

**City of Kelowna
Regular Council Meeting
AGENDA**



Monday, June 17, 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. Confirmation of Minutes

5 - 9

Regular PM Meeting - June 10, 2013

3. Public in Attendance

3.1 Nancy Cameron, CEO and President, Tourism Kelowna, re: Presentation to Kelowna City Council

10 - 20

To provide Council with information regarding the Municipal and Regional District Tax.

3.2 2014-2018 Municipal & Regional District (Hotel) Tax Renewal

21 - 22

To present the Request for the Renewal of the Municipal & Regional District (Hotel) Tax submission for 2014-2018 and related bylaw to Council for approval and reading consideration.

3.2.1 Bylaw No. 10853 - Hotel Tax Bylaw

23 - 23

To give Bylaw No. 10853 first, second and third readings.

4. Development Application Reports & Related Bylaws

- 4.1 Heritage Alteration Permit No. HAP13-0003, 250 Lake Avenue, Marianne Joy Hill 24 - 60

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

To consider NOT authorizing a Heritage Alteration Permit for the form and character of a proposed single family dwelling in the Abbott Street Heritage Conservation Area.

- 4.2 Rezoning Application No. Z13-0006 and Official Community Plan Amendment Application No. OCP13-0005, 1982 Kane Road and 1970-1974 Kane Road, Fred Marin 61 - 85

This application seeks to rezone the subject lands at 1982 Kane Road from the A1 - Agricultural zone to the C3 - Community Commercial, RM1 - Four Dwelling Housing, RM3 - Low Density Multiple Housing, and RM5 - Medium Density Multiple Housing zones, to facilitate Phase 2 of the existing Brandt's Creek Crossing retail shopping centre and future multi-family development. The proposed zoning requires amendments to the existing Official Community Plan (OCP) future land use designations, including expansion of the existing COMM - Commercial and MRM - Multiple Unit Residential (Medium Density) designations. In conjunction with the subject applications, a minor correction to the zoning and OCP future land use designation on the west adjacent property at 1970-1974 Kane Road (Brandt's Creek Crossing - Phase 1) is proposed, to rezone a small portion of the northeast corner of the property from the RM5 - Medium Density Multiple Housing zone to C3 - Community Commercial, and to amend the future land use designation from MRM - Multiple Unit Residential (Medium Density) to COMM - Commercial, consistent with the balance of the property.

- 4.2.1 Bylaw No. 10856 (OCP13-0005) - Raisanen Construction Ltd, Inc., 1982 Kane Road 86 - 87

To give Bylaw No. 10856 first reading.

- 4.2.2 Bylaw No. 10857 (Z13-0006) - Raisanen Construction Ltd., 1982 Kane Road 88 - 89

To give Bylaw No. 10857 first reading.

- 4.2.3 Bylaw No. 10858 (OCP13-0005) - PC Urban (Brandt's Creek) Holdings Corporation Inc., 1970-1974 Kane Road 90 - 91

To give Bylaw No. 10858 first reading.

- 4.2.4 **Bylaw No. 10859 (Z13-0006) - PC Urban (Brandt's Creek) Holdings Corporation, Inc., 1970-1974 Kane Road** 92 - 93
- To give Bylaw No. 10859 first reading.
- 4.3 **Rezoning Application No. Z12-0006, 587-589 Lawrence Avenue, Rise Tide Consultants Ltd. for DV8 Entertainment Inc.** 94 - 108
- The applicant is proposing to rezone the subject property with the “Liquor Primary” designation to allow for a new liquor primary license with a patron capacity proposed at 250 people.
- 4.3.1 **Bylaw No. 10854 (Z12-0006) - 587-589 Lawrence Avenue, Finnasha Holdings Corp. Inc.** 109 - 109
- To give Bylaw No. 10854 first reading.
- 4.4 **Rezoning Application No. Z09-0071, Extension Request - 5505 Chute Lake Road, Dave Lange, Calcan Inv. Inc.** 110 - 112
- The applicant is seeking an extension to their original application, which is set to expire on June 28, 2013. The original application proposes to change the Official Community Plan (OCP) Future Land Use for portions of the subject property from the Major Park and Open Space designation to the Single/Two Unit Residential (Hillside) designation; and to rezone the subject property from the A1 - Agriculture 1 zone to the P3 - Parks and Open Space, RH1 - Hillside Large Lot Residential, RH3 - Hillside Cluster Housing, and RHM4 - Hillside Cluster Multiple Housing zones in order to facilitate a hillside residential subdivision. A Text Amendment is also proposed to introduce three (3) new hillside development zones.
- 4.5 **Rescind Bylaw No. 10643 (Z11-0078), 2119 and 2125 Rutland Road North, Colin Gauthier** 113 - 115
- To rescind first, second and third readings given to Bylaw No. 10643 and to close the file.
- 4.6 **Development Permit Amendment No. DP12-0219, 1515 Highland Drive N., GTA Architecture** 116 - 150
- To consider an amendment to the approved Development Permit for the form and character of the proposed 40 unit townhouse development.
- 4.7 **Public Special Occassion Liquor Licence Application No. LL13-0006, 1700-1800 Parkinson Way, 1456 Spall Road, Gordon Fitzpatrick** 151 - 164

This application seeks Council's support for a public special occasion license for the Kelowna Futures Tennis Tournament, a family event to be held at the Parkinson Recreation Centre.

5. Non-Development Reports & Related Bylaws

5.1 New RCMP Building - Design Process 165 - 166

To secure the necessary funds for the design process for the new RCMP building in 2013.

6. Bylaws for Adoption (Non-Development Related)

6.1 Bylaw No. 10851 - Amendment No. 1 to Bylaw No. 9884 Housing Agreement Authorization Bylaw, 1314694 Alberta Ltd. Inc. 167 - 187

To adopt Bylaw No. 10851

7. Mayor and Councillor Items

8. Termination



**City of Kelowna
Regular Council Meeting
Minutes**

Date: Monday, June 10, 2013
Time: 1:30 pm
Location: Council Chamber
City Hall, 1435 Water Street

Council Members Present: Mayor Walter Gray and Councillors Colin Basran, Andre Blanleil, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and Gerry Zimmermann

Staff Present: Acting City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Urban Land Use Manager, Danielle Noble*; Community Planning Manager, Theresa Eichler*; Utilities Planning Manager, Andrew Reeder*; Director, Recreation & Cultural Services, Jim Gabriel*

(* denotes partial attendance)

1. Call to Order

Mayor Gray called the meeting to order at 1:40 p.m.

Mayor Gray advised that the 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. Confirmation of Minutes

Moved By: Councillor Given/Seconded By: Councillor Hobson

R400/13/06/10 THAT the Minutes of the Regular PM Meeting of May 27, 2013 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1. Rezoning Application No Z13-0013 - 1383 Ellis Street, 564913 BC Ltd.

Moved By: Councillor Hobson/Seconded By: Councillor Zimmermann

R401/13/06/10 THAT Rezoning Application No. Z13-0013 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8, District Lot 139, ODYD, Plan 432, located at 1383 Ellis Street, Kelowna, BC from the I4 -

Central Industrial zone to the C7 - Central Business Commercial zone, be considered by Council;

AND THAT Council considers the applicant's April 30, 2013 Public Information Session 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 May 22, 2013;

AND THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Zone Amending Bylaw be considered following provision of the nine (9) required parking spaces through registration of an off-site parking agreement on 1350 Ellis Street in the Land Titles Office, to the satisfaction of the City of Kelowna;

AND THAT final adoption of the Zone Amending Bylaw be considered subject to receipt of payment for a bicycle parking facility accommodating a minimum of four (4) bicycles;

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

Carried

3.1.1. Bylaw No. 10852 (Z13-0013) - 1383 Ellis Street, 564913 BC Ltd.

Moved By: Councillor DeHart/Seconded By: Councillor Zimmermann

R402/13/06/10 THAT Bylaw No. 10852 be read a first time.

Carried

3.2. Rezoning Application No. Z11-0004, Extension Request - 3399 East Kelowna Road, Clayton Ivan

Moved By: Councillor Basran/Seconded By: Councillor Singh

R403/13/06/10 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Amending Bylaw No. 10498 Lot A, Section 15, Township 26, ODYD Plan KAP68999, located on East Kelowna, Kelowna, BC, be extended from April 5, 2012 to October 5, 2012;

AND THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Amending Bylaw No. 10498 Lot A, Section 15, Township 26, ODYD Plan KAP68999, located on East Kelowna, Kelowna, BC, be extended from October 5, 2012 to October 5, 2013.

Carried

3.3. Land Use Contract Discharge LUC13-0001 - 381 Oakview Road, Don Bouwman

Moved By: Councillor Stack/Seconded By: Councillor Basran

R404/13/06/10 THAT Application No. LUC13-0001 to discharge Land Use Contract No. 77-1002 from Lot B, Section 23, Township 28, SDYD, Plan KAP47783, located at 381 Okaview Road, Kelowna, BC, be considered by Council;

AND THAT LUC13-0001 be forwarded to be forwarded to a Public Hearing for further consideration.

Carried

4. Bylaws for Adoption (Development Related)

4.1. Bylaw No. 10841 - Heritage Designation Application No. HD13-0001 - 0874309 BC Ltd., 784 Elliot Avenue

Moved By: Councillor Stack/Seconded By: Councillor Given

R405/13/06/10 THAT Bylaw No. 10841 be adopted.

Carried

4.2. Bylaw No. 10840 - Heritage Revitalization Agreement Application No. HRA12-0001 - 0874309 BC Ltd., 784 Elliot Avenue

Moved By: Councillor Given/Seconded By: Councillor Stack

R406/13/06/10 THAT Bylaw No. 10841 be adopted.

Carried

5. Non-Development Reports & Related Bylaws

5.1. Housing Agreement Request - 1933 Ambrosi Rd.

Moved By: Councillor Stack/Seconded By: Councillor Hobson

R407/13/06/10 THAT Council, receives for information, the report from the Community Planning Manager, dated May 28, 2013 with respect to a new Housing Agreement for the property located at Strata Lot 28, District Lot 129, ODYD, Strata Plan KAS3642 together with a common interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V;

AND THAT Council give reading consideration to Bylaw No. 10851 being Amendment No.1 , for the purpose of allowing an affordable dwelling to be rented or sold, to Bylaw No. 9884 being the Housing Agreement Bylaw for 1314694 Alberta Ltd. (Tessco);

AND FURTHER THAT following adoption of Bylaw No. 10851 being Amendment No. 1 to Bylaw No. 9884 being the Housing Agreement Bylaw the Mayor and City Clerk be authorized to execute the Housing Agreement for the property located at Strata Lot 28, District Lot 129, ODYD, Strata Plan KAS3642 together with a common interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V, as attached to the report of the Community Planning Manager dated May 21, 2013.

Carried

Moved By: Councillor Blanleil/Seconded By: Councillor Basran

R408/13/06/10 THAT Council direct staff to review the existing Housing Agreement Policy and report back with any recommended changes and their implications.

Carried

**5.1.1. Bylaw No. 10851 - Amendment No. 1 to Housing Agreement
Authorization Bylaw No. 9884**

Moved By: Councillor Zimmermann/Seconded By: Councillor DeHart

R409/13/06/10 THAT Bylaw No. 10851 be read a first, second and third time.

Carried

5.2. Arab/Appaloosa Road - Water, Sewer and Road Pre-design - SR 252565

Moved By: Councillor Stack/Seconded By: Councillor Zimmermann

R410/13/06/10 THAT Council receives, for information; the report from the Utilities Planning Manager dated May 28, 2013 regarding Appaloosa Water, Sewer and Road Pre-design;

AND THAT Council approves a 2013 Capital Plan budget transfer of \$50,000 from the DeHart/Crawford drainage project, to fund a Road, Water and Sewer pre-design for the Arab/Appaloosa area as shown in the attachment of the report from the Utilities Planning Manager dated May 28, 2013.

Carried

5.3. Kelowna United Football Club Soccer Facility

Staff:

- Introduced Mr. Surinder Gosal, Kelowna United Football Club.

Moved By: Councillor Zimmermann/Seconded By: Councillor Singh

R411/13/06/10 THAT Council receives the report from the Director of Recreation & Cultural Services dated June 5, 2013, regarding a proposal from the Kelowna United Football Club for the development of a multi-use artificial turf indoor/outdoor facility to be located at the Mission Recreation Park.

AND THAT Council directs staff to continue discussions with Kelowna United Football Club towards the development of a Licence of Occupation and Operating Agreement.

Carried

6. Mayor and Councillor Items

Councillor Given:

- Thanked staff for the new Electronic Agenda packages which can be viewed from iPads.

Councillor Stack:

- Commented on his attendance at the Walk for Arthritis on behalf of Council.
- Commented on the Telus Presentation at the FCM Conference and noted they provide very good corporate sponsorship of various events.

Councillor Zimmermann:

- Reminded the public of the Highway 33 Information Session on Tuesday, June 11 from 5:00 to 8:00 p.m. at the Rutland Centennial Hall.

Councillor DeHart:

- Commented on her attendance at the Kelowna Fire Department Pancake Open House.

- Commented on her attendance at the Air North Inaugural Flight Ceremony.
- Commented on her attendance at the FCM Annual Conference in Vancouver from May 31 to June 3rd.

Councillor Blanche:

- Commented on the Telus Presentation at the FCM Conference.

Councillor Basran:

- Commented on his attendance at the Fat Cat Children's Festival parade event.
- Commented on his attendance at the FCM Conference in Vancouver from May 31 to June 3rd.

Councillor Singh:

- Commented on her attendance at the Fat Cat Children's Festival parade event.

Councillor Hobson:

- Commented on his attendance at the FCM Conference in Vancouver from May 31 to June 3rd.
- Commented on a presentation he attended regarding minimum soil area for planting trees.

Mayor Gray:

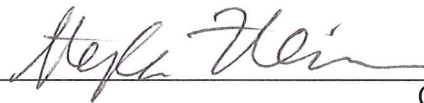
- Commented on his attendance at the successful Motorcycle Ride for Dad for Prostate Cancer event.
- Commented on his attendance at the Walk to Cure Diabetes event.
- Commented on his attendance at the Air North Inaugural Flight Ceremony.

7. Termination

This meeting was declared terminated at 3:02 p.m.

Mayor

/acm



City Clerk



Request for the Renewal of the Municipal & Regional District Tax

Renewal Period: January 1, 2014 – December 31, 2018

Presented to: City of Kelowna Mayor and Council
Date: June 17, 2013
Presented by: Brad Sieben
Chair, Tourism Kelowna Society

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About the Applicant

Tourism Kelowna is a Destination Marketing Organization (DMO) with the mandate to position and market Kelowna and area as a tourist destination. It is dedicated to providing leadership and coordination in promoting and marketing Kelowna's amenities and tourism businesses, resulting in increased overnight visitation and revenues. Tourism Kelowna is a not-for-profit, industry-driven Society governed by an elected Board of Directors representing over 300 tourism related businesses in Kelowna and area.

VISION

Generating intrigue and desire to travel to Kelowna

MISSION STATEMENT

Our mission is to create a measurably healthier tourism industry through innovative marketing and advocacy initiatives.

- Our work will contribute to an increase in overnight visitors to Kelowna
- Kelowna's destination branding will be recognized regionally, nationally and internationally
- Kelowna's diverse year-round tourism will be expanded and supported by our encouragement and advocacy

KEY RESULT AREAS

Tourism Kelowna's mission will be accomplished through 4 Key Result Areas (KRAs).

- Destination Sales and Marketing
- Visitor Services Development
- Destination Management
- Advocacy

2013 TOURISM KELOWNA BOARD OF DIRECTORS

Accommodation:	Brad Sieben, Chair Stan Martindale, Vice Chair Daniel Bibby Kelly Watt Gavin Parry Rita Pluta	Hotel Eldorado Ramada Hotel & Conference Centre Kelowna Hotel Motel Association Sandman Hotel & Suites Coast Capri Hotel Abbott Villa on the Lake
Golf:	Ian Robertson, Treasurer Roger Sellick, Past Chair	Kelowna Springs Golf Club Executive Consultant
Ski:	Michael J. Ballingall	Big White Ski Resort
Wineries:	Tony Stewart	Quails' Gate Winery
Attractions/Restaurants:	Stephen Stinson, Secretary	Kelowna Keg Restaurant
Agri-Tourism:	David McFadden	Okanagan Lavender & Herb Farm
Arts & Culture:	Nathan Flavel	Actors Studio Dinner Theatre
Transportation:	Sam Samaddar	Kelowna International Airport
Municipal Representation:	Andre Blanleil Penny Gambell	City of Kelowna District of Lake Country

Renewal Request for the Municipal & Regional District Tax

Implementation area: City of Kelowna
Proposed Renewal date: January 1, 2014
Plan Period: January 2014 – December 31, 2018

OVERVIEW

Since the implementation of the Additional Hotel Room Tax, now called the Municipal & Regional District Tax, on January 1, 2004 Tourism Kelowna has invested these funds in key markets in a targeted and tactical manner to build demand for Kelowna as a travel destination. The investment of these funds has been done with transparency and using a performance-based approach and have contributed to the following results:

The MRDT investments have played a significant role in generating tourism growth for Kelowna and area as demonstrated through the measurable results achieved from Tourism Kelowna's marketing (see attached 2012 Performance Metrics) and other indicators as noted below:

- Between 2004 and 2012 the Kelowna destination has seen a 23.6%* increase in room revenue
- Between 2004 and 2012 room inventory has grown by 43.1%** demonstrating that investors consider Kelowna to have a strong tourism future and good return on investment.
- Visitation has increased by 26.9% between 2005 and 2011
- Destination awareness for Kelowna is continually growing as shown in regular research (2005, 2007, 2012) undertaken in our major markets of Vancouver, Calgary, Edmonton and Toronto
- Kelowna is recognized as a Canadian meeting and event option and is regularly competing with major destinations such as Victoria, Whistler and Ottawa
- Increased air access to new point to point destinations throughout Canada and the western US (Seattle and LA in particular) is an indicator of an increase in tourism demand
- The number of tourism businesses located in the Central Okanagan has increased dramatically over the past 5 years as entrepreneurs recognize this area as a burgeoning tourism market due to its growing potential to attract tourists throughout the year

*BC Stats

**Tourism Kelowna

ACCOUNTABILITY AND CONTROL

Transparency, accountability, and the development of adequate controls are required for organizations entrusted with the investment of the MRDT. Tourism Kelowna has procedures and controls in place to address these requirements as itemized below:

- The Tourism Kelowna Society Board of Directors has complete financial responsibility for the organization including the approval of the annual budget, 5-year business plan and annual sales & marketing plan. The Board consists of 17 directors, 5 of whom are appointed with 12 being elected by the tourism businesses in the Central Okanagan. (see Directors list below)
- Tourism Kelowna receives a full audit annually. (fiscal is September 1 – August 31)
- Tourism Kelowna provides an annual update to City Council and submits its financial statements and results annually to the City of Kelowna. These are compiled into a report submitted by the City, to the Province, at the time of the municipal audit.
- Every 5 years, the accommodation industry decides whether to retain or revoke the tax. This provides the accommodation sector with control and ensures that Tourism Kelowna is effective in generating new business for the destination.

USE OF MRDT FUNDS

The implementation of the MRDT has resulted in the collection of \$1.35 - \$1.4 million annually, that when added to other Tourism Kelowna revenues, provides a total operating budget of approximately \$2.58 million annually.

MUNICIPAL BYLAW

In keeping with the tourism industry's requirement to ensure that these funds are utilized for destination marketing purposes and are administered by Tourism Kelowna in their entirety; the Tourism Kelowna Board of Directors is requesting a renewal of Bylaw No. 9053 utilizing the same wording.

*See page 13 for draft bylaw

OTHER FUNDING SOURCES

The City of Kelowna currently provides Tourism Kelowna with three annual grants: sport tourism, general marketing, and Visitor Centre operations totaling \$356,431. Under the guidelines for the implementation of this tax, this amount will continue to be provided. Tourism Kelowna also receives advertising revenue from tourism businesses and marketing and Visitor Centre grants from Destination British Columbia.

Leveraging and partnership opportunities have been created due to the implementation of the MRDT. The MRDT funds have allowed us to develop effective stakeholder co-op marketing programs and expand our involvement with such organizations as the Thompson Okanagan Tourism Association, Destination British Columbia, The Canadian Tourism Commission, local product consortiums and other city DMOs.

ADMINISTRATION

The MRDT funds are submitted to the Province of BC by each of the qualifying accommodation properties. The Consumer Tax Branch of the Provincial Government will contact all of the qualifying properties and provide them with the appropriate forms and instructions on submission. A \$20.00 per property per month administration fee is paid to the Province, which then returns the remaining funds to the municipality.

Based upon the bylaw agreement, the municipality will forward these funds in their entirety to Tourism Kelowna without the addition of an administration fee.

WHY RENEW?

Tourism Kelowna has recognized that in order to compete in an increasingly aggressive and competitive tourism marketplace and continue to generate economic returns for our city, we must continue to receive the funds provided through the MRDT. The MRDT funds allow Tourism Kelowna to market more effectively and efficiently through increased partnership opportunities with our local businesses and other industry partners.

There are now 50 communities in British Columbia collecting this tax. Communities throughout Canada have also implemented similar programs to ensure a sustainable source of marketing funds for their destinations.

The MRDT funds have played a significant role in tourist visitation and economic impact growth since 2005 as determined through a robust Economic Impact Analysis that Tourism Kelowna commissions every 5 years. The results below compare 2011 with the first study done in 2006.

- 1.5 million visitors - up from 1.2 million, 26.9% increase
- 7,072 Direct jobs – up 5.8%
- \$176,000,000 in direct wages – up 39.7%
- \$335,000,000 in GDP – up 50.2%
- \$653,000,000 in economic output – up 68.7%
- \$100,000,000 in tax revenues – up 12.4%
- \$279,000,000 in visitor spending – down 3.1% (spending down in restaurant and entertainment)

PROCESS USED TO GAIN RENEWAL SUPPORT

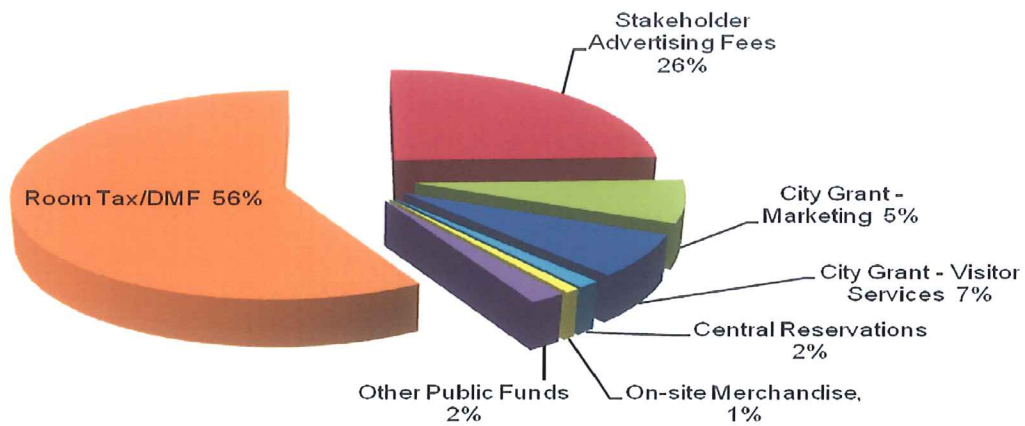
Letters were gathered from all accommodators in support of approving the renewal of the MRDT. (A minimum of 51% of the rooms and 51% of the properties is required to have an application for renewal considered by the municipality.)

Strong levels of support have been received.

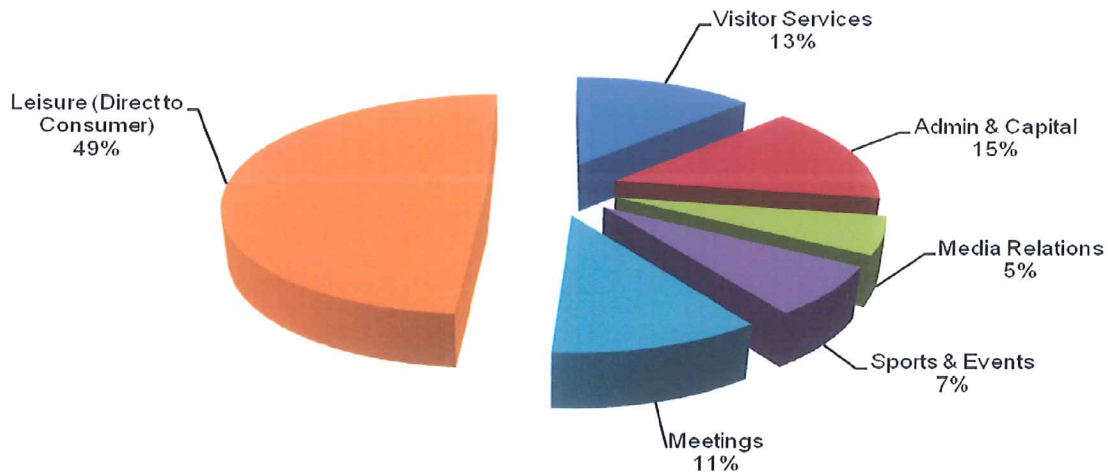
INVESTMENT PRIORITIES

- Spring, Summer, Fall leisure
- Fall, Winter, Spring Meetings, Sport Events and Cultural Events
- Market Research
- Marketing resources/tools: website, mobile site, collateral etc.

2013 REVENUE



2013 ALLOCATION OF INVESTMENT



2012 PERFORMANCE METRICS (for period Sept 1, 2011 – Aug 31, 2012)

Performance Metrics are applied to all activities. The chart below shows the results from 2012.

2012 Performance Measures	Year End Report			
	Year End Target	Year End Actual	Variance to Target	Notes
Media				
Placements	115	162	40.9%	
Circulation	32,000,000	42,404,585	32.5%	increased amount of media through blogs, websites so less trackable for circulation and ad equivalency
Advertising equivalency	\$ 1,320,000	\$ 892,197	-32.4%	
Consumer				
Number unique user sessions	350,000	336,633	-3.8%	down to target, up 8.1% over 2011 actuals
Number page views	1,200,000	1,270,774	5.9%	
Click-throughs to TK website	300,000	300,959	0.3%	
Total search engine referrals	220,000	247,107	12.3%	
Visitor Centre				
Number of visitors	30,185	33,995	12.6%	
Number of parties	13,700	15,173	10.8%	
Inquiries	6,605	7,326	10.9%	
M&IT				
Lead room nights	15,150	15,443	1.9%	
Sports				
Lead room nights	10,500	11,193	6.6%	
Stakeholder Investment				
Investment from co-op partners	436,517	447,701	2.6%	Includes revenue from following programs: NAP, Golf, Wine, farm & studio, Visitor Centre signage, sponsorships.

2012 Industry Indicators	Year End Report			
	Target	Actual	Variance to Target	Notes
MRDT Revenue				
MRDT Revenue	\$ 1,374,000	\$ 1,360,198	-1.0%	Remitted by properties located in Kelowna
DMF Revenue	\$ 100,000	\$ 119,876	19.9%	Remitted by some properties in West Kelowna and Lake Country
Total 2% revenue	\$ 1,474,000	\$ 1,480,074	0.4%	

2013 TOURISM KELOWNA MARKETING PLAN – SUMMARY

**This plan is currently being implemented*

Customer / Department	5-year Goals (2008-2013)	2012-13 Objectives		Strategies
MC&IT	To generate increased meetings and incentive travel business for Kelowna primarily in the October - April period	1	To position Kelowna as a fresh meeting destination with planners in our primary markets of BC, AB, GTA and in our secondary markets of Northern AB and BC and Ottawa	<p>a) Direct sales & marketing with Canadian corporate & association meeting planners</p> <p>b) Sell into new markets that are now accessible by air i.e. Northern BC, AB and Ottawa</p>
		2	To encourage local residents to bid and host their own association meetings and/or corporate and client retreats in Kelowna through our Host at Home program	a) Increase local program awareness using sales calls to local businesses, associations and non-profit orgs
Tour	To increase travel trade business to Kelowna	1	To be the product specialists for travel trade in Kelowna and assist our stakeholders, TOTA and TBC with activity and attraction options to entice new tours or extend stays of existing tours. Tourism Kelowna will maintain destination brand awareness at RendezVous.	<p>a) Continue to have full understanding of market, including current trends and travel demands</p> <p>b) Build knowledge of export-ready tour products in Kelowna, produce distribution collateral</p> <p>c) Strategically align Kelowna products with TBC and TOTA top selling itineraries</p> <p>d) support Big White ski group sales</p> <p>e) Support TBC and TOTA Fams</p>
Sports and Events	To increase the quantity and improve the quality of events in the October - June period	1	To pursue targeted events and develop hosting strategies with identified organizations	a) Work with organizations to create and follow a critical path for event bidding and hosting
		2	To position Kelowna as a preferred, progressive sport, festival and event destination	<p>b) Expand and promote Events Fund program to encourage more new and expanded tourism events</p> <p>c) Activate sales strategies to engage targeted events</p>
Leisure - Direct to Consumer	To increase independent leisure traveller visitation and length of stay during April through October	1	To build 3-4 day spring and fall business through the key leisure drivers of golf and wine. Maximize summer visitation levels through positioning of Kelowna as an energized destination for all ages - diversity of activities	<p>a) GOLF: Generate cache for Kelowna as highly sought after Canadian golf destination</p> <p>b) WINE: Re-ignite Kelowna's brand as a wine destination within the Okanagan Wine Region</p> <p>c) FARM to TABLE: Expand exposure for this co-op program in year 4</p> <p>d) SUMMER VACATION: leverage events and media to build brand of Kelowna as the best Western Canadian summer destination</p>

Customer / Department	5-year Goals (2008-2013)	2012-13 Objectives		Strategies
<i>Continued: Leisure - Direct to Consumer</i>		2	Increase brand awareness levels year-round	Position Kelowna as top-destination and market at all times including during non-peak seasons, social media channels, build advocacy,
		3	Expand international exposure	a) Further develop linkages with CTC, TBC, TOTA and local exporters to ensure the Kelowna brand and message is represented
		4	Market development	a) Support air route development to create new markets. Provide advertising support in these new markets.
Communications	To expand awareness of Kelowna's depth as a desired British Columbia destination.	1	Generate destination intrigue and the desire to travel to Kelowna through unpaid media exposure within a broad spectrum of consumers	a) Recruit and host travel media and bloggers that align with our product mix
		2	Execute effective stakeholder and community public relations to continually reinforce the importance of the tourism industry to Kelowna's economy	a) Ensure that TK services are well understood as valuable services by stakeholders, local media and local business organizations. b) Ensure a regular local media presence to keep the importance of tourism top of mind for residents c) Manage corporate blog and evaluate effectiveness as stakeholder communication vehicle - make changes to format as needed
Visitor Services	To excel at Visitor Sales and Servicing and increase pre-trip potential visitor intent to book. Encourage attraction visitation with in-market guests to increase spending and trip satisfaction.	1	New Visitor Centre Development	a) Continue to research and prepare for the development of a new centre
		2	Develop innovative inquiry servicing tools that generate increased consumer intent to book	a) Better connect inquiries with the desired experiences through the use of digital tools.
		3	Ensure VC staff & volunteers are well trained and provided with the necessary tools	a) Provide continual product knowledge, service skills, sales and procedures training
		4	Increase distribution channels for tourism information	a) Distribute Visitor Guides at tourism businesses and through taxi cabs b) Build stakeholder product knowledge
Administration and Overhead		1	Ensure administration costs are adequate to support operation while striving to increase efficiency where possible	a) continue to streamline admin processes and systems

Industry Support

The following list represents all of the accommodation properties in the City of Kelowna who meet the criteria for collecting the MRDT. Included is a summary of their support.

PROPERTY SUMMARY:	
In Support	83.7%
Not in Support	16.3%
ROOMS SUMMARY:	
In Support	91.9%
Not in Support	8.1%

Report to Council



Date: June 11, 2013
Rim No. 0280-40
To: Ron Mattiussi, City Manager
From: Keith Grayston, Financial Services Director
Subject: 2014-2018 Municipal & Regional District (Hotel) Tax Renewal
Report Prepared by: Jennifer Krentz, Financial Analyst

Recommendation:

THAT Council approve the renewal of the 2014-2018 Municipal & Regional District (Hotel) Tax Agreement with Tourism Kelowna;

AND FURTHER THAT Bylaw No. 10853 being the City of Kelowna Hotel Tax Bylaw be forwarded for reading consideration.

Purpose:

To present the Request for the Renewal of the Municipal & Regional District (Hotel) Tax submission for 2014-2018 and related bylaw to Council for approval and reading consideration.

Background:

The implementation of the Municipal & Regional District Tax, formerly known as the Additional Hotel Room Tax, was implemented on January 1, 2004 in order to help generate tourism growth. The tax can be implemented for a 5 year period and may be re-applied as often as required. The last bylaw No. 10015 was approved in June of 2008.

The City of Kelowna receives a 2% tax from the purchase price of qualifying accommodations through the Ministry of Finance and then administers these funds directly to Tourism Kelowna. The annual collection has been in the range of \$1.35-\$1.4 million. Tourism Kelowna, a not-for-profit organization, is responsible for investing these funds into key market areas in order to meet the objective of tourism growth.

The bylaw to provide this service includes a request to the Lieutenant Governor in Council to make regulation under the Provincial Sales Tax Act to impose a 2% tax on the purchase price of accommodation. The funds collected, and paid to the City of Kelowna by the Province,

shall be applied to destination marketing programs that are developed and administered by Tourism Kelowna who will provide an annual review to Council.

Internal Circulation:

G. Davidson, Financial Planning Manager

Considerations not applicable to this report:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

Personnel Implications:

External Agency/Public Comments:

Communications Comments:

Alternate Recommendation:

Submitted by:

K. Grayston, Financial Services Director

Approved for inclusion:

CITY OF KELOWNA

BYLAW NO. 10853

City of Kelowna Hotel Tax Bylaw

A Bylaw for the renewal of the City of Kelowna Hotel Tax under the provisions of the Provincial Sales Tax Act

WHEREAS the Council of the City of Kelowna wishes to raise revenue for the purposes of financing tourism development programs;

AND WHEREAS under section 123(1) of the Provincial Sales Tax Act, a municipality may request by bylaw, that the Lieutenant Governor in Council make a regulation providing for an additional tax levy, not exceeding two (2) percent on sales of accommodation within the municipality;

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

1. The Lieutenant Governor in Council is hereby requested to make a regulation under section 240(1)(c) of the Provincial Sales Tax Act declaring that effective January 1, 2014, section 123(1) of the said Act applies in respect of accommodation purchased within the City of Kelowna.
2. The tax to be imposed under the provisions of the regulation is requested to be two (2) percent of the purchase price of accommodation.
3. The funds paid to the City of Kelowna under the provisions of the regulation shall be applied to destination marketing programs that are developed and administered by Tourism Kelowna and reviewed by Council on an annual basis.
4. This bylaw may be cited for all purposes as "City of Kelowna Hotel Tax Bylaw No. 10853".
5. The City of Kelowna Additional Hotel Room Tax Bylaw No. 10015, and all amendments thereto, are hereby repealed.
6. This bylaw shall come into full force and effect and is binding on all persons as of January 1, 2014.

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

While the construction of an additional home on a vacant lot initially raised concern, it was acknowledged that a suitable sensitive design would be evaluated through a Heritage Alteration Permit and accordingly the rezoning was supported. As proposed, the new dwelling concept has some strong merits, which include a well balanced symmetrical form and stately feel. The plan shows windows with multiple panes, a high gabled roof and horizontal siding. The proposed colour palette for the building is traditional utilizing white hardi-board siding with black accent details. Further through a covenant, the London Plane tree on the lot's south west corner is persevered retaining mature vegetation on the site.

However, the proposed building is planned for one of the smallest lot areas in the immediate area, and seeks to build to a maximum height allowance of 2.5 storeys. Given that the surrounding homes are predominantly 1 to 1.5 storeys in height, with high gable roof forms the proposal cannot be considered sensitive infill owing to the neighborhood height comparisons. Other dwellings with comparable floor area are located within the immediate context, however those properties are comparatively larger in area than the subject property. Further, other site characteristics such as mature landscaping, ample green space, and reduced site coverage aids to mitigate the dwelling size.

Additionally, the proposal is not consistent with the established spacing along Lake Avenue and creates a street rhythm where the new dwelling will appear closer to its neighbour than is generally found in the area. Lake Avenue is considered the front of the site and the foot path to the front entrance is accessed from here, however the building presents an obvious side elevation to the lot frontage. This elevation is dominated with a traditional red brick chimney and flanked with windows and French doors.

Furthermore, the Community Heritage Committee reviewed the proposal at their May meeting and did not support the project, raising concerns pertaining to aesthetics, overall footprint and building massing. Additional comments included that the building is not in keeping with the established neighbourhood. Staff received a community letter of concern from the abutting Maple Street neighbourhood and a number of individual letters for the CHC meeting.

In summary, given the comparatively smaller parcel, a new dwelling in this heritage neighbourhood should be proportional to the newly established lot size and not seek to maximize the development regulations that are appropriate in other neighbourhood areas of the City. Additionally, while the architecture does take inspiration from the established Abbott Street Conservation guidelines, the massing of the building has not received support from either the CHC or impacted neighbours. For these reasons, Staff are of the opinion that a smaller scale dwelling would be more suitable and in keeping with the objectives and vision of this well established heritage character area.

4.0 Proposal

The subject property was rezoned to allow the RU3 zone which permits a zero lot line on an inside lot line and to accommodate a new dwelling. The rezoning requirements included:

- A lot line adjustment (completed through a subdivision application)
- A covenant for the buildable area (attached plan meets these requirements)
- A tree protection covenant for the London plan tree in the front yard.

This application is proposing a dwelling that fronts onto Maple Street with a well defined main entrance banked by two sets of windows with shutters on the main floor, smaller windows on the

upper floor and small dormers in the attic. No finished living space is proposed for the attic level. A modest suite is planned above the two car garage which is accessed off the lane. The suite access and private open space provisions are located on the east elevation.

The proposed Lake Avenue elevation does not provide a traditional inviting building frontage to the street and presents a very obvious side elevation. A foot path is proposed that leads to the front door located on the Maple Street elevation and another leads to the French doors planned for the Lake Avenue elevation. The black shutter detail is continued for windows on the south elevation. The north elevation of the site faces the lane way and is dominated by the peak of the garage and of the main dwelling, and the shutter element is repeated giving the dwelling a unified colonial appearance.

A landscape plan has been provided which proposes to maintain some of the mature trees, added required pathways, and pierced pavers as part of the private open space for the suite.

4.1 Site Context

The subject property is located on the north side of Lake Avenue in the Abbott Street Conversation area of Kelowna in close proximity to the Hospital and Downtown center. The surrounding properties in all direction are zoned RU1 - Large Lot housing.

4.2 Subject Property Map : 250 Lake Avenue



4.3 Zoning Analysis

The proposed application meets the requirements of RU3 - Small Lot Housing zone as follows:

Zoning Analysis Table		
CRITERIA	PROPOSAL	RU3 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	480m ²	290m ²
Lot Width	13.135m	8.5 m except 10.0 m for a corner
Lot Depth	36.56m	30 m
Front Yard	11.05m	3.5 m

Side Yard (east)	2.4m	1.2m for a 1-2 storey portion of the building and 1.5m for a 2.5 storey
Side Yard (west)	2.5m	1.2m for a 1-2 storey portion of the building and 1.5m for a 2.5 storey except it is 2.5 m for a flanking street
Rear Yard	7.5m	6.0m for a 1-1.5 storey or 7.5m for 2 - 2.5 storey building
Site Coverage Buildings	30%	40%
Site Coverage Buildings & Parking	45%	50%
Other Requirements		
Height	2.5 storeys / 7.95m	2.5 storeys / 9.5 m
Floor Area Ratio	Principal dwelling: 245m ² Secondary suite: 28 m ² 11.4%	May not exceed the lesser of 90 m ² or 40%
Parking Stalls (#)	2 (principal) provided in the garage and 1 (suite) off the lane	2 spaces for the principal dwelling and 1 for the secondary suite
Private Open Space	Meets requirements	30 m ² of private open space per dwelling

5.0 Current Development Policies

Heritage Conservation Area Development Guidelines

The first civic phase spans from the earliest urban subdivisions dating around 1904 and continues to the end of the Great War. This period is noted for the variety of revival architectural styles which were popular at the time. The Colonial Revival Characteristics are identified as follows in the City's Heritage Conservation Area Development Guidelines:

- Stately feel to the architecture
- High to medium gable roof form
- Flush roof verges
- Horizontal lap-board siding (no corner-board)
- 1 ½ & 2 storeys with attic massing
- Grand entrance (columns, entablature etc.)
- Vertical double-hung window openings
- Single & multi-sash window assembly
- Window shutters
- Multiple pane windows (mullion bars)
- Asymmetrical front facade on cottages
- Symmetrical fronts on more formal homes
- Grand front drive & rear yard parking



5.1 Kelowna Official Community Plan (OCP)

Heritage Conservation area - Objectives:¹

- Maintain the residential and historical character of the Marshall Street and the Abbott Street Heritage Conservation Areas;
- Encourage new development, additions and renovations to existing development which are compatible with the form and character of the existing context;

¹ City of Kelowna Official Community Plan, Chapter 16

- Ensure that change to buildings and streetscapes will be undertaken in ways which offer continuity of the 'sense-of-place' for neighbours, the broader community; and
- Provide historical interest for visitors through context sensitive development.

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 if applicable.
- 2) Operable bedroom windows required as per the 2012 edition of the British Columbia Building Code (BCBC 12).
- 3) Provide the City of Kelowna Bulletin #88-02 (Secondary Suites Requirements in a single family dwelling) for minimum requirements. The drawings submitted for Building Permit application is to indicate the method of fire separation between the suite and the main dwelling.
- 4) The Building Code only allows for a secondary suite to be 40% of the main residence to a maximum of 90 sq. meters.
- 5) Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

All the offsite infrastructure and services upgrades are addressed in the Development Engineering Report under file Z12-0059.

7.0 Application Chronology

Date of Application Received: March 6, 2013
 Final Zoning Adoption: May 27, 2013

Community Heritage Commission

The above noted application was reviewed by the Community Heritage Commission at the meeting on May 2, 2013 and the following recommendations were passed:

THAT the Community Heritage Committee NOT support Heritage Alteration Permit No. HAP13-0003 for 250 Lake Road for the form and character of the proposed single family dwelling with secondary suite.

8.0 Alternate Recommendation

THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP13-0003, for Lot 5, Block D, District Lot 14, ODYD Plan 2220, located on 250 Lake Avenue, Kelowna, BC, subject to the following:

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

Report prepared by:

Birte Decloux, Land Use Planner

Reviewed by:

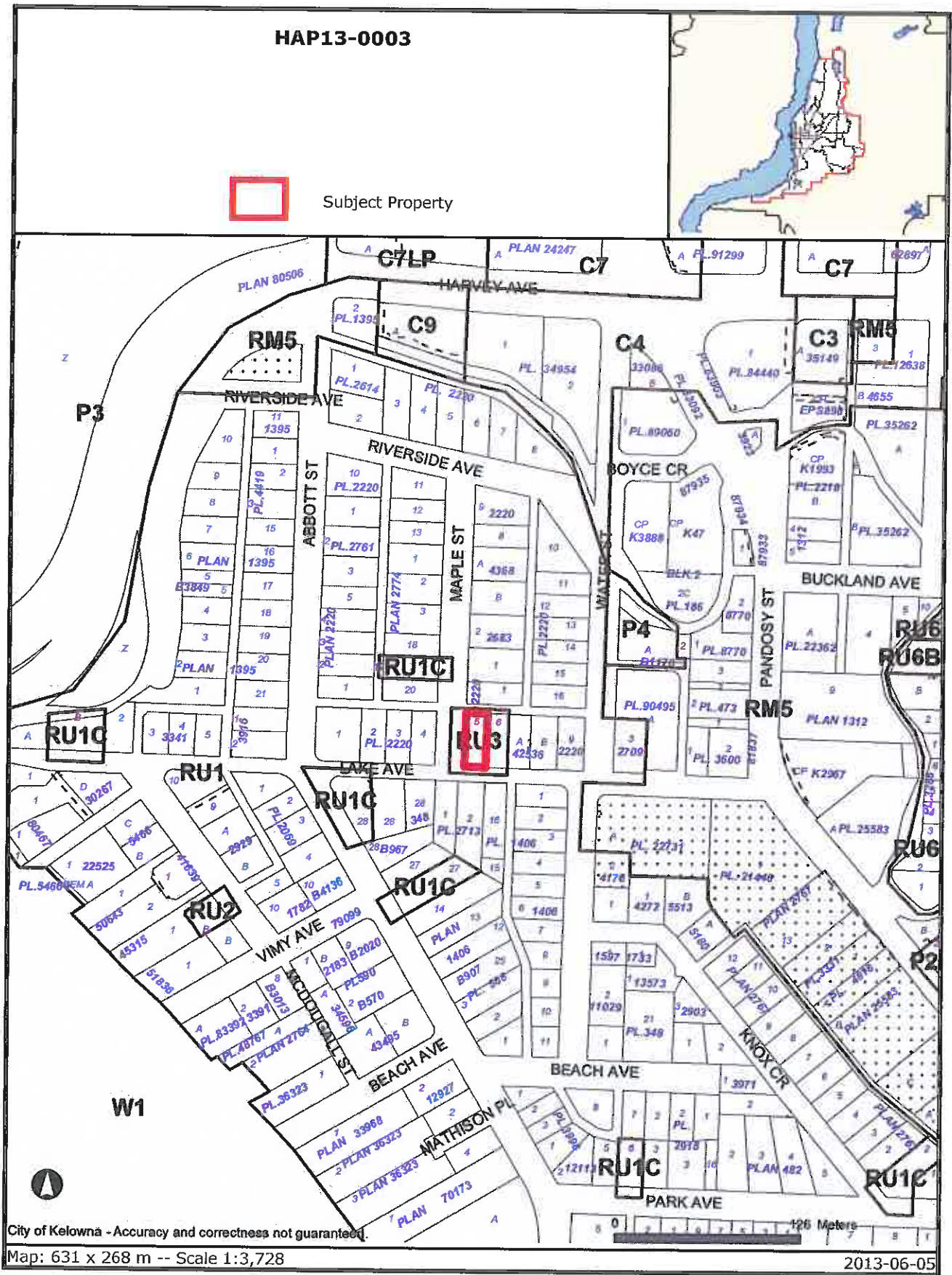
Danielle Noble, Manager, Urban Land Use

Approved for Inclusion

Doug Gilchrist, Acting General Manager,
Community Sustainability

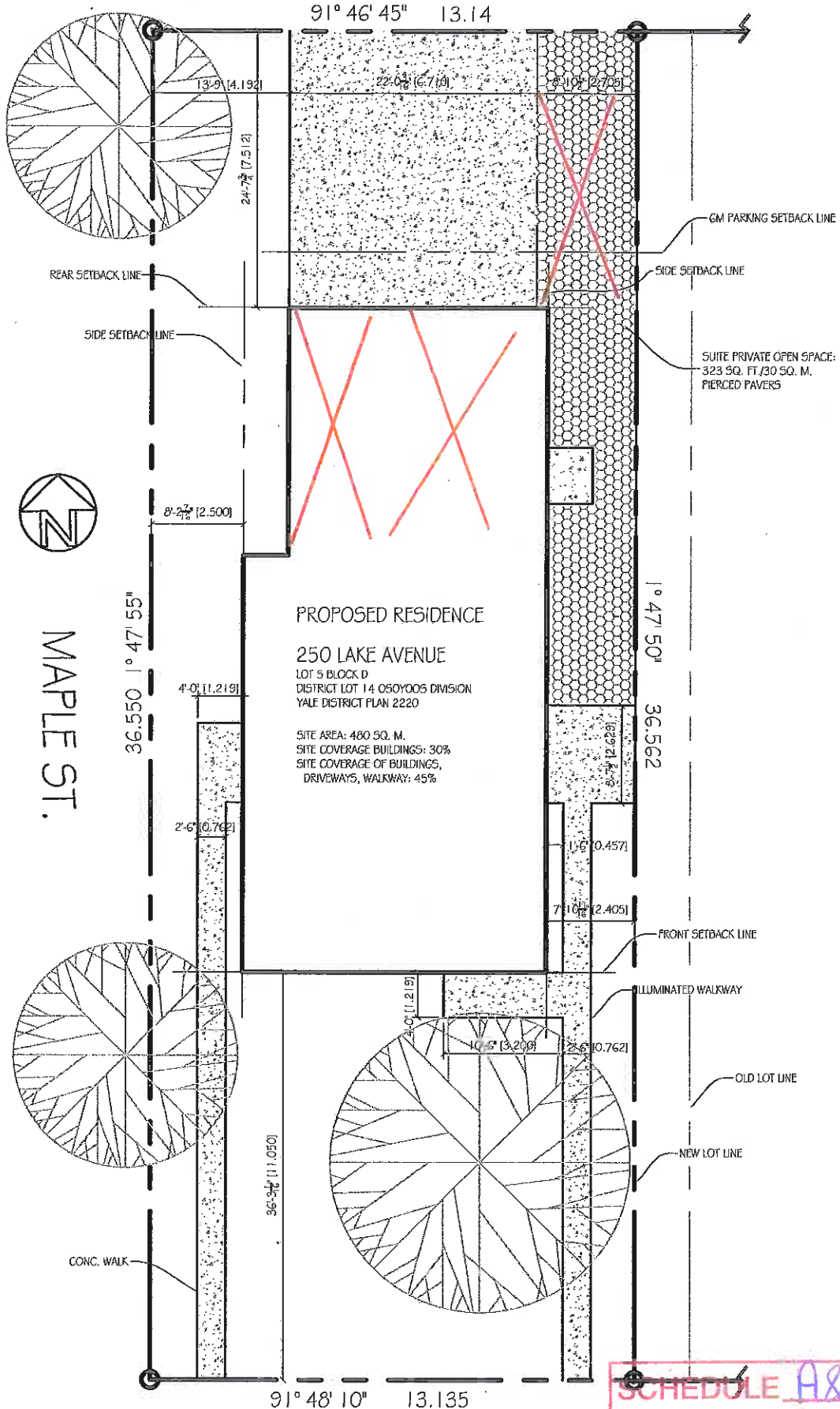
Attachments:

- Site/landscape Plan
- Conceptual Elevations
- Colour Board
- Rendering
- Floor plans
- Context/Site Photos
- Customer rationale package



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.

LANE



PLOT PLAN

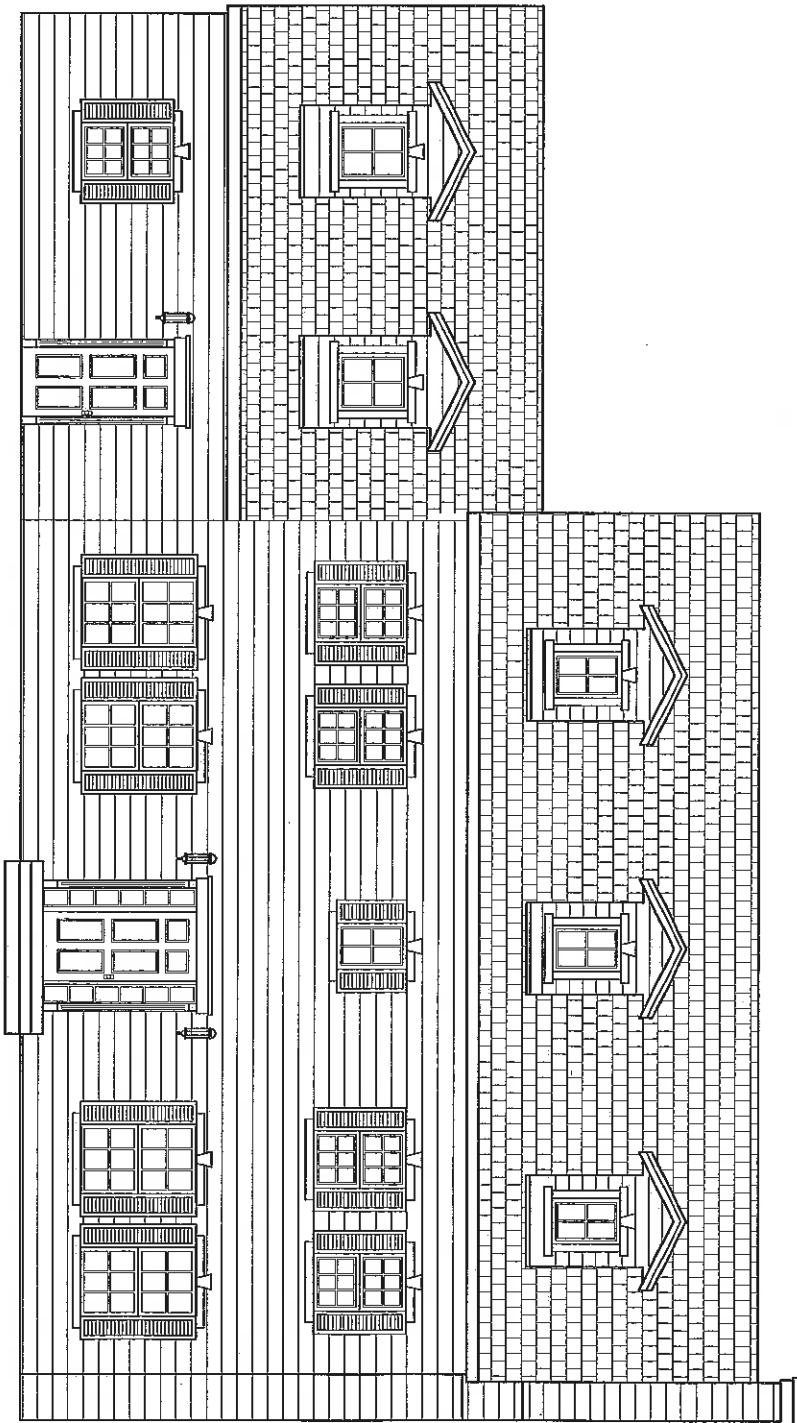
SCALE 1/8" = 1'-0"

SCHEDULE *A&c*

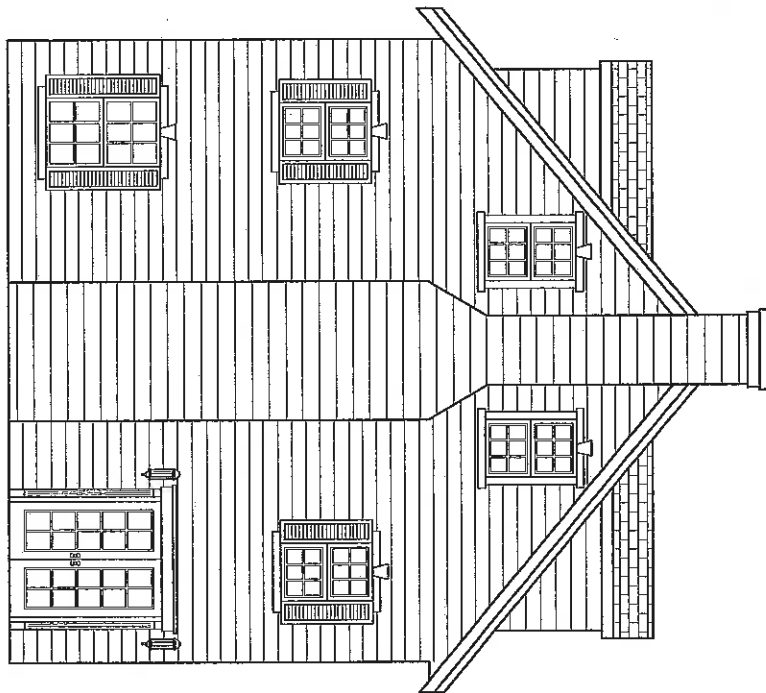
This forms part of development

Permit # *HAPI3-0003*

WEST ELEVATION
(MAPLE ST.)



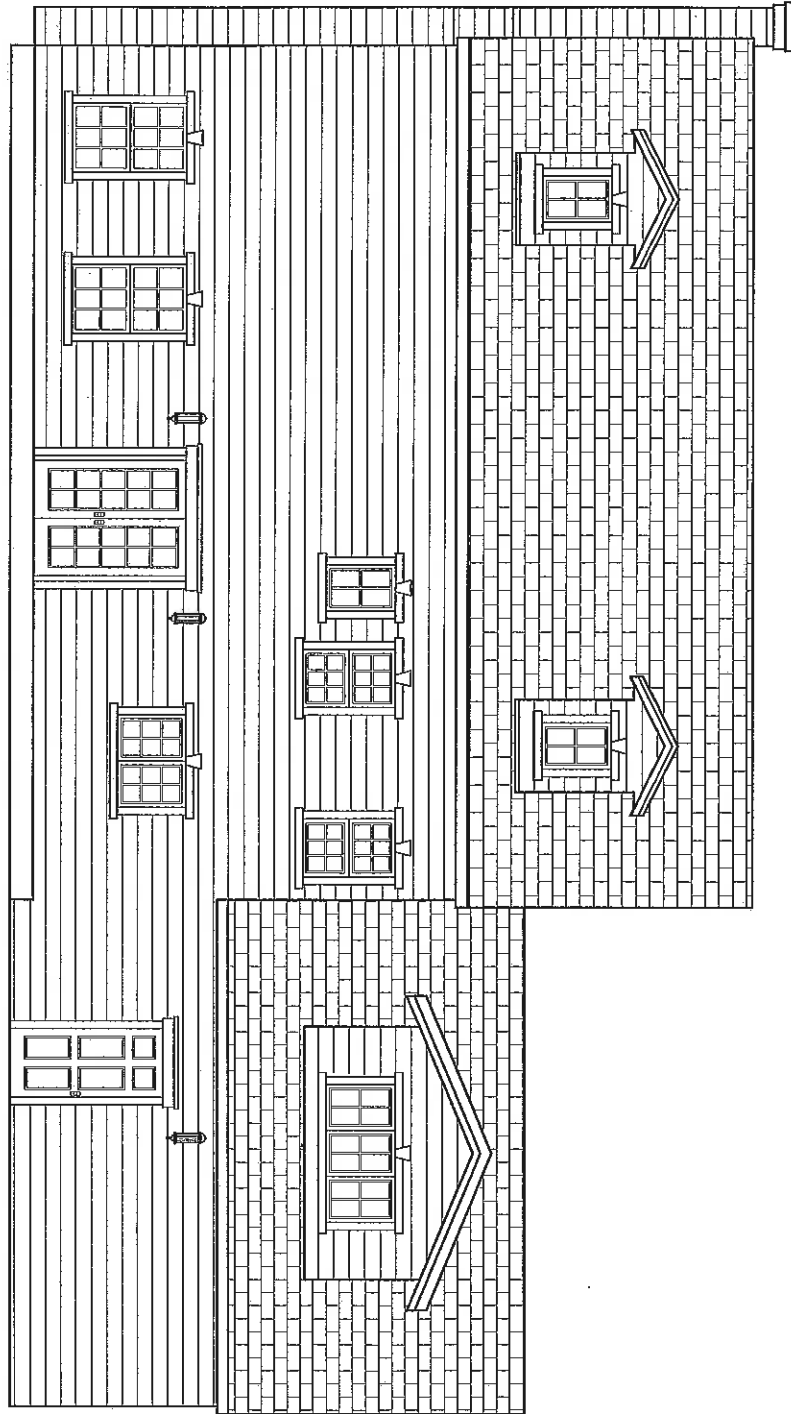
SCHEDULE B1/5
This forms part of development
Permit # HAP13-0003



SOUTH ELEVATION
(LAKE AVE.)

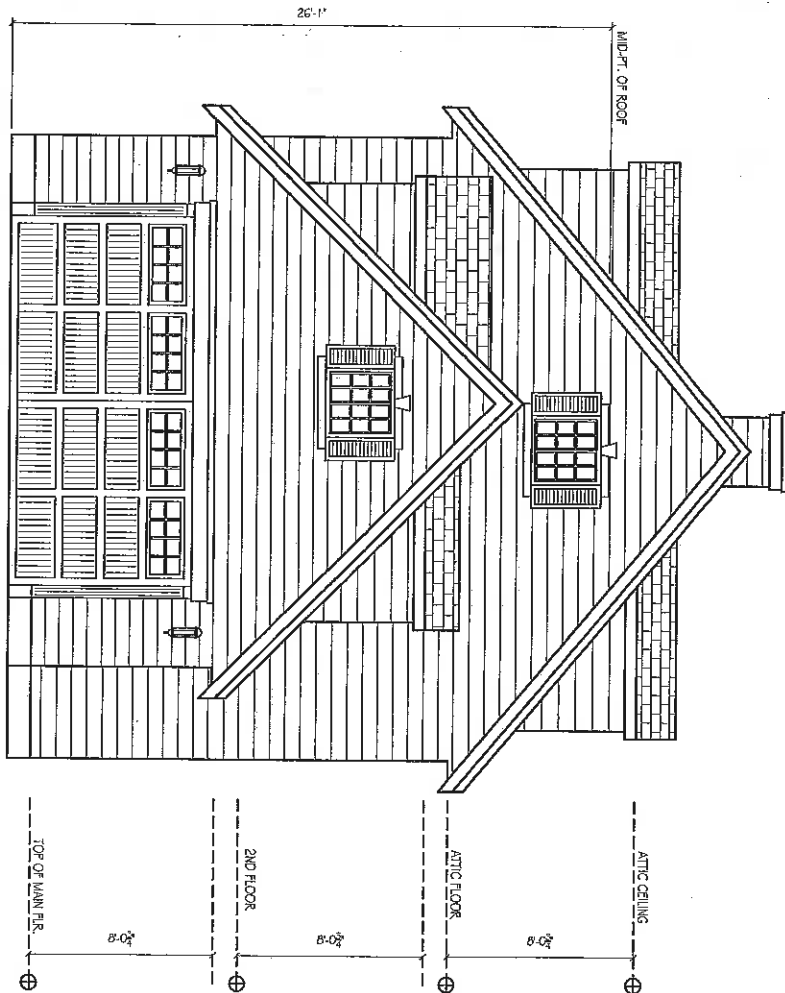
SCHEDULE B2/5
This forms part of development
Permit # HAPI3-0003

EAST ELEVATION



SCHEDULE B5/5
This forms part of development
Permit # HAP13-0003

NORTH ELEVATION



SCHEDULE B415
This forms part of development
Permit # HAPI3-0003

250 Lake Avenue Proposed Materials and Colours

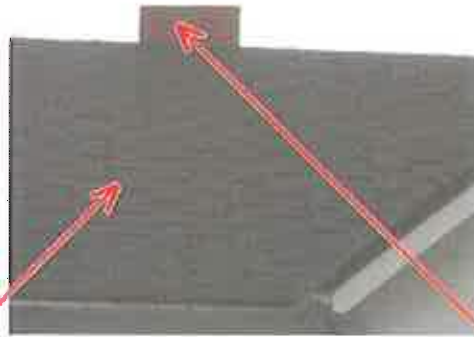
Siding:

White HardiBoard consistent with neighbourhood



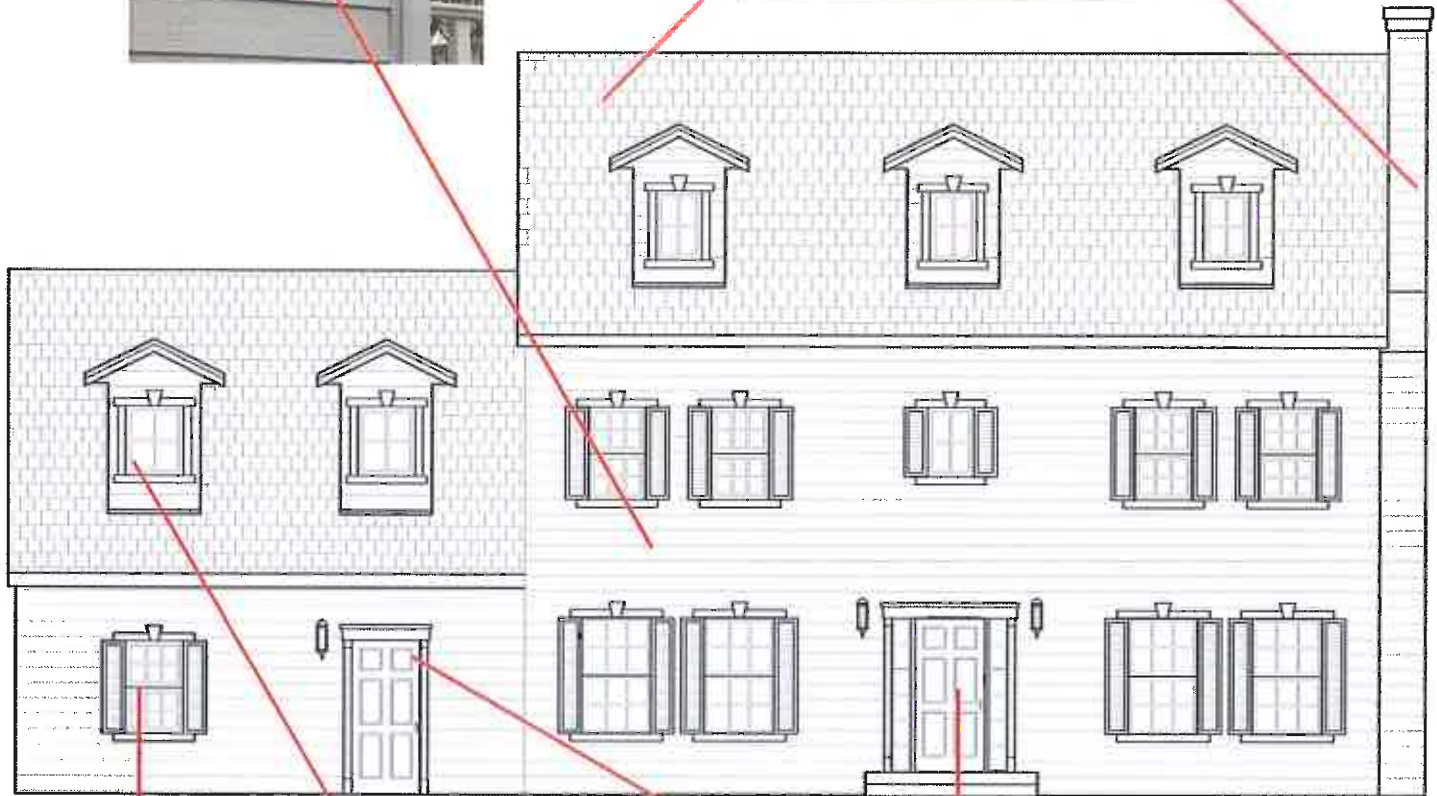
Roof:

Black asphalt shingles consistent with neighbourhood



Chimney:

Red brick consistent with neighbourhood



Windows and Shutters:

White windows with muntin bars. Black shutters.



Pediments and Pilasters:

Black



Doors:

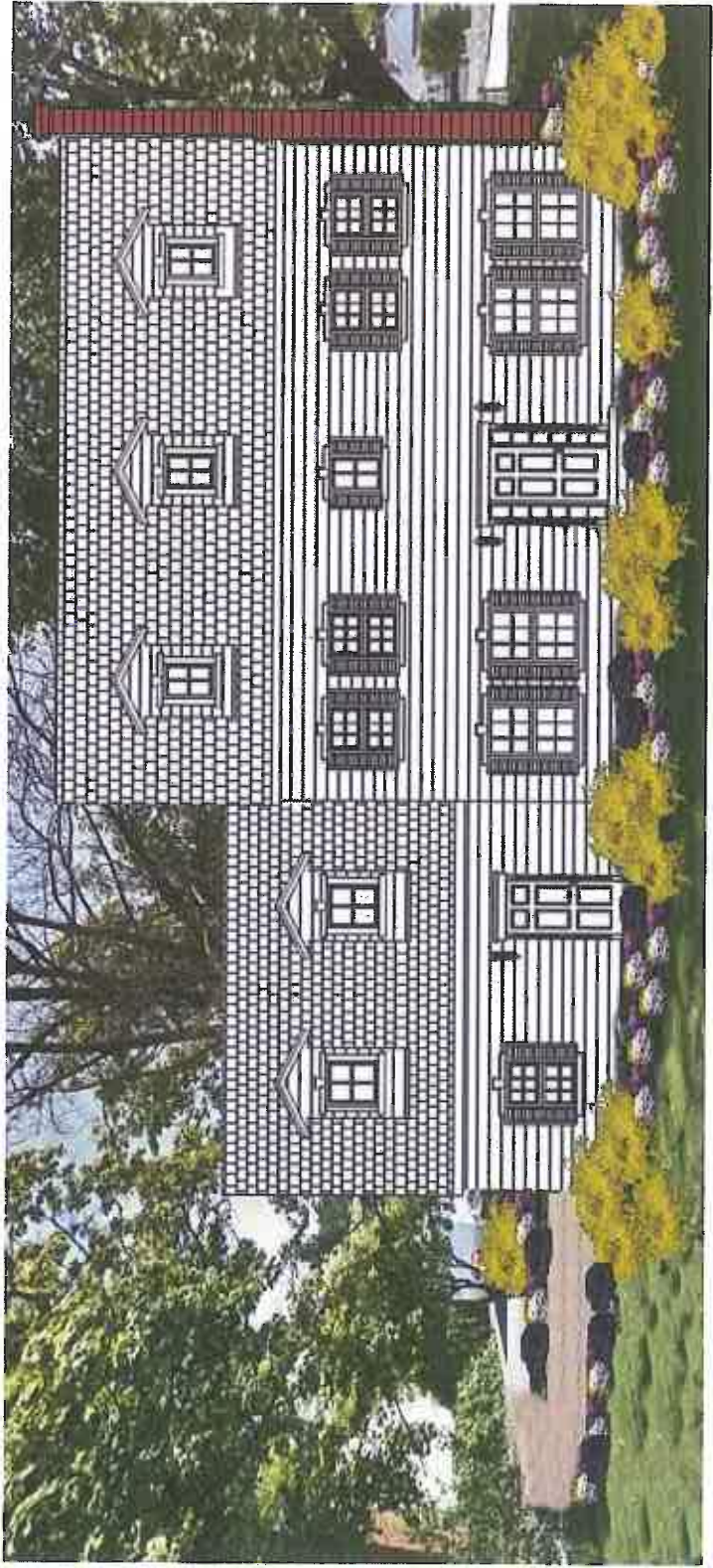
Six panel Colonial style fibreglass.

Front door: Black

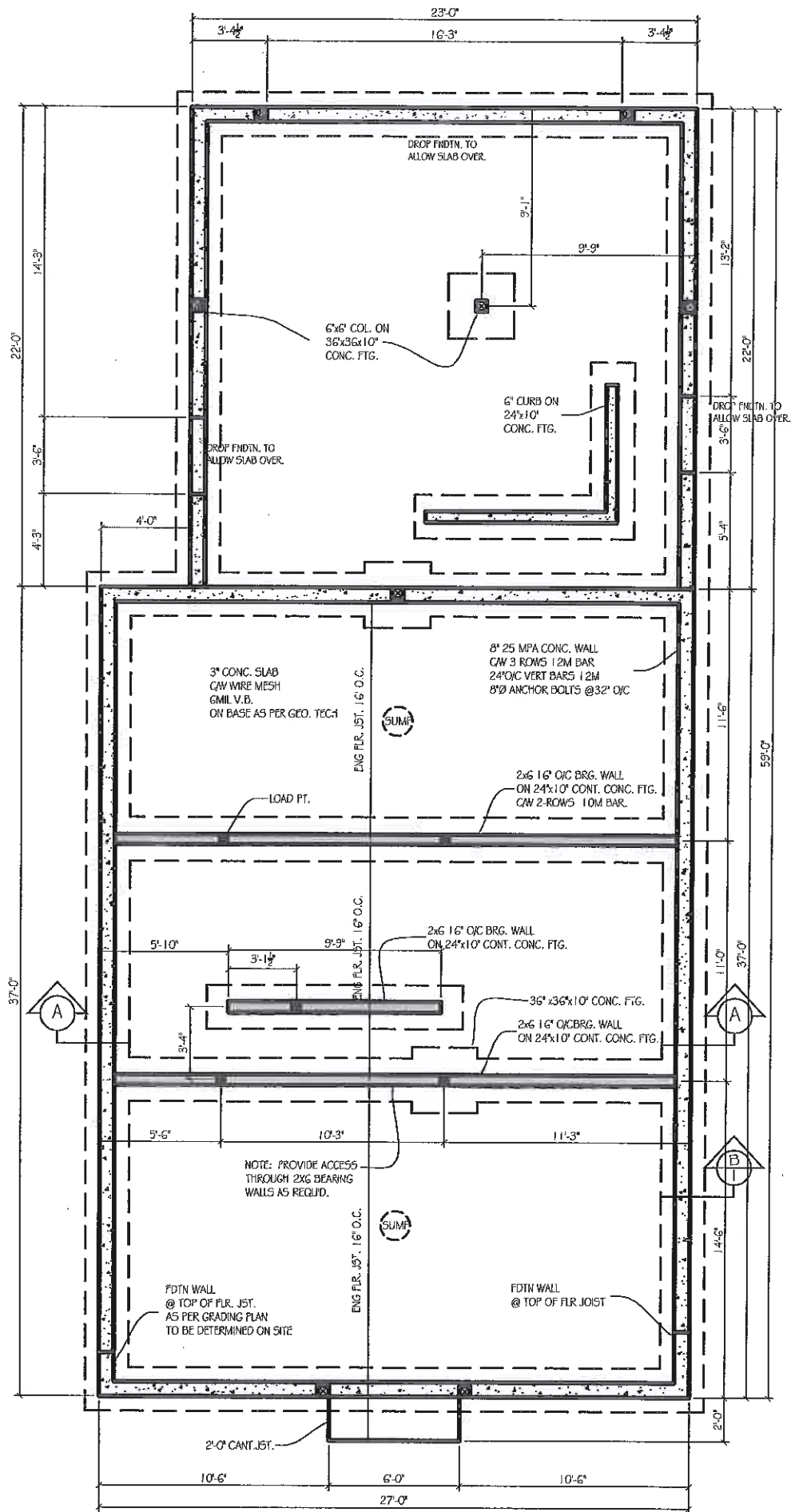
Side and rear doors: White



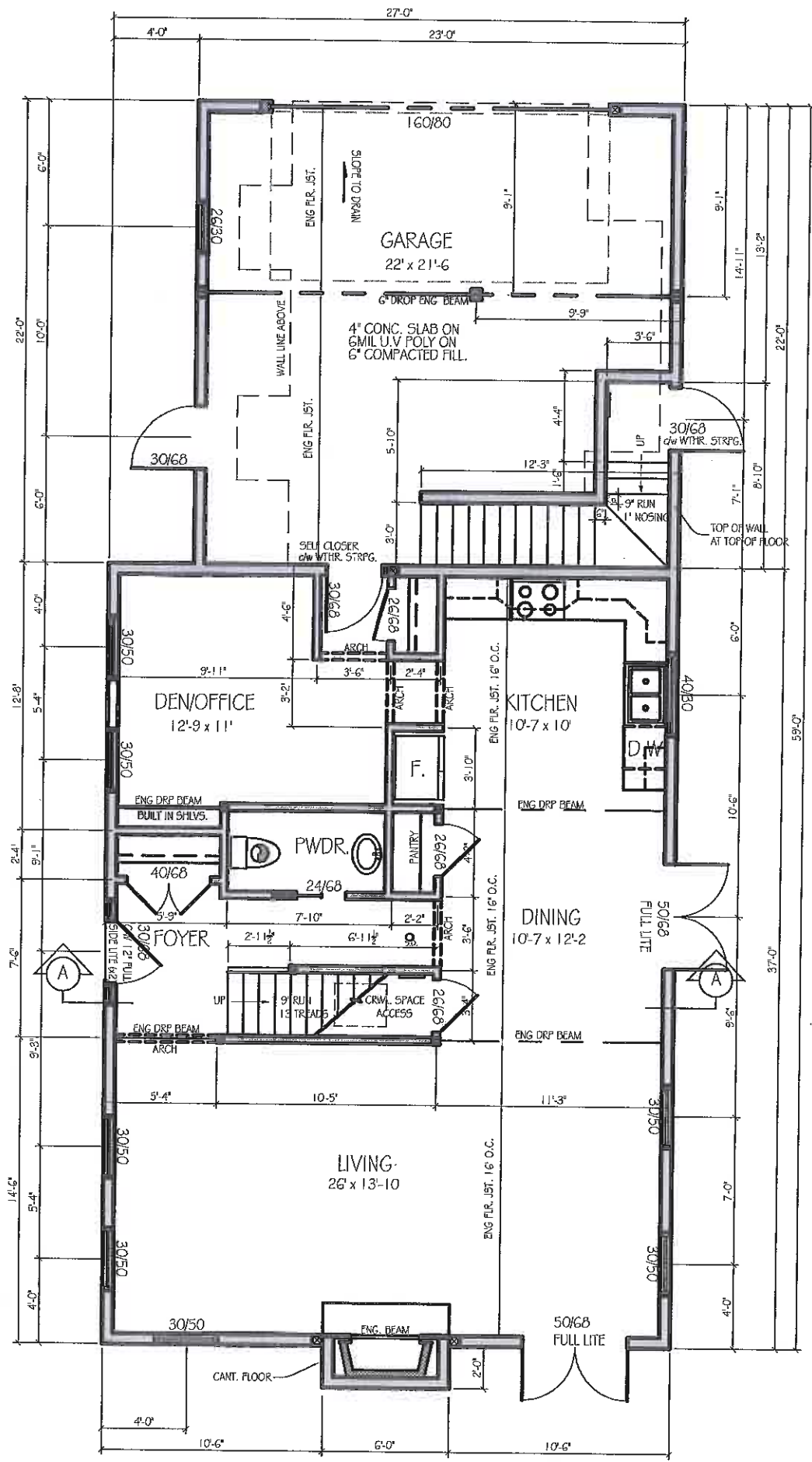
SCHEDULE B5/5
This forms part of development
Permit # HAP13-0003



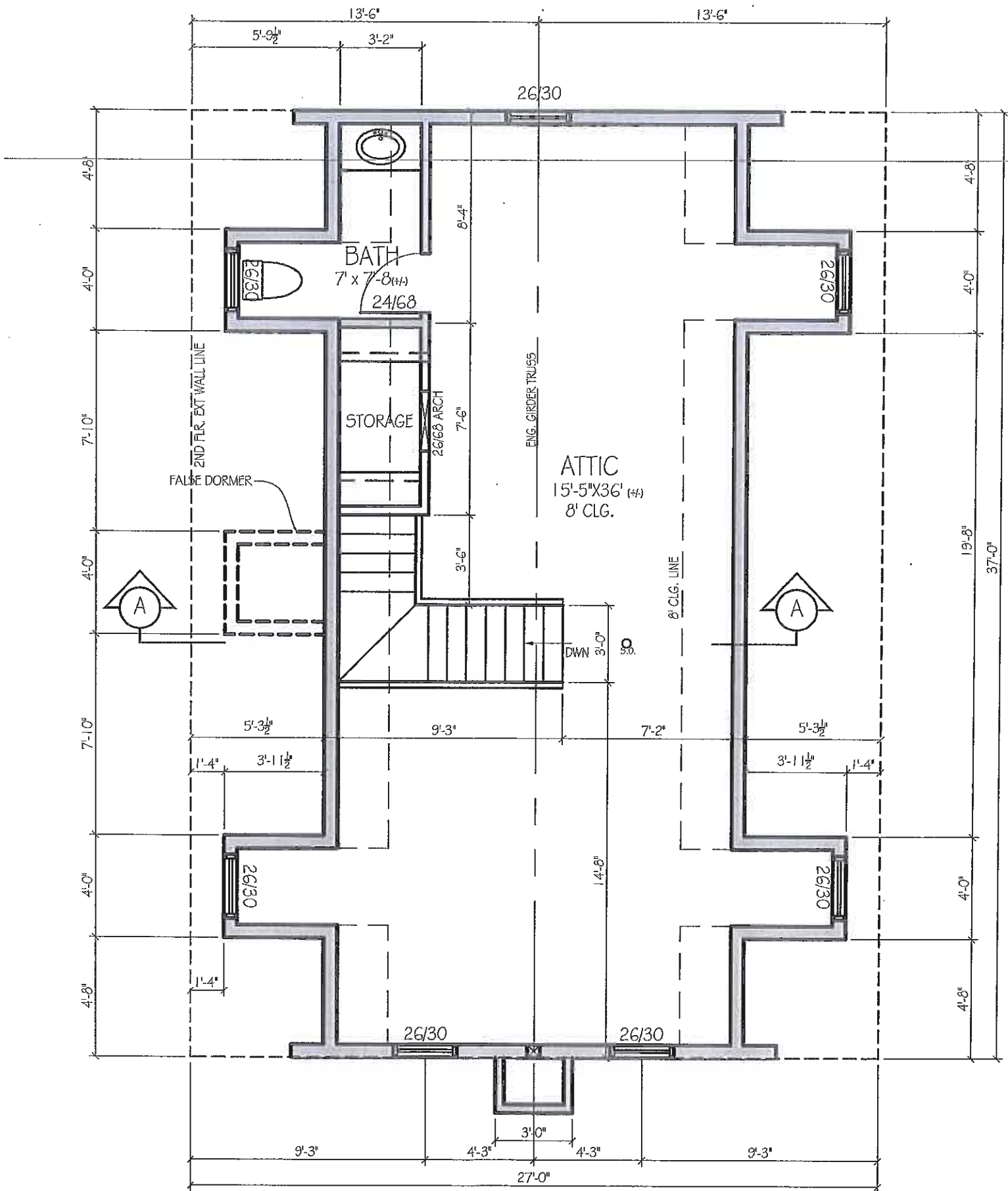




FOUNDATION
1517 SQ. FT.



MAIN FLOOR
906 SQ. FT.



ATTIC
538 SQ. FT.

Subject property

Maple Street looking south to Lake Avenue

West Neighbour

View to west along Lake Avenue with 260 Lake and 250 Lake in foreground.

North Neighbour

Highest houses in the immediate area located on Maple Street



250 Lake Avenue Redevelopment



**A development which preserves heritage values
while adding additional housing**



HAP13-0003 Applicant's Responses to Issues Raised

Heritage of the Property.

THE CORPORATION OF THE CITY OF KELLOWNA
APPLICATION FOR PERMIT TO BUILD
 Kellowna, B.C. *12-9-39*

To the CORPORATION OF THE KELLOWNA CORPORATION
 The applicant (OWNER) of the following named property applies for a PERMIT TO BUILD
 (Name of Building) *6 room residence* on the following numbered lot:
 1. Numbered lot of the Block: *Lot 6, Block D, Reg. Plan 2220*
 2. Name of Block: *Block D*
 3. Name of Subdivision: *Subdivision 2220*
 4. Name of Applicant: *Norman Edwin DeHart*
 5. Name of Architect: *John J. Gagne*
 6. Name of Engineer: *John J. Gagne*
 7. Name of Surveyor: *John J. Gagne*
 8. Name of Inspector: *John J. Gagne*
 9. Name of Contractor: *John J. Gagne*
 10. Name of Owner: *Norman Edwin DeHart*
 11. Name of Applicant: *Norman Edwin DeHart*
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 98. Name of Applicant: *Norman Edwin DeHart*
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 100. Name of Applicant: *Norman Edwin DeHart*

In 1939, forty year old assistant store manager **Norman Edwin Dehart**, who was the much younger half-brother of Kelowna's third mayor, **Francis DeHart**, was residing at 214 Lake Avenue, Kelowna.

On December 8th 1939 Mr DeHart was issued Building Permit number 156 to build a 6 room residence on **Lot 6, Block D, Reg. Plan 2220**, being 260 Lake Avenue.

Mr **J M Gagne** was to build the home at an estimated cost, including labour, of \$3,800 (\$61,000 in today's dollars).

Unfortunately, the builder built the home in the wrong place, such that it encroached some 5 feet on to the neighbouring **Lot 5**. This meant that it was impossible to build a home on Lot 5 and it was therefore a necessity for whomever owned Lot 6 to also own Lot 5 or risk an order to remove the encroachment.

Anomalies in the lot and plan numbers for 268 and 274 Lake Avenue suggest that a similar error was made when 274 Lake Avenue was built. However it appears that those lots were sufficiently wide that the necessary lot line adjustment could be made without the rezoning needed in this case.

Mr DeHart and his wife **Marjorie** owned the house until the mid 1960's, by which time Norman had been promoted to Store Manager and Marjorie had taken a job as a teacher.

In 1964 a carport was added to the north-west corner of the house, also encroaching on the neighbouring lot.

The electors' list for 1965 shows that the house had become occupied by salesman **Arthur Milnes** and his wife **Helen**, also a teacher. Norman (then 66 years old) and Marjorie had moved around the corner to an apartment at 1880 Pandosy St.

In 1968 renovations were conducted which included expanding the house to fill the recessed corner on the north-east of the building.

The house remained in the Milnes family for 47 years until **Marianne Hill**, the applicant in these proceedings, purchased both properties on March 29th 2012 from **Mr Bradley Milnes**.

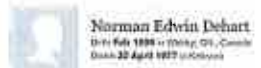
Rather than demolish the old house, which had fallen into disrepair, and build up to a 4,718 sq ft property on the vacant lot and up to 5,250 sq ft property to replace the old house, as the then current RU1 zoning permitted, Marianne chose to restore it. However, to make this financially viable it was necessary to develop the vacant Lot 5.

Building on that lot required correction of the encroachment by a boundary adjustment, however the Subdivision Approving Officer ruled that provisions in the Land Titles Act required that both lots must first be rezoned to RU3.

On December 11th, 2012 City Council approved this rezoning, setting several conditions. On May 27th, on compliance with those conditions, Council gave it final adoption.

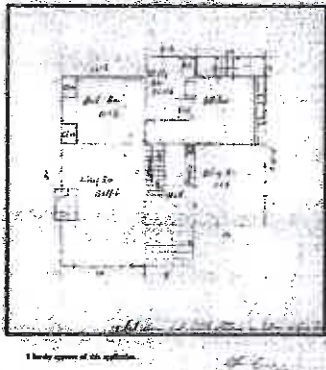
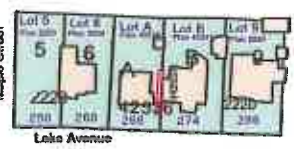
One condition was the provision of a geotechnical report, which was supplied on February 18th, 2013 and which made it possible for an architectural design to be produced. This design was presented on February 29th, 2013 for approval of its form and character in application HAP13-0003.

Completion of this new house will result in a total developed area of 4,323 sq ft for the two properties, as compared to 9,968 sq ft which could have been built under the original RU1 zoning.



Family Matrilines

Parents	<ul style="list-style-type: none"> Norman Dehart 1888 - 1971 Leta Ann Dehart 1892 - 1960
Children	<ul style="list-style-type: none"> Marjorie E. Dehart Dehart 1914 - 1995 John Dehart Dehart 1916 - 1995 John Dehart Dehart 1917 - 1979
Grandchildren	<ul style="list-style-type: none"> Ann Elizabeth Dehart Dehart 1971 - 1995 Joseph Dehart Dehart Dehart 1971 - 1995



Existing House, 260 Lake Ave (1,686 sq ft)



Proposed New House, 250 Lake Ave (2,637 sq ft) - from Maple St



(from Lake Ave)



RU1 Option for 260 Lake Avenue (4,728 sq ft)



RU1 Option for 250 Lake Avenue (4,046 sq ft)

250/260 Lake Avenue

Neighbourhood Communications



Marianne Hill purchased the properties on March 29th, 2012.

Prior to her purchase, the realtor from whom she purchased them told her that she could bulldoze the old house and the tree and he could then quickly sell the vacant lots for approximately \$400,000 each.

Recognizing that the neighbourhood would be aware of this possibility and would naturally be apprehensive, she embarked upon a communication program to reassure them that she did not intend to pursue this as-of-right option, which would result in two new houses, each of approximately 5,000 square feet finished area.

She intended to preserve the old house and tree and to build a property of approximately 2,600 square feet plus garage on the vacant lot. Until June 13, 2012 she did not expect to need a rezoning or any other public process since she and her legal advisors believed that the encroachment by the old house could be handled by an easement.

To ensure that the neighbours knew what her plans really were and to discredit disinformation spread by those who saw the vacant lot as their unofficial neighbourhood park, she produced an informational brochure. Over 70 copies of it were produced and distributed between June and September 2012. It was also made available via the World Wide Web and advertised by a poster placed in the yard of the property. (There is a copy on the city website in the CHC agenda package for August 2012.)

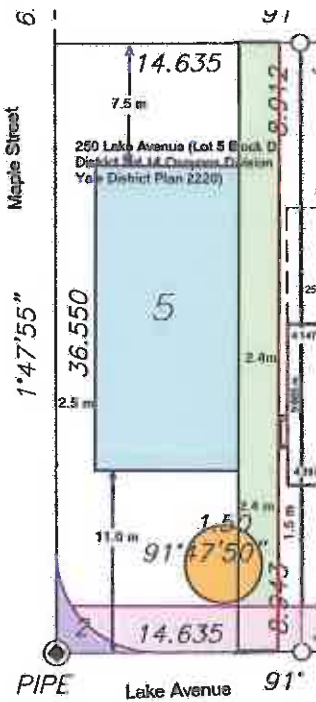
When she was told on June 13th, 2012 that she must either remove the old house or rezone to RU6, she sought help from senior city staff and they identified the rezoning and boundary adjustment strategy she has followed in order to preserve the old house and the tree.

Throughout the zoning process she kept the neighbourhood informed of exactly how she wished to develop the property. Even one of the people who eventually told the Public Hearing that FRAHCAS wanted the lot to remain vacant said, in a 10 September 2012 email "I respect how you have endeavoured to proceed with making your intentions known and understood clearly for all concerned".

There can be no doubt that the 78 neighbours who signed statements of support for submission to the zoning hearing knew exactly what Marianne was proposing.

However, there is clearly a small, but well-organized and vociferous group within the "heritage" community who will stop at nothing to prevent building anything on 250 Lake Avenue, which was always intended to be built on. Only a builder's error prevented that 70 years ago and we now merely seek to correct that.

Evolution of the Design



The design considerations began with the determination of a building envelope which would permit the preservation of the old house and the London Plane tree. Considerations of fire separation from the old house and enough separation from the London Plane to ensure its survival, together with sideyard requirements set out in the zoning bylaw determined that the footprint should be the area shown in blue at the left.

In order for the restoration of the heritage home to be economically viable a large enough house needed to be constructed on this footprint. It was determined that the median finished area of houses in the immediate vicinity was approximately 2,600 square feet.

This, along with an integral garage could just be accommodated on two floors covering the entire footprint, surmounted by a 12:12 pitch (45 degree slope) roof in the colonial revival style, but it would have been a "shoebox" with no articulation.



However, the designer suggested making use of the attic space in the main building, reducing the garage wing to 1½ stories and setting it back slightly to achieve the same living space in a more attractive form, when viewed from Maple Street (the neighbours had requested that the most attractive façade should be from that direction).

Nevertheless, the view from Lake Avenue attracted some negative comments from neighbours, staff and the Community Heritage Committee. They considered that it could be made to look "more like a Colonial street façade". In fact many colonial houses **did** have such a central chimney in the centre of the street façade.

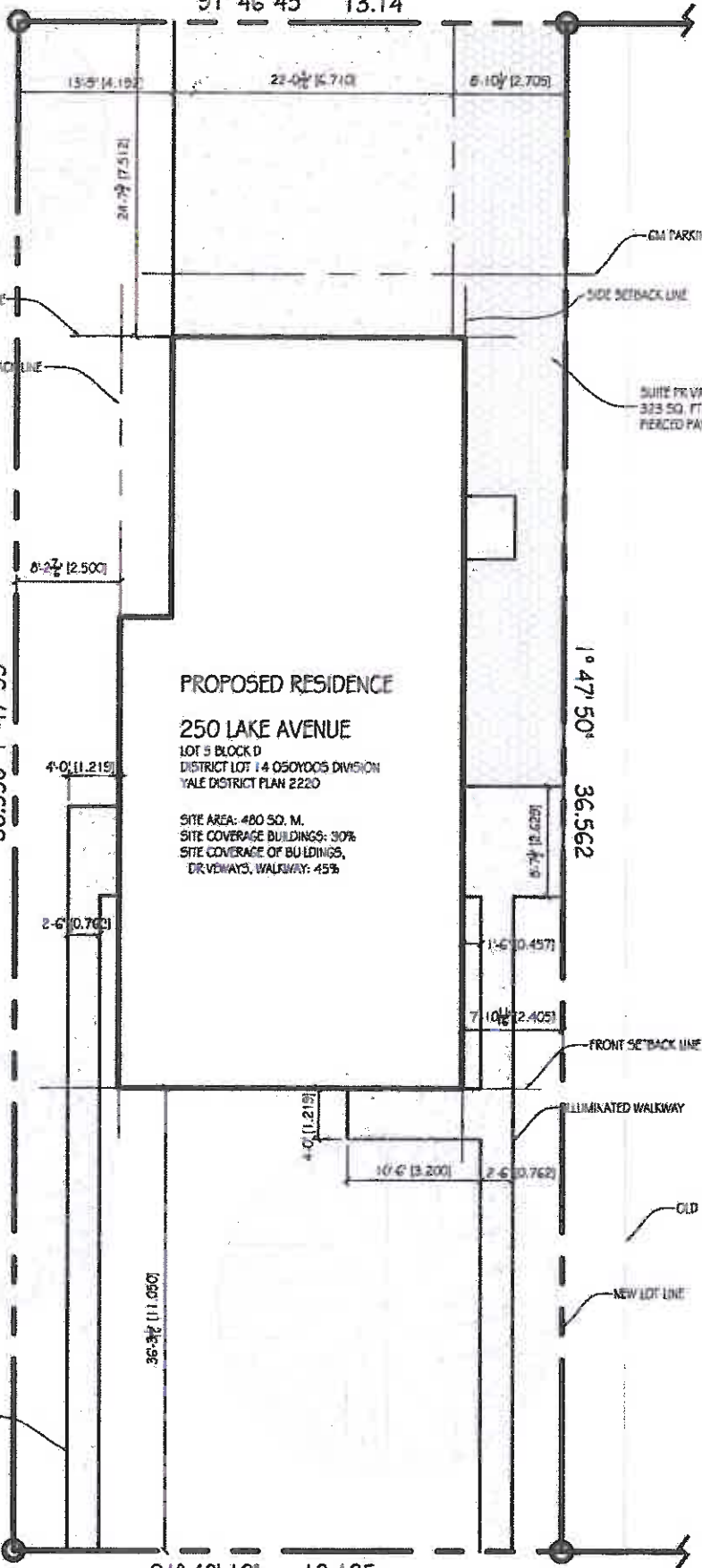


Even though the movie "The Amityville Horror" has made it a less popular form in recent decades it remains a valid "Colonial" design.

The proposed design presents an attractive frontage from both Maple Street and Lake Avenue. It also achieves the objective of developing 250 Lake Avenue without the need to destroy the heritage tree or house.

LANE

91° 46' 45" 13.14

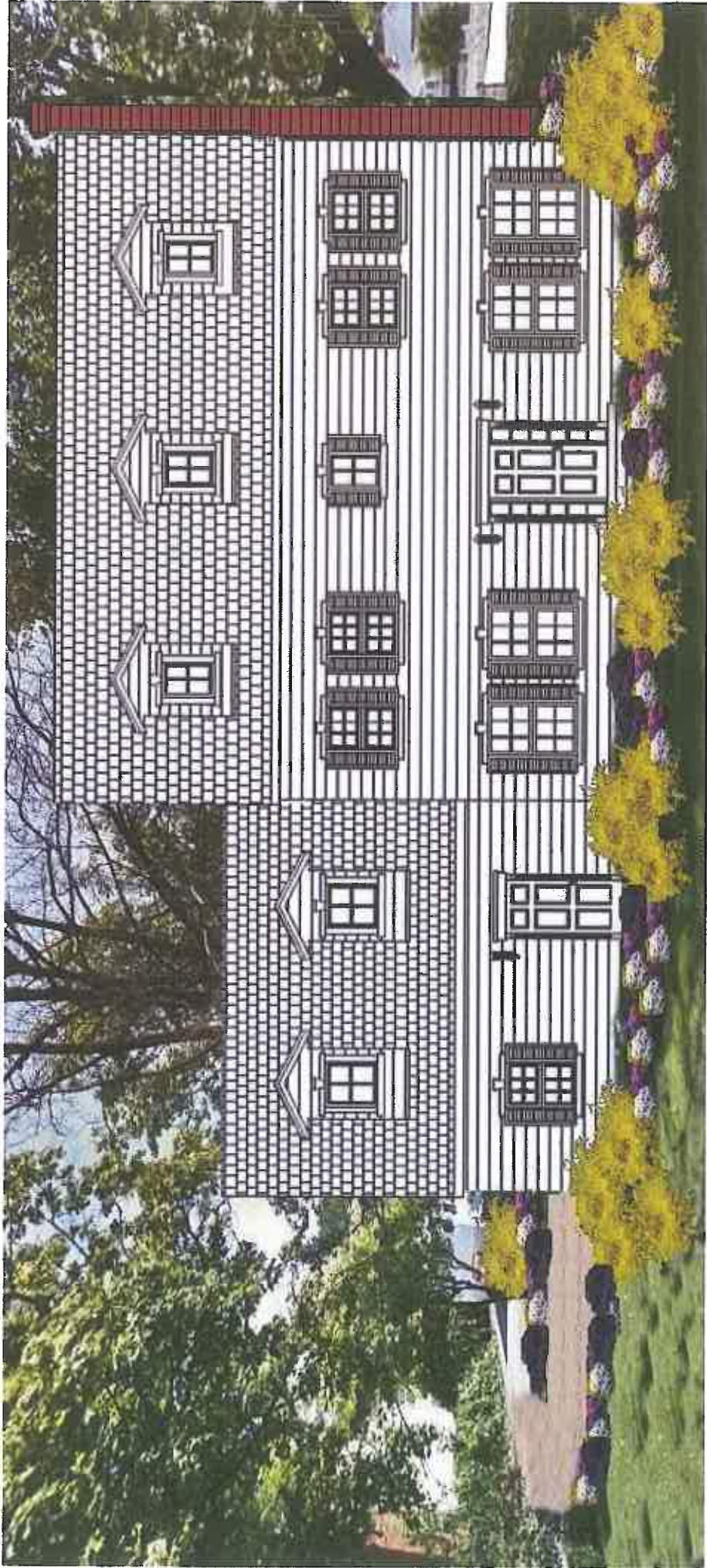


MAPLE ST.

LAKE AVE.

PLOT PLAN

SCALE 1/8" = 1'-0"

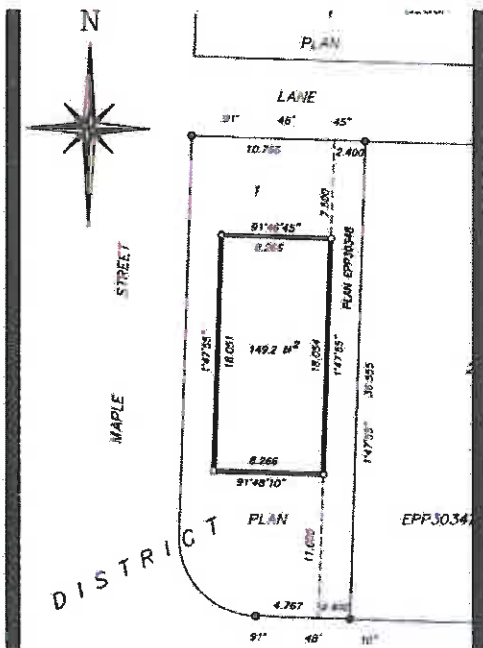


Proposed New House at 250 Lake Avenue, viewed from Maple Street



Proposed New House at 250 Lake Avenue, viewed from Lake Avenue

250 Lake Avenue Covenant Area Density Calculations



The building envelope covenant area recommended by staff, supported by the applicant and adopted by Council is 149.2 square meters, which is a site coverage of 31%.

Council, by requiring a covenant, reduced the permissible coverage below that normally allowed for RU3, but they did not reduce the permitted height below the normal 2 1/2 stories/9.5 meters *although they could have done if they so wished.*

Staff, members of the public and the Community Heritage Committee could have recommended such a height limitation to Council during the zoning process, *but they did not do so despite the applicant making clear during that process that she intended to construct approximately 2,600 sq ft of living area and an integral double garage.*

The allowed Gross Floor Area Ratio (including wall thicknesses) is thus 77.5%, or 373 square meters, which translates to a permissible useable area of 3,661 sq ft (after deductions for wall thicknesses). 2,600 sq ft of living space plus a 450 sq ft integral garage is well within this limit.

Since the property is in the Abbott Street Heritage Conservation Area, in addition to appropriate zoning, a pre-requisite to the issuing of a building permit is the issuing of a Heritage Alteration Permit to regulate the "form and character" of a proposed new building.

Clarifying the intent of this, the Heritage Procedures Bylaw includes:

8.2 *The uses or density of land use permitted under the zone designation of the Zoning Bylaw may not be varied by a Heritage Alteration Permit.*

Limitations on the overall size of a building may only be imposed pursuant to the zoning bylaw and not by misconstruing "form and character" pursuant to the Heritage Procedures Bylaw to include aspects of density or use.

250 Lake Avenue, Design Rationale - Size and Massing

The site coverage permitted by zone RU3 for this lot, after the adjustment necessary to resolve the former encroachment, is 193 sm.

A building height of 2 1/2 stories to a maximum of 9.5 m, measured from grade to halfway up the slope of the roof, is permitted by the zoning.



Preservation of the London Plane tree at the southern end of the lot has required that the actual coverage be reduced to a maximum of 149 sm, massed at the northern end of the lot, while still conforming with regard to sideyards.



The size and position of the building footprint were determined during the public hearing process which resolved the former encroachment. This determination was incorporated into a building envelope covenant which is being filed against the title.

The articulation necessary to avoid a sterile "boxy" look reduces the proposed footprint to some 143 sm. An integral garage results in a first floor finished area of 84 sm (906 sq ft), a second floor finished area of 111 sm (1,195 sq ft). A finished attic of some 50 sm (536 sq ft) will also be incorporated.

The massing means that the appropriate context for comparisons becomes the southern half of the 1800 block of Maple St.

In order to compare like with like, the finished floor areas for the eight houses in the southern half of the 1800 block of Maple were obtained from the BC Assessment Authority and the attached comparison chart was prepared, showing that three of those houses are larger and five are smaller in terms of finished area for property tax assessment purposes. The median size of assessed finished space in the southern half of the 1800 block of Maple Street is approximately 2,600 sq ft.

However, several properties within the immediate area have fenestrated space on levels where no finished space is shown on the assessment record. This space nevertheless adds



to the apparent bulk of the properties.

<-For example, 1857 Maple Street has windowed space in the basement and on three floors above that.

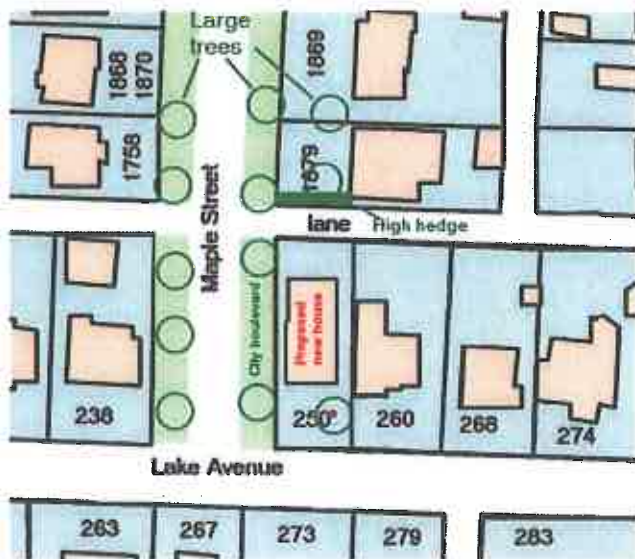
So has 1853 Abbott Street. ->



If the attic space is excluded from the calculation for the proposed 250 Lake Avenue, six of the eight houses are larger than it is in finished area.

Address	1st Floor sq ft	2nd Floor sq ft	Finished basement sq ft	Finished attic sq ft	Total finished
Proposed 250 Lake (adjacent to 1879 Maple)	906	1195	0	536	2637
1847 Maple	1638	0	1080		2718
1852 Maple	1449	800	600		2849
1857 Maple	1250	900	450		2600
1862 Maple	1320	1000	400		2720
1869 Maple	1026	750	0		1776
1870 Maple	1215	650	567		2432
1878 Maple	1044	0	600		1644
1879 Maple	1288	0	900		2188

238 LAKE 1059 850 990 2939



The size and position of the building envelope for #250 Lake Avenue was established by covenant as a condition of the rezoning to RU3 which was necessary in order to perform the lot boundary adjustment necessary to develop #250 without the necessity to demolish the old house. The rationale for the envelope location was the need to maintain fire separation from the old house and the desire to preserve the London Plane tree.

As the plan shows, preservation of the house and tree has resulted in a relatively small lot at #250 and uneven spacing between properties.

However it is considered preferable to accept these anomalies rather than to demolish and replace the old house, which cannot successfully and economically be moved.

<http://charmeck.org/city/charlotte/planning/AreaPlanning/UrbanDesign/Documents/UrbanDesignDefinitions.pdf>

Urban Design Webpage-Definitions

The "loose" use of technical planning and architectural terms frequently causes confusion to the public. The "definitions" section of the website of the City of Charlotte may serve to alleviate such misunderstandings.

What is Urban Design?

Urban Design addresses the character and quality of the built environment in relation to the human scale. Urban designers are involved with building design (specifically massing, scale, and articulation), streetscape, and open space design.

Human Scale-Human scale can be defined as the proportional relationship of the physical environment (buildings, trees, parking lots, streets, etc.) to human dimensions.



Massing

Massing describes the relationship of the building's various parts to each other. Architectural elements such as windows, doors and roofs as well as interior floor plans can affect building mass. Massing is important because it is one of several details that determine the visual interest of a building and how it blends with its surroundings.



Can you identify the massing differences in these structures?

Scale

Scale is the relationship of a building in terms of size, height, bulk, intensity and aesthetics to its surroundings. A building's scale is contextual in nature and is a key factor in determining how well it blends with the neighborhood.



The scale of new development should compliment the neighborhood.

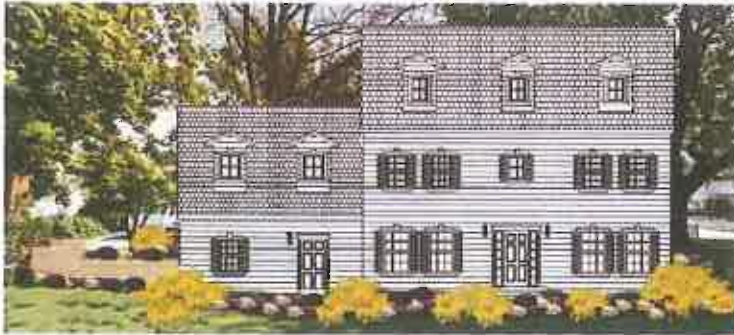
Articulation

Articulation refers to the division of a building into meaningful parts. Elements of articulation include treatment to porches, balconies, doors, windows, roofs, materials and other architectural details.



This residence is articulated on all sides with windows, wrap around porch, variances in façade depth and color and material changes.

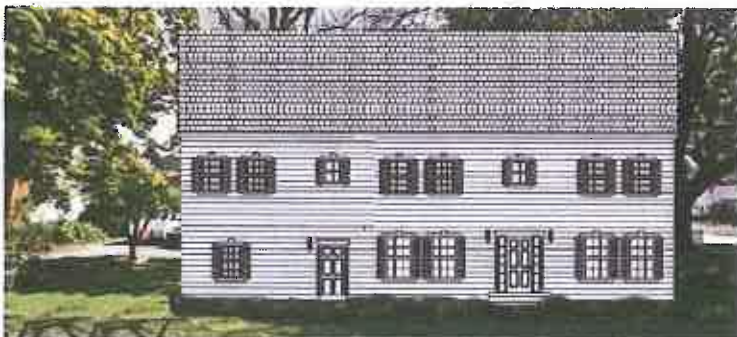
250 Lake Avenue, Massing and Density Comparisons



The proposed design for the new house to be constructed at 250 Lake Avenue is shown here.

It comprises an integral double garage and 2,637 square feet of finished living space, laid out in a structure which is partially 1 1/2 stories and partially 2 1/2 stories, fitting within the footprint defined by the building

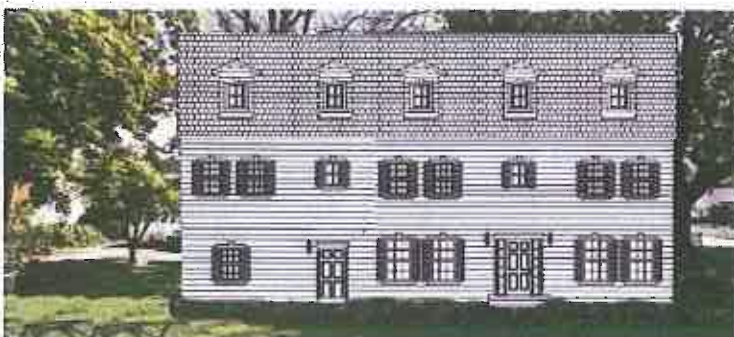
envelope covenant. It demonstrates articulation both by the variation in height and the increased setback of the garage.



This picture illustrates a different massing of the same elements within the covenanted footprint, but with no variation in density of land use as expressed in Gross Floor Area Ratio.

It incorporates almost exactly the same garage and finished living space (actually 2,586 square feet), but in a structure

which is defined as two stories over the whole footprint, with no articulation possible.



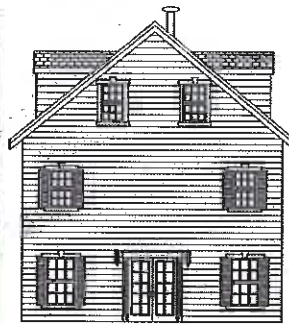
This picture illustrates a different density, filling the covenant area to the 2 1/2 story maximum height permitted by the zoning.

It comprises the same garage but 3,211 square feet of finished living space and is in fact the as-of-right entitlement for the lot.

250 Lake Avenue - Design Considerations

We have worked with staff to research building forms which will:

1. Maintain the FAR authorized by Council pursuant to the Zoning Bylaw.
2. Fit the building envelope specified by covenant as a condition of adoption of the RU3 rezoning.
3. Minimize the apparent massing of the building.
4. Present a Colonial Revival facade from both Maple Street AND Lake Avenue.



We consider that Mr Boback's design, modified as shown here with respect to the south elevation, most successfully satisfies those criteria. It provides 2,637 square feet of living space, which closely matches the 2,600 square feet which is the median for the immediate area and which is what Council approved.



We reviewed formats where the roof pitch starts at the top of the

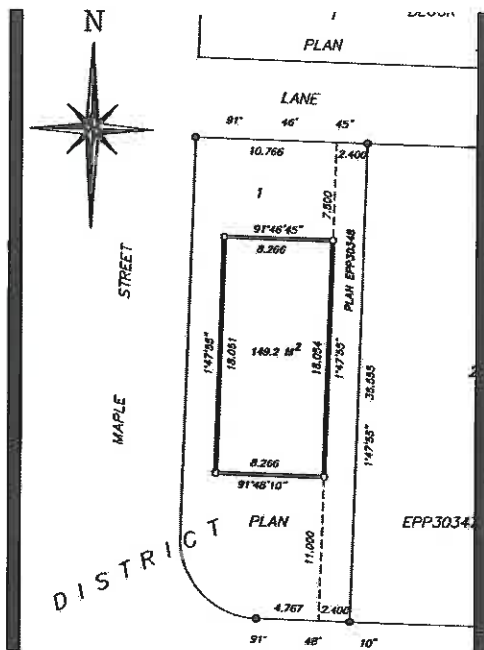
first floor on the front, rear or both and two floors of living space are located behind it.

With all of these formats we found an insurmountable problem: To obtain an area on the third level wide enough to qualify as "living space" (defined as headroom exceeding 6'6"), simple geometry showed that the front-to-back measurement of the footprint had to be at least 29 feet. At the width determined by the building envelope covenant, 27 feet, the "attic" rooms would have a width of only 6 feet, wherever the roof peak occurred on the footprint.



We briefly considered a gambrel roof design, but quickly rejected it when we realized that it would not meet the height criteria of the Kelowna zoning bylaw.

250 Lake Avenue - Covenant Area Massing Calculations.



The covenant area recommended by staff, supported by the applicant and adopted by Council is 149.2 square meters.

This is a footprint of 1,606 square feet.

After allowing for wall thicknesses, both exterior and interior, this gives a usable space of 1,470 square feet.

On December 11th, 2012 Council approved a building with an integral double garage and approximately 2,600 square feet of living space to be built in the covenant envelope.

A double garage is 450 square feet.

Therefore 3,050 square feet must be accommodated within the footprint.

The Geotechnical Report produced by Albert Losch, P.Eng and filed with the City on February 18, 2013 shows that the water table precludes any below-grade living space.

With no articulation (i.e. a plain box) this therefore requires just over two floors above grade, plus a roof.

With ANY articulation this requires that at least some significant part of the footprint must be 2 1/2 stories.

Put another way, ANY design of less than 2 1/2 stories would have to reduce the density (floor area ratio) below that which Council has already approved pursuant to the zoning bylaw.

TITLE SEARCH PRINT

2013-06-05, 09:09:41

Requestor: PD17991

Folio/File Reference:

****CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN****

Land Title District	KAMLOOPS
Land Title Office	KAMLOOPS
Title Number	CA2460242
From Title Number	KX186771
Application Received	2012-03-29
Application Registered	2012-04-10
Registered Owner in Fee Simple	
Registered Owner/Mailing Address:	MARIANNE JOY HILL, Landscaper 260 LAKE AVENUE KELOWNA, BC V1Y 5W7
Taxation Authority	CITY OF KELOWNA
Description of Land	
Parcel Identifier:	002-088-801
Legal Description:	LOT 5 BLOCK D DISTRICT LOT 14 OSOYOOS DIVISION YALE DISTRICT PLAN 2220
Legal Notations	NONE
Charges, Liens and Interests	
Nature:	MORTGAGE
Registration Number:	CA2460244
Registration Date and Time:	2012-03-29 11:26
Registered Owner:	FIRST WEST CREDIT UNION
Remarks:	INTER ALIA
Duplicate Indefeasible Title	NONE OUTSTANDING
Transfers	NONE
Pending Applications	NONE

REPORT TO COUNCIL



Date: June 5, 2013

RIM No. 1250-30

To: City Manager

From: Land Use Management, Community Sustainability (AR)

Application: Z13-0006 & OCP13-0005 **Owners:** Raisanen Construction Ltd. (Inc. No. 135257)
PC Urban (Brandt's Creek) Holdings Corp. (Inc. No. BC0933576)

Address: 1982 Kane Road **Applicant:** Fred Marin
1970-1974 Kane Road

Subject: Rezoning & Official Community Plan Amendment Applications

Existing OCP Designation: MRL - Multiple Unit Residential (Low Density)
MRM - Multiple Unit Residential (Medium Density)

Proposed OCP Designation: COMM - Commercial
MRL - Multiple Unit Residential (Low Density)
MRM - Multiple Unit Residential (Medium Density)

Existing Zone: A1 - Agriculture 1

Proposed Zone: C3 - Community Commercial
RM1 - Four Dwelling Housing
RM3 - Low Density Multiple Housing
RM5 - Medium Density Multiple Housing

1.0 Recommendation

THAT Official Community Plan Bylaw Amendment No. OCP13-0005 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of portions of Lot 1, Section 33, Township 26, ODYD, Plan 4043, located at 1982 Kane Road, Kelowna, BC from the MRL - Multiple Unit Residential (Low Density) and MRM - Multiple Unit Residential (Medium Density) designations to the COMM - Commercial, MRL - Multiple Unit Residential (Low Density), and MRM - Multiple Unit Residential (Medium Density) designations, as shown on Map "A1" attached to the Report of Land Use Management Department dated June 5, 2013, be considered by Council;

AND THAT Official Community Plan Bylaw Amendment No. OCP13-0005 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of a portion of Lot C, Section 33, Township 26, ODYD, Plan EPP18422, located at

1970-1974 Kane Road, Kelowna, BC from the MRM - Multiple Unit Residential (Medium Density) designation to the COMM - Commercial designations as shown on Map "A2" attached to the Report of Land Use Management Department dated June 5, 2013, be considered by Council;

AND THAT Rezoning Application No. Z13-0006 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of Lot 1, Section 33, Township 26, ODYD, Plan 4043, located at 1982 Kane Road, Kelowna, BC from the A1 - Agricultural 1 zone to the C3 - Community Commercial, RM1 - Four Dwelling Housing, RM3 - Low Density Multiple Housing, and RM5 - Medium Density Multiple Housing zones, as shown on Map "B1" attached to the Report of the Land Use Management Department dated June 5, 2013, be considered by Council;

AND THAT Rezoning Application No. Z13-0006 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot C, Section 33, Township 26, ODYD, Plan EPP18422, located at 1970-1974 Kane Road, Kelowna, BC from the RM5 - Medium Density Multiple Housing zone to the C3 - Community Commercial zone, as shown on Map "B2" attached to the Report of the Land Use Management Department dated June 5, 2013, be considered by Council;

AND THAT Council considers the applicant's April 11, 2013 Public Information Session 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 June 5, 2013;

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

AND THAT final adoption of the Zone Amending Bylaw for Lot 1, Section 33, Township 26, ODYD, Plan 4043 (1982 Kane Road) be considered in conjunction with Council's consideration of a Development Permit on the subject property;

AND THAT final adoption of the Zone Amending Bylaw for Lot 1, Section 33, Township 26, ODYD, Plan 4043 (1982 Kane Road) be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer;

AND THAT final adoption of the Zone Amending Bylaw for Lot 1, Section 33, Township 26, ODYD, Plan 4043 (1982 Kane Road) be considered following registration of a mutual access agreement for access over Lot C, Section 33, Township 26, ODYD, Plan EPP18422 (1970-1974 Kane Road) and Lot 1, Section 33, Township 26, ODYD, Plan 4043 (1982 Kane Road) in favour of each lot, and a cross-parking and loading agreement between Lot C, Section 33, Township 26, ODYD, Plan EPP18422 (1970-1974 Kane Road) and Lot 1, Section 33, Township 26, ODYD, Plan 4043 (1982 Kane Road) in favour of each lot, to the satisfaction of the City of Kelowna, on the titles of both Lots C and 1 in the Land Titles Office;

AND THAT final adoption of the Zone Amending Bylaw for Lot 1, Section 33, Township 26, ODYD, Plan 4043 (1982 Kane Road) be considered subsequent to the requirements of the Development Engineering Branch and Glenmore-Ellison Improvement District being completed to their satisfaction;

AND FURTHER THAT final adoption of the Official Community Plan Bylaw Amendment Bylaw and the Zone Amending Bylaw for Lot C, Section 33, Township 26, ODYD, Plan EPP18422 (1970-1974 Kane Road) be considered separately from final adoption of the Official Community Plan Bylaw

Amendment Bylaw and the Zone Amending Bylaw for Lot 1, Section 33, Township 26, ODYD, Plan 4043 (1982 Kane Road).

2.0 Purpose

This application seeks to rezone the subject lands at 1982 Kane Road from the A1 - Agricultural zone to the C3 - Community Commercial, RM1 - Four Dwelling Housing, RM3 - Low Density Multiple Housing, and RM5 - Medium Density Multiple Housing zones, to facilitate Phase 2 of the existing Brandt's Creek Crossing retail shopping centre and future multi-family development. The proposed zoning requires amendments to the existing Official Community Plan (OCP) future land use designations, including expansion of the existing COMM - Commercial and MRM - Multiple Unit Residential (Medium Density) designations.

In conjunction with the subject applications, a minor correction to the zoning and OCP future land use designation on the west adjacent property at 1970-1974 Kane Road (Brandt's Creek Crossing - Phase 1) is proposed, to rezone a small portion of the northeast corner of the property from the RM5 - Medium Density Multiple Housing zone to C3 - Community Commercial, and to amend the future land use designation from MRM - Multiple Unit Residential (Medium Density) to COMM - Commercial, consistent with the balance of the property.

3.0 Land Use Management

According to the Kelowna 2030 OCP, commercial uses and increased residential density are encouraged within Village Centres, in the interest of supporting viable, pedestrian-oriented centres. The proposed extension of the COMM - Commercial future land use designation along Kane Road eastwards to Valley Road, to accommodate Phase 2 of the Brandt's Creek Crossing retail shopping centre, and the relative shift of the MRM - Multiple Unit Residential (Medium Density) designation northwards, is generally consistent with the principles of the OCP.

Within the proposed Commercial designation, the C3 - Community Commercial zone is considered to be the most appropriate for this location within the Glenmore Valley Village Centre, and is consistent with existing commercial lands within the Centre. Whereas Urban Centres are planned as strongly urbanized environments supported by high residential density, Village Centres are smaller scale areas, providing convenience commercial for area residents, typically focused along one or two arterial roads. Per the Zoning Bylaw, the C3 zone provides for "...the development of community commercial centres to serve more than one neighbourhood."

As proposed, the overall potential for residential development on the subject parcel is generally consistent with that afforded under the present OCP land use designations. The proposed RM5 - Medium Density Multiple Housing zone and the RM1 - Four Dwelling Housing zone are consistent with the residential density expectations of the MRM and MRL future land use designations, respectively, and provide for a transition of building form approaching the single family neighbourhood to the north of the subject site. Unfortunately, achievement of the comprehensive vision for the area north of Kane Road between Drysdale Boulevard and Valley Road is somewhat compromised by the unwillingness for coordinated development to proceed on the remnant parcel at 368 Valley Road.

Proposed Commercial Retail Development

In future design work, consideration should be given to the comprehensive design of development on the proposed commercial parcel relative to the existing Brandt's Creek Crossing - Phase 1 commercial development on the west adjacent site at 1970-1974 Kane Road – in terms of

coordinated design, layout, access and circulation – such that the two sites appear and function as one comprehensive commercial development.

A strong design interface with Kane Road should be maintained, with the continuation of building frontage adjacent to Kane Road in alignment with the existing commercial retail building on the west adjacent site, refined building elevations with glazing and building accesses, and enhanced landscaping. The proposed development should also provide a strongly articulated design response to the corner condition at Kane Road and Valley Road, through architectural form and treatment, landscaping, and public realm enhancements. Additionally, there should be a well considered treatment along the east property line, as the site is clearly visible from Valley Road and the relative portion of adjacent intervening property at 368 Valley Road is unlikely to develop given its relatively narrow dimension (see Subject Property Map on p.7).

In order for Village Centres to succeed, there needs to be integrated design for pedestrian circulation, safety, and comfort. As such, the proposed design should demonstrate a clear plan for separated, safe and comfortable pedestrian access and circulation, and coordinate seamlessly with the west adjacent commercial retail site. It should also be noted that there is a Zoning Bylaw requirement for a minimum of 2 m² of landscaped island per required parking space, as well as an OCP policy of one shade tree for every 4 parking spaces.

4.0 Proposal

4.1 Background

In January 2012, Council approved Zoning and OCP Amendment applications, subject to conditions, for the west adjacent property, to facilitate the construction of a retail shopping centre at 1970-1974 Kane Road (present Brandt's Creek Crossing - Phase 1) and future multi-family residential development at 333 Drysdale Boulevard and 300 Glen Park Drive. In March 2012, Council subsequently approved Development and Development Variance Permit applications for the retail shopping centre at 1970-1974 Kane Road.

4.2 Project Description

1982 Kane Road

The applicant has submitted Official Community Plan (OCP) Amendment, Rezoning and Subdivision applications to extend the existing commercial and multi-family residential land uses on the west adjacent properties to the subject site, to enable:

- the continuation of commercial development on the north side of Kane Road to Valley Road, adjacent to the existing Brandt's Creek Crossing retail development;
- the completion of the final remaining portion of Drysdale Boulevard north to Glen Park Drive; and
- the reconfiguration of the subject lands relative to the west adjacent lands at 333 Drysdale Boulevard, so that the proposed multi-family residential parcels can be comprehensively developed, with access from Drysdale Boulevard (see attached Conceptual Site Plan).

Specifically, the Rezoning application proposes to rezone the subject property from the existing A1 - Agriculture 1 zone to the C3 - Community Commercial, RM5 - Medium Density Multiple Housing, RM3 - Low Density Multiple Housing, and RM1 - Four Dwelling Housing zones, consistent with Map 'B1' attached.

Consistent with the existing commercial properties in the Glenmore Valley Village Centre, C3 zoning is proposed along the Kane Road frontage, at the south end of the subject parcel. The proposed C3 zoning would facilitate the development of community commercial uses adjacent to the existing Brandt's Creek Crossing - Phase 1 retail shopping centre site to the west at 1970-1974 Kane Road, and the completion of commercial development along the north side of Kane Road to Valley Road. The proposed commercial parcel would be approximately 5,360 m² in area and subdivided from the remainder of the subject development parcel. The conceptual site plan anticipates two retail buildings, with an approximate area of 1,635 m². It is anticipated that the proposed commercial parcel will be developed as Phase 2 of the existing Brandt's Creek Crossing retail shopping centre on the west adjacent property at 1970-1974 Kane Road.

The subject property owner, Raisanen Construction Ltd., has made demonstrated efforts to coordinate with the east adjacent property owner at 368 Valley Road, so that the proposed commercial site might extend fully to Valley Road; however, the property owner of this remnant parcel has not expressed an interest in moving ahead with development at this time.

The proposed RM5 and RM3 zone areas, north of the proposed C3 zone area, reflect the future alignment of Drysdale Boulevard relative to the existing RM5 and RM3 zoning on the west adjacent parcels at 333 Drysdale Boulevard and 300 Glen Park Drive, and would typically facilitate condominium and/or townhouse development. The proposed RM1 zoning at the far north end of the subject property, at Drysdale Boulevard and Glen Park Drive, would serve as a transition to the existing single-family neighbourhood, and permits a maximum of four dwelling units in a residential building.

While the zoning boundaries proposed are generally congruent with the OCP, they necessitate an amendment to the OCP to change the Future Land Use Designations for the subject property, consistent with Map 'A1' attached. The existing Commercial designation would be expanded to the east property boundary of the subject site, while the existing MRM and MRL designations would be updated to consider the Drysdale Boulevard alignment and existing land use designations on the west adjacent lands.

The applicant has provided a conceptual site plan that considers both the commercial development proposed at the south end of the subject property, and multi-family development to the north. Development Permit applications, however, have not yet been submitted in conjunction with the rezoning application. Should Council give favourable consideration to the rezoning application, Development Permit applications will be required for the commercial component of the proposal, as well as for the proposed RM1 component, prior to final adoption of the zone amending bylaw for the subject property. The proposed corresponding subdivision application would see the creation of two new multi-family residential parcels (in combination with the west adjacent multi-family lands at 333 Drysdale Boulevard) with access from Drysdale Boulevard. At present, it is anticipated that the development of multi-family residential on the proposed parcels will be pursued at a future date through a separate Development Permit process. The OCP Comprehensive Design Guidelines will apply to future commercial and multi-family development on the site.

Proposed Future Multi-Family Residential Development

When plans for the multi-family sites advance – for townhouse and/or apartment development – design consideration should be given to creating an effective, pedestrian-oriented street edge, with primary building elevations and entrances for ground-level units fronting onto public street.

In conjunction with the Subdivision application, vehicular access for the proposed RM5 zoned parcels will be sought from Drysdale Boulevard. Based on the proposed concept plan, staff would seek consolidated access for “Proposed Lot 2” with “Proposed Lot 3” on Drysdale Boulevard. Provision of access for the proposed multi-family residential complex from the existing commercial service lane is not suitable and would result in significant vehicular conflicts. Additionally, the layout and design of the proposed RM5 site should aim to minimize the effects of the south adjacent commercial site (Brandt’s Creek Crossing - Phase 1) on the enjoyment of proposed residential units, given that loading activities for the existing grocery store occur along the shared property boundary. The proposed new commercial development should ensure appropriate setbacks and landscaping to the adjacent residential parcels.

1970-1974 Kane Road

In conjunction with the subject applications, a minor correction to the zoning and OCP future land use designation on the west adjacent property at 1970-1974 Kane Road (Brandt’s Creek Crossing - Phase 1) is also proposed, to rezone a small portion of the northeast corner of the property from the RM5 - Medium Density Multiple Housing zone to C3 - Community Commercial, and to amend the future land use designation from MRM - Multiple Unit Residential (Medium Density) to COMM - Commercial, consistent with the balance of the property, and as reflected on Maps “A2” and “B2”. These amendments are consistent with the intent of the original Zoning and OCP Amendment applications approved in January 2012.

4.3 Site Context

The subject 1.98 ha property is located in the Glenmore Valley Village Centre, with primary frontage on Kane Road. The surrounding area is a mix of Village Centre commercial, existing and future multi-family development, and single-family housing. Within a 5 minute walking distance (400 m) of the site are Whitman Glen Park, Sutton Glen Park, Brandt’s Creek Linear Park, and the future Glenmore Recreation Park. Nearby transit routes run along Kane Road and Valley Road.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU2 - Medium Lot Housing	Single family housing
East	A1 - Agriculture 1 RR3 - Rural Residential 3	Undeveloped rural property (future multi-family)
South	A1 - Agriculture 1	Undeveloped rural property (future multi-family)
West	C3 - Community Commercial RM3 - Low Density Multiple Housing RM5 - Medium Density Multiple Housing	Brandt’s Creek Crossing - Phase 1 retail shopping centre Vacant (future multi-family) Vacant (future multi-family)

Subject Property Map: 1982 Kane Road



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Staff recommends that the applicant’s April 11th, 2013 Public Information Session 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, other boards, councils or agencies listed in Section 879, is not required in this case.

Staff have reviewed this application and it may move forward without affecting either the City’s Financial Plan or Waste Management Plan.

Chapter 5 - Development Process

Policy 5.2.3 - Complete Suburbs. Support a mix of uses within Kelowna’s suburbs (see Map 5.1 - Urban Core Area), in accordance with “Smart Growth” principles to ensure complete communities. Uses that should be present in all areas of the City (consistent with Map 4.1 - Future Land Use Map), at appropriate locations, include: commercial, institutional, and all types of residential uses (including affordable and special needs housing) at densities appropriate to their context. Building heights in excess of four storeys will not be supported within the suburban areas, unless provided for by zoning existing prior to adoption of OCP Bylaw 10500.

Policy 5.3.2 - Compact Urban Form. 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.

Policy 5.10.1 - 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. With new developments, require dedication of on-site walking and cycling paths where necessary to provide links to adjacent parks, schools, transit stops, recreation facilities, employment nodes, cul-de-sacs and large activity areas.

Policy 5.40.1 - Evaluation Checklist (OCP Amendment Applications)

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 and 5.2)? - *Yes.*
- Does the proposed development feature a mix of residential, employment, institutional, and/or recreational uses within individual buildings or larger development projects? - *Yes. The overall site calls for a mix of commercial and multi-family uses.*
- Is the proposed development located in an Urban Centre? - *No. The site is located within a Village Centre.*
- Does the proposed development increase the supply of affordable (as defined in the OCP) apartments or townhouses? *No affordable housing component is contemplated at this time.*
- 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.) - *Yes.*
- Would the proposed project help decrease the rate of travel by private automobile, especially during peak hours? - *Yes. The increased commercial space would create a greater critical mass in the Glenmore area, limiting automobile trips to other areas.*
- 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? - *Yes.*
- 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? - *Yes. The other commercially designated sites in the Glenmore Valley Village Centre are already developed, with the exception of a modest A1 zoned site on Glenmore Road.*
- Does the project avoid negative impacts (shadowing, traffic, etc.) on adjoining properties where those adjoining properties are not slated for land use changes? - *Yes. Adjoining properties to the east and west are designated and/or zoned for multi-family development.*

- Is the project consistent with the height principles established in the OCP? - Yes.
- If the project goes ahead, would surrounding property owners be likely to develop their properties as per OCP Future Land Use and other City policy provisions? *The proposed development would not impede surrounding property owners from developing as per OCP Future Land Use and other City policy provisions, with the exception of the remnant lot to the east at 368 Valley Road, which is presently not part of the subject land assembly.*
- Would the additional density or new land use designation enhance the surrounding neighbourhood in a way that the current land use designation does not? *The proposal would provide for additional commercial opportunities for surrounding residents.*
- Could the project be supported without over-burdening existing park and other community resources or threatening the viability of existing neighbourhood resources? - Yes. *Approximately the same amount of residential development potential over the entire site remains under the proposed future land use designations.*

Chapter 7 - Infrastructure

Policy 7.7.2 - Ease of Movement. Ensure that pedestrians, bicyclists and transit users can move about pleasantly and conveniently and that they are not unduly impeded in their movements by provisions for enhanced automobile mobility.

Policy 7.10.2 - Traffic Calming. At rezoning, require that all local and minor collector roads be traffic calmed at developer's cost if they are connected to a new development generating more than 10 trips during the peak hour. Priority should be given to traffic calming measures on roads near elderly and child-oriented spaces and facilities.

6.0 Technical Comments

6.1 Development Engineering Department

See attached Memorandum

6.2 Glenmore-Ellison Irrigation District

See attached Memorandum

7.0 Application Chronology

Application received:	February 4, 2013
Applicant Hosted Public Information Session:	April 11, 2013 (see attached Summary)
Supplementary materials received:	May 31, 2013

Report prepared by:

Abigail Riley, Land Use Planner

Reviewed by:

Danielle Noble, Manager, Urban Land Use

Approved for Inclusion

D. Gilchrist, A. General Manager, Community Sustainability

Attachments:

Maps A1 & B1

Maps A2 & B2

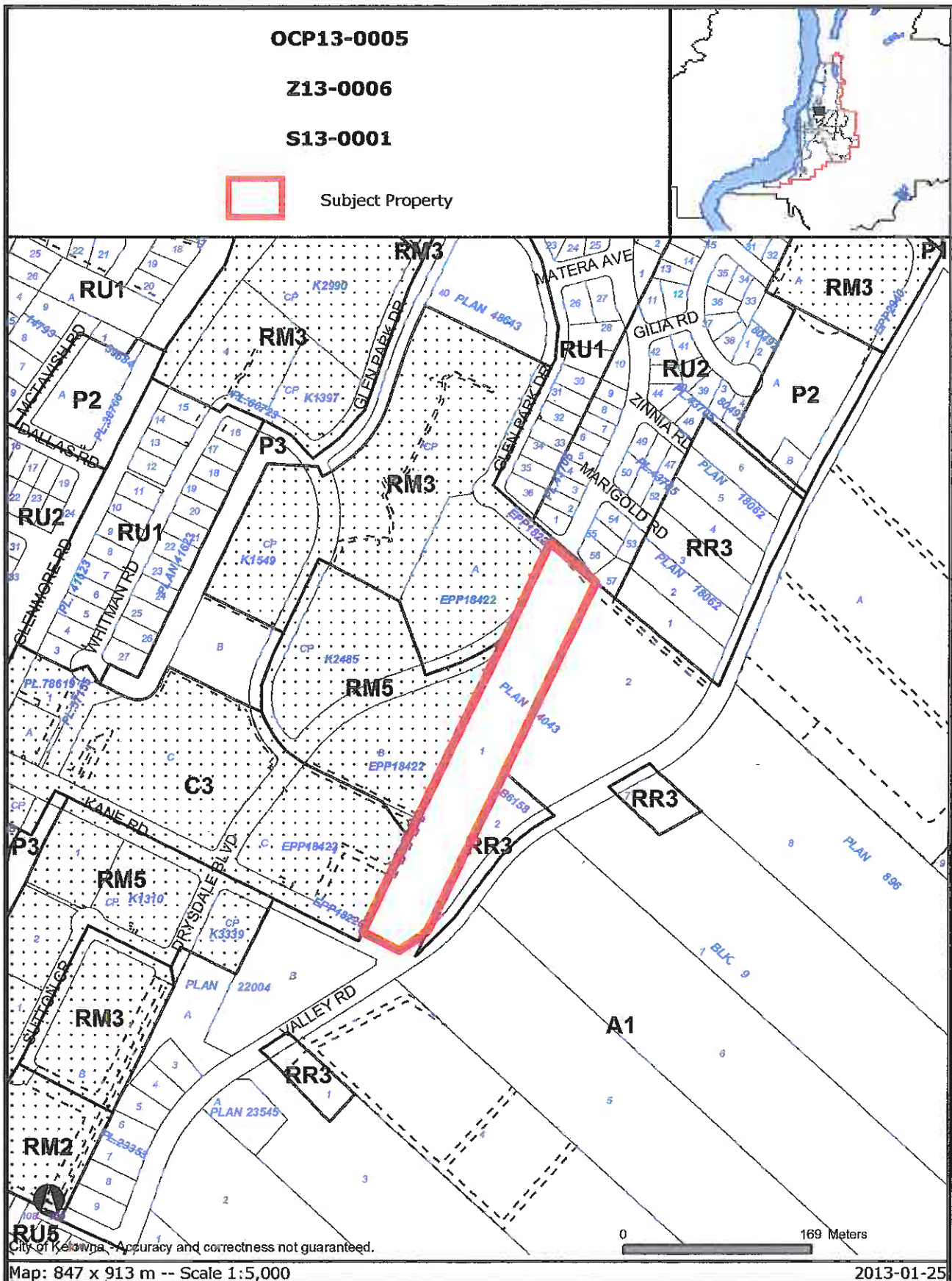
Subject Property Map

Conceptual Site Plan

Development Engineering Memorandum

Glenmore Ellison Irrigation District Memorandum

Applicant's Summary - Public Information Session











Subject Property Notes:

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

Subject Property Notes:

Amend the OCP for a portion of the subject property from Multiple Unit Residential (Medium Density) MRM to Commercial COMM.

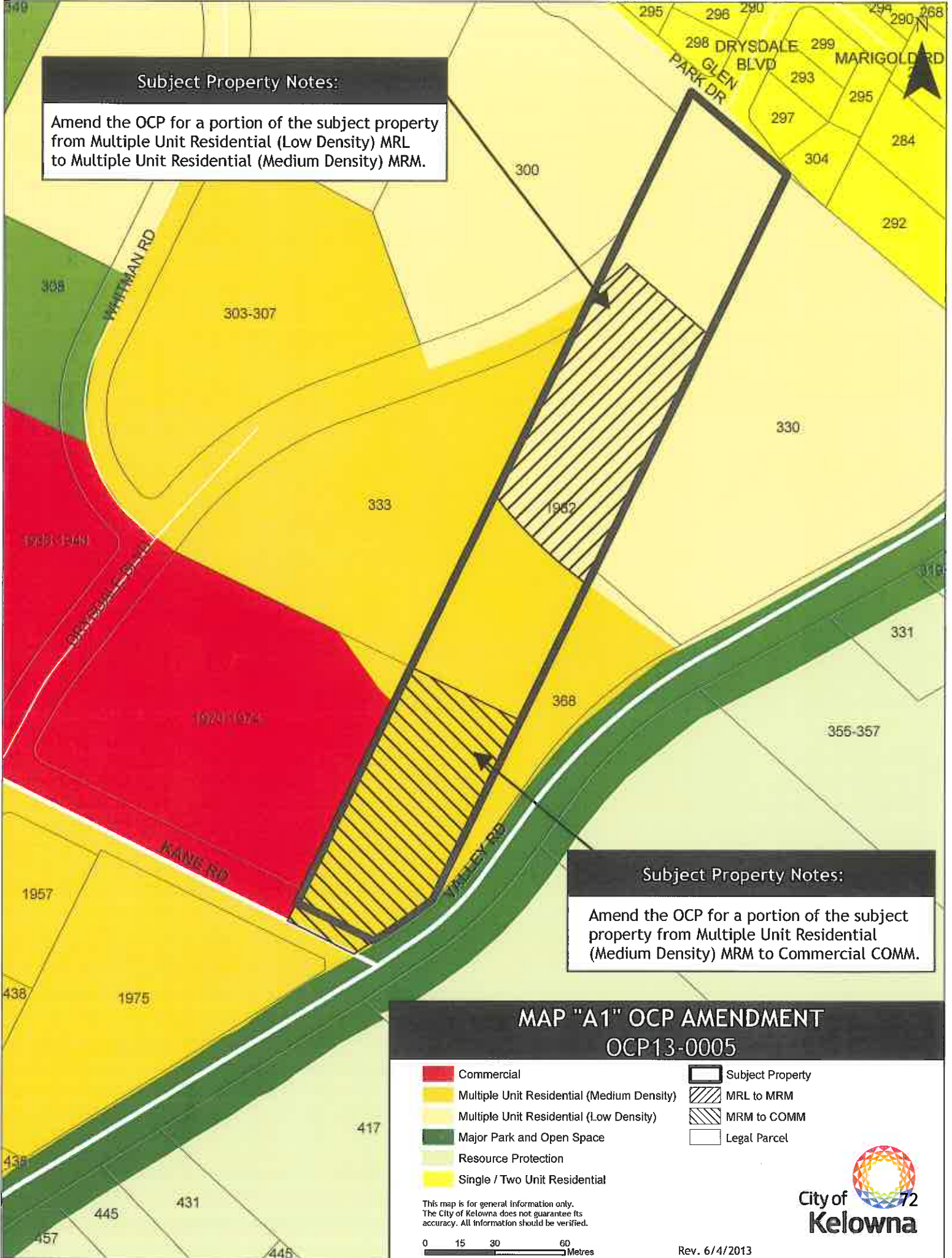
**MAP "A1" OCP AMENDMENT
OCP13-0005**

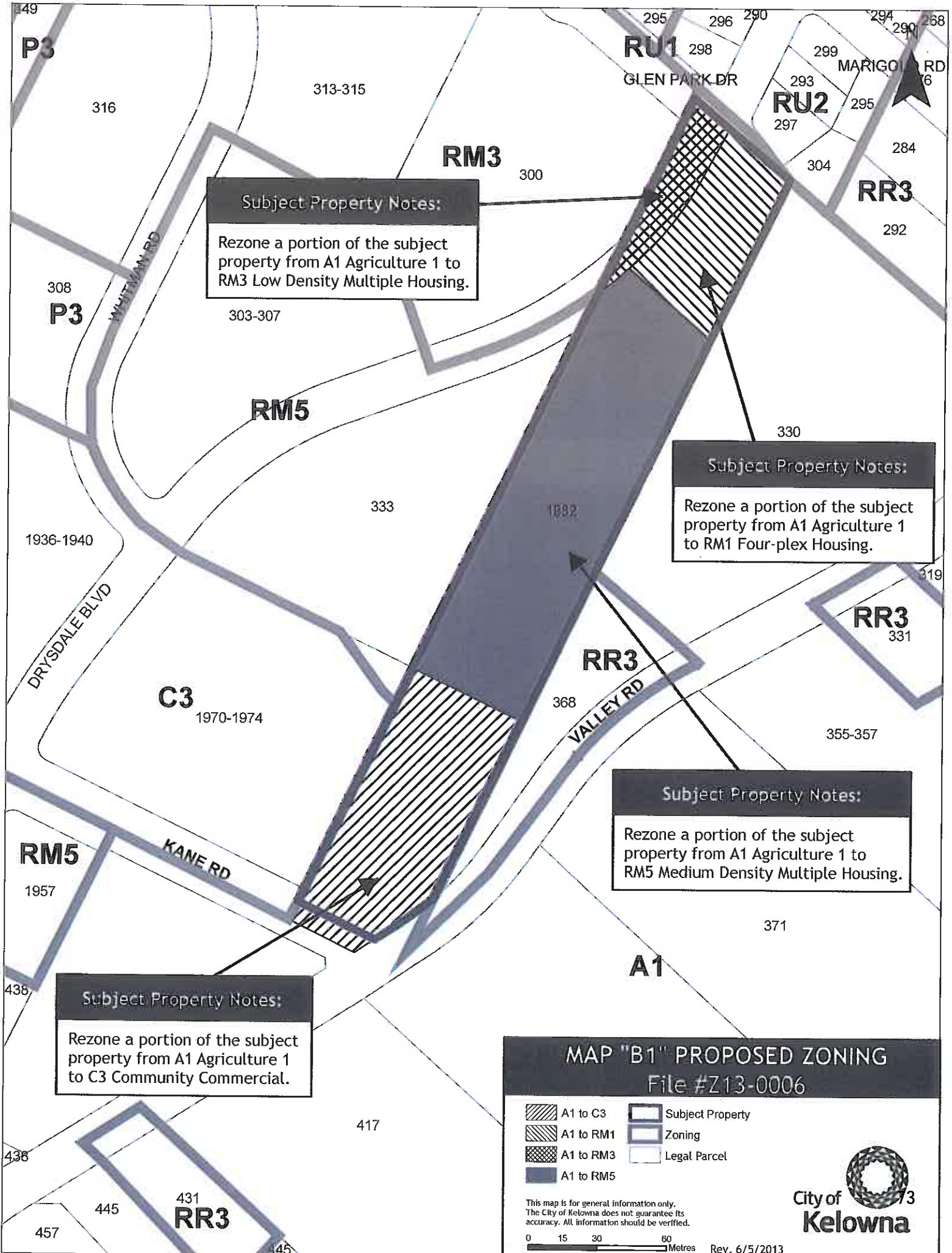
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|--|--|
|  Commercial |  Subject Property |
|  Multiple Unit Residential (Medium Density) |  MRL to MRM |
|  Multiple Unit Residential (Low Density) |  MRM to COMM |
|  Major Park and Open Space |  Legal Parcel |
|  Resource Protection | |
|  Single / Two Unit Residential | |

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

0 15 30 60 Metres

Rev. 6/4/2013





Subject Property Notes:
 Rezone a portion of the subject property from A1 Agriculture 1 to RM3 Low Density Multiple Housing.

Subject Property Notes:
 Rezone a portion of the subject property from A1 Agriculture 1 to RM1 Four-plex Housing.

Subject Property Notes:
 Rezone a portion of the subject property from A1 Agriculture 1 to RM5 Medium Density Multiple Housing.

Subject Property Notes:
 Rezone a portion of the subject property from A1 Agriculture 1 to C3 Community Commercial.

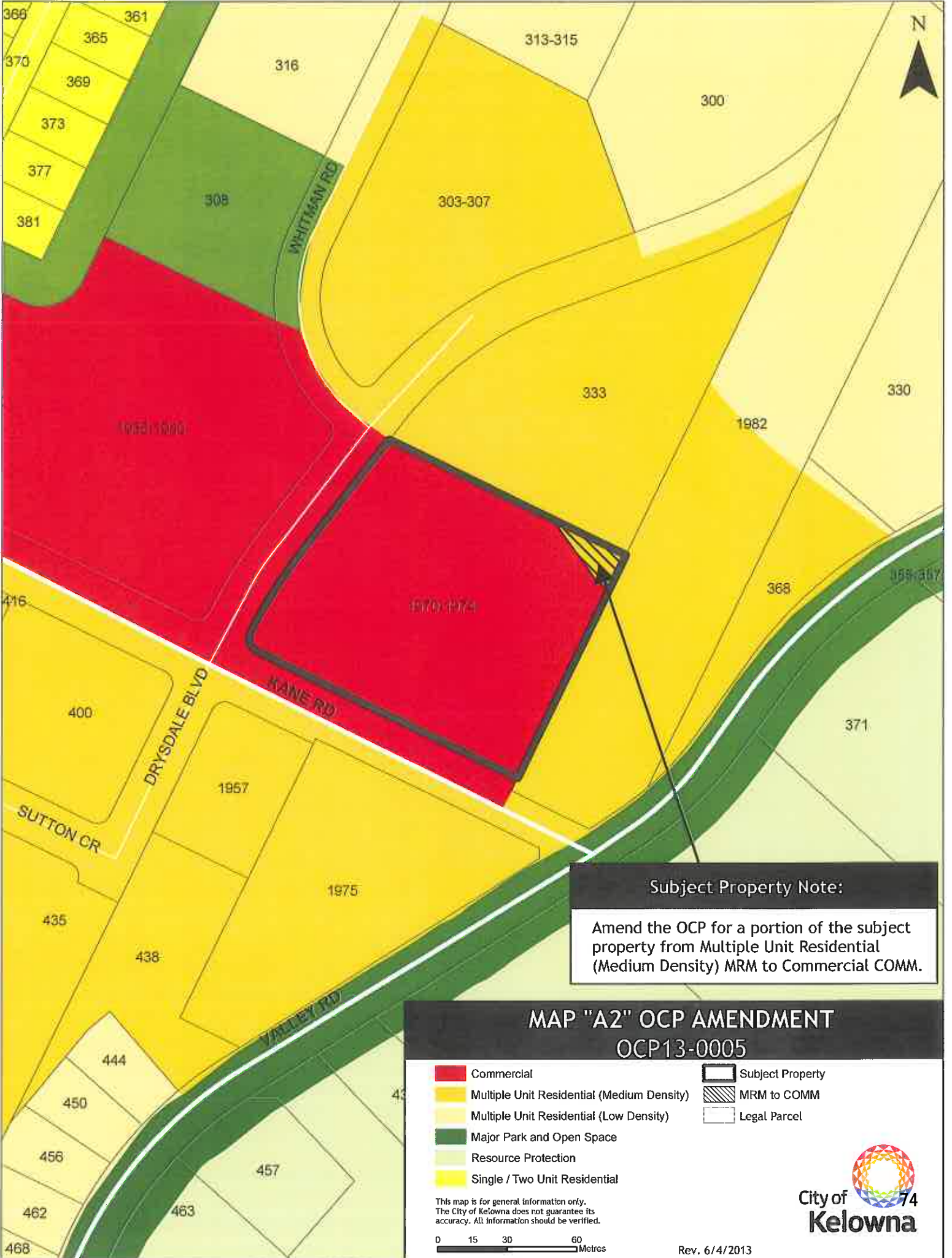
MAP "B1" PROPOSED ZONING
 File #Z13-0006

- A1 to C3
- A1 to RM1
- A1 to RM3
- A1 to RM5
- Subject Property
- Zoning
- Legal Parcel

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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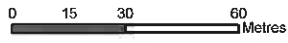


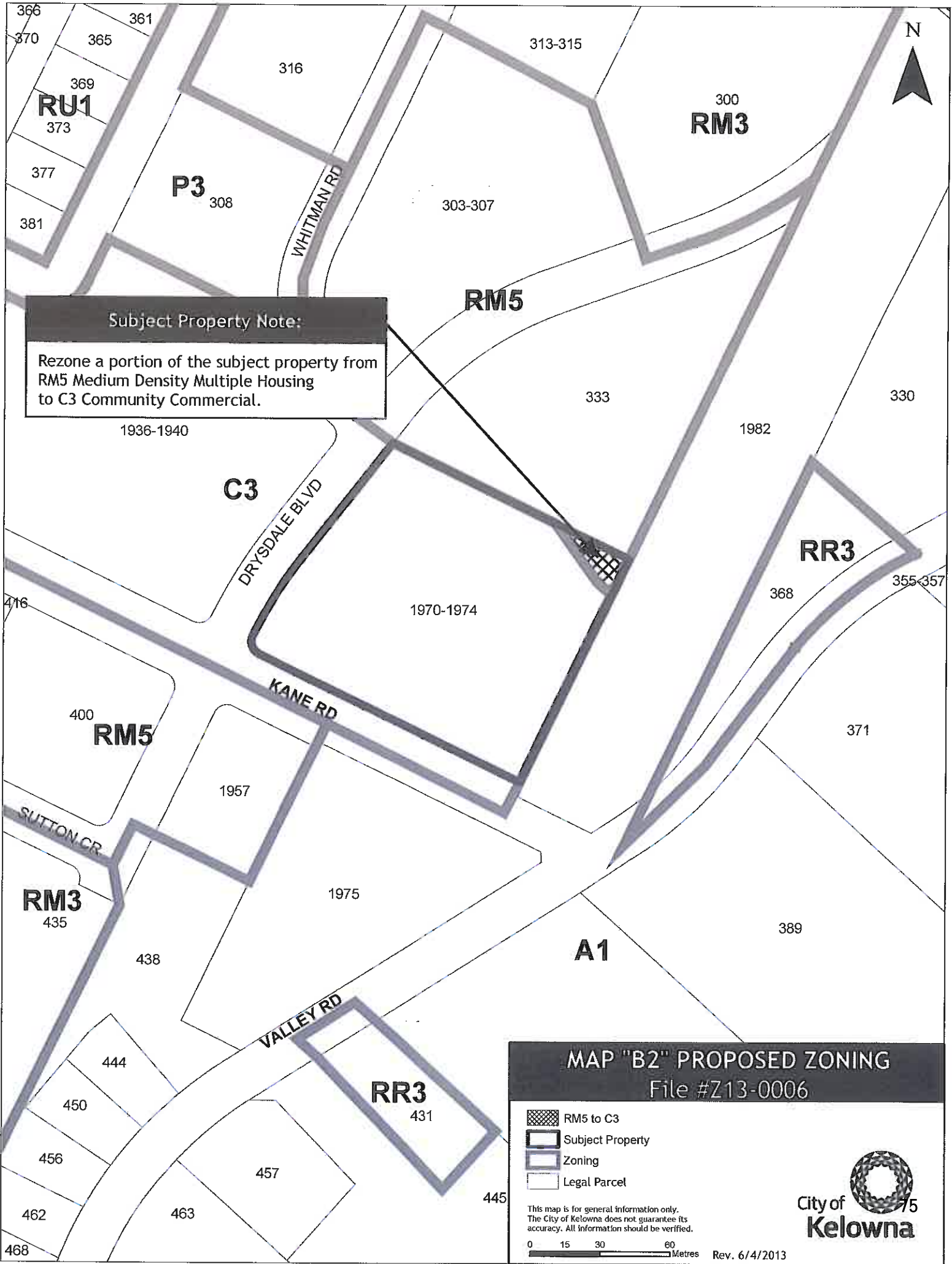
Subject Property Note:
 Amend the OCP for a portion of the subject property from Multiple Unit Residential (Medium Density) MRM to Commercial COMM.

**MAP "A2" OCP AMENDMENT
 OCP13-0005**

- | | |
|--|--|
|  Commercial |  Subject Property |
|  Multiple Unit Residential (Medium Density) |  MRM to COMM |
|  Multiple Unit Residential (Low Density) |  Legal Parcel |
|  Major Park and Open Space | |
|  Resource Protection | |
|  Single / Two Unit Residential | |





This map is for general information only.
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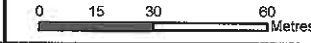


Subject Property Note:
 Rezone a portion of the subject property from RM5 Medium Density Multiple Housing to C3 Community Commercial.

MAP "B2" PROPOSED ZONING
 File #Z13-0006

-  RM5 to C3
-  Subject Property
-  Zoning
-  Legal Parcel

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



1	PLANNING	PREPARED BY
2	DESIGN	DATE
3	CONSTRUCTION	DATE

RAISANEN
CONSTRUCTION
LTD.

THOMAS
GAFFNEY
ARCHITECT
INC.
1000 W. WASHINGTON ST. # 200
CHICAGO, IL 60606

DRYSDALE BLVD
APARTMENTS

AREA
SITE PLAN

SCALE	DATE	NO.
1" = 80'-0"	11-27-11	A-1
DATE	NO.	
11-27-11	1	



1 AREA PLAN
1" = 80'-0"

AREA SITE PLAN

CITY OF KELOWNA
MEMORANDUM

FILE COPY

Date: April 28, 2013
File No.: Z13-0006
To: Land Use Management (AR)
From: Development Engineering Manager (Revision 2 Comments)
Subject: 1892 Kane Rd, Drysdale Blvd. Lot 1 Sec 33 TP 26 ODYD Plan 4043

The Development Engineering Branch comments and requirements regarding this application to rezone from A-1 Agriculture 1 zone to C3-Community Commercial, RM1 Four Plex Housing, RM3 Low Density Multiple Housing and RM5 Medium Density Multiple Housing are as follows:

.1) General

- a) The postal authorities must be contacted to determine whether or not a "community mailbox" will be utilized, and if so, its location should be determined and the proposed location shown on the construction plans. Please contact the Canadian Post Corporation, Delivery Services, P.O. Box 2110, Vancouver, B.C. V6B 4Z3 (604) 662-1381 in this regard.
- b) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement homes may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.
- c) Provide easements as may be required.

.2) Dedications

- a) On the Kane Road frontage, provide an additional 6m dedication for a roadway allowance matching the adjacent parcels to the west.
- b) Dedicate a 6m x 6m corner truncation at the Kane Rd, Valley Rd property line intersection.
- c) Additional road allowance widening (road reserve) for a roundabout at the Valley Rd intersection
- d) Dedicate and construct Drysdale Boulevard to a SS-R5 (20m) standard, matching the existing Drysdale Blvd. Provide a 6m radius corner rounding.
- e) Dedicate and construct Glen Park Drive to a SS-R5 (20m) standard, matching the existing Glen Park Drive.

.3) Geotechnical Study.

A comprehensive Geotechnical Study is required, which is to be prepared by a Professional Engineer competent in the field of geotechnical engineering, the study is to address the following:

- 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

.4) Water

- a) The property is located within the Glenmore Ellison Improvement District service area.
- b) Ensure an adequately sized domestic water and fire protection system is in place. The developer is required to make satisfactory arrangements with the GEID for these items. All charges for service connection and upgrading costs are to be paid directly to the GEID.

.5) Sanitary Sewer

- a) Provide an adequately sized sanitary sewer connection. Only one service is to be provided per lot.
- b) Decommissioning of the existing small diameter services and the installation of the new service will be at the applicant's cost.
- c) Perform a downstream capacity analysis of the City's Sanitary Sewer system based on the proposed development unit count.

.6) Drainage

- a) A requirement of this rezoning application will be to prepare a storm water management plan complete with a detailed Site Grading Plan including erosion and sedimentation controls required onsite and on the frontage roads.
- b) Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.
- c) There is a possibility of a high water table or surcharging of storm drains during major storm events. This should be considered in the design of the onsite system.

.7) Roads

- a) Kane Road is designated an urban collector road. Dedicate and construct the road to match the existing road section to the west and also to accommodate a future roundabout at the Valley Road intersection, including curb and gutter, separate sidewalk, piped storm drainage system, road works, landscaped boulevard complete with underground irrigation system, and street lights.
- b) On Kane Road a future asphalt overlay is required for the full road frontage up to the centre line of the road however, the City wishes to complete this work at a later date as part of a larger project; therefore cash in-lieu of construction is required.
- c) Drysdale Boulevard is designated an urban collector road. Dedicate and construct to a full urban standard including curb and gutter, sidewalk, piped storm drainage system, road works, landscaped boulevard complete with underground irrigation system, and street lights. The completion of the Drysdale Boulevard connection will necessitate traffic calming in the form of six speed humps. Locations are provided in the attached plan.
- d) Glenpark Drive shall be dedicated and constructed to a SS-R5 standard along the applicant's frontage, complete with curb and gutter, sidewalk, piped storm drainage system, road works, landscaped boulevard, underground irrigation and street lights.
- e) The existing driveway letdown along the Valley Road frontage shall be removed and the curb, gutter and sidewalk reconstructed to match the existing standard.
- f) Other comments may be forthcoming pending submission of Development Permit Drawings for on-site and directly adjacent-to-site zones.

.8) Power and Telecommunication Services and Street Lights

- a) Prior to issuance of Building Permit, the applicant must 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.

.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 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.

.10) Servicing Agreements for Works and Services

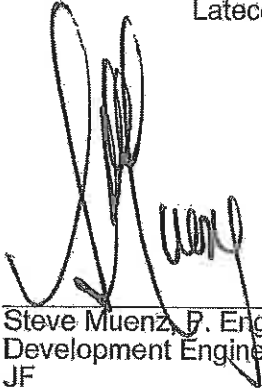
- a) A Servicing Agreement is required for all offsite works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. **The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works.** 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.

.11) Other Engineering Comments

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

.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 (GST exempt) – only if disturbed.
 - iii) Engineering and Inspection Fee: 3% of construction value (plus GST).
- c) Sewer Specified Area Administration Fee of \$250.00 to amend service boundary (Spec area 1).
- d) Storm Drainage (Detention Tank) proportionate cost **\$67,726.91** as per Latecomer Agreement 2250-70-91



Steve Muenz, P. Eng.
Development Engineering Manager
JF



Glenmore-Ellison Improvement District

445 Glenmore Road
Kelowna, BC V1V 1Z6

Email: glenmore.ellison@shaw.ca
Website: www.glenmoreellison.com

Phone: 250-763-6506

Fax: 250-763-5688

March 5, 2013

City of Kelowna
Land Use Management Dept.
1435 Water St.
Kelowna, BC

V1Y 1J4

Attention: Abigail Riley (via email: hbenmore@kelowna.ca)

Re: City of Kelowna Rezoning Application Z13-0006, OCP13-0005 & S13-0001
Lot 1, Plan 4043 - 1892 Kane Rd.

Glenmore-Ellison Improvement District is in receipt of a referral for the rezoning and subdivision of Lot 1, Plan 4043, 1892 Kane Rd.

According to Drawing A-1.1 dated January 2, 2013 from Thomas Gaffney Architect Inc., a total of six lots will be created from the three existing lots. This application includes the subdivision of Lot 1, Plan 4043, Lot A, Plan EPP18422, and Lot B, Plan EPP18422 to create six new parcels. The subdivision will also include the extension of Drysdale Boulevard north to Glen Park Drive. The newly created parcels will be zoned as RM-3, RM-1, RM-5, and C-3.

Water servicing

Lot 1, Plan 4043 has one domestic service connection on Kane Rd. and a separate irrigation connection at the north end of the property. Lots A & B, Plan EPP18422 are currently unserviced.

At the time of development, the two existing services currently supplying Lot 1, Plan 4043 must be removed and capped at GEID's watermains on Kane Rd. and Glen Park Dr., with all costs borne by the applicant. In addition, water service connections will need to be installed to all six lots created by the subdivision. Upon receipt of servicing details for these properties, GEID will be able to provide comments on the costs for this work, and any additional water servicing requirements that exist.

Performance bonding, maintenance bonding, and review fees will be required in accordance with GEID bylaws in force at the time of application. The applicant will need to have hydrant spacing and locations reviewed by the City of Kelowna Fire Department, based on expected fire flow requirements for the future development.

Capital Expenditure Charges

CECs were paid at time of subdivision for Lots A and B, EPP18422 and CECs are considered paid for Lot 1, Plan 4043. GEID's 2011 Capital Expenditure Charge Bylaw provides credits for existing water rights. A summary of the current CEC credits are as follows:

Parcel	Domestic CEC Credit	Agricultural CEC Credit
Lot A, Plan EPP18422	\$4,800	2.67 ac/1.08 ha * \$7,200 = \$7,776
Lot A, Plan EPP18422	\$4,800	3.29 ac/1.33 ha * \$7,200 = \$9,576
Lot 1, Plan 4043	\$4,800	4.85 ac/1.96 ha * \$7,200 = \$14,112
Subtotal	\$14,400	\$31,464

N:\Projects\0012-OCORP Mosaic Wingate Lot1&2_1957 Kane Rd\0012-01-02 Amalgation 1982 Kane Rd\L20130305dks.docx

TOTAL	\$45,864
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The total CECs payable for the six newly created lots are based on construction of a single family residence or the first 250 m2 of commercial floor area. Under current bylaws, the CEC rate is \$4,800 per unit, so a total of \$28,800 in CECs are required.

A total of \$17,064 in credits will remain after subdivision, which can be split among the six new parcels, or for simplicity, allocated to one of the six parcels of the applicant's choice. These credits, along with the \$4,800 per lot, will be credited towards the CECs payable at time of development. For multifamily and commercial developments, the actual CECs are based on the number of units or the floor area respectively, and will be assessed at the time of development.

Due to the existing CEC credits, no CECs are currently payable for the current subdivision application. Please note that GEID charges CECs on the basis of the bylaw in force at the time of payment, or at the time a water letter for subdivision is issued by GEID. In the event that a new CEC bylaw is passed between the date of this letter and the date of payment (or in the case of credits, the date that a water letter is requested from GEID), the new rates will be applied. The property owner must advise GEID regarding the allocation of the remaining credits prior to GEID issuing any water letters.

Development Application Fee

A Development Application Fee of \$150.00 is payable under GEID Miscellaneous Charge Bylaw #121 for the review of all subdivision, rezoning and development applications. Additional review fees will be billed to the developer in the event that multiple revisions are required to design drawings.

New Account Fees

As required in Miscellaneous Charge Bylaw #121, a fee of \$20.00 per newly created parcel is required. As this application includes the registration of six new parcels, new account fees of \$120.00 apply.

Inspection, Administration and Connection Fees and Bonding

GEID applies fees for inspection of new water service connections, for the disconnection of the existing services. Submission of engineering design drawings for water servicing is required to calculate the all other fees that apply under GEID bylaws, along with bonding requirements for the construction of new water main beneath Drysdale Road.

If you have any questions on this matter, please do not hesitate to contact my office.

Yours truly,

**GLENMORE-ELLISON
IMPROVEMENT DISTRICT**



Darren Schlamp
Operations Manager

c.c. Tim Brown, Porter Ramsay (via email: tbrown@porterramsay.com)

REB JRO
APR 12/13.
[Signature]

Summary Report of Neighborhood Consultation

Rezoning Z13-0006 / OCP Amendment OCP13-0005 / Subdivision S13-0001
1982 Kane Road, Kelowna (Raisanen Construction Ltd. – Owner)

Date: April 11, 2013

Prepared by: Fred Marin , Authorized Agent

In an effort to comply with recently adopted City of Kelowna policy No. 367, the applicant initiated and staged a neighborhood "Public open House" information session relating to the above noted application. The details of this neighborhood consultation are listed in point form as follows:

1. Where was the information session held ?
 - Okanagan Jewish Community Centre, 102 Snowsell St., Kelowna
 - Hosted by : Terry Raisanen (Owner), Fred Marin (Agent)
 - City of Kelowna representative: Abigail Riley (Land Use Management)

2. At what time and for what duration was the information session held?
 - Start was 7:00 pm for two hours, ended at 9:00 pm

3. How many people attended the information session?
 - Nine (9) signed attendees (plus 3 spouses for a total of 12)
 - Five (5) members of the Glenmore Valley Community Assn. (incl. above)

4. How was the information session advertised ?
 - Newspaper Ad , Th e Daily Courier , Friday , March 22, 2013 (copy attached)
 - Newspaper Ad, Capital News, Friday , March 22, 2013 (copy attached)
 - Hand delivered flyers to each of the properties within the 50 meter radius
 - E-mail copies of the flyer to each of the abutting property owners
 - E-mail copies of the flyer to the Glenmore Valley Community Assn. executive
 - E-mail notice to Strata Manager of condo complex at 333 – 337 Whitworth
 - Copies of the flyer and handout are attached.

5. How were affected property owners notified of the information session?
 - See 4. Above

6. What information was provided at the information session?

- 2' x 3' foam board display: color drawing of proposed rezoning
- 2' x 3' foam board display: line drawing of proposed buildings / site plan
- 2' x 3' Civil Engineer's drawing of proposed roadway (Drysdale Road)
- 11" x 17" handouts of proposed rezoning, site plan, proposed roundabout at corner of Kane Rd and Valley Rd (City Engineering supplied drawing).

7. How was the input received at the information session used?

- Concerns were expressed by attendees as to the traffic issues possibly resulting from the completion of Drysdale Blvd., this was already anticipated by the City Engineering dept. and traffic calming "bumps" have been made a requirement at suitable locations along the proposed extension of Drysdale Blvd. The residents were satisfied that the City / Developer had taken suitable precautions in this respect.
- Concerns were expressed as to density and building height for the RM-5 portion of the development. The Developer indicated medium density multi-family has been part of the OCP for a large portion of the subject property for many years. The proposed OCP amendment is relatively minor and it was pointed out that the RM-1 (fourplex) zoning provided a reasonable buffer to the single family residential neighborhood to the north. Residents were satisfied the proposed development did not exceed the height of existing medium density multi-family developments now existing in the neighborhood.
- Neighborhood residents expressed support for both the traffic circle proposed for Kane Rd. at Valley Rd., as well as the commercial rezoning proposed for the lands fronting Kane Rd. Information session attendees deemed these "appropriate" and of no concern.

8. Was the information session organized and conducted in a manner consistent with the Objectives of this policy?

- It is the belief of the Owner and the Owner's Agent that suitable efforts were made to inform the immediate neighborhood and the general public of the application and to afford a reasonable opportunity for those so inclined to voice their opinion on the application.

CITY OF KELOWNA

BYLAW NO. 10856

**Official Community Plan Amendment No. OCP13-0005 -
Raisanen Construction Ltd., (Inc. No. 135257)
1982 Kane Road**

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 portions of Lot 1, Section 33, Township 26, ODYD, Plan 4043, located on Kane Road, Kelowna, B.C., from the MRL - Multiple Unit Residential (Low Density) and MRM - Multiple Unit Residential (Medium Density) designations to the COMM - Commercial, MRL - Multiple Unit Residential (Low Density), and MRM - Multiple Unit Residential (Medium Density) designations as per Map A1 attached to and forming part of this bylaw;
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

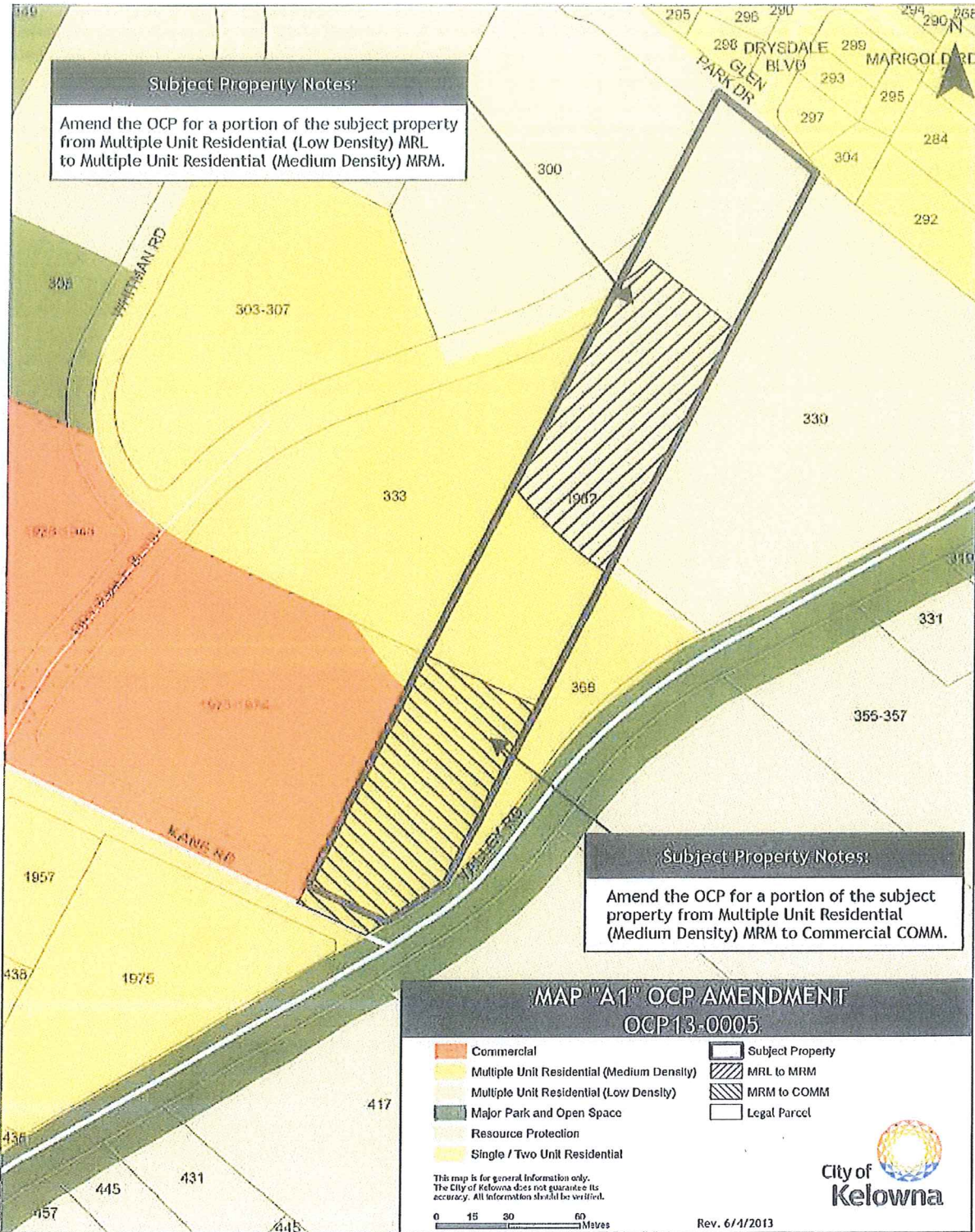
Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Bylaw No. 10856



CITY OF KELOWNA
BYLAW NO. 10857
Z13-0006 - Raisanen Construction Ltd., (Inc.No. 135257)
1982 Kane Road

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of portions of Lot 1, Section 33, Township 26, ODYD, Plan 4043, located on Kane Road, Kelowna, B.C., from the A1 - Agricultural 1 Zone to the C3 - Community Commercial, RM1 - Four Dwelling Housing, RM3 - Low Density Multiple Housing and RM5 - Medium Density Multiple Housing Zones as per Map B1 attached to and forming part of this bylaw.
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

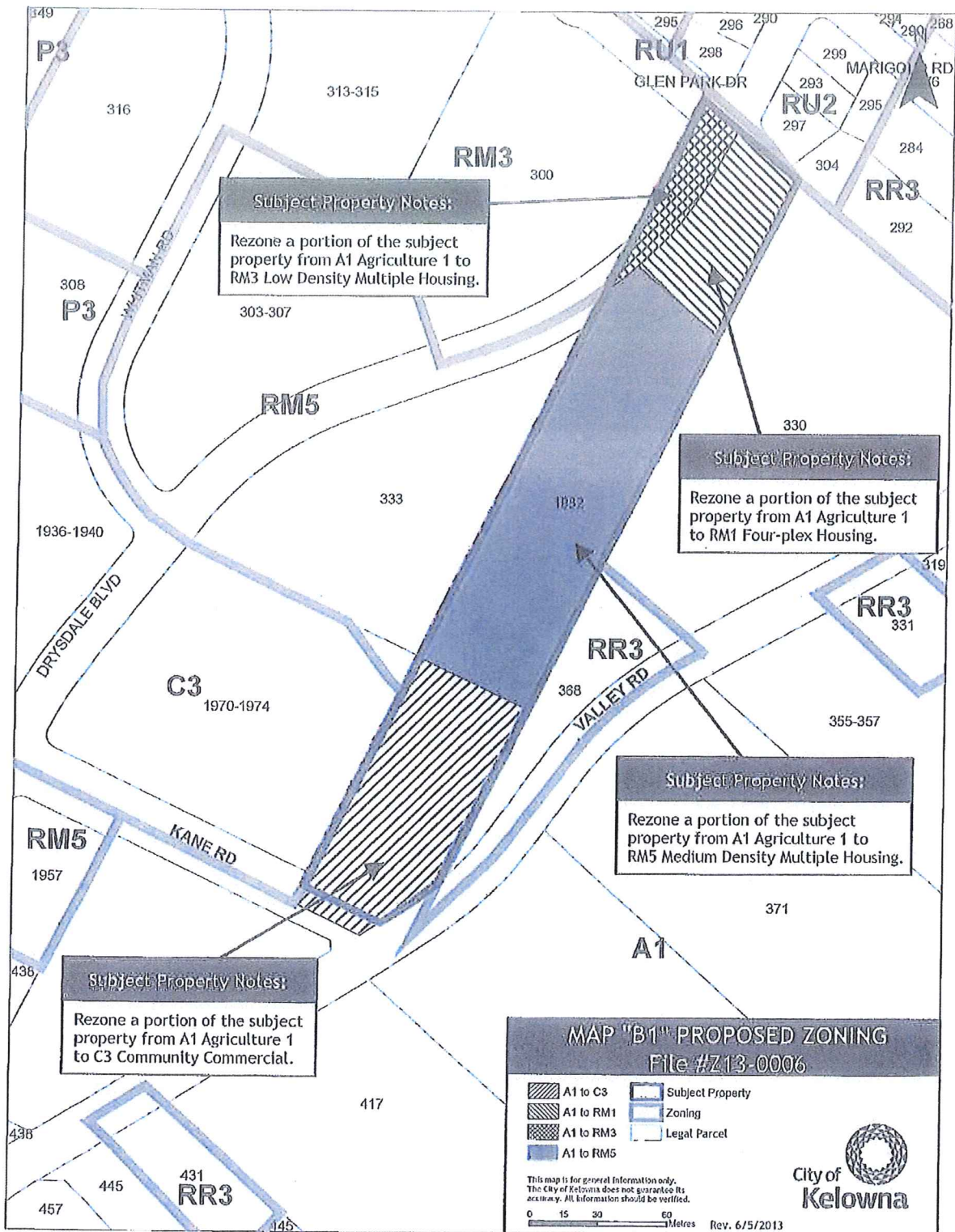
Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Bylaw No. 10857



CITY OF KELOWNA

BYLAW NO. 10858

**Official Community Plan Amendment No. OCP13-0005 -
PC Urban (Brandt's Creek) Holdings Corporation., Inc. No. BC0933576
1970-1974 Kane Road**

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 a portion of Lot C, Section 33, Township 26, ODYD, Plan EPP18422, located on Kane Road, Kelowna, B.C., from the MRM - Multiple Unit Residential (Medium Density) designation to the COMM - Commercial designation as per Map A2 attached to and forming part of this bylaw;
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

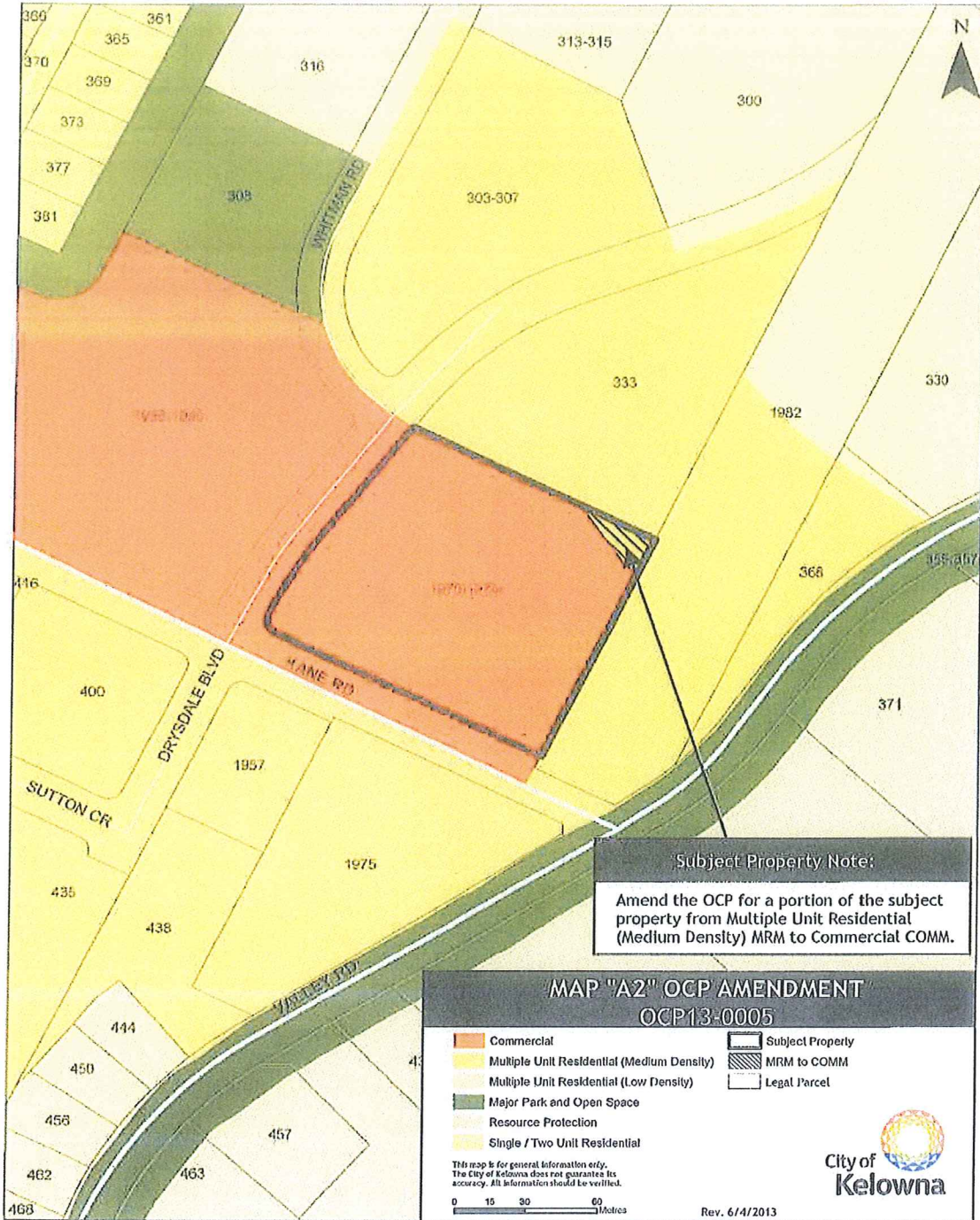
Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Bylaw No. 10858



CITY OF KELOWNA

BYLAW NO. 10859

**Z13-0006 - PC Urban (Brandt's Creek) Holdings Corporation.,
Inc. No. BC0933576
1970-1974 Kane Road**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of a portion of Lot C, Section 33, Township 26, ODYD, Plan EPP18422 located on Kane Road, Kelowna, B.C., from the RM5 - Medium Density Multiple Housing zone to the C3 - Community Commercial zone as per Map B2 attached to and forming part of this bylaw.
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

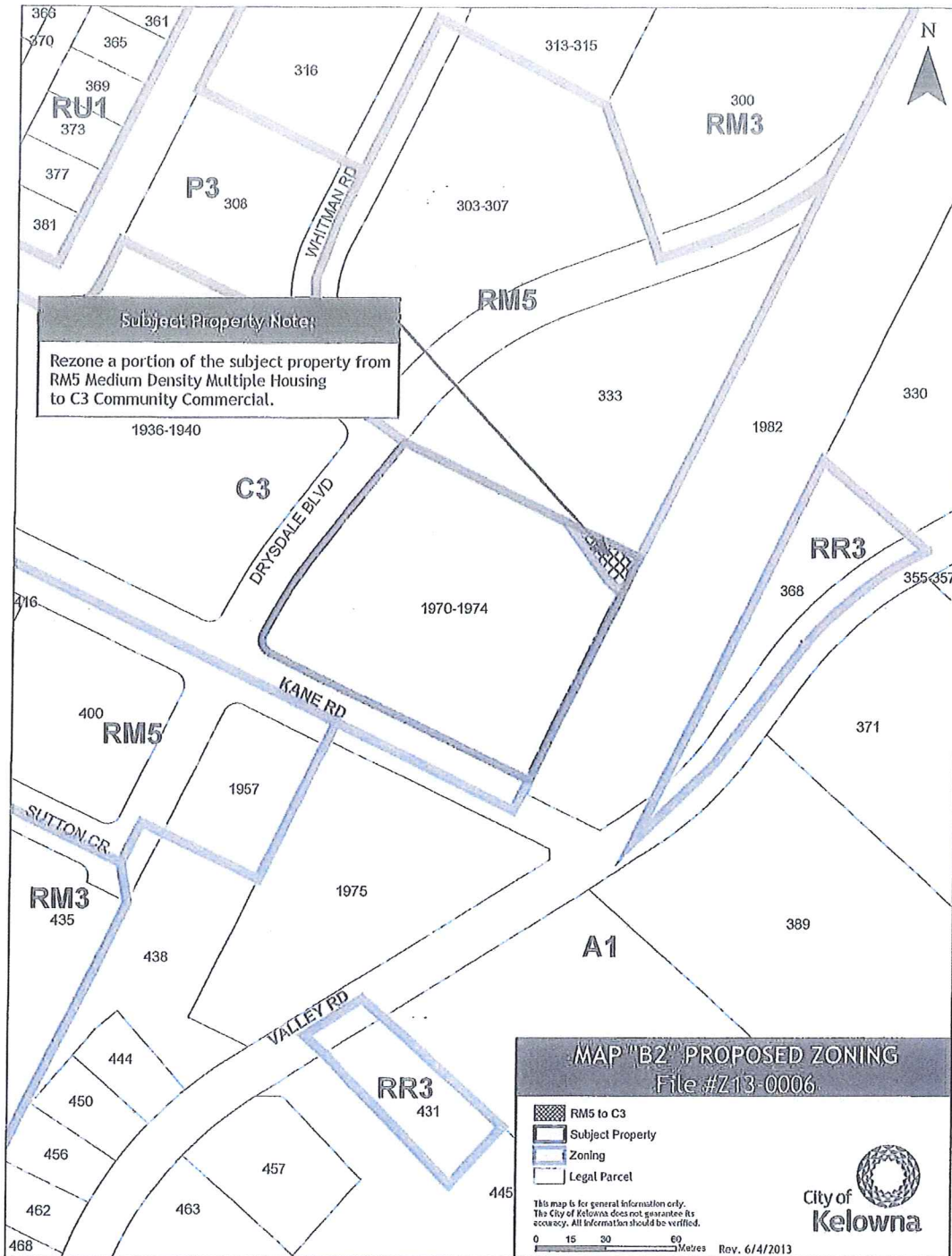
Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Bylaw No. 10859



REPORT TO COUNCIL



Date: June 5, 2013
RIM No. 1250-30
To: City Manager
From: Land Use Management, Community Sustainability (PMc)

Application: Z12-0006 **Owner:** Finnasha Holdings Corp. Inc.
No. BC0905417

Address: 587-589 Lawrence Ave **Applicant:** Rising Tide Consultants Ltd.
For DV8 Entertainment Inc.

Subject: Rezoning

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

Existing Zone: C7 - Central Business Commercial

Proposed Zone: C7lp - Central Business Commercial (Liquor Primary)

1.0 Recommendation

THAT Rezoning Application No. Z12-0006 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6, DL 139, O.D.Y.D., Plan 2536, located on 578-589 Lawrence Avenue, Kelowna, BC from the C7 - Central Business zone to the C7 lp - Central Business (Liquor Primary) zone, be considered by Council.

AND THAT 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 Liquor License Application for 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.

2.0 Purpose

The applicant is proposing to rezone the subject property with the "Liquor Primary" designation to allow for a new liquor primary license with a patron capacity proposed at 250 people.

3.0 Land Use Management

This application is for a new liquor primary license (Large Establishment) for the subject property. The new license is to accommodate a full service entertainment venue that will provide both a kitchen and bar (featuring local microbreweries and local wineries) in addition to a social lounge that will be marketed as "The Mixing Room". The goal is to create an

entertainment venue that “will be a premier go to destination for diners and entertainment seekers of all ages throughout the Okanagan.... Our vision is to provide a safe, relaxed atmosphere where adults 25+ can come to enjoy great food, a one of a kind dining experience, award winning wines and a variety of entertainment options under one roof”. With this objective, multiple components of the Downtown Plan could be achieved by adding to entertainment options to residents and visitors alike, creating vibrancy to this block of Lawrence with both day and evening social activities, and establishing a venue that caters to a wide demographic profile. The applicant provided a list of support from adjacent land owners/tenants in the immediate area and general consensus was that this was an exciting proposal that will rejuvenate this area and provide positive activity to this Downtown block.

Council Policy #359 provides guidance related to the establishment of Liquor Primary establishments. The proposal is consistent with the Council Policy, given that the location is within the Downtown core, and is not located within 250m of another large liquor primary establishment. Notably, the nearest liquor primary establishment (Blue Gator) is located 288m away, while Tonics Pub is located within 325m. For the above reasons, Staff are supportive of this new entertainment establishment to revitalize this area of the Downtown and add to the entertainment options that serve to deliver on components of realizing the Downtown Plan.

4.0 Proposal

4.1 Background

The applicant originally made application for rezoning and liquor licensing on February 12, 2012. However, owing to a company restructuring, the applicant requested that the application be held in abeyance till these issues were sorted out. The corporate structure reorganization concluded in April 2013 and the applicant wishes to proceed with this application with a new consultant team involved.

4.2 Project Description

The subject property is developed with a single storey commercial building. The C7 - Central Business Commercial zone requires provision of parking at a rate of 1.3 stall per 100m² GFA, regardless of the use category of the building. There is no increase in building area proposed as part of this application. Therefore the existing parking provided on the subject property is deemed adequate from a zoning bylaw perspective. To date, there has been no mention of façade improvements to update the exterior of the building.

The applicant is proposing to develop two licensed establishments on the subject property; a 204 m² (2,200sf) kitchen and bar, operated as a coffee shop with a pub featuring micro breweries and local wineries. Additionally, a 297 m² (3,200sf) Social Lounge catering to a more mature, upscale clientele will also be offered. The intent is to provide a combination of beverage, dining and entertainment options, operating as one facility called the “Mixing Room”. The proposal includes a Kitchen and Bar area with a capacity of 120 persons, while the lounge area of a 130 persons, for a total capacity of 250 patrons. The lounge area includes a dance floor.

Capacity

Kitchen and Bar area	120 patrons
Social Lounge area	130 patrons
Total proposed Capacity	250 Patrons

Hours of Operation requested

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
11:00 am	11:00 am	11:00 am	11:00 am	11:00 am	11:00 am	11:00 am
2:00 am	2:00 am	2:00 am	2:00 am	2:00 am	2:00 am	2:00 am

4.3 Site Context

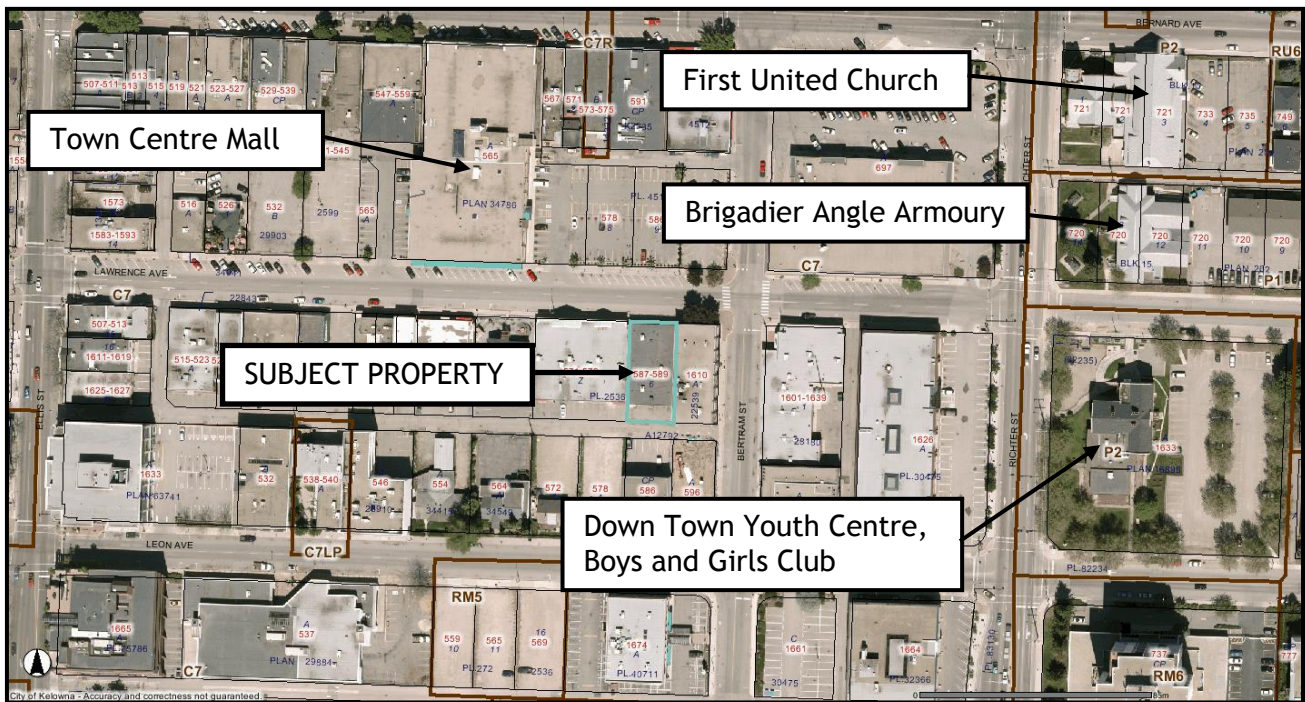
The subject property is surrounded by a mix of commercial and retail uses. See attached map for existing community services and liquor primary locations.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C7 - Central Business Commercial	Parking lot (Town Centre Mall)
East	C7 - Central Business Commercial	Retail / Commercial uses
South	C7 - Central Business Commercial	Retail / Commercial uses
West	C7 - Central Business Commercial	Retail / Commercial uses

Subject Property Map:

587-589 Lawrence Ave.



4.4 Council Policy #359 - Liquor Licensing Policy & Procedures

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

- Large establishments (with person capacity greater than 249 persons):
 - Should only be located within an Urban Centre. **(Meets this criteria)**

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

5.0 Technical Comments

5.1 Building & Permitting Department

No comment

5.2 Development Engineering Department

Development Engineering has the following comments and requirements associated with this application. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

1. Domestic Water and Fire Protection

- (a) 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 subject property. The applicant, at his cost, will arrange for the disconnection and replacement of the existing 19mm diameter service with a larger service. The estimated cost of this construction for bonding purposes is **\$14,000.00**
- (b) 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.

2. Sanitary Sewer

- (a) The developer's consulting civil / mechanical engineer will determine the requirements of this proposed development and establish the required service needs. The development site is presently serviced with a 100mm-diameter sanitary service. The City has a tentative schedule to commence with the replacement of the existing sanitary main in 2013. Service upgrades prior to the main replacement will be at the developer's cost and additional bonding will apply.

3. Storm Drainage

- (a) The development site is presently serviced with a 150mm-diameter storm service which will be adequate for this application.

4. Road Improvements

Lawrence Avenue

- (a) Lawrence Avenue fronting this development site is urbanized. The decommissioning of existing services and installation of new services will

require road cuts. The extent of pavement and boulevard restoration will be at the discretion of the City Development Engineer.

Public Lane

The lane fronting this development is urbanised to a paved standard. No improvements are anticipated for this application.

5. Electric Power and Telecommunication Services

This development is located within an urban centre. The electrical and telecommunication services to this building as well as the distribution wiring must be installed in an underground duct system, and the building must be connected by underground ducting. 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

6. 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.

7. Bonding and Levy Summary

(a) Bonding

Service upgrades	\$14,000.00
Total Bonding	<u><u>\$14,000.00</u></u>

5.3 Bylaw Services

No comment

5.4 Fire Department

Additional comments will be required at the building permit application.

5.5 Interior Health Authority

The applicant has contacted the Environmental Health Office concerning approval of the proposed food service establishment.

5.6 R.C.M.P.

The RCMP are not opposed to the application in principle.

Because the applicant is undertaking renovations to accommodate his business plan, it would be beneficial to ensure some level of acoustic engineering is incorporated in the design plans to mitigate noise complaints as this area must not be restricted in any way from achieving its full development potential.

The RCMP would also encourage design considerations to accept client queuing within the confines of the business rather than relying entirely on the public sidewalk. Providing adequate lighting to the front end and rear of the building will also enhance public safety.

Further comments to be provided with the accompanying Liquor License application.

6.0 Application Chronology

Date of Application Received: Feb 12, 2012

Date application placed on hold: April 2012

Date new information received: April 24, 2013

Report prepared by:

Paul McVey, Land Use Planner

Reviewed by:

Danielle Noble, Manager, Urban Land Use

Approved for Inclusion:

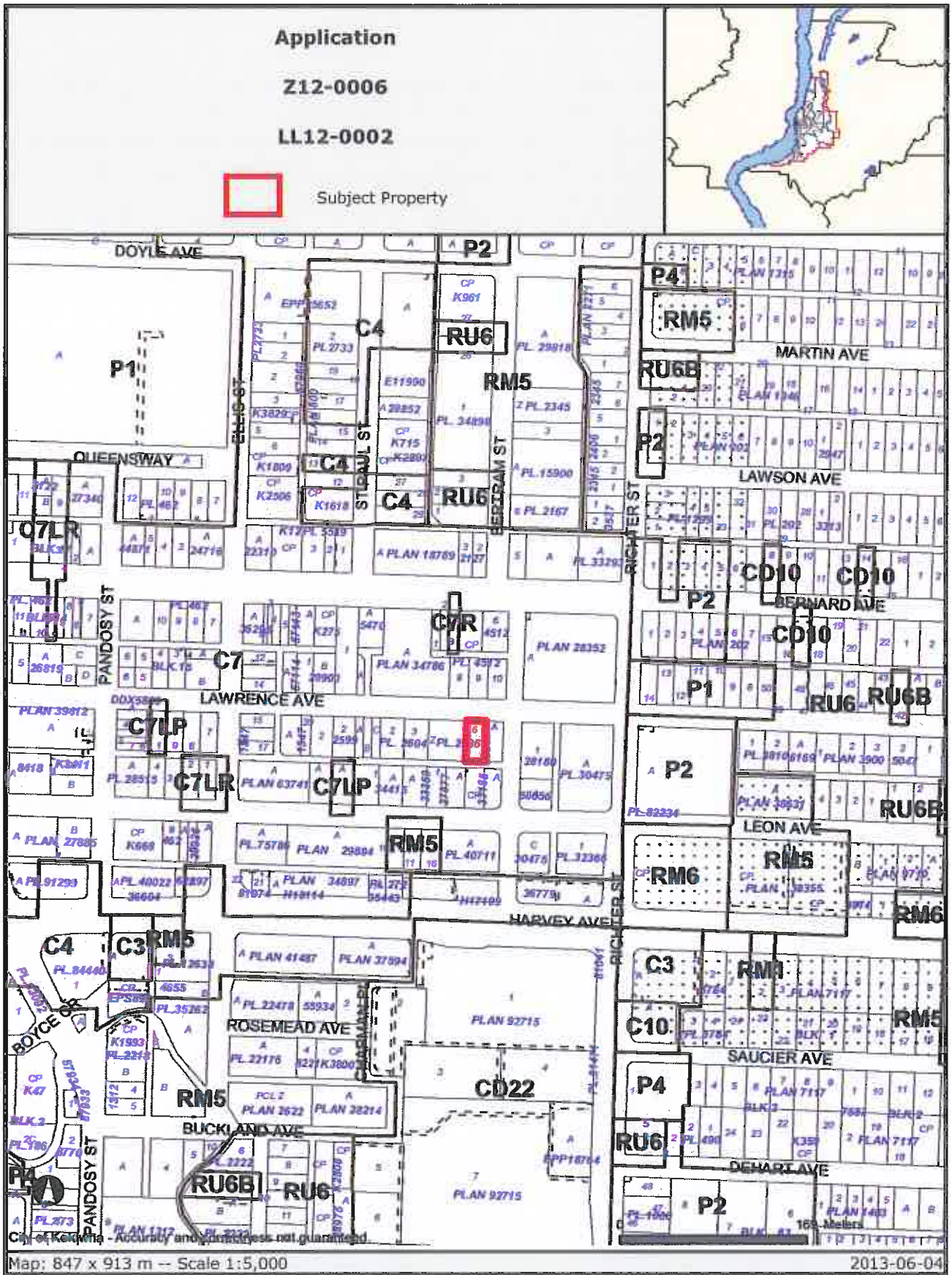
Doug Gilchrist, Acting Director, Land Use Management

Attachments:

Location Map

Executive Summary

Neighbourhood Comments



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.



EXECUTIVE SUMMARY

Company Overview

DV8 Entertainment Inc. is a British Columbia registered company founded in 2011 to open and operate a full service entertainment venue at 587 Lawrence Avenue in the City of Kelowna.

DV8 is developing two licensed establishments on the premises:

1. the 2200 square foot **Kitchen and Bar** combines a Blenz type coffee shop with a pub featuring local microbreweries and local wineries, and
2. the 3200 square foot **Social Lounge** targets the mature crowd for its upscale urban lounge

that gives Kelowna and area a combination of beverage, dining and entertainment options not previously available outside of the Lower Mainland. We are calling it **The Mixing Room**.

Mission

The Mixing Room will be the premier go to destination for diners and entertainment seekers of all ages throughout the Okanagan. Our goal is to be the leading edge entertainment option for Okanagan residents and visitors from all over the world. We want our customers to have more fun during their leisure time. Our vision is to provide a safe, relaxed atmosphere where adults 25+ can come to enjoy great food, a one of a kind dining experience, award winning wines and a variety of entertainment options under one roof. We combine menu selection, atmosphere, ambiance, and service to create a sense of "place" in order to reach our goal of over-all value in a dining/entertainment experience.

Our vision is to provide a safe, relaxed atmosphere where adults of all ages and proclivities can come and enjoy world class cuisine and drinks prepared by several of Canada's most recognized and awarded "celebrity" chefs. We will be distinguished by being one of a select few establishments in Canada to offer a "full service" entertainment experience.

Keys to Success

The key elements of The Mixing Room Social Lounge concept are as follows:

- **Quality food**--The Mixing Room will serve freshly prepared, high quality popular cuisine that is locally and sustainably sourced to target and appeal to a variety of tastes and budgets with an emphasis on reasonably and moderately priced signature items.
- **Continued training**--The partners behind The Mixing Room subscribe to the theory of ongoing and focused training of all personnel and staff. The Okanagan is home to a diverse and highly mobile population which makes it imperative that we stay on top of industry changes world-wide.
- **Quality service**--In order to maintain its unique image the Company will provide a higher than average ratio of extensively trained, attentive and friendly service personnel per client. All staff members will be formally trained in the rules and procedures necessary to ensure customer satisfaction while maintaining compliance with any and all rules and regulations from any government organization.
- **Distinctive design features**--The premises have been designed by Canada's leading design house and will be characterized by spectacular visual designs and layout.
- **High profile location**--The company selected its lounge location based on key demographic indicators including traffic counts, average income, number of households, hotels, and offices within a certain radius.



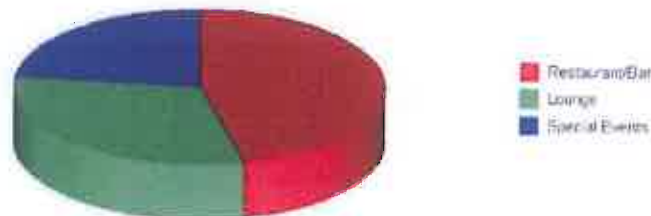
- **Celebrity events**--The Mixing Room will be distinguished by the promotional activities of local media, sports and business celebrities and by media coverage of appearances and special events.

Target Market Customers

The Mixing Room has identified two primary demographic target segments. The first segment is 25+ adults in Kelowna and throughout the whole of the Central Okanagan who want a warm and inviting dining, drinking and entertainment experience. This segment enjoys experiencing live entertainment in an adult orientated setting. They appreciate the opportunity to socialize and mingle with friends and like minded adults while dining, dancing and enjoying a changing venue of performances. This group is growing at the annual rate of 4% with 60,000 potential customers from the start.

The second segment of the population that will be targeted is special interest groups. The research and design team behind The Mixing Room have exhaustively researched and designed the space to allow the various groups the opportunity to turn The Mixing Room into their personal entertainment venue. With upscale yet neutral design themes, the space can be easily transformed into a myriad of different ambiances with minimal effort. Research has shown that these groups schedule regular events and bring repeat business. Examples of these groups include; Real Estate marketing and promotional companies, identified social groups, corporate industries, and the burgeoning local film industry. This segment has an annual growth rate of 7% and well in excess of 30,000 potential customers.

Market Analysis



Management

DV8 Entertainment Inc. serves as a holding company for some of the investment assets of the Dhaliwal family. Juggy Dhaliwal, along with his brother Gary, serve as managing partners of their family's investment companies and assets, including the successful Friends Pub in West Kelowna.

Juggy Dhaliwal will serve as general manager of The Mixing Room and will oversee its daily operations.



Marketing Strategy

Conventional Marketing:

The standards in the conventional marketing field tell us that radio is most effective, followed by local print and online media. The casual users will be reached through a series of advertisements, generally in Kelowna's two newspapers and online news service. The Courier, Capital News and Castanet are a source of information that most patrons consult in determining activities and events. These are the three main outlets, each with a slightly different readership demographic.

Unconventional Marketing:

The partners have identified that conventional, mainstream marketing is quickly becoming obsolete in today's high-tech dominated marketplace. In order to connect to and succeed with today's consumers, businesses need to take an unconventional route to promote their venues and distinguish them from the competition. Although a combination of local media and event marketing will be utilized, it is understood that conventional marketing techniques need to be supplemented with newer guerrilla style marketing efforts.

The beauty (for The Mixing Room) of the social events is that most special interest groups meet weekly, bimonthly or monthly and the amenities at The Mixing Room will encourage this customer segment to use The Mixing Room as a place to socialize regularly. The special interest group sponsorships will generate visibility on the local (city as well as provincial) special interest group websites. The visibility will take the form of activity by members of The Mixing Room staff in association based activities. Becoming active within these associations of people is valuable networking that is likely to bring many new customers to The Mixing Room. We believe that this grassroots approach will be particularly effective for these unusual but tight knit groups of people.

The strategy of live broadcasting and special events tie-ins has been most effective in generating free publicity which has been more effective than any advertising that could have been purchased.

Competitors

Several companies have offerings with similar but singular elements of the feature set to The Mixing Room, but these competitors' businesses differ greatly. Most are located in smaller venues, focus on providing one or two of The Mixing Room amenities, target a younger demographic and are located in Kelowna's Red Zone. A few examples include:

Pubs

Tonics Pub and Grill
Blue Gator Pub and Grill
Doc Willoughby's Downtown Pub
Kelowna Club
Roses

Nightclubs

The Level
The Blue Gator
Flashbacks

Financial Projections

The over-all financial plan for growth allows for use of the significant cash flow generated by operations.

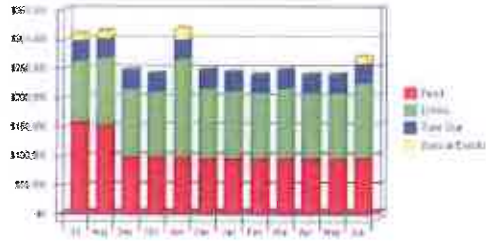
Equity infusion of \$1.5 million allows for more rapid expansion of The Mixing Room than could be accomplished from cash flow alone.



The management is projecting sales of \$2.7 million in the first year and consistent growth of 12% in Year 2 and in Year 3. Gross profits in the first year will be \$449,000.

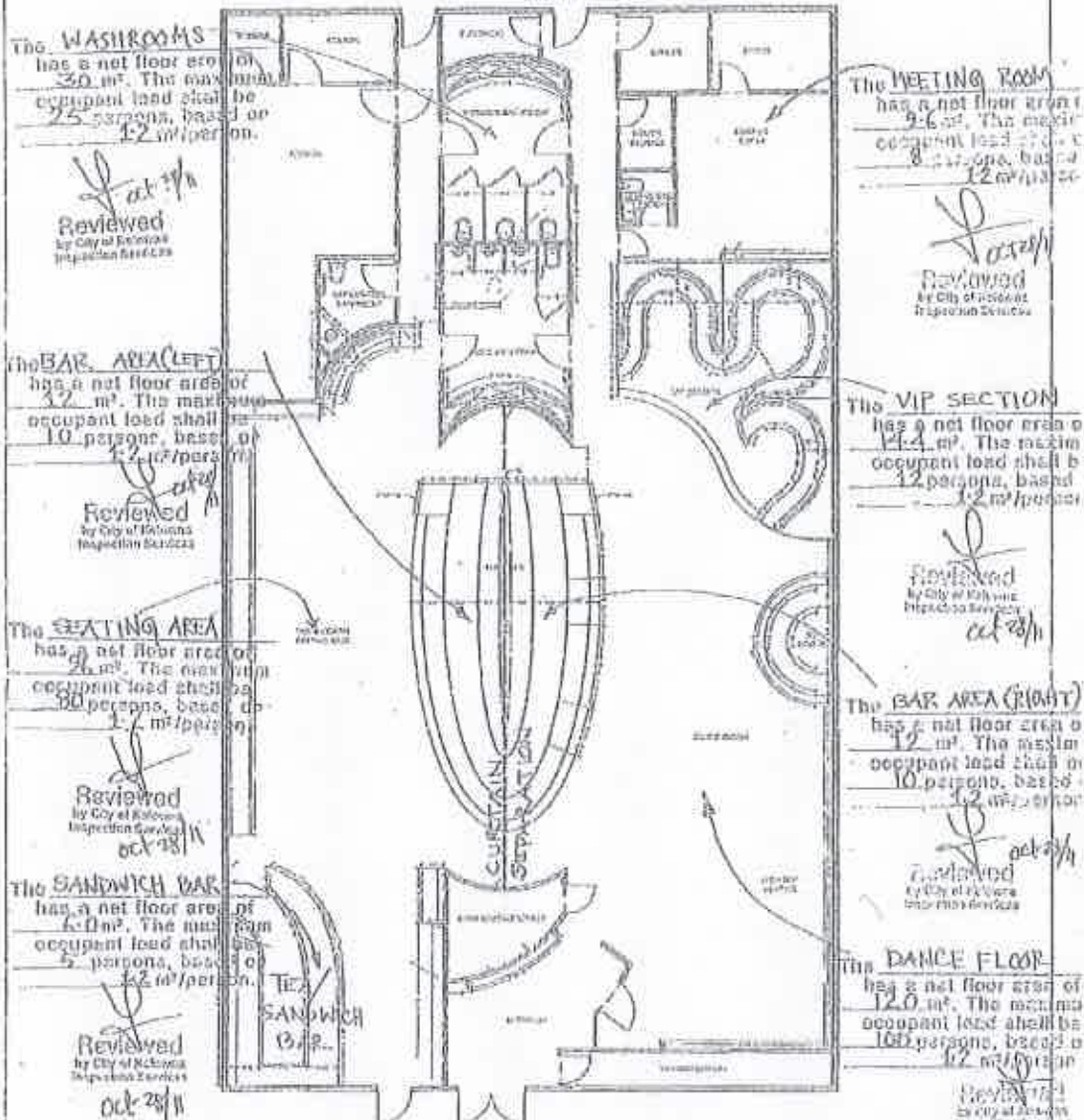
Upon start-up the business will employ a minimum of 20 employees directly and up to 40 employees indirectly and contribute in excess of \$250,000 per year in additional taxes and benefits for the City of Kelowna and the Province of British Columbia.

Sales Monthly



587-589 LAWRENCE AVE
DV'S ENTERTAINMENT INC.

SEE THE NOTE BELOW



The WASHROOMS has a net floor area of 30 m². The maximum occupant load shall be 25 persons, based on 1.2 m²/person.
Reviewed by City of Victoria Inspection Services
Oct 27/11

The MEETING ROOM has a net floor area of 9.6 m². The maximum occupant load shall be 8 persons, based on 1.2 m²/person.
Reviewed by City of Victoria Inspection Services
Oct 27/11

The BAR AREA (LEFT) has a net floor area of 32 m². The maximum occupant load shall be 10 persons, based on 1.2 m²/person.
Reviewed by City of Victoria Inspection Services
Oct 27/11

The VIP SECTION has a net floor area of 14.4 m². The maximum occupant load shall be 12 persons, based on 1.2 m²/person.
Reviewed by City of Victoria Inspection Services
Oct 27/11

The SEATING AREA has a net floor area of 24 m². The maximum occupant load shall be 20 persons, based on 1.2 m²/person.
Reviewed by City of Victoria Inspection Services
Oct 27/11

The BAR AREA (RIGHT) has a net floor area of 12 m². The maximum occupant load shall be 10 persons, based on 1.2 m²/person.
Reviewed by City of Victoria Inspection Services
Oct 27/11

The SANDWICH BAR has a net floor area of 6.0 m². The maximum occupant load shall be 5 persons, based on 1.2 m²/person.
Reviewed by City of Victoria Inspection Services
Oct 27/11

The DANCE FLOOR has a net floor area of 120 m². The maximum occupant load shall be 100 persons, based on 1.2 m²/person.
Reviewed by City of Victoria Inspection Services
Oct 27/11

REVISED BY: [Signature] DATE: [Date]

NOTE: THIS IS A PRELIMINARY OCCUPANT LOAD CALCULATION. A FINAL CALCULATION IS REQUIRED TO VERIFY THIS AFTER OCCUPANCY PERMITS.

<p>Project: Bar & Dining Room</p> <p>Job number: 105</p> <p>Sheet title: Diner and Bar Plan</p> <p>Scale: 1/8" = 1'-0"</p> <p>Date drawn: [Date]</p> <p>Copyright reserved</p> <p>This drawing is an instrument of service for the specific project. The drawing and design are the exclusive property of Rick Thorne of Design and may not be used in whole or in part without written consent. This notice must appear on any reproduction of the drawing or part of the drawing. Please check and notify of any omissions and corrections prior to the start of construction, and contact Rick Thorne of Design if any correction is required.</p>	<p>Sheet no.</p> <p>002-04</p>	<p>Revision number</p>
	<p>Author</p>	

Reviewed by [Signature]

LIQUOR CONTROL & LICENSING RECEIVED
DEC 16 2011
AM VICTORIA BC

The Mixing Room 587 Lawrence Ave. Raleigh, NC 27601

Name	Business	Date	Support	Comments
Paulette Issacs	Loaves and Fishes *** Lawrence Ave	03-19-12	YES	Absolutely excited about project and proposal. Is a dancer and will help to bring other dancers, talk to Dance Studio Will sign a letter of support
Christine Pineault	Loaves and Fishes	03-19-12	YES	Loves the idea, hope for a patio for coffee. It will help her business by giving people a place to stay and meet. Will sign a letter of support.
Perry Freeman	Colliers Int. 547 Leon	05-20-12		Will need to review parking plans, will help to negotiate parking with Town Center Mall, great idea. Will not sign support but will not talk against.
Dave Sargent	Davara/Streaming	06-10-12		Huge supporter, this will add to what they offer by allowing their clients to meet before and after. Will help to clean the area up. Provide refreshments for new office tower employees. Will sign a letter of support

591 LAWRENCE

547 COLLIER

508 LEON

The Mixing Room 587 Lawrence Ave. ^{Community Consultation} ^{Left City} ^{Neighbors} ^{Board} B.C.

Name	Business	Date	Support	Comments
Coni Grande	Amicis	03-19-12		Could not be happier this will bring so much to the neighborhood. Will bring 30 of her clients to City Hall to support. Has been asking for help to clean up the druggies. Will sign a letter of support and many more.
Francesca Pugliese	Amicis	03-19-12		This is much needed, will be regular clients. Would like to establish a neighborhood program to support each other. Will book all their parties there and they like to party. Will sign a letter of support.
James Alfonso	Momma Rosa's	04-16-12		This is a great idea for the City and the area, will help to clean the area up. No conflict with times as they are usually done by 9:30 most evenings. Will sign a letter of support.
Jeff Simla	Dollar Store CHQ	03-02-12		Much needed in the area, please bring healthy food alternatives. Establish a lunch program for neighbors? Will sign a letter of support.

585 LAWRENCE

581 LAWRENCE

610 WERN

The Mixing Room 587 Lawrence Ave. Raleigh, NC

Name	Business	Date	Support	Comments
Peggy Athans	Downtown Business	03-12-12		Loves the idea, family has holdings in area and this will help them all. She will help with marketing and getting the word out. Will get support letters from other downtown businesses.
Jody Good	Mould Engineering	03-26-12		New to the area but it really needs cleaning up. They have lots of client meetings and no place to go. Think it is a great idea. Will sign a letter of support
Lydia Thomson	Thomson Law	03-26-12		Great idea, does not drink so please bring lots of non-alcoholic choices. Will help to reduce the vandalism and needles left around. Will sign a letter of support
Maria Cuetkovich	Jabbs Construction	04-11-12		Own the buildings next door. Have some concern over parking. Needs to attract pedestrian traffic to the area.

567 LAWRENCE

1603 BERTMAN

571-579 LAWRENCE

CITY OF KELOWNA
BYLAW NO. 10854
Z12-0006 - Finnasha Holdings Corp. Inc. No. BC0905417
587-589 Lawrence Avenue

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 6, DL 139, ODYD, Plan 2536 located on 578-589 Lawrence Avenue, Kelowna, B.C., from the C7 - Central Business zone to the C7lp - Central Business commercial (Liquor Primary) 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

Approved under the Transportation Act

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: June 4, 2013
RIM No. 1250-30
To: City Manager
From: Land Use Management, Community Sustainability (JM)
Application: OCP09-0016/Z09-0071/TA09-0007 **Owner:** Calcan Inv. Inc. No. 383776
Address: 5505 Chute Lake Road **Applicant:** Dave Lange, Calcan Inv.Inc. No. 383776
Subject: Rezoning Application, Extension Request
Existing Zone: A1 - Agriculture 1
Proposed Zone: RH1 - Hillside Large Lot Residential
RH2 - Hillside Two Dwelling Housing
RH3 - Hillside Cluster Housing
P3 - Parks and Open Space

1.0 Recommendation

THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Amending Bylaw Nos. 10306, 10670 and 10673 for The North East ¼, Section 14, Township 28, SDYD, Except Plan KAP57304, located on 5505 Chute Lake Road, Kelowna, BC, be extended from June 28, 2013 to June 28, 2014.

2.0 Purpose

The applicant is seeking an extension to their original application, which is set to expire on June 28, 2013. The original application proposes to change the Official Community Plan (OCP) Future Land Use for portions of the subject property from the Major Park and Open Space designation to the Single/Two Unit Residential (Hillside) designation; and to rezone the subject property from the A1 - Agriculture 1 zone to the P3 - Parks and Open Space, RH1 - Hillside Large Lot Residential, RH3 - Hillside Cluster Housing, and RHM4 - Hillside Cluster Multiple Housing zones in order to facilitate a hillside residential subdivision. A Text Amendment is also proposed to introduce three (3) new hillside development zones.

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 Nos. 10306, 10670 and 10673 received second and third readings on June 28, 2012 after the Public Hearing held on the same date. The applicant wishes to have this application remain open for an additional twelve (12) months. This project remains unchanged and is the same in all respects as originally applied for.

In support of this request, the applicant has stated that “...since our initial application, the market softened and conditions over the past year were not as conducive to developing the lots as we had hoped. However, the ownership group now feels that the market for the types of lots that the Calcan site can offer has stabilized, and we are actively moving forward in completing the rezoning.”

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

Report prepared by:

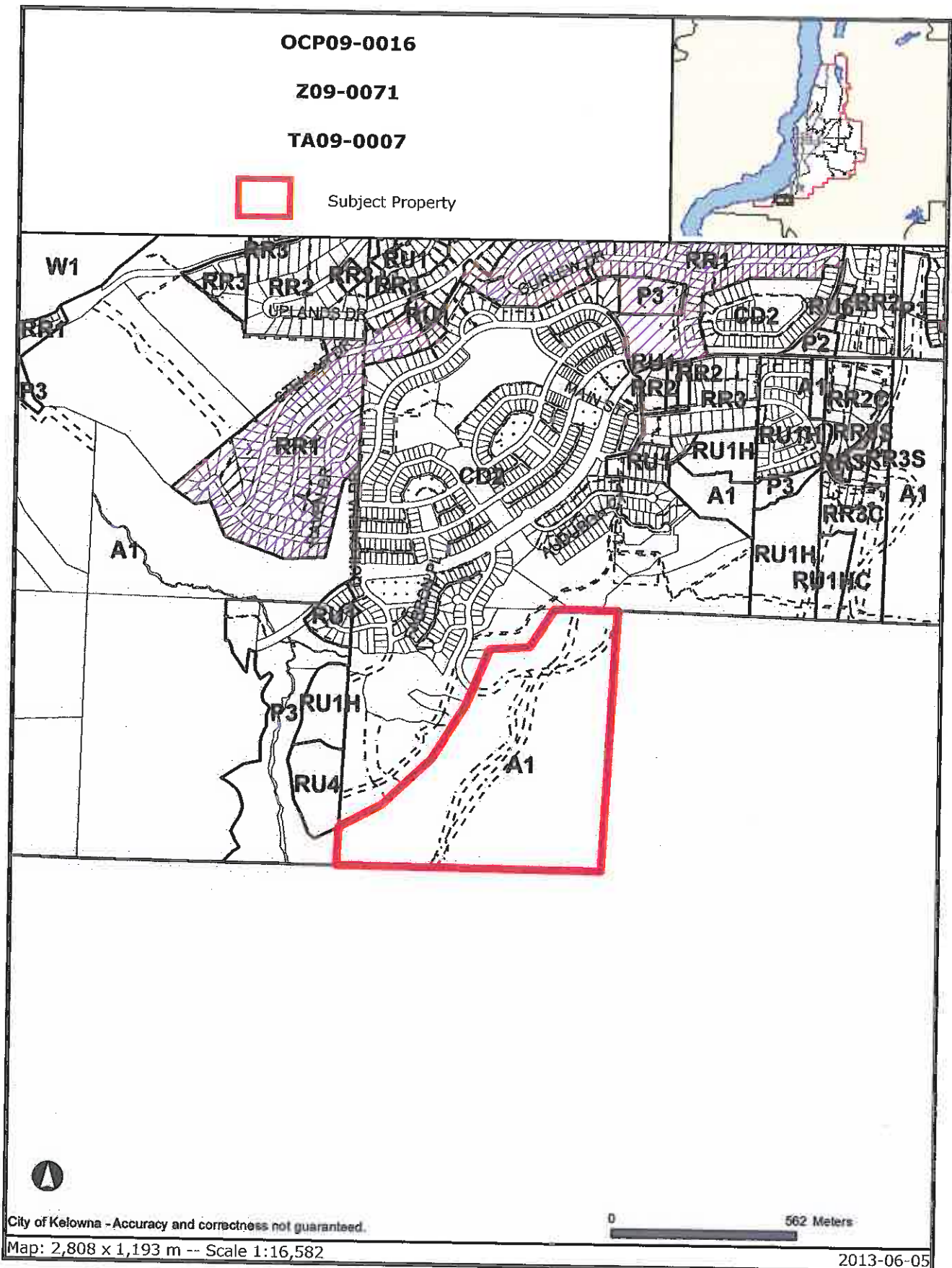
James Moore, Land Use Planner
/hb

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.

The Land Use Management Department recommends Council rescind 1st, 2nd and 3rd readings and that the file be closed.

Report prepared by:

James Moore, Land Use Planner
/hb

Reviewed by:

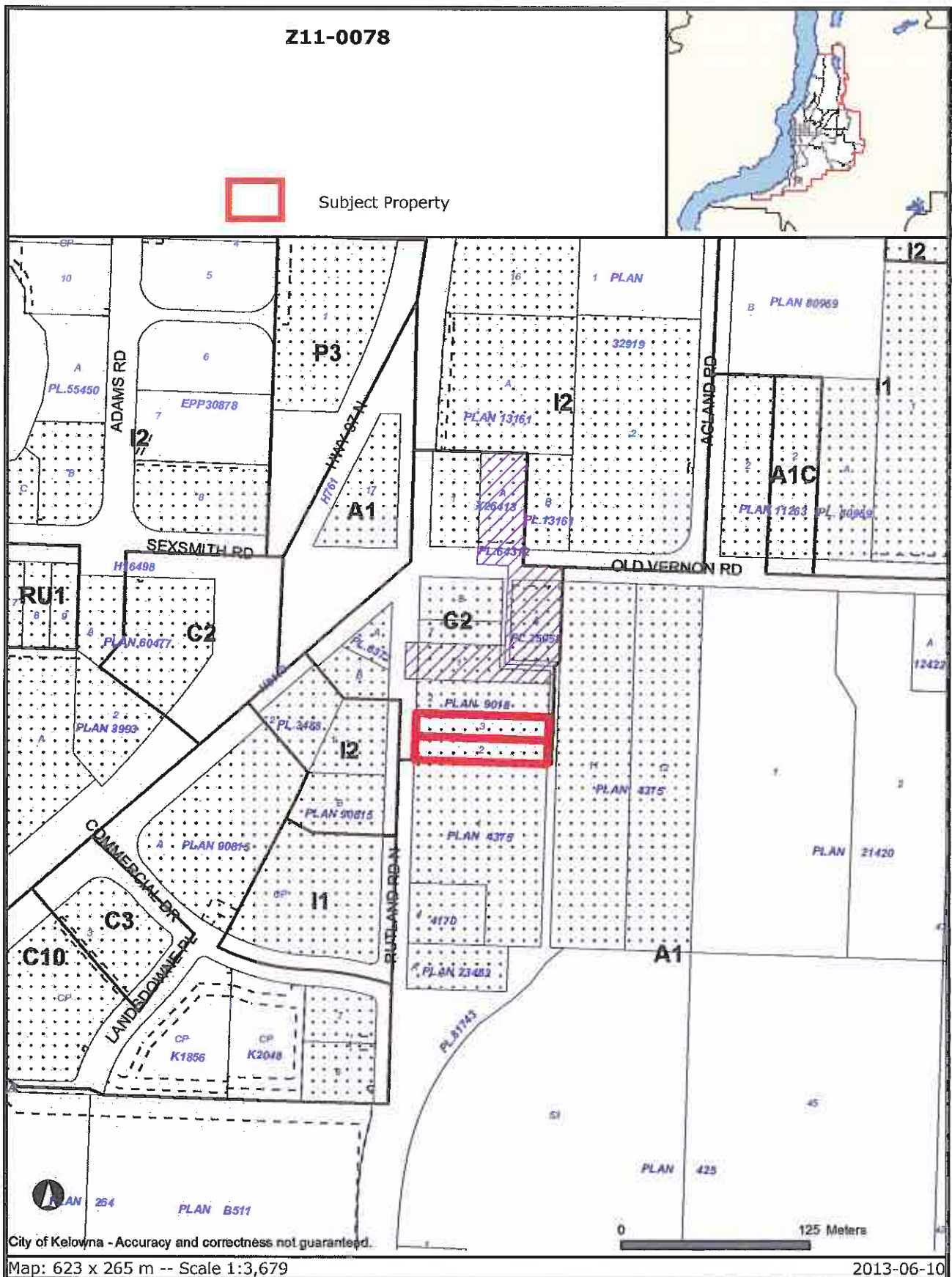
Danielle Noble, Manager, Urban Land Use

Approved for Inclusion

Doug Gilchrist, Acting General Manager, Community Sustainability

Attachments:

Site Plan



City of Kelowna - Accuracy and correctness not guaranteed.

Map: 623 x 265 m -- Scale 1:3,679

2013-06-10

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: June 7th, 2013
RIM No. 0940-40
To: City Manager
From: Land Use Management, Community Sustainability (AW)
Application: DP12-0219 Amendment **Owner:** Kelowna Highland Developments Ltd., Inc. No. BC0911170
Address: 1515 Highland Drive N. **Applicant:** GTA Architecture
Subject: Development Permit Amendment
Existing OCP Designation: Multiple Dwelling Housing - Low Density
Existing Zone: RM3 - Low Density Multiple Housing

1.0 Recommendation

THAT Council authorize the issuance of Development Permit Amendment No. DP12-0219 for Lot 1, Section 29, Township 26, ODYD, Plan EPP14446, located at 1515 Highland Drive N., Kelowna B.C., subject to the following:

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

AND FURTHER THAT the applicant be required to complete the above-noted condition No. 4 within 180 days of Council approval of the Development Permit application in order for the permit to be issued.

2.0 Purpose

To consider an amendment to the approved Development Permit for the form and character of the proposed 40 unit townhouse development.

3.0 Land Use Management

A Development Permit for the subject property was approved by Council at the January 21st, 2013 Regular Council meeting. Further soil analysis determined that the soil placement originally planned would be problematic from a geotechnical perspective. While more building will be visible with the revised 3 storey concept the overall height of the structures has not increased as viewed from the surrounding properties. The RM3 zone was recently amended to permit a three storey form of row housing therefore the revised plan is compliant with the Zoning Bylaw. Staff remain supportive of the proposal, as it is seen to meet the objectives and supporting policies of the Official Community Plan (OCP), as well as the applicable urban design guidelines.

4.0 Proposal

4.1 Project Description

The proposed development consists of a total of 40 dwelling units divided between 10 buildings, each containing between 2 - 6 ground oriented townhouse units. Principal vehicular access for the units is via a strata driveway from Highland Drive. Parking for the development is contained principally within each unit's two-car garage with access directly from the internal drive aisle. There are several visitor parking stalls spread throughout the site. Long term bicycle parking is provided within individual garages, and short term bicycle parking is provided near the centre of the site adjacent to visitor vehicle parking.

Pedestrian circulation is provided through and around the property. The development features a pedestrian corridor along the eastern property line that provides a link for residents and the public from Clement Avenue to Highland Drive. Pedestrian corridors also connect the property to the surrounding streets at a few locations. A sidewalk will also be provided along Highland Drive.

In both form and character, the proposed development acts as an effective transition between adjacent Clement Avenue, Clifton Road and the adjacent single family neighbourhood. Building elevations facing property lines are two storeys in height and feature a high level of detail and finishing. These elevations maintain 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 and roof top decks. Massing of the buildings is reduced through the use of colour blocking, building articulation, mixed siding treatments, and intimate design details.

Landscaping for the development is provided both on and off-site. Off-site, the applicant team is providing boulevard trees fronting the development. On site, significant landscaping is provided in the form of native trees, shrubs and groundcover. This is concentrated principally at building entrances, along property lines, and in private yard areas between driveways alongside the private strata road. Private landscaped amenity space is provided to each individual unit in the form of roof top patios and adjoining landscaped areas. Common landscaped amenity space is provided at the centre of the site, which is principally an open green space.

4.2 Site Context

The subject property is located at the corner of Clifton Road Clement Avenue and Highland Drive. Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Single Family Residential
East	RU1 - Large Lot Housing	Single Family Residential
South	-	Clement Avenue
West	RM3 - Low Density Multiple Housing	Low Density Residential

Subject Property Map: 1515 Highland Drive N.



The proposal compares to the RM3 zone requirements is as follows:

Zoning Analysis Table		
CRITERIA	RM3 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Floor Area Ratio	0.75	0.6
Site Coverage - Buildings	50%	27.5%
Site Coverage - Buildings & Drive	60%	47.3%
Height	10.0m / 3 Storeys	8.9m / 3 storeys
Front Yard	1.5m	4.5m
Side Yard (w)	4.0m	4.5m
Side Yard (e)	4.0m	7.5m
Rear Yard	7.5m	7.5m
Other Regulations		
Minimum Parking Requirements	85 stalls	86 stalls
Bicycle Parking	Class I: 20 spaces Class II: 4 Spaces	Class I: 40 spaces (Garages) Class II: 4 Spaces
Private Open Space	1,000m ²	>1,000m ²

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Policy 5.23.1 - Ground-Oriented Housing. Encourage all multi-unit residential buildings in neighbourhoods with schools and parks to contain ground-oriented units with 2 or more bedrooms to provide a family housing choice within multi-unit rental or ownership markets. High density residential projects in the Downtown area are encouraged to include a ground-oriented housing component, especially where such can be provided on non-arterial and non-collector streets.'

Comprehensive Development Permit Objectives:

- Convey a strong sense of authenticity through urban design that is distinctive for Kelowna;
- Promote a high urban design standard and quality of construction for future development that is coordinated with existing structures;
- Integrate new development with existing site conditions and preserve the character amenities of the surrounding area;
- Promote interesting, pedestrian friendly streetscape design and pedestrian linkages;
- Provide for a scale and massing of commercial buildings that promotes a safe, enjoyable living, pedestrian, working, shopping and service experience;
- Incorporate architectural features and detailing of buildings and landscapes that define an area's character;
- Promote alternative transportation with enhanced streetscapes and multimodal linkages;
- Protect and restore the urban ecology (i.e. architectural and site consideration with respect to the ecological impact on urban design).
- Moderate urban water demand in the City so that adequate water supply is reserved for agriculture and for natural ecosystem processes.
- Reduce outdoor water use in new or renovated landscape areas in the City by a target of 30%, when compared to 2007.

6.0 Technical Comments

6.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s) for new construction
- Structural Engineering for the roof / guard rail design may be required at time of Building Permit application.
- 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 - N/A

6.4 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. The minimum clear emergency access must be maintained at 6m. No parking signs shall be installed along the entire internal access road.

6.5 Interior Health Authority - N/A

6.6 Irrigation District - N/A

6.7 School District No. 23 - N/A

7.0 Application Chronology

Date of DP Amendment Submission: June 3rd, 2013

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

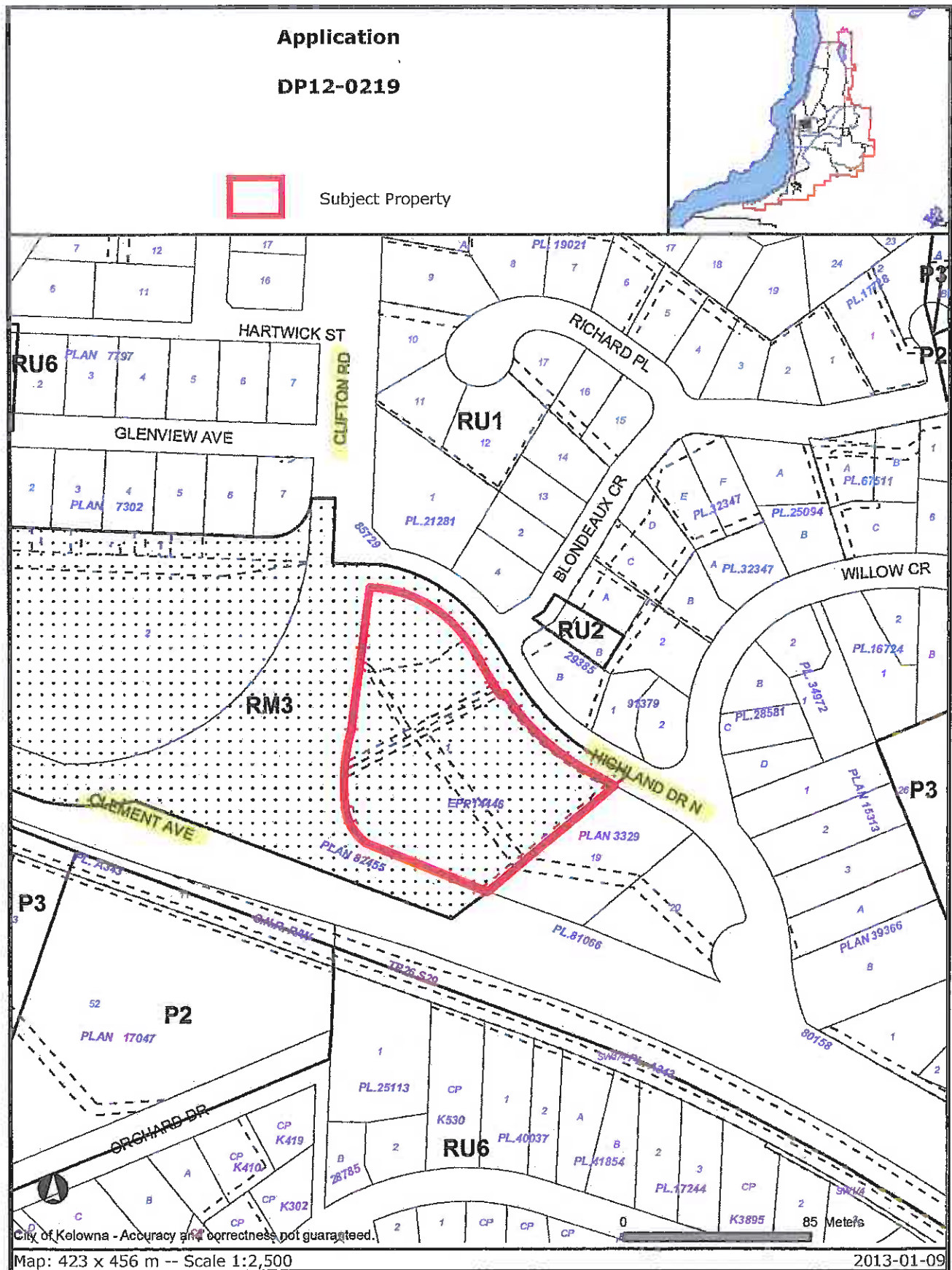
Attachments:

Site Plan

Elevations

Landscape Plan

Development Engineering Requirements



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
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SKYVIEW TERRACES RESIDENTIAL DEVELOPMENT 1515 HIGHLAND DR., KELOWNA, B.C.

CONCEPTUAL RENDERING



LOCATION MAP



PROJECT INFO:
 CIVE ADDRESS: 1515 HIGHLAND DR., KELOWNA, BC
 LEGAL ADDRESS: LOT 1, SEC. 29, TP. 29, COVD. PLAN EPP12815
 BUILDINGS: 11-3 STOREY BUILDINGS, 40 RESIDENTIAL DWELLINGS IN TOTAL, 3 DUPLEXES, 2 TRIPLEXES, 3 FOURPLEXES, 2 PENTHOUSES, 1 SUITE/FX

ZONING:
 CURRENT: RM3
 O.C.P.: DENSITY
 CURRENT U.N.L.: MULTI UNIT RESIDENTIAL - LOW DENSITY

FLOOR AREA RATIO:
 NET BUILDING AREA: UNIT A: 147.9m² x 40 = 5916m²
 GROSS BUILDING AREA TOTAL = 255.6m²
 LOT AREA: 949.7m²
 PERMITTED F.A.R.: 0.25 + 10% SCREENED PARKING: 0.05 = 0.30

CITY OF KELOWNA ZONING BYLAW (No. 8000) ANALYSIS:

- SECTION 7 - LANDSCAPING AND SCREENING
 - 7.1 REQUIRED LANDSCAPING
 - 7.1.1 CURBSIDE TREES REQUIRED IN SUCCESSIVE PHASES
 - 7.1.2 CURBSIDE TREES REQUIRED IN SUCCESSIVE PHASES
 - 7.2 MINIMUM LANDSCAPE BUFFERS
 - 7.3 LEVEL 2 MIN 3.0m BUFFER
 - 7.4 LEVEL 3 MIN 3.0m BUFFER OF OPAQUE BARRIER
- TABLE 7.1 MIN. LANDSCAPE BUFFER TREATMENT LEVEL & SCHEDULE
 - FRONT LEVEL 2
 - REAR YARD LEVEL 3
 - SIDE YARD PLANNING ST. LEVEL 3
- SECTION 8 - PARKING AND LOADING
 - 8.1 OFF-STREET VEHICLE PARKING
 - 8.2 MIN. NUMBER SPACES
 - 8.2.1 MIN. UNIT (40 UNITS x 2 = 80 SPACES)
 - 8.2.2 PER B.C. BUILDING CODE NOT REQUIRED
 - 8.2.3 PER B.C. BUILDING CODE NOT REQUIRED
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B.C. BUILDING CODE (2012) ANALYSIS:

- DIVISION A - PART 1 - COMPLIANCE
 - SECTION 1.3 DIVISIONS A AND C OF THIS CODE
 - 1.3.1 APPLICATION OF PART 2
 - 1.3.2 APPLICATION OF PART 3
 - 1.3.3 APPLICATION OF PART 4
 - 1.3.4 APPLICATION OF PART 5
 - 1.3.5 APPLICATION OF PART 6
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 - 1.3.98 APPLICATION OF PART 99
 - 1.3.99 APPLICATION OF PART 100

<p>ARCHITECTURAL: GARNY TOMPOROVSKI ARCHITECT LTD., 5-3 CONTRACT: 0181 GARDEN 1515 HIGHLAND DRIVE, KELOWNA, B.C. V1Y 1Y7 PHONE: (250) 878-4668, FAX: (250) 878-4498 EMAIL: gtompo@thmarchitect.com</p> <p>LIST OF DRAWINGS: A10 CONCEPT PLAN A11 SITE PLAN A12 BUILDING TWO SEVEN AND THIRY FLOOR PLANS A13 BUILDING THREE SEVEN AND THIRY FLOOR PLANS A14 BUILDING FOUR SEVEN AND THIRY FLOOR PLANS A15 BUILDING FIVE SEVEN AND THIRY FLOOR PLANS A16 BUILDING SIX SEVEN AND THIRY FLOOR PLANS A17 BUILDING SEVEN SEVEN AND THIRY FLOOR PLANS A18 BUILDING EIGHT SEVEN AND THIRY FLOOR PLANS A19 BUILDING NINE SEVEN AND THIRY FLOOR PLANS A20 BUILDING TEN SEVEN AND THIRY FLOOR PLANS A21 BUILDING ELEVEN SEVEN AND THIRY FLOOR PLANS A22 BUILDING TWELVE SEVEN AND THIRY FLOOR PLANS A23 BUILDING THIRTEEN SEVEN AND THIRY FLOOR PLANS A24 BUILDING FOURTEEN SEVEN AND THIRY FLOOR PLANS A25 BUILDING FIFTEEN SEVEN AND THIRY FLOOR PLANS A26 BUILDING SIXTEEN SEVEN AND THIRY FLOOR PLANS A27 BUILDING SEVENTEEN SEVEN AND THIRY FLOOR PLANS A28 BUILDING EIGHTEEN SEVEN AND THIRY FLOOR PLANS A29 BUILDING NINETEEN SEVEN AND THIRY FLOOR PLANS A30 BUILDING TWENTY SEVEN AND THIRY FLOOR PLANS A31 BUILDING TWENTY ONE SEVEN AND THIRY FLOOR PLANS A32 BUILDING TWENTY TWO SEVEN AND THIRY FLOOR PLANS A33 BUILDING TWENTY THREE SEVEN AND THIRY FLOOR PLANS A34 BUILDING TWENTY FOUR SEVEN AND THIRY FLOOR PLANS A35 BUILDING TWENTY FIVE SEVEN AND THIRY FLOOR PLANS A36 BUILDING TWENTY SIX SEVEN AND THIRY FLOOR PLANS A37 BUILDING TWENTY SEVEN SEVEN AND THIRY FLOOR PLANS A38 BUILDING TWENTY EIGHT SEVEN AND THIRY FLOOR PLANS A39 BUILDING TWENTY NINE SEVEN AND THIRY FLOOR PLANS A40 BUILDING THIRTY SEVEN AND THIRY FLOOR PLANS A41 BUILDING THIRTY ONE SEVEN AND THIRY FLOOR PLANS A42 BUILDING THIRTY TWO SEVEN AND THIRY FLOOR PLANS A43 BUILDING THIRTY THREE SEVEN AND THIRY FLOOR PLANS A44 BUILDING THIRTY FOUR SEVEN AND THIRY FLOOR PLANS A45 BUILDING THIRTY FIVE SEVEN AND THIRY FLOOR PLANS A46 BUILDING THIRTY SIX SEVEN AND THIRY FLOOR PLANS A47 BUILDING THIRTY SEVEN SEVEN AND THIRY FLOOR PLANS</p>	<p>CIVIL: D.E. MILLING & ASSOCIATES CONTRACT: 0181 GARDEN 1515 HIGHLAND DRIVE, KELOWNA, B.C. V1Y 1Y7 PHONE: (250) 765-2315, FAX: (250) 765-6599 EMAIL: demilling@demilling.ca</p> <p>LIST OF DRAWINGS: C-1 UTILITIES CONCEPT PLAN</p>	<p>MECHANICAL: N/A FOR DEVELOPMENT PERMIT</p>	<p>ELECTRICAL: N/A FOR DEVELOPMENT PERMIT</p>	<p>STRUCTURAL: N/A FOR DEVELOPMENT PERMIT</p>	<p>LANDSCAPE: N/A FOR DEVELOPMENT PERMIT</p>	<p>CONCEPTUAL ARCHITECTURE: GARNY TOMPOROVSKI ARCHITECT LTD. CONTRACT: 0181 GARDEN 1515 HIGHLAND DRIVE, KELOWNA, B.C. V1Y 1Y7 PHONE: (250) 878-4668, FAX: (250) 878-4498 EMAIL: gtompo@thmarchitect.com</p>	<p>CONCEPTUAL CIVIL: D.E. MILLING & ASSOCIATES CONTRACT: 0181 GARDEN 1515 HIGHLAND DRIVE, KELOWNA, B.C. V1Y 1Y7 PHONE: (250) 765-2315, FAX: (250) 765-6599 EMAIL: demilling@demilling.ca</p>	<p>CONCEPTUAL MECHANICAL: N/A FOR DEVELOPMENT PERMIT</p>	<p>CONCEPTUAL ELECTRICAL: N/A FOR DEVELOPMENT PERMIT</p>	<p>CONCEPTUAL STRUCTURAL: N/A FOR DEVELOPMENT PERMIT</p>	<p>CONCEPTUAL LANDSCAPE: N/A FOR DEVELOPMENT PERMIT</p>
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<p>SECTION 13.3.1 PERMITS: 13.3.1.1 PERMITS FOR CONSTRUCTION OF BUILDINGS 13.3.1.2 PERMITS FOR CONSTRUCTION OF STRUCTURES 13.3.1.3 PERMITS FOR CONSTRUCTION OF UTILITIES 13.3.1.4 PERMITS FOR CONSTRUCTION OF LANDSCAPE 13.3.1.5 PERMITS FOR CONSTRUCTION OF SIGNAGE 13.3.1.6 PERMITS FOR CONSTRUCTION OF OTHER</p>	<p>SECTION 13.3.2 PERMITS: 13.3.2.1 PERMITS FOR CONSTRUCTION OF BUILDINGS 13.3.2.2 PERMITS FOR CONSTRUCTION OF STRUCTURES 13.3.2.3 PERMITS FOR CONSTRUCTION OF UTILITIES 13.3.2.4 PERMITS FOR CONSTRUCTION OF LANDSCAPE 13.3.2.5 PERMITS FOR CONSTRUCTION OF SIGNAGE 13.3.2.6 PERMITS FOR CONSTRUCTION OF OTHER</p>	<p>SECTION 13.3.3 PERMITS: 13.3.3.1 PERMITS FOR CONSTRUCTION OF BUILDINGS 13.3.3.2 PERMITS FOR CONSTRUCTION OF STRUCTURES 13.3.3.3 PERMITS FOR CONSTRUCTION OF UTILITIES 13.3.3.4 PERMITS FOR CONSTRUCTION OF LANDSCAPE 13.3.3.5 PERMITS FOR CONSTRUCTION OF SIGNAGE 13.3.3.6 PERMITS FOR CONSTRUCTION OF OTHER</p>	<p>SECTION 13.3.4 PERMITS: 13.3.4.1 PERMITS FOR CONSTRUCTION OF BUILDINGS 13.3.4.2 PERMITS FOR CONSTRUCTION OF STRUCTURES 13.3.4.3 PERMITS FOR CONSTRUCTION OF UTILITIES 13.3.4.4 PERMITS FOR CONSTRUCTION OF LANDSCAPE 13.3.4.5 PERMITS FOR CONSTRUCTION OF SIGNAGE 13.3.4.6 PERMITS FOR CONSTRUCTION OF OTHER</p>	<p>SECTION 13.3.5 PERMITS: 13.3.5.1 PERMITS FOR CONSTRUCTION OF BUILDINGS 13.3.5.2 PERMITS FOR CONSTRUCTION OF STRUCTURES 13.3.5.3 PERMITS FOR CONSTRUCTION OF UTILITIES 13.3.5.4 PERMITS FOR CONSTRUCTION OF LANDSCAPE 13.3.5.5 PERMITS FOR CONSTRUCTION OF SIGNAGE 13.3.5.6 PERMITS FOR CONSTRUCTION OF OTHER</p>	<p>SECTION 13.3.6 PERMITS: 13.3.6.1 PERMITS FOR CONSTRUCTION OF BUILDINGS 13.3.6.2 PERMITS FOR CONSTRUCTION OF STRUCTURES 13.3.6.3 PERMITS FOR CONSTRUCTION OF UTILITIES 13.3.6.4 PERMITS FOR CONSTRUCTION OF LANDSCAPE 13.3.6.5 PERMITS FOR CONSTRUCTION OF SIGNAGE 13.3.6.6 PERMITS FOR CONSTRUCTION OF OTHER</p>	<p>SECTION 13.3.7 PERMITS: 13.3.7.1 PERMITS FOR CONSTRUCTION OF BUILDINGS 13.3.7.2 PERMITS FOR CONSTRUCTION OF STRUCTURES 13.3.7.3 PERMITS FOR CONSTRUCTION OF UTILITIES 13.3.7.4 PERMITS FOR CONSTRUCTION OF LANDSCAPE 13.3.7.5 PERMITS FOR CONSTRUCTION OF SIGNAGE 13.3.7.6 PERMITS FOR CONSTRUCTION OF OTHER</p>	<p>SECTION 13.3.8 PERMITS: 13.3.8.1 PERMITS FOR CONSTRUCTION OF BUILDINGS 13.3.8.2 PERMITS FOR CONSTRUCTION OF STRUCTURES 13.3.8.3 PERMITS FOR CONSTRUCTION OF UTILITIES 13.3.8.4 PERMITS FOR CONSTRUCTION OF LANDSCAPE 13.3.8.5 PERMITS FOR CONSTRUCTION OF SIGNAGE 13.3.8.6 PERMITS FOR CONSTRUCTION OF OTHER</p>	<p>SECTION 13.3.9 PERMITS: 13.3.9.1 PERMITS FOR CONSTRUCTION OF BUILDINGS 13.3.9.2 PERMITS FOR CONSTRUCTION OF STRUCTURES 13.3.9.3 PERMITS FOR CONSTRUCTION OF UTILITIES 13.3.9.4 PERMITS FOR CONSTRUCTION OF LANDSCAPE 13.3.9.5 PERMITS FOR CONSTRUCTION OF SIGNAGE 13.3.9.6 PERMITS FOR CONSTRUCTION OF OTHER</p>	<p>SECTION 13.3.10 PERMITS: 13.3.10.1 PERMITS FOR CONSTRUCTION OF BUILDINGS 13.3.10.2 PERMITS FOR CONSTRUCTION OF STRUCTURES 13.3.10.3 PERMITS FOR CONSTRUCTION OF UTILITIES 13.3.10.4 PERMITS FOR CONSTRUCTION OF LANDSCAPE 13.3.10.5 PERMITS FOR CONSTRUCTION OF SIGNAGE 13.3.10.6 PERMITS FOR CONSTRUCTION OF OTHER</p>	<p>SECTION 13.3.11 PERMITS: 13.3.11.1 PERMITS FOR CONSTRUCTION OF BUILDINGS 13.3.11.2 PERMITS FOR CONSTRUCTION OF STRUCTURES 13.3.11.3 PERMITS FOR CONSTRUCTION OF UTILITIES 13.3.11.4 PERMITS FOR CONSTRUCTION OF LANDSCAPE 13.3.11.5 PERMITS FOR CONSTRUCTION OF SIGNAGE 13.3.11.6 PERMITS FOR CONSTRUCTION OF OTHER</p>
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<p>SECTION 13.3.12 PERMITS: 13.3.12.1 PERMITS FOR CONSTRUCTION OF BUILDINGS 13.3.12.2 PERMITS FOR CONSTRUCTION OF STRUCTURES 13.3.12.3 PERMITS FOR CONSTRUCTION OF UTILITIES 13.3.12.4 PERMITS FOR CONSTRUCTION OF LANDSCAPE 13.3.12.5 PERMITS FOR CONSTRUCTION OF SIGNAGE 13.3.12.6 PERMITS FOR CONSTRUCTION OF OTHER</p>	<p>SECTION 13.3.13 PERMITS: 13.3.13.1 PERMITS FOR CONSTRUCTION OF BUILDINGS 13.3.13.2 PERMITS FOR CONSTRUCTION OF STRUCTURES 13.3.13.3 PERMITS FOR CONSTRUCTION OF UTILITIES 13.3.13.4 PERMITS FOR CONSTRUCTION OF LANDSCAPE 13.3.13.5 PERMITS FOR CONSTRUCTION OF SIGNAGE 13.3.13.6 PERMITS FOR CONSTRUCTION OF OTHER</p>	<p>SECTION 13.3.14 PERMITS: 13.3.14.1 PERMITS FOR CONSTRUCTION OF BUILDINGS 13.3.14.2 PERMITS FOR CONSTRUCTION OF STRUCTURES 13.3.14.3 PERMITS FOR CONSTRUCTION OF UTILITIES 13.3.14.4 PERMITS FOR CONSTRUCTION OF LANDSCAPE 13.3.14.5 PERMITS FOR CONSTRUCTION OF SIGNAGE 13.3.14.6 PERMITS FOR CONSTRUCTION OF OTHER</p>	<p>SECTION 13.3.15 PERMITS: 13.3.15.1 PERMITS FOR CONSTRUCTION OF BUILDINGS 13.3.15.2 PERMITS FOR CONSTRUCTION OF STRUCTURES 13.3.15.3 PERMITS FOR CONSTRUCTION OF UTILITIES 13.3.15.4 PERMITS FOR CONSTRUCTION OF LANDSCAPE 13.3.15.5 PERMITS FOR CONSTRUCTION OF SIGNAGE 13.3.15.6 PERMITS FOR CONSTRUCTION OF OTHER</p>	<p>SECTION 13.3.16 PERMITS: 13.3.16.1 PERMITS FOR CONSTRUCTION OF BUILDINGS 13.3.16.2 PERMITS FOR CONSTRUCTION OF STRUCTURES 13.3.16.3 PERMITS FOR CONSTRUCTION OF UTILITIES 13.3.16.4 PERMITS FOR CONSTRUCTION OF LANDSCAPE 13.3.16.5 PERMITS FOR CONSTRUCTION OF SIGNAGE 13.3.16.6 PERMITS FOR CONSTRUCTION OF OTHER</p>	<p>SECTION 13.3.17 PERMITS: 13.3.17.1 PERMITS FOR CONSTRUCTION OF BUILDINGS 13.3.17.2 PERMITS FOR CONSTRUCTION OF STRUCTURES 13.3.17.3 PERMITS FOR CONSTRUCTION OF UTILITIES 13.3.17.4 PERMITS FOR CONSTRUCTION OF LANDSCAPE 13.3.17.5 PERMITS FOR CONSTRUCTION OF SIGNAGE 13.3.17.6 PERMITS FOR CONSTRUCTION OF OTHER</p>	<p>SECTION 13.3.18 PERMITS: 13.3.18.1 PERMITS FOR CONSTRUCTION OF BUILDINGS 13.3.18.2 PERMITS FOR CONSTRUCTION OF STRUCTURES 13.3.18.3 PERMITS FOR CONSTRUCTION OF UTILITIES 13.3.18.4 PERMITS FOR CONSTRUCTION OF LANDSCAPE 13.3.18.5 PERMITS FOR CONSTRUCTION OF SIGNAGE 13.3.18.6 PERMITS FOR CONSTRUCTION OF OTHER</p>	<p>SECTION 13.3.19 PERMITS: 13.3.19.1 PERMITS FOR CONSTRUCTION OF BUILDINGS 13.3.19.2 PERMITS FOR CONSTRUCTION OF STRUCTURES 13.3.19.3 PERMITS FOR CONSTRUCTION OF UTILITIES 13.3.19.4 PERMITS FOR CONSTRUCTION OF LANDSCAPE 13.3.19.5 PERMITS FOR CONSTRUCTION OF SIGNAGE 13.3.19.6 PERMITS FOR CONSTRUCTION OF OTHER</p>	<p>SECTION 13.3.20 PERMITS: 13.3.20.1 PERMITS FOR CONSTRUCTION OF BUILDINGS 13.3.20.2 PERMITS FOR CONSTRUCTION OF STRUCTURES 13.3.20.3 PERMITS FOR CONSTRUCTION OF UTILITIES 13.3.20.4 PERMITS FOR CONSTRUCTION OF LANDSCAPE 13.3.20.5 PERMITS FOR CONSTRUCTION OF SIGNAGE 13.3.20.6 PERMITS FOR CONSTRUCTION OF OTHER</p>	<p>SECTION 13.3.21 PERMITS: 13.3.21.1 PERMITS FOR CONSTRUCTION OF BUILDINGS 13.3.21.2 PERMITS FOR CONSTRUCTION OF STRUCTURES 13.3.21.3 PERMITS FOR CONSTRUCTION OF UTILITIES 13.3.21.4 PERMITS FOR CONSTRUCTION OF LANDSCAPE 13.3.21.5 PERMITS FOR CONSTRUCTION OF SIGNAGE 13.3.21.6 PERMITS FOR CONSTRUCTION OF OTHER</p>	<p>SECTION 13.3.22 PERMITS: 13.3.22.1 PERMITS FOR CONSTRUCTION OF BUILDINGS 13.3.22.2 PERMITS FOR CONSTRUCTION OF STRUCTURES 13.3.22.3 PERMITS FOR CONSTRUCTION OF UTILITIES 13.3.22.4 PERMITS FOR CONSTRUCTION OF LANDSCAPE 13.3.22.5 PERMITS FOR CONSTRUCTION OF SIGNAGE 13.3.22.6 PERMITS FOR CONSTRUCTION OF OTHER</p>
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COVER SHEET

DATE: MAY 7, 2023

SCALE: AS NOTED

PROJECT NO: A0.0

1515 HIGHLAND DRIVE
KELOWNA, BC

SKYVIEW TERRACES

gta

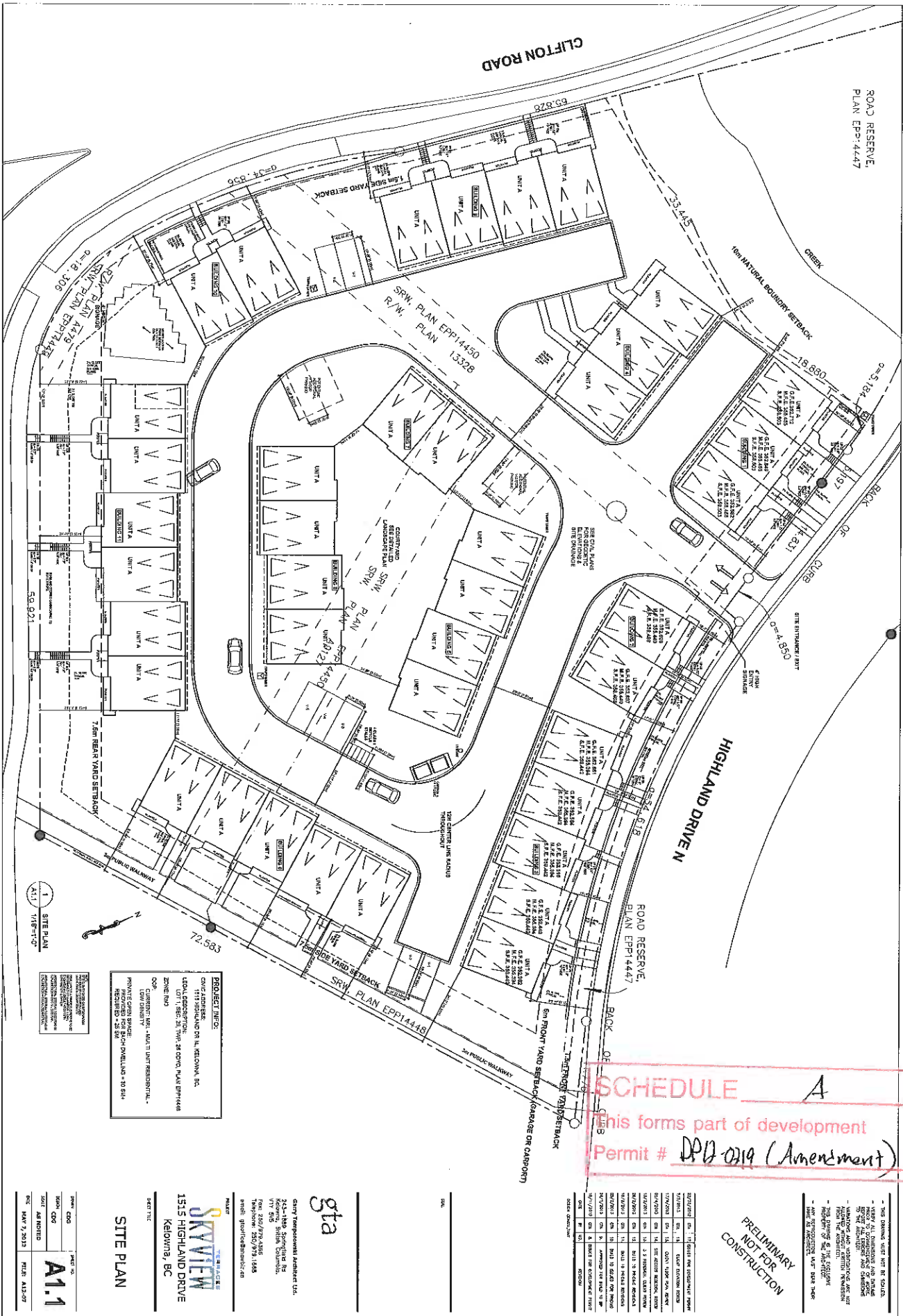
City Development Dept. 1515
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PRELIMINARY NOT FOR CONSTRUCTION

Permit # 2023-0219 (Amendment)

122



ROAD RESERVE
PLAN EPP-4447

1 SITE PLAN
A1.1 115-1-C

PROJECT INFO:
 CHRG. ADDRESS: 1515 HIGHLAND DR. N. KELOWNA, BC.
 LEGAL DESCRIPTION:
 LOT 1, SEC. 26 TWP. 28 ONTO PLAN EPP14448
 ZONE: R18
 COP:
 CURRENT USE: MULT. UNIT RESIDENTIAL -
 PRIVATE OPEN SPACE
 PROVIDED FOR EACH DWELLING: 70 SQM
 (MINIMUM) 25 SQM

SCHEDULE A
 This forms part of development
 Permit # DP1-0219 (Amendment)

**PRELIMINARY
NOT FOR
CONSTRUCTION**

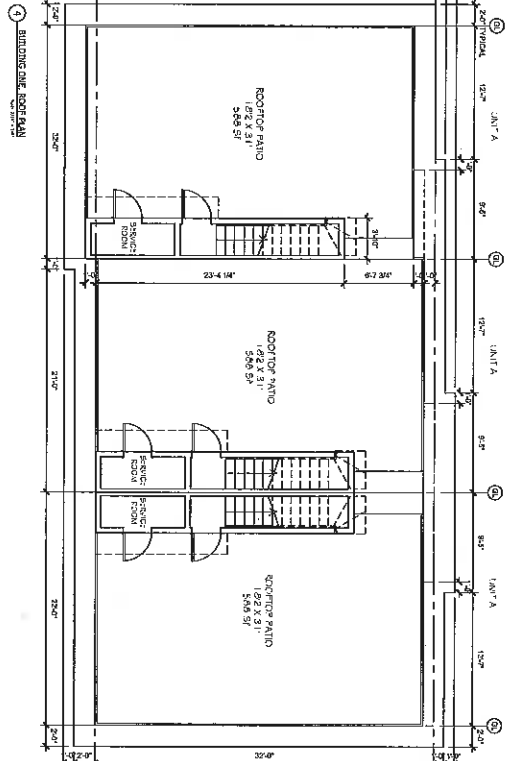
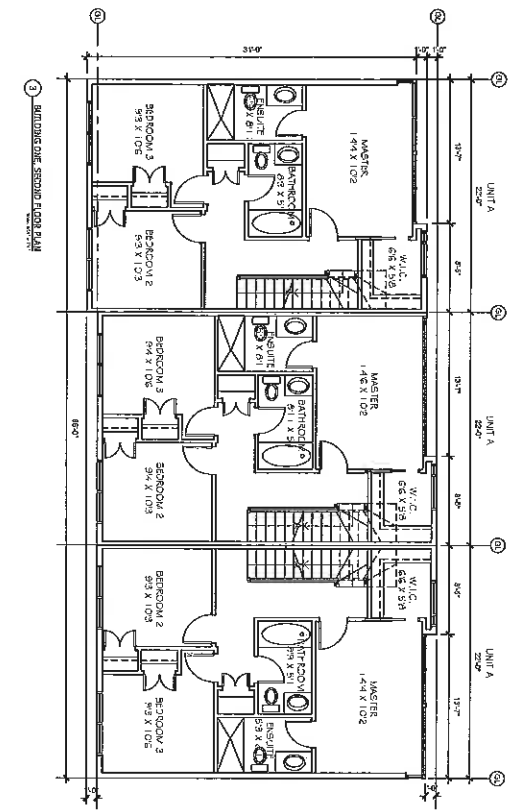
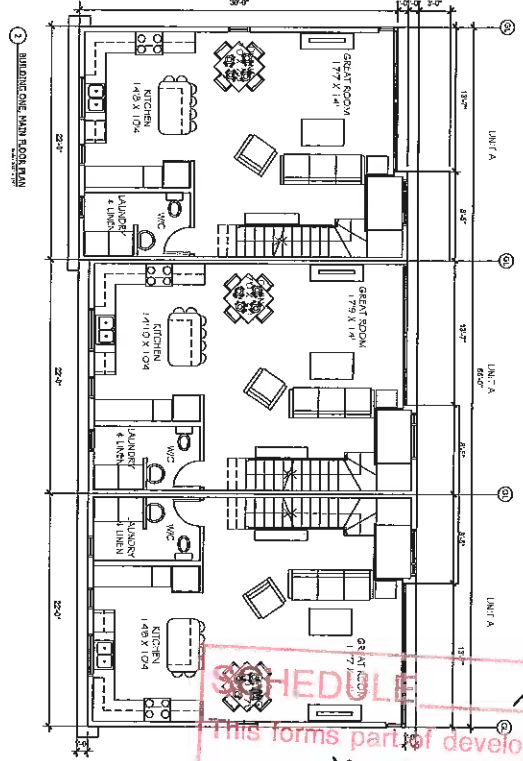
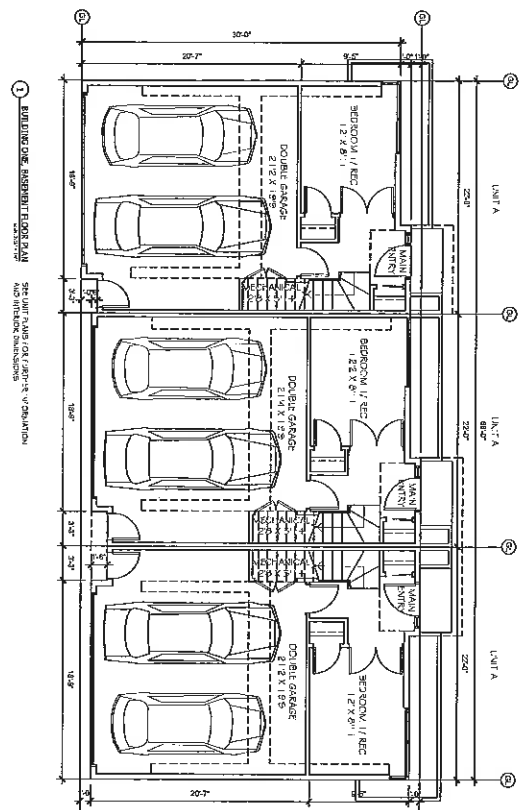
DATE: MAY 7 2012
 PLAN: A1.1
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SKYVIEW
 1515 HIGHLAND DRIVE
 KELOWNA, BC

gta

City of Kelowna
 251-1300 Springfield St
 Kelowna, British Columbia
 V1Y 6S5
 Telephone: 250/793-1447
 Email: plan@kelowna.ca

DATE	BY	DESCRIPTION
05/07/2012	01	1st Issue for Development Permit
05/07/2012	02	2nd Issue for Development Permit
05/07/2012	03	3rd Issue for Development Permit
05/07/2012	04	4th Issue for Development Permit
05/07/2012	05	5th Issue for Development Permit
05/07/2012	06	6th Issue for Development Permit
05/07/2012	07	7th Issue for Development Permit
05/07/2012	08	8th Issue for Development Permit
05/07/2012	09	9th Issue for Development Permit
05/07/2012	10	10th Issue for Development Permit



SCHEDULE A
This forms part of development
Permit # DP17-0219 (Amendment)

**PRELIMINARY
NOT FOR
CONSTRUCTION**

THIS PROPOSAL MUST NOT BE SCHEDULED.
THESE PLANS ARE PRELIMINARY AND NOT FOR CONSTRUCTION.
THESE PLANS ARE NOT TO BE USED FOR ANY OTHER PURPOSE.
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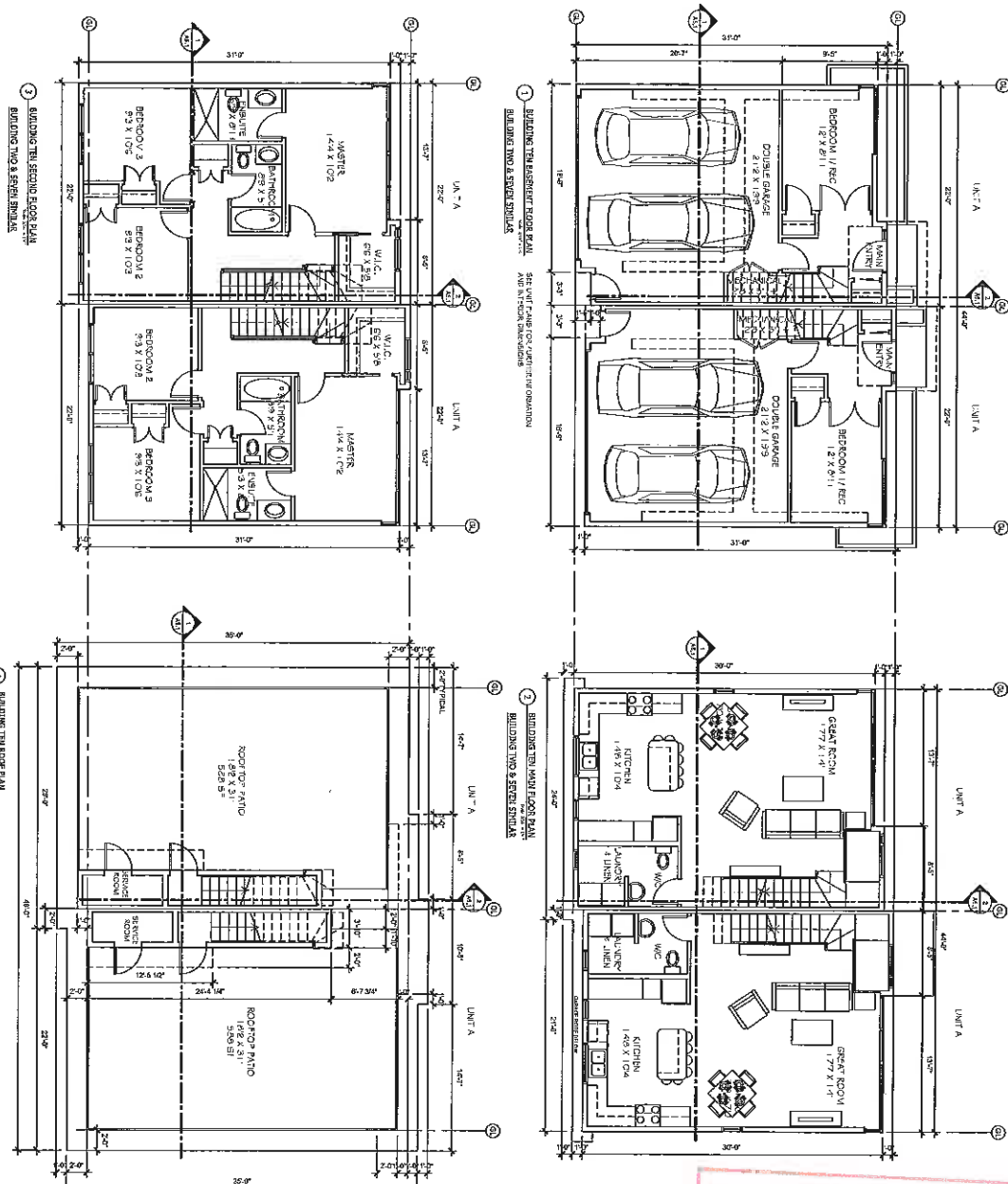
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99	REVISED PER PLAN NO. 98	2017	GT
100	REVISED PER PLAN NO. 99	2017	GT

DATE: 2017.07.20
DRAWN BY: GT
CHECKED BY: GT
SCALE: AS NOTED
SHEET NO. **A2.1**
DATE: 2017.07.20 FILE: A2.201

gta
Gentry Transportation Analytics Ltd.
645-1895 Steeles Rd E.
Unit 100, Scarborough, Ontario
M1V 4S7
Tel: 320.979.4336
Tel: 320.979.4336
Email: gta@gtanalytics.com

SKYVIEW
TENNESSEE
1515 HIGHLAND DRIVE
KELowna, BC

**BUILDING ONE
PLANS**



SCHEDULE A
 This forms part of development
 Permit # DP12-0219 (Amendment)

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- THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR COPIED WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT
- ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED
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NO.	DESCRIPTION	DATE
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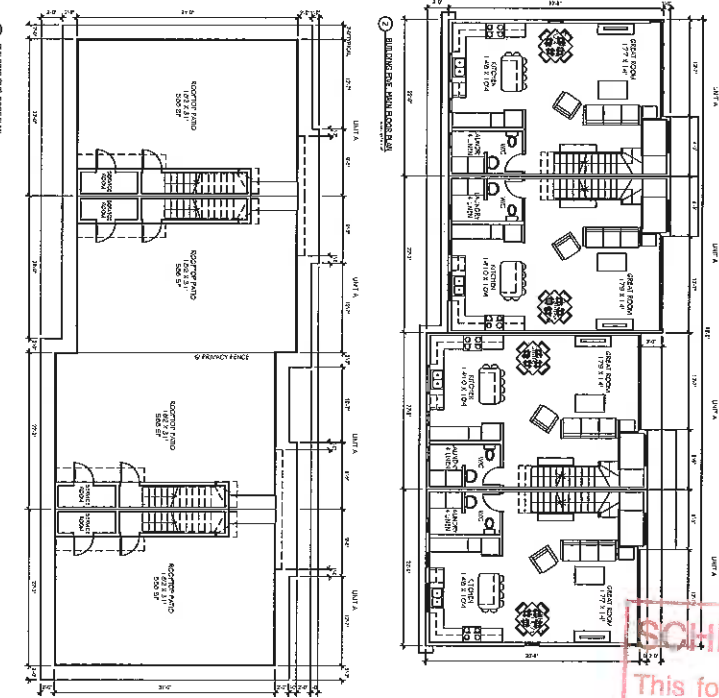
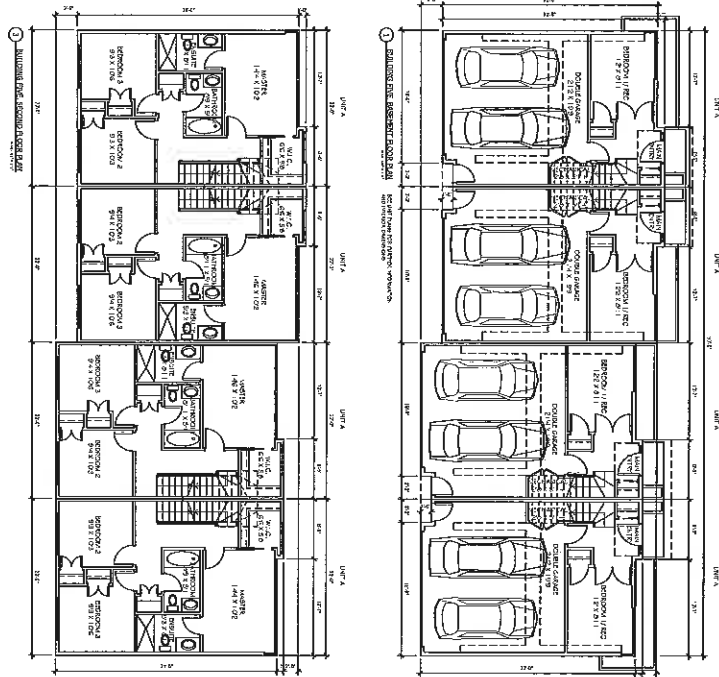
Gerry Thompson Architect Ltd.
 244-1888 Spruells Rd
 Victoria, British Columbia
 Tel: 250/779-4566
 Fax: 250/779-1668
 Email: gta@gtavancouver.com

SKYVIEW
 1515 HIGHLAND DRIVE
 Kelowna, BC

BUILDING TWO, SEVEN, & TEN PLANS

DATE	BY	SCALE
2012.12.12	GT	AS SHOWN
2012.12.12	GT	AS SHOWN
2012.12.12	GT	AS SHOWN

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SCHEDULE A
 This forms part of development
 Permit # DP17-0219 (Amendment)

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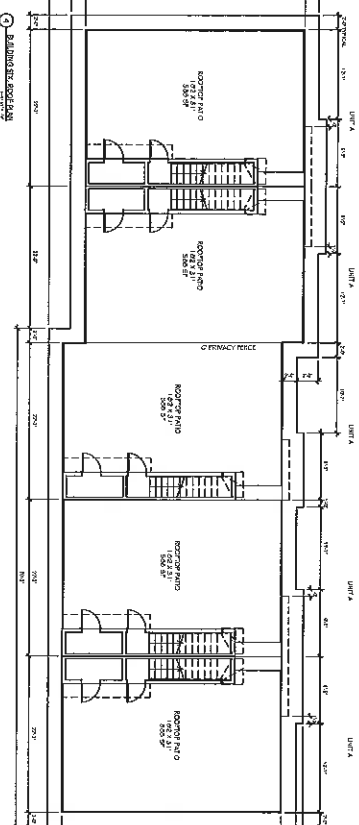
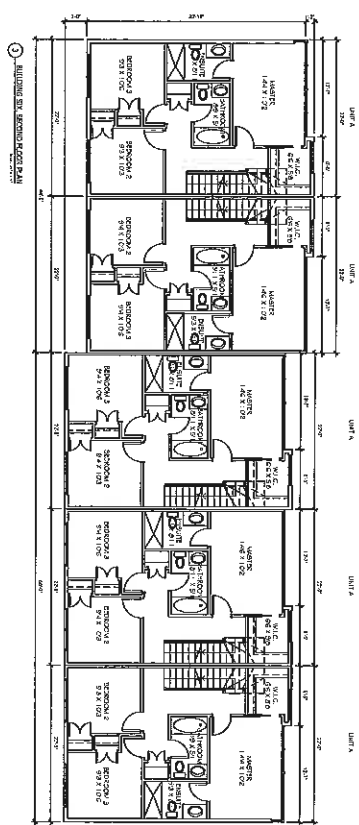
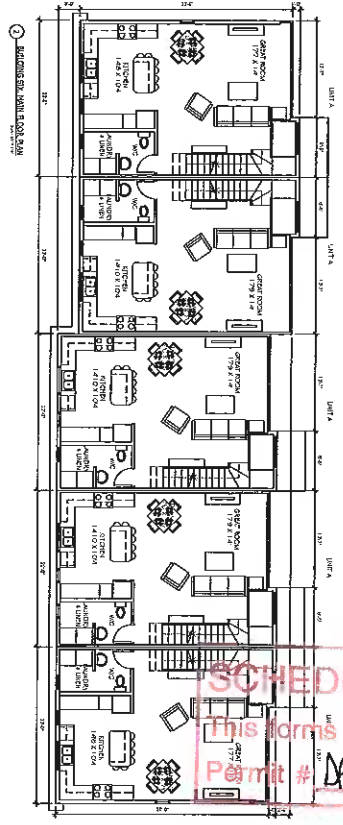
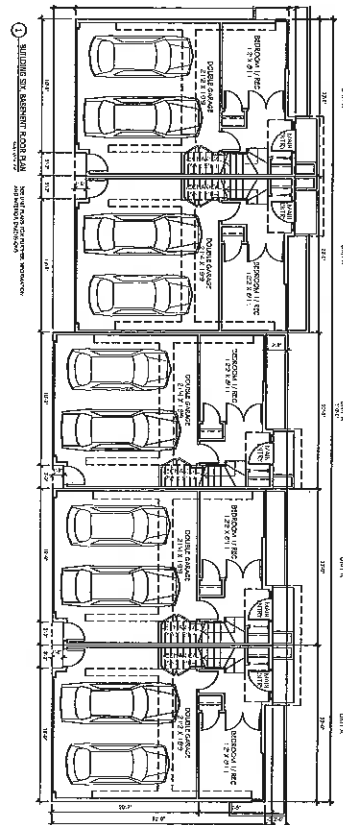
- THIS DRAWING MUST NOT BE SCALE
- VERIFY ALL DIMENSIONS AND ANNOTATIONS BEFORE PROCEEDING WITH CONSTRUCTION
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY
- THIS DRAWING IS THE PROPERTY OF THE ARCHITECT
- NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT

NO.	DATE	DESCRIPTION
01/20/2017	01	ISSUE FOR PERMITTING
02/20/2017	02	ISSUE FOR PERMITTING
03/20/2017	03	ISSUE FOR PERMITTING
04/20/2017	04	ISSUE FOR PERMITTING
05/20/2017	05	ISSUE FOR PERMITTING
06/20/2017	06	ISSUE FOR PERMITTING
07/20/2017	07	ISSUE FOR PERMITTING
08/20/2017	08	ISSUE FOR PERMITTING
09/20/2017	09	ISSUE FOR PERMITTING
10/20/2017	10	ISSUE FOR PERMITTING
11/20/2017	11	ISSUE FOR PERMITTING
12/20/2017	12	ISSUE FOR PERMITTING

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 Telephone: 250/879/1550
 email: gta@gtadirect.ca

SKYVIEW
 1515 HIGHLAND DRIVE
 KELOWNA, BC

A2.5
 BUILDING FIVE
 PLANS



SCHEDULE A
 This forms part of development
 Permit # **D22-0219 (Amendment)**

**PRELIMINARY
NOT FOR
CONSTRUCTION**

- THE OWNER ACCEPTS THAT THE SCALE
- OF THE DRAWINGS AND THE INFORMATION
- HEREIN IS FOR INFORMATION ONLY AND DOES
- NOT CONSTITUTE A PROFESSIONAL OPINION
- OR A GUARANTEE OF ANY KIND. THE OWNER
- AGREES TO HOLD THE ARCHITECT HARMLESS
- FROM AND AGAINST ALL CLAIMS, DAMAGES,
- LOSSES AND EXPENSES, INCLUDING REASONABLE
- ATTORNEY'S FEES, THAT MAY BE ASSERTED
- AGAINST THE ARCHITECT BY ANY THIRD PARTY
- AS A RESULT OF THE ARCHITECT'S
- NEGLIGENCE OR OTHERWISE, UNDER THESE
- TERMS AND CONDITIONS, UNLESS SUCH
- CLAIMS, DAMAGES, LOSSES AND EXPENSES
- ARE CAUSED BY THE ARCHITECT'S
- GROSS NEGLIGENCE OR WILLFUL MISFEASANCE.

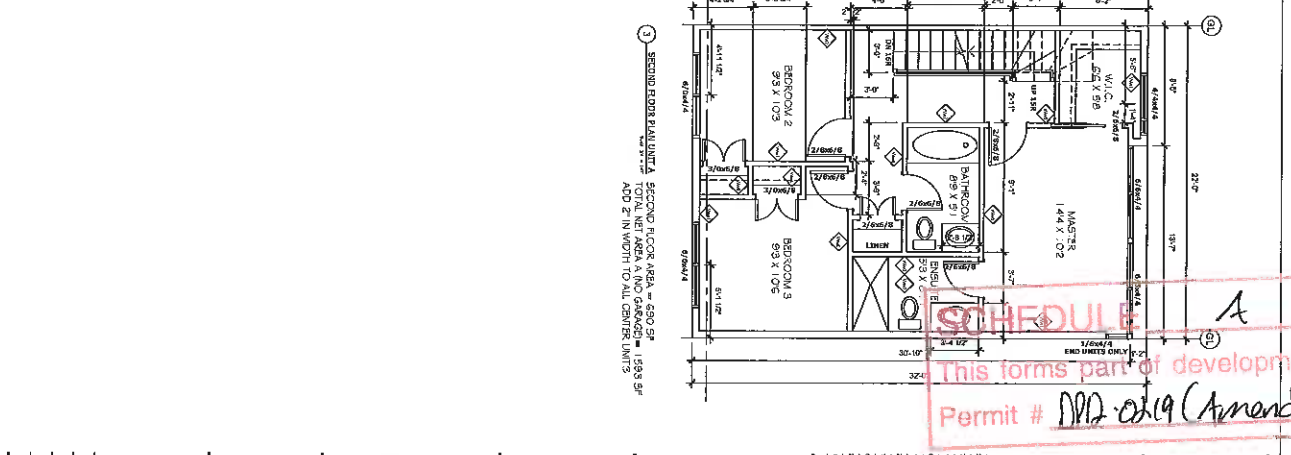
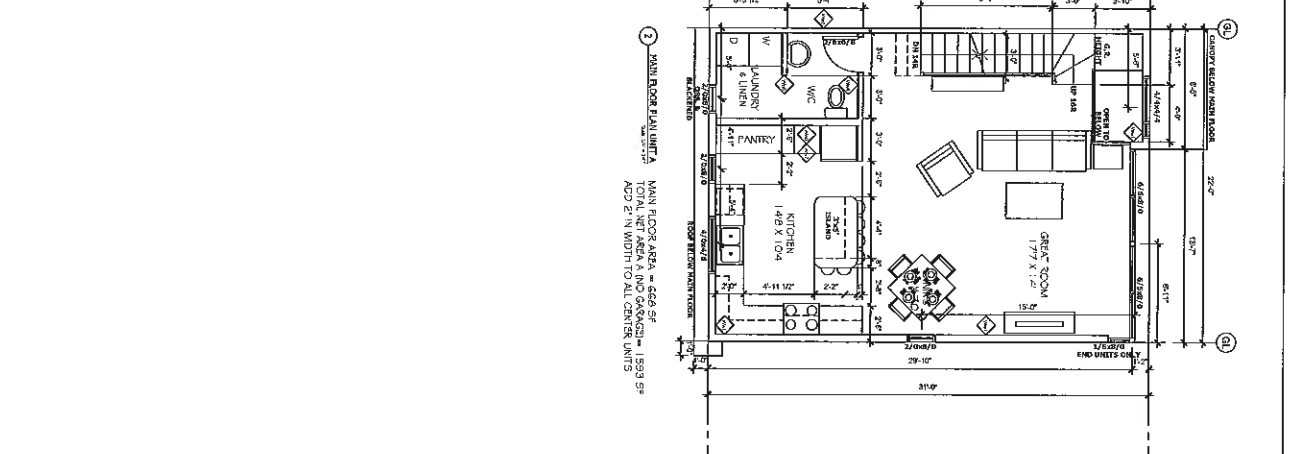
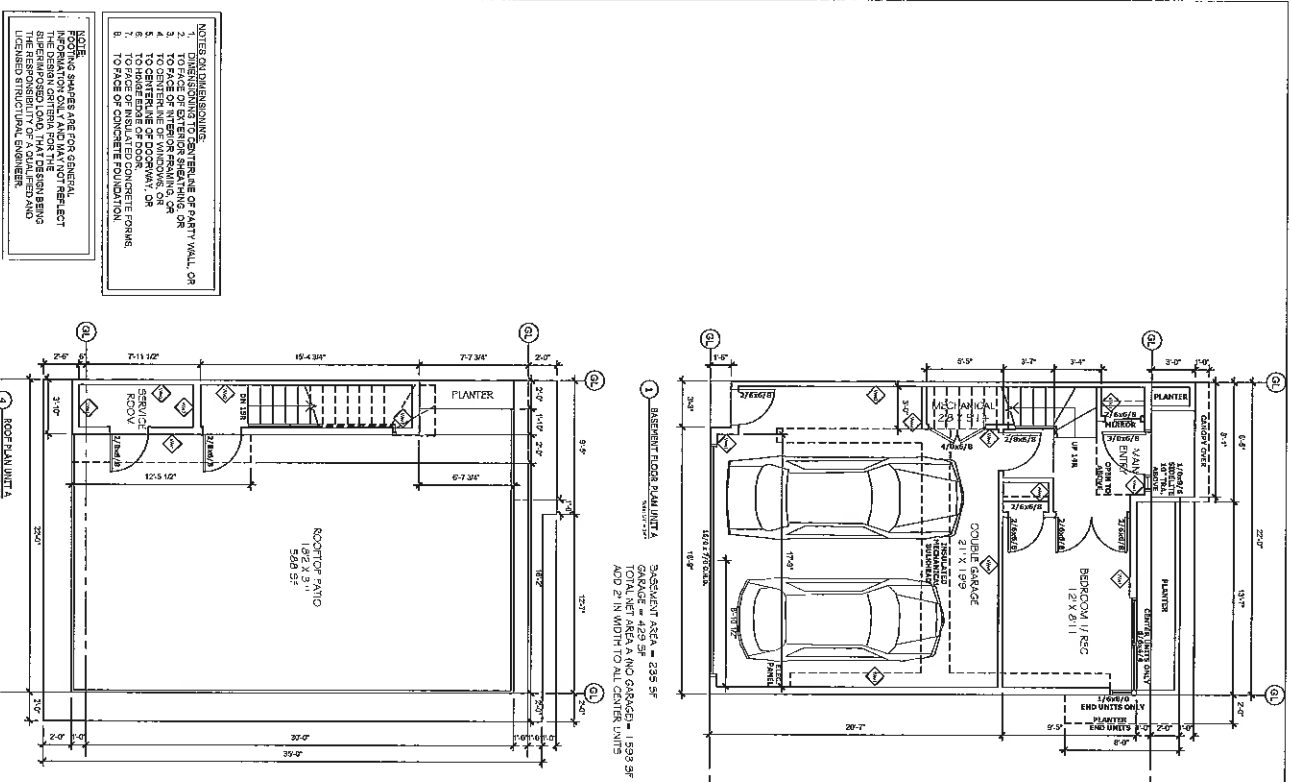
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04/20/2022	83	99
04/20/2022	84	100

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SKYVIEW
 1515 HIGHLAND DRIVE
 KADOWIA, BC

**BUILDING SIX
PLANS**

DATE	REVISED
04/20/2022	01
04/20/2022	02
04/20/2022	03
04/20/2022	04
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04/20/2022	99
04/20/2022	100



NOTES ON DIMENSIONS:

1. DIMENSIONS TO CENTERLINE OF PARTY WALL, OR
2. TO FACE OF INTERIOR WALL, OR
3. TO CENTERLINE OF WINDOW, OR
4. TO CENTERLINE OF DOOR, OR
5. TO INSIDE FACE OF DOOR, OR
6. TO FACE OF INSULATED CONCRETE FORMS,
7. TO FACE OF CONCRETE FOUNDATION.

NOTE: SHOWN AS GENERAL INFORMATION ONLY AND MAY NOT REFLECT THE DESIGN OR THE RESPONSIBILITY OF A QUALIFIED LICENSED STRUCTURAL ENGINEER.

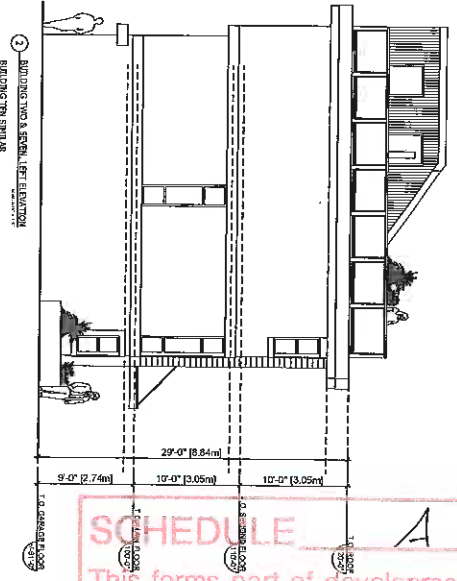
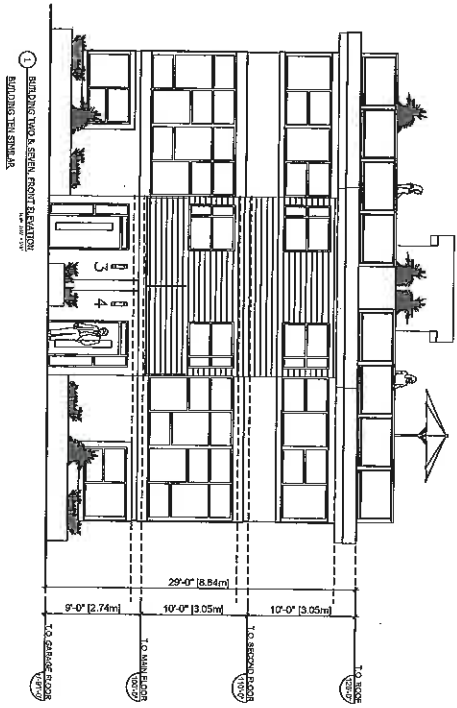
SCHEDULE A
 This forms part of development
 Permit # DP2-2019 (Amendment)

**PRELIMINARY
 NOT FOR
 CONSTRUCTION**

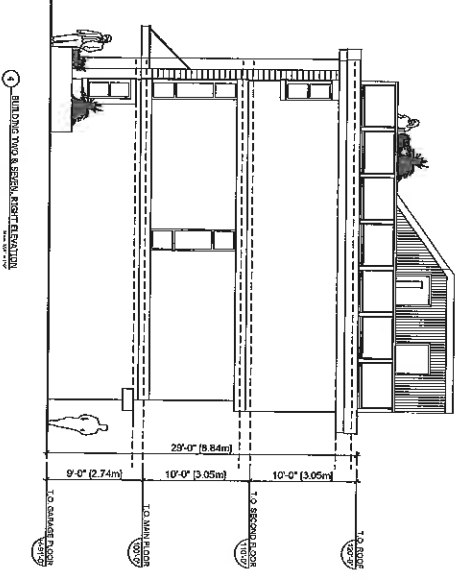
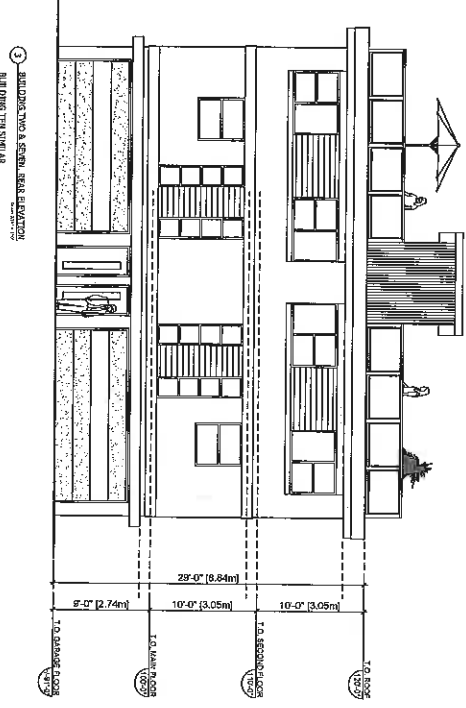
SKYVIEW
 1515 HIGHLAND DRIVE
 KELOWNA, BC

gta
 Gary Thompson Architect Ltd.
 213-1889 Springfield Rd
 Kelowna, British Columbia
 Tel: 250/879-4395
 Fax: 250/879-4395
 Email: gta@gtad.ca

DATE: JAN 27, 2023
 FILE: A3.1



SCHEDULE A
This forms part of development
Permit # DDP-2019 (Amendment)



- THIS DRAWING MUST NOT BE COPIED.
- DESIGN, ENGINEERING AND DRAWING MUST BE USED IN ACCORDANCE WITH THE PERMIT AND CONDITIONS.
- WORKING AND CONSTRUCTION ARE NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER.
- THIS DRAWING IS THE PROPERTY OF G.T.A. ARCHITECTS AND ENGINEERS.
- ANY REPRODUCTION MUST BE IN WRITING AND APPROVED BY THE DESIGNER.

**PRELIMINARY
NOT FOR
CONSTRUCTION**

NO.	DESCRIPTION	DATE	BY	CHKD.
1	ISSUED FOR PERMITTING PURPOSES	2023/03/23	gta	gta
2	ISSUED FOR PERMITTING PURPOSES	2023/03/23	gta	gta
3	ISSUED FOR PERMITTING PURPOSES	2023/03/23	gta	gta
4	ISSUED FOR PERMITTING PURPOSES	2023/03/23	gta	gta
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gta

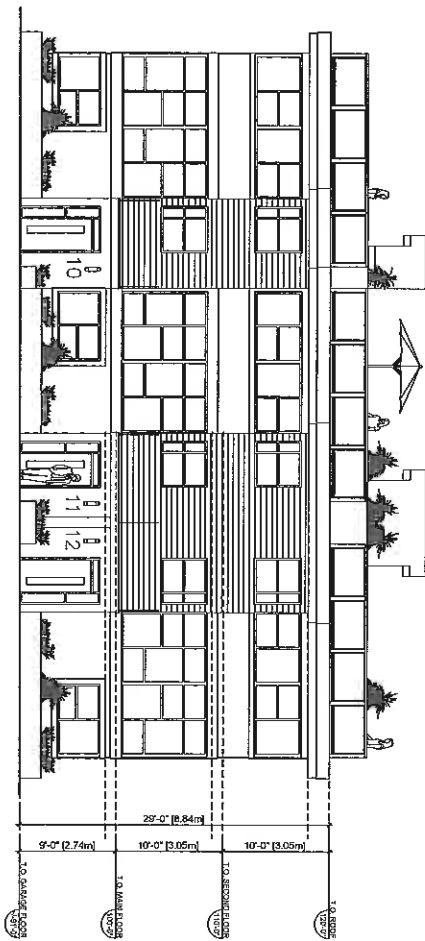
Garry Tompkins Architect Ltd.
232-1188 Springfield Rd
V7Y 4N5 British Columbia
Fax: 250/978-1389
Telephone: 250/978-1888
email: gta@gtarchitects.com

SKYVIEW
1515 HIGHLAND DRIVE
Kelowna, BC

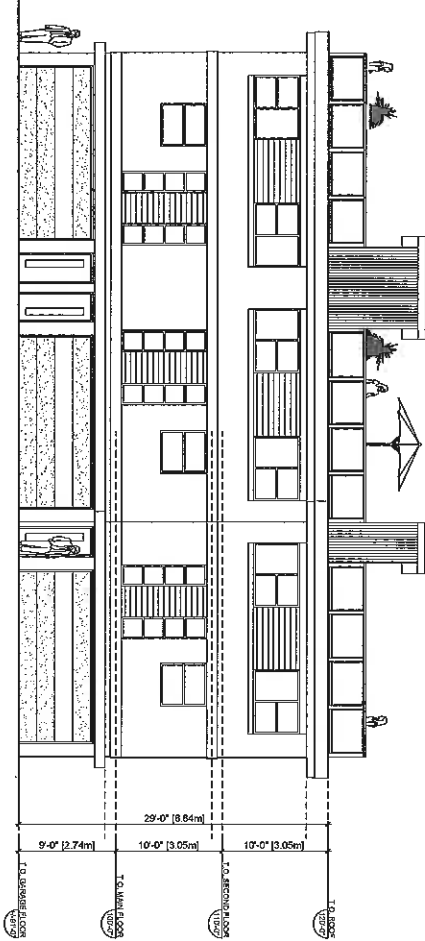
**BUILDING TWO,
SEVEN, & TEN
ELEVATIONS**

A4.2
DATE: MAY 3, 2023 TEL: 250-871-1111

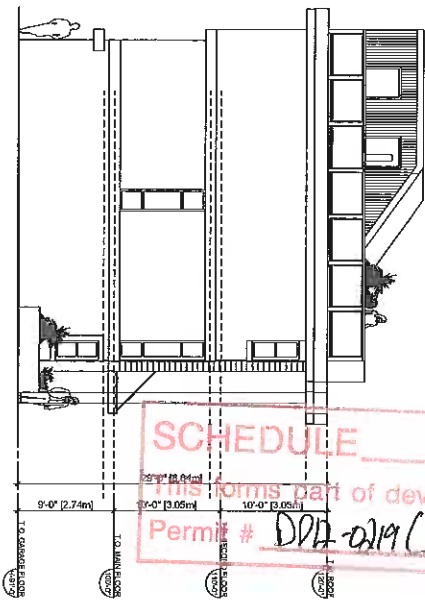
1 BUILDING FOUR, SOUTH ELEVATION



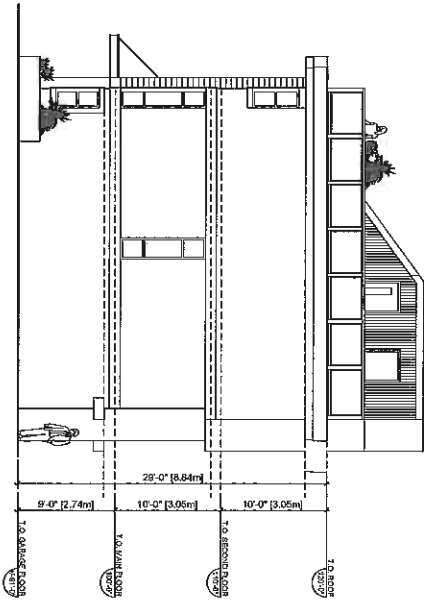
1 BUILDING FOUR, WEST ELEVATION



2 BUILDING FOUR, EAST ELEVATION



2 BUILDING FOUR, NORTH ELEVATION



SCHEDULE A
 This forms part of development
 Permit # **DP17-0219 (Amendment)**

**PRELIMINARY
NOT FOR
CONSTRUCTION**

- THIS DRAWING MUST NOT BE SCALE
- ANY A.L. DIMENSIONS AND DIMENSIONS MUST BE USED FOR ALL DIMENSIONS AND DIMENSIONS
- ALL DIMENSIONS AND DIMENSIONS MUST BE USED FOR ALL DIMENSIONS AND DIMENSIONS
- THIS DRAWING IS THE PROPERTY OF THE ARCHITECT
- ANY DIMENSIONS AND DIMENSIONS MUST BE USED FOR ALL DIMENSIONS AND DIMENSIONS

NO.	DATE	DESCRIPTION
01/01/2017	01	ISSUE FOR PERMITTING
01/01/2017	02	ISSUE FOR PERMITTING
01/01/2017	03	ISSUE FOR PERMITTING
01/01/2017	04	ISSUE FOR PERMITTING
01/01/2017	05	ISSUE FOR PERMITTING
01/01/2017	06	ISSUE FOR PERMITTING
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01/01/2017	19	ISSUE FOR PERMITTING
01/01/2017	20	ISSUE FOR PERMITTING

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GARY TEMPERLEY ARCHITECTS LTD.

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 Fax: 250/979-4186
 Email: gta@gtarchitects.com

SKYVIEW
 1515 HIGHLAND DRIVE
 KILGORN, BC

**BUILDING FOUR
ELEVATIONS**

DATE: MAY 7, 2012
 SCALE: 1/8" = 1'-0"



1 CONCEPTUAL RENDERING DUPLEX
Scale: 1/12



2 CONCEPTUAL RENDERING THREE-UNIT
Scale: 1/12



3 CONCEPTUAL RENDERING FOUR-UNIT
Scale: 1/12

SCHEDULE B
This forms part of development
Permit # DP12-0219 (Amendment)

THIS SCHEDULE MUST NOT BE SEPARATED FROM THE PERMIT AND SHALL REMAIN WITH THE PERMIT THROUGHOUT THE CONSTRUCTION OF THE PROJECT. THIS SCHEDULE IS THE EXCLUSIVE PROPERTY OF THE ARCHITECT. ANY REVISIONS TO THIS SCHEDULE SHALL BE MADE BY ADDITION, NOT DELETION.

**PRELIMINARY
NOT FOR
CONSTRUCTION**

DATE	NO.	DESCRIPTION
04/20/12	01	ISSUED FOR INFORMATION
04/20/12	02	REVISED PER COMMENTS
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04/20/12	99	REVISED PER COMMENTS
04/20/12	100	REVISED PER COMMENTS

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1175-1175, Spring
Tel: 250-778-4455
Tel/Fax: 250-778-1568
www.gta.ca

SKYVIEW
1515 HIGHLAND DRIVE
Kelowna, BC

**BUILDING
PERSPECTIVES**

DATE: 04/20/12
SCALE: A0.1
DRAWN BY: [Name]
CHECKED BY: [Name]



- NOTES**
1. LANDSCAPE AND PLANTING TO BE INSTALLED BY THE CONTRACTOR.
 2. ALL SPOT PLANTING SHALL BE INSTALLED BY THE CONTRACTOR.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DENVER.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DENVER.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DENVER.
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 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DENVER.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DENVER.

HYDROSEEDING PRESCRIPTION

HYDROSEEDING PRESCRIPTION FOR NEWLY EXPOSED SOILS. THIS PRESCRIPTION IS BASED ON THE ASSUMPTION THAT THE SOIL IS A FERTILE, WELL-DRAINING SOIL. IF THE SOIL IS NOT FERTILE OR WELL-DRAINING, THE CONTRACTOR SHALL CONSULT WITH THE LANDSCAPE ARCHITECT FOR AN ADJUSTED PRESCRIPTION.

PERCENTAGE OF SEEDS PER POUND	SEED WEIGHT	SEEDS PER POUND
100%	100%	100%
10%	10%	10%
20%	20%	20%
30%	30%	30%
40%	40%	40%
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REPAIR PLAN LIST

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SCHEDULE
 This is a preliminary schedule for review only. It is subject to change without notice. The contractor shall be responsible for obtaining all necessary permits and approvals from the City of Denver. The contractor shall be responsible for obtaining all necessary permits and approvals from the City of Denver. The contractor shall be responsible for obtaining all necessary permits and approvals from the City of Denver.

ES&D FOR REVIEW ONLY

1/1/3

LANDSCAPE PLAN

NO.	DATE	DESCRIPTION
1	10/15/18	Final Landscape Plan
2	11/13/18	Revised Landscape Plan
3	11/13/18	Revised Landscape Plan
4	11/13/18	Revised Landscape Plan
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SKYVIEW TERRACES

1515 Highland Pkwy
 Denver, CO

OUTLAND DESIGN LANDSCAPE ARCHITECTURE

2001 - 1500 Spruce Street
 Denver, CO 80202
 Phone: 303.733.4422
 www.outlanddesign.com



IRRIGATION NOTES

1. IRRIGATION SYSTEMS SHALL BE DESIGNED TO PROVIDE SUFFICIENT WATER TO THE PLANTS AND TREES IN THE LANDSCAPE AND TO MAINTAIN THE HEALTH OF THE PLANTS AND TREES THROUGHOUT THE YEAR.
2. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE SUFFICIENT WATER TO THE PLANTS AND TREES THROUGHOUT THE YEAR.
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IRRIGATION LEGEND

Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Zone 10	Zone 11	Zone 12	Zone 13	Zone 14	Zone 15	Zone 16	Zone 17	Zone 18	Zone 19	Zone 20	Zone 21	Zone 22	Zone 23	Zone 24	Zone 25	Zone 26	Zone 27	Zone 28	Zone 29	Zone 30	Zone 31	Zone 32	Zone 33	Zone 34	Zone 35	Zone 36	Zone 37	Zone 38	Zone 39	Zone 40	Zone 41	Zone 42	Zone 43	Zone 44	Zone 45	Zone 46	Zone 47	Zone 48	Zone 49	Zone 50	Zone 51	Zone 52	Zone 53	Zone 54	Zone 55	Zone 56	Zone 57	Zone 58	Zone 59	Zone 60	Zone 61	Zone 62	Zone 63	Zone 64	Zone 65	Zone 66	Zone 67	Zone 68	Zone 69	Zone 70	Zone 71	Zone 72	Zone 73	Zone 74	Zone 75	Zone 76	Zone 77	Zone 78	Zone 79	Zone 80	Zone 81	Zone 82	Zone 83	Zone 84	Zone 85	Zone 86	Zone 87	Zone 88	Zone 89	Zone 90	Zone 91	Zone 92	Zone 93	Zone 94	Zone 95	Zone 96	Zone 97	Zone 98	Zone 99	Zone 100
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WATER CONSERVATION CALCULATIONS

UNSATURATED WATER CAPACITY (UWC) = 1.507 GAL/IN³

EVAPORATION (E) = 0.200 GAL/IN²/DAY

PRECIPITATION (P) = 0.000 GAL/IN²/DAY

NET IRRIGATION REQUIREMENT (NIR) = 1.307 GAL/IN²/DAY

TOTAL IRRIGATION REQUIREMENT (TIR) = 1.307 GAL/IN²/DAY

TOTAL IRRIGATION REQUIREMENT (TIR) = 1.307 GAL/IN²/DAY

Development
 2020 (Amendment)

SKYVIEW TERRACE

204 • 4th Street, Suite 100
 Denver, CO 80202
 www.skyviewterrace.com

OUTLAND DESIGN
 LANDSCAPE ARCHITECTURE

L3/3

ISSUED FOR REVIEW ONLY

DESIGN RATIONALE



A12-07

SKYVIEW TERRACES

1515 HIGHLAND DRIVE
Kelowna, BC

June 5th, 2013

Prepared For:

Prepared For:

Kelowna Highland Development Ltd.
Kelowna, BC

City of Kelowna
Development Services
1435 Water Street
Kelowna, BC V1Y 1J4

Architecture
Interior Design and Planning
Building Envelope Consulting



ARCHITECTURE

Garry Tomperowski Architect Ltd
Kelowna, B.C. 250.979.1668



DESIGN RATIONALE

The overall design focus and intent for this development is based on the sites surrounding context and the developer's background. The site is on the edge of a vast single family residential zone to the north and east, with medium density housing directly west along Clement Avenue. It is also adjacent to park space to the south, public green-way access and is in very close proximity to the urban downtown area of Kelowna. As a visual buffer between multiple roadways, residential zones and park spaces, we felt that a modern approach to the design would be both transitional to the surrounding areas as well as revitalizing. This building design approach also accompanies the look and feel of a single family dwelling with walk-up front entrances and porch style patio's at all property edges. The site design is based on these similar transitional principles with public, semi-private and private open spaces, creating a modern urban form and social lifestyle. All aspects of the site and buildings have been utilized with public and private walkways, roof-top patio spaces and a central courtyard. The developers have European roots and have lived in urban social community dwellings such as this proposed development and feel this site is ideal to achieve just that.

The combination of materials and colours selected give the building a residential quality as well as a modern urban quality. Both textured stucco and wood grain cladding and trim will add to the unique modern characteristics. Colours and materials were inspired by the surrounding Okanagan hillsides and urban downtown. Landscaping throughout the site also integrates the local and natural vegetation and will complement the developments overall form and character.

The 3 storey building design allows for residents to have the space and feel of a single family dwelling while living within an urban social community and setting, all in one. It also reducing the overall footprint and minimizing the site density by over 1/5 of what's permitted in this zone. The design will allow for minimum amounts of structural soil on site which will reduce the impact and potential improvements to the City's civil works and will permit the buildings to be set as low as possible on site and not impact the neighboring properties in regards to building height.

Large open spaces and roof-top patios are designed throughout for a fully functional and utilizing development for all ages. Private and public walk-ways throughout the site allow for pedestrians and cyclists, both residing and visiting, to easily pass-thru or navigate through to the park spaces, green-way, downtown area and neighboring residential areas. The North-west corner of the site has a natural creek passing through, complete with a natural riparian area surrounding which can be accessed off-site by all current, future tenants and the public. The flood plain from the natural creek will be diverted off-site by the appropriate and required grading for an overall flood plain improvement.

All off-street parking is located at the rear of each building in private, secure and covered garages beneath main living spaces. The covered design will maintain the neighborhoods residential character. Visitor parking has been provided throughout the site in central locations for ease of access and use by all.



SUSTAINABILITY

The proposed development is located within close vicinity to the existing urban footprint of the city, allowing pedestrians and cyclists to utilize the green-way adjacent the site as well as the existing transportation and servicing infrastructure. This reduces the need for further costly infrastructure and maintenance costs. The three bedroom, modern units, proposed for this development will increase the diversity of housing options available within the community. A properly designed and detailed building can also reduce heating and cooling loads, increase air quality, and reduce energy consumption.

Envelope details that prevent water and moisture ingress, yet still allow the assemblies to dry prevent mold growth and healthy living. Reducing thermal bridging combined with appropriate thermal insulation will reduce heating and cooling loads. South and west facing windows will be specified to have appropriate shading and glazing coefficients to utilize the summer sun by blocking the heat while still allowing the winter sun to penetrate, reducing cooling and heating loads in the summer and winter seasons respectively. Providing windows in all of the occupied spaces allows natural day lighting and views reducing energy consumption required for illumination. Operable windows on opposite sides allow for cross ventilation and give residents the option to naturally ventilate the units reducing the demand for mechanical ventilation to provide fresh air.

No disruption of the natural sensitive creek and riparian area will occur. The use of natural vegetation throughout the site will reduce water usage and irrigating.

CRIME PREVENTION

The intentions of CPTED have been addressed in the following ways; providing new, well maintained townhomes will promote pride in ownership amongst the residents; this will discourage vandalism, encourage surveillance and will improve overall maintenance of the site. The design of the buildings and landscaping will promote natural surveillance and do not provide opportunistic hiding spaces. The entrances are clearly visible from the streets and the well lit public walkways. Interior site lighting to the streetscape and pathways will be clearly lit, designed to illuminate the faces of users, and provide illumination levels that do not create high contrast areas that could potentially conceal offenders. The social lifestyle of the site will help promote further surveillance and territorial reinforcement. Separation of private, semi-private and public spaces will be achieved with the use of grade changes, overall landscaping and finish materials to separate and add comfort to the residence. Large windows and patios in the front and roof-top of the units help to provide eyes to the street and parking areas. They also allow parents to keep watch on children playing in the common spaces. To support interaction and familiarity amongst the residence common outdoor space has been provided. Trees will be planted in the front and rear yards to make the space more desirable and promote tenant usage. Plantings that inhibit access will be located below grade level windows, changes in materials will define the transition from public common space to tenant common space, and landscaping will clearly define the boundary between the common and private outdoor space.

END

CITY OF KELOWNA
MEMORANDUM

Date: June 7, 2013
File No.: DP12-0219

To: Planning & Development Services Department (AW)

From: Development Engineering Manager (Revised Drawings)

Subject: Highland Drive N 1535 Clifton Rd Plan 13228 The Highlands

Development Engineering has the following requirements associated with this development 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 John Filipenko. ASCT

1. General.

Development Engineering servicing and frontage improvement requirements were addressed under File Z10-0067. The requirements must be satisfied prior to issuance of the Development Permit.

2. Domestic Water and Fire Protection

- (a) 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.
- (b) Only one service will be permitted for this development. The applicant, at his cost, will arrange for the installation of fire hydrants and a new metered water service.
- (c) A water meter is mandatory for this development and must be installed inside a 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.
- (d) An approved backflow protection device must also be installed on site as required by the City Plumbing Regulation and Water Regulation bylaws.
- (e) Landscaped boulevards, complete with underground irrigation systems, must be integrated with the on-site irrigation system.

3. Sanitary Sewer

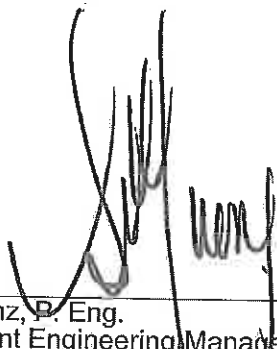
- (a) The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. The applicant, at his cost, will arrange for the installation of new services as well as the capping of all existing small diameter services at the mains.

4. Storm Drainage

- (a) The developer has engaged a consulting civil engineer who has reviewed the Urban Systems Flood Risk Assessment Report and has investigated the overland flow routes for the surrounding area. A revised Storm Water Management Plan and Lot Grading Plan has been provided.

5. Electric Power and Telecommunication Services

The electrical and telecommunication services to this development must be installed in an underground duct system. 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 developer's cost.



Steve Muenz, P. Eng.
Development Engineering Manager
JF/jf

REPORT TO COUNCIL



Date: June 11th, 2013

RIM No. 0930-50

To: City Manager

From: Land Use Management, Community Sustainability (PMc)

Application: LL13-0006

Owner: City of Kelowna

Address: 1700-1800 Parkinson Way
1456 Spall Rd.

Applicant: Gordon Fitzpatrick

Subject: Public Special Occasion Liquor License Application

Existing OCP Designation: Major Park / Open Space (Park)

Existing Zone: P1lp - Major Institutional (Liquor Primary)

1.0 Recommendation

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

In accordance with Section 53 of the Liquor Control and Licensing Regulation and Council Policy No. 359, BE IT RESOLVED THAT:

Council supports the application for a Public - Special Occasion License for the Kelowna Futures Tennis Tournament to be held at the Parkinson Recreation Centre on July 2, 2013 to July 7, 2013 inclusive, to facilitate a family oriented tennis tournament.

2.0 Purpose

This application seeks Council's support for a public special occasion license for the Kelowna Futures Tennis Tournament, a family event to be held at the Parkinson Recreation Centre.

3.0 Land Use Management

This application for a Special Occasion License (SOL) has been made to facilitate the Kelowna Futures Tennis Tournament. This application is somewhat unique in that the Liquor Control and Licensing Branch requires Council support as the occasion is a public event. As well, this application is for a new class of SOL for festivals and major community events that the LCLB has introduced on a trial basis.

While this is a pilot project of the LCLB, Staff are supportive given that:

- RCMP have no concerns;
- Liquor will be served in accordance with regular operational Parkinson Recreation hours;
- This request supports a valuable and unique community event

4.0 Proposal

In the past, a Special Occasion License for large special events would not allow liquor service across a broad area of the event or for an entire site. The Liquor Control and Licensing Branch has engaged in a pilot project for site licensing of Special Occasion Licenses for Community Festivals. It is anticipated that the nature of this form of special occasion would be sufficient to distinguish it as a festival or community event.

The Kelowna Futures Tennis Tournament is a charity, non-profit event operated under the umbrella of both the International Tennis Federation and Tennis Canada. The first tournament occurred last year with great success. The organizers of this year’s tournament plans to expand on that success with the two following additions:

1. To operate the beverage garden for six consecutive days and request a multi-day license;
2. To request an exemption to allow minors into the beverage garden where the bleachers and food stations are to be set up.

The Tournament is considered a family event, however the organizers felt that it would be desirable to have families remain together in the tennis village should one of the family members want to consume liquor (see attached letter of rationale). This issue was discussed with local liquor inspectors and supported at that level.

The location of the Tennis Village is situated on the tennis courts, located to the north of the Recreation building (adjacent to the north parking lot). This area is sited approximately 60m - 90m to the closest apartment buildings with no highway frontage exposure. The business plan submitted in support of this Special Occasion License application also includes details on how the hospitality aspect of this event is planned to be managed, as well as copy of the letter of agreement with the Commissionaire to provide on-site security.

Capacity

Tennis Village	400 persons
----------------	-------------

Hours of operation

July 2	July 3	July 4	July 5	July 6	July 7
4:00pm	4:00pm	4:00pm	4:00pm	12:00pm	12:00pm
9:00 pm	9:00 pm	9:00 pm	9:00 pm	6:00pm	4:00PM

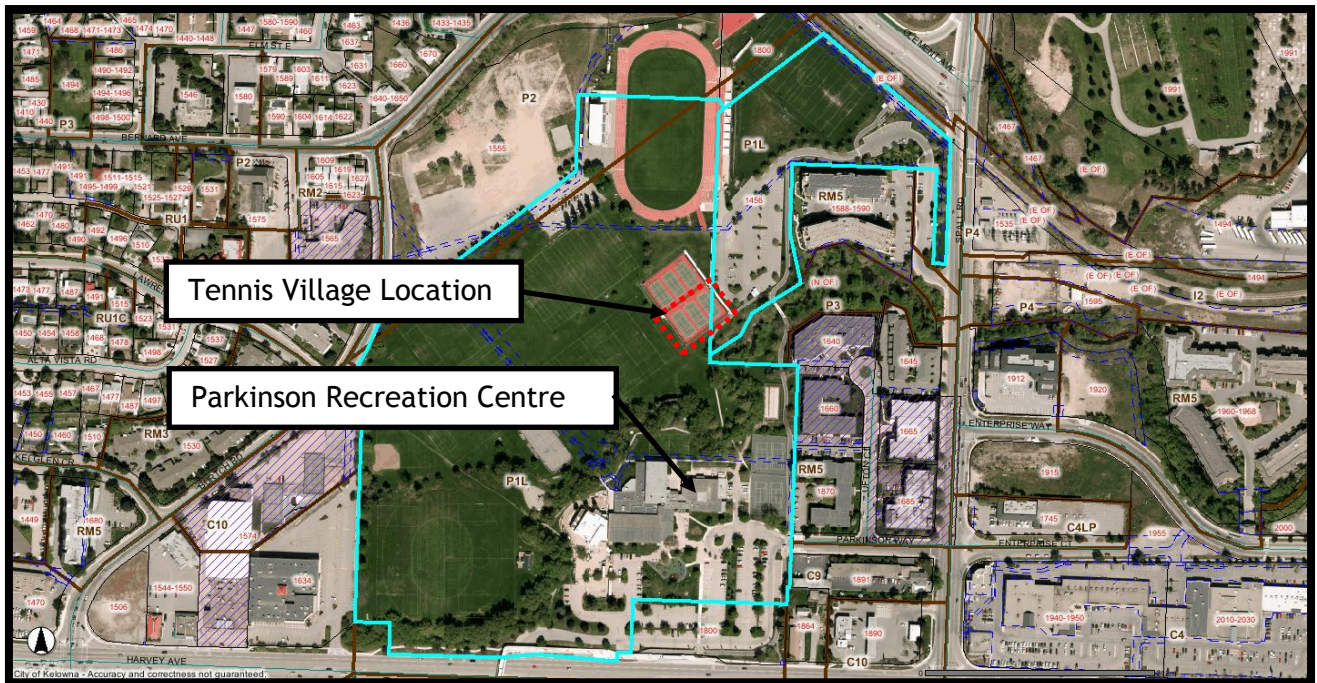
4.1 Site Context

The property is located north of the Capri/Landmark Urban Centre and to the east of the Midtown Urban Centre with the following adjacent land uses:

Orientation	Zoning	Land Use
North	P2 - Education and Minor Institutional	Vacant school site
East	C9 - Tourist Commercial RM5 - Medium Density Multiple Housing	Motel Apartment housing
South	C3 - Community Commercial CD14 - Comp. High Tech Business Park	Commercial /retail development Office/High Tech development
West	C3 - Community Commercial C10 - Service Commercial	Commercial /retail development Fitness Club

Subject Property Map:

1700-0800 Parkinson Way, 1456 Spall Rd.



5.0 Existing Policies

5.1 Council Policy #359 - Liquor Licensing Policy & Procedures

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

SPECIAL OCCASION LICENSE

The following considerations should be applied to Special Occasion License requests:

- a) SOL requests that require RCMP/Local Government consideration will be evaluated on a case-by-case basis.
- b) Review of SOL requests will include review of a number of factors, including (but not limited to) location, capacity, hours of operation, previous compliance, and impact on surrounding neighbours.

- c) SOL requests are intended to be for infrequent events, and are not to be used as a substitute for a permanent liquor license at a venue. Attention will be given to the number of SOL requests made in a given time period at one property.
- d) The RCMP have the authority to place additional restrictions on SOL's should they have public safety concerns associated with the event.
- e) No SOL's are to be granted where the proposed event is intended to cater to youth or where youth (under the age of 19) will be present.
- f) SOL licensees are to retain qualified private security personnel to monitor access to and from licensed events, where requested.
- g) All SOL events must respect the City of Kelowna Noise Bylaw.

6.0 Circulation Comments

6.1 Building & Permitting

Are washroom facilities being provided?

(Arrangements have been made to use facilities within Parkinson Recreation Centre)

6.2 Bylaw Services

No concerns

6.3 Fire Department

KFD has no concerns.

6.4 RCMP

The RCMP are pleased to support the Kelowna Futures Tennis Tournament Special Occasions License under the new Festival Site Licensing Pilot Project and is required for 6 consecutive days within the tournament venue at Parkinson Recreation Centre from July 2nd through July 7th.

7.0 Application Chronology

Date of Application Received: June 3rd, 2013

Report prepared by:

Paul McVey, Land Use Planner

Reviewed by: Danielle Noble, Manager of Urban Land Use Management

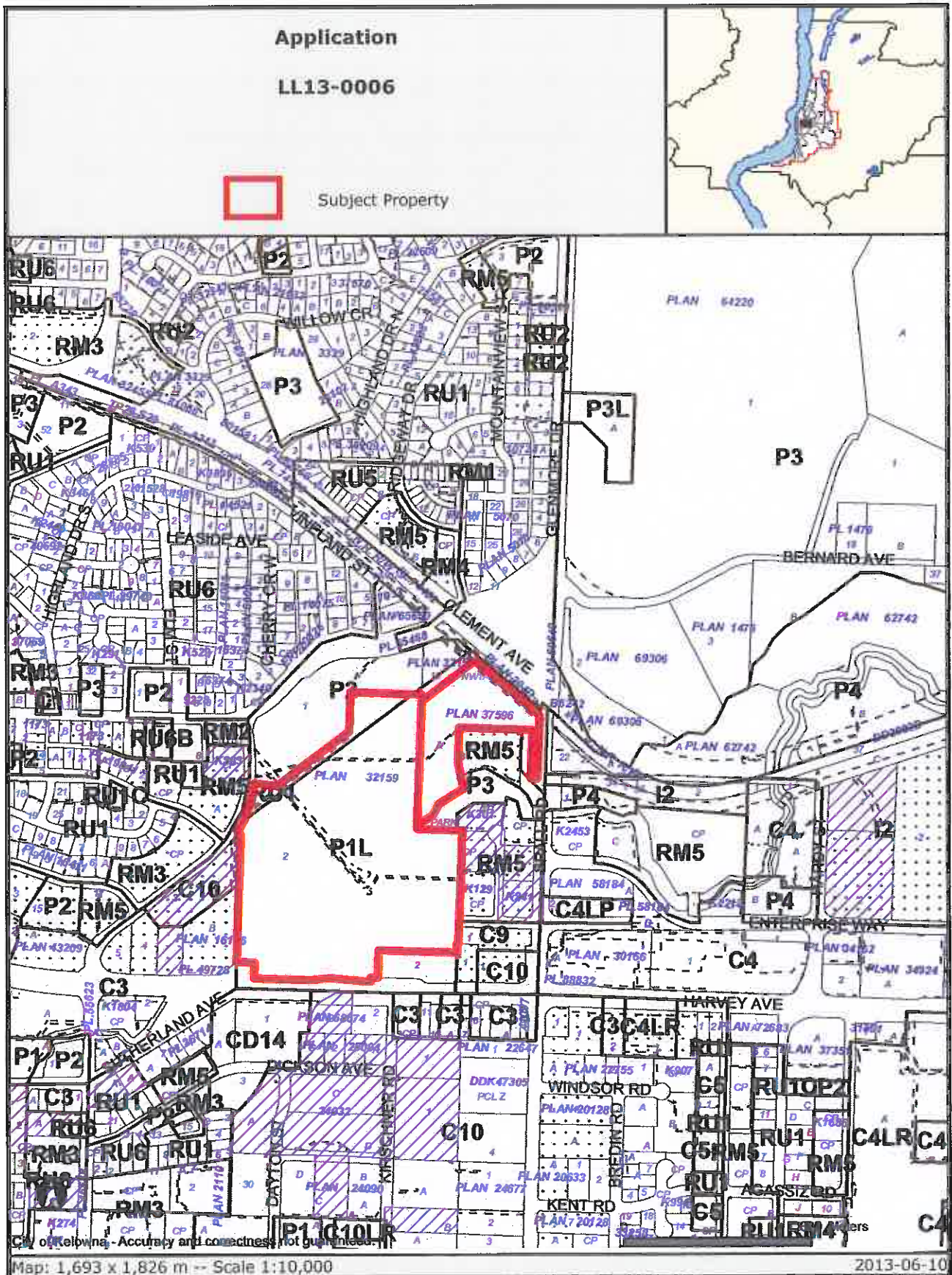
Approved for Inclusion: Doug Gilchrist, A. General Manager, Community Sustainability

Attachments:

Subject Property Map

Kelowna Futures Tennis, Tournament business plan / site plan

Liquor Control and Licensing Branch - Pilot Project Overview for Municipalities



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.

Kelowna Futures Tennis

April 18, 2013

Cheryl Caldwell, Deputy General Manager
Liquor Control and Licensing Branch
3350 Douglas Street
Victoria, BC V8Z 3L1

Dear Cheryl,

On behalf of the ITF Kelowna Futures Tennis Tournament, please accept the enclosed business plan proposal for the upcoming 2013 event. Back by popular demand, the event will be held in Kelowna, at the Parkinson Recreation Center on July 2nd through July 7th. The inaugural event, played in 2012 at the same venue, was a resounding success. At this time the organizing committee is respectfully requesting the following two exemptions:

Firstly, the tournament will be operating a beverage garden for a period of 6 consecutive days and is requesting a multi-day license. *(Please see schedule attached)* Secondly, we would like to request an exemption allowing minors into the beverage garden area where the food stations and bleachers will be set up. This is a family event, and it would be very desirable if families could remain together in the Tennis Village. Our Local Liquor Inspector, Mr. Kevin England, visited the site during the 2012 event, and both he and Mr. Doug Hufsmith have verbally expressed their support for these two requested exemptions.

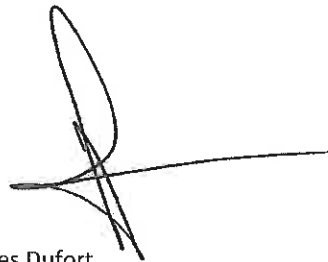
In conversation with Karen Ayers, she mentioned that the LCLB would be conducting pilot projects this summer enabling licensing on total sites, which would not have to exclude minors. I understand that you are a tennis enthusiast and have experienced the ATP Tennis Tournament at Indian Wells so you can appreciate how well suited our event would be for such a pilot project. Our tournament experience would be greatly enhanced by allowing tennis fans to enjoy a beverage of choice while watching the match.

Thank you for your consideration, should you have any questions or require further information, please do not hesitate to contact myself at gfitzpatrick@cedarcreek.bc.ca, tel (250) 764-8866 ext. 113 or Gilles Dufort at gdufort@harvestgolf.com, tel (250) 862-3103.

Respectfully yours,



Gordon Fitzpatrick
President
CedarCreek Estate Winery, Ph: 250-764-8866
Kelowna Futures Tennis - Committee Member



Gilles Dufort
General Manager / Executive Professional
The Harvest Golf Club, LLP Ph: 250-862-3103
Kelowna Futures Tennis - Committee Member

Kelowna Futures Tennis

Kelowna Futures Tennis is a **non-profit** initiative dedicated to promoting tennis in the Okanagan Valley amongst youth, families, Senior Citizens and tennis enthusiasts. Made up of local business and community leaders, Kelowna Futures is committed to bringing the very best of professional tennis to Kelowna while growing and strengthening the overall tennis community. Inaugurated in 2012, Kelowna Futures Tennis is a development tour for aspiring young professional tennis players from all over the world, scheduled to be held in the summer of 2013 and, we hope, for years to come. Absolutely no one on the Kelowna Futures Tennis Committee will receive compensation of any kind; this is strictly a non-profit charity effort.

Profile of Event

Name: Kelowna Futures Tennis Tournament
(Under the umbrella of International Tennis Federation & Tennis Canada)

Charity: Tennis Canada Charity # 12432 3783 RR001

Date: July 2, 2013 through July 7, 2013 (Inclusively)

Location: Kelowna Parkinson Recreation Centre
1800 Parkinson Way
Kelowna, BC, V1Y 4P9

Tournament

Committee Members:

Joachim Nierfeld	-Regional Director, Tennis BC
Gordon Fitzpatrick	-President, Cedar Creek Estates Winery
Gilles Dufort	-General Manager, The Harvest Golf Club
Harjeet Sangha	-BMO
Jarrod Thalheimer	-Writer/Producer, Little Blue Truck Productions Inc.
Holger Nierfeld	-Head Pro, Mission Tennis Club
Rob Ahlgren	-Owner, The Yellowhouse Restaurant
Dudley Whapshare	-Parkinson Recreation Centre & City of Kelowna
Neil Smith	-Committee
Christine Meyer	-Committee

Tickets:

Tickets will be presold up to 60 days prior to the event. Any unsold tickets will be sold at the gate. Maximum Daily Spectatorship Capacity is 400

Ticket Pricing:

Admission for July 2, 3, 4	\$5.00 Adult	age 16 & under	Free
Admission for July 5, 6	\$10.00 Adult	age 16 & under	Free
Admission for July 7	\$15.00 Adult	age 16 & under	Free

Tennis Village

As the location of the Tennis Courts is situated in a city park, distances away from any food & beverage amenities in the area, we are requesting a special occasion license exemption to allow minors into the Tennis Village, as there will be controlled areas in which alcohol is served. We will provide a "Hospitality Tent" and an on-court portable bar behind the bleacher area (to prevent patrons from travelling with drink in hand). There will be 4 BC Commissionaire Security Guards on-site for all business hours of alcohol sales. Every entrance gate to the Tennis Village will be monitored by Volunteers to ensure complete rules & regulations of the Liquor License are preserved, as well as the safety for all in attendance. Most of our committee members have their Serving It Right accreditation, and there will always be a minimum of 2 accredited committee members on-site during the tournament hours. Our goal is to provide a "premier quality family event" experience for all spectators and sponsors in attendance, enjoying and promoting the game of tennis. Our aim is to create a safe and comfortable environment for all spectators (Minors and Adults, alike) to enjoy food and beverages (alcoholic, and soft drinks).

Profile:

Hospitality Area & On Court Portable Bar

Business Hours: July 2, 3, 4, 5 4:00pm to 9:00pm
July 6 12:00pm to 6:00pm
July 7 12:00pm to 4:00pm

Business

Hours Capacity: Maximum Daily Capacity of 400 people

Seating:

Stadium Bleachers
10 tables with umbrellas -4 chairs per table (Hospitality Area)
Standing room viewing (Hospitality Area)

On Site Security: *(4 guards during all business hours of alcohol sales)*

The organizing committee of Kelowna Futures Tennis has again retained the services of Commissionaires BC to help monitor the Hospitality Tent, monitoring on-going activity, conduct, alcohol purchases, consumption, etc. *[please see letter attached]*

Products Sold:

Wine (Cedar Creek Estates Winery)
Beer & Cider (Tree Brewery)
Soft Drinks
BBQ Style Food (Service provided by The Yellowhouse Restaurant)
-Hamburgers
-Hot Dogs
-Sandwiches & Wraps
-Sundries

All attendants selling alcohol products possess "Serving It Right" Licensing

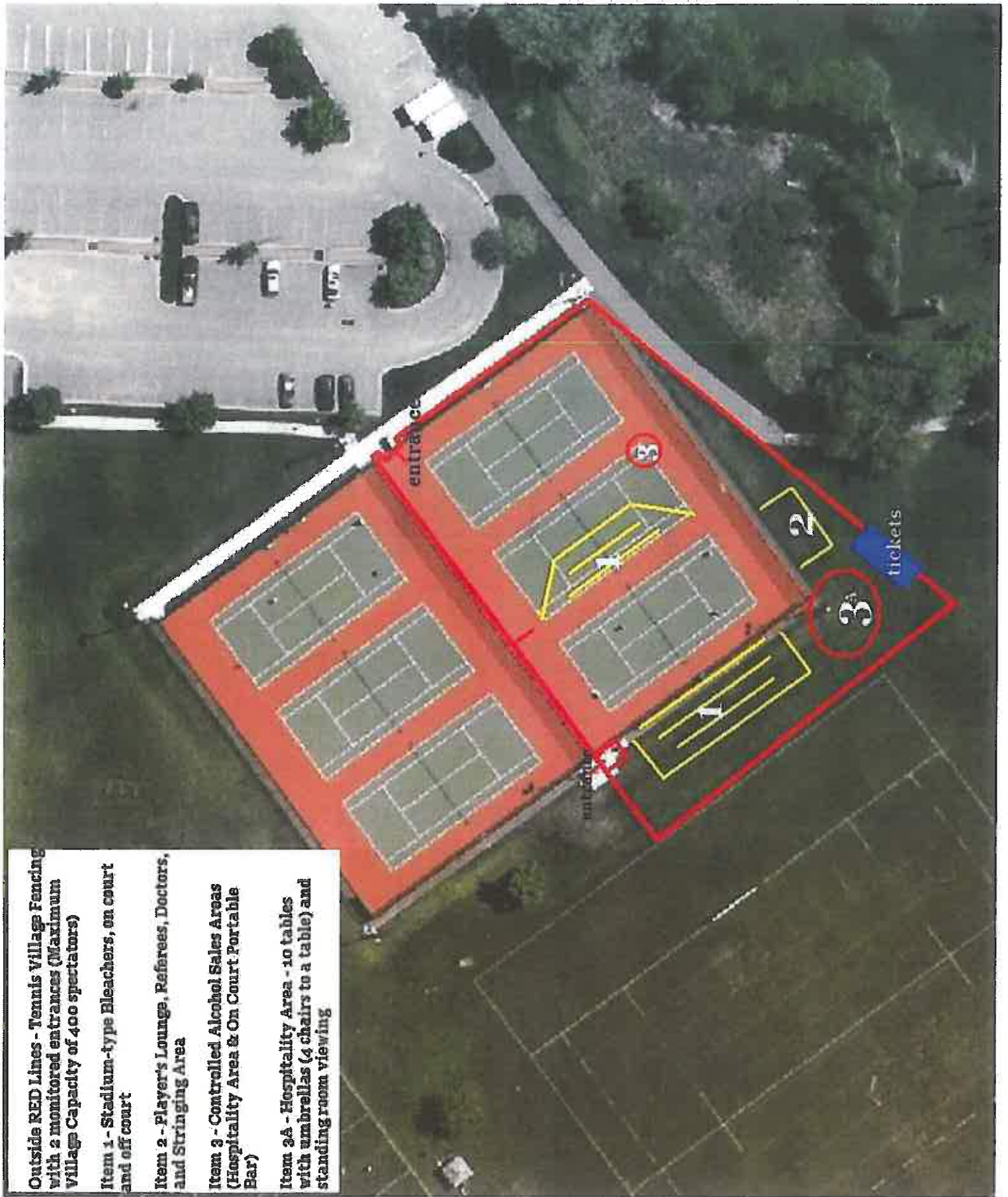
Outside RED Lines - Tennis Village Fencing with 2 monitored entrances (Maximum Village Capacity of 400 spectators)

Item 1 - Stadium-type Bleachers, on court and off court

Item 2 - Player's Lounge, Referees, Doctors, and Stringing Area

Item 3 - Controlled Alcohol Sales Areas (Hospitality Area & On Court Portable Bar)

Item 3A - Hospitality Area - 10 tables with umbrellas (4 chairs to a table) and standing room viewing





COMMISSIONAIRES

TRUSTED · EVERYDAY · EVERYWHERE

LETTER OF AGREEMENT – SECURITY GUARDING SERVICES

1. This Agreement is between the British Columbia Corps of Commissionaires, hereinafter referred to as “Commissionaires BC” and Kelowna Futures Tennis, attention Gilles Dufort, 2725 KLO Road, Kelowna BC V1W 4S1 hereinafter referred to as “The Client” regarding security services to be provided by Commissionaires BC at Parkinson Recreation Centre grounds (outside event) 1800 Parkinson Way, Kelowna BC.
2. This Agreement shall be in effect commencing **July 02, 2013** and terminating **July 07, 2013**. This Agreement may be renewed with the concurrence of both parties and upon the terms and conditions that may be negotiated. Any changes to this agreement shall be agreed upon in writing by both parties.
3. Either party may, at its sole discretion, terminate this Agreement on 14 days written notice and payment of all funds owing in accordance with this Agreement up to the time of termination.
4. Commissionaires BC will not assign, nor subcontract any of its obligations under this Agreement.
5. All security personnel assigned will be in uniform, will have a valid security license, and will have been the subject of a criminal records review conducted to ensure that they do not have a criminal record of consequence. Additionally, Commissionaires assigned will be fidelity bonded.
6. Where required, Commissionaires assigned will be provided with “Safety Line” lone worker monitoring that complies with Provincial Government requirements for lone workers.
7. Commissionaires BC will provide the following service(s) to The Client:
 - **On Tuesday July 02; Wednesday July 03; Thursday July 04; Friday July 05 – Four (4) Commissionaires between the hours of 1600 and 2100.**
 - **On Saturday July 06 – Four (4) Commissionaires between the hours of 1200 and 1800.**
 - **On Sunday July 07 – Four (4) Commissionaires between the hours of 1200 and 1600.**
 - **Duties will consist of general security and underage drinking I.D. check at and within the designated “beer garden” area. Servers will be required to ensure no sales or service of alcohol to underage persons, while Commissionaires will ensure alcohol is not passed on to underage drinkers or removed from the designated “beer garden” area. Under direction from the event organizers, Commissionaires will also take appropriate action to eject persons obviously intoxicated or causing disturbance. It is noted that a special liquor license will be sought to allow underage persons entry to the “beer garden” area and join others who are drinking, but underage persons are not permitted to drink alcohol.**

8. Charges shall be as follows:

- The regular hourly billing rate for non-supervisory personnel is \$20.45 per hour plus tax.
- Work on Statutory Holidays is billed at 1.5 times the regular hourly billing rate.
- Client-approved overtime is billed at 1.5 times the regular hourly billing rate for the first 4 hours and 2.0 times the regular billing rate thereafter.
- A standard work day is 8.0 hours and the minimum call-back is in accordance with labour standards.
- Requests for additional personnel or shifts require a minimum of forty-eight (48) hours' notice or overtime rates may apply.
- Commissionaires BC will invoice The Client at the conclusion of the event. Terms of payment shall be net 30 days from the date of the invoice.

9. Where required, Commissionaires BC, in consultation with The Client will establish written standard operating procedures (Post Orders). Changes to the standard operating procedures are to be forwarded to the Manager, Client Services, so that changes to Post Orders can be made.

10. Incident reports, if any, will be provided to **Mr. Gilles Dufort**.

11. The Client undertakes to provide Commissionaires BC with any keys, fobs or access codes necessary to perform the duties described in (7) above and to keep Commissionaires BC updated with worksite, client contact or other relevant information.

12. The Client undertakes to provide Commissionaires assigned to the site access to washroom facilities plus a suitable area to take their breaks and shelter from inclement weather. Additional charges may apply where washroom or shelter access is not available.

13. Commissionaires BC reserves the right to negotiate an adjustment in the billing rate if there are substantive changes to this Agreement, or if there are substantive changes with respect to the services that are being provided by Commissionaires BC under the terms of this Agreement.

14. Commissionaires BC reserves the right to adjust the billing rate, in consultation with The Client in the event of changes to Federal or Provincial legislation affecting wages and/or employee contributions.

Signed on behalf of Commissionaires BC

Date

Signed on behalf of Kelowna Futures Tennis

Date

APRIL 11-2013



May 17, 2013

SITE LICENSING AND MINORS PILOT FOR FESTIVALS

Overview for Municipalities

The Liquor Control and Licensing Branch is considering new Special Occasion Licensing options for festivals and major community events in British Columbia.

Entire event sites are not normally licensed under a SOL. The Branch is proposing changes to allow the licensing of entire sites at festivals. The proposed changes are intended to be used sparingly and for events where site licensing and/or the presence of minors in a licensed area would be suitable.

The Branch will proceed with a pilot for site licensing of SOLs at community festivals. Members of the UBCM liquor policy working group are invited to solicit event organizers for participation.

Site Licensing

Large special events are generally not permitted to have liquor service across a broad area or entire site. The piloting of site licensing will allow an entire event location to receive permission for liquor sales and consumption throughout the site.

Minors

Minors are generally prohibited from designated liquor service areas at events where a Special Occasion Licence has been issued. This pilot will assess the suitability of a more flexible SOL licensing process where minors can be present in liquor service areas under adult supervision.

Pilot Application Process

1. UBCM working group member municipalities are invited to identify **up to two (2)** major festivals for participation and approach them to solicit participation.
2. Interested applicants must submit a LCLB Application for SOL Policy Exemption to LCLB **at least 30 days** in advance of the event¹ using the existing application process, under the 'other' requests section on the application form. Applications must include:
 - a. A detailed summary of the nature of the event with the permissions requested,
 - b. A copy of the Local Government/First Nation resolution,
 - c. Endorsement from the local police detachment,
 - d. A complete and detailed Security Plan; and
 - e. Any other supporting documentation.
3. LCLB will review the application and determine whether to grant the exemption.
4. Any major changes to the application as a result of LCLB's review will be forwarded to municipal staff for review. A second resolution will not normally be required.

¹ Note: The pilot will allow for a 30 day application timeframe due to the proximity to the summer festival season. If permanently approved, this policy will likely involve a longer timeframe in future years.

**Liquor Control and
Licensing Branch**

Mailing Address:
PO Box 9292 Stn Prov Govt
Victoria BC V8W 9J8
Telephone: 1-866-209-2111
Facsimile: 250 952-7066

Location:
4th Floor, 3350 Douglas Street
Victoria, BC
<http://www.pssg.gov.bc.ca/lclb>

5. LCLB will notify the applicant of the decision with copies sent to the respective local government and police. Once in receipt of the approval letter, the applicant may proceed to apply for the SOL at a BC Liquor Store using existing procedures.

Eligibility

Community events and festivals are the only types of events eligible for this exemption. The nature of the event or festival is expected to be sufficient to distinguish itself as a festival or community event.

This exemption will not be granted to events where the exemptions would be unsuitable or contrary to the public interest. Events with an adverse compliance history will not be considered for the pilot.

Site Licensing conditions

The Branch will consider a variety of factors in allowing licensing across an entire site, including:

- the demographics of the patrons,
- risk level of the event,
- event site layout and supervision,
- the time and length of the event,
- the expected number of attendees, and
- the nature of the activities occurring.

A selection of hot and cold food and non-alcoholic beverages must be available throughout the licensed area.

Minors conditions

The following conditions must generally be met to allow minors to be present in a liquor service area at festivals:

- The minor is accompanied by a parent or guardian.
- Admission is controlled through gated entry or by purchasing tickets.
- The time and duration of the both the event and liquor service are clearly defined, and generally during daylight hours.
- Entertainment and the demographic it attracts are suitable for minors.
- No shift in the event's focus occurs between daytime and evening hours, unless minors are required to leave at a specified time prior to that shift in focus.

The event may be permitted to allow minors access to the entire licensed area or to designate a food and beverage area which serves a limited variety of alcohol plus non-alcoholic beverages and food, where minors are permitted when with a parent or guardian.

Other terms and conditions

Police and local governments will have the opportunity to impose terms and conditions as part of the exemption approvals process.

LCLB may impose other terms and conditions on exemption approvals if it is in the public interest to do so.

Responsibility and Enforcement

LCLB Liquor Inspectors will be involved in site planning and may conduct an inspection of the site prior to and during the event.

Evaluation

This pilot will start with events on July 1 and conclude on September 30, 2013. No additional exemptions will be granted until the pilot has been reviewed and evaluated.

Participating municipalities are invited to provide feedback on the pilot no later than November 30, 2013.

Questions

Questions can be directed to Brad McRobert, Manager of Special Occasion Licence program at 250-952-5741 or brad.mcrobot@gov.bc.ca.

Report to Council



Date: June 12, 2013
Rim No. 1310-40
To: City Manager
From: T. Barton, Manager, Parks & Public Places
Subject: New RCMP Building - Design Process

Recommendation:

THAT Council approves \$200,000 to proceed with the design of the new RCMP building to be funded from the RCMP Building Reserve (R019).

AND FURTHER THAT the 2013 Financial Plan be amended accordingly.

Purpose: To secure the necessary funds for the design process for the new RCMP in 2013.

Background:

The planning phase of the new RCMP building is complete and the project is set to proceed into the design and procurement process. The procurement method for the project will be through a design-build contract in order to achieve the best construction value. To ensure the design-build process delivers upon the City's expectations, requirements and RCMP standards for quality, specialized consultants will be required to develop sufficient specifications and statements of requirements.

Through a competitive bid process in the Spring of 2013, an external project manager, MHPM has been engaged to lead the delivery of the project. MHPM specializes in project management services and has both a strong background in design-build process and municipal building projects. In addition, a competitive request for proposals for an Indicative Design team with previous RCMP building experience was recently conducted and the City is in the midst of engaging the winning proponent.

Funding for the construction of the new RCMP building is planned through a municipal loan authorized through an Alternative Approval Process (AAP) in accordance with the 2020 Capital Plan. The AAP is tentatively scheduled for November 2013. This will provide the necessary timing for the Indicative Design team to develop a concept design, site plan, cost estimate and determine an appropriate project budget.

Financial/Budgetary Considerations

Council approved \$652k for the project as a carry-over in the 2013 Capital Budget. Based on the projected work schedule over the next 6 months, staff estimate that \$200k will be required to begin the design process and support the AAP. Staff recommend that funding be provided from the RCMP Building Reserve (R019).

Internal Circulation:

Director, Financial Services
Manager, Financial Planning
Accountant, Asset Management & Investment, Infrastructure Planning
Planner, Buildings & Facilities

Considerations not applicable to this report:

Legal/Statutory Authority
Legal/Statutory Procedural Requirements
Existing Policy
Financial/Budgetary Considerations
Personnel Implications
External Agency/Public Comments
Communications Comments
Alternate Recommendation

Submitted by:

T. Barton, Manager Parks & Public Places

Approved for inclusion: S. Bagh, Director, Infrastructure Planning

cc: Director, Design & Construction Services
Director, Financial Services

CITY OF KELOWNA

BYLAW NO. 10851

Amendment No. 1 to Bylaw No. 9884 being Housing Agreement Authorization Bylaw - 1314694 Alberta Ltd., Inc. No. A0070953

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that Bylaw No. 9884 being Housing Agreement Authorization Bylaw - 1314694 Alberta Ltd., Inc. No. A0070953 be amended as follows:

1. THAT Section 1 be amended by adding a new sub-section 1a. that reads:

“The Municipal Council hereby authorizes the City of Kelowna to enter into a Housing Agreement with Brendan Kenneth John Harkness for the lands known as:

Strata Lot 28, District Lot 129, ODYD, Strata Plan KAS3642 together with a common interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V.

located on Ambrosi Road, Kelowna, B.C., a true copy of which is attached to and forms part of this bylaw as Schedule “B”.”

3. The Mayor and City Clerk are hereby authorized to execute the attached agreement as well as any conveyances, deeds, receipts or other documents in connection with the attached agreement.
4. 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, second and third time by the Municipal Council this 10th day of June, 2013.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Schedule "B"

Page 1

AFFORDABLE RENTAL AND/OR OWNER HOUSING AGREEMENT

THIS AGREEMENT dated for reference _____, 2013 affects:

PID 027-835-201
Strata Lot 28, District Lot 129, ODYD, Strata Plan KAS3642 together with a common interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V

And is

BETWEEN:

Brendan Harkness
209-1933 Ambrosi Rd.
Kelowna, B.C.,

("Owner")

AND:

CITY OF KELOWNA, a local government incorporated pursuant to the *Community Charter* and having its offices at 1435 Water Street, Kelowna, B.C. V1Y 1J4

("City")

GIVEN THAT:

- A. The City may, pursuant to section 905(1) of the *Local Government Act*, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure, and availability of the housing units on the land or construction on land;
- B. The Owner and the City wish to enter into this Agreement to provide for affordable ownership and/or affordable rental housing on the terms and conditions set out in this Agreement, and agree that this Agreement is a housing agreement under s. 905 of the *Local Government Act*; and
- C. The City has, by bylaw, authorized the execution of this Agreement and the Owner has duly authorized the execution of this Agreement.

THIS AGREEMENT is evidence that in consideration of \$1.00 paid by the City to the Owner (the receipt of which is acknowledged by the Owner) and in consideration of the promises exchanged below, the City and Owner agree, as a housing agreement between the Owner and the City under s. 905(1) of the *Local Government Act*, as follows:

ARTICLE 1

INTERPRETATION

1.1 Definitions -

"Affordable Ownership" means the income level, published annually by the City, at which a Household would be capable of buying a home at the Starter Home Price, and is based on the purchase ability at the median income level from the most recent federal census for all two or more person households, assuming 30% of gross household income expenditure for shelter;

"Affordable Ownership Dwelling Unit" means a Dwelling Unit to be sold for the Starter Home Price to a Household that meets the Affordable Ownership criteria;

"Affordable Rental" is the affordable rental rate published periodically by the City, being a calculation of average rents for Kelowna, using data from the annual Canada Mortgage and Housing Corporation ("CMHC") Rental Market Report as set out in Schedule E;

"Affordable Rental Unit" means a Dwelling Unit that is available for rent at an Affordable Rental rate;

"BCCPI" means the All-Items Average Annual Consumer Price Index for British Columbia, published yearly by Statistics Canada, or its successor in function, where 2002 = 100;

"Caregiver" means an individual who provides assistance with the performance of the personal functions and activities necessary for daily living that a person is unable to perform efficiently for himself or herself;

"City" means the City of Kelowna;

"Dwelling Unit" means accommodation providing sleeping rooms, washrooms, and no more than one kitchen, intended for domestic use, and used or intended to be used permanently or semi permanently for a Household. This use does not include a room in a hotel or a motel;

"Gross Annual Income" means the sum of all taxable incomes, being the amount identified as taxable income on the most recent income tax return (line 260 of the income tax T1 General Form), of all individuals 15 years and older that reside in the Household;

"Household" means

- (a) a person;
- (b) two or more persons related by blood, marriage, or adoption; or associated through foster care, all living together in one dwelling unit as a single household using common cooking facilities;
- (c) a group of not more than five persons, including boarders, who are not related by blood, marriage, or adoption, or associated through foster care, all living together in one dwelling unit as a single household using common cooking facilities; or
- (d) a combination of (b) and (c), provided that the combined total does not include more than 3 persons unrelated by blood, marriage or adoption or associated through foster care; all living together in one dwelling unit as a single household using common cooking facilities.

In addition, a household may also include up to one Caregiver or nanny;

“Land” means the land described herein;

“LTO” means the Kamloops Land Title Office or its successor;

“Maximum Allowable Income” means, in respect of an Affordable Rental Dwelling Unit, the threshold income level calculated according to the formula set out in Schedule E;

“Official Community Plan” means the City of Kelowna Official Community Plan Bylaw No. 7600, or its successor bylaw;

“Owner” means the registered owner of the Land from time to time and any parcels into which the Land is subdivided;

“Starter Home Price” means the prices published annually by the City for:

- (a) basic non-strata titled home
- (b) basic strata-titled home, and
- (c) mobile/manufactured home with pad rental

in the Kelowna market, and which will be derived from the formula set out in Schedule B and increased between Census years by the percentage increase in BCCPI from the last Census year;

“Tenancy Agreement” means a tenancy agreement as defined in, and subject to, the *Residential Tenancy Act*; and

“Tenant” means a Household occupying an Affordable Rental Unit pursuant to a Tenancy Agreement, and that has a Gross Annual Income equal to or lesser than the Maximum Allowable Income.

1.2 Interpretation - In this Agreement:

- (a) reference to the singular includes a reference to the plural, and vice versa, unless the context requires otherwise;
- (b) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this Agreement;
- (c) reference to a particular numbered section or article, or to a particular lettered Schedule, is a reference to the correspondingly numbered or lettered article, section or Schedule of this Agreement;
- (d) if a word or expression is defined in this Agreement, other parts of speech and grammatical forms of the same word or expression have corresponding meanings;

- (e) the word “enactment” has the meaning given in the *Interpretation Act* on the reference date of this Agreement;
- (f) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;
- (g) the provisions of s. 25 of the *Interpretation Act* with respect to the calculation of time apply;
- (h) time is of the essence;
- (i) reference to a “party” is a reference to a party to this Agreement and to their respective successors, assigns, trustees, administrators and receivers; and
- (j) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.

1.3 Purpose of Agreement - The Owner and the City agree that:

- (a) this Agreement is intended to serve the public interest by providing for occupancy of a certain number of Dwelling Units, of the kinds provided for in this Agreement, that are in demand in the City of Kelowna but that are not readily available;
- (b) performance of this Agreement by the Owner is a condition, as contemplated by s. 904 of the *Local Government Act*, of the Owner becoming entitled to certain density bonuses respecting development of the Land, which density bonuses the Owner acknowledges are a benefit to the Owner; and
- (c) damages are not an adequate remedy to the City in respect of any breach of this Agreement by the Owner, such that the Owner agrees the City should be entitled to an order for specific performance, injunction or other specific relief respecting any breach of this Agreement by the Owner.

ARTICLE 2

HOUSING AGREEMENT AND LAND USE RESTRICTIONS

2.0 Land Use Restrictions - The Owner and the City hereby covenant and agree as follows:

- (a) the Land must be used only in accordance with this Agreement;
- (b) the Dwelling Unit on the Land must be used either as an Affordable Rental Unit or Affordable Ownership Dwelling Unit, as defined in this Agreement.

ARTICLE 3

HOUSING AGREEMENT AND TRANSFER RESTRICTIONS

3.0 Purchaser Qualifications - The City and the Owner agree that the Owner must not sell or transfer, or agree to sell or transfer, any ownership interest in any Affordable Rental Unit and/or Affordable Ownership Dwelling Unit other than a full interest in the fee simple title to:

- (a) an agency or individual that will continue to ensure that the Affordable Rental Unit(s) are only occupied as Affordable Rental Unit(s) in accordance with this Agreement; or
- (b) a Household that meets the Affordable Ownership criteria contained in section 3.1(d) below.

AFFORDABLE OWNERSHIP DWELLING UNITS

OCCUPATION AND TRANSFER RESTRICTIONS

3.1 Occupation and Transfer Restrictions - The City and the Owner agree as follows:

- (a) **Prospective Purchasers** - The Owner will be solely responsible for screening prospective purchasers of an Affordable Ownership Dwelling Unit to determine whether or not they meet the Affordable Ownership criteria in accordance with this Agreement. For greater certainty, the Owner agrees that the City is not responsible for, and makes no representation to the Owner regarding, the suitability of any prospective purchaser;
- (b) **Purchase Price** - The maximum sale price of the Affordable Ownership Dwelling Unit to a Household that meets the Affordable Ownership criteria is:
 - (i) the applicable Starter Home Price; or,
 - (ii) market value of the Affordable Ownership Dwelling Unit, if the Owner has owned that unit for 10 years and the Owner has requested the City discharge this Agreement.
- (c) **Notification of this Agreement** - The Owner must disclose in every purchase and sale agreement for the Affordable Ownership Dwelling Unit, the existence of this Agreement and the occupancy and resale price restrictions applicable to that unit, and provide the prospective purchaser with a copy of this Agreement;
- (d) **Affordable Ownership criteria** - The Owner agrees that the following apply in respect of those who occupy an Affordable Ownership Dwelling Unit:
 - a. the Owner of the Affordable Ownership Dwelling Unit must be part of the Household that occupies that unit,
 - b. the Gross Annual Income of all individuals who occupy the Affordable Ownership Dwelling Unit must not exceed the Affordable Ownership income level, and
 - c. Within five days of transfer of the title of an Affordable Ownership Dwelling Unit, the new Owner of that unit must deliver to the City a statutory declaration, substantially in the form attached as Schedule A, sworn by the new Owner under oath before a commissioner for taking affidavits in British Columbia, containing all of the information required to complete the statutory declaration.

- (e) **Rental only as Landlord for Affordable Rental Unit** - The Owner shall not rent or lease the Land or any Affordable Ownership Dwelling Unit on the Land, except that the Owner may rent the Affordable Ownership Dwelling Unit as an Affordable Rental Unit in accordance with sections 3.5 through 3.8 inclusive of this Agreement; and
 - (f) **Applies to all Owners** - For clarity, the restrictions in this section 3.1 shall not apply to an Owner who bought the Affordable Ownership Dwelling Unit pursuant to section 3.0(a).
- 3.2 **Statutory Declaration** - Within five days after receiving notice from the City, the Owner must deliver to the City a statutory declaration, substantially in the form attached as Schedule A, sworn by the Owner, or a knowledgeable director, officer or employee of any corporate Owner, under oath before a commissioner for taking affidavits in British Columbia, containing all of the information required to complete the statutory declaration. The City may request such a statutory declaration no more than four times in any year. The Owner must submit such a statutory declaration if an Affordable Owner Dwelling Unit is sold to a new Owner.
- 3.4 **Mortgages and Mortgage Insurers** - In the event that the Affordable Ownership Dwelling Unit is subject to a mortgage or charge in favour of a lender insured by a mortgage insurer, as further defined in Schedule C (attached), the terms of Schedule C shall govern.

AFFORDABLE RENTAL UNITS

- 3.5 **Use and Occupancy For Affordable Rental Unit** - Unless the Owner is occupying the Affordable Rental Unit and/or Affordable Ownership Dwelling Unit in accordance with section 3.1, the Owner agrees with the City as follows:
- (a) the Owner must rent or lease the Affordable Rental Unit on the Land, and in no event may the Owner himself or herself occupy the Affordable Rental Unit;
 - (b) the Owner must specify in every Tenancy Agreement the existence of this Agreement and the occupancy restrictions applicable to an Affordable Rental Unit, and attach a copy of this Agreement to every Tenancy Agreement; and
 - (c) the Owner will deliver a copy of the Tenancy Agreement for each Affordable Rental Unit to the City upon demand.
- 3.6 **Prospective Tenants** - The Owner will be solely responsible for screening prospective Tenants. For greater certainty, the Owner agrees that the City is not responsible for, and makes no representation to the Owner regarding, the suitability of any prospective Tenant.
- 3.7 **Damages and Rent Charge** - The Owner agrees with the City as follows:
- (a) **Damages for Breach** - for each day an Affordable Rental Unit is occupied in breach of this Agreement, the Owner must pay the City \$100.00 for each day on which the breach has occurred, as liquidated damages and not as a penalty, due and payable at the offices of the City on the last day of the calendar month in which the breach occurred, but the City agrees that this section applies only if the City has given 60 days' written notice to the Owner of occupancy of

the Affordable Rental Unit in breach of this Agreement and the Owner has not cured that breach before expiry of that 60 days; and

- (b) **Statutory Declaration** - When making an application for a business license or a renewal of a business license pursuant to the City's Business License Bylaw No. 7878, or its successor, the Owner must deliver to the City a statutory declaration, substantially in the form attached as Schedule D, sworn by the Owner, or a knowledgeable director, officer or employee of any corporate Owner, under oath before a commissioner for taking affidavits in British Columbia, containing all of the information required to complete the statutory declaration. Additionally, the City may request the Owner deliver to the City such a statutory declaration no more than four times in any year. The Owner must submit such a statutory declaration a minimum of once a year.

- 3.8 **Mortgages and Mortgage Insurers** - In the event that the building containing one or more Affordable Rental Unit(s) is subject to a mortgage or charge in favour of a lender insured by a mortgage insurer, as further defined in Schedule F (attached), the terms of Schedule F shall govern.

ARTICLE 4

GENERAL


- 4.0 **Notice of Housing Agreement** - For clarity, the Owner acknowledges and agrees that:
 - (a) this Agreement constitutes a housing agreement entered into under s. 905 of the *Local Government Act*;
 - (b) the City will file a notice of housing agreement in the LTO against title to the Land; and
 - (c) once such a notice is filed, this Agreement binds all persons who acquire an interest in the Land.
- 4.1 **No Effect On Laws or Powers** - This Agreement does not:
 - (a) affect or limit the discretion, rights, duties or powers of the City under any enactment or at common law, including in relation to the use or subdivision of land,
 - (b) impose on the City any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement,
 - (c) affect or limit any enactment relating to the use or subdivision of land, or
 - (d) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of land.
- 4.2 **Notice** - Any notice which may be or is required to be given under this Agreement must be in writing and either be delivered or sent by facsimile transmission. Any notice which is delivered is to be considered to have been given on the first day after it is dispatched for delivery. Any notice which is sent by fax transmission is to be considered to have been given on the first business day after it is sent. If a party changes its address or facsimile number, or both, it must promptly give notice of its new address or facsimile number, or both, to the other party as provided in this section.

- 4.3 **Agreement Runs With the Land** - Every obligation and covenant of the Owner in this Agreement constitutes a contractual obligation by the Owner to the City in and this Agreement burdens the Land and runs with it and binds the Owner's successors in title and binds every parcel into which it is consolidated or subdivided by any means, including by subdivision or by strata plan under the *Strata Property Act*.
- 4.4 **Release** - The Owner by this Agreement releases and forever discharges the City and each of its elected officials, officers, directors, employees and agents, and its and their heirs, executors, administrators, personal representatives, successors, and assigns, from and against all claims, demands, damages, actions, or causes of action by reason of or arising out of advice or direction respecting the ownership, lease, operation or management of the Land or the Dwelling Units which has been or at any time after the commencement of this Agreement may be given to the Owner by all or any of them. This clause will survive the termination of this Agreement.
- 4.5 **Hardship** - If for reasons of hardship, the Owner cannot comply with the requirements of this Agreement in relation to any Affordable Dwelling Unit, the Owner may request a temporary waiver or alteration of the terms in this Agreement in respect of that unit. This request must be delivered to Council in writing, explain the nature and circumstances of the hardship involved, the reasons why the Owner cannot comply, and the hardship that compliance would cause. The Owner agrees that Council is under no obligation to grant any relief, and may proceed with all remedies available under this Agreement, and at law and in equity, despite the Owner's request or the hardship involved, and the relief, if any, is to be determined by Council, acting reasonably in its sole discretion.
- 4.6 **Joint Venture** - Nothing in this Agreement will constitute the Owner as the agent, joint venturer, or partner of the City or give the Owner any authority to bind the City in any way.
- 4.7 **Limitation on Owner's Obligations** - The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Land.
- 4.8 **Waiver** - An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.
- 4.9 **Equitable Remedies** - The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement, that the City is entitled to obtain an order for specific performance of this Agreement and a prohibitory or mandatory injunction in respect of any breach by the Owner of this Agreement, and further that this clause is reasonable given the public interest in restricting the occupancy and disposition of each Affordable Ownership Dwelling Unit on the Land in accordance with this Agreement.
- 4.10 **Further Acts** - The Owner shall do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.
- 4.11 **Severance** - If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

- 4.12 No Other Agreements - This Agreement is the entire agreement between the parties regarding its subject and it terminates and supersedes all other agreements and arrangements regarding its subject.
- 4.13 Amendment - This Agreement may be discharged, amended or affected only by an instrument duly executed by both the Owner and the City.
- 4.14 Enurement - This Agreement binds the parties to it and their respective successors, heirs, executors and administrators. Reference in this Agreement to the "City" is a reference also to the elected and appointed officials, employees and agents of the City.
- 4.15 Deed and Contract - By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

IN WITNESS WHEREOF the parties hereunto have executed this Agreement on the date and year first above written.

SIGNED, SEALED & DELIVERED in the presence of:)



BRENDAN HARKNESS

Corinne Boback)

Signature of Witness)

CORINNE BOBACK)

Print Name)

1435 Water Street)

Address Kelowna, BC)

Legislative Coordinator)

Occupation)

SIGNED, SEALED & DELIVERED in the presence of:)

CITY OF KELOWNA
by its authorized signatories:

Signature of Witness)

Mayor

Print Name)

City Clerk

Address)

Occupation)

SCHEDULE A

[AFFORDABLE OWNERSHIP DWELLING UNITS]

CANADA)	IN THE MATTER OF A HOUSING AGREEMENT
)	WITH THE CITY OF KELOWNA ("Housing
PROVINCE OF BRITISH COLUMBIA)	Agreement") for the land legally described
)	as [INSERT LEGAL]

I, _____, of _____, do solemnly declare:

3. This declaration is made with respect to the Dwelling Unit ("Unit") legally or otherwise described as follows:

[INSERT LEGAL DESCRIPTION AND CIVIC ADDRESS].

4. That I am the Owner of the Unit and make this declaration to the best of my personal knowledge.

[or]
That I am the _____ [director, officer, employee] of the Owner of the Unit and [make this declaration to the best of my personal knowledge] [or: have been informed by _____ and believe the statements in this declaration to be true].

5. This declaration is made pursuant to the Housing Agreement in respect of the Unit.

6. The City's published applicable Starter Home Price for the Unit is \$ _____.

7. For the period from _____, _____ to _____, _____ the Unit was occupied by the following persons, whose names and addresses appear below, and in accordance with the Housing Agreement

[INSERT NAMES AND AGES OF ALL OCCUPANTS WITH ADDRESS OF UNIT].

8. The Annual Gross Income of all of the individuals described in paragraph 5 is \$ _____. This amount does not exceed the income defined under Clause 9 (below).

9. The annual median income of a 2 or more person City of Kelowna household, as determined in accordance with the federal census and increased between census periods by the percentage increase in the annual average consumer price index for all items in British Columbia using 2002 = 100 as a base, published by the City is \$ _____.

10. I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and pursuant to the *Canada Evidence Act*.

SWORN BEFORE ME at the City of _____)
_____, in the _____)
_____, this ___ day of _____)
_____, _____.)

) Signature of person making
) declaration

) A Commissioner for taking affidavits for
) British Columbia)

SCHEDULE B

[AFFORDABLE OWNERSHIP DWELLING UNITS / STARTER HOME PRICE
CALCULATION BY CITY]

“Affordable Ownership” is based on the income level at which a household would be capable of entering the Kelowna ownership market. This is equivalent to the “starter home price” and is derived based on the purchase ability at the median income level for all two or more person households from the most recent Census, assuming 30 % of gross household income expenditure for shelter. The starter home price will be increased annually between Census years by the percentage increase in the B.C. Consumer Price Index (BCCPI), be given for a non-strata-titled home, a strata-titled home and a mobile /manufactured home, and be published annually by the City.

On the basis of policy direction in the City of Kelowna Official Community Plan By-law 7600, (policy 8.1.16) the City has committed to calculating and providing the starter home prices on an annual basis published in The Housing Resources Handbook: Benchmarks and Resources for Affordable, Special Needs and Rental Housing. The following Methodology is used to calculate the starter home prices in the City of Kelowna every five years. Between Census years, the numbers for median income and starter home prices are increased annually using the BCCPI

STARTER HOME PRICE CALCULATION

Line		Single Family	Strata	Manufactured Home
Insert:				
1	Gross Income			
2	Mortgage Rate			
3	Insurance Rate			
4	Mill Rate			
5	Property Tax			
6	Homeowner Grant			
7	Strata Fees / Mobile Home Pad Rental			
8	Annual Heating Costs			
9	Annual Utility Costs			
Calculate:				
10	Annual Housing Cost (30% of Income)			
11	Yearly Mortgage Payment			
12	Monthly Mortgage Payment			
13	Total Home Financing			
14	Mortgage Insurance Cost			
15	Mortgage Financing (95%)			
16	Home Price (Starter Home)			

The process used to calculate the Starter Home Price in the City of Kelowna is as follows:

1. COLLECT THE FOLLOWING DATA FROM THE SOURCES LISTED AND INSERT INTO THE TABLE:

1.1 Gross Income (Line 1)

- When new Census information is available, the figure for median income of a two or more person household in Kelowna is obtained and used as the gross income. Gross Income is the aggregated taxable income (line 260 of income tax T1 General Form) of all residents 15 years and older residing in the household. Income data recorded by the Census, however, is usually for the year prior to the Census (for example, the 2001 Census recorded 2000 income levels). The income level may therefore need to be increased to the most recent year, using the BCCPI.

1.2 Mortgage Rate (Line 2)

- The mortgage rate is equal to the Bank of Canada Prime Lending Rate, plus 3

1.3 Insurance Rate (Line 3)

- The insurance rate is equivalent to Canada Mortgage and Housing Corporation (CMHC) mortgage insurance rate for a mortgage with a 5% down payment.

1.4 Mill Rate (Line 4)

- The current mill rate for residential taxation used by the City of Kelowna.

1.5 Property Tax (Line 5)

- The property tax figure is estimated based on the previous figures used in the table. This figure may be later adjusted based on the outcome of the final calculations

1.6 Homeowners Grant (Line 6)

- Homeowner grants are offered by the provincial government amount. Establish the standard grant amount.

1.7 Strata Fees and/or Pad Rentals (Line 7)

- Comparing strata fees, as found using MLS listings for Kelowna and/or as indicated by a local realtor, estimate the average strata fee.
- Using sample from mobile home sites in the city, estimate the average mobile home pad rental fees

1.8 Heating Costs (Line 8)

- Using local data, determine Heating Costs using CMHC methodologies. Subsequently, heating costs are adjusted in accordance with inflation as determined using the BCCPI percentage change in energy costs from the previous year.

1.9 Utilities Costs (Line 9)

- Using local data, determine Utilities Costs using CMHC methodologies. Subsequently, utilities costs are adjusted in accordance with inflation as determined using the BCCPI percentage change in electricity from the previous year. Phone, cable/satellite, and internet costs are not included in the utilities cost calculation.
- Note if there were changes in sewer and water rates from the City and adjust accordingly.

2. CALCULATE THE FOLLOWING NUMBERS AND INSERT INTO THE TABLE:

2.1 Annual Housing Cost (Line 10)

- The annual housing cost is based on the assumption that 30% of gross income may be spent on housing.

$$\text{Gross Income (Line 1)} \times 0.30 = \text{Annual Housing Cost}$$

2.2 Annual Mortgage Payment (Line 11)

- The annual mortgage payment is equal to the annual housing costs (Line 10) minus the heating costs, utility costs, strata fees/pad rent, and the total property tax payment amount (i.e. property tax minus the homeowner grant).

$$\begin{aligned} & \text{Annual Housing Cost} \\ & - \text{Heating Cost} \\ & - \text{Utility Costs} \\ & - \text{Strata/Pad Rental Fees} \\ & - \text{(Property Tax - Homeowner Grant)} \\ & = \text{Annual Mortgage Payment} \end{aligned}$$

2.3 Monthly Mortgage Payment (Line 12)

- The annual mortgage payment is spread out over 12 months:

$$\text{Annual Mortgage Payment} \div 12 = \text{Monthly Mortgage Payment}$$

2.4 Total Home Financing (Line 13)

- The total financing required is determined by using a mortgage calculator (such as <http://www.mortgages-bc.com/calculator.shtml>). Assume a 5 year renewable/25 year mortgage, and insert the interest rate as per Line 2. Enter an estimate in the mortgage amount. Adjust the mortgage amount until the monthly payment matches, as close as possible, the monthly mortgage payment in Line 12. This amount is the total financing required.

2.5 Mortgage Insurance (Line 14)

- The mortgage insurance amount is calculated, using the insurance rate from Line 3 as follows:

$$\begin{aligned} & \text{mortgage financing (Line 13)} \times \frac{1}{(\text{insurance rate} + 1) \div \text{insurance rate}} \\ & = \text{mortgage insurance (Line 14)} \end{aligned}$$

2.6 Mortgage Financing (95%) (Line 15)

- Mortgage Financing (95%) is the home financing required based on a 5% down payment and is calculated as follows:

$$\begin{aligned} & \text{mortgage insurance (Line 14)} \div \text{Insurance Rate (Line 3)} \\ & = \text{mortgage financing at 95\% (Line 15)} \end{aligned}$$

2.7 Starter Home Price (Line 16):

- The Starter Home Price is calculated as follows:

$$\frac{\text{Mortgage financing (Line 15)} \times 100}{95} = \text{starter home price}$$

2.8 Confirmation of Starter Home Price

- The starter home price is then confirmed using the mill rate (Line 4) to calculate the property tax as follows:

$$\text{starter home price (Line 16)} \times \text{mill rate (Line 4)} = \text{property tax}$$

- Compare this property tax figure to the property tax figure used in Line 5. If the numbers are not similar, adjust the property tax (Line 5) to number

closer to the figure above and repeat the above calculations (Lines 13 through 16).

- Next, using the starter home price, as re-calculated above, work through the table backwards in order to calculate the gross annual income. The gross annual income calculated should be equal to the gross annual income figure representing the median income of a two or more person household in Kelowna (Line 1). If the numbers are not the same, continue to adjust the property tax figure, and repeat the calculations, until the gross annual income figures match.
- Update the figures using the BCCPI if necessary.

SAMPLE ONLY

The following is the starter home price calculation, based on the median income figure for a Kelowna 2 or more person household obtained from the 2006 Census. Income from the Census was for the year 2005 and has been increased using the BC Consumer Price Index to 2007. All the other calculations are based on 2007 rates (e.g. mortgage, mortgage insurance, property tax, utility costs, strata fees).

STARTER HOME CALCULATION

Line		Single Family	Strata	Manufactured Home
Insert:				
1	Gross Income	63426	63426	63426
2	Mortgage Rate (5 year)	0.0775	0.0775	0.0775
3	Insurance Rate	3.1%	3.1%	3.1%
4	Mill Rate	0.0056898	0.0056898	0.0056898
5	Property Tax	1182.72	1115.39	1064.56
6	Homeowner Grant	570	570	570
7	Strata Fees / Mobile Home Pad Rental	0	2100	3600
8	Annual Heating Costs	2012	2012	2012
9	Annual Utility Costs	1947	1947	1947
Calculate:				
10	Annual Housing Cost (30% of Income)	19027.80	19027.80	19027.80
11	Yearly Mortgage Payment	14456.08	12423.41	10974.24
12	Monthly Mortgage Payment	1204.67	1035.28	914.52
13	Total Home Financing	203,595	192,005	183,255
14	Mortgage Insurance Cost	6121.68	5773.17	5510.10
15	Mortgage Financing (95%)	197,473.65	186,231.35	177,745.00
16	Home Price (Starter Home)	207,867.00	196,033.00	187,100.00

Calculation to Update Starter Home Prices for 2008

In 2008, the numbers in the table (page 2) are increased, as in step 1, to generate the following numbers:

- 2008 median income = 2007 median income (\$63426 X 1.021 (based on BCCPI) = \$64,758
- Single Family Starter Home 2008 = \$207,867 X 1.021 = \$212,232
- Strata Titled Starter Home 2008 = \$196,033. X 1.021 = \$200,150
- Mobile / Modular Starter Home 2003 = \$187,100. X 1.021 = \$191,029

**SCHEDULE C
MORTGAGE and MORTGAGE INSURER AGREEMENT TERMS**

In the event that an Owner, who met the Affordable Ownership criteria, enters into a mortgage in respect of an Affordable Ownership Dwelling Unit, the Owner, the Lender, the Mortgage Insurer, and the City agree to the following terms:

In this Agreement:

“Lender” means a mortgagee or holder of a financial charge (the “Charge”) that is registered against the title to the Affordable Ownership Dwelling Unit;

“Mortgage Insurer” means Canada Mortgage and Housing Corporation or another company or organization that has an interest in the Charge and that has entered into a mortgage default insurance agreement or other mortgage loan insurance arrangement with a Lender;

“Owner” means the current Owner meeting the Affordable Ownership criteria in possession of the Affordable Ownership Dwelling Unit; and

“Property” means the Affordable Ownership Dwelling Unit and any real property upon which it is located.

In the event of default by the Owner under the Charge, where a Lender or Mortgage Insurer holding a Charge on the Property, notifies the City that the Owner is in default under its Charge, the City shall have a sixty (60) day period beginning on the date of such notice to take such steps as the City deems necessary to preserve the Housing Agreement. Following the sixty (60) day period, if the Owner’s default is not cured, the Lender or Mortgage Insurer can enforce the rights under the Charge, including the right to foreclose or sell the Property. Upon sale or foreclosure of the Owner’s Property by the Lender or Mortgage Insurer, the Housing Agreement shall cease to apply to the Property and notice shall be discharged from the title to the Property by the City. Notwithstanding the foregoing, if the proceeds of sale from the foreclosure or sale of the Property by the Lender or Mortgage Insurer exceed the balance due under the Charge and related costs, including without limitation, charges, taxes, commissions, utilities and other expenses regarding the Property and claim under the loan insurance, as determined by CMHC, such excess funds shall, subject to applicable provincial or federal legislation, forthwith be paid to the Owner up to the Starter Home Price in the Housing Agreement, and the balance payable to the City, for its own use absolutely.

SCHEDULE D
[AFFORDABLE RENTAL UNITS]

CANADA)	IN THE MATTER OF A HOUSING AGREEMENT
)	WITH THE CITY OF KELOWNA ("Housing
PROVINCE OF BRITISH COLUMBIA)	Agreement") for the land legally described
)	as [INSERT LEGAL]
)	
)	
)	
)	
)	

I, _____, of _____, do solemnly declare:
 11. This declaration is made with respect to the Dwelling Unit ("Unit") legally or otherwise described as follows:

[INSERT LEGAL DESCRIPTION AND CIVIC ADDRESS].

12. That I am the Owner of the Unit and make this declaration to the best of my personal knowledge.

[or]

That I am the _____ [director, officer, employee] of the Owner of the Unit and [make this declaration to the best of my personal knowledge] [or: have been informed by _____ and believe the statements in this declaration to be true].

13. This declaration is made pursuant to the Housing Agreement in respect of the Unit.

14. The average affordable rent for Kelowna from the most recent annual Canada Mortgage and Housing Corporation (CMHC) Rental Market Report for an apartment of the Unit's size is \$_____ per month, including the cost of heat, water, and electricity;

5. The rent charged each month for the Unit is as follows:

(d) the monthly rent on the date 365 days before the date of this statutory declaration was \$_____ per month;

(e) the monthly rent on the date of this statutory declaration is: \$_____; and

(f) the proposed or actual monthly rent that will be payable on the date that is 90 days after the date of this statutory declaration is \$_____.

6. For the period from _____, _____ to _____, _____ the Unit was occupied by the following persons, whose names and addresses appear below, and in accordance with the Housing Agreement:

[INSERT NAMES AND AGES OF ALL OCCUPANTS WITH ADDRESS OF UNIT].

7. The gross annual income of all individuals aged 15 and over who reside in the Unit is equal to or less than the maximum allowable income \$_____, being the average affordable rent set out in Clause 4 above multiplied by 40.
8. I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and pursuant to the *Canada Evidence Act*.

SWORN BEFORE ME at the City of _____)
_____, in the)
_____, this ____ day of ____)
____, ____)
_____) _____
Signature of person making declaration
_____)
A Commissioner for taking affidavits for)
British Columbia)

SCHEDULE E
[AFFORDABLE RENTAL CALCULATIONS]

The "Affordable Rental" rate is based on the premise that households that spend 30% of their income on basic shelter costs to afford rents equivalent to the average rents published annually by Canada Mortgage and Housing Corporation (CMHC) for Kelowna are facing a housing shortage. This is the direction behind the City of Kelowna Official Community Plan, Bylaw 7600 (policy 8.1.16). This Housing Agreement is a method of creating affordable housing for such households.

The City of Kelowna will publish the Average Monthly Rents for different sizes of Affordable Rental Dwelling Units periodically, which will be the average rents for Kelowna from the annual CMHC Rental Market Report.

The Owner may not permit a Household whose Gross Annual Income is greater than the Maximum Annual Income, as calculated according to the formula below, to occupy an Affordable Rental Dwelling Unit. Gross Annual Income is aggregated taxable income (line 260 of income tax T1 General Form) of all residents 15 years and older residing in the Dwelling Unit. The Maximum Allowable Income is calculated based on the Dwelling Unit size by number of bedrooms that the Household rents. Rent, for affordability purposes, must include heat, electricity and water.

The formula to calculate the Maximum Annual Income permitted for a Household to occupy an Affordable Rental Dwelling Unit is as follows:

$$\text{Maximum Annual Income} = \text{Average Monthly Rent (CMHC)} \times 40$$

This is an abbreviated version of:

$$(\text{Maximum Annual Income} \times 30\%) = (\text{Average Monthly Rent} \times 12 \text{ months})$$

SAMPLE:

Average Monthly Rents of All Private Apartments in the City of Kelowna, 2011
(Canada Mortgage and Housing Corporation Market Rental Survey- City of Kelowna)

	Bachelor	One Bedroom	Two Bedroom	Three Bedroom +
Average Monthly Rent	\$586	\$734	\$914	\$1,068

The Maximum Annual Income Calculations for 2008:

- 1 Bedroom Unit
Maximum Annual Income = \$586 X 40 = \$23,440
- 2 Bedroom Unit
Maximum annual income = \$914 X 40 = \$29,360
- 3 Bedroom Unit
Maximum annual income = \$1,068 X 40 = \$42,720

SCHEDULE F
MORTGAGE and MORTGAGE INSURER AGREEMENT TERMS

In the event that an Owner, of a property containing one or more Affordable Rental Unit(s) to which this Housing Agreement pertains, enters into a mortgage in respect of the property in question, the Owner, the Lender, the Mortgage Insurer, and the City agree to the following terms:

In this Agreement

“Lender” means a mortgagee or holder of a financial charge (the “Charge”) that is registered against the title to the Property;

“Mortgage Insurer” means Canada Mortgage and Housing Corporation or another company or organization that has an interest in the Charge and that has entered into a mortgage default insurance agreement or other mortgage loan insurance arrangement with a Lender; and

“Owner” means the current Owner of the Property

“Property” means the Affordable Rental Units and any real property upon which they are located, identified in the Housing Agreement attached hereto.

In the event of default by the Owner under the Charge, where a Lender or Mortgage Insurer holding a Charge on the Property, notifies the City that the Owner is in default under its Charge, the City shall have a sixty (60) day period beginning on the date of such notice to take such steps as the City deems necessary to preserve the Housing Agreement. Following the sixty (60) day period, if the Owner's default is not cured, the Lender or Mortgage Insurer can enforce the rights under the Charge, including the right to foreclose or sell the Property.

Upon sale or foreclosure of the Owner's Property by the Lender or Mortgage Insurer, the Housing Agreement shall cease to apply to the Property and shall be discharged from the title to the Property by the City.

Notwithstanding the foregoing, if the proceeds of sale from the Lender or Mortgage Insurer exceed the loss under the Charge including all costs and expenses incurred, as determined by the Lender or Mortgage Insurer, such excess amount shall be paid to the City, subject to any prior encumbrances or applicable provincial or federal legislation.

END OF DOCUMENT