

City of Kelowna  
Regular Council Meeting  
AGENDA



Monday, March 25, 2013  
1:30 pm  
Council Chamber  
City Hall, 1435 Water Street

Pages

1. Call to Order

This meeting is open to the public and all representations to Council form part of the public record. A live audio feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.

2. Public in Attendance

- 2.1 Kelowna International Childrens' Winter Games Committee - Ufa, Russia 4 - 14  
Presentation  
To provide Council with an update regarding the outcome of the International Childrens' Winter Games in Ufa, Russia.

- 2.2 Festivals Kelowna - Annual Report 15 - 33  
To update Council on the activities of Festivals Kelowna.

3. Development Application Reports & Related Bylaws

- 3.1 Official Community Plan Bylaw Amendment Application No. OCP13-0001 and 34 - 52  
Rezoning Application No. Z13-0002 - 1242-1244 Pheasant Street

**Mayor to invite the Applicant, or Applicant's Representative to come forward.**

To consider a staff recommendation **NOT** change the future land use designation of the subject property from the Multiple Unit Residential (Medium Density) designation to the Multiple Unit Residential (Low Density) designation; To consider a staff recomemdnation **NOT** to rezone the subject property from the RU6 - Two Dwelling Housing zone to the RM1 - Four Dwelling

Housing zone in order to legalize an existing four-plex building.

- 3.2 Official Community Plan Bylaw Amendment Application No. OCP13-0004 and Rezoning Application No. Z13-0005 - 641 & 683 Osprey Avenue, 600 Raymer Avenue and 2764 Richter Street 53 - 79  
To amend the Official Community Plan Future Land Use Designation from Multiple Unit Residential - Medium Density and Commercial to Mixed Use (Residential / Commercial), and to rezone two of the subject properties from RU6 - Two Dwelling Housing to the C4 - Urban Centre Commercial zone in order to permit the construction of a mixed use development.
- 3.2.1 Bylaw No. 10822 (OCP13-0004) - 641 & 683 Osprey Avenue, 600 Raymer Avenue and 2764 Richter Street 80 - 80  
**Requires a majority of all Members of Council (5).**  
  
To give Bylaw No. 10822 first reading.
- 3.2.2 Bylaw No. 10823 (Z13-0005) - 641 & 683 Osprey Avenue, 600 Raymer Avenue and 2764 Richter Street 81 - 81  
To give Bylaw No. 10823 first reading.
- 3.3 Rezoning Application No. Z12-0068, Supplemental Report - 1121, 1131, 1141 & 1151 Brookside Avenue 82 - 102  
To provide a summary of the Public Information Meeting hosted by the applicant and to make note of a few changes to the project based on the City of Kelowna's Text Amendment application TA13-0003 considered by Council at the March 11th, 2013 meeting and to forward the application to the April 9th, 2013 Public Hearing.
- 3.4 Rezoning Application No. Z13-0001, Supplemental Report - 674 Old Meadows Road 103 - 120  
The purpose of this report is to respond to Council's resolution provided at the March 4, 2013, Council meeting, requesting that the Applicant "...submit development permit concept drawings for consideration of Council and the public prior to the Public Hearing".
- 3.5 Rezoning Application No. Z09-0077, Extension Request - 4064 Lakeshore Road 121 - 123  
To extend the deadline for adoption of Zone Amending Bylaw No. 10306 from December 15, 2012 to December 15, 2013.
- 3.6 Rezoning Application No. Z11-0035, Extension Request - 1599 KLO Road 124 - 126  
To extend the deadline for adoption of Zone Amending Bylaw No. 10569 from February 9, 2013 to February 9, 2014.

#### 4. Non-Development Reports & Related Bylaws

4.1	<b>Kelowna Joint Water Supply Plan, 2013 Implementation Plan</b> To authorize an implementation plan that will meet Provincial conditions for grant funding of the Kelowna Joint Water Committee Irrigation District water projects and ensure potential projects are grant-ready, standardize service levels between water purveyors within Kelowna, and ensure greater integration between the various water systems within the City.	127 - 152
4.2	<b>Bernard Avenue Sidewalk Program Fees</b> To obtain Council approval of a policy that details the fees and conditions for the Bernard Avenue Sidewalk Program (patio seating and merchandise retail).	153 - 177
4.2.1	<b>Bylaw No. 10814 - Amendment No. 22 to Traffic Bylaw No. 8120</b>  To give Bylaw No. 10814 first, second and third readings.	178 - 181
5.	<b>Bylaws for Adoption (Non-Development Related)</b>	
5.1	<b>Bylaw No. 10819 -Amendment No. 26 to Airport Fee Bylaw No. 7982</b> To consider adoption of Bylaw No. 10819, Amendment No. 26 to Airport Fee Bylaw No. 7982.	182 - 185
5.2	<b>Bylaw No. 10821 - Amendment No. 4 to Utility Billing Customer Care Services Bylaw No. 8754</b> To consider adoption of Bylaw No. 10821, being Amendment No. 4 to Utility Billing Customer Care Services Bylaw No. 8754	186 - 188
5.3	<b>Bylaw No. 10830 - Intermunicipal Transportation Service and Regulation Bylaw</b> To consider adoption of Bylaw No. 10830, Intermunicipal Transportation Service and Regulation Bylaw.	189 - 207
6.	<b>Mayor and Councillor Items</b>	
7.	<b>Termination</b>	



**INTERNATIONAL  
CHILDREN'S WINTER GAMES**

City of  
**Kelowna**



**Team Kelowna**

**Ufa, Russia**

**February 25- March 3 ,2013**





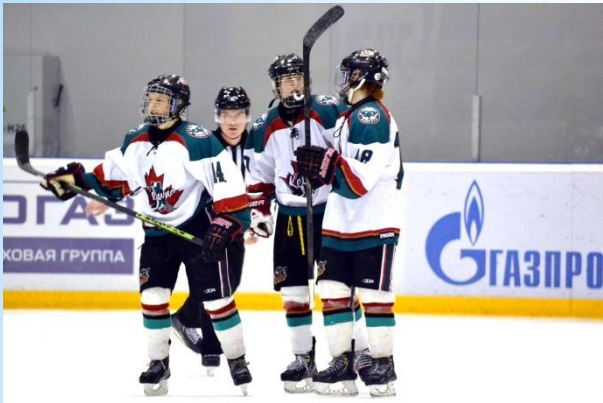
# \* Mayor's Reception



# \* Opening Ceremonies



# \* Opening ceremonies



\* Hockey





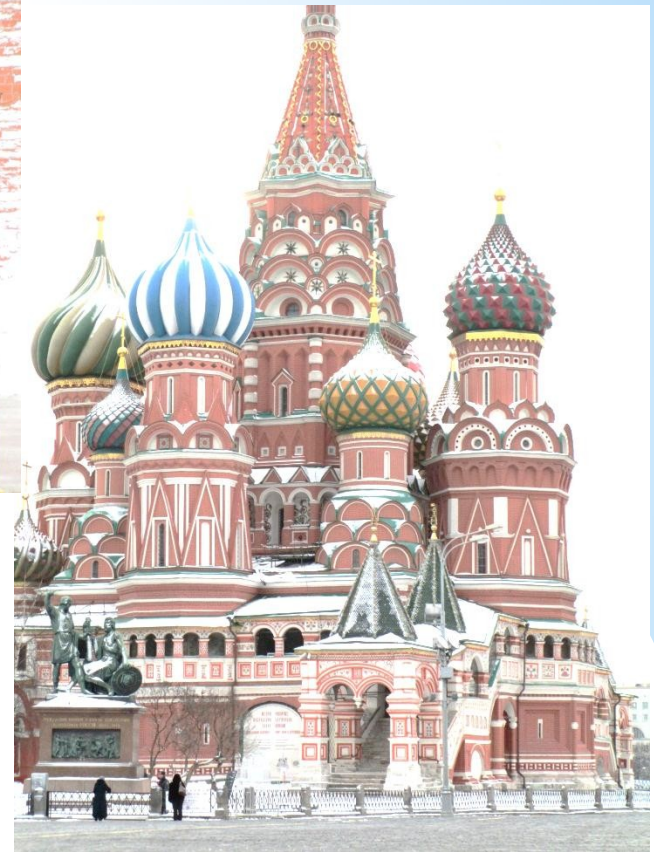
# \*The Silver Medal



# \*Figure Skating



\* Fun in Ufa



 **UFA 2013**  
INTERNATIONAL  
CHILDREN'S  
WINTER GAMES



 **Russia**



# \* Closing ceremonies



\*Thanks Kelowna



**FestivalsKelowna**



**Annual Report to Kelowna City Council**

**“Summary of 2012 Festivals, Events  
and Programs”**

Submitted March 20th, 2013

## Introduction

Festivals Kelowna experienced another highly successful year of programming as we produced our four core programs:

1. Celebrate Canada Day – Kelowna festival
2. Parks Alive!
3. Kelowna Buskers Program
4. Arts Alive! artisan program

Building on our goal to “enhance and expand”, we also introduced 2 new events in 2012:

1. Summer Street Social
2. New York New Year’s Family Fest

This report will provide Kelowna City Council with an overview of the events that Festivals Kelowna produced in 2012, as well as plans for the 2013 program season, and how our activities provided direct benefits to the citizens of Kelowna, our cultural community, and the City of Kelowna.

## Society structure

- Festivals Kelowna is a non-profit society; established in 2007
- Relationship with City of Kelowna is managed through a multi-year “Operating Agreement”
- An extension to the 3 year agreement was made for the 2013 program year in order to coincide with the City’s strategic planning around festivals and events
- Non-profit society governed by an 11 member, volunteer Board of Directors with a diversity of expertise drawn from the community. (list of the 2012/2013 Board of Directors is included in the *Appendix*.)
- The City of Kelowna provides financial support for our activities through an annual operating grant. The society generates additional revenue through sponsorships, grants, community donations, ticket sales, vendor fees, and program fees.
- The society manages the funding relationship with Folk Fest and the Canada Day concerts society for Canada Day on behalf of the City of Kelowna. An administrative fee is not retained for this service but is an “added-value” for the City. We work collaboratively with Folk Fest and the Canada Day Concerts Society in the planning and execution of their activities, provide advice and support, and work with their venue and service providers to help ensure the most efficient use of these funds.

## Staffing

Festivals Kelowna is keenly aware of the importance of using its resources in the most efficient manner possible. Due to the fluctuating planning and delivery cycles that exist in the events industry, we have found using a staffing model that combines full-time staff with seasonal, project-based staff to be the most effective.

Our society is run by a small staff of full-time, year-round event professionals including:

- Renata Mills, Executive Director



- Morgan Cleveland, Program Coordinator (Jan-May)
- Ryan Donn, Program Coordinator (June-current)

During our peak event months, we hire additional part-time and contract staff to provide support in key areas like Volunteer Coordination and Site & Operations Coordination for Canada Day, and as Parks Alive! Program Assistants. (A society organizational chart is included in the *Appendix*)

### Mission & Vision statements

#### **VISION**

Connecting our community through festivals and events.

#### **MISSION**

Festivals Kelowna will produce and develop community-focused, accessible and diverse events. Through collaboration with our stakeholders, Festivals Kelowna will support the growth of a strong, sustainable events community.

## **2012 Activities**

Festivals Kelowna produced multiple community focused, arts-based events and programs that provided a variety of benefits for our community. By appealing to a variety of ages and interests, we positively impacted the quality of life for Kelowna residents and visitors through cultural and recreation experiences in unique outdoor environments.

### Celebrate Canada Day – Kelowna



#### **Program Mission:**

To create an inclusive, barrier-free, multi-generational festival that is reflective of our community, and that encourages our citizens to actively celebrate their pride in being Canadian through cultural and recreational activities.

“Celebrate Canada Day – Kelowna” is a free, single day festival held at multiple venues in Kelowna’s Cultural District including Prospera Place, Waterfront Park and Jim Stuart Park. We have produced the event since 2006, and each year we featured programming suitable for all ages, as well as created areas dedicated to specific demographics including the “Kids Zone”, and the “Youth Stage”. (A copy of the 2012 schedule of activities is included in the *Appendix*).

- “Celebrate Canada Day – Kelowna” continued to be produced as **a collaboration between Festivals Kelowna, Folkfest, and the Kelowna Canada Day Concerts Society**. Each group produced their own component of the festival, shared resources where possible, and jointly marketed their activities to the community as one larger Canada Day celebration
- **Additional organizations** reached out to the society and **aligned their Canada Day activities with our celebration** in order to **coordinate logistics, share audiences, and cross-promote activities** through each other’s marketing. Once again, we were joined by the Kelowna Art Gallery with their “Great Canadian Apple Bin Paint-in” and the new “Downtown Sunday Farmer’s and Crafter’s Market” at the SunPlex Arena.

## Highlights:

- A diverse, live entertainment program on multiple stages resulted in **more opportunities for local artists to perform**, and our **audiences enjoyed a greater variety of performance styles**

**Gillis in no rush to trade Luongo**  
B.C. - 3,783 views

**Pin me up - Weekly contest - Women**  
Pin-up - 8,203 views

**Pin me up - Weekly contest - Men**  
Pin-up - 8,470 views

**Waterfront Park Canada Day Schedule**  
Kelowna - 39,388 views

- **Attendance was up again in 2012 by 10% over 2011. Approximately 67,000 people attended** the activities in Waterfront Park and Stuart Park between 10:00 am and 10:30 pm, meaning **more than half of the City of Kelowna participated in the festival** throughout the 12 hour event! Of note, there was such interest in this annual festival, the **“Waterfront Park Canada Day Schedule” story on Castanet generated 39,388 views** by mid-morning on July 1st.

- **Leveraging the City of Kelowna’s investment with an additional \$65,000** from other sources of revenue we were able to **achieve 89% of projected revenues** (a 2% drop compared to 2011). We had hoped for an increase in onsite commercial exhibitors and activities but this did not materialize. However, we again met or exceeded expectations with the level of artist and vendor participation.
- For the second year in a row, “Celebrate Canada Day – Kelowna” was **recognized in the “Best Annual Community Event” category** (“Best of the Okanagan 2012”, *Okanagan Life Magazine*). Of note, voters were not given a list of events to choose from, but nominated events on their own. As such, this **recognition is very significant as it was truly generated by resident’s own perception** of their favourite and memorable event.
- Approximately **95 volunteers participated** on event day, including **at least 50 people from 17 different organizations** who volunteered their time to produce an activity for the popular Kids Zone. Included in our volunteer corps were service organizations like the **Kelowna Lioness Club**, and **students from the International Students Associations from UBCO and Okanagan College** who have contributed their time each year for the past four or more years. Our volunteers play an important role in creating a successful event through their customer service roles. They assisted with donations gathering, greeting festival guests, assisting in performer coordination onsite and staffing our information booths.
- As ever, our **media and corporate partners** continued to be an **integral component to our success** with Celebrate Canada Day – Kelowna. The media, represented by 4 radio stations, both local newspapers and 2 television stations, as well as numerous online media sites, provided broad and **extensive in-kind promotion with a value exceeding \$25,000**. Complementing this contribution, our **corporate partners provided almost \$27,000 in direct financial contributions** to the festival.
- Festival programming over the 12 hour event continued to be diverse and hold broad appeal:
  - **31 different musical and dance acts performed**
  - **4 stages** featured over **154 individual performing artists**, a **50% increase** in the number of participating performers over 2011
  - **Over 26 hours** of live entertainment in **16 different genres** from folk to jazz, urban beats to heavy and classic rock, roots to disco and bluegrass country, resulted in **25% more musical genres and a greater diversity of performance styles** compared to the 2011 festival

**Best Annual Community Event**

**North**

- 1 Sunshine Festival
- 2 Vernon Winter Carnival
- 3 Interior Provincial Exhibition

**Central**

- 1 Centre of Gravity
- 2 Canada Day–Festivals Kelowna
- 3 Downtown Kelowna Block Party

**South**

- 1 Peachfest
- 2 Summerland Festival of Lights
- 3 Fest-of-Ale

- **Headliner artists on the TD Music Stage** included 3 well known, professional B.C. touring acts, “Carmanah”, “Kate Morgan” and “Washboard Union”, who performed in a range of musical styles from roots, to pop, to bluegrass country and **exposed our Kelowna audiences to new artists and music** they may not otherwise get to experience
- In addition to the “Youth Zone Stage” held in Stuart Park which featured youth performers for a youth audience, **performances by 9 youth artists were integrated into all our stages** alongside more experienced, professional performers. The artists included “Raquel Warchol”, “Beamer Wigley”, “Wentworth Band Factory”, and two dance troupes, “Dance City Academy” and “Kelowna Dance & Performing Arts”, **resulting in increased learning opportunities for developing artists** to hone their performances skills **in a professional performance environment**.
- **Recreation-based activities** were again included to broaden the festival’s appeal to a variety of interests. This included the popular drop-in ball hockey area, 6 different activity stations with a Canadian theme in the Kid’s Zone (i.e. cow milking, bigfoot foot race, Canadian Critter Toss), and a mini-regatta courtesy of the Kelowna Model Sailboat Club. We were in discussions with a SUP (stand up paddling) coordinator who would provide drop-in SUP experiences, but were unable to coordinate logistics for 2012. As such, one of our goals is to present this very popular and emerging recreation activity at the 2013 festival.
- **Participant attendance was strong** again in 2012 **with 102 different companies or organizations attending** onsite with a sales booth, information display or activity. Participants included food vendors, artisans, merchandise vendors, community groups, small businesses, Kids zone activity stations, and non-profit community groups.
  - **23 different children’s activities** were featured in the Kids Zone in Waterfront Park, an increase over 2011
  - **25 local and Okanagan Valley artists** featured original Canadian artwork in the “Made in Canada Marketplace”, a modest increase of 2 artisans over 2011
  - **22 local small businesses** participated in the “Canada Day Bazaar”, also an increase over 2011
  - **7 different community groups** participated in the “Community Showcase” area to share information with the festival patrons about their organizations and the positive work they perform for our community

Overall, thanks to the corporate, government and media support, as well as the ongoing commitment from our event participants, we were able to produce a high quality, safe, all-ages appropriate, professional festival experience that offered a wide range of activities for the community to enjoy, allowed us to compensate our performing artists fairly, and ensured the community was well informed about the activities, resulting in a very well attended community festival.

Plans for 2013:

- Introduction of new recreation-based, drop-in activities
- Presentation of a youth orchestra and Celtic band from Aberdeen, Scotland
- Introduction of a 4th stage of entertainment by expanding into Kerry Park
- Confirmation of a popular, multicultural headliner to precede the fireworks



## Parks Alive!

### Program Mission:

Parks Alive! is dedicated to maximizing the potential of our lakefront and community parks by stimulating a vibrant art and culture presence.

A community-focused program, Parks Alive! presents live entertainment and other arts-based programming in multiple parks and public spaces throughout Kelowna, primarily during the summer months of July and August each year (2012 schedule of events included in the *Appendix*).

### Highlights:

- In 2012, an **estimated 28,000 resident and visitors enjoyed 158 hours of free, live cultural performances** in Kelowna's parks and urban spaces. This program continued to be an integral part of the summer culture in our community as it **brought people together in common enjoyment of an activity**, thereby **helping bridge the gaps between different ethno and socio-economic sectors of our city**.

“From a young family’s perspective, Parks Alive! helps bring a small town feel to Kelowna. It helps you get to know your neighbors and adds to the atmosphere and environment of this city; you feel like you’re part of a community”  
*(Jennifer Widmer, Kelowna resident and Festivals Kelowna Board member)*

- Parks Alive! **helped increase the number of affordable, family-friendly, and all-ages appropriate cultural experiences in Kelowna**. 50 concert events were presented in 17 different venues throughout the city, between 5 and 6 days a week, over a 9 week period in locations that were easy to find. The free entry, diversity of genres, and multiple venue locations ensured **Parks Alive! remained accessible for the community**.
- **Audiences were exposed to new artists and performance styles** they may have never experienced before. **45% of our performers were new** to Parks Alive! in 2012. Unique artists such as “Mazacote”, a Latin dance band from Vancouver, “Kytami”, a fiddle and DJ duo fusing World music with Hip Hop and Rap, the Funk-Rock band “Rocky Mountain Rebel Music”, German folk singer Sarah Brendel who was touring through Canada, and “Zaac Pick” a Roots/Folk/Pop singer songwriter whose music is featured on many top-rated TV shows in Canada and the U.S., took to our stages over the summer. Through acts like these, we **entertained our audiences with performances that were “new and different”, and helped to encourage a greater appreciation for the arts in general**.
- Parks Alive! continued to hire many local acts in 2012. **We featured 135 different performing groups**, resulting in an **increased number of paid, professional performance spaces in Kelowna**, and **helped increase awareness and interest in Kelowna about the depth of artistic talent in our community**. As well, because **80% of our performers were Okanagan-based acts**, we **contributed to the sustainability of the local cultural community by creating opportunities for local artists to work in their own community**.
- One of the guiding principles for Parks Alive! is to **showcase talent of all skill levels on our stages**. Artists benefited through:
  - **Exposing their art form to new and larger audiences**
  - **Development opportunities** whereby youth and beginner performers were featured alongside more established, professional artists, resulting in modeling and mentorship

- Performances in a professional environment that **allow beginner artists to hone their skills**; the more often these artists perform in front of live audiences, the more they learn their craft and improve upon it
- **10 youth solo artists or bands from a variety of genres were hired** including “Jesse Mast”, “Becca Mabbett”, “Joelle Fuller”, the “Black Mountain Boys”, and rock band programs like “Wentworth Elite Band” and “Kelowna School of Rock”, as well as artists from the classical field such as Sandra Babbel’s Opera program, and students from the Kelowna Community Music School.
- We further **enhanced our regular Parks Alive! programming by creating a new event, “The Summer Street Social”**. Held in late July, we combined recreation-based activity with cultural performances, and turned the usual “passive” enjoyment of our shows into **a more dynamic, interactive experience for our audiences over a longer duration**. Activities included 6 high-energy bands from 4:30 to 10:30, and drop-in activities like a Climbing Wall, Inflatable bounce equipment, Kid’s Yoga, Park n’ Play, Salsa dance lessons, Circus Yoga for all ages, arts & craft stations, and a “flash mob” street hockey game. Attendance for this special event was estimated at 3,000 people.
- **Working in partnership and collaboration** is another guiding principle with our program. In 2012 **we partnered with 9 groups** that allowed us to:
  - Leverage each others resources to create greater impact on the community
  - Enhance our programming and expose our audiences to new artists
  - Increase creative output by collaborating to develop new artistic concepts
  - Expand our reach in the community and connect with more people through cross-promotion
  - Develop new networks and relationships

A sampling of these partnerships included:

- **“Keloha Music & Arts Festival”** which allowed us to tap into new artist networks, share expenses with Keloha for jointly presenting artists, and be able to afford a greater number of professional artists
- The **French Cultural Centre** which helped identify and feature Francophone artists, extend their reach into the broader community, and build an appreciation for the Francophone culture to greater numbers of people through our existing, well attended program.
- The **Park n’ Play** program which provided drop-in recreation activities for families during 3 concerts
- **Sandra Wilmott** of the **Kelowna Community Music School** and **Sandra Babbel** helped identify and secure artists, which included younger, developing artists, for our Classical event at Guisachan Gardens
- The **K96.3 and Music BC “K-Comp” artist development program** which featured emerging musical acts at our concerts in Waterfront Park
- We also **welcomed 6 service clubs and social agencies** to set-up displays at our events, and share valuable information with our audiences about the services and benefits they provide our community. Groups included the Canadian Diabetes Clothesline program, Kiwanis and Rotary Clubs of Kelowna, and the Canadian Red Cross.
- We **built interest and awareness in the community** about our activities through sponsorship relationships with 3 long term media partners including Astral Radio’s 101.5 EZ Rock, K96.3 Classic Rock, and the Kelowna Capital News, who have all been multi-year supporters of Parks Alive! The in-kind **value of these media partners easily**

**exceeded \$30,000.** In addition to these traditional marketing techniques, we continued to utilize social media to encourage conversation about our activities.

- Facebook – Parks Alive! page grew to 447 “likes”, allowing us to reach over 1,000 people each week with our posts; Festivals Kelowna group has 754 members
- @parksalive Twitter account has 1618 followers
- Festivals Kelowna YouTube channel features multiple videos that were viewed over 5,000 times during the summer

We have found **social media** to be a very effective and powerful tool for providing immediate information to our followers, and **for reaching new audiences** that rely more heavily on web based sources for their “what to do” updates. Additionally, staff found facebook to be an increasingly important tool for **sourcing and communicating with artists.**

- Our **revenues for Parks Alive! in 2012 were strong.** We extended the City of Kelowna investment through new grants, returning and new sponsorships, donations from the public and service clubs, and vendor programs which helped us **exceed our revenue projection by 38%.** A significant improvement over last year, we surpassed financial expectations due to new grants received, and by meeting or exceeding fees from our artist vendor programs and public donations.

One of our goals for 2012 was to implement a new text-based donations program to make it easier for the public to donate through their phones. However, we quickly discovered this was not the preferred way for our audiences to support Parks Alive! – they wanted to personally make a contribution at each concert event. As such, we will continue with our traditional donations technique in 2013.

**Expenses were contained** in 2012, even with the addition of the new “Summer Street Social”. Thanks to additional revenues received, we were able to increase compensation levels for our artists, purchase new signage that added to the professional appearance of our events, and support our media partners through modest advertising buys.

#### Plans for 2013:

- Maintain our 5 concert series from Sunday to Saturday weekly, including “Family Sundays” held every second Sunday in July and August
- Present 49 concert events in 17 different parks featuring 26 musical themes
- Expand into the NEW Birkdale Park in Black Mountain, through a partnership with Melcor Developments
- Align our programming with the Park n’ Play program for three concert events throughout the community
- Present 2 “special” concert events that will feature professional, established performing artists in the Country and Classic Rock genres
- Expand the partnership with the K96.3 “K-Comp” artist development initiative to include a new adjudication process integrated into the Parks Alive! Wednesday Night Showcase series
- Collaborate with a diversity of local artist collectives and cultural groups such as the Westbank Country Opry, Tribehouse Music Collective, the Inspired Word Café, Keloha Music Festival, Kelowna Community Music School, Opera Kelowna, Kelowna Folk Club, French Cultural Centre, Kelowna Summer Theatre Festival, and the Association of Artists for Creative Alliance
- Feature 10 finalists of the “Talented Kids” in Kelowna program into multiple concert events

## Arts Alive!

### Program Mission:

To create opportunities for local artists and crafters to showcase and sell their original, handmade art, and to enhance the park experience for residents and visitors.

A simple but popular program, Arts Alive! provided a high profile location for local artists and crafters to sell their original, handcrafted art. In 2012, the program ran 7 days a week from 9:00 am to 11:00 pm, May 15<sup>th</sup> to September 30<sup>th</sup>. Artists were able to purchase multi-month or single month permits, and set-up daily along the Brigadier Angle Walkway in City Park and near the Yacht Club Muster Station.

A complementary program to Arts Alive! was also presented again 2012, “Arts Alive! at Parks Alive!”. Formerly called the “Yellow Tent Program”, this artist program was held in conjunction with the Parks Alive! concerts in Kerry Park on Friday and Saturday evenings. With similar criteria to Arts Alive!, this program was designed to enhance the onstage programming of the concert series, and benefit artists who were unable to participate for the duration of the regular Arts Alive! program. As a bonus to our regular Arts Alive! participants, they were permitted to attend Kerry Park without paying an additional fee.

### Highlights:

- 33 spaces were available in City Park and 4 near the Yacht Club. An additional 20 spaces were available in Kerry Park on Friday and Saturday evenings.
- Between the two programs, **50 individual artists participated, holding steady with 2011 participation levels**
  - 44 were local Okanagan artists, while 6 were from Alberta and throughout B.C.
  - 23 were new to the program, while 27 participants returned to participate from previous years
  - 68% of permits held were “Season”, followed by “AA! @ PA!” permits at 12%, and “Month” and “Summer” permits at 6% of total permits sold
  - Peak participation months were July and August, and the program was **fully sold out by late June**
- A fully subscribed program in 2012 helped us **meet and exceed revenues by a modest 4%**.
- By welcoming new program participants each year, a **greater variety of artistic products** are introduced into the mix, and **consumers have access to new and different artwork**. Some of the unique artwork from the past year included:
  - Jade stone carver who relocated to the Okanagan originally from Quebec
  - Cartoonist who captured portrait caricatures of tourists and locals in the Kelowna environment, creating memories of their time in our community
  - Professional face-painting for kids and adults. Note: demand was so high the artist was set-up almost every day during July and August
  - Handmade fishing flies representing insects native to the Okanagan
  - A fabric artist/costumer who created masks and other accessory pieces. Of interest, this artist was a Community Futures grant recipient who used their participation in Arts Alive! as a vehicle to advance their business plan.

- A **unique success story** from 2012 relates to an **artist mentoring a fellow aspiring artist with developmental challenges**. Initially, it was a bit of a struggle to find a fit for the applicant within our program criteria. However, one of our longtime Arts Alive! vendors offered to mentor and work in partnership with him so he could find an avenue to express his creativity. As a result, **this individual was integrated** into a mainstream arts program **alongside fellow artists**, was able to continue developing his artistic abilities, achieve a sense of accomplishment, and reinforce the value of artistic expression from a variety of perspectives.
- As part of our annual evaluation process, we gather feedback from our participants. Through an **online survey** our 2012 participants were asked about their experience with the program, the benefits they received from participation, and suggestions for program improvement. Survey respondents shared valuable information:
  - Nearly 50% of participants have been in Arts Alive! for more than 5 years
  - Average daily sales were between \$50 and \$200, consistent with 2011
  - More Arts Alive! participants took advantage of the “Arts Alive! @ Parks Alive!” program in Kerry Park compared to last year, with 67% of respondents setting up at the Parks Alive! concerts
  - Overall sales for the season were down compared to the previous year; artists felt this was largely due to a decrease in tourists to our community
- Sharing info on **benefits they received from Arts Alive!**, participants told us:
  - “Nice to have a place to showcase my handmade items, on my own schedule and be somewhere that has regular foot traffic...exposes us to more clients”
  - “this is one of the last handmade artisan-based markets left...it has been lucrative for me”
  - “When I see people wearing or purchasing an item I made, it makes me feel good and proud of what I am selling...inclines me to continue improving my work with new ideas...”
  - “It allows my art business to be seen by people from all over; the boardwalk is awesome because of the tourists that walk past...”
  - “...it is a good opportunity for small business (like me) who also have another job to go to...flexibility is great”
- As noted in our previous annual report, a **review of permit rates was undertaken..** As a result, a revised fee structure was introduced in 2012 with the goal to help encourage a greater level of attendance, and reinforce the value of the opportunity being provided to the artist participants. Modest increases were made to the “Season” and “Monthly” permits, while a larger rate increase was made to the “Summer” permit as this permit reflected the most lucrative sales period during peak program times (June through August).
- An ongoing **challenge** with the program **is inconsistent artist attendance**. Although the program has historically been fully subscribed to by July each year, because artists can attend for any duration between the allowable times, there may only be a few booths set-up on a given day. As a result, there are often long gaps between booths and the program area can appear empty. Based on conversations with participants, most set-up between 3 and 5 times a week, and primarily from Thursday to Sunday. We also know that some artists supplement their Arts Alive! income with attendance at summer festivals and events, and as a result, may be in multiple vendor programs, thereby impacting their ability to attend Arts Alive! on a regular basis.

Therefore, we will be **implementing a new guideline in 2013** that requires artists to set-up in their pre-assigned space by 1:00 pm each day or forfeit the space to a waiting artist. This new rule will encourage season permit



holders to set-up on a more frequent basis, as well as accommodate new participants during our historically sold-out peak period.

## Kelowna Buskers Program

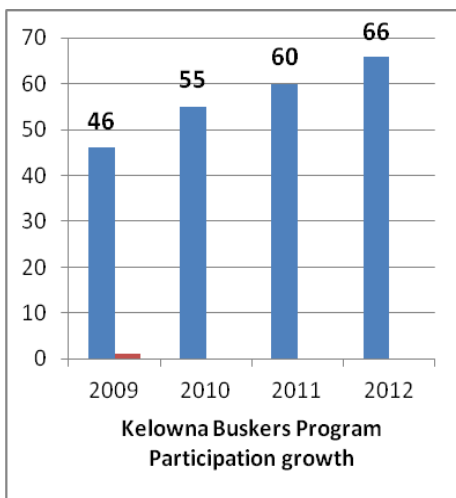
### Program Mission:

To provide unique performance opportunities for local and touring street-style artists, and to animate public walkways through cultural performances.

The Kelowna Buskers Program features 15 highly visible locations along the lakefront walkway, downtown core, Cultural District, and in the South Pandosy neighborhood. Buskers choose from 4 permit options from based on how long they wish to participate in the program – annual (12 months), summer (May through September), temporary (day) and NEW in 2012, a group option to accommodate larger performance troupes.

### Highlights:

- Since 2009, we have seen **continuous growth in participation** with 66 Buskers in 2012.



- The **“Summer” permit was again the most popular** representing 44% of permits sold, followed by “annual” and “monthly” at 15% of permits equally. This is consistent with Buskers tending to seek more opportunities during warmer weather.
- Implementing a goal from 2011, we **created a new “group” permit in 2012** to encourage larger performance troupes to participate. As a result, “Okanagan Acro”, a local gymnastics club, joined the program and featured their young gymnasts in select Busk Stops during the summer.
- Our program is **set-up to accommodate both local Buskers as well as those passing through Kelowna** looking to pick up short-term gigs. In 2012, 83% of our buskers were from the Okanagan, while 6% were visitors to our community. Of note, **80% of our Buskers participated in the program previously.**

• In the context of the broader performance opportunities Festivals Kelowna provides artists, the Kelowna Buskers Program has been described as an entry level point of contact for our staff to **discover artists**. The **audition process continues to be a great way for us to identify developing or established artists** that we may not have been aware of otherwise. In 2012, **6 Buskers from the 2011 program were hired to perform on our Parks Alive! stages in 2012.**

- There **continued to be public interest in Buskers**. During the summer of 2012, Castanet featured 6 of our busker videos in their news feed with each story garnering over 1000 views, reaching over 6000 readers through this feature. (<http://www.castanet.net/news/Coffee-Break/79506/Coffee-Break-Buskers-Dance>)
- **Buskers participate in our program for a variety of reasons** including a desire to express themselves artistically, hone their performance skills, generate or complement their income, or simply have fun. In 2012, one of our Buskers used her vocal talents to fundraise for a local Rotary Club as a way to return the benefit she received from this group in prior years. She received media profile as a result of her efforts and was able to reach



her fundraising goal to support her charity of choice.

([http://www.bccolocalnews.com/okanagan\\_similkameen/kelownabuzz/entertainment/163872486.html?mobile=true](http://www.bccolocalnews.com/okanagan_similkameen/kelownabuzz/entertainment/163872486.html?mobile=true))

- Buskers are **often sought after to provide informal entertainment** for existing events, and we receive numerous calls through the year from organizers looking to include Buskers in their activities. For example, the City of Kelowna’s Cultural Services department hosted the August “Downtown after 5”. Using busk style performing artists they were able to effectively animate the venue with live cultural performances without having to implement the significant infrastructure associated with a more formal performance set-up.
- An **added-value benefit we provided our Buskers in 2012** was a videotaped audition reel that was uploaded to our Festivals Kelowna YouTube channel. Even with modest promotion, the **videos garnered over 5,600 views**. Benefits of creating these videos include:
  - Increased online profile for the Kelowna Buskers Program, as well as the artists
  - Creation of a tangible promotional tool for the artist
  - Creation of a visual record of our program participants and a resource for Festivals Kelowna staff

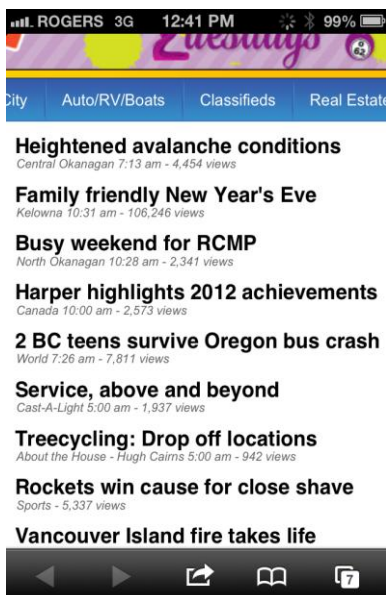
### Plans for 2013:

- Creation of a new “Marquee Buskers Program” to program key public spaces with scheduled cultural performances
- Through a collaboration with The Kelowna Farmers Market, addition of a semi-permanent Busk Stop

### New York New Years

This **new event** was created by Festivals Kelowna in 2012. Developed in response to public feedback, we recognized that **a need existed for a family-friendly New Year’s Eve event**.

- This one night celebration was held in Jim Stuart Park from 6:00 to 9:00 pm and was modeled after “First Night” celebrations in other communities.
- We **purposefully chose the event times and duration** in order to appeal to families with young children. By “ringing in the new year” at 9:00 pm, **families were able to attend with children of all ages**, celebrate the New Year with other members of the community, and still have time to continue their own celebrations afterward.



- **Free** to attend, activities included multiple high-energy bands and a DJ on the stage, dynamic lighting effects, a twitter wall, live video displays, drop-in children’s activities, skating on the ice-rink, and a fireworks show at 9:00. **Attendance** was estimated at **over 3,500 people**.

- **Multiple Media and Corporate partners** were quick to support the event, allowing us to **increase awareness and broaden our exposure throughout the community**, as well as enhance the nature of onsite activities. Print, television, and radio coverage was terrific, as well as an **online story that was viewed a phenomenal 106,000 times!**

- **Public response** to the event was **overwhelmingly positive** with **unsolicited feedback** that included:
  - "...the family atmosphere was second to none"
  - "Thank-you Kelowna for doing this wonderful event that old and young can be part of."
  - "I just wanted to drop a line and mention how fantastic the NYE festival night was. I absolutely loved the idea of having early fireworks! With young kids it is so hard to enjoy New years as a family as most of the excitement happens way after they are fast asleep"
  - "...as a young family, loved the idea of having something FREE to attend earlier in the evening! Thanks for all your work!"

#### Plans for 2013

- Convene a community-based working group to further develop the event, add new partners to expand program content, and secure new revenue streams to support expanded activity plan

#### Festivals Kelowna as a Community Resource

In addition to our primary role as producer of the afore-noted events and programs, **Festivals Kelowna has become recognized as a knowledgeable resource regarding events and arts-based, community programs.** We are an organization that others can rely upon and trust when seeking partnerships, advice, or opportunity.

We are regularly approached by fellow event producers, artists, event management training programs, municipalities, and the general public for advice and input. In 2012, a sampling of our community connections included:

- Guest speaker for Centre for Arts & Technology "Event Management" Program
- Discussions with new and developing local events and festivals seeking advice, guidance and collaboration opportunities such as the "Caribbean Festival", "Kelowna 365" digital youth festival, Kelowna Pro-Rodeo and Festival
- Guest adjudicator for Centre for Arts & Technology "Event Management" and "Audio Engineering" programs, *Graduate Portfolio Presentations*
- Participation as event client / mentor for Okanagan College "Sport and Event Marketing" program
- Consultation with Programming Coordinator, Granville Island Public Market , Re: improving and enhancing their Busker's program
- Discussion with staff member, City of Red Deer Recreation and Cultural Services Department, Re: successes and challenges of establishing an external organization for delivery of civic events
- Workshop Session Speaker at the "Creative Communities Conference", "*Artisans, Buskers, and Concerts: The ABC's of Arts-led Animation of Public Spaces in Kelowna*", October 2011, Victoria, BC
- Discussions with local restaurants and café's looking to add live musical entertainment to their venues; sought advice on how to find artists, pay scale, etc.
- Discussion with staff, Recreation Program, City of Merritt, "Clash of the Titans" program

## Financial Summary

The society experienced another strong and financially stable year. We acted on our goals to enhance and expand our current programs in 2012, resulting in a budget that showed another year of moderate growth.

The society's operating budget in 2012 was \$385,473 (including Folk Fest and Canada Concerts society funds), This is an increase yet again over the prior year's budget of \$356,540, and a reflection of our additional activities. Revenues were received from a variety of sources including sponsorship, grants, program, and vendor fees. The society **generated \$136,973.00 in additional revenues** to leverage against the City of Kelowna operating grant, an improvement yet again over community-based funds raised in 2011.

The City of Kelowna's operating grant remained at \$248,500 which included the \$13,500 "flow thru" grant for the Folk Fest and Canada Concerts societies for Canada Day, representing about 60% of the society's total revenues.

Overall, the society exceeded its revenue goals for the year, largely attributable to new and unexpected grants combined with moderate growth in participant and vendor fees. However, we **cannot underestimate the value of the relationships the society has developed with our community** event partners, Corporate sponsors, service clubs, and suppliers. As ever, a big reason for our financial success comes from the annual commitment we receive from our financial partners who understand the benefit that programs like Parks Alive!, Canada Day, New York New Years and Arts Alive! provide our community.

We continued to commit the majority of our expenses to direct programming related costs, representing 70% of our budget in 2012. Compared to last year, we **expended 40% more on performer fees**, and about 28% more on infrastructure support like sound and lighting.

## Conclusion

2012 was another highly successful year for Festivals Kelowna. We met or exceeded financial goals, introduced 2 new events, secured new event partners and program sponsors, and attracted a significant number of people from the community to our events and programs.

We feel the current model of Festivals Kelowna producing activities on behalf of the City of Kelowna provides terrific value for the City. Thanks to the society's peer networks, staff experience and expertise, longstanding relationships with the artist and business community, and our effective event and program development and delivery techniques, Festivals Kelowna continued to enhance the City's investment in the programs outlined in this report

Moving forward into the final year of our agreement with the City of Kelowna, planning is well underway for 2013. As ever, we look forward to engaging the community through our events, partnerships, sponsorships, and participant programs. We are also committed to creating tangible benefits both for our citizens and the City, resulting in cultural programming that is accessible and broad in its appeal.

## APPENDIX

1. Festivals Kelowna Board of Directors – 2012/2013
2. 2012 Celebrate Canada Day – Kelowna schedule of events
3. Parks Alive! 2012 Schedule of Events

## **Board of Directors 2012/2013**

Willy Kovacic, President  
President/Managing Broker, Okanagan Strata Management

Calum Hughes, Vice-President  
Manager, Interior Health Authority, musician

Daniel Healey, Treasurer  
Senior Auditor, KPMG

Kelly Shepherd, Treasurer  
Event Producer, KBAAD, Centre of Gravity, Keloha Music & Arts Festival

Quinn Best, Private Sector representative  
Owner, The Habitat

Ed Laverock, Director  
Operations Manager - Okanagan Valley  
National Diabetes Trustee Corp., Clothesline Program

Dustin Sargent, Director  
Owner, Devara Enterprises

Wendy Letwinetz, Director  
Office Manager, Okanagan Life Magazine

Hua Meng, Director  
Retired; President, Okanagan Chinese Canadian Society

Jennifer Widmer, Director  
Marketing Director, Okanagan Wine Festivals Society

# Celebrate Canada Day Kelowna!

## Schedule of Activities July 1st, 2012

15th Annual Canada Day Festival, Waterfront Park ~ 10:00am - 10:45pm  
 39th Annual Folkfest, Prospera Place ~ 10:00am - 3:30pm  
 18th Annual "Canada Day Spectacular", Prospera Place ~ 7:30pm - 9:30pm


Donations accepted by texting 'SCHEDULE' to 54500 or at each gate for this free community festival

### Activities in Waterfront Park & Cultural District

- 10:00am-12:00pm **Apple Bin Paint-in** (Kelowna Art Gallery) Host: The Kelowna Art Gallery
- 10:00am-8:00pm **Canada Day Bazaar** (Concession Plaza)
- 10:00am-3:00pm **Kelowna Downtown Sunday Market** (SunPlex Arena) Host: SunPlex Sports Arena
- 10:00am-6:00pm **Community Groups Display** (Rhapsody Plaza)
- 10:00am-10:30pm **Taste of Canada Food Fair** (Tugboat Beach)
- 11:00am-4:00pm **Century 21 Kids Zone** presented by The Kelowna Capital News (Pioneer Gardens)
- 11:00am-4:00pm **Sun-Plex Drop-in Ball Hockey** (Rhapsody Plaza by the Dolphins) Host: SunPlex Sports Arena
- 11:00am-6:00pm **Made in Canada Marketplace** (Rhapsody Plaza by the Dolphins)
- 11:00am-6:15pm **Tim Horton's Kids Stage** (Pioneer Gardens)
- 12:00pm-10:15pm **TD Beach Stage** presented by K96.3 FM (Tugboat Beach)
- 12:30pm-1:00pm **Official Canada Day Opening Ceremonies** (Prospera Place)
- 12:30pm-9:30pm **Parks Alive! Power Stage** presented by Power 104 FM (Island Stage)
- 1:00pm-1:30pm **"Happy Birthday Canada" Cake** courtesy of Coldwell Banker Horizon Realty (Prospera Place)
- 7:30pm-10:30pm **Youth Stage** presented by 99.9 Sun FM (Jim Stuart Park)
- 10:30pm-10:50pm **Canada Day Kelowna Fireworks Display** (Tugboat Bay)  
 presented in part by The City of Kelowna, Tolko Industries, Skyline Fireworks and Festivals Kelowna

Bring your radio and tune to 99.9 Sun FM for the fireworks simulcast

Kelowna Transit will have extended hours with buses leaving Queensway Station 30 minutes after fireworks end

<p><b>Tim Horton's Kids Stage</b> (Pioneer Gardens) 11:00 am – 6:15 pm</p> <p>11:00-11:20 <b>Kelowna Dance &amp; Performing Arts</b> (youth dance troupe)</p> <p>11:30-12:30 <b>Rhonda :Draper's "How Canada Come To Be"</b> (musical storytelling)</p> <p>12:30-12:45 <b>Bjorn</b> (Country/Folk)</p> <p>12:45-1:00 <b>Dance City Academy</b> (youth dance troupe)</p> <p>1:00-2:45 <b>Wentworth Banc Factory</b> (80's youth Rock tribute band)</p> <p>3:00-4:00 <b>Cowboy Bob</b> (Jazzy/Swing/Country)</p> <p>4:15-6:15 <b>Inspired Work Cafe</b> (poetry &amp; music)</p>	<p><b>Parks Alive! Power Stage</b> presented by Power 104 FM (Island Stage) 12:30 pm – 9:30 pm</p> <p>12:30-1:15 <b>Sour Lizard</b></p> <p>1:30-2:15 <b>Downhome Dave &amp; the Dynamite</b></p> <p>2:30-3:15 <b>The Flu</b></p> <p>3:30-4:15 <b>Out of Eden</b></p> <p>4:30-5:15 <b>Scissorskick</b></p> <p>5:30-6:15 <b>Dracula Black</b></p> <p>6:30-7:15 <b>Malibu Knights</b></p> <p>7:30-8:15 <b>Redfish</b></p> <p>8:30-9:30 <b>Redeye Empire</b></p>
<p><b>TD Beach Stage</b> presented by K96.3 FM (Tugboat Beach) 12:00 pm – 10:15 pm</p> <p>12:00-12:45 <b>Uptown Hornz</b> (R&amp;B/Rock)</p> <p>1:00-1:45 <b>Half a Quorum</b> (Blues)</p> <p>1:45-2:00 <b>Spirit of the Islands</b> (Polynesian dance troupe)</p> <p>2:00-2:45 <b>Raquel Warchol</b> (Pop)</p> <p>2:50-3:10 <b>Beamer Wigley</b> (Rock)</p> <p>3:15-4:00 <b>Sideshow Attraction</b> (Classic Rock)</p> <p>4:00-4:20 <b>Okanagan Filipino Club</b> (dance troupe)</p> <p>4:20-5:05 <b>Kate Morgan</b> (Pop)</p> <p>5:25-6:15 <b>Monifunk &amp; the Groove Machine</b> (Disc)</p> <p>6:30-7:20 <b>Andrew &amp; Zachari Smith</b> (Folk)</p> <p>7:35-8:30 <b>Carmanah</b> (Roots, Soul)</p> <p>8:30-9:00 <b>House Music</b></p> <p>9:00-10:15 <b>Wash Board Union</b> (Bluegrass)</p>	<p><b>Youth Stage</b> presented by 99.9 Sun FM (Jim Stuart Park) 7:30 pm – 10:30 pm</p> <p>7:30-8:15 <b>Sterling</b> (Alt Rock)</p> <p>8:30-10:00 <b>DJ EEZY</b> (Top 40)</p> <p>8:30-10:00 <b>Free My Soul</b> (dance troupe)</p> <p>Canada Day Festivities are brought to you by Festivals Kelowna, Folkfest and Canada Day Concerts Society organizing committees.</p> <p>A production of  </p>

**Activities in Prospera Place**

**38th Annual FolkFest Stage and Ethnic Food Booths**  
(Prospera Place) 10:00 am – 3:30 pm

10:00 to 12:30

- 1 ~ Banat Al Raks - Dancers
- 2 ~ Blakey School of Irish Dance
- 3 ~ Kelowna Korean Fan Dancers
- 4 ~ Polish Eagles Dancers
- 5 ~ Rejoicing - Dancers
- 6 ~ "Yeche" Serbian Folk Dancers
- 7 ~ Okanagan Chinese Canadian Assoc
- 8 ~ Kelowna Pipe Band

12:30  
 Canada Day Ceremonies and Cake Cutting

1:00 - 3:30 pm

- 1 ~ Filipino Canadian Choir
- 2 ~ Centre culturel francophone de l'Okanagan
- 3 ~ Hawaiian Dancers
- 4 ~ Okanagan Filipino Club Dancers
- 5 ~ Scottish Country Dancers
- 6 ~ Tahitian Dancers
- 7 ~ Okanagan Punjabi Cultural Academy
- 8 ~ Kelowna Liedertafel Choir
- 9 ~ FINALE



**KELOWNA POPS ORCHESTRA**

**18th Annual FREE Family "Canada Day Spectacular"**

In Prospera Place  
 7:30pm - 9:30pm

Live Orchestra and Guests  
 Light Classical and Popular Music

\$2 suggested donation

# PARKS ALIVE!

## 2012 Entertainment Season



### Family Sundays

12:00 pm–4:00 pm ~ Various parks

- July 15 ..... Gyro Beach Park ~ *Beach Party*
- July 29 ..... City Park (north point, near water park)  
~ *Garage Rock*
- Aug 12 ..... Gyro Beach Park ~ *Family Party*
- Aug 26 ..... City Park ~ *Fun in the Sun*

### Community Music Tuesdays

6:30 pm–8:30 pm ~ Various parks, Glenmore to the Mission

- July 3 ..... Ben Lee Park ~ *Family Fun*
- July 10 ..... **NEW** - Quilchena Park ~ *A Night of Variety*
- July 17 ..... Knox Mountain Park ~ *Soft Rock*
- July 24 ..... Strathcona Park ~ *Salsa Night*
- July 31 ..... Kinsmen Park ~ *A Shindig*
- Aug 7 ..... Sarsons Beach ~ *Motown*
- Aug 14 ..... Jim Stuart Park ~ *Rising Stars*
- Aug 21 ..... Guisachan Heritage Park ~ *Classical*
- Aug 28 ..... Kinsmen Park ~ *Acoustic Night*

**Text 'PARKSALIVE' to 54500 for concert listings**  
(standard date rates apply)

### K96.3 Wednesday Night Showcase

6:00 pm–9:00 pm ~ Island Stage, Waterfront Park

- July 4 ..... Jazz
- July 11 ..... Folk Music
- July 18 ..... Celebrate BC's Best
- July 25 ..... Rhythm & Blues
- Aug 1 ..... Outlaw Country
- Aug 8 ..... Celtic Fusion
- Aug 15 ..... The Legends of Classic Rock
- Aug 22 ..... Music & A Movie
- Aug 29 ..... Music & A Movie

### Thursday Legacy Series

6:00 pm–9:00 pm ~ Various parks, Glenmore to the Mission

- July 5 ..... Knowles Park ~ *Easy Listening*
- July 12 ..... Rutland Lion's Park ~ *Country Favourites*
- July 19 ..... Jim Stuart Park ~ *Pop Music*
- July 26 ..... Sarsons Beach ~ *Celtic*
- Aug 2 ..... Whitman Glen Park ~ *Pop Rhythms*
- Aug 9 ..... **NEW** - Gertsmar Park ~ *Beach Blanket Party*
- Aug 16 ..... Strathcona Park ~ *World Fusion*
- Aug 23 ..... Knox Mountain Park ~ *Strings & Song*
- Aug 30 ..... Whitman Glen Park ~ *Blues Jam*

### 101.5 EZ Rock Theme Weekends

6:30 pm - 10:30 pm ~ Kelowna Pride Stage, Kerry Park

- July 6 & 7 ..... Kick-off to Summer
- July 13 & 14 ..... Honky Tonk Country
- July 20 & 21 ..... A Little Mix of Everything
- July 27 & 28 ..... Let's Dance
- Aug 3 & 4 ..... Indie Rock
- Aug 10 & 11 ..... Musical Fusion
- Aug 17 & 18 ..... Back in Time Oldies
- Aug 24 & 25 ..... DJ Hip Hop Weekend
- Aug 31 & Sept 1 ... Summer End

### Donations

Events are free but you can show your support by donating onsite or online. Each donation onsite gives you a chance to win a cool door prize.

Thank you to our program sponsors:

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# PARKS ALIVE!

## Special Events & Activities

January 1 - December 31  
The Kelowna Buskers Program

Live street performances throughout the downtown core and waterfront parks.  
*Looks for Buskers in 15 spots this summer!*  
Daily from 10:00 am - 10:00 pm



May 15 - September 30  
Arts Alive!

Quality handmade Arts & Crafts  
City Park (7 days a week), Kerry Park (Fridays & Saturdays)  
Daily from 9:00 am - 11:00 pm

July 1

### Celebrate Canada Day - Kelowna

#### Parks Alive! Power Stage

Island Stage, Waterfront Park • 12:30 - 9:30 pm

#### TD Beach Stage

Tugboat Bay, Waterfront Park  
12:00 - 10:15 pm

#### Tim Horton's Kid's Stage

Pioneer Gardens, Waterfront Park  
11:00 am - 4:00 pm

#### Youth Zone Stage

Jim Stuart Park  
7:30 - 10:00 pm



July 28

### NEW – "Summer Street Social"

A street dance for all ages! Kerry Park  
4:00 - 10:00 pm



For a detailed listing of performers for each event, please go to  
[www.FestivalsKelowna.com/parksalive](http://www.FestivalsKelowna.com/parksalive)  
*Performances subject to change without notice.*



## Location Legend

**Ben Lee Park** – 900 Houghton Road  
*(corner of Houghton & Franklyn roads)*

**City Park** – 1600 Abbott Street  
*(at the point, North-east of the kid's water park)*

**Gertsmar Park** – 205 Gertsmar Road South- **NEW**

**Gyro Beach Park** – 3400 Lakeshore Road  
*(on North grassy area, near Watt Road)*

**Guisachan Heritage Gardens** – 1060 Cameron Ave.  
*(Off Gordon Drive)*

**Kerry Park** – 1480 Mills Street  
*(beside "The Sails" on Bernard Ave.)*

**Kinsmen Park** – 2600 Abbott St.

**Knowles Heritage Park** – Corner of Bernard & Ethel St.

**Knox Mountain Park** – 450 Knox Mountain Drive  
*(by the tennis courts)*

**Quilchena Park** – 347 Quilchena Drive - **NEW**  
*(Kettle Valley Sportsfields)*

**Rotary Beach Park** – 3726 Lakeshore Road  
*(grass area near washrooms)*

**Rutland Lions Park** – 205 Gray Road

**Sarsons Beach** – 4398 Hobson Rd.  
*(corner of Hobson & Sarsons Rds.)*

**Strathcona Park** – 2290 Abbot St.  
*(behind the Hospital)*

**Jim Stuart Park** – 1414 Water Street

**Waterfront Park** – 1200 Water St.  
*(beside The Delta Grand Okanagan)*

**Whitman Glen Park** – 308 Whitman Rd.  
*(off Drysdale Road, behind the IGA plaza)*

**NEW = new park used in 2012**

*We promote a healthy, smoke-free environment at all our events*

A Production of   
FestivalsKelowna



@parksalive



www.facebook.com/parksalive



FestivalsKelowna group

# REPORT TO COUNCIL



**Date:** February 27, 2013  
**RIM No.** 1250-30  
**To:** City Manager  
**From:** Land Use Management, Community Sustainability (BD)  
**Application:** OCP13-0001 / Z13-0002      **Owner:** Geoff R. & Leanne M. Proteau  
**Address:** 1242 - 1244 Pheasant St      **Applicant:** Graeme James  
**Subject:** Rezoning Application  
**Existing OCP Designation:** Multiple Unit Residential (medium density)  
**Proposed OCP Designation:** Multiple Unit Residential (low density)  
**Existing Zone:** RU6- Two Dwelling Housing  
**Proposed Zone:** RM1 - Four Dwelling Housing

---

## 1.0 Recommendation

THAT Official Community Plan Bylaw Amendment No. OCP13-0001 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of Strata Lot 1 & 2, District Lot 137, ODYD Strata plan KAS1353 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1, located on 1242 - 1244 Pheasant Street, Kelowna, BC from the Multiple Unit Residential (Medium Density) designation to the Multiple Unit Residential (Low Density) designation, as shown on Map "A" attached to the Report of Land Use Management Department dated February 27, 2013, NOT be considered by Council;

THAT Rezoning Application No. Z13-0002 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Strata Lot 1 & 2, District Lot 137, ODYD Strata plan KAS1353 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1, located on 1242 - 1244 Pheasant Street, Kelowna, BC, from the RU6 - Two Dwelling Housing zone to the RM1 - Four Dwelling Housing zone NOT be, approved by Council.

## 2.0 Purpose

For Council to not consider the OCP amendment and corresponding rezoning application from the RU6 - Two Dwelling Housing zone to the RM1 - Four Dwelling Housing zone of the subject property to legalize an existing four-plex building.

### **3.0 Land Use Management**

The future land use designation of this property provides opportunity to construct a greater multi-family housing density form than is being sought with this application. Staff acknowledge that the development at 1277 Gordon Drive has hindered the full development potential of the remaining properties on this block. However, if a coordinated land assembly of the remaining sites were to occur, the land could be utilized to develop a row house concept, taking advantage of the proximity to downtown, the multi-modal corridor and easy access to various amenities. Accordingly, the OCP amendment to low-density multi-family for the subject property and those lots immediately to the west would be supported subject to a comprehensive land assembly.

The rezoning request to the RM1- Fourplex zone to legalize an existing 4-plex jeopardizes the opportunity for a future land assembly. Legalization of the four-plex use is a further investment in the property which would hinder a comprehensive development on this block. Notably, there are extensive BC Building Code requirements to convert a single family dwelling to a multi-family dwelling which are listed in the technical comments. To facilitate improvements, interior walls must be removed to construct ducting for separate plumbing and heating equipment. Retrofitting the interior floor plan to meet BC Building code requirements may prove to be a considerable challenge.

Additionally, no exterior building upgrades are proposed, which encumbers Staff's ability to ensure that the building design meets the guidelines of the multi-use residential Official Community Plan objectives. Given that the building is already existing, design amendments are limited in terms of practical upgrades. The front elevation is dominated by driveways and garages, with only two of the principal entrances easily identifiable. The landscaping is dominated by a large hedge which does not allow for any pedestrian interface with the site.

Staff do not condone the conversion of a building without the appropriate approvals, permits and land use in place. Bylaw Services investigations started in 2004 for a four-plex on this site and it is through recent enforcement (ticketing) that the owner has entered into a compliance agreement which requires the owner to initiate the legalization of the use on the site. Letters of support for the rezoning application from all abutting and adjoining neighbours have been provided.

## **4.0 Proposal**

### **4.1 Background**

This property has been owned by the same individual since the building permit was obtained to construct a duplex on the site in 1993. Bylaw Services began investigations for complaints of a four-plex on the site in 2004. The conversion to a four-plex occurred without the appropriate zoning or permits in place.

### **4.2 Project Description**

The subject property is designated Multiple Unit Residential (Medium Density) (MRM) in the current Official Community Plan (OCP), is zoned for RU6- Two Dwelling Housing and is located within the Permanent Growth Boundary. The applicant is seeking an OCP amendment from Multiple Unit Residential (Medium Density) (MRM) to the Multiple Unit Residential (Low Density) (MRL) land use designation to accompany the rezoning to the RM1-Fourplex housing zone.

The building is a typical side by side duplex and through this rezoning, the applicant is seeking to legalize 4 units. The two storey building has entrances to the main level through the front of the

building with access to the upper 3 bedroom units via side doors. Required parking is achieved on the site by developing 3 additional spaces off the flanking street. Private outdoor open space is provided on elevated decks for the upper units and on patios under the decks for the main floor units. The remaining property is landscaped with turf and fencing around the side and rear of the yard.

Should the OCP amendment and rezoning by successful, a variance to legalize the rear yard would be required. Further, a Development Permit (executed at a Staff level) is required to evaluate the form and character, however no exterior improvements to the building or landscape are being proposed.

4.3 Site Context

The subject property is located on the west side of Pheasant Street on the edge of the Dilworth/Glenmore/Clifton area of Kelowna. The area is across from the industrial uses off Clement and next to Northwood Retirement Resort located on Gordon Drive. The surrounding properties are zoned as follows:

Orientation	Zoning	Land Use
North	I4 - Central Industrial	Various light industrial
East	RU6 - Two Dwelling Housing	Single family dwelling
South	RM5 - Medium Density Multiple Housing	Private Nursing Home
West	RU6 - Two Dwelling Housing	Single family dwelling

4.4 Subject Property Map: 1242- 1244 Pheasant Street



## 4.5 Zoning Analysis

The proposed application meets the requirements of RM1 - Four Dwelling Housing zone as follows:

Zoning Analysis Table		
CRITERIA	RM1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	800 m <sup>2</sup> (corner lot)	802 m <sup>2</sup>
Lot Width	22 m	27.4 m
Lot Depth	30 m	29.3 m
Development Regulations		
Site Coverage (buildings)	40%	Building Footprint: 253m <sup>2</sup> 31.5%
Site Coverage (buildings, driveway and parking)	50%	50%
Floor Area Ratio	0.6	Total Floor area: 452.4m <sup>2</sup> 0.56
Height	9.5 m / 2.5 storeys	7.01 m
Front Yard	4.5m to dwelling	5.18 m
Side Yard (west)	2.3 m (2 - 2.5 storeys)	7.59 m
Side Yard (east)	4.5m (flanking street)	7.62 m
Rear Yard	7.5m (2 - 2.5 storeys)	3.35 m <span style="color: red;">Ⓢ</span>
Other Regulations		
Minimum Parking Requirements	2 spaces/ 3 bedroom unit 1.5 spaces/ 2 bedroom unit Total required: 7 spaces	7 spaces provided (Garages are allocated to upper units)
Bicycle Parking	Class I: 0.5 dwelling unit Class II: 0.1 dwelling unit Total required: 3	No common Bicycle parking provided, however each unit has storage units where individual bicycle parking is accommodated.
Private Open Space	25 m <sup>2</sup> per unit Total required: 100m <sup>2</sup>	26 m <sup>2</sup> per upper deck & patios provided under deck for ground level units
<span style="color: red;">Ⓢ</span> A variance to the required rear yard is being sought.		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Evaluation Checklist (OCP Amendment Applications)<sup>1</sup>

Evaluate development applications that require an OCP amendment on the basis of the extent to which they comply with underlying OCP objectives, including the following:

- Does the proposed development contribute to preserving lands with slopes greater than 30%? *Yes.*
- Does the proposed development respect the OCP Permanent Growth Boundary (OCP Map 4.1)? *Yes.*
- Does the proposed development feature a mix of residential, employment, institutional, and/or recreational uses within individual buildings or larger development projects? *No.*
- Is the proposed development located in an Urban Centre? *No.*

<sup>1</sup> City of Kelowna Official Community Plan, Policy No. 5.40.1, (Development Process Chapter)

- Does the proposed development increase the supply of affordable (as defined in the OCP) apartments or townhouses? *Uncertain. The units would likely be rented at a generally affordable rate.*
- Is the property serviced with water and City sanitary sewer at the time of application? *Yes.*
- Could the proposed project be built at no financial cost to the City? (This should consider operational and maintenance costs.) *Development Cost Charges to be paid at time of Building Permit review.*
- Would the proposed project help decrease the rate of travel by private automobile, especially during peak hours? *No.*
- Is there transit service within 400 metres of non-residential projects or major employment generators (50+ employees)? *Yes.*
- Does the proposed project involve redevelopment of currently under-utilized, urbanized land? *The OCP considers multiple unit medium density residential development as the highest use of the land and this is a down-designation of the land use.*
- Does the proposed project result in the creation of substantially more public open space than would be available if the development were not to proceed (not including required open space dedications or non-developable areas)? *No.*
- Is there a deficiency of properties within the applicable Sector (see Map 5.4) that already have the required OCP designation? *No.*
- Does the project avoid negative impacts (shadowing, traffic, etc.) on adjoining properties where those adjoining properties are not slated for land use changes? *No changes to the built form are proposed.*
- Is the project consistent with the height principles established in the OCP? *Yes.*

### Development Process

**Compact Urban Form.**<sup>2</sup> 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.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

- 1) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
- 2) Operable bedroom windows required as per the 2012 edition of the British Columbia Building Code (BCBC 2012).
- 3) Separate and fire protected means of egress from each dwelling unit
- 4) Fire separations as per BCBC 2012 between suites both above and adjacent to be addressed as per BCBC 2012
- 5) Plumbing requirements as per BCBC Plumbing Code 2012.
- 6) Each unit must have its own self contained heat source independent of the other units with a duct design and heat-loss calculation for each suite at BP application stage.
- 7) A third part work order will be required for the upgrade of the waterlines.

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

8) Range hood above the stove and the washrooms from each unit to vent separately to the exterior of the building. The size of the penetration for this duct thru a fire separation is restricted by BCBC 2012, so provide size of ducts and fire separation details at time of Building Permit Applications.

9) Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

See Attached.

6.3 Bylaw Services

There have been four bylaw investigation for the illegal four-plex logged as: SR#220223/SR244511/SR245995/SR056875

In addition to the contrary to land use investigations, there have been noise and unsightly premises complaints for the site. A compliance agreement was entered into in December 2012 to reduce the ticket cost in exchange for seeking legalizing of the site. If the rezoning is not successful, the agreement will be revised to decommissioning of the two extra units.

7.0 Application Chronology

Date of Application Received: January 4, 2013  
Application detail refinement: February 28, 2013

8.0 Alternate Recommendation

THAT Official Community Plan Bylaw Amendment No. OCP13-0001 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of Strata Lot 1 & 2, District Lot 137, ODYD Strata plan KAS1353 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1, located on 1242 - 1244 Pheasant Street, Kelowna, BC from the Multiple Unit Residential (Medium Density) designation to the Multiple Unit Residential (Low Density) designation, as shown on Map "A" attached to the Report of Land Use Management Department dated February 27, 2013, be considered by Council;

AND THAT Rezoning Application No. Z13-0002 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Strata Lot 1 & 2, District Lot 137, ODYD Strata plan KAS1353 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1, located on 1242 - 1244 Pheasant Street, Kelowna, BC, from the RU6 - Two Dwelling Housing zone to the RM1 - Four Dwelling Housing zone, be considered by Council;

AND THAT the Official Community Plan Bylaw Amendment Bylaw and the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Zone Amending Bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit on the subject property;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction;

AND FURTHER THAT the Building and Permitting Branch be provided necessary professional reports to satisfy the feasibility of BC Building Code upgrades.

**Report prepared by:**

\_\_\_\_\_  
Birte Decloux, Urban Land Use Planner

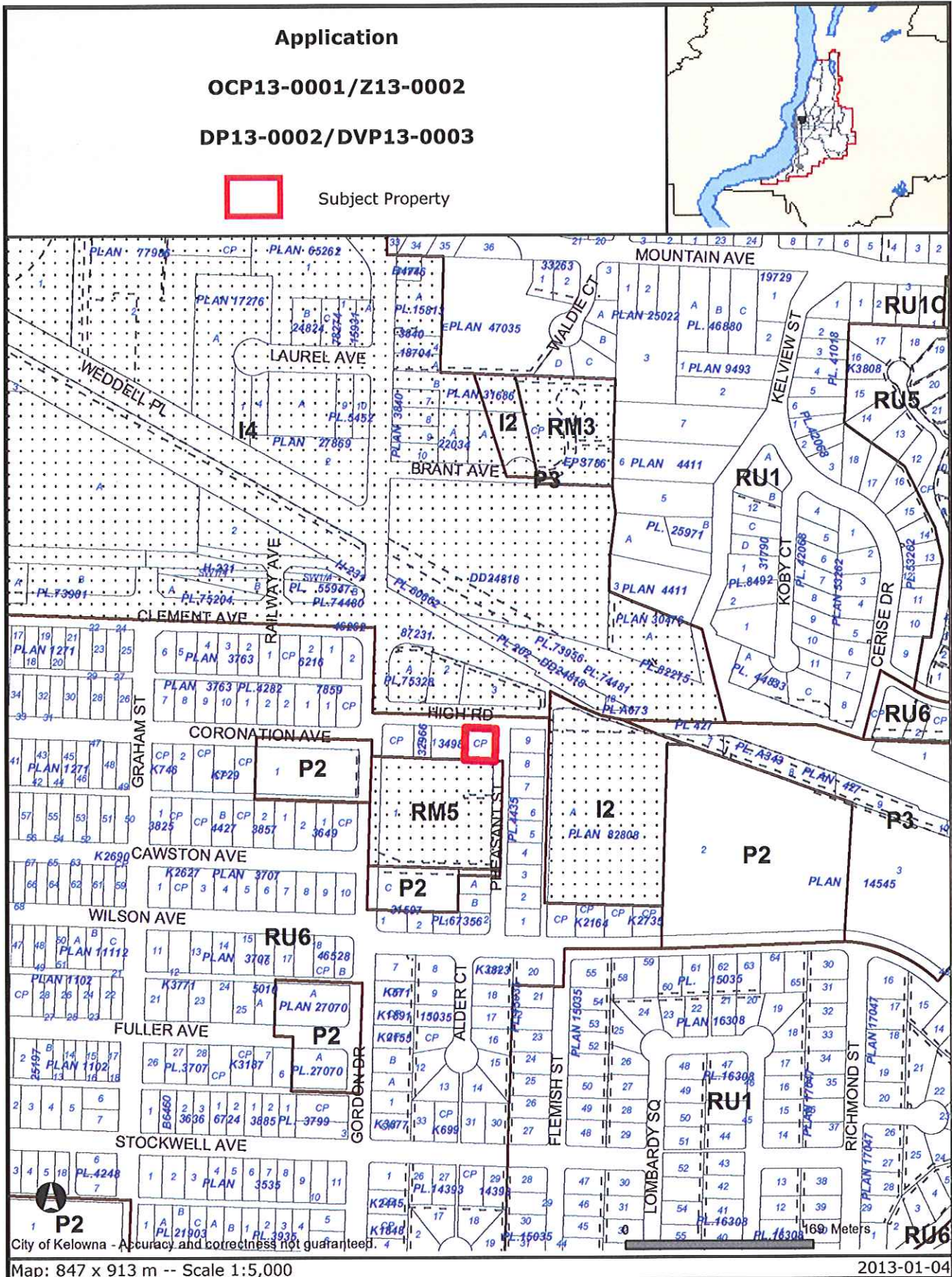
**Reviewed by:**  Danielle Noble, Manager, Urban Land Use

**Approved for Inclusion:**  Doug Gilchrist, A/General Manager, Community Sustainability

**Attachments:**

- Subject Property Map
- Map "A"
- Survey Certificate
- Site plan
- Elevations
- Landscape Plan
- Context/Site Photos
- Summary of Technical Comments



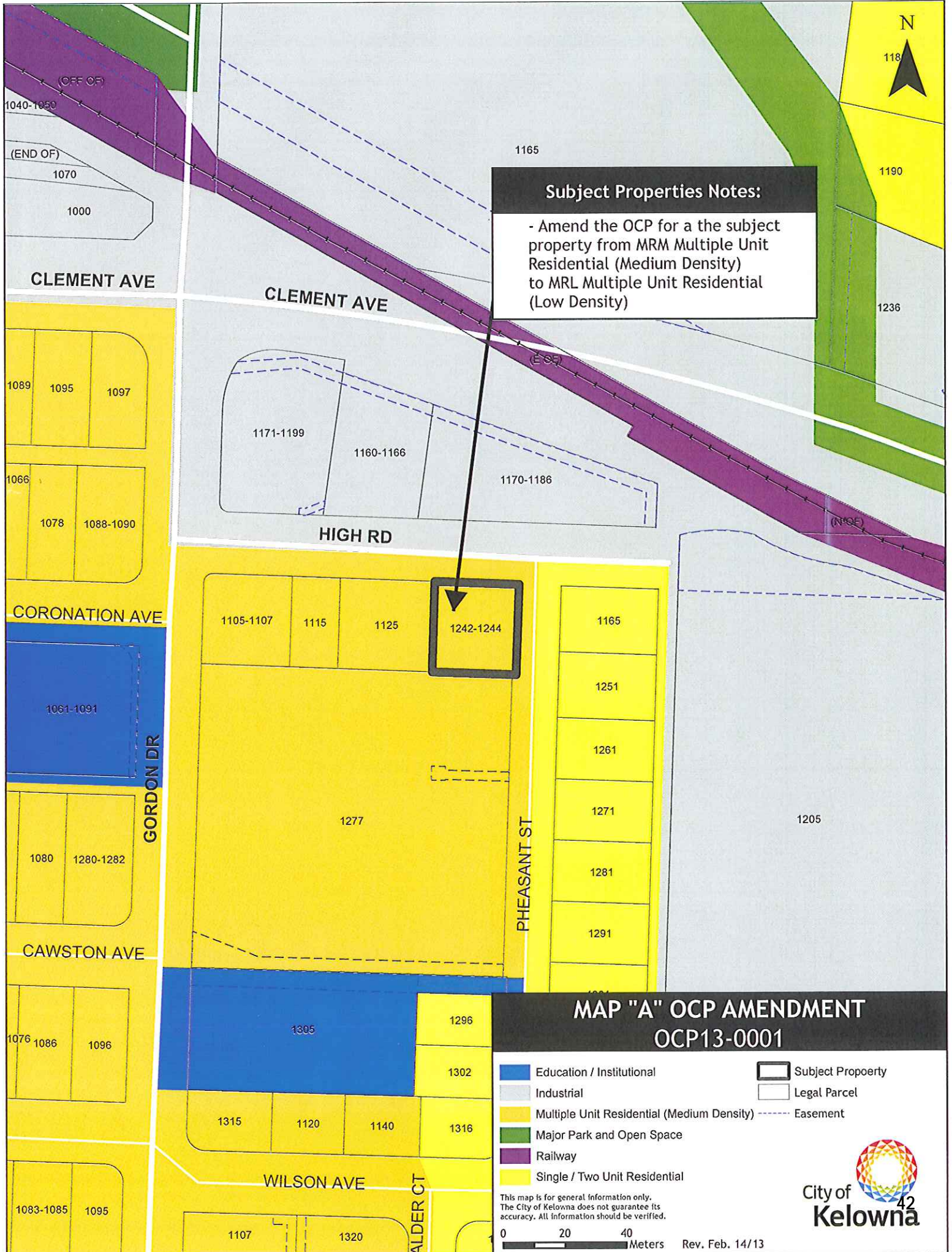


City of Kelowna - Accuracy and correctness not guaranteed.

Map: 847 x 913 m -- Scale 1:5,000

2013-01-04

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



**Subject Properties Notes:**

- Amend the OCP for a the subject property from MRM Multiple Unit Residential (Medium Density) to MRL Multiple Unit Residential (Low Density)

**MAP "A" OCP AMENDMENT  
OCP13-0001**

- Education / Institutional
- Industrial
- Multiple Unit Residential (Medium Density)
- Major Park and Open Space
- Railway
- Single / Two Unit Residential
- Subject Property
- Legal Parcel
- Easement

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

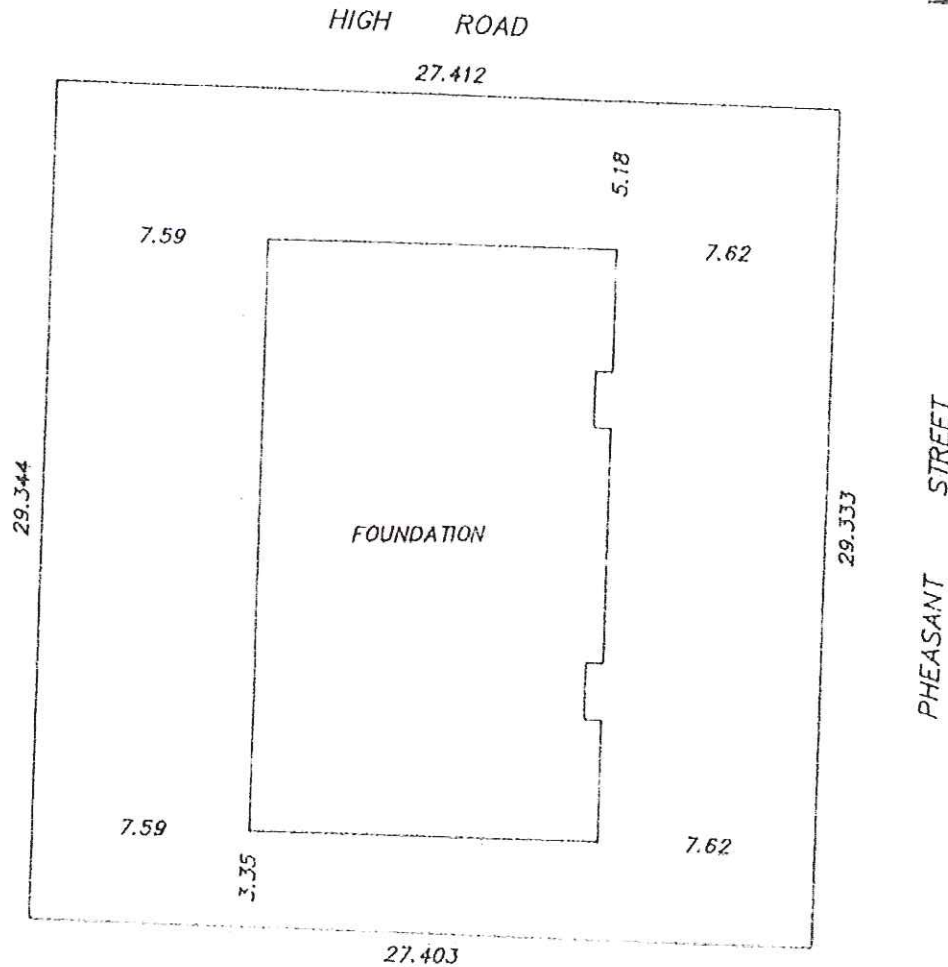
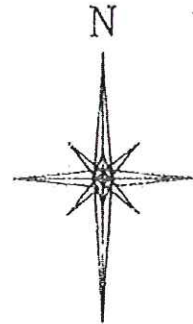


1242-1244 Pheasant St.

B.C. LAND SURVEYOR'S CERTIFICATE OF  
LOCATION OF BUILDING ON LOT 2  
PLAN 3498 SEC. 30 TP. 26 O.D.Y.D.

SCALE 1:250

DISTANCES ARE IN METRES.



©

THIS DOCUMENT IS NOT VALID UNLESS  
ORIGINALLY SIGNED AND SEALED.

CERTIFIED CORRECT  
this 16th day of September, 1993.

*D.A. Goddard*  
D.A. Goddard BCLS

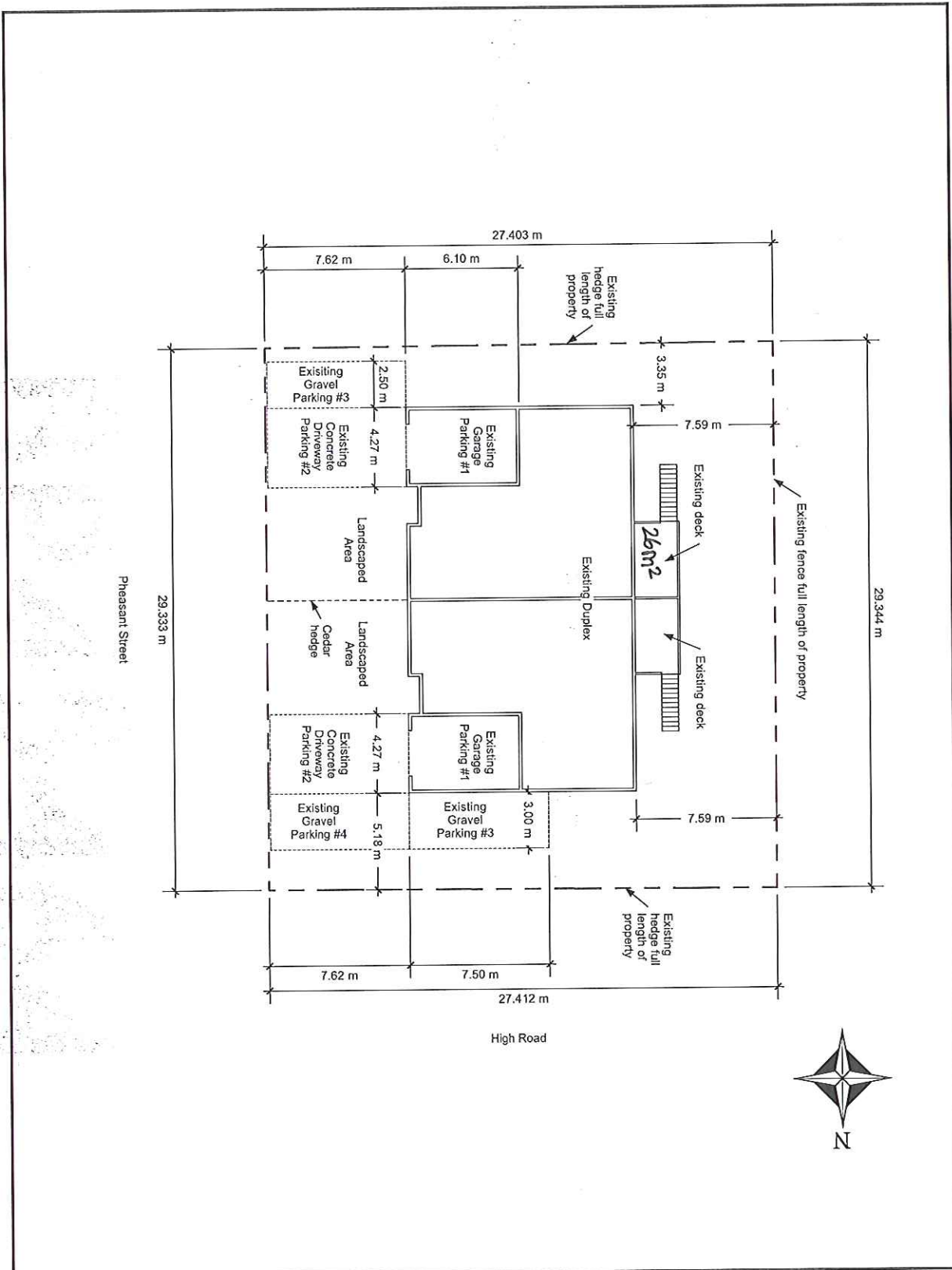
RECEIVED  
SEP 15 1993  
CITY OF KELOWNA  
Building Dept.

FILE 93-8324 FB 171

RE: PROTEAU

THIS PLAN IS FOR MORTGAGE OR  
MUNICIPAL PURPOSES ONLY AND IS  
NOT TO BE USED TO DEFINE THE  
BOUNDARIES OF THIS LOT.

GODDARD and ASSOCIATES  
B.C. LAND SURVEYORS  
200-1449 ST. PAUL STREET KELOWNA



**Knowlton**  
concepts  
Inc.

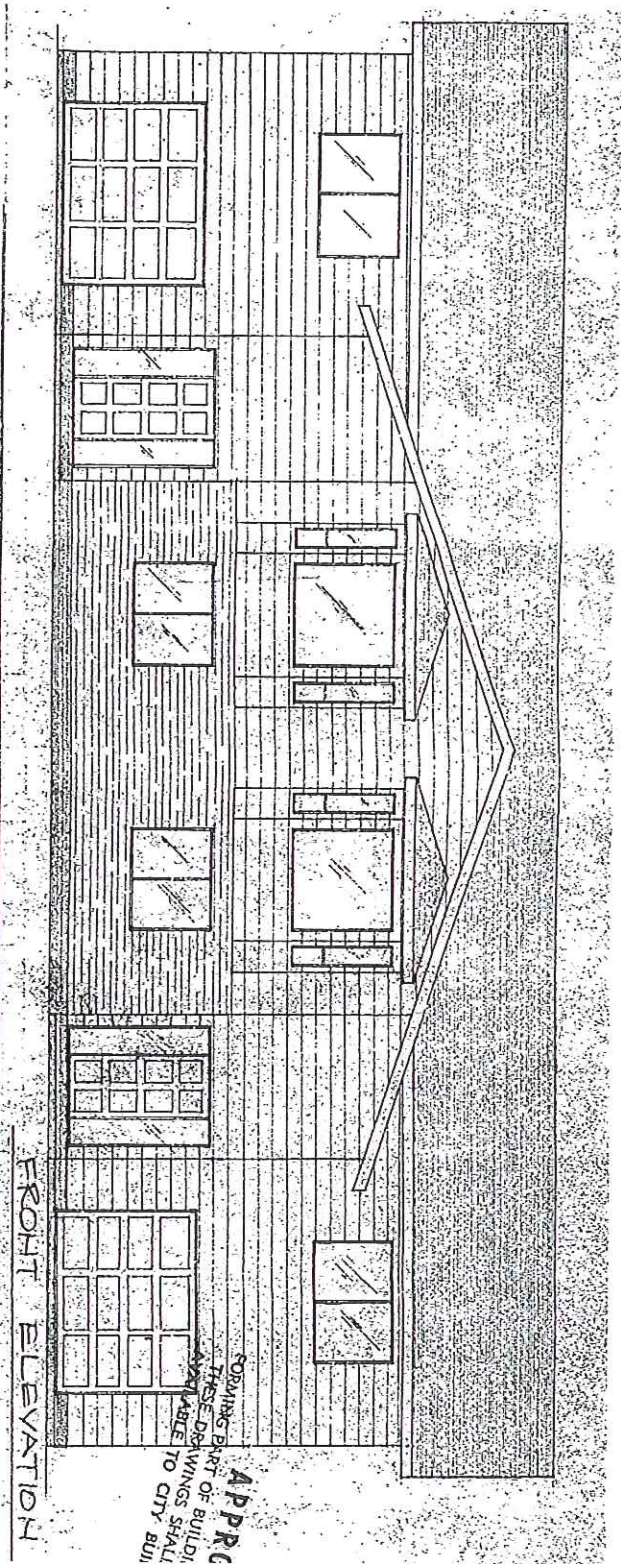
Architectural  
Drafting & Design  
Phone: (250) 575-0128  
www.knowltonconcepts.com

REVISIONS

YY/MM/DD	REMARKS
0 13/01/25	Site Plan for Variance
1 13/02/08	Site Plan for Variance
2	
3	

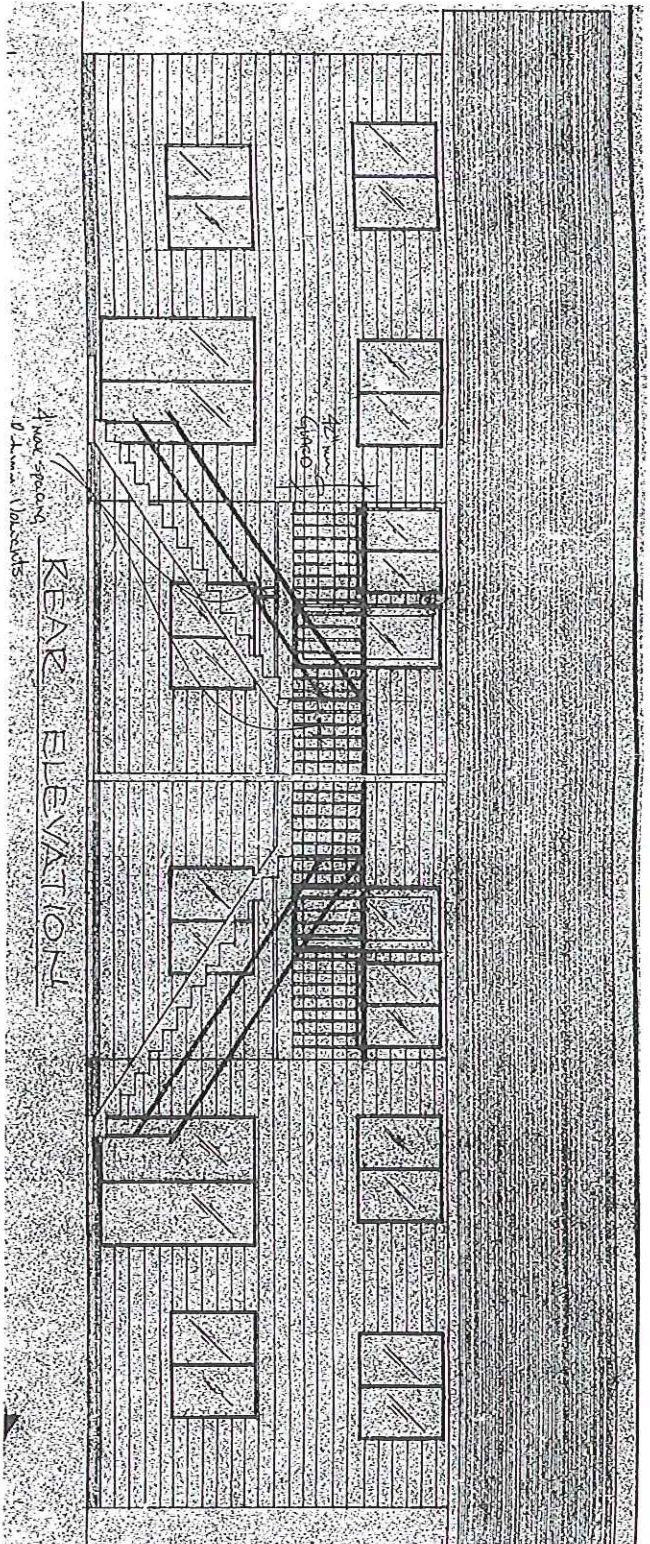
Project: **PROTEAU DUPLEX**  
Address: Lot 2, Plan 3498 Sec. 30  
Tp. 26 O.D.Y.D.  
Sheet: **Site / Parking Plan**  
YY/MM/DD: 13/01/25  
Revision: 1  
Scale: 1:200

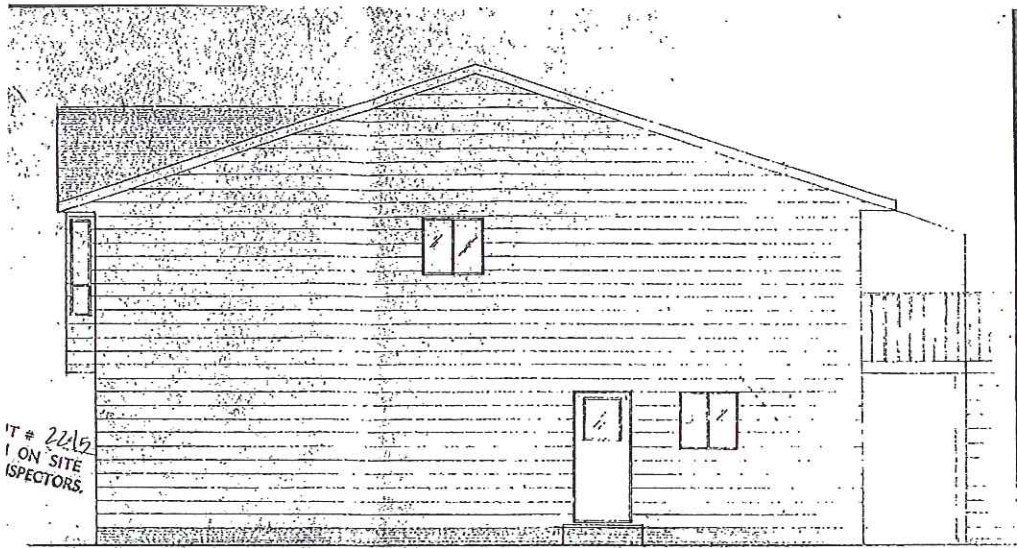
ASK 01



FRONT ELEVATION

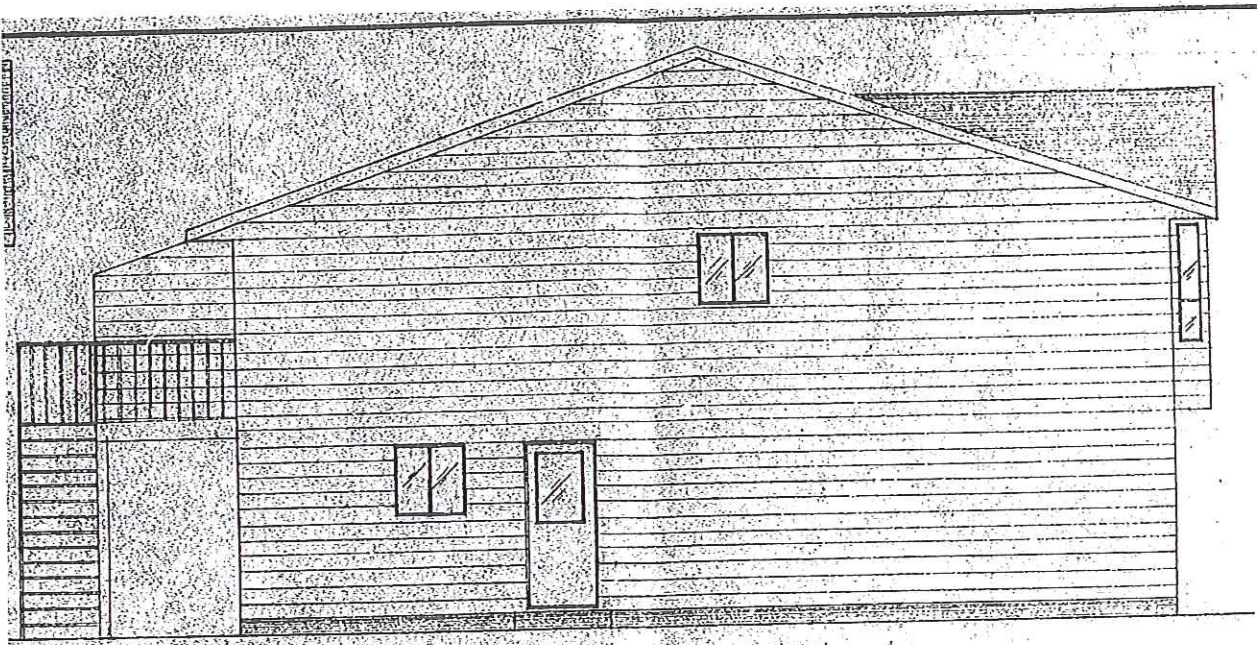
APPRC  
FORMING PART OF BUILDING  
THESE DRAWINGS SHALL  
BE AVAILABLE TO CITY BUI.





T# 2216  
1 ON SITE  
INSPECTORS.

RIGHT ELEVATION



LEFT ELEVATION

h.p. 11'-0" . 3.3m

# EXISTING LANDSCAPE PLAN

4

HIGH ROAD

EXISTING CEDAR HEDGE

GRAVEL PARKING

CONCRETE DRIVEWAY

LANDSCAPE ROCK

EXISTING CEDAR HEDGE

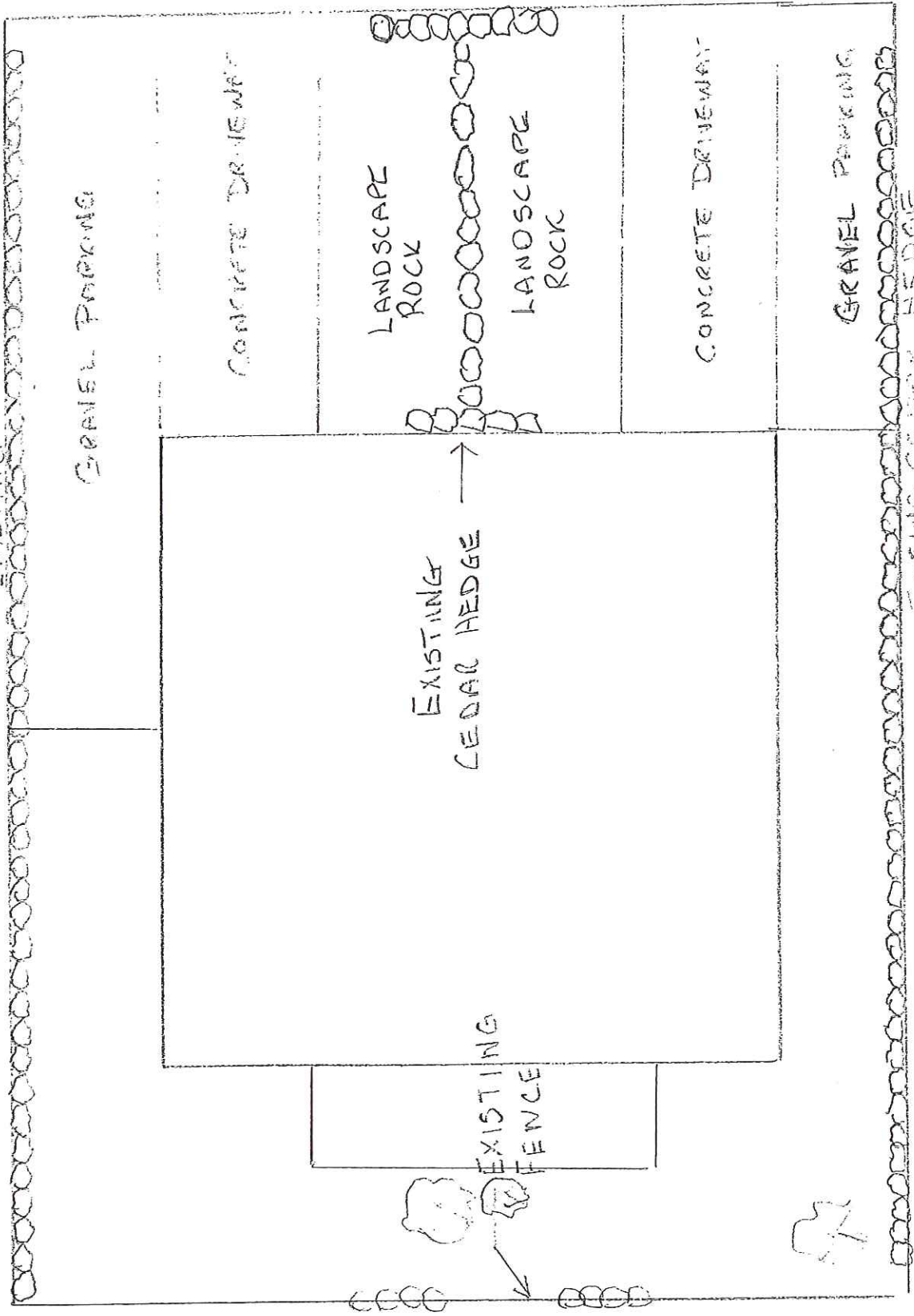
EXISTING FENCE

CONCRETE DRIVEWAY

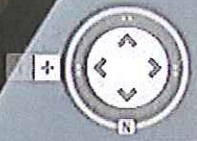
GRAVEL PARKING

EXISTING CEDAR HEDGE

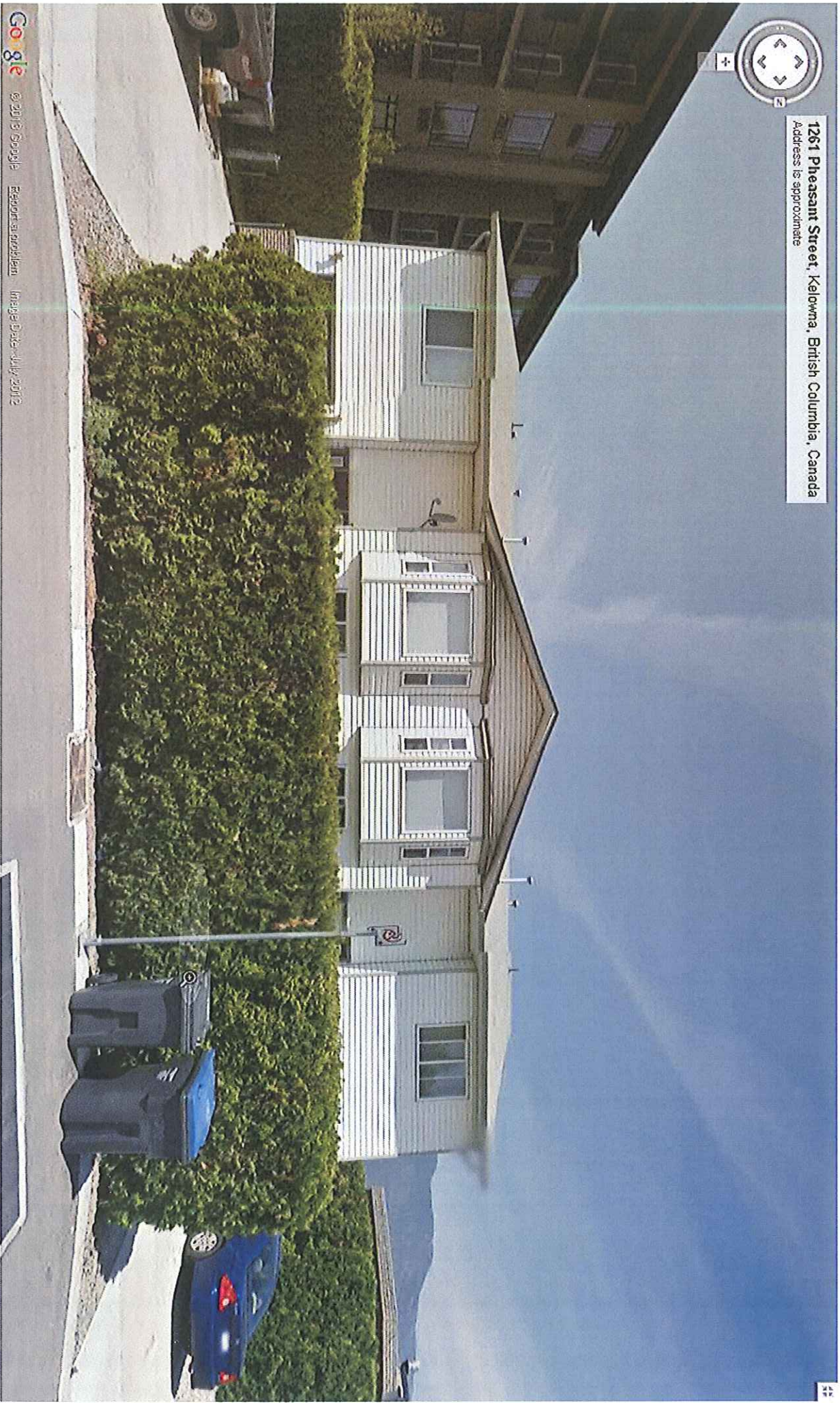
PHENIX ST







1261 Pleasant Street, Kelowna, British Columbia, Canada  
Address is approximate



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**CITY OF KELOWNA**  
**MEMORANDUM**

---

FILE COPY

**Date:** January 29, 2013  
**File No.:** Z13-0002  
**To:** Land Use Management (BD)  
**From:** Development Engineering Manager  
**Subject:** 1242 -- 1244 Pheasant Street

RM1

---

Development Engineering has the following comments and requirements associated with this application to rezone from RU-6 to RM1.

1. Domestic Water and Fire Protection

Our records indicate that this property is serviced with three 19mm diameter copper water services. The current by-law requires that only one service be permitted for this application. **The disconnection of existing services and the tie-in of a larger new service can be provided by City forces at the applicant's expense.** For estimate inquiry's please contact Sergio Sartori, by email [ssartori@kelowna.ca](mailto:ssartori@kelowna.ca) or phone, 250-469-8589.

2. Sanitary Sewer

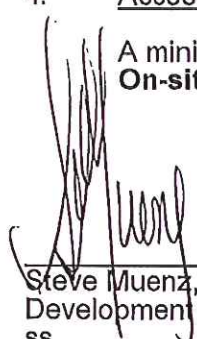
Our records indicate that this property is serviced with a 100mm-diameter sanitary sewer service complete with inspection chamber. The service is adequate for the proposed application.

3. Road Improvements

High Road must be upgraded to an urban standard along the full frontage of this property, including curb and gutter, sidewalk, landscaped boulevard and pavement widening. A one-time cash payment in lieu of construction must be collected from the applicant for future construction by the City. The cash-in-lieu amount is determined to be **\$5,400.00 not including utility service costs**

4. Access, Manoeuvrability and Parking Requirements

A minimum of eight off-street vehicle parking spaces are required.  
**On-site parking modules must meet bylaw requirements.**



---

Steve Muenz, P. Eng.  
Development Engineering Manager  
ss

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CITY OF KELOWNA  
MEMORANDUM

FILE COPY


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**Date:** January 25, 2013  
**File No.:** DVP13-0003  
**To:** Land Use Management Planner (BD)  
**From:** Development Engineering Manager (SM)  
**Subject:** 1242 & 1244 Pheasant Street

---

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

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



---

Steve Muenz, P. Eng  
Development Engineering Manager

SS

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CITY OF KELOWNA

MEMORANDUM

FILE COPY

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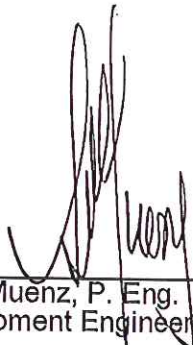
**Date:** January 25, 2013  
**File No.:** DP13-0002  
**To:** Land Use Management (BD)  
**From:** Development Engineer Manager (SM)  
**Subject:** 1242 & 1244 Pheasant Street

---

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

1. **General.**

- a) All the offsite infrastructure and services upgrades are addressed in the Development Engineering Report under file Z13-0002.



---

Steve Muenz, P. Eng.  
Development Engineering Manager

ss

# REPORT TO COUNCIL



**Date:** March 8<sup>th</sup>, 2013

**RIM No.** 1250-30

**To:** City Manager

**From:** Land Use Management, Community Sustainability (AW)

**Application:** OCP13-0004 / Z13-0005      **Owner:** Simple Pursuits Inc., Inc. No. BC0449611

641 & 683 Osprey Avenue

**Address:** 600 Raymer Avenue      **Applicant:** Simple Pursuits Inc., Inc. No. BC0449611

2764 Richter Street

**Subject:** OCP Amendment & Rezoning Applications

**Existing OCP Designation:** Commercial & Multiple Unite Residential - Medium Density

**Proposed OCP Designation:** Mixed Use (Residential / Commercial)

**Existing Zone:** C4 - Urban Centre Commercial & RU6 - Two Dwelling Housing

**Proposed Zone:** C4 - Urban Centre Commercial

---

## 1.0 Recommendation

That Official Community Plan Bylaw Amendment No. OCP13-0004 to amend Map 19.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lot C, D.L. 14, ODYD, Plan EPP15783, located at 641 Osprey Avenue and Lot D, D.L. 14, ODYD, Plan EPP15783, located at 600 Raymer Avenue from Commercial to Mixed Use (Residential / Commercial) and by changing the Future Land Use designation of Lot 2, D.L. 14, ODYD, Plan EPP16791, located at 2764 Richter Street and Lot 1, D.L. 14, ODYD, Plan EPP16791 located at 683 Osprey Avenue from Multiple Unit Residential - Medium Density to Mixed Use (Residential / Commercial), as shown on Map "A" attached to the Report of the Land Use Management Department dated March 8th, 2013, be considered by Council;

AND THAT Council considers the applicant's March 5th, 2013 Public Open House to be appropriate consultation for the purpose of Section 879 of the Local Government Act, as outlined in the Report of the Land Use Management Department dated March 8th, 2013;

AND THAT Rezoning Application No. Z13-0005 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, D.L. 14, ODYD, Plan EPP16791, located at 2764 Richter Street and Lot 1, D.L. 14, ODYD, Plan EPP16791 located at 683 Osprey Avenue from

RU6 - Two Dwelling Housing to C4 - Urban Centre Commercial be considered by Council;

AND THAT the Official Community Plan Bylaw Amendment and the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit on the subject properties;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the submission of a plan of subdivision to consolidate the properties.

## **2.0 Purpose**

To amend the Official Community Plan Future Land Use Designation from Multiple Unit Residential - Medium Density and Commercial to Mixed Use (Residential / Commercial), and to rezone two of the subject properties from RU6 - Two Dwelling Housing to the C4 - Urban Centre Commercial zone in order to permit the construction of a mixed use development.

## **3.0 Land Use Management**

The subject properties are located within the South Pandosy Urban Centre, located east of the Pandosy commercial corridor between Pandosy and Richter Streets. The applicant's land assembly efforts will allow for a coordinated approach to the redevelopment of this area. While the applicant has applied for a comprehensive development of the subject properties, the development is designed in a way that will allow it to be phased over time. Redeveloping the subject properties will achieve various objectives within the 2030 OCP.

### *OCP Future Land Use Designation*

The existing medium density residential designation was intended to provide a housing mix to support the principles of live, work, play for this urban centre. The Mixed Use / Residential designation within the Pandosy Town Centre was intended to accommodate the existing and future commercial needs within the Town Centre and the surrounding residentially designated properties would provide support those businesses. While Staff would prefer a larger residential component to support the future land use designation change, eight rental townhouse units have been incorporated into the project to help ensure this large block is occupied and animated outside of normal business hours. The units are located across from Osprey Park and Raymer Elementary, helping to introduce more people into the area. Staff would have preferred to have a residential Richter Street frontage but the high voltage lines located along this property line have deterred the applicant from pursuing this option. Taking these details into consideration and recognizing the mix of uses and objectives that must be achieved within the South Pandosy Urban Centre, this project would be a welcomed addition to the area.

### *Site Context - Residential Designation*

Directly across from Osprey park is an ideal residential location where residents would have convenient access to the community park, and provide eyes on the street in the evening when a commercial development and Raymer Elementary would typically be unoccupied. Proximity to the adjacent school site also lends itself to a strong argument of ensuring 'complete

communities' with residential uses that would attract families ensuring vibrancy and a synergy with the neighbourhood amenities.

#### *Site Planning*

The applicant will be applying a similar level of streetscaping that can be found within the commercial core of the South Pandosy Urban Centre which will help to improve pedestrian mobility in the area. The revised project has strong street edge conditions that help to animate the streetscape while de-emphasizing the parking to be sited at the core of the project. Each street frontage provides a varied design approach which will help to create a diverse user experience and draw a wide cross section of people to the area.

#### *Variances*

The additional storey proposed by the applicant has been well integrated into the project, and by stepping the 5<sup>th</sup> storey back the impact of the height is reduced while additional private open space is provided for the office component of the project. While Staff do not typically support private open space variances for residential developments, the location across from Osprey Park and within the South Pandosy Urban Centre provides multiple opportunities for residents to enjoy outdoor recreational experiences.

In summary, Staff are supportive of the proposed development. It will help to introduce more retail, office and residential uses within this important town centre location. The building and site design are appropriate forms of development that will help to animate and draw people to the South Pandosy Urban Centre. While Staff would prefer a larger proportion of residential units, the applicant has done a good job of addressing the various technical and policy details impacting the subject properties. Should Council support the land use, a Development Permit and Development Variance Permit will be submitted for Council consideration at a later date.

## **4.0 Proposal**

### **4.1 Background**

Council endorsed rezoning 565 & 641 Osprey Avenue and 560-580 & 600 Raymer Avenue from the RU6 - Two Dwelling Housing zone to the C4 - Urban Centre Commercial and the associated OCP amendment to accommodate a 4 phased commercial development. Phase 1 is near completion and the Phase 2 building is underway. Since the original concept plan, the applicant has revisited the vision for this block and has developed a new concept for the balance of the project.

### **4.2 Project Description**

The project features three different forms organized into one comprehensively planned development. There are two levels of parking, the lower level will be private parking with access from Osprey Avenue and the second level will be publicly accessible with access from Raymer Avenue. Moving from West to East, the project includes a 5 storey building with retail (678m<sup>2</sup>) at grade and office space (3158m<sup>2</sup>) spread over the next four stories. This component of the project has 'Natural Grey' concrete at grade, three stories of brick and stucco with wood soffits on the 5<sup>th</sup> floor. The townhouse component is broken into two with four units facing Raymer and four units facing Osprey, stucco with wood highlights are the principle materials. The Richter Street retail frontage has a glass feature on each corner highlighting the project. As a requirement of the high voltage line along Richter Street, a one storey building is permitted at grade with a larger setback required for portions of a building above one storey in height. This setback is required to preserve access to the high voltage wires for repair and maintenance. The proposed

streetscape / landscape plan will be similar to the pattern established throughout South Pandosy providing wider sidewalks and street trees.

There are two variances associated with the project as follows:

1. Vary height from 15.0m / 4 storeys permitted to 19.4m / 5 storeys proposed;
2. Vary private open space for the 8 residential units from 120m<sup>2</sup> required to 32m<sup>2</sup> proposed.

The applicant has successfully placed the height and massing of the project in the centre of the parcel with the goal of mitigating any negative impacts associated with the height by stepping back the top storey.

The project compares to Zoning Bylaw No. 8000 as follows:

Zoning Analysis Table		
CRITERIA	C4 ZONE REQUIREMENTS	PROPOSAL
<b>Development Regulations</b>		
Floor Area Ratio	1.3	1.29
Height	15.0m / 4 Storeys	19.4m / 5 Storeys <sup>1</sup>
Front Yard	0.0m	0.0m
Side Yard (south)	0.0m	0.0m
Side Yard (north)	0.0m	0.0m
Rear Yard	0.0m	0.0m
Site Coverage	75%	50%
<b>Other Regulations</b>		
Minimum Parking Requirements	114 stalls req'd (114 x 125% maximum = 143 stalls)	137 stalls
Bicycle Parking	Class I: 10 spaces Class II: 30 spaces	Class I: 10 spaces Class II: 30 spaces
Private Open Space	120m <sup>2</sup>	32m <sup>2</sup> <sup>2</sup>
Loading Space	4 stalls	4 stalls
<sup>1</sup> Vary height from 15.0m / 4 Storeys permitted to 19.4m / 5 Storeys proposed <sup>2</sup> Vary private open space for residential units from 120m <sup>2</sup> required to 32m <sup>2</sup> proposed		

### 4.3 Site Context

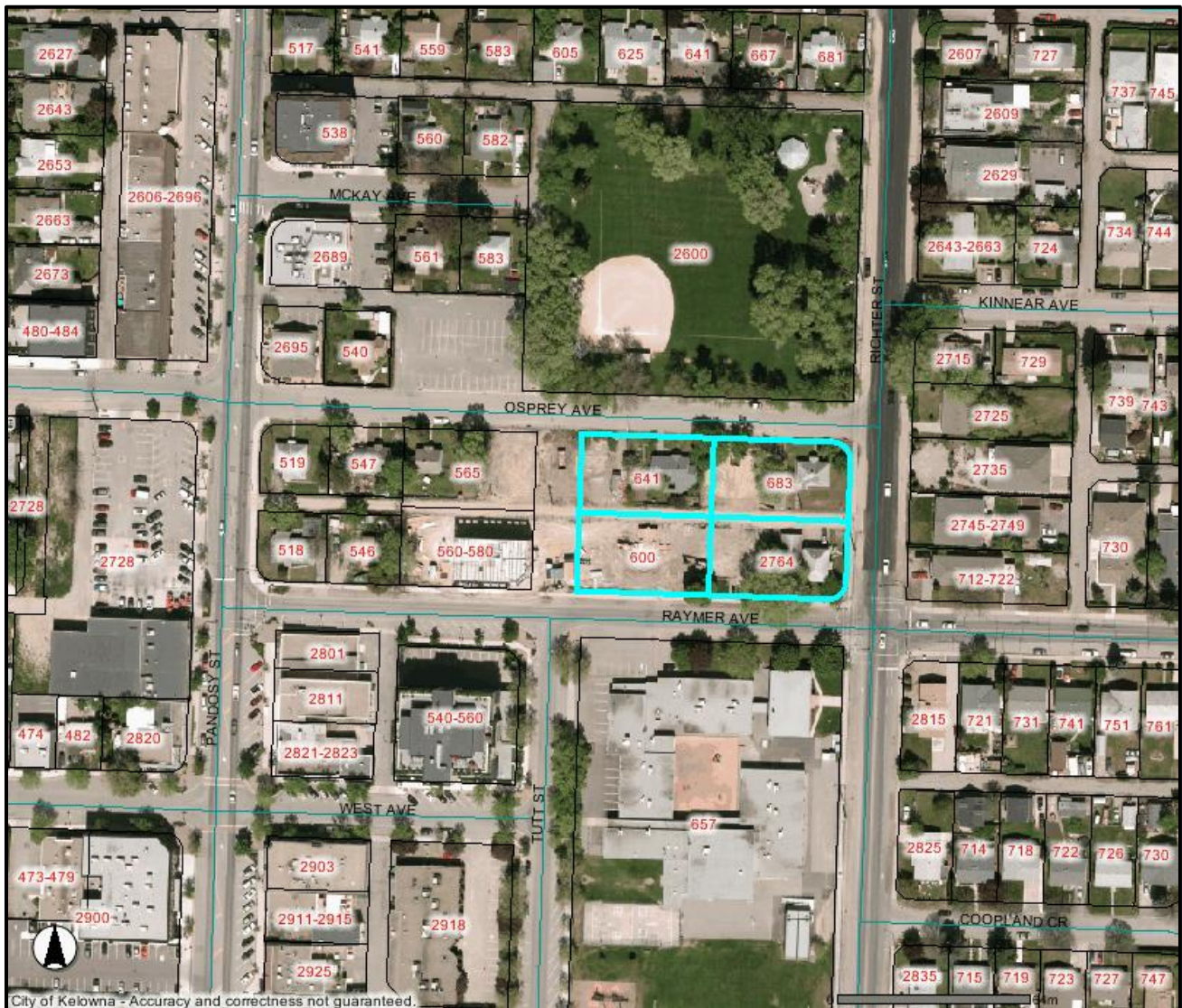
The subject property is located in an area of transition between Pandosy and Richter Streets and adjacent to Osprey Park and Raymer Elementary in the South Pandosy Town Centre area.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P3 - Parks & Open Space	P3 - Parks & Open Space
East	RU6 - Two Dwelling Housing	RU6 - Two Dwelling Housing (Multiple Unit Residential - Low Density FLU Designation)
South	P2 - Educational & Minor Institutional	P2 - Education & Minor Institutional
West	C4 - Urban Centre Commercial	RU6 - Two Dwelling Housing (Commercial FLU Designation)



**Subject Property Map:**



**5.0 Current Development Policies**

**5.1 Kelowna Official Community Plan (OCP)**

Staff recommends that the applicants March 5<sup>th</sup>, 2013 Public Open House be considered appropriate consultation for the purpose of Section 879 of the *Local Government Act*, and that the process is sufficiently early and does not need to be further ongoing in this case. Furthermore, additional consultation with the Regional District of Central Okanagan is not required in this case.

**5.2 Current Development Policies - Kelowna Official Community Plan 2030 (OCP)**

**5.2.1 Development Process (Chapter 5) - Considerations in Reviewing Development Applications**

### **Ensure appropriate and context sensitive built form (Objective 5.5)**

**Building Height** (Policy .1). Locate taller buildings in the geographic centre of Urban Centres and generally decrease height moving away from the centre, to a maximum of 4 storey's at the periphery of the Urban Centres, where adjoining land is designated for single/two unit housing.

South Pandosy: Generally 4 storey's. Six storey's within C4 or C9 zoned areas. Potential for 8 storey's where an architecturally distinct and significant buildings is placed at a corner, gateway or view terminus location that is of significance to the community or where a building is of cultural significance to the community.

### **Objective 5.8 Achieve high quality urban design.**

**Streetscaping** (Policy 2). Urban Centre roads should be considered as part of the public space and streetscaped with full amenities (i.e. sidewalks, trees and other planting, furniture, bike facilities, boulevards, etc.).

**Ensure opportunities are available for greater use of active transportation and transit to: improve community health; reduce greenhouse gas emissions; and increase resilience in the face of higher energy prices (Objective 5.10)**

**Maximize Pedestrian / Cycling Connectivity.** Require that pedestrian and cyclist movement and infrastructure be addressed in the review and approval of all City and private sector developments, including provision of sidewalks and trails and recognition of frequently used connections and informal pedestrian routes.

**Transit Infrastructure.** Require that transit service needs to be integrated into community designs and development proposals to optimize access to transit service and incorporate essential infrastructure on transit routes identified.

### **Objective 5.20 Achieve high quality urban design and appropriate land uses.**

South Pandosy Urban Design (Policy 2). Ensure that the urban design for South Pandosy clearly differentiates this commercial district from others in the City and interior of BC. To this end, redevelopment should:

- encourage the development of landmark buildings at key intersections within the precinct and at the terminus of significant sight lines. Landmark buildings should be distinguished from other buildings through the conscientious use of siting, common entrances, additional storey's, articulation of the footprint or roof-line, decorative structures, colour and other means appropriate to the setting and desired effect.

## **6.0 Technical Comments**

### **6.1 Building & Permitting Department**

- Demolition permits are required for any existing building(s).
- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s) for new construction
- Size and location of all signage to be clearly defined as part of the development permit
- Any awnings over city property require an indemnification agreement(s).

- A minimum Geodetic Elevation of 343.66 meters is required for all habitable spaces.
- 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):
  - The British Columbia Building Code (BCBC) may define this as a single building, possible divided into several structures if firewalls or equivalents are to be utilized. A complete building code analysis would be required to be reviewed prior to complete comments being provided.
  - Travel distances to exits from the parkade areas and the commercial space appears to be exceeded. An exiting analysis would be required to be provided as part of the building code analysis.
  - The second exits from the residential unit appear to be impeded by the vehicle parking spots. These exits / convenience exits may also require vestibules depending on the code analysis.
  - The requirements for exit thru lobby and exits from the upper floor commercial decks should be addressed in the exiting analysis.
  - Exiting of the 2nd, 3rd, 4th & 5th floors of the commercial building do not appear to meet the minimum number of exiting required from a floor area in the current layout configuration. Proposed floor layouts would be required to show compliance with the BCBC.
- Spatial calculation for building 4 should be provided prior to the release of the development permit since this may affect the form and character of the building.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications

6.2 Development Engineering Department

See Attached.

6.3 Fire Department

Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw #7900. The Subdivision Bylaw requires a minimum of 150ltr/sec flow.

6.4 Fortis BC - Gas

Please be advised if this proposal was to go ahead our 114mm DP main in the lane between Osprey & Raymer Ave between Tutt & Richter St would need to be abandoned, and reinstated at a new alignment within the existing road alignment either along Osprey Ave or Raymer Ave. This would be billable to the Developer.

6.5 Fortis BC - Electric

No comment provided.

6.6 School District No. 23

See Attached.

6.7 Public Health Inspector

As previously noted, this proposed development will be serviced by the existing City of Kelowna community drinking water and sewerage systems and we have no objection to this proposal from a servicing perspective. Further, this development will provide

employment options for nearby residential areas, which will aid in the creation and maintenance of a vibrant and complete community. This property is also easily accessible by both transit and pedestrian corridors, which can help reduce the reliance on single vehicle transportation. The inclusion of residential portions in this mixed use proposal complements the neighbouring school, park and would serve to increase or minimize some of the housing stock in this area that will be lost from the removal of the existing residences. We also contemplate and recommend for your consideration, that the housing stock in this region would benefit from affordable options that would improve access to individuals and families working in our community and transitioning into homeownership.

## 7.0 Application Chronology

Date of Application Received: January 21, 2013

Applicant Hosted Public Open House: March 5<sup>th</sup>, 2013

Report prepared by:

---

Alec Warrender, Land Use Planner

Reviewed by:

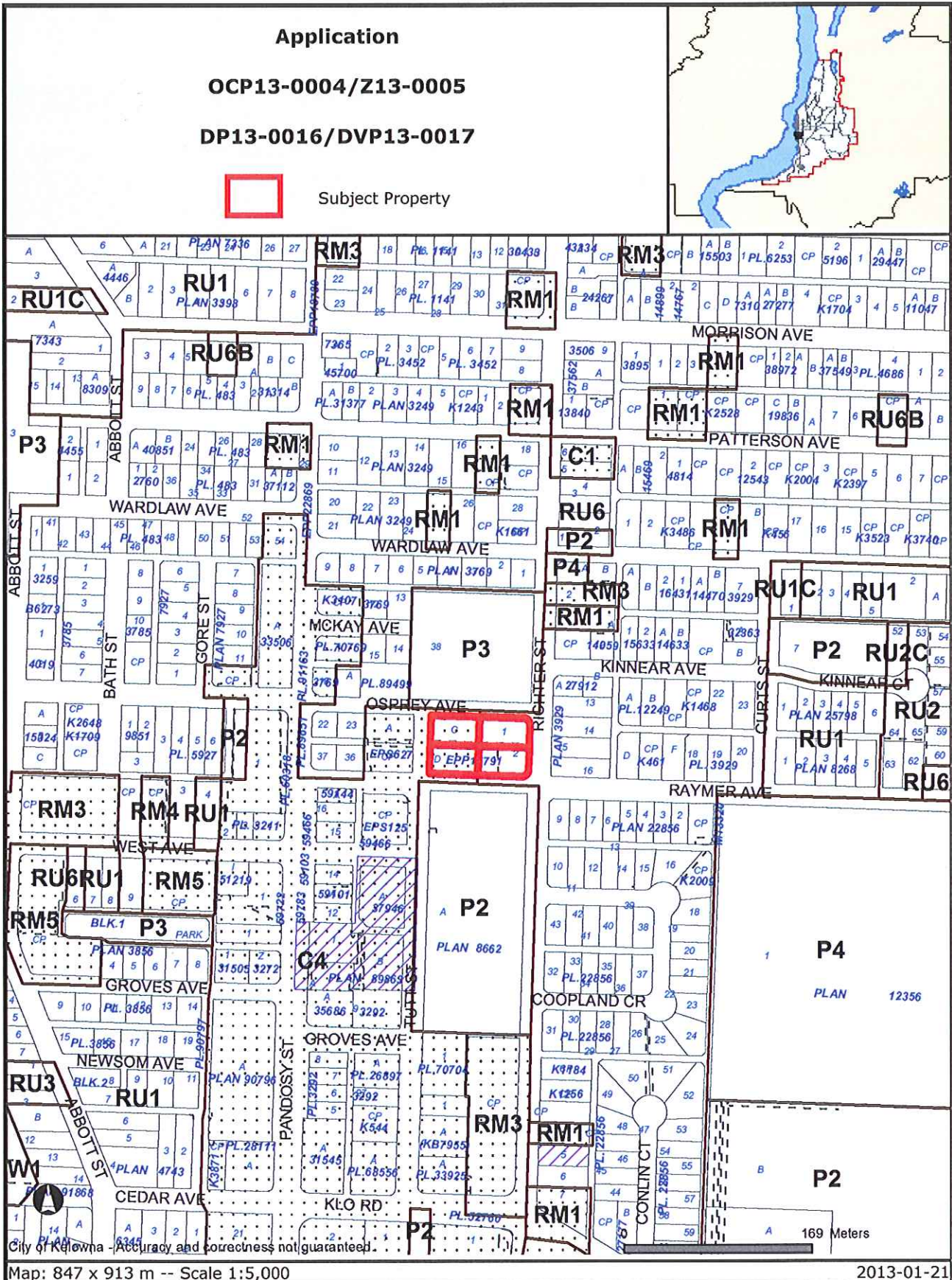
Danielle Noble, Manager, Urban Land Use

Approved for Inclusion

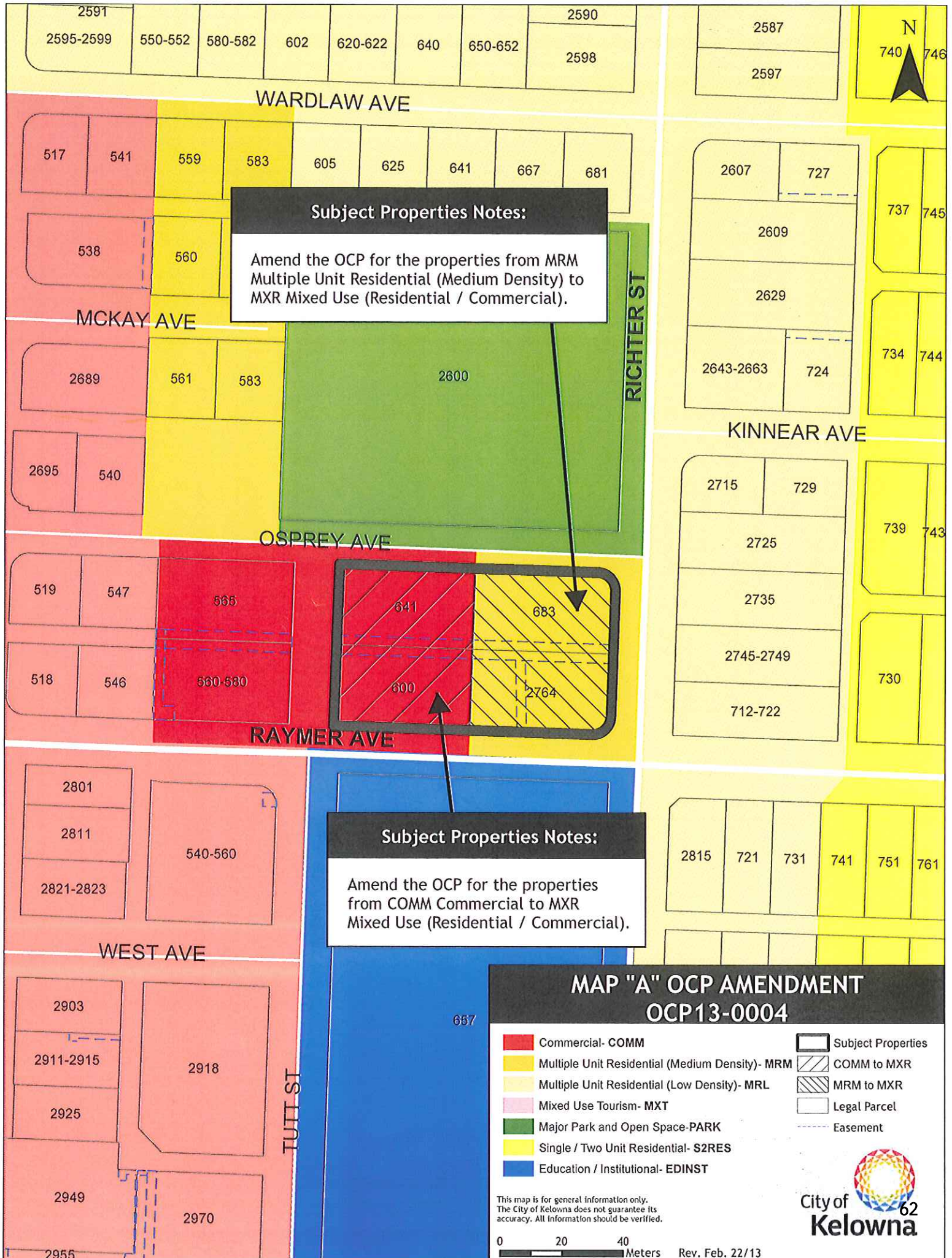
D. Gilchrist, A. General Manager, Community Sustainability

### Attachments:

Map A  
Subject Property Map  
Sit Plan  
Elevations & Renderings  
Landscape Plan  
School District Comment  
Development Engineering Requirements  
Applicant's Letter of Rationale  
Open House Summary



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



**Subject Properties Notes:**  
 Amend the OCP for the properties from MRM Multiple Unit Residential (Medium Density) to MXR Mixed Use (Residential / Commercial).

**Subject Properties Notes:**  
 Amend the OCP for the properties from COMM Commercial to MXR Mixed Use (Residential / Commercial).

**MAP "A" OCP AMENDMENT  
 OCP13-0004**

- Commercial- COMM
- Multiple Unit Residential (Medium Density)- MRM
- Multiple Unit Residential (Low Density)- MRL
- Mixed Use Tourism- MXT
- Major Park and Open Space-PARK
- Single / Two Unit Residential- S2RES
- Education / Institutional- EDINST
- Subject Properties
- COMM to MXR
- MRM to MXR
- Legal Parcel
- Easement

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

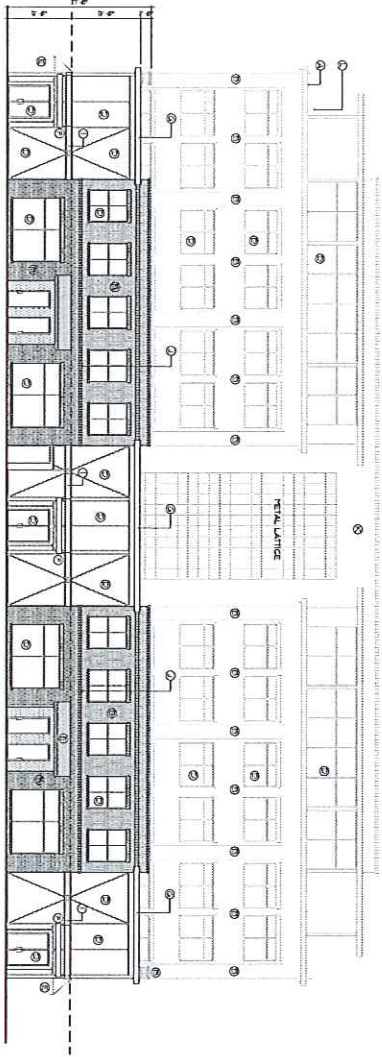




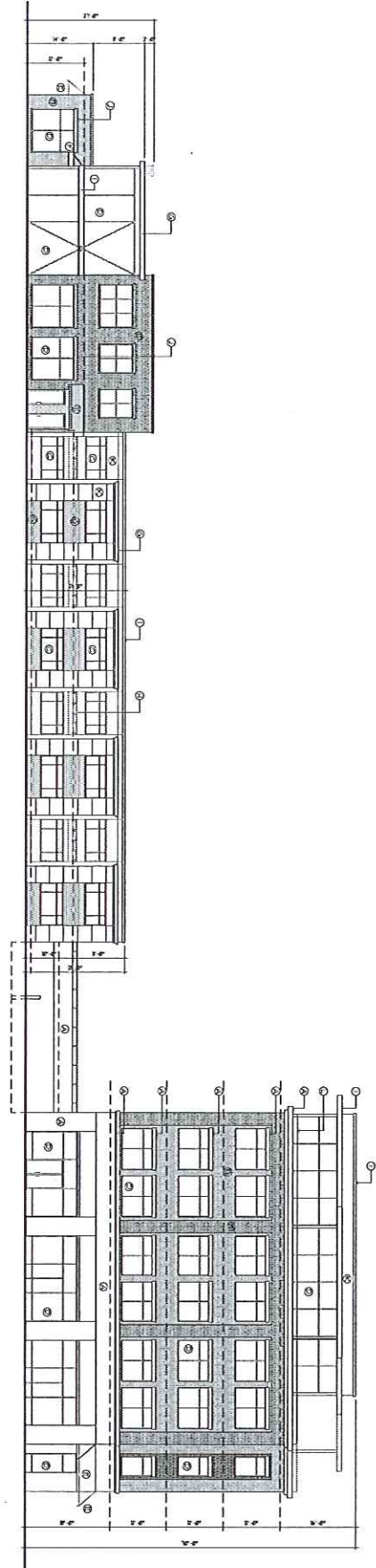




EAST ELEVATION  
SCALE: 3/32" = 1'-0"

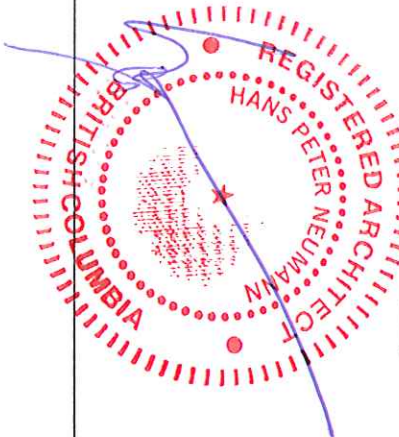


NORTH ELEVATION  
SCALE: 3/32" = 1'-0"

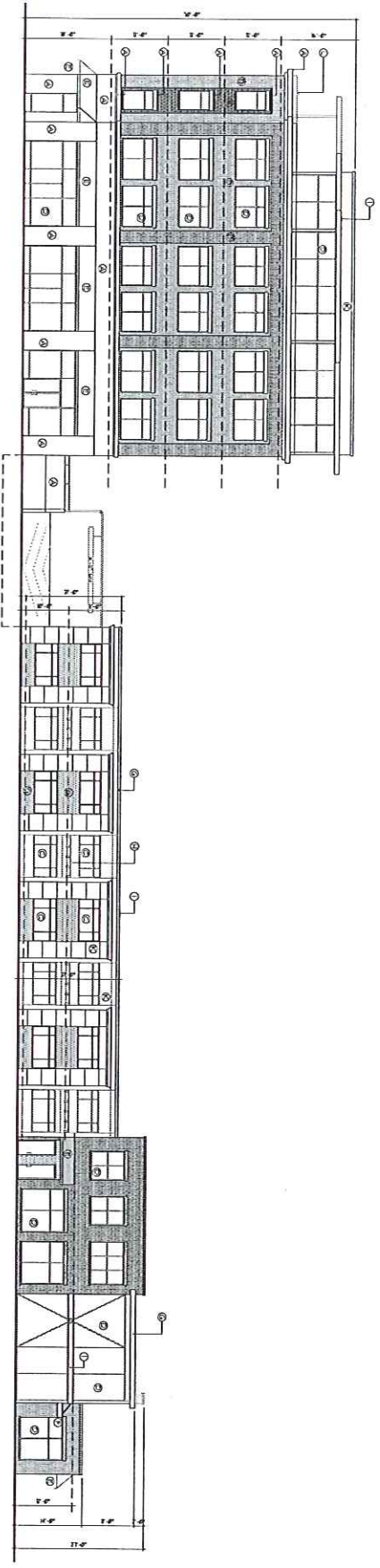


**LEGEND:**

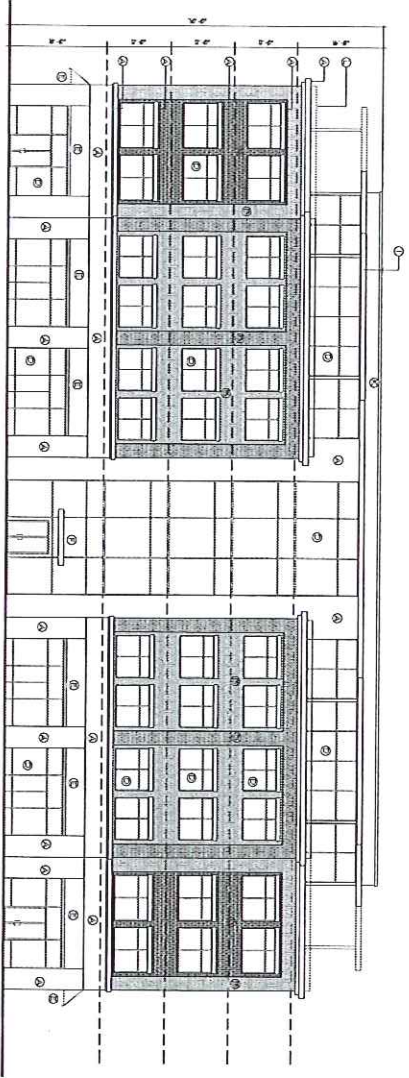
- ① CONCRETE
- ② BRICK
- ③ PRE-FINISHED SMOOTH SIBCO
- ④ PRE-FINISHED ENGRAINED ALUMI LANTERN ON DOOR
- ⑤ METAL LANTERN
- ⑥ SIBCO W/PT ON SIGNA STRAND
- ⑦ SIBCO METALL
- ⑧ METAL LANTERN PAINTED
- ⑨ METAL LANTERN CONCRE
- ⑩ SIBCO
- ⑪ CLASH WALL @ STEEL POINTS



 <p><b>HANS P. NEUMANN ARCHITECT INC.</b></p>	<p><b>DESIGN TECH DESIGN CONSULTANTS</b></p> <p>3631 CASORSO ROAD, KELOWNA, BC V1Y 4K4 PHONE: (250) 718 2565</p>	<p>1550 HIGHLAND EAVE NORTH KELOWNA, BC V1Y 4K3 PHONE: (250) 818 0878 FAX: (250) 868-0837</p>															
<p>CONSULTANT DRAWING TITLE ELEVATIONS</p>	<p>PROJECT COMMERCIAL DEVELOPMENT RITCHER - TUTT STREETS, KELOWNA, BC.</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;">NO.</th> <th style="width: 15%;">DATE</th> <th style="width: 80%;">DESCRIPTION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	DATE	DESCRIPTION												
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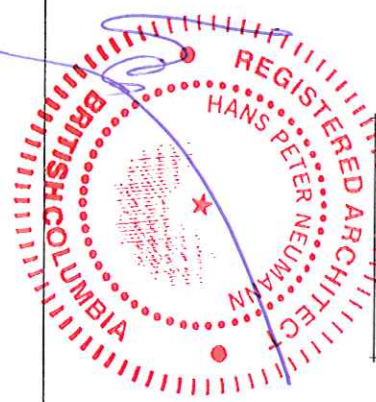


SOUTH ELEVATION  
SCALE: 3/32" = 1'-0"

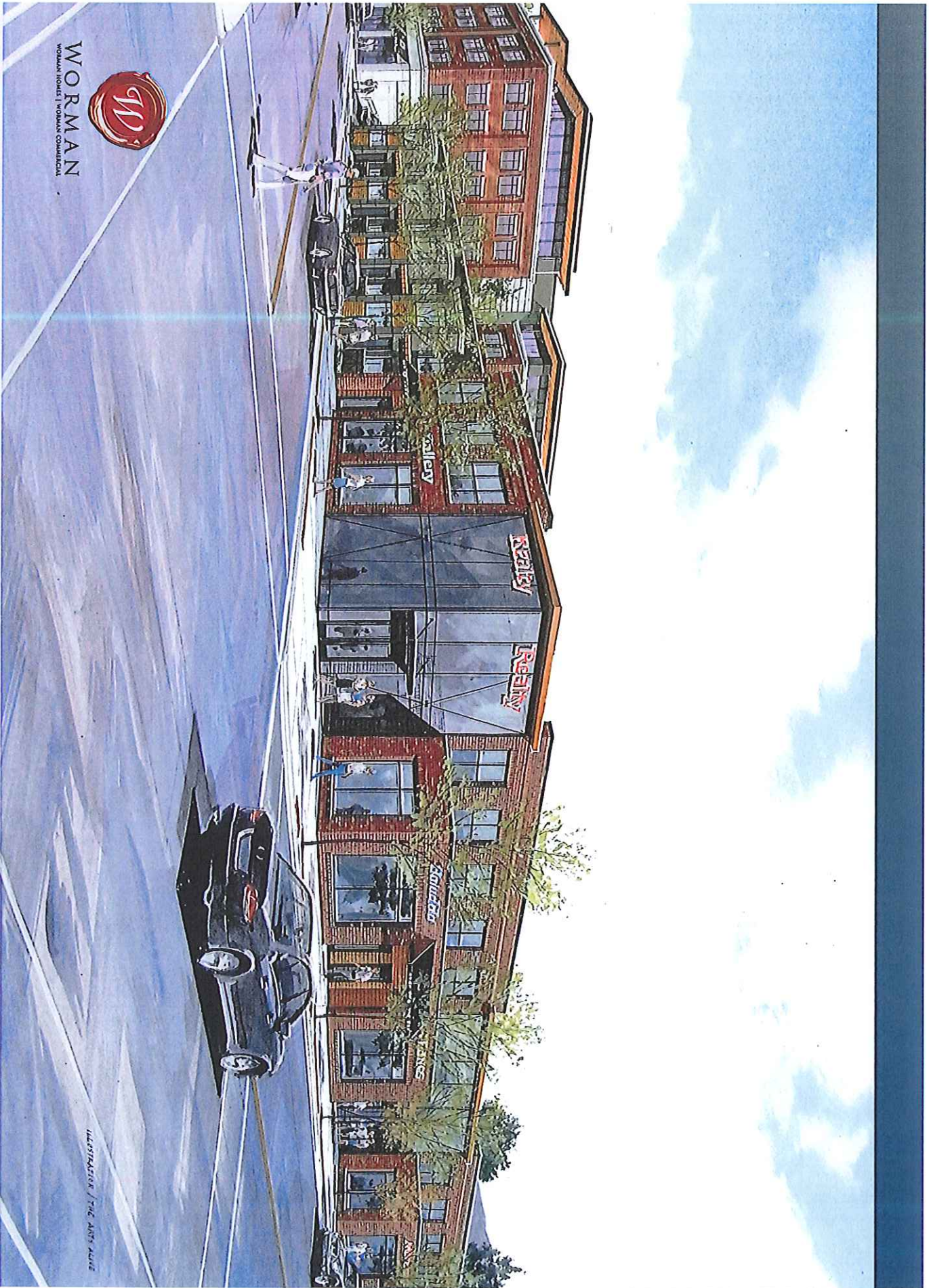


WEST ELEVATION  
SCALE: 3/32" = 1'-0"

- LEGEND:
- ① CONCRETE
  - ② BRICK
  - ③ FINE FINISHED WOOD WINDOW
  - ④ FINE FINISHED DIMENSIONED ALUM. WINDOW OR DOOR
  - ⑤ FABRIC CANOPY
  - ⑥ METAL CANOPY
  - ⑦ WOOD TRIM ON CORN. STAINED
  - ⑧ WOOD TRIM
  - ⑨ METAL PLASTER, PAINTED
  - ⑩ BRICK SOLIDEN COLORE
  - ⑪ OUTDOOR BALUSTRADE, IRON



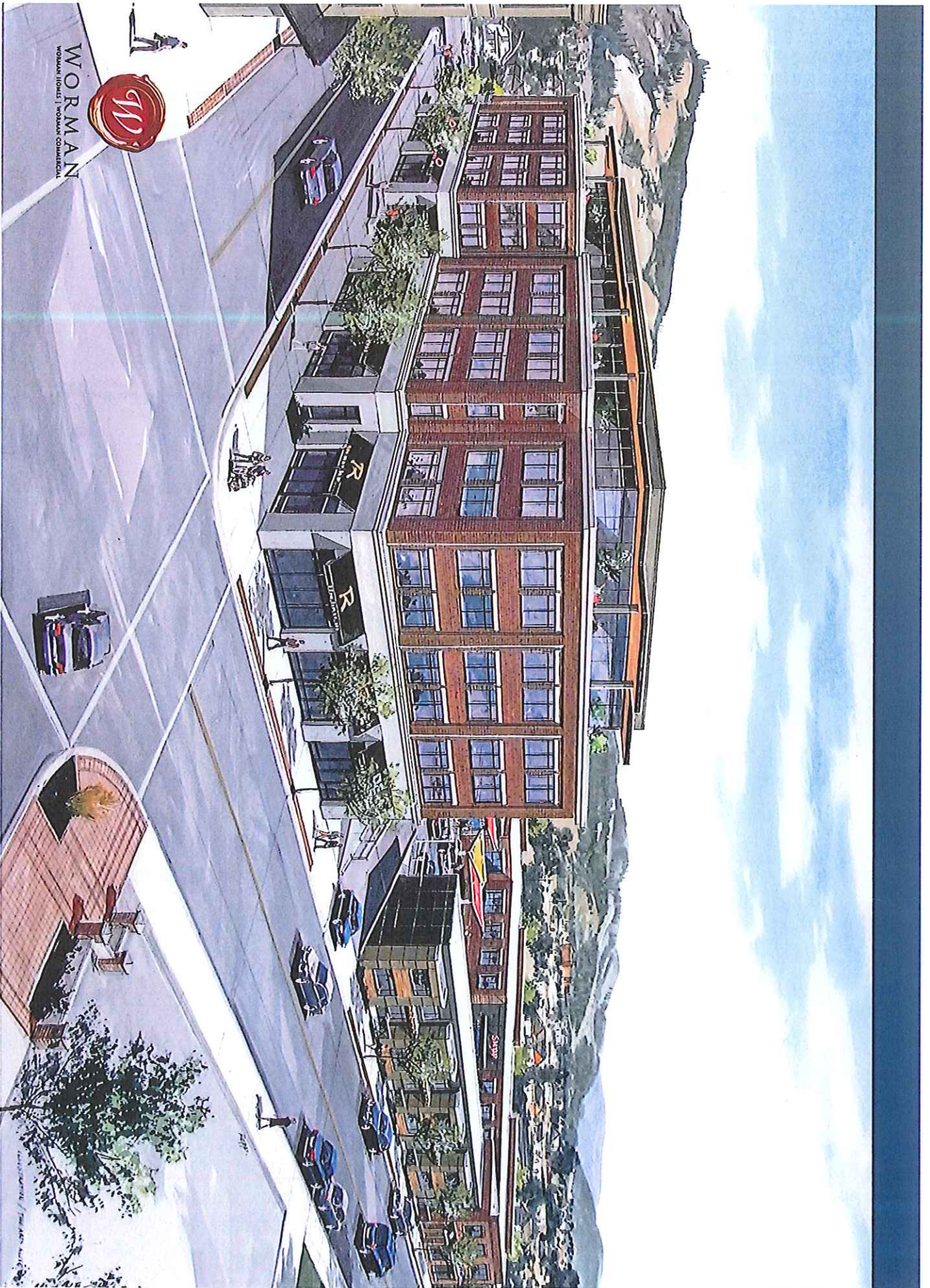
	<b>HANS P. NEUMANN ARCHITECT INC.</b> <b>DESIGN TECH DESIGN CONSULTANTS</b>		1520 HIGHLAND DRIVE NORTH KELOWNA, BC V1Y 4K5 PHONE (250) 818-0278 FAX (250) 818-0837												
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WORMAN  
WORMAN HOMES | WORMAN COMMERCIAL

2750 RICHTER STREET | Kelowna, BC

Worman Homes | Worman Commercial

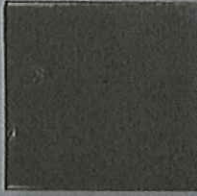


2755 TUTT STREET | Kelowna, BC

Worman Homes | Worman Commercial



STUCCO BUMP OUT:  
 BENJAMIN MOORE: WORN  
 LEATHER SHOES #CSP-135



STUCCO RECESSED AREAS:  
 BENJAMIN MOORE  
 WINDY CITY #CSP-150



BRICK:  
 MUTUAL MATERIALS  
 OLD UNIVERSITY



WINDOWS:  
 BLACK



EXTERIOR CONCRETE DETAILS:  
 NATURAL GREY



WOOD DETAILS:  
 SIKKENS #085 "TEAK"



FABRIC CANOPIES  
 BLACK



**WORMAN**

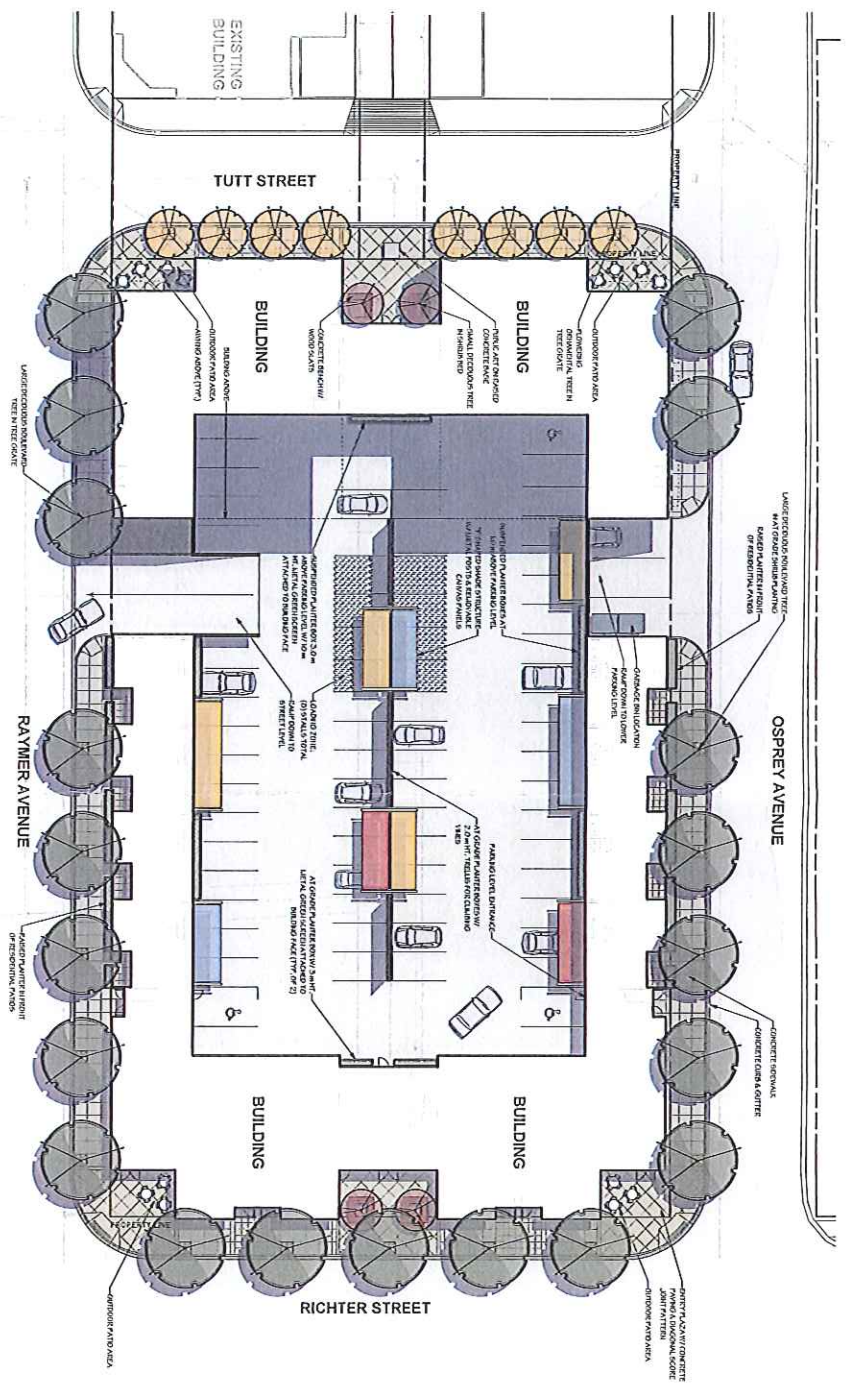
WORMAN HOMES | WORMAN COMMERCIAL

EXTERIOR FINISHES

RAYMER & OSPREY PHASE 2 KELOWNA, BC

PROJECT No.  
 042012

DATE  
 December 14, 2012



**ORNAMENTAL PLANT LIST**

KEY	BOTANICAL NAME	COMMON NAME
(Symbol)	Yucca	Yucca
(Symbol)	Phlox	Phlox
(Symbol)	... (rest of list)	...

- NOTES**
1. PLANTING AND CONSTRUCTION NOTES SHALL BE REFERENCED AS LIAISON DOCUMENT.
  2. ALL SOFT LANDSCAPE ACCESS SHALL BE WENTHERED BY A FULL AIRBORNE TRIP.
  3. TREE AND SHRUBS TO BE SPECIFIED BY A FULL AIRBORNE TRIP.
  4. TREE AND SHRUBS TO BE SPECIFIED BY A FULL AIRBORNE TRIP.



**OUTLAND DESIGN**  
LANDSCAPE ARCHITECTURE

**WORMAN**  
WORMAN HOWELL | TERRAZZO COMMERCIAL

704-1189 South Blvd  
Kalamazoo, MI 49001  
T (269) 869-9720  
www.outlanddesign.co

PROJECT NAME  
**RAYMER AVENUE  
MULTI-USE  
LANDSCAPE PLAN**

Location: Kalamazoo, MI

NO.	DATE	DESCRIPTION
1	11/13/13	Site Plan
2	11/13/13	Site Plan
3	11/13/13	Site Plan
4	11/13/13	Site Plan
5	11/13/13	Site Plan
6	11/13/13	Site Plan
7	11/13/13	Site Plan
8	11/13/13	Site Plan
9	11/13/13	Site Plan
10	11/13/13	Site Plan

**PROFESSIONAL SEAL**

LANDSCAPE ARCHITECT

**L1/1**

REGISTERED FOR SEVEN ONLY



**SCHOOL DISTRICT No. 23**  
**(Central Okanagan)**  
685 Dease Road, Kelowna, B.C. V1X 4A4  
Tel.(250) 491-4000 Fax.(250)870-5094

---

February 15, 2013

Alec Warrender  
City of Kelowna  
Community Sustainability  
1435 Water Street  
Kelowna, BC V1Y 1J4

Dear Mr. Warrender,

**SUBJECT: Z13-0005, OCP13-0004, SP13-0016, DVP13-0017 – Raymer Ave/Richter**

Thank you for the opportunity to comment on this proposed mixed use development. The development site is directly across the street from Raymer Elementary School and as such, School District No. 23 has a number of comments and concerns in regards to this application.

### **School Background**

Raymer Elementary School came into existence in 1948 as a two-room frame building situated on the corner of Richter and Raymer Ave. At the original time of build the school was surrounded by open fields, few houses and limited commercial outlets. On opening day the school served approximately 75 students. As the area has changed, and student populations increased, there have been a number of additions and renovations bringing the school to its current form.

Enrollment for Raymer Elementary is currently around 250 students and is expected to remain relatively constant moving forward. Raymer Elementary is an aging school that is slated for replacement, likely on the existing site due to its prime central location. The City of Kelowna OCP (objective 5.32) encourages the retention of schools in central and easily accessible areas and states that school locations in the Urban Centres should be promoted wherever possible. The replacement of this school may be 10 years into the future due to competing replacement priorities in the region and available provincial funding.

### **Transportation**

The Raymer Elementary site is extremely constrained in terms of accommodating staff parking and student pick-up/drop-off movements. The lack of short term parking in the area and the significant amount of development that has occurred surrounding the school has added to the transportation and traffic pressures for Raymer Elementary.

Currently the main school parking lot on Raymer Ave is used for student pick-up/drop-off. Parents pull in behind the first row of parking and back out once they have dropped-off or collected their children. The access and egress to the second deck of parking on the proposed development is directly across the street from the main school parking lot.

There are also a number of students and parents who choose to walk or bike to school due to the central location. There is currently no sidewalk on the southern side of Raymer Ave outside the school.

## Sewer Connection

Raymer Elementary's existing municipal sanitary sewer connection and the associated right of way, register in favour of School District No. 23, runs below the subject property.

## Application Comments

The proposed mixed use development seems appropriate for this evolving neighborhood. The district considers the inclusion of eight residential townhouses a positive addition to this development that will hopefully yield additional enrollment for Raymer Elementary.

There are however a number of issues that should be addressed in partnership with the developer, City of Kelowna and School District No. 23. The district recognizes that the school is a contributing factor to traffic in the area and as such is willing to work with all parties involved to ensure development can continue without jeopardizing the safe operation of the school. The following are the issues which require further attention and collaboration:

- Vehicle conflicts – The additional vehicle conflicts that would be created by the access and egress of two properties onto the same section of Raymer Ave is the district's primary concern surrounding this proposed development. The school's parking lot directly across from the subject property's southern access point is used as a pick-up/drop-off location making Raymer Ave very congested in all directions around school bell times.

The district is willing to investigate, in conjunction with city staff and the developer, how the existing pick-up drop-off operations could be modified to reduce this conflict and improve safety. Options to accommodate these movements elsewhere on the school site are very limited.

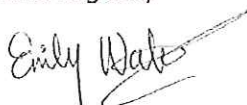
- Pedestrian safety – There is currently no sidewalk on the southern side of Raymer Ave directly outside the school. The school administration had previously approached the City of Kelowna requesting a sidewalk be built outside the school for the safe movement of students.

City and district staff have met onsite to look at possible options for sidewalk improvements. It's likely some of the Raymer Elementary site would be required to facilitate a revamped streetscape. The district is prepared to work with city staff on possible design options so long as staff parking levels are addressed and student drop-off/pick-up can be accommodated in the area. City and district staff plan to work together in 2013 to produce creative design options to determine whether a sidewalk along the school frontage is feasible.

- Construction management – The construction of the proposed development will undoubtedly disrupt the flow of traffic and pedestrian movements in the area. It is imperative that Raymer Elementary remain operational throughout construction. Thought should be given to phasing the most disruptive elements of construction on Raymer Ave to occur during the summer months when school is not in session. The School District would also like to be involved in the development of all construction traffic management plans for the subject property.
- Sanitary Sewer – The School District is willing to relinquish its right of way on the subject property should there be written agreement that a new sewer connection, compliant to today's standards, will be provided and constructed at no cost to the School District.

Please note that all School District staff recommendations relating to property and right of ways are subject to approval by the Board of Education. Thank you again for the opportunity to comment on this development and we look forward to working with the City of Kelowna and the developer to ensure Raymer Elementary remains a viable and safe Urban Centre school. Please don't hesitate to contact me (emily.watson@sd23.bc.ca) should you have any questions or comments in regards to this submission.

Kind Regards,



Emily Watson  
Planning Manager, School District No.23



FILE COPY

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CITY OF KELOWNA  
MEMORANDUM

---

**Date:** February 14, 2013  
**File No.:** Z13-0005  
**To:** Land Use Management (AW)  
**From:** Development Engineering Manager (SM)  
**Subject:** Proposed 5 storey Commercial  
2764 Richter Street, 641& 683 Osprey Ave., 600 Raymer Ave. RU6 to C-4

---

The Development Engineering Department has the following comments and requirements associated with this application to rezone from RU-6 to C4. 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. Geotechnical Report

- a) Provide a comprehensive geotechnical report prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed development.**

- Overall site suitability for development.
- Presence of ground water and/or springs.
- Presence of fill areas.
- Presence of swelling clays.
- Presence of sulphates.
- Potential site erosion.
- Provide specific requirements for footings and foundation construction.
- Provide specific construction design sections for roads and utilities over and above the City's current construction standards

2. Domestic Water and Fire Protection

- (a) The developer's consulting engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs. If it is determined that upgrades to any other existing water distribution system must be made to achieve the required fire flows, additional bonding will be required.
- (b) The existing four lots are serviced with small -diameter copper water services (8). Only one service will be permitted to the site. The applicant, at his cost, will arrange for the removal of all existing services and the installation of one new larger metered water service. The estimated cost of this construction for bonding purposes is **\$35,000.00**

- (c) A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost. Boulevard landscaping, complete with underground irrigation system, must be integrated with the on-site irrigation system.
- (d) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures. The City of Kelowna water meter contractor must salvage existing water meters, prior to building demolition. If water meters are not salvaged, the developer will be invoiced for the meters.
- (e) The applicant is to confirm with the City of Kelowna water division that the supply of domestic water and fire protection is achievable in accordance with the City standards for the proposed development.

### 3. Sanitary Sewer

- (a) The existing four lots are connected with sewer services (8). The developer's consulting engineer will determine the requirements of the proposed development and establish the service needs. Only one service will be permitted to the site. The applicant, at their cost, will arrange for service and main upgrades as required, as well as the capping of all existing unused services at the main. Any upgrades required will be at the developer's expense. The estimated cost of this construction for bonding purposes is **\$25,000.00**
- (b) The sanitary main in Raymer Avenue must be extended to service the School site.

### 4. Storm Drainage

- (a) It will be necessary for the developer to construct storm drainage facilities on Osprey Avenue and Richter Street to accommodate road drainage fronting the proposed development. The cost is included in the Road upgrading item.
- (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 City Storm Water Management Policy and Design Manual. 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 lot and /or recommendations for onsite drainage containment and disposal systems.
- (b) The on-site drainage system may be connected to an existing or proposed drainage system with an overflow service. The estimated cost of this construction for bonding purposes is **\$20,000.00**
- (b) Provide a lot-grading plan.

### 5. Road Improvements

- (a) Osprey Avenue fronting this development must be upgraded to an urban standard including barrier curb and monolithic sidewalk, piped storm drainage system, fillet pavement, landscaped boulevard complete with underground irrigation system, and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading. The estimated cost of this construction for bonding purposes is **\$60,000.00**.

- (b) Raymer Avenue fronting this development must be upgraded to an urban standard including barrier curb and monolithic sidewalk, piped storm drainage works, fillet pavement, landscaped boulevard complete with underground irrigation system, possible traffic signal upgrades and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading. The estimated cost of this construction for bonding purposes is **\$60,000.00**.
- (c) Richter Street fronting this development must be upgraded to an urban standard including barrier curb and monolithic sidewalk, piped storm drainage works, fillet pavement, landscaped boulevard complete with underground irrigation system, possible traffic signal upgrades and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading. The estimated cost of this construction for bonding purposes is **\$30,000.00**.
- (d) Service upgrades will require road cuts and pavement restoration work within City road ways. The work must be approved by the City and constructed to City Standards.
- (e) Relocate existing poles and utilities, where necessary.

6. Road Dedication and Subdivision Requirements

- (a) Lot consolidation
- (b) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.

7. Electric Power and Telecommunication Services and Street Lights

- (a) The development site is within the South Pandosy Urban Town Center. Electrical and telecommunication services to this site as well as the local distribution wiring must be installed in an underground duct system. The existing building and the proposed new building must be connected by an underground service. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services which would be at the applicant's cost.
- (b) Street lights must be installed on all roads
- (c) 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.

10. 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. Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

12. Bonding and Levy Summary

(a) Bonding

Water service upgrades	\$ 35,000
Sanitary sewer service upgrades	\$ 25,000
Storm overflow services	\$ 20,000
Osprey Ave frontage improvements	\$ 60,000
Raymer Ave frontage improvements	\$ 60,000
Richter Street frontage improvements	\$ 30,000

<b>Total Bonding</b>	<b>\$240,000</b>
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**NOTE:** The bonding amounts shown above are comprised of estimated construction costs escalated by 140% to include engineering design and contingency protection and are provided for information purposes only. The owner should engage a consulting civil engineer to provide detailed designs and obtain actual tendered construction costs if he wishes to do so. Bonding for required off-site construction must be provided and may be in the form of cash or an irrevocable letter of credit, in an approved format.

The owner must also enter into a servicing agreement in a form provided by the City.

- (b) The additional cost for oversize works required by the City, which are not DCC creditable items, may be reimbursed to the owner subject to availability of funds. The oversize cost must be verified by actual construction tender or invoice and be based on:
- i. For Pipes: The pipe material cost only for the increase in size from 250mm to 450mm for the storm main required on Richter Street.

13. Administration Charge

An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as 3% of the total off-site construction costs plus HST  
**\$8,064.00** (\$7,200.00 + 864.00)



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Steve Muenz, P. Eng.  
Development Engineering Manager

ss

## **Development Rationale for 2750 Richter & 2755 Tutt Street**

January 15, 2013

To: City of Kelowna Council

Re: Development Permit & Development Variance Permit

Dear City Staff and Council,

Thank you for your consideration of our OCP amendment, rezoning, development permit and development variance permits for the proposed buildings at 2750 Richter & 2755 Tutt Street.

In 2011 we submitted an application for redevelopment of the 4 lots considered by this application. Our plan at that time featured 4 individual buildings with surface parking. All 4 buildings were designated to be commercial and office uses with a “flex” space on the fourth floor which could be either office or residential. Through the prior application process we received feedback on a number of items. The most significant criticisms were the lack of dedicated residential use on the site and the fact that the surface parking lots were not “urban” in feel. We also learned very late in the application that there was a significant setback required from the high powered overhead electrical lines on Richter Street. These items contributed to us revamping our application last minute to only rezone and development permit 2 of the properties included in this application.

Having been forced to start over on the site we wanted to consider the feedback we had received and incorporate what we could into our new design. The application as submitted speaks to the concerns raised in our previous application.

We have now incorporated 8 residential townhouses into the design. We will still be including some “flex” space on the penthouse level which could be office or residential, but with the redesign we added 8 ground level, 2 bedroom townhouses. These townhouses have direct access to the street and an amazing “urban” interaction with the surrounding streetscape and parks.

Our new design has a very “urban” feel to it. With all the parking hidden from view we have been able to create active street front uses on almost the entire perimeter of our site. This street interaction fits very well into the South Pandosy Village feel.



**WORMAN**  
WORMAN HOMES | WORMAN COMMERCIAL

March 5, 2013

**Public Open House**

Re: 641 & 683 Osprey Ave, 600 Raymer Ave, & 2764 Richter Street

**Held:** March 5, 2013 from 4 pm to 6 pm  
**Location:** 202-474 West Ave.  
**Attendance:** 13 Adults and 1 child  
**Advertising:** Advertisements were placed in the Kelowna Daily Courier on Saturday, March 2 and in the Kelowna Capital News on Friday, March 1.

Flyers were hand delivered Feb. 27 in the morning to all surrounding properties within 50 meters of the site and included the Raymer School for posting for any concerned parents.

Meeting notices were emailed to all strata owners of the building at 570 Raymer Avenue on Feb. 27 as well as to the owners of 550 West Avenue on Feb. 27.

Announcements were made and flyers handed out to attendees of the KLO Neighbourhood Association meeting on Feb. 26.

**Open House Information:** - landscape plans, color renderings, complete DP application plans, building materials (brick, concrete and paint samples), and the building model were all displayed for the public to view. Three members of our development team were on hand to discuss the project and answer any questions that attendees might have.

**Exit Survey:** An exit survey was provided for those who were willing to complete which asked their level of support of the various aspects of the project.

**Policy Objective:**

I believe this open house was conducted in a manner consistent with the objectives of the new council policy # 67. The only discrepancy with the policy was with the timelines of the open house. Although our application was submitted before this policy had come into effect, Staff had suggested we should still consider conducting an open house. We were able to do so however, with a tight timeline on our application, it was necessary to fast track the timeline.

P. 250.762.0040

F. 250.762.0550

202 – 474 West Ave. | Kelowna, B.C. | V1Y 4Z2 | [www.worman.ca](http://www.worman.ca)

# CITY OF KELOWNA

## BYLAW NO. 10822

**Official Community Plan Amendment No. OCP13-0004 -  
Simple Pursuits Inc. Inc. No. BC0449611  
641 and 683 Osprey Avenue, 600 Raymer Avenue and 2764 Richter  
Street**

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

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030 - Official Community Plan Bylaw No. 10500*" be amended by changing the Generalized Future Land Use designation of Lot C, D.L. 14, ODYD, Plan EPP15783, located at 641 Osprey Avenue and Lot D, D.L. 14, ODYD, Plan EPP15783, located at 600 Raymer Avenue from the Commercial designation to the Mixed Use (Residential / Commercial) designation and by changing the Future Land Use designation of Lot 2, D.L. 14, ODYD, Plan EPP16791, located at 2764 Richter Street and Lot 1, D.L. 14, ODYD, Plan EPP16791 located at 683 Osprey Avenue from the Multiple Unit Residential - Medium Density designation to the Mixed Use (Residential / Commercial) designation;
2. AND THAT pursuant to Section 882 of the *Local Government Act*, each reading of this bylaw receive an affirmative vote of a majority of all members of the Council;
3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

---

City Clerk



**CITY OF KELOWNA**

**BYLAW NO. 10823**

**Z13-0005 - Simple Pursuits Inc. Inc. No. BC0449611  
641 and 683 Osprey Avenue, 600 Raymer Avenue and 2764  
Richter Street**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, D.L. 14, ODYD, Plan EPP16791, located at 2764 Richter Street and Lot 1, D.L. 14, ODYD, Plan EPP16791 located at 683 Osprey Avenue from the RU6 - Two Dwelling Housing zone to the C4 - Urban Centre Commercial zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

---

Mayor

---

City Clerk

# REPORT TO COUNCIL



**Date:** March 15<sup>th</sup>, 2013  
**RIM No.** 1250-30  
**To:** City Manager  
**From:** Land Use Management, Community Sustainability (AW)  
**Application:** Z12-0068                      **Owner:** Evergreen Lands Limited, Inc. No. 382754  
**Address:** 1121, 1131, 1141 & 1151 Brookside Ave.    **Applicant:** Meiklejohn Architects Inc.  
**Subject:** Supplemental Report - Rezoning Application  
**Existing OCP Designation:** Multiple Unit Residential - Low Density  
**Existing Zone:** RU6 - Two Dwelling Housing  
**Proposed Zone:** RM3 - Low Density Multiple Housing

---

## 1.0 Recommendation

That Council receives for information the supplemental report from the Land Use Management Department dated March 15th, 2013 with respect to Rezoning Application No. Z12-0068;

AND THAT Rezoning Application No. Z12-0068 be forwarded to the April 9, 2013 Public Hearing.

## 2.0 Purpose

To provide a summary of the Public Information Meeting hosted by the applicant and to make note of a few changes to the project based on the City of Kelowna's Text Amendment application TA13-0003 considered by Council at the March 11th, 2013 meeting and to forward the application to the April 9th, 2013 Public Hearing.

## 3.0 Land Use Management

The applicant decided to withdraw the application from the March 12<sup>th</sup>, 2013 Public Hearing as originally scheduled. Staff and the applicant agreed that additional public consultation in advance of the Public Hearing was important to ensure that the neighbourhood had the opportunity to have a dialogue with the applicant. Accordingly, the applicant hosted a Public Information Meeting on March 14<sup>th</sup>, 2013 (a summary of the meeting is attached). The applicant has also modified the design of the project to take advantage of the proposed amendments to the RM3 zone that Staff have forwarded to Council for consideration as a broader text amendment to the multiple-unit residential zone regulations. This has resulted in an additional 4 units being added to the development for a total of 72 units.

## 4.0 Proposal

### 4.1 Project Description

The proposed development consists of a total of 72 dwelling units; 36 - 1 bedroom units and 36 - 2 bedroom units. Principal vehicular access for the units is via a driveway from Brookside Avenue. Parking for the development is located at the centre of the property with 48 of the stalls provided within carports. The applicant has proposed a parking variance which would provide each unit with 1 parking stall and a total of 11 visitor parking stalls. As this property is located within an Urban Centre, \$7,500.00 per stall as cash-in-lieu would be the appropriate mechanism to overcome this shortfall. However, as this is a purpose built housing project the applicant has asked that the parking be varied in accordance with the recently adopted Housing Strategy. Section 15 of the Housing Strategy suggests that parking should be reduced for multi family housing projects located within the Urban Core.

Long term bicycle parking is provided within individual storage units, and short term bicycle parking is provided near the centre of the site adjacent to the visitor vehicle parking. The Brookside Avenue frontage provides a strong pedestrian orientation, with main building entrances and patios. Such design elements serve to activate these building frontages with heightened levels of pedestrian activity. The buildings are representative of a more contemporary aesthetic, having flat roofs and clean building lines. There are still three variances associated with the project as shown in the table, and specifically the proposal compares to Zoning Bylaw No. 8000 as follows:

Zoning Analysis Table		
CRITERIA	RM3 ZONE REQUIREMENTS	PROPOSAL
<b>Development Regulations</b>		
Floor Area Ratio	0.573 0.85 - Proposed Amendment	0.752
Site Coverage - Buildings	40%	43.8% <sup>1</sup>
Site Coverage - Buildings & Drive	50% 60% - Proposed Amendment	66.3% <sup>2</sup>
Height	9.5m / 2.5 storeys 10.0m / 3 Storeys - Proposed	8.8m / 3.0 storeys
Front Yard	4.5m 1.5m - Proposed Amendment	4.57m
Side Yard (east)	4.5m 4.0m - Proposed Amendment	15m
Side Yard (west)	4.5m 4.0m - Proposed Amendment	4.5m
Rear Yard	7.5m	7.5m
<b>Other Regulations</b>		
Minimum Parking Requirements	99 stalls	83 stalls <sup>3</sup>
Bicycle Parking	Class I: 36 stalls Class II: 8 stalls	Class I: 48 stalls Class II: 8 stalls
Private Open Space	1425m <sup>2</sup>	1639m <sup>2</sup>
<sup>1</sup> To vary site coverage for buildings from 40% permitted to 43.8% proposed. <sup>2</sup> To vary site coverage for buildings, driveways and parking areas from 60% permitted to 66.3% proposed. <sup>3</sup> To vary parking from 99 stalls required to 83 stalls proposed.		

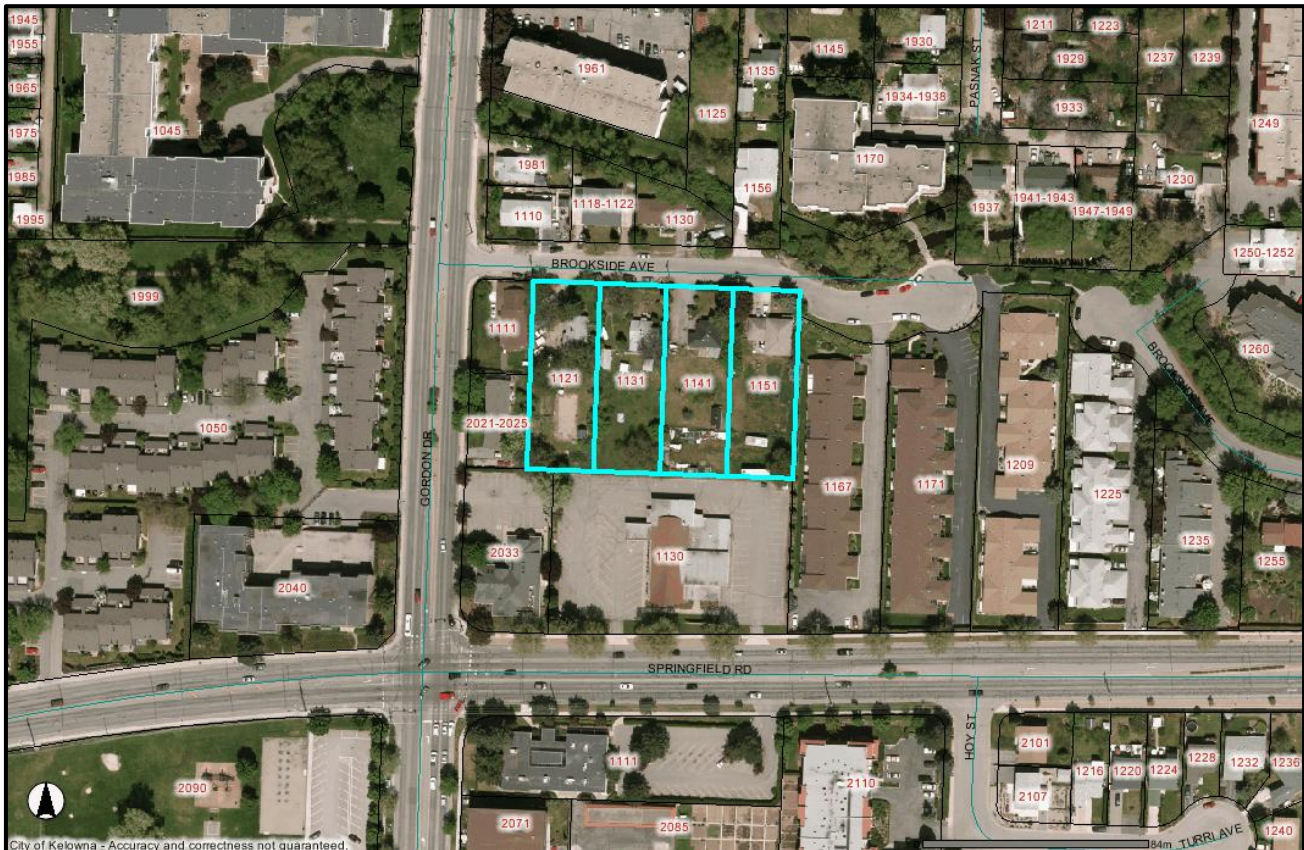
### 4.2 Site Context

The subject properties are located within the Capri / Landmark Urban Centre in an area designated for a townhouse form of development.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 - Two Dwelling Housing	Single Family Residential
East	RM3 - Low Density Multiple Housing	Townhouse Development
South	P2 - Educational & Minor Institutional	Church
West	RU6 - Two Dwelling Housing	Single Family Residential

Subject Property Map: 1121, 1131, 1141 & 1151 Brookside Ave.



Report prepared by:

Alec Warrender, Land Use Planner

Reviewed by:



Danielle Noble, Manager, Urban Land Use

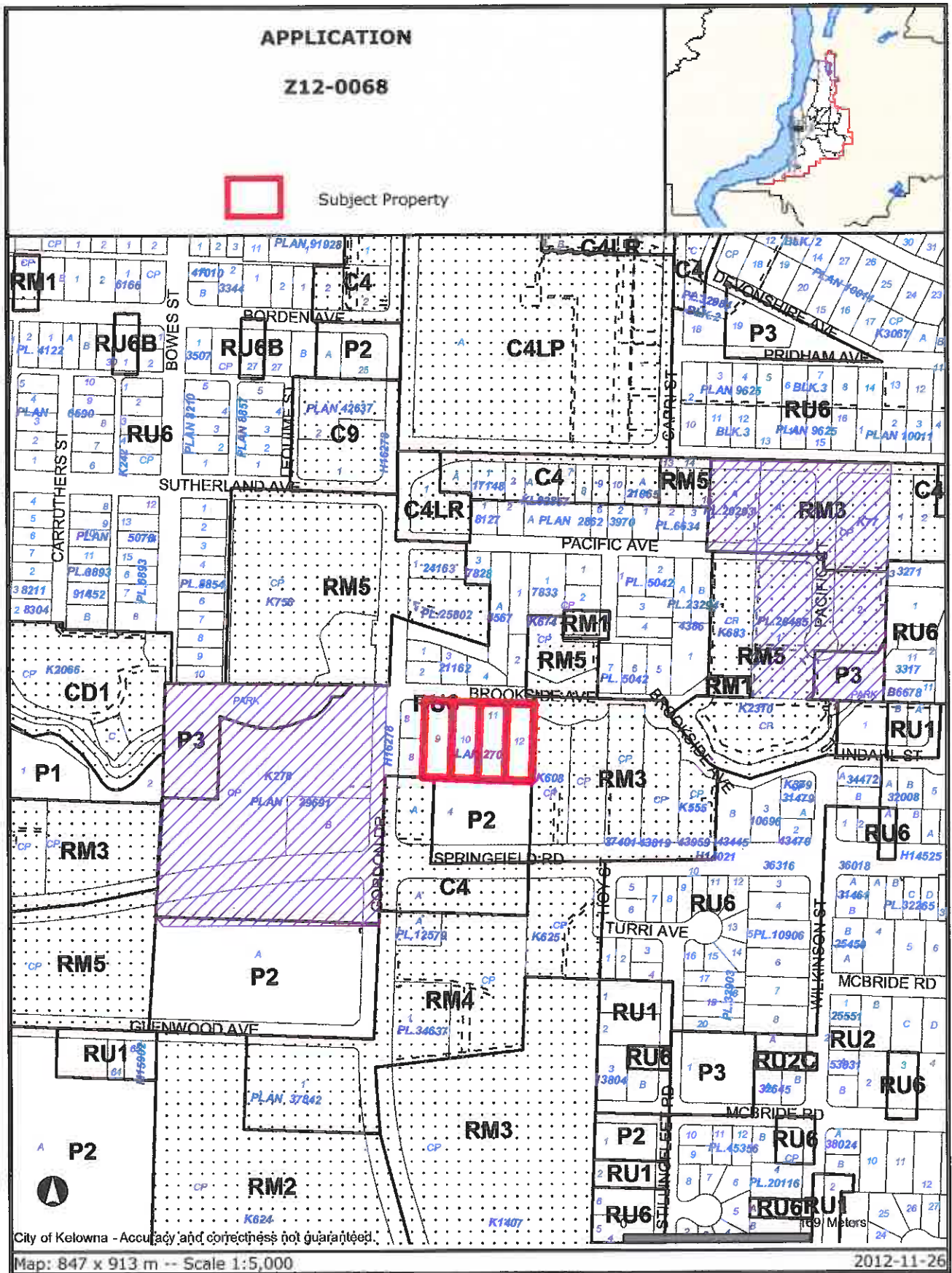
Approved for Inclusion:



Doug Gilchrist, A. General Manager, Community Sustainability

Attachments:

Public Information Meeting Summary  
Site Plan  
Elevations



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

## Alec Warrender

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**Subject:** FW: Public Information Meeting Summary  
**Attachments:** FW: Revised Plans  
**Importance:** High

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**From:** Ken Webster  
**Sent:** Friday, March 15, 2013 4:25 PM  
**To:** 'Alec Warrender'; Danielle Noble  
**Subject:** RE: Public Information Meeting Summary

Alec,

Please accept this email as our summary of the "Neighbourhood Information Open House" held for our rezoning application for Brookside Avenue Z12-0068:

- The "Neighbourhood Information Open House" was held in a meeting room at the Kelowna Seventh Day Adventist Church at 1170 Springfield Road, Kelowna
- The "Neighbourhood Information Open House" was held from 4pm to 7pm on Thursday March 14, 2013
- The Open House was attended by 36 people from the neighbourhood area and/or general public, plus 6 others made up of professionals/consultants from our team, City of Kelowna LUM staff and media(list attached).
- Affected property owners were notified of the "Neighbourhood Information Open House" by way of a bright green "NOTICE"(attached) hand delivered to each property highlighted in green on the attached map, with multiple copies as needed, on Saturday March 9<sup>th</sup>, 2013. Also two signs were posted on the property being rezoned in exactly the same place as the notice of rezoning signs(photo attached) on Monday March 11<sup>th</sup>, 2013. Also, the Kelowna Daily Courier ran a story on page 3 on Thursday March 14<sup>th</sup>, 2013 clearly stating the time and location of the "Neighbourhood Information Open House".
- 6 large information boards were displayed on easels at the "Neighbourhood Information Open House"(attached) and the developer, the architect, the traffic engineer/consultant and the Land Use Planner from the City of Kelowna were all present to answer any questions.
- The Open House was an opportunity to answer questions, dispel rumor and outline the development background and project facts. Many neighbours seemed satisfied with the information and some objected to the rezoning application. Regardless of where individuals stood they all left with the facts and having had the opportunity to have their questions answered.

We trust that this is a satisfactory summary of the "Neighbourhood Information Open House". If you require any further clarification or information please contact us directly.

Yours Truly,

---

Evergreen Lands Ltd.  
Per: Ken Webste

# NOTICE

**To:** Resident/Owner

**From:** Meiklejohn Architects Inc – Applicant  
Evergreen Lands Ltd. – Owner

**Date:** March 8, 2013

**Re:** Rezoning Application Z12-0068  
For 1121, 1131, 1141 and 1151 Brookside Avenue  
Neighbourhood Information Open House

Please be advised that the previously scheduled Public Hearing for the abovementioned re-zoning application on Tuesday, March 12<sup>th</sup>, 2013 has been postponed in order to facilitate a neighbourhood information open house for the abovementioned re-zoning application.

This information open house will be held within the neighbourhood at the Kelowna Seventh-Day Adventist Church, 1130 Springfield Road, on Thursday March 14, 2013 from 4 pm to 7 pm. Access to the open house is off the parking lot at the rear of the church.

If you are unable to attend this neighbourhood information open house, please feel free to call Meiklejohn Architecture Inc at 250 762-3004 or Evergreen Lands Ltd at 250 763-6600 for information about the abovementioned re-zoning application.

We look forward to seeing you Thursday, March 14<sup>th</sup>, 2013 anytime between 4 pm and 7 pm at the Kelowna Seventh-day Adventist Church at 1130 Springfield Road.



# NOTICE

## Neighbourhood Information Open House Rezoning Application Z12-0068 for 1121, 1131, 1141 and 1151 Brookside Avenue

Please be advised that the previously scheduled Public Hearing for the abovementioned re-zoning application on Tuesday, March 12th, 2013 has been postponed in order to facilitate a neighbourhood information open house for the abovementioned re-zoning application.

This information open house will be held within the neighbourhood at the Kelowna Seventh-Day Adventist Church, 1130 Springfield Road, on Thursday March 14, 2013 from 4 pm to 7 pm. Access to the open house is off the parking lot at the rear of the church.

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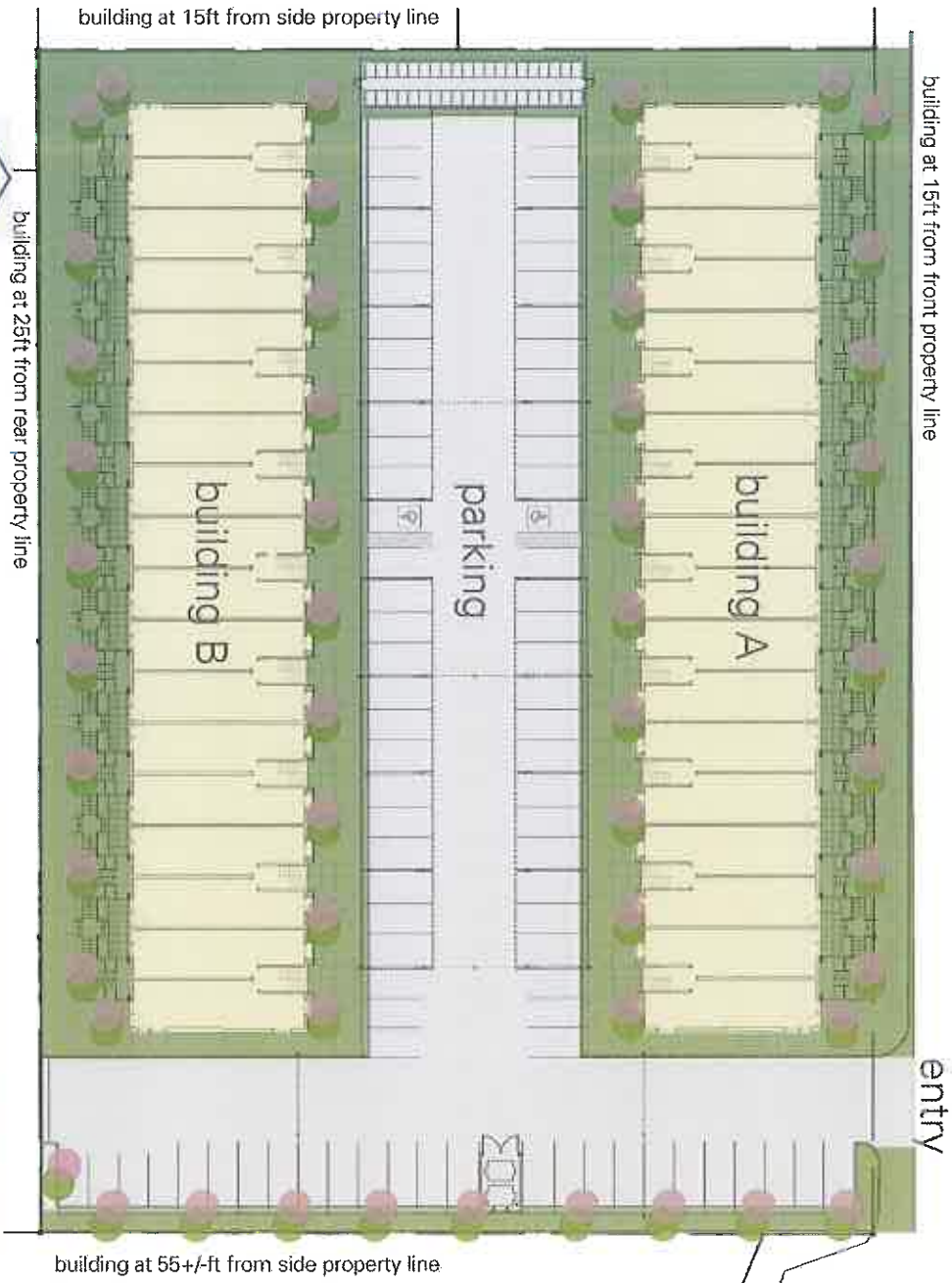
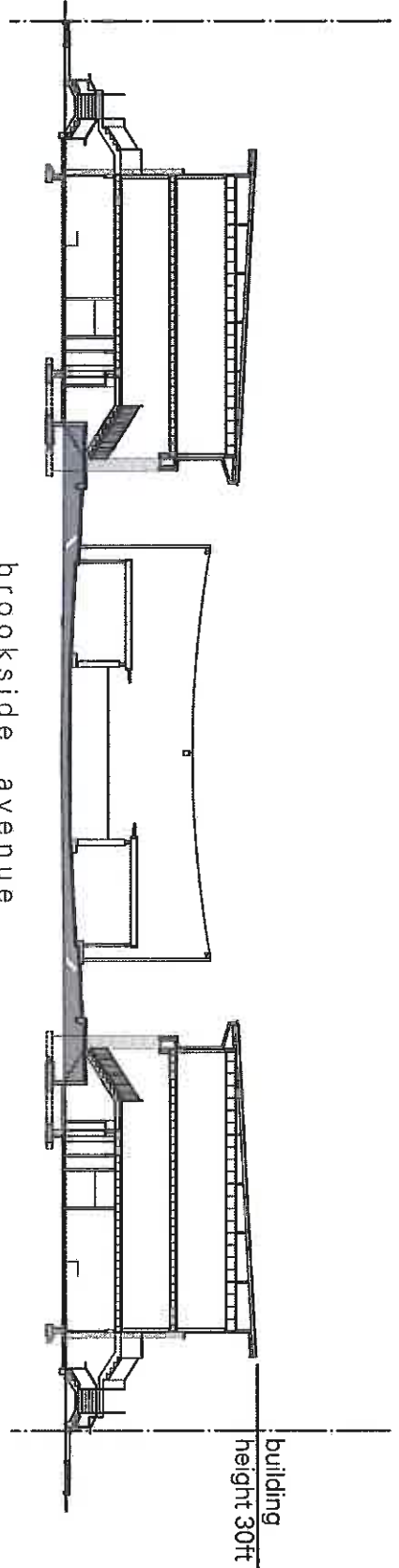
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This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.



generalized  
current  
zoning



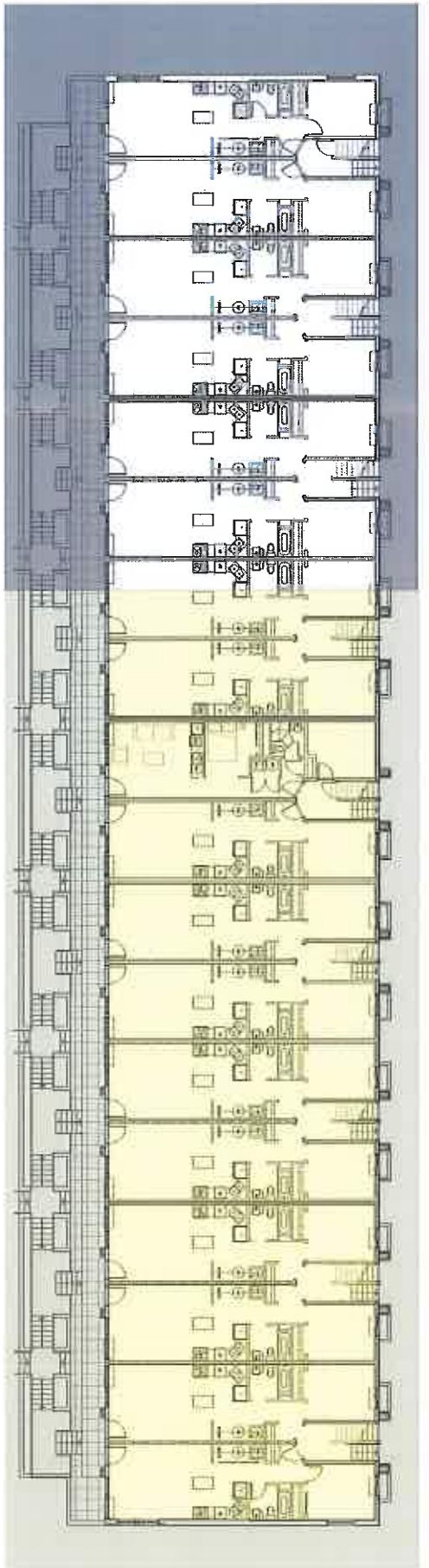
MEIKLEJOHN ARCHITECTS

EVERGREEN LANDS

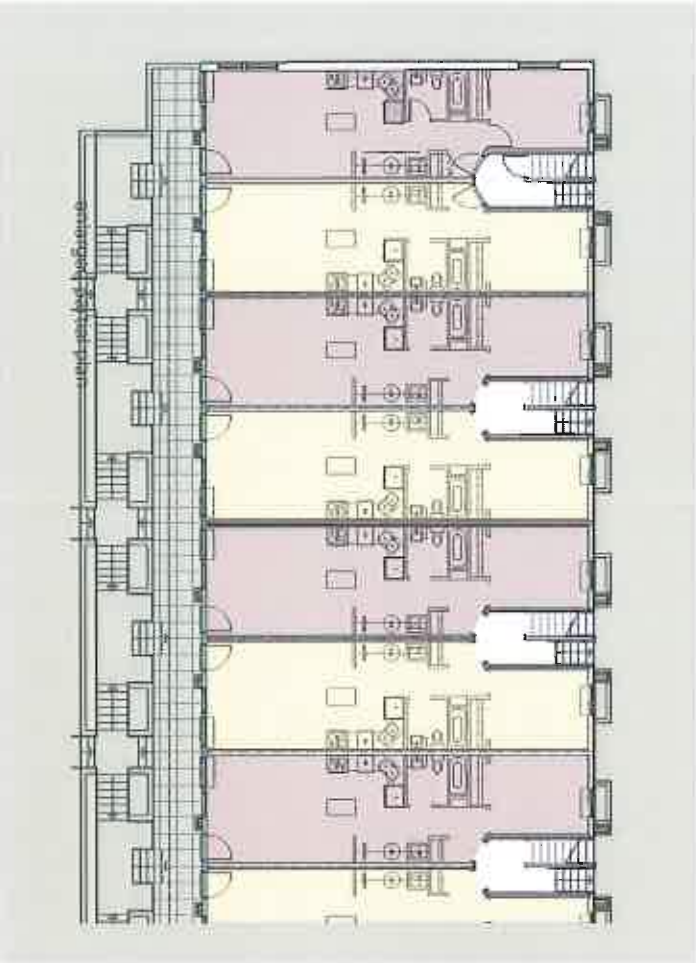
Cityhomes at Brookside

Site plan & zoning & building sections

march 14, 2013



building block - overall floor plan

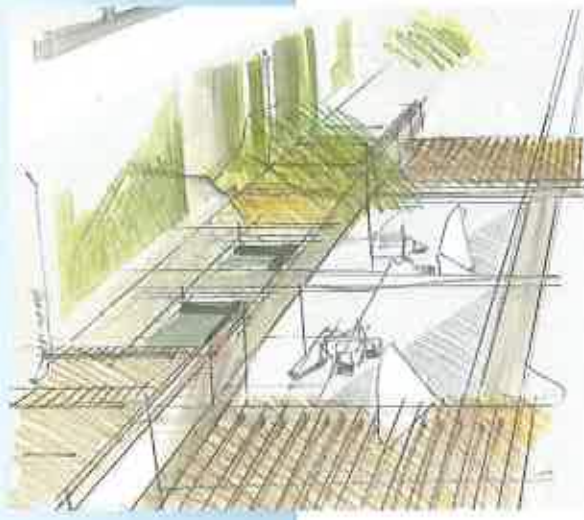
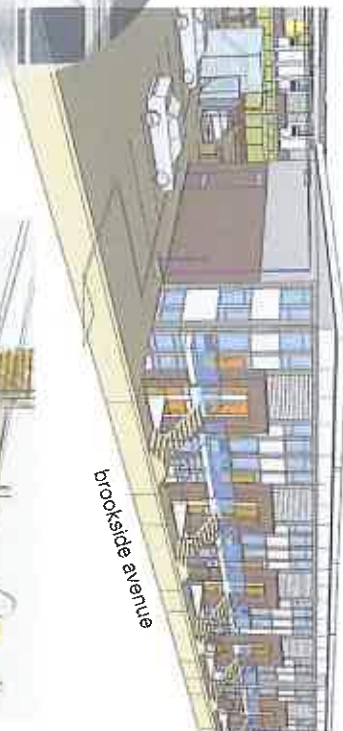


facade image along brookside ave

artist rendering



brooks side avenue



facade front brooks side avenue

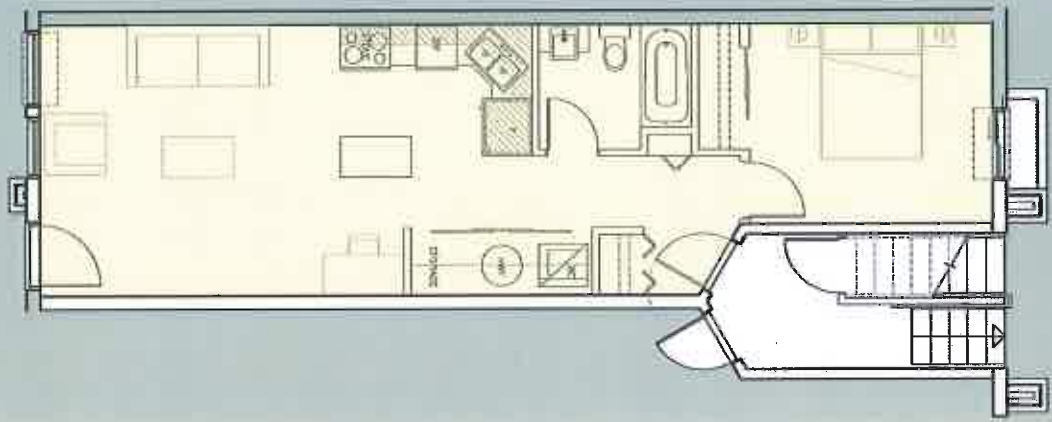
WEIKLEJOHN ARCHITECTS



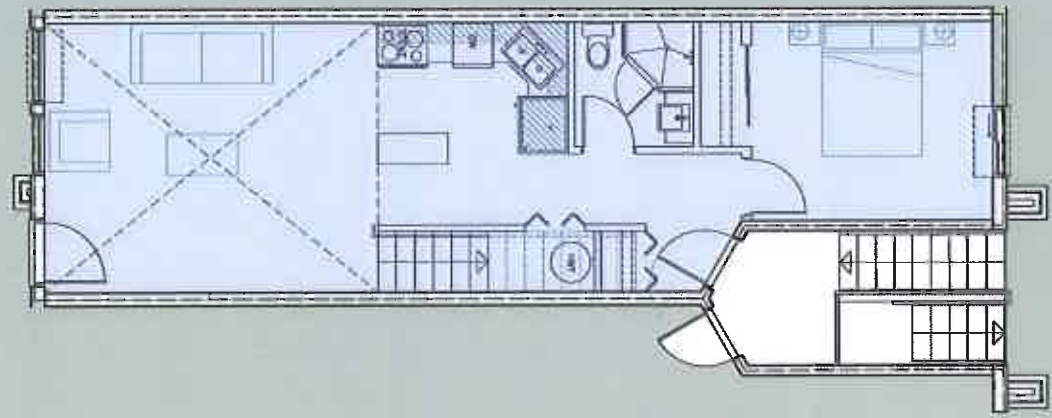
Cityhomes in Brookside

building facade & rendering

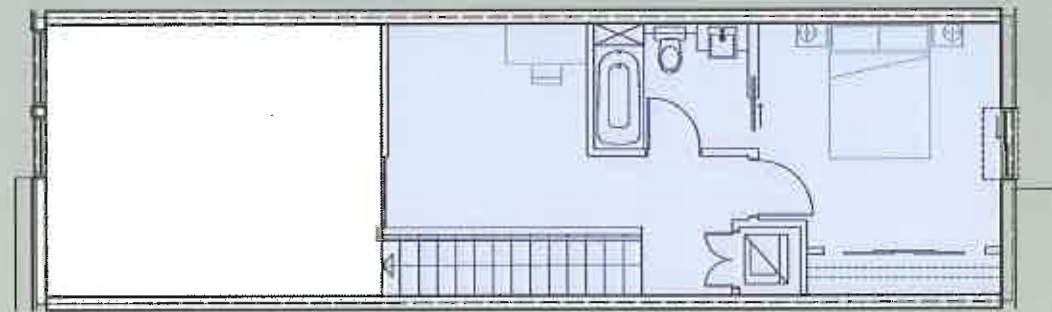
march 14, 2013



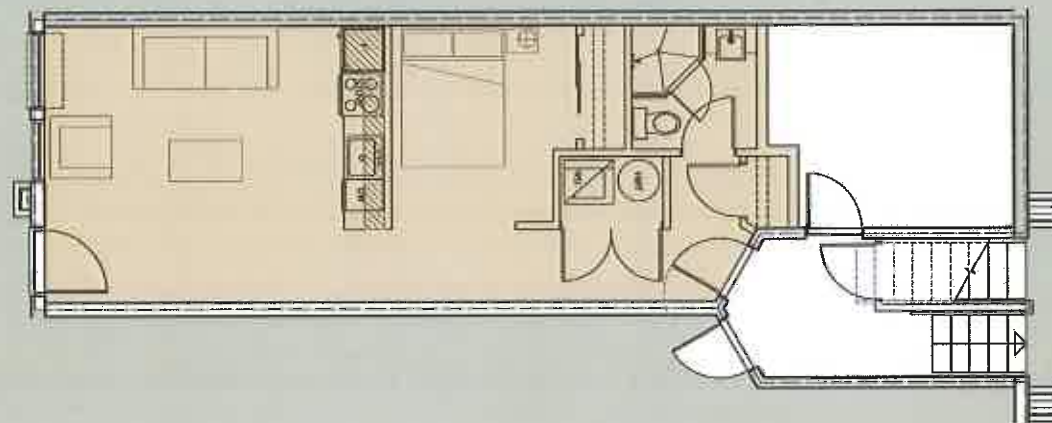
type A



type B - 2nd level



type B - 3rd level



type C - studio

## DEVELOPMENT BACKGROUND

1121-1151 Brookside assembled over the past 23 years by Evergreen Lands Ltd. for re-development as per the City of Kelowna Official Community Plan(OCP).

City of Kelowna OCP designates re-development of 1121-1151 Brookside as multi-family low density (i.e. RM3 zone) several years ago.

City of Kelowna creates Housing Strategy in 2011-2012 including incentive to stimulate development of market rental housing.

Evergreen Lands Ltd. explores potential re-development of 1121-1151 Brookside utilizing the City of Kelowna's Housing Strategy in conjunction with the OCP designation.

Location of 1121-1151 Brookside within Kelowna's urban centre close to public transit, employment, retail, health services, schools, recreation, and more all contributes to suitability for urban redevelopment.

Evergreen Lands Ltd. engages Meiklejohn Architecture explores stacked row townhouse design for 1121-1151 Brookside.

Evergreen Lands Ltd. applies for and receives a City of Kelowna grant reducing development cost charges in exchange for creating market rental housing by way of a Housing Agreement.

Evergreen Lands Ltd. applies for rezoning and development permit for 1121-1151 Brookside.

Evergreen Lands Ltd. engages CTO Consultants to confirm that there is no negative impact on traffic.

City of Kelowna Land Use Management reports and recommends to Council approval of rezoning and development permit.

Kelowna City Council forwards rezoning application to public hearing with positive support.

Evergreen Lands Ltd. holds neighbourhood information open house to explain the development to the neighbours before proceeding to public hearing.

## PROJECT FACTS

72 unit stacked row townhouse development containing 2 bachelor units, 34 one bedroom units and 36 two bedroom units.

The 4 current titles/addresses will be consolidated into one property title and one address(1155 Brookside).

Each home will have one parking stall available to them, either covered(carport) or uncovered. If they do not have a car and do not need a parking stall then their stall will be able to be used by tenants wanting a second stall. Additional parking, guest parking and bicycle parking provided on the property.

Separate secure storage lockers will be available on a first come, first served basis.

Designed to live like urban apartments except with individual front and rear exterior entries but apartment style patios/decks.

An "upstairs/downstairs" or "brownstone" style of living typical of urban townhomes, inspiring the name "Cityhomes on Brookside".

The completed development will be managed "hands on" locally by Evergreen Lands Ltd. with a resident manager, governed by the City of Kelowna bylaws and the BC Residential Tenancy Act.

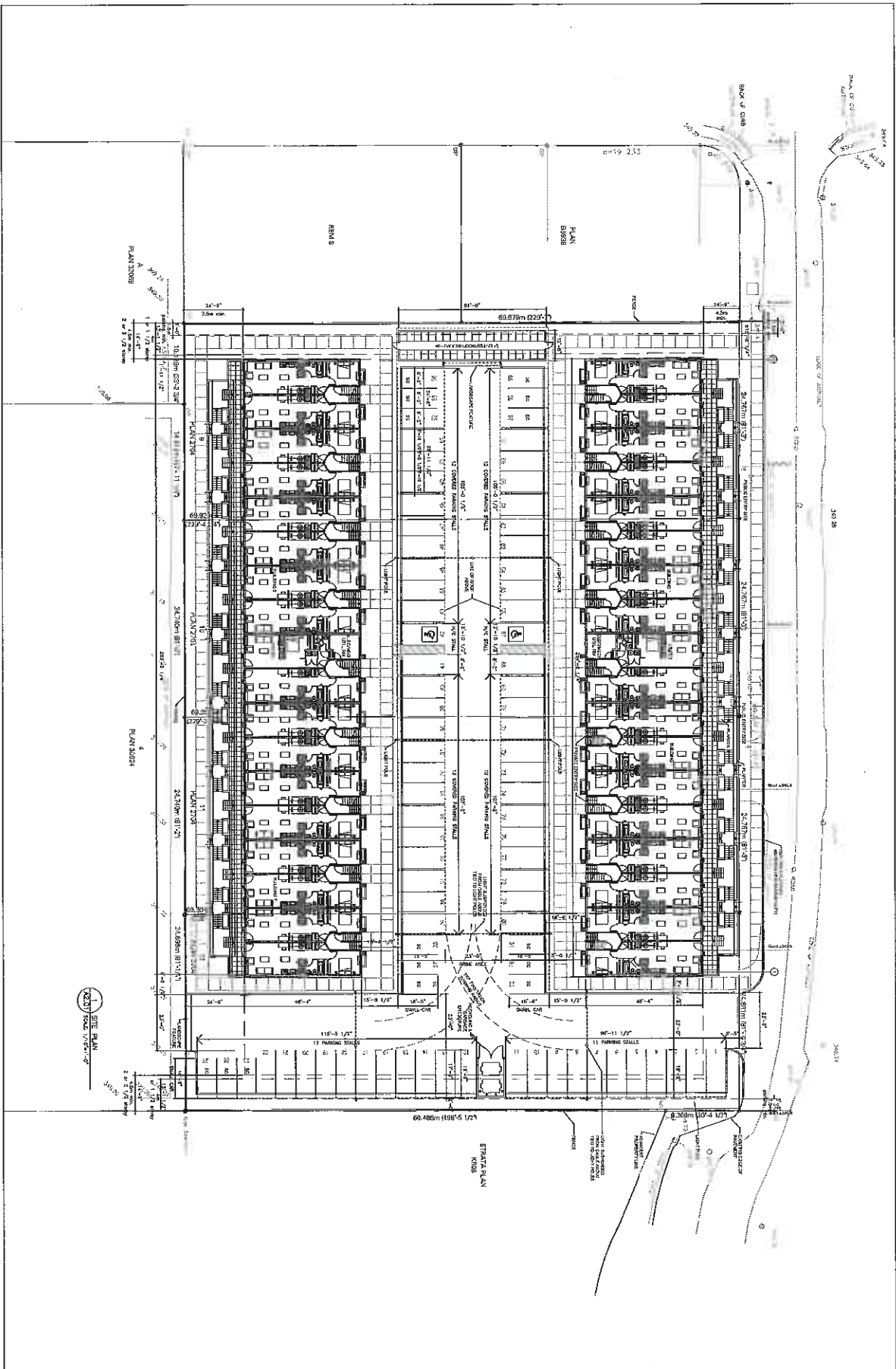
The residential rental target market includes individuals, couples, small families and retirees who are:

- \*Starting out in life and want to rent until they are ready to purchase.
- \*Selling their home and now prefer to rent and be free of home ownership.
- \*Maintaining a primary home elsewhere but work and/or play in Kelowna("Pied a Terre").

Typical rental terms currently utilized by Evergreen Lands Ltd. include a minimum one year lease, no pets and no smoking.

The development will fully urbanize the development frontage including curb, gutter, sidewalk, boulevard, storm drainage, water, sewer, asphalt and underground services including electrical.



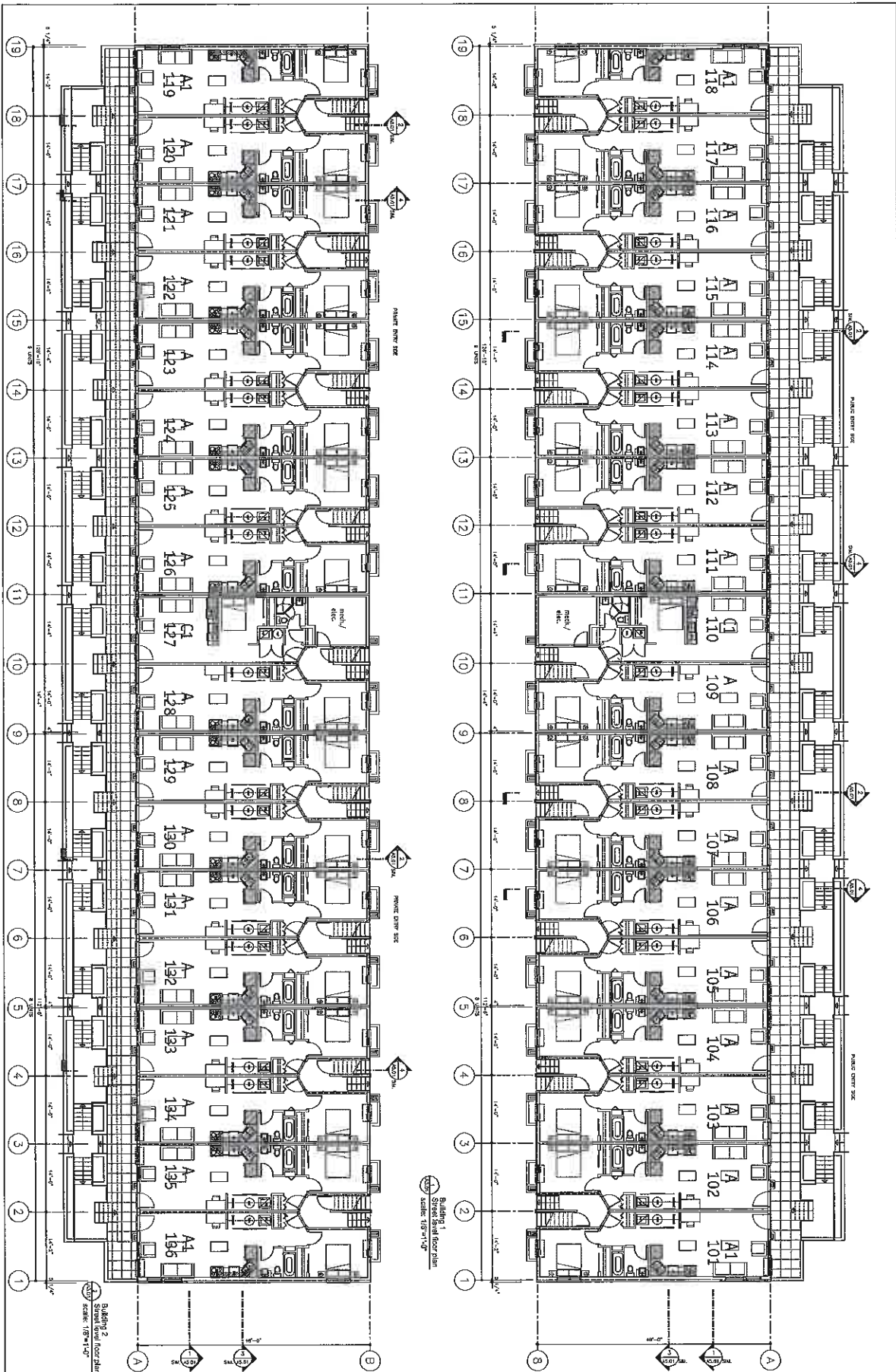


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 12/20/2024



**3 RUBY BROOKSIDE CITY HOMES - 72 UNITS**  
 A2.01  
 01

**SITE PLAN OPTION 7**  
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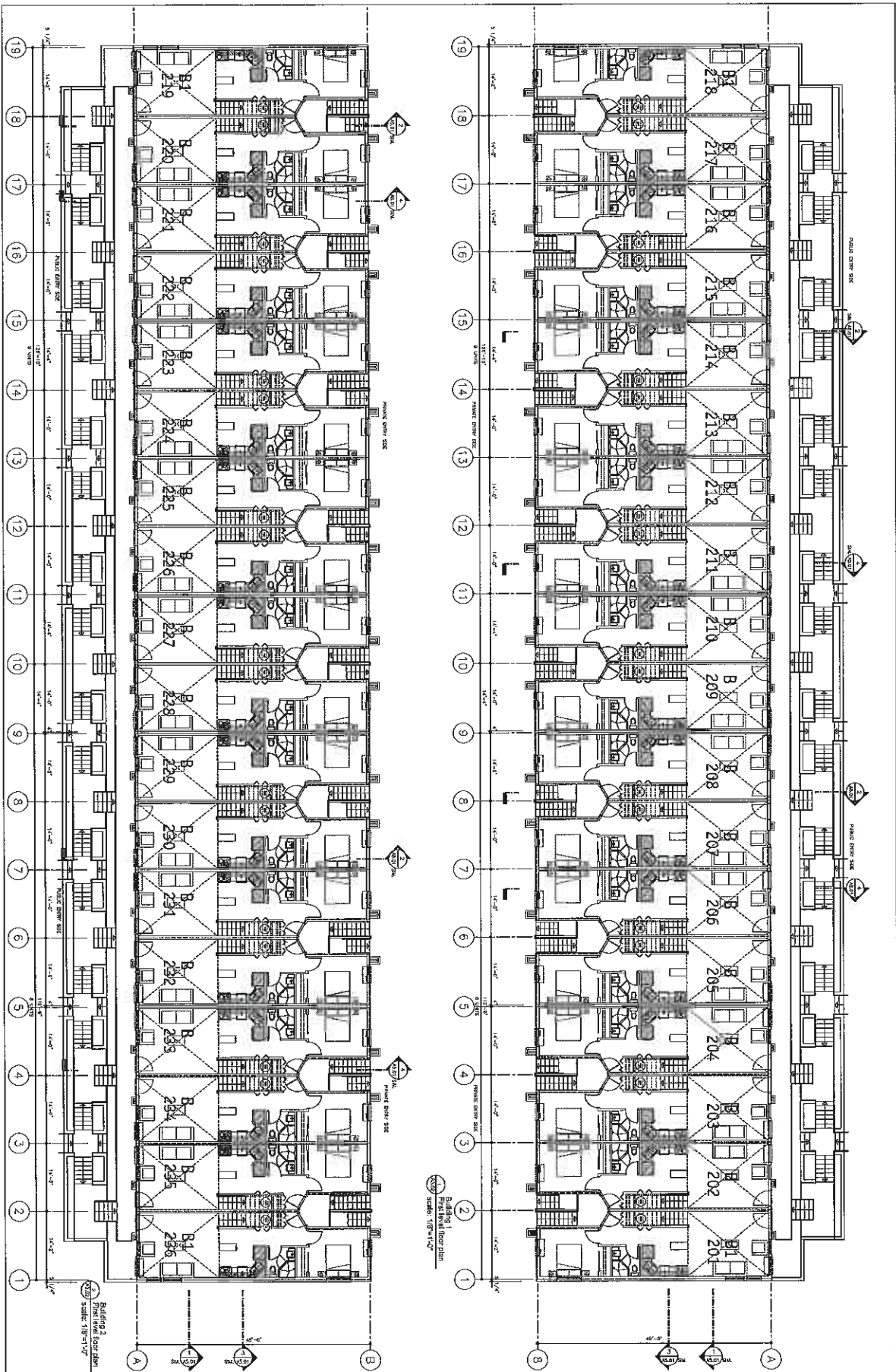
MEIKLEJOHN ARCHITECTS INC.

**A3.01**  
OF

3 STOREY BROOKSIDE CITY HOMES - 72 UNITS

STREET LEVEL FLOOR PLANS BUILDING 1 & 2

DATE	DESCRIPTION
15/12/2010	ISSUED FOR PERMIT
14/07/2010	ISSUED FOR TENDER
24/02/2010	ISSUED FOR CONCEPT DESIGN
03/01/2010	ISSUED FOR PRELIMINARY DESIGN
10/11/2009	ISSUED FOR SCHEMATIC DESIGN
04/10/2009	ISSUED FOR CONCEPT DESIGN
12/07/2009	ISSUED FOR PRELIMINARY DESIGN
11/05/2009	ISSUED FOR CONCEPT DESIGN
03/05/2009	ISSUED FOR CONCEPT DESIGN



301 31st Street  
 Denver, CO 80202  
 MEKLEJOHN ARCHITECTS, INC.  
 1515 W. 4th Avenue  
 Suite 300  
 Denver, CO 80202  
 Phone: 303.733.1111  
 Fax: 303.733.1112  
 www.meklejohn.com

**MEKLEJOHN ARCHITECTS, INC.**

Project No. 1000000000  
 Building Name: 3 SHERAN BROOKSIDE CITY HOMES - 72 UNITS  
 Drawing Title: FIRST LEVEL FLOOR PLANS BUILDING 1 & 2  
 Drawing No. A3.02 OF

DATE NORTH

301 31st Street  
 Denver, CO 80202  
 MEKLEJOHN ARCHITECTS, INC.  
 1515 W. 4th Avenue  
 Suite 300  
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 Phone: 303.733.1111  
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 Fax: 303.733.1112  
 www.meklejohn.com

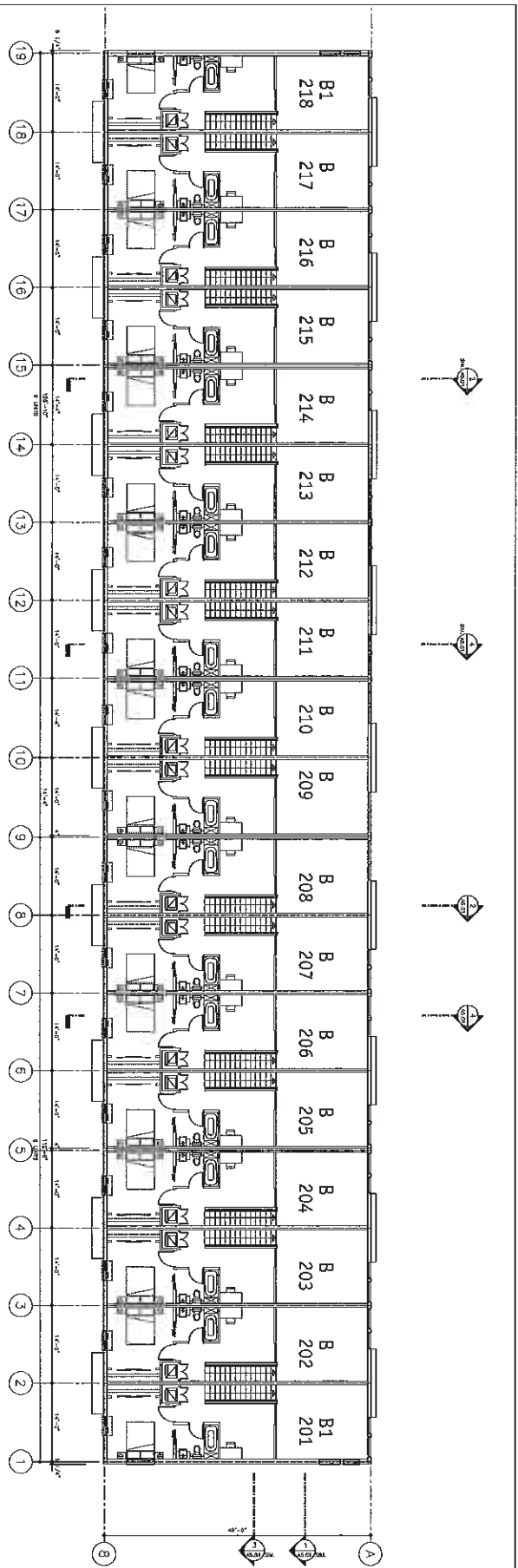
NOTHING HERE  
 IS TO BE  
 INTERPRETED  
 AS A  
 COMMITMENT  
 BY MEKLEJOHN ARCHITECTS, INC.  
 TO ANY  
 SPECIFIC  
 DESIGN OR  
 CONSTRUCTION  
 PROGRAM  
 UNLESS  
 SPECIFICALLY  
 STATED  
 OTHERWISE  
 IN WRITING  
 BY MEKLEJOHN ARCHITECTS, INC.



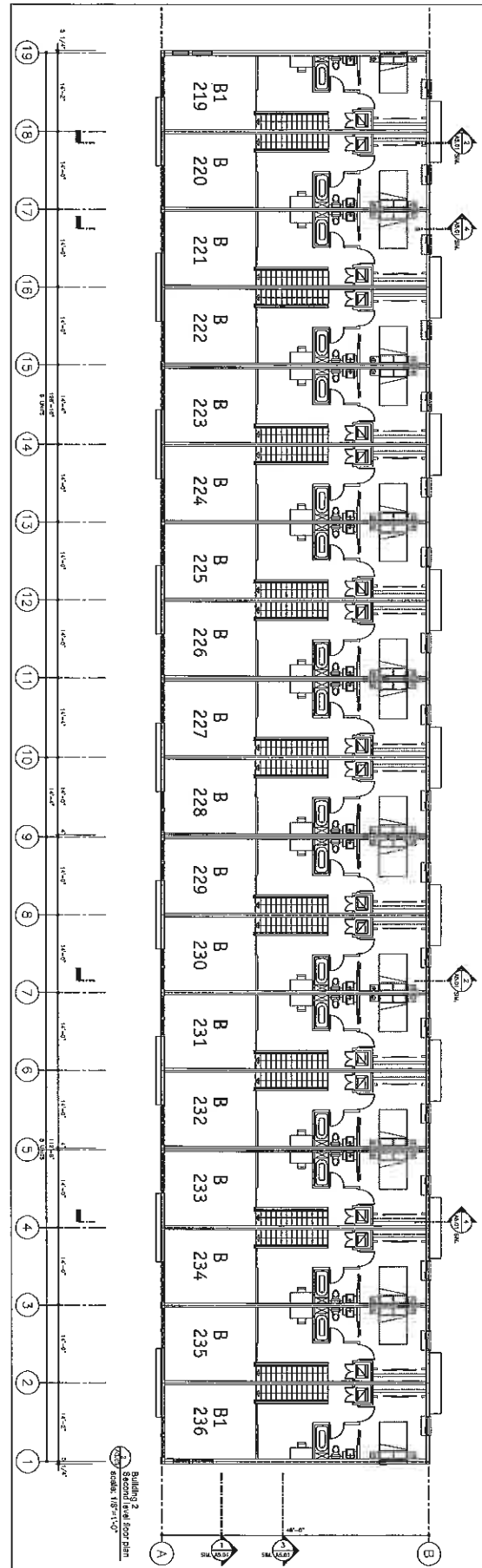
MEKLEJOHN ARCHITECTS, INC.  
 3 STOREY BROOKSIDE CITY  
 HOMES - 72 UNITS  
 1120 EAST 15TH AVENUE, SUITE  
 1000, DENVER, CO 80202  
 PROJECT NUMBER: 15-001  
 DRAWING NUMBER: 15-001-02  
 DATE: 08/13/15  
 SCALE: AS SHOWN  
 DRAWN BY: [Redacted]  
 CHECKED BY: [Redacted]  
 APPROVED BY: [Redacted]

**A3.03**  
 OF  
 SECOND LEVEL  
 FLOOR PLANS  
 BUILDING 1 & 2

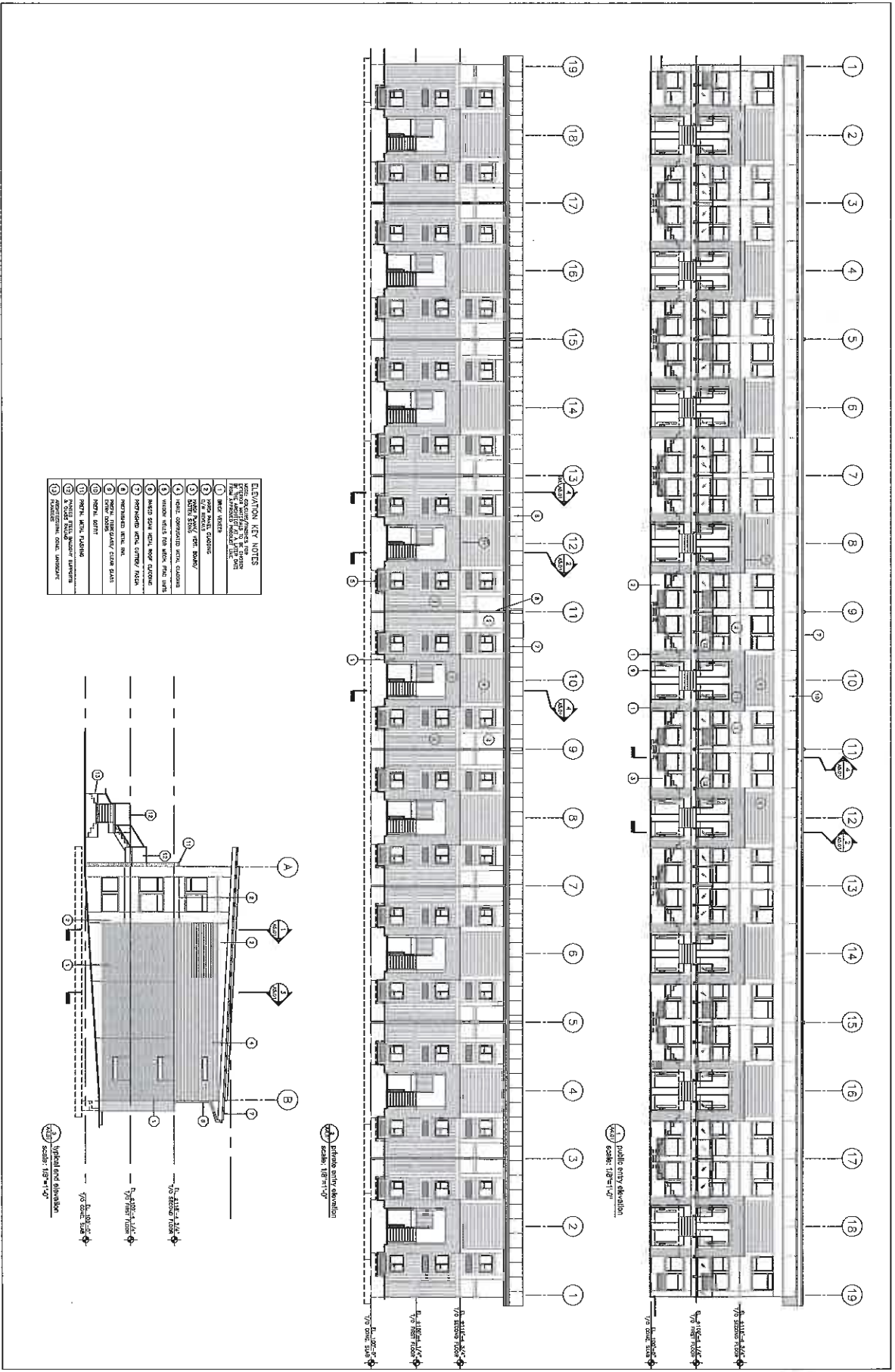
MEKLEJOHN ARCHITECTS, INC.  
 1120 EAST 15TH AVENUE, SUITE 1000  
 DENVER, CO 80202  
 TEL: 303.733.1100  
 FAX: 303.733.1101  
 WWW.MKLEJOHN.COM



Building 1  
 Second level floor plan  
 scale: 1/8"=1'-0"



Building 2  
 Second level floor plan  
 scale: 1/8"=1'-0"



**ELEVATION KEY NOTES**

NOTE: ELEVATION/SECTION AND SECTION/SECTION ARE NOT TO SCALE UNLESS OTHERWISE NOTED.

1. BRICK VENEER
2. 2" X 4" BRICK COURSE
3. 2" X 4" BRICK COURSE
4. 2" X 4" BRICK COURSE
5. 2" X 4" BRICK COURSE
6. 2" X 4" BRICK COURSE
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15. 2" X 4" BRICK COURSE
16. 2" X 4" BRICK COURSE
17. 2" X 4" BRICK COURSE
18. 2" X 4" BRICK COURSE
19. 2" X 4" BRICK COURSE

315 S. BROAD STREET  
 3RD FLOOR  
 315 S. BROAD STREET  
 3RD FLOOR  
 315 S. BROAD STREET  
 3RD FLOOR  
 315 S. BROAD STREET  
 3RD FLOOR

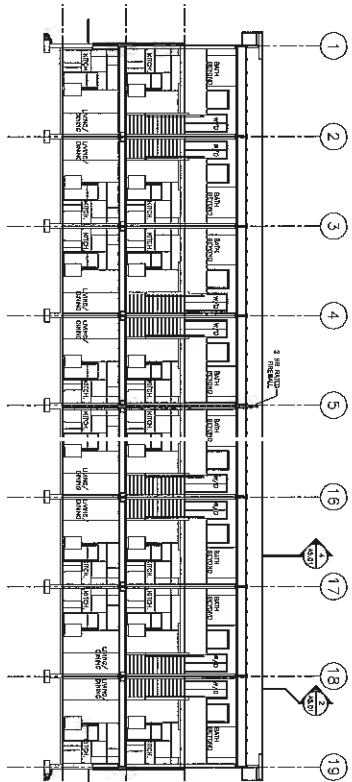
**MEKLEJOHN ARCHITECTS, INC.**

315 S. BROAD STREET  
 3RD FLOOR  
 315 S. BROAD STREET  
 3RD FLOOR  
 315 S. BROAD STREET  
 3RD FLOOR

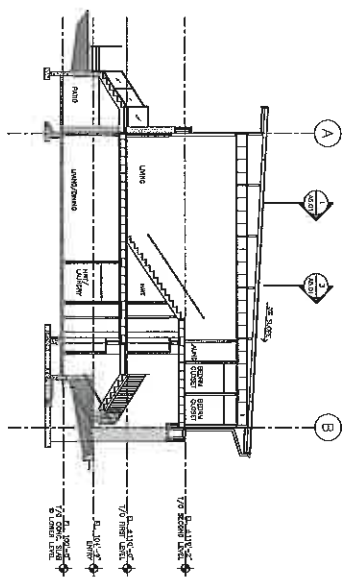
**A4.01**  
 OF  
**BUILDING 1 & 2**  
**ELEVATIONS**

DATE: 10/15/14  
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 CHECKED BY: J. B. MEKLEJOHN  
 SCALE: 1/8" = 1'-0"

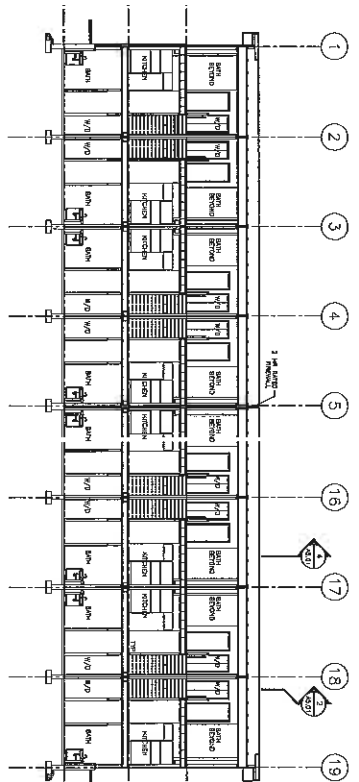
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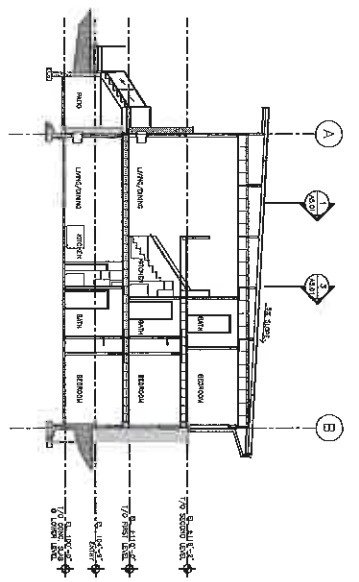
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2 BUILDING SECTION  
SCALE: 1/8" = 1'-0"



3 BUILDING SECTION  
SCALE: 1/8" = 1'-0"



4 BUILDING SECTION  
SCALE: 1/8" = 1'-0"

MEIKLEJOHN ARCHITECTS, INC.  
 2118 W. 10TH AVENUE  
 DENVER, CO 80202  
 TEL: 303.733.1111  
 FAX: 303.733.1112  
 WWW.M+A+M.COM

**A5.01**  
 OF

TOWNHOUSE  
 BUILDING SECTIONS  
 BUILDINGS 1 & 2

PROJECT NO. 04-01-01  
 DATE: 01/11/05  
 DRAWN BY: JLM  
 CHECKED BY: JLM  
 SCALE: 1/8" = 1'-0"

3 STOREY BROOKSIDE CITY  
 HOMES - 72 UNITS  
 1010 13TH AVENUE, DENVER, CO  
 80202

MEIKLEJOHN ARCHITECTS, INC.  
 2118 W. 10TH AVENUE  
 DENVER, CO 80202  
 TEL: 303.733.1111  
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 WWW.M+A+M.COM

# REPORT TO COUNCIL



**Date:** March 18, 2013  
**RIM No.** 1250-30  
**To:** City Manager  
**From:** Land Use Management, Community Sustainability (AR)

**Application:** Z13-0001      **Owner:** Mission Group Old Meadows G.P. Ltd., Inc. No. BC0954893  
**Address:** 674 Old Meadows Road      **Applicant:** The Mission Group  
**Subject:** Supplementary Report - Rezoning Application

**Existing OCP Designation:** Multiple Unit Residential (Medium Density)  
**Existing Zone:** A1 - Agriculture 1  
**Proposed Zone:** RM4 - Transitional Low Density Housing

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## 1.0 Recommendation

That Council receives for information the supplemental report from the Land Use Management Department dated March 18, 2013.

## 2.0 Purpose

The purpose of this report is to respond to Council’s resolution provided at the March 4, 2013, Council meeting, requesting that the Applicant “...submit development permit concept drawings for consideration of Council and the public prior to the Public Hearing”.

## 3.0 Background

On March 4, 2013, Council received the staff report dated February 15, 2013, for Rezoning Application Z13-0001, proposing to rezone the property at 674 Old Meadows Road from A1-Agriculture 1 to RM4 - Transitional Low Density Housing, to facilitate the comprehensive redevelopment of the site for row house and duplex development (approximately 108 units).

At this meeting, Council moved that the zone amending bylaw be forwarded to a Public Hearing, but that also that staff encourage the Applicant to submit development permit conceptual drawings for consideration of Council and the public prior to the Public Hearing.

On March 15, 2013, the Applicant submitted a Development Permit and Development Variance Permit applications. The applications are presently under review and in circulation for technical comments and requirements.

#### 4.0 Proposal

As outlined in the preceding rezoning report tabled on March 4, 2013, the purpose of the rezoning application is to rezone the subject property from A1 - Agriculture 1 to RM4 - Transitional Low Density Housing to allow the site to be comprehensively developed with ground-oriented row house and duplex development, consisting of approximately 108 dwelling units.

Attached to the subject report is a copy of the site plan and elevation drawings submitted with the Development Permit application on March 15, 2013, as well as a conceptual landscape plan and rendering of the Old Meadows Road frontage.

A Development Variance Permit application was also submitted that requests variances to the Zoning Bylaw to:

- Reduce the required front yard setback on Old Meadows Road from 6.0 m required to 1.8 m proposed;
- Reduce the required side yard (flanking street) setback on Gordon Drive from 4.5 m required to 1.6 m proposed;
- Reduced the required visitor parking from 28 spaces required to 22 spaces proposed.

Based on the proposed site layout, it would appear that a further variance would be needed for the proposed visitor parking spaces located adjacent to the Gordon Drive frontage and adjacent to the west property line, as the Zoning Bylaw requires that no off-street parking be located within 1.5 m of side property line or within 3 m of a flanking street.

#### 5.0 Application Chronology

Date Rezoning Application Received: January 1, 2013

Date Development Permit & Development Permit Applications Received: March 15, 2013

**Report prepared by:**

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Abigail Riley, Land Use Planner

**Reviewed by:**

Danielle Noble, Manager, Urban Land Use

**Approved for Inclusion**

Doug Gilchrist, Acting General Manager, Community Sustainability

#### **Attachments:**

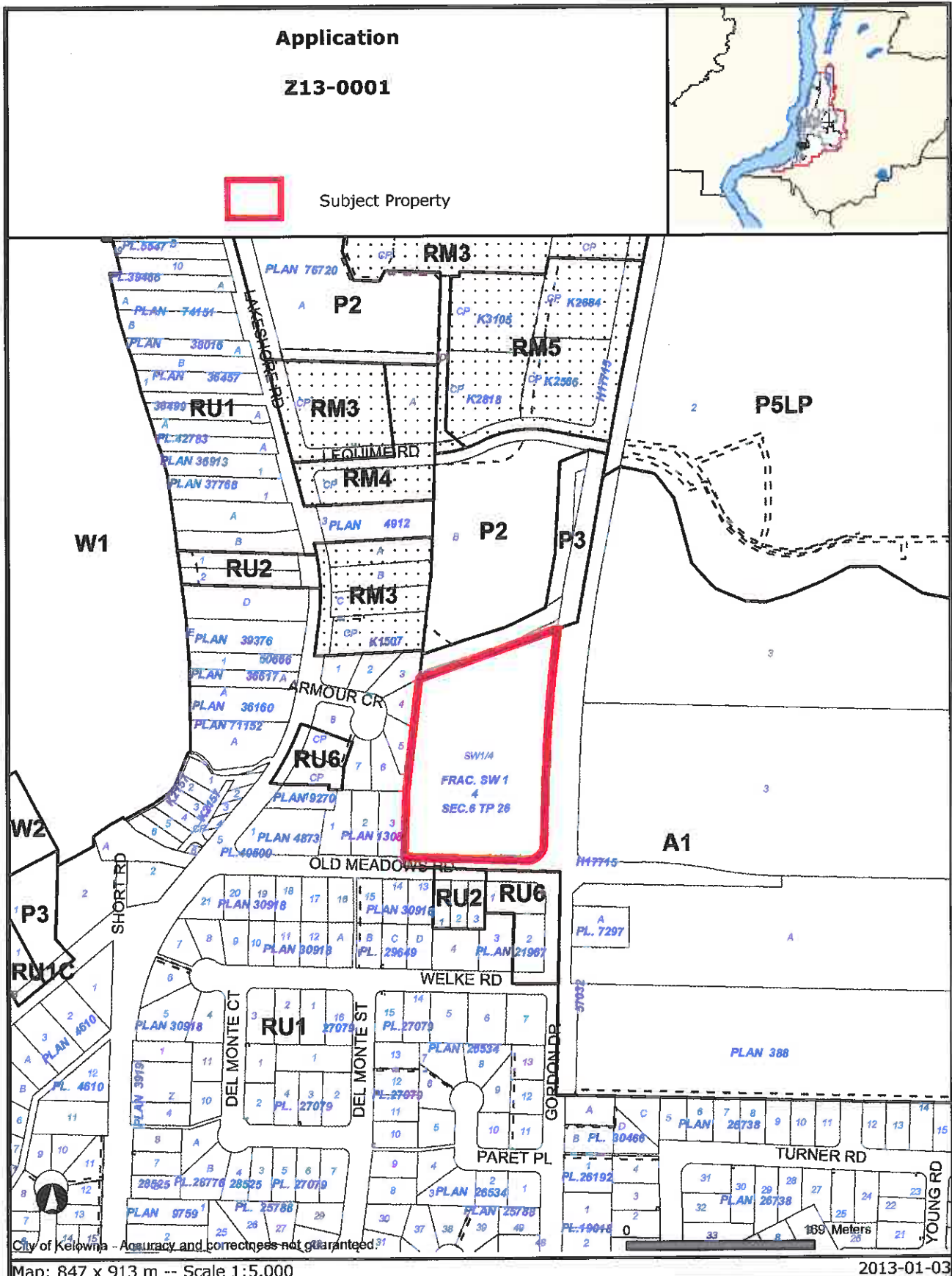
Site Plan

Building Elevations - Old Meadows Road & Gordon Drive Frontages

Conceptual Landscape Plan

Conceptual Renderings - Old Meadows Road & Gordon Drive Frontages





City of Kelowna - Accuracy and correctness not guaranteed

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



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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** February 13, 2013  
**File No.:** Z13-0001

**To:** Land Use Management Department (AR)

**From:** Development Engineering Manager

**Subject:** 674 Old Meadows Road – Lot SW1/4, Plan T26 S6 **REVISED** A1 to RM4

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The Development Engineering Department has the following comments and requirements associated with this rezoning 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 subject property is currently serviced with two water services (50mm & 37mm). 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. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the disconnection of existing services and the installation of a new service.
- b) The area has two hydrants 190m apart which exceeds the Bylaw for multi-family developments. A second hydrant will be required at the west end of the proposed development and the existing 150mm. A.C. main in Old Meadows Road for the full development frontage should be replaced with a 200mm PVC main.

**2. Sanitary Sewer**

The subject property is currently serviced with three 100mm sanitary services. The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal and disconnection of the existing services and the installation of one new larger service.

***The property is located in Sewer Specified Area No. 17 and therefore; all units (factored for multi family to 0.7) to be created will be subject to the debt charges for this service. The applicant must pay-out the outstanding financial obligation for each unit. The previous owner has previously cash commuted 1 EDUs therefore the new units must be paid. Sewer Specified Area fee is \$136.42 and is valid until March 31, 2013.***

**3. Storm Drainage**

- a) The subject property is not currently serviced. The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the City Storm Water Management Policy and Design Manual. 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.

**4. Transportation**

- a) The proposed development traffic flows and the Transportation Servicing Plan indicates the need for a traffic signal at the intersection of Gordon Drive and Old Meadows Road. The traffic signal should be constructed in conjunction with the Gordon Drive upgrading enhancing traffic and pedestrian safety at this intersection.

**5. Road Improvements**

- (a) Old Meadows Road must be upgraded to an urban standard (SS-R5) along the full frontage of this proposed development, including curb and gutter, monolithic sidewalk, drainage system including catch basins, manholes and pavement removal and replacement, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- (b) Gordon Drive must be upgraded to an urban standard (SS-R9) along the full frontage of this proposed development, including curb and gutter, separate sidewalk, drainage system including catch basins, manholes, landscaped boulevard and pavement fillet, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- (c) Provide a Street Sign, Markings and Traffic Control Devices Drawing.
- (d) Landscaped boulevards, complete with underground irrigation, is required on Gordon Drive.
- (e) Driveway access is not permitted onto Gordon Drive. A restrictive covenant in favour of the City of Kelowna, registrable under Section 219 of the Land Title Act, must be granted to the effect that vehicular access is not permitted from the development site.

**6. Electric Power and Telecommunication Services and Street Lights**

- a) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground.
- b) Streetlights must be installed on all 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).

**7. 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 Development Engineering 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.

**8. Servicing Agreements for Works and Services**

- (a) A Servicing Agreement is required for all offsite 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.

**9. Other Engineering Comments**

- (a) Provide all necessary Statutory Rights-of-Way for any utility corridors as required.
- (b) If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.

**10. Geotechnical Report**

- a) Provide a comprehensive geotechnical report prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed development.
  - Overall site suitability for development.
  - Presence of ground water and/or springs.

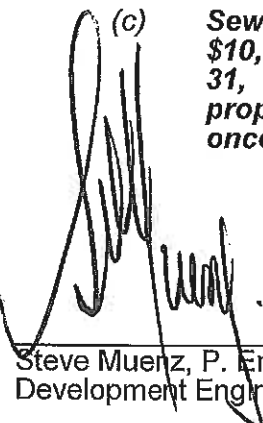
- Presence of fill areas.
- Presence of swelling clays.
- Presence of sulphates.
- Potential site erosion.
- Provide specific requirements for footings and foundation construction.
- Provide specific construction design sections for roads and utilities over and above the City's current construction standards

## 11. Development Permit and Site Related Issues

- (a) The development will be required to contain and dispose of site generated storm water on the site by installing an oil separator and ground recharge system consisting of drywells and perforated pipe bedded in drain rock.
- (b) Access and Manoeuvrability
  - (i) An SU-9 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.

## 12. Charges and Fees

- (a) Development Cost Charges (DCC's) are payable.
- (b) Fees per the "Development Application Fees Bylaw" include:
  - (i) Street/Traffic Sign Fees: at cost if required (to be determined after design).
  - (ii) Survey Monument, Replacement Fee: \$1,200.00 (HGST exempt) – only if disturbed.
  - (iii) Engineering and Inspection Fee: 3% of construction value (plus HST).
  - (iv) Latecomer Processing Fee: \$1,000.00 (plus HST) per agreement (no charge for 1 day agreements), if applicable.
- (c) ***Sewer Specified Area No 17. Total payment amount required is \$10,271.86 (\$136.42/unit x 0.7 x (108 units-1 unit credit). Valid until March 31, 2013. Payment of this fee can be deferred for the rezoning of the property, but must be paid prior to issuance of the Development Permit once the unit count has been confirmed.***

  
 Steve Muenz, P. Eng.  
 Development Engineering Manager

ss



1 SITE PLAN  
15870

**LAND USE INFORMATION:**  
 PROPOSED: 177 Acre (73,388 sq. ft.)  
 LOT AREA: 24,531 sq. ft. (2,248 sq. m.)

**PROPOSED:**  
 PLOT AREA: 180,585 sq. ft.  
 GROSS DEVELOPMENT: 121,000 sq. ft.  
 NET DEVELOPMENT: 107,510 sq. ft. (9,961 sq. m.)  
 FRONT SETBACK: 4.2m (13.8 ft.)  
 SIDE SETBACK: 1.5m (4.9 ft.)  
 REAR SETBACK: 3.0m (9.8 ft.)  
 2 per 3 bedroom dwelling + 64 (42)  
 2 per 2 bedroom dwelling + 120 (84)  
 Value Ratio Required = 1 per 1.28  
 Total Required = 154

**ACTUALS INFORMATION:**  
 Front yard (depth) on  
 side yard between - 4.2m  
 Side yard between - 4.2m  
 Rear yard between - 3.0m  
 Between buildings - 3.0m

**PRIVATE OPEN SPACE REQUIRED:**  
 25m<sup>2</sup> per dwelling unit  
 SOCIAL STALLS PROVIDED:  
 Class 5: 11 Required

**PRIVATE OPEN SPACE PROVIDED:**  
 25m<sup>2</sup> per dwelling unit  
 SOCIAL STALLS PROVIDED:  
 Class 5: 11 Proposed

**PROPOSED:**  
 PLOT AREA: 181,180 sq. ft.  
 GROSS DEVELOPMENT: 121,000 sq. ft.  
 NET DEVELOPMENT: 107,510 sq. ft. (9,961 sq. m.)  
 FRONT SETBACK: 4.2m (13.8 ft.)  
 SIDE SETBACK: 1.5m (4.9 ft.)  
 REAR SETBACK: 3.0m (9.8 ft.)  
 2 per 3 bedroom dwelling + 64 (42)  
 2 per 2 bedroom dwelling + 120 (84)  
 Value Ratio Required = 1.28 (See 2 bedroom units)  
 Total Required = 232  
 Actual Area Provided = 181,180 sq. ft. (16,704 sq. m.)  
 Actual Area Required = 181,180 sq. ft. (16,704 sq. m.)

**ACTUALS INFORMATION:**  
 Front yard 1.2m  
 Side yard between 4.2m  
 Side yard between 1.5m  
 Rear yard between 3.0m

**PRIVATE OPEN SPACE PROVIDED:**  
 25m<sup>2</sup> per dwelling unit  
 SOCIAL STALLS PROVIDED:  
 Class 5: 11 Proposed



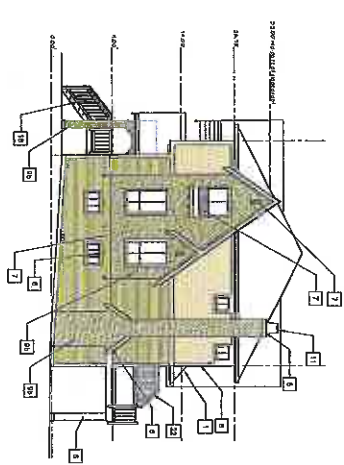
**MISSION GROUP**

**DTN**  
 david tyrell architects

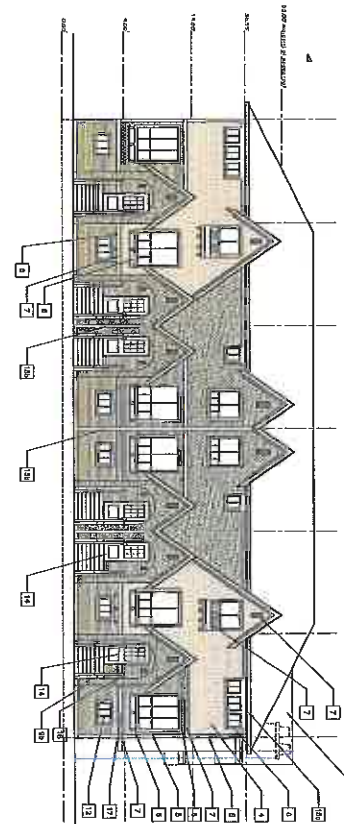
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 Townhomes  
 Kelowna, BC

**SITE PLAN**

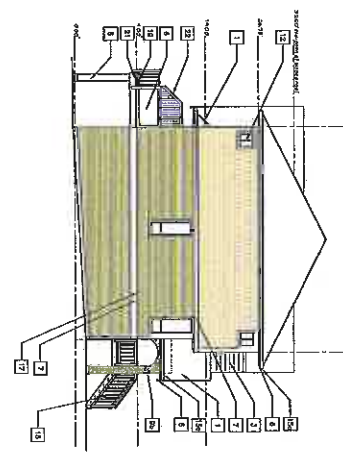
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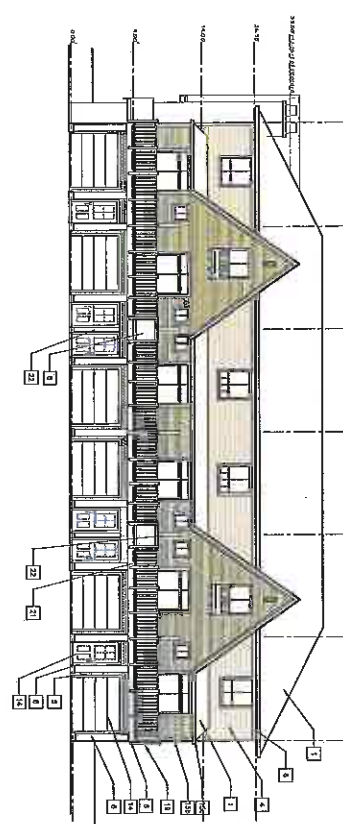
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2 SOUTH ELEVATION  
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3 WEST ELEVATION  
1/8"=1'-0"



4 NORTH ELEVATION  
1/8"=1'-0"

NO.	DATE	DESCRIPTION	BY	CHKD.
1	2018.13	ISSUED FOR DP		

NO.	DATE	DESCRIPTION	BY	CHKD.

**MISSION GROUP**

David Gynell architect

3410 MEADOWS ROAD  
TOUNIMONGS  
KEDUNA, BC

TEL: 855 8271

**DTN**

David Gynell architect

3410 MEADOWS ROAD  
TOUNIMONGS  
KEDUNA, BC

TEL: 855 8271

PROJECT NO. 2018.13

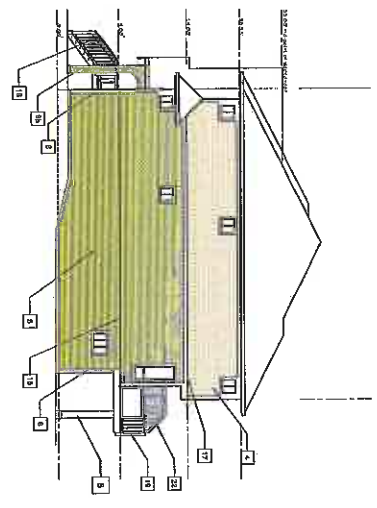
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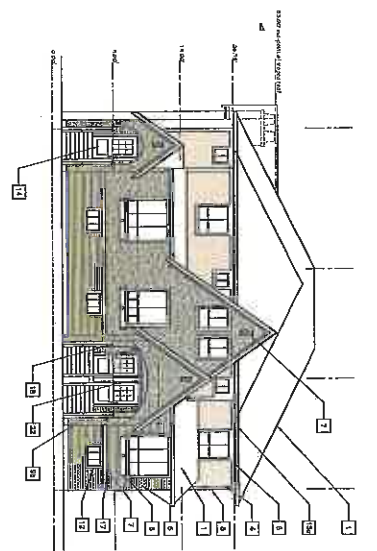
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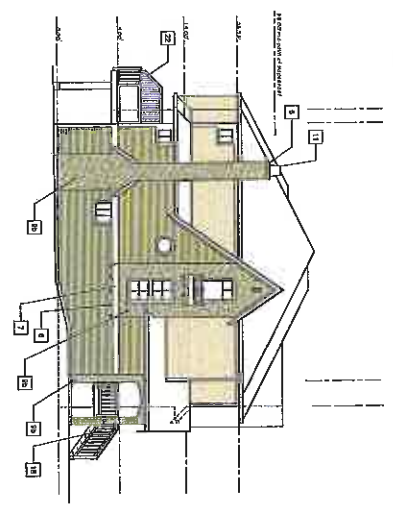




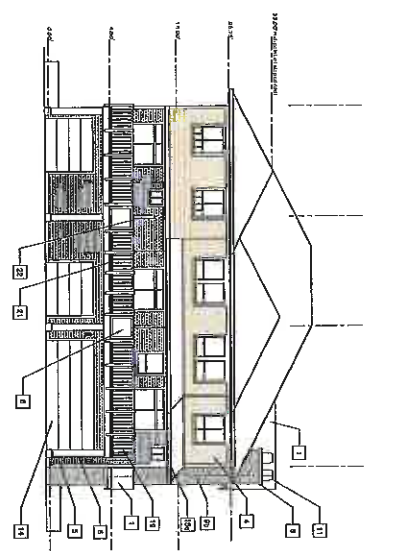
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3 WEST ELEVATION  
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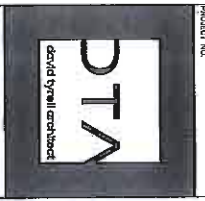


4 NORTH ELEVATION  
1/8"=1'-0"

NO.	DATE	DESCRIPTION	BY	CHKD.
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3	01/29/13	REVISIONS	DTM	DTM
4	02/05/13	REVISIONS	DTM	DTM
5	02/12/13	REVISIONS	DTM	DTM
6	02/19/13	REVISIONS	DTM	DTM
7	02/26/13	REVISIONS	DTM	DTM
8	03/05/13	REVISIONS	DTM	DTM
9	03/12/13	REVISIONS	DTM	DTM
10	03/19/13	REVISIONS	DTM	DTM
11	03/26/13	REVISIONS	DTM	DTM
12	04/02/13	REVISIONS	DTM	DTM

REVISIONS

NO.	DATE	DESCRIPTION	BY	CHKD.



DAVID TRUELL ARCHITECTS  
1000 OLD MEADOWS ROAD  
KNOXVILLE, TN 37917

OLD MEADOWS ROAD  
TOUHLICHONES  
RENOUR, DC

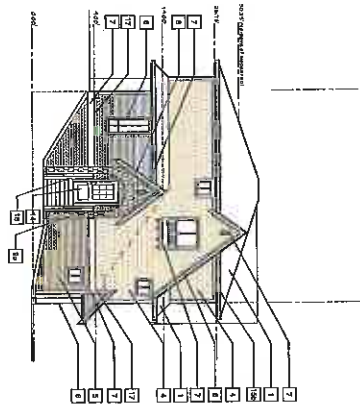
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ELEVATIONS  
OLD MEADOWS RD.

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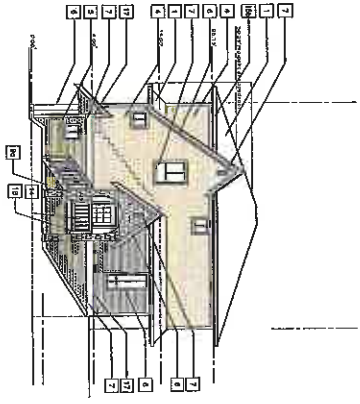
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PROJECT NO: 23.4

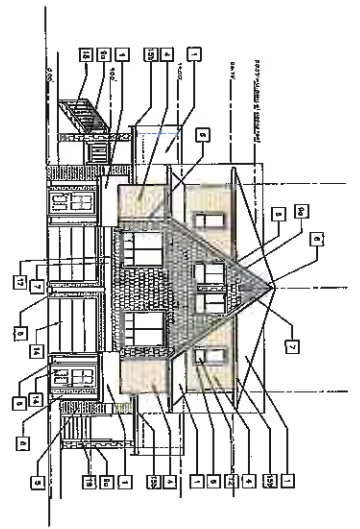




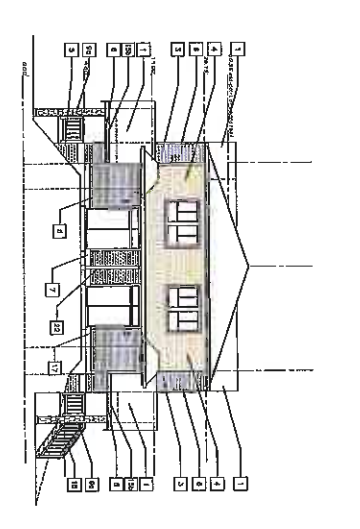
1 EAST ELEVATION



3 WEST ELEVATION



2 NORTH ELEVATION



4 SOUTH ELEVATION

NO.	DESCRIPTION	DATE
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2	REVISIONS	
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14		

**MISSION GROUP**

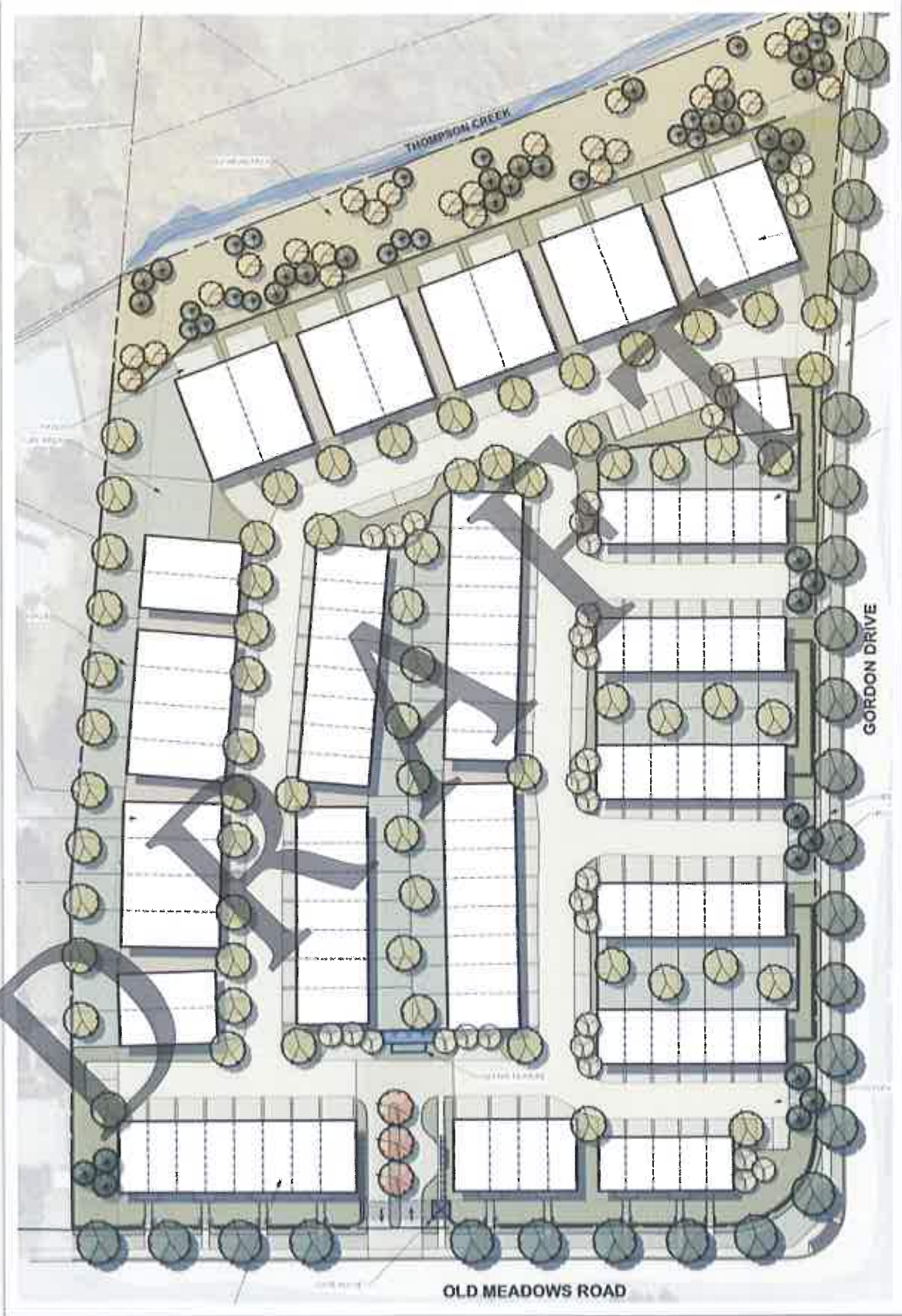
**DTA**  
David Tyrell Architects

Old Meadows Road  
Touhonomes Kelowna, BC  
BUILDING 17 GARAGE LEVEL  
PLAN  
Glenn on DR

PROJECT NO. 12.4  
DATE 05/15/13  
DRAWN BY [blank]  
CHECKED BY [blank]  
DATE 05/15/13

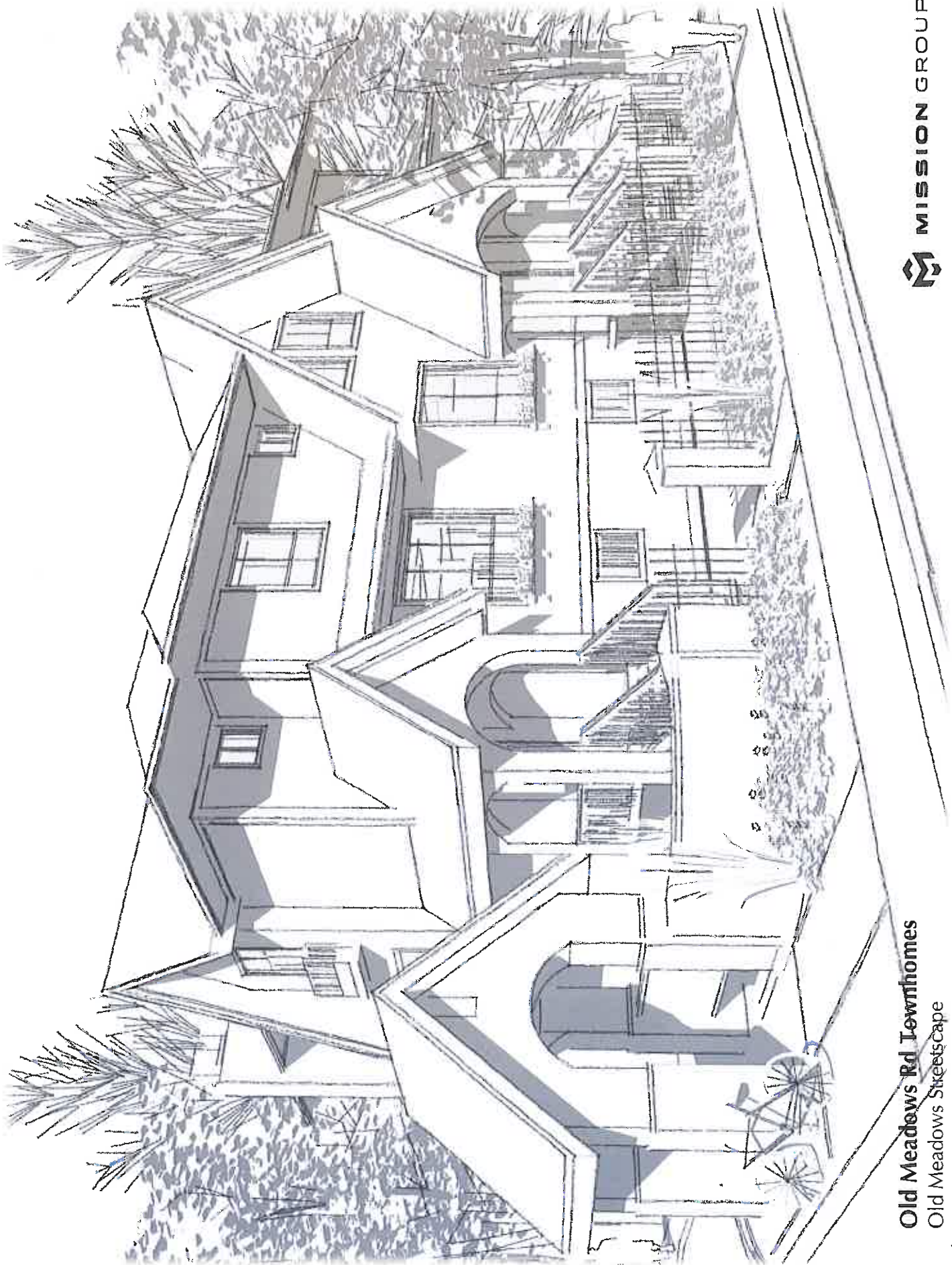




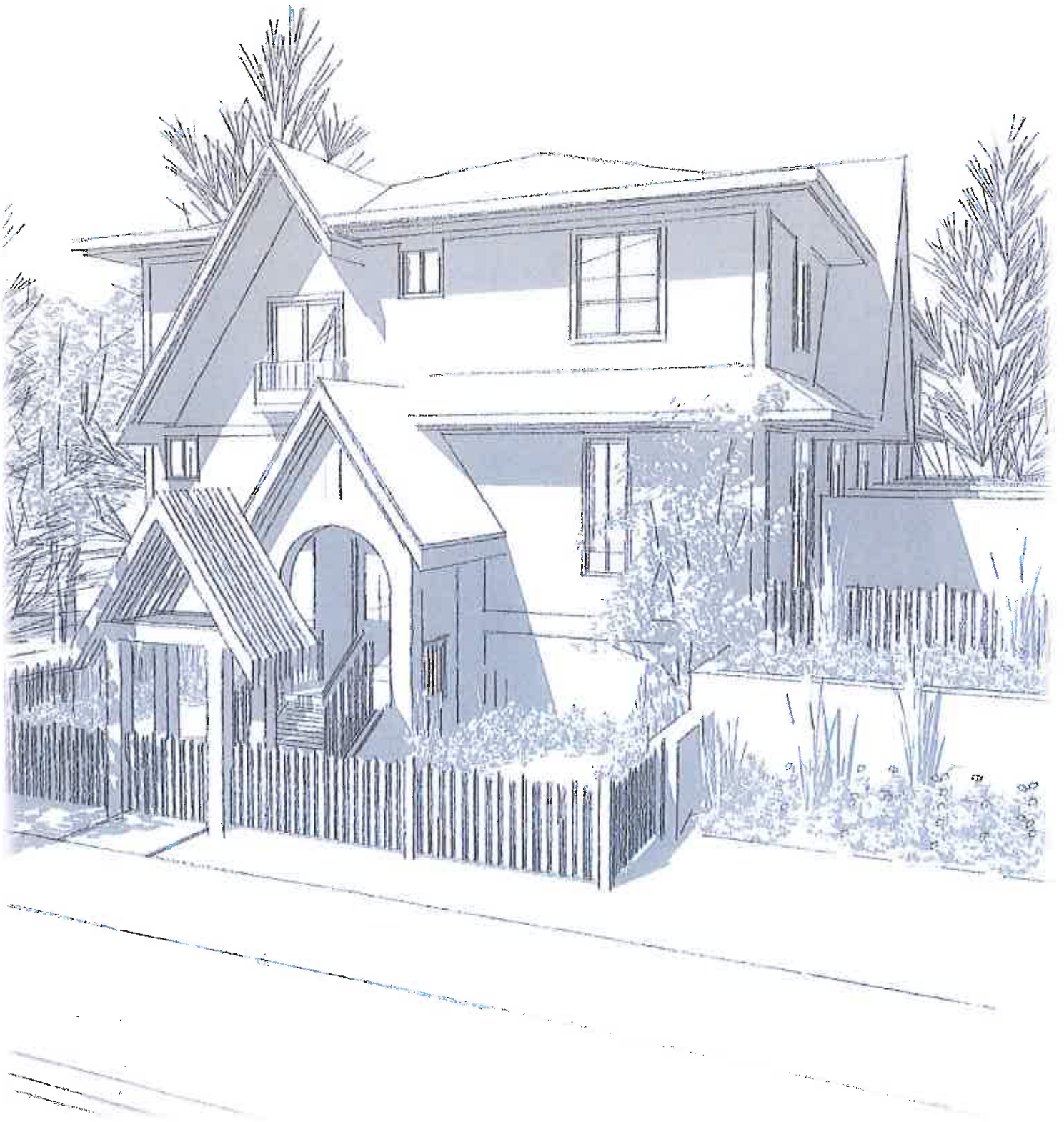


Z13-0001

Old Meadows Road Townhomes  
Conceptual Landscape Plan  
(DRAFT)



**Old Meadows Rd Townhomes**  
Old Meadows Streetscape







Section 2.12.2 of the Procedure Bylaw makes provision that upon written request by the applicant prior to the lapse of the application, **Council** may extend the deadline for a period of twelve (12) months by passing a resolution to that affect.

By-Law No. 10522 received second and third readings on June 15, 2010 after the Public Hearing held on the same date. The applicant wishes to have this application remain open for an additional twelve (12) months in order to secure the finance costs to meet site servicing requirements. This project remains unchanged and is the same in all respects as originally applied for.

The Land Use Management Department recommends Council consider the request for an extension favourably.

**Report prepared by:**

\_\_\_\_\_  
Greg Sauer, Land Use Planner  
/hb

**Reviewed by:**

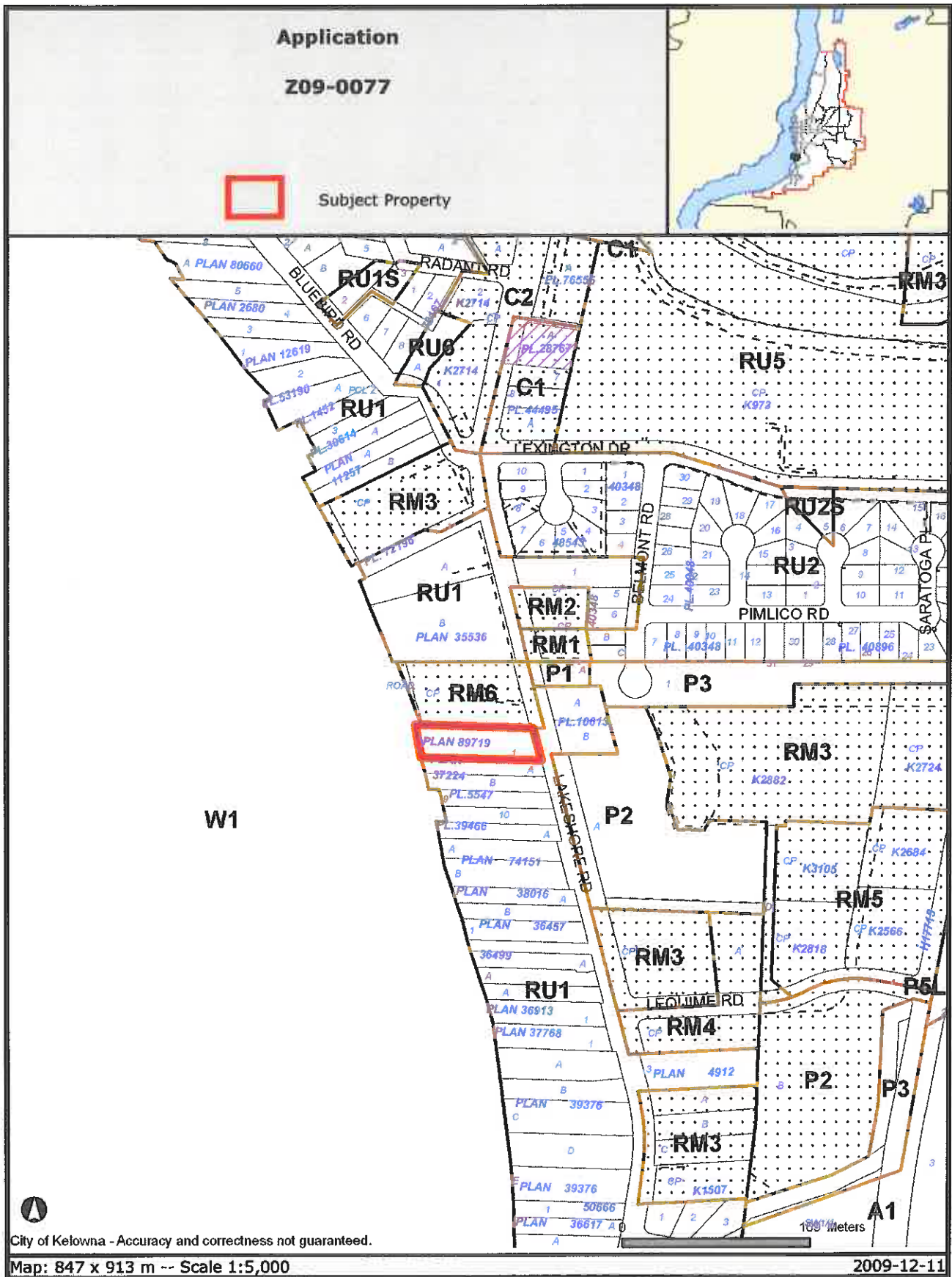
Danielle Noble, Manager, Urban Land Use

**Approved for Inclusion**

Doug Gilchrist, Acting General Manager, Community Sustainability

**Attachments:**

Site Plan



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

# REPORT TO COUNCIL



**Date:** March 19, 2013

**RIM No.** 1250-30

**To:** City Manager

**From:** Land Use Management, Community Sustainability (BD)

<b>Application:</b> Z11-0035	<b>Owner:</b> Robert and Michelle Geismayr
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<b>Address:</b> 1599 K.L.O. Road	<b>Applicant:</b> Robert and Michelle Geismayr
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**Subject:** Rezoning Application, Extension Request

**Existing Zone:** RU1 -Large Lot Housing

**Proposed Zone:** RU6 -Two Dwelling Housing

## 1.0 Recommendation

THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Amending Bylaw No. 10569 (Z11-0035), Lot 4, District Lot 131, ODYD Plan 17156 except Plan KAP78069, located on 1599 KLO Road, Kelowna, BC be extended from February 9, 2013 to February 9, 2014.

## 2.0 Purpose

To extend the deadline for adoption of Zone Amending Bylaw No. 10569 from February 9, 2013 to February 9, 2014.

## 3.0 Land Use Management

Section 2.12.1 of Procedure Bylaw No. 10540 states that:

In the event that an application made pursuant to this bylaw is one (1) year old or older and has been inactive for a period of six (6) months or greater:

- a) The application will be deemed to be abandoned and the applicant will be notified in writing that the file will be closed;
- b) Any bylaw that has not received final adoption will be of no force and effect;
- c) In the case of an amendment application, the City Clerk will place on the agenda of a meeting of **Council** a motion to rescind all readings of the bylaw associated with that Amendment application.

Section 2.12.2 of the Procedure Bylaw makes provision that upon written request by the applicant prior to the lapse of the application, **Council** may extend the deadline for a period of twelve (12) months by passing a resolution to that affect.

By-Law No. 10569 received second and third readings on August 9, 2011 after the Public Hearing held on the same date. The applicant wishes to have this application remain open for an additional twelve (12) months in order to secure the finance costs to meet site servicing requirements. This project remains unchanged and is the same in all respects as originally applied for.

The Land Use Management Department recommends Council consider the request for an extension favourably.

**Report prepared by:**

\_\_\_\_\_  
Birte Decloux, Land Use Planner  
/hb

**Reviewed by:**

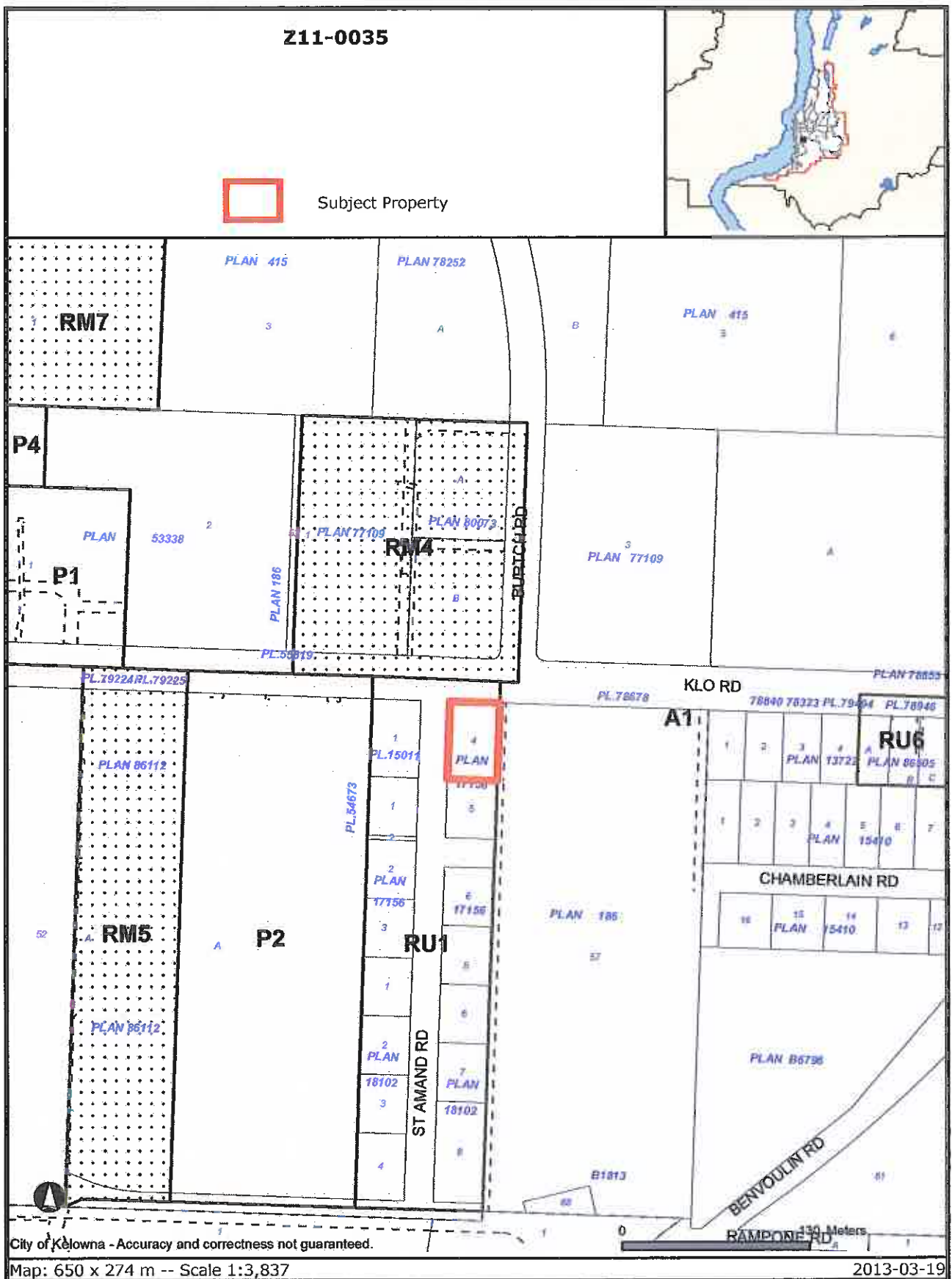
Danielle Noble, Manager, Urban Land Use

**Approved for Inclusion**

Doug Gilchrist, Acting General Manager, Community Sustainability

**Attachments:**

Property Map



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

# Report to Council



**Date:** March 20, 2013  
**Rim No.** 1390-90  
**To:** City Manager  
**From:** Andrew Reeder, Manager, Utilities Planning  
**Subject:** 2013 Implementation Plan, Kelowna Integrated Water Supply Plan

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## **Recommendation:**

THAT Council receives, for information, the report from the Manager, Utilities Planning dated March 20, 2013, with respect to the 2013 Implementation Plan, Kelowna Integrated Water Supply Plan;

AND THAT Council approves the 2013 Implementation Plan, Kelowna Integrated Water Supply Plan, as attached to the Report of the Manager, Utilities Planning dated March 20, 2013;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute all documents related to the 2013 Implementation Plan, Kelowna Integrated Water Supply Plan.

**Purpose:** To authorize an implementation plan that will meet Provincial conditions for grant funding of the Kelowna Joint Water Committee Irrigation District water projects and ensure potential projects are grant-ready, standardize service levels between water purveyors within Kelowna, and ensure greater integration between the various water systems within the City.

## **Background:**

### Kelowna Integrated Water Supply Plan

In 2011, the “Kelowna Integrated Water Supply Plan” (KIWSP) was commissioned. The objective was to provide the best overall water quality solutions for all of Kelowna, regardless of the jurisdictions of the various water purveyors. The development of this report was a cooperative effort facilitated by the Kelowna Joint Water Committee (KJWC) with a technical group representing the five major water utilities operating within the City boundary (BMID, City, GEID, RWW, SEKID).

The key driver for this work was the need for various purveyors to substantiate capital grant applications to senior governments by demonstrating that the recommended water supply and

treatment investments satisfied the least-cost/best-value solution for all of Kelowna's residents and agriculturalists over the long term.

A draft of this study was presented to Council on November 28, 2011. The City has had discussions on the study with the Ministry of Community, Sport and Cultural Development (MCSCD), and received written comments from other pertinent agencies including the Ministry of Health, Interior Health, and the Ministry of Agriculture. MCSCD is the provincial Ministry responsible for evaluating and administering provincial and federal infrastructure grants. Updates were provided to Council in connection with their participation on the KJWC Board of the Whole. Appropriate revisions to the KIWSP have been completed.

The final draft of the Kelowna Integrated Water Supply Plan, dated September 2012 is available on the City's web-site at <http://www.kelowna.ca/CM/Page394.aspx>.

#### Memorandum of Understanding

On July 24, 2012 the City received a letter from the Honourable Ida Chong, Minister of Community, Sport, and Cultural Development regarding the Kelowna Integrated Water Supply Plan (KIWSP). The Minister's letter was supportive of this plan, but identified several conditions of this support:

- A memorandum of understanding between the various irrigation districts and the City to adopt an implementation strategy is required.
- The implementation strategy must include the principles of "Best-Lowest Cost Solutions, Flexibility, Achievement of Public Health Outcomes and Agricultural Interests Maintained"
- The principle of Best-Low Cost "implies that the implementation strategy should speak to how the water systems will be administered, operated, maintained and managed to conform to the regional water supply plan."
- The process should be open and transparent.
- The Minister is prepared to support "the outcome as a guiding document for future financing opportunities..."

On September 7, 2012, a letter was sent by Mayor Gray in response to Minister Chong's letter, agreeing to the conditions and requesting that the Province consult with Council when setting overall City-wide priorities for grant funding in Kelowna.

A Memorandum of Understanding (MOU) was developed by the KJWC-Technical Committee to meet the conditions set by the Minister's July 24, 2012 letter and includes agreement by all members of the Committee to work together to create an Implementation Plan.

This MOU was signed on December 7, 2012 and is set to expire on April 7, 2013.

#### Implementation Plan

The implementation Plan has four main sections within the agreement, along with a series of appendices as support. These sections are: 1) Introduction, 2) Operational Issues, 3) Capital Projects and Financing 4) Summary.

Section 1), "Introduction", identifies the goals, objectives and limitations of the plan. The goals and objectives for the Implementation Plan are:

- The provision of safe drinking at rates that are affordable



- The standardization of operations by water purveyors
- Enable grant eligibility of KJWC irrigation districts by meeting the Minister’s requirements of “Best-Lowest Cost Solutions, Flexibility, Achievement of Public Health Outcomes and Agricultural Interests Maintained”
- Create a criteria and methodology for assessing and reassessing priorities for water infrastructure projects
- Ensure that senior grant funding opportunities are not lost by setting clear expectations for the water purveyors.

Section 2), “Operational Issues”, identifies a series of operational objectives, programs and areas for standardization that are to be developed over time. Each of these programs is voluntary and will need the consent of each Irrigation District Board and Council in order to take effect. Future agreements will need to be created that define a particular interconnect, identify who will benefit, and note which utility(s) will be responsible for the cost and maintenance of an interconnect.

Section 3) “Capital Projects and Financing”, identifies the order in which the members of the KJWC will apply for project grants, the methodology for assessing and reassessing the priority of these grants, and the methodology for ensuring complete grant preparations. The Province has not determined whether it will permit the Irrigation Districts within the KJWC to directly apply for infrastructure grants, or if the City will be required to apply on their behalf. Should the Province require the City to apply on behalf of the irrigation districts, it is recognized that the City will set the overall priority for infrastructure grants within the City. The City will not be able to apply for infrastructure grants outside of its jurisdiction, i.e. the Ellison, and Scotty Creek areas. Staff have indicated to the Province, that should the City be required to apply on behalf of the Irrigation Districts, the City’s preference is to have the Irrigation Districts contract directly with the Province in any grant contract.

Section 4) “Summary”, identifies how the goals set within section 1 have been met and identifies measures for future performance.

The Ministry of Community, Sport and Cultural Development and the Interior Health Authority staff have reviewed the attached document and are in agreement with the same. A signed agreement will need to be forwarded to the current Minister Bill Bennett for his consideration and confirmation that the agreement has met his Ministry’s July 24<sup>th</sup>, 2012 conditions for support.

**Schedule:**

To ensure the Minister has enough time to consider the attached agreement before the “Writ of Election” is issued in mid-April, staff are recommending that a fully executed agreement be submitted for Minister Bennett’s review as soon as possible.

**Internal Circulation:**

- Acting General Manager, Community Sustainability
- General Manager, Community Services
- Director, Civic Operations
- Director, Communications
- Grants Manager

**Financial/Budgetary Considerations:**

The implementation plan will identify the grant priority for future grant applications for water projects within Kelowna.

**External Agency/Public Comments:**

Staff expects Board authorization from the KJWC member Irrigation District Boards prior to the March 25, 2013 Council meeting.

**Considerations not applicable to this report:**

Legal/Statutory Authority  
Legal/Statutory Procedural Requirements  
Existing Policy  
Personnel Implications  
Communications Comments  
Alternate Recommendation

Submitted by:



A.Reeder, Manager, Utilities Planning

Approved for inclusion:



S. Bagh, Acting Director, Infrastructure Planning

Attachment: 2013 Implementation Plan, Kelowna Integrated Water Supply Plan

cc: Acting General Manager, Community Sustainability  
General Manager, Community Services  
Director, Civic Operations  
Director, Communications  
Grants Manager



# 2013 IMPLEMENTATION PLAN

## KELOWNA INTEGRATED WATER SUPPLY PLAN



## Abbreviations / Acronyms

AC	Asbestos Cement	MCDSC	Ministry of Community, Development, Sport and Culture
ADD	Average Daily Demand	MF	multi-family
ALR	Agricultural Land Commission	mg/L	milligram per litre (same as parts per million)
AO	Aesthetic Objective	ML	megalitre ( one million litres = 1,000 m <sup>3</sup> )
AWWA	American Water Works Association	ML/day	Mega-litres per day
BMID	Black Mountain Irrigation District	MDD	Maximum daily demand
CFU	Coliform Unit	MOE	Ministry of Environment
CT	concentration x time of contact with disinfectant	NTU	Nephelometric Turbidity Unit
DAF	Dissolved Air Flotation	OCP	Official Community Plan
DBP	Disinfection by-product	O & M	Operations and Maintenance
DI	Ductile Iron	PHD	Peak hour demand
DSM	Demand Side Management	PLC	Programmable Logic Controller
DWPA	Drinking Water Protection Act	POU	Point of Use
DWPR	Drinking Water Protection Regulation	PRV	Pressure reducing valve
FF	Fire flow	PS	Pump Station
FUS	Fire Underwriters Survey	psi	pounds per square inch (pressure)
GCDWQ	Guideline for Canadian Drinking Water Quality	PST	Provincial Sales Tax
GCMs	Global Climate Models	PVC	Polyvinyl Chloride
GEID	Glenmore-Ellison Improvement District	PZ	Pressure Zone ( normal HGL in metres )
GUDI	Groundwater under direct Influence (of surf water)	RDCO	Regional District of Central Okanagan
GWPP	Groundwater Protection Plan	RO	Reverse Osmosis
HAAs	Haloacetic Acids	RWD	Rutland Waterworks District
HDPE	High density polyethylene (pipe)	SCADA	Supervisory Control and Data Acquisition
HGL	Hydraulic grade line (slope of water in m/m)	SEKID	South East Kelowna Irrigation District
HST	Harmonized Sales Tax	SF	Single family
ICI	Industrial Commerical Institutional	SFE	Single Family Equivalent
ID	Improvement District	TCU	True Color Units
lgpm	Imperial Gallons per minute	TDH	Total Dynamic Head
IMAC	Interim Maximum Acceptable Concentration	THMs	Trihalomethanes
IH	Interior Health (regulator)	TOC	Total Organic Carbon
KIWSP	Kelowna Integrated Water Supply Plan	TWL	Top water level ( metres )
KJWC	Kelowna Joint Water Committee	UFW	Unaccounted for Water
km <sup>2</sup>	square kilometre	µg/L	micrograms / litre ( parts per billion)
KWU	Kelowna Water Utility	uS /cm	microsiemens
L	litre	UV	Ultraviolet
L/ca/d	Litres per capita per day	WSC	Water Survey of Canada
L/s	litres per second (flow rate)	WPT	Wellhead Protection Toolkit
m <sup>3</sup> /s	cubic metre per second, (flow rate)		
mg/L	milligrams/litre ( parts per million)		
MAC	Maximum Acceptable Concentration		

Cover Photo: Okanagan Lake and Downtown Kelowna foreshore - Photo Credit: A. Faccini

# 2013 IMPLEMENTATION PLAN

## Kelowna Integrated Water Supply Plan

### 1.0 INTRODUCTION

1.1 **Foreword:** This Implementation Plan has been developed to ensure that the Kelowna Integrated Water Supply Plan (KIWSP) will be achieved. The Implementation Plan (Plan) will utilize the Kelowna Integrated Water Supply Plan (KIWSP) as its foundation and sets out steps to ensure that water supply in Kelowna is developed in a logical, cost effective, and comprehensive manner. It is recognized that there are many factors that will result in changes to the plan, however the principles and direction set out within should remain consistent. This document provides a guideline for setting out consistent System Operations, and Capital Projects and Financing.

For clarity, this Implementation Plan is not a contract and this Plan and the processes hereunder shall not give rise to contractual obligations among the City and the Improvement Districts. This Implementation Plan does set out the good faith intentions of the City and the Improvement Districts in relation to water supply in Kelowna, including in relation to operational matters and the prioritization of capital projects for the purposes of achieving appropriate grant allocations.

This Implementation Plan is presented in four sections plus an Appendix:

- 1.0 Introduction
  - 2.0 Operational Issues
  - 3.0 Capital Projects and Financing, and;
  - 4.0 Summary
- Appendix A      Schedule A - Project Priority Determination - Flow chart  
                      Schedule B - Utility Compliance Status  
                      Schedule C - Project Cost Summary, and  
                      Schedule D - Performance and Operational Reporting

The KIWSP stakeholders include the Kelowna Water Utility (KWU), the Black Mountain Irrigation District (BMID), the Glenmore-Ellison Improvement District (GEID), Rutland Waterworks District (RWD), and the South East Kelowna Irrigation District (SEKID), their elected officials, and their rate payers.

The KIWSP has been developed to provide direction and coordination of improving domestic water supply to a standard that meets the health standards and aesthetic objectives consistently throughout the City of Kelowna and surrounding area. The KIWSP was requested by the Ministry of Community Development as a necessary document to ensure that there is no duplication in services provided or in the expenditure of public funds.

The KIWSP and the Implementation Plan was developed by the Technical Committee of the Kelowna Joint Water committee (KJWC) and their consultants. The KJWC Technical Committee is the key group to organize and facilitate plan implementation and is ideally suited to take the KIWSP into the future. The Implementation Plan sets out operational objectives for the utilities that will provide a higher level of water quality and consistent level of water utility service throughout the region. The KJWC is well positioned to take a lead role in water utility coordination in this regard.

The KIWSP was completed in 2012. It was accepted by the elected officials from each of the water utilities and by City Council. The plan has also received feedback from the Ministry of Community Development, Ministry of Health, Ministry of Agriculture, and from Interior Health. The plan formed the first cooperative approach on water quality improvement projects in Kelowna. Several cooperative plans on overall servicing have

# 2013 IMPLEMENTATION PLAN

## Kelowna Integrated Water Supply Plan

been developed, but the 2012 KIWSP formed the first plan that focused on regional water quality improvements. The technical committee and elected officials developing the plan recognized the need to ensure that the greater interests of the Kelowna region were best served.

An outcome of the KIWSP was the requirement for an Implementation Strategy. The Implementation Strategy is to set out the operational and financial planning requirements for the development of the projects.

- 1.2 **Background:** The history of water utility development in the Kelowna region is set out in Section 6.2 of the KIWSP. The region faces greater financial challenges for water quality improvements because of the development of large combined irrigation and domestic water transmission mains in the late 1960's. These water systems (BMID, GEID, and SEKID) that were originally designed to provide water to thousands of acres of agriculture now have significant urban service areas with greater service populations. Standards for domestic water quality increased and the need to provide high quality domestic water is now a requirement on the Conditions on Permit for the water utilities.

In April of 2009, the four Improvement Districts approached City Council and requested assistance in approaching the Provincial Government for grant funding of water quality projects. The communications and relationship at that time between the Improvement Districts and City was poor and little progress was made. Subsequently after several meetings with all of the elected officials and senior staff of the utilities, the greater good for the region was the principle on which progress was made. It was agreed that a single comprehensive plan for improving water quality throughout Kelowna was to be developed cooperatively. The Province indicated that they would allow the Improvement District projects to be considered in future funding programs provided that an Implementation Strategy be developed that meets the original objectives of the Minister's letter dated January 11, 2010 and subsequent requirements provided by the Provincial government.

- 1.3 **Goals and Objectives:** Specific goals for the Implementation Plan are presented in this section. The 4 objectives set out by the Minister are re-iterated herein. The specific goals include:
1. The provision of water to all of citizens of the Kelowna regional service area with safe, reliable and affordable water that will meet the requirements of the Drinking Water Protection Act, Drinking Water Protection Regulation, and the BC Drinking Water Treatment Objectives;
  2. Standardization of water utility operations in order to improve the long term structural stability of the utilities and facilitate whatever form of water governance may be required to best serve Kelowna in the future;
  3. To enable the possibility of senior government funding of water infrastructure projects by following the 4 objectives stated within the Jan. 11, 2010 Minister's Letter:
    - 1 Best- Lowest Cost Solutions (physical infrastructure efficiency and effectiveness);
    - 2 Flexibility (operational and administrative efficiency and effectiveness);
    - 3 Achievement of Public Health Outcomes;
    - 4 Agricultural Interests Maintained.
  4. Create a set of criteria and defined methodology for assessing and reassessing priorities for infrastructure projects. These criteria must meet the above objectives. Create an initial priority list based on these criteria, methodology and the projects within the KIWSP.
    - a) The Implementation Plan recognizes City Council's request to have all water grant applications reviewed by City Council in context of overall grant priorities within the

# 2013 IMPLEMENTATION PLAN

## Kelowna Integrated Water Supply Plan

City. It is Council's responsibility to set priorities for the greater city including where they believe grant assistance is most needed;

- b) The Implementation Plan acknowledges the IHA requirement that priorities be set in terms of overall risk reduction for all of the residents of Kelowna.
5. Ensure that senior grant funding opportunities are not lost. Set clear expectations and requirements for project readiness, and the consequences and procedures that follow, should a water purveyor fail to meet the requirements.
6. Work towards a platform of integration of the water utilities through common standards and practices, and a consistent and integrated approach on administrative and operational issues. Continue to develop shared programs City-wide to provide value to the ratepayers;
7. The Implementation Plan must be a flexible and working document that allows for continual improvement, regardless of whether or not government funding is available.

- 1.4 **Decision-Making Protocol:** Overall KIWSP decision-making is to be transparent with open and clear communication between the organizations and stakeholders. Decision-making responsibilities and process are defined within this Clause. A dispute resolution process is included.

Decision-making authority for determining priority of conflicting projects, as set out in Section 3.3, is delegated to the Technical Committee. The Technical Committee is to provide recommendation, with the final certification, adoption, and implementation approved by the elected officials. Although this plan provides a process for setting priority of funding of Water Quality Projects throughout Kelowna, it does not restrict the ability of Kelowna City Council to set grant funding priority on City-wide issues.

It is recognized that "that approvals and consents by each utility may be subject to the approval of the respective utility Boards and City Council." For issues concerning financing and capital expenditures, the approvals must be obtained by the representative within each organization having authority to do so. This includes financing of Operational works listed in Section 2 of this plan.

The Implementation Plan addresses two areas of the water utilities, 1) Operations, and 2) Capital Projects & Financing. Although the Operational and Capital Project issues may differ, solutions to be developed for either issue will first try to achieve solutions by consensus. Generally, for dispute resolution on Capital Projects issues, the flow chart in Schedule A of Appendix A will be utilized. The process is first consensus, failing consensus, mediation, and failing mediation, arbitration through a technical expert.

- 1.5 **External Factors:** It is recognized that there are factors that may impact on the Implementation Plan that are external to the control of the KIWSP Technical Committee (who is directing the plan). There are Human Factors created by man, and Environmental Factors such as Acts of God.

The Human factors can include political items such as the City's policy to set priorities for all infrastructure city-wide grant applications that may compete against water grant applications, competing regional funding interests, legislative policy changes such as changes in water treatment standards, and/or other items that can change the direction of the technical plan. Population growth, changes in land use and changes in technology are all Human factors;

Environmental factors include water quality changes due to extreme weather events/Acts of God which seem to be occurring with greater frequency, flood, forest fire, etc. that can have negative impacts on source water quality. These in turn may result in regulatory changes.

# 2013 IMPLEMENTATION PLAN

## Kelowna Integrated Water Supply Plan

- 1.6 **Implementation Plan Limitations:** For the initial plan, the 8-Stage KIWSP is considered to be an accurate guideline for projects up to the end of Stage 5. After Stage 5, it is recommended that the KIWSP approach be reassessed. By that time, the scope, cost, and order of required projects may be significantly different than what is presently set out. It is expected that several of the projects will be completed and better information will become available in the future to make more informed and appropriate decisions. As a minimum, the direction for the KIWSP will require technical review and updating every ten (10) years.

The project priority list is to be reviewed at the beginning of each year by the Technical Committee to confirm the current year's projects and those upcoming in the next three years. Changes in project pricing are to be brought forward at that time to keep pricing accuracy up to date and current with construction inflation. The project list and costs will be reviewed annually.

In the future, when larger interconnection capacity projects are required, a Governance Review will be necessary. (At mid Stage 5) In the interim, the streamlining of operations must occur to increase the number of viable options that will be available to provide cohesive and consistent water service for the greater Kelowna water ratepayers.



# 2013 IMPLEMENTATION PLAN

## Kelowna Integrated Water Supply Plan

### 2.0 OPERATIONAL ISSUES

This Operational Issues section is included to facilitate water system integration, improve water quality throughout Kelowna, and improve overall redundancy. One objective within Section 2 is to identify work that will be developed over time to facilitate and simplify future system integration and/or governance of the water utilities. The majority of recommended works within Section 2 will be work-in-progress. Budget impacts that result from the Operational issues are subject to the approval of the individual Utility Boards and/or City Council. All of the recommendations within Section 2 will not be completed at the time that the Implementation Plan is adopted.

**2.1 Existing City-Wide Programs:** Current successful programs carried out collectively by the water utilities (KJWC) include Groundwater Protection Planning, the Cross-Connection Control program, City-Wide Drought Plan, Hydrant Servicing Standards, common design standards, Approved Materials, Centralized Website, and Coordinated Public Notification, coordinated development approvals process, approved products list, etc. Areas for coordinated future improvements include the collaborative development of:

- Borehole tracking (set up but not implemented);
- Interconnection capacity / Interconnection agreements (see Clause 2.7);
- Materials Inventory for large and/or unique materials (requires updating);
- Regional source protection program;
- Staff training will continue cooperatively by conducting joint training sessions.
- Standard Operating Procedures (see Clause 2.2);
- Tools inventory and access agreements;

This task will be work-in-progress led by the KJWC technical staff;

**2.2 Operational Accountability:** From an operational perspective, it is necessary to provide a consistent level of service to the customer and to maintain the existing infrastructure to a high standard. The intent is not to reduce higher levels of service that are currently provided, but rather to ensure that a minimum level of service is provided throughout the greater service area. The intent is that all water utilities are to meet the minimum desired level of service. These standards must be developed cooperatively between the water utilities operations staff. Utility accountability will build trust and enhance the cooperative approach developed by all utilities. Operational programs will be defined for operations and maintenance of the following system components:

- Air valve servicing;
- Cross Connection control procedures;
- Dam checks and conformance to Provincial Regulations;
- Flushing programs;
- Hydrant servicing;
- Monitoring of groundwater wells, tracking and recording;
- Pump Station maintenance;
- Reservoir cleaning;
- Station checks (large and small, daily, weekly, etc.);
- Valve exercising;

In support of developing consistency in the Operational Programs, the City and KJWC will investigate the opportunities for conducting an Operational Audit. The audit will look to assess performance measurements in comparison with the National Benchmarking exercise that the City of Kelowna is part of with several other utilities. This task will be work-in-progress led by the KJWC technical staff.

# 2013 IMPLEMENTATION PLAN

## Kelowna Integrated Water Supply Plan

**2.3 Emergency Response Plans:** As part of the normal KJWC objectives, an inventory will be collected of existing emergency response procedures for all five large water utilities. Working in conjunction with the Regional Emergency Response centre (Kelowna Fire Department), improved coordination regarding the regional water issues will take place. The regional issues include responses to emergencies in watersheds (i.e. forest fires), creeks (flooding), and dam operations (Dam Failure responses) is proposed. Emergency response procedures will be developed and coordinated with the Fire Department Emergency Response Personnel. Emergency response plans will be separated out into:

Level 1 Emergencies *“those that can be handled independently by the affected water utility”*;

Level 2 Emergencies *“those that will require the assistance of an adjacent water utility”*;

Level 3 Emergencies *“those that will impact on all of the water utilities”*.

Information developed by the KJWC will include contingent supply capacity from adjacent utilities, how to deal with large water main breaks, specialty tools that may be available to the other utilities, interconnection procedures and other relevant matters. Emergency inventory materials lists and tool lists will be re-developed with all utilities disclosing their available products. This task will be work-in-progress led by the KJWC technical staff and ER staff.

**2.4 Asset Management:** A snapshot of the Asset Management program status of each of the five utilities is provided herein. Asset inventory assessment to conform to PSAB, renewal strategy plan, rate development for full cost revenue accountability, and rate implementation is listed on the following table for each water utility.

	KWU	BMID	GEID	RWD	SEKID
Depreciated Asset Inventory (PSAB compliant)	■	■	■	■	■
Renewal Strategy	■	◐	■	■	◐
Full cost recovery and rate development	■	□	■	■	◐
Implementation of revised water rates to achieve Full-cost recovery	◐	□	◐	◐	◐

■ Completed

◐ Work in Progress

□ Work not started

The long term intent is to align the utilities programs with a standard approach. A clear and consistent method for reporting the utility asset management status will need to be developed. This task is work-in-progress led by the KJWC technical staff.

**2.5 Agricultural Supply:** An objective set out by the Minister is *“that the Agricultural Interests of the region be maintained”*. This is understood to mean that a cost-effective and sustainable approach must be developed regionally for the provision of water for agriculture. There are three large water systems that serve agricultural lands in the Kelowna region, BMID, GEID, and SEKID. These systems were rebuilt in the late 1960’s to support agriculture. At that time, funding of 1/3 federal, and 1/3 provincial assistance was provided for the water distribution systems and the local debt was financed by the agricultural ratepayers of the time. These systems are now required to deliver domestic quality water to the expanded urban areas of Kelowna. Current pricing for agricultural irrigation does not cover full-cost pricing or renewal of a domestic water distribution system. Separation of the water distribution systems into a stand-alone irrigation and domestic systems is recognized to be costly and may not be sustainable for agriculture.

In order for the agricultural water supply to be viable, social/political policies must be developed to maintain the provision of water for agriculture. Assessments are to be conducted of how the water utility revenue is allocated between different customer groups. Rate structures have been developed between the various water utilities; however a politically

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acceptable and consistent approach for setting the agricultural water rate has not yet been developed. The development of a framework for setting the agricultural water rate will be work-in-progress.

Reasonable policies for the development of an agricultural water rate could include:

- Developing supply that minimizes long term operational costs, specifically maximizing the volume of water that can be provided by gravity with no electrical pumping costs;
- Setting of a reasonable annual allotment of water to be supplied to a land area, based on soil type (e.g. annual depth of 675mm);
- Tie the water price to agricultural land assessment so that active agriculture is allowed the lowest possible price. Domestic pricing includes 24 hour water supply for fire protection cost to treat water, reliability and redundancy, which add significant operational costs;
- The rate structure should promote responsible water use;
- Reasonable allotments should apply to agricultural and domestic customer groups with punitive pricing applying only after blatant over-use occurs.

**2.6 Coordinated Metering Program:** Currently the majority of water (by volume) supplied within the regional area is metered. All large irrigation connections are metered as are all commercial and industrial connections. Pricing is still at a fixed annual rate however for the majority of large irrigation connections. A program will be developed over time for a common approach towards Universal Metering/pricing and the conservation measures already in place. The preparatory work in the next 2-3 years will prepare the group to carry out Project 5.1 of the KIWSP. Project 5.1 is a City-wide bulk meter purchase and retrofit program. There is in the range of 16,000 meters to be installed and/or retrofitted/upgraded. A bulk purchase in this regard will yield substantial savings for the greater community.

The project will require the technical development of criteria and political adoption prior to implementation. Preparatory work will set out standardized meter specifications, acceptable meter and meter-reading technology, and common meter reading equipment. The intent is to work to a common standard and to fully utilize automated reading equipment that is owned by the utilities.

The data assembled under this task will support any City-wide grant applications for Universal Metering. This task will be work-in-progress led by the KJWC technical staff;

**2.7 System Interconnections and Agreements:** The opportunity for upgrading water system interconnections will increase as water quality improves for all water systems. Improving overall system flexibility and redundancy in the delivery of safe drinking water and water for emergency use is an important objective of this plan. Subsections under this topic may include utility interconnection agreements, water use procedures during emergencies, policies for the bulk sale of water between utilities, who-benefits/who-pays for interconnecting infrastructure, and how to develop a KJWC coordinated revenue stream for common interconnections so that Project 4.4 can be funded. This task will be work-in-progress led by the KJWC technical staff;

**2.8 Streamlined Water Pricing:** It is recognized that there are different approaches for setting water charges for new development (CECs and DCCs), rates for taxes and tolls, and for metered rate structures. The process from pricing must evolve over time so that the same factors are considered and are included in water pricing. The variations in water pricing between utilities should lessen over time as the approach and processes should become more similar. The objective is to have full cost pricing and rate equity across the utilities, but not necessarily equal water rates. This task will be work-in-progress led by the KJWC technical staff.

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### 3.0 CAPITAL PROJECTS AND FINANCING

This section addresses money specific issues for financing of the projects within the KIWSP. Addressed are issues such as project approach, project preparation works, funding opportunities, and cost escalation. Although funding would assist Kelowna in achieving the KIWSP, the expectation is that funding will not be available for all projects.

- 3.1 **Project Approach:** The order for implementing projects is set out in Table 5.12 of the KIWSP. The table will be updated annually to include adjustments for inflation. Schedule C within Appendix A includes the most current costs and project priority list. Schedule C will require the annual adoption by KJWC Board of Whole at the first meeting of the KJWC Board-of-the-Whole each year.

The project approach is presented in 8 stages. The stages are listed below:

1. **Improve Source Water Quality:** accessing the highest quality raw water that is available in the region;
2. **UV Disinfection and Filtration Deferral:** Installing best available treatment systems (UV disinfection) at the high quality water sources and applying for filtration deferral;
3. **Primary Separation:** This consists of separation of the Irrigation and Domestic water supply systems for those areas where there is large areas of irrigation and no high capacity source of cleaner water, i.e. SEKID and GEID Ellison areas;
4. **Stage 1 Interconnections:** Smaller interconnection installation that will allow significant transfer of water across utility boundaries for minimal expenditure and high benefit in times of water quality deviation or emergency condition;
5. **Ancillary Works - Reassessment of Status:** This phase includes metering, construction of special projects, and miscellaneous projects that have significant benefit. Reassessment of the overall KIWSP will take place in this stage;
6. **Secondary Separation:** This stage consists of the installation of a second water distribution system in those agricultural areas that are supplied by large combined water distribution systems. This work would precede the installation of filtration facilities at any of the four large domestic sources;
7. **Filtration of Primary Sources:** Stage 7 includes the staged installation of water filtration plants to be located when required at any of the four large primary water sources;
8. **Stage 2 Interconnections:** This stage consists of large transmission mains to convey water from any of the 4 large water sources any location throughout the region.

There are several projects on the Schedule C list that are under construction or have already been completed. These projects are therefore no longer eligible for grant funding and not included in the Cost Estimate total costs. More detail on the rationale for the 8-Stage project approach is set out in Section 5.3 (page 93) of the KIWSP. The current agreed-upon project priority list considers all City-wide water quality improvement projects based on reduction of public health risks, population benefitting, utility compliance to meet the required treatment objectives, cost, rate impact, and water affordability.

- 3.2 **Plan & Project Amendments:** A process will be defined for KIWSP project amendments. The Implementation Plan must be rigid enough so that the stakeholders follow the plan, yet flexible enough so that the plan will be achieved. The steps for bringing forward an amendment to the plan and the decision-making process for adopting the amendment and integrating it into the KIWSP are set out below.

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An amendment to the KIWSP may be created by the recognition of a better project or approach, emerging pathogen risk/health risk that must be dealt with, changes in regulatory requirements, improved treatment technologies, etc. The resulting project(s) would be brought forward and presented by the individual utility to the Technical Committee for review and consideration.

Changes that will not be considered include those created by development or growth, and system renewal. The plan amendments would occur annually in conjunction with the review of the overall project list as per Section 1.6. In special circumstances, where a project may require immediate attention, the project list may be revised by the Technical Committee and brought forward to a special meeting of the Board of the Whole for consideration.

- 3.3 Regional Project Value:** All of the projects listed in Schedule C were reviewed to determine if they would benefit not only the existing utility, but possibly a larger Kelowna service area. Within Schedule C, the projects are listed as “Local” potential benefit or “Regional” potential benefit.

If any utility requires a change in the project order due to higher regional importance, then the Decision Making Protocol defined in Section 1.4 will be implemented. In the development of the primary source water quality projects, the project will be reviewed to determine the upper limit of the facility to service the regional area;

- 3.4 Competing Project Financing:** The determination of highest priority projects for funding applications is based on the Kelowna utilities completing each of the eight (8) stages within the KIWSP. In assessing the priority of competing projects within any single stage, the process within this clause will apply.

**Assessment Criteria:** The following criteria will be considered when assessing project priority of infrastructure projects:

1. Real health risk reduction, i.e. does a proven risk exist that must be reduced or is the risk due diligence to meet regulations;
2. Water Affordability;
3. Which utility has recently received funding;
4. The population at risk;
5. Cost of project vs. project benefit;
6. Can the project benefit a larger service area;
7. Financial preparedness of the utility;
8. Chance of success within that specific grant program;

The weighting of criteria is not specifically defined as the projects, situation, and grant programs will vary. There are subjective components to the criteria and therefore some flexibility is required to make the best overall decision. The decision on which project is of highest priority will always consider the critical question of:

*“If it were one large water system, which project would we proceed with at this time?”*

A consensus based approach will be used for determining priority of projects in Schedule C. The Decision-making process for competing projects is set out in this document as Schedule B. The flow chart provides the path for proceeding when consensus is not reached by the Technical Committee. The flow chart also identifies the expected procedure for putting projects forward to the Province through City Council and the alternative procedure of the Improvement Districts submitting applications directly to the Province. If the alternative procedure is permitted by the Province, then full disclosure of submissions by the IDs and the City will be provided to the water stakeholder group.

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- 3.5 **Achieving Health Outcomes:** Meeting of the Provincial Drinking Water Treatment Objectives and specific parameters identified within the Guidelines for Canadian Drinking Water Quality (GCDWQ) is re-iterated in this plan. Schedule B within the plan provides the currently status for the larger sources from each utility. The Schedule B form will be revised and updated annually for presentation at the first meeting of the year;
- 3.6 **Costs Escalation Processes:** The process to allow for changes in costs due to inflation is included in the Implementation Plan. The permitted escalation values and process for plan amendments is consistent with Section 1.5. Project costs in Schedule C will be updated annually and the rate of inflation for the prior year will be followed using the Consumer Price Index (CPI) for BC, "All Items" included, as set out on the Stats Can website at:  
<http://www.statcan.gc.ca/tables-tableaux/sum-som/l01/cst01/cpis01k-eng.htm>
- 3.7 **Senior Grant Funding:** This section defines how work will be conducted through the application process to assure the Ministry staff that the correct regional direction is being followed. This in-turn should result in the best chance for funding success. It is recognized that grant application will be competing against other applications from other municipalities in BC, therefore funding will not be guaranteed by the Provincial or Federal Governments.

The KJWC Technical Committee will communicate with the Ministry staff to ensure that the applications provided by Kelowna are thorough, complete, and addresses the grant criteria set out by the Ministry. Typical existing support documents related to conservation, drought planning, coordinated programs, climate action, etc. will be utilized as needed in order to ensure a successful grant application by the applicant. It will be the responsibility of the applicant to provide support documentation, but support from the other water utilities will be provided where possible.

The best case for funding is expected to be 1/3, 1/3, 1/3, Local/Provincial/Federal contributions. This best case funding scenario is not expected for all projects. If funding is received, then the successful applicant will be expected to proceed with the Project as soon as reasonably possible. Further, it is understood that future capital programs could have additional eligibility criteria (such as value engineering) and/or requirements that are beyond the current scope of the KIWS and the Implementation Plan. Through communication with Ministry staff, these will be identified as programs are developed and/or applications are received. This could include requiring that some/all of the strategies/initiatives identified in the Implementation Plan are fully executed.

- 3.8 **Project Preparation:** Project preparation will consist of standard components including written definition of the project, preparation of Engineering Drawings (to pre-design level), cost estimates to Level C, a description of financing and funding, public information and assent processes, and provision of political resolutions. Supporting documents may also need to be assembled to fulfill grant application requirements.

Cost estimates will be provided to the following accuracy, dependent on project development. The accuracy may be affected with more complex and multi-disciplinary designs carrying a higher engineering and contingency allowance.

Level A - Preconstruction Est.	(Within 15%),
Level B - Design Phase	(Within 20%),
Level C - Pre-Design Phase	(Range 25 - 35%),

The requirement of the utility to fund the work will be part of the preparatory actions by the utility for each project application. Resolution is to be provided by individual utility elected

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officials, resolution by KJWC Board of Whole (through annual adoption of Schedule A), then resolution by City Council for the project to be put forward.

- 3.9 Financing Options:** The individual Utility approach to fund capital projects will vary dependent on utility. Municipal Finance Authority (MFA), direct borrowing from a Chartered Bank and other options may be part of the consideration process for the utility to consider. Lending rates and order of magnitude impacts on project financing costs will be available for Ministry review. Lending rates are expected to increase from current historic low levels.

The process for assessing project financing will be to document the financing options pursued and have the information available for disclosure if requested by the Province. This will be carried out on a project-by-project basis;

- 3.10 Lands Outside City of Kelowna Municipal Boundary:** It is recognized that there are service areas of the Improvement Districts that are outside of the current City of Kelowna municipal boundaries. These include the Scotty Creek and Ellison areas within the BMID and GEID water service areas. GEID has water distribution system separation identified for the Ellison area and the timing for this work is listed in Stage 3 of the overall KIWSPP. The approach for these projects is to be consistent with the KIWSPP in terms of timing and priority.

The options for how funding applications may be directed will be either

- 1) Through the Regional District of Central Okanagan
- 2) Directly funded by the Improvement District (if approved by Province), or
- 3) Through the City of Kelowna, if agreed upon by the City and Province.

Consistency in regional approach will be followed for the lands outside the City Boundaries and a decision will be pursued at the time of when these projects are to be funded and implemented.



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### 4.0 SUMMARY

- 4.1 **Reporting:** This includes how the plan will be communicated to the stakeholders. The stakeholders include the utilities and primarily the public. Varying communication and reporting is required for City Council, the elected Improvement District Boards, for Technical Committee staff, for the Province, and for the media/public.

Each Utility is to appoint a representative to speak to the media and public on their behalf, however public discussion is to be limited to their utility's perspective and not bind or speak for the other utilities or their Boards. If media interviews are required on the technical merits of the Implementation Plan or KIWSP, an appointed representative from the Technical Committee will be made available. Joint Press Releases will be circulated to all utilities for review with at least three working days of review time to assemble comments and response from the Utilities. The Press Release will be drafted by the Technical Committee.

- 4.2 **Plan Objective Performance Measurements:** The plan is to ultimately meet the 4 objectives of the Minister of Community Development, Sport and Culture, as set out in the letter of January 11, 2010. One measurement indicator for performance by the Kelowna Utilities is the number of projects, as listed in the KIWSP that are completed. Schedule C summarizes the projects and costs for the recommended Water Quality Improvement Projects. Schedule C includes forecasted costs as well as the annual expenditures and cumulative expenditures-to-date. The information will be suitable for presentation at the annual KJWC November Board of the Whole year-in-review meeting.
- 4.3 **Operational Performance Measurements:** Some of the Ministers Objectives must be met through adjustments in operational procedures. Measurement indicators for operational performance will be outlined as per the format in Schedule D. The Operational Work tasks in Section 2 of this document will be summarized and reported on an annual basis. The information will list the utility performance for the year and will be presented at the annual November KJWC Board of the Whole year-in-review meeting.
- 4.4 **Implementation Plan Timelines:** The timelines for the implementation of Capital Projects is listed in Schedule C. These timelines are a guideline for the order of project implementation which will be affected by financing and public approval of rate increases.

Operational implementation will be work-in-progress and will be developed as an action plan for the Kelowna Joint Water Technical Committee. The level of effort on operational issues will evolve, dependent on the level of resources available to the committee.

The 2012 Kelowna Integrated Water Supply Plan (KIWSP) and this corresponding Implementation Plan horizon are set to the end of Stage 5. At the end of Stage 5, the plans will be reviewed and updated.

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4.5 **Implementation Plan Sign-off:** Signatures from the elected and staff representatives of all of the water utilities is provided below;

IN WITNESS WHEREOF the Corporate Seal of the Black Mountain Irrigation District

\_\_\_\_\_  
CHAIR, Gordon Ivans

\_\_\_\_\_  
ADMINISTRATOR, Robert Hrasko

IN WITNESS WHEREOF the Corporate Seal of the City of Kelowna was hereunto affixed in the presence of:

\_\_\_\_\_  
MAYOR, Walter Gray

\_\_\_\_\_  
CITY CLERK, Stephen Fleming

IN WITNESS WHEREOF the Corporate Seal of the Glenmore-Ellison Improvement District

\_\_\_\_\_  
CHAIR, Bob Fugger

\_\_\_\_\_  
GENERAL MANAGER, Darwyn Kutney

IN WITNESS WHEREOF the Corporate Seal of the Rutland Waterworks District

\_\_\_\_\_  
CHAIR, Garry Zarr

\_\_\_\_\_  
ADMINISTRATOR, Jim Csek

IN WITNESS WHEREOF the Corporate Seal of the South East Kelowna Irrigation District

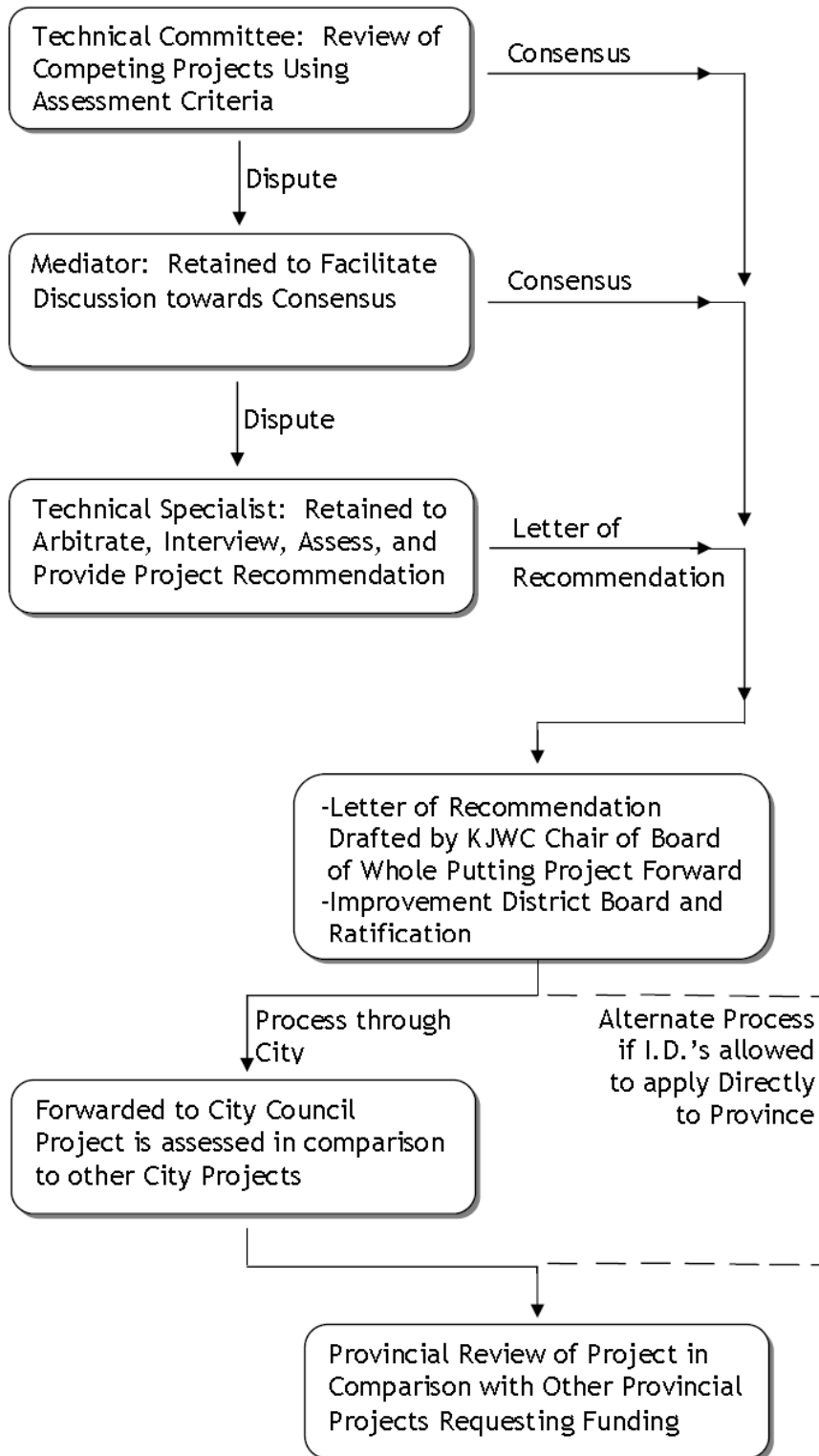
\_\_\_\_\_  
CHAIR, Brian Wright

\_\_\_\_\_  
GENERAL MANAGER, Toby Pike

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### SCHEDULE A - PROJECT PRIORITY DETERMINATION FLOW CHART



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### SCHEDULE B - UTILITY COMPLIANCE STATUS

Current as of March 14, 2013

WATER SOURCE Water Quality Criteria	KWU		BMID	GEID		RWD	SEKID
	Poplar Point	Cedar Creek		**McKinley Reservoir	Ellison (Mill Ck)		
Boil Water Notice	Very Low	Very Low	Low	Low	High	Very Low	High
Water Quality Advisory	Very Low	Very Low	Moderate	High	High	Very Low	High
43210 4 log Virus inact.	Achieved	Achieved	Achieved	Achieved	Achieved	Achieved	Achieved
3 log Giardia/Crypto	Achieved	Crypto risk	Crypto risk	Crypto risk	Crypto risk	Very Low	Crypto risk
2 types treatment	Achieved	Cl <sub>2</sub> only	Cl <sub>2</sub> only	Cl <sub>2</sub> only	Cl <sub>2</sub> only	Cl <sub>2</sub> only	Cl <sub>2</sub> only
< 1.0 NTU Turbidity	Very Low	Moderate	Moderate	Moderate	High	Very Low	High
0 coliforms	Achieved	Achieved	Achieved	Achieved	Achieved	Achieved	Achieved
Meets GCDWQ – MACs	Achieved	Achieved	THMs and Turbidity	THMs and Turbidity	THMs and Turbidity	Achieved	THMs and Turbidity
Meets GCDWQ - AOs	Achieved	Achieved	Achieved	Colour	Colour	Hardness, Fe, Mg for some wells	Colour

MACs - Maximum Acceptable Concentrations  
 AOs - Aesthetic Objectives  
 GCDWQ- Guidelines for Canadian Drinking Water Quality

\*\* *GEID McKinley rating will change with 2013 Okanagan Lake Pump Station Commissioning*

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**SCHEDULE C - Water Quality Project Costs**

1.10% Inflation Rate

Date	NO. DESCRIPTION	LOCAL OR REGIONAL BENEFIT	Dec.2011 Cost	KIWSP Project Cost	Dec 2012 Project Cost	Current Day Project Cost	1 Raw Water Upgrade	2 UV Disinfection	3 Primary Separation	4 Stg 1 - Interconn.	5 Miscell Wks - Reassess	6 Secondary Separation	7 Filtration	8 Stage 2 - Interconn.	COMMENTS
2011	1.1 GEID - SOURCE - Intake Pipe and Wet Well Contract	Regional	\$ 1,995,241			\$ 1,995,241	\$ 1,995,241								* Work Completed (costs not included)
2011	1.2 GEID - SOURCE - 1050mm Steel Main - Bst Stn to Shayler Rd.	Regional	\$ 638,043			\$ 638,043	\$ 638,043								* Work Completed (costs not included)
2013	1.3 GEID - SOURCE - Okanagan Lake Pump Station (Under Constr.)	Regional	\$ 5,634,945	\$ 5,696,929	\$ 5,696,929	\$ 5,696,929	\$ 5,696,929								* Work Underway (costs not included)
2013	1.4 SEKID - SOURCE - GW Supply Development	Local	\$ 8,213,300	\$ 8,303,646	\$ 8,303,646	\$ 8,303,646	\$ 8,303,646								
2013	2.1 KWU - UV Disinfection - Cedar	Regional	\$ 6,299,000	\$ 6,368,289	\$ 6,368,289	\$ 6,368,289		\$ 6,368,289							
2013	2.2 KWU - TRANSMISSION - Cedar - Capacity up Hill and Genset	Regional	\$ 2,200,000	\$ 2,224,200	\$ 2,224,200	\$ 2,224,200		\$ 2,224,200							
2014	2.3 BMID - UV & TRANSMISSION - Blk Mtn Reservoir Site	Regional	\$ 6,549,538	\$ 6,621,582	\$ 6,621,582	\$ 6,621,582		\$ 6,621,582							
2014	2.4 GEID - UV DISINFECTION and Screening - McKinley	Regional	\$ 5,016,990	\$ 5,072,177	\$ 5,072,177	\$ 5,072,177		\$ 5,072,177							
2009	3.1 BMID - SEPARATION - Scotty Creek Rural area	Local	\$ 853,857		\$ 853,857	\$ 853,857			\$ 853,857						* Work Completed (costs not included)
2011	3.2 GEID - SEPARATION - Ellison Stratas (Phase 1)	Local	\$ 94,875		\$ 94,875	\$ 94,875			\$ 94,875						* Work Completed (costs not included)
2015	3.3 GEID - SEPARATION - Ellison West - Low PZ Area (Phase 2)	Local	\$ 1,179,391	\$ 1,192,364	\$ 1,192,364	\$ 1,192,364			\$ 1,192,364						
2015	3.4 GEID - SEPARATION - Ellison East Area - Upper PZ (Phase 3)	Local	\$ 2,567,001	\$ 2,595,238	\$ 2,595,238	\$ 2,595,238			\$ 2,595,238						43210 timeline, Expected completion by IH, 2014
2014	3.5 SEKID - SEPARATION - Phase 1	Local	\$ 4,372,807	\$ 4,420,907	\$ 4,420,907	\$ 4,420,907			\$ 4,420,907						
2015	3.6 SEKID - SEPARATION - Phase 2	Local	\$ 4,372,807	\$ 4,420,907	\$ 4,420,907	\$ 4,420,907			\$ 4,420,907						
2016	3.7 SEKID - SEPARATION - Phase 3	Local	\$ 4,372,807	\$ 4,420,907	\$ 4,420,907	\$ 4,420,907			\$ 4,420,907						
2017	3.8 SEKID - SEPARATION - Phase 4	Local	\$ 4,372,807	\$ 4,420,907	\$ 4,420,907	\$ 4,420,907			\$ 4,420,907						
<b>Cost per Phase to Complete Minimum Works</b>							\$ 8,303,646	\$ 20,286,248	\$ 21,471,232	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>TOTAL TO MEET MINIMUM REGULATIONS</b>			\$ 49,516,446	\$ 50,061,127	\$ 50,061,127	\$ 50,061,127	\$ 8,303,646	\$ 28,589,895	\$ 50,061,127						
2015	4.1 GEID - TRANSMISSION MAIN - Tutt Watermain Upgrade	Regional	\$ 655,347	\$ 662,556	\$ 662,556	\$ 662,556			\$ 662,556						
2015	4.2 BMID - TRANSMISSION MAIN - East Bench Trunk Main	Regional	\$ 2,533,230	\$ 2,561,096	\$ 2,561,096	\$ 2,561,096			\$ 2,561,096						
2015	4.3 KWU - TRANSMISSION MAIN - Cedar 750mm to Westpoint	Regional	\$ 5,814,000	\$ 5,877,954	\$ 5,877,954	\$ 5,877,954			\$ 5,877,954						
2016	4.4 ALL - INTERCONNECTIONS - 12 small Connections - shared costs	Regional	\$ 4,079,250	\$ 4,124,122	\$ 4,124,122	\$ 4,124,122			\$ 4,124,122						12 interconnections divided by 5 utilities
2016	4.5 KWU - CEDAR STAGE 2 WORKS	Regional	\$ 12,535,000	\$ 12,672,885	\$ 12,672,885	\$ 12,672,885			\$ 12,672,885						
2016	5.1 ALL - CONSERVATION - Collective Metering program and Upgrades	Local	\$ 992,250	\$ 1,003,165	\$ 1,003,165	\$ 1,003,165				KWU	\$ 1,003,165				Although the amount is split evenly between utilities, the rate impact is substantial for the utilities with less connections
		Local	\$ 1,719,900	\$ 1,738,819	\$ 1,738,819	\$ 1,738,819				BMID	\$ 1,738,819				
		Local	\$ 752,456	\$ 760,733	\$ 760,733	\$ 760,733				GEID	\$ 760,733				
		Local	\$ 482,344	\$ 487,650	\$ 487,650	\$ 487,650				RWD	\$ 487,650				
		Local	\$ 639,450	\$ 646,484	\$ 646,484	\$ 646,484				SEKID	\$ 646,484				
2016	5.2 GEID - SOURCE PROTECTION - McKinley Reservoir Protection Works	Regional	\$ 853,243	\$ 862,628	\$ 862,628	\$ 862,628					\$ 862,628				
2016	5.3 BMID - RESERVOIR STORAGE AND CONSERVATION - Black Mount	Regional	\$ 15,981,061	\$ 16,156,853	\$ 16,156,853	\$ 16,156,853					\$ 16,156,853				
2016	5.4 BMID - TRANSMISSION MAIN - Reservoir Drawdown Main	Regional	\$ 3,631,815	\$ 3,671,765	\$ 3,671,765	\$ 3,671,765					\$ 3,671,765				
2017	5.5 KWU - TRANSMISSION MAIN - Cedar to Distribution	Regional	\$ 4,496,000	\$ 4,545,456	\$ 4,545,456	\$ 4,545,456					\$ 4,545,456				
2018	5.6 RWD - RESERVOIR STORAGE - Lower Pressure Zone	Local	\$ 2,273,600	\$ 2,298,610	\$ 2,298,610	\$ 2,298,610					\$ 2,298,610				
2019	5.7 GEID - CONVEYANCE CAPACITY UPGRADE - High Cap. McKinley P	Regional	\$ 660,330	\$ 667,594	\$ 667,594	\$ 667,594					\$ 667,594				
2020	6.1 GEID - SEPARATION - Scenic Transmission mains & Tutt lands	Local	\$ 3,067,625	\$ 3,101,369	\$ 3,101,369	\$ 3,101,369						\$ 3,101,369			
2020	6.2 GEID - SEPARATION - Scenic North Area (Phase 1)	Local	\$ 1,464,449	\$ 1,480,558	\$ 1,480,558	\$ 1,480,558						\$ 1,480,558			
2021	6.3 GEID - SEPARATION - Scenic South Area (Phase 2)	Local	\$ 1,464,449	\$ 1,480,558	\$ 1,480,558	\$ 1,480,558						\$ 1,480,558			
2020	6.4 BMID - SEPARATION - Cornish/Morrison	Local	\$ 904,823	\$ 914,776	\$ 914,776	\$ 914,776						\$ 914,776			
2020	6.5 BMID - SEPARATION - Moyer Rd	Local	\$ 235,005	\$ 237,590	\$ 237,590	\$ 237,590						\$ 237,590			
2021	6.6 BMID - SEPARATION - McKenzie Bench	Local	\$ 4,762,897	\$ 4,815,289	\$ 4,815,289	\$ 4,815,289						\$ 4,815,289			
2021	6.7 BMID - SEPARATION - Gallaghers Road	Local	\$ 1,356,594	\$ 1,371,516	\$ 1,371,516	\$ 1,371,516						\$ 1,371,516			
2022	6.8 BMID - SEPARATION - Belgo	Local	\$ 3,932,632	\$ 3,975,891	\$ 3,975,891	\$ 3,975,891						\$ 3,975,891			
2025	7.1 CITY - FILTRATION - 72 ML/day @ CEDAR CREEK	Regional	\$ 48,762,000	\$ 49,298,382	\$ 49,298,382	\$ 49,298,382							\$ 49,298,382		
2025	7.2 BMID - FILTRATION - 75 ML/day @ BLACK MOUNTAIN RES.	Regional	\$ 30,834,375	\$ 31,173,553	\$ 31,173,553	\$ 31,173,553							\$ 31,173,553		
2025	7.3 GEID - FILTRATION - 50 ML/day @ MCKINLEY RESERVOIR	Regional	\$ 22,137,500	\$ 22,381,013	\$ 22,381,013	\$ 22,381,013							\$ 22,381,013		
2025	7.4 CITY - FILTRATION - 123 ML/day @ KNOX MOUNTAIN	Regional	\$ 74,500,000	\$ 75,319,500	\$ 75,319,500	\$ 75,319,500							\$ 75,319,500		
2025	7.5 CITY - TRANSMISSION MAIN - Knox Mtn Connection	Local	\$ 1,792,000	\$ 1,811,712	\$ 1,811,712	\$ 1,811,712							\$ 1,811,712		
2025	7.6 CITY - TRANSMISSION MAIN - BROADWAY	Local	\$ 1,034,000	\$ 1,045,374	\$ 1,045,374	\$ 1,045,374							\$ 1,045,374		
2025	7.7 CITY - TRANSMISSION MAIN - Swick Road	Local	\$ 2,029,000	\$ 2,051,319	\$ 2,051,319	\$ 2,051,319							\$ 2,051,319		
2025	7.8 GEID - UV DISINFECTION - McKinley Ldg - local service area	Local	\$ 478,170	\$ 483,430	\$ 483,430	\$ 483,430							\$ 483,430		
> 2025	8.1 ALL - TRANSMISSION MAIN - 1500mm City to Central Connection	Regional	\$ 5,687,500	\$ 5,750,063	\$ 5,750,063	\$ 5,750,063							\$ 5,750,063		
> 2025	8.2 ALL - TRANSMISSION MAIN - 1500mm Central to BMID	Regional	\$ 25,093,750	\$ 25,369,781	\$ 25,369,781	\$ 25,369,781							\$ 25,369,781		
> 2025	8.3 ALL - TRANSMISSION MAIN - 1200mm Central to GEID	Regional	\$ 19,312,500	\$ 19,524,938	\$ 19,524,938	\$ 19,524,938							\$ 19,524,938		
> 2025	8.4 ALL - TRANSMISSION MAIN - 1200 mm Central to South City	Regional	\$ 25,125,000	\$ 25,401,375	\$ 25,401,375	\$ 25,401,375							\$ 25,401,375		
> 2025	8.5 ALL - TRANSMISSION MAIN - 1050mm BMID to SEKID	Regional	\$ 6,250,000	\$ 6,318,750	\$ 6,318,750	\$ 6,318,750							\$ 6,318,750		
<b>TOTALS ( PHASES 1 to 3 )</b>							\$ 8,303,646	\$ 20,286,248	\$ 21,471,232						
<b>TOTALS ( PHASES 4 to 8 )</b>										\$ 25,898,612	\$ 32,839,756	\$ 17,377,549	\$ 183,564,282	\$ 82,364,906	

# 2013 IMPLEMENTATION PLAN

## Kelowna Integrated Water Supply Plan

### SCHEDULE D

### ANNUAL OPERATIONAL PERFORMANCE SUMMARY

Current as of \_\_\_\_\_

STANDARD OPs	KWU	BMID	GEID	RWD	SEKID
Cross Connection Control					
Hydrant Maintenance					
Valve Exercising					
Flushing Program					
Leak Detection					
Air Valve Servicing					
PRV Servicing					
Reservoir Flushing					
Dam Inspections					
TCA Update					
ERP Up-to-date (last revision)					
Emergency materials lists updated					
Interior Health Conditions on Permit – Conformance Status					

**SUMMARY OF OPERATIONAL WORKS CARRIED OUT FOR CURRENT YEAR**

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- 
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**FORECASTED WORK TO BE CARRIED OUT IN UPCOMING YEAR**

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# Report to Council



**Date:** March 20, 2013  
**Rim No.** 1140-90  
**To:** City Manager  
**From:** R. Forbes, Manager, Property Management  
**Subject:** Bernard Avenue Sidewalk Program Fees

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## **Recommendation:**

THAT Council receive the Report from the Manager, Property Management, dated March 20, 2013, regarding the Bernard Avenue Sidewalk Program Fees Policy;

AND THAT Council approves the Bernard Avenue Sidewalk Program Fees as attached to the Report of the Manager, Property Management dated March 20, 2013;

AND FURTHER THAT Bylaw No. 10815 being Amendment No. 22 to Traffic Bylaw No. 8120 be given reading consideration.

## **Purpose:**

To obtain Council approval of a policy that details the fees and conditions for the Bernard Avenue Sidewalk Program (patio seating and merchandise retail).

## **Background:**

At the February 25, 2013 Council meeting, staff presented a report detailing the conditions of use and the fees for the Bernard Avenue Sidewalk program. Council requested staff reconsider the fee structure in consultation with the Downtown Kelowna Association (DKA) and report back on a new fee structure. Specifically, the Council resolution requested:

... AND THAT Council endorses, in principle, the revised proposed fee schedule that provides a second year of free rent;

AND FURTHER THAT Council directs staff to refer the revised proposed fee schedule to the Downtown Kelowna Association for comment and report back to Council.

Subsequently, staff met with the Executive Director of the DKA and agreed that the following fee structure be implemented:

- Fees related to the program include:
  - One time Permit Application Fee.
  - Rent
    - Free for the first two years after construction has been completed.

- During this time frame, Patio applicants will provide staff with a summary of the costs of construction of the patio.
- Staff will provide a reduction to the third year rent (first year of rent) based on the value of the improvements.
  - Patios that are constructed for more than \$5,000 receive a 100% rent reduction.
  - Patios that are constructed for more than \$2,500 but less than \$5,000 receive a 50% rent reduction.
  - Patios that are constructed for less than \$2,500 receive no rent reduction.
- Sidewalk seating located closer to the parks / lake / waterfront promenade should pay the full fee recommended, while those further from the lake should pay a lower rate.
- Once all block locations have reached 100% of the proposed fee, future increases will be at the rate of inflation as determined by the BC All Items Consumer Price Index until 2020 after which the program will be re-evaluated and re-appraised. This is seen as a benefit to the tenants as they will have cost certainty for a significant period of time (7 years).

For clarification we have provided the following examples;

Example #1

Patio is constructed and the cost of construction is determined to be \$1,300

100% of the rent is determined to be \$800

2013 - Free

2014 - Free

2015 - 50% of the full value of the rent or \$400

2016 - 100% of the full value of the rent or \$800

2016 - 100% of the full value of the rent or \$800

Example #2

Patio is constructed and the cost of construction of the patio is determined to be \$3,500.

100% of the rent is determined to be \$800 / year.

2013 - Free

2014 - Free

2015 - 50% of the full value of the rent or \$400 less an additional 50% credit = \$200

2016 - 100% of the full value of the rent = \$800

2017 - 100% of the full value of the rent = \$800

Example #3

Patio is constructed and the cost of construction is determined to be \$8,000

100% of the rent is determined to be \$800

2013 - Free

2014 - Free

2015 - 50% of the full value of the rent = \$400 less additional credit of 100% credit = \$0

2016 - 100% of the full value of the rent or \$800

Staff believe this type of approach will provide a double incentive. Firstly, this approach would encourage businesses to take advantage of the free rent on the space as soon as

possible to gain the maximum benefit. The free rent is for the years noted, not for the first or second year you use your patio. Secondly, if a business spends more money and invests in quality materials for their patio it will be more attractive, attract more business, and be more durable.

The quality of the patio furnishings was also discussed with the DKA. It was agreed that there should be some language that addresses the need for quality furnishings along the street. Additional language has been included that generally discusses the need for quality furnishings. The applicant will include their furnishing plan as part of the application process.

**Legal/Statutory Authority:**

Traffic Bylaw No. 8120

**External Agency/Public Comments:**

Support letter from the Downtown Kelowna Association

**Considerations not applicable to this report:**

Legal/Statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

Alternate Recommendation:

Personnel Implications:

Communications Comments:

Internal Circulation:

In light of the above, the Property Management branch of the Real Estate & Building Services department request Council's support of this program.

Submitted by:

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Ron Forbes, RPA  
Manager, Property Management

Approved for inclusion:



D. Edstrom, Acting Director, Real Estate & Building Services



## *Bernard Avenue Sidewalk Program*



## Bernard Avenue Sidewalk Program

During 2012 and 2013, Bernard Avenue underwent an extensive revitalization which reduced the number of vehicle travel lanes from four to three and changed the on-street parking from angle to parallel. This resulted in a revitalized and much wider sidewalk.

The sidewalk as been divided up into three zones, the frontage zone (adjacent to the buildings), the pedestrian movement zone (in the middle), and the furnishing zone (adjacent to the curb)

The Bernard Avenue Sidewalk Patio Program is designed to provide a guide to applying for and utilizing the frontage zone and is authorized by Bylaw 10814 Amendment No 22 to Traffic Bylaw 8120.

### 1. Permitted Use and Areas to be Designated

Use is limited to businesses on Bernard Avenue that occupy interior space and are engaged in business on Bernard Avenue.

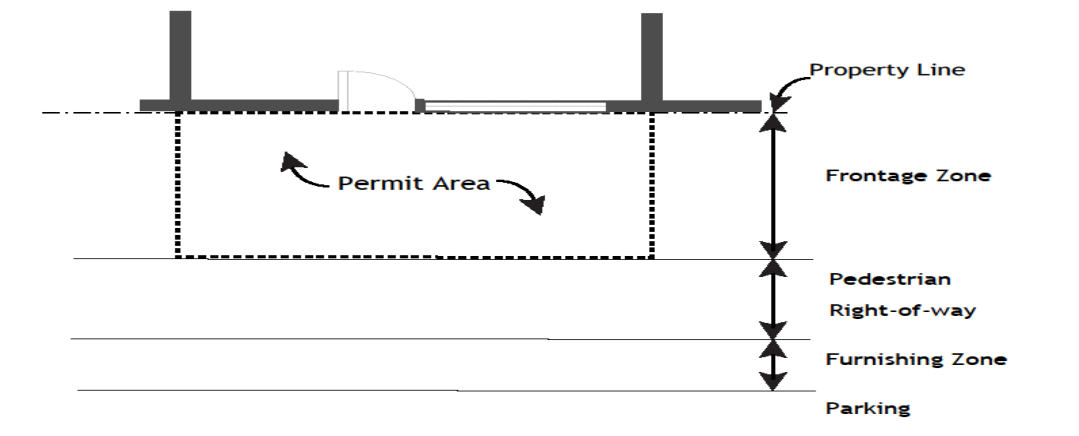
An applicant (*Business Owner*) may be allowed to utilize space on the public sidewalk directly in front of their business on Bernard. All space utilized must meet with the attached rules and regulations contained within the Bernard Avenue Frontage Zone requirements.

### 2. Application Requirements

- a) **Application Form and Fee:** Applicants shall submit a complete Application Form (attached as Schedule “A”) and a non-refundable \$250.00 application fee for new applications. An application fee of \$150.00 will be applicable to patios which operated during the 2012 season and are in good standing. An application fee is not required in subsequent years where a seating facility has been in continuous operation and where the layout and/or design of the facility, in the estimation of staff, has not been significantly altered. An application fee is not required for a Sandwich Board Sign. In future years if a *Business Owner* wishes to change the scope of their patio, a \$150 fee will be applied.
- b) **Definitions**
  - i. **Active Use** - are the days when the business is actively using the patio to serve customers.
  - ii. **Business Owner** (*Business Owner*) - the owner of a business located on Bernard Avenue.
  - iii. **Building Owner** (Building Owner) - the owner of the building located on Bernard Avenue that houses a business run by *Business Owner*.
  - iv. **General Use Patio** - is defined as a patio for any use except the consumption of alcohol.

- v. **Furnishings and Equipment** - all objects other than the Perimeter Structure, Sandwich Board Signs, and Planters used in the operation of the Permit Area, including but not limited to tables, chairs, umbrellas, serving carts, portable heaters, etc.
- vi. **Large Patio Food Only / Large Scope Retail** - a patio for any use except the consumption of alcohol and has greater use than Small Patio/ Limited Scope Retail.
- vii. **One-Off Event** - a single day event on a Frontage Zone under a Temporary Use Permit.
- viii. **Patio - Food and Liquor** -any patio that allows alcohol to be consumed or that must have a Perimeter Structure as required by the Liquor Control Licensing Branch .
- ix. **Menu Board** - any single-sided sign, attached to a building or Perimeter Structure, or freestanding, for the purpose of identifying food and/or beverages for sale.
- x. **Pedestrian Right-of-Way** - that portion of the area in front of a business intended for pedestrian use only and extending from a point 3.0 meters from the adjoining property line to a point 4.5 metres from the adjoining property line.
- xi. **Perimeter Structure** - any structure erected within the Frontage Zone to enclose a Permit Area for the use of the adjoining business.
- xii. **Permit Area** - that portion of the Frontage Zone that an adjoining business is entitled to use under the provisions of the Permit Program.
- xiii. **Permit Holder** - the *Business Owner* who has a signed permit with the City.
- xiv. **Planter** - any freestanding container used for the purpose of displaying vegetation.
- xv. **Sandwich Board Sign** - a freestanding, self-supporting structure with two leafs hinged together, for the purpose of advertising a business or its products and/or services.
- xvi. **Small Patio / Limited Scope Retail** - a patio that is used for retail purposes occupying less than 6 feet of building frontage or food serving purposes that does not exceed 2 small tables and 6 chairs total.
- xvii. **Stanchion** - a portable, freestanding vertical element supported by a flange or base.
- xviii. **Temporary Use Permit** - a permit to use the Frontage Zone for a single one-off event.
- xix. **Visual Permeability** - the ability to see through a Perimeter Structure into a Permit Area.

xx. **Permit Area Plan:**



i. **Permit Area Calculation:**

- a) Small Patio / Limited Scope retail is a fixed fee.
- b) Large Patio Food Only / Large Scope Retail is calculated as the Permit Area in the permit plan; that is the minimum building frontage is the full width of the building the business occupies.
- c) Patio - Food and Liquor is calculated as the Permit Area in the permit plan; that is the minimum building frontage is the full width of the building the business occupies.

3. **Conditions of Use**

The following conditions apply to use of the Permit Area:

- a) **Permit Area Surface** - No underfoot surface other than the existing concrete surface is allowed. Painting of the surface is prohibited as is overlay with any material or structure. The surface must at all times be kept free of debris and materials that could stain or corrode the concrete. Permit Holders are responsible for cleaning and/or repairing any damage to the Permit Area surface.
- b) **Extension of Permit Area** - the Permit Area may extend into adjacent vacant Frontage Zone area(s) with the written consent from the neighbouring Building Owner(s). At any time, the neighbouring Building Owner(s) may terminate the use of the extended Permit Area within their designated Permit Area. Said termination shall be submitted in writing to the City and Permit Holder.
- c) **Sandwich Board Sign** -The maximum dimensions of any Sandwich Board Sign is 760 mm (30 in.) wide x 915 mm (36 in.) high, and the maximum height is 950 mm. (37 in.) above the Permit Area surface. There are no restrictions on sign messages, fonts, or colours. Sandwich Boards Signs must be removed from the Permit Area when not in active use, i.e., when the business is closed. Only one Sandwich Board Sign is allowed per business frontage.
- d) **Planters** - must contain living, healthy plant materials; plants and planters must be maintained in a presentable condition and any debris that falls to the Permit Area or Pedestrian Right-of-Way surface must be collected and disposed of. Planters with seasonal vegetation must be removed from the Permit Area when the vegetation has passed its period of prime growth.

- i. There are no restrictions on planter materials, colours, shapes, or sizes. However, *Business Owners* are encouraged to use discretion in the selection of plant materials. Plants that have thorns or brambles or that otherwise could inadvertently cause injury to patrons or pedestrians should be avoided. The City reserves the right to remove plant materials deemed to be a risk to public safety.

e) **Perimeter Structures** Permit Holders who are Food and Liquor Primary licensees must enclose the outdoor seating area with a Perimeter Structure as per the terms set out by the BC Liquor Control and Licensing Branch. Any structure within a Permit Area must be approved by the City and meet the standards set out in the B.C. Building Code, if applicable.

For all Permit Holders who are not Food and Liquor Primary licensees, enclosure of the Permit Area with a Perimeter Structure or demarcation with Planters, Stanchions, or other free-standing elements is permissible but optional.



- i. **Securing in place** - Perimeter Structures must be stable and securely fastened in place using City of Kelowna approved fastening systems. Only Perimeter Structures are allowed to be secured to the Permit Area surface. Any holes in the Permit Area surface must be repaired at such time as the structure is removed.
- ii. **Height** - the height of any Perimeter Structure must be between 850 and 950 mm. (33 to 37 in.) above the Permit Area surface.
- iii. **Materials** - acceptable Perimeter Structure materials are wrought iron, galvanized steel, stainless steel, aluminium, tempered glass, glass block, wood S4S, and natural and coated fabrics. Lexan and equivalent polycarbonate plastics, tightly-woven metal mesh, and stamped, etched, or perforated metal panels are also acceptable. Plastic composite materials are acceptable only as structural/framing components. Natural and cultured stone can be used for piers and plinths but not as wall applications. Planters and stanchions can also be used to enclose or demarcate Permit Areas.

Precast concrete, bamboo, masonry block, ceramic tiles, pressure-treated wood, plywood and other sheathing materials, and stucco, brick, and other residential exterior siding materials are not allowed.

The above is not intended as a complete list of materials. Other materials could be allowed or denied at the discretion of City staff. Any material proposed must provide for the safety of patrons, the business's staff, and passing pedestrians and must not damage or cause deterioration of the Permit Area or the adjoining Pedestrian Right-of-Way.



iv. **Visual Permeability** - materials that allow a high degree of Visual Permeability are preferred, e.g., glass or wrought iron.

v. **Visual Interest** - detailing of the Perimeter Structure is encouraged to provide visual interest and to help animate the street. Vegetation incorporated as part of a Perimeter Structure is considered a means of adding visual interest.



f) **Furnishings and Equipment** - other than portable outdoor heaters, must be removed from the Permit Area when not in Active Use, i.e., when the Permit Holder's business is closed. When not in Active Use, Furnishings and Equipment of a seasonal nature must also be removed from the Permit Area. Furnishings must be of high quality and durability, and approved by the City.

g) **Projections into the Pedestrian Right-of-Way** - Perimeter Structures as well as any Furnishings and Equipment, e.g., awnings must maintain a minimum 75 mm (3 in.) clearance from the adjoining Pedestrian Right-of-Way. This provision does not apply to any Stanchion, pier, or other vertical structural or framing member provided such components do not project into the Pedestrian Right-of-Way. Planters and Sandwich Board Signs must maintain a minimum 300 mm (12 in.) clearance from the adjoining Pedestrian Right-of-Way.

h) **Access/Egress from Permit Area** - Permit Holders must provide and maintain wheelchair access to and within the Permit Area. Access through the Permit Area to the building interior for emergency services must also be maintained. Gates or other components of a Perimeter Structure that restrict access to, or egress from the Permit Area are not allowed, unless specified by the Permit Holder's liquor license.

i) **Overhead Structures** - no overhead structures, e.g., trellises, canopies, etc., whether freestanding or attached to a building or Perimeter Structure, are allowed. This provision does not apply to awnings that come under the jurisdiction of *Sign Bylaw No. 8235*.

j) **Menu Boards** - Signs/signage within the Permit Area is restricted to Menu Boards. The maximum size of Menu Boards is 760 mm (30 in.) wide x 915 mm (36 in.) high. Menu Boards can project to a height of 1,525 mm (60 in.) above the Permit Area surface by being attached to a Perimeter Structure or otherwise supported by a freestanding structure such as an easel. Menu Boards may not lean against a building, a Perimeter Structure, Equipment and Furnishings, or a Planter:



- i. Menu Boards may be electrically illuminated, e.g., backlit or with pendant lighting. Electrical connections for such purposes cannot be served by extension cords or other temporary connections and must not be visually obvious.
  - ii. The above stipulations are in addition to any provisions of *Sign Bylaw No.8235*  
<http://www.kelowna.ca/CityPage/Docs/PDFs/%5CBylaws/Sign%20Bylaw%20No.%208235.pdf>
- k) **Colours** - there are no restrictions on the colours that may be used with regard to any component of a Perimeter Structure, Furnishings or Equipment, Planters, Sandwich Boards, or menu boards within the Permit Area.
- l) **Outdoor Heating** -Portable heaters for seasonal use are acceptable provided they meet the terms and conditions of any agency having jurisdiction over their use. Outdoor heaters are considered to be Furnishings and Equipment. Outdoor heaters are not allowed to be under the tree canopy.
- m) **Lighting / Illumination** -electrical or solar-powered illumination of either a functional or decorative nature is allowed within the Permit Area provided the lighting does not spill over to the adjacent pedestrian zone or adjacent patios.
- n) **Special Events** - flags, pennants, banners, bunting, and other decorative features and elements are allowed as per the terms of *Sign Bylaw No. 8235*.
- o) **Maintenance** - Perimeter Structures, Equipment or Furnishings, Planters, and Sandwich Board Signs must be inspected regularly and maintained in a safe and presentable condition. Any loose or protruding parts, peeling or bubbling paint or stain, and splinters, burrs, and sharp or jagged edges must be removed.
- p) **Cleaning** - The Permit Holder shall remove all trash from the Permit Area on a regular basis during business hours, and shall keep the Permit Area in a clean, orderly, litter -free and hazard-free condition.
  - i. The Permit Holder shall remove litter from the abutting properties which may have come from the Permit Area.
  - ii. The Permit Holder shall not place any solid waste in the City solid waste containers.
- q) **Drawings:** Applicants shall submit:
  - i) a plan at 1:100 scale of the proposed facility, including entrances to all buildings, any landscaping, parking zones and bus stop locations, and any existing street furniture and/or appurtenances within a distance measured from 3 meters on either side of the business frontage;
  - ii) list of materials and supplies to be installed in the Permit Area; and
  - iii) description of signage intended for use on the patio (see Section 17).

- r) **Security Deposit:** Prior to the issuance of a permit, the applicant shall place with the City, a cash deposit or unconditional irrevocable Letter of Credit issued by a Canadian chartered bank or credit union in the amount of \$500.00 as security that the obligations imposed by the permit are fulfilled and to reimburse the City for the cost of any damage to the sidewalk, walkway, roadway, or other City facilities as a result of occupancy.
- s) **Certificate of Insurance:** The City's standard Certificate of Insurance is included in the permit package as Schedule "C", and must be completed by the applicant with the signed original returned to the City as part of the application package. The applicant shall, without limiting its obligations or liabilities under this permit, procure and maintain, at its own expense and cost, insurance in the amount of \$2,000,000.00 not including the automobile liability insurance requirement under Section 2 of the City of Kelowna Traffic Bylaw. The insurance policy(ies) shall be maintained continuously as long as a permit is in effect.

**Applicants are cautioned that applications will not be considered complete without the required information under Application Requirements above.**

#### **4. Consultation Process (Schedule "B" attached - not required for Temporary Use Permit)**

- a) **Within the establishment frontage:** Building Owners and *Business Owners* adjacent to a proposed outdoor seating area will be notified by the City that an application has been received. This notification is intended to give such businesses and owners the option of communicating any concerns to the City related to a proposed seating area, so that these concerns might be considered in the siting and design of the proposed seating facility.
- b) **Food and Beverage Businesses Located Above Street Level:** Food and beverage businesses located above street level must have the consent of any business(es) located at street level in the same building whose street frontage coincides with the proposed outdoor seating area. Where a conflict exists between a business above street level and a business at street level who share the same Building Owner, the Building Owner will determine which business will occupy the outdoor seating area. This provision applies regardless of whether the proposed facility would be located immediately adjacent to the building or on the curb side of the sidewalk. Written agreement from such businesses must be submitted to the City as a condition of approval for a permit.
- c) **Application to Use Vacant Neighbouring Frontage:** A business may make application for vacant neighbouring frontage by completing and submitting to the City the form set out in Schedule B. The permission granted in Schedule B may be rescinded by the Building Owner at any time.

#### **5. Permit Area**

The Permit Area will be inspected and may be marked by the City of Kelowna once the plans submitted are approved. Fencing can be erected by the Permit Holder to coincide with the area marked.

No portion of the Pedestrian Zone or Furnishing Zone may be occupied for any reason.

## 6. Changes to Permit Area

Any Permit Holder proposing physical changes to an existing outdoor seating area must re-apply to the City. The application must include plans and any elevations describing the proposed changes. A \$150.00 application fee must also be submitted. An updated Certificate of Insurance may be required as deemed necessary by City staff. The existing deposit of \$500.00 held by the City as part of the initial application will continue to apply.

## 7. Permit Fee

The permit fee has been informed by an independent appraisal and takes into account the market value of the City-owned real estate being occupied. The appraisal recommends that an Adjustment Factor be applied. Patios closer to the lake are the most valuable. As the patios move further from the waterfront they become less valuable and therefore should be charged less for their use. The fees charged for patios are being phased in over a five year period. At the end of the five year period, future increases will be at the rate of inflation as determined by the BC All Items consumer Price Index.

The City may, at their discretion, revoke permits where accounts are outstanding in excess of 30 days.

Seasonal patios (small patios) will be invoiced, in advance, on May 1<sup>st</sup> of each year for a period of 5 months. All seasonal patios must be prepaid before a permit is issued. Use of seasonal patios prior to May 1<sup>st</sup> or after September 30<sup>th</sup> will be invoiced on a pro-rated based on the patio's daily rate.

Annual patios (any patio whose perimeter structure remains in place year round or any patio that provides tables and chairs for use year round) will be invoiced semi-annually on January 1<sup>st</sup> and July 1<sup>st</sup> and payable in advance. The City will no longer invoice monthly.

Billable use of a patio area will begin on the date a permit is granted. The permit fee for Permit Areas that commence operation after the first day of a calendar month will be pro-rated, based on the total days remaining in the month.

### Fees

In recognition that different locations on Bernard will have use of their patio earlier than others, this fee structure will attempt to recognize the different timing. It also takes into account the value for a patio by the lake being more than a patio by Richter.

The first and second year the new streetscape is open will be a zero cost to the business and the third and fourth year will be a 50% reduction to appraised rates depending on location. This is to encourage uptake in the seating program and to ensure the appropriate level of investment is made in the patio areas.

**Application Fee - one time charge or with a change in the scope of the patio**

New Applications	\$250
Existing Applications - Renewal Only	\$150
Change in Scope - Active Permits	\$150
Temporary Use Permits	N/C

**Rent**

<b>200 - 300 Block</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Small Patio / Limited Scope Retail (Annual Fee)	0	0	\$255	\$510	\$510
*Large Patio / Food only or Large Scope Retail (per square foot per year)	0	0	\$2.16	\$4.32	\$4.32
*Patio - Food and Liquor (per square foot per year)	0	0	\$4.32	\$8.64	\$8.64

<b>400 Block</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Small Patio / Limited Scope Retail (Annual Fee)	0	0	0	\$213	\$425
*Large Patio / Food only or Large Scope Retail (per square foot per year)	0	0	0	\$1.80	\$3.60
*Patio - Food and Liquor (per square foot per year)	0	0	0	\$3.60	\$7.20

<b>500 - 550 Block</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Small Patio / Limited Scope Retail (Annual Fee)	0	0	0	\$170	\$340
*Large Patio / Food only or Large Scope Retail (per square foot per year)	0	0	0	\$1.44	\$2.88
*Patio - Food and Liquor (per square foot per year)	0	0	0	\$2.88	\$5.76

<b>560 - 600 Block</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Small Patio / Limited Scope Retail (Annual Fee)	0	0	\$170	\$340	\$340
*Large Patio / Food only or Large Scope Retail (per square foot per year)	0	0	\$1.44	\$2.88	\$2.88
*Patio - Food and Liquor (per square foot per year)	0	0	\$2.88	\$5.76	\$5.76

\* The minimum fee will be the Small Patio annual fee or the cost per square foot per year whichever is greater.

## **Discount**

For the first year rent is due, the following discounts will apply:

- Patios that are constructed for less than \$2,500 receive \$0 credit.
- Patios that are constructed for more than \$2,500 but less than \$5,000 receive a 50% credit.
- Patios that are constructed for more than \$5,000 receive a 100% credit.

Note that if there is a discrepancy between the above fees and those fees in Bylaw 8120, the fees in the Bylaw will prevail. The City may, at their discretion, revoke permits where accounts are outstanding in excess of 30 days.

## **2013 - 2014**

All patio applications will have to be accompanied by the application fee and the deposit. There will be no rent for any patio in 2013 and 2014.

## **2015**

Patios in the 400 - 550 block will not have to pay rent as their section of Bernard will not be completed until December 2013.

All other patios will be required to pay rent. The rent schedule is 50% of the full value of the rent.

Seasonal patios (small patios) will be invoiced, in advance, on May 1<sup>st</sup> of each year for a period of 5 months. All seasonal patios must be prepaid before a permit is issued. Use of seasonal patios prior to May 1<sup>st</sup> or after September 30<sup>th</sup> will be invoiced on a pro-rated based on the patio's daily rate.

Annual patios (any patio whose perimeter structure remains in place year round or any patio that provides tables and chairs for use year round) will be invoiced semi-annually on January 1<sup>st</sup> and July 1<sup>st</sup> and payable in advance.

## **2016**

Patios in the 400 - 550 block will be required to pay rent at 50% of the full value. All other patios will be paying the full value of the rent.

## **2017**

All patios will be paying the full value of the rent.

New Patio application permit fees will be payable upon application. Once approved the permit fee will be invoiced.

## **8. Permit Period**

Seasonal Permits for the use of frontage zone will be issued from May to September. Annual Permits for the use of frontage zone will be issued from January to December. Permit Holders are required to remove all furniture, goods and improvements from the Permit Area during the period it is not being actively used.

## 9. Obligation to Maintain Permit Area

Permit Holders are required to keep all surfaces associated with the Permit Area free of debris and snow and must provide secure footing in all weather conditions. Note that *Business Owners* are still required to keep the Frontage and Pedestrian Zone in front of their business free and clear of snow and ice regardless of their use of the Frontage Zone for patio purposes as per Bylaw No. 8120, Part 2, Section 2.5.1. **Smoking and cooking is not permitted in the Permit Area.**

## 10. Hold Harmless/Indemnification.

- a) The Permit Holder will be liable for all loss, costs, damages, and expenses whatsoever incurred or suffered by the City, its elected officials, officers, employees and agents (the Indemnitees) including but not limited to damage to or loss of property and loss of use thereof, and injury to or death of a person or persons resulting from or in connection with the performance, purported performance, or non-performance of this permit, excepting only where such loss, costs, damages and expenses are as a result of the sole negligence of the Indemnitees.
- b) The Permit Holder will defend, indemnify and hold harmless the Indemnitees from and against all claims, demands, actions, proceedings, and liabilities whatsoever and all costs and expenses incurred in connection therewith and resulting from the performance, purported performance, or non-performance of this permit, excepting only where such claim, demand, action, proceeding or liability is based on the sole negligence of the Indemnitees.

## 11. Risk

Each proposed seating area will be reviewed by staff to assess the risk. Where a proposed seating area is deemed to have an elevated risk, the City may require modifications to the design of the proposed structure. The cost of any modifications would be the responsibility of the applicant or the applicant may choose to revise and resubmit their application.

Additionally, a permit application could be denied where it is deemed that it is not possible through any cost-effective means to mitigate the risk and to otherwise bring it within a range of acceptance. In addition, the City reserves the right to deny a permit for any reason.

## 12. Enforcement

- a) With the exception of a breach of the terms related to insurance coverage (see below), where a Permit Holder is in breach of the terms of the program, the Permit Holder will be notified in writing and given ten business days from the date of postmark to comply with the terms of the program.
- b) If compliance is not forthcoming within this time, cancellation of the permit will be effective immediately, and the business will be notified in writing and given three business days from the date of postmark, to remove tables and chairs and all associated structures.

- c) If the facility is still in place at the end of the specified time period, the business's damage deposit will be forfeited and the City will remove chairs, tables, and all other items within the confines of the Permit Area belonging to the business, as well as remove any structures assembled in conjunction with the Permit Area. These items will be stored at the owner's expense and the City will follow its standard procedure for dealing with seized goods and *Business Owner* will be billed for any amount that the costs of seizure, teardown, removal and storage exceed the value of the damage deposit. Where the costs of seizure do not exceed the value of the damage deposit, there will be no refund of the balance.
- d) The Permit Holder will be required annually to submit proof of insurance. Failure to submit the required documentation may result in cancellation of the permit and trigger the enforcement procedure outlined above.
- e) Where an unpaid amount is outstanding with respect to the seizure and storage of seats, tables, or structure, a new permit will not be granted to the former Permit Holder until the outstanding balance has been paid. Any assets seized will be sold and the proceeds will be used to offset outstanding balances.

### **13. Non-transferability of Permit**

A permit must be taken out by a *Business Owner* and must identify the *Business Owner* authorized to occupy the Permit Area. Only the *Business Owner* named in the permit is allowed to occupy the area described in the permit. The permit is not transferable.

### **14. Cancellation of Permit by City of Kelowna**

At any time, the City Manager, Superintendent of the RCMP or designee without notice may order that the outdoor seating facility be vacated, and any structure(s) removed, until further notice if the health, safety, welfare or good order of the City is threatened.

### **15. Entertainment and Hours of Operation Within Outdoor Seating Areas.**

- a) No outdoor speakers and/or no amplified or projected music can be emanating from the building or the Permit Area. The City of Kelowna Noise and Disturbance Control Bylaw No. 6647 will apply at all times.
- b) A patio may operate from 8:00 am until 11:00 pm, 7 days per week. All patrons must leave the patio area by 12:00 am. A patio will not be occupied past 12:00 am for any reason. Last call for alcohol beverages shall be at 10:30 pm. All alcoholic beverages must be removed from the Permit Area by 11:00 pm.



## 16. Signage

Advertising and identification signage should be limited to the name of the business and/ or a discrete menu board and must comply with the provisions of the City of Kelowna *Zoning, Sign, Heritage, and Procedures Bylaw No. 8235*. Table top umbrellas with the *Business Owners* business name printed thereon upon or name(s) of products sold at the premises are allowed. Proposed signage should be submitted as part of the application package. All subsequent additions and changes in signage after issuance of a permit must be approved by the City.

## 17. Additional Considerations

- Overhead electrical extensions or electrical extensions placed across the public sidewalk are not allowed.
- Permit Holders shall not carry out, or allow any activity within the Permit Area which would constitute an annoyance or nuisance to others or obstruct or interfere with the free and unrestricted use of areas adjacent to the Permit Area.
- Permit Holders are advised they are not entitled to exclusive use of the space designated in the permit.
- All aspects of any proposed facility must meet the provisions of the *Traffic Bylaw No. 8120*, and any other applicable bylaws. **Where there is a discrepancy between the Terms of Reference and any applicable Bylaws, the provisions set out in the Bylaws will apply.**

**City of Kelowna  
Bernard Avenue Sidewalk Program  
Schedule "A"  
Permit Application**

Applicant's Name: \_\_\_\_\_

Name of Business: \_\_\_\_\_

Address : \_\_\_\_\_  
\_\_\_\_\_

I/we have read the Terms of Reference for the Bernard Avenue Sidewalk Program and if granted a permit, agree to abide by the terms and conditions set out therein.

Applicant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

All permits must be prepaid prior to issuance:

1. Small Patio – payment in full at time of application
2. Large Patio – 50% payable January 1<sup>st</sup> , 50% payable July 1<sup>st</sup>

Personal information on this form is collected under the authority of the Freedom of Information and Protection of Privacy Act R.S.B.C. 1996, c. 165 and is necessary for the administration and operation of this program. Questions about the collection of this information to be directed to the Records & Information Coordinator, City Hall 1435 Water Street Kelowna BC V1Y 1J4 (250) 862-8587.

- For Office Use:**
- Application Fee
  - Consultation
  - Security Deposit
  - Certificate of Insurance
  - Drawings – Patio Plan
  - Furnishings Plan
  - Payment\_ - Seasonal
  - Payment\_ - Annual
  - Temp. Use Application
  - Temp. Use Insurance

City Of Kelowna  
Bernard Avenue Sidewalk Program  
Schedule "B"

Adjacent Business and/or Building Owner Consultation

**Adjacent Business Consultation:**

Name: \_\_\_\_\_

Business Name: \_\_\_\_\_

Own  Operate

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

**Adjacent Building Owner Consultation:**

Building Owner: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

I/We understand that \_\_\_\_\_ is proposing to use the public sidewalk adjacent to My/Our Business and/or Building for a patio as part of the City of Kelowna's Bernard Avenue Sidewalk Seating Program. I/We have seen the proposed plans that are attached and understand that the seating will utilize the sidewalk identified in the application on a seasonal  or annual basis .

I/We  do not object

object

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**CERTIFICATE OF INSURANCE**

City staff to complete prior to circulation

City Dept.: \_\_\_\_\_  
 Dept. Contact: \_\_\_\_\_  
 Project/Contract/Event: \_\_\_\_\_

**Insured**

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_

**Broker**

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_

Location and nature of operation and/or contract reference to which this Certificate applies:

\_\_\_\_\_

Type of Insurance	Company & Policy Number	Policy Dates		Limits of Liability/Amounts
		Effective	Expiry	
<b>Section 1</b> Comprehensive General Liability including: <ul style="list-style-type: none"> <li>• Products/Completed Operations;</li> <li>• Blanket Contractual;</li> <li>• Contractor's Protective;</li> <li>• Personal Injury;</li> <li>• Contingent Employer's Liability;</li> <li>• Broad Form Property Damage;</li> <li>• Non-Owned Automobile;</li> <li>• Cross Liability Clause.</li> </ul>				Bodily Injury and Property Damage \$ <b>2,000,000</b> Inclusive \$ _____ Aggregate \$ _____ Deductible
<b>Section 2</b> Automobile Liability				Bodily Injury and Property Damage \$ <b>2,000,000</b> Inclusive

It is understood and agreed that the policy/policies noted above shall contain amendments to reflect the following:

1. Any Deductible or Reimbursement Clause contained in the policy shall not apply to the City of Kelowna and shall be the sole responsibility of the Insured named above.
2. The City of Kelowna is named as an Additional Insured.
3. 30 days prior written notice of material change and/or cancellation will be given to the City of Kelowna.

\_\_\_\_\_  
 Print Name

\_\_\_\_\_  
 Title

\_\_\_\_\_  
 Company (Insurer or Broker)

\_\_\_\_\_  
 Signature of Authorized Signatory

\_\_\_\_\_  
 Date

## Schedule "C"

### Appendix A – Insurance Requirements, Bernard Avenue Sidewalk Program

#### 1. **Permit Holder To Provide**

The Permit Holder shall procure and maintain, at its own expense and cost, the insurance policies listed in section 2, with limits no less than those shown in the respective items. The insurance policy or policies shall be maintained continuously from commencement of the Permit or such longer period as may be specified by the City.

#### 2. **Insurance**

As a minimum, the Permit Holder shall, without limiting its obligations or liabilities under any other contract with the City, procure and maintain, at its own expense and cost, the following insurance policies:

2.1. Worker's Compensation Insurance covering all employees of Permit Holder engaged in the Work or Services in accordance with the statutory requirements of the province or territory having jurisdiction over such employees.

2.2. Comprehensive General Liability Insurance

2.2.1. Providing for an inclusive limit of not less than \$2,000,000 for each occurrence or accident;

2.2.2. Providing for all sums which the Permit Holder shall become legally obligated to pay for damages because of bodily injury (including death at any time resulting therefrom) sustained by any person or persons or because of damage to or destruction of property caused by an occurrence with the Permit;

2.2.3. Including coverage for Products/Completed Operations, Blanket Contractual, Permit Holder's Protective, Personal Injury, Contingent Employer's Liability, Broad Form Property Damage, and Non-Owned Automobile Liability;

2.2.4. Providing for Completed Operations Liability to continue for a period of 24 months after total completion of any work or operations or any part of any work or operations related in any way to the Permit or the Outdoor Seating area AND activities or operations related in any way to the area;

2.2.5. Including a Cross Liability clause providing that the inclusion of more than one Insured shall no in any way affect the rights of any other Insured hereunder, in respect to any claim, demand, suit or judgement made against any other Insured;

2.2.6. The deductible related to property damage and/or bodily injury shall not exceed \$5,000.

2.3. Automobile Liability Insurance covering all motor vehicles, owned, operated and used or to be used by the Permit Holder directly or indirectly in the performance of the use of the Permit. The Limit of Liability shall not be less than the \$2,000,000 inclusive, for loss or damage including personal injuries and death resulting from any one occurrence.

#### 3. **The City Named As Additional Insured**

The policies required by sections 2.2 above shall provide that the City is named as an Additional Insured thereunder and that said policies are primary without any right of contribution from any insurance otherwise maintained by the City.

#### 4. **Permit Holder's Agents or Contractors**

The Permit Holder shall require each of its agents or contractors that perform work or operations in connection with the Permit to provide comparable insurance to that set forth under section 2. Without limiting the liabilities of the Permit Holder or their agents or contractors, entertainers and performers may be excluded from this requirement.

#### 5. **Certificates of Insurance**

The Permit Holder agrees to submit Certificates of Insurance, in the form of Appendix A attached hereto and made a part herof, to the Risk Management Department of the city prior to commencing operations in relation to the Permit. Such Certificates shall provide that 30 days written notice shall be given to the Risk Management Department of the City, prior to any material changes or cancellations of any such policy or policies.

## Schedule "C"

6. **Other Insurance**

After reviewing the Permit Holder's Certificates of Insurance, the City may require other insurance or alterations to any applicable insurance policies in force during the period of this Permit and will give notifications of such requirements. Where other insurances or alterations to any insurance policies in force are required by the City and result in increased insurance premium, such increased premium shall be at the Permit Holder's expense.

7. **Additional Insurance**

The Permit Holder may take out such additional insurance, as it may consider necessary and desirable. All such additional insurance shall be at no expense to the City.

8. **Insurance Companies**

All insurance, which the Permit Holder is required to obtain with respect to this contract, shall be with insurance companies registered in and licensed to underwrite such insurance in the province of British Columbia.

9. **Failure to Provide**

If the Permit Holder fails to do all or anything which is required of it with regard to insurance, the City may do all that is necessary to effect and maintain such insurance, and any monies expended by the City shall be repayable by and recovered from the Permit Holder. The Permit Holder expressly authorizes the City to deduct from any monies owing the Permit Holder, and any monies owing by the Permit Holder to the City.

10. **Nonpayment of Losses**

The failure or refusal to pay losses by any insurance company providing insurance on behalf of the Permit Holder or any agent of the Permit Holder shall not be held to waive or release the Permit Holder from any of the provisions of the Insurance Requirements of the Permit, with respect to the liability of the Permit Holder otherwise. Any insurance deductible maintained by the Permit Holder or any agent of the Permit Holder under any of the insurance policies is solely for their account and any such amount incurred by the City will be recovered from the Permit Holder as stated in section 9.

**Bernard Avenue Sidewalk Program  
Fees**

**Application Fee - one time charge or  
with a change in the scope of the  
patio**

New Applications	\$250
Existing Applications - Renewal Only	\$150
Change in Scope	\$150

**Rent**

<b>200 - 300 Block</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Small Patio / Limited Scope Retail (Annual Fee)	0	0	\$255	\$510	\$510
*Large Patio / Food only or Large Scope Retail (per square foot per year)	0	0	\$2.16	\$4.32	\$4.32
*Patio - Food and Liquor (per square foot per year)	0	0	\$4.32	\$8.64	\$8.64

<b>400 Block</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Small Patio / Limited Scope Retail (Annual Fee)	0	0	0	\$213	\$425
*Large Patio / Food only or Large Scope Retail (per square foot per year)	0	0	0	\$1.80	\$3.60
*Patio - Food and Liquor (per square foot per year)	0	0	0	\$3.60	\$7.20

<b>500 -550 Block</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Small Patio / Limited Scope Retail (Annual Fee)	0	0	0	\$170	\$340
*Large Patio / Food only or Large Scope Retail (per square foot per year)	0	0	0	\$1.44	\$2.88
*Patio - Food and Liquor (per square foot per year)	0	0	0	\$2.88	\$5.76

<b>560 - 600 Block</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Small Patio / Limited Scope Retail (Annual Fee)	0	0	\$170	\$340	\$340
*Large Patio / Food only or Large Scope Retail (per square foot per year)	0	0	\$1.44	\$2.88	\$2.88
*Patio - Food and Liquor (per square foot per year)	0	0	\$2.88	\$5.76	\$5.76

\* The minimum fee will be the Small Patio annual fee or the cost per square foot per year whichever is greater.

#### **Discount**

For the first year rent is due, the following discounts will apply:

Patios that are constructed for less than \$2,500 receive \$0 credit.

Patios that are constructed for more than \$2,500 but less than \$5,000 receive a 50% credit.

Patio that are constructed for more than \$5,000 receive a 100% credit.



# DOWNTOWN KELOWNA

March 19, 2013

City of Kelowna  
1435 Water Street  
Kelowna, B.C. V1Y 1J4

Dear Ron Forbes and Tammy Abrahamson,

The Downtown Kelowna Association (DKA) would like to communicate its support of the Bernard Avenue Sidewalk Program Fees with this Letter of Support.

The fee structure policy encourages high business participation, the creation of quality patio structures and a vibrant Bernard Avenue. Specifically, no rent for the first two years after construction has been completed and a reduction to the third year rent will encourage businesses to participate in the program immediately and invest in the patio structures. The future increases in rent at the rate of inflation until 2020, as determined by B.C.'s All-Items Consumer Price Index, gives businesses cost certainty for a significant period of time.

The DKA looks forward to working with the City of Kelowna to ensure a lively and pedestrian friendly Downtown Kelowna.

Regards,



Peggy Athans  
Executive Director

CC: Jim Paterson, Derek Edstrom, John Vos

200 – 287 Bernard Avenue  
Kelowna, British Columbia V1Y 6N2  
downtownkelowna.com  
E. info@downtownkelowna.com  
T. 250.862.3515  
F. 250.862.5204

# CITY OF KELOWNA

## BYLAW NO. 10814

### Amendment No. 22 to Traffic Bylaw No. 8120

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The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Traffic Bylaw No. 8120 be amended as follows:

1. THAT the **Index**, PART 7 - SIDEWALK/ROADWAY OCCUPANCY PERMITS be amended by deleting the following:

“PART 7 - SIDEWALK/ROADWAY OCCUPANCY PERMITS 7-1

7.1 Sidewalk/Roadway Occupancy Permits 7-1”

And replaced with:

“PART 7 - SIDEWALK/ROADWAY OCCUPANCY PERMITS 7-1

7.1 Sidewalk/Roadway Occupancy Permits Excluding Bernard Avenue 7-1

7.2 Bernard Avenue Sidewalk Program 7-2”

2. AND THAT PART 1 - INTRODUCTION. 1.4 Definitions, 1.4.1 Definitions be amended by adding the following in their appropriate location:

“Large Patio Food Only / Large Scope Retail - a patio for any use except the consumption of alcohol and has greater use than Small Patio/ Limited Scope Retail.

**Patio - Food and Liquor** -any patio that allows alcohol to be consumed or that must have a Perimeter Structure as required by the Liquor Control Licensing Branch .

**Small Patio / Limited Scope Retail** - a patio that is used for retail purposes occupying less than 6 feet of building frontage or food serving purposes that does not exceed 2 small tables and 6 chairs total.”

3. AND THAT the title “7.1 Sidewalk/Roadway Occupancy Permits” under PART 7 - SIDEWALK/ROADWAY OCCUPANCY PERMITS be deleted and replaced with “7.1 Sidewalk/Roadway Occupancy Permits Excluding Bernard Avenue”;

4. AND THAT PART 7 - SIDEWALK/ROADWAY OCCUPANCY PERMITS be amended by adding a new sub-section in its appropriate location as follows:

#### “7.2 Bernard Avenue Sidewalk Program

7.2 Bernard Avenue Sidewalk Program Fees:

- 7.2.1 Permit Required. No person may occupy a portion of lane, sidewalk, walkway, boulevard, or roadway, hereinafter referred to in this Part as the ‘Bernard Avenue Sidewalk Program Permit Area’, for the purposes of temporary tables or seating, or both, without first obtaining a Bernard Avenue Sidewalk Program permit from the City

in accordance with the conditions outlined in this Bylaw and the Bernard Avenue Sidewalk Program as approved by Council.

Any **permit** holder who is required to forfeit a security deposit shall be prohibited from applying for a future permit, and no application for a permit will be accepted from any other person for any establishment to which such a **permit** holder is connected, for a period of one year from the date of the forfeiture, and not until any outstanding amount has been reimbursed to the City with respect to the seizure and storage of property or equipment seized pursuant to this Bylaw.

7.2.2 **Application Fee.** Applicants for a Bernard Avenue Sidewalk Program **permit** shall submit a non-refundable application fee as outlined on Schedule "A", at the time of application.

7.2.3 **Permit Expiration.** Bernard Avenue Sidewalk Program **permits** are as follows:

Seasonal **Permits** for the use of frontage zone: issued from May 1<sup>st</sup> to September 30<sup>th</sup>.  
Annual **Permits** for the use of frontage zone: issued from January 1<sup>st</sup> to December 31<sup>st</sup>.

**Permit Holders** are required to remove all furniture, goods and improvements from the **permit area** during the period it is not being actively used."

7.2.4 **Permit Fee.** An applicant for a Bernard Avenue Sidewalk Program **permit** shall submit the required **permit fee** outlined on Schedule "A" of this bylaw, prior to issuance of the **permit** or in accordance with an invoice received from the **City.**"

a) **Permit Fee Credit** - An applicant for a Bernard Avenue Sidewalk Program **permit** may submit a summary of the costs of patio construction and/or improvements to receive a one time credit towards the permit fee. The credit may be carried over one or more years if the amount exceeds the annual permit fee. The credit will be determined as follows:

Construction/Improvement costs x (0.50) = Permit Fee Credit

5. AND THAT **SCHEDULE "A" FEES** be amended by adding a new sub-section in its appropriate location as follows under **PART 7 - SIDEWALK/ROADWAY OCCUPANCY PERMITS** as follows:

**"Subsection 7.2.2 Bernard Avenue Sidewalk Program Permit Fees**

**Bernard Avenue Sidewalk Program Permit Application Fee:**

New Applications (one time fee) - \$250

Change in Scope - \$150

Existing Permit Holders (up to May 01, 2014)

Renewal Fee (one time fee) - \$150.00

Change in Scope (after May 01, 2014) - \$150

**Bernard Avenue Sidewalk Program Permit Fees:**

<b>200 - 300 Block</b>	<b>2013 and 2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Small Patio / Limited Scope Retail (Annual Fee)	\$0	\$255	\$510	\$510
*Large Patio / Food only or Large Scope Retail (per square foot per year)	\$0	\$2.16	\$4.32	\$4.32
*Patio - Food and Liquor (per square foot per year)	\$0	\$4.32	\$8.64	\$8.64
<b>400 Block</b>	<b>2013 and 2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Small Patio / Limited Scope Retail (Annual Fee)	\$0	\$0	\$213	\$425
*Large Patio / Food only or Large Scope Retail (per square foot per year)	\$0	\$0	\$1.80	\$3.60
*Patio - Food and Liquor (per square foot per year)	\$0	\$0	\$3.60	\$7.20
<b>500 - 550 Block</b>	<b>2013 and 2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Small Patio / Limited Scope Retail (Annual Fee)	\$0	\$0	\$170	\$340
*Large Patio / Food only or Large Scope Retail (per square foot per year)	\$0	\$0	\$1.44	\$2.88
*Patio - Food and Liquor (per square foot per year)	\$0	\$0	\$2.88	\$5.76
<b>560 - 600 Block</b>	<b>2013 and 2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Small Patio / Limited Scope Retail (Annual Fee)	\$0	\$170	\$340	\$340
*Large Patio / Food only or Large Scope Retail (per square foot per year)	\$0	\$1.44	\$2.88	\$2.88
*Patio - Food and Liquor (per square foot per year)	\$0	\$2.88	\$5.76	\$5.76

\* The minimum fee will be the Small Patio annual fee or the cost per square foot per year whichever is greater.

**Discount**

For the first year rent is due, the following discounts will apply:

- Patios that are constructed for less than \$2,500 receive \$0 credit.
- Patios that are constructed for more than \$2,500 but less than \$5,000 receive a 50% credit.
- Patios that are constructed for more than \$5,000 receive a 100% credit.

Subsection 7.2.3 Security Deposit for Bernard Avenue Sidewalk Program Permit

**Bernard Avenue Sidewalk Program Permit Security Deposit: \$500.00”**

6. This bylaw may be cited for all purposes as "Bylaw No. 10814, being Amendment No.22 to City of Kelowna Traffic Bylaw No. 8120."
7. This bylaw shall come into full force and effect and is binding on all persons as of the date of adoption.

Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

# Report to Council



**Date:** March 19, 2013

**Rim No.** 0600-10

**To:** City Manager

**From:** City Clerk

**Subject:** BL10819 -Amendment No. 26 to Airport Fee Bylaw No. 7982

Report Prepared by: C. Boback, Legislative Coordinator

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**Recommendation:**

THAT Bylaw No. 10819 being Amendment No. 26 to Airport Fee Bylaw No. 7982 be adopted.

**Purpose:**

To consider adoption of Bylaw No. 10819, Amendment No. 26 to Airport Fee Bylaw No. 7982.

**Background:**

Bylaw No. 10819 received first three readings by Council on Monday, March 18, 2013. A copy of the Bylaw is attached. All legislative requirements have been met.

Submitted by:

S. Fleming, City Clerk

# CITY OF KELOWNA

## BYLAW NO. 10819

### Amendment No. 26 to the Airport Fees Bylaw No. 7982

---

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Airport Fees Bylaw No. 7982 be amended as follows:

1. THAT Section 14. AUTOMOBILE PARKING FEES be deleted in its entirety that reads:

**“14. AUTOMOBILE PARKING FEES**

**Effective April 1, 2012**

**14.1 PARKING LOTS:**

- (a) Short Term Lot      First 15 minutes free  
\$1.25 for the 1<sup>st</sup> hour or part thereof  
(includes first 15 minutes)  
\$2.25 for each additional hour or part thereof to a  
maximum of \$15.00 per 24 hours  
\$800.00 for “Gold Pass” a six month pre-purchase  
program.
- (b) Long Term Lot      First 15 minutes free  
\$1.25 per hour or part thereof (includes first 15  
minutes), to a maximum of \$10.00 per 24 hours  
and a weekly maximum rate of \$50.00.
- (c) North End Lot & North  
First 24 hours free  
\$6.00 for each additional 24 hours or part thereof.

**14.2 CURBSIDE PARKING METERS**  
\$1.50 per 30 minutes

**Note:** All automobile parking fees include applicable taxes.

**AUTOMOBILE PARKING FEES**

**Effective April 1, 2013**

**14.1 PARKING LOTS:**

- (a) Short Term Lot      First 15 minutes free  
\$1.50 for the 1<sup>st</sup> hour or part thereof  
(includes first 15 minutes)  
\$2.50 for each additional hour or part thereof to a  
maximum of \$18.00 per 24 hours  
\$900.00 for “Gold Pass” a six month pre-purchase  
program.

- (b) Long Term Lot            First 15 minutes free  
                                     \$1.50 per hour or part thereof (includes first 15  
                                     minutes), to a maximum of \$11.50 per 24 hours  
                                     and a weekly maximum rate of \$56.00.
  - (c) North End Lot & North Airport Way  
                                     First 24 hours free  
                                     \$7.00 for each additional 24 hours or part thereof.
- 14.2 CURBSIDE PARKING METERS  
                                     \$1.75 per 30 minutes

**Note:** All automobile parking fees include applicable taxes.”

And replaced with:

“14. AUTOMOBILE PARKING FEES

Effective April 1, 2013

14.1 PARKING LOTS:

- (a) Short Term Lot            First 15 minutes free  
                                     \$1.50 for the 1<sup>st</sup> hour or part thereof  
                                     (includes first 15 minutes)  
                                     \$2.50 for each additional hour or part thereof to a  
                                     maximum of \$17.00 per 24 hours  
                                     \$845.00 for “Gold Pass” a six month pre-purchase  
                                     program.
- (b) Long Term Lot            First 15 minutes free  
                                     \$1.50 per hour or part thereof (includes first 15  
                                     minutes), to a maximum of \$11.00 per 24 hours  
                                     and a weekly maximum rate of \$52.00.
- (c) North End Lot &  
North Airport Way            First 24 hours free  
                                     \$7.00 for each additional 24 hours or part thereof.

- 14.2 CURBSIDE PARKING METERS  
                                     \$1.75 per 30 minutes

**Note:** All automobile parking fees include applicable taxes.”



2. This bylaw shall come into full force and effect and be binding on all persons on April 1, 2013.
3. This bylaw may be cited for all purposes as "Bylaw No. 10819, being Amendment No. 26 to Airport Fees Bylaw No. 7982".

Read a first, second and third time by the Municipal Council this 18<sup>th</sup> day of March, 2013.

Adopted by the Municipal Council of the City of Kelowna this

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

# Report to Council



**Date:** March 19, 2013  
**Rim No.** 0600-10  
**To:** City Manager  
**From:** City Clerk  
**Subject:** BL10821 - Amendment No. 4 to Utility Billing Customer Care Services Bylaw No. 8754  
Report Prepared by: C. Boback, Legislative Coordinator

---

## **Recommendation:**

THAT Bylaw No. 10821 being Amendment No. 4 to Utility Billing Customer Care Services Bylaw No. 8754 be adopted.

## **Purpose:**

To consider adoption of Bylaw No. 10821, being Amendment No. 4 to Utility Billing Customer Care Services Bylaw No. 8754

## **Background:**

Bylaw No. 10821 received first three readings by Council on Monday, March 18, 2013. A copy of the Bylaw is attached. All legislative requirements have been met.

Submitted by:

S. Fleming, City Clerk

# CITY OF KELOWNA

## BYLAW NO. 10821

### Amendment No. 4 to Utility Billing Customer Care Bylaw No. 8754

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The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna utility Billing Customer Care Bylaw No. 8754 be amended as follows:

1. THAT **Section 2 INTERPRETATION, 2.3 Definitions** be amended by adding in its appropriate location the definition for **Business Days** as follows:

“**Business Days** means a measurement of time that typically refers to any day in which normal business is conducted. This is generally considered to be Monday through Friday, and excludes weekends and public holidays.”

2. AND THAT **Section 8. BILLING, 8.3 Payment Due** be deleted that reads:

“Payment shall be due and payable within fifteen (15) days of the billing date shown on the invoice, provided that when that fifteenth day falls on a Saturday, Sunday or a statutory holiday, payment shall be due and payable on the next succeeding day not a Saturday, Sunday, or statutory holiday.”

And replaced with:

“Payment shall be due and payable within seventeen (17) business days of the billing date shown on the invoice.”

3. AND THAT **Section 8. BILLING, 8.4 Penalty Charge**, be deleted that reads:

“A penalty of three and three quarters percent (3.75%) shall be charged on any amount of the current balance shown on the previous invoice, which was not paid by the payment date noted on that previous invoice. The penalty shall be added to current charges on the present invoice, and the previous amount unpaid shall remain outstanding and shall be shown as an arrears balance on the present invoice.”

And replaced with:

“A late payment charge of 1.5% will be assessed each month (compounded monthly 19.56% per annum) on all outstanding balances not paid by the due date printed on the invoice. The interest charge shall be added to current charges on the present invoice, and the previous amount unpaid shall remain outstanding and shall be shown as an arrears balance on the present invoice.”

3. This bylaw shall be cited as "Amendment No. 4 to City of Kelowna Utility Billing Customer Care Bylaw No. 8754".
4. This bylaw will come into full force and be binding on all persons as of April 1<sup>st</sup>, 2013.

Bylaw No. 10821 - Page 2.

Read a first, second and third time by the Municipal Council this 18<sup>th</sup> day of March, 2013.

Adopted by the Municipal Council of the City of Kelowna this

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

# Report to Council



**Date:** March 19, 2013

**Rim No.** 0600-10

**To:** City Manager

**From:** City Clerk

**Subject:** BL10830 - Intermunicipal Transportation Service and Regulation Bylaw

Report Prepared by: C. Boback, Legislative Coordinator

---

## **Recommendation:**

THAT Bylaw No. 10830 being Intermunicipal Transportation Service and Regulation Bylaw be adopted.

## **Purpose:**

To consider adoption of Bylaw No. 10830, Intermunicipal Transportation Service and Regulation Bylaw.

## **Background:**

Bylaw No. 10830 received first three readings by Council on Monday, March 18, 2013. A copy of the Bylaw is attached. All legislative requirements have been met.

Submitted by:

S. Fleming, City Clerk

# CITY OF KELOWNA

## BYLAW NO. 10830

### INTERMUNICIPAL TRANSPORTATION SERVICE AND REGULATION

#### A Bylaw to Establish an Intermunicipal Transportation Services Scheme

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WHEREAS the Participants, for the benefit of the inhabitants of the Okanagan, have agreed to establish an inter-municipal scheme in relation to transportation, for which they have authority under the *Community Charter* or the *Local Government Act*;

AND WHEREAS the *Community Charter* provides that two or more municipalities may, by bylaw adopted by the council of each participating municipality, establish an inter-municipal scheme in relation to one or more matters for which they have authority under the *Community Charter* or the *Local Government Act*;

AND WHEREAS the Participants welcome other municipalities having a community of interest to join the inter-municipal scheme;

AND WHEREAS the nature of some municipal services is such that the interests of the inhabitants of the region are best served without reference to municipal boundaries;

NOW THEREFORE the Council of the City of Kelowna enacts as follows:

#### Citation

1. This bylaw may be cited as Sustainable Transportation Partnership Intermunicipal Service and Regulation Bylaw No. 10830.

#### Definitions and Interpretation

2. In this bylaw:

“Participant” means the City of Kelowna, District of West Kelowna, District of Peachland, District of Lake Country, Regional District of Central Okanagan and Westbank First Nation;

“STP” means the Sustainable Transportation Partnership Service established under section 3.

### **Services**

3. An inter-municipal scheme is established in respect of the service of the Sustainable Transportation Partnership and, without limiting the foregoing, includes:
  - (a) transportation demand management;
  - (b) transit administration;
  - (c) transportation and transit surveys and studies.

### **Regulatory Bylaws**

4. A bylaw of a Participant applies only within that Participant's boundaries.

### **Administration**

5. There is established an Intermunicipal Advisory Board comprising the Mayors, Board Chair and Chief, respectively, of the Participants, to which the powers, duties and functions set out in section 6 are delegated.
6. The Inter-Municipal Advisory Board will, on recommendation of the Chief Administrative Officers of each of the Inter-Municipal Participants:
  - (a) recommend policy to the Participants;
  - (b) provide general direction in respect of implementing the policies and programs of the STP; and
  - (c) appoint the Director and Financial Officer, Sustainable Transportation Partnership, with the responsibilities and authority as provided for under Schedule A.

### **Service Agreement - Execution Authority**

7. The City / District / Regional District / WFN hereby enters into and the Mayor / Chair / Chief and Clerk are authorized to execute the Sustainable Transportation Partnership Service Agreement attached as Schedule A to this bylaw.

### **Delegation**

8. Council hereby delegates the powers, duties and functions listed below to the Director appointed under the STP Service Agreement:
  - (a) authority to negotiate, approve and execute all contracts related to the provision of, and advancement of the STP, provided that the aggregate

liabilities and commitments for the year do not exceed the budget amount for the STP authorized by the Participants for the year and provided that the liability or commitment is not of a capital nature;

- (b) authority to appoint employees, provided the employee's remuneration is provided for in the budget authorized by the Participants for the STP.

**Withdrawal**

- 9. A Participant may withdraw from the STP by giving notice and repealing the Bylaw in accordance with Part 7 of Schedule A.

Read a first, second and third time by the Municipal Council this 18<sup>th</sup> day of March, 2013.

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk



## SCHEDULE A

### Sustainable Transportation Partnership Intermunicipal Service Agreement Between the Local Governments of the Central Okanagan

THIS AGREEMENT dated for reference the \_\_\_\_ day of \_\_\_\_\_, 2013

AMONG:

**DISTRICT OF LAKE COUNTRY**, a municipal corporation incorporated under the *Local Government Act*, 10150 Bottom Wood Lake Road, Lake Country, BC V4V 2M1

("Lake Country")

AND:

**CITY OF KELOWNA**, a municipal corporation incorporated under the *Local Government Act*, 1435 Water Street, Kelowna BC V1Y 1J4

("Kelowna")

AND:

**DISTRICT OF WEST KELOWNA**, a municipal corporation incorporated under the *Local Government Act*, #4 - 2466 Main Street, West Kelowna BC V4T 1Z1

("West Kelowna")

AND:

**WESTBANK FIRST NATION**, a self-governing First Nation as described in the *Westbank First Nation Self-Government Act and Self Government Agreement*, 201 515 Highway 97 South, Kelowna BC V1Z 3J2

("WFN")

AND:

**DISTRICT OF PEACHLAND**, a municipal corporation incorporated under the *Local Government Act*, 5806 Beach Avenue, Peachland BC V0H 1X7

("Peachland")

AND:

**REGIONAL DISTRICT OF CENTRAL OKANAGAN**, a regional corporation incorporated under the *Local Government Act*, 1450 KLO Road, Kelowna BC V1W 3Z4

("RDCO")

WHEREAS:

- A. Section 14 of the *Community Charter* provides that two or more municipalities may establish an intermunicipal scheme in relation to one or more matters for which they have authority under the *Community Charter* or the *Local Government Act*;
- B. Each of the Participants has enacted a Bylaw under section 14 to establish an intermunicipal scheme in relation to the service of the Sustainable Transportation Partnership defined in the Bylaw.

THIS AGREEMENT WITNESSES that in consideration of their mutual covenants and agreements, and the payment by each Party of ten (\$10.00) dollars to each of the other Parties, the receipt and sufficiency of which is acknowledged by each of the Parties, the Parties covenant each with the others as follows:

1. PART 1 DEFINITIONS AND INTERPRETATION

**Definitions**

1.1 In this Agreement,

(a) "Bylaw" means the Sustainable Transportation Partnership Intermunicipal Service and Regulation Bylaw adopted by each of the Parties as follows:

(i) Sustainable Transportation Partnership Intermunicipal Service and Regulation Bylaw adopted by the Council of the \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 2013;

(b) "Participant" means Lake Country, Kelowna, West Kelowna, WFN, Peachland or RDCO, their respective successors and permitted assigns, and Participants means the applicable combination of them;

(c) "STP" means the Sustainable Transportation Partnership service as defined in the Bylaw;

(d) "STP Materials" means all studies, reports, software, drawings, plans, models, designs, photographs, specifications, tender documents and other materials prepared or developed by or on behalf of the STP.

1.2 The definitions in the Bylaw apply to any term not otherwise defined in this Agreement.

## Interpretation

1.3 For the purposes of this Agreement, except as otherwise expressly provided or as the context otherwise requires:

- (a) "Agreement" means this Agreement as from time to time supplemented or amended by one or more agreements entered into pursuant to the applicable provisions of this Agreement together with all other attachments to it and reference to a Part or a Section means the corresponding Part or Section of this Agreement;
- (b) the word "including", when following any general term or statement, is not to be construed as limiting the general term or statement to the specific terms or matters set forth or to similar items or matters, but rather as permitting the general term or statement to refer to all other items or matters that could reasonably fall within the broadest possible scope of the general term or statement;
- (c) an accounting term not otherwise defined in this Agreement is to be interpreted consistently with the standards, guidelines and recommendations issued by the Public Sector Accounting Board as authorized by the Canadian Institute of Chartered Accountants;
- (d) except as otherwise expressly provided, all references to currency mean Canadian currency;
- (e) words in the singular include the plural and words importing a corporate entity include individuals and vice-versa;
- (f) reference in this Agreement to a particular numbered paragraph, article or section, or lettered schedule is a reference to the correspondingly numbered paragraph, article, or section, or lettered schedule of this Agreement;
- (g) reference in this Agreement to an enactment is a reference to an enactment as defined in the *Interpretation Act* (British Columbia), and includes a reference to an enactment of British Columbia, Vernon, Kelowna, Westside or Penticton, as applicable;
- (h) reference in this Agreement to an enactment is a reference to that enactment as amended, revised, consolidated or replaced; and
- (i) reference in this Agreement to a party is a reference to a party of this Agreement.

2. PART 2 - INTERMUNICIPAL ADVISORY BOARD and CAO Committee
  - 2.1 The Intermunicipal Advisory Board (IAB) established under the Bylaw of each Participant shall exercise the authority provided under the Bylaw.
  - 2.2 A committee comprised of the Chief Administrative Officers and City Manager, respectively, of the Participants (the “CAO Committee”) is established with duties and responsibilities as set out in the CAO Committee Terms of Reference, attached as Annex A to this Agreement.
  - 2.3 The CAO Committee will oversee and provide such direction to the Director, appointed in accordance with Part 3, as the CAO Committee considers necessary.
  - 2.4 The IAB may receive and require reports and information regarding the operations of the STP from the CAO Committee or Director as the IAB considers necessary.
3. PART 3 - DIRECTOR (APPOINTMENT AND POWERS)
  - 3.1 The position of Director, Sustainable Transportation Partnership (“Director”) is established, who shall be responsible for the operation and administration of the service of the Sustainable Transportation Partnership (“STP”).
  - 3.2 From the date of this Agreement coming into effect the Director shall be the Director, Regional Services of the City of Kelowna and that appointment shall remain in effect until the IAB appoints a different individual or office holder to be the Director.
  - 3.3 Without limiting the scope of the Director’s responsibility under Section 3.1, the Director shall be responsible for the following specific matters:
    - (a) preparation of an annual budget for the STP to be presented to the Participants;
    - (b) hiring staff to undertake the work of the STP, including obtaining the secondment of staff from among the Participants;
    - (c) developing workplans on an annual basis, or more frequently if considered necessary, in respect of the matters undertaken by the STP.
    - (d) reporting to the CAO Committee, and the IAB at the direction of the CAO Committee, with respect to the work undertaken by the STP, the STP’s work plans and any other matter the Director considers appropriate.

4. PART 4 - FINANCES AND BUDGET

4.1 The IAB must appoint a person to act as the STP's Financial Officer ("the Financial Officer"), who shall have the responsibility of financial administration, including, in relation to the STP, the power, duties and functions of a financial officer under section 149 of the *Community Charter*, S.B.C. 2003, c.26. For the purposes of this section any reference in s.149 to the "municipality" means the STP and any reference to the "council" means the council or board of the Participants.

4.2 The Financial Officer may be a person employed by one of the Participants as its financial officer or acting in a position where the primary responsibility is financial administration.

4.3 In discharging the responsibility of keeping, investing and expending funds and securities, the Financial Officer may administer the financial affairs of the STP within the accounts of one of the Participants.

4.4 The fiscal year for the STP is the calendar year.

4.5 For fiscal years subsequent to 2013, a financial plan for the STP must be prepared annually and submitted to the Participants no later than August 31 in the year preceding the fiscal year. The financial plan, modified for the circumstances of the STP, will follow the format of a financial plan under s.165 of the *Community Charter* except that:

(a) the planning period is three years :

(b) in respect of funding sources the plan need not identify the types of funding sources set out in s.165(7), it being a matter within the discretion of the Participants as to how each will fund their contribution to the STP.

4.6 The Participants shall contribute to the cost of the STP in accordance with the formula in Section 5.1.

4.7 The budget for the fiscal year 2013 for the STP is established as \$332,970, based on previous year (2012) figures.

5. PART 5 - COSTS APPORTIONMENT

5.1 The Participants shall contribute to the cost of the STP in accordance with shares based on converted assessment. The following cost apportionment are for 2013 (based on previous year figures) and may change annually:

(a) Lake Country:	\$20,679 (6.95%)
(b) Kelowna:	\$225,065 (64.85%)
(c) West Kelowna:	\$52,765 (16.89%)
(d) WFN:	\$11,604 (3.49%)
(e) Peachland:	\$9,282 (3.17%)
(f) RDCO:	\$13,575 (4.66%)

5.2 In the event of the withdrawal of one or more of the Participants from the STP, the withdrawing Participant(s)' portion of costs shall be re-apportioned among the remaining Participants and section 5.1 shall be amended accordingly.

6. PART 6 - ASSETS

6.1 Any real or personal property acquired or produced for, or in the course of the operation of, or for the benefit of, the STP, including the STP Materials, and any copyright, patent and trademark rights therein (the "Assets"), shall be the joint property of the Participants.

6.2 Effective upon the Withdrawal Date, the withdrawing Participant grants, assigns, transfers, releases and quitclaims to and in favour of the remaining Participants all of the withdrawing Participant's estate, right, title, interest, claim and demand whatsoever, both at law and equity, in and to any and all Assets.

6.3 Each of the Participants, including the withdrawing Participant, will at all times execute and deliver such further documents, deeds and instruments, and do and perform such other acts, as may be reasonably necessary to effect the transfer of the withdrawing Participant's interest in any Assets to the remaining Participants.

7. PART 7- WITHDRAWAL

7.1 Before withdrawing from the STP, a Participant must provide notice in writing of its intention to withdraw to the other Participants. Notice may be given only within the last two months of the second calendar year of the three year period commencing January 1, 2013 and only within the last two months of the second calendar year of the successive three year periods commencing January 1, 2016. The withdrawal of the notifying Participant shall take effect at the end of the three period.

8. PART 8- LIABILITY

8.1 Any amount required:

(a) to satisfy a judgment or other order of a court against a Participant or Participants;

(b) to satisfy an award or other order of an arbitrator against a Participant or Participants;

(c) for a payment authorized under section 287.2 of the *Local Government Act*;

arising out of or in connection with the STP shall be apportioned as a cost amount the Participants in accordance with the formula in section 5.1

8.2 As an exception to section 8.1, if the legal action or proceedings arose from the negligence or fault of a Participant or more than one Participant, the cost shall be borne by only that Participant or by those Participants negligent or at fault, reflecting their respective cost shares under section 5.1, with such modification as necessary.

9. PART 9- GENERAL

**Governing Law**

9.1 This Agreement will be governed by and interpreted in accordance with the laws of the Province of British Columbia and the laws of Canada.

**Headings**

9.2 The headings given to paragraphs, articles and sections in this Agreement are for convenience of reference only and do not form part of this Agreement and must not be used in the interpretation of this Agreement.

**Severance**

9.3 If any clause or portion of this Agreement is declared or held invalid for any reason, the invalidity does not affect the validity of the remainder of that clause or this Agreement, and the terms and provisions of this Agreement continue to be in force and in effect and are to be construed as if the Agreement had been executed without the invalid portion.

**No Partnership**

9.4 The Parties expressly disclaim any intent to create a partnership with respect to the Intermunicipal Services or the ownership or operation of the Intermunicipal Services Assets, and disclaim any intent to create a partnership or joint venture with respect to

the exercise of their rights under this Agreement, the administration of the Intermunicipal Services Assets or any other matter relating to this Agreement. Except as provided in a Service Agreement, none of the Parties will have any authority, actual or implied, to act for the other as agent or otherwise or to bind the others, without the prior written consent of the others.

### Amendments

- 9.5 This Agreement may not be modified or amended except by written agreement of all the parties hereto and in accordance with the Bylaw.

### Notices

- 9.6 Any notice or other communication hereunder will be in writing and will be given by the delivery or rendering thereof to its addressee by hand, by prepaid first class mail or by facsimile transmission, to the address below:

- (a) If to Lake Country:

District of Lake Country  
10150 Bottom Wood Lake Road  
Lake Country, BC V4V 2M1  
ATTENTION: Corporate Officer

- (b) If to Kelowna:

City of Kelowna  
1435 Water Street  
Kelowna, BC V1Y 1J4  
ATTENTION: City Clerk

- (c) If to West Kelowna:

District of West Kelowna  
#4 - 2466 Main Street  
West Kelowna, BC V4T 1Z1  
ATTENTION: City Clerk

- (d) If to WFN:

Westbank First Nation  
201 515 Highway 97 South  
Kelowna, BC V1Z 3J2  
ATTENTION: Administrator



(e) If to Peachland:

District of Peachland  
5806 Beach Avenue  
Peachland, BC V0H 1X7  
ATTENTION: Corporate Officer

(f) If to RDCO:

Regional District of Central Okanagan  
1450 KLO Road  
Kelowna, BC V1W 3Z4  
ATTENTION: Corporate Officer

Any notice or other communication so given will be deemed to have been received at the time of its delivery if delivered by hand, three Business Days after the date of mailing if mailed and at the time the sender receives a confirmation of dispatch if transmitted by facsimile transmission. Each party will notify the other parties of any change of address.

### **Entire Agreement**

9.7 This Agreement contains the entire agreement among the parties hereto with respect to the subject matter hereof and replaces and supersedes all previous agreements between the parties relating to the subject matter hereof.

### **Enurement**

9.8 This Agreement will be binding upon and enure to the benefit of the parties hereto and their respective successors and permitted assigns hereunder.

### **Further Assurances**

9.9 Each party will perform any act and execute and delivery any document reasonably required by any other party to carry out the terms of this Agreement in accordance with the true intent and meaning hereof.

### **Statutes**

9.10 The obligations of the parties under this Agreement are always subject to the requirements of the *Community Charter*, *Local Government Act*, and other applicable enactments.

IN WITNESS WHEREOF THE parties have executed this Agreement as of the date first above written.

**DISTRICT OF LAKE COUNTRY**

by its authorized signatory(ies):

\_\_\_\_\_  
Print Name:

\_\_\_\_\_  
Print Name:

**CITY OF KELOWNA**

by its authorized signatory(ies):

\_\_\_\_\_  
Print Name:

\_\_\_\_\_  
Print Name:

**DISTRICT OF WEST KELOWNA**

by its authorized signatory(ies):

\_\_\_\_\_  
Print Name:

\_\_\_\_\_  
Print Name:

**WESTBANK FIRST NATION**

by its authorized signatory(ies):

\_\_\_\_\_  
Print Name:

\_\_\_\_\_  
Print Name:

**DISTRICT OF PEACHLAND**

by its authorized signatory(ies):

\_\_\_\_\_  
Print Name:

\_\_\_\_\_  
Print Name:

**REGIONAL DISTRICT OF  
CENTRAL OKANAGAN**

by its authorized signatory(ies):

\_\_\_\_\_  
Print Name:

\_\_\_\_\_  
Print Name:

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**SUSTAINABLE TRANSPORTATION PARTNERSHIP OF THE CENTRAL OKANAGAN (STPCO)  
CAO COMMITTEE**

**TERMS OF REFERENCE (ANNEX A)**

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**PREAMBLE**

The Sustainable Transportation Partnership of the Central Okanagan (STPCO) was established through the understanding that the individual jurisdictions within the region share a common economy, ecology, social and cultural values, issues, policies, and ultimately a common future. The STPCO is a joint partnership between the District of Lake Country, City of Kelowna, District of West Kelowna, Westbank First Nation, District of Peachland, and the Regional District of the Central Okanagan to enhance the currently existing local transportation governance structure, plans, and programs within the region such that decisions and investments move the region towards a common goal of sustainable transportation.

Specifically, the objectives of the STPCO are:

- ❑ to establish a more efficient means of administering, governing and coordinating the delivery of services such as transit;
- ❑ to establish a single voice to lobby senior-government for support in the achievement of the Partnership's sustainable transportation goals;
- ❑ to pool limited funds and resources to synergistically achieve more significant and positive impacts;
- ❑ to establish region-wide unified policies and strategic transportation plans;
- ❑ to regularly collaborate through senior officials and key multidisciplinary staff on regionally-significant projects and programs; and
- ❑ to establish a region-wide monitoring program to measure and provide feedback towards the achievement of sustainability goals.

The committee's title is:

**“Sustainable Transportation Partnership of the Central Okanagan CAO Committee”**  
(abbreviation: “SPTCO CC”), **“STPCO CAO Committee”** in short-form, or simply **“CAO Committee”** when referred to within an STPCO document.

This document provides the “Terms of Reference” under which this committee will operate.

**PURPOSE AND ROLE**

In keeping with the Partnership Principles as outlined in the *STPCO Memorandum of Understanding*, the purpose of the STPCO CAO Committee is to ensure continued positive relationships between the Partners of the STPCO and oversee the progress of the STPCO in achieving its goals and objectives.

To fulfil its purpose, the role of the STPCO CAO Committee, is twofold:

- ❑ First, it is to act as a forum for senior executive representatives of local governments of the Central Okanagan to discuss and provide joint recommendations to Partner Councils on policy and technical issues regarding financing, budgets, standards, plans, and priorities related to regionally-significant transportation infrastructure, services, and programs.

- ❑ Secondly, to establish and approve of plans, programs, initiatives, and budgets of STPCO operations.

### ESTABLISHMENT, AUTHORITY AND REPORTING

- ❑ The STPCO CAO Committee is established by the Inter-local Agreement that establishes the STPCO.
- ❑ The STPCO CAO Committee has authority over the jointly-established funds and annual STPCO budget, any established Standing Committees, and STPCO staff.
- ❑ The STPCO CAO Committee reports to individual local government councils brought forth through respective CAO Committee members.

### COMPOSITION

#### (a) Committee Members - Voting

STPCO Partner Local Governments shall appoint one (1) member to the CAO Committee. The member shall be the Local Government Partner CAO, or their designate. Each member municipality shall have only one vote.

#### (b) Associate Members - Non-voting

N/A (applicable for Standing Committees which are comprised of local government and possibly other agency representatives who would be non-voting)

### DUTIES AND RESPONSIBILITIES

The activities of the CAO Committee are to include, but not be limited to, the following:

1. To provide a forum for discussion of transportation issues of common interest to the local governments and other agencies within the Central Okanagan;
2. To provide comments or advice upon request, or at the Committee's initiative, to local government councils, RDCO committees, other regional committees and groups, and senior government agencies;
3. To ensure proper process and consultation in regards to regional transportation plans and priorities, policy, monitoring, and related issues;
4. To monitor and evaluate the achievement of regional transportation goals and strategies, including but not limited to; municipal plans (e.g. OCPs), the regional plans (e.g. RGS), the STPCO's Strategic Transportation Plan, and other regional strategic transportation initiatives led by local or senior government agencies.
5. To provide, on a regular and continuing basis, executive direction to STPCO staff on matters regarding all aspects of the policy research, planning, administration, and operation of regionally-significant transportation functions, including annual work programs, plans, budgets and priorities.
6. To provide executive direction on the integration and interaction of transportation to other sectors and areas such as the economy, environment, and social domains.

### ORGANIZATION

The CAO Committee may form special purpose Standing Committees (indefinite) and Task Forces (ad-hoc) to provide technical and policy advice to the committee. A separate terms-of-

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reference shall establish and guide Standing Committees and Task Forces. Standing Committees may form ad-hoc Working Groups to address its functions and specific projects as required.

Employees from the partner members of the STPCO shall be used to staff Standing Committees, Task Forces and Working Groups, as directed by CAO Committee members.

#### (a) Standing Committees

##### Define Standing Committee

The following subcommittee are established as Standing Committees:

- **Finance Committee:** Established to undertake activities related to financial implications of transportation services and initiatives. The Finance Standing Committee may establish Working Groups to address specific issues such as funding, pricing, and costing. Members would generally consist of finance directors/managers from each STPCO partner local government. The Finance Standing Committee would report to the CAO Committee and bring to the attention any matters of significance to the CAO Committee.
- **Technical Committee:** Established to undertake activities related to planning, policy research, and administration of transportation services and initiatives. The Technical Standing Committee may establish Working Groups to address specific issues such as: transit and transportation.

#### (b) Task Forces

From time to time, additional groups may be established ad-hoc to address new or emerging topics that are not already identified within the mandate of existing Standing Committees. A Task Force is intended to be a temporary structure established with a concise (set of) objective(s) and a schedule for completion.

### PROCEDURES

The CAO Committee shall address procedural issues as required. The intent is to keep committees flexible to ensure effectiveness, yet structured to ensure efficiency.

#### (i) Meeting Dates and Materials

The CAO Committee shall generally meet monthly, and every attempt will be made to pre-schedule meetings one month or more in advance, and provide agendas one week prior to committee meetings.

Meeting notes shall be recorded at each meeting under the direction of the Director.

#### Meeting Chair

A Chair will be identified at the start of each meeting. Typically, the Chair shall be the CAO of the local government wherein which the meeting takes place.

#### (ii) Committee to operate on Consensus

Achieving consensus on matters is the goal of the CAO Committee and every attempt shall be made to ensure consensus decision making. In the event a vote is required, only voting members may vote. A majority vote will be required to pass a decision and shall constitute 50% plus one of the members who are present.

## **TECHNICAL AND ADMINISTRATIVE SUPPORT**

STPCO staff will provide all technical and administrative support to the CAO Committee, Standing Committees, and Task Forces. Local government staff are encouraged to participate at the Standing Committee, Task Force, and Working Group levels, to assist in the undertaking of various on-going and task-specific assignments.

## **BUDGETS**

Requests for funding for annual operations or specific projects/studies may be made jointly to Member Councils. The cost-sharing structure may be determined as appropriate by the CAO Committee.