

City of Kelowna

Regular Council Meeting

AGENDA



Monday, April 12, 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

6 - 16

PM Meeting - March 22, 2021

3. Committee Reports

3.1. 46th Annual Civic and Community Awards Announcement

4. Reports

4.1. Kelowna RCMP's 2021-24 Strategic Plan

17 - 36

To present the Kelowna RCMP's 2021-24 Strategic Plan for final feedback before it is finalized for production.

5. Development Application Reports & Related Bylaws

5.1. Lakeshore Rd 4346 - LUCT20-0014 (BL12135) Z20-0101 (BL12136) - British Columbia Telephone Company, Inc.No. 1801A

37 - 49

To consider an application to proceed with early termination of Land Use Contract LUC76-1090 and to rezone the subject property.

- 5.2. Lakeshore Rd 4346 - BL12135 (LUCT20-0014) - British Columbia Telephone Company, Inc.No. 1801A** 50 - 50
- Requires a majority of all members of Council (5).**
- To give Bylaw No. 12135 first reading in order to proceed with early termination of Land Use Contract LUC76-1090.
- 5.3. Lakeshore Rd 4346 - BL12136 (Z20-0101) - British Columbia Telephone Company, Inc.No. 1801A** 51 - 51
- To give Bylaw No. 12136 first reading in order to rezone the subject property from the RU1 - Large Lot Housing zone to the P4 - Utilities zone.
- 5.4. Bulman Rd 3770 - LUCT20-0015 (BL12137) - City of Kelowna** 52 - 63
- To proceed with the early termination of LUC77-1057 and to revert the parcel to the underlying A1 – Agriculture 1 zone.
- 5.5. Bulman Rd 3770 - BL12137 (LUCT20-0015) - City of Kelowna** 64 - 64
- Requires a majority of all members of Council (5).**
- To give Bylaw No. 12137 first reading to proceed with early termination of Land Use Contract LUC77-1057.
- 5.6. TA20-0015 (BL12193) - Health District Rental Only Subzones - City of Kelowna** 65 - 75
- To consider a text amendment application to the HD2- Hospital and Health Support Services and HD3- Health Services Transitional zones to create rental subzones.
- 5.7. BL12193 (TA20-0015) - Health District Rental Only Subzones - City of Kelowna** 76 - 77
- To give Bylaw No. 12193 first reading in order to create rental subzones within the HD2- Hospital and Health Support Services and HD3- Health Services Transitional zones.
- 5.8. DeHart Rd 855 - Z20-0080 (BL12204) - Diane Maggie Jane Gatley** 78 - 110
- To rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone to facilitate a 3-lot subdivision, and to waive the Public Hearing.
- 5.9. DeHart Rd 855 - BL12204 (Z20-0080) - Diane Maggie Jane Gatley** 111 - 111
- To give Bylaw No. 12204 first reading in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone, and to waive the Public Hearing.

5.10.	Supplemental Report - Multiple Addresses - Z21-0006 (BL12180) - Multiple Owners	112 - 113
	To receive a summary of correspondence for Rezoning Bylaw No. 12180 and to give the bylaw further reading consideration.	
5.11.	Multiple Addresses - BL12180 (Z21-0006) - Multiple Owners	114 - 126
	To give Bylaw No. 12180 second and third reading in order to rezone multiple properties to correct boundary discrepancies or resolve zoning inconsistencies.	
5.12.	Rescindment of Bylaw Readings - McCurdy Road 2755 - OCP16-0004 (BL11472) Z16-0030 (BL11473)	127 - 128
	To rescind all three readings given to Official Community Plan Bylaw No. 11472 and Rezoning Application Bylaw No. 11473, and direct staff to close the file.	
5.13.	Rescinding all Readings - McCurdy Rd 2755 - BL11472 (OCP16-0004)	129 - 130
	To rescind first, second and third readings of Bylaw No. 11472.	
5.14.	Rescinding all Readings - McCurdy Rd 2755 - BL11473 (Z16-0030)	131 - 132
	To rescind first, second and third readings of Bylaw No. 11473.	
5.15.	Speer St 2257 2263 - Z19-0102 (BL11974) - Extension Request	133 - 134
	To extend the deadline for adoption of Rezoning Bylaw No. 11974 to February 4, 2022.	

6. Bylaws for Adoption (Development Related)

6.1.	Findlay Rd 1308 - BL11920 (Z18-0107) - R 547 Enterprises Ltd	135 - 135
	To amend Bylaw No. 11920 and adopt in order to rezone the subject properties from the RU1 – Large Lot Housing zone to the I2 – General Industrial zone.	
6.2.	Multiple Addresses - BL11928 (OCP19-0005) - Multiple Owners	136 - 141
	Requires a majority of all members of Council (5).	
	To adopt Bylaw No. 11928 in order to change the future land use designations on portions of the subject properties to correct boundary discrepancies as outlined in Schedule "A".	
6.3.	Multiple Addresses - BL11929 (Z19-0107) - Multiple Owners	142 - 150
	To adopt Bylaw No. 11929 in order to change the zoning on portions of the subject properties to correct boundary discrepancies as outlined in Schedule "B".	

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| 6.4. | Ellis St. 1095, BL11962 (Z19-0071) - BMK 140 Holdings Inc., Inc. No. BCo748760 | 151 - 151 |
| | To adopt Bylaw No. 11962 in order to rezone the subject property from the I4 - Central Industrial zone to the C7 - Central Business Commercial zone. | |
| 6.5. | Moubray Rd 387 - BL12156 (Z20-0092) - Ravdeep S. Tiwana and Kulwinder K. Khatra | 152 - 152 |
| | To adopt Bylaw No. 12156 in order to rezone the subject property from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing. | |
| 6.6. | Cadder Ave 377 - BL12169 (Z20-0105) - Kevin O'Brien and Wendy Holt-O'Brien | 153 - 153 |
| | To adopt Bylaw No. 12169 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. | |

7. Non-Development Reports & Related Bylaws

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| 7.1. | RU7 Infill Housing Fast Track Updates | 154 - 164 |
| | To request Council direction to officially terminate the fast-track development permit process. | |
| 7.2. | Strengthening Communities' Services Grant Application | 165 - 167 |
| | To approve a grant application for funding of a proposed Outdoor Sheltering Strategy. | |
| 7.3. | Edith Gay Park Netting Project | 168 - 175 |
| | To inform Council on the netting requirements at the Edith Gay Park baseball fields and advise on the costs to install the required netting. | |
| 7.4. | Allowing e-scooters to access the road network through a Motor Vehicle Act Pilot Project | 176 - 207 |
| | To allow e-scooters to access the road network through a Motor Vehicle Act Pilot Project. | |
| 7.5. | BL12183 Amendment No. 39 to Traffic Bylaw No. 8120 | 208 - 208 |
| | To give Bylaw No. 12183 first, second and third reading. | |
| 7.6. | BL12208 Amendment No. 27 to the Bylaw Notice Enforcement Bylaw No. 10475 | 209 - 210 |
| | To give Bylaw No. 12208 first, second and third reading. | |

7.7.	Unsolicited Proposal Program	211 - 255
	To introduce the Unsolicited Proposal Program as a process to receive and evaluate proposals from the community which assist the City in addressing key priorities.	
7.8.	Sidewalk Seating Fee Reduction for 2021	256 - 292
	To reduce the fees payable for the Sidewalk Seating Program on public lands by 50% for 2021 to reflect the reduction in patio seating capacity due to orders from the Provincial Health Officer	
7.9.	BL12210 Amendment No. 40 to Traffic Bylaw No. 8120	293 - 294
	To give Bylaw No. 12210 first, second and third reading.	
7.10.	2021 School Trustee By-Election Officer Appointments	295 - 303
	To appoint the Chief Election Officer and Deputy Chief Election Officers for the 2021 School Trustee By-Election.	
8.	Bylaws for Adoption (Non-Development Related)	
8.1.	BL12153 Amendment No. 13 to Water Regulation Bylaw No.10480	304 - 310
	To adopt Bylaw No. 12153.	
8.2.	BL12182 Amendment No. 4 to the Delegation of Authority to Enter into Leases and Licences of Occupation Bylaw No. 11250	311 - 311
	To adopt Bylaw No. 12182.	
9.	Mayor and Councillor Items	
10.	Termination	



City of Kelowna Regular Council Meeting Minutes

Date:	Monday, March 22, 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 Absent	Councillor Charlie Hodge and Councillor Stack*
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Community & Neighbourhood Services Manager, Mariko Siggers*; Divisional Director, Planning & Development Services, Ryan Smith*, Urban Planning Manager, Jocelyn Black*; Community Planning & Development Manager, Dean Strachan*; Planner Specialist, Wesley Miles*; Planner, Aaron Thibeault*; Budget Supervisor, Melanie Antunes*; Financial Planning Manager, Kevin Hughes*; Deputy City Manager, Joe Creron*; Utility Services Manager, Kevin Van Vliet*; Utility Planning Manager, Rod MacLean*, Property Management Manager, JoAnne Adamson*; Divisional Director, Partnership & Investments, Derek Edstrom*; Partnership Manager, Sandra Kochan*
Staff participating remotely	Legislative Coordinator (Confidential), Arlene McClelland
Guests participating remotely	Ellen Boelcke*, Civic & Community Awards Committee Chair Erza Cipes* and Stephen Cipes*, Applicant; Ed Griffons*, CTQ Consultants, Dave Cullen*, CTQ Consultants, Jeremy Luypen*, Summerhill Winery, Brian Quiring*, MQN Architects, Dave Lange*, Landscape Architect Consultant Rosa Perretta*, Applicant; Jordan Hettinga*, Kent-MacPherson Dan Allen* and Jason Broome*, Applicant Representatives

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:34 p.m.

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

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2. Confirmation of Minutes

Councillor Hodge requested that the minutes be amended to include the technical reason he was absent from the March 15, 2021 afternoon meeting.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0328/21/03/22 THAT the Minutes of the Regular Meetings of March 15, 2021, as amended, be confirmed as circulated.

Carried

3. Committee Reports

3.1 46th Annual Civic and Community Awards Finalist Announcement

Staff:

- Introduced the presenter of the Award finalists, Civic Awards Committee Chair, Ellen Boelcke.
- Provided an overview for the new Civic & Community Awards format for 2021.

Ellen Boelcke, Civic & Community Awards Chair

- Spoke to a displayed PowerPoint Presentation identifying the 46th Annual Civic and Community Awards Finalists.

Moved By Councillor Donn/Seconded By Councillor DeHart

R0329/21/03/22 THAT Council receives, for information, the report from Active Living & Culture, dated March 22, 2021, that announces the finalists for the 46th Annual Civic & Community Awards.

Carried

4. Development Application Reports & Related Bylaws

4.1 Chute Lake Rd 4870 - A20-0003 - Stephen Cipes

Councillor DeHart declared a conflict of interest as their employer is a hotel that offers conference facility services and departed the meeting at 1:45 p.m.

Mayor Baran confirmed that staff made a presentation at a previous Council meeting and that today is an opportunity for Council to ask questions of the Applicants.

Applicant, Erza Cipes and Stephen Cipes

Applicant Representatives, Ed Griffons, CTQ Consultants, Dave Cullen CTQ Consultants, Jeremy Luypen, Summerhill Winery, Brian Quiring MQN Architects, and Dave Lange, Landscape Architect Consultant

- Responded to questions from Council.

Staff:

- Responded to questions from Council.

Moved By Councillor Hodge/Seconded By Councillor Sieben

R0330/21/03/22 THAT Agricultural Land Reserve Application No. A20-0003 for Lot 1, Sections 24 and 25, Township 28, Plan KAP78562 located at 4870 Chute Lake Road, Kelowna, BC for a "Non-Farm Use" under Section 20(2) of the Agricultural Land Commission Act, be supported by Council;

AND THAT Council direct Staff to forward the subject application to the Agricultural Land Commission for consideration.

Carried

Councillors Donn, Singh and Stack - Opposed

Councillor DeHart rejoined the meeting at 3:19 p.m.

4.2 Glenmore Rd N 3755 - A20-0010 - Rosa Perretta

Staff:

- Displayed a PowerPoint Presentation summarizing the application and provided rationale for non-support and responded to questions from Council.

The Mayor invited the Applicant or Applicant's representative to participate on line.

Jordan Hettinga, Kent-MacPherson, Applicant Representative and Rosa Perretta, Applicant

- Shared a PowerPoint Presentation.
- Spoke to the large portion of property that is physically under water and the lack of access to the usable portions of land.
- Provided background information and reasons for the exclusion request.
- Responded to questions from Council.

The City Manager left the meeting at 3:54 p.m. and the Divisional Director, Community Planning began acting for the City Manager.

Moved By Councillor Donn/Seconded By Councillor Singh

R0331/21/03/22 THAT Agricultural Land Reserve Application No. A20-0010 for Parcel A (DD W18607) of the Southeast ¼ of Section 33 Township 23 ODYD, located at 3755 Glenmore Road North, Kelowna, BC for an exclusion of agricultural land in the Agricultural Land Reserve pursuant to Section 29(1) of the Agricultural Land Commission Act, NOT be supported by Council;

AND THAT Council directs Staff NOT to forward the subject application to the Agricultural Land Commission of consideration.

Defeated

Councillors DeHart, Given, Sieben, Singh and Stack - Opposed

Moved By Councillor Sieben/Seconded By Councillor Singh

R0332/21/03/22 THAT Agricultural Land Reserve Application No. A20-0010 for Parcel A (DD W18607) of the Southeast ¼ of Section 33 Township 23 ODYD, located at 3755 Glenmore Road North, Kelowna, BC for an exclusion of agricultural land in the Agricultural Land Reserve pursuant to Section 29(1) of the Agricultural Land Commission Act, be supported by Council;

AND THAT Council directs Staff to forward the subject application to the Agricultural Land Commission for consideration.

Carried

Mayor Basran and Councillor Donn - Opposed

The meeting recessed at 4:20 p.m.

The meeting reconvened at 4:32 p.m. with Councillor Donn absent.

4.3 Vaughan Ave 88g, Clement Ave 88o 89o - TA20-0024 - 1568447 Alberta Ltd., Inc. No. A0093042

Staff:

- Displayed a PowerPoint Presentation summarizing the application and provided rationale for non-support and responded to questions from Council.

Councillor Donn rejoined the meeting at 4:38 p.m.

The Mayor invited the Applicant or Applicant's representative to participate online.

Dan Allen and Jason Broome, Applicant Representatives

- Provided rationale for the application.
- Spoke to the number of potential employees to be hired.
- Confirmed that neighbours had been canvassed and there were no issues raised.
- Responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Hodge

R0333/21/03/22 THAT Zoning Bylaw Text Amendment Application No. TA20-0024 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" attached to the Report from the Development Planning Department dated March 22, 2021, located at 88o and 89o Clement Avenue and 88g Vaughan Avenue, Kelowna, BC be considered by Council;

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

Carried

4.4 Valley Rd 368 - Z20-0097 (BL12190) - Gregory S. Baytalan

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Sieben/Seconded By Councillor Given

R0334/21/03/22 THAT Rezoning Application No. Z20-0097 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Parcel A (DD 130155F and Plan B6158) of Lot 2 Section 33 Township 26 ODYD Plan 4043, located at 368 Valley Road, Kelowna, BC from the RR3 – Rural Residential 3 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 Community Planning Department dated March 22, 2021;

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.

Carried

4.5 Valley Rd 368 - BL12190 (Z20-0097) - Gregory S. Baytalan

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0335/21/03/22 THAT Bylaw No. 12190 be read a first time.

Carried

4.6 Pacific Ave 1220 1230 - Z20-0094 (BL12191) - Great A and A Properties Ltd., Inc. No. BCo888141

Staff:

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

Moved By Councillor Sieben/Seconded By Councillor Hodge

R0336/21/03/22 THAT Rezoning Application No. Z20-0094 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 2 and 3 Section 19 Township 26 ODYD Plan 6634, located at 1220 and 1230 Pacific Avenue, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the C4 – Urban Centre Commercial 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 March 22, 2021;

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

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.

Carried

4.7 Pacific Ave 1220 1230 - BL12191 (Z20-0094) - Great A and A Properties Ltd., Inc. No. BCo888141

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0337/21/03/22 THAT Bylaw No. 12191 be read a first time.

Carried

4.8 Infill Neighbourhood and RU7 Zone Changes

Staff:

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

Moved By Councillor Given/Seconded By Councillor Stack

R0338/21/03/22 THAT Official Community Plan Text Amendment Application No. TA21-0004 to amend Kelowna 2030 – Official Community Plan Bylaw No. 10500 as outlined in Schedule "A" attached to the Report from the Development Planning Department dated March 22, 2021, be considered by Council;

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

THAT Zoning Bylaw Text Amendment Application No. TA21-0003 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "B" attached to the Report from the Development Planning Department dated March 22, 2021 be considered by Council;

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

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

Carried

4.9 BL12185 (TA21-0004) - Amendment to Chapter 14 - Urban Design DP Guidelines

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0339/21/03/22 THAT Bylaw No. 12185 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

4.10 BL12186 (TA21-0003) - Amendment to Section 13 - Urban Residential Zones - RU7 - Infill Housing

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0340/21/03/22 THAT Bylaw No. 12186 be read a first time.

Carried

4.11 Aberdeen St, Burnett St, Glenwood Ave, Woodlawn St - OCP21-0001 (BL12188) Z20-0083 (BL12189) - Multiple Owners

Staff:

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

Moved By Councillor Donn/Seconded By Councillor Hodge

R0341/21/03/22 THAT Council receives, for information, the report from the Development Planning Department dated March 22, 2021, with respect to rezoning select properties to the RU7 Infill Housing zone;

AND THAT Official Community Plan Map Amendment Application No. OCP21-0001 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of the lots listed in Schedule "A" from the S2RES - Single / Two Unit Residential designation to the SIH – Sensitive Infill Housing 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 Rezoning Application No. Z20-0083 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of the lots listed in Schedule "A" from the RU6 – Two Dwelling Housing zone to the RU7 – Infill Housing zone, be considered by Council;

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

AND FURTHER THAT Council direct Staff to consult with the property owners of 44 additional properties under consideration for rezoning to the RU7 zone as outlined in the RU7 Rezoning Report from the Development Planning Department, dated March 22, 2021.

Carried

4.12 Aberdeen St, Burnett St, Glenwood Ave and Woodlawn St - BL12188 (OCP21-0001) - Multiple Owners

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0342/21/03/22 THAT Bylaw No. 12188 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

4.13 Aberdeen St, Burnett St, Glenwood Ave and Woodlawn St - BL12189 (Z20-0083) - Multiple Owners

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R0343/21/03/22 THAT Bylaw No. 12189 be read a first time.

Carried

4.14 Supplemental Report - Bedford Rd 4255 - Z20-0089 (BL12171) - Patrick Wiercioch

Moved By Councillor Given/Seconded By Councillor Sieben

R0344/21/03/22 THAT Council receives, for information, the report from the Office of the City Clerk dated March 22, 2021 with respect to the summary of correspondence received for Zoning Bylaw No. 12171;

AND THAT Rezoning Bylaw No. 12171 be forwarded for further reading consideration.

Carried

4.15 Bedford Rd 4255 - BL12171 (Z20-0089) - Patrick Wiercioch

Moved By Councillor Donn/Seconded By Councillor DeHart

R0345/21/03/22 THAT Bylaw No. 12171 be read a second and third time.

Carried

The City Manager rejoined the meeting at 5:25 p.m.

4.16 Supplemental Report - Gordon Dr 4355 - Z20-0077 (BL12179) - 1253097 BC Ltd., Inc. No. BC1253097

Moved By Councillor Hodge/Seconded By Councillor Donn

R0346/21/03/22 THAT Council receives, for information, the report from the Office of the City Clerk dated March 22, 2021 with respect to the summary of correspondence received for Zoning Bylaw No. 12179;

AND THAT Rezoning Bylaw No. 12179 be forwarded for further reading consideration.

Carried

4.17 Gordon Dr 4355 - BL12179 (Z20-0077) - 1253097 BC Ltd., Inc.No.BC1253097

Moved By Councillor DeHart/Seconded By Councillor Sieben

R0347/21/03/22 THAT Bylaw No. 12179 be read a second and third time.

Carried

5. Non-Development Reports & Related Bylaws

5.1 2021 Financial Plan - Carryover Budget

Staff:

- Displayed a PowerPoint Presentation summarizing the 2021 Carryover Budget and identified an amendment to the recommendation and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Given

R0348/21/03/22 THAT the 2021 Financial Plan Volume 2 be amended by reducing the Amount value on the Burtch & Harvey Intersection Improvements request on page 543 from \$199,900 to \$99,900;

AND THAT the 2021 Financial Plan be increased by \$7,636,160 to provide for operating carryover projects and \$164,776,050 for capital carryover projects as summarized in Financial Plan Volume 2, as amended.

Carried

5.2 Water Regulation Bylaw Amendments Bylaw 12153

Staff:

- Provided a summary of the proposed amendment to the Water Regulation Bylaw and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor DeHart

R0349/21/03/22 THAT Council receives for information, the report from Utility Services dated March 22, 2021, pertaining to the Water Regulation Bylaw updates;

AND THAT Bylaw No. 12153 being Amendment No. 13 to Water Regulation Bylaw No. 10480 be forwarded for reading consideration.

Carried

Moved By Councillor DeHart/Seconded By Councillor Sieben

R0350/21/03/22 THAT staff ensure direct engagement occurs for those properties with the anticipated largest impacts.

Carried

Councillor Donn left the meeting at 6:08 p.m.

5.3 BL12153 Amendment No. 13 to Water Regulation Bylaw No.10480

Moved By Councillor DeHart/Seconded By Councillor Wooldridge

R0351/21/03/22 THAT Bylaw No. 11253 be read a first, second and third time.

Carried

5.4 Delegation of Authority, Property Management

Staff:

- Responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Wooldridge

R0352/21/03/22 THAT Council receives, for information, the report from the Real Estate department dated March 22, 2021, with respect to minor changes to Council's delegation of authority bylaw;

AND THAT Bylaw No. 12182 being Amendment No. 4 to the Delegation of Authority to Enter into Leases and Licences of Occupation Bylaw No. 11250, be forwarded for reading consideration.

Carried

5.5 BL12182 Amendment No. 4 to the Delegation of Authority to Enter into Leases and Licences of Occupation Bylaw No. 11250

Moved By Councillor Sieben/Seconded By Councillor DeHart

R0353/21/03/22 THAT Bylaw No. 12182 be read a first, second and third time.

Carried

5.6 Non Market Lease Agreement - Kelowna Paddle Center

Staff:

- Displayed a PowerPoint Presentation outlining the proposed Lease Agreement with the Kelowna Paddle Center and responded to questions from Council.

Moved By Councillor Singh/Seconded By Councillor DeHart

R0354/21/03/22 THAT Council approves the City entering into a five (5) year Non-Market Lease Agreement with the Kelowna Outrigger Racing Canoe Club Association, in the form attached to the Report of the Real Estate department dated March 22, 2021;

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

Carried

5.7 MRDT Renewal and Tourism Partnership

Councillor DeHart declared a conflict of interest, as in previous years, as her employer collects municipal and regional tax and departed the meeting at 6:20 p.m.

Staff:

- Displayed a PowerPoint Presentation summarizing the partnership arrangements with Tourism Kelowna.

Moved By Councillor Given/Seconded By Councillor Singh

R0355/21/03/22 THAT Council receives for information the report from the Partnership Office dated March 22, 2021, regarding the partnership with Tourism Kelowna and the process toward renewal of the Municipal and Regional District Tax.

Carried

5.8 School Trustee By-Election Procedures

Moved By Councillor Given/Seconded By Councillor Sieben

R0356/21/03/22 THAT Council receives, for information, the report from the Office of the City Clerk dated March 22, 2021 with respect to bylaws for the school trustee by-election;

AND THAT Bylaw No. 12192, being the 2021 School Trustee By-Election Bylaw No. 12192 be forwarded for reading consideration;

AND THAT Bylaw No. 12195, being Amendment No. 2 to Automated Voting Machines Authorization Bylaw No. 10970 be forwarded for reading consideration;

AND FURTHER THAT Council authorize the Deputy City Clerk to submit a request to the Minister of Education to make an order allowing the City of Kelowna's Chief Election Officer to permit voting by all electors voting in the by-election to be done by mail and allowing certain declarations made by electors to be made orally.

Carried

5.9 BL12192 - 2021 By-Election Procedures

Moved By Councillor Sieben/Seconded By Councillor Wooldridge

R0357/21/03/22 THAT Bylaw No. 12192 be read a first, second and third time.

Carried

5.10 BL12195 - Amendment No. 2 to the Automated Voting Machines Authorization Bylaw No. 10970

Moved By Councillor Sieben/Seconded By Councillor Wooldridge

R0358/21/03/22 THAT Bylaw No. 12195 be read a first, second and third time.

Carried

Councillor Stack declared a perceived conflict of interest as the organization he works for applies for tax exemptions from time to time and disconnected from the meeting at 6:45 p.m.

6. Bylaws for Adoption (Non-Development Related)

6.1 Harvey Ave 969, BL12174 - Housing Agreement Authorization Bylaw - The Evangel Family Rental Housing Society, Inc. No. S16918

Moved By Councillor Given/Seconded By Councillor Wooldridge

R0359/21/03/22 THAT Bylaw No. 12174 be adopted.

Carried

7. Mayor and Councillor Items

There were no Councillor items.

8. Termination

This meeting was declared terminated at 6:46 p.m.

Mayor Basran

/acm



City Clerk

DRAFT

Report to Council



Date: April 12, 2021
To: Council
From: City Manager
Subject: Kelowna RCMP's 2021-24 Strategic Plan
Department: Community Safety / Kelowna RCMP

Recommendation

THAT Council receives for information the report from the RCMP dated April 12, 2021 regarding the RCMP 2021-24 Strategic Plan.

Purpose

To present the Kelowna RCMP's 2021-24 Strategic Plan for final feedback by City Council before it is finalized for production.

Background

In fall 2020, the Kelowna RCMP commenced a process to renew its now expired [2016-2019 Crime Reduction Strategy](#). A Crime Reduction Strategy is a requirement for all RCMP detachments and serves as its strategic and operational plan.

Through the Municipal Police Unit Agreement and contractual obligations, cities inform priorities for the contracted RCMP agency. The Officer in Charge (OIC) also holds accountability for ensuring that Kelowna RCMP deliver on police duties and functions (established pursuant to BC's Police Act and regulations). Accordingly, Kelowna RCMP's Strategic Plan is *aligned* with Council's community safety priorities and, recognizing that community safety necessitates a cross-sector approach, holds a place for its role in Kelowna's upcoming Community Safety Plan.

Strategic Planning Process

The planning process for the Kelowna RCMP's 2021-24 Strategic Plan included:

<i>Steps</i>	<i>Informed By</i>	<i>Timeline</i>
1. Cross-referencing of Kelowna's 2019-22 Priorities including Council's three Community Safety Priorities as well as the City's five OIC Outcomes	City of Kelowna, Mayor & Council	December 2021
2. Inviting insights from Mayor & Council on current and future policing demands via an online survey	Mayor & Council	December 9-23, 2021
3. Citizen policing needs through in-depth service analytics (e.g. calls for service and crime heat mapping)	Citizens	November 2020 to January 2021

<i>Steps</i>	<i>Informed By</i>	<i>Timeline</i>
4. Citizen input via 2019 and 2020 surveys, including drivers of citizens' sense of safety, differences between Kelowna neighbourhoods and scan of 2020 media headlines	Citizens	January 2021 review of existing data
5. Council review of and feedback on four strategic directions and draft metrics	Mayor & Council	January 18, 2021
6. Engagement of Kelowna RCMP leadership team in identifying goals and strategic initiatives (how Kelowna RCMP will make a measurable difference) <ul style="list-style-type: none"> Analysis of the 2019 Kelowna RCMP Resource Review and national RCMP Vision150 	Kelowna RCMP OIC and leadership team	January 4 to February 11, 2021
7. Scan of innovative practices for community engagement and diversity and inclusion	North American policing organizations	February 1 to 28, 2021
8. Conversations to explore feasibility of strategic initiatives with community-based social services and communications experts	Community partners	January 14 to March 1, 2021

From this comprehensive process, four strategic priorities emerged:

- 1) increase the sense of safety in our public spaces;
- 2) decrease the risk of property crime;
- 3) earn the trust of more citizens that have experienced persons crimes; and
- 4) show up at our best for every citizen.

The Strategic Plan focuses on the areas where Kelowna RCMP will make a measurable difference in public safety outcomes in 2021-24, while maintaining many other critically important services - frontline policing, traffic enforcement, drug enforcement and youth engagement, to name a few.

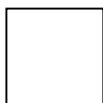
Ongoing Strategic Performance Management

Kelowna RCMP's executive team and unit leaders are poised for strategy deployment and will be reviewing progress internally on a monthly basis going forward.

In addition to establishing a strategic roadmap for the RCMP in the coming years, this Plan includes a framework of more extensive and meaningful metrics that move beyond conventional crime statistics as the sole measure of police effectiveness. With Council's support, success measures for the 2021-24 Strategic Plan will be reported to Mayor and Council on a quarterly basis, alongside the Detachment's standardized policing performance indicators (as modelled on [February 22, 2021](#)).

Submitted by: Supt. K. Triance, Officer in Charge, Kelowna Detachment
Darren Caul, Community Safety Director

Approved for inclusion:



S. Leatherdale, Divisional Director



Here to Listen, Here to Serve

Kelowna RCMP
Detachment's
2021-2024 Strategic Plan



MESSAGE FROM THE OFFICER IN CHARGE



Image credit:
Phil McLachlan/
Kelowna Capital News

Our 2021-24 Strategic Plan represents the desire of all our policing professionals to make a difference in citizens' sense of safety and Kelowna's crime rates. When we pull together – with our eyes on clear goals – we can and will have an impact.

Contracted by the City of Kelowna, we are here, first and foremost, to serve Kelowna citizens. That's why our strategic planning process is centred on our clients. *Here to Listen, Here to Serve* is a plan grounded in citizen input gathered through surveys in 2019 and 2020. This Strategic Plan is informed by service analytics to focus on our best opportunities, given complex social factors, to improve crime rates. It also affirms citizens as valued partners in crime prevention. Council, as representatives of citizens' interests, provided guidance on our objectives and goals.

Being Kelowna's chosen policing service is a privilege and with that, comes the responsibility of continually improving our service orientation. Above all, the wellness of every one of our policing professionals is prerequisite for showing up at our best for every citizen. What follows are the principles of customer service – empathy, listening and follow-up – embedded through this Plan.

Superintendent Kara Triance

ABOUT KELOWNA'S RCMP DETACHMENT



Frontline Policing

Our 100-member frontline policing unit provide 24-hr response to calls from Kelowna citizens. General investigative support as well as our highly trained police dogs complement our frontline policing members.

Operations Team

Our Detachment relies on 110 municipal team members and 16 for operations, including answering non-emergency calls, front counter services and much more.

Expert Investigators

Our Detachment has: 11 serious crime investigators; a Target Team focused on persistent property crime; a Drug Section; a Forensic Identification Section; a dedicated Sexual Assault Team and a Domestic Violence Unit.

Traffic

Our award-winning Kelowna Municipal Traffic Section works tirelessly to protect all road users, informing the City's transportation planning and proactively stopping distracted, impaired and careless drivers.

Community Safety

Our Community Safety Unit includes officers that patrol the Downtown, and other areas, on foot and bike and are accessible to its residents and business owners. It also includes the Police and Crisis Team (PACT), a dyad of a specially trained police officer and a psychiatric nurse. It also has 4 members dedicated to working with youth in schools.

Four Crime Reduction experts seek to increase community awareness and education about crime and safety issues and engage citizens in reducing their risk of crime and victimization.

GUIDING OUR SERVICE TO KELOWNA



RCMP Mission

Proud of our traditions and confident in meeting future challenges, we commit to preserve the peace, uphold the law and provide quality service in partnership with our communities.



Vision

We will:

- be a progressive, proactive and innovative organization
- provide the highest quality service through dynamic leadership, education and technology in partnership with the diverse communities we serve
- be accountable and efficient through shared decision-making
- ensure a healthy work environment that encourages team building, open communication and mutual respect
- promote safe communities
- demonstrate leadership in the pursuit of excellence

STRATEGIC PLAN SNAPSHOT



Our 2021-24 Strategic Plan is informed by citizen input gathered through surveys in 2019 and 2020, in-depth service analytics, Council input, and conversations with community partners. This Plan focuses on where we will make a measurable difference in public safety outcomes, while maintaining other critically important services - frontline policing, traffic enforcement, drug enforcement and youth engagement to name a few.

For each of our 3 strategic objectives and our strategic enabler, this Plan includes specific goals and outcome-oriented measures.

WHAT MAKES OUR CITIZENS FEEL SAFE OR UNSAFE?



98% of Kelowna citizens
felt safe in their neighbourhood day & night

2341
Disorder calls per year from Downtown Kelowna

Nearly all Kelowna residents feel safe in their neighbourhoods with one noteworthy area for improvement. Residents of Central Kelowna, including the Downtown, felt less safe in their own neighbourhood, citing homelessness and open substance use as the foremost reasons, followed by crime rates. Residents from other regions in the City also singled out Downtown as the area they felt less safe in. The social and public health issues, including persons living with mental illness, that are most visible in the Downtown as well as other areas of Kelowna, such as Rutland, cannot be solved through law enforcement action. It is also a rare exception when there are legal grounds for arrest.



A COLLABORATIVE APPROACH



In 2020, social issues and associated safety concerns were top of mind for citizens reflecting on their quality of life in Kelowna. The City of Kelowna has shown leadership in bringing together cross-sector partners to collaboratively address homelessness through its *Journey Home* Strategy. In 2021, it will also convene cross-sector partners to develop Kelowna's Community Safety Plan. Our Detachment will be contributing to these collaborative efforts. While law enforcement alone is not the answer, we share in the responsibility of Kelowna citizens feeling safe. We also have a role to fulfill in improving residents' understanding of safety risks and increasing our visibility in shared public spaces.

OBJECTIVE 1: INCREASE THE SENSE OF SAFETY IN OUR PUBLIC SPACES



OUR GOALS

- 1 Partner on actions in Kelowna's Community Safety Plan
- 2 Double our foot and bike patrol presence in public spaces and, with partners, equip Downtown citizens with knowledge of safety risks and alternatives for concerns about persons experiencing homelessness
- 3 Co-create safety & security plans with 5 supportive housing units or shelters by 2024

WHAT GETS MEASURED

- ☐ Quarterly: Citizen calls for service related to street disorder in the Downtown & Rutland areas
- ☐ Quarterly: Officer hours assigned to public spaces: Downtown, Rutland & parks
- ☐ Quarterly: Response time to Priority 1 and Priority 2 calls in Downtown & Rutland areas
- ☐ Periodically: Citizen perceived level of safety in Downtown & Rutland areas

PROPERTY CRIME AND PERSISTENT OFFENDERS



On average in 2019-2020

2488

Thefts from Auto

310

Residential Break and Enters

622

Bike Thefts

Property crime, too, is intrinsically linked to societal conditions. These crime rates can vary with rates of addictions, among other factors, and the presence or absence of alternate means to support substance use disorders.

The intelligence-led efforts of our Target Team to identify and arrest persistent offenders in Kelowna have proven successful and must continue. Police services depend on the courts to address persistent offenders, appreciating more and more that ending a cycle of addictions and crime for persistent offenders must include partners beyond police services and justice organizations.



RECOGNIZING CITIZENS AS OUR CRITICAL PARTNERS



While our societal context will continue to change, what remains constant is the capacity of Kelowna citizens to decrease crimes of opportunity. In this digital age, our Detachment is embracing channels that enable citizen participation in new and dynamic ways. Social media can deliver targeted crime prevention messages quickly. Neighbourhood social networks can also efficiently engage citizens in crime prevention as well as offering the opportunity for us to improve investigations. These networks can serve as modern-day neighbourhood watch programs.

OBJECTIVE 2: DECREASE THE RISK OF PROPERTY CRIME



OUR GOALS

- 1 Activate citizens as partners in preventing theft from their home or car, of their bike, and at their workplace
 - 9 PM Routine quarterly blitzes
 - Establish presence on neighbourhood social networks for select neighbourhoods
 - Crime prevention audits for businesses
- 2 Engage the courts as partners in cross-sector approach to persistent property theft offenders

WHAT GETS MEASURED

- ☐ Quarterly: Thefts from auto
- ☐ Quarterly: Bike theft
- ☐ Quarterly: Residential break and enter
- ☐ Quarterly: 9 PM Routine media impressions
- ☐ Annually: Percent of theft from residence or car with no evidence of forced entry
- ☐ Quarterly: Percent of reports to Crown Counsel receiving charge approval
- ☐ Annually: Percent of property offence charges that resulted in a conviction
- ☐ Annually: Percent of property offence charges referred to Community Court



WHAT CAN INFLUENCE PERSONS CRIMES?



Persons crimes are intrinsically linked to societal stressors. For example, in 2020, disruptions to our daily activities, relationships, income, and employment resulted in an increased risk of persons crimes, particularly domestic violence, nationally and internationally.

Both the Sexual Assault Team, established in 2020, and the Domestic Violence Unit, established in 2014, have fostered strong working relationships with community-based victim services programs. Our multi-disciplinary Domestic Violence Unit includes the Ministry of Children and Family Development and community-based victim services workers.

ELEVATING OUR RESPONSE TO PERSONS CRIMES



We recognize that the number of persons crimes can also be indicative of the willingness of victims to involve police. Learning from our community's concerns over past classification of sexual assault reports as well as the National Inquiry into Missing and Murdered Indigenous Women and Girls, we are increasingly aware of our potential to improve an individual's capacity to cope with the trauma they have experienced or make it worse. In response, we are committing to a trauma-informed approach across our policing units and responsiveness to all domestic violence and sexual assault reports.

In 2020, approximately

1 out of 5

persons reporting domestic violence or sexual assault subsequently connected with a community-based victim services program

Source: Kelowna RCMP Detachment & Central Kelowna Elizabeth Fry Society

OBJECTIVE 3: EARN THE TRUST OF MORE CITIZENS THAT HAVE EXPERIENCED PERSONS CRIMES



OUR GOALS

- 1 Increased awareness of options for and what to expect when reporting persons crimes
- 2 70% of our Detachment trained in and has adopted the 'Start by Believing' pledge to improve our responses to sexual violence
 - Dedicated units invite peer groups at post-secondary institutions to do the same
- 3 70% of our Detachment trained in trauma informed-practice

WHAT GETS MEASURED

- ☐ Annually: Increase in percent of third-party reports (by victim services workers on behalf of victims)
- ☐ Annually: Increase in percent of Detachment referrals to community-based victims services
- ☐ Annually: Participation rate in 'Start by Believing' pledge
- ☐ Annually: Detachment participation in trauma-informed practice training



OUR PEOPLE, OUR STRATEGIC ENABLER



The City of Kelowna and Detachment are working to address the *2019 Kelowna RCMP and Police Services Resource Review*, recognizing the staffing needs that correspond with Kelowna's growth and practices that promote effective and efficient service delivery. We are also investing in the psychological resilience our policing professionals need to show up at their best for every citizen, many of whom may be experiencing victimization, personal loss, or mental health and substance use challenges.

By focusing on our people, we can better serve our communities. The initiatives in this pillar include investment in the wellness and cultural competence of our policing professionals and a renewed commitment to customer service principles, including listening, empathy, and follow-up.



With the privilege of being Kelowna's police service comes our responsibility of continuously improving our service orientation to all its citizens.

In 2020

83% of Kelowna citizens were very or somewhat satisfied with police services

Source: 2020 City of Kelowna Citizen Survey



STRATEGIC ENABLER: SHOW UP AT OUR BEST FOR EVERY CITIZEN



OUR GOALS

- 1 Develop comprehensive Equity Diversity and Inclusion plan
- 2 Increase officer capacity and support policing professionals' resilience through annual mental wellness training
- 3 80% of citizens who call us about an in-progress or time-sensitive crime hear back from us about the outcome of their call

WHAT GETS MEASURED

- ☐ Quarterly: Percent of seats at senior decision-making table held by underrepresented groups (women; Indigenous, Métis, Black and People of Colour; LGBTQ2S+)
- ☐ Annually: Percent of Detachment participating in unconscious bias training and Indigenous Cultural Safety
- ☐ Quarterly: Calls for service requiring a police presence per officer
- ☐ Annually: Detachment participation in mental wellness training and crisis debrief supports
- ☐ Quarterly: Percent of Priority 1 to Priority 3 calls that receive a status callback within 3 days
- ☐ Annually: Citizen satisfaction with police services



Here for You



@KelownaRCMP



@RCMPKelowna



Kelowna RCMP
1190 Richter Street
Kelowna, BC V1Y 2K7



250-762-3300



e_kelowna_general_enquiries
@rcmp-grc.gc.ca

REPORT TO COUNCIL



Date: April 12, 2021

To: Council

From: City Manager

Department: Development Planning

Application: LUCT20-0014 / Z20-0101

Owner: British Columbia Telephone
Company, Inc.No. 1801A

Address: 4346 Lakeshore Road

Applicant: The City of Kelowna

Subject: Land Use Contract Termination and Rezoning Application

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: P4 – Utilities

1.0 Recommendation

THAT Land Use Contract Termination Application No. LUCT20-0101 to terminate LUC76-1090 from Lot A District Lot 167 ODYD Plan 27865, located at 4346 Lakeshore Road, Kelowna, B.C., be considered by Council;

AND THAT Rezoning Application No. Z20-0101 to amend the City of Kelowna Zoning Bylaw no. 8000 by changing the zoning classification of Lot A District Lot 167 ODYD Plan 27865, located at 4346 Lakeshore Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the P4 – Utilities zone be considered by Council;

AND THAT the notice sign requirements under Council Policy No. 367 be altered to allow for placement on the City of Kelowna's Boulevard;

AND FURTHER THAT the Land Use Contract Termination Bylaw and Rezoning Bylaw be forwarded to a Public Hearing for further consideration.

2.0 Purpose

To consider an application to proceed with early termination of Land Use Contract LUC76-1090 and to rezone the subject property.

3.0 Development Planning

Staff are recommending the Land Use Contract (LUC76-1090) be terminated and for the subject property to be rezoned. The underlying zone is RU1 – Large Lot Housing and is not appropriate for the current land use. The current use is utility services as it's being occupied by TELUS Mobility (formerly BC Telephone Company). The Land Use Contract affects one property and allows the subject property to be used as a telephone exchange and not otherwise. The RU1 – Large Lot Housing zone does not allow for the use of utilities or telephone exchange, so Staff are proposing to rezone the subject property to P4 – Utilities zone, as this is the most appropriate zone.

4.0 Proposal

4.1 Background

Land Use Contracts were a tool regularly used in the 1970's before it was eliminated on November 15th, 1978. The purpose of the tool was to allow local governments to arrive at agreements with specific developers to grant development rights over and above what was allowed under current zoning. This was typically done in exchange for commitments by developers to help finance the infrastructure costs of development.

Issues have arisen, specifically with the continued application of land use contracts as they supersede any subsequent bylaw dealing with land use and development including: Zoning Bylaws, Development Cost Charge Bylaws, and Development Permits. The Local Government Act was amended in 2014 stating all land use contracts in the province will be terminated as of June 30th, 2024. Land use contracts will remain in force until that date unless terminated early by the municipality. By June 20th, 2022, local governments must have appropriate zoning regulations in place to replace land use contracts upon their termination. However, LUC terminations (unlike LUC discharges) do not apply when Council adopts the bylaw. Terminations require a one-year grace period as outlined by the Local Government Act.

4.2 Notification

Local governments must provide notice to each owner that the termination of land use contract is occurring and must provide notice of what the new zoning regulations apply to the land. The municipality must also send an additional letter within 30 days of adoption, informing the owners and providing information about the Board of Variance. Due to the file being Staff initiated, Staff suggest the Council Policy #367 development signage requirements be altered to allow for the development signs to be placed on the City of Kelowna's boulevard, rather than on the subject property.

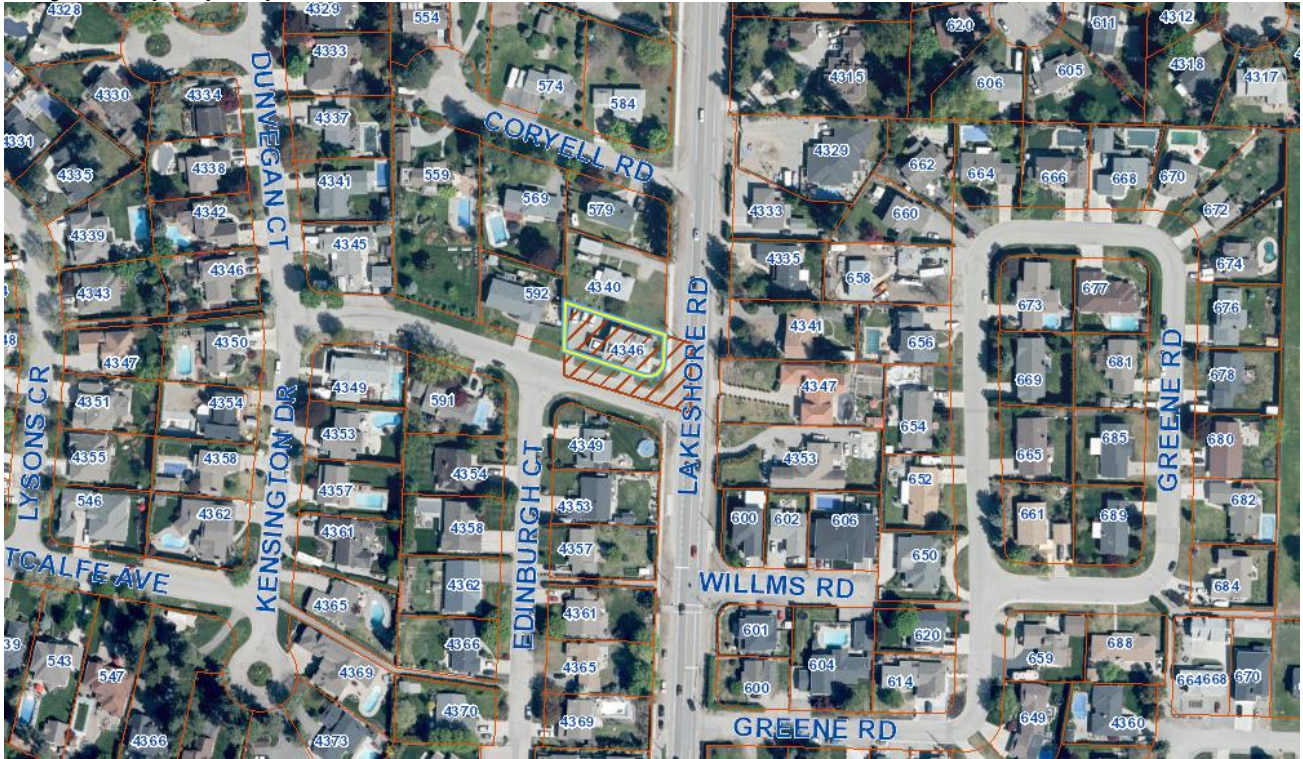
4.3 Site Context

The subject property has a total area of 769m² and is located on the corner of Lakeshore Road and Kensington Drive. The property is designated S2RES – Single/Two Unit Residential and the surrounding area is entirely 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 and RU6 – Two Dwelling Housing	Single – Family Dwelling(s)
South	RU1 – Large Lot Housing	Single – Family Dwelling
West	RU1 – Large Lot Housing	Single – Family Dwelling

Subject Property Map: 4346 Lakeshore Road



5.0 Current Development Policies

5.1 Council Policy No. 282 – Strategy for Elimination of Remaining Land Use Contracts

Council Policy No. 282. Includes the following statement:

That the City of Kelowna initiate proceedings to discharge the contracts subject to consultation with affected owners of the land and subject to prior approval by Council with regard to affected contracts.

6.0 Application Chronology

Date of Application Received: December 9th, 2020
Date of Owner Notification: December 18th, 2020

Report prepared by: Tyler Caswell, Planner I

Reviewed by: Dean Strachan, Community Planning & Development Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager



LUCT20-0014 / Z20-0101

4346 Lakeshore Road

Rezoning Application and Land Use Contract Termination



Proposal

- ▶ To terminate the Land Use Contract (LUC76-1090) and to rezone the subject properties from RU1 – Large Lot Housing zone to P₄ – Utilities zone.

Development Process

Dec 9, 2020

LUC Termination Initiated by Staff



Dec 18, 2020

Owner Notification Completed



April 12, 2021

Initial Consideration



Public Hearing
Second & Third Readings

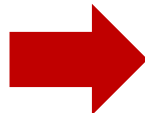


Final Reading



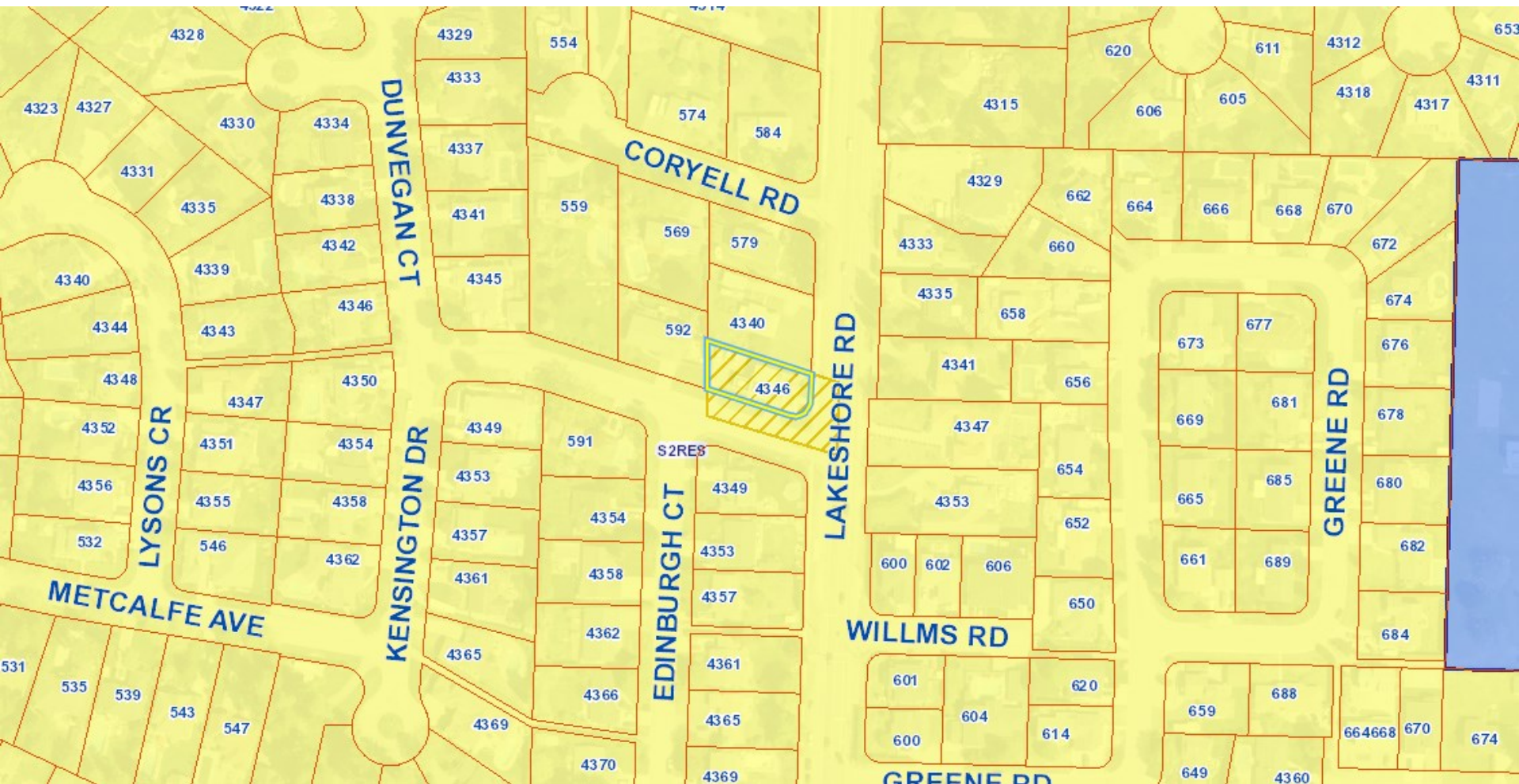
LUC Eliminated (1 year later)

Council
Approvals



This aerial map displays a residential neighborhood with property boundaries and addresses. A specific lot is highlighted with a green outline and diagonal hatching. The lot is located at the intersection of Coryell Rd and Lakeshore Rd, between Dunvegan Ct and Kensington Dr. The lot number 4346 is visible within the highlighted area. Other streets shown include Lysons Cr, Metcalfe Ave, Kensington Dr, Edinburgh Ct, Willms Rd, and Greene Rd. Numerous other lots and addresses are visible throughout the neighborhood.

OCP Future Land Use



Background

- ▶ Land Use Contracts: 1970's tool
- ▶ Allow local governments to grant development rights above and beyond current zoning
- ▶ Exchange for commitments from developers to help infrastructure costs
- ▶ BC Government requires all contracts to be discharged and/or terminated by 2024 and the appropriate zoning in place by 2022.
- ▶ If an applicant initiates a discharge – Staff initiate a termination

Project Details

- ▶ Staff initiated termination of LUC76-1090 for the subject property.
- ▶ The LUC allows them to operate a telephone exchange and nothing else.
- ▶ Staff are proposing to adopt P₄ - Utilities, which allows for the use of utility services.

Public Notification Policy #367

- ▶ Staff sent a letter of Proposed Termination of Land Use Contract to both property owners.
 - ▶ Sent on Dec 18th, 2020
- ▶ One-year grace period from Council consideration before the rezoning comes into effect.

Staff Recommendation

- ▶ Development Planning Staff recommend **support** for the proposed rezoning and land use contract discharge:
 - ▶ P₄ zone is appropriate to support existing use.
 - ▶ Province of BC requires all LUC's to be discharged/terminated.



Conclusion of Staff Remarks

CITY OF KELOWNA
BYLAW NO. 12135
LUCT20-0014

Early Termination of Land Use Contract – LUC76-1090
4346 Lakeshore Road

WHEREAS a land use contract (the "Land Use Contract LUC76-1090) is registered at the Kamloops Land Title Office under the charge number M48087 against lands in the City of Kelowna particularly known and described as Lot A District Lot 167 ODYD Plan 27865 (the "Lands"), located on Lakeshore 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. 12135";
2. "By-Law No. 4238-77" establishing Land Use Contract LUC76-1090 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

Considered at a Public Hearing this

Read a second and third time by Municipal Council this

Adopted by the Municipal Council this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 12136
Z20-0101 – 4346 Lakeshore 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 District Lot 167 ODYD Plan 27865 located at Lakeshore Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the P4 – Utilities zone
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: April 12, 2021

To: Council

From: City Manager

Department: Development Planning

Application: LUCT20-0015

Owner: The City of Kelowna

Address: 3770 Bulman Rd

Applicant: The City of Kelowna

Subject: Land Use Contract Termination

Existing OCP Designation: REC – Private Recreation, PARK – Major Park / Open Space and PSU – Public Services / Utilities

Existing Zone: A1 – Agriculture 1

1.0 Recommendation

THAT Land Use Contract Termination Application No. LUCT20-0015 to terminate LUC77-1057 from Lot A District Lot 122 and Section 11 Township 23 ODYD Plan 40375, located at 3770 Bulman Road, Kelowna, BC, be considered by Council;

AND THAT Council waive the development sign requirement under Public Notification & Consultation for Development Application No. 367;

AND FURTHER THAT the Land Use Contract Termination Bylaw be forwarded to a Public Hearing for further consideration.

2.0 Purpose

To proceed with the early termination of LUC77-1057 and to revert the parcel to the underlying A1 – Agriculture 1 zone.

3.0 Development Planning

Staff are recommending support for the proposed Land Use Contract Termination to terminate LUC77-1057 from the subject property. The current LUC affects one property at 3770 Bulman Road and restricts the property to the former Zoning Bylaw no. 4500's A1 – Rural, in addition to a golf course, a club house, off-street parking facilities, access driveways and two grass surface tennis courts. Staff believe the underlying zone of A1 – Agriculture 1 is appropriate as the property is in the Agricultural Land Reserve and the golf course is permitted to remain operating as a non-farm use.

4.0 Proposal

4.1 Background

Land Use Contracts were a tool regularly used in the 1970's before it was eliminated on November 15th, 1978. The purpose of the tool was to allow local governments to arrive at agreements with specific developers to grant development rights over and above what was allowed under current zoning. This was typically done in exchange for commitments by developers to help finance the infrastructure costs of development.

Issues have arisen, specifically with the continued application of land use contracts as they supersede any subsequent bylaw dealing with land use and development including: Zoning Bylaws, Development Cost Charge Bylaws, and Development Permits. The Local Government Act was amended in 2014 stating all land use contracts in the province will be terminated as of June 30th, 2024. Land use contracts will remain in force until that date unless terminated early by the municipality. By June 20th, 2022, local governments must have appropriate zoning regulations in place to replace land use contracts upon their termination. However, LUC terminations (unlike LUC discharges) do not apply when Council adopts the bylaw. Terminations require a one-year grace period as outlined by the Local Government Act.

4.2 Notification

Staff are recommending Council Notification Policy #367 development signage requirements be waived for this Land Use Contract Termination application. Development Signs, in this case, are not recommended as the LUCT is City-initiated, and the proposed A1 zone is a minor land use change.

4.3 Site Context

The subject property is 83.69 acres in size, is located on Bulman Road and is just south of YLW Airport. The property is in the Highway 97 OCP Sector. The property has the Future Land Use Designations of REC – Private Recreation, PARK – Major Park / Open Space and PSU – Public Services / Utilities.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	YLW Airport
East	CD12 – Airport and A1 – Agriculture 1	YLW Airport
South	A1 – Agriculture 1	Agriculture
West	A1 – Agriculture 1	Rail Trail

Subject Property Map: 3770 Bulman Road



5.0 Current Development Policies

5.1 Council Policy No. 282 – Strategy for Elimination of Remaining Land Use Contracts

Council Policy No. 282. Includes the following statement:

That the City of Kelowna initiate proceedings to discharge the contracts subject to consultation with affected owners of the land and subject to prior approval by Council with regard to affected contracts.

6.0 Application Chronology

Date of Application Received: December 9th, 2020
Date of Owner Notification: N/A

Report prepared by: Tyler Caswell, Planner I

Reviewed by: Dean Strachan, Community Planning & Development Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager



LUCT20-0015

3770 Bulman Road

Land Use Contract Termination



Proposal

- ▶ To terminate the Land Use Contract (LUC76-1056) from the subject property and revert the parcel to the underlying A1 – Agriculture 1 zone.

Development Process

Dec 9, 2020

LUC Termination Initiated by Staff



April 12, 2021

Initial Consideration



Public Hearing (LUCT)
Second & Third Readings



Final Reading



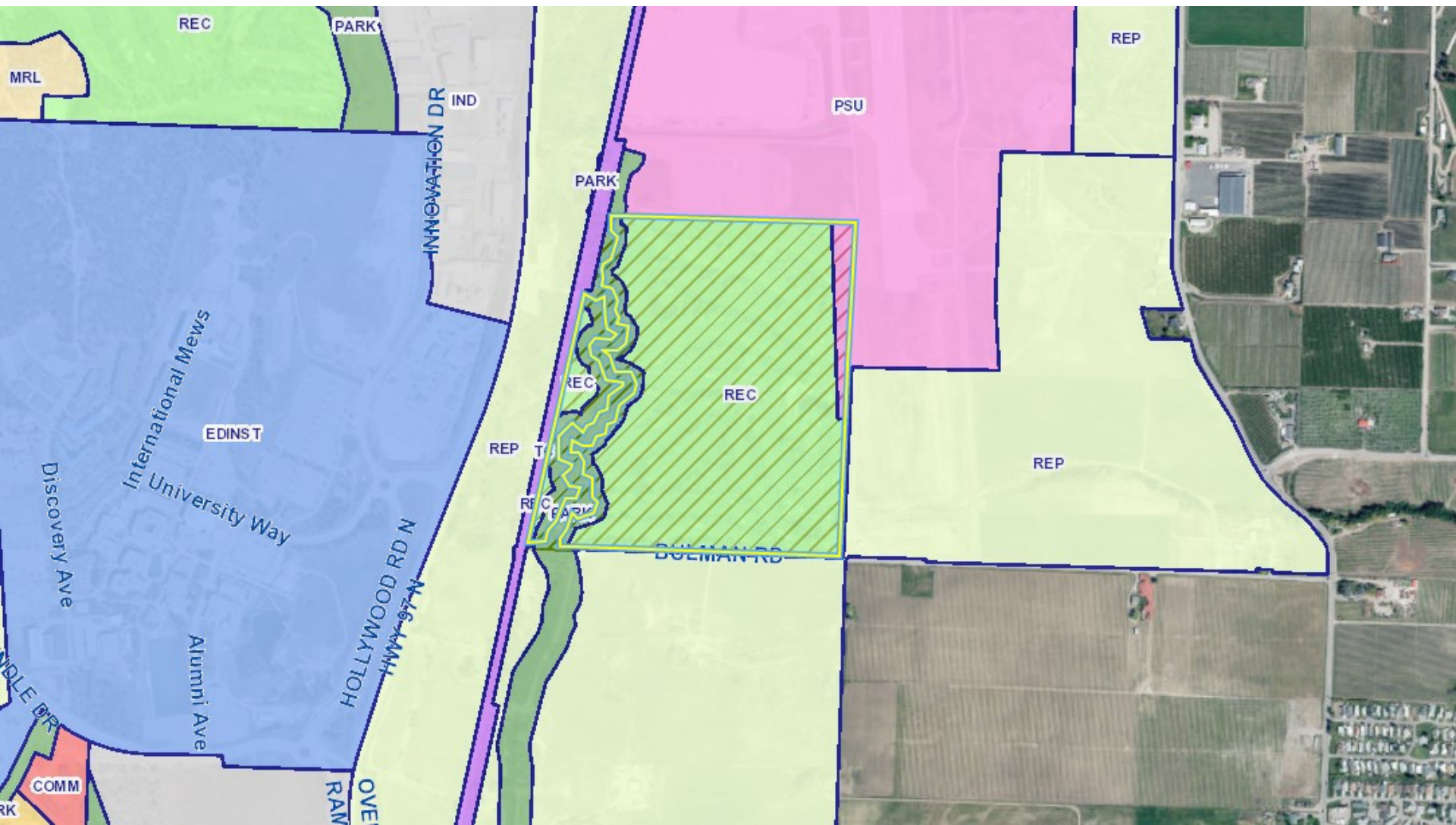
LUC Eliminated (1 year later)

Council
Approvals

Context Map



OCP Future Land Use



Background

- ▶ Land Use Contracts: 1970's tool
- ▶ Allow local governments to grant development rights above and beyond current zoning
- ▶ Exchange for commitments from developers to help infrastructure costs
- ▶ BC Government requires all contracts to be discharged and/or terminated by 2024 and the appropriate zoning in place by 2022.

Project Details

- ▶ Staff initiated the termination of LUC77-1057.
- ▶ Staff are proposing to revert the parcel back to the A1 – Agriculture 1 zone as the property is in the ALR and it can operate as a non-farm use.
- ▶ If successful, the property will get the full use of current A1, one year after termination date.

Staff Recommendation

- ▶ Development Planning Staff recommend **support** for the proposed land use contract termination:
 - ▶ The property is in the ALR, so the A1 zone is an appropriate zone. The golf course can remain operating as a non-farm use.
 - ▶ Province of BC requires all LUC's to be discharged/terminated.



Conclusion of Staff Remarks

CITY OF KELOWNA
BYLAW NO. 12137
LUCT20-0015

Early Termination of Land Use Contract – LUC77-1057
3770 Bulman Road

WHEREAS a land use contract (the "Land Use Contract LUC77-1057) is registered at the Kamloops Land Title Office under the charge number N67933 against lands in the City of Kelowna particularly known and described as Lot A District Lot 122 and Section 11 Township 23 ODYD Plan 40375 (the "Lands"), located on Bulman 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. 12137";
2. "By-Law No. 4639-78" establishing Land Use Contract LUC77-1057 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

Considered at a Public Hearing this

Read a second and third time by Municipal Council this

Adopted by the Municipal Council this

Mayor

City Clerk

REPORT TO COUNCIL



Date: April 12, 2021

To: Council

From: City Manager

Department: Development Planning

Application: TA20-0015

Owner: n/a

Address: n/a

Applicant: City of Kelowna

Subject: Text Amendment to the HD2 and HD3 zones

1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA20-0015 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" attached to the Report from the Development Planning Department dated April 12, 2021, be considered by Council;

AND THAT The Zoning Bylaw Text Amending Bylaw be forwarded to a Public Hearing for further consideration.

2.0 Purpose

To consider a text amendment application to the HD2- Hospital and Health Support Services and HD3- Health Services Transitional zones to create rental subzones.

3.0 Development Planning

The proposed Text Amendment application is to add the rental subzone to two zones within the Health District- HD2- Hospital and Health Support Services and HD3- Health Services Transitional. The residential rental tenure zoning allows for rental housing in perpetuity. Additionally, it will allow for a 10% reduction to the parking requirement (both base and visitor) due to the Health District being located outside of an urban centre, as per Section 8.2.12 Rental Housing Incentives of the Zoning Bylaw.

Applicants require a rezoning application to utilize the subzone and subsequent development permit application for a form and character development permit or Heritage Alteration Permit if located in the Heritage Conservation Area.

Proposal

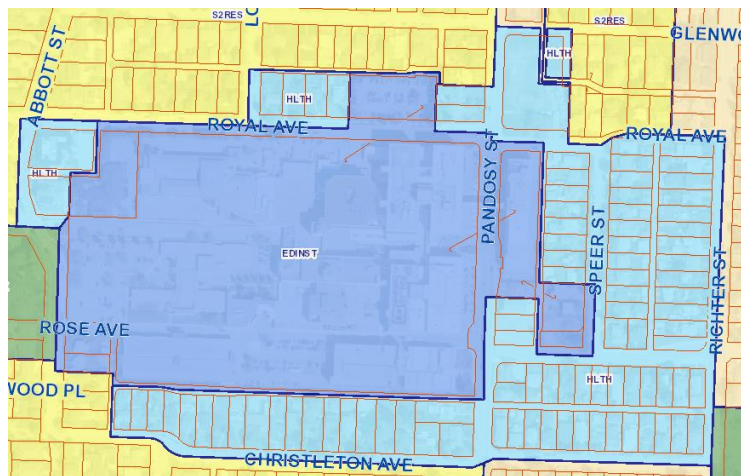
3.1 Background

The Local Government Act was amended in 2018 to include the provision for Residential Rental Tenure Zoning. Following this amendment, Staff brought forward a recommendation to Council in March 2020 and

the inclusion of rental subzones within Zoning Bylaw No. 8000 to eight of the City's major urban residential zones was approved.

3.2 Site Context

The Health District surrounds the regional Kelowna General Hospital (KGH) campus as indicated on the map below.



4.0 **Current Development Policies**

4.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.9

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

4.2 Healthy Housing Strategy

3.1 Key Directions and Recommended Actions- Promote and Protect Rental Housing

5.0 **Application Chronology**

Date of Application Received: May 12, 2020

Report prepared by: Jocelyn Black, Urban Planning Manager (formally Planner Specialist)

Reviewed by: Terry Barton, Development Planning Department Manager

Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Schedule A: Proposed Text Amendment

Schedule A – Proposed Text Amendments to Zoning Bylaw No. 8000 – TA20-0015

No.	Section	Current Wording	Proposed Wording	Reason for Change
1.	Section 1 – General Administration, 1.3 Zoning Map, 1.3.1 Section 17 – Health District Zones	HD1 – Kelowna General Hospital, HD2- Hospital and Health Support Services	HD2r - Hospital and Health Support Services (Residential Rental Tenure Only) HD3- Health Services Transitional HD3r- Health Services Transitional (Residential Rental Tenure Only)	Adding to Section
2.	Section 17 – Health District Zones, Section 17.2 HD2- Hospital and Health Support Services	17.2 HD2 - Hospital and Health Support Services	HD2r- Hospital and Health Support Services (Residential Rental Tenure Only)	Adding to allow for rental housing in perpetuity.
3.	Section 17 – Health District Zones, Section 17.2 HD2- Hospital and Health Support Services, 17.2.7 Other Regulations	/	(m) In the HD2r zones any Multiple Dwelling Housing unit shall be restricted to a Residential Rental Tenure	Adding to allow for residential rental tenure only under the “r” subzone.
4.	Section 17 – Health District Zones, Section 17.3 HD3- Health Services Transitional	17.3 HD3 - Health Services Transitional	HD3r - Health Services Transitional (Residential Rental Tenure Only)	Adding to allow for rental housing in perpetuity.
5.	Section 17 – Health District Zones, Section 17.3 HD3 - Health Services Transitional, 17.3.5 Other Regulations	/	(f) In the HD3r zones any Multiple Dwelling Housing unit shall be restricted to a Residential Rental Tenure	Adding to allow for residential rental tenure only under the “r” subzone.

SCHEDULE
A

This forms part of application
TA20-0015



City of
Kelowna
COMMUNITY PLANNING

Planner
Initials

JB

Revised Date: 2021-03-09



TA20-0015

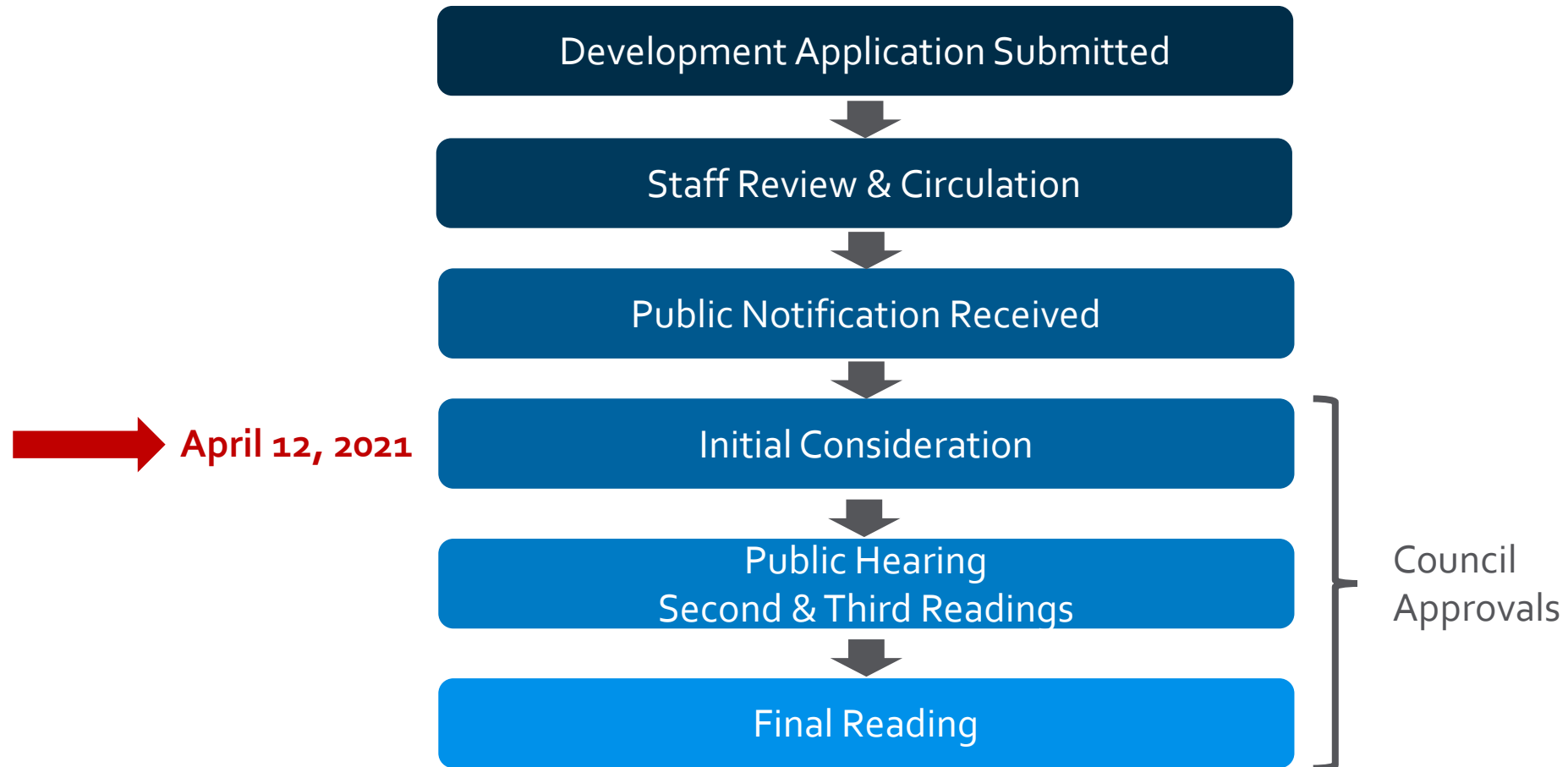
Text Amendment Application



Proposal

- ▶ To consider a Text Amendment Application to the HD2- Hospital & Health Support Services zone and HD3 - Health Services Transitional Zone, to create rental subzones.

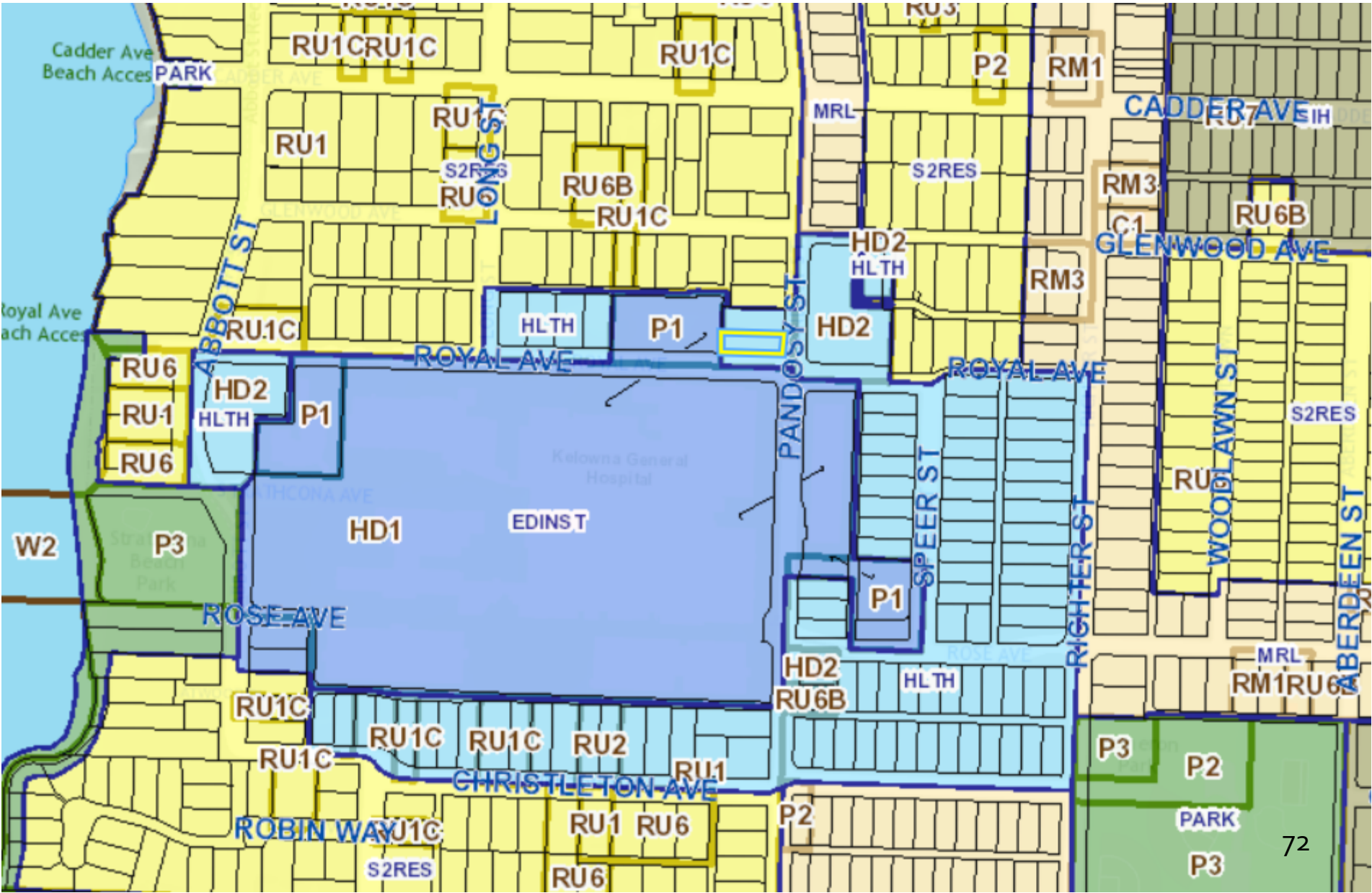
Development Process



Rental Only Subzones

- ▶ Introduced and approved by Council in March, 2020- added the rental only subzone into the urban residential zones
- ▶ Ensure rental housing in perpetuity
- ▶ Allows for a 10% parking reduction (Health District located outside of an Urban Centre)

OCP Future Land Use



Development Policy

- ▶ Health Housing Strategy- promote and project rental housing
- ▶ Official Community Plan-
 - ▶ Support the creation of affordable and safe rental, non-market and/or special needs housing

Staff Recommendation

- ▶ Staff recommend **support** for the proposed Text Amendment Application
- ▶ Recommend the Bylaw be forwarded to Public Hearing



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12193

TA20-0015

Amendment to Section 17 - Health District zones

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, **Section 1 – General Administration, 1.3 Zoning Map, 1.3.1 Section 17 – Health District Zones** be amended by adding in its appropriate location:

HD2r	Hospital and Health Support Services (Residential Rental Tenure Only)
HD3	Health Services Transitional
HD3r	Health Services Transitional (Residential Rental Tenure Only)

2. AND THAT **Section 17 – Health District Zones, Section 17.2 HD2 – Hospital and Health Support Services** be amended by adding a sub-rental zone to the end of the title as follows:

"HD2r – Hospital and Health Support Services (Residential Rental Tenure Only)"

3. AND THAT **Section 17 – Health District Zones, Section 17.2 HD2 – Hospital and Health Support Services, 17.2.7 Other Regulations** be amended by adding:

"(m) In the HD2r zones, any **Multiple Dwelling Housing** unit shall be restricted a **Residential Rental Tenure.**"

4. AND THAT **Section 17 – Health District Zones, Section 17.3 HD3 – Health Services Transitional** be amended by adding a sub-rental zone to the end of the title as follows:

"HD3r – Health Services Transitional (Residential Rental Tenure Only)"

5. AND THAT **Section 17 – Health District Zones, Section 17.3 HD3 – Health Services Transitional, 17.3.5 Other Regulations** be amended by adding:

"(f) In the HD3r zones, any **Multiple Dwelling Housing** unit shall be restricted to a **Residential Rental Tenure.**"

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

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: April 12, 2021

To: Council

From: City Manager

Department: Development Planning

Application: Z20-0080

Owner: Diane Maggie Jane Gatley

Address: 855 DeHart Road

Applicant: Owen Brown (Sharpshooter Development Company)

Subject: Rezoning Application

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Rezoning Application No. Z20-0080 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 45 District Lot 358 ODYD Plan 40481, located at 855 DeHart Road, Kelowna, BC, from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone to 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 THAT final adoption of the Rezoning 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 April 12, 2021;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of the Preliminary Layout Review Letter by the Approving Officer.

2.0 Purpose

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone to facilitate a 3-lot subdivision, and to waive the Public Hearing.

3.0 Development Planning

Staff support the proposal to rezone the subject property from RU1 – Large Lot Housing to RU6 – Two Dwelling Housing to facilitate a 3-lot subdivision. The subject property has a Future Land Use Designation of S2RES – Single/Two Unit Residential and is within the City’s Permanent Growth Boundary. As such, the proposed zone is consistent with the Official Community Plan’s (OCP) objectives. In addition, each of the proposed lots meet the minimum dimensions of the RU6 zone. The majority of the area is zoned RU1, but there are a few RU6 properties in the vicinity of the subject property.

Staff directed the applicant to complete further site investigation and technical work of the subject property before moving to Council. The applicant completed a Geotechnical Report and Environmental Assessment of the site, which showed that the buildable area is outside of the environmentally sensitive area. These two documents showed there were no major concerns. The final document that was required was a Sight Line Assessment, which proved out that the sight line distances met the City of Kelowna sight line standard in Bylaw 8120 - Schedule J.

4.0 Proposal

4.1 Project Description

The proposed rezoning from RU1 – Large Lot Housing to RU6 – Two Dwelling Housing is to facilitate a 3-lot subdivision. The property is currently vacant, and the three lots will be able to meet the dimensions of the RU6 zone, and no variances are required. Only one of the three lots would be large enough to allow for two-dwelling housing, while the other two would be undersized RU6 lots, so they could build a maximum of a single-family dwelling and a carriage house.

4.2 Site Context

The property is located in the North Mission – Crawford OCP Sector and is within the Permanent Growth Boundary (PGB). The surrounding area is primarily RU1 – Large Lot Housing and RU6 – Two Dwelling Housing.

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: 855 DeHart 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 Technical Comments

6.1 Development Engineering Department

6.1.1 Attached Development Engineering Memorandum dated September 21, 2020.

7.0 Application Chronology

Date of Application Received: September 9th, 2020
Date Public Consultation Completed: December 19th, 2020

Report prepared by: Tyler Caswell, Planner I

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: Sight Line Assessment

Attachment B: Applicant Submission

MEMORANDUM

Date: September 21, 2020
File No.: Z20-0080
To: Suburban and Rural Planning (TC)
From: Development Engineering Manager (JK)
Subject: 855 DeHart Rd. RU1 to RU6

The Development Engineering Department has the following comments and requirements associated with this application to rezone the subject property from RU1 to RU6. The road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technician for this project is Aaron Sangster.

1. Site-Related Issues

- a) Driveway access must be investigated by a traffic engineer to ensure the sight lines distance meeting City of Kelowna standard, bylaw 8120 Schedule J. Shared driveway access and location away from the west property line is recommended to reduce blind corner access.

2. Road Improvements

- a) DeHart Rd. must be upgraded to a urban standard along the full frontage of this proposed development, curb and gutter, drainage system, pavement removal and replacement, and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The road cross section to be used is a SS-R6. A one-time cash payment in lieu of construction must be collected from the applicant for future construction by the City. The cash-in-lieu amount is determined to be **\$57,092.58. not including utility service cost.**

3. Domestic Water and Fire Protection

- a) The subject property is currently serviced with a 19mm water service. One metered water service will be required for the development. The disconnection of the existing small diameter water services and the tie-in of a larger service is the developer's responsibility. You can engage an engineer and contractor to manage the work on your behalf or it can be provided by City forces at the developer's expense. If you chose to have it completed by City forces, you will be required to sign a Third-Party Work Order and pre-pay for the cost of the water service upgrades. For estimate inquiries please contact Mike Thomas, by email mthomas@kelowna.ca or phone, 250-469-8797.

4. Sanitary Sewer

- a) This property is currently serviced with a 100-mm sanitary service. The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. Only one service will be permitted for this development. The applicant, at their

cost, will arrange for the removal and disconnection of the existing services and the installation of one new larger service, if necessary. You can engage an engineer and contractor to manage the work on your behalf or it can be provided by City forces at the developer's expense. If you chose to have it completed by City forces, you will be required to sign a Third-Party Work Order and pre-pay for the cost of the water service upgrades. For estimate inquiries please contact Mike Thomas, by email mthomas@kelowna.ca or phone, 250-469-8797.

5. 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 Subdivision, Development and Servicing Bylaw No. 7900. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and provision of a storm drainage service for the development and / or recommendations for onsite drainage containment and disposal systems. Only one service will be permitted for this development. The applicant, at his cost, will arrange the installation of one overflow service if required.

6. Subdivision Requirements

- a) Grant statutory rights-of-way if required for utility services.

7. 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.

8. Erosion Servicing Control Plan

- a) Provide a detailed ESC Plan for this development as per the Subdivision, Development and Servicing Bylaw #7900.
- b) The developer must engage a consulting civil engineer to provide an ESC plan for this site which meets the requirements of the City Subdivision Development and Servicing Bylaw 7900.
- c) Civil consultant is responsible for all inspection and maintenance.
- d) A Security Deposit for ESC Works equal to 3% of the Consulting Engineer's opinion of probable costs of civil earthworks and infrastructure will be added to the Servicing Agreement.

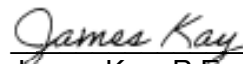
9. Geotechnical Report

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 Services Department (Subdivision Approving officer) 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.

10. Charges and Fees

- a) Development Cost Charges (DCC's) are payable.
- b) Fees per the "Development Application Fees Bylaw" include:
 - i) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - ii) Survey Monument Fee: \$50.00 per newly created lot for a total of **\$100.00** (GST exempt)
 - iii) Engineering and Inspection Fee: 3.5% of construction value (plus GST).
 - iv) A hydrant levy charge of \$250.00 per lot (Total of **\$500.00**)
- c) Cash-in-lieu Fee = **\$57,092.58**
- d) Third Party Work Order for additional services = TBA


James Kay, P.Eng.
Development Engineering Manager

AS

SCHEDULE		A
This forms part of application # Z20-0080		
Planner Initials	TC	 City of Kelowna DEVELOPMENT PLANNING



Memorandum

Attention:	Owen Brown	File No.:	A21-006
Organization:	Sharpshooter Development Company	Project:	855 DeHart Road
Phone:	778-897-1319	Date:	January 12, 2021
Email:	coine@me.com	Revision:	0
cc:	Robin Puche (ropuche84@gmail.com); David Notte (DavidN@AlignEng.ca)		

RE: 855 DeHart Road Sight Line Assessment

1 Introduction

Align Engineering Ltd was retained by Sharpshooter Development Company to investigate the sight lines for the proposed 855 DeHart Road driveway. This memorandum provides an assessment of sight lines for the proposed three-lot residential driveway access.

The proposed residential development is located along DeHart Road, a two-lane arterial roadway with a posted speed limit of 50 km/h, between Gordon Drive and Swamp Road. Speeds drop to 50 km/h in proximity of the development and increase to 60 km/h to the east. The property is located east of the inside of a horizontal curve on DeHart Road that limits the sight line around the corner and to the driveway (see **FIGURE 1**). The combination of the horizontal curve and high operating speeds have led to a request to investigate the available sight lines.



Figure 1: Subject Property Location

2 Assessment

A sight line and operating speed assessment was conducted on January 11, 2021. Average speeds range from 65-70 km/h and there is a large portion of heavy trucks related to construction activity. The developer plans to relocate the driveway to the east property line to maximize the sight distance from the horizontal curve. This will achieve a stopping sight distance of 100 m. Clearing of surrounding foliage in the sight triangle can free a total of 114 m of stopping sight distance. The turning sight distance from the relocated driveway to traffic approaching from the west (looking left from the proposed driveway) would be approximately 100 m (see **FIGURE 2**).



Figure 2: Turning Sight Distance (Red)

Stopping sight distance requirements are 65 m at 50 km/h, 86 m at 60 km/h, and 105 m at 70 km/h. The turning sight distance for a driver looking left before turning right from a stopped position is 95 m at 50 km/h, 110 m at 60 km/h, and 130 m at 70 km/h. The turning sight distances are met for 50 km/h and stopping sight distance for 70 km/h.

3 Conclusion & Recommendations

Operating speeds appear to be well in excess of posted speed limits. Locating the driveway access to the east property line and clearing overgrowth maximizes the sight light from the horizontal curve. Turning sight distances from a residential single-family dwelling driveway are typically not a design criterion but are pragmatic to consider. The risk is much lower with low volume driveways (7.5 trips per household per day in the Mission as per 2018 Okanagan Travel Survey). Meeting the minimum requirement for stopping sight distance at 50 km/h must be provided. The available stopping sight distance of 114 m exceeds the 70 km/h operating speed requirement (105 m). A sight line covenant can be established to assure the

turning sight distance to the west is maintained in the long term. The combined access for the three lots will allow vehicles to turnaround on the property thereby reducing the risk of conflicts with backing movements on DeHart Road. The end of the combined access will need a turnaround to accommodate the same action for all properties.

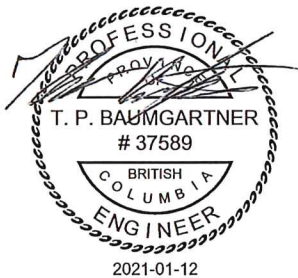
In addition to the driveway being relocated to the east property line supporting one combined access for the proposed three lots, it is recommended that:

- A sight line covenant is established to maintain a clear sight line to achieve a minimum of 95 m (100 m preferable) turning sight distance to the west; and
- A turnaround is established at the end of the proposed shared driveway access to prevent vehicles from backing onto or from DeHart Road.

Please contact me at 250-870-3865 if there are any questions or comments. Thank you.

Sincerely,

Align Engineering Ltd



Tom Baumgartner, MSc, P.Eng., RSP,
Senior Transportation Engineer | Principal

ATTACHMENT A

This forms part of application

Z20-0080

Planner
Initials

TC



855 DEHART ROAD Proposed Rezoning and Subdivision



Proposed By:
Sharpshooter Development Company.
C/O 270 Hwy 33 W.
Kelowna, BC, V1X 1X7
TEL 250-899-2529
coine@me.com

ATTACHMENT B

This forms part of application

Z20-0080

Planner
Initials

TC

City of
Kelowna
DEVELOPMENT PLANNING



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ATTACHMENT

B

This forms part of application

Z20-0080

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City of
Kelowna

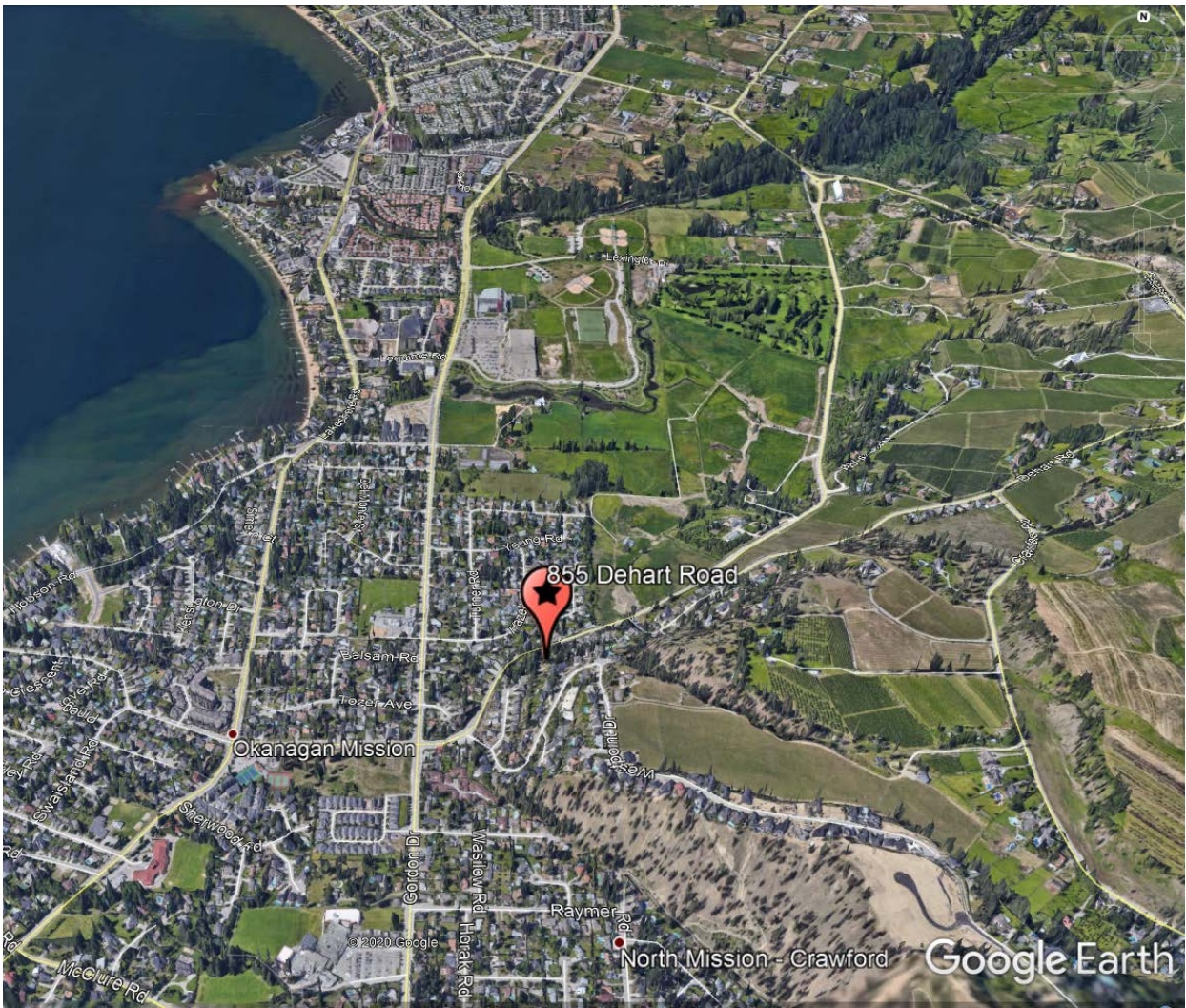
DEVELOPMENT PLANNING



PROJECT OVERVIEW

Introduction

The subject property is located at 855 Dehart Road, in the Lower Mission Area in the City of Kelowna, BC (City). The property is 0.837 acres in land size and sits currently vacant. The property is in near proximity to Dorothea Walker Elementary School and the Okanagan Mission Secondary School. The property has ease of access to Transit Routes 5, 1, 15,16, and 17, and it’s just a short 3-5 mins drive to either the H2O Centre to the north or Okanagan Lake to the west, with Mission Creek Linear Park near-by providing access to trails and gorgeous outdoor amenities. See Figure below:



Objective

We propose to rezone the subject property from its current RU1 (Large Lot Housing) zoning to RU6 (Two Dwelling Housing). Furthermore, we propose to subdivide the existing property and create a three lots out of it. One lot would be large enough to be suitable for two-dwelling housing, and the other two would be best suited for a single family dwelling with a suite or perhaps a carriage house.

ATTACHMENT

B

This forms part of application

Z20-0080

Planner Initials

TC

City of Kelowna

DEVELOPMENT PLANNING

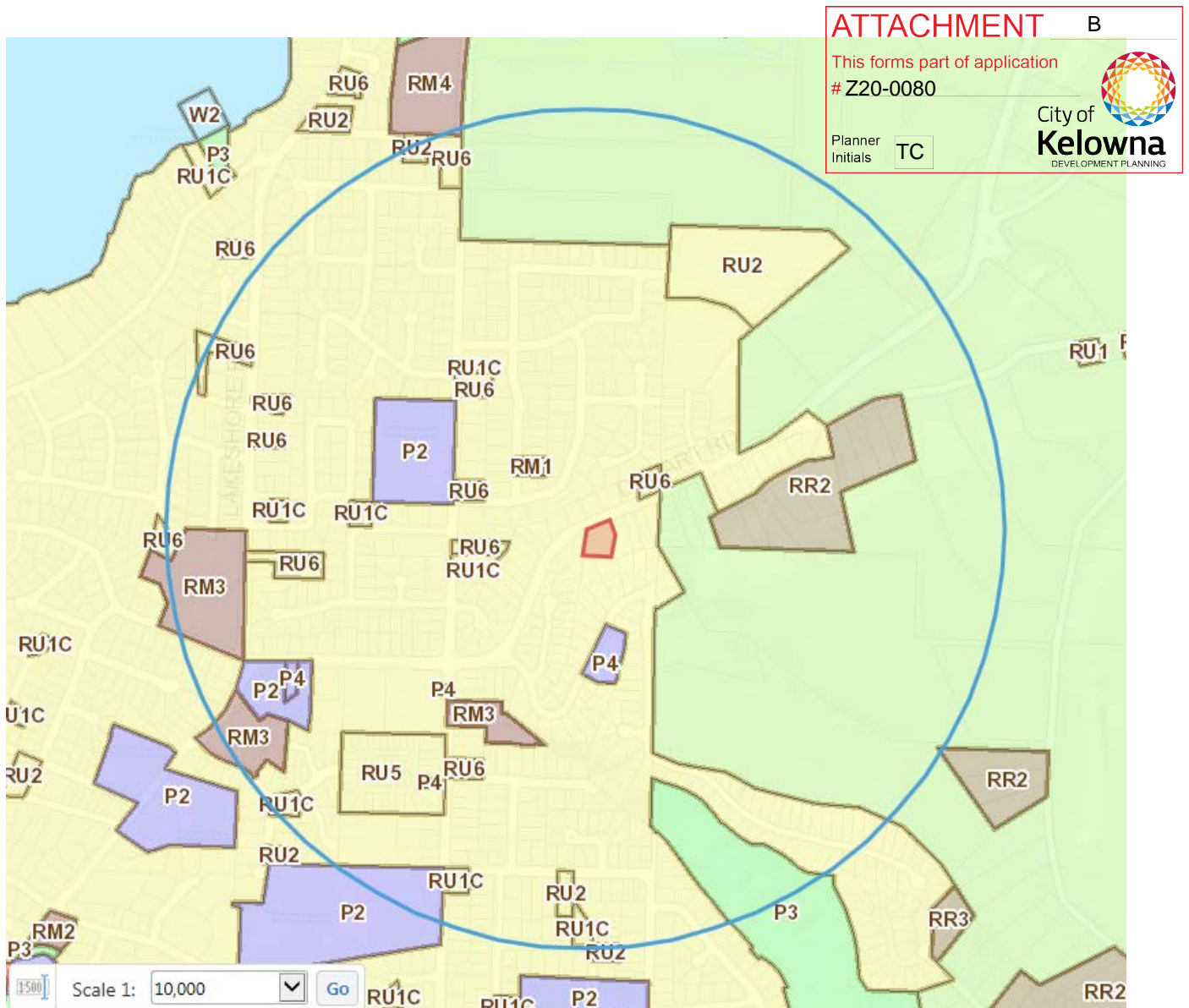
PROJECT RATIONALE

It's no secret that City of Kelowna is a hot market and new builds continue to fall short when compared to the constantly growing demand. The City and its residents understand the need for building a housing inventory that is healthy and resilient that focuses on diverse housing options, particularly the "missing" middle housing level.

We strongly believe the proposed project aims to help in addressing, if even in a small scale, the above noted goal and/or concern.

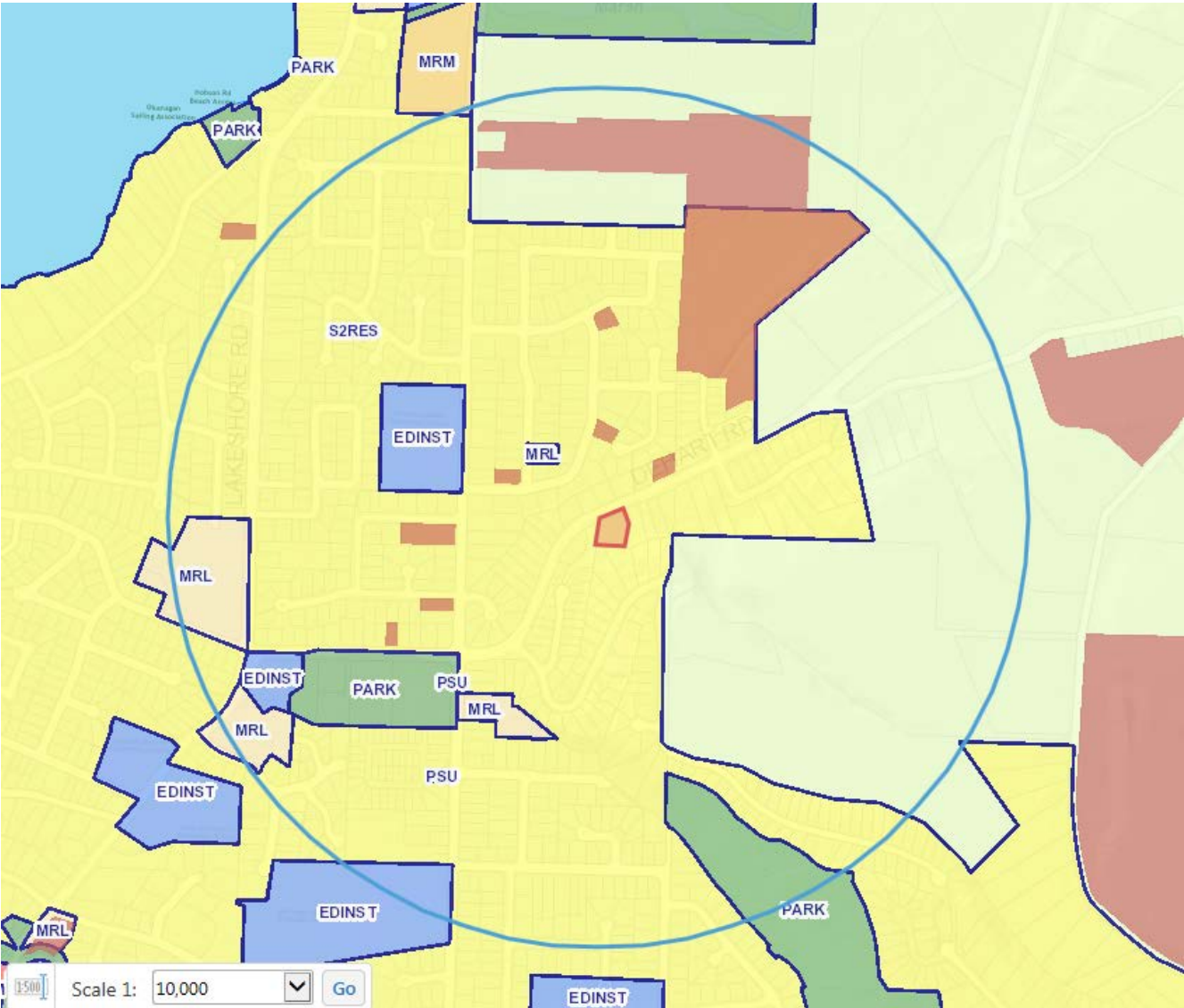
Current Zoning

The current property zoning is RU1-Large Lot Housing. However, it's noted that there are 12 properties within a 800 m radius from the subject property that have already been rezoned to RU6-Two-Dwelling Housing, including 894 Dehart Road which is located less than 80 m up the street from the subject site. See figure below:



Official Community Plan – Future Zoning Designation

The property’s future land use zoning as per the Official Community Plan (OCP) is designated Single / Two Unit Residential (S2RES). Much of the area is already transitioning with many homeowners already having rezoned, additionally to the number of re-development applications (subdivision and rezoning) currently active (seen in “brown”). Please see figure below:



The proposed project perfectly aligns with the City’s Vision outlined in the OCP. Furthermore, the proposed new property lot frontages, depths and overall size exceeds all the required criteria under the City’s Zoning Bylaw. This project as previously mentioned also addresses the dire need of providing alternative housing in the City.

ATTACHMENT

B

This forms part of application
Z20-0080

Planner Initials TC

City of Kelowna

DEVELOPMENT PLANNING

Site Grading & Site Coverage

The proposed subdivision layout has been strategically designed to maximize the usable gentle sloping area of the site whilst avoiding disturbance to the identified boundaries of the geotechnical hazard condition development permit area, as well as the natural environment development permit areas for sensitive drainage and sensitive ecosystem.

The identified usable area on the property has a natural gentle south-to-north average slope of about 4.0% with a maximum site different in elevation of about 2.0 m from back to front.

The maximum site coverage in accordance with the City's Zoning Bylaw will be 40% and together with driveways and parking areas, will not exceed 50%.

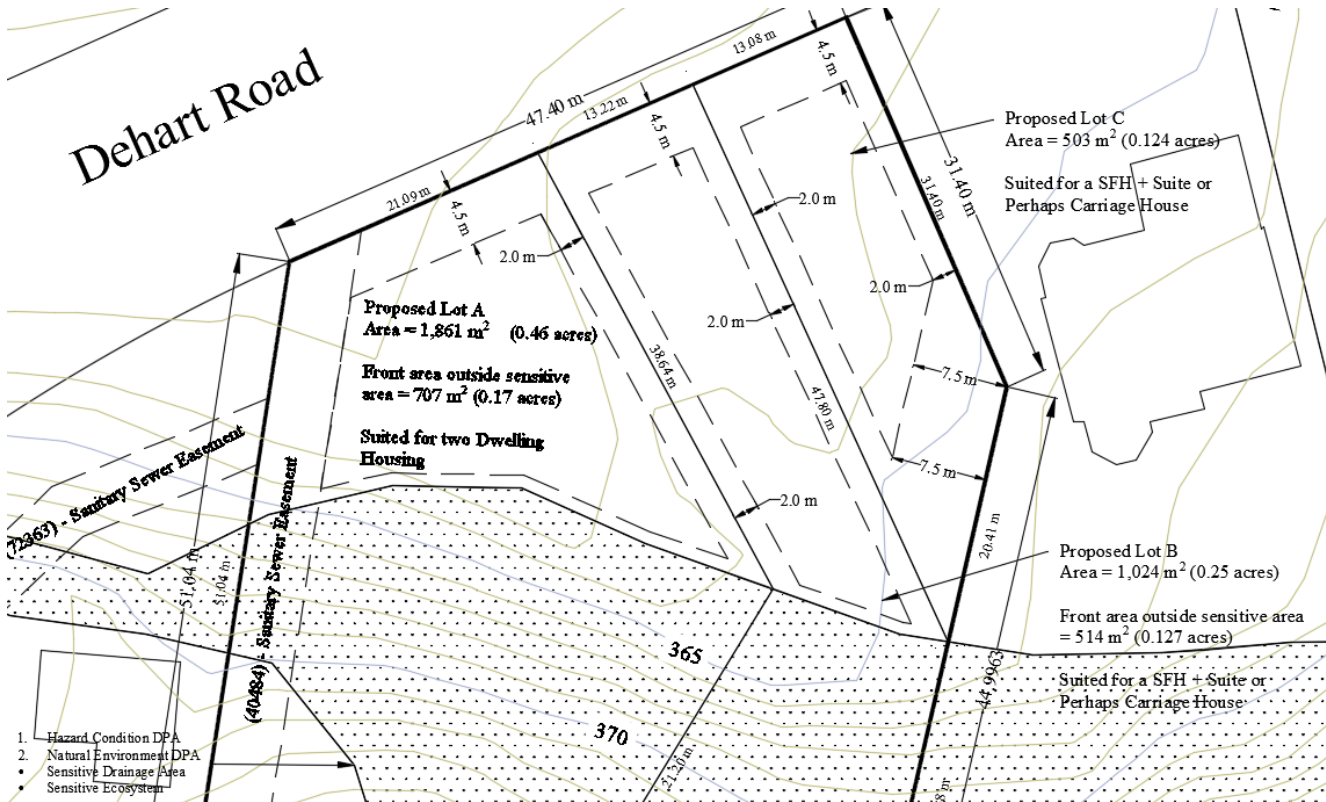
Development Permit Areas (DPA)

Hazardous Condition DPA

The goal would be to achieve the exemption to the Hazardous Condition Development Permit under condition "a" or "b" of the 2030 Official Community Plan, Chapter 13.

Environment DPAs for Sensitive Drainage Area & Sensitive Ecosystem

The goal would be to achieve the exemption to the Hazardous Condition Development Permit under condition "a" or "b" of the 2030 Official Community Plan, Chapter 12. Please see figure below:



Wildland Fire Hazard DPA

Shall be addressed through the subdivision process in accordance to Section 1.0 of the 2030 Official Community Plan, Chapter 13.

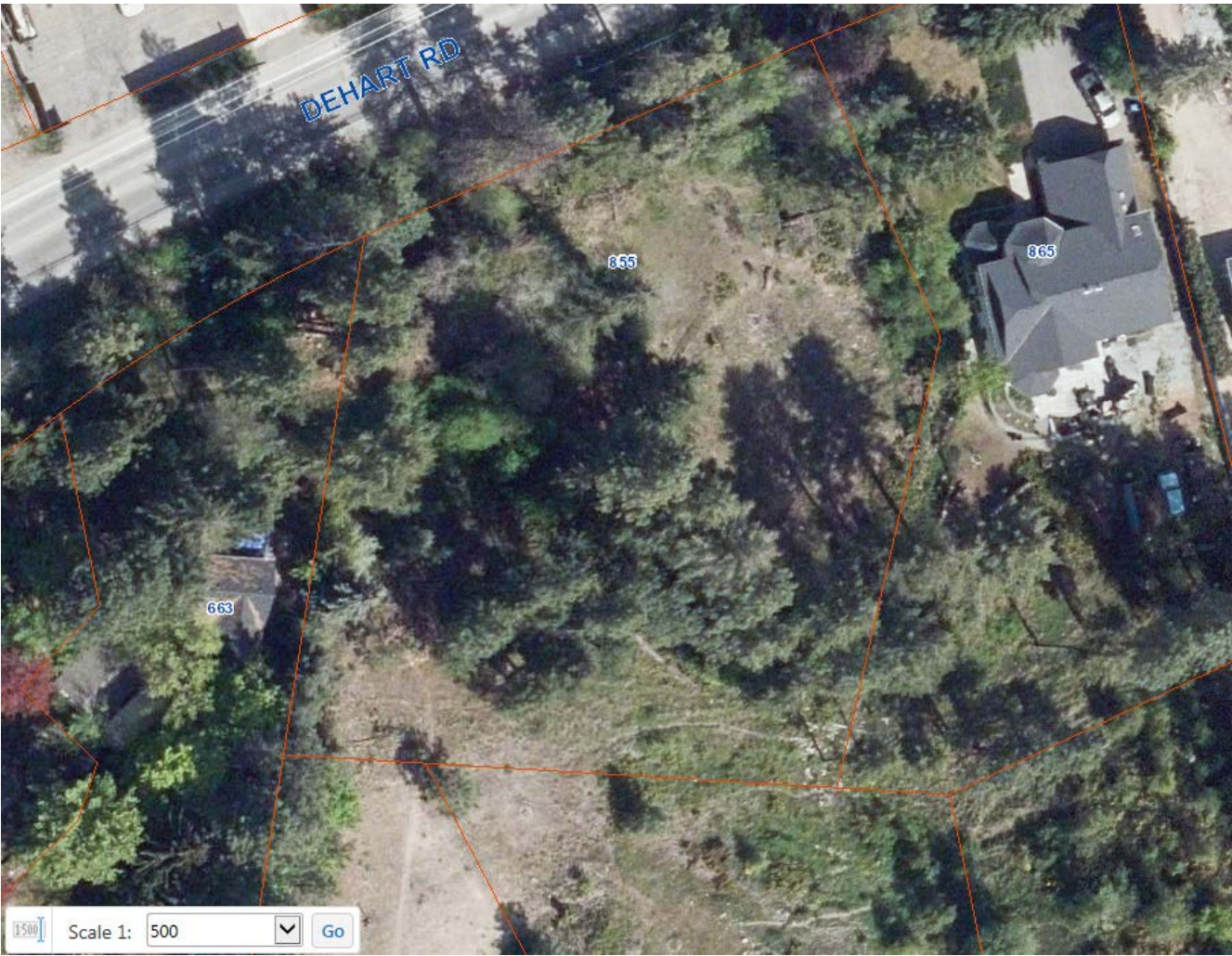
NEW BUILD PROPOSED FORM & CHARACTER

It is proposed that the new build will conform with the form and character of the area. We’re currently going over the selection process and no specific plans have been picked yet. However, the samples below illustrate the form and character we would be aiming to achieve. We find this form of new build will help brighten, elevate, and enhance the look and feel of the neighborhood.



SITE PICTURES

Subject Site Plan View:



ATTACHMENT

B

This forms part of application

Z20-0080

Planner Initials

TC

City of Kelowna

DEVELOPMENT PLANNING



Site Picture Looking into property from Dehart Road:



Site frontage Looking south-west on Dehart Road Depicting Existing Fire Hydrant:



ATTACHMENT

B

This forms part of application

Z20-0080

Planner Initials

TC

City of Kelowna

DEVELOPMENT PLANNING



Z20-0080

855 DeHart Road

Rezoning Application



Proposal

- ▶ To rezone the subject property from RU1 – Large Lot Housing to RU6 – Two Dwelling Housing to facilitate a 3-lot subdivision.

Development Process

Sept 9th, 2020

Development Application Submitted

Staff Review & Circulation

Dec 19th, 2020

Public Notification Received

April 12th, 2021

Initial Consideration

Public Hearing
Second & Third Readings

Final Reading

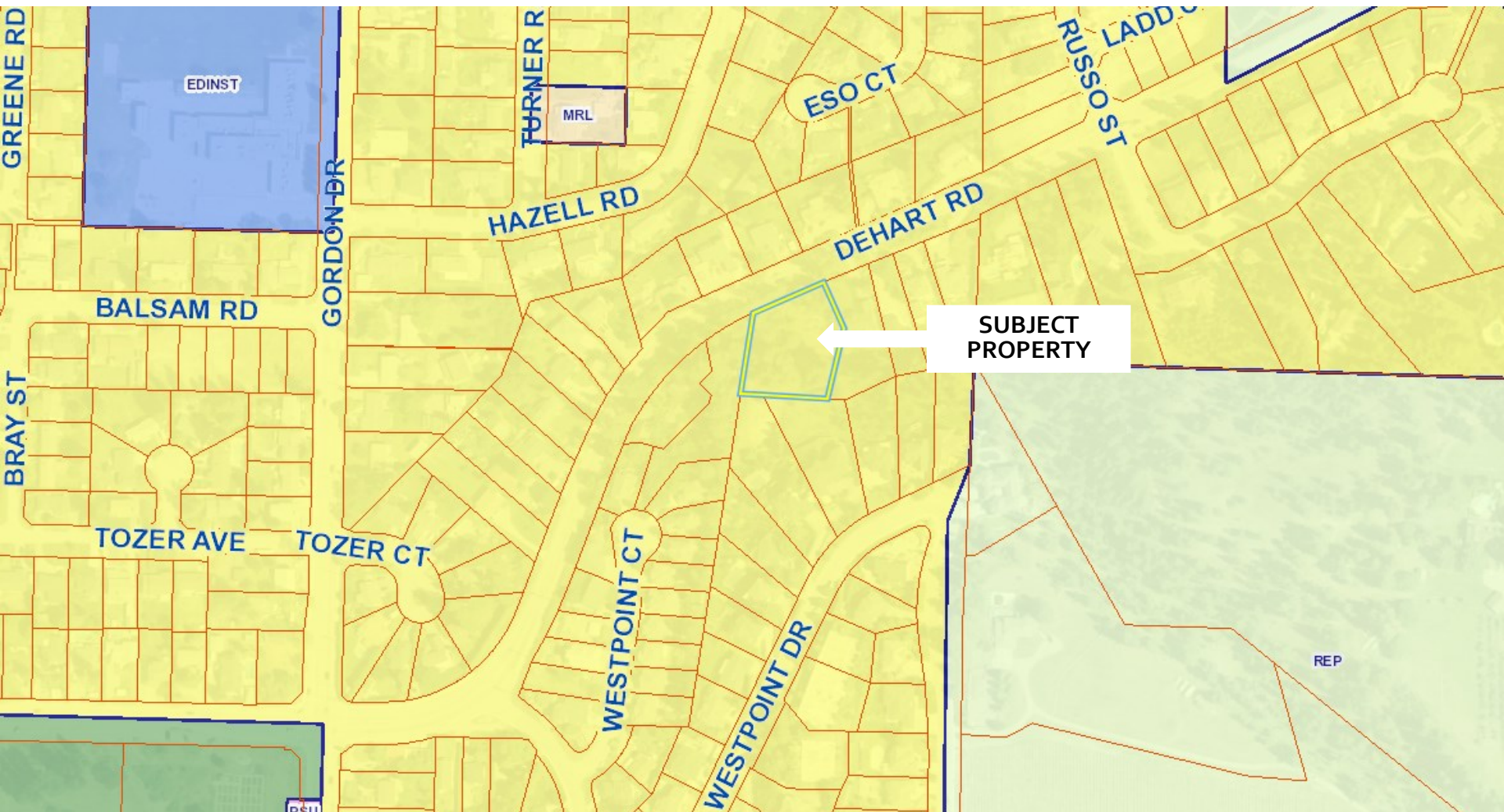
Building Permit

Council
Approvals

Context Map



OCP Future Land Use / Zoning



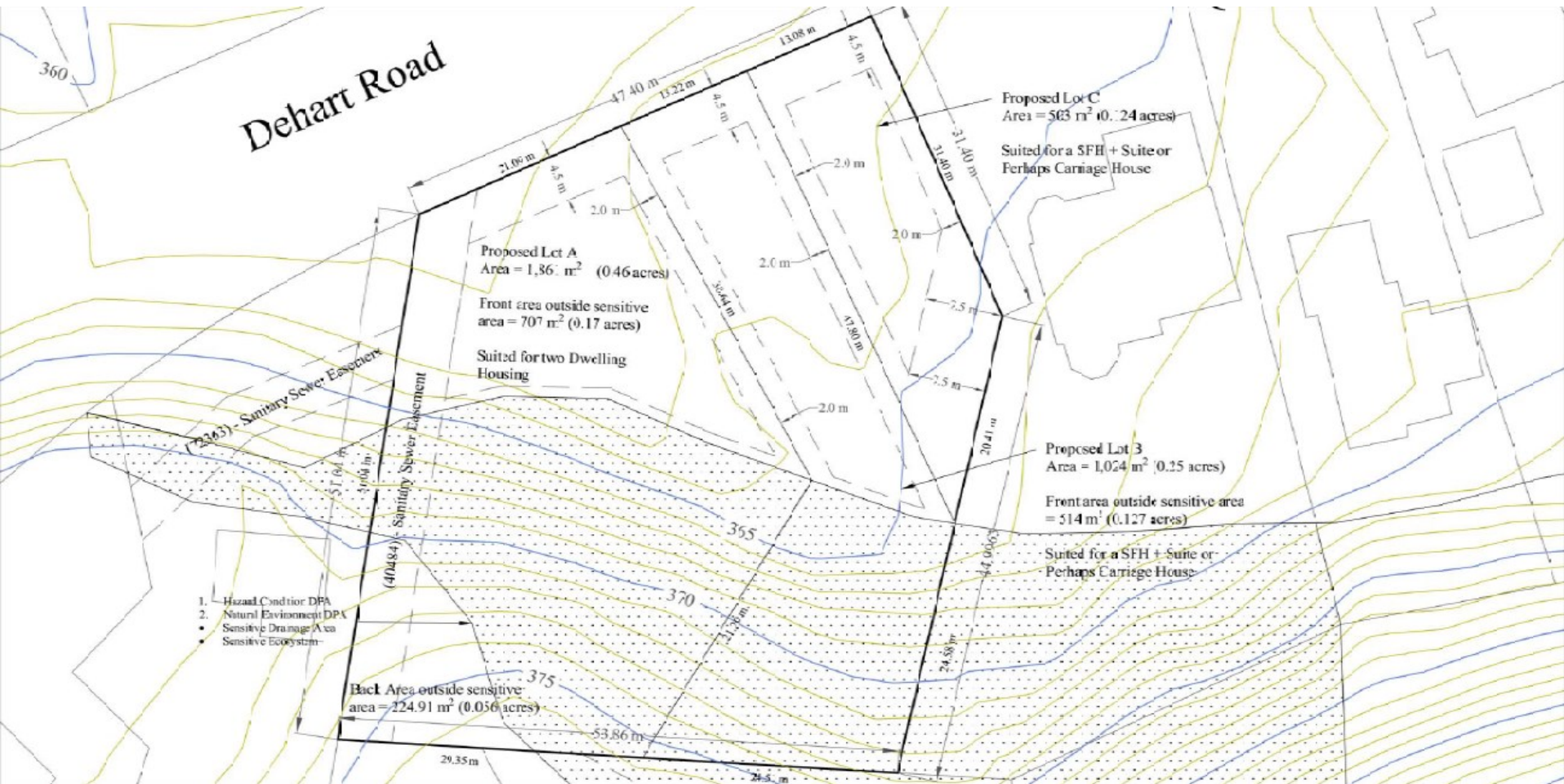
Subject Property Map



Project/technical details

- ▶ Proposed rezoning to RU6 –Two Dwelling Housing will facilitate a 2-lot subdivision.
- ▶ All lots meet the depth, width and size of the RU6 zone.
- ▶ Only one of the three will be large enough to build two dwellings.

Site Plan



Site Access



Development Policy

- ▶ Meets the intent of Official Community Plan Urban Infill Policies:
 - ▶ Within Permanent Growth Boundary
 - ▶ Sensitive Infill
- ▶ Consistent with Zoning Bylaw – no variances

Staff Recommendation

- ▶ Staff recommend **support** of the proposed rezoning to facilitate a 2-lot subdivision
- ▶ Meets the intent of the Official Community Plan
 - ▶ Urban Infill Policies
 - ▶ Appropriate location for adding residential density
- ▶ Recommend the Bylaw be forwarded to Public Hearing



Conclusion of Staff Remarks

CITY OF KELOWNA

BYLAW NO. 12204

Z20-0080

855 DeHart 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 45 District Lot 358 ODYD Plan 40481 located at DeHart Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

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

Mayor

City Clerk

Report to Council



Date: April 12, 2021

To: Council

From: City Manager

Subject: Rezoning Bylaw No. 12180 for Z21-0006 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 April 12, 2021 with respect to the summary of correspondence received for Zoning Bylaw No. 12180;

AND THAT Rezoning Bylaw No. 12180 be forwarded for further reading consideration

Purpose:

To receive a summary of correspondence for Rezoning Bylaw No. 12180 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	January 11, 2021

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 Z21-0006 to correct boundary discrepancies and resolve zoning inconsistencies for multiple addresses was brought forward to Council for initial consideration on March 8, 2021. At this meeting, Council passed a resolution to waive the Public Hearing and correspondence was accepted between March 10, 2021 and March 22, 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. 12180 for multiple addresses 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. 12180

Z21-0006

Multiple Addresses

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) STRATA LOT A SECTION 19 TOWNSHIP 27 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN EPS6756 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V located at Carnoustie Drive, Kelowna, BC from the RU6h - Two Dwelling Housing (Hillside Area) zone to the RU6 – Two Dwelling Housing zone as shown on Map "A" attached to and forming part of this bylaw;
 - b) STRATA LOT B SECTION 19 TOWNSHIP 27 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN EPS6756 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V located at Carnoustie Drive, Kelowna, BC from the RU6h - Two Dwelling Housing (Hillside Area) zone to the RU6 – Two Dwelling Housing zone as shown on Map "A" attached to and forming part of this bylaw;
 - c) STRATA LOT 1 SECTION 19 TOWNSHIP 27 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN EPS2844 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V located at Carnoustie Drive, Kelowna, BC from the RU6h - Two Dwelling Housing (Hillside Area) zone to the RU6 – Two Dwelling Housing zone as shown on Map "A" attached to and forming part of this bylaw;
 - d) STRATA LOT 2 SECTION 19 TOWNSHIP 27 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN EPS2844 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V located at Carnoustie Drive, Kelowna, BC from the RU6h - Two Dwelling Housing (Hillside Area) zone to the RU6 – Two Dwelling Housing zone as shown on Map "A" attached to and forming part of this bylaw;
 - e) STRATA LOT 1 SECTION 19 TOWNSHIP 27 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN EPS1697 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V located at Carnoustie Drive, Kelowna, BC from the RU6h - Two Dwelling Housing (Hillside Area) zone to the RU6 – Two Dwelling Housing zone as shown on Map "A" attached to and forming part of this bylaw;
 - f) STRATA LOT 2 SECTION 19 TOWNSHIP 27 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN EPS1697 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V located at Carnoustie Drive, Kelowna, BC from the RU6h - Two Dwelling Housing (Hillside Area) zone to the RU6 – Two Dwelling Housing zone as shown on Map "A" attached to and forming part of this bylaw;

- g) STRATA LOT 1 SECTION 19 TOWNSHIP 27 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN EPS₂₅₇₄ TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V located at Carnoustie Drive, Kelowna, BC from the RU6h - Two Dwelling Housing (Hillside Area) zone to the RU6 – Two Dwelling Housing zone as shown on Map “A” attached to and forming part of this bylaw;
- h) STRATA LOT 2 SECTION 19 TOWNSHIP 27 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN EPS₂₅₇₄ TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V located at Carnoustie Drive, Kelowna, BC from the RU6h - Two Dwelling Housing (Hillside Area) zone to the RU6 – Two Dwelling Housing zone as shown on Map “A” attached to and forming part of this bylaw;
- i) STRATA LOT 1 SECTION 32 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN KAS₃₅₄₅ TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V located at Glenmore Road, Kelowna, BC from the C₃ – Community Commercial zone to the C₃rcs – Community Commercial (Retail Cannabis Sales) zone as shown on Map “B” attached to and forming part of this bylaw;
- j) STRATA LOT 2 SECTION 32 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN KAS₃₅₄₅ TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V located at Glenmore Road, Kelowna, BC from the C₃ – Community Commercial zone to the C₃rcs – Community Commercial (Retail Cannabis Sales) zone as shown on Map “B” attached to and forming part of this bylaw;
- k) STRATA LOT 3 SECTION 32 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN KAS₃₅₄₅ TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V located at Glenmore Road, Kelowna, BC from the C₃ – Community Commercial zone to the C₃rcs – Community Commercial (Retail Cannabis Sales) zone as shown on Map “B” attached to and forming part of this bylaw;
- l) STRATA LOT 4 SECTION 32 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN KAS₃₅₄₅ TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V located at Glenmore Road, Kelowna, BC from the C₃ – Community Commercial zone to the C₃rcs – Community Commercial (Retail Cannabis Sales) zone as shown on Map “B” attached to and forming part of this bylaw;
- m) STRATA LOT 5 SECTION 32 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN KAS₃₅₄₅ TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V located at Glenmore Road, Kelowna, BC from the C₃ – Community Commercial zone to the C₃rcs – Community Commercial (Retail Cannabis Sales) zone as shown on Map “B” attached to and forming part of this bylaw;
- n) PORTION OF LOT 1 DISTRICT LOTS 127 AND 4646 OSOYOOS DIVISION YALE DISTRICT PLAN KAP₄₇₉₃₄ located at Harvey Avenue, Kelowna, BC from the C₆ – Regional Commercial zone to the C₆rls – Regional Commercial (Retail Liquor Sales) zone as shown on Map “D” attached to and forming part of this bylaw;
- o) STRATA LOT 1 SECTION 13 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN KAS₂₇₆₆ TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V located at Kloppenburg Road, Kelowna, BC from the RU6h - Two Dwelling Housing (Hillside

- Area) zone to the RU6 – Two Dwelling Housing zone as shown on Map “E” attached to and forming part of this bylaw;
- p) STRATA LOT 2 SECTION 13 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN KAS2766 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V located at Kloppenburg Road, Kelowna, BC from the RU6h - Two Dwelling Housing (Hillside Area) zone to the RU6 – Two Dwelling Housing zone as shown on Map “E” attached to and forming part of this bylaw;
 - q) PORTION OF LOT A DISTRICT LOT 134 OSOYOOS DIVISION YALE DISTRICT PLAN EPP65105 located at Lakeshore Road, Kelowna, BC from the P4 – Utilities zone to the C4 - Urban Centre Commercial zone as shown on Map “F” attached to and forming part of this bylaw;
 - r) PORTION OF LOT 1 SECTION 9 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN KAP89629 located at Scenic Road, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the A1 – Agriculture 1 zone as shown on Map “G” attached to and forming part of this bylaw;
 - s) PORTION OF LOT 8 SECTIONS 20 AND 29 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN KAP88870 located at Shayler Road, Kelowna, BC from the RR1 - Rural Residential 1 zone to the RR3 - Rural Residential 3 zone as shown on Map “H” attached to and forming part of this bylaw;
 - t) PORTION OF LOT 9 SECTIONS 20 AND 29 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN KAP88870 located at Shayler Road, Kelowna, BC from the RR1 - Rural Residential 1 zone to the RR3 - Rural Residential 3 zone as shown on Map “H” attached to and forming part of this bylaw;
 - u) PORTION OF LOT 10 SECTIONS 20 AND 29 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN KAP88870 located at Shayler Road, Kelowna, BC from the RR1 - Rural Residential 1 zone to the RR3 - Rural Residential 3 zone as shown on Map “H” attached to and forming part of this bylaw;
 - v) PORTION OF LOT 11 SECTIONS 20 AND 29 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN KAP88870 located at Shayler Road, Kelowna, BC from the RR1 - Rural Residential 1 zone to the RR3 - Rural Residential 3 zone as shown on Map “H” attached to and forming part of this bylaw;
 - w) PORTION OF LOT 12 SECTIONS 20 AND 29 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN KAP88870 located at Shayler Road, Kelowna, BC from the RR1 - Rural Residential 1 zone to the RR3 - Rural Residential 3 zone as shown on Map “I” attached to and forming part of this bylaw;
 - x) PORTION OF LOT A SECTION 29 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN EPP24038 located at Shayler Road, Kelowna, BC from the RR1 - Rural Residential 1 zone to the RR3 - Rural Residential 3 zone as shown on Map “I” attached to and forming part of this bylaw;
 - y) PORTION OF LOT B SECTION 29 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN EPP24038 located at Shayler Road, Kelowna, BC from the RR1 - Rural Residential 1 zone to the RR3 - Rural Residential 3 zone as shown on Map “I” attached to and forming part of this bylaw;
 - z) PORTION OF LOT 15 SECTIONS 20 AND 29 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN KAP88870 located at Shayler Road, Kelowna, BC from the RR1 - Rural

Residential 1 zone to the RR₃ - Rural Residential 3 zone as shown on Map "I" attached to and forming part of this bylaw;

aa) LOT B SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 25630 located at Tataryn Road, Kelowna, BC from the RU₁ – Large Lot Housing zone to the RU_{1c} – Large Lot Housing with Carriage House.

bb) PORTION OF LOT 2 SECTION 31 TOWNSHIP 27 OSOYOOS DIVISION YALE DISTRICT PLAN EPP66533 located at Tower Ranch Drive, Kelowna, BC from the RU₅ - Bareland Strata Housing zone to the P₃ - Parks & Open Space zone as shown on Map "J" attached to and forming part of this bylaw;

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

Read a first time by the Municipal Council this 8th day of March, 2021.

Public Hearing waived by the Municipal Council this 8th day of March, 2021.

Read a second and third time by the Municipal Council this

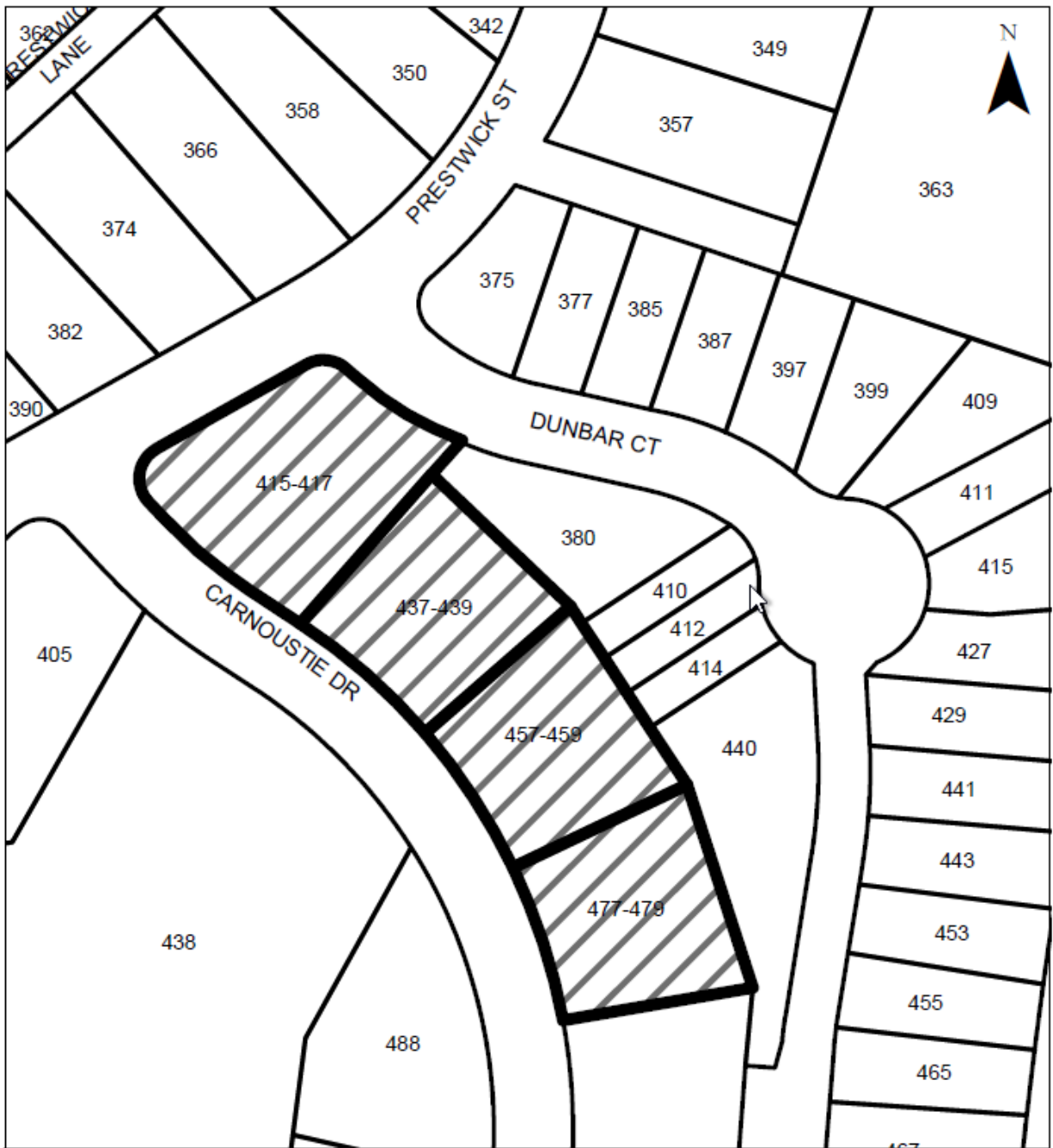
Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



MAP "A" PROPOSED ZONING
File: Z21-0006



Subject Properties



RU6H - Two Dwelling Housing (Hillside Area) to RU6 - Two Dwelling Housing

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

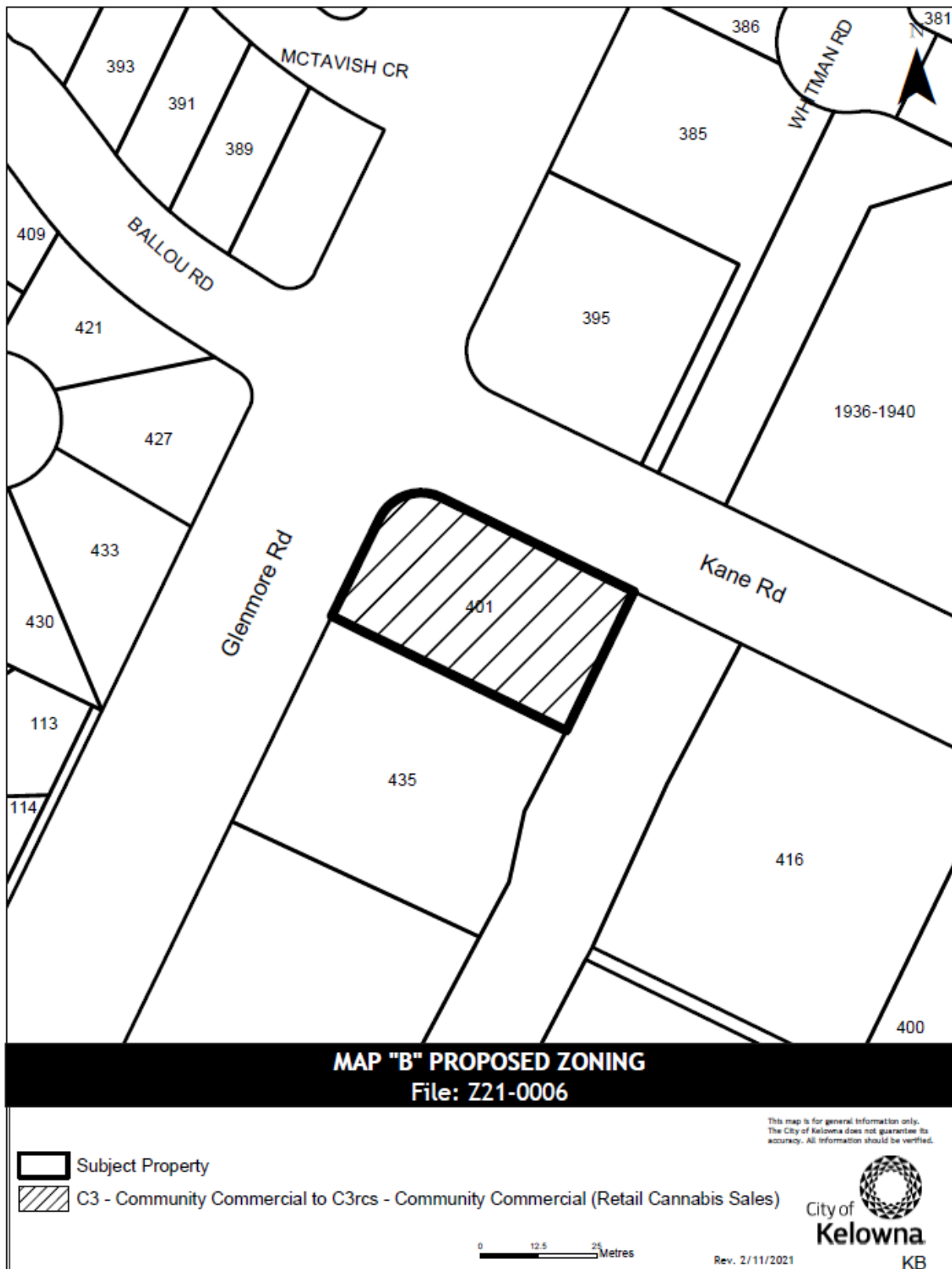


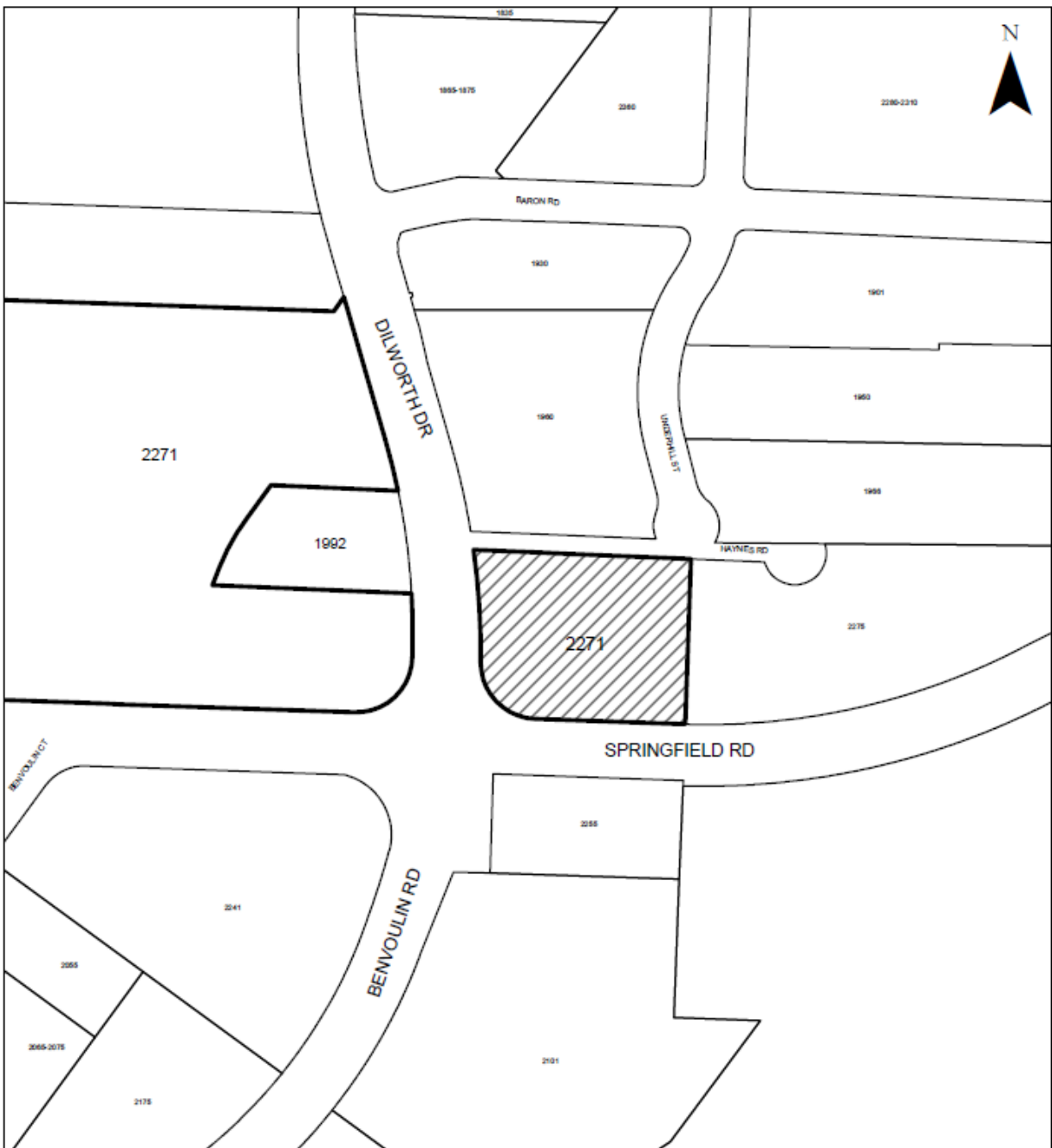
City of
Kelowna

0 12.5 25 Metres

Rev. 2/11/2021

KB





MAP "D" PROPOSED ZONING
File: Z21-0006



Subject Property



C6 - Regional Commercial to C6rls - Regional Commercial (Retail Liquor Sales)

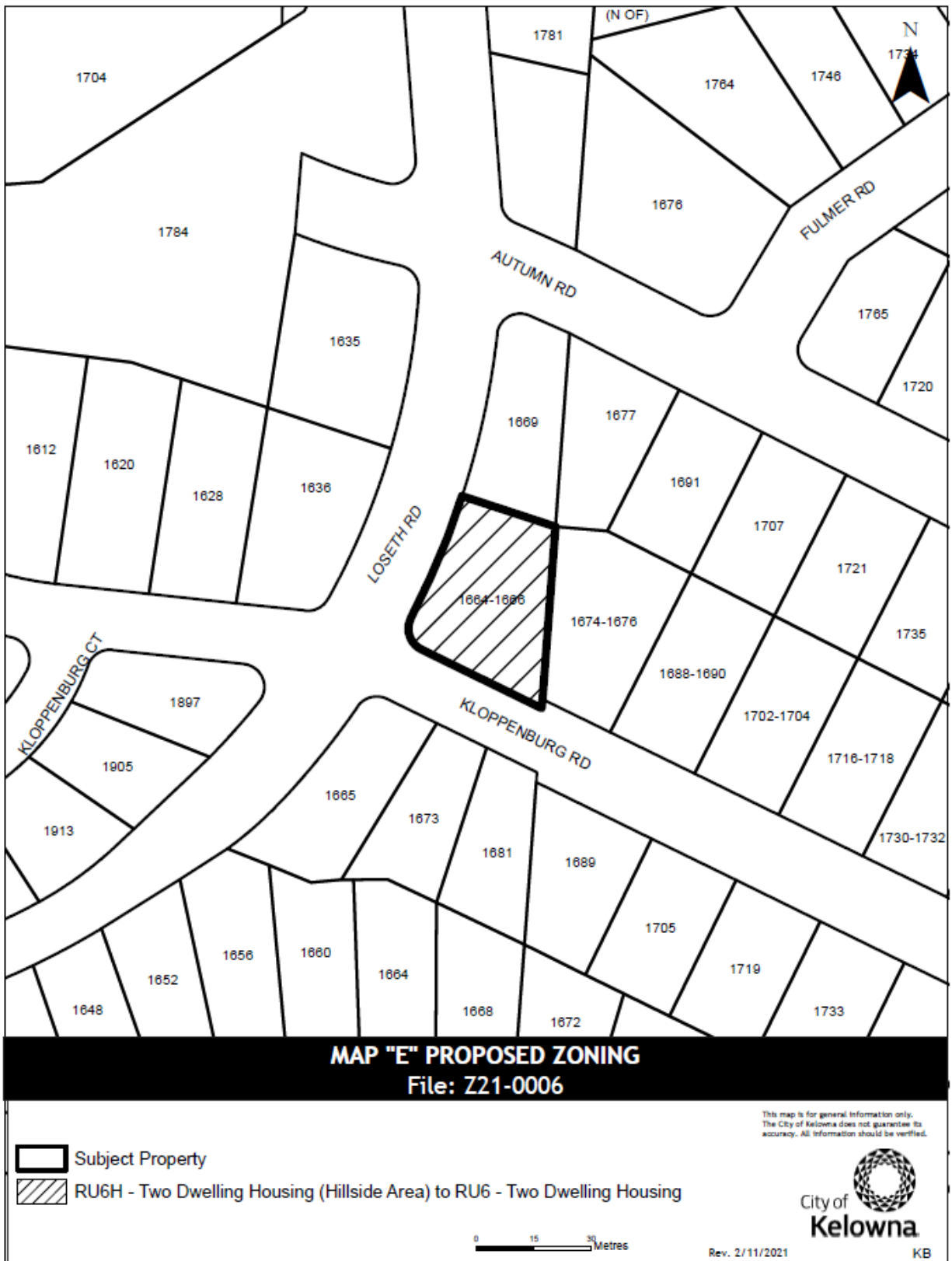
This map is for general information only.
The City of Kelowna does not guarantee its
accuracy. All information should be verified.



0 30 60 Metres



Rev. 2021/02/19

KB





MAP "F" PROPOSED ZONING
File: Z21-0006

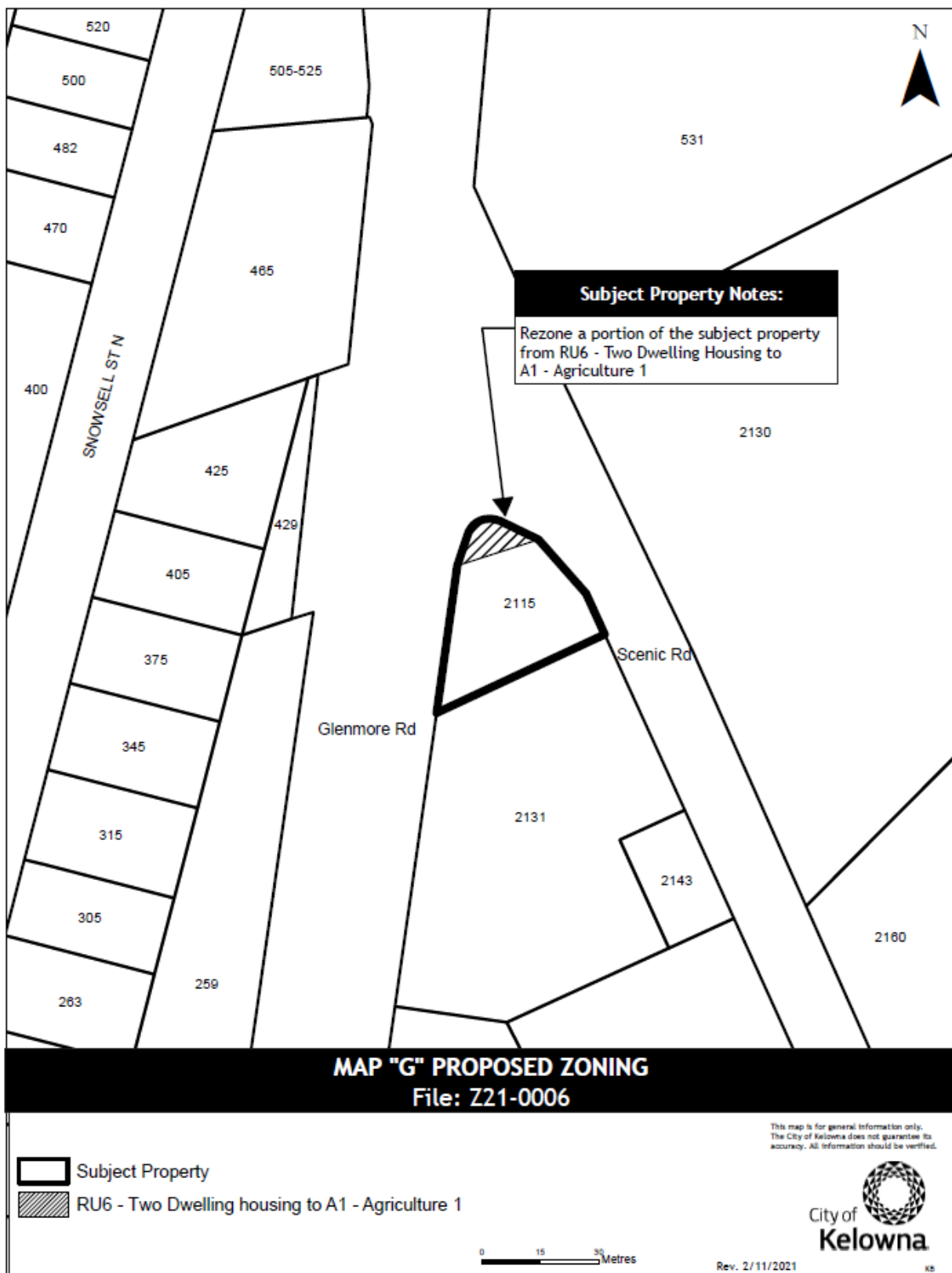
-  Subject Property
-  P4 - Utilities to C4 - Urban Centre Commercial

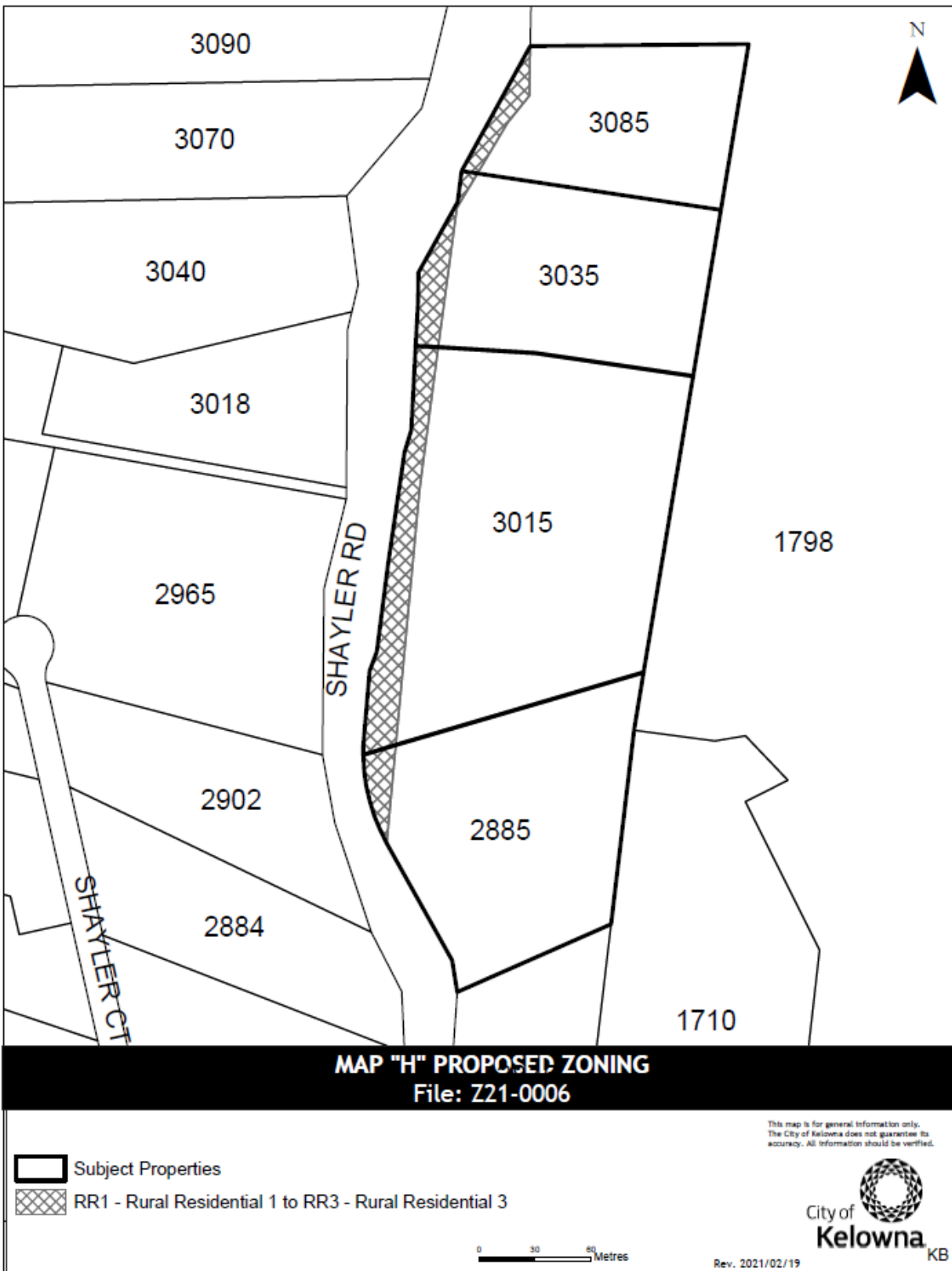
This map is for general information only.
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accuracy. All information should be verified.

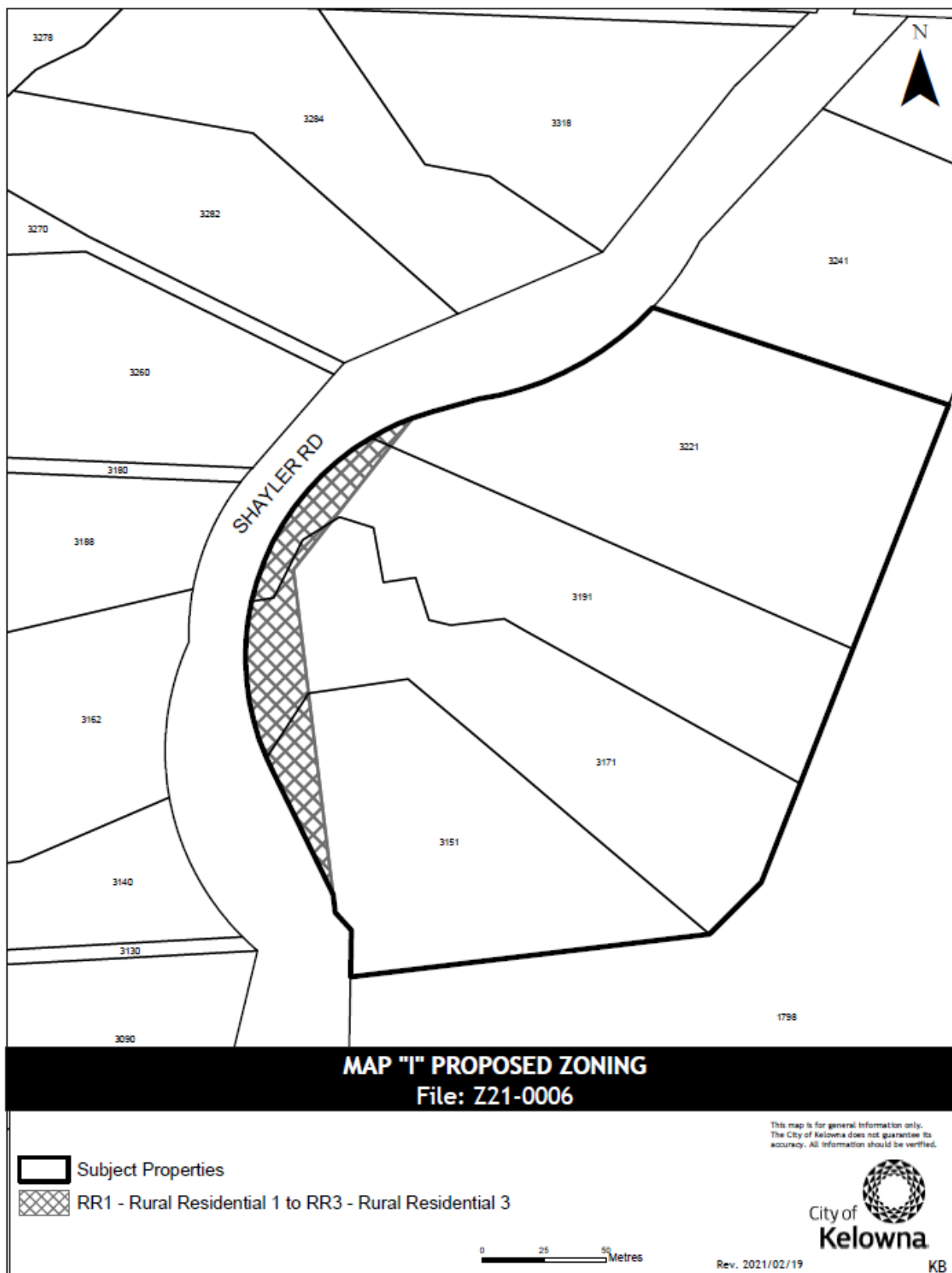


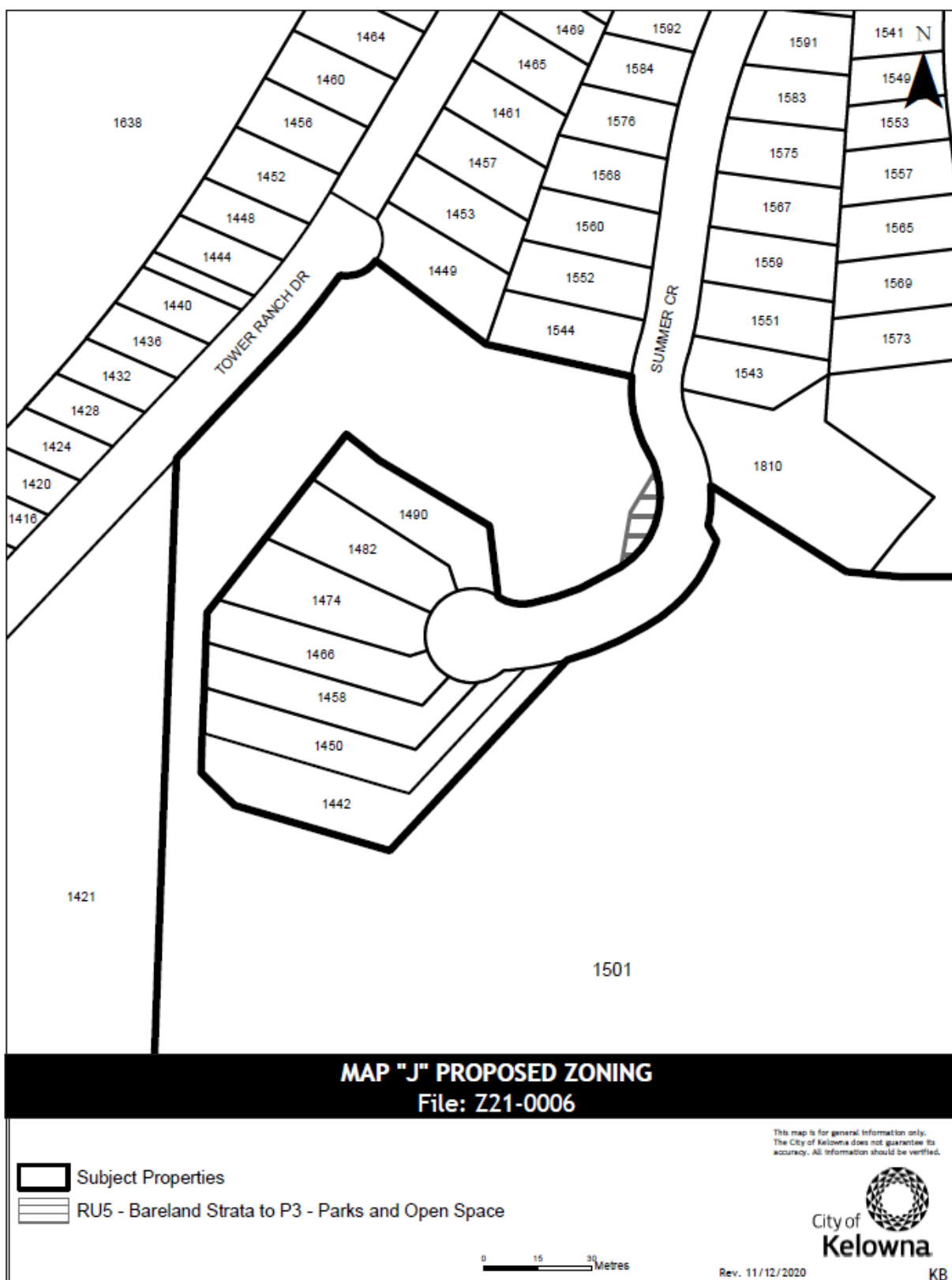
0 12.5 25 Metres

Rev. 2021/02/19









Report to Council



Date: April 12, 2021
To: Council
From: City Manager
Subject: Rescind Bylaws for OCP16-004 & Z16-0030 – 2755 McCurdy Road
Department: Development Planning

Recommendation:

THAT Council receives, for information, the Report from the Development Planning Department dated April 12, 2021, with respect to Official Community Plan No. OCP16-0004, Bylaw No. 11472 and Rezoning Application No. Z16-0030, Bylaw No. 11473, for the property located at Lot 1, District Lots 124 and 415, ODYD, Plan KAP84653, Except Plan EPP45174 and DL 415, located at 2755 McCurdy Road, Kelowna BC;

AND THAT Bylaw Nos. 11472 and 11473, be forwarded for rescindment consideration and the file be closed.

Purpose:

To rescind all three readings given to Official Community Plan Bylaw No. 11472 and Rezoning Application Bylaw No. 11473, and direct staff to close the file.

Background:

An application to change the Official Community Plan designation and to rezone the subject property was made on May 19, 2016 to facilitate the development of multi-unit residential dwelling units in a mix of row housing and low-rise apartment housing forms on the subject parcel.

Bylaw No's. 11472 and 11473 received second and third readings at a Regular Meeting of Council on September 19, 2017, following the Public Hearing held on the same date. Final adoption of the zone amendment bylaw is subject to the applicant meeting the requirements of the Development Engineering Department.

An application for an extension was approved by Council from December 3, 2018 to September 19, 2019, however, the applications have remained dormant since then.

The applicant has now provided a new application for the subject property and, given the above, staff are recommending that Council rescind first, second and third readings of OCP16-0004 and Z16-0030, and direct staff to close the files.

Subject Property Map: 2755 McCurdy Road



Submitted by: Heather Benmore, Administrative Clerk

Approved for inclusion: Terry Barton, Manager Development Planning Department

cc: ac

CITY OF KELOWNA

BYLAW NO. 11472

Official Community Plan Amendment No. OCP16-0004 2755 McCurdy Road

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

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* – Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of portions Lot 1, District Lots 124 and 415, ODYD, Plan KAP84653 except Plan EPP45174, located on 2755 McCurdy Road, Kelowna, B.C., from the REP – Resource Protection Area designation to the MRL – Multiple Unit Residential (Low Density) designation as per Map "A" attached to and forming part of this bylaw;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 28th day of August, 2017.

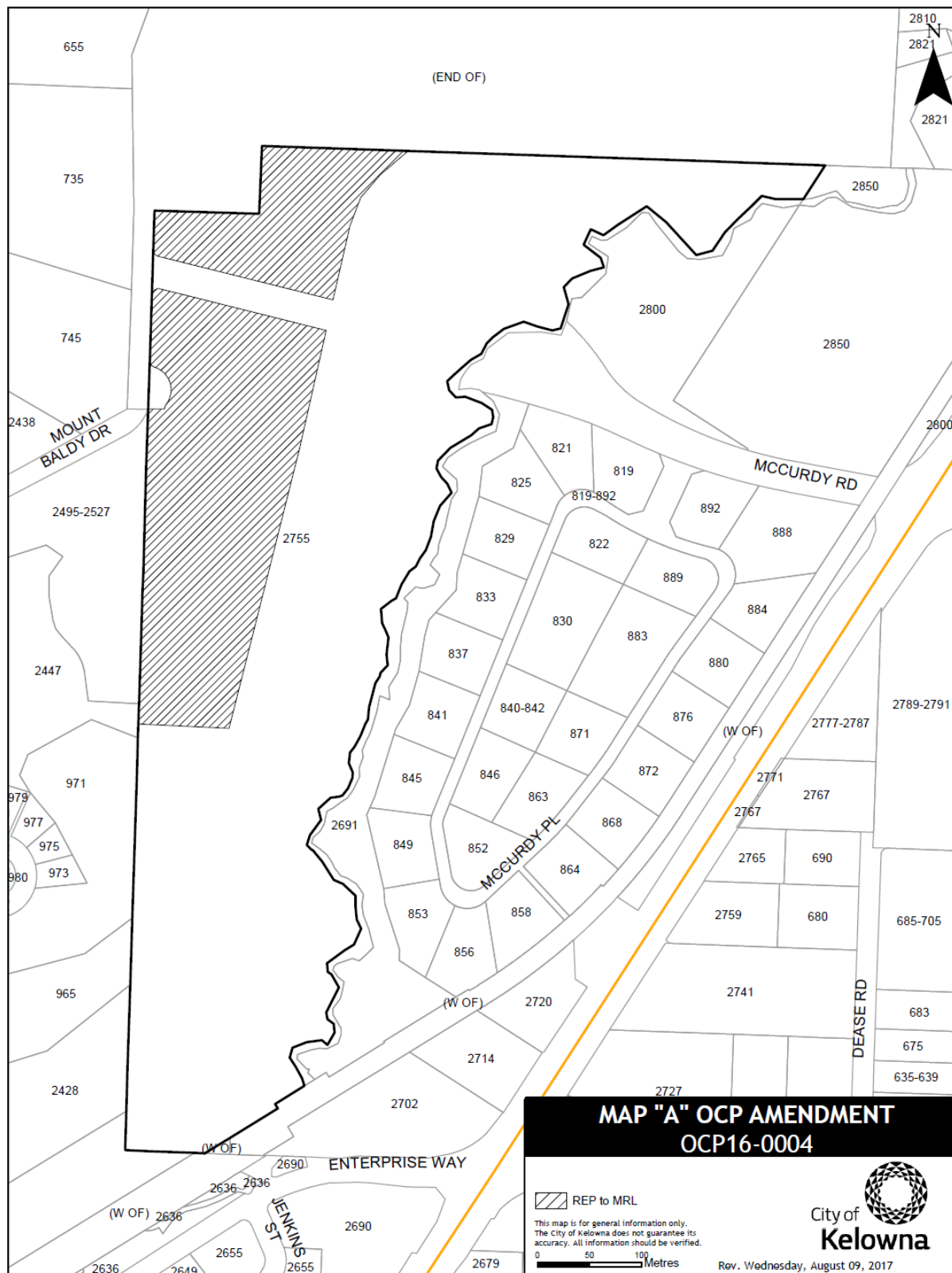
Considered at a Public Hearing on the 19th day of September, 2017.

Read a second and third time by the Municipal Council this 19th day of September, 2017.

First, second and third reading rescinded by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



CITY OF KELOWNA

BYLAW NO. 11473

Z16-0030

2755 McCurdy Road

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of portions of Lot 1, District Lots 124 and 415, ODYD, Plan KAP846453 except Plan EPP45174 located on 2755 McCurdy Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RHM4 – Hillside Cluster Multiple Housing zone as shown on Map "B" attached to and forming part of this bylaw;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 28th day of August, 2017.

Considered at a Public Hearing on the 19th day of September, 2017.

Read a second and third time by the Municipal Council this 19th day of September, 2017.

Approved under the Transportation Act this 20th day of September, 2017.

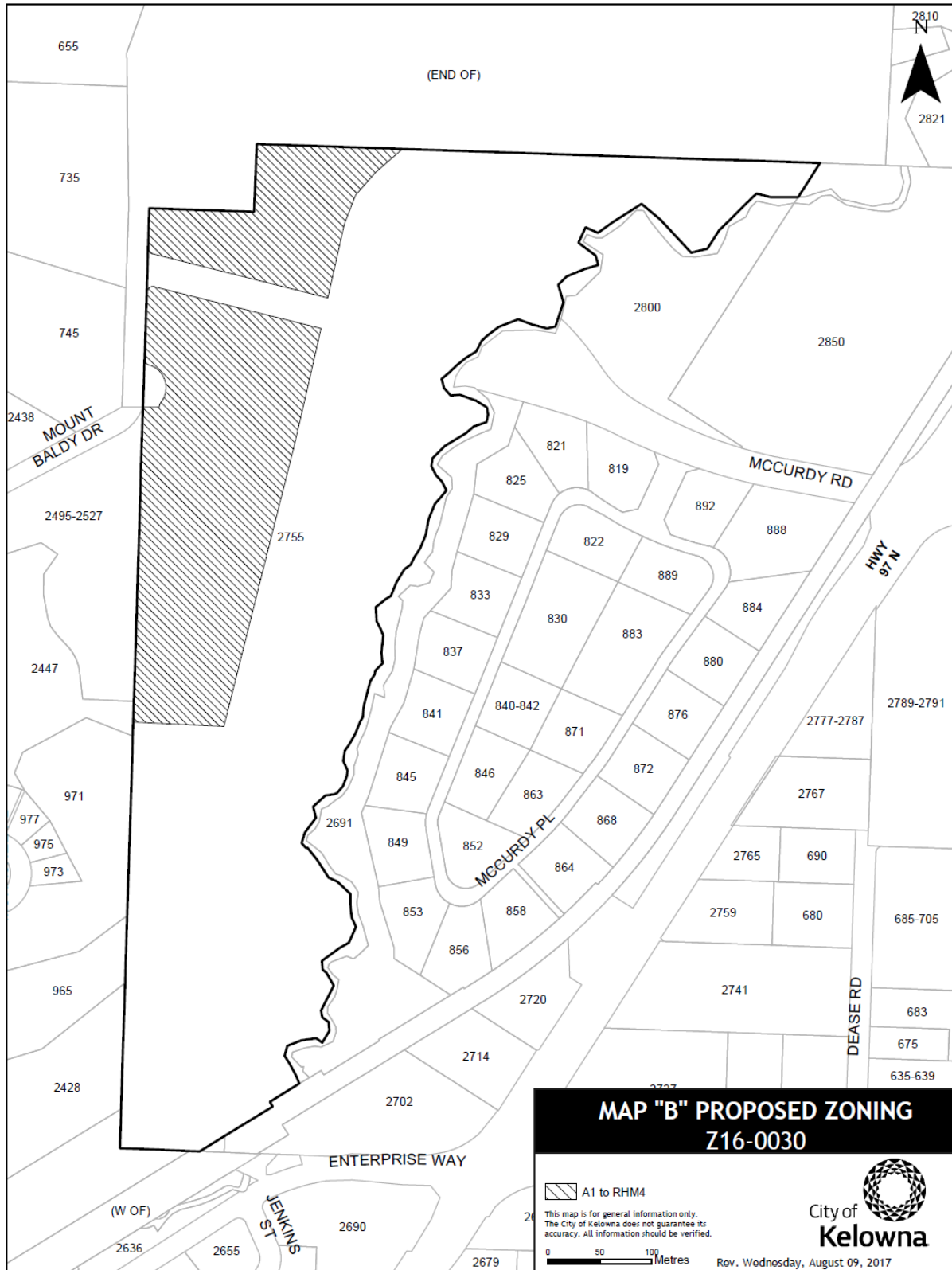
Audrie Henry.

(Approving Officer – Ministry of Transportation)

First, second and third reading rescinded by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



Report to Council



Date: April 12, 2021
To: Council
From: City Manager
Subject: Z19-0102 Extension Request for 2257 & 2263 Speer Street
Department: Development Planning

Recommendation:

THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Rezoning Amending Bylaw No. 11974, for Lots 34 & 35, District Lot 14, Plan 413 at 2257 & 2263 Speer Street, 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. 11974 to February 4, 2022.

Community Planning:

Rezoning Bylaw No. 11974 received second and third readings at a Regular meeting of Council held on February 4, 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 progress on the rezoning application and advises they are moving forward to complete this.

Staff are recommending that Council supports another extension for Rezoning Bylaw No. 11974, to February 4, 2022.

Subject Property Map: 2257 & 2263 Speers Street



Submitted by: Heather Benmore, Administrative Clerk

Approved for inclusion: Terry Barton, Development Planning Department Manager

cc: af

CITY OF KELOWNA
BYLAW NO. 11920
Z18-0107
1300 Findlay Road and 1308 Findlay Road

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of:
 - a) Lot A Section 34 Township 26 ODYD Plan EPP107390; and
 - b) Lot B Section 34 Township 26 ODYD Plan EPP107390located on Findlay Road, Kelowna, BC from the RU1 – Large Lot Housing 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 12th day of August, 2019.

Considered at a Public Hearing on the 27th day of August, 2019.

Read a second and third time by the Municipal Council this 27th day of August, 2019.

Approved under the Transportation Act this 30th day of August, 2019.

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. 11928

Official Community Plan Amendment No. OCP19-0005 Multiple Addresses

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

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* – Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of:
 - a) Portion of LOT 1 SECTION 8 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN EPP77782 located at Clifton Road North from the S2RESH – Single/Two Unit Residential Hillside designation to the S2RES – Single/Two Unit Residential designation as shown on Map "A" attached to and forming part of this bylaw;
 - b) Portion of LOT 14 SECTION 9 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN KAP81912 located at Long Ridge Drive, Kelowna, BC from the S2RES – Single-Two Unit Residential designation to the PARK – Major Park/Open Space designation as shown on Map "B" attached to and forming part of this bylaw;
 - c) LOT 12 SECTION 24 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN EPP78252 located at Loseth Drive, Kelowna, BC from the S2RES – Single/Two Unit Residential designation to the S2RESH – Single/Two Unit Residential Hillside designation as shown on Map "C" attached to and forming part of this bylaw;
 - d) LOT 13 SECTION 24 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN EPP78252 located at Loseth Drive, Kelowna, BC from the S2RES – Single/Two Unit Residential designation to the S2RESH – Single/Two Unit Residential Hillside designation as shown on Map "C" attached to and forming part of this bylaw;
 - e) LOT 14 SECTION 24 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN EPP78252 located at Loseth Drive, Kelowna, BC from the S2RES – Single/Two Unit Residential designation to the S2RESH – Single/Two Unit Residential Hillside designation as shown on Map "C" attached to and forming part of this bylaw;
 - f) Portion of LOT 15 SECTION 24 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN EPP78252 located at Loseth Drive, Kelowna, BC from the S2RES – Single/Two Unit Residential designation to the S2RESH – Single/Two Unit Residential Hillside designation as shown on Map "C" attached to and forming part of this bylaw;
 - g) Portion of LOT 16 SECTION 24 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN EPP78252 located at Loseth Drive, Kelowna, BC from the S2RES – Single/Two Unit Residential designation to the S2RESH – Single/Two Unit Residential Hillside designation as shown on Map "C" attached to and forming part of this bylaw;

- h) Portion of LOT 17 SECTION 24 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN EPP78252 located at Loseth Drive, Kelowna, BC from the S2RES – Single/Two Unit Residential designation to the S2RESH – Single/Two Unit Residential Hillside designation as shown on Map “C” attached to and forming part of this bylaw;
- i) Portion of LOT 18 SECTION 24 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN EPP78252 located at Loseth Drive, Kelowna, BC from the S2RES – Single/Two Unit Residential designation to the S2RESH – Single/Two Unit Residential Hillside designation as shown on Map “C” attached to and forming part of this bylaw;
- j) Portion of LOT 3 SECTION 29 TOWNSHIP 29 SIMILKAMEEN DIVISION YALE DISTRICT PLAN EPP94737 located at Twinflower Crescent, Kelowna, BC from the PARK – Major Park/Open Space designation to the S2RESH – Single/Two Unit Residential Hillside designation as shown on Map “D” attached to and forming part of this bylaw;

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

Read a first time by the Municipal Council this 25th day of January, 2021.

Considered at a Public Hearing on the 23rd day of February, 2021.

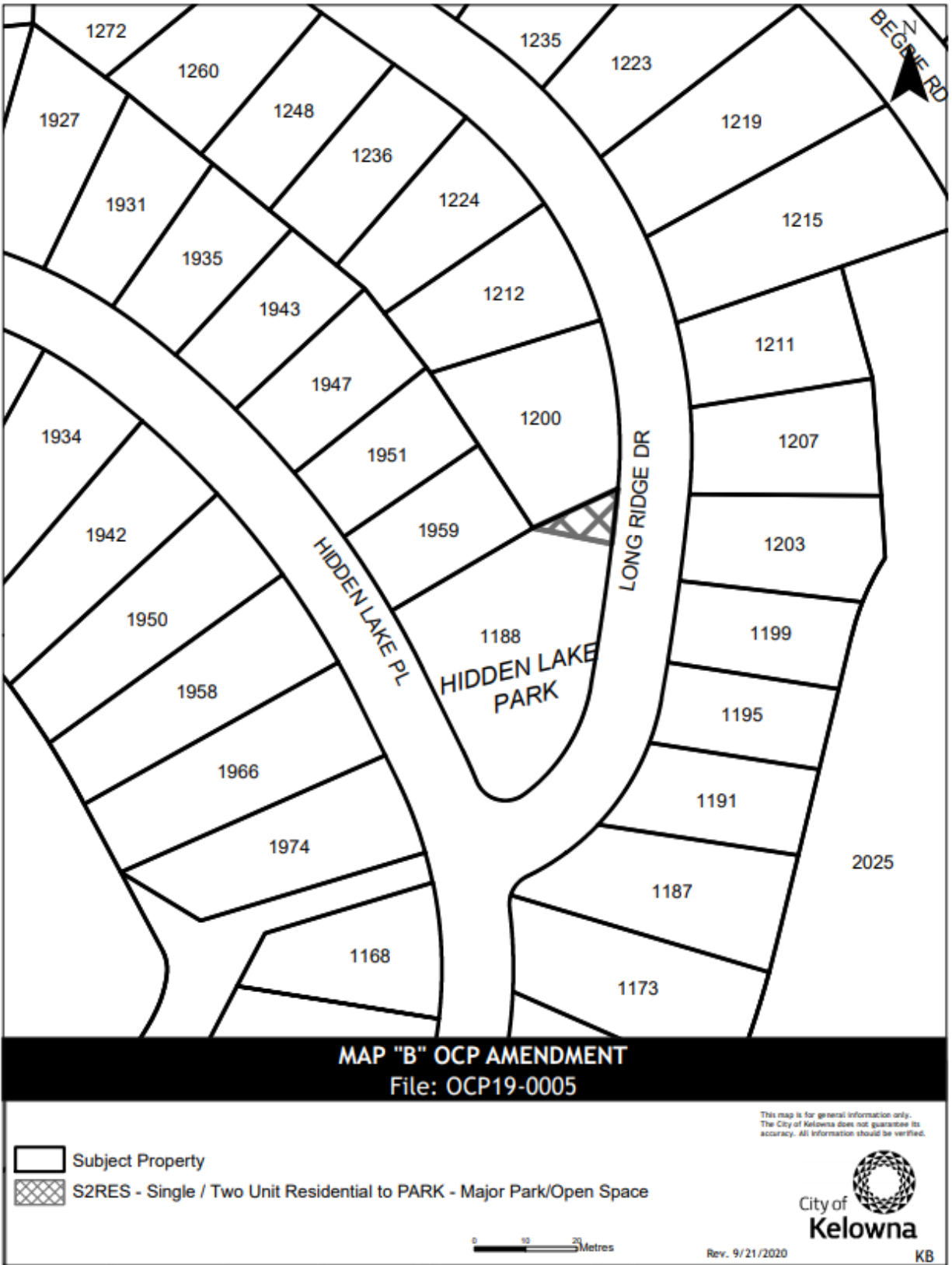
Read a second and third time by the Municipal Council this 23rd day of February, 2021.

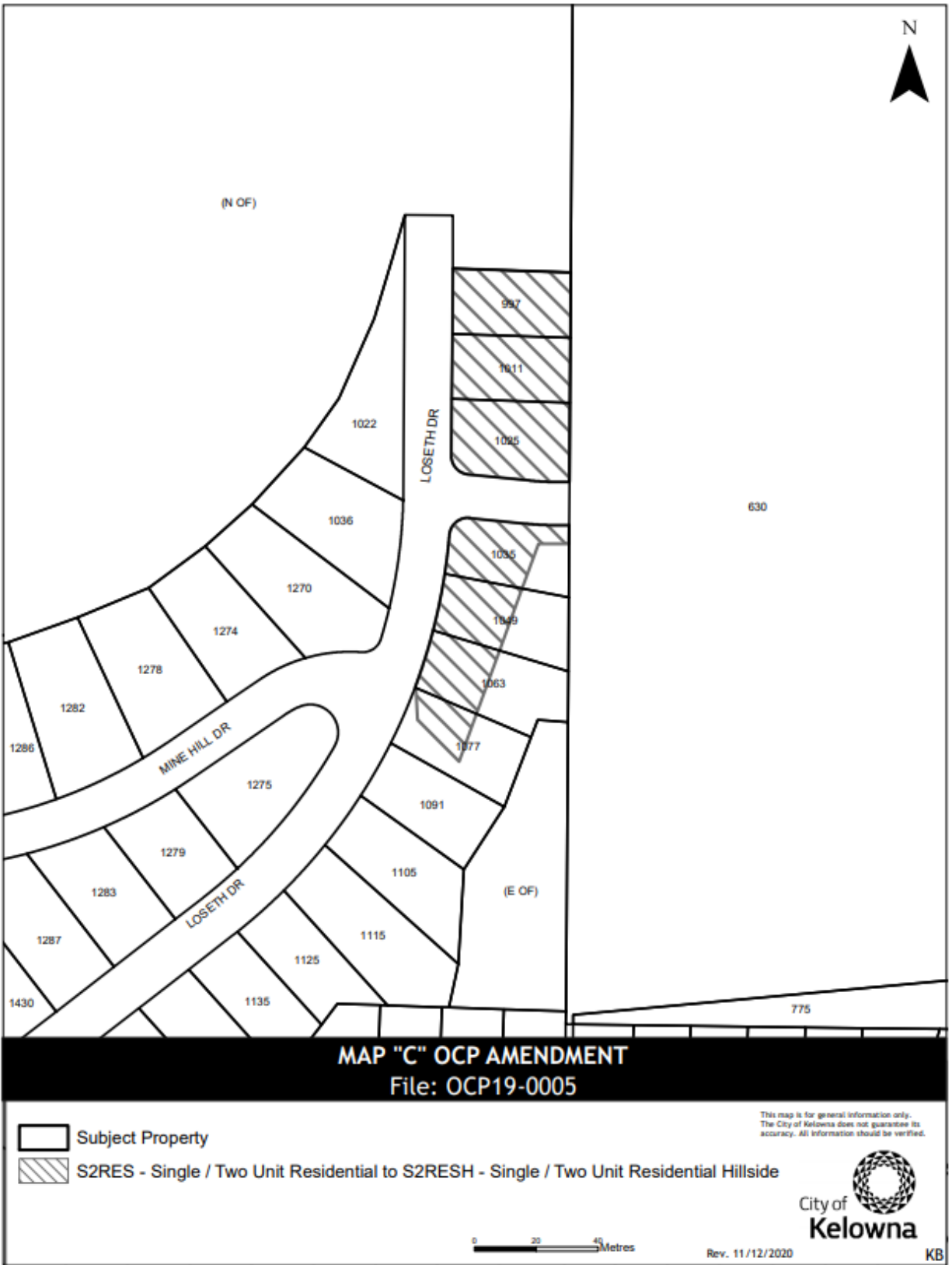
Adopted by the Municipal Council of the City of Kelowna this

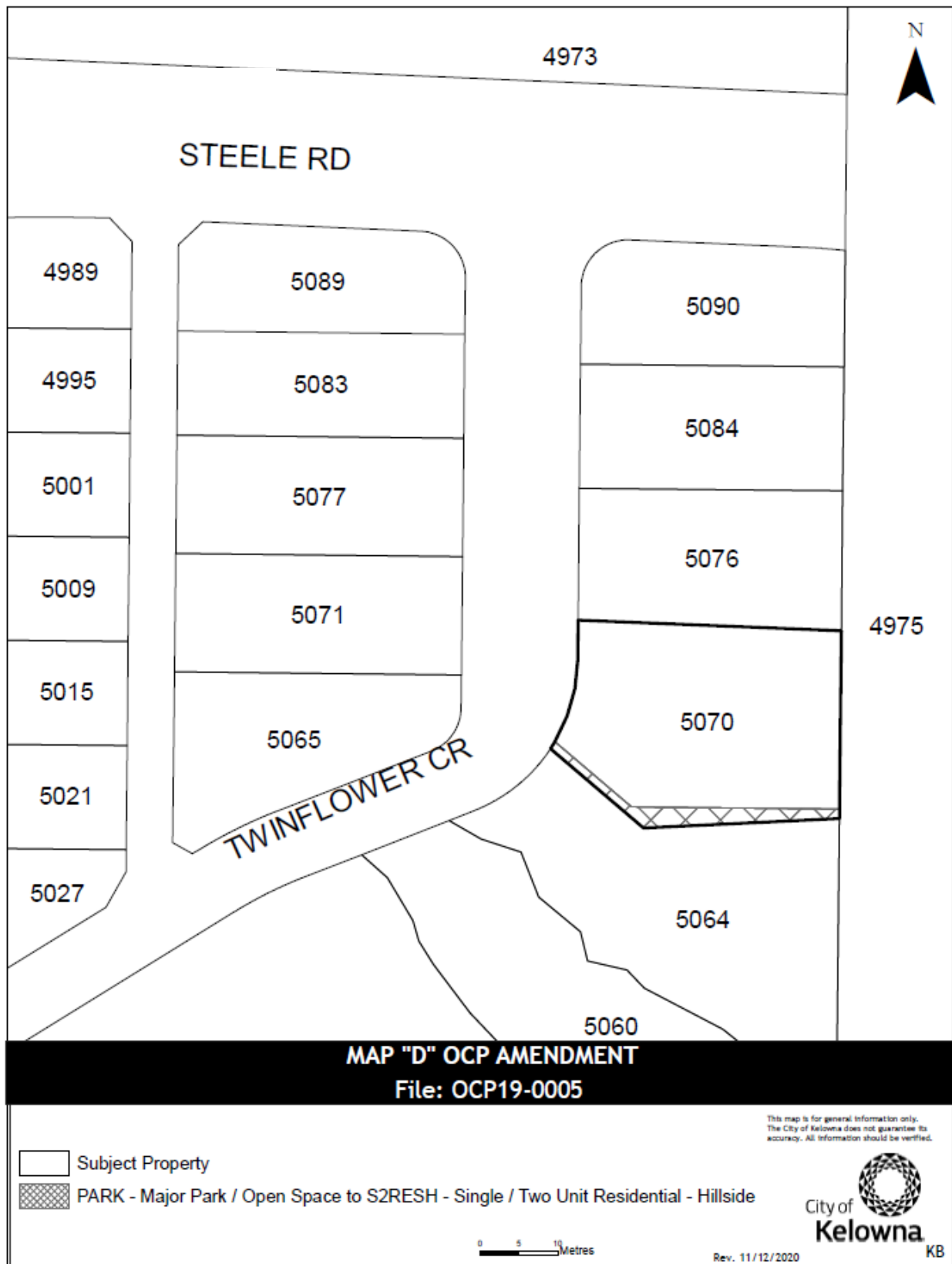
Mayor

City Clerk









CITY OF KELOWNA
BYLAW NO. 11929
Z19-0107 – Multiple Addresses

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of:
 - a) Portion of PARCEL Z (DD X₄₁₀₃) OF DISTRICT LOT 14 OSOYOOS DIVISION YALE DISTRICT EXCEPT PLAN KAP80506 located at Abbott Street, Kelowna, BC from the RU₁ – Large Lot Housing zone to the P₃ – Parks & Open Space zone as shown on Map "E" attached to and forming part of this bylaw;
 - b) Portion of LOT 1 SECTION 8 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN EPP77782 located at Clifton Road North, Kelowna, BC from the A₁ – Agriculture 1 zone to the RR₃ – Rural Residential 3 zone as shown on Map "F" attached to and forming part of this bylaw;
 - c) Portion of LOT 5 SECTION 13 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN EPP64321 located at Kloppenburg Court, Kelowna, BC from the RU_{4h} – Low Density Cluster Housing (Hillside Area) zone to the RU_{1h} – Large Lot Housing (Hillside Area) zone as shown on Map "G" attached to and forming part of this bylaw;
 - d) Portion of LOT 75 SECTION 9 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN KAP80107 located at Long Ridge Drive, Kelowna, BC from the RU_{1h} – Large Lot Housing (Hillside Area) zone to the P₃ – Parks & Open Space zone as shown on Map "H" attached to and forming part of this bylaw;
 - e) Portion of LOT B DISTRICT LOT 123 OSOYOOS DIVISION YALE DISTRICT PLAN EPP41714 located at Penno Road, Kelowna, BC to the P₃ – Parks & Open Space zone as shown on Map "I" attached to and forming part of this bylaw;
 - f) Portion of LOT 3 SECTION 29 TOWNSHIP 29 SIMILKAMEEN DIVISION YALE DISTRICT PLAN EPP94737 located at Twinflower Crescent, Kelowna, BC from the P₃ – Parks & Open Space zone to the RU_{2h} – Medium Lot Housing (Hillside Area) zone as shown on Map "J" attached to and forming part of this bylaw;
 - g) LOT 6 DISTRICT LOT 136 OSOYOOS DIVISION YALE DISTRICT PLAN 11487 located at Rose Avenue, Kelowna, BC from the RM₁ – Four Dwelling Housing zone to the RU₆ – Two Dwelling Housing zone as shown on Map "K" attached to and forming part of this bylaw;
 - h) STRATA LOT 1 DISTRICT LOT 136 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN EPS5184 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V located at Rose Avenue, Kelowna, BC from the RU₆ – Two Dwelling Housing zone to the RM₁ – Four Dwelling Housing zone as shown on Map "K" attached to and forming part of this bylaw;
 - i) STRATA LOT 2 DISTRICT LOT 136 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN EPS5184 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V located at Rose Avenue, Kelowna, BC from the RU₆ – Two Dwelling Housing zone to the RM₁ – Four Dwelling Housing zone as shown on Map "K" attached to and forming part of this bylaw;

- j) STRATA LOT 3 DISTRICT LOT 136 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN EPS5184 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V located at Rose Avenue, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM1 – Four Dwelling Housing zone as shown on Map “K” attached to and forming part of this bylaw;
 - k) STRATA LOT 4 DISTRICT LOT 136 OSOYOOS DIVISION YALE DISTRICT STRATA PLAN EPS5184 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V located at Rose Avenue, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM1 – Four Dwelling Housing zone as shown on Map “K” attached to and forming part of this bylaw;
 - l) LOT 3 DISTRICT LOT 139 OSOYOOS DIVISION YALE DISTRICT PLAN 2207 located at Bernard Avenue, Kelowna, BC from the C7 – Central Business Commercial zone to the P3 – Parks & Open Space zone;
 - m) LOT 5 DISTRICT LOT 143 OSOYOOS DIVISION YALE DISTRICT PLAN 24833 located at Mayfair 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 25th day of January, 2021.

Considered at a Public Hearing on the 23rd day of February, 2021.

Read a second and third time by the Municipal Council this 23rd day of February, 2021.

Approved under the Transportation Act this 18rd day of March, 2021.

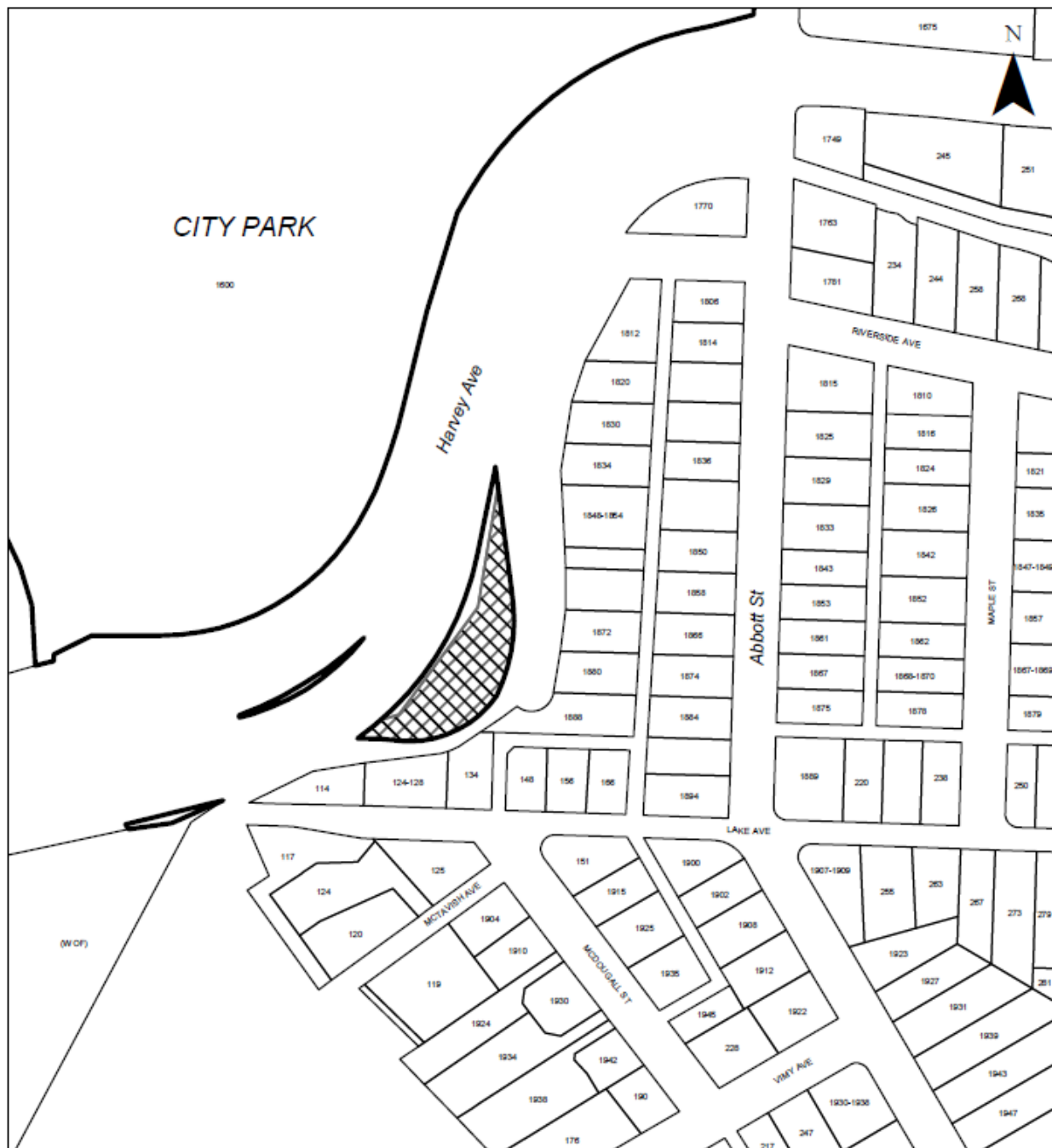
Audrey Henry

(Approving Officer – Ministry of Transportation)



Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



MAP "E" PROPOSED ZONING
File: Z19-0107

-  Subject Property
-  RU1 - Large Lot Housing to P3 - Parks and Open Space

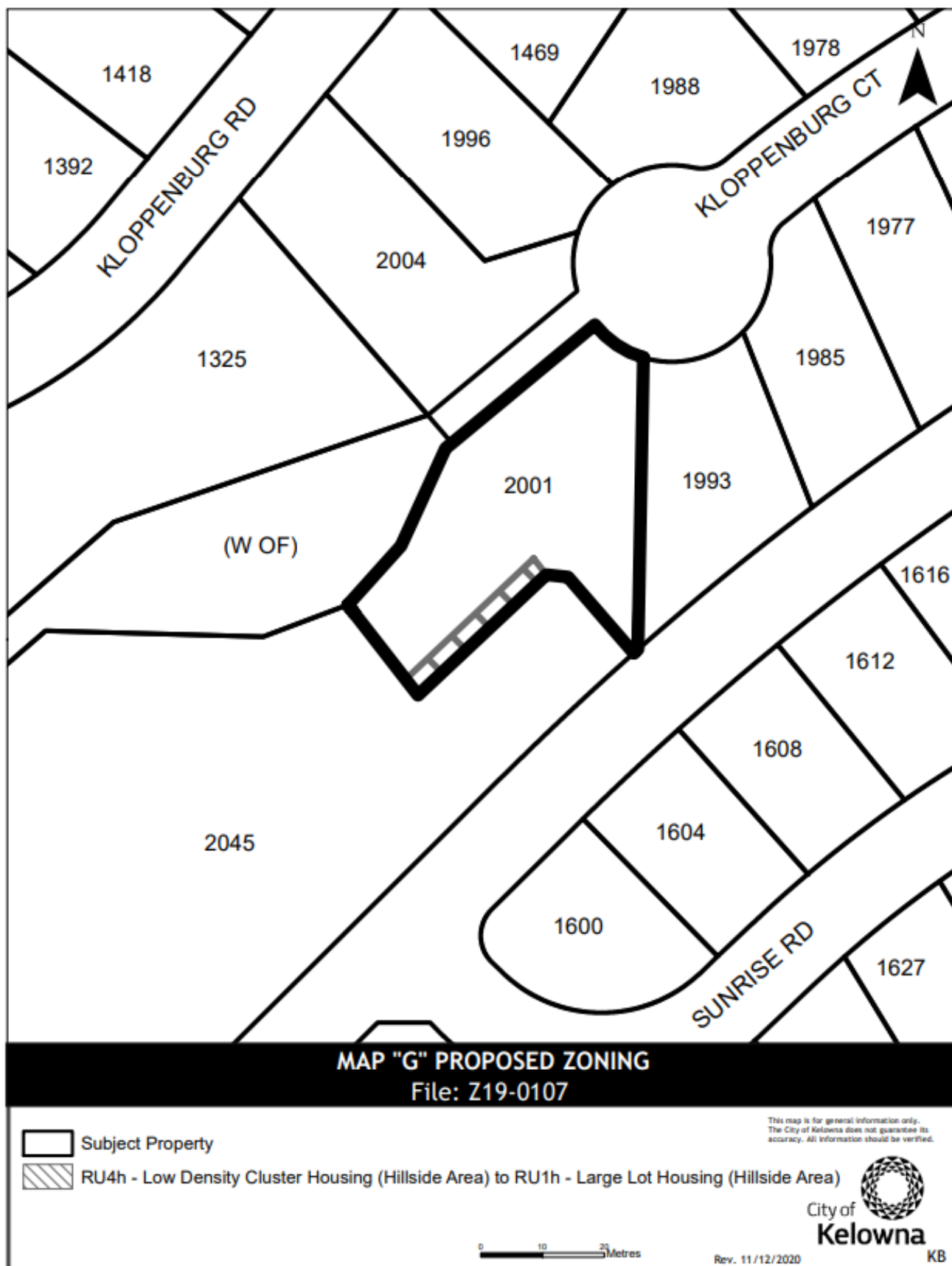
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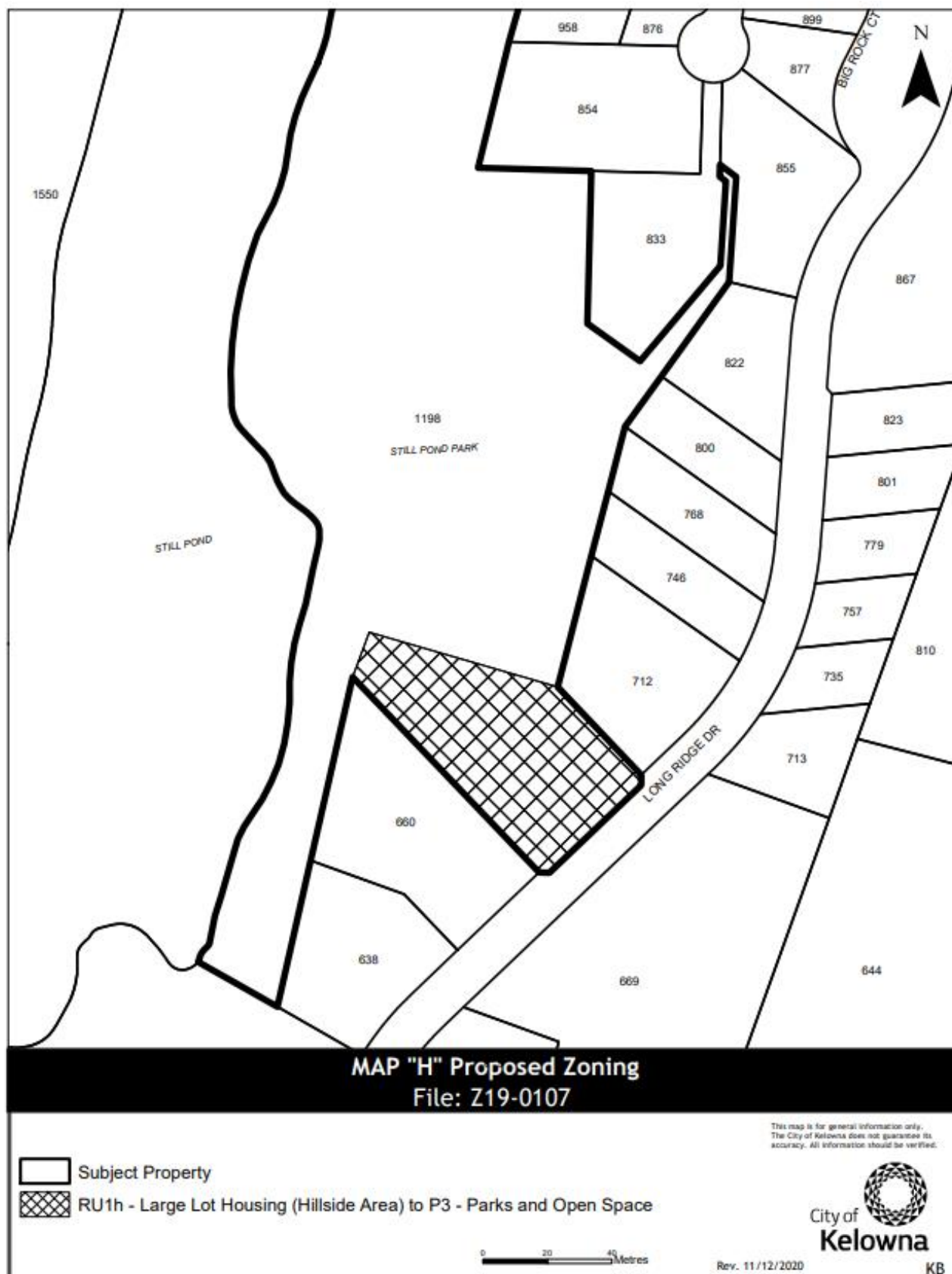
This map is for general information only.
 The City of Kelowna does not guarantee its
 accuracy. All information should be verified.

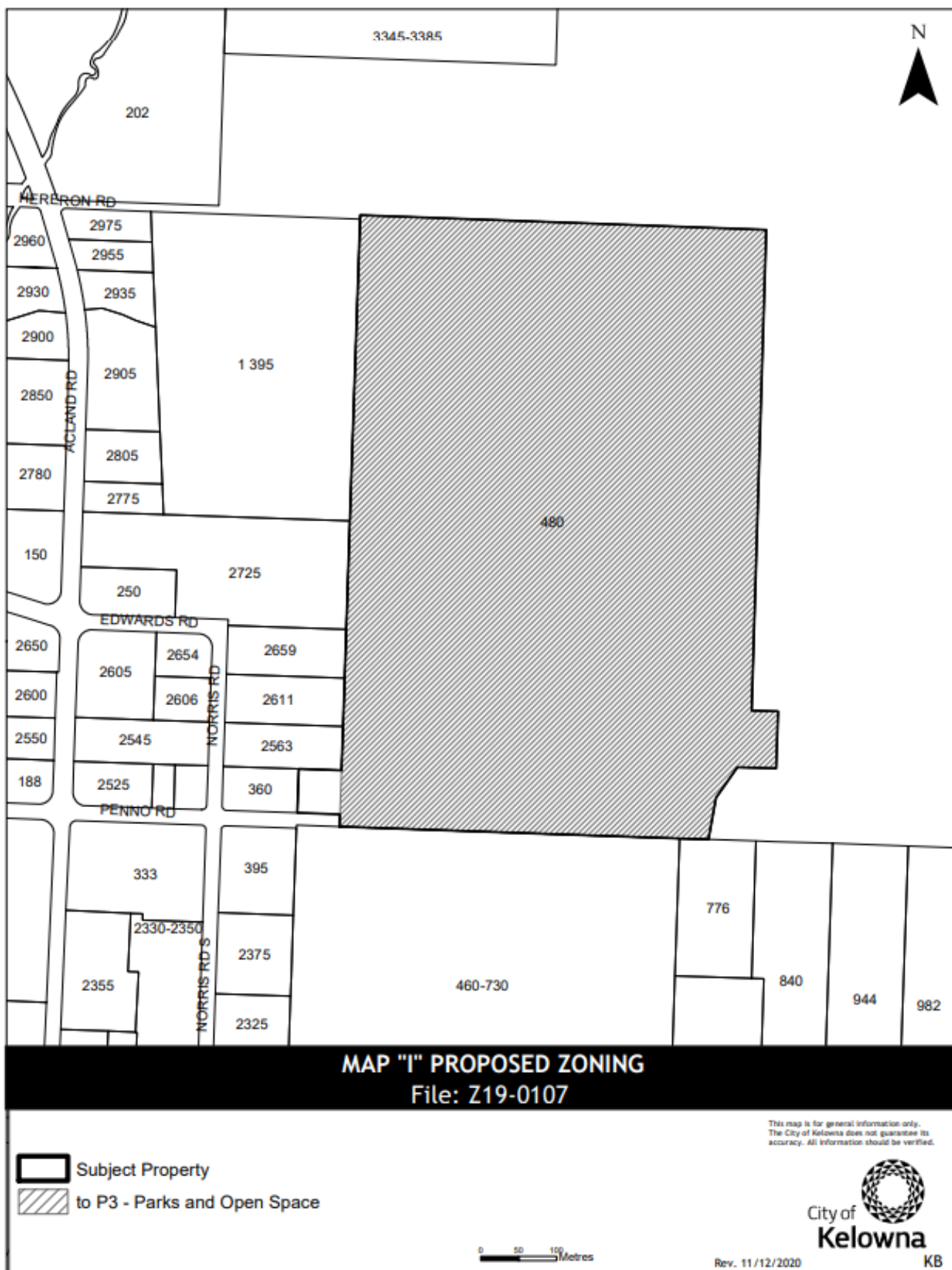
Rev. 9/17/2020

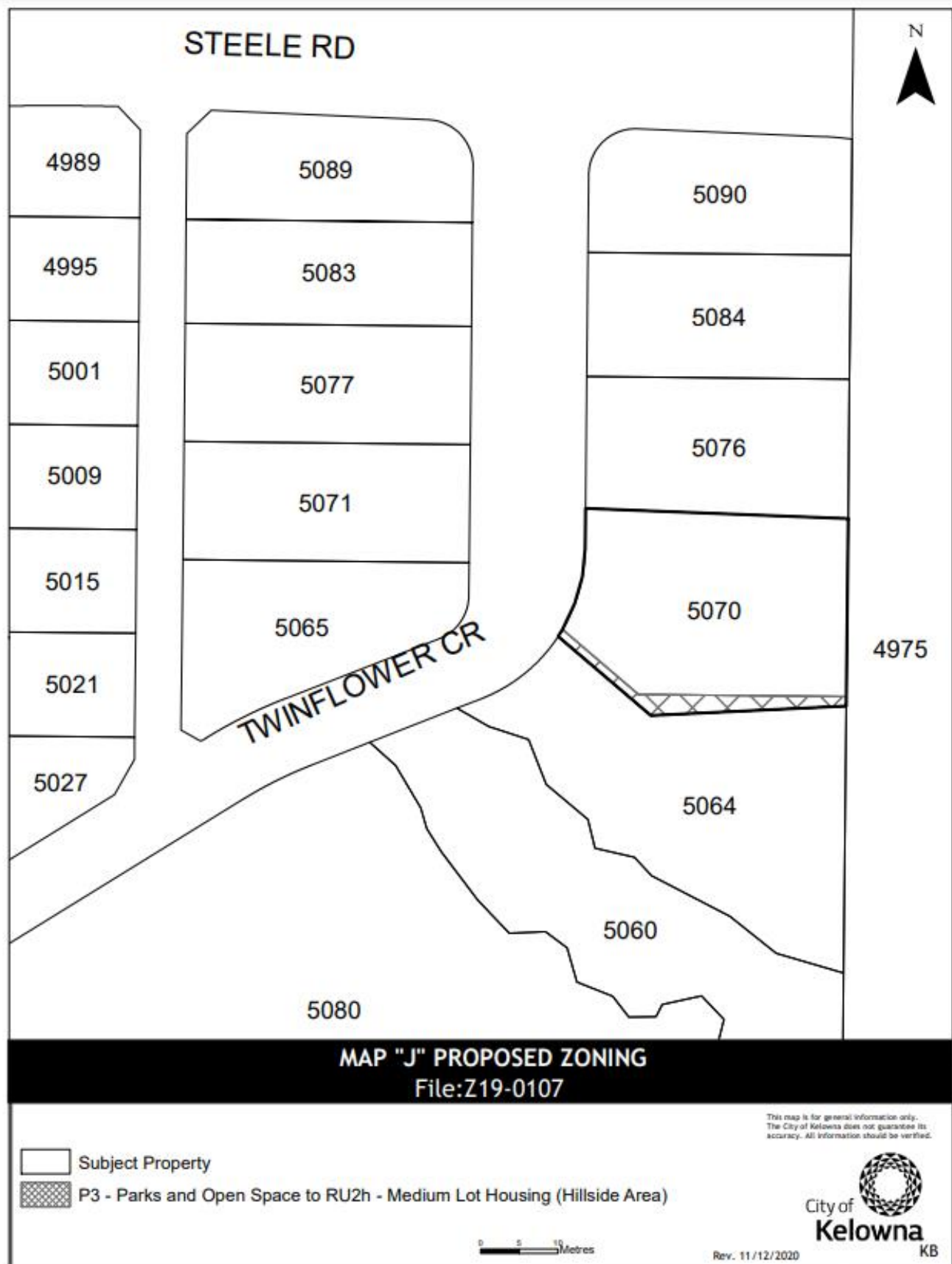


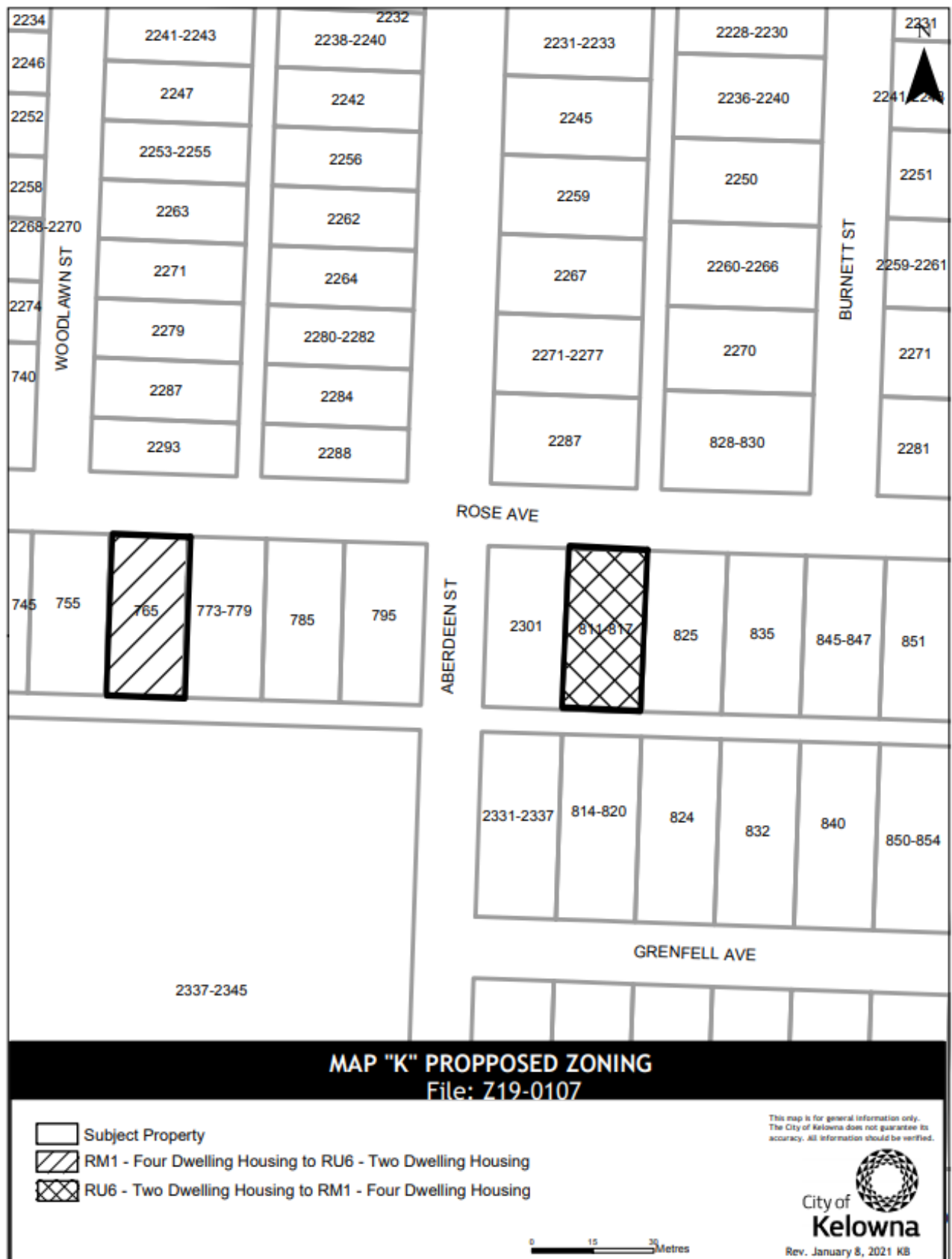












CITY OF KELOWNA
BYLAW NO. 11962
Z19-0071 - 1095 Ellis Street

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 Lots 10, 11, 12, 13, 14 District Lot 139 ODYD Plan 6753, located on Ellis St., Kelowna, BC from the I₄ – Central Industrial zone to the C₇ – Central Business 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 25th day of November, 2019.

Considered at a Public Hearing on the 21st day of January, 2020.

Read a second and third time by the Municipal Council this 21st day of January, 2020.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

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 1st day of February, 2021.

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

Considered at a Public Hearing on the 16th day of March, 2021.

Read a second and third time by the Municipal Council this 16th day of March, 2021.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 12169

Z20-0105

377 Cadder 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 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 22nd day of February, 2021.

Public Hearing waived by the Municipal Council this 22nd day of February, 2021.

Read a second and third time by the Municipal Council this 15th day of March, 2021.

Approved under the Transportation Act this 17th day of March, 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: April 12, 2021
To: Council
From: City Manager
Subject: Ru7 Infill Housing- Fast Track Program Updates
Department: Development Planning

Recommendation:

THAT Council receives, for information, the report from the Development Planning Department dated April 12, 2021, with respect to the RU7 Infill Housing Fast Track program;

AND THAT Council direct Staff to terminate the fast-track process as it relates to the Infill Challenge.

Purpose:

To request Council direction to officially terminate the fast-track development permit process.

Background:

The Infill Challenge was a collaborative design competition process that resulted in two winning submissions. The fast track program has run for a 3-year period and has allowed applicants to have an accelerated Planning and Building Permit approval process. The winning designs were exempted from the requirement to obtain a Development Permit and Building Permit reviews were expedited. This has ultimately reduced processing times for applicants by +/- 6-8 weeks. The fast track, in combination with pre-zoning has proven to be a powerful incentive that has helped realize the potential of infill housing. The two winning submissions are shown below:

Inhabit 4



Simple



Discussion:

Initially, the fast-track process was intended to conclude on July 13, 2021; however, Staff have reviewed the RU7 Infill zone and built form outcomes in the community and propose that the process conclude now. The “simple” winning submission has seen great success and popularity in the community and Staff are concerned that continued inundation of this building form in the RU7 areas will result in repetitive streetscapes and a lack of design diversity.

Staff are proposing to keep the Development Permit application fee at \$0 and note that concluding the fast-track process does not preclude an applicant from developing one of the winning submissions. Applicants may make an application as a Staff issued Development Permit which will be reviewed as per the typical application review process, with an attention to Urban Infill Design Guidelines, the preservation of existing trees where possible and landscaping requirements. Additionally, the fast track process is one which can be revisited in the future, potentially with other infill designs.

Conclusion:

The fast track process has been an excellent incentive for the development of the award-winning designs, specifically, the “simple” design. Staff believe it is now time to conclude the program to allow for greater review of Development Permit applications and ultimately encourage greater design diversity in the RU7 neighbourhoods.

Internal Circulation:

Policy and Planning
Building and Permitting

Submitted by: J. Black, Urban Planning Manager

Reviewed by: T. Barton, Development Planning Manager

Approved for inclusion: R. Smith, Planning & Development Service Director



RU7 Updates

April 12, 2021



Purpose

- ▶ To request Council direction to terminate the fast-track development permit process for RU7 projects

Background

- ▶ Infill Challenge (2015/2016)
 - ▶ Design competition for new forms of infill housing.
 - ▶ Led by a Community Panel

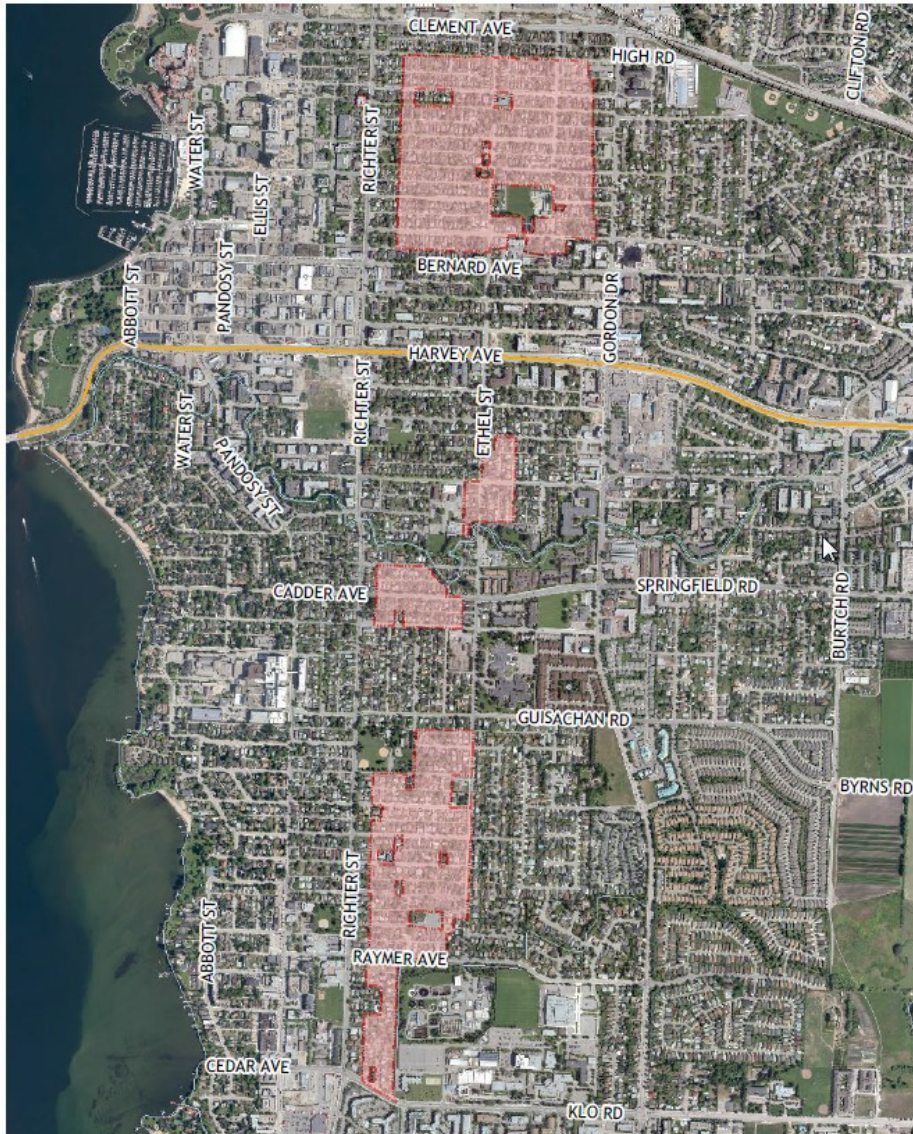
- ▶ Vision
 - ▶ “Infill housing will strengthen neighbourhoods where the diverse needs of all are met locally.”

Background

- ▶ 2 winning designs



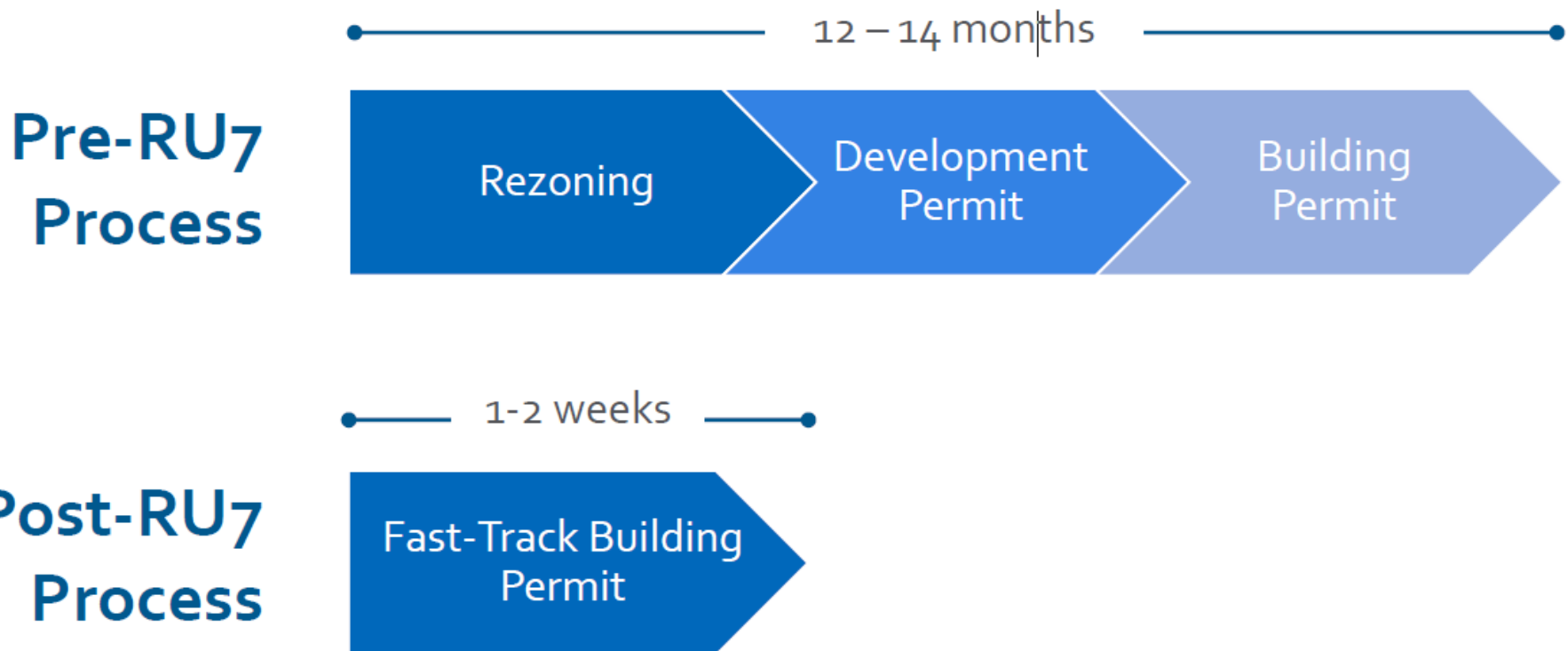
Background



- ▶ Rezoning to a new RU7 Infill Housing zone.
 - ▶ Supporting Urban Centres
 - ▶ Consistent sizes
 - ▶ Lane Access

Background

Fast-Track Process



Discussion

- ▶ The Fast-Track process was intending to end on July 13, 2021.
- ▶ Staff are asking Council permission to end the Fast-Track process early:
 - ▶ The award-winning designs have been a success, but they are becoming oversaturated;
 - ▶ Applicant can still propose to building award-winning designs (application fee of \$0.00); and
 - ▶ We will require a formal staff-issued Development Permit for all RU7's.

Conclusion

- ▶ Fast-Track has been excellent incentive to bring development into urban infill areas;
- ▶ Opportunity to utilize this process again in the future;
- ▶ Ending the current fast-track process will allow for greater review of Development Permits.
 - ▶ This will encourage greater design diversity in RU7 Neighbourhoods.



Conclusion of Staff Remarks

Report to Council



Date: April 12, 2021

To: Council

From: City Manager

Subject: Strengthening Communities Services' Program Grant Application

Department: Community Safety Department

Recommendation:

THAT Council receives, for information, the report from the Community Safety Department dated April 12th with respect to the UBCM Local Government Program Services for the Strengthening Communities' Services Program;

AND THAT Council directs staff to apply for grant funding for the Outdoor Sheltering Strategy through the UBCM Local Government Program Services for the Strengthening Communities' Services Program;

AND THAT Council support the current proposed activities and endorse staff to provide overall grant management;

AND THAT, if the grant application is successful, the 2021 Financial Plan be amended to include the receipt of funds.

Purpose:

To approve a grant application for funding of a proposed Outdoor Sheltering Strategy.

Background:

The Government of Canada and the Province of British Columbia recently announced the Strengthening Communities' Services grant which is a \$100 million investment to support unsheltered homeless populations and address related community impacts.

"Unsheltered homeless" is defined as people who lack housing and are not accessing emergency shelters or accommodation, except during extreme weather conditions. This includes people living in public or private spaces without consent (i.e., parks, sidewalks, squares, vacant buildings) and people living in places not intended for permanent human habitation (i.e., vehicles, garages, attics, tents, or shacks). The intent of the grant is to assist local governments to:

- Improve health and safety of unsheltered homeless people living in public or private spaces, including reduced risk of COVID-19 or other disease transmission;
- Reduce community concerns about public health and safety in neighbourhoods where unsheltered homeless populations are seeking temporary shelter and services;
- Improve coordination among eligible applicants and health/social service providers, Indigenous organizations and others working on housing, homelessness and service provision; and
- Increase capacity of eligible applicants to work with homeless persons and Indigenous organizations towards culturally safe and trauma-informed responses.

Discussion:

The Strengthening Communities' Services Program can contribute up to 100 per cent of the cost of eligible activities. The funding guidelines are population based. Therefore, Kelowna is eligible to receive \$2.5M in funding for eligible costs incurred between September 18, 2020 and June 2022. Funding permitting, applications for projects that exceed the funding guidelines may be considered provided that applications are able to demonstrate evidence of need in the community.

The City of Kelowna application takes a strategic approach by building an overarching and balanced outdoor sheltering strategy; one that strives to meet the needs of people sheltering outdoors in our community while reducing community impacts. The proposed strategy encompasses initiatives from varied City branches including Community Safety, Risk, Social Development and Communications to form a multi-faceted approach. The City's application includes the following retroactive and proposed initiatives:

1. Operational costs incurred for overnight shelter site (Sept 2020 to April 2021)
2. Development / construction costs for a new overnight shelter site
3. Eligible operating costs of the new overnight shelter site (May 2021 to June 2022)
4. Personal Belongings Storage Program, capital and operational costs
5. Temporary Outdoor Sheltering Coordinator (July 2021 to June 2022)
6. Operational Costs of Day use sites
7. Coordinated Outreach Services
8. Community Inclusion Campaign
9. Queensway Washroom

In developing the application, key organizations were engaged and this is reflected in the letters of partnership accompanying the application from Journey Home, Kelowna Friendship Society, and the RCMP. The deadline to apply to the grant program is April 16, 2021.

Conclusion:

With approval of Council, the City of Kelowna will apply for funding under the Strengthening Communities' Services Program for an Outdoor Sheltering Strategy. If funded, this will offset costs already incurred for outdoor sheltering in our community while also enabling enhanced services and supports for people sheltering outdoors through to June 2022.

Internal Circulation:

Financial Services
Active Living & Culture
Partnership & Investments
Communications

Considerations applicable to this report:

Financial/Budgetary Considerations

If the City's grant application is successful, the 2021 Financial Plan need to be amended to include the receipt of funds.

Considerations not applicable to this report:

Legal/Statutory Authority

Legal/Statutory Procedural Requirements

Existing Policy

External Agency/Public Comments

Communications Comments

Submitted by: D. Caul, Community Safety Director

Approved for inclusion:



S. Leatherdale, Division Director - Corporate & Protective Services

cc: Divisional Director, Corporate & Protective Services
Divisional Director, Active Living & Culture
Divisional Director, Financial Services
Social Development Manager
Grants and Special Projects Manager

Report to Council



Date: April 12, 2021
To: Council
From: City Manager
Subject: Edith Gay Netting Project
Department: Sport & Event Services

Recommendation:

THAT Council receives for information, the report from the Sport & Event Services Manager dated April 12, 2021, with respect to the netting requirements at Edith Gay Park baseball fields;

AND THAT Council directs staff to submit a 2021 Final Budget request in the amount of \$254,754 to advance the netting project at Edith Gay Park baseball fields as outlined in the report.

Purpose:

To inform Council on the netting requirements at the Edith Gay Park baseball fields and advise on the costs to install the required netting.

Background:

Due to advances in sport technology and athletic performance, there has been an increased frequency of fly balls and homeruns being hit outside of ball fields and into surrounding infrastructure and residential properties. For improved safety and protective measures, it is recommended that the City install netting at high risk locations. With support from Risk Management, a priority list of ball field netting needs has been established and is progressively being implemented through annual budget requests. In 2021, the high-performance baseball field at Lombardy Park (field #5) is scheduled for netting installation.

The Edith Gay Park baseball diamond #3 and the South East Kelowna Park softball diamond (north) are the next ball fields that have been identified for netting. Both fields are situated adjacent to residential properties, and nearby residents have expressed their concerns regarding balls leaving the field of play into their properties.

During the December 10, 2020 Preliminary Budget deliberations, Council adopted a resolution directing staff to report back on the costs to repair the Edith Gay Park baseball diamond netting prior to Final Budget.

Discussion:

Within the City of Kelowna's sports field inventory, there are twenty-eight (28) ball fields, consisting of ten (10) Softball and eighteen (18) Baseball fields. Those fields are classified into four (4) categories:

- 7 "A" Fields (6 Softball/1 Baseball): Full-sized fields with sport lights, shale infields, large backstops, outfield fences and adjacent washrooms
- 2 "Modified A" fields (Softball): Smaller fields with sport lights, shale infields, large backstops, outfield fences and fewer structural amenities
- 13 "B" fields (2 Softball/11 Baseball): Smaller fields with shale infields and large backstops, limited fencing and amenities
- 6 "C" fields (6 Baseball): Small fields with grass infields, small backstops and no fencing or amenities

The Edith Gay Park diamond #3 is a "B" field where elite U18 baseball is played. It is one of three fields able to accommodate this level of play – the other two are Elks Stadium ("A" field) and Lombardy Park field #5 ("B" field). It is a high-demand field that supports over 500 hours of play annually.

Currently, Edith Gay Park diamond #3 has a perimeter fence surrounding the outfield, along with a limited amount of netting in leftfield off of the 3rd baseline. This netting was installed a number of years ago and has reached the end of its service life, requiring major repair. A full replacement of the existing netting system in leftfield is required and further netting is also needed in rightfield to safeguard adjacent properties.

The scope of the Edith Gay Park netting project includes replacing the existing netting system with ten (10) new steel poles, set forty feet (40') above ground and spanning one hundred twenty (120) linear meters, and installing all required netting, cables and fittings. This new protective netting system will prevent balls from leaving the left and right outfields, into neighbouring properties. Appendix A illustrates the location of the new netting system.

Conclusion:

Sport and recreation facilities are important places for people to gather, connect and play together, serving as key placemakers that contribute to a community's vibrancy and ongoing development. Many of these facilities are located within urban settings either by intentional placement or through residential growth around them. It's important to consider the safety measures needed to support these community-based facilities, and ensure a healthy relationship exists between facility users and neighbouring residents.

The Edith Gay Park netting project will contribute to a safe and integrated environment that supports unencumbered play by participants and protects the surrounding infrastructure and residential properties.

Internal Circulation:

Active Living & Culture
Parks Services
Infrastructure Delivery

Financial Services
Communications
Risk Management

Considerations applicable to this report:

Financial/Budgetary Considerations:

The cost to complete the Edith Gay Park netting project is \$254,754. The Sports Field Reserve is largely funded through field user fees and is intended primarily for the development of new sports fields. However, 30% or approximately \$77,000 of the estimated cost can be funded from this reserve and directed towards this project if Council proceeds with the recommendation.

Existing Policy:

Sports Field Reserve Fund (Policy #326)

Considerations not applicable to this report:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

External Agency/Public Comments:

Communications Comments:

Submitted by:

D. Nicholas, Sport & Event Services Manager

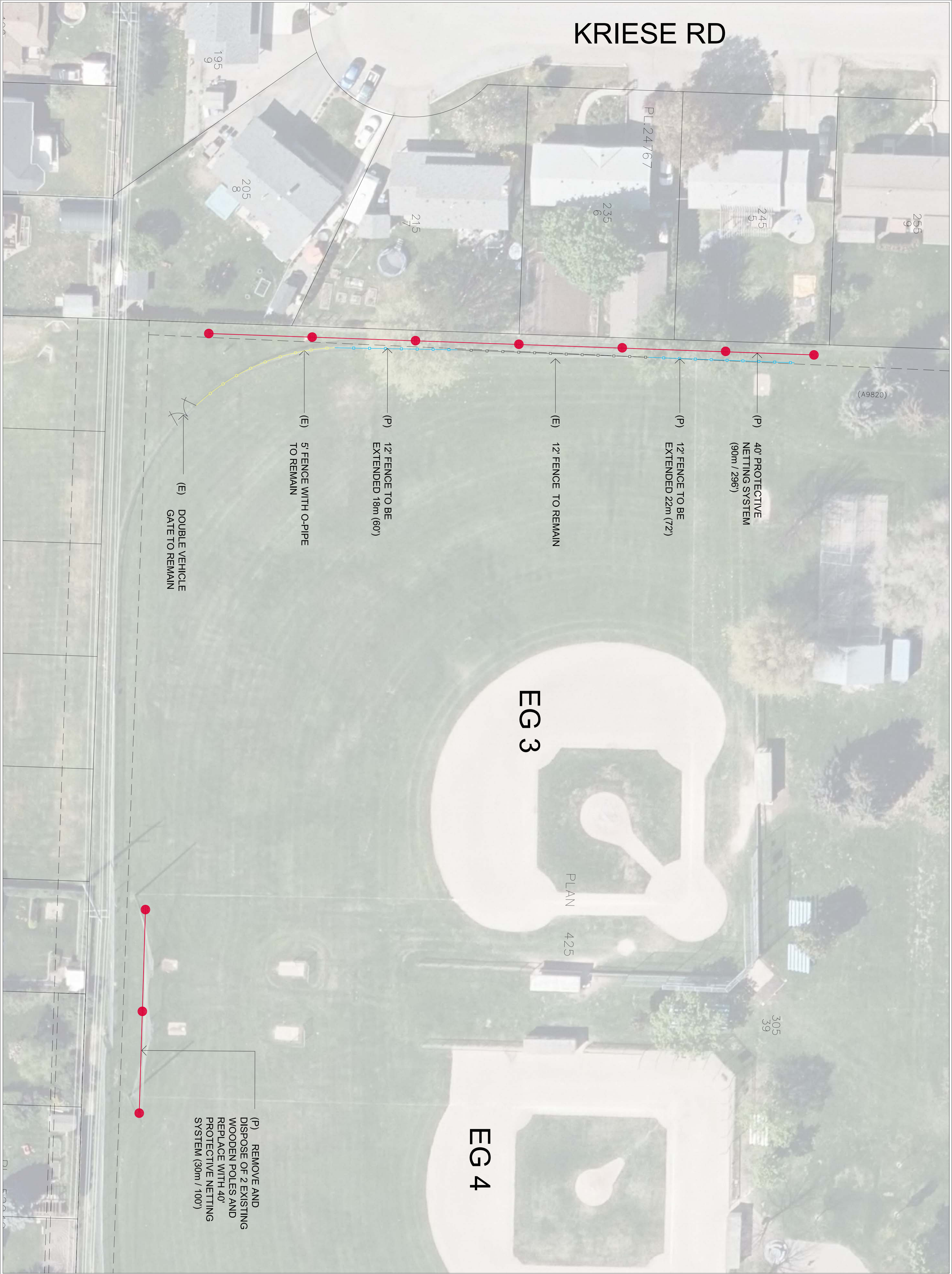
Approved for inclusion:

J. Gabriel, Divisional Director, Active Living & Culture

Attachments:

Appendix A – Edith Gay Park Netting
Powerpoint – Edith Gay Park Netting Project

cc: J. Gabriel, Divisional Director, Active Living & Culture



CITY OF KELOWNA NOTES:

- (E) EXISTING
- (P) PROPOSED
- EXISTING 5' FENCE
- EXISTING 12' FENCE
- PROPOSED 12' FENCE
- PROPOSED 40' PROTECTIVE NETTING SYSTEM

CONSULTANT:

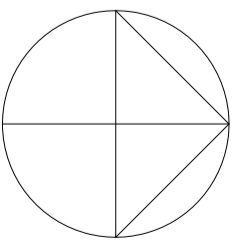
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ISSUE DESCRIPTION	
DATE	

CITY OF KELOWNA
INFRASTRUCTURE DELIVERY
1435 Water St.
Kelowna, BC V1Y 1J4
www.kelowna.ca

PROJECT TITLE:
Edith Goy Park – Sport Field Netting

SHEET NAME:
SITE PLAN – FULL PROJECT

PROJECT NO.:	DATE:
N/A	FEB 19, 2021
DRAWN:	CHECKED:
AS	NTS
DRAWING NO.:	



REV NO.:

Edith Gay Park Netting Project

April 12, 2021



Edith Gay Park

- 4 Ball Diamonds
- 2 Tennis Courts
- Batting Cage
- Washroom Building
- Clubhouse
- Concession
- Playground



Netting Project





Questions?

For more information, visit kelowna.ca.

Report to Council



Date: April 12th 2021
To: Council
From: City Manager
Subject: Motor Vehicle Act Pilot Project related to E-scooters
Department: Integrated Transportation

Recommendation:

THAT Council receives, for information, the report from the Integrated Transportation Department dated April 12th, 2021, with respect to allowing e-scooters to access the road network through a Motor Vehicle Act Pilot Project,

AND THAT Council gives reading consideration to Bylaw No. 12138 being Amendment No. 39 to the Consolidated Traffic Bylaw No. 8120;

AND THAT Staff report back before the end of 2021 with an evaluation of the Bikeshare (Micromobility) Permit Program.

Purpose:

To allow e-scooters to access the road network through a Motor Vehicle Act Pilot Project.

Background:

While relatively new to our community, e-scooters are an emerging mode of transportation worldwide that have the potential to help deliver on many of our community's priorities. As a space-efficient and low-carbon transportation mode, e-scooters can provide an additional travel option for residents and visitors alike. Through the development of the Transportation Master Plan, it is clear that we will need to find low-cost ways to move more people through our existing road space. This will be especially important in our Urban Centres and Core Area where the majority of our future growth is focused.

Allowing e-scooters to use public streets aligns with the Council Priority that "Emerging technologies are making it easier to get around." Additionally, it directly relates to many of the goals from Imagine Kelowna, including:

- Embracing diverse transportation options to shift away from our car-centric culture

- Concentrating on growing vibrant urban centres and limiting urban sprawl
- Supporting innovation that helps drive inclusive prosperity
- Taking action and being resilient in the face of climate change.

Similar to bicycles and e-bikes, e-scooters can provide a quick travel option within and between our Urban Centres for trips that are too far to walk but too short to make transit a practical option. Additionally, they allow people to get where they need to go without searching for and paying for parking and can be uniquely convenient for people that may wish to avoid breaking a sweat getting where they are going. Overall, experience from other communities has shown that e-scooters can help make it easier for people to leave their car at home more of the time, making car-light living more convenient.

Shared e-scooter programs elsewhere have provided lessons in how to best manage this new mode. Kelowna can use these lessons to be proactive in addressing common concerns related to safety and conflicts with people walking and other modes of transport. These experiences will allow Kelowna to optimize the benefits from this emerging mode, while working to manage and minimize any negative impacts.



Figure 1 E-scooters are delivering a new low-carbon transportation in most major metropolitan areas around Kelowna including in Seattle, Calgary, Edmonton and Spokane.

This report provides further detail on the actions staff will be taking to monitor the program, engage with key partners and stakeholders, and provide safety education and information to help ensure the safe incorporation of e-scooters into our community.

Discussion:

In 2019, the City permitted e-scooters to use a limited selection of shared pathways. Due to restrictions within the provincial Motor Vehicle Act, e-scooters were prohibited from operating on public streets, including bike lanes. These limitations made the widespread use of e-scooters for day to day travel infeasible and limited the utility of the system.

In May 2019, the City of Kelowna petitioned the Province to allow the use of e-scooters on City streets and bike lanes. Subsequently, the Province announced the Motor Vehicle Act Pilot Project program, and in May 2020, Council consented to participate in the pilot program.

In April 2021 the Province announced that Kelowna, along with five other BC communities, had been selected for the *Electric Kick Scooter Pilot Project*, enabling participating municipalities to enact bylaws allowing e-scooters to operate on public streets.

Bylaw Change

The bylaw change proposed will allow residents and visitors to ride e-scooters where bikes and e-bikes are currently permitted in Kelowna. This would allow e-scooters on bike lanes, streets and shared pathways while being banned from riding on sidewalks. The proposed bylaw amendment brings into force the new provincial regulations relating to e-scooters. The regulations, which last 3 years, provide an opportunity for participating communities and the B.C. government to research, test and evaluate the safety and efficiency of electric kick scooters. The provincial regulations are included as *Attachment 2* of this report.

The bylaw change will also grant Bylaw Services, in addition to the local RCMP, the ability to ensure compliance among e-scooter users.

Shared E-scooters

If approved by Council, this bylaw change will allow people to ride both privately owned e-scooters and shared e-scooters (delivered under the Bikeshare [Micromobility] Permit Program) where bikes and e-bikes are currently permitted in Kelowna.

With the expanded area where e-scooters can be used, Staff expect them to be used primarily as a transportation option, allowing connections from transit to final destinations and access to businesses and amenities. This is how shared e-scooter services are used in other Canadian cities and in most places in North America when e-scooters can travel across the community using city streets and the bike network.

Using publicly accessible data feeds, apps like the Transit app will allow residents to plan multimodal trips with e-scooters and transit. This could enhance our public transit service by eliminating the need for a transfer or long walk at the end of a journey for some riders.

Improved Data Collection and Coordination

Staff are working proactively to ensure program success by enhancing data collection and coordinating with key partners and organizations.

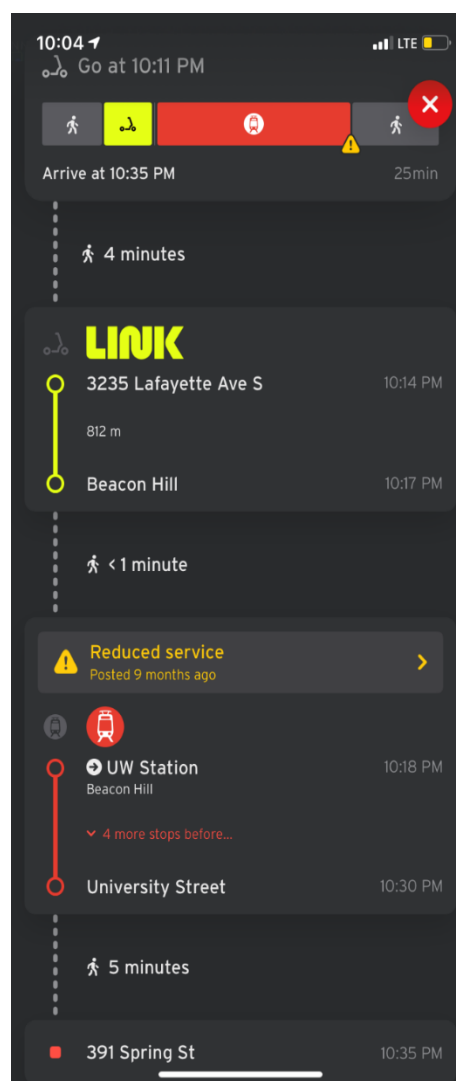


Figure 2 A multi-modal e-scooter and transit trip as displayed in the Transit App for a sample trip in Seattle.

To enhance data collection, a data dashboard will track usage data from each shared e-scooter, allowing staff to assess compliance with the various conditions of the permit. Staff will use this data to monitor shared e-scooter providers and initiate interventions where needed.

Staff have also been liaising with key partners internally, including Bylaw Services, Business Licensing and external partners like the Downtown Kelowna Association, RCMP, Okanagan College, UBCO and Interior Health to discuss the program and proactively address any questions or concerns.

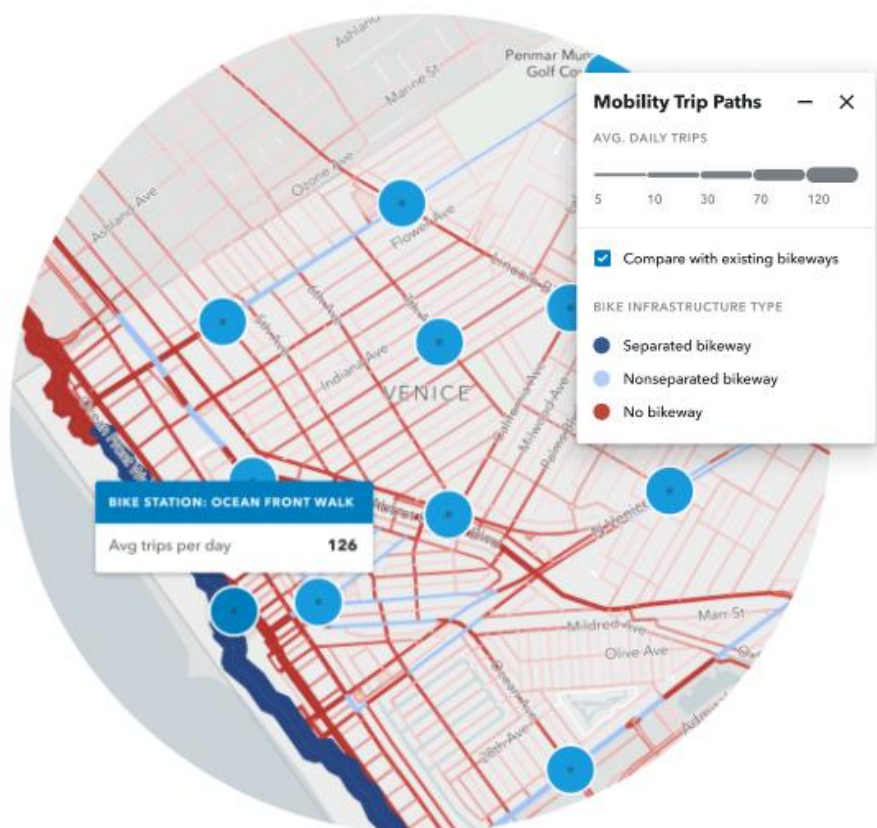


Figure 3 A data dashboard will help staff manage shared e-scooters day-to-day and also provide valuable insights about the nature of trips and travel on e-scooter within Kelowna.

Evaluation Process and Methodology

Council can expect Staff to report back before the end of 2021 with an evaluation of the program. Using various data sources and information from other jurisdictions, Staff will conduct a data-led decision-making process to address any concerns that arise. The following data sources will be collected and analyzed to inform this evaluation:

Data	Purpose	Source
Ridership	How many people are using e-scooters?	Service operator data sharing
Destinations	Where are people going?	Service operator data sharing
Routes	How are people getting to their destination?	Service operator data sharing
User Survey	Why and how are people using shared e-scooters?	Developed at the City, delivered by service operators
Public Survey	What is the public's opinion of shared e-scooters?	City-led

Service Requests	What challenges are residents experiencing as a result of the service?	City-led
Safety Monitoring	How many, why and when are people injured related to e-scooters?	Staff, Shared E-scooter Operators*

**Staff are still in the process of connecting with Interior Health to understand whether tracking injuries associated with e-scooters compared to other small vehicles like bikes, skateboards, and e-bikes is possible.*

The evaluation of the program for council will be submitted to the Province as well in compliance with the terms of the Provincial MVA Pilot Project.

Changes and Additional Information for 2021

The following items are a non-exhaustive list of changes or additional information for Council outside the existing Bikeshare Permit Program requirements.



Figure 4 The Okanagan Rail Trail, one of Kelowna's busiest shared pathways, has seen dramatic increases in use throughout the Covid-19 pandemic.

is high, specifically in the summer months. While shared pathways function well during low levels of use, as use rises, conflicts arise. While widening pathways can help, at a certain point, separation becomes a more effective strategy to keep everyone moving comfortably and safely.

It is important to recognize that congested pathways due to growing demand from people walking and biking is both a good problem to have and one worth solving. While serious collisions for people walking and biking most often involve motor vehicles, collisions between cyclists and pedestrians still occur. Therefore, it is crucial to ensure shared pathways remain safe and comfortable places for users of all ages and abilities.

Shared Pathway Safety

In November 2020, Staff delivered a memo related to the *Shared Pathway Conflict Study* to investigate current conditions and effective strategies to resolve conflicts. As our shared pathways have grown in popularity, we have heard from the public and Council that conflicts between users are increasing.

Today, we experience conflicts on some of our shared pathways when use

To address growing conflicts on busy shared-use paths, such as in City Park, the most effective strategy is to separate people walking and biking using design solutions. On busy segments where separation can't be achieved due to constrained space or other issues, education and enforcement can be used to help moderate conflicts.

Staff will be following up on the results and recommendations of the Shared Pathway Conflict Study in the future. Once staff understand our existing challenges in more detail, we can then deliver targeted enforcement, education, and infrastructure changes to maximize the safety and utility of Kelowna's shared pathways.

Covid-19 Protocols

In March 2020, the permit program adopted COVID-19 protocols for all operators. These describe the process of sanitizing vehicles, PPE requirements for Staff and contractors, and public communications related to the pandemic. These protocols will remain in place until we receive updated guidance related to COVID-19 from B.C.'s Provincial Health Officer.

Educational Handbill

As communicated to Council in 2020, every scooter will be deployed with a paper handbill affixed to the handlebar describing key messages and expectations for riders. Cities like Portland, Oregon have used this as an additional tool to educate riders on safe riding and the rules of the road.

Improved In-App Education

To help address safety and education concerns, the City has standardized a set of minimum key messages displayed on a rider's smartphone before the vehicle unlocks. These include the following:

- Wear a helmet
- The location of brakes, bell, and throttle on the vehicle
- How to start riding
- Practice considerate riding around pedestrians
- Don't park e-scooters in a way that obstructs sidewalks, driveways, curb ramps and bike lanes
- Don't ride while intoxicated



Figure 5 An educational handbill on a shared e-scooter from Portland, OR.

All shared e-scooter operators will provide additional detail to riders about how to use their service and the expectations of their conduct.



Figure 6 No parking and no riding zones can be indicated by geofencing, smartphone notification, text message and occasionally on the vehicle display itself.

No Parking and No Riding Zones Established

E-scooters in Kelowna need to stay within City boundaries based on the provincial rules restricting their use outside of our community. There are also locations where parking an e-scooter improperly could cause significant challenges, such as the boat lock on the Waterfront Walkway. Staff have ensured that e-scooters are prevented from riding and parking in specific locations where fines for riders, public property damage or friction with a key partner of the City could materialize. These zones may be expanded to more areas as needed or in association with time-limited outdoor events.

Helmet Use

All the shared e-scooter operators expected to deliver service will provide options to support compliance with the helmet law.

The majority will be providing free helmets that are shipped directly to the user's home when requested through the app. Others will provide public helmet giveaways associated with in-person training (when that becomes an option, depending on COVID-19 protocols). These programs significantly reduce the cost barrier of helmets for riders and support helmet law compliance and safety.

Shared helmet programs are no longer recommended due to safety concerns (a helmet can be easily damaged, though it is not visible) and public health considerations.

New Operators

New permits for the Bikeshare (Micromobility) Permit Program have not yet been issued, aligning with Staff's commitment to not allow service without certainty around the provincial changes.

Anticipated operators for 2021 include some e-scooter companies from 2019 as well as Lime and Helbiz, which each have experience delivering shared e-scooters in dozens of markets on multiple continents. Operators will be issued permits to operate shared e-scooters in Kelowna, pending Council adoption of the Traffic Bylaw amendment.

Conclusion:

Pending Council approval, e-scooters will be allowed to access the road network. Staff will work to inform the public of the changes and take the actions described in this report to ensure safety and set the shared e-scooter program up for success.

Staff will report back before the end of 2021 with an evaluation of the Bikeshare (Micromobility) Permit Program, with a focus on shared e-scooters.

Internal Circulation:

Active Living and Culture
Corporate & Protective Services
Corporate Strategic Services
Financial Services
Infrastructure
Planning and Development Services

Considerations not applicable to this report:

Legal/Statutory Authority:
Legal/Statutory Procedural Requirements:
Existing Policy:
Financial/Budgetary Considerations:
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 1 – Presentation Slides - Allowing E-Scooters to Access the Road Network
Attachment 2 – Electric Kick Scooter Pilot Project Regulation
Attachment 3 – Summary of Bylaw Amendments

cc: Deputy City Manager
Divisional Director, Corporate and Protective Services
Divisional Director, Corporate Strategic Services
Divisional Director, Financial Services
Divisional Director, Infrastructure
Divisional Director, Partnership & Investments



Motor Vehicle Act Pilot Project related to E-scooters

Allowing E-scooters to Access the Road Network

April 12 2021

E-scooters align with Imagine Kelowna & Council Priorities

- ▶ Council priority
 - ▶ *Emerging technologies are making it easier to get around*
- ▶ Imagine Kelowna Alignment
- ▶ Potential Benefits
 - ▶ Low carbon / climate
 - ▶ Help manage congestion



Provincial Motor Vehicle Act Pilot Project

- ▶ Created at the request of Kelowna council
- ▶ Staff worked with the Province to develop the regulation
- ▶ Requires a bylaw amendment to come into force in Kelowna



cleanBC

Move Commute Connect

B.C.'S ACTIVE TRANSPORTATION STRATEGY



Traffic Bylaw Amendment

- E-scooters treated like e-bikes
 - Allowed to ride in the similar areas
 - Have similar rights and responsibilities
 - Enforceable by Bylaw and RCMP



Shared Scooters

- Traffic bylaw amendment will allow both private and shared scooters
- Staff working with key partners including
 - Internal: Bylaw Services, Business Licensing
 - External: RCMP, Downtown Kelowna Association, UBC's Okanagan Campus, Okanagan College

Evaluation Process and Methodology

- ▶ Data dashboard for managing day to day operations
- ▶ Keeping close contact with key partners
- ▶ Public Survey
- ▶ User Survey
- ▶ Data sharing gets us routes destinations and ridership
- ▶ Service requests monitoring
- ▶ Safety monitoring



Changes and Additional Information

- ▶ Shared Pathway Safety
- ▶ COVID-19 Protocols
- ▶ Improved Educational Requirements
- ▶ No Parking, No Riding Zones Established
- ▶ Helmet Use
- ▶ Transportation Focus
- ▶ New Operators

Shared Pathway Safety

- ▶ *Shared Pathway Conflict Study*
- ▶ Tools at our disposal
 - ▶ Infrastructure changes
 - ▶ Education
 - ▶ Enforcement

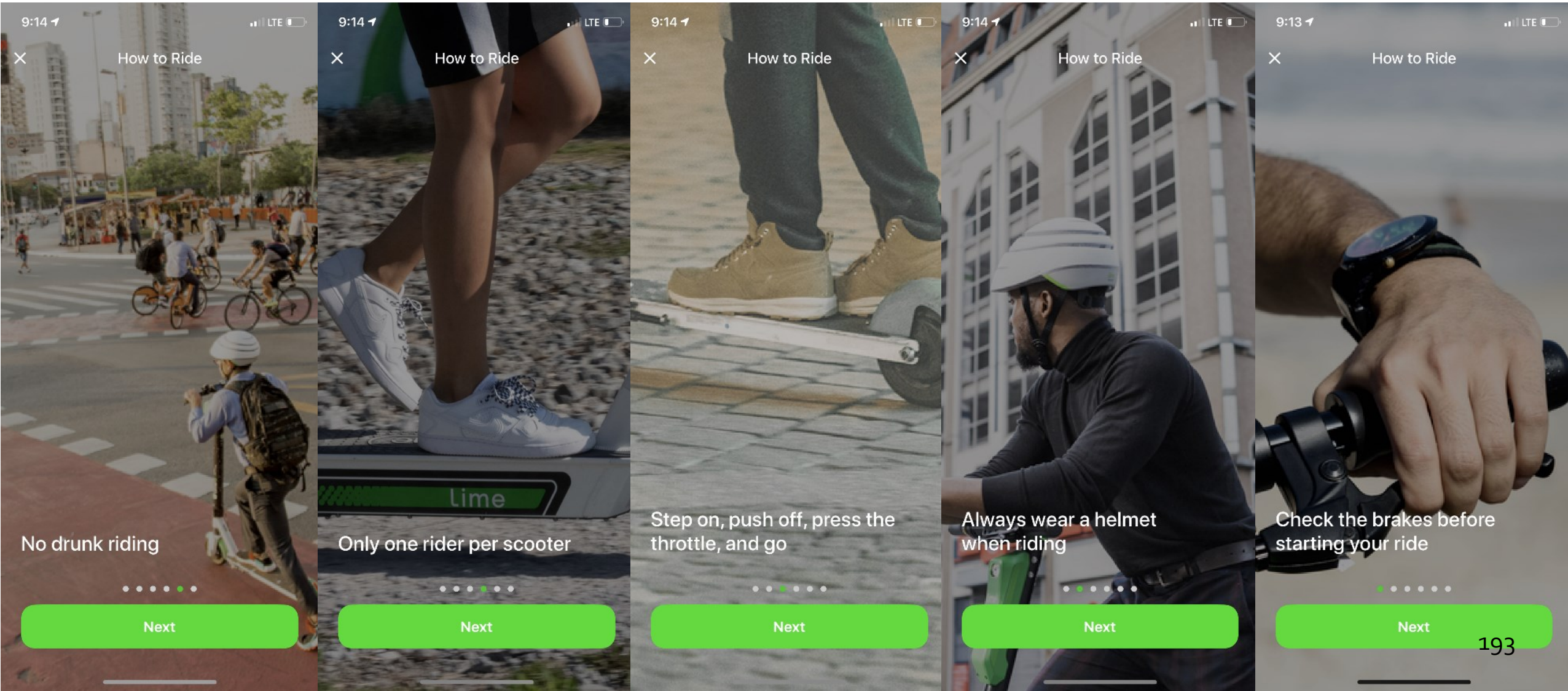


COVID-19 Protocols

- ▶ PPE for employees and contractors
- ▶ Vehicle Sanitizing
- ▶ Communications about the pandemic and safe riding



Improved Educational Requirements



No Parking, No Riding Zones Established

- ▶ Locations where parking or riding improperly could cause significant challenges
- ▶ Time limited outdoor events
- ▶ These zones may be expanded to more areas as needed



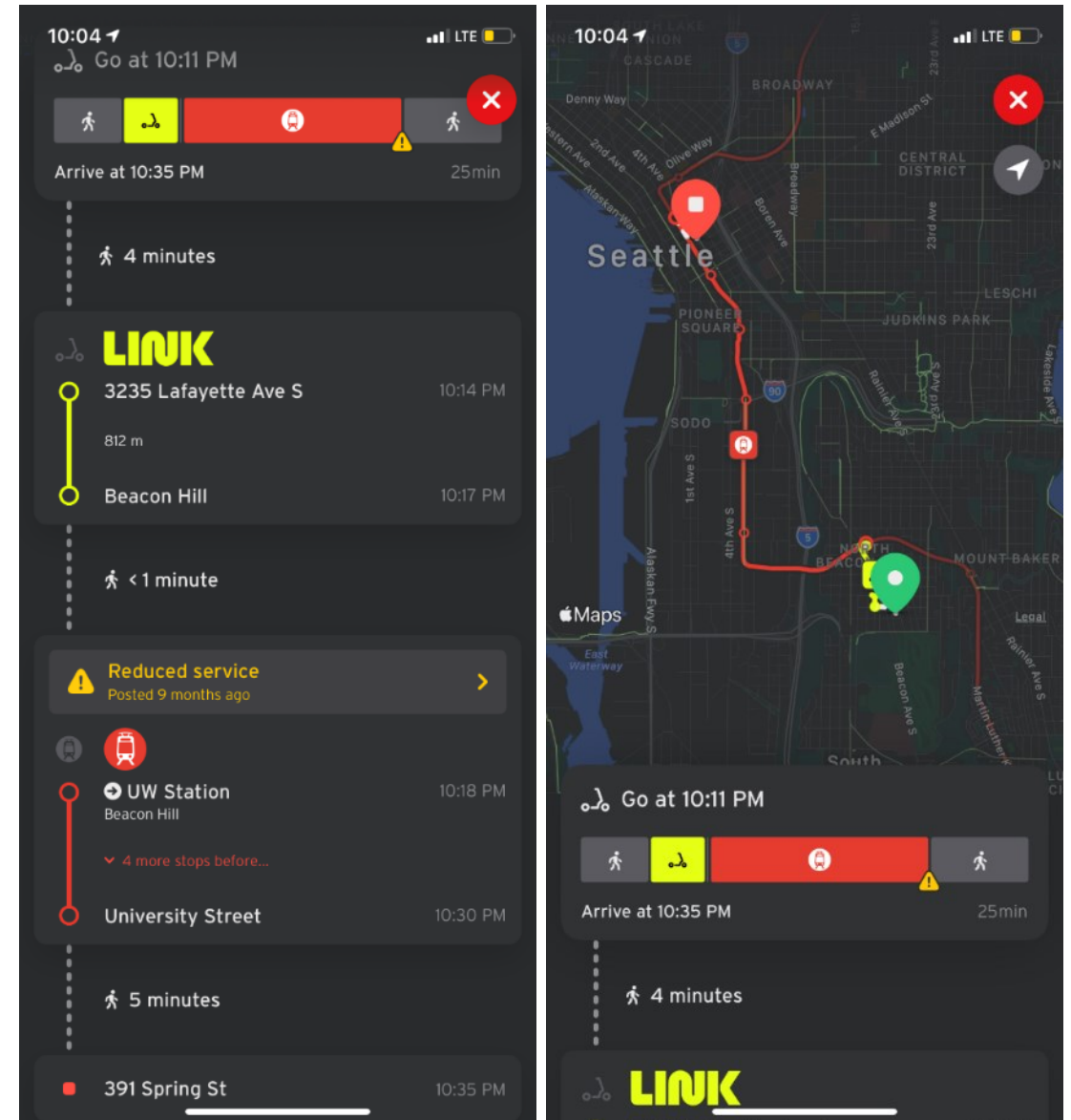
Helmet Use

- ▶ Free helmet program
- ▶ Helmet giveaways at in-person training or events
 - ▶ Pending COVID-19 guidance
- ▶ Shared helmets are not recommended due to safety concerns and public health considerations

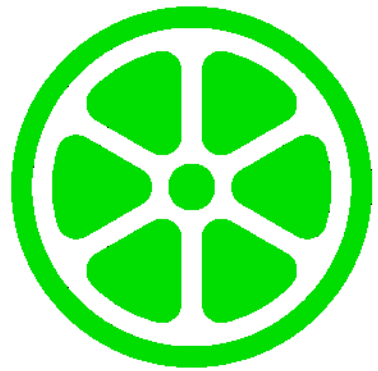


Transportation Focus

- ▶ Integration with apps like Google Maps and Transit App
- ▶ Multi-modal trips will connect shared e-scooters and transit to create shortened journeys for some transit riders



New Operators



Lime

HELBIZ



Questions?

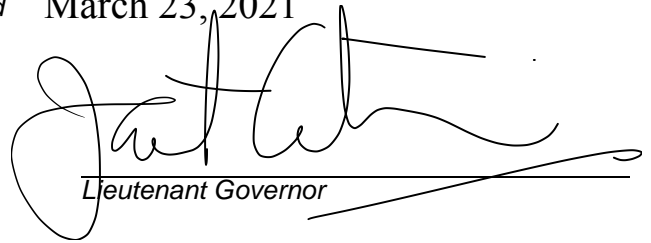
For more information, visit kelowna.ca.

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 184

, Approved and Ordered March 23, 2021


Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective April 5, 2021,

- (a) the following provisions of the *Miscellaneous Statutes Amendment Act (No. 2)*, 2019, S.B.C. 2019, c. 36, are brought into force:
 - (i) sections 106, 109 (a) and 110 to 112;
 - (ii) section 113, except as it enacts section 210 (3.2) (c) of the *Motor Vehicle Act*, R.S.B.C. 1996, c. 318;
 - (iii) sections 115 and 117, and
- (b) the attached Electric Kick Scooter Pilot Project Regulation is made.


Minister of Transportation and Infrastructure
Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Miscellaneous Statutes Amendment Act (No. 2)*, 2019, S.B.C. 2019, c. 36, s. 118;
Motor Vehicle Act, R.S.B.C. 1996, c. 318, s. 304 (1)

Other:

R10493524

ELECTRIC KICK SCOOTER PILOT PROJECT REGULATION

Contents

- 1 Definitions
- 2 Application – electric kick scooter
- 3 Minimum age
- 4 General operation requirements
- 5 Weight limit of electric kick scooter
- 6 Motor
- 7 Brake performance
- 8 Wheels
- 9 Bell or horn
- 10 Batteries and motor securement
- 11 Electrical terminals
- 12 No seat, pedals or enclosing structure
- 13 Lights
- 14 Pilot community bylaws
- 15 Designated locations
- 16 Where to operate on highway
- 17 Operation near pedestrians
- 18 Duties of operator on highway
- 19 Accidents
- 20 Report to minister
- 21 Offences
- 22 Repeal

SCHEDULE

Definitions

- 1 In this regulation:

“**Act**” means the *Motor Vehicle Act*;

“**designated location**” means a location designated by a bylaw described in section 15 (1) [*designated locations*];

“**electric kick scooter**” means a regulated motorized personal mobility device to which this regulation applies under section 2;

“**minister**” means the minister responsible for the administration of the *Transportation Act*;

“**municipal highway**” has the same meaning as in section 1 of the *Transportation Act*;

“**pilot community**” means a municipality set out in the Schedule.

Application – electric kick scooter

- 2 This regulation applies to a regulated motorized personal mobility device that
- (a) has up to 4 wheels placed along a longitudinal axis, one to 2 wheels at the front of the device and one to 2 wheels at the rear, with a platform for

- standing along the longitudinal axis between the front wheels and the back wheels,
- (b) has a steering handlebar that acts directly on the steerable wheels at the front of the device, and
- (c) has one or more electric motors that are powered solely by one or more electric batteries.

Minimum age

- 3** A person who is under 16 years of age must not operate an electric kick scooter on a highway.

General operation requirements

- 4** A person must not operate an electric kick scooter on a highway unless the electric kick scooter meets all the requirements of sections 5 to 13.

Weight limit of electric kick scooter

- 5** The weight of an electric kick scooter, including its motor and batteries, must not exceed 45 kg when the electric kick scooter is unladen.

Motor

- 6** The motors of an electric kick scooter must
 - (a) have a continuous power output rating that in total does not exceed 500 W,
 - (b) not be capable of propelling the electric kick scooter at a speed that exceeds 24 km/h on a clean, paved and level surface, and
 - (c) cease to propel the electric kick scooter forward if the accelerator is released or if the brakes are applied.

Brake performance

- 7** An electric kick scooter must be equipped with a braking system capable of bringing the electric kick scooter, while being operated at a speed of 24 km/h on a clean, paved and level surface, to a full stop within 9 m of the point at which the brakes are applied.

Wheels

- 8** The wheels of an electric kick scooter must be no more than 430 mm in diameter.

Bell or horn

- 9** An electric kick scooter must be equipped with a bell or horn.

Batteries and motor securement

- 10** The batteries and motor of an electric kick scooter must be securely fastened to the electric kick scooter to prevent their movement in any direction relative to the electric kick scooter while the electric kick scooter is operating.

Electrical terminals

- 11** All electrical terminals on an electric kick scooter must be completely insulated or covered.

No seat, pedals or enclosing structure

- 12** An electric kick scooter must not have
- (a) a seat or a surface or structure that could be used as a seat,
 - (b) pedals, or
 - (c) any structure enclosing it.

Lights

- 13** (1) A person must not operate an electric kick scooter on a highway between 1/2 hour after sunset and 1/2 hour before sunrise unless the electric kick scooter is equipped with,
- (a) at the front of the electric kick scooter, a lighted lamp displaying a white or amber light that, under normal atmospheric conditions, is visible from at least 150 m in the direction the electric kick scooter is pointed, and
 - (b) at the rear of the electric kick scooter, a lighted lamp displaying a visible red light.
- (2) The lighted lamps required under subsection (1) may be
- (a) attached to the electric kick scooter, or
 - (b) carried or worn by the person operating the electric kick scooter.

Pilot community bylaws

- 14** Sections 124 [*municipal powers*] and 124.2 [*additional municipal powers*] of the Act apply, in respect of bylaws respecting the use and operation of electric kick scooters within a pilot community, as if an electric kick scooter were a vehicle.

Designated locations

- 15** (1) A person must not operate an electric kick scooter on a highway in a pilot community unless the pilot community has adopted a bylaw designating locations within the pilot community in which an electric kick scooter may be operated.
- (2) For certainty, a location designated by a bylaw described in subsection (1) may include any part of a municipal highway within the pilot community, including a boulevard, lane, sidewalk, walkway and path.
- (3) A pilot community must not, by a bylaw described in subsection (1), designate a location that is a highway with a speed limit greater than 50 km/h, unless that highway has a designated use lane that permits cycles.
- (4) A pilot community must notify the minister as soon as practicable after adopting, amending or repealing a bylaw described in subsection (1).

Where to operate on highway

- 16** (1) A person must not operate an electric kick scooter on a highway unless the highway is located within a pilot community and,
- (a) if the highway is a municipal highway, it is a designated location, or
 - (b) if the highway is not a municipal highway,

- (i) it has a speed limit no greater than 50 km/h or has a designated use lane that permits cycles,
 - (ii) it is not a highway named in Schedule 1 of section 19.07 [*Schedule 1 highway restrictions*] of the Motor Vehicle Act Regulations,
 - (iii) the location is not on or within any part of a structure to which section 3 [*farm vehicles, bicycles and pedestrians*] of the Provincial Public Undertakings Regulation applies, and
 - (iv) the location is not on or within the roadway of a structure to which section 4 [*slow vehicles and bicycles*] or 9 [*prohibited vehicles, bicycles and tire chains*] of the Provincial Public Undertakings Regulation applies, or on or within any of the approaches to the structure.
- (2) Despite subsection (1) (b) (ii), a person may operate an electric kick scooter
 - (a) on a footpath constructed adjacent to the travel portion of a highway named in Schedule 1 of section 19.07 of the Motor Vehicle Act Regulations, and
 - (b) on the shoulder on the travel portion of such a highway, where the minister causes traffic control devices to be erected permitting the use of cycles on that shoulder.
- (3) A person operating an electric kick scooter on a highway within a pilot community must operate the electric kick scooter,
 - (a) if the highway has a speed limit no greater than 50 km/h and has designated use lanes that permit cycles, in those lanes, unless specified otherwise in a bylaw of that pilot community,
 - (b) if the highway has a speed limit greater than 50 km/h and has designated use lanes that permit cycles, in those lanes, and
 - (c) if the highway has a speed limit no greater than 50 km/h and does not have designated use lanes that permit cycles, as near as practicable to the right side of the highway.
- (4) A person operating an electric kick scooter on a highway within a pilot community must not operate the electric kick scooter as follows, unless specified otherwise in a bylaw of that pilot community:
 - (a) on a sidewalk, unless a traffic control device permits the operation of cycles on that sidewalk;
 - (b) on a highway where a traffic control device prohibits the operation of cycles.
- (5) Subsection (3) (a) and (b) does not prohibit a person operating an electric kick scooter in a designated use lane from moving out of that lane for the following purposes:
 - (a) overtaking and passing another device, a vehicle, a cycle or a pedestrian using the designated use lane, if this cannot be done safely while staying in the lane;
 - (b) preparing to turn at an intersection or into a driveway or private road;

- (c) avoiding debris or other hazardous road conditions in the designated use lane.
- (6) A person must not, for the purpose of crossing a highway within a pilot community, operate an electric kick scooter on a crosswalk unless a traffic control device or a bylaw of that pilot community permits the operation of cycles on that crosswalk.

Operation near pedestrians

- 17** A person operating an electric kick scooter on a lane, sidewalk, walkway or path used by pedestrians
- (a) must not operate the electric kick scooter at a speed that exceeds that of pedestrian traffic near the electric kick scooter on the lane, sidewalk, walkway or path, except while the person is passing a pedestrian, and
 - (b) must not pass a pedestrian without sounding the bell or horn attached to the electric kick scooter.

Duties of operator on highway

- 18** (1) A person operating an electric kick scooter on a highway
- (a) must not operate the electric kick scooter abreast of another person operating a cycle or electric kick scooter on the roadway,
 - (b) unless the person is exempt from that requirement under section 3 *[exemption]* of the Bicycle Safety Helmet Exemption Regulation, must wear a bicycle safety helmet that
 - (i) is designated as an approved bicycle safety helmet under section 184 (4) (a) *[bicycle safety helmets]* of the Act, or
 - (ii) meets the standards and specifications prescribed under section 184 (4) (b) of the Act,
 - (c) must keep at least one hand on the steering handlebar of the electric kick scooter,
 - (d) must sound the bell or horn attached to the electric kick scooter when it is reasonably necessary to notify cyclists, pedestrians or others of the person's approach,
 - (e) must, if the electric kick scooter is not equipped with turn signal lights as described in paragraph (f), signify
 - (i) a left turn by extending the person's left hand and arm horizontally from the electric kick scooter, and
 - (ii) a right turn by doing either of the following:
 - (A) extending the person's left hand and arm out and upward from the electric kick scooter so that the upper and lower parts of the arm are at right angles;
 - (B) extending the person's right hand and arm out horizontally from the electric kick scooter,

- (f) must, if the electric kick scooter is equipped with red, white or yellow turn signal lights that are visible from behind and in front of the electric kick scooter, signify a right or left turn by doing either of the following:
 - (i) activating the appropriate turn signal light;
 - (ii) extending the person's hand and arm as described in paragraph (e) (i) or (ii), as applicable,
 - (g) must signify a stop or decrease in speed by extending the person's left hand and arm out and downward from the electric kick scooter so that the upper and lower parts of the arm are at right angles, unless the electric kick scooter is equipped with a visible red light at the rear that is activated when the person operating the electric kick scooter applies the brakes,
 - (h) must not operate the electric kick scooter other than in a standing position on the platform of the electric kick scooter,
 - (i) must not use the electric kick scooter to transport any other person,
 - (j) must not use the electric kick scooter to tow another person, vehicle, cycle or device and must not be towed by another person, vehicle, cycle or device,
 - (k) must not leave the electric kick scooter attended or unattended in a location intended for the movement of traffic, and
 - (l) must not operate the electric kick scooter
 - (i) on a highway without due care and attention or without reasonable consideration for other persons using the highway, or
 - (ii) on a sidewalk without due care and attention or without reasonable consideration for other persons using the sidewalk.
- (2) Despite section 165 *[turning at intersections]* of the Act and section 16 (3) *[where to operate on highway]*, a person operating an electric kick scooter who intends to turn it to the left at an intersection where there is more than one lane from which left turns are permitted must
- (a) approach the intersection in the lane closest to the right side of the highway from which a left turn is permitted,
 - (b) keep to the right of the line that divides the lane referred to in paragraph (a) from the lane immediately to the left of that lane,
 - (c) after entering the intersection, turn to the left so as to leave the intersection to the right of the line referred to in paragraph (b), and
 - (d) when practicable, turn in the portion of the intersection to the left of the centre of the intersection.
- (3) In addition to the duties imposed by this section, a person operating an electric kick scooter on a highway has the rights and duties of a driver of a vehicle described in Part 3 of the Act.

Accidents

- 19** (1) If, due to the operation or presence of an electric kick scooter on a highway, an accident occurs and directly or indirectly results in injury to another person, the person operating the electric kick scooter must
- (a) remain at or immediately return to the scene of the accident,

- (b) render all possible assistance,
 - (c) give to anyone sustaining injury
 - (i) the person's name and address, and
 - (ii) the name and address of the owner of the electric kick scooter, and
 - (d) as soon as practicable, report the accident to a police officer and provide any information relating to the accident that the police officer may require.
- (2) A police officer who receives a report under subsection (1) must
- (a) inquire into and document the particulars of the accident, including the persons involved and the extent of the injuries, if any,
 - (b) complete a written report of the accident, in the form established by the Insurance Corporation of British Columbia under section 249 (1) [*accident reports by police officer*] of the Act, and
 - (c) promptly forward a copy of the report to the Insurance Corporation of British Columbia.
- (3) A person involved in an accident referred to in subsection (1) or that person's authorized representative may obtain on request the names of any persons involved, the licence number and name of the registered owner of any motor vehicle involved and the name of any witness.

Report to minister

- 20** Within 60 days of the end of each 12 month period following the coming into force of this regulation or as otherwise specified by the minister, a pilot community must provide a report to the minister related to the use and operation of electric kick scooters within the boundaries of the pilot community, on matters including the following:
- (a) the extent to which electric kick scooter use promotes active transportation;
 - (b) the safety of electric kick scooter users and other highway users;
 - (c) compliance with and enforcement of this regulation and the bylaws of the pilot community;
 - (d) the provision and use of electric kick scooter rental services and their regulation by the pilot community.

Offences

- 21** A person who contravenes any of the following provisions commits an offence:
- (a) section 3 [*minimum age*];
 - (b) section 4 [*general operation requirements*];
 - (c) section 16 (1), (3), (4) and (6) [*where to operate on highway*];
 - (d) section 17 [*operation near pedestrians*];
 - (e) section 18 (1) and (2) [*duties of operator on highway*];
 - (f) section 19 (1) [*accidents*].

Repeal

- 22** This regulation is repealed on April 5, 2024.

SCHEDULE

Pilot communities

- 1** The following are pilot communities for the purposes of the definition of “**pilot community**” in section 1 of this regulation:
 - (a) the City of Kelowna;
 - (b) the City of North Vancouver;
 - (c) the City of Vancouver;
 - (d) the City of Vernon;
 - (e) the District of North Vancouver;
 - (f) the District of West Vancouver.

CITY OF KELOWNA

BYLAW NO. 12183

Amendment No. 39 to Traffic Bylaw No. 8120

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Traffic Bylaw No. 8120 be amended as follows:

1. THAT **PART 1 – INTRODUCTION, 1.4 Definitions, 1.4.1** be amended by adding the following definition in its appropriate place:

“**e-scooter**” means an electric kick scooter as defined in Order in Council No. 184/2021 Electric Kick Scooter Pilot Project Regulation, as amended or replaced from time to time;
2. THAT **PART 9 – CYCLE REGULATIONS, 9.1.1** be amended by adding “**e-scooters**” after “**cycles**”;
3. THAT **PART 9 – CYCLE REGULATION, 9.1.7** “In-line skates, roller skates, Skateboards, and Kick Scooters. A person using in-line skates, roller skates, a skateboard or a kick scooter on a **highway:**” be deleted and replaced with “In-line skates, roller skates, skateboards, **e-scooters** and kick scooters. A person using in-line skates, roller skates, a skateboard, an **e-scooter** or a kick scooter on a **highway:**”;
4. AND FURTHER THAT **PART 9 – CYCLE REGULATION, 9.1.7** be amended by adding the following:

“(h) shall be a minimum of 16 years of age to operate an **e-scooter**”.
5. This bylaw may be cited for all purposes as “Bylaw No. 12183, being Amendment No. 39 to Traffic Bylaw No. 8120.”
6. 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

Adopted by the Municipal Council this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 12208

Amendment No. 27 to Bylaw Notice Enforcement Bylaw No. 10475

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Bylaw Notice Enforcement Bylaw No. 10475 be amended as follows:

1. THAT **Schedule "A", Traffic Bylaw No. 8120, PART 9 – CYCLE REGULATIONS, Section 9.1 Highways and Sidewalks** be deleted in its entirety and replaced with the following:

PART 9 - CYCLE REGULATIONS						
Section 9.1 - Highways and Sidewalks						
8120	9.1.1	Use skateboard on highway or sidewalk	\$35.00	\$30.00	\$40.00	Yes
8120	9.1.2(a)	Operate a cycle or e-scooter on sidewalk	\$35.00	\$30.00	\$40.00	Yes
8120	9.1.2(b)	Operate a cycle on crosswalk	\$35.00	\$30.00	\$40.00	Yes
8120	9.1.2(c)	Operate a cycle or e-scooter on wrong side of highway	\$35.00	\$30.00	\$40.00	Yes
8120	9.1.2(d)	Operate a cycle or e-scooter abreast of another cycle on highway	\$35.00	\$30.00	\$40.00	Yes
8120	9.1.2(e)	Operate a cycle or e-scooter with no hands on handlebars	\$35.00	\$30.00	\$40.00	Yes
8120	9.1.2(f)	Operate a cycle other than astride regular seat	\$35.00	\$30.00	\$40.00	Yes
8120	9.1.2(g)	Operate a cycle or e-scooter to carry more persons than designed	\$35.00	\$30.00	\$40.00	Yes
8120	9.1.3	Operate a cycle or e-scooter without lights	\$35.00	\$30.00	\$40.00	Yes
8120	9.1.4	Operate or ride a cycle or e-scooter without safety helmet	\$35.00	\$30.00	\$40.00	Yes
8120	9.1.5	Parent or guardian permit person under 16 to operate or ride a cycle without safety helmet	\$35.00	\$30.00	\$40.00	Yes
8120	9.1.7(b)	Operate a cycle, e-scooter, in-line or roller skates outside bicycle lane when bicycle lane available	\$35.00	\$30.00	\$40.00	Yes

8120	9.1.7(c)	Operate in-line or roller skates on wrong side of highway	\$35.00	\$30.00	\$40.00	Yes
8120	9.1.7(d)	Operate in-line or roller skates on sidewalk	\$35.00	\$30.00	\$40.00	Yes
8120	9.1.7(e)	Operate in-line or roller skates abreast of another person or cycle on highway	\$35.00	\$30.00	\$40.00	Yes
8120	9.1.7(f)	Operate in-line or roller skates while attached to a vehicle	\$35.00	\$30.00	\$40.00	Yes
8120	9.1.7(g)	Operate in-line or roller skates between sunset and sunrise without proper equipment	\$35.00	\$30.00	\$40.00	Yes
8120	9.1.7(h)	Parent or guardian permit person under 16 years of age to operate an e-scooter	\$35.00	\$30.00	\$40.00	Yes

2. This bylaw may be cited for all purposes as "Bylaw No. 12208 being Amendment No. 27 to Bylaw Notice Enforcement Bylaw No. 10475."
3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

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

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Report to Council



Date: April 12, 2021
To: Council
From: City Manager
Subject: Unsolicited Proposal Program
Department: Partnership Office

Recommendation:

THAT Council receives for information the report from the Partnership Office dated April 12, 2021 regarding the Unsolicited Proposal Program

Purpose:

To introduce the Unsolicited Proposal Program as a process to receive and evaluate proposals from the community which assist the City in addressing key priorities.

Background:

City staff frequently receive offers and ideas from external sources outside of formal procurement processes. This information may be useful as part of normal operations without extensive review. However, some ideas, particularly those that call for City investment or access to City assets, require more thorough evaluation through application of criteria and a consistent process which reflects alignment with City priorities and public benefit.

Staff propose to establish a process to receive and evaluate unsolicited proposals which can deliver public benefit and value and assist the City in addressing key priorities.

Discussion:

Unsolicited proposals are independently generated by a proponent who is at arms' length from the City and are provided to the City without an invitation of opportunity being made. Proposals may include new or unique ideas or products that have not been tested in the market.

Unsolicited Proposal Programs have been established by municipal, state and national governments throughout North America and other parts of the world. These programs are positioned as innovation initiatives, recognizing that solutions to pressing needs can come from anywhere and not exclusively through traditional procurement methods. The programs create a structure and process within which a proposal that meets a high public value and uniqueness standard may move through direct negotiation

to an agreement without testing the market through public procurement. Decision-making is guided by clear criteria, and supported by principles of probity, fairness and protection of the public interest.

Interest in establishing a program at the City of Kelowna is driven by a number of factors, including:

- acknowledgement that new solutions may come through new technologies and approaches outside the City's current scope;
- experience with numerous infrastructure-related proposals from community organizations;
- resource implications for departments receiving a high volume of proposals needing further investigation; and
- improved service through a fair, consistent and efficient process to handle qualified proposals and provide a timely response.

Staff conducted internal and external research to identify user needs and gain knowledge about unsolicited proposal programs in other jurisdictions.

The City of Kelowna program design reflects this research through the following features:

- a) an online intake form, to be available on the City's website, is a user-friendly method to gather the information needed to evaluate an idea in the first stage. Users are encouraged to check into the City's current initiatives and needs before identifying alignment with Council priorities and 'challenge statements' based on current trend reporting;
- b) a two-stage process enables qualified ideas to move to a more detailed Stage 2 proposal which allows for further articulation of complex, technical aspects of the proponent's idea and additional evaluation by subject-matter experts;
- c) a plain language Program Guide and set of Q&As provides information about program objectives, how proposals will be processed and evaluated, and what to expect. Tips for submitting a high-quality proposal are included;
- d) clear evaluation criteria reflect the City's interest in proposals which are unique and innovative, aligned with City priorities, and provide value for money and feasible solutions. Stage 1 proposals must meet a high standard with a score of at least 65% to continue to Stage 2;
- e) a commitment to acknowledge receipt of Stage 1 proposals within three business days, and a goal to notify proponents of Stage 1 evaluation results within 45 days;
- f) for ideas which are not a fit with the Unsolicited Proposal Program, alternative options are listed in Part 5 of the Program Guide.

As administrator of the program, the Partnership Office:

- coordinates the intake and evaluation of proposals;
- functions as a support resource for both City staff and the public who are involved in a proposal process; and
- convenes evaluation teams comprised of individuals from the Partnerships & Investments Division, and other departments with relevant expertise. The Purchasing Department and the Office of the City Clerk will be regularly engaged in proposal review to ensure that the process is consistent with good practice and legal requirements.

The Partnership Office will utilize a set of metrics to analyze the performance of the program and to inform necessary adjustments over time.

Conclusion:

Opening a door to new ideas through a portal such as the Unsolicited Proposal Program is a manifestation of the [Imagine Kelowna](#) vision to learn continuously, encourage creativity and find innovative ways to meet challenges and opportunities. It recognizes that the well-being of our community is a shared responsibility, and unleashes our community's hidden talents to solve tough problems. As a process improvement, the Program seeks to give confidence to the community that the proposals they submit will be considered in a consistent, efficient, transparent and accountable manner to achieve a high standard of public value.

Internal Circulation:

Purchasing
Partnerships & Investments
Active Living & Culture
Intelligent Cities
Office of the City Clerk
Communications
Policy & Planning

Considerations not applicable to this report:

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

Submitted by: S. Kochan, Partnership Manager

Approved for inclusion: D. Edstrom, Director, Partnerships & Investments

Attachments:

- Unsolicited Proposal Program Guide
- Q&As
- Intake Form

cc:

D. Tompkins, Purchasing Manager
L. Bentley, Deputy City Clerk
S. Effray, Innovation Consultant

Unsolicited Proposal Program Guide

April 2021

Partnership Office
partnerships@kelowna.ca

kelowna.ca

Unsolicited proposals are independently generated by a proponent who is at arms' length from the City and are provided to the City without an invitation of opportunity being made. The proposals may include new or unique ideas or products that have not been tested in the market.

We welcome ideas which address some of our community's biggest challenges, and which reflect an innovative infrastructure, financial, technical or service delivery solution.

We are looking to connect and work with people and organizations who care about their community and who offer solutions that will deliver real value and public benefit.

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! *Throughout the guide, look for*
• *helpful tips for a successful proposal!*

Message from Doug Gilchrist, City Manager

A home for great ideas

Kelowna is a thriving city and an incredible place to call home. The community vision expressed through Imagine Kelowna makes it clear that to flourish in the future, we need to be agile, resilient and unafraid to do things differently. Our vision for an inclusive, welcoming, prosperous and sustainable future calls upon us all to be ambitious to embrace the challenges ahead.

The City of Kelowna is open to exploring new ideas, technologies and tools. We recognize that great ideas can come from anywhere, and that we don't have all the answers. We welcome ideas which address some of our community's biggest challenges, and which reflect an innovative infrastructure, financial, technical or service delivery solution. These will address the City's priorities in a financially responsible way and provide value to our taxpayers and citizens.

As a home for great ideas, the Unsolicited Proposal Program is a tool to connect and work with people and organizations who care about their community, unlock innovation and move us closer to a better future.

Part 1: Program Objectives

The Unsolicited Proposal Program (UPP) is a vehicle for innovation and is designed to:

- set out principles and procedures to guide the consistent identification, evaluation, development and management of new opportunities;
- give confidence to innovators, researchers, entrepreneurs, investors and the community that the proposals they submit will be considered in a consistent, efficient, transparent and accountable manner to achieve a high standard of public value; and
- manage the City's risks, make informed decisions, and ensure good stewardship of municipal assets and interests.

Part 2: Program Overview

2.1 What is an Unsolicited Proposal?

As a public sector entity, the City of Kelowna is required to use public procurement processes for the goods or services needed and to invite competitive bids or proposals to be reviewed against published selection criteria.

Unsolicited proposals are independently generated by a proponent who is at arms' length from the City and are provided to the City without an invitation of opportunity being made. The proposals may include new or unique ideas or products that have not been tested in the market.¹ In order to justify consideration of the potential of departing from the usual competitive processes, unsolicited proposals need to be strongly aligned with City priorities and objectives, and clearly identify public benefit and value.

Figure 1 illustrates the difference between the RFP (public procurement) process, and the Unsolicited Proposal Process.

2.2 Types or categories of proposals

Most proposals will fit within one of the following categories:

- Research and data
- Delivery of a service
- Provision of a building or other infrastructure
- Provision of a park, natural area or urban space
- New technology
- Alternative revenue generation for the City
- Cost avoidance or savings for the City

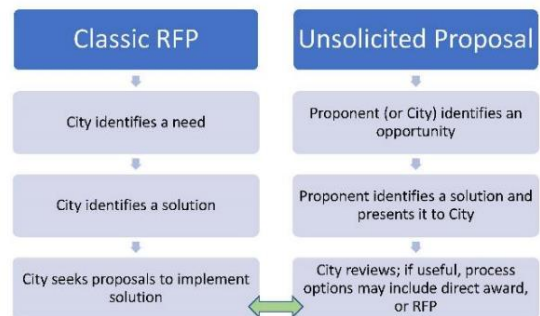


FIGURE 1

There is no restriction of dollar value for Unsolicited Proposals. Regardless of the dollar value, alignment with [Council priorities](#) and meeting the evaluation criteria are mandatory.

2.3 Preferred proposals

Proposals which have the best fit with the UPP are directly aligned with City priorities and/or the City's current 'challenge statements':

- Addressing the City's \$400 million infrastructure deficit;
- Alternative revenue generation to supplement the City's standard revenue sources from taxation, fees and charges;
- Improving actual and perceived safety in the community; and
- Reducing greenhouse gas emissions.

¹ As indicated in the process section below, the City reserves the option to test an unsolicited proposal in the market through a public procurement process if it concludes that this is the best way to determine value and benefit.

2.4 Ineligible proposals

A proposal will not be eligible for UPP consideration if it:

- Is solely focused on acquiring access to or purchasing land or other assets owned by the City for the proponent's financial gain, or is otherwise deemed to be within the general prohibition against assistance to business in Section 25 of the Community Charter
- Proposes an activity or initiative which is not within the legal authority of local government
- Is about land or assets not owned by the City or the proponent
- Is for the sole purpose of seeking grants, loans or other funding from the City
- Seeks to change City policy or processes with no associated project (i.e. advocacy)
- Offers services for a fee or is for the purpose of obtaining employment
- Offers goods or services that are commonly available
- Is the same as, or similar to, the subject of an active procurement process
- Relates to an existing contract or lease arrangement or seeks to bypass a procurement process
- Is within the scope of another City process or program.

2.5 Who can submit an Unsolicited Proposal?

Proposals can be submitted by an individual, or by a representative of a business, society, registered charity, agency or academic institution. Proposals cannot be submitted by City employees or elected officials. Proposals must be independently prepared and free of any influence, endorsement or supervision from City staff or elected officials.

If you are submitting a proposal in a representative capacity, the intake form will ask you to verify that you have the authority to do so, and the City may request additional verification of authorization at any time during the process.

Tip #1

Before preparing a proposal, do some research:

- check the City website for [current bidding opportunities](#) and [concession and vendor opportunities](#).
- Read the Program Q&As and the online intake form.
- Because your proposal needs to be something new and reflect City priorities, review some key planning documents and reports to learn more about what the City has planned and initiatives that are already underway:
 - [2021 Action Plan](#)
 - [Progress on results summary](#)
 - [Detailed Council results: What's important to residents](#)
 - [Detailed Corporate results: What the City organization must do to deliver results for residents](#)
 - [Intelligent City Strategy](#)

Tip #2

The [evaluation criteria](#) include feasibility. Feasible proposals usually have a team behind them to do the work. Assemble your team and share information about them in your proposal. If you have a big idea and a one-person team, the proposal may not pass the feasibility test.

Part 3: The UPP Process

Figure 2 illustrates the three distinct stages of the UPP process. More details follow.

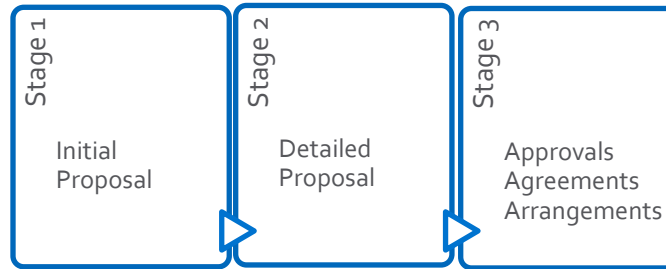


FIGURE 2

3.1 Stage 1: Initial proposal

a) Submission

Stage 1 proposals provide a high-level outline of an idea and are submitted exclusively through an on-line intake form. Proposals will not be accepted in any other format. Proposals can be submitted at any time. No supplementary materials are needed in this stage.

b) Receipt and pre-screening

Partnership Office staff will acknowledge receipt of a Stage 1 proposal by email within 3 business days. Proposals will be pre-screened for eligibility and staff may request clarification or additional information. If a proposal is deemed ineligible pursuant to the UPP Guide, staff will contact the proponent who may choose to refine and resubmit the proposal or withdraw it.

c) Evaluation team

Eligible Stage 1 proposals will be reviewed by an evaluation team convened by the Partnership Office. The team is made up of senior personnel from the City's Partnerships & Investments Division. Depending on the nature of the proposal, additional subject matter experts from other departments may be invited to participate in the evaluation. Consultation with the Purchasing Branch is also part of the Stage 1 review.

d) Evaluation criteria

The evaluation criteria for Stage 1 Proposals are:

- Unique and innovative
- Aligned with City priorities
- Value for money
- Need
- Feasibility

Tip #3

In [Schedule 1](#), note how the evaluation criteria are linked to questions in the Intake Form. Your information in the Intake Form should respond directly to the evaluation criteria.

When you have prepared your proposal, have another person read through it before you click 'submit.' Is it clear and understandable? Are there incomplete sentences or spelling mistakes? Are all the questions answered?

Criteria are weighted. A Stage 1 proposal must achieve a score of at least 65% to be considered for Stage 2 but the City is not obligated to proceed with any proposal regardless of the scoring.

[Schedule 1](#) provides more detail about the evaluation criteria.

e) Notification

Following evaluation, the Partnership Office will notify the proponent of the evaluation outcomes. Possible outcomes are:

- The proposal has not adequately met the UPP criteria and will not move forward;
- All or part of the proposal may form the basis for a competitive bidding process;
- Council or other approvals may be needed before the proposal can proceed further;
- All or part of the proposal is of sufficient merit to move to Stage 2 (Detailed Proposal).

Partnership Office staff are available to meet with proponents to discuss evaluation feedback and outcomes and any next steps or options.

The City aims to complete the Stage 1 evaluation and notification within 45 calendar days of the acknowledgement of receipt, but this timeline may, at the City's discretion, be extended.

Tip #4

Regardless of the outcome, take advantage of the opportunity to meet with staff and receive some feedback about your proposal. These conversations are about sharing and learning, and it's always great to meet citizens who want to contribute to their community.

3.2 Stage 2: Detailed proposal

a) Invitation to submit

Stage 2 proposals build on the Initial Proposal and provide more in-depth information and analysis to support decision-making about whether the proposal can proceed to implementation.

Stage 2 proposals can be submitted only in response to a written invitation from the City. The invitation will be developed by Partnership Office staff in consultation with the proponent and will:

- Specify the format and the timeline for submission of the Stage 2 proposal
- Outline any additional information needed to support the next round of evaluation. This may take the form of a business plan, financial analysis, technical specifications, risk register, fundraising strategy or other studies/assessments
- Describe the criteria which will be used to evaluate the Stage 2 proposal. These may be the same as the criteria used in Stage 1 or modified to accommodate unique characteristics of the proposal
- Set out a proposed schedule and milestones for the Stage 2 evaluation process, which may include meetings with and/or presentations from the proponent
- Provide any essential terms and conditions which, in the City's view, could be part of an arrangement between the City and the proponent should the Stage 2 proposal receive a favourable evaluation.

b) Receipt and pre-screening

Partnership Office staff will acknowledge receipt of a Stage 2 proposal by email within 3 business days. Proposals will be pre-screened for completeness and fulfillment of the requirements in the invitation. Staff may request that the proponent provide clarification or additional information within a specified time. The City has no obligation to proceed with evaluation of an incomplete Stage 2 proposal.

c) Evaluation team

Stage 2 proposals will be reviewed by an evaluation team convened by the Partnership Office. For continuity, some or all members of the Stage 1 evaluation team will participate in Stage 2 evaluation, and additional subject matter experts from other departments may also be invited to participate. The City may, at its cost, engage external advisors where specialized input is required.

d) Evaluation criteria

Stage 2 proposals will be evaluated using the criteria set out in the Stage 2 Proposal Invitation. These may be the same criteria as used in Stage 1 or modified to accommodate unique characteristics of the proposal. If the proponent has provided presentations, information from these presentations is included in the evaluation.

e) Notification

Stage 2 proposals are always more complex than Stage 1 proposals and more time is needed for evaluation. In view of the diversity of proposals received, the City cannot commit to a standard notification timeline for Stage 2 proposals but acknowledges the importance of a timely response.

Subject to necessary Council approvals, possible outcomes from Stage 2 evaluation are:

- All or part of the proposal will proceed to Stage 3 without a competitive process
- All or part of the proposal will form the basis for a competitive process
- The proposal is not suitable for further consideration and will not proceed.

Partnership Office staff are available to meet with proponents to discuss evaluation feedback and outcomes and any next steps or options.

3.3 Stage 3: Approvals, agreements and arrangements

Stage 3 encompasses formalization of the relationship between the City and the proponent, and more detailed planning and approvals to enable the proposal concept to proceed through to implementation.

Depending on the proposal type and scope, implementation may require one or more of the following steps:

- Council approval in principle with direction to negotiate a Memorandum of Understanding or other form of agreement which would in turn be approved by Council;
- Confirmation of City resources through the City's annual budget process;
- Project approval through the City's annual work planning process which clarifies the role and level of involvement from City staff;
- Consultation with community or other stakeholders who may be impacted by the proposal;
- A competitive procurement process for all or part of the proposal concept;
- For less complex proposals, documenting the implementation process through an agreed-upon Project Plan to ensure that roles, responsibilities, deliverables and accountabilities are clear.

The Partnership Office has a role in coordinating Stage 3 tasks and continuing as the primary point of contact for the Proponent, with support and involvement from other internal departments on an as-needed basis.

Until an approved and binding agreement is in place, neither the City nor the proponent is obligated to proceed.

Part 4: General terms and conditions

4.1 Proponent affirmation

In submitting a Stage 1 or Stage 2 proposal, the proponent is affirming that:

- the information in the proposal is accurate and complete;
- the information in the proposal is endorsed by any entity which the proponent claims to represent; and
- the proponent is not aware of any real or potential conflict of interest associated with the proposal or the proponent's involvement.

The City may at any stage request written proof of authorization from a third party if a proposal is submitted on its behalf.

4.2 Costs of proposal

A proponent bears its own costs for preparation of unsolicited proposals, including documentation requested by the City as part of a Stage 2 Detailed Proposal, and any costs associated with negotiation or review of an agreement with the City of Kelowna.

4.3 No legal relationship or obligations

The proponent acknowledges that:

- no legally binding contract exists or is to be implied between the City of Kelowna and the proponent unless and until a formal contract document is signed by both parties; and
- the City of Kelowna is under no contractual or other legal obligation to the proponent with respect to the receipt, evaluation, consideration, acceptance or rejection of any proposal or the failure to receive, evaluate, consider or accept any proposal.

4.4 No outside discussions

To protect the integrity of the Unsolicited Proposal Program and process, all communications or inquiries regarding Unsolicited Proposals should be directed through the City contact as identified for the UPP. A proponent must not offer any incentive to, or otherwise attempt to influence any person who is either directly or indirectly involved in an evaluation, negotiation or approval process for a proposal. This includes City staff, members of the City's Senior Leadership Team, the Mayor and elected Councillors. The City reserves the right to discontinue consideration of a proposal if a proponent fails to comply with this requirement.

4.5 Withdrawal of proposal / change in circumstances

a) A proponent may, by notice in writing to City staff, withdraw a proposal at any time prior to entering into a legally binding contract with the City.

b) A proponent must promptly provide written notification to City staff if there is a material change to any of the information contained in a Stage 1 or Stage 2 Proposal.

4.6 UPP process subject to other requirements

Proponents acknowledge that the Unsolicited Proposal process does not override or circumvent other policies, legal obligations or mandatory processes within the obligations or authority of the City and/or City Council.

4.7 Intellectual Property²

The City acknowledges that unsolicited proposals may contain Intellectual Property of the proponent and/or third parties.

If the City declines to consider or ends its consideration of an unsolicited proposal submitted to the UPP, and elects to engage in a competitive bidding process or other approach to the market in relation to the subject matter of the proposal, the City will respect any Intellectual Property rights of the proponent and/or third parties.

4.8 Confidentiality

All UPP documents submitted by proponents to the City become the property of the City. The City will make every effort to maintain the confidentiality of each proposal and the information contained therein except to the extent necessary to communicate information to staff, evaluators and Council for the purposes of evaluation, administration and approvals. Upon approval of a project, and only with the consent of the proponent, the City may issue a media release providing general information about the project. The City will not release any additional information to the public except as required under the *Province of British Columbia Freedom of Information and Protection of Privacy Act* or other legal disclosure process.

4.9 Privacy

All information you provide is collected under the authority of the *Freedom of Information and Protection of Privacy Act* and will only be used in administration of the Unsolicited Proposal Program pursuant to the published guidelines. For more information, check out our Privacy statement. Any questions regarding the collection of personal information should be directed to the Partnership Manager, partnerships@kelowna.ca

² For the purpose of this guide, Intellectual Property means inventions, original designs and practical applications of good ideas protected by law through copyright, patents, trademarks and other registered forms of protection, and it also includes trade secrets, proprietary knowledge and other confidential information protected against unlawful use and disclosure by common law and contractual obligations.

Part 5: Alternatives to UPP

The UPP is just one of several ways that the City connects with citizens to consider ideas and opportunities. If UPP is not the right fit for what you'd like to do, here are some alternatives:

- [Partners in Parks](#): if your idea is about refreshing or enhancing a local park through a community effort, the City can assist with a small grant and helpful advice from staff experts.
- [Services & Requests](#): the City offers more than a hundred on-demand services online including reporting an issue, providing your input for major projects, viewing Council meetings and more.
- [Funding Requests](#): the City delivers grant funding to the community through a range of different programs which support arts and culture, heritage, events, social development and more.
- [Bidding Opportunities](#): if you are interested in becoming a supplier to the City, sign up to receive updates about bidding opportunities, and review current opportunities.
- [Concessions & Vendor Opportunities](#): independent concession and vendor operators can set up shop on privately-owned land or partner with the City to operate on public land by meeting various requirements.
- [Sponsorships](#): the City is interested in developing marketing relationships with corporations through a wide variety of opportunities that can be customized to meet the unique needs of your business. An [Expression of Interest](#) opportunity is currently available.

Schedule 1: Detailed Evaluation Criteria

Criteria	Intake question	Description
Unique & Innovative 20%	12, 15, 16	<ul style="list-style-type: none"> The proponent has a genuinely innovative idea which is not currently being delivered or planned by the City. The proponent has unique finance arrangements to support the proposal that other parties do not have. The proponent owns, knows or provides something that other parties do not. The proposal cannot be delivered by competitors at all, or within the timeframes proposed.
Aligned with City priorities 25%	7 - 10	<ul style="list-style-type: none"> The proposal is consistent with the City's role and functions. The proposal is clearly linked to Council or corporate priorities. The proposal directly addresses a challenge statement. The proposed initiative is an appropriate response to the priority.
Value for money 20%	11, 13, 14	<ul style="list-style-type: none"> The proposal cost is competitive in a market context. There are financial, social, environmental and/or community benefits which serve the public interest. The proponent has clearly identified what is being sought from the City and it is not deemed to be assistance to business. There is a reasonable balance in the apportionment of risks and benefits between the City and the proponent.
Need 15%	6, 9, 11	<ul style="list-style-type: none"> The proposal presents a solution to an identified issue, concern or problem. The proposal has motivations and outcomes broader than the proponent's financial gain or meeting the proponent's needs. The proposal provides an opportunity to address a priority in a faster, less expensive, or more effective way than the City could do on its own.
Feasibility 20%	9, 11, 13-16	<ul style="list-style-type: none"> The proposal has clarity and timelines are realistic. The proponent has the experience and competencies to deliver the proposed initiative. The proponent has access to financial, personnel and other necessary resources to deliver the proposed initiative. Risks arising from the proposal for both the City and the proponent are identified and can be mitigated or otherwise managed.

Q&A

1. What is an unsolicited proposal?

Unsolicited proposals are independently generated by a proponent who is at arms' length from the City and are provided to the City without an invitation of opportunity being made. The proposals may include new or unique ideas or products that have not been tested in the market. In order to justify consideration of the potential of departing from the usual competitive processes, unsolicited proposals need to be strongly aligned with City priorities and objectives, and clearly identify public benefit and value.

1. What should I do before submitting my idea?

- Read the Program Guide
- Review the online intake form
- Visit the links to learn more about City priorities and initiatives
- Contact the Partnership Office if you'd like more information

2. How do I submit my idea?

- All proposals start with our online intake form. This is where you provide an overview of your idea and answer some key questions about how your idea aligns with the important priorities that the City can tackle with your help.
- We will acknowledge receipt of your idea within three business days and may follow up for clarification or additional information, if needed.

3. What are the evaluation criteria?

The evaluation criteria for the first stage of the UPP process assess whether the idea:

- Is unique and innovative
- Is aligned with City priorities
- Provides value for money
- Meets a need
- Is feasible

Criteria are weighted and a proposal must achieve a score of at least 65% to be considered for the second stage. Criteria in the second stage may be similar to the first stage criteria or adjusted depending on the nature of the proposal.

4. Why might I submit an idea that could end up in an open competitive bidding process?

A primary objective of the Leading UPP process is to tap into new ideas to improve the City's delivery of important services to the community. Incubating and implementing new ideas with new resources is an innovation-based approach, but it doesn't relieve

the City of its responsibility to be fair and transparent about who it is working with and the value or public benefit that will result. The City is accountable to citizens far into the future and sometimes the best way to be accountable is to use a public competitive process.

If your proposal moves into a competitive procurement process, you'll have equal access to participate in the process.

5. How do I find out what the City is already working on so that my idea won't be something that the City is already doing?

Like all municipal governments, the City of Kelowna has many lines of business. In addition to its day-to-day operations, the City undertakes corporate and departmental planning processes which set out annual and multi-year priorities. At any given time, there are literally hundreds of initiatives underway. The best way to prepare a unique proposal is to learn more about what the City is already working on and identify ways that you can assist by presenting a new solution or adding value. Here are some key planning documents and reports:

- [2021 Action Plan](#)
- [Progress on results summary](#)
- [Detailed Council results: What's important to residents](#)
- [Detailed Corporate results: What the City organization must do to deliver results for residents](#)
- [Intelligent City Strategy](#)

6. What if I have a good idea that I want to share with the City but it doesn't fit with the UPP criteria?

- The program guide lists some alternative pathways for different types of ideas.
- Contact us for more information.

7. What are the most common mistakes with UPP submissions and how can I avoid them?

- **Insufficient alignment or value** - Establishing or expanding a business is an important part of the local economy, but if the business activity doesn't deliver a public benefit or isn't aligned with an identified City priority or need, it's not going to be a fit with the UPP. The program is all about solutions which offer a win-win for the proponent and the City.
- **Lack of clarity** - We're looking for factual statements, not persuasion. Avoid promotional language, technical jargon and vague promises. We really like [Seth Godin's advice for 'The modern business plan'](#) containing five types of information: Truth, Assertions, Alternatives, People and Money.
- **Duplicates efforts** - Do your research to verify that your idea doesn't duplicate something the City is already doing. Build some knowledge about what matters to the

City and the community. When you dig into our [Open Data results reporting](#), we think you will be impressed by the breadth and depth of City activity. But we're humble enough to admit that we don't have all the answers and that's where you come in.

- **Not feasible / too risky** – There may be financial, political or legal risks within your concept that are too big to overcome. Or there isn't enough information to establish confidence about your team's track record and capacity to deliver success. Think about how you can strike a balance between risk and reward that makes it easier for the City to say 'yes' to working with you.

8. How do I get help from City staff?

We respect you, your ideas, your time and the effort you put into your proposals. That's why it's important to maintain the integrity of the UPP process by ensuring that all proposals are handled in a consistent, fair and transparent way. Submissions need to be independently prepared and free of any influence, endorsement or supervision from City staff.

We can:

- answer your questions about the program and help you understand how your proposal might fit within the program objectives and criteria
- connect you with City information resources relevant to your proposal
- keep you updated as your proposal moves through the intake and review process
- provide a follow up briefing at the conclusion of the review process

We cannot:

- assist with preparation or review of your intake form or any other documentation
- adjust or forego program requirements
- meet with you or assist if your proposal is selected for a public procurement process
- speak directly with any elected representative about your idea
- unilaterally approve or reject a proposal without consulting impacted departments
- share information about other proponents or proposals

9. Should I ask the Mayor and members of City Council to support my idea?

No.

UPP proposals are evaluated by staff and subject matter experts using the published program criteria and process. If the evaluation is favourable, some ideas may move into implementation without the need for Council approval. However, if Council approval is required, staff will prepare a report with recommendations for consideration by Council during a Council meeting.

Section 4.3 of the program guide states that all communication about a proposal is to go through the Partnership Office and that the City may discontinue consideration of a proposal if a proponent attempts to influence the process through other channels.

10. Why do you require identification of any confidential or proprietary information included in my proposal?

Unsolicited proposals received by the City are considered public records and are subject to the *Freedom of Information and Protection of Privacy Act*. The City may receive an information request and would be required to disclose information unless it meets one of the non-disclosure exemptions in the Act. Additionally, if your proposal becomes the subject of a public procurement process, confidential or proprietary information cannot be used in the process or in negotiations with another proponent without your consent.

11. I submitted a proposal and have been notified that the City has decided not to proceed. What are my options?

- Set up a meeting with Partnership Office staff who can provide you with a general explanation of the reasons for the decision. We may also refer you to alternative programs or opportunities.
- After meeting with us, you may opt to resubmit your proposal, but it must be substantially different from the previous version to warrant reconsideration.
- The City has sole discretion to determine whether it will proceed with a proposal.

12. I submitted a proposal but I have changed my mind and no longer wish to proceed. Can I withdraw my proposal?

A proponent can withdraw a proposal at any time during the review process by providing a written notice of withdrawal.



Unsolicited Proposal Program - Intake Form

Through the City of Kelowna's Unsolicited Proposal Program, we are looking for innovative solutions and ideas to move priorities forward. This form is a place for you to tell us about your idea and provide some key information.

Our commitment:

- We will promptly acknowledge receipt of your information within 3 working days;
- If additional information is needed for our review, we will contact you. A meeting may be requested;
- Once we have the information we need, we will do our best to provide our response within 45 days.

Thank you!

The City of Kelowna Partnership Office

* Required

Prequalifying questions

Please review the Program Guide and Q&As before proceeding. It will help you complete the rest of the form.

1. Have you reviewed the Unsolicited Proposal Program Guide and Q&As? *

☐ Yes

2. Have you reviewed information about the City's vision, priorities and challenges? *

The Program Guide directs you to some key resources for information about the City's vision, priorities and challenges.

☐ Yes

3. Have you already contacted the City? *

☐ Yes

☐ No

4. Who did you contact at the City?

Please provide the full name and email address of your City contact(s).

About you

Provide your contact details and share some information about why you are submitting a proposal and what is motivating you to come forward now. No need to get into a description of your idea...that will come in a later section.

5. Who is championing this idea? *

Provide a contact name and title (if any), email address, daytime phone number, physical address and the full legal name of any institution, agency or incorporated organization that you represent.

We will assume that this person is also our contact for any follow up, but if that is not the case, please provide additional information.

6. What's your motivation in bringing this idea to the City? *

What is the 'why' at the heart of your idea and what's in it for you?

About the idea

Describe your idea and tell us how it is aligned with City priorities and offers a solution to an identified problem.

7. Which category best describes your idea? *

Select all that apply.

- ☐ Research
- ☐ Delivery of a service
- ☐ Provision of a building or other infrastructure
- ☐ Provision of a park, natural area or urban space
- ☐ New technology
- ☐ Alternative revenue generation for the City
- ☐ Cost savings for the City
- ☐Other

8. Which City Council priority is best matched with your idea? *

Select all that apply.

- ☐ Community safety
- ☐ A social and inclusive community
- ☐ Improved transportation and mobility
- ☐ Vibrant neighbourhoods
- ☐ Economic resiliency
- ☐ Protection of the environment
- ☐ None

9. What is the problem you are trying to solve? *

Referring back to the Council priority you selected in Question 5, be specific about the issue, concern or problem your idea will address.

10. What are you proposing to do? *

Provide an overview or abstract in about 100 words or less to describe how your idea will solve the problem you identified in Question 6.

Implementing your idea & success factors

Tell us what is involved in implementing the idea. We also need to have sufficient information to evaluate your idea using the program criteria. Uniqueness, feasibility and level of risk are important criteria.

11. How will your idea be implemented? *

There is no requirement for a detailed business plan at this stage, but you should include:

- who would be involved;*
- what types of methods or efforts will be used;*
- how long it would take. If your idea is time-sensitive, tell us why;*
- an estimate of how much it will cost and how that cost was determined;*
- your level of involvement and investment. Is your project funding in place?*
- what you are expecting the City to contribute or provide;*
- any options or alternatives; do you have a 'Plan B'?*

12. How is your idea unique? *

You may have a genuinely innovative idea which is not currently being delivered or planned by the City, or you are offering something that no one else could provide. Refer to the evaluation criteria in the Program Guide.

13. Is your idea feasible? *

Refer to the evaluation criteria in the Program Guide. Your idea should be clear, and the timeline should be realistic, with sufficient resources and the right team to support it.

14. Are there any risks or barriers for you or for the City? *

These could be technical, legal or financial 'what ifs' which should be considered in weighing the risks and benefits of your idea. Examples include a regulatory, borrowing or other approval, fundraising requirements, a technical proof of concept, delays in obtaining key equipment, or changes in key personnel.

Confidential information / Intellectual Property

Your idea may include proprietary or sensitive information. Your disclosure assists us in protecting your information and maintaining the integrity of the Unsolicited Proposal process.

15. Does your idea involve any confidential information or Intellectual Property claimed by you or someone else? *

Refer to Section 4.6 of the Program Guide.

- ☐ Yes
- ☐ No
- ☐ I don't know

16. Provide details about which aspects of your ideas are confidential or claimed as Intellectual Property. *

Final thoughts & affirmation

17. If there is anything else you'd like to share about yourself or your idea that isn't already included, please include it below.

18. I affirm the following: *

- ☐ The information in this proposal is accurate and complete.
- ☐ I am not aware of any real or potential conflict of interest associated with the proposal or my involvement in the proposal.
- ☐ If I am submitting this proposal on behalf of someone else, including an incorporated company or society, I have authorization from them to do so and they have approved the content. I acknowledge that the City may, at any time, request written proof of authorization..

Privacy

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 Microsoft Forms



Unsolicited Proposal Program

April 12, 2021



Overview

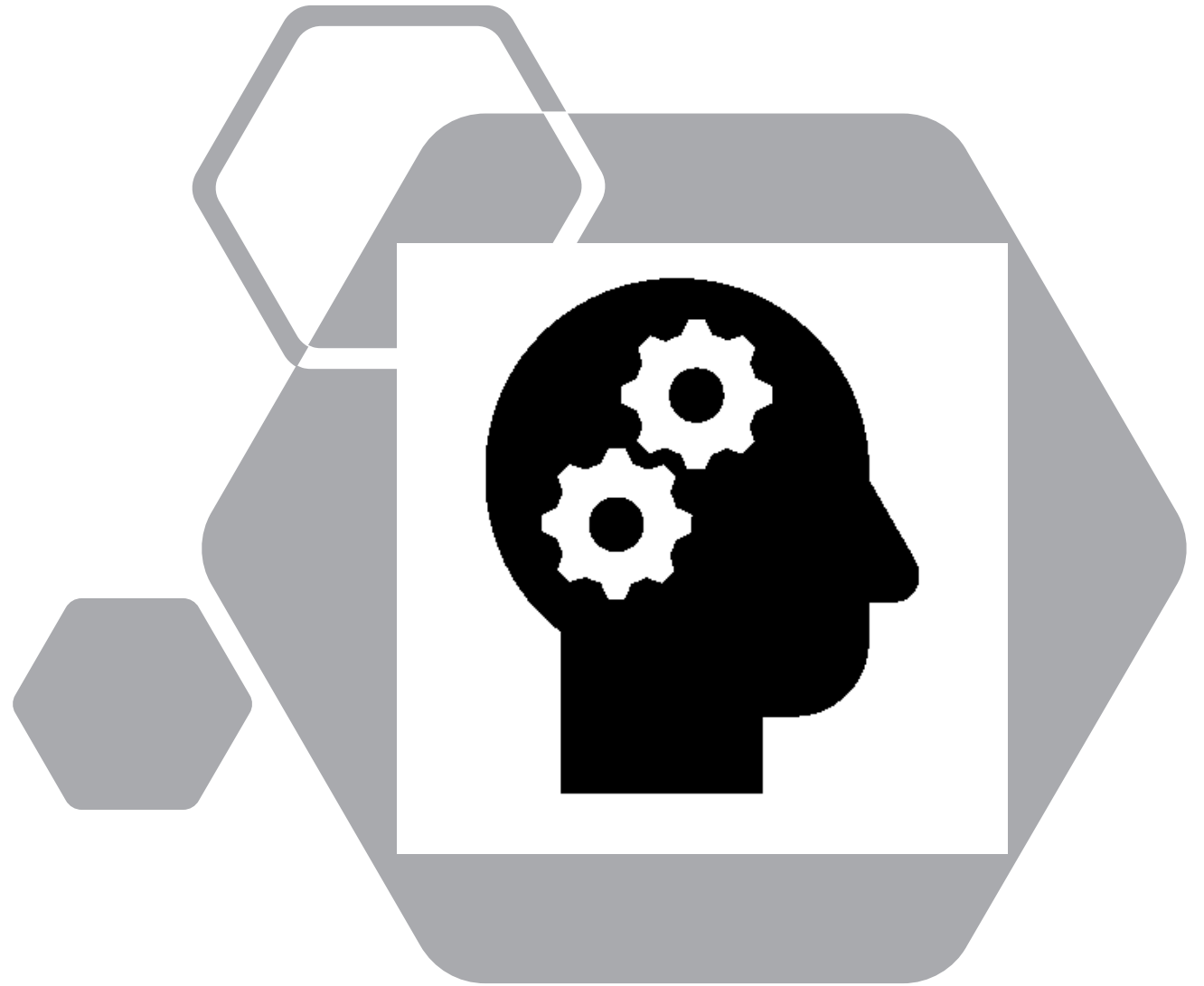


Program rationale and objectives

Program structure

Metrics

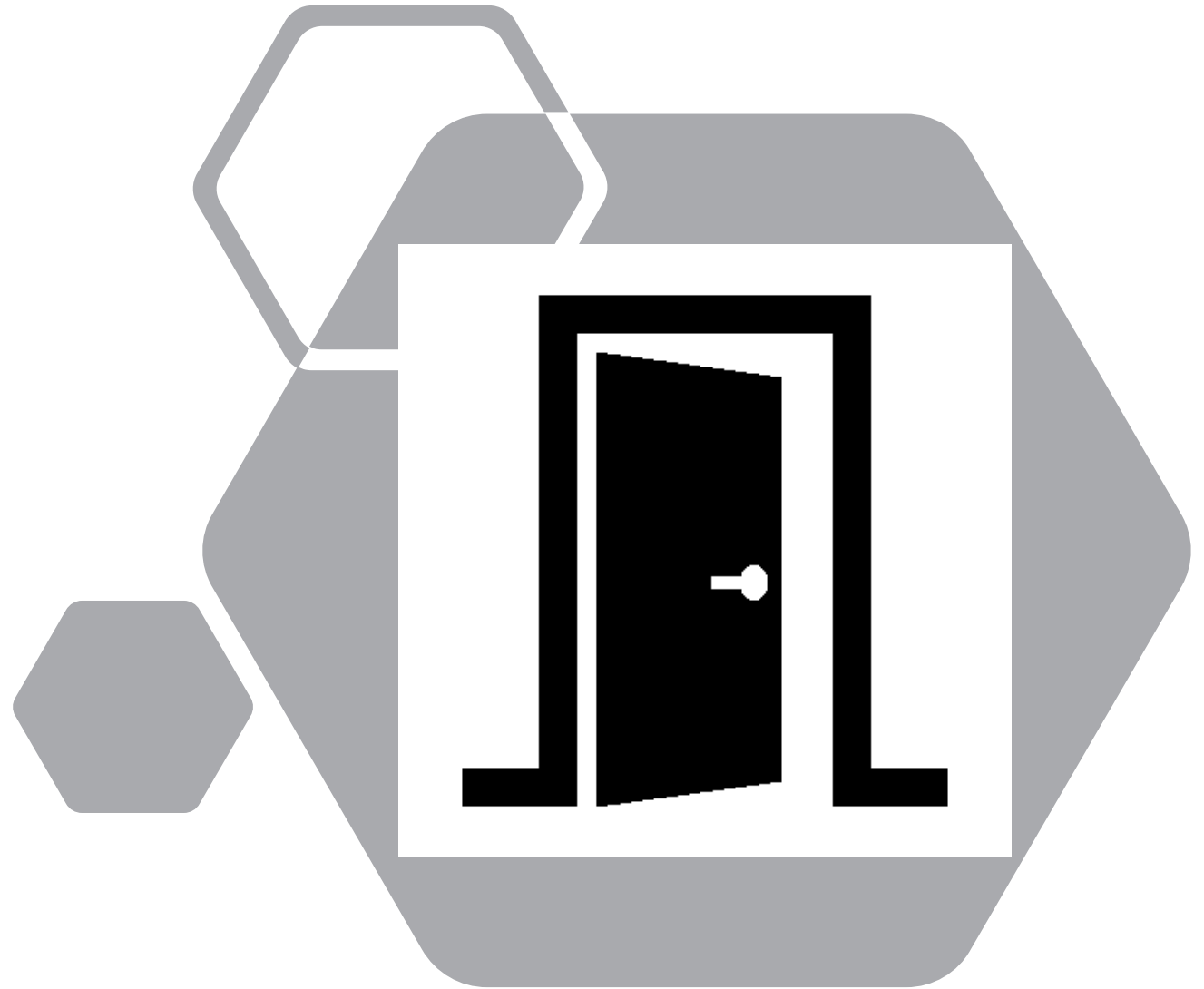
I have an idea...



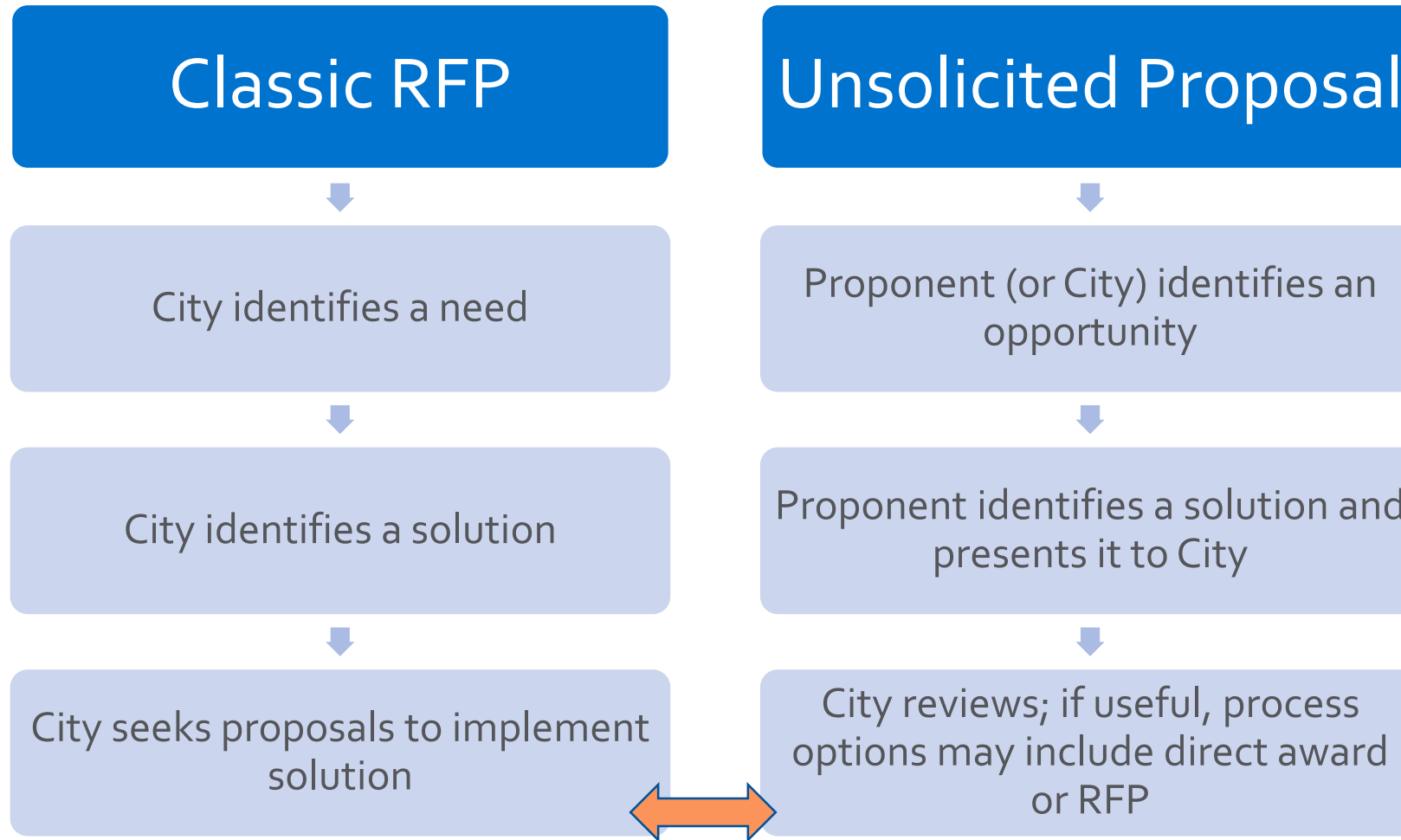


Open Door

- Portal
- Process
- Resource
- Knowledge



RFP process compared to UPP process



Program principles



Consistency



Fairness and
transparency



Responsiveness
and engagement

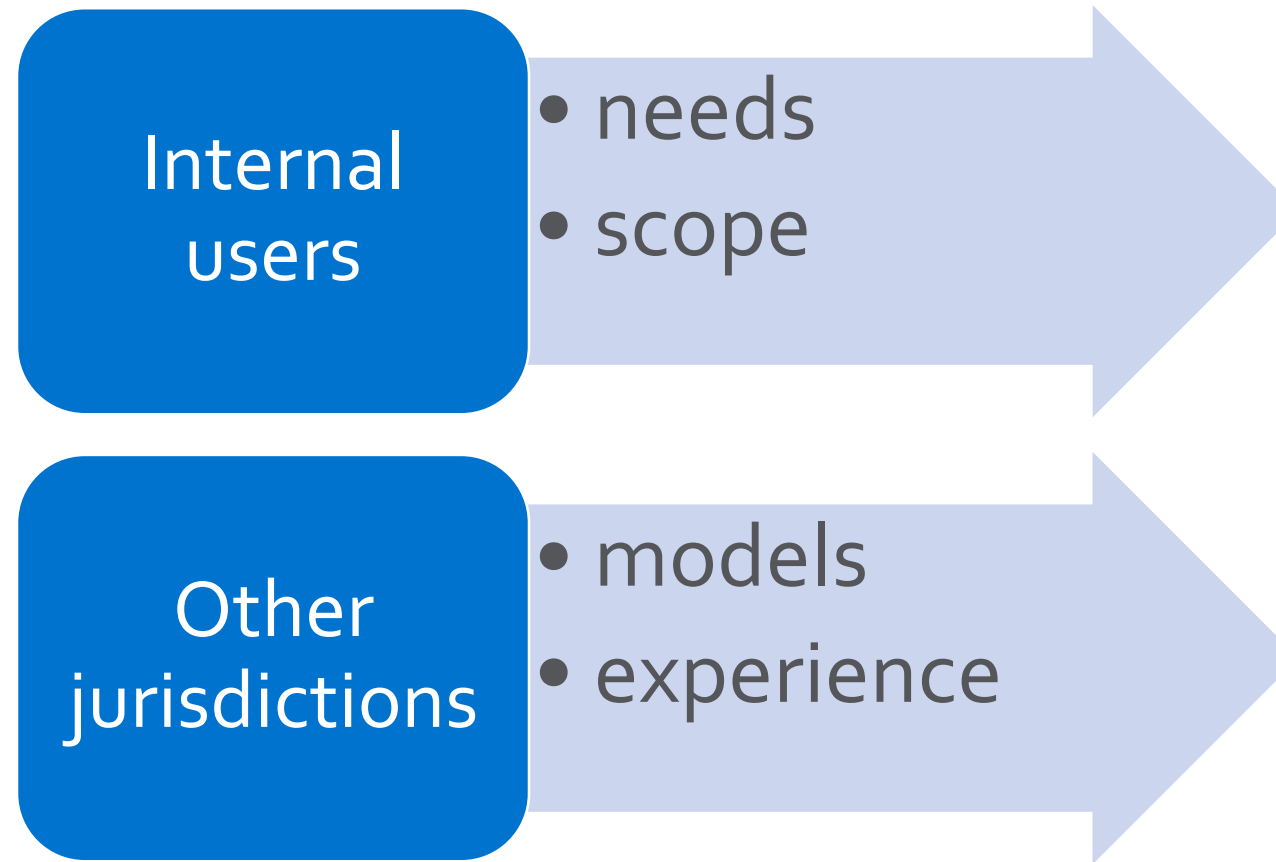


Due diligence

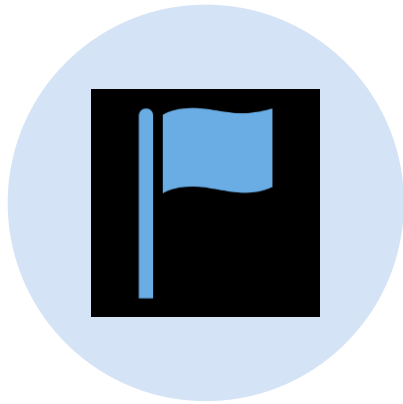


Alignment with
priorities

Program research



Scope and effectiveness



IS IT A PRIORITY?

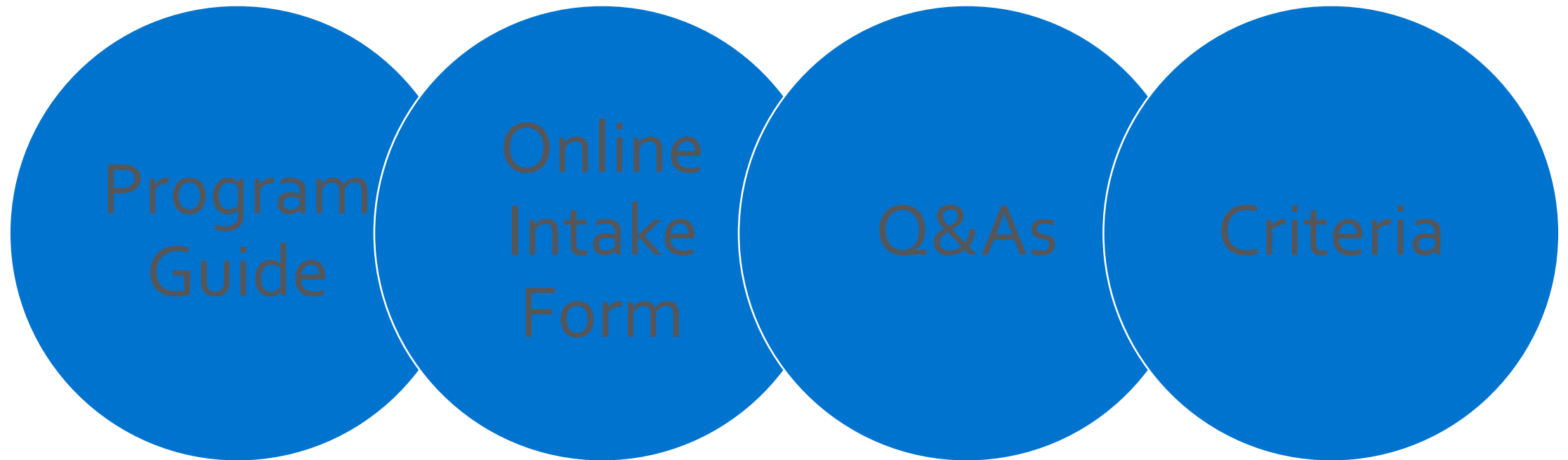


DOES IT SOLVE A
PROBLEM?




IS IT VIABLE?

Program components



Business services / Business with the City / Partnerships & sponsorships




City of Kelowna

[Our community](#) [Parks & recreation](#) [City hall](#) [City services](#) [Business services](#) [Roads & transportation](#) [Homes & building](#)

Business services

- Business with the City
 - Bidding opportunities
 - Concession & vendor opportunities
 - Economic development
 - Our data network for businesses
 - [Partnerships & sponsorships](#)
 - Suppliers & payments
- Permits & licences

Partnerships & sponsorships



[Home](#) / [Business services](#) / [Business with the City](#) / [Partnerships & sponsorships](#)

The community vision reflected in [Imagine Kelowna](#) recognizes that the well-being of our city is a shared responsibility and everyone needs to do their part to seize opportunities for improvement. Partnerships and sponsorships that provide economic and social benefits, and use a balanced approach to mobilizing resources, are an effective way to meet community needs.

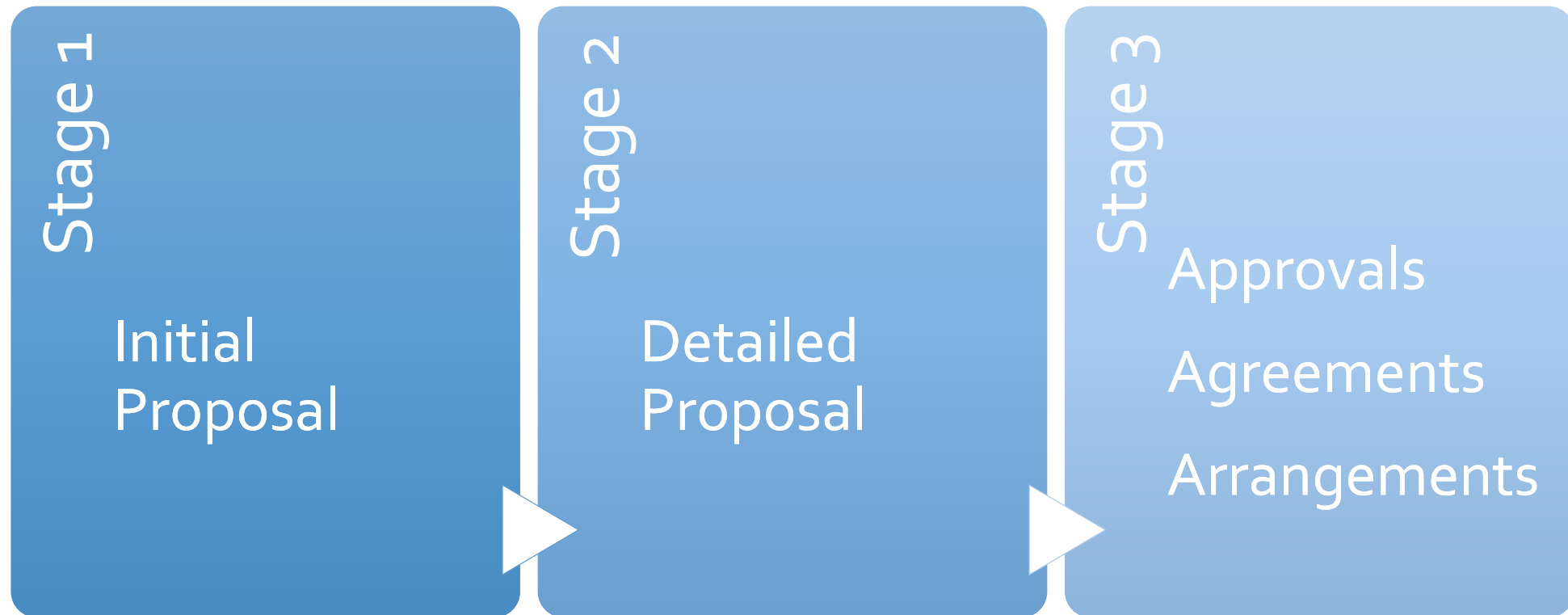
Unsolicited Proposal Program



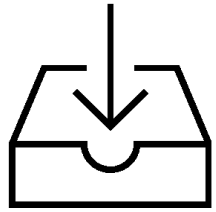
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Process



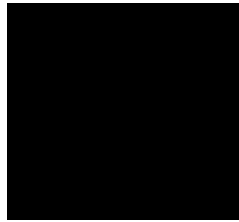
Metrics



Proposals
received
by type



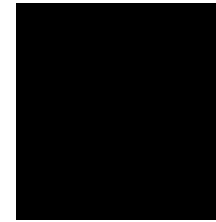
Proposals
ineligible
or
diverted



Evaluation
analysis



Response
time



User
feedback



Proposals
accepted



Questions?

For more information, visit kelowna.ca.

Report to Council



Date: April 12, 2021
To: Council
From: City Manager
Subject: Sidewalk Seating Fee Reduction 2021
Department: Real Estate

Recommendation:

THAT Council receive, for information, the Sidewalk Patio Fee Reduction report from the Real Estate department dated April 12, 2021;

AND THAT Bylaw No. 12210 being Amendment No. 40 to the Traffic Bylaw No. 8120 be forwarded for reading consideration.

Purpose:

To reduce the fees payable for the Sidewalk Seating Program on public lands by 50% for 2021 to reflect the reduction in patio seating capacity due to orders from the Provincial Health Officer

Discussion:

Adapting to COVID restrictions has been a hardship for many different industries and sectors. Restaurants throughout the City who have access to private land for patios, such as parking lots and large side yards, may not experience the same hardships as those with limited outdoor space who need to apply for the use of public lands.

Patio fees, for the use of public lands, are based on appraised value to ensure they transact at fair market value. The fees also assume the patio is being used at full capacity. Due to social distancing requirements, patios this season can only accommodate 50% of the guests.

On May 25, 2020, Council approved a 50% fee reduction to reflect the reduced seating capacity as a result of the impact of social distancing protocols on table spacing. The approved reduction was only for 2020. Staff are recommending a 50% reduction for 2021 as restaurant patios are anticipated to experience a second year with the same requirements.

Staff are also recommending the application fee be reduced to \$100 (standard fee is \$300 for new patios and \$180 for amendments).

For clarification, this program is only for the use of public lands. The City's Planning department has as a separate process to review and approve requests to use private lands, (i.e., side yards or parking lots), to create a temporary patio areas.

Financial/Budgetary Considerations:

As previously articulated, in order to maintain integrity and equity in the course of business, the City's Real Estate and Property Management department transact at fair market value for the use of public lands. This approach is further supported by Section 25 of the Community Charter, which prohibits the City from providing any assistance to business. While fees associated with the existing patio seating program are based on an independent, third-party appraisal, the unique circumstances associated with the use of the program in a COVID-environment – in particular the requirement for social distancing – merits a reconsideration of what constitutes fair market value. Given the approximately 50% reduction in the density of seating on a given patio space, a 50% reduction in the existing patio program fees is recommended.

Patio program revenue for 2020, as well as projected revenue in 2021, is shown below.

	2020	2021 (projected)
Patio Program Revenue	\$49,000	\$49,000

Internal Circulation:

Financial Services
Corporate Strategic Services

Considerations not applicable to this report:

Legal/Statutory Authority:
Legal/Statutory Procedural Requirements:
Existing Policy:
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 - Sidewalk Patio and Retail Display Guidelines
2. Schedule B - PowerPoint

Sidewalk Seating & Retail Display Program Guidelines

PROPERTY MANAGEMENT
APRIL 12, 2021



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Introduction

This document is intended to unify and simplify the Bernard Avenue Patio Guidelines and the Sidewalk Seating and Sidewalk Café Extension Programs, taking inspiration from program experience together with community and commercial owner feedback.

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



The sidewalk has been divided up into three zones: Business Frontage zone (adjacent to the building), the Pedestrian Right-of-Way (in the middle), and the Furnishing Zone (adjacent to the curb).

The Bernard Avenue Sidewalk Patio Program was designed to address the specific needs of Kelowna's "Main Street" to attract residents and visitors and to promote activity in the downtown core. The program provides a guide in applying for and utilizing the Business Frontage zone and was authorized by *Bylaw 10814 Amendment No 22 to Traffic Bylaw 8120*.

The Bernard guidelines applies to all patio space on public property within the City of Kelowna, with businesses that occupy interior space and are engaged in food and beverage or retail sales.

A Permit Holder may be allowed to utilize space on the public sidewalk directly in front their Business Frontage, while maintaining the requirement of a clear minimum 2.0 meters Pedestrian Right-of-Way on the sidewalk. Consultation of neighboring business owners is required prior to construction any sidewalk patio structure, although they do not hold veto on patios outside of their own Business Frontage.

A Sidewalk Café Extension can also be proposed in areas without extra sidewalk such as the Furnishing Zone to expand into a parallel or angled parking stall(s) located in front the place of business. The main section of this document and appendices provide all details relating to size, usages, quantities of stalls that may be removed, components and various other details that must be followed for the construction and use of a public patio on the roadway.

In addition to enabling food and beverage businesses to utilize sidewalk space for patio seating, this program also provides opportunities for retailers to create temporary or seasonal outdoor Retail Display.

Definitions

- a. **Active Use** – the days when the business is actively using the patio to serve customers
- b. **Annual Patio (permanent patio structure)** – a patio that is in use January 1st to December 31st
- c. **Applicant** – the registered business owner applying for a patio or retail display permit
- d. **Sidewalk Seating & Retail Display Program Guidelines** – sidewalk program for all patios and retail displays on City-owned public property
- e. **Liquor and Cannabis Regulation Branch** – responsible for issuing liquor licenses in the Province and for enforcing the provisions of the Liquor Control and Licensing Act
- f. **Business Frontage** – the exterior area running the width of the business
- g. **Building Owner** – the owner of the building that houses a business run by a Business Owner
- h. **Business Owner** – the owner of a business
- i. **Furnishings and Equipment** – all objects other than the Perimeter Structure, Sandwich Board Signs, and Planters used in the operation of the Permit Area, including but not limited to tables, chairs, umbrellas, serving carts, portable heaters, etc.
- j. **Furnishing Zone** – the sidewalk area hosting benches, lamp posts, garbage bins and flowerbeds running adjacent to the curb and Pedestrian Right-of-Way as seen on Bernard Avenue
- k. **General Use Patio** – a patio for any use except the consumption of alcohol and cannabis
- l. **Good Neighbor Bylaw** – means *Good Neighbor Bylaw 11500* and any amendments thereto
- m. **Large Patio – No Liquor / Large Retail Display** – a patio that exceeds 2 small tables or 6 chairs total and does not serve alcohol; a retail display that occupies more than 6 feet of building frontage
- n. **Large Patio - Liquor** – any patio that allows alcohol to be consumed; a patio that must have a Perimeter Structure as required by the Liquor Control Licensing Branch
- o. **Menu Board** – any single-sided sign, attached to a building or freestanding, for the purpose of identifying food and/or beverages for sale. May not be attached to the Perimeter Structure, nor lean unattached to any patio or building component
- p. **Pedestrian Right-of-Way** – The “Sidewalk” portion area intended for pedestrian use only and extending from the adjoining property line to a point allowing no less than 2 meters of unobstructed pedestrian flow. No sandwich boards or other materials may enter this area
- q. **Perimeter Structure** – any structure erected within the Business Frontage to enclose a Permit Area for the use of the adjoining business (see page 9)
- r. **Permit Area** – the portion of the Business Frontage that an adjoining business is entitled to use under the provisions of the Permit Program
- s. **Permit Holder** – the registered owner of the business that been approved and continuously maintains a sidewalk patio permit with the City of Kelowna
- t. **Planter** – any freestanding container used for the purpose of displaying vegetation (see page 9)
- u. **Retail Display - small** – a frontage zone used for retail purposes occupying less than 6 feet of building frontage
- v. **Sandwich Board Sign** – a freestanding, self-supporting structure with two boards hinged together, for the purpose of advertising a business or its products and/or services

- w. **Seasonal Patio** – a patio that is in use from May 1st to September 30th
- x. **Sidewalk Café Extension /Roadway Occupancy Permit** – a patio using parallel or angled parking stalls where the total loss of parking is equal or less than 20% of the total parking allocated
- y. **Sidewalk Café Extension Program Guidelines** – guidelines for the construction and use of parallel or angled parking stalls and contained in Part 19
- z. **Sign Bylaw** – means *Sign Bylaw 11530* and any amendments thereto
- aa. **Small Patio** – a frontage zone that is used for food serving purposes (no liquor) that does not exceed 2 small tables and 6 chairs total
- bb. **Stanchion** – a portable, freestanding vertical element supported by a flange or base.
- cc. **Temporary Use Permit** – a permit to use the Business Frontage for a single community based one-off event. Limited to two (2) events, consisting of a maximum of two (2) days each, per year
- dd. **Temporary Bernard Roadway Program** – a temporary patio or retail display located on the Bernard roadway that is in use from July 1st up to the Monday of the September long weekend.
- ee. **The City** – the municipal corporation of the City of Kelowna and registered owner of the sidewalk premises that are to be occupied by the Applicant
- ff. **Traffic Bylaw** – means *Traffic Bylaw 8120* and any amendments thereto

Sidewalk Seating & Retail Display Programs

Three programs are available to businesses wishing to use the public sidewalk for temporary, seasonal, annual usage. All space utilized must meet with the City of Kelowna Sidewalk Seating & Retail Display Program Guidelines:

- a. **Sidewalk Seating & Retail Display (seasonal)** – a sidewalk patio operated by a food/beverage or retail business utilizing the designated frontage zone directly fronting their business.
- b. **Sidewalk Café Extension/Roadway Occupancy Permit (annual)** – a sidewalk extension can be proposed in such cases where a food and beverage businesses (doesn't apply to retail) wishes to provide a sidewalk patio using parallel or angled parking stalls. The Sidewalk Café Extension Program outlines additional requirements and processes for developing these patios.
- c. **Temporary Bernard Roadway Patio & Retail Display** – a patio on the Bernard Avenue roadway by a food/beverage or retail business utilizing the designated roadway fronting their business

Application Requirements

Application Form and Fee:

Applicants shall submit a complete Application Form (Schedule B) and a non-refundable application fee (Schedule A) for new applications. An application fee is not required in subsequent years where a seating facility has been in continuous operation and where the layout and/or design of the facility has not been significantly altered. Any change in business ownership or scope of an existing patio permit will be charged a fee (Schedule A). An application fee is not required for a Sandwich Board Sign, but all signage must be approved by Property Management.

Applicants are cautioned that applications will not be considered complete without the following documents:

- a) **Drawing:** Applicants shall submit:
- i. A plan at 1:100 scale of the proposed patio and surrounding area, including entrances to all buildings, any landscaping, parking zones, bus stop locations, and any existing street furniture and/or appurtenances within a distance measured from 3 meters on either side of the Business Frontage;
 - ii. A list of materials and supplies to be installed in the Permit Area; and
 - iii. A description of signage intended for use on the patio (see Section 16)

Dimensions and area of the patio area must be indicated on the drawing.

- b) **Consultation Process (Schedule C):** Not required for Temporary Use Permit or Retail Display unless intended to expand into an adjacent Business Frontage. Each business using solely their own frontage for a patio will consult neighboring businesses but will not have their application vetoed in the absence of a neighbour's consent. The City reserves the right to not approve an application if there is significant lack of consent:
- i. **Within the establishment frontage:** Building Owners and Permit Holders adjacent to a proposed outdoor seating area will be notified by the Applicant that an application for a patio is being submitted to the City for approval. This notification is intended to give businesses the opportunity to communicate any concerns to the City related to a proposed seating area, so that these concerns might be considered in the design of the proposed seating facility.
 - ii. **Food and Beverage Business Located Above Street Level:** Food and beverage businesses located above street level must have the consent of any business(es) located at street level in the same building whose street frontage coincides with the proposed outdoor seating area. Where a conflict exists between a business above street level and a business at street level who share the same Building Owner, the Building Owner will determine which business will occupy the outdoor seating area. This provision applies regardless of whether the proposed facility would be located immediately adjacent to the building or on the curb side of the sidewalk. Written agreement from such businesses must be submitted to the City as a condition of approval for a permit.
 - iii. **Other Businesses Located Above Street Level:** Other businesses located above street level in the same building whose street frontage coincides with the proposed outdoor seating area must be consulted as a part of the permit process. Where there is a conflict between the businesses in the building, the majority, either in favor or against, will rule. Where there is only one (1) other business in the building and it is against, the Building Owner will determine if the outdoor patio application will be approved. Written approval from the Building Owner must be submitted to the City as a condition of approval for a permit.
 - iv. **Application to Use Vacant Neighboring Frontage:** A business may apply for vacant neighboring frontage by completing and submitting Schedule C to the City. The permission granted in this form may be rescinded by the Business and/or Building Owner at any time.

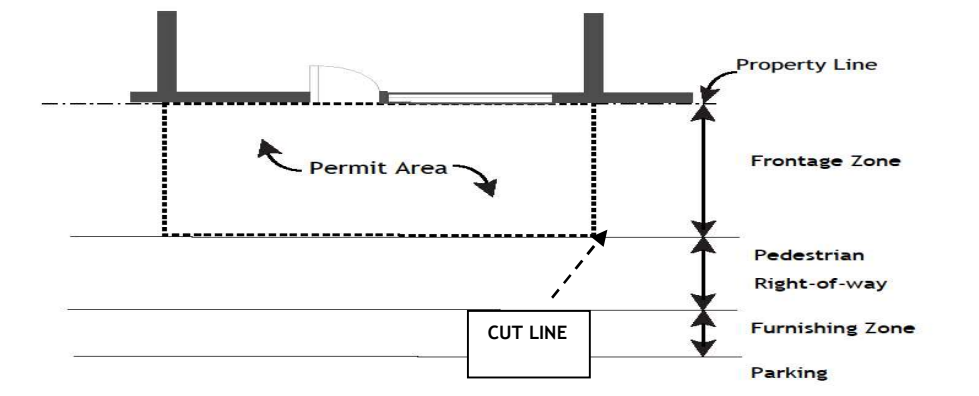
c) **Other considerations:**

- A. No portion of the Pedestrian Right-of-Way or Furnishing Zone may be occupied for any reason;
- B. Patio use must be directly related to the use of the interior space; and
- C. All space utilized must meet with the City of Kelowna guidelines. Consultation with neighboring business owners, as per the Schedule C attachment, is required prior to construction of any patio structure.

Permit Areas

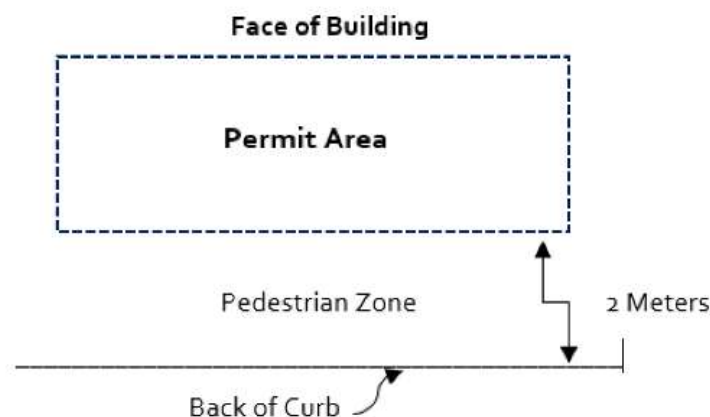
i) **Bernard Avenue Patios**

The Permit Area is measured from the Business Frontage to the cut line.



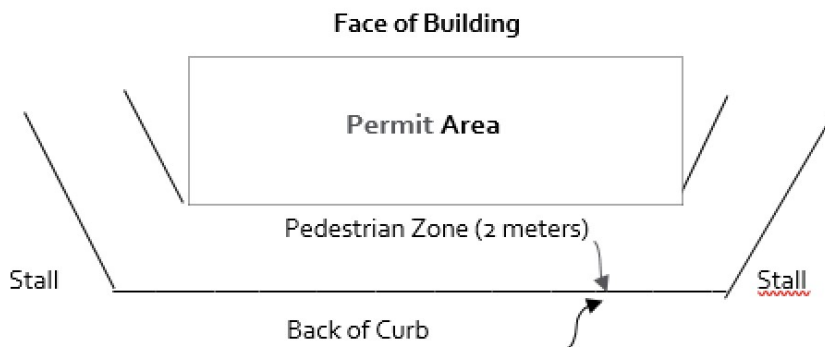
ii) **Sidewalk Seating & Retail Display - All City Areas**

The Permit Area is measured by the width of the Business Frontage and the remainder of the sidewalk less the maintained 2.0 meter straight Pedestrian Right-of-Way from the curb or any structure which could restrict the Pedestrian Right-of-Way to less than 2.0 meters.



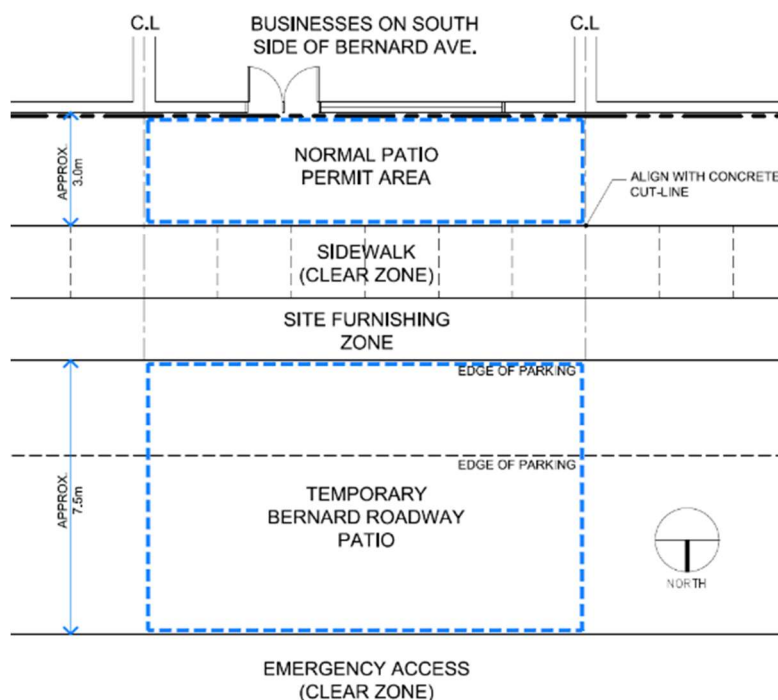
iii) **Sidewalk Café Extension – All City Areas**

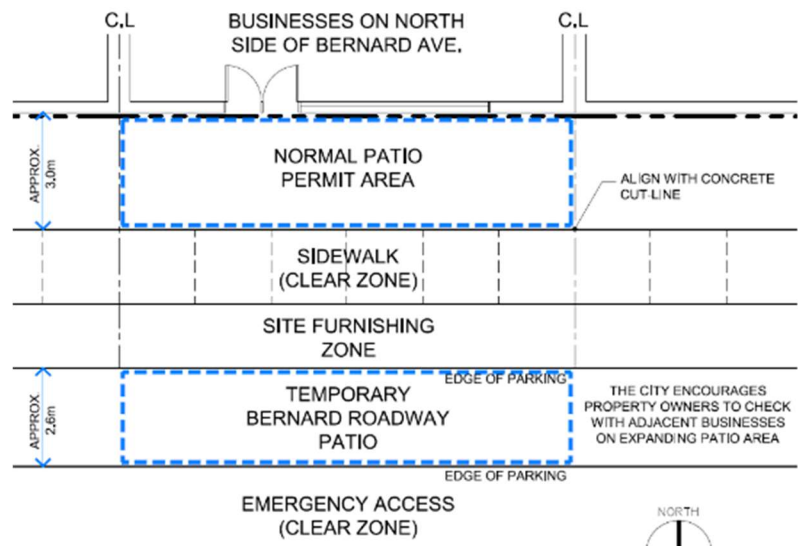
The Permit Area is measured using the exact space taken from on-street parallel or angled parking stalls as the Permit Area, which must be fenced along with the Pedestrian Right-of-Way. A 2.0 meter straight Pedestrian Right-of-Way must be maintained, and the walkway must have gradual “bends” not a sharp 90-degree bend around the Permitted Area.



iv) **Bernard Roadway Patio & Retail Display**

The Permit Area is measured from the back of the curb onto the roadway up to 7.5 meters for businesses on the south side of Bernard or 2.6 meters for businesses on the north side of Bernard. If the furnishing area is wider than normal, such as at intersections, the permit area would be reduced to maintain the 6.0-meter Emergency Access ROW.





Conditions of Use

The following conditions apply to use of the Permit Area:

- a) **Permit Area Surface** – No underfoot surface other than the existing concrete surface is allowed on a sidewalk patio, while the underfoot material for café extensions will be approved on a case-by-case basis. Painting of the surface is prohibited as is an overlay with any material or structure. The surface must always be kept free of debris and materials that could stain or corrode the concrete. Permit Holders are responsible for cleaning and/or repairing any damage to the Permit Area surface.
- b) **Extension of Permit Area** – the Permit Area may extend into an adjacent vacant Business Frontage with written consent from the neighboring Business Owner. Approval must be submitted on Schedule C and submitted with the application. At any time, the neighboring business may terminate the use of the extended Permit Area within their designated Permit Area. Termination is required to be submitted in writing to Property Management and Permit Holder.
- c) **Sandwich Board Sign** – All sandwich board signs must be approved by the City and can only be placed within the Business Frontage keeping the Pedestrian Right-of-Way clear. The maximum dimensions of any Sandwich Board Sign are 760 mm (30 in.) wide x 915 mm (36 in.) high, and the maximum height is 950 mm. (37 in.) above the Permit Area surface. There are no restrictions on sign messages, fonts, or colors. Sandwich Boards Signs must be removed from the Permit Area when not in active use, e.g. when the business is closed. Only one Sandwich Board Sign is permitted per Business Frontage and must be placed no further than 18" from the Business Owner's property line. All sandwich boards require a Certificate of Insurance to be completed and submitted to the City.
- d) **Planters** – must contain living, healthy plant materials; plants and planters must be maintained in a presentable condition and any debris that falls onto the Permit Area or Pedestrian Right-of-Way surface must be collected and disposed of by the Permit Holder. Planters with seasonal vegetation must be removed from the Permit Area when the vegetation has passed its period of prime growth. There are no restrictions on planter materials, colors, shapes, or sizes. However, Permit Holders are encouraged to use discretion in the selection of plant materials. Plants that have thorns or brambles or that otherwise could inadvertently cause injury to patrons or pedestrians should be avoided. Planters must be installed in a way that minimizes any negative impact to the underfoot surface. Maximum height of planter 0.9m, maximum length 1.0 m. Height of planter and plant material not to exceed 1.5 m in height. All plant material must be kept under the maximum height at all times. The City reserves the right to remove plant materials and planters deemed to be a risk to public safety.
- e) **Perimeter Structures** – Permit Holders who are Food and Liquor Primary licensees must encompass the outdoor seating area with a Perimeter Structure as per the terms set out by the Liquor and Cannabis Regulation Branch. Any structure within a Permit Area must be approved by the City and meet the standards set out in the B.C. Building Code, if applicable. The Permit Area extends vertically upward, therefore no overhang shade structures, plant material, or signage is permitted.



- i. **Securing in place** – Perimeter Structures must be stable and securely fastened into place. Only Perimeter Structures are allowed to be secured to the Permit Area surface. Any holes in the Permit Area surface must be repaired at such time as the structure is removed.



- ii. **Height** – the height of any Perimeter Structure must be between 850 and 950 mm. (33 to 37 in.) above the Permit Area surface.


- iii. **Materials** – acceptable Perimeter Structure materials are wrought iron, galvanized steel, stainless steel, aluminum, tempered glass, glass block, wood S4S, and natural and coated fabrics. Lexan and equivalent polycarbonate plastics, tightly woven metal mesh, and stamped, etched, or perforated metal panels are also acceptable. Plastic composite materials are acceptable only as structural/framing components. Natural and cultured stone can be used for piers and plinths but not as wall applications. Planters and stanchions can also be used to enclose or demarcate Permit Areas.

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

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

No advertising may be etched, painted, hung or otherwise added to the Perimeter Structure.

- iv. **Visual Permeability** – materials that allow a high degree of Visual Permeability are preferred (e.g., glass or wrought iron).
 - v. **Visual Interest** – detailing of the Perimeter Structure is encouraged to provide visual interest and to help animate the street. Vegetation incorporated as part of a Perimeter Structure is considered a means of adding visual interest.
 - vi. **Temporary Bernard Roadway Patios** - Permit Holders may utilize rented metal fencing approved by the City's Property Management department. When utilizing temporary metal fencing, plastic safety ramps must be used for the base footing of the fencing on the Pedestrian Right-of-Way side to ensure there are no trip hazards. For all Permit Holders who are not Food and Liquor Primary licensees, enclosure of the Permit Area with a Perimeter Structure or demarcation with Planters, Stanchions, or other free-standing elements is optional.
- f) **Drinkware** – Permit Holders, who are Food and Liquor Primary Licensees, must serve beverages in plastic drinkware when it is to be consumed within a Temporary Bernard Roadway Patio. Glass drinkware will continue to be allowed within a normal patio Permit Area adjacent to the business frontage. Other Permit Areas may be allowed or denied use of glass drinkware at the discretion of City staff.

- g) **Liquor Service** – Permit Holders who are Food and Liquor Primary Licensees shall not allow any person other than employees to transfer liquor between the establishment and the Temporary Bernard Roadway Patio.
- h) **Shoplifting Prevention** – Permit Holders are advised to implement appropriate security measures to deter and prevent shoplifting, such as: managing adequate staffing levels to monitor merchandise, use of security cables and maintaining clear sight lines to merchandise displayed within Permit Areas.
- i) **Furnishings and Equipment** – other than portable outdoor heaters, all Furnishings and Equipment must be removed from the Permit Area when not in Active Use, e.g. when the Permit Holder's business is closed. When not in Active Use, Furnishings and Equipment of a seasonal nature must also be removed from the Permit Area. Furnishings must be of high quality and durability and approved by the City.
- j) **Projections into the Pedestrian Right-of-Way Not Permitted** – Perimeter Structures as well as any Furnishings and Equipment, e.g. awnings and umbrellas must maintain a minimum 75 mm (3 in.) clearance from the adjoining Pedestrian Right-of-Way. This provision does not apply to any Stanchion, pier, or other vertical structural or framing member provided such components do not project into the Pedestrian Right-of-Way. Planters and Sandwich Board Signs must maintain a minimum 300 mm (12 in.) clearance from the adjoining Pedestrian Right-of-Way.
- 
- k) **Access/Egress from Permit Area** – Permit Holders must provide and maintain wheelchair access to and within the Permit Area. Access through the Permit Area to the building interior for emergency services must also be maintained. Gates or other components of a Perimeter Structure that restrict access to, or egress from the Permit Area are not allowed, unless specified by the Permit Holder's liquor license.
- l) **Overhead Structures Not Permitted** – overhead structures, e.g., trellises, canopies, etc., whether freestanding or attached to a building or Perimeter Structure, are not allowed. Slender, metal poles to hold decorative lights is the only exception and must be approved by the City of Kelowna – see requirements for lighting support under Outdoor Lighting, page 12. This provision does not apply to awnings that come under the jurisdiction of *Sign Bylaw No. 8235*, and Building Bylaw No. 7245. For the purpose of projection dimension, an awning over a Permit Area must not be less than one meter (1m) from the Permit Area boundary.
- m) **Menu Boards** - Signs/signage within the Permit Area is restricted to Menu Boards. The maximum size of Menu Boards is 760 mm (30 in.) wide x 915 mm (36 in.) high. Menu Boards can project to a height of 1,525 mm (60 in.) above the Permit Area surface when supported by a freestanding structure such as an easel. Menu Boards may not lean against a Perimeter Structure, Equipment and Furnishings, or a Planter:
- i. Menu Boards may be electrically illuminated, e.g. backlit or with pendant lighting. Electrical connections for such purposes cannot be served by extension cords or other temporary connections and must not be visually obvious.

- ii. The above stipulations are in addition to any provisions of *Sign Bylaw No. 8235*.
- n) **Colours** – there are no restrictions on the colours that may be used with regard to any component of a Perimeter Structure, Furnishings or Equipment, Planters, Sandwich Boards or menu boards within the Permit Area.
- o) **Outdoor Heating** – Portable heaters for seasonal use are acceptable provided they meet the terms and conditions of any agency having jurisdiction over their use. Outdoor heaters are considered to be Furnishings and Equipment. Outdoor heaters are not allowed under a tree canopy.
- p) **Outdoor Lighting** – Outdoor decorative lighting may be electrical or solar-powered and installed on a non-flammable vertical support, securely fastened to the patio Perimeter Structure and must be approved by the City of Kelowna. Outdoor lighting to be supported only by a frame assembly, no solid panel or trellis components permitted. Lighting should not spill over to the adjacent Pedestrian Right-of-Way or adjacent patios. Electrical source is to be an outlet, meeting BC Electrical Code, located on the exterior of the building façade.
- q) **Special Events** – in conjunction with a single Special Event, flags, pennants, banners, bunting, and other decorative features and elements are allowed as per the terms of *Sign Bylaw No. 8235*.
- r) **Maintenance** – Perimeter Structures, Equipment or Furnishings, Planters, and Sandwich Board Signs must be inspected regularly and maintained in a safe and presentable condition. Any loose or protruding parts, peeling or bubbling paint or stain, and splinters, burrs, and sharp or jagged edges must be removed.
- s) **Cleaning** – The Permit Holder shall remove all trash from the Permit Area on a regular basis during business hours, and shall keep the Permit Area in a clean, orderly, litter-free and hazard-free condition:
 - i. The Permit Holder shall remove litter from the abutting properties which may have come from the Permit Area.
 - ii. The Permit Holder shall not place any solid waste in the City solid waste containers.
 - iii. The Permit Holder will regularly power wash the Permit Area to remove soil and grease.

Changes to Permit Area

Any Permit Holder proposing physical changes to an existing outdoor seating area must re-apply. The application must include plans and any elevations describing the proposed changes. An application fee (Schedule A) must be submitted along with an updated Certificate of Insurance, and the existing security deposit held by the City as part of the initial application will continue to apply.

Permit Fee

The permit fee has been informed by an independent appraisal and considers the market value of the occupied City-owned real estate. The appraisal recommends that an Adjustment Factor be applied. Patios closer to the lake are most valuable. As the patios move further from waterfront, they become less valuable and therefore should be charged less for their use. Future increases will be at the rate of inflation as determined by the BC All Items Consumer Price Index or a five (5) year rent review at the discretion of the City. Monthly and annual permit fees will be paid through the City's Pre-Authorized Debit program. The City may, at their discretion,

revoke permits where accounts are outstanding in excess of 30 days. Refer to Schedule A1 – A4 for the applicable fees.

- a) **Sidewalk Seating & Retail Display (seasonal)** will be invoiced July 1st of each year for a period of 5 months. All new seasonal patios must be prepaid before a permit is issued. Seasonal Patios used one month prior to May 1st or one month after September 30th will be at the Permit Holder's discretion and will not be charged. Patio use beyond these times will be assessed as an Annual Patio. There are no refunds for patios used less than the 5-month season.
- b) **Sidewalk Café Extension/Roadway Occupancy Permit (annual)** rates are determined on a monthly basis and will be invoiced every quarter.
- c) **Pro-rated Patio Permits** will begin invoicing on the date a permit is granted.
- d) **Application Fees** are be applicable as per Schedule A
- e) **Discount** for the first-year rent is due, the following discounts may apply:
 - Patios that are constructed for less than \$2,500 receive \$0 credit
 - Patios that are constructed for more than \$2,500 but less than \$5,000 receive a 50% credit
 - Patios that are constructed for more than \$5,000 receive a 100% credit

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

New patio application permit fees will be payable upon application. Once approved the permit fee will be invoiced and must be paid within 30 days of the invoice date.

Permit Period

The permit period will depend on the type of permit issued:

- i) **Seasonal Permits** are effective from May 1 to September 30th each year.
- ii) **Annual Permits** for the use of approved parking stalls are effective from January 1 to December 31 each year.
- iii) **The Temporary Bernard Roadway Permit** is effective from July 1 to the Monday of the September long weekend. There is no option to renew this permit after the expiry date.

Permit Holders are required to remove all Furnishings and Equipment from the Permit Area during the period the patio is not actively used.

Reduced Fee for New Facilities on Lawrence and Leon Avenue

The permit fee will be reduced by 50% for all seating areas located on Lawrence and Leon Avenue. The reduced fee will apply to the first year of operation. If the Permit Holder received the full discount due the cost of construction, this 50% discount would apply in the second year of operation.

Obligation to Maintain Permit Area

Permit Holders are required to keep all surfaces associated with the Permit Area free of debris and snow and must provide secure footing in all weather conditions. Permit Holders are still required to keep the Business

Frontage and Pedestrian Right-of-Way in front of their business, free and clear of snow and ice regardless of their use of the Business Frontage for patio purposes as per *Traffic Bylaw No. 8120*, Part 2, Section 2.5.1.

Patios must be power washed regularly, and the Permit Holder may also be asked to power wash their patios at more frequent intervals if the area becomes unsightly, at the discretion of the City.

Smoking and cooking is not permitted in the Permit Area.

Hold Harmless /Indemnification

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

Risk

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

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

Enforcement

Year-round enforcement with increased emphasis on enforcement during the summer months. It is expected that all guidelines will be followed without instruction, and that any corrective action be taken immediately upon request.

- a) With the exception of a breach of the terms related to insurance coverage (see below), where a Permit Holder is in breach of the terms of the program, the Permit Holder will be notified in writing and given ten (10) business days from the date of postmark, or five (5) days from the date of hand delivery, to comply with the terms of the program.
- b) If compliance is not forthcoming within this time, cancellation of the permit will be effective immediately, and the business will be notified in writing and given three (3) business days from the date of postmark, or one (1) day from the date of hand delivery, to remove tables and chairs and all associated structures.

- c) If the facility is still in place at the end of the specified time period, the business's damage deposit will be forfeited and the City will remove chairs, tables, and all other items within the confines of the Permit Area belonging to the business, as well as remove any structures assembled in conjunction with the Permit Area. These items will be stored at the owner's expense and the City will follow its standard procedure for dealing with seized goods. The Permit Holder will be billed for the costs of seizure, teardown, removal and storage that exceeds the value of the damage deposit. Where the costs of seizure do not exceed the value of the damage deposit, the balance will be refunded.
- d) The Permit Holder will be required annually to submit a Certificate of Insurance showing proof of insurance. Failure to submit the required documentation may result in cancellation of the permit and trigger the enforcement procedure outlined above.
- e) Where an unpaid amount is outstanding with respect to the seizure and storage of seats, tables, or structure and the security deposit has been forfeited, the former Permit Holder shall be prohibited from applying for a new permit for a period of one (1) year and until the outstanding balance has been paid. Any assets seized will be sold and the proceeds will be used to offset outstanding balances.

Non-transferability of Permit

The permit is not transferable. A permit must be taken out by the Business Owner will authorize them to occupy the Permit Area. Only the Business Owner named in the permit is allowed to occupy the area described in the permit.

Cancellation of Permit by City of Kelowna

Should the City require the use of the Permit Area for any reason, the City may cancel the permit. The City shall give the Permit Holder at least 24 hours written notice of such cancellation, except in the case of an emergency, when the City may order that the outdoor seating facility be vacated, and if deemed necessary by the City, any structure(s) removed, until further notice.

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

Patio code violations will be responded with timed amelioration notices, and those not compliant will have their patios deactivated by Bylaw Services and the Real Estate department. In such a case, failure to remove patio equipment will result in seizure and storage at the Permit Holder's expense, first using the security deposit and then billing additional costs to the owner.

Entertainment and Hours of Operation within Approved Patios

- a) A Permit Holder may not permit, make or cause any noise within the Permit Area that is liable to disturb the quiet, peace, rest, enjoyment comfort or convenience of individuals or the public. The City of Kelowna *Good Neighbor Bylaw No. 11500, Part 7* will apply at all times.
- b) A Permit Holder may operate the patio from 8:00 am until 11:00 pm, 7 days per week. All patrons must leave the Permit Area by 12:00 am. A patio will not be occupied past midnight for any reason. Last call for alcoholic beverages is 10:30 pm. All alcoholic beverages must be removed from the Permit Area by 11:00 pm.

Signage

Advertising and identification signage must be limited to the name of the business and/or a discrete menu board and must comply with the provisions of the City of Kelowna *Sign Bylaw No. 8235*. Tabletop umbrellas with the Permit Holder's business name printed thereon or name(s) of products sold at the premises are allowed. No advertising is permitted on the Perimeter Structure. Proposed signage should be submitted as part of the application package. All subsequent additions and changes in signage after issuance of a permit must be approved by the City.

Additional Considerations

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

Permits for Outdoor Seating Areas in Laneways

Permits for outdoor seating areas in lanes may be allowed, staff will evaluate the use of the lane for purposes that do not restrict access for pedestrians or restrict or compromise access for deliveries or emergency services vehicles. If a lane is closed to vehicles, a minimum 2.0-meter-wide access route must be maintained for pedestrians.



Sidewalk Café Extension Program Guidelines

A permit may be issued for a sidewalk patio to occupy a portion of roadway by absorbing the parking stalls of a maximum depth of two and a half (2.5) meters from the face of the curb in areas with on-street parallel parking or to a maximum depth of four (4) meters from the face of the curb in areas with on-street angle parking. Use is limited to businesses engaged in food and beverage service.

In all cases the occupancy of the Permit Area must conform to the sight lines established in Section 2.2, and Part 7 of the City of Kelowna *Traffic Bylaw 8120*.

a) **Decommissioning of Parking Stalls:**

A permit may be issued to occupy a minimum of one (1) and a maximum of two (2) parallel parking stalls or a minimum of two (2) and a maximum of three (3) angle parking stalls.

The maximum number of stalls that may be occupied by all permit holders in a block, that contains 10 or more parallel parking stalls, or 20 or more angle parking stalls, on both sides of the street from

intersection to intersection, is 20% of the total number of parking stalls, excluding handicapped parking stalls and loading zone stalls.

Where an application would result in more than 20% of parking spaces on a block being taken out of use, e.g.: where existing outdoor seating areas have used up the available parking spaces, City staff will review the parking demand for the block in question. A permit will be allowed where an additional sidewalk seating area is not deemed to significantly impact the availability of short-term parking and/or where the anticipated benefit of the additional seating area is deemed to outweigh any loss of on-street parking.

Where a permit is denied, the Applicant has the option of making an appeal to the Parking Services Manager.

b) Additional Requirements for Sidewalk Café Extensions

In addition to the application requirements outlined, the following requirements must be included with the application and drawing submission:

- i. A section through any proposed ramps; and
- ii. Details showing a minimum 4" drainage system at the curb.

Applicants are cautioned that applications will not be considered complete without the required information under parts i and ii above.

c) Design and Construction Guidelines for Sidewalk Café Extensions

In addition to the requirements for a standard sidewalk patio, the following requirements are intended to assure the safety of patrons and the public, encourage accessibility for all individuals, and provide a facility that enhances the visual qualities of the streetscape:

- i. The Permit Area can be comprised of more than one level with the top of deck not more than 0.3 meters above the top of the adjoining sidewalk. The Permit Area must provide a non-slip, all-weather surface; use of carpeting is prohibited. Where wood planking is used, the Applicant is cautioned to ensure that cupping and flexing of wood members under the weight of pedestrian traffic does not create a tripping hazard. Planking must conform, at minimum, to the provisions of the B.C. Building Code;
- ii. Details showing a minimum 4" drainage system at the curb
- iii. A fence must separate the Permit Area from the roadway and adjacent parking stalls, be free-standing and not anchored to the sidewalk or roadway;
- iv. The fence must be 42" high, compliment the interior fence separating the Permit Area from the Pedestrian Area, which must be a minimum of 2.0 Meters wide.

Schedule A

Sidewalk Seating & Retail Display Program Fee Schedule

Application Fees Until 2023:

New Applications	\$300
Change in Scope	\$180
Security Deposit	\$500
Temporary Use Permits / Sandwich Boards	N/C
One-time discount for new patios based on construction value – (Refer to Permit Fee, page 12	
Lawrence/Leon One-time reduction for 1 st or 2 nd year's fees = 50% reduction – (Refer to Reduced Fee, page 13)	

Application Fees 2020 & 2021 only:

New Applications	\$100
Change in Scope	\$100
Security Deposit	\$500
Temporary Use Permits / Sandwich Boards	n/a
Temporary Bernard Roadway Patios using Modu-Loc premium black VIP fencing, approved by Property Management will receive a \$500 credit	

Downtown – Schedule A-1

- Excludes Bernard Avenue
- Abbott to Water
- Water to Ellis
- Ellis to St. Paul
- St. Paul to Richter

Bernard Avenue – Schedule A-2

- 200-300 Block
- 400 Block
- 500-550 Block
- 560-600 Block

Pandosy Village – Schedule A-3

- Cadder Avenue to Lakeshore Road
- Okanagan Lake to Richter Street

Rutland Town Centre – Schedule A-4

- Hwy 97 N to Prior Rd. North & South
- McIntosh Road to Jerome Road

Schedule A-1

Downtown Area Patio Fees (excluding Bernard Avenue)

The following fees will be reduced by 50% for 2020 and 2021.

Abbott to Water	2019 - 2023	
	Seasonal	Annual
Small Patio / Limited Scope Retail	\$535.50	n/a
*Large Patio / Food only or Large Scope Retail (per square foot)	\$4.20/sf	\$10.08/sf
*Large Patio - Food and Liquor (per square foot)	\$8.40/sf	\$20.16/sf

Water to Ellis	2019 - 2023	
	Seasonal	Annual
Small Patio / Limited Scope Retail	\$382.50	n/a
*Large Patio / Food only or Large Scope Retail (per square foot)	\$3.00/sf	\$7.20/sf
*Large Patio - Food and Liquor (per square foot)	\$6.00/sf	\$14.40/sf

Ellis to St. Paul	2019 - 2023	
	Seasonal	Annual
Small Patio / Limited Scope Retail	\$325.50	n/a
*Large Patio / Food only or Large Scope Retail (per square foot)	\$2.55/sf	\$6.12/sf
*Large Patio - Food and Liquor (per square foot)	\$5.10/sf	\$12.24

St. Paul to Richter	2019 - 2023	
	Seasonal	Annual
Small Patio / Limited Scope Retail	\$249	n/a
*Large Patio / Food only or Large Scope Retail (per square foot)	\$1.95/sf	\$4.68/sf
*Large Patio - Food and Liquor (per square foot)	\$3.90/sf	\$9.36/sf

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

Schedule A-2

Bernard Avenue Patio Fees

The following fees will be reduced by 50% for 2020 and 2021.

200 Block	2019 - 2023
Small Patio / Limited Scope Retail	\$714
*Large Patio / Food only or Large Scope Retail (per square foot)	\$5.60/sf
*Large Patio - Food and Liquor (per square foot)	\$11.20/sf

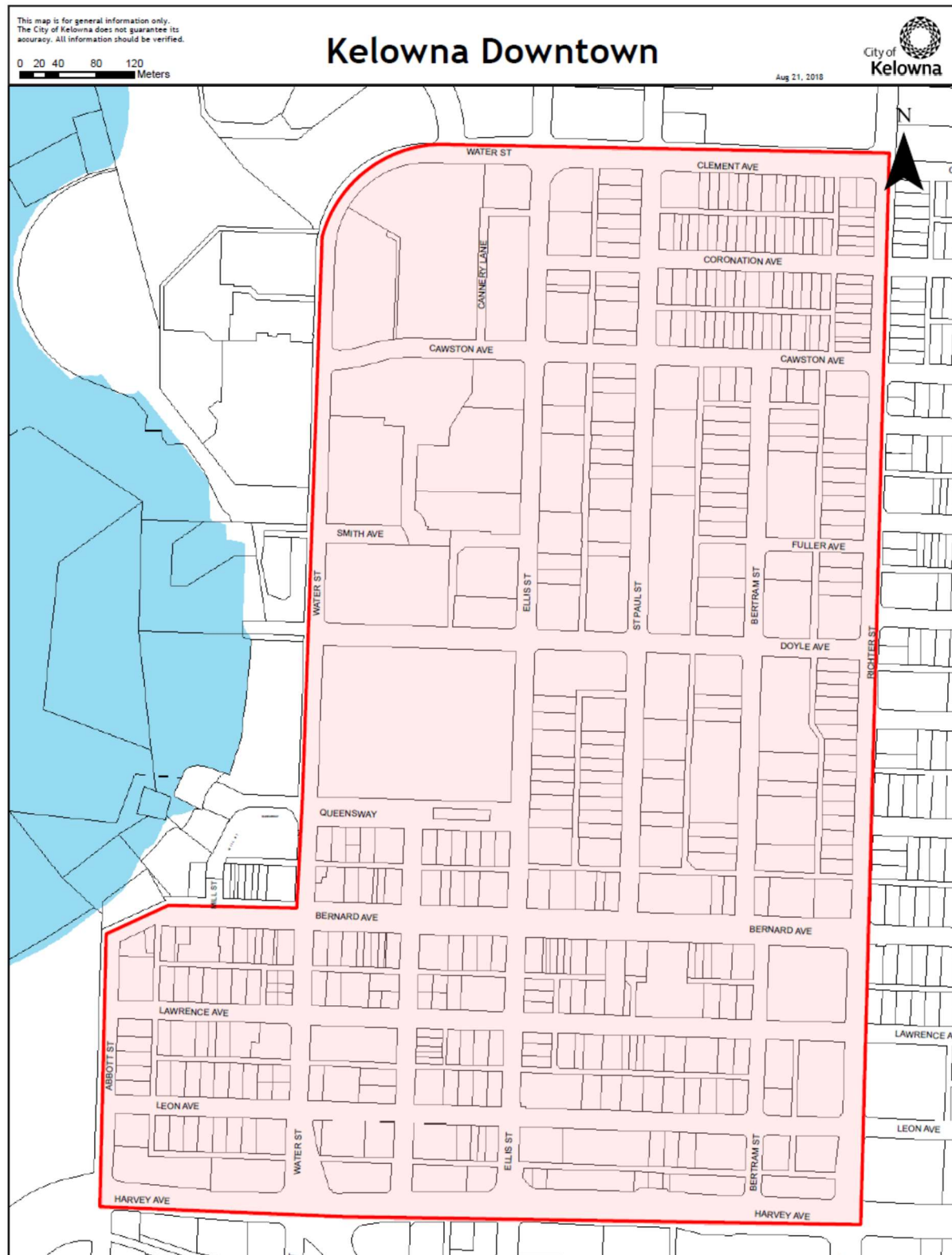
300 – 400 Block	2019 – 2023
Small Patio / Limited Scope Retail	\$510
*Large Patio / Food only or Large Scope Retail (per square foot)	\$4.00/sf
*Large Patio - Food and Liquor (per square foot)	\$8.00/sf

500 Block	2019 – 2023
Small Patio / Limited Scope Retail	\$434
*Large Patio / Food only or Large Scope Retail (per square foot)	\$3.40/sf
*Large Patio - Food and Liquor (per square foot)	\$6.80/sf

560 Block	2019 - 2023
Small Patio / Limited Scope Retail	\$332
*Large Patio / Food only or Large Scope Retail (per square foot)	\$2.60/sf
*Large Patio - Food and Liquor (per square foot)	\$5.20/sf

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

Map of Downtown Patio Zone



Schedule A-3

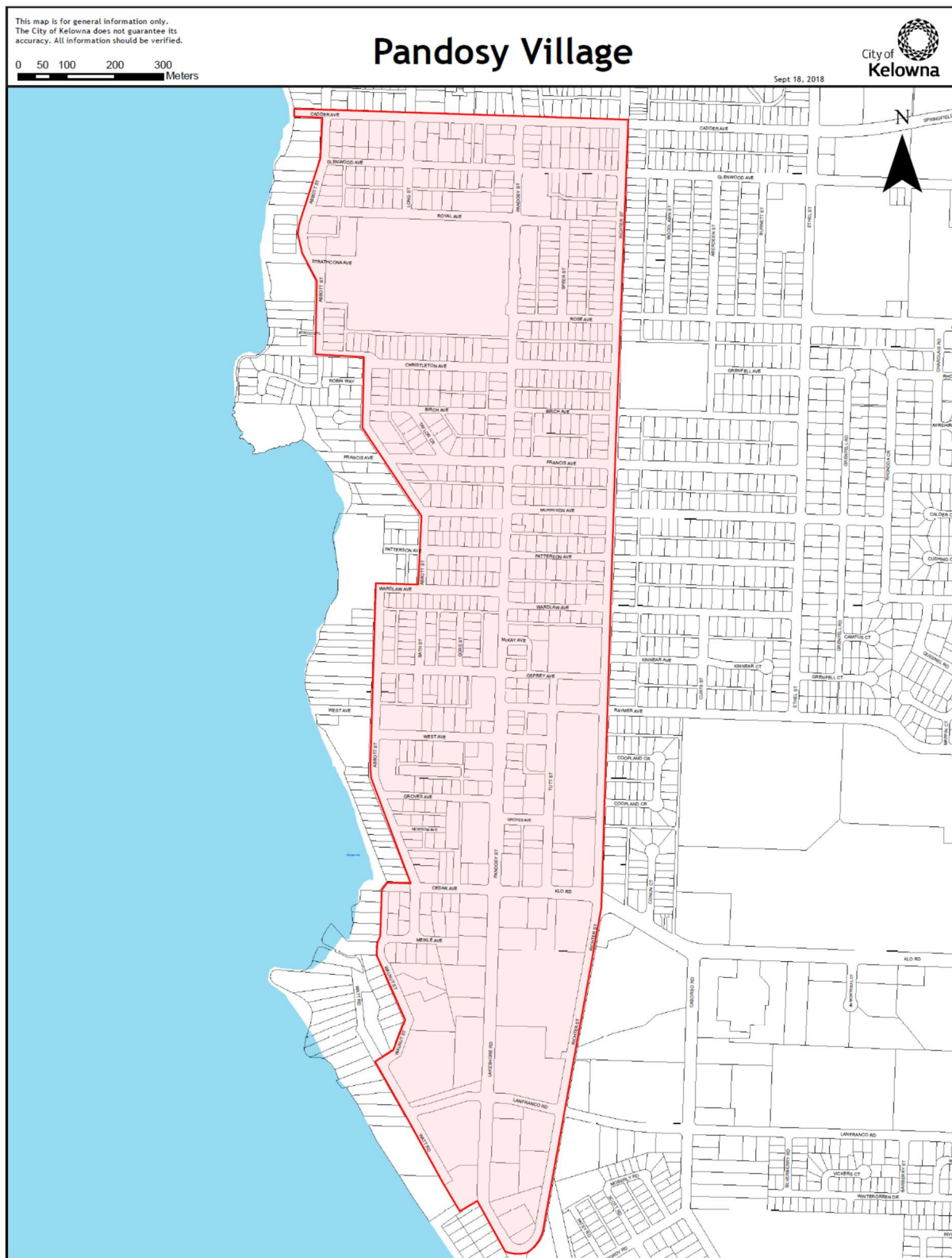
Pandosy Village Patio Fees

The following fees will be reduced by 50% for 2020 and 2021.

Pandosy Village - All Areas	2019 - 2023	
	Seasonal	Annual
Small Patio / Limited Scope Retail (Annual Fee)	\$510	n/a
*Large Patio / Food only or Large Scope Retail (per square foot)	\$4.00/sf	\$9.60/sf
*Large Patio - Food and Liquor (per square foot)	\$8.00/sf	\$19.20/sf

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

Map of Pandosy Village Patio Zone



Schedule A-4

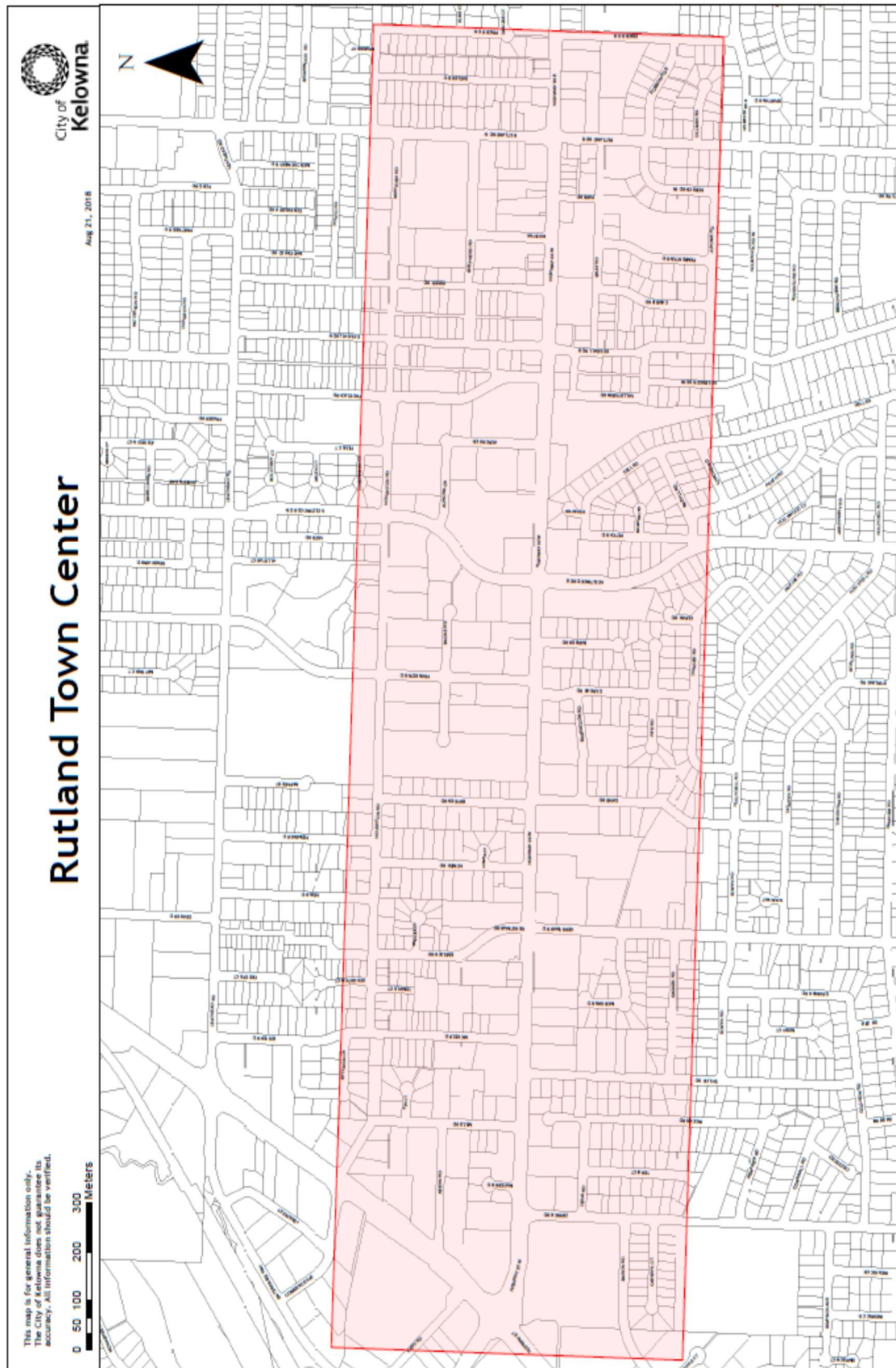
Rutland Town Center Patio Fees

The following fees will be reduced by 50% for 2020 and 2021.

Rutland Town Center - All Areas	2019 - 2023	
	Seasonal	Annual
Small Patio / Limited Scope Retail (Annual Fee)	\$255.00	n/a
*Large Patio / Food only or Large Scope Retail (per square foot)	\$2.00/sf	\$4.80/sf
*Large Patio - Food and Liquor (per square foot)	\$4.00/sf	\$9.60/sf

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

Map of Rutland Town Center Patio Zone



Schedule B



Property Management
1435 Water Street
Kelowna, BC V1Y 1J4
250 862 8610
kelowna.ca

Sidewalk Patio Program Application

APPLICATION FORM

Business Operating Name:	
Legal Business Name:	
Applicant's Name:	
Nature of Business (restaurant, café, clothing store, etc.):	
Business Address:	
Billing Address:	
Phone Number:	Email:
Is the business currently participating in the Sidewalk Patio Program?	YES <input type="checkbox"/> NO <input type="checkbox"/>
Will the patio be licenced?	YES <input type="checkbox"/> NO <input type="checkbox"/>
What is the timing of the desired patio?	
Is the patio temporary for the summer 2021 or is this request for a permanent patio?	Temporary <input type="checkbox"/> Permanent <input type="checkbox"/>
Will you only be requesting the use of the frontage in front of your business?	YES <input type="checkbox"/> NO <input type="checkbox"/>
If no, have you consulted with your neighbour to use some frontage in front of their business? Please explain:	

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

Applicants Signature:	Date:

Personal information on this form is collected under the authority of the Freedom of Information and Protection of Privacy Act R.S.B.C. 1996, c. 165 and is necessary for the administration and operation of this program. Questions about the collection of this information to be directed to:
Manager, Property Management, City Hall, 1435 Water Street Kelowna BC V1Y 1J4 (250) 862-8610.

Schedule C

Adjacent Building and/or Business Owner - Consultation of Sidewalk Patio:

Name: _____

Business Name: _____

Own ☐

Operate ☐

Address: _____

Telephone: _____

Email: _____

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

I/We ☐ do not object ☐ object

Date: _____ Signature: _____

Comments: _____

Adjacent Building and/or Business Owner - Permission to Use Their Vacant Patio Area:

Building/Business Owner: _____

Address: _____

Telephone: _____

Email: _____

I/We understand that _____ is requesting to use My/Our vacant patio as part of the City of Kelowna's Patio Program. I/We have seen the proposed plans that are attached and understand that the seating will utilize the sidewalk identified in the application on a seasonal or annual basis. I/We acknowledge that I/we may rescind this permission at any time to the City of Kelowna with immediate effect.

Date: _____ Signature: _____

Comments: _____

Schedule D



CERTIFICATE OF INSURANCE

City staff to complete prior to circulation

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

Insured

Name:
Address:

Broker

Name:
Address:

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

--

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

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

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

Print Name _____

Title _____

Company (Insurer or Broker) _____

Signature of Authorized Signatory _____

Date _____

Schedule D-1

Insurance Requirements

1. **Permit Holder to Provide**

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

2. **Insurance**

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

- 2.1. Worker's Compensation Insurance covering all employees of Permit Holder engaged in the Work or Services in accordance with the statutory requirements of the province or territory having jurisdiction over such employees.
- 2.2. Comprehensive General Liability Insurance
 - 2.2.1. Providing for an inclusive limit of not less than \$2,000,000 for each occurrence or accident;
 - 2.2.2. Providing for all sums which the Permit Holder shall become legally obligated to pay for damages because of bodily injury (including death at any time resulting therefrom) sustained by any person or persons or because of damage to or destruction of property caused by an occurrence with the Permit;
 - 2.2.3. Including coverage for Products/Completed Operations, Blanket Contractual, Permit Holder's Protective, Personal Injury, Contingent Employer's Liability, Broad Form Property Damage, and Non-Owned Automobile Liability;
 - 2.2.4. Providing for Completed Operations Liability to continue for a period of 24 months after total completion of any work or operations or any part of any work or operations related in any way to the Permit or the Outdoor Seating area and activities or operations related in any way to the area;
 - 2.2.5. Including a Cross Liability clause providing that the inclusion of more than one Insured shall in no way affect the rights of any other Insured hereunder, in respect to any claim, demand, suit or judgement made against any other Insured;
 - 2.2.6. The deductible related to property damage and/or bodily injury shall not exceed \$5,000.
- 2.3. Automobile Liability Insurance covering all motor vehicles, owned, operated and used or to be used by the Permit Holder directly or indirectly in the performance of the use of the Permit. The Limit of Liability shall not be less than the \$2,000,000 inclusive, for loss or damage including personal injuries and death resulting from any one occurrence.

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

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

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

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

5. **Certificates of Insurance**

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

6. **Other Insurance**

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

7. **Additional Insurance**

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

8. **Insurance Companies**

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

9. **Failure to Provide**

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

10. **Non-payment of Losses**

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



Sidewalk Seating (Public Lands) Fee Reduction

April 12, 2021



Discussion

- ▶ Sidewalk Seating Program (*on public lands*) fees are based on appraisal to ensure they transact at fair market value.
- ▶ Social distancing guidelines create a 50% reduction in seating capacity.
- ▶ Staff recommend a 50% reduction in 2021's fees to align with the reduced seating capacity.

Note: The planning department has as process to review and approve request to use private lands, ie, side yards or parking lots, to create a temporary patio areas.



"The City's actions align with strategic objectives to achieve a range of short and long-term benefits for the municipality and the residents of Kelowna."
City of Kelowna Land Strategy



Questions?

For more information, visit kelowna.ca.

CITY OF KELOWNA

BYLAW NO. 12210

Amendment No. 40 to Traffic Bylaw No. 8120

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Traffic Bylaw No. 8120 be amended as follows:

1. THAT **SCHEDULE "A" FEES, PART 7 – SIDEWALK/ROADWAY OCCUPANCY PERMITS, Subsection 7.1.2 & 7.2.2 Application Fees** be amended by deleting the following:

Downtown Area, Bernard Avenue, Pandosy Village and Rutland Town Center Consolidated Sidewalk Program Application Fees for 2020:

New Applications	\$100
Change in Scope – Active Permits	\$100
Security Deposit	\$500
Temporary Use Patio Permits/Sandwich Boards	N/C
<i>Temporary Bernard Roadway Patios using Modu-Loc fencing will receive a \$500 reduction</i>	

The following fees under sub-sections a), b), c) and d) will be reduced by 50% per square footage for 2020.

and replace it with:

Downtown Area, Bernard Avenue, Pandosy Village and Rutland Town Center Consolidated Sidewalk Program Application Fees for 2021:

New Applications	\$100
Change in Scope – Active Permits	\$100
Security Deposit	\$500
Temporary Use Patio Permits/Sandwich Boards	N/C
<i>Temporary Bernard Roadway Patios using Modu-Loc fencing will receive a \$500 reduction</i>	

The following fees under sub-sections a), b), c) and d) will be reduced by 50% per square footage for 2021.

2. This bylaw may be cited for all purposes as "Bylaw No. 12210, being Amendment No. 40 to Traffic Bylaw No. 8120."
3. 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

Adopted by the Municipal Council this

Mayor

City Clerk

Report to Council



Date: April 12, 2021
To: Council
From: City Manager
Subject: 2021 School Trustee By-Election Officer Appointments
Department: Office of the City Clerk

Recommendation:

THAT Council receive, for information, the report from the Office of the City Clerk, dated April 12, 2021 regarding the 2021 School Trustee By-Election Officer Appointments;

AND THAT Council appoint Laura Bentley, Deputy City Clerk as Chief Election Officer for the 2021 School Trustee By-Election;

AND THAT Council appoint Corinne Boback, Legislative Coordinator Confidential and Stephen Fleming, City Clerk as Deputy Chief Election Officers for the 2021 School Trustee By-Election;

AND FURTHER THAT the Chief Election Officer be authorized to enter into agreements with relevant third parties for the purposes of conducting the 2021 School Trustee By-Election.

Purpose:

To appoint the Chief Election Officer and Deputy Chief Election Officers for the 2021 School Trustee By-Election.

Background:

On March 11, 2021 the Central Okanagan Board of Education gave notice to the City of Kelowna that a by-election is required to fill the vacancy on the Board following the passing of Trustee Rolli Cacchioni. Council must appoint a Chief Election Officer within 30 days of this notice.

In preparation for the 2021 School Trustee By-Election, on March 22, 2021 Council directed staff to submit a request to the Minister of Education for an order allowing mail ballot voting for all electors and allowing certain declarations to be made orally. Council adopted Bylaw No. 12192 2021 By-Election Procedures and Bylaw No. 12195 Amendment No. 2 to Automated Voting Machines Authorization Bylaw No. 10970 on March 29, 2021.

Discussion:

The Chief Election Officer ensures the by-election is conducted in accordance with the *Local Government Act* and the *School Act*, with responsibility for nominations, voting, and election results. Staff from the Office of the City Clerk will perform the duties of the Chief Election Officer and Deputy Chief Election Officers. Elections BC administers campaign financing and advertising rules.

For a trustee by-election conducted by a municipality, the Board must reimburse the municipality for the costs necessarily incurred by the municipality in conducting the by-election. City staff are working with staff from School District 23 in preparing for the by-election.

Key Dates

April 13 – May 28	Election period
April 16	Candidate nomination packages available
May 11 – May 21	Nomination period
May 29 – June 26	Campaign period
June 16 & June 23	Required advance voting opportunities
June 26	General voting day
September 24	Campaign financing disclosure statement filing deadline

Voting Opportunities

Date	Voting	Location(s)
Wednesday June 16, 2021	Advance voting opportunity	Hollywood Road Education Centre
Wednesday June 23, 2021	Advance voting opportunity	Hollywood Road Education Centre
Saturday June 26, 2021	General voting day	Dr. Knox Middle School Kelowna Senior Secondary School Okanagan Mission Secondary School Rutland Senior Secondary School

Safety Plans

The School Board has offered the use of schools and the Hollywood Road Education Centre as polling stations for the by-election. COVID-19 Safety Plans are being prepared for each polling station and for candidate interactions and election staff. The Chief Election Officer will work with Health & Safety staff to ensure the Workplace Safety Plans are aligned with WorkSafe BC requirements and public health guidelines.

Some of the measures that will be in place are:

- Occupancy limits, physical distancing, barriers, and personal protective equipment;
- Enhanced cleaning and sanitizing;
- Health checks and screening;
- Clear signage and marking;
- Training for election staff;
- Request for mail ballot voting and oral declarations for electors.

Conclusion:

The 2021 School Trustee By-Election is an opportunity for qualified electors to exercise their right to vote and elect a trustee for the remainder of the 2018-2022 term. The Chief Election Officer and Deputy Chief Election Officers are committed to ensuring multiple voting opportunities are available to provide voting accessibility to all electors in a safe manner. The Chief Election Officer and Deputy Chief Election Officers are committed to ensuring all voting opportunities are conducted in a fair and open manner with respect to the integrity of the individual vote.

Internal Circulation:

Health & Safety

Considerations applicable to this report:***Legal/Statutory Authority:***

Local Government Act, Part 3 Electors and Election
School Act, s. 36 By-elections

Legal/Statutory Procedural Requirements:

Local Government Act, s. 58 Appointment of election officials

Existing Policy:

2021 School Trustee By-Election Bylaw No. 12192 – establishes procedures to conduct the by-election
Automated Voting Machines Authorization Bylaw No. 10970 – sets procedures to use automated voting machines
Election Sign Bylaw No. 10411 – regulates the duration, placement and number of election signs
Elector Registration Bylaw No. 10547 – establishes same day elector registration

Financial/Budgetary Considerations:

Under the *School Act*, the School District is responsible for reimbursing the City for costs incurred to conduct the by-election.

Personnel Implications:

Office of the City Clerk staff assigned as needed and under restricted leave from April to June to assist with the election and provide continuity for regular duties.

Considerations not applicable to this report:***External Agency/Public Comments:******Communications Comments:***

Submitted by:

L. Bentley, Deputy City Clerk

Approved for inclusion:

S. Fleming, City Clerk

cc:

School District 23



2021 School Trustee By-Election Appointments

April 2021

Background

- ▶ Conducting by-election for school trustee on behalf of Board of Education
 - ▶ Board reimburses City for costs
- ▶ Council appoints Chief and Deputy Chief Election Officers
 - ▶ Responsible for nominations, voting & election results

Key Dates

Dates	Milestone
April 13 – May 28	Election period
April 16	Candidate nomination packages available
May 11 – May 21	Nomination period
May 29 – June 26	Campaign period
June 16 & June 23	Advance voting opportunities (Hollywood Road Education Centre)
June 26	General voting day (Dr. Knox Middle School, Kelowna Senior Secondary School, Okanagan Mission Secondary School, Rutland Senior Secondary School)
September 24	Campaign financing disclosure statement filing deadline

COVID-19 Safety

- ▶ Safety plans for polling stations, candidate interactions & election staff
 - ▶ Occupancy limits, physical distancing, PPE
 - ▶ Enhanced cleaning
 - ▶ Health checks & screening
 - ▶ Clear signage
 - ▶ Training
- ▶ Request for mail ballot voting and oral declarations

Conclusion

- ▶ Recommend appointment of Chief and Deputy Chief Election Officers
- ▶ Chief and Deputy Chief Election Officers committed to:
 - ▶ Providing multiple voting opportunities for all electors
 - ▶ Providing safe environment to vote
 - ▶ Ensuring voting fairness and openness to protect integrity of votes



Questions?

For more information, visit kelowna.ca.

CITY OF KELOWNA
BYLAW NO. BL12153

Amendment No. 13 to Water Regulation Bylaw No. 10480

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Water Regulation Bylaw No. 10480 be amended as follows:

1. THAT **PART 1 – INTRODUCTION, Section 1.2 Interpretation** be amended by:
 - (a) deleting the definition for “Agricultural” and replacing it with:

“Agricultural” means land assigned an Allotment and is classified as Farm, as of December 31 of the preceding year, under the Assessment Act, R.S.B.C. 1996, c. 20 as amended or replaced from time to time”;
 - (b) adding the following definition for “Irrigation Service Connection”:

“Irrigation Service Connection” means a seasonal Service Connection that only provides water for irrigation purposes;
2. AND THAT **PART 2– WATER SERVICE, Section 2.4 Construction of Service Connection, 2.4.3** be deleted in its entirety and replaced with the following:

“2.4.3 Each Property shall have one potable water Service Connection unless additional connections, either potable or non-potable, are reviewed and approved by the Manager;”
3. AND THAT **PART 2- WATER SERVICE, Section 2.7 Turn On of Water Supply, 2.7.3** be deleted in its entirety and replaced with the following:

“2.7.3 Irrigation Service Connections will be controlled by the utility and turned on prior to May 1 and turned off after September 30 of each year”;
4. AND THAT **PART 2- WATER SERVICE, Section 2.8 Maintenance of On-site Works, 2.8.1** delete “stop cock” and replace it with “shut off valve”;
5. AND THAT **Schedule “A”** be deleted in its entirety and be replaced with the Schedule “A” attached to and forming part of this bylaw;
6. This bylaw may be cited for all purposes as “Bylaw No. 12153, being amendment No. 13 to Water Regulation Bylaw No. 10480.”
7. 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 22nd day of March, 2021.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Schedule "A"

Customers shall pay the following **rates** and charges for each water Service Connection with 2021 rates effective for all billing dates on or after January 1, 2021:

1. All properties, excluding:
 - a. Agricultural properties that do not have Access to the Non-Potable System; and
 - b. properties in the Beaver Lake Industrial Area;

shall pay the following bi-monthly flat rate charge for each Potable Water System Service Connection based on Water Meter size as follows (Irrigation Service Connections are exempt from the flat rate charge):

Meter Size	Bi-Monthly Flat Charge	
	2020	2021
15 mm (5/8")	\$27.66	\$29.32
20 mm (3/4")	\$33.10	\$29.32
25 mm (1")	\$43.44	\$46.05
37 mm (1½")	\$65.05	\$68.95
50 mm (2")	\$104.83	\$111.12
75 mm (3")	\$343.40	\$364.00
100 mm (4")	\$468.57	\$496.68
150 mm (6")	\$791.53	\$839.02
200 mm (8")	1042.81	\$1105.38

Plus a consumption charge per cubic metre consumed bi-monthly according to the following table:

Customer type - Metered	2020	Jan 1, 2021
Single Family, Single-Family Strata, Agricultural		
First 60 cubic metres	\$0.473	\$0.501
Next 100 cubic metres	\$0.636	\$0.674
Next 90 cubic metres	\$0.964	\$1.022
Balance of Cubic metres (except properties over 1 acre in size in the SEKID Service Area)	\$1.930	\$2.046
Balance of Cubic Metres (Properties over 1 acre in size in the SEKID Service Area)		\$1.022
All other Customer types	2020	Jan 1, 2021
Multi-Family Residential Properties – 3 or more dwelling units on a single property	\$0.473	\$0.501
Mixed Use properties	\$0.536	\$0.568
Commercial, Industrial and Institutional	\$0.546	\$0.579
Park Use	\$0.412	\$0.437

2. Beaver Lake Industrial Area Properties

A combined bi-monthly flat rate charge for each Service Connection plus a consumption charge for all properties within the Beaver Lake Industrial Area as follows:

Meter Size	Bi-Monthly Flat Charge	
	2020	2021
15 mm (5/8")	\$22.38	\$24.91
20 mm (3/4")	\$32.63	\$24.91
25 mm (1")	\$43.35	\$44.82
37 mm (1½")	\$91.37	\$86.56
50 mm (2")	\$147.39	\$139.12
75 mm (3")	\$348.50	\$353.17
100 mm (4")	\$565.82	\$549.33
150 mm (6")	\$1192.66	\$1105.05
200 mm (8")	\$1452.04	\$1366.17

Plus a consumption charge of \$0.331 per cubic metre for 2020 and \$0.408 per cubic metre for 2021.

3. Agricultural Properties

3.1 Agricultural Properties shall pay the following:

	2021	Units / Comments
Annual Allotment Fee	\$296.30	Per hectare of Allotment per year billed annually.
Agricultural Over Consumption Rates for water use over the designated Allotment:		
Tier A – 0-19.99% over annual Allotment	\$0.30	per cubic metre
Tier B – 20-49.99% over annual Allotment	\$0.60	per cubic metre
Tier C – Over 50% over annual Allotment	\$1.00	per cubic metre

Plus

- a. Agricultural Customers with only one Service Connection that is not dedicated to irrigation and that do not have Access to the Non-Potable System will pay an additional bi-monthly fixed fee of \$66.42 to reflect the cost of domestic water supply including a fixed meter fee, the Water Quality Enhancement Fee and an assumed domestic consumption of 40 cubic metres bi-monthly; or,
 - b. Agricultural Customers with multiple Service Connections that do not have Access to the Non-Potable System will pay the fees in Section 1 and Section 4 for each Service Connection not dedicated to irrigation in spite of Section 1a.
- 3.2 Properties that achieve Farm Class as defined by BC Assessment are eligible to request of the Manager that the Agricultural water rates in Section 3.1 be applied for the year of development prior to achieving farm status.

4. **Water Quality Enhancement Reserve Fund Contribution**

All properties, excluding Agricultural properties with only one Service Connection that do not have Access to the Non-Potable System, and Park Use properties, shall pay the following bi-monthly flat rate charge for each Potable Water System Service Connection (except Irrigation Service Connections) based on Water Meter size as follows:

Meter Size	Bi-Monthly Flat Charge	
	2020	2021
15 mm (5/8")	\$17.06	\$17.06
20 mm (3/4")	\$17.06	\$17.06
25 mm (1")	\$35.06	\$35.06
37 mm (1½")	\$77.35	\$77.35
50 mm (2")	\$125.21	\$125.21
75 mm (3")	\$293.28	\$293.28
100 mm (4")	\$400.47	\$400.47
150 mm (6")	\$676.39	\$676.39
200 mm (8")	\$891.12	\$891.12

5. **Non-Potable Services**

All Customers, excluding Agricultural Customers, shall pay a consumption charge of \$0.30 per cubic metre of water used by each Non-Potable System Service Connection:

6. **Fire Protection Use**

For **Fire Protection Use**, use a bi-monthly flat rate charge of \$62.34.

7. **Bulk Water Filling Station Use**

The cost of a card for use of the **Bulk Water Filling Stations** is \$20.00, non-refundable.

For **Bulk Water Filling Stations**, a consumption charge of \$1.02 per cubic metre of water used.

8. **Temporary Use**

For Temporary Use of water during construction. The following rates and charges will apply beginning two months after approval of each New Construction Building Permit and end upon the first of either the installation of the Water Meter or the project is deemed substantially complete as defined by the British Columbia Builder's Lien Act on:

Single Family residential properties a flat charge of \$45.47 bi-monthly.

For non-residential properties and Multi-Family Residential properties a bi-monthly flat charge of \$121.26.

For Projects deemed to be complete as defined above and that do not have a Water Meter, then rates will be twenty (20) times the applicable Temporary Use rate.

9. **Manual Read fee**

Properties that choose to have their meter read manually, where the option to have the meter read remotely has been provided or requested by the City, shall pay a fee of \$40.00 per bi-monthly billing period. These customers acknowledge that in choosing to have their meters read manually there will be no adjustment for the cost of water lost because of a water leak on their property.

10. All Properties in the SEKID Service Area

All Properties, in the SEKID Service Area must pay the following charges until December 31, 2020:

1. Properties classified as Farm under the Assessment Act an annual charge of \$96.30 per acre of Allotment with a minimum fee of \$96.30 per parcel if smaller than 1 acre; or
2. A bi-monthly charge of \$16.05 per acre of Allotment with a minimum fee of \$16.05 per parcel if smaller than 1 acre; and
3. All customers will also pay one of the following charges depending on Customer Type:
 - i. Commercial, Industrial and Institutional Customers that are metered:
 - ▶
 - i. A minimum charge of \$110.30 per service connection;
 - ii. A metered rate of \$0.9537 per cubic metre consumed; and
 - iii. A water upgrade project Fee of \$64.00 per service connection.
 - ii. Mobile Home Parks (unmetered):
 - ▶
 - i. A charge of \$110.30 per pad; and
 - ii. A water upgrade project fee of \$64.00 per service connection
 - c) Single Family, Single Family Strata, and Multi-Family Residential:
 - i. A charge of \$110.30 per dwelling unit (excluding secondary suites);
 - ii. A charge of \$55.15 per secondary suite and farm help accommodation units; and
 - iii. A water upgrade project fee of \$64.00 per service connection per dwelling unit except farm help accommodations up to 807 square feet and secondary suites up to 1,000 square feet.

11. Water Integration Project Fee for 2021

Properties in the SEKID Service Area shall pay a fee of \$80.00 per bi-monthly billing period for each Residential Unit beginning January 1, 2021.

CITY OF KELOWNA

BYLAW No. 12182

Amendment No. 4 to Delegation of Authority to Enter into Leases and Licences of Occupation Bylaw No. 11250

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Delegation of Authority to Enter into Leases and Licences of Occupation No. 11250 be amended as follows:

1. THAT **Section 1 – Introduction, 1.2 Definitions, 1.2.1** be amended by:
 - a) Adding new definitions in their appropriate location for '**Class 1**' and '**Class 2**' that read:

"Class 1 Transaction – Contracts and agreements with public sector institutions that the City has a formal working relationship with, and which fulfill key City objectives.";

"Class 2 Transaction – Minor amendments and/or modifications to contracts and agreements with not-for-profit organizations that have an existing lease relationship with the City of Kelowna. For clarity, any substantial new leases or license of occupation with not-for-profits that do not fall into this description will be presented to Council for approval.";
2. AND THAT **Section 2 – Authorized Signatories for Specific Real Property Transactions** be amended by adding in its appropriate location a new sub-section 2.7 as follows:

"2.7 The Manager, Property Management and the Real Estate Department Manager are authorized to approve on behalf of the City, transactions and the Mayor and City Clerk are authorized to execute contracts, agreements and other documents necessary or desirable to complete these transactions for leases and licences of occupation defined as a Class 1 Transaction or a Class 2 Transaction."
3. This bylaw may be cited for all purposes as "Bylaw No. 12182, being Amendment No. 4 to Delegation of Authority to Enter into Leases and Licences of Occupation Bylaw No. 11250."
4. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this 22nd day of March, 2021.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk