liquor licence is being made within your community. 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.

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.

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

(a) The potential for noise if the application is approved (provide comments).

(b) The impact on the community if the application is approved (provide comments).

(c) If the amendment may affect nearby residents, the local government or first nation must gather the views of residents in accordance with 11.3(2)(c) of the Act.

- **If the local government or first nation gathered the views of residents, they must provide:**
  - **(i) the views of the residents**
  - **(ii) the method used to gather the views of the residents, and**
  - **(iii) its comments and recommendations respecting the views of the residents.**

  (Residents includes residents and business owners)
- **If the views of residents were not gathered, provide reasons.**

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

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

PART 6: Floor Plan Guidelines

A floor plan is a view of each floor as seen if you were to remove the roof or ceiling and all construction above. Floor plans must show acceptable levels of detail to the Liquor Control and Licensing Branch for your application to be processed.

Floor plans should meet the following requirements:

- Must be clear, legible and of sufficient size and detail
- OCCUPANT LOAD(S) MUST BE CLEARLY MARKED/STAMPED **ON** THE PLANS by provincial (or designate) fire or building authorities. An alternate qualified professional may be used in locations where fire and building authorities are not available to provide an occupant load, if accompanied by local government/First Nation written consent.
- Dimensions of rooms, partial height walls, planters, location of doors and windows, stairs showing direction of travel, etc.
- Clearly mark the washrooms, kitchen, bars, patio(s), furniture layout of tables, chairs and barstools, entrances and exits, as applicable.

PART 7: Declaration of Signing Authority Including Valid Interest

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

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

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

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

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

Name of Official: Best/Quinn (last / first / middle) Position: Owner/Director of Operati Date: 14/May/2014 (Day/Month/Year)

Signature: Quinn Best

Name of Official: (last / first / middle) Position: Date: (Day/Month/Year)

Signature:

Name of Official: (last / first / middle) Position: Date: (Day/Month/Year)

Signature:

Name of Official: (last / first / middle) Position: Date: (Day/Month/Year)

Signature:

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

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

PART 8: Application Fees - Payment Options

TOTAL FEE Submitted: $ 440.00

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

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

☐ **I am paying by credit card and submitting my application by mail:**

☐ VISA ☐ MasterCard ☐ AMEX

Credit card Number: _____ Expiry Date: ____ / ____

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

Signature: _____

Note: To ensure legibility, this application and supporting material **cannot** be faxed to the branch.

Contact Information

Liquor Control and Licensing Branch

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

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

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

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

Application for a Permanent Change to a Liquor Licence

All Licence Types

Liquor Control and Licensing Form LCLB005b

BRITISH COLUMBIA

FILLING OUT THIS FORM:
Complete all applicable fields then submit with payment as outlined in Part 9 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**

Licensee Information

Licensee name [as shown on licence]: The Habitat

Establishment name [as shown on licence]: The Habitat

Establishment Location address (as shown on licence): 248 Leon Avenue (Street) | Kelowna (City) | BC (Province) | V1Y6H9 (Postal Code)

Mailing address: (All correspondence will go to this address) 590 Levitt Lane (Street) | Kelowna (City) | BC (Province) | V1Y9Y1 (Postal Code)

Business Tel with area code: 250-763-9674 Business Fax with area code: 250-763-9614

Business e-mail: quinn@thehabitat.ca

Contact Name: Best/Quinn (last / first / middle) Title/Position: Owner / Director of Operations

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.

Type of change requested	Licence numbers affected MANDATORY	JOB NUMBER *Office Use ONLY*
☐ 1. Establishment/business or licence name change (p.2)		(C2-LIC) (sub)
☐ 2. Food-primary entertainment endorsement (p.2)		(C2-LIC) (sub)
☐ 3. Request for change in terms and conditions (p.2)		(C3-LIC) (sub)
☐ 4. Live theatres requesting liquor service (p. 2)		(C3-LIC) (sub)
☐ 5. Request for tied house restrictions exemption (p. 3)		(C3-LIC) (sub)
☒ 6. Change to hours of sale (p.3)	304551	(C3-LIC) (sub)
☐ 7. Catering endorsement (p.4)		(C3-LIC) (sub)

REFER TO PART 11 TO SEE THE APPROVAL PROCESS FOR THE TYPE OF CHANGE YOU HAVE REQUESTED

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 8 and 9

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 11 of this form. For further information on local government resolutions, read Part 10).

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 8 and 9

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 goverment 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 8 and 9

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 8 and 9

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 8 and 9

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 11 of this form; for further information on local government/First Nations resolutions, read Part 10).

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

B) Liquor-Primary, Liquor-Primary Club, Winery Special Event Area or Winery 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 [1] licences = $ [330]**
- request a local government/First Nation resolution commenting on the application (local government must complete Part 11 of this form; for further information on local government/First Nation resolutions, read Part 10).

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

Current Hours of Liquor Sale:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
OPEN	11:00AM	11:00AM	11:00AM	11:00AM	11:00AM	11:00AM	
CLOSED	1:00AM	1:00AM	1:00AM	1:00AM	1:00AM	1:00AM	

Proposed Hours of Liquor Sale:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
OPEN	10:00AM	10:00AM	10:00AM	10:00AM	10:00AM	10:00AM	10:00AM
CLOSED	2:00AM	2:00AM	2:00AM	2:00AM	2:00AM	2:00AM	2:00AM

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 8 and 9

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 8 and 9

PART 8: 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: Best/Quinn
(last / first / middle)

Position: Owner/Director of Operations Date: 14/May/2014 (Day/Month/Year) Signature: Quinn Best

Name of Official:
(last / first / middle)

Position: Date: (Day/Month/Year) Signature:

Name of Official:
(last / first / middle)

Position: Date: (Day/Month/Year) Signature:

Name of Official:
(last / first / middle)

Position: Date: (Day/Month/Year) Signature:

PART 9: Application Fees

TOTAL FEE Submitted: $ 330.00

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

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

☐ **I am paying by credit card and submitting my application by fax or mail:**

☐ VISA ☐ MasterCard ☐ AMEX

Credit card Number: Expiry Date: /

Name of cardholder (as it appears on card):

Signature:

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

PART 10: Local Governme(First Nation Resolutions: (Infor(ion 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 11 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 11: 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: 18/06/2014 (Day/Month/Year) Phone Number: 250-469-8582

Signature of Official: Paul McVey

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 12: 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).

The process is:

1. Applicant will complete the appropriate section of this form and Parts 8 and 9, 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 8 and 9, 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 8 and 9, 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 you business location meets the requirements of a catering licence you may be asked to makes 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

REPORT TO COUNCIL

Date:	November 3, 2015		
RIM No.	0930-50		
To:	City Manager		
From:	Community Planning Department (PMc)		
Application:	LL15-0019	**Owner:**	Callahan construction Company Ltd.
Address:	1923 Kent Road	**Applicant:**	Kelowna Elks Lodge No. 52 of the Benevolent and Protective Order of Elks of Canada
Subject:	Liquor License		
Existing OCP Designation:	SC – Service Commercial		
Existing Zone:	C10 – Service Commercial		

1.0 Recommendation

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

"Be it resolved that:

1. Council recommends support of the application from Kelowna Elks Lodge No. 52 of the Benevolent and Protective Order of Elks of Canada (Kelowna Elks Club), legally described as Lot 7, DL 129, ODYD, Plan 20128) for a change of location to 1923 Kent Road, and to change the capacity from the current approved capacity of 271 persons to the proposed capacity of 60 persons. The licensed hours of sales are to remain 11:00 AM to 1:00 AM Monday to Saturday, 11:00AM to 12:00AM Midnight Sunday.
2. The Council's comments on the prescribed considerations are as follows:

   (a) The Location of the Establishment;
   The proposed new site for the Kelowna Elks Club is located in an area that is surrounded by service commercial activities, and is not anticipated to have a negative impact on the area.

   (b) The proximity of the establishment to other social or recreational facilities and public buildings:
   The Trinity Baptist Church is located on the south side of Springfield Road, approximately 250m. away from the subject property to the south. Chances Gaming

Facility is also located on the south side of Springfield Road Bingo, but further to the west, approximately 900m. away from the subject property.

(c) The person capacity and hours of liquor service of the establishment;
The requested hours of liquor service for the relocated establishment are the same as the previous location. The person capacity for the establishment is significantly reduced from the previous location.

(d) The number and market focus or clientele of the liquor primary establishments within a reasonable distance of the proposed location;
The nearest Liquor Primary establishment is the OK Corral located to the west on Kirschner Road, approximately 600m away. This Liquor Primary establishment is operated as a cabaret.

(e) The impact of noise on the community in the immediate vicinity of the establishment;
The potential for noise would be compatible with surrounding land uses.

(f) The impact on the community if the application is approved;
The potential for negative impacts is considered to be minimal.

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

2.0 Purpose

To seek Council's support to relocate an existing Liquor Primary license and to reduce the occupant load of that facility.

3.0 Community Planning

The applicants are relocating their facility to a new location that better serves their membership. The new location is located at ground level and has direct access to parking. As well, the move to the new location will reduce the size of the facility to improve the economics of the club as the business focus is proposed to change to serve members only in a smaller venue.

Staff do not have concerns, as the new location for the Liquor Primary establishment is located within a Service Commercial area, approximately 600m away from their existing location. As well, the licensed occupant load is being reduced from the previous capacity of 271 persons down to the revised occupant load of 60 persons.

4.0 Background

4.1 Project Description

The subject property had been occupied with a meeting hall for the Kelowna Elks Club for approximately 30 years. In 2007, the property was redeveloped with a new mixed-use development (Invue) which included space for the Kelowna Elks Club.

4.2 Project Description

The Kelowna Elks Lodge No. 52 of the Benevolent and Protective Order of Elks of Canada, wishes to relocate their premises from the current location at #205 - 2040 Springfield Road to a new location at 1923 Kent Road. The applicants' propose to keep the same hours of operation.

However, they also wish to reduce capacity to a new total of 60 persons and have no outdoor patio seating.

License Summary:

Proposed Capacity:

Licensed Area	Capacity
Current Liquor License Occupant load	271 persons
Revised Liquor License Occupant load	60 persons

Current License Summary:

Hours of Sale:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	11:00am	11:00am	11:00am	11:00am	11:00am	11:00am	11:00am
Close	1:00am	1:00am	1:00am	1:00am	1:00am	1:00am	12:00 midnight

4.3 Site Context

Subject Property Map: 1923 Kent Road

The subject property is located on the south side of Kent Road between Spall Road and Bredin Road. The property is developed with a multiple unit commercial building.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C10 – Service Commercial	Service Commercial uses
East	C10 – Service Commercial	Veterinary hospital
South	C10 – Service Commercial	Vacant/service commercial uses
West	C10 – Service Commercial	Service Commercial uses

5.0 Current Development Policies

5.1 Council Policy #359 – Liquor Licensing Policy and Procedures

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

- Small establishments (with person capacity less than 100 persons):
  i) Should not be located beside an existing Small establishment.

Complies

6.0 Technical Comments

6.1 Building & Permitting Department

No comment.

6.2 Fire Department

No concerns.

6.3 RCMP

The RCMP have no concerns regarding the applicant's request for Transfer of Location for their Liquor Primary Licence.

7.0 Application Chronology

Date of Application Received: August 10, 2015

Report prepared by:

_____

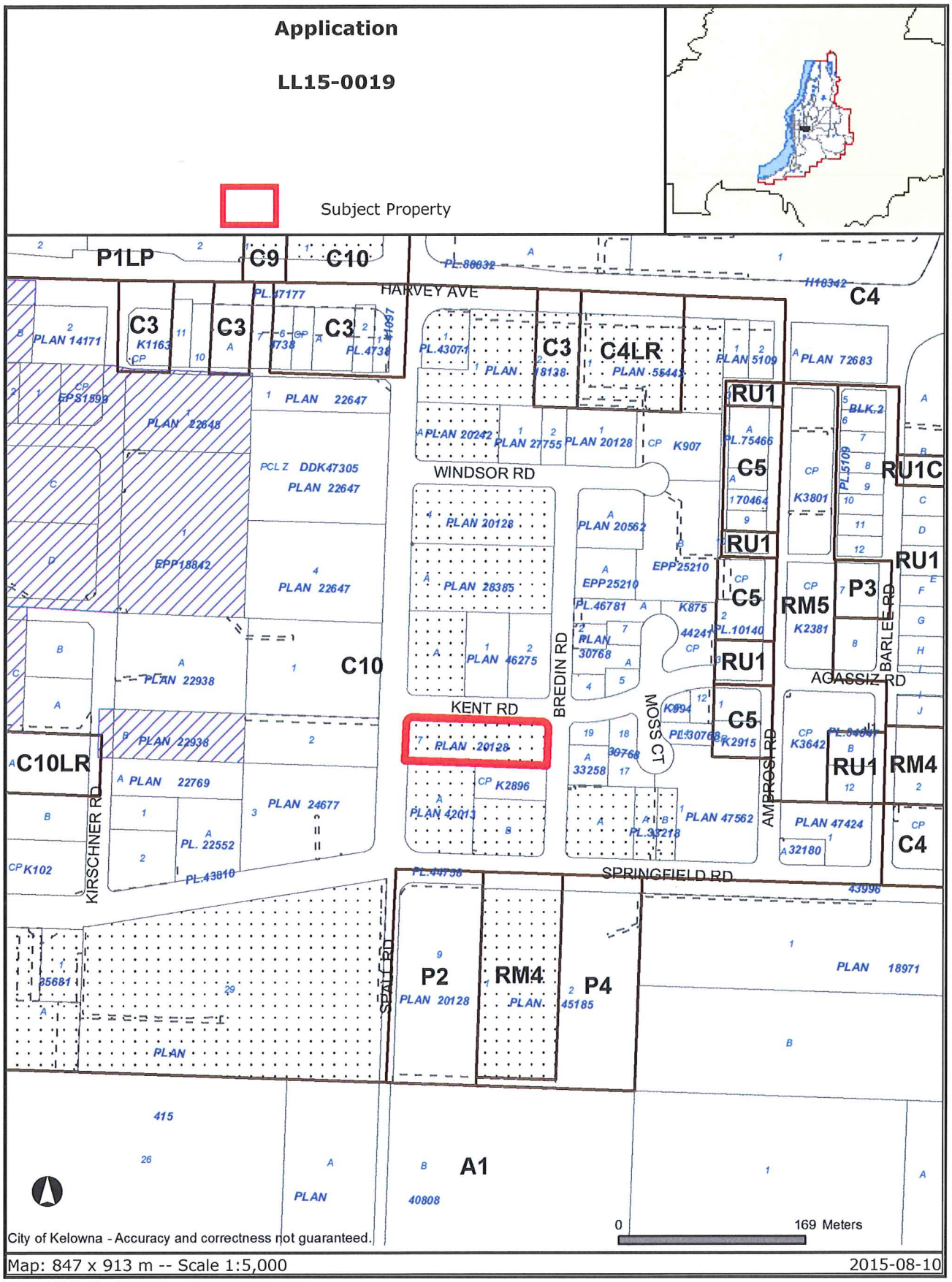
Paul McVey, Urban Planner

Reviewed by: ☐ Lindsey Ganczar, Planning Supervisor

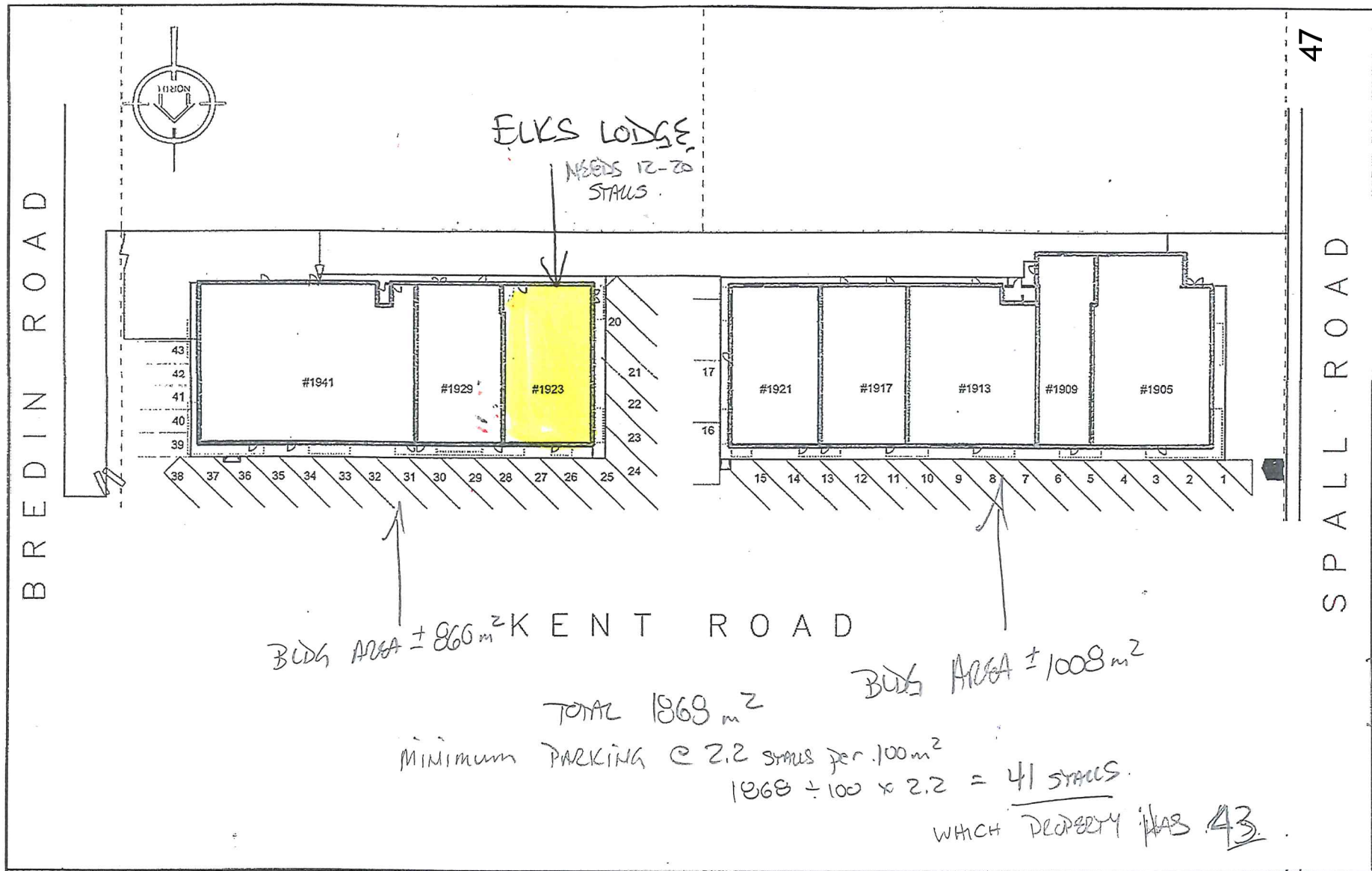
Approved for Inclusion: ☐ Ryan Smith, Community Planning Department Manager

Attachments:

Subject Property Map
Site Plan
Certified Occupancy Load Plan
Applicant Rationale letter
Copy LCLB application



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



CALLAHAN
PROPERTY GROUP LTD.

Suite 218-1626 Richter Street, Kelowna, B.C. V1Y 2M3
PH (250) 717-3000 FAX (250) 717-3400

PROJECT:
KENT ROAD

KENT ROAD
KELOWNA, B.C.

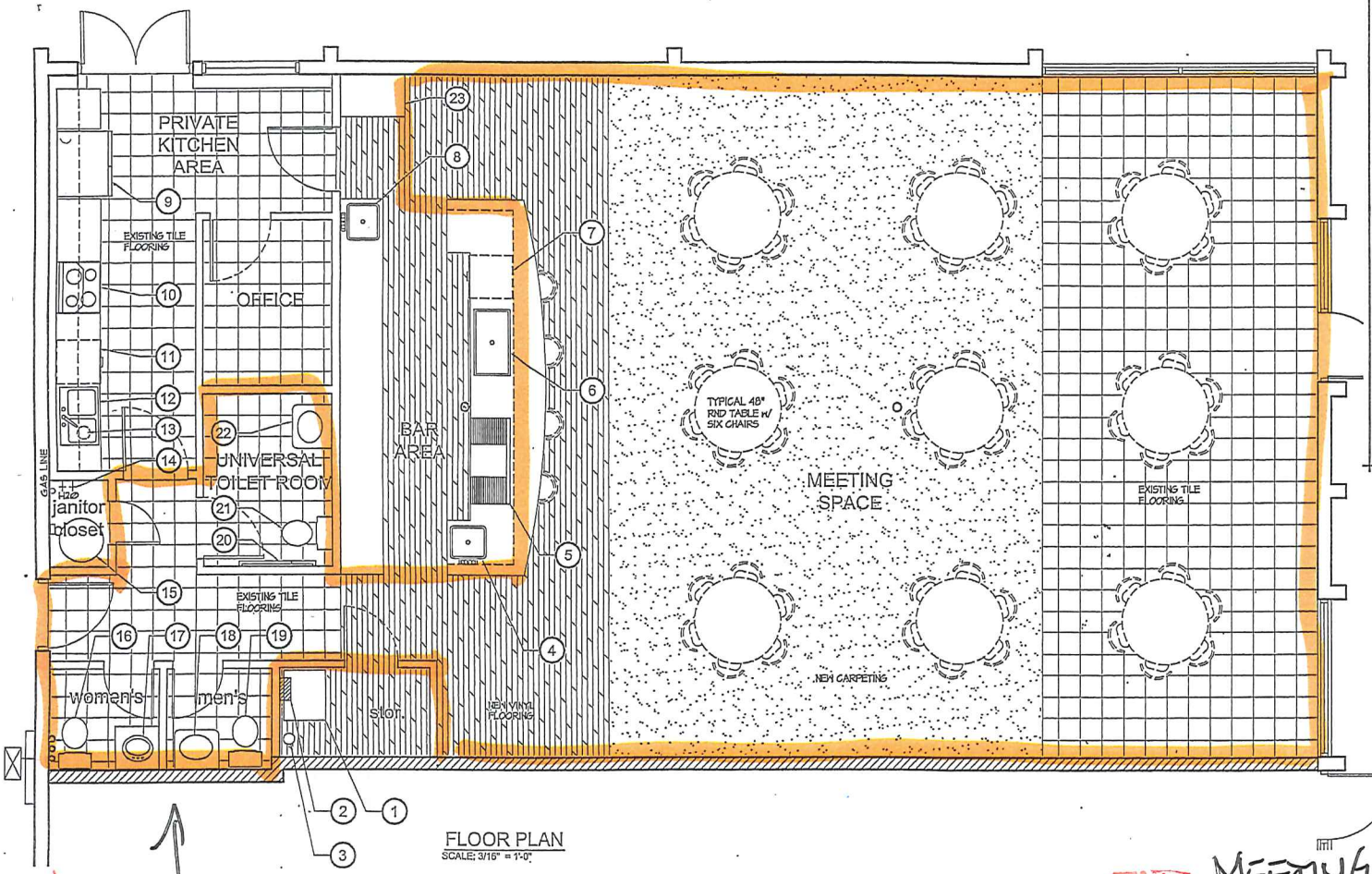
DRAWING:
SITE PLAN

CHECKED BY:

SCALE: 1"=50'

DRAWING NO.:
1 OF 1

BP 50921



FLOOR PLAN
SCALE: 3/16" = 1'-0"

EQUPMENT SCHEDULE

1. ICE MACHINE (FLR MOUNTED)
2. WATER FILTER SYSTEM (WALL MOUNTED)
3. CONDENSATION DRAIN (FLR MOUNTED)
4. GLASS PRE-WASH SINK (BUILT-IN)
5. GLASS CLEANER (FLR MOUNTED)
6. BOTTLE WELL (BUILT-IN)
7. UNDER CABINET KEG COOLER (FLR MOUNTED)
8. HAND WASH SINK (BUILT-IN)
9. STD REFRIGERATOR
10. STD ELECTRIC STOVE c/w RANGE HOOD
11. STD DISHWASHER (BUILT-IN)
12. STD DBLE KITCHEN SINK (BUILT-IN)
13. UNDER CABINET GREASE INTERCEPTOR
14. HOT & COLD TAPS FOR JANITOR STATION
15. HOT WATER TANK (FLR MOUNTED)
16. STD TOILET (FLR MOUNTED)
17. STD WASH BASIN (BUILT-IN)
18. STD WASH BASIN (BUILT-IN)
19. STD TOILET (FLR MOUNTED)
20. GRAB BAR (WALL MOUNTED)
21. ACCESSIBLE TYPE TOILET (FLR MOUNTED)
22. ACCESSIBLE TYPE SINK (WALL MOUNTED)
23. COFFEE BAR (FLR MOUNTED)

GENERAL NOTES:

1. ALL WALL SURFACES FINISHED WITH SCRUBBABLE EGG-SHELL LATEX PAINT.

CORNERSTONE
CONTRACT SERVICES

PROJECT NAME:
KELOWNA ELKS LODGE
1923 KENT ROAD
KELOWNA, BC

DRAWING TITLE:
EQUIPMENT PLAN & SCHEDULE

DRAWING NUMBER:
F-1

REVISION

DRAWN: SAW
CHECKED:
SCALE: 3/16" = 1'-0"
DATE:

PROJECT NO. - 2005-000

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REVISION NO.	DESCRIPTION	BY	DATE

ISSUED FOR NO.	DESCRIPTION	BY	DATE
1.	ISSUED FOR PERMIT		AUG 1/05

NOTES:

WASHROOMS MAXIMUM 60

ELKS LODGE
@ 1923 KENT ROAD

The MEETING SPACE has a net floor area of 141 m². The maximum occupant load shall be 60 persons, based on WASHROOMS ~~1 m²/person~~.

Reviewed by City of Kelowna Inspection Services AUG 10/15

KELOWNA ELKS LODGE #52

1923 KENT ROAD

KELOWNA BC V1Y 7S6

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

Letter of Intent

Kelowna Elks Lodge No 52 of the Benevolent and Protective Order of Elks of Canada generally known as Kelowna Elks Club (the "Club") proposes to move their establishment from 205-2040 Springfield Road, Kelowna British Columbia to 1923 Kent Road, Kelowna, British Columbia (the "New Location"). The primary reason for the move is economic in nature in terms of the operating costs of the Club. The New Location is ground floor in nature and being located in a non-residential area, there is more available parking. The New Location and its purpose being to serve members only and having 60 Persons interior-no patio, it should have considerably less impact on the public interest. (Reduction of 271 persons to 60). The Club earns income from meat draws (twice a week) and members only dinners on a notice only basis. All profits from the Club are donated to Elks Charities and the United Way to assist disadvantaged persons and non-profits operating within the City of Kelowna.

The New Location will be more central to the various residential areas comprising the City of Kelowna. The average age of the membership is 65 years and the Club does not foresee any noise issues and the proposed operating hours will be after the surrounding businesses have closed.

We trust that our application will be favourably received by you.

Kelowna Elks Club
Per: Al Blaquiere

BRITISH COLUMBIA

Liquor Primary Transfer of Location

Licence Application

Liquor Control and Licensing Form LCLB095

INSTRUCTIONS: Complete all applicable fields, attach required documents and submit with payment as outlined in Part 8. You may complete this form, one of two ways: 1) at your computer, save and then print; or 2) by hand - print clearly using dark ink.
- If you have any questions about completing this application, call the Branch toll-free at **1.866-209-2111**
- LCLB forms and supporting materials which may be referred to in this document can be found at: **www.pssg.gov.bc.ca/lclb**

PART 1: Type of Application

Fee: $2000.00 per licence

Office use only
C5 - LIC
Job No.

Please Check (☑) one of the following boxes to indicate the type of application you are submitting:

☑ **Liquor Primary Licence - Transfer of Location**
Licence Number: 029936

☐ **Liquor Primary *Club* Licence - Transfer of Location**
Licence Number:

Liquor-Primary licensees may apply to move the location of their Liquor-Primary establishment. Neither a Liquor Primary nor a Liquor Primary Club licence may be transferred from one establishment location to another unless the new establishment location is considered by the general manager to be located within a reasonably close distance from the existing establishment and within the same community as the existing establishment.

To meet the requirements of "same community", the relocation will be within the publicly recognized area in which the establishment is already located (i.e., downtown core). In determining whether the proposed location is within a "reasonably close distance", the general manager will consider whether the location is within comfortable walking distance from the existing establishment.

A location change is subject to local government resolution. See Part 9 of this form which explains the approval process.

If the relocation is at the same civic address address and is within the existing building or is attached to or abutting the existing building, you may need to apply for a structural alteration instead. If in doubt, please contact the branch to confirm that this is the correct application form and process.

An incomplete package will be held for 45 days and if it is still incomplete, the application may be terminated.

PART 2: Licensee

Licensee Name [as on licence]: KELOWNA ELK CLUB

Mailing address (for all correspondence unless otherwise advised):

Street	City	Province	Postal Code
#205 - 2040 SPRINGFIELD RD	KELOWNA	BC	V1Y 9N7

Contact Person: (Full name)
Title/Position:

Business Contact Information:

Tel: 250 860-5841 Fax: 250 860-1167 E-mail: ELKSKEL@SHAW.CA

PART 3: Establishment Information

Note: *Establishment/licence name changes and changes to signs, menus, awnings, advertising, etc. are subject to approval by the Liquor Control and Licensing Branch.*

Current establishment name: KELOWNA ELK CLUB (BENEVOLENT AND PROTECTIVE ORDER of ELK OF CANADA

Proposed new establishment name (if applicable): N/A.

	Street	City	Province	Postal Code
Current street address:	#205 - 2040 SPRINGFIELD RD	KELOWNA	BC	V1Y 9N7
Proposed street address:	1923 Kent	KELOWNA	BC	V1Y 7S6

Distance from current adddress to proposed address (in metres): 550 meters

Legal description of the proposed site: Lot 7, District Lot 129 (Lot 129) O.D.Y.D, Plan 20128
(Legal description and parcel identifier (PID) or Strata Plan number of the establishment site, found on property tax notice or from Land Titles office)

Local Government or First Nation: —
Local police jurisdiction: Kelowna RCMP

PART 4: Establishment Proposal

1. **Proposed person capacity (patrons plus staff):** The person capacity of a licensed establishment must equal the occupant load of the establishment. Capacity must be approved by the LCLB and is subject to local government/First Nations comment. See Part 9 for an explanation of the liquor primary transfer of location approval process.

   a) Proposed total interior capacity (occupant load): 60

   b) Proposed patio capacity (occupant load): 0

   c) Describe the patio by addressing the three points in the space below, and, if applicable, providing the documentation requested in the fourth point.
      1. Type of perimeter you intend to use to define and bound the patio area (ie: fencing, planters, iron railings, etc.)
      2. Whether a portable bar is being used for food and/or liquor service
      3. Whether the location of patio is immediately adjacent or contiguous to the interior licensed area

      1) side of building, gated and locked fence
      2) no portable bar
      3) immediately adjacent N/A.

      4. If patio is located on a public sidewalk or other public property, you must attach written approval from local government or the landlord.

2. **Proposed hours of sale**

   ☐ Change requested: Complete the table below by entering the opening and closing times **proposed** for the establishment. Hours requested must fall between 9:00 am and 4:00 am of each business day. Any change to liquor service hours will be reviewed by your local government/First Nation for consideration.

   ☐ No change requested: Complete the table below by entering the **current** opening and closing times for the establishment.

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
OPEN	11:00	"	"	"	"	"	11:00
CLOSE	1:00 AM	"	"	"	"	"	12:00

3. **Zoning**
   If a zoning change/amendment is required, please indicate the status of your application.

4. **Catering endorsement**
   Do you currently have a Catering endorsement? ☐ Yes ☑ No
   If yes, LCLB will re-assess your eligibility for the catering endorsement of your new proposed location by ensuring you meet the following requirements:
   - 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 establishment. For more details please see the Catering Terms & Conditions Guide.

   Licences with a catering endorsement are subject to an annual licensing fee of $100 in addition to the annual renewal fees.
   Do you wish to keep the catering endorsement at the new location? ☐ Yes ☑ No

PART 5: Letter of Intent (functions and services to be provided at proposed new location)

Explain the functions and services your facility or venue will provide at your proposed new location. The information you provide must address all relevant items indicated under each topic. **If additional space is required or if you would like to attach a separate sheet please check the box.**

☐ I have attached a separate sheet.

1. **Purpose.** Describe the purpose and business focus of your establishment. The business focus must fall within beverage service, entertainment and hospitality services and must not be youth oriented.

   Providing a location for members + guests of Kelowna Elks #52 - O.A.E. to gather. ie bi-monthly meetings to conduct Lodge business, community meatdraws fundraiser for charity, occasional dances

Part 5 continued on page 3...

2. **Target Market.** Your proposed establishment will serve mainly *(check all that apply)*:

☑ Urban locals ☐ Suburban locals ☐ Rural locals ☐ Neighbouring communities ☐ Tourists

☐ Other *(please specify)*:

3. **Composition of the Neighbourhood**

A) The composition of the neighbourhood is best characterized as *(check all that apply)*:

☑ Commercial ☑ Residential ☐ Industrial ☑ Light Industrial ☐ Urban

☐ Downtown ☐ Suburban ☐ Rural ☐ Agricultural Land Reserve (ALR) ☐ First Nations' Land

☐ Other *(please specify)*:

B) Provide a site map of the area surrounding your proposed location identifying the following within a reasonable distance* of the proposed establishment:

- ✓ Site location
- Road access, egress, parking and all residential areas
- All other licensed liquor primary or liquor primary club establishments and liquor primary applications in progress
- ✓ Churches
- Clubs
- Schools (K-12, colleges, universities)
- Preschools
- Day care centres
- Health care facilities
- Seniors facilities
- Recreational/sports facilities
- Police stations
- Fire halls
- Libraries
- Government buildings
- Any other social, public or private facilities

***Note:** What constitutes a reasonable distance will vary depending on individual circumstances.

Reasonable Distance Guidelines:

- ✓ In a densely populated city or municipality, reasonable distance is probably a 2 block radius;
- In a pocket community having no adjacent developed regional areas (e.g. Gold River, Tumbler Ridge, Whistler, Valemont) reasonable distance is probably the whole community;
- In a rural area having large acre parcels, reasonable distance is probably up to 8 km (5 miles);
- In a moderately populated area of developed subdivisions, suburbs, reasonable distance is probably 1.5 or 2 km (1 mile).

C) On the same map, please mark the boundaries of the neighbourhood of the proposed location as per the reasonable distance guidelines above. State what distance measure you chose and explain your logic.

4. **Benefits of the proposed establishment to the community**

Describe the community/market need you are addressing by providing an additional licensed establishment in the community: *(e.g. the proposed establishment will be located in a new mixed-use development where businesses, government offices, residences and sports facilities are located and the LP will be meeting a food and beverage need OR there are currently no licensed establishments in the area)*

There are NO currently licenced establishments meeting the same need

5. **Impact of noise on the surrounding community**

Describe the noise issues expected from your proposed establishment and the measures you will take to ensure others are not disturbed by your establishment: *(e.g. entertainment involving amplified music will be addressed by soundproofing walls; noise from outdoor patio will be addressed by closing the patio by 10 p.m.; outdoor entry lineups will be monitored according to our security plan by trained door security and outdoor lighting and cameras will be installed)*

~~No noise~~ NOT Appl as our location is light industrial and commercial. There will be no outdoor amplifier and all customers are generally gone by 10 PM

Part 5 continued on page 4...

6. **Other impacts on the surrounding community**
Describe any other issues expected from your proposed establishment and the measures you will take to address them:
(e.g. late night community disturbance)

N/A

7. **Other**
Include any additional information that might be relevant to your application: *(such as site requires rezoning, your business is seasonal in nature and only open from May to October, or liquor service is event driven)*

based on 12 ~~months~~ of Lodge operations 12 months of the year. Lodge members & guests only attend late afternoon & evening

8. **Additional Requests**
State any additional requests that you are making as part of your application:

N/A

PART 6: Required Documents (an application must be complete before it can be processed)

To be considered a "complete application", the following documents must be provided:

☑ 1. Completed *Liquor Primary Change of Location* form (LCLB095).

☑ 2. Application fee. See Part 8 of this application form.

☐ 3. Proof of valid interest in the site proposed for licensing. Provide a copy of the necessary documentation listed below for the type of valid interest relevant to your application:

- ☐ *If the Applicant owns the property:* a Certificate of Title in the Applicant's name.
- ☑ *If the Applicant is renting or leasing:* a fully executed lease or assignment/offer of lease which does not expire for at least 12 months from the date the licence is issued. The document must bear the same name as the Applicant for the licence. An offer for rent/lease must show rent paid, have a term and an expiry date and be signed by both the Applicant and the property owner.
- ☐ *If the Applicant is buying the land and the building(s):* a copy of the offer or option to purchase the property and building(s) in the Applicant's name. An offer or option must show price paid, have a term and expiry date, and be signed by both the Applicant and the property owner.

NOTE: You must continue to hold valid interest in the currently licensed site until the application receives site and community assessment approval or the equivalent.

☐ 4. Preliminary concept drawings of the overall establishment, including details of access to the area(s), egress, kitchen, washrooms, bar, stairs, patio area(s) and unlicensed areas (Professionally drawn floor plans with occupant load stamps will be required at a later stage called "plans approval").

☐ 5. Site map of the city, municipality, regional district or First Nation property with the proposed location clearly marked.

☐ 6. A sketch of the proposed establishment signage. Signs are subject to LCLB approval.

Motor Vessels, also provide:

☐ 8. a) Evidence of moorage showing that the moorage contract is for at least 12 months from the date the liquor licence is issued.
b) Site map showing the moorage location and surrounding areas.

☐ 9. Floor plans showing public access areas, kitchen/food service areas, liquor service bar and washroom facilities on the vessel.

☐ 10. A current captain accreditation certificate.

☐ 11. Photocopy of current registration and safety certificates. Motor vessels – Passenger Vessel: *Transport Canada Passenger Vessel Inspection Certificate*; Charter Vessel: *Small Vessel Regulation Certificate or a Courtesy Examination for Pleasure Craft.*

Note: Relocation of a motor vessel permits a licensee to change the base of motor vessel operations to a new home port, not to transfer the licence to another motor vessel.

PART 7: Declaration of Signing Authority Including Valid Interest

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

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

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

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

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

Name of Official: Blaquiere A (last / first / middle) Position: President Date: 25/05/15 (Day/Month/Year)

Signature: _____

Name of Official: Bastiaanssen Judith (last / first / middle) Position: Secretary Date: 25/05/15 (Day/Month/Year)

Signature: _____

Name of Official: Dash Elsie (last / first / middle) Position: Past President Date: 25/05/15 (Day/Month/Year)

Signature: _____

Name of Official: Lang Aimee (last / first / middle) Position: Treasures Date: 25/05/15 (Day/Month/Year)

Signature: A. Blaquiere

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

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

PART 8: Application Fee *(non-refundable)*

$2000 per licence

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.**

Contact Information

Liquor Control and Licensing Branch

Location: 4th Floor, 3350 Douglas St., Victoria BC V8Z 3L1
For Mail Only: PO Box 9292 Stn Prov Govt Victoria, BC V8W 9J8
Phone: 250 952-5787 **Fax:** 250 952-7066 **Web:** www.pssg.gov.bc.ca/lclb **E-mail:** liquor.licensing@gov.bc.ca

PART 9: What Happens Next?

The Liquor Primary Licence transfer of location application and approval process.

1. The applicant must submit a complete application package and fee to Victoria Liquor Control and Licensing Branch head office.
2. The Liquor Control and Licensing Branch (LCLB) staff will review the application package for completeness and will advise the applicant in writing of any information/documentation required before the application can be considered complete.
3. LCLB staff will request your local liquor inspector conduct a site inspection and provide comments regarding your application.
4. LCLB staff will provide the applicant with a summary of their application requesting any comment or corrections before the application summary is forwarded to the relevant local government or First Nation requesting a resolution or comments.
5. Your local government or First Nation will be asked to provide a resolution or comments on your application. They have 90 days to respond and may ask for an extension of this period. The local government may also choose not to participate in the process but must provide a resolution explaining their decision.
6. Once a resolution has been received, LCLB will review the resolution and the application to determine whether or not to grant site and community assessment. The applicant and the local government or First Nation will be advised in writing of the decision. If approved, the applicant will be advised to provide plans to the branch for approval.
7. When construction or relocation is complete, the applicant should contact the local liquor inspector to arrange for a final inspection. If the new establishment passes inspection, the applicant will be issued a new licence upon receipt of annual fee. For licensees with catering endorsements, the liquor inspector will also confirm that your business location meets the requirements of a catering endorsement.

IMPORTANT NOTE: Your COMPLETE application package must contain this application form with responses in all the applicable fields, all the required documentation AND the full fee. If your application is submitted incomplete, it will cause a delay in processing your application.

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

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: _____

REPORT TO COUNCIL

Date:	November 3, 2015		
RIM No.	0930-50		
To:	City Manager		
From:	Community Planning Department (PMc)		
Application:	LL15-0017	**Owner:**	Argo Investment Corporation, Inc. No. 304067 Federico Enterprises Ltd, Inc. No 225514
Address:	1978 Kirschner Road	**Applicant:**	0885172 B.C. LTD. (dba O.K. Corral)
Subject:	Liquor License Application		
Existing OCP Designation:	Mixed-Use (Residential/Commercial) (MXR)		
Existing Zone:	C10lp/rls – Service Commercial (Liquor Primary/ Retail Liquor Store)		

1.0 Recommendation

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

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

1. Council recommends support for the application from 0885172 BC Ltd. (dba OK Corral Cabaret) at 1978 Kirschner Rd. Kelowna BC, legally described as Lot A, District Lot 129, ODYD, Plan 23146, for a change to licensed hours of sales from 7:00 PM to 2:00 AM Monday to Sunday, to 12:00 PM to 2:00 AM Monday to Sunday.
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:

   The potential for negative impacts in considered to be minimal.

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

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

2.0 Purpose

To seek Council's support for a permanent change in hours of operation for a Liquor Primary Establishment.

3.0 Community Planning

This application to open earlier in the day represents a minor change to the establishment. Opening earlier in the day will have the potential to activate the space during the day when the facility would be otherwise closed and vacant.

Opening earlier in the day does not create the same enforcement and policing issues that occur with later closings. Staff do not anticipate any negative public impacts with the proposed hours and the business owners are in good standing with the city in their operations. The subject property provides ample buffer to adjacent land uses and so staff do not anticipate any neighbourhood conflict.

Based on the above, staff support this application and recommend that the application be supported by Council.

4.0 Proposal

4.1 Background

An application has been forwarded by the licensee to the Provincial Liquor Control and Licensing Branch (LCLB) for their approval. Procedurally, permanent changes to the hours of operation for liquor primary licensed establishments require Local Government comment on the application, prior to the LCLB making a final decision.

The subject property has operated as a Liquor Primary establishment since the mid 1980's. The property also includes a liquor store component. In 2014, the establishment was granted an increase in licensed capacity to 355 persons, based on renovations to the washrooms.

4.2 Project Description

Existing Hours of Sale:

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

Proposed Hours of Sale:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	12:00 PM	12:00 PM	12:00 PM	12:00 PM	12:00 PM	12:00 PM	12:00 PM
Close	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM

This application proposes to change the opening hours of operation from the current 7:00 PM opening to open at 12:00 PM in order to offer more flexibility to book functions earlier in the

day. In the past, it would have been necessary to apply for a Special Occasion License, a process that is time consuming and expensive.

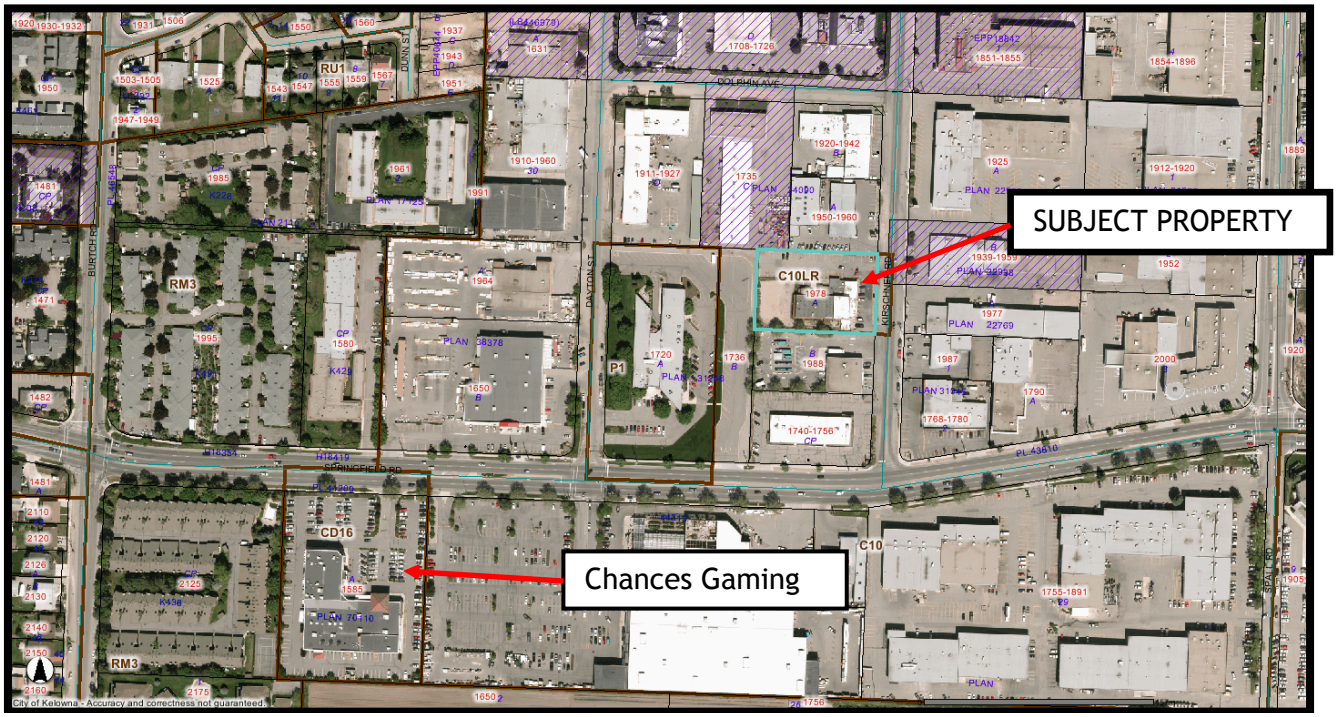
4.3 Site Context

The subject property is located within the Capri-Landmark Urban Centre. The nearest Liquor Primary establishment would be Chances Gaming Entertainment, which is approximately 350m away, to the south-west.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C10 – Service Commercial	Auto body shop, restaurant
East	C10 – Service Commercial & LUC76-1052	Service Commercial uses
South	C10 – Service Commercial	Service Commercial uses
West	C10 – Service Commercial	Service Commercial uses

Subject Property Map: 1978 Kirschner Rd.



5.0 Current Development Policies

5.1 Council Policy #359 – Liquor Licensing Policy and Procedures

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

5.2 Kelowna Official Community Plan (OCP)

Entertainment Venues.[1] Within designated Urban Centres, encourage private-sector provision of facilities which diversify the selection of venues and entertainment opportunities throughout the city.

6.0 Technical Comments

6.1 Building & Permitting Department

No Comment

6.2 Bylaw Services

No Objections

6.3 Fire Department

No Objections

6.4 R.C.M.P

The RCMP are not opposed to the applicant's request for a permanent change in the hours of sale beginning at 12:00 p.m.

7.0 Application Chronology

Date of Application Received:	August 10, 2015
Date RCMP Comments Received:	September 15, 2015

Report prepared by:

_____

Paul McVey, Urban Planner

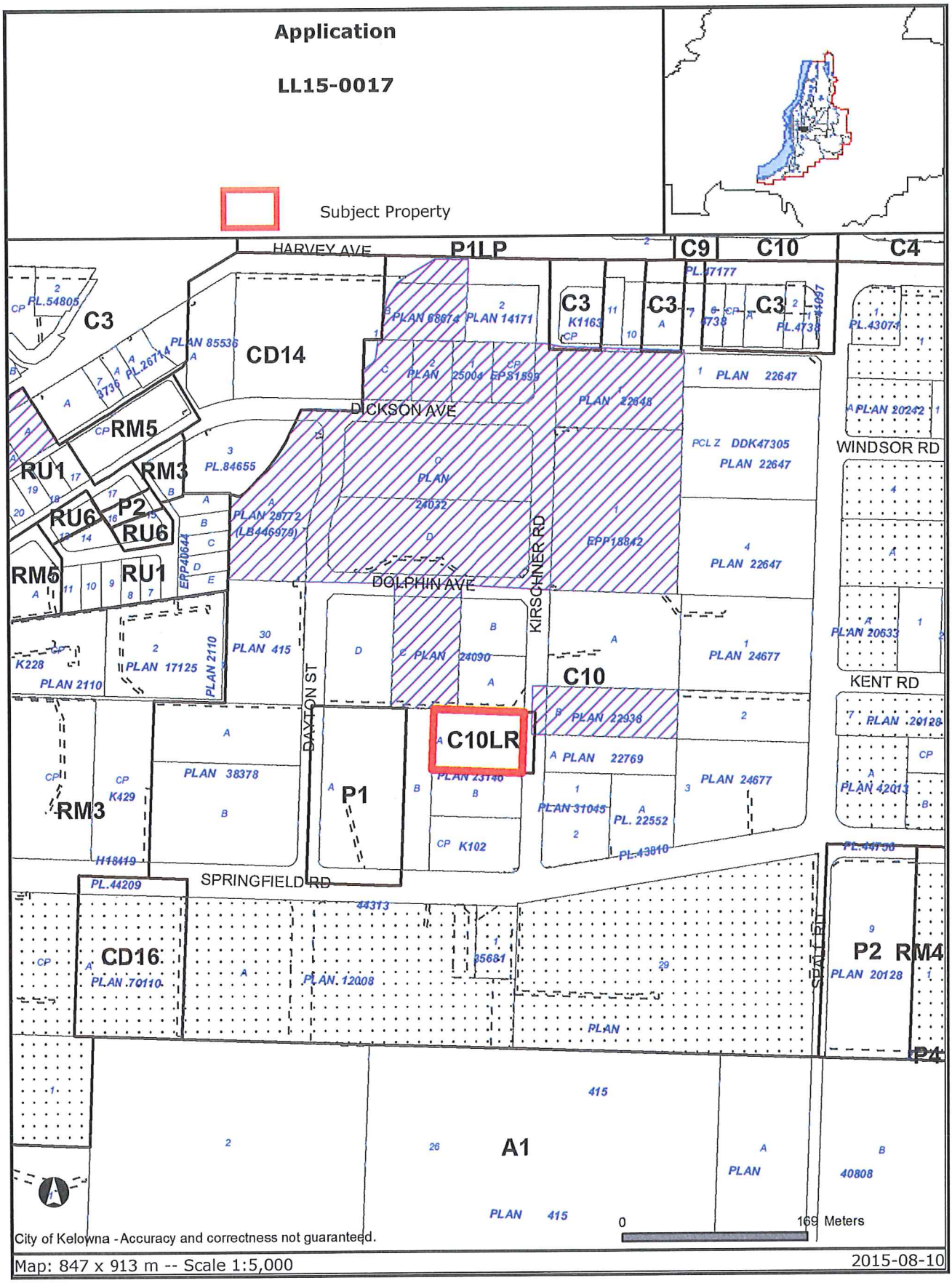
Reviewed by: ☐ Terry Barton, Urban Planning Manager

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

Attachments:

Subject Property Map
Rationale Letter
LCLB Application

[1] Policy 5.17.1 (Development Process Chapter 5, page 5.21)



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.

OK Corral Night Club & Liquor Store

Sept 10 2015

To Whom It May Concern,

In the past we have had requests to accommodate Christmas parties, fundraisers, even Weddings and other functions where a group needs to be accommodated. We had to deny these requests because we could not serve liquor until 7:00pm and they were looking to book earlier in the day. We have requested an opening at noon to allow us to offer such groups a wider window for there functions. Our notice for these events is sometimes short and to do it by special occasion license is time constraining and expensive.

Sincerely

L. Fleming

Louise Fleming

General Manager

BRITISH COLUMBIA

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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: Anna Louise Fleming Phone number: 250 763-5554

Fax number: 250 763 5545 E-mail address: lou.fleming@hotmail.com

Licensee Information

Licensee name [as shown on licence]: O.K. Corral Cabaret

Establishment name [as shown on licence]: O.K. Corral Cabaret

Establishment Location address (as shown on licence): 1978 Kirschner Rd (Street) | Kelowna (City) | B.C (Province) | V1Y4N6 (Postal Code)

Mailing address: (All correspondence will go to this address) 1978 Kirschner Rd (Street) | Kelowna (City) | BC (Province) | V1Y4N6 (Postal Code)

Business Tel with area code: 250 763-5554 Business Fax with area code: 250 763 5545

Business e-mail: lou.fleming@hotmail.com

Contact Name: Fleming Anna Louise (last / first / middle) Title/Position: General Manager

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*
☐ 1. Establishment/business or licence name change (p.2)		(C2-LIC) (sub)
☐ 2. Food-primary entertainment endorsement (p.2)		(C2-LIC) (sub)
☐ 3. Request for change in terms and conditions (p.2)		(C3-LIC) (sub)
☐ 4. Live theatres requesting liquor service (p. 2)		(C3-LIC) (sub)
☐ 5. Request for tied house restrictions exemption (p. 3)		(C3-LIC) (sub)
☒ 6. Change to hours of sale (p.3)	029983	(C3-LIC) (sub) 109580
☐ 7. Catering endorsement (p.4)		(C3-LIC) (sub)
☐ 8. Temporary off-site sale endorsement (p.4)		(C2-LIC) (sub)

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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 w[illegible]s to change the name of an establishment [illegible]usiness 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: [ ]

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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 goverment and public input may be required.

Fee: $220 per licence x [ ] licences = $ [ ]

Attach:

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

Also complete Parts 9 and 10

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

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

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

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

Also complete Parts 9 and 10

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

C3 - LIC

Fee: $220 per affected licence x [ ] licences = $ [ ]

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

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

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

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

Also complete Parts 9 and 10

PART 6. Change to Hours of Sale

C3 - LIC

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

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

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

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

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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 [1] licences = $ [330.00]**
  - request a local government/First Nation resolution commenting on the application (local government must complete Part 12 of this form; for further information on local government/First Nation resolutions, read Part 11).

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

Current Hours of Liquor Sale:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
OPEN	7:00pm	7:00pm	7:00pm	7:00pm	7:00pm	7:00pm	7:00pm
CLOSED	2:00am	2:00am	2:00am	2:00am	2:00am	2:00am	2:00am

Proposed Hours of Liquor Sale:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
OPEN	12:00pm	12:00pm	12:00pm	12:00pm	12:00pm	12:00pm	12:00pm
CLOSED	2:00am	2:00am	2:00am	2:00am	2:00am	2:00am	2:00am

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

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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: Fleming Anna Louise (last / first / middle)

Position: General Manager Date: 08 07 15 (Day/Month/Year) Signature: A. Fleming

Name of Official: (last / first / middle)

Position: Date: (Day/Month/Year) Signature:

Name of Official: (last / first / middle)

Position: Date: (Day/Month/Year) Signature:

Name of Official: (last / first / middle)

Position: Date: (Day/Month/Year) Signature:

PART 10: Application Fees

TOTAL FEE Submitted: $ 330.00

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

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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:

LC15-0017

PART 11: Local Governme First Nation Resolutions: (Infor tion 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, A. (last / first / middle)

Title/Position: URBAN PLANNER

Date of receipt of application: 10 AUGUST 2015 (Day/Month/Year)

Phone Number: 250-469-8582
pmcvey@kelowna.ca

Signature of Official: P. McVey

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.

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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 you business location meets the requirements of a catering licence you may be asked to makes 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.

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

REPORT TO COUNCIL

Date:	November 3, 2015		
RIM No.	0940-00		
To:	City Manager		
From:	Community Planning Department (LK)		
Application:	DP15-0186 DVP15-0187	**Owner:**	Peter & Wendy O'Brien
Address:	2664 Bath Street	**Applicant:**	Kirk Fassbender (Harmony Homes)
Subject:	Development Permit and Development Variance Permit Applications		
Existing OCP Designation:	S2RES – Single / Two Dwelling Housing		
Existing Zone:	RU6 – Two Dwelling Housing		

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP15-0186 for Lot 5 District Lot 14 ODYD Plan 3785, located at 2664 Bath Street, 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 "B";
2. The exterior design and finish of the building to be constructed on the land, be in general accordance with Schedule "C";

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0187 for Lot 5 District Lot 14 ODYD Plan 3785, located at 2664 Bath Street, Kelowna, BC;

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

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

To allow the height of a carriage house to be higher than the existing principal dwelling as measured to the mid-point and roof peak of the existing principal dwelling unit.

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

2.0 Purpose

To consider the form and character, and a variance, for a proposed Carriage House on the subject property.

3.0 Community Planning

Community Planning Staff supports the height variance to allow for the construction of a new Carriage House. The form and character of the Carriage House fits within the local context. Other than the height, the proposal will meet all other Zoning Regulations.

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

4.0 Proposal

4.1 Project Description

The existing 1½ storey single detached dwelling was constructed in 1957 with a single car attached garage which is accessed from the rear lane. The existing dwelling has a very low pitch roof which limits the allowable height of the proposed carriage house to a single storey. The required variance is to allow the mid-point and roof peak of the Carriage House to be higher than that of the existing principal dwelling.

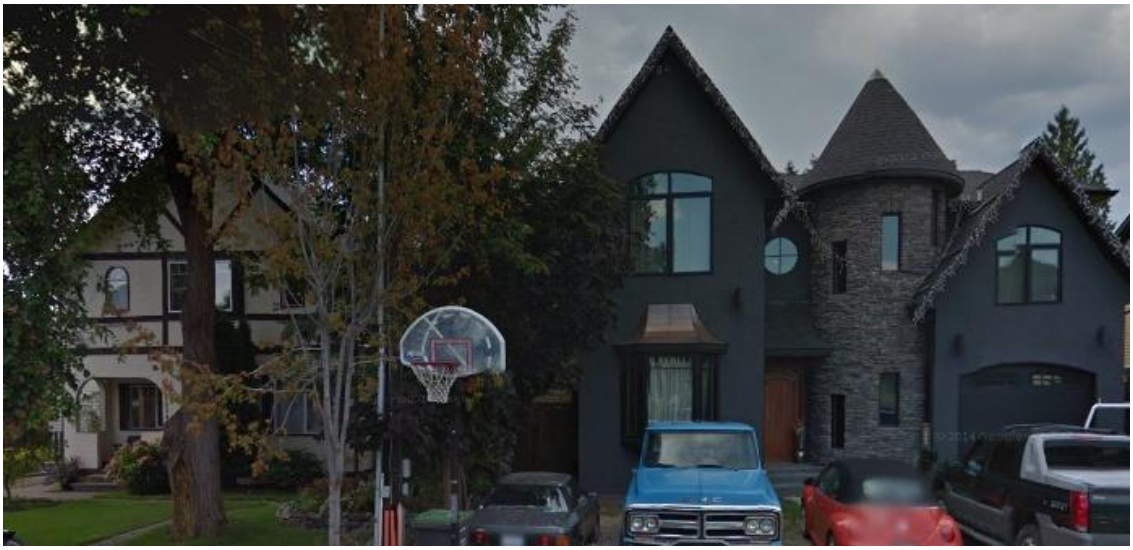
As the dwelling was constructed in 1957, future redevelopment is likely to occur. The two parcels on the north side have already been redeveloped as two storey dwellings. Once this parcel is redeveloped, the new primary dwelling will be taller than the proposed Carriage House.

The size and location of the primary dwelling limits the footprint of the proposed Carriage House due to the location of the rear attached garage. The proposed Carriage House has a footprint of 64.66m² and includes a single car parking space on the lower level along with the kitchen and living room. The upper storey contains a bedroom and bathroom within a modest sized area. To maximize the upper floor useable space, a steeper roof pitch and dormers have been utilized. This makes the actual roof peak and mid-point of the Carriage House higher than that of the primary dwelling. For these reasons, Community Planning is supportive of the requested height variance.

The property is located within the Okanagan Lake Flood Plain area, therefore any new construction will require the slab and all mechanical equipment be located above the designated flood level of 343.66. This will be reviewed at time of Building Permit.

Subject Property: 2664 Bath Street – Front elevation of existing Primary Dwelling

Adjacent Properties: 2654 & 2644 Bath Street – Front elevations



4.2 Site Context

The subject property is located on the west side of Bath Street between Wardlaw Avenue and Osprey Avenue and is within the South Pandosy/ KLO Sector of Kelowna.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Single Detached Dwelling
East	RU6 – Two Dwelling Housing	Single Detached Dwelling
South	RU6 – Two Dwelling Housing	Single Detached Dwelling
West	RU6 – Two Dwelling Housing	Single Detached Dwelling

Subject Property Map: 2664 Bath Street

4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	**RU6 ZONE REQUIREMENTS**	**PROPOSAL**
Existing Lot/Subdivision Regulations		
Minimum Lot Area	400 m^2	565 m^2
Minimum Lot Width	13.0 m	15.6 m
Minimum Lot Depth	30 m	36.3 m
Development Regulations		
Maximum Site Coverage (buildings)	40%	36%
Maximum Site Coverage (buildings, driveways and parking)	50%	47%
Development Regulations (Carriage House)		
Maximum Height	4.8 m	4.77 m
Maximum Height To principal dwelling	(to peak) 4.88 m (to mid) 4.12 m	6.90 m❶ 5.07 m
Minimum Side Yard (north)	2.0 m	6.25 m
Minimum Side Yard (south)	2.0 m	2.0 m
Minimum Rear Yard	1.5 m	1.5 m
Max. Carriage House Lot Coverage	14%	11.2%
Max. Accessory Building Footprint	90 m^2	89.65 m^2
Max. Carriage House Net Floor Area of Principal Building	75%	63.88%
Other Regulations		
Minimum Parking Requirements	3 stalls	3 stalls
Minimum Private Open Space	30 m^2 per dwelling	+30 m^2
Min. Distance to Principal Building	3.0 m	3.68 m
❶ Indicates a requested variance to allow the Carriage House to be higher than the existing Primary dwelling		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

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

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

[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).

General Considerations.[3] Design entrances to be directly accessed and visible from the street and/or lane.

6.0 Technical Comments

6.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

See attached Schedule 'A'

7.0 Application Chronology

Date of Application Received: August 7, 2015

Date Public Consultation Completed: August 12, 2015

Report prepared by:

Lydia Korolchuk, Planner

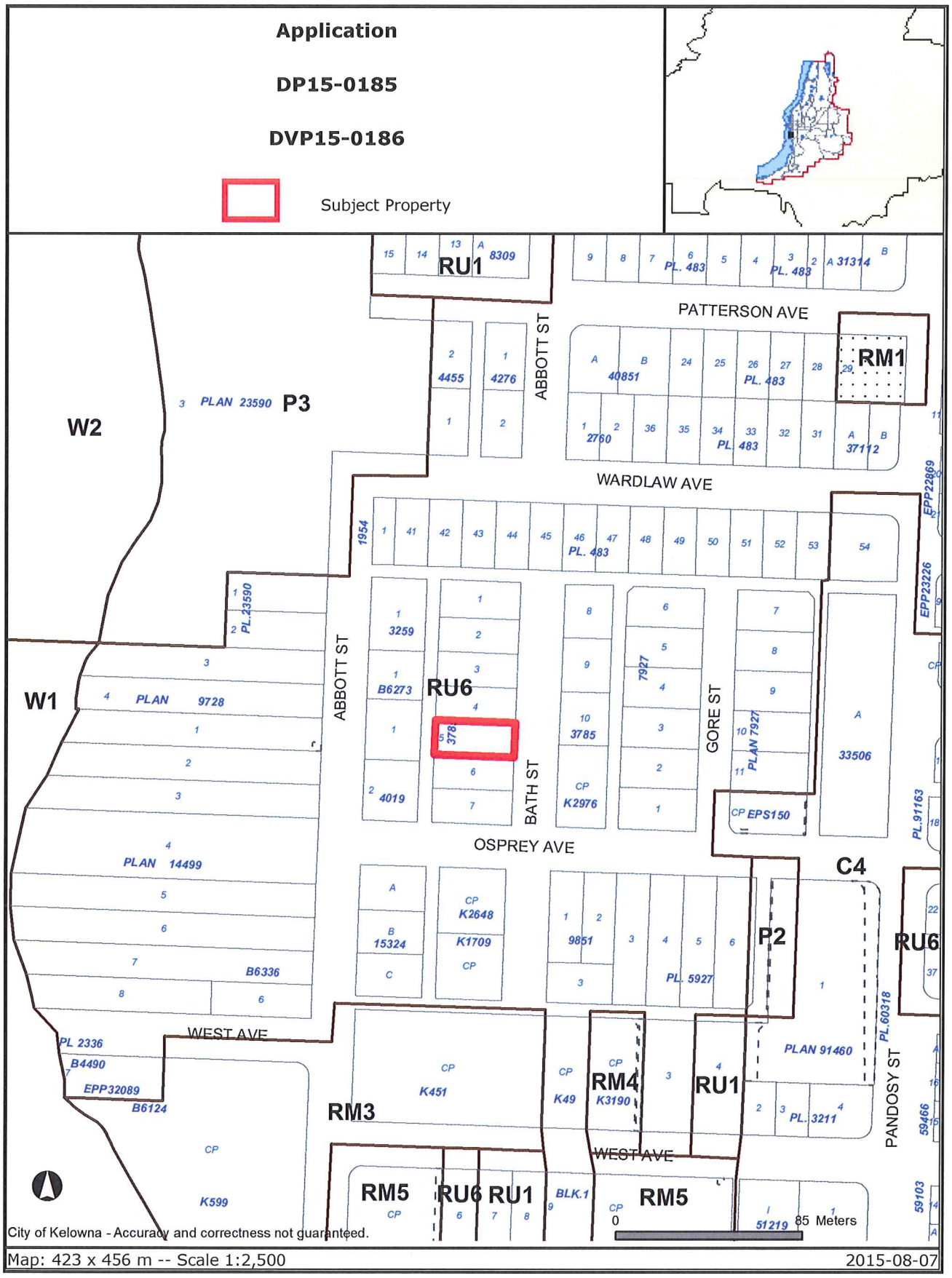
Reviewed by: Lindsey Ganczar, Planning Supervisor

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Site Context Map
Schedule 'A' – Development Engineering Memorandum date September 3, 2015
Schedule 'B' - Site Plan
Schedule 'C' - Conceptual Elevations
Draft Development Permit DP15-0186 & Development Variance Permit DVP15-0187

[3] City of Kelowna Official Community Plan, Guideline 14.21.1.4 (Urban Design DP Area Chapter).



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

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Permit No.: DP15-0186
DVP15-0187

EXISTING ZONING DESIGNATION:	RU6 - Two Dwelling Housing
WITHIN DEVELOPMENT PERMIT AREA:	Flood Plain Development Permit Area

ISSUED TO: Peter & Wendy O'Brien

LOCATION OF SUBJECT SITE: 2664 Bath Street

	LOT	D.L.	PLAN	Block	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	5	14	3785			ODYD

SCOPE OF APPROVAL

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

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

☐ Applicants for a Heritage Alteration Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

   a) The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "B";

   b) The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "C";

2. The development shall commence by and in accordance with an approved Building Permit within TWO YEARS of the date of the Municipal Council authorization resolution.

3. DEVELOPMENT:

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

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

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

THIS Permit IS NOT A BUILDING Permit.

4. PERFORMANCE SECURITY:

N/A

5. APPLICANT'S AGREEMENT:

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

(a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.

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

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

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

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

_____ _____

Signature of Owner/Authorized Agent Date

_____ _____

Print Name in Bold Letters Telephone No.

6. APPROVALS:

DEVELOPMENT PERMIT ISSUED AND APPROVED BY COUNCIL ON THE ____ DAY OF _____, 2015.

_____ _____

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

CITY OF KELOWNA

MEMORANDUM

Date: September 3, 2015
File No.: DP15-0186

To: Urban Planning (LK)

From: Development Engineering Manager (SM)

Subject: 2664 Bath Street Carriage House

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

1. Domestic Water and Fire Protection

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

2. Sanitary Sewer

   Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service complete with inspection chamber (IC) which is adequate for this application.

3. Development Permit and Site Related Issues

   Direct the roof drains into on-site splash pads

4. Electric Power and Telecommunication Services

   It is the applicant's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost.

Steve Muenz, P. Eng.
Development Engineering Manager

SS

CITY OF KELOWNA

MEMORANDUM

Date:	September 3, 2015
File No.:	DVP15-0187
To:	Community Planning (LK)
From:	Development Engineering Manager (SM)
Subject:	2664 Bath Street

Development Engineering comments and requirements regarding this development permit application are as follows:

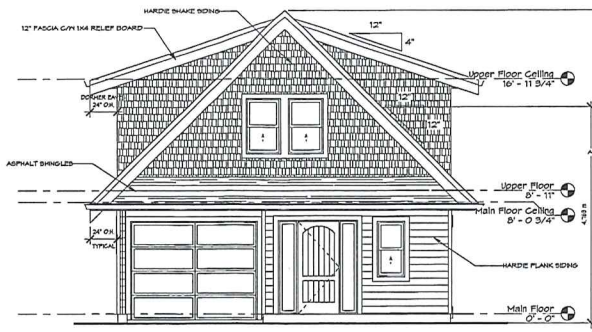
This development variance permit application to vary the carriage house height does not compromise any municipal services.

Steve Muenz, P. Eng.
Development Engineering Manager

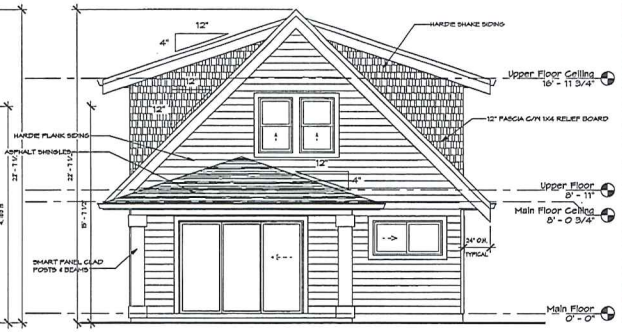
SS

① Front 3D

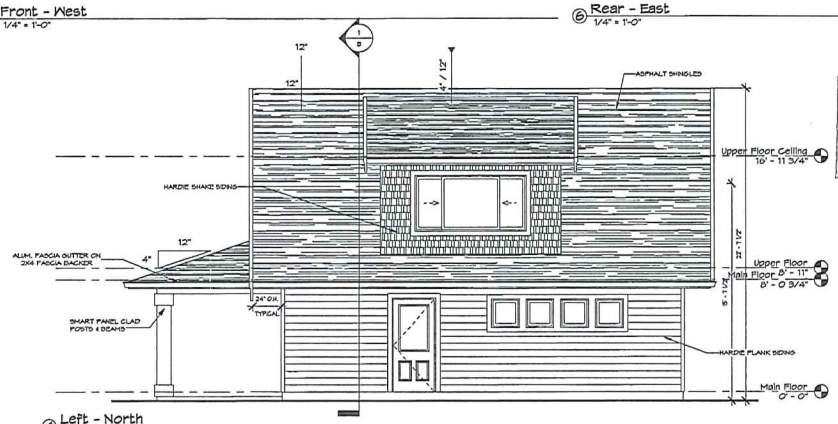
② Rear 3D



③ Front - West
1/4" = 1'-0"

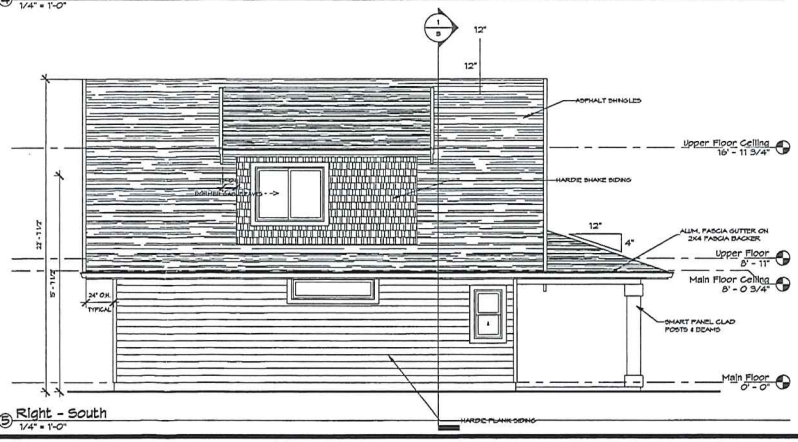


⑥ Rear - East
1/4" = 1'-0"



④ Left - North
1/4" = 1'-0"

SCHEDULE "C"
This forms part of development
Permit # DP15-0186, DVP15-0187



⑤ Right - South
1/4" = 1'-0"

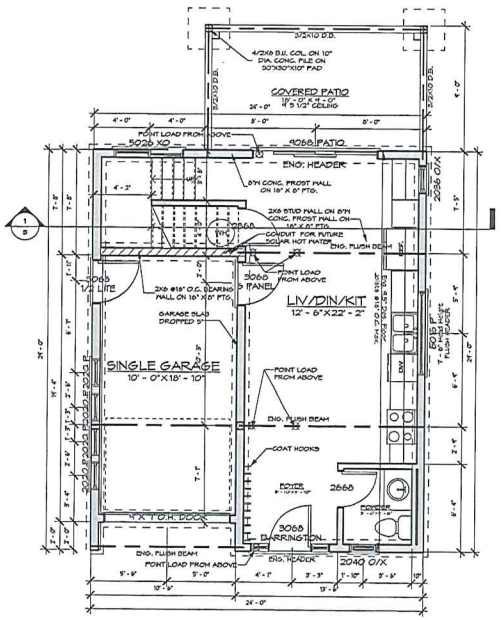
ISSUED FOR CONSTRUCTION

HARMONY HOMES
PHONE: (250)765-5191
#201 - 833 FINNS ROAD, KELOWNA, B.C.

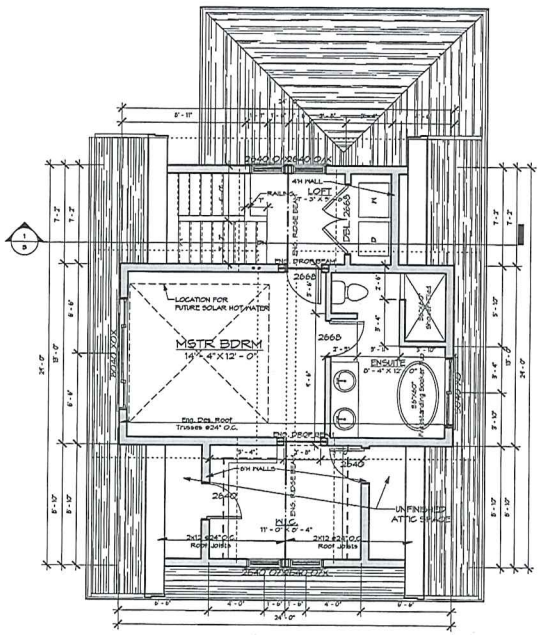
PROPOSED RESIDENCE OF:
MR. & MRS. O'BRIEN
KELOWNA, B.C.

DRAWING SCALE: 1/4" = 1'-0"
DATE: MAY 29, 2015
REV. DATE: SEPT 17, 2015
DRN. BY: J.A.S.
1

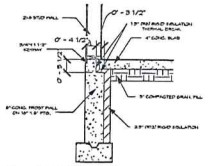
AWARD WINNING BUILDER



① Main Floor
1/4" = 1'-0"



② Upper Floor
1/4" = 1'-0"



④ Frost Wall Detail
1/2" = 1'-0"

TYPICAL WALL ASSEMBLY		
HRV: YES	MATERIAL	RSI
OUTSIDE AIR FILM		0.03
CLADDING	HARDIE PLANK	0.03
STRAPPING		0
SHEATHING MEMBRANE	BUILDING PAPER	0
SHEATHING	3/8" OSB	0.09
STUD WALL	2x6 @24" O.C.	2.87
INSULATION	R22 BATT	
VAPOUR BARRIER	6 MIL POLY	0
INTERIOR SHEATHING	1/2" DRYWALL	0.09
INSIDE AIR FILM		0.12
		0
		0
		0
TOTAL EFFECTIVE RSI VALUE:		3.02
REQUIRED RSI VALUE:		2.97

TYPICAL CEILING ASSEMBLY		
HRV: YES	MATERIAL	RSI
OUTSIDE AIR FILM		0.03
ROOFING	FIBERGLASS SHINGLES	0.09
STRAPPING		0
SHEATHING MEMBRANE	BUILDING PAPER	0
SHEATHING	7/16" OSB	0.11
INSULATION ABOVE TRUSS		0
TRUSS SPACING		
BOTTOM CHORD HEIGHT		0
VAPOUR BARRIER	6 MIL POLY	0
INTERIOR SHEATHING	1/2" DRYWALL	0.09
INSIDE AIR FILM		0.11
2X12 @16" O.C. C/W R20		4.47
		0
TOTAL EFFECTIVE RSI VALUE:		4.00
REQUIRED RSI VALUE:		4.67

TYPICAL FLOOR ASSEMBLY		
HRV: YES	MATERIAL	RSI
INTERIOR AIR FILM		0.16
FLOORING	CARPET	0.37
UNDERLAY		0
SHEATHING	3/4" PLYWOOD	0.17
AIR BARRIER		0
VAPOUR BARRIER	6 MIL POLY.	0
FLOOR JOISTS	4"X 1 JOIST @16" O.C.	4.85
INSULATION	R-20 BATT	
UNDERSIDE SHEATHING	1/2" DRYWALL	0.09
OUTSIDE AIR FILM		0.03
		0
		0
		0
TOTAL EFFECTIVE RSI VALUE:		5.69
REQUIRED RSI VALUE:		4.67

TYPICAL FOUNDATION ASSEMBLY		
HRV: YES	MATERIAL	RSI
OUTSIDE AIR FILM		0.03
OUTSIDE INSULATION		0
DAMP PROOFING	YES	0
FOUNDATION WALL	200mm CONC.	0.09
AIR SPACE		0
STRAPPING WALL		
INSULATION		0
VAPOUR BARRIER		0
INTERIOR SHEATHING		0
INSIDE AIR FILM		0.12
RIGID INSULATION	R12 RIGID	2.11
		0
		0
TOTAL EFFECTIVE RSI VALUE:		2.34
REQUIRED RSI VALUE:		1.99

Level	Name	Area	Ceiling Height
Main Floor	Garage	212 SF	8' - 5"
Main Floor	Finished	466 SF	8' - 0"
Upper Floor	Finished	497 SF	8' - 0"

SCHEDULE "B"
This forms part of development
Permit # DP15-0186, DVP15-0187

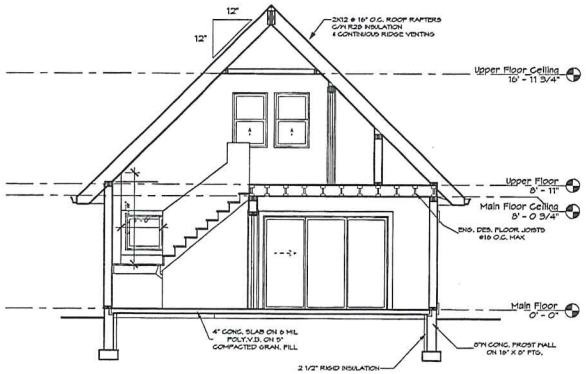
ISSUED FOR CONSTRUCTION

HARMONY HOMES
PHONE: (250)765-5191
#201 - 833 FINNS ROAD, KELOWNA, B.C.

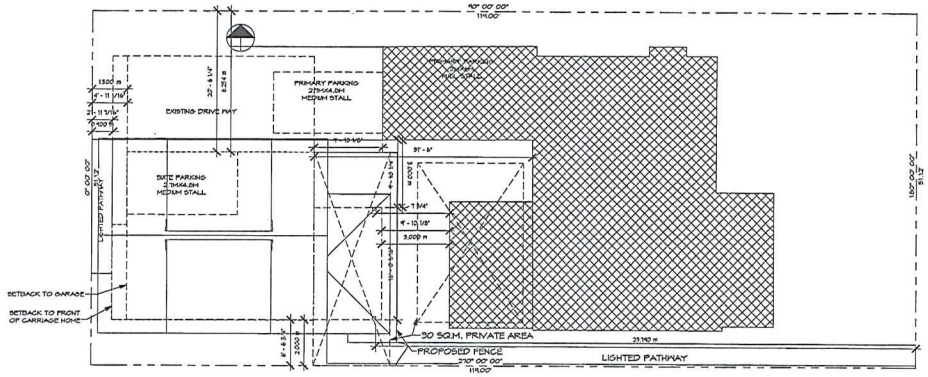
PROPOSED RESIDENCE OF:
MR. & MRS. O'BRIEN
KELOWNA, B.C.

DRAWING SCALE: As Indicated
DATE: MAY 29, 2015
REV. DATE: SEPT 17, 2015
DRN. BY: J.A.S.
2

AWARD WINNING BUILDER



① Section 1
1/4" = 1'-0"



② Site
1/8" = 1'-0"

SITE CALCULATIONS

LOT AREA=	6084 SQ.FT.
40% LOT COVERAGE=	3226 SQ.FT.
HOUSE AREA=	1513 SQ.FT.
REMAINING AREA =	1713 SQ.FT.
CARRIAGE LOT COVERAGE=	680 SQ.FT.
20% MAX CARRIAGE AREA=	1217 SQ.FT.
CARRIAGE LOT COVERAGE=	680 SQ.FT.
75% ALLOWABLE UPPER FLR=	510 SQ.FT.
UPPER FLOOR AREA=	497 SQ.FT.

SPATIAL SEPARATION

RIGHT/SOUTH ELEVATION	
WALL AREA=	349 SQ.FT. (37 SQ.M.)
LIMITING DISTANCE=	2M
11% GLASS=	43.9 SQ.FT.
OPENING AREA=	36 SQ.FT.
REAR/EAST ELEVATION	
WALL AREA=	448 SQ.FT. (41.6 SQ.M.)
LIMITING DISTANCE=	4.8M
47% GLASS=	210.6 SQ.FT.
OPENING AREA=	92.5 SQ.FT.

SUITE SIZE

MAIN FLOOR=	468 SQ.FT. (43.48 SQ.M.)
UPPER FLOOR=	497 SQ.FT. (46.17 SQ.M.)
TOTAL AREA=	965 SQ.FT. (89.65 SQ.M.)
ALLOWABLE AREA=	968 SQ.FT. (90 SQ.M.)

PRIMARY HOUSE HEIGHT

ROOF PEAK=	16' (4.88M)
ROOF MID POINT=	13.5' (4.12M)

SCHEDULE "B"
This forms part of development
Permit # DP15-0186, DVP15-0187

EXTERIOR WALL CONSTRUCTION
- HARDIE PLANK SIDING
- PERMAX PAPER
- 3/8" O.S.B. WALL SHEATHING
- 2X6 SPRUCE STUDS @24" O.C.
- R-22 INSULATION
- 6 MIL. POLY. VAPOUR BARRIER
- 1/2" GYPSUM BOARD

ROOF CONSTRUCTION
- ASPHALT SHINGLES
- 30# ROOFING FELT
- 7/16" O.S.B. ROOF SHEATHING C/W "H" CLIPS
- 2X12 @16" O.C. ROOF RAFTERS
- R-20 INSULATION
- 6 MIL. POLY. VAPOUR BARRIER
- 1/2" GYPSUM BOARD

INTERIOR FLOOR CONSTRUCTION
- FINISHED FLOORING
- 1/4" UNDERLAY (STURDIWOOD) @ LINO AREAS
- 3/8" PLYWOOD UNDER TILED AREAS
- 3/4" T&G FIR PLYWOOD SUB-FLOOR
- ENGINEERED DESIGNED FLOOR JOISTS@16" O.C. MAX SPACING
- 1/2" GYPSUM BOARD TO FINISHED AREAS

SLAB ON GRADE
- 4" CONC. SLAB @20 MPA
- 6 MIL. POLY. VAPOUR BARRIER
- 5" COMPACTED GRAN. FILL

GARAGE SLAB
- 4" CONC. SLAB @32 MPA
- 5" COMPACTED GRAN. FILL
- SLAB SLOPED TO O.H. DOOR

INTERIOR WALL CONSTRUCTION
- 1/2" GYPSUM BOARD TO BOTH SIDES OF 2X4 SPRUCE STUDS @16" O.C.

STAIR CONSTRUCTION
- 16 EQUAL RISERS OF 5/8" PLYWOOD
- 9 1/2" RUN
- 10 1/2" TREADS OF 1" O.S.B.
- 2X12 STRINGERS
- 2'-10" HANDRAIL HEIGHT

GENERAL NOTES
- ALL WORK TO BE IN COMPLIANCE WITH THE CURRENT RESIDENTIAL STANDARDS OF THE BRITISH COLUMBIA BUILDING CODE 2012, CURRENT ELECTRICAL AND PLUMBING CODES AND ALL LOCAL BUILDING CODE AND BYLAWS WHICH MAY TAKE PRECEDENCE.
- ALL WORK SHALL BE PREFORMED IN ALL RESPECTS TO GOOD BUILDING PRACTICE.
- WRITTEN DIMENSIONS TO BE FOLLOWED. DO NOT SCALE FROM DRAWINGS
- ALL FLOOR JOISTS AND BEAMS TO BE D.FIR/LARCH #2 OR BETTER UNLESS NOTED OTHERWISE
- WOOD IN CONTACT WITH CONCRETE TO BE DAMP-PROOFED WITH 45 LB. FELT, 6 MIL. POLY. OR OTHER APPROVED METHOD.
- PLATES TO BE ANCHORED TO CONCRETE WITH 1/2" DIA. ANCHOR BOLTS AT MAXIMUM 60" O.C. AND AT ALL CORNERS.
- ALL MEASUREMENTS, GRADES AND LEVELS TO BE VERIFIED ON SITE BEFORE COMMENCING CONSTRUCTION.
- PERIMETER DRAINAGE SHALL BE INSTALED WHERE REQUIRED BY LOCAL AUTHORITIES HAVING JURISDICTION AND TO THEIR APPROVAL.
- ALL CONCRETE TO HAVE A MINIMUM COMPRESSIVE STRENGTH OF 20 MPA AT 28 DAYS.
- FLOOR JOIST SPANS OF MORE THAN 7'0" SHALL BE BRIDGED AT MID-SPAN OR AT 7'0" O.C. MAXIMUM. BRIDGING SHALL BE 2"X2" DIAGONAL TYPE CROSS BRIDGING INSTALLED AS PER THE B.C.B.C. 2006.
- FLASHING TO BE INSTALLED AT ALL PENETRATIONS IN ROOF SYSTEM AND CHANGES IN ROOF PLANE.
- ALL ELECTRICAL/PLUMBING FIXTURES TO BE VERIFIED WITH OWER.
- FLASHING TO BE INSTALLED AT ALL CHANGES IN HORIZONTAL EXTERIOR FINISHINGS AND OVER ALL UNPROTECTED OPENINGS. CAULKING TO BE INSTALLED AROUND ALL UNFLASHED EXTERIOR OPENINGS.
- HARMONY HOMES SHALL NOT BE RESPONSIBLE FOR ANY VARIANCES FROM THE STRUCTURAL DRAWINGS AND SPECIFICATIONS, OR ADJUSTMENTS REQUIRED RESULTING FROM CONDITIONS ENCOUNTERED AT THE JOB SITE, AND IS THE SOLE RESPONSIBILITY OF THE OWNER OR CONTRACTOR
- HARMONY HOMES MAKES EVERY EFFORT TO PROVIDE COMPLETE AND ACCURATE CONSTRUCTION DRAWINGS. HOWEVER, WE ASSUME NO LIABILITY FOR ANY ERRORS OR OMMISIONS WHICH MAY EFFECT CONSTRUCTION. IT IS THE RESPONSIBILITY OF ALL TRADES AND SUB-TRADES TO CHECK AND VERIFY ALL DIMENSIONS AND DETAILS BEFORE COMMENCING WITH THEIR PORTION OF THE CONSTRUCTION. SHOULD DISCREPANCIES BE FOUND ON THESE PLANS, PLEASE ADVISE OUR OFFICES SO WE CAN MAKE THE NESESSARY CORRECTIONS.

INTERIOR SWING DOORS
ROUGH OPENING IS ALWAYS 52 1/2" HIGH X 2" GREATER THAN THE NOMINAL DOOR SIZE
EX. 2/6 X 6/8 = 34" X 82 1/2"

INTERIOR BIFOLDS
ROUGH OPENINGS FOR 2 PANEL DOORS ARE 1 1/4" GREATER THAN THE NOMINAL DOOR WIDTH & 1 1/2" GREATER THAN DOOR HEIGHT.
EX. 3/0 X 6/8 = 37 1/4" X 81 1/2"
ROUGH OPENINGS FOR 4 PANEL DOORS ARE 1" GREATER THAN THE NOMINAL DOOR WIDTH & 1 1/2" GREATER THAN DOOR HEIGHT.
EX. 5/0 X 6/8 = 61" X 81 1/2"

ISSUED FOR CONSTRUCTION

HARMONY HOMES
PHONE: (250)765-5191
#201 - 933 FINNS ROAD, KELOWNA, B.C.

PROPOSED RESIDENCE OF:
MR. & MRS. O'BRIEN
KELOWNA, B.C.

DRAWING SCALE: As indicated
DATE: MAY 29, 2015
REV. DATE: SEPT 17, 2015
DRN. BY: J.A.S.
3

AWARD WINNING BUILDER

REPORT TO COUNCIL

Date:	November 3, 2015		
RIM No.	0940-50		
To:	City Manager		
From:	Community Planning Department (LB)		
Application:	DVP15-0188	**Owner:**	Ryan Vick McDowell and Angela De'ette Chapman
Address:	427 Wardlaw Avenue	**Applicant:**	Ryan McDowell
Subject:	Development Variance Permit Application		
Existing OCP Designation:	MRL – Multiple Unit Residential (Low Density)		
Existing Zone:	RU6 – Two Dwelling Housing		

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0188 for Lot 44, District Lot 14, ODYD, Plan 483, located at 427 Wardlaw Avenue, Kelowna, BC;

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

Section 13.6.6(d): RU6 – Two Dwelling Housing Development Regulations

To vary the required minimum side yard from 2.0 m permitted to 1.4 m proposed.

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

2.0 Purpose

To vary the minimum side yard to facilitate additions to the existing single detached house on the subject property.

3.0 Community Planning

Community Planning Staff supports the requested variance to reduce the minimum side yard to facilitate additions to the existing house on the property. The variance will facilitate the additions of a 21 m^2 covered porch at the front of the house and a small 9 m^2 expansion to living space at the rear of the house.

The siting of the existing house is considered legal non-conforming due to the east and west side yard setbacks of 1.4 m and 1.6 m respectively. The proposed additions will be consistent with the existing east side yard setback of 1.4 m. In accordance with Section 911 of the *Local Government*

Act, a variance is required for the additions that do not meet the regulations of the Zoning Bylaw. No changes to the west side of the house are proposed.

Given the existing location of the house, no additional impacts to surrounding properties are anticipated. The covered porch at the front will replace a smaller uncovered deck, and the addition at the rear will extend an additional 2.6 m from the existing wall on the east side. The legal secondary suite in the lower floor of the house will remain, and the required on-site private open space and parking are provided.

In accordance with Council Policy No. 367, the applicant completed neighbourhood consultation by contacting neighbouring properties within 50 m. No concerns were identified through this consultation. At the time of writing, Staff has not been contacted with any questions or concerns regarding the application.

4.0 Proposal

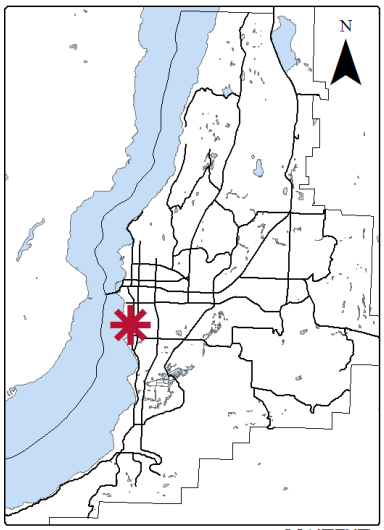
4.1 Site Context

The subject property is located on the south side of Wardlaw Avenue at the intersection with Abbott Street. The Future Land Use designation identified in the Official Community Plan is MRL – Multiple Unit Residential (Low Density) and the property is within the South Pandosy Urban Centre. The surrounding area is characterized by single dwelling housing development with Kinsmen Park to the west and South Pandosy Village to the east.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Single dwelling housing
East	RU6 – Two Dwelling Housing	Single dwelling housing
South	RU6 – Two Dwelling Housing	Single dwelling housing
West	RU6 – Two Dwelling Housing	Single dwelling housing

Subject Property Map: 427 Wardlaw Avenue



CONTEXT

SUBJECT PROPERTY

4.2 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	**RU6 ZONE REQUIREMENTS**	**PROPOSAL**
Existing Lot		
Minimum Lot Area	400 m^2	460 m^2
Minimum Lot Width	13.0 m	15.2 m
Minimum Lot Depth	30.0 m	30.3 m
Development Regulations		
Maximum Site Coverage (buildings)	40%	29%
Maximum Site Coverage (buildings, driveways and parking)	50%	40%
Maximum Height	9.5 m or 2 ½ storeys	Meets requirements
Minimum Front Yard	4.5 m	6.0 m
Minimum Side Yard (east)	2.0 m	1.4 m ❶
Minimum Side Yard (west)	2.0 m	1.6 m *
Minimum Rear Yard	6.0 m	10.4 m
Other Regulations		
Minimum Parking Requirements	3 stalls	3 stalls
Minimum Private Open Space	30 m^2 per dwelling	Meets requirements
❶ Indicates a requested variance to reduce the minimum east side yard from 2.0 m permitted to 1.4 m proposed.		
* Existing legal non-conforming side yard. No changes are proposed along this side of the property.		

5.0 Technical Comments

5.1 Building & Permitting Department

- No comments.

5.2 Development Engineering Department

- See attached memorandum, dated September 3, 2015.

6.0 Application Chronology

Date of Application Received: August 7, 2015
Date Public Consultation Completed: August 16, 2015

Report prepared by:

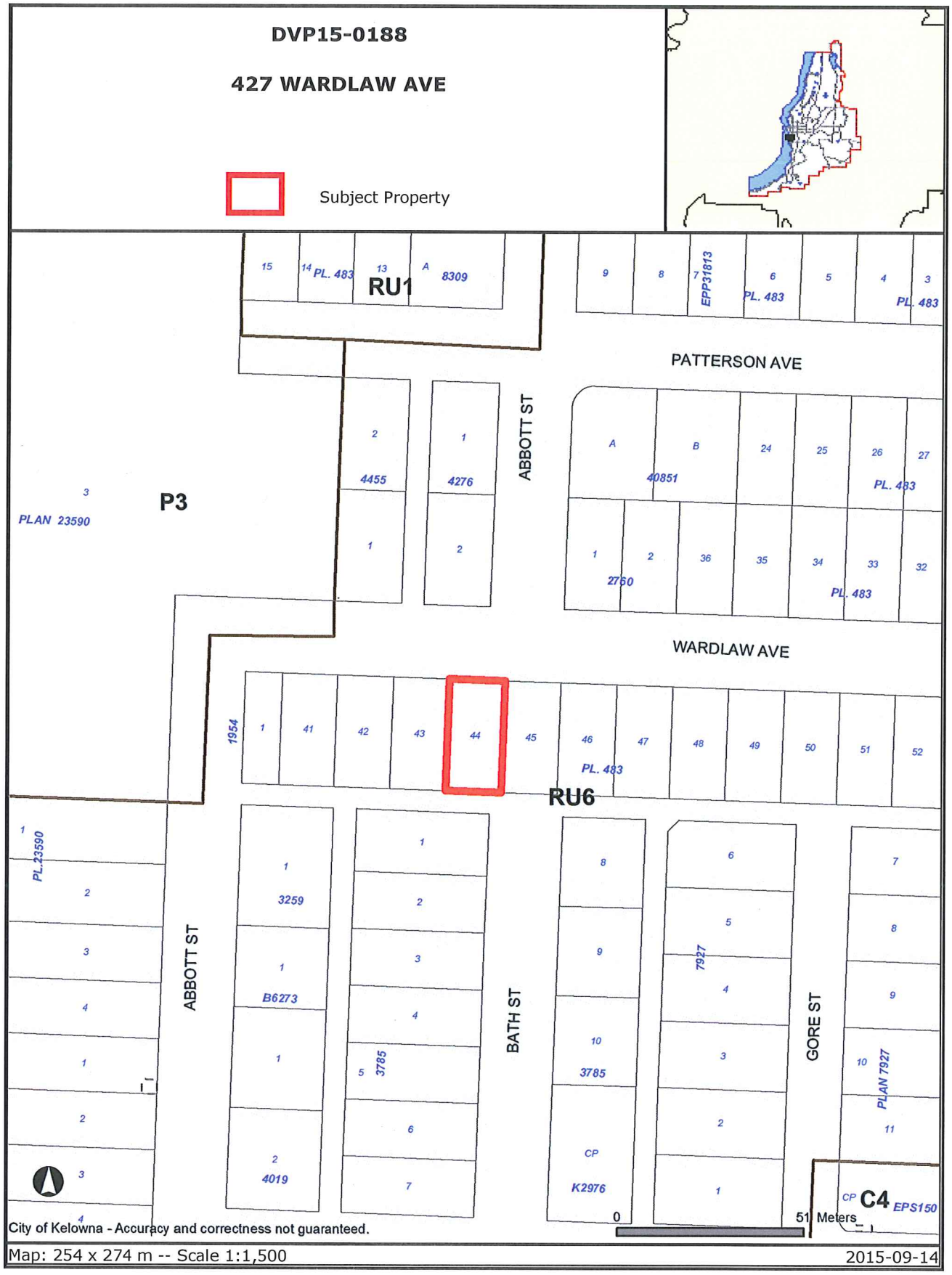
Laura Bentley, Planner

Reviewed by: Lindsey Ganczar, Planning Supervisor

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Subject Property Map
City of Kelowna Memorandum
Conceptual Renderings and Floor Plans
Draft Development Variance Permit No. DVP15-0188
Schedule A: Site Plan



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

CITY OF KELOWNA

MEMORANDUM

Date: September 3, 2015

File No.: DVP15-0188

To: Community Planning (LB)

From: Development Engineering Manager (SM)

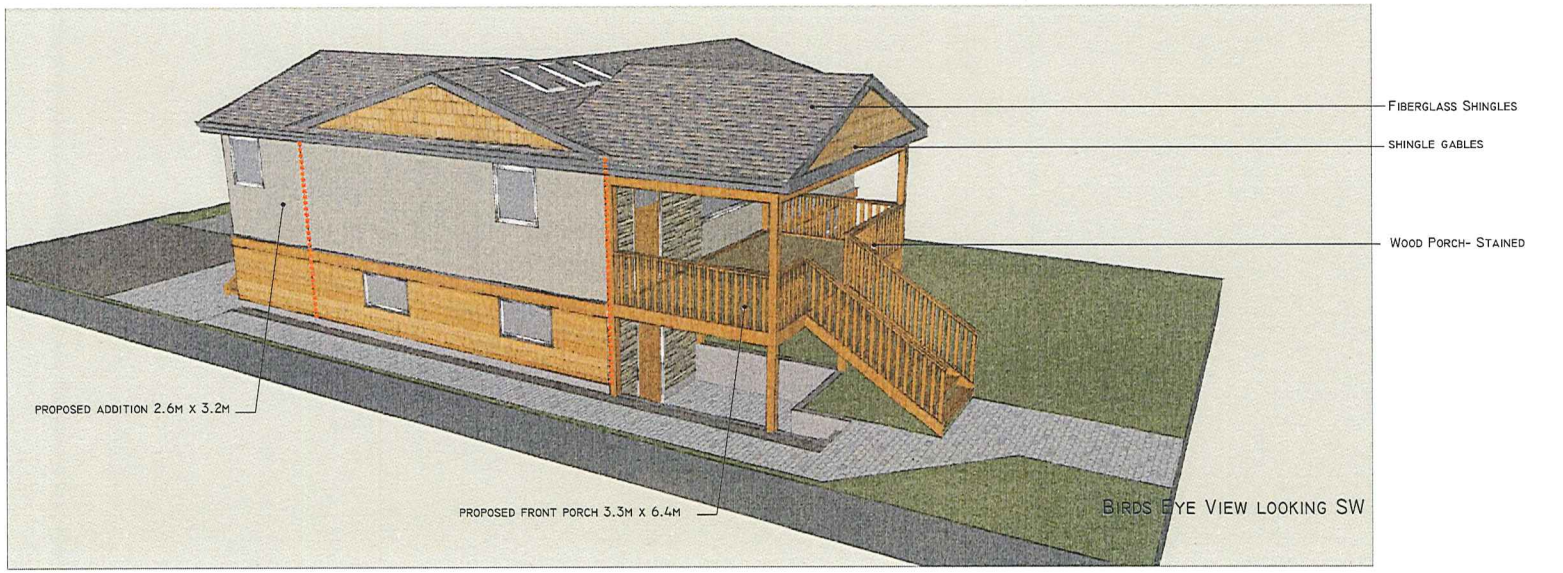
Subject: 427 Wardlaw Ave

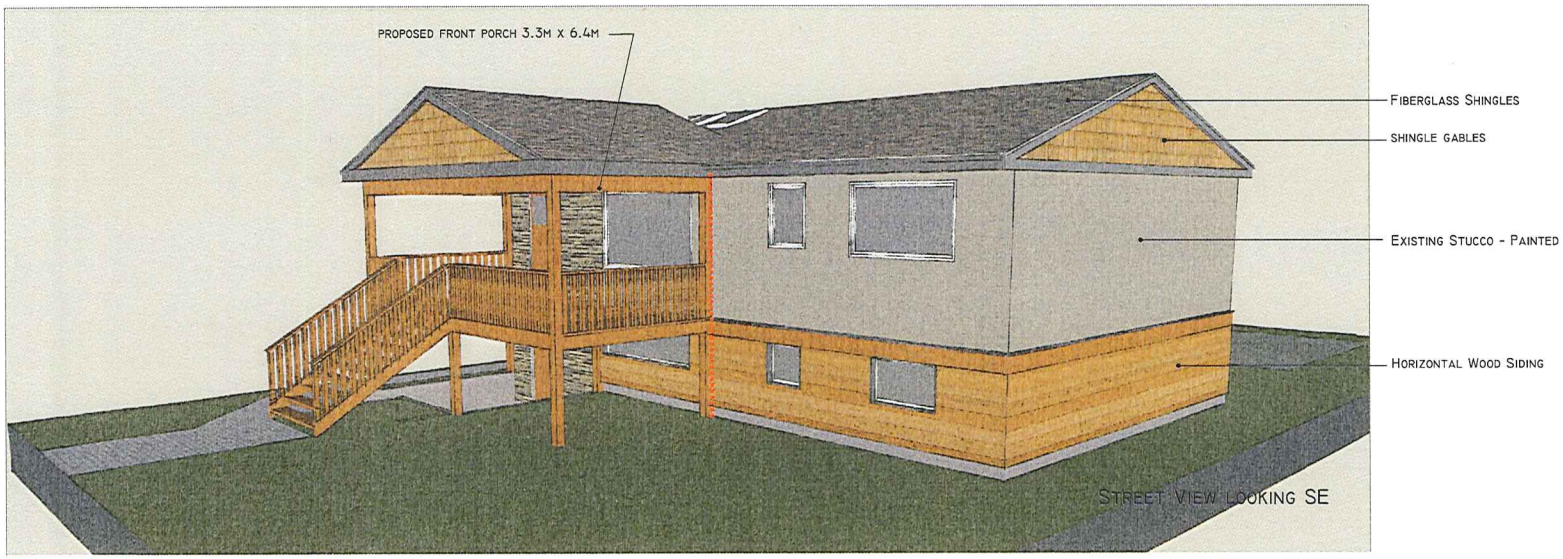
Development Engineering comments and requirements regarding this development permit application are as follows:

This development variance permit application to vary the side yard setbacks from 2.0m to 1.4m does not compromise any municipal services.

Steve Muenz, P. Eng.
Development Engineering Manager

SS



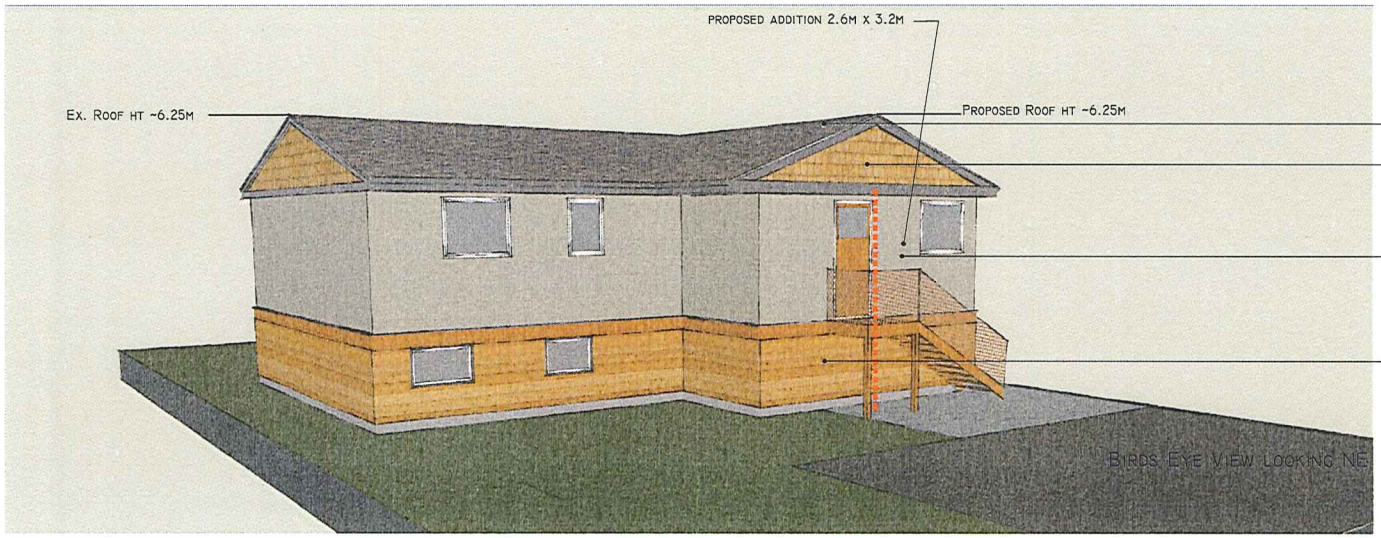


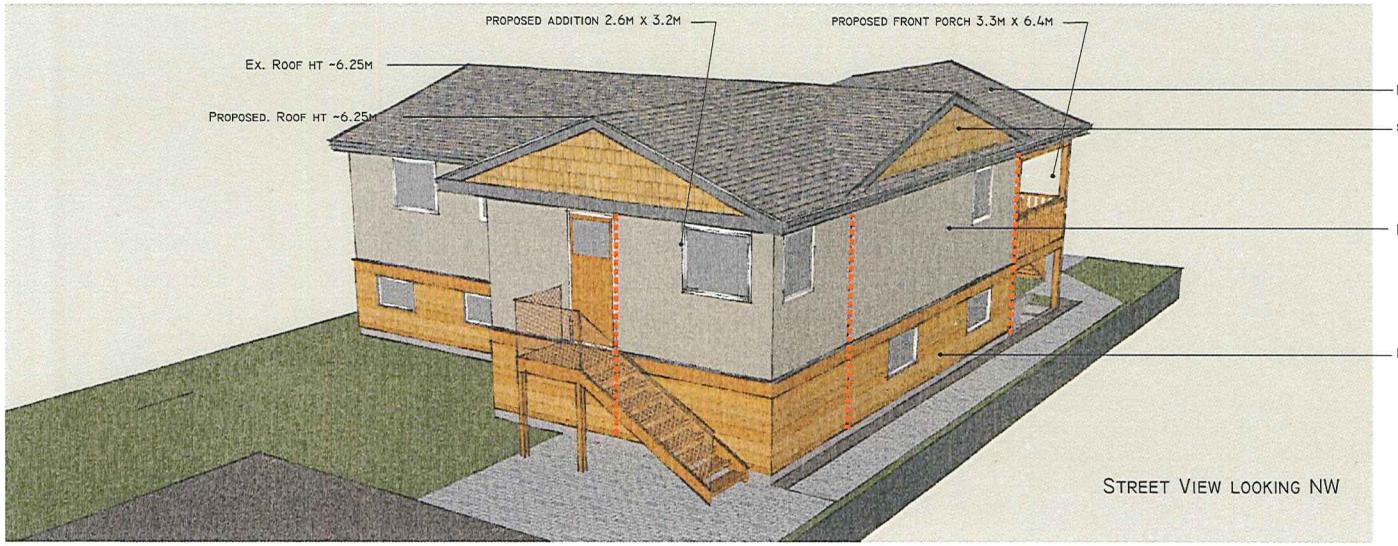
hugh bitz architect

427 WARDLAW AVE. KELOWNA -PROPOSED FORM & CHARACTER

07.06.15
1:100 10MM = 1M

A2.0





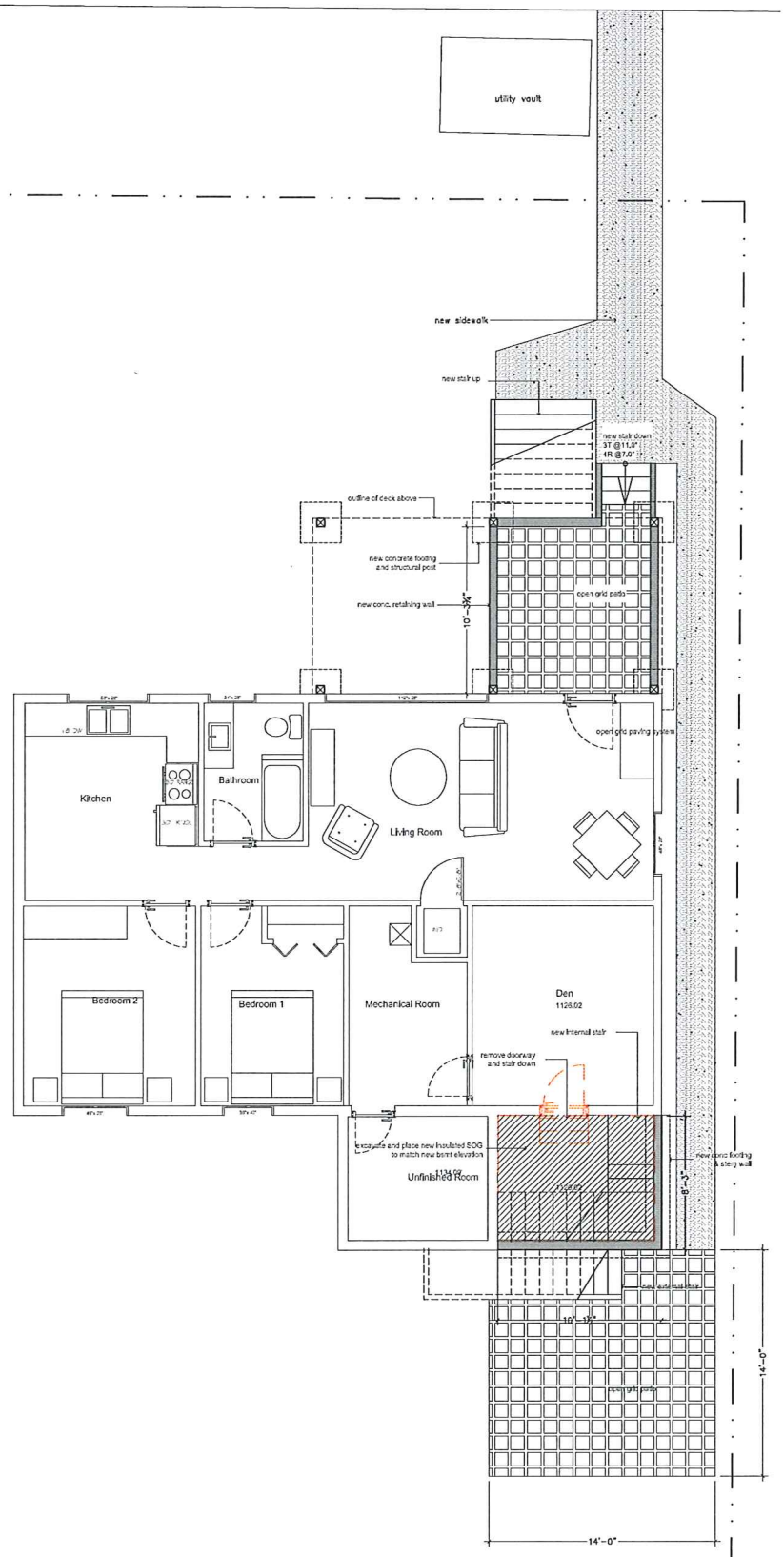
hugh j bitz architect

427 WARDLAW AVE. KELOWNA -PROPOSED FORM & CHARACTER

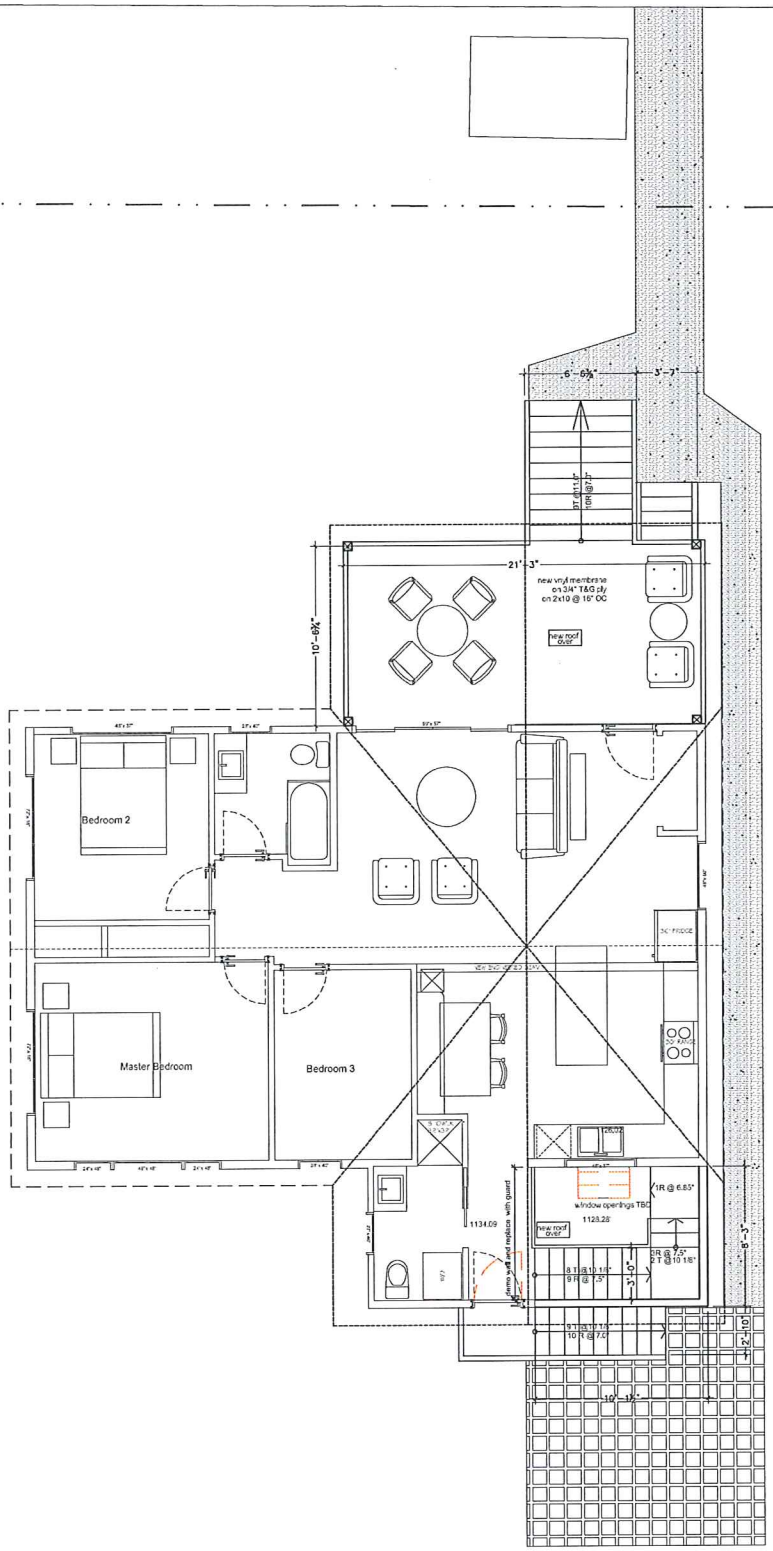
08.10.15

NTS

A2.1



proposed lower floor plan



proposed upper floor plan

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP15-0188

EXISTING ZONING DESIGNATION:	RU6 - Two Dwelling Housing
DEVLOPMENT VARIANCE PERMIT:	To vary the minimum side yard from 2.0 m permitted to 1.4 m proposed.

ISSUED TO:	Ryan McDowell and Angela De'ette Chapman
LOCATION OF SUBJECT SITE:	427 Wardlaw Avenue

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	44	-	14	-	ODYD	483

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, as shown on Schedule "A":

Section 13.6.6(d): RU6 - Two Dwelling Housing Development Regulations
To vary the required minimum side yard from 2.0 m permitted to 1.4 m proposed.

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

2. PERFORMANCE SECURITY:

None required.

3. DEVELOPMENT:

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

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

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

THIS Permit IS NOT A BUILDING Permit.

4. APPLICANT'S AGREEMENT:

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

(a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.

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

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

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

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

_____ _____
Signature of Owner/Authorized Agent Date

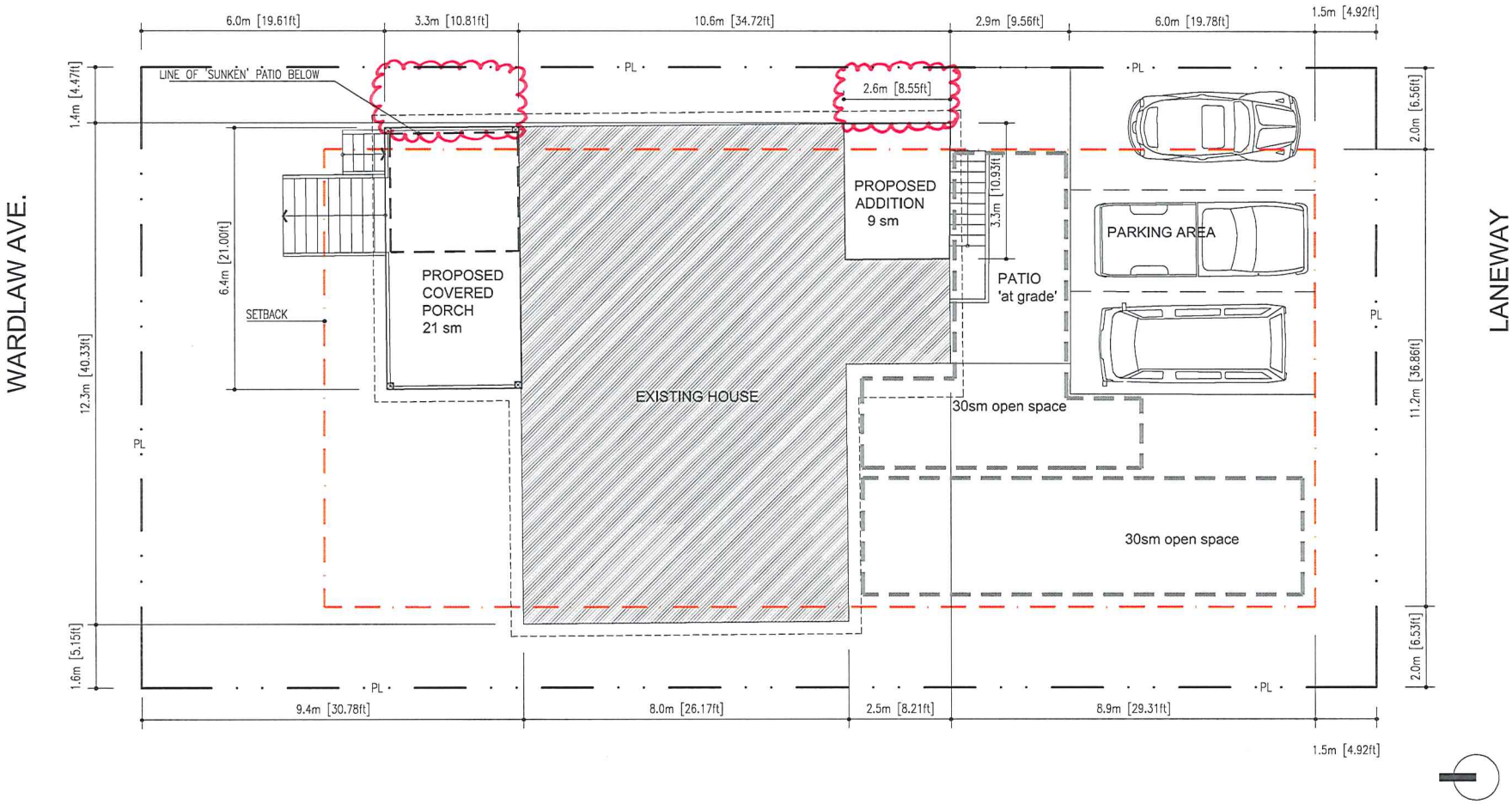
_____ _____
Print Name in Bold Letters Telephone No.

5. APPROVALS:

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

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

SCHEDULE A
This forms part of development
Permit # DVP15-0188



hugh bitz architect

427 WARDLAW AVE. KELOWNA -PROPOSED SITE PLAN

06.30.15
1:100 10MM = 1M

A1.0

REPORT TO COUNCIL

Date:	November 3, 2015		
RIM No.	0940-50		
To:	City Manager		
From:	Community Planning Department (LB)		
Application:	DVP15-0201	**Owner:**	Robert William Petty & Jennifer Anne Petty
Address:	449 Eldorado Road	**Applicant:**	Urban Options Planning & Permits
Subject:	Development Variance Permit Application		
Existing OCP Designation:	S2RES – Single / Two Unit Residential		
Existing Zone:	RU1 – Large Lot Housing		

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0201 for Lot A, District Lot 167, ODYD, Plan 11366, located at 449 Eldorado Road, Kelowna, BC;

AND THAT a variance 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 1.4 m proposed.

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

2.0 Purpose

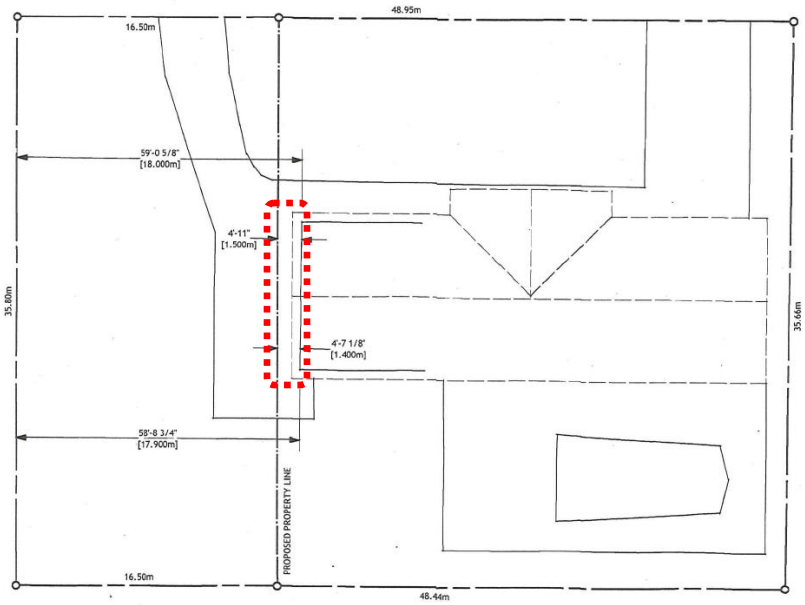
To vary the minimum side yard for the existing house to facilitate a two lot subdivision of the subject property.

3.0 Community Planning

Community Planning Staff supports the Development Variance Permit application to reduce the minimum side yard from 2.0 m permitted to 1.4 m proposed. This variance is to facilitate a two lot subdivision and is associated with subdivision application S15-0071.

The property owner intends to retain the existing dwelling on the eastern portion of the property, resulting in the variance request along what will become the west side lot line, as shown in the image below. This variance allows the proposed lot on the west portion of the

property to meet the RU1 subdivision regulations for lot width. The existing house is one storey and there are no windows on the west façade, alleviating potential concerns regarding spatial separation requirements. No other variances are required as part of the subdivision.



In fulfillment of Council Policy No. 367, the applicant completed neighbourhood consultation by contacting neighbouring properties within 50 m. No major concerns regarding the side yard variance were identified during this consultation. At the time of writing, Staff has not been contacted with any questions or concerns.

4.0 Proposal

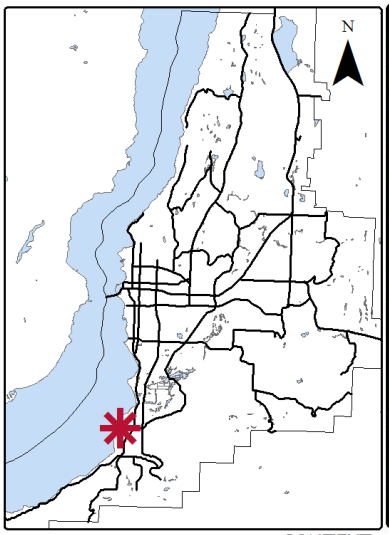
4.1 Site Context

The subject property is located on the south side of Eldorado Road, east of Walker Road in the City's North Mission-Crawford Sector. The Future Land Use designation in the Official Community Plan is S2RES – Single / Two Unit Residential and it is within the Permanent Growth Boundary. The surrounding area is characterized by single dwelling housing development.

Adjacent land uses are as follows:

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

Subject Property Map: 449 Eldorado Road



CONTEXT

SUBJECT PROPERTY

4.2 Zoning Analysis Table

Zoning Analysis Table			
CRITERIA	**RU1 ZONE REQUIREMENTS**	**PROPOSED LOT 1**	**PROPOSED LOT 2**
Subdivision Regulations			
Minimum Lot Area	550 m^2	1,146 m^2	590 m^2
Minimum Lot Width	16.5 m	32.5 m	16.5 m
Minimum Lot Depth	30.0 m	35.7 m	35.8 m
Development Regulations			
Minimum Front Yard	4.5 m 6.0 m to garage or carport	Meets requirements	n/a
Minimum Side Yard (east)	2.0 m	Existing legal non-conforming	n/a
Minimum Side Yard (west)	2.0 m	1.4 m ❶	n/a
Minimum Rear Yard	7.5 m	Meets requirements	n/a
❶ Indicates a requested variance to reduce the required minimum side yard from 2.0 permitted to 1.4 m proposed.			

5.0 Technical Comments

5.1 Building & Permitting Department

- No comments.

5.2 Development Engineering Department

- See attached memorandum, dated September 23, 2015.

6.0 Application Chronology

Date of Application Received: August 28, 2015
Date Public Consultation Completed: September 13, 2015

Report prepared by:

_____
Laura Bentley, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

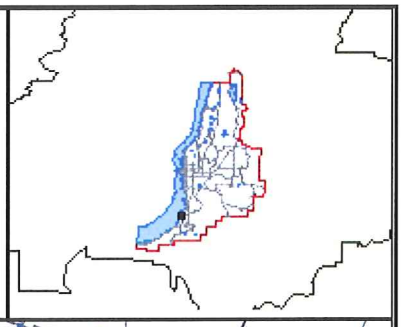
Subject Property Map
City of Kelowna Memorandum
Draft Development Variance Permit No. DVP15-0201
Schedule "A"

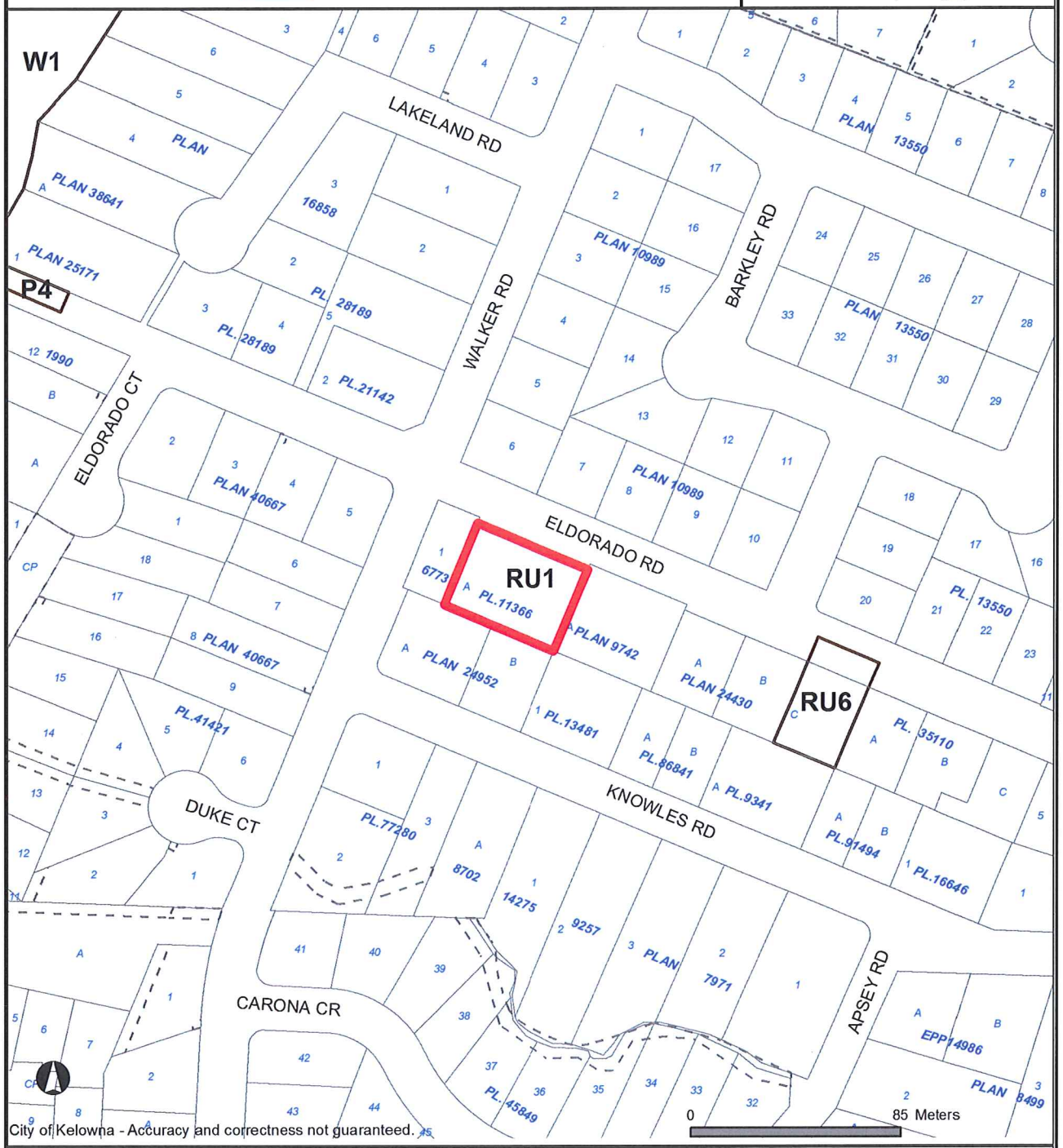
Application

DVP15-0201

S15-0071

Subject Property





Map: 423 x 456 m -- Scale 1:2,500 2015-08-28

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

CITY OF KELOWNA

MEMORANDUM

Date: September 23, 2015

File No.: DVP15-0201

To: Community Planning (LB)

From: Development Engineer Manager (SM)

Subject: 449 Eldorado Road

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

This development variance permit application to vary the side yard setback to 1.4m does not compromise any municipal services.

FOR

Steve Muenz, P. Eng.
Development Engineering Manager

SS

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP15-0201

EXISTING ZONING DESIGNATION:	RU1 - Large Lot Housing
DEVLOPMENT VARIANCE PERMIT:	To vary the minimum side yard from 2.0 m permitted to 1.4 m proposed.

ISSUED TO:	Robert and Jennifer Petty
LOCATION OF SUBJECT SITE:	449 Eldorado Road

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	A	-	167	-	ODYD	11366

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, 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 1.4 m proposed.

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

2. PERFORMANCE SECURITY:

None required.

3. DEVELOPMENT:

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

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

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

THIS Permit IS NOT A BUILDING Permit.

4. APPLICANT'S AGREEMENT:

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

(a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.

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

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

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

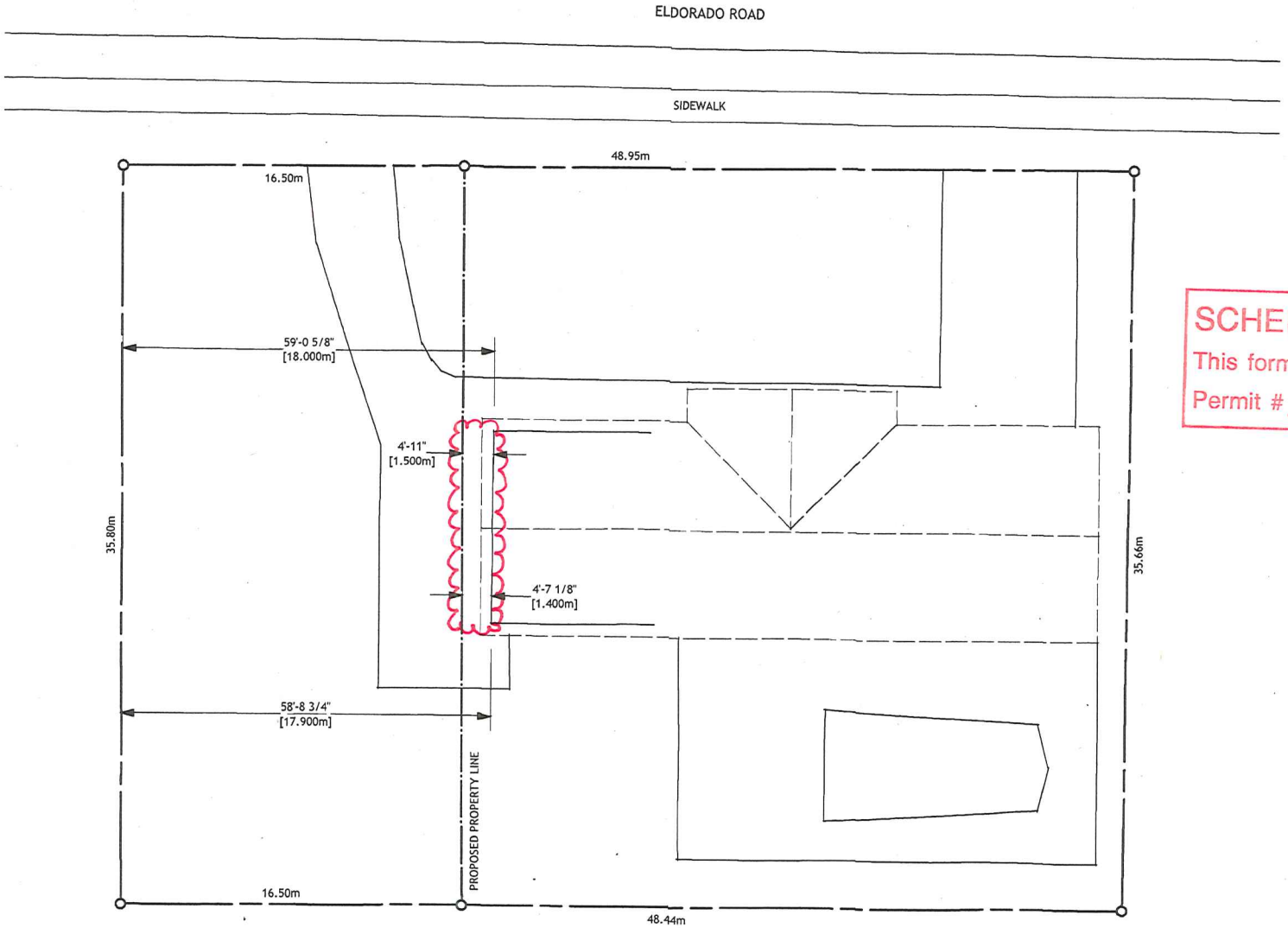
I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.

Signature of Owner/Authorized Agent	Date
Print Name in Bold Letters	Telephone No.

5. APPROVALS:

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

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



1 PRELIMINARY SUBDIVISION PLAN
Scale: 1:200

0 10 15 20 25 30 FT

SCHEDULE A
This forms part of development
Permit # DVP15-0201

449 ELDORADO ROAD
KELOWNA, BC V1W 1G7

LOT A, PLAN KAP11366

AUGUST 12, 2015

IHS DESIGN
1392 MINE HILL DRIVE
KELOWNA, BC V1W 4Y5
(250) 212-7938
www.ihsdesign.com