

City of Kelowna
Regular Council Meeting
AGENDA



Tuesday, May 2, 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 Stack.

3. Confirmation of Minutes

4. Bylaws Considered at Public Hearing

4.1 BL11373 (OCP16-0022) - Temporary Farm Worker Housing OCP Amendments - City of Kelowna

Requires a majority of all members of Council (5)

To give Bylaw No. 11373 second and third readings in order to amend the 2030 Official Community Plan Bylaw No. 10500 regarding Temporary Farm Worker Housing.

4.2 BL11374 (TA16-0015) - Temporary Farm Worker Housing Amendments

To give Bylaw No. 11374 second and third readings in order to amend Zoning Bylaw No. 8000 regarding Temporary Farm Worker Housing.

4.3 550 Truswell Road, 3814, 3820, 3828, 3832, 3838 Capozzi Road, 3786 Lakeshore Rd BL11384 (Z16-0069) - Aqua Resort Ltd and City of Kelowna

To give Bylaw No. 11384 second and third readings in order to rezone the subject properties to facilitate the construction of a resort residential high-rise complex.

5. Notification of Meeting

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

6. Liquor License Application Reports

6.1 248 Leon Aveune, LL16-0006 - JQ Developments Inc.

1 - 17

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

To seek Council's support for a structural change to an existing Liquor Primary license to add a patio area to the rear of the building

7. Development Permit and Development Variance Permit Reports

7.1 664 Roanoke Avenue, DVP17-0020 - Sally Rose

18 - 24

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

To vary the side yard setbacks on the subject property to allow for an addition to a single family dwelling with existing non-conforming side yard setbacks.

7.2 1920 Enterprise Way, DVP16-0240 - 1920 Enterprise Way - Mission Group Rentals Ltd

25 - 61

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

To consider the form and character of an apartment building and to vary the required number of parking stalls from 117 (required) to 95 (proposed).

8. Reminders

9. Termination

REPORT TO COUNCIL



Date: May 2, 2017

RIM No. 0930-50

To: City Manager

From: Community Planning Department (PMc)

Application: LL16-0006 **Owner:** J.Q. Developments Inc.

Address: 248 Leon Ave. **Applicant:** QB Habitat resources Inc.

Subject: Liquor License application for a Structural Change

Existing OCP Designation: Mixed Use (Residential/Commercial) (MXR)

Existing Zone: C7lp – Central Business District

1.0 Recommendation

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

1. Council recommends support of an application from The Habitat for a liquor primary license amendment for Lots 6, BLK 10, DL139, O.D.Y.D., Plan 462, located at 248 Leon Avenue, Kelowna, BC for a change in licensed area to add the outdoor patio area to the current Liquor Primary located at 248 Leon Avenue with a maximum capacity of 34 persons to the patio area, and limit the licensed hours of the patio to 11:00AM to 10:00PM, seven days a week for the following reasons:

The addition of the outdoor patio area to the existing liquor license will allow more options to utilize the space during the day, as well as to provide a venue for summer time events oriented to the outdoors.

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

Criteria for license amendment:

- a. The potential for noise if the application is approved:
There is the potential for an increase in noise, but closing the outdoor patio entertainment at 10:00 PM should limit that potential impact.
- b. The impact on the community if the application is approved:
The potential for negative impacts to public safety and policing costs are minimized by the early closing hours for the patio space. No conflict with the bar flush, which is normally a concern for the Downtown. The addition of the patio area to the existing Liquor License

will allow more opportunity to utilize the outdoor space with different user groups, and provide additional flexibility for events.

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

2.0 Purpose

To seek Council's support for a structural change to an existing Liquor Primary license to add a patio area to the rear of the building

3.0 Community Planning

The Habitat has been operating as an events-driven establishment, catering to live events focused on entertainment, arts and culture. There had been a recent application approved for a structural change to add capacity to an existing floor area and for a permanent change to the existing liquor license in order to open earlier. These changes increased the capacity to 332 persons. No change to the business focus, clientele or management are expected through these changes.

The Habitat had recently been attempting to lease the properties located to the east of the Habitat establishment. Unfortunately, the properties were committed to other uses and not available. This current application seeks to add a small outdoor patio area located to the rear of the Habitat to the existing liquor license located at 248 Leon Avenue in order to allow the existing licensed capacity to be applied to the patio area. This change will provide additional options to support additional summertime activities oriented to the outdoors. The original submission has been amended to reflect these changes.

4.0 Proposal



Figure 1.1: Air Photo of site

4.1 Background

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

A liquor license application has been forwarded by the owner to the Provincial Liquor Control and Licensing Branch (LCLB) for their approval. Procedurally, any liquor primary applications requesting a permanent change to a liquor primary license require Local Government comment.

4.2 Project Description

The applicant is seeking Council support for a structural change application to keep the same occupant load but adding new patio areas to apply this occupant load.

Current Hours of Sale:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM
Close	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM

Person Capacity:

Licensed Area	Capacity
Total Existing Licensed Capacity (including proposed patio)	332
Proposed Patio Area #1 Capacity	34

Proposed Hours of Sale: (for patio area only)

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

4.3 Site Context

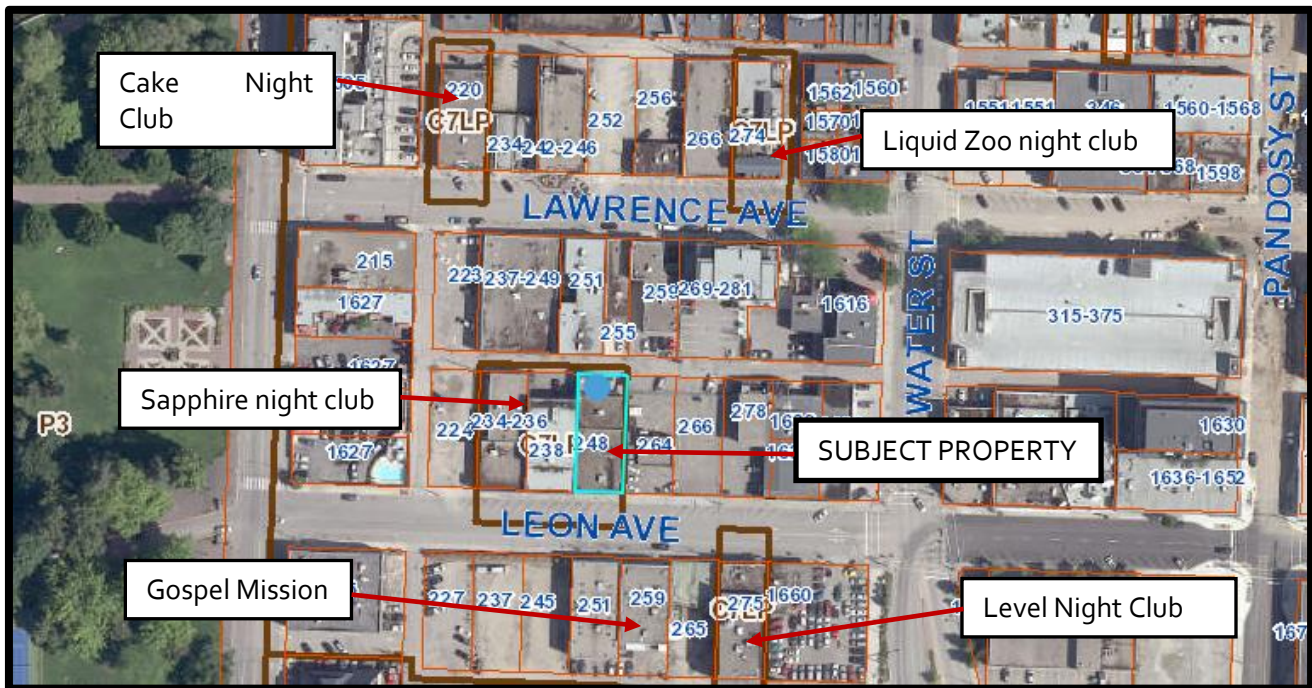
The subject property is located within the City Centre Urban Centre, within the "Entertainment District". The subject property is located adjacent to an existing Liquor Primary establishment (Sapphire Night Club) and across the street from the Gospel Mission. The Level Night Club is also across the street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

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C7 – Central Business Commercial	Commercial uses
East	C7 – Central Business Commercial	Automotive sales and repair
South	C7 – central business Commercial	Gospel Mission and associated services
West	C7lp – Central Business Commercial (Liquor Primary)	Sapphire night club

Subject Property Map:

248 Leon Ave.



5.0 Current Development Policies

Council Policy #359 – Liquor Licensing Policy and Procedures

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

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

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

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

6.0 Technical Comments

6.1 Building & Permitting Department

No Comment

6.2 Fire Department

- Patio #1 requires the exit door swing to be changed to flow with the path of travel - to the outside alley in the NE corner of the patio
- A door should be installed at the bottom of the stairs from the upstairs patio so that the path of travel for those exiting is NOT through the patio area (to be addressed as part of building permit)

6.3 R.C.M.P.

The RCMP are not opposed to the addition of a new outdoor patio by The Habitat provided its hours of operation are restricted to minimize noise complaints. Accordingly, the RCMP are recommending that the hours of operation for the patio venue are restricted to no later than 10:00 p.m.

7.0 Application Chronology

Date of Application Received:	April 18, 2016
R.C.M.P. comments:	August 23, 2016
Revised floor plan:	March 2, 2017
Revised statement:	April 6, 2017

Report prepared by: Paul McVey, Urban Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Subject Property Map
Site Plan
Letter of Intent (revised)
Certified Occupant Load (revised)
LCLB Structural Change application (revised)

LETTER OF INTENT
STRUCTURAL CHANGE APPLICATION
ADDITION OF NEW OUTDOOR PATIO

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

APPLICANT:
QB HABITAT RESOURCES INC.

April 4, 2017

V.03

INTRODUCTION

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

EXECUTIVE SUMMARY

Since 2011, The Habitat has operated under an Event-Driven Liquor Primary License and since 2005 has been a thriving cultural community venue and event facility in the heart of downtown Kelowna. While there has been a fair amount of growth over the past few years downtown Kelowna in regards to restaurants specifically, there still is an increased need for Cultural Event Centres and Live Performance Facilities within the downtown core.

As the City of Kelowna continues to grow and change we are constantly challenged to refine our services. Much of the feedback we have received from our clients is regarding the lack of patio spaces available. With several downtown establishments having expanded to offer patio spaces to their patrons we realize that in order to stay competitive during the warmer months we also need to offer this to our clients. Our event rentals drop off dramatically in the summer as most people prefer to be in an outdoor venue for daytime events. This makes it difficult for us to retain staff over the summer months as we can't provide consistent hours for them. Therefore, as a part of our current application we have applied for the addition of a patio.

With the additional patio we will not be increasing our current capacity of 323. The patio will simply allow us to transfer some of that capacity from the indoor space out

onto the patio. The patio has an occupant load of 34 patrons and has direct easy access to the interior washrooms.

We have recently been approved for a Family Foodservice Term and Condition with the LCLB. This change allows minors to be permitted on the patio until 10pm when accompanied by a parent or guardian in order to provide meal services for families. Our intention is that the patio will be both family oriented and food focused. We have been providing food and hospitality for both private and public events at Habitat since 2007 at which time our commercial kitchen was installed. Our staff are well trained in providing food and beverage service at diverse events from concerts, to conferences with guest speakers, presentations, and other live performances. Whether it's a seated dinner with several courses, a buffet, or a casual event with servers offering trays of tapas, we have all of the necessary equipment, menu options, food suppliers, and trained staff. In 2015 we purchased a mobile catering kitchen which will be set up permanently on site to service the patio patrons directly with high quality food.

With the proposed changes we have taken into account the potential impact of noise and parking on the surrounding area. Since Habitat is located in the heart of downtown Kelowna, we are surrounded by buildings zoned for commercial or mixed commercial use. The closest Residential zoning is separated from Habitat by several barriers: there's one commercial city block, then a 6 lane highway, another commercial block, a creek, and then the residential area begins. In regards to parking, the Chapman Parkade in addition to two public parking lots provide ample parking nearby. The proposed patio space does not occupy any existing parking and therefore no parking spots will be lost. We will also be providing dedicated secure bicycle parking on site.

An additional positive impact on the community will occur indirectly by having increased daytime foot traffic on Leon Avenue to help revitalize this area of town. This 1st block of Leon avenue is the first block of downtown that you encounter as you come across the bridge and enter into the city. It is unfortunately not a great welcome to our downtown as it has been plagued with issues of homelessness which tend to

worsen in the summer months as people set up their temporary shelters and shopping carts on the street. While this is a complex, multifaceted issue, one thing we can do as business owners on the street is to try and make the street feel safe and approachable to the community and visiting tourists. Because the only business currently operating during the day is the homeless shelter, they essentially get free run of the street. However, as we provide other reasons for people to come to this area of town during the day we will start to reclaim this space. The patio is just a small part of the bigger puzzle, but piece by piece we will start to see real and positive changes on Leon Avenue.

SUMMARY

It is clear that this Application, as outlined above, has significant benefits to the City of Kelowna and the Province by continuing to provide new and unique outdoor facilities that will promote tourism in the downtown area and will showcase the many different cultural facets of the Okanagan.

It should also be noted that:

- Cultural Event Centres have not represented problems in terms of licensing or impact on the community because of the nature of the events, the clientele and the fact that Liquor is only an added amenity.
- The establishment will further diversify the Tourism/Hospitality base of the community.
- The establishment will continue to provide event services in Kelowna, catering to the increasing number of local and national events coming to Kelowna each year.

All of which is respectfully submitted to the City of Kelowna Planning Department this
4th day of April, 2017.

Quinn Best

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

What is a Structural Change?

It is defined as a change to the existing approved licensed area(s), including but not limited to:

- a change in the position of a wall or partial height divider (pony wall) or fixed planters used as separation between/within a licensed area
- new construction
- the removal or addition of permanent display cabinets, stages or dance floors
- a change to the food and liquor service bar location or size
- in the position of access and exit points leading to or from a licensed area
- the removal of a licensed area from the liquor licence
- addition of a new outdoor patio or the removal or expansion of an existing patio
- increase to capacity (occupant load) of a licensed establishment with or without changes to the licensed area(s)
- such other construction or changes the general manager considers may affect patron routing, capacity, or the line of sight between a staff control point and the licensed area of the establishment.

If you are making changes to the current approved floor plan, other than cosmetic changes, a structural alteration application is required.

Note: This does not include cosmetic changes such as changes to existing flooring, wallpaper, reconfiguring tables and chairs, countertops, painting, or changing the type of material used in the perimeter bounding of an outdoor patio.

If you have any questions about this application, call the Liquor Control and Licensing Branch (LCLB) toll-free at: 1 866 209-2111

Licence Information

Licence # affected: 304551

☐ Please check if licence is currently dormant.

If yes, attach a letter signed by the licensee requesting the licence to be reactivated if this application is approved.

Do you currently hold other licences at this location? ☐ Food Primary _____ (Licence #)
☒ Liquor Primary _____ (Licence #) ☐ Licensee Retail Store _____ (Licence #) ☐ UBrew/UVin _____ (Licence #) or Other

Licensee name [as shown on licence]: The Habitat

Establishment name [as shown on licence]: The Habitat

Establishment Location address: 248 Leon Avenue Street Kelowna City BC Province V1Y6H9 Postal Code

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

Business e-mail: quinn@thehabitat.ca

Business Mailing address: 590 Levitt Lane Street Kelowna City BC Province V1Y9Y1 Postal Code

Contact Name: BEST/QUINN last / first / middle Title/Position: owner/operator

Type of Change Requested

Sub- Job Number
Office Use ONLY

Please check ☒ appropriate box(es) below:

Part 1	<input checked="" type="checkbox"/> Addition of a New Outdoor Patio	Outdoor Patio (C3-LIC) _____
Part 2	<input type="checkbox"/> Alteration/Renovation <input type="checkbox"/> Removal of an existing licensed area <input type="checkbox"/> Other	Structural - capacity change (C3-LIC) _____ Structural - no capacity change (C4-LIC) _____

Application Contact Information

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

Name: Quinn Best

Phone number: 250-718-3999

Fax number:

E-mail address: quinn@thehabitat.ca

Fee: \$440

C3 - LIC

PART 1: Addition of New Outdoor Patio

Provide the following information:

1. Attach one 11" x 17" copy of the proposed patio floor plan that shows furniture layout, entrance, exits, and abutting areas that may be licensed and/or unlicensed areas.

The branch requires an occupant load (patrons plus staff) for the proposed patio area(s) which must be marked/stamped and dated ON the plan you submit. Do not submit this application if you do not have the occupant load calculation stamped on your patio plans.

Note: The occupant load calculation is generally provided by local building or fire authorities in your area. If you are advised that local building or fire authorities do not have jurisdiction or opt out of providing this calculation, provide written confirmation from that authority. You may then take your plan to an alternate qualified architect or design professional who will authorize the calculation.

2. What is the occupant load calculation for the new patio(s)?

Patio #1: tba-44 34

Patio #2: tba-185 185

Patio #3:

3. If the patio(s) is already constructed, attach a photo

4. Provide the height and composition of the patio perimeter or bounding that is designed to control patron entry/exit (i.e., railings, fencing, planters, hedging, etc.):

Patio#1 will be fenced in with 10ft chain link fence which connects to the exterior walls of Habitat. Patio#2 west wall: 2 story wall of Habitat, North wall: 12ft chain link fence, South wall: 10ft chain link fence connected to the building which will house the patio bar/service area, East wall: 3.5ft fence (fenceposts, lattice, and planters.)

5. Describe the location of the patio in relationship to the licensed interior. The patio should be immediately adjacent or contiguous to the interior licensed area so that it does not appear to be a standalone patio.

Patio#1 is contiguous with the northside exit/entrance of Habitat which is a licensed area. Patio#2 is on the east side of Habitat and is contiguous with the main floor licensed area via double doors and a short hallway to be included in the redline area.

6. Describe how patrons will access the patio.

Patio#1 will be accessed either by patrons already inside Habitat who exit the northside of the building or by patrons entering through the northside gate into the patio. Patio #2 will be accessed either by patrons already inside Habitat who exit the east side of the building or by patrons entering through the gate into the patio on the east side.

7. Will servers have to carry liquor through any unlicensed areas to get to the patio? ☒ No ☐ Yes If yes, please explain:

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

Patio#1 will have one staff member and one licensed security member each managing and controlling an entrance. Patio#2 will have one staff member and one licensed security member each managing and controlling an entrance. There will also be 1-2 bartenders, and 2-3 service staff providing food and beverage service.

9. Is the patio located on: (a) grass, (b) earth, (c) gravel, (d) finished flooring, (e) cement sidewalk or (f) other (please specify below). If located on grass, earth or gravel, please make sure that you have local health authority approval.

Both Patio#1 and Patio#2 are located on cement.

For question 10 & 11: Patio#1 will be serviced from the interior service bar. Patio#2 will have a fixed liquor service bar

10. Will the patio have a fixed or portable liquor service bar? ☒ Yes ☐ No

11. If "No", will liquor be served from the interior service bar? ☒ Yes ☐ No

Note: A resolution from your local government or First Nation commenting on the application is required. Please see Parts 3 and 4 for an explanation of what the local government or First Nation is required to consider.

PART 2: Structural Change

(Excluding construction of new patios)

Fee: \$440

C3 - Cap Ch.

C4 - No Cap Ch.

Provide the following information:

1. Describe in full detail the reason for this application and what the changes are that you want considered.

2. Attach one 11" x 17" updated floor plan of the establishment which shows the changes proposed and has the determined occupant load calculations stamped on the plan. The floor plan is a view of the establishment as seen if you were to remove the roof or ceiling.

Floor plans must:

- Show acceptable levels of detail
- Show the dimensions of rooms and provide labels for each room as well as identify unlicensed areas, partial height walls, full height walls, planters, doors and windows, stairs showing direction of travel and all entrances and exits, washrooms, kitchens, bar, patio(s), and furniture layout must be marked on the plan you submit

Note: The occupant load calculation is generally provided by local building or fire authorities in your area. If you are advised that local building or fire authorities do not have jurisdiction or opt out of providing this calculation, provide written confirmation from that authority. You may then take your plan to an alternate qualified architect or design professional who will authorize the calculation. Do not submit this application if you do not have updated floor plans with updated current occupant load.

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

4. By making these alterations, the total occupant load will:

☐ Decrease to: (patrons plus staff)

☐ Stay the same: (patrons plus staff)

☐ Increase to: (patrons plus staff)

If there is an increase, a resolution from your local government or First Nation commenting on the application is required. Please see Parts 3 and 4 for an explanation of what the local government or First Nation is required to consider.

PART 3: Local Government/First Nation Resolutions: Information for the Applicant

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

- Part 1: Addition of a new patio
- Part 2: Any alteration/addition, when the proposed change increases the occupant load calculation.

Licensee responsibilities:

1. Fill out applicable sections of this form.
2. Attach floor plan showing the proposed changes and stamped with an updated and current occupant load calculation.
3. Take your completed application, updated floor plan with updated occupancy load calculation to your local government/First Nation office. They will photocopy all of the documents and complete Part 4.
4. Request that a resolution be provided within 90 days and sent via email or post directly to the Liquor Control and Licensing Branch, Victoria.
5. Send the completed original form, floor plan and application fees to the branch.
6. 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 or letter stating this decision and submit it directly to the Liquor Control and Licensing Branch.

PART 4: Local Government First Nation Confirmation of Receipt of Application

This is to be filled out by your local government/First Nation office in relation to Parts 1 and 2. Applies to Liquor Primary and Liquor Primary Club licences.

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

Name of Official: MCVEY PAUL A
(last / first / middle)

Title/Position: URBAN PLANNER

Email: pmcvey@kelowna.ca

Phone: 250-469-8582

Signature of Official: 

Date of receipt of application: 15 APR 2016
(day / month / year)

This application serves as notice from the Liquor Control and Licensing Branch (LCLB) that an application for a permanent change to a liquor licence is being made within your community. LCLB requests that a resolution commenting on the application be sent to the LCLB Victoria Head Office within 90 days of the above date of receipt. If more than 90 days is required to provide a resolution, please contact the branch to make a request to the general manager for an extension. If the local government/First Nation decides not to provide comment, a resolution or letter indicating this decision must be provided to the branch.

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

- (a) The potential for noise if the application is approved (provide comments).
- (b) The impact on the community if the application is approved (provide comments).
- (c) If the amendment may affect nearby residents, the local government or first nation must gather the views of residents in accordance with 11.3(2)(c) of the Act.
 - ☐ If the local government or first nation gathered the views of residents, they must provide:
 - (i) the views of the residents
 - (ii) the method used to gather the views of the residents, and
 - (iii) its comments and recommendations respecting the views of the residents.(Residents includes residents and business owners)
 - ☐ If the views of residents were not gathered, provide reasons.
- (d) Its recommendation with respect to whether the amendment should be approved.

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

PART 5: Declaration of Signing Authority Including Valid Interest

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

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

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

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

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

Name of Official: BEST / QUINN / M Position: OWNER / OPERATOR Date: 29 / 03 / 2016
 (last / first / middle) (Day/Month/Year)

Signature: [Signature]

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

Signature: _____

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

Signature: _____

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

Signature: _____

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

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

PART 6: Application Fees - Payment Options

TOTAL FEE Submitted: \$ 440

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

Payment is by (check ☒ one):

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

Note: To ensure legibility, do not submit by fax.

Contact Information

Liquor Control and Licensing Branch

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

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

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

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

LCLB012a

5 of 5

Application for Structural Change

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: _____

THE TOWN
2800 LEON AVENUE
Report of Inspection July 10th, 2015



LEON AVE.

Reviewed
by City of Leon
Inspector Charles
M. STEVENS
MAR 24/16

PATIO AREA #1 ONLY

PATIO AREA #2

PATIO AREA #1
GROSS AREA (PER CLIENT) = 52M²
SERVICE & EXIT AISLES : (19M²)
NET AREA : 33M²

Patio
The PATIO AREA #1
has a net floor area of
52 m². The maximum
occupant load shall be
34 persons, based on
1.5 m²/person.

LIMITED TO
100 PERSONS
BY ZONING

PATIO AREA #2
The PATIO AREA #2
has a net floor area of
122 m². The maximum
occupant load shall be
81 persons, based on
1.5 m²/person.

PATIO AREA #1
GROSS AREA (PER CLIENT) : 52M²
SERVICE & EXIT AISLES : (19M²)
NET AREA : 33M²

284 LEON AVE

NOTE:

THESE ARE PRELIMINARY CALCULATIONS
ONLY - TO BE SITE VERIFIED WHEN
RENOVATIONS COMPLETE & FURNITURE IN
PLACE

REVISED



Legend
--- Easements
--- Lot Lines
■ Zoning



Notes

This map is for general information only. The City of Kelowna does not guarantee its accuracy, currency or completeness. All information should be verified.

0 13 25Meters

April 7, 2017

REPORT TO COUNCIL



Date: April 25, 2017

RIM No. 0940-00

To: City Manager

From: Community Planning Department (TB)

Application: DVP17-0020

Owner: Sally Theresa Rose

Address: 664 Roanoke Avenue

Applicant: Sally Rose

Subject: Development Variance Permit

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0020 for Lot 23, Block 9, DL9, ODYD, Plan 1306, located at 664 Roanoke Avenue, Kelowna, BC;

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

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

To vary the required minimum east side yard from 2.0 m permitted to 1.8 m proposed.

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

To vary the required minimum west side yard from 2.0 m permitted to 1.76 m proposed.

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

2.0 Purpose

To vary the side yard setbacks on the subject property to allow for an addition to a single family dwelling with existing non-conforming side yard setbacks.

3.0 Community Planning

Community Planning supports the requested variances to the side yard set-backs to allow for an addition on the existing non-conforming single family dwelling. The variances are not anticipated to have a negative effect on the adjacent properties.

4.0 Proposal

4.1 Background

The existing single family dwelling is a single storey bungalow constructed in 1948. The dwelling has existing non-conforming side yards on the east and west sides since the current zoning bylaw was adopted.

4.2 Project Description

The proposed addition to the existing dwelling is located on the rear of the property and is single storey. The addition will allow for an expansion of the master bedroom, living room, and kitchen. The height and size of the addition keeps with the character of the existing home and the surrounding neighbourhood. To accommodate the addition, the applicant has requested a side yard variance to the east and west sides to match up with the current non-conforming dwelling. The east side yard variance is from 2.0 m required to 1.8m proposed, and the west side variance is from 2.0m required to 1.76m proposed.

No additional windows are proposed on the east and west sides of the addition, therefore impact on adjacent properties will be minimal, and privacy will be maintained between the properties.

4.3 Site Context

The subject property is located in the Central City Sector, west of Richter Street and east of Ellis Street. It is located in a neighbourhood that was previously known as Knox Mountain Character Neighbourhood.

Specifically, adjacent land uses are as follows:

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

5.2 Development Engineering Department

- This application to allow an addition to a house with existing non-conforming side yard setback does not compromise any municipal services.

6.0 **Application Chronology**

Date of Application Received: January 27, 2017

Date of Neighbourhood Notification: March 3-6, 2017

Report prepared by: Trisa Brandt, Planner I

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Draft Development Variance Permit DVP17-0020

Schedule "A": Site Plan, Floor Plans, and Elevations

DEVELOPMENT VARIANCE PERMIT



APPROVED ISSUANCE OF DEVELOPMENT VARIANCE PERMIT NO. DVP17-0020

Issued To: Sally Theresa Rose
Site Address: 664 Roanoke Avenue
Legal Description: Lot 23, Block 9, DL9, ODYD, Plan 1306
Zoning Classification: RU6 – Two Dwelling Housing

SCOPE OF APPROVAL

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

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

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

1. TERMS AND CONDITIONS

THAT Development Permit No. DPVP17-0020 for Lot 23, Block 9, DL9, ODYD, Plan 1306, located at 664 Roanoke Avenue, Kelowna, BC to allow the construction of an addition be approved subject to the following:

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

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

To vary the required minimum east side yard from 2.0 m permitted to 1.8 m proposed.

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

To vary the required minimum west side yard from 2.0 m permitted to 1.76 m proposed.

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

2. PERFORMANCE SECURITY

2. PERFORMANCE SECURITY

None required.

3. DEVELOPMENT

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

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

This Permit IS NOT a Building Permit.

4. 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.
- b) 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.

5. APPROVALS

Issued and approved by Council on the _____ day of _____, 2017.

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

 Date

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

REPORT TO COUNCIL



Date: May 2, 2017

RIM No. 0940-00

To: City Manager

From: Community Planning Department (TB)

Application: DP16-0239 & DVP16-0240 **Owner:** 1920 Enterprise Way – Mission Group Rentals LTD. Inc. No. BC1091389

Address: 1920 Enterprise Way **Applicant:** Meiklejohn Architects

Subject: Development Permit and Development Variance Permit

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

Existing Zone: RM5 – Medium Density Multiple Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP16-0239 and Development Variance Permit DVP16-0240 for Lot C District Lot 140 ODYD Plan KAP58184, located at 1920 Enterprise Way, 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 section of Zoning Bylaw No. 8000 be granted:

Section 8.1.2: Off-Street Vehicle Parking, Table 8.1: Parking Schedule

To vary the required number of parking stalls from 117 (required) to 95 (proposed);

AND THAT Council's consideration of this Development Permit and Development Variance Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated November 10, 2016;

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 is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

To consider the form and character of an apartment building and to vary the required number of parking stalls from 117 (required) to 95 (proposed).

3.0 Community Planning

Community Planning recommends support for the Development Permit Application for a rental apartment building as it is consistent with the Official Community Plan (OCP) guidelines for Comprehensive Development Permit Areas. Further, it is consistent with OCP Urban policies of Compact Urban Form and Sensitive Infill, and it is located with an Urban Centre (Midtown). With limited purpose-built rentals and a low vacancy rate, the proposed rental building is much desired and consists of 19 micro-suites, 17 one-bedroom units, and 51 two-bedroom units.

The requested variance from 117 parking stalls (required) to 95 parking stalls (provided) is in part mitigated by over-supplying secure, indoor bicycle parking, the inclusion of a bike wash station to help create an incentive to cycle, and the provision of designated parking for electric mobility scooters. In addition, the proposed development is located with easy access to an employment centre in Landmark, public transit, bicycle routes, and amenities such shopping, medical offices, and park and recreation facilities.

4.0 Proposal

4.1 Background

The subject property is located on Mill Creek and has been vacant for a number of years. It is a remnant parcel that was impacted by the relocation of Enterprise Way in 1996 creating an irregular lot shape.

4.2 Project Description

The proposed development is for an 87 unit, four storey rental apartment building. It is a mixture of micro-suites, one-bedroom, and two-bedroom units. The subject property is constrained by Mill Creek, the flood-plain elevation, and the curvature of Enterprise Way. For these reasons, the site has been designed with the building in an L-shape configuration, respecting the riparian area of Mill Creek with a portion of the building in close proximity to Enterprise Way to create an active streetscape. The other portion of the building is located farther from Enterprise Way to allow natural light into the site with a small surface parking lot for visitor stalls. Many of the units will face Mill Creek and take advantage of the natural riparian area setting with views to the creek.

Due to topographical changes the surface parking and main lobby of the building are raised above street level, similar to the commercial building immediately adjacent to the west. The majority of the parking is underground and is accessed from a shared driveway with 1912 Enterprise Way.

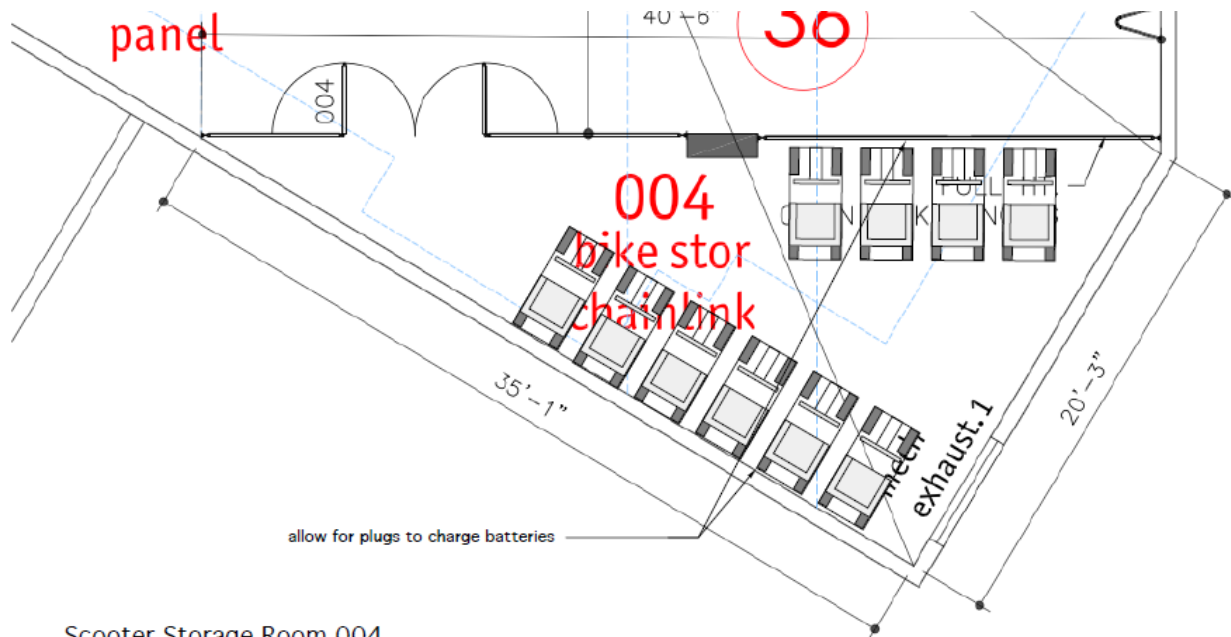


The materials, colours, and design proposed for this development are traditional for Kelowna and distinct to the Mission Group and Meiklejohn Architect's style with predominantly greys, browns, and neutral colours. Durable hardie board in vertical and horizontal siding adds texture to the facades, along with wood grain metal panelling above the main lobby. The main lobby features two storey glass facade that is well defined and easily accessible from the streetscape. The landscape design uses a variety of shade trees and creates a "berming effect" to screen the retaining walls.



The requested parking variance from 117 stalls to 95 stalls is sufficient for this development for several reasons. The primary reason is that 19 of the units are micro-suites, and the entire building is a rental building, which traditionally means less inhabitants are likely to own multiple vehicles. It is close to amenities including Parkinson's Recreation Centre, a shopping centre, and there is transit located immediately in front of the subject property. The applicant has over-provided on bicycle storage that is located in secure rooms with horizontal racks. This is preferred over vertical racks or hooks within parking

stalls as it makes the bicycle storage more accessible and easier to use. The applicant anticipates that seniors will be attracted to this building and as such has provided 3 handicap stalls, several accessible units, and a secure parking area for 10 electric mobility scooters.



Scooter Storage Room 004

* can provide parking for up to 10 electric mobility scooters

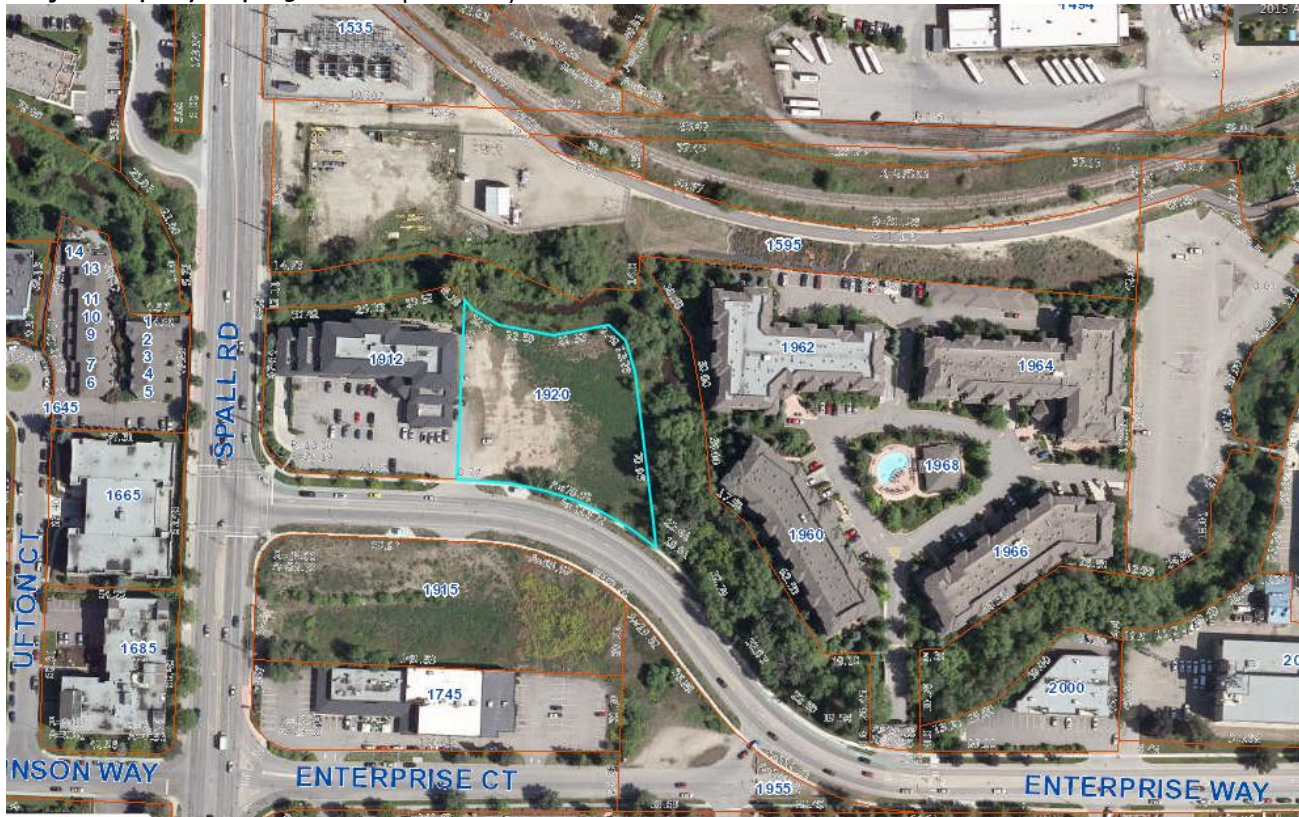
4.3 Site Context

The subject property is located within the Urban Centre of Midtown with a walkscore of 73 meaning it is very walkable and most errands can be accomplished on foot. It is within walking distance of Parkinson's Recreation Centre, there is a major transit bus stop directly in front of the property, and there are many commercial amenities located within the Shopping Centre to the south.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P ₄ - Utilities	Utilities
East	RM ₅ – Medium Density Multiple Housing	Multiple Housing
South	C ₄ – Urban Centre Commercial	Vacant
West	C ₄ – Urban Centre Commercial	Commercial

Subject Property Map: 1920 Enterprise Way



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM5 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	1400m ²	5054.3m ²
Development Regulations		
Floor Area Ratio (FAR)	1.4	.95
Building Height (stories/meters)	18.0m or 4.5 storeys	13.9m / 4.5 storeys
Front	6.0m	6.0m
Side (east)	7.0m	8.1m
Side (west)	4.5m for under 2.5 storeys 7.0m above 2 storeys	4.5m to parkade 7.0m to residential
Rear	9.0m	9.0m
Other Regulations		
Minimum Parking Requirements	117 stalls (incl. 13 visitor stalls)	95 (incl. 13 visitor stalls) ❶

Bicycle Parking	44 Long Term (Class I) 8 Short Term (Class II)	60 Long Term (Class I) 8 Short Term (Class II) 10 Scooter Stalls
Private Open Space	1672.5m ² required	Balconies: 529m ² Common Open Space: 2125m ² Total: 2654m ²
① Indicates a requested variance to the minimum parking requirements.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

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

Sensitive Infill². Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

Social Sustainability

Objective 10.3³ Support the creation of affordable and safe rental, non-market and/or special needs housing.

Housing Availability⁴. Support the provision of housing for all members of the community, including those in core housing need or requiring special needs housing (transitional, age in place, emergency, or shelter).

6.0 Technical Comments

6.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s).
- Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- A Hoarding permit may be required and protection of the public from the staging area and the new building area during construction. Location of the staging area and location of any cranes should be established at time of DP.

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

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

³ City of Kelowna Official Community Plan, Objective 10.3 (Social Sustainability Chapter)

⁴ City of Kelowna Official Community Plan, Policy 10.3.1 (Social Sustainability Chapter)

- A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
 - Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
 - Mechanical Ventilation inlet and exhausts vents are not clearly defined in all these drawings for the enclosed parking storey. The location and noise from these units should be addressed at time of Development Permit as well as the elevation in relation to the Mill Creek Flood Plain Bylaw.
 - Main door exiting from the parking garages is required to be above the Flood Plain Bylaw Minimum Geodetic elevation.
 - Exit through lobby may require an alternative solution to address the glass in the rated corridors and the office / meeting room spaces.
 - Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.
- A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. This property falls within the Mill Creek flood plain bylaw area and compliance is required. Minimum building elevations are required to be established prior to the release of the Development Permit.
- The Building Permit drawings to clearly indicate that the suspended slab is capable to supporting the Fire Truck and other emergency equipment to allow access to the front entry
- An exit analysis is required as part of the code analysis at time of building permit application. The exit analysis is to address travel distances within the units, number of required exits per area, door swing direction, handrails on each side of exit stairs, width of exits etc.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this structure at time of permit application.

6.2 Development Engineering Department

- Please see Attachment "A" attached to the Report from the Community Planning Department dated November 10, 2016.

6.3 Fire Department

- Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
- Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900. Should a hydrant be required on this property it shall be operational prior to the start of construction and shall be deemed a private hydrant.
- Sprinkler drawings are to be submitted to the Fire Dept. for review when available.
- A fire safety plan as per section 2.8 BCFC is required at occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD.
- Fire Department access is to be met as per BCBC 3.2.5.
- Approved Fire Department steel lock box acceptable to the fire dept. is required by the fire dept. entrance and shall be flush mounted.

- All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met.
- Fire alarm system is to be monitored by an agency meeting the CAN/ULC S561 Standard.
- Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- Fire department connection is to be within 45.0m of a fire hydrant - unobstructed.
- Ensure FD connection is clearly marked and visible from the street.
- Standpipes to be located on intermediate landings.
- Sprinkler zone valves shall be accessible as per fire prevention bylaw.
- Dumpster/refuse container must be 3 meters from structures or overhangs or in a rated room in the parking garage.
- Do not issue BP unless all life safety issues are confirmed.

7.0 Application Chronology

Date of Application Received: September 15, 2016
Revised Plans Received: March 31, 2017
Date Public Consultation Completed: March 9, 2017

Report prepared by: Trisa Brandt, Planner I

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Comprehensive Development Permit Design Guidelines
Attachment "A": Memorandum from Development Engineering Manager
Draft Development Permit and Development Variance Permit DP16-0239 & DVP16-0240
Schedule "A": Dimensions and Siting
Schedule "B": Elevations
Schedule "C": Landscape Plan

DEVELOPMENT PERMIT GUIDELINES

Comprehensive Development Permit Area

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

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

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Are top, middle and bottom building elements distinguished?		✓	
Do proposed buildings have an identifiable base, middle and top?		✓	
Are building facades designed with a balance of vertical and horizontal proportions?	✓		
Are horizontal glazed areas divided into vertically proportioned windows separated by mullions or building structures?	✓		
Does the design incorporate roof overhangs and the use of awnings, louvers, canopies and other window screening techniques?	✓		
Is the visual impact of enclosed elevator shafts reduced through architectural treatments?			✓
Exterior Elevations and Materials			
Are buildings finished with materials that are natural, local, durable and appropriate to the character of the development?	✓		
Are entrances visually prominent, accessible and recognizable?	✓		
Are higher quality materials continued around building corners or edges that are visible to the public?	✓		
Are a variety of materials used to create contrast, enhance the pedestrian environment and reduce the apparent mass of a building?	✓		
Are elements other than colour used as the dominant feature of a building?	✓		
Public and Private Open Space			
Does public open space promote interaction and movement through the site?	✓		
Are public and private open spaces oriented to take advantage of and protect from the elements?	✓		
Is there an appropriate transition between public and private open spaces?	✓		
Are amenities such as benches, garbage receptacles, bicycle stands and community notice boards included on site?			✓
Site Access			
Is the safe and convenient movement of pedestrians prioritized?	✓		
Are alternative and active modes of transportation supported through the site design?	✓		
Are identifiable and well-lit pathways provided to front entrances?	✓		
Do paved surfaces provide visual interest?	✓		
Is parking located behind or inside buildings, or below grade?		✓	
Are large expanses of parking separated by landscaping or buildings?			✓
Are vehicle and service accesses from lower order roads or lanes?			✓
Do vehicle and service accesses have minimal impact on the streetscape and public views?	✓		

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Is visible and secure bicycle parking provided in new parking structures and parking lots?	✓		
Environmental Design and Green Building			
Does the proposal consider solar gain and exposure?		✓	
Are green walls or shade trees incorporated in the design?	✓		
Does the site layout minimize stormwater runoff?	✓		
Are sustainable construction methods and materials used in the project?	✓		
Are green building strategies incorporated into the design?		✓	
Decks, Balconies, Rooftops and Common Outdoor Amenity Space			
Are decks, balconies or common outdoor amenity spaces provided?	✓		
Does hard and soft landscaping enhance the usability of decks, balconies and outdoor amenity spaces?	✓		
Are large flat expanses of roof enhanced with texture, colour or landscaping where they are visible from above or adjacent properties?	✓		
Amenities, Ancillary Services and Utilities			
Are loading, garage, storage, utility and other ancillary services located away from public view?	✓		
Are vents, mechanical rooms / equipment and elevator penthouses integrated with the roof or screened with finishes compatible with the building's design?	✓		
Landscape Development and Irrigation Water Conservation			
Does landscaping:	-	-	-
<ul style="list-style-type: none"> Compliment and soften the building's architectural features and mitigate undesirable elements? 	✓		
<ul style="list-style-type: none"> Maintain the dominant pattern of landscaping along the street and surrounding properties? 	✓		
<ul style="list-style-type: none"> Enhance the pedestrian environment and the sense of personal safety? 	✓		
<ul style="list-style-type: none"> Screen parking areas, mechanical functions, and garbage and recycling areas? 	✓		
<ul style="list-style-type: none"> Respect required sightlines from roadways and enhance public views? 	✓		
<ul style="list-style-type: none"> Retain existing healthy mature trees and vegetation? 			✓
<ul style="list-style-type: none"> Use native plants that are drought tolerant? 	✓		
<ul style="list-style-type: none"> Define distinct private outdoor space for all ground-level dwellings? 			✓
Do any fences and retaining walls create visual interest and enhance the pedestrian environment?	✓		
Do parking lots have one shade tree per four parking stalls?			✓

COMPREHENSIVE DEVELOPMENT PERMIT AREA	YES	NO	N/A
Does the Landscape Architect's Landscape Water Conservation Report:	-	-	-
<ul style="list-style-type: none"> Meet the requirements for Landscape Water Budget calculations for the landscaped area? 	✓		
<ul style="list-style-type: none"> Indicate how the development complies with or varies from the Landscape Water Conservation Guidelines? 	✓		
<i>Landscape Water Conservation Guidelines</i>			
Are plants grouped into "hydro-zones" of high, medium and low or unirrigated / unwatered areas?	✓		
Does at least 25% of the total landscaped area require no irrigation / watering?		✓	
Does at least 25% of the total landscaped area require low water use?		✓	
Does at most 50% of the total landscaped area require medium or high water use?		✓	
Is mulch cover provided for shrubs and groundcover to reduce soil evaporation?	✓		
Do water features such as pools and fountains use recirculated water systems?			✓
Do landscape installation standards meet the requirements of the BC Landscape Standard and / or the Master Municipal Construction Document?	✓		
Are the required written declarations signed by a qualified Landscape Architect?	✓		
Crime prevention			
Are CPTED practices as related to landscaping, siting, form and exterior design included in the design?	✓		
Are building materials vandalism resistant?	✓		
Universal Accessible Design			
Is access for persons with disabilities integrated into the overall site plan and clearly visible from the principal entrance?	✓		
Are the site layout, services and amenities easy to understand and navigate?	✓		

CITY OF KELOWNA

MEMORANDUM

Date: November 10, 2016
File No.: DP16-0239

To: Community Planning (TB)

From: Development Engineering Manager (SM)

Subject: 1920 Enterprise Way

Development Engineering Department have the following comments and requirements associated with this application. The road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technologist for this project is Sergio Sartori

1. Domestic Water and Fire Protection

- (a) The existing lot is serviced with a 150mm diameter water service. The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs. The applicant, at his cost, will arrange for the removal of the existing service and the installation of one new larger metered water service if necessary.

2. Sanitary Sewer

- (a) The existing lot is serviced with 150mm diameter sanitary service. The developer's consulting mechanical engineer will determine the requirements of this proposed development and establish the required size and preferred location of the new service. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal of all existing service and the installation of a new larger service if required.

3. Storm Drainage

- (a) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the Subdivision, Development and Servicing Bylaw No. 7900. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and provision of a storm drainage service for the development and / or recommendations for onsite drainage containment and disposal systems. The existing lot is serviced with a 150mm diameter over-flow storm service.

3. Road Improvements

- (a) Enterprise Way fronting this development has been upgraded to an urban standard including curb and gutter, sidewalk, storm drainage system, pavement widening. A landscaped boulevard is required and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction.

6. Subdivision

- (a) Grant Statutory Rights of Way if required for utility services.
- (b) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.

7. Electric Power and Telecommunication Services

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

8. Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the city engineering department for review and marked "issued for construction" by the City Engineer before construction may begin.

9. Design and Construction

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

This forms part of application

DP16-0239

DVP16-0240

City of

Kelowna
COMMUNITY PLANNINGPlanner
Initials TB10. Servicing Agreements for Works and Services

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

11. Geotechnical Report

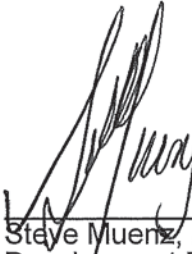
As a requirement of this application the owner must provide a geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

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

12. Development Permit and Site Related Issues

Access and Manoeuvrability

- (i) Access to the site does not meet the throat length requirement of 15 m as laid out by TAC standard.
- (ii) A MSU standard size vehicle must be able to manoeuvre onto and off the site without requiring a reverse movement onto public roadways. If the development plan intends to accommodate larger vehicles movements should also be illustrated on the site plan.
- (iii) Perimeter access must comply with the BC Building Code. Fire Truck access designs and proposed hydrant locations will be reviewed by the Fire Protection Officer.
- (iv) The future, access and egress to the site may be restricted to right-in and right-out onto Enterprise Way with a future median.


Steve Muenz, P. Eng.
Development Engineering Manager
SS

DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT



APPROVED ISSUANCE OF DEVELOPMENT PERMIT NO. DP16-0239 and DEVELOPMENT VARIANCE PERMIT NO. DVP16-0240

Issued To: 1920 Enterprise Way – Mission Group Rentals LTD. Inc. No. BC1091389
Site Address: 1920 Enterprise Way
Legal Description: Lot C District Lot 140 ODYD Plan KAP58184
Zoning Classification: RM5 – Medium Density Multiple Housing
Development Permit Area: Comprehensive Development Permit Area

SCOPE OF APPROVAL

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

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

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

1. TERMS AND CONDITIONS

THAT Council authorizes the issuance of Development Permit No. DP16-0239 and Development Variance Permit DVP16-0240 for Lot C District Lot 140 ODYD Plan KAP58184, located at 1920 Enterprise Way, 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 section of Zoning Bylaw No. 8000 be granted:

Section 8.1.2: Off-Street Vehicle Parking, Table 8.1: Parking Schedule

To vary the required number of parking stalls from 117 (required) to 95 (proposed);

AND THAT Council's consideration of this Development Permit and Development Variance Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated November 10, 2016;

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 is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2. PERFORMANCE SECURITY

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the 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) A Certified Cheque in the amount of \$114,458.75 OR
- b) An Irrevocable Letter of Credit in the amount of \$114,458.75;

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

3. DEVELOPMENT

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

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

This Permit IS NOT a Building Permit.

4. 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.
- b) 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.

5. APPROVALS

Issued and approved by Council on the _____ day of _____, 2017.

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

Date

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

SCHEDULE

A

This forms part of application

DP16-0239
DVP16-0240

Planner
Initials

TB

City of
Kelowna
COMMUNITY PLANNING



MISSION GROUP
M+M ARCHITECTS INC.
1920
2017-02-22
resubmit
DP

MILL CREEK
FLOOD PLAIN
360.0m



ENTREPRISE WAY RENTAL - 4 LEVELS BY UNITS WITH PARKING	A2.01
SITE PLAN	scale: 1/16"=1'-0"



SCHEDULE

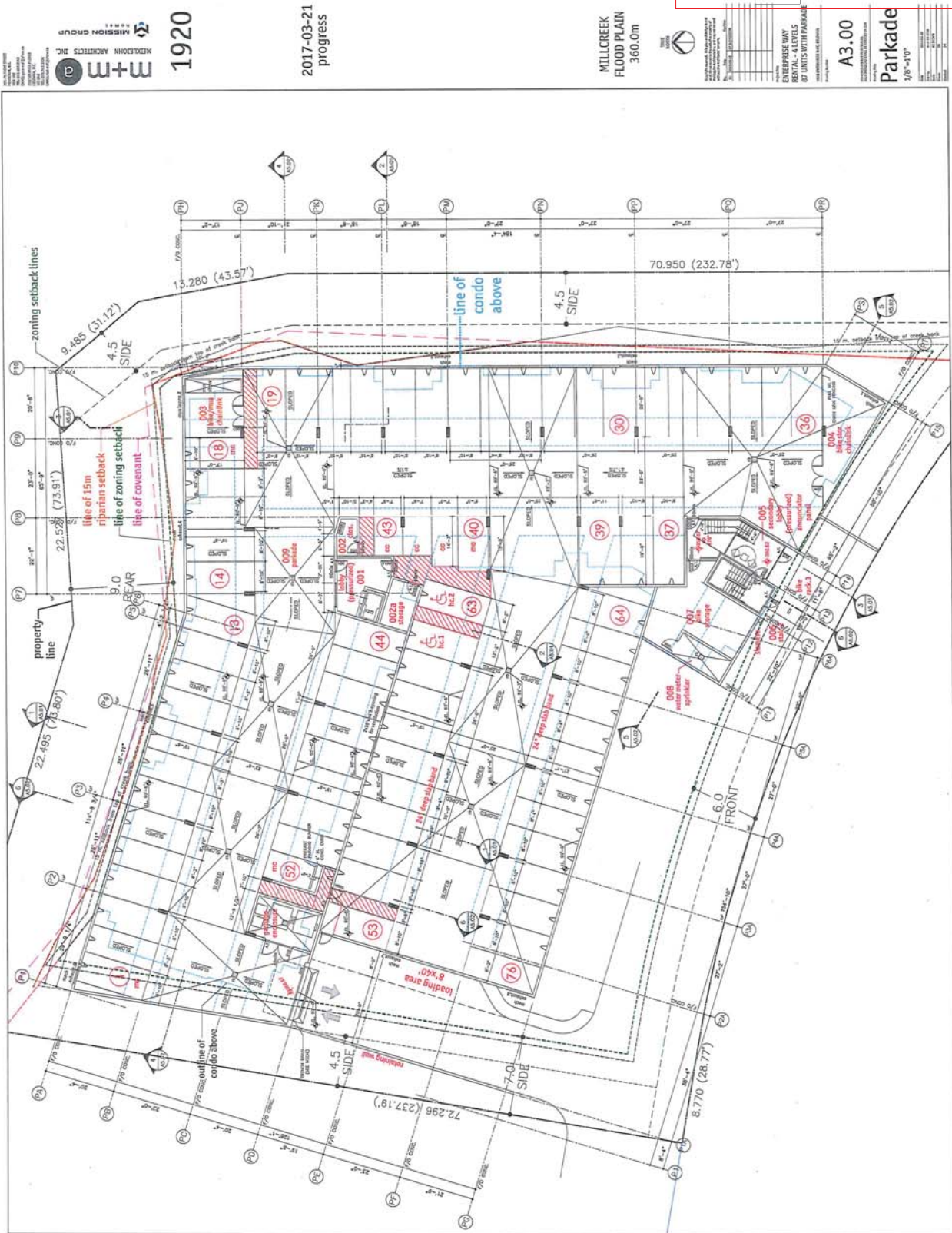
A

This forms part of application

DP16-0239
DVP16-0240

Planner
Initials TB

City of
Kelowna
COMMUNITY PLANNING



MISSION GROUP
KELOWNA
2017-03-21
progress

1920

MILLCREEK
FLOOD PLAIN
360.0m



ENTERPRISE WAY
RENTAL - 4 LEVELS
47 UNITS WITH PARKADE

A3.00
Parkade
1/8"=1'0"

A

TB



Level 2
1/8"=1'0"



A

City of Kelowna
COMMUNITY PLANNING



47

SCHEDULE

A

This forms part of application

DP16-0239
DVP16-0240

Planner
Initials

TB

City of
Kelowna
COMMUNITY PLANNING



MISSION GROUP
KIDJOHN ARCHITECTS INC.
a m+w

1920

2017-03-21
progress

MILLCREEK
FLOOD PLAIN
360.0m



ENTERPRISE WAY
RENTAL - 4 LEVELS
87 UNITS WITH PARKING
87 UNITS WITH PARKING

A3.04

Level 4
1/8"=1'0"

SCHEDULE

A

This forms part of application

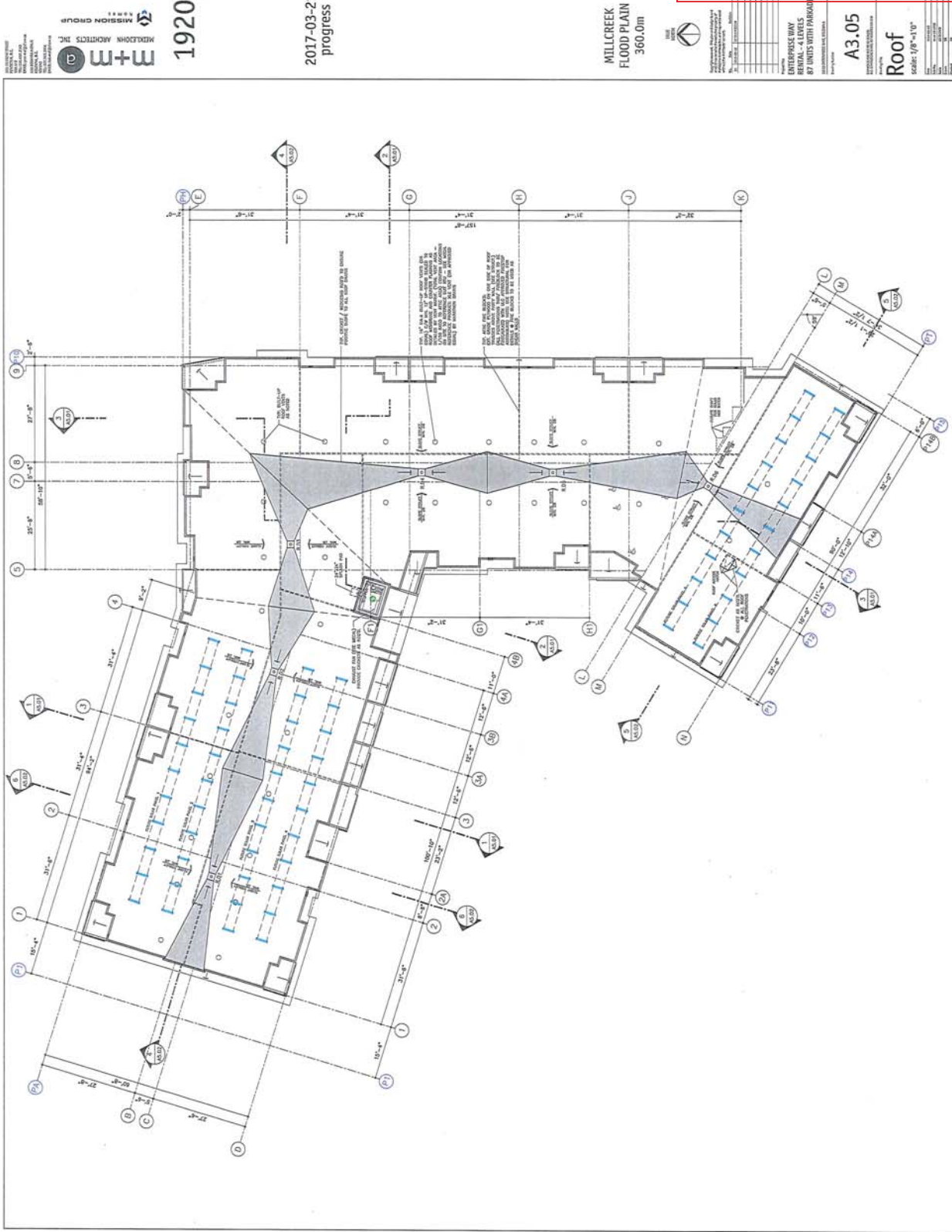
DP16-0239

DVP16-0240

Planner
Initials

TB

City of
Kelowna
COMMUNITY PLANNING



SCHEDULE

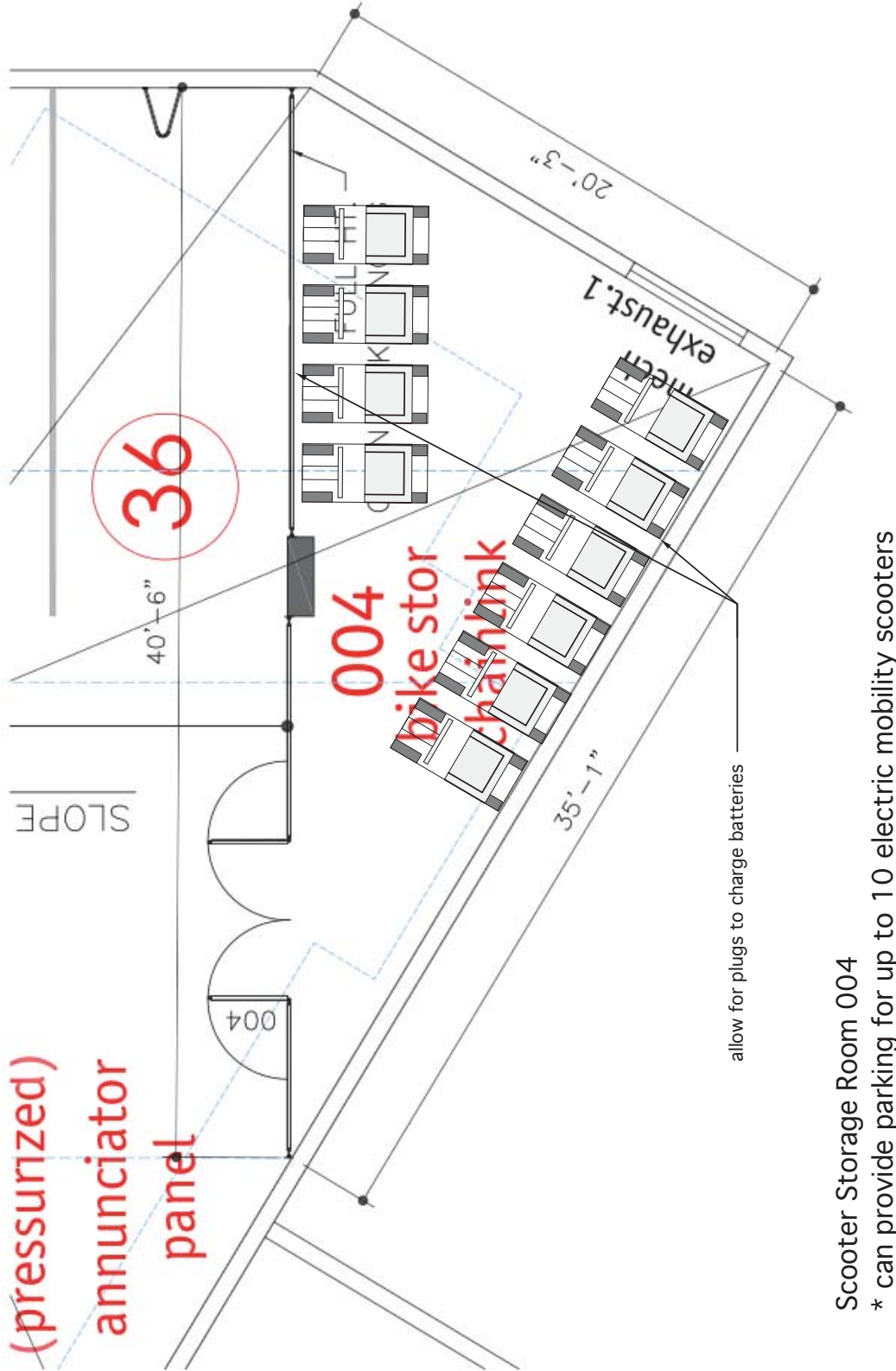
A

This forms part of application

DP16-0239
 DVP16-0240

Planner
 Initials

TB



Scooter Storage Room 004

* can provide parking for up to 10 electric mobility scooters

SCHEDULE

A

This forms part of application

DP16-0239

DVP16-0240

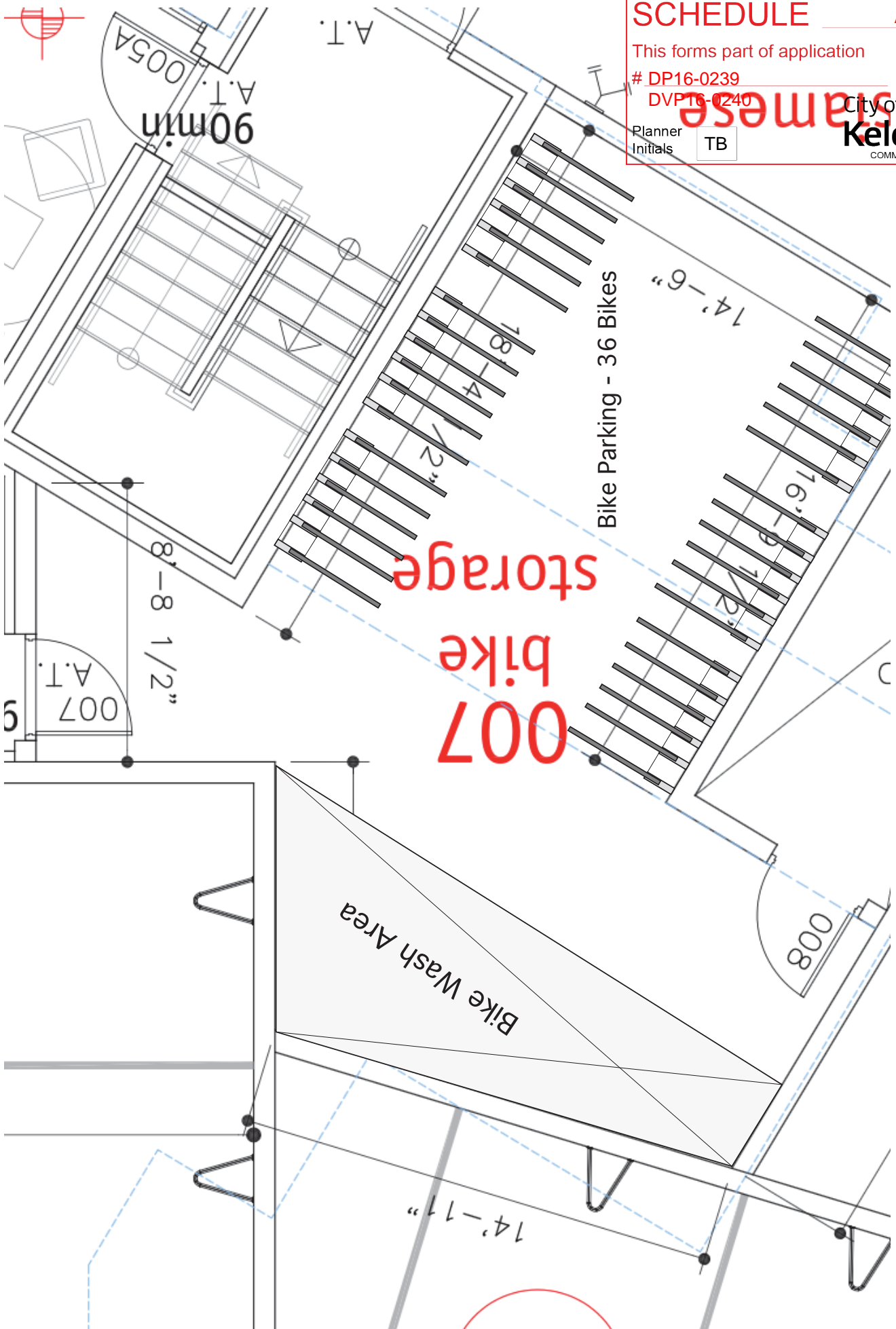
Planner
Initials

TB

City of

Kelowna

COMMUNITY PLANNING



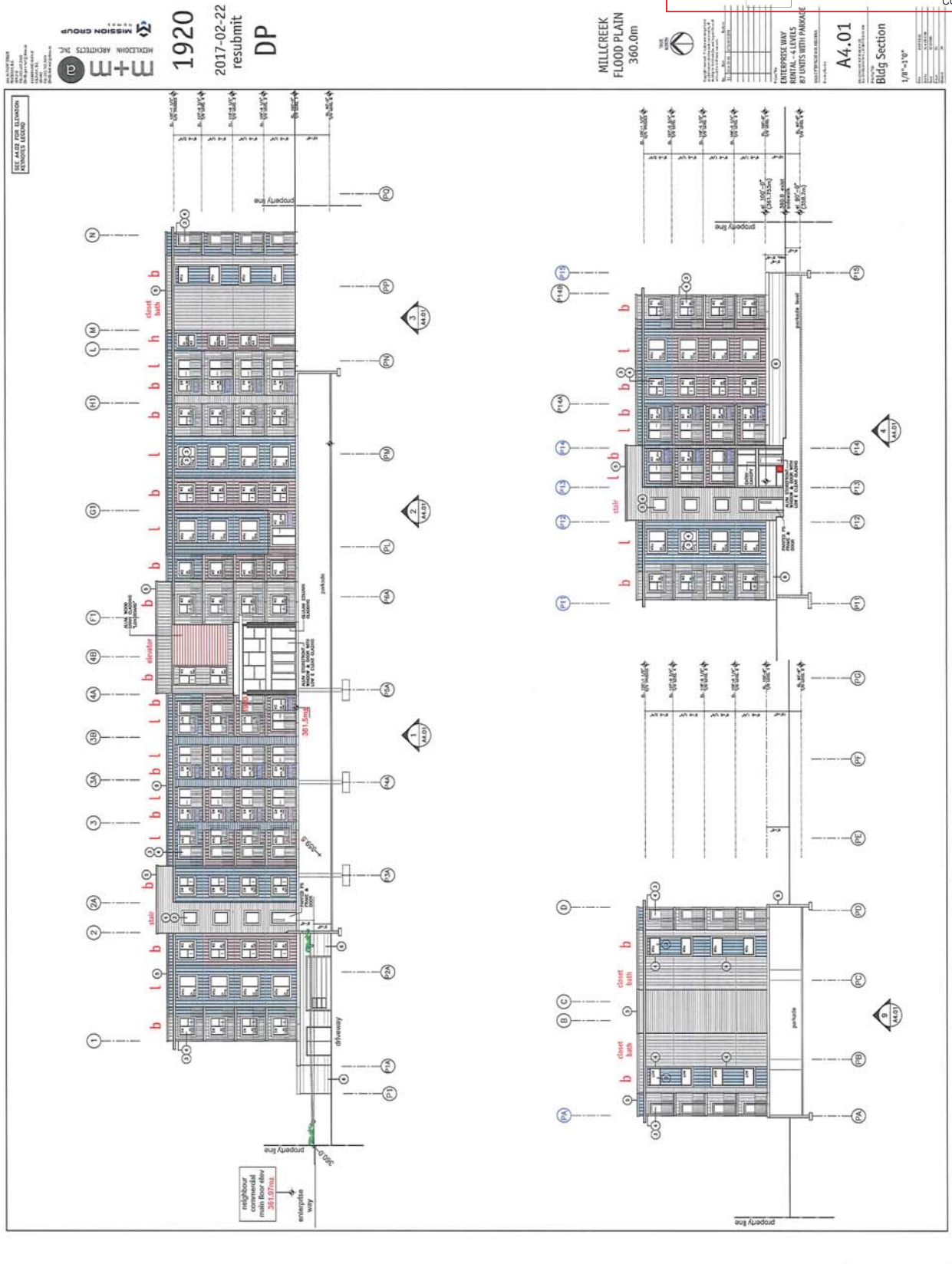
SCHEDULE B

This forms part of application

DP16-0239
DVP16-0240

Planner
Initials TB

City of
Kelowna
COMMUNITY PLANNING



SCHEDULE

B

This forms part of application

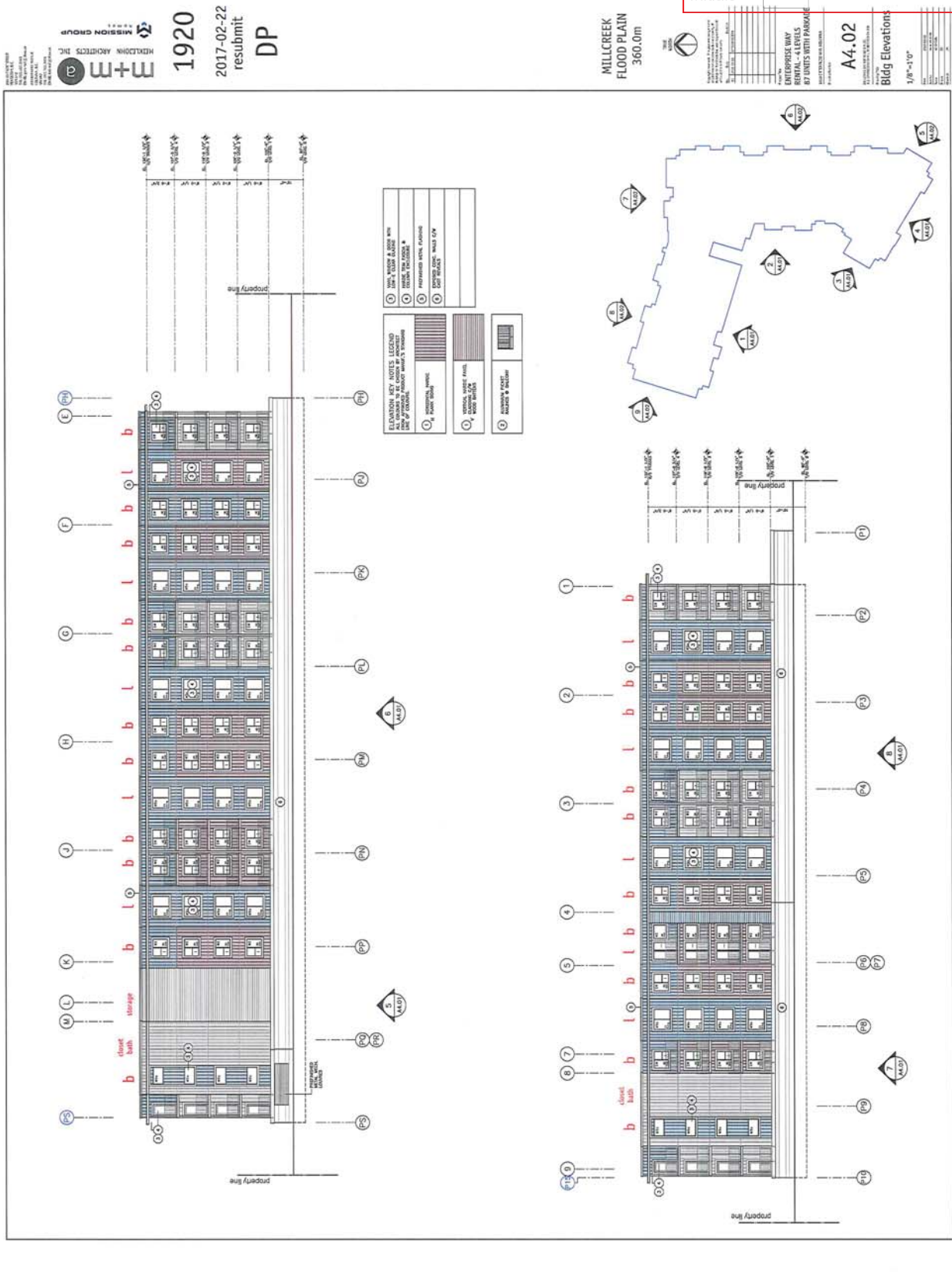
DP16-0239

DVP16-0240

Planner
Initials

TB

City of
Kelowna
COMMUNITY PLANNING



SCHEDULE

B

This forms part of application

DP16-0239

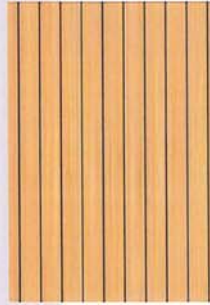
DVP16-0240

Planner
Initials

TB



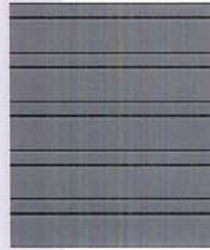
BM Pomegranate AF-295



wood grain metal panel



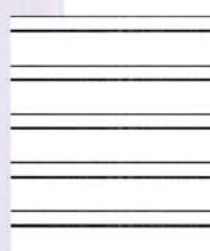
roof soffit - gentek dark drift



hardie-V iron gray



hardie-H iron gray



hardie-V artic white



hardie-H artic white



hardie-V cobble stone



hardie-H cobble stone

2

february 22, 2017

material board

1920 rental

MISSION GROUP
homes

m + m a

SCHEDULE

B

This forms part of application

DP16-0239

DVP16-0240

Planner
Initials

TB

City of
Kelowna
COMMUNITY PLANNING



SCHEDULE

B

This forms part of application

DP16-0239

DVP16-0240

Planner
Initials

TB

City of
Kelowna
COMMUNITY PLANNING



SCHEDULE

B

This forms part of application

DP16-0239

DVP16-0240

Planner
Initials

TB

City of
Kelowna
COMMUNITY PLANNING



SCHEDULE

B

This forms part of application

DP16-0239

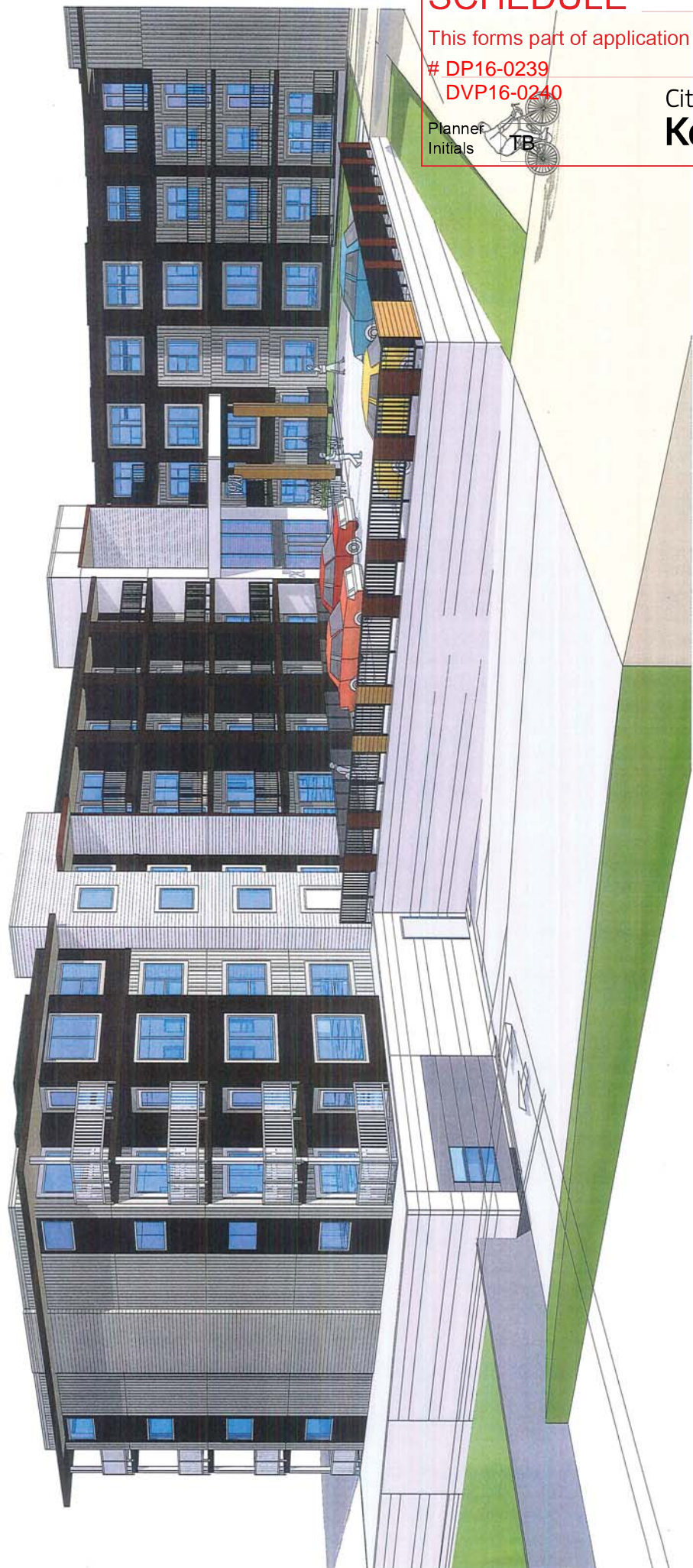
DVP16-0240

Planner
Initials

TB



City of
Kelowna
COMMUNITY PLANNING



This forms part of application

DP16-0239
DVP16-0240

Planner
Initials

TB



