

City of Kelowna

Regular Council Meeting

AGENDA



Tuesday, February 21, 2017

6:00 pm

Council Chamber

City Hall, 1435 Water Street

Pages

1. Call to Order

2. Reaffirmation of Oath of Office

The Oath of Office will be read by Councillor Given.

3. Confirmation of Minutes

1 - 8

Public Hearing - February 7, 2017.

Regular Meeting - February 7, 2017.

4. Bylaws Considered at Public Hearing

4.1 1050 Kelly Rd, BL11342 (Z16-0043) - Jonathon and Heather Tyre

9 - 10

To give Bylaw No. 11342 second and third readings in order to rezone the subject property from RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone.

4.2 769 Barnaby Rd, BL11341 (Z16-0063) - Cathy Wolf

11 - 12

To give Bylaw No. 11341 second and third readings in order to rezone portions of the the subject property from the RR2 – Rural Residential 2 zone to the RU1 – Large Lot Housing zone and the RU6 – Two Dwelling Housing zone.

4.3 4039 Lakeshore Rd, BL11343 (Z16-0043) - Cindy and Thomas Netzlau

13 - 14

To give Bylaw No. 11343 second and third readings and adopt in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing zone.

4.4 1730 & 1740 Ethel St, BL11353 (Z16-0081) - 1080493 BC Ltd

15 - 15

To give Bylaw No. 11353 second and third readings in order to rezone the subject property to facilitate the development of multiple dwelling housing on the subject property

- | | | |
|--|--|---------|
| 4.5 | 815, 823-825, 829 & 831 Leon Ave and 814 & 822 Harvey Ave, BL11354 (Z15-0027) - 1409493 Alberta Inc | 16 - 16 |
| | To give Bylaw No. 11354 second and third readings in order to rezone the subject properties from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing Zone to facilitate the future development of an apartment complex. | |
| 4.6 | 1945 Bennett Rd, BL11356 (LUC16-0002) - Edward & Linda De Cazalet | 17 - 17 |
| | To give Bylaw No. 11356 second and third readings in order to discharge the Land Use Contracts from the subject property. | |
| 4.7 | (E of) Upper Canyon Dr, BL11355 (OCP16-0027) - Glenwest Properties Ltd | 18 - 19 |
| | Requires a majority of all members of Council (5) | |
| | To give Bylaw No. 11355 second and third readings in order to amend the Future Land Use designation of portions of the subject property from S2RESH - Single/Two Unit Residential - Hillside designation to the PARK - Major Park/Open Space (Public) designation. | |
| 4.8 | (E of) Upper Canyon Dr, BL11357 (Z16-0075) - Glenwest Properties Ltd | 20 - 21 |
| | To give Bylaw No. 11357 second and third readings in order to rezone portions of the subject property from RU1h - Large Lot Housing (Hillside) to P3 - Parks and Open Space and RU4h - Low Density Cluster Housing (Hillside area). | |
| 5. Notification of Meeting | | |
| | The City Clerk will provide information as to how the following items on the Agenda were publicized. | |
| 6. Liquor License Application Reports | | |
| 6.1 | 124-948 McCurdy Rd, LL16-0016 - Victor Projects Ltd | 22 - 33 |
| | City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the liquor license application to come forward. | |
| | To seek Council's support to allow a permanent change in hours of operation to open earlier than currently allowed and to not allow a permanent change in hours of operation to stay open later than currently allowed for a Liquor Primary License. | |
| 7. Reminders | | |
| 8. Termination | | |



City of Kelowna Public Hearing Minutes

Date: Tuesday, February 7, 2017
Location: Council Chamber
City Hall, 1435 Water Street

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

Staff Present City Manager, Ron Mattiussi City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith; Suburban & Rural Planning Manager, Todd Cashin; Divisional Director, Community Planning & Real Estate, Doug Gilchrist; Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the Hearing to order at 6:03 p.m.

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

2. Notification of Meeting

The City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on January 25, 2017 and by being placed in the Kelowna Daily Courier issues on Friday January 27 and Wednesday February 1, 2017 and by sending out or otherwise mailing 469 statutory notices to the owners and occupiers of surrounding on Wednesday, January 25, 2017.

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

Councillors Stack and Sieben joined the meeting at 6:06 p.m.

3. Individual Bylaw Submissions

3.1 Text Amendments, TA16-0005 (BL11333) - Carriage House Regulations & Secondary Suite Definition

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

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

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

No one from the Gallery came forward.

There were no further comments.

3.2 1940 KLO Road, Z16-0055 (BL11339) - Mission Creek Mews Ltd. Inc. No. BC1094686

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

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

Letters in Favour or Support:

Ian Gray, KLO Road

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

The Applicant is present and available for questions.

Gallery:

Oliver Blake, KLO Road

- Resides adjacent to this parcel.
- Raised concerns with increase in grade and potential drainage issues.
- Raised concerns with structural damage to his house and pool that may be caused by construction.
- Raised concern with noise implications and inquired if there would be any barrier wall, fencing or natural boundary between his property and proposed development.
- Has no objection to the change in land use and believes will be beneficial to the area.
- Responded to questions from Council.

Ray Raffard, Jenn-R Properties, Applicant Representative

- Confirmed that Engineers will handle neighbouring properties with respect to grade and that drainage will be handled on their site.
- Uncertain if grade needs to be raised.
- Confirmed willingness to meet with neighbour regarding any issues or concerns.
- The property will be fenced along the west and north side; that is a requirement.
- Responded to questions from Council.

There were no further comments.

3.3 5425 Upper Mission Dr, OCP16-0012 (BL11344) & Z16-0024 (BL11345) - Kestrel Ridge Holdings Ltd

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence or petitions had been received:

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

The Applicant was present and available for questions.

No one from the Gallery came forward.

There were no further comments.

3.4 170 Drysdale Blvd, Z16-0082 (BL11346)- City of Kelowna

Staff:

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

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

Letters of Opposition or Concern:

Susan Haywood, Celano Crescent
Maureen Herriman, Celano Crescent
Jes Findlay-Maddin and Glen Maddin, Verna Court

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

Matthew Carter, Vanmar Constructions Inc., Vancouver, BC

- Believes this is an excellent opportunity for highly livable townhouse community including family with children.
- Have been working over the last 6 months with staff and feel it is within Council's vision for this part of the city.
- Believes the design works well with context of the neighborhood.
- The Project will be LEED certified with self-contained parking for at least 2 stalls plus visitor parking to alleviate any parking concerns.
- Spoke to communication with the Dr. Knox Middle School and immediate neighbourhood.
- Responded to questions from Council.

No one from the Gallery came forward.

There were no further comments.

4. Termination

The Hearing was declared terminated at 6:36 p.m.

Mayor

/acm

City Clerk



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, February 7, 2017
Location: Council Chamber
City Hall, 1435 Water Street

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

Staff Present City Manager, Ron Mattiussi City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith; Suburban & Rural Planning Manager, Todd Cashin; Divisional Director, Community Planning & Real Estate, Doug Gilchrist; Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 6:37 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Donn.

3. Confirmation of Minutes

The City Clerk noted amendments to include the correct spelling of the name of one of the intervenors and amend wording in second bullet to "Opposed to a new Tourism Kelowna facility at this location".

Moved By Councillor Stack/Seconded By Councillor Singh

R109/17/02/07 THAT the Minutes of the Public Hearing and Regular Meeting of January 24, 2017 be confirmed as amended.

Carried

4. Bylaws Considered at Public Hearing

4.1 BL11333 (TA16-0005) - Secondary Suites Amendment

Moved By Councillor DeHart/Seconded By Councillor Singh

R110/17/02/07 THAT Bylaw No. 11333 be read a second and third time.

Carried

4.2 1940 KLO Road, BL11339 (Z16-0055) - Mission Creek Mews Ltd

Moved By Councillor Singh/Seconded By Councillor DeHart

R111/17/02/07 THAT Bylaw No. 11339 be read a second and third time.

Carried

4.3 5425 Upper Mission Dr, BL11344 (OCP16-0012) - Kestrel Holdings Ltd

Moved By Councillor Singh/Seconded By Councillor DeHart

R112/17/02/07 THAT Bylaw No. 11344 be read a second and third time.

Carried

4.4 5425 Upper Mission Dr, BL11345 (Z16-0014) - Kestrel Holdings Ltd

Moved By Councillor Singh/Seconded By Councillor DeHart

R113/17/02/07 THAT Bylaw No. 11345 be read a second and third time.

Carried

4.5 170 Drysdale Blvd, BL11346 (Z16-0082) - City of Kelowna

Moved By Councillor Donn/Seconded By Councillor Gray

R114/17/02/07 THAT Bylaw No. 11346 be read a second and third time.

Carried

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise mailing 246 statutory notices to the owners and occupiers of surrounding on Wednesday, January 25, 2017.

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

6. Development Permit and Development Variance Permit Reports

6.1 752 & 760 Bechard Rd, BL11295 (Z16-0047) - Elda & Louis Pagliaro

Moved By Councillor Donn/Seconded By Councillor Gray

R115/17/02/07 THAT Bylaw No. 11295 be adopted.

Carried

6.2 752 & 760 Bechard Rd, DVP16-0178 - Elda & Louis Pagliaro

Staff:

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

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

Letters in Favour or Support:
E B Patterson, Casorso Road

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

Julie Anderton, Applicant Representative:

- Staff summarized the application well.
- The variance request purpose is straight forward; the application supports the OCP and creates a streetscape that will compliment homes on Bechard Road.
- The owners have had support from the broader neighbourhood.
- The owners will add to the existing landscaping to provide privacy for neighbours.
- The owners are longtime residents and will continue to live in the neighbourhood.
- This proposal is intended to make a positive contribution to the neighbourhood

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor DeHart

R116/17/02/07 THAT final adoption of Rezoning Bylaw No. 11295 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0178 for Lots 6 & 19, District Lot 134, ODYD, Plan 20399, located at 752 & 760 Bechard Road, Kelowna, BC;

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

Section 13.1.6(e): RU1 – Large Lot Housing Development Regulations (760 Bechard Rd)

To vary the required minimum rear yard from 7.5 m permitted to 2.35 m proposed.

Section 13.1.6(e): RU1 – Large Lot Housing Development Regulations (752 & 760 Bechard Rd)

To vary the required minimum rear yard from 7.5 m permitted to 2.39 m proposed.

Section 13.2.5(b): RU2 – Medium Lot Housing Subdivision Regulations (752 Bechard Rd)

To vary the required minimum lot depth from 30.0 m permitted to 27.7 m proposed.

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

Carried

6.3 3150 & 3170 Sexsmith Rd, BL11316 (Z16-0062) - Palomino Developments Ltd

Moved By Councillor Donn/Seconded By Councillor Given

R117/17/02/07 THAT Bylaw No. 11316 be adopted.

Carried

6.4 3150 & 3170 Sexsmith Rd, DP16-0232 & DVP16-0233 - Palomino Developments Ltd.

Staff:

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

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

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

Grant Maddock, Protech Consultants Ltd., Applicant Representative:

- Responded to questions from Council.
- Confirmed chain link fence with slats and cedar hedges on the inside of the chain link fence will be used for screening.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Hodge

R118/17/02/07 THAT Final Adoption of Zone Amending Bylaw No. 11316 be considered by Council;

THAT Council authorize the issuance of Development Permit No. DP16-0232 for Lots 26 and 27, Section 3, Township 23, ODYD, Plan 18861, located at 3150 & 3170 Sexsmith Rd, Kelowna, BC, subject to the following:

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

AND THAT Council authorize the issuance of Development Variance Permit DVP16-0233 for Lots 26 and 27, Section 3, Township 23, ODYD, Plan 18861, located at 3150 & 3170 Sexsmith Rd, Kelowna, BC;

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

Section 15.6.9 Landscaping, buffering and Parking:

To allow parking in the front yard by reducing the front yard setback (from 4.5m to 3.0m);

To allow parking in the east side yard setback by reducing that side yard setback (from 4.5m to 0.0m);

To allow parking in the west side yard setback by reducing that side yard setback (from 4.5m to 3.0m);

To allow parking in the rear yard setback by reducing the rear yard setback (from 7.5m to 3.0m);

Section 7.6.1 (c) Minimum Landscape Buffers:

To reduce the minimum landscape buffer on the east side yard property line from 3.0m to 0.0m;

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

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

Carried

6.5 430 Pine Rd, DVP16-0306 - Callie Pasitney

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

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

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

The Applicant was present and available for questions.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Singh

R119/17/02/07 THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0306 for Lot 10, Section 26, Township 26, ODYD, Plan 23278, located at 430 Pine Road, Kelowna, BC;

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

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

To vary the required minimum rear yard from 7.5m required to 6.77m proposed.

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

Carried

7. Reminders

- There will be no Council meeting on Monday, February 12th as it is Family Day.
- Councillor Given congratulated Councillor Gray who is the new Chair for the Okanagan Basin Water Board.

8. Termination

The meeting was declared terminated at 7:18 p.m.

Mayor

/acm

City Clerk

CITY OF KELOWNA
BYLAW NO. 11342
Z16-0043 – 1050 Kelly Road

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 3, District Lot 135, ODYD, Plan 18974 located on Kelly Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 23rd day of January, 2017.

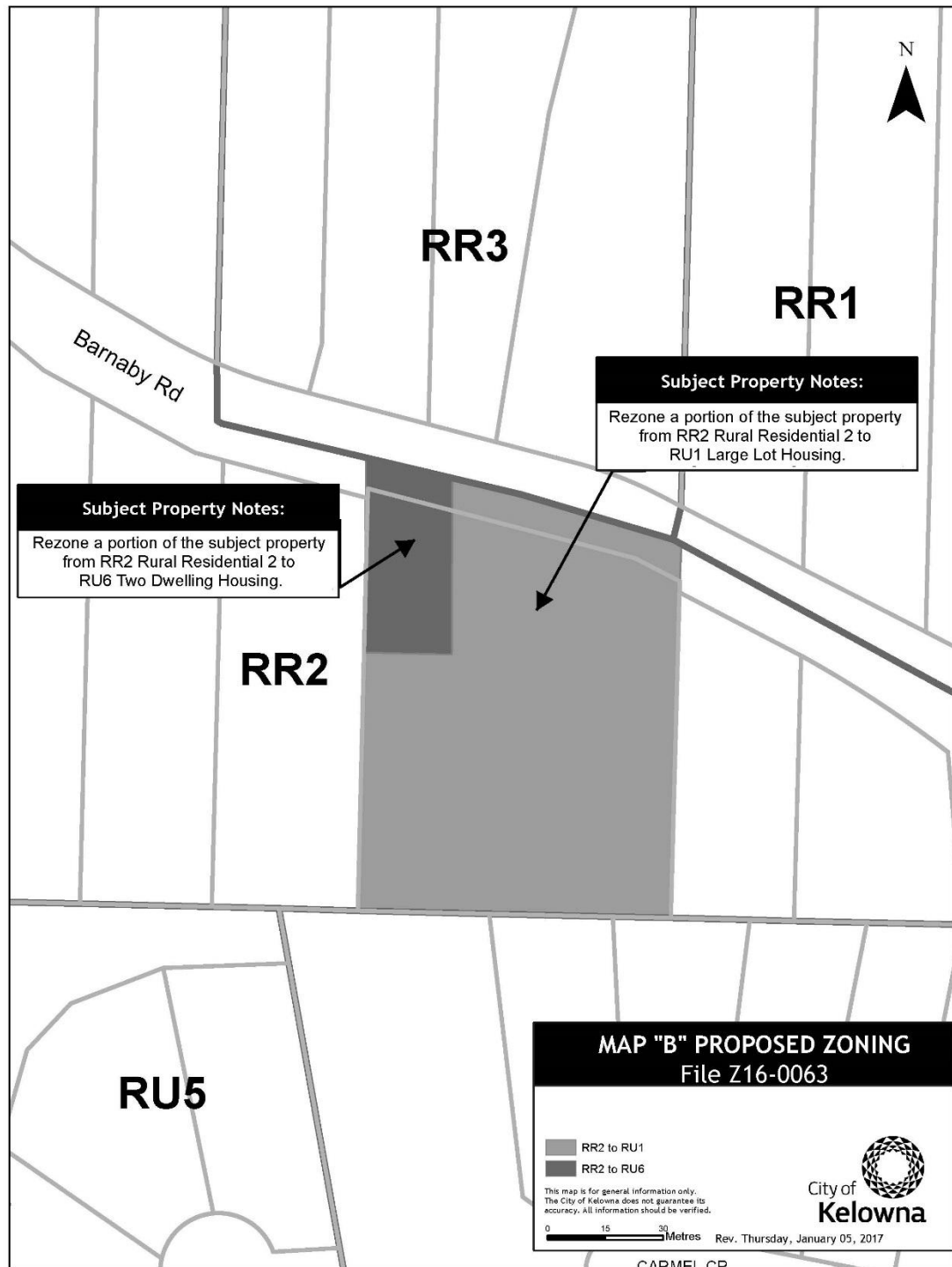
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



CITY OF KELOWNA
BYLAW NO. 11341
Z16-0063 – 769 Barnaby Rd

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, District Lot 357, SDYD, Plan 10457, located on Sunset Drive, Kelowna, B.C., from the RR2 – Rural Residential 1 Zone to the RU1 – Large Lot Housing zone and RU6 – Two Dwelling Housing zone as shown on Map B attached to and forming part of this .
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 23rd day of January, 2017.

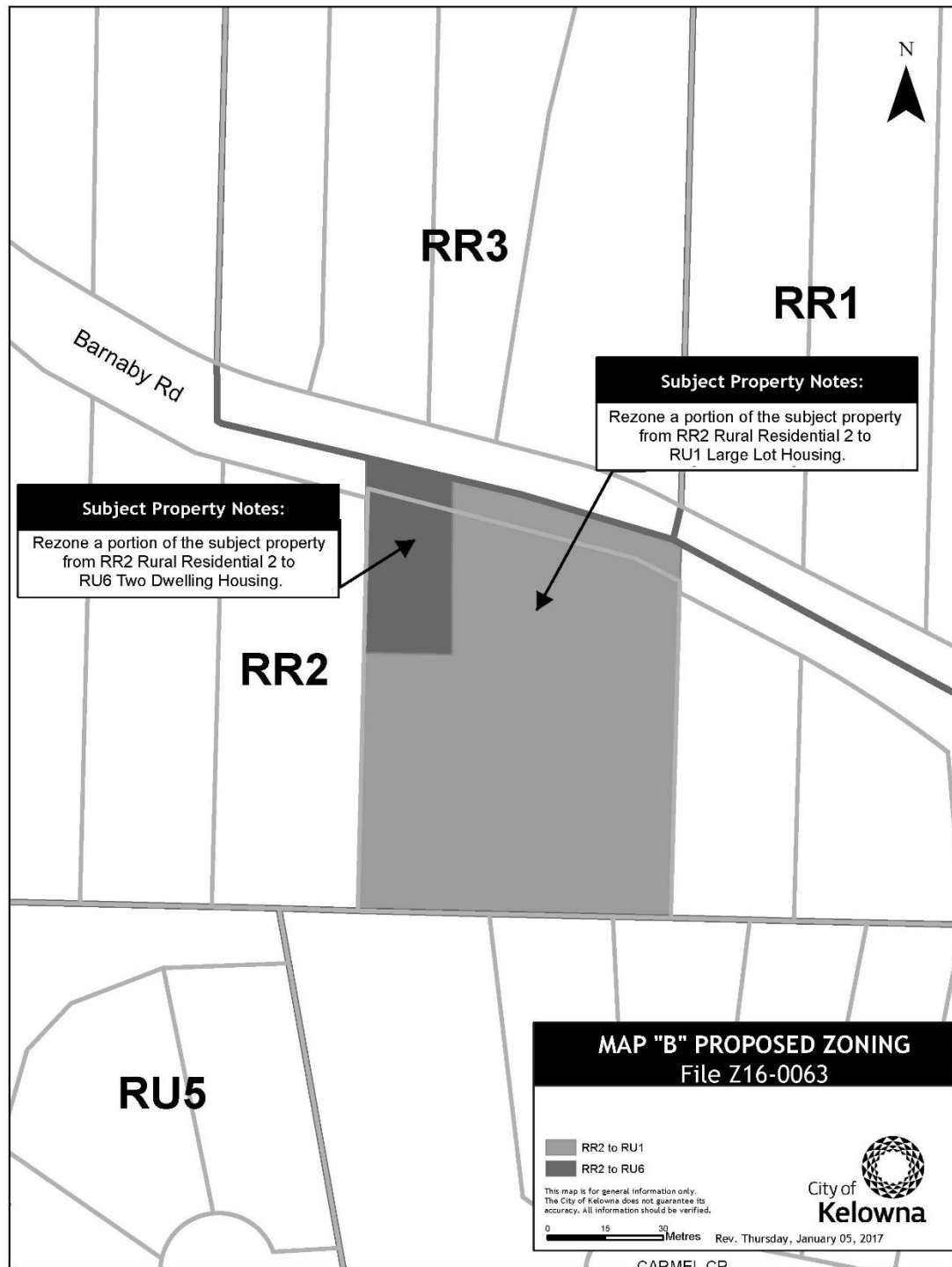
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



CITY OF KELOWNA
BYLAW NO. 11343
Z16-0060 – 4039 Lakeshore Road

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of a portion of Lot 1, Section 6, Township 26, ODYD, Plan 9339 located on Lakeshore Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 23rd day of January, 2017.

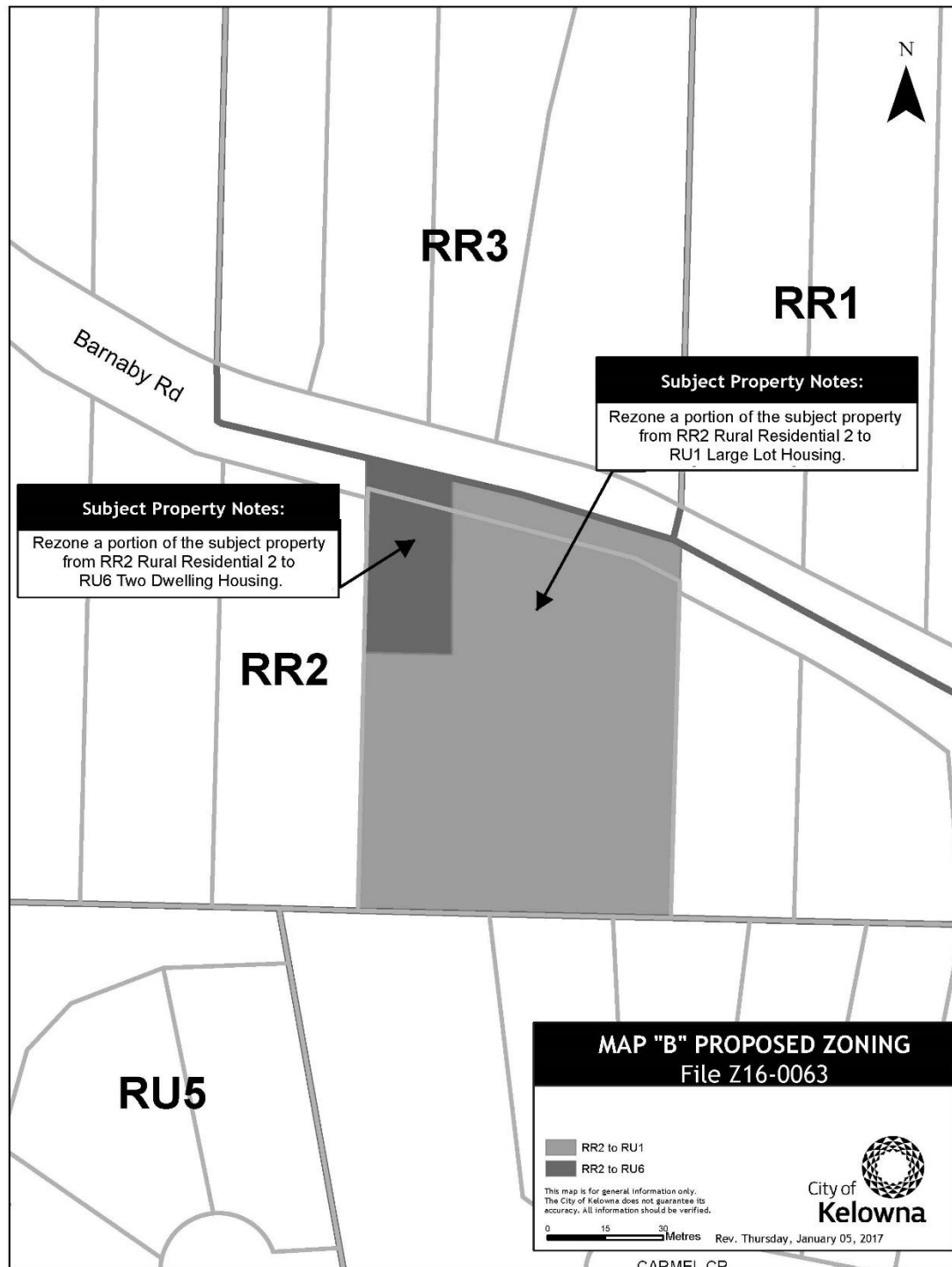
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



CITY OF KELOWNA
BYLAW NO. 11353
Z16-0081 – 1730 & 1740 Ethel Street

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2 District Lot 138 ODYD Plan 1942 and Lot 3 District Lot 138 ODYD Plan 1942, located at Ethel Street, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 30th day of January, 2017.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11354

Z15-0027 – 815, 823-825, 829 & 831 Leon Avenue and 814 & 822 Harvey Avenue

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of the following properties located in Kelowna, BC from the RU6 – Two Dwelling Housing Zone to the RM5 – Medium Density Multiple Housing Zone:
 - Lot A District Lot 138 ODYD Plan 4974 Except Plan 36604, located at 814 Harvey Ave
 - Lot 1 District Lot 138 ODYD Plan 8961 Except Plan 36604, located 822 Harvey Ave
 - Lot B District Lot 138 ODYD Plan 4974, located at 815 Leon Ave
 - Lot 1 District Lot 138 ODYD Plan 9710, located at 823-825 Leon Ave
 - Lot 2 District Lot 138 ODYD Plan 9710, located at 829 Leon Ave
 - Lot A District Lot 137 ODYD Plan 11329, located at 831 Leon Ave
 - The lane that exists between 797 and 863 Leon Ave
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 30th day of January, 2017.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11356

Discharge of Land Use Contract

LUC78-1024 - (M27805)

LUC76-1088 - (N74841)

1945 Bennett Road

WHEREAS a land use (the "Land Use Contract") is registered at the Kamloops Land Title Office under number M27805 and N74841 against lands in the City of Kelowna particularly known and described as Lot 46, Section 17, Township 23, ODYD, Plan 31701 (the "Lands"), located at 1945 Bennett Road, Kelowna, B.C.;

WHEREAS Section 546 of the *Local Government Act* provides that a land use contract that is registered in a Land Title Office may be discharged in the manner specified in the Land Use Contract, by bylaw following a public hearing on the proposed bylaw;

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

1. This Bylaw may be cited for all purposes as "Land Use Contract LUC78-1024 and LUC76-1088 Discharge Bylaw".
2. The Land Use Contract is hereby cancelled and of no further force and effect and the City of Kelowna is hereby authorized and empowered to apply for the discharge of the Land Use Contract from the Lands.

Read a first time by the Municipal Council this 30th day of January, 2017.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11355

Official Community Plan Amendment No. OCP16-0027 – Upper Canyon Dr (E of)

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

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* – Official Community Plan Bylaw No. 10500" be amended by changing the Future Land Use designation of portions of The South West 1/4 of Section 5 Township 23 ODYD Except Plans KAP83526, KAP88266, EPP9195, EPP24895, EPP24897 and EPP55131, located at Upper Canyon Dr (E of), Kelowna, BC from the S2RESH – Single / Two Unit Residential – Hillside designation to the PARK – Major Park / Open Space (Public) designation as shown on Map "A" attached;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 6th day of February, 2017.

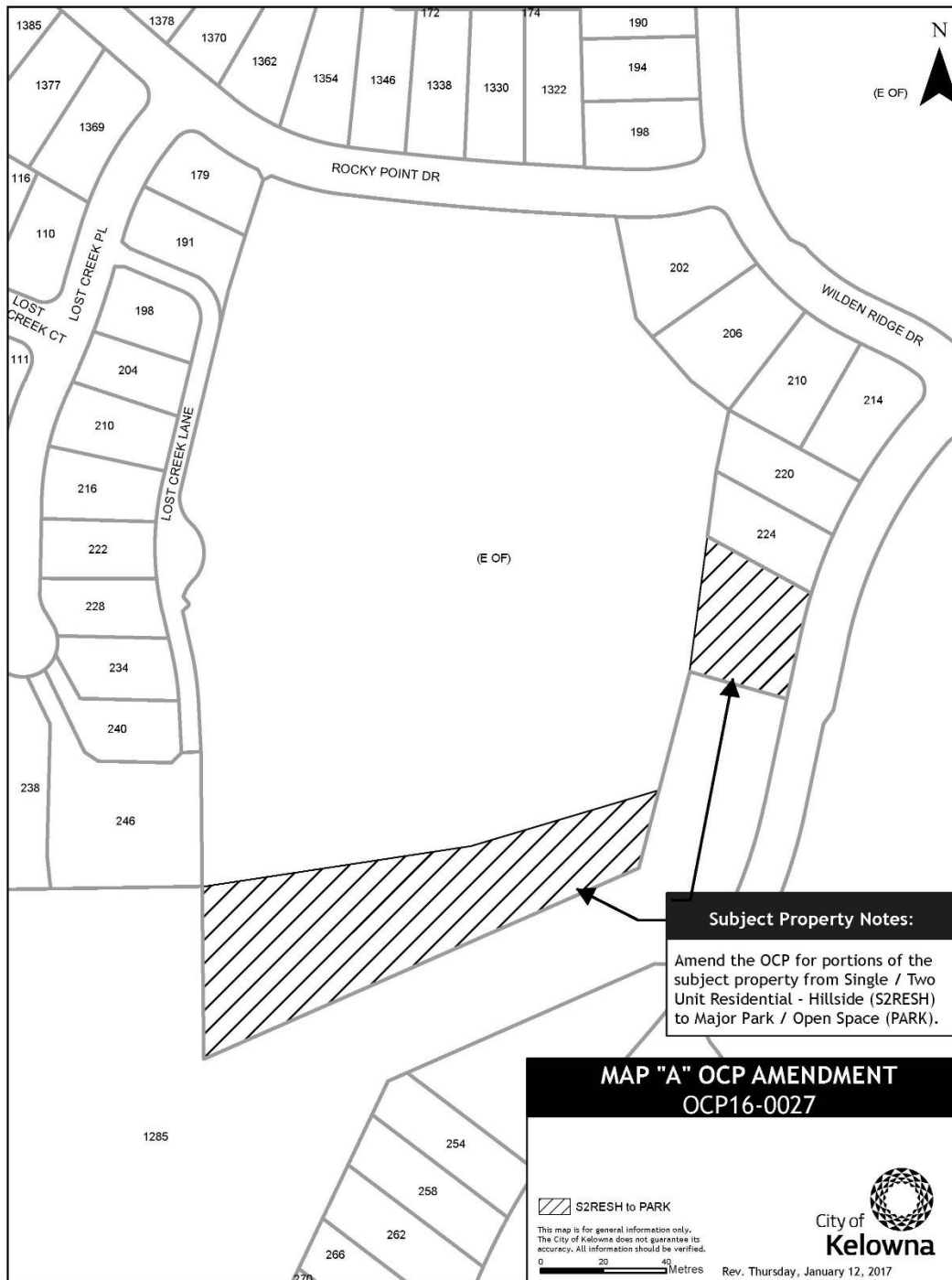
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



CITY OF KELOWNA
BYLAW NO. 11357
Z16-0075 – Upper Canyon Drive (E of)

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing of portions of The South West 1/4 of Section 5 Township 23 ODYD Except Plans KAP83526, KAP88266, EPP9195, EPP24895, EPP24897 and EPP55131, located at Upper Canyon Dr (E of), Kelowna, BC from the RU1h – Large Lot Housing (Hillside Area) zone to the P3 – Parks and Open Space and RU4h – Low Density Cluster Housing (Hillside Area) zones as shown on Map "B" attached;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 6th day of February, 2017.

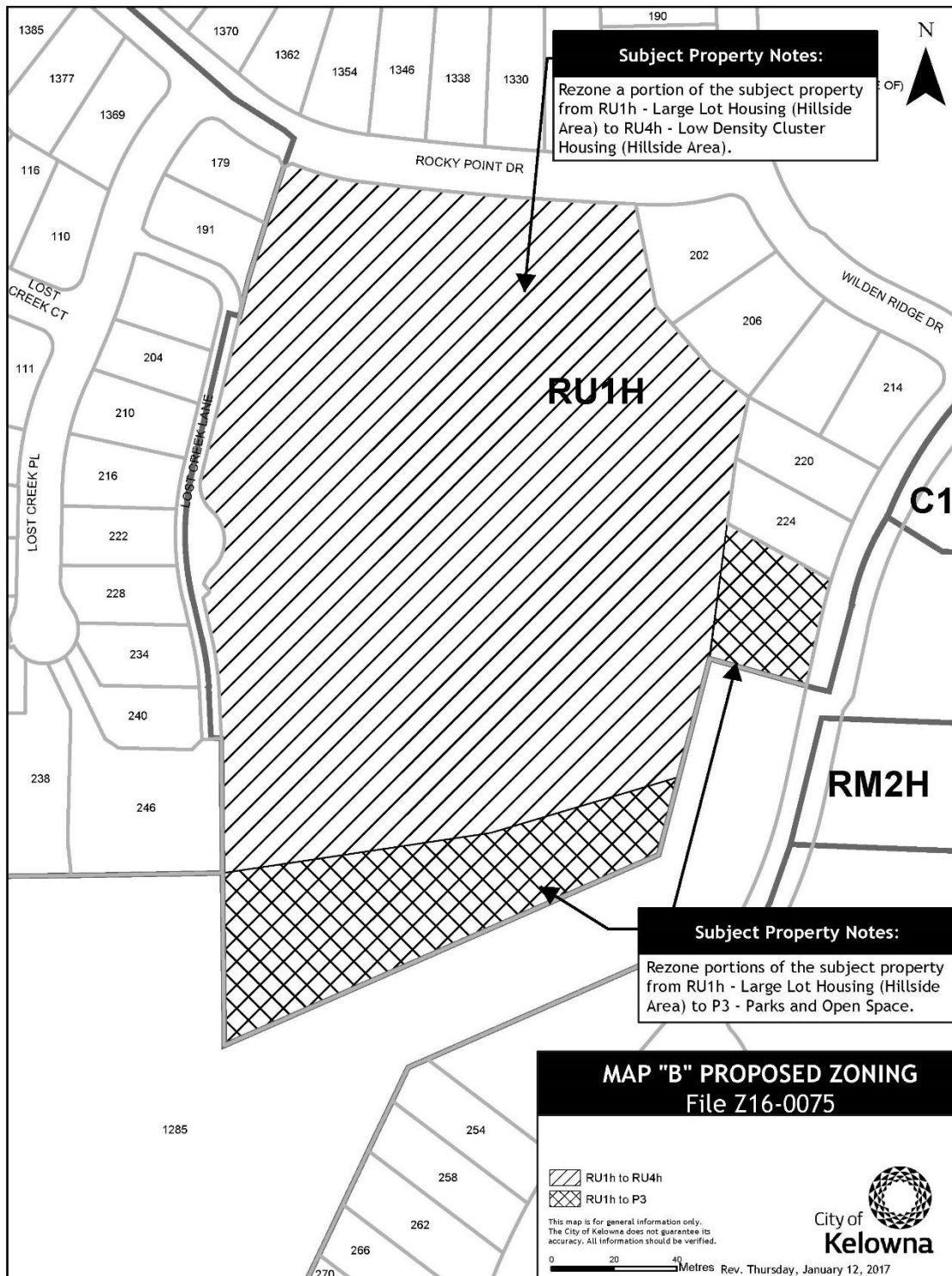
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



REPORT TO COUNCIL



Date: February 21, 2017

RIM No. 0930-50

To: City Manager

From: Community Planning Department (LK)

Application: LL16-0016

Owner: Victor Projects Ltd., Inc. No. BC1050457

Address: #124 – 948 McCurdy Road

Applicant: Merlin Bunnage

Subject: Liquor License Application

Existing OCP Designation: Comm - Commercial

Existing Zone: C3LP – Community Commercial (Liquor Primary)

1.0 Recommendation

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

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

1. Council does not recommend support for the application from Victor Projects LTD., Inc. No. BC1050457 at #124 948 McCurdy Road, Kelowna, BC, legally described as Lot 1 District Lot 143 ODYD Plan KAP65021, for a permanent change to a liquor primary licensed hours of sales for License Number 218268 (Freddy's Brew Pub) from '11:00 AM to 1 AM Monday to Saturday and 11:00 AM to Midnight Sunday' to '9:00 AM to 2:00 AM Monday to Sunday'.
2. Council recommends support for the application from Victor Projects LTD., Inc. No. BC1050457 at #124 948 McCurdy Road, Kelowna, BC, legally described as Lot 1 District Lot 143 ODYD Plan KAP65021, for a permanent change to a liquor primary licensed hours of sales for License Number 218268 (Freddy's Brew Pub) from '11:00 AM to 1:00 AM Monday to Saturday and 11:00 AM to Midnight Sunday' to '9:00 AM to 1:00 AM Monday to Saturday and 9:00 AM to Midnight Sunday'.
3. That Council's comments on the prescribed considerations are as follows:
 - (a) The potential for noise if the application is approved:

The potential for noise is compatible with the surrounding community as the immediate neighbourhood is mainly retail/commercial businesses within a primarily industrial district.

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

The potential for negative impact on the community is increased due to the isolated location of the business. Policing resources late at night, are centralized to the Downtown City Centre to manage the existing late night venues. This isolated location would strain the RCMP's ability to provide a reasonable response time and potentially limit overall policing effectiveness.

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

2.0 Purpose

To seek Council's support to allow a permanent change in hours of operation to open earlier than currently allowed and to not allow a permanent change in hours of operation to stay open later than currently allowed for a Liquor Primary License.

3.0 Community Planning

Community Planning staff supports the early opening request from 11:00 am to 9:00 am, but are concerned regarding the request for later liquor sales from 1:00 am to 2:00 am. The concern is based on the capacity to effectively provide a police presence and response beyond the existing venues within the downtown core.

The request to open earlier in the day represents a minor change to the establishment and one that staff have seen with many establishments across the city. Opening earlier in the day does not create the same enforcement and policing issues that occur with later closings due to patrons more benign nature and behaviors in the mornings.

The proposed licensed hours of operation to remain open until 2:00 am is anticipated to have negative effects on the surrounding area, given the isolated location beyond the Rutland Urban Centre and the 8.1 km distance from the City Centre. Currently, the RCMP focuses on the late night venues in the downtown core of the City as a priority during late nights. An extension of hours at this location would strain the current RCMP resources and ability to provide an effective policing presence. Response times are likely to increase as well. The current approved 1 AM close time is the latest that can be tolerated without negatively impacting police presence in the downtown and is consistent with other liquor licenses outside of the Downtown.

4.0 Proposal

4.1 Background

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

- Permanent changes to the hours of operation for liquor primary licensed establishments.

4.2 Project Description

Existing Hours of Sale for Freddy's Brew Pub (Liquor Primary License # 218268):

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

Proposed Hours of Sale for Freddy's Brew Pub (Liquor Primary License # 218268):

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

The Liquor Primary establishment is designed with an occupancy load of 440 persons. The requested hours of sale are beyond the scope of what the City has supported in the past for areas that are not within the downtown core. In extending the close time to 2 am, it is felt that without adequate policing, it would create potential for negative impacts to the surrounding neighbourhood.

With a late night closing, the available modes of transportation are reduced, as transit operation has ceased. The reliance will be on taxi cabs and patrons to make responsible decisions regarding driving home. In addition to impacting policing, the proposed change in hours would impact the effectiveness of late night taxi cab service.

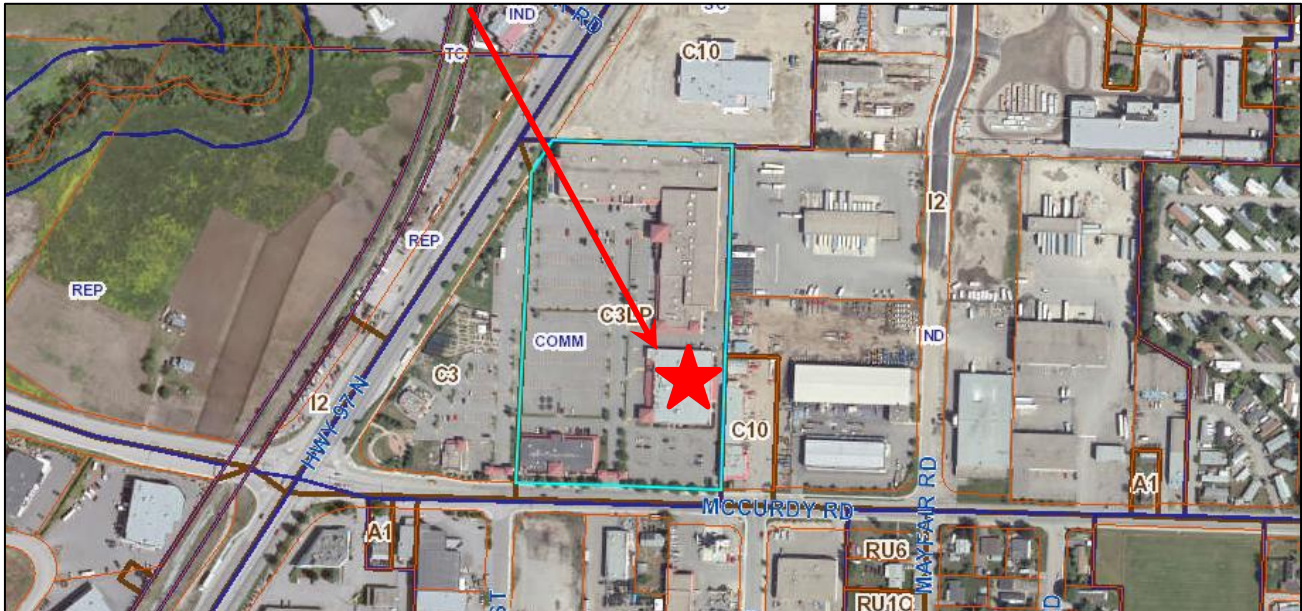
4.3 Site Context

The subject property is located along Highway 97, north of McCurdy Road within the McCurdy Corner shopping area.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C10 – Service Commercial	Car Dealership
East	I2 – General Industrial C10 – Service Commercial	Warehouse/Storage & Warehouse Sales Vehicle and equipment sales/rentals, Industrial
South	A1 – Agriculture 1	Building Supplies Single Dwelling Housing Automotive Repairs
West	C3 – Community Commercial	Retail /Commercial

Subject Property Map: 948 McCurdy Road



5.0 Current Development Policies

5.1 Council Policy #359 – Liquor Licensing Policy and Procedures

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

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

5.2 Kelowna Official Community Plan (OCP)

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

Downtown.² The City of Kelowna recognizes that a unique, attractive, thriving and liveable downtown is strategically important to Kelowna's overall prosperity and success. Towards this end, the City will plan and manage the Downtown as a single and special entity and will take a proactive, comprehensive, integrated and collaborative approach towards providing services and infrastructure, delivering programs, and developing a supportive regulatory and financial environment.

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

² Policy 8.9.2 (Economic Development Chapter 8, page 8.4)

6.0 Application Chronology

Date of Application Received: August 3, 2016

7.0 Alternate Recommendation

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

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

1. Council recommends support for the application from Victor Projects LTD., Inc. No. BC1050457 at #124 948 McCurdy Road, Kelowna, BC, legally described as Lot 1 District Lot 143 ODYD Plan KAP65021, for a permanent change to a liquor primary licensed hours of sales for License Number 218268 (Freddy's Brew Pub) from '11:00 AM to 1 AM Monday to Saturday and 11:00 AM to Midnight Sunday' to '9:00 AM to 2 AM Monday to Sunday'.
2. That Council's comments on the prescribed considerations are as follows:
 - (a) The potential for noise if the application is approved;
The potential for noise is not compatible with the surrounding community as the immediate neighbourhood is mainly retail/commercial businesses within a primarily industrial district.
 - (b) The impact on the community if the application is approved:
 - (c) The potential for negative impact on the community is increased due to the isolated location of the business. Policing resources late at night, are centralized to the Downtown City Centre to manage the existing late night venues. This isolated location would strain the RCMP's ability to provide a reasonable response time and potentially limit overall policing effectiveness.

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

Report Prepared by: Lydia Korolchuk, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

LCLB Application



Application for a Permanent Change to a Liquor Licence

All Licence Types

Liquor Control and Licensing Form LCLB005b

FILLING OUT THIS FORM:

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

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

Application Contact Information

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

Name: Merlin Bunnage

Phone number: 250-491-2695 x 102

Fax number: 250-765-4519

E-mail address: merlin@mccurdybowl.com

Licensee Information

Licensee name [as shown on licence]: FREDDY'S BREW PUB

Establishment name [as shown on licence]: MCCURDY CORNER BOWLING CENTRE

Establishment

Location address [as shown on licence]: 124-948 MCCURDY RD
Street

KELOWNA
City

B.C.
Province

V1Y6L3
Postal Code

Mailing address: [All correspondence will go to this address] 124-948 MCCURDY RD
Street

KELOWNA
City

B.C.
Province

V1Y6L3
Postal Code

Business Tel with area code: 250-491-2695

Business Fax with area code: 250-765-4519

Business e-mail: merlin@mccurdybowl.com

Contact Name: Bunnage, Merlin
last / first / middle

Title/Position: Manager

Type of Change Requested

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

Type of change requested	Licence numbers affected MANDATORY	Job Number Office Use ONLY
<input type="checkbox"/> 1. Establishment/business or licence name change (p.2)		(C2-LIC) (sub)
<input type="checkbox"/> 2. Food-primary entertainment endorsement (p.2)		(C2-LIC) (sub)
<input type="checkbox"/> 3. Request for change in terms and conditions (p.2)		(C3-LIC) (sub)
<input type="checkbox"/> 4. Live theatres requesting liquor service (p. 2)		(C3-LIC) (sub)
<input type="checkbox"/> 5. Request for tied house restrictions exemption (p. 3)		(C3-LIC) (sub)
<input checked="" type="checkbox"/> 6. Change to hours of sale (p.3)	<u>#218268</u>	(C3-LIC) (sub)
<input type="checkbox"/> 7. Catering endorsement (p.4)		(C3-LIC) (sub)
<input type="checkbox"/> 8. Temporary off-site sale endorsement (p.4)		(C2-LIC) (sub)

Applying for other permanent changes to your licence?

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

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

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

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

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

Establishment or business name change:

Current establishment or business name as shown on licence:

Proposed name:

Licence name changes:

Licence #: Current licence name:

Proposed licence name:

Licence #: Current licence name:

Proposed licence name:

Attach the following:

☐ Sketch or picture of the proposed establishment or business signage.

Also complete Parts 9 and 10

PART 2. Entertainment Endorsement (Food Primary licenses only)

C2 - LIC

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

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

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

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

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

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

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

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

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

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

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

Also complete Parts 9 and 10

PART 3. Request of Change in Terms and Conditions

C3 - LIC

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

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

Attach:

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

Also complete Parts 9 and 10

PART 4. Live theatres requesting liquor service in conjunction with films/broadcasts

C3 - LIC Fee: \$330

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

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

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

Also complete Parts 9 and 10

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

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

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

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

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

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

Also complete Parts 9 and 10

PART 6. Change to Hours of Sale C3 - LIC

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

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

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

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

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

A) Food Primary

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

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

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

- ☐ (i) Request to change the hours of liquor sales within the hours currently approved:
• complete proposed hours of sale table below **Fee: \$220 per licence x** licences = \$
- ☒ (ii) Request to change the hours of liquor sales outside the hours currently approved:
• complete proposed hours of liquor sale table below, and **Fee: \$330 per licence x** 1 licences = \$ 330.00
• request a local government/First Nation resolution commenting on the application (local government must complete Part 12 of this form; for further information on local government/First Nation resolutions, read Part 11).

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

Current Hours of Liquor Sale:

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

Proposed Hours of Liquor Sale:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
OPEN	9 AM	9 AM	9 AM	9 AM	9 AM	9 AM	9 AM
CLOSED	2 AM	2 AM	2 AM	2 AM	2 AM	2 AM	2 AM

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

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

Also complete Parts 9 and 10

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

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

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

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

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

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

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

Also complete Parts 9 and 10

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

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

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

No Fee

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

Also complete Parts 9 and 10

PART 9: Declaration

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

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

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

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

Name of Official: BENNETT, MARY-JEAN
(last / first / middle)

Position: Director/President Date: 22/07/2016
(Day/Month/Year)

Signature: [Signature]

Name of Official: _____
(last / first / middle)

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

Signature: _____

Name of Official: _____
(last / first / middle)

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

Signature: _____

Name of Official: _____
(last / first / middle)

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

Signature: _____

PART 10: Application Fees

TOTAL FEE Submitted: \$ 330.00

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

Payment is by (check (X) one):

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

☐ Money order, payable to Minister of Finance

☐ Credit card: ☐ VISA ☐ MasterCard ☐ AMEX

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

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

Liquor Control and Licensing Branch

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

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

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

LCLB005b

5 of 7

Application for Permanent Change to Liquor Licence

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

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

Credit card number: _____

Expiry date: _____ / _____

(Month)

(Year)

Signature: _____

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

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

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

Licensee responsibilities:

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

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

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

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

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

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

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

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

Date of receipt of application: August 3rd Phone Number: 250-469-8608
(Day/Month/Year)

Signature of Official: Adam Cseke

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

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

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

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

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

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

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

For the following change requests (all C2):

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

The process is:

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

For the following change requests:

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

The process is:

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

For the following change request:

- Part 7 Catering Endorsement (all C1)

The process is:

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

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