



AGENDA

City of Salmon Arm Development and Planning Services Committee

Monday, June 1, 2020
8:00 a.m.

By Electronic means as authorized by
Ministerial Order M139

Page #	Item #	Description
	1.	CALL TO ORDER
	2.	ACKNOWLEDGEMENT OF TRADITIONAL TERRITORY <i>We acknowledge that we are gathering here on the traditional territory of the Secwepemc people, with whom we share these lands and where we live and work together.</i>
	3.	REVIEW OF AGENDA
	4.	DISCLOSURE OF INTEREST
	5.	REPORTS
1 - 14	1.	Official Community Plan Amendment Application No. OCP4000-42 [Edelweiss Properties Inc./Timberline Solutions/Baer, J.; 220 Okanagan Avenue SE; CC to HR]
	2.	Zoning Amendment Application No. ZON-1175 [Edelweiss Properties Inc./Timberline Solutions/Baer, J.; 220 Okanagan Avenue SE; C-2 to R-5] [See item 5.1 for Staff Report]
15 - 20	3.	Manager of Permits & Licensing – Temporary Expanded Service Area Authorization
	6.	PRESENTATIONS
	7.	FOR INFORMATION
	8.	IN CAMERA SESSION
	9.	CORRESPONDENCE
	10.	ADJOURNMENT

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TO: His Worship Mayor Harrison and Members of Council

DATE: May 25, 2020

SUBJECT: Official Community Plan Amendment Application No. OCP4000-42
Zoning Amendment Application No. 1175

Legal: Lot 1, Block 3, Section 14, Township 20, Range 10, W6M, KDYD, Plan 392,
Except Plan EPP88691
Civic: 220 Okanagan Avenue SE
Owner: Edelweiss Properties Inc.
Applicant / Agent: Timberline Solutions / J. Baer

MOTION FOR CONSIDERATION

THAT: A bylaw be prepared for Council's consideration, adoption of which would amend Official Community Plan Bylaw No. 4000 Land Use Designation of Lot 1, Block 3, Section 14, Township 20, Range 10, W6M, KDYD, Plan 392, Except Plan EPP88691 from CC (City Centre Commercial) to HR (High Density Residential);

AND THAT: Pursuant to Section 475 of the *Local Government Act*, Council shall consider this Official Community Plan amendment after appropriate consultation with affected organizations and authorities;

AND THAT: Pursuant to Section 476 of the *Local Government Act*, Council shall consider this Official Community Plan amendment after required consultation with School District No. 83;

AND THAT: Pursuant to Section 477 (3) (a) of the *Local Government Act*, Second Reading of the Official Community Plan bylaw be withheld pending Council's consideration of the amendment in conjunction with:

- 1) The Financial Plans of the City of Salmon Arm; and
- 2) The Liquid Waste Management Plan of the City of Salmon Arm.

AND THAT: A bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303 by rezoning Lot 1, Block 3, Section 14, Township 20, Range 10, W6M, KDYD, Plan 392, Except Plan EPP88691 from C-2 (Town Centre Commercial Zone) to R-5 (High Density Residential Zone);

AND FURTHER THAT: Final Reading of the Zoning Amendment Bylaw be withheld subject to:

- 1) Ministry of Transportation and Infrastructure approval;
- 2) Registration of a Section 219 Land Title Act restrictive covenant, restricting five residential dwelling units to rental units located on the subject property (220 Okanagan Avenue SE; and
- 3) Adoption of the associated Official Community Plan Amendment Bylaw.

STAFF RECOMMENDATION

The Motion for Consideration be adopted.

BACKGROUND

The civic address of the subject property is 220 Okanagan Avenue SE. The property is located at the corner of Okanagan Avenue SE and 2nd Street SE, near the Trans Canada Highway (Appendices 1 & 2). The owner and applicant wish to convert the lower floor of commercial space into 2 residential dwelling units. The applicant has submitted a site and a proposed lower floor plan (Appendix 3). Site photos are attached as Appendix 4. In 2018 a 2-storey building was constructed with 180 m² (1935 ft²) of commercial space on the lower floor and two residential units, approximately 75 – 85 m² (820 – 900 ft²) on the upper floor. Although the 3 upper floor dwelling units have been rented, the lower commercial space has been vacant since the building was constructed in 2018. Only upper or lower floor dwelling units, not both, are permitted in the C-2, Town Centre Commercial Zone. To convert the building to a residential building and eliminate commercial space on the lower floor, both an OCP and a zoning amendment are necessary. This application proposes to change the OCP designation from CC (Commercial City Centre) to HR (High Density Residential); and, a Zoning Amendment, to change the zoning from C-2, Town Centre Commercial Zone to R-5, High Density Residential Zone. OCP and zoning maps are attached as Appendices 4 & 5.

Land uses adjacent to the subject parcel include the following:

North: Okanagan Avenue SE, C-2, Town Centre Commercial
South: Single family dwelling, C-2, Town Centre Commercial
East: Laneway & multi-family residential, R-5, High Density Residential
West: 2nd Street SE, C-2 Town Centre Commercial

Originally the subject property, along with the two adjacent properties to the south were designated as High Density Residential and zoned R-1, Single Family Residential. In 2012, OCP and Zoning Bylaw Amendments were adopted which changed the OCP designation and zoning to it's present state, Commercial City Centre and C-2 Town Centre Commercial Zone respectively. A Development Permit was approved for the existing 2-storey mixed use building for the subject property, subject to conditions in 2013 and the Development Permit was issued in 2018. There was no further development on the two adjacent properties to the south (20 & 30 – 2 Street SE) as the owner of the property changed their development plans.

OCP POLICIES

This application proposes to reverse the OCP designation on the subject property back to its original designation of High Density Residential. This property borders the boundary between City Centre Commercial and High Density Residential. OCP Policy 8.3.19 supports high density residential developments in areas with good access to the following:

- transportation routes, including transit, trails and sidewalks, and roads;
- recreation, parks and open space;
- community services, e.g., commercial uses, schools.

Section 475 & 476– Local Government Act

Pursuant to Section 475 and 476 of the Local Government Act (consultation during OCP development / amendments), the proposed OCP amendment was referred to the following external organizations:

Adams Lake Indian Band:	No response to date
Neskonlith Indian Band:	No response to date
Economic Development Society:	No response to date
School District No. 83:	No response to date

Section 477 – Local Government Act

Pursuant to Section 477 of the Local Government Act (adoption procedures for official community plan), after first reading, the OCP amendment bylaw must be considered in relation to the City's financial and waste management plans. In the opinion of staff, this proposed OCP amendment is largely consistent with both the City's financial and waste management plans.

COMMENTS

Engineering Department

No Engineering Department concerns.

Building Department

No concerns from a building point of view. Architect required if there are 5 or more dwelling units in the building. Building plans were submitted by Marc Lamerton Architect for the existing building.

Fire Department

No Fire Department concerns.

Planning Department

The location of the property is just south of the Trans-Canada Highway and borders the downtown commercial area to the north and the residential area to the south. The property is centrally located and provides good access to amenities in the downtown core in a neighbourhood which ranges from low density, single family homes to higher density multi-family residential developments.

A covenant prohibiting some commercial uses that were considered non-compatible in this transitional area between the Town Centre commercial area and the residential area was a condition to rezoning the parcel to C-2 in 2013. Because the property is located in this transitional area, changing the designation and rezoning the property back to residential is supported based on its location.

The maximum density permitted in the R-5 zone is 100 dwelling units or 40.5 dwelling units per acre. With a density bonus the maximum density increases to 130 dwelling units per hectare or 52.6 dwelling units per acre. With R-5 zoning, the maximum density on this property would be 4 dwelling units or 5 units with a density bonus. To qualify for a density bonus, a special amenity of rental units is proposed to be provided and secured in perpetuity by a Section 219 Land Title Act Covenant. The owner of the property is agreeable to the requirement for a covenant, see Appendix 7.

Unfortunately, the setbacks are significantly different between commercial and residential zoned properties. Under the current zoning, C-2 Town Centre Commercial, the maximum parcel or site coverage can be 100% of the parcel or site area and no setbacks. Under the proposed R-5, High Density Residential zoning, the maximum parcel coverage is 55% of the parcel area for all buildings, 70% if there is underground parking which is not applicable in this situation. The specified setbacks for principal buildings in the R-5 zone are: 5.0 m for front, rear and exterior parcel lines; and, 2.4 m for interior parcel lines. The existing building does not meet any of the required R-5 setbacks, see attached survey attached as Appendix 8. Therefore, it should be noted that if the property is rezoned to R-5, the building will have the status of legal, non-conforming with respect to parcel coverage and setbacks and subject to Section 529, of the Local Government Act (Non-conforming structures: restrictions on maintenance, extension and alteration).

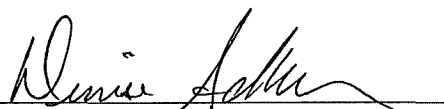
With respect to parking requirements, the existing 6 parking spaces will meet the parking requirements as specified in the Zoning Bylaw. In this scenario, fewer parking spaces are required with R-5 zoning as compared to C-2 zoning; 1.25 off-street parking spaces are required under R-5 zoning and under C-2 zoning the parking requirements are based on gross floor area and the commercial use. A parking

variance was not required with the original Development Permit for the building because the property was included in the Downtown Specified Parking Area (Bylaw No. 4007) and the parking requirements are further reduced from 1.25 parking spaces to 1 parking space per dwelling unit because the property is included in the Downtown Specified Parking Area. Therefore, the existing 6 parking spaces is sufficient for the proposed 5 dwelling units.

CONCLUSION

This OCP & zoning amendment application proposes to revert the subject property from commercial back to residential to facilitate the conversion of lower floor commercial space to 2 residential dwelling units. The primary reason for the proposal is because the owner has been unable to lease the commercial space.

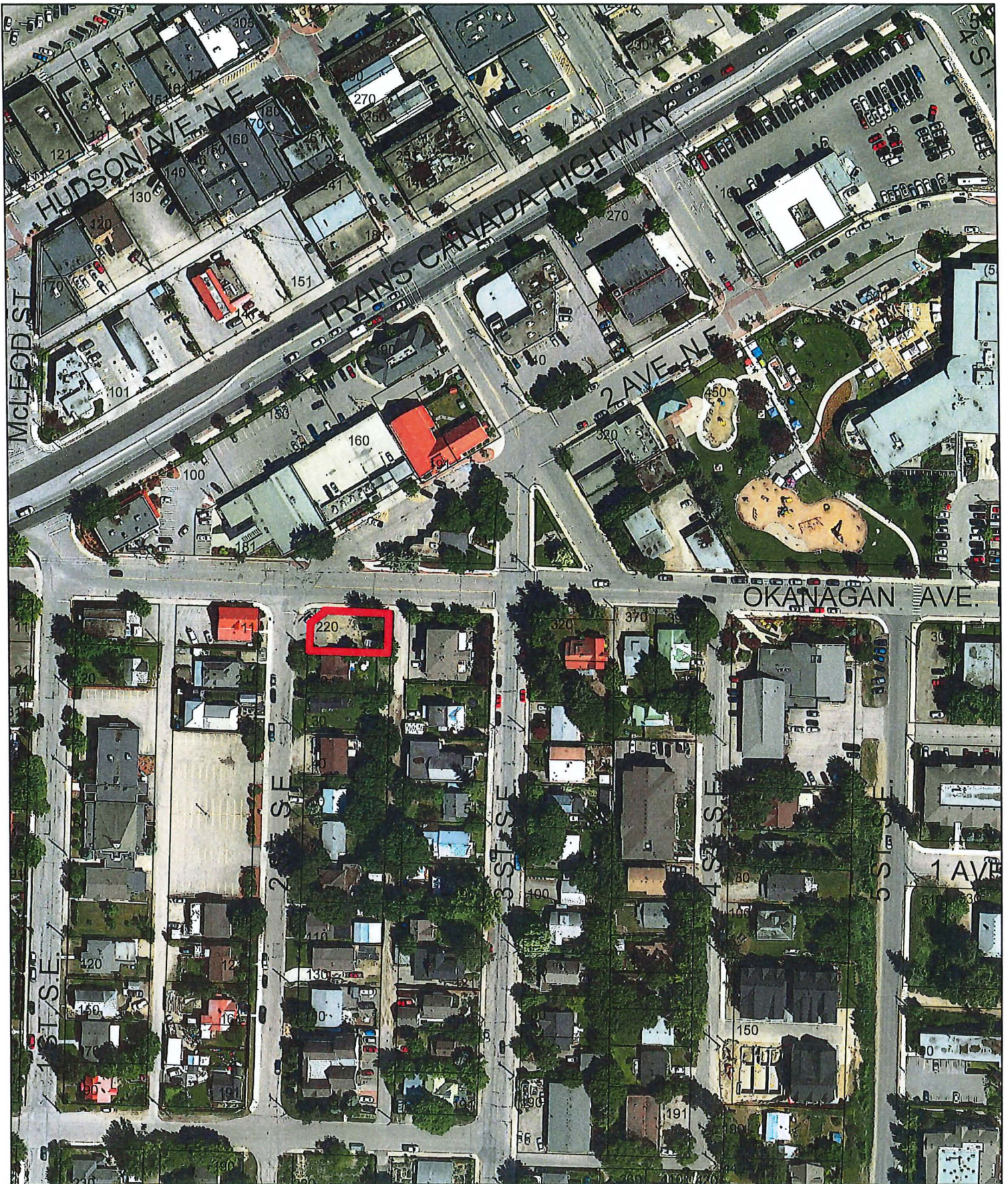
The property is located in a transitional area bordering the downtown commercial area to the north and the high density residential area to the south. The location of the property is supportive of this proposal. In addition, the density and parking provisions of the R-5 zone can be achieved. However, there are some implications with regards to parcel coverage and setbacks that will leave the property with a legal, non-conforming status should the OCP and zoning amendments be adopted:



Denise Ackerman
Planner, Development Services Department



Kevin Pearson, MCIP, RPP
Director of Development Services



0 5 10 20 30 40
Meters



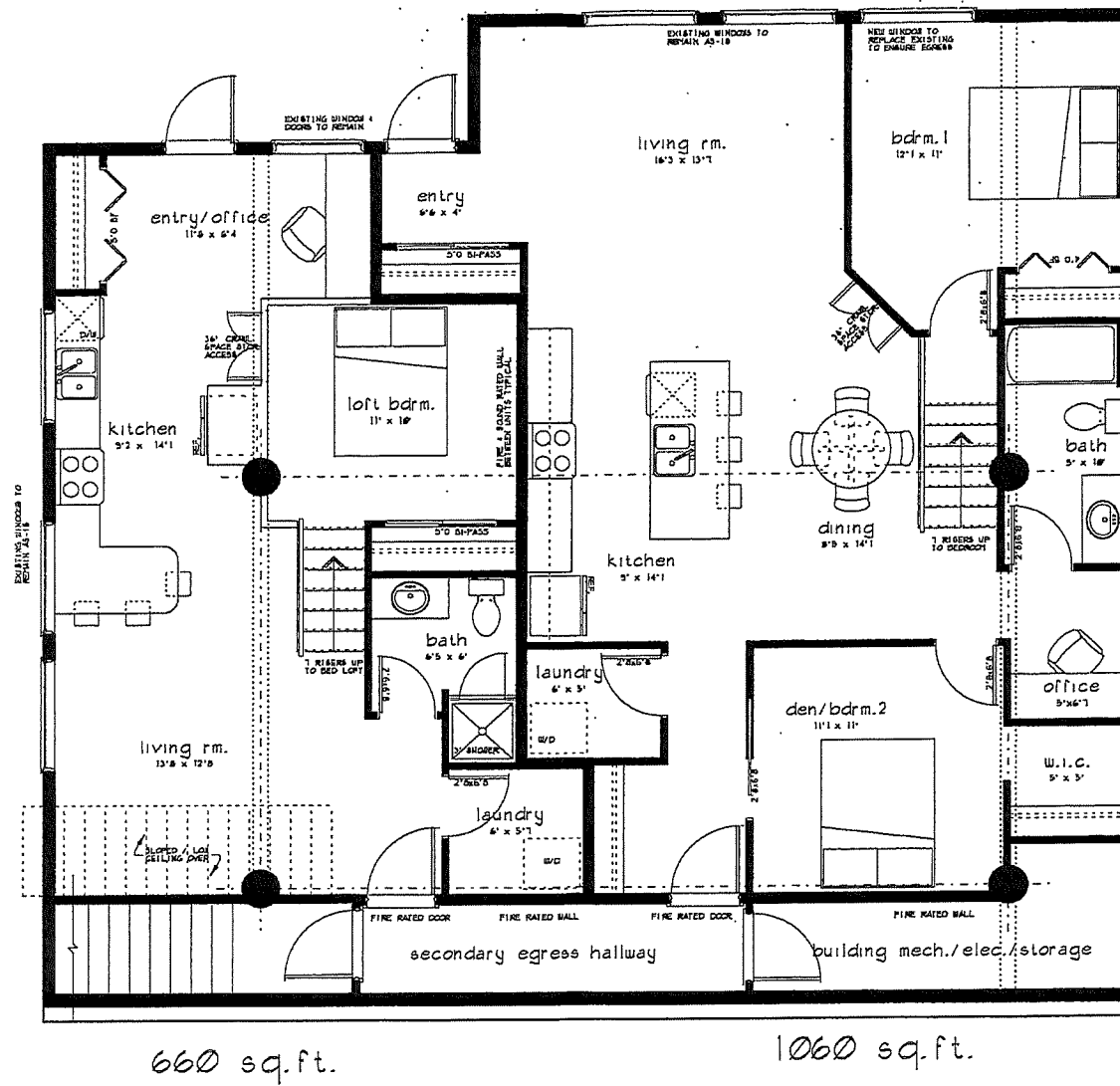
Subject Parcel



0 1.2 2.5 5 7.5 10
Meters



Subject Parcel





View of subject property looking east (from 2nd Street SE)



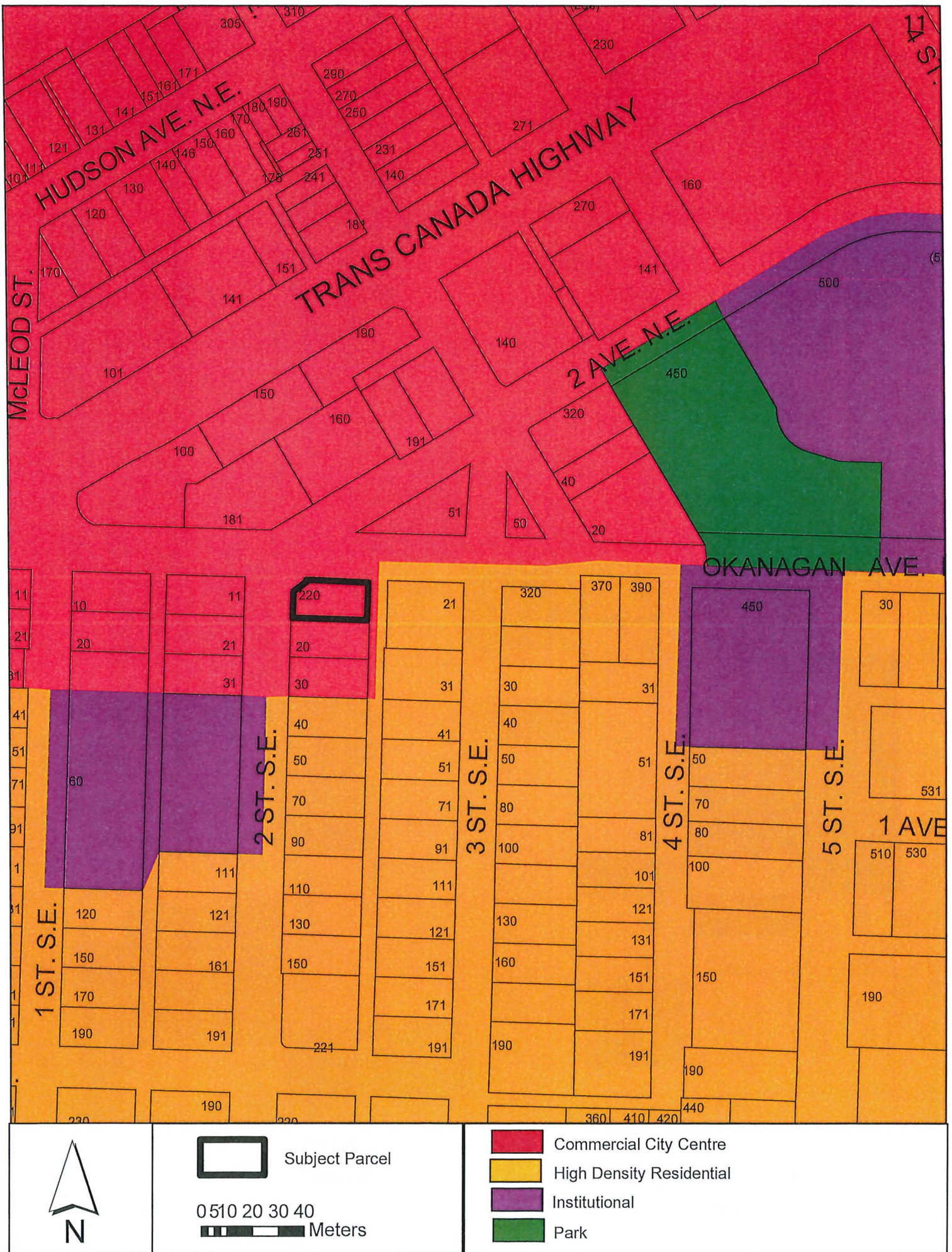
View of subject property looking west (from laneway)

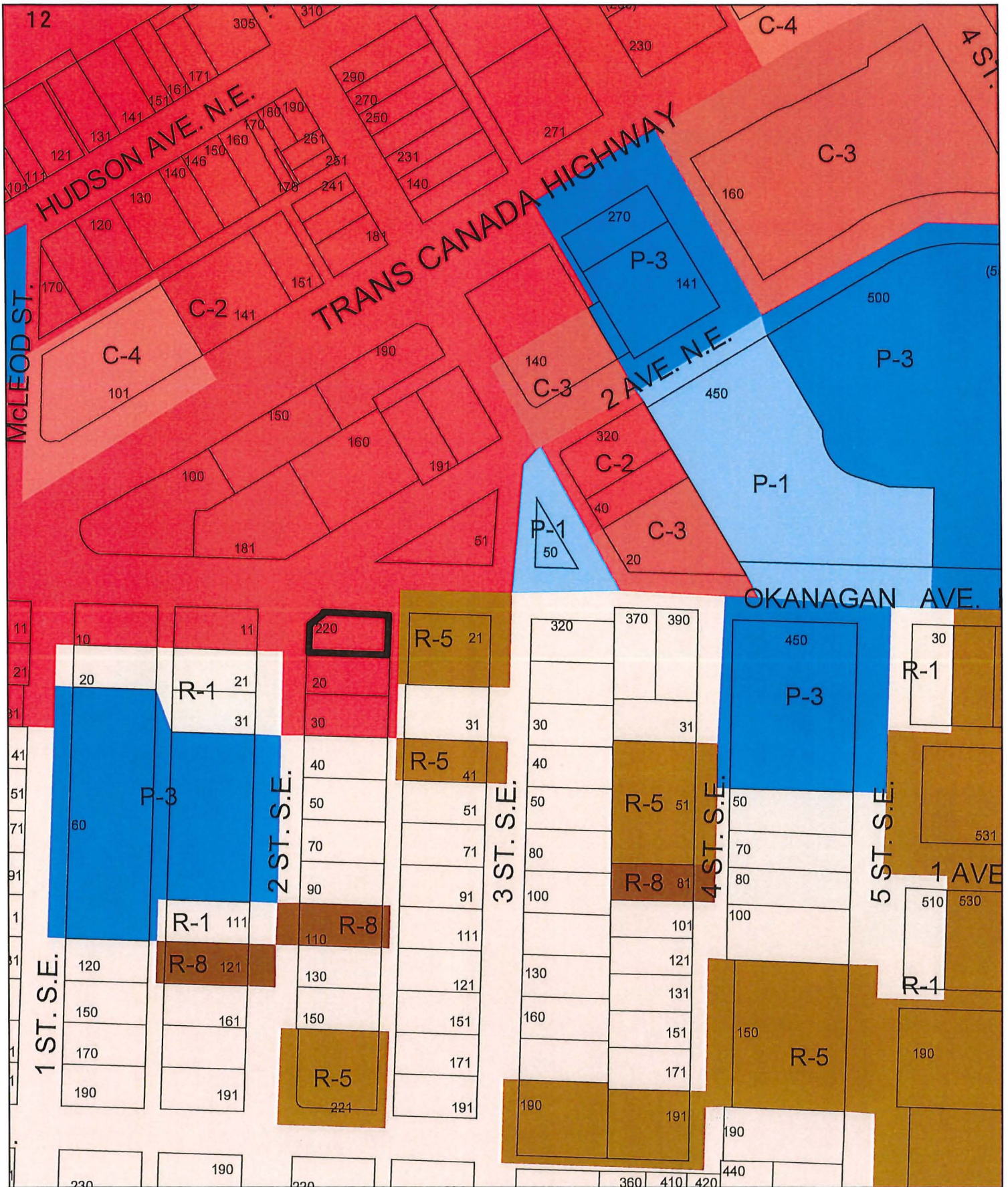


View of subject property looking south (from Okanagan Avenue SE)



View of subject property looking northwesterly (from laneway)





0 5 10 20 30 40
Meters



Subject Parcel

Denise Ackerman

From: Denise Ackerman
Sent: May-27-20 3:26 PM
To: Denise Ackerman
Subject: FW: 220 Okanagan Avenue SE

From: Jordan Baer
Sent: May-15-20 2:37 PM
To: Denise Ackerman <dackerman@salmonarm.ca>
Cc: Kevin Pearson <kpearson@salmonarm.ca>
Subject: Re: 220 Okanagan Avenue SE

Hi Denise
 Roger is good with signing a covenant to keep them rentals.
 Did I ever send you a DP letter?

Regards,

Jordan

On May 14, 2020, at 5:04 PM, Denise Ackerman <dackerman@salmonarm.ca> wrote:

Hi Jordan,

I am working on the OCP and zoning amendment report for 220 Okanagan Avenue SE and I wanted to let you know that the maximum density in the R-5 zone, based on the parcel size is only 4 dwelling units.

With bonus density you could get 5 units; but, to qualify for bonus density, all the units would be restricted to rental units. We would require a covenant restricting the units to rental units, meaning the units could not be strata units with individual titles which then could be sold as individual strata lots.

I am not sure of the owner's intention but before proceeding any further I wanted to pass along this information to you and the owner.

Please let me know how you wish to proceed.

Kind Regards,

Denise Ackerman | Planner | Development Services Department
 Box 40, 500-2nd Avenue NE, Salmon Arm, BC, V1E 4N2 | P 250.803.4021 | F 250.803.4041
 E dackerman@salmonarm.ca W www.salmonarm.ca

<image001.png>

BRITISH COLUMBIA AND CANADA LANDS
Box 362, Salmon Arm, B.C. V1E 4N5
250-832-9701 | office@brownejohnson.com

BC LAND SURVEYOR'S BUILDING LOCATION CERTIFICATE

To: Timberline Solutions
c/o Dava Ogilvie
Box 532
Salmon Arm, BC, V1E 4N6

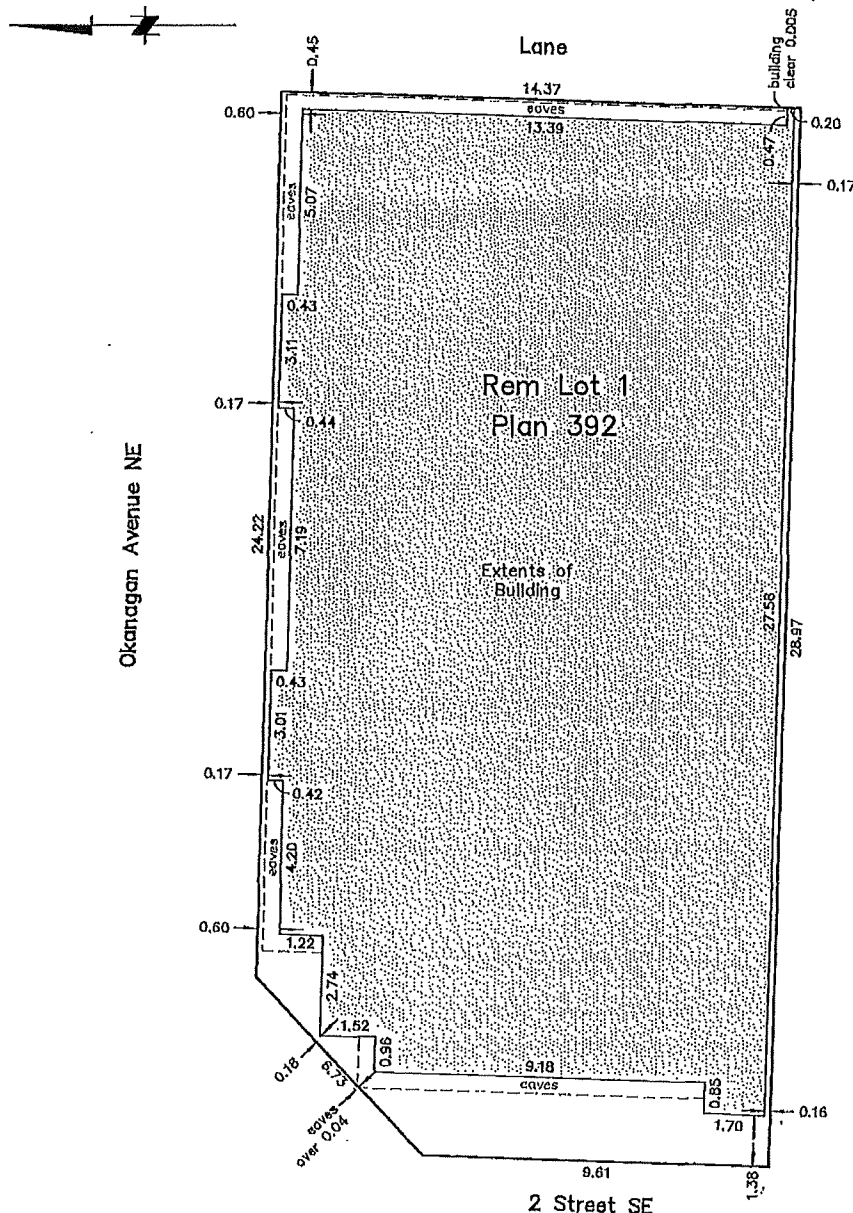
Re: Lot 1, Blk 3, Sec 14, Tp 20, R 10, W6M
KDYD, Plan 392, Except Plan EPP88691

Parcel Identifier (PID): 012-410-438

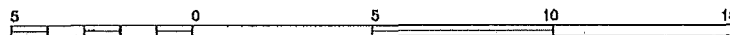
Civic Address: 220 Okonagon Avenue, Solmon Arm

List of documents registered on title which may affect the location of improvements:

Covenant: CA2285491
Covenant: CA6730394



Scale 1:125



All distances are in metres.

Dimensions derived from Plan 392

Offsets from property line to building are measured from the sheathed siding and foundation.

The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

This plan was prepared for inspection purposes and is for the exclusive use of our client. This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property boundaries.

This building location certificate has been prepared in accordance with the Professional Reference Manual and is certified correct this 5th day of June, 2019.

Joseph Johnson
LYSXJB

Digitally signed
by Joseph
Johnson LYSXJB
Date: 2019.06.12
06:54:25 -07'00'

BCLS

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LAND SURVEYORS

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BROWNE JOHNSON LAND SURVEYORS.

THIS DOCUMENT IS NOT VALID UNLESS
ORIGINALLY or DIGITALLY SIGNED.

Our File: 241-19

Fb: 241-19, row



TO: His Worship Mayor Harrison and Members of Council

FROM: Maurice Roy, Manager of Permits and Licensing

DATE: May 27, 2020

STAFF RECOMMENDATION

THAT: City Council pass a resolution allowing structural changes to liquor licenses, without such changes coming to Council, as outlined as option 1 of the May 22, 2020 email from the Liquor and Cannabis Regulation Branch (LCRB).

BACKGROUND:

Due to the Covid 19 pandemic and the importance of physical distancing, the LCRB has issued Policy Directive 20-13 (attached as Appendix 1) to ease the restriction which physical distancing places on licensed establishments. Directive 20-13 is a temporary measure, which expires on October 13, 2020 and permits structural expansion of licensed areas while maintaining the same occupant load as listed on the original liquor license.

The current protocol requires that any structural change to a liquor license come before Council for review and Local Government authorization. The LCRB, in their email of May 22, 2020 and attached as Appendix 2, has provided an option for Local Government to waive such a requirement. With the almost certainty of every license holder participating in the program to keep their businesses viable, staff time to prepare separate reports for each application could prove extensive.

If structural expansion of a licensed area involves the creation of a patio on public property the owner of the business would first be required to obtain a Highway Use Permit from the City in accordance with Sidewalk Café Policy #1.13.

CONCLUSION:

Given there will be no increase in the occupant load and that this is a temporary measure with a definite expiration date, staff recommends that Council waive the review of such structural changes to liquor licenses falling within the scope of this Provincial initiative.

A handwritten signature in blue ink, appearing to read "Maurice Roy".

Prepared by: Maurice Roy, RBO CRBO
Manager of Permits & Licensing

A handwritten signature in blue ink, appearing to read "Kevin Pearson".

Reviewed by: Kevin Pearson, MCIP RPP
Director of Development Services

Appendix 1: LCRB Memo 20-13
Appendix 2: LCRB e-mail



Liquor and Cannabis Regulation Branch
POLICY DIRECTIVE
No: 20 - 13

Date: May 22, 2020

To: All LCRB Staff
 All Licensees
 All Industry Associations
 All local government, First Nations and police agencies

Re: Temporary Expanded Service Area Authorization

General Manager Authority

Under the Liquor Control and Licensing Regulation (LCLR), s. 109.1, the General Manager (GM) of the Liquor and Cannabis Regulation Branch (LCRB) may issue a Temporary Expanded Service Area Authorization to food primary, liquor primary, and manufacturer licensees.

New Policy

In response to the COVID-19 pandemic, the Province's March 2020 declaration of a state of emergency and the Provincial Health Officer's March 2020 declaration of a public health emergency, the GM is putting in place time-limited measures to support the Provincial Health Officer's (PHO) direction and recommendations.

This new authorization permits a licensee to temporarily expand their service areas **until October 31, 2020**. The increased service area will allow licensees to serve patrons while complying with the PHO's guidelines regarding physical distancing.

Accordingly, food primary, liquor primary and manufacturer licensees (i.e., wineries, breweries, distilleries) may apply for a Temporary Expanded Service Area Authorization.

To meet the intent of this temporary authorization, licensees will not be permitted to increase or exceed their currently approved person/patron capacities or occupant loads. All means of access to the service area must also be supervised to the satisfaction of the GM. Finally, licensees must comply with all local bylaws and health and fire regulations.

An expedited online application will be available for licensees at no charge. Please check our website for a link to the application.

Explanation

The new policy is provided in the context of the provincial state of emergency and public

health emergency related to the COVID-19 pandemic. Increasing the size of existing service areas is expected to support licensees in complying with requirements under the Provincial Health Orders and recommendations, in particular with respect to social/physical distancing.

Further Information

Further information regarding liquor and cannabis regulation and licensing in British Columbia is available on the Liquor and Cannabis Regulation Branch website at <https://www2.gov.bc.ca/gov/content/employment-business/business/liquor-regulation-licensing>

If you have any questions regarding these changes, please contact the Liquor and Cannabis Regulation Branch toll free in Canada at 1-866-209-2111 or 250 952-5787 if calling from the Victoria area.

Original signed by

Mary Sue Maloughney
Assistant Deputy Minister and General Manager
Liquor and Cannabis Regulation Branch

Maurice Roy

From: Caylee Simmons
Sent: May-22-20 9:49 AM
To: Maurice Roy; Marcel Bedard
Subject: FW: Policy Directive 20-13 – Temporary Expanded Service Area Authorization
Attachments: 20-13 Temporary Expanded Service Area Authorization.pdf

Caylee Simmons

From: LCRB Liquor Policy LCRB:EX <LCRBLiquorPolicy@gov.bc.ca>
Sent: May-22-20 9:44 AM
To: LCRB Liquor LCRB:EX <LCRBLiquor@gov.bc.ca>
Subject: Policy Directive 20-13 – Temporary Expanded Service Area Authorization

Hello,

The Liquor Control and Regulation Branch (LCRB) is aware of the significant ramifications the pandemic has had on B.C.'s hospitality sector and we understand that with reopening efforts underway, it is critical that licensees are supported in their needs to adhere to Provincial Health Officer's (PHO) direction and recommendations as they aim to resume operations.

As such, the LCRB has announced [Policy Directive 20-13](#), that permits food primary, liquor primary and manufacturing licensees to temporarily expand their service area footprint **until October 31, 2020**.

Helping licensees increase their service area will allow them to decrease the density of patrons in their establishments and to continue to serve patrons while complying with PHO orders and guidelines regarding physical distancing.

To support this directive, we have implemented an expedited process for the authorization of temporary expansions to service areas. These temporary authorizations will be focused on expanding licensee service areas only and will not increase currently approved person/patron capacities or occupant loads. This will allow the LCRB to expedite approvals while mitigating any public safety risks or local government requirements. Licensees will still be subject to any PHO orders requiring reduced occupancy loads and must also comply with all local bylaws and health and fire regulations.

Licensees will be able to submit applications for **Temporary Expanded Service Area Authorizations** via our [online portal](#) at no charge. This user-friendly online system will ensure information is gathered from licensees efficiently and will enable faster processing times.

We understand that some local governments may want applications in their jurisdiction approved as soon as possible, while others may want an opportunity to review individual applications more extensively. Therefore, the LCRB is offering the following two options for local government input into the temporary authorization application process for liquor primary and manufacturer licensees:

1. Local governments may provide one pre-approval to cover all liquor primary and manufacturer establishments within their jurisdiction who may apply for an expanded service area.

Considerations:

- This will enable the fastest processing of applications in your jurisdiction.
- You will not have an opportunity to see individual requests before they are approved by the LCRB.

- Applicants will be required to disclose that they have met all local government requirements when applying.
- You will receive notice when the expanded service area is authorized by the LCRB.
- If you have wish to use this expedited process but have specific concerns, please contact the LCRB immediately.

If you choose this option, please send confirmation directly to our local government liaison, Allan Lingwood, at Allan.Lingwood@gov.bc.ca so that your pre-approval can be recorded in our system.

2. Local governments may choose to review and approve all individual requests for liquor primary and manufacturer expansions prior to licensees submitting their applications to the LCRB.

Considerations:

- This will increase the time required for businesses to begin operating their expanded areas.
- You will have the ability to determine what information you require from applicants seeking your approval, and to withhold approval if you have concerns.
- If you approve the application, you will be asked to provide written approval directly to the applicant (email is sufficient). The applicant will be required to include this information with their application to the LCRB.
- You will receive notice when an expanded service area is authorized by the LCRB.

Please note: *This is the default process. You do not need to contact LCRB if you wish to follow this process.*

Local governments who choose to review/approve all individual requests will be required to provide written approval to each applicant (via letter or email) prior to submission, with the following information:

1. *Establishment name*
2. *Licence number*
3. *Establishment address*
4. *Local Government's confirmation of "no objection"*
5. *Permission to use publicly owned spaces, if applicable*
6. *Comments, if any.*

Since food primary establishments are not generally required to obtain prior local government approval to expand their service areas, the LCRB will continue to process food primary requests for expanded service areas without requiring local government approval. Food primary licensees are responsible for following all local bylaws and for obtaining any permits as required by their local government. You will receive notice when an expanded food primary service area is approved by the LCRB.

Finally, it's important to note that the LCRB will not require evidence from licensees ensuring they have appropriate permissions (including the use of publicly owned spaces like parking lots, sidewalks, etc.) from local governments, if their local government has selected the blanket-approval approach. It is the responsibility of the licensee to ensure they abide by all local bylaws and acquire any necessary permits. However, all applicants will be required to affirm through an online disclosure that they have met all local government requirements.

Please quickly decide your local governments approach and either communicate your decided administrative process to the LCRB, or the licensees and applicants that will be likely reaching out to you soon.

The LCRB will also continue with its end-to-end review of the existing permanent structural approval process, with the goal of streamlining and modernizing the process, making future applications more straightforward and aligned with today's business needs.

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We look forward to continuing to work with you to ensure B.C. businesses have the support they need during this challenging time.

If you have any questions, please contact our local government liaison, Allan Lingwood, at Allan.Lingwood@gov.bc.ca.

Sincerely,

Mary Sue Maloughney
Assistant Deputy Minister and General Manager
Liquor and Cannabis Regulation Branch
Ministry of Attorney General