

City of Kelowna

Regular Council Meeting

AGENDA



Monday, April 20, 2015
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

4 - 10

Regular PM Meeting - April 13, 2015

3. Public in Attendance

3.1 Okanagan Symphony Orchestra

11 - 22

Annual presentation to Council by Executive Director, Robert A. Barr.

4. Development Application Reports & Related Bylaws

4.1 310 & 320 Strathcona Avenue, BL11005 (OCP14-0013) - Dr. Heather Martin Inc. & City of Kelowna

23 - 23

Requires a majority of all members of Council (5).

To adopt Bylaw No. 11005 in order to change the future land use designations of the subject properties.

4.2 310 & 320 Strathcona Avenue, BL11006 (Z14-0027) - Dr. Heather Martin Inc. & City of Kelowna

24 - 24

To adopt Bylaw No. 11006 in order to rezone the subject properties.

4.3 310 & 320 Strathcona Avenue, HAP14-0009 & DP14-0117 - Dr. Heather Martin

25 - 67

To consider a Heritage Alteration Permit and Development Permit for the form and character of the proposed 3.5 storey mixed use development.

4.4	140 Highway 33 East & 145 Rutland Road North, DP15-0030 - Rutland Crossing Development Ltd.	68 - 88
	To consider a Development Permit application for the form and character of a commercial development.	
5.	Bylaws for Adoption (Development Related)	
5.1	325 Hartman Road, BL10891 (Z13-0032) - Gary Martin Lupul	89 - 89
	To adopt Bylaw No. 10891 in order to rezone the subject property.	
6.	Non-Development Reports & Related Bylaws	
6.1	Amendment #1 to Five Year Financial Plan, 2014-2018	90 - 93
	To amend the Five Year Financial Plan as required by the Community Charter so that it includes the authorized transfers and amendments that occurred throughout the year.	
6.2	BL11071 - Amendment No. 1 to Five Year Financial Plan, 2014-2018, Bylaw No. 10950	94 - 95
	To give Bylaw No. 11071 first, second and third readings in order to amend the Five Year Financial Plan, 2014-2018, Bylaw No. 10950.	
6.3	2015 Tax Distribution Policy	96 - 120
	To establish tax class ratios that will be used in the preparation of the 2015 tax rates.	
6.4	Mobile Food Concession Contract - Various City Beaches & Parks	121 - 153
	To enter into an exclusive mobile food concession contract with Scooter's Ice Cream Ltd. for mobile food vending services to three (3) City of Kelowna beaches and one (1) waterpark.	
6.5	Rutland Centennial Park - Inclusive All Ages Playground Project	154 - 171
	For Council to support making application to the ESDC's Enabling Accessibility in Communities Grant program for a new inclusive playground at Rutland Centennial Park.	
6.6	Transit Bus Advertising Franchise Award	172 - 174
	To award the on-bus Transit Advertising Contract for Five (5) years, with an option to renew for an additional three (3) years.	

7. Bylaws for Adoption (Non-Development Related)

7.1 BL11075 - Amendment No. 1 to Development Cost Charge Reserve Fund Expenditure Bylaw, 2014 175 - 175

To adopt Bylaw No. 11075 in order to amend Development Cost Charge Reserve Fund Expenditure, 2014, Bylaw No. 10949.

8. Mayor and Councillor Items

9. Termination



City of Kelowna

Regular Council Meeting Minutes

Date: Monday, April 13, 2015
 Location: Council Chamber
 City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben, Mohini Singh and Luke Stack

Staff Present City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Airport Director, Sam Samaddar*; Subdivision, Agriculture and Environment Manager, Todd Cashin*; Urban Planning Supervisor, Lindsey Ganczar*; Urban Planner, Ryan Roycroft*; Community Communications Supervisor, Jodie Foster*; Financial Services Director, Genelle Davidson*; Financial Planning Manager, George King*; Parking Services Manager, Dave Duncan*; Director of Real Estate, Derek Edstrom*; Council Recording Secretary, Arlene McClelland

1. Call to Order

Mayor Basran called the meeting to order at 1:30 p.m.

Mayor Basran 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 Hodge/Seconded By Councillor Given

R259/15/04/13 THAT the Minutes of the Regular Meetings of March 30, 2015 be confirmed as circulated.

Carried

3. Public in Attendance

3.1 Tourism Kelowna

Stan Martindale, Chair and Nancy Cameron, President & CEO Tourism Kelowna:

- Provided a PowerPoint presentation summarizing the 2014 Marketing results and responded to questions from Council.

4. Committee Reports

4.1 Airport Advisory Committee Terms of Reference and Membership Appointments

Staff:

- Summarized the Airport Advisory Committee Terms of Reference amendments and Committee appointments.

Moved By Councillor Donn/Seconded By Councillor Gray

R260/15/04/13 THAT Council adopts the amended Terms of Reference for the Airport Advisory Committee as attached to the Report of the Airport Director dated April 13, 2015;

AND THAT Council appoints Walter Gray and Andre Blanleil as the community-at-large members of the Airport Advisory Committee;

AND FURTHER THAT Council appoints Meryle Corbett as the aviation industry representative member of the Airport Advisory Committee.

Carried

4.2 Agricultural Advisory Committee Terms of Reference and Membership Appointments

Staff:

- Summarized the Airport Advisory Committee Terms of Reference amendments and Committee appointments.
- Responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Sieben

R261/15/04/13 THAT Council adopts the amended Terms of Reference for the Agricultural Advisory Committee as attached to the Report of the Subdivision, Agriculture & Environment Services Manager dated April 8, 2015;

AND THAT Council appoints as members to the Agricultural Advisory Committee, for the term ending October 31, 2018, Ed Schiller, Yvonne Herbison, Pete Spencer, John Janmaat, Domenic Rampone, Keith Duhaime and Tarsem Singh Goraya;

AND FURTHER THAT Council appoints as alternate members, for the term ending October 31, 2018, Kevin Daniels and Jeff Ricketts.

Carried

5. Development Application Reports & Related Bylaws

5.1 3990 Swamp Road, A15-0002 - Martin Weiss

Staff:

- Provided a PowerPoint presentation summarizing the application and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Given

R262/15/04/13 THAT Agricultural Land Reserve appeal A15-0002 for Lot A, District Lot 168, ODYD, Plan 33475, located at 3990 Swamp Road, Kelowna, B.C. for

subdivision within the Agricultural Land Reserve, pursuant to Section 21(2) of the Agricultural Land Commission Act, be supported by Municipal Council;

AND THAT Council forward the subject application to the Agricultural Land Commission (ALC).

Carried

5.2 605 Wallace Road, Z15-0003 - Robert John Volk & Gwendlyn Genevive Miller

Staff:

- Provided a PowerPoint presentation summarizing the application and responded to questions from Council.

Moved By Councillor Hodge/Seconded By Councillor Singh

R263/15/04/13 THAT Rezoning Application No. Z15-0003 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 5, Section 35, Township 26, ODYD Plan 18566, located on 605 Wallace Road, Kelowna, BC from the RR3 - Rural Residential 3 zone to the RR3c - Rural Residential 3 with carriage house 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 subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

Carried

5.3 605 Wallace Road, BL11079 (Z15-0003) - Robert John Volk & Gwendlyn Genevive Miller

Moved By Councillor Gray/Seconded By Councillor Hodge

R264/15/04/13 THAT Bylaw No. 11079 be read a first time.

Carried

5.4 OCP14-0002 & TA14-0001 - I6 Zoning Bylaw Text Amendment

Staff:

- Provided a PowerPoint presentation summarizing the application and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Gray

R265/15/04/13 THAT Official Community Plan Bylaw Text Amendment No. OCP14-0002 to amend Kelowna 2030 - Official Community Plan Bylaw No. 10500 by amending Map 5.8 as outlined in the Report of the Community Planning and Real Estate Department dated April 13, 2015, be considered by Council;

AND THAT Official Community Plan Bylaw Text Amendment No. OCP14-0002 to amend Kelowna 2030 - Official Community Plan Bylaw No. 10500 by adding Section 18 to the Comprehensive Development Permit Guidelines, as outlined in the Report of the Community Planning and Real Estate Department dated April 13, 2015, be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA14-0001 to amend City of Kelowna Zoning Bylaw No. 8000 by amending to I6 - Low Imp Report of the Community Planning and Real Estate Department dated April 13, 2015, be considered by Council;

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

Carried

5.5 BL11077 (OCP14-0002) - Amendments to Chapter 14, Urban Design DP Guidelines

Moved By Councillor Given/Seconded By Councillor Donn

R266/15/04/13 THAT Bylaw No. 11077 be read a first time;

AND THAT the bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

5.6 BL11082 (TA14-0001) - Amendment to Section 15, Industrial Zones

Moved By Councillor Hodge/Seconded By Councillor Donn

R267/15/04/13 THAT Bylaw No. 11082 be read a first time.

Carried

6. Non-Development Reports & Related Bylaws

6.1 2015 Citizen Survey

Staff:

- Introduced Ipsos Reid Consultant to present the results of the 2015 Citizen Survey.

Catherine Knaus, Consultant, Ipsos Reid

- Provided PowerPoint Presentation summarizing the 2015 Citizen Survey and responded to questions from Council

Moved By Councillor Given/Seconded By Councillor Donn

R268/15/04/13 THAT Council receives, for information, the Report from the Communications Supervisor dated April 9, 2015 with respect to the 2015 Citizen Survey results;

AND THAT Council directs staff to conduct the Citizen Survey every two years to coincide with the new four year Council term.

Carried

6.2 GFOA Budget and Reporting Awards

Staff:

- Provided an overview of the report and displayed a new budget video.

Mayor Basran:

- Presented Financial Services with the Government Finance Officers Association Awards.

Moved By Councillor Stack/Seconded By Councillor DeHart

R269/15/04/13 THAT Council receives, for information, the report from the Financial Services Director dated April 8, 2015, with respect to the Government Finance Officers Association (GFOA) awards received by the City;

AND THAT Council receives, for information, the City of Kelowna's budget video.

Carried

6.3 Amendment to the 2014 Development Cost Charge Reserve Fund Expenditure Bylaw No. 10949

Moved By Councillor Donn/Seconded By Councillor Hodge

R270/15/04/13 THAT Council receives, for information, the Report from the Manager, Financial Planning dated April 13, 2015 with respect to amendments to the Development Cost Charge Reserve Fund Expenditure Bylaw;

AND THAT Bylaw No. 11075 being Amendment No. 1 to the Development Cost Charge Reserve Fund Expenditure Bylaw, 2014 No. 10949 be advanced for reading consideration.

Carried

6.4 BL11075 - Amendment No. 1 to Development Cost Charge Reserve Fund Expenditure Bylaw, 2014

Moved By Councillor Gray/Seconded By Councillor Hodge

R271/15/04/13 THAT Bylaw No. 11075 be read a first, second and third time.

Carried

6.5 Complimentary Downtown Parking for Small Shop Promotion Days in 2015

Staff:

- Provided an overview of the report and responded to questions from Council.

Council:

- Requested a report back on the outcome of the event.

Moved By Councillor DeHart/Seconded By Councillor Given

R272/15/04/13 THAT Council receives for information, the report from the Manager, Parking Services dated April 13, 2015, with respect to no charge downtown parking on three (3) dates in 2015;

AND FURTHER THAT Council approves waiving on-street parking fees in the downtown area on the following three (3) dates:

Saturday, April 25th, 2015 - all day

Thursday, June 18th, 2015 - commencing at 1:00 pm

Saturday, October 24th, 2015 - all day

Carried

6.6 Interim Parking Strategy for Downtown Kelowna

Staff:

- Provided a PowerPoint Presentation summarizing the interim parking strategy for Downtown Kelowna and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Donn

R273/15/04/13 THAT Council receives, for information, the Report from the Manager, Parking Services dated April 13th, 2015 with respect to the management of parking during the period of increased construction activity in the downtown area, occurring from 2015 to 2018, including the Library Parkade expansion and new Memorial Parkade projects;

AND THAT Council directs staff to implement measures recommended in the Report from the Manager, Parking Services dated April 13th, 2015 to alleviate impacts on long term parking, principally related to the upcoming closure of the Memorial Arena parking lot.

Carried
Councillor Hodge - Opposed

7. Bylaws for Adoption (Non-Development Related)

7.1 1079 Curtis Road (Portion of Road Adjacent to), BL11050 - Road Closure

Mayor invited anyone in the public gallery who deems themselves affected by the proposed road closure to come forward. No one came forward.

Moved By Councillor DeHart/Seconded By Councillor Singh

R274/15/04/13 THAT Bylaw No. 11050 be adopted.

Carried

7.2 BL11061 - Parcel Tax Bylaw for Local Area Service for the Bernard Avenue Revitalization Project

Moved By Councillor Hodge/Seconded By Councillor DeHart

R275/15/04/13 THAT Bylaw No. 11061 be adopted.

Carried

7.3 1502-1504 & 1506 Sutherland Avenue (Portion of), BL11063 - Road Closure

Mayor invited anyone in the public gallery who deems themselves affected by the proposed road closure to come forward. No one came forward.

Moved By Councillor DeHart/Seconded By Councillor Singh

R276/15/04/13 THAT Bylaw No. 11063 be adopted.

Carried

7.4 BL11076 - Amendment No. 7 to Solid Waste Bylaw No. 10106

Moved By Councillor Singh/Seconded By Councillor DeHart

R277/15/04/13 THAT Bylaw No. 11076 be adopted.

Carried

8. Mayor and Councillor Items

Councillor Donn:

- Attending a UBCO Student Initiative "Dig Your Neighbourhood" held on Saturday, April 18th from 3 p.m. to 5:00 p.m. at the Marmalade Café.

Councillor DeHart:

- Reminder to purchase tickets for the 40th Annual Civic Awards.

Mayor Basran:

- Thanked all volunteers and the Uptown Rutland Business Association for their participation in the Rutland area clean up.
- Spoke of the KGH Foundation fundraising initiative for a multi faith care room at Kelowna General Hospital.

9. Termination

This meeting was declared terminated at 4:36 p.m.

Mayor

/acm



Deputy City Clerk



Okanagan Symphony Orchestra

Organization Summary



- 1960 – Okanagan Symphony formed
- \$1 million operating budget
- 3rd largest Symphony Orchestra in BC
- Ranks 25th of 66 Symphonies nationally
- May to October monthly performances
- 20 core orchestra members augmented by as many as 45 musicians from around BC

Programming Highlights



■ Guest Artists

- Ian Parker; Quartetto Gelato
- musica intima; Jonathan Chan
- Fish on Five brass quintet; Melissa Wilmot

■ Community Connections

- OSYO side-by-side; KSS Women's Chorus; OSO Chorus
- Siobhan Raupach; Randall Jakobsh

■ Unique Programming

- Shakespeare in Love
- Creation

Education & Outreach

OSO



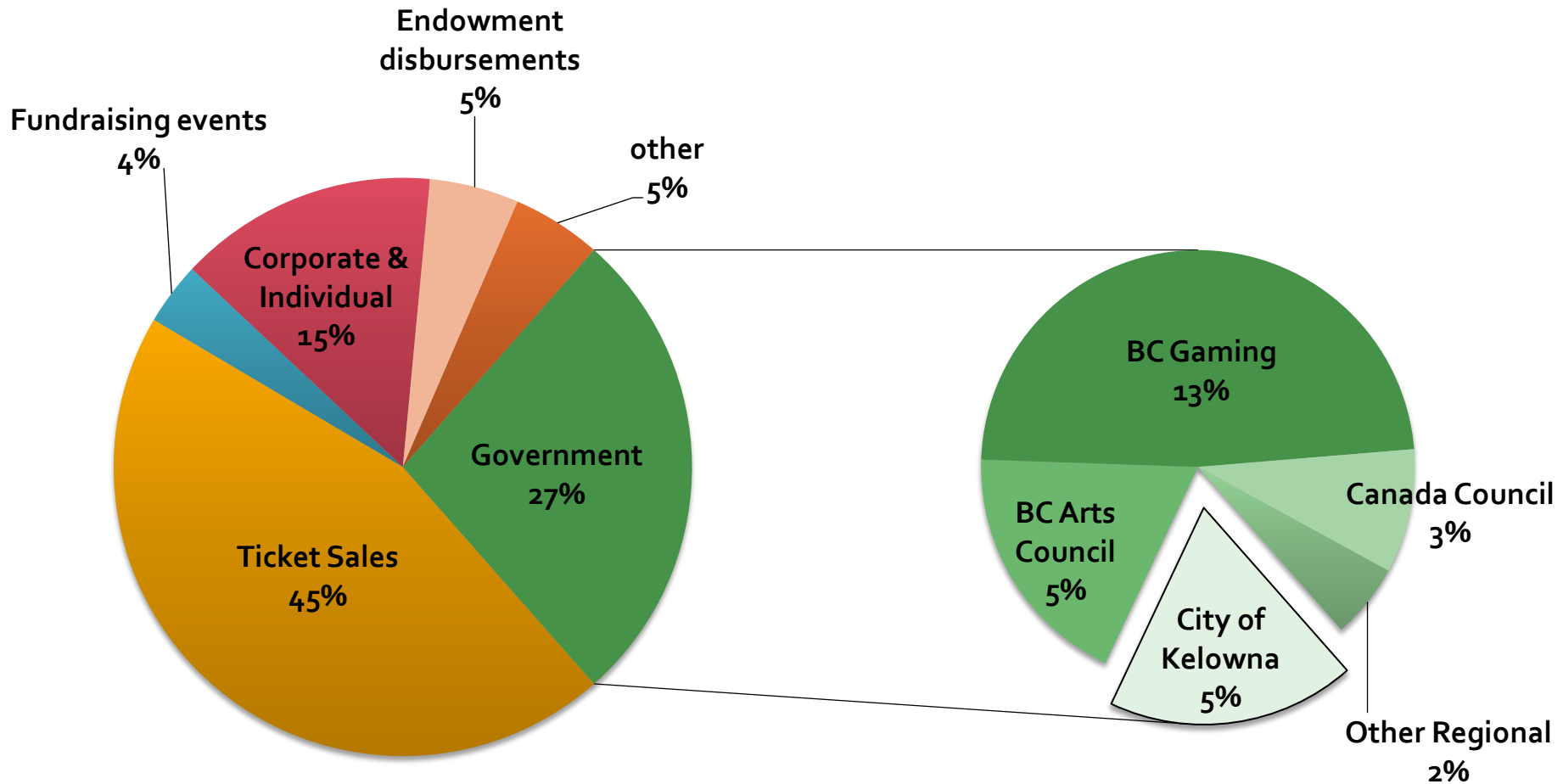
- Okanagan Symphony Youth Orchestra (OSYO)
 - Over 80 participants between the age of 10 and 20
- OSO Symphony Storytime
 - Partner with Success By Six and The Clubhouse daycare centre
 - Over 250 three- to five-year-olds participated in Kelowna
- OSO In-school Trios
 - Pilot program in Penticton which we plan to expand throughout the valley
 - Over 1500 students this past November
- OSO School Performances (“Strings the Thing”)
 - 2 performances in each of our three communities
 - 40 young performers & total audience of over 1600 in Kelowna
- OSO Family Matinee (“Your Story at the Symphony”)
 - Winning stories of children’s writing contest with the OSO

Collaborating Partners



- Ballet Kelowna
- Bumbershoot Theatre
- CATO
- Chamber Music Kelowna
- Okanagan Regional Library
- Opera Kelowna
- School District 23
- Success by Six; The Clubhouse
- Community Music Schools

Revenue Sources

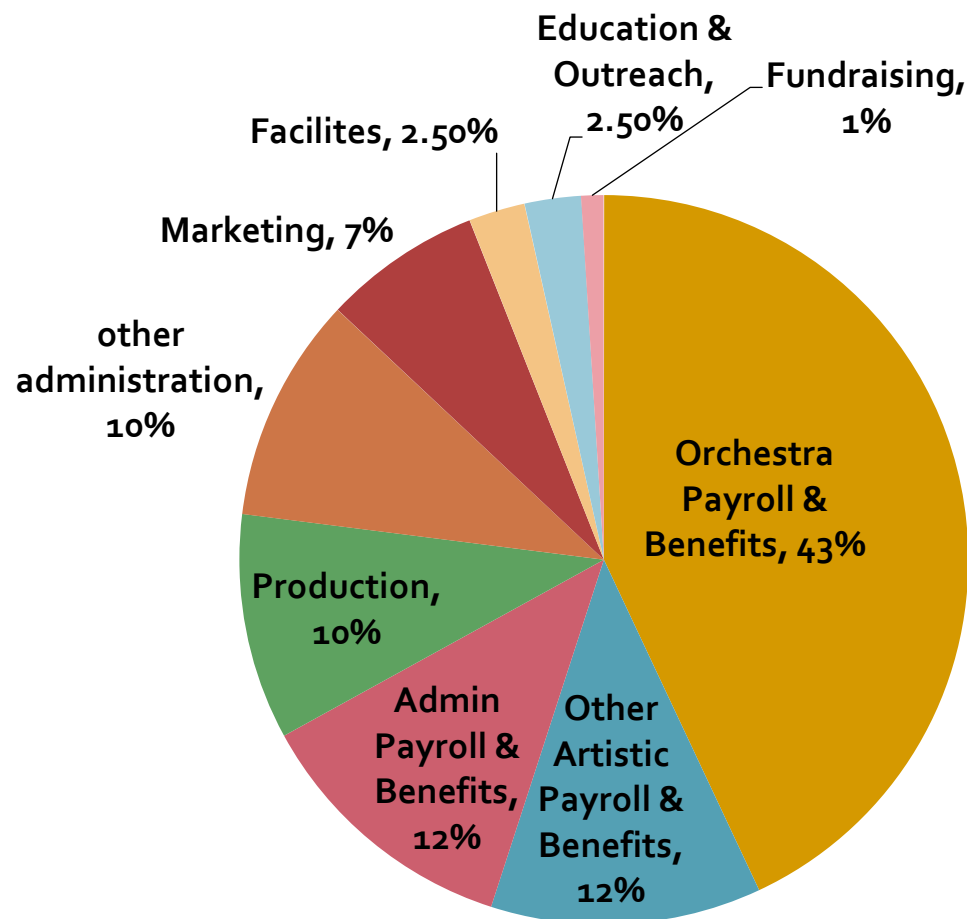


Expense Summary



- 1 full-time, 2 part-time and 2 contract administrative staff
- 1 full-time contract and 2 part-time contract artistic personnel
- 20 core musicians working under a collective agreement
- Augmented by professional musicians from across BC and community players from the Okanagan Valley

Expense Summary



Expense Summary



- \$825,000
 - Total payroll and benefits for musicians, artists, production and administrative personnel.
- \$70,000
 - Approximate average cost of mounting a single concert of 3 performances (musicians, guest artists, venues, marketing, transportation, accommodation, ticketing).
- \$45,000
 - Approximate amount City of Kelowna receives from the OSO in venue fees and office rent each year.
- 340
 - Approximate number of room nights booked in Kelowna each year to house our out-of-town musicians.

- Introduce a new audience to the symphony
 - Okanagan Young Professionals events
 - \$25 tickets for front two rows
 - Improve communication with UBCO and Okanagan College students
- Expand corporate sponsorship
 - Returning sponsors: Deloitte, TD
 - New sponsors: Bannister, TELUS, Jaguar Kelowna, Sandhill, Tantalus
- Improve individual donation appeals and stewardship
- Commencing research on special programming & funding for Canada's Sesquicentennial in 2017

■ Guest Artists

- Martin Beaver, Peter Karrie, James Campbell
- Ariel Barnes, David Greenberg
- Melina Moore, Robert Fine

■ Community Connections

- OSYO side-by-side; OSO adult & youth choruses
- Nathan Letourneau

■ Unique Programming

- *Carmina Burana*; Bergmann Piano Duo

CITY OF KELOWNA

BYLAW NO. 11005

Official Community Plan Amendment No. OCP14-0013 - Dr. Heather Martin Inc. and City of Kelowna 310 and 320 Strathcona Avenue

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

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* - Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of Lot 22, District Lot 14, ODYD, Plan 535, Except Plan KAP81038 and Lot 21, District Lot 14, ODYD, Plan 535, located on Strathcona Avenue, Kelowna, B.C., from the EDINST - Educational / Major Institutional designation to the HLTH - Health District designation;
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 29th day of September, 2014.

Considered at a Public Hearing on the 21st day of October, 2014.

Read a second and third time by the Municipal Council this 21st day of October, 2014.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11006
Z14-0027 - Dr. Heather Martin Inc. and City of Kelowna
310 and 320 Strathcona 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 22, District Lot 14, ODYD, Plan 535, Except Plan KAP81038 located on Strathcona Avenue, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the HD2 - Hospital and Health Support Services zone and Lot 21, District Lot 14, ODYD, Plan 535 located on Strathcona Avenue, Kelowna, B.C., from the P1 - Major Institutional zone to the HD2 - Hospital and Health Support Services 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 29th day of September, 2014.

Considered at a Public Hearing on the 21st day of October, 2014.

Read a second and third time by the Municipal Council this 21st day of October, 2014.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: 4/20/2015

RIM No. 1250-30

To: City Manager

From: Urban Planning (AW)

Application: HAP14-0009 / DP14-0117

Owner: Dr. Heather Martin

Address: 310 & 320 Strathcona Avenue

Applicant: Meiklejohn Architects

Subject: Heritage Alteration and Development Permits

Existing OCP Designation: Educational / Major Institutional

Proposed OCP Designation: Health District

Existing Zone: P1 - Major Institutional
RU1 - Large Lot Housing

Proposed Zone: HD2 - Hospital and Health Support Services

1.0 Recommendation

THAT Final Adoption of Official Community Plan Amending Bylaw No. 11005 and the Zoning Amending Bylaw No. 11006 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP14-0117 and Heritage Alteration Permit No. HAP14-0009 for Lot 22, District Lot 14, ODYD, Plan 535 Except Plan KAP81038, located at 310 Strathcona Avenue and Lot 21, District Lot 14, ODYD, Plan 535, located at 320 Strathcona Avenue, 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;
5. Registration of a plan of subdivision at Land Titles Office to consolidate the two subject properties into a single title prior to issuance of the Development Permit;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit/Development Variance Permit Applications in order for the permits to be issued;

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

2.0 Purpose

To consider a Heritage Alteration Permit and Development Permit for the form and character of the proposed 3.5 storey mixed use development.

3.0 Urban Planning Department

Urban Planning Staff are 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. The application is not in keeping with the purpose of the Abbott Street & Marshall Street Heritage Conservation Area Development Guidelines, which is to maintain the existing single or two family residential and historical character of the area. However, the historical character and value of these properties has been significantly impacted by the surrounding institutional land uses. Staff have also long anticipated that these properties would transition towards their designated purpose or another form of development that supports the KGH Campus.

In that regard the proposed development provides a more appropriate transition than a larger institutional building or parking garage would have. Specifically the project will help to transition from the KGH's institutional form with its softer edge and more residential elements. The materials and design detail should fit well within the neighbourhood while providing important support services to the KGH campus. The proposed landscaping is of high quality and includes trees and significant groundcover around the periphery of the building. Each residential unit will be provided with balconies which satisfy the project's public open space requirements and help animate the building. Additional open space will be provided above the under building parking structure.

In summary, Staff are supportive of the proposed development as it would be the first major project to be completed in the vicinity of the KGH campus that would help provide additional support services. As noted in the applicant's letter (attached) a number of modifications have occurred in an attempt to address items that were of neighbourhood concern.

4.0 Proposal

4.1 Background

The subject properties were designated Institutional in 1995 as part of the 1994-2013 OCP. The Heritage Conservation Area (HCA) was established in 1998, and the properties were single family residential halfway to Long Street, including what is now the Cancer Clinic. The HCA boundaries have not changed since they were established in 1998. At the May 29th, 2012 meeting Council approved rezoning 320 Strathcona Avenue to P1 - Major Institutional in order to convert the existing single family to a doctor's office. The owner didn't move forward with the project.

At the October 21st, 2014 Public Hearing Council supported rezoning and amending the Official Community Plan Future Land Use to accommodate the proposed mixed use medical building under the HD2 - Hospital and Health Support Services zone. That application currently sits at 3rd reading and the report and minutes are attached to this report.

4.2 Project Description

The subject properties are located at the intersection of Abbott Street and Strathcona Avenue in the "KGH Campus". As the subject property is located in the Abbott Street Heritage Conservation Area, a Heritage Alteration Permit is required for the project. Neither property is located on the Heritage Register. See the applicants updated Design Rationale attached at the end of the report.

The 3.5 storey project consists of a street oriented café and a single residential unit on the 1st floor, two health service offices on the 2nd floor and two residential units on the top floor. Vehicular access is via the rear lane with the majority of the parking stalls in the under building parkade, 7 stalls are provided at grade from the rear lane. Long term bicycle parking is provided within the parking garage and short term bicycle parking will be located on site. Brick is the prominent material with grey stucco and blue fabric and steel canopies.

The southwest corner is the main feature of the proposal as it is the most prominent exposure and the anchor for the design. The building facade steps back from the street at both the first and third floors, this helps to break down the massing and scale of the project. The main portion of the building containing restaurant and health services steps back from the under-building parking structure with a patio. The building fronts both Strathcona Avenue and Abbott Street with masonry & stucco facades. The proposed project compares to the HD2 zone as follows:

Zoning Analysis Table		
CRITERIA	HD2 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Floor Area Ratio	1.2	0.95
Height	16.5 m	12.5 m / 3.5 storeys
Front Yard (south)	1.5 m parkade with landscaped berm 4.5 m	1.5 m to parkade 4.5 m to building
Side Yard (east)	1.5 m parkade with landscaped berm 4.5 m - Building	1.5 m to parkade 4.5m to building
Side Yard (west)	1.5 m parkade with landscaped berm 4.5 m - Building	4.5 m to parkade 4.5 m to building
Rear Yard (north)	3.0 m	4.8 m
Site coverage	55%	49.5%
Other Regulations		
Minimum Parking Requirements	29 stalls	31 stalls
Bicycle Parking	Class I: 2 stalls Class II: 4 stalls	Class I: 3 stalls Class II: 5 stalls
Private Open Space	100m ²	220m ²
Loading Space	1 stall	1 stalls

4.3 Site Context

The properties are also located within the Abbott Street Heritage Conservation Area. The adjacent land uses are as follows:

Direction	Zoning Designation	Land Use
North	RU6 - Two Dwelling Housing	Vacant
East	P1 - Major Institutional	Cancer Lodge
South	HD1 - Kelowna General Hospital	Hospital
West	RU6 - Two Dwelling Housing	Vacant

The subject properties are located along Strathcona Avenue directly adjacent to the Cancer Lodge and across from the Kelowna General Hospital, as shown on the map below.



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

5.1.1 Urban Design Guidelines (Chapter 14) - Revitalization Development Permit Area

Revitalization Design Guidelines

- Use appropriate architectural features and detailing of buildings and landscapes to define area character;
- Convey a strong sense of authenticity through high quality urban design that is distinctive of Kelowna;
- Provide for a scale and massing of buildings that promotes an enjoyable living, pedestrian, working, shopping and service experience;

5.1.2 Heritage Conservation Area Guidelines (Chapter 18)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

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
- Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- A Hoarding permit 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.
- A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
 - Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
 - Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.
 - The code analysis is also to address the interconnected floor spaces (restraint & mechanical area) per the prescriptive requirements of the code or an alternative solution needs to be accepted by the Chief Building Inspector in lieu
- A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. A minimum Geodetic Elevation of 343.66 meters is required for all habitable spaces, there are 4 requirements to be followed to allow the parkade slab to be below 343.66:
 1. Raise the grade at any openings including windows, doors and garage doors to prevent water ingress;
 2. The walls and slab must be sealed (tanked);
 3. The strata bylaw must include the requirement that no storage other than licensed movable vehicles;
 4. The parkade slab elevation at the lowest point may not be below 343.00.
- 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.
- Guards are required for all decks. The drawings provided don't clearly identify these requirements since they appear to be defined as climbable, but will be reviewed at time of building permit application. The appearance of these guards may affect the form and character of the building.
- Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s). The drawings submitted for building permit is to clearly identify how this 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

- Washroom requirements for base building are to be addressed in the building permit application.
- Size and location of all signage to be clearly defined as part of the development permit. This should include the signage required for the building addressing to be defined on the drawings per the bylaws on the permit application drawings.
- Mechanical Ventilation inlet and exhausts vents are not clearly defined in these drawings for the enclosed parking. The location and noise from these units should be addressed at time of Development Permit.
- 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.

6.2 Development Engineering Department

Addressed as part of Z14-0027

6.3 Fire Department

- Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
- A visible address must be posted on Strathcona as per City of Kelowna By-Laws
- Sprinkler drawings are to be submitted to the Fire Dept. for review when available. Ensure that isolation valves are at an acceptable level as per the COK Bylaw 10760.
- A fire safety plan as per section 2.8 BCFC is required at occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD or DVD to facilitate Fire Department pre-planning for this structure. The fire safety plan should clearly detail the unique requirements for this structure. A copy of the sprinkler system owner's certificate is to be included in the fire safety plan.
- Fire Department access is to be met as per BCBC 3.2.5.6
- Fire Department steel lock box or key tube acceptable to the fire dept. is required by the fire dept. entrance. Kurt's Lock & Safe at 100A - 1021 Ellis Street, Kelowna is the approved supplier for flush mount lock boxes.
- The standpipes connections are to be installed on the transitional landings of the stairwells as per NFPA 14.
- All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met.
- Fire alarm system is to be monitored by an agency meeting the CAN/ULC S562 Standard.
- Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- Fire department connection is to be within 45M of a fire hydrant - please ensure this is possible and that the FD connection is clearly marked and visible from the street.

6.4 Interior Health Authority

No Concerns. Support the application.

6.5 Fortis BC (Electric)

There are primary distribution facilities along Strathcona Avenue and Abbott Street. Due to the size and use of the development, it is likely that 3 phase power will be required. The SRW must be entirely on private property and the area required to accommodate that size of transformer is 5m x 5m. It is unclear whether that much room has been accounted for in the proposed design. The applicant is responsible for costs associated with any change to the subject lots' existing service, if any, as well as the provision of appropriate land rights where required.

Otherwise, FortisBC Inc. (Electric) has no concerns with this circulation.

7.0 Application Chronology

Date of Application Received: June 13th, 2014
Community Heritage Committee: July 3rd, 2014
Public Information Meeting: July 29th, 2014
Council - Public Hearing: October 21st, 2014

THAT the Community Heritage Committee does not support Heritage Alteration Permit Application No. HAP14-0009 for the properties located at 310 & 320 Strathcona Avenue in order to accommodate a 3.5 storey mixed use health services building.

Anecdotal Comments:

The Community Heritage Committee feels that the subject properties, although within the Heritage Conservation Area, are in the Hospital interface area for which the Community Heritage Committee has previously requested further direction from Council. If the proposed building was on the edge of the Heritage Conservation Area but not in it, the Committee would not have a problem with the form and character facing the Heritage Conservation Area. The Committee expressed a concern that the proposed building contains condo units and therefore is neither a residence or a medical facility. The Committee also expressed a concern that the proposed building does not meet the Heritage Conservation Area Development Guidelines with respect to Form and Character.

Report prepared by:

Alec Warrender, Urban Planning

Reviewed by:

☐

Ryan Smith, Manager, Urban Planning

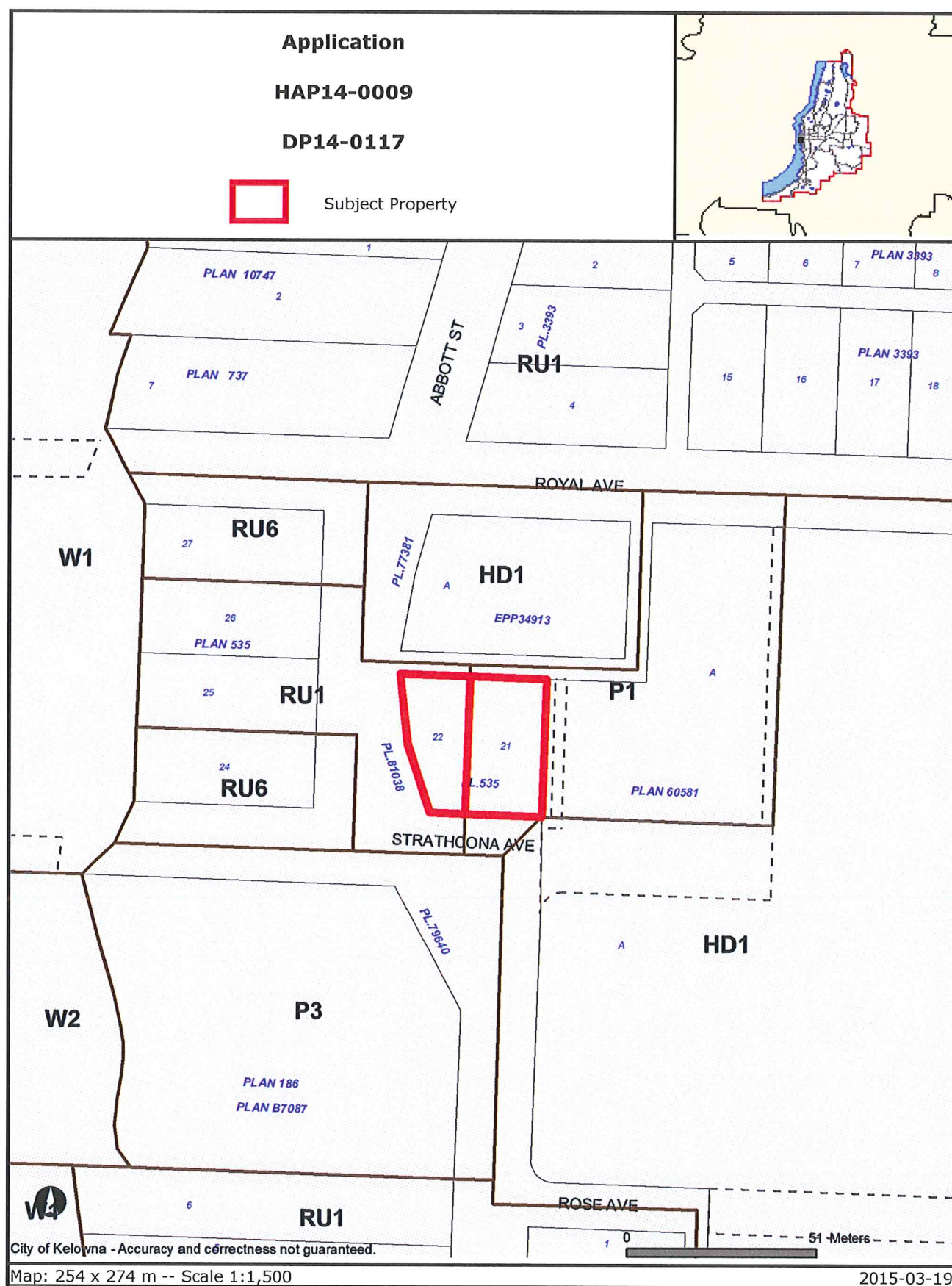
Approved for Inclusion:

☐

D. Gilchrist, Div. Dir. of Community Planning and Real Estate

Attachments:

Subject Property Map
Site Plan & Drawings
Conceptual Elevations
Landscape Plan
Applicant's Design Rationale Update
Rezoning / OCP Amendment Report & Minutes



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.



BUILDING AND FLOOR AREAS:					
	GFA	GFA	N/A	N/A	Assembly (m ² /sq ft)
1st floor	7,702	714	Industrious - Annex	235	50
2nd floor	5,700	520	Industrious - Annex	1,500	138
3rd floor	6,000	641	codebook (unit 1)	2,750	255
4th floor	4,800	445	office2	2,075	193
5th floor	4,800	445	codebook (unit 2)	1,900	175
6th floor	4,800	445	codebook (unit 3)	1,800	165
total	25,100	2,232		11,000	1,010
					109

[illegible]

REQUIRED FIRE SEPARATIONS	
TENANT / MAJOR OCCUPANCIES	
GROUP A2 TO F3	1 hr
GROUP A3 TO F3	1.5 hr
GROUP C1 TO E3	1.5 hr
GROUP C1 TO E3	1.5 hr
GROUP D1 TO G	1 hr
SERVICE ROOMS	1 hr
ELEVATOR HOOD	increased fire separation

[illegible]

FIRE PROTECTION:		3.2.4, 3.2.5, 3.2.6.
LOCATION OF FIREBOMB TO		
SHOWER CONNECTION	45° MAX.	3.2.5.
SPRINKLER HOSE	YES (if each side)	3.2.6.
SPRINKLERED	YES (NFPA 12)	
FIRE ALARM SYSTEM	YES	3.2.4, (200)
EXIT LIGHTS		
EMERGENCY LIGHTING	YES	

FLAME SPREAD RATINGS	CONFORMING TO
WALL/CEILING ASSEMBLIES	YES
ROOF COVERING	CLASS 'A'
CLASSIFICATION	2, 1, 1, 5, 2
ATTIC FIREHOSES	NA
WALL ATTIC AREA	2, 1, 1, 1, 5
WALL CEILING SPACE AREA	NA
DOWN DRAST FLOOR AREA	2, 1, 1, 1, 5

OCCUPANT LOAD		TABLE 3.1.17.1.
16 parking spaces	2 persons / including room & 2 bedrooms	4 persons
2nd	1.2 km / person x 200 km restaurant	stalling to be posted at 40 persons max.
3rd	0.3 km / person x 500 km offices	56 persons
4th	2 persons sleeping room & 8 bedrooms	16 persons
	(total for waiting only)	116 persons

	min. 1 sec required for each individual unit
2nd	3.7,2.2,(1)

Apartment Housing Residential	Class B 0.5 per unit x 3 = 30 tons	4 stories per penthouse
Commercial Office	Class B 0.1 per unit x 3 = 3 tons Class E 0.2 per sq ft x 500 sq ft x 0.4 = 520 (per 100 sq ft x 2 = 2 tons)	3 stories (per 15 ft change) none
Food Restaurant	Class B 0.6 per 100 sq ft x 1.4 = 840 (per 100 sq ft x 2 = 2 tons) Class E 0.1 per sq ft x 400 sq ft x 0.4 = 208 (per 100 sq ft x 2 = 2 tons)	5 stories (ref) on the site
NUMBER OF LOADING SPACES	1 per 200 sq m commercial = 1 vehicle ref.	1 space
RETAINING TO PARKING (m)	NA	NA
NORTH (m)	NA	NA
SOUTH (m)	NA	NA
WEST (m)	3.0m ref.	3.0m
FLOOR AREA (m ²)	1,064 sq m min.	1,392 sq m
FLOOR AREA (m ²) (P.A.B.)	1.2 max.	0.85
BUILDING (B) RETAINING (m)	3.2 m (ref.) - wide - above	4.4 m (19'5")
DOCK (m)	1.0 m (ref.)	1.0 m (ref.)
DOCK (m) (P.A.B.)	1.3 m (ref.) to penthouse	1.3 m (ref.) to penthouse and 1.0 m (ref.) to penthouse
WEST (ft)	4.0 m (19'5")	4.2 m (19'5") to penthouse and 4.0 m (19'5") to penthouse
EAST (ft)	4.0 m (19'5")	4.0 m (19'5")
DAYLIGHT ANGLE (P.A. TOWER)	NA	NA
PERCENT HEIGHT (P.A. PROPOSED)	NA	NA
FLOOR PLATE SIZE (P.A. REQUIRED)	NA	NA

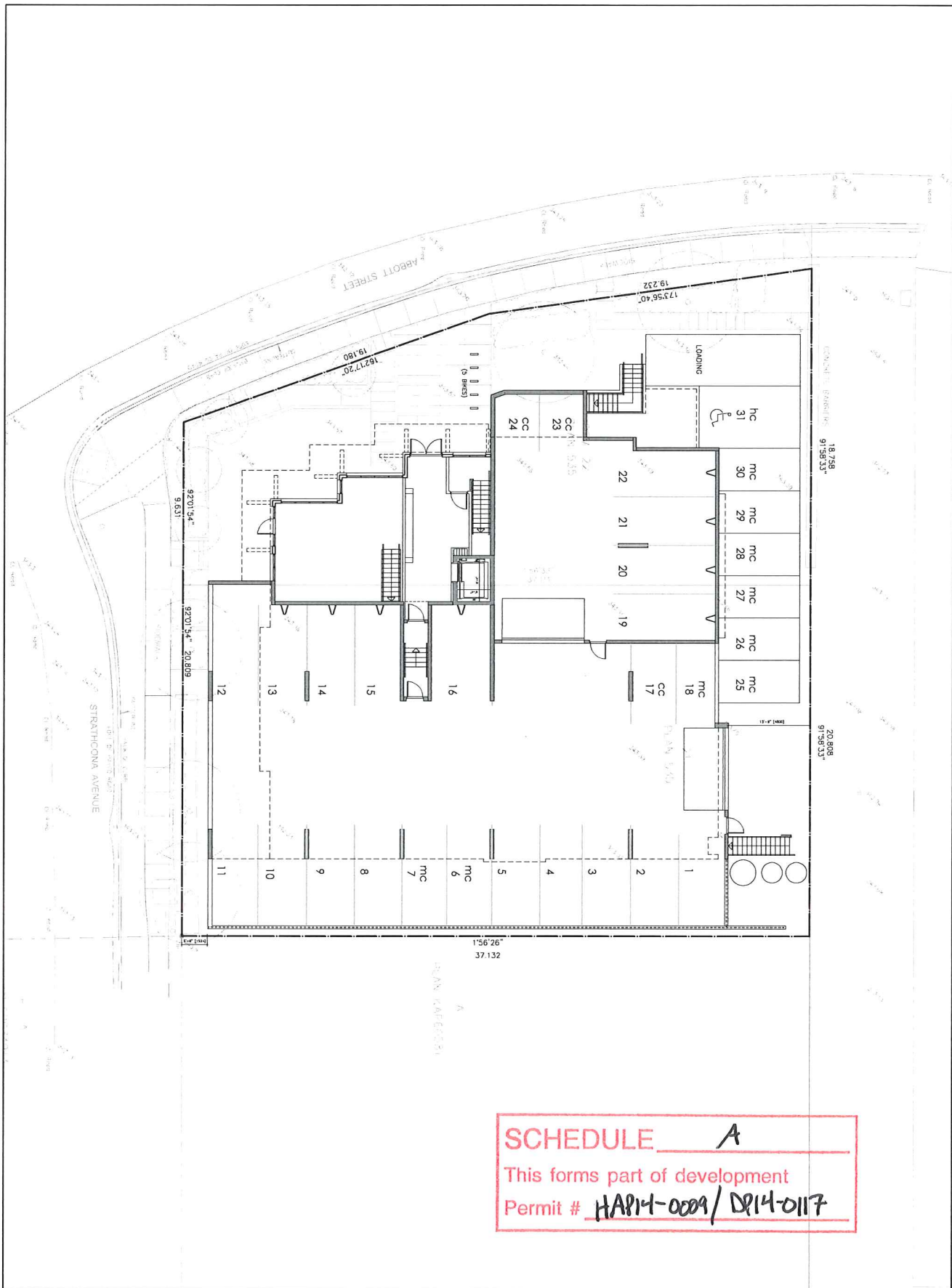
PARKING CALCULATIONS			
STALL SIZE	WIDTH	LENGTH	HEIGHT
STALL SIZE: STALL	6'-0" (2.0m) min.	10'-0" (3.0m) min.	6'-0" (2.0m) min.
ADDITIONAL SIZE: STALL 100% min.	7'-0" (2.20m) min.	10'-0" (3.0m) min.	6'-0" (2.0m) min.
ADDITIONAL SIZE: STALL 100% min.	7'-0" (2.20m) min.	11'-0" (3.30m) min.	6'-0" (2.0m) min.
DRIVE ALLEYS (6'-0" min. W)	12'-0" (3.60m) min.	12'-0" (3.60m) min.	10'-0" (3.0m) min.
DRIVE ALLEYS (6'-0" min. W)	12'-0" (3.60m) min.	12'-0" (3.60m) min.	10'-0" (3.0m) min.
PARKING REQUIREMENTS:			
Commercial Offices	2.5 stalls / 100 sq ft AIA, 4 sq ft min		16 stalls
Restaurants	1 stall / 40 sq ft min, 4 sq ft min		10 stalls
Residential	1 stall / 40 sq ft min		5 stalls
	1 stall / 40 sq ft min		20 stalls
		TOTAL PARKING REQUIRED:	29 stalls
PARKING PROVIDER:		SECURED PARKING	6 stalls
TOTAL PROVIDED:		OFFER AND EXPOSURE (publicly owned)	25 stalls
		(including 5 stalls within 1/4 mile commercial zone)	31 stalls

[illegible]

SCHEDULE A

This forms part of development

Permit # HAP14-0009 / DP14-0



322 MAIN STREET
VANCOUVER, B.C.
V6C 2K3
TEL: 604-251-1111
FAX: 604-251-1112
WWW.MEIKLEJOHN.COM

m+m a
MEIKLEJOHN ARCHITECTS INC.

2015-03-13
revised
DP dwgs



Legend

Symbol	Description
[Symbol]	Proposed Building Footprint
[Symbol]	Proposed Parking Spaces
[Symbol]	Proposed Driveway
[Symbol]	Proposed Fencing
[Symbol]	Proposed Landscaping
[Symbol]	Proposed Utilities
[Symbol]	Proposed Access Points
[Symbol]	Proposed Signage
[Symbol]	Proposed Other Features

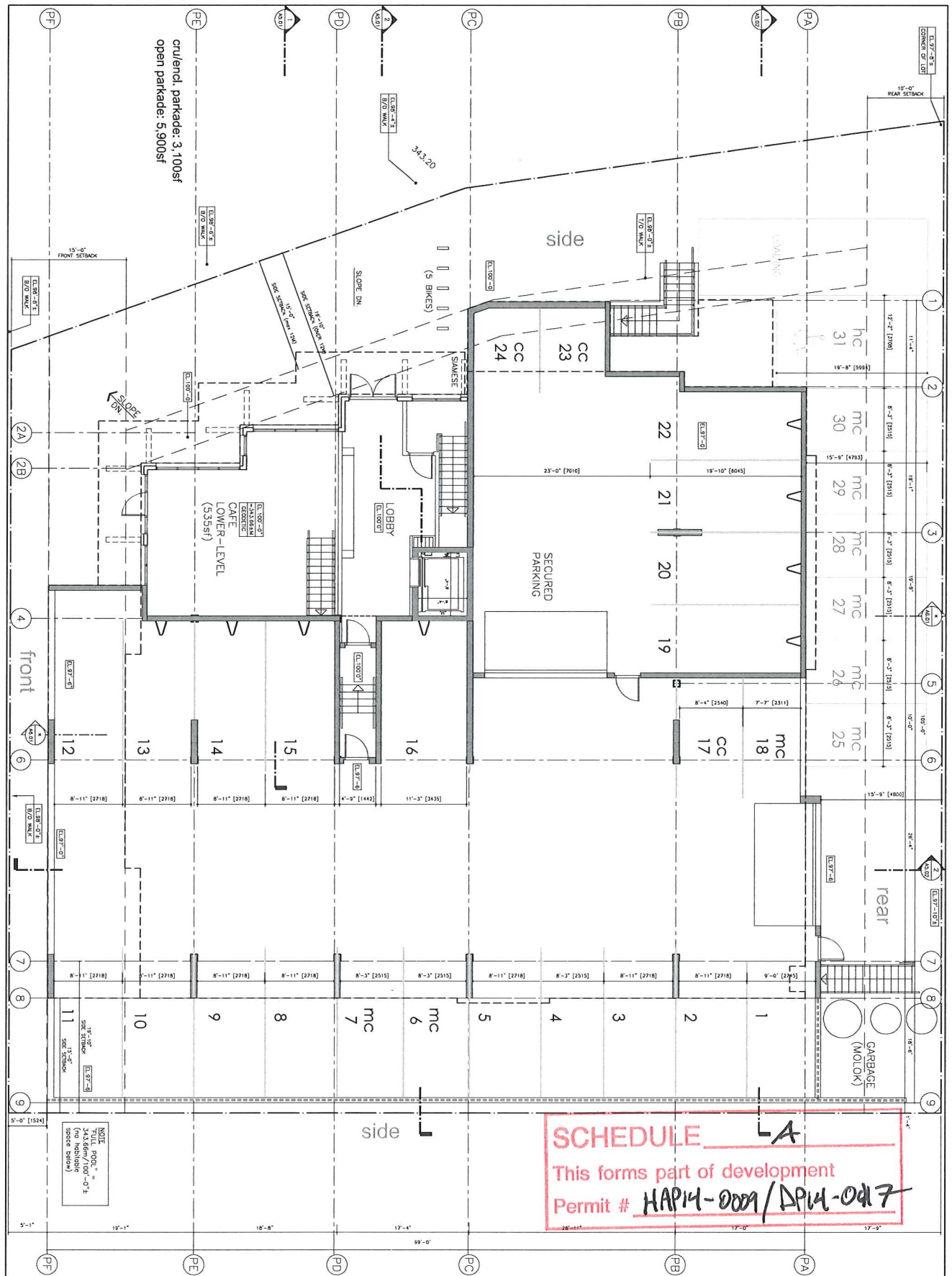
STRATHCONA MIXED-USE
BUILDING WITH
3 CONDO UNITS

Project Name: STRATHCONA MIXED-USE BUILDING WITH 3 CONDO UNITS
Drawing Number: A2.01

A2.01
SITE PLAN

Scale: 1/16" = 1'0"

Date	By	Check
2015-03-13	MEIKLEJOHN	MEIKLEJOHN
2015-03-13	MEIKLEJOHN	MEIKLEJOHN
2015-03-13	MEIKLEJOHN	MEIKLEJOHN



2015-03-13
revised
DP dwgs

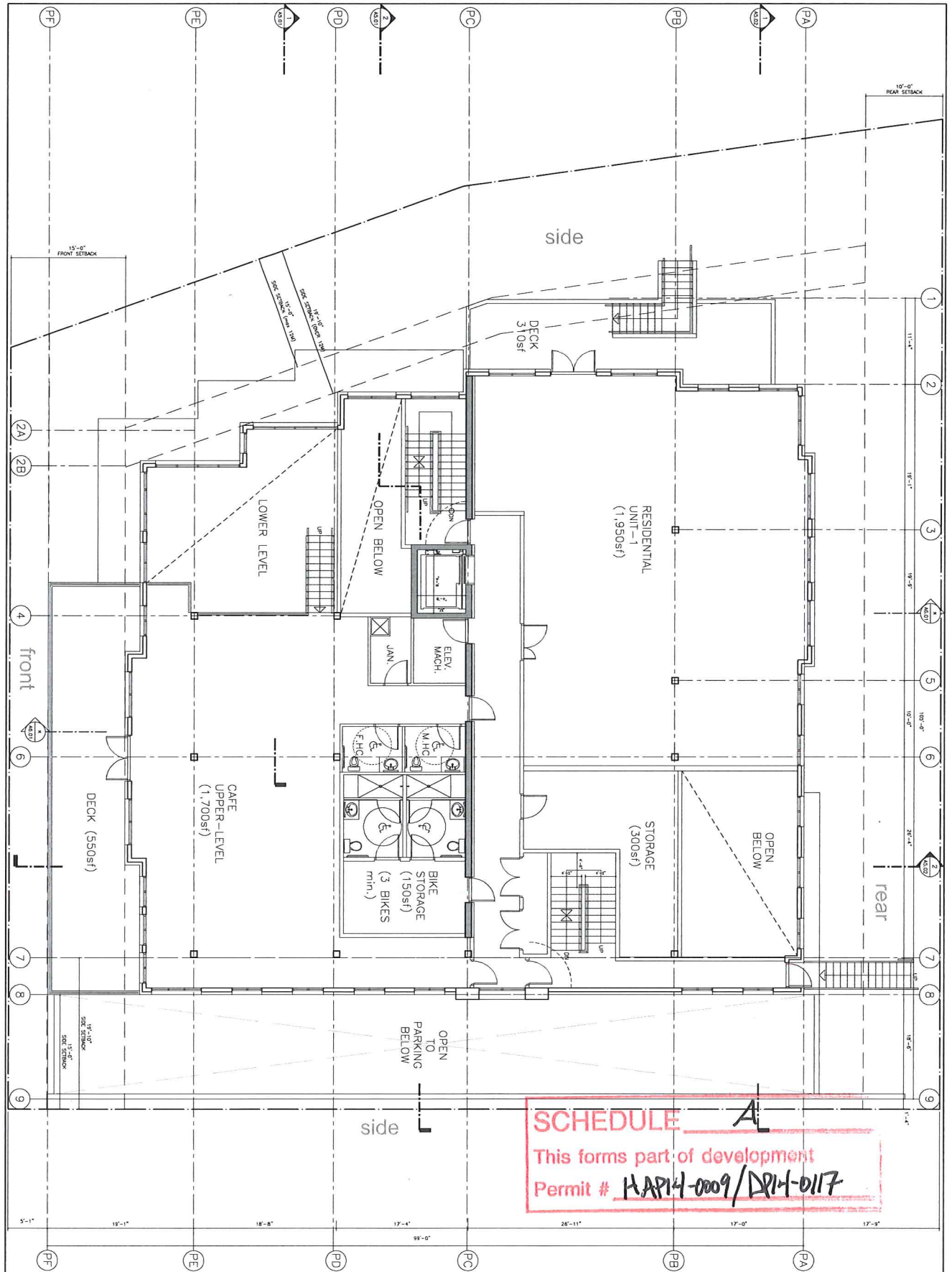
A3.00

1ST LOWER FLOOR PLAN

scale 3/16" = 1'0"

MEIKLEJOHN ARCHITECTS, INC.

221 BERNARD AVENUE
SUITE 200
ATLANTA, GA 30303
TEL: 404.525.1100
FAX: 404.525.1101
WWW.MEIKLEJOHN.COM



SCHEDULE A
 This forms part of development
 Permit # HAP14-0009/DP14-0117

2015-03-13
 revised
 DP dwgs

TRUE NORTH

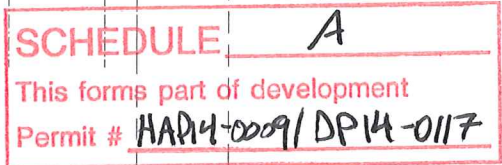
A3.01

1ST UPPER FLOOR PLAN

scale 3/16" = 1'-0"

MEIKLEJOHN ARCHITECTS INC.

233 BROAD AVENUE
 SUITE 200
 NEW YORK, N.Y. 10038
 TEL: 212.512.1143
 FAX: 212.512.1144
 EMAIL: info@meiklejohn.com

[illegible]

1 BUILDING ELEVATION (west)
A4.01 SCALE: 3/16"=1'-0"

A4.01

Building Elevation

scale 3/16"=1'0"

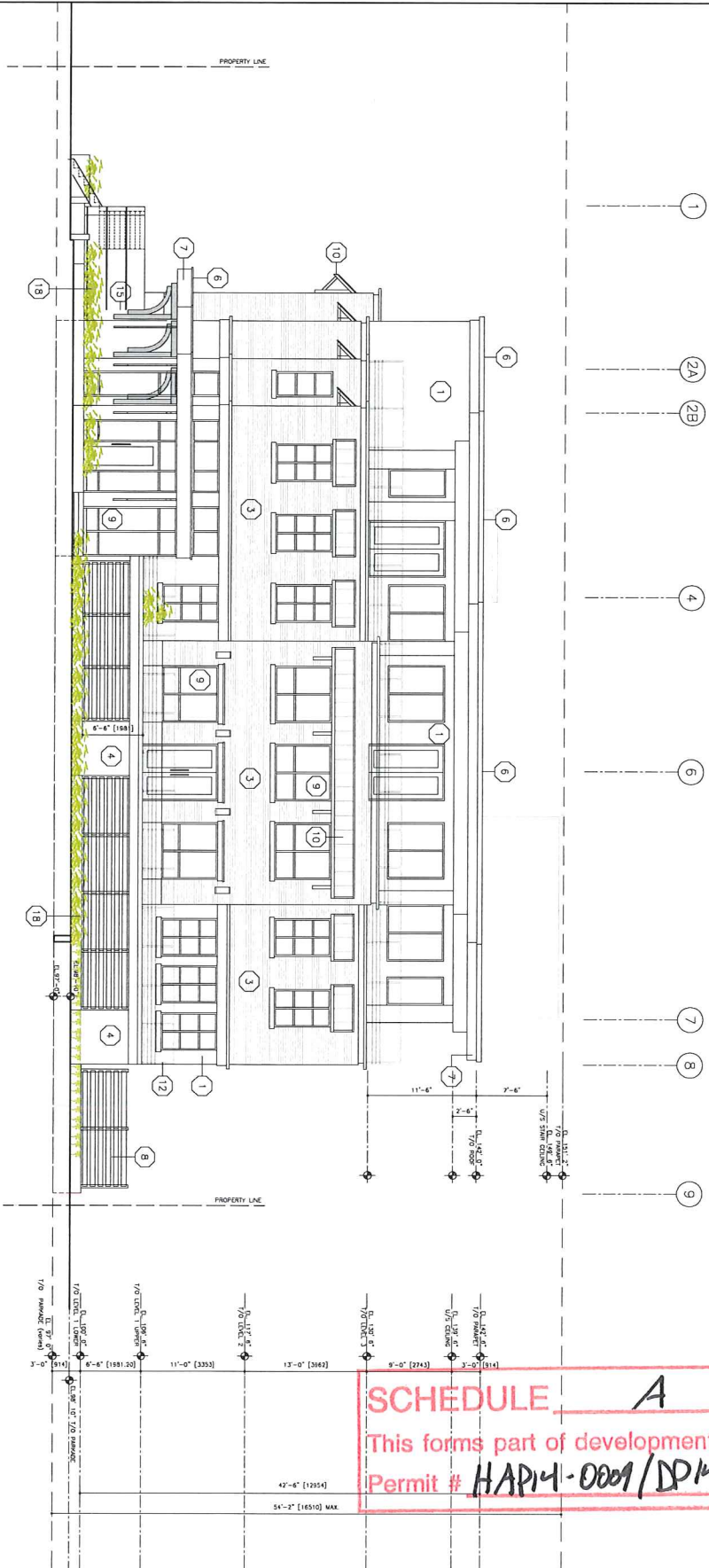
Date	2015-03-13
Job No.	mm 13-564
Scale	A5 500MM
DRAWN	SN
Checked	J.M.

205 MAIN STREET
 FAYETTEVILLE, N.C.
 TEL: 252.492.3143
 FAX: 252.492.3144
 EMAIL: info@meiklejohn.com

m+m a
 MEIKLEJOHN ARCHITECTS INC.

2015-03-13
 revised
 DP dwgs

SCHEDULE A
 This forms part of development
 Permit # **HAPI4-0001/DP14-0117**



A4.02
 BUILDING
 ELEVATION
 scale 3/16"=1'-0"

1 BUILDING ELEVATION (north)
 A4.02 SCALE: 3/16"=1'-0"

120 MAIN STREET
PORTER, N.C.
75075-2143
TEL: 252-482-1443
FAX: 252-482-1443
WWW.MEIKLEJOHN-ARCHITECTS.COM

m+m a
MEIKLEJOHN ARCHITECTS, INC.

2015-03-13
revised
DP dwgs

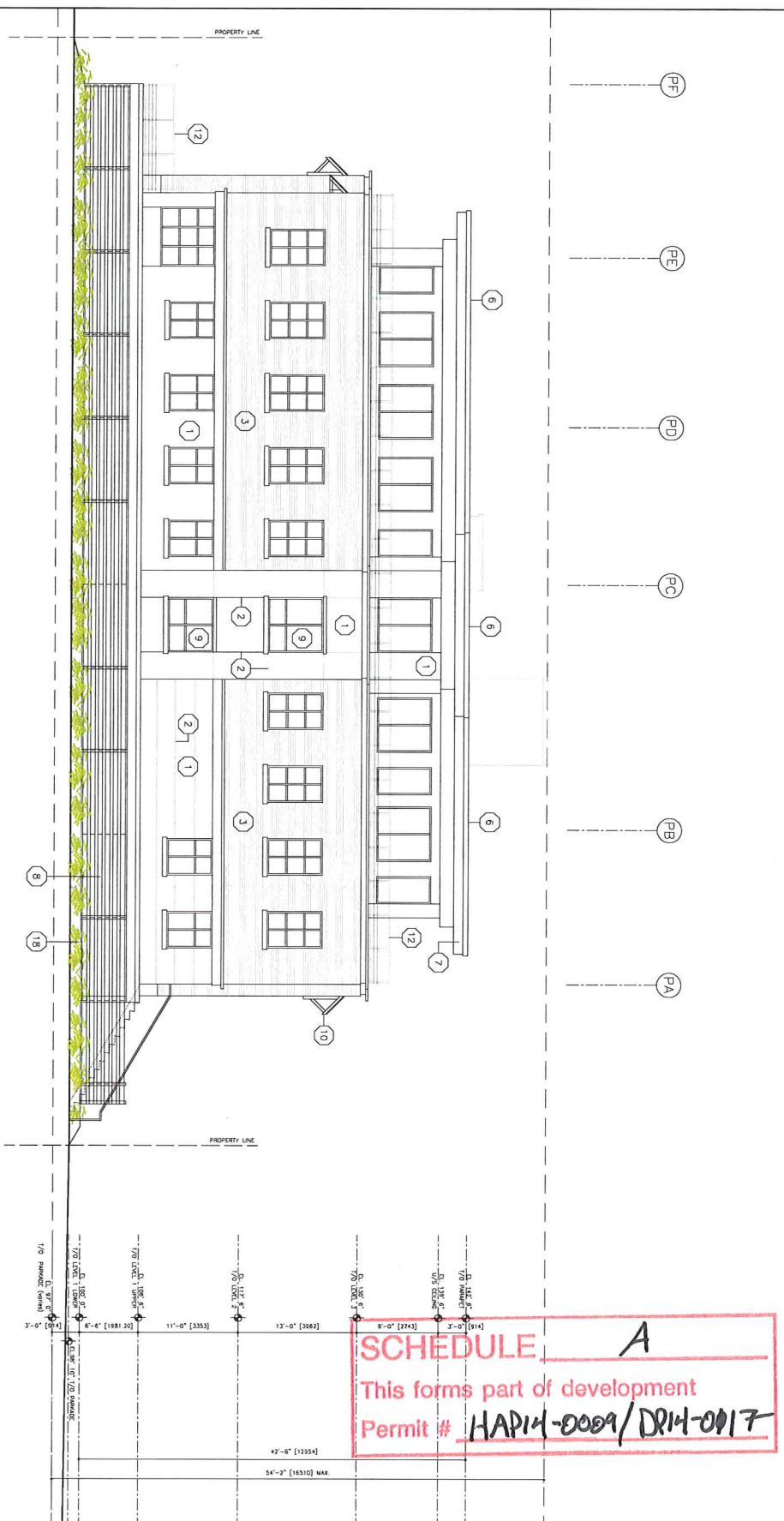
PROJECT TITLE
STRATCONA MIXED-USE
BUILDING WITH
3 CONDO UNITS

A4.03

BUILDING
ELEVATION

Scale 3/16"=1'0"

DATE	2015-03-13
DESIGNED BY	MEIKLEJOHN ARCHITECTS, INC.
CHECKED BY	MEIKLEJOHN ARCHITECTS, INC.
DATE	2015-03-13



SCHEDULE A
This forms part of development
Permit # **HAPI4-0009/DR14-0017**

A4.03
BUILDING ELEVATION (East)



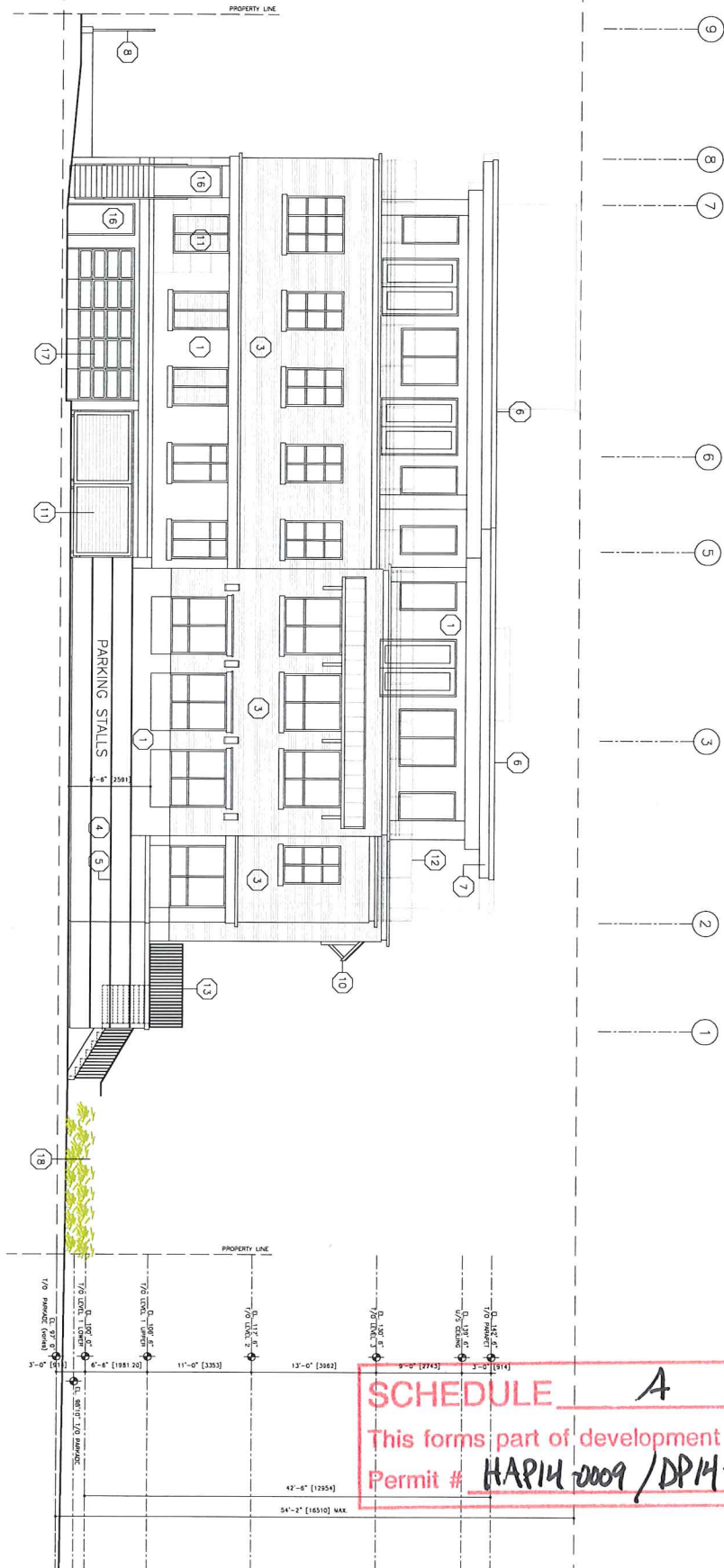
No.	Date	Expenditure
61	2017-06-10	17-Utility bills
62	2017-06-25	17-Travel for clients
63	2017-07-03	17-Travel for clients
64	2017-07-03	17-Travel for clients
65	2017-07-13	17-Travel for clients

310-370 SIPAHÇIÖN ARASTIRIŞI, İZMİR, 2005

A4.04

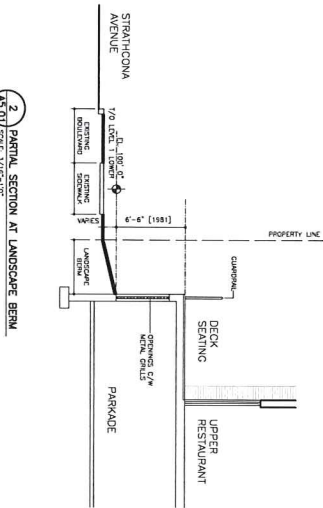
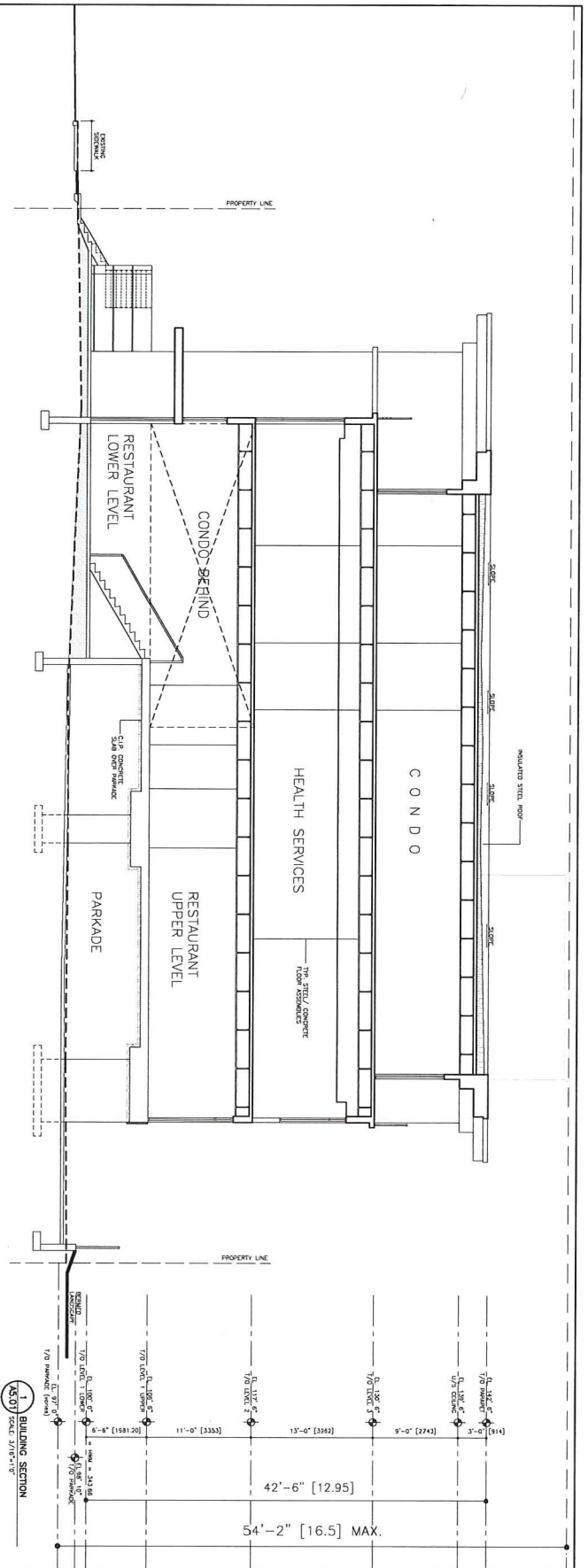
scale 3/16"=1'0"

Date	2015-07-13
Job No.	m+n-3-1064
Scale	A5 910MM
Drawn	SA
Checked	J.M.



SCHEDULE 4
This forms part of development
Permit # HAPI4 2009 / DP14-0117

1
44.04 BUILDING ELEVATION (south)
SCALE: 3/16"=1'-0"



SCHEDULE A
 This forms part of development
 Permit # **HAP14-0009 / DP14-0117**

2015-03-13
 revised
 DP dwgs



MEIKLEJOHN ARCHITECTS
 2211 BIRCHMOUNT AVENUE
 SUITE 100
 DALLAS, TEXAS 75244
 TEL: 214-442-2143
 FAX: 214-442-2144
 EMAIL: MEIKLEJOHN@MEIKLEJOHN.COM

A5.01
 BUILDING
 SECTION
 scale 3/16"=1'-0"

PROJECT: STRATHCONA MIXED-USE BUILDING WITH 3 CONDO UNITS
 DRAWING: A5.01
 DATE: 2014-04-01
 DRAWN BY: J. M.
 CHECKED BY: J. M.



8. beach access along Royal Ave.



7. along Royal Ave.



6. corner of Royal Ave./Abbott St.



5. garden of concrete lodge



9. transformer/parking lot at laneway



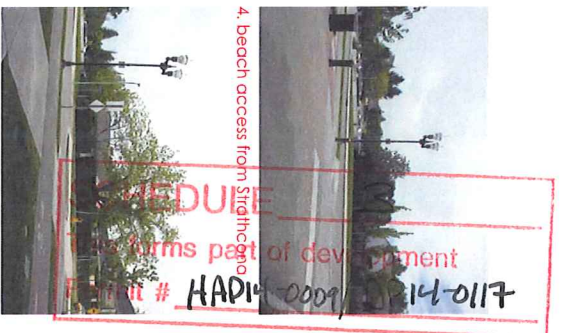
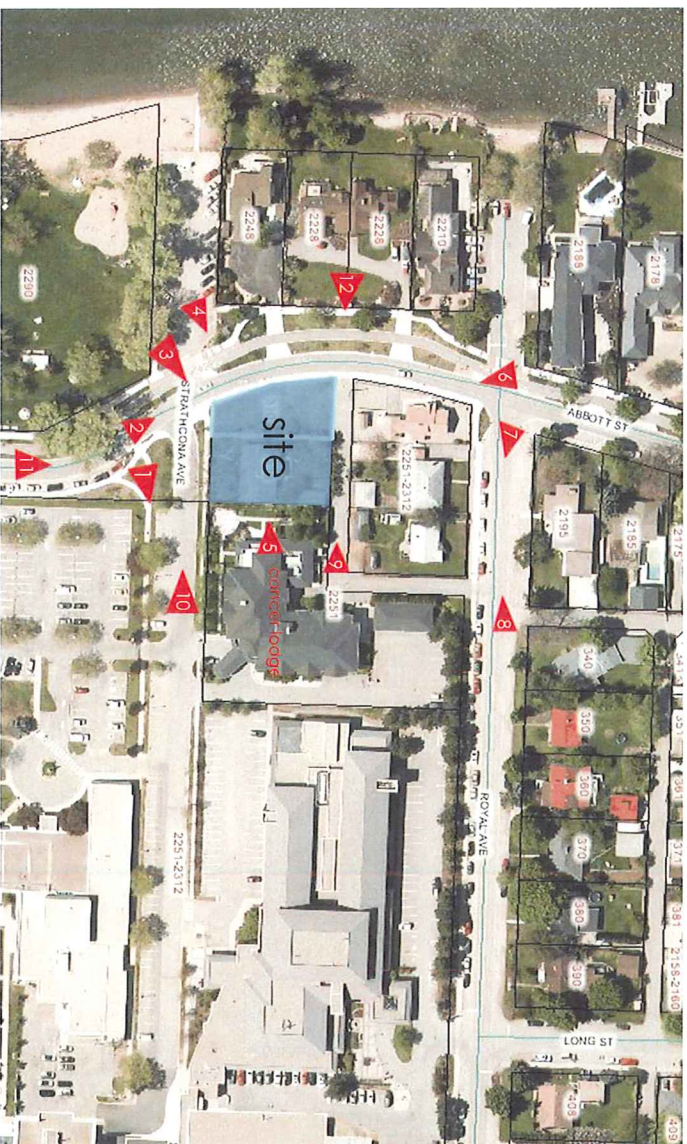
10. beach access along Strathcona Ave.



11. Abbott St. and Rose Ave.



12. site along Strathcona Ave.



4. beach access from Strathcona Ave



3. bike lane/sidewalk @ corner of Strathcona/Abbott



2. corner of Strathcona/Abbott

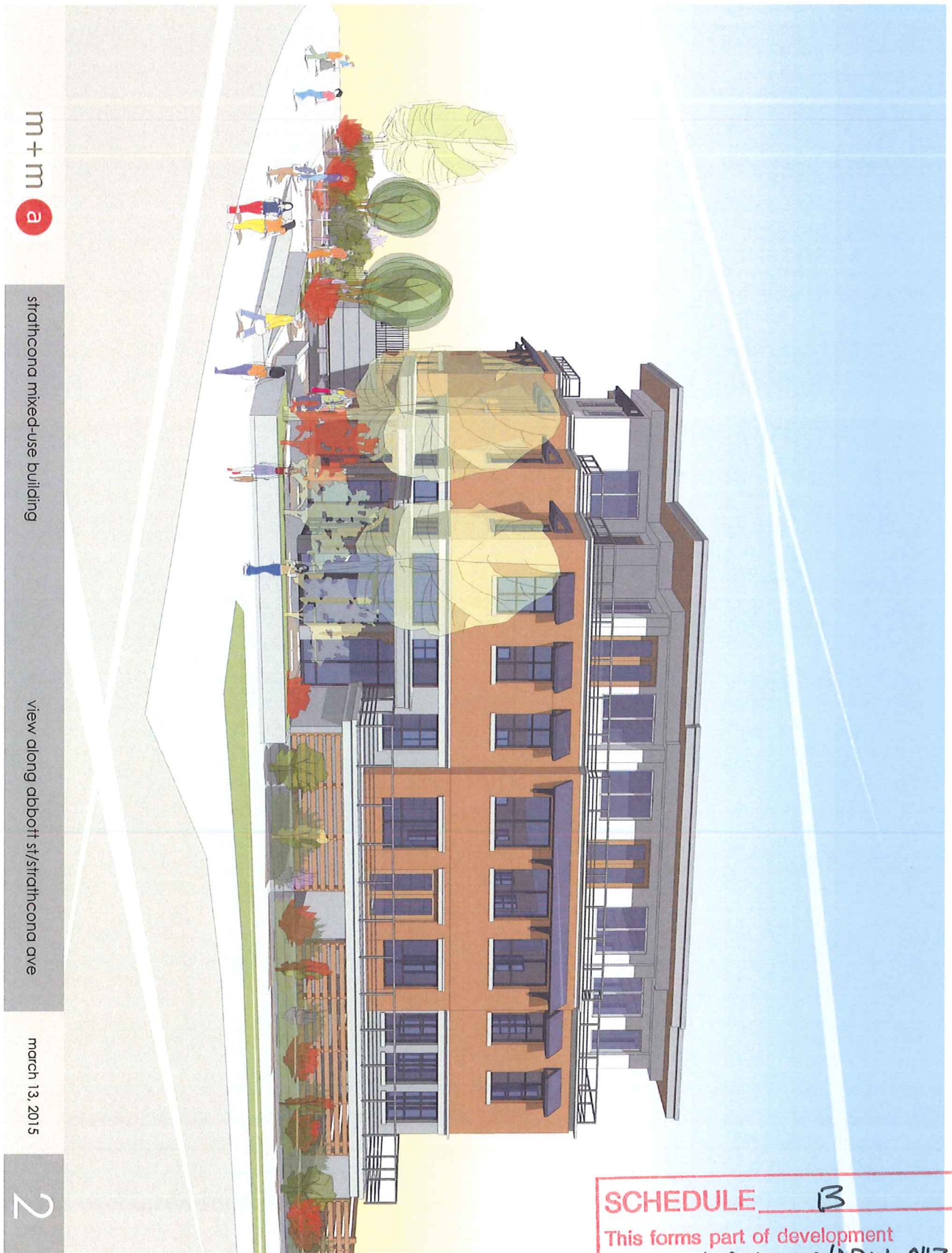
1. Strathcona parking lot

m + m a

strathcona mixed-use building

site context

march 13, 2015



m + m a

strathcona mixed-use building

view along abbott st/strathcona ave

march 13, 2015

2

SCHEDULE 13
 This forms part of development
 Permit # HAPIH-0009/DPIH-0117



m + m a

strathcona mixed-use building

parking along laneway

march 13, 2015

3

SCHEDULE 13
This forms part of development
Permit # HAPI4-0009/DP14-0117



SCHEDULE B
 This forms part of development
 Permit # HAR14-0009/AP14-0117

- brick - autumn blend
- fabric & steel canopy
- wood bracket
- BM - 2121-30 pewter

March 13, 2015

Alec Warrender, Property Officer Specialist, Real Estate Services
City of Kelowna, 1435 Water Street
Kelowna, B.C.
V1Y 1J4

310-320 STRATHCONA AVENUE

13-1464

Design Rationale Update

The hospital district has experienced near continuous growth and redevelopment in the past 10 years with further development planned. It is only natural that these changes have worn on the immediate neighborhood and it is our opinion that much of the scrutiny this application has received is due to this larger issue. We feel that this application is modest in its size and scope and will be one of the most attractive and carefully planned new buildings in the immediate district.

REDESIGN MOTIVATION

We have prepared this brief to outline design changes made to the application since the public hearing for rezoning. In light of the exposure this project has received through public consultations, council meetings and the media, the applicant has gone to additional efforts, and further redesign, to align the project design to address the concerns of those who have worried about its impact on the community.

Feedback received at the rezoning public hearing was both positive and negative. Many of the negative comments centred on the building's size and its 'modern' design. The applicant has taken these comments to heart and directed us to re-design the building, *for a third time*, to address these concerns. The application before you is smaller with a more heritage features than either of the two previous concepts.

Residential Unit Reduction:

The building has been redesigned to have 3 condominium apartments (reduced from 4) that will reduce the parking requirement for the property by one stall. This is a very small total number of units that, in our opinion, provide a net 'security/supervision' benefit to the neighborhood (noting City of Kelowna SCPTED principles) that far outweighs any parking load.

Parking Redesign:

The under-building concrete parking structure has been eliminated and replaced with an open air design, screened by a decorative fence that will be augmented by landscape planting.

Heritage Architecture:

The building architecture, details and forms have been chosen to respect the architectural sensibilities of the heritage district and arranged them in a more casual/vernacular manner that respects the small scale fabric of the surrounding residences. Curved wooden support brackets have been added to the cafe canopy to further soften the building and reference the adjacent heritage district.

Yours truly

Jim Meiklejohn, Architect AIBC, MRAIC, LEED AP

REPORT TO COUNCIL



Date: 9/29/2014
RIM No. 1250-30
To: City Manager
From: Urban Planning (AW)
Application: OCP14-0013 / Z14-0027
Owner: Dr. Heather Martin
City of Kelowna
Address: 310 & 320 Strathcona Avenue
Applicant: Meiklejohn Architects
Subject: OCP Amendment and Zone Amendment

Existing OCP Designation: Educational / Major Institutional
Proposed OCP Designation: Health District
Existing Zone: P1 - Major Institutional
RU1 - Large Lot Housing
Proposed Zone: HD2 - Hospital and Health Support Services

1.0 Recommendation

That Official Community Plan Bylaw Amendment No. OCP14-0013 to amend Map 19.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lot 22, District Lot 14, ODYD, Plan 535 Except Plan KAP81038, located at 310 Strathcona Avenue and Lot 21, District Lot 14, ODYD, Plan 535, located at 320 Strathcona Avenue from Educational / Major Institutional to Health District, as shown on Map "A" attached to the Report of the Land Use Management Department dated September 29th, 2014, be considered by Council;

AND THAT Council considers the applicant's July 29th, 2014 Public Information Meeting as outlined in the attached summary report 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 September 29th, 2014;

AND THAT Rezoning Application No. Z14-0027 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 22, District Lot 14, ODYD, Plan 535 Except Plan KAP81038, located at 310 Strathcona Avenue from RU1 - Large Lot Housing to HD2 - Hospital and Health Support Services and Lot 21, District Lot 14, ODYD, Plan 535, located at 320 Strathcona Avenue from P1 - Major Institutional to HD2 - Hospital and Health Support Services be considered by Council;

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

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

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

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

2.0 Purpose

To consider the proposed OCP and Zone Amendments in order to accommodate a 3.5 storey mixed use health services building.

3.0 Urban Planning Department

The proposed development will be a change for the area and may come as a surprise to neighbouring residents. Staff feel the proposed land use is comparable to what could be located on the subject properties should they be redeveloped as designated in the Official Community Plan, although the project would be private rather than institutional. The original intent and reason for the Educational / Major Institutional designation was to allow the Interior Health Authority to grow the KGH campus further west. As this is no longer the case it makes more sense that the properties be re-designated and rezoned to allow for a mixed use health services project. A project of this nature will help to support the KGH campus with additional food services, adjacent medical clinics and rental housing that could cater to KGH Staff.

For a number of years the subject properties have been designated for a higher form of development but were also kept in the Heritage Conservation Area to recognize the existing context and single family dwelling character. The application is not in keeping with the purpose of the Abbott Street & Marshall Street Heritage Conservation Area Development Guidelines, which is to maintain the existing single or two family residential and historical character of the area. However, the historical character and value of these properties has been significantly impacted by the surrounding institutional land uses. As this area does transition towards its designated purpose it would make sense to revisit the Abbott Street Heritage Conservation Area boundary as it relates to the Educational / Major Institutional designated properties. As summarized at the end of this report, the Community Heritage Committee (CHC) did not support this application because it does not fit within the guidelines for the Heritage Conservation Area. The City's Policy & Planning Department will take this area under consideration with Phase II of the Hospital Area Plan.

Staff do consider the application to be consistent with the intent of the OCP to support operations at Kelowna General Hospital with a built form and character that is sensitive to the surrounding neighbourhood. The proposed health service offices complement the adjacent land uses and the residential components provide an appropriate transition to the residential neighbourhood along Abbott Street. As summarized in the applicant's letter (attached) the applicant has made a number of modifications to the form of project in an attempt to address items that were of neighbourhood concern. For these reasons Staff are supportive of the proposed development. The Cancer Cancer Society Building is the most impacted neighbour and they have submitted a letter of support for the project.

4.0 Proposal

4.1 Background

The subject properties were designated Institutional in 1995 as part of the 1994-2013 OCP. The Heritage Conservation Area (HCA) was established in 1998, and the properties were single family residential halfway to Long Street, including what is now the Cancer Clinic. The HCA boundaries have not changed since they were established in 1998.

At the May 29th, 2012 meeting Council approved rezoning 320 Strathcona Avenue to P1 - Major Institutional in order to convert the existing single family to a doctor's office.

4.2 Project Description

The subject properties are designated Educational / Major Institutional in the 2030 OCP and are next to the Kelowna General Hospital and directly adjacent to the Cancer Lodge. The project contemplates amending the OCP to Health District and to rezone to the HD2 zone to accommodate the proposed development. As the subject property is located in the Abbott Street Heritage Conservation Area, a Heritage Alteration Permit is required for the project. Neither property is located on the Heritage Register.

The southwest corner is the main feature of the proposal as it is the most prominent exposure and the anchor for the design. The building facade steps back from the street at both the first and third floors, this helps to break down the massing and scale of the project. The main portion of the building containing restaurant and health services steps back from the under-building parking structure with a patio. The building fronts both Strathcona Avenue and Abbott Street with masonry & stucco facades. The proposed development contemplates a few variances, the project compares to the HD2 zone as follows:

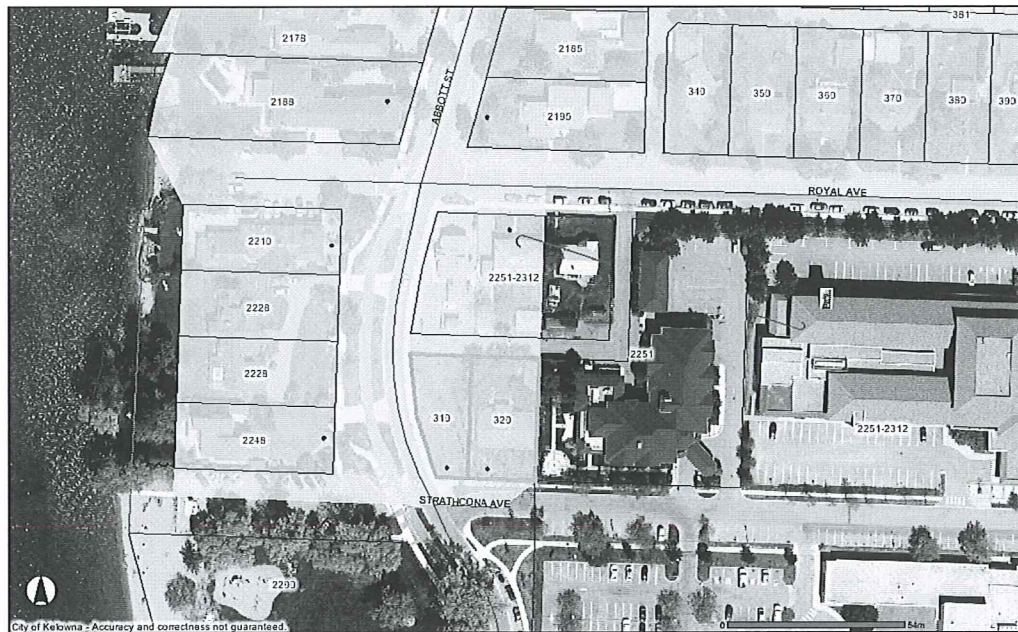
Zoning Analysis Table		
CRITERIA	HD2 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Floor Area Ratio	1.2	1.08
Height	16.5 m	13.26 m / 3.5 storeys
Front Yard (south)	1.5 m parkade with landscaped berm 4.5 m	1.5 m to parkade 4.5 m to building
Side Yard (east)	1.5 m parkade with landscaped berm 4.5 m - Building	0.4 m to parkade❶ 4.5m to building
Side Yard (west)	1.5 m parkade with landscaped berm 4.5 m - Building	4.5 m to parkade 4.5 m to building
Rear Yard (north)	3.0 m	5.7 m
Site coverage	55%	46.5%
Other Regulations		
Minimum Parking Requirements	30 stalls	30 stalls
Bicycle Parking	Class I: 2 stalls Class II: 4 stalls	Class I: 3 stalls Class II: 5 stalls
Private Open Space	100m ²	220m ²
Loading Space	1 stall	1 stalls
❶ Vary the parkade setback from 1.5m required to 0.4m for the eastern side yard setback.		

4.3 Site Context

The subject properties are located along Strathcona Avenue directly adjacent to the Cancer Lodge and across from the Kelowna General Hospital. The properties are also located within the Abbott Street Heritage Conservation Area. The adjacent land uses are as follows:

<i>Direction</i>	<i>Zoning Designation</i>	<i>Land Use</i>
North	RU6 - Two Dwelling Housing	Vacant
East	P1 - Major Institutional	Cancer Lodge
South	HD1 - Kelowna General Hospital	Hospital
West	RU6 - Two Dwelling Housing	Vacant

Subject Property Map: 310 & 320 Strathcona Avenue & Heritage Conservation Area



Subject Property Map: 310 & 320 Strathcona Avenue & OCP Future Land Use



5.0 Current Development Policies

Staff recommends that the applicant's July 29th, 2014 Public Information Meeting be considered appropriate consultation for the purpose of Section 879 of the *Local Government Act*, and that the process is sufficiently early and does not need to be further ongoing in this case. Furthermore, additional consultation with the Regional District of Central Okanagan is not required in this case.

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

5.1 Kelowna Official Community Plan (OCP)

5.1.1 Land Use Designations - Educational / Major Institutional (Chapter 4)

Schools, university, colleges, correctional facilities, hospital, fire halls, cemeteries, major government, cultural or recreational facilities, religious assembly and seniors' facilities. Religious assembly uses may include a multiple unit residential component only where the surrounding land uses are designated for similar densities/land uses. Major government, cultural, and recreational facilities may include associated commercial uses.

5.1.2 Urban Design Guidelines (Chapter 14) - Revitalization Development Permit Area

Revitalization Design Guidelines

- Use appropriate architectural features and detailing of buildings and landscapes to define area character;
- Convey a strong sense of authenticity through high quality urban design that is distinctive of Kelowna;
- Provide for a scale and massing of buildings that promotes an enjoyable living, pedestrian, working, shopping and service experience;

5.1.2 Heritage Conservation Area Guidelines (Chapter 18) 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;
- 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

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
- Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- A Hoarding permit 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.
- 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):

¹ City of Kelowna Official Community Plan, Chapter 16

- 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.
- The code analysis is also to address the interconnected floor spaces (restraint & mechanical area) per the prescriptive requirements of the code or an alternative solution needs to be accepted by the Chief Building Inspector in lieu
- A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. A minimum Geodetic Elevation of 343.66 meters is required for all habitable spaces, there are 4 requirements to be followed to allow the parkade slab to be below 343.66:
 1. Raise the grade at any openings including windows, doors and garage doors to prevent water ingress;
 2. The walls and slab must be sealed (tanked);
 3. The strata bylaw must include the requirement that no storage other than licensed movable vehicles;
 4. The parkade slab elevation at the lowest point may not be below 343.00.
- 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.
- Guards are required for all decks. The drawings provided don't clearly identify these requirements since they appear to be defined as climbable, but will be reviewed at time of building permit application. The appearance of these guards may affect the form and character of the building.
- Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s). The drawings submitted for building permit is to clearly identify how this 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
- Washroom requirements for base building are to be addressed in the building permit application.
- Size and location of all signage to be clearly defined as part of the development permit. This should include the signage required for the building addressing to be defined on the drawings per the bylaws on the permit application drawings.
- Mechanical Ventilation inlet and exhausts vents are not clearly defined in these drawings for the enclosed parking. The location and noise from these units should be addressed at time of Development Permit.
- 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.

6.2 Development Engineering Department

See Attached.

6.3 Fire Department

- Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
- A visible address must be posted on Strathcona as per City of Kelowna By-Laws
- Sprinkler drawings are to be submitted to the Fire Dept. for review when available. Ensure that isolation valves are at an acceptable level as per the COK Bylaw 10760.
- A fire safety plan as per section 2.8 BCFC is required at occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD or DVD to facilitate Fire Department pre-planning for this structure. The fire safety plan should clearly detail the unique requirements for this structure. A copy of the sprinkler system owner's certificate is to be included in the fire safety plan.
- Fire Department access is to be met as per BCBC 3.2.5.6
- Fire Department steel lock box or key tube acceptable to the fire dept. is required by the fire dept. entrance. Kurt's Lock & Safe at 100A - 1021 Ellis Street, Kelowna is the approved supplier for flush mount lock boxes.
- The standpipes connections are to be installed on the transitional landings of the stairwells as per NFPA 14.
- All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met.
- Fire alarm system is to be monitored by an agency meeting the CAN/ULC S562 Standard.
- Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- Fire department connection is to be within 45M of a fire hydrant - please ensure this is possible and that the FD connection is clearly marked and visible from the street.

6.4 Interior Health Authority

No Concerns. Support the application.

6.5 Fortis BC (Electric)

There are primary distribution facilities along Strathcona Avenue and Abbott Street. Due to the size and use of the development, it is likely that 3 phase power will be required. The SRW must be entirely on private property and the area required to accommodate that size of transformer is 5m x 5m. It is unclear whether that much room has been accounted for in the proposed design. The applicant is responsible for costs associated with any change to the subject lots' existing service, if any, as well as the provision of appropriate land rights where required.

Otherwise, FortisBC Inc. (Electric) has no concerns with this circulation.

7.0 Application Chronology

Date of Application Received: June 13th, 2014
Community Heritage Committee: July 3rd, 2014

THAT the Community Heritage Committee does NOT support Heritage Alteration Permit Application No. HAP14-0009 for the properties located at 310 & 320 Strathcona Avenue in order to accommodate a 3.5 storey mixed use health services building.

Anecdotal Comments:

The Community Heritage Committee feels that the subject properties, although within the Heritage Conservation Area, are in the Hospital interface area for which the Community Heritage Committee has previously requested further direction from Council. If the proposed building was on the edge of the Heritage Conservation Area but not in it, the Committee would not have a

problem with the form and character facing the Heritage Conservation Area. The Committee expressed a concern that the proposed building contains condo units and therefore is neither a residence or a medical facility. The Committee also expressed a concern that the proposed building does not meet the Heritage Conservation Area Development Guidelines with respect to Form and Character.

Public Information Meeting: July 29th, 2014

Report prepared by:

Alec Warrender, Urban Planning

Reviewed by:

☐

Ryan Smith, Manager, Urban Planning

Approved for Inclusion:

☐

D. Gilchrist, Div. Dir. of Community Planning and Real Estate

Attachments:

Map 'A'
Subject Property Map
Site Plan & Drawings
Conceptual Elevations
Landscape Plan
Development Engineering Memorandum
Applicant's Letter of Rationale
Public Information Meeting Summary



City of Kelowna Public Hearing Minutes

Date: Tuesday, October 21, 2014
Location: Council Chamber
City Hall, 1435 Water Street

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

Staff Present City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Manager, Urban Planning, Ryan Smith; Manager, Policy and Planning, Danielle Noble-Brandt*; and Council Recording Secretary, Arlene McClelland

(*denotes partial attendance)

1. Call to Order

Mayor Gray called the Hearing to order at 6:04 p.m. Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna 2030 - Official Community Plan Bylaw No. 10500" and Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

2. Notification of Meeting

The City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on October 7, 2014 and by being placed in the Kelowna Capital News issues on October 10, 2014 and October 15, 2014 and by sending out or otherwise delivering 1035 statutory notices to the owners and occupiers of surrounding properties, and 2232 informational notices to residents in the same postal delivery route, between October 7, 2014 and October 10, 2014. The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy No. 369.

Mayor Gray made comment that Item 3.3 Vintage Landing Comprehensive Resort Development deferred to Tuesday, November 4, 2014 starting in Council chambers at 6:00 p.m.

3. Individual Bylaw Submissions

3.1. Bylaw No. 10997 (TA14-0016) - Amendments to Health District Zone in the City of Kelowna Zoning Bylaw No. 8000

Staff:

- Displayed an overhead of text amendments under consideration.

The City Clerk advised that no correspondence was received.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Gallery:

Mike Griffin, Abbott Street

- Inquired as to impacts the text amendments may have on traffic and parking.

Staff:

- Advised that no uses will be changed as part of the text amendment, therefore, no additional impacts on traffic.

There were no further comments.

3.2. Bylaw No. 11005 (OCP14-0013) and Bylaw No. 11006 (Z14-0027) - 310 and 320 Strathcona Avenue, Dr. Heather Martin Inc. and City of Kelowna

Staff:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

The City Clerk advised that the following correspondence and/or petitions has been received:

Letters of Support

Brent Carmichael, Abbott Street
 Roland Harvey, Park Avenue
 Julie Parker, Canyon Ridge Crescent
 Judy & Warner Kunz, Francis Avenue
 Pat Bentley, Beach Avenue
 Shawn Russell, Morrison Avenue
 Melissa Burton, Morrison Ave
 True Outdoors Kelowna, Meshkat Javid. 97 N
 Colton Jobst, Sutherland Avenue
 Russell Couch, Pandosy
 Karen Graham, Wintergreen Drive

Letters of Opposition:

Ron and Donna Rubadeau, Long Street
 Hans Birker, Cadder Avenue
 Rick Adrian, Sunset Drive
 Howard Sures, Atwood Place
 Mary Drzewiecki and Reynold Epp, Long Street
 Myles Bruckal, Abbott Street
 Dr. Cecilia Gossen, Abbott Street
 Angela Steinruck, Francis Avenue
 Stephani Bruckal, Abbott Street
 Maria De Giovanni, Taylor Crescent
 Sandy Magee, Taylor Crescent
 Nigel Brown, West Avenue
 Alan & Christine Surtees, Cadder
 Jan Murphy, Cadder Avenue
 Brian & Marilee Woinoski, Abbott Street
 Dean Muscardin, Christleton Avenue
 Howard J Sures, Atwood Place
 Marshall McAnerney, Patterson Avenue

Jacqueline Jones, Abbott Street
 Dorie Burnham, Teresa Road, Lake Country
 Jan Bauman, Kelowna South-Central Association of Neighbourhoods
 Bruce Jones, Abbott Street
 Debbie Helf, Marshall Street
 Hilde & Terry Schneider, Abbott Street
 Dianne Friesen, Ellis Street
 Kevin Kingston, Maple Street
 Margot Sentes, Abbott Street
 Jeannette Mergens, Abbott Street
 Don McLeod, St. Andrews Drive
 Dee Capozzi, Cadder Avenue
 Monique Powell, Eva Road, Lake Country
 Esterlee Muscardin, Christleton Avenue
 Wayne & Dorothy Margerison, Glenwood Avenue
 Michael Griffen, Abbott Street
 Farhat Khan, Long Street
 Ian Crichton, Park Avenue
 Pam Couves, Burne Avenue
 Doreen Morash, Sutherland Avenue
 Michael Griffin, Abbott Street
 Wendy & Bob Porter, Abbott Street
 Dr. R. Shupe, Hobson Road
 Susan Crichton, Park Avenue
 Marten Gruenwald, Long Street
 Adam Rich, Hobson Road
 Amistie Lovell, South Crest Drive
 Suzanne Anderton, Hobson Cres.
 Jillian Stamp & James Williams, Abbott Street
 Walley Lightbody, Abbott Street
 Shirley Clarke, McDougall Street
 Jim & Karen Bates, Glenwood Avenue
 Catherine Almond, Ellis Street
 Gordon Almond, Ellis Street
 Carolyn Walsh, Longhill Road
 Daphne & Cliff Moore, Mathison Place
 Janet Taylor, Bath Street.
 Jason Broome, Royal Avenue
 John Green & Christy Anderson, Abbott Street
 Manuella Farnsworth, Park Avenue
 Dave McClellan, Glenwood Avenue
 Angela Wallace, Rowcliffe Avenue
 D & C Beedle, Mathison Place
 Henry Mainemer, Glenwood Avenue
 Ian & Penny Williams, Cadder Avenue
 Drs. J Crook and R MacMillan, Park Avenue
 David Anderson, Beach Avenue
 Jane Matejka, Beach Avenue
 Michael & Leslie Barton, Abbott Street
 Pat Munro, Cadder Avenue
 William Proznick, Shiraz Court, West Kelowna
 Ted & Marilyn Wiltshire, Abbott Street
 Hoa La & Charlie De Santis, Vimy Avenue
 Ann & Charlie Fleming, Abbott Street
 Neil Cadger, Burne Avenue
 Sonny Swan, Royal Avenue
 Gerald & Margo Gartner, Abbott Street
 Emma Dalsvaag, Patterson Avenue
 Jamie Maw, Abbott Street
 Bruce McKee, Abbott Street

Shelly Would, Abbott Street
 Claudia Cable, Bath Street
 Dana Jones, Birch Avenue
 Brenda Thomson, Beach Avenue
 Liz vanGolen Vincent, Abbott Street
 Valerie Hallford, Sutherland Avenue
 Simon & Ian McKee, Abbott Street

Additional Information as Submitted by the Applicant:

Package of additional information including 207 letters of support from the owners/occupants of the surrounding properties as submitted by the applicant Heather Martin.

Form Letters of Opposition:

29 Form letters of opposition as submitted by the owners/occupants of the surrounding properties.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Applicant, Dr. Heather Martin

- Provided a brief history of the original plan for this property and advised that after some re-evaluating it was decided that it was not in keeping with the highest and best use of the property.
- Have created a clinic for myself and three other physicians. The adjacency to the hospital is invaluable.
- The café makes this facility unique and will be accessible to everyone.
- The building is designed to minimize traffic and congestion.
- Responded to questions from Council.

Jim Meiklejohn, Consultant on behalf of the Applicant

- Provided a Power Point Presentation and responded to questions from Council.

Mark Filatow, Chef and Sommelier Waterfront Restaurant on behalf of the Applicant:

- The vision is that of a neighbourhood spot with 40 seats.
- Will not be open late and will be responsive to what is supported by the neighbourhood.
- Providing an alternate dining option for KGH staff, visitors, patients and neighbourhood within walking distance.
- Responded to questions from Council.

Gallery:

Karen Stewart, Francis Avenue

- In Support of the application.
- The development is appropriate for the location and neighbourhood.

Ted Strange, Park Avenue

- In Support of the application.
- The development is appropriate for the neighbourhood.

Brian Woinoski, Abbott Street

- Opposed to the application.
- The development is too large and too tall for the location.
- Opposed to the restaurant and raised concern with the increased traffic it will bring to the neighbourhood.
- Would be supportive of a smaller building at this location.

Cecilia Gossen, Abbott Street

- Opposed to the application.
- Opposed to the restaurant use.
- The application is not in character with the Abbott Street corridor.

Howard Sures, Atwood Place

- Opposed to the application.
- This development is opposite to the city guidelines, bylaws and principles for the area.
- The application keeps changing over time.

Neil Cadger, Burne Avenue

- Opposed to the application.

Marguerite Berry, Bernard Avenue

- Opposed to the application.
- Building needs to be scaled back and needs to be appropriate for the area.
- Requires more feedback from the neighbourhood.

Donna Douglas, Knox Crescent

- Opposed to the application.
- Opposed to the restaurant use.
- The building will take away the view of the lake for those at the Cancer facility.

Janine Tuner, KGH Employee

- Supportive of the application.
- This development is in the appropriate location.

Miles Bruckal, Abbott Street

- Opposed to the application.
- Referenced slides displayed as part of the application.
- Raised concern with narrow road and lane width of Abbott Street.
- Raised concern with traffic impacts and parking.

Staff:

- Confirmed that the Zoning Bylaw restricts the restaurant to 40 seats.

Danielle Taylor, South Crest Drive

- Supportive of the application.
- Supportive of the restaurant and needed for those who do not have transportation.

Bruce Jones, Abbott Street

- Opposed to the application.
- The building is not appropriate for a residential neighbourhood.
- Opposed to the restaurant as part of this application.
- Supportive of the HD3 zone the Applicant originally came forward with.

Dr. Shannon Wires, Treadgold Court

- Supportive of the application.
- Supportive of the multi-use of this building and would operate her medical practice from this site should the development be approved.
- Supportive of the restaurant use.

Brent Carmichael, Abbott Street

- Supportive of the application as it is.

Jake Thiessen, Pandosy Street

- Supportive of the application.
- Supportive of the restaurant use.

Richard Templin, Glenwood Avenue

- Opposed to the application.
- Raised concerns with increased traffic and parking.

Staff:

- Confirmed the application will include 30 on-site parking stalls.

Bruce McKee, Abbott Street

- Opposed to the application.
- Concerned with the size of the building in this location.
- Raised concerns with traffic impacts and parking.
- This development is at odds with the neighbourhood.

Dr. Lynn Teraposky, Tutt Street

- Spoke to the character and integrity of the Applicant.
- Supportive of the application.

Resident, Morrison Avenue

- Supportive of the application.
- Supportive of the restaurant use and its location.
- Supportive of mixed use of the property.

Chris Cochrane, Birch Avenue

- Supportive of the application.
- Supportive of the restaurant.
- The development is appropriate for the neighbourhood.

Dr. Brian Peterson, Fuller Road

- KGH is a Level 1 Trauma Centre and will only increase in size.
- Supportive of the application.
- Supportive of the restaurant.

Jamie Mah, Abbott Street

- Opposed to the application.
- Raised concern with lack of traffic study for this application.
- Raised concerns with increased traffic the development will bring.
- Raised concerns regarding parking.
- Supportive of the restaurant use.

Shawn Wild, Patterson Avenue

- Supportive of the application.
- Supportive of the restaurant.

Ann Laurie, Abbott Street

- Opposed to the application.
- This development is at odds with the neighbourhood.
- Opposed to the restaurant use.

Mayor Gray left the meeting at 8:55 p.m. and Deputy Mayor Given assumed the Chair.

Pat Klassen, Kelowna, BC

- Supportive of the application.
- Supportive of the restaurant.

Hans Birker, Cadder Avenue

- Opposed to the application.
- Opposed to the development at this location.
- Raised concern with increased traffic.
- This development is at odds with the neighbourhood.

Mayor Gray rejoined the meeting at 9:02 p.m. and re-assumed the Chair.

Jillian Stamp, Abbott Street

- Opposed to the application.
- Raised concern with increased traffic, parking impacts and safety.
- Opposed to the restaurant use.
- This development is at odds with the neighbourhood.

Rob Richardson, Christleton Avenue

- Supportive of the application as proposed.

Sue Morrison, Pandosy Street

- Opposed to the application.
- Raised concerns with increased traffic and parking impacts.
- Raised concern with impacts on uses in Sutherland Park.

Wayne Dodds, Christleton Avenue, Representing KSAN

- Opposed to the application.
- This development is not appropriate for this site.
- Opposed to the application.
- KSAN and neighbourhood would support HD3 zone.

James Avery, Abbott Street, President of FRACAS

- Opposed to the application.
- This development is not appropriate for this site. Too many competing land uses coverage at this location.
- The HD3 zone would be more appropriate for this site.

Carol Bachtold, Richter Street

- Supportive of the application.
- Supportive of multi-use development.
- Architectural design works well with the transition.

Marietta Lightbody, Abbott Street

- Opposed to the application.
- This development is at odds with the Heritage designated neighbourhood.

Bob Reynolds, Abbott Street

- Opposed to the application.
- This development is at odds with the Official Community Plan and Heritage designated neighbourhood.
- Opposed to this building on this site.

Alana Marrington, Woodridge Road

- Owner of Collette Manor.
- Raised concern that this application did not require a traffic study when her application did.
- Raised concern with parking requirements.
- Raised concern with massing of the proposed building.
- Supportive of the HD3 zone.

Jacqueline Jones, Abbott Street

- Opposed to the application.
- Opposed to the restaurant use.
- Raised concern that the discussion of walk-ability of the development is a ploy.
- This site should be zoned HD3.

Jason Tomm, Saucier Road

- Supportive of the application.

Joyce Broome, on behalf of Royal Avenue Residents

- Opposed to the application.
- Raised concern with increased traffic.
- This development is at odds with the Heritage designated neighbourhood.

Patty Hall, Cadder Avenue

- Opposed to the application.
- This is the wrong development in the wrong place.
- Raised concern with delivery traffic that the development would generate.
- HD3 zone would be more acceptable.

Sean Upshaw, Knox Crescent

- Inquired whether the City is an Applicant.

Staff:

- Confirmed that since the application was made the City has sold the property and both parcels are owned by the Applicant.

Donna Douglas, Knox Crescent

- Speaking for a second time.
- Raised concern with the impact the restaurant would have on other similar uses in the area.

Bruce Jones, Abbott Street

- Speaking for a second time.
- Raised a question regarding correspondence without addresses submitted by the Applicant.
- Raised a question regarding the introduction of the HD3 text amendment and this particular application.

Applicant, Dr. Heather Martin and Consultant, Jim Meiklejohn

- Spoke to the traffic calming aspect of the Abbott Street corridor and advised that the corridor was professionally engineered for safety enhancement.
- Spoke to the building massing concerns raised by the public and displayed a photo showing that this development is a quarter of the size of the Abbott House.
- Displayed photos of the site lines and noted that the building is set back beyond what is required and reassured there is no safety hazard.
- Spoke to the parking requirements and noted that there will be ample parking for patients. Parking will be concealed.
- Spoke to the restaurant use, hours of operation and anticipated customer base. The restaurant is not a destination and will be used by hospital users and neighbourhood.
- Confirmed that the plan is to enter into a long term lease for the restaurant.
- Spoke to the number of patients anticipated per physician per hour.
- Spoke to the proposed form and character of the building should the application advance and conveyed willingness to tweak with the character and architecture to fit the heritage character of the neighbourhood.

There were no further comments.

Meeting adjourned for a break at 10:41 p.m.

Meeting re-convened at 10:56 p.m.

Moved By Councillor Stack/Seconded By Councillor Blanleil

R779/14/10/21 THAT the Public Hearing and Regular Meeting proceed beyond 11:00 p.m.

Carried

3.3. Bylaw No. 11012 (TA14-0017) - Vintage Landing Comprehensive Resort Development

Item 3.3 Withdrawn and rescheduled to the November 4th Public Hearing.

3.4. Bylaw No. 11013 (TA14-0018) - Amendments to the Zoning Bylaw No. 8000 - Section 16 - Public and Institutional Zones

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence was received.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

There were no further comments.

3.5. Bylaw No. 11014 (Z13-0044) - Various Addresses, City of Kelowna

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence was received.

Mayor Gray invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

There were no further comments.

3.6. Bylaw No. 11015 (Z14-0030) - 519, 529 and 539 Truswell Road, MKS Resources Inc.

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that the following correspondence and/or petitions has been received:

Letters of Opposition:

Douglas & Margaret Cebryk, Truswell Road
Lesley Eames, Truswell Road
E. Elizabeth Lavender, Truswell Road

Letters of Concern:

Royce & Merle Hetherington, Truswell Road
Jake Thiessen, Strata Corporation KAS4004, Truswell Road
Bob Dryden, Truswell Road

Letter of Conditional Support:

CJ (Kip) Butler, Truswell Road & Mary Ann Bishop, Truswell Road

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Applicant, Steve Shoranick, MKS Resources

- Clarified that correspondence that was submitted for this application was in opposition to the variance set back and not the rezoning.
- Confirmed that Phase 2 will have separate Strata and will provide our own amenities.
- Commented on an additional letter of support from Richard and Susan Sawchuk, Phase 1, Truswell Road, Kelowna, B.C.

Mayor Gray asked the City Clerk to read aloud the letter of support for Council and public consideration.

Gallery:

Jake Thiessen, on behalf of Strata, Truswell Road

- Referred to correspondence submitted as part of the Public Hearing.
- Referred to meetings between the Applicant and the Strata Council and the agreements reached between the two parties.
- Raised concern with the public parking component required as part of the application. The Strata's position is that the parking should be designated for the residents of Phase 1 and Phase 2 only.

There were no further comments.

4. Termination

The Hearing was declared terminated at 11:21 p.m.

Mayor

/acm

City Clerk

REPORT TO COUNCIL



Date: April 27, 2015

RIM No. 0940-40

To: City Manager

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

Application:	DP15-0030	Owner:	Rutland Crossing Development Ltd., Inc. No. BC0910164
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Address:	140 Highway 33 East 145 Rutland Road North	Applicant:	Compass Real Estate Development Ltd.
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Subject: Development Permit Application

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

Existing Zone: C4 - Urban Centre Commercial

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP15-0030 for Lot 1, Section 26, Township 26, ODYD, Plan KAP62974, located on 140 Highway 33 East, Kelowna, BC and Lot 1, Section 26, Township 26, ODYD, Plan 11269 Except Plan 37956, located on 145 Rutland Road North, 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 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;
5. Prior to issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied;

AND THAT the applicant be required to complete the above-noted conditions of Council's approval of the Development Permit Application in order for the permit to be issued;

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

2.0 Purpose

To consider a Development Permit application for the form and character of a commercial development.

3.0 Urban Planning

Urban Planning Staff support the Development Permit application for a commercial development on the subject properties, titled Rutland Crossing. This prominent site within the Rutland Urban Centre has been vacant for years and the proposed development is consistent with the C4 - Urban Centre Commercial zone that characterizes much of the Highway 33 corridor through the Rutland Urban Centre. The site is in a Revitalization Development Permit Area and this Development Permit considers the applicable design guidelines. The site currently consists of two properties that the applicant intends to consolidate through application to the Registrar of the Land Titles Office.

The building design generally meets the design guidelines with windows and doors along active frontages, distinctive massing articulation, varied building heights and visible entrances. The main materials being used are brick and stucco, with metal accents and canopies around windows and doors. Specific signage will be determined once tenancy is confirmed and a Sign Permit will be required along with the Building Permit.

Potential impacts to the adjacent residential property to the northeast are reduced through the site design. The active commercial area is located away from this portion of the site and the landscape buffer further separates these uses. The parking, loading and refuse enclosure areas are generally screened from public view by the building and landscaping treatment.

Although drive-throughs are not typically permitted in Urban Centres, they are a permitted use where a property fronts a provincial highway. Staff's preference would be for the drive-through to be located at the rear of the site with the building sited closer to the intersection; however, this is made difficult due to the irregular site configuration and single driveway access from Rutland Road North. Pedestrian walkways to the site will include marked crosswalks across the drive-through aisle, and customer bicycle parking will be provided.

In 1998, a Phase 1 Environmental Site Assessment for 140 Highway 33 East indicated potential for shallow soil contamination from a welding shop that previously operated on the site. More recent information suggests that any potentially contaminated soil was likely removed after the site was used as a construction staging area in 2012 and 2013. At this time, surface soils were removed and granular fill was placed on much of the site. A Preliminary Site Investigation completed in 2011 for 145 Rutland Road North showed potential for cross-contamination from an existing underground tank for used oil on the adjacent property at 160 Highway 33 East. A letter has been provided confirming the operator of the former service station at 160 Highway 33 East is not aware of contamination affecting adjacent properties. Under the Contaminated Sites Regulation, a property owner is required to notify adjacent property owners if contamination is likely to have migrated to neighbouring properties.

The Uptown Rutland Business Association has submitted a letter of support for the proposed development, outlining the benefits of development on this site to the Uptown Rutland area.

4.0 Proposal

4.1 Project Description

The proposed Rutland Crossing development consists of three commercial units, intended to be food primary establishments, one of which will be a drive-in food service. The building will total approximately 550 m² in area. Additionally, each unit will have a small patio for a total of 119 m² of seated outdoor space. Vehicular access will be from Rutland Road North with no direct access from Highway 33 East. Pedestrian connections to the site will connect to sidewalks along both Rutland Road North and Highway 33 East.

4.2 Site Context

The subject site is located at the northeast corner of the intersection of Highway 33 East and Rutland Road North in the Rutland Urban Centre. The site is designated MXR - Mixed Use (Residential / Commercial) in the Official Community Plan and is within the Permanent Growth Boundary. The surrounding area is a mix of commercial uses, with some low density residential to the northeast.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C4 - Urban Centre Commercial	Health services Financial services
East	RM1 - Four Dwelling Housing RU6 - Two Dwelling Housing C4 - Urban Centre Commercial	Four Dwelling Housing Two Dwelling Housing Automotive and equipment repair shops
South	C4 - Urban Centre Commercial	Mixed-use commercial (Rutland Plaza)
West	C4 - Urban Centre Commercial	Insurance and financial services (Valley First Credit Union)

Subject Property Map: 140 Highway 33 East & 145 Rutland Road North



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C4 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Maximum Floor Area Ratio	1.0	0.28
Maximum Site Coverage	75%	28.14%
Maximum Height	15.0 m or 4 storeys	7.0 m
Minimum Front Yard	4.5 m (abutting Highway 33)	7.3 m
Minimum Side Yard (east)	2.0 m	3.0 m (to refuse enclosure) 15.0 m (to building)
Minimum Side Yard (west)	0.0 m	9.9 m
Minimum Rear Yard	0.0 m	15.1 m
Other Regulations		
Minimum Parking Requirements	10 spaces	13 spaces
Maximum Parking Requirements	13 spaces	
Minimum Bicycle Parking	2 Class I	2 Class I
	4 Class II	4 Class II
Minimum Loading Space	28 m ²	28 m ²

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.

Maximize Pedestrian / Cycling Connectivity.² 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.

Rutland Urban Design.³ Ensure that the urban design for Uptown Rutland clearly differentiates this commercial district from others in the City and interior of BC. This will be pivotal to making the bus exchange area and redevelopment of Rutland a success. To this end, redevelopment should:

- Feature, at the northeast and northwest corners at the intersection of Highway 33 and Rutland Road, special architecture and/or landmarks that signify, particularly to motorists, the presence of a commercial district. This site is historically important to Rutland and marks the western edge of Uptown Rutland.

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

² City of Kelowna Official Community Plan, Policy 5.10.1 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Policy 5.20.1 (Development Process Chapter).

6.0 Technical Comments

6.1 Building & Permitting Department

- Development Cost Charges (DCCs) are required to be paid prior to issuance of any Building Permits.
- Placement Permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of Development Permit application.
- A Hoarding Permit may be required and protection of the public from the new building area during construction.
- 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):
 - Access to the roof may be required per NFPA along with guard rails and should be reflected in the plans if required.
 - Spatial calculation to be provided to address unprotected openings.
- A Geotechnical Report is required to address the sub soil conditions and site drainage at time of Building Permit application.
- 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 this rating will be achieved and where these area(s) are located.
- Washroom requirements for base building are to be addressed in the Building Permit application.
- Size and location of all signage required to be clearly defined as part of the Development Permit. This should include the signage required for the building addressing to be defined on the drawings per the Bylaws on the permit application drawings.
- 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.

6.2 Development Engineering Department

- See attached memorandum, dated March 10, 2015.

6.3 Fire Department

- Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
- Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw No. 7900. A commercial building requires 150 L/sec. Should a hydrant be required on this property, it shall be private.
- A visible address must be posted as per City of Kelowna bylaws.

6.4 FortisBC - Electric

- There are primary distribution facilities along Highway 33 and Rutland Road. There is a pole located near the northeast corner of the intersection of Highway 33 and Rutland Road that may have to be relocated to accommodate the proposed turning lane.

- The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

7.0 Application Chronology

Date of Application Received: February 12, 2015

Report prepared by:

Laura Bentley, Planner

Reviewed by:

☐

Lindsey Ganczar, Urban Planning Supervisor

Approved for Inclusion:

☐

Ryan Smith, Urban Planning Manager

Attachments:

Subject Property Map

Development Engineering Memorandum

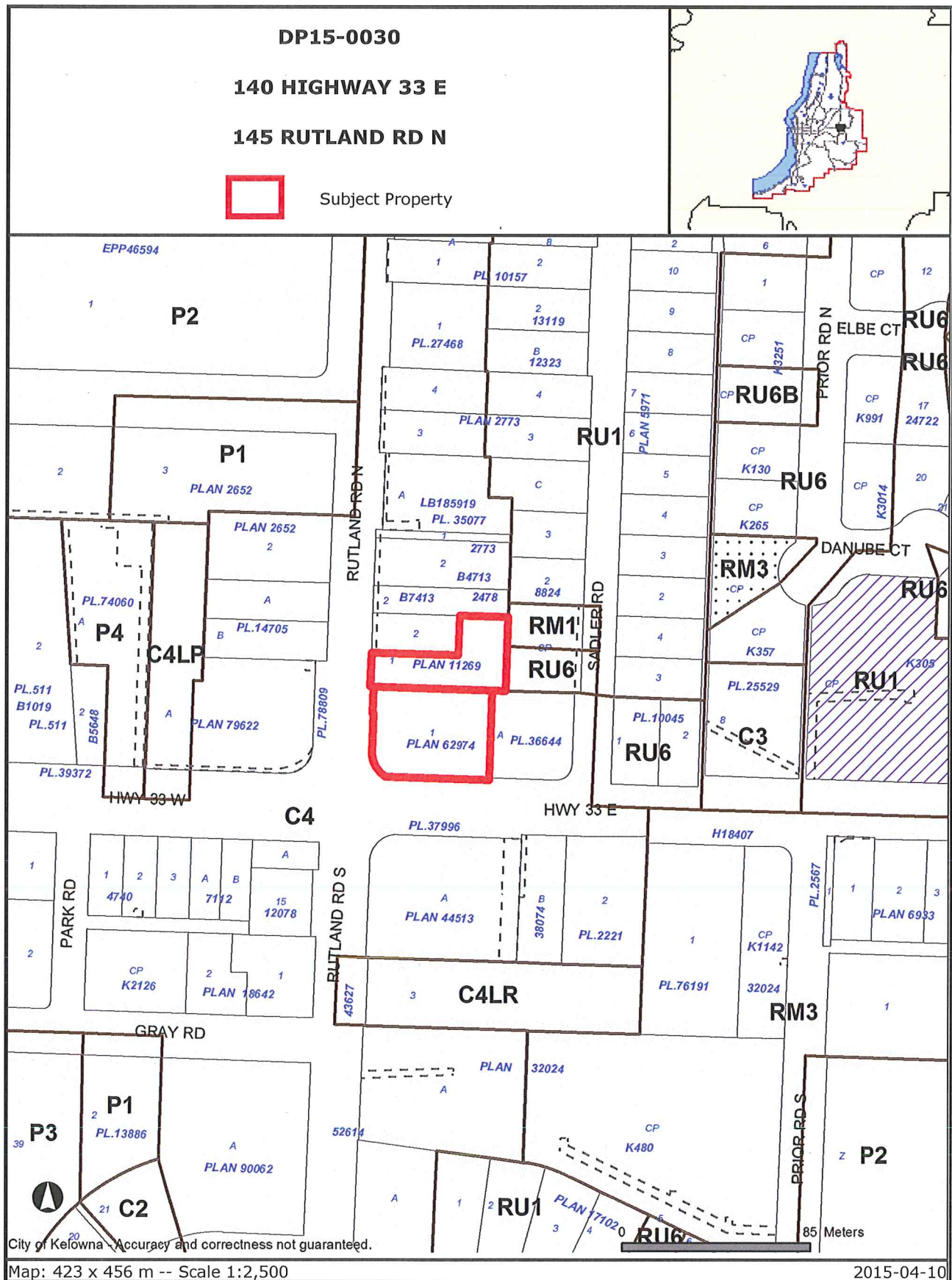
URBA Letter of Support

Draft Development Permit No. DP15-0030

Schedule A: Site Plan and Floor Plan

Schedule B: Elevations and Colour Board

Schedule C: Landscape Plan and Irrigation 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.

CITY OF KELOWNA
MEMORANDUM

Date: March 10, 2015
File No.: DP15-0030
To: Land Use Management (LB)
From: Development Engineer Manager (SM)
Subject: 140 Hwy 33 E – Lot 1, plan 62974 Sec. 26, Twp. 26, ODYD

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

1. General

The servicing requirements for this application are directly attributable to the proposed development of this vacant property and are triggered in accordance with the City of Kelowna Bylaw No. 7900

2. Subdivision

- a) Provide easements as may be required.
- b) Dedicate a corner rounding at the intersection of Hwy 33 and Rutland Road. The exact amount of dedication is to be determined based on the turning movement of a WB-2a and an island as per the ministry standard SP582-07.03 with a minimum 6.0 m. length on both tangents.

3. Geotechnical Study.

We recommend that a comprehensive geotechnical study be undertaken over the entire site. The geotechnical study should be undertaken by a Professional Engineer or a Geoscientist competent in this field. This study should analyse the soil characteristics and suitability for development of the requested zoning. As well, the study should address drainage patterns including the identification of ground water and the presence of any surface springs and the suitability of the lands for disposal of site generated storm drainage. In addition this study must describe soil sulphate contents, the presence or absence of swelling clays,

4. Domestic water and fire protection.

- a) This development is within the service area of the Rutland Waterworks District (RWD). The developer is required to make satisfactory arrangements with the RWD for these items. All charges for the service connection and upgrading costs are to be paid directly to the RWD. The developer is required to provide a confirmation that the district is capable of supplying fire flow in accordance with current requirements.
- b) A watermeter is mandatory as well as a sewer credit meter to measure all the irrigation water. Watermeters must be housed in an above-ground, heated, accessible and secure building, either as part of the main site buildings or in a separate building. Remote readers units are also mandatory on all meters.
- c) All the redundant services left as a consequence of the previous and the proposed lot consolidations must be disconnected at the water main. Only a single service of adequate size is allowed to service the project, in accordance with Bylaw 7900.

5. Sanitary Sewer.

- a) The subject properties are serviced by the municipal wastewater collection. There are currently 4 services at the property line. Three services on Rutland Road are 150 mm. and one service on Hwy 33 is 200 mm. Only one single service of adequate size is allowed to service the proposed development. Three redundant services must be disconnected at the main; the cost of decommissioning three services is estimated at **\$15,000.00** and is inclusive of a bonding escalation.

6. Drainage.

- a) A comprehensive site drainage management plan and design to comply with the City's drainage requirements in accordance with Subdivision, Development and Servicing Bylaw 7900 and plumbing Regulation Bylaw 5968 is a requirement of this application, however it may be deferred to the building permit.
- b) There are no storm drain services to the property, Should it be necessary to provide an overflow to satisfy the storm water management plan, a new service can be provided at the developer's cost.

7. Power and Telecommunication Services.

The services to this development are to be installed underground. It is the developer's responsibility to make a servicing application to the respective utility companies. The utility companies are then required to obtain the city's approval before commencing their works.

8. Road improvements.

Hwy.33 and Rutland Road corner improvements

Rutland Road is designated as an urban arterial road, the applicant is responsible for the removal of the existing curb and sidewalk and construct a right turn lane compete with a new curb, gutter, separate sidewalk, landscaped boulevard asphalt fillet, new lane markings, traffic island, relocation of the traffic lights and relocate/ remove utilities as may be required. The work must be reviewed and approved by the City of Kelowna and the Ministry Of Transportation. The estimated cost of this work, for bonding purpose must be determined based upon a design, provided by the developer and to be reviewed by the City of Kelowna and the MOTI

9. Street lights.

Street lights must be installed on all fronting roads as determined by the Manager of Electrical Utilities.

10. Engineering.

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

11. Servicing Agreements for Works and Services

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

- b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

12. 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.

13. DCC Credits.

None of the required improvements qualify for DCC credit consideration, as these upgrades are not identified in the current DCC schedules.

14. Bonding and Levies Summary.

a) Performance Bonding

Hwy.33 / Rutland intersection upgrade

TBD

Decommissioning of wastewater services

\$15,000.00

b) Levies

Admin. and Inspection fee (3% of construction + GST)

TBD



Steve Muenz, P.Eng.
Development Engineering Manager

B²



February 19, 2015

City of Kelowna
Planning Department

Attention: Ryan Smith

Dear Sir:

Re: Proposed Rutland Crossing Development

On behalf of the Uptown Rutland Business Association, we are most pleased to provide this letter of support for Gary Tebbutt and Compass Real Estate Developments Ltd., for their proposed project at Rutland Crossing. Our board has viewed a presentation on the proposed 7,000+ square foot commercial project, including drive through configuration, and we are highly in favour of seeing this development proceed. With the opening of the commercial venture, URBA will welcome some new business partners in our BIA, and the problem of the development of this long empty lot at one of our most prominent intersections will be resolved.

One of the key factors in our decision is the beautiful architecture, materials and design Compass has already shown it is able to provide in the construction of the Valley First building across the street from this proposed building, not to mention the professionalism and concern Mr. Tebbutt has shown for the surrounding community in all of his projects. We look forward to the construction of yet another beautiful building at this key intersection.

Please contact the writer should you require any further information.

Yours truly,

A handwritten signature in black ink that reads "Laurel D'Andrea". The signature is fluid and cursive, with the first name "Laurel" being more prominent.

Laurel D'Andrea
pp:Shawn Swail,
President

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Permit No.: DP15-0030

EXISTING ZONING DESIGNATION:	C4 – Urban Centre Commercial
WITHIN DEVELOPMENT PERMIT AREA:	Revitalization Development Permit Area

ISSUED TO:	Compass Real Estate Development Ltd. (Gary Tebbutt)
LOCATION OF SUBJECT SITE:	140 Highway 33 East & 145 Rutland Road North

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	1	-	139	-	ODYD	KAP68461

SCOPE OF APPROVAL

- ☐ This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- ☐ This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
- ☐ Applicants for Development and Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

- The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
- Landscaping to be provided on the land be in general accordance with Schedule "C";
- 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;
- Prior to issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied;

AND THAT the applicant be required to complete the above-noted conditions of Council's approval of the Development Permit Application in order for the permit to be issued;

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

2. PERFORMANCE SECURITY:

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$ 63,467.50 OR
- (b) A Certified Cheque in the amount of \$ 63,467.50 OR
- (c) An Irrevocable Letter of Credit in the amount of \$ 63,467.50 .

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

4. DEVELOPMENT:

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

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

This Permit is not transferable unless specifically permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

THIS Permit IS NOT A BUILDING Permit.

5. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Divisional Director of Community Planning & Real Estate.

Should there be any change in ownership or legal description of the property, I undertake to notify the Community Planning & Real Estate Department immediately to avoid any unnecessary delay in processing the application.

I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

6. APPROVALS:

DEVELOPMENT PERMIT AUTHORIZED BY COUNCIL ON THE _____ DAY OF _____ 2015.

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE _____ DAY OF _____ 2015,
BY THE URBAN PLANNING MANAGER.

Ryan Smith, Urban Planning Manager
Community Planning & Real Estate



NOI TAD OI D E F O R

1 SITE LOCATION CONTEXT
NOT TO SCALE

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ATTORNEYS GENERAL

BLU GREEN
ARCHITECTURE INC.
www.blugreenarchitecture.com

202 - 110 HWY 33, Kalama BC, VIX 1X7
P | 770.753.2650 F | 770.753.1448
2 - 124 Lame Frost, Kalifers BC, V3C 1W3

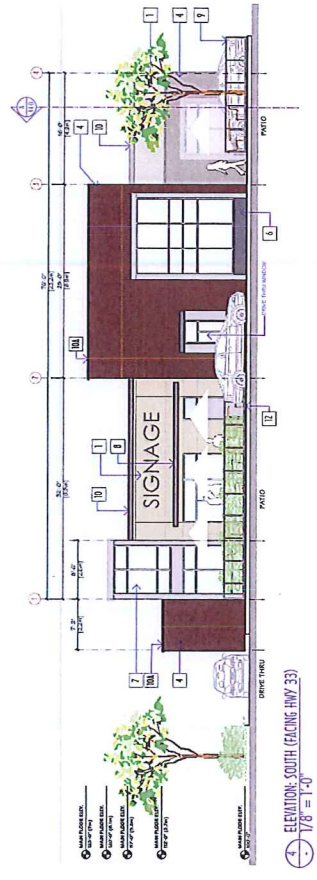
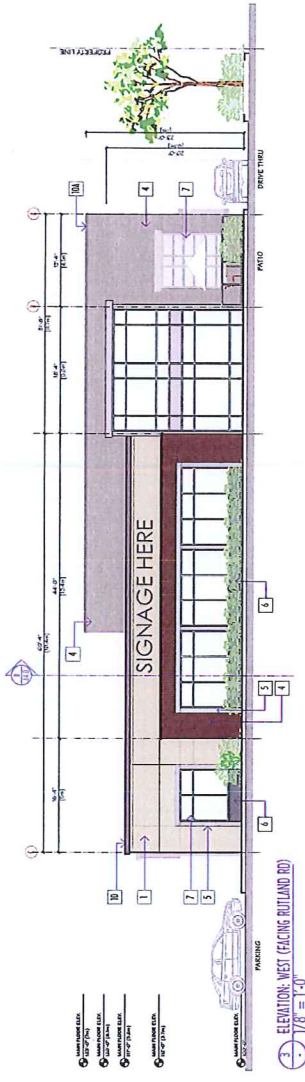
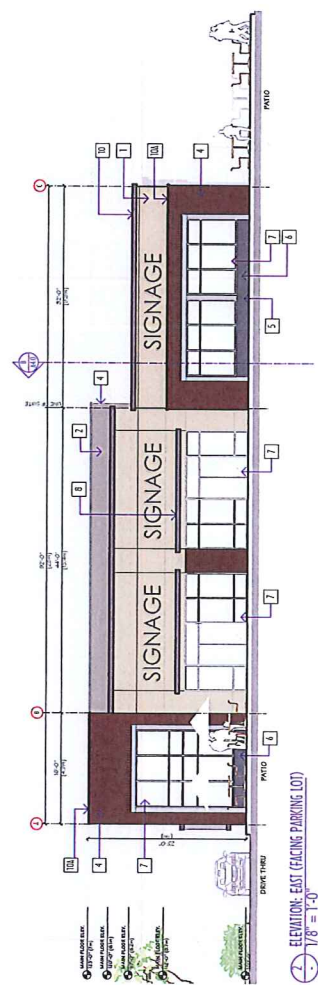
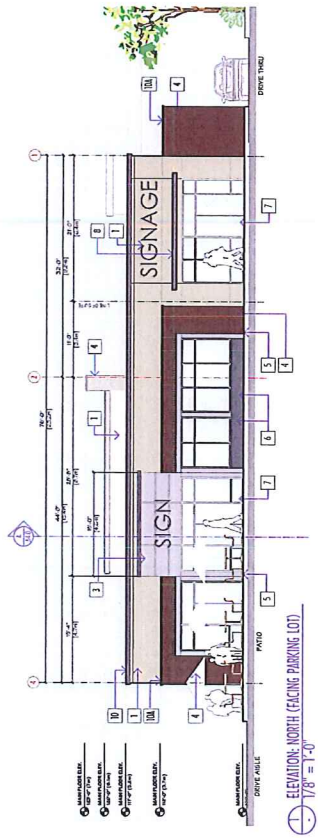


This forms part of development
Permit # DP15-0030



**BLUEGREEN
ARCHITECTURE INC.**
www.bluegreenarchitecture.com

303 - 110 HWY 33, P 770.252.1450	Kadoona BC, V1X 1X7 P 770.753.1448
2 - 436 Lora Street P 252.374.1112	Kirkloops BC, V2C 1W3 P 250.374.2376



SCHEDULE B
 This forms part of development
 Permit # DE15-0030

EXTERIOR FINISH LEGEND	
1	STUCCO MAIN COLOUR
2	STUCCO AGENT COLOUR (GREY)
3	STUCCO AGENT COLOUR (BLUE)
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70	STUCCO AGENT COLOUR (GREEN)
71	STUCCO AGENT COLOUR (RED)
72	STUCCO AGENT COLOUR (ORANGE)
73	STUCCO AGENT COLOUR (PURPLE)
74	STUCCO AGENT COLOUR (PINK)
75	STUCCO AGENT COLOUR (YELLOW)
76	STUCCO AGENT COLOUR (WHITE)
77	STUCCO AGENT COLOUR (BLACK)
78	STUCCO AGENT COLOUR (BROWN)
79	STUCCO AGENT COLOUR (GREY)
80	STUCCO AGENT COLOUR (BLUE)
81	STUCCO AGENT COLOUR (GREEN)
82	STUCCO AGENT COLOUR (RED)
83	STUCCO AGENT COLOUR (ORANGE)
84	STUCCO AGENT COLOUR (PURPLE)
85	STUCCO AGENT COLOUR (PINK)
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88	STUCCO AGENT COLOUR (BLACK)
89	STUCCO AGENT COLOUR (BROWN)
90	STUCCO AGENT COLOUR (GREY)
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93	STUCCO AGENT COLOUR (RED)
94	STUCCO AGENT COLOUR (ORANGE)
95	STUCCO AGENT COLOUR (PURPLE)
96	STUCCO AGENT COLOUR (PINK)
97	STUCCO AGENT COLOUR (YELLOW)
98	STUCCO AGENT COLOUR (WHITE)
99	STUCCO AGENT COLOUR (BLACK)
100	STUCCO AGENT COLOUR (BROWN)

SCHEDULE B

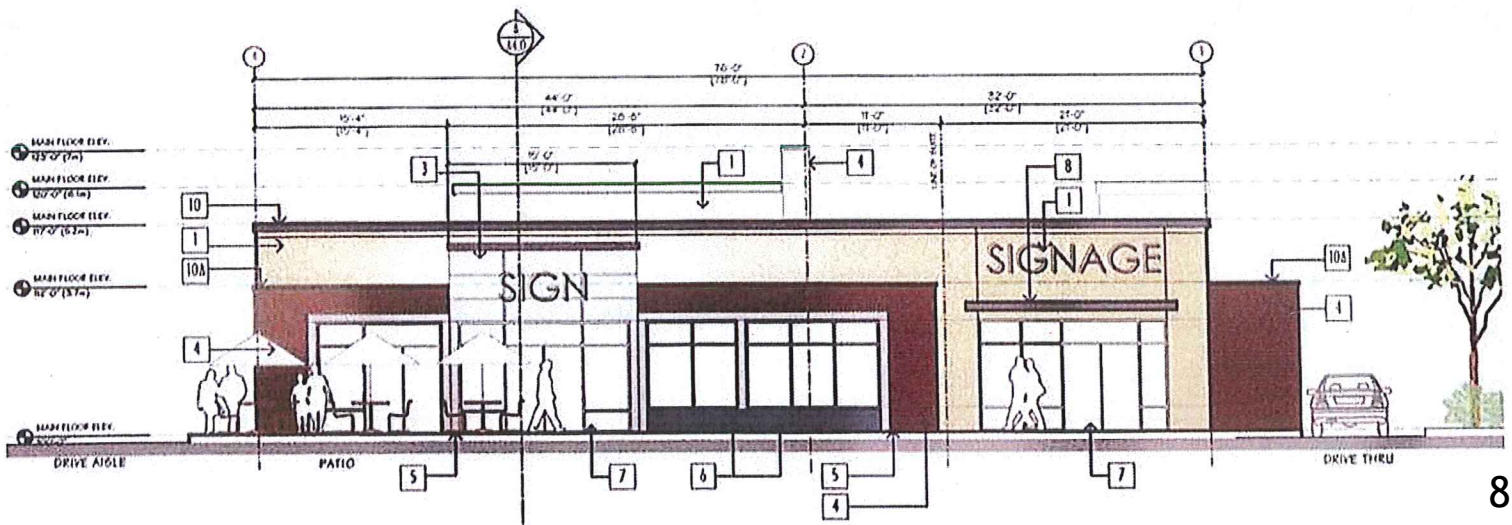
This forms part of development

Permit # DP15-0030



EXTERIOR FINISH LEGEND

- 1 STUCCO MAIN COLOUR
COLOUR: 0181
30YY 41/165 DULUX PAINTS
- 2 STUCCO ACCENT COLOUR (RED)
COLOUR: TOBACCO BROWN
60YR 10/151 DULUX PAINTS
- 3 STUCCO ACCENT COLOUR (GREY)
COLOUR: AMHERST GREY
HC-167 BENJAMIN MOORE
- 4 BRICK: MUTUAL MATERIALS
COLOUR: VINTAGE
SMOOTH TEXTURE
- 5 PRE-FINISHED METAL TRIM
COLOUR: SILVER
- 6 STUCCO ACCENT COLOUR (BLUE)
COLOUR: NEWBURG GREEN
HC-155 BENJAMIN MOORE
- 7 GLAZING & FRONT ENTRY DOORS
CLEAR ANODIZED ALUMINUM FRAME
GLAZING: CLEAR
- 8 PRE-FINISHED METAL CANOPY
COLOUR: OBSIDIAN GLASS
00NN 13/000 DULUX PAINTS
- 9 ALUMINUM & GLASS RAILING
COLOUR: CHARCOAL
- 10A PREFINISHED METAL FLASHING
COLOUR: BLACK
(LOCATION AT BRICK)
- 10 PREFINISHED METAL FLASHING
COLOUR: OBSIDIAN GLASS
00NN 13/000 DULUX PAINTS
- 11 SIGNAGE CHANNEL LETTERING
(FUTURE BY TENANTS)





This forms part of development
Permit # 0015-0030

Kellogg PC

AND C. J. WILSON

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NOTES

1. PLANT MATERIALS AND CONSTRUCTION METHODS SHALL MEET OR EXCEED B.C.N.A. STANDARDS.
2. ALL POST LANDSCAPE AREAS SHALL BE WATERED BY A FULLY AUTOMATIC TWO INCH UNDERGROUND IRRIGATION SYSTEM.
3. TREE AND SHRUB BEDS TO BE DRESSED IN ANNUAL 50mm WOOD MULCH. DO NOT PLACE WEED MAT UNDERNEATH TREE AND SHRUB AREAS.
4. TREE AND SHRUB BEDS TO RECEIVE AN MINIMUM 300mm DEPTH TOPSOIL PLACEMENT.
5. TURF AREAS FROM CDM SHALL BE 1" GRADE DOWN FROM CERTIFIED TURF AREAS TO PROVIDE SLOPES REQUIRED FOR SALE IN N.C. AND SHALL BE TOLERANT OF EXCESSIVE WATERING.
6. EXCESSIVE WATERING OF TURF AREAS WILL REQUIRE EXCESSIVE WATERING MEDIUM IS REQUIRED BENEATH TURF AREAS. TURF AREAS SHALL MEET EXISTING GRADES AND HARD SURFACES FLUSH.





OUTLAND DESIGN
LANDSCAPE ARCHITECTURE

204 S. 18th St. Suite 100
Edmonton, BC V1V 1B2
T: (503) 868-7270
www.outlanddesign.ca

SCHEDULE C
This forms part of development
Permit # **DP15-0030**



PROJECT TITLE
RUTLAND CROSSING NE

Edmonton, BC

DRAWING TITLE

**WATER CONSERVATION
AND IRRIGATION PLAN**

SHEET NO. & REVISION	
1	Initial Design
2	Final Design
3	As Shown
4	As Shown
5	As Shown

PROJECT NO.	14000
CLIENT	SP
DATE	07/15/15
SCALE	1:100



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L2/2

ISSUED FOR REVIEW ONLY
Copyright Reserved. No part of this drawing or design may be reproduced without written permission.

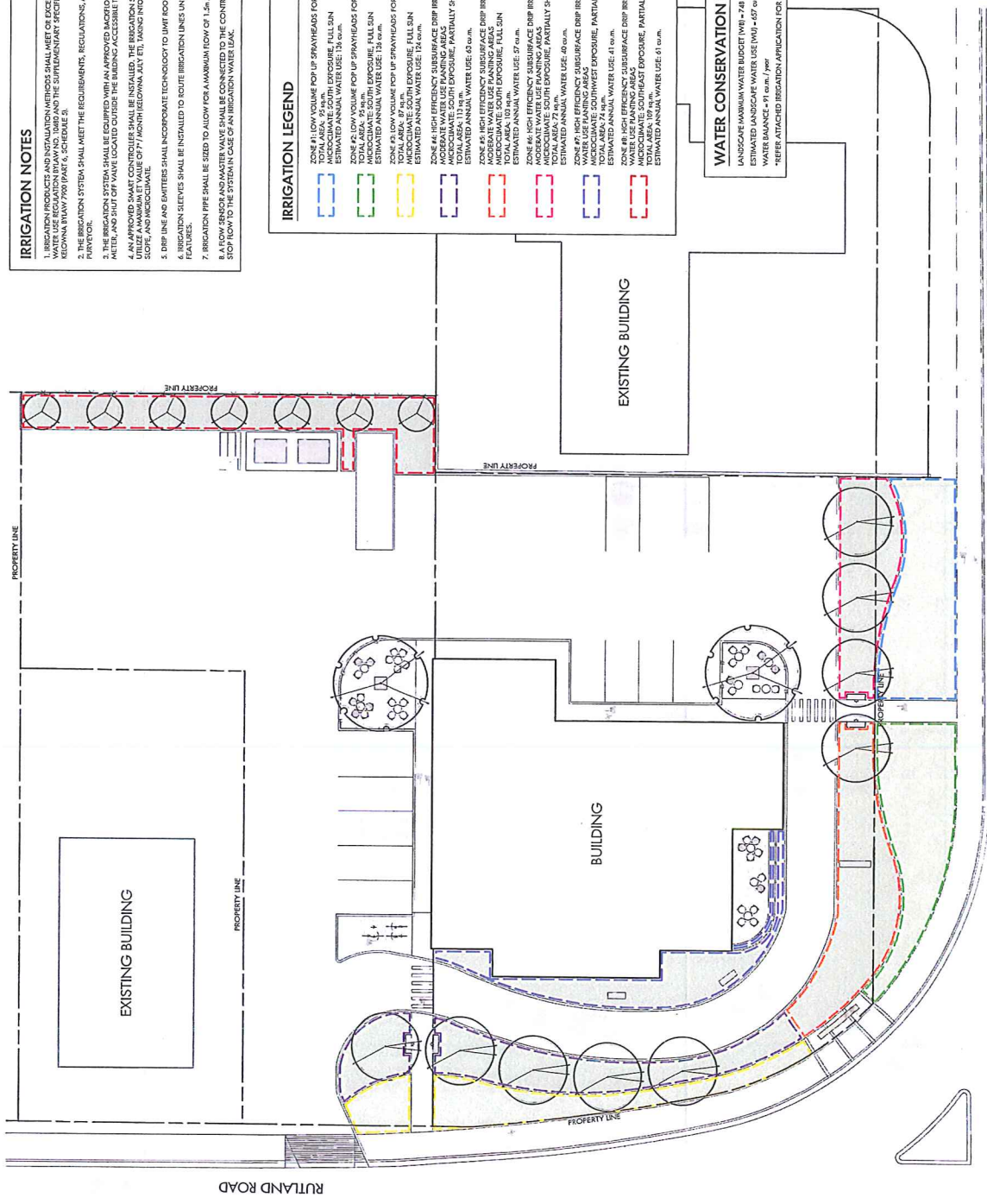
IRRIGATION NOTES

- IRRIGATION PRODUCTS AND INSTALLATION METHODS SHALL MEET OR EXCEED THE REQUIREMENTS OF THE WATER USE REGULATION PLAN NO. 10489 AND THE SUPPLEMENTARY SPECIFICATIONS IN THE CITY OF EDMONTON WATER BYLAW NO. 16, CHAPTER 26.
- THE IRRIGATION SYSTEM SHALL MEET THE REQUIREMENTS, REGULATIONS, AND BYLAWS OF THE WATER DIVISION.
- THE IRRIGATION SYSTEM SHALL BE EQUIPPED WITH AN APPROVED BACKFLOW PREVENTION DEVICE, WATER METER, AND SHUT OFF VALVE LOCATED OUTSIDE THE BUILDING ACCESSIBLE TO THE CITY.
- AN APPROVED SMART CONTROLLER SHALL BE INSTALLED. THE IRRIGATION SCHEDULING TIMES SHALL UTILIZE A MAXIMUM SET VALUE OF 7.1 MONTH (REDUCTION JULY 15), TAKING INTO CONSIDERATION SOIL TYPE, SLOPE, AND WINDSPEED.
- Drip line and emitters shall incorporate technology to limit root intrusion.
- IRRIGATION SLEEVES SHALL BE INSTALLED TO ROUTE IRRIGATION LINES UNDER HARD SURFACES AND PATIOWAYS.
- IRRIGATION PIPE SHALL BE SIZED TO ALLOW FOR A MAXIMUM FLOW OF 1.5m³/SEC.
- A FLOW SENSOR AND MASTER VALVE SHALL BE CONNECTED TO THE CONTROLLER AND PROGRAMMED TO SHUT OFF TO THE SYSTEM IN CASE OF AN IRRIGATION WATER LEAK.

IRRIGATION LEGEND	
	ZONE #1: LOW VOLUME POP UP SPRINKLER FOR TURF AREA TOTAL AREA: 20 sq.m. ESTIMATED ANNUAL WATER USE: 124 cu.m.
	ZONE #2: LOW VOLUME POP UP SPRINKLER FOR TURF AREA TOTAL AREA: 20 sq.m. ESTIMATED ANNUAL WATER USE: 124 cu.m.
	ZONE #3: LOW VOLUME POP UP SPRINKLER FOR TURF AREA TOTAL AREA: 20 sq.m. ESTIMATED ANNUAL WATER USE: 124 cu.m.
	ZONE #4: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS TOTAL AREA: 113 sq.m. ESTIMATED ANNUAL WATER USE: 60 cu.m.
	ZONE #5: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS TOTAL AREA: 75 sq.m. ESTIMATED ANNUAL WATER USE: 40 cu.m.
	ZONE #6: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS TOTAL AREA: 75 sq.m. ESTIMATED ANNUAL WATER USE: 40 cu.m.
	ZONE #7: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS TOTAL AREA: 109 sq.m. ESTIMATED ANNUAL WATER USE: 61 cu.m.

WATER CONSERVATION CALCULATIONS

LANDSCAPE MAXIMUM WATER BUDGET (WUB) = 240 cu.m./year
ESTIMATED LANDSCAPE WATER USE (WU) = 457 cu.m./year
WATER BALANCE = WUB - WU = -217 cu.m./year
*REFER ATTACHED IRRIGATION APPLICATION FOR DETAILED CALCULATIONS



HIGHWAY 33

CITY OF KELOWNA
BYLAW NO. 10891
Z13-0032 - Gary Martin Lupul
325 Hartman 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 Lot 1, Section 26, Township 26, ODYD, Plan 20566 located on 325 Hartman Road, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing 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 21st day of October, 2013.

Considered at a Public Hearing on the 5th day of November, 2013.

Read a second and third time by the Municipal Council this 5th day of November, 2013.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Report to Council



Date: April 20, 2015

File: 0220-20

To: City Manager

From: George King, Financial Planning Manager

Subject: Amendment #1 to Five Year Financial Plan, 2014-2018

Report Prepared by: Debra Hutton, Accountant

Recommendation:

THAT Council receives, for information, the Report from the Manager, Financial Planning dated April 20, 2015 with respect to amendments to the Five Year Financial Plan 2014-2018 Bylaw

AND THAT Bylaw No. 11071 being Amendment No. 1 to the Five Year Financial Plan 2014-2018 Bylaw No. 10950 be advanced for reading consideration;

Purpose:

To amend the Five Year Financial Plan as required by the Community Charter so that it includes the authorized transfers and amendments that occurred throughout the year.

Background:

The City of Kelowna, in order to comply with section 165(1) of the Community Charter (Financial Management), amends the financial plan to provide for expenditures required after adoption of the Five Year Financial Plan Bylaw. These expenditures, in all cases, do not impact taxation demand but rather result in the shift of funding from one source to another and/or shifts in expenditures within, or from, one municipal purpose area to another.

The amended financial plan is impacted on a departmental basis by contingency fund transfers, disbursements of Other Working Capital, transfers from the City Manager's training account and other transfers as permitted under the Budget Amendment Policy #262 and Budget Transfer Policy #261, which are excluded from the analysis below.

The attached Schedule A reflects the following material amendments and transfers that are being brought before Council for the first time:

Community Planning & Real Estate:

CN Discontinuance Project transferred \$105,000 from Salaries Management to Professional & Consulting Services, as an internal manager was able to be utilized to manage the project, allowing for additional work to be completed by consultants to help investigate the City's options in the disposition process.

An additional budget of \$75,000 was needed in order to fulfill Landfill Operations Certificate requirements that will ultimately be part of the Design Operations and Closure Plan. This was funded from the existing Landfill Gas Design, Planning and Studies operating budget.

Civic Operations:

General Fund

Four vehicle purchases required additional funding of \$114,153. The additional funding came from budget available after the purchase of other equipment authorized in 2014.

Infrastructure

Leon/Pandosy intersection improvements were delayed due to the significant amount of construction in the downtown core. This delay caused increased expenses in order to finish by the deadline. Funding of \$83,750 was available from the Transportation Infrastructure Renewal project as well as a drainage project to cover the increase.

The purchased services budget for the Integrated Pest Management project was reduced by \$200,000 as the Provincial Pine Beetle grant for 2014 was not received.

Wastewater, Water Funds

The Lakeshore Road Upgrade project required additional funding of \$437,365 related to the sewer and water components. This was a result of contaminated materials encountered in front of the Petro-Canada gas station, tender pricing being higher than anticipated by the engineer's cost estimate, and the budget being based on preliminary design that did not account for the upsizing of sewer and water mains. Funding was available from the Morrison Ave (Richter to Ethel) and Lane N of Fuller, the Ethel to Gordon projects and DCC Reserve in order to complete this upgrade.

Other Departments:

Fortis BC Electrical division made a payment of \$196,000 for 1% in lieu of taxes, due to additional electrical sales in 2013 from the former Kelowna Electric Utility. These funds were contributed to reserve and included in 2015 budget.

This amendment is being presented for Council to approve the changes to the 2014 Financial Plan that have occurred since Final budget was approved in May of 2014.

Legal/Statutory Authority:

Community Charter section 165.

Considerations not applicable to this report:

Internal Circulation:

Legal/Statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

Personnel Implications:

External Agency/Public Comments:

Communications Comments:

Alternate Recommendation:

Submitted by:

G.L.King, CPA, CMA

Approved for inclusion:



Genelle Davidson CPA, CMA, Director Financial Services

Financial Plan 2014 - 2018

	<u>2014 Amended Budget</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019-2030</u>
REVENUE							
PROPERTY VALUE TAX	107,697,000	107,697,000	113,075,817	120,151,912	126,756,800	131,318,553	1,976,499,755
LIBRARY REQUISITION	5,422,208	5,422,208	5,530,652	5,641,265	5,754,047	5,868,998	88,335,370
PARCEL TAXES	3,451,626	3,451,626	3,272,073	3,219,995	3,241,120	3,262,562	43,020,762
FEES AND CHARGES	98,185,243	98,185,243	98,252,183	100,791,173	103,230,002	105,755,134	1,446,765,291
BORROWING PROCEEDS	62,459,600	62,454,080	1,000,000	5,215,000	4,965,000	2,383,230	31,425,731
OTHER SOURCES	59,229,208	57,527,140	45,037,994	50,434,310	46,115,988	45,637,954	601,790,788
	<u>336,444,885</u>	<u>334,737,297</u>	<u>266,168,719</u>	<u>285,453,654</u>	<u>290,062,957</u>	<u>294,226,431</u>	<u>4,187,837,697</u>
TRANSFERS BETWEEN FUNDS							
RESERVE FUNDS	3,561,626	1,721,276	2,255,221	2,274,631	2,294,421	2,314,592	30,520,650
DCC FUNDS	23,505,002	18,683,395	20,025,508	15,069,848	17,407,661	12,000,829	177,710,688
SURPLUS/RESERVE ACCOUNTS	88,137,806	81,002,077	39,544,817	38,985,607	42,599,158	22,665,911	348,931,087
	<u>115,204,434</u>	<u>101,406,748</u>	<u>61,825,546</u>	<u>56,330,086</u>	<u>62,301,240</u>	<u>36,981,332</u>	<u>557,162,425</u>
TOTAL REVENUE	<u><u>451,649,319</u></u>	<u><u>436,144,045</u></u>	<u><u>327,994,265</u></u>	<u><u>341,783,740</u></u>	<u><u>352,364,197</u></u>	<u><u>331,207,763</u></u>	<u><u>4,745,000,122</u></u>
EXPENDITURES							
MUNICIPAL DEBT							
DEBT INTEREST	10,295,577	10,295,577	10,019,384	12,497,882	13,399,424	13,319,395	95,441,499
DEBT PRINCIPAL	11,897,321	11,897,321	11,699,430	13,474,621	13,901,710	15,046,052	90,128,726
CAPITAL EXPENDITURES	195,737,236	182,853,670	74,112,791	77,656,744	81,267,623	50,123,534	961,381,766
OTHER MUNICIPAL PURPOSES							
GENERAL GOVERNMENT	39,468,235	39,379,148	39,709,308	40,765,052	41,707,831	42,888,947	615,377,207
PLANNING, DEVELOPMENT & BUILDING SERVICES	22,529,908	22,047,988	20,527,862	21,152,583	21,755,260	22,370,389	322,369,653
COMMUNITY SERVICES	58,937,802	58,052,503	59,572,401	61,860,113	64,212,519	66,475,335	956,590,060
PROTECTIVE SERVICES	47,168,348	45,935,120	48,286,637	50,086,189	51,767,871	53,701,803	770,521,714
UTILITIES	17,163,264	17,236,300	16,892,163	17,347,583	17,827,151	18,118,083	271,781,811
AIRPORT	11,474,620	11,469,410	11,863,878	12,263,958	12,639,948	13,022,008	186,841,769
	<u>414,672,311</u>	<u>399,167,037</u>	<u>292,683,854</u>	<u>307,104,724</u>	<u>318,479,337</u>	<u>295,065,546</u>	<u>4,270,434,205</u>
TRANSFERS BETWEEN FUNDS							
RESERVE FUNDS	11,206,507	11,206,507	11,453,535	11,468,714	11,473,667	11,480,223	151,380,410
DCC FUNDS							
SURPLUS/RESERVE ACCOUNTS	25,770,501	25,770,501	23,856,876	23,210,303	22,411,193	24,661,994	323,185,508
	<u>36,977,008</u>	<u>36,977,008</u>	<u>35,310,411</u>	<u>34,679,016</u>	<u>33,884,860</u>	<u>36,142,217</u>	<u>474,565,917</u>
TOTAL EXPENDITURES	<u><u>451,649,319</u></u>	<u><u>436,144,045</u></u>	<u><u>327,994,265</u></u>	<u><u>341,783,740</u></u>	<u><u>352,364,197</u></u>	<u><u>331,207,763</u></u>	<u><u>4,745,000,122</u></u>

CITY OF KELOWNA

BYLAW NO. 11071

Amendment No. 1 to Five Year Financial Plan 2014-2018 Bylaw No. 10950

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna "Five Year Financial Plan Bylaw, 2014-2018, No. 10950 be amended as follows:

1. THAT Schedule "A" be deleted in its entirety and replaced with a new Schedule "A" as attached to and forming part of this bylaw;
2. This bylaw may be cited for all purposes as "Bylaw No. 11071, being Amnendment No. 1 to Five Year Financial Plan 2014-2018 Bylaw No. 10950."
3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Financial Plan 2014 - 2018

	<u>2014 Amended Budget</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019-2030</u>
REVENUE							
PROPERTY VALUE TAX	107,697,000	107,697,000	113,075,817	120,151,912	126,756,800	131,318,553	1,976,499,755
LIBRARY REQUISITION	5,422,208	5,422,208	5,530,652	5,641,265	5,754,047	5,868,998	88,335,370
PARCEL TAXES	3,451,626	3,451,626	3,272,073	3,219,995	3,241,120	3,262,562	43,020,762
FEES AND CHARGES	98,185,243	98,185,243	98,252,183	100,791,173	103,230,002	105,755,134	1,446,765,291
BORROWING PROCEEDS	62,459,600	62,454,080	1,000,000	5,215,000	4,965,000	2,383,230	31,425,731
OTHER SOURCES	59,229,208	57,527,140	45,037,994	50,434,310	46,115,988	45,637,954	601,790,788
	<u>336,444,885</u>	<u>334,737,297</u>	<u>266,168,719</u>	<u>285,453,654</u>	<u>290,062,957</u>	<u>294,226,431</u>	<u>4,187,837,697</u>
TRANSFERS BETWEEN FUNDS							
RESERVE FUNDS	3,561,626	1,721,276	2,255,221	2,274,631	2,294,421	2,314,592	30,520,650
DCC FUNDS	23,505,002	18,683,395	20,025,508	15,069,848	17,407,661	12,000,829	177,710,688
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	<u>115,204,434</u>	<u>101,406,748</u>	<u>61,825,546</u>	<u>56,330,086</u>	<u>62,301,240</u>	<u>36,981,332</u>	<u>557,162,425</u>
TOTAL REVENUE	<u>451,649,319</u>	<u>436,144,045</u>	<u>327,994,265</u>	<u>341,783,740</u>	<u>352,364,197</u>	<u>331,207,763</u>	<u>4,745,000,122</u>
EXPENDITURES							
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DEBT INTEREST	10,295,577	10,295,577	10,019,384	12,497,882	13,399,424	13,319,395	95,441,499
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OTHER MUNICIPAL PURPOSES							
GENERAL GOVERNMENT	39,468,235	39,379,148	39,709,308	40,765,052	41,707,831	42,888,947	615,377,207
PLANNING, DEVELOPMENT &							
BUILDING SERVICES	22,529,908	22,047,988	20,527,862	21,152,583	21,755,260	22,370,389	322,369,653
COMMUNITY SERVICES	58,937,802	58,052,503	59,572,401	61,860,113	64,212,519	66,475,335	956,590,060
PROTECTIVE SERVICES	47,168,348	45,935,120	48,286,637	50,086,189	51,767,871	53,701,803	770,521,714
UTILITIES	17,163,264	17,236,300	16,892,163	17,347,583	17,827,151	18,118,083	271,781,811
AIRPORT	11,474,620	11,469,410	11,863,878	12,263,958	12,639,948	13,022,008	186,841,769
	<u>414,672,311</u>	<u>399,167,037</u>	<u>292,683,854</u>	<u>307,104,724</u>	<u>318,479,337</u>	<u>295,065,546</u>	<u>4,270,434,205</u>
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	<u>36,977,008</u>	<u>36,977,008</u>	<u>35,310,411</u>	<u>34,679,016</u>	<u>33,884,860</u>	<u>36,142,217</u>	<u>474,565,917</u>
TOTAL EXPENDITURES	<u>451,649,319</u>	<u>436,144,045</u>	<u>327,994,265</u>	<u>341,783,740</u>	<u>352,364,197</u>	<u>331,207,763</u>	<u>4,745,000,122</u>

Report to Council



Date: April 20, 2015
File: 0280-40
To: City Manager
From: Matt Friesen, Revenue Accountant
Subject: 2015 Tax Distribution Policy

Recommendation:

THAT Council approve a Municipal Tax Distribution Policy as outlined in the Report of the Revenue Accountant dated April 20, 2015, for the year 2015 that will result in a modification of the 2014 Tax Class Ratios to reflect the uneven market value changes which have been experienced between property classes, as follows:

Property Class	Description	2015 Tax Class Ratios	2014 Tax Class Ratios
01/08/03	Residential/Rec/NP/SH	1.0000:1	1.0000:1
02	Utilities	5.1296:1	5.0301:1
04	Major Industrial	3.4822:1	3.0908:1
05/06	Light Industrial/Business/Other	2.1307:1	2.0881:1
09	Farm Land	0.1244:1	0.1242:1
91	Farm Improvements	0.4882:1	0.4953:1

AND THAT Council approve development of 2015 tax rates to reflect the 2015 assessment changes in property market values.

Purpose:

To establish tax class ratios that will be used in the preparation of the 2015 tax rates.

Background:

The 2015 assessment roll is based on market values established on July 1, 2014. The market value change to assessments is outlined in the following table:

Property Class	Description	Market Increase (Decrease)
01/08/03	Residential/Rec/NP/SH	3.63%
02	Utilities	1.62%
04	Major Industrial	(8.02)%
05/06	Light Industrial/Business/Other	1.56%
09	Farm Land	(0.14)%
91	Farm Improvements	5.14%

Under Provincial legislation, Community Charter section 165(3.1), municipalities must set out objectives and policies in relation to the distribution of property value taxes among the property classes. The current Council policy is to modify tax class ratios to provide an effective tax increase that is the same for all classes. Market value changes that result in **uneven changes** between property classes **result in a tax burden shift** to the class experiencing greater market value increases unless tax class ratios are modified to mitigate this shift. Over time this can lead to changes in the tax ratios of one, or several, property classes if their market change is different than the residential class.

From 2014 information on municipalities over 75,000 population, Kelowna has the third lowest Business Class ratio and was one of nine municipalities over 75,000 population that had a Business class ratio under 3.00. As approved in 2014, to remain competitive, Kelowna should ensure that business and light industry property tax ratios remain below the average of BC municipalities with populations greater than 75,000. A maximum of 3.00 is to be considered for the Light Industrial/Business class ratio and the impacts on the other property classes from this cap (if required) will be reported to Council during the annual Tax Distribution Policy review.

The Utility Class 02 is getting close to the maximum ratio that can be used and this may impact the tax sharing in future years. The impact will be minimal due to the small assessment in that property class but there is a Provincial regulation capping the class multiple at 2.5 times the Business property class. This equates to 5.3268 for the current year.

Impact on Properties Within Each Property Class

It is important to be aware that the tax rates established as a result of new tax class ratios are designed to avoid shifts between property classes; however the rates established are based on the average market value increase for the entire class or classes.

The establishment of tax class ratios that prevent shifts between classes does not eliminate potential shifts within a property class where a property has experienced a market value change that is greater than the average for that class.

The establishment of modified tax class ratios simply provides a basis for an equitable distribution of general municipal taxes between classes; however the establishment of the **required tax rate** will be dependent on the final tax demand as determined by Council during Final Budget deliberations.

Background Information

Background information, attached to this report, provides additional related information on the following topics:

- The B.C. Assessment Authority and the Assessment System
- The Taxation System
- Historical Council Policy - Tax Class Ratios
- The 2015 Assessment Roll

Conclusion

Utilities, Major Industrial and Light Industrial/Business/Other, tax class ratios for 2015 have increased in relation to the residential class; while the Farm Improvement class decreased. This reflects the market value changes experienced in those classes in comparison to the residential class. The Farm Land tax rate will remain at fifty cents per thousand of assessed value, as set by statute.

Existing Policy:

As included in the Five Year Financial Plan Bylaw:

- Council will annually review and modify tax class ratios to provide an effective tax change that is the same for all classes.
- The impacts on other property classes from administering a ratio cap on the Light Industrial/Business classes will be reported to Council during the annual Tax Distribution Policy review.
- Regularly review and compare the City's relative position in terms of distribution of taxes to other similarly sized municipalities in British Columbia.

Legal/Statutory Authority:

Community Charter section 165(3.1).

Financial/Budgetary Considerations:

The approved tax class ratios will be used to establish the 2015 property tax rates.

Considerations not applicable to this report:

Internal Circulation:

Legal/Statutory Procedural Requirements:

Personnel Implications:

External Agency/Public Comments:

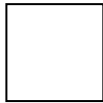
Communications Comments:

Alternate Recommendation:

Submitted by:

Matt Friesen, Revenue Accountant

Approved for inclusion:



Genelle Davidson, CPA, CMA, Director, Financial Services

cc: Division Director, Corporate and Protective Services

BACKGROUND INFORMATION

ASSESSMENT SYSTEM/TAXATION SYSTEM

The B.C. Assessment Authority and the Assessment System

The B.C. Assessment Authority is an independent body created by the Provincial Legislature and is charged with the responsibility of preparing an Assessment Roll for all of the properties in British Columbia.

Taxing authorities, at various levels of government (e.g. Provincial, Municipalities, Regional Districts, Hospitals, School Districts) use the Assessment Roll to assist them with the distribution of the taxes required to operate their corporations.

July 1st is the assessment valuation date for properties listed in the assessment roll.

Although the Assessment Roll preparation is the responsibility of the Assessment Authority, for use by various taxing jurisdictions, B.C. Assessment has nothing to do with the actual levying of taxes, other than for its own operating levy.

The Taxation System

City Council is responsible only for the General Municipal portion of the property taxes appearing on the Kelowna tax bill that is sent to property owners in May of each year. The City of Kelowna is responsible for the billing and collection of taxes levied by other taxing jurisdictions such as the School District, however **City Council has no direct control over these levies.**

The General Municipal tax levy is the City's primary revenue source which is used to pay for the services that it delivers to its citizens such as fire and police protection, street and parks maintenance, library, new road construction, etc.

The provision of water, sewer and airport services is funded by way of user rates. These costs are not included in the general municipal tax levy.

The Assessment System managed by B.C. Assessment and the Taxation System managed by the City of Kelowna are two separate systems, subject to different Acts of Legislature and meant for two different purposes.

Over the years, the taxation system has changed substantially and has been constantly reviewed and amended by the Province in an attempt to provide a more equitable and understandable method of sharing the taxation requirements within each municipality.

Prior to the present system, which provides the authority for Municipalities to set the tax class ratios, uneven market fluctuations between classes resulted in shifts in the taxation burden from one property class to another.

Tax Class ratios represent the relative tax amounts that each class will pay as a ratio of the residential tax class. For example, if the tax class ratio of the Business to Residential class is 2.50:1 this means that for each dollar of market value the Business Class tax rate will be two and one half times that of the Residential Class.

The ability to establish different tax rates for each class of property means that municipalities can avoid shifts of taxation between classes of property, unless there is a deliberate political decision to do otherwise.

The differential tax rate powers granted to municipalities are not, however, designed to prevent shifts of taxation between properties within a particular class.

Historical Council Policy - Tax Class Ratios

From 1984, when City Council was granted the authority to establish tax class ratios, to 1988, **there was very little market value movement** in the City. As a result there was no need to adjust the tax class ratios to prevent shifts in the tax burden from one property class to another.

This changed slightly in 1989 and the City chose to modify the tax class ratios at that time to reflect the difference in market movement between the residential class and the business class.

In 1991 there was a more dramatic change in the market values of residential property which necessitated a more significant change in the tax class ratios to ensure that the residential class did not experience a greater percentage tax increase, on average, than other property classes that year.

The following is a historical recap of the tax class ratios which were established from 1985 through to 2015 based on market value shifts that occurred during that period (some years are omitted to condense the information):

<u>Property Class</u>	<u>1985</u>	<u>1991</u>	<u>1997</u>	<u>2003</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Residential	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Utilities	2.21	3.00	3.03	3.76	6.17	6.15	5.21	5.67	5.38	5.05	5.03	5.13
Supportive Housing						1.00	1.00	1.00	1.00	1.00	1.00	1.00
Industry Major	1.74	2.49	3.20	2.93	3.97	3.96	3.54	3.32	3.12	3.04	3.09	3.48
Industry Light	1.74	2.40	2.02	2.04	2.71	2.72	2.38	2.37	2.19	2.08	2.09	2.13
Business	1.74	2.06	2.02	2.04	2.71	2.72	2.38	2.37	2.19	2.08	2.09	2.13

/Other												
Rec/ Non-Profit	1.00	0.94	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Farm Land	0.09	0.08	0.08	0.08	0.16	0.16	0.16	0.15	0.14	0.13	0.12	0.12
Farm Imprv	0.41	0.38	0.46	0.51	0.55	0.55	0.51	0.52	0.50	0.50	0.50	0.49

The 2015 Assessment Roll

The following is the 2015 split between market and non-market changes as provided by B.C. Assessment:

	<u>2015</u>	<u>(000's)</u> <u>2014</u>	<u>Market</u>	<u>Non-Market</u>
Res/Rec/NP/SH	20,688,960.2	19,506,478.8	3.63%	2.43%
Utilities	27,051.3	26,455.6	1.62%	0.64%
Major Industrial	27,890.9	30,323.0	(8.02)%	0.00%
Light Ind/Bus/Other	4,065,563.5	3,933,330.7	1.56%	1.81%
Farm Land	21,114.1	21,516.1	(0.14)%	(1.73)%
Farm Improvements	<u>249,875.8</u>	<u>240,434.8</u>	<u>5.14%</u>	<u>(1.21)%</u>
Totals	25,080,455.9	23,758,539.1	3.28%	2.28%

The 2015 Assessment Roll includes a total of \$542.8 million in non-market change values added and summarized as follows:

	<u>(million's)</u>	
01/08/03 Residential/Rec/NP/SH	\$474.8	
02 Utilities	0.2	
04 Major Industrial	0.0	
05/06 Light Industrial/Business & Other	71.1	
09/91 Farm Land/Farm Improvements	<u>-3.3</u>	
Total	\$542.8	

2015 TAX DISTRIBUTION POLICY



2015 TAX DISTRIBUTION POLICY

PURPOSE

To establish the methodology for “Tax Class Ratios” or distribution of taxation demand among property classes resulting in the 2015 tax rate

2015 TAX DISTRIBUTION POLICY

BACKGROUND

Provincial legislation empowers local governments to distribute property taxes among property classes

There are nine property classes within the City of Kelowna:

Residential
Utilities
Supportive Housing
Major Industrial

Light Industrial
Business/Other
Rec/Non-Profit
Farm Land
Farm Improvements

2015 TAX DISTRIBUTION POLICY

TAX CLASS RATIO

A multiple of the tax rate in comparison to the residential rate (base rate)

Used to calculate the Municipal Tax Rate for each Property Class

2015 TAX DISTRIBUTION POLICY

TWO COMMON TAX DISTRIBUTION METHODOLOGIES

Fixed Tax Class Ratio Method

- Leads to tax burden shifts between classes due to differential changes in market values

Fixed Share Method

- Compensates for differential changes in Market values between Property Classes
- Provides an equal effective tax increase for all classes
- Most common method used by municipalities

2015 TAX DISTRIBUTION POLICY

TAX DISTRIBUTION HISTORY

Prior to 1983

- Province used “Fixed Tax Class Ratio” method and designated Fixed Tax Class Ratios to Local Governments

1984

- Province granted Local Governments authority to determine their own tax distribution method
- Most municipalities adopt “Fixed Share” method

1989

- Kelowna City Council adopted “Fixed Share” method for Tax Distribution Policy

City of Kelowna

2015 TAX DISTRIBUTION POLICY

CITY OF KELOWNA TAX CLASS RATIO HISTORY

<u>Property Class</u>	<u>1985</u>	<u>1991</u>	<u>1997</u>	<u>2003</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Residential	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Utilities	2.21	3.00	3.03	3.76	6.17	6.15	5.21	5.67	5.38	5.05	5.03	5.13
Supportive Housing						1.00	1.00	1.00	1.00	1.00	1.00	1.00
Industry Major	1.74	2.49	3.20	2.93	3.97	3.96	3.54	3.32	3.12	3.04	3.09	3.48
Industry Light	1.74	2.40	2.02	2.04	2.71	2.72	2.38	2.37	2.19	2.08	2.09	2.13
Business	1.74	2.06	2.02	2.04	2.71	2.72	2.38	2.37	2.19	2.08	2.09	2.13

2015 TAX DISTRIBUTION POLICY

CURRENT METHODOLOGY

The “Fixed Share” method has been supported by Council since 1989

Compensates for market shifts between property classes

Provides an effective tax increase that is the same for all property classes

City of Kelowna

2015 TAX DISTRIBUTION POLICY

CURRENT METHODOLOGY

STEP 1 - CALCULATE ASSESSMENT CHANGE			
Property Class	2014 Assessment Totals	2015 Assessment Totals	Assessment Percentage Change
Res/Rec/NP/SH	19,506.5	20,688.9	6.06%
Utilities	26.5	27.1	2.25%
Major Industrial	30.3	27.9	-8.02%
Light Ind/Business/Other	3,933.3	4,065.6	3.36%
Farm Land	21.5	21.1	-1.87%
Farm Improvements	240.4	249.9	3.93%
	23,758.5	25,080.5	5.56%
	(In millions)		

City of Kelowna

2015 TAX DISTRIBUTION POLICY

CURRENT METHODOLOGY

STEP 2 - IDENTIFY REASONS FOR CHANGE			
Property Class	Percentage Change	Non -Market Change	Market Change
Res/Rec/NP/SH	6.06%	2.43%	3.63%
Utilities	2.25%	0.64%	1.62%
Major Industrial	-8.02%	0.00%	-8.02%
Lgt Ind/Business/Other	3.36%	1.81%	1.56%
Farm Land	-1.87%	-1.73%	-0.14%
Farm Improvements	3.93%	-1.21%	5.14%
	5.56%	2.28%	3.28%

City of Kelowna

2015 TAX DISTRIBUTION POLICY

CURRENT METHODOLOGY

Fixed Share method modifies the Tax Class Ratios to account for market change

The effective tax increase is equal among all property classes

STEP 3 - MODIFY THE TAX CLASS RATIOS					
Property Class	Market Change		2014 Tax Class Ratios	2015 Tax Class Ratios (Modified)	Effective Tax Increase
Res/Rec/NP/SH	3.63%		1.0000	1.0000	3.46%
Utilities	1.62%		5.0301	5.1296	3.46%
Major Industrial	-8.02%		3.0908	3.4822	3.46%
Lgt Ind/Business/Other	1.56%		2.0881	2.1307	3.46%
Farm Land	-0.14%		0.1242	0.1244	-0.10%
Farm Improvements	5.14%		0.4953	0.4882	3.46%
	3.28%				

Provisional Budget Tax Increase = 3.46%

City of Kelowna

2015 TAX DISTRIBUTION POLICY

ALTERNATE METHODOLOGY

Fixed Tax Class Ratio Method leaves the Tax Class Ratios unchanged

There is a tax burden shift to the Property Class experiencing the greater market value increases

Property Class	Market Change	2014 Tax Class Ratios	2015 Tax Class Ratios (Unchanged)	Effective Tax Increase
Res/Rec/NP/SH	3.63%	1.0000	1.0000	4.12%
Utilities	1.62%	5.0301	5.0301	2.10%
Major Industrial	-8.02%	3.0908	3.0908	-7.59%
Lgt Ind/Business/Other	1.56%	2.0881	2.0881	2.03%
Farm Land	-0.14%	0.1242	0.1242	-0.10%
Farm Improvements	5.14%	0.4953	0.4953	5.64%
	3.28%			

Provisional Budget Tax Increase = 3.46%

City of Kelowna

2015 TAX DISTRIBUTION POLICY COMPARISON WITH 2014

Property Class	Market Change		2014 Tax Class Ratios	2015 Tax Class Ratios
Res/Rec/NP/SH	3.63%		1.0000	1.0000
Utilities	1.62%		5.0301	5.1296
Major Industrial	-8.02%		3.0908	3.4822
Lgt Ind/Business/Other	1.56%		2.0881	2.1307
Farm Land	-0.14%		0.1242	0.1244
Farm Improvements	5.14%		0.4953	0.4882

City of Kelowna

ALL TAXING AUTHORITIES

2015 TAX CLASS RATIOS

PROPERTY CLASS	MUNICIPAL	2014 SCHOOL	BC ASSESSMENT	RDCO & HOSPITAL
Res/Rec/NP/SH	1.00	1.00	1.00	1.00
Utilities	5.13	6.67	8.44	3.50
Supportive Housing	1.00	0.05	0.00	1.00
Major Industrial	3.48	2.94	8.44	3.40
Light Industrial	2.13	2.94	2.82	3.40
Business/Other	2.13	2.94	2.82	2.45
Recreation/Non-Profit	1.00	1.67	1.00	1.00
Farm Land	0.12	3.38	1.00	1.00

City of Kelowna

2014 RATIOS >75,000

<u>Municipality</u>	<u>Utilities</u>	<u>Major Ind.</u>	<u>Light Ind.</u>	<u>Business</u>
North Vancouver	16.39	12.02	4.56	3.47
Saanich	7.52	2.81	2.81	3.34
Richmond	17.74	6.10	3.24	3.24
Delta	11.63	9.90	3.04	3.04
Victoria	7.41	3.01	3.01	3.01
Langley	8.22	2.62	2.88	2.97
Maple Ridge	8.96	7.82	2.85	2.85
Surrey	13.22	4.68	2.51	2.84
Kamloops	7.58	14.91	4.80	2.79
Nanaimo	7.64	2.51	2.51	2.51
Abbotsford	7.34	-	2.08	2.45
Kelowna	5.03	3.09	2.09	2.09
Prince George	5.05	5.93	3.25	2.02
Chilliwack	8.01	-	1.98	2.01
<i>Average</i>				<i>3.01</i>

2015 TAX DISTRIBUTION POLICY

RECOMMENDED TAX DISTRIBUTION METHODOLOGY “FIXED SHARE”

Eliminates tax burden shifts between
Property Classes

Does not eliminate shifts within individual
Property Classes

2015 TAX DISTRIBUTION POLICY

RECOMMENDED TAX DISTRIBUTION METHODOLOGY “FIXED SHARE”

Business Tax Class Ratio below cap of 3.00 :1

Business Tax Class Ratio remains below 2014
Provincial Average

Utility Tax Class Ratio below Provincial Cap of
2.5 times Business Tax Class Ratio

2015 TAX DISTRIBUTION POLICY

RECOMMENDED TAX DISTRIBUTION METHODOLOGY “FIXED SHARE”

Provides stability and predictability

Provides a basis for an equitable distribution of
Municipal taxes between property classes

Report to Council



Date: 4/20/2015
File: 1140-51
To: City Manager
From: J. Säufferer, Manager, Real Estate Services
Subject: Mobile Food Concession Contract - Various City Beaches & Parks
Report Prepared by: T. Abrahamson, Property Officer

Recommendation:

THAT Council approve the City entering into a Mobile Food Concession Contract, in the form attached to the Report of the Manager, Real Estate Services dated April 20, 2015, between the City of Kelowna and Scooter's Ice Cream Ltd. to provide exclusive mobile food concession services to City-owned property for a term of three (3) years with two (2) further one (1) year renewal terms at the City's sole discretion;

AND THAT the Mayor and City Clerk be authorized to execute all documents necessary to complete this agreement.

Purpose:

To enter into an exclusive mobile food concession contract with Scooter's Ice Cream Ltd. for mobile food vending services to three City of Kelowna beaches and one waterpark.

Background:

In February 2015, the City issued a Request for Bids to provide, equip and operate the exclusive mobile concession within the designed parking areas at three (3) City of Kelowna beaches and (1) waterpark, namely:

- Strathcona Beach, Strathcona Avenue & Abbott Street;
- Rotary Beach, 3600 Block Lakeshore Road;
- Sarson's Beach, end of Sarson's Road; and,
- Quilchena Park, 347 Quilchena Drive.

Mobile food concession services are to be provided during the period May 15th to September 15th annually for a term of three (3) years. Two (2) further one (1) year renewals are offered at the City's sole discretion.

Subsequent to an optional Information Meeting held on March 12, 2015, two acceptable bids were received and reviewed by an evaluation committee comprised of staff from Parks, Risk Management and Purchasing. The bids were evaluated according to Mandatory Criteria requirements consisting of:

- Relevant experience, qualifications and successes;
- Proposed food items and prices;
- Overall proposal for operating a high quality, service-oriented venture;
- Financial capability and stability; and
- Value of proposal.

Based on this criteria, the successful bidder was Scooter's Ice Cream Ltd. Factors towards awarding the bid to Scooters included:

- Financial consideration of \$3,500.00 plus 5% of the gross profits for each year of the contract;
- Scooter's proven record of operating a successful vending program including healthy food choices; and
- Community service involvement with donations for programs such as Inn from the Cold, Gospel Mission and school fundraisers.

Internal Circulation:

Supervisor, Parks, Beaches & Sportsfields
Manager, Risk Management
Director, Financial Services

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: J. Säufferer, Manager, Real Estate Services

Approved for inclusion: D. Edstrom, Director, Real Estate

Attachments: Schedule A - Powerpoint
Schedule B - Scooter's Ice Cream Ltd. Bid Proposal
Schedule C - Concession Contract

cc: T. Sophonow, Supervisor, Parks, Beaches & Sportsfields
L. Kayfish, Manager, Risk Management
G. Davidson, Director, Financial Services



City of Kelowna
Strathcona, Rotary & Sarson's Beaches
And
Quilchena Park
Mobile Food Concession
Tender (2015-2017)

Scooter's Ice Cream Ltd.
1092 Barnes Avenue
Kelowna, BC V1W 3Y4
Phone: 250-808-8746 * Email: ScootersIceCream@shaw.ca
Website: www.scootersicecream.ca

Thank you for the opportunity to bid on the mobile concession operation at Strathcona, Rotary & Sarson's Beaches, and Quilchena Park.

Scooter's Ice Cream is a family business that has been operated under the direction of Kathy Erickson, a resident the Okanagan, since April 2010. The company services the Okanagan and surrounding communities and has been built on professionalism, customer service and integrity.

Scooter's utilizes six classic self-contained mobile vending trucks, that all provide a variety of prepackaged novelty ice cream and other products along with a selection of cold beverages, all at affordable prices. We strive to offer healthier alternatives in order to cater to those with sugar free, dairy free and other intolerances. This year we plan to add new products such as veggie cups with dip, a selection of fresh fruit, and perhaps granola bars. We can provide a number of other products where requested.

We pride ourselves on having developed a great reputation with all of the communities throughout the Okanagan. We also enjoy a professional working relationship and excellent track record with the City of Kelowna, Interior Health, District of West Kelowna, Westbank First Nations, and others.

As Scooter's Ice Cream has held the beach contract for the past 5 years, we are familiar with the procedures and protocols, know all of the 'ropes' and areas, and have provided an excellent service to the community and patrons. Our drivers are honest, reliable and courteous. The ice cream truck serving the beaches has been a tradition for many years, and people look forward to our arrival several times every day. Other related experience includes events such as Rutland May Days, Oyama Fun Days, Lake Country Classic Car Show, Canada Day Celebrations, Boyd's Car Show, Westside Days, West Kelowna Beaches, and various other events. As well, we are a preferred vendor of Interior Health, are solvent and fully bondable.

We offer a unique service to the City of Kelowna as we are one of very few vendors that are able to roam and provide our products to various locations throughout the day. As we operate a fleet of trucks in various areas and events, it is not feasible to provide financial statements that will determine the revenue from the beach portion of the financial statements. However, we are prepared to provide something better, a spreadsheet calculated from our daily sales envelopes (Appendix 'C') from the truck that services just the beaches and surrounding areas. This would provide the most accurate revenue tally for the City of Kelowna's purposes.

As part of our customer service and appreciation, we give back to our community with involvement in school fund raisers and carnivals. PAC events, donating our products and time to raise funds for things such as 'Mathais Brain Surgery' silent auction, Inn From the Cold, Gospel Mission, and more.

Based on our experience of servicing the Kettle Valley area on a regular basis, and the lack of sales, Quilchena Park will in fact be a liability and not an asset. However, we understand that the City of Kelowna is wanting to expand and grow its vendor services. The dynamics of Kelowna have changed over the last five years and we have seen a decrease in daily sales revenue from the beaches and other areas. However, we deem the beach contract to be of great importance to our company, as it provides us with cash flow and institutional advertising, in addition to being a welcomed and expected service on the beaches throughout the summer. We look forward to continuing our relationship with the City of Kelowna.

That being said, Scooter's Ice Cream is hereby proposing the following:

To pay the City of Kelowna \$3500.00 per year plus 5% of gross profits, for the exclusive rights to service this concession contract for the 2015-2017 seasons as outlined in the contract. Service will be provided by one of our vending trucks, on a roaming basis, as required in the contract.

Respectfully,



Kathy Erickson
Director

APPENDIX "A"



APPENDIX 'B'

Sample Menu

Novelty Ice Cream and Popsicle Products - \$ 2-5 ea

Ice Cream Floats - \$ 5 ea

Pop, Water and Juice - \$ 2 ea

Veggie Cups w/Dip - \$ 4 ea

Fresh Fruit (Apples, Oranges, Bananas etc) - \$ 2 ea

Granola Bars – \$ 2–3 ea (approx)



APPENDIX 'C'

SAMPLE
ONLY

Date: 05/15/15 Name: Kathy Erwin
Truck No. 937 Route: Redina Beaches

Cash:	\$	100. ⁰⁰
POS:	\$	10. ⁰⁰
Coupons:	\$	3. ⁰⁰
Fuel:	\$	35. ⁰⁰
Truck Lease:	\$	10. ⁰⁰
Daily Total:	\$	<u>158.⁰⁰</u>

LICENSE OF OCCUPATION
Mobile Food Concession 2015 - 2017
Strathcona, Rotary & Sarson's Beaches & Quilchena Park

BETWEEN:

CITY OF KELOWNA
1435 Water Street
Kelowna, British Columbia V1Y 1J4

(the "City")

AND:

SCOOTER'S ICE CREAM LTD.
1092 Barnes Avenue
Kelowna, British Columbia V1W 3Y4

(the "Contractor")

WHEREAS the City desires to appoint the services of the Contractor to provide Mobile Food Concession services (the "Services") at three (3) beaches and one (1) park:

- Strathcona Park (Strathcona Ave./Abbott St.)
- Rotary Park (3600 block of Lakeshore Rd.)
- Sarson's Beach (end of Sarson's Road)
- Quilchena Park (347 Quilchena Dr.)

NOW THEREFORE this Agreement witnesses that the parties hereby covenant and agree with each other as follows:

Services

The Contractor shall provide services on the terms and conditions set out in this Agreement and are binding upon the parties.

Appendices

The following attached Appendices are a part of this Agreement:

- Appendix A - Insurance Requirements
- Appendix B - Scope of Services
- Appendix C - Fees - Schedule
- Appendix D - Cold Beverage Agreement
- Appendix E - Premise
- Appendix F - Scooter's Ice Cream Ltd. Bid Package

If there is any inconsistency or conflict between the provisions of the Agreement and the Appendices, the Agreement shall govern and take precedence over all other Contract Documents.

“Seasonal Term” as used herein shall mean a four-month period from May 15th to September 15th, 2015, May 15th to September 15th for 2016 and May 15th to September 15th for 2017, in the Term.

2.0 Interpretations

- (a) “Authorized”, “directed”, “required”, “requested”, “approved”, “ordered”, “sanctioned”, and “satisfactory” shall, unless some other meaning is obvious from the context, respectively mean authorized, directed, required, requested, approved, ordered or sanctioned by, or satisfactory to, the City;
- (b) “Determination” shall mean the written documentation of a decision of the City’s Representative including findings of fact to support a decision. A Determination becomes part of the procurement file to which it pertains;
- (c) the Heading and Subheadings inserted in this Agreement are designed for convenience only and do not form a part of this Agreement nor are they intended to interpret, define, or limit the scope, extent, or intent of this Agreement or any provision thereof;
- (d) the word “including”, when following any general statement, term or matter, shall not be construed to limit such general statement, term or matter to the specific items or matters set forth immediately following such word or to similar items or matters, whether or not non-limiting language (such as “without limitation” or “but not limited to” or words of similar import) is used with reference thereto but rather shall be deemed to refer to all other items or matters that could reasonably fall within the broadest possible scope of such general statement, term or matter;
- (e) any reference to a statute shall include and shall be deemed to be a reference to such statute and to the regulations made pursuant thereto, as amended and in force from time to time, and to any statute or regulation that may be passed which has the effect of supplement or superseding the same;
- (f) no approval, authorization, sanction or permission required to be provided hereunder shall be unreasonably or arbitrarily withheld or delayed by the party providing same; and
- (g) words importing the masculine gender include the feminine or neuter gender and words in the singular include the plural, and vice versa and words importing individuals shall include firms and corporations, and vice versa.

- (j) Contractor holds all permits, licenses, consents and authorities issued by any level of government, or any agency of any level of government, that are required by law to conduct its business;
- (k) Contractor's investigation has been based on its own examination, knowledge, information and judgment and not upon any statement, representation or information made or given by or on behalf of the City;
- (l) Contractor accepts the risks assigned within this Agreement identified as being borne by Contractor;
- (m) Contractor has sufficient trained staff, facilities, materials, appropriate equipment and approved sub-contractual agreements in place and available to enable it to fully perform the work;
- (n) Contractor pays punctually as they become due, all accounts, expenses, wages, salaries, taxes, rates, fees and assessments required to be paid by it on any of its undertakings;
- (o) Contractor has investigated and satisfied itself of every condition affecting the work including labour, equipment and material to be provided; but not limited to, the standards, responsibilities, task schedules and subsequent written instructions if any, all as prepared by the City;
- (p) Contractor acknowledges that it has the responsibility for informing itself of all aspects of the work and all information necessary to perform the work;
- (q) Contractor will comply with all the requirements of the Agreement and will perform all work and supply all labour, equipment and materials necessary to do so;
- (r) Contractor is an independent Contractor and not the servant, employee, partner, or agent of the City;
- (s) Contractor will not, in any manner whatsoever, commit or purport to commit the City to the payment of any money to any person;
- (t) no partnership, joint venture, or agency involving the City is created by this Agreement or under this Agreement;
- (u) the City may, from time to time, give such instructions to Contractor as the City considers necessary in connection with provision of the work, which instructions Contractor will comply with, but Contractor will not be subject to the control of City with respect to the manner in which such instructions are carried out;
- (v) all employees and sub-contractors employed by Contractor to provide the work are at all times the employees and sub-contractors of

5.2 Initial Term

The term of the "Agreement" shall be for a four (4) month period running from May 31st to September 15th in 2015, May 15th to September 15th, in 2016 and May 15th to September 15th, in 2017, and will expire no later than September 15th, 2017, subject to specific termination rights in this document and subject to a first option to extend the Agreement at the sole and exclusive discretion of the Manager, Property Management.

5.3 Renewal Term

The City agrees that prior to entering into discussions with any third party with respect to the supply and/or advertising of a Mobile Concession for the period commencing after the end of the Initial Term, the City may in its sole discretion with respect to each renewal term renew this Agreement for an additional year to a maximum of two (2), one (1)-year renewals following the completion of the Initial Term.

No later than ninety (90) days prior to the start of the optional second consecutive term of the Agreement (**May 15th, 2018**), the City may exercise an option to renew for an additional season in 2018, provided the Contractor is in total compliance with all the terms and conditions of the Agreement.

The City of Kelowna shall notify the Contractor of its intentions to exercise the aforementioned option in writing.

6.0 Termination - City

6.1 This Agreement will terminate:

- (a) at the expiration of the initial term, unless extended by mutual agreement; or
- (b) If at any time there occurs an Event of Default (defined below), the City may give written notice ("Notice of Complaint") to Contractor specifying in reasonable detail the Event of Default. If Contractor shall fail to perform or observe any covenant, condition or agreement to be performed or observed herein and such Event of Default continues unremedied for a period of seven (7) days after receiving the Notice of Complaint thereof from the City, then the City may, at its option, terminate this Agreement forthwith without prejudice to any other rights it may have in law or equity. If this Agreement is terminated by the City, Contractor shall be entitled to an immediate pro-rata refund of all unearned monies paid in advance to the City, as determined by mutual agreement.
- (c) For the purposes hereof, "Event of Default" shall mean any one or more of the following:

8.0 Compensation to the City

- 8.1 The initial Agreement, with an optional renewal for the following years, will commence immediately upon authorization of an Agreement for Mobile Food Concession. **The Proponent will pay a monthly fee as detailed in Appendix C Fees Schedule.**

The final payment in each year will be 5% of Gross Profits as estimated by the Contractor on December 1st in each year of the contract. Final adjustments to this payment will be completed at Contractor's official year end.

9.0 Independent Contractor

- 9.1 Nothing in this Agreement shall be construed as to constitute a partnership between the City and Contractor. The duties to be performed and the obligations assumed by Contractor under this Agreement shall be performed and assumed by it as an independent Contractor and not an agent or in any other way a representative of the City. In no circumstances shall Contractor have any authority to represent or contract on behalf of or otherwise bind the City.

- 9.2 Contractor is and shall at all times during the performance of this Agreement be an independent Contractor, and at no time shall Contractor be considered an agent, servant, or partner of the City; and all persons employed by Contractor to perform its obligations under the Agreement shall be its employees or servants and not the employees, servant, or agents of the City.

9.3 Employees

The Contractor shall not employ on the work any unfit person or anyone not skilled in the work assigned, and shall devote only his best-qualified personnel to work on this project. Should the City deem anyone employed on the work incompetent or unfit for his duties, and so inform the Contractor, Contractor shall immediately remove such person from work under this contract and he/she shall not again, without written permission of the City, be assigned to work under this contract. All Contractor employees working in the City must complete and clear a criminal record check.

10.0 Liaison

- 10.1 Each party shall maintain liaison with the other party in accordance with their respective obligations under this Agreement. In particular:
- Contractor shall appoint a representative ("Contractor's Representative") who shall have the duty of instituting and maintaining liaison with the City as to the requirements of this Agreement, plus an alternative representative to so act in the absence or inability to act of Contractor's Representative; and

- 12.2 No action or want of action on the part of the City at any time to exercise any rights or remedies conferred upon it under the Agreement shall be deemed to be a waiver on the part of the City of any of its said rights or remedies.

13.0 Waiver - Contractor

- 13.1 Any failure of the Contractor at any time or from time to time, to enforce or require the strict keeping and performance of any of the terms or conditions of this Agreement, shall not constitute a waiver of such terms or conditions and shall not affect or impair any terms or conditions in any way or the right of the Contractor at any time to avail itself of such remedies as it may have for any breach of such terms or conditions.
- 13.2 No action or want of action on the part of the Contractor at any time to exercise any rights or remedies conferred upon it under the Agreement shall be deemed to be a waiver on the part of the Contractor of any of its said rights or remedies.

14.0 Subcontractors

- 14.1 Contractor shall not subcontract the whole of the work nor shall any part of the work be subcontracted without the prior written consent of the City's Representative, which consent may not be arbitrarily withheld in the City Representative's sole discretion.
- 14.2 The subcontracting of any of its duties, obligations or responsibilities of Contractor under this Agreement shall not relieve it of the responsibility for the proper commencement, execution or completion of the duties, obligations or responsibilities as set out herein and Contractor shall be fully responsible for the acts, omissions and debts of its subcontractors.

15.0 Amendments

No amendment to this Agreement shall be binding on either party hereto unless such amendment is in writing and executed by both parties with the same formality as this Agreement is executed.

16.0 Survival of Covenants

All obligations of each of the parties which expressly or by their nature survive termination or expiration or assignment of this Agreement including, without limitation, the indemnities in section 20.0 shall continue in full force and effect subsequent to and notwithstanding such termination or expiration or assignment and until they are satisfied or by their nature expire.

death, injury to persons or damage to property is due to the sole negligence of the City.

21.2 Insurance

The Contractor shall, without limiting its obligations or liabilities herein and at its own expense, provide and maintain the following insurances in forms and amounts acceptable to the City as detailed in Appendix A

21.3 Compliance with Statutes, By-laws & Regulations

The Contractor shall in the performance of the Agreement, comply with all applicable City By-laws, and all amendments thereto and The Consumer Protection Act, R.S.B.C. 1996, c.69, and any other applicable acts or regulations.

All equipment/vehicles used for the work outlined in the Agreement must comply with the Motor Vehicle Act, R.S.B.C. 1996, Chapter 318 and Regulations, as amended and the Commercial Transport Act, R.S.B.C. 1996, Chapter 58 and Regulations, as amended.

All principal vehicles of the Contractor will be identified with signs setting out its name and telephone number. Employee owned vehicles, which may be periodically used for company business, will not necessarily be marked.

22.0 Occupational Health and Safety

22.1 The Contractor agrees that it is the Prime Contractor for the purposes of the *Workers Compensation Act*. The Contractor shall have an occupational health and safety program acceptable to the WorkSafe BC Board and shall ensure that all WorkSafe BC Health & Safety Regulations are observed during performance of this Contract, not only by the Contractor, but by all workers, subcontractors, employees, personnel, servants and others engaged in the performance of this Contract.

22.2 The Contractor and its workers, subcontractors, employees, personnel, servants and others engaged in the Services shall conform to all current occupational health and safety laws, by-laws, or regulations of the Province of British Columbia including any regulations requiring installation or adoption of safety devices or appliances. The City may, on twenty-four (24) hours written notice to the Contractor, suspend the Services hereunder immediately as a result of failure to install such devices or because the conditions of immediate danger exist that would be likely to result in injury to any person. Such suspension will continue until the default or failure is corrected.

22.3 Without limiting the generality of any other indemnities granted by the Contractor herein, the Contractor shall indemnify and save harmless the City against any loss or expense or penalty suffered or incurred by the City by reason of failure of the Contractor, its agents or employees, or any subcontractors of the Contractor, its agents or employees to comply or ensure

Contractor will upon request, provide all pertinent information regarding ownership of their company. This information to be supplied within forty-eight (48) hours after request.

25.0 Non-liability of City Officials

Under no circumstances shall any officer, employee, or agent of the City of Kelowna acting within the course and scope of his/her City responsibility be personally liable to the Contractor, or any party claim through or on behalf of the Contractor, with regards to the contract, including but not limited to its negotiation, execution, performance, or termination.

26.0 Protection and Security

- a) **Acknowledgment of Proprietary Materials/Limitations on Use.** Contractor acknowledges that the records are unpublished work for purposes of copyright law and embodies valuable confidential and secret information of the City. The Contractor will treat such information so received in confidence and will not use, copy, disclose, nor permit any of its personnel to use, copy, or disclose the same for any purpose that is not specifically authorized under the Agreement. Notwithstanding the above, nothing herein shall prevent the Contractor from utilizing same or similar information, if it is independently provided by a third party or independently developed in-house.
- b) **Property Rights.** Each party acknowledges and agrees that the other party's products and all other material related thereto constitute valuable trade secrets of the party furnishing the products or materials, or proprietary and confidential information of such party, and title thereto remains in such party. All applicable copyrights, trade secrets, patents and other intellectual and property rights in the products and related material are and remain in the party furnishing such products. All other aspects of the products and related material, including without limitation, technologies, procedures, programs, methods of processing, specific design and structure of individual programs and their interaction.

27.0 Business Licence

The Contractor shall have or obtain a City of Kelowna Business License and shall keep the license current for the duration of the contract term.

28.0 Contractor Performance Review

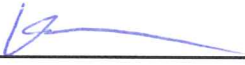
Contractor's performance will be evaluated by the City no less than annually on the following criteria:

- ❖ Volume of customer complaints.
- ❖ Service levels.
- ❖ Cleanliness of sites.
- ❖ Adherence to the terms and conditions of this agreement.

IN WITNESS WHEREOF the parties hereto, by their respective representatives duly authorized in that behalf, have caused this Agreement to be executed on the day and year indicated below.

Accepted on behalf of :

SCOOTER'S ICE CREAM LTD.
by its authorized signatory:



Name: Kathy Erickson

CITY OF KELOWNA
by its authorized signatories:

Mayor

City Clerk

Date Executed: _____

2.4 All Risks Insurance for loss of or damage to all Contractor's equipment, owned, leased or for which Contractor may otherwise be responsible and used or to be used in the performance of the Work. This insurance shall be for an amount not less than the replacement cost value of the equipment. In the event of loss or damage, Contractor shall if so requested by the City, forthwith replace such lost or damaged equipment. Such All Risks Insurance shall be endorsed to waive all rights of subrogation against the City.

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

The policies required by sections 2.2 and 2.3 above shall provide that the City is named as an Additional Insured thereunder and that said policies are primary without any right of contribution from any insurance otherwise maintained by the City.

4. **Contractor's Subcontractors**

The Contractor shall require each of its subcontractors to provide comparable insurance to that set forth under section 2.

5. **Certificates of Insurance**

The Contractor agrees to submit Certificates of Insurance, in the form of Appendix A-1, attached hereto and made a part hereof, for itself and for all of its subcontractors to the Risk Management Department of the City prior to commencing the Work or providing the Services. Such Certificates shall provide that 30 days' written notice shall be given to the Risk Management Department of the City, prior to any material changes or cancellations of any such policy or policies.

6. **Other Insurance**

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

7. **Additional Insurance**

The Contractor may take out such additional insurance, as it may consider necessary and desirable. All such additional insurance shall be at no expense to the City. The Contractor shall ensure that all of its subcontractors are informed of and comply with the City's requirements set out in this Appendix A.

8. **Insurance Companies**

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

9. **Failure to Provide**

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

APPENDIX A-1

**CERTIFICATE OF INSURANCE**City staff to complete prior to circulation

City Dept.: _____
 Dept. Contact: _____
 Project/Contract/Event: _____

Insured

Name: _____
 Address: _____

Broker

Name: _____
 Address: _____

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

--

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

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

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

Print Name_____
Title_____
Company (Insurer or Broker)_____
Signature of Authorized Signatory_____
Date

12. The Contractor, prior to commencing work shall obtain the appropriate insurance coverage as listed in Schedule A/A-1 and provide the City a Certificate of Insurance proving the coverage is in place.
13. The Contractor will remove the vehicle from the site each day prior to the park closure.
14. No outside advertising will be permitted without the consent of the City.
15. The Contractor will have the exclusive right to operate a food concession within the designated sites, subject only to the City maintaining the right to lease or otherwise permit operation of "other food concessions" within the individual sites for a maximum of five (5) days each season in conjunction with special events.
16. The Contractor must seek to minimize any conflict with adjacent property owners and any other users of the park.
17. The Contractor may not sublet, nor assign the contract without the written consent of the City. The minimum amount for such assignment shall be \$500.00.
18. The Contractor is required to supply a bid deposit in the form of a certified cheque payable to the City of Kelowna in the amount of \$1,000. The deposit of the successful Contractor will be retained as a "performance deposit" for the duration of the contract.
19. The Contractor shall provide complete annual financial reports to the City within 45 days of the end of the season and no later than December 1st of each contract year. The statements will reflect the entire operating season, and a payment in the amount of 5% of the gross profits of the concession will accompany the statements by December 1st of each contract year.
20. All electrical equipment utilized in the Province of British Columbia must bear a recognized electrical certification prior to use. Application for approval may be made to the BC Safety Authority.
21. In the event that the City of Kelowna enters into an Exclusive Supplier Agreement with a third party for the provision of "Cold Beverage Products", as described in Schedule D, in the City of Kelowna, the Contractor must, following a minimum of 60 days notice from the City of Kelowna, ensure compliance with the conditions of said agreement. In the event that the contractor is unable to comply with the conditions of the Exclusive Supplier Agreement, the contractor may choose to cancel this agreement without penalty.
22. Sale of alcoholic beverages is strictly prohibited.

APPENDIX C - FEE SCHEDULE

2015

The contractor acknowledges and agrees to pay to the City of Kelowna the total sum of **\$3,500.00** for **May 15 to September 15, 2015** plus GST. Payment will be on or before as follows:

		Total Instalment
June 15, 2015	\$1,000 + 5% (tax) \$50	= \$1,050.00
July 15, 2015	\$1,000 + 5% (tax) \$50	= \$1,050.00
August 1, 2015	\$1,500 + 5% (tax) \$75	= \$1,575.00
December 1, 2015	5% of gross profits + 5% (tax)	= To Be Estimated

2016

The contractor acknowledges and agrees to pay to the City of Kelowna the total sum of **\$3,500.00** for **May 15 to September 15, 2016** plus GST. Payment will be on or before as follows:

		Total Instalment
June 15, 2016	\$1,000 + 5% (tax) \$50	= \$1,050.00
July 15, 2016	\$1,000 + 5% (tax) \$50	= \$1,050.00
August 1, 2016	\$1,500 + 5% (tax) \$75	= \$1,575.00
December 1, 2016	5% of gross profits + 5% (tax)	= To Be Estimated

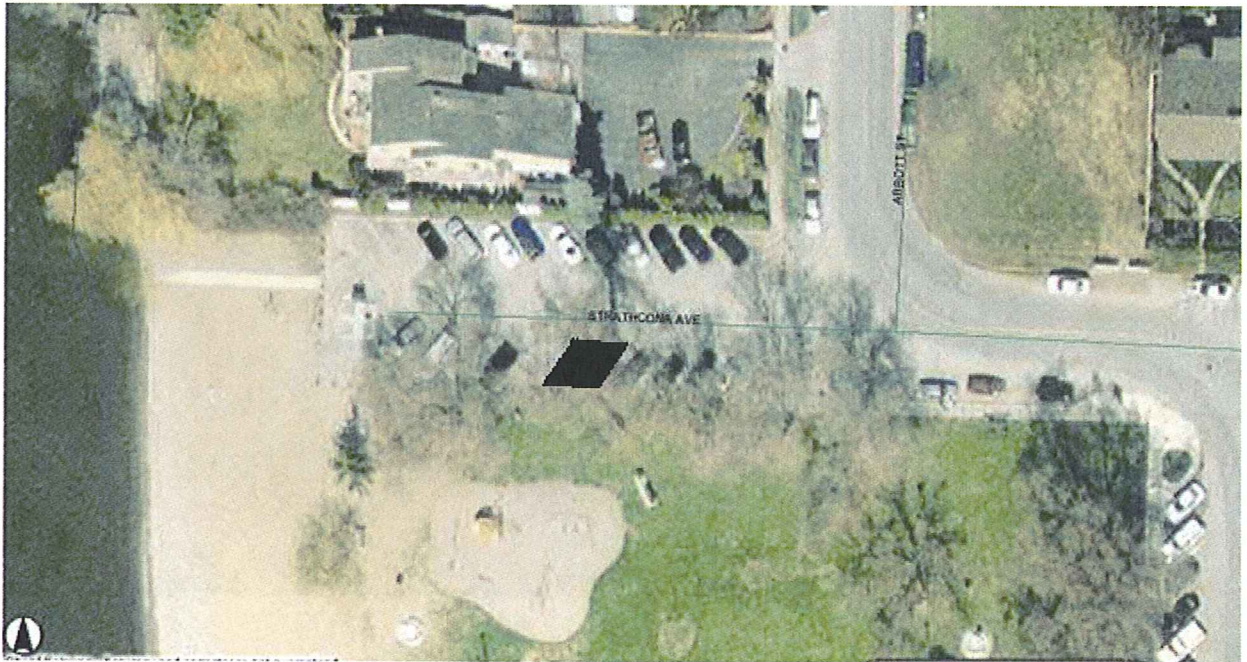
2017

The contractor acknowledges and agrees to pay to the City of Kelowna the total sum of **\$3,500.00** for **May 15 to September 15, 2017** plus GST. Payment will be on or before as follows:

		Total Instalment
June 15, 2017	\$1,000 + 5% (tax) \$50	= \$1,050.00
July 15, 2017	\$1,000 + 5% (tax) \$50	= \$1,050.00
August 1, 2017	\$1,500 + 5% (tax) \$75	= \$1,575.00
December 1, 2017	5% of gross profits + 5% (tax)	= To Be Estimated

APPENDIX E - PREMISES

Strathcona Beach



Rotary Beach



Appendix F - Scooter's Ice Cream Ltd. Bid Package



City of Kelowna
Strathcona, Rotary & Sarson's Beaches
And
Quilchena Park
Mobile Food Concession
Tender (2015-2017)

Scooter's Ice Cream Ltd.
1092 Barnes Avenue
Kelowna, BC V1W 3Y4
Phone: 250-808-8746 * Email: ScootersIceCream@shaw.ca
Website: www.scootersicecream.ca

Thank you for the opportunity to bid on the mobile concession operation at Strathcona, Rotary & Sarson's Beaches, and Quilchena Park.

Scooter's Ice Cream is a family business that has been operated under the direction of Kathy Erickson, a resident the Okanagan, since April 2010. The company services the Okanagan and surrounding communities and has been built on professionalism, customer service and integrity.

Scooter's utilizes six classic self-contained mobile vending trucks, that all provide a variety of prepackaged novelty ice cream and other products along with a selection of cold beverages, all at affordable prices. We strive to offer healthier alternatives in order to cater to those with sugar free, dairy free and other intolerances. This year we plan to add new products such as veggie cups with dip, a selection of fresh fruit, and perhaps granola bars. We can provide a number of other products where requested.

We pride ourselves on having developed a great reputation with all of the communities throughout the Okanagan. We also enjoy a professional working relationship and excellent track record with the City of Kelowna, Interior Health, District of West Kelowna, Westbank First Nations, and others.

As Scooter's Ice Cream has held the beach contract for the past 5 years, we are familiar with the procedures and protocols, know all of the 'ropes' and areas, and have provided an excellent service to the community and patrons. Our drivers are honest, reliable and courteous. The ice cream truck serving the beaches has been a tradition for many years, and people look forward to our arrival several times every day. Other related experience includes events such as Rutland May Days, Oyama Fun Days, Lake Country Classic Car Show, Canada Day Celebrations, Boyd's Car Show, Westside Days, West Kelowna Beaches, and various other events. As well, we are a preferred vendor of Interior Health, are solvent and fully bondable.

We offer a unique service to the City of Kelowna as we are one of very few vendors that are able to roam and provide our products to various locations throughout the day. As we operate a fleet of trucks in various areas and events, it is not feasible to provide financial statements that will determine the revenue from the beach portion of the financial statements. However, we are prepared to provide something better, a spreadsheet calculated from our daily sales envelopes (Appendix 'C') from the truck that services just the beaches and surrounding areas. This would provide the most accurate revenue tally for the City of Kelowna's purposes.

As part of our customer service and appreciation, we give back to our community with involvement in school fund raisers and carnivals. PAC events, donating our products and time to raise funds for things such as 'Mathais Brain Surgery' silent auction, Inn From the Cold, Gospel Mission, and more.

Based on our experience of servicing the Kettle Valley area on a regular basis, and the lack of sales, Quilchena Park will in fact be a liability and not an asset. However, we understand that the City of Kelowna is wanting to expand and grow its vendor services. The dynamics of Kelowna have changed over the last five years and we have seen a decrease in daily sales revenue from the beaches and other areas. However, we deem the beach contract to be of great importance to our company, as it provides us with cash flow and institutional advertising, in addition to being a welcomed and expected service on the beaches throughout the summer. We look forward to continuing our relationship with the City of Kelowna.

That being said, Scooter's Ice Cream is hereby proposing the following:

To pay the City of Kelowna \$3500.00 per year plus 5% of gross profits, for the exclusive rights to service this concession contract for the 2015-2017 seasons as outlined in the contract. Service will be provided by one of our vending trucks, on a roaming basis, as required in the contract.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Kathy Erickson', followed by a horizontal line.

Kathy Erickson
Director

APPENDIX "A"



APPENDIX 'B'

Sample Menu

Novelty Ice Cream and Popsicle Products - \$ 2-5 ea

Ice Cream Floats - \$ 5 ea

Pop, Water and Juice - \$ 2 ea

Veggie Cups w/Dip - \$ 4 ea

Fresh Fruit (Apples, Oranges, Bananas etc) - \$ 2 ea

Granola Bars – \$ 2–3 ea (approx)



MOBILE FOOD CONCESSION

Strathcona, Rotary & Sarson's Beaches & Quilchena Park



CONCESSION BID DETAILS

- ▶ To service 3 City beaches and 1 park
- ▶ To operate from May 15th to Sept 15th
- ▶ Three year term with two 1-year renewal options
- ▶ Vehicles must be fully self-contained
- ▶ Healthy food choices required
- ▶ Contractor to provide annual financial reports to City Staff

BEACH LOCATIONS



Strathcona Beach

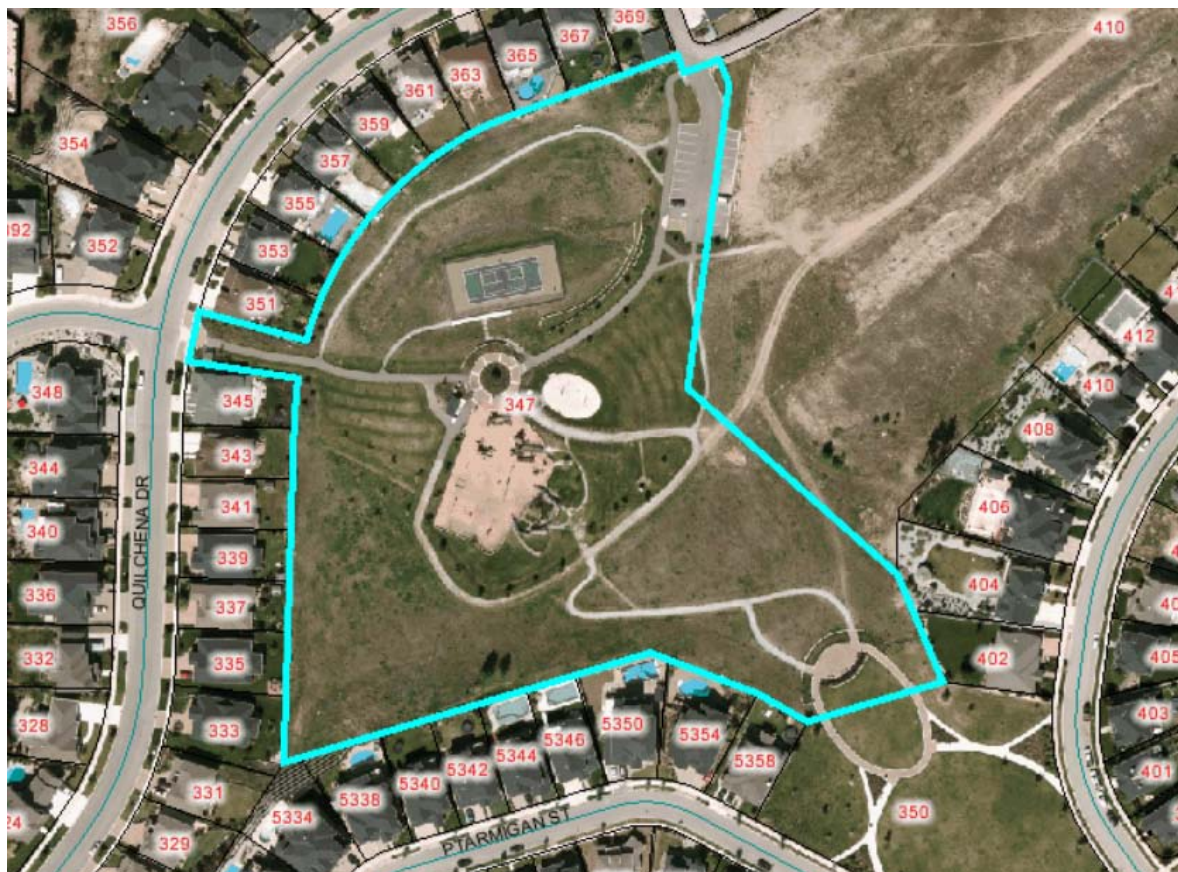


Rotary Beach



Sarson's Beach

QUILCHENA PARK



SCOOTER'S ICE CREAM

- ▶ Family business
- ▶ 6 self-contained mobile vending trucks
- ▶ Focus on healthful alternatives
- ▶ High level of community involvement
- ▶ Previous operator of City's mobile concession contract



Report to Council



Date: 4/15/2015
File: 1840-10
To: City Manager
From: B. Davidson, Parks Planner, Infrastructure Planning
Subject: Rutland Centennial Park - Inclusive All Ages Playground Project

Recommendation:

THAT Council receives, for information the report from the Parks Planner dated April 15, 2015, with respect to the 2015 Enabling Accessibility Fund for development of an inclusive all ages playground at Rutland Centennial Park;

THAT Council supports the City submitting an application to Employment and Social Development Canada (ESDC) for the Enabling Accessibility in Communities Grant as outlined in the report;

THAT Council approves \$200,000 in funding for the City's share of the project from the Parks Purchasing & Development Reserve, pending successful award of the Enabling Accessibility in Communities Grant to the City;

AND FURTHER THAT the 2015 Financial Plan be amended in order to provide this funding.

Purpose:

For Council to support making application to the ESDC's Enabling Accessibility in Communities Grant program for a new inclusive playground at Rutland Centennial Park. A Council Resolution is a condition of the grant application.

Background:

ESDC has announced a grant opportunity for construction of community facilities that improve accessibility and participation for children with disabilities. Grant award decisions are expected to be made in November 2015 for construction the following year.

The grant includes the following conditions:

- The project will facilitate and improve accessibility for people with disabilities;
- The delivery of the project must have a maximum duration of 52 weeks;
- The total amount of funding requested from ESDC must not exceed \$50,000;
- Contributions equal to or greater than 35% of the total eligible cost of the project must be provided by the applicant or other sources. The assessment criteria states

that additional points are given to projects where the applicant is exceeding the mandatory 35% contribution;

- Municipalities are eligible to submit applications only for projects that enhance access to recreational spaces for children with disabilities; and,
- Applicants must demonstrate community support for their project.

Rutland Centennial Park - Inclusive Playground

Staff have reviewed a number of project opportunities throughout the City and have determined that construction of a new inclusive playground at Rutland Centennial Park as envisioned by the overall Master Plan, (see Attachment A), will be the best fit to meet the criteria of the grant.

An inclusive playground at Rutland Centennial Park is the highest priority for several reasons including:

- Staff are already working on installation of Phase 1 improvements to the park in 2015, (a full size soccer field), so the playground project will lead to some resource efficiencies.
- Park improvements will be a positive economic stimulus encouraging further development of the Rutland Town Centre, a strategic priority for the City.
- The park has a high profile location within the Rutland Town Centre and is surrounded by residential neighbourhoods containing many families with children.
- Staff hosted a public open house earlier this year on Rutland Centennial Park to seek input and comment on the park's long term master plan. By applying for this grant continued momentum for park improvement is demonstrated by the City, which was one of the concerns identified by the community at the open house.
- As part of this year's Phase 1 improvements a deficit will be created within the park by removal of the existing playground, which no longer meets current safety standards, is not universally accessible and conflicts with the location of the planned soccer field.

An inclusive playground providing opportunities for children of all ages and abilities is warranted. It will be critical to promote development, healthy physical activity and learning.

Inclusive play addresses more than just accessibility; it creates universally designed play environments that increase the 'playability' for children of diverse abilities, age, race, gender, ethnicity, culture and socioeconomic status. There are five elements of inclusive play that will be incorporated into the design and include physical, cognitive, communicative, social/emotional and sensory development, (see Attachment B).

Based on public input from the open house Staff also recommend that an agricultural/orchard theme to reflect the history of the Rutland area be incorporated into the playground (See Attachment C - Playground Concept Plan and Attachment D - Character Images).

Staff will continue to seek other partnership opportunities to assist in development of this important facility.

Internal Circulation:

Tom Woloshyn, Landscape Design Technician

Lorna Rowland, Landscape Design Technician
Lorna Gunn, Grants & Partnerships Manager
Genelle Davidson, Financial Services Director

Financial/Budgetary Considerations:

The estimated cost of the project is \$250,000. The City will request the maximum allowable funding from ESDC of \$50,000. The remaining funds of \$200,000 will be funded by the City.

The City needs to commit the funds in 2015 as a requirement of the grant application and so funding will be budgeted from the Parks Purchase and Development Reserve R079. However, one of the terms of this grant is that awards will not be announced until the fall of 2015, with construction in 2016, thus providing the opportunity for the City to source the funds for the project from the 2016 Capital Budget rather than from reserve. The benefit of this approach would be that the balance of the current reserve would be maintained for other emergent issues. If the grant application is successful the 2015 Financial Plan will be amended, however it is the intention that because the project will begin in 2016 that it be budgeted from the 2016 Capital Plan.

External Agency/Public Comments:

Letters of support were provided by: the Rutland Park Society; the Uptown Rutland Business Association; and the Community Action Toward Children's Health, and Central Okanagan organization that provides programming and support for families with children, (see Attachment E).

Considerations not applicable to this report:

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

Submitted by: B. Davidson, Parks Planner, Infrastructure Division

Approved for inclusion:



A. Newcombe, Infrastructure Divisional Director

Attachment A - Rutland Centennial Park Master Plan
Attachment B - Five Elements of Inclusive Play

Attachment C - Playground Concept Plan
Attachment D - Character Images
Attachment E - Letters of Support

cc: Active Living & Culture Divisional Director

Parks and Building Planning Manager
Civic Operations Divisional Director
Financial Services Director
Grants & Partnerships Manager
Landscape Design Technicians
Park & Building Projects Manager
Parks Services Manager

LONG-TERM MASTER PLAN



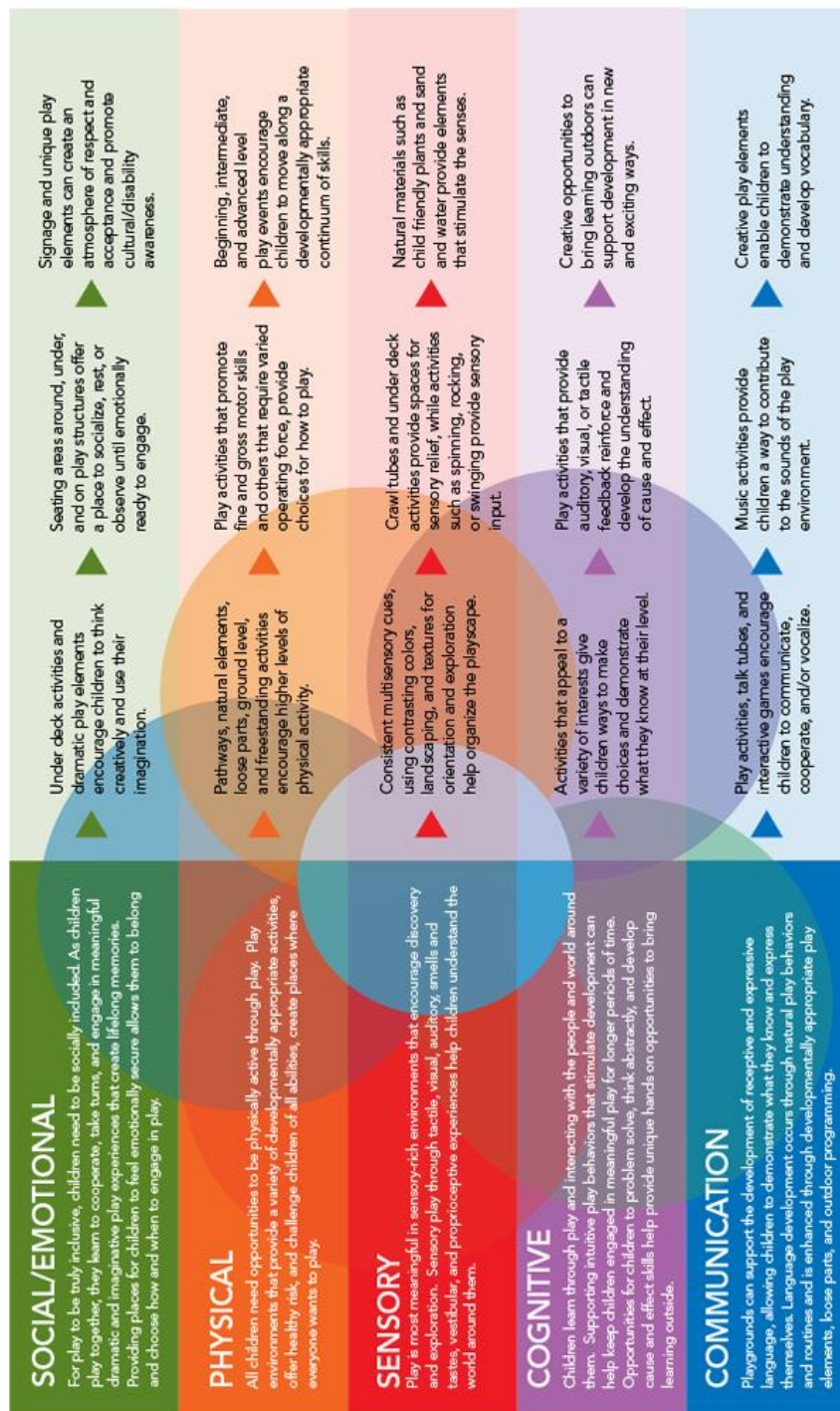
- Grass Soccer Field
- Multi-Cultural Gardens
- Public Washroom
- Universally Accessible Playground (600 sq.m.)
- Full size Basketball Court with Lighting
- Performance Stage
- Perimeter Pathway Network
- Open Play Field / Ultimate Frisbee
- Tree Plantings
- Entry Plaza for Christmas Tree
- Irrigation Improvements
- Site Furniture
- Signage
- Public Art Opportunities

Rutland Centennial Park

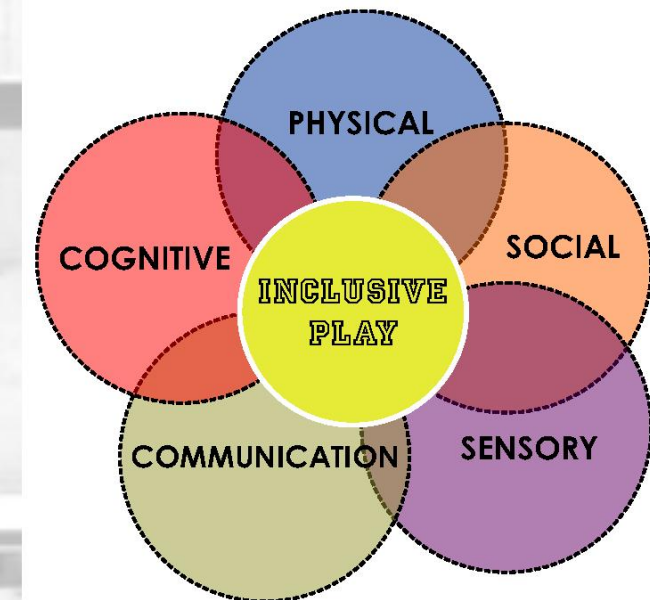
February 18, 2015

APPENDIX D - Playability - The 5 Elements of Inclusive Play

Playcore, Inc. 2011 <http://www.inclusiveplaygrounds.org/me2/overview>



Appendix B – Playground Concept Plan



5

Elements of Inclusive Play



**RUTLAND CENTENNIAL PARK
PLAYGROUND**

Appendix C – Character Images



EISENHOWER PARK: LET ALL THE CHILDREN PLAY
CASES

Opened in Spring 2012, this Unique Accessible Playground and Park was designed to stimulate children with and without disabilities and to promote their interactions together.



A UNIVERSALLY INCLUSIVE PLAYGROUND FOR
CHILDREN OF ALL ABILITIES

Character
Images - One
P RUTLAND CENTENNIAL PARK
LAYGROUND
CTO
ENGINEERING PLANNING URBAN DESIGN

Appendix C – Character Images – Con’t.



Attachment E: Letters of Support



April 9, 2015

Employment & Social Development Canada
471 Queensway Avenue, Suite 106
Kelowna, BC V1Y 6S5

To Whom It May Concern,

RE: City of Kelowna Grant Application for Centennial Park

I am writing on behalf of the Board of Directors of the Rutland Park Society. The Rutland Park Society transferred ownership of Centennial Park to the City of Kelowna in January 2015. As part of this transfer, the City committed to making substantial capital improvements to the park. A playground was removed earlier this year, as I understand; it did not meet current safety standards. It was also not conducive to inclusive or universally accessible play. The grant the city is applying for would be very beneficial to the planned park renovation.

The Rutland Park Society is in full support of the City of Kelowna's grant application to the Enabling Accessibility Fund. An inclusive playground for all ages, all abilities, and all backgrounds will be a great amenity for the neighbourhood and the overall Rutland Town Centre.

Sincerely

Todd Sanderson B.A., CPA, CA
President



April 13, 2015

To whom this may concern;

The Uptown Rutland Business Association (URBA) is in favour of the City of Kelowna's grant application to the Enabling Accessibility Fund. A new playground that supports the needs of all children including those with mobility, cognitive or other challenges in the Rutland area will enhance the entire community.

The playground removed earlier this year did not meet current safety standards as well as it was not favourable or universally accessible for all children.

With the up grading of Centennial Park, the new playground would be a well used addition in an area where there are few places all children can safely play. In addition, upgrades to the park will help improve the image of the Rutland Towne Centre, which will in turn help the economic revitalization of the area.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Koutsantonis", is written over a light blue horizontal line.

Mike Koutsantonis
President
Uptown Rutland Business Association

April 13, 2015

To Whom It May Concern:

As Chairperson for Community Action Toward Children's Health (CATCH) in the Central Okanagan region of the Okanagan of BC I am pleased to provide support towards the application for enhancing the accessibility for a new children's playground being planned for the Rutland Centennial Park.

A number of years ago I met a mother at one of our local playgrounds who had triplets. One of the children required a wheelchair for his mobility and his mother described the challenges she had in accessing playground equipment. She wanted her son in the wheelchair to at least be as close to his brothers as possible so that he would feel included in their play. She wanted at least the ground surface of the access to the play area and the play area itself to be of a material where a wheelchair and stroller could be brought close to the action. She wished for the equipment to be safe and comfortable and encourage inclusiveness for all children's needs.

Since that encounter with that mother I have advocated for all new or improved children's play areas to consider accessibility issues from the onset. I have also encouraged the participation of families in helping with the design and needs for not more expensive playgrounds but for designs that incorporated the principles of equality.

CATCH has also had information provided on the LITE (Literacy in the Environment) where children's parks include "actual words" in the design and connects the natural play and literacy development. It is essential that the literacy opportunity is designed to fit naturally into the play spaces. I hope that our playgrounds in the Central Okanagan can start to highlight this general approach and also use interactive elements to promote the importance of literacy for our children.

When considering the importance of accessibility in our playground design one must also remember that the adult parent, grandparent, or caregiver may be the one in need of accessibility to the area. This grant for 'Enabling Accessibility in Communities' would be beneficial in showing the priority and need for universal access through the design, layout, and equipment for the Rutland Centennial Park.

On behalf of CATCH we commend the City of Kelowna for continuing to commit to inclusive playground design and equipment.

Yours truly,

Sharon Shepherd
Chairperson CATCH
Former Mayor City of Kelowna 2005-2011
Former City of Kelowna Councillor 1996-2005



RUTLAND CENTENNIAL PARK INCLUSIVE PLAYGROUND



McIntosh Road

FUTURE MCINTOSH ROAD MUT

FIRE
RCMP

Open
Play

ENTRY
PLAZA

MULTI-CULTURAL
GARDENS

Canada
Post

WASH
ROOM

ULTIMATE
FRISBEE

PLAYGROUND

PERFORMANCE
STAGE

Soccer
64m x 100m

BASKETBALL
WITH LIGHTS

BLEACHERS

SHEPHERD ROAD MUT

Shepherd Road Extension

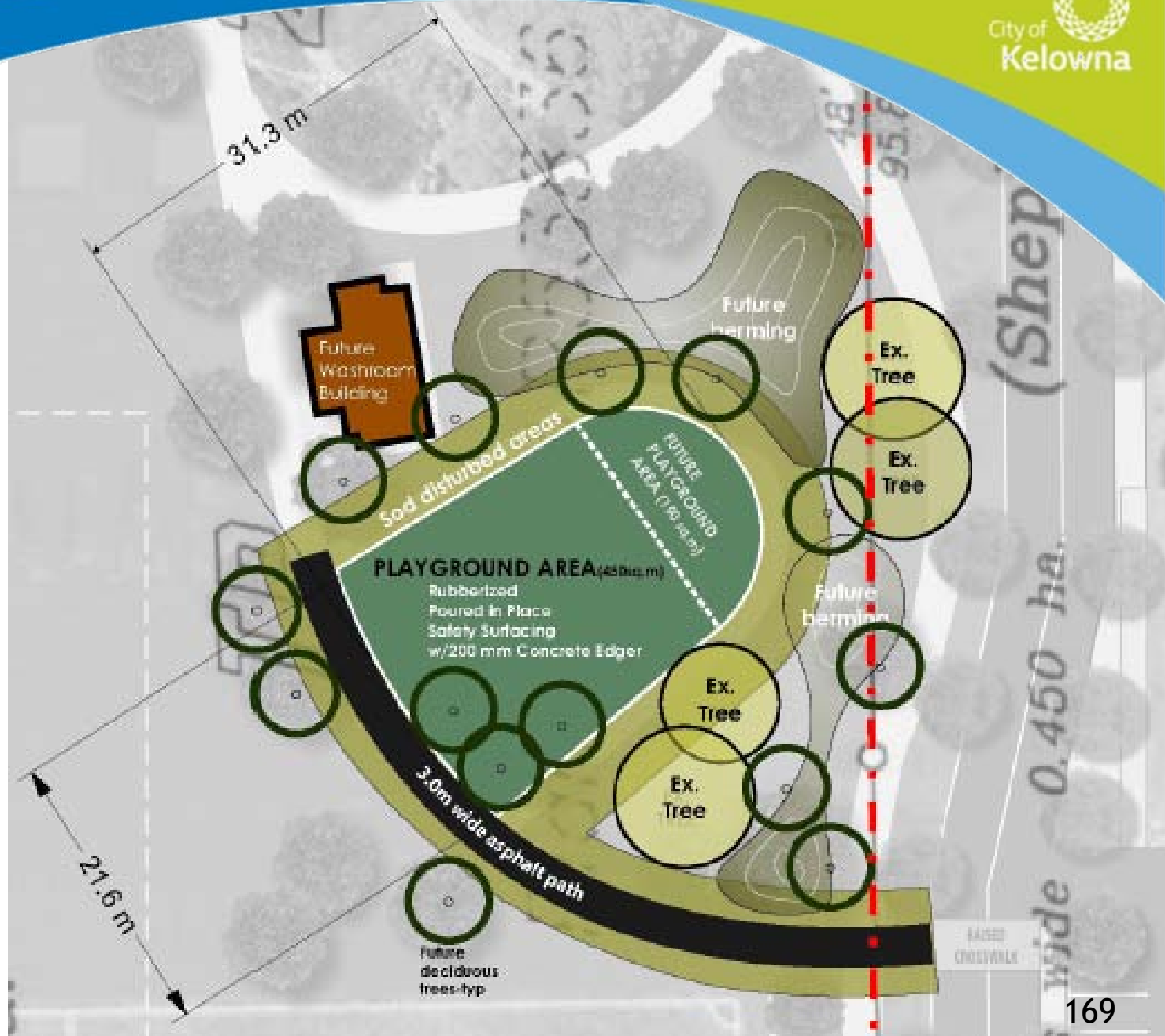
28 cars

Centennial
Hall

connection to future
entry plaza

SIGN

PLAY- GROUND CONCEPT PLAN



* THE 5 ELEMENTS OF INCLUSIVE PLAY

- ▶ SOCIAL / EMOTIONAL
- ▶ PHYSICAL
- ▶ MULTI-SENSORY
- ▶ COGNITIVE
- ▶ COMMUNICATION

*www.inclusiveplay.org



CHARACTER IMAGES



Report to Council



Date: April 7, 2015
File: 1405-03
To: City Manager
From: Jerry Dombowsky, Regional Programs Manager
Subject: Transit Bus Advertising Franchise Award

Recommendation:

THAT Council approves the City entering into a five (5) year Transit Advertising Agreement, with Lamar Transit Advertising, with an option to renew for an additional 3 year term in the form attached to the report of the Regional Programs Manager, dated April 7, 2015.

AND THAT the Mayor and City Clerk be authorized to execute the contract on behalf of the City of Kelowna;

AND FURTHER THAT Council approves a 2015 budget amendment to increase the transit advertising revenue base budget by \$29,900 with the full amount being appropriated to reserve;

Purpose: To award the on-bus Transit Advertising Contract for Five (5) years, with an option to renew for an additional three (3) years.

Background:

A competitive RFP process was conducted, and it is recommended that the transit on-bus advertising franchise be awarded to Lamar Transit Advertising as the highest scoring proponent.

The transit advertising franchise includes advertising rights to inside and outside advertising on all full size conventional buses including frame and vinyl advertising products (base proposal includes 3 full bus vinyl and 6 full driver side vinyl applications).

Lamar Transit Advertising has held the bus advertising contract since January 1, 2007 (formerly Obie Media). Lamar Advertising has the contract for the BC Transit fleet of buses in other BC communities and also for TransLink as well as many other areas within Canada and the United States. They are a highly qualified contractor with significant experience and success in operating advertising franchises. They have strong operating, marketing and business plans along with the financial resources and staff required to operate an effective advertising service.

Their operating plan includes retaining a local sales office with a Regional Account Manager based in Kelowna. They have an aggressive local sales program, a regional client/agency sales program and a strong national sales program. Their focus and current majority of their business comes from local sales through small and medium size businesses.

Advertising revenues from the buses are shared between the six local transit partners based on the transit revenue sharing agreement splits. The City of Kelowna bus advertising revenues are used for improvements to the City's transit amenities including upgrading of bus stops to meet accessibility standards, the purchase of new shelters and benches, and other changes made to increase ridership on the transit system. The current base budget of \$88,800 will be increased to \$118,700 in 2015, reflecting a partial year annualized impact, and to an average of \$165,000 per year over the remaining life of the agreement to be realized through guaranteed annual minimums.

Subject to the free speech provisions of the Canadian Charter of Rights and Freedoms, and those established by the Canadian Code of Advertising Standards, the City has contractual control over advertising content with the express right to refuse any advertising it deems to be of a controversial nature or contrary to the interests of the City.

Internal Circulation:

Director, Financial Services

Financial/Budgetary Considerations:

A budget amendment (2015) increasing revenue is required

Considerations not applicable to this report:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Existing Policy:

Personnel Implications:

External Agency/Public Comments:

Communications Comments:

Alternate Recommendation:

Submitted by: J. Dombowsky, Regional Programs Manager

Approved for inclusion:



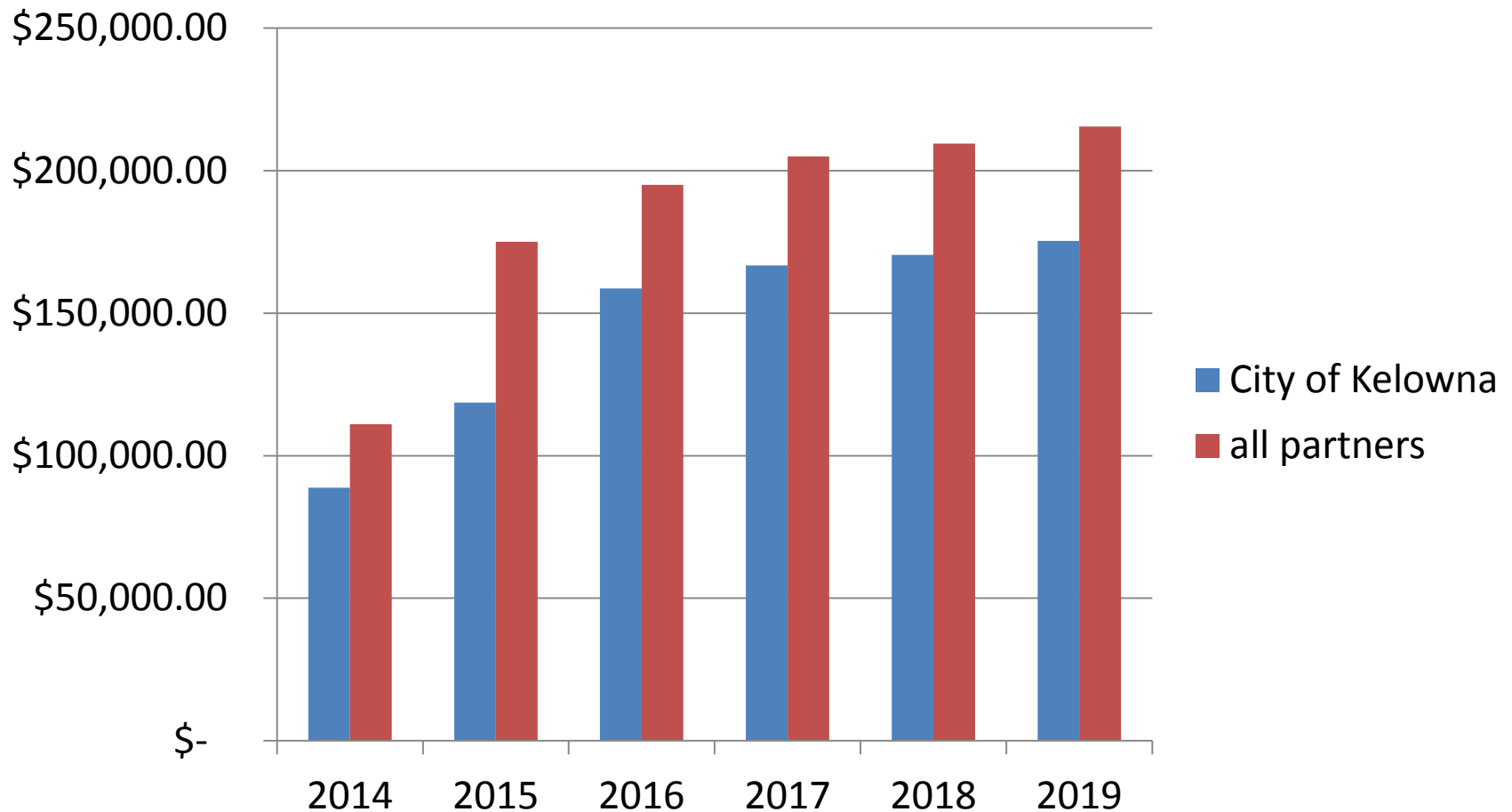
R. Westlake, Director Regional Services

Attachments: Schedule A - Contract

cc: G. Davidson, Director, Financial Services

L. Evans, Senior Buyer, Purchasing

Guaranteed Minimum Revenue from Transit Bus Advertising



* 2015 revenue reflects partial year annualized impact

CITY OF KELOWNA

BYLAW NO. 11075

Amendment No. 1 to Development Cost Charge Reserve Fund Expenditure Bylaw, 2014, No. 10949

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Development Cost Charge Reserve Fund Expenditure Bylaw, 2014, No. 10949 be amended as follows:

1. THAT part of Section 1 be deleted that reads:

"Land for Park Purposes	\$ 1,000,000.00
Road Construction	\$11,696,485.00
Water Mains, Pump Stations & Reservoir Construction	\$ 4,097,700.00
Treatment Plant Construction & Debt Repayment	\$ 5,802,434.00
Wastewater Trunks & Debt Repayment	\$ 1,421,582.00

\$24,018,201.00"

And be replaced with the following:

"Land for Park Purposes	\$ 1,023,692.00
Road Construction	\$11,696,485.00
Water Mains, Pump Stations & Reservoir Construction	\$ 4,029,379.00
Treatment Plant Construction & Debt Repayment	\$ 5,802,434.00
Wastewater Trunks & Debt Repayment	\$ 1,466,211.00

\$24,018,201.00"

2. This bylaw may be cited for all purposes as "Bylaw No. 11075, being Amendment No. 1 to Bylaw No. Development Cost Charge Reserve Fund Expenditure Bylaw, 2014, No. 10949."
3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this 13th day of April, 2015.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk