City of Kelowna Public Hearing AGENDA



Tuesday, February 17, 2015 6:00 pm Council Chamber City Hall, 1435 Water Street

Pages

1. Call to Order

THE CHAIR WILL CALL THE HEARING TO ORDER:

- 1. (a) The purpose of this Hearing is to consider certain bylaws which, if adopted, shall amend *Kelowna 2030* Official Community Plan Bylaw No. 10500 and Zoning Bylaw No. 8000.
- (b) All persons who believe that their interest in property is affected by the proposed bylaws shall be afforded a reason-able opportunity to be heard or to present written submissions respecting matters contained in the bylaws that are the subject of this hearing. This Hearing is open to the public and all representations to Council form part of the public record. A live audio feed may be broadcast and recorded by Castanet.
- (c) All information, correspondence, petitions or reports that have been received concerning the subject bylaws have been made available to the public. The correspondence and petitions received after February 3, 2015 (date of notification) are available for inspection during the course of this hearing and are located on the information table in the foyer of the Council Chamber.
- (d) Council debate on the proposed bylaws is scheduled to take place during the Regular Council meeting after the conclusion of this Hearing. It should be noted, however, that for some items a final decision may not be able to be reached tonight.
- (e) It must be emphasized that Council will not receive any representation from the applicant or members of the public after conclusion of this Public Hearing.

2. Notification of Meeting

The City Clerk will provide information as to how the Hearing was publicized.

3. Individual Bylaw Submissions

3.1 1539-1541 Bedford Avenue, 1507-1511 Dickson Avenue & 1517-1521 Dickson Avenue, BL11051 (Z14-0050) - Al Stober Construction Ltd.

4 - 39

To rezone the subject property to RM5 - Medium Density Multiple Housing in order to develop a 90 unit (44 micro-studio) 4 $\frac{1}{2}$ storey tall rental apartment development.

3.2 BL11054 (TA14-0020) - Analytical Testing of Medical Marihuana in the I1, I2, I3 and I4 Zones, City of Kelowna

40 - 44

To make associated amendments to the Zoning Bylaw to add a definition for Analytical Testing and to permit Analytical Testing as a principal use in Industrial Zones.

3.3 BL11055 - Medical Marihuana Producer Business Licence Amendment

45 - 48

To add "Analytical testing" as a separate business licence type and to establish an opportunity for public input on the amendment.

4. Termination

5. Procedure on each Bylaw Submission

- (a) Brief description of the application by City Staff (Land Use Management);
- (b) The Chair will request that the City Clerk indicate all information, correspondence, petitions or reports received for the record.
- (c) The applicant is requested to make representation to Council regarding the project and is encouraged to limit their presentation to 15 minutes.
- (d) The Chair will call for representation from the public in attendance as follows:
- (i) The microphone at the public podium has been provided for any person(s) wishing to make representation at the Hearing.
 - (ii) The Chair will recognize ONLY speakers at the podium.
- (iii) Speakers are encouraged to limit their remarks to 5 minutes, however, if they have additional information they may address Council again after all other members of the public have been heard a first time.
- (e) Once the public has had an opportunity to comment, the applicant is given an opportunity to respond to any questions raised. The applicant is requested to keep the response to a total of 10 minutes maximum.
- (f) Questions by staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the Regular Meeting, unless for clarification.
- (g) Final calls for respresentation (ask three times). Unless Council directs that the Public Hearing on the bylaw in question be held open, the Chair shall state to the gallery that the Public Hearing on the Bylaw is closed.

Note: Any applicant or member of the public may use visual aids (e.g. photographs, sketches, slideshows, etc.) to assist in their presentation or questions. The computer and ELMO document camera at the public podium are available. Please ask staff for assistance prior to your item if required.

REPORT TO COUNCIL



Date: 12/8/2014

RIM No. 1250-30

To: City Manager

From: Urban Planning, Community Planning & Real Estate (AC)

Application: Z14-0050 Owner: Dickson Avenue Holdings

Ltd.

1539-1541 Bedford Ave,

Address: 1507-1511 Dickson Ave, & Applicant: Meiklejohn Architects Inc.

1517-1521 Dickson Ave

Subject: Rezoning Application

Existing OCP Designation: MRM - Multiple Unit Residential, Medium-Density

Existing Zone: RU6 - Two Dwelling Housing

Proposed Zone: RM5 - Medium Density Multiple Housing

1.0 Recommendation

THAT Rezoning Application No. Z14-0050 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2-4, District Lot 141, ODYD, Plan 13608, located on 1539-1541 Bedford Ave, 1507-1511 Dickson Ave, & 1517-1521 Dickson Ave, Kelowna, BC from the RU6 - Two Dwelling Housing zone to the RM5 - Medium Density Multiple Housing 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 subsequent to the following:

1. Requirements of Development Engineering Branch being completed to their satisfaction;

2.0 Purpose

To rezone the subject property to RM5 - Medium Density Multiple Housing in order to develop a 90 unit (44 micro-studio) 4 $\frac{1}{2}$ storey tall rental apartment development.

3.0 Urban Planning

Staff support the proposed rezoning to the RM5 - Medium Density Multiple Housing zone as that zone meets the future land use designation (MRM - Multiple Unit Residential, Medium-Density) and associated goals outlined within the Official Community Plan (OCP). The OCP has designated the

Dickson Avenue neighbourhood as an area for redevelopment from single family to medium density multi-family housing. If Council forwards this application to Public Hearing and approves the rezoning, then a Development Permit and Development Variance Permit (for setbacks) will be brought forward for Council's consideration.

On initial review the architectural design for the building fits within the neighbourhood context including the Landmark Technology Centre, Landmark 7, and Mode apartment buildings. The proposed 4 ½ storey multi-family building will present ground-oriented townhouse units on the first floor similar in scale, proportion, and materials to the MODE development created in 2008. Vehicle access is proposed to be provided to the site using Bedford Avenue, thus avoiding placing vehicle interactions on the busy Dickson Avenue frontage.

Figure 1 shows the two duplexes that will be isolated as a result of this project with limited potential to re-development to a higher density because of the lot sizes. The applicant has attempted to acquire the two lots described in Figure 2 but was unsuccessful. However, this is a relatively low concern as figure 1 shows the adjacent five parcels to the east which have enough area to redevelop to a higher density.

Subject Property





In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbour consultation by individually contacting the neighbours as described in the attached *Schedule 'A'*. No major issues were identified during the initial consultation with neighbouring parcels.

4.0 Proposal

4.1 Project Description

The three subject properties are currently occupied by three duplex dwellings but the OCP designates the subject properties as MRM (Multiple Family Residential -Medium density) and supports an increase in density. The existing duplexes will be demolished and are proposed to be replaced with a 90 unit rental apartment building. Out of the proposed 90 units, 44 units are proposed to take the form of micro-studio units. Micro-studio units are defined as residential units smaller than 29 m². All micro-studio units are Development Cost Charges (DCCs) exempt as per Part 26 Section 933.4 of the *Local Government Act*. The applicant has applied for and has gained approval from the City's housing grant program to fund \$230,000 (~38.5%) of their DCC amount that applies to the remainder 46 dwelling units. Further, the applicant is applying for a revitalization tax exemption for \$212,840 over 10 years. Council will receive a revitalization tax exemption report at the same time as the Development Permit and Development Variance Permit.

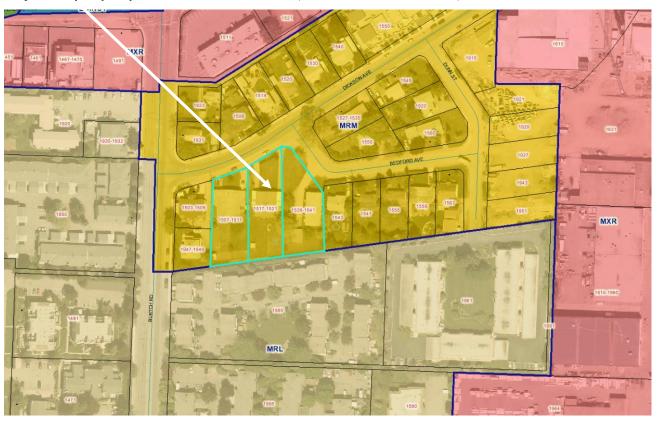
The proposed variances are site coverage to allow additional percentage of the lot to be built upon with building, structures, and parking as well as setback variances to allow for a parkade structure to be built closer to the property lines. Those items as well as the form and character will be dealt with by Council once the Development Permit and Development Variance Permit are prepared. These permits do not go to Council until the zoning has been adopted by Council.

4.2 Site Context

The site area is approximately $4,450~\text{m}^2$ and is located within the Landmark Tech Centre neighbourhood. The subject property is designated MRM (Multiple Residential - Medium Density) and the lot is within the Permanent Growth Boundary. Specifically, the adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Residential
East	RU1 - Large Lot Housing	Residential
South	RM3 - Low Density Multiple Housing	Residential
West	RU6 - Two Dwelling Housing RM3 - Low Density Multiple Housing	Residential

Subject Property Map: 1539-1541 Bedford Ave, 1507-1511 Dickson Ave, & 1517-1521 Dickson Ave



4.3 Zoning Analysis Table

	Zoning Analysis Table	
CRITERIA	RM5 ZONE REQUIREMENTS	PROPOSAL
	Development Regulations	
Height	18.0 m / 4.5 storeys	14.3 m / 4.5 storeys
Front Yard (north)	6.0 m 1.5 m for ground oriented housing	> 4.5 m
Side Yard (east)	4.5 m for flanking portion 4.0 m for non-flanking portion	5.8 m for flanking portion 12.6 m for non-flanking portion
Side Yard (west)	4.5 m (up to 2 ½ storeys) 7.0 m (above 2 ½ storeys)	4.5 m to townhouses 7.0 m to apartments 1.5 m to parkade ●
Rear Yard (south)	9.0 m	9.0 m to apartments 3.0 m to parkade ❷
Site coverage of buildings	40 %	33.9 % €
Site coverage of buildings, driveways & parking	65 %	78.5 % �
	Other Regulations	
Minimum Parking Requirements	104 parking stalls	104 parking stalls
Minimum Bicycle Parking Requirements	Class 1: 45 bikes Class 2: 9 bikes	Class 1: 45 bikes Class 2: 10 bikes
Private Open Space	1,115 m ²	1,899 m ²

- Indicates a requested variance to reduce the side yard setback for the parkade from 4.5 m to 1.5 m.
- 2 Indicates a requested variance to reduce the rear yard setback for the parkade from 9.0 m to 3.0 m.
- Indicates a requested variance to reduce the site coverage of buildings from 40% to 33.9%.
- Indicates a requested variance to reduce the site coverage of buildings, driveways, & parking from 65% to 78.5%.

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

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

Sensitive Infill.² Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height, and siting.

6.0 Technical Comments

6.1 Building & Permitting Department

¹ City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).

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

- a) Development Demolition permits are required for any existing structures
- b) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
- c) Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- d) A Hoarding permit is required and protection of the public from the staging area and the new building area during construction. Location of the staging area and location of any cranes should be established at time of DP.
- e) A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
 - Guards are required for all exterior decks and stairwells. The drawings provided don't clearly identify these requirements, but will be reviewed at time of building permit application. The appearance of these guards may affect the form and character of the building
 - Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
 - Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.
- f) A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. This property falls within the Mill Creek flood plain bylaw area and compliance is required. Minimum building elevations are required to be established prior to the release of the Development Permit. This minimum Geodetic elevation is required for all habitable spaces including parking garages. This building may be designed to low, which may affect the form and character of the building. Development Engineering Department.
- g) We strongly recommend that the developer have his professional consultants review and prepare solutions for potential impact of this development on adjacent properties. Any damage to adjacent properties is a civil action which does not involve the city directly. The items of potential damage claims by adjacent properties are items like settlement of foundations (preload), damage to the structure during construction, additional snow drift on neighbour roofs, excessive noise from mechanical units, vibration damage during foundation preparation work etc.
- h) Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s). The drawings submitted for building permit are to clearly identify how these rating will be achieved and where these area(s) are located.
- An exit analysis is required as part of the code analysis at time of building permit application. The exit analysis is to address travel distances within the units, number of required exits per area, door swing direction, handrails on each side of exit stairs, width of exits etc.
- j) Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this structure at time of permit application.

6.2 Development Engineering

See attached

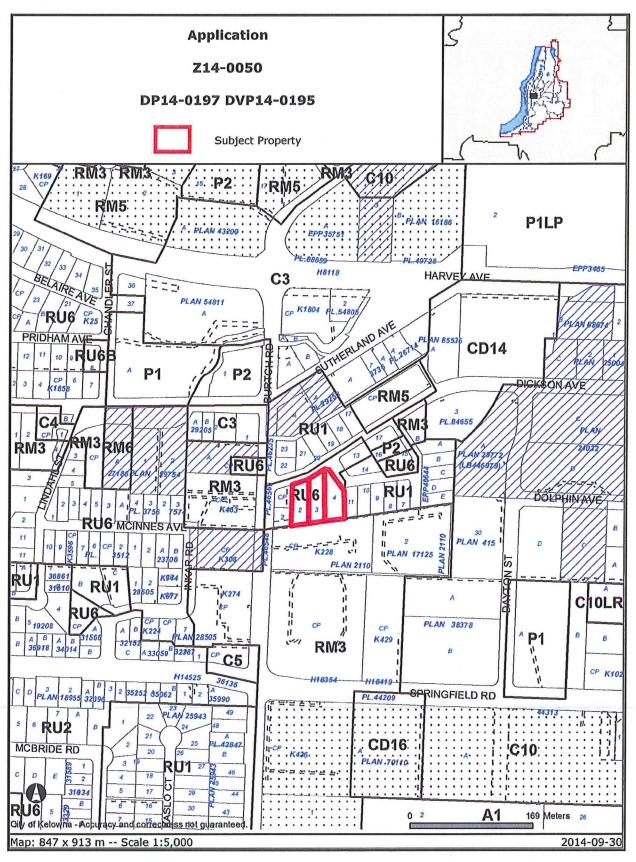
7.0 Application Chronology

Date of Application Received: September 26th 2014
Date of Public consultation: November 25th 2014

Report prepared by:	
Adam Cseke, Planner	
Reviewed by:	Ryan Smith, Urban Planning Manager

Attachments:

Subject Property Map Site Plan / Landscape Plan Conceptual Elevations Development Engineering 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.

4 STOREY RESIDENCE O DICKSON AVE			STALL SUZE
ADDRESS	1507-1641 DICKBON AVENUE, KELOWNA BC	MABC	FULL SIZE STALL
LEGAL DESCRIPTION	Lot 2, 3, 4, DL 141 COYD Plan 13505		WEDNOTE STATE WORLD
CHARLOW CONTROL OF THE PROPERTY AND A	CAPHE - LANDWARK URBAN DISTRECT		COMPACT SIZE STATE TO
PROPROSED ZONING	RNS - MEDIUM DENSITY MULTIPLE HOUSING	UNITED	DRANE VIOLED (2-way 50" P
EXISTING LEGAL USE	SINGLE FAMILY/ DUPLITX HOUSING		PARKING REQUIREMENTS
DIAMOES	UNT		
NUMBER OF BUILDINGS	9		_
CRITERIA FOR	RMS MEDIUM DENSITY MULTIPLE HOUSING	JLTIPLE HOUSING	
	ZONING STANDARD	PROPOSAL	
SITE AREA (see)	1,400 am	14,507 sm	
SITE WIDTH (m)	30.0m	mich	
SITE DEPTH (m)	35.0m	±57m	
OFF-STREET PARKING	104 stats min. (see parking calculations)	104 staffs	1
PRIVATE OPEN SPACE	7.5 sm / backelor x 24 = 405 sm 15.0 sm / 1 back x 12 = 205 sm 25 sm / more than 10ed x 12 = 425 sm	41,800 km (see building areas calculations)	BUILDING CC
HEIGHT OF BUILDING (S)# OF STOREYS	18.0m / 4.5 storeys	114.3m / 4.5 storeps	ARTIGLE
SITE COVERAGE OF BUILDING(5) (%)	40% max. (50% with 20% exitra private open space)	# 1,529 em (1,33,9%)	NO, OF STOREYS
SITE COVERAGE INCLUDING BUILDINGS, DRIVEWAYS AND PARKING (%)	DOW YOU	±70.5% (3,538 ym) (Vertence Requested)	MAX BUILDING AREA
ADDITIONAL REQUIREMENTS FOR COMMERCIAL INDUSTRIAL AND MULTIPLE UNIT / INTENSIVE	RMS MEDIUM DENSITY MULTIPLE HOUSING	ILTIPLE HOUSING	CONSTRUCTION TYPE
CONTRACTOR OF CONTRACTOR	CONING STANDARD	PROPOSAL	ACCIONAL A DATE
NUMBER OF DICYCLE PARKING UPACES	Class It 0.5 per dwelling unit x 90 units Total = 45 bites min, Class It 0.1 per dwelling unit x 90 units Total = 9 bites min,	Class It 45 min. blue mote within parkage. Class It: 10 stall title mick (see alte plan)	WALLS / BEANING STRUG
NUMBER OF LOADING SPACES	NA	NA	
DRIVE AISLE WIDTH (m) (IF PROPOSED)	7.0m	7.0m	SPATIAL
SETBACKS TO PARKING (m):			
NORTH (FRONT)	NA	NA	
SOUTH (REAR)	3.0m min. (Emiliaremental Selback)	1 3.0m	WALL AREA
WEST (SICE)	NA	NA	A JAN DIAN JAD
EAST (SIDE)	3.0m min, tacking street 1.5m min, tacking property	N/A 1.5m	% PROVIDED
FLOOR AREA NET	± 5,823 vm max, not even	4.4,309 am (46,377 sf)	CIMITING DISTANCE
FLOOR AND ARATIO (F.A.R.)	1,1 + 0,1 parking bonus x (40 / 104) + 0,2 urban centre bonus = 1,35 max FAR	96,0	CONSTRUCTION TYPE
MILDING (8) BETTINGKS (M):			CLADOING MATERIAL
NORTH (FRONT)	fl.Om mix. 1,5m for ground oriented townhouses	a7.9m to apartments 2.4m to townhouses	RECORD PAINTED
SOUTH (REAR)	9.0m máx.	9.0m to apartments 2.0m to parkade (Variance Requested)	
WEST (SDE)	4.5m (up to 2 1/2 storeys) 7,0m (above 2 1/2 storeys)	4.5m to townhouses 7.5m to aportments 1.5m to parkade (Vartance Requested)	
EAST (SIDE FACING PROPERTY)	4.5m (up to 2 1/2 storeys) 7.0m (above 2 1/2 storeys)	±12.8m to apertments	
LAST (SIDE-FLANKING STREET)	Com mir. Lifen for ground extended townhouses	±7,0m to apartments ±5,0m to townhouses	
DAYLIGHT ANGLE (IF A TOWER)	NN	WA	
PODIUM HEIGHT (IF PROPOSED)	NN	NA	
	NIA	**	

ROOFS	187.0	hr. required above residential unit	dalunts	33.1.1.
SPATIAL SEPARATION:	PARATION	<i>:</i> -		3.2.3.1.D
	(FRONT)	(SIDE)	SOUTH WALL	(BIDE)
WALL AREA			418.2am	#16C/sm
OPENING AREA			ms0.cs	a5.6sm
% PROVIDED	WINDOW OPENINGS & WALL	AINGS & WALL	Sic	34K
LIMITING DISTANCE	UNHESTRICIED, LIMITING	D. LIMITING	9.0m	7.0m
% PERMITTED	DISTANCES FO	TANCES FXCEED 9.0m IN ALL	100%	100%
CONSTRUCTION TYPE	STREET IN ACCORDANCE	STREET IN ACCORDANCE WITH	Combust	Combad
CLADOING MATERIAL	323.10		Combust	Combast
REPORTANT GENERAL BANKS			None	None

13,540 13,540 13,540 13,540 17,566 17,566	LEVEL I RESIDENTIAL FOOTPRINT AREA PARKADE LEVEL + PARKING @ GRADE	PARK	75.65m	and	MINDOW OPENINGS & WALL	WINDOW OPENI	% PROVIDED
5	1 RESIDENTIAL FOO	PARK	15.6sm	10.0sm			OPENING AREA
5	1 RESIDENTIAL FOO	PARK		116.24m			
	I RESIDENTIAL FOO		±16C/sm				WALL AREA
13,640 13,540 13,540 67,006		LIVE	famel	Courses	Lineary	financia)	
13,60 13,60 13,60 67,00	SITE COVERAGE AREAS:	SITE COV	WEST WALL	SOUTH WALL	CAST WALL	NORTH WALL	
13,543 13,543 13,543 67,866	EFFICIENCY: ±01.3%	EFFICIEN	3.2.3.1.D		ž:	SEPARATION:	SPATIAL SEF
13,543 13,543 13,543	TOTAL NET ARIA FOR FAIR	TOTALNE					
13,543	TOTAL PUSICENTAL GPA	TOTAL PU	3.3.1.1.	erdal units	The required above residential units	117	ROOFS
13,543		4TH LEVEL		CHARRADES	1 Pr. (2 Pr. RATING FOR PARVADE)	╀	WALLS / BEARING STRUCTURE
10,040		THAT CHE		OVE PARKADE)	. (2 hr. RATING ABOVE PARKADE)	╀	FLOOR
		SADITEACT					ASSEMBLY RATINGS:
10,450		187 LEVEL			YES (NEPA 13R)	70	DPRINKLERED
1	Н	PARKADE	DUST.	UST. NON-CONBUST.	сомоизтиком-сомоизт.	00	CONSTRUCTION TYPE
GFA gem Hen, GFA gaf	CFA ast		E WITH 3,2,1,2	DING IN ACCORDANG	A SEPARATE BUIL	CONSIDERED AS	NOTE: PANKADE TO BE CONSIDERED AS A SEPARATE BUILDING IN ACCORDANCE WITH 3,2,1,2
			32282(1)	(1) 3600 sm	1800 sm 3,2,2,50,(1)	100	MAX, BUILDING AREA
				2			NO. OF STREETS FACING
TEMEL 1 C				ADF 4	A LEVELS ABOVE PARKADE	40	NO, OF STOREYS
AMENITY AREA @ P.				322.02	2.50	32250	ARTICLE
				CHOUPES	OROUP C	OHO	OCCUPANCY
						DICKSON AVE	A STOREY RESIDENCE @ DICKSON AVE
COMMON / PRIVA					/IEW	טור ארו	BUILDING CODE REVIEW
+		-					
-	1 DED DEN			SON STALLS	TA.	TOTAL	
1045 97 1	20ED	72	parking)	13 STALLS (visitor parsing)	PARMING () CHADE:	PA	
1119 104 1	20ED	7	ing 1 hc stall)	91 STALLS (holiding 1 he stall)	WITHIN PARKADE:	WI	
905 92 3	1 BED DEN	4		DCO:	TOTAL PARKING PROVIDED:	10	
80 4	2 BEDIOEN	CI	104 STALLS	HACD:	TOTAL PARKING REQUIRED:	10	
810 75 8	2 DEDIGEN	c	26 stats	a x 17 units	1.5 staffe/ 2 bedroom units x 17 units	1.5	
	1 DEDIDEN	L	24 stolls	it a 19 urbs	1.25 stable 1 bedroom unit x 19 units	i,	
050 00 0	1 DED DEN	82	S4 stats	Studits	1.0 stably bachelor unit x 54 units	1,0	
8	2 BFD	B1 :			HESIOCNIIAL:	ē	
900 56 11	TREDDEN	0				82	PARKING REQUIREMENTS:
470 44 2	STUDIO	L			23-0" (7.0m) min.		DRIVE ABILES (2-may 90° pag)
500 47 8	STUDIO	22	G-G* (2.0m) min.	19"-8" (6.0 m) eren.	12-2" (3.7m) min.	12.	DISABLED STALL
312 29 11	MICROLOFT STUDIO	Ala	6'-0" (2.0m) min.	15'-2" (3.4m) mbs.	6-6" (2.0m) min.	┖	COMPACT SIZE STALL (10% max)
312 29 33	MICRO-STUDIO	À	6"-4" (2.0m) min.	15'-9" (4.8m) min.	7-6" (2.3m) min.	L	WEDBUM SIZE STALL (40% mws)
and and	Tax Control	0.00	6'-6" (2.0m) min.	19'-8" (0.0m) mén.	8-3" (2.5m) min.	82	FULL SIZE STALL
UNIT	UNT TYPES	NO	HEIGHT	LENGIH		мртн	STALL SIZE
BUILDING AND FLOOR AREAS:	DING AND	BOIL			IONS	LCULAI	PARRING CALCULATIONS

5	LOOK AREAS:	S				FIRE PROTECTION:	ECTION	3.2
N S	NAN	UNIT	Nº A.ssf	NFA assis	DATE I SANDONA MENO	LOCATION OF HYDRANT TO		
312	29	33	10,296	957	1,550	DECHARGONALS		YES IN STAIRS
312	29	11	3.432	319	550	SPRINKLIRID		YES
500	47	a	4.072	378	400	FIRE ALARM SYSTEM		YES
470	ŧ	2	940	87	0	ENTUGHTS		YES
900	88	=	0,600	613	000	EMERGENCY LIGHTING		YES
726	67	u	2,176	202	100			
050	80	3	1,950	181	100			
790	74	1	790	7.4	60	OCCUPANT LOAD	LOAD	
810	75	0	0,480	602	720	PARKADE LEVEL:	48sm / PERS	46sm / PERSON X 2,731sm
865	80	4	3,460	321	300			
805	92	3	2,985	277	620	RESID, LEVEL 1:	.05am / PERS	,05am / PERSON (Common Room) X 29sm
1119	104		1,119	101	210		2 PERSONS	2 PERSONS/ SLEEPING ROOM X 27 ROOMS
1045	97	-	1.045	97	210		TOTAL	
1025	95	-	1.025	95	210	RESID, LEVELS 283:	2 PERSONS	2 PERSONS/ SLEEPING ROOM X 27 ROOMS
		8	46,377	4,309 un	0.020	RESID, LEVEL 4:	2 PERSONS	2 PERSONS/ SLEEPING ROOM X 26 ROOMS
							BUILDING TOTAL	TVIC
	COMMON	/ PRUVATE O	COMMON / PRIVATE OPEN SPACE:					
l			UNICONED	TAT.	asm.	EXIT FACILITIES	TIES	
	AMENITY AREA @ PARKADE ROOF	CAGPARK	ADE HOOF	14,108	1311	REQUIRED DATS		2 MIN, PER FLOOR
	rt.	LEVEL 1 COMMON ROOM	MOORHOOM	308	29			REQUIRED WIDTHS
			TOTAL	20,430	1,899			as per 3.4.3.2.(A)
CEALIN	Hen, GFA ±1	Att	Res, GFA ±sm	n NFA 1st	NLV TW		- 1	mån, 1100mm statr width
2,731				Ц	Ц			as per 3.4.3.2.(A)
	10,450		1.529	13,10	9 1,219	PARKADE LEVEL		0.1mm/ person X 60 persons
	13,543	Ĭ	1,258	11,100	H			Storm
	13,543		1,250	11,100	H	RESIDENTIAL LEVELS:		
	13,543	Ĭ	1,250	10,930	H	LEVEL 1 (doors)		6,1mm/ person X 85 persons max.
	67,085	0	5,300					min, door wide/ foor = 519mm
		L		46,377	7 4,309	LEVEL 1 (stairs)		8.0mm/ person X 85 persons max.
								min, stair width floor = 680mm
						LEVEL 2 & 3 (doors)		Butmm' person X 54 persons max.
								min, door wide/ foor = 329,4mm
PRINT AREA	Α.		41.	41,529 sm (15,466 sf)	0 40)	LEVEL 2 & 3 (states)		8.0mm/ person X 54 persons max.
G CRADE			83	\$3,638 pm (38,085 et)	5 40)			min, stell width/ floor = 432mm
						LEVEL 4 (doors)		6.1mm/ person X 52 persons max
								min, door width/ floor = 317,2mm
						LEVEL 4 (stains)		8,0mm/ person X 52 persons max.
								min, stalr widths floor = 4 terms
						RESIDENTIAL UNITS		mbr. 1 door 62 800mm (each unit)
						EXIT THROUGH LODBY		Nix
						PANIC HARDWARE REGID		YES (AT EXTERIOR STAIR DOOR
						EXIT EXPOSURE		QX
						MAX, TRAVEL DISTANCE	L	45m (Residential) & 60m (Parkade)
						EXIT RATINGS REQUIRED:	ED:	

EXIT FACILITIES		3.1 TO 3.6
REQUIRED EXITS	2 MIN. PER FLOOR	
	REQUIRED WIDTHS	PROVIDED WIDTHS
	min, 800mm door width as per 3.4.3.2.(A)	
	an per 3.4.3.2.(A)	
PARKADE LEVEL	0.1mm/ person X 60 persons	3 doors @ 3'-0" = 9'-0" (2743 mm)
RESIDENTIAL LEVELS:		
LEVEL 1 (doors)	6.1mm/ person X 85 persons max.	2 doors @ 3'-0" @ each floor
	min, door wide/ foor = 519mm	wide/ foor = 6'-0" (1629mm)
LEVEL 1 (stairs)	8.Dmm/ person X 85 persons max.	2 stains @ 3'-10" @ each foor
	min, stair width Boor w 680mm	width foor = 7-8" (2337mm)
LEVEL 2 & 3 (doors)	6.1mm' person X 54 persons max.	2 doors @ 3"-0" @ each floor
	min, door wide/ floor = 325,4mm	width/floor = (F-O* (5029mm)
LEVEL 2 & 3 (stabs)	8.0mm' person X 54 porsons max.	2 stuhs @ 3-10" @ each foor
	min, statr width/ Boor = 432mm	widay borr = 7-0" (2007mm)
LEVEL 4 (doors)	6.1mm person X 52 persons max.	2 doors @ 3-0" @ each floor
	min, door width/ floor = 317,2mm	width/ floor = 67-0" (1625mm)
LEVEL 4 (states)	8.Drew person X 52 persons max.	2 staks @ 3'-10" @ each foor
	min, staly widthy floor = 4 terms	width floor = 7'-0" (2007mm)
RESIDENTIAL UNITS	mbs, 1 door 65 800mm (each unit)	36" door (2) each unit
EXIT THROUGH LODBY	NIA	3442
PANIC HARDWARE REO'D	YES (AT EXTERIOR STAIR DOORS)	3.4.6.16.(2)
EXIT EXPOSURE	OX	323,13
MAX TRAVEL DISTANCE	45m (Residential) & 60m (Parkade)	3,425,(1)
EXIT RATINGS REQUIRED:		
STAIR SHAFTS	1 HR	344.1.
CONNIDORS	THR	3,3,2,6,(4)

		L		L				L	Š	Š		65				L	4		l
3 doors @ 3'-0"				PROVIDED WIDTHS		3.1103.0	3 4 10 3 6	305 PERSONS	52 PERSONS	54 PERSONS PER FLOOR	85 PERSONS	54 PERSONS	31 PERSONS		60 PERSONS	IADEE S.I.II.I.	ADIE 3 4 47 4		Cold labor to many
MIN. 1 REO'D / DWELLING UNIT	WASHROOM FIXTURES REQUIRE		ACCESSIBLE WASHROOM	ACCESS TO ALL FLOORS	ACCESS TO MAIN ENTRANCES		ACCESSIBILITY REQUIREMENTS		CONCEALED FLOOR AREA	MAX. CRAWLSPACE AREA	MAX ATTIC AREA	ATTIC FIRESTOPS	CLASSIFICATION	RDOF COVERNO	METAL DECK ASSEMBLIES	FLAME SPREAD RATINGS	SOFTIT PROTECTION	BUILDING FIRE SAFETY	A
	TURES REQUIRE		NO	NO	אבט	REQUIRED	REQUIREMENTS		NIA	NIA	300 sm	YES	CLASS*A*		NIA	COMPLY WITH	NIA (SPRINKLERED)	AFETY	The second secon

	1	CITE ILOURING	***************************************		
	ENTS	MES REQUIREM	WASHROOM FIXTURES REQUIREMENTS		
	000				
	NO	NO	ACCESSIBLE WASHROOM		
	YES	NO	ACCESS TO ALL FLOORS	PROVIDED WIDTHS	
	YES	YES	ACCESS TO MAIN ENTRANCES		
,	PROVIDED	REQUIRED		0.1100.0	
3.8.		EQUIREMENTS	ACCESSIBILITY REQUIREMENTS	31 10 36	
				305 PERSONS	
	21.11.5	NA	CONCEALED FLOOR AREA	52 PERSONS	ROOMS
	3.1.11.6.	NIA	MAX CRAWLSPACE AREA	54 PERSONS PER FLOOR	ROOMS
	3.1.11.5.	300 sm	MAX ATTIC AREA	85 PERSONS	
	3.5.15.	YES	ATTIC FIRESTOPS	64 PERSONS	ROOMS
	3,1,15,2	CLASS "A"	CLASSIFICATION	31 PERSONS	Sun
			ROOF COVERING		
	3.1.14.2.	NIA	METAL DECK ASSEMBLIES	60 PERSONS	
	3,1,13,2	COMPLY WITH	FLAVE SPREAD RATINGS	WOLE 9.1.17.1.	
	323.16.	NIA (SPRINKLERED)	SOFTIT PROTECTION	700000000000000000000000000000000000000	,
		AFETY	BUILDING FIRE SAFETY		
		Non-Rated Fire Separation	TWILLD LOOM	324.14200	
	3,6,2	1 HR	SERVICES ROOMS		
	3.3.1.1.	1 HR	GROUP C TO C	3.2.5.K	
	32.12.	2 HR	GROUP TO TO C	3.2.5.5.	
			TENANTS / MAJOR OCCUPANCES		
3.1.3.1.		SEPARATIONS	REQUIRED FIRE SEPARATIONS	3.2.4/3.2.5/3.2.6.	3.2

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DICKON APARTMENT
4-LEVELS (90 RENTAL UNITS)
WITH PARKADE

ALLEGATION COLOR REVIEW
ZONING & CODE REVIEW

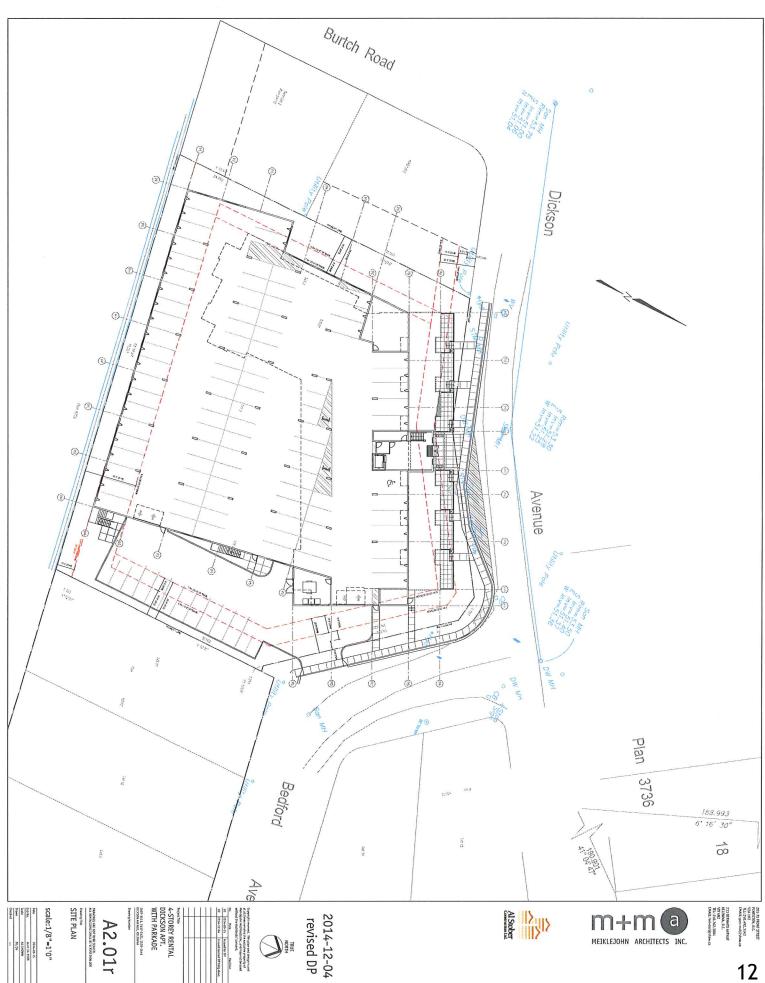
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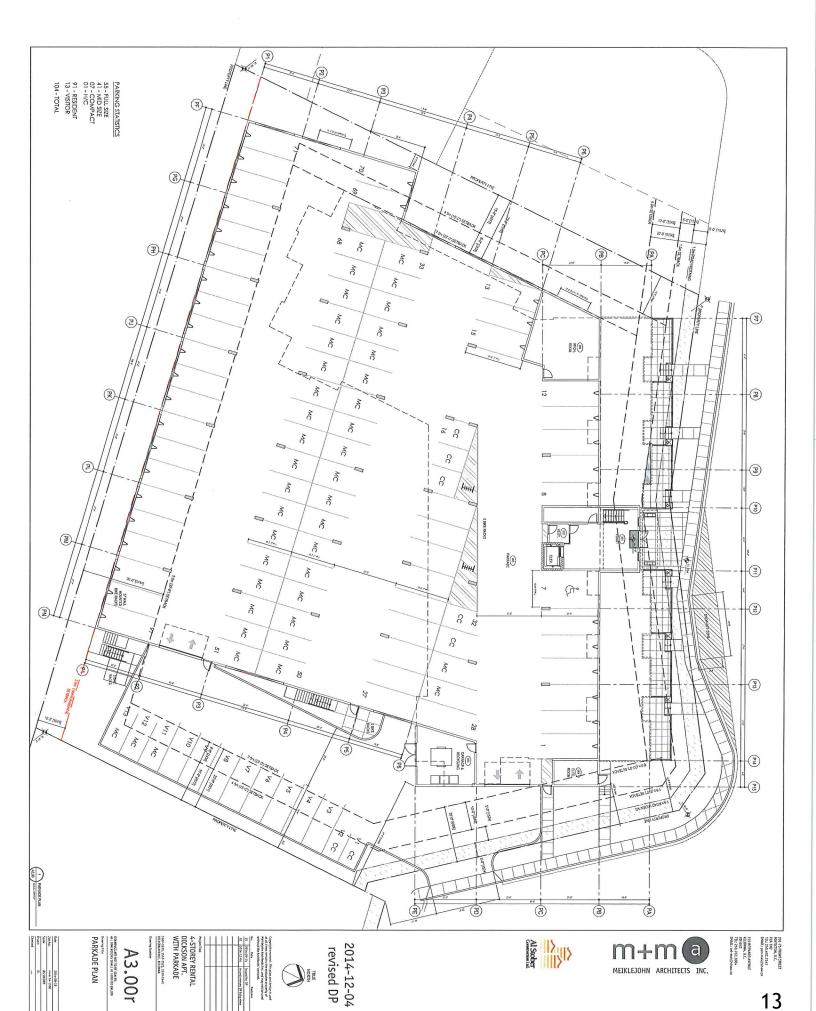
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Al Stober

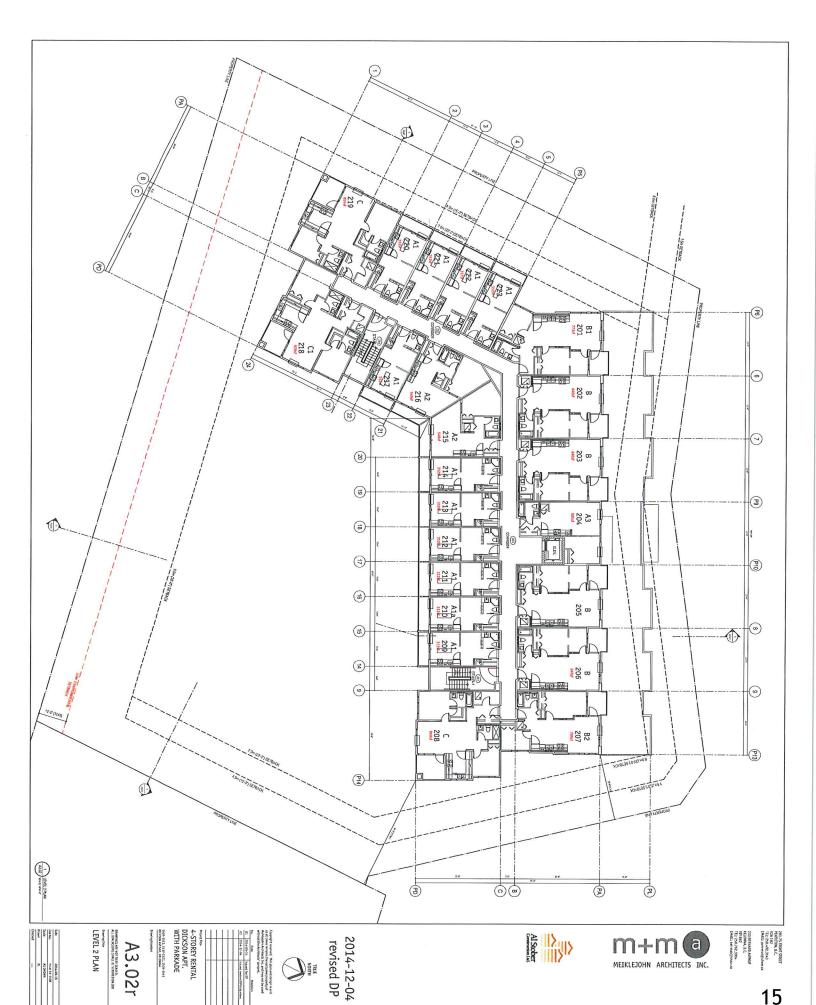


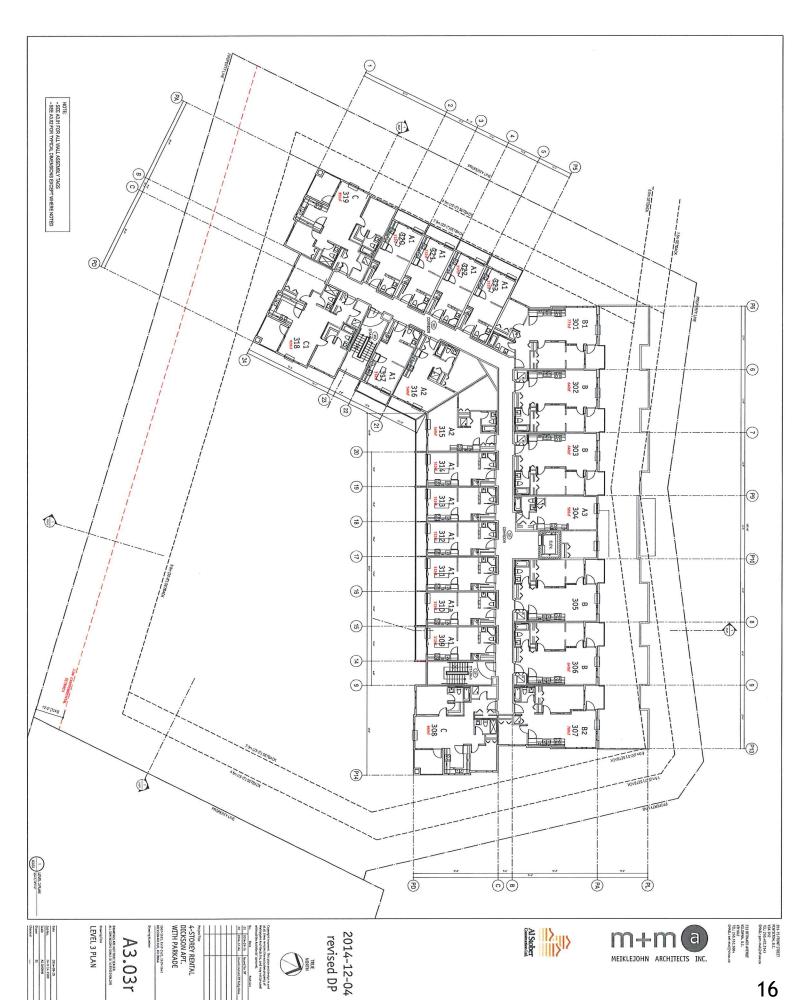
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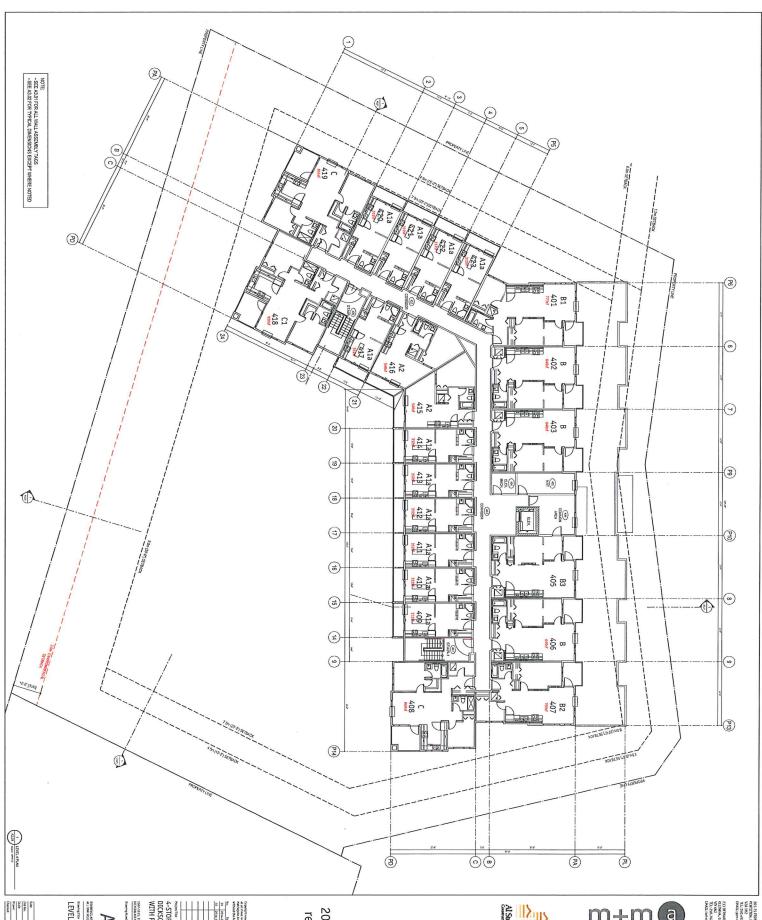










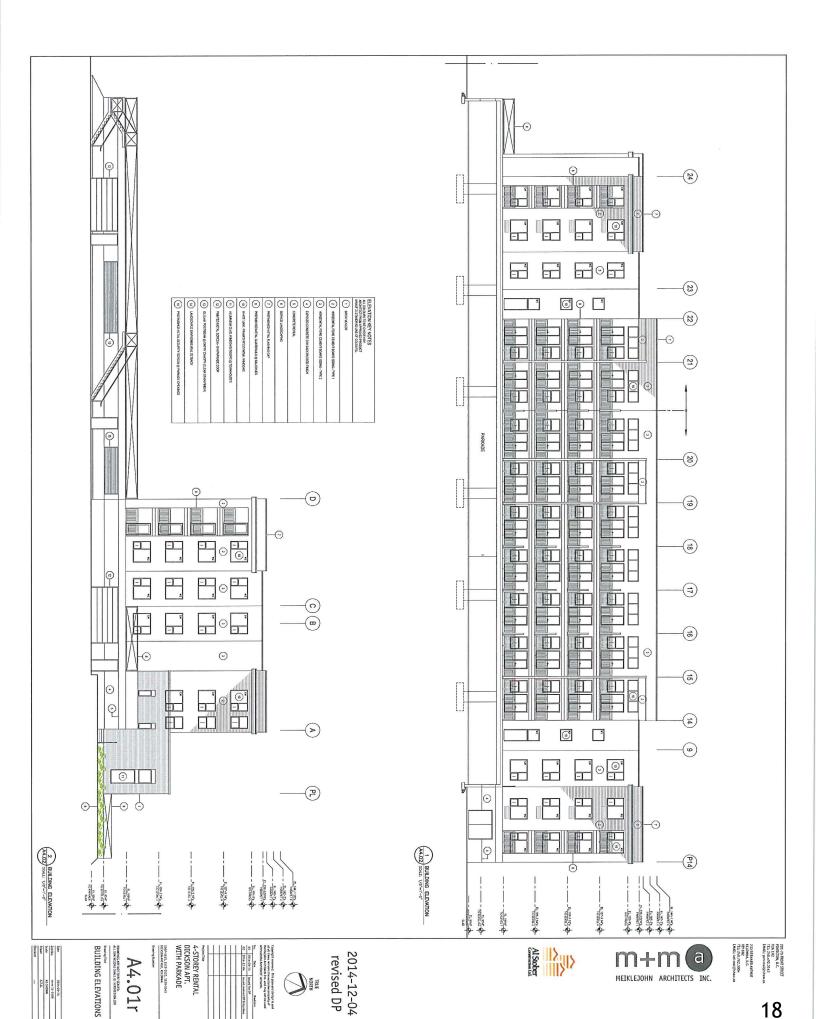


Al Stober Construction Ltd.



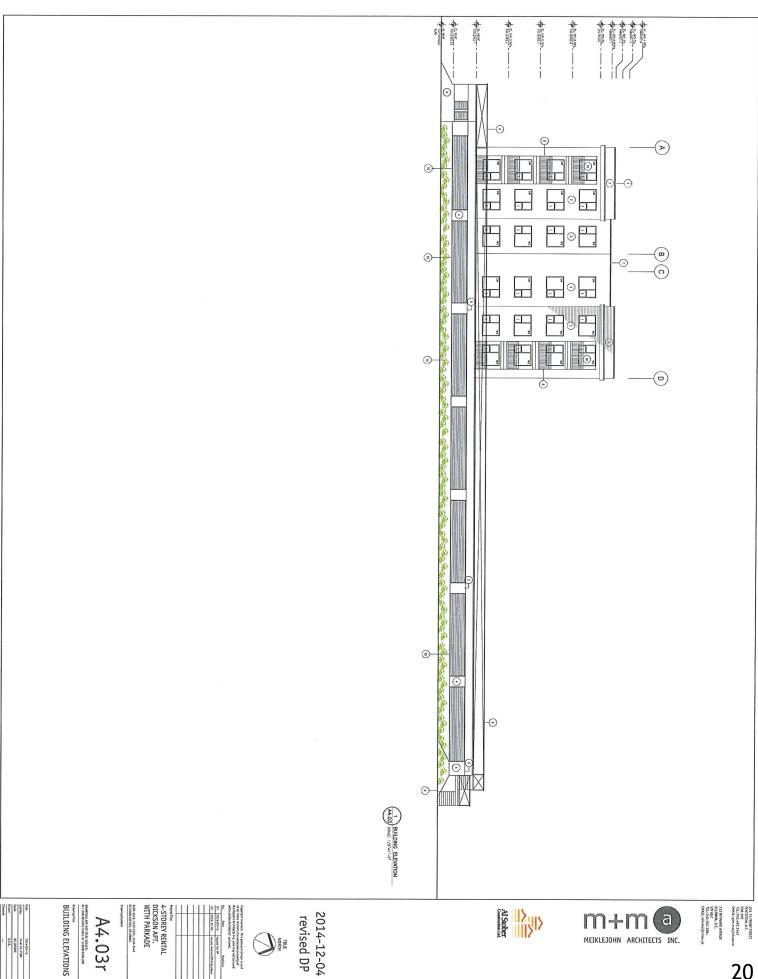






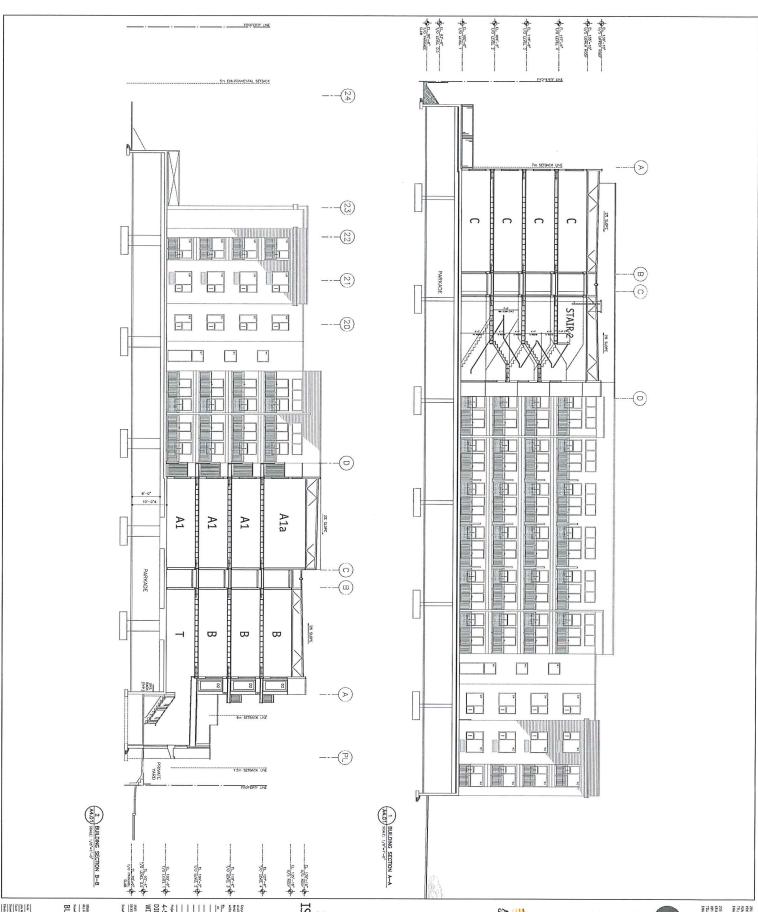


















Residental Apartments - Dickson Avenue

Dec. 3/2014

ESTIMATE OF PROBABLE COSTS - Reference: LDP 1 - Re-Issued For Development Permit/2014-12-03

Description of work	Unit	Estimated	Estimated Value	Total Value

LANDSCAPE

1.0	Landscape On-Site				
1.1	Deciduous trees (5cm Cal.)	ea.	16	\$450.00	\$7,200.00
1.2	Deciduous shrub on standard (#10 pot)	ea.	22	\$225.00	\$4,950.00
1.3	Ornamental shrubs and perennials	m ²	375	\$50.00	\$18,750.00
1.4	Restoration trees, shrubs, and forbs	ls.	1	\$3,675.00	\$3,675.00
1.5	Sod	m ²	116	\$7.50	\$870.00
1.6	Imported growing medium for trees (2 cu.m. per tree)	m ³	32	\$60.00	\$1,920.00
1.7	Imported growing medium for shrub bed (450mm depth)	m ³	180	\$60.00	\$10,800.00
1.8	Imported growing medium for sod (150mm depth)	m ³	19	\$60.00	\$1,140.00
1.9	Composted Bark Mulch Dressing (75mm depth)	m ²	450	\$7.50	\$3,375.00
1.10	High efficiency irrigation system	m ²	825	\$20.00	\$16,500.00
1.11	Water service for rooftop planters	ls.	1	\$7,500.00	\$7,500.00
1.12	Feature boulders (1000mm-1500mm diametre)	ea.	5	\$450.00	\$2,250.00
1.13	1.8m height fence (style to be determined)	l.m.	100	\$160.00	\$16,000.00

SUBTOTAL \$94,930.00

ESTIMATED TOTAL LANDSCAPE BUDGET

\$94,930.00

This is an estimate and not a guaranteed amount, and is to be used for bonding purposes only. Costing is based on 2014 contractor pricing and is subject to change.



MMM Group Limited 540 Leon Avenue Kelowna, BC V1Y 6J6 t: 250.862.3600 | f: 250.862.4849

www.mmm.ca

Date:

December 3, 2014

Our File: 5114035

Address: 1435 Water Street

Kelowna, B.C.

V1Y 1J4

Attention: Development Services

Dear Sir/Madam:

Re: 4-Storey Rental Dickson Apartments – Dickson Ave. – Development Permit

As per our client's request, MMM Group Limited estimates a landscape development cost of \$94,930.00, excluding applicable taxes, for the above noted development. This price includes landscape materials and installation (planted areas, sod, trees, topsoil, mulches, feature boulders, fencing, and irrigation).

Should you require any explanation of this letter, please contact the undersigned.

Regards,

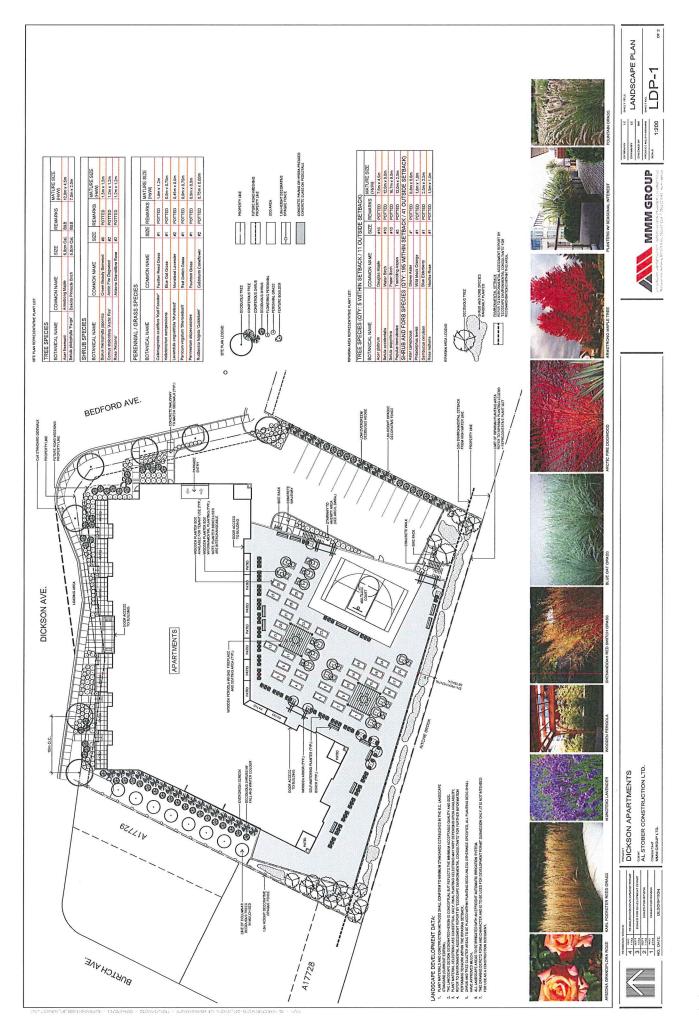
MMM Group Limited

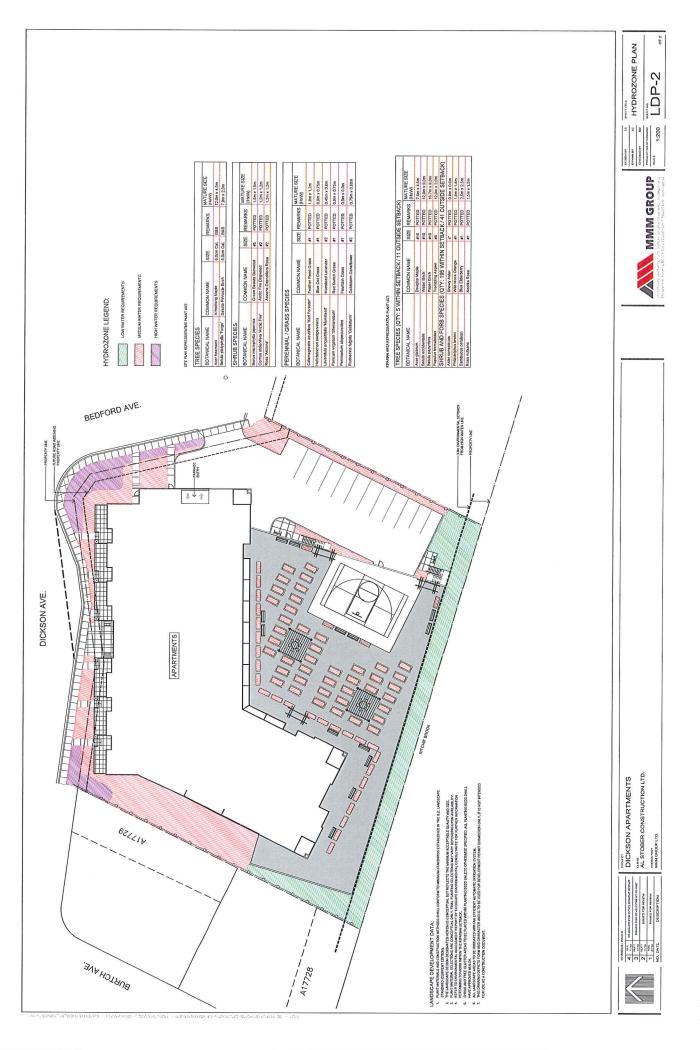
Benjamin SC Walker, MBCSLA Registered Landscape Architect

CC

Harry Issler (Al Stober Construction Ltd.) Shirley Ng (M+M Architects)

COMMUNITIES TRANSPORTATION BUILDINGS INFRASTRUCTURE







NEW DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE APPLICATION FOR DICKSON AVE

Al Stober Construction is pleased to announce they are applying for a Development Permit and Development Variance Permit for the 1500 block on Dickson Ave.

The new Building will be a four storey, 90 unit wood framed residential building with 104 stalls of parking, 91 underground and 13 above ground. Garbage and re-cycling will be Located next to the parkade entrance and will be completely enclosed. This building will consist of bachelors' suites as well as one and two bedroom suites.

As part of this development three variances are required; 1) a 13.5% variance requested for site coverage including driveways and parking and 2) a variance requested for rear yard and partial west side yard setbacks to enclosed parkade (amenity deck to be provided on top of exposed parkade slab) 3) addition of a small portion of front entrance to front parcel line on Dickson Ave.

This building conforms to the City of Kelowna Official Community Plan and drawings can be viewed at the City of Kelowna Planning Department.

As part of the Municipal process we are pleased to inform our neighbors about our applications for development permit and development variance permit with regards to our proposed housing development.

The aerial photo context below shows the location of our proposed development in relation to your properties and the illustration above shows the front of our proposed building.

If you have any questions please contact Mr. Harry Issler at ASC Office 250-763-2305



CITY OF KELOWNA

MEMORANDUM

Date:

December 16, 2014

File No.:

Z14-0050

To:

Urban Planning (AC)

From:

Development Engineering Manager

Subject:

1507-1511&1517-1521 Dickson Ave, 1539-1541 Bedford St REVISED RU6-RM5

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

The Development Engineering Technologist for this project is Sergio Sartori

1. Domestic Water and Fire Protection

- (a) The existing lots are serviced with small diameter water services (6). The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs. The estimated cost of this construction for bonding purposes is \$10,000.00
- (b) The applicant, at his cost, will arrange for the removal of the existing services and the installation of one new larger metered water service.
- (c) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures. The City of Kelowna water meter contractor must salvage existing water meters, prior to building demolition. If water meters are not salvaged, the developer will be invoiced for the meters.

2. Sanitary Sewer

(a) The existing lots are serviced with 100mm diameter sanitary services (3). The developer's consulting mechanical engineer will determine the requirements of this proposed development and establish the required size and preferred location of the new service. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal of all existing small diameter services and the installation of a new larger service. The estimated cost of this construction for bonding purposes is \$8,000.00

3. Storm Drainage

(a) The developer must engage a consulting civil engineer to provide a storm water management plan for these sites which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), if applicable, and provision of a storm drainage service and recommendations for onsite drainage containment and disposal systems.

(b) Only one service will be permitted for this development. The applicant, at his cost, will arrange for the installation of one new overflow service. The estimated cost of this construction for bonding purposes is \$5,000.00

4. Road Improvements

(a) Dickson Ave must be upgraded to an urban standard (SS-R5)along the full frontage of this proposed development, including curb and gutter, sidewalk, landscaped boulevard complete with street trees drainage system including catch basins, manholes and pavement removal and replacement, street lighting and relocation or adjustment of utility appurtenances if required to accommodate the upgrading construction. The estimated cost of this construction for bonding purposes is \$32,000.00

(b) Bedford Street must be upgraded to an urban standard(SS-R5) along the full frontage of this proposed development, including curb and gutter, sidewalk, landscaped boulevard complete with street trees drainage system including catch basins, manholes and pavement removal and replacement, street lighting and relocation or adjustment of utility appurtenances if required to accommodate the upgrading construction. The estimated cost of this construction for bonding

purposes is \$24,000.00

5. <u>Subdivision</u>

- (a) Grant Statutory Rights Of Way if required for utility services.
- (b) Dedicate 1.5m width along the full frontage of Dickson Ave.
- (c) Dedicate 1.5m width along the full frontage of Bedford Street.
- (d) Dedicate a corner rounding at the intersection of Dickson Av & Bedford St.
- (e) Provide a 3.0m Statutory Rights Of Way (SROW) along the full frontage of Ritchie Brooke complete with a 4.5m access SROW from Bedford Street to Ritchie Brooke.
- (f) Lot consolidation.
- (g) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.

6. Electric Power and Telecommunication Services

- a) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground as the subject properties are within the "Capri Landmark Urban Centre".
- b) Streetlights must be installed on Dickson Ave & Bedford Street.
- c) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.

d) Re-locate existing poles and utilities, where necessary. Remove aerial trespass (es).

7. 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.

8. <u>Design and Construction</u>

- (b) 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.
- (c) 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.
- (d) 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).
- (e) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- (f) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

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- (b) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- (c) 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.

10. Geotechnical Report

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

(a) Area ground water characteristics.

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

11. Bonding and Levy Summary

(b) Bonding

Water service upgrades	\$ 10,000
Sanitary sewer service upgrades	\$ 8,000
Storm overflow services	\$ 5,000
Dickson Ave frontage improvements	\$ 32,000
Bedford Street frontage improvements	\$ 24,000

Total Bonding

\$79,000.00

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

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

12. Development Permit and Site Related Issues

Access and Manoeuvrability

(i) Access to the site will be permitted from Bedford Street.
 (ii) Indicate on the site, the locations of loading bays as well as the garbage and recycle bins.

Steve Mulenz, P. Eng.

Development Engineering Manager

SS

CITY OF KELOWNA

MEMORANDUM

Date:

December 16, 2014

File No.:

Z14-0050

To:

Urban Planning (AC)

From:

Development Engineering Manager

Subject:

1507-1511&1517-1521 Dickson Ave, 1539-1541 Bedford St REVISED RU6-RM5

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(i) (ii) Indicate on the site, the locations of loading bays as well as the garbage and recycle bins.

Steve Muenz, P. Eng.

Develophent Engineering Manager

SS

SUPPLEMENTAL REPORT TO COUNCIL

Date: 1/26/2015

RIM No. 1250-30

To: City Manager

From: Urban Planning, Community Planning & Real Estate (AC)

City of

Kelow

1539-1541 Bedford Ave,

Address: 1507-1511 Dickson Ave, & Applicant: Meiklejohn Architects Inc.

1517-1521 Dickson Ave

Subject: Rezoning Application

Existing OCP Designation: MRM - Multiple Unit Residential, Medium-Density

Existing Zone: RU6 - Two Dwelling Housing

Proposed Zone: RM5 - Medium Density Multiple Housing

1.0 Recommendation

THAT Council receives for information, the Supplemental Report from the Urban Planning Department dated January 26th, 2015 with respect to Rezoning Application No. Z14-0050;

AND THAT the Zone Amending Bylaw No. 11051 be forwarded to the February 17th, 2015 Public Hearing for further consideration;

AND THAT final adoption of the Zone Amending Bylaw be subsequent to the following additional condition:

1. That the traffic improvements as identified in the Supplemental Council Report dated January 26th 2015 be completed prior to the issuance of the occupancy permit for the subject property.

2.0 Purpose

To inform Council of the traffic related site investigation that has been completed and the staff recommendations associated with rezoning the subject property to RM5 - Medium Density Multiple Housing in order to develop a 90 unit (44 micro-studio) 4 $\frac{1}{2}$ storey tall rental apartment development.

3.0 Urban Planning

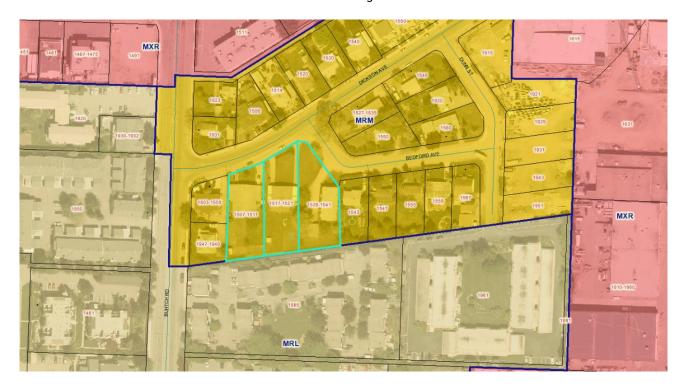
At the January 19th 2015 Council meeting, Council passed first reading on the subject property but directed Staff to not forward the application to public hearing until Council received more information regarding the traffic situation in the neighbourhood. Under our existing policy a traffic impact study was not required for this project as it did not meet the 100 unit threshold. However, the developer was asked to provide a minor analysis to the City. Staff met to review that study as well as all the potential traffic impacts of the proposed 90 unit project at Dickson/Bedford on the surrounding traffic network. The result is as follows:

- The lane capacity of the roads in the immediate vicinity of the site is satisfactory, however, the intersection at Burtch/Dickson is already experiencing operational challenges due to heavy volumes during peak hours.
- Recommended traffic improvements to mitigate the traffic issues include (see attachments for illustrative representative of traffic improvements):
 - 1. A right- in/right-out/left-in channelization at the intersection of Dickson/ Burtch to prevent westbound left turn exits onto Burtch Rd. This will require a raised centre median on Burtch Rd and a delta corner island on Dickson Ave.
 - 2. Traffic affected by the left turn restriction will result in additional travel southbound on Dayton St and the use of Springfield Rd to access Burtch Rd. To accommodate this, a separate southbound right turn lane is needed at the Springfield/ Dayton intersection. Based on the previous developments at the Landmark buildings there is separate bonding in place to finance this work. The City will work with the developer to initiate this work.

Staff is recommending that the above intersection improvements be required as a condition of rezoning and then a full traffic impact study can be delayed until the next significant rezoning in the area. Further, the project does not meet the Ministry of Transportation and Infrastructure's (MOTI) threshold for an in-depth Traffic Impact Assessment. MOTI did indicate concern with the intersection at Sutherland/Burtch. In order to improve the efficiency of that intersection, City Staff will be working on signal timing with the Ministry's Staff to optimize the intersection performance.

With these measures being taken staff are supportive of advancing this application.

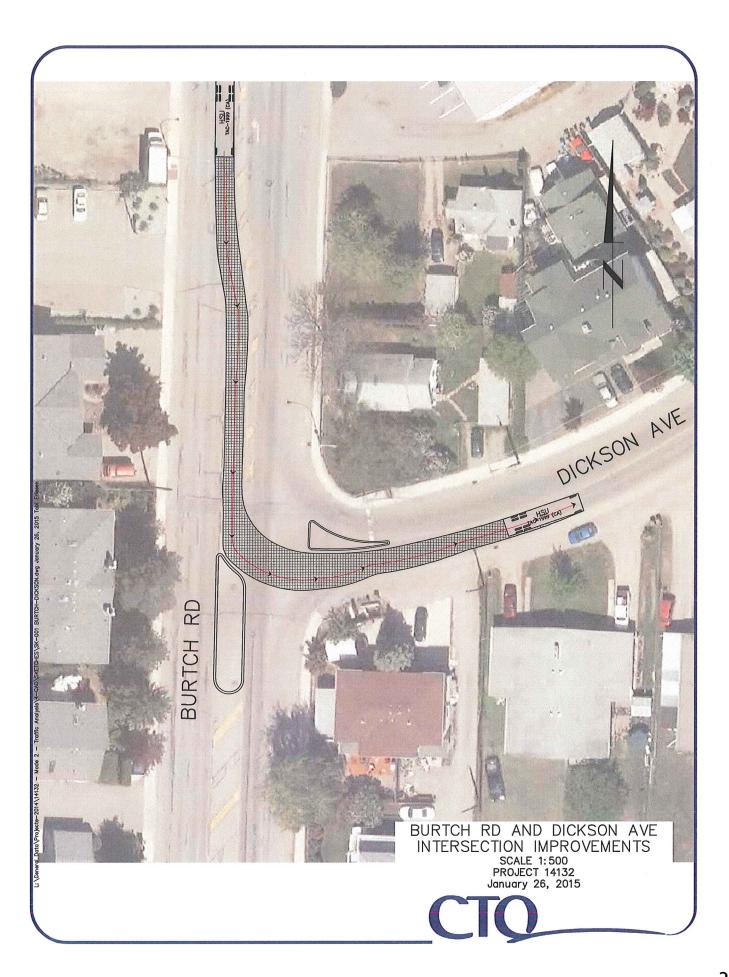
Subject Property Map: 1539-1541 Bedford Ave, 1507-1511 Dickson Ave, & 1517-1521 Dickson Ave



4.0 Application Chronology

Date of Application Received: September 26th 2014
Date of Public consultation: November 25th 2014

Report prepared by:		
Adam Cseke, Planner		
Reviewed by:		Ryan Smith, Urban Planning Manager
Attachments: Proposed Traffic Improve	ements	





Report to Council



Date: January 9, 2015

File: 1250-04

To: City Manager

From: Urban Planning Department (TY)

Subject: Proposed Text Amendment to Zoning Bylaw 8000 to permit Analytical Testing as

a principal use and permit Analytical Testing of Medicinal Marihuana in the I1,

12, 13, 14 zones.

Recommendation:

THAT Zoning Bylaw Text Amendment No. TA14-0020 to amend City of Kelowna Zoning Bylaw No. 8000 by amending the existing definition of Medical Marihuana Production Facility, by adding a definition for Analytical Testing and to permit Analytical Testing as a principal use in the I1 - Business Industrial, I2 - General Industrial, I3-Heavy Industrial and 14 - Central Industrial Zones as outlined in Schedule "A" of the report from the Subdivision, Agriculture & Environment Department dated December 16, 2014, be considered by Council.

AND THAT the Text Amendment Bylaw be forwarded to a Public Hearing for further consideration.

Purpose:

To make associated amendments to the Zoning Bylaw to add a definition for Analytical Testing and to permit Analytical Testing as a principal use in Industrial Zones.

Background:

The new Health Canada Marihuana for Medical Purposes Regulations (MMPR) regulations came into effect July 19, 2013 and into full effect April 1, 2014 replacing the current Marihuana Medical Access Regulations (MMAR), which was repealed on March 31, 2014.

The current Medical Marihuana Production Facility definition adopted into the City of Kelowna Zoning Bylaw No. 8000 does not identify analytical testing and the use is not currently a principal use in Industrial zones.

A Guidance Document submitted by health Canada, *Technical Specifications for Testing Dried Marihuana for Medical Purposes* Dated June 19, 2013 speaks directly to the testing requirements:

Testing of dried marihuana can only be performed by the holder of a producer's licence under the MMPR or of a dealer's licence under the Narcotic Control Regulations, and must be performed according to validated methods. Validation means establishing documented evidence that will provide a high degree of assurance that the testing methods must consistently and reproducibly lead to the predetermined specifications and quality results in dried marihuana.

Medical marihuana production involves the cultivation, growing, harvesting, and drying of the marihuana plant, followed by the testing, packaging and storage of the dried marihuana. The dried medical marihuana is then distributed to authorized customers for medical use as per the required federal and municipal licensing restrictions.

Understanding that any operation handling medical marihuana requires operators to meet standards through Health Canada in order to be licensed, City staff is seeking to differentiate between the <u>production facility</u> and the <u>analytical testing laboratory</u> of the medicinal marihuana industry. This testing is not required to be in the same facility as the growing operation of a Medical Marihuana Production Facility and may be conducted by a third party that is licensed under the Health Canada Marihuana for Medical Purposes Regulations.

Due to the laboratory facility that is required to conduct the analytical testing of dried medical marihuana, the zones that permit this use should imitate those zones that permit other pharmaceutical or controlled substance testing laboratories. In review of current bylaws it came to light that the City of Kelowna does not have a definition for a laboratory that carries out analytical testing on substances for research and development or quality control of medical or government regulated products. As such it is not a standalone principal use under City of Kelowna Zoning Bylaw No. 8000. Such uses do exist in Kelowna, currently as a secondary use within a hospital or medical facility.

Analytical Testing solely permits laboratory testing and excludes the ability to produce, store, sell or destroy a controlled substance. This also allows for the principal use of an analytical testing laboratory separate from medical marihuana production in industrial zones. Licensed analytical testing laboratories for licensed producers of Medicinal Marihuana are required to hold a federal licence for each controlled substance and adhere to the monitoring, restricted access, delivery security measures, intrusion detection systems, sanitary conditions and staff clearance levels as regulated by MMPR. Any controlled substance handled in an analytical testing laboratory must be transported, received, tracked and stored in compliance with Health Canada and where appropriate Controlled Drugs & Substances regulations.

An amendment to the City of Kelowna Medical Marijuana Producer Business Licence and Regulation Bylaw No. 10920 is also being proposed concurrently with the proposed zone amending bylaw and is intended to ensure that the Analytical Testing laboratory maintains its operation in compliance with the Health Canada Regulations.

A number of factors have been considered when determining the appropriate zones for the Analytical Testing land use including the compatibility of adjacent uses, the available infrastructure and accessibility for emergency services. Considering these factors the recommendation is to amend the noted zones to permit Analytical Testing.

This approach to permit Analytical Testing in Industrial zones is consistent with a number of the larger municipalities that were researched.

Schedule "A" outlines the Zoning Bylaw Text Amendment being proposed. Analytical Testing as a Permitted Use within the I1, I2, I3 and I4 Industrial Zones

Internal Circulation:

The proposed text amendment was circulated to the following departments for comment:

Legal/Statutory Authority:

The new Health Canada Marihuana for Medical Purposes Regulations (MMPR) regulations came into effect July 19, 2013 and into full effect April 1, 2014 replacing the current Marihuana Medical Access Regulations (MMAR), which was repealed on March 31, 2014.

Legal/Statutory Procedural Requirements:

Existing Policy:

The following bylaws were adopted for MMPF on May 26, 2014

Amendments to the Zoning Bylaw 8000 that would permit Medical Marihuana Production Facilities in the I1, I2, I3 and I4 as a principal use and creation of a Medical Marihuana Production Regulation Business Licence and Regulation Bylaw No. 10920.

External Agency/Public Comments:

Considerations not applicable to this report:

Financial/Budgetary Considerations Personnel Implications Alternate Recommendation Communications

Ryan Smith, Urban Planning Manager

SCHEDULE "A" SUMMARY OF PROPOSED TEXT AMENDMENT

December 16, 2014

Zoning Bylaw No. 8000					
Section	Existing Text	Proposed Text			
General Definitions Section 2.3.3	MEDICAL MARIHUANA PRODUCTION FACILITY means a facility for the producing, processing, selling, providing, shipping, delivering, and destroying of marihuana and must be licensed under the Health Canada Marihuana for Medical Purposes Regulations (SOR/2013-119).	MEDICAL MARIHUANA PRODUCTION FACILITY means a facility for the producing, processing, selling, providing, shipping, delivering, and destroying of medical marihuana and can include analytical testing in permitted industrial zones and must be licensed under the Health Canada Marihuana for Medical Purposes Regulations (SOR/2013 -119).			
General Definitions Section 2.2.3	N/A	Add as a new definition: Analytical Testing means the validated testing, research and development or quality control of a substance or product carried out in a laboratory operation and must be licensed under Health Canada or Controlled Drugs and Substances regulation of any substance or product being tested.			
15.1 - I1 - Business Industrial 15.1.2 Principal Uses	N/A	Add as a principal use: Analytical Testing			
15.2 - I2 - General Industrial 15.2.2 Principal Uses	N/A	Add as a principal use: Analytical Testing			
15.3 - I3 - Heavy Industrial 15.3.2 Principal Uses	N/A	Add as a principal use: Analytical Testing			
15.4 - I4 - Central Industrial 15.4.2 Principal Uses	N/A	Add as a principal use: Analytical Testing			

Chart for information only, not to be included in report.

MUNICIPALITIES IDENTIFYING TESTING / LABORATORY AS A PRINCIPAL USE				
JURISDICTION	DEFINED	AGRICULTURE	INDUSTRIAL	COMMERCIAL
Burnaby	х			
Chilliwack	√		M3 (General Industrial) P6 (University Village) CD-14 (Lickman East-Progress Way Industrial Area)	
Kamloops	X			
Kelowna	X			
Langley	X			
Nanaimo	✓		11, 12, 13,	Commercial Centre 3 & 5
Ottawa	•	T1	I2E (U of Ottawa King Edward Precinct subzone), IG (General Industrial zone), IH (Heavy Industrial zones), IL (Light industrial zones), IP (Business Park Industrial zones)	AM (arterial Mainstreet zones) GM (General Mixed Use zones) MC (Mixed Use Centre zones) MD (Mided-Use Downtown zone), TD (Transit Oriented Development zone), TM (Traditional Mainstreet zone), Rural Commercial,
Peachland	X			
Pemberton	✓		INDUSTRIAL	
RDCO	✓		I1	C1, C4,
Surrey	X			

Report to Council

Date: 1/28/2015

File: 0600-01

To: City Manager

From: Bylaw Services Manager

Subject: Medical Marihuana Producer Business Licence Amendment

Recommendation:

THAT Council receives, for information, the Report from the Bylaw Services Manager dated January 28, 2015 with respect amendments to Bylaw No. 10920 being the Medical Marihuana Producer Business Licence and Regulation Bylaw;

Kelowr

AND THAT Bylaw No. 11055, being Amendment No. 1 to Medical Marihuana Producer Business Licence and Regulation Bylaw No. 10920, be forwarded for reading consideration;

AND THAT Council directs staff to give notice by way of advertising in a local newspaper and on the City web site, and to provide notice directly to identified MMPR producers of their opportunity to make representations to Council regarding the proposed bylaw amendment prior to adoption;

AND THAT an opportunity to provide comment be part of the Public Hearing for the Zoning Bylaw 8000 medical marihuana bylaw amendments.

Purpose:

To add "Analytical testing" as a separate business licence type and to establish an opportunity for public input on the amendment.

Background:

In response to Health Canada creating a designation for **Medical Marihuana Analytical Testing** facilities, under the MMPR regulations it is necessary to ensure such facilities are included within the definition of the Medical Marihuana Producer Business Licence Bylaw no. 10920 (the "Bylaw").

To achieve this, a new definition of "Medical Marihuana Analytical Testing" is recommended to be added to the Bylaw, along with some other corresponding amendments to differentiate the two types of businesses. It is important to emphasize that an appropriate Health Canada MMPR licence must be obtained prior to the City issuing a business licence under this bylaw. The business must also be in compliance with City of Kelowna Zoning Bylaw 8000, and any other relevant City bylaws.

Internal Circulation:

City Clerk

Divisional Director of Corporate and Protective Services

Director Subdivision, Agriculture & Environment

Director, Development Services

Building and Permitting Manager

Building, Plumbing & Gas Inspector Supervisor

Crime Prevention Supervisor

Deputy Fire Chief, Fire Administration, Training and Fire Prevention

Legal/Statutory Authority:

Council's business regulation and business licence authorities are found in the *Community Charter* sections 8(3)(6); 15; 59 & 60.

Legal/Statutory Procedural Requirements:

Council must provide an opportunity for and give notice to those persons who consider themselves affected by the proposed bylaw to make representations to Council prior to Council adopting the bylaw.

Council adopting the bytaw.
Personnel Implications:
External Agency/Public Comments:
Communications Comments:
Considerations not applicable to this report: Existing Policy: Financial/Budgetary Considerations: Alternate Recommendation:
Submitted by:
Greg Wise, Bylaw Services Manager
Approved for inclusion: R. Mayne Divisional Director Corporate & Protective Services
cc:

CITY OF KELOWNA

BYLAW NO. 11055

Amendment No. 1 to Medical Marihuana Producer Business Licence and Regulation Bylaw No. 10920

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Medical Marihuana Producer Business Licence and Regulation Bylaw No. 10920 be amended as follows:

- 1. AND THAT Section 2. DEFINITIONS be amended as follows:
 - a) Adding in its appropriate location a new definition for **Business** as follows:
 - "Business means reference to both Medical Marihuana Production Regulation Business and Medical Marihuana Analytical Testing.";
 - b) Adding to the definition "Medical Marihuana Production Regulation Business" the word "protection" after the words "carrying on a commercial or industrial"; and
 - c) Adding a new definition for "Medical Marihuana Analytical Testing or (MMAT)" in its appropriate location that reads as follows:
 - "Medical Marihuana Analytical Testing means the validated testing, research and development or quality control of a substance or product carried out in a laboratory operation and must be licensed under Health Canada or Controlled Drugs and Substances regulation of any substance or product being tested."
- 2. AND THAT 4. LICENCE REQUIRED, 4.2 be deleted in its entirety that reads:

"In the case of different MMPR businesses in one building which are operated or owned by the same person and which are accessible to each other through internal doorways without leaving the structure, such MMPR businesses shall be considered one premise for the purposes of this bylaw."

And replaced with the following:

"In the case of different **businesses** in one building, each **business** shall be considered as a separate business."

- 3. AND THAT all references to "MMPR business" be deleted and replaced with "business";
- 4. This bylaw may be cited for all purposes as "Bylaw No. 11055, being Amendment No. 1 to Medical Marihuana Producer Business Licence and Regulation Bylaw No. 10920."
- 5. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Bylaw No. 11055 - Page 2

Read a first, second and third time by the Municipal Council this 2 nd day of February, 2015.				
Adopted by the Municipal Council of the City of Kelowna this				
Mayor				
City Clerk				