

# City of Kelowna

## Regular Council Meeting

### AGENDA



Monday, February 22, 2021

1:30 pm

Council Chamber

City Hall, 1435 Water Street

Pages

#### 1. Call to Order

I would like to acknowledge that we are gathered today on the traditional, ancestral, unceded territory of the syilx/Okanagan people.

In accordance with the most recent Provincial Health Officer Order regarding gatherings and events, the public is currently not permitted to attend Council meetings in-person. As an open meeting, a live audio-video feed is being broadcast and recorded on kelowna.ca.

#### 2. Confirmation of Minutes

7 - 12

PM Meeting - February 8, 2021

#### 3. Reports

##### 3.1. RCMP Council Update 2020

13 - 34

To provide Council with an update on 2020 public safety and crime trends.

#### 4. Development Application Reports & Related Bylaws

##### 4.1. Hwy 97 N 2789-2791 - Z20-0098 (BL12168) - Carlyle Holdings Ltd., Inc.No. 273657

35 - 53

To rezone the subject property from the C10 – Service Commercial zone to the C10rcs – Service Commercial (Retail Cannabis Sales) zone to facilitate a retail cannabis sales establishment.

##### 4.2. Hwy 97 N 2789-2791 - BL12168 (Z20-0098) - Carlyle Holdings Ltd., Inc.No. 273657

54 - 54

To give Bylaw No. 12168 first reading in order to rezone the subject property from the C10 – Service Commercial zone to the C10rcs – Service Commercial (Retail Cannabis Sales) zone.



- |      |  |           |
|------|--|-----------|
| 4.3. | <b>Cadder Ave 377 - Z20-0105 (BL12169) - Kevin O'Brien and Wendy Holt-O'Brien</b>  | 55 - 72   |
|      | To rezone the subject property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing zone with Carriage House zone, and to waive the Public Hearing.   |           |
| 4.4. | <b>Cadder Ave 377 - BL12169 (Z20-0105) - Kevin O'Brien and Wendy Holt-O'Brien</b>  | 73 - 73   |
|      | To give Bylaw No. 12169 first reading in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing zone with Carriage House zone, and to waive the Public Hearing.  |           |
| 4.5. | <b>Yates Rd 350 - Z21-0001 (BL12170) - Loyal William Wooldridge and Ian Alexander Roth</b>   | 74 - 88   |
|      | To rezone the subject property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone, and to waive the Public Hearing.  |           |
| 4.6. | <b>Yates Rd 350 - BL12170 (Z21-0001) - Loyal William Wooldridge and Ian Alexander Roth</b>   | 89 - 89   |
|      | To give Bylaw No. 12170 first reading in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone, and to waive the Public Hearing.   |           |
| 4.7. | <b>Glenmore Dr 1064, 1074, 1084 - OCP20-0014 (BL12175) Z20-0067 (BL12176) - P275 Enterprises Ltd. Inc. No. BC1241904</b>   | 90 - 124  |
|      | To consider an Official Community Planning (OCP) Amendment to change the future land use designation of the subject lots from the MRL - Multiple Unit Residential (Low Density) designation to the MRM – Multiple Unit Residential (Medium Density) designation; To consider rezoning the subject lots from the RU1 – Large Lot Housing zone to the RM5r - Medium Density Multiple Housing (Residential Rental Tenure Only) zone to facilitate the development of a purpose-built rental building. |           |
| 4.8. | <b>Glenmore Dr 1064, 1074, 1084 - BL12175 (OCP20-0014) - P275 Enterprises Ltd. Inc. No. BC1241904</b>  | 125 - 125 |
|      | <b>Requires a majority of all members of Council (5).</b>  |           |
|      | To give Bylaw No. 12175 first reading in order to change the future land use designation of the subject lots from the MRL - Multiple Unit Residential (Low Density) designation to the MRM – Multiple Unit Residential (Medium Density) designation.   |           |
| 4.9. | <b>Glenmore Dr 1064, 1074, 1084 - BL12176 (Z20-0067) - P275 Enterprises Ltd. Inc. No. BC1241904</b>  | 126 - 126 |
|      | To give Bylaw No. 12176 first reading in order to rezone the subject lots from the RU1 – Large Lot Housing zone to the RM5r - Medium Density Multiple Housing (Residential Rental Tenure Only) zone.   |           |



<b>4.10.</b>	<b>Sexsmith Rd 2996 - Z19-0072 (BL12177) - Larry L. Cota and Carla C. Cota</b>	<b>127 - 145</b>
	To consider an application to rezone the subject property from the A1 – Agriculture 1 zone to the I6 – Low- Impact Transitional Industrial zone to allow for outdoor storage on the subject property.	
<b>4.11.</b>	<b>Sexsmith Rd 2996 - BL12177 (Z19-0072) - Larry L. Cota and Carla C. Cota</b>	<b>146 - 146</b>
	To give Bylaw No. 12177 first reading in order to rezone the subject property from the A1 – Agriculture 1 zone to the I6 – Low-Impact Transitional Industrial zone.	
<b>4.12.</b>	<b>Sexsmith Rd 3030 - Z18-0116 (BL12178) - Jason G. Witt</b>	<b>147 - 166</b>
	To consider an application to rezone the subject property from the A1 – Agriculture 1 zone to the I6 – Low- Impact Transitional Industrial zone to allow for outdoor storage on the subject property.	
<b>4.13.</b>	<b>Sexsmith Rd 3030 - BL12178 (Z18-0116) - Jason G. Witt</b>	<b>167 - 167</b>
	To give Bylaw No. 12178 first reading in order to rezone the subject property from the A1 – Agriculture 1 zone to the I6 – Low-Impact Transitional Industrial zone.	
<b>4.14.</b>	<b>Supplemental Report - Fleming Rd 395 - Z20-0099 (BL12155) - Terry Orlan and Karen Shalom Peters</b>	<b>168 - 169</b>
	To receive a summary of correspondence for Rezoning Bylaw No. 12155 and to give the bylaw further reading consideration.	
<b>4.15.</b>	<b>Fleming Rd 395 - BL12155 (Z20-0099) - Terry Orlan and Karen Shalom Peters</b>	<b>170 - 170</b>
	To give Bylaw No. 12155 second and third reading in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone.	
<b>4.16.</b>	<b>Supplemental Report - Moubray Rd 387 - Z20-0092 (BL12156) - Ravdeep S Tiwana and Kulwinder K. Khatra</b>	<b>171 - 172</b>
	To receive a summary of correspondence for Rezoning Bylaw No. 12156 and to give the bylaw further reading consideration.	
<b>4.17.</b>	<b>Moubray Rd 387 - BL12156 (Z20-0092) - Ravdeep S. Tiwana and Kulwinder K. Khatra</b>	<b>173 - 173</b>
	To give Bylaw No. 12156 second and third reading in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing.	
<b>4.18.</b>	<b>Supplemental Report - Joe Riche Rd 1788 - Z20-0087 (BL12157) - Balraj Singh and Gurinderjeet Kaur Sidhu</b>	<b>174 - 175</b>
	To receive a summary of correspondence for Rezoning Bylaw No. 12157 and to give the bylaw further reading consideration.	



<b>4.19.</b>	<b>Joe Riche Rd 1788 - BL12157 (Z20-0087) - Balraj Singh and Gurinderjeet Kaur Sidhu</b>	<b>176 - 176</b>
	To give Bylaw No. 12157 second and third reading in order to rezone the subject property from the A1 – Agriculture 1 zone to the RU6 – Two Dwelling Housing zone.	
<b>4.20.</b>	<b>Fraser Rd 605 and Leathead Rd 460, OCP20-0013 Z20-0066 - Supplemental Report to Council</b>	<b>177 - 181</b>
	To provide Council with an update on the neighbourhood notification that occurred for OCP20-0013 and Z20-0066.	
<b>4.21.</b>	<b>Mugford Rd 550 Extension Request Z19-0122</b>	<b>182 - 183</b>
	To extend the deadline for adoption of Rezoning Bylaw No. 11975 to February 4, 2022.	
<b>5.</b>	<b>Bylaws for Adoption (Development Related)</b>	
<b>5.1.</b>	<b>Hwy 97 N 2890 - BL12069 (LUCT20-0003) - Hofa Transport Group Ltd., Inc.No. BC1096204</b>	<b>184 - 184</b>
	<b>Requires a majority of all members of Council (5).</b>	
	To adopt Bylaw No. 12069 in order to terminate LUC76-1.	
<b>5.2.</b>	<b>Hwy 97 N 2890 - BL12070 (Z20-0062) - Hofa Transport Group Ltd., Inc.No. BC1096204</b>	<b>185 - 185</b>
	To adopt Bylaw No. 12070 in order to rezone the subject property from the A1 - Agriculture 1 zone to the I2 - General Industrial zone.	
<b>5.3.</b>	<b>Adams Rd 251 - BL12071 (LUCT20-004) - Heartwood Investments Ltd Inc No 352195</b>	<b>186 - 186</b>
	<b>Requires a majority of all members of Council (5).</b>	
	To adopt Bylaw No. 12071 in order to terminate LUC77-1047.	
<b>5.4.</b>	<b>Adams Rd 251 - BL12072 (Z20-0063) - Heartwood Investments Ltd., Inc.No. 352195</b>	<b>187 - 187</b>
	To adopt Bylaw No. 12072 in order to rezone the subject property from the A1 – Agriculture 1 zone to the I2 – General Industrial zone.	
<b>5.5.</b>	<b>Sutherland Ave 1511 - BL12073 (LUCT20-0005) - Sapphire Construction Ltd., Inc. No. 84820</b>	<b>188 - 188</b>
	<b>Requires a majority of all members of Council (5).</b>	
	To adopt Bylaw No. 12073 in order to terminate LUC77-1061.	



- 5.6. Sutherland Ave 1511 - BL12074 (Z20-0064) - Sapphire Construction Ltd., Inc. No. 84820** 189 - 189

To adopt Bylaw No. 12074 in order to rezone the subject property from the RU1 – Large Lot Housing zone to the C3 – Community Commercial zone.

- 5.7. Sutherland Ave 1521 - BL12075 (LUCT20-0006) - Price's Alarm Systems Ltd., Inc. No. BCog29068** 190 - 190

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

To adopt Bylaw No. 12075 in order to terminate LUC78-1004.

- 5.8. Sutherland Ave 1521 - BL12076 (Z20-0065) - Price's Alarm Systems Ltd., Inc. No. BCog29068** 191 - 191

To adopt Bylaw No. 12076 in order to rezone the subject property from the RU1 – Large Lot Housing zone to the C3 – Community Commercial zone.

- 5.9. Park Ave 409 - BL12085 (Z20-0042) - Brenda Rusnak** 192 - 192

To amend at third reading and adopt Bylaw No. 12085 in order to rezone the subject properties from the RU1-Large Lot Housing zone to the RU2- Medium Lot Housing zone.

- 5.10. Springfield Rd 1585, BL12145 (TA20-0025) - Springfield Plaza Inc., Inc. No. BCo479374** 193 - 195

To adopt Bylaw No. 12145 in order to amend the CD16 Comprehensive Development zone.

## **6. Non-Development Reports & Related Bylaws**

- 6.1. Final 2020 Building and Development Statistics** 196 - 211

This report updates Council on Building and Development Statistics from 2020.

- 6.2. Rental Housing Grant Recommendation for 2021** 212 - 219

To consider approval of one rental housing grant for 2021.

- 6.3. Energy Step Code Implementation Strategy for Part 3 Buildings (BL12166)** 220 - 296

To present the Energy Step Code Implementation Strategy for Part 3 buildings to Council for information and endorsement.

- 6.4. BL12166 - Amendment No. 14 to Building Bylaw No. 7245** 297 - 299

To give Bylaw No. 12166 first, second and third reading.



<b>6.5.</b>	<b>Green Fleet Update and Strategy</b>	<b>300 - 330</b>
	To update Council on initiatives to reduce Greenhouse Gas (GHG) emissions from the Corporate fleet, and a proposal to apply for funding towards a Green Fleet Strategy and infrastructure upgrades.	
<b>6.6.</b>	<b>Adding Exclusivity for E-bikeshare to the Bikeshare Permit Program</b>	<b>331 - 359</b>
	To amend the existing Bikeshare (Micromobility) Permit Program to include an exclusive permit for e-bikeshare service in Kelowna.	
<b>6.7.</b>	<b>License of Occupation for UBC Art Banner Program</b>	<b>360 - 371</b>
	To seek Council approval to enter into a six (6) month License of Occupation agreement with the University of British Columbia for a banner program within the Rotary Common and along the Art Walk.	
<b>7.</b>	<b>Bylaws for Adoption (Non-Development Related)</b>	
<b>7.1.</b>	<b>BL12096 - Amendment No. 1 to the Intercommunity Mobile Business Licence Bylaw No. 9900</b>	<b>372 - 373</b>
	To adopt Bylaw No. 12096.	
<b>8.</b>	<b>Mayor and Councillor Items</b>	
<b>8.1.</b>	<b>Draft Resolution, Councillor Wooldridge, re: Provincial COVID-19 Supplement Funding</b>	<b>374 - 375</b>
<b>9.</b>	<b>Termination</b>	





## City of Kelowna Regular Council Meeting Minutes

Date: Monday, February 8, 2021  
 Location: Council Chamber  
 City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Brad Sieben, Mohini Singh and Loyal Wooldridge

Members participating remotely Councillors Charlie Hodge and Luke Stack

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Planning & Development Services, Ryan Smith\*; Development Planning Department Manager, Terry Barton\*; Planner Specialist, Alex Kondor\*; Property Management Manager, JoAnne Adamson\*; Divisional Director, Active Living & Culture, Jim Gabriel\*; Sport & Event Services Manager, Doug Nicholas\*; Event Development Supervisor, Chris Babcock\*; Policy & Planning Department Manager, Danielle Noble-Brandt\*; Long Range Policy Planning Manager, James Moore\*; Planner Specialist, Ross Soward\*; Deputy City Clerk, Laura Bentley\*

Staff participating remotely Legislative Coordinator (Confidential), Arlene McClelland\*

(\* Denotes partial attendance)

### 1. Call to Order

Mayor Basran called the meeting to order at 1:35 p.m.

I would like to acknowledge that we are gathered today on the traditional, ancestral, unceded territory of the syilx/Okanagan people.

In accordance with the most recent Provincial Health Officer Order regarding gatherings and events, the public is currently not permitted to attend Council meetings in-person. As an open meeting, a live audio-video feed is being broadcast and recorded on kelowna.ca.

### 2. Confirmation of Minutes

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0180/21/02/08 THAT the Minutes of the Regular Meetings of February 1, 2021 be confirmed as circulated.

Carried



### 3. Development Application Reports & Related Bylaws

#### 3.1 Begbie Rd, Union Rd, Glenmore Rd N - OCP20-0018 (BL12163) Z20-0086 (BL12164) - Glenwest Properties Ltd., Inc. No. Co889227

Staff:

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

Moved By Councillor Sieben/Seconded By Councillor Wooldridge

**R0181/21/02/08** THAT Official Community Plan Map Amendment Application No. OCP20-0018 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of portions of:

1. Lot A, Sections 4,5,8 AND 9 Township 23, ODYD, KAP69724 Except Plans KAP71944, KAP73768, KAP75949, KAP78547, KAP80107, KAP81912, KAP85278, KAP86750, EPP24895 AND EPP93548, located at 2025 Begbie Road, Kelowna BC;
2. The North East 1/4 of Section 8, Township 23, ODYD, Except Plan KAP69724, located at (W OF) Union Road, Kelowna BC;
3. The South East 1/4 Section 17, Township 23, ODYD, located at 1650 Glenmore Road North, Kelowna BC;
4. The South West 1/4 Section 16 Township 23, ODYD, located at 1630 Glenmore Road North, Kelowna BC.

From the S2RESH – Single / Two Unit Residential – Hillside, S2RES – Single / Two Unit Residential and PARK – Major Park / Open Space (Public) designations to the S2RESH – Single / Two Unit Residential - Hillside, MRC – Multiple Unit Residential – Cluster Housing and PARK – Major Park / Open Space (Public) designations as shown on Map “A” attached to the Report from the Development Planning Department dated February 8<sup>th</sup> 2021, be considered by Council;

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

AND THAT Council considers the Public Hearing process to be appropriate consultation for the Purpose of Section 475 of the *Local Government Act*, as outlined in the Report from the Development Planning Department dated February 8<sup>th</sup> 2021;

AND THAT Rezoning Application No. Z20-0086 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of:

1. Lot A, Sections 4,5,8 AND 9 Township 23, ODYD, KAP69724 Except Plans KAP71944, KAP73768, KAP75949, KAP78547, KAP80107, KAP81912, KAP85278, KAP86750, EPP24895 AND EPP93548, located at 2025 Begbie Road, Kelowna BC;
2. The North East 1/4 of Section 8, Township 23, ODYD, Except Plan KAP69724, located at (W OF) Union Road, Kelowna BC;
3. The South East 1/4 Section 17, Township 23, ODYD, located at 1650 Glenmore Road North, Kelowna BC;
4. The South West 1/4 Section 16 Township 23, ODYD, located at 1630 Glenmore Road North, Kelowna BC.

From the RU1h – Large Lot Housing (Hillside Area), RU2h – Medium Lot Housing (Hillside Area), RU4 – Low Density Cluster Housing, RM3 – Low Density Multiple Housing, P3 – Parks and Open Space zones to the RU1h – Large Lot Housing (Hillside Area), RU2h – Medium Lot Housing (Hillside Area), RU4 – Low Density Cluster Housing, P3 – Parks and Open Space zones as shown on Map “B” attached to the Report from the Development Planning Department dated February 8<sup>th</sup> 2021, be considered by Council;



AND FURTHER THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration.

Carried

**3.2 Begbie Rd, Union Rd, Glenmore Rd N - BL12163 (OCP20-0018) - Glenwest Properties Ltd., Inc. No. Co889227**

Moved By Councillor Singh/Seconded By Councillor Wooldridge

R0182/21/02/08 THAT Bylaw No. 12163 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

**3.3 Begbie Rd, Union Rd, Glenmore Rd N - BL12164 (Z20-0086) - Glenwest Properties Ltd., Inc. No. Co889227**

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0183/21/02/08 THAT Bylaw No. 12164 be read a first time.

Carried

**3.4 Richter St 1710 - 1740 - DP19-0217 - 1017476 BC Ltd., Inc. No. BC1017476**

Staff:

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

Moved By Councillor Given/Seconded By Councillor DeHart

R0184/21/02/08 THAT Council authorizes the issuance of Development Permit No. DP19-0217 for Lot 1, District Lot 139, ODYD, Plan KAP92715 located at 1710 - 1740 Richter Street, Kelowna, BC, subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in 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 Registered Landscape Architect;
5. That all rights-of-way, covenants, and easements be amended to accommodate the revised pedestrian overpass.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application 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.

Carried

Councillor Hodge - Opposed



### 3.5 Supplemental Report - Clement Ave 1089 1095 - Z20-0070 (BL12140) - Karambir Singh Kler and Amarjit Kaur Kler

Staff:

- Provided comments regarding the late correspondence received and confirmed staff have discussed the issues raised with the author of the correspondence.

Moved By Councillor Donn/Seconded By Councillor Stack

**R0185/21/02/08** THAT Council receives, for information, the report from the Office of the City Clerk dated February 8, 2021 with respect to the summary of correspondence received for Zoning Bylaw No. 12140;

AND THAT Rezoning Bylaw No. 12140 be forwarded for further reading consideration.

Carried

### 3.6 Clement Ave 1089 1095 - BL12140 (Z20-0070) - Karambir Singh Kler and Amarjit Kaur Kler

Moved By Councillor DeHart/Seconded By Councillor Hodge

**R0186/21/02/08** THAT Bylaw No. 12140 be read a second and third time.

Carried

## 4. Bylaws for Adoption (Development Related)

### 4.1 Fitzpatrick Road 729 - BL12050 (Z20-0016) - 1104053 BC LTD. INC NO. BC1104053

Moved By Councillor Sieben/Seconded By Councillor DeHart

**R0187/21/02/08** THAT Bylaw No. 12050 be adopted.

Carried

## 5. Non-Development Reports & Related Bylaws

### 5.1 Management and Operating Agreement Amendment

Staff:

- Displayed a PowerPoint Presentation outlining the Modification Agreement to the Management and Operating agreement for the H2O Fitness Centre and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Singh

**R0188/21/02/08** THAT Council approves the City entering into a two (2) year extension and Modification Agreement, with YMCA of Okanagan Association, for Management and Operating Agreement in the form attached to the Report of the Real Estate department, dated February 8, 2021;

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

Carried



## 5.2 2026 BC Summer Games

Staff:

- Displayed a PowerPoint Presentation providing an overview of the 2026 BC Summer Games and responded to questions from Council.

Moved By Councillor DeHart/Seconded By Councillor Wooldridge

**R0189/21/02/08** THAT Council receives for information the report from the Sport & Event Services Manager, dated February 8, 2021, regarding the BC Games;

AND THAT Council approves the City of Kelowna submitting a bid to host the 2026 BC Summer Games;

AND FURTHER THAT Council approves the commitment of \$110,000 from the Major Events Program as the City of Kelowna's financial contribution to the 2026 BC Summer Games, if the Games are awarded to Kelowna.

**Carried**

## 5.3 Heritage Management Options Review

Staff:

- Displayed a PowerPoint Presentation outlining proposed heritage management options and reasons for the recommended interim approach and responded to questions from Council.

Moved By Councillor Singh/Seconded By Councillor DeHart

**R0190/21/02/08** THAT Council receives, for information, the report from the Policy and Planning Department, dated February 8, 2021, with respect to heritage management options;

AND THAT Council directs staff to bring forward a report and additional workshop to advance the actions identified in option two, as described in the report from the Policy and Planning Department dated February 8, 2021.

**Carried**

## 5.4 COVID-19 Pandemic Restrictions, Committees and Public Hearings Update

Staff:

- Displayed a PowerPoint Presentation outlining proposed heritage management options and reasons for the recommended interim approach and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor DeHart

**R0191/21/02/08** THAT Council receive, for information, the report from the Office of the City Clerk dated February 8, 2021 regarding the update on restrictions, advisory committees, and public hearings;

AND THAT Council reinstate the duties and meetings of the Agricultural Advisory Committee;

AND THAT Council direct the Agricultural Advisory Committee to meet electronically in accordance with Option 1 described in the report from the Office of the City Clerk dated February 8, 2021 until the Order of the Provincial Health Officer is rescinded or replaced to allow for in-person attendance at Committee meetings;

AND THAT Council is ensuring openness, transparency, accessibility, and accountability of Committee meetings by allowing applicants to participate electronically, allowing the public to



watch meetings electronically, regularly communicating to the public changes in how meetings are held, and posting draft agendas and minutes online;

AND FURTHER THAT duties and meetings of the Heritage Advisory Committee continue to be suspended until Council provides further direction on the role of that Committee.

**Carried**

## **6. Mayor and Councillor Items**

Councillor Donn:

- Spoke to the cold weather and acknowledged the four Provincially supported shelters that are open in the City.

Councillor DeHart:

- Spoke to the Wear Red Canada virtual event on February 13th recognizing and promoting women's heart health.
- Spoke to the Snow Angel Challenge that is an initiative to raise funds for Canadian researchers in their efforts to cure diabetes.

Councillor Wooldridge:

- Spoke to their second year of judging the Lady of the Lake event that is being held virtually.
- Spoke to a Notice of Motion that will be brought forward at the February 22 Council meeting regarding the Provincial COVID-19 top up funds.

Councillor Given:

- Made comment on how GHG's are measured and whether they should be based on consumption impacts in other parts of the world as well as here.

Mayor Basran:

- Reminder that next Monday is Family Day and there will be no Council meeting.

## **7. Termination**

This meeting was declared terminated at 3:48 p.m.

\_\_\_\_\_  
Mayor Basran

sf/acm

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City Clerk



# Report to Council



**Date:** February 22, 2021  
**To:** Council  
**From:** City Manager  
**Subject:** 2020 Year in Review RCMP Update  
**Department:** Kelowna RCMP Detachment

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## **Recommendation:**

THAT Council receive the RCMP Quarterly Update report from the Superintendent, Kelowna RCMP Detachment, dated February 22, 2021.

## **Purpose:**

To present Council with an update on 2020 public safety and crime trends.

## **Background:**

By the end of 2019, the Kelowna RCMP Detachment achieved many of the targets set in its 2016-2019 Crime Reduction Strategy. However, in the fall of 2020, Statistics Canada released results indicating that the 2019 crime severity index in Kelowna Census Metropolitan Area (CMA) - inclusive of rural Kelowna, West Kelowna, Peachland, and Lake Country - had risen to the fourth highest of 35 CMAs in Canada. Indeed, while Kelowna citizens felt safe in their neighbourhoods in 2019<sup>1</sup>, the City of Kelowna experienced an estimated 25 per cent increase in property crime. This put upward pressure on Kelowna's overall crime index.

## **Current Status:**

In 2020, the Kelowna RCMP Detachment focused on property crimes through proactive policing, public campaigns and targeting known offenders. These efforts, together with pandemic-related factors, resulted in a 16 per cent decrease in property offenses from 2019. However, while citizens continue to report that they feel safe in Kelowna (87 per cent in 2018 and 2020)<sup>2</sup>, 2020 brought new challenges to communities across Canada and there has been an increase in persons crime offences.

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<sup>1</sup> City of Kelowna Public Safety & Crime Survey. April 8, 2019.

<sup>2</sup> City of Kelowna Citizen Survey. October 26, 2020.



## Key Information:

The following includes standardized indicators from the Canadian Police Performance Metrics Framework and, following Council approval of the 2021-24 Strategic Plan, will also include measures of targeted initiatives. All indicators relate to the City of Kelowna and will be reported on a quarterly basis, except those marked with an asterisk (\*) which will be reported on an annual basis.

Police Capacity & Response	2019	2020		Change
Total Calls for Service	60,219	58,740	●	-2.5%
Calls for Service Priority 1-3 Combined	47,964	46,956	●	-2.1%
Calls for service requiring a police presence per officer	237.5	232.5	●	-2.1%
Response Time for Priority 1 Calls (target: 7 minutes)	7.5	7.6	●	1.3%
Response Time for Priority 2 Calls (target: 10 minutes)	9.8	9.6	●	-2.0%
<b>2021-24 Strategic Initiatives</b>				

Measures subject to Council feedback on 2021-24 Strategic Plan. Example measures: Disorder calls from Downtown area; Officer hours allocated to visibility in Downtown & public spaces; Citizen-reported sense of safety; Citizen satisfaction with police services\*

<b>Relevant Social Indicators</b>				
Calls for Police Service with Mental Health Component	1,757	1,717	●	-2.3%
Mental Health Act Apprehensions	702	647	●	-7.8%
Overdose – Non-Fatal (naloxone administration)	39	80	●	105.1%
Drug Overdose Files (i.e., fentanyl, illicit, prescript incl. fatal)	64	124	●	93.8%

<b>Total Property Offences</b>	<b>11826</b>	<b>9974</b>	●	<b>-15.7%</b>
Auto Theft	559	422	●	-24.5%
Theft from Motor Vehicle	2,813	2,163	●	-23.1%
Break & Enter – Business	711	524	●	-26.3%
Shoplifting	1,420	1,107	●	-22.0%
Break & Enter – Residential	356	263	●	-26.1%
Bike Theft	691	553	●	-20.0%
Other Theft & Property Crime	5,276	4,942	●	-6.3%
<b>2021-24 Strategic Initiatives</b>				

Measures subject to Council feedback on 2021-24 Strategic Plan. Example measures: Crime prevention cross-media impressions; property theft where property was secured

<b>Total Persons Offences</b>	<b>2019</b>	<b>2020</b>		<b>Change</b>
Assaults (Common only)	985	1159	●	17.7%
Domestic Violence	673	776	●	15.3%
Sex Offences (Sexual Interference, Exploitation, Invite to Touch, Child Sexual Abuse Imagery, Producing Child Sexual Abuse Imagery/Child Pornography)	54	47	●	-13.0%
Sexual Assault (does not include Sexual Interference)	159	144	●	-9.4%
Theft with Violence (known as Robbery)	84	86	●	2.4%



Utter Threats/Harassment	460	648	●	40.9%
Assault w/ Weapon	267	326	●	22.1%

#### 2021-24 Strategic Initiatives

Measures subject to Council feedback on 2021-24 Strategic Plan. Example measures: Persons offences reported after referral from community partners\*, Detachment participation in training\*

#### Drug Offences

Trafficking	171	172	●	0.6%
-------------	-----	-----	---	------

#### Traffic

Collision - Non Fatal	242	179	●	-26.0%
Collision – Fatal	6	6	●	0.0%

#### Conclusion:

The City of Kelowna welcomed Superintendent Kara Triance into the role of Officer in Charge of the Kelowna Detachment in October 2020, following the conclusion of the Detachment's 2016-2019 Crime Reduction Strategy. This change in leadership, together with the extraordinary social and economic stressors facing Kelowna, creates the appropriate time for a refreshed 2021-2024 Strategic Plan for Kelowna's RCMP Detachment.

#### Internal Circulation:

Community Safety Department  
Communications Department

#### 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:

Submitted by: K. Triance, Superintendent, Kelowna RCMP Detachment

Approved for inclusion:  S. Leatherdale, Divisional Director, Corporate & Protective Services

cc:

D. Caul, Community Safety Director

S. Jackson, Police Services Manager

C. Cornock, Crime Prevention Supervisor





# Our 2016-2019 Crime Reduction Strategy Retrospective and 2020 Review

Supt Kara Triance, OIC, Kelowna RCMP Detachment



# Today's Agenda

- 2016-2019 Crime Reduction Strategy Retrospective
- 2020 Response to Community Priorities





# Background

- The 2016-2019 Crime Reduction Strategy built on the success of the 2012-2015 plan in achieving significant decreases in Kelowna's crime rate.
- In 2016, the Kelowna citizens experienced marked increases in auto theft (26% increase over previous year) and bike theft (43% increase). In the following years, our Detachment doubled down on these concerns, bringing auto and bike thefts lower than 2016 levels.
- In 2019, we saw increases in property crimes. The City of Kelowna's community safety needs continue to evolve.





# Our 2016-2019 Crime Reduction Strategy

GOAL 1	Prevent crime before it occurs through a proactive approach
GOAL 2	Work with partner agencies for more effective policing
GOAL 3	Maximize the effectiveness of resources using an intelligence-led model
GOAL 4	Effectively communicate public safety





# 2016-2019 Crime Reduction Strategy Retrospective

	Goal	Measure	Baseline	Target	2019 Results
GOAL 1	<b>Prevent crime before it occurs through a proactive approach</b>	Crime rate per 1000	Not available	(-5.0)	106.8 (2019)*
		Volunteer hours	9164 (2015)	9300 per year	8213 (2019)
GOAL 2	<b>Work with partner agencies for more effective policing</b>	Update nuisance bylaws	--	--	Completed (2017)
GOAL 3	<b>Maximize the effectiveness of resources using an intelligence-led model</b>	Priority Call response time	Priority 1: 7.5 mins Priority 2: 9.6 mins (2015)	Priority 1: 7 mins Priority 2: 10 mins	Priority 1: 7.5 mins Priority 2: 9.8 mins (2019)
GOAL 4	<b>Effectively communicate public safety</b>	Citizen perception of safety	94% (2015)	≥94%	98%+ (2019)

\*Due to a Jan 1 2019 change in reporting definitions across Canada we cannot make reliably comparisons between pre and post 2019 crime rates. For this reason, we are reporting 2019 results only.







# 2020 Response to Community Priorities





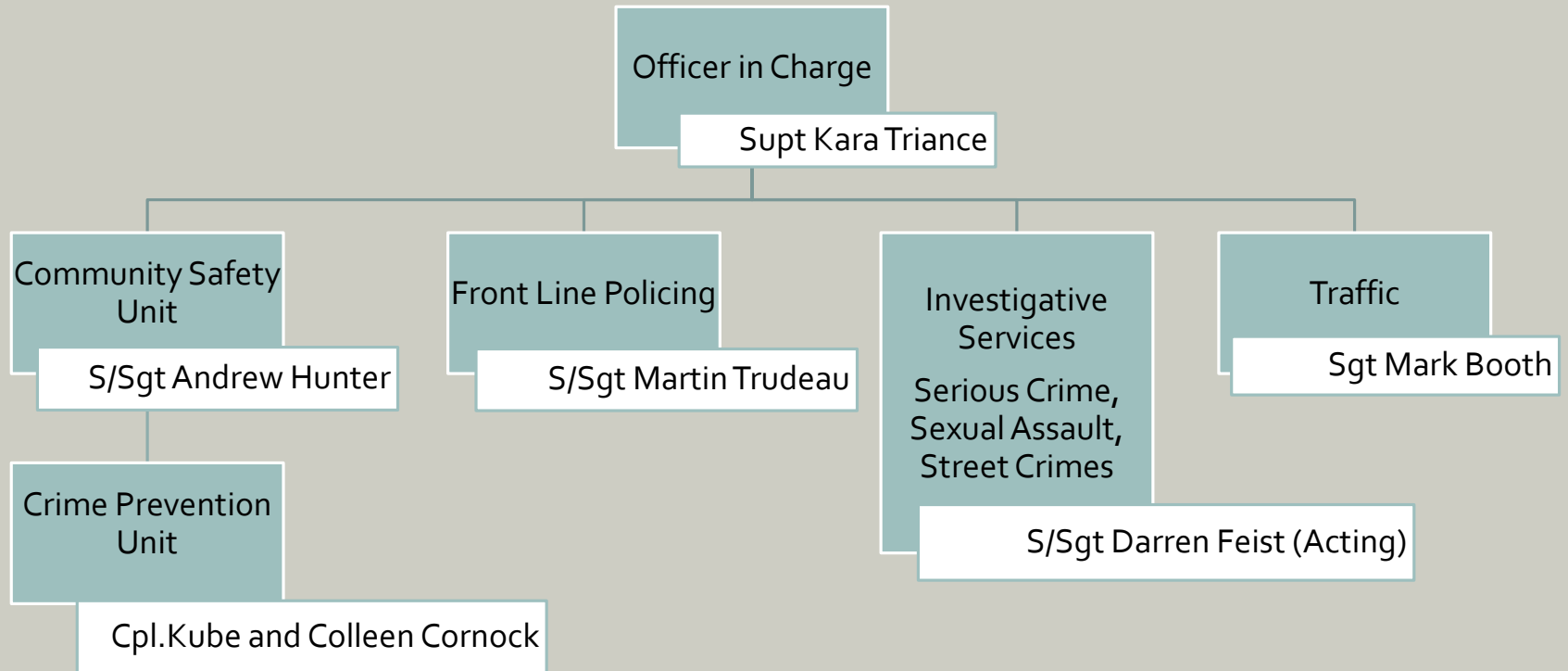
# Here to Listen, Here to Lead

---

My vision for Kelowna is that citizens feel safe here — that they feel able to come forward and report crimes to the police and be able to know that we are strategically deploying our resources to the areas of highest crime and utmost importance.

- Superintendent Kara Triance, Officer in Charge, Kelowna RCMP Detachment





# Our Detachment Structure



# Overview

1. 2020 Decreases in Property Crime; Upward Pressure on Persons Offences
2. Cross-Sector Approach to Community Safety





# Responding to Reports on Kelowna's Crime Rate

- In Q3 of 2020, Stats Can reports spotlighted increases in Kelowna CMA's increasing crime rates.
  - We did indeed see an increase in property crime in 2019.
  - Our units have been doubling down on proactive and intelligence-led policing.
  - Targeted efforts together with pandemic-related factors resulted in a **16% decrease in property theft in 2020.**





# Our Changing Context

- By mid 2020, major police services across Canada were reflecting similar shifts, namely:
  - Notable decreases in most types of property theft (except break and enter to businesses)
  - Increases in domestic disturbance calls, with many cities later reporting increases in domestic violence reports
- Kelowna has also observed and will continue to monitor increases in domestic violence plus serious assaults as our new social and economic context continues to evolve.
- It is time for a new strategy – one that is intentionally designed to bring down Kelowna CMA crime rates and address new social and economic challenges.

Source: Statistics Canada, Police-reported crime incidents down during the early months of the pandemic, while domestic disturbance calls increase.





# Targeted Property Theft Initiatives

The Kelowna RCMP Target Team uses crime analytics and sources to increase the effectiveness and efficiency of property crime prevention efforts.

It is actively monitoring 11 Persistent Offenders

## Results in 2020:

**45** individuals arrested

**6** Persistent Offenders charged

**61** stolen vehicles recovered

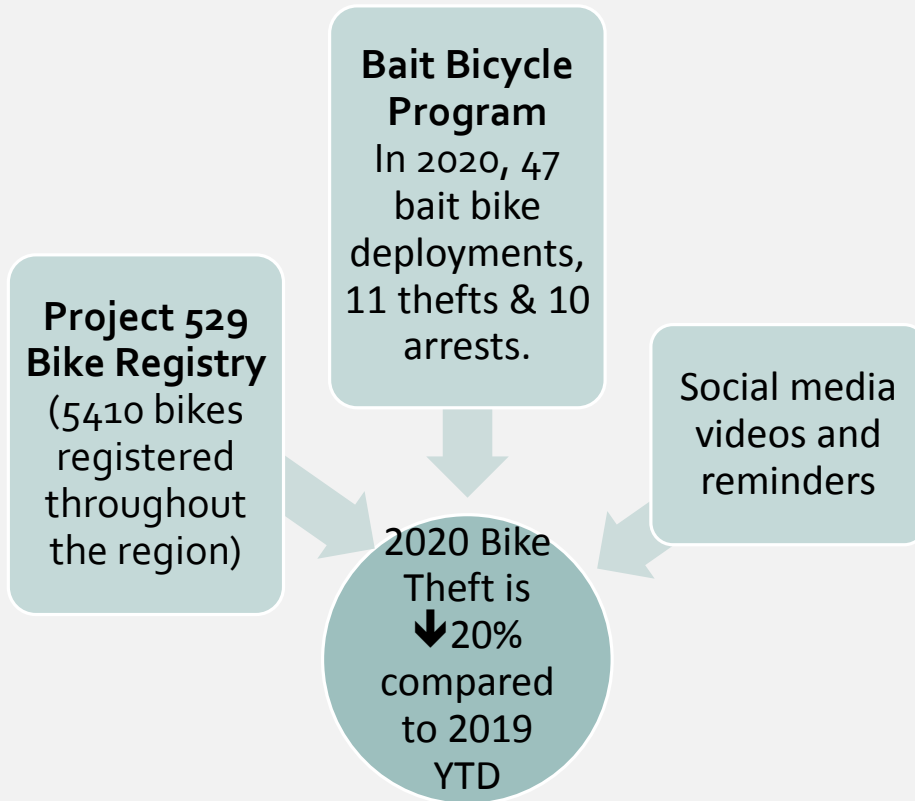
Auto Theft is **↓25%** compared to 2019

Theft from Auto is **↓23%** compared to 2019





# Targeted Property Theft Initiatives



Kelowna RCMP  
@KelownaRCMP

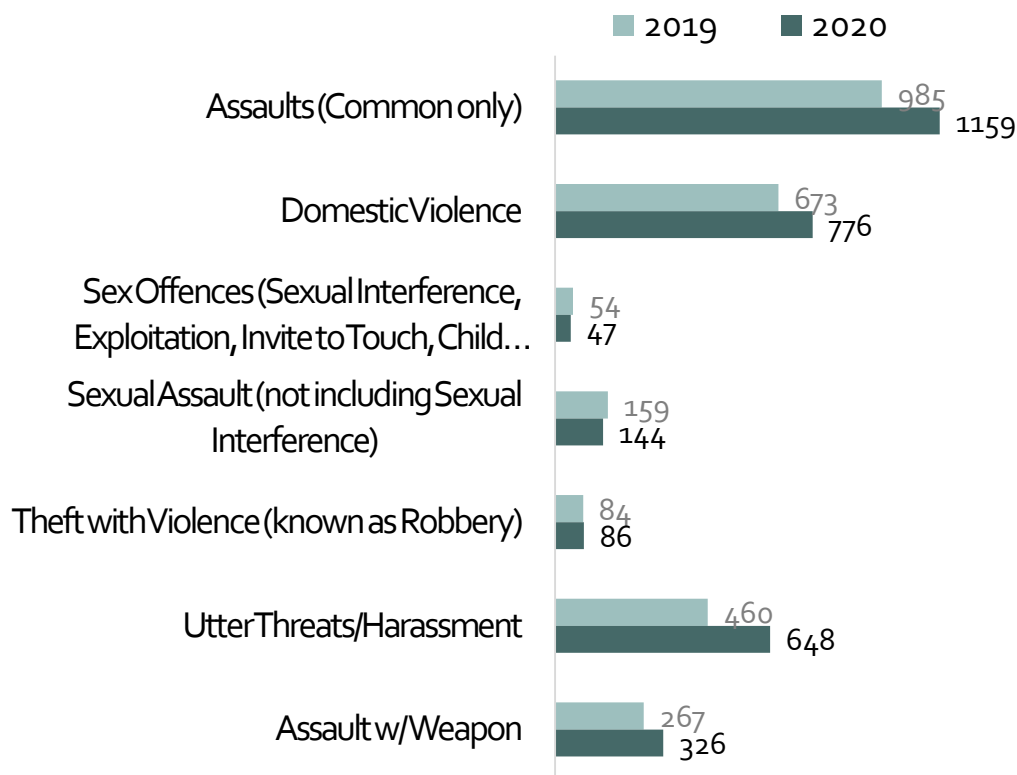
On a daily basis, our officers are locating stolen bicycles. Cst. Boutin and Cst. Gauthier of the Kelowna RCMP Community Safety Unit were happy to return a bicycle stolen from a local 10- year-old boy. His mom shared that her son is ecstatic to be reunited with his bike.





# Persons Offences have risen in 2020

## Continuing to monitor in 2021



- In particular, national victimization surveys show rates of reporting to the police are lower for sexual assaults and spousal violence than for other types of crimes.
- Mindful of historical concerns over the classification of sexual assaults in Kelowna, we are committed to earning the trust of victims.



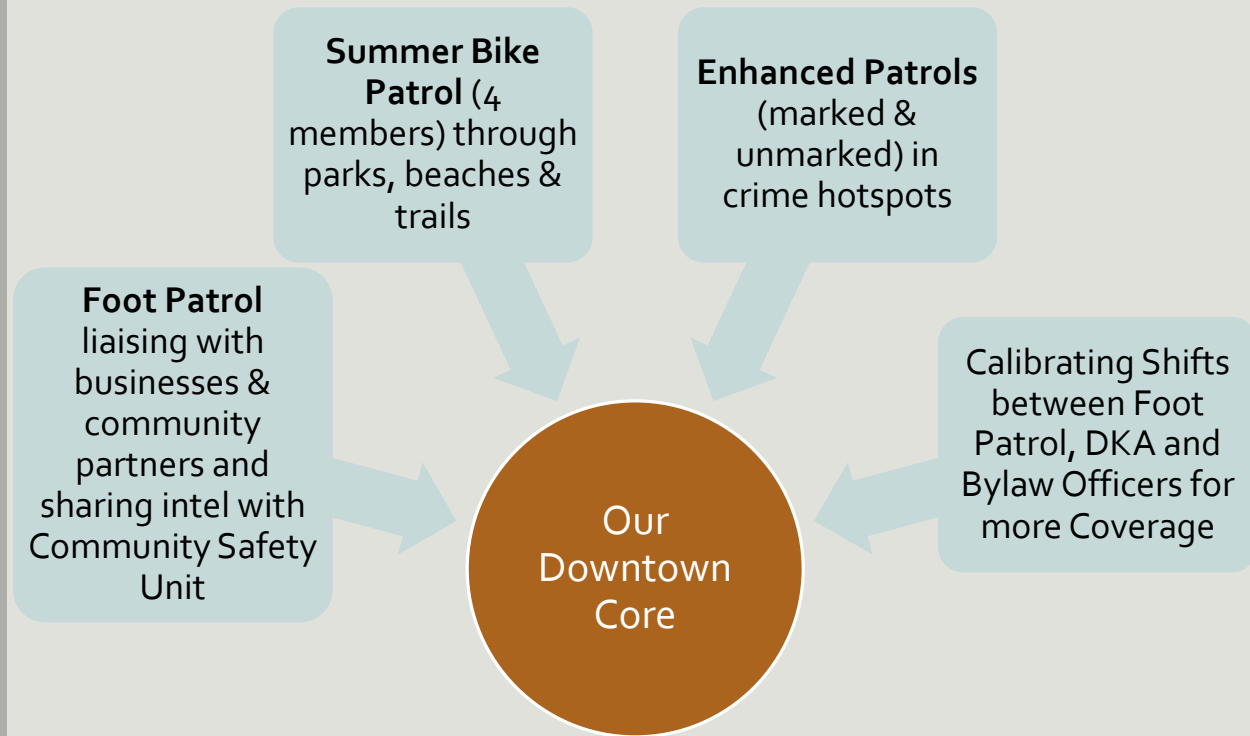


# 1 in 10 of these Offences Occur Downtown

“

Nothing beats the visibility of the uniform, plain & simple  
– Operations Officer,  
Front Line Policing

”

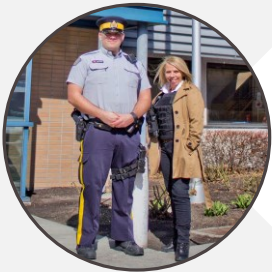




# Prevention requires a cross-sector approach



In 2020, the **Kelowna Outreach & Support Table** (KOaST, est 2019) received 46 referrals, connected 34 individuals/families to services with remaining 12 unreachable.



In 2020, we secured commitment from Interior Health for availability of a Community Response Team outside working hours of our **Police and Crisis Team** (PACT) – mobile dyad of police officer with *mental health* training & psychiatric nurse.



We have 4 **School Resource Officers** and have updated Safe School Plans for SD23 schools and have expanded to online and extra-curricular forums for youth engagement.





# Meet Cpl Mike Kube, the Officer at the Helm of our Community Policing Unit



## *About Mike's Career*

- Drawn to policing and early intervention during first few years of his career at the Correctional Services of Canada
- 22 years of diverse rural and urban policing, all within BC's South East District
- Career spans Front Line Policing, Auto Theft Investigations, Crime Reduction and Targeted Enforcement, Serious and Major Crime investigations, and now Community Policing and Crime Prevention

## *About Mike*

- Lived in 4 Canadian provinces and Germany
- Graduated from a Kelowna high school and also did post-secondary education locally
- Committed to his family and his community... and his curling and golf skills!





# Crime Reduction Strategy Reflections

1. Property crime will continue to be a priority for the Detachment in 2021-2024, not only as a means to reduce our overall crime rates but also in light of the economic challenges facing our communities.
2. We are committed to our role in co-creating and delivering on the City's future Community Safety Plan.
3. We will need innovative, cross-sector approaches to prevent persons offences given today's unique social stressors.
4. We will be inviting insights from Council and community partners as we develop our 2021-24 Strategic Plan.





# Next Steps for 2021-24 Strategic Plan

- Invite feedback from Council on Detachment's 2021-24 Strategic Plan on April 12th





# REPORT TO COUNCIL



**Date:** February 22, 2021

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** Z20-0098

**Owner:** Carlyle Holdings Ltd., Inc. No.  
273657

**Address:** 2789-2791 Hwy 97 N

**Applicant:** Part Nine Designs

**Subject:** Rezoning Application

**Existing OCP Designation:** SC – Service Commercial

**Existing Zone:** C10 – Service Commercial

**Proposed Zone:** C10rcs – Service Commercial (Retail Cannabis Sales)

---

## 1.0 Recommendation

THAT Rezoning Application No. Z20-0098 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 60 District Lot 143 Osoyoos Division Yale District Plan 426 Except Plans M327, 10792, A12969, H8110, H18014 and EPP58859, located at 2789-2791 Highway 97 North, Kelowna, BC from the C10 – Service Commercial zone to the C10rcs – Service Commercial (Retail Cannabis Sales) zone, be considered by Council;

AND THAT if the Rezoning Bylaw is adopted, Council direct Staff to send a recommendation to the Provincial Liquor and Cannabis Regulation Branch that they support issuance of a non-medical cannabis retail store license for this legal lot with the following comments:

- The proposed store location meets local government bylaw requirements and as such, no negative impact is anticipated;
- The views of the residents were captured during a public hearing process for the rezoning of the property and Council meeting minutes summarizing those views are attached; and
- Local government recommends that the application be approved because of the compliance with local regulations and policies.

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



AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated February 22, 2021;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure.

## **2.0 Purpose**

To rezone the subject property from the C10 – Service Commercial zone to the C10rcs – Service Commercial (Retail Cannabis Sales) zone to facilitate a retail cannabis sales establishment.

## **3.0 Development Planning**

Development Planning recommends support for the proposed rezoning to the C10- Service Commercial (Retail Cannabis Sales) zone to allow a retail cannabis sales establishment on the subject property. This proposal is consistent with the Future Land Use Designation of SC – Service Commercial in the Official Community Plan.

This proposal complies with Zoning Bylaw No. 8000 regulations in relation to minimum distances between stores and there are no variances or text amendments being requested. Currently, the nearest retail cannabis sales establishment to this property is located at 1675-1677 Commerce Ave, which is over 500 metres away.

Should Council adopt the proposed rezoning bylaw, the property would be rezoned to allow a retail cannabis sales establishment. Development Planning Staff would send a recommendation to the British Columbia Liquor and Cannabis Regulation Branch indicating support for issuance of a non-medical cannabis retail store license for this property.

## **4.0 Proposal**

### **4.1 Project Description**

A Retail Cannabis Sales establishment is proposed in an existing ground-floor commercial unit on the subject property.



**Subject Property Map: 2789-2791 Hwy 97 N****4.2 Site Context**

The subject property is located on the east side of Hwy 97 N, to the south of McCurdy Road. It is located within the Highway 97 OCP Sector. The Walk Score for the property is 27, indicating most errands require a car.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C3 – Community Commercial A1 – Agriculture 1	Commercial (McCurdy Corner Shopping Area) Agriculture
East	I2 – General Industrial	General Industrial
South	P4 - Utilities	Utility Services, Major Impact
West	C10 – Service Commercial	Commercial & Vehicle Sales

**5.0 Technical Comments****5.1 Development Engineering Department**

See Schedule A – City of Kelowna Memorandum



## **6.o Application Chronology**

Date of Application Received: November 19, 2020

Date Public Consultation Completed: December 8, 2020

**Report prepared by:** Kimberly Brunet, Planner II

**Reviewed by:** Jocelyn Black, Urban Planning Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

### **Attachments:**

Schedule A: City of Kelowna Memorandum

Attachment A: Rationale, Site Plan and Photographs



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## CITY OF KELOWNA

# MEMORANDUM

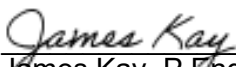
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**Date:** December 11, 2020  
**File No.:** Z20-0098  
**To:** Urban Planning (KB)  
**From:** Development Engineering Manager (JK)  
**Subject:** 2789-2791 Hwy 97 N C10 to C10rcs

---

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

1. This application to rezone the subject property to C10lp/rcs to allow for a retail cannabis sales establishment on the subject property does not compromise any City of Kelowna municipal infrastructure.
2. 2030 OCP TMP requires a 2-lane major collector. A 10m road reserve must be registered on this lot along the southern property line at this time. At the next building permit or application permit the developer/owner will be required to construct or pay a cash-in-lieu for the portion of road along the southern property line.
3. The comments included in this Memo are those of the Development Engineering Branch of the City of Kelowna. As the subject property is within the 800-m Ministry of Transportation and Infrastructure (MoTI) HWY 97 buffer, this application is subject to the review, comments, and requirements of MoTI.

  
James Kay P.Eng.  
Development Engineering Manager

AS



## Part Nine Designs

Clint Gavel  
250.864.7971  
[clint@partninedesigns.ca](mailto:clint@partninedesigns.ca)

<b>ATTACHMENT</b>		<b>A</b>
This forms part of application		
# Z20-0098		
Planner Initials	KB	 City of <b>Kelowna</b> <small>DEVELOPMENT PLANNING</small>
November 17, 2020		

## City of Kelowna

Development Services  
1435 Water Street  
Kelowna, BC V1Y 1J4

### **Re: Design Rationale – Unit 101 – 2791 Highway 97 N.**

Please consider this application to rezone the subject property from C10 to C10 retail cannabis sales. The proposed is supported as a principal use by the Zoning Bylaw, Official Community Plan, and by Buildings Owner's. No variances are requested with this application, please refer to architectural plan A1 for all project, zoning and building code information.

The proposed Cannabis Corner will be owned and operated by experienced, professional, and responsible businesspersons who own and operate Cannabis Corner in Fort Saint John since 2018. They're responsibilities within the industry regarding safety, security, professionalism, and education will continue with this proposed store.

The current tenant space is vacant, formerly BC Pawns and the proposed tenant will bring public security and rejuvenation to Blue Heights Park. The store will be clean, bright, and welcoming, providing customers with a safe alternative. Storefront windows and doors will be obscured complying with all legislation.

In addition to providing local temporary work through tenant improvements the store will employee up to 10 full time permanent local staff members. Revenue will be remitted and will contribute to the Kelowna business tax base.

Thank you, Staff and Council, for considering this application for Rezoning and associated approvals.

Yours very truly,

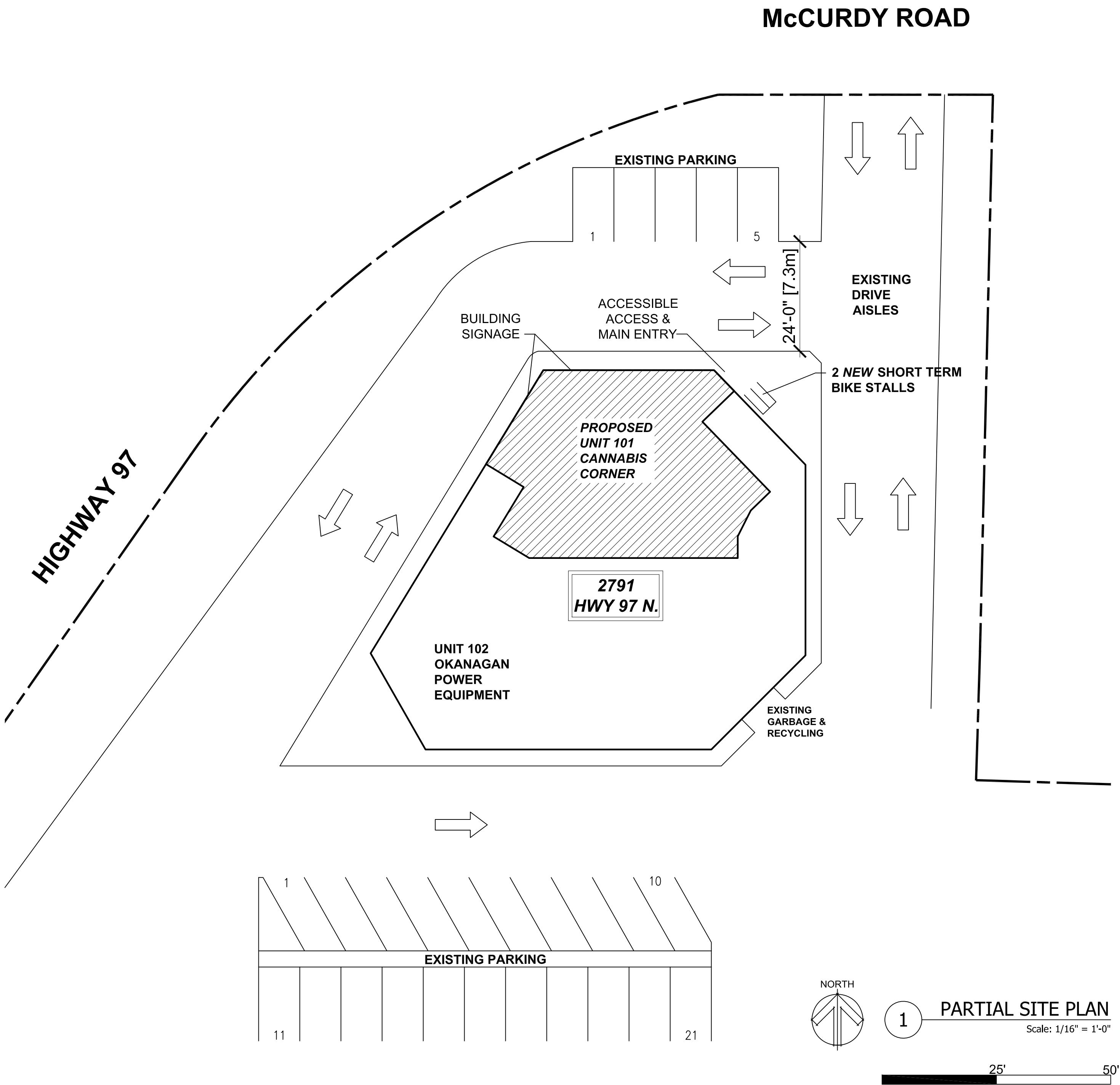
Clint Gavel



CANNABIS CORNER

PROPOSED REZONING & TENANT IMPROVEMENT

UNIT 101 - 2791 HIGHWAY 97 N., KELOWNA, B.C.



PROJECT INFO:

**PROJECT DESCRIPTION:** TO REZONE THE PROPERTY, IMPROVE THE TENANT SPACE FOR RETAIL CANNABIS SALES, CANNABIS CORNER.

**CIVIC ADDRESS:** 101 - 2791 HIGHWAY 97 N., KELOWNA, BC. V1X 4J8

**LEGAL DESCRIPTION:** LOT 60, PLAN 426, DISTRICT LOT 143, O.D.Y.D.

**EXISTING BUILDING:** 2 STOREY COMBUSTIBLE CON. NON-SPRINKLERED

**CURRENT ZONE:** C10 **OCF:** SERVICE COMMERCIAL **PROPOSED:** C10 rcs

**GROSS LEASABLE FLOOR AREA:** UNIT 101 = 187 m<sup>2</sup> / 2012 SF

SITE PLAN BASED ON INFORMATION PROVIDED BY KELOWNA G.I.S. MAPPING.

**CITY OF KELOWNA ZONING BYLAW 8000 ANALYSIS:**

**SECTION 6 - GENERAL DEVELOPMENT REGULATIONS**  
**6.8.2 - PUBLIC ACCESS TO BE WELL LIT**

**SECTION 8 - PARKING AND LOADING**  
**TABLE 8.3.2 COMMERCIAL:** GFA LESS THAN 1000m<sup>2</sup> = 2 / 100m<sup>2</sup> = 4 **REQUIRED**  
**TABLE 8.4 LOADING:** NOT APPLICABLE  
**TABLE 8.5 BICYCLE PARKING:** COMMERCIAL 1 / 500m<sup>2</sup> = 0.374 LONG TERM, 0 SHORT TERM, **2 REQUIRED & 2 PROVIDED**

**SECTION 9 - SPECIFIC USE REGULATIONS**  
**9.16 - RETAIL CANNABIS SALES ESTABLISHMENTS**  
**9.16.1 - MIN. 500m SETBACK FROM ANOTHER RETAIL:** +/- 1120m FROM CLOSEST LOCATION NOTED ON COMMERCE AVENUE  
**9.16.3 - MIN. 150m SETBACK FROM A ELEMENTARY SCHOOL:** +/- 542m FROM PEARSON ELEMENTARY  
**9.16.4 - MIN. 500m SETBACK FROM A SECONDARY SCHOOL:** +/- 1548m FROM RUTLAND MIDDLE SCHOOL  
**9.16.5 - MIN. 150m SETBACK FROM BEN LEE PARK:** +/- 662m FROM BEN LEE PARK

**SECTION 14 - COMMERCIAL ZONES**  
**14.10 C10 SERVICE COMMERCIAL**  
**C10 rcs -SERVICE COMMERCIAL (RETAIL CANNABIS SALES)**  
**14.10.2 PRINCIPAL USES (ii) RETAIL CANNABIS SALES ESTABLISHMENT**

**CITY OF KELOWNA BYLAW NO. 8235 - SIGN BYLAW, TO COMPLY**

**2018 B.C. BUILDING CODE ANALYSIS:**

**MAJOR OCCUPANCY CLASSIFICATION:** E  
**GRADE ELEVATION:** +/- 366m  
**BUILDING HEIGHT:** 2 STOREYS  
**CONSTRUCTION:** COMBUSTIBLE  
**SPRINKLERS:** NONE  
**FACING NO. OF STREETS:** 2

**3.1.17.1 TOTAL OCCUPANT LOAD (MERCANTILE) 3.7m<sup>2</sup> / PERSON (99m<sup>2</sup>): 26**

**3.2.2.68 GROUP E, UP TO 2 STOREYS**  
**MAXIMUM AREA FOR 2 STOREYS = 750 m<sup>2</sup>,**  
**COMBUSTIBLE CONSTRUCTION**  
**FLOOR ASSEMBLIES TO BE FIRE SEPARATIONS WITH MIN. 45 MINUTE F.R.R.**  
**LOADBEARING WALLS, COLUMNS SHALL HAVE A MIN. F.R.R. OF 45 MINUTES**

**3.4.2. NUMBER AND LOCATION OF EXITS FROM FLOOR AREAS**

**3.4.2.1. MINIMUM NUMBER OF EXITS**  
**2 EXITS REQUIRED, TRAVEL DISTANCE < 15m**

**3.4.2.5. LOCATION OF EXITS**  
**MAXIMUM TRAVEL DISTANCE TO 1 OF THE 2 REQUIRED EXITS = 30m**  
**PROPOSE: 15.85m MAXIMUM**

END



**LIST OF DRAWINGS:**  
A1 SITE PLAN & INFORMATION  
A2 FLOOR PLAN  
A3 ELEVATIONS

**PROJECT LOCATION**  
**UNIT 101 2791 HWY 97 N.**

**1 CONTEXT PLAN**  
Scale: N.T.S.

THIS DRAWING MUST NOT BE SCALED.  
VERIFY ALL DIMENSIONS AND DATUMS  
PRIOR TO COMMENCEMENT OF WORK.  
REPORT ALL ERRORS AND OMISSIONS  
TO THE DESIGNER.

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NAME AS DESIGNER.

ISSUED FOR  
DEVELOPMENT  
PERMIT

2. NOV 17 / 2020 ISSUED FOR DEVELOPMENT PERMIT  
2. NOV 13 / 2020 CLIENT REVIEW / PRELIM. PLAN LAYOUTS  
1. NOV 12 / 2020 CLIENT REVIEW / PRELIM. PLAN LAYOUTS

p9d part nine designs  
250-864-7971  
dnt@partninedesigns.ca  
partninedesigns.ca

CANNABIS CORNER  
- REZONING & TENANT IMPROVEMENT -  
101 - 2791 HIGHWAY 97 N.  
KELOWNA, BC

SITE PLAN &  
INFORMATION

Start Date:  
Nov. 9, 2020  
Project: P20-13

A1





6 2791 HWY 97 N., PROPOSED SOUTH VIEW  
Scale: NTS

CANNABIS  
CORNER

PROPOSED  
SIGNAGE  
SIMILAR



OPAQUE  
WINDOWS  
& DOORS



5 2791 HWY 97 N., PROPOSED EAST VIEW  
Scale: NTS



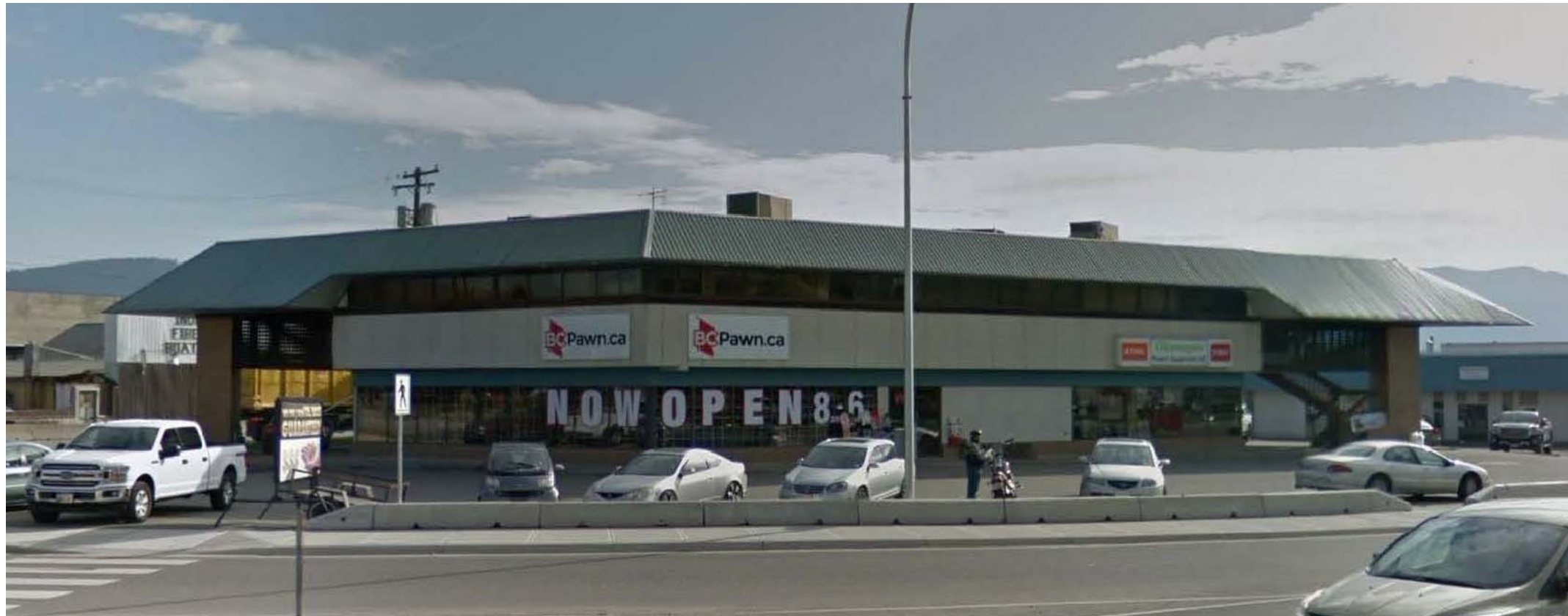
4 2791 HWY 97 N., SOUTHWEST VIEW  
Scale: NTS



3 2791 HWY 97 N., NORTHEAST VIEW  
Scale: NTS



2 2791 HWY 97 N., SOUTH VIEW  
Scale: NTS



1 2791 HWY 97 N., SOUTHEAST VIEW  
Scale: NTS

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2. NOV 17 / 2020	ISSUED FOR DEVELOPMENT PERMIT
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p9d

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dnt@partninedesigns.ca  
partninedesigns.ca

CANNABIS CORNER  
- REZONING & TENANT IMPROVEMENT -  
101 - 2791 HIGHWAY 97 N.  
KELOWNA, BC

ELEVATIONS

Start Date:  
Nov. 9, 2020  
Project: P20-13

A3





Z20-0098

2789-2791 Hwy 97 N

Rezoning Application



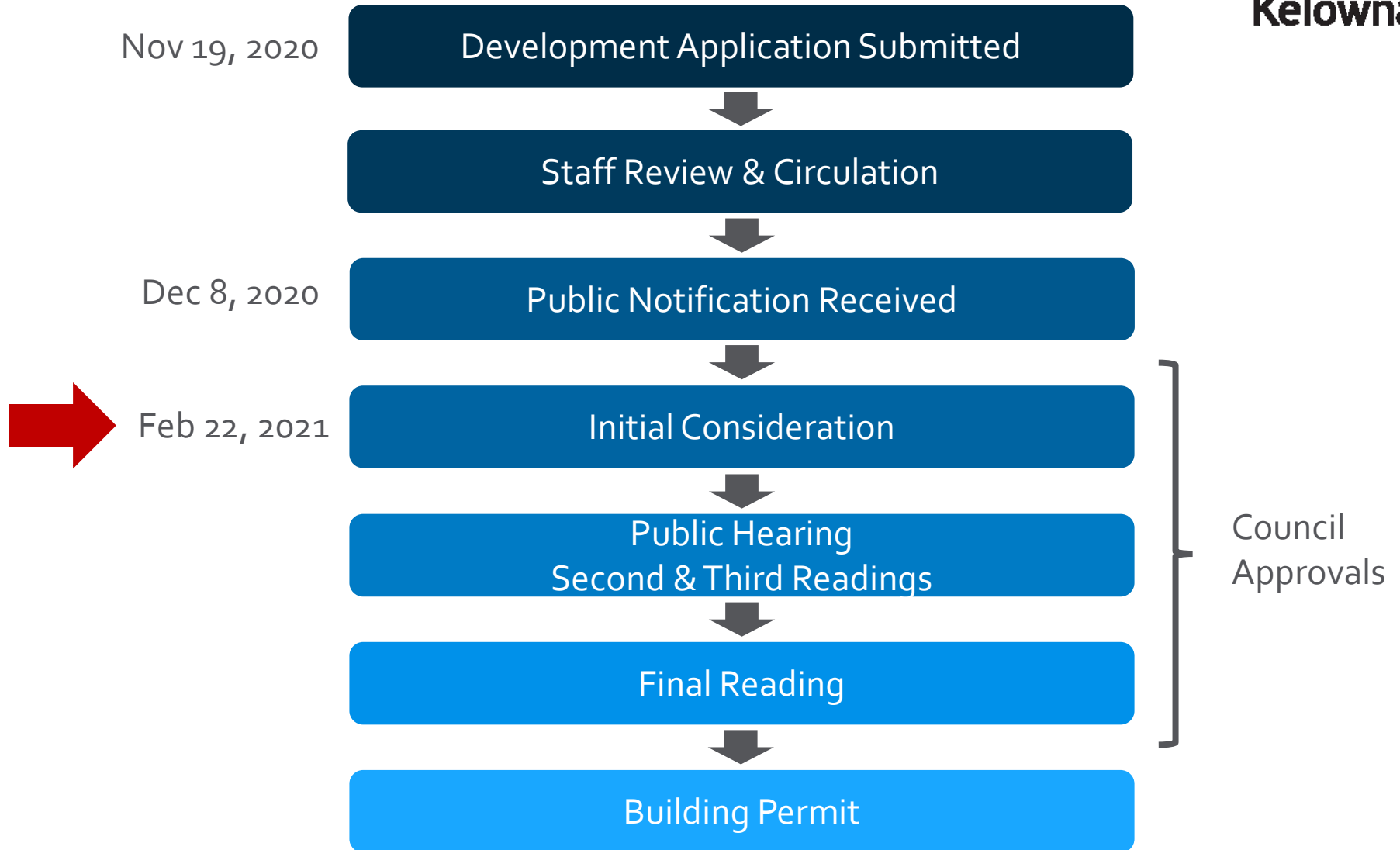


# Proposal

- ▶ To rezone the subject property from the C10 – Service Commercial zone to the C10 – Service Commercial (Retail Cannabis Sales) zone to facilitate a retail cannabis sales establishment

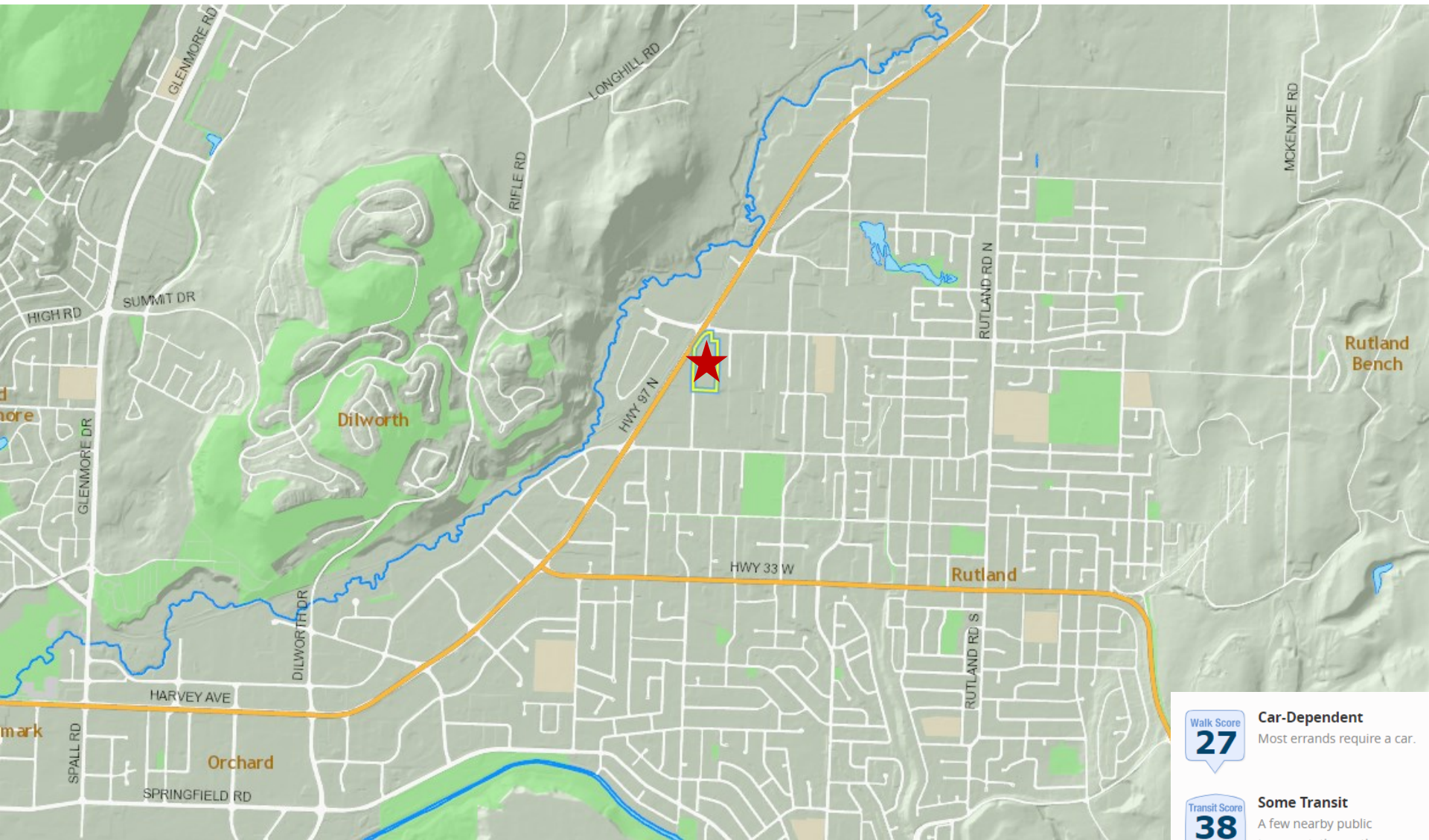


# Development Process





# Context Map



City of Kelowna

Walk Score  
**27**

**Car-Dependent**  
Most errands require a car.

Transit Score  
**38**

**Some Transit**  
A few nearby public transportation options.

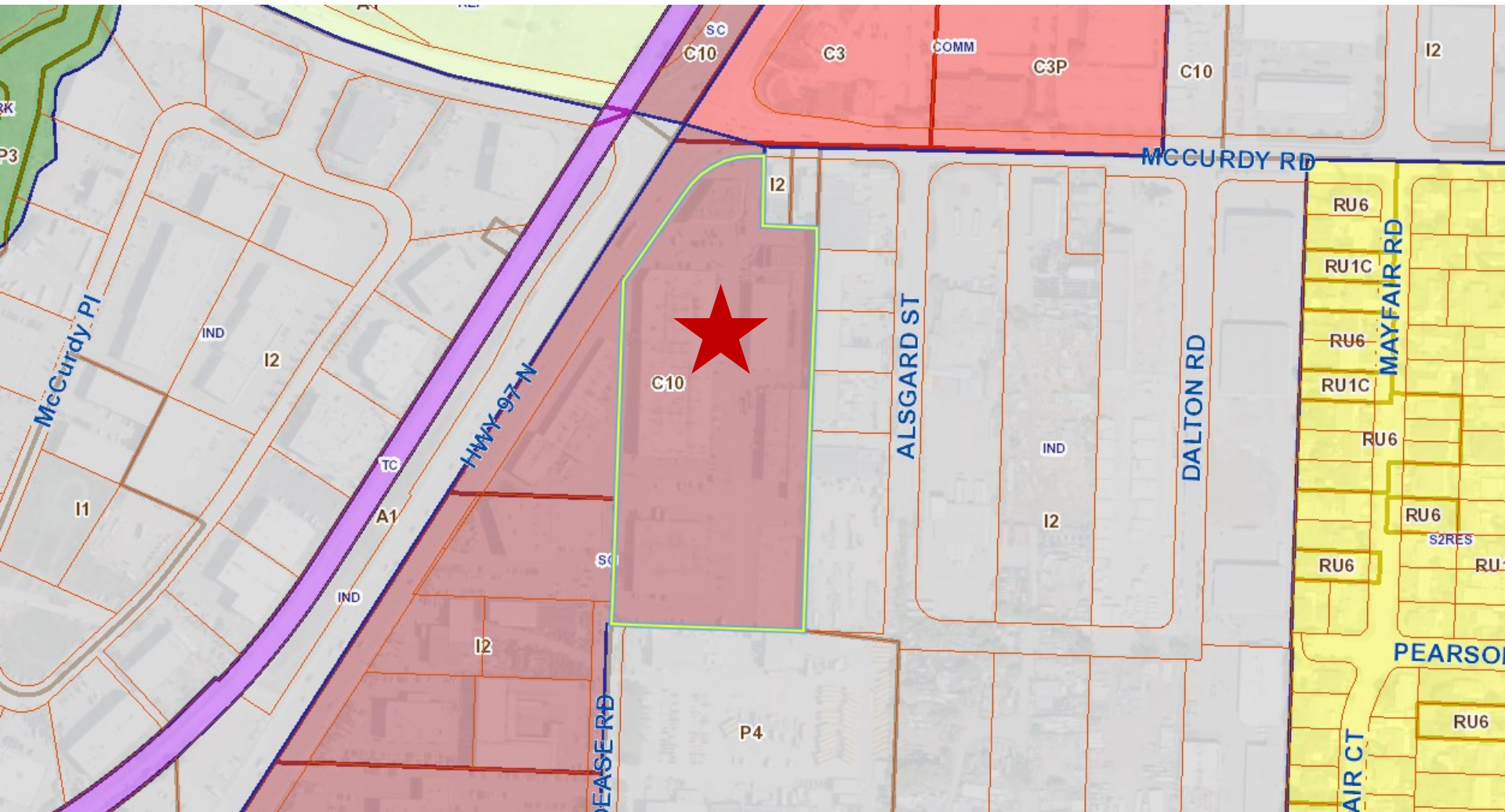
Bike Score  
**66**

**Bikeable**  
Some bike infrastructure.

46



# OCP Future Land Use / Zoning





# Subject Property Map





# Project/technical details

- ▶ Rezone property from C10 to C10rcs
- ▶ Consistent with Future Land Use designation of SC – Service Commercial
- ▶ Should Council support the rezoning application, a BP will be required to facilitate interior building changes to facilitate the proposed retail cannabis sales establishment.



# Partial Site Plan





# Staff Recommendation

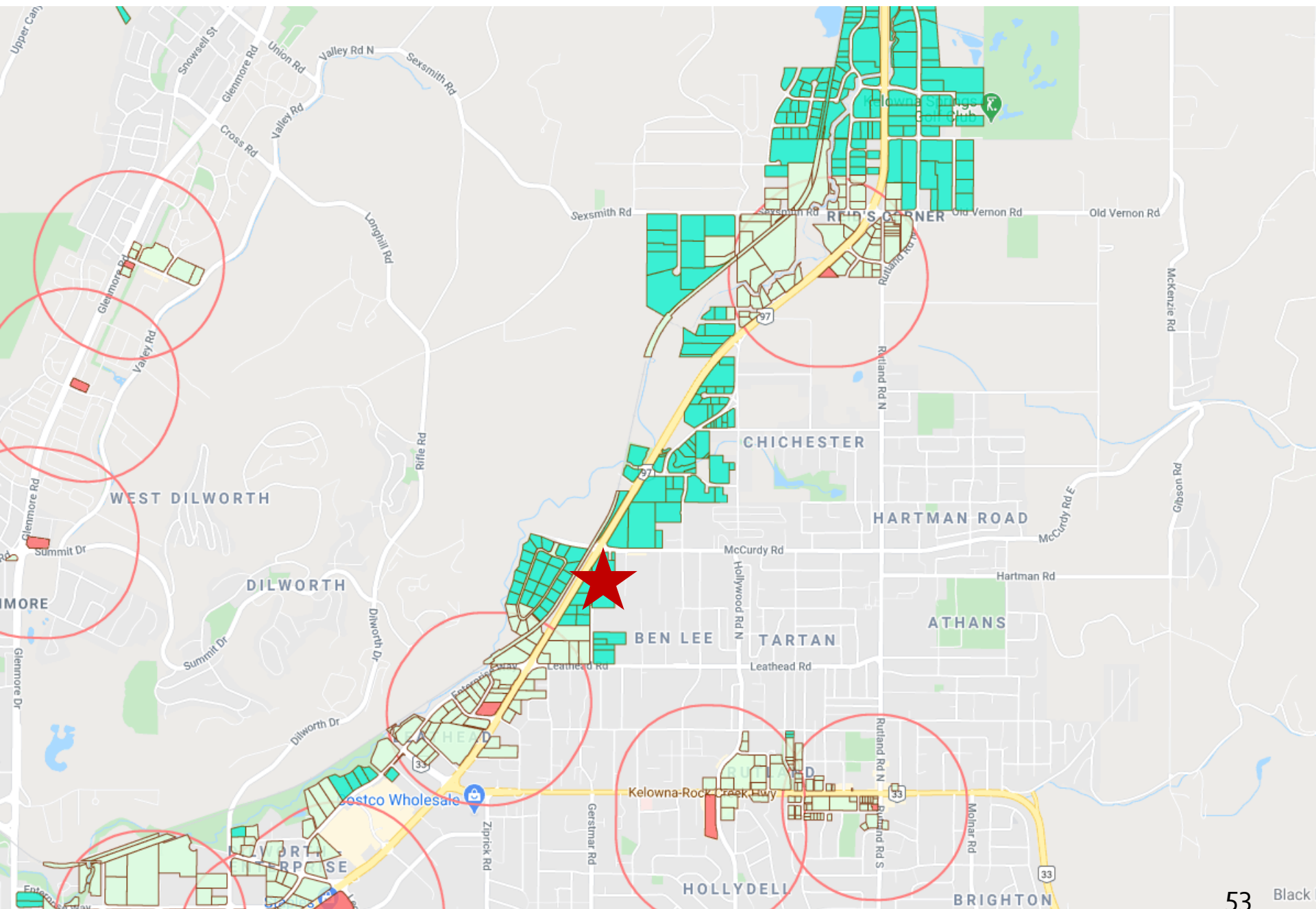
- ▶ Staff are recommending support for the proposed rezoning to C1orcs
  - ▶ Consistent with the Future Land Use designation of SC – Service Commercial
  - ▶ Meets Zoning Bylaw No. 8000 and no variances or text amendments are required





## *Conclusion of Staff Remarks*







**CITY OF KELOWNA**  
**BYLAW NO. 12168**  
**Z20-0098**  
**2789 – 2791 Highway 97 North**

---

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 60 District Lot 143 Osoyoos Division Yale District Plan 426 Except Plans M327, 10792, A12969, H8110, H18014 and EPP58859 located at Highway 97 North, Kelowna, BC from the C10 – Service Commercial zone to the C10rcs – Service Commercial (Retail Cannabis Sales) zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

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(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

---

City Clerk



# REPORT TO COUNCIL



**Date:** February 22, 2021

**To:** Council

**From:** City Manager

**Department:** Development Planning Department

**Application:** Z20-0105

**Owner:** Kevin O'Brien & Wendy Sue Holt-O'Brien

**Address:** 377 Cadder Ave

**Applicant:** Ron Cannan – Cannan Consulting Corp.

**Subject:** Rezoning Application

**Existing OCP Designation:** S2RES – Single/Two Unit Residential

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

**Proposed Zone:** RU1c – Large Lot Housing with Carriage House

---

## 1.0 Recommendation

THAT Rezoning Application No. Z20-0105 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Parcel Y Plan B6043 District Lot 14 ODYD Plan 3305 Except Plan 6976, located at 377 Cadder Avenue, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone, be considered by Council;

AND THAT Council, in accordance with Local Government Act s. 464(2), waive the Public Hearing for the Rezoning Bylaw;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure.

## 2.0 Purpose

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing zone with Carriage House zone, and to waive the Public Hearing.

## 3.0 Development Planning

Development Planning Staff support the proposed rezoning application to RU1c to facilitate the conversion of an accessory building into a carriage house. The subject property is within the Permanent Growth Boundary (PGB), is serviced (ie. Sewer) and the plans align with the Official Community Plan (OCP) Future



Land Use Designation of S2RES – Single/Two Unit Residential. Rezoning the subject property to add the 'c' designation would be policy objective including fostering a mix of housing forms and concentrating growth within the PGB.

#### **4.0 Proposal**

##### **4.1 Background**

The property is in the Heritage Conservation Area, but not on the Heritage Register. The previous owners applied for a Heritage Alteration Permit (HAP17-0016) to construct the garage following a successful Heritage Alteration Permit (HAP17-0002) for their principal dwelling. The garage is not visible from the road and successfully received an HAP in 2017. A Building Permit (BP56881) was issued shortly after in November 2017. The garage was constructed to be 'Late Arts & Crafts' style, which is the dominant style of the block.

##### **4.2 Project Description**

The proposed rezoning from RU1 to RU1c is to allow for the conversion of the accessory building into a carriage house. The proposed carriage house will roughly have the net floor area of 63.64m<sup>2</sup>. The carriage house will be accessed by a lit pathway from the main driveway. The proposal indicated that the carriage house will meet all Zoning Bylaw Regulations without any variances. The subject property is near parks, schools, and transit routes. A Building Permit will be required before an Occupancy Permit can be granted for the carriage house.

##### **4.3 Site Context**

The subject property is in the Central City OCP Sector and the surrounding area is primarily zoned RU1 – Large Lot Housing, RU1C – Large Lot Housing with Carriage House and RU6 – Two Dwelling Housing. The surrounding area has the Future Land Use Designation of S2RES – Single/Two Unit Residential

Specifically, adjacent land uses are as follows:

<b>Orientation</b>	<b>Zoning</b>	<b>Land Use</b>
North	RU1 – Large Lot Housing	Single-Family Dwelling
East	RU1c – Large Lot Housing and RU6 – Two Dwelling Housing	Single-Family Dwelling with Carriage Housing and Semi-Detached Housing
South	RU1 – Large Lot Housing	Single-Family Dwelling
West	RU1 – Large Lot Housing	Single-Family Dwelling



**Subject Property Map: 377 Cadder Ave**



**5.0 Current Development Policies**

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

**Chapter 5: Development Process**

**Objective 5.3 Focus development to designated growth areas**

*Policy .2 Compact Urban Form.* Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 – 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1

**Objective 5.22 Ensure context sensitive housing development**

*Policy .6 Sensitive Infill.* Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

*Policy .12 Carriage Houses & Accessory Apartments.* Support carriage houses and accessory apartments through appropriate zoning regulations.



## **6.o Application Chronology**

Date of Application Received: December 11<sup>th</sup>, 2020

Date Public Consultation Completed: December 13<sup>th</sup>, 2020

**Report prepared by:** Tyler Caswell, Planner I

**Reviewed by:** Jocelyn Black, Urban Planning Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

### **Attachments:**

Attachment A: Drawing Package





City of Kelowna  
DEVELOPMENT PLANNING



NOTE:  
EXACT BUILDING LOCATION &  
ELEVATION TO BE DETERMINED  
ON SITE. CONFIRM ALL SETBACKS  
AND LOT LINES WITH REGISTERED  
LOT PLAN PRIOR TO CONSTRUCTION.

## SITE PLAN

$$\overline{3/32'' = 1'-0''}$$

$$\frac{3}{32}'' = 1'-0''$$



Above Grade Wall Assembly - Zone 5 (Frame Current Siding)		
DESCRIPTION	NORMAL	EFFECTIVE
8" x 16" stud insulation @ 24" o.c.	RSI 4.03 (R-26)	RSI 2.60 (R-15.5)
Other building enclosure layers that contribute to effective insulation		
EXTERIOR AIR FILM	0.03	
WOOD SIDING	0.08	
WEATHERING MEMBRANE	0.05	
MIN. 3/8" O.S.B. SHEATHING	0.09	RSI 0.346 (R-1.94)
POLYETHYLENE	N/A	
1/2" CYRILAM BOARD	0.08	
EXTERIOR AIR FILM	0.12	
Total effective insulation value (24" o.c. framing)		RSI 3.146 (R-17.6)
Minimum effective thermal resistance for above grade walls		RSI 3.05 (R-17.42)

Above Grade Wall Assembly - Zone 5 (Garage to House Wall)		
DESCRIPTION	NORMAL	EFFECTIVE
8" x 16" stud insulation @ 24" o.c.	RSI 4.03 (R-26)	RSI 2.60 (R-15.5)
Other building enclosure layers that contribute to effective insulation		
EXTERIOR AIR FILM	0.03	
WOOD SIDING	0.08	
WEATHERING MEMBRANE	0.05	
MIN. 3/8" O.S.B. SHEATHING	0.09	
POLYETHYLENE	N/A	
1/2" CYRILAM BOARD	0.08	
EXTERIOR AIR FILM	0.12	
Total effective insulation value (24" o.c. framing)		RSI 3.13 (R-17.7)
Minimum effective thermal resistance for above grade walls		RSI 3.03 (R-17.42)

Ceiling Below Attic - Zone 5		
DESCRIPTION	NORMAL	EFFECTIVE
8" x 16" stud insulation @ 24" o.c.	RSI 4.03 (R-26)	RSI 2.60 (R-15.5)
Other building enclosure layers that contribute to effective insulation		
EXTERIOR AIR FILM	0.03	
WOOD SIDING	0.08	
WEATHERING MEMBRANE	0.05	
MIN. 3/8" O.S.B. SHEATHING	0.09	
POLYETHYLENE	N/A	
1/2" CYRILAM BOARD	0.08	
EXTERIOR AIR FILM	0.11	
Total effective insulation value		RSI 3.76 (R-21.3)
Minimum effective thermal resistance for above ceilings below attics		RSI 3.67 (R-20.5)

Ceilings Below Cathedral & Flat Roofs - Zone 5		
DESCRIPTION	NORMAL	EFFECTIVE
8" x 16" stud insulation @ 24" o.c.	RSI 4.03 (R-26)	RSI 2.60 (R-15.5)
Other building enclosure layers that contribute to effective insulation		
EXTERIOR AIR FILM	0.03	
WOOD SIDING	0.08	
WEATHERING MEMBRANE	0.05	
MIN. 3/8" O.S.B. SHEATHING	0.09	
POLYETHYLENE	N/A	
1/2" CYRILAM BOARD	0.08	
EXTERIOR AIR FILM	0.11	
Total effective insulation value		RSI 4.59 (R-26.2)
Minimum effective thermal resistance for above ceilings below cathedral & flat roofs		RSI 4.47 (R-25.3)

Floors Over Unheated Spaces - Zone 5 (Hardwood Flooring)		
DESCRIPTION	NORMAL	EFFECTIVE
8" x 16" stud insulation @ 24" o.c.	RSI 4.03 (R-26)	RSI 2.60 (R-15.5)
Other building enclosure layers that contribute to effective insulation		
EXTERIOR AIR FILM	0.03	
WOOD SIDING	0.08	
WEATHERING MEMBRANE	0.05	
MIN. 3/8" O.S.B. SHEATHING	0.09	
POLYETHYLENE	N/A	
1/2" CYRILAM BOARD	0.08	
EXTERIOR AIR FILM	0.11	
Total effective insulation value (24" o.c. framing)		RSI 4.77 (R-27.2)
Minimum effective thermal resistance for floors over unheated spaces		RSI 4.67 (R-26.5)

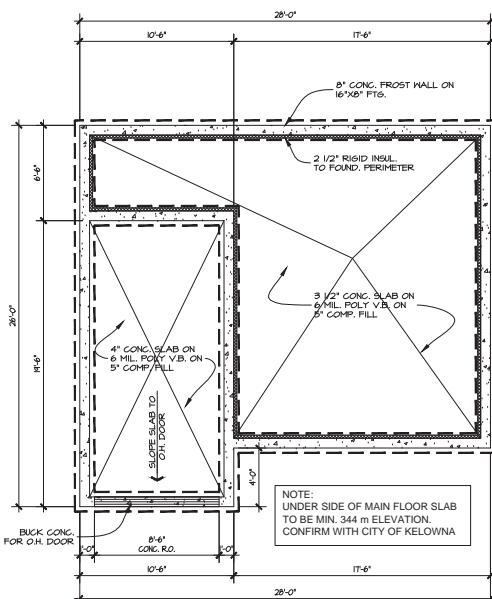
Floors Over Unheated Spaces - Zone 5 (Ceramic Flooring)		
DESCRIPTION	NORMAL	EFFECTIVE
8" x 16" stud insulation @ 24" o.c.	RSI 4.03 (R-26)	RSI 2.60 (R-15.5)
Other building enclosure layers that contribute to effective insulation		
EXTERIOR AIR FILM	0.03	
WOOD SIDING	0.08	
WEATHERING MEMBRANE	0.05	
MIN. 3/8" O.S.B. SHEATHING	0.09	
POLYETHYLENE	N/A	
1/2" CYRILAM BOARD	0.08	
EXTERIOR AIR FILM	0.11	
Total effective insulation value (24" o.c. framing)		RSI 4.71 (R-26.7)
Minimum effective thermal resistance for floors over unheated spaces		RSI 4.67 (R-26.5)

Floors Over Unheated Spaces - Zone 5 (Carpet Flooring)		
DESCRIPTION	NORMAL	EFFECTIVE
8" x 16" stud insulation @ 24" o.c.	RSI 4.03 (R-26)	RSI 2.60 (R-15.5)
Other building enclosure layers that contribute to effective insulation		
EXTERIOR AIR FILM	0.03	
WOOD SIDING	0.08	
WEATHERING MEMBRANE	0.05	
MIN. 3/8" O.S.B. SHEATHING	0.09	
POLYETHYLENE	N/A	
1/2" CYRILAM BOARD	0.08	
EXTERIOR AIR FILM	0.11	
Total effective insulation value (24" o.c. framing)		RSI 4.77 (R-27.2)
Minimum effective thermal resistance for floors over unheated spaces		RSI 4.67 (R-26.5)

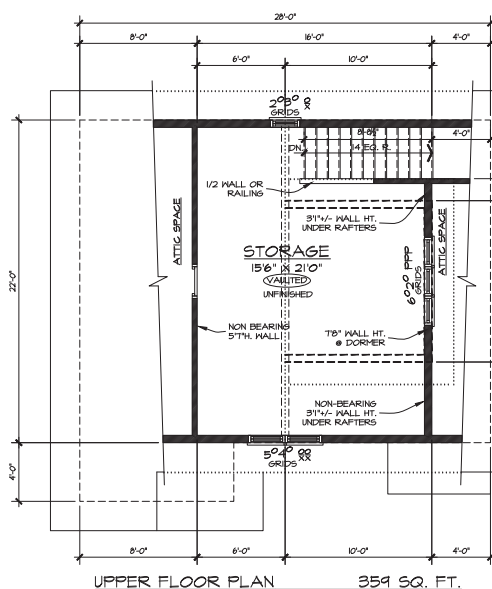
## ERRORS AND OMISSIONS

- BAXTER DESIGN AND SHANE BAXTER shall not be responsible for any variances from the structural drawings and specifications, or adjustments required resulting from conditions encountered at the job site, and is the sole responsibility of the owner or contractor.

- BAXTER DESIGN AND SHANE BAXTER makes every effort to provide complete and accurate construction drawings. However, we assume no liability for any errors or omissions which may affect construction. It is the responsibility of all trades and sub-trades to check and verify all dimensions and details before commencing with their portion of the construction. Should any discrepancies be found on these plans please advise our office so we can make the necessary corrections.



FOUNDATION PLAN

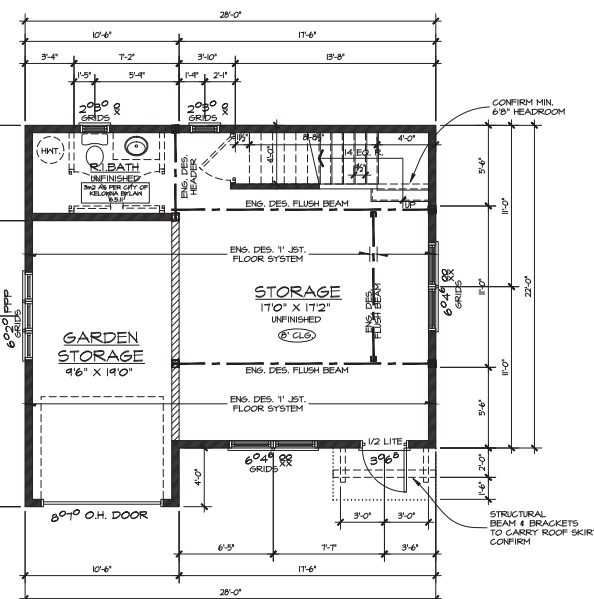
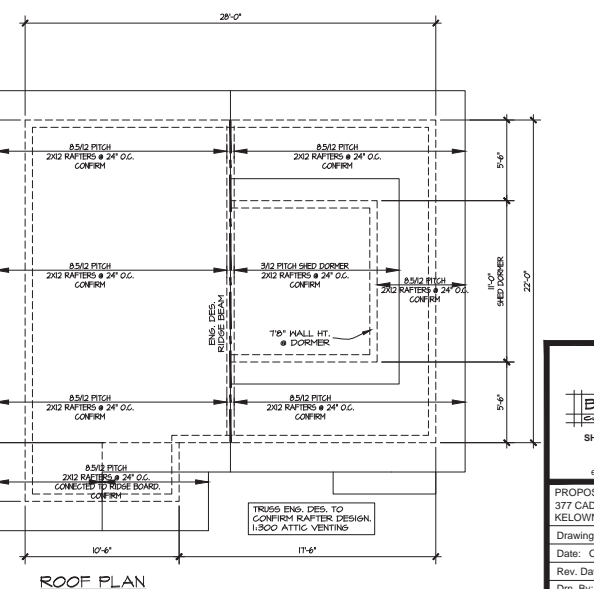


UPPER FLOOR PLAN 359 SQ. FT.

NOTES:  
- FOUNDATION HEIGHTS MAY VARY AS PER SITE GRADE  
- ALL FOOTINGS TO BE BELOW FROST LINE  
- STEP FOOTINGS 2" MAX. VERT. & 2" MIN. HORIZ.

NOTES:  
- FRAMER TO CONFIRM ALL PLUMBING FIXTURE & FLUPLAGE R.O.'S PRIOR TO STARTING CONSTRUCTION.  
- FRAMER TO PROVIDE PROPER BACKING FOR TOWEL BARS, GRAB BARS, CURTAIN RODS, CLOSET ROOFS, PAPER HOLDERS, AND SIMILAR FIXTURES AS REQ'D.  
- ELECTRICAL CONTRACTOR TO CONFIRM ELECTRICAL LAYOUT WITH CUSTOMER ON SITE PRIOR TO WIRING.  
- TRUSS LAYOUT AS PER ENG. DES. TRUSS DRAWINGS.

NOTE:  
ALL EXTERIOR DOOR AND WINDOW SIZES, PATTERNS, COMBINATIONS, CONFIGURATIONS AND SEPARATIONS TO BE CONFIRMED BY WINDOW MANUFACTURERS TO ENSURE COMPLIANCE WITH AMERICAN FERRETTATION STANDARD COMPLIANCE.  
WHAT'S SHOWN ON THE PLANS IS JUST A REPRESENTATION OF THE LOOK AND FEEL INTENDED BY THE DESIGNER. THE TYPE OF WINDOW USED AND MANUFACTURER SPECS MAY VARY AND THEREFORE NEED TO BE CONFIRMED PRIOR TO CONSTRUCTION.

MAIN FLOOR PLAN 461 SQ. FT.  
MAIN FLOOR FOOTPRINT 658 SQ. FT.

ROOF PLAN

**BAXTER DESIGN**  
Custom Building Design

SHANE BAXTER DESIGNS INC.  
KELLOWNA, B.C. CANADA  
ph: (250) 862-9662  
email: baxterdesign@shaw.ca

PROPOSED ACCESSORY BUILDING FOR:  
377 CADDER AVE.  
KELLOWNA, B.C.

Drawing Scale: 1/4" = 1'-0"

Date: OCT. 12, 2017  
Rev. Date: NOV. 2, 2017  
Dm. By: S.H.B.

**WORKING DRAWINGS** 1/2









# Z20-0105

# 377 Cadder Ave

## Rezoning Application





# Proposal

- ▶ To rezone the subject property from RU1 – Large Lot Housing to RU1C – Large Lot Housing with Carriage House.



# Development Process

Dec 11, 2020

Development Application Submitted



Staff Review & Circulation



Dec 13, 2020

Public Notification Received



Feb 22, 2021

Initial Consideration



Public Hearing  
Second & Third Readings

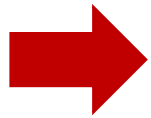


Final Reading  
DP & Variances



Building Permit

Council  
Approvals



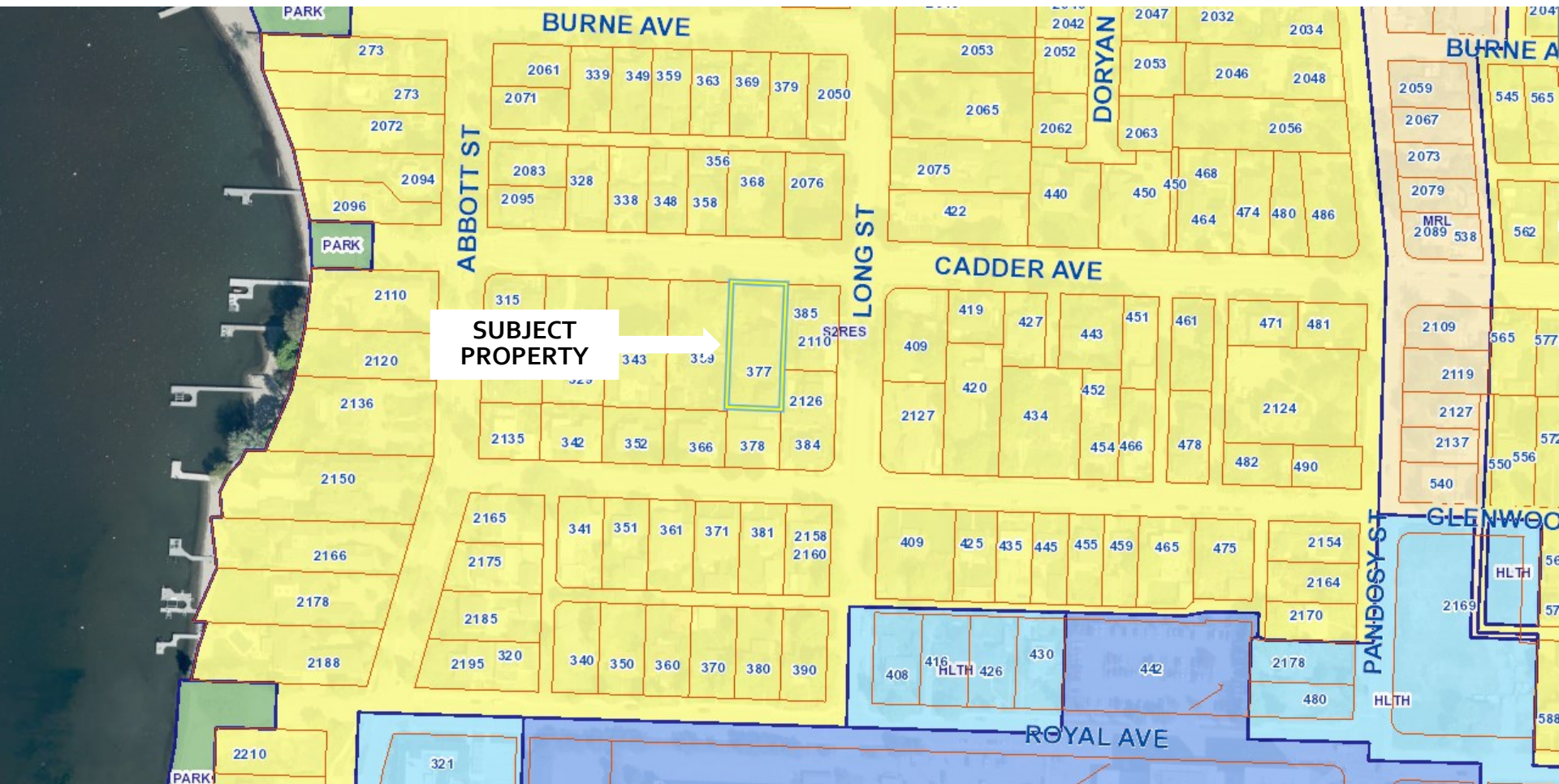


# Context Map





# OCP Future Land Use / Zoning





# Subject Property Map





# Project details

- ▶ The accessory building was constructed in 2017.
- ▶ The principal building and accessory building both received Heritage Alteration Permits in 2017.
- ▶ The style of the building is Late Arts and Crafts style.
- ▶ The accessory building remains unfinished and the new owner who is seeking the proper approvals to allow for a carriage house.



# Project details

- ▶ The proposed carriage house is on the south portion of the property.
- ▶ Minimally visible from the road.
- ▶ The carriage house will be roughly 63.64m<sup>2</sup> in size.
- ▶ The carriage house parking space will be on the existing driveway.



# Site photos





# Staff Recommendation

- ▶ Development Planning Staff recommend **support** of the proposed Rezoning:
  - ▶ Subject property is within the Permanent Growth Boundary.
  - ▶ Accessory building has approved Heritage Alteration Permit.
  - ▶ Aligns with the Official Community Plan and Future Land Use of S2RES.





## *Conclusion of Staff Remarks*



# **CITY OF KELOWNA**

## **BYLAW NO. 12169**

**Z20-0105**

**377 Cadder Avenue**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Parcel Y Plan B6043 District Lot 14 ODYD Plan 2305 Except Plan 6976 located at Cadder Avenue, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House 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

Public Hearing waived by the Municipal Council this

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

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(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk



# REPORT TO COUNCIL



**Date:** February 22<sup>nd</sup>, 2021

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** Z21-0001

**Owner:** Loyal William Wooldridge &  
Ian Alexander Roth

**Address:** 350 Yates Road

**Applicant:** Urban Options Planning &  
Permits

**Subject:** Rezoning Application

**Existing OCP Designation:** S2RES – Single/Two Unit Residential

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

**Proposed Zone:** RU1c – Large Lot Housing with Carriage House

---

## 1.0 Recommendation

THAT Rezoning Application No. Z21-0001 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 7 Section 5 Township 23 ODYD Plan 13480, located at 350 Yates Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone, be considered by Council;

AND THAT Council, in accordance with Local Government Act s. 464 (2), waive the Public Hearing for the Rezoning Bylaw.

## 2.0 Purpose

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone, and to waive the Public Hearing.

## 3.0 Development Planning

Development Planning Staff support the proposed rezoning from RU1 – Large Lot Housing to RU1C – Large Lot Housing with Carriage House. The subject property is within the Permanent Growth Boundary, is serviced (i.e. sewer) and the plans align with the Official Community Plan (OCP) Future Land Use Designation of S2RES – Single/Two Unit Residential. Rezoning the subject property to add the 'c' designation would meet



policy objectives including fostering a mix of housing forms and concentrating growth within the Permanent Growth Boundary.

#### 4.0 Proposal

##### 4.1 Project Description

The proposed rezoning from RU1 to RU1c is to allow for the conversion of an existing detached garage into a carriage house. This detached garage was built in 1983 (BP2417) and used as a workshop and storage. A Building Permit will be required before any occupancy permit can be granted for the carriage house. The proposed carriage house will be 41.4m<sup>2</sup> (445.6ft<sup>2</sup>) in size, it will be in the northwestern portion of the property and accessed of its own driveway from Dallas Rd. The proposal indicates that the carriage house will meet all Zoning Bylaw Regulations without any variances. The subject property is near parks and schools and near Glenmore Road transit corridor.

##### 4.2 Site Context

The subject property is in the Glenmore – Clifton – Dilworth OCP Sector and the surrounding area is primarily zoned RU1 – Large Lot Housing, RU1C – Large Lot Housing with Carriage House, RU2 – Medium Lot Housing and RU6 – Two Dwelling Housing zones. The surrounding area has a Future Land Use Designation of S2RES – Single/Two Unit Residential.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single-Family Dwelling
East	RU1 – Large Lot Housing	Single-Family Dwelling
South	RU1 – Large Lot Housing	Single-Family Dwelling
West	RU1 – Large Lot Housing	Single-Family Dwelling

**Subject Property Map: 350 Yates Road**





## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Chapter 1: Introduction

##### *Goals for a Sustainable Future:*

Contain Urban Growth – Reduce greenfield urban sprawl and focus growth in compact, connected, and mixed-use (residential and commercial) urban and village centres.

#### Chapter 5: Development Process

##### *Objective 5.3 Focus development to designated growth areas*

*Policy .1 Permanent Growth Boundary.* Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. The City of Kelowna will support development of properties outside the PGB for more intensive use only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except for Agri-Business designated sites or as per Council's specific amendment of this policy. The PGB may be reviewed as part of the next major OCP update.

## 6.0 Application Chronology

Date of Application Accepted:	January 8 <sup>th</sup> , 2021
Date Public Consultation Completed:	January 28 <sup>th</sup> , 2021

<b>Report prepared by:</b>	Tyler Caswell, Planner I
<b>Reviewed by:</b>	Jocelyn Black, Urban Planning Manager
<b>Approved for Inclusion:</b>	Terry Barton, Development Planning Department Manager

### **Attachments:**

Attachment A: Conceptual Drawing Package





350 YATES ROAD, KELOWNA, BC

PROPOSED CARRIAGE HOUSE SITE PLAN





# Z21-0001

# 350 Yates Road

## Rezoning Application





# Proposal

- ▶ To rezone the subject property from RU1 – Large Lot Housing to RU1C – Large Lot Housing with Carriage House.



# Development Process

Dec 21, 2020

Development Application Submitted

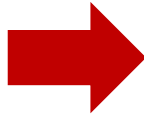


Staff Review & Circulation



Jan 28, 2021

Public Notification Received



Feb 22, 2021

Initial Consideration



Public Hearing  
Second & Third Readings



Final Reading  
DP & Variances



Building Permit

Council  
Approvals

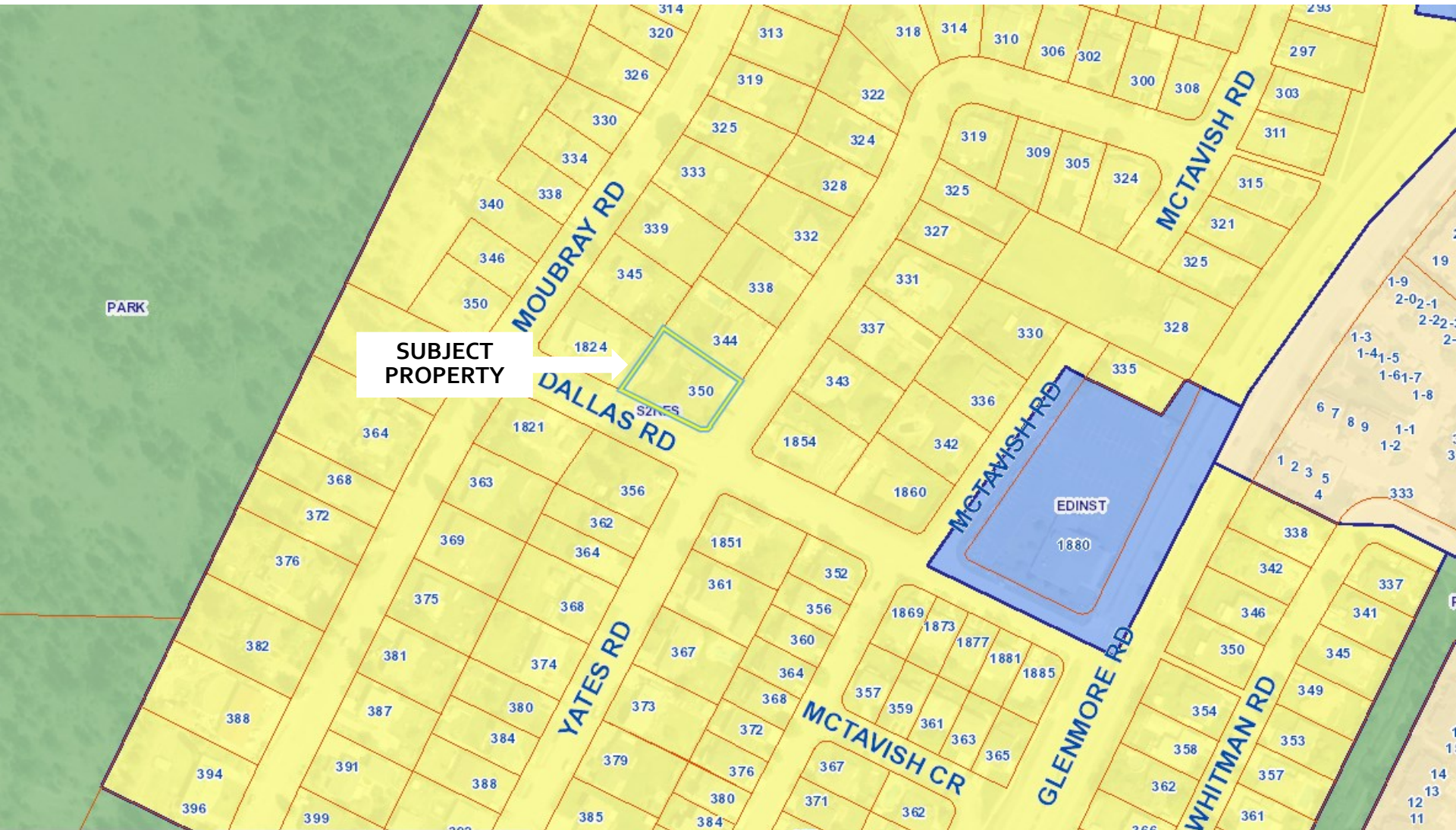


# Context Map





# OCP Future Land Use / Zoning





# Subject Property Map





# Project details

- ▶ The detached garage was built in 1983 as a workshop and storage.
- ▶ The garage would be converted into a carriage house and it would be 41.4m<sup>2</sup> (445.6ft<sup>2</sup>) in size.
- ▶ The proposed carriage house will meet all Zoning Bylaw Regulations.



# Site Photos



Subject property frontage



Dallas Rd. access



Proposed carriage house



Existing rear yard—carriage house



# Site Plan





# Staff Recommendation

- ▶ Development Planning Staff recommend **support** of the proposed Rezoning:
  - ▶ Subject property is within the Permanent Growth Boundary.
  - ▶ Aligns with the Official Community Plan and Future Land Use of S2RES.





## *Conclusion of Staff Remarks*



# **CITY OF KELOWNA**

## **BYLAW NO. 12170**

**Z21-0001**

**350 Yates 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 7 Section 5 Township 23 ODYD Plan 12480 located at Yates Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House 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

Public Hearing waived by the Municipal Council this

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk



# REPORT TO COUNCIL



**Date:** February 22, 2021

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** OCP20-0014 and Z20-0067      **Owner:** P275 Enterprises Ltd., Inc. No. BC1241904

**Address:** 1064, 1074, 1084 Glenmore Drive      **Applicant:** Aligned Properties Inc.

**Subject:** Official Community Planning Amendment and Rezoning Applications

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

**Proposed OCP Designation:** MRM - Multiple Unit Residential (Medium Density)

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

**Proposed Zone:** RM5r - Medium Density Multiple Housing (Residential Rental Tenure Only)

---

## 1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP20-0014 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of:

1. Lot 1, Section 29, Township 26, Osoyoos Division Yale District, Plan 17490, located at 1064 Glenmore Drive, Kelowna, BC; and,
2. Lot 2, Section 29, Township 26, Osoyoos Division Yale District, Plan 17490, located at 1074 Glenmore Drive, Kelowna, BC; and,
3. Lot 3, Section 29, Township 26, Osoyoos Division Yale District, Plan 17490, located at 1084 Glenmore Drive, Kelowna, BC,

from the MRL - Multiple Unit Residential (Low Density) designation to the MRM – Multiple Unit Residential (Medium Density) designation, be considered by Council;

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



AND THAT Council considers the Public Information Session public process to be appropriate consultation for the Purpose of Section 475 of the Local Government Act, as outlined in the Report from the Development Planning Department dated February 22, 2021;

AND THAT Rezoning Application No. Z20-0067 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of:

1. Lot 1, Section 29, Township 26, Osoyoos Division Yale District, Plan 17490, located at 1064 Glenmore Drive, Kelowna, BC; and,
  2. Lot 2, Section 29, Township 26, Osoyoos Division Yale District, Plan 17490, located at 1074 Glenmore Drive, Kelowna, BC; and,
  3. Lot 3, Section 29, Township 26, Osoyoos Division Yale District, Plan 17490, located at 1084 Glenmore Drive, Kelowna, BC,
- from the RU1 – Large Lot Housing zone to the RM5r - Medium Density Multiple Housing (Residential Rental Tenure Only) zone, be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated February 22, 2021;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the consolidation of Lots 1, 2 and 3, Section 29, Township 26, Osoyoos Division Yale District, Plan 17490;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to land dedication be registered on subject property titles to achieve a 4.0m boulevard treatment along the Glenmore Dr. frontage;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit for the subject property.

## **2.0 Purpose**

To consider an Official Community Planning (OCP) Amendment to change the future land use designation of the subject lots from the MRL - Multiple Unit Residential (Low Density) designation to the MRM – Multiple Unit Residential (Medium Density) designation; To consider rezoning the subject lots from the RU1 – Large Lot Housing zone to the RM5r - Medium Density Multiple Housing (Residential Rental Tenure Only) zone to facilitate the development of a purpose-built rental building.

## **3.0 Development Planning**

The applicant has assembled three single-family lots at the corner of Glenmore Drive and Highland Drive and is proposing to construct a purpose-built rental building. While requiring an OCP amendment for increased density and height, the approach of adding residential densities along major arterial routes is consistent with the City's overall growth strategy and OCP urban planning policies of establishing more efficient settlement patterns and better utilizing existing infrastructure, roads and services (OCP Policy 5.2.4 and OCP Policy 5.3.2). This strategy is consistent with overall best management practices in urban planning utilized by many other jurisdictions across the country. Land along arterial roads, such as the subject properties offer many benefits for densification including efficient use of transportation systems such as proximity to transit stops, cycling infrastructure and sidewalk networks that connect to nearby schools, parks and local services. While the nature of single-family housing can be challenged by the noise and busyness of a major arterial roadway,



multiple dwelling housing can benefit from this interaction. The form and character of an apartment building through the Development Permit process can improve the streetscape interaction with ground-oriented units, and also act as an effective buffer to the quieter internal single-family blocks of the Highland Drive neighbourhood. Finally, the introduction of an apartment building and its unit make-up including purpose-built rental tenure can help achieve the City's objectives of housing diversity and options for people living in the neighbourhood (OCP Policy 5.22.11 and Healthy Housing Strategy Key Direction 3.1). Because of these policy reasons, Staff believe the site is well suited to additional residential density in line with the RM5r zone and is supportive of the OCP amendment and rezoning bylaw requests.

In fulfillment of Council Policy No. 367 for "OCP Minor" and "Zoning Major" applications, the applicant held a public information session on September 3, 2020 between 4:00pm – 7:00pm in the Grace Baptist parking lot at the corner of Highland Dr. North and Glenmore Dr. The session was advertised in the Kelowna Daily Courier, a direct mail out was sent to 374 individual addresses within a postal code area of the subject property and hand delivered an additional 111 households not captured by the Canada Post maildrop. A summary report of the public information session is found in Attachment B.

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

#### **4.0 Proposal**

##### **4.1 Background**

The three subject properties are located at the corner of Highland Dr. North and Glenmore Drive. Currently there is a single-family dwelling located on each of the three parcels. The applicant will be required to demolish the existing structures and to consolidate the three existing parcels into one larger parcel prior to final adoption to accommodate the future development.

##### **4.2 Project Description**

The applicant is proposing to develop a 3.5 storey wood frame, 50-unit purpose built rental housing development. The 3.5 storey building would include 3 storeys of residential units and a partial submerged underbuilding parking structure. Access to the parking structure would come from the rear laneway adjacent to the subject property in accordance with City policy.

The rental zone would qualify the project for a 10% reduction in the number of parking stalls due to the opportunity to more efficiently manage parking as a share pool, rather than specifically dedicated stalls.

The applicant is proposing significant pedestrian sidewalk improvements along the Glenmore Drive frontage, which will aid to provide a pedestrian friendly street realm. The 1.8m wide boulevard will be planted with street trees, a new sidewalk installed to help support the multi-family development and special paving for the corner treatment. In order to achieve the proposed improvements, the applicant has agreed to dedicate a portion of the frontage along Glenmore Drive for the three subject lots.



Conceptual 3D rendering of the proposed development:



Staff are currently tracking variances for the project including site coverage and setbacks to the parkade structure. Should Council support the OCP Amendment and the Rezoning bylaws, Staff will bring forward a report to Council with a detailed review of the Development Permit & Development Variance Permit applications for Council's consideration of the proposed form and character and of the variances for the project.

#### 4.3 Site Context

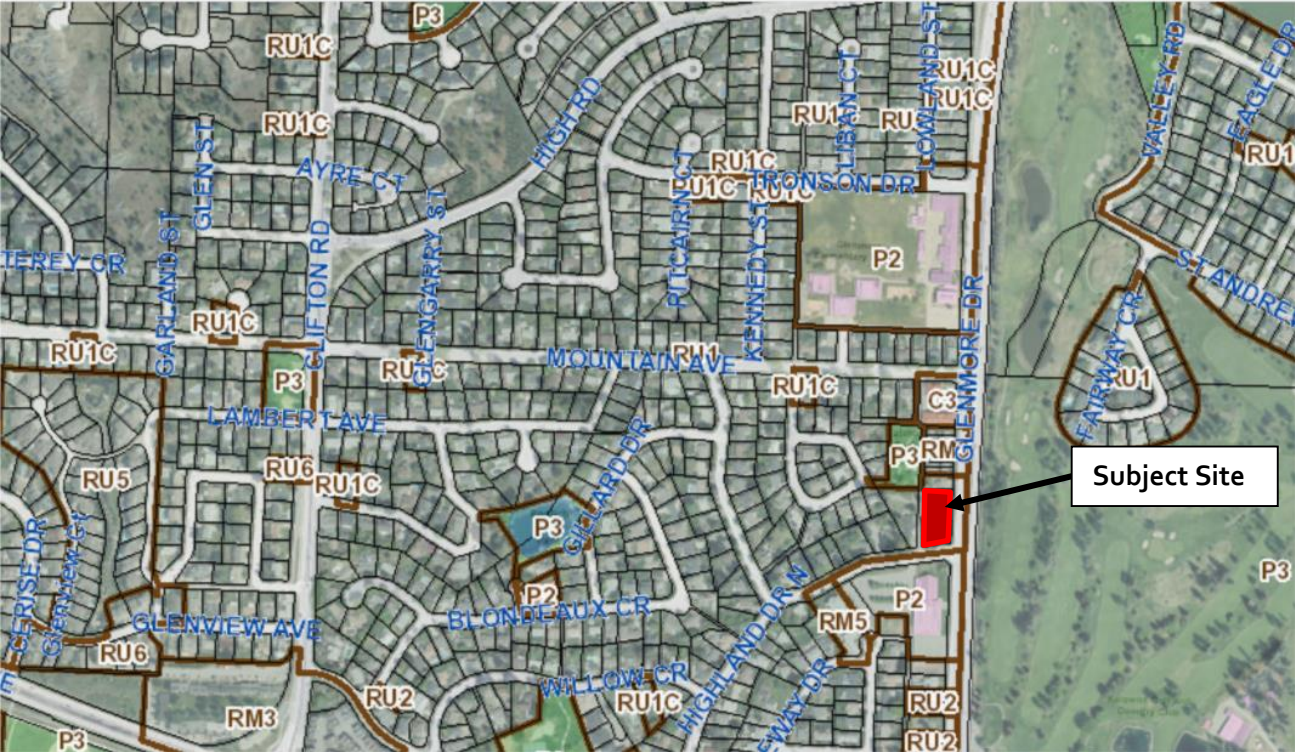
The subject lots are located on the arterial Glenmore Dr. in the Glenmore-Clifton-Dilworth City Sector, at the corner of Highland Dr. North. The site is bordered by a single family dwelling and low density multiple dwelling housing to the north, a laneway access and single family dwellings to the west, Highland Dr. North, a church and a medium density multiple dwelling housing to the South, and Glenmore Dr. to the east. Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing RM3 – Low Density Multiple Housing	Single family dwelling Townhouse development
East	Lane RU1 – Large Lot Housing	Single family dwelling
South	Highland Rd. N P2 – Education and Minor Institution RM5 – Medium Density Multiple Housing	Church Multi-residential development
West	Glenmore Dr. P3 – Parks and Opens Space	Kelowna Golf & Country Club

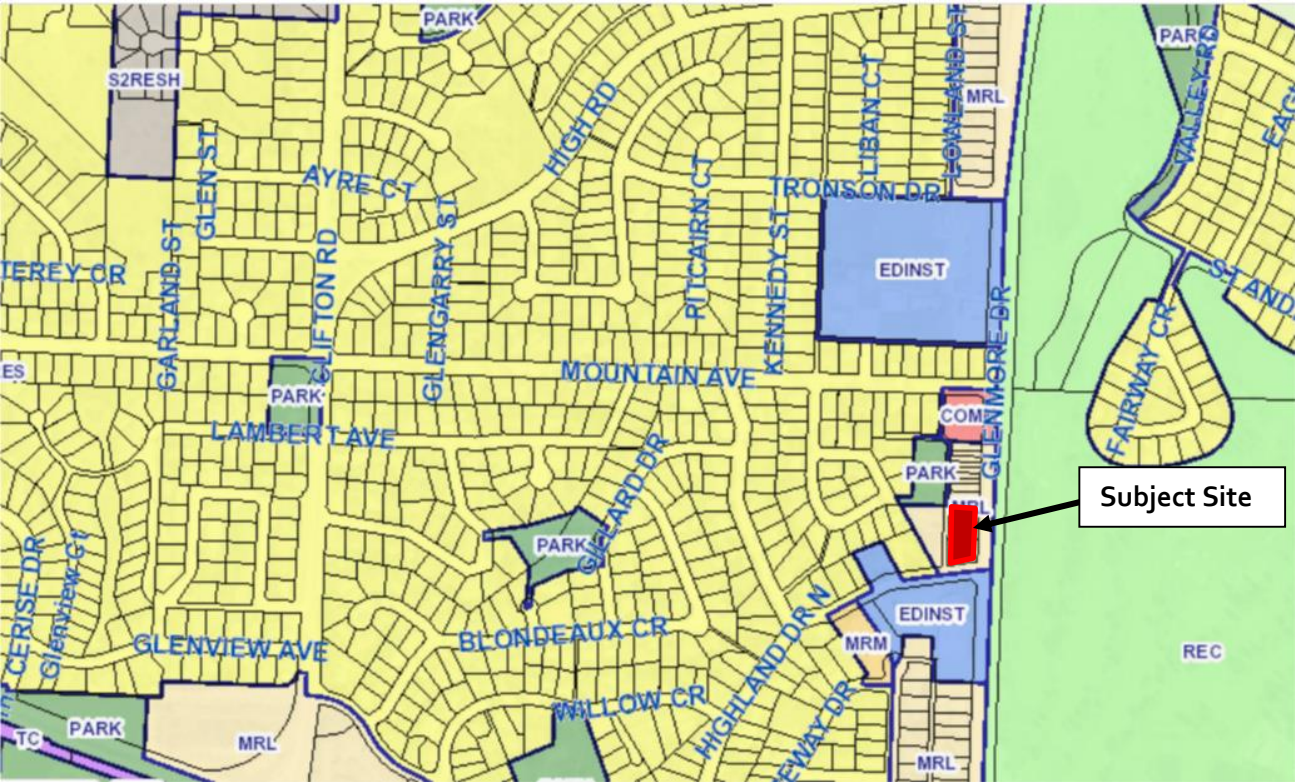


Subject Property Map: 1064 – 1084 Glenmore Dr.

Zoning Map:



OCP Designation Map:





## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Chapter 4: Future Land Use

**MRM - Multiple Unit Residential (Medium Density).** Townhouses, garden apartments, and apartment buildings. Complementary uses (i.e. care centres, minor public services/utilities, and neighbourhood parks) which are integral components of urban neighbourhoods would also be permitted. Building densities would be consistent with the provisions of the RM4 - Transitional Low-Density Housing and RM5 - Medium Density Multiple Housing zones of the Zoning Bylaw and may include CD Comprehensive Development zoning for similar densities or land uses.

#### Chapter 5: Development Process

**Policy 5.2.4 Complete Communities.** Support the development of complete communities with a minimum intensity of approximately 35-40 people and/or jobs per hectare to support basic transit service.

**Policy 5.3.2 Compact Urban Form.** Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and redevelopment within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

**Policy 5.22.11 Housing Mix.** Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed-use developments.

### 5.2 Kelowna Healthy Housing Strategy Key Directions and Recommended Actions.

#### 3.1 Promote and Protect Rental Housing.

## 6.0 Technical Comments

### 6.1 Development Engineering Department

- Refer to Schedule A: Development Engineering Memo, dated August 19, 2020.

## 7.0 Application Chronology

Date of Application Received:	August 17, 2020
Date Public Consultation Completed:	September 3, 2020
Date Revised Drawings Received:	November 25, 2020

<b>Report prepared by:</b>	Barbara B. Crawford, Planner II
<b>Reviewed by:</b>	Jocelyn Black, Urban Planning & Development Policy Manager
<b>Approved for Inclusion:</b>	Terry Barton, Development Planning Department Manager

#### **Attachments:**

Schedule A: Development Engineering Memo, dated August 19, 2020  
Attachment A: Site Plan and Conceptual Renderings  
Attachment B: Public Information Session



# CITY OF KELOWNA

## MEMORANDUM

<b>SCHEDULE</b>		<b>A</b>
This forms part of application		
# OCP20-0014 & Z20-0067		
Planner Initials	BC	
		City of Kelowna DEVELOPMENT PLANNING

**Date:** August 19, 2020

**File No.:** Z20-0067

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

**From:** Development Engineering Manager (JK)

**Subject:** 1064,1074,1084 Glenmore Dr

RU1 to RM5r

The Development Engineering Department has the following comments and requirements associated with this proposal for the rezoning application to consider rezoning the subject property from RU1 Large Lot Housing to RM5r Medium Density Multiple Housing (Residential Rental Tenure) The Development Engineering Technologist for this project is Ryan O'Sullivan

### **1. Domestic Water and Fire Protection**

- a. These properties are currently serviced with a 19mm-diameter water service. The developer's consulting mechanical engineer will determine the domestic, fire protection requirements of this proposed development and establish hydrant requirements and service needs. The applicant will arrange for the removal and disconnection of the existing services and the installation of one new larger service at the applicants cost.
- b. A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost.
- c. The developer must obtain the necessary permits and have one of existing utility services disconnected prior to removing or demolishing the existing structures. The City of Kelowna water meter contractor must salvage existing water meters, prior to building demolition. If water meters are not salvaged, the developer will be invoiced for the meters

### **2. Sanitary Sewer**

- a. Our records indicate that these properties are currently serviced with a 100mm-diameter sanitary sewer service. The applicant's consulting mechanical engineer will determine the requirements of the proposed development and establish the service needs. Only one service will be permitted for this development. If required, the applicant will arrange for the removal and disconnection of the existing service and the installation of one new larger service at the applicant's cost.

### **3. Storm Drainage**

- a. The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management



plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and recommendations for onsite drainage containment and disposal systems.

- b. On site storm drainage systems for the site will be reviewed and approved by Engineering when a site servicing design is submitted.
- c. There is a possibility of a high water table or surcharging of storm drains during major storm events. This should be considered in the design of the onsite system.

#### **4. Road Improvements**

- a. Glenmore Rd MUP will need to be redesigned for the frontage for 1084 Glenmore rd. a cross section will be provide. Road dedication will also be required for the frontage on Glenmore Rd
- b. Highland Dr be upgraded to an urban standard along the full frontage and a connection to the existing sidewalk, on Glenmore Rd. to the laneway as well as street trees and boulevard landscaping for this proposed development, re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- c. Lane adjacent to this development site will require re/re asphalt and storm drainage.

#### **5. Road Dedication and Subdivision Requirements**

- (a) Dedicate off Glenmore Rd will be required for 1084 Glenmore Rd..
- (b) Grant statutory rights-of-way if required for utility services.

#### **6. Electric Power and Telecommunication Services**

- a. All proposed service connections are to be installed underground. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost
- b. Re-locate existing utilities, where necessary

#### **7. Design and Construction**

- a. Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b. Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c. Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d. A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e. Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be



submitted to the City's Development Engineering Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs


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

- a. A Servicing Agreement is required for all offsite works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- b. Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

#### **9. Geotechnical Study**

- (a) Provide a geotechnical report prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision. The Geotechnical reports must be submitted to the Development Engineering Services Department for distribution to the Development Engineering Branch and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval:
  - i. Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
  - ii. Site suitability for development.
  - iii. Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
  - iv. Any special requirements for construction of roads, utilities and building structures.
  - v. Recommendations for items that should be included in a Restrictive Covenant.
  - vi. Recommendations for roof drains, perimeter drains and septic tank effluent on the site.
  - vii. Any items required in other sections of this document.

Additional geotechnical survey may be necessary for building foundations, etc



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James Kay, P. Eng.  
Development Engineering Manager  
RO



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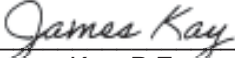
**CITY OF KELOWNA**  
**MEMORANDUM**

<b>SCHEDULE</b>	<b>A</b>
This forms part of application # OCP20-0014 & Z20-0067	
Planner Initials	BC
 City of <b>Kelowna</b> DEVELOPMENT PLANNING	

**Date:** September 08, 2020  
**File No.:** OCP20-014  
**To:** Urban Planning Management (BC)  
**From:** Development Engineering Manager (JK)  
**Subject:** 1064, 1074, 1084 Glenmore Rd. MRL to MRN

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The Development Engineering Branch has no comments and requirements associated with this application to amend the Future Land Use from MRL (Multiple Unit Residential Low Density) to MRM (Multiple Unit Residential (Medium Density) to for the subject lots. All other off-site requirements for the proposed development are addressed in the Development Engineering Memos Z20-0067.

  
\_\_\_\_\_  
James Kay, P.Eng.  
Development Engineering Manager

RO









PERSPECTIVE VIEW  
 CORNER OF GLENMORE & HIGHLAND



KELOWNA MULTIFAMILY 1064, 1074, & 1084 GLENMORE DRIVE

scale: N.T.S.  
 project no: 220-031  
 date: 2020-07-30





PERSPECTIVE VIEW  
 WEST ELEVATION



KELOWNA MULTIFAMILY 1064, 1074, & 1084 GLENMORE DRIVE

scale: N.T.S.  
 project no: 220-031  
 date: 2020-07-30



September 28, 2020

## Public Information Session – Summary Report

Project: 1064/1074/1084 Glenmore Drive, Kelowna BC  
Application No. Z20-0067

### Notification:

The public information session was advertised in multiple different ways. Firstly, the session was advertised in the "Kelowna Daily Courier" on Wednesday, August 12 and Saturday, August 15 (The Okanagan Weekend Edition). In addition, a direct mail out was sent to 374 individual addresses within a postal code area of the subject property and hand delivered to an additional 111 households not captured by the Canada Post maildrop (copies attached).

### Details:

A session was held on Thursday September 3rd, 2020 from 4:00 to 7:00 pm in the Grace Baptist Church parking lot (1150 Glenmore Drive, Kelowna BC). We chose this site due to its direct proximity across the street from the development site.

### Information Provided:

The session was set up with 4 easels that were spaced appropriately to allow visitors to view them without concern of being too close to each other.



The following details were shown:

- Perspective at the corner of Glenmore Drive and Highland Road
- The east elevation of the proposed building
- The west elevation of the proposed building
- Simplified landscape/site plan



Additional information was provided on tables including:

1. A full-sized set of building plans
2. A presentation binder was available with supporting documents including:
  - Copy of the invitation
  - Basic Project Information
  - Context page
  - Fact sheet
  - Project rationale
  - Individual Variance details in written format
  - City of Kelowna Zoning Bylaw 8000 RM5r zone
  - Map showing zoning distribution in area
  - Copy of the Comprehensive DP guidelines as found in Chapter 14 of the OCP.

The professional team was represented including the Developer, Architect, and Junior Urban Planning Consultant. All were in attendance to address public concerns.



#### Attendance:

Total Neighbourhood Attendance: 63 attendees

People heard about the event in the following manner: mail out, newspaper ads, and word-of-mouth.

Input was received through direct conversation with the attendees and written comments.

#### Feedback:

Re-occurring themes from the questions asked at the public consultation were:

- Parking and traffic
- Parking and visitor parking requirements
- Concerns about rear lane
- Amount of Variances
- Density

Positive comments:

- Will clean up area
- Like clean modern design
- Balconies add appeal and livability



- Creation of jobs
- More customers to support local businesses

### Conclusion:

The information session sought to meet and exceed the requirements of Council Policy No. 367. The timing of the advertisements and the mail-out met the criteria of the policy. Positive face-to-face conversations were had with many people in the neighbourhood. A mixture of tenants and homeowners were present, and we were able to address their requests and explain different aspects of the proposal. The session was held in an open space mindful of COVID protocols.



The neighbours brought their concerns and it was felt that negative feedback was generally around traffic patterns and volumes particularly regarding street parking and how it would impact existing homes. Many of the concerns could be addressed by providing additional regulations and standards for streets, sidewalks, and parking. Please note that written comments were received from individuals and have been attached as an appendix.

Overall, it was a positive experience.

The open house was conducted and arranged by Urban Options Planning and Permits. Should you have any questions please call me directly at 250.575.6707.

Regards,

Birte Decloux







## Public Open House Session – Written Comments

1064, 1074, 1084 Glenmore Drive  
September 3, 2020.

Gail Rimer  
250.870.8723  
1784 Highland Drive N

**Comments:** How long will it be before they eliminate the left-hand turn onto Glenmore with all the additional vehicles coming onto Highland Drive from the only access / entrance lane? That would have a big impact on my family as we use it 3-4 times daily.

Cheryl Toop  
250.762.4134  
[cheryltoop@gmail.com](mailto:cheryltoop@gmail.com)  
1745 Blondeaux Crescent

**Comments:** Concerns about no sidewalks in area and more on street parking, both sides. Most streets have allowed parking on the entire street.

Natasha Douillard  
250.979.0413  
[mercloo@telus.net](mailto:mercloo@telus.net)  
1307 Ridgeway Drive

**Comments:** I request speed bumps along Ridgeway Drive if this development goes through.

Montana Morin  
250.876.7330  
[message.mmd@gmail.com](mailto:message.mmd@gmail.com)

1858 Highland Drive N (corner of rear lane and Highland Dr.)

**Comments:** This proposed development is unnecessarily large for this location / neighbourhood. My concerns are not only for my own property which will be hugely impacted, but also as a safety concern for increased traffic next to a park and school. I worry about constant "move in and outs" from a rental building. The laneway is already too small, and I worry about access for service / emergency vehicles during construction.

Brenda Gula  
250.486.1405  
[bgula89@gmail.com](mailto:bgula89@gmail.com)  
1848 Highland Drive

**Comments:** Overly concerned about the lack of parking which will overflow onto Highland Drive. Currently, cars cannot get through if there is parking on both sides of the street.



Delores

250.762.8979

[carptarps@hotmail.com](mailto:carptarps@hotmail.com)

1705 Blondeaux Crescent

**Comments:** Kids use the alley walking to school and playground. Density is too high.  
Parking is already outrageous along Highland and none on Glenmore.

Don McLellan

250.762.0168

[don\\_mclellan@telus.net](mailto:don_mclellan@telus.net)

1029 Calmels Crescent

**Comments:** Big concern is traffic and parking, street parking is not desirable. The lane is a dead end and the park has a small parking lot which is not for overnight parking, but often is almost full overnight. We are also concerned about the density.

Anonymous

**Comments:** Bylaw setbacks are in place to protect adjacent properties! Setback variances should not be permitted.

Linda Work

250.763.5961

1621 Blondeaux Crescent

**Comments:** Needs more parking or less units.

Judy & Rob Robison

250.870.8608

[rrobison@gmail.com](mailto:rrobison@gmail.com)

[judyerll@gmail.com](mailto:judyerll@gmail.com)

**Comments:** Not enough parking! No lights are out and no sidewalks. My daughter owns at Central Green. There are only 3 visitor parking stalls and you must pay! We live on Calmels and Mountain, Pinecrest, and Highland are busy with no sidewalks! Bad development.

Bad place for 50 units. Townhouses are preferred. Too busy. No lights onto Glenmore and no sidewalks.

McKenzies

250.860.5040

[jennnderr@telus.net](mailto:jennnderr@telus.net)

**Comments:** Likes

- It will clean up the area
- Makes the corner safer
- Modern design



- Balconies add appeal
- Plan is to make rental units affordable for single parents and young people (who use bikes and transit)

Dislikes

- Parking
- Too densified; too many units/people/cars for space/area

Irene & Jim Failes

250.763.6962

[ejj@shaw.ca](mailto:ejj@shaw.ca)

1069 Calmels Crescent

**Comments:** I am concerned about parking and traffic in the area. I am also worried about children walking or biking to school and using the park. Will more people park on Calmels which already gets bottlenecked during school start & end times.

Tanya Culling

250.801.1429

[tanyac@rmdgroup.com](mailto:tanyac@rmdgroup.com)

1053 Calmels Crescent

**Comments:** Parking is crazy and now they will have over 100 more people in the area.





# OCP20-0014 & Z20-0067 1064 – 1084 Glenmore Dr

Official Community Plan Amendment

Rezoning Application





# Proposal

- ▶ To consider an Official Community Planning Amendment to change the future land use designation of the subject lots from the MRL - Multiple Unit Residential (Low Density) designation to the MRM – Multiple Unit Residential (Medium Density) designation;
- ▶ To consider rezoning the subject lots from the RU1 – Large Lot Housing zone to the RM5r - Medium Density Multiple Housing (Residential Rental Tenure Only) zone to facilitate the development of a purpose-built rental building.



# Development Process

August 17, 2020

Development Application Submitted

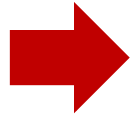


Staff Review & Circulation



September 3, 2020

Public Notification Received



February 22, 2021

Initial Consideration



Public Hearing  
Second & Third Readings



Final Reading  
DP & Variances



Building Permit

Council  
Approvals



# Context Map



Subject Properties

Transit Score  
**28**

## Some Transit

A few nearby public transportation options.

Bike Score  
**78**

## Very Bikeable

Biking is convenient for most trips.

☒ Bicycle/Pedestrian Network

## Active Transportation

☒ A.T. Primary

## Network

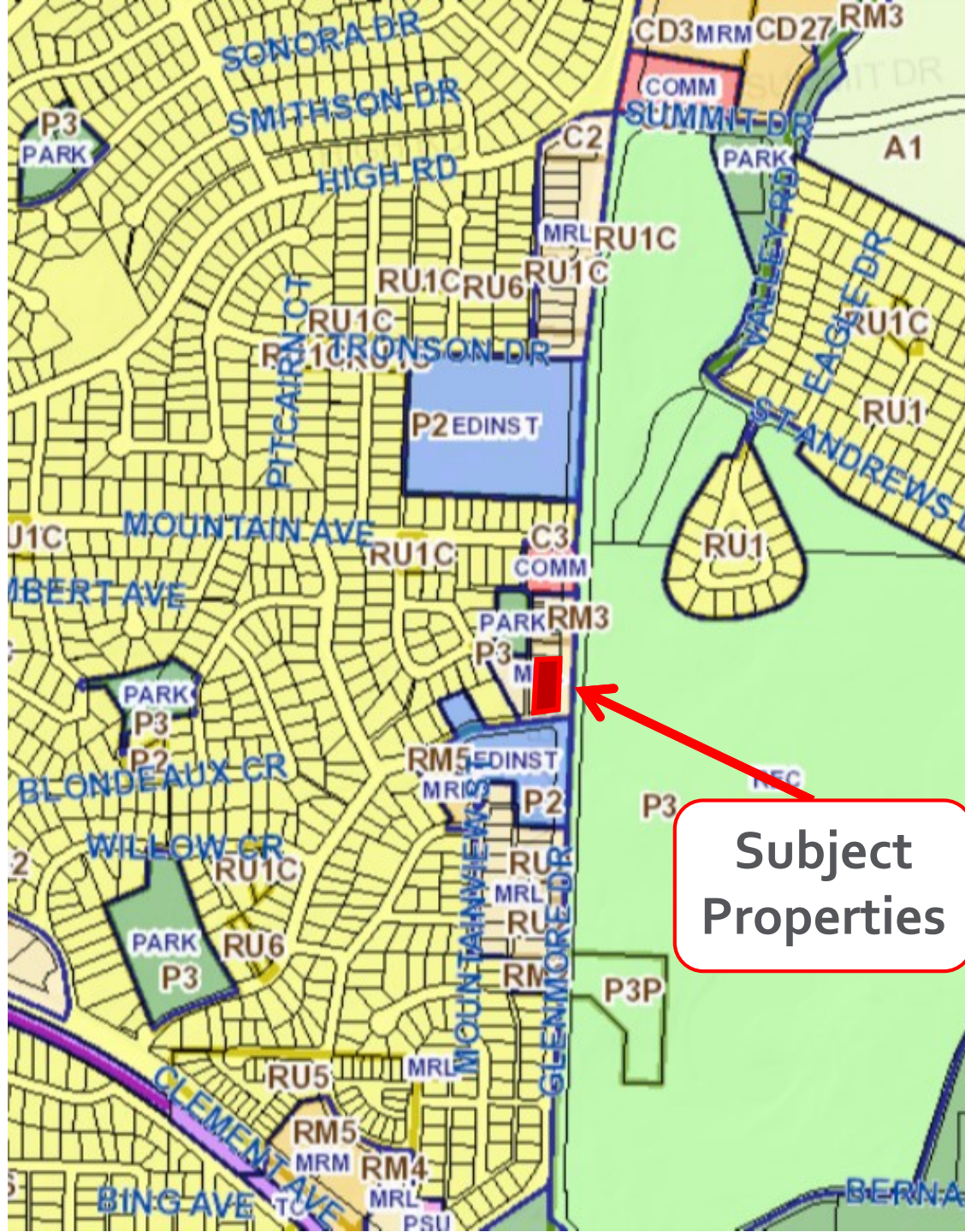
Shared-Use Pathway,

Bike Lane

Sidewalk



# Zoning Map and OCP Future Land Use



Subject  
Properties



# Subject Property Map





# Surrounding Area





→ N





# Project/technical details

- ▶ OCP Amendment FLU: MRL ➡ MRM
- ▶ Rezoning: RU1 ➡ RM5r
- ▶ Facilitate the development of 3.5 storey, 50-unit purpose-built rental building.
- ▶ Three lot consolidation.
- ▶ 10% reduction in parking stalls.
- ▶ Pedestrian sidewalk improvements along Glenmore Dr. frontage.
  - ▶ Dedicate a portion of the frontage along Glenmore Drive for the three subject lots.
- ▶ Tracking variances to site coverage and setbacks to the parkade structure.



# Conceptual Rendering





# Development Policy

- ▶ **Complete Communities.** Support the development of complete communities with a minimum intensity of approximately 35-40 people and/or jobs per hectare to support basic transit service.
- ▶ **Compact Urban Form:** Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities through development, conversion, and re-development within Urban Centres in particular.
- ▶ **Housing Mix.** Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed-use developments.
- ▶ **Healthy Housing Strategy.** Rezoning the lots to RM5r ensures housing units remain rental for the life-cycle of the building.



# Public Notification Policy #367

- ▶ Public consultation was completed in accordance with Public Notification Policy #367
- ▶ Public consultation included:
  - ▶ Public Information Session on September 3, 2020;
  - ▶ Advertised in the Kelowna Daily Courier;
  - ▶ Direct mail out was sent to 374 individual addresses within a postal code area of the subject property;
  - ▶ Hand delivered an additional 111 households not captured by the Canada Post maildrop.



# Staff Recommendation

- ▶ Staff recommend **support** of the proposed:
  - ▶ OCP Amendment to MRM – Multiple Unit Residential (Medium Density) and,
  - ▶ rezoning to RM5r - Medium Density Multiple Housing (Residential Rental Tenure Only).
- ▶ Consistent with City's overall growth strategy and OCP urban planning policies.
  - ▶ Complete Communities
  - ▶ Compact Urban Form
- ▶ Use of transportation systems & proximity to transit stops, cycling infrastructure and sidewalk networks connecting to schools, parks and local services.
- ▶ Achieve the City's objectives of housing diversity and options.
  - ▶ Housing Mix
  - ▶ Healthy Housing Strategy
- ▶ Forward OCP Amendment and Rezoning to a Public Hearing. 122





## *Conclusion of Staff Remarks*



# Conceptual Rendering





# CITY OF KELOWNA

## BYLAW NO. 12175

### Official Community Plan Amendment No. OCP20-0014 1064, 1074, and 1084 Glenmore Drive

---

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

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* – Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of:
  - a) Lot 1, Section 29, Township 26, Osoyoos Division Yale District, Plan 17490, located at Glenmore Drive, Kelowna, BC; and
  - b) Lot 2, Section 29, Township 26, Osoyoos Division Yale District, Plan 17490, located at Glenmore Drive, Kelowna, BC; and
  - c) Lot 3, Section 29, Township 26, Osoyoos Division Yale District, Plan 17490, located at Glenmore Drive, Kelowna, BC.from the MRL - Multiple Unit Residential (Low Density) designation to the MRM – Multiple Unit Residential (Medium Density) 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

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

---

Mayor

---

City Clerk



**CITY OF KELOWNA**  
**BYLAW NO. 12176**  
**Z20-0067**  
**1064, 1074, and 1084 Glenmore Drive**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of:
  - a) Lot 1, Section 29, Township 26, Osoyoos Division Yale District, Plan 17490, located at Glenmore Drive, Kelowna, BC; and
  - b) Lot 2, Section 29, Township 26, Osoyoos Division Yale District, Plan 17490, located at Glenmore Drive, Kelowna, BC; and
  - c) Lot 3, Section 29, Township 26, Osoyoos Division Yale District, Plan 17490, located at Glenmore Drive, Kelowna, BC.from the RU<sub>1</sub> – Large Lot Housing zone to the RM<sub>5r</sub> - Medium Density Multiple Housing (Residential Rental Tenure Only) zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk



# REPORT TO COUNCIL



**Date:** February 22, 2021

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** Z19-0072

**Owner:** Larry. L. Cota and Carla C. Cota

**Address:** 2996 Sexsmith Rd

**Applicant:** Urban Options Planning & Permits

**Subject:** Rezoning Application

**Existing OCP Designation:** IND-L – Industrial – Limited

**Existing Zone:** A1 – Agriculture 1

**Proposed Zone:** I6 – Low-Impact Transitional Industrial

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## 1.0 Recommendation

THAT Rezoning Application No. Z19-0072 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 32, Section 3, Township 23, ODYD Plan 18861, located at 2996 Sexsmith Road, Kelowna, BC from the A1 – Agriculture 1 zone to the I6 – Low-Impact Transitional Industrial zone, be considered by Council;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated February 22, 2021;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the property owner registering a 219 Restrictive Covenant limiting forward facing vehicular exit from the subject property.

## 2.0 Purpose

To consider an application to rezone the subject property from the A1 – Agriculture 1 zone to the I6 – Low-Impact Transitional Industrial zone to allow for outdoor storage on the subject property.

## 3.0 Development Planning

Staff are supportive of the proposed rezoning of the subject property from the A1 zone to the I6 zone as the proposal aligns with the Official Community Plan (OCP). The OCP designates the property as IND-L



Industrial – Limited, which was established in 2011 after public consultation associated with the 2030 OCP review. This designation was created for the I6 zone to allow for a range of low-impact industrial uses that are intended to act as a transition between the general industrial areas to the south and east and the rural residential areas to the north and west. The permitted uses, development regulations, screening requirements, outdoor storage restriction and other regulations within the I6 zone are designed to limit negative impacts to the nearby residential, rural, and agricultural uses in the area.

#### 4.0 Proposal

##### 4.1 Background and Project Description

The subject property has a history of Bylaw enforcements resulting from land use that has been contrary to the existing zone (A1 – Agriculture). The applicant is proposing to rezone the property to allow for existing industrial uses on the property to come into Bylaw compliance. The proposed uses include:

- Single family dwelling housing (existing);
- General contractor services (Cota Top Coat Seal);
- Outdoor storage – associated with contractor services, general uses and storage of vehicles.

The existing dwelling and an accessory building located at rear of the property will remain.

A 3.0m drainage statutory right of way (SRW) is required between the subject property and the abutting property to the east at 3030 Sexsmith Rd. The applicant and the property owner of 3030 Sexsmith Rd have agreed to share the required SRW width between the two properties.

##### 4.2 Site Context

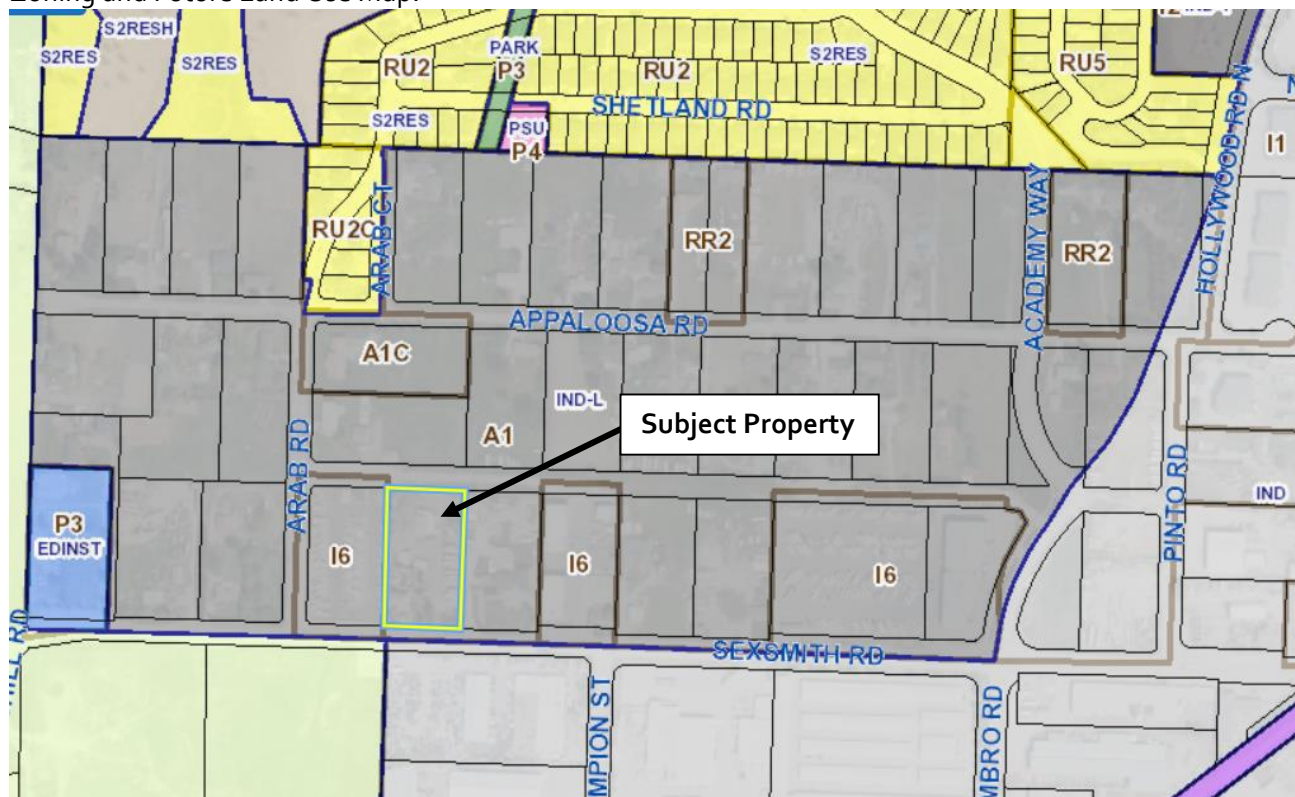
The subject parcel is located within the Arab/Appaloosa area. The subject property is designated as Industrial – Transitional (IND-T) in the OCP and the lot is within the Permanent Growth Boundary. The surrounding land use consist of Agriculture to the north, combination of Agriculture and Industrial to the east and west, and Industrial to the South. Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	Future Palomino Rd A1 - Agriculture	Agriculture/industrial/residential
East	I6 – Low Impact Transitional Industrial A1 - Agriculture	Outdoor storage Agriculture/industrial/residential
South	Sexsmith Rd I2 – General Industrial	General Industrial
West	I6 – Low Impact Transitional Industrial A1 - Agriculture	Outdoor storage Agriculture/industrial/residential



## Subject Property Map: 2996 Sexsmith Rd

Zoning and Future Land Use Map:



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Chapter 10: Development Process

##### Objective 5.28 Industrial Land Use Policies:

Focus industrial development to areas suitable for industrial use.

##### Objective 5.30 Industrial Supply Protection:

Protect existing industrial lands from conversion to other land uses by not supporting the rezoning of industrial land to preclude industrial activities unless there are environmental reasons for encouraging a change of use.

## 6.0 Technical Comments

### 6.1 Development Engineering Department

- Refer to attached Schedule A, Development Engineering Department Memorandum, dated June 11, 2019.



## **7.0 Application Chronology**

Date of Application Received: February 22, 2019  
Date Public Consultation Completed: September 11, 2020

**Report prepared by:** Barbara B. Crawford, Planner II  
**Reviewed by:** Dean Strachan, Community Planning & Development Manager  
**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

### **Attachments:**

Schedule A: Development Engineering Memo

Attachment A: Site Plan and Letter of Rationale



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# CITY OF KELOWNA

## MEMORANDUM

<b>SCHEDULE</b>		<b>A</b>
This forms part of application # Z19-0072		
Planner Initials	BC	 City of <b>Kelowna</b> DEVELOPMENT PLANNING

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**Date:** June 11, 2019  
**File No.:** Z19-0072  
**To:** Planning & Development Services Department (BC)  
**From:** Development Engineer Manager (JK)  
**Subject:** 2996 Sexsmith Rd., Lots 32, Plan 18861     A1 – I6

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Development Engineering has the following comments and requirements associated with this rezoning application to rezone the subject property from A1 – Agriculture 1 to I6 – Low Impact Transitional Industrial to allow outdoor storage.

**1.     General**

- a) Access to the subject lots must ultimately be achieved off of Palomino Road as Sexsmith Road is designated as a 4 lane arterial and access will be restricted. Until such time that Palomino Road is built, the subject property is granted access onto Sexsmith Road under the condition.

**2.     Geotechnical Study**

We recommend that a comprehensive geotechnical study be undertaken over the subject property. 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.

**3.     Sanitary Sewer System**

- a) The developer's consulting mechanical engineer will determine the development requirements of the proposed development and establish the service needs. Only one service per lot will be permitted for this development. There is an existing 100mm PVC sanitary service to lot.
- a) The Connection Area #35 charge is currently set by Bylaw at \$13,300 per Single Family Equivalent (SFE). This Bylaw was reviewed for and accepted by Council in 2018.

determined by the following formula: the first 0.36 acres of developed land or portion thereof equals 1 SFE. Thereafter 2.8 SFE's per acre of developed land.

The assessed value is 5.144 Acres is **\$68,415.20**

**4.     Water Servicing Requirements**

This development is within the service area of the Glenmore Ellison Irrigation District (GEID). The developer is required to make satisfactory arrangements with the GEID for these items. All



charges for service connection and upgrading costs are to be paid directly to the GEID. The developer is required to provide a confirmation that the district is capable of supplying fire flow in accordance with the City of Kelowna current Bylaws and Policies.

## 5. **Storm Drainage**

A comprehensive site drainage management plan and design to comply with the City's drainage design and policy manual By-Law 7900 is required.

A 1.5m Drainage Statutory Right of Way will be required on West property line.

## 6. **Road Improvements**

a.) The frontage of Sexsmith Road will be upgraded to a full 4 lane arterial urban standard (SS-R9) in accordance with Bylaw 7900, complete with curb and gutter, storm works, sidewalk, fillet paving, landscaped and irrigated boulevard, lane markings, street lighting, removal and/or relocation existing utilities as may be required, etc. This construction will be deferred until Sexsmith Road is upgraded to a 4 lane standard and a cash in lieu of construction payment of **\$73,209.38** is required for the combined frontage of the subject property.

b.) Palomino Road at the rear of the property will be constructed to a full urban Standard (SS-R5) in accordance with Bylaw 7900, complete with curb, gutter, sidewalk, fillet paving, storm drainage works which extends and connects to the municipal system, landscaped and irrigated boulevard, lane markings, street lighting, removal and/or relocation existing utilities as may be required, etc. The developer is responsible for contributing for their half of Palomino road for the combined frontage of the subject property. The cash in lieu of construction for these works is **\$80,546.25**

## 7. **Road Dedication and Subdivision Requirements**

- (a) The developer is required dedicate 5m of roadway fronting Sexsmith Road to achieve the 4 lane arterial urban standard width in accordance with Bylaw 7900
- (b) Grant Statutory Rights Of Way if required for utility services.
- (c) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, TELUS, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.

## 8. **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.

## 9. **Design and Construction**

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.



Z19-0072

June 7, 2019

Page 3 of 3

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

# **10. Servicing Agreements for Works and Services**

- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

# **11. DCC Credits**

None of the required improvements qualify for DCC credit consideration, as these levies are collected as cash in lieu.

# **12. Bonding and Levies Summary**

## Levies

Sexsmith Road upgrades	\$73,209.38
Palomino Road construction	\$80,546.25
Connection. Area #35	\$68,415.20
Total levies	<u>\$222,170.83</u>

James Kay  
 James Kay, P. Eng.  
 Development Engineering Manager  
 RO





ATTACHMENT

A

This forms part of application

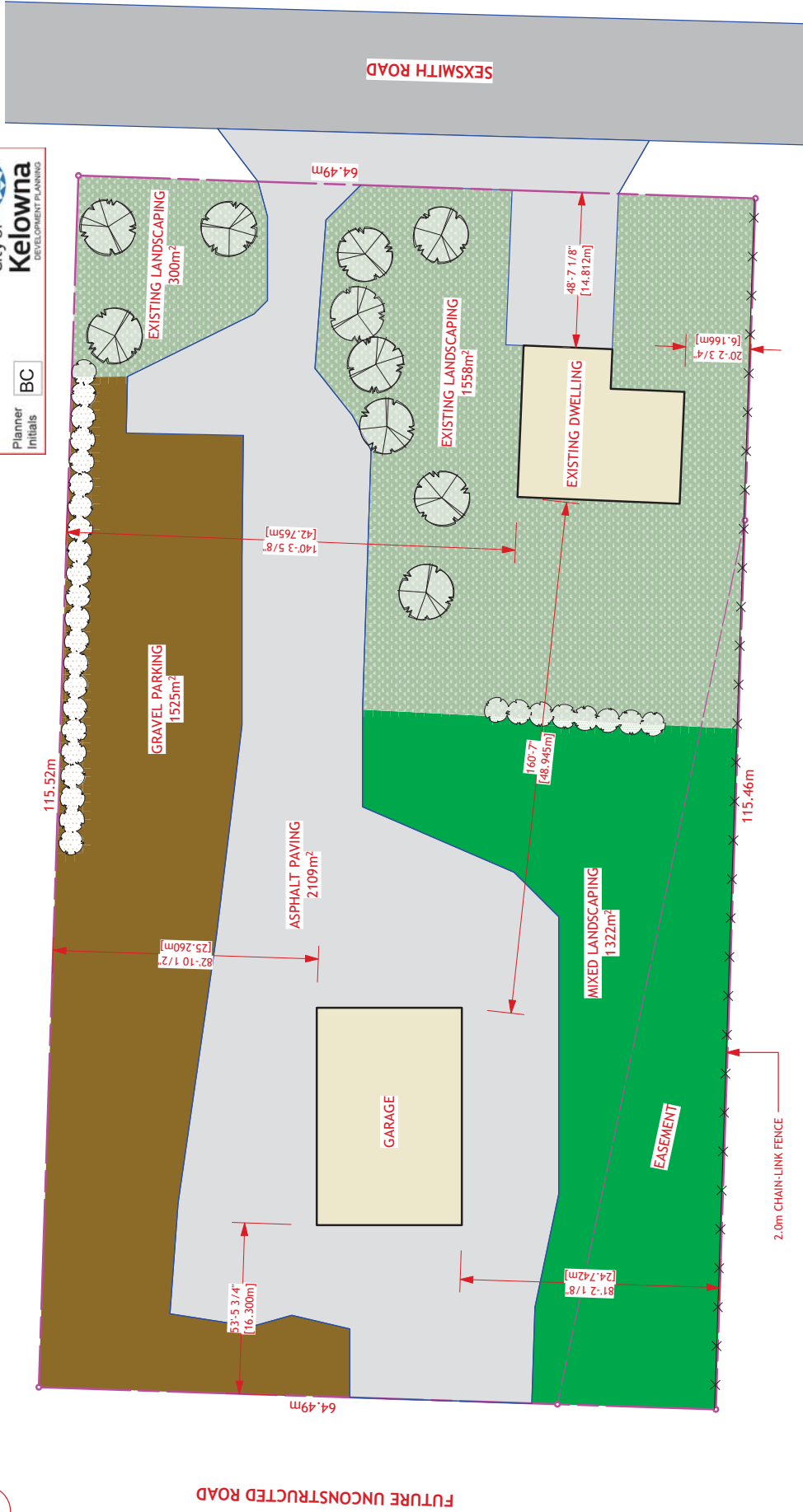
# Z19-0072

City of Kelowna

DEVELOPMENT PLANNING

Planner Initials

BC



2996 SEXSMITH ROAD, KELOWNA, BC

PRELIMINARY THREE-BAY CARWASH MAIN FLOOR

1392 MINE HILL DRIVE  
KELOWNA, BC V1P 1S5  
(250) 212-7938  
www.ihdesign.com

FEBRUARY 21, 2019  
SCALE: 3/16" = 1'-0"  
1 OF 1





February 21, 2019

City of Kelowna  
**Planning Department**  
1435 Water Street  
Kelowna, BC

**RE: Rezoning of 2996 Sexsmith Road**

Dear Urban Planning Department:

This application seeks to rezone the property at 2996 Sexsmith Road to the "I6 – Low-Impact Transitional Industrial" zone to permit compatible industrial uses on the property. The proposed uses include:

- single dwelling housing
- contractor services, general (Cota Top Coat Seal)
- outdoor storage (associated with contractor services, general use and storage of vehicles)

The property is large enough to meet the minimum lot size requirements of the "I6 – Low-Impact Transitional Industrial" zone, and there are appropriate utility services available. The existing dwelling and landscaping will remain, as well as the existing accessory building located in the rear yard,

Many of the Official Community Plan objectives are met with the planned project, including:

- The proposed zone is consistent with the future land use designation of "Industrial – Light" for the area,
- Provides needed industrial space,
- Provides the potential for additional industrial space in the future.

There have been several properties fronting onto Sexsmith Road that have been rezoned to the I6 zone in close to the subject property. Given that this area is changing to a much-needed Industrial area we ask that you support the project.

Sincerely yours,



Birte Decloux





# Z19-0072 2996 Sexsmith Rd

Rezoning Application





# Proposal

- ▶ To consider an application to rezone the subject property from the A1 – Agriculture 1 zone to the I6 – Low Impact Transitional Industrial zone to allow for outdoor storage on the subject property

**A1**  **I6**



# Development Process

February 22, 2019

Development Application Submitted



Staff Review & Circulation



September 11, 2020

Public Notification Received



**February 22, 2021**

Initial Consideration



Public Hearing  
Second & Third Readings

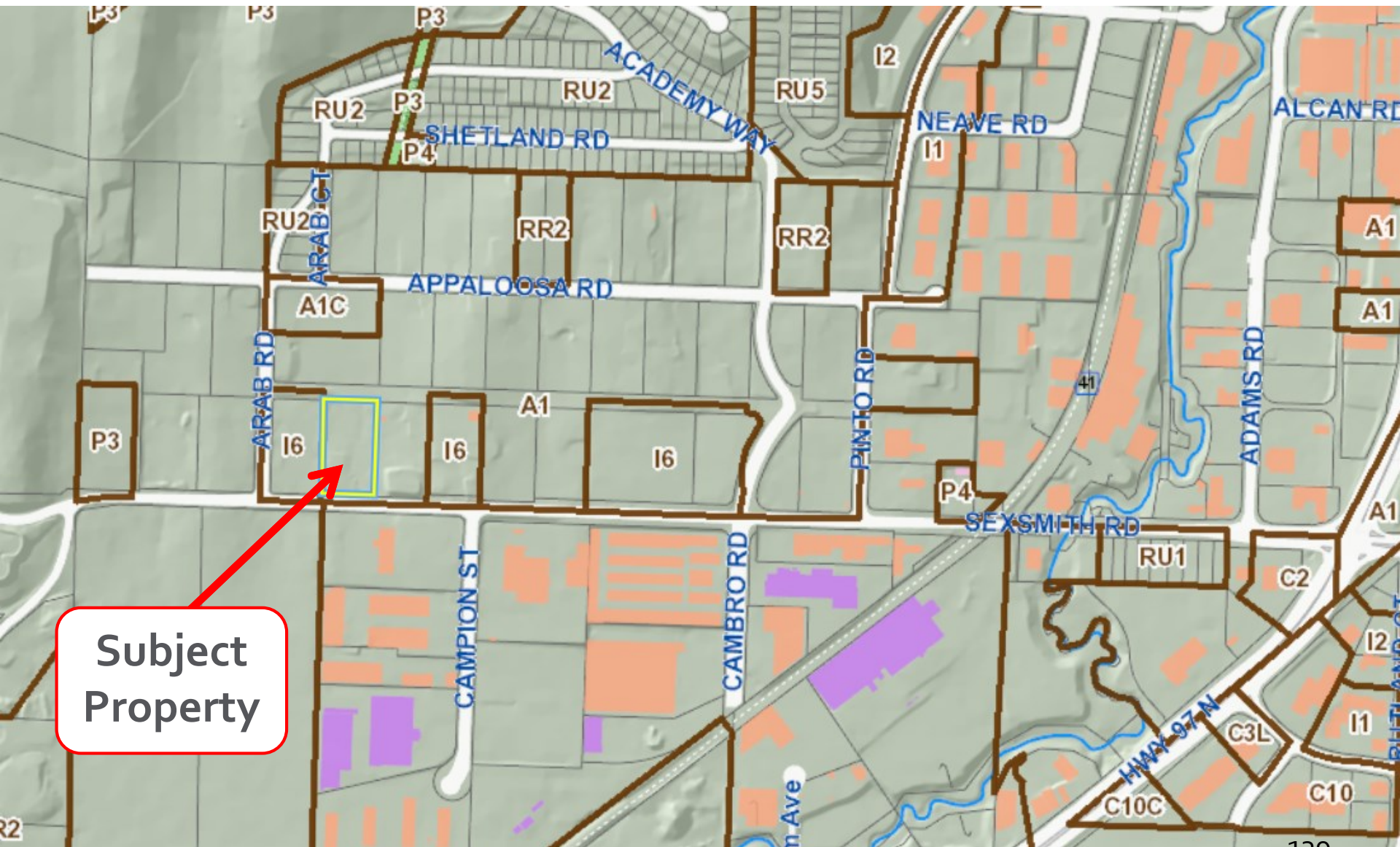


Final Reading

Council  
Approvals

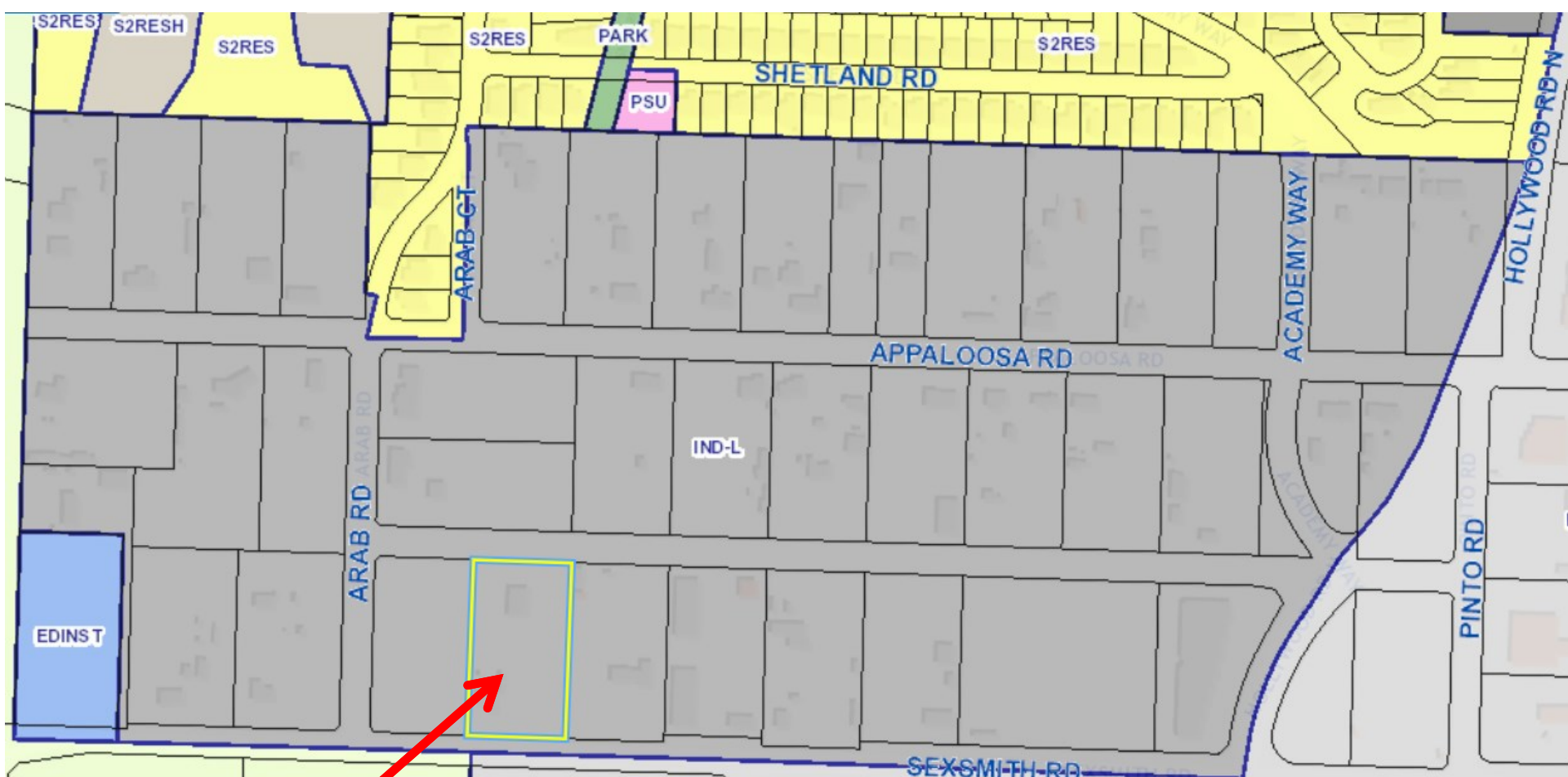


# Context Map and Zoning





# OCP Future Land Use



**Subject  
Property**



# Subject Property Map and Project Details





# Development Policy

- ▶ Meets the intent of the Official Community Plan:
  - ▶ *Industrial Land Use Policies* - Focus industrial development to areas suitable for industrial use.
  - ▶ *Industrial Supply Protection* - Protect existing industrial lands from conversion to other land uses by not supporting the rezoning of industrial land to preclude industrial activities unless there are environmental reasons for encouraging a change of use.



# Staff Recommendation

- ▶ Staff recommend support for the proposed rezoning of the subject property
- ▶ Meets the intent of the Official Community Plan
  - ▶ Industrial Land Use
- ▶ Recommend the Bylaw be forwarded to Public Hearing





## *Conclusion of Staff Remarks*



# Subject Property Map and Project Details





# **CITY OF KELOWNA**

## **BYLAW NO. 12177**

**Z19-0072**

### **2996 Sexsmith Road**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 22, Section 3, Township 23, ODYD Plan 18861 located at Sexsmith Road, Kelowna, BC from the A1 – Agriculture 1 zone to the I6 – Low-Impact Transitional Industrial zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk



# REPORT TO COUNCIL



**Date:** February 22, 2021

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** Z18-0116

**Owner:** Jason G. Witt

**Address:** 3030 Sexsmith Rd

**Applicant:** Urban Options Planning &  
Permits

**Subject:** Rezoning Application

**Existing OCP Designation:** IND-L – Industrial – Limited

**Existing Zone:** A1 – Agriculture 1

**Proposed Zone:** I6 – Low-Impact Transitional Industrial

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## 1.0 Recommendation

THAT Rezoning Application No. Z18-0116 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 31, Section 3, Township 23, ODYD Plan 18861, located at 3030 Sexsmith Road, Kelowna, BC from the A1 – Agriculture 1 zone to the I6 – Low-Impact Transitional Industrial zone, be considered by Council;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated February 22, 2021;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the property owner register a 219 Restrictive Covenant limiting forward facing vehicular exit from the subject property;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure.

## 2.0 Purpose

To consider an application to rezone the subject property from the A1 – Agriculture 1 zone to the I6 – Low-Impact Transitional Industrial zone to allow for outdoor storage on the subject property.

## 3.0 Development Planning



Staff are supportive of the proposed rezoning of the subject property from the A1 zone to the I6 zone as the proposal aligns with the Official Community Plan (OCP). The OCP designates the property as IND-L Industrial – Limited, which was established in 2011 after public consultation associated with the 2030 OCP review. This designation was created for the I6 zone to allow for a range of low-impact industrial uses that are intended to act as a transition between the general industrial areas to the south and east and the rural residential areas to the north and west. The permitted uses, development regulations, screening requirements, outdoor storage restriction and other regulations within the I6 zone are designed to limit negative impacts to the nearby residential, rural, and agricultural uses in the area.

#### 4.0 Proposal

##### 4.1 Project Description

The subject property has a history of Bylaw enforcements resulting from land use that has been contrary to the existing zone (A1 – Agriculture). The applicant is proposing to rezone the property to allow for existing industrial uses on the property to come into Bylaw compliance. The proposed uses include:

- Single family dwelling housing (existing);
- General contractor services;
- Outdoor storage – associated with contractor services, general uses.

The existing dwelling will remain on the property. There are no immediate plans to change the property, however, it is anticipated that a new industrial building will be constructed in the future. The proposed building will be in the rear of the property near the unconstructed, future Palomino Road.

A 3.0m drainage statutory right of way (SRW) is required between the subject property and the abutting property to the west at 2996 Sexsmith Rd. The applicant and the property owner of 2996 Sexsmith Rd have agreed to share the required SRW width between the two properties.

##### 4.2 Site Context

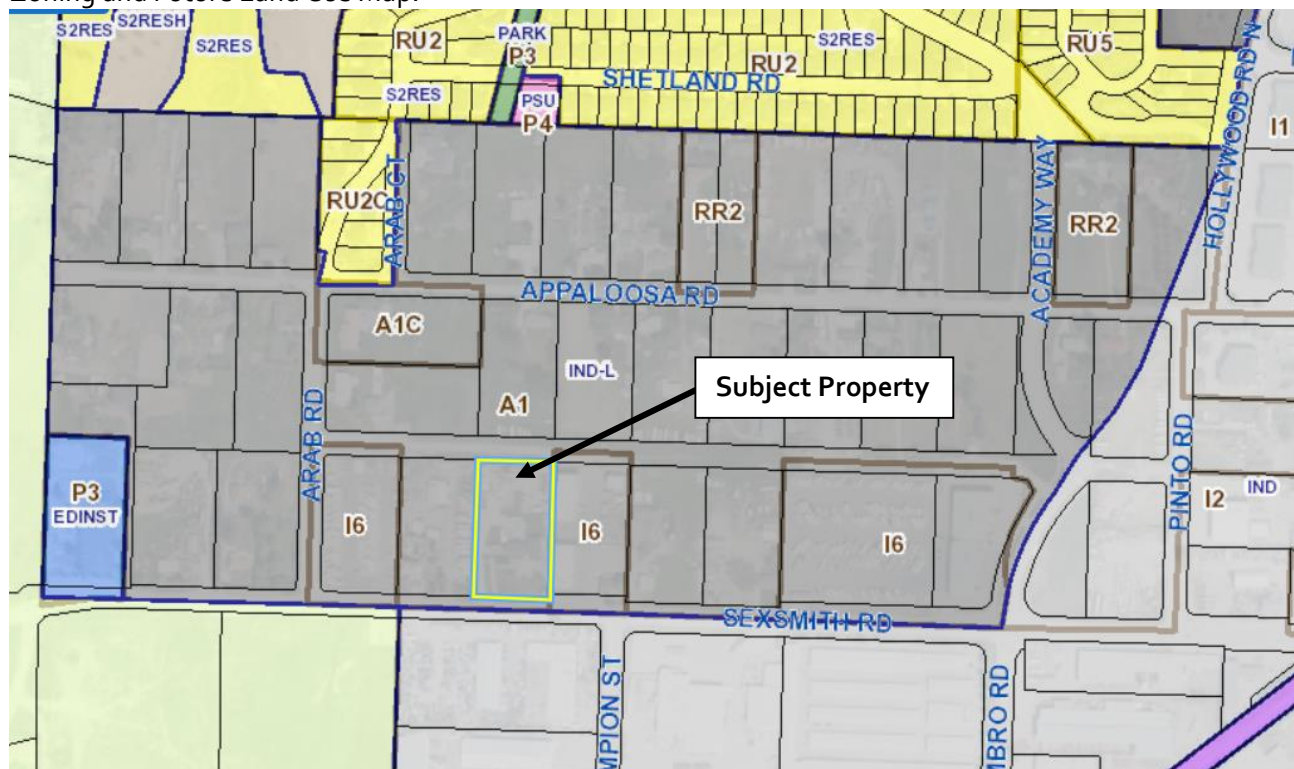
The subject parcel is located within the Arab/Appaloosa area. The subject property is designated as Industrial – Transitional (IND-T) in the OCP and the lot is within the Permanent Growth Boundary. The surrounding land use consist of Agriculture to the north, combination of Agriculture and Industrial to the east and west, and Industrial to the South. Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	Future Palomino Rd A1 - Agriculture	Agriculture/industrial/residential
East	I6 – Low Impact Transitional Industrial A1 - Agriculture	Outdoor storage Agriculture/industrial/residential
South	Sexsmith Rd I2 – General Industrial	General Industrial
West	A1 – Agriculture I6 – Low Impact Transitional Industrial	Agriculture/industrial/residential Outdoor storage



## Subject Property Map: 3030 Sexsmith Rd

Zoning and Future Land Use Map:



### 5.0 Current Development Policies

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

##### Chapter 10: Development Process

##### Objective 5.28 Industrial Land Use Policies:

Focus industrial development to areas suitable for industrial use.

##### Objective 5.30 Industrial Supply Protection:

Protect existing industrial lands from conversion to other land uses by not supporting the rezoning of industrial land to preclude industrial activities unless there are environmental reasons for encouraging a change of use.

### 6.0 Technical Comments

#### 6.1 Development Engineering Department

- Refer to attached Schedule A, Development Engineering Department Memorandum, dated December 10, 2018.

### 7.0 Application Chronology

Date of Application Received: December 7, 2018

Date Public Consultation Completed: June 12, 2019



**Report prepared by:** Barbara B. Crawford, Planner II  
**Reviewed by:** Dean Strachan, Community Planning & Development Manager  
**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

**Attachments:**

Schedule A: Development Engineering Memo

Attachment A: Site Plan and Letter of Rationale



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

<b>SCHEDULE</b>		<b>A</b>
This forms part of application # Z18-0116		
Planner Initials	BC	

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**Date:** December 10, 2018  
**File No.:** Z18-0116 Revised  
**To:** Planning & Development Services Department (AC)  
**From:** Development Engineer Manager (JK)  
**Subject:** 3030 Sexsmith Rd., Lots 31, Plan 18861    A1 – I6

---

Development Engineering has the following comments and requirements associated with this application rezone the subject property from A-1 to I6 are as follows:

**1.    General**

- a) Access to the subject lots must ultimately be achieved off of Palomino Road as Sexsmith Road is designated as a 4 lane arterial and access will be restricted. Until such time that Palomino Road is built, the subject property is granted access onto Sexsmith Road under the condition.

**2.    Geotechnical Study**

We recommend that a comprehensive geotechnical study be undertaken over the subject property. 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.

**3.    Sanitary Sewer System**

- a) The developer's consulting mechanical engineer will determine the development requirements of the proposed development and establish the service needs. Only one service per lot will be permitted for this development. There is an existing 100mm PVC sanitary service to lot.
- a) The Connection Area #35 charge is currently set by Bylaw at \$13,300 per Single Family Equivalent (SFE). This Bylaw was reviewed for and accepted by Council in 2018.

determined by the following formula: the first 0.36 acres of developed land or portion thereof equals 1 SFE. Thereafter 2.8 SFE's per acre of developed land.

The assessed value is 5.144 Acres is **\$68,415.20**



<b>SCHEDULE</b>		<b>A</b>
This forms part of application		
# Z18-0116		
Planner Initials	BC	 <b>City of Kelowna</b> DEVELOPMENT PLANNING

#### 4. **Water Servicing Requirements**

This development is within the service area of the Glenmore Ellison Irrigation District (GEID). The developer is required to make satisfactory arrangements with the GEID for these items. All charges for service connection and upgrading costs are to be paid directly to the GEID. The developer is required to provide a confirmation that the district is capable of supplying fire flow in accordance with the City of Kelowna current Bylaws and Policies.

#### 5. **Storm Drainage**

A comprehensive site drainage management plan and design to comply with the City's drainage design and policy manual By-Law 7900 is required.

A 1.50m Drainage Statutory Right of Way will be required on West property line.

#### 6. **Road Improvements**

- a.) The frontage of Sexsmith Road will be upgraded to a full 4 lane arterial urban standard (SS-R9) in accordance with Bylaw 7900, complete with curb and gutter, storm works, sidewalk, fillet paving, landscaped and irrigated boulevard, lane markings, street lighting, removal and/or relocation existing utilities as may be required, etc. This construction will be deferred until Sexsmith Road is upgraded to a 4 lane standard and a cash in lieu of construction payment of **\$73,209.38** is required for the combined frontage of the subject property.
- b.) Palomino Road at the rear of the property will be constructed to a full urban Standard (SS-R5) in accordance with Bylaw 7900, complete with curb, gutter, sidewalk, fillet paving, storm drainage works which extends and connects to the municipal system, landscaped and irrigated boulevard, lane markings, street lighting, removal and/or relocation existing utilities as may be required, etc. The developer is responsible for contributing for their half of Palomino road for the combined frontage of the subject property. The cash in lieu of construction for these works is **\$80,546.25**

#### 7. **Road Dedication and Subdivision Requirements**

- (a) The developer is required dedicate 5m of roadway fronting Sexsmith Road to achieve the 4 lane arterial urban standard width in accordance with Bylaw 7900
- (b) Grant Statutory Rights Of Way if required for utility services.
- (c) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.

#### 8. **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.



<b>SCHEDULE</b>		<b>A</b>
This forms part of application		
# Z18-0116		
Planner Initials	BC	 <b>City of Kelowna</b> <small>DEVELOPMENT PLANNING</small>

## 9. Design and Construction

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

## 10. Servicing Agreements for Works and Services

- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

## 11. DCC Credits

None of the required improvements qualify for DCC credit consideration, as these levies are collected as cash in lieu.

## 12. Bonding and Levies Summary

### Levies

Sexsmith Road upgrades	\$73,209.38
Palomino Road construction	\$80,546.25
Connection. Area #35	\$68,415.20
<b>Total levies</b>	<b><u>\$222,170.83</u></b>



Z18-0116

Dec 10, 2018

Page 4 of 4

James Kay, P. Eng.  
Development Engineering Manager  
RO





City of Kelowna  
DEVELOPMENT PLANNING



H&B DESIGN  
1302 WINE HILL DRIVE  
KELOWNA, BC V1P 1S5  
www.hbdesign.com  
(250) 272-7555

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PROJECT NORTH

REVISION	DATE	DESCRIPTION

PROJECT  
COMMERCIAL DEVELOPMENT  
3030 SEXSMITH ROAD  
KELOWNA, BC V1X 7S6  
LOT 31 PLAN KAP18861

DRAWING TITLE  
SITE PLAN

DATE  
JUNE 18, 2018

DRAWING NUMBER  
1 of 1



1 SITE PLAN  
Scale: 1:250



November 27, 2018

City of Kelowna  
**Planning Department**  
1435 Water Street  
Kelowna, BC

**RE: Rezoning of 3030 Sexsmith Road**

Dear Urban Planning Department:

This application seeks to rezone the property at 3030 Sexsmith Road to the I6 – Low-Impact Transitional Industrial zone to permit compatible industrial uses on the property. The proposed uses include:

- single dwelling housing
- contractor services, general
- outdoor storage (associated with contractor services, general use)

The property is large enough to meet the minimum lot size requirements of the I6 – Low-Impact Transitional Industrial zone, and there are appropriate utility services available. The existing dwelling and landscaping were recently upgraded thus no changes to the exterior cladding or site configuration is proposed. There are no immediate plans to change the property, however, it is anticipated that a new industrial building will be constructed in the future. The proposed building will be in the rear of the property near the unconstructed Palomino Road.

Many of the Official Community Plan objectives are met with the planned project, including:

- The proposed zone is consistent with the future land use designation of Industrial – Light for the area,
- Provides needed industrial space,
- Provides the potential for additional industrial space in the future.

There have been several properties fronting onto Sexsmith Road that have been rezoned to the I6 zone in close to the subject property, including the property that is located immediately to the east of the subject property (3050 Sexsmith Rd.). Given that this area is changing to a much-needed Industrial area we ask that you support the project.

Sincerely yours,

Birte Decloux





# Z18-0116

# 3030 Sexsmith Rd

## Rezoning Application





# Proposal

- ▶ To consider an application to rezone the subject property from the A1 – Agriculture 1 zone to the I6 – Low Impact Transitional Industrial zone to allow for outdoor storage on the subject property

**A1**  **I6**



# Development Process

December 7, 2018

Development Application Submitted



Staff Review & Circulation



June 12, 2019

Public Notification Received



Initial Consideration



Public Hearing  
Second & Third Readings



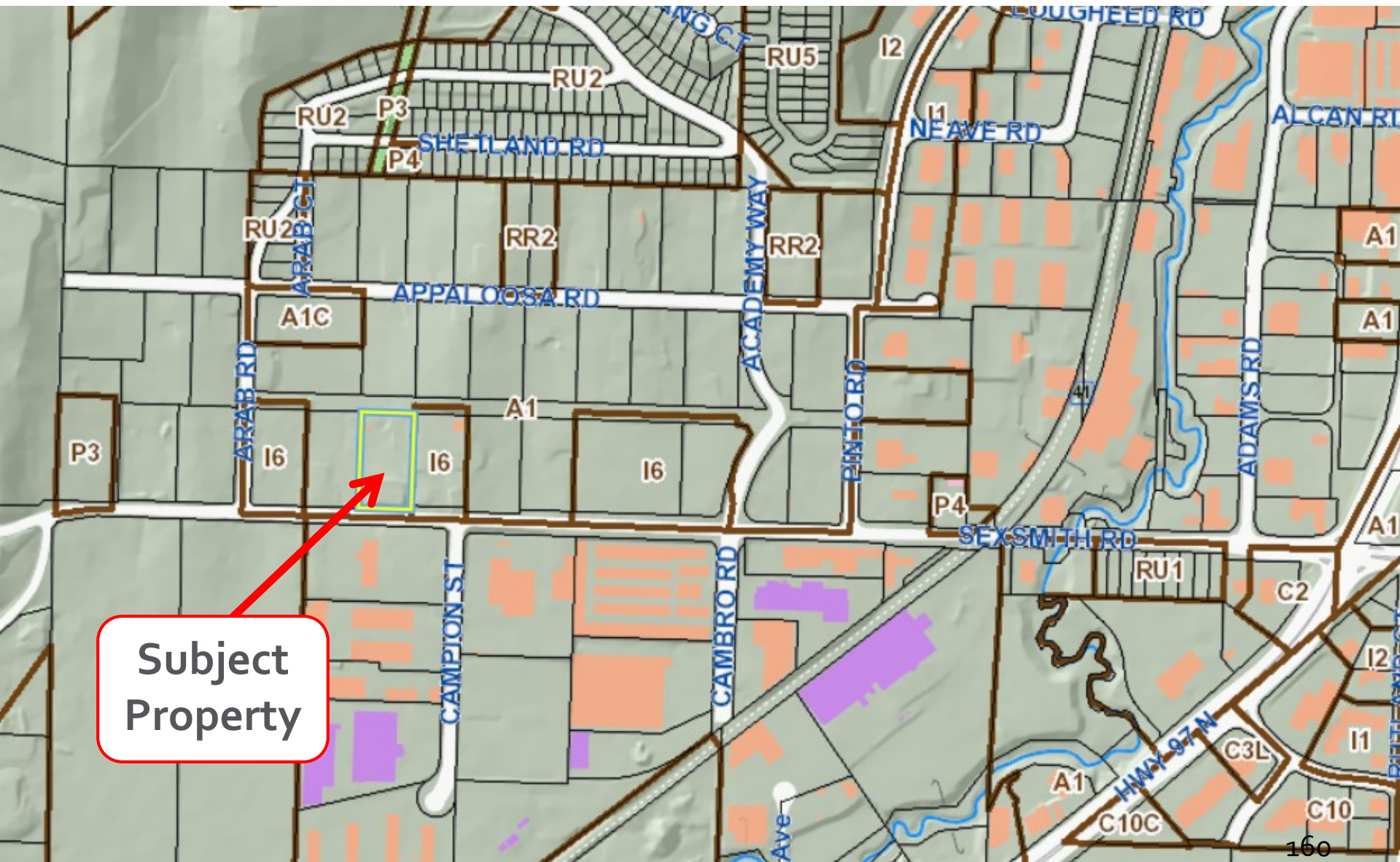
Final Reading

Council  
Approvals

 **February 22, 2021**

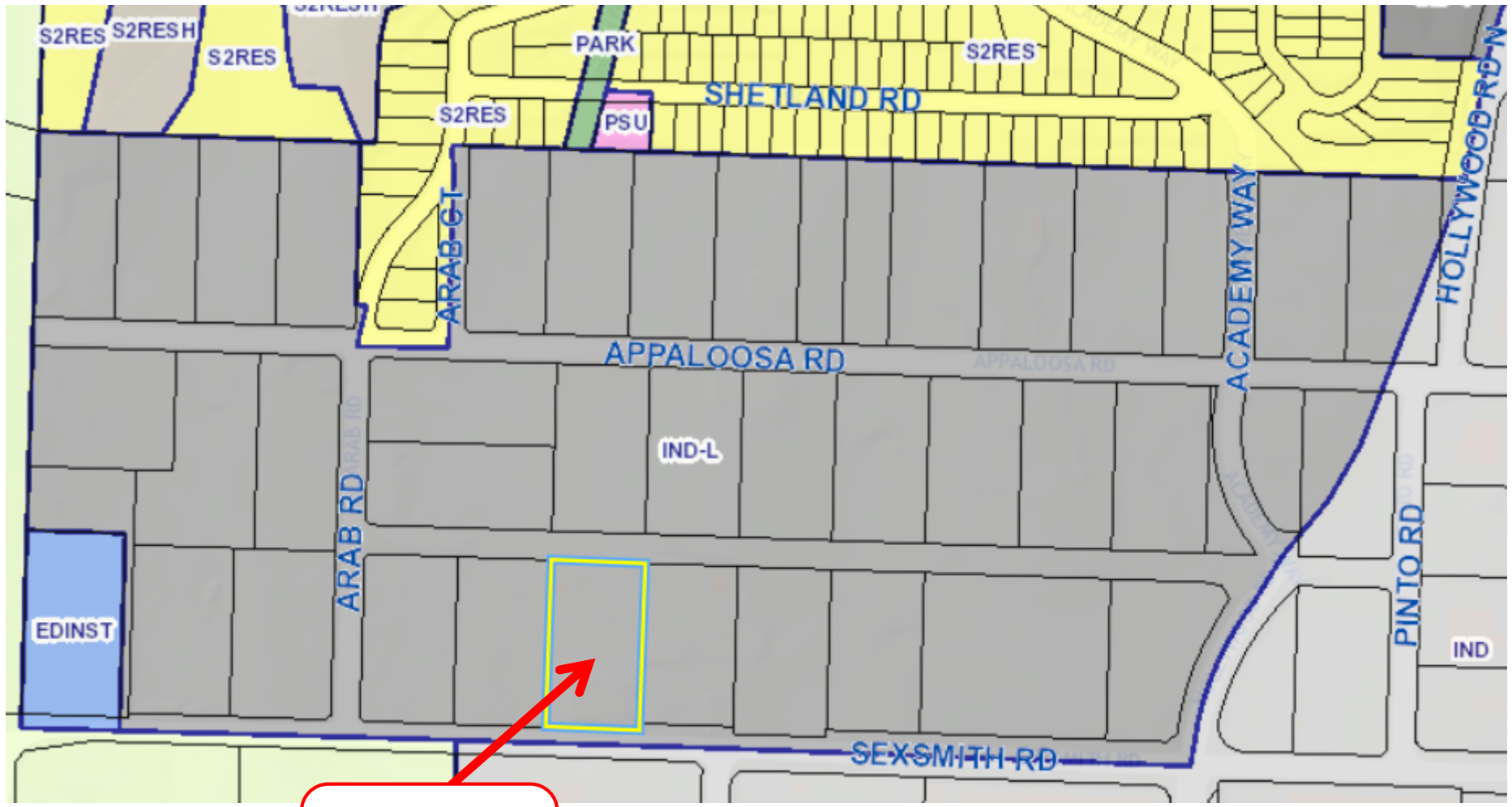


# Context Map and Zoning





# OCP Future Land Use



**Subject  
Property**



# Subject Property Map and Project Details





# Development Policy

- ▶ Meets the intent of the Official Community Plan:
  - ▶ *Industrial Land Use Policies* - Focus industrial development to areas suitable for industrial use.
  - ▶ *Industrial Supply Protection* - Protect existing industrial lands from conversion to other land uses by not supporting the rezoning of industrial land to preclude industrial activities unless there are environmental reasons for encouraging a change of use.



# Staff Recommendation

- ▶ Staff recommend support for the proposed rezoning of the subject property
- ▶ Meets the intent of the Official Community Plan
  - ▶ Industrial Land Use
- ▶ Recommend the Bylaw be forwarded to Public Hearing





## *Conclusion of Staff Remarks*



# Subject Property Map and Project Details





# **CITY OF KELOWNA**

## **BYLAW NO. 12178**

**Z18-0116**

**3030 Sexsmith 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 31, Section 3, Township 23, ODYD Plan 18861 located at Sexsmith Road, Kelowna, BC from the A1 – Agriculture 1 zone to the I6 – Low-Impact Transitional Industrial zone
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

---

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

---

Mayor

---

City Clerk



# Report to Council



**Date:** February 22, 2021  
**To:** Council  
**From:** City Manager  
**Subject:** Rezoning Bylaw No. 12155 for Z20-0099 Summary of Correspondence  
**Department:** Office of the City Clerk

---

## **Recommendation:**

THAT Council receives, for information, the report from the Office of the City Clerk dated February 22, 2021 with respect to the summary of correspondence received for Zoning Bylaw No. 12155;

AND THAT Rezoning Bylaw No. 12155 be forwarded for further reading consideration.

## **Purpose:**

To receive a summary of correspondence for Rezoning Bylaw No. 12155 and to give the bylaw further reading consideration.

## **Background:**

On January 11, 2021, Council passed a resolution directing staff to recommend that Council waive the Public Hearing for rezoning applications that are consistent with the Official Community Plan, have a recommendation of support from staff and are not expected to generate significant public input based on correspondence received. This resolution is in effect until the Order of the Provincial Health Officer regarding gatherings and events is rescinded or replaced to allow for in-person attendance at public hearings or until Council provides further direction on waiving public hearings.

The public has the opportunity to submit written correspondence for applications where the Public Hearing has been waived. Notification is done through signage on the subject property, newspaper advertisements, and mailouts in accordance with the *Local Government Act* and Development Application Procedures Bylaw No. 10540.

## *Previous Council Resolution*

Resolution	Date
AND THAT Council direct staff to recommend that Council waive the public hearing for rezoning applications that are consistent with the Official Community Plan, have a recommendation of support from staff, and are not	January 11, 2021



expected to generate significant public input based on correspondence received at the time of the report to Council;	
--	--

**Discussion:**

Rezoning Application Z20-0099 for 395 Fleming Road was brought forward to Council for initial consideration on February 1, 2021. At this meeting, Council passed a resolution to waive the Public Hearing and correspondence was accepted between February 3, 2021 and February 16, 2021.

The Office of the City Clerk received zero pieces of correspondence.

This application was brought forward with a recommendation of support from the Development Planning Department. Staff are recommending Council proceed with further readings of the Bylaw.

**Conclusion:**

Following the public notification period, staff are recommending that Council give Rezoning Bylaw No. 12155, located at 395 Fleming Road, further reading consideration.

**Internal Circulation:**

**Considerations applicable to this report:**

***Legal/Statutory Authority:***

*Local Government Act s. 464(2)*

***Legal/Statutory Procedural Requirements:***

Following the notification period under s. 467 of the *Local Government Act* and upon considering correspondence submitted, Council may choose to:

- give a bylaw further reading consideration,
- advance the bylaw to a Public Hearing, or
- defeat the bylaw.

**Considerations not applicable to this report:**

***Existing Policy:***

***Financial/Budgetary Considerations:***

***External Agency/Public Comments:***

***Communications Comments:***

Submitted by: R. Van Huizen, Legislative Technician

**Approved for inclusion:** S. Fleming, City Clerk

cc:

Development Planning



# CITY OF KELOWNA

## BYLAW NO. 12155

Z20-0099

395 Fleming 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 A Section 27 Township 26 ODYD Plan 26972 located at Fleming Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House 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 1<sup>st</sup> day of February, 2021.

Public Hearing waived by the Municipal Council this 1<sup>st</sup> day of February, 2021.

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

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(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

---

Mayor

---

City Clerk



# Report to Council



**Date:** February 22, 2021  
**To:** Council  
**From:** City Manager  
**Subject:** Rezoning Bylaw No. 12156 for Z20-0092 Summary of Correspondence  
**Department:** Office of the City Clerk

---

## **Recommendation:**

THAT Council receives, for information, the report from the Office of the City Clerk dated February 22, 2021 with respect to the summary of correspondence received for Zoning Bylaw No. 12156;

AND THAT Rezoning Bylaw No. 12156 be forwarded for further reading consideration.

## **Purpose:**

To receive a summary of correspondence for Rezoning Bylaw No. 12156 and to give the bylaw further reading consideration.

## **Background:**

On January 11, 2021, Council passed a resolution directing staff to recommend that Council waive the Public Hearing for rezoning applications that are consistent with the Official Community Plan, have a recommendation of support from staff and are not expected to generate significant public input based on correspondence received. This resolution is in effect until the Order of the Provincial Health Officer regarding gatherings and events is rescinded or replaced to allow for in-person attendance at public hearings or until Council provides further direction on waiving public hearings.

The public has the opportunity to submit written correspondence for applications where the Public Hearing has been waived. Notification is done through signage on the subject property, newspaper advertisements, and mailouts in accordance with the *Local Government Act* and Development Application Procedures Bylaw No. 10540.

## *Previous Council Resolution*

Resolution	Date
AND THAT Council direct staff to recommend that Council waive the public	January 11, 2021



hearing for rezoning applications that are consistent with the Official Community Plan, have a recommendation of support from staff, and are not expected to generate significant public input based on correspondence received at the time of the report to Council;	
---	--

**Discussion:**

Rezoning Application Z20-0092 for 387 Moubray Road was brought forward to Council for initial consideration on February 1, 2021. At this meeting, Council passed a resolution to waive the Public Hearing and correspondence was accepted between February 1, 2021 and February 16, 2021.

The Office of the City Clerk received three pieces of correspondence and these have been circulated to Council. They are summarized as follows:

- three letters of concern/opposition

This application was brought forward with a recommendation of support from the Development Planning Department. Staff are recommending Council proceed with further readings of the Bylaw.

**Conclusion:**

Following the public notification period, staff are recommending that Council give Rezoning Bylaw No. 12156, located at 387 Moubray Road, further reading consideration.

**Considerations applicable to this report:**

***Legal/Statutory Authority:***

*Local Government Act s. 464(2)*

***Legal/Statutory Procedural Requirements:***

Following the notification period under s. 467 of the *Local Government Act* and upon considering correspondence submitted, Council may choose to:

- give a bylaw further reading consideration,
- advance the bylaw to a Public Hearing, or
- defeat the bylaw.

These are the same options available to Council for a bylaw that is considered at a Public Hearing.

**Considerations not applicable to this report:**

***Existing Policy:***

***Financial/Budgetary Considerations:***

***External Agency/Public Comments:***

***Communications Comments:***

Submitted by: R. Van Huizen, Legislative Technician

**Approved for inclusion:** S. Fleming, City Clerk

cc:

Development Planning



# **CITY OF KELOWNA**

## **BYLAW NO. 12156**

**Z20-0092**

**387 Moubray 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 13 Section 32 Township 26 ODYD Plan 14234 located at Moubray Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot 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 1<sup>st</sup> day of February, 2021.

Public Hearing waived by the Municipal Council this 1<sup>st</sup> day of February, 2021.

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

---

City Clerk



# Report to Council



**Date:** February 22, 2021  
**To:** Council  
**From:** City Manager  
**Subject:** Rezoning Bylaw No. 12157 for Z20-0087 Summary of Correspondence  
**Department:** Office of the City Clerk

---

## **Recommendation:**

THAT Council receives, for information, the report from the Office of the City Clerk dated February 22, 2021 with respect to the summary of correspondence received for Zoning Bylaw No. 12157;

AND THAT Rezoning Bylaw No. 12157 be forwarded for further reading consideration.

## **Purpose:**

To receive a summary of correspondence for Rezoning Bylaw No. 12157 and to give the bylaw further reading consideration.

## **Background:**

On January 11, 2021, Council passed a resolution directing staff to recommend that Council waive the Public Hearing for rezoning applications that are consistent with the Official Community Plan, have a recommendation of support from staff and are not expected to generate significant public input based on correspondence received. This resolution is in effect until the Order of the Provincial Health Officer regarding gatherings and events is rescinded or replaced to allow for in-person attendance at public hearings or until Council provides further direction on waiving public hearings.

The public has the opportunity to submit written correspondence for applications where the Public Hearing has been waived. Notification is done through signage on the subject property, newspaper advertisements, and mailouts in accordance with the *Local Government Act* and Development Application Procedures Bylaw No. 10540.

## *Previous Council Resolution*

Resolution	Date
AND THAT Council direct staff to recommend that Council waive the public hearing for rezoning applications that are consistent with the Official Community Plan, have a recommendation of support from staff, and are not	January 11, 2021



expected to generate significant public input based on correspondence received at the time of the report to Council;	
--	--

**Discussion:**

Rezoning Application Z20-0087 for 1788 Joe Riche Road was brought forward to Council for initial consideration on February 1, 2021. At this meeting, Council passed a resolution to waive the Public Hearing and correspondence was accepted between February 3, 2021 and February 16, 2021.

The Office of the City Clerk received zero pieces of correspondence.

This application was brought forward with a recommendation of support from the Development Planning Department. Staff are recommending Council proceed with further readings of the Bylaw.

**Conclusion:**

Following the public notification period, staff are recommending that Council give Rezoning Bylaw No. 12157, located at 1788 Joe Rich Road, further reading consideration.

**Internal Circulation:**

**Considerations applicable to this report:**

***Legal/Statutory Authority:***

*Local Government Act s. 464(2)*

***Legal/Statutory Procedural Requirements:***

Following the notification period under s. 467 of the *Local Government Act* and upon considering correspondence submitted, Council may choose to:

- give a bylaw further reading consideration,
- advance the bylaw to a Public Hearing, or
- defeat the bylaw.

**Considerations not applicable to this report:**

***Existing Policy:***

***Financial/Budgetary Considerations:***

***External Agency/Public Comments:***

***Communications Comments:***

Submitted by: R. Van Huizen, Legislative Technician

**Approved for inclusion:** S. Fleming, City Clerk

cc:

Development Planning



# **CITY OF KELOWNA**

## **BYLAW NO. 12157 Z20-0087 1788 Joe Riche 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 165 Section 18 Township 27 ODYD Plan 24361 Except Plan KAP46606 located at Joe Riche Road, Kelowna, BC from the A1 – Agriculture 1 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 1<sup>st</sup> day of February, 2021.

Public Hearing waived by the Municipal Council this 1<sup>st</sup> day of February, 2021.

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

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(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

---

Mayor

---

City Clerk



# Report to Council



**Date:** February 22, 2021  
**To:** Council  
**From:** City Manager  
**Subject:** Neighbourhood Notification for OCP20-0013 and Z20-0066  
**Department:** Development Planning

---

## **Recommendation:**

THAT Council receives, for information, the report from the Development Planning Department dated February 22, 2021, with respect to neighbourhood notification for OCP20-0013 and Z20-0066.

## **Purpose:**

To provide Council with an update on the neighbourhood notification that occurred for OCP20-0013 and Z20-0066.

## **Background:**

Council gave second and third readings on February 2, 2021 to Official Community Plan Map Amending Bylaw No. 12129 and Rezoning Bylaw No. 12130 for the properties at 605 Fraser Road and 460 Leathead Road.

## **Discussion:**

After the Public Hearing for these applications on February 2, 2021 it was discovered that Council Policy No. 367 Public Notification & Consultation for Development Applications was not met in full. The applicant provided written confirmation on November 9, 2020 that all properties within a 50 metre radius had been notified, however it was learned that three properties (609 Josselyn Ct, 617 Josselyn Ct and 635 Josselyn Ct) were not included on the list confirming they were notified. Further, it is unclear if four additional properties on the list provided by the applicant were contacted or not, as there were errors in relation to either road name or address (540 Froelich Rd, 545 Froelich Rd, 410 Leathead Rd and 485 Leathead Rd) on the written confirmation.

The Office of the City Clerk delivered statutory notices to all properties within the 50 m radius prior to the Public Hearing, signage was posted on the subject site, and the Public Hearing was advertised in the newspaper.



**Conclusion:**

This application requires a Development Permit and unless redesigned to remove any variances, a Development Variance Permit. These applications would need to be approved by Council prior to any building permits being issued.

Council may choose to proceed if this neighbourhood notification is deemed sufficient or could choose to rescind 2<sup>nd</sup> and 3<sup>rd</sup> readings for the bylaws, direct the applicant to conduct further consultation to meet Council Policy No. 367 and send the application back to Public Hearing.

**Internal Circulation:**

Office of the City Clerk

**Considerations applicable to this report:**

**Existing Policy:** Council Policy No. 367 outlines Public Notification and Consultation requirements for development applications.

**Legal/Statutory Procedural Requirements:** All applications made pursuant to the Development Applications Procedures Bylaw No. 10450 are required to meet the requirements identified in Council Policy No. 367 prior to Council initial consideration of an application.

**Considerations not applicable to this report:**

**Legal/Statutory Authority:** N/A

**Financial/Budgetary Considerations:** N/A

**External Agency/Public Comments:** N/A

**Communications Comments:** N/A

**Approved for inclusion:** Terry Barton, Development Planning Department Manager





OCP20-0013 Z20-0066

605 Fraser Road

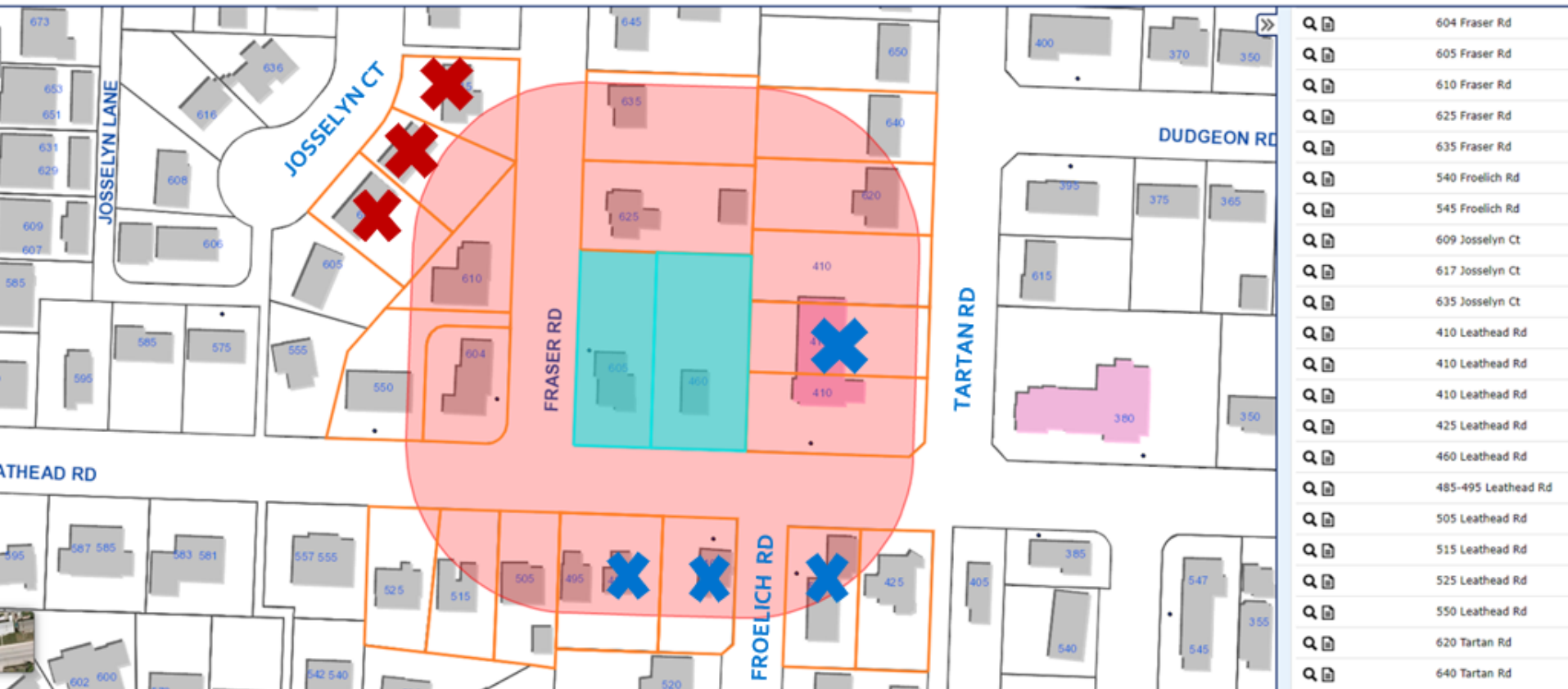
460 Leathead Road

Supplemental Report to Council





# Council Policy No. 367



**✖** Notification was not confirmed

**✖** Unclear if notification occurred, as either Street Name or Address was incorrect on confirmation letter provided by applicant





## *Conclusion of Staff Remarks*



# Report to Council



**Date:** February 22, 2021  
**To:** Council  
**From:** City Manager  
**Subject:** Z19-0122 Extension Report 550 Mugford Road  
**Department:** Development Planning

---

## **Recommendation:**

THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Rezoning Amending Bylaw No. 11975, for Lot E Section 26 Township 26 ODYD Plan 35641 located at 550 Mugford Road, Kelowna, BC, be extended from February 4, 2021 to February 4, 2022;

AND THAT Council directs Staff to not accept any further extension requests.

## **Purpose:**

To extend the deadline for adoption of Rezoning Bylaw No. 11975 to February 4, 2022.

## **Community Planning:**

Rezoning Bylaw No. 11975 received second and third readings at a Regular meeting of Council held on February 2, 2020. Final adoption of the zone amendment bylaw is subject to the applicant meeting the requirements for the Development Engineering Department. The applicant has made some progress on the rezoning application and advises they are moving forward to complete these requirements and request more time.

Staff are recommending that Council supports extending the deadline for adoption for the Rezoning Bylaw No.11975 to February 4, 2022.



**Subject Property Map: 550 Mugford Road**



Submitted by:

Heather Benmore, Administrative Clerk

Approved for inclusion:

Terry Barton, Development Planning Department Manager

cc: tc



# CITY OF KELOWNA

## BYLAW NO. 12069

LUCT20-0003

### Early Termination of Land Use Contract – LUC76-1 2890 Highway 97 North

---

WHEREAS a land use contract (the "Land Use Contract LUC76-1") is registered at the Kamloops Land Title Office under the charge number M11971 against land in the City of Kelowna particularly known and described as Lot A Section 34 Township 26 ODYD Plan 30847 (the "Land"), located on Highway 97 North, Kelowna, B.C.;

AND WHEREAS Section 548 of the *Local Government Act* provides that a local government may impose an early termination to land use contracts registered in a Land Title Office that applies to land within the jurisdiction of the local government;

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

1. This Bylaw may be cited for all purposes as "Early Termination of Land Use Contract Bylaw No. 12069";
2. Land Use Contract Bylaw No. 4131 establishing Land Use Contract LUC76-1 and all amendments thereto, are hereby repealed and the Land Use Contract is terminated as of the date of adoption; and
3. This bylaw will come into force and effect one year after the adoption date.

Read a first time by the Municipal Council this 11<sup>th</sup> day of January, 2021.

Considered at a Public Hearing this 2<sup>nd</sup> day of February, 2021.

Read a second and third time by Municipal Council this 2<sup>nd</sup> day of February, 2021.

Adopted by the Municipal Council this

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



**CITY OF KELOWNA**  
**BYLAW NO. 12070**  
**Z20-0062**  
**2890 Highway 97 North**

---

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 A Section 34 Township 26 ODYD Plan 30847 located at Highway 97 North, Kelowna, BC from the A1 – Agriculture 1 zone to the I2 – General Industrial 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 11<sup>th</sup> day of January, 2021.

Considered at a Public Hearing on the 2<sup>nd</sup> day of February, 2021.

Read a second and third time by the Municipal Council this 2<sup>nd</sup> day of February, 2021.

Approved under the Transportation Act this 4<sup>th</sup> day of February, 2021.

Audrie Henry  
\_\_\_\_\_  
(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



# CITY OF KELOWNA

## BYLAW NO. 12071

LUCT20-0004

### Early Termination of Land Use Contract – LUC77-1047 251 Adams Road

---

WHEREAS a land use contract (the "Land Use Contract LUC77-1047") is registered at the Kamloops Land Title Office under the charge number N30953 against land in the City of Kelowna particularly known and described as Lot A Section 2 Township 23 ODYD Plan 33555 Except Plan EPP52727 (the "Land"), located on Adams Road, Kelowna, B.C.;

AND WHEREAS Section 548 of the *Local Government Act* provides that a local government may impose an early termination to land use contracts registered in a Land Title Office that applies to land within the jurisdiction of the local government;

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

1. This Bylaw may be cited for all purposes as "Early Termination of Land Use Contract Bylaw No. 12071";
2. Land Use Contract Bylaw No. 4524-78 establishing Land Use Contract LUC77-1047 and all amendments thereto, are hereby repealed and the Land Use Contract is terminated as of the date of adoption; and
3. This bylaw will come into force and effect one year after the adoption date.

Read a first time by the Municipal Council this 11<sup>th</sup> day of January, 2021.

Considered at a Public Hearing this 2<sup>nd</sup> day of February, 2021.

Read a second and third time by Municipal Council this 2<sup>nd</sup> day of February, 2021.

Adopted by the Municipal Council this

---

Mayor

---

City Clerk



# **CITY OF KELOWNA**

## **BYLAW NO. 12072**

**Z20-0063**

**251 Adams 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 A Section 2 Township 23 ODYD Plan 33555 Except Plan EPP52727 located at Adams Road, Kelowna, BC from the A1 – Agriculture 1 zone to the I2 – General Industrial 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 11<sup>th</sup> day of January, 2021.

Considered at a Public Hearing on the 2<sup>nd</sup> day of February, 2021.

Read a second and third time by the Municipal Council this 2<sup>nd</sup> day of February, 2021.

Approved under the Transportation Act this 4<sup>th</sup> day of February, 2021.

Audrie Henry  
\_\_\_\_\_  
(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



# CITY OF KELOWNA

## BYLAW NO. 12073

LUCT20-0005

### Early Termination of Land Use Contract – LUC77-1061 1511 Sutherland Avenue

---

WHEREAS a land use contract (the "Land Use Contract LUC77-1061") is registered at the Kamloops Land Title Office under the charge number N48044 against land in the City of Kelowna particularly known and described as Lot A District Lot 141 ODYD Plan 31346, located on Sutherland Avenue, Kelowna, B.C.;

AND WHEREAS Section 548 of the *Local Government Act* provides that a local government may impose an early termination to land use contracts registered in a Land Title Office that applies to land within the jurisdiction of the local government;

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

1. This Bylaw may be cited for all purposes as "Early Termination of Land Use Contract Bylaw No. 12073";
2. Land Use Contract Bylaw No. 4599-78 establishing Land Use Contract LUC77-1061 and all amendments thereto, are hereby repealed and the Land Use Contract is terminated as of the date of adoption; and
3. This bylaw will come into force and effect one year after the adoption date.

Read a first time by the Municipal Council this 11<sup>th</sup> day of January, 2021.

Considered at a Public Hearing this 2<sup>nd</sup> day of February, 2021.

Read a second and third time by Municipal Council this 2<sup>nd</sup> day of February, 2021.

Adopted by the Municipal Council this

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



**CITY OF KELOWNA**  
**BYLAW NO. 12074**  
**Z20-0064**  
**1511 Sutherland 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 A District Lot 141 ODYD Plan 31346 located at Sutherland Avenue, Kelowna, BC from the RU1 – Large Lot Housing zone to the C3 – Community Commercial zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 11<sup>th</sup> day of January, 2021.

Considered at a Public Hearing on the 2<sup>nd</sup> day of February, 2021.

Read a second and third time by the Municipal Council this 2<sup>nd</sup> day of February, 2021.

Approved under the Transportation Act this 4<sup>th</sup> day of February, 2021.

Audrie Henry  
\_\_\_\_\_  
(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



# CITY OF KELOWNA

## BYLAW NO. 12075

LUCT20-0006

### Early Termination of Land Use Contract – LUC78-1004 1521 Sutherland Avenue

---

WHEREAS a land use contract (the "Land Use Contract LUC78-1004") is registered at the Kamloops Land Title Office under the charge number N39777 against land in the City of Kelowna particularly known and described as Lot A District Lot 141 ODYD Plan 29253, located on Sutherland Avenue, Kelowna, B.C.;

AND WHEREAS Section 548 of the *Local Government Act* provides that a local government may impose an early termination to land use contracts registered in a Land Title Office that applies to land within the jurisdiction of the local government;

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

1. This Bylaw may be cited for all purposes as "Early Termination of Land Use Contract Bylaw No. 12075";
2. Land Use Contract Bylaw No. 4583-78 establishing Land Use Contract LUC78-1004 and all amendments thereto, are hereby repealed and the Land Use Contract is terminated as of the date of adoption; and
3. This bylaw will come into force and effect one year after the adoption date.

Read a first time by the Municipal Council this 11<sup>th</sup> day of January, 2021.

Considered at a Public Hearing on the 2<sup>nd</sup> day of February, 2021.

Read a second and third time by Municipal Council this 2<sup>nd</sup> day of February, 2021.

Adopted by the Municipal Council this

---

Mayor

---

City Clerk



**CITY OF KELOWNA**  
**BYLAW NO. 12076**  
**Z20-0065**  
**1521 Sutherland 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 A District Lot 141 ODYD Plan 29253 located at Sutherland Avenue, Kelowna, BC from the RU1 – Large Lot Housing zone to the C3 – Community Commercial zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 11<sup>th</sup> day of January, 2021.

Considered at Public Hearing on the 2<sup>nd</sup> day of February, 2021.

Read a second and third time by the Municipal Council this 2<sup>nd</sup> day of February, 2021.

Approved under the Transportation Act this 4<sup>th</sup> day of February, 2021.

Audrie Henry

---

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

---

City Clerk



**CITY OF KELOWNA**  
**BYLAW NO. 12085**  
**Z20-0042**  
**2011 Long Street and 2021 Long Street**

---

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 A District Lot 14 ODYD Plan EPP105313 located at Long Street, Kelowna, BC; and
  - Lot B District Lot 14 ODYD Plan EPP105313 located at Long Street, Kelowna, BC.from the RU1 - Large Lot Housing zone to the RU2 – Medium Lot 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 27<sup>th</sup> day of July, 2020.

Considered at a Public Hearing on the 11<sup>th</sup> day of August, 2020.

Read a second and third time by the Municipal Council this 11<sup>th</sup> day of August, 2020.

Approved under the Transportation Act this 13<sup>th</sup> day of August, 2020

Audrie Henry  
\_\_\_\_\_  
(Approving Officer – Ministry of Transportation)

Amended at third reading and adopted by the Municipal Council of the City of Kelowna this

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



# CITY OF KELOWNA

## BYLAW NO. 12145

### TA20-0025 – Schedule 'B' Comprehensive Development Zones CD16 – Bingo and Gaming

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 **Section 18 – Schedule 'B' – Comprehensive Development Zones, CD16 – Bingo and Gaming, 1.4 Development Regulations** be amended by:

Deleting the following:

"(b) The maximum **site coverage** is 25%"

"(e) The minimum **side yard** is 15.0m"

"(f) The minimum **rear yard** is 21.0 m"

And replacing it with:

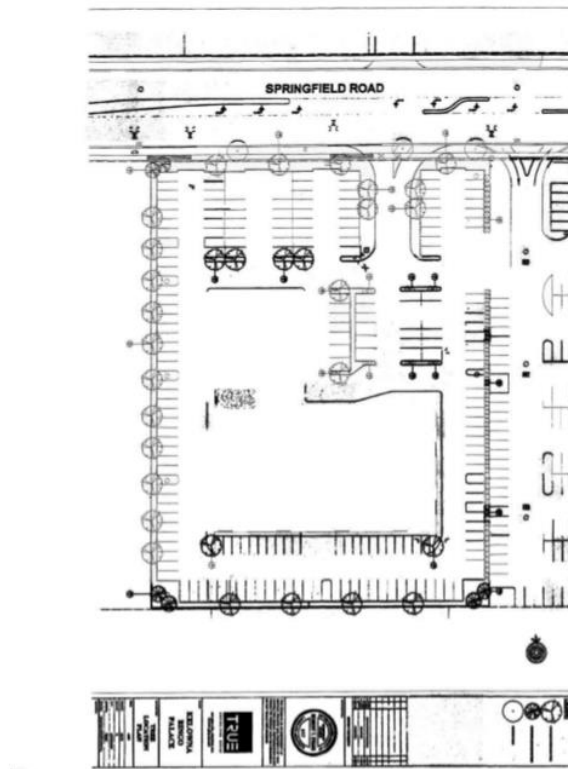
"(b) The maximum **site coverage** is 27.3%"

"(e) The minimum **side yard** is 14.39 m"

"(f) The minimum **rear yard** is 15.86 m"

2. AND THAT **Section 18 – Schedule 'B' – Comprehensive Development Zones, CD16 – Bingo and Gaming, 1.5(c) Other Regulations** be amended by:

Deleting the following:





And replacing it with:

## CD16 – Bingo and Gaming – Site Plan

**LIME**  
LANDSCAPE ARCHITECTURE  
INCORPORATED  
2000 10th Avenue West, Suite 100  
Vancouver, BC V6H 2E6  
Tel: 604.271.1111  
Fax: 604.271.1112  
www.lime.ca

**PROJECT:** CHANCES CASINO  
**CLIENT:** CHANCES CASINO  
**DATE:** 2018.04.10  
**SCALE:** 1:1000  
**PROJECT NO.:** 18-001

**DESIGNED BY:** LIME  
**CHECKED BY:** LIME  
**DATE:** 2018.04.10

**CHANCES CASINO**  
1585 SPRINGFIELD RD, KELOWNA, BC  
V1Y 9V6  
TEL: 250.860.1111  
WWW.CHANCESCASINO.COM

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**DATE:** 2018.04.10

# CHANCES CASINO - NEW ADDITIONS

## 1585 SPRINGFIELD RD, KELOWNA, BC

**ZONING CALCULATIONS:**  
CURRENT: CITY OF KELOWNA, CD16 (COMPREHENSIVE DEVELOPMENT - BINGO AND GAMING)

**SEE INFORMATION:**

**CHANCES CASINO**  
1585 SPRINGFIELD RD, KELOWNA, BC  
V1Y 9V6  
TEL: 250.860.1111  
WWW.CHANCESCASINO.COM

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**DATE:** 2018.04.10

The site plan shows the Chances Casino building, a large parking lot, and surrounding roads. The building is labeled 'CHANCES EXISTING BUILDING'. The parking lot is labeled 'PARKING LOT'. The surrounding roads are labeled 'SPRINGFIELD ROAD', 'PROPERTY LINE', 'EASEMENT LINE', and 'SETBACK LINE'. The plan also shows 'PROPERTY LINE 129.34', 'PROPERTY LINE 129.34', 'PROPERTY LINE 129.34', and 'PROPERTY LINE 129.34'.

**ATTACHMENT A**

This forms part of application  
# TA20-0025

City of Kelowna  
DEVELOPMENT PLANNING

Planner Initials TC

**PROPERTY DESCRIPTION:**  
CHANCES CASINO  
1585 SPRINGFIELD RD, KELOWNA, BC  
V1Y 9V6  
TEL: 250.860.1111  
WWW.CHANCESCASINO.COM

**CHANCES CASINO**  
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**DATE:** 2018.04.10  
**SCALE:** 1:1000  
**PROJECT NO.:** 18-001

**DESIGNED BY:** LIME  
**CHECKED BY:** LIME  
**DATE:** 2018.04.10

### PARKING CALCULATIONS

**CHANCES CASINO**  
1585 SPRINGFIELD RD, KELOWNA, BC  
V1Y 9V6  
TEL: 250.860.1111  
WWW.CHANCESCASINO.COM

**PROJECT:** CHANCES CASINO  
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**DATE:** 2018.04.10  
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**PROJECT NO.:** 18-001

**DESIGNED BY:** LIME  
**CHECKED BY:** LIME  
**DATE:** 2018.04.10

### E.C. BILLING CODE 2018 ANNUAL

1. OCCUPANCY CHANGES  
2. NUMBER OF NEWLY ADDED 121718  
3. E.C. BILLING CODE 2018 ANNUAL  
4. E.C. BILLING CODE 2018 ANNUAL

**CHANCES CASINO**  
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**PROJECT:** CHANCES CASINO  
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**PROJECT NO.:** 18-001

**DESIGNED BY:** LIME  
**CHECKED BY:** LIME  
**DATE:** 2018.04.10

DVP ADDENDUM #4



3. AND FURTHER THAT **Section 18 – Schedule 'B' – Comprehensive Development Zones, CD16 – Bingo and Gaming, 1.5(e) Other Regulations** be amended by adding the following:

The minimum drive aisle for a double lane drive aisle is 6.1m;

4. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 18<sup>th</sup> day of January, 2021.

Considered at a Public Hearing on the 2<sup>nd</sup> day of February, 2021.

Read a second and third time by the Municipal Council this 2<sup>nd</sup> day of February, 2021.

Approved under the Transportation Act this 8<sup>th</sup> day of February, 2021.

Audrie Henry  
(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



# Report to Council



**Date:** February 22, 2021  
**To:** Council  
**From:** City Manager  
**Subject:** 2020 Planning and Development Statistics  
**Department:** Planning and Development Services

---

## **Recommendation:**

THAT Council receive for information the report from the Divisional Director of Planning and Development Services dated February 22, 2021 with information relating to Planning and Development Statistics;

## **Purpose:**

This report updates Council on Building and Development Statistics from 2020.

## **Background:**

In order to keep Council current with local development and construction trends, the Divisional Director of Planning and Development Services will endeavor to bring quarterly reports forward for Council's information. As the structure of this report continues to develop, the goal is to improve the connection between Council's consideration of development applications on a weekly basis and the larger picture of housing goals in the Official Community Plan.

## **Discussion:**

### **Planning Application Intake Statistics – 2020**

The 2020 development application statistics show an expected decrease in application volume which can be attributed to:

- A) Uncertainty related to the COVID-19 Pandemic.
- B) Continuation of natural real estate market cycle trend.
- C) Increase in Development Cost Charges (DCC's) may have had a minor impact on some projects that were marginal in nature.



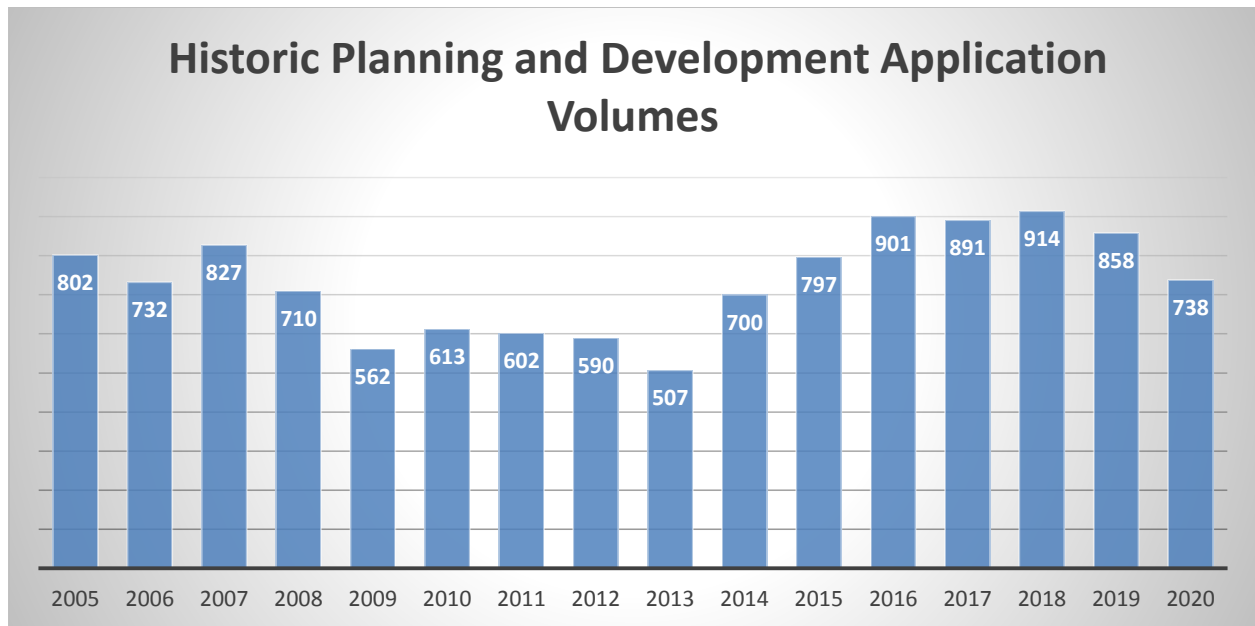


Chart 1

#### **Building and Permitting Statistics Q2 - 2020**

The City's Building and Permitting team reported a reduction in construction value of nearly 50% (chart 2). The primary factor causing the decline is a reduction in larger projects such as Apartments, Footing & Foundation, Comm-Mixed Use, and Townhouses. Despite the reduction in permit values, permit application volume remains strong. Chart 3 shows that permit volume was down less than 10%. While developers/builders pulled back on larger scale residential, commercial and industrial projects, there was a modest increase in permit activity for smaller scale renovations and single-family construction.



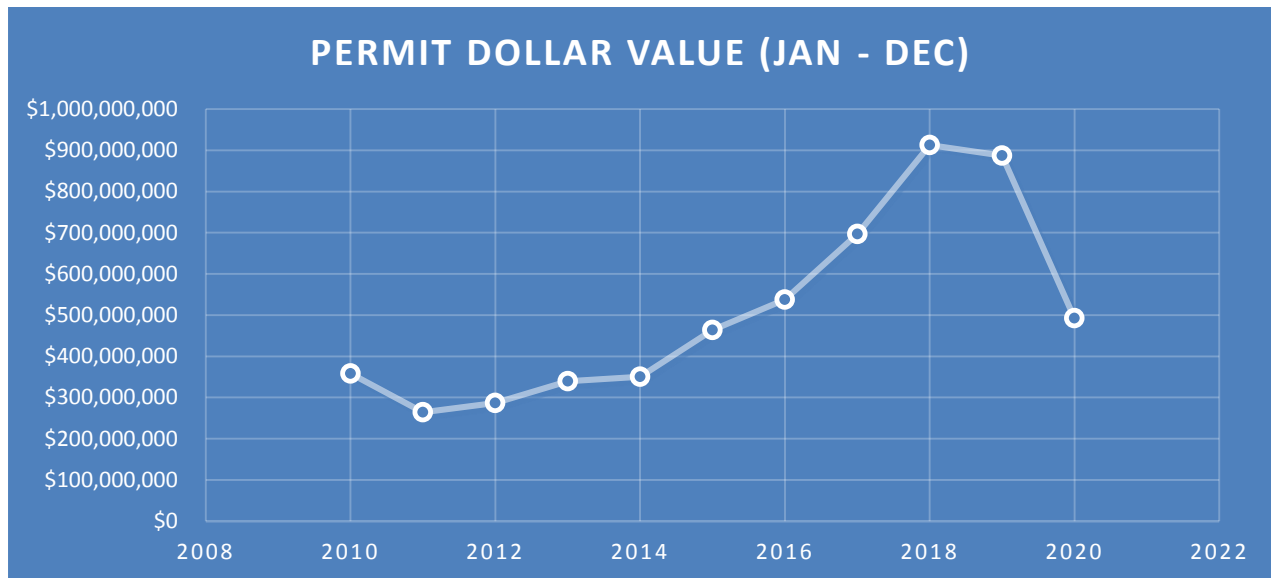


Chart 2

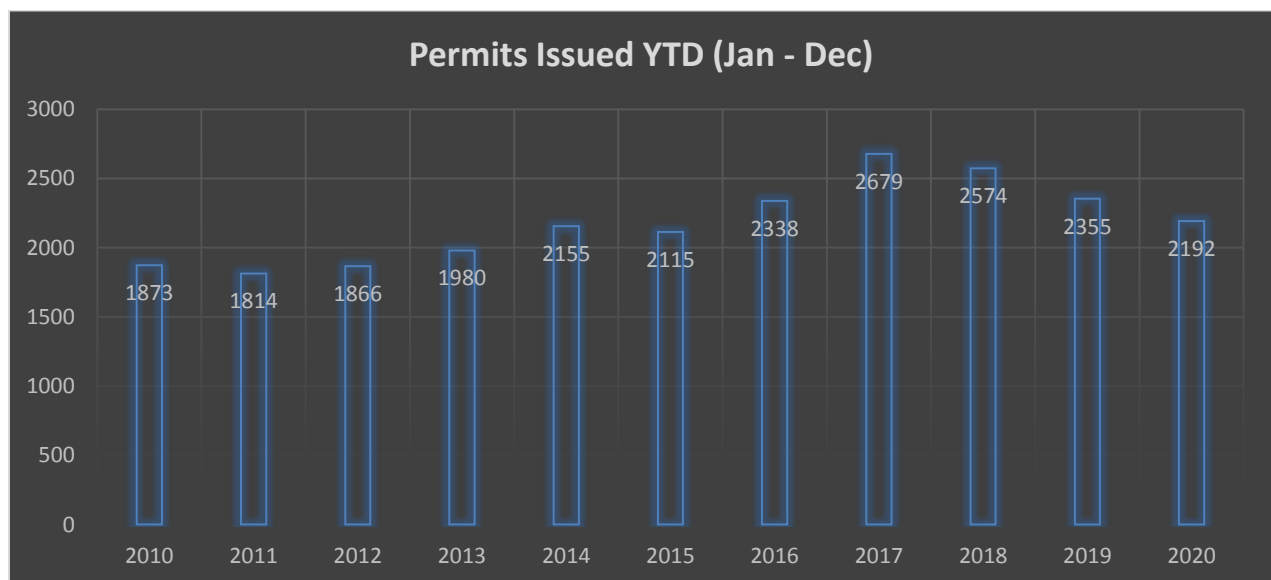


Chart 3

### Housing Type and Volumes

While housing starts in 2020 remain slightly below the 10-year average (Chart 5); they recovered significantly from a slow start which saw the first 2 quarters of the year at less than half of the 10-year average.

Chart 6 (Single/Multi Housing split) shows a bounce back in multi-family housing starts. This indicates that some developers planning larger scale multi-family housing projects are choosing to proceed after pausing project during the initial stages of the COVID-19 shutdown. Single family home construction,



which generally represents lower risk investment, continued to proceed at a relatively steady rate throughout 2020 but also ended the year below the 10 year average.

TYPE	2020	5 YEAR AVG	10 YEAR AVG	2011 (fewest units since 1989)
Single Detached	241	345	319	255
Semi-Detached	82	67	44	9
Secondary Suites	182	260	187	65
Row Housing	201	211	172	90
Apartment Units	373	1,249	708	0
Mobile Home	6	5	4	4
Carriage House	11	30	19	N/A
Total	1,096	2,168	1,453	423

Chart 4



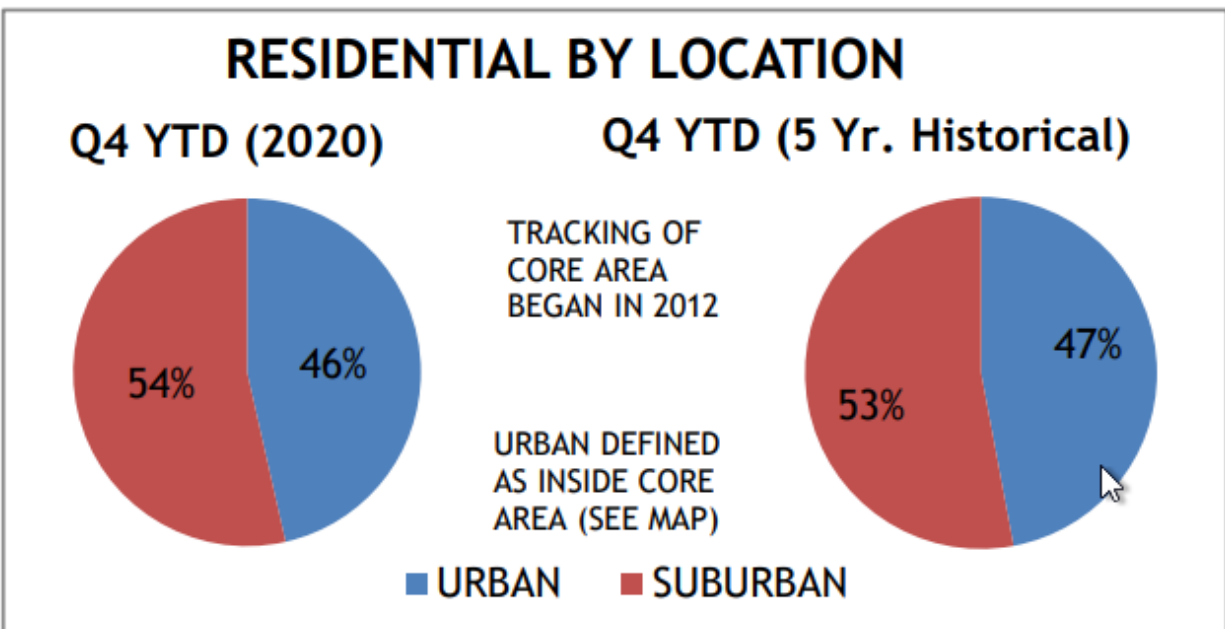
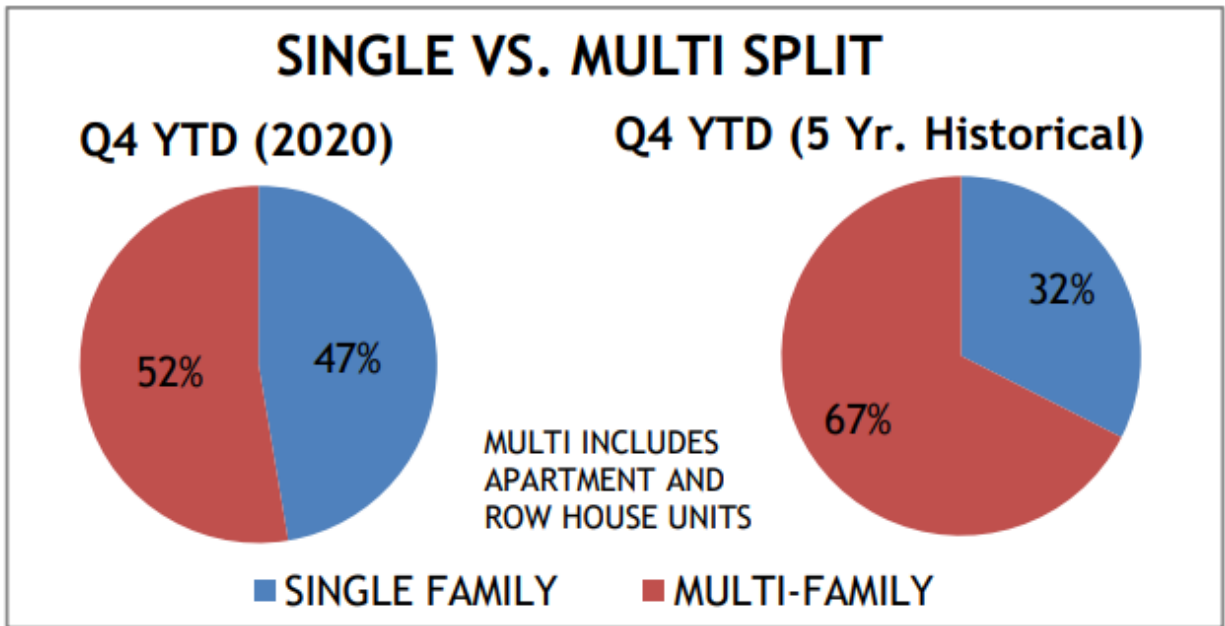


Chart 5



## Conclusions:

In 2020, low risk construction and development (responding to COVID-19 uncertainty) was the dominant theme that emerged from Kelowna's statistics. While fewer large multi-family, commercial and industrial projects commenced, single family residential type projects were less affected by COVID-19 uncertainty. The value of permits and new residential units was down roughly 50% compared to the previous year. But at the same time, the total number of building permits was at 93% of the total BPs issued the previous year. Planning related applications saw an early surge to meet DCC grandfathering submission deadlines in early February. Applications continued relatively steadily throughout the year. 2020 ended with total application volumes about where expected in the real estate cycle. The impacts of the DCC change also generated some very interesting trends. December 2019, January and February 2020 had much higher than normal levels of development application volume. While a typical January staff expect to see gross permit value of around \$50 million, January 2021 had a gross permit value of \$114 million. This trend was further exaggerated as the DCC grandfathering deadline neared in February. In the first 10 days of the month, staff received Building Permits with a gross value of more than \$319 million. Generally gross value during this period is \$28-\$40 million.

Looking ahead there are a few trends that staff believe will continue to impact the Kelowna and Okanagan housing markets:

- High Consumer Demand: Data from both the Association of Interior Realtors and the UDI Okanagan Market forecast indicate that consumer demand will remain high for the foreseeable future.
- Product coming – DCC grandfathering BP deadline: Many developers and builders are planning to move projects ahead in 2021 as evidenced by the rush of buildings permits applications submitted prior to the February 10 grandfathering deadline. Staff are also tracking a number of large scale development applications that will be moving into the Council process in the first half of 2021.
- Trend back to multi-family dominated growth: While 2020 saw a reversal of the trend towards multi-family dominated growth, staff expect to see 2021 stats return closer to the normal split in terms of multi-family/single family dwelling units constructed (approx.. 66% multi/34% SFD). This trend may be exaggerated by pent up demand in the market leading to some price escalation.



Considerations applicable to this report:

N/A

Considerations not applicable to this report:

*Internal Circulation:*

*Legal/Statutory Authority:*

*Legal/Statutory Procedural Requirements:*

*Existing Policy:*

*Financial/Budgetary Considerations:*

*External Agency/Public Comments:*

*Communications Comments:*

Submitted by:

R.Smith, Divisional Director of Planning and Development Services

Approved for inclusion:



D.Gilchrist, City Manager



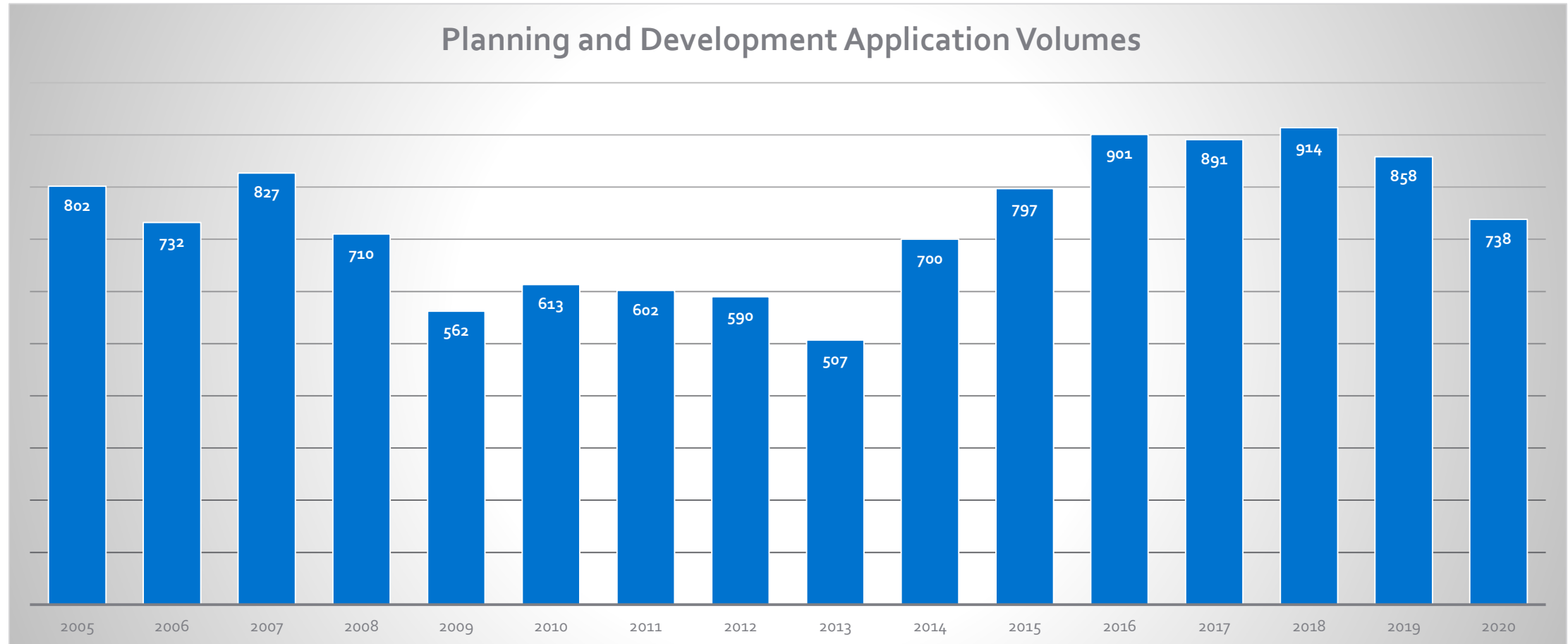


# 2020 Development Statistics - Summary Report

February 22, 2021

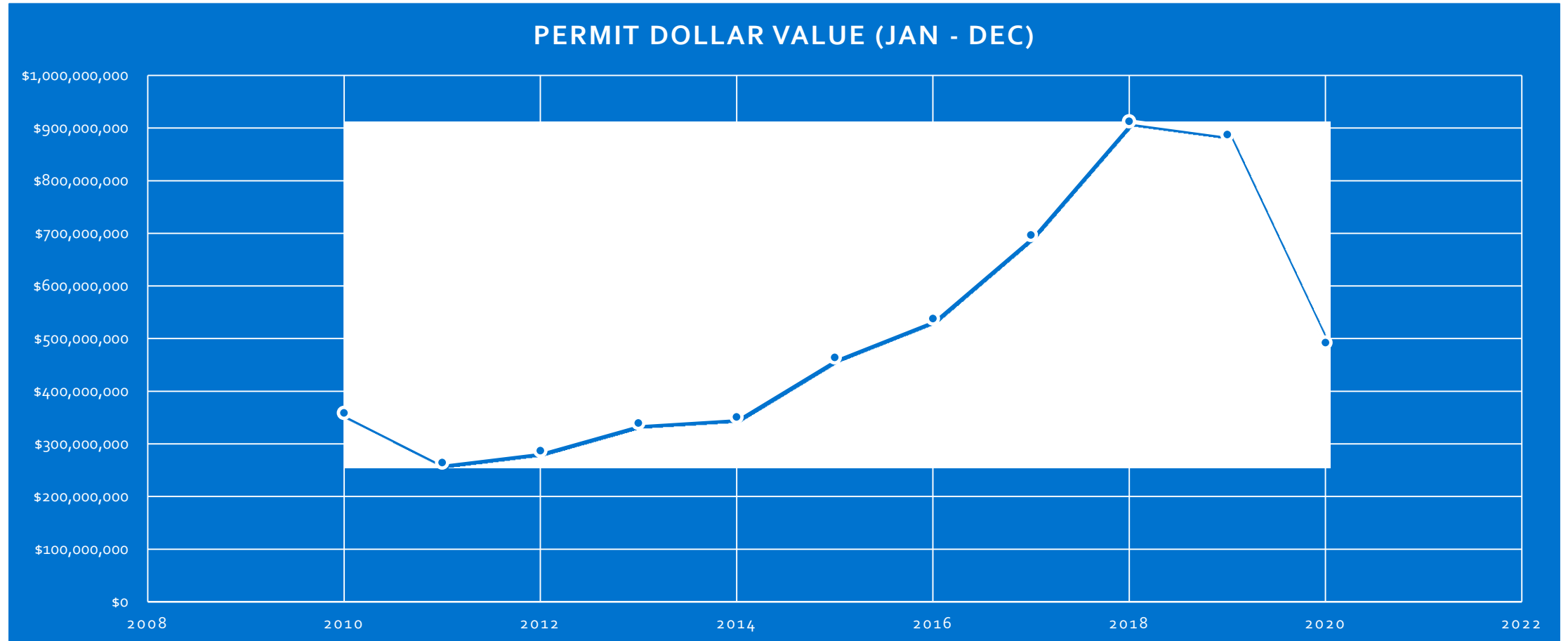


# Planning Application Volume



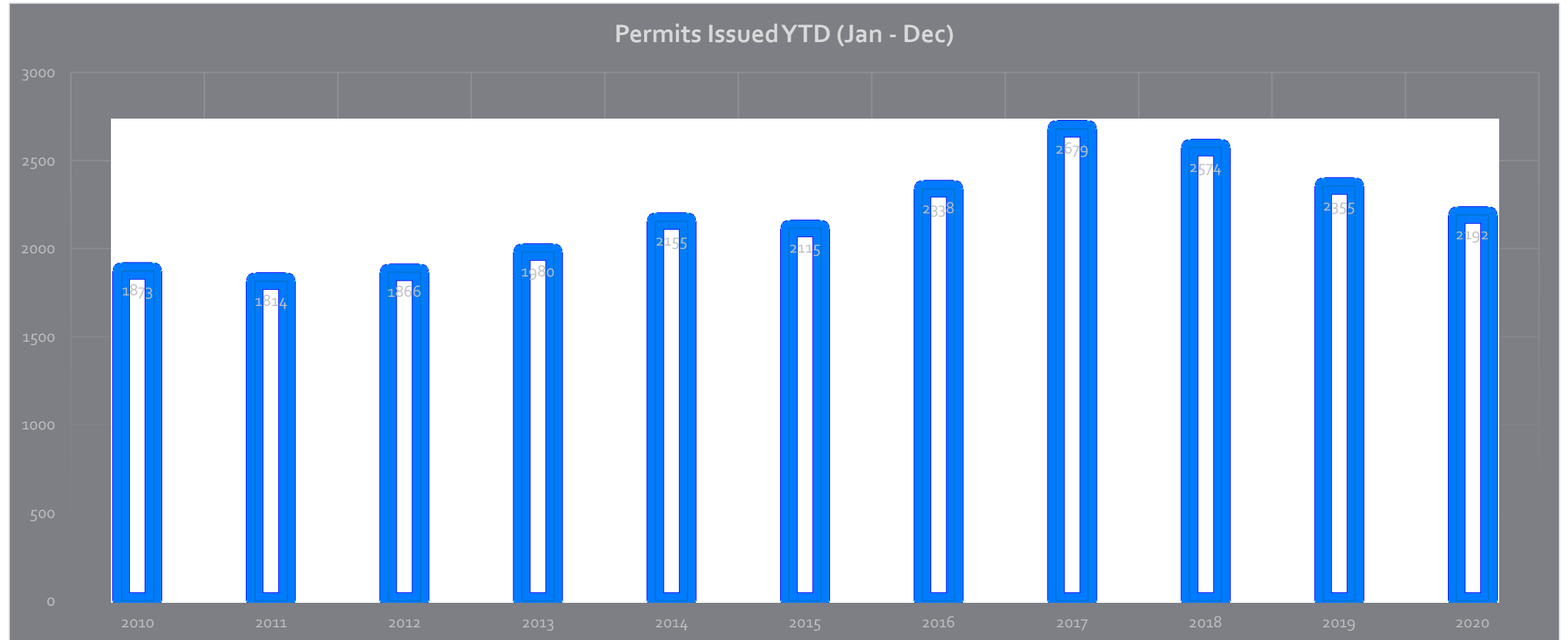


# Building Permit Value





# Building Permits Issued



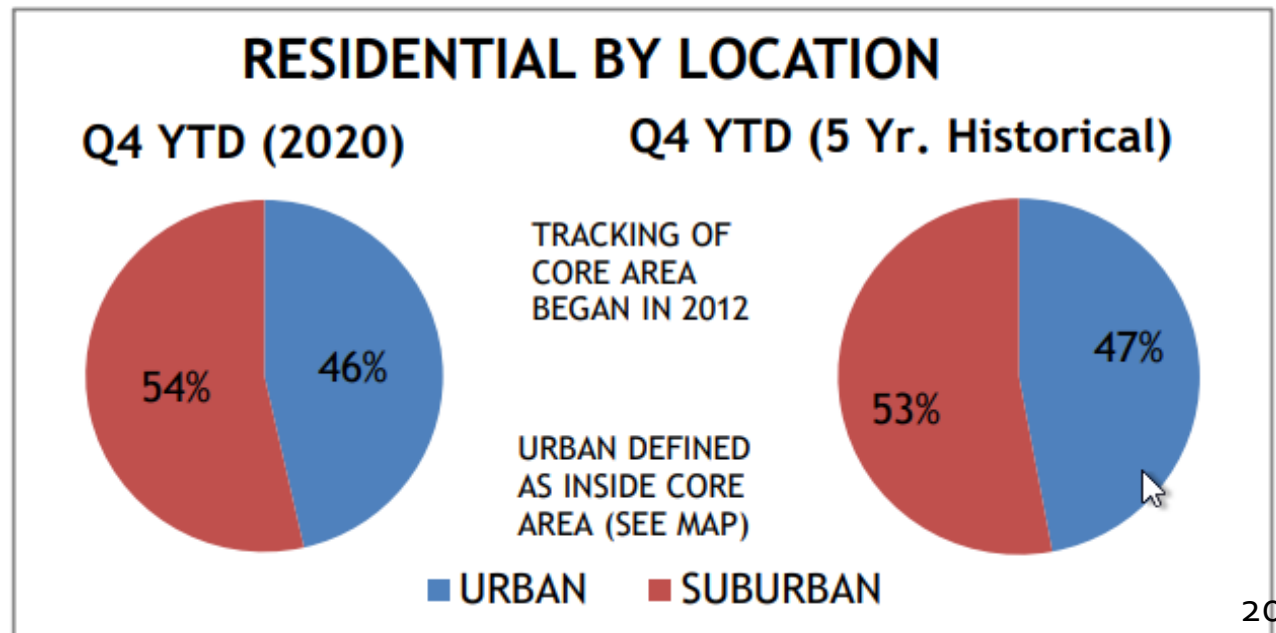
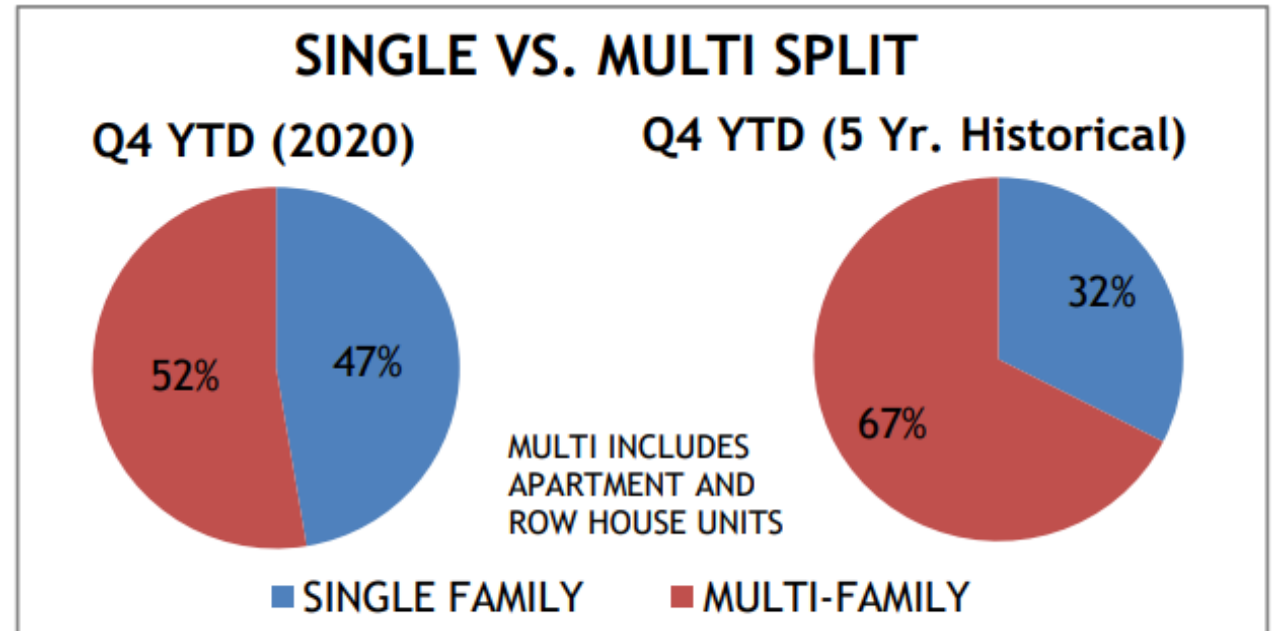


# Housing Units Created

TYPE	2020	5 YEAR AVG	10 YEAR AVG	2011 (fewest units since 1989)
Single Detached	241	345	319	255
Semi-Detached	82	67	44	9
Secondary Suites	182	260	187	65
Row Housing	201	211	172	90
Apartment Units	373	1,249	708	0
Mobile Home	6	5	4	4
Carriage House	11	30	19	N/A
Total	1,096	2,168	1,453	423



# Housing Type and Location





# The impact of a DCC Increase

- ▶ January 2020 construction value: \$50 million approx.
- ▶ February 2020 construction value: \$28 million
- ▶ Total 2020 construction value: \$492 million
- ▶ January 2021 construction value: \$114 million approx.
- ▶ February 2021 (first 10 days) construction value: \$314 million
- ▶ Total YDT construction value: \$434 million



# Looking Ahead

- ▶ High Consumer Demand
  - ▶ Variety of factors contributing
- ▶ Product coming – DCC grandfathering BP deadline
  - ▶ Many projects will have permits ready for construction season
- ▶ Trend back to multi-family dominant growth
  - ▶ While COVID-19 may





*Questions?*

For more information, visit [kelowna.ca](http://kelowna.ca).



# Report to Council



**Date:** February 22, 2021  
**To:** Council  
**From:** City Manager  
**Subject:** Rental Housing Grant Recommendations for 2021  
**Department:** Policy & Planning

---

## **Recommendation:**

THAT Council receives, for information, the report from the Planner Specialist, dated February 22, 2021 regarding a rental housing grant recommendation for 2021;

AND THAT Council approves the 2021 Rental Housing Grants as identified in the report from the Planner Specialist, dated February 22, 2021, in accordance with Council Policy No. 335.

## **Purpose:**

To consider approval of one rental housing grant for 2021.

## **Background:**

Over the last five years, the Kelowna rental market has seen significant increases in average rental rates. In 2015, the average market rental rate was roughly \$900 and as of fall 2020 the average rental rates were \$1,255.<sup>1</sup> The rising rates for market rentals are most pronounced in new purpose-built rental housing. A recent market scan of recently constructed two-bedroom units shows that landlords are asking upwards of \$1,800 / month as of fall 2020. The high rental rates illustrate the need for subsidized (affordable) rentals for those in Kelowna who are not able to afford market rental housing rates.

To encourage new market rental and affordable rental units, the City of Kelowna has two programs that provide financial incentives; the Rental Housing Grants program and the Revitalization Tax Exemption (RTE) Bylaw program. The Rental Housing Grants program provides grants in the form of Development Cost Charge (DCC) credits for affordable rental housing projects that enter into a rental housing agreement with the City for a minimum of ten years. The amount of funding available for the 2020 rental housing grants is \$300,000 and supports the goals of the Healthy Housing Strategy.

---

<sup>1</sup> CMHC. 2020. Kelowna Rental Market Survey Data for Kelowna. Retrieved from: <https://www.cmhc-schl.gc.ca/en/data-and-research/data-tables/rental-market-report-data-tables>



**Discussion:**

To improve housing affordability and reduce barriers for affordable housing, Council approved changes to the Rental Housing Grants program on August 12, 2019. The changes to the program shifted the focus of the program from all market rental units to a smaller pool of affordable rental units. By reducing the number of projects eligible to apply for the grants the funding now supports a smaller number of projects and increases the impact of the grants. These changes are intended to focus the grants (DCC credits) toward subsidized rental projects that will promote affordability in the long-term rental market. Further, the DCC credits are also expected to improve the financial viability of non-market rental projects that are facing rising land and construction costs.

To receive the rental housing grants, projects must have a housing agreement to secure the rental dwellings for a minimum of ten years. After ten years, a request can be made to release the notice of the housing agreement. To discharge a housing agreement, Council approval is required as well as a subsequent repayment of the grant funding to the City's Housing Opportunities Reserve Fund.

For 2021, staff is recommending a rental housing grant of \$300,000 for 2175 Benvoulin Road – Society of Hope. The grant is intended to offset the cost of developing affordable rental housing and would be applied against the DCC fees for the project. A preliminary DCC estimate identifies that the recommended grant would cover roughly 10 per cent of eligible DCCs. Subject to final Council approval, the grant amount is summarized in the table below.

Project Location	Units Supported	Recommended Grant Amount	Estimated DCC Fees
2175 Benvoulin Road	122	\$300,000	\$2,989,610

**Conclusion:**

The grant recipient will be notified by letter of the amount of the grant (subject to Council approval). Also, the applicant will be advised of the program requirements for them to receive the DCC credit at the time of building permit application. Looking ahead, staff has communicated with three projects that expressed their intention to apply for a rental housing grant in the fall for 2022 funding.

**Internal Circulation:**

Development Planning  
Policy and Planning  
Financial Services  
Building and Permitting

**Legal/Statutory Authority:**

Local Government Act, Section 877. (1) (a) 933.1 (1)

**Legal/Statutory Procedural Requirements:**

Housing Opportunities Reserve Fund By-law No. 8593



**Existing Policy:**

2030 Official Community Plan

*Objective 10.3 Support the creation of affordable and safe rental, non-market and /or special needs housing*

*Policies 10.3.1, 10.3.2, 10.3.3 & 10.3.4*

Council Policy no. 355 – Rental Housing Grants Eligibility

Healthy Housing Strategy

*Key directions:*

- 1. Promote and protect rental housing;*
- 2. Improve housing affordability and reduce barriers for affordable housing;*
- 3. Build the right supply; and*
- 4. Strengthen partnerships and align investments.*

**Financial/Budgetary Considerations:**

Budgeted funds (subject to final approval) allow for a contribution of \$7,361 per three-bedroom or greater units, \$3,680 per two-bedroom unit and \$1,840 per one-bedroom / studio unit for the 122 affordable rental units.

*Available funds are as follows:*

<u>Annual Budget Allocation to Rental Grants to provide partial relief from DCCs</u>	<u>\$300,000</u>
<b>Total Funds Available</b>	<b>\$300,000</b>

Submitted by: R. Soward, Planner Specialist

Approved for inclusion: J. Moore, Manager of Long-Range Policy Planning





# Rental Housing Grants

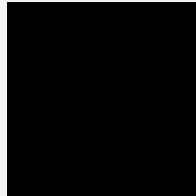
2021 Funding Recommendations  
Policy & Planning Department



# 2021 Application Intake



Year two of  
updated policy



Shift of focus to  
affordable rental



Create more  
impactful grant  
amounts



# 2021 Grant Applications

Project	Number of Units	Type of Rental Units
2175 Benvoulin Road	122	Affordable Apartments

## \$300,000 in funding available

\*Recommended grant amount per unit type

- ▶ \$7,361 per 3+ bedroom,
- ▶ \$3,680 per 2 bedroom,
- ▶ \$1,840 per 1 bedroom / studio



# Recommended Grant Amounts

Project Address	Number of Units	Recommended Grant Amount for 2020
2175 Benvoulin Road	122	\$300,000

- ▶ Grant is covering 10% of estimated DCCs



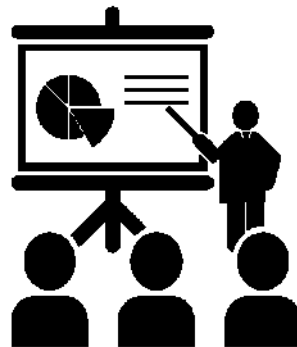
# Next Steps & Timeline

- ▶ Notify successful applicant (subject to council approval)
- ▶ Credit on DCCs at building permit
- ▶ 3 projects expected to apply for 2022 intake

Applications  
Received



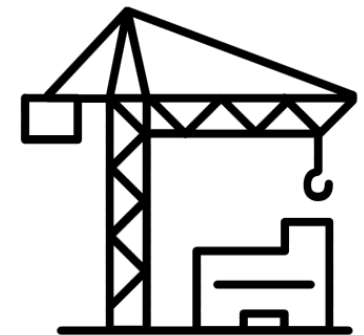
Council Approves  
Grant Amounts



DCC Credits at  
Building Permit



Construction Of  
New Rental Units





# Report to Council



**Date:** February 22, 2021  
**To:** Council  
**From:** City Manager  
**Subject:** Energy Step Code Implementation Strategy for Part 3 Buildings  
**Department:** Policy & Planning

---

## **Recommendation:**

THAT Council receives, for information, the Report from the Policy & Planning Department dated February 22, 2021 with respect to the Energy Step Code Implementation Strategy for Part 3 Buildings;

AND THAT Council endorse the requirement that, effective January 1, 2022, Part 3 building permit applications will need to demonstrate compliance with the Energy Step Code requirements as outlined in the Report from the Policy & Planning Department dated February 22, 2021;

AND FURTHER THAT Bylaw No. 12166, being Building Bylaw Amendment No. 14 of the Building Bylaw No. 7245 be forwarded for reading consideration.

## **Purpose:**

To present the Energy Step Code Implementation Strategy for Part 3 buildings to Council for information and endorsement.

## **Background:**

The Energy Step Code (Step Code) is a provincial standard, designed to help both local government and industry incrementally move toward a future in which all new construction across the province is "net-zero energy ready" by 2032. The Province's CleanBC Plan<sup>1</sup> sets the direction for future iterations of the BC Building Code to require Step Code compliance through a step by step path so that, compared to current base BC Building Code, new buildings will be:

- 20 per cent more energy efficient by 2022<sup>2</sup>
- 40 per cent more energy efficient by 2027
- 80 per cent more energy efficient by 2032. (See Figure 1)

The Step Code consists of two broad sets of energy standards that cover:

---

<sup>1</sup> Province of BC, 2018. CleanBC our nature. our power. our future. Retrieved from: [https://cleanbc.gov.bc.ca/app/uploads/sites/436/2018/12/CleanBC\\_Full\\_Report.pdf](https://cleanbc.gov.bc.ca/app/uploads/sites/436/2018/12/CleanBC_Full_Report.pdf).

<sup>2</sup> Typically Building Code revisions occur later in the year. So, it is anticipated that the Province would require the change at the end of 2022.



- “Part 9” buildings – three (3) stories and less, and not exceeding 600 m<sup>2</sup> in building area. (The City developed and implemented a strategy which saw Step 1 adopted as of December 1, 2019 moving to Step 3 on June 1, 2021.)
- “Part 3” buildings – large and/or complex buildings such as large multi-family and commercial buildings exceeding three (3) stories and exceeding 600 m<sup>2</sup> (addressed in this report).



Figure 1: Timeline for energy efficiency requirements in BC Building Code (Part 3 buildings highlighted in red)

The Step Code is currently a voluntary compliance path within the BC Building Code to shift from the current prescriptive energy efficiency requirements to performance requirements for a buildings envelope, equipment and systems, and airtightness. Local governments currently have the option of mandating a specific step within their region.

For Part 3 buildings, local governments outside of Climate Zone 4 (i.e., the Lower Mainland and the southern portion of Vancouver Island) have only been permitted to reference Step Code as of early 2019, as performance metrics had not yet been established for other climate zones (Kelowna sits in Climate Zone 5).

Step Code for Part 3 buildings differs from Part 9 buildings in that the number of ‘steps’ and the ease of achieving each step varies depending on archetype. For residential occupancy (i.e., Group C) buildings, there are four steps; however, what is considered a lower or upper step depends on building construction type (i.e., wood-frame/combustible vs. concrete/non-combustible construction). There are only three steps for commercial occupancy (i.e., Group D & E) buildings. Figure 2 shows the steps for the various Part 3 archetypes.





Figure 2: Energy Step Code 'Steps' (relevant steps for Part 3 buildings are highlighted red)

### Discussion:

To develop the Implementation Strategy for Part 3 buildings, the City engaged with affected stakeholders between September 2019 and January 2021 through a series of meetings, information offerings, targeted training opportunities, and a Solutions Lab (see Appendix C of the attached Energy Step Code Implementation Strategy for Part 3 Buildings) as well as reviewed municipal best practices and Provincial standards and recommendations.

Due to the COVID-19 pandemic, moving forward on implementing Step Code for Part 3 buildings was put on hold in March 2020 in order to gauge impacts to the local development community. Consequently, the timelines originally proposed during initial engagement have been adjusted to account for economic recovery from the COVID-19 pandemic, while also ensuring industry stakeholders are prepared for Provincial Step Code requirements slated for late-2022.

### Proposed Implementation Timeline and Requirements

The proposed strategy seeks to provide a balance of building industry capacity while making progress on the community's goals for energy efficiency and GHG emissions reduction. The timeline allows industry to prepare for the BC Building Code changes and to show leadership in early adoption in the BC Interior (see Appendix B for a summary of the proposed implementation timelines). Building Bylaw Amendment No. 14 includes a revision to Part 14 ("Energy Step Code") to make explicit and provide transparency for the dates of the different steps of Energy Step Code for both Part 3 and Part 9 buildings. The proposed bylaw amendment also includes minor text amendments unrelated to Step Code (see Appendix C for a summary of Building Bylaw amendments).

The proposed strategy consists of two phases:

- **Phase 1: Voluntary Adoption and Capacity Building (present – December 31, 2021):** To help build awareness of Step Code requirements for both industry and staff, it is valuable to have a



period of voluntary adoption prior to Step Code being mandatory for Part 3 buildings. During this phase, the City will help build capacity for industry and City staff. Building permit applications that use the Step Code pathway during this phase will be accepted and encouraged, but not required. Understanding that most of the development applications received in the latter half of 2021 will not apply for a building permit or begin construction until 2022 or later, Development Permit applications received after June 1, 2021 will need to demonstrate compliance with Step Code requirements in Phase 2.

- **Phase 2: Higher Energy Efficiency Requirements in advance of proposed Building Code changes in 2022 (January 1, 2022):** Most of the proposed solutions from the Solutions Lab indicate Step 2 or 3 should be required in advance of proposed provincial Building Code changes in 2022. In understanding that the ease of achieving different steps will vary depending on archetype for Part 3 buildings, the following steps are proposed for January 1, 2022, based on major occupancy defined by the BC Building Code and archetype:
  - Group C - Residential:
    - Single-detached homes greater than 600 m<sup>2</sup>: Step 4
    - Multi-unit residential buildings of combustible construction (including hotels and motels): Step 3
    - Multi-unit residential occupancy of non-combustible construction: Step 2
  - Group D & E - Commercial (business and personal service; mercantile): Step 2

Step Code will not apply to buildings with the following major occupancies until the Province develops appropriate performance targets in the BC Building Code:

- Group A – assembly (e.g., schools, libraries, colleges, recreation centres)
- Group B – treatment and detention (e.g., hospitals) and care (care centre)
- Group F – industrial.

#### Industry Support and Incentives

To support industry and City staff through the Step Code transition, the City will partner with various organizations and stakeholders (e.g., Canadian Home Builders Association of Central Okanagan, FortisBC, Urban Development Institute, University of British Columbia Okanagan, Okanagan College) to develop a training and education program that will extend through the two phases of the Implementation Strategy. This will include administrative training (e.g., Step Code process, City Building Permit submission requirements, etc.), hands-on/technical training, resources (e.g., technical documents, forms, website), and continuous updates (e.g., Step Code e-bulletins).

Applicants will also be connected with FortisBC's Commercial New Construction Program that offers up to \$500,000 in incentives, as well as energy modeling and airtightness testing rebates.

As a potential incentive to downtown development and high-performance building, a Revitalization Tax Exemption (RTE) for Part 3 developments that achieve the highest level of the Step Code in the City's Downtown Tax Incentive Area 2 is being investigated. Amendments to the RTE Program Bylaw 9561 will be presented to Council for consideration later in 2021.

To ensure Part 3 builders who build to the highest steps are not penalized for incorporating well-insulated/thicker walls, amendments to the Zoning Bylaw to allow a reduction of various setback requirements are also being investigated. Development Planning staff are leading a major Zoning



Bylaw update throughout 2021; therefore, any “thick wall” policy will occur in coordination with this update.

#### Energy Step Code Beyond 2022

This strategy extends to at least the end of 2022, when the Province is expected to make updates to the BC Building Code that would require buildings to be 20 per cent more efficient than current base Code. Through CleanBC, the Province has also indicated that additional Building Code changes will occur in 2027, which will require buildings to be 40 per cent more efficient than current base Code. It is recommended that the City re-evaluate the Step Code strategies for Part 9 and Part 3 buildings in late 2022 or early 2023 to see if higher steps should be required and/or if the RTE for Part 3 buildings can be expanded beyond Downtown Tax Incentive Area 2.

While the Step Code represents a significant achievement in the regulation of building performance, its focus on the use of energy efficiency metrics has raised the question as to whether it is optimally achieving GHG emissions reductions from the built environment. The BC Local Government Energy Step Code Peer Network and the Province are currently conducting research to determine if there are opportunities to align local governments’ efforts on GHG emissions reduction through Step Code. The City will stay informed on provincial policy development in this area and will look to incorporate progressive GHG emissions reduction policy once options are provided by the Province.

#### **Conclusion:**

The proposed Energy Step Code Implementation Strategy for Part 3 Buildings takes into consideration numerous inputs including the mandated provincial timelines and the aggregated stakeholder feedback. The timeline allows Kelowna to accelerate energy efficiency improvements and GHG emissions reduction, and ensures industry is prepared for the BC Building Code changes slated for the end of 2022. Further, requiring Part 3 buildings to be at least 20 per cent more efficient in advance of the provincial Building Code update allows the building community to focus on the other changes in the 2022 Code update.

With the continued urgency for addressing climate change, it is critical to take action. Implementing Step Code directly aligns with the Council priority of environmental protection. It also demonstrates the commitment to two Council-endorsed plans, the *Community Climate Action Plan* and the *Healthy Housing Strategy*.

#### **Internal Circulation:**

Development Services  
Development Planning  
Building Services  
Communications

#### **Legal/Statutory Authority:**

To support energy conservation and GHG emissions reduction objectives, Section 5 of the *Building Act* (“Unrestricted Matters”) authorizes local governments in BC (except the City of Vancouver) to reference the BC Energy Step Code in their policies and bylaws, and may begin enforcing requirements as of December 15, 2017, subject to notification timelines.



**Existing Policy:**

The City of Kelowna has established several climate action goals and programs that are delivering on Council's commitment to low-carbon energy, including:

- 2030 Official Community Plan<sup>3</sup>
  - OCP Objective 5.16. "Improve the energy efficiency and environmental performance of new buildings."
  - OCP Objective 6.2. "Improve energy efficiency and reduce community greenhouse gas emissions."
  - OCP Policy 6.2.1 GHG Reduction Target and Actions. The City of Kelowna will, in partnership with senior governments; local residents and businesses; NGOs; external agencies; and utility providers, work towards reducing absolute community greenhouse gas emissions by:
    - 4% below 2007 levels by 2023;
    - 25% below 2007 levels by 2033; and
    - 80% below 2007 levels by 2050.
- Our Kelowna as We Take Action: Kelowna's Community Climate Action Plan (2018-2023)<sup>4</sup>:
  - Action # B9: Investigate options for implementing the Energy Step Code for Part 3 buildings once the Province makes it available for referencing in local policies and regulations.
- Healthy Housing Strategy<sup>5</sup>
  - Recommended Action: Implement the Energy Step Code for New Housing - Develop an Energy Step Code Implementation Plan to increase energy efficiency and reduce utility costs in new builds to reduce household carrying costs.
- Imagine Kelowna<sup>6</sup>
  - Principle 2: Smarter – A community willing to learn, adapt, and grow so that we can thrive amid rapid change.
    - Take action and be resilient in the face of climate change
  - Principle 4: Responsible – A community where decisions are made ethically and where social and environmental concerns are prioritized.
- Council Priorities<sup>7</sup>
  - Resiliency and adaptability to climate change
  - Greenhouse gas emissions are decreasing

**External Agency/Public Comments:**

To advise on strategy development, staff administered various external stakeholder engagements over the past year and half, including the following:

- On September 18, 2019, Staff facilitated a Step Code Solutions Lab for Part 3 buildings with 30 participants. The intent of the Solutions Lab was to gather a diverse group of representatives from

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<sup>3</sup> City of Kelowna. 2011. Kelowna 2030 – Official Community Plan. Retrieved from: <https://www.kelowna.ca/city-hall/city-government/bylaws-policies/kelowna-2030-official-community-plan>.

<sup>4</sup> City of Kelowna. 2018. Our Kelowna as We Take Action: Kelowna's Community Climate Action Plan. Retrieved from: [https://www.kelowna.ca/sites/files/1/docs/community/community\\_climate\\_action\\_plan\\_june\\_2018\\_final.pdf](https://www.kelowna.ca/sites/files/1/docs/community/community_climate_action_plan_june_2018_final.pdf).

<sup>5</sup> City of Kelowna. 2018. Healthy Housing Strategy. Retrieved from: [https://www.kelowna.ca/sites/files/1/docs/logos/healthy\\_housing\\_strategy\\_final\\_reduced\\_size.pdf](https://www.kelowna.ca/sites/files/1/docs/logos/healthy_housing_strategy_final_reduced_size.pdf).

<sup>6</sup> City of Kelowna. 2018. Imagine Kelowna: the Visions to 2040. Retrieved from: [https://www.kelowna.ca/sites/files/1/docs/related/imagine\\_kelowna\\_short\\_report\\_digital.pdf](https://www.kelowna.ca/sites/files/1/docs/related/imagine_kelowna_short_report_digital.pdf).

<sup>7</sup> City of Kelowna. 2019. Council Priorities 2019-2022. Retrieved from: [https://www.kelowna.ca/sites/files/1/docs/council\\_priorities\\_2019-2022\\_summary.pdf](https://www.kelowna.ca/sites/files/1/docs/council_priorities_2019-2022_summary.pdf).



the building industry (e.g., energy modelers, professional architects and designers, professional engineers, builders, tradespeople, developers, etc.) to gather feedback on an implementation strategy for Part 3 buildings. A summary of feedback obtained in the Solutions Lab is provided in Appendix C of the attached Energy Step Code Implementation Strategy for Part 3 Buildings.

- Meetings with relevant stakeholders to get input on Step Code for Part 3 buildings (e.g., Roundtable Architects quarterly meetings, Canadian Home Builders Association of Central Okanagan, various members of Urban Development Institute).
- Presentations at local Step Code events (e.g., Okanagan Construction Industry Conference, Building Net-Zero: Constructing Affordable Step Code Homes in the Okanagan, BCIT Lab in a Box Airtightness and Assembly Details, Built Green Canada Kelowna Workshop).
- Regular updates through the Step Code e-subscribe list (863 subscribers as of January 18, 2021).
- Participation on the Province's Local Government Energy Step Code Peer Network quarterly meetings.
- A review of best practices from other BC communities and conversations with several communities.
- The draft strategy was placed on the City Step Code webpage for review and comments between December 3, 2020 and January 14, 2020. In addition, the strategy was circulated to the following recipients for final comments:
  - Step Code e-subscribers
  - Urban Development Institute (UDI)
  - Canadian Home Builders Association of Central Okanagan (CHBA-CO)
  - City's Roundtable Architects list (24 listed architects or designers)
  - Okanagan Local Government Step Code Peer Network (local government representatives from nine neighbouring local governments and First Nation communities)
  - Participants of the Step Code Solutions Lab hosted on September 18, 2019.

No letters of comment were received from any of the recipients.

Submitted by:

C. Ray, Community Energy Specialist

**Approved for inclusion:**



D. Noble-Brandt, Dept. Manager of Policy and Planning

cc:

Divisional Director, Planning & Development Services  
Development Services Director  
Development Planning Department Manager  
Community Communications Manager

**Attachments:**

Appendix A: Energy Step Code Implementation Strategy for Part 3 Buildings  
Appendix B: Implementation Timeline



Appendix C: Building Bylaw Amendment (Bylaw No. 12166 as Amendment No. 14)





# Energy Step Code

## Implementation Strategy for **Part 3** Buildings

February 2021

1435 Water Street  
Kelowna, BC V1Y 1J4  
TEL 250-469-8610  
FAX 250-862-3349  
email@kelowna.ca

**kelowna.ca**





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# Executive Summary

The BC Energy Step Code (Step Code) is a provincial standard, designed to help both local government and industry incrementally move toward a future in which all new construction across the province is “net-zero energy ready” by 2032. Through the CleanBC Strategy, the Province has set the direction for future iterations of the BC Building Code to require Step Code compliance through a step by step path so that, compared to current base BC Building Code, new homes will be:

- 20 per cent more energy efficient by 2022 (approximately Step 2 for all Part 3 buildings)<sup>1</sup>
- 40 per cent more energy efficient by 2027 (approximately Step 3 for Part 3 residential buildings; Step 2 for commercial buildings)
- 80 per cent more energy efficient by 2032 (approximately Step 4 for Part 3 residential buildings; Step 3 for commercial buildings).<sup>2</sup>

The City of Kelowna (the City) has taken a proactive approach to Step Code adoption in order to:

- (1) Support Provincial CleanBC efforts towards net-zero energy buildings;
- (2) Prepare the local building industry for proposed Building Code changes in late-2022; and
- (3) Drive climate action in the community.

For Part 9 residential buildings (three stories or less and less than 600 m<sup>2</sup>), the City adopted Step 1 as of December 1, 2019 and will be moving to Step 3 on June 1, 2021. The authority for local governments outside of Climate Zone 4 (the Lower Mainland and southern Vancouver Island) to reference Step Code for larger Part 3 buildings (greater than three stories and greater than 600 m<sup>2</sup>) only became available more recently.

Since mid-2019, the City has been engaging and developing a Step Code Implementation Strategy for Part 3 buildings as outlined in this document. The City engaged with affected stakeholders between September 2019 and December 2020 through a series of meetings, information offerings, targeted training opportunities, and a Solutions Lab. The proposed strategy takes into consideration input from stakeholder engagement and best practices from other local governments.

Due to the COVID-19 pandemic, moving forward on implementing Step Code for Part 3 buildings was put on hold in March 2020 to gauge impacts to the local development community. As such, the proposed timelines have been adjusted to account for economic recovery from the COVID-19 pandemic, while also ensuring industry stakeholders are prepared for Provincial Step Code requirements slated for late-2022.

The strategy seeks to provide a balance of building industry capacity while reaching the community’s goals for energy and greenhouse gas emissions reduction. The timeline allows industry to prepare for the Building Code changes, to catch up to many communities in Climate Zone 4 who have already implemented Step Code for Part 3 buildings, and to show leadership in early adoption in the BC Interior. The proposed timelines are shown below.

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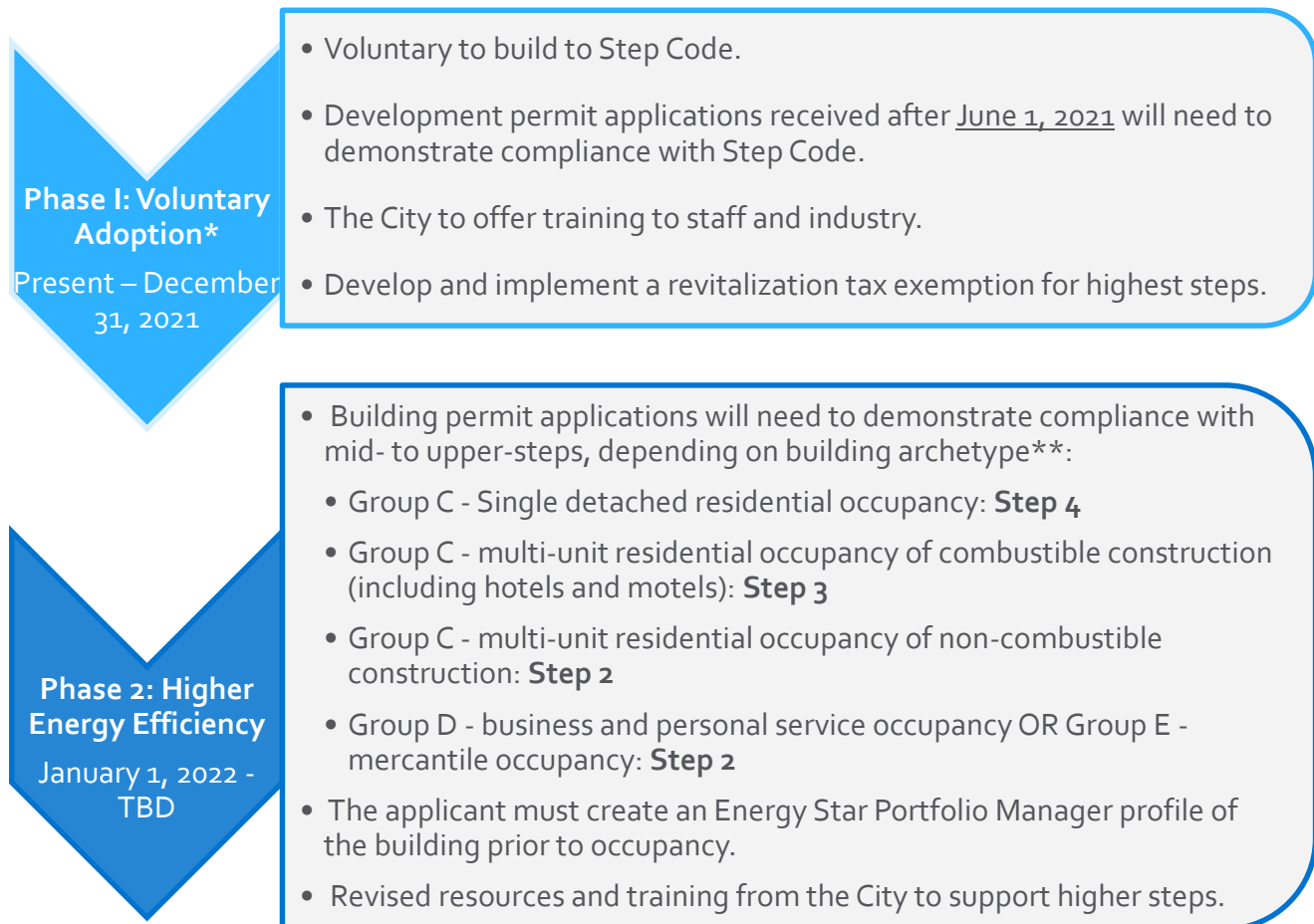
<sup>1</sup> Typically Building Code revisions occur later in the year. So, it is anticipated that the Province would require the change near the end of 2022.

<sup>2</sup> Province of BC, 2018. CleanBC our nature. our power. our future.

[https://cleanbc.gov.bc.ca/app/uploads/sites/436/2018/12/CleanBC\\_Full\\_Report.pdf](https://cleanbc.gov.bc.ca/app/uploads/sites/436/2018/12/CleanBC_Full_Report.pdf)



## STEP CODE ADOPTION TIMELINE FOR PART 3 BUILDINGS



**LATE 2022 - PROVINCE REQUIRES BUILDINGS  
TO BE 20% MORE ENERGY EFFICIENT\*\*\***

\* Development Permits issued prior to June 1, 2021 may apply for a Building Permit to construct in compliance with the energy efficiency requirements applicable prior to the adoption of Step Code for the duration of the time that their Development Permit is valid, but before the Province making Step Code requirements mandatory (expected late-2022).

\*\* Step Code will not apply to buildings with the following major occupancies: assembly (e.g., schools, libraries, colleges, recreation centres), treatment (e.g., hospitals), and care (care centre).

\*\*\* The Province has indicated through CleanBC that, compared to the current base BC Building Code, new buildings will be 20 per cent more energy efficient by late-2022. This equates to roughly Step 2 for Part 3 buildings.



## Introduction

The federal Pan-Canadian Framework on Clean Growth and Climate Change was developed to meet Canada's emissions reduction targets, grow the economy, and build resilience to a changing climate. The plan outlines targets to make new buildings more energy efficient with a goal of provincial and territorial building codes achieving "net-zero energy ready"<sup>3</sup> model building codes by 2030<sup>4</sup>.

The BC Energy Step Code ("Step Code") is a provincial standard, designed to achieve the goals set out in the Pan-Canadian Framework, to help both local government and industry incrementally move toward a future in which all new construction across the province is "net-zero energy ready" by 2032. A variety of stakeholders were involved in its development, including the Urban Development Institute (UDI), Canadian Home Builders Association (CHBA), BC Hydro, FortisBC, Architectural Institute of BC, Engineers and Geoscientists BC, BC Housing, the Local Government Management Association, as well as a number of local governments.

The Step Code is currently a voluntary compliance path within the BC Building Code to support market transformation from the current prescriptive energy efficiency requirements to performance requirements for a buildings envelope, equipment and systems, and airtightness. The Step Code also offers local governments a simple and effective set of standards to support their energy conservation and greenhouse gas (GHG) emissions reduction goals. Local governments currently have the option of mandating a specific step within their region.

The Step Code consists of two broad sets of energy standards that cover:

- "Part 9" buildings – three (3) stories and less, and not exceeding 600 m<sup>2</sup> in building area. (The City developed and implemented a strategy which saw Step 1 adopted as of December 1, 2019 moving to Step 3 on June 1, 2021.)
- "Part 3" buildings – large and/or complex buildings such as large multi-family and commercial buildings exceeding three (3) stories and exceeding 600 m<sup>2</sup>. (addressed in this report)

The Province's CleanBC Plan outlines actions to reduce GHG emissions from all sectors while building the economy. It sets the direction for future iterations of the BC Building Code to require Step Code compliance through a step by step path so that, compared to current base BC Building Code, new homes will be:

- 20 per cent more energy efficient by 2022 (approximately Step 2 for all Part 3 buildings)<sup>5</sup>
- 40 per cent more energy efficient by 2027 (approximately Step 3 for Part 3 residential buildings; Step 2 for commercial buildings)

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<sup>3</sup> A net-zero energy ready building is designed and built to reduce energy needs to a minimum such that with the inclusion of on-site renewable energy systems, the building can produce as much energy as it consumes on a yearly basis.

<sup>4</sup> Government of Canada. Pan-Canadian Framework on Clean Growth and Climate Change.

<https://www.canada.ca/en/services/environment/weather/climatechange/pan-canadian-framework/climate-change-plan.html>

<sup>5</sup> Typically Building Code revisions occur later in the year. So, it is anticipated that the Province would require the change at the end of 2022.



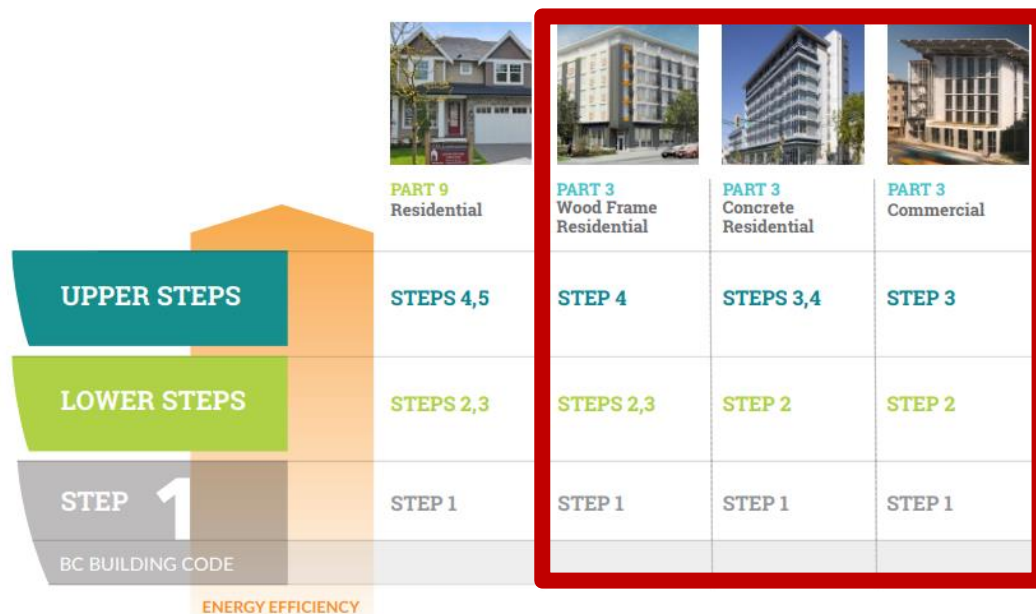
- 80 per cent more energy efficient by 2032 (approximately Step 4 for Part 3 residential buildings; Step 3 for commercial buildings)<sup>6</sup>

To ensure industry readiness for the proposed Building Code changes and to advance climate action, the City of Kelowna (the City) has taken a proactive approach to Step Code adoption. For Part 9 Buildings, the City developed and implemented a strategy which saw Step 1 adopted as of December 1, 2019 (see Attachment A for more details on the Part 9 Implementation Strategy) moving to Step 3 on June 1, 2021. This document summarizes the City's Step Code Implementation Strategy for Part 3 buildings.

## Energy Step Code: From Prescriptive to Performance

The Step Code marks an end to the prescriptive approach. Instead, a building's performance must be proven, demonstrated through whole-building energy modelling and on-site testing to validate how the design, and the constructed building, meet the performance targets associated with each 'Step'. A "performance" approach is inherently flexible, as it simply establishes a performance target and leaves it to the building team to decide how to meet the target in the most efficient and cost-effective manner. The efficiency requirements of the Step Code vary between climate zones<sup>7</sup>. Kelowna is in Climate Zone 5.

For Part 3 buildings, there are four steps for wood-frame and concrete residential buildings, and three steps for commercial buildings, each representing a higher level of performance (Figure 1).



<sup>6</sup> Province of BC, 2018. CleanBC our nature. our power. our future.

[https://cleanbc.gov.bc.ca/app/uploads/sites/436/2018/12/CleanBC\\_Full\\_Report.pdf](https://cleanbc.gov.bc.ca/app/uploads/sites/436/2018/12/CleanBC_Full_Report.pdf)

<sup>7</sup> The climate zones are based on an average annual temperature indicator called a heating-degree day (HDD). The higher the HDD value, the colder the location. In BC there are six climate zones (4, 5, 6, 7A, 7B, and 8) (Figure 2).



**FIGURE 1: ENERGY STEP CODE 'STEPS'**

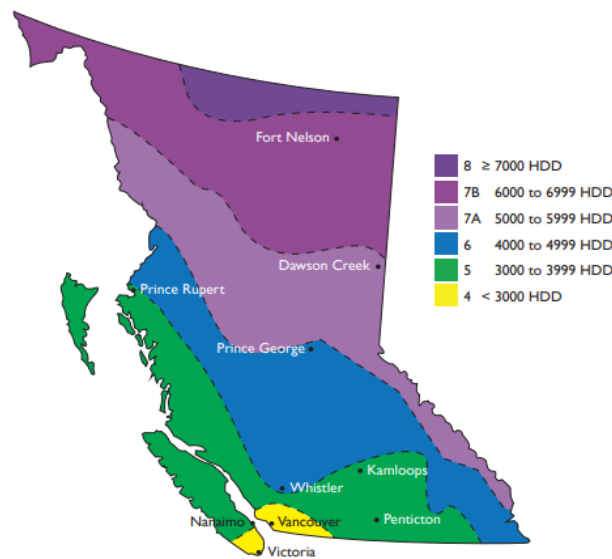
The Step Code forms a framework by which the construction industry can, over time, “step up” the performance of their buildings to the net-zero energy ready level that the Province requires by 2032.<sup>8</sup>

## How Local Governments can use the Energy Step Code

Local governments can choose to require or incentivize builders to meet one or more steps of the Step Code, as an alternative to the compliance paths set out in the base BC Building Code.

For Part 3 buildings, local governments outside of Climate Zone 4 (i.e., the Lower Mainland and southern Vancouver Island) have only been permitted to reference Step Code as of early 2019. This is because performance metrics had not yet been established for other climate zones in BC outside of Climate Zone 4. Kelowna sits in Climate Zone 5 (Figure 2); thus, the ability to reference Step Code for Part 3 buildings is relatively recent compared to Part 9 buildings.

As outlined in Attachment B, many communities in Climate Zone 4 have already adopted Step Code for Part 3 buildings, and communities across the rest of BC are beginning to set Part 3 requirements. Local governments in the Okanagan are investigating adopting strategies for Part 3 buildings and this is being discussed as part of the Okanagan Energy Step Code Local Government Peer Network.



**FIGURE 2: CLIMATE ZONES IN BC, DEFINED BY THE # OF HEATING DEGREE DAYS (HDD) IN ONE YEAR**

<sup>8</sup> Province of BC, 2017. BC Energy Step Code: A Best Practices Guide for Local Governments. [https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/construction-industry/building-codes-and-standards/guides/bcenergystepcode\\_guide\\_v1.pdf](https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/construction-industry/building-codes-and-standards/guides/bcenergystepcode_guide_v1.pdf)



## Part 3 Energy Step Code Strategy

Kelowna's Official Community Plan (OCP) has a goal of improving energy efficiency and performance of buildings.<sup>9</sup> The OCP targets an 80 per cent reduction in community greenhouse gas emissions by 2050 (below 2007 levels). Actions to achieve these goals are outlined in Kelowna's Community Climate Action Plan<sup>10</sup>, including actions to implement Step Code to reduce GHG emissions and energy use in new buildings. The Healthy Housing Strategy<sup>11</sup> also recommends the implementation of Step Code to help improve affordability, as improvements to energy efficiency can help reduce household operating costs.

### Building Permit Impact

Currently, there are approximately 1,100 residential and 580 commercial Part 3 buildings in Kelowna. On the residential side, this includes approximately 130 single-family dwellings that are classified as Part 3 buildings, since they are greater than 600 m<sup>2</sup>. Between 2015 and 2019, there was an average of 44 Part 3 building permits issued annually in the city. This includes an average of 1,167 residential units annually. As the City promotes urban densification, Part 3 buildings are expected to make up a growing share of the local building stock.

It is estimated that by 2040, 30 per cent of all the residential units in the community (including units in large multi-unit residential buildings) will have been constructed since 2018, providing an opportunity to include energy efficiency and lower GHG emissions as part of this new construction. While estimates are more difficult for the commercial sector, it is expected that new construction in this sector will continue to expand along with projected population growth for Kelowna; therefore, there is equal opportunity in the commercial sector.

### Stakeholder Consultation

On September 18<sup>th</sup>, 2019, Staff facilitated an Energy Step Code Solutions Lab for Part 3 buildings. The intent of the Solutions Lab was to gather a diverse group of representatives from the building industry (e.g., energy modelers, professional architects and designers, professional engineers, builders, tradespeople, developers, etc.) to gather feedback on an implementation timeline for Part 3 buildings that seeks to reduce energy and GHG emissions while building industry capacity in advance of the Province requiring buildings to be 20 per cent more energy efficient by 2022. Thirty participants were chosen from over fifty applicants ensuring a variety of building industry representation with differing perspectives.

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<sup>9</sup> City of Kelowna. 2011. Kelowna 2030 – Official Community Plan: Chapter 6 – Environment. Retrieved from: <https://apps.kelowna.ca/CityPage/Docs/PDFs/Bylaws/Official%20Community%20Plan%202030%20Bylaw%20No.%2010500/Chapter%2006%20-%20Environment.pdf>.

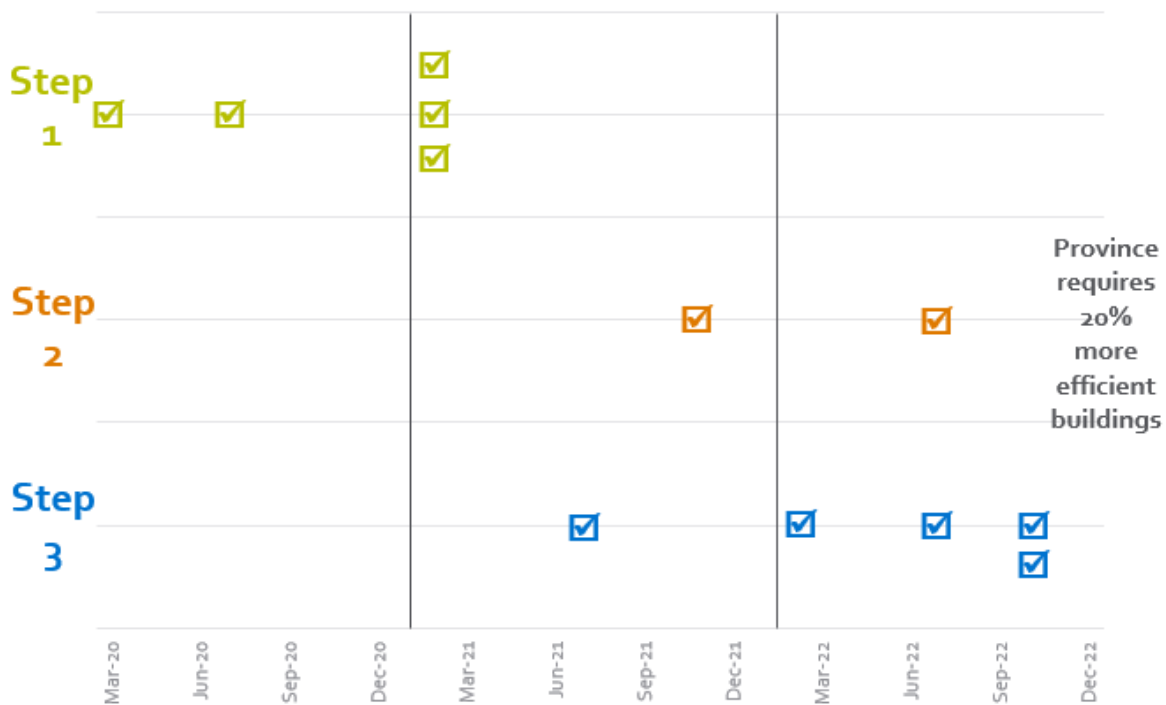
<sup>10</sup> City of Kelowna. 2018. Our Kelowna as we take action: Kelowna's Community Climate Action Plan. Retrieved from: [https://www.kelowna.ca/sites/files/1/docs/community/community\\_climate\\_action\\_plan\\_june\\_2018\\_final.pdf](https://www.kelowna.ca/sites/files/1/docs/community/community_climate_action_plan_june_2018_final.pdf).

<sup>11</sup> City of Kelowna. 2018. Healthy Housing Strategy. Retrieved from: [https://www.kelowna.ca/sites/files/1/docs/logos/healthy\\_housing\\_strategy\\_final\\_reduced\\_size.pdf](https://www.kelowna.ca/sites/files/1/docs/logos/healthy_housing_strategy_final_reduced_size.pdf).



Working together in diverse groups, participants developed options for implementation between now and when the Province requires buildings to be 20 per cent more energy efficient than base Code at the end of 2022. The proposed implementation timelines for each of the three Part 3 building types (i.e., wood-frame residential buildings, concrete residential buildings, and commercial buildings) are shown in Figures 3 to 5. The key findings from the Solutions Lab are:

- The majority of proposed solutions recommended early adoption of Step 1 for all three building types (i.e., wood-frame residential, concrete residential, and commercial) (the green check marks).
- Only two of the five groups felt that there was a need to include Step 2 in the implementation process for wood-frame residential buildings (the orange check marks). However, the majority of groups believed Step 2 should be required either in 2021 or 2022 for concrete residential buildings and commercial buildings.
- The majority of groups believed Step 3 should be required either in 2021 or 2022 for wood-frame residential buildings. However only one group thought Step 3 should be required for concrete buildings prior to the Provincial requirements, and no groups thought Step 3 should be required for commercial buildings prior to the Provincial requirements.



**FIGURE 3: PROPOSED STEP CODE ADOPTION TIMELINES FOR PART 3 WOOD-FRAME RESIDENTIAL BUILDINGS**



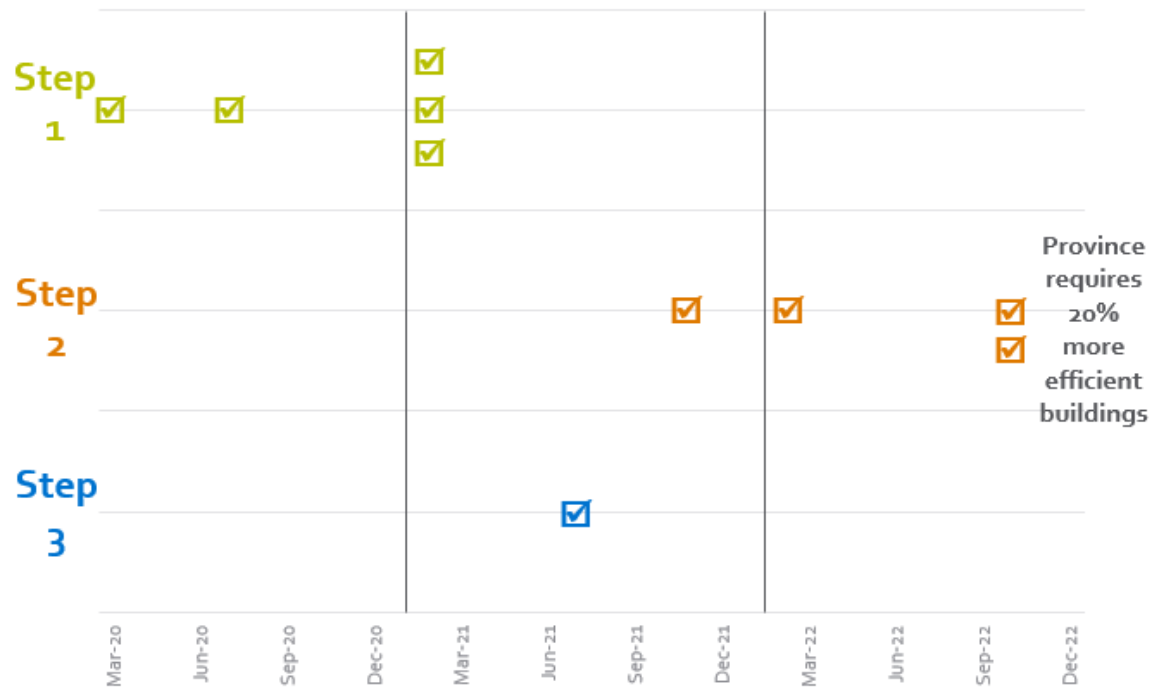


FIGURE 4: PROPOSED STEP CODE ADOPTION TIMELINES FOR PART 3 CONCRETE RESIDENTIAL BUILDINGS

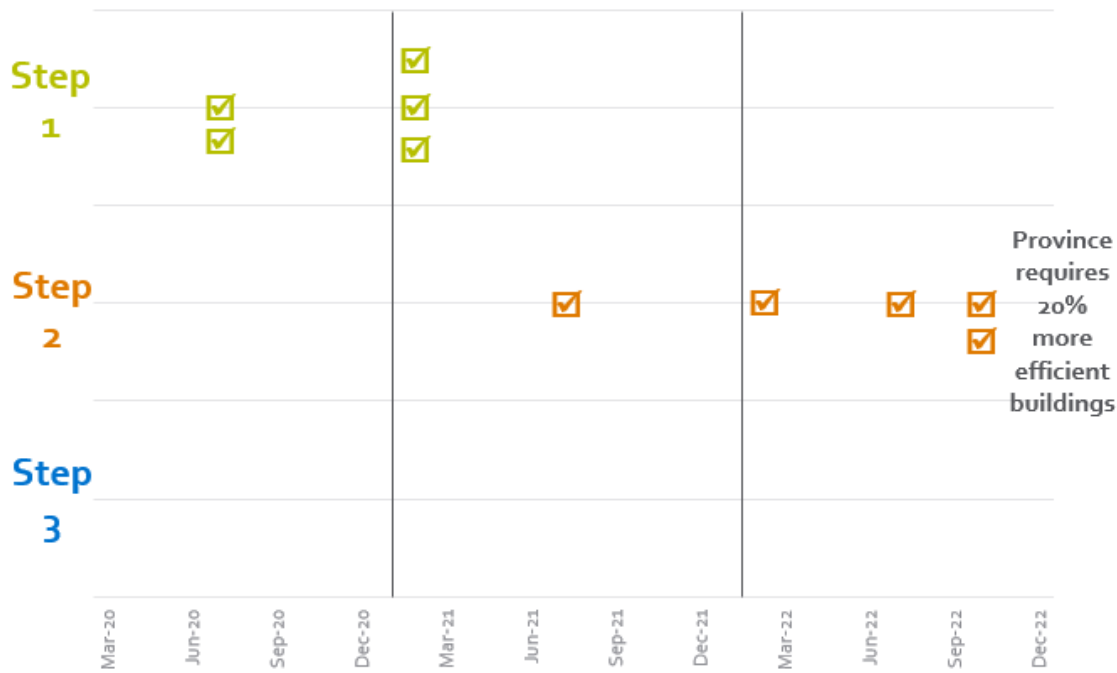


FIGURE 5: PROPOSED STEP CODE ADOPTION TIMELINES FOR PART 3 COMMERCIAL BUILDINGS

A complete summary of the Solutions Lab is provided in Attachment C.



The City also engaged in other external stakeholder engagement, including the following:

- Meetings with relevant stakeholders to get input on Step Code for Part 3 buildings (e.g., Roundtable Architects quarterly meetings, Canadian Home Builders Association of Central Okanagan)
- Presentations at local Step Code events (e.g., Okanagan Construction Industry Conference, Building Net-Zero: Constructing Affordable Step Code Homes in the Okanagan, BCIT Lab in a Box Airtightness and Assembly Details, Built Green Canada Kelowna Workshop)
- Regular updates through the Step Code e-subscribe list (863 subscribers as of January 18, 2021)
- Participation on the Province's Local Government Energy Step Code Peer Network quarterly meetings.
- A review of best practices from other BC communities, and conversations with several communities.
- Circulated the draft Step Code Implementation Strategy for external comments on December 3, 2020. The recipient list included:
  - Step Code e-subscribers
  - Urban Development Institute (UDI)
  - Canadian Home Builders Association of Central Okanagan (CHBA-CO)
  - City's Roundtable Architects list (24 listed architects)
  - Okanagan Local Government Step Code Peer Network (local government representatives from nine neighbouring local governments and First Nation communities)
  - Participants of the Step Code Solutions Lab hosted on September 18, 2019

(NOTE: No letters of comment were received from any of the recipients.)

## Addressing Concerns

The engagement process included a discussion regarding concerns for Step Code implementation. These concerns were carefully considered and informed the Implementation Strategy and recommended timeline for Part 3 adoption presented in this report.

### 1. Lack of industry skills

To support the transition to Step Code, the City will support training and resources in partnership with other organizations, so the building industry is well-equipped to incrementally meet higher energy efficiency targets. For example, the City offered a full-day Step Code Industry Workshop in May 2018, and partnered with BCIT, the Community Energy Association, and FortisBC to offer airtightness training in 2019 and 2020. Additionally, CHBA-CO regularly hosts workshops focused on various Step Code related topics (e.g., working with an energy advisor, high performance windows, airtightness). While many of these events were focused on Part 9 Buildings, the content can be catered to a Part 3 audience.

In addition to training, the City will create bulletins and checklists for the building industry so they can easily understand the submission requirements for the Step they need to construct to. Further, resources are also available on the Province's online Step Code hub, [energystepcode.ca](http://energystepcode.ca), including, BC



Housing's *BC Energy Step Code Design Guide* illustrative guide that summarize design and building techniques to help meet Step Code for Part 3 buildings.

## 2. Impacts affordability

Staff have reviewed the findings of several costing studies for cost increases associated with building to the lower steps.

### BC Housing - Metrics Research Full Report Update (2018)<sup>12</sup>

This report modelled the lowest increases in costs over constructing to the base building code for six different Part 3 archetypes in each Climate Zone: high-rise multi-unit residential building (MURB), low-rise MURB, hotel, commercial office, other commercial, and retail. In summary, all buildings modelled were able to achieve Step 1 with no construction cost increase, and Step 3 for less than a 2.4 per cent increase to construction costs. Table 1 shows the modelled cost increases to achieve each applicable step for six different Part 3 archetypes.

**TABLE 1: MODELLED COST INCREASE TO ACHIEVE STEP CODE - BC HOUSING METRICS REPORT UPDATE**

	Archetype					
	High-Rise MURB	Low-Rise MURB	Hotel	Commercial Office	Other Commercial	Retail (e.g., Big Box)
<b>Step 1</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>Step 2</b>	1.0	0.5	-0.1	-0.1	-0.1	1.3
<b>Step 3</b>	2.3	2.2	1.2	0.2	0.2	3.7
<b>Step 4</b>	3.2	3.3	2.1	NA	NA	NA

### Morrison Hershfield – BC Energy Step Code Costing Studies Analysis (2019)<sup>13</sup>

This report examines 10 studies of the construction cost implications of the Step Code for both Part 9 and Part 3 buildings. A review of the 10 studies found that, not all studies optimized the building design for the lowest capital cost to comply with Step Code requirements, consequently yielding different costing results.

Because several of the costing studies were completed for specific municipalities (e.g., Surrey, Vancouver, and Richmond), the results may not be directly applicable to the Kelowna context. However, insights can be gleaned illustrating the increasing building costs for each step. Based on the cost estimates compiled, many of the studies show an incremental capital cost (ICC) to build to Step 1 in the order of 0.0 per cent to 1.5 per cent and on the order of 3 per cent to 10 per cent for Step 4 (for all Part 9 and Part 3 building types in Climate Zones 4 and 5).

<sup>12</sup> BC Housing. 2018. 2018 Metrics Research Full Report Update. [http://energystepcode.ca/app/uploads/sites/257/2018/09/2018-Metrics\\_Research\\_Report\\_Update\\_2018-09-18.pdf](http://energystepcode.ca/app/uploads/sites/257/2018/09/2018-Metrics_Research_Report_Update_2018-09-18.pdf).

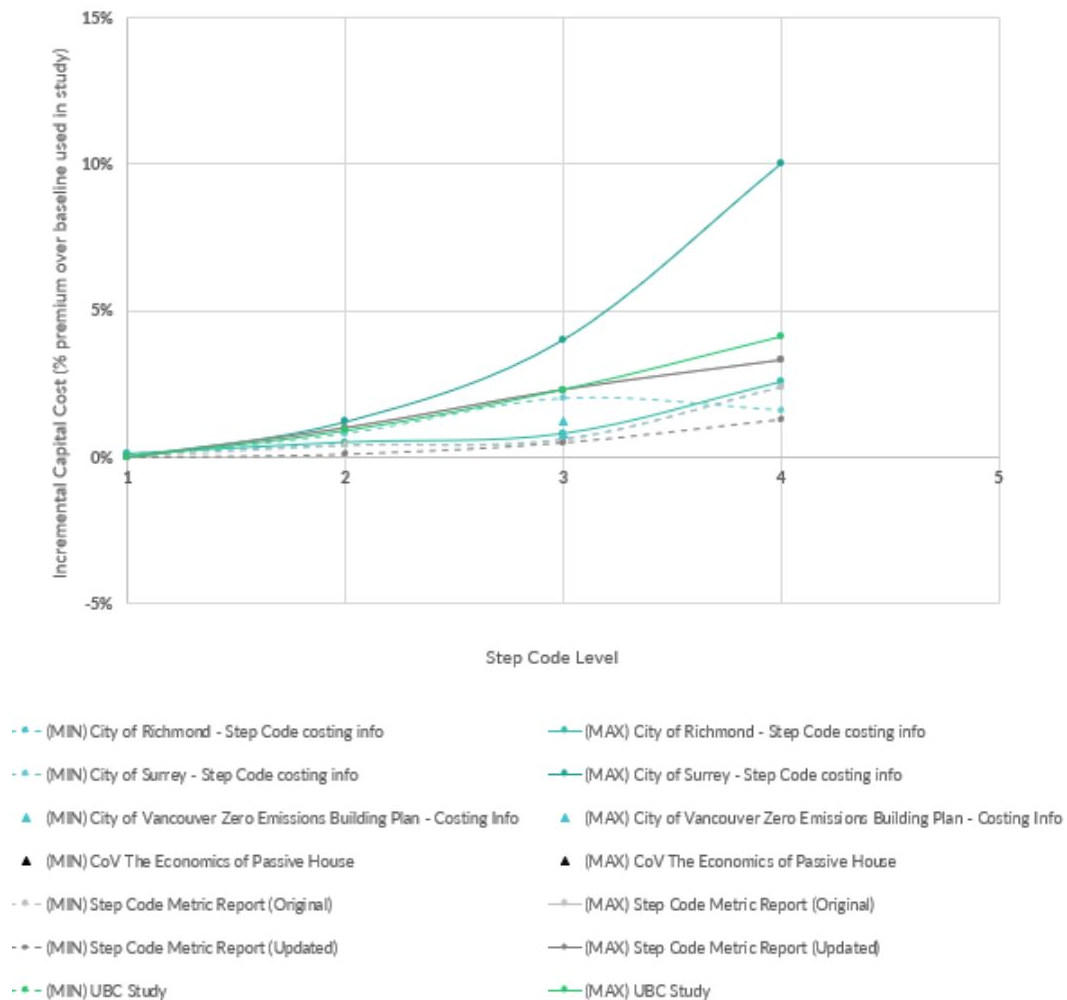
<sup>13</sup> Morrison Hershfield. 2019. *BC Energy Step Code Costing Studies Analysis*. [http://energystepcode.ca/app/uploads/sites/257/2018/09/2018-Metrics\\_Research\\_Report\\_Update\\_2018-09-18.pdf](http://energystepcode.ca/app/uploads/sites/257/2018/09/2018-Metrics_Research_Report_Update_2018-09-18.pdf).



The data for Part 3 buildings suggest more of an escalating rate of increase from one step to the next (see Figure 6). Applicable costing studies for Part 3 buildings showed the following ICC increases:

- Step 1: 0.0 – 0.1 per cent
- Step 2: -0.2 – 1.2 per cent
- Step 3: 0.0 – 4.0 per cent
- Step 4: 1.3 – 10.0 per cent

The high end of the above ICC's is generated from the City of Surrey's Step Code Costing Study. This data is considered an outlier because it produces significantly higher ICC's for Step's 3 and 4 compared to the other costing studies.



**FIGURE 6: INCREMENTAL CAPITAL COST FOR PART 3 BUILDINGS (CLIMATE ZONES 4 & 5)<sup>14</sup>**

<sup>14</sup> Morrison Hershfield. 2019. *BC Energy Step Code Costing Studies Analysis*.

[http://energystepcode.ca/app/uploads/sites/257/2018/09/2018-Metrics\\_Research\\_Report\\_Update\\_2018-09-18.pdf](http://energystepcode.ca/app/uploads/sites/257/2018/09/2018-Metrics_Research_Report_Update_2018-09-18.pdf).



While the various costing studies show some variability in the approaches and costs to construction of more efficient Part 3 buildings, by adopting Step Code, long term affordability is bolstered by providing lower operating costs and protecting tenants/homeowners from rising utility costs (as outlined in Kelowna's Healthy Housing Strategy).

To help off-set any added costs of building to the Step Code, FortisBC's Commercial New Construction Program offers Step Code rebates up to \$500,000, depending on the Step being pursued and the indoor floor area (i.e., square feet).<sup>15</sup> Incentives range between \$1.00/sq. ft. for Step 2 and \$2.20/sq. ft. for Step 4. FortisBC also offers energy model rebates (50 per cent of the cost of the energy model to a maximum of \$15,000) and airtightness testing rebates (for both mid-construction and post-construction tests, 75 per cent of the cost of the airtightness test, to a maximum of \$5,000 per test).

### **3. Insufficient Energy Modeler Capacity**

Energy modelling for Part 3 buildings is different than for Part 9 buildings. Whereas Certified Energy Advisors (CEAs), typically registered with Natural Resources Canada and using the EnerGuide rating system, conduct the modelling for Part 9 residential buildings, Registered Professional Engineers typically conduct or sign-off on the modelling for Part 3 buildings. During Step Code consultation for Part 9 buildings, the availability of CEAs was a major concern because it was a relatively new profession with limited market demand prior to Step Code. Energy modeling for Part 3 buildings, on the other hand, is already an established discipline and many of the larger engineering firms have an energy modeler on staff. Locally, there are at least three energy modelers based in Kelowna, and some of the engineering consulting firms with a local office have energy modelers in their larger offices in Vancouver, Victoria, or Calgary. Because of the limited amount of Part 3 building permits in Kelowna compared to Part 9 residential buildings (i.e., 40-50 annually compared to 700-800) and the fact that most energy modelling services can be conducted remotely, energy modeler capacity is not expected to be a major hurdle when Step Code for Part 3 buildings is implemented in Kelowna.

### **4. Will slow down building permit processing times**

Much of the energy modelling required as part of the Step Code is done during the design phase and will be completed before the building permit application (see Attachment D for submission requirements). Furthermore, the City will provide the necessary resources (e.g., bulletin with submission requirements, Part 3 Energy Design Report) to make the reporting requirements straightforward. The City will also offer training and resources to internal staff to ensure the application process is seamless. The addition of the Community Energy Specialist position in 2018<sup>16</sup> ensures that the necessary processes are in place and questions by industry and staff can be answered.

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<sup>15</sup> <https://www.fortisbc.com/rebates/business/commercial-new-construction-performance-incentives>.

<sup>16</sup> The Community Energy Specialist Position is currently funded through a grant from FortisBC until July 2023.



### 5. Lack of clarity on airtightness requirements for larger buildings

While airtightness testing is a Step Code requirement for Part 3 buildings, there are no airtightness performance targets for these archetypes (e.g., number of air changes per hour @ 50 pascals). While the City acknowledges that airtightness testing may be more challenging for Part 3 buildings than Part 9 buildings, airtightness testing is a valuable quantitative quality control tool allowing the building industry to learn over time what measures result in an airtight building. Further, financial incentives from FortisBC can help alleviate some of the cost concerns. Section 10.2.3.5 (Building Envelope Airtightness Testing) of the 2018 BC Building Code outlines the Step Code requirements for airtightness testing.

### 6. The relationship between Step Code and building design/architecture

Some stakeholders expressed concern that Step Code (in particular the higher steps) would place constraints on designers/architects that would result in less attractive buildings. For example, high performance buildings from an energy perspective typically require low window-to-wall ratios and simplified massing. While design adjustments may be required as higher steps are required, there are already many examples of building designs from other communities that are both visually attractive and energy efficient. To support the design community, BC Housing published the *BC Energy Step Code Design Guide*, and a new High-Performance section of the City's 2040 Official Community Plan's Form & Character Guidelines provides design strategies to help achieve Step Code.

### 7. The relationship between Step Code and GHG emissions reduction

While the Step Code represents a significant achievement in the regulation of building performance, its focus on the use of energy efficiency metrics has raised the question as to whether it is effective in reducing GHG emissions from the built environment. In 2019, Integral Group commissioned a study *Implications of the BC Energy Step Code on GHG Emissions*<sup>17</sup> and found that, although Step Code will reduce GHG emissions, its focus on energy efficiency does not guarantee the level of GHG emissions reductions necessary to drive emissions to zero or near-zero levels, as is the intent through CleanBC. Building designers can pursue mechanical system options that result in significantly different GHG intensity's (GHGi) (i.e., GHGs / area). While the study only modelled GHG emissions impacts for building archetypes in Climate Zone 4, the general findings of the study are likely to be similar for other climate zones in BC.

Integral Group recommended a variety of ways to decrease GHG emissions in new buildings. While most of these recommendations focus on how the Province could mandate change (e.g., include GHG emissions targets in the Step Code, or improve efficiency standards for space and water heating equipment), only one focuses on actions local government can take: using financial and other incentives as a means of encouraging the adoption of low-carbon energy systems (LCES). One form

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<sup>17</sup> Integral Group. 2019. *Implications of the BC Energy Step Code on GHG Emissions*. Prepared for the Building and Safety Standards Branch, Ministry of Municipal Affairs and Housing.

[http://energystepcode.ca/app/uploads/sites/257/2019/11/BC-Step-Code-GHGi-Report\\_Nov-2019.pdf](http://energystepcode.ca/app/uploads/sites/257/2019/11/BC-Step-Code-GHGi-Report_Nov-2019.pdf).



of non-financial incentive is to encourage the use of LCESs in return for lower thresholds for energy performance (i.e., a low carbon 'two-step' approach). Several local governments in the Lower Mainland (e.g., City of Surrey, City of Burnaby, City of Richmond) have adopted this two-step approach. While an LCES option is not part of this initial strategy, the Province is exploring ways to incorporate GHG emission reductions in Step Code, and the City will look to incorporate progressive GHG emissions reduction policy once options become available.

## Recommended Energy Step Code Implementation for Part 3 Buildings

The proposed Step Code Implementation Strategy for Part 3 buildings supports Kelowna's commitment to climate action as outlined in the Community Climate Action Plan and increasing energy efficiency and reducing utility costs in new builds to reduce household carrying costs as outlined in the Healthy Housing Strategy.

Due to the COVID-19 pandemic, moving forward on implementing a Step Code strategy for Part 3 buildings was put on hold in March 2020 to gauge impacts to the local development community. The proposed timelines have been adjusted to account for uncertainty from the COVID-19 pandemic, while also ensuring industry stakeholders are prepared for Provincial Step Code requirements slated for late-2022.

The strategy consists of two phases:

- **Phase 1: Voluntary Adoption and Capacity Building (present – December 31, 2021):** To help build awareness of Step Code requirements (e.g., adoption timelines, submission requirements, general knowledge of Step Code, metrics, testing requirements, etc.) for both industry and staff, it is valuable to have **a period of voluntary adoption prior to Step Code being mandatory for Part 3 buildings**. Learning from the implementation of Step Code for Part 9 residential buildings, allowing for several months of capacity building between Council endorsement of the strategy and any mandatory requirements can help make the transition easier and facilitate industry buy-in. During this phase, the City will be active in partnering to offer industry training and will develop standard processes with staff to ensure Step Code considerations are incorporated into development permit and building permit applications.

Building permit applications that use the Step Code pathway during this phase will be accepted and encouraged. While financial incentives will not be offered by the City to encourage voluntary adoption, applicants will be connected with FortisBC's Commercial New Construction Program that offers up to \$500,000 in incentives, as well as energy model and airtightness testing rebates.

To incentivize Downtown development and high performance building, Part 3 developments in the City's Downtown Tax Incentive Area 2 may be eligible for a ten-year 100 per cent revitalization amount for projects of 40,000 sq. ft. or greater where they achieve the highest level of the Step Code (Step 4 - wood-frame residential; Step 4 - concrete residential; and Step 3 - commercial). Subject to Revitalization Tax Exemption (RTE) Program Bylaw 9561 being updated, this RTE will likely be available in the latter half of 2021.



Understanding that most of the development applications received in the latter half of 2021 will not apply for a building permit or begin construction until 2022 or later, development permit applications received after June 1, 2021 will need to demonstrate compliance with Energy Step Code requirements in Phase 2.

- **Phase 2: Higher Energy Efficiency Requirements in advance of proposed Building Code changes in 2022 (January 1, 2022):** Feedback from the Solutions Lab indicates there were differing views on when either Step 2 or 3 should be implemented, and this varied depending on archetype. However, most of the proposed solutions indicate Step 2 or 3 should be required in advance of proposed provincial Building Code changes in 2022.

The following Steps are proposed for January 1, 2022, based on major occupancy and archetype:

- Group C:
  - Non-combustible (concrete) multi-unit residential: Step 2
  - Combustible (wood-frame) multi-unit residential: Step 3
  - Single-detached residential greater than 600 m<sup>2</sup>: Step 4
- Group D & E Commercial (business and personal service; mercantile): Step 2

Mixed Use buildings (e.g., commercial at-grade with residential above) should follow the energy modelling guidelines outlined in Section 5.1 of the City of Vancouver's Energy Modelling Guidelines (V 2.0).

Step Code performance targets have not been established for buildings with the following major occupancies: Group A - assembly (e.g., schools, libraries, colleges, recreation centres); Group B - treatment and detention (e.g., hospitals); Group B - care (care centre); and Group F - industrial. Therefore, Step Code will not apply to buildings with these major occupancies until the Province develops appropriate performance targets in the BC Building Code.

This phase allows Kelowna to accelerate energy efficiency improvements and GHG emissions reduction, and ensures industry is prepared for the Provincial Building Code changes. Further, requiring Part 3 buildings to be at least 20 per cent more efficient in advance of the BC Building Code update allows the building community to focus on the other changes in the 2022 Code update. The City will continue to offer resources to industry and staff during this phase and will partner to offer high performance building training.

A small number (~130) of larger single-family houses in Kelowna are considered under Part 3 of the BC Building Code. This results from a building footprint exceeding 600 square metres (i.e., 6,458 square feet). The recommendation is to adopt Step 4 for this archetype, the highest Step for Part 3 residential buildings.

Although Solutions Lab participants generally supported Step 1 implementation prior to Steps 2 or 3, the unforeseen COVID-19 pandemic has delayed Step Code implementation for Part 3 buildings.



Therefore, with condensed timelines prior to the Province requiring Step Code at the end of 2022, a phase for Step 1 is not achievable. However, staff are confident that with adequate lead time with a voluntary phase and sufficient capacity building/awareness opportunities, industry will be able to achieve the lower-mid steps without any major issues.

The phased approach is summarized in Figure 7.



**LATE 2022 - PROVINCE REQUIRES BUILDINGS  
TO BE 20% MORE ENERGY EFFICIENT\*\*\***

\* Development Permits issued prior to June 1, 2021 may apply for a Building Permit to construct in compliance with the energy efficiency requirements applicable prior to the adoption of Step Code for the duration of the time that their Development Permit is valid, but before the Province making Step Code requirements mandatory (expected late-2022).

\*\* Step Code will not apply to buildings with the following major occupancies: assembly (e.g., schools, libraries, colleges, recreation centres), treatment (e.g., hospitals), and care (care centre).

\*\*\* The Province has indicated through CleanBC that, compared to the current base BC Building Code, new buildings will be 20 per cent more energy efficient by late-2022. This equates to roughly Step 2 for Part 3 buildings.

**FIGURE 7: STEP CODE ADOPTION TIMELINE FOR PART 3 BUILDINGS**



This timeline seeks a balance between local and Provincial energy efficiency and GHG emissions reduction goals and provides industry adequate time to build the capacity necessary to achieve the Step Code targets. All projects will be monitored during implementation of the Step Code and will help to inform an appropriate adoption timeline for the Upper Steps beyond 2022.

To ensure Part 3 builders who build to the highest steps are not penalized for incorporating thicker walls, amendments to the Zoning Bylaw to allow a reduction of various setback requirements are also being investigated. Development Planning staff are leading a major Zoning Bylaw update throughout 2021; therefore, any “thick wall exclusion” policy will occur in coordination with this update.

## Recommended Future Work

There are several additional and related pieces of work that staff recommend undertaking to continue improving energy efficiency of buildings in Kelowna.

### Training and Education

To support industry and City staff through the Step Code transition, the City will partner with various organizations and stakeholders (e.g., CHBA-CO, FortisBC, UDI, UBCO, OC) to develop a training and education program that will extend through the two phases of the Implementation Strategy. This will include administrative training (e.g., Step Code process, City Building Permit submission requirements, etc.), hands-on/technical training, resources (e.g., technical documents, forms, website), and continuous updates (e.g., Step Code e-bulletins). Specific training opportunities and educational resources will be developed upon Council adoption of the Implementation Strategy. The City has an established Step Code e-subscribe list with over 850 followers, which provides an effective platform to reach a wide and interested industry network.

### Energy Step Code Strategy after 2022

This strategy extends to at least the end of 2022, when the Province is expected to make updates to the BC Building Code that would require buildings to be 20 per cent more efficient than current base Code. It is recommended that the City re-evaluate the strategy in late 2022 or early 2023 to see if higher steps should be required, if GHG emissions requirements can be incorporated into the strategy, and if the RTE for the highest steps can be expanded beyond Downtown Tax Incentive Area 2. Through CleanBC, the Province has indicated that additional Building Code changes will occur in 2027, which will require buildings to be 40 per cent more efficient than current base Code. As such, a strategy to prepare for this timeline will be needed.

### GHG Emissions Consideration in Step Code

Options to reduce GHG emissions using the Step Code framework (e.g., low-carbon energy systems) were not provided for the two adoption phases identified in this strategy. While the City recognizes that the LCES option is one way to use the Step Code framework to incentive/prioritize GHG emissions reduction, instead of focusing strictly on energy efficiency, more research needs to be conducted to determine what GHG emissions reduction option would be suitable in the Kelowna market (e.g., co-efficient of metric performance, GHGi targets). The BC Local Government Energy Step Code Peer Network and the Province are currently



conducting research to determine if there are opportunities to align local governments' efforts on GHG emissions reduction through Step Code. Therefore, the City will stay informed on provincial policy development in this area and will look to incorporate progressive GHG emissions reduction policy once options are provided by the Province. The City will also consider policy options to address embodied carbon of new construction.

### **Energy Retrofit Strategy**

Approximately three-quarters of the current housing stock in Kelowna was built prior to 2000.<sup>18</sup> Many of these residential buildings are reaching the age where major structural components will need to be replaced. This offers an excellent opportunity to increase energy efficiency through envelope and mechanical system upgrades. A Community Energy Retrofit Strategy that addresses energy efficiency in existing buildings is currently being developed.

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<sup>18</sup> City of Kelowna, 2018. Our Kelowna As We Take Action: Kelowna's Community Climate Action Plan.  
[https://www.kelowna.ca/sites/files/1/docs/community/community\\_climate\\_action\\_plan\\_june\\_2018\\_final.pdf](https://www.kelowna.ca/sites/files/1/docs/community/community_climate_action_plan_june_2018_final.pdf)



## Attachment A: Summary of Part 9 Residential Step Code Strategy



Training	Incentives
<b>Prior to Step 1: Spring – November 30, 2019</b>	
<ul style="list-style-type: none"> <li>City of Kelowna building officials training on Energy Step Code permitting process</li> <li>Builders and trades training: Understanding the permitting process for Energy Step Code</li> <li>Additional training opportunities being explored with the Energy Step Code Council, FortisBC, and Okanagan College.</li> </ul>	<ul style="list-style-type: none"> <li>City of Kelowna Rebates*: <ul style="list-style-type: none"> <li>\$500 building permit rebate for engaging an energy advisor for modelling, and final construction blower door test (maximum 10 rebates per builder). Mid-construction blower door tests as learning opportunity are encouraged, but not required. Incentive available until Nov. 30, 2019. **</li> <li>\$500 building permit fee rebate to achieve Step 4 – available until May 31, 2021</li> <li>\$1000 building permit fee rebate to achieve Step 5 or certified Passive House – available until May 31, 2021</li> </ul> </li> <li>Fortis Rebates: <ul style="list-style-type: none"> <li>Energy advisor support - \$500</li> <li>Builders achieving various steps are eligible for rebates in addition to energy advisor support: <ul style="list-style-type: none"> <li>\$1000 (Step 2), \$2000 (Step 3), \$4000 (Step 4) and \$8000 (Step 5)</li> </ul> </li> </ul> </li> <li>Zoning bylaw amendment for Step 5 / certified Passive House to relax setbacks as outlined in Attachment E.</li> </ul>
<b>Step 1 Implementation: December 1, 2019 to May 31, 2021</b>	
<ul style="list-style-type: none"> <li>Staff/Council training on building form and character associated with upper steps, as part of design guideline discussion with OCP update</li> <li>Additional training opportunities being explored with the Energy Step Code Council, FortisBC, and Okanagan College.</li> </ul>	<ul style="list-style-type: none"> <li>City of Kelowna Rebates*: <ul style="list-style-type: none"> <li>\$500 building permit fee rebate to achieve step 4 – available until May 31, 2021</li> <li>\$1000 building permit fee rebate to achieve step 5 – available until May 31, 2021</li> </ul> </li> <li>Fortis Rebates: <ul style="list-style-type: none"> <li>Energy advisor support - \$500</li> <li>Builders achieving various steps are eligible for rebates in addition to energy advisor support: <ul style="list-style-type: none"> <li>\$1000 (Step 2), \$2000 (Step 3), \$4000 (Step 4) and \$8000 (Step 5)</li> </ul> </li> </ul> </li> </ul>
<b>Step 3 Implementation: June 1, 2021 to December 2022</b>	
<ul style="list-style-type: none"> <li>Training opportunities to be determined</li> </ul>	<ul style="list-style-type: none"> <li>Fortis Rebates: <ul style="list-style-type: none"> <li>Builders achieving various steps are eligible for rebates in addition to energy advisor support: <ul style="list-style-type: none"> <li>\$2000 (Step 3), \$4000 (Step 4) and \$8000 (Step 5)</li> </ul> </li> </ul> </li> </ul>
<b>Province requiring buildings to be 20% more energy efficient: December 2022 – BC Building Code Update</b>	

\*A maximum of \$75,000 is dedicated to all City of Kelowna rebates. If the maximum value of rebates is used prior to 2021, staff will review and investigate opportunities for new incentives.

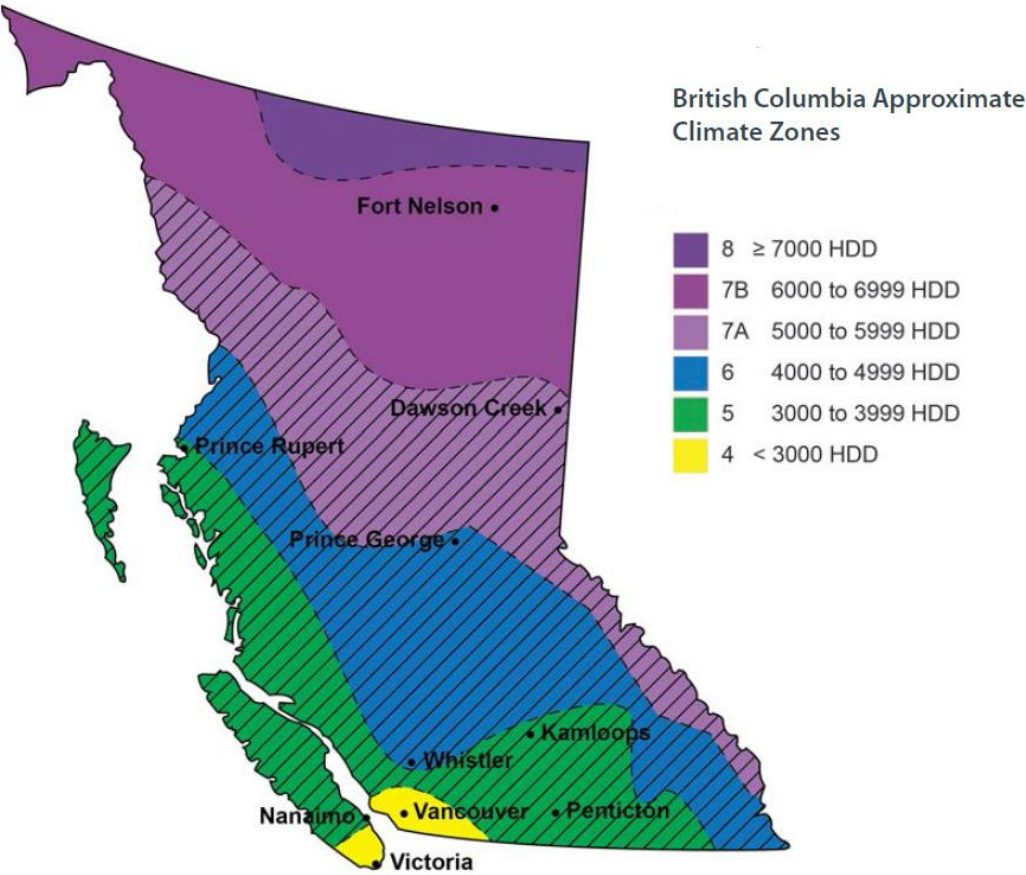
\*\*The \$500 rebate will be applied at time of building permit issuance. Occupancy will be granted on the condition of the builder completing the energy model, final construction blower door tests and associated compliance forms. There are no targets to be met as this is being provided as a learning opportunity for builders to begin working with an energy advisor and completing blower door tests on their buildings prior to Step 1 becoming mandatory.



## Attachment B: Local Governments Referencing Step Code for Part 3 Buildings as of November 2020



The tables below outline how local governments in different climate zones across BC (see map below) are putting the standard to work for Part 3 Buildings. It should be noted that some local governments are using a combination of both mandatory requirements and incentives to achieve a variety of steps.



Climate Zones in BC<sup>19</sup>

<sup>19</sup> Homeowner Protection Office – a Branch of BC Housing. 2014. Illustrated Guide - Energy Efficiency Requirements for Houses in British Columbia (Zones 5-7A North Vancouver Island and Interior). Retrieved from <https://www.bchousing.org/research-centre/library/residential-design-construction/ig-energy-efficiency-houses-climate-zone-5-7a&sortType=sortByDate>.



Municipality	Implementation Date and Steps Required	LCES Option?	Other Comments
<b>Climate Zone 4 (Lower Mainland and Southern Vancouver Island)</b>			
City of Burnaby	<p>February 11, 2019</p> <ul style="list-style-type: none"> <li>Step 1 (i.e., energy modelling and airtightness testing):</li> </ul> <p>July 1, 2019</p> <ul style="list-style-type: none"> <li>Step 2: Projects seeking rezoning with a low-carbon energy system (LCES)</li> <li>Step 3: Projects seeking rezoning without an LCES</li> </ul>	Yes	<p>For new construction projects seeking rezoning, they can achieve a lower step (i.e., Step 2) if they agree to install an LCES. The LCES must achieve a GHGI of 6 kg/m<sup>2</sup>/y, which should result in a 70 per cent reduction in GHG compared to the base BCBC if Step 2 is achieved.</p> <p>Burnaby recognizes that Energy Step Code requirements don't directly address GHG emissions reductions because it allows for any mix of fuel systems for heating and cooling. The LCES option for rezoning is one way to overcome this, and they recognize that a GHGI requirement could be updated and applied more broadly in the future.</p>
City of New Westminster	<p>January 1, 2020</p> <ul style="list-style-type: none"> <li>Step 3: all Part 3 archetypes with no LCES</li> <li>Step 2: all Part 3 archetypes with an LCES</li> </ul>	Yes	Currently, the City is not accepting applications under the LCES option until additional policy development is complete.
City of North Vancouver	<p>December 15, 2017</p> <ul style="list-style-type: none"> <li>Step 1: <ul style="list-style-type: none"> <li>Part 3 residential buildings</li> <li>Part 3 commercial buildings</li> </ul> </li> </ul> <p>July 1, 2018</p> <ul style="list-style-type: none"> <li>Step 1: Part 3 commercial</li> <li>Step 2: Part 3 residential buildings</li> </ul>	No	As of January 1, 2018, for rezoning (i.e., when additional density or land use changes are requested by an applicant), Step 3 is required for Part 3 residential buildings, and Step 2 is required for Part 3 commercial buildings.
City of Port Moody	<p>January 1, 2020</p> <ul style="list-style-type: none"> <li>Step 1: <ul style="list-style-type: none"> <li>Part 3 office, retail, and hotel</li> <li>Part 3 residential buildings with an LCES</li> </ul> </li> <li>Step 2: Part 3 residential buildings</li> </ul> <p>January 1, 2021</p> <ul style="list-style-type: none"> <li>Step 2: <ul style="list-style-type: none"> <li>Part 3 office, retail, and hotel</li> <li>Part 3 residential buildings with an LCES</li> </ul> </li> <li>Step 3: <ul style="list-style-type: none"> <li>Part 3 residential buildings</li> </ul> </li> </ul>	Yes	



City of Richmond	<p>September 1, 2018</p> <ul style="list-style-type: none"> <li>Step 2: <ul style="list-style-type: none"> <li>Residential greater than 6 stories or non-combustible construction with a LCES</li> <li>Businesses and personal services</li> <li>Mercantile occupancies</li> </ul> </li> <li>Step 3: <ul style="list-style-type: none"> <li>Residential greater than 6 stories or non-combustible construction</li> <li>Residential 6 stories or less with combustible construction</li> </ul> </li> </ul>	Yes	<p>Residential occupancies (over 6 stories) and non-combustible construction (e.g., concrete), projects may be constructed to Step 2 instead of Step 3 if they include a LCES.</p> <p>Timetable for future consideration:</p> <ul style="list-style-type: none"> <li>Residential concrete towers: <ul style="list-style-type: none"> <li>January 2022: Step 3</li> <li>January 2025: Step 4</li> </ul> </li> <li>Residential Low/Mid-Rise: <ul style="list-style-type: none"> <li>January 2022: Step 4</li> <li>January 2025: Step 4</li> </ul> </li> <li>Office &amp; Retail Buildings: <ul style="list-style-type: none"> <li>January 2022: Step 3</li> <li>January 2025: Step 3</li> </ul> </li> </ul>
City of Surrey	<p>April 1, 2019</p> <ul style="list-style-type: none"> <li>Step 2: <ul style="list-style-type: none"> <li>Commercial office and mercantile</li> <li>Large wood frame or concrete residential connected to Surrey City Energy or satisfies LCES requirements.</li> </ul> </li> <li>Step 3: <ul style="list-style-type: none"> <li>Large wood frame residential apartments</li> <li>Large concrete residential apartments</li> </ul> </li> </ul>	Yes	Both large wood and concrete residential buildings need only to meet Step 2 if they are connected to Surrey City Energy (a district energy system) or satisfies low-carbon energy requirements.
City of Victoria	<p>November 1, 2018</p> <ul style="list-style-type: none"> <li>Step 1: All Part 3</li> </ul> <p>January 1, 2020:</p> <ul style="list-style-type: none"> <li>Step 2: <ul style="list-style-type: none"> <li>High-rise/concrete residential buildings and commercial buildings</li> </ul> </li> <li>Step 3: <ul style="list-style-type: none"> <li>Mid-rise wood-frame residential buildings</li> </ul> </li> </ul>	No	
District of North Saanich	<p>January 1, 2019</p> <ul style="list-style-type: none"> <li>Step 1 for all buildings</li> </ul> <p>January 1, 2020</p> <ul style="list-style-type: none"> <li>Step 3 for all buildings</li> </ul>	No	
District of North Vancouver	<p>July 1, 2018</p> <ul style="list-style-type: none"> <li>Step 3: Part 3 residential if rezoning is required</li> <li>Step 2: Part 3 residential</li> </ul>	No	



	<ul style="list-style-type: none"> <li>Step 1: Part 3 commercial</li> </ul>		
District of Oak Bay	<ul style="list-style-type: none"> <li>November 1, 2018</li> <li>Step 1: Any Part 3 Building</li> </ul> <p>January 1, 2020</p> <ul style="list-style-type: none"> <li>Step 2: Any Part 3 Building</li> </ul>	No	
District of Saanich	<ul style="list-style-type: none"> <li>June 1, 2019</li> <li>Step 1: Any Part 3 Building</li> </ul> <p>Jan 1, 2020</p> <ul style="list-style-type: none"> <li>Step 3: mid-rise/wood-frame residential</li> <li>Step 2: concrete high-rise residential</li> <li>Step 2: commercial</li> </ul>	No	
District of Squamish	<ul style="list-style-type: none"> <li>July 1, 2018</li> <li>Step 3: <ul style="list-style-type: none"> <li>Part 3 wood-frame residential buildings</li> <li>Part 3 concrete residential buildings with rezoning application</li> </ul> </li> <li>Step 2: <ul style="list-style-type: none"> <li>Part 3 concrete residential buildings</li> <li>Part 3 commercial buildings</li> </ul> </li> </ul>	No	
District of West Vancouver	<ul style="list-style-type: none"> <li>July 1, 2018</li> <li>Step 2: <ul style="list-style-type: none"> <li>Part 3 multi-unit residential</li> </ul> </li> <li>Step 1: <ul style="list-style-type: none"> <li>Part 3 commercial</li> </ul> </li> </ul>	No	Some single-family homes in West Vancouver are considered Part 3 (i.e., building height over three storeys and/or a building footprint exceeding 600 square metres (6,458 square feet). The highest step applies to these homes.
Township of Langley	<ul style="list-style-type: none"> <li>January 1, 2019</li> <li>Step 2: Residential buildings located within a DPA</li> <li>Step 1: Residential buildings NOT located within a DPA</li> <li>Step Code is not required for other (non-residential) building types at this time.</li> </ul>	No	Several areas in the Township have already been designated Development Permit Areas (DPAs) for energy conservation and reduction of greenhouse gas (GHG) emissions. The adoption of the Step Code will provide performance-based targets for the construction of new residential buildings to provide a clear and consistent methodology to achieve compliance with the DPA guideline items related to the building itself. Some of the guideline items in these DPAs though address energy conservation and GHG reduction strategies that extend beyond the building itself to the design of the site parameters and, therefore, would not be addressed by the Step Code.
Town of Gibsons	<ul style="list-style-type: none"> <li>January 1, 2021</li> </ul>	No	



	<ul style="list-style-type: none"> <li>Step 1: all Part 3 and Part 9 buildings</li> </ul>		
University of British Columbia	September 27, 2018 <ul style="list-style-type: none"> <li>Step 2: Part 3 residential buildings</li> </ul>	No	The UBC Residential Environmental Assessment Program (REAP) is UBC's green building rating system and REAP gold certification is required in UBC's neighbourhoods. Step Code is only one component of REAP.
Village of Belcarra	September 27, 2018 <ul style="list-style-type: none"> <li>Step 2: Part 3 buildings</li> </ul>	No	
<b>Climate Zone 5 (South-Central Interior, Central and Northern Vancouver Island, Sunshine Coast, Northwest Coast)</b>			
City of Courtenay	April 6, 2020 <ul style="list-style-type: none"> <li>Step 2: all Part 3 archetypes</li> </ul>	No	
City of Nelson	January 1, 2021 <ul style="list-style-type: none"> <li>Council is considering requiring Step 2 for Part 3 building archetypes</li> </ul>	No	
District of Peachland	September 23, 2020 <ul style="list-style-type: none"> <li>Step 1 for Part 3 buildings</li> </ul>	No	



## Attachment C: Part 3 Solutions Lab Summary



## Introduction

Furthering the conversation on Energy Step Code Implementation for Part 3 buildings in Kelowna, the City hosted an Energy Step Code Solutions Lab on September 18, 2019. The intent of the Solutions Lab was to gather a diverse group of representatives from the building industry to discuss options for implementation of the Energy Step Code for Part 3 buildings in Kelowna.

As part of their [CleanBC Plan](#), the Province is committed to require buildings to be 20 per cent more energy efficient by 2022 when compared to the current base BC Building Code. Building on the input already provided, the City wanted to gather additional feedback on an implementation timeline that seeks to reduce energy and GHG emissions while building industry capacity.

## Participants

An invitation to apply to participate in the Energy Step Code Solutions Lab was distributed through the following channels:

- City of Kelowna's Energy Step Code e-subscribe
- CHBA-Central Okanagan membership
- UDI Okanagan membership
- City of Kelowna' Architects Roundtable network
- FortisBC network
- Community Energy Association network
- University of British Columbia Okanagan network
- Okanagan College network
- Notification to local engineering firms with energy modeling services

As part of the process, applicants were asked what segment of the building industry they were from, their experience with energy efficient construction, and their initial thoughts about implementing Energy Step Code for Part 3 buildings early in Kelowna or aligning with the Provincial timeline for 20 per cent more efficient buildings by 2022.

Thirty participants were chosen from over 50 applicants, ensuring a variety of building industry representation with differing views on the Energy Step Code. Participants included four CHBA-CO board members and three UDI Okanagan board members. The composition of the participants included the following:

- 4 builders
- 4 developers
- 3 trades
- 8 architects / designers
- 6 energy modelers / energy advisors
- 2 engineers
- 2 academia
- 1 not-for-profit

Please note that participants may have backgrounds in more than one category, but for this purpose were grouped according to primary area.



## Methods

Prior to developing solutions, presentations were provided to ensure that all participants had the same information on Energy Step Code including Provincial timelines, current incentives, and consultation to date.

The three presentations were as follows:

1. The Provincial Energy Step Code, Province of BC
2. Incentives to build to the steps – FortisBC’s Commercial New Construction Program, FortisBC
3. Energy Step Code in Kelowna, City of Kelowna

Participants were grouped in five tables ensuring a variety of building industry representation (such as builders, contractors, developers, trades, architects, designers, and energy modelers) with differing views on Energy Step Code. Tables were tasked to:

***“Work together to create a solution that incorporates reducing energy use while building industry capacity between now and 2022”***

The solutions that participants came up with were to address three items:

1. What are some of the biggest challenges with the implementation of the Energy Step Code for Part 3 buildings?
2. How can Kelowna’s Part 3 building industry be best prepared for the implementation of the Energy Step Code (e.g., education, training, tools, etc.)?
3. What is the best adoption timeline for implementation for Steps 1 to 3 (as it is recommended that local governments outside of the lower mainland only mandate the lower steps and incentivize the upper steps? It should be noted that not all steps needed to be included in the implementation timeline and it was up to each table to determine when and if a Step should be required.

The sections that follow summarize the input that was received. The five Proposed Implementation Solutions at the end of this section provide a photo representation of all the timelines proposed.

## Results

### Challenges

The responses for “what are some of the biggest challenges with the implementation of the Energy Step Code for Part 3 Buildings” generally fit into six categories:

- **Process**
  - Lack of clarity on airtightness requirements for larger buildings
  - Lack of Industry coordination
- **Costs**
  - Added costs to client
  - Added turnaround times for applications
- **Capacity**
  - Industry knowledge and capacity
  - Municipal staff knowledge and capacity
  - Availability of energy modellers
- **Technical Gaps**
  - Part 3 complexity
  - Building overheating and cooling loads



- High ventilation requirements in large buildings
- High window to wall ratio in high rises
- Cooling passive measures
- Packaged terminal air-conditioners and Step Code relationship
- Thermal comfort in very tight/low TEDI buildings
- **Quality Assurance**
  - Monitoring difference between modelled and actual performance
- **Step Code Gaps**
  - Does not address GHG emissions

## ***Solutions***

Most of the solutions identified involves some form of **education and awareness** to help industry (and City staff) with the transition and address the 'Capacity' challenge:

- **Training:**
  - Education for energy modelling consultants
  - Client education of process
  - Client education of new requirements
  - Blower-door test training
  - Have trades attend PassiveHouse course to increase capacity for quality control for airtightness
  - Interactive seminar (e.g., go through an example project)
  - City staff training on how to review energy model documents
- **Educational Resources:**
  - Publicly available baseline tests
  - Acceptable solutions documents from the city for trickier details
  - Clear guidelines (no grey areas)
  - FortisBC share actual TEUI for Kelowna customers
  - Archetype models for each step
  - Building design solutions to meet challenges
  - Standardized checklists
  - Case studies from real projects

Several **communication** solutions were also proposed to address Step Code process challenges:

- Municipal intervention with energy modeling professionals
- Managing client expectations
- Cohesive design meetings
- Coordination between project stakeholders
- Understanding design implications
- Early analysis
- Engage building occupants (for buy-in and behaviour change)



- Consolidated regional approach

A few of the groups identified various forms of **incentives** to help make the transition easier and to reward Step Code adoption:

- Incentives for airtightness
- Incentives (permit costs, relaxations, DCC credits, revitalization tax exemptions)
- Recognition/certification of builders

Several groups considered **ways that Step Code Gaps could be addressed**:

- Include GHGi targets as metrics
- Stipulate low carbon energy system
- Carbon and economic costing
- Lifecycle costing
- Cooling reduction technology

Several groups suggested **ways the City could ensure successful implementation**:

- Enforce but not too heavy on the hammer to begin with
- Incremental approach to implementing

## ***Implementation Timeline***

Working together in diverse groups, participants developed options for implementation between now and when the Province requires buildings to be 20 per cent more energy efficient than base Code in 2022. The proposed implementation timelines for each of the three Part 3 building types (i.e., wood-frame residential buildings, concrete residential buildings, and commercial buildings) are shown in Figures 1-3. The key findings from the Solutions Lab are:

- The majority of proposed solutions recommended early adoption of Step 1 for all three building types (i.e., wood-frame residential, concrete residential, and commercial) (the green check marks). (NOTE: this Solutions Lab occurred before the COVID-19 pandemic; therefore, the proposed timelines do not reflect eventual delays in 2020.)
- Only two of the five groups felt that there was a need to include Step 2 in the implementation process for wood-frame residential buildings (the orange check marks). However, the majority of groups believed Step 2 should be required either in 2021 or 2022 for concrete residential buildings and commercial buildings.
- The majority of groups believed Step 3 should be required either in 2021 or 2022 for wood-frame residential buildings. However only one group thought Step 3 should be required for concrete buildings prior to the Provincial requirements, and no groups thought Step 3 should be required for commercial buildings prior to the Provincial requirements.



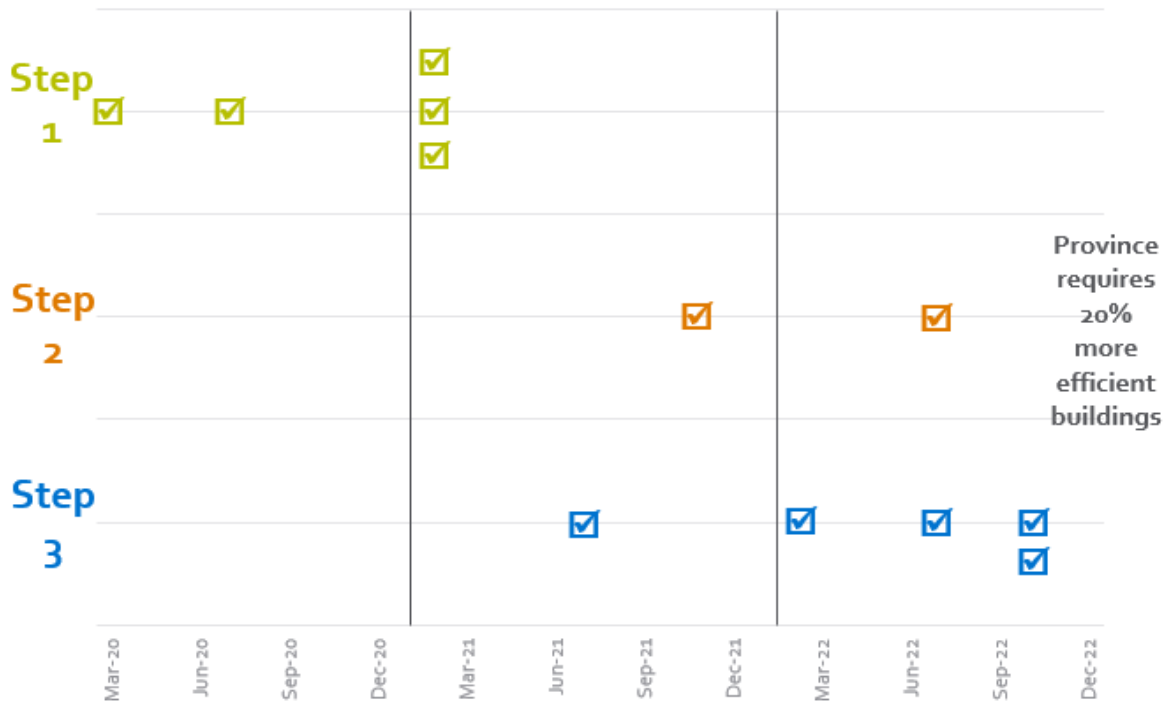


FIGURE 1: PROPOSED STEP CODE ADOPTION TIMELINES FOR PART 3 WOOD-FRAME RESIDENTIAL BUILDINGS

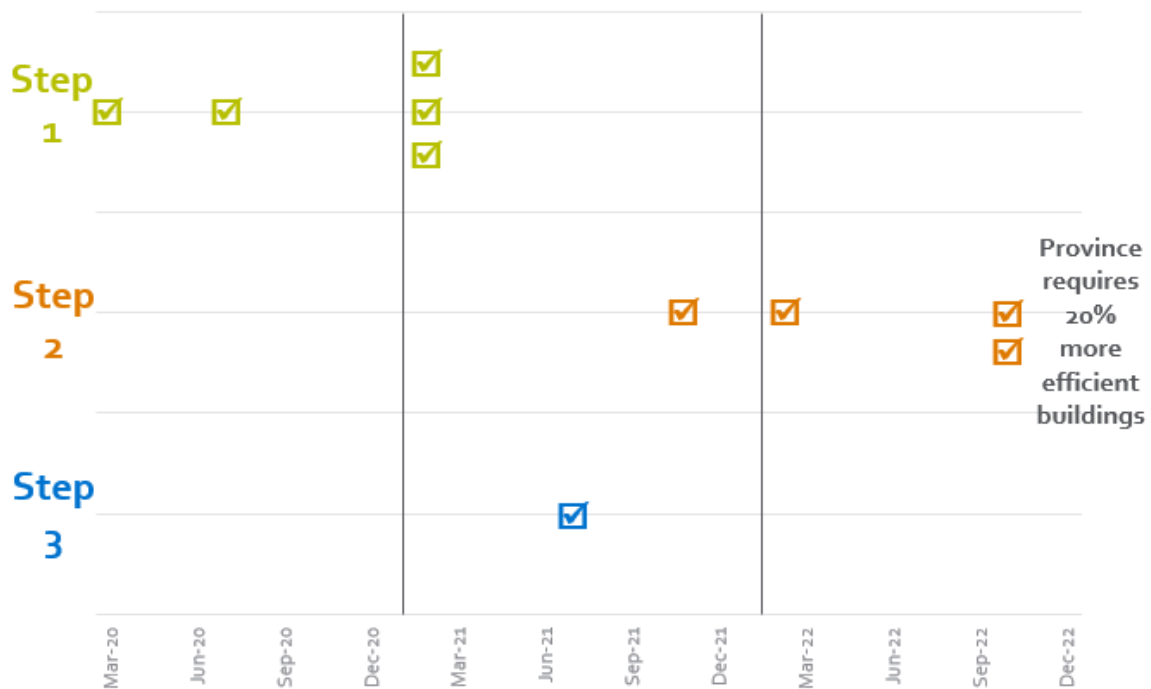


FIGURE 2: PROPOSED STEP CODE ADOPTION TIMELINES FOR PART 3 CONCRETE RESIDENTIAL BUILDINGS



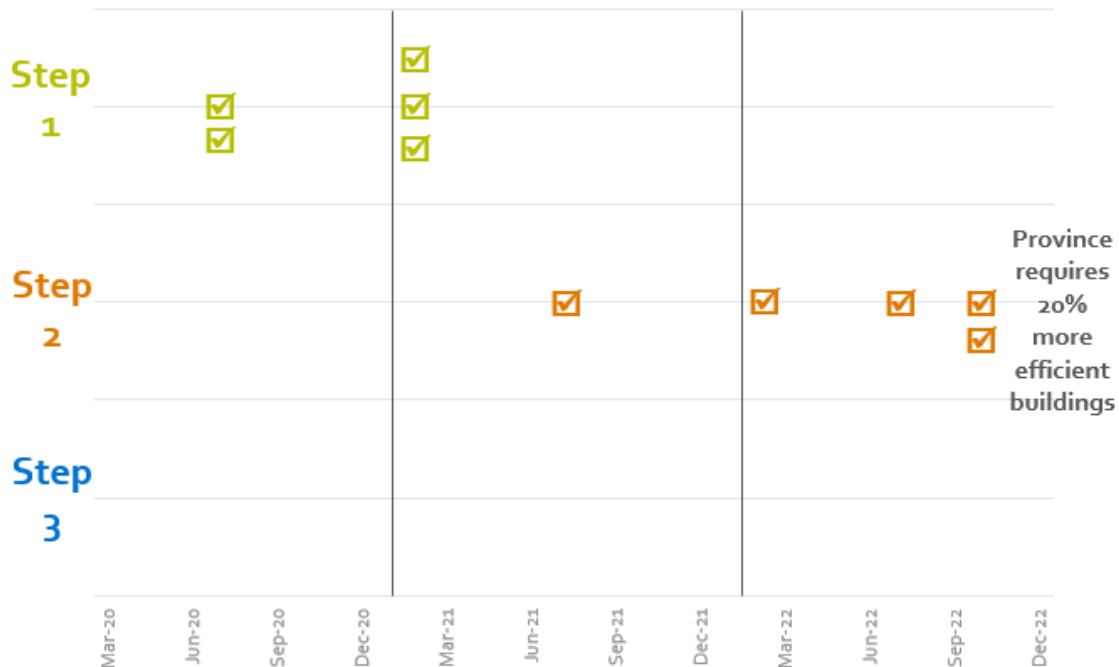
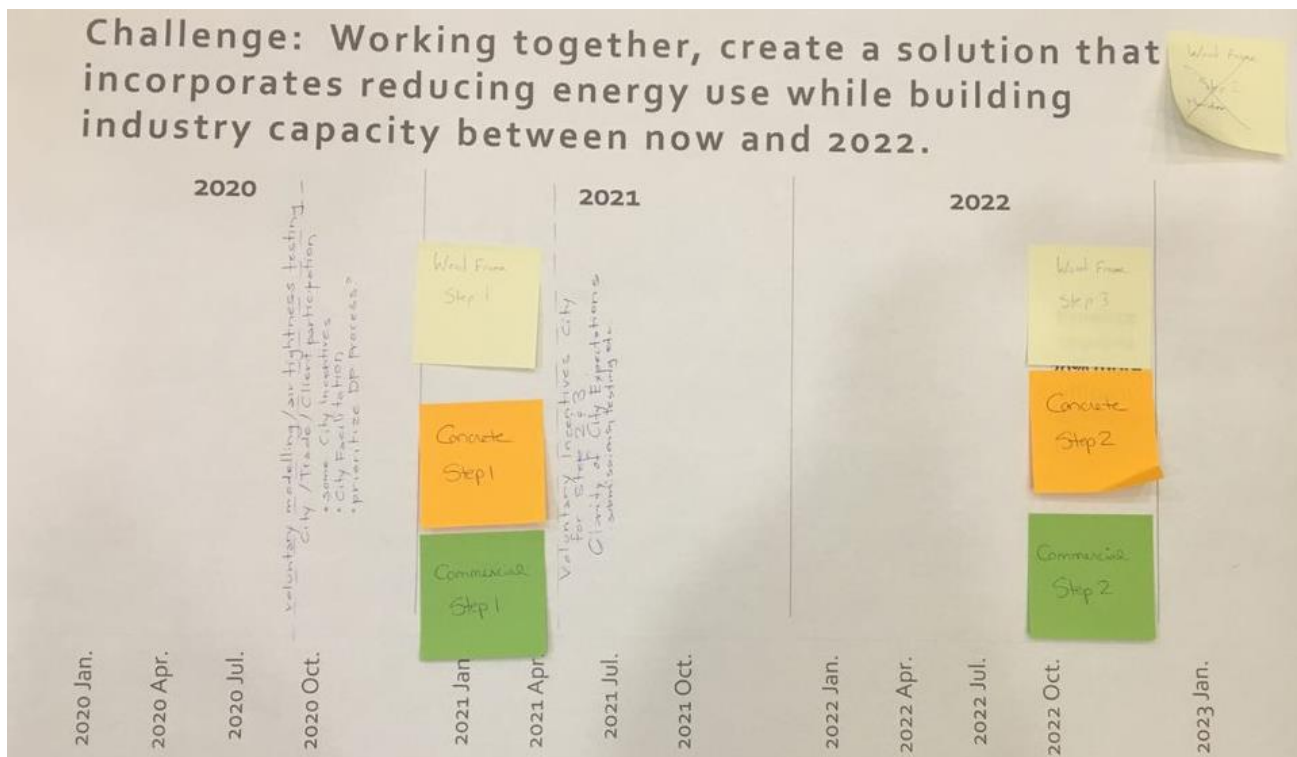


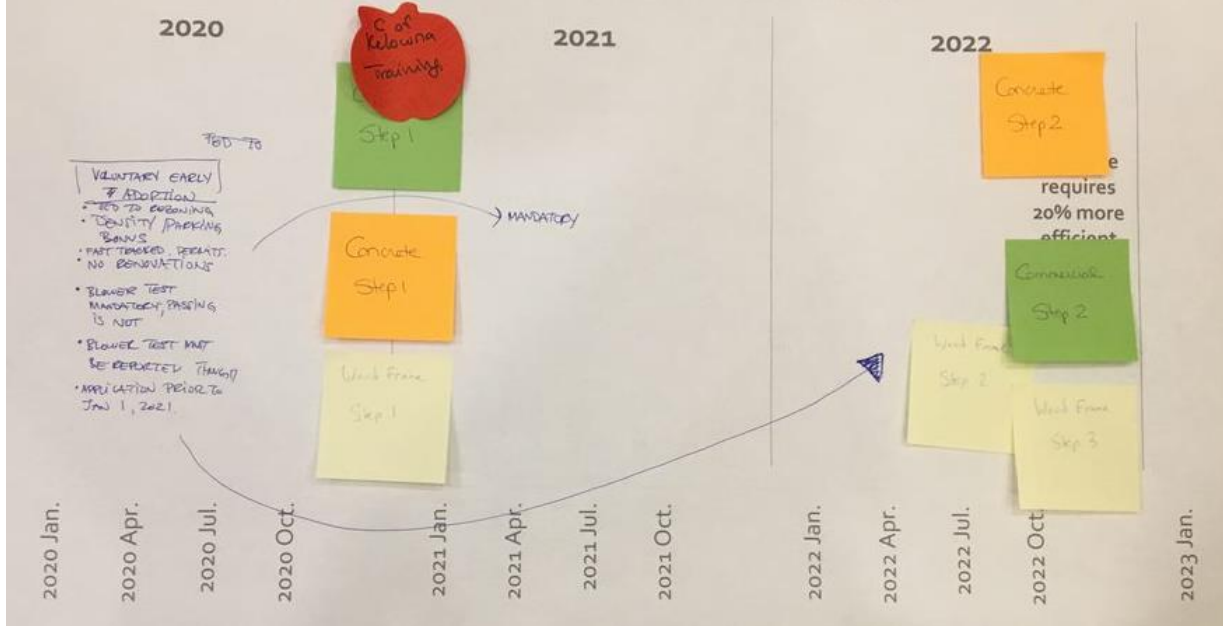
FIGURE 3: PROPOSED STEP CODE ADOPTION TIMELINES FOR PART 3 COMMERCIAL BUILDINGS

The five proposed timelines are summarized below:

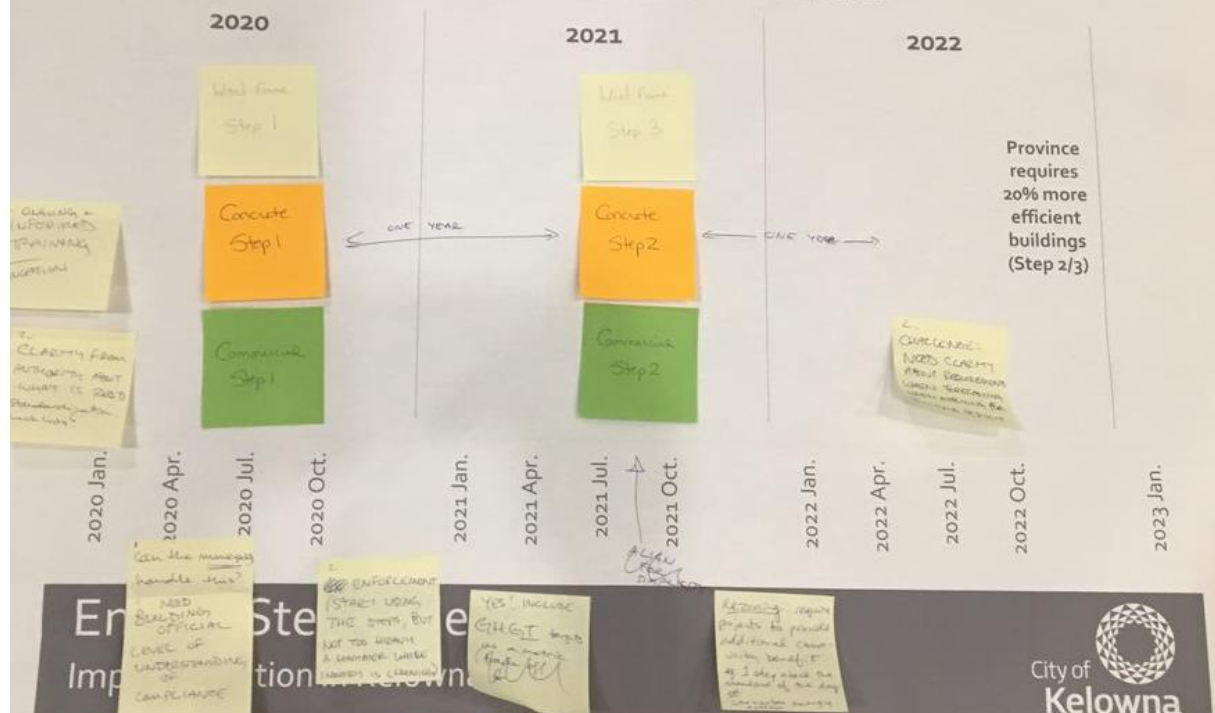




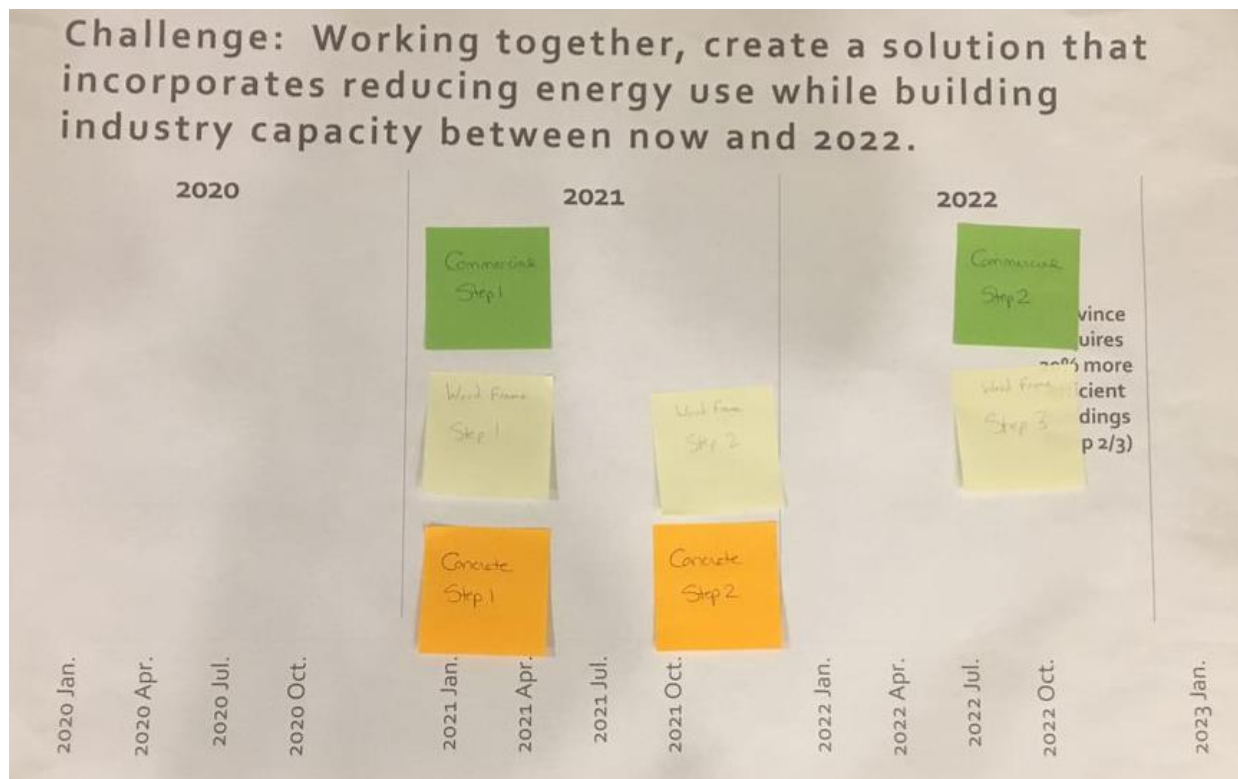
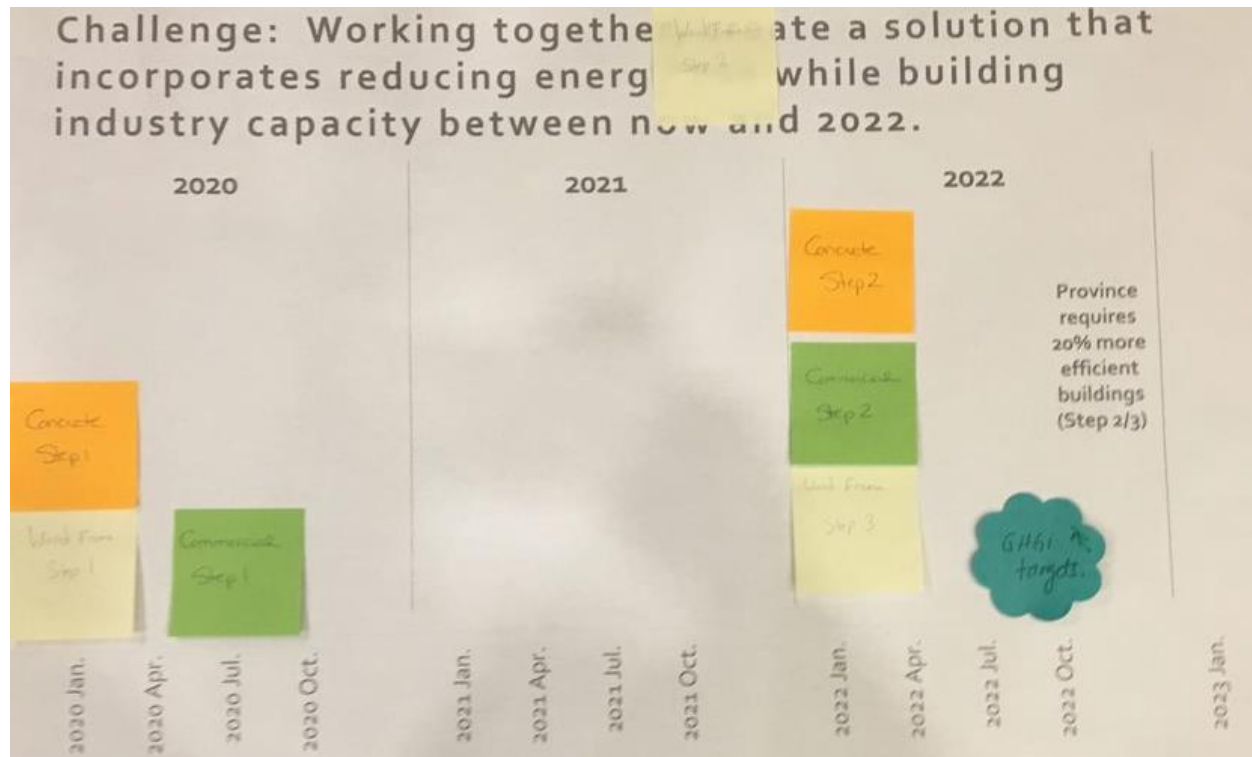
**Challenge:** Working together, create a solution that incorporates reducing energy use while building industry capacity between now and 2022.



**Challenge:** Working together, create a solution that incorporates reducing energy use while building industry capacity between now and 2022.









## Attachment D: Application Process and In-Stream Applications



Step Code requirements apply to all Building Permit applications as per the requirements at the time of application, except for the following:

- Developments that have been issued Development Permits prior to June 1, 2021, may, until the Province makes Step Code requirements mandatory (expected late-2022), apply for a Building Permit to construct in compliance with the with the energy efficiency requirements applicable prior to the adoption of the Step Code Implementation for the duration of the time that their Development Permit is valid.

## Submission Requirements

### Rezoning Application and Development Approvals

As part of both Rezoning and Development applications, applicants are expected to conduct energy modelling and provide a statement to the City that their proposed design is able to meet the requirements of Step Code that will be in place at the time of their Building Permit application. This statement must be submitted prior to City Council's consideration of the project's rezoning, and prior to consideration of the project by City staff.

### Building Approvals

Applicants must submit the proper Letters of Assurance as part of the Building Permit application, and prior to occupancy, assuring that the project substantially complies with the City's Step Code requirements. In addition, the following documents must be completed and submitted to Development Services at the Building Permit application stage:

1. The Energy Design Report for the BC Energy Step Code for Part 3 Buildings,<sup>20</sup> completed by a Registered Professional who is either a Qualified Modeller (QM) or overseeing a QM in the role of Energy Modelling Supervisor (EMS), as per the Joint Professional Practice Guidelines for Whole Building Energy Modelling Services. The Registered Professional must include their Registration/License number after their name in Section G.
2. The energy model report for each building, signed by the Registered Professional acting as the QM or EMS on the project. The City may contact the Registered Professional to submit the associated model files for auditing purposes.
3. Plan drawings clearly showing all energy efficiency upgrades (e.g., wall assemblies including the type of air barrier).

The Registered Professionals of Record (RPRs) for the architectural, mechanical, plumbing, and electrical disciplines each have specific responsibilities to energy efficiency requirements under the BC Energy Step Code. The City will not accept Letters of Assurances (Schedule B) if the BC Energy Step Code section has been crossed out.

Prior to occupancy, the applicant must create an Energy Star Portfolio Manager profile of the building(s) (see: <https://www.fortisbc.com/services/commercial-industrial-services/energy-efficiency-tools-for-natural-gas->

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<sup>20</sup> This report is still in its beta-version and is available at <https://energystepcode.ca/compliance-tools-part3/>.



[business-customers](#)). To support implementation of future benchmarking reporting requirements, applicants may share the property profile with the City of Kelowna as a “Read Only” permission level.

All Energy Step Code reports along with any supporting documents specified in this bulletin must be emailed to the City ([energystepcode@kelowna.ca](mailto:energystepcode@kelowna.ca)) as a ZIP file with the site address and report title in the email subject (e.g., “#### Bernard Avenue – As-Designed”).



## Attachment E: Proposed Building Bylaw Amendments



Proposed Amendments to Building Bylaw No. 7245 to support Energy Step Code adoption for Part 3 buildings:

Bylaw No.	Part	Existing	Proposed	Explanation																		
7245 – Building Bylaw	Part 1 – Interpretation	None	Add the following definition: “Energy Step Code” means the Province of British Columbia’s performance-based standard for energy efficiency in new construction requiring energy modelling and on-site testing to demonstrate minimum performance against metrics for building envelope, equipment and systems, and airtightness requirements, and including Step 1, Step 2, Step 3, Step 4, and Step 5, as defined in the Building Code, all as amended or re-enacted from time to time.	<ul style="list-style-type: none"><li>To provide clarity on what the Energy Step Code is (it is not currently defined in the BC Building Code).</li></ul>																		
	14.1	14.1 Regulations	Replace with “14.1 Energy Step Code Requirements”	<ul style="list-style-type: none"><li>New language is more representative of the new requirements under subsection 14.1.</li></ul>																		
	14.1	<p>14.1. Regulations</p> <p>14.1.1 Effective December 1, 2019, any Part 9 residential building, as set out in the Building Code, must be designed and constructed to meet the minimum performance requirements specified in Step 1 of the BC Energy Step Code.</p> <p>14.1.2 Effective June 1, 2021, any Part 9 residential building, as set out in the Building Code, must be designed and constructed to meet the minimum performance requirements specified in Step 3 of the BC Energy Step Code.</p>	<p>Delete 14.1 Regulations and delete all subsequent subsections as written below:</p> <p><b>14.1 Energy Step Code Requirements</b></p> <p>14.1.1 Part 9 and Part 3 buildings and structures must be designed and constructed in compliance with the applicable step of the Energy Step Code, as set out in the schedules below:</p> <table><tr><th colspan="3">Buildings classified as Part 9 of the Building Code</th></tr><tr><th>Building Type</th><th>Building permit application filed on or after December 1, 2019</th><th>Building permit application filed on or after June 1, 2021</th></tr><tr><td>Part 9 residential buildings</td><td>Step 1</td><td>Step 3</td></tr></table> <p><b>Buildings classified as Part 3 of the Building Code</b></p> <table><tr><th>Building Type</th><th>Building permit application filed on or after January 1, 2022</th></tr><tr><td>Group C – single-detached residential occupancy</td><td>Step 4</td></tr><tr><td>Group C – multi-unit residential occupancy of combustible construction (including hotels and motels)</td><td>Step 3</td></tr><tr><td>Group C – multi-unit residential occupancy of non-combustible construction</td><td>Step 2</td></tr><tr><td>Group D – Business and personal service occupancy OR Group E – mercantile occupancy</td><td>Step 2</td></tr></table> <p>14.1.2 Development applications that include Part 3 buildings that were accepted for processing prior to June 1, 2021 are exempt from the requirements of Part 14 of this Bylaw but</p>	Buildings classified as Part 9 of the Building Code			Building Type	Building permit application filed on or after December 1, 2019	Building permit application filed on or after June 1, 2021	Part 9 residential buildings	Step 1	Step 3	Building Type	Building permit application filed on or after January 1, 2022	Group C – single-detached residential occupancy	Step 4	Group C – multi-unit residential occupancy of combustible construction (including hotels and motels)	Step 3	Group C – multi-unit residential occupancy of non-combustible construction	Step 2	Group D – Business and personal service occupancy OR Group E – mercantile occupancy	Step 2
Buildings classified as Part 9 of the Building Code																						
Building Type	Building permit application filed on or after December 1, 2019	Building permit application filed on or after June 1, 2021																				
Part 9 residential buildings	Step 1	Step 3																				
Building Type	Building permit application filed on or after January 1, 2022																					
Group C – single-detached residential occupancy	Step 4																					
Group C – multi-unit residential occupancy of combustible construction (including hotels and motels)	Step 3																					
Group C – multi-unit residential occupancy of non-combustible construction	Step 2																					
Group D – Business and personal service occupancy OR Group E – mercantile occupancy	Step 2																					



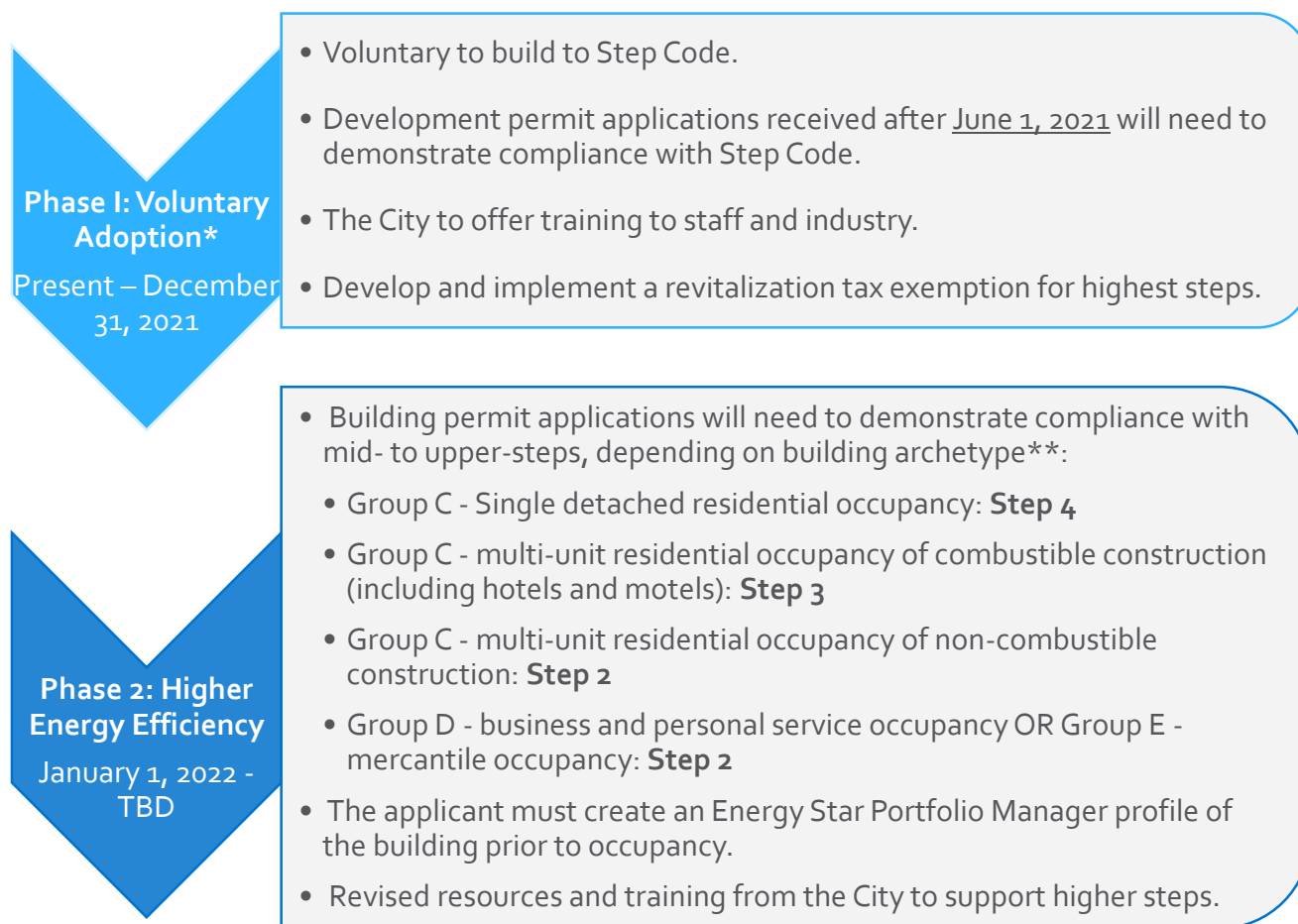
Bylaw No.	Part	Existing	Proposed	Explanation
			<p>must meet the minimum energy efficiency requirements as outlined in the <b>building code</b> at the time of building permit.</p> <p>14.1.3 For Part 9 and Part 3 buildings, the <b>Owner</b> or <b>Agent</b> must, to the satisfaction of the <b>Building Official</b>, provide all documentation required by the City's <b>Energy Step Code</b> administrative requirements or as required by the <b>Building Official</b>, prepared by an energy advisor or a registered professional.</p> <p>14.1.4 For Part 9 buildings, the documentation required as set out in the <b>Energy Step Code</b> must provide evidence to the <b>Building Official</b> that the energy advisor is registered and in good standing with Natural Resources Canada.</p>	



## **Appendix B:** Proposed Adoption Timelines for Energy Step Code - Part 3



## Proposed adoption timeline for Energy Step Code for Part 3 Buildings



**LATE 2022 - PROVINCE REQUIRES BUILDINGS**

**TO BE 20% MORE ENERGY EFFICIENT\*\*\***

*\* Development Permits issued prior to June 1, 2021 may apply for a Building Permit to construct in compliance with the energy efficiency requirements applicable prior to the adoption of Step Code for the duration of the time that their Development Permit is valid, but before the Province making Step Code requirements mandatory (expected late-2022).*

*\*\* Step Code will not apply to buildings with the following major occupancies: assembly (e.g., schools, libraries, colleges, recreation centres), treatment (e.g., hospitals), and care (care centre).*

*\*\*\* The Province has indicated through CleanBC that, compared to the current base BC Building Code, new buildings will be 20 per cent more energy efficient by late-2022. This equates to roughly Step 2 for Part 3 buildings.*



## **Appendix C: Building Bylaw Amendments**



Bylaw No. 1212166, being Amendment No. 14 to Building Licence Bylaw No.7245.

Bylaw No.	Part	Existing	Proposed	Explanation
7245 – Building Bylaw	CONTENTS	<b>Part 14 – ENERGY STEP CODE</b> - 14.1 Regulations	<b>Part 14 – ENERGY STEP CODE</b> - 14.1 Energy Step Code Requirements	<ul style="list-style-type: none"> <li>Reflect text changes in the corresponding section.</li> </ul>
		<b>Part 14 – Violations</b> -14.1 Violations, 14.2 Penalty	<b>Part 15 – Violations</b> - 15.1 Violations, 15.2 Penalty	<ul style="list-style-type: none"> <li>Correct numbering errors.</li> </ul>
		<b>Part 15 – Miscellaneous</b> – 15.1 Severability, 15.2 Enactments, 15.3 Repeal, 15.4 Schedules, 15.5 Citation, 15.6 Effective Date	<b>Part 16 – Miscellaneous</b> – 16.1 Severability, 16.2 Enactments, 16.3 Repeal, 16.4 Schedules, 16.5 Citation, 16.6 Effective Date	<ul style="list-style-type: none"> <li>Correct numbering errors.</li> </ul>
	PART 1 – INTERPRETATION	None	Add the following definition: <b>“Energy Step Code”</b> means the Province of British Columbia’s performance-based standard for energy efficiency in new construction requiring energy modelling and on-site testing to demonstrate minimum performance against metrics for building envelope, equipment and systems, and airtightness requirements, and including Step 1, Step 2, Step 3, Step 4, and Step 5, as defined in the <b>Building Code</b> , all as amended or re-enacted from time to time.	<ul style="list-style-type: none"> <li>Provide clarity on what the Energy Step Code is (it is not currently defined in the BC Building Code).</li> </ul>
		None	Add the following definition: <b>“Water Storage Tanks”</b> means a type of structure or vessel including piping that is installed or constructed above, below or partially sunk into land or water for the purpose of storage of water in excess of 200 liters.	<ul style="list-style-type: none"> <li>Define water storage tanks.</li> </ul>
	PART 4 – BUILDING PERMITS, 4.1 Requirements	None	4.1.1 (r) be added as follows: “(r) installation or construction of <b>water storage tanks</b> ”	<ul style="list-style-type: none"> <li>Require building permits for water storage tanks.</li> </ul>



Bylaw No.	Part	Existing	Proposed	Explanation
	PART 4 – BUILDING PERMITS, 4.6 Extension of Application	Where the <b>building permit</b> has not been issued, the <b>permit</b> application may be extended for a period not greater than six (6) months from the date of expiry of the original <b>building permit</b> application, provided:  4.6.1 (b) any <b>City</b> fees and cost charges which have increased since the original <b>building permit</b> application have been paid.	4.6.1 (b) be amended by adding the following: “Fees are set out in Schedule “A”.	<ul style="list-style-type: none"> <li>• Provide clarity on where to locate relevant fee information.</li> </ul>
	PART 4 – BUILDING PERMITS, 4.14 Requirements for Registered Professional	None	4.14.4 be added as follows: “Notwithstanding any other provision of the <b>building code</b> or this bylaw, the <b>building official</b> may determine that a peer review of a proposed design and/or field inspection conducted by a <b>registered professional</b> is warranted. The owner of the property is responsible to supply an independent <b>registered professional</b> from a different firm or company to verify and validate the application compliance.”	<ul style="list-style-type: none"> <li>• Clarify the use of peer reviews for proposed design and/or field inspections for registered professionals.</li> </ul>
	PART 10 – DEMOLITION, 10.2 Delayed Demolition	10.2.1 Where an <b>owner</b> wishes to continue to use an existing dwelling as a residence while <b>constructing</b> another dwelling on the same parcel, the <b>owner</b> shall deposit with the <b>City</b> the sum of \$20,000.00 for each building or structure to be demolished. The	10.2.1 be amended as follows: “Where an <b>owner</b> wishes to continue to use an existing dwelling as a residence while <b>constructing</b> another dwelling on the same parcel, the <b>owner</b> shall deposit with the <b>City</b> the sum of \$50,000.00 for each building or structure to be demolished. The deposit shall be provided in a form satisfactory to the Financial Services Director of the City. Prior to issuance of the <b>building permit</b> , the <b>owner</b> shall enter into an agreement with the <b>City</b> undertaking upon completion of the new dwelling to...”	<ul style="list-style-type: none"> <li>• Change the deposit amount from \$20,000.00 to \$50,000.00.</li> </ul>



Bylaw No.	Part	Existing	Proposed	Explanation									
		deposit shall be provided in a form satisfactory to the Financial Services Director of the City. Prior to issuance of the <b>building permit</b> , the <b>owner</b> shall enter into an agreement with the <b>City</b> undertaking upon completion of the new dwelling to:											
	PART 14 – ENERGY STEP CODE, 14.1 Regulations	14.1 <b>Regulations</b>	Replace with “14.1 <b>Energy Step Code Requirements</b> ”	<ul style="list-style-type: none"><li>• New language is more representative of the new requirements under subsection 14.1.</li></ul>									
		14.1. <b>Regulations</b>  14.1.1 Effective December 1, 2019, any Part 9 residential building, as set out in the <b>Building Code</b> , must be designed and constructed to meet the minimum performance requirements specified in Step 1 of the BC Energy Step Code.  14.1.2 Effective June 1, 2021, any Part 9 residential building, as set out in the <b>Building Code</b> , must be designed and constructed to meet the	Delete 14.1 <b>Regulations</b> and delete all subsequent subsections as written below:  <b>14.1 Energy Step Code Requirements</b>  14.1.1 Part 9 and Part 3 buildings and structures must be designed and constructed in compliance with the applicable step of the <b>Energy Step Code</b> , as set out in the schedules below: <table border="1"><thead><tr><th colspan="3">Buildings classified as <b>Part 9</b> of the Building Code</th></tr><tr><th>Building Type</th><th>Building permit application filed on or after December 1, 2019</th><th>Building permit application filed on or after June 1, 2021</th></tr></thead><tbody><tr><td>Part 9 residential buildings</td><td>Step 1</td><td>Step 3</td></tr></tbody></table>	Buildings classified as <b>Part 9</b> of the Building Code			Building Type	Building permit application filed on or after December 1, 2019	Building permit application filed on or after June 1, 2021	Part 9 residential buildings	Step 1	Step 3	<ul style="list-style-type: none"><li>• Adding bylaw changes to enforce the adoption timelines from the Energy Step Code Implementation Strategy for Part 3 Buildings.</li><li>• Adding additional requirements (14.1.2 – 14.1.4) to clarify submission requirements for Energy Step Code.</li></ul>
Buildings classified as <b>Part 9</b> of the Building Code													
Building Type	Building permit application filed on or after December 1, 2019	Building permit application filed on or after June 1, 2021											
Part 9 residential buildings	Step 1	Step 3											



Bylaw No.	Part	Existing	Proposed	Explanation												
		minimum performance requirements specified in Step 3 of the BC Energy Step Code.	<table><tr><th colspan="2">Buildings classified as <b>Part 3</b> of the Building Code</th></tr><tr><th>Building Type</th><th>Building permit application filed on or after January 1, 2022</th></tr><tr><td>Group C – single-detached residential occupancy</td><td>Step 4</td></tr><tr><td>Group C – multi-unit residential occupancy of combustible construction (including hotels and motels)</td><td>Step 3</td></tr><tr><td>Group C – multi-unit residential occupancy of non-combustible construction</td><td>Step 2</td></tr><tr><td>Group D – Business and personal service occupancy OR Group E – mercantile occupancy</td><td>Step 2</td></tr></table> <p>14.1.2 Development applications that include Part 3 buildings that were accepted for processing prior to June 1, 2021 are exempt from the requirements of Part 14 of this Bylaw but must meet the minimum energy efficiency requirements as outlined in the <b>building code</b> at the time of building permit.</p> <p>14.1.3 For Part 9 and Part 3 buildings, the <b>Owner</b> or <b>Agent</b> must, to the satisfaction of the <b>Building Official</b>, provide all documentation required by the City's <b>Energy Step Code</b> administrative requirements or as required by the <b>Building Official</b>, prepared by an energy advisor or a registered professional.</p> <p>14.1.4 For Part 9 buildings, the documentation required as set out in the <b>Energy Step Code</b> must provide evidence to the <b>Building Official</b> that the energy advisor is registered and in good standing with Natural Resources Canada.</p>	Buildings classified as <b>Part 3</b> of the Building Code		Building Type	Building permit application filed on or after January 1, 2022	Group C – single-detached residential occupancy	Step 4	Group C – multi-unit residential occupancy of combustible construction (including hotels and motels)	Step 3	Group C – multi-unit residential occupancy of non-combustible construction	Step 2	Group D – Business and personal service occupancy OR Group E – mercantile occupancy	Step 2	
Buildings classified as <b>Part 3</b> of the Building Code																
Building Type	Building permit application filed on or after January 1, 2022															
Group C – single-detached residential occupancy	Step 4															
Group C – multi-unit residential occupancy of combustible construction (including hotels and motels)	Step 3															
Group C – multi-unit residential occupancy of non-combustible construction	Step 2															
Group D – Business and personal service occupancy OR Group E – mercantile occupancy	Step 2															





# Energy Step Code Implementation Strategy for **Part 3** Buildings

February 22, 2021



# Purpose

- ▶ To inform Council on the Energy Step Code Implementation Strategy for Part 3 Buildings.
- ▶ To obtain Council's endorsement of the strategy, including timelines and requirements.
- ▶ To obtain Council's support for the associated Building Bylaw amendment.

“**Part 3**” buildings: large and/or complex buildings such as large multi-family and commercial buildings over three (3) stories and  $\geq 600 \text{ m}^2$ .





ENERGY  
**STEP**CODE  
BUILDING BEYOND THE STANDARD

# Context



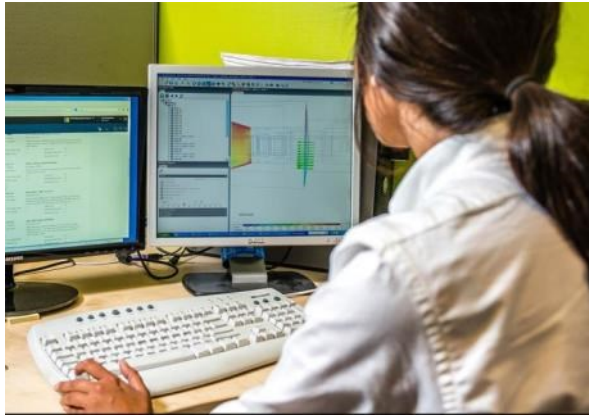


# The Part 3 Steps





# Performance Compliance

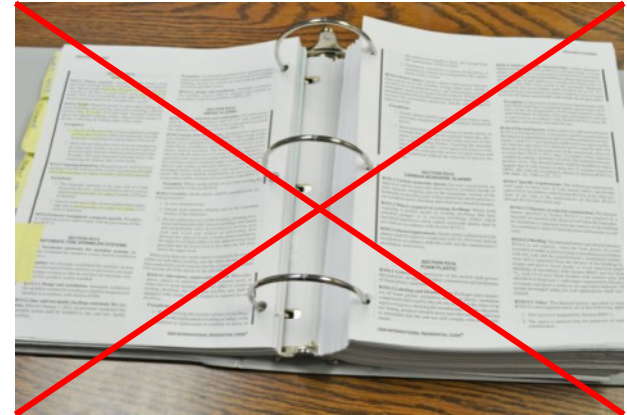


Energy Modeling for:

1. **Envelope** efficiency
2. **Equipment** efficiency



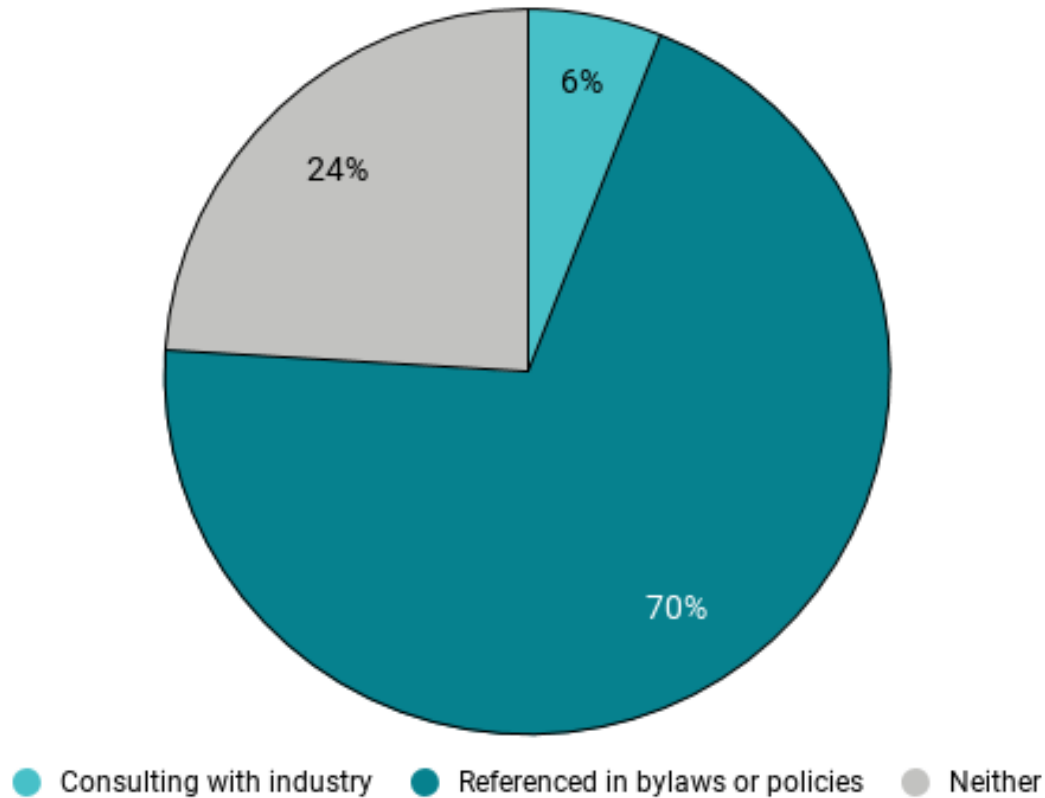
Air-Tightness  
Testing



No Prescriptive  
Energy  
Requirements



# Local Government Adoption





# Building Permit Impact

- ▶ ~40 Part 3 Building permits issued annually for commercial and apartment buildings.

> 1,000 residential units annually.

- ▶ Focus on higher density means increasing share of new residential units will be in Part 3 buildings.



90,000 Total  
Units by 2040



30% of Units will  
be built after 2018



## Actions for New Housing Built After 2018

1. Energy Step Code for Part 9 (2019)
2. Energy Step Code for Part 3 (TBD)





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**STEP**CODE  
BUILDING BEYOND THE STANDARD

# Stakeholder Engagement





# Engagement Initiatives

- ▶ Consultation from 2019 to 2021:
  - ▶ Meetings, resources (e.g., print, email, web), targeted training
  - ▶ Solutions Lab – Sept/19
  - ▶ Draft strategy circulated to relevant stakeholders
    - ▶ No letters of comments received





# Key Findings: Timelines

- ▶ Most proposed solutions recommended early adoption of Step 1 for all archetypes (pre-COVID)
- ▶ Early adoption of Step 2 for commercial and concrete MURBs
- ▶ Early adoption of Step 3 for wood-frame MURB
- ▶ Strategy development delayed in Q1 2020 because of uncertainties with COVID-19 impact



# Key Findings: Challenges

Challenge	City Response
Lack of industry skills	Offer (or partner on) capacity building opportunities (e.g., training, resources).
Impacts affordability	Cost impacts to lower steps expected to be minimal. Incentives available from FortisBC.
Insufficient energy modeler capacity	Not a concern considering local presence and support from energy modelers in nearby cities.
Will slow down building permit processing times	Offer training and resources to internal staff to ensure the application process is seamless.
Lack of clarity on airtightness requirements	Work with the Provincial Step Code Council to clarify requirements for industry.



# Key Findings: Design Challenges

Challenge	City Response
Energy efficiency not compatible with attractive design	Many examples of buildings that are both visually attractive and energy efficient. <b>BC Energy Step Code Design Guide</b> and <b>High-Performance section of 2040 OCP's Form &amp; Character Guidelines</b> provide design strategies to help achieve Step Code.







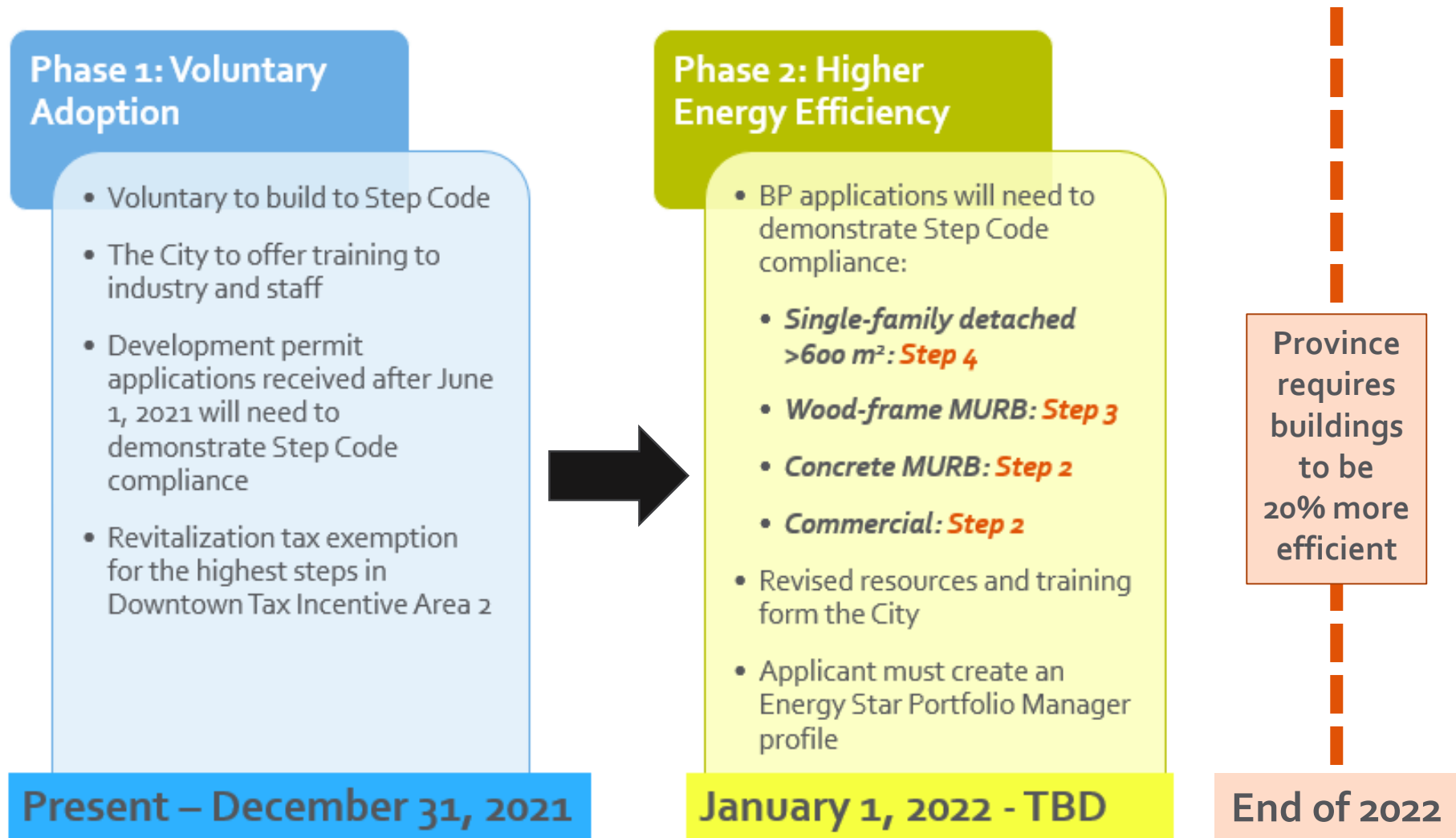
ENERGY  
**STEP**CODE  
BUILDING BEYOND THE STANDARD

# Proposed Strategy





# Proposed Part 3 Adoption Timeline





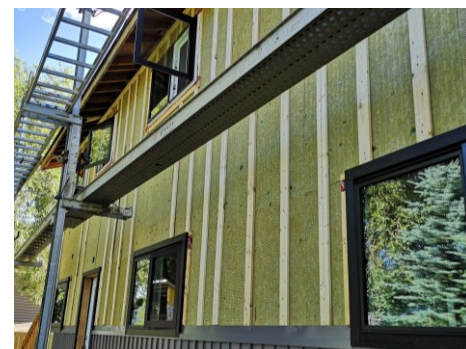
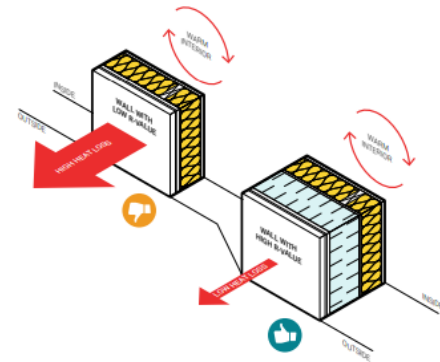
# Summary of Proposed Strategy





# Next steps

- ▶ Consider “thick-wall” policy for upper steps – coordinate with 2021 Zoning Bylaw Update
- ▶ Step Code Strategy after 2022
  - ▶ How to move to upper steps and accelerate GHG emissions reduction
  - ▶ Other occupancy types (e.g., institutional, industrial) when Province develops metrics
- ▶ Finalize a Community Energy Retrofit Strategy





# Delivering on our plans

## ▶ Council Priorities

- ▶ GHG emissions are decreasing
- ▶ Climate Resiliency & adaptability

## ▶ Kelowna's Community Climate Action Plan

- ▶ *"Investigate options for implementing the Energy Step Code for Part 3 buildings..."*

## ▶ Kelowna's Healthy Housing Strategy

- ▶ Implement Step Code to increase energy efficiency and reduce household carrying costs.





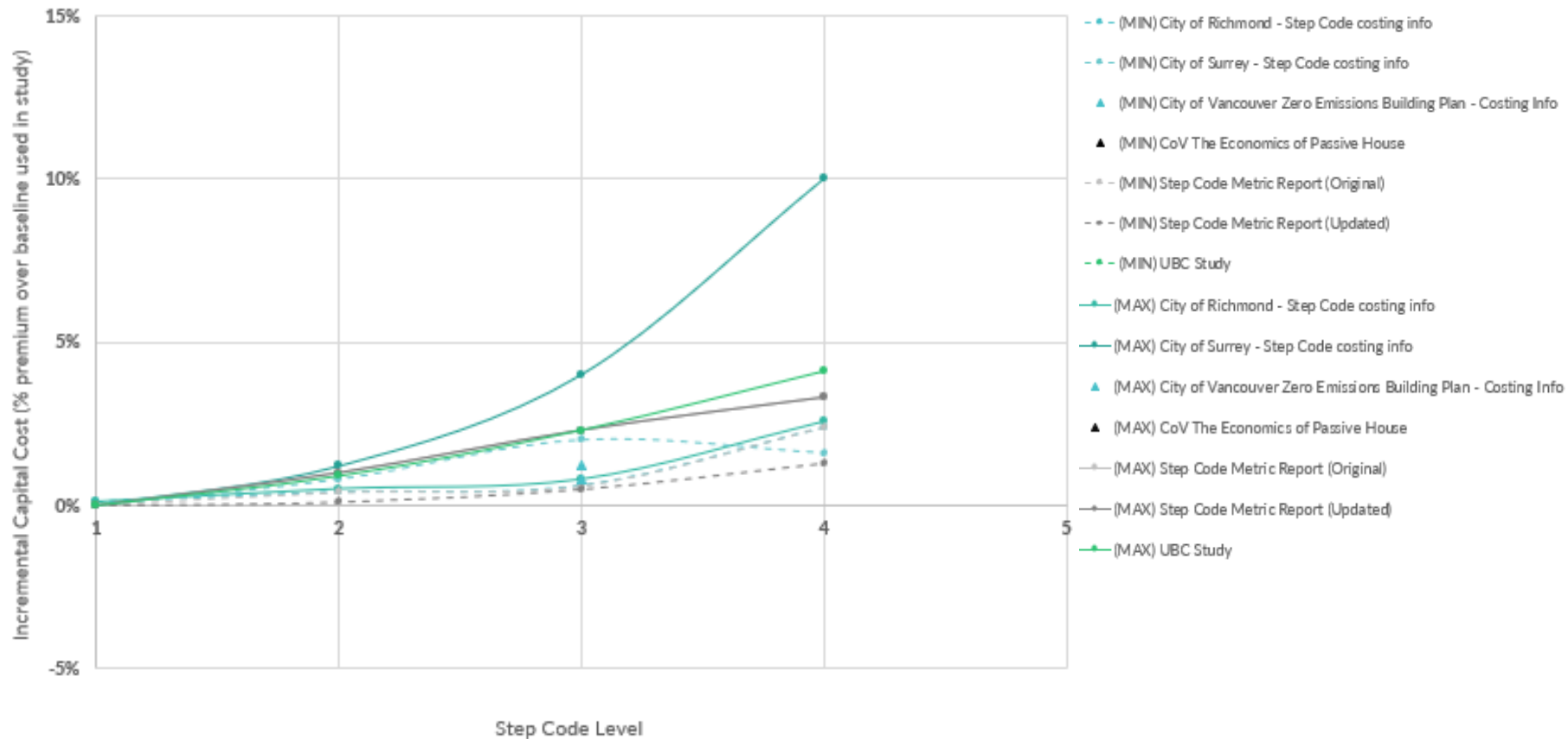


ENERGY  
**STEP**CODE  
BUILDING BEYOND THE STANDARD

# Questions



# [Modeled] Cost Impact





# CITY OF KELOWNA

## BYLAW NO. 12166

### Amendment No. 14 to Building Bylaw No. 7245

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The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Building Bylaw No. 7245 be amended as follows:

1. THAT the Table of Contents be amended as follows:
  - a) Deleting 14.1 Regulations and replacing it with the following:  
"14.1 Energy Step Code Requirements";
  - b) Renumbering **PART 14 – VIOLATIONS** as follows:  
**"Part 15- VIOLATIONS"**  
15.1 Violations  
15.2 Penalty"
  - c) Renumbering **Part 15 – MISCELLANEOUS** as follows:  
**" PART 16 - MISCELLANEOUS"**  
16.1 Severability  
16.2 Enactments  
16.3 Repeal  
16.4 Schedules  
16.5 Citation  
16.6 Effective Date";
2. THAT **PART 1 – INTERPRETATION, Definitions** be amended by adding the following definitions in their appropriate place:  
  
"Energy Step Code" means the Province of British Columbia's performance-based standard for energy efficiency in new construction requiring energy modelling and on-site testing to demonstrate minimum performance against metrics for building envelope, equipment and systems, and airtightness requirements, and including Step 1, Step 2, Step 3, Step 4, and Step 5, as defined in the **Building Code**, all as amended or re-enacted from time to time;  
  
"Water Storage Tanks" means a type of structure or vessel including piping that is installed or constructed above, below or partially sunk into land or water for the purpose of storage of water in excess of 200 liters.;
3. AND THAT **PART 4 – BUILDING PERMITS, 4.1 Requirements, 4.1.1** be amended by adding the following:  
  
"(r) installation or construction of **water storage tanks**";
4. AND THAT **PART 4 – BUILDING PERMITS, 4.6 Extension of Application, 4.6.1 (b)** be amended by adding the following:



"Fees are set out in Schedule "A";

5. AND THAT **PART 4 – BUILDING PERMITS, 4.14 Requirements for Registered Professional, 4.14.4** be added as follows:

"4.14.4. Notwithstanding any other provision of the **building code** or this bylaw, the **building official** may determine that a peer review of a proposed design and/or field inspection conducted by a **registered professional** is warranted. The owner of the property is responsible to supply independent **registered professional** from a different firm or company to verify and validate the application compliance;"

6. AND THAT **PART 10 – DEMOLITION, 10.2 Delayed Demolition, 10.2.1** be amended by deleting "\$20,000" and replacing it with "\$50,000;

7. AND FURTHER THAT **PART 14 – ENERGY STEP CODE, 14.1 Regulations,** be deleted in its entirety and replaced with the following:

**"PART 14 – ENERGY STEP CODE**

**14.1 Energy Step Code Requirements**

Part 9 and Part 3 buildings and structures must be designed and constructed in compliance with the applicable step of the Energy Step Code, as set out in the schedules below:

Buildings classified as <u>Part 9</u> of the Building Code		
Building Type	Building permit application filed on or after December 1, 2019	Building permit application filed on or after June 1, 2021
Part 9 residential buildings	Step 1	Step 3

Buildings classified as <u>Part 3</u> of the Building Code	
Building Type	Building permit application filed on or after January 1, 2022
Group C – single-detached residential occupancy	Step 4
Group C – multi-unit residential occupancy of combustible construction (including hotels and motels)	Step 3
Group C – multi-unit residential occupancy of non-combustible construction	Step 2
Group D – Business and personal service occupancy OR Group E – mercantile occupancy	Step 2

- 14.1.2** Development applications that include Part 3 buildings that were accepted for processing prior to June 1, 2021 are exempt from the requirements of Part 14 of this



Bylaw but must meet the minimum energy efficiency requirements as outlined in the **Building Code** at the time of building permit.

**14.1.3** For Part 9 and Part 3 buildings, the **Owner** or **Agent** must, to the satisfaction of the **Building Official**, provide all documentation required by the City's **Energy Step Code** administrative requirements or as required by the **Building Official**, prepared by an Energy Advisor or a **Registered Professional**.

**14.1.4** For Part 9 buildings, the documentation required for compliance with **Energy Step Code** must provide evidence to the **Building Official** that the Energy Advisor is registered and in good standing with Natural Resources Canada.

8. This bylaw may be cited for all purposes as "Bylaw No. 12166, being Amendment No. 14 to Building Licence Bylaw No.7245."
9. 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

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Mayor

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City Clerk



# Report to Council



**Date:** February 22, 2021  
**To:** Council  
**From:** City Manager  
**Subject:** **Green Fleet Update and Strategy**  
**Department:** Infrastructure Operations

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## **Recommendation:**

THAT Council receive for information the February 22, 2021 update of the Infrastructure Operations Department regarding green fleet initiatives;

AND THAT Council approve a pledge to West Coast Electric Fleets to "convert 10% of the City of Kelowna's light duty vehicle fleet to Zero Emissions Vehicles by 2023" as required by the CleanBC "Go Electric Fleets" Program;

AND THAT Council directs staff to apply for funding towards a Corporate Green Fleet Strategy and for the installation of infrastructure through the Go Electric Fleets Program;

AND THAT Council supports staff to execute all documents necessary to complete the grant, if successful;

AND THAT the 2021 Financial Plan be amended to include these projects upon grant approval, with the City's share of funding to come from the Fleet Services green initiatives operating budget and the Energy Management reserve.

## **Purpose:**

To update Council on initiatives to reduce Greenhouse Gas (GHG) emissions from the Corporate fleet, and a proposal to apply for funding towards a Green Fleet Strategy and infrastructure upgrades.

## **Background and Progress Update:**

In 2007 the City of Kelowna signed the BC Climate Action Charter which currently requires the City to continue making progress towards becoming carbon neutral. A number of Corporate initiatives are underway to achieve this goal, including efforts to reduce GHG emissions from the Corporate fleet.



Although the Corporate Fleet is estimated to be about 40%<sup>1</sup> of total Corporate emissions, Fleet will likely play a much higher role in reducing overall GHG emissions over the next several years, since Zero Emissions Vehicle (ZEV) technology is becoming more readily available compared to similar technology for zero emissions in buildings. ZEVs are defined as Electric Vehicles (EVs), Plug-in Hybrid Electric Vehicles (PHEVs) or Hydrogen Fuel Cell Electric Vehicles (FCEVs).

The City of Kelowna's fleet currently consists of 594 pieces of equipment (including trailers and attachments) (Table 1):

**Table 1.** Makeup of the current fleet.

Current Fleet Vehicles	No.
Light-Duty	208
Medium-Duty	111
Heavy-Duty	101
Fire Trucks	17
Miscellaneous (trailers, attachments, etc.)	157
Total	<b>594</b>

In recent years, the City has undertaken a number of initiatives aimed at reducing GHG emissions from the Corporate Fleet, including:

- Fleet Services has an existing Corporate Fleet Sustainability Policy (Attachment 1), approved in 2012. Staff are currently utilizing this policy as the basis for reducing GHG emissions. In addition to this policy, the City has an Engine Idling Policy, Fleet Operator Manual, Purchasing Policy, and corporate Equipment training programs to help achieve safe and efficient use of vehicles.
- Automatic Vehicle Location (AVL) technology was installed in fleet vehicles starting in 2012. The AVL system provides immediate driver feedback to help reduce vehicle idling and also can enhance route planning / work management to cut down on emissions.
- In 2018, the City developed a partnership agreement with MODO carshare to supply car share services for City business. This allowed Fleet services to eliminate an under-utilized fleet at City hall, and reduced capital/operating costs. It also helped MODO to get established and provide more car sharing services to Kelowna citizens. Prior to 2018, Kelowna partnered with OGO CarShare as a pilot project in 2013, and this grassroots company amalgamated with MODO in 2018.
- The City of Kelowna is the only BC City outside of Vancouver currently taking (limited) delivery of R100 fuel. R100 is diesel fuel produced from organic feedstock (e.g. used vegetable oil), refined to the same standard as diesel so it can be used undiluted (100%). "Biodiesel" is usually R5, or 5% fuel derived from organic feedstock. During a pilot in 2020, 95,452L of R100 were used, but the City has a contract for supply of up to 200,000L in 2021, which equates to a reduction of approx. 329 tonnes CO<sub>2</sub>e/yr or a 11.3% reduction in Fleet GHG emissions.

<sup>1</sup> As estimated in 2016. Corporate GHG emissions data are currently being updated.



- The City's Fleet currently includes 21 Hybrid (gasoline / electric) vehicles, 8 EV cars, 1 PHEV, and 3 low speed EVs (small truck and golf carts), 15 bikes/trikes and 5 electric bikes. The City recently acquired a hybrid dozer at the landfill and are currently investigating an electric front-end loader and an electric street sweeper.
- Fleet Services staff are applying for an E3 Fleet review in 2021. The E3 Fleet program is a national program for measuring performance of public and private fleets against green standards for performance. It is an independent review, offering an analysis of key performance indicators and opportunities for improvement. Kelowna participated in the program in 2011 and has implemented most of those recommendations (Table 2).

## **Current Challenges**

### *ZEV Availability:*

Passenger EVs are becoming easier to purchase. Nearly 9% of light duty vehicle sales in 2019 in BC were ZEV's and the Province has mandated 100% electric vehicle sales by 2040<sup>2</sup>. Pickup trucks and heavy equipment are still not readily available. Costs for most EVs are still higher than conventional internal combustion engine vehicles (even after rebates) but life-cycle costs are still favorable. A few expected changes could change the ZEV market in the coming years:

- One manufacturer (Rivian) is expected to deliver some electric pickup trucks to market starting in June 2021, at a price of approx. \$100,000 CDN.
- Electric Ford F-150 trucks and electric transit vans are expected to be available in 2022.
- Hydrogen Fuel Cell EVs are now available in Canada (Toyota Mirai / Hyundai Nexa), but a Hydrogen fueling station is not yet available in Kelowna (expected sometime this year).

### *Electrical Charging Capacity:*

As the City switches more fleet vehicles to EV technology, we will need to significantly expand our EV charging infrastructure. It's expected that this will require an investment in expanded electrical infrastructure at key City facilities where fleet vehicles are parked.

## **Green Fleet Strategy and Funding:**

Building on the existing Corporate Fleet Sustainability Policy (Attachment 1), staff have been working on a "Green Fleet Strategy" to update the process outlined in the policy and set up a roadmap for eventually converting the entire fleet to ZEV. On February 1, the Province announced a new "CleanBC Go Electric Fleets Program" to provide training, advisory services and financial supports to BC Fleets. The program provides rebates for a ZEV Fleet assessment, facility infrastructure assessments, as well as rebates for the upgrade of electrical infrastructure and installation of charging stations.

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<sup>2</sup> Province of BC, July 2020. [https://archive.news.gov.bc.ca/releases/news\\_releases\\_2017-2021/2020EMPR0031-001416.htm#:~:text=EV%20sales%20in%20B.C.%20made,highest%20sales%20rate%20in%20Canada](https://archive.news.gov.bc.ca/releases/news_releases_2017-2021/2020EMPR0031-001416.htm#:~:text=EV%20sales%20in%20B.C.%20made,highest%20sales%20rate%20in%20Canada).



A key eligibility requirement for this funding is that the City would need to take the West Coast Electric Fleets pledge, to “convert 10% of the City of Kelowna’s light duty vehicle fleet to Zero Emissions Vehicles by 2023”. The pledge is voluntary, and the applicant is allowed to specify that it only applies to “light duty” vehicles since other types of vehicles are not readily available. This pledge would require the City to acquire approximately 10 more light duty ZEVs by 2023. Staff feel that this is attainable, given the planned replacement of cars and trucks over the next few years, and the expectation that EV pickup trucks will be available in 2022.

### **Conclusion:**

Staff are requesting Council approval to proceed with a pledge to West Coast Electric Fleets, and an application for the maximum funding available under the new CleanBC Go Electric Fleets Program, for assessment of the City Fleet (50% of costs, up to \$10,000), assessment of electrical infrastructure (50% of costs, up to \$5,000), upgrades to electrical infrastructure (70% of costs, up to \$30,000), and installation of charging stations (75% of costs, up to \$4,000).

The grant funding and infrastructure investments will be used to complete a new “Green Fleet Strategy”. Staff will report back to Council with the new Green Fleet Strategy later in 2021.

### **Internal Circulation:**

Fleet Services Manager, Fleet Services  
Energy Manager, Building Services  
Budget Supervisor, Financial Services  
Community Energy Specialist, Policy and Planning  
Communications Advisor, Community Communications  
Grants and Special Projects Manager, Business and Entrepreneurial Development  
Purchasing Manager, Purchasing

### **Financial/Budgetary Considerations:**

The City’s portion of the funding for these grants will be drawn from two sources:

- Fleet Services funding for green initiatives (account 7540-1154-516)
- Energy Management Reserve (Ro11)

### **Existing Policy:**

The proposed Strategy would help to fulfill the Corporate goal of reducing GHG emissions 12% below 2007 levels by 2022. It would also help to fulfill some of the commitments of the Community Climate Action Plan<sup>3</sup>, and is in alignment with Council Priority “Greenhouse gas emissions are decreasing”.

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3

[https://www.kelowna.ca/sites/files/1/docs/community/community\\_climate\\_action\\_plan\\_june\\_2018\\_final.pdf](https://www.kelowna.ca/sites/files/1/docs/community/community_climate_action_plan_june_2018_final.pdf)



Considerations not applicable to this report:

*Legal/Statutory Authority:*

*Legal/Statutory Procedural Requirements:*

*External Agency/Public Comments:*

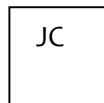
*Communications Comments:*

Submitted by:



I. Wilson, Infrastructure Operations Manager

Approved for inclusion:



J. Creron, Deputy City Manager

**Attachment 1: Corporate Fleet Sustainability Policy (2012)**



**Table 2.** Progress on recommendations from the 2011 E3 Fleet Assessment.

<b>Recommendation</b>	<b>Progress Score</b>	<b>Comments</b>
Investigate & take corrective action for each low efficiency vehicle identified	Complete	Majority of vehicles replaced since 2011
Purchase high efficiency/low emissions vehicles that meet operational needs	Complete	Considered in every purchase
Purchase the best performing vehicle models when replacing vehicles in the same class	Complete	This is part of the current process
Investigate and take corrective actions to improve overall Fleet Median Fuel Efficiency via initiatives such as idling reduction programs, vehicle pooling, trip reduction, route planning, etc.	Underway	AVL system and policies implemented (e.g. Idling Policy). Still working on better route planning
Continue to use alternative/renewable lower carbon fuels such as biodiesel where operationally practical.	Complete	Biodiesel was used for several years, this has now been replaced with EV and renewable diesel
Investigate the use of other alternative fuels where appropriate e.g. CNG, ethanol or propane.	Complete	Investigated, since 2011 staff have determined that better technologies are now available such as hybrid/EV
Consider switching to diesel engines where operationally practical for future vehicle specifications as diesels are generally much more fuel efficient, delivering overall reduced GHG emissions	Complete	This is considered, but doesn't always make sense depending on utilization and cost difference
Apply a carbon charge to user departments placing corporate responsibility for GHG emissions with line departments.	Not implemented	This was considered, but staff are pursuing a process to charge departments for the true cost of fuel (see below) instead
Review vehicles with lower utilization	Complete	On-going, still underway
Collect vehicle utilization data from on board diagnostic (OBD) systems, Automatic Vehicle Location systems (if equipped) or engine hour meters	Complete	AVL and fuel management tracking system implemented
Report vehicle utilization to the City's management team, as this will highlight under-utilized units and help determine if such vehicles are needed.	Complete	Implemented. Next phase will include dashboards for automatic reporting



**Table 2.** Progress on recommendations from the 2011 E3 Fleet Assessment. (continued)

<b>Recommendation</b>	<b>Progress Score</b>	<b>Comments</b>
Review the current vehicle charge-back system to ensure that user departments pay the <i>true</i> cost of vehicle use encouraging fleet right-sizing and ensuring maximum utilization of all vehicles.	Underway	Underway as part of City Works implementation
Implement duty cycles for the fleet based on age, as high utilization applications are most cost effectively served by newer units.	Complete	Done annually
Review current vehicle replacement and retention strategy	Complete	Performed annually and staff also update capital plans
Review fleet uptime. Fleet availability was found to be marginally lower than some peers.	Complete	Fleet Services now has better ability to track this through City Works and AVL systems. Fleet has also implemented two shifts per day to increase the level of service.
Begin by regularly tracking availability/downtime on a go-forward basis, as this information would provide an accurate picture of the business implications of future vehicle replacement.	Complete	Accurate data now available through the City Works system
Once availability data is available, drill down and closely evaluate vehicles with low availability.	Complete	Fleet is looking at vehicles that are not available as candidates for replacement
Track preventative and reactive maintenance costs separately to assess effectiveness of PM programs and levels of intensity required to maintain the highest practical levels of service.	Complete	Weekly reporting through City Works
Review of the thoroughness and frequency of your preventive maintenance inspections.	Complete	Regularly completed
Include cost of maintenance as part of overall bid assessment for new vehicles being considered for purchase.	Underway	Service contracts are part of the bid for some equipment



## PURPOSE

Fleet Services is committed to managing and maintaining a sustainable fleet of City vehicles and equipment. This policy sets forth the framework to guide Fleet Services staff in their commitment and also establishes the responsibilities of all user departments when considering requests for additional, alternate, temporary, replacement, or leased equipment.

## REFERENCES

- Purchasing Bylaw 9590

## RESPONSIBILITY

- Fleet Services (Transportation Services/Civic Operations/Community Services)
  - Provides vehicles and equipment for all City of Kelowna Divisions with the exceptions of the Kelowna Airport and the fire apparatus for the Kelowna Fire Department
- Purchasing (Corporate Services/Corporate Sustainability)
  - Together with Fleet Services, Purchasing ensures that consideration is given to the Sustainable Procurement Purchasing Policy when specifying vehicles and equipment.
- Financial Services (Corporate Sustainability)
  - Together with Fleet Services, Financial Services ensures that the 10 Year Capital Equipment Replacement Reserve remains sustainable.
- All City Departments
  - Provide sound business cases to Fleet Services when a vehicle/equipment request is submitted and that consideration has been given to capital and operational costs, environmental footprint and optimum utilization. This fleet expansion request must be supported and approved by the Director of the branch making the vehicle/equipment request. The business case and Vehicle Use and Justification Form (Appendix A) must be submitted to Fleet Services on or before September 15 annually.
  - When a Low Utilization Notification (Appendix B) is issued by Fleet Services, indicating that utilization targets are not being met as outlined in Appendix C, the User Branch must provide a written justification to retain the vehicles/equipment or the vehicles/equipment may be reallocated or disposed of. The user branch should consider using hired or leased equipment for reoccurring low utilization of vehicles/equipment. Continued low usage may result in cost recovery from the user branch for the shortfall of the expected utilization (Appendix C) as deemed appropriate by the Fleet Services Supervisor.

Effective Date	Revised Date	Authorized By	Approved By
June, 2012		Director, Civic Operations	City Manager



## GENERAL

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Fleet Services will:

- a) Endeavor to provide safe, practical, reliable, cost effective and sustainable vehicles/equipment.
- b) Investigate new leading edge technologies to determine optimal environmental and operational performance levels in vehicles and equipment.
- c) Promote fleet sharing among all user departments to achieve best utilization, cost recovery and reduced capital purchases.
- d) Conduct maintenance and repairs in such a manner that will result in high safety standards, extended vehicle/equipment life cycle, maximized availability, and minimized operational costs to ensure excellent customer service.
- e) Deliver driver/operator training programs which will reduce fuel costs, environmental footprint, maintenance costs, capital investment and increased safety and productivity.
- f) Ensure all vehicles/equipment purchases have a capital or reserve budget spending approval obtained from Council.
- g) Ensure all vehicles/equipment being considered for replacement and disposal are evaluated in part using the Equipment Condition Report.
- h) Work closely with Financial Services to continuously monitor and recommend internal vehicle/equipment rates to ensure the operating and replacement reserve is sustainable.
- i) Establish internal equipment rates based on the projected life cycle Vehicle Replacement Guidelines (Appendix D), projected annual utilization (Appendix C), actual operating costs and Fleet Services' overhead costs.
- j) Determine the practicality of leasing vs. purchasing of vehicles/equipment.
- k) Evaluate all new and replacement vehicles/equipment requests using the Vehicle Use and Justification Form (Appendix A) to ensure that the requested vehicle/equipment meets the best environmental and operational performance. Fleet Services will also use the Vehicle Replacement Guidelines (Appendix D) and consider asset depreciation, condition, equipment suitability, technological advancement, exhaust emissions testing, operational needs and economic climate.
- l) Monitor vehicles/equipment utilization to determine if re-allocation is necessary to optimize utilization and costs recovery. Fleet utilization will be tracked by actual vehicle/equipment kilometer and hour meters. A Low Utilization Notification (Appendix B) will be sent to a user group when projected or actual utilization is less than the Annual Utilization Targets (Appendix C). Continued low usage may result in cost recovery from the user branch for the shortfall of the expected utilization (Appendix C) as deemed appropriate by the Fleet Services Supervisor.

Effective Date	Revised Date	Authorized By	Approved By
June, 2012		Director, Civic Operations	City Manager



## APPENDIX A – VEHICLE USE AND JUSTIFICATION FORM

Replacement: ☐ New: ☐

Department:  Supervisor:  Date:

Unit #:  Vehicle Type:  Year:

Assigned Operator, If Known:

Description of Vehicle Use:

Is Replacement Vehicle Still Required: Yes ☐ No ☐

Replacement Vehicle Type Requested: Same: ☐ Down Size: ☐ Upsize: ☐

If you are requesting downsizing or upsizing vehicle please explain?

Carbon Footprint: Same: ☐ Decrease: ☐ Increase: ☐

Percentage of Time Vehicle Will Be At Full Passenger Capacity 20 ☐ 40 ☐ 60 ☐ 80 ☐ 100 ☐

Percentage of Time Vehicle Will Be At Driver Only Capacity 20 ☐ 40 ☐ 60 ☐ 80 ☐ 100 ☐

Percentage of Time Vehicle Will Be At Full Cargo Capacity 20 ☐ 40 ☐ 60 ☐ 80 ☐ 100 ☐

Percentage of Time Vehicle Will Be At Half Cargo Capacity 20 ☐ 40 ☐ 60 ☐ 80 ☐ 100 ☐

Percentage of Time Vehicle Will Be At No Cargo Capacity 20 ☐ 40 ☐ 60 ☐ 80 ☐ 100 ☐

What types of cargo will be transported in this vehicle?

In an attempt to reduce your vehicle greenhouse gases are there other alternatives? Please explain.

Estimated Annual Engine Idle Hours:  Estimated Annual Kilometer Use:

Vehicle Replacement Can Be Downsize If:

Trailers Are Available	Yes <input type="radio"/>	No <input type="radio"/>
More Vehicles Made Available	Yes <input type="radio"/>	No <input type="radio"/>
Cargo Racks Installed	Yes <input type="radio"/>	No <input type="radio"/>
Hook Lift Cargo Boxes Utilized	Yes <input type="radio"/>	No <input type="radio"/>

Other (explain)

Equipment Required:

Two Way Radio	Yes <input type="radio"/>	No <input type="radio"/>
Strobe Light	Yes <input type="radio"/>	No <input type="radio"/>
Box Liner	Yes <input type="radio"/>	No <input type="radio"/>
Tool Box/Cabinets	Yes <input type="radio"/>	No <input type="radio"/>
Automatic Vehicle Locator	Yes <input type="radio"/>	No <input type="radio"/>

Other (explain)

Director's Approval:

**\*\*\*\*A PDF of Appendix A is attached for use\*\*\*\***

Effective Date	Revised Date	Authorized By	Approved By
June, 2012		Director, Civic Operations	City Manager



APPENDIX B – LOW UTILIZATION NOTIFICATION

## FLEET SERVICES USE ONLY.

UNIT \_\_\_\_\_

ASSIGNED DEPARTMENT: \_\_\_\_\_

ASSIGNED SUPERVISOR: \_\_\_\_\_

PROJECTED ANNUAL UTILIZATION: \_\_\_\_\_ KILOMETER/HOURS

PROJECTED REPORTING PERIOD UTILIZATION: \_\_\_\_\_ KILOMETER/HOURS

ACTUAL REPORTING PERIOD UTILIZATION: \_\_\_\_\_ KILOMETER/HOURS

% OF PROJECTED REPORTING PERIOD UTILIZATION: \_\_\_\_\_

TRM HOUR'S UTILIZATION: \_\_\_\_\_

REASON FOR CURRENT UTILIZATION RATE:

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DEPARTMENT SUPERVISOR SIGN OFF: \_\_\_\_\_

DEPARTMENT MANAGER SIGN OFF: \_\_\_\_\_

Effective Date	Revised Date	Authorized By	Approved By
June, 2012		Director, Civic Operations	City Manager



## APPENDIX C – ANNUAL UTILIZATION TARGETS

DESCRIPTION		KILOMETER	HOUR
CAR	ECONOMY	10,000	
CAR	MIDSIZE	10,000	
VAN	ECONOMY	10,000	
VAN	LIGHT DUTY	10,000	
PICKUP	ECONOMY	10,000	
PICKUP	LIGHT DUTY	10,000	
PICKUP	1-4 TON	20,000	
TRUCK	SINGE AXLE HD	20,000	
TRUCK	SINGE AXLE HD (CRANE)		750
TRUCK	SINGE AXLE HD (AERIAL)		750
TRUCK	TANDEM AXLE HD	20,000	
TRUCK	TANDEM AXLE HD (ATTACHMENT)		750
TRUCK	TANDEM HD (SEWER RODDER)		750
EQUIPMENT	LIGHT		750
EQUIPMENT	LIGHT, SEASONAL		375
EQUIPMENT	MEDIUM		750
EQUIPMENT	MEDIUM, SEASONAL		750
EQUIPMENT	LIGHT, TREE CHIPPERS		300
EQUIPMENT	HEAVY DUTY		1,000
EQUIPMENT	HEAVY DUTY (ELECTRIC DRIVE)		1,500
EQUIPMENT	FORKLIFT		500
EQUIPMENT	ICE RESURFACER		750
EQUIPMENT	SPECIALTY		750
TRAILERS	LIGHT DUTY		N/A
TRAILERS	HEAVY DUTY	20,000	

Effective Date	Revised Date	Authorized By	Approved By
June, 2012		Director, Civic Operations	City Manager



**APPENDIX D – VEHICLE REPLACEMENT GUIDELINES**

<b>DESCRIPTION</b>		<b>YEARS</b>	<b>KILOMETER</b>	<b>HOUR</b>
CAR	ECONOMY	10	150,000	
CAR	MIDSIZE	10	150,000	
VAN	ECONOMY	10	150,000	
VAN	LIGHT DUTY	10	150,000	
PICKUP	ECONOMY	10	150,000	
PICKUP	LIGHT DUTY	10	150,000	
PICKUP	1-4 TON	10	200,000	
TRUCK	SINGE AXLE HD	10	200,000	
TRUCK	SINGE AXLE HD (CRANE)	10		7,500
TRUCK	SINGE AXLE HD (AERIAL)	10		7,500
TRUCK	TANDEM AXLE HD	10	200,000	
TRUCK	TANDEM AXLE HD (ATTACHMENT)	10		7,500
TRUCK	TANDEM HD (SEWER RODDER)	10		7,500
SANDER	ATTACHMENT	8	N/A	
EQUIPMENT	LIGHT	10		5,00
EQUIPMENT	LIGHT, SEASONAL	15	N/A	
EQUIPMENT	LIGHT, TREE CHIPPER	7		2,500
EQUIPMENT	MEDIUM	10		7,500
EQUIPMENT	MEDIUM, SEASONAL	15		7,500
EQUIPMENT	HEAVY DUTY	10		10,000
EQUIPMENT	HEAVY DUTY (ELECTRIC DRIVE)	15		15,000
EQUIPMENT	SWEEPERS	5		5,000
EQUIPMENT	FORKLIFT	15		7,500
EQUIPMENT	ICE RESURFACER	10		7,500
EQUIPMENT	SPECIALTY	10		7,500
TRAILERS	LIGHT DUTY	15	N/A	
TRAILERS	HEAVY DUTY	15	200,000	

<b>Effective Date</b>	<b>Revised Date</b>	<b>Authorized By</b>	<b>Approved By</b>
June, 2012		Director, Civic Operations	City Manager



# Green Fleet Update and Strategy

February 2021





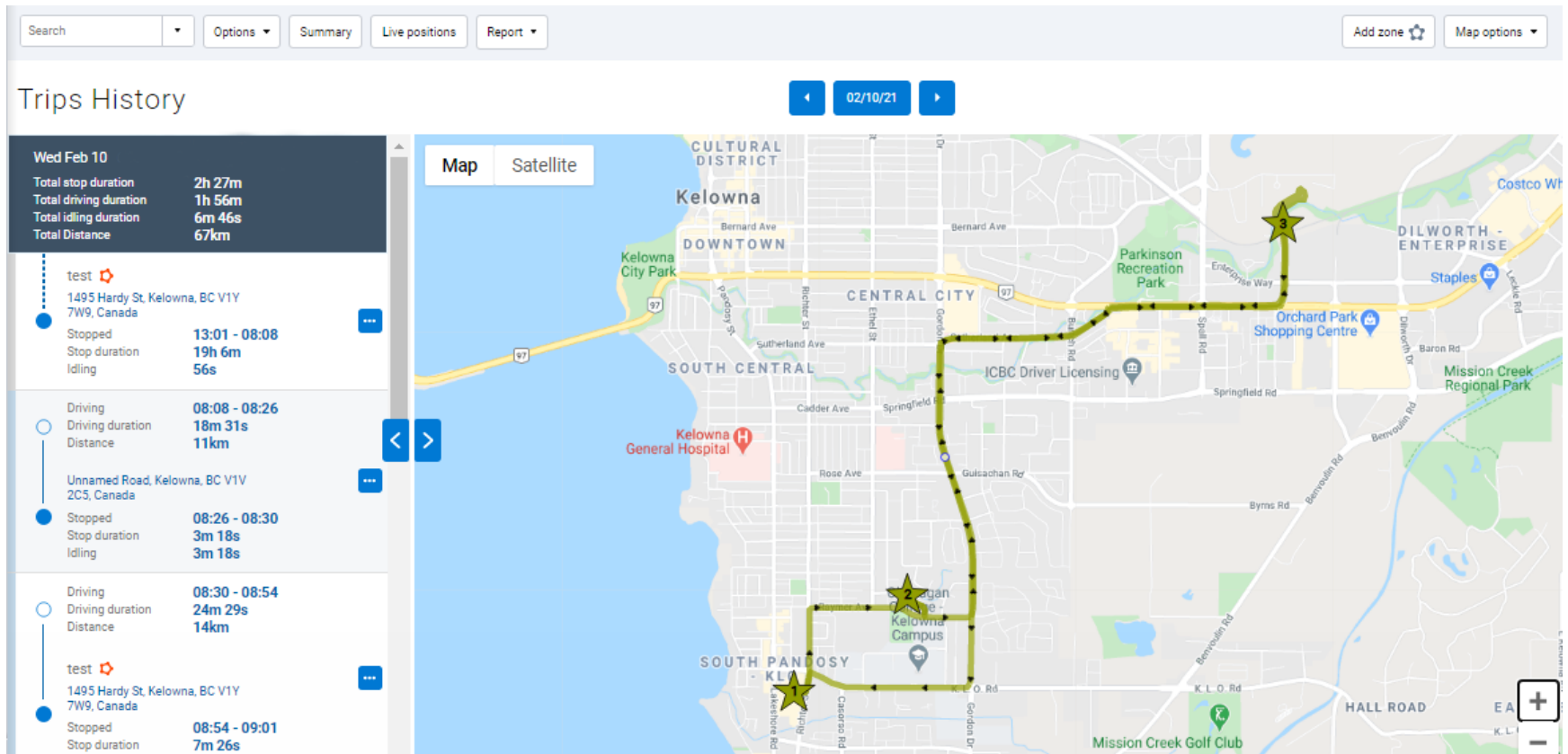
# Current Fleet Policies / Initiatives

- ▶ Corporate Fleet Sustainability Policy
- ▶ Engine Idling Policy
- ▶ Fleet Operator Manual
- ▶ Equipment training programs





# Automatic Vehicle Location (AVL)





# MODO Partnership Agreement (2018)

- ▶ Staff at City hall can book MODO cars
- ▶ Eliminated under-utilized fleet at City hall
- ▶ Helped MODO get established in Kelowna





# R100 Fuel

- ▶ Kelowna is currently only City outside of Vancouver receiving a limited supply of R100 (Renewable diesel)
- ▶ 200,000L of R100 equates to:
  - ▶ reduction of approx. 329 tonnes CO<sub>2</sub>e/yr; or
  - ▶ 11.3% reduction in Fleet GHGs; or
  - ▶ 66 passenger cars removed from road.



# E3 Fleet Review

- ▶ Independent national program for measuring performance of public and private fleets against green standards for performance
- ▶ analysis of key performance indicators and opportunities for improvement
- ▶ Kelowna participated in 2011 and implemented most recommendations
- ▶ Fleet Services planning to participate in 2021



# Low Emissions Vehicles





# Hybrids (21)



Hybrid Dozer - landfill



# EV cars (8), PHEV (1)





# Low Speed EVs (3)



Might-E truck - landfill



# Bikes/Trikes (14)

## Electric Bikes (5)





# Current Challenges

- ▶ Limited availability of ZEVs
  - ▶ EV Pickup trucks, vans coming 2021/2022
  - ▶ HFCEVs
- ▶ Electrical Charging Capacity
  - ▶ Likely need upgrades at Fleet facilities





# Hydrogen Fuel Cell EV (HFCEV)

- ▶ Some advantages
  - ▶ More suitable for large vehicles (batteries are heavy)
  - ▶ No charge time (large batteries charge slowly)
  - ▶ Solves range issues
- ▶ Limited availability (station coming to Kelowna)
- ▶ Cost of Hydrogen Fuel in future?
- ▶ Blue hydrogen - hydrogen derived from natural gas, typically 80-90% lower emissions
  - ▶ Alberta well positioned to make low-cost blue hydrogen
- ▶ Green hydrogen (made from water – electrolysis)  
"zero" emissions



# Green Fleet Strategy

- ▶ Staff have been updating existing Sustainability policy, developing a new Green Fleet Strategy
- ▶ New "CleanBC Go Electric Fleets Program" announced Feb. 1
  - ▶ Training / advisory services
  - ▶ Rebates for Fleet assessments
  - ▶ Facility infrastructure assessments
  - ▶ Upgrade of electrical infrastructure
  - ▶ Installation of charging stations



# Funding Eligibility

- ▶ Voluntary pledge required to “convert 10% of the City of Kelowna’s light duty vehicle fleet to Zero Emissions Vehicles by 2023”
  - ▶ Would require City to acquire approx. 10 more ZEVs by 2023
  - ▶ Staff feel this is attainable



# Corporate Alignment

- ▶ The proposed strategy:
  - ▶ Helps achieve the goal of reducing Corporate emissions 12% below 2007 levels by 2022;
  - ▶ Helps fulfill some of the commitments of the Community Climate Action Plan;
  - ▶ Aligns with Council Priority “Greenhouse gas emissions are decreasing”



# Council Resolution:

THAT Council receive for information the February 22, 2021 update of the Infrastructure Operations Manager regarding green fleet initiatives;

AND THAT Council approve a pledge to West Coast Electric Fleets to “convert 10% of the City of Kelowna’s light duty vehicle fleet to Zero Emissions Vehicles by 2023” as required by the CleanBC “Go Electric Fleets” Program;

AND THAT Council directs staff to apply for funding towards a Corporate Green Fleet Strategy and for the installation of infrastructure through the Go Electric Fleets Program;

AND THAT Council supports staff to execute all documents necessary to complete the grant, if successful;

AND THAT the 2021 Financial Plan be amended to include these projects upon grant approval, with the City’s share of funding to come from the Fleet Services green initiatives operating budget and the Energy Management reserve.



# Questions?





# Report to Council



**Date:** February 22, 2021

**To:** Council

**From:** City Manager

**Subject:** Adding Exclusivity for E-bikeshare to the Bikeshare Permit Program

**Department:** Integrated Transportation

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## Recommendation

THAT Council receives for information the report from Integrated Transportation dated February 22, 2021, regarding adding exclusivity for e-bikeshare to the Bikeshare Permit Program;

AND THAT Council approves the amendment to the Bikeshare (Micromobility) Permit Program to issue an exclusive permit for e-bikeshare service in Kelowna.

## Purpose

To amend the existing Bikeshare (Micromobility) Permit Program to include an exclusive permit for e-bikeshare service in Kelowna.

## Background

Staff have prepared the desired amendment to the Bikeshare (Micromobility) Permit Program, which is attached to this report.

## *Previous Council Resolution*

Resolution	Date
THAT Council directs staff to bring forward an amendment to the existing Bikeshare (Micromobility) Permit Program to issue an exclusive permit for e-bikeshare service in Kelowna.	February 1, 2021

## Discussion

Key components of the amendment include:

- Limiting permits for e-bikeshare to grant exclusivity.
- Requiring service to be delivered within six months of awarding the permit for e-bikeshare.
- Specifying applications for e-bikeshare for the 2021 season are due by May 1, 2021. A rolling intake will continue month-to-month if a qualified applicant is not identified.



Other elements of the existing Permit Program, such as education and enforcement requirements, shared vehicle deployment specifications, and data sharing, remain unchanged.

As shown in *Attachment A – Bikeshare Permit Program Application Process for Operators*, changes to the permit program are highlighted with a blue border around the amended text.

### **Next Steps**

Pending council approval, staff will widely advertise this new opportunity to the shared micromobility industry across North America through industry associations and other means. Applications for the exclusive e-bikeshare permit will be due by May 1, 2021.

### **Internal Circulation:**

Corporate & Protective Services  
Corporate Strategic Services  
Infrastructure  
Planning and Development Services  
Financial Services

### **Considerations applicable to this report:**

Legal/Statutory Authority  
Legal/Statutory Procedural Requirements  
Financial/Budgetary  
Existing Policy  
External Agency/Public Comments  
Communications Comments

Submitted by:

M. Worona, Mobility Specialist

Reviewed and Approved by:

M. VanZerr, Strategic Transportation Planning Manager

**Approved for inclusion:**



A. Newcombe, Divisional Director, Infrastructure

Attachment A – Adding Exclusivity for E-bikeshare to the Bikeshare Permit Program

cc: Deputy City Manager  
Divisional Director, Corporate Strategic Services  
Divisional Director, Financial Services  
Divisional Director, Infrastructure  
Divisional Director, Partnership & Investments





# Bikeshare Permit Program

Application Process for Operators – Version 1.2



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# BIKESHARE PERMIT PROGRAM

Initially adopted by council on May 6, 2019, this updated version of the Bikeshare **Permit** Program - Application Process for Operators dated February 22, 2021, restricts **Power Bicycles** to a single permit. Amendments that create an exclusive permit for **Power Bicycles** are marked in a blue border, as seen here.

This version includes the first amendment, dated September 18, 2019, that added **Electric Moped** as a permitted **Bikeshare Device**. **E-Moped** amendments are marked with a red border, as seen here.

This **Permit** program intends to regulate free-floating, shared mobility **Fleets** for small **Bikeshare Devices** operating within the City of Kelowna. Currently, the **Permit** defines **Cycle**, **Electric cycle** and **Electric Scooter** as **Bikeshare Device** types. The **City** will allow **Permit Holders**, to access the street network, parks and pathways through a **Permit** to operate within the lands of the City of Kelowna while adhering to all applicable Provincial and Federal regulations. **Bikeshare** was first tested through the Kelowna **Bikeshare** Pilot in 2018. The **City** is currently working to deliver on the recommendations from the *Kelowna On The Move Pedestrian and Bicycle Master Plan* which recommends that staff “research and develop a strategy to demonstrate which programs would be most effective in achieving behavioural change to grow the share of residents selecting active modes of transportation.” Through the pilot, staff have discovered **Bikeshare** can act as an extension of the public transportation system and add new mobility options for residents and visitors to our **City**.

The City of Kelowna intends to **Permit Bikeshare** operators, with the appropriate approvals, to explore new ways of providing flexible, affordable, and accessible mobility options. These new options can help achieve the **City**’s stated mobility goals in the *Kelowna On The Move Pedestrian and Bicycle Master Plan* as well as the forthcoming *Transportation Master Plan*.

## Transportation Master Plan Vision

“Kelowna will be a city with vibrant urban centres where people and places are conveniently connected by diverse transportation options that help us transition from our car-centric culture.”

From the City of Kelowna’s Transportation Master Plan vision, bikeshare should aim to achieve the best quality service, delivering that service to the highest number of people and managing negative externalities like disorder within the public realm and across our right of ways. By building a **Permit** program to regulate Bikeshare, we will be able to maximize investment and competition from firms delivering small **Bikeshare Devices** in shared **Fleets** in Kelowna.

The City of Kelowna should look to regulate bikeshare so that it delivers on the following objectives:

- Delivers the opportunity for more residents not to drive by building an interconnected network of transportation options.



- Ensure public benefit by removing the pressure to move more cars on our road network, therefore, minimizing the requirements for new transportation infrastructure investment associated with the growth in travel demand.
- Encourage people to walk, cycle and take public transit more often, by additional options that improve the utility of other sustainable travel modes.
- Lower the cost of living by giving residents the opportunity to build a robust set of options around how they move, enabling some to avoid the cost of car ownership.
- Build on a culture of active living in the community.

## A. Components of Bikeshare Permit Program

This Bikeshare **Permit** Program document has three sections:

1. **Permit** Overview;
2. Application Process;
3. Dockless Bikeshare Requirements and **Permit** Conditions;
4. Appendix
  - a. Data Tables;

The **Applicant** must review, understand and agree to each of these components as they all relate to the **Permit** application and operation of **Bikeshare** in Kelowna.



## II. Permit Overview

### A. Expected Benefits

**Bikeshare** is expected to potentially generate the following **City**-wide benefits including:

#### **Solving Public Transit's Last Mile Problem**

The first or last part of the trip between the bus stop and a **Customer's** final destination is one of the main challenges that stop residents from regularly using transit. **Bikeshare** can help connect residents to higher order transit services and make transit the first choice.

#### **Better Evidence-Based Decision Making**

Data sharing requirements give staff access to anonymized travel pattern of **Customers**. **Bikeshare** data helps the City of Kelowna make better decisions in prioritizing infrastructure and understanding where people are travelling.

#### **Reducing Greenhouse Gas (GHG) Emissions:**

A **Bikeshare** system will provide additional transportation options to Kelowna residents that will help to reduce auto dependency for certain residents in our community. In Kelowna, 28% of all bikeshare trips would have been made by automobile.<sup>1</sup> **Bikeshare** is supportive of Kelowna's GHG reduction goals as described within the draft Community Climate Action Plan.

#### **Supporting Active Transportation:**

The creation of additional cycling infrastructure and programs aligns with the *Kelowna On The Move Pedestrian and Bicycle Master Plan*. A **Bikeshare** system will support Council's objective that "by 2036, 25% of all trips less than 5km in length are made by walking and cycling".

#### **Improving Road Safety:**

In cities with **Bikeshare**, there is a decrease in injury rates, concerning both general injury and head injury compared to numbers from control cities without a **Bikeshare** system.<sup>2</sup> **Bikeshare** collision and injury rates are lower than previously calculated rates for personal **Cycles**.

#### **Improving Transportation Choice and Cost of Living**

**Bikeshare** programs are typically affordable and low cost to use. The availability of **Cycles** for point to point rental improves transportation choice for Kelowna residents and visitors.

#### **Reduction in Car Use and Congestion**

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There have been measurable reductions in automobile congestion following the introduction of **Bikeshare** programs.<sup>3</sup>

### Supporting the Tourism Economy

**Bikeshare** systems are attractive for tourists and visitors to Kelowna who want to experience the city without the cost and inconvenience of driving and parking. A **Bikeshare** program is a valuable addition that would improve the experience of many visitors and enable tourists to visit businesses and attractions beyond a comfortable walk.

The term for a Bikeshare **Permit** will be 1-year. The **City** will evaluate the permitting process and assess if **Bikeshare** is meeting the **City's** expectations for safety, reliability, availability and public acceptance. The **City** is seeking **Applicants** who have previous experience designing, building, operating, maintaining, managing and marketing **Bikeshare** systems in other jurisdictions to apply for a **Permit**.

**Permit Holders** are not guaranteed a **Permit** upon re-application. While this document outlines the **Permit** requirements and conditions, the **City** may at any time adjust any of the requirements and conditions contained within this **Permit** based on public nuisance or safety concerns.

## B. Definitions

All terms bolded and capitalized within this document are defined terms in Traffic Bylaw No.8120. If terms are not defined in the Traffic Bylaw, the following apply to the Bikeshare Permit Program:

**"Applicant"** means a person or corporation that completes a **Permit** application form for a **Permit** to operate within the City of Kelowna for a one-year term.

**"App"** means the **Permit Holder's** piece of software for a **Customer's** phone that is used to connect to the **Permit Holder's Bikeshare** system.

**"Cycle"** means a device having any number of wheels that is propelled by human power and on which a person may ride.

**"Bikeshare"** means a system of **Bikeshare Devices**, placed in the public right-of-way in a defined **Service Area**, available for **Customers** to rent.

**"Bikeshare Device"** means a personal device, under 500 kilograms, with any number of wheels on which a person may ride that is propelled by human or electric power such as, but not limited to, cycles or electric cycles.

**"Broken Bikeshare Device"** a **Bikeshare Device** that is no longer reasonably safe to operate on public roadways, fails to meet the standards of the **Bikeshare Device** specifications section of the **Permit** requirements or is unable to be unlocked.

**"Customer"** means a person or corporation that rents a **Bikeshare Device** from a **Permit Holder** for any amount of time within the lands of the **City**.



**“Electric Scooter”** means a personal device with no more than three wheels that has handlebars, is designed to be stood upon by the operator, and is powered by an electric motor that is capable of propelling the device with or without human propulsion at a speed of no more than 35 kilometers per hour on a paved level surface.

**“Fleet”** means all the **Bikeshare Devices** available for rent covered under one **Permit** which might include a variety of **Bikeshare Device** types.

**“Geo-fence”** means a virtual geographic boundary, defined by The Global Positioning System (GPS), that enables software to trigger a response when a **Bikeshare Device** enters or leaves a specific location.

**“Indemnified Parties”** means the **City** and the **City’s** elected officials, officers, agents, employees and volunteers.

**“Electric Moped”** means a limited-speed motorcycle as defined in the B.C. Motor Vehicle Act Regulations (B.C. Reg. 26/58)

**“Maximum Fleet Size”** means the highest total number of **Bikeshare Devices** all **Permit Holder** may have in operation, excluding any **Bikeshare Devices** out of operation for maintenance or storage.

**“Minimum Fleet Size”** means the lowest total number of **Bikeshare Devices** a **Permit Holder** may have in operation, excluding any **Bikeshare Devices** out of operation for maintenance or storage.

**“Permit Holder”** means an **Applicant** who has been issued a **Permit** to conduct **Bikeshare** operations.

**“Permit”** means a **Permit** issued to allow for a **Permit Holder** to conduct **Bikeshare** operations.

**“Power Bicycle”** means a motor-assisted cycle as defined in the B.C. Motor Assisted Cycle Regulation (B.C. Reg. 151/2002). One **Permit** can be issued for this vehicle type with only one **Permit Holder** allowed to deliver service with **Power Bicycles** at one time.

**“Rebalancing”** means the redistribution of **Bikeshare Devices** to respond to **Customer** needs within the **Service Area**, address locations that have too many or too few parked **Bikeshare Devices**, removal of **Broken Bikeshare Devices**, and redistribution of **Bikeshare Devices** parked inappropriately.

**“Service Area”** means the geographic area that a **Permit Holder** designates where they allow **Customers** to end a **Trip** without a penalty fee.

**“Trip”** means the action of a **Customer** renting a **Bikeshare Device** by unlocking (“**Trip start**”), travelling during that period “**Trip time**” and ending the rental in its final parking location (“**Trip end**”).



### III. Application Process

#### A. General Information

This application process for **Permit** covers **Bikeshare** operations within **the city of Kelowna**. Each **Bikeshare Applicant** interested in being permitted to operate **Bikeshare** in **Kelowna** must apply to **The City**.

**The City** may request additional information from **Applicants** to make an evaluation. **Applicants** will be notified of next steps within four weeks of receipt of a complete application.

The **Maximum Fleet Size** for all **Permit Holders** will be one **Bikeshare Device** for every ten residents according to the latest Canadian census. The minimum **Bikeshare Devices** in a fleet are 100 **Bikeshare Devices** for each **Permit Holder**. **Permit Holders** must reach the **Minimum Fleet Size** within four weeks of launch.

**Permit Holders** that deliver **Electric Mopeds** within their fleet have a **Minimum Fleet Size** of 10 **Bikeshare Devices**.

**Permit Holders** that deliver **Power Bicycles** must launch service within 6 months of **permit** issue.

**Applicants** must review all Federal, Provincial and **City** legislation relevant to operating in the **Permit**. Nothing in this document, including the **Permit** Requirements and **Permit** Conditions, relieves an **Applicant** from conducting their due diligence and reviewing all applicable legislation. **The City** encourages the **Permit Holder** to seek legal advice before making an application.

#### B. General Application Requirements

An **Applicant** must meet the application requirements and are required to read, understand and agree to all information and requirements contained within the *Bikeshare Permit Program*. An **Applicant** is not guaranteed the issuance of a **Permit**, and **The City** may refuse to issue a **Permit** for any reason including and not limited to:

1. If the **Applicant** has failed to comply with the laws of any other jurisdiction;
2. If the **Applicant** has previously commenced **Bikeshare** operations without the proper approvals;
3. If the **Applicant** is unable or unwilling to agree to any of the terms and conditions of the **Permit**; or
4. If **The City** for any other reason believes the **Applicant** will be unable to provide safe, equitable and reliable service.

The **Applicant** must certify that all **Bikeshare Devices** provided meet the requirements identified in the *Bikeshare Device Specifications* section of the **Permit** requirements.

For **Power Bicycles**, the **permit** program is limited to a single **permit** for this vehicle type. Applicants for **Power Bicycles** are required to submit their applications in accordance with the intake process described below. The first intake will close on May 1st 2021. If a qualified applicant is not selected,



intakes will open on a rolling basis and continue monthly closing at the end of the month and opening on the 1st of the next month.

## C. Application Materials

Application materials must be submitted in English, by email to, [tranmgmt@kelowna.ca](mailto:tranmgmt@kelowna.ca) in PDF format.

An application must include the following elements:

1. A completed **Permit** application form;
2. Images and description of all **Bikeshare Devices** that will be used in the fleet must include the following specification description:
  - a. Overall dimensions of the **Bikeshare Devices** to be made available as part of the **Bikeshare** system with all components intact;
  - b. **Bikeshare Device** weight with all components intact;
  - c. The diameter of each wheel;
  - d. The width of each tire;
  - e. The distance between the centers of the front and rear wheels ("wheelbase");
  - f. The maximum load capacity;
  - g. The number of gears and gear ratios;
  - h. The power source and recharge procedure for all electrical components, including lights, batteries, and location tracking unit;
  - i. The location of any cargo-carrying component or area and the maximum cargo load;
  - j. The proposed location of all required information the **Permit Holder** is to provide on the **Bikeshare Devices** as stated in **Bikeshare Device** specifications section of the **Permit** requirements;
  - k. If the fleet includes **Power Bicycles, Electric Scooters** or other electric **Bikeshare Devices**, the motor wattage, maximum assisted speed on flat level ground, power source, operating range, and user control mechanism;
  - l. Any other specifications deemed relevant; and
  - m. Evidence of compliance with applicable **Bikeshare Device** attributes defined in the **Bikeshare Device** Specifications section of the **Permit** Requirements.
3. Operations plan, including:
  - a. Describe your qualifications to operate a **Bikeshare** system including experience operating shared mobility fleets in North America
  - b. Enforcement of **Customers** adhering to local laws as applicable to the **Bikeshare Device**;
  - c. Initial **Service Area** map;
  - d. Images of the **App** interface;
  - e. Maintenance plan;
  - f. Recharging plan (if applicable)
  - g. Staffing plan.



- I. Describe the staffing plan including hired staff and contractors, for operation and maintenance of your **Bikeshare** system.
  - II. Describe how your hiring plan will comply with local laws and best practices regarding equal opportunity and fair wages.
  - III. Will you provide skills training for potential staff and contractors?
4. Parking and relocation plan that describes how the **Applicant** will:
- a. Ensure staff and users park **Bikeshare Devices** legally;
  - b. Employ **Geo-fence** capabilities;
  - c. Detect and re-park improperly parked **Bikeshare Devices** and meet response-time requirements as defined in the **Permit** Requirements; and
  - d. Encourage **Customers** to report safety, parking, and maintenance concerns.
5. Education plan that describes how the **Applicant** will ensure **Customers** are aware of:
- a. Proper riding behaviour on streets and pathways;
  - b. The rules for where to park **Bikeshare Devices** safely and correctly; and
  - c. Helmet laws.
  - D. Ensure **Customers** have a valid driver's license if required by law, based on the **Bikeshare Device** type.
6. Options for low-income individuals and the diversity of payment options available.
7. Proposed payment plan outlining how the **Applicant** will provide service to those without smartphones and those without a credit card, debit card, and bank account.
8. Provide any privacy policies, user agreements and terms of service in plain text for review.

An **Applicant** who is approved for a **Permit** must submit the following additional materials and fees before the **Permit** will be issued.

1. Proof of insurance which meets the requirements set out in **Permit** conditions; and
2. The security deposit as outlined in the fee schedule below.

## D. Fee Schedule

Traffic Bylaw No.8120 establishes fees for the Bikeshare Permit Program. Fees collected will help ensure **Permit Holder's** manage right-of-way constraints and deliver effective operations throughout the **Permit** and will offset unforeseen costs incurred by **The City** during the **Permit** period.

Security deposit - 15\$ per **Bikeshare Device** to a maximum of \$5,000 per **Permit Holder**. The bond is due before the **City** issues a **Permit** and in advance of fleet size increases.

The security deposit fee is refundable less any deductions.

Fines for contravening of any requirements or conditions of the **Permit** will be fined at a rate of 50\$ for each occurrence, per **Bikeshare Device**, if applicable.



## E. Permit Application Form

**BY COMPLETING THIS APPLICATION FOR THE PERMIT PROGRAM, THE APPLICANT IS WAIVING CERTAIN LEGAL RIGHTS. PLEASE READ CAREFULLY**

### **Release of Liability, Waiver of Claims and Assumption of Risk by Making Application to Participate in Permit program**

The **Bikeshare Permit** allows for the operation of a **Bikeshare** system within Kelowna's right-of-way under specific and clearly articulated requirements and conditions. **The City** intends to monitor and evaluate the **Permit** program, making any necessary adjustments to the **Permit** to ensure a successful and well-used transportation option is delivered. **The City** offers no guarantees regarding the duration, success or viability of the **Permit** program and the **Applicant** must conduct their own due diligence regarding the potential risks and liabilities of participating in the **Permit** program. In addition, **The City** makes no guarantees as to the accuracy of any information or representations provided by **The City** in the past, now or in the future and cannot be held liable for any misrepresentations. The **Applicant** must agree to the following Release of Liability, Waiver of Claims and Assumption of Risk in order to submit an application for a **Permit**:

#### **Assumption of Risk**

**THE APPLICANT IS AWARE AND UNDERSTANDS THAT PARTICIPATION IN THE PILOT INVOLVES MANY RISKS, INCLUDING BUT NOT LIMITED TO THE RISK OF PROPERTY DAMAGE, LOSS OF PROFIT, REGULATORY CHANGES IMPACTING THE ABILITY TO OPERATE AND EVEN CANCELLATION OF THE PILOT. THE APPLICANT ACKNOWLEDGES THAT PARTICIPATING IN THE PILOT IS VOLUNTARY. THE APPLICANT FREELY ACCEPTS AND FULLY ASSUMES ANY AND ALL RISKS, WHETHER CAUSED BY THE NEGLIGENCE OF THE CITY OR OTHERWISE. THIS MEANS THAT THE APPLICANT IS GIVING UP THE RIGHT TO SUE THE CITY FOR ANY REASON, INCLUDING NEGLIGENCE OR GROSS NEGLIGENCE, IF THE APPLICANT SUFFERS ANY DAMAGE, INJURY OR LOSS BY PARTICIPATING IN THE PILOT.**

1. The **Applicant** expressly waives and releases any and all claims which the **Applicant** has or may in the future have against **The City**, including its employees, officials, officers and agents (collectively, "Releasees"), on account of damages arising out of or attributable to the **Applicant's** participation in the **Permit** program, due to any cause whatsoever, including without limitation the negligence or gross negligence of **The City** or any other Releasee and any misrepresentation made by **The City** or any other Releasee. The **Applicant** agrees not to make or bring any such claims against **The City** or any other Releasee, and forever releases and discharges **The City** and all other Releasees from liability under such claims.
2. By applying to the participate in the **Bikeshare Permit** program, the **Applicant** acknowledges and agrees that the duration and success of the **Permit** program is not guaranteed, and **The City** may choose not to implement, maintain or complete the **Permit** for any reason whatsoever. In addition, **The City**, at **The City's** sole discretion, may do any of the following at any time:
  - a. Change the dates or the term of the **Permit**;
  - b. Cancel a **Permit**;
  - c. Adjust the **Maximum Fleet Size** of any **Permit Holder**;
  - d. Issue changes to the **Permit** requirements including changes to any parking requirements;
  - e. Changes to the **Permit** conditions; or



f. Change any fees imposed under the application process, the <b>Permit</b> requirements or the <b>Permit</b> conditions. g. Modify any terms of the <b>Permit</b> including any information contained within this document
Initial Here:

Applicant Information	
Company Name of <b>Bikeshare Applicant:</b> (Parent Company Name if Applicable)	
Contact Name:	
Mailing Address:	
Phone Number:	
Email Address:	
Website:	
Type of Application:	
<input type="checkbox"/> New	<input type="checkbox"/> Re-application

THE **APPLICANT**, HEREBY MAKES AN APPLICATION FOR A **PERMIT** TO PARTICIPATE IN THE **PERMIT**, AND ACKNOWLEDGES HAVING READ AND UNDERSTOOD ALL OF THE TERMS OF THIS APPLICATION AND VOLUNTARILY WAIVES SUBSTANTIAL LEGAL RIGHTS, INCLUDING THE RIGHT TO SUE **THE CITY** AND ANY OTHER RELEASEE.

Per:

Witness Signature (Corporate seal or Signature of Authorized Corporate Agent)

(Print name here) (Print name here)

Per:

(2nd Signature of Authorized Corporate Agent if required)

(Print name here)

Tracking Information (Staff Only)	
Date Received:	Received By:



## IV. Bikeshare Permit Requirements

### A. General Requirements

**Permit Holders** must ensure their **Bikeshare** systems are available for rental to the public 24 hours per day, 7 days per week while operating to **Customers** that sign up for the service. Staff acknowledge that, for power **Bikeshare Device** fleets with batteries that are not field swappable, high use in the day can lead to most or all of the fleet needing to be charged overnight. **Permit Holders** with electric **Bikeshare Device** fleets are expected to be at or above the **Minimum Fleet Size** between the hours of 7am to 9pm daily.

- **Permit Holders** are responsible for informing all **Customers** about all helmet laws if applicable based on **Bikeshare Device** type.
- **Permit Holders** must not display third party advertising, sponsorships, or sponsored content on **Bikeshare Devices** without written approval from **The City**.
- **Permit Holders** must agree to indemnify **The City** and its employees for any loss or action arising out of the **Permit** as set out in the **Permit** conditions.
- **Permit Holders** must prove and continuously maintain commercial liability insurance throughout the entire term of the **Permit** that meets the requirements set out in the **Permit** conditions.
- **Permit Holders**, who provide **Bikeshare Devices** equipped with lock-to devices in their fleet, must provide municipal staff access to unlock **Bikeshare Devices** for no charge. Less than 15 of such accesses will be required from each **Permit Holder**.
- **Permit Holders** may not transfer a **Permit** without the prior written approval from **The City**. **Permit Holders** shall promptly notify **The City** of any changes to **Permit Holder's** corporate structure or ownership. Failure to do so shall be cause for revocation of the **Permit**. For purposes of this paragraph, "transfer" shall include the sale or other exchange of 50% or more of the ownership or control of a **Permit Holder** to a third party.
- **Permit Holders** must hold **The City** harmless for any damage that may occur to its **Bikeshare Devices** from routine maintenance on the roadways, pathways, sidewalks and boulevard spaces.
- Any changes to the **Permit** will be communicated via email at the address provided at the time of application unless the **Permit Holder** provides a subsequent email address for notification.

### B. Compliance and Rights of Removal

**Permit Holders** must respond to pedestrian obstructions and safety concerns as soon as possible but no later than 24 hours from when they become aware of an issue. **The City** will monitor citizen feedback, review on-going **Permit Holder** data requirements, and perform field audits as necessary to ensure **Permit Holders** remain in compliance of all **Permit** conditions and **Permit** requirements.

**The City** may remove or re-park any **Bikeshare Devices** parked in violation of the **Permit** or other **City** Bylaws at any time. **The City** will deduct from the **Permit Holders** security deposit for any fees, resources, and staff time related to the removal of the **Bikeshare Devices**.

If the **Permit Holder** fails to comply with any conditions of the **Permit**, in addition to revocation of the **Permit**, **The City** may modify the **Permit** conditions including reducing fleet sizes and/or add additional **Permit** conditions. If the **Permit** is revoked for failure to comply with the conditions of the **Permit** or



for any other reason, the **Permit Holder** must remove its entire fleet from all **City** streets, parks and pathways within 14 days of notice, unless otherwise directed by **The City**. If this is not completed, **The City** will remove the **Permit Holder's** fleet from the **City** right-of-way and deduct the costs from the remaining security deposit.

Importantly, in the case of an emergency or immediate threat to public safety, **The City** may take any action necessary it deems necessary to remove the emergency or threat.

### C. Bikeshare Device Specifications

**Permit Holders** must ensure all **Bikeshare Devices** that are made available for the **Permit**, meet the following

conditions:

1. **Permit Holders** must display easily visible contact information including a toll-free phone number on each **Bikeshare Device** so that **Customers** or other members of the public can report issues or make relocation requests;
2. All **Cycles** deployed in a **Bikeshare** fleet must have the following features:
  - a. Adjustable seat post;
  - b. All-weather tires;
  - c. Front and Rear Fenders;
  - d. Cargo basket;
  - e. Kickstand;
  - f. Bell;
  - g. Lights on the front and back;
  - i. Each **Cycle** must have a unique identifier number that is clearly displayed and visible to the **Customer** on the **Cycle**; and
  - j. Active location tracking component capable of providing real-time location data of the **Cycle**, even when it's not in use.
3. If **Permit Holders** have fleets that consist of **Power Bicycles** they must meet all conditions outlined above, as well as meet any additional Federal, Provincial and **City** legislation related to **Power Bicycles**.
4. If **Permit Holders** have fleets that consist of **Electric Scooters** they must meet all Federal, Provincial and **City** legislation related to **Electric Scooters** and have the following features:
  - a. Kickstand;
  - b. Bell;
  - c. Lights on the front and back;



- d. Each **Electric Scooter** must have a unique identifier number that is clearly displayed and visible to the **Customer** on the **Electric Scooter**; and
- e. Active location tracking component capable of providing real-time location data of the **Electric Scooter**, even when it's not in use.

5. If permit holders have fleets that consist of **Electric Mopeds** they must meet all federal, provincial and **City** legislation related to **Electric Mopeds** and have the following features:

- a. Kickstand;
- b. Bell or horn;
- c. All-weather tires;
- d. Front and Rear Fenders;
- e. Lights on the front and back;
- f. A unique identifier number that is clearly displayed and visible to the **Customer**;
- g. Active location tracking component capable of providing real-time location data of the **Electric Moped**, even when it's not in use; and
- h. A helmet, that meets the safety standards set for **Electric Mopeds** in British Columbia, in a locked compartment on the vehicle.

The City, through the Transit and Programs Manager may, at their sole discretion, approve other **Bikeshare Devices** for inclusion in the ***Bikeshare Permit Program***. As those **Bikeshare Devices** are identified any specifications for those **Bikeshare Devices** will be reviewed and potentially added to these **Bikeshare Device** specifications. **Bikeshare Devices** to be added shall weigh no more than 500 kg.

## D. User Protections

1. **Permit Holders** must employ an electronic payment system that is compliant with the Payment Card Industry Data Security Standards (PCI DSS).
2. **Permit Holders** must provide a privacy policy that safeguards **Customers'** personal, financial, and travel information and usage including, but not limited to, **Trip** origin and destination data. **Permit Holders** agree to make its policies, procedures and practices regarding data security available to the **City**, upon request, and further agrees that the **City** reserves the right to hire a third party to perform a security audit at any time through the **Permit** term, or at any time **City** determines that an audit is warranted.
3. **Permit Holders** must provide **Customers** with the opportunity to explicitly assent to any terms of service, or user agreements. Separately, **Customers** must have the ability to decline sharing any data not required to enable the **Permit Holder** to process and complete the transaction. The **Customer's** options with regard to these requirements shall be clearly stated and easily accessed by the **Customer**.



4. **Permit Holders** shall not claim any legal right in its Terms of Use, Privacy Policy, or elsewhere to institute retroactive changes to its Privacy Policy and shall provide an opportunity for the **Customer** to explicitly assent prior to any changes to its data practices, including uses of data the **Permit Holder** collected under a prior policy.

## E. Parking Requirements

The requirements and permissions set forth in the Parking Requirements section, except for those contained under the Temporary Parking Restrictions, do not apply to **Electric Mopeds**. **Electric Mopeds** are plated vehicles that are unable to be parked in the same way as other **Bikeshare Devices**. **Electric Mopeds** are only able to be parked where they are legally permitted to within the City of Kelowna. **Permit Holders** are required to pay for parking for any **Electric Mopeds** in their fleet, a **Permit** under this program does not exempt **Permit Holders** from parking fees incurred.

**Permit Holders** are responsible for informing **Customers** on how to park **Bikeshare Devices** properly within their **Service Area**.

**Bikeshare Devices** belonging to the **Permit Holders** may be parked on **City** sidewalks, in **City** parks and adjacent pathways, subject to all Federal, Provincial and **City** Legislation and any further parking requirements set out below.

The **Permit** does not authorize the parking of **Bikeshare Devices** on property other than **City**-owned property. It is expected that **Permit Holders** will seek and maintain agreements with third parties, and other private property owners.

**Permit Holders** must have the ability to communicate by text or phone notification to let the **Customer** know if a **Bikeshare Device** is parked outside their **Service Area**.

**Permit Holders** must **Geo-fence** designated parking areas, no parking, and no riding zones, or other locations at the request of **The City**. **Permit Holders** will be responsible for marking these areas appropriately in their **App** within 1 week of notice and ensure **Customers** are informed on how to operate in these areas.

All parked **Bikeshare Devices** must remain in an upright position with its wheels in contact with the ground. All **Bikeshare Devices** which are not parked upright need to be re-parked appropriately within 24 hours of notice. A relaxation to 72 hours will be granted if the **Bikeshare Devices** are found to have been knocked down due to a weather event.

**Permit Holders** must ensure **Bikeshare Devices** must not be parked in a way that obstructs or interferes in the pedestrian or vehicular clearway at any time including blocking:

- a. Sidewalks,
- b. Pathways,
- c. Laneways,
- d. Doorways,
- e. Driveways,
- f. Curb ramps,
- g. Cycle ramps,



- h. Bus Stops,
- i. Bus Bays,
- j. travel lanes, and
- k. Bike lanes.

**Permit Holders** that require **Bikeshare Devices** to be locked to a fixed object must ensure that **Bikeshare Devices** are not to be locked to:

- a. Transit shelters,
- b. Patios, and
- c. Trees.

### *Street Parking*

Parking **Bikeshare Devices** on the street in the parking lane will be allowed in residential areas, wherever an automobile may be legally parked. On streets where a time restriction is in effect, **Bikeshare Devices** may only be parked in the parking lane within 5 meters of an intersection. **Bikeshare Devices** may not be parked on the street within a pay parking area.

**Bikeshare Devices** must not be parked in a way that impedes vehicular traffic from moving on the roadway or accessing driveways and must not be parked in any travel lanes, including bike lanes at any time.

**Bikeshare Devices** must not be parked in locations within or on:

- a. Loading zones;
- b. Accessible parking stalls;
- c. Wheelchair ramps, bicycle ramps or curb ramps;
- d. Bridges;
- e. Center median islands;
- f. Blocking access to a garage or driveway; or
- g. Street furniture that requires pedestrian access (benches, pay parking station, bus shelters).

### *Within City-owned Park Spaces*

All operators are required to mark all **City**-owned Park spaces as no parking zones. Designated parking areas may be designated by the **City** within Park spaces.

**Bikeshare Devices** must not be parked within Park spaces.

### *Designated Parking Areas*

**The City** anticipates designating parking areas in high pedestrian traffic locations such as business improvement areas, transportation hubs or in other public spaces. The purpose of these parking areas is to provide an orderly and intuitive location to place **Bikeshare Devices** and will not necessarily require racks to lock **Bikeshare Devices** physically.

**The City** will determine where designated parking areas will be required. **Permit Holders** will be able to suggest locations, but **The City** will provide final assignments and timelines for installation of these



designated parking areas. **The City** will be responsible for the installation and maintenance of these designated parking areas. **Permit Holders** will be responsible for marking these areas appropriately on their **App**.

### *No-Riding and No-Parking Zones*

No-riding and no-parking zones may be designated by **The City**, and the **Permit Holders** will be responsible for marking these areas appropriately in their **App** within 1 week of notice and ensure **Customers** are informed on how to operate in these areas. These zones could be for the long or short term.

### *Temporary Parking Restrictions*

Upon direction of **The City** due to a weather event, emergency event, construction, parade, festivals, public gatherings, or other situations affecting the normal operation of the right-of-way, the **Permit Holder** must collect and secure all, or a portion of, the **Permit Holder**-owned or controlled **Bikeshare Devices** to a location outside of the public right-of-way or to a location that does not otherwise impede **The City's** access and response to the situation for the duration of the event.

**Permit Holders** will be responsible for marking these areas appropriately on their **App** within 1 week of notice and ensure **Customers** are informed on how to operate in these areas.

**The City** may update, add, and or change any parking requirements in response to issues that come to light during the operation of the **Permit**. Any changes will be circulated to **Permit Holders**.

## F. Operations and Maintenance

**Permit Holders must:**

- operate 24 hours a day, 7 days a week.
- reach the **Minimum Fleet Size** within 4 weeks of delivering the first **Bikeshare Device** associated with the **Permit**.
- have staffed operations located within **The City** for the purpose of **Bikeshare Device** maintenance, **Rebalancing**, collection, and retrieval.
- have visible language on each **Bikeshare Device**, within their **App**, and on the website, that requires **Customers** to follow all relevant laws including Federal, Provincial, and **City** legislation.
- have a 24-hour **Customer** service toll-free phone number and email that is monitored 24 hours a day, 7 days a week during their operation season, so the public can report safety concerns, complaints, or ask questions.
- provide **The City** with a direct contact for staff that are capable of **Rebalancing Bikeshare Devices**.
- **Rebalance** any **Bikeshare Devices** within 24 hours of receiving notice that a **Bikeshare Device** is parked improperly.
- immediately remotely lock down any **Bikeshare Device** that is inoperable, unresponsive or not safe to operate once notified. Once notified of an issue, the **Permit Holder** should remove the broken or inoperable **Bikeshare Device** from the public right-of-way or have the **Bikeshare Device** repaired within 1 week.



**Permit Holders** are required to remedy any **Bikeshare Devices** parked in violation of the **Permit** or other **City** Bylaws and must be re-parked in a correct manner or removed by the **Permit Holder** within 24 hours of being reported.

**The City** may remove or re-park any **Bikeshare Device** parked in violation of the **Permit** or other **City** Bylaws at any time. **The City** may deduct from the security deposit for any fees, resources, and staff time related to the removal of the **Bikeshare Devices**.

**Permit Holders** must take steps to inspect, repair and maintain all **Bikeshare Devices** so as to ensure public safety.

**Permit Holders** must operate year-round. Interruptions in service may only be permitted with approval in writing from the Transit and Programs Manager of **The City**. Service interruption permission over winter can be expected for **Bikeshare Devices** not designed for safe winter operation. Additionally, service can be curtailed for up to 72 hours at the **Permit Holder's** discretion in response to adverse weather conditions including snow storms, freezing rain and hail.

## G. Education and Encouragement

**Permit Holders** are responsible for informing **Customers** on how to use its services, how to operate and park its **Bikeshare Devices** legally and in compliance with any requirements set out in this document.

**Permit Holders** must forward periodic updates to **Customers** as per information prescribed by **The City**.

**Permit Holders** must create and maintain a website and/or a social media platform that clearly states the terms of service, including **Customer** instructions, privacy policies, and all rental fees and costs.

**Permit Holders** must give out, donate to a local organization or use in their **Bikeshare** service one helmet per **Bikeshare Device** deployed if there is a mandatory all-ages helmet law that applies to the **Bikeshare Device** type.

**Permit Holders** shall not give or make any representation, or otherwise hold themselves out as being agents or representatives of the **City**, or as having the right to bind the other or any of the other's assets or property, except as set out herein, without the prior written permission of the other.

**Permit Holders** shall not imply the **City's** ownership or operation of the **Permit Holder's Bikeshare** system without the prior written permission of the **City**.

**Permit Holders** are individually responsible for communicating to the public information about their **Bikeshare Devices**, infrastructure, systems, and policies.

## H. Data Sharing and Reporting

**Permit Holders** must comply with the following data sharing requirements:

- a. **Permit Holders** must supply a **Bikeshare Device** inventory list to **The City** complete with each unique identifier number and serial numbers before making any **Bikeshare Devices** available for rent;
- b. **Permit Holders** must publish real-time information about their systems and **Bikeshare Device** availability to the public through the General Bikeshare Feed Specification;



- c. **The City** requires access to past **Trip, Fleet**, parking, and incident data, which must be stored by the **Permit Holder** and made accessible to **The City** at any time during the **Permit**;
- d. To ensure that **Bikeshare Device** locations are known, even when on **Trip**, all **Bikeshare Devices** must have a location tracking component that is affixed to itself. This excludes phone-based location services information (i.e. Bluetooth technology);
- e. The **Permit Holder** must make all data accessible to **The City** through an application program interface (API). **Fleet, Trip**, rider, parking, incident and maintenance data must be secured with a token or authentication that is shared with **The City**;
- f. Personally-identifiable information shall not be shared with the **City** or any other entity; permittee shall ensure the privacy of its users; and
- g. Data shall be available for the duration of the permitted program.
- h. **Permit Holders** shall only sell data related to trips in Kelowna with prior permission from **The City**

### *General Bikeshare Feed Specification*

All **Permit Holders** must generate a GBFS compliant, publicly available data feed. Real-time information about the system and **Bikeshare Device** availability is to be published using the General **Bikeshare** Feed Specification (GBFS) v1.0 or the most current (<https://github.com/NABSA/gbfs>). **Permit Holders** will need to inform **The City** of the location of the gbfs.json file on the internet. The gbfs.json file contains the necessary information to find other files related to the GBFS data. This feed must be publicly available via an https endpoint. The data table requirements for GBFS can be found in Appendix - Item 1.1. **The City** will maintain links to the full specification of these required data formats on **The City's** webpage. **Permit Holders** may use the MDS, MDS+, or other emerging data specifications to share the required data feeds for real-time availability and additional required data including **Fleet**, parking, and incident data fields with prior approval from **The City**.

### *Data consistency*

To ensure consistency between reporting to **The City** and the GBFS data feed, **Permit Holders** must use the following data standards:

Reporting to <b>The City</b>		General Bikeshare Feed Specification
COMPANY_ID	must equal	system_id
VEHICLE_ID	must equal	bike_id

### *Coordinate System*

**Permit Holders** must ensure all latitude and longitude coordinates be stored in Web Mercator Projection EPSG:4326.

### *Fleet Data*



The **Permit Holder** must collect and make available data on the status and location of each **Bikeshare Device** that is deployed within **The City**. The data table requirements for **Fleet** data can be found in Appendix - Item 1.2.

The **Permit Holder** must generate a data record describing each **Bikeshare Devices** status and location, as reported by its tracking component at the following times:

- a. When the **Permit Holder** deploys the **Bikeshare Device**;
- b. When the **Permit Holder** remove or replace a **Bikeshare Device** from the **Fleet**; and
- c. When a **Bikeshare Device** is available for rent versus suspended.

### *Trip Data*

The **Permit Holders** must collect and make available anonymized data on each **Trip** made. The **Trip** data must be updated weekly for **The City** to access. The data table requirements for **Trip** data can be found in Appendix - Item 1.3.

The **Permit Holder** must generate a data record that describes each **Bikeshare Device's** status and location as reported by its tracking component and if available cell phone GPS at the following times:

- a. When the **Trip** starts
- b. When the **Trip** ends
- c. And during the **Trip** at a frequency of no less than once every 6 minutes.

### *Parking Data*

The **Permit Holder** must collect and make data available for occurrences reported and the responses to each of them. This will include parking infractions reported by **The City**, general public, **Customers** and the **Permit Holder**.

The **Permit Holder** must generate a data record that describes each parking report, the location of the **Bikeshare Device** if possible, the time it was reported, the time it was responded to, what action was required, and when was that action completed. Parking data must be updated monthly for **The City** to access. The complete data table requirements for parking data can be found in Appendix – Item 1.4.

The **Permit Holder** must submit the monthly update of parking data it collects in a calendar month, no later than the tenth day of the following month in either .xls or .csv format.

### *Incident Data*

The **Permit Holder** must collect and make data available 24 hours after each known incident in which their **Bikeshare Devices** were involved in a collision, accident, injury or property damage. The data table requirements for Incident data can be found in Appendix – Item 1.5

The **Permit Holder** must submit a report 24 hours after every incident in either .xls or .csv format.

### *Data Privacy and Security*

**Permit Holders** must ensure **Customer** data privacy. Any **Customer** data collected must not be shared with third parties without express consent from the **Customer**.



**Permit Holders** must provide a written justification to the **Customer**, for why they need access to each type of the **Customers** files (e.g. contacts, camera, photos, other **Apps** etc.) **Customers** must not be required to provide access to contacts, photos, files and other private data to use the provided service.

**Permit Holders** must provide **Customers** with clear, prominent information about what data will be accessed (e.g. location services, camera, contacts, photos etc.) and explain how the data will be used.

**Customers** must be provided with an opt-in option feature, where they can agree to provide to access to their contacts, camera, photos, files, other private data and third-party data sharing.

### *Customer Survey*

**Permit Holders** must conduct an opt-in member survey once per year. **Permit Holders** and **The City** shall develop a set list of 3-20 survey questions to **Customers** collaboratively for each survey. The **Permit Holder** must include these questions and may include other questions, subject to approval by **The City**. Survey results, showing the response and feedback a must be shared with **The City** in a .xls or .csv format.

### *Optional Mobility Data Specification*

**Permit Holders** may use the Mobility Data Specification (MDS) or the most current (<https://github.com/CityOfLosAngeles/mobility-data-specification>) to share additional data with the **City**.

## I. Bikeshare Permit Conditions

The **Permit Holder** must comply with all requirements and conditions contained within the *Bikeshare Permit Program* (the “program”), including all requirements set out in the application process and **Permit** requirements sections of the program, including but not limited to the following:

- a. The **Permit Holder** must submit all fees required under the program;
- b. must comply with any changes to the **Permit**, including the **Permit** requirements or **Permit** conditions within the period specified by **The City**;
- c. must comply with all parking requirements specified in the program, in addition to any requirements contained in **City**, Provincial or Federal legislation;
- d. must comply with all operation and maintenance requirements as specified in the program; and
- e. must comply with all data sharing and reporting requirements as set out in the program.

The **Permit Holder** must obtain insurance and agrees to indemnify **The City** as follows:

- a. **Indemnity:** The **Applicant** shall indemnify and save harmless the **City** from and against all claims, demands, loss, costs, damages, actions, suits, adjuster’s fees, or other proceedings by third parties, sustained, brought or prosecuted in any manner, based upon, or attributable to any injury or damage arising or resulting from any action or omission of the **Permit Holder**, its invitees, servants or agents, in connection with the **Permit Holder’s Bikeshare** program and the use or occupation of the **Bikeshare Devices**, the designated parking areas, or any other **City** property. Further, the **Applicant** shall indemnify and save harmless the **City** from any costs, charges or



damages to which the **City** may be put or suffer by reason of any breach of the **Permit** requirements and conditions. The **Applicant** will not indemnify, defend and hold harmless the **City** or the **City's Indemnified Parties** from and against all claims resulting from or arising out of (i) the negligence or willful misconduct of **The City** or the **City's Indemnified parties** or (ii) the design, construction, maintenance of **City** infrastructure or projects permitted by **The City**, or any and all acts or omissions related thereto.

- b. **Insurance** – The **Permit Holder** shall at its own expense maintain, during the term of the **Permit**, general liability insurance of not less than \$5,000,000.00, naming **The City** as an additional insured. This insurance shall not relieve **The City** from any liability for its own negligence, or that of its servants or agents except as provided herein, and shall not relieve **The City** from the obligation to maintain insurance on its own property as any owner would in the normal course of prudent business affairs. Before a **Permit** may be issued, the **Permit Holder** shall provide a certificate of insurance verifying the coverage and confirming **The City** is shown as additional insured on the policy that is effective for the term of the **Permit**.



## V. Appendix

### 1. Data Tables

#### 1.1 GBFS Data Table

The City requires that **Permit Holders** publish the following GBFS files:

gbfs.json	Auto-discovery file that links to all of the other files published by the system. This file is optional in the GBFS but required by <b>The City</b> .
system_information.json	Describes the system including System operator, System location, year implemented, URLs, contact info, time zone.
station_information.json	Mostly static list of all stations, their capacities, and locations. Note: this file may contain no information in a dockless system but is required by GBFS.
station_status.json	Number of available vehicles and docks at each station and station availability. Note: this file may contain no information in a dockless system but is required by GBFS.
free_bike_status.json	Describes vehicles that are available in non-station-based systems

#### 1.2 Fleet Data Table

Field Name	Required	Type	Description	Allowed Values	Example
CREATE_DT_UTC	Yes	String	Time of record in Universal Coordinated Time (UTC)	yyyy-mm-dd hh:mm:ss AM or PM	2018-08-20 09:15:51 AM
LATITUDE_X	Yes	Number	<b>Bikeshare Device</b> latitude at time of recording to at least four decimal places	00.0000	51.0453
LONGITUDE_Y	Yes	Number	<b>Bikeshare Device's</b> latitude at time of recording to at least four decimal places	000.0000	-114.0573
EVENT_TYPE	Yes	String	Recorded status of <b>Bikeshare Device</b> : - CycleAdded: The record is generated when the company deploys a Cycle and is made available for rental - CycleRemoved: The record is generated when the company removes the Cycle - Available: Available for rent by a <b>Customer</b> . - Unavailable: Lock no longer speaking to the server, system offline or other technological challenge preventing use by a <b>Customer</b> . - Occupied: Being used by a <b>Customer</b> , <b>Rebalanced</b> by the operator	CycleAdded CycleRemoved Available Unavailable Occupied	Available



			<i>*These four values are standard; others can be added with <b>The City's</b> approval</i>		
COMPANY_ID	Yes	String	Company name, assigned by <b>The City</b> , Depends on company	Company	Name
BICYCLE_ID	Yes	String	Unique identifier for the Cycle Assigned by vendor, max 30 characters		905435
VEHICLE_TYPE	Yes	String	The type of <b>Bikeshare Device</b>	Cycle, Power Bicycle, Electric Scooter, <b>Electric Moped</b>	Cycle
CHARGE_PERCENT	Yes, if electric	Number	The remaining battery charge at time of record, as a percentage	0 to 100	23

### 1.3 Trip Data Table

Field Name	Required	Type	Description	Allowed Values	Example
CREATE_DATETIME	Yes	String	Time of record in Universal Coordinated Time (UTC)	yyyy-mm-dd hh:mm:ss AM or PM	2018-08-20 09:15:51 AM
LATITUDE_X	Yes	Number	<b>Bikeshare Device's</b> latitude at time of record to at least four decimal places	00.0000	51.0453
LONGITUDE_Y	Yes	Number	<b>Bikeshare Device's</b> latitude at time of record to at least four decimal places	-000.0000	-114.0573
EVENT_TYPE	Yes	String	Reported status of Cycle: - TripStart: The report is generated when the <b>Trip</b> starts - Waypoint: The report is generated at between TripStart and TripEnd - TripEnd: The report is generated when the <b>Trip</b> ends.	TripStart Waypoint TripEnd	Waypoint
COMPANY_ID	Yes	String	Company name	Depends on company	Company Name
BICYCLE_ID	Yes	String	Unique identifier for the Cycle	Assigned by company	
VEHICLE_TYPE	Yes	String	The type of <b>Bikeshare Device</b>	Cycle, Power Bicycle, Electric Scooter, <b>Electric Moped</b>	Cycle
TRIP_ID	Yes	String	Unique identifier for the <b>Trip</b>	Assigned by company	
USER_ID	Yes	String	Unique identifier for the User	Assigned by company	



## 1.4 Parking Data Table

Field Name	Required	Type	Description	Allowed Values	Example
CREATE_DT_UTC	Yes	String	Time the company receives a parking report in Universal Coordinated Time (UTC)	yyyy-mm-dd hh:mm:ss AM or PM	2018-08-20 09:15:51 AM
LATITUDE_X	No, if not provided must include location	Number	<b>Bikeshare Device's</b> latitude at time of record to at least four decimal places	00.0000	51.0453
LONGITUDE_Y	No, if not provided must include location	Number	<b>Bikeshare Device's</b> latitude at time of record to at least four decimal places	-000.0000	-114.0573
LOCATION	No, if not provided must include lat/long	String	The reported location of the Cycle, if latitude and longitude are not available		Harvey and Richter, Southeast Corner, Kelowna
COMPANY_ID	Yes	String	Company name	Depends on company	Company Name
BICYCLE_ID	Yes	String	Unique identifier for the Cycle	Assigned by company	
VEHICLE_TYPE	Yes	String	The type of <b>Bikeshare Device</b>	Cycle, Electric Bicycle, Electric Scooter, <b>Electric</b> <b>Moped</b>	Cycle
REPORTER	Yes	String	The entity that reported the Cycle	Company Public City Other	Public
REPORT_TYPE	Yes	String	The report allegations (multiple values permitted): - Obstruction: the Cycle is alleged to be an obstruction or hazard - Parking: the Cycle is alleged to be improperly parked but not a hazard - Other: Any other issue	Obstruction Parking Other	Obstruction, Other
RESPONSE_DT_UTC	Yes	String	Time the vendor responds to a parking report in UTC	yyyy-mm-dd hh:mm:ss AM or PM	2018-08-20 09:15:51 AM
RESPONSE_ACTION	Yes	String	Description of companies response: - Reparked: The Cycle was located, visually confirmed to be improperly parked or idle, and removed, reparked, or adjusted. - NoAction: The Cycle was located and visually confirmed to be properly parked.	Reparked NoAction Lost Irretrievable RiderMoved Reparked	Lost



			- Lost: The Company confirms that the cycle is not at the reported location, and the company is unable to locate the Cycle. - Irretrievable: Hazard or lack of legal access prevent the company from locating or removing the Cycle. - RiderMoved: A rider rents and moves the Cycle before the company responds to the report. -Other: Describe response	Other	
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## 1.5 Incident Data Table

Field Name	Required	Type	Description	Allowed Values	Example
CREATE_DT_UTC	Yes	String	Time the company receives an incident report in Universal Coordinated Time (UTC)	yyyy-mm-dd hh:mm:ss AM or PM	2018-08-20 09:15:51 AM
LOCATION	Yes	String	The reported location of the incident		
COMPANY_ID	Yes	String	Company name	Depends on company	Company Name
VEHICLE_ID	Yes	String	Unique identifier for the <b>Bikeshare Device</b>	Assigned by company	
INCIDENT_TIME	Yes	String	Time of the incident in UTC	yyyy-mm-dd hh:mm:ss AM or PM	2018-08-20 09:15:51 AM
INJURY	Yes	String	Whether any injuries are reported	Yes No	Yes
POLICE_REPORT	Yes	String	Whether a police report is filed	Yes No	No
NOTES	Yes	String	Description of the incident, including any additional information the company collected		



# Report to Council



**Date:** February 22, 2021

**To:** Council

**From:** City Manager

**Subject:** License of Occupation for UBC Art Banner Program

**Department:** Real Estate

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## **Recommendation:**

THAT Council approves the City entering into a six (6) month License of Occupation Agreement, with the University of British Columbia, with three (3) options to renew for one (1) year each, in the form attached to the Report of the Real Estate department, dated February 22, 2021;

AND THAT the Manager of Property Management be authorized to execute the License of Occupation Agreement, approved options to renew, and all documents necessary to complete this transaction.

## **Purpose:**

To seek Council approval to enter into a six (6) month License of Occupation agreement with the University of British Columbia for a banner program within the Rotary Common and along the Art Walk.

## **Background:**

The University of British Columbia ("UBC") and City of Kelowna Cultural Services department have agreed to work collectively to provide an opportunity for the display of UBCO Creative and Critical Studies student work on the existing thirteen banner posts within the Rotary Common and along the Art Walk. The thirteen banner posts proposed for use by this program are empty and not being utilized by the City of Kelowna.

## **Discussion:**

The proposed Outdoor Exhibition Space Banner Program would be a pilot program between UBC and the City for the period March 1, 2021 to August 31, 2021, with the possibility of three (3) extensions for one (1) year each upon mutual agreement of both parties.

All terms and conditions of the Agreement are contained within the attached License of Occupation and include consideration for roles and responsibilities of both parties, content, and cost. As per the Agreement, all banners must be shared with City Staff prior to display, and the City reserves the right to decline any art which may be considered inappropriate.



### **Existing Policy:**

In addition to creating new artistic work for the public to view in this area of the Cultural District, at no additional expense to the City, this partnership project between UBC and Cultural Services advances several areas of the Cultural Plan including:

- Goal 3: Optimize Existing Space
  - Strategy 3.1: Use existing space in new ways
  - Strategy 3.3: Animate community spaces with quality and accessible public art
- Goal 10: Convene and Connect
  - Strategy 10.2: Explore opportunities for the broader involvement of local educational institutions in developing and supporting local artists, organizations, and initiatives

All required infrastructure for the banners to be placed in this space exists.

### **Conclusion:**

The Outdoor Exhibition Space Banner Program utilizes existing banner poles and newly created works by students of UBCO's Creative and Critical Studies faculty. UBC agrees to take on the management of the program with minimal support provided by the Cultural Services department and no additional costs to the City of Kelowna.

### **Internal Circulation:**

Active Living and Culture  
Communications

### **Considerations not applicable to this report:**

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Financial/Budgetary Considerations:

External Agency/Public Comments:

Communications Comments:

**Submitted by:** J. Adamson, Manager, Property Management

**Approved for inclusion:** J. Säufferer, Real Estate Department Manager

**Attachments:** 1. Schedule A – License of Occupation UBC Art Banner Program  
2. Schedule B – PowerPoint Presentation



**LICENCE OF OCCUPATION**

**THIS AGREEMENT** dated for reference the 16 day of February, 2022.

**BETWEEN:**

**CITY OF KELOWNA**, a municipal corporation having its office at 1435  
Water Street, Kelowna, BC., V1Y 1J4

(the "City")

OF THE FIRST PART

**AND:**

**THE UNIVERSITY OF BRITISH COLUMBIA**, on behalf of its Faculty  
of Creative and Critical Studies, having an address at CCS 153A 1148  
Research Rd., Kelowna, BC Canada V1V 1V7

(the "Licensee")

OF THE SECOND PART

**WHEREAS:**

- A. The City owns 1315 Water Street, Kelowna, BC legally described as PID 024-847-119, Lot A Plan KAP67454 District Lot 139 Land District 41 Parent Pcl (Art Gallery) exc leased portions ON 214-080250 TO 080259 (the "Property");
- B. The Licensee wishes to use that portion of the Property shown in black on the sketch plan attached hereto as Schedule A (known as the "Licence Area") for the purposes of displaying UBCO Creative and Critical Studies student work (the "Banners") on the existing thirteen banner posts within the Rotary Common and along the Art Walk (the "Purposes") as part of the Spring Festival program (the "Program");
- C. The City is prepared to grant the Licensee a licence for the Purposes on the terms and conditions set out in this Agreement.

NOW THEREFORE in consideration of the payment of one dollar (\$1.00) and other good and valuable consideration, from the Licensee to the City, the receipt and sufficiency is hereby acknowledged, the City and the Licensee covenant and agree as follows:

- 1. **Grant** – The City grants to the Licensee the non-exclusive right and licence (the "Licence") to enter onto and use the Licence Area for only the Purposes.
- 2. **Additional Rights** – For the purposes outlined in Section 1, the Licensee shall have the right to bring onto the Licence Area all necessary materials, vehicles, machinery and equipment.
- 3. **Term** – The duration of this Agreement and Licence herein granted shall be for a term from March 1, 2021 to August 31<sup>st</sup>, 2021 (the "Initial Term") unless earlier terminated in accordance with Section 18.



4. **Extension** – The term of this Agreement may be renewed for three further periods of one year each (each, a “Renewal Term”) upon mutual written agreement of the parties. Compensation to the City by the Licensee for the Renewal Period shall be no less than the Initial Term.
5. **State of Licence Area at Termination** – In the event that this Agreement terminates or expires for any reason, the Licensee will cease all occupation of the Licence Area and will remove all of its equipment, chattels, fixtures, buildings and other improvements, including the Banners from the Licence Area within a reasonable period. In the event that the Licensee fails to remove any equipment or chattels upon termination of this Agreement then the City may do so and recover the expense thereof from the Licensee. All buildings, improvements and fixtures remaining on the Licence Area become the sole property of the City upon termination of this Agreement, without any compensation whatsoever to the Licensee.
6. **Non-exclusive Use** – The Licensee agrees that:
  - (a) the rights granted under this Agreement do not constitute any interest in the Licence Area or entitle the Licensee to exclusive possession of the Licence Area;
  - (b) the Licensee’s rights under this Agreement are at all times subject to the rights and interest of the City as owner and possessor of the Licence Area.
7. **No Waste or Nuisance** – The Licensee will not do or permit anyone it is in law responsible for to do anything that may become a nuisance to occupiers or invitees on adjoining lands.
8. **Terms and Conditions**
  - a. The Licensee will comply with the following terms and conditions:
    - i. take all responsibility for the maintenance and installation/removal of the Banners;
    - ii. subject to compliance with the Safety Program (as defined below) and subject to the requirements in section 8(a)(viii), determine the size, materials and the content of the Banners;
    - iii. have an established safety program in place for any installation/removal activities, that is approved by the City (the “Safety Program”). During installation/removal, full responsibility lies with the Licensee to ensure the Safety Program is being followed by those doing the installation/removal;
    - iv. pay on a timely basis, all suppliers, and any other providers of services and/or materials associated with the Safety Program and Licensee’s installation of the Banners;
    - v. seek appropriate permits for related events, openings or showcases, held by the Licensee in the Rotary Common or along the Art Walk;
    - vi. will obtain any required building permits, development permits, business licences and other required permissions with respect to the Purposes;
    - vii. acknowledge the relationship with the City on all communications and promotional materials relating to the Purposes, such as programmes, brochures, posters, advertisements, websites, news releases and signs. Acknowledgement is provided by using the City logo in accordance with prescribed standards as obtained by the Licensee by email from I [culture@kelowna.ca](mailto:culture@kelowna.ca);
    - viii. use reasonable efforts to ensure that content of the Banners:
      - (a) does not include any advertisements or promotional content;
      - (b) are original artworks, and do not infringe upon any copyright; and
      - (c) is shared with the City, prior to display. The City reserves the right to decline any art which may be considered inappropriate.
  - b. The City will:



- i. support the Licensee in promotion of the Program through the Cultural Services e-newsletter, sharing Licensee's social media posts and other means as deemed appropriate, provided that City must obtain the Licensee's prior written consent to use the Licensee's name, logos, and trademarks in each instance;
  - ii. provide the Licensee with a list of known hazards to assist in the development of the Safety Program;
  - iii. review and approve the Safety Program provided by the Licensee for the installation/removal activities;
  - iv. designate a contact person for the Licensee to direct all inquiries to. This contact person will be able to, as needed, direct the Licensee to different departments within the City.
- c. Both parties also agree that:
  - i. the City has no interest, title or right in or to any of the Banners;
  - ii. the Licensee is an independent contractor and are not employees or agents of the City and as such are not entitled to employment-related benefits from the City;
  - iii. the City has the right to promote the Program prior to, during and after completion. The ability to promote the Program includes but is not limited to photographs of the Banners and participants. The Licensee will provide the City with all required consents, including prior written consent from the Licensee to use the Licensee's name, logos, or trademarks in each instance and consent from the individuals who created the artwork on the Banners;
- 9. **Maintenance** – The Licensee will at its own expense keep the Banners within the Licence Area in a safe, clean and tidy condition, and will comply with the Safety Program prior to and during any construction.
- 10. **Compliance with Laws** – The Licensee will comply with all laws and regulations pertaining to its use and occupation of the Licence Area.
- 11. **Inspection by the City** – The City may review and inspect the Licence Area and the work which the Licensee is undertaking pursuant to this Agreement to determine if the Licensee is in compliance with the terms of this Agreement.
- 12. **No Transfer** – The rights granted to the Licensee under this Agreement may not be sub-licensed, assigned or otherwise transferred.
- 13. **Risk** – The Licensee accepts the Licence Area on an as-is basis and agrees that it will use the Licence Area at its own risk, and the City will not be liable in respect of any loss of life, personal injury, damage to property, loss of property or other loss or damage suffered by the Licensee, its contractors, subcontractors, agents, invitees, employees or any other person arising out of this Agreement or the use and occupation of the Licence Area except in the case of negligence or wilful act or omission by the City, its employees, agents or invitees.
- 14. **Indemnity** – The Licensee will indemnify and save harmless the City and its elected and appointed officials, officers, employees, agents and others from and against any claim, action, damage, liability, cost and expense in connection with loss of life, personal injury, loss of property, damage to property or other loss or damage arising from the use or occupancy of the Licence Area by the Licensee or any default of the Licensee under this Agreement or any wrongful act, omission or negligence of the Licensee or its officers, employees, contractors, agents or others for whom the Licensee is in law responsible, except to the extent caused by the negligence or acts or omissions of the City or the City's officers, employees, contractors, agents or others for whom the City is in law responsible. This indemnity will survive the expiry or sooner termination of this Agreement.
- 15. **Release** – The Licensee hereby releases and forever discharges the City, its elected officials, officers, employees, agents and invitees, of and from any claim, causes of action, suit, demand, expense, cost, legal fees and compensation of whatever kind, whether known or unknown, at law or in equity, including without limitation any claim under the *Property Law Act* (collectively "Claims"), which the Licensee may have, sustain or suffer, as the case may be, now or in the future arising from improvements in the Licence



Area, the expiry or termination of this Agreement, the exercise by the City of any of its rights under this Agreement or from or in any way connected with the Licensee's use of the Licence Area, except Claims arising from the negligence or acts or omissions of the City or the City's officers, employees, contractors, agents or others for whom the City is in law responsible.

16. **Insurance** – During the term of this Agreement, the Licensee will carry public liability insurance, in a form and with an insurer acceptable to the City, insuring the Licensee and the City under this Agreement in an amount not less than \$5,000,000.00 per occurrence in a form acceptable to the City, and any other type of insurance that the City may reasonably require. The Licensee will provide the City with proof of insurance at the time of execution of this Agreement and at other times upon request.
17. **Termination** – The City reserves the right to terminate this Agreement if the Licensee breaches any of its obligations under this Agreement and fails to remedy the breach with thirty (30) business days of receiving written notice from the City. The City will not be liable to compensate the Licensee for damages, costs or losses resulting from the exercise of this right of termination or any termination of this Licence.
18. **Early Termination** – Either party reserves the right to terminate the Agreement at any time with seven (7) days written notice to the other party, without liability to compensate the other party for damages, costs or losses resulting from the exercise of this right of termination.
19. **Notices** – Any notice given pursuant to this Agreement will be sufficiently given if it is in writing and delivered by hand or mailed by prepaid registered mail or sent by facsimile transmission to the intended party at its address set out on page 1 of this Agreement or to such other address as either party may provide in writing to the other pursuant to the provisions of this paragraph.

All notices and communication regarding this Agreement will be through:

- a. Licensee: Denise Kenney  
[Denise.kenney@ubc.ca](mailto:Denise.kenney@ubc.ca)  
CCS 153A 1148 Research Rd., Kelowna, BC V1V 1V7  
Phone: 250-864-3974
- b. City: Cultural Services Branch, City of Kelowna, 1360 Ellis Street, Kelowna, BC V1Y 2A2

A notice will be deemed to be received on the day it is delivered, if delivered by hand, on the day of transmission, if sent by facsimile, or 3 days after the date it was mailed or if that day is not a business day, the next day that is a business day. If mailed, should there be at the time of mailing or between the time of mailing and the deemed receipt of the notice, a mail strike or slowdown, labour or other dispute which might affect the delivery of such notice by the mails, then such notice will only be effective if delivered by hand or sent by facsimile transmission.

20. **No Effect on Laws or Powers** – Nothing contained or implied herein prejudices or affects the City's rights and powers in the exercise of its functions pursuant to the *Local Government Act* or its rights and powers under any enactment to the extent the same are applicable to the Licence Area, all of which may be fully and effectively exercised in relation to the Licence Area as if this Agreement had not been fully executed and delivered.
21. **Severance** – If any portion of this Agreement is held invalid by a Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid must not affect the validity of the remainder of the Agreement.
22. **Further Actions** – Each of the parties hereto shall from time to time hereafter and upon any reasonable request of the other, execute and deliver, make or cause to be made all such further acts, deeds, assurances and things as may be required or necessary to more effectually implement and carry out the true intent and meaning of this Agreement.



23. **Waiver or Non-action** – Waiver by a party of any breach of any term, covenant or condition of this Agreement by the other party will not be deemed to be a waiver of any subsequent default by that party. Failure by a party to take any action in respect of any breach of any term, covenant or condition of this Agreement by the other party will not be deemed to be a waiver of such term, covenant or condition.
24. **Reference** – Every reference to a party is deemed to include the heirs, executors, administrators, successors, servants, employees, agents, contractors and officers of such party wherever the context so requires or allows.
25. **General** –
- (a) This Agreement will bind and benefit each party to this Agreement, and its respective corporate successors;
  - (b) The Schedules attached to this Agreement form part of this Agreement;
  - (c) This Agreement constitutes the entire agreement between the parties and may not be amended except by agreement in writing signed by all parties to this Agreement;
  - (d) Time is of the essence of this Agreement;
  - (e) This Agreement must be construed according to the laws of the Province of British Columbia.
  - (f) This Agreement may be subject to approval of City of Kelowna Council.

As evidence of their agreement to be bound by the above terms and conditions, the parties have executed this Agreement below on the dates written below.

**CITY OF KELOWNA** by its authorized )  
Signatory: )  
 )  
 )  
\_\_\_\_\_)  
Mayor )  
 )  
\_\_\_\_\_)  
Clerk )  
 )

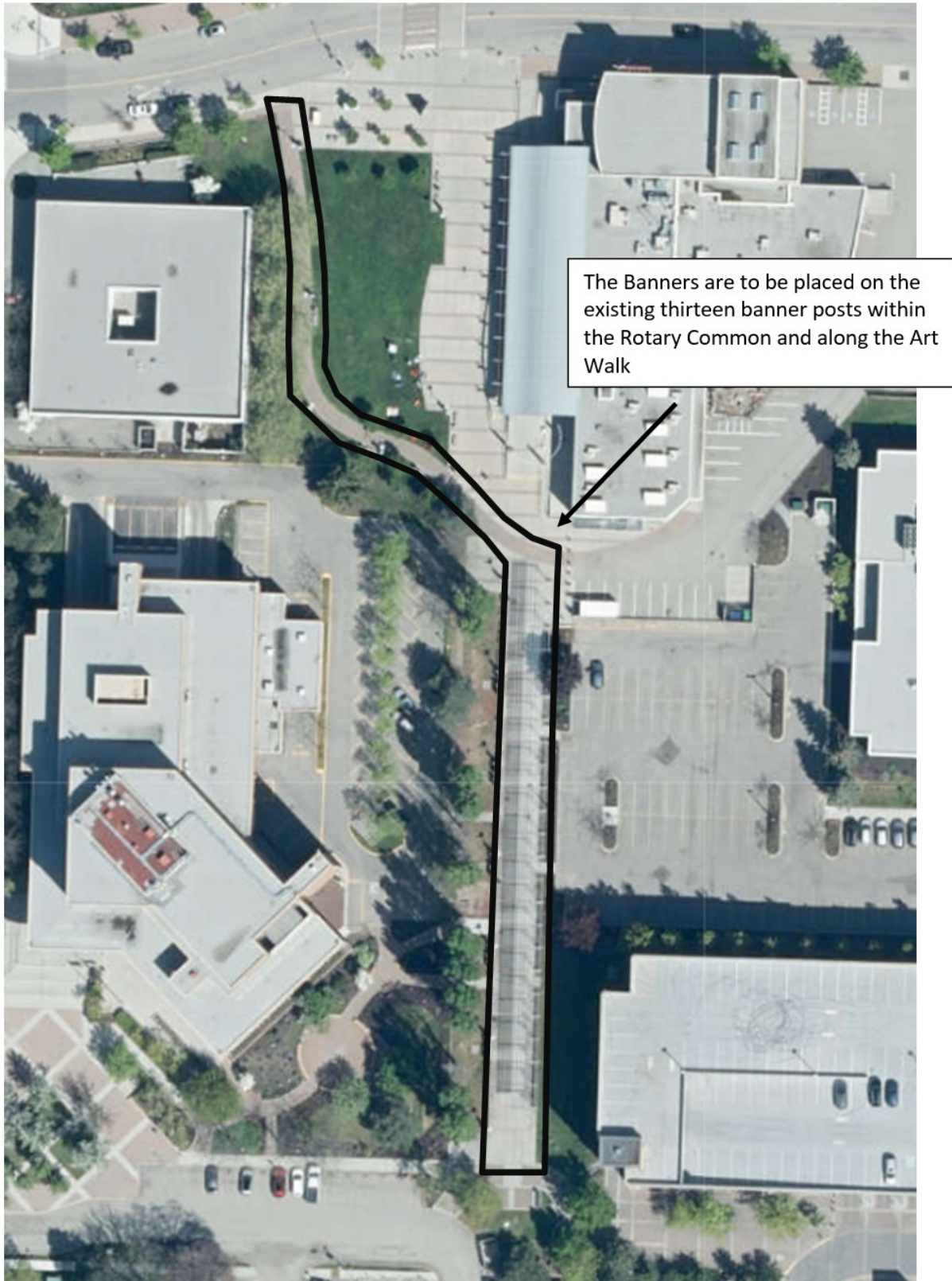
**THE UNIVERSITY OF BRITISH COLUMBIA**  
by its authorized signatory: )  
 )  
 )  
 )  
\_\_\_\_\_)  
Signature )  
 )  
 )  
**Denise Kenney** )  
\_\_\_\_\_)  
Print Name )  
 )



## Schedule A

### LICENSE AREA

A portion of 1315 Water Street, Kelowna, BC legally described as PID 024-847-119, Lot A Plan KAP67454 District Lot 139 Land District 41 Parent Pcl (Art Gallery) exc leased portions ON 214-080250 TO 080259







# License of Occupation – UBC Outdoor Exhibition Space Banner Program

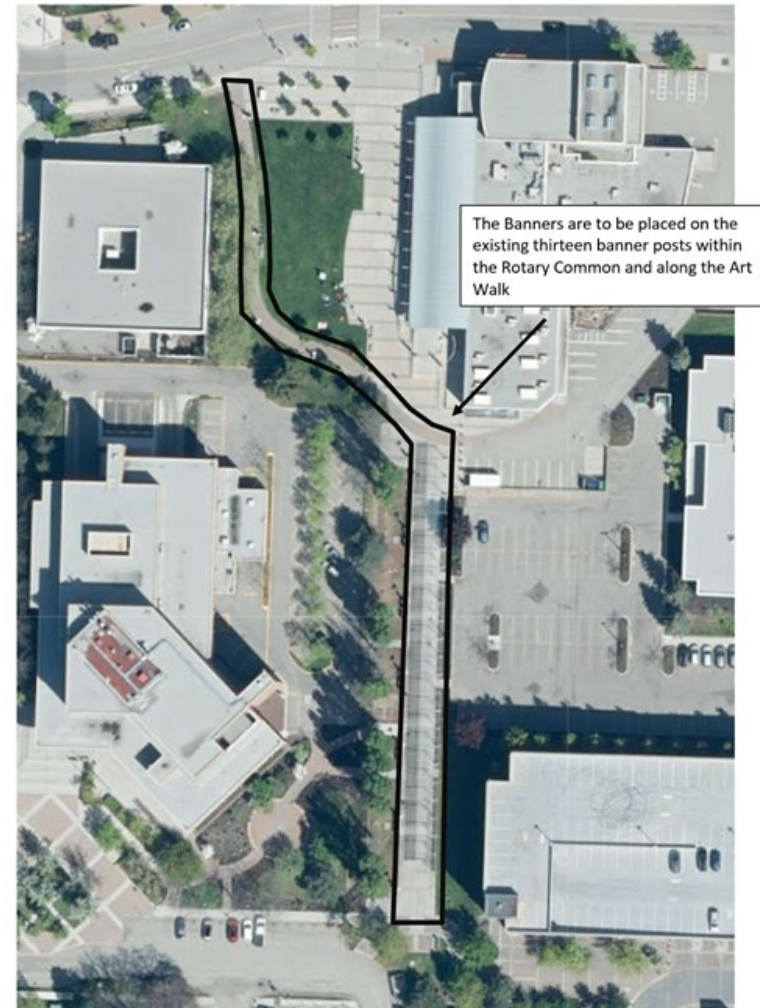
February 22, 2021






# The Program

- ▶ UBC and City of Kelowna Cultural Services Department agree to work collectively to provide an opportunity for the display of UBCO Creative and Critical Studies student work on the existing thirteen banner posts within the Rotary Common and along the Art Walk.
- ▶ The Outdoor Exhibition Space Banner Program is considered a pilot program for the period March 1, 2021 to August 31, 2021 with the possibility of extension upon mutual agreement of both parties.





# Community Benefit

- 
- ▶ The project advances several areas of the Cultural Plan including:
    - ▶ Goal 3: Optimize existing space
      - ▶ Strategy 3.2: Use existing space in new ways
      - ▶ Strategy 3.3: Animate community spaces with quality and accessible public art
    - ▶ Goal 10: Convene and Connect
      - ▶ Strategy 10.1: Explore opportunities for the broader involvement of local educational institutions in developing and supporting local artists, organizations and initiatives





*Questions?*

For more information, visit [kelowna.ca](http://kelowna.ca).



# CITY OF KELOWNA

## BYLAW NO. 12096

### Amendment No. 1 to the Intercommunity Mobile Business Licence Bylaw

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Intercommunity Mobile Business Licence Bylaw No. 9900 be amended as follows:

1. THAT the definition "**Participating Municipality**" be deleted in its entirety and replaced with:

"**Participating Municipality** means those of the listed municipalities that have adopted an intercommunity business license bylaw and any other municipalities that adopt this bylaw at a later date:

City of Armstrong	Regional District of Central Okanagan	District of Coldstream
City of Enderby	City of Kelowna	Village of Keremeos
District of Lake Country	Village of Lumby	City of Merritt
Town of Oliver	Town of Osoyoos	District of Peachland
City of Penticton	Town of Princeton	City of Revelstoke
City of Salmon Arm	District of Sicamous	Township of Spallumcheen
District of Summerland	City of Vernon	City of West Kelowna

2. AND THAT a Section 10 (b). be added as follows:

"The licence fees described in this Bylaw may be reduced pro-rata on a quarterly basis in respect of any business that becomes liable to be licenced after the commencement of the licence period during the businesses first year of operation";

3. AND FURTHER THAT Schedule 'A' be amended by

- (a.) Adding the following to vehicles for hire: "passenger directed";
- (b.) Adding the following definition to **Excluded Businesses**:



- "Those businesses selling goods or services to clients from the same location and not moving from client to client (eg, fruit stands/trucks, mobile stores, mobile vendors, flea markets, carnivals, trade shows etc.)".
- 4. This bylaw may be cited for all purposes as "Bylaw No. 12096, being Amendment No. 1 to the Intercommunity Mobile Business Licence Bylaw."
- 5. This bylaw shall come into full force and effect and be binding on all persons as of as of the date of adoption.

Read a first, second and third time by the Municipal Council this 18<sup>th</sup> day of January, 2021.

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk



**Draft Resolution**  
**Provincial COVID-19 Supplement Funding**

THAT Council supports the current temporary COVID-19 supplemental increase to individuals receiving Provincial income or disability assistance be made permanent;

AND THAT Council authorizes the Mayor to write a letter supporting an increase to current social assistance amounts to the Ministers of Finance, Social Development & Poverty Reduction, Housing, and Children & Family Development.

Background

Councillor Wooldridge made a Notice of Motion during the Monday, February 8, 2021 Council meeting regarding extending and making permanent the COVID-19 related temporary increase to social assistance monthly amounts. The background information, below, was supplied by Councillor Wooldridge who will speak to the Draft Resolution at the Monday, February 22, 2021 Council meeting.

Stephen Fleming  
City Clerk

**BACKGROUND:**

People in BC receiving income or disability assistance have stated that the \$300 COVID 'top-up' made a very noticeable difference in their lives. For more than a decade, thousands of British Columbians have lived in dire poverty. In B.C., income assistance is currently \$760 a month, and disability assistance is \$1,183 a month, to cover everything: food, rent, medical supplies, clothes, heat, transportation, and more. After COVID-19 hit in 2020, people on income and disability assistance in B.C. received a temporary \$300-per-month increase, for a total of \$1,060 a month for a single person and \$1,483 a month for someone with a disability — still below the poverty line.

Kelowna's Journey Home Strategy identifies data that gives an understanding of the number of people in Extreme Core Housing Need (highest risk of homelessness) due to low incomes (under \$20,000 per year) and paying 50% or more on rental costs. The strategy estimates that approximately 2800-3000 people are at risk of homelessness, we know that mindful intervention with targeted measures, like supplemented social assistance rates (or 'safety net' funding), prevent this whenever possible.

Municipalities across the country are faced with a worsening homelessness crisis especially true for those with disabilities. Those at risk of homelessness have both a high housing cost and a poverty challenge. If we compare the average incomes of those at risk to the average Kelowna household, the picture is startling: high-risk renter households earn a fraction of the income of average Kelowna households, yet they face similar housing costs in a tightening marketplace.

The **2018 Report on Homeless Counts in BC**, compiled by Homelessness Services Association of BC, Urban Matters, and the BC Non-Profit Housing Association, reports that 69% of people experiencing



homelessness are dependent on government income, while 51% say their income is too low to be able to pay rent.

The **2020 BC Child Poverty Report, First Call** says one in five BC children live in poverty. In 2018, there were 159,570 children and youth living in poor households with many living in deep poverty, including *5,970 children (or 16.7% of all children) in the Kelowna Census Metropolitan Area.*

Journey Home's #1 Pillar: Inclusion & Prevention identifies the need to work upstream, to be proactive instead of reactive. To stop the flow of homelessness through targeted prevention, and early identification to support individuals before they reach a stage of crisis. Targeted approaches like increased monthly supplements aide in addressing housing and poverty needs in the community.

**Supporting Policies:**

- Council Priorities 2019-2022 'Social& Inclusive'
- Council adopted 'Journey Home Strategy' June 2018
- BC Urban Mayor's Caucus 4 Pillars (related to poverty reduction) Affordable Housing, MHSU services & public transit

**Related Ministries:**

- Ministry of Finance
- Ministry of Social Development & Poverty Reduction
- Ministry of Housing
- Ministry of Children & Family Development