

City of Kelowna
Regular Council Meeting
AGENDA



Tuesday, October 4, 2022
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

I would like to acknowledge that we are gathered today on the traditional, ancestral, unceded territory of the syilx/Okanagan people.

This Meeting is open to the public and all representations to Council form part of the public record. A live audio-video feed is being broadcast and recorded on kelowna.ca.

2. Reaffirmation of Oath of Office

The Oath of Office will be read by Councillor DeHart.

3. Confirmation of Minutes

1 - 12

Regular Meeting - September 20, 2022

4. Liquor License Application Reports

Mayor to invite anyone participating online or in the public gallery who deems themselves affected by the liquor license application to come forward.

4.1. START TIME 6:00 PM - Vaughan Ave 110-889 - LL22-0019 - 1568447 Alberta Ltd,. Inc. No. A0093042

13 - 41

To seek Council's support for a new liquor primary license with an occupant load of 54 persons.

4.2. START TIME 6:00 PM - Bernard Ave 510 - LL22-0020 - 0726550 B.C LTD., INC.NO. BC0726550

42 - 57

To seek Council's support for a new liquor primary license with an occupant load of 124 persons.

5. Development Permit and Development Variance Permit Reports

Mayor to invite anyone participating online or in the public gallery who deems themselves affected by the required variance(s) to come forward for each item.

5.1. START TIME 6:00 PM - Osprey Ave 540 - DP22-0051 DVP22-0052 - Simple Pursuits Inc., Inc.No. BC1206854

58 - 109

To issue a Development Permit for the form and character of a 6-storey commercial building and to vary the minimum upper floor setback, minimum front yard setback, minimum flanking side yard setback, and minimum commercial floor area on a retail street.

6. Reminders

7. Termination



City of Kelowna
Regular Council Meeting
Minutes

Date: Tuesday, September 20, 2022
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Ryan Donn, Gail Given, Charlie Hodge, Brad Sieben*; Mohini Singh, Luke Stack and Loyal Wooldridge

Members Absent Councillor Maxine DeHart

Staff Present Acting City Manager, Mac Logan; City Clerk, Stephen Fleming; Divisional Director, Partnership & Investment, Derek Edstrom; Real Estate Department Manager, Johannes Saufferer; Divisional Director, Planning & Development Services, Ryan Smith; Park & Landscape Planner, Melanie Steppuhn; Legislative Coordinator (Confidential), Rebecca Van Huizen

Staff participating Remotely Legislative Coordinator (Confidential), Clint McKenzie

(* Denotes partial attendance)

1. **Call to Order**

Mayor Basran called the meeting to order at 4:06 p.m.

2. **Confirmation of Minutes**

Moved By Councillor Wooldridge/Seconded By Councillor Donn

R0678/22/09/20 THAT the Minutes of the Regular AM Meeting and Regular PM Meeting of August 22, 2022 be confirmed with an amendment to reflect Deputy Mayor Hodge.

Carried

Moved By Councillor Wooldridge/Seconded By Councillor Donn

R0679/22/09/20 THAT the Minutes of the Regular Meeting of August 23, 2022 be confirmed as circulated.

Carried

3. **Resolution Closing the Meeting to the Public**

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

Ro680/22/09/20 THAT this meeting be closed to the public pursuant to Section 90(1) (e) of the Community Charter for Council to deal with matters relating to the following:

- Acquisition and Disposition of Land

Carried

4. Adjourn to Closed Session

The meeting adjourned to a closed session at 4:08 p.m.

5. Reconvene to Open Session

The meeting reconvened to an open session at 4:27 p.m.

6. Reports & Related Bylaws

6.1 2023 Permissive Tax Exemption - Bylaw 12408

Councillor Stack provided an explanation as to why he previously declared a conflict on permissive tax exemptions and why this is no longer the case.

Staff displayed a PowerPoint Presentation summarizing the changes to the permissive tax exemptions and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Donn

Ro681/22/09/20 THAT Council receives, for information, the Report from the Revenue Supervisor dated September 20, 2022 with respect to the 2023 Permissive Tax Exemption Bylaw;

AND THAT Bylaw No. 12408, being the Permissive Tax Exemption Bylaw be forwarded for reading consideration.

Carried

6.2 Bl12408 - 2023 Permissive Tax Exemption Bylaw

Moved By Councillor Wooldridge/Seconded By Councillor Sieben

Ro682/22/09/20 THAT Bylaw No. 12408 be read a first, second and third time.

Carried

6.3 Collett Road 467 - Z22-0018 (BL12425) - Peter Blom - Supplemental Report

Moved By Councillor Wooldridge/Seconded By Councillor Singh

Ro683/22/09/20 THAT Council receives, for information, the report from the Office of the City Clerk dated September 20, 2022 with respect to Zoning Bylaw No. 12425;

AND THAT Rezoning Bylaw No.12425 be forwarded for further reading consideration.

Carried

6.4 Collett Road 467 - BL12425 (Z22-0018) - Peter Blom

Moved By Councillor Wooldridge/Seconded By Councillor Sieben

Ro684/22/09/20 THAT Bylaw No. 12425 be read a first, second and third time and be adopted.

Carried

6.5 Doyle Ave 550 - BL12415 (TA22-0013) - Multiple Owners

Moved By Councillor Wooldridge/Seconded By Councillor Given

Ro685/22/09/20 THAT Bylaw No. 12415 be adopted.

Carried
Councillor Hodge - Opposed

6.6 Doyle Ave 550 - BL12416 (Z21-0110) - Multiple Owners

Moved By Councillor Stack/Seconded By Councillor Sieben

Ro686/22/09/20 THAT Bylaw No. 12416 be adopted.

Carried
Councillor Hodge - Opposed

6.7 Doyle Ave 550 - DP21-0285 - Multiple Owners

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Donn/Seconded By Councillor Wooldridge

Ro687/22/09/20 THAT final adoption of Text Amending Bylaw No. 12415 be considered by Council;

AND THAT final adoption of Rezoning Bylaw No. 12416 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP21-0285 for PARCEL A (KK73272) DL 139 ODYD PLAN KAP45917, located at 550 Doyle Ave, Kelowna, BC subject to the following:

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

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

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

Carried
Councillor Hodge - Opposed

7. Adjourn the Meeting

The meeting adjourned at 5:14 pm

8. Reconvene the Meeting

The meeting reconvened at 6:02 p.m.

9. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Wooldridge.

10. Liquor License Application Reports

10.1 START TIME 6:00 PM - Ellis Street 1383 - LL21-0009 - Revelry Holdings Ltd., Inc.No. BC1239987

Councillor Sieben declared a conflict of interest as he has an interest in a number of downtown liquor establishments and left the meeting at 6:06 p.m.

Staff:

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

Lee Simon, Applicant

- Provided an overview of the application and how the venue would operate.
- Confirmed it is a casual cafe and it also a music venue.
- Responded to questions from Council.
- Confirmed that fully enclosed space on the deck.
- Confirmed the third floor is now taken away.

Mayor Basran invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Gallery:

Lloyd Peterson, Doyle Ave

- Displayed a PowerPoint presentation.
- Opposed to the application.
- Raised concerns with noise impacts on neighbours as patrons enter and exit the venue during the day and night.
- Made comments on anticipated new development that will add residential units to the immediate area.
- Raised concerns with public drunkenness and the social disorder it can create.
- Made reference to correspondence previously submitted by the applicant.
- Questioned whether Council policies were followed and if all relevant information was made available.
- Raised concerns with safety implications.

Max Vanlon, Doyle Ave

- Opposed to the application.
- Spoke to the previous licence turned down by Council in downtown area.

Ezra Cipes, Ellis St.

- Supportive of the application as it is a positive step to building the area and cultural district.

Noel Wentworth, Glenpine Court

- Supportive of the application.
- Venue will support artists and performers under 19.

Online:

Sophia Fusco, Corgans Court

- Supportive of the application.
- Venue will provide the much needed space for high school aged artists and performers.
- This type of venue is needed in the downtown.

Applicant in response

- Responded to questions from Council.
- Spoke to the differences between a music hall and a nightclub.

- Spoke to the neighbourhood consultation.
- Spoke to fire exits and building permit regulations being met.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

Ro688/22/09/20 THAT Council direct Staff to forward the following Recommendation to the Provincial Liquor and Cannabis Regulation Branch (LCRB):
In accordance with 'Division 9 (71)' of the Liquor Control and Licensing Regulation and Council Policy no. 359, BE RESOLVED THAT:

1. Council recommends support of an application from Lee Simon for a liquor primary license for Lot 8 District Lot 139 ODYD Plan 432, located at 1383 Ellis Street, Kelowna, BC for the following reasons:
 - a. Council Policy No. 359, recommends the large establishments should be located within Urban Centres.
2. Council's comments on LCLB's prescribed considerations are as follows:

Criteria for new liquor primary:

- a. The location of the establishment:

The subject property is located within the Downtown Urban Centre and is surrounded by a variety of other commercial, residential, and mixed-use developments.

- b. The proximity of the establishment to other social or recreational facilities and public buildings:

The site is located near the Kelowna Downtown Library, Kelowna Community Theatre, Kasugai Gardens and City Hall. In addition, the Kelowna's Actor's Studio is directly to the North.

- c. The person capacity and hours of liquor service of the establishment:

The business proposes a total capacity of 685 persons as follows: Main Floor – 418 persons, Second Floor – 267 persons; with hours of service as follows:

- a. 7:00am to 12:00am Sunday to Thursday.
- b. 7:00am to 1:00am Friday to Saturday.
- d. The number and market focus or clientele of liquor-primary license establishments within a reasonable distance of the proposed location:

The location is next door to another liquor primary, however, there are no others in the vicinity.

- e. The impact of noise on the community in the immediate vicinity of the establishment:

The proposal does not include any outdoor activities, and all activities will be contained within the structure. The applicant has introduced noise mitigating factors like ending any live music one hour before the end of the proposed hours of liquor sales.

- f. The impact on the community if the application is approved:

Staff do not anticipate any negative impacts to the community.

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."

Carried

Councillor Sieben returned to the meeting at 6:55 p.m.

11. Development Permit and Development Variance Permit Reports

11.1 START TIME 6:00 PM - Abbott St 1986 - HAP22-0008 - Skill-Tech Builders Inc

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Applicant

- Applicant was present and available for questions.

Mayor Basran invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one Online or in the Gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Donn

Ro689/22/09/20 THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP22-0008, for LOT 1 DL 14 ODYD PLAN KAP70173, located at 1986 Abbott St, Kelowna, BC subject to the following:

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

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

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

To vary the required minimum side yard from 2.3 m permitted for a 2 or a 2 ½ storey portion of a building to 1.15 m proposed.

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

Carried

11.2 START TIME 6:00 PM - McDougall St 1978 - HAP22-0009 - Terry Jennens

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Applicant

- Applicant was present and available for questions.

Mayor Basran invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one Online or in the Gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Singh

Ro690/22/09/20 THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP22-0009 for LOT A DL 14 ODYD PLAN EPP38244, located at 1978 McDougall St, Kelowna, BC subject to the following:

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

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

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

To vary the required minimum side yard from 2.0 m for a 1 or 1 ½ storey building permitted to 1.3 m proposed;

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

Carried

At the request of Council, the applicant provided background to the "Viking ship" that was located on the property.

11.3 START TIME 6:45 PM - Drysdale Blvd 305 - BL12332 (Z21-0059) - Will McKay and Co Ltd., Inc.No. BCo306923

Moved By Councillor Donn/Seconded By Councillor Given

Ro691/22/09/20 THAT Bylaw No. 12332 be amended at third reading by deleting the Legal Description that reads:

"a) Lot 5 Section 33, Township 26 ODYD, Plan EPP 48909 located at 301 Drysdale Boulevard, Kelowna, BC; and

b) Lot 4 Section 33, Township 26, ODYD, Plan EPP48909 located at 305 Drysdale Boulevard, Kelowna, BC"

And replacing it with:

"Parcel A (Being a Consolidation of Lots 4 and 5, See CA9869654) Section 33 Township 26 ODYD Plan EPP48909"

AND THAT "301 and" be deleted from the title.

Carried

Moved By Councillor Donn/Seconded By Councillor Singh

Ro692/22/09/20 THAT Bylaw No. 12332, as amended, be adopted.

Carried

11.4 START TIME 6:45 PM - Drysdale Blvd 305 - DP21-0130 DVP21-0131 - Will McKay and Co. Ltd., Inc.No. BCo306923

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Applicant' Agent, Jordan Hettinga, Hemlick Rd

- Applicant was present and available for questions.

Mayor Basran invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Online:

Ben Hansford, Drysdale Blvd.

- Opposed to the application.
- Concerned for safety and traffic increase in the neighbourhood.
- Questioned what parking facilities are being provided onsite.
- Made reference to previously submitted correspondence in opposition.

Applicant's Agent

- Spoke to the traffic calming being implemented.
- Spoke to additional bike parking being provided.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Sieben

Ro693/22/09/20 THAT Rezoning Bylaw No. 12332 be amended at third reading to revise the legal description of the subject property from LOT 5 SECTION 33 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN EPP48909 and LOT 4 SECTION 33 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN EPP48909 to PARCEL A (BEING A CONSOLIDATION OF LOTS 4 AND 5, SEE CA9869654) SECTION 33 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN EPP48909;

AND THAT final adoption of Rezoning Bylaw No. 12332 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP21-0130 and Development Variance Permit No. DVP21-0131 for PARCEL A (BEING A CONSOLIDATION OF LOTS 4 AND 5, SEE CA9869654) SECTION 33 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN EPP48909, located at 305 Drysdale Blvd, Kelowna, BC subject to the following:

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

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

Section 13.11.6(c): RM5 – Medium Density Multiple Housing Development Regulations

To vary the required maximum height from 18.0 m or 4.5 storeys permitted to 17.8 m or 6 storeys proposed.

Section 13.11.6(e): RM5 – Medium Density Multiple Housing Development Regulations

To vary the required minimum side yard (east) from 7.0 m permitted to 6.01 m proposed.

Section 13.11.6(f): RM5 – Medium Density Multiple Housing Development Regulations

To vary the required minimum rear yard from 9.0 m permitted to 6.02 m proposed.

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

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

Carried

11.5 START TIME 6:45 PM - Cariboo Rd 200 - DVP22-0114 - Genevieve Schulz and Nicolas Schulz

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Applicant

-Applicant was present and available for questions.

Mayor Basran invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one Online or in the Gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Stack

Ro694/22/09/20 THAT Council authorizes the issuance of Development Variance Permit No. DVP22-0114 for Lot A Section 4 Township 23 ODYD Plan EPP85121, located at 200 Cariboo Road, Kelowna, BC;

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

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

To vary the required minimum rear yard from 7.5 m permitted to 4.5 m proposed.

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

Carried

11.6 START TIME 6:45 PM - 1746 Tronson Drive - DVP22-0131 - Marino Bigattini and Bernadette Bigattini

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Applicant

-Available was present and available for questions.

Mayor Basran invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one Online or in the Gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Wooldridge

Ro695/22/09/20 THAT Council authorizes the issuance of Development Variance Permit No. DVP22-0131 for Lot 1 Section 29 Township 26 ODYD Plan 24924, located at 1746 Tronson Drive, Kelowna, BC;

AND THAT variances to the following section of Zoning Bylaw No. 8000 be granted:
Section 13.1.6(c): RU1 – Large Lot Housing, Development Regulations
To vary the required minimum front yard from 4.5 m permitted to 2.47 m proposed.

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

Carried

11.7. START TIME 7:15 PM - Queensway 289 - DP22-0079 DVP22-0080 - 1324632 Alberta Inc., Inc.No. A72431

Councillor Sieben Declared a conflict of interest as he is a part owner of 1481 water Street and left the meeting at 7:39 p.m.

Staff:

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

Applicant, Gail Temple, West Corp and Lauren Macaulay, IBI Architects

- Displayed a PowerPoint presentation.
- Provided rationale for the delay in bringing the project forward since the previous permits were issued.
- Provided comments on small changes to previously submitted permits.
- Spoke to form and character and proposed variances.
- Spoke to amenities provided and the interface with Kerry Park.
- Responded to questions from Council.

Mayor Basran invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one Online or in the Gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Wooldridge

Ro696/22/09/20 THAT Council authorizes the issuance of Development Permit No. DP22-0079 for Lot 1 District Lot 139 ODYD Plan EPP77920, located at 289 Queensway, Kelowna, BC subject to the following:

The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";

The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";

Landscaping to be provided on the land be in accordance with Schedule "C";

The outstanding conditions set out in Attachment "B" attached to the Report from the Community Planning Department dated February 20th, 2017, including a maintenance agreement with associated bonding be signed and submitted with the City of Kelowna to

ensure the upgraded off-sites improvements along Queensway Ave and Water St are provided for and maintained for in perpetuity.

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP22-0080 for Lot 1 District Lot 139 ODYD Plan EPP77920, Kelowna, BC;

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

Section 14.7.5(a): C7 – Central Business Commercial, Development Regulations

To vary the maximum allowable height from 26 storeys / 76.5 m to 33 storeys / 131.0 m proposed.

Section 14.7.5(h)i: C7 – Central Business Commercial, Development Regulations

To vary the setback for the north and east side of the building above 16.0 m or 4 storeys from 3.0 m required to 0.0 m proposed

Section 14.7.5(h)ii(a): C7 – Central Business Commercial, Development Regulations

To vary the maximum floor plate size above 4 storeys from 750 m² permitted to 2,912 m² proposed for the podium and to 917 m² proposed for the tower.

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

AND THAT the applicant be required to complete the following conditions prior to a building permit being issued:

1. That a subdivision be registered with the land titles office completing the land exchange and lane dedication;
 - a. As part of the new registered plans, the vehicular right-of-way and turn around within the lane be amended to reflect the updated plans; and
 - b. A statutory right-of-way be registered on the property guaranteeing public access between the proposed building and Queensway / Kerry Park.
2. That a license of occupation be signed by the City of Kelowna to permit the canopy encroachments across the property lines.
3. That a license of occupation be registered for the Hotel permitting the portions of Queensway to be used for hotel purposes such as valet services.

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

Carried
Councillor Hodge – Opposed

Councillor Sieben rejoined the meeting at 8:11 p.m.

12. Reminders

There were no reminders.

12.1 Resolution Closing the Meeting to the Public

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

Ro697/22/09/20 THAT this meeting be closed to the public pursuant to Section 90(1) (e) of the Community Charter for Council to deal with matters relating to the following:

- Acquisition and Disposition of Land

Carried

12.2. Adjourn to Closed Session

The meeting adjourned to a closed session at 8:15 p.m.

12.3. Reconvene to Open Session

The meeting reconvened to an open session at 8:32 p.m.

12.4 Issues Arising from Correspondence & Community Concerns

Councillor Singh – Kinsmen Club Relocation

-Raised concerns on behalf of the Kinsmen Club regarding relocation and the use of alternate City space.

Councillor Donn – Carney Park

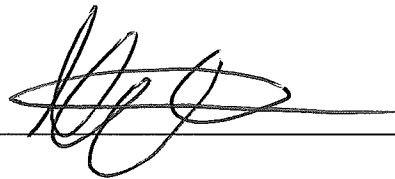
-Quail Ridge correspondence regarding the cancelled swing set.
-Disappointed with staff response.

13. Termination

The meeting was declared terminated at 7:56 p.m.

Mayor Basran

/cm



City Clerk

REPORT TO COUNCIL



Date: October 4, 2022
To: Council
From: City Manager
Department: Development Planning
Application: LL22-0019
Address: 110 – 88g Vaughan Ave
Subject: Liquor License
Existing OCP Designation: Industrial
Existing Zone: I2 – General Industrial

Owner: 1568447 Alberta Ltd. Inc.No. A0093042
Applicant: Shayne Labis

1.0 Recommendation

THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor and Cannabis Regulation Branch (LCRB):

In accordance with 'Division 9 (71)' of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Born to Shake for a liquor primary license for Strata Lot 10 Section 30 Township 26 ODYD Strata Plan EPS7283 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V, located at 110 – 88g Vaughan Ave, Kelowna, BC for the following reasons:
 - a. The liquor primary license is perceived to have a minimal impact on the community and surrounding properties.
2. Council's comments on LCRB's prescribed considerations are as follows:

Criteria for new liquor primary:

 - a. The location of the establishment:
The proposed location is suitable for a small establishment liquor primary license as the property is within walking proximity to an Urban Centre and is located on a Transit Supportive Corridor.

- b. The proximity of the establishment to other social or recreational facilities and public buildings:
The location is not in close proximity to other Liquor Primary Establishments. The location is close to other social facilities.
 - c. The person capacity and hours of liquor service of the establishment:
The hours are consistent with the similar businesses in the area and has a max capacity of 54 persons.
 - d. The number and market focus or clientele of liquor-primary license establishments within a reasonable distance of the proposed location:
This location is not in close proximity to other liquor primary establishments.
 - e. The impact of noise on the community in the immediate vicinity of the establishment:
The potential impact for noise is minimal and would be compatible with surrounding land uses.
 - f. The impact on the community if the application is approved:
The potential for negative impacts is minimal.
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".

Purpose

To seek Council's support for a new liquor primary license with an occupant load of 54 persons.

2.0 Development Planning

Staff support the request for a new Liquor Primary License for the commercial unit known as Born to Shake. This area is home to several small breweries, cideries and commercial wineries, making this a complimentary addition to the area. The proposed business is looking to bring a different experience into this tourist and local hub. The establishment is located within an industrial zoned complex east of the Downtown Urban Centre. The impact on the surrounding community will be minimal and noise is not an anticipated issue due to a combination of factors including:

- Maximum occupancy of 54 persons,
- Compatible with surrounding land uses,
- Hours consistent with neighbouring businesses.

Council Policy No. 359 recommends supporting liquor primary license applications for small establishments outside of Urban Centre's when surrounding land-uses and general impact on the local neighbourhood is minimal.

Born to Shake has worked with staff in creating an outdoor patio space. Hours of the patio will be consistent with other approved patios and the Bernard Avenue Sidewalk program:

- Patio hours of operation: 9:00 am – 11:00 pm
- Last Call for drinks: 10:30 pm
- Alcohol to be cleared from the patio area by 11:00 pm
- Patrons must exit the patio by 12:00 am

- A patio may not permit, make or cause any noise within the Permit Area that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public. The City of Kelowna Good Neighbor Bylaw No. 11500, Part 7 will apply at all times.

3.0 Proposal

3.1 Project Description

Born to Shake specializes in the manufacturing of non-alcoholic cocktails with a variety of products from syrups to bitters. They also offer products and tools such as glass wear and shakers. With an approved liquor license, the applicant is seeking to expand the customer experience by offering cocktail classes and hosting special events. Retail store hours will be daily from 9am to 7pm. On select days the business will be open past 7pm in order to host private events or to showcase new cocktail menus. Staff believe that adding this unique business specializing in cocktails to an area with existing breweries, cideries and commercial wineries will increase the diversity in the area for the public and tourists alike.

Proposed Hours of Sale:

		Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open		9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM
Close	Indoor	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM
	Patio	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM

3.2 Site Context

The subject property has a future land use of Industrial and is in close proximity to the Downtown Urban Centre. The property is a corner site fronting onto both Clement Avenue and Vaughan Avenue. The area to the north is predominantly industrial with the south side of Clement Avenue being residential with predominantly single-family housing. Clement Avenue is designated as a Transit Supportive Corridor within the 2040 Official Community Plan.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I4 – Central Business Industrial	General Industrial Uses
East	I4 – Central Business Industrial	General Industrial Uses
South	RU6 – Two Dwelling Housing	Single Family Dwelling
West	I4 – Central Business Industrial	Retail Store, General

Subject Property Map: 110 – 889 Vaughan Ave



4.0 Current Development Policies

4.1 Kelowna Official Community Plan (OCP)

Objective 5.8 - Encourage Employment-intensive industrial uses in the Core Area	
Policy 5.8.3 North End Industrial Lands	Support the growth of industrial development in Kelowna’s North End with additional opportunities for specialty retail where it is supportive of the production and manufacturing in the area.
	<i>Proposed business will be unique retail business to the area and does small scale manufacturing on-site.</i>

4.2 Council Policy #359 – Liquor Licensing Policy and Procedures

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

- New patios associated with liquor primary licenses should be located and designed to limit potential impacts on surrounding property owners
- Small establishments (with person capacity less than 100 persons) should not be located beside another liquor primary establishment.

5.0 Technical Comments

5.1 R.C.M.P.

No concerns

6.0 Application Chronology

Date of Application Accepted: August 3, 2022

Date Public Consultation Completed: September 12, 2022

Report prepared by: Jason Issler, Planner I

Reviewed by: Lydia Korolchuk, Urban Planning Manager

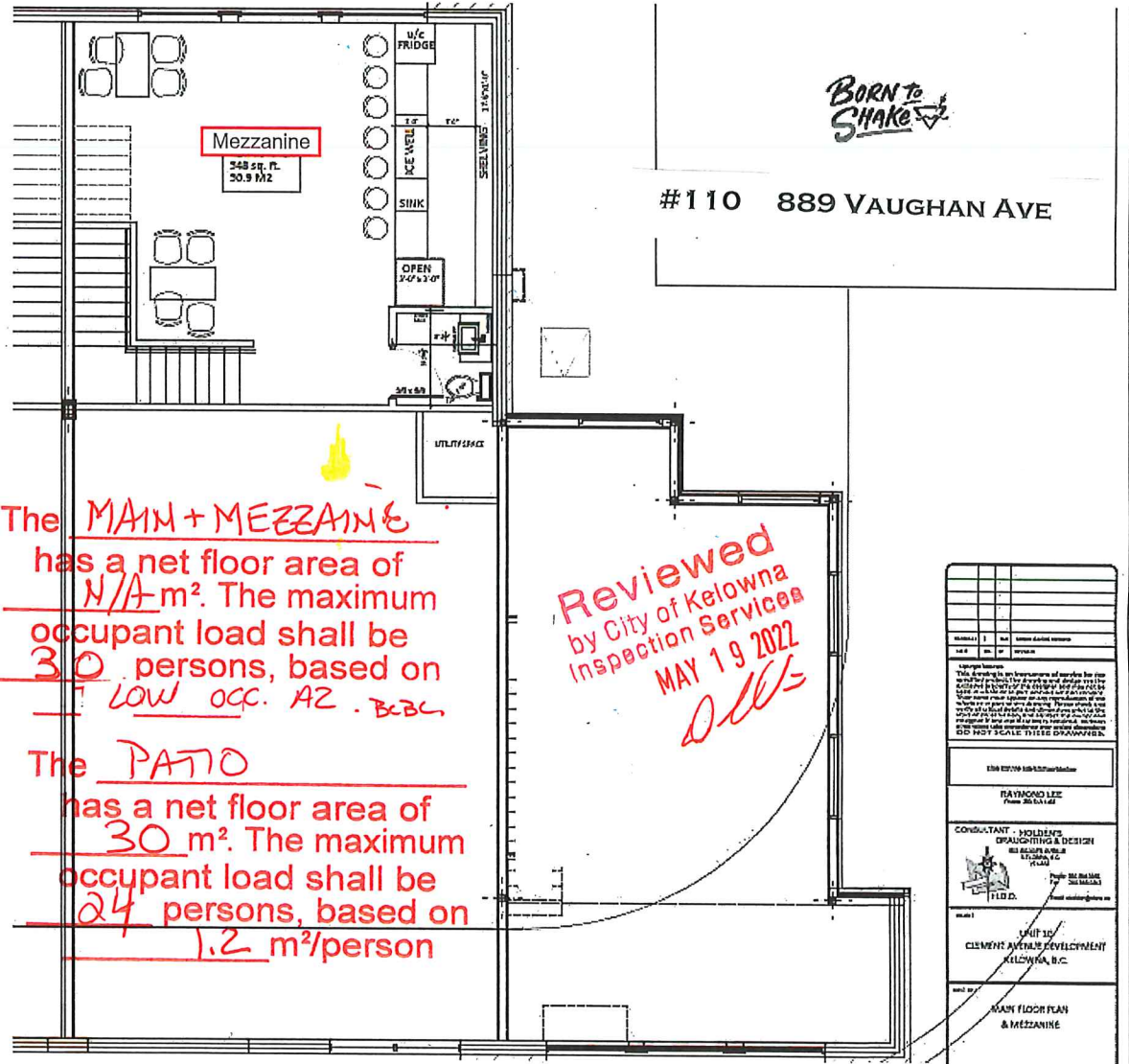
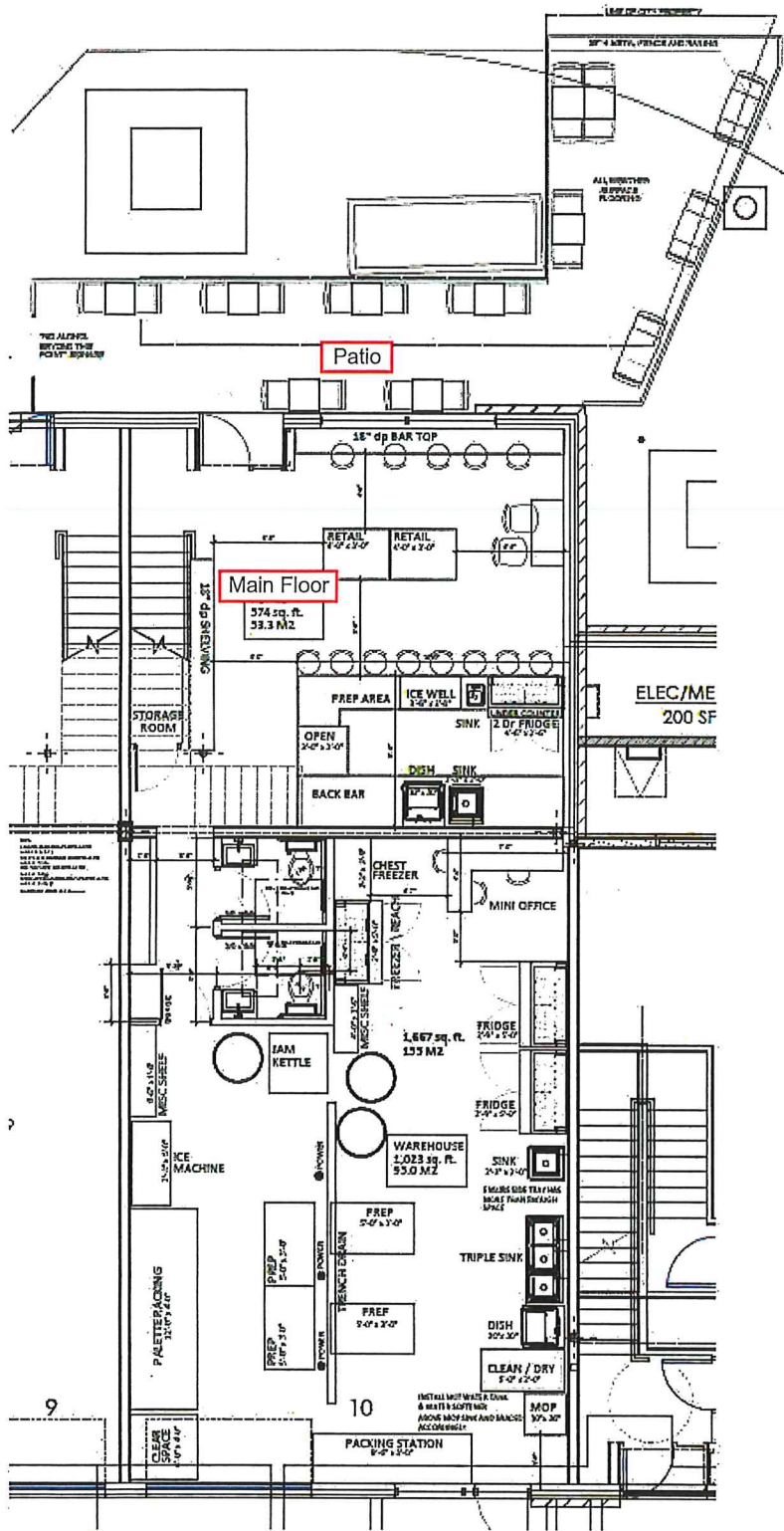
Reviewed by: Terry Barton, Development Planning Department Manager

Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment A: Floor Plan/Site Plan/Occupant Load

Attachment B: Letter of Rationale



ATTACHMENT A

This forms part of application
 # LL22-0019



City of
Kelowna
 DEVELOPMENT PLANNING

Planner
 Initials **JJ**

BORN to
 SHAKE

#110 889 VAUGHAN AVE

The MAIN + MEZZANINE
 has a net floor area of
N/A m². The maximum
 occupant load shall be
30 persons, based on
LOW occ. AZ. BCBC.

Reviewed
 by City of Kelowna
 Inspection Services
MAY 19 2022
[Signature]

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

MEZZANINE FLOOR PLAN

Author	JJ	Issue	Issue
Checked	LL	Issue	Issue
Approved	LL	Issue	Issue
This drawing is an instrument of service for use as defined in the contract and is intended to be used as such. It is not to be used for any other purpose without the written consent of the designer and shall not be used in any way that may be construed as an endorsement or approval of the project by the designer. The use of this drawing is limited to the specific project and shall not be used for any other project without the written consent of the designer. The use of this drawing is limited to the specific project and shall not be used for any other project without the written consent of the designer.			
889 V A U G H A N A V E			
CONSULTANT - HOLDEN'S DRAUGHTING & DESIGN 885 HUNTER ST KELLOWNA BC V2Y 1J1			
UNIT 10 CLEMENT AVENUE DEVELOPMENT KELLOWNA, B.C.			
MAIN FLOOR PLAN & MEZZANINE			
DATE	05/19/22	SCALE	1:8
DRAWN	LL	DATE	05/19/22

Project Rationale – Born to Shake

Who is Born to Shake?

Born to Shake is an experiential beverage company that helps make cocktailing more approachable by manufacturing bitters and syrups with tons of flavour made from real ingredients and assembling DIY cocktail kits with easy-to-follow recipes. Born to Shake is incorporated and wholly owned by Shayne Labis and Nicole Barron who accumulatively have over 25+ years in the food & beverage industry with a primary focus on customer service and experience.

What have they been up to so far?

After being guests at friends’ and families’ weddings and experiencing first hand the vast disconnect between beautiful dinner service and the poorly executed drink service, Shayne & Nicole saw an opportunity to provide an elevated cocktail program and turn the "service" into an experience.

In January of 2020, the dynamic duo took this idea and put pen to paper. They attended a wedding expo to try and secure clients for the upcoming summer and after a few networking events, the books were starting to fill up. Unfortunately, as quickly as Born to Shake gained momentum, COVID came along in the spring of that same year and squashed all promises for events for the foreseeable future.

Determined not to lose any traction or to let their dreams die, Born to Shake quickly pivoted and began manufacturing cocktail products and assembling DIY cocktail kits for their Instagram following using in-house recipes used for events and in-person cocktail classes hosted by the team. The products and kits were very well received in Kelowna, and the duo have been slowly growing the company organically part-time while securing the necessary licenses, approvals and equipment to eventually scale up production.

Fast forward to the fall of 2021. Shayne and Nicole decided to go full-in with Born to Shake and quit their jobs to focus their attention on their business and manufacturing products.

What is Born to Shake excited about and how will they positively impact our community?

Born to Shake has secured a commercial lease to manufacture and retail their cocktail products, and to host in-person cocktail classes and high-end cocktail experiences at 110-889 Vaughan Ave. They look forward to having a tasting bar for their products and being able to create a one-of-a-kind cocktail experience for their customers, the residents of Kelowna and the tourists who come to visit this beautiful city!

They look forward to collaborating with local business owners by bringing in complementary food trucks and vendors, designing cocktail menus using local ingredients and spirits, and hosting cocktail paired dinners uniquely curated for their guests. They have already designed a number of cocktail menus for restaurants, breweries and wineries in the Okanagan area, always taking into consideration what the respective business’ unique needs and capabilities are helping them get the most out of their menus and staffing limitations. They have collaborated on beers with breweries, cocktail kits with distilleries and donated their time and resources to fundraise for local initiatives.

Nicole & Shayne hope to be the one-stop-shop for cocktailing in Kelowna and welcoming their guests into a space that is finally, truly theirs to share.

Letter of Intent – Born to Shake – Liquor Primary License Application

Describe the primary focus of your business including any functions and services your establishment will provide if liquor service is not the primary business focus.

We manufacture non-alcoholic cocktail related products such as simple syrups, bitters and rimmers / garnishes. In addition to the products we manufacture, we also sell bar-related products and tools such as jiggers, shakers, glassware, etc. We offer in-person and virtual cocktail classes and provide elevated cocktail / bar service for events.

If liquor service is not the primary business focus (e.g. retail store or spa): identify the operating hours of your primary business and whether or not the business focus will shift to liquor service at a set time of day.

Our retail will be open from 9AM until 7PM, 7 days a week. We intend on being able to serve cocktails throughout these hours. We will shift to liquor service after 7PM on select days of the week and/or if we are hosting a private gathering or showcasing a new cocktail menu we want to feature. In these instances, we will provide drink service until the end of the allowable time as prescribed by our municipality: 2am.

Identify all types of entertainment that may be offered in your establishment (e.g. films, darts, DJ booth, dance floor, exotic dancing, gambling, karaoke, live music, pool)

We may have a DJ come in and play music for private events.

Describe the type of food service your establishment will offer. Liquor primary establishments must provide, at a minimum, a variety of hot or cold snacks and non-alcoholic beverages during all hours of operation.

We will offer mocktails and refreshing soda waters using our syrups and bitters in addition to fresh pressed juices. For food, we will have a selection of veggies & dips, pastries, charcuterie and/or cheese plates, chips & dips as well as healthy pre-made bowls available all the time. We also plan to work with mobile food trucks and caterers to offer food service on select days / nights of the week and we will complement their service with mocktails and cocktails.

Describe the composition of the neighbourhood (e.g. commercial, residential, industrial).

Our unit is in a commercial / industrial neighbourhood. Our patio is on the corner of the intersection which is two blocks away from the closest residential area. We have ample of suppression for sound / noise before getting anywhere near any residential neighbourhoods. Our multi-unit building is zoned for industrial use and is approved for a wide variety of commercial uses. Our current neighbours are cideries, breweries, auto shops and a gas station / car wash.

Describe the potential for noise and other types of disturbance.

Potential for noise may come from customers on the patio.

Describe the measures you will implement to ensure nearby residents are not disturbed by your establishment or patrons of your establishment.

Our patio will be cordoned off with railings and we will have signage to advise customers that they are not permitted to leave the patio with beverages. Music will be played quietly outdoors so as to not encourage customers to try and speak over the noise. Staff will be aware of our patrons and ensure noise is kept to a reasonable level.

Identify any requests for licensing options and/or endorsements (see below).

ATTACHMENT		B
This forms part of application		
# LL22-0019		
Planner Initials	Jl	
		City of Kelowna DEVELOPMENT PLANNING

1. Minors in the service areas.

Given we manufacture non-alcohol products which are commonly used for soda waters and other liquor-free beverages, we wouldn't want minors to not be able to come in and purchase these products. All of our staff will have their Serving it Right and will be properly trained to ID all patrons requesting an alcoholic beverage so there won't be any risk of a minor mistakenly receiving a liquor product. Further, if parents want to come in and enjoy food or drink with their kids, we want to be able to accommodate these guests and not have to turn them away.

Include any other information that may be relevant to your application

We are really excited about the opportunity to have a liquor primary license at our facility and to truly be able to create a one-of-a-kind cocktail experience for our customers, the residents of Kelowna and the tourists who come to visit our beautiful city. We see such incredible and unique experiences with both food and beverage in other cities, and we want to curate something special here in Kelowna! Our goal is to take cocktailing off its pedestal for our customers and to make it approachable and fun. We plan to do this by having a location where friends, families, clients and business professionals can come and learn about cocktails, flavours, bitters, and other cocktail related elements as well as to experience them. We want to provide a space where people can celebrate intimately and get away from the busyness of a regular bar or restaurant. We want customers to come in for a syrup and decide to stay for a cocktail while at the same time learning about the classes and team building events we offer.

ATTACHMENT		B
This forms part of application		
# LL22-0019		
Planner Initials	JI	 City of Kelowna DEVELOPMENT PLANNING

LL22-0019
110 – 889 Vaughan Ave

Liquor Primary Licence Application

Proposal

- ▶ To consider a Liquor Primary Licence with an occupant load of 54 persons.

Development Process

August 3, 2022

Development Application Submitted

Staff Review & Circulation

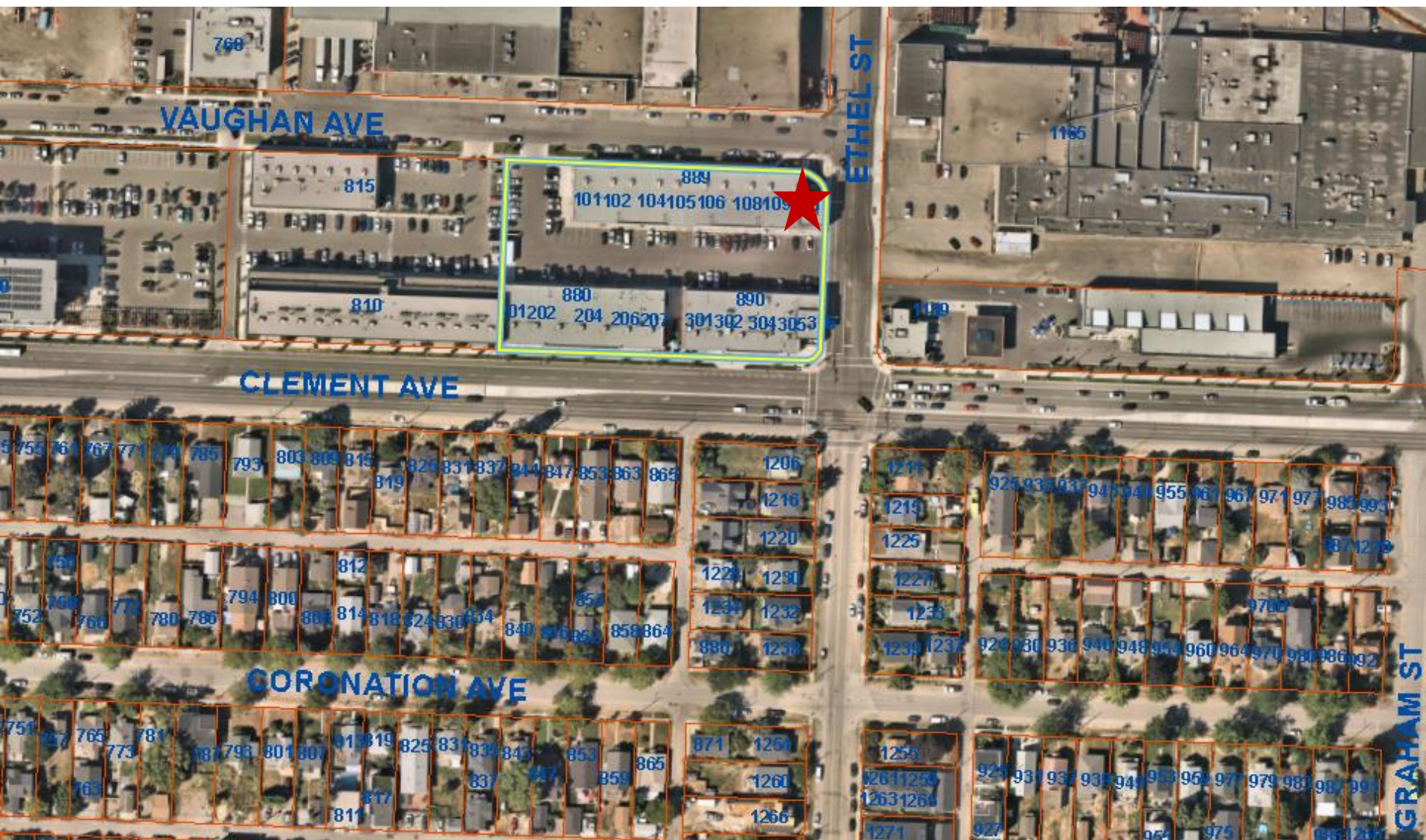
October 4, 2022

Tuesday Council Meeting

} Council Approvals

Recommendation Forwarded to LCRB

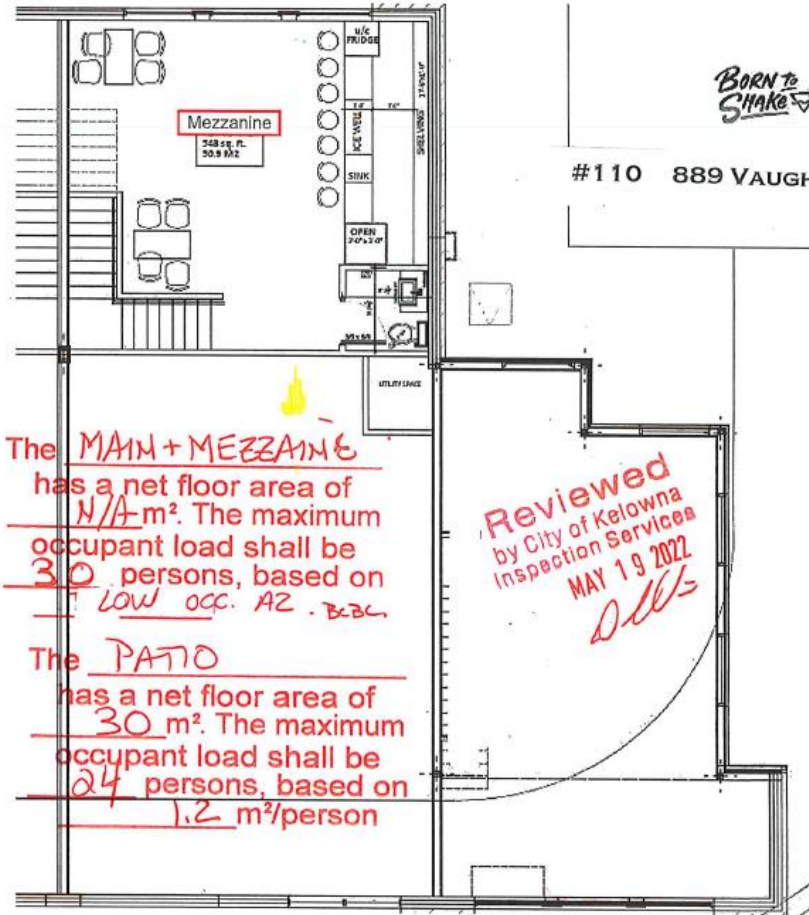
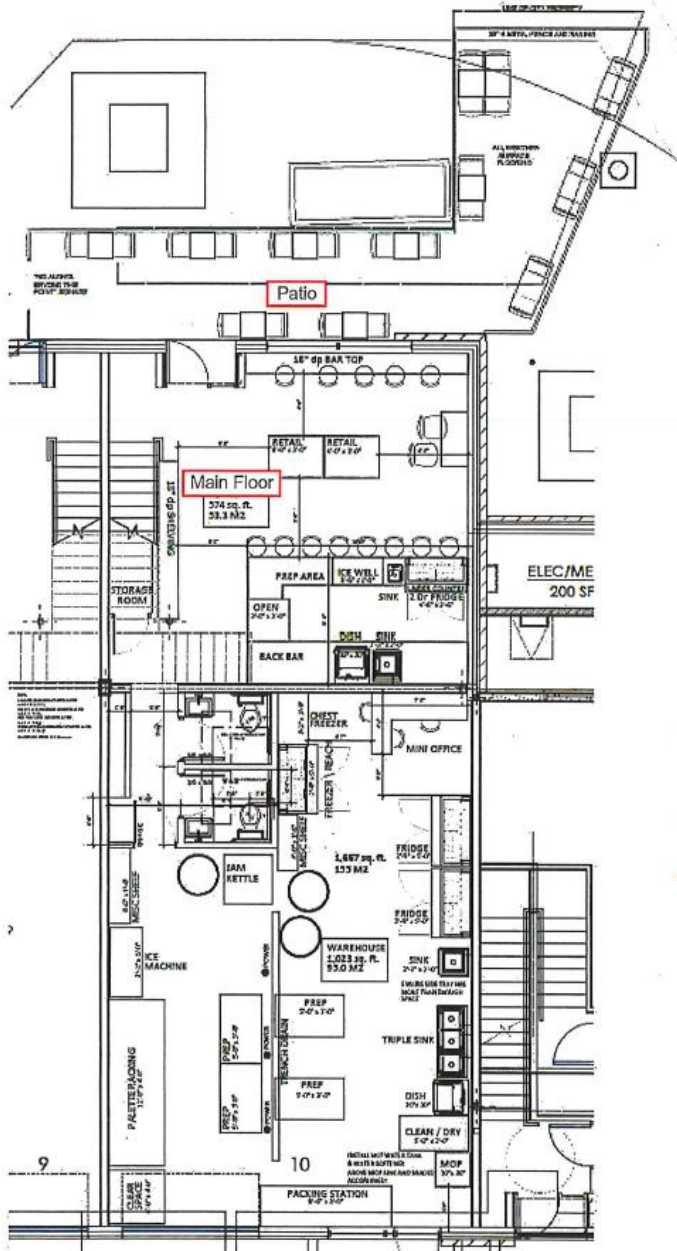
Context Map



Subject Property Map



Site Layout



The MAIN + MEZZANINE
 has a net floor area of
N/A m². The maximum
 occupant load shall be
30 persons, based on
LOW occ. A2 - B2C

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

Reviewed
 by City of Kelowna
 Inspection Services
 MAY 19 2022
dlw

Project/technical details

- ▶ Liquor Primary Licence
 - ▶ Seeking Liquor Primary Licence with occupancy of 54 persons.
- ▶ Licensed Hours:

Proposed Hours of Sale :

		Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open		9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM
Close	Indoor	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM
	Patio	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM

Council Policy#359

- ▶ Location is suitable
 - ▶ Not in close proximity another liquor primary
- ▶ The occupancy is minimal at 54 persons
- ▶ New patios associated with liquor primary licences should be located and designed to limit potential impacts on surrounding property owners

Staff Recommendation

- ▶ Development Planning recommends **support** for the new Liquor Primary Licence;
- ▶ That Council directs Staff to forward a resolution of support to the LCRB for the Liquor Primary Licence.



Conclusion of Staff Remarks

Born to Shake's Emporium for Cocktails

110 – 889 Vaughan Ave.

Kelowna, BC

V1Y 3R2

Shayne Labis & Nicole Barron



Who is Born to Shake / Shayne & Nicole

- Met in 2017
- Started hosting events in 2019
- Incorporated Pour Decisions Entertainment Inc. in 2020
- Weathered the COVID storm through DIY Cocktail Kits
- Mission is to make cocktailing more approachable



Overview of Proposal

- Applied for a Liquor Primary license with 54 person capacity (30x inside and 24x on patio)
- Hours of operation: 7 days a week from 9am – 2am with service on the patio ending at 11pm
 - Days and times will vary depending on demand, staffing, holidays and events



Overview of Proposal

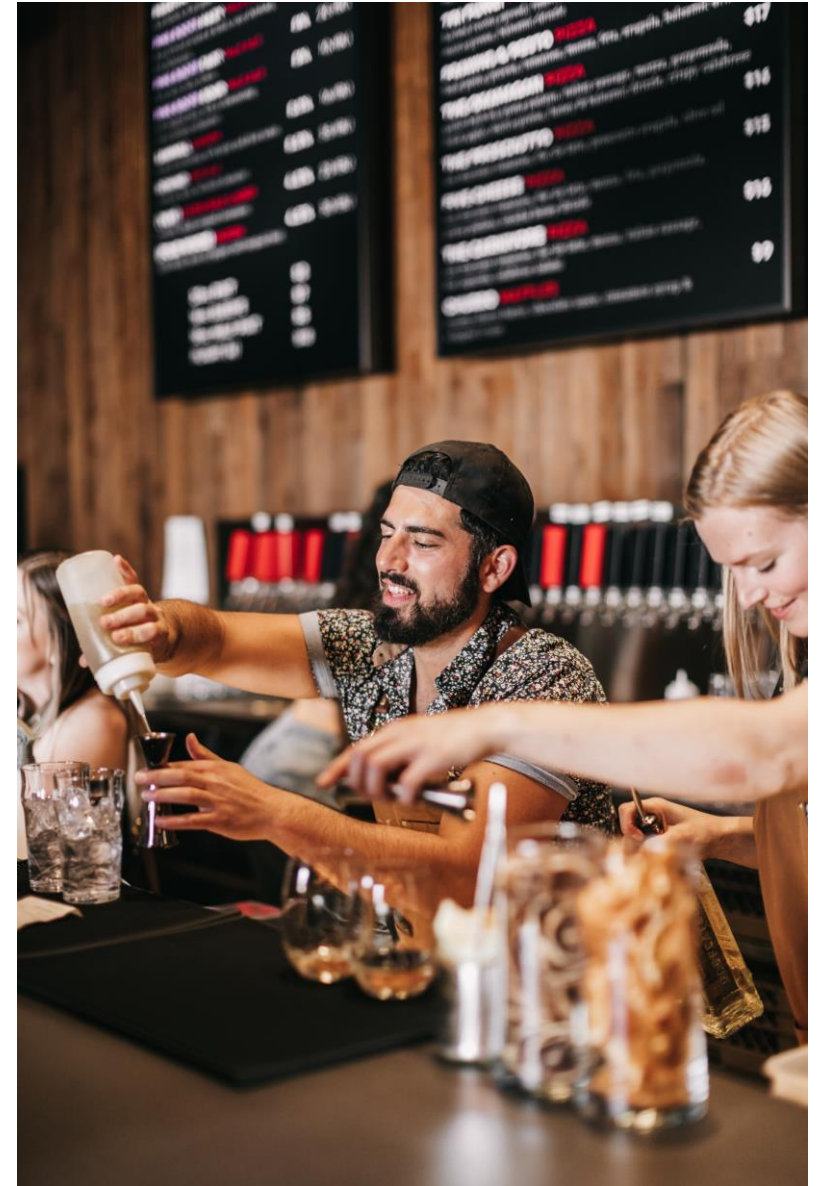
- Goal is to become the "one-stop-shop" for cocktailing in Kelowna
 - Tasting bar for BTS products
 - Cocktail education and sample flights
 - Bartender approved tools
 - Elegant & functional glassware
 - Light snacks, alcoholic and non-alcoholic beverage offerings



Create Experiences



- Born to Shake is more than just a “cocktail company” – we’re an experiential beverage business
 - Cocktail classes in-person and virtually
 - Private events & celebrations – weddings, birthdays, holidays, meetings, etc.
 - Long table dinners paired with cocktails



Elevate Cocktails at Home

- Encourage folks of all skill levels to enhance their cocktails or even soda waters at home
- Work with industry partners around the Okanagan to cross utilize our products to better serve our customers



Winter Buzz



INGREDIENTS
4oz Cloud Horse
1oz Birds & the Bees syrup
4oz lemon sparkling water

METHOD
Grab a rocks glass and fill it with ice.
Add the ingredients above leaving the soda for last.

Give it all a quick stir.

Add a lemon wheel for garnish (if you have it) and enjoy!



SCAN FOR
DIY COCKTAIL KITS

**BORN TO
SHAKE**

Bring People Together... in the North End!

- Complement the food and beverage offerings in the neighbourhood
- Welcoming patio for tourists and new residents



It Takes a Village – Community Involvement

- When we can, do what we can
 - Encourage others to do the same
 - Incremental help / change has a compounding effect
- “Buy your server a drink” campaign
 - Stober Foundation / The Gratitude Project



Thank you!

We honestly couldn't be more excited to be a part of this growing community!



BORN TO SHAKE 



REPORT TO COUNCIL



Date: October 4, 2022
To: Council
From: City Manager
Department: Development Planning
Application: LL22-0020
Owner: 0726550 B.C LTD., INC.NO. BC0726550
Address: 200 - 510 Bernard Ave
Applicant: Lakehouse Kitchen - Travis Pye
Subject: Liquor License
Existing OCP Designation: Urban Centre
Existing Zone: UC1 – Downtown Urban Centre

1.0 Recommendation

THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor and Cannabis Regulation Branch (LCRB):

In accordance with 'Division 9 (71)' of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Lakehouse Kitchen for a liquor primary license for Lot A District Lot 139 ODYD Plan 22310, located at 200- 510 Bernard Ave, Kelowna, BC for the following reasons:
 - a. Council Policy No. 359 recommends supporting alternative entertainment options, and/or establishments which are less focused on alcohol consumption;
2. Council's comments on LCRB's prescribed considerations are as follows:

Criteria for new Liquor Primary:

 - a. The location of the establishment:
The proposed location is suitable for a medium establishment liquor primary license as the property is within an Urban Centre.
 - b. The proximity of the establishment to other social or recreational facilities and public buildings:
The location is in close proximity to several food primary establishments, liquor primary establishments and government buildings.

- c. The person capacity and hours of liquor service of the establishment:
The hours are consistent with the other liquor primary and food primary establishments in the area. The occupancy is 124 persons.
 - d. The number and market focus or clientele of liquor-primary license establishments within a reasonable distance of the proposed location:
The location meets Council Policy #359 requirement for distance between medium capacity establishments.
 - e. The impact of noise on the community in the immediate vicinity of the establishment:
The potential impact for noise is minimal and would be compatible with surrounding land uses.
 - f. The impact on the community if the application is approved:
The potential for negative impacts is minimal.
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."

Purpose

To seek Council's support for a new liquor primary license with an occupant load of 124 persons.

2.0 Development Planning

Staff support the request for a new liquor primary license for the commercial business known as Lakehouse Kitchen. Bernard Avenue is home to several food primary and liquor primary establishments allowing this proposal to compliment these surrounding land uses. The proposed business is looking to bring a unique experience downtown with cooking classes within the liquor primary. The impact on the surrounding community will be minimal and noise is not an anticipated issue due to a combination of factors including:

- Indoor occupancy of 124 persons,
- Compatible with surrounding land uses,
- Hours consistent with neighbouring businesses.

Council Policy No. 359 recommends supporting liquor primary license applications for establishments supporting alternative entertainment options and/or establishments which are less focused on alcohol consumption.

3.0 Proposal

3.1 Project Description

Lakehouse Home Store is proposing to create a downtown cooking class experience. The current kitchen is undersized for the demand their programs are experiencing and they are seeking to expand in this new location. The proposal has the support of Kelowna Chefs Association and will be led by leading chefs in the industry to share knowledge with locals and tourists in the downtown urban environment. In addition to the cooking classes, further education will be provided on paring drinks with food as well as showcasing local wineries, breweries and spirits.

Proposed Hours of Sale:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
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

3.2 Site Context

The subject property has a future land use of Urban Centre and is located in the downtown core. The property is a corner site fronting onto both Bernard Avenue and Ellis Street. There is a mix of land uses in the area, predominantly retail and food primary establishments. The area also contains high density residential development in recently completed projects and multiple sites currently under construction.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	UC1 – Downtown Urban Centre	Office
East	UC1 – Downtown Urban Centre - Retail Cannabis Sales	Retail Store, General
South	UC1 – Downtown Urban Centre	Office
West	UC1 – Downtown Urban Centre	Office

Subject Property Map: 200 – 510 Bernard Ave



4.0 Current Development Policies

4.1 Council Policy #359 – Liquor Licensing Policy and Procedures

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

- Medium establishments (100-249 persons) should be located within Urban Centre, minimum of 100m from a Large or Medium establishment and 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).

5.0 Technical Comments

5.1 R.C.M.P.

No concerns

6.0 Application Chronology

Date of Application Accepted: August 19, 2022
Date Public Consultation Completed: September 12, 2022

Report prepared by: Jason Issler, Planner I
Reviewed by: Lydia Korolchuk, Urban Planning Manager
Reviewed by: Terry Barton, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment A: Floor Plan/Site Plan/Occupant Load
Attachment B: Letter of Rationale

LAKEHOUSE BERNARD | LIQUOR LICENSE FOR COOKING CLASS

CIVIC: 100-510 BERNARD AVE. KELOWNA, BC
LEGAL: LOT A PLAN KAP22310

1. OCCUPANT LOAD (TABLE 3.1.17.1)

- ZONE 1 - OCCUPANT LOAD FOR COOKING CLASS STATIONS:
TOTAL AREA: 90m² (969 SQ.FT)
90/1.85 (CLASSROOMS *) = 49 PERSONS
- ZONE 2 - OCCUPANT LOAD FOR DINING AREA:
TOTAL AREA: 42m² (447 SQ.FT)
42/1.2 (DINING, BEVERAGE AND CAFETERIA SPACE *) = 35 PERSONS
- ZONE 3 - OCCUPANT LOAD FOR DEMONSTRATION KITCHEN:
TOTAL AREA: 73m² (787 SQ.FT)
73/1.85 (CLASSROOMS *) = 40 PERSONS

TOTAL DESIGN OCCUPANT LOAD = 124 PERSONS
*CLASSIFICATION AS PER TABLE 3.1.17.1)

2. HEALTH REQUIREMENTS:

NUMBER OF WATER CLOSETS IS BASED ON TABLE 3.7.2.2.A FOR AN ASSEMBLY OCCUPANCY. PROVISION FOR 124 PERSONS [MINUS 10 PERSONS FOR PER 3.7.2.2 (2)] WITH AN EQUAL DIVISION, i.e. 57 MALES & 57 FEMALES.

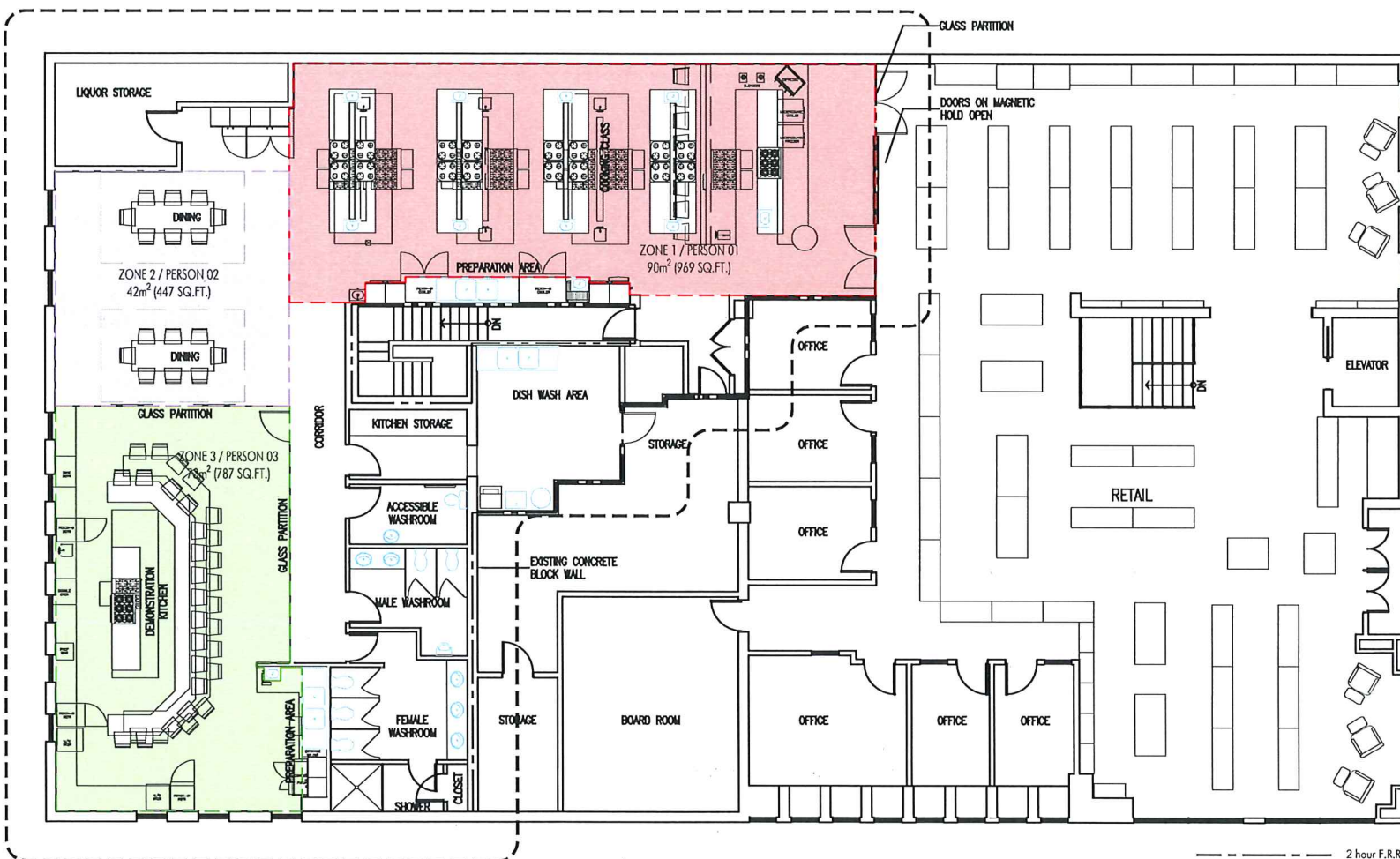
WASHROOM REQUIREMENTS ARE:
3 FEMALE WATER CLOSETS
2 MALE WATER CLOSETS
1 UNISEX H/C ACCESSIBLE WASHROOM WITH 1 SINK.

3. REQUIREMENTS FOR PERSONS WITH DISABILITIES:

ACCESS SHALL BE PROVIDED TO ALL SUITES & TO ALL PUBLIC AREAS (3.8.2.3, 3.8.2.31)
DESIGN REQUIREMENTS AS PER 3.8.3

ZONE / KEY LEGEND

- ZONE 1 / PERSON 01 - COOKING CLASS STATIONS
90m² (969 SQ.FT.)
- ZONE 2 / PERSON 02 - DINING AREA
42m² (447 SQ.FT.)
- ZONE 3 / PERSON 03 - DEMONSTRATION KITCHEN
73m² (787 SQ.FT.)



1 SECOND FLOOR COOKING CLASS LAYOUTS
A-103 1/16" = 1'-0"

ATTACHMENT A

This forms part of application # LL22-0020

Planner Initials **JJ**

City of Kelowna
DEVELOPMENT PLANNING

The COOKING CLASS STATIONS has a net floor area of N/A m². The maximum occupant load shall be 49 persons, based on ARCHITECT DESIGN.

The DINING AREA has a net floor area of N/A m². The maximum occupant load shall be 35 persons, based on ARCHITECT DESIGN.

The DEMONSTRATION KITCHEN has a net floor area of N/A m². The maximum occupant load shall be 40 persons, based on ARCHITECT DESIGN.

Subject to completion of construction to approved Building permit # 68557.

Reviewed by City of Kelowna Inspection Services
AUG 04 2022

2nd Floor Culinary School
510 Bernard Ave

LIQUOR LICENSE APPLICATION



PHONE: 250-448-7801

205-1626 Richter Street,
Kelowna, BC V1Y 2M3

www.limearchitecture.com

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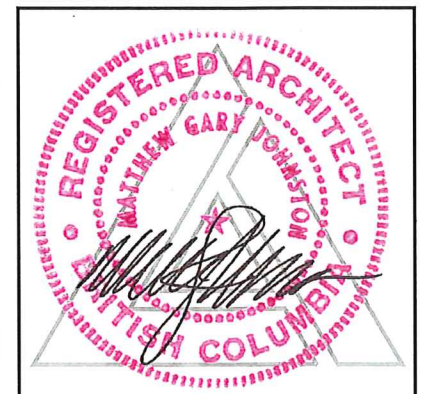
All ideas, designs, drawings and specifications are the exclusive property of LIME Architecture Inc. As instruments of service, they may not be used or reproduced in any manner without the expressed written consent of LIME Architecture Inc. All Contracting Trades shall check and verify all levels, dimensions, data and conditions on the site prior to commencement of any work. Any discrepancies are to be reported immediately to LIME Architecture Inc. Do not Scale any dimensions from this drawing.

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

Plot Date 2-Aug-22	Drawing No. A-103
------------------------------	-----------------------------

PROJECT
LAKEHOUSE HOME STORE

DRAWING TITLE
LIQUOR LICENSE APPLICATION



21st July, 2022

Project Rationale

Since its inception in 2011 Lakehouse customers have demonstrated that there is significant demand for cooking classes in the Okanagan. However, the small demonstration kitchen within the existing Bernard Avenue store is not suitable for demand in terms of wear-and-tear and scalability. Economies-of-scale are only achieved when classes have a capacity of up to 16 students. As well, the correct business-model calls for two distinct classroom designs: 1) Demonstration-style classroom and 2) Participation-style classroom.

Currently, Kelowna does not offer a location purposefully built for classes, the kitchens will offer a set-up not yet available, especially in the downtown core. Classes are expected to be attended by locals, tourists and the business community. There is also full support from the culinary community as it will provide a location for chefs, restaurants, local growers and vendors to teach and share knowledge.

As Kelowna grows, it will be needing facilities like this one for several reasons: to promote a sense of community through activity, to act as a place to hold events for local businesses and visitors, to educate the people of the city on the prosperous ingredients produced here, and, to showcase what Kelowna and the Okanagan has to offer in the way of food and drink.

ATTACHMENT	B
This forms part of application # LL22-0020	
Planner Initials	Jl
 City of Kelowna DEVELOPMENT PLANNING	

LL22-0020

510 Bernard Ave

Liquor Primary Licence Application

Proposal

- ▶ To consider a Liquor Primary Licence with an occupant load of 124 persons.

Development Process

August 19, 2022

Development Application Submitted

Staff Review & Circulation

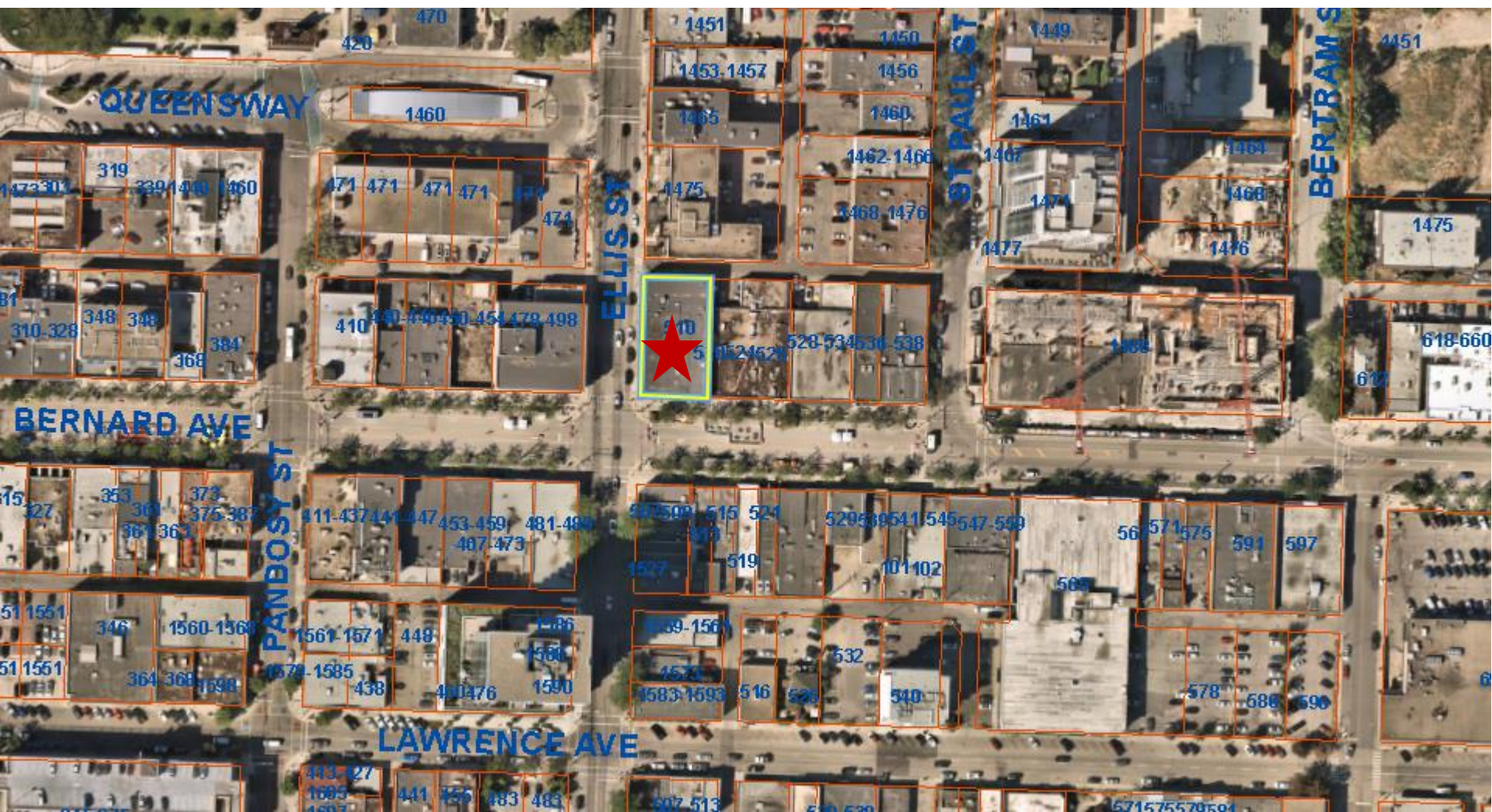
October 4, 2022

Tuesday Council Meeting

} Council Approvals

Recommendation Forwarded to LCRB

Context Map



Subject Property Map



Site Layout

LAKEHOUSE BERNARD | LIQUOR LICENSE FOR COOKING CLASS

CMIC: 100-510 BERNARD AVE. KELOWNA, BC
LEGAL: LOT A PLAN KAP22310

1. OCCUPANT LOAD (TABLE 3.1.17.1)

ZONE 1 - OCCUPANT LOAD FOR COOKING CLASS STATIONS:
TOTAL AREA: 90m² (969 SQ.FT.)
90/1.85 (CLASSROOMS 1) = 49 PERSONS

ZONE 2 - OCCUPANT LOAD FOR DINING AREA:
TOTAL AREA: 42m² (447 SQ.FT.)
42/1.2 (DINING, BEVERAGE AND CATERING SPACE 1) = 35 PERSONS

ZONE 3 - OCCUPANT LOAD FOR DEMONSTRATION KITCHEN:
TOTAL AREA: 73m² (787 SQ.FT.)
73/1.85 (CLASSROOMS 1) = 40 PERSONS

TOTAL DESIGN OCCUPANT LOAD = 124 PERSONS
*CLASSIFICATION AS PER TABLE 3.1.17.1)

2. HEALTH REQUIREMENTS:

NUMBER OF WATER CLOSETS IS BASED ON TABLE 3.2.2.A FOR AN ASSEMBLY OCCUPANCY. PROVISION FOR 124 PERSONS (MINUS 10 PERSONS FOR PER 3.2.2.2 (2) WITH AN EQUAL DIVISION, i.e. 57 MALES & 57 FEMALES.

WASHROOM REQUIREMENTS ARE:
3 FEMALE WATER CLOSETS
2 MALE WATER CLOSETS
1 UNisex I/V.C ACCESSIBLE WASHROOM WITH 1 SINK.

3. REQUIREMENTS FOR PERSONS WITH DISABILITIES:
ACCESS SHALL BE PROVIDED TO ALL STATES & TO ALL PUBLIC AREAS (3.8.2.3, 3.8.3.31)
DESIGN REQUIREMENTS AS PER 3.8.3

ZONE / KEY LEGEND

ZONE 1 / PERSON 01 - COOKING CLASS STATIONS
90m² (969 SQ.FT.)

ZONE 2 / PERSON 02 - DINING AREA
42m² (447 SQ.FT.)

ZONE 3 / PERSON 03 - DEMONSTRATION KITCHEN
73m² (787 SQ.FT.)

The COOKING CLASS STATIONS
has a net floor area of
N/A m². The maximum
occupant load shall be
49 persons, based on
ARCHITECT DESIGN.

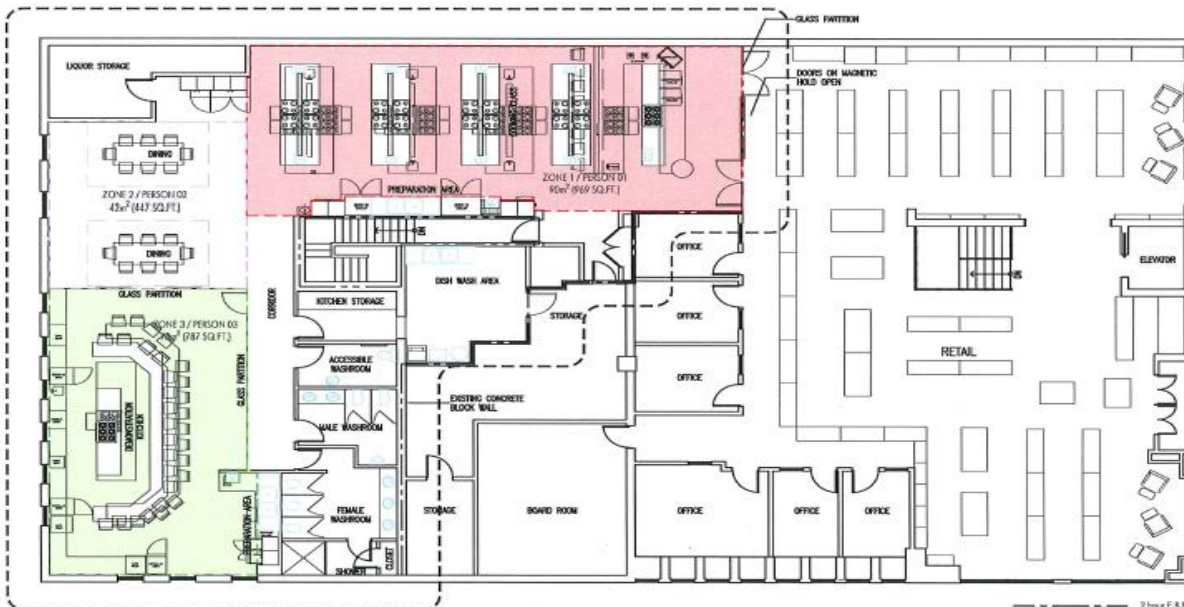
The DINING AREA
has a net floor area of
N/A m². The maximum
occupant load shall be
35 persons, based on
ARCHITECT DESIGN.

The DEMONSTRATION KITCHEN
has a net floor area of
N/A m². The maximum
occupant load shall be
40 persons, based on
ARCHITECT DESIGN.

Subject to completion of construction
to approved Building permit
68557.

Reviewed
by City of Kelowna
Inspection Services
AUG 04 2022

oels



1 SECOND FLOOR COOKING CLASS LAYOUTS
A-103/1719 - 11-07

2nd Floor Culinary School

510 Bernard Ave

Project/technical details

- ▶ Liquor Primary Licence

- ▶ Seeking Liquor Primary Licence with occupancy of 124 persons.

- ▶ Licensed Hours:

Proposed Hours of Sale :

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
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

Council Policy#359

- ▶ Medium establishments (100-249 persons) should be located within Urban Centre, minimum of 100m from a Large or Medium establishment and not be located beside a Small establishment.
- ▶ Support alternative entertainment options, and/or establishments which are less focused on alcohol consumption to add a mix of entertainment options in Urban Centres.

Staff Recommendation

- ▶ Development Planning recommends **support** for the new Liquor Primary Licence;
- ▶ That Council directs Staff to forward a resolution of support to the LCRB for the Liquor Primary Licence.



Conclusion of Staff Remarks

REPORT TO COUNCIL



Date: October 4, 2022

To: Council

From: City Manager

Department: Development Planning

Application: DP22-0051 & DVP22-0052 **Owner:** Simple Pursuits Inc., Inc. No. BC1206854

Address: 540 Osprey Ave **Applicant:** Worman Commercial – Shane Worman

Subject: Development Permit & Development Variance Permit Application

Existing OCP Designation: UC – Urban Centre

Existing Zone: UC5 – Pandosy Urban Centre

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP22-0051 for Lot A, District Lot 14, ODYD, Plan EPP121585, located at 540 Osprey Ave, Kelowna, BC subject to the following:

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

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP22-0052 for Lot A, District Lot 14, ODYD, Plan EPP121585, located at 540 Osprey Ave, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 12375 be granted:

Section 14.11: UC5 - Commercial and Urban Centre Zone Development Regulations

To vary the required minimum upper floor setback for a portion of the building above the lesser of 16.0 m or four storeys abutting Osprey Ave from 3.0 m permitted to 1.1 m proposed.

Section 14.11: UC5 - Commercial and Urban Centre Zone Development Regulations

To vary the required minimum front yard setback (Osprey Ave) from 3.0 m required to 1.1 m proposed.

Section 14.11: UC5 - Commercial and Urban Centre Zone Development Regulations

To vary the required minimum flanking side yard setback (McKay Ave) from 3.0 m required to 0.2 m proposed.

Section 14.11: UC5 - Commercial and Urban Centre Zone Development Regulations

To vary the required minimum commercial floor area on a retail street from 90% of the street frontage permitted to 37% proposed.

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

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

2.0 Purpose

To issue a Development Permit for the form and character of a 6-storey commercial building and to vary the minimum upper floor setback, minimum front yard setback, minimum flanking side yard setback, and minimum commercial floor area on a retail street.

3.0 Development Planning

Staff support the proposed Development Permit and associated variances for the form and character of a commercial building. The proposal generally complies with the Official Community Plan (OCP) Policies for the Pandosy Urban Centre by providing commercial development that is in accordance with the OCP Building Heights and Street Character mapping.

The proposal generally conforms to the OCP Form and Character Development Permit Area Design Guidelines for Commercial Development. Key guidelines it meets include:

- Orienting buildings on a corner parcel towards both streets and include distinct architectural features
- Screening parking and loading areas from the street
- Articulating the façade including projections, recesses, awnings, colour, and texture
- Incorporating high quality building materials

A unique aspect of the proposal is the use of a vehicle elevator to provide access to 23 of the parking stalls on the second storey of the building. The vehicle elevator is proposed as an alternative to a standard parkade ramp in order to more efficiently use space on a relatively small lot. The applicant has provided a report from a Transportation Engineer to demonstrate that the proposed vehicle elevator would be able to accommodate the traffic volumes of the proposed development. The report states that a maximum of 6 vehicles would be arriving or departing during the busiest 15 minutes of the day and that any traffic queuing would be negligible and unlikely to affect the surrounding street network.

Variances

- *Upper Floor Setback* – the applicant has requested to vary the minimum upper floor setback required for the top two storeys for a portion of the building along Osprey Ave. The portion of the building that is within the setback area contains the elevator and stairs. As the proposed variance is only for a small portion of the building which has been incorporated into the design to provide articulation along the façade, it does not negatively impact the form and character of the building. Osprey Ave is an east-west

street and therefore the setback is unlikely to have a significant impact on the amount of sunlight reaching the sidewalk.

- *Ground Floor Setbacks* – the applicant is proposing to vary the required setbacks from Osprey Ave from 3.0 m to 1.1 m and on McKay Ave from 3.0 m to 0.2 m. The proposal was designed under the previous C4 – Urban Centre zone which had 0.0 m front and flanking side yard setback requirements. The purpose of the increased setback requirements in the new Zoning Bylaw is to provide some usable space for ground floor commercial units in the Urban Centres (ex: for a patio) along street. The development site is unique as it is surrounded on 3 sides by public roads and it is constrained in size with road dedications being required on Pandosy Street and Osprey Ave. The proposed development includes only one ground floor commercial retail unit. The primary street interface for this commercial unit will be on Pandosy Street, where the required setbacks have been provided in accordance with the Zoning Bylaw.
- *Minimum Commercial Floor Area on a Retail Street* – the applicant is proposing to reduce the required minimum commercial floor area on McKay Ave from 90% of the street frontage to 37% of the street frontage. McKay Ave is designated as a Retail Street on the Urban Centre Street Character mapping in the OCP. Due to the provision of parking and loading spaces along the lane and McKay Ave, only a limited portion of the building along McKay Ave can be used as commercial floor area. This portion of McKay Ave primarily functions as an access point to a City-owned surface parking lot and as a lane access to adjacent buildings. Glazing has been incorporated along the commercial portion of the McKay Avenue frontage.

4.0 Proposal

4.1 Project Description

The development proposal is for a 6-storey commercial building. One commercial retail unit is located at-grade with 8 office units above. Parking is accessed from the rear lane with 10 stalls at-grade (screened behind garage doors) and 23 stalls located on the second storey accessed by a vehicle elevator. End-of-trip bicycle facilities, including bicycle storage, lockers, and showers are also located on the second storey.

The building is clad primarily in brick on the lower two floors, with stucco on the upper floors. Substantial glazing is provided along Pandosy St, Osprey Ave and McKay Ave. With the exception of a small portion of the front of the building, containing a stairwell and elevator, the building is stepped back above the second storey.

4.2 Site Context

The subject property is located on Osprey Avenue, between Pandosy Street and McKay Avenue, in the Pandosy Urban Centre. Osprey Park and Raymer Elementary School are located in close proximity to the subject site. The surrounding properties are designated UC - Urban Centre in the Official Community Plan and are zoned UC5 – Pandosy Urban Centre.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	UC5 – Pandosy Urban Centre	Commercial building
East	UC5 – Pandosy Urban Centre	Surface parking lot
South	UC5 – Pandosy Urban Centre	Vacant parcel Single family dwelling
West	UC5 – Pandosy Urban Centre	Commercial building

Subject Property Map: 540 Osprey Ave



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	UC ₅ ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	460 m ²	1080.9 m ²
Min. Lot Width	13.0 m	22.84 m
Min. Lot Depth	30.0 m	39.01 m
Development Regulations		
Max. Floor Area Ratio	2.35	2.08
Max. Site Coverage (buildings)	100%	81%
Max. Site Coverage (buildings, structures, impermeable surfaces)	100%	100%
Max. Height	31.0 m or 8 storeys	25.2 m and 6 storeys
Min. Front Yard (Osprey)	3.0 m	1.1 m ❶
Min. Flanking Side Yard (Pandosy)	0.0 m	1.5 m
Min. Flanking Side Yard (McKay)	3.0 m	0.2 m ❷
Min. Rear Yard (lane)	0.0 m	0.2 m
Upper Floor Setback (above 16.0 m or 4 storeys)	3.0 m	1.1 m ❸
Min. Comm. Floor Area on a Retail Street (McKay Ave)	90%	37% ❹

Other Regulations		
Min. Parking Requirements	28 stalls	33 stalls
Min. Bicycle Parking	5 long-term 4 short-term	16 long-term 10 short-term
Min. Loading Space	1 loading space	1 loading space
<p>● Indicates a requested variance to the minimum front yard setback.</p> <p>● Indicates a requested variance to the minimum flanking side yard setback (McKay Ave).</p> <p>● Indicates a requested variance to the minimum upper floor setback (above 16.0 m or 4 storeys).</p> <p>● Indicates a requested variance to the minimum commercial floor area on a Retail Street (McKay Ave).</p>		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Objective 4.1 Strengthen the Urban Centres as Kelowna’s primary hubs of activity.	
Policy 4.1.4 Office Development.	<p>Direct large office developments to Urban Centres first, with emphasis on Downtown as a preferred destination. Within Urban Centres, encourage office development near the Frequent Transit Network, transit stations and exchanges or as guided by an Urban Centre Plan.</p> <p><i>The proposed development includes offices on the Frequent Transit Network in close proximity to transit stops.</i></p>
Objective 4.6 Support infill and redevelopment to promote housing diversity and enhanced services and amenities in the Pandosy Urban Centre.	
Policy 4.6.1 Pandosy Building Heights	<p>Undertake a building heights study as part of an Urban Centre Plan process for the Pandosy Urban Centre. Until this is complete, support development in the Pandosy Urban Centre that is generally consistent with the building heights outlined in Map 4.5 to accomplish the following:</p> <ul style="list-style-type: none"> • Focusing taller buildings along Pandosy Street and Lakeshore Road and tapering heights down towards Okanagan Lake to maximize the area’s visual and physical connection to the lake; and • Tapering building heights down east of Richter Street to transition into adjacent Core Area neighbourhoods. <p><i>The proposed building height of 6 storeys is consistent with the maximum 8 storey building height identified in the OCP for the subject parcel.</i></p>
Policy 4.6.3 Pandosy Retail Street Character	<p>Support development in the Pandosy Urban Centre that includes the following characteristics at grade, as outlined in Map 4.6:</p> <ul style="list-style-type: none"> • Retail space along Pandosy Street and Lakeshore Road integrated with a high-quality urban streetscape experience, reinforcing this corridor as the Urban Centre’s high street; and • Retail space along Tutt Street and nearby streets in the “Pandosy Village” area designated as retail streets to create more dynamic spaces with high levels of pedestrian activity. <p><i>The proposed development provides a commercial retail unit at-grade, with glazing along Pandosy St, Osprey Ave and McKay Ave.</i></p>

6.0 Application Chronology

Date of Application Accepted: February 25, 2022
 Date Public Consultation Completed: April 5, 2022

Report prepared by: Mark Tanner, Planner II
Reviewed by: Lydia Korolchuk, Urban Planning Manager
Reviewed by: Terry Barton, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment A: Draft Development Permit DP22-0051 & Development Variance Permit DVP22-0052

Schedule A: Site Plan & Floor Plans

Schedule B: Elevations

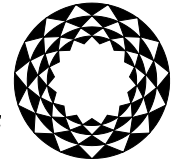
Schedule C: Landscape Plan

Attachment B: Applicant Project Rationale

Attachment C: Memorandum Re: Vehicle Elevator

Attachment D: Project Renderings

Attachment E: Form and Character Development Permit Guidelines Checklist



City of
Kelowna

Development Permit DP22-0051 & Development Variance Permit DVP22-0052

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

540 Osprey Ave

and legally known as

Lot A, Distict Lot 14, ODYD, Plan EPP121585

and permits the land to be used for the following development:

Commercial (Retail & Offices)

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

Date of Council Decision October 4, 2020

Decision By: COUNCIL

Development Permit Area: Form & Character Development Permit

Existing Zone: UC5 – Pandosy Urban Centre

Future Land Use Designation: Urban Centre

This is NOT a Building Permit.

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

NOTICE

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

Owner: Simple Pursuits Inc., Inc. No. BC1206854

Applicant: Worman Commercial - Shane Worman

Terry Barton
Development Planning Department Manager
Planning & Development Services

Date of Issuance

1. SCOPE OF APPROVAL

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

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

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

2. CONDITIONS OF APPROVAL

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

and with variances to the following sections fo Zoning Bylaw No. 12375:

Section 14.11: UC5 - Commercial and Urban Centre Zone Development Regulations

To vary the required minimum upper floor setback for a portion of the building above the lesser of 16.0 m or four storeys abutting Osprey Ave from 3.0 m permitted to 1.1 m proposed.

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To vary the required minimum flanking side yard setback (McKay Ave) from 3.0 m required to 0.2 m proposed.

Section 14.11: UC5 - Commercial and Urban Centre Zone Development Regulations

To vary the required minimum commercial floor area on a retail street from 90% of the street frontage permitted to 37% proposed.

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

3. PERFORMANCE SECURITY

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

- a) An Irrevocable Letter of Credit or Certified Cheque in the amount of **\$87,017.50**

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

5. INDEMNIFICATION

Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

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

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

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

ATTACHMENT A

This forms part of application
DP22-0051 DVP22-0052

Planner Initials **MT**



City of
Kelowna
COMMUNITY PLANNING

DRAFT

550 Osprey Avenue, Kelowna, BC

PROPERTY DESCRIPTION

CMVC: 550 Osprey Avenue, Kelowna, BC
 LEGAL: Lot 18, PLAN 3769 EXCEPT PLAN KAP91163,
 AND LOT 1, PLAN EPP58904, BOTH OF DL 14, O.D.Y.D.
 (2695 Pandosy Street and 5402 Osprey Avenue, Kelowna, BC).

ZONING CALCULATIONS:

CURRENT: C4 (Urban Centre Commercial)
 NEW ZONING BYLAW: UC5 (Pandosy Urban Centre)

SITE INFORMATION:

	ALLOWED	PROPOSED
GROSS SITE AREA=	11,635 SF (1,080.9 SM)	
ALLOWABLE SITE COVERAGE=	100% (11,635 SF)	80% (9,301 SF)
ALLOWABLE SITE COVERAGE + HARDSCAPING=	100% (11,635 SF)	100% (11,635 SF)
FAR =	2.35 = 27,342 SF	2.34 (27,218 SF)

AREA CALCULATIONS:

UNIT AREA CALCULATIONS			
NAME	LENGTH	WIDTH	AREA
CRU1	127'-0"	58'-3"	4845 SF
CRU2	56'-1"	68'-0"	3656 SF
CRU3	40'-10"	67'-0"	2315 SF
CRU4	56'-1"	68'-0"	3635 SF
CRU5	40'-9"	68'-0"	2579 SF
CRU6	56'-1"	68'-0"	3635 SF
CRU7	40'-9"	68'-0"	2579 SF
CRU8	27'-3"	68'-0"	1820 SF
CRU9	40'-10"	63'-1"	2154 SF
			27218 SF

BUILDING HEIGHT =	ALLOWED 8 Storeys (31m)	PROPOSED 6 storeys (25.2m)
YARD SETBACKS:		
FRONT YARD (OSPREY) -	3m	1.1m
FLANKING SIDE YARD (MACKAY) -	3m	2m
INTERIOR SIDE YARD (PANDOSY) -	0m	1.5m
REAR YARD (LANEWAY) -	0m	2m
SETBACK ABOVE 16m HEIGHT		
OSPREY	3m	1.1m
MACKAY	3m	3.5m
PANDOSY	3m	6.7m
PARKING CALCULATIONS:	REQUIRED	PROPOSED
COMMERCIAL: 2,571 m ² / 100x1.3 (33.4)	33	32
ACCESSIBLE STALL (S):	33-5 (long term bicycle storage) = 28*	1
TOTAL:		33
* REDUCTION IN PARKING ALLOWED:		
- Bonus long term bicycle storage provided = minus 5 parking stalls (max allowed)		
Bicycle Storage:	REQUIRED	PROPOSED
Long Term Commercial:	.2/100m ² = 5	6
Bonus Long-Term Commercial:	.4/100m ² = 10	10
50% OF STALLS MUST BE FLOOR MOUNTED		
Short Term (ST-B):	4 (4/entry)	10

SCHEDULE A

This forms part of application
 # DP22-0051 DVP22-0052

Planner Initials **MT**



PHONE: 250-448-7801

205-1686 Richter Street,
 Kelowna, BC V1Y 2M3
www.limearchitecture.com



WORMAN

#401 - 590 KLO Road
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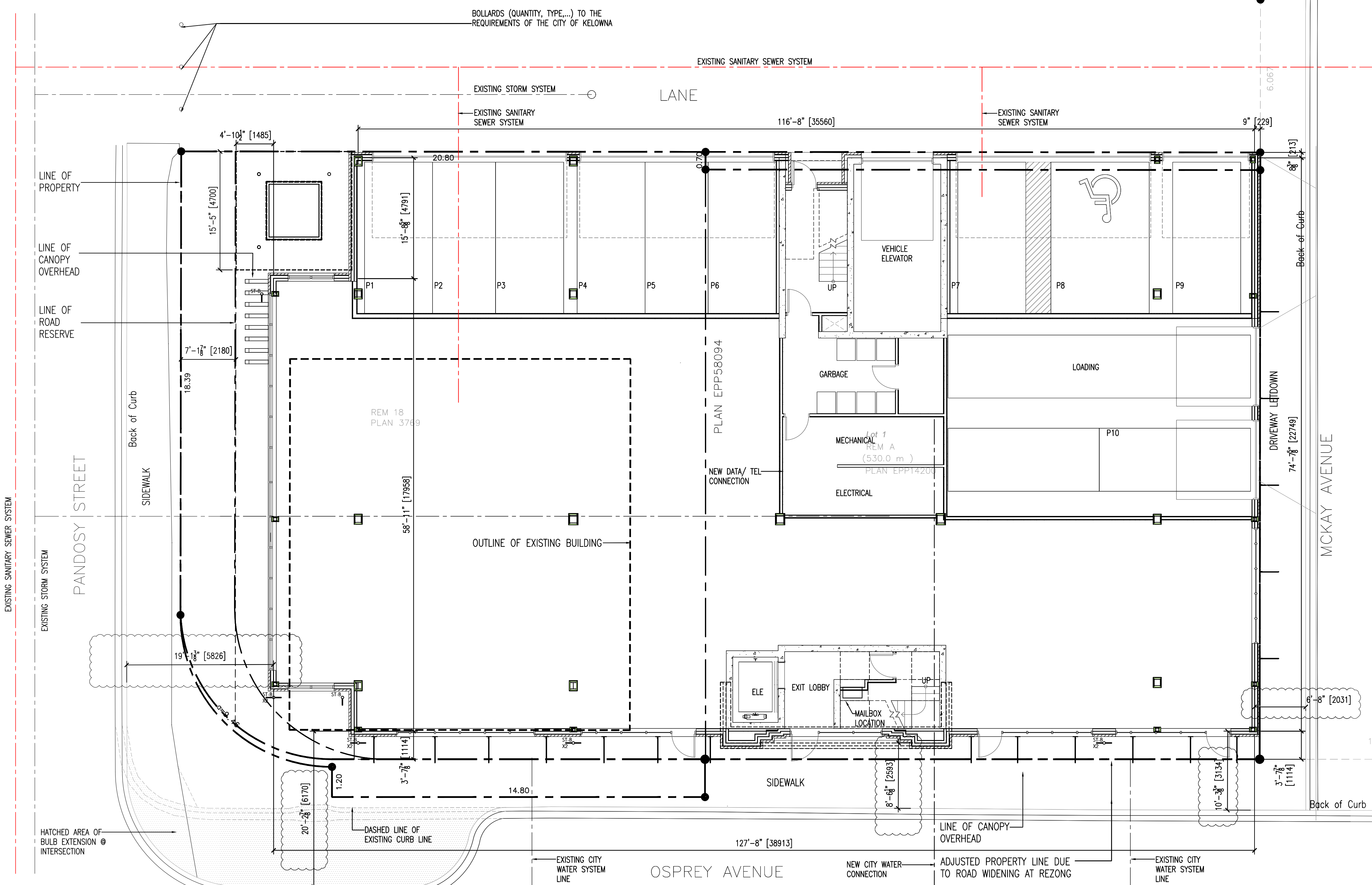
All trades are to execute the work in accordance with the current municipality building by-laws and requirements of other local authorities having jurisdiction as well as the British Columbia Building Code - (most recent edition) including all published revisions and addenda. All trades shall assume full responsibility for the locations and protection of all under and above ground utilities, wires and conduit connections, including (but not limited to) water, sewer, gas, hydro and telephone.

Revision No., Date and Description
02.20.20 - FOR DVP
03.18.20 - FOR DISCUSSION
03.19.20 - DVP Addendum #1
05.20.20 - DVP Addendum #2
02.04.22 - DVP Addendum #3
03.09.22 - DVP Addendum #4
04.09.22 - TRS Response
05.13.22 - 50% BP REVIEW
06.07.22 - FOR DISCUSSION
06.08.22 - FOR DISCUSSION
06.13.22 - DVP ADDENDUM #5
06.22.22 - 80% REVIEW
06.23.22 - FOR DISCUSSION
06.24.22 - DVP ADDENDUM #6

Plot Date	Drawing No.
24-Jun-22	A-001

PROJECT
 550 OSPREY AVENUE

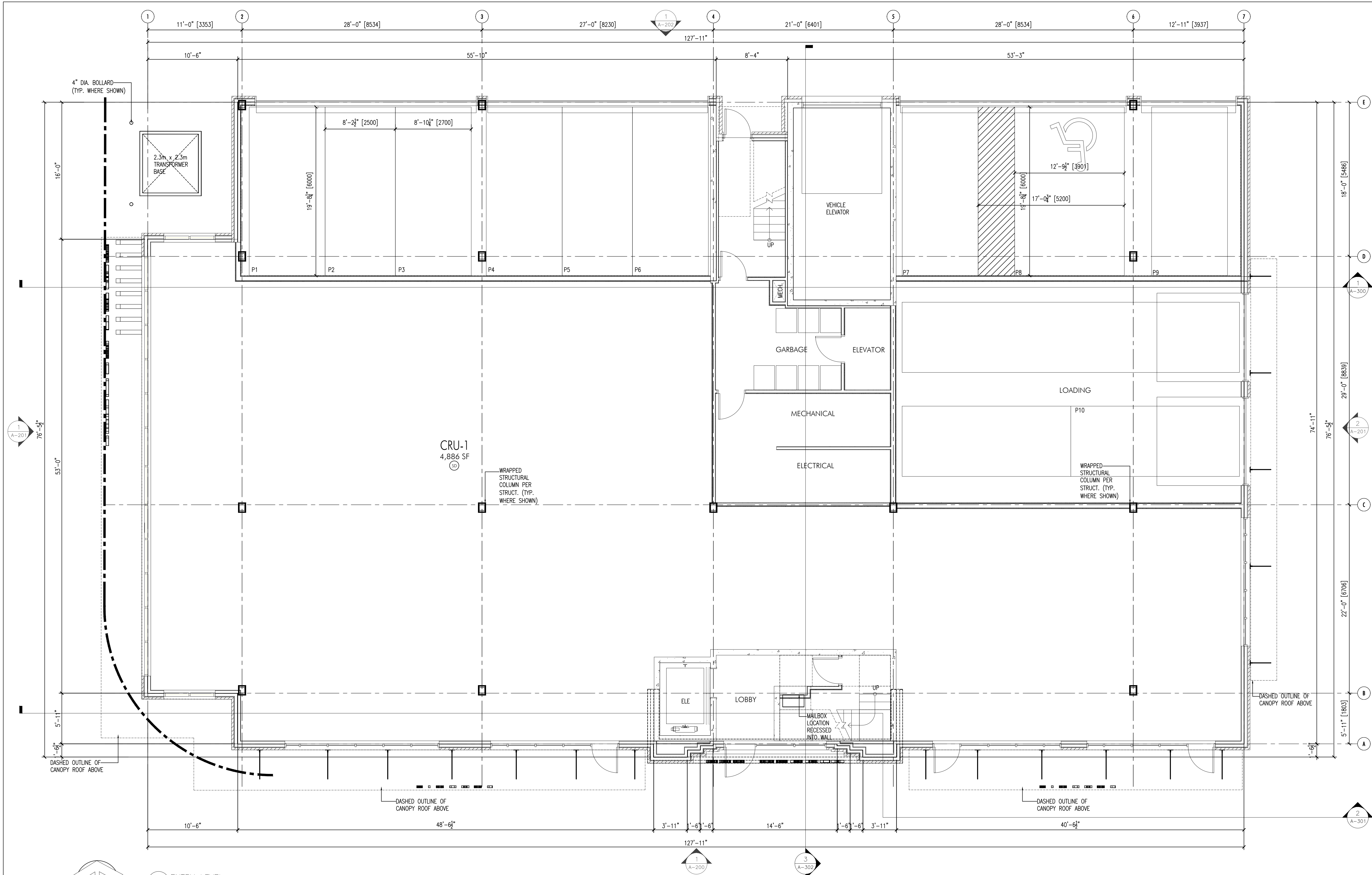
DRAWING TITLE
 PROJECT INFORMATION



REFER TO LANDSCAPE PLAN L1 FOR CONCEPTUAL LANDSCAPE PLAN

1 SITE PLAN
 A-101 1/8"=1'-0"

FOR DP/ DVP



1 ENTRY LEVEL
A-101 3/16"=1'-0"

SCHEDULE A

This forms part of application
DP22-0051 DVP22-0052

Planner Initials **MT**

City of Kelowna
COMMUNITY PLANNING

LIME ARCHITECTURE INC.
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205-1626 Richter Street,
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www.worman.ca

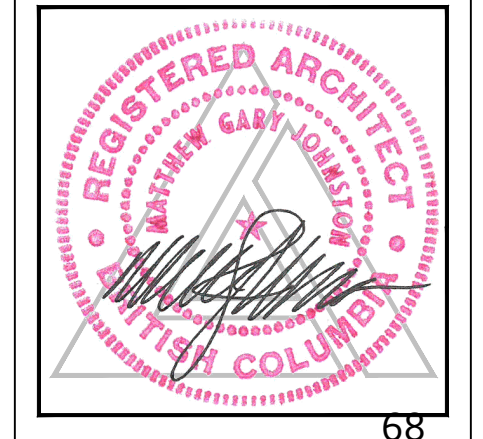
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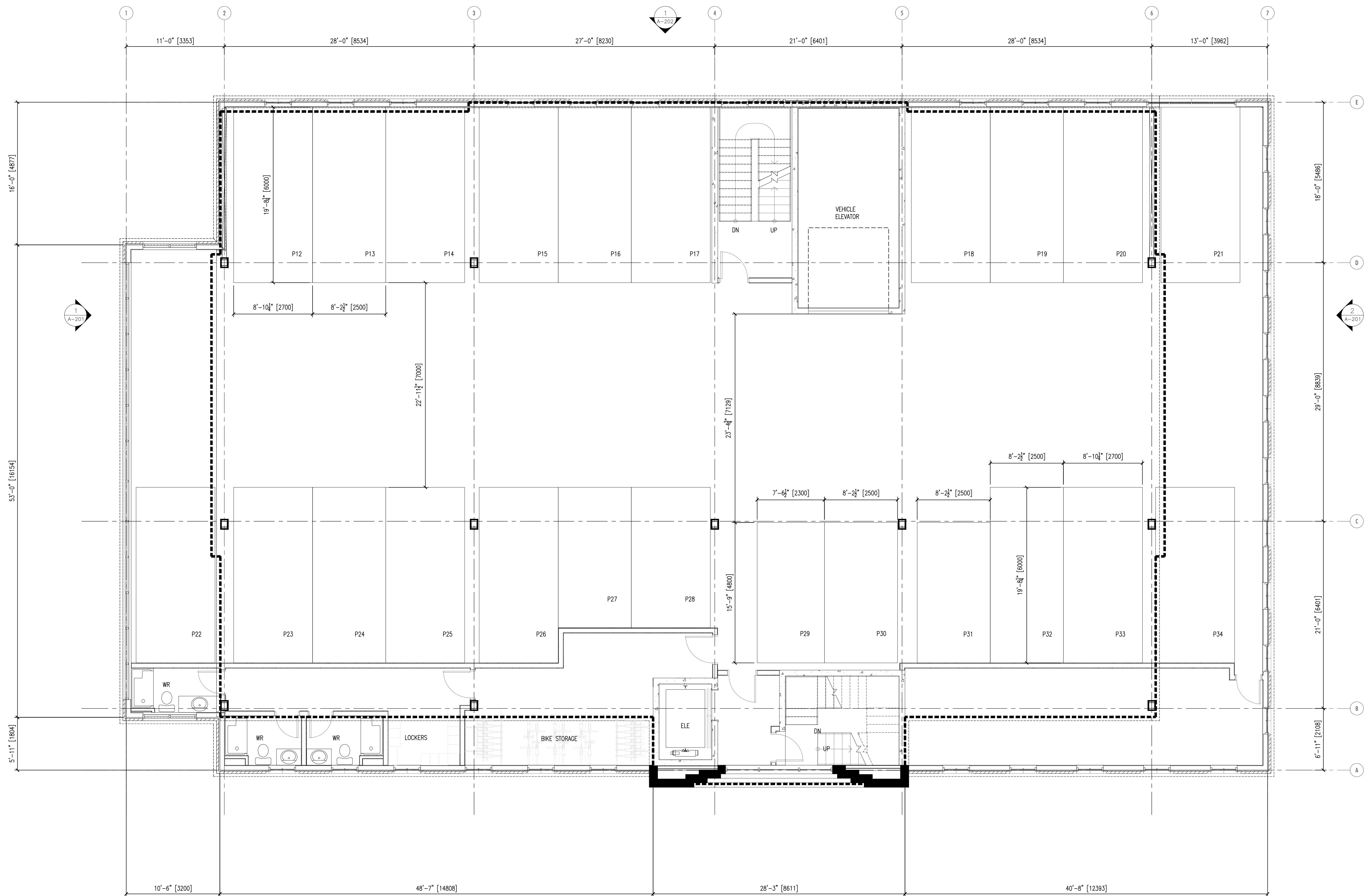
Revision No., Date and Description

02.20.20	- FOR DVP
05.20.20	- DVP ADDENDUM #2
01.19.22	- FOR CLIENT REVIEW
02.04.22	- DVP ADDENDUM #3
03.09.22	- DVP ADDENDUM #4
04.09.22	- TRS RESPONSE
06.13.22	- DVP ADDENDUM #5

Plot Date 13-Jun-22	Drawing No. A-101
PROJECT 550 OSPREY AVENUE	
DRAWING TITLE ENTRY LEVEL	



FOR DP/ DVP



1 SECOND LEVEL
A-102/3/16"x1'-0"

SCHEDULE A

This forms part of application
DP22-0051 DVP22-0052

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Revision No., Date and Description
02.20.20-FOR DVP
02.28.20-FOR DVP
05.20.20-DVP Addendum #2
01.19.22-FOR CLIENT REVIEW
02.04.22-DVP Addendum #3
03.09.22-DVP Addendum #4
04.09.22-TRS Response

Plot Date: 9-Apr-22
Drawing No.: A-102

PROJECT
540 OSPREY AVENUE

DRAWING TITLE
SECOND LEVEL



DVP - ADDENDUM #4



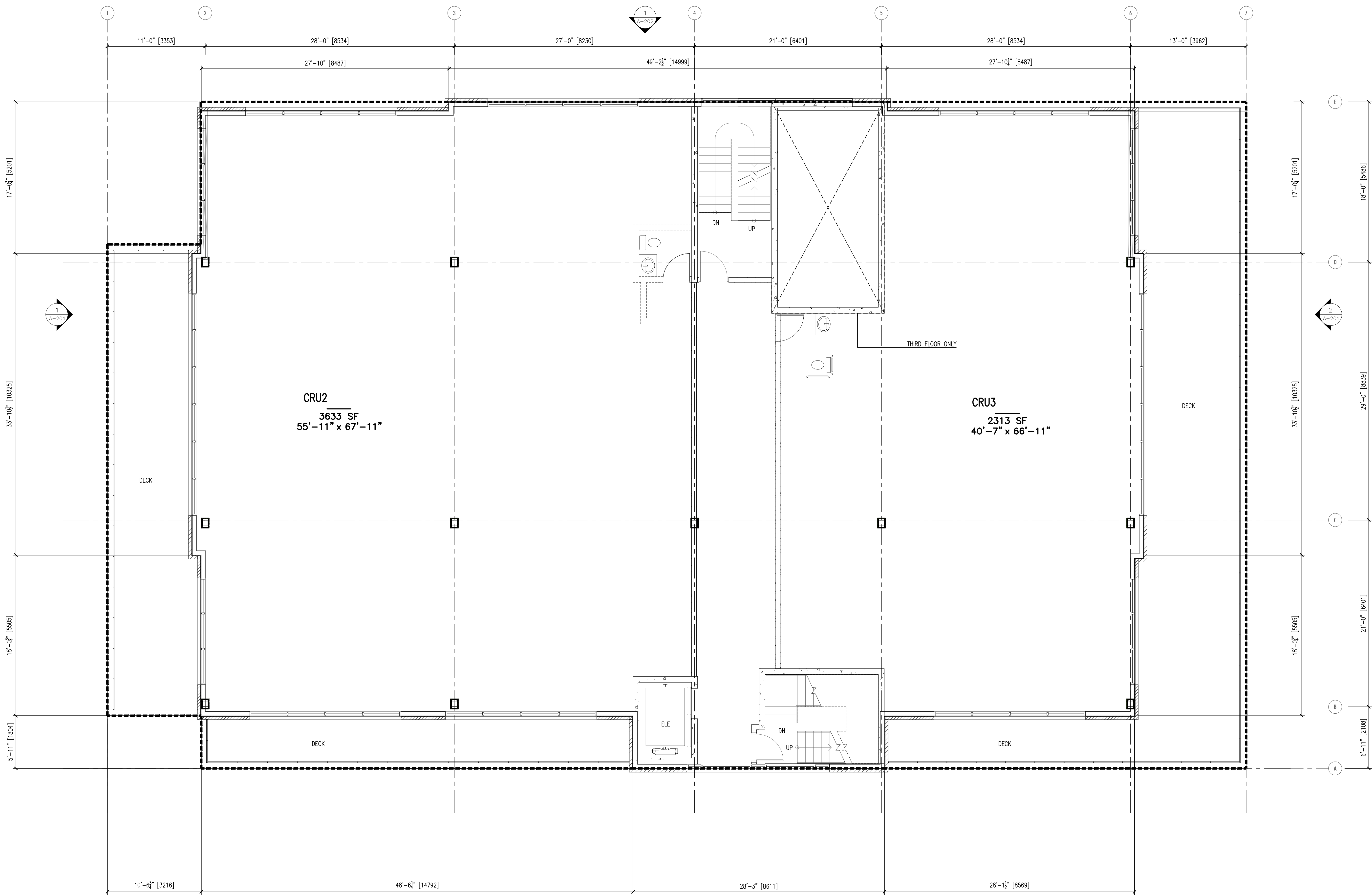
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Revision No.	Date	Description
02.20.20-FOR DVP		
02.28.20-FOR DVP		
05.20.20-DVP Addendum #2		
01.19.22-FOR CLIENT REVIEW		
02.04.22-DVP Addendum #3		
03.09.22-DVP Addendum #4		

Plot Date 9-Mar-22	Drawing No. A-103
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PROJECT 540 OSPREY AVENUE
DRAWING TITLE THIRD LEVEL



1 THIRD LEVEL
A-103/3/16"=1'-0"

SCHEDULE A

This forms part of application
DP22-0051 DVP22-0052

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DVP - ADDENDUM #4



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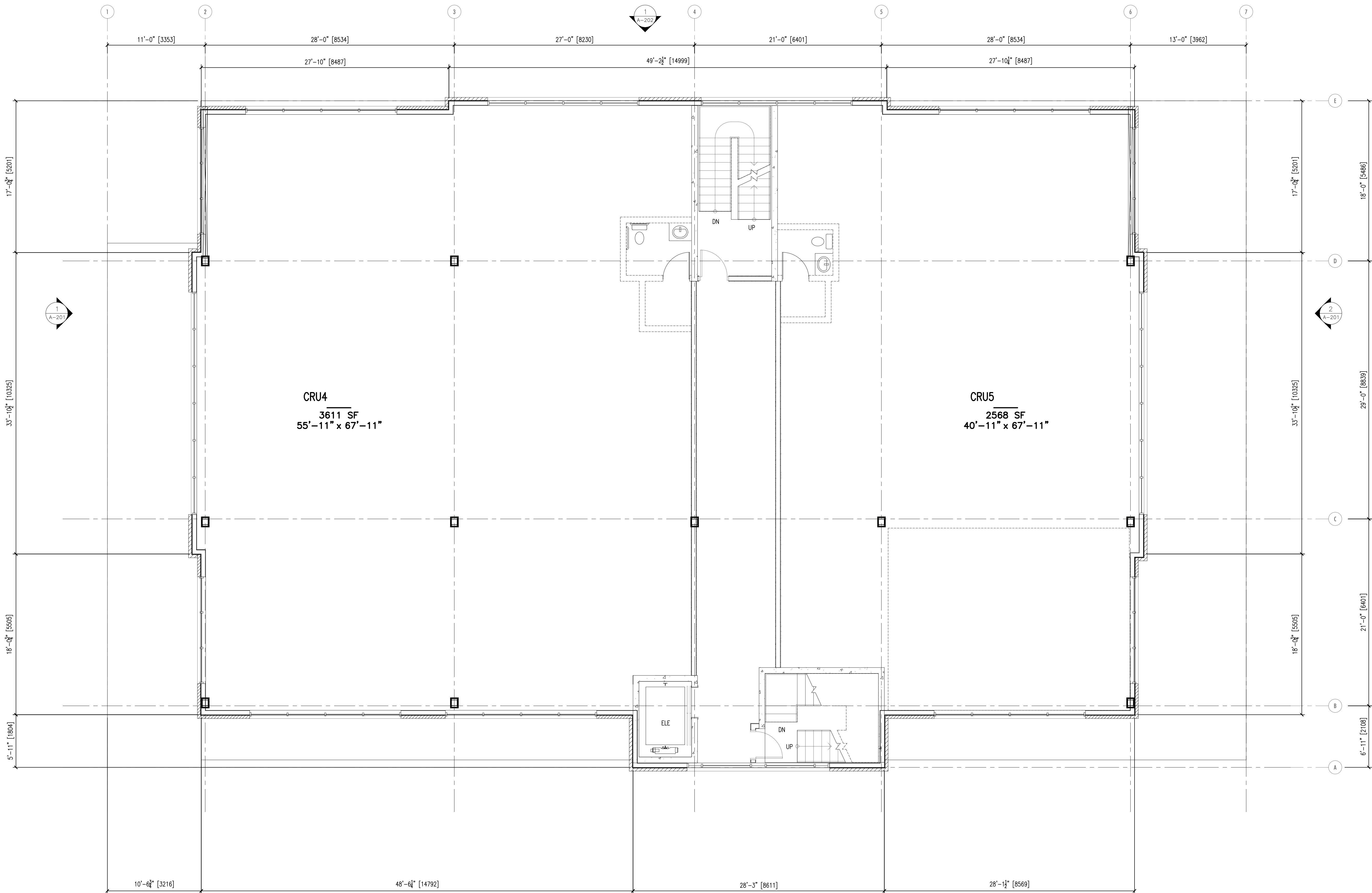
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Revision No.	Date	Description
02.27.20-FOR DVP		
02.28.20-FOR DVP		
05.20.20-DVP Addendum #2		
02.04.22-DVP Addendum #3		
03.09.22-DVP Addendum #4		

Plot Date 9-Mar-22	Drawing No. A-104
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PROJECT 540 OSPREY AVENUE
DRAWING TITLE FOURTH LEVEL



1 FOURTH LEVEL
A-104/3/16"=1'-0"

SCHEDULE A

This forms part of application
DP22-0051 DVP22-0052

Planner
Initials MT

City of Kelowna
COMMUNITY PLANNING

DVP - ADDENDUM #4



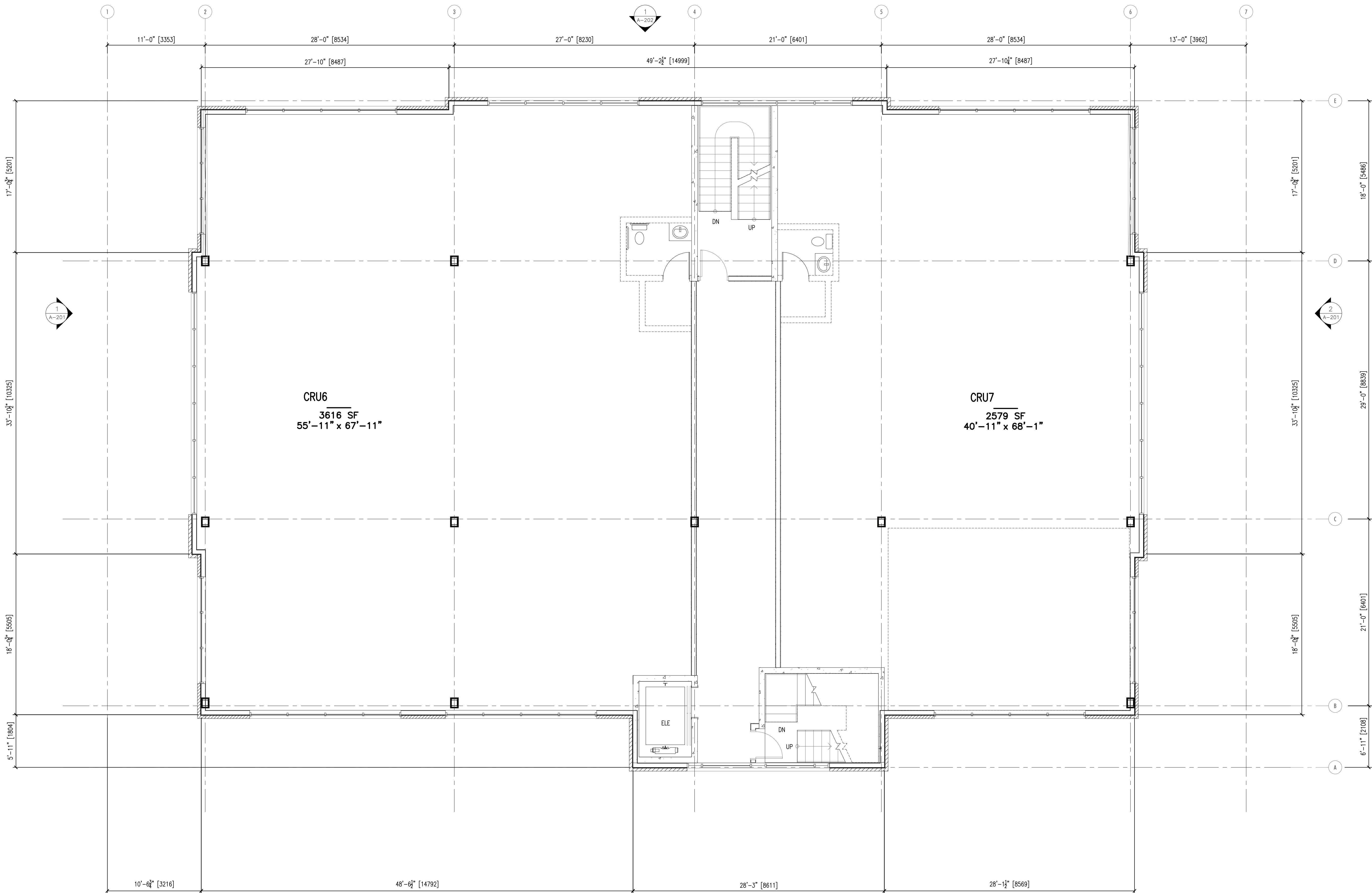
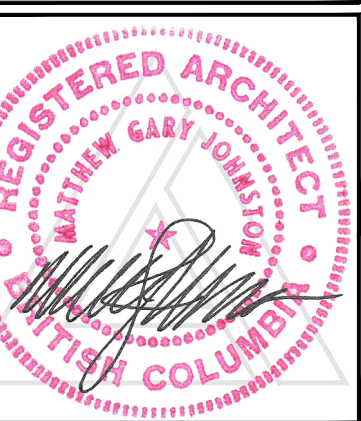
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Revision No., Date and Description
02.27.20 - FOR DVP
02.28.20 - FOR DVP
05.20.20 - DVP Addendum #2
02.04.22 - DVP Addendum #3
03.09.22 - DVP Addendum #4

Plot Date 9-Mar-22	Drawing No. A-105
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PROJECT 540 OSPREY AVENUE
DRAWING TITLE FIFTH LEVEL



1 FIFTH LEVEL
A-105/3/16"=1'-0"

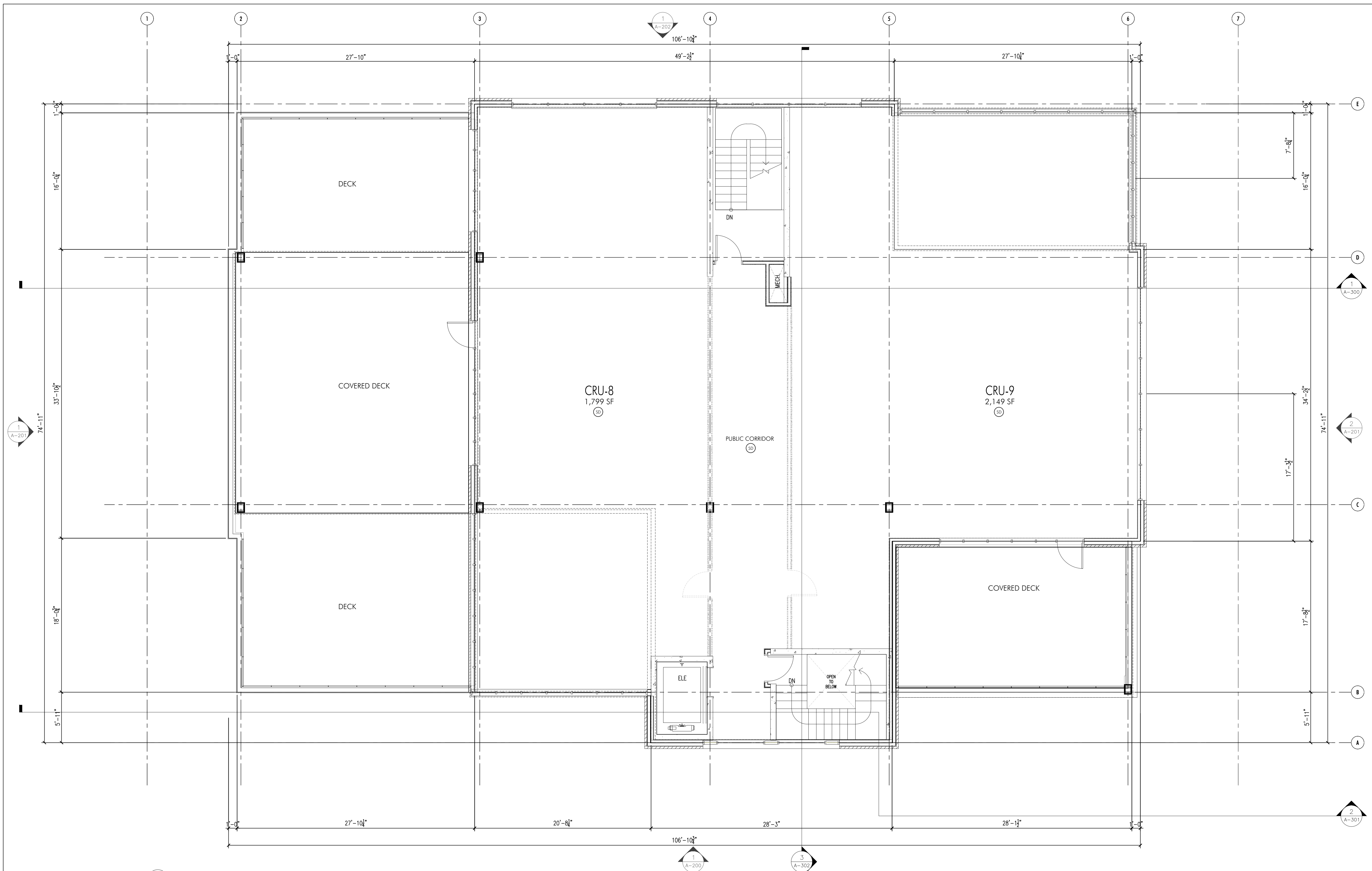
SCHEDULE A

This forms part of application
DP22-0051 DVP22-0052

Planner Initials MT

City of Kelowna
COMMUNITY PLANNING

DVP - ADDENDUM #4



1 SIXTH LEVEL
A-106/3/16=1'-0"

SCHEDULE A

This forms part of application
DP22-0051 DVP22-0052

Planner Initials **MT**

LIME ARCHITECTURE INC.
PHONE: 250-448-7801
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WORMAN
#401 - 590 KLO Road
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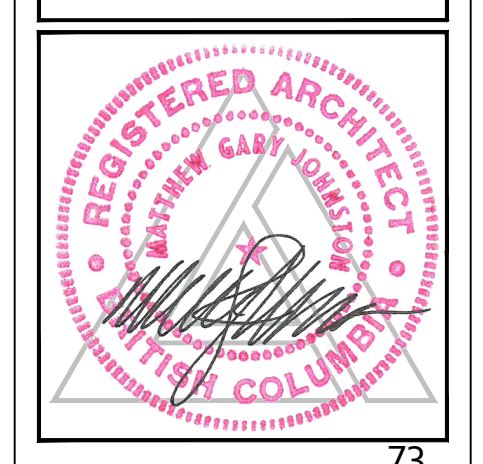
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Revision No., Date and Description

02.27.20	- FOR DVP
02.28.20	- FOR DVP
05.20.20	- DVP Addendum #2
01.19.22	- FOR CLIENT REVIEW
02.04.22	- DVP ADDENDUM #3
03.09.22	- DVP ADDENDUM #4
04.09.22	- TRS RESPONSE
06.13.22	- DVP ADDENDUM #5

Plot Date 13-Jun-22	Drawing No. A-106
PROJECT 550 OSPREY AVENUE ----	
DRAWING TITLE SIXTH LEVEL	



FOR DP/ DVP



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Revision No.	Date	Description
02.20.27	FOR DVP	
05.20.20	DVP Addendum #2	
01.22.21	REVISIONS REVIEW	
01.19.21	FOR CLIENT REVIEW	
02.04.22	DVP Addendum #3	
03.08.22	DVP Addendum #4	

Plot Date 8-Mar-22	Drawing No. A-200
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PROJECT
540 OSPREY AVENUE
....

DRAWING TITLE
ELEVATIONS



SCHEDULE B

This forms part of application
DP22-0051 DP22-0052



City of
Kelowna
COMMUNITY PLANNING

Planner
Initials **MT**



1 SOUTH ELEVATION
A-200 3/32"=1'-0"



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Revision No.	Date	Description
02.20.27-FOR DVP		
05.20.20-DVP Addendum #2		
01.19.22-FOR CLIENT REVIEW		
02.04.22-DVP Addendum #3		
03.08.22-DVP Addendum #4		

Plot Date	Drawing No.
9-Mar-22	A-201

PROJECT
 540 OSPREY AVENUE

DRAWING TITLE
 ELEVATIONS



1 WEST ELEVATION
 A-201 1/8"=1'-0"



2 EAST ELEVATION
 A-201 1/8"=1'-0"



DVP - ADDENDUM #4

SCHEDULE B

This forms part of application
 # DP22-0051 DP22-0052

Planner Initials **MT**

City of Kelowna
 COMMUNITY PLANNING

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Revision No.	Date	Description
02.20.20-FOR DVP		
05.20.20-DVP Addendum #2		
01.19.22-FOR CLIENT REVIEW		
02.04.22-DVP Addendum #3		
03.08.22-DVP Addendum #4		

Plot Date
8-Mar-22

Drawing No.
A-202

PROJECT
540 OSPREY AVENUE

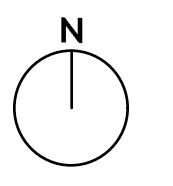
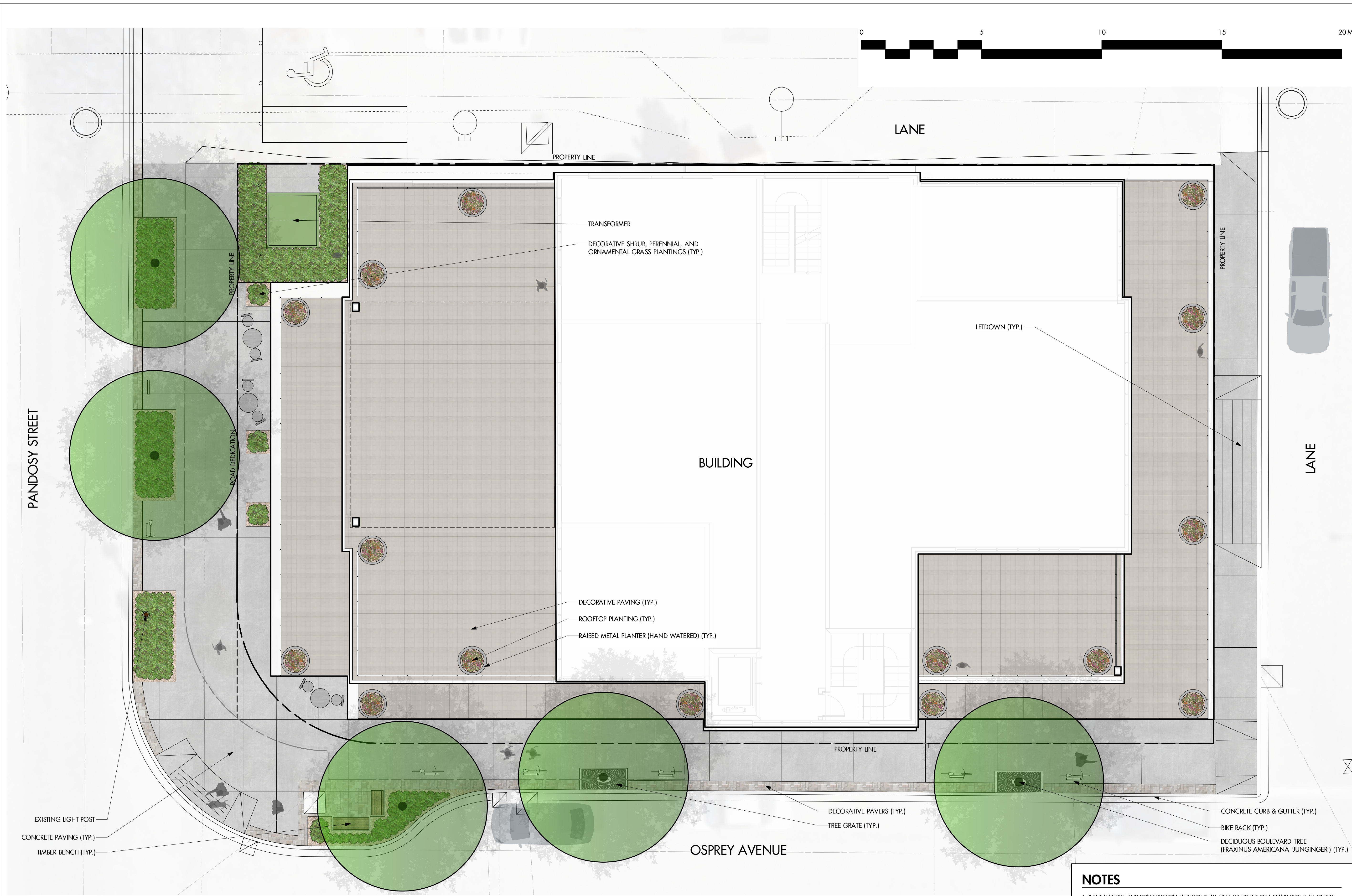
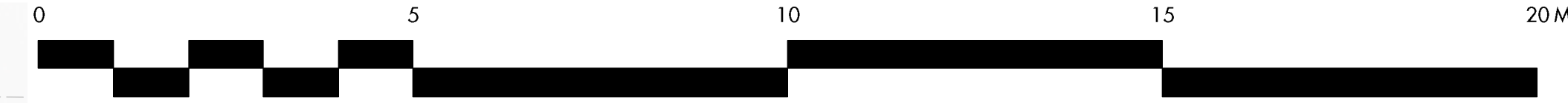
DRAWING TITLE
ELEVATIONS



1 NORTH ELEVATION
 A-202 1/8"=1'-0"



DVP - ADDENDUM #4



PROJECT TITLE
2659 PANDOSY STREET & 540 OSPREY AVENUE
Kelowna, BC

DRAWING TITLE
CONCEPTUAL LANDSCAPE PLAN

ISSUED FOR / REVISION	DATE	DESCRIPTION
3	20.05.15	Development Permit
4	22.01.26	Development Permit
5	22.02.01	Development Permit
6	22.05.18	Development Permit
7	22.06.17	Development Permit

PROJECT NO.	20-009
DESIGN BY	KM
DRAWN BY	TR
CHECKED BY	FB
DATE	JUN. 17, 2022
SCALE	1:75
PAGE SIZE	24"x36"

SEAL



DRAWING NUMBER

L1/2

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SCHEDULE C

This forms part of application
DP22-0051 DVP22-0052

Planner Initials **MT**

PLANT LIST				PLANT LIST			
BOTANICAL NAME	COMMON NAME	QTY	SIZE/SPACING & REMARKS	BOTANICAL NAME	COMMON NAME	QTY	SIZE/SPACING & REMARKS
TREES				PERENNIALS, GRASSES & GROUNDCOVERS			
FRAXINUS AMERICANA 'CALYPSO'	CALYPSO WHITE ASH	5	6cm CAL.	HAKONE GRASS	HAKONE GRASS	9	#01 CONT. /0.6M O.C. SPACING
SHRUBS				HIDECOTE ENGLISH LAVENDER	HIDECOTE ENGLISH LAVENDER	19	#01 CONT. /0.75M O.C. SPACING
CORNUS ALBA 'KESSLERINGII'	KESSLERINGII	5	#02 CONT. /2.0M O.C. SPACING	FOUNTAIN GRASS	FOUNTAIN GRASS	18	#01 CONT. /1.0M O.C. SPACING
PINUS SYLVESTRIS 'GLAUCO NANA'	DWARF BLUE SCOTCH PINE	2	#02 CONT. /1.8M O.C. SPACING	SEDUM 'FIRECRACKER'	FIRECRACKER STONECROP	50	#01 CONT. /0.6M O.C. SPACING
SAMBUCUS NIGRA 'EVA'	BLACK LACE ELDERBERRY	2	#02 CONT. /1.8M O.C. SPACING	YUCCA FILAMENTOSA	ADAM'S NEEDLE	5	#01 CONT. /0.9M O.C. SPACING
SYRINGA MEYER 'PAUBIN'	DWARF KOREAN LLAC	15	GRAFTED/TREE FORM /1.5M O.C. SPACING				

- NOTES**
1. PLANT MATERIAL AND CONSTRUCTION METHODS SHALL MEET OR EXCEED CSLA STANDARDS & ALL OFFSITE LANDSCAPE IMPROVEMENTS TO MEET CITY OF KELOWNA BYLAW 7900 REQUIREMENTS.
 2. ALL SOFT LANDSCAPE AREAS SHALL BE WATERED BY A FULLY AUTOMATIC TIMED UNDERGROUND IRRIGATION SYSTEM.
 3. TREE AND SHRUB BEDS TO BE DRESSED IN A MINIMUM 75mm DOUGLAS RED FIR MULCH AS SHOWN IN PLANS. DO NOT PLACE WEED MAT UNDERNEATH TREE AND SHRUB BEDS.
 4. TREE AND SHRUB BEDS TO RECEIVE A MINIMUM 300mm DEPTH TOPSOIL PLACEMENT.
 5. TREE PITS SHALL RECEIVE A MINIMUM OF 1.0m DEPTH AS SHOWN IN THE DRAWINGS. STRATA VAULTS OR SIMILAR TECHNOLOGY WILL BE REQUIRED FOR STREET TREES TO ACHIEVE A MINIMUM OF 9m³ OF GROWING MEDIUM.
 6. SITE GRADING AND DRAINAGE WILL ENSURE THAT ALL STRUCTURES HAVE POSITIVE DRAINAGE AND THAT NO WATER OR LOOSE IMPEDIMENTS WILL BE DISCHARGED FROM THE LOT ONTO ADJACENT PUBLIC, COMMON, OR PRIVATE PROPERTIES.



WORMAN
WORMAN HOMES | WORMAN COMMERCIAL

ATTACHMENT B

This forms part of application

DP22-0051 DVP22-0052

Planner
Initials

MT



February 16, 2022

Re: 2695 Pandosy Street and 540 Osprey Avenue
Development and Variance Rationale Letter

Dear City Staff and Council,

The attached application for 2695 Pandosy and 540 Osprey Avenue is a 6-storey mixed use development. The building consists of retail space at grade, parking on the second floor, 3 floors of offices, and a penthouse level with one residential unit and an additional office unit. All parking is hidden from view with all guest parking accessed at grade off the lane and all tenant parking provided on the second floor accessible via an elevator.

The design rationale for this building was straightforward, we simply followed the example of the other buildings around it that we have completed over the last several years! There were many times we began to move away from our heritage-based architecture, but each time we came back knowing that it would compliment our other buildings and the surrounding neighbourhood. The balance of modern elements based in a traditional framework has a timeless appeal.

The innovative element of this building is the use of an elevator to access reserved, tenant parking on the second floor. Functionally by having these stalls reserved and used by the tenants in the building we are able to allow the elevator use only by those approved and familiar with the relatively new way to access parking. Fob controls access and allows for 24/7 use of these private stalls. In the case of a power outage the building will be equipped with a backup generator to keep the system running. All customer parking is at grade, tucked under the building. This makes it easy for customers who come and go on a more frequent basis.

Our proposal meets all the requirements under the C4 zone with two exceptions: height and sight coverage.

The building's design, at 6 storeys is a balance between the 4 currently allowed under today's zoning bylaw and the 8 signaled under the new OCP. In order to ensure we reached the City's broad goal of maximizing density in our urban centers, we designed the building to reach the maximum density under the zoning bylaw, which led to a 6 storey height. To soften the impact of the height we have stepped the building back at the second floor to create a more human scale from grade as well as wrapping most of the building in canopies at the one storey above grade height.

For sight coverage we felt it more appropriate to enclose the main floor parking so that it was hidden from view. This led to 81% site coverage, rather than the 75% allowed. In an urban core, and in such a prominent location on Pandosy, we felt this was an appropriate trade off.

This application maintains our design philosophy of creative solutions for density on smaller lots and we believe it will be an asset to this area. We look forward to the application's approval.

Sincerely,

Shane Worman
Worman Homes/ Worman Commercial

P. 250.762.0040

F. 250.762.0550

Project No.: 22051

April 20, 2022

Worman Resources Inc.
401 – 590 KLO Road
Kelowna, BC V1Y 7S2

Attention: Shane Worman

Re: 550 Osprey Avenue, Kelowna BC
Transportation and Parking Review

COST

TIME

QUALITY

PROJECT DESCRIPTION

The subject property is situated at 550 Osprey Avenue in Kelowna. The proposed plan is to develop a mixed use commercial and residential six story building under the current C4 (Urban Centre Commercial) zoning.

This proposal is to provide eight commercial units (with an average size of 3,150 ft²) and 1 residential unit. The total amount of parking required is 27 stalls. The development plan has 37 stalls combined with 18 long term bicycle stalls and 6 short term bicycle stalls. 10 parking stalls will be on the main floor with entry from the lane to the north, 4 parking stalls (tandem stalls) will be on the main floor with entry from McKay Avenue. 23 parking stalls are proposed on the second level with access to the vehicle elevator from the lane to the north.

City Technical Review Summary

The City of Kelowna completed a Technical Review Summary (TRS) of the proposed development plan April 7th, 2022 and included the following comments under Section 1.3 Parking & Loading:

ATTACHMENT	C
This forms part of application # DP22-0051 DVP22-0052	
Planner Initials	MT
 City of Kelowna COMMUNITY PLANNING	

1.3. Parking & Loading:

1.3.1. Staff have concerns about the use of a car elevator as an alternative to parkade ramps:

- Elevators are prone to break downs and require frequent maintenance. Where they are used for people, stairs provide an alternative means of access to a building. There is no alternative for cars.
- Office uses are prone to people leaving & arriving at similar times (eg: 8 AM to 9 AM & 4 PM to 5 PM). If it takes ~1 minute to ride the elevator in one direction, it could take up to 44 minutes to let all 22 cars leave the second storey at the end of the day. While everyone leaving at once is unlikely, there could be significant delays if multiple people are trying to arrive or leave at the same time.
- There is no queuing space provided for cars waiting for the elevator. Any waiting vehicle will be forced to queue in the public lane. This may interfere with access to other surface level parking stalls proposed along the lane, access to the adjacent building on the other side of the lane, use of the lane by service vehicles, and if enough cars are queuing (ex: at peak hours), it may lead to vehicles backing up onto McKay Ave and impact the City's road network.
- OCP Policy discourages land uses and activities that require idling. Unlike a parkade ramp, a car elevator will encourage queuing vehicles to idle in the street while waiting for the elevator.
 - OCP Policy 14.1.1 Motor Vehicle Use and Air Quality: Promote land uses that reduce reliance on motor vehicles. Restrict land uses and activities that require idling such as new drive through developments.

In order for staff to properly evaluate the proposed car elevator, additional information about the operations and maintenance of the car elevator should be provided. At a minimum, a Report and Operational Plan for the proposed car elevator should be provided that provides details on how the above-noted concerns would be mitigated. It would help if a traffic engineer provided an analysis based on the expected number of vehicle movements at peak hours and the potential impact on the road network. Turning movements to key parking stalls from the car elevator on the second storey should also be provided to demonstrate that they are practical. If these concerns cannot be adequately addressed, staff may not be supportive of a car elevator.

- 1.3.2. The required van-accessible parking stall is located outside of the property boundaries. Required parking must be located entirely on-site.
- 1.3.3. Tandem parking is not permitted for commercial uses or apartment housing (Zoning Bylaw Section No. 8.2.6). Tandem stalls cannot count towards meeting the parking requirements.
- 1.3.4. If required parking stalls cannot be provided, payment in lieu of parking (Bylaw No. 8125) is an alternative for projects located within an Urban Centre.
- 1.3.5. Commercial uses require 1 off-street loading space per 1900 m² of Gross Floor Area (Zoning Bylaw Table 8.4). As commercial Gross Floor Area exceeds 1900 m², one off-street loading space is required.
- 1.3.6. Short-term bicycle parking stalls are located outside of property boundaries within an area required to be dedicated as road. All required short-term bicycle parking must be located entirely on-site.

City TRS Section 1.3 Parking & Loading

ATTACHMENT C	
This forms part of application # DP22-0051 DVP22-0052	
Planner Initials	MT
 City of Kelowna COMMUNITY PLANNING	

In response to the City TRS comments on Parking & Loading we provide the following:

In the Kelowna 2040 Official Community Plan the following objectives are identified:

- **Objective 4.6.** Support infill and redevelopment to promote housing diversity and enhanced services and amenities in the Pandosy Urban Centre;
- **Objectives 4.20., 5.20. and 6.17.** Adapt and respond to emerging transportation technologies;
- **Objective 5.1.** Encourage Village Centres as Kelowna's secondary hubs of activity: and
- **Chapter 18 Form and Character Design Foundations - Strive for design excellence.** Development projects should look beyond current trends and consider best practices and innovation for issues such as parking, energy efficiency, and building design to create a positive and lasting legacy.

In the TRS there is a general concern expressed related to the use of a Parking Elevator for the access to the second level. Parking is one of the largest single land uses in our municipal footprints. This is a debilitating force on downtown areas that threaten economic potential and vibrancy. Parking Elevators allow for a reduction in the area dedicated to parking as the ramps are eliminated and smaller sites can then provide the community planners the ability to build a smarter city. Leveraging elevators for upper-level parking on compact sites reduces the necessary ramp footprint and eliminates the need to add additional floors to meet the parking requirements.

The use of a car elevator is a huge innovation as it opens the main floor to the highest quality commercial at grade and allows the small site to maximize the density for areas other than parking ramps.

Parkade ramps are problematic on small sites. Using a 7 m wide ramp not only sterilizes the main floor but also the floor above. And with only 23 m width on the site, that one ramp means only a 1-sided parking deck which is very inefficient and would require an additional floor of ramps and parking. This results in the area dedicated to the parking ramps and additional drive isles to be almost equivalent to the area required for the parking stalls.

Average trip generations rates from the Institute of Transportation Engineers (ITE) Trip Generation Rates Manual for General Office, Business Park, and Office Park complexes with 23 parking stalls dedicated to employees are as follows:

- AM Peak Hour – 10 vehicles arriving and 1 vehicle departing;
- PM Peak Hour – 2 vehicles arriving and 12 vehicles departing.

ATTACHMENT C

This forms part of application
DP22-0051 DVP22-0052

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**City of
Kelowna**
COMMUNITY PLANNING

Comments for each specific item within the TRS Section 1.3 Parking & Loading are as follows:

1.3 Parking & loading

1.3.1 - While stairs for a car do not provide an alternative way down for vehicles, neither do stairs for a handicapped person in a normal elevator. So although there is not an alternative to get one's car out of the parkade, it is also not crucial should their car be stuck. There are other transportation options available to them. Parking elevators are based on a digital platform software-enabled service, that provide greater system transparency and predictability, enabling advanced monitoring, big-data analytics and predictive maintenance to identify and address potential issues – sometimes before they happen. Systems provide proactive communication with real time notifications, ongoing status updates and 24/7 proactive communication monitors. Informed repairs, service requests are closed sooner with automatic alerts that provide mechanic accurate fault information and, in many cases, armed with the parts needed before they arrive at your building. Any problems should be able to be rectified in relatively short order. As the parking will be for dedicated employees there will be in-cab display that connects passengers with video chat to provide greater peace of mind during an entrapment. To promote business continuity, mechanic visits are planned based on predictive maintenance algorithms so that in some cases, the problems can be fixed before they cause a shutdown. The elevator system monitors equipment health and performance in real time, 24/7. The information is collected and analyzed against foundational data to predict and solve issues and avoid unexpected downtime. With new technology elevator systems, the occurrence of unexpected shutdown is minimized.

- Typical travel speeds for vehicle elevators are in the range of 150 ft /min and a single floor up and down cycle is expected to be in the range of 30 seconds. That would allow for all 23 vehicles to clear the upper level in 12 minutes in the unlikely event that all employees had a desire to depart at the same time. The anticipated ITE Trip Generation Rates have an average combined arrival and departure of 12 vehicles during the AM and PM peak hour. With a very conservative Peak Hour Factor of 0.50, this would equate to an average of 6 vehicles arriving or departing during the busiest 15 minutes of both the AM and PM Peak Hour.

- Typically employees have more random arrivals in the am, and the potential for vehicle queuing is minimal. The lot on the other side of the lane is accessible off McKay and off the lane, so the prospect of any one anyone being impeded by someone waiting in the lane is negligible.

- As described above the arrival and departure occurrences will result in minimal delay and potential for idling.

- The turn radius is anticipated to be equivalent to normal parking stalls due to the provision of a 7m wide drive isle.

1.3.2 The site plan will be modified to address the intrusion into the public right of way.

1.3.3 The 2 stalls included as tandem parking are not required to meet the minimum parking requirement of 27 stalls for the site.

1.3.4 As per 1.3.3 above, the site has more than the required 27 stalls.

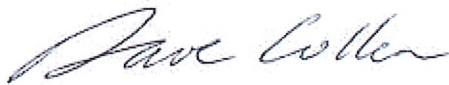


- 1.3.5 The garage bays will be revised to provide for a loading space at the eastern end of the lane.
- 1.3.6 The site plan will be modified to address the intrusion into the public right of way.

We trust the above address the comments from the City in the TRS for the parking and loading requirements related to the site and the proposed use of the vehicle elevator.

Sincerely,

CTQ CONSULTANTS LTD.



David D. Cullen, P.Eng.
Transportation Engineer

ATTACHMENT		C
This forms part of application		
# DP22-0051 DVP22-0052		
Planner Initials	MT	 City of Kelowna COMMUNITY PLANNING









FORM & CHARACTER – DEVELOPMENT PERMIT GUIDELINES

Consideration has been given to the following guidelines as identified in Chapter 18 of the City of Kelowna 2040 Official Community Plan:

SECTION 6.o: RETAIL, COMMERCIAL AND INDUSTRIAL						
RATE PROPOSALS COMPLIANCE TO PERTINENT GUIDELINE <i>(1 is least complying & 5 is highly complying)</i>	N/A	1	2	3	4	5
6.1 General Guidelines						
6.1.1 Relationship to the Street						
6.1.1.1 Relationship to the Street						
a. Orient the long side of each building to be parallel to the public street.						X
b. Locate entries to be visible and directly accessible from the public street.						X
c. For buildings fronting highways, entries can be located away from the street, as long as there is a direct pedestrian connection to the site.	X					
d. Avoid blank walls adjacent to the highway, streets, walkways, parks, or other amenity spaces.				X		
6.1.2 Site Planning and Landscaping						
6.1.2.1 Site Planning and Landscaping						
a. Locate buildings to ensure good sight lines for vehicular and pedestrian traffic.						X
b. Provide direct, safe, continuous, and clearly defined pedestrian access from public sidewalks, parking areas, and transit stops to building entrances.						X
c. Use large canopy trees to define the public realm (e.g. at the sidewalk and property edge facing the street)	X					
d. Distribute trees and landscaping throughout the site in order to: <ul style="list-style-type: none"> • Soften property edges facing the street; • Define internal roads, pedestrian routes, and open spaces; • Create pleasant pedestrian conditions; • Screen parking, loading, service, and utility areas; • Manage stormwater on-site; and • Break up large rows of parking by substituting a parking stall with a canopy tree in planter every 8-10 parking stalls; 				X		
e. Provide on-site bio-retention facilities (e.g. bioswales, rain gardens) to collect, store and filter stormwater from parking areas.	X					
f. Use permeable materials such as paving blocks or permeable concrete in parking areas to maximize rainwater infiltration.	X					
g. Pedestrian pathways should provide clear sight lines and connect the following: <ul style="list-style-type: none"> • Parking areas to building entrances; • Main building entrances to public sidewalks (where applicable); • Main building entrances to transit stopes (where applicable); • Between buildings on adjacent lots. 						X

h. Provide separation between vehicular routes (especially truck access/loading) and pedestrian routes on-site to avoid conflict and distinguish pedestrian routes from driving surfaces by using varied paving treatments and/or raising walkways to curb level.				X		
i. Base new development on an internal circulation pattern that allows logical movement throughout the site and that will accommodate, and not preclude, intensification over time.						
6.1.3 Site Servicing, Access, and Parking	N/A	1	2	3	4	5
a. Design site accesses to provide the potential for future shared access with neighbours and to minimize curb cuts.	X					
b. Where practical, link access drives and parking lots of adjacent properties in order to allow for circulation of vehicles between sites.	X					
c. The preferred location for main parking areas is at the rear and/or side of the building. Avoid locating large parking areas between the building and the street.						X
d. Where parking areas are visible from the street, screen them using strategies such as tree planting, berming, low walls, decorative fencing and/or hedging.	X					
e. Break parking areas into smaller blocks defined by landscaping in order to minimize the amount of paved areas.	X					
f. Locate loading, utilities, mechanical equipment and garbage collection areas away from public view by: <ul style="list-style-type: none"> Integrating these facilities into the footprint of the building; or Screening using fencing, walls, and/or landscaping 			X			
g. Provide areas for temporary snow storage that do not conflict with site circulation, landscaping, and access to utility boxes. For example, by providing access via a lane away from public view.	X					
6.1.4 Building Articulation, Features, and Materials	N/A	1	2	3	4	5
a. Avoid facing unarticulated facades to the street and use projections, recesses, arcades, awnings, color, and texture to improve the pedestrian experience						X
b. Design primary entrances to face the street, exhibit design emphasis, and provide weather protection by means of canopy or recessed entry.						X
c. Design buildings such that their form and architectural character reflect the building's internal function and use (e.g. an industrial building, a large format retail mall).						X
d. Design signage as an integral element of the building's façade and to be compatible in scale and design with the design, color and material of the building.						X
e. Allow for brand identification where there are multiple buildings and uses on a site, but avoid individual corporate image, color, and signage back-lit signs from dominating the site.						X
f. Locate, size and design ground-mounted signs to be oriented to pedestrians as opposed to vehicles.			X			

g. Provide shielded, down lighting to provide security and ambient lighting while minimizing light pollution and spill over lighting into adjacent properties.	X					
h. Provide weather protection at building entrances close to transit stops, and in areas with pedestrian amenities.						X
i. Incorporate substantial, natural building materials such as masonry, stone, and wood into building facades.						X
j. Use an integrated, consistent range of materials and colors and provide variety by, for example, using accent colors.						X
6.2 Boutique Retail						
6.2.1 Relationship to the Street	N/A	1	2	3	4	5
a. Buildings on a corner parcel should orient frontages towards both streets is possible and included distinct architectural features, such as: <ul style="list-style-type: none"> • Special or decorative canopies; or • Bay windows, balconies, turrets, or articulated roof line features; or • A corner entrance. 						X
b. Avoid blank walls adjacent to the highway, streets, lanes, walkways, parks, or other amenity spaces.			X			
6.2.2 Site Planning and Landscaping	N/A	1	2	3	4	5
a. Provide site furnishings, such as seating, bike racks, and shelters at building entrances and amenity areas.						X
6.2.2 Site Planning and Landscaping	N/A	1	2	3	4	5
a. Provide sheltered bicycle parking in visible and well-lit locations near building entrance and pedestrian walkways.						X
6.2.4 Building Articulation, Features, and Materials	N/A	1	2	3	4	5
a. Design the façade of buildings with multiple storefronts so that each is defined through individual signage, entrances, canopies and/or materiality.						X
b. Create transparent retail frontages with visual access to the interior of retail stores, and avoid the use of: <ul style="list-style-type: none"> • Materials such as black out advertising panels; • Dark and/or reflective glass 						X

DP22-0051 & DVP22-0052

540 Osprey Ave

Development Permit and Development Variance Permit
Applications

Proposal

- ▶ To issue a Development Permit for the form and character of a 6-storey commercial building and to vary the minimum front yard setback, minimum flanking side yard setback, and minimum commercial floor area on a retail street.

Development Process



Feb 25, 2022

Development Application Submitted

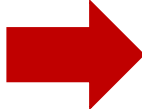


Staff Review & Circulation



April 5, 2022

Public Notification Received



Oct 4, 2022

Development Permit
Development Variance Permit



Council
Approval



Building Permit

Context Map



Future Land Use / Zoning



UC₅ – Pandosy Urban Centre

- ▶ UC₅ is a new zone for the South Pandosy Urban Centre. Previously a combination of multiple zones including C₄, and various multiple housing zones.
- ▶ The purpose is to provide a mixed commercial and residential zone for developments within the South Pandosy Urban Centre.

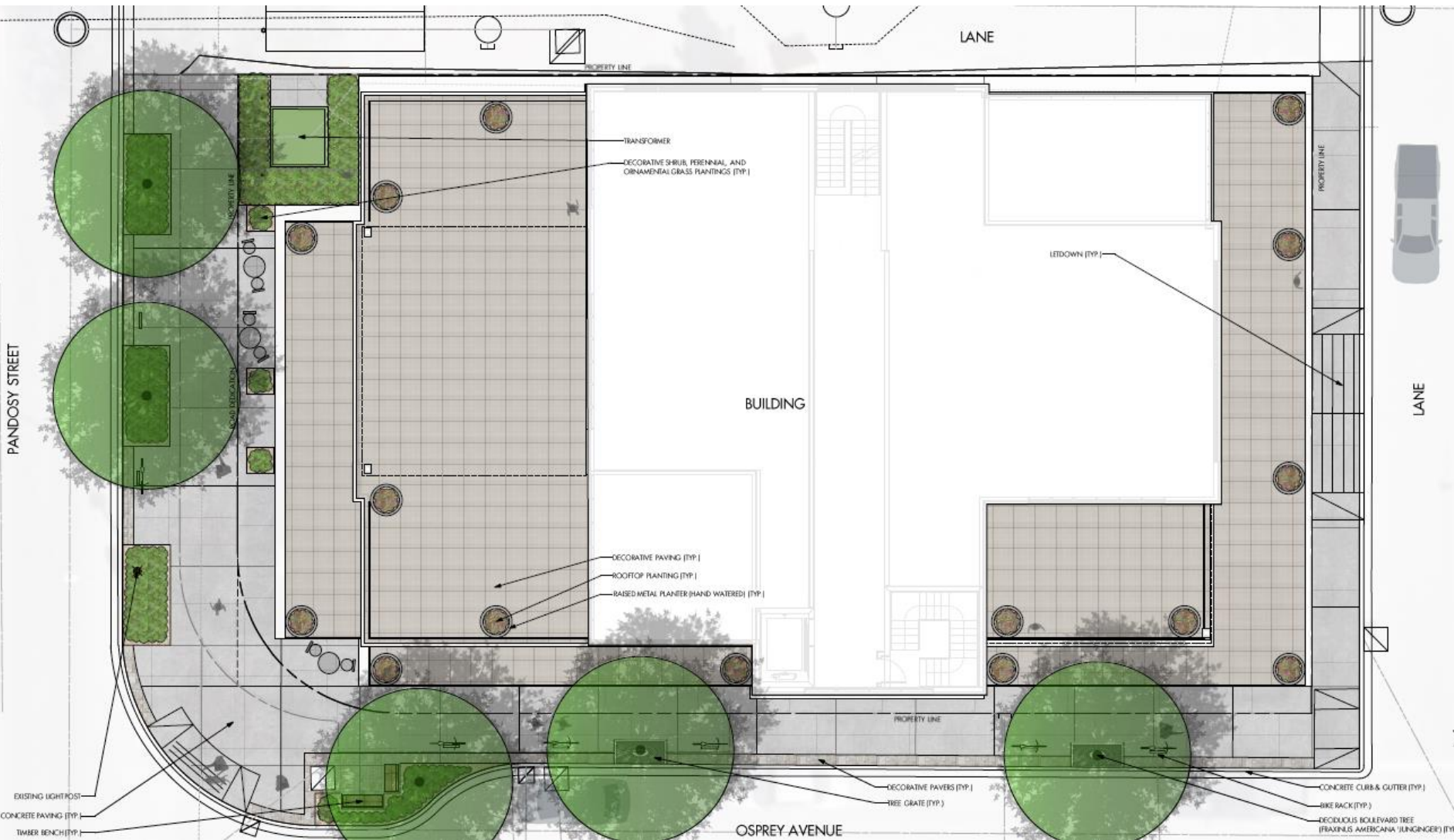
Subject Property Map



Project/technical details

- ▶ 6-storey commercial building
- ▶ 1 commercial unit at-grade
- ▶ Offices on 2nd to 6th storeys
- ▶ 33 parking stalls
 - ▶ 10 at-grade (screened behind garage doors)
 - ▶ 23 on the second storey (accessed via car elevator)
- ▶ Variances:
 - ▶ Upper floor setback
 - ▶ Front yard setback (Osprey Ave)
 - ▶ Flanking side yard setback (McKay Ave)
 - ▶ Commercial floor area (McKay Ave)

Landscape Plan



Elevations



South Elevation (Osprey Ave)



West Elevation (Pandosy St)



North Elevation (lane)



East Elevation (McKay Ave) 101

Rendering (Osprey Ave)



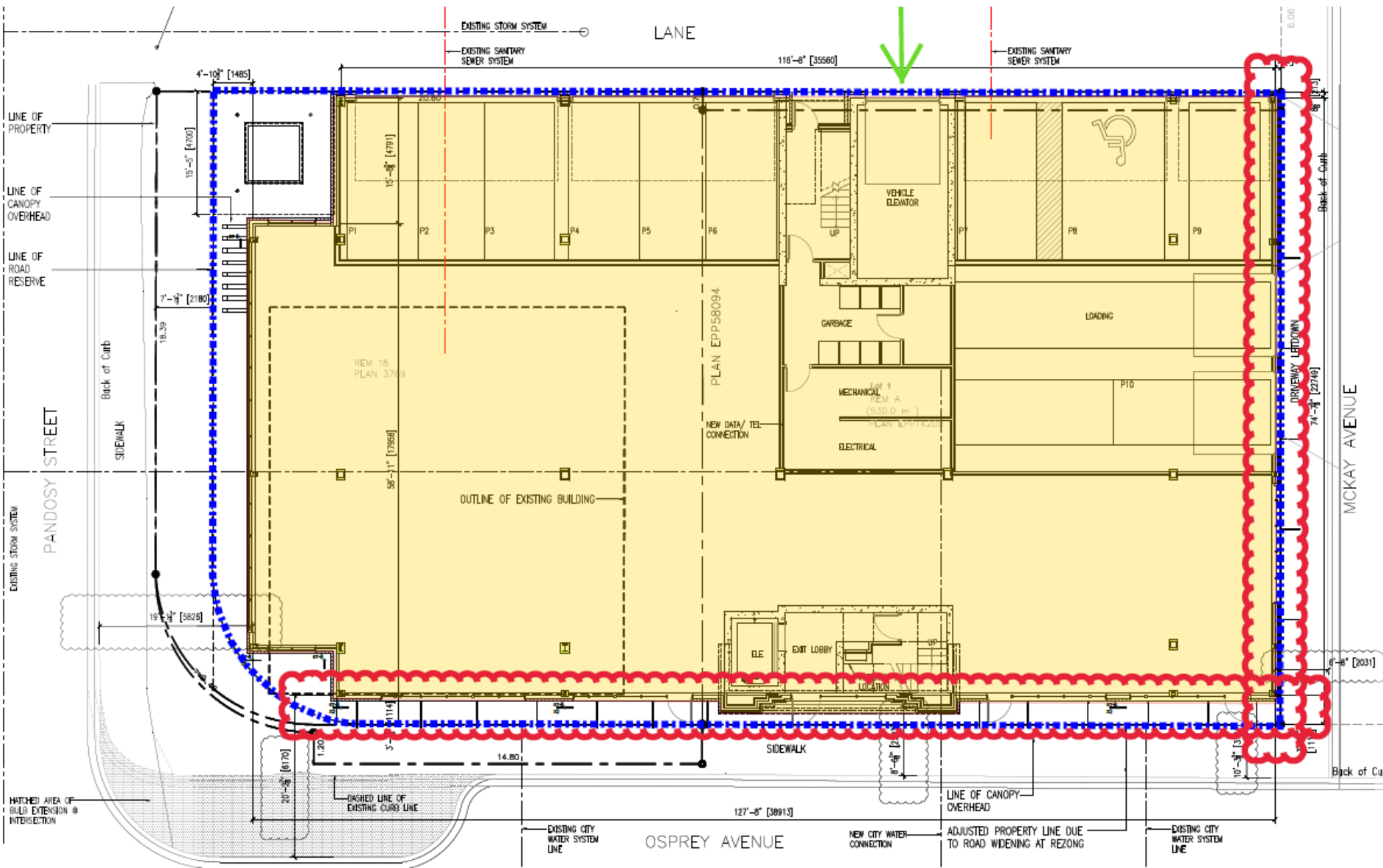
Rendering (Pandosa St)



Rendering (McKay Ave)



Variations



Variations



Variations



Staff Recommendation

- ▶ Staff recommend **support** for the proposed Development Permit and Development Variance Permit
 - ▶ Meets the intent of the Official Community Plan
 - ▶ UC – Urban Centre Designation and Policies for the Pandosy Urban Centre
 - ▶ Conforms to the Form & Character Design Guidelines for Commercial
 - ▶ Variances are due to site constraints. Design of building mitigates the impact of variances.



Conclusion of Staff Remarks